



Crown-Indigenous Relations
and Northern Affairs Canada

Relations Couronne-Autochtones
et Affaires du Nord Canada

Specific Claims Reform

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Canada

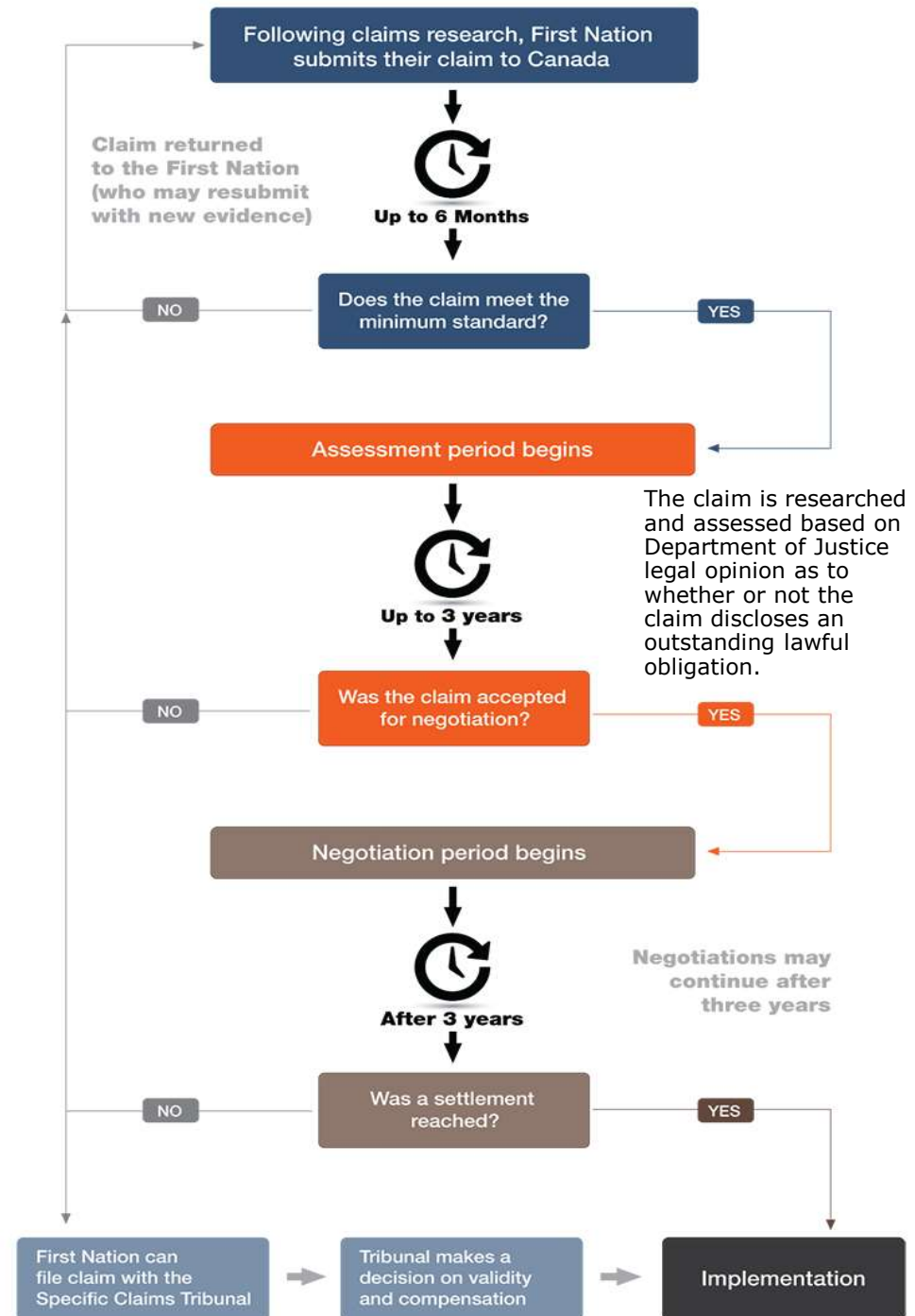


Specific Claims

What are Specific Claims?

