
**HOW TO
PREPARE A
SPECIFIC
CLAIM**

SPECIFIC CLAIM PROCESS

- 1. First Nation Research**
- 2. First Nation submits claim**
- 3. Canada acknowledges claim**
- 4. Preliminary analysis**
- 5. Terms of reference**
- 6. Contracted for research**

- 7. Research completed reviewed and reviewed**
- 8. Research sent to First Nation**
- 9. Response from First Nation**
- 10. To Department of Justice**
- 11. Preliminary opinion from DOJ**
- 12. Internal review**

- 13. Claims Review Sub-Committee**
- 14. Preliminary position to First Nation**
- 15. Meet with First Nation to discuss Canada's preliminary position and to identify if additional research is required**
- 16. Once accepted, negotiations begin**

How to Prepare a Specific Claim

Is it a Specific Claim?

Yes:

If it concerns an outstanding lawful obligation

Examples:

- Nonfulfilment of a treaty
- Breach of obligation under the Indian Act
- Breach of obligation arising out of government administration of Indian funds or other assets
- Illegal disposition of Indian Land
- Failure to provide compensation for lands taken or damaged
- Improper actions/conflict of interest in connection with the acquisition or disposition of land by government employees or agents

How to Prepare a Specific Claim

ELEMENTS OF A GOOD CLAIM SUBMISSION

1. Clear allegations
2. Evidence that supports the allegations
3. A good document index
4. An index to records research

How to Prepare a Specific Claim

Important Components of a Specific Claim

1. Allegations
2. The story
3. Documentation

How to Prepare a Specific Claim

ALLEGATIONS

should Be

CLEAR & SIMPLE

How to Prepare a Specific Claim

The Story

1. Form and structure
2. Build claim step-by-step based on evidence
3. Principle of objectivity

How to Prepare a Specific Claim

DOCUMENTATION: TWO SIMPLE RULES

1. If the document is mentioned anywhere within the claim, then IT **MUST BE INCLUDED** in the document collection.
2. Facts and/or statements asserted within the claim **MUST BE CONFIRMED** with a document.

How to Prepare a Specific Claim

PHOTOCOPY EVERY DOCUMENT

- Be sure the reference is noted on each document
- Add the document to the document index
- Cite the reference for the collection in the Index to Records Researched.

PRESENTATION OF CLAIM

1. Record the source, as completely as possible, of all documents included in the claim submission.

A. Source information must be clearly shown at the bottom of every page of every document copied.

Write the information with a black medium ball point pen on a white label sticker (fine pens do not photocopy well). This information should not be put on the back of a document.

1. For archival documents, provide the name of the repository, the record/manuscript group name and number, the file number, page numbers, microfilm/fiche number, and any other identifying information.
2. For non-archival documents or reports, provide the name of the department or institution, author, file number, date and any other essential information.

B. Every document must be assigned a sequential number.

The number assigned to a particular document in the final document collection should be clearly indicated in the upper right hand corner of each document. Write the number in medium black ball point on a white dot sticker.

1. If pages are missing from a document which is cited in the claim submission, indicate this in a footnote. At the end of the document and in the index to the document collection, indicate which part of the document is missing.
2. If a document refers to other documents or to attachments that are not included, locate the referenced material. If it can not be found but is cited in the claim submission, indicate this in a footnote. At the end of the document and in the index, note that the missing enclosure has been looked for unsuccessfully.

