



# 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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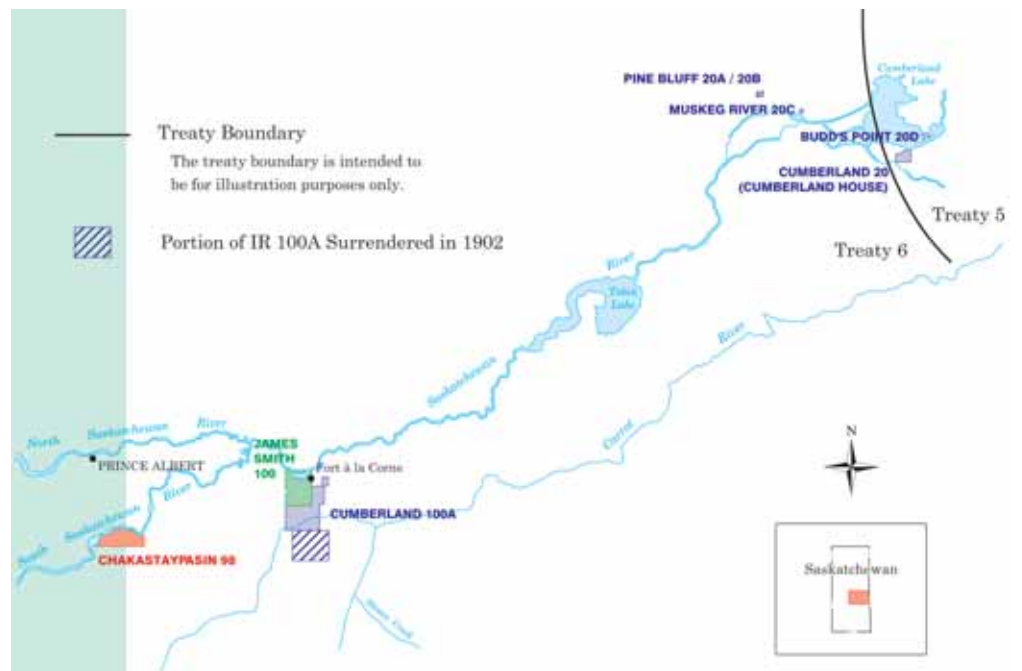
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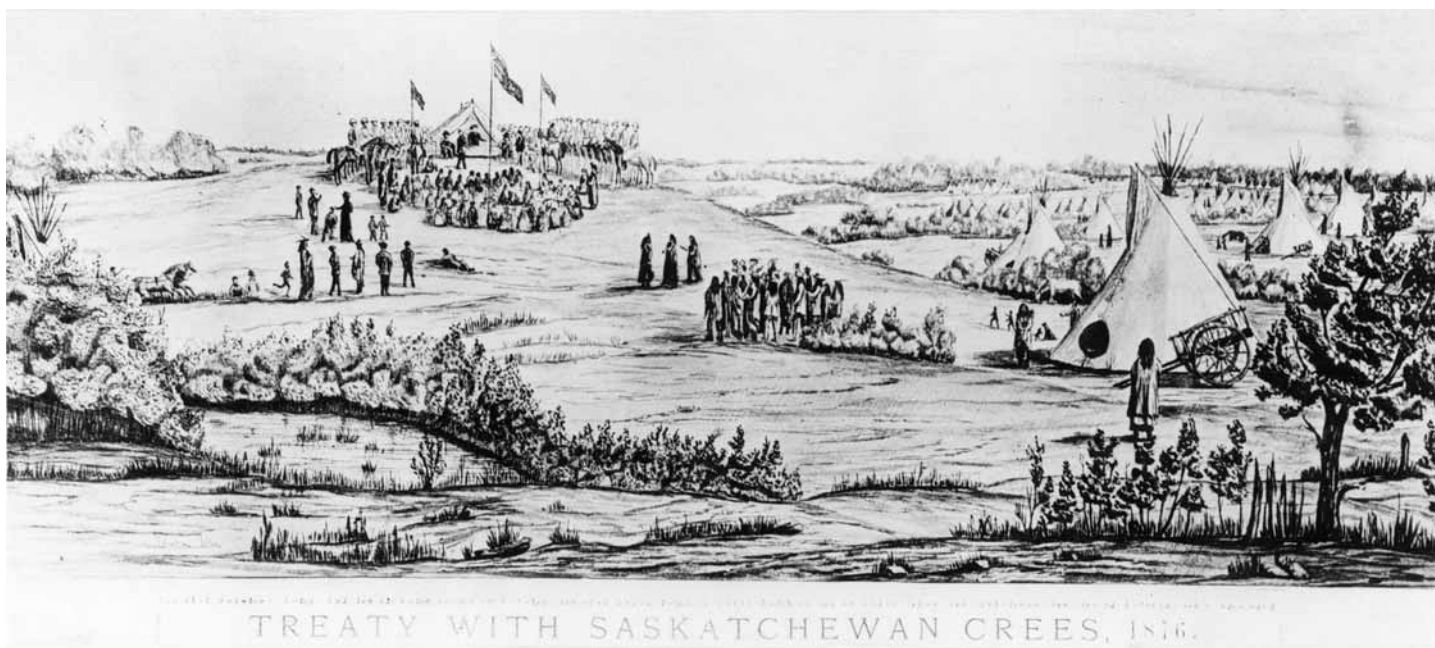
## OTTAWA SHOULD NEGOTIATE WITH TWO SASKATCHEWAN INDIAN BANDS



This map shows the location of Cumberland House Cree Nation's IR 20 and IR 100A, James Smith Cree Nation IR 100 and Chakastaypasin IR 98.

**T**he Indian Claims Commission (ICC) recommends that the federal government negotiate with two Saskatchewan Indian bands for the improper removal of nearly 60,000 acres from their use.

**ICC ISSUES BETSIAMITES REPORT:  
NEGOTIATIONS BEGIN ON THE TWO CLAIMS**  
see story on page 9



Credit: Treaty 6 with Saskatchewan Cree, 1876, illustrated by: A.C. McIntyre. Glenbow Archives NA-1315-19

The Cumberland Band, now known as the Cumberland House Cree Nation, signed an adhesion to Treaty 5 in 1876. Two years later, the Band requested land close to Fort à la Corne, some 250 kilometres to the southwest, where the land was well suited to agriculture. The government was reluctant to agree to this as Fort à la Corne is within Treaty 6.

In a process that was unique in the history of the ICC, the proceedings commenced concurrently through the four separate, but related, claims submitted by the James Smith Cree Nation and the Cumberland House Cree Nation involving Indian Reserves (IR) 98, 100 and 100A.

The claims are the result of the actions and procedures taken by federal government officials following the 1885 Northwest Rebellion, including the dispersal of the entire Chakastaypasin Band from IR 98 on the banks of the South Saskatchewan River, south of Prince Albert.

Three of the claims were submitted by the James Smith Cree Nation in the spring of 1999. The following winter a fourth claim for some of the same land was received from the Cumberland House Cree Nation. Because much of the history and circumstances were very similar it was decided to conduct the inquiries separately but in tandem.

“There were a number of unique circumstances surrounding these claims,” said Chief Commissioner Renée Dupuis who chaired the panel. “This was the first time we had two bands bringing claims for the same piece of land. In another case, the

claim was submitted on behalf of a band that, officially no longer exists.”

Commissioner Alan Holman was the second member of the ICC panel that looked into the claims. “This was a complex inquiry, with over-lapping interests, and involving two treaty areas,” he said. “We heard submissions from nine different bands, and though five years is a long period, we needed that time to ensure everyone was heard.”

*“There were a number of unique circumstances surrounding these claims. This was the first time we had two bands bringing claims for the same piece of land. In another case, the claim was submitted on behalf of a band that, officially no longer exists.”*

*- Chief Commissioner Renée Dupuis*

Some aspects of the claims flowed from the processes that resulted from the signing of Treaty 5 and Treaty 6 in the mid-1870s and the subsequent allocation of reserve lands, while other aspects involved the circumstances in surrenders later taken for some of that same land.

Seven other bands, though not directly involved in these claims, had information on, and interests in, the dispersal of members of the Chakastaypasin Band to their reserves. The panel heard from them in a special day-long session, as well in written arguments from their legal counsel.

The lands in question were, at the time, part of the Northwest Territories, the provinces of Saskatchewan and Alberta had not yet been created.

Though communications were slow and the bureaucracy small and far removed, there were processes and procedures set out, both by the treaties and under the *Indian Act* that were not followed or adhered to. It is these breaches that led the panel to the conclusions it made in the four reports that were released on May 20, 2005.

The three matters brought by the James Smith Cree Nation involved claims surrounding the surrenders of IR 98 and IR 100A and a treaty land entitlement claim based on the amalgamation of the James Smith Band and a group termed 'the Peter Chapman Band', living at IR 100A.



Chief Commissioner Renée Dupuis (left) and Commissioner Alan Holman at Cumberland House Cree Nation in November 2001.

In examining the James Smith Cree Nation's claim concerning the surrender and disposal of IR 98 the panel found that while members of the Chakastaypasin Band were dispersed following the 1885 Northwest Rebellion, there were no valid transfers of Chakastaypasin members into the Cumberland House Band at IR 100A.

Nor was the panel satisfied that Canada's reliance on the nine signatories of Chakastaypasin members at IR 100A provided consent for the whole of the Chakastaypasin Band. The panel recommends that the James Smith Cree Nation's Chakastaypasin Indian Reserve 98 claim be accepted for negotiation under Canada's Specific Claims Policy.

Among the things the panel was asked to look into in the James Smith Cree Nation's claim concerning IR 100A were Canada's obligations in the 1902 surrender and sale of the reserve land. The panel found that there was a breach of Canada's obligations in these matters, but the obligations are owed to the Cumberland House Cree Nation.

In the matter of the amalgamation of the people at IR 100A, termed the 'Peter Chapman Band', with the James Smith Band, the panel determined there was no separate 'Peter Chapman Band', but there were members of Cumberland House living at IR 100A on land set aside for the Cumberland House Band. As the consent of the whole of the Cumberland House Band, residing at both IR 20 and IR 100A, was neither sought nor obtained, the panel concluded the amalgamation was invalid.

The Cumberland House Cree Nation IR 100A inquiry also involved questions about the 'Peter Chapman Band' and issues concerning its loss of interest in IR 100A. The panel found that IR 20 and IR 100A were created for the Cumberland House Band under Treaty 5 and that Canada had an obligation to protect the Band's interest in IR 100A which it failed to do.

The panel recommends the Cumberland House Cree Nation's claim be accepted for negotiation under Canada's Specific Claims Policy.

# GOVERNMENT SHOULD NEGOTIATE WITH CHCN RE: IR 100A

Two separate but competing claims concerning Indian Reserve (IR) 100A were brought before the Indian Claims Commission (ICC). The first came from the James Smith Cree Nation at IR 100 and second from the Cumberland House Cree Nation (CHCN) at IR 20.

Indian Reserve 100A was originally surveyed in 1887, and the survey was confirmed by an Order-In-Council in 1889, “for the Indians of the Cumberland District (of Treaty No. 5).”

The Cumberland Band, represented by Chief John Cochrane and two headmen, Peter Chapman and Albert Flett, signed an adherence to Treaty 5 on September 7, 1876.

Within two years of signing the adherence, and before they had been assigned reserve land at Cumberland House, the band requested reserve land close to Fort à La Corne, some 250 kilometres to the southwest, where the land was more suited to agriculture. The government was reluctant to agree to this as Fort à La Corne is in the Treaty 6 area.

In 1882 some 2,200 acres were surveyed for the band at Cumberland Lake. This was well short of the 11,000 acres the band was entitled to under Treaty 5, and there was little or no



ICC records and transcribes the oral history and testimony of elders. These important records increase the Commission’s understanding of the claim from the First Nation’s point of view.

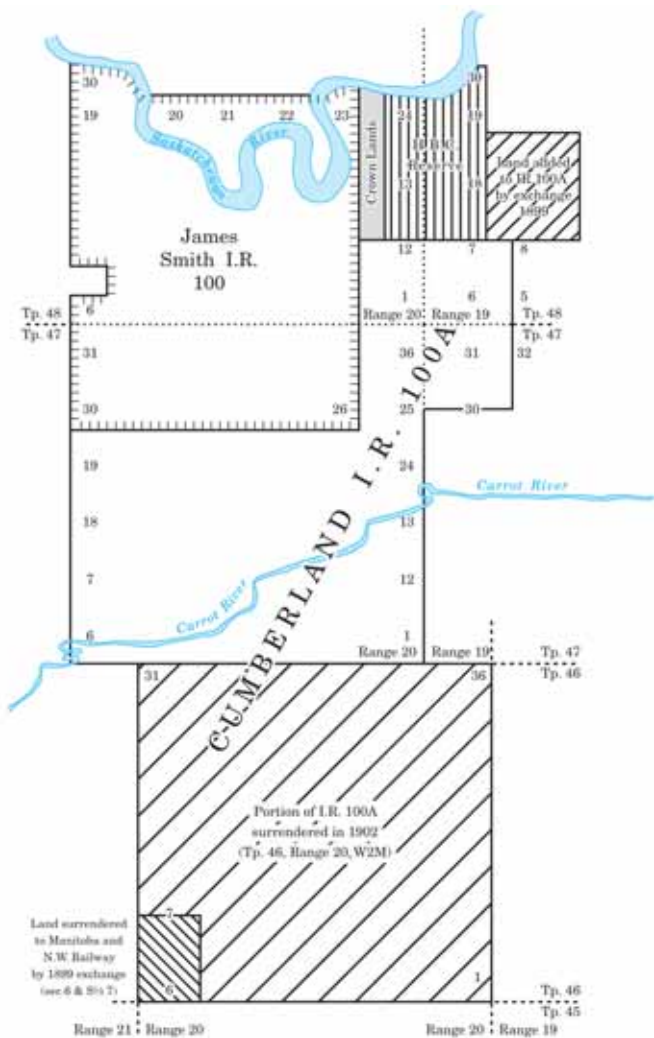
suitable agricultural land in the 2,200 acres of IR 20. The demands for good land continued, but so did the concerns about placing Treaty 5 Indians in Treaty 6 territory.

By 1883 the government reconsidered its position. Realizing there was an 8,000-acre shortfall in the Cumberland House Band’s treaty land entitlement, and no land suitable for agriculture at Cumberland Lake it warmed to the idea of a reserve near Fort à La Corne.

In 1885 two townships were set aside near Fort à la Corne for the “Indians of Cumberland”. In 1887 the land was officially surveyed and 44,160 acres of IR 100A were allocated for the 345 members of the Cumberland Band, using the Treaty 6 formula of 640 acres per family of five.



Former Commission Counsel Kathleen Lickers (right), records community member Lena Stewart’s oral testimony during the Indian Claims Commission’s Cumberland House Cree Nation - IR 100A inquiry.



Based on Sketch found in Bennett McCordle, "Cumberland Indian Reserve 100A: Report on the Land Surrender of 1902 and Related Land Sales and Trust Fund Management Issues," December 1984, with Additions by Roland Wright, August 1985 (James Smith Cree Nation: IR 100A Inquiry. Exhibit 6, p.4)

In the 1880s, members of the Chakastaypasin Band at IR 98 were migrating to IR 100A. Although these Band members were never properly transferred into the Cumberland House Band, two of them signed a surrender for the lower portion of IR 100A in 1902. These members were also involved in an agreement to amalgamate the remainder of IR 100A and the people living there with the James Smith Band at IR 100. The consent of the entire Cumberland House Band, those at both IR 20 and IR 100A, was never sought nor obtained.

While the government may have expected all of the band to move to Fort à La Corne, only about a third of them did, including Peter Chapman who had resigned as headman of the Cumberland House Band. They settled in the northern portion of IR 100A and the people looked on Peter Chapman as their leader. On a number of occasions the Indians at IR 100A had asked for a chief and council, but were refused; the government said the band had a chief and council residing at Cumberland House IR 20.

*Both Cumberland House Cree Nation and James Smith Cree Nation brought claims concerning the surrender and amalgamation of IR 100A to the ICC for inquiry.*

Before and after the Northwest Rebellion (1885), members of the Chakastaypasin Band at IR 98 were migrating to the new Cumberland reserve, including one of the headmen, Kahtapiskowat. They set up their camps in the southern part of IR 100A.

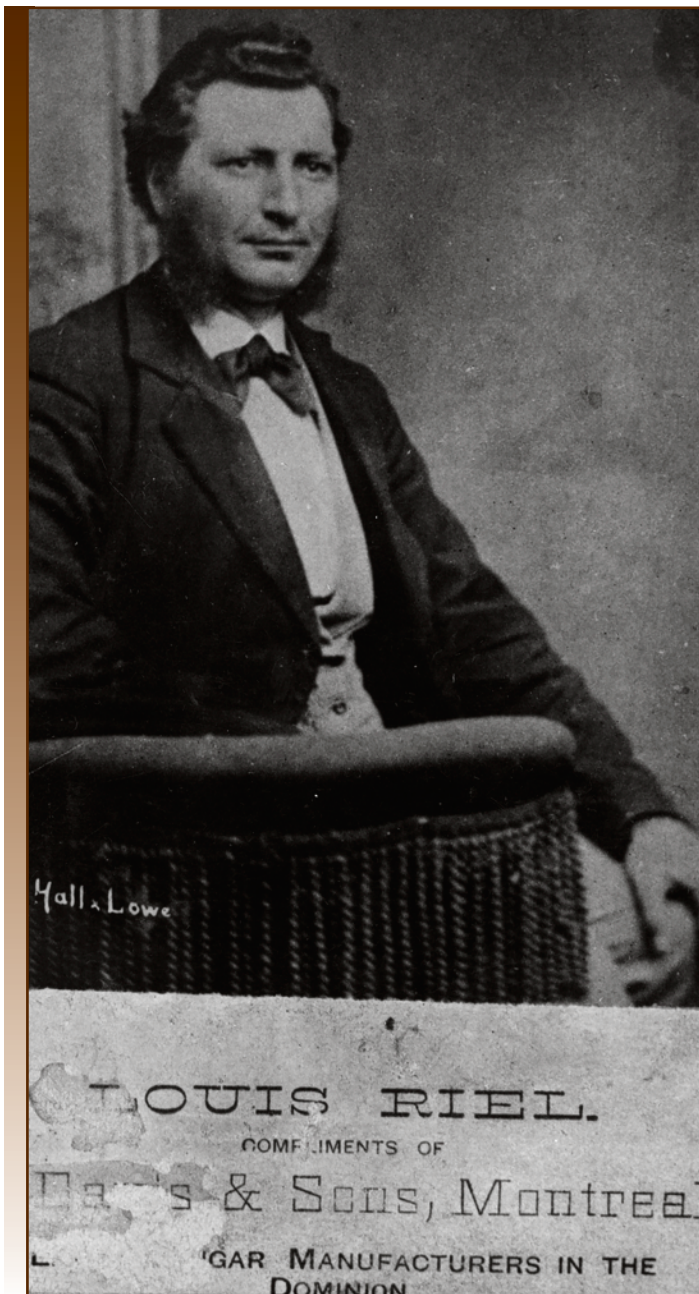
These Chakastaypasin members were never properly transferred into the Cumberland House Band, but two of them signed a surrender for the lower portion IR 100A (20,080 acres) in 1902. Chakastaypasin members were also involved in an agreement to amalgamate the remainder of IR 100A and the people living there with the James Smith Band at IR 100. The consent of the entire Cumberland House Band, those at both IR 20 and IR 100A, was never sought nor obtained.

