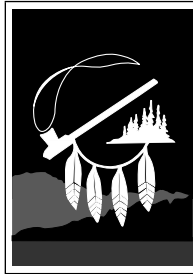


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**INDIAN CLAIMS COMMISSION PROCEEDINGS**

A PUBLICATION OF

**THE INDIAN CLAIMS COMMISSION**



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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 17th volume of the *Indian Claims Commission Proceedings*. This volume includes five reports and reproduces responses from the Minister of Indian Affairs and Northern Development to recommendations made by the Commission in three previous inquiries.

The first report, released in January 2003, relates the results of a successful mediation. The report recounts how the Kahkewistahaw First Nation actively pursued for 13 years their 95-year-old claim, despite two rejections by Canada. The Kahkewistahaw First Nation first came to the Commission through its inquiry process, as reported in (1998) 8 ICCP 3. 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.

In March 2003, the Commission issued its report into the Alexis First Nation's claim relating to the federal Crown's grant of three rights of way to the Calgary Power Company on the Alexis reserve during the 1950s and 1960s. The Commission found that Canada had breached a number of its fiduciary duties and recommended that the claim be accepted for negotiation.

The third and fourth reports, issued in March and June 2003, respectively, involve claims that were accepted by Canada for negotiation under the Specific Claims Policy without the need for a full inquiry. In August 1996, the Commission commenced its inquiry process and chaired the first of many face-to-face meetings (planning conferences) into the Chippewa Tri-Council Coldwater-Narrows Reservation claim. Following additional research and supplemental legal arguments submitted by the First Nation, the claim was once again placed before the Claims Advisory Committee for review. In July 2002, the Minister of Indian Affairs wrote the First Nations with an offer to negotiate this claim. The First Nations accepted Canada's offer, and the claim entered the negotiation process, which brought the need for a full inquiry to an end. The fourth report summarizes the inquiry into the Mississaugas of the New Credit First Nation's Toronto Purchase claim. Once again in this instance the Commission's unique process of holding planning conferences, where the parties come together – in many cases for the first time – to discuss the issues and determine any further research, resulted in an offer to negotiate without the need of a full inquiry.

The final report published in this volume is the Commission's inquiry into the claim of the Canupawakpa First Nation involving the Turtle Mountain Surrender, issued in July 2003. The Commission found that the surrender of Turtle Mountain Indian Reserve (IR) 60 was valid, but recommended that the Government of Canada, in consultation with the Canupawakpa and Sioux Valley First Nations, acquire an appropriate part of the lands once part of the reserve to be designated for the important ancestral burial grounds that it is.

Also included in this volume are three responses from the Minister of Indian Affairs and Northern Development. In his letters, the Minister writes that the Government of Canada has rejected the Commission's recommendations in all three inquiries: the Lax Kw'alaams Indian Band Inquiry, Friends of the Michel Society 1958 Enfranchisement Inquiry, and the Roseau River Anishinabe First Nation Medical Aid Inquiry.

Renée Dupuis  
Chief Commissioner

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## ABBREVIATIONS

AC	Appeal Cases
BCSC	British Columbia Supreme Court
BCR	Band Council Resolution
CA	Court of Appeal
CLSR	Canada Lands Surveys Records
DIAND	Department of Indian Affairs and Northern Development
DLR	Dominion Law Reports
DOJ	Department of Justice
DSGIA	Deputy Superintendent General of Indian Affairs
FC	Canada Federal Court Reports
FCA	Federal Court Appeal Division
FCTD	Federal Court Trial Division
FTR	Federal Trial Reports
ICC	Indian Claims Commission
ICCP	Indian Claims Commission Proceedings
IR	Indian Reserve
NA	National Archives of Canada
NSCA	Nova Scotia Court of Appeal
PC	Privy Council
PHI	Public History Inc.
QB	Court of Queen's Bench
RSA	Revised Statutes of Alberta
RSC	Revised Statutes of Canada
SA	Statutes of Alberta
SC	Statutes of Canada
SCC	Supreme Court of Canada

## ABBREVIATIONS

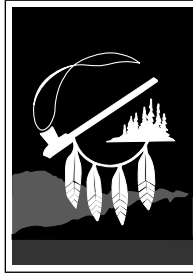
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SCR	Canada Supreme Court Reports
SCW	Specific Claims West
SGIA	Superintendent General of Indian Affairs
TD	Trial Division
WWR	Western Weekly Reports
YTCA	Yukon Territory Court of Appeal



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