

The Committee recommends that the main way of expanding the land and resource base of Indian Nation governments be through a just and effective land claims process. (p. 113)

The Resolution of Claims

The Committee is firmly convinced that there must be a new policy to promote the fair and just resolution of outstanding claims consistent with the protection of aboriginal and treaty rights in the Constitution. The federal government and designated representatives of Indian First Nations should undertake negotiations regarding a new claims settlement process to be set out in legislation. (p. 115)

While the details of the new policy and process should be decided through bilateral negotiations, the Committee does wish to set out certain principles that should be included. (p. 115)

It is imperative that the new process be shielded from political intervention. It should be set out in legislation so that it cannot be readily changed. Claims should be negotiated between the government and the claimant with a neutral party to facilitate the settlement. Where a settlement cannot be reached, there should be access to a quasi-judicial process. For Indian First Nation governments to participate effectively in claims negotiations, they must have adequate financial support. Finally, under the new policy, pre-Confederation treaties and other rights should be recognized, and claims should not be regarded as being superseded by law. (p. 115)

The Committee recommends that the doctrine of extinguishment be eliminated from the settlement of claims; settlement agreements should be limited to those matters specifically negotiated. (p. 116)

The Trust Relationship

The Committee asserts that the special relationship between the federal government and Indian First Nations must be renewed and enhanced by recognizing the right of First Nations to self-government and providing the resources to make this goal realizable. This will require that the duties and responsibilities of the federal government to Indian First Nations be defined in the Constitution and in legislation and that they be legally enforceable. (p. 122)

The Committee recommends that the responsibilities of the Minister of State for Indian First Nations Relations include the duty to promote the interests of First Nations. Where there are competing interests, it should be the specific duty of the Minister to protect the rights of Indian First Nations against encroachment by other governments or interests. (p. 123)

The Committee supports the principle of establishing an independent officer to monitor and report to Parliament on official actions affecting Indian First Nations. The structure and powers of this office should be decided through negotiations between the federal government and designated representatives of Indian First Nations. (p. 124)