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Alliance of Tribal Nations

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November 6, 2002

BY FAX

Elizabeth B. Kingston, Clerk
Standing Committee on Aboriginal Affairs
House of Commons
Room 632, 180 Wellington
OTTAWA, Ontario
K1A0A6

Dear Ms. Kingston:

RE: Standing Committee hearings on Bill C-6,
"The Specific Claims Resolution Act".

I am writing to you on behalf of the 20 member First Nations of the Alliance of Tribal Nations regarding the Standing Committee's plans to hold hearings on Bill C-6, the proposed "*Specific Claims Resolution Act*." (Since 1985, the Alliance of Tribal Nations has provided research and legal support for the development of member bands specific claims, particularly railway and road right-of-way claims.) We have carefully reviewed this complex piece of legislation, which, if passed, we believe will have a significant adverse impact on the settlement of our members' specific claims. In this regard, we find that Bill C-6:

- Narrows the definition of valid "specific claims" for purposes of submitting claims to the proposed Commission and Tribunal.
- Limits access to binding Tribunal decisions to claims valued at less than \$7 million, which would exclude larger claims (most claims) from binding dispute-settlement and would bias the process toward settling smaller, "easy" claims.
- Denies access for larger claims to an independent inquiry and public report, as now exists with the Interim Indian Claims Commission.
- Does not do away with the Federal Government's conflict of interest, since all Commissioners and Tribunal Adjudicators are to be appointed unilaterally by the Minister and Cabinet for short terms and new members can be added at any time at the discretion of the Government.
- Authorizes indefinite delays by the Federal Government in considering acceptance of claims for negotiation and, in fact, actually rewards Canada for such delays.



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- Denies First Nation claimants basic procedural fairness, since they will be required to disclose all facts and law in support of their claims, while there are no similar requirements for the Federal Government to disclose its evidence or legal arguments prior to Tribunal proceedings, not even its reasons for rejecting a claim.
- Provides absolutely no additional financial resources to reduce the existing 500-plus claims backlog, while the delays authorized by the new process will likely add to the backlog, not reduce it.
- Will create a specific claims process that in most respects is actually worse than the current flawed process.

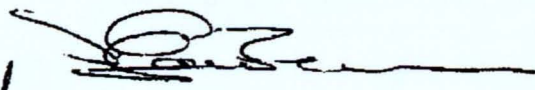
The Alliance of Tribal Nations does not believe that these fundamental flaws in Bill C-6 can be corrected by piecemeal amendments. Therefore, we respectfully ask that the Standing Committee on Aboriginal Affairs recommend that the Minister of Indian Affairs withdraw the bill from further consideration by Parliament and return to the negotiating table with First Nations to produce a bill that will create a truly independent, fair and expeditious specific claims process.

Further, in light of the above, the Alliance of Tribal Nations respectfully requests that the Standing Committee:

- 1) hold hearings on Bill C-6 separate from hearings on other pieces of legislation: and
- 2) hold hearings on Bill C-6 in British Columbia and other regions of the country so that all First Nations and representative claims research organizations who wish to will be able to appear before the Committee and directly raise their concerns with the Bill. (In this regard, we call your attention to the fact that the Minister of Indian Affairs has not provided any consultation funding whatsoever for the development of local, tribal or regional presentations to the Standing Committee on Bill C-6.)

Finally, the Alliance of Tribal Nations hereby requests an opportunity to appear before the Standing Committee to make a presentation on Bill C-6, wherever and whenever your hearings take place.

