



# Landmark

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*"I have heard the elders say that when the terms of the treaties were deliberated the smoke from the pipe carried that agreement to the Creator binding it forever. An agreement can be written in stone, stone can be chipped away, but the smoke from the sacred pipe signified to the First Nation peoples that the treaties could not be undone."*

Ernest Benedict, Mohawk Elder  
Akwasasne, Ontario  
June 1992

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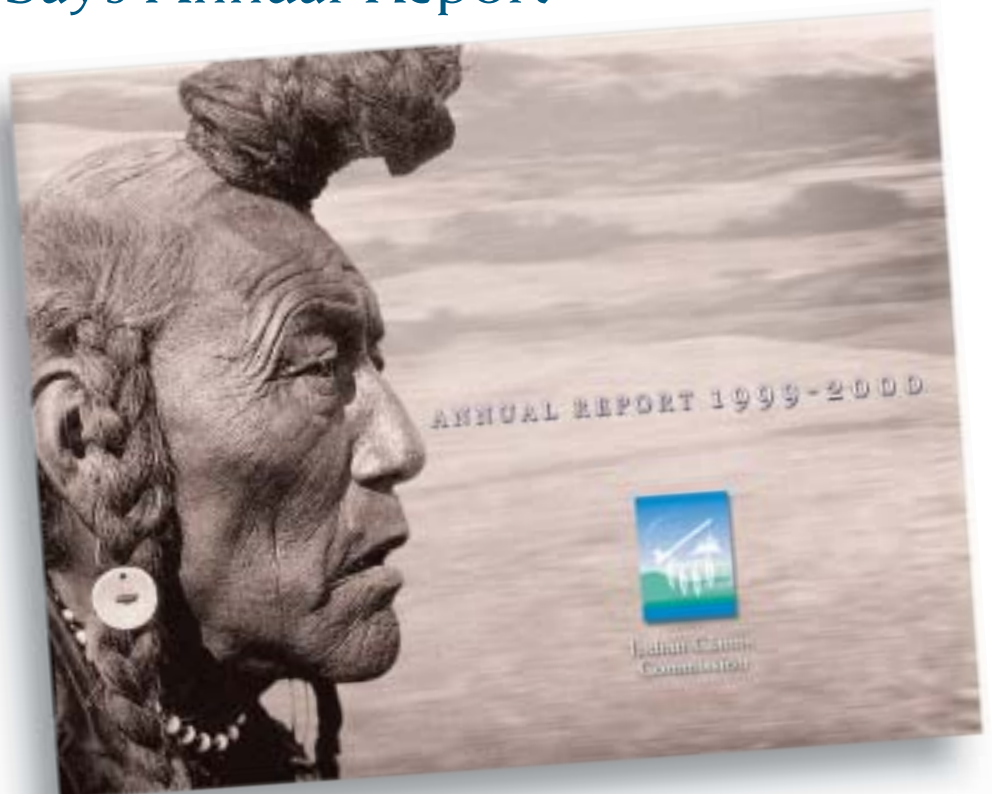
Landmark is published by the Indian Claims Commission to inform readers of Commission activities and developments in specific claims. Landmark and other ICC publications are also available on our web site at: [www.indianclaims.ca](http://www.indianclaims.ca)

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## Claims System Still in Gridlock, Says Annual Report



ICC Annual Report 1999-2000 Released

The Indian Claims Commission's 1999-2000 Annual Report says the federal government's specific claims system remains bogged down by an enormous backlog of claims across the country, despite ICC's repeated warnings that the system needs to be reformed. And for the first time in its ten-year history, Commissioners declined to make any new recommendations to the federal

government, choosing instead to "reiterate the recommendations we have offered since our inception."

The report sounds a pessimistic note about the lack of progress in establishing an independent claims body, a reform long-advocated by the Commission. It points out that no concrete progress had been made on creation of such a body by the end of March, 2000 and "as a result,



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the specific claims system remains in gridlock."