- C. Number every page of a multi-page document as follows:** 1 of 5, 2 of 5, 3 of 5, etc. Put this number in the bottom right hand corner of each page of the document.
- D. Ensure that the document number cited in the claim is the same as the number on the document and in the index.**
2. **The story will be easier to tell if it is broken down into chapters,** by issue or by events. Indicate clearly in chapter headings what the chapter is about.
3. **Quotations** - reproduce the document **exactly** as it is written:
- A. Include all grammar and spelling mistakes.
 - B. After each mistake insert [sic].
 - C. Footnote each use of quotation or reference.
4. **Transcripts** are a typed version of any document that is difficult to read.
- A. Label and attach the transcript to the copy of the original document.
 - B. Indicate missing, blurry, or faint words by the use of brackets []. Example: [governor?]
 - C. A copy of the original document, no matter how illegible or fragmented, should be included.
 - D. If notes appear on the back of a document, transcribe them.
 - 1. If a document says "over" yet the information on the back cannot be found, indicate this on a separate page attached to the document.
5. **Include the following information** in the document index:
- A. Number assigned
 - B. Date of the document in question
 - C. Description of the nature of the document and its source
 - D. Names and titles of correspondents or the document name and author
 - E. Reference number

- F. Provide titles of correspondents the first time they appear and anytime the title changes
6. **Include the following information** in the Index to Records Researched.
- A. The source and reference number
 - B. The author (if appropriate)
 - C. The description of the material
 - D. The dates covered by the material
 - E. Comments regarding the material's contents and usefulness.
 - F. A statement explaining whether the material or the file has been copied in its entirety or only selectively
 - G. Also indicate material or files searched for which no pertinent information was found.
7. **Maps**
- A. Separate maps and oversized documents
 - B. Fold, do not roll
 - C. Number the maps in the same fashion as historical documents, and cite this number if referring to any particular map in the claim submission.
 - D. Prepare a separate index for all maps and plans
 - E. Referencing must also be completed in the same manner as for documents.

RESEARCH

A. Where to find information in local sources:

- Band Council office Records
- Church records
- Cemeteries
- Birth, baptism, marriage, and death records
- Mission diaries or "journals"
- General records
- Printed reports
- Church histories
- Indian Organizations
- Local government and local history museums
- Land titles offices (or "registry offices")
- Provincial government records
- Provincial archives
- Other collections - museums, libraries, archives, private collections, etc.
- Local offices of Indian Affairs

B. Where to find information in Ottawa:

- National Archives of Canada
- RG 10 - Records of the Department of Indian Affairs
- RG 6 - Records of the Secretary of State
- RG 15 - Records of the Department of the Interior
- RGs 22 and 85 - Records of the Northern Affairs Branch
- RG 26 - Records of the Department of Citizenship and Immigration
- MGs 1 through 8 - Records of New France
- Private papers in MGs 17, 19, 27, 28, 29 and 30
- MGs 11, 18, 19 and 21, as well as RGs 4, 5, 7, 8 and 9 - British military and colonial records
- RG 1 - Early land records
- MGs 18 and 19 - Fur trade records
- MG 17 - Church records
- Records of other government departments
- MG 26 - Prime Minister's Papers
- MG 27 - papers of politicians such as Clifford Sifton
- MGs 29 and 30 - papers of missionaries, explorers, and others
- Pictures, maps, and sound and film archives

Department of Indian Affairs records

- Central Registry files
- Indian Land Registry
- Legal Surveys Map Collection
- Program Reference Centre
- Indian Membership Division records
- Elections and Bylaws Unit of the Statutory Requirements Division
- Departmental Library

Other Federal Government Departments

- Northern Affairs Program
- Museum of Civilization
- Department of Energy, Mines and Resources (Legal Surveys Division)
- Department of Consumer and Corporate Affairs (Office of the Registrar General)
- Privy Council Office (Order in council section)
- Department of National Health and Welfare
- Federal Court and the Supreme Court of Canada
- Parks Canada
- Canadian Wildlife Service (Department of the Environment)
- Department of Fisheries
- Secretary of State (Native Citizens' Directorate)
- Northern Pipeline Agency

Other Ottawa Archives and Libraries

- National Library of Canada
- Federal Government Departmental Libraries
- Carleton University and the University of Ottawa
- Université Saint-Paul

C. Archives outside of Canada

- Britain
- France
- Italy
- United States

GUIDELINES FOR PROOFREADING

The following is a step by step process for proofreading the "Draft Historical Reports, Document Indices, Records Researched and Transcripts".

