



## Canada's Residential School Aboriginal Survivor Series

June 2005

### Assembly of First Nations National Chief Signs Historic Political Accord to resolve the Legacy of Residential Schools

**May 30, 2005** - Assembly of First Nations National Chief Phil Fontaine today signed an historic political Accord with the federal government that recognizes the need for reconciliation and healing - not just compensation - to resolve the tragic and profound harms caused by residential schools.

"With this Political Accord, Canada has recognized that the AFN must play a key and central role in the resolution of the Indian Residential School legacy," states the National Chief. "Canada has committed to an approach which will finally deal with the tragic legacy of the residential schools in a fair and just manner. This accord will not only result in a better, faster and more economic claims process for residential schools survivors who were abused, it is a commitment for the entire country to move forward through a national dialogue on healing, reconciliation, commemoration and truth-sharing. This is a holistic way to deal with this terrible, tragic legacy of our shared past."

#### Inside this issue:

- Page 1 ■ AFN Press Release  
May 30, 2005
- Page 2 ■ Political Agreement  
May 30, 2005
- Page 3 ■ A Communiqué from  
National Chief Phil Fontaine  
June 2005
- Page 4 ■ Questions & Answers  
■ Contact Information

Today's Accord is based on the AFN's *Report on Canada's Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools* released last November. The Accord provides the key elements for a new approach: a national apology; an improved compensation process for serious abuse victims, a lump sum payment for former students; and a national forum for a comprehensive truth and reconciliation process. The agreement also calls for an expedited process to resolve the claims of the sick and elderly. The AFN's report and approach has been endorsed by residential schools survivors, lawyers involved in the class action cases and the churches.

The National Chief stated that this is a crucial time for First Nations survivors, given the average age is 60.

"Today, I am mindful of all the thousands of our people who were victims of residential schools. In particular, I am remembering those who have already passed on," said National Chief Fontaine. "They will not benefit from today's announcement but they are central to our quest to see that justice is done for all survivors. We hope that their children and grandchildren will see some benefit from today's signing and perhaps even some small measure of peace and healing. It is in that spirit that I am signing this Accord on behalf of all the former students of residential schools."

National Chief Fontaine noted that the timing of today's signing is highly significant, as the AFN is preparing for another historic event which is the meeting with the Prime Minister and his Cabinet Committee on Aboriginal Affairs tomorrow.



Photo Credit: © The General Synod Archives, Anglican Church of Canada  
Child feeding lamb, 1938 - St. George's Indian Residential School, Lytton, BC

"Tomorrow, we are meeting with the Prime Minister and his key Ministers to talk about the future of our people in Canada," said the National Chief. "By dealing with the evils of the past, as we have today, we make it possible to truly move forward in a new relationship based on reconciliation, respect and recognition."

Today's agreement calls for the appointment of a government negotiator who will work with all the parties and the Government of Canada. The Honourable Anne McLellan, signing on behalf of the Government of Canada in her role as Minister responsible for the Office of Indian Residential Schools Resolution, today announced the appointment of the Honourable Frank Iacobucci, a former Justice of the Supreme Court of Canada, as the negotiator.

"Mr. Justice Iacobucci has a solid understanding of the legal complexities facing the federal government and also brings to the table well-established legal and mediation skills," National Chief Fontaine stated. "His experience and insight will be needed. We are calling on all parties to come to the discussions in a spirit of cooperation and dialogue. Our foremost responsibility at all times is to always act in the best interests of the survivors."

**“With this Political Accord, Canada has recognized that the AFN must play a key and central role in the resolution of the Indian Residential School legacy...”**

National Chief Phil Fontaine, May 30, 2005

# Political Agreement May 30, 2005

**Whereas** Canada and First Nations are committed to reconciling the residential schools tragedy in a manner that respects the principles of human dignity and promotes transformative change;

**Whereas** Canada has developed an Alternative Dispute Resolution (ADR) process aimed at achieving that objective;

**Whereas** the Assembly of First Nations prepared "The Assembly of First Nations Report on Canada's Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools" (the AFN Report) identifying the problems with the ADR process and suggesting practical and economical changes that would better achieve reconciliation with former students;

**Whereas** the Assembly of First Nations participated in several months of discussion with Canada, the churches and the consortium of lawyers with respect to the AFN Report, moving the process towards settlement and providing education and leadership for all the people in the residential schools legacy;

**Whereas** Canada and the Assembly of First Nations recognize that the current ADR process does not fully achieve reconciliation between Canada and the former students of residential schools;

**Whereas** Canada and the Assembly of First Nations recognize the need to develop a new approach to achieve reconciliation on the basis of the AFN Report;

**Whereas** Canada announced today that the first step in implementing this new approach is the appointment of the Honourable Frank Iacobucci as its representative to negotiate with plaintiffs' counsel, and work and consult

with the Assembly of First Nations and counsel for the churches, in order to recommend, as soon as feasible, but no later than March 31, 2006, to the Cabinet through the Minister Responsible for Indian Residential Schools Resolution Canada, a settlement package that will address a redress payment for all former students of Indian residential schools, a truth and reconciliation process, community based healing, commemoration, an appropriate ADR process that will address serious abuse, as well as legal fees;

**Whereas** the Government of Canada is committed to a comprehensive approach that will bring together the interested parties and achieve a fair and just resolution of the Indian Residential Schools legacy, it also recognizes that there is a need for an apology that will provide a broader recognition of the Indian Residential Schools legacy and its effect upon First Nation communities; and

**Whereas** the Assembly of First Nations wishes to achieve certainty and comfort that the understandings reached in this Accord will be upheld by Canada:

The Parties agree as follows:

- 1) Canada recognizes the need to continue to involve the Assembly of First Nations in a key and central way for the purpose of achieving a lasting resolution of the IRS legacy, and commits to do so. The Government of Canada and the Assembly of First Nations firmly believe that reconciliation will only be achieved if they continue to work together;
- 2) That they are committed to achieving a just and fair resolution of the Indian Residential school legacy;

- 3) That the main element of a broad reconciliation package will be a payment to former students along the lines referred to in the AFN Report;
- 4) That the proportion of any settlement allocated for legal fees will be restricted;
- 5) That the Federal Representative will have the flexibility to explore collective and programmatic elements to a broad reconciliation package as recommended by the AFN;
- 6) That the Federal Representative will ensure that the sick and elderly receive their payment as soon as possible; and
- 7) That the Federal Representative will work and consult with the AFN to ensure the acceptability of the comprehensive resolution, to develop truth and reconciliation processes, commemoration and healing elements and to look at improvements to the Alternative Dispute Resolution process.

Signed on May 30, 2005 in the City of Ottawa, Ontario,

FOR HER MAJESTY THE QUEEN  
IN RIGHT OF CANADA  
Deputy Prime Minister  
The Honourable A. Anne McLellan

ON BEHALF OF THE ASSEMBLY OF FIRST NATIONS  
National Chief Phil Fontaine  
Assembly of First Nations

Photo Credit: Library and Archives Canada / PA-105530  
Shubertville, N.S. - 1929



# A Communiqué from National Chief Phil Fontaine



June 2005

Assembly of  
First Nations  
and Canada Sign  
Political Agreement  
on Residential  
Schools

by National Chief Phil Fontaine

On May 30, 2005, Canada and the Assembly of First Nations signed an historic Residential School Political Agreement. The Agreement is the result of discussions we have had with the federal government about the AFN's *Report on Canada's Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools* and the recommendations therein. I want to take this opportunity to inform you about the details of this agreement and the next steps.

The federal government's current Alternative Dispute Resolution process is not working for anyone. At the current rate under this process, we know that it will take over 50 years to settle all outstanding claims. Our primary concern has always been to find a way to expedite and achieve resolution and reconciliation for our people who live with the tragic legacy of the residential schools. We have always fought to provide for fairness, justice and compensation for all of our survivors of the schools.

The Agreement signed on May 30th is a commitment in writing by the Government of Canada to work with our survivors, the AFN, churches and lawyers involved in legal proceedings on a better approach. The government has appointed as negotiator the Honourable Frank Iacobucci, a former Justice of the Supreme Court of Canada. I have met with Mr. Justice Iacobucci and I am confident that he will work to ensure a quick and fair resolution.

The full text of the agreement is attached for your information. I do want to highlight some key commitments in the agreement because

I would not have supported an open-ended or vague process to simply work on a "better approach". Instead, we have worked hard to ensure that any new process would include the following key elements:

- a lump sum compensation payment to all survivors to address loss of language and culture;
- a formal apology from the Prime Minister, on behalf of the Government of Canada;
- a better and more fair Alternative Dispute Resolution process for claims of physical, sexual and severe emotional abuse;
- the Federal Representative will ensure that the sick and elderly receive their payment as soon as possible; and
- a national dialogue for truth sharing and community-based, healing, reconciliation and commemoration.

The Agreement states that the lump sum payment will be along the lines referred to in the AFN Report, which recommended that every survivor should receive a lump sum payment of at least \$10,000 per student, plus \$3,000 for every year in school. The final amount of the lump sum payment will be part of the recommendations put forward by the negotiator in the settlement package. The lump sum payment will not affect any other claims for serious abuse. Those claims can continue either in the courts or in the ADR process, depending on your individual choice.

The objective is for all parties to agree on a settlement package for Cabinet approval no later than March 31st, 2006. However, it can be done sooner. We will be pressing for a final deal as soon as possible. We know that many survivors have been waiting a long time for justice, and given the average age of former students is 60, time is of the essence. We also believe the AFN has already done a great deal of the difficult work, given our report was

written based on discussions with the same key parties: survivors, churches, lawyers, national and international experts. We will be working with Mr. Justice Iacobucci to bring forward a settlement package to survivors as soon as possible.

We will also ensure that, when financial settlements are reached, that no government agency will use the settlement as an excuse to try to "claw back" or cut off other benefits former students may be entitled to. Several provinces have explicitly stated that they will not claw back settlement money and the AFN continues to seek these assurances. We will provide information in this regard as it becomes available.