The report credits the federal government for its \$44-million increase in funding to the Department of Indian Affairs and Northern Development's Specific Claims Branch but notes that more resources are needed to expedite the 480 outstanding claims currently in the

system. It further laments the fact that the federal government has done little to make Canadians aware of this backlog: "Canadians in general do not know that these claims exist nor that they are based on allegations of outstanding lawful obligations."

The report points out that the ICC released reports on five inquiries over the year and began six new inquiries.

It highlights some important successes: an ICC-chaired pilot project resulted in the return of 1,100 acres of waterfront to the Fort William First Nation by the Canadian Pacific Railway; the Michipicoten First Nation negotiated two claims; and the ICC aided settlement negotiations for the Kahkewistahaw First Nation.

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## ICC Saddened by Death of Commissioner



Commissioner Carole T. Corcoran

Commissioners and staff at the ICC were deeply saddened to learn of the sudden passing of Commissioner Carole T. Corcoran, February 15, 2001. Her dedication to the work of the Commission, her undaunting efforts to clarify the spirit of the law, and her gentle disposition will remain an inspiration to all who knew her.

Commissioner Corcoran practiced law with the Vancouver firm of Fast & Corcoran. She was Dene from Fort Nelson, British Columbia and had extensive experience in aboriginal government and politics at the local, regional, and provincial levels. She served on several boards and commissions, including the Royal Commission on Canada's Future (1990-91), the British Columbia Treaty Commission (1993-95), the Board of Governors, University of Northern British Columbia (1993-95), Conflict Management Board, Royal Roads University (1997-2000), Co-Chair, First Nations Summit B.C. (1998-2000) and the Insurance Corporation of British Columbia (1998-2000). She was appointed to the Indian Claims Commission in July 1992.

We extend our heartfelt sympathy to family, friends, and community. Let us all take comfort from her legacy of strength, integrity, and good will.



# New Staff



Commission Counsel Kathleen Lickers receiving congratulations from Ron Jamieson, Senior Vice-President, Aboriginal Banking, Bank of Montreal

## KATHLEEN LICKERS

Commissioners welcomed Ms. Lickers as Commission Counsel in November, 2000 and she has been very busy since then.

A Seneca lawyer from the Six Nations Reserve in Ontario, Ms. Lickers has considerable legal experience in the area of land claims. After her graduation from the University of Western Ontario in London, she studied law at the University of Ottawa and went on to work in civil litigation for Ontario's Office of the Attorney General. From 1995 to 1997, she worked as associate legal counsel for the ICC, before taking a position in the area of land claims with the Toronto firm of Blake, Cassels and Graydon.

Ms. Lickers returned to the ICC in the fall of 1998, continuing a contract case-load until assuming her new position as Commission Counsel. She aims to carry out the ICC mandate "to its fullest," believing that because the "Commission is legally driven, the role is to find justice. Justice lies within the spirit of the claim which can be illuminated through the testimony of the people during the ICC's community sessions."

At the end of February, Ms. Lickers was invited to address the Aboriginal Banking Unit of the Bank of Montreal. In her speech, she outlined the role of the Commission since its inception in 1991

and pointed to some of the successes the ICC has had in helping First Nations and the federal government settle land claims. She focused on the impact that long, drawn-out claims have on the economy and pointed out that it is in the interests of all parties to arrive at a settlement as rapidly as possible. Ms. Lickers said the banking sector has a key role to play in the aftermath of a claim settlement and congratulated the Bank of Montreal on some of the initiatives established by its Aboriginal Banking Unit. She said that such undertakings as the On-Reserve Housing Loan Program help First Nations communities to provide affordable housing for their members, thus contributing to the overall prosperity of Canada.



Lucian Blair, Senior Communications Officer

## LUCIAN BLAIR

The Commissioners were very pleased to start off the new year by welcoming Lucian Blair to the position of Senior Communications Officer for the ICC. Mr. Blair brings to the Commission a wealth of experience in public communications, and a broad awareness of parliamentary and federal and municipal political processes built upon a solid journalistic background.