Both Cumberland House Cree Nation and James Smith Cree Nation brought claims concerning the surrender and amalgamation of IR 100A to the ICC for inquiry. A panel composed of the Chief Commissioner of the ICC, Renée Dupuis, and Commissioner Alan Holman conducted the inquiry and concluded there had been a breach of treaty and fiduciary obligations.

While there is some variation in these separate claims concerning IR 100A, the core issues of amalgamation and surrender are the same. The panel concluded that there are no outstanding lawful obligations owed to the James Smith Cree Nation, but that these are owed to the Cumberland House Cree Nation.

The panel recommends Canada accept the Cumberland House Cree Nation's claim and negotiate the outstanding lawful obligations resulting from the surrender and amalgamation of IR 100A.

# ICC PANEL RECOMMENDS GOVERNMENT ACCEPT CHAKASTAYPASIN CLAIM



*Louis Riel, Montreal, Quebec, 1868. Photographer: Hall and Lowe. Glenbow Archives NA -2631-1*

The North-West Rebellion, which broke out in March 1885 and was led by Louis Riel, directly affected the Chakastaypasin Band and became a pivotal event in its history because the battle sites at Duck Lake and Batoche were very close to IR 98.

A panel of the Indian Claims Commission (ICC) has found that the 15,500 acre Indian Reserve (IR) 98, southwest of Prince Albert, Saskatchewan, set aside for the use of the Chakastaypasin Band was improperly taken from the band and that band members were improperly transferred to nearby reserves.

These findings come following a five-year inquiry into four different, but related claims by the James Smith Cree Nation and Cumberland House Cree Nation that were rejected by the federal government.

*Events surrounding the Northwest Rebellion in 1885 had an impact on the Chakastaypasin Band whose members were initially branded as ‘rebels’ although no information to suggest a basis for the charge exists.*

Some members of the Chakastaypasin Band were transferred and amalgamated into the James Smith Cree Nation at IR 100. It was the James Smith Cree Nation that made the claim reviewed by an ICC panel composed of Chief Commissioner Renée Dupuis and Commissioner Alan Holman.

“Because there was a lot of common background and history in three claims submitted by the James Smith Cree Nation and another by Cumberland House Cree Nation, we decided to conduct the four inquiries in tandem,” said Chief Commissioner Dupuis. “It took a long time as these were complex matters we were looking into, and we also needed to hear from seven other bands where Chakastaypasin members went after the break up of their band.”

IR 98 was set aside for the use of the Chakastaypasin Band in 1879, and almost from the time it was surveyed there were



Chief Commissioner Renée Dupuis and Commissioner Alan Holman listen to community members from the various “host bands” during a community session held in May 2003. The community session allows Commissioners to hear directly from elders and community members regarding the claim.

complaints from nearby settlers, especially over the fact Sugar Island and its valuable timber resources on the South Saskatchewan River was included in the reserve.

Events surrounding the Northwest Rebellion in 1885 had an impact on the Chakastaypasin Band whose members were initially branded as ‘rebels’ although no information to suggest a basis for the charge exists.

There were statements from elders that Chakastaypasin members left the reserves after threats were made by scouts involved in the uprising. Band members scattered to nearby reserves and to their traditional hunting grounds on the Carrot River near IR 100A.

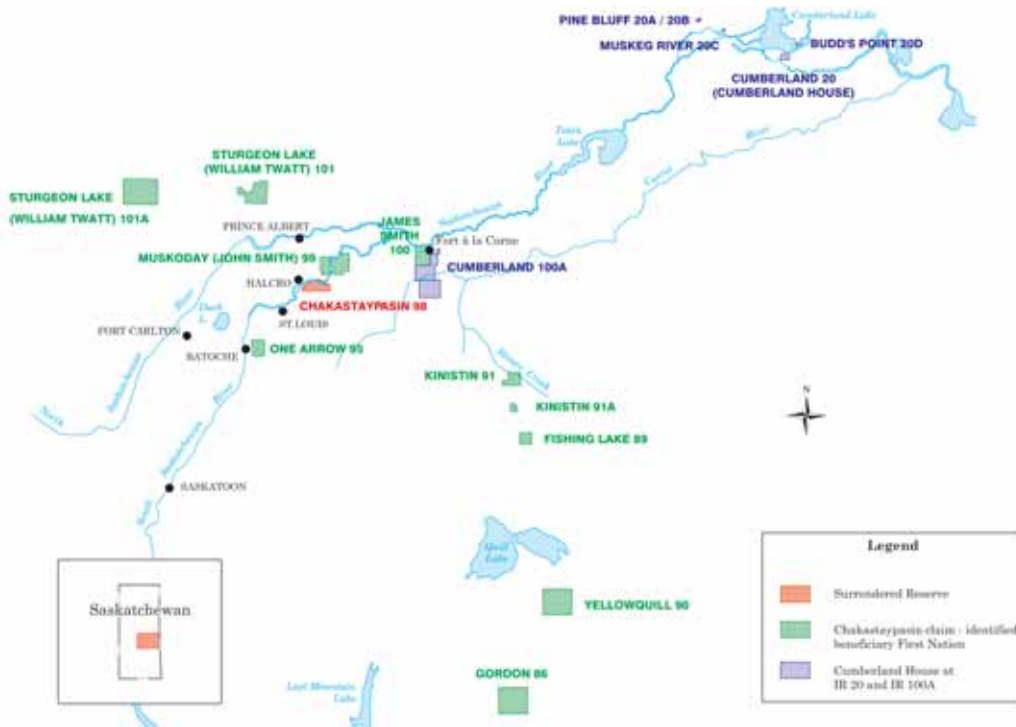
While Chief Chakastaypasin and his family, as well as three other families were denied annuity payments for four years because they were seen as rebels, Kahtapiskowat, a headman of the band was rewarded for his loyalty.

