The Indian Claims Commission: an Impact Assessment

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While the primary role of the confederation of Canada was to help moderate the differences between French and English people, Canada's present-day federal design also entails the accommodation of collective differences, including First Nations'. An important task the government has to undertake to acknowledge First Nations' differences is the inclusion of Aboriginal people's grievances, either related to the past or to the present. The federal government thus sees itself confronted with lawful obligations arising from various treaties that were signed with Indian Bands in the past. For example, Indian Bands frequently attempt to reclaim portions of land by citing a treaty, which was not previously respected by the federal government.

The 1973 Supreme Court of Canada case of Calder vs. The Queen recognized Aboriginal land rights arising from historical occupation in Canada.ⁱ Prompted by this decision, the federal government presented an official land claims policy recognizing the government's responsibility to directly address First Nations' land grievances during that same year, 1973. The new policy allowed First Nations to present land claims to the newly created Office of Native Claims without having to embark upon complicated and costly court processes.ⁱⁱ

The Indian Claims Commission defines Land claims as "unresolved grievances between Indian Bands and the Government of Canada relating to land and resources"ⁱⁱⁱ. Two types of land claims are recognized by the government: specific and comprehensive. Specific claims refer to a violation of an "existing lawful obligation", such as a treaty or a provision under the *Indian Act*^{iv}, examples being the illegitimate administration of Indian funds or assets, or the dispossession of Indian land.^v Alternatively,

comprehensive land claims are put forward when no treaties have been signed between an Indian Band and the government but the Indian Band wishes to reclaim the land. All First Nations, however, do not recognize the distinction between specific and comprehensive land claims.

The government has a negotiation process to address specific land claims, clearly outlined in the 1982 document, "*Outstanding Business: a native claims policy*"^{vi}. According to the document, once the Office of Native Claims has accepted a case for negotiation, compensation in the form of land or cash is negotiated. However, a series of events, including the 1990 Oka crisis^{vii} and the publication of the Assembly of First Nations' (AFN) "*Critique of Federal Government Land Claims Policies*"^{viii}, pressured the government to rethink the specific land claims policy. Reform of the policy had become urgent, as the specific claims policy was flawed in many ways. First, the government, acting both as judge and jury, clearly had a conflict of interest in the settlement of land claims and in the compensation packages negotiations. Second, the policy was interpreted narrowly and, as a result, many relevant claims were rejected for negotiation (e.g. fishing and hunting rights). Third, the claims process, in addition to being a confrontational practice, was protracted and the outcome was usually unsatisfying for the claimant. Settlements were perceived as unrealistic, especially when the government abandoned negotiations and imposed a "take it or leave it" offer.^{ix} Moreover, as time would show, new legal pronouncements would need to be taken into account in a revamped land claims policy, such as the *Sparrow* (1990) and *Delgamuukw* (1997) cases.^x Given these major flaws, the government promised the AFN that a joint working group would

be created to study the reform of specific land claims policy. Further, an interim body would re-examine contested Indian and Northern Affairs Canada's (INAC)^{xi} decisions.^{xii}

The Indian Claims Commission (ICC) was therefore created in 1991 - almost twenty years after the *Calder* case - under the *Inquiries Act*, to inquire and issue reports concerning the INAC's management of specific claims. As an additional mandate, the Commission would also become a source of information for the on-going joint working group and act as a mediator when requested by the two parties involved.^{xiii} The Commission's reports were to be exclusively advisory and were intended to facilitate the reform process.

The ICC has sometimes been perceived by INAC as a challenger to the government's decisions on land claims, as the Commission has interpreted its mandate very liberally.^{xiv} The tension between the two bodies is understandable; the Commission often puts the blame on the government in its reports. It would therefore be wrong to evaluate the Commission upon government's satisfaction criteria. This paper will seek to assess the impacts of the Commission on specific claims settlements and policy; in doing so, a review of the Commission's annual reports and proceedings, of various documents published by INAC, of the Concorde Report (an independent review of the Indian Claims Commission), and of the Report of the Royal Commission on Aboriginal People will follow to adequately determine what the Commission has accomplished since 1991. Indeed, for the most part, the Indian Claims Commission has had a significant and positive impact on the issue of the specific land claims policy.