With an Honours degree in English

from the University of Toronto, a Bachelor of Journalism from Carleton University, as well as a CAE (Certified Association Executive), Mr. Blair has had numerous positions in communications, government relations and public relations. Positions such as television writer, host, producer and director, news reporter, ministerial and prime ministerial public relations advisor, press secretary, and speech writer, public affairs strategist and, most recently, Chief Communications Officer and Official Spokesperson for the City of Ottawa.

## BETTY RECOLLET

The Commission was pleased to welcome Ms. Recollet as Executive Assistant to Commission Counsel in November of this year. Betty is from the Thessalon First Nation, near Blind River, Ontario. After graduating from Office Administration at the Sault College of Applied Arts and Technology in Sault St. Marie, she moved to Ottawa to attend Carleton University. Having worked for Transport Canada, Odawa Friendship Center, the National Association of Friendship Centers, a private law firm, as well as previous employment at the ICC, Betty brings with her a wide range of knowledge and experience.

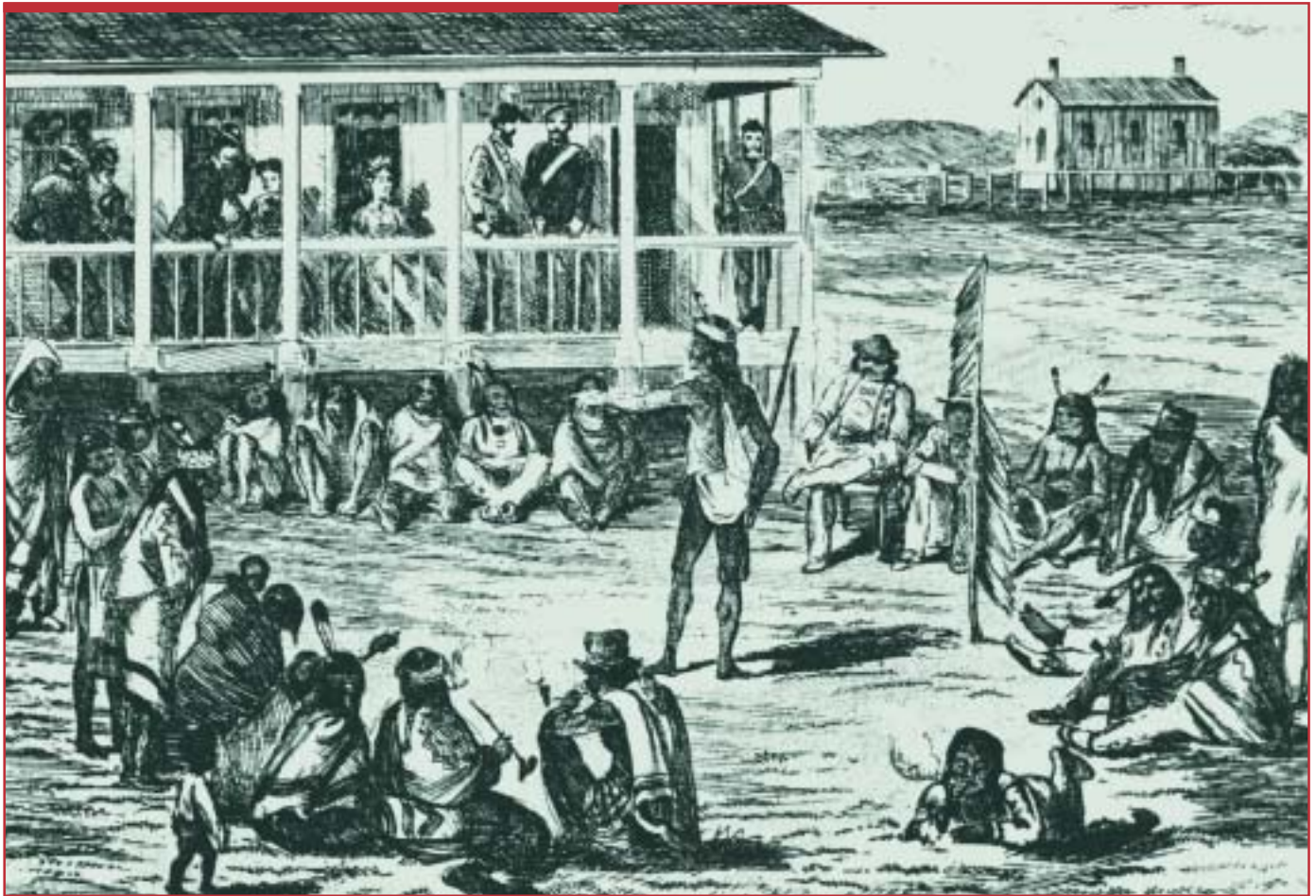


Betty Recollet,  
Executive Assistant to Commission Counsel





# Reports



A chief presenting his opinions at the negotiations for Treaty 1 at Lower Fort Garry in 1871.

*National Library of Canada*

## ROSEAU RIVER REPORT RELEASED

On March 15, the Indian Claims Commission released its report on a claim by Manitoba's Roseau River Anishinabe First Nation. The report recommends that the federal government accept the band's claim for negotiation. The claim arises from the federal government's deduction of expenses for medical aid from the First Nation's trust account without the First Nation's knowledge or consent.

A central issue is whether medical aid was one of the promises made by the

Government of Canada under the terms of Treaty 1. The First Nation claims that medical aid was one of a number of verbal "outside promises" conceded by Canada's representatives during anxious last-minute negotiations to close the deal.