- Specific claims are grievances that First Nations have against the Government of Canada for failing to discharge its lawful obligations with respect to pre-1975 treaties and the management of First Nation lands and other First Nation assets.
- Resolving specific claims can be an important step on the road to reconciliation.
- Canada is currently working with First Nations to reform the Specific Claims Policy and improve the resolution process.

SPECIFIC CLAIMS PROCESS

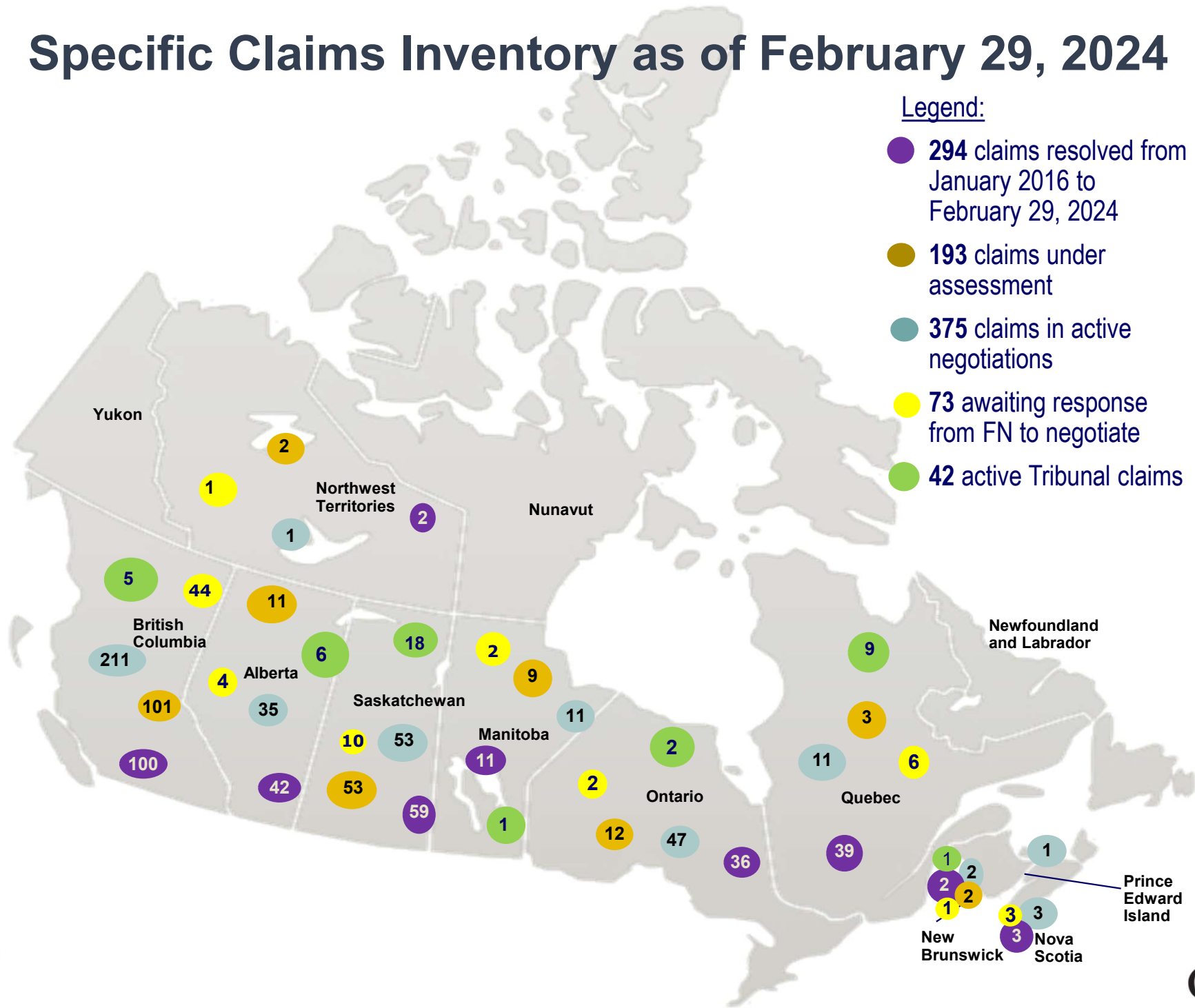




Specific Claims Inventory as of February 29, 2024

Legend:

