



# Specific Claims Overview

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Specific Claims Branch**

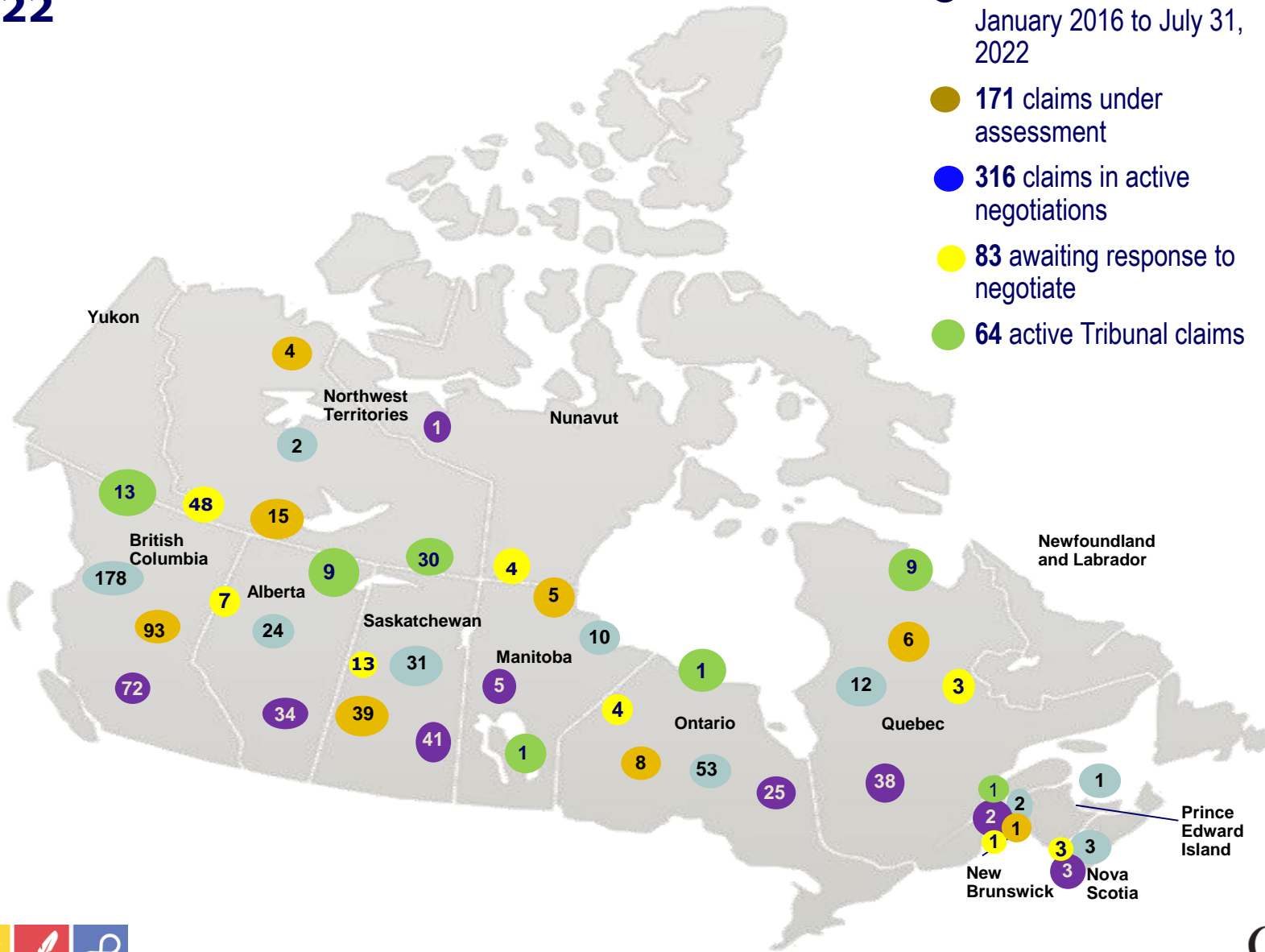




# Specific Claims Inventory as of July 31, 2022

## Legend:

- 221 claims resolved from January 2016 to July 31, 2022
- 171 claims under assessment
- 316 claims in active negotiations
- 83 awaiting response to negotiate
- 64 active Tribunal claims