Finally, I want to assure you that the AFN's main priority in this effort – as it always has been – is to at all times act in the best interests of our people. As many of you know, this is not just a political issue for me, but a personal one as well. Like you, I want to make progress as quickly as possible, and I am pleased that we have finally obtained a commitment in writing from the federal government that ensures they will act on our key recommendations and include those key elements in any proposed settlement package: compensation, healing, reconciliation and a timely resolution for the sick and elderly.

We will be sending out regular updates on progress as we move forward. I have asked Charlene Belleau, Director of the AFN Indian Residential Schools Unit to convene a meeting with representatives of former residential school students to ensure that the correct information is in their hands and to jointly consider a strategy for the next several months.

There is still some important work to do; however, I am pleased to report that we have secured a long-overdue commitment to action that will result in positive change leading to resolution, reconciliation and justice for you and for each and every survivor.

It is about time.  
Meegwetch!

## Questions and Answers May 31, 2005

### **What is the most important part of the Political Agreement?**

The most important part of the Agreement is Canada's willingness to make a lump sum payment, which means that everybody alive today who attended an Indian Residential School (IRS) will be entitled to receive compensation.

### **What are the other key parts of the Agreement?**

Truth and reconciliation, an apology, healing and commemoration are other key elements which will be essential parts of the settlement package.

### **What is the role of the AFN from now on?**

The AFN has been guaranteed a key and central role in all aspects of the work of the Federal Representative and will continue to represent the best interests of the survivors throughout the negotiations.

### **Does this Agreement cause more delay?**

The Agreement calls for the Federal Representative to table a report no later than March 31, 2006. Before this Agreement was signed, it took many years to settle a claim either through the courts or under the ADR process. Now the time frame is much shorter.

### **Who is eligible for the lump sum payment?**

Everybody who has ever attended an IRS and who is still alive is eligible.

### **What about former students who passed away?**

Some former students who passed away may qualify for the lump sum, but this issue is still being negotiated.

### **Will the sick and the elderly be able to get their money sooner?**

The payment of lump sum to the sick and the elderly is a top priority for the AFN and the Federal Representative. The AFN and the Federal Representative are committed to having this payment made as soon as possible once the settlement negotiations get underway.

### **Who will be included in the "sick and elderly" category?**

The definition of who is included will be developed in consultation with First Nations communities and with the Federal Representative.

### **When will the lump sum be payable?**

The lump sum will be payable after the settlement is finalized. The Federal Representative's deadline to report a settlement package to Cabinet is March 31, 2006. The payments would start as soon as possible after the Cabinet approves the package.

### **What amount of money will I get from the lump sum?**

The Agreement states that the lump sum payment will be along the lines referred to in the AFN Report. The AFN Report says that the lump sum payment should be at least \$10,000 per student plus \$3,000 for every year in school. Although this is our recommendation, the exact amount of the lump sum payment will be set by the Federal Representative in the settlement package.

### **What about the sexual abuse claims? Does a lump sum payment affect them?**

The lump sum payment will not affect any other claims for serious abuse. The serious abuse claims can continue either in the courts or in the ADR process, depending on the choice of the individual.

### **Am I eligible for the lump sum if I have already settled my claim, either in court, by negotiation or under the ADR process?**

Yes.

### **How do I apply for the lump sum payment?**

Forms will be provided once the settlement is reached. These forms will be short, easy to obtain and fill out.

### **When can I apply?**

Announcements will be made once the settlement is reached as to when and where applications can be made.

### **Who will administer the fund and oversee the distribution of the lump sum?**

The AFN is proposing that a First Nations entity be set up to manage the distribution. It will not be the AFN, however.

### **Will the lump sum payment affect social assistance, welfare or unemployment benefits?**

The AFN's position is that the lump sum must not be interfered with or clawed back by any government agency from other benefits a former

student may be entitled to. Several provinces have explicitly stated that they will not claw back settlement money from former residential school students. The AFN is continuing to seek these assurances and will provide new information in this regard as it comes available.

### **Why do I have to wait for a year to get my lump sum payment?**

You will have to wait for a year because the negotiations may take that long. There are still a number of issues to be decided. The commitment for the Government Representative to report to Cabinet on or before March 31, 2006 signals that the government is determined to work quickly and effectively. The AFN will be pushing for a resolution as soon as possible.

### **What is the AFN's mandate?**

The AFN received a unanimous mandate from all the chiefs at the special meeting in November 2004 to do whatever it takes to implement the AFN Report.

### **What will happen to the ADR process?**

The ADR process will continue.

### **Does the AFN report/negotiations include the Métis?**

The Assembly of First Nations is working closely with the Métis National Council (MNC) to ensure the concerns of Métis residential school survivors are acknowledged and addressed. The AFN has received a letter of support from MNC in support of our plan to expedite the settlement of the Residential School claims.



### **Contact Information:**

Director: Charlene Belleau ext. 322  
e-mail: [cbelleau@afn.ca](mailto:cbelleau@afn.ca)

Project Co-ordinator: Shannon Swan ext. 332  
e-mail: [sswan@afn.ca](mailto:sswan@afn.ca)