

Political Agreement

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**

**ON BEHALF OF THE ASSEMBLY
OF FIRST NATIONS**

**Deputy Prime Minister
The Honourable A. Anne McLellan**

**National Chief Phil Fontaine
Assembly of First Nations**



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.