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**INDIAN CLAIMS COMMISSION PROCEEDINGS**

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**CHIEF COMMISSIONER**

Phil Fontaine

**COMMISSIONERS**

Roger J. Augustine  
Daniel J. Bellegarde  
Renée Dupuis  
Alan C. Holman  
Sheila G. Purdy

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Indian Claims Commission

427 Laurier Avenue West, Suite 400

Ottawa, Canada K1P 1A2

(613) 943-2737

Fax (613) 943-0157

Web site: [www.indianclaims.ca](http://www.indianclaims.ca)

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## FROM THE CHIEF COMMISSIONER

On behalf of the Commissioners of the Indian Claims Commission, I am pleased to present this the 15th volume of the *Indian Claims Commission Proceedings*. This volume includes four reports and reproduces responses from the Minister of Indian Affairs to recommendations made by the Commission in six previous inquiries.

The first report, released in December 2001, relates the history, analysis, and findings of the inquiry into the claim of the Esketemc First Nation respecting Indian Reserves 15, 17, and 18. The panel of Commissioners would like to take this opportunity to thank the members of the community for their warm welcome, as well as a most interesting and informative site visit.

In March 2002, the Commission released a report on the results of a successful mediation. The report recounts how the Fishing Lake First Nation actively pursued for seven years their 90-year-old outstanding claim, despite two rejections by Canada. The Fishing Lake First Nation first came to the Commission through its inquiry process, as reported in (1998) 6 ICCP 219. The present report summarizes the events leading to the conclusion of this long outstanding claim and the role the Commission mediation services provided in its successful resolution.

The final two reports in this volume of the *Proceedings* again demonstrate how the Commission's unique process allowed the First Nation and Canada to work together towards the acceptance of these claim for negotiations. The claim of the Chippewas of the Thames First Nation was accepted by government for negotiation in June 2001. Their claim is based on misappropriation of money owed from the sale of lands surrendered to the Crown in 1834. The second claim that was accepted by government for negotiation is the 1911, 1917, and 1919 surrenders claim of the Mistawasis First Nation. During the course of the Commission's inquiry, the First Nation requested that it be placed in abeyance to allow the First Nation and Canada an opportunity to negotiate a portion of the claim. In the spring of 2001, the First Nation informed the Commission that it had ratified a Surrender Settlement Agreement with the Government of Canada.

Also included in this volume are six responses from the Minister of Indian Affairs and Northern Development. With respect to the inquiry into the Cypress Hills claim of Carry the Kettle First Nation, the Minister reviews the Commission's recommendation and the department's response. In his letters

on the other five inquiries, the Minister writes that the Government of Canada has rejected the Commission's recommendations in four of the five inquiries: that of the Cowessess First Nation 1907 Surrender Claim Inquiry, and in the case of the Primrose Lake Air Weapons Range (PLAWR) II Inquiries, those of the Flying Dust First Nation, Waterhen Lake First Nation, and Buffalo River Dene Nation. The Minister agrees with the Commission in the fifth inquiry, that of Big Island Lake (Joseph Bighead) Cree Nation, also a PLAWR II inquiry.

Phil Fontaine  
Chief Commissioner

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## ABBREVIATIONS

AC	Appeal Cases
BCARS	British Columbia Archives and Records Service
BCCA	British Columbia Court of Appeal
BCJ	British Columbia Journals
BCSC	British Columbia Supreme Court
BCR	Band Council Resolution
CA	Court of Appeal
CCC	Canadian Criminal Cases
CNLC	Canadian Native Law Cases
CNLR	Canadian Native Law Reporter
CPR	Canadian Pacific Railway
DIAND	Department of Indian Affairs and Northern Development
DLR	Dominion Law Reports
DSGIA	Deputy Superintendent General of Indian Affairs
FC	Canada Federal Court Reports
FCA	Federal Court Appeal Division
FCTD	Federal Court Trial Division
FSIN	Federation of Saskatchewan Indian Nations
FTR	Federal Trial Reports
HBC	Hudson's Bay Company
ICC	Indian Claims Commission
ICCP	Indian Claims Commission Proceedings
IR	Indian Reserve
NA	National Archives of Canada
NBQB	New Brunswick Court of Queen's Bench
NBR	New Brunswick Reports

## ABBREVIATIONS

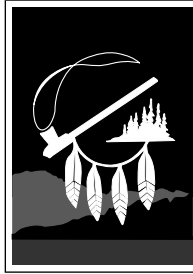
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NSCA	Nova Scotia Court of Appeal
NWMP	North-West Mounted Police
OR	Ontario Reports
PC	Privy Council
QB	Court of Queen's Bench
RSBC	Revised Statutes of British Columbia
RSC	Revised Statutes of Canada
SBC	Statutes of British Columbia
SC	Statutes of Canada
SCC	Supreme Court of Canada
SCR	Canada Supreme Court Reports
SCW	Specific Claims West
SGIA	Superintendent General of Indian Affairs
SKCA	Saskatchewan Court of Appeal
TD	Trial Division
UTLJ	University of Toronto Law Journal
WWR	Western Weekly Reports
YTCA	Yukon Territory Court of Appeal



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# REPORTS



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