The Indian Claims Commission: a Critical Voice

Starting in 1994, the Indian Claims Commission has issued numerous inquiry reports, annual reports, and proceedings, throughout which various recommendations for the advancement and betterment of the policy have been enumerated. The Commission has voiced concerns about the government's conduct towards land claims, has kept track of the reform process through constant analysis, and has raised public awareness. It has played an important and innovative role as a body that claimants could resort to in case of failure of negotiations with the government. The Commission's concrete achievements are considerable and the First Nations' satisfaction level towards the work the Commission has accomplished over the years is generally high.

A different approach

The function and work of the Commission have often been described as a unique opportunity for non-adversarial claims resolution.^{xv} In comparison to negotiations at INAC or at the Supreme Court of Canada, the Commission appears to offer more objectivity and fairness. Flexibility in the conduct of inquiries has been promoted, principally through the recognition of oral history and tradition as evidence. The acknowledgement of First Nations' specific approach to history (i.e. without written records) is an important step in the land claims process. The Commission argues that alternatives to written historical documents as sources of evidence ought to be included in a fair specific claims policy, a position presented in 1997-98 with the "Oral Evidence Policy Development".^{xvi} The Commission's standpoint was

reinforced with the *Delgamuukw* decision of 1997, where Chief Justice Lamer stated that:

Notwithstanding the challenges created by the use of oral histories as proof of historical facts, the laws of evidence must be adapted in order that this type of evidence can be accommodated and placed on an equal footing with the types of historical evidence that courts are familiar with, which largely consists of historical documents.^{xvii}

Another distinctive feature of the Commission's approach is the refusal to cross-examine elders, again in order to avoid creating an adversarial atmosphere.^{xviii}

The Commission's commitment to alternative dispute resolution mechanisms in addition to their allowance of oral history as evidence is a testimony of the Commission's dedication to cross-cultural awareness.^{xix}

Based upon principles of cultural sensitivity, the Commission thus acts as a bridge between First Nations and INAC, contributing to a better understanding between the two parties.

Recommendations

In each of the Indian Claims Commission's annual reports, a number of recommendations to the government are laid out. Those recommendations are the product of the Commission's experiences with inquiries and are based on the analysis of land claims procedures. However, most recommendations have not received an official response from the government and are therefore being repeated from one report to the other, as the Commission considers these

recommendations to be important for substantial policy reform.^{xx}

The Indian Claims Commission first recommends that both the government and First Nations' need to adhere to a strict response protocol. In the current situation, the government's opinion on the Commission's "Findings and Recommendations" is not consistently conveyed.^{xxi} The commission suggests that when faced with the conclusions of an inquiry report, the government should provide a formal, detailed response expressing refusal or approval of recommendations. Comments on reports would make negotiations more effective and may clarify where the conflict rests between the two parties. By not responding to the Commission's reports, the government perpetuates the impression that INAC acts unilaterally and arbitrarily, and that the Indian Claims Commission is a façade of fairness and justice.^{xxii} To this day, the recommendation for a formal response protocol has not led to an official response from INAC, although the 1994-95 Annual Report of the Commission indicated that the government was providing responses "in a much more timely manner"^{xxiii}. Yet, not all reports are receiving a written response within 60 days (the suggested deadline) and the recommendation to have a response meeting between the two parties 90 days after the release of the report has not been adopted.^{xxiv}

A second important group of recommendations concerns the mediation services offered by the Commission, a tool the Commission feels is under-utilised by the government. The Commission started providing complete mediation services in 1998^{xxv}, yet INAC often refuses to have the Commission mediate early in the claim process. Often, mediation is only found to be necessary by the

government after a report is issued in favour of the claimant. Since inquiries are costly and lengthy, early attempts at mediation could contribute to a better allocation of resources to the most complicated cases and could make the settlement process more efficient.^{xxvi} Again, the government responded somewhat positively to the recommendation, and engages more willingly in mediation activities, but not to the extent considered necessary by the Commission^{xxvii}: only 36 requests for mediation have been put forward by both parties since 1991.^{xxviii} It has been suggested that Canada's reluctance to engage in mediation is due to the *Financial Administration Act*, under which there is no room for negotiation unless an outstanding lawful obligation has been officially recognized. Others simply claim that a lack of trust between INAC and the ICC explains the government's sporadic requests for mediation.^{xxix}