Though Chakastaypasin members dispersed to a number reserves in the area, many, including Kahtapiskowat, relocated to an area on the Cumberland House IR 100A. Though he was never properly transferred to the Cumberland House Band, over the course of time Kahtapiskowat was signing departmental transfer documents for other Chakastaypasin members to join the band at IR 100A. The whole of the Cumberland House Band was never consulted, nor did it vote on these transfers.

The government encouraged these transfers, believing that if all Chakastaypasin members were living away from IR 98 the government could take it over, without the need for a formal surrender.

*“Because there was a lot of common background and history in three claims submitted by the James Smith Cree Nation and another by Cumberland House Cree Nation, we decided to conduct the four inquiries in tandem.” - Chief Commissioner Renée Dupuis*

When the government received contrary legal advice, it had Kahtapiskowat and eight other ‘former’ Chakastaypasin members living at IR 100A sign a surrender document. The government claimed these nine names constituted a majority of the Chakastaypasin members. It never consulted other members living on other reserves.



This map identifies the Chakastaypasin reserve (red) which was surrendered in 1897. The Chakastaypasin reserve was sold in 1901, and the sale proceeds were distributed among the various bands that had accepted Chakastaypasin members. These bands (green) are sometimes referred to by the parties as “host bands”.

The panel found there were no valid transfers of Chakastaypasin members into IR 100A at any relevant point in time. It found the surrender of IR 98 invalid and that Canada breached its treaty, statutory and fiduciary obligations for its failure to consult the whole of the Chakastaypasin Band. The panel found Canada also breached those same obligations in the sale of IR 98.

In its report the panel recommends Canada accept the James Smith Cree Nation’s Chakastaypasin IR 98 claim for negotiation.

## PANEL SAYS AMALGAMATION INVALID

A treaty land entitlement claim (TLE) was one of a group of four claims from the James Smith and the Cumberland House Cree Nations submitted to the Indian Claims Commission for inquiry.

The panel proceeded with the inquiry into the four claims concurrently. In the TLE claim, Canada objected to the scope of the inquiry. Following a hearing, the Commission ruled it would proceed with the TLE inquiry, but would allow Canada

time to prepare and respond to issues of land quality and lands occupied prior to treaty.

The panel, composed of Chief Commissioner Renée Dupuis and Commissioner Alan Holman, was first asked to decide on the 1902 amalgamation of the James Smith Band and the Cumberland IR100A Band, one of 11 issues before the panel in this inquiry. The report released today only deals with this issue. The panel will deliver a report on all the remaining issues after receiving Canada’s submissions and following a hearing which will be held in the near future.

In the matter of the 1902 alleged amalgamation between the James Smith Band and the Peter Chapman Band, as the Cumberland IR 100A Band was known, the panel found the amalgamation was invalid.



# ICC ISSUES BETSIAMITES REPORT: NEGOTIATIONS BEGIN ON THE TWO CLAIMS

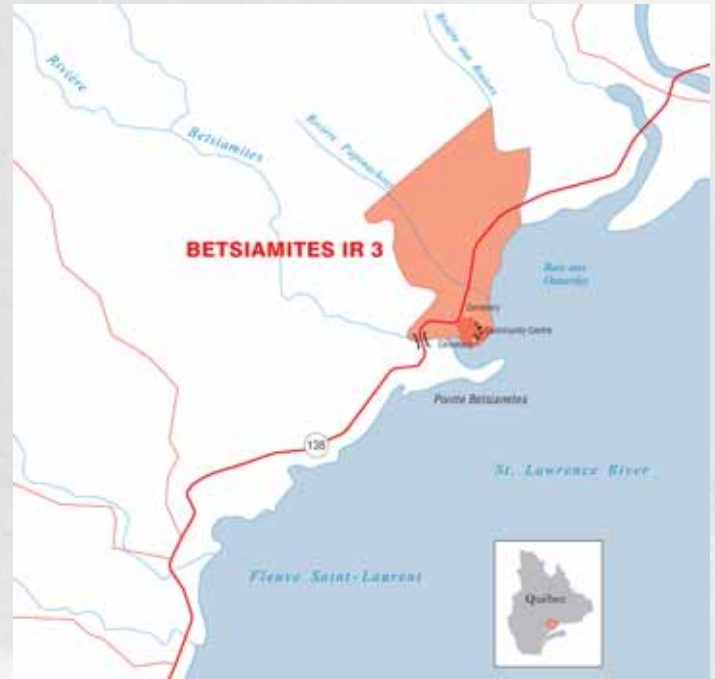
On April 1, 2005, the Indian Claims Commission issued its report on two specific claim inquiries by the Betsiamites Band of Quebec: one claim concerns Highway 138 (formerly Highway 15) through the Betsiamites reserve while the other involves a bridge over the Betsiamites River. The Betsiamites reserve, created for the Montagnais of the upper North Shore of the St. Lawrence River in the latter half of the 19th century, is located between Tadoussac and Baie-Comeau, Quebec.

In 1995, the Band submitted its claims to the Specific Claims Branch of Indian and Northern Affairs. In April 1999, the department rejected the claims and the following year, the Band requested that ICC conduct an inquiry. The Commission decided to inquire into the two claims together because of the similarities in the historical facts of each claim.

Following the community session held by the ICC in June 2002, during which elders of the Betsiamites community gave oral evidence to the Commission panel, and after the panel heard the evidence of a former employee of the Department of Indian and Northern Affairs as well as the First Nation's written submissions, Canada reconsidered its rejection of the claims and offered to accept them for negotiation.

In January 2004, the Minister of INAC accepted the two claims for negotiation, recognizing that the claims showed breaches of Canada's legal and fiduciary obligations under the *Indian Act* relating to the use of reserve lands for public purposes. The following month, the Band Council accepted the Minister's offer.

ICC Chief Commissioner, Renée Dupuis, said that as a result of the decision by Canada and the Band to enter into negotiations, the Commission had concluded its inquiries into the two claims. She expressed her satisfaction with the outcome and thanked the members of the ICC panel, Commissioners Sheila Purdy (the chair of the panel) and



This map shows the Betsiamites Indian Reserve 3 (red), Highway 138 and the bridge over the Betsiamites river.

Alan Holman, for their efforts in helping to bring about a successful resolution to the dispute.

The matter of Highway 138 and the Betsiamites River bridge has been an issue for more than 40 years, although construction of the section of the road on the Betsiamites reserve actually began in the late 1920s. The claims related to the legal title to lands used for the construction of the road. The lands were never formally surrendered to the federal Crown and transferred to the Province of Quebec, or expropriated with Governor in Council consent. The Band's efforts in the 1980s to negotiate with the government of Quebec to settle the dispute, proved unsuccessful.

*Second Fall - Betsiamites River - A.P. Low's Survey of Rupert's Land, Saguenay, Quebec. 1884-1885. Library and Archives Canada, PA-210980*

In the 1950s, a bridge was built across the Betsiamites River which required nearly 42 acres of the Betsiamites' reserve land.



Former Betsiamites Band chief, René Simon, gives oral evidence to Commissioners at the June 2001 community session.

## CLAIMS TIMELINE

The Betsiamites reserve was established about a century-and-a-half ago, partly to protect the Montagnais against the encroachment of non-aboriginal settlement along the North Shore and partly as a result of Canada's new Indian policy which sought to encourage migratory aboriginal populations to settle and adopt an agricultural way of life. Through the latter half of the 19th century, farming was slow to take hold at Betsiamites: hunting and fishing continued to be central to the Montagnais economy. In 1914, the Surveyor General of Quebec, noting that an absence of roads and lack of easy communications hindered settlement of the region, introduced the concept of a regional road.

In 1924, the Province of Quebec asked Indian Affairs to open a section of road across the Betsiamites reserve to link the settlement roads in the area. The federal government initially refused to contribute to the project, claiming it would not benefit the Montagnais. Indian Affairs agreed to raise the issue with the Band and three months later, the Band consented to construction of the road.

By July 1928, following repeated postponements by the Quebec government, the federal government decided to assume full financial responsibility for building the road. When work began the following month, the right of way issue was relegated to the background: there it would remain for the next decade until the province assumed unofficial jurisdiction over the road that was to become Highway 15 and later Highway 138.

The Great Depression of the early 1930s all but destroyed the fur trade, an event that had severe repercussions for the Betsiamites community. Both the Indian agent at Betsiamites and the Band's chief recommended that work on the road be resumed as a form of economic aid for the Montagnais. The proposal was approved and over the next few years, Betsiamites band members worked on the construction for less money than they had been paid for the same work the previous decade.

Between 1931 and 1936, the federal government withdrew about \$2,800 from the band council's fund, ostensibly to spend on construction of the road: not all these funds, however, were spent on the new road. In 1938, the Quebec government took charge of construction of Highway 15: from then on, Quebec assumed full responsibility for the project and Indian Affairs made no further investment in it. Jurisdiction over the highway across the Betsiamites reserve was transferred to Quebec in 1940 and the highway was completed in 1942. Over the next few years, the federal government made it clear that it considered the economic benefits derived by the Band from construction of the road to be sufficient compensation for use of their lands.

The issue of title would lie dormant for several years until a proposal was made in early 1954 to build a bridge over the Betsiamites River. The location for the proposed bridge required the use of almost 42 acres of reserve land but the province never sought approval for the project either from the Betsiamites Band or from Indian Affairs. Having originally

*Second Fall - Betsiamites River - A.P. Low's Survey of Rupert's Land, Saguenay, Quebec. 1884-1885. Library and Archives Canada, PA-210980*

In the 1950s, a bridge was built across the Betsiamites River which required nearly 42 acres of the Betsiamites' reserve land.

refused to consent to construction of the bridge, the Band reversed its decision and approved the province's proposed site, which the Band asked be located close to the reserve so that future road infrastructures would not bypass the reserve. The federal government gave permission to the province to begin building the bridge; however, the province never completed the administrative procedure required by the *Indian Act*.

The right of way issue resurfaced in the 1960s when the province undertook work to straighten Highway 15. It is probable, according to the evidence, that the Band received compensation for the construction of the bridge and a new segment of Highway 15, consisting of the paving of the village's streets and roads—completed in 1967. Attempts to clarify the status of the highway, i.e., to determine whether an order in council had ever been granted transferring reserve land for the right of way to the province, continued in the late 1960s, but to no avail.



Commissioners Sheila Purdy and Alan Holman at the Betsiamites inquiry community session, June 2001.

It was not until the late 1970s that the Band became aware of the irregularities in the status of the highway, which by then had become Highway 138. For the next several years, the Band enlisted legal help to take action against the agencies involved in the right of way dispute. The Band's displeasure reached a zenith in July 1990 when it threatened to blockade Highway 138 in an effort to force the province to act on their file.

In May 1995, the Band filed two specific claims with the Specific Claims Branch of Indian and Northern Affairs. In April 1999, the Specific Claims Branch officially rejected the claims. On June 5, 2000, the ICC agreed, at the request of the Betsiamites Band, to inquire into the Band's two claims. In October 2002, Indian and Northern Affairs asked the Commission to adjourn its inquiry for six months to allow Canada to re-examine the two claims: the ICC agreed with the consent of the Band.