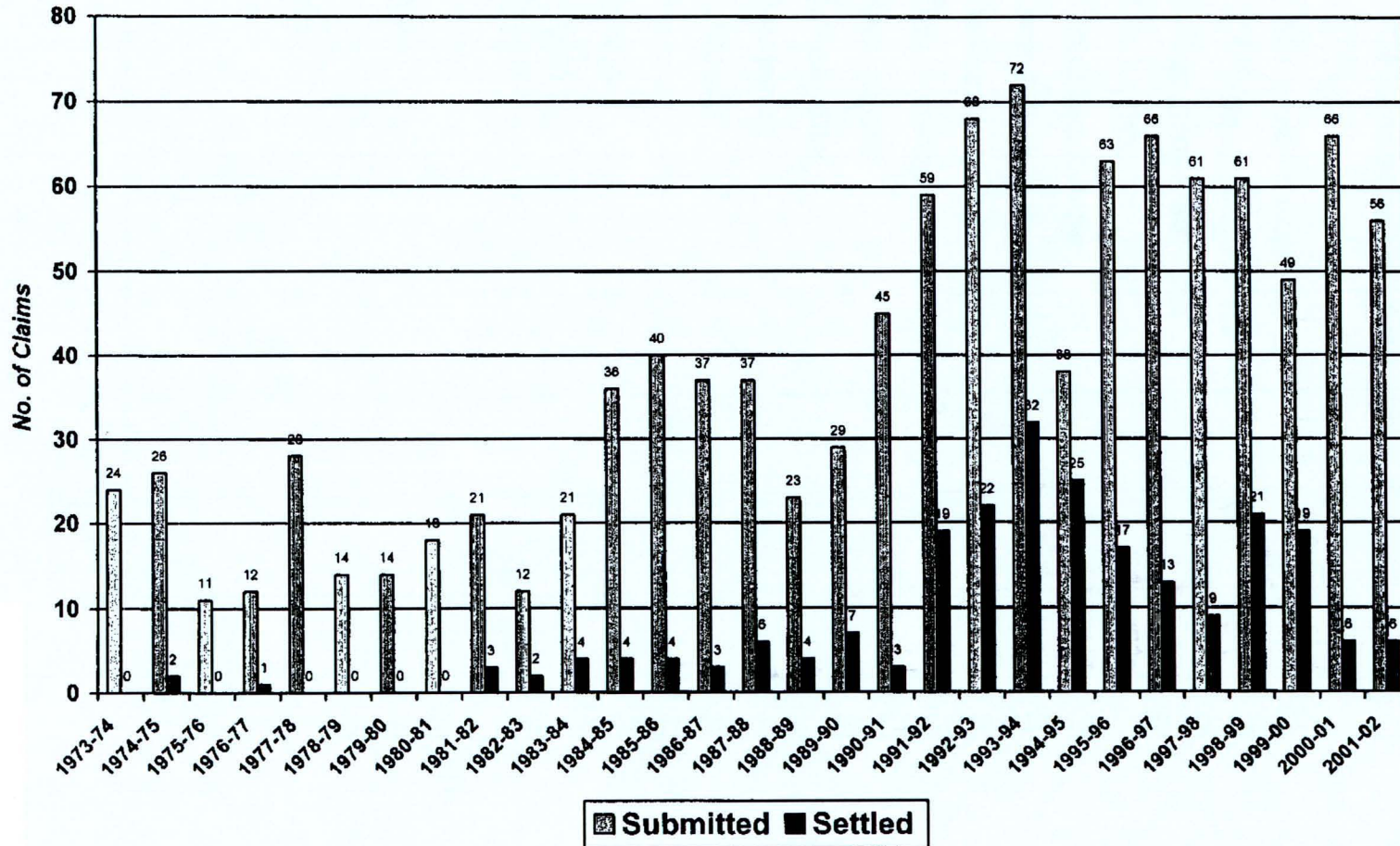
Yours truly,
ALLIANCE OF TRIBAL NATIONS


fa Edna M. Louis
Director

c.c.: Members, SCAA
Grand Chief Clarence Pennier, Sto:lo Nation
Treaties & Land Rights Unit, Assembly of First Nations

