

trust management system designated by the First Nation concerned and consistent with the original purpose of the trust accounts—that is, the use and benefit of the people of the First Nation. Transfers should be made following recognition of a First Nation having a government accountable to and supported by its membership.

It would be the responsibility of the First Nation to arrange for and legally establish a suitable trust administration or investment plan. The trustee could be a trust company, a trust organization established by a group such as the Assembly of First Nations or other Indian organization, or an investment firm.

The Minister would then have discharged his obligations as manager of those trust moneys and would no longer be accountable to Parliament or to the First Nation in respect of their management. He would be relieved of any future responsibility for the management of the transferred funds, effective from the date of the transfer. This would not preclude a First Nation making claims against the government on the basis of mismanagement or other breach of trust up to the time of the transfer. Such matters are a proper subject for settlement through the new claims resolution process recommended by the Committee.

54. The Committee recommends that, once funds are transferred, the Minister of Indian Affairs be relieved of any future responsibility for their management, but that the transfer be made without prejudice to claims regarding the amount of the funds and the way funds were managed prior to the transfer.