On January 8, 2004 the Minister of Indian and Northern Affairs accepted the two claims for negotiation: the Band accepted the Minister's offer on February 13, 2004. On March 15, 2004, the ICC issued an order that, as a result of the Band's acceptance of Canada's offer to negotiate, the Commission's inquiries into the claims were concluded.



During the June 2001 community session at the Conseil de bande de Betsiamites, ICC Commissioners and staff members were invited to an outdoor meal.

*Second Fall - Betsiamites River - A.P. Low's Survey of Rupert's Land, Saguenay, Quebec. 1884-1885. Library and Archives Canada, PA-210980*

In the 1950s, a bridge was built across the Betsiamites River which required nearly 42 acres of the Betsiamites' reserve land.

# ICC SPEAKERS BUREAU

Chief Commissioner Renée Dupuis addressed Insight Information's Forum Autochtone (Aboriginal Forum) in Quebec City on March 23, 2005. The forum, which is in its third year, was highlighted by a special presentation by Quebec's Minister responsible for Aboriginal Affairs, Benoît Pelletier and featured a wide array of speakers representing the legal community in Quebec. The Chief Commissioner's presentation dealt with the ICC's role in helping to settle the specific land claims of First Nations. Madame Dupuis is chair of the Barreau du Québec's (Quebec Bar Association) committee on law relating to aboriginal peoples and spoke to the Barreau's members on a similar theme on June 4th. The Chief Commissioner also participated in a conference of the Pacific Business and Law Institute on April 26, 2005. Topic of the conference was "New Duties for the Crown and Aboriginal Peoples". Madame Dupuis' segment focused on arriving at a common understanding of Crown and aboriginal duties.



Photo by Daniel du Plessis

Chief Commissioner Renée Dupuis addressed the Quebec Bar Association's members in June 2005.

Commissioner Dan Bellegarde met with aboriginal law students at the University of Manitoba in Winnipeg on March 22, 2005. Commissioner Bellegarde spoke to the group on specific land claims and provided an overview of the work of the Commission.

Commissioners are available to speak to your organization about the work of the Commission and specific land claims. If you have an event that could use an informative speaker, contact Manon Garrett, Communications Coordinator at (613) 947-3939, fax (613) 943-0157 or e-mail [mgarrett@indianclaims.ca](mailto:mgarrett@indianclaims.ca). Please note that Commissioners may not be able to attend all proposed events.

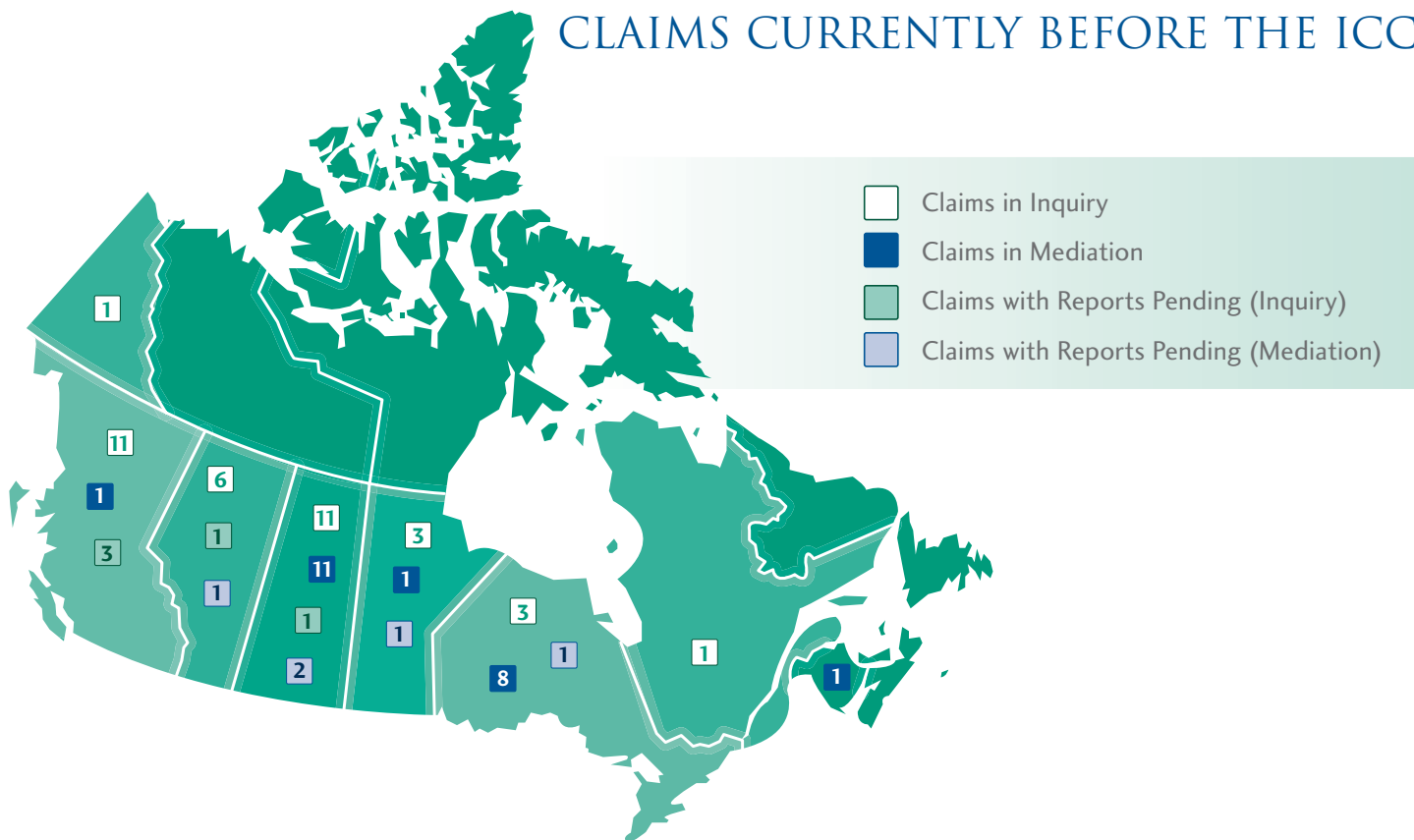
For copies of the Chief Commissioner's speeches, visit ICC's website at [www.indianclaims.ca](http://www.indianclaims.ca) or contact Manon Garrett to receive copies by mail.

