

OUR LAND IS OUR FUTURE

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Open Letter to Minister Carolyn Bennett

Canada's Inaction on Late Specific Claims Assessments

The Honourable Carolyn Bennett
Minister of Crown-Indigenous Relations and Northern Affairs
House of Commons
Ottawa, Ontario
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May 2, 2019

Dear Minister Bennett,

We write today to present a follow-up report prepared by the BC Specific Claims Working Group (BCSCWG) on your government's inaction on late specific claims assessments. In November 2018, the BCSCWG brought to your attention your department's failure to meet its legislated timelines to assess specific claims and communicate effectively with Indigenous Nations. We urged you to take immediate, transparent action on the report's recommendations and you have not done so. We reiterate our call to address the backlog of claims by implementing the recommendations put forward by the BCSCWG in both reports.

The UBCIC BC Specific Claims Working Group (BCSCWG) is a group of Indigenous leaders and specific claims technicians, created via resolution by the Union of BC Indian Chiefs (UBCIC) in 2013 and tasked with advocating for the fair and just resolution of BC specific claims. Throughout its work, the BCSCWG emphasizes the historical uniqueness of colonization in BC and the need for a process that addresses the distinctive challenges of claims resolution in this province.

The BCSCWG's follow-up report, "Back to the Backlog: Canada's Inaction on Late Specific Claims Assessments," documents the continuing backlog of specific claims waiting for final assessments at the Specific Claims Branch. Under the federal *Specific Claims Tribunal Act*, Canada has three years to inform a First Nation if its claim will be accepted for negotiation. The BCSCWG's new report indicates that 63 percent of claims without assessments after the three-year deadline identified in November still have not received those assessments; the report further concludes that Canada is continuing to miss the legislated deadline at an alarming rate.

Most disappointing is the report's finding that your government is still failing to communicate adequately with Indigenous Nations about the missed timelines and the resulting impacts on their claims. The BCSCWG's report notes that Canada's public response has been contradictory: blaming lack of resources at the Specific Claims Branch for failing to meet the legislated timeframe on the one hand, while assuring Indigenous Nations that there is a plