



## APPENDIX

### Frequently Asked Questions

#### Hearings for specific claims files of the Wôlinak Nation

*Question 1: What is a specific claim?*

“Specific claims can include alleged breaches of treaties, fraud, illegal dispositions, or inadequate compensation, related to reserve lands”.<sup>1</sup> Under this process, the Specific Claims Tribunal can **only** award **financial compensation** to the claimant First Nation and is solely the responsibility of the Government of Canada.

*Question 2: What is the Specific Claims Tribunal?*

“The Specific Claims Tribunal is an adjudicative body created to decide First Nations' specific claims”.<sup>2</sup> Sitting judges are appointed from the superior courts of various provinces. The hearing beginning September 9, 2020 will be presided over by the Honourable Paul Mayer of the Superior Court of Quebec.

*Question 3: What is the purpose of the hearings?*

The purpose of the hearings is to hear expert historians who will testify about the reports they have produced at the request of the parties. The testimonies will cover in particular the territorial concessions made to the Abenakis of Wôlinak and Odanak at the beginning of the 18th century, as well as the historical and legal contexts in which these concessions were made; the various events that led to the fact that only the current reserves of Odanak and Wôlinak remain from these concessions; and the events surrounding the transfer of 38 lots located on the lands of the St-François mission (Odanak).

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<sup>1</sup> Specific Claims Tribunal, FAQ, <https://www.sct-trp.ca/freq/>

<sup>2</sup> Idem



Question 4: How may I attend the hearings?

You may attend the hearings in person at the Musée des Abénakis in Odanak. Please note, however, that due to physical distancing measures, the Museum will not be able to accommodate more than 15 participants at a time. The use of masks by participants will be mandatory.

You may also attend the hearing virtually, which will be broadcast live via the “Zoom” platform. The link to access the broadcast of the hearing will be published a few days in advance on the Facebook pages of the Grand Conseil de la Nation Waban-Aki, the Ndakina Office and the Musée des Abénakis. Please note that the camera and microphone of the listeners will be automatically turned off by the Tribunal's Registrar, which will control access to Zoom.

Please note that the hearing **will not be** recorded for rebroadcasting.

Question 5: When will the hearings take place?

The hearings will take place over several months. The dates are as follows:

- September 9 to 11, September 14 to 16 and September 29, 2020;
- October 2, October 5 to 9 and October 27 to 30, 2020;
- November 2 to 6, November 17 to 20 and November 23 to 26, 2020;
- December 8 to 11 and December 14 to 16, 2020.

Question 6: What will happen after the hearing of the expert witnesses?

The hearing of expert witnesses is scheduled to end in December 2020. Thereafter, the parties' written arguments will be filed in the following months, with projected final arguments in March 2022. Once the oral arguments are completed, it will take at least a year to obtain the Tribunal's judgments, given the scope and complexity of the claims. It should be noted that the evidence and argument will only address the establishment of Crown liability and the existence of losses, but not with the value of those losses. It is only after the Tribunal has rendered favourable decisions in this regard (and has exhausted possible appeals) that litigation on the value of the losses can commence. In such a case, claimants will again have to seek expert opinions, and further claims will be made to the Tribunal. This second phase is likely to last a few years.