## WHAT'S NEW

ICC Chief Commissioner Renée Dupuis and Canadian Human Rights Commission (CHRC) Chief Commissioner Mary Gusella (left) recently concluded an agreement to have the CHRC deliver corporate services to the ICC beginning April 1, 2005. The ICC used to receive these services from the Privy Council Office. The move stems from the federal government's decision to alter the reporting relationship of the Commission. On July 20, 2004, Order-in-Council P.C. 2004-858 designated the Minister of Indian Affairs as the appropriate minister for the Commission for purposes of the *Financial Administration Act*, replacing the Prime Minister.



# CLAIMS CURRENTLY BEFORE THE ICC



## CLAIMS IN INQUIRY

- \* Athabasca Chipewayan First Nation (Alberta)
  - Compensation criteria agricultural benefits
- Blueberry and Doig River First Nations (British Columbia)
  - Compensation Criteria - Highway Right of way
- Blood Tribe/Kainaiwa (Alberta) – Big Claim
- Carry the Kettle First Nation (Saskatchewan)
  - 1905 surrender
- Esketemc First Nation (British Columbia)
  - Wright’s meadow pre-emption claim
- James Smith Cree Nation (Saskatchewan)
  - Treaty land entitlement
- \* Kluane First Nation (Yukon)
  - Kluane Park and Kluane Game Sanctuary
- Lheidli T’enneh Band (British Columbia)
  - Surrender Fort George IR 1
- Lucky Man Cree Nation (Saskatchewan)
  - Treaty land entitlement - phase II
- \* Mississaugas of the New Credit First Nation (Ontario)
  - Crawford purchase

- \* Mississaugas of the New Credit First Nation (Ontario)
  - Gunshot Treaty
- Muskowekwan First Nation (Saskatchewan)
  - 1910 and 1920 surrender
- Nadleh Whut’en Indian Band (British Columbia)
  - Lejac School
- Neskonlith, Little Shuswap and Adams Lake Indian Bands (British Columbia) – Neskonlith reserve
- \* Ocean Man Band (Saskatchewan)
  - Treaty land entitlement
- Pasqua First Nation (Saskatchewan) – 1906 surrender
- Red Earth and Shoal Lake Cree Nations (Saskatchewan)
  - Quality of reserve lands (agriculture)
- Roseau River Anishinabe First Nation (Manitoba)
  - 1903 surrender
- Sakimay First Nation (Saskatchewan)
  - Treaty land entitlement
- Sandy Bay Ojibway First Nation (Manitoba)
  - Treaty land entitlement
- Siksika First Nation (Alberta) – 1910 surrender

Stanjikoming First Nation (Ontario)  
 – Treaty land entitlement

\* Stó:lō Nation (British Columbia) – Douglas reserve

Sturgeon Lake First Nation (Saskatchewan) – 1913 surrender

Touchwood Agency (Saskatchewan)  
 – Mismanagement (1920-1924)

Treaty 8 Tribal Association [Saulteau First Nation] (British Columbia) – Treaty land entitlement and land in severalty claims

Treaty 8 Tribal Association [seven First Nations] (British Columbia) – Consolidated annuity

U'Mista Cultural Society (British Columbia)  
 – The prohibition of the Potlatch

Whitefish Lake First Nation (Alberta)  
 – Agricultural benefits Treaty 8

\* Whitefish Lake First Nation (Alberta)  
 – Compensation criteria - agricultural benefits Treaty 8

Wolf Lake First Nation (Quebec) – Reserve lands

## CLAIMS IN FACILITATION OR MEDIATION

Chippewa Tri-Council (Ontario)  
 – Coldwater-Narrows reserve

Cote First Nation (Saskatchewan) – Pilot project

Cowessess First Nation (Saskatchewan) – Flooding

Fort Pelly Agency (Saskatchewan) – Pelly Haylands

Fort William First Nation (Ontario) – Pilot project

Fort William First Nation (Ontario) – GTP discussions

Gordon First Nation (Saskatchewan)  
 – Treaty land entitlement

Lac Seul First Nation (Ontario) – Flooding

Metepenagiag Mi'kmaq Nation (New Brunswick)  
 – Hosford Lot & IR 7

Michipicoten First Nation (Ontario) – Pilot project

Missanabie Cree First Nation (Ontario)  
 – Treaty land entitlement

Mississaugas of the New Credit First Nation (Ontario)  
 – Toronto purchase

Mohawks of the Bay of Quinte (Ontario) – Culbertson tract

Muscowpetung First Nation (Saskatchewan)  
 – Flooding claim

Muskoday First Nation (Saskatchewan)  
 – Treaty land entitlement

Nekaneet First Nation (Saskatchewan) – Treaty benefits

Pasqua First Nation (Saskatchewan) – Flooding claim

Pasqua First Nation (Saskatchewan)  
 – Treaty land entitlement

Skway First Nation (British Columbia)  
 – Schweyey Road claim

Sturgeon Lake First Nation (Saskatchewan)  
 – Treaty land entitlement

TLE Common Table (Saskatchewan)  
 – Treaty land entitlement

## CLAIMS WITH REPORTS PENDING (INQUIRY)

Cowessess First Nation (Saskatchewan)  
 – 1907 surrender - phase II

Lower Similkameen Indian Band (British Columbia)  
 – Victoria, Vancouver and Eastern Railway right of way

Paul First Nation (Alberta) – Kapasawin townsite

Taku River Tlingit First Nation (British Columbia)  
 – Wenah specific claim

Treaty 8 Tribal Association [Blueberry River & Doig River First Nations] (British Columbia)  
 – Highway right of way - IR 72

Williams Lake Indian Band (British Columbia) – Village site

## CLAIMS WITH REPORTS PENDING (INQUIRY)

Blood Tribe/Kainaiwa (Alberta) – Akers surrender

Chippewas of the Thames First Nation (Ontario)  
 – Clench defalcation

Keeseekoowenin First Nation (Manitoba) – 1906 lands claim

Qu'Appelle Valley Indian Development Authority (Saskatchewan) – Flooding claim

Touchwood Agency (Saskatchewan)  
 – Mismanagement 1920-1924

\* *in abeyance*