

SPECIFIC CLAIM

of the Wolastoqiyik Wampanoag First Nation
regarding the illegal transfer of Viger lands



The illegal transfer of Viger lands in 1869 is now part of the process referred to as the specific claims settlement process. The Grand Council of the Wolastoqiyik Wampanoag First Nation (WWFN) hereby wishes to keep its members up to date on this ongoing process.

Moreover, at the general assembly of members last June 8, attendees were shown a brief presentation on how the settlement process is progressing. You will also find on our website in the section "Our publications" → "Viger claim" the documents that are being submitted to you today in addition to two video clips: one that outlines the historic facts of this illegal transfer and the other that presents the legal process for submitting a specific claim.

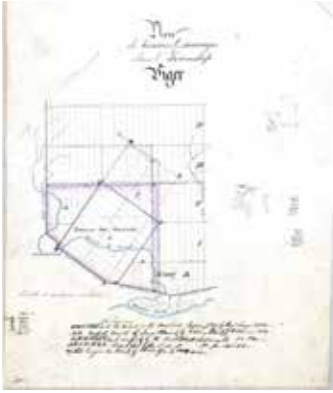
We also have made an email address available in order to reply to members who might have questions on this matter: viger@malecites.ca.

The Grand Council will continue to keep you updated as things unfold. As this is a matter of tremendous importance for our Nation, it is critical that the Grand Council keep you informed.

Enclosed/attached you will find the following:

1. A brief factual history of the illegal transfer of Viger lands;
2. A series of questions and answers to help explain the specific claim process regarding the illegal transfer of Viger lands and to track the progress of the said process.

Brief History



Nearly **200 years** ago, in 1827, the Wolastoqiyik Wahsipekuk First Nation receives from the Crown the lands of the Viger Reserve, an expanse of approximately **3,400 acres** near what is today the municipality of Saint-Épiphane in the Bas-Saint-Laurent region.

In the years that follow the creation of the Viger Reserve, the Wolastoqiyik are frequently pressured to surrender the lands of this reserve. Indeed, these fertile agricultural lands were highly coveted by colonists;

In **1869**, the Viger Reserve is **illegally transferred and sold to colonists** by the Crown. Not only were the legal conditions for the transfer of reserve land not met, but the events that led to the transfer are characterized by bad faith and a thinly veiled scheme between the authorities of the time, namely the clergy and the federal government, both of whom catered mainly to colonial interests.

Beginning in 1871, the Wolastoqiyik express their dissatisfaction with the transfer and make subsequent requests to be reintegrated onto the lands of the reserve, which they, despite the circumstances, continue to frequent. This resistance to the colonial pressure of the time continues to this day in the form of the specific claim regarding the illegal transfer of Viger lands.

Although these lands no longer belong to WWFN, they are still an important part of our history. In fact, a monument erected by a local farmer still marks the historical occupation of Viger lands by the Wolastoqiyik and is testimony to our presence during this period.



Questions and Answers

1. What is a specific claim?

Specific claims aim to negotiate and right the historical wrongs committed against First Nations by the federal government.

These claims notably relate to Canada's administration of reserve lands and other First Nation property. Matters that might be the subject of a claim include, but are not limited to, an illegal transfer, insufficient financial compensation for the transfer and sale of reserve lands, logging without a permit or adequate compensation, or mismanagement of the band's funds.

Note: These claims do not concern the Government of Quebec or comprehensive territorial claims. With regard to the latter, we encourage you to consult the following page for further information:

<https://www.rcaanc-cirnac.gc.ca/eng/1100100030577/1551196153650>.

2. What is the purpose of the specific claim process?

The specific claim process has certain advantages compared to recourse before ordinary courts. Such advantages include:

- No limitations regarding the period that has passed since the facts. The federal government has undertaken not to invoke the legal statute of limitations with regard to specific claims files. In other words, Canada will not use the effect of time as a defence. As the majority of files involve events that date back over 100 years, this aspect is very important.
 - Financial support for First Nations involved in the specific claim process are likely to receive financial support from the federal government, both for research work and for subsequent negotiations.
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3. What does the specific claim process entail?