- **294** claims resolved from January 2016 to February 29, 2024
- **193** claims under assessment
- **375** claims in active negotiations
- **73** awaiting response from FN to negotiate
- **42** active Tribunal claims

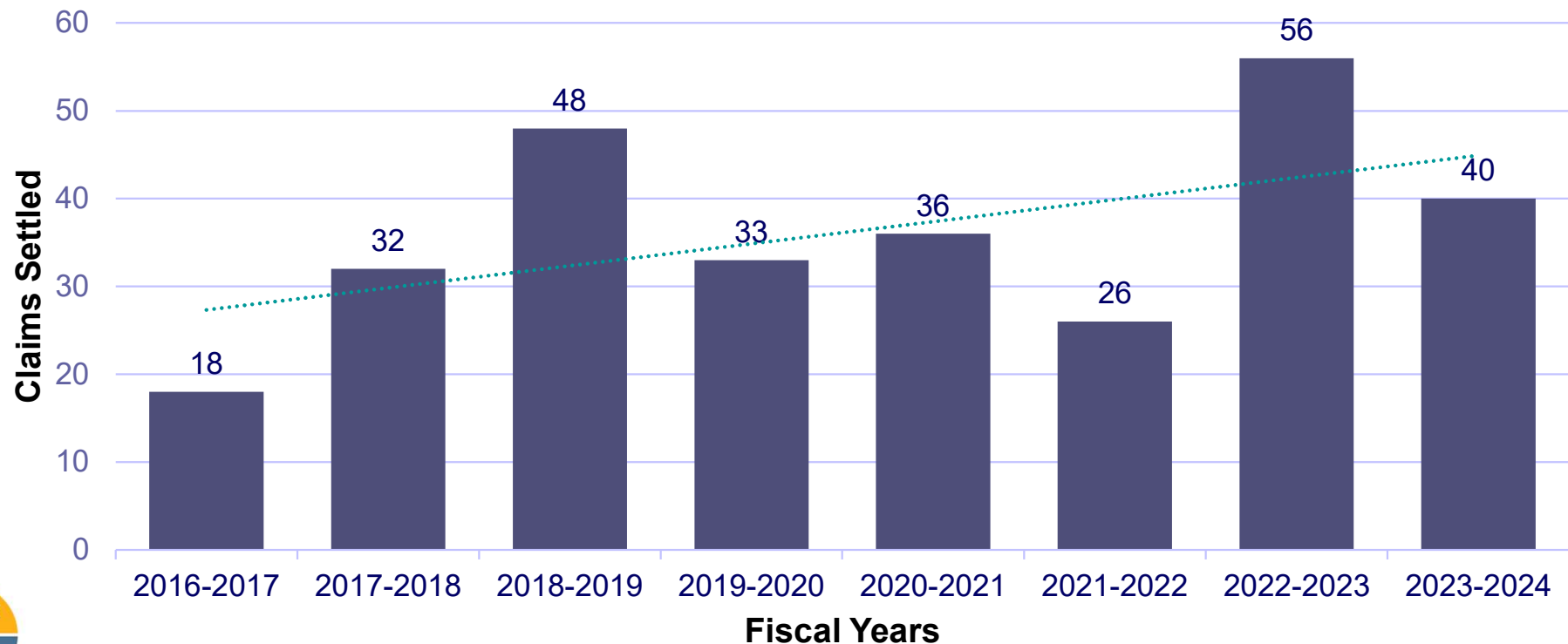




Specific Claims Landscape

- Since the Specific Claims Program began in 1973, 700 claims totaling \$14.7 billion in compensation have been settled through negotiations.
- Since January 2016, 295 claims have been resolved for close to \$10.9 billion in compensation, including five at the Tribunal. In fiscal year **2023-24**, 40 claims were settled, for over \$2.2 billion in compensation.

