

October 29, 2001

## COMPREHENSIVE CLAIMS POLICY AND STATUS OF CLAIMS

### ISSUE

What is the federal government's policy for the negotiation of comprehensive claims and the status of claims in Canada?

### BACKGROUND

A federal policy for the settlement of Aboriginal land claims was established in 1973. The policy divides claims into two broad categories - specific and comprehensive.

Comprehensive land claims are based on the assertion of continuing Aboriginal title to lands and natural resources. The federal policy stipulates that land claims may be negotiated with Aboriginal groups in areas where claims to Aboriginal title have not been addressed by treaty or through other legal means.

The federal government has, however, accepted a limited number of claims for negotiation as comprehensive claims in areas affected by treaties. The claims of the Dene and Metis in Treaties 8 and 11 within the Northwest Territories (N.W.T.) were accepted for negotiation on the basis that the land provisions of the treaties had not been implemented. Claims from Treaty 8 and Douglas Treaty First Nations in British Columbia (B.C.) have also been accepted for negotiation within the British Columbia Treaty Commission (BCTC) process on the basis that it is necessary to negotiate consistent new relationships with Aboriginal groups in that province, particularly with respect to resource management.

The thrust of the 1973 Comprehensive Claims Policy, which was reaffirmed in 1981, was to exchange claims to undefined Aboriginal rights for a clearly defined package of rights and benefits set out in a settlement agreement. Section 35 of the *Constitution Act, 1982* recognizes and affirms Aboriginal and treaty rights that now exist or that may be acquired by way of land claim agreements.

Significant amendments to the Comprehensive Claims Policy were announced in December 1986, following an extensive period of consultation with Aboriginal and other groups. The revised policy improved the negotiation process, allowed for greater flexibility in land tenure, and provided a clearer definition of the topics for negotiation. These changes have contributed to the achievement of settlements in recent years.

The 1986 Comprehensive Land Claims Policy allows for the retention of Aboriginal rights on land which Aboriginal people will hold following the conclusion of a claim settlement, to the extent that such rights are not inconsistent with the settlement agreement.

Under the Government of Canada's 1995 Inherent Right Policy, self-government arrangements may be negotiated simultaneously with lands and resources as part of comprehensive claims agreements. The Government of Canada is prepared, where the other parties agree, to constitutionally protect certain aspects of self-government agreements as treaty rights within the meaning of section 35 of the *Constitution Act, 1982*. Self-government arrangements may be protected under section 35 as part of comprehensive land claim agreements.

In the provinces, most of the lands and resources that are the subject of comprehensive claim negotiations are under provincial jurisdiction. Moreover, by establishing certainty of title to lands and resources, claims settlements benefit the provinces. It is the position of the federal government that provincial governments must participate in negotiations and contribute to the provision of benefits to Aboriginal groups.

On September 25, 1990, the federal government announced that the process for the negotiation of comprehensive claims would be expanded. The previous six-claim limit on the number of negotiations which could be undertaken at one time was eliminated.

Fourteen claims have been settled, the most recent being those of the seven Yukon First Nations and the Nisga'a Agreement.

In *Gathering Strength*--Canada's Aboriginal Action Plan announced on January 7, 1998, the Government of Canada affirmed that treaties, both historic and modern, will continue to be a key basis for the future relationship between Aboriginal people and the Crown.

A summary of the status of comprehensive land claims settled and those currently in negotiation is attached.

## **STATUS OF COMPREHENSIVE CLAIMS**

### **SETTLED CLAIMS**

Fourteen comprehensive claim agreements have been signed since the announcement of the federal government's claims policy in 1973. These are:

- The James Bay and Northern Québec Agreement (1975);
- The Northeastern Québec Agreement (1978);
- The Inuvialuit Final Agreement (1984);
- The Gwich'in Agreement (1992);
- The Nunavut Land Claims Agreement (1993);
- The Sahtu Dene and Metis Agreement (1994);
- The Nisga'a Agreement (2000);

Seven Yukon First Nation Final Agreements based on the Council for Yukon Indians Umbrella Final Agreement (1993) and corresponding Self-Government Agreements for:

- The Vuntut Gwich'in First Nation (1995);
- The First Nation of Nacho Nyak Dun (1995);
- The Teslin Tlingit Council (1995);
- The Champagne and Aishihik First Nations (1995);
- The Little Salmon/Carmacks First Nation (1997);
- The Selkirk First Nation (1997);
- The Tr'ondëk Hwëch'in First Nation (1998);

## **DESCRIPTION OF SETTLED CLAIMS**

### **JAMES BAY AND NORTHERN QUÉBEC AGREEMENT (QUEBEC)**

Area Claimed: Over 1,165,286 km<sup>2</sup> of land. This includes the land ceded to Quebec in the boundary extensions of 1898 and 1912 (Nouveau Québec), as well as the offshore islands (N.W.T.).