## Specific Claims Landscape

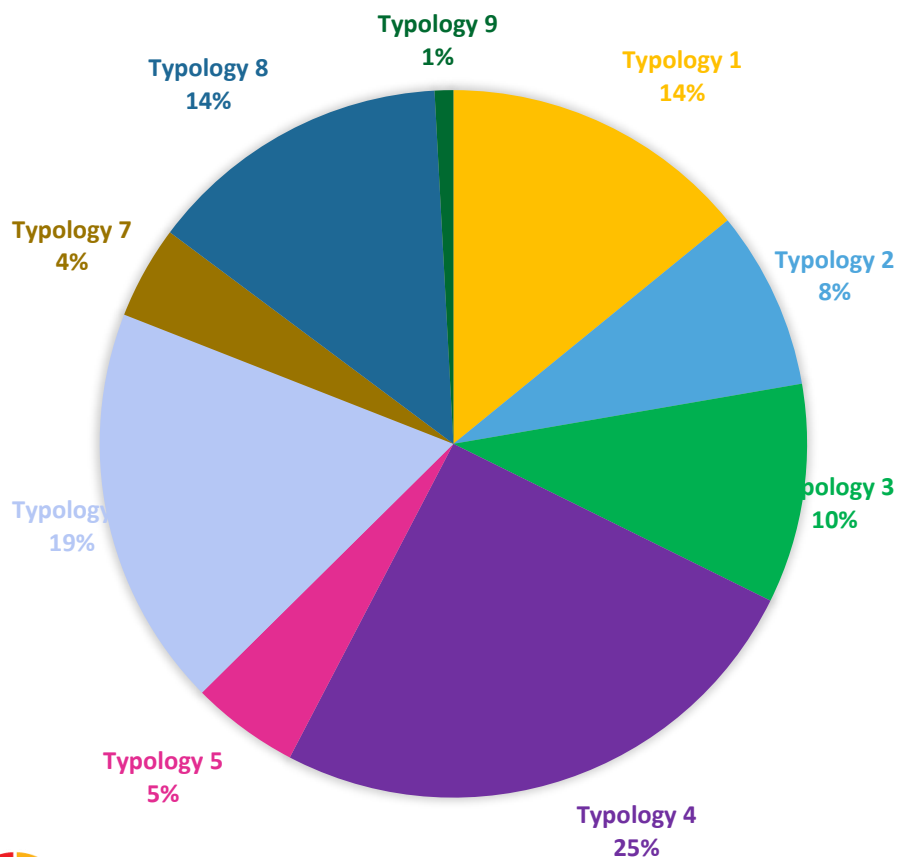
- Since the program began in 1973 to July 31, 2022, 623 claims, totaling close to \$10.6 billion in compensation, have been settled through negotiations.
- From January 2016 to July 31, 2022, 218 claims have been resolved for over \$6.7 billion in compensation. Of these, 213 claims were settled through negotiations, and five were resolved at the Tribunal.
- Average of 34 claims resolved per year in last 5 years vs. 15 claims per year over the previous 5 years.
- Approximately 50 new claims are filed every year.
- From **January 1<sup>st</sup>, 2022 to July 31, 2022**, 32 claims were resolved; 38 claims were filed with the Minister and Canada made an offer to negotiate 46 claims.





# Specific Claims Landscape

### SPECIFIC CLAIMS INVENTORY



| Type   | Example(s)                                  |
|--|---|
| (1) General Allocation Issues                | Survey Errors                               |
| (2) Treaty Land Entitlement                  | Failure to provide full entitlement         |
| (3) Takings of Land – Expropriations/Permits | Highways, Railways                          |
| (4) Surrender and Alienation                 | Invalid Surrenders                          |
| (5) Damages caused by a third party          | Dams, Right of Ways                         |
| (6) Indian Monies                            | Misadministration of funds in trust account |
| (7) Resource Claims                          | Sub-surface rights issues                   |
| (8) Other Treaty Obligations                 | Agricultural Benefits                       |
| (9) Other Issues                             | Trespasses                                  |





## Efforts to Improve the Specific Claims Process

- Adopting a more collaborative approach with First Nations during claims assessment – connecting earlier in the process
- Making the process more efficient – bundling claims; framework approaches when warranted; improving internal processes
- Focusing on reconciliation – delivering apologies; working together
- Co-developing a reformed specific claims process – increasing credibility and independence in the process; supporting efficient resolution through additional tools; resource hub for First Nations





# Opportunities for collaboration during review stage

- **Opportunities for building a common understanding of the claim:**
  - As the claim(s) is being developed: discuss opportunities for bundling of claims for ease of processing or to discuss the potential scope of the claim.
  - At the ERP stage: to clarify the scope of allegations or inquire about missing documents.
  - At the research stage: to discuss gaps in research that would prevent the review. Identify opportunities for seeking oral evidence to fill gaps.
  - At the start of the legal assessment: a meeting can be organized between counsels to present the claim and build common understanding.
- **Information sharing throughout the review process:**
  - You can reach out to us at any time of the process to inquire about the status of the claim, discuss the review process or elements of the claim.
  - SCB shares historical documents and index found during the review.
  - Meetings to discuss claims where SCB is not proposing a negotiation.
  - Reconsideration of a claim where no offer to negotiate was made : when there is a change in case law or new evidence uncovered. SCB is always open to consider further evidence and legal arguments.





# Updates on services

## Acknowledgment Letter Service Standards

- We have established service standards where we send an acknowledgment letter 2 weeks upon receipt of a submission. If you have not received such a letter, please communicate with our Corporate services unit at [dgrpsericesgeneraux-scbcorporateservices@rcaanc-cirnac.gc.ca](mailto:dgrpsericesgeneraux-scbcorporateservices@rcaanc-cirnac.gc.ca).

## Sharing Documents via Titan File

- We now have the capacity to share documents with external partners via Titan file exchange. If you wish to submit documents or a claim electronically please communicate with our Corporate services unit at [dgrpsericesgeneraux-scbcorporateservices@rcaanc-cirnac.gc.ca](mailto:dgrpsericesgeneraux-scbcorporateservices@rcaanc-cirnac.gc.ca) to set up a Titan File exchange.

## Departmental Records Office

- **NCR:** to request access to departmental files, please contact CIRNAC's Records Office at [aadnc.recordsncrarchivalresearch.aandc@canada.ca](mailto:aadnc.recordsncrarchivalresearch.aandc@canada.ca).
- **Vancouver:** to request access to departmental files, please contact: [aadnc.bcinformals.aandc@canada.ca](mailto:aadnc.bcinformals.aandc@canada.ca). If research is already done and you wish to order files for consultation: [aadnc.bcfilerequests.aandc@canada.ca](mailto:aadnc.bcfilerequests.aandc@canada.ca).
- For requests to access the SCB Vancouver Resource Room, please contact: [allison.berman@rcaanc-cirnac.gc.ca](mailto:allison.berman@rcaanc-cirnac.gc.ca)