Another set of recommendations argues in favour of the creation of an Independent Claims Body (ICB). Considering the fact that the Commission in itself has no binding power and that the federal government is still both judge and jury, it is recommended that rejected specific claims be dealt with by an independent body with legislative authority. An Independent Claims Body (ICB) could determine whether or not the claim is valid and what an appropriate compensation should be; the compensation need not always be monetary. The Commission suggests that an ICB should be a bi-partite body, composed of a Commission and a Tribunal. The ICB should also be genuinely independent, recognize oral testimony, emphasize the fiduciary relationship between First Nations and the Crown, have an appointment process that involves all parties through consultation, and carry out a significant

informative function.^{xxx} For the Commission, the creation of an ICB is intrinsically linked to a new, revamped specific land claims policy. After the failure of the first joint working group on policy reform (in 1993) and the publication of various reports recommending that an ICB be created, INAC reiterated its willingness for a successful policy reform and created a second working group, the Joint First Nations - Canada Task Force on Claims Policy Reform, in 1997.^{xxxi} The Joint Task Force issued a report in 1998, which contained draft legislation for an Independent Claims Body.^{xxxii} Finally, in 2003, the House of Commons adopted the *Specific Claims Resolution Act*, designed to create the "Canadian Centre for the Independent Resolution of First Nations Specific Claims".^{xxxiii} Although the *Specific Claims Resolution Act* has recently been informally repealed,^{xxxiv} the fact that the recommendation for an ICB made its way to become a bill and has been adopted by Parliament, suggests that the Commission's efforts to pressure INAC to create an ICB can be considered successful.

Recommendations have also put significant weight on the issue of resource allocation to the specific claims process. The Commission has identified the problem of insufficient funding as the primary cause for the backlog of claims and has insistently recommended that the problem be solved at least in prevision of the creation of an ICB, in order to ensure efficiency right from the start.^{xxxv} More resources would also facilitate the research function of the Commission and, more importantly, the joint research projects (INAC - Commission), which are used to obtain an early consensus on evidence before negotiations start.^{xxxvi} The demand for increased funding has been answered by increased expenditures

in the area of specific claims, but the ICC still considers the resources allotted too scarce.^{xxxvii}

Finally, it is important to consider other various recommendations that have given rise to an official response by the government: the appointment of Commissioners from Québec, realized for a first time in 1994 with the appointment of Aurélien Gill^{xxxviii}; the representation of INAC's and Department of Justice's officials at the Commission's Planning Conferences early in the process of inquiry, which has been carried out at first notice^{xxxix}; and faster documents delivery, which now operates in "a timely fashion"^{xl}.

To the extent that the Commission has lobbied for the adoption of those recommendations, presenting them consistently and with rigour, it is my opinion that the recommendations have placed much needed pressure on INAC, which has been enhanced by the Commission's ability to conduct impartial inquiries. Indeed, even though the Commission has often spelled out the opinion of First Nations, it possesses an additional *de facto* objectivity and credibility, as a body created by INAC under the *Inquiries Act*. Moreover, the Commission has filled out important mediation functions, both during concrete negotiation instances, and situational analyses. During such analyses, opinions are gathered from all parties (various First Nations and INAC) and more moderate positions are adopted, in order for the mediation to be closer to a consensus-building exercise. It is, however, true that relations between the Commission and INAC have been tense, but it would be incorrect to affirm that it has been so because the Commission has "sided" with First Nations. On the contrary, this tension points out the faults of the actual specific claims policy and the unwillingness of the

government to remedy to the situation. The discomfort felt by INAC in response to the objective reports of the Commission reveals its incapacity to be responsive to the policy changes needed.