Population: 12,103 Cree and 8,643 Inuit

This was the first settled comprehensive claim. The final agreement was signed in 1975, and came into effect in 1977.

Under the agreement the Cree received 5,544 km<sup>2</sup> and the Inuit 8,151 km<sup>2</sup> in Category I lands, 69,995 km<sup>2</sup> (Cree) and 81,596 km<sup>2</sup> (Inuit) in Category II lands, and over one million km<sup>2</sup> in shared Category III lands.

The settlement provided for \$135 million (1975\$) for the Cree and \$90 million (1975\$) for the Inuit, which has been paid in full; full harvesting rights over 150,000 km<sup>2</sup>; participation in an environmental and social protection regime; an income security program for hunters and trappers; and self-government under the *Cree-Naskapi (of Quebec) Act* and the *Kativik Act* (Government of Quebec). Implementation Agreement was signed in 1990 between Canada and the Inuit.

### **NORTHEASTERN QUÉBEC AGREEMENT (QUEBEC)**

Area Claimed: Same as the Cree claimed in the James Bay and Northern Québec Agreement (JBNQA)

Population: 660 Naskapi

This agreement was signed in 1978 and amended the James Bay and Northern Québec Agreement to integrate the Naskapi.

It provided the Naskapi people with \$9 million, as well as settlement lands, rights and benefits equivalent to the JBNQA. Implementation Agreement was signed in 1990 between Canada and the Naskapi.

### **INUVIALUIT AGREEMENT (N.W.T.)**

Settlement area: 435,000 km<sup>2</sup> in the Mackenzie Delta, Beaufort Sea and Amundsen Gulf area of the N.W.T.  
Population: 2,500 Inuvialuit

The Inuvialuit claim was accepted for negotiation on May 13, 1976, and the final agreement, signed in June 1984, was effective July 1984. The settlement provided the Inuvialuit with approximately 91,000 km<sup>2</sup> of land (of which 13,000 km<sup>2</sup> includes mineral rights); and includes a financial component of \$152 million (1984\$) and a one time payment of \$10 million to an economic enhancement fund and \$7.5 million to a social development fund. It also includes wildlife harvesting rights, socio-economic initiatives, and participation in wildlife and environmental management.

### **DENE AND METIS CLAIMS (N.W.T.)**

In 1976 and 1977, Canada accepted comprehensive claims from the Dene and Metis of the Mackenzie Valley in the N.W.T. Negotiation of a joint Dene/Metis claim began in 1981. An agreement was initialled by negotiators in April 1990. In July 1990, the Dene and Metis at their assemblies voted not to proceed with ratification of the agreement. The Gwich'in and Sahtu Dene and Metis did not agree with this action and withdrew from the Dene/Metis negotiating group; they requested regional settlements. In November 1990, the government discontinued negotiation of the Dene/Metis claim and authorized the negotiation of separate regional settlements, based on the April 1990 agreement, with any of the five Dene and Metis regions that might request it.

### **GWICH'IN AGREEMENT (N.W.T.)**

Settlement area: 57,000 km<sup>2</sup> in the Mackenzie Delta Region of the N.W.T.; and a "primary use area" in the Yukon  
Population: approximately 2,300

The Gwich'in of the Mackenzie Delta Region were the first Dene and Metis group to negotiate a regional comprehensive claim. Their final agreement was signed on April 22, 1992, and came into effect in December 1992.

The settlement provided the Gwich'in with 16,264 km<sup>2</sup> of land in the N.W.T., 4,299 km<sup>2</sup> of which includes mineral rights, and 1,554 km<sup>2</sup> of Tetlit Gwich'in Yukon Land in the Yukon; \$75 million (1990\$) over 15 years; a share of resource royalties from the Mackenzie Valley; guaranteed wildlife harvesting rights; and participation in decision-making bodies dealing with renewable resources, land use planning, environmental impact and assessment review, and land and water use regulation.

## THE NUNAVUT LAND CLAIMS AGREEMENT

Settlement area:               1.9 million km<sup>2</sup> in Nunavut  
Population     :               19,000 Inuit

This claim represents the largest comprehensive claim settlement in Canada. The settlement provides the Inuit with approximately 351,000 km<sup>2</sup> of land (of which 37,000 km<sup>2</sup> includes mineral rights); \$1.17 billion (\$580 million in 1989\$ plus interest) in financial benefits over 14 years; a share of resource royalties; guaranteed wildlife harvesting rights; and participation in decision-making bodies dealing with wildlife, land use planning, screening and review of environmental impact of developments and regulation of water use.

A political accord was signed by the federal and territorial governments and the Tungavut Federation of Nunavut (TFN) on October 30, 1992. The accord outlines the powers of and timing for the creation of a Nunavut Territorial Government. A referendum dealing with the boundary of the proposed new territory was approved by a majority of residents of the N.W.T. Both the *Nunavut Land Claims Agreement Act* (Bill C-133) and an *Act to Divide the N.W.T. and Create the Territory of Nunavut* (Bill C-132) were passed in June 1993.