Claims Settlement from fiscal year 2016-17 to fiscal year 2023-24





Specific Claims in Ontario

- As of February 29, 2024, there were 683 active claims in the inventory, including 63 (9.2%) in Ontario
- Since the program began, 89 claims from Ontario First Nations were settled for over \$3.1 billion in compensation
 - Since 2016, that's 36 claims resulting in more than \$1.8 billion in compensation
- Majority of claims relate to flooding of reserve land, land expropriation, surrenders and treaty land entitlement (TLE)
- 14 settlements in the last two years:
 - 11 related to flooding
 - Other claims relate to TLE, reserve boundaries and timber
- Few claims at the Specific Claims Tribunal, but several in courts





Operational Improvements to the Specific Claims Process Since 2016

- adopting a more collaborative approach with First Nations during claims assessment, connecting earlier in the process
- making the process more efficient: bundling claims, framework approaches when warranted
- improving internal processes (repeal of Order in Council requirement, mandating changes)
- focusing on reconciliation – delivering apologies; working together
- co-developing a reformed specific claims process – increasing credibility and independence in the process; supporting efficient resolution through additional tools; resource hub for First Nations





Specific Claims Reform Drivers

- The Government's commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* by:
 - developing policy and resolution process reforms in conjunction with First Nations (Articles 18 and 19);
 - implementing, in conjunction with First Nations, a “fair, independent, open and transparent process” to adjudicate their land and resource rights (Article 27) that provides equitable compensation for infringement (Article 28);
 - and, by improving First Nations' access to procedures “to address their historical grievances” (Article 40);
- The commitment to co-develop options for specific claims reform is included in Canada's UN Declaration Action Plan





Reform of Specific Claims

- Based on dialogue sessions the AFN held with First Nations across the country in 2017 & 2019, the AFN drafted and made public a proposal for a Centre for the Resolution of Specific Claims that would be arms-length from government.
- In November 2022, Canada and the AFN launched the Specific Claims Implementation Working Group to co-develop options for a reformed Specific Claims process.
- A Centre could create an appropriate space for Canada and First Nations to work together to resolve historical grievances.
- The proposed Centre supports **timeliness** and **fairness** in the resolution process with:
 - earlier engagement
 - shorter legislated timeframes
 - information sharing
 - improved access to alternative dispute mechanisms
 - nimble access to the Specific Claims Tribunal
 - guidance on Indigenous laws and legal traditions





Potential Functions of a Centre for the Resolution of Specific Claims

Registrar

- administer the intake and registration of claims, as well as monitoring and reporting on progress towards resolution

Funder

- administer funding to First Nations to research, develop and pursue their claims through all aspects of claims resolution

Negotiation

- assist parties to reach a timely resolution of claims, e.g., by proposing framework approaches, bundling, drawing on relevant expert information
- facilitating access to adjudication through the Specific Claims Tribunal when this is needed

Resource Hub

- establish a resource hub to serve as a repository for research materials, assist with access to information, and offer support and capacity building for First Nations

ADR Provider

- assist Crown and Indigenous representatives in resolving claims by providing tools to support negotiations such as mediation and facilitation services





Questions

1. Do you have any comments about the current process for settling specific claims?
2. What advice or feedback can you provide to improve the specific claims process?
3. What changes should be implemented to ensure fairness and timeliness?
4. What roles and functions do you see for a proposed Centre for the Resolution of Specific Claims?





Merci / Thank you / Wela'lin / Ekosani / Miigwech/ Meegwetch /
Marsee / Mahseecho / Mutna/ Wopida / Gunałchéesh / Hei /
Marci Cho / ᑭᑦᑲᑦᑲᑦᑲᑦᑲᑦ / Quanaqqutit / Nakurmik /
Kukwstsétsemc / Tiawenhk / Woliwun

For more information and further discussion please contact:

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Reform Website

<http://canada.ca/specific-claims-reform>

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