It is the first time the Commission has reviewed a claim of this nature, unique in that it questions whether the Government of Canada is lawfully obligated to compensate Roseau River for having deducted payments for medical aid. It is also significant for the fact that although the two Commissioners hear-

ing the claim — Daniel Bellegarde and Carole Corcoran — agreed substantially in their recommendation that the Roseau River claim should be accepted for negotiation, each offered different reasons for doing so. Commission Co-Chair Bellegarde noted that the implications of this claim extend beyond the circumstances of the Roseau River Band, emphasizing that the subject of medical aid itself deserves a comprehensive review by both the federal government and First Nations.



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# Elijah Harper Resigns as Commissioner

October 6, 2000, Elijah Harper resigned his position as Commissioner in order to return to federal politics. Mr. Harper announced his candidacy for the Liberal party in the northern Manitoba riding of Churchill shortly after his resignation, but was defeated in the November election.

Elijah Harper is an Ojibwa-Cree born in Red Sucker Lake, Manitoba, where he was Chief from 1978 to 1981. Mr Harper is best known for his role in the debate surrounding the Meech Lake Accord, during which, as an opposition member for Rupertsland in the Manitoba Legislative Assembly (1981-92), he stood silent, holding a sacred Eagle's feather in a symbolic stand against the Accord, to protest the lack of adequate participation and recognition of aborig-



Commissioner Elijah Harper

inal people in the constitutional amendment process. In 1986, Mr Harper was appointed Minister without Portfolio Responsible for Native Affairs and, in 1987, Minister of Northern Affairs. He was instrumental in setting up the Manitoba Aboriginal Justice Inquiry. Between 1993 and 1997, he sat as a Liberal Member of Parliament for Churchill, Manitoba. In 1995, Mr Harper launched a Sacred Assembly to promote spiritual reconciliation and healing between aboriginal and non-aboriginal Canadians, which brought together people of all faiths from across Canada. In 1996, Mr Harper received a National Aboriginal Achievement Award for public service. He was appointed Commissioner in January 1999.