On April 30, 1996, Iqaluit was officially declared the future capital of Nunavut. In a plebiscite held on December 11, 1995, residents voted 60.2 percent in favour of Iqaluit as their future capital. On April 1, 1999, the map of Canada changed with the creation of the new territory of Nunavut. The Government of Nunavut will be highly decentralized to respond to the needs of its 28 communities. The people of Nunavut have recently elected its 19 representatives. Paul Okalik has been elected as its first Premier.

### **SAHTU DENE AND METIS AGREEMENT (N.W.T.)**

Settlement area: 280,278 km<sup>2</sup> in the Mackenzie Valley and Great Bear Lake region of the N.W.T.  
Population: approximately 2,400

The Sahtu Dene and Metis were the second Dene and Metis group to seek a regional comprehensive land claim. Their final agreement was signed on September 6, 1993 and came into effect on June 23, 1994.

The settlement provided the Sahtu Dene and Metis with 41,437 km<sup>2</sup> of land (of which 1,813 km<sup>2</sup> includes mineral rights); \$75 million (1990\$) over 15 years; a share of resource royalties from the Mackenzie Valley; guaranteed wildlife harvesting rights; and participation in decision-making bodies dealing with renewable resources, land use planning, environmental impact assessment and review, and land and water use regulation.

### **NISGA'A FINAL AGREEMENT(B.C.)**

Settlement Area: 2,000 km<sup>2</sup> of land around the lower Nass Valley  
Population: Approximately 6,000

In 1976 Canada began negotiating with the Nisga'a Tribal Council and negotiations continued on a bilateral basis until B.C. joined the negotiations in 1990. In 1991 the three parties signed a framework agreement which identified the topics to be negotiated. Between 1992 and the present, more than 500 consultation meetings and public events were conducted concerning the Nisga'a negotiations.

On August 4, 1998, the parties initialled the final agreement. The agreement provides for the establishment of a Nisga'a Central Government and payment to the Nisga'a of \$190 million in cash. The agreement also provides for ownership of, and self-government over, approximately 2,000 km<sup>2</sup> of land, including surface and subsurface resources. The agreement also spells out entitlements to Nass River salmon stocks and wildlife harvests. The agreement provides for the just and equitable settlement of the Nisga'a land question and certainty regarding ownership and use of lands and resources, and the relationship of laws within the Nass area. The agreement is the first modern treaty in B.C. and the first treaty in Canada to incorporate both land claims and constitutionally protected self-government provisions.

The Nisga'a voted in support of ratification of the Nisga'a Final Agreement on November 6 and 7, 1998, and the agreement was signed by representatives of the Nisga'a Tribal Council and B.C. on April 27, 1999 and by the Minister of Indian Affairs and Northern Development on May 4, 1999. Provincial ratifying legislation, received Royal Assent on April 26, 1999 and federal ratifying legislation received Royal Assent on April 13, 2000. The final agreement came into effect on May 11, 2000.

Canada, B.C. and the Nisga'a Lisims Government have established a Tripartite Implementation Committee and a Tripartite Finance Committee to ensure that the parties have similar understandings and expectations regarding the implementation of treaty obligations.

### **COUNCIL FOR YUKON INDIANS (CYI) AGREEMENT (YUKON)**

Area claimed: whole of Yukon Territory  
Population: approximately 8,000 Indians

On May 29, 1993, the federal government, the Yukon government, and the CYI signed an Umbrella Final Agreement (UFA) and Final Agreements with four Yukon First Nations (YFNs): the Vuntut Gwitchin First Nation; the First Nation of the Nacho Nyak Dun; the Champagne and Aishihik First Nations; and the Teslin Tlingit Council. The UFA establishes the basis for the negotiation of individual settlements with each of the 14 YFNs. It also provides for the negotiation of self-government agreements with Yukon First Nations. Self-Government Agreements were also signed with the four First Nations on May 29, 1993.

The Settlement and Self-Government Legislation was introduced into Parliament on May 31, 1994 and received Royal Assent on July 7, 1994. The Surface Rights Legislation received Royal Assent on December 15, 1994. All three acts came into force concurrently on February 14, 1995.

On July 21, 1997, Final and Self-Government Agreements were signed with Little Salmon/Carmacks (LSCFN) and Selkirk First Nations (SFN). The agreements for both LSCFN and SFN came into effect on October 1, 1997.