Achievements and realizations

The Commission has contributed to the specific claims policy with some tangible achievements that deserve mention. Little by little, these achievements add input to the reform process and contribute to the resolution of long-lasting grievances that INAC alone fails to address.

First, the Commission has carried out the inquiries at a satisfactory pace, given the scarcity of resources and the constraining mandate and scope of action given by the government. Since 1991, the Indian Claims Commission has accepted 122 out of 124 claims for inquiry, and has produced reports for 60 claims. Among those 60 cases, 28 have been accepted for negotiations by INAC and 15 have been resolved with the help of the ICC.^{xli} Each of the Commission's reports brings about general conclusions that must be considered in an improved policy. For example, in the case of the *Athabasca Denesuline Treaty Harvesting Rights* claim, the Commission concluded that the specific claims policy should extend to treaty harvesting activities and that the claim was thus valid and should be accepted for negotiation.^{xlii} It is implied that the Commission's reports create a precedent and lay out new general principles with regards to specific claims. Therefore, inquiry reports are important contributions to the reform process and are considered here as significant achievements by the Commission.

Similarly, in 1998, upon recommendations by the Commission, INAC declared that they would change their policy with respect to *Treaty Land Entitlement* (TLE) claims, a subset of specific claims. A TLE claim arises when a First Nation alleges that reserve land created by treaty has not been distributed as agreed. Compensation is thus sought in the form of land, while other specific claims are usually only resolved by cash transfers.^{xliii} Before the intervention of the Commission, TLE land transfers were calculated in accordance with the band's membership at the "date of first survey" of the reserve. In the inquiry reports for the *Fort McKay* First Nation claim and the *Kawacatoose* First Nation claim, the ICC specifically recommended that calculations should include all band members, no matter the moment at which they joined the band.^{xliv} By its contribution to the TLE claims process, the ICC has therefore helped achieve a step forward to a new, more equitable policy.

In terms of satisfaction levels expressed by First Nations involved with the Commission, the general trend is that First Nations have appreciated the opportunity to use the third-party opinion that the Commission offers. In the Noonan Report, (an ICC User Survey conducted in 1996)^{xlv} and in a survey directed by the Concorde Group in 1998, it was found that most First Nations who have appealed to the Commission demonstrated satisfaction. The only negative point highlighted was the Commission's lack of authority, which impedes the facilitation of specific land claims resolution. Ironically, the settlement of land claims was originally to be the Commission's primary role. However, many have enjoyed the non-adversarial atmosphere and the cultural sensitivity of the Commission.^{xlvi} Thus, the Commission has accomplished the difficult task of offering objectivity

and neutrality, conditions that are greatly missing in the ordinary specific claims procedure in Canada. Positive comments from First Nations thus point to an important contribution of the Commission to the specific claims process.

A precious source of information

Throughout the years, the Indian Claims Commission has developed important information and research functions. First created to provide input to the 1991 Joint Working Group on Policy Reform, the Commission has "constantly been concerned to discover relevant historical facts, using expert assistance to assess verbal and written statements pertaining to claims"^{xlvii}. The Commission has urged for the creation of an inventory or database of all existing claims and settlements, as well as information relevant to similar cases.

The Commission facilitates the pursuit of a claim for First Nations by making necessary information available through a "Submission Guide" that provides useful references for the claims process.^{xlviii} Likewise, the Commission has been a central actor for the dissemination of information to the public, raising awareness of Aboriginal issues by publishing information booklets and "quick facts" pamphlets. The Commissioners were also engaged in a number of speaking activities through the Commission's speaker's Bureau, again to carry out an educational task that the Commission felt was crucial to a better understanding of Aboriginal issues in Canada.^{xlix}

The Commission's work in the past fifteen years has achieved little steps in the large-scale policy reform project, but they are outstanding realizations.