Upon receipt of the report and before handing it over for someone else to proofread the analyst should ensure that the package is complete. Contractors should be asked to include in their submission an index that would list the various parts of the package as appendices.

EXAMPLE

HIAWATHA FIRST NATION - SERPENT MOUNDS

CLAIM

Draft Historical Report - (No. of pages)

Appendix 1 - Document Index

Appendix 2 - Document Collection (including transcripts) - (No. of documents)

Appendix 3 - Map Index

Appendix 4 - Map Collection (No. of Maps)

Appendix 5 - Index of Records Researched

Appendix 6 - Secondary documents with index (No. of documents)

CHECKLIST FOR PROOFREADERS

The research should be conducted and the draft historical report and document and map collections should be prepared in accordance with **RESEARCH REQUIREMENTS AND METHODOLOGY (ANNEX A)** and samples provided to the contractor.

1. Review the package to ensure it is complete. There should be the following: Draft Historical Report, Document Collection, Document Index, Index to Records Researched, Map Collection, Map Index, and possibly a Secondary Document Collection with an Index.
2. Ensure that all documents are included and all pages of each document are included.
3. Ensure all documents are labeled correctly, including the correct citation on every page (compare with "Records Researched"), number of pages and document number. It is important to ensure the documents are numbered and labeled correctly before you begin working with the collection (in case pages should become separated from package etc.)
4. Compare the document index with the documents to ensure the information corresponds i.e. date (year, month, day).
5. Compare the Map Index with the maps. The Map Index should include the following (as per Annex A); date, map title **in full**, surveyor's name, description of the area mapped, and the source and reference number of the map.
6. Compare Indices with examples to ensure information as per paragraphs 5, 6 and 7 in **Annex A - RESEARCH REQUIREMENTS AND METHODOLOGY** is included.

PROOFREADING TRANSCRIPTS

Transcripts should be proofread before proofreading the Draft Historical Report.

1. Transcripts should be identified as such.

EXAMPLE

Transcript of Document 76
(January 20, 1840)
NAC RG 10 Volume 2369 File 273,311 pt.1

2. Ensure that all information is provided on transcript including date of document, to whom it is addressed....). (See attached example)
3. Ensure all marginalia is included on transcript.
4. Proofread transcripts line by line. Ensure that any crossed out words are included. For words which are unclear refer to the guidelines in paragraph 10 of **Annex A - RESEARCH REQUIREMENTS AND METHODOLOGY**.

Note: It is extremely important to proofread transcripts **line by line, word by word**. It is easy to miss a single word, or even an entire sentence, particularly when reading lengthy descriptions of reserve boundaries etc.

PROOFREADING THE DRAFT HISTORICAL REPORT

1. The Draft Historical Report should have a title page on which the following should be stated:

For Discussion Purposes Only

This historical report presents the historical facts which are known at this time concerning the above noted transactions. Other historical facts may subsequently be found to be relevant to these events that are not included in this report. This report does not draw any conclusions concerning the facts presented, nor does it constitute the Government of Canada's position on this claim.

2. On the top right hand corner of every page of the historical report and indices there should be the following in capital s:

WITHOUT PREJUDICE: DRAFT FOR DISCUSSION

3. Ensure that the introductory paragraph is summarizing the correct document (check date, recipient and author).

4. If a transcript exists and you have proofread it and are certain it is as accurate as possible, proofread the quote in the report and compare it with the transcript. The transcript and quote in the report obviously should be the same!!!

5. If there is no transcript proofread the quote directly from the document.

6. It is extremely important to proofread the quotes **line by line, word for word**. It is easy to miss a single word or sentence, particularly when reading lengthy descriptions of reserve boundaries, etc.

7. If the document is not quoted in its entirety ensure that an ellipsis (...) is inserted in the appropriate places. (See attached example)

8. If the quote refers to a map ensure the map number is correct.

9. If a document refers to a map or plan check to see if it is in the map collection and include the map number along with the document number or in the appropriate place.