On July 16, 1998, Final and Self-Government Agreements and Implementation Plans were signed with Tr'ondëk Hwëch'in in Dawson City. The agreements provide the Tr'ondëk Hwëch'in with the ability to retain 2,598 km<sup>2</sup> of settlement land, of which 1,554 km<sup>2</sup> includes fee simple ownership of mines and minerals. The Tr'ondëk Hwëch'in will also retain its two reserves as lands within the meaning of Section 91(24) of the *Constitution Act*. The final agreement also provides the Tr'ondëk Hwëch'in with cash compensation of \$29.3 million (1998\$) to be paid out over 15 years through annual installments of \$3.192 million. The agreements came into effect on September 15, 1998.

The final agreements provide the seven YFNs (approximately 4,000 beneficiaries) with settlement land of 27,299 km<sup>2</sup> (approximately 5.6 percent of the land mass of the Yukon), of which 18,130 km<sup>2</sup> include ownership of mines and minerals. This is their share of the total settlement lands for all YFNs, which will amount to 41,595 km<sup>2</sup>, of which 25,900 km<sup>2</sup> includes mines and minerals. The seven YFNs will receive financial benefits of \$137,468,620 (1989\$) less loan repayments, to be paid out in 15 annual installments, as their share of the total \$242,673,000 (1989\$) for all YFNs. In addition, these YFNs will benefit from rights in the management of national parks and wildlife areas, specific rights for fish and wildlife harvesting, and economic and employment opportunities.

In March 2000, The Minister sought and received Cabinet approval that extended the negotiating mandate until March 31, 2002 to finalize the remaining seven outstanding Yukon First Nation Agreements. The "new" mandate provides an extension of indexation of financial amounts, loan refinancing as of March 31, 2000 and the ability for the Minister to return for necessary instructions to address the unique governance provisions for Kwanlin Dun and Kaskas, once they are determined.

Positive tripartite discussions have taken place in recent months between Canada, the Government of Yukon, and Yukon First Nations. On August 6, 2001, negotiators for Ta'an Kwach'an Council, the Department of Indian Affairs and Northern Development Canada and the Government of Yukon initialled the Final and Self-Government Agreements for the Ta'an Kwach'an Council.

## **ONGOING NEGOTIATIONS**

### **DOGRIB TREATY 11 CLAIM (N.W.T.)**

Area claimed: 210,000 km<sup>2</sup> in the North Slave region of the N.W.T.  
Date accepted: Fall 1992  
Population: 3,000

Land claim negotiations started in January 1994. In August 1995, the federal Inherent Right Policy was released - the policy stated that self-government arrangements could be negotiated as part of comprehensive claims agreements. The land claim negotiations were paused while a joint land claim and self-government mandate was sought.

The Dogrib Framework Agreement was signed in August 1996.

The new mandate to negotiate a land claim and self-government AIP was approved in April 1997.

The AIP was signed in Behcho Ko (Rae), N.W.T., on January 7, 2000.

Negotiations are continuing to finalize a Dogrib Agreement.

Target date for the coming into effect of the Dogrib Agreement is November 2002.

Until the Dogrib Agreement comes into effect, two interim agreements are in place. The Interim Land Withdrawal Agreement (which was amended on July 27, 2000) ensures that no new mining rights can be granted in approximately 40,000 km<sup>2</sup> of land surrounding the four Dogrib communities. The Interim Measures Agreement provides the Dogrib Treaty 11 Council with representation in the government processes which regulate land and water uses in their traditional territory.

### **TREATY 8 DENE (N.W.T.)**

This section is under review and will be up-dated shortly.

## **ATIKAMEKW AND MONTAGNAIS CLAIMS (QUEBEC)**

Area claimed: 700,000 km<sup>2</sup> in Quebec and Labrador  
Date accepted: 1979  
Population: 19,528 (12 communities)

The Atikamekw and Montagnais Claim (AMC) was accepted in 1979 and a framework agreement was signed in 1988.

Since 1994, Canada and Quebec have negotiated with the following three separate groups: 1) Assemblée Mamu Pakatatau Mamit (representing the Innu communities of Unamen Shipu, Pakua Shipi, Ekuanitshit - population 1,609); 2) Conseil Tribal Mamuitun (representing the Innu communities of Mashteuiatsh, Essipit, Betsiamites, Natashquan - population 8,788); 3) Conseil de la Nation Atikamekw (representing the Atikamekw communities of Manawan, Opitciwan and Wemotaci - population 5,224).

In July 2000, Canada and Quebec made public the Common Approach concluded with the Conseil Tribal Mamuitun. The Common Approach sets out the key elements of a deal (land quantum, financial components, resource revenue sharing, commitment to self-government), which will serve as a basis for negotiating and AIP.

In April 2001, after a nine month delay in negotiations, Canada, Quebec and the Assemblé Mamu Pakatatau Mamit, agreed on the land and financial quanta in the Common Approach and are proceeding to move forward with AIP negotiations.

In September 1997, the Conseil the la Nation Atikamekw signed a tripartite Political Protocol and are expected to conclude AIP negotiations in 2002. The parties are currently working on the chapter related to territorial and traditional activities, self-government, economic development and financial matters.