Starting from scratch, the Commission has given an alternative voice to First Nations, in an alternative way. The Commission has also been able to act as a check on INAC, to critically analyse the current policy and to suggest improvements through annual reports' recommendations to the government. Moreover, the Commission's efforts have helped settle a number of claims that would have left claimants unsatisfied otherwise and have motivated a change in the TLE claims policy. Finally, the Commission has contributed to raising both First Nations' and the general public's awareness on what land claims and land rights are, why they are important, how First Nations can express them, and most importantly, how they are solved.

Status Quo: Still No Significant Change in the Specific Claims Policy

On the other hand, one might argue that the creation of the Indian Claims Commission has not contributed to the betterment of the claims process, since the specific claims policy has not yet undergone reform, and is still the same as in 1982. If it is true that the success of the Commission's mandate to stir up the reform process is measurable by whether or not reform has been accomplished, then we should conclude that the Commission's mandate has not been conducted effectively.

First Nations' formal rejection of Specific Claims Resolution Act

In November 2003, the *Specific Claims Resolution Act* was adopted by Parliament. It aimed to replace the Indian Claims Commission by an Independent Claims Body¹. However, what was announced as a great victory by INACⁱⁱ was perceived

very differently by First Nations. According to the Assembly of First Nations' representative, Phil Fontaine, the bill left out important recommendations set forth in the Joint First Nations - Canada Task Force's draft legislation.ⁱⁱⁱ For Fontaine, the 10 million cap on claims, the government's appointment power for the Centre's Tribunal, the absence of a lawful definition of specific claims and of an efficient resolution process, as well as inadequate resources, are unacceptable provisions of the legislation and sufficient reasons for the AFN to reject the bill.ⁱⁱⁱⁱ This point of view has led the Confederacy of Nations to adopt a resolution, in 2004, stating the First Nations' opposition to the proclamation of the bill, in the absence of significant amendments.^{iv} In November 2005, the AFN issued a press release stating that, to the association's great contentment, the federal government was not going to implement an unchanged C-6 without the AFN's approbation.^v

Essentially, the fact that this Act failed is due to the flawed content of the bill, which was determined unilaterally by the government, without taking into account the recommendations of the Joint Task Force draft legislation. Nowhere in this failure is the Indian Claims Commission responsible. Quite the opposite, the Commission has generated positive features of the specific claims reform process by providing input to the working groups. It is therefore a mistake to judge the Commission's impact on the reform process based on the failure of *Specific Claims Resolution Act*.

Gridlock at Indian and Northern Affairs Canada

Another way to assess the legitimacy of the Commission's work is to evaluate how much more efficient the claims process has been since the creation

of the Commission. Since 1970, 1345 claims have been put forward to INAC.^{hi} Since 1973, a total of 268 claims have been settled in Canada at large^{hii}, and the Commission's work has only led to the settlement of 15 claims^{hiii}. Millions of dollars have been invested in the Commission and yet, the settlement rate is dramatic when compared to the number of claims in the system. One could conclude that the Commission has not significantly contributed to the resolution of conflicts, judging by the poor results of the process.

However, the Commission has pointed out to the serious problem of inefficiency repeatedly. In almost each of its annual reports, it recommended that more resources be invested in order to speed up the settlement process, that INAC resort to mediation and alternative dispute resolution more often, and that the policy in itself be made more flexible; all of those solutions in order to have a more efficient, encouraging and, above all, accessible settlement mechanism.^{hiv} Yet, most of the Commission's requests have remained unanswered and the issues unresolved. Finally, it must be highlighted again that this interim body has no binding power, and that although the Commission has recommended to INAC that many claims be settled, the ultimate decision about a claim, until a real Independent Claims Body is created, lies in the government's hands.

Who is to blame?