Chart 1

Specific Claim Submissions and Settlements, 1973-2002

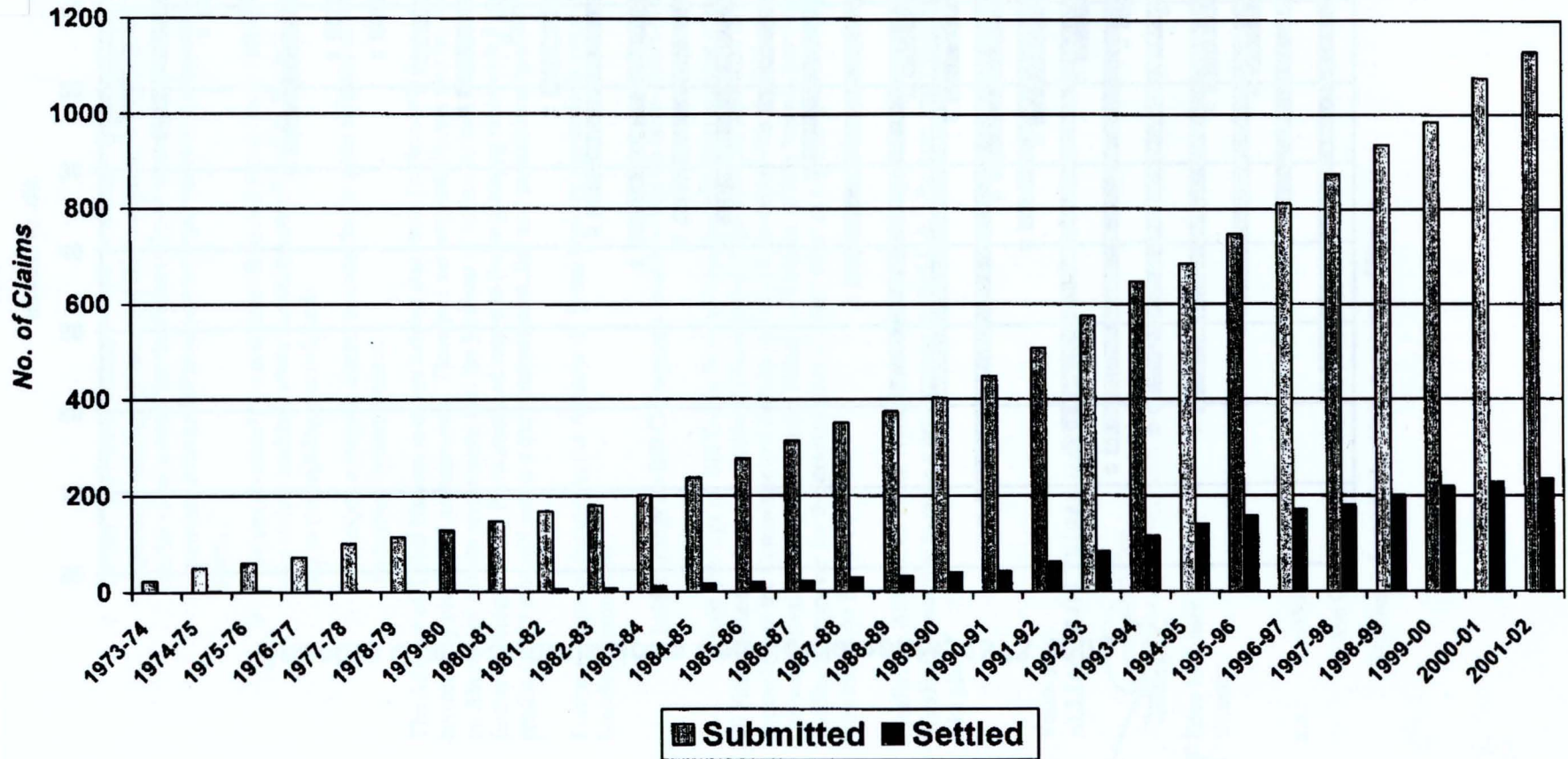




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Chart 2

Specific Claim Submissions and Settlements, 1973-2002 Cumulative Data



Data: Specific Claims Branch, DIAND. Chart: Alliance of Tribal Nations, 12/00, 11/02.