The process, which is set out in the Specific Claims Policy, is triggered by the submission of a file outlining the facts of the claim as well as supporting arguments for the claim and all supporting documents. Following submission, the minister has six (6) months to ensure that all required documents, including the claim document and historical or contemporary documents, have been duly submitted and that the file is complete. Once the First Nation has been informed of this compliance, a new period of three (3) years begins during which the minister reviews the submitted claim and decides whether or not to open negotiations with the First Nation.

On **May 1, 2020**, the WWFN process was triggered by the submission of the Specific Claim Regarding the Transfer of Viger Lands.

On **September 15, 2023**, Canada informed the Grand Council of its willingness to negotiate based on the recognition that the transfer that took place in 1869 was invalid.

For more details regarding the process, please refer to Appendix I

4. How long can the negotiation process for specific claims last?

There is no limit to how long the negotiation process may last. However, Canada has set a target to negotiate the matter within a period not to exceed 3 years. This goal is shared by the Grand Council of the WWFN.

5. What exactly happens during the negotiation period?

The negotiation teams of WWFN and Canada hold regular negotiation meetings with the aim of working toward a settlement.

In order to prepare for these meetings, WWFN must review and analyze historical or contemporary documents, conduct legal research and assess its negotiating position. Furthermore, in order to effectively navigate the process, various expert opinions may be required to support WWFN's negotiating position.

6. Who is responsible for paying for the specific claim process?

Financial support is available from Canada for both research work and negotiations. WWFN has received financial support that has ultimately enabled it to prepare the Specific Claim Regarding the Transfer of Viger Lands, and is currently receiving financial support for negotiations.

7. Will the First Nation be able to repossess the Viger lands?

No. Under the Specific Claims Policy, it is not possible to repossess the Viger lands.

However, should a settlement be reached, the Specific Claims Policy does allow WWFN to exercise its right to add to its own lands a surface area equivalent to what the Nation had previously lost. In such a scenario, Canada would be able to draw from the settlement funds to pay an amount to be determined to cover land acquisition costs in accordance with the willing-buyer/willing-seller principle, if applicable.

8. What might WWFN obtain once negotiations have been completed?

Following negotiations, Canada might pay WWFN a financial compensation.

The purpose of the compensation is to put WWFN in a situation comparable to what it would be in had it not lost these lands. As restitution of the lands is not possible, WWFN shall receive financial compensation based on this principle.

In this regard, various analyses and expert opinions serve as a basis to quantify the value of lost lands and the value of losses due to WWFN's inability to use these lands ever since they were transferred. These values are the main elements used to quantify financial compensation.

9. Who will receive this monetary compensation?

Because this is a process in which WWFN is filing a claim against the federal government, compensation will be paid to the WWFN itself, assuming a settlement is reached.

The Grand Council will present WWFN members with various options for potential ways to manage the compensation, if any. These proposals shall take into account WWFN values as well as the Nation's financial capacity.

10. How are members involved in this process?

Considering the importance of this matter for the Wolastoqiyik, it is critical that they be kept informed as the process evolves.

In the event that negotiations result in a settlement offer, members will be encouraged to participate in a referendum to approve or reject the settlement offer and the method used to manage the funds.

11. What impacts are anticipated should the settlement offer be accepted by members?

The settlement will be signed between Canada and WWFN, after which Canada will pay financial compensation to WWFN. The latter will manage the funds based on the management method adopted by members.

By accepting a settlement, WWFN and its members waive any recourse against Canada based on the same legal bases.

12. What happens if WWFN and Canada fail to reach a settlement through negotiations?

Although every effort is being made to reach a settlement through negotiations, WWFN may, once the 3-year period has expired, request that the Specific Claims Tribunal render a decision on Canada's accountability in light of the facts regarding the transfer of Viger lands and compensation for the claim.

SPECIFIC CLAIMS PROCESS

APPENDIX I