Can we simply attribute those failures to INAC's unwillingness to recognize its faults and pay for the settlement of long-lasting claims? Not necessarily. It is understandable that the government is working with limited resources, and within a strict legislative framework. However, as long as claims will

be dealt with by the government, which is in the midst of a strong conflict of interest, the situation will be reflected in a policy that fails to embrace change. It is also important to understand that all decisions taken by the government with regards to a specific claim bring about the risk of creating a precedent, opening a door for subsequent claims with which INAC would not necessarily accept to deal.^{hv}

Yet, only INAC has the decisive power to solve this complicated problem. It is therefore the government's responsibility to find ways to improve the process, a step it had taken in 1991 with the creation of the joint working group on policy reform and of the Indian Claims Commission. Rather than making an active use of those tools, INAC has blamed the Commission for its liberal interpretation of its mandate and has seen its activities and reports as challenges to its "sovereignty"^{hvi}. According to the Concorde Group, "the Commission has been criticized by some government officials in INAC and Justice for going well beyond a paper review of a claim that has been rejected by Canada"^{hvi}.

Different views, one mandate

It is key to acknowledge the fact that the parties involved in the claims settlement process have very different interests and that the Commission must deal with those contradictory forces. As a mediator, the Commission strives for a compromise that will always be considered "too much" for some and "too little" for others.

Outstanding efforts within a narrow mandate

Although the Commission's mandate included the formulation of recommendations on the policy framework, it was primarily created to review the

claims in function of the existing policy. This restriction limited the innovative outreach of the Commission for settlement reviews because it had to work within the framework of a policy that was recognized as unsound. The Concorde Group reports:

...to the extent that the process derives from policy and the policy is recognized by all as needing reform and yet has not been reformed, the Commission is understandably "out in front" of [INAC], the Department of Justice and, arguably, the AFN^{xiii}

Keeping in mind this contradiction in the role the Commission is expected to play by all parties, the Commission has therefore done a fairly good job in coping with the diametrically opposed strengths of both INAC and First Nations, in a tense situation.

The way forward: an Independent Claims Body?

What can we expect for the future? Sadly, the most promising outcome to date, the creation of an Independent Claims Body, is now almost completely gone from the agenda. It is comprehensible that the AFN decided to lobby against the *Specific Claims Resolution Act* because of its provisions but in doing so First Nations undermined the reform process that had been considered necessary for such a long time.

In the event that the project of an ICB finally came to an end, some specific but decisive questions remain. What would be the legal outreach of such a Commission? An important remark made by the

Royal Commission on Aboriginal Peoples is that the Commission has avoided addressing complex legal issues and has relied on evidence that would not necessarily be receivable in court. An ICB making binding decisions would therefore have to deal with this caveat, especially in a situation where the issue at stake concerns the Crown's lawful obligations towards First Nations^{lxiv}. Should appeal to a superior court be possible after the ICB's Tribunal has rendered a decision, and by which parties? Those are only some example of questions that would arise in the event that an amended ICB was finally created and that keeps us from considering the ICB as a panacea.^{lxv}

Land claims settlement and human development

Recently, with the First Ministers' Conference on First Nations in Kelowna, B.C and the water crisis in Kashechewan, all efforts have been devoted to the issue of living conditions on reserve, another crucial component of First Nations' well being. Chances are that the issue of specific claims policy will not make its way back to the surface any time soon. It is true that the living conditions on reserve are dramatic and deserve all our attention. Yet, this issue is genuinely connected to specific land claims, a point that the Indian Claims Commission has often stressed. Clarifying land titles helps to identify and confirm First Nations' resources and assets, which in turn helps spur economic and social development, mostly through investment and economic initiatives.^{lxvi} It is important to remember that treaties traded one economic resource for another. In the case of specific land claims, the goods that First Nations were entitled to received (i.e. land) has not been granted. The result of these breached treaties is therefore the net depletion

of a central economic resource, land, which crucial for economic prosperity^{lvii}. Finally, as the UN Expert Seminar on Practical Experiences Regarding Indigenous Land Rights and Claims has argued:

...equitable and fair conclusion and implementation of treaties, agreements and other constructive arrangements relating to land between states and indigenous peoples can contribute to environmentally sound and sustainable development for the benefit of all^{lviii}

It is accurate to say that a fair and efficient specific land claims policy gives First Nations the opportunity to access vital resources for development. Perhaps, the next step in demonstrating this relationship between land title and development rests in a large-scale study of living conditions in reserves that have settled a specific land claim in the past years. Given its well-developed research and information capacities, the Indian Claims Commission is probably the most appropriate body to undertake this task, especially if it wants to convince INAC that the settlement of specific land claims deserves more resources and attention. Hoping for decent living conditions is one thing, but government officials should recognize that the problem they have been trying to avoid solving for so long is integral to the well being of an entire nation of Aboriginal peoples.