In addition, two Innu communities are not participating in the negotiations: those of Uashat mak Mani-Utenam and Matimekush Lac-John.

## **MAKIVIK CLAIM - OFFSHORE (NUNAVUT) AND LABRADOR (ONSHORE AND OFFSHORE)**

Area claimed: Offshore area adjacent to Quebec and Labrador, and inland northeast Labrador.  
Date accepted: 1992 (Nunavut portion) and 1993 (Labrador portion)  
Population: 8,800

In 1974 Canada agreed to negotiate with the Inuit of Northern Quebec, represented by Makivik Corporation, with respect to certain offshore islands along the coast of Quebec in Nunavut. Following the announcement of the 1986 Comprehensive Claims Policy, the claim was considerably revised and accepted again in 1992 (Nunavut portion) and in 1993 (Labrador portion). It now includes the offshore islands and offshore areas along the coast of Northern Quebec and Labrador, and an inland area in northern Labrador. A framework agreement was signed in August 1993. The government of the Nunavut participates as part of the federal government negotiating team for the Nunavut portion.

In January 2001, negotiators reached an understanding on the key elements of an AIP with respect to the Nunavut portion. Discussions are ongoing with a view to finalizing details and the parties hope to reach an agreement as soon as possible. The Labrador portion remains unsettled and the parties intend that it will be dealt with at a later date.

#### **THE MANITOBA DENESULINE NEGOTIATIONS NORTH OF 60<sup>0</sup>**

Area claimed: Lands and harvesting rights North of 60<sup>0</sup>, North of Manitoba (lands included in the Nunavut Settlement Area)  
Date accepted: 1999  
Population: 1,400 Dene

The Sayisi Dene First Nation and the Northlands Dene First Nation of Manitoba have brought separate actions alleging treaty and/or Aboriginal rights in Nunavut. They claim that Canada breached its fiduciary duty by negotiating and concluding an agreement with Nunavut Tunngavik Inc. while excluding the Manitoba Denesuline and ignoring their treaty interests north of 60<sup>0</sup>.

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On June 25, 1999 the Dene agreed to put their litigation in abeyance and on July 12, 1999, Canada and Manitoba Dene signed an agreement in the form of a MOU to allow discussions to begin to achieve an out-of-court settlement. Discussions are now ongoing on a regular basis with a view of achieving a settlement in two years.

Other groups such as the Government of Nunavut, Inuit and other affected Aboriginal groups will be involved in the consideration of the matters under discussions. The Government of the Northwest Territories has signed a confidentiality agreement and is part of the federal negotiation team.

On January 23, 2001, the province of Manitoba, Government of Nunavut and the Nunavut Inuit entered into negotiations on a treaty of friendship and cooperation with the Manitoba Denesuline. This separate process provides for the recognition by the Inuit of the Manitoba Denesuline rights in Nunavut and Inuit rights in Manitoba.

### **SASKATCHEWAN ATHBASCA DENESULINE ('BENOANIE CASE)**

The Saskatchewan Athabasca Denesuline have a similar case to the Manitoba Denesuline ("Samuel" case) known as the "Benonian" case. The Saskatchewan Athabasca Denesuline have indicated a strong interest in achieving an out-of-court settlement similar to the Manitoba Dene and have put their legal action into abeyance so as to begin negotiations with Canada. In fall 2000, Canada and the Saskatchewan Athabasca Denesuline signed a MOU. The parties have started discussions to achieve an out-of-court settlement agreement. The GNWT, the Government of Nunavut and other affected Aboriginal groups will be involved in the consideration of the matters under discussions. GNWT has signed a confidentiality agreement and will participate as part of the federal team.

### **CREES OF QUEBEC OFFSHORE ISLANDS CLAIM (NUNAVUT)**

In November 1974, Canada agreed to negotiate with the Quebec Cree, as represented by the Grand Council of the Crees of Quebec (GCCQ), respecting the islands along the Quebec shore in James Bay and Hudson Bay. In July 1995 the five James Bay Cree Chiefs involved in this claim and the Grand Chief formally requested that negotiations begin. Discussions to set out the basis and the process for continuing the negotiations regarding the offshore in Hudson Bay and James Bay area are taking place between Government and the Cree on a regular basis. The Government of Nunavut is also involved in these negotiations.

### **ALGONQUINS OF EASTERN ONTARIO LAND CLAIM**

Area claimed:	34,000 km <sup>2</sup> on the Ontario side of the Ottawa River Watershed.
Date accepted:	1992 (Ontario began negotiations in 1991)
Population:	approximately 3,500

The Algonquins of Eastern Ontario claim an area covered by an existing treaty, but have never signed or benefited from a treaty with the Crown. Canada joined negotiations already underway between Ontario and the Algonquins in December 1992, after having reached an understanding with the Province on cost-sharing.