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## Publications

A new pamphlet entitled COMMON GROUND is now available, outlining the Commission's mediation services. First Nation organizations interested in alternatives to lengthy, expensive, win-or-lose court proceedings, may want to raise community awareness of mediation as an option. If so, this pamphlet can easily be made available by contacting the Communications and Publications Officer at:

Mailing Address:

Indian Claims Commission  
P.O. Box 1750, Station B  
Ottawa, Ontario  
K1P 1A2

Telephone: (613) 943-2737

Fax: (613) 943-0157

Or visit our web site at: [www.indianclaims.ca](http://www.indianclaims.ca)



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### NEW TO LANDMARK – SPEAKERS BUREAU

**Increasingly, commission members are being invited to address student groups, professional associations, law societies and media organizations on the work of the ICC. In future issues, we will bring you news of these engagements.**



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## CLAIMS IN INQUIRY

- Alexis First Nation (Alberta) - Transalta Utilities right of way
- Canupawakpa Dakota First Nation (Manitoba) - Turtle Mountain surrender
- Chippewas of the Thames (Ontario) - Clench defalcation
- Chippewa Tri-Council (Ontario)
  - Coldwater-Narrows Reservation
- Conseil de bande de Betsiamites (Quebec)
  - Highway 138 and Betsiamites Reserve
- Conseil de bande de Betsiamites (Quebec)
  - Betsiamites River bridge
- Cumberland House Cree Nation (Saskatchewan)
  - claim to Indian Reserve 100A
- James Smith Cree Nation (Saskatchewan) - Chakastaypasin
- James Smith Cree Nation (Saskatchewan)
  - treaty land entitlement
- James Smith Cree Nation (Saskatchewan)
  - Peter Chapman Band and claim to Cumberland House Indian Reserve 100A
- Kluane First Nation (Yukon)
  - Kluane Park and Kluane Games Sanctuary
- Mississaugas of the New Credit First Nation (Ontario)
  - Toronto Purchase
- Mistawasis First Nation (Saskatchewan)
  - 1911, 1917, 1919 surrenders
- Mistawasis First Nation (Saskatchewan) - compensation criteria
- Ocean Man Band (Saskatchewan) - treaty land entitlement
- Roseau River Anishinabe First Nation (Manitoba)
  - 1903 surrender
- Sandy Bay Ojibway Nation (Manitoba)
  - treaty land entitlement

## CLAIMS WITH REPORTS PENDING

- Cowessess First Nation (Saskatchewan) - 1907 surrender
- Esketemc First Nation (British Columbia) - IR 15, 17 and 18

## CLAIMS IN FACILITATION OR MEDIATION

- Blood Tribe/Kainaiwa (Alberta)
  - Akers surrender 1889
- Cote First Nation (Saskatchewan)
  - pilot project - 1905 surrender
- Fishing Lake First Nation (Saskatchewan) - 1907 surrender
- Fort William First Nation (Ontario) - pilot project
- Fort Pelly Agency (Saskatchewan) - Pelly haylands
- Kahkewistahaw First Nation (Saskatchewan) - 1907 surrender
- Michipicoten First Nation (Ontario) - pilot project
- Moosomin First Nation (Saskatchewan) - 1909 surrender
- Muskowpetung First Nation and Standing Buffalo Dakota First Nation (Saskatchewan) - IR 80B
- Qu'Appelle Valley Indian Development Authority (Saskatchewan) - flooding
- Standing Buffalo First Nation (Saskatchewan) - flooding
- Thunderchild First Nation (Saskatchewan) - 1908 surrender
- Touchwood Agency (Saskatchewan) - 1920-24 - mismanagement

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## Speakers Bureau

### SHEILA PURDY SPEAKS AT UNIVERSITY OF ALBERTA

As part of the ICC's public education initiatives through the newly-created Speakers Bureau, Commissioner Sheila Purdy spoke to students at the University of Alberta in early March.

Following a tour of the School of Native Studies and meetings with some of the school's faculty members, Commissioner Purdy spoke to about 50 Native Studies students, as well as a number of law students, on the role of the ICC and its impact on Canadians. In her remarks, she focused on the question of treaties as contracts and the problems that arise when government does not keep its treaty promises. She also explained how, from an economic point of view, speedy resolution of claims settlements can both save taxpayers billions of dollars and strengthen the country's economy.



At U. of A. School of Native Studies. From left to right: Roger Maaka, visiting scholar from University of Canterbury (NZ) and Waitangi Tribunal; Prof. Signa Daum Shanks; Commissioner S. Purdy; Lucian Blair, Senior Communications Officer