ⁱ Supreme Court of Canada Delgamuuk v. BC. (1997)

ⁱⁱ INAC, *Background: specific claims in Canada*, (Ottawa, 2001)

ⁱⁱⁱ Indian Claims Commission, *What are Land Claims*, (Ottawa: Minister of Public Works and Government Services 2005)

^{iv} Statutes of Canada, 1985, c.31

^v INAC, *Background: specific claims in Canada*, (Ottawa, 2001)

^{vi} INAC, *Outstanding Business: a native claims policy* (Ottawa, 1982)

^{vii} The 1990 Oka Crisis involved a land claim put forward by the Mohawk nation, when faced with a development project that involved the construction of a golf course on a sacred burial site. Three people died during the confrontation between the First Nation and the police force.

^{viii} Assembly of First Nations, *AFN's critique of federal government land claims policy*, (1990)

^{ix} Royal Commission on Aboriginal People, *Report of the Royal Commission on Aboriginal Peoples*, (Ottawa: Minister of Supply and Services 1994).

^x *Indian Claims Commission, Proceeding Acts*, Vol. 2 (Ottawa: Minister of Public Works and Government Services, 1995).

^{xi} INAC. Indian and Northern Affairs Canada (INAC) was formerly known as the Department of Indian Affairs and Northern Development (DIAND). For comprehension purposes, this paper will only refer to the current INAC, even though, at the period the text might refer to, the department was known as DIAND.

^{xii} Royal Commission on Aboriginal People, *Report of the Royal Commission on Aboriginal Peoples*, (Ottawa: Minister of Supply and Services 1994).

^{xiii} *Indian Claims Commission, Proceeding Acts*, Vol. 2 (Ottawa: Minister of Public Works and Government Services 1995).

^{xiv} Concorde Inc., *Review of the Indian Specific Claims Commission*, (1996).

^{xv} Indian Claims Commission, *Annual Report, 1997-98*, (Ottawa: Minister of Public Works and Government Services, 1998)

^{xvi} Ibid.

^{xvii} Supreme Court of Canada, *Delgamuukw v. B.C.*, 1997.

^{xviii} Indian Claims Commission, *Information Guide: Fairness in Claims Negotiations*, (Ottawa: Minister of Public Works and Government Services, 2004).

^{xix} Indian Claims Commission, *Annual Report 1991-93/94*, (Ottawa: Minister of Public Works and Government Services, 1994)

^{xx} Ibid.

^{xxi} Ibid.

^{xxii} Ibid.

^{xxiii} Ibid.

^{xxiv} Ibid.

^{xxv} Ibid.

^{xxvi} Ibid.

^{xxvii} Indian Claims Commission, *Annual Report 1999-2000*, (Ottawa: Minister of Public Works and Government Services, 2000)

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- ^{xxxix} Ibid
- ^{xl} Ibid
- ^{xli} Indian Claims Commission, *Annual Report 2003-2004*, (Ottawa: Minister of Public Works and Government Services, 2005)
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- ^{xlvi} Concorde Inc., *Review of the Indian Specific Claims Commission*, (1996).
- ^{xlvii} Indian Claims Commission, *Annual Report 1991-93/94*, (Ottawa: Minister of Public Works and Government Services, 1994)
- ^{xlviii} Ibid.
- ^{xlix} Indian Claims Commission, *Annual Report 1999-2000*, (Ottawa: Minister of Public Works and Government Services, 2000)
- ⁱ Indian Claims Commission, "Parliament Passes Bill C-6", *Landmark*, Fall 2003
- ⁱⁱ INAC News Release, "New Independent Claims Body on the Horizon, INAC, (November 17th, 2003)
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- ^{liv} Confederacy of Nations. "Resolution no.14/ 2004", Assembly of First Nations, May 2004
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