In August 1994, the negotiators for Canada, Ontario and the Algonquins of Eastern Ontario signed a framework for negotiations.

On October 23, 1997 the Minister appointed Jean-Yves Assiniwi as the Chief Federal Negotiator for the Algonquins of Eastern Ontario Claim. A new Ontario Chief Negotiator, Brian Crane, was appointed by the province in February 1998.

Negotiations continue on a monthly basis on substantial issues that would form the basis of an AIP for the claim.

### **LABRADOR INUIT ASSOCIATION (LIA) CLAIM (NFLD. AND LABRADOR)**

Area claimed:	coast line, interior, and offshore of northern Labrador
Date accepted	1978
Population	5,000 Inuit and Native settlers

A framework agreement setting out the scope, process, topics, and parameters for negotiation was signed in November 1990, by the LIA and the Governments of Canada, (Canada) and Newfoundland and Labrador (Newfoundland).

Although negotiations were discontinued in May 1992, Canada returned to the negotiating table in December 1993, fulfilling a commitment made in the Aboriginal Policy of the Liberal Plan for Canada. In 1994, a major deposit of nickel, copper and cobalt was discovered at Voisey' Bay. This prompted the parties to commence fast-track negotiations in St. John's in September 1996. In October 1997, senior officials and negotiators for each of the three parties met in Ottawa, and a document was initialled which provided the basis for an AIP.

In December 1998, negotiators reached a verbal agreement on all aspects of the AIP. After undergoing a technical review, extensive legal drafting, and the approval by principles for each of the parties, the AIP was initialled by the negotiators on May 10, 1999. The LIA held a ratification vote by its membership on the AIP on July 26, 1999, and voted approximately 80 percent in support of the initialled AIP. During the spring of 2001, the land selection process was completed and the AIP was signed on June 25, 2001, by the government of Newfoundland and Labrador, the Government of Canada and the LIA. Final agreement negotiations have commenced.

### **INNU NATION CLAIM (NFLD. AND LABRADOR)**

Area claimed:	Central Labrador and Quebec lower north shore
Date accepted:	1978
Population:	1,600 (500 Naskapi, 1,100 Montagnais)

#### **Land Claim**

In 1978 Canada conditionally accepted the Innu land claim for negotiation, subject to the participation of the Government of Newfoundland and Labrador and the completion of a land use and occupancy study by the Innu. These stipulations were fulfilled in 1991 and formal tripartite negotiations began in July of that year.

On March 29, 1996, a Land Claim Framework Agreement was signed by all parties. In November 1997, the Innu submitted a workplan to fast track negotiations. All parties agreed to an accelerated negotiation process in the spring of 1998.

Favourable progress towards an Agreement-in-Principle was made until January 1999, when negotiations were suspended after the Innu pulled out of discussions on the Voisey's Bay and Lower Churchill developments. In an attempt to resolve the deadlock, a meeting occurred between the Premier of Newfoundland and Labrador and Innu representatives in February 1999. As a result of this meeting, the Innu presented Canada and Newfoundland with a list of the ten major land claim issues of greatest concern to them. Negotiations resumed in April 1999, with a focus on the resolution of these outstanding issues.

On June 13, 2000, the Innu presented what they considered to be the basis of an acceptable land claims package. Both Canada and Newfoundland informed the Innu that their proposal was unacceptable.

On September 8, 2000, the Minister of DIAND informed the Innu that he was prepared to discuss registration and reserve creation with his Cabinet colleagues. As a result, the land claim and self-government negotiation sessions were temporarily postponed to allow all parties to focus their efforts on this initiative. This postponement was extended in November 2000 to allow all parties to address the youth solvent abuse crisis in both Innu communities.

The Innu presented a new land claims proposal on May 18, 2001. Both Canada and Newfoundland agreed that the new proposal constituted a reasonable basis for resuming land claim negotiations. The parties are currently focussing on the Voisey's Bay issue and expect to resolve the outstanding ten major land claim issues by December 31, 2001.

### **Self-government**

Self-government negotiations were initiated between the Innu Nation, Canada and Newfoundland in May 1996. These negotiations were undertaken in tandem with the comprehensive land claim negotiations which had begun in 1991. An accelerated negotiation process allowed for the ratification of an Innu Government Framework Agreement on February 11, 1997.

As the Innu were already involved in discussions with Newfoundland regarding the devolution of policing and social services, it was decided that these issues should be the first to be addressed at the self-government negotiations. With a commitment by all parties to accelerated negotiations in 1998, many of the key issues within the Administration of Justice and Programs and Services chapters have been resolved.

Following the completion of these two draft chapters, negotiations will focus on the development of a draft chapter on issues including property rights, taxation, transportation, public works and land management. Preliminary interest papers have already been exchanged between all three parties and the federal negotiation team has undertook to prepare a detailed proposal addressing all relevant topics. Canada, however, advised the Innu on May 1, 2001 that their self-government negotiations would be suspended until the outstanding land claim issues are largely resolved.

## **CLAIMS IN BRITISH COLUMBIA**

Most First Nations in B.C. have never signed or adhered to treaties. Following the release of the tripartite B.C. Claims Task Force Report in 1991, the BCTC was established in 1992 to facilitate and monitor negotiations. The BCTC, an arm's-length body, is the "Keeper of the Process". Its main functions are to assess the readiness of parties to begin negotiations, allocate negotiation funding to Aboriginal groups, assist parties to obtain dispute resolution services, and monitor and report on the status of negotiations.

On June 29, 1993, the two governments created a multi-sectoral structure for joint third-party consultation: the Treaty Negotiation Advisory Committee (TNAC). The role of the TNAC is to provide policy and negotiating advice to governments on treaty-related matters that may directly affect third parties. The TNAC includes representation from a variety of sectors including fisheries, forestry, lands, governance and environmental. In addition, since 1993, a number of Regional Advisory Committees have been established throughout B.C. to allow for consultation on negotiations at a regional level.

The treaty negotiation process is open to all B.C. First Nations. To date, 53 First Nations (127 Indian bands), representing over 70 percent of B.C.'s Aboriginal population, are negotiating treaties. Of these, four are in early stages of negotiations, four are negotiating a framework agreement, and 43 are negotiating an AIP. To date, 45 First Nations have signed framework agreements. One table, the Sechelt Indian Band is in final agreement negotiations.

The Sechelt Indian Band had nearly concluded final agreement negotiations, however, the community then decided to undertake internal consultation with respect to certain provisions of their AIP. Sechelt is still holding internal consultations on whether to return to final agreement negotiations.

To date, full or partial offers have been made at 10 negotiation tables (Sechelt, Ditidaht/Pacheedaht, Gitanyow, In-SHUCK-ch N'Quat'qua, Lheidli T'enneh, Nuuchahnulth, Sliammon, and Snuneymuxw, Tsawwassen and Tsay-Keh Dene Band). From those, draft AIPs were reached with the Sliammon and Nuuchahnulth Tribal Council First Nations. As part of the In-SHUCK-ch N'Quat'qua table, the N'Quat'qua has since withdrawn from the process. There has also been significant progress toward an AIP with the Tsawwassen First Nations.

A cost-sharing understanding with B.C. has been signed, which includes authority to negotiate Treaty Related Measures (TRMs). TRMs have been negotiated, or contemplated, at many of the active treaty tables in BC. Early focus has been on TRMs involving studies for cultural and economic development potential of lands, capacity development of self-government and participation on regional resources management structures. Over 42 TRMs of this nature have been completed. Two land protection TRMs have been completed to date: 1. McDame Post with the Kaska Dene Council, and, 2. Hill 60, which is being held for the Cowichan First Nation and the Hul'qumi'num Treaty Group.

The newly elected BC Liberal Government was sworn in on June 5, 2001. This new provincial government is proposing to hold a referendum on treaty principles later this year. In the meantime, the province has confirmed instructions to negotiators and their commitment to a mandate for TRMs and interim measures (IMs). In the period prior to the referendum, Canada will be seeking opportunities to make progress at the tables, and on future TRM and IM initiative.

## **OTHER PROCESSES**

### **SOUTH SLAVE MÉTIS TRIBAL COUNCIL (N.W.T.)**

On November 7, 1990, Canada announced that it would negotiate regional claims with the Dene and Métis of the five regions in the Mackenzie Valley on the basis of the April 9, 1990 agreement which was initialled but not accepted by the Dene/Métis leadership.

When the Treaty 8 Dene decided to pursue TLE, this left some of the Métis who were originally included under the 1990 Dene/Métis Final Agreement without a means to address their interests.

On March 18, 1994 former Minister Irwin advised the Métis Nation -N.W.T. (MNNWT) that he proposed to explore current options available to address their concerns and to discuss the establishment of a process that would eventually lead to the resolution of their concerns.

The South Slave Métis Tribal Council (SSMTC), the Government of the NWT and the Government of Canada initialled in January 1996 and signed on August 29, 1996 a Framework Agreement which sets out the negotiation of land and resources in a two-stage process. The first stage is the negotiation of an Agreement-in-Principle (AIP) and Final Agreement on lands and resources; the second stage is a, self-government agreement, negotiations for which may begin upon signing of the AIP on lands and resources. Formal negotiations toward an AIP began in May 1997.

In May 2000, Minister Nault meet with the SSMTC leaders and it was agreed to target a "hand shake" AIP by June 2000. Formal negotiations towards an AIP made some progress, on the basis of the SSMTC Framework Agreement signed in 1996. As of February 12, 2001, 24 of 25 draft chapters had been tabled with general discussion taking place to lay out the main issues. On March 29, 2001, the process reached an impasse over the correct interpretation of the Framework Agreement; the Chief Federal Negotiator resigned on May 10, 2001.

The SSMTC has not been prepared to attend main table sessions until a new Chief Federal Negotiator has been appointed. In the meantime the table continues to meet sporadically as a lands side table for discussion of land identification, and discussions about a new work plan for the negotiations have begun.

### **SALT RIVER FIRST NATION (N.W.T.)**

The Salt River First Nation had decided to negotiate independently of the other members of the N.W.T. Treaty No. 8 Tribal Council and is currently pursuing a TLE settlement. The SRFN officially presented their TLE and compensation package to DIAND on June 23, 1999, and negotiations are continuing.

### **DEH CHO FIRST NATIONS (N.W.T.)**

Canada and the Deh Cho First Nations have agreed to enter into formal discussions based on a two-staged approach. The first stage will see the negotiations of interim measures, framework, and funding agreements. The second stage will encompass negotiations on a land, resources and self-government agreement. Stage 1 discussions began in September 1999 and are set to conclude in the Summer of 2001 by the signing of the interim measures, framework and funding agreements.

Upon signing, the parties will commence negotiations of an AIP.

## **CLAIMS AWAITING A DECISION RE: ACCEPTANCE OR REJECTION**

### **QUEBEC ALGONQUIN CLAIM (QUEBEC)**

In 1989, a number of Quebec Algonquin bands submitted a formal comprehensive claim to lands comprising the Ottawa River watershed. Considerable research has been undertaken by various groups within the Quebec Algonquins to document their claims to continuing Aboriginal rights. As a result of this research, the federal government has confirmed its willingness to undertake negotiations with the Algonquins of Western Quebec.

The Algonquins are not currently engaged in comprehensive land claim negotiations. In February 2000, Minister Nault met with all the Algonquins Chiefs and proposed a scoping out exercise to determine if sufficient common ground exist to justify the beginning of negotiation with potential for success within a reasonably time frame.

The six communities member of the Algonquin Anishinabeg Nation Tribal Council (AANTC) confirmed that they were ready to begin the scoping out process in December 2000, and the process was initiated in February 2001. The three communities member of the Algonquin Nation Secretariat are not ready at this time for formal participation in this process but have been invited as observers.

Should the scoping out process be satisfactory for all parties, it is anticipated that each would then seek formal mandates to enter into negotiations.

The AANTC has received funding in 2000-2001 to initiate the process and funding has also been approved through the Negotiation Preparedness Initiative until March 31, 2002 for the completion of the scoping out process. Key objectives have been identified and a broad communication strategy has also been produced. Fundamental work toward establishing what common elements both parties may have to be pursued will be completed: negotiations of title and aboriginal rights to traditional lands within the context of the Comprehensive Claims Policy; how to address issues of beneficiaries and overlapping traditional territories; and also to establish if, how and when the province of Quebec becomes involved in the process. A great amount of effort will be made to educate and consult community members on the issues and the process.

### **LABRADOR METIS NATION (LMN) (NFLD. AND LABRADOR)**

In November 1991, the Labrador Metis Association (now the Labrador Metis Nation) submitted a comprehensive land claim to all southern Labrador. The Minister indicated that further documentation was required to substantiate certain comprehensive land claims acceptance criteria. In March 1996, supplemental research submitted for the Aboriginal title claim of the Inuit/Metis of South and Central Labrador was provided in support of the claim. The Department of Justice (DOJ) completed its assessment of the claims submission and provided a legal opinion in May 1998. It is the preliminary federal position that the LMN claim cannot be accepted for negotiation under the Comprehensive Land Claims Policy. After a clarification meeting in May 2000 and discussions with departmental officials, additional historical research will be conducted on specific aspects of the claim.

### **NASKAPI OF QUEBEC (SCHEFFERVILLE) COMPREHENSIVE LAND CLAIM (NFLD. AND LABRADOR)**

In August 1995, the Naskapi of Quebec (Schefferville) formally submitted a comprehensive land claim to a large section of Labrador. The Claims and Historical Research Centre met with the Band in October 1996 and indicated that further documentation was required to substantiate certain comprehensive land claims acceptance criteria. Additional information has been requested from the Naskapi.

### **MIAWPUKEK MI'KAMAWAY MAWI'OMI (CONNE RIVER MIKMAQ BAND OF NEWFOUNDLAND) (NFLD. AND LABRADOR)**

In September 1996, the Miawpukek Mi'kamaway Mawi'omi (Conne River Mi'kmaq Band of Newfoundland) submitted a comprehensive land claim to south-central Newfoundland. The claim was reviewed by the Claims and Historical Research Centre for completeness. Further information has been requested to document current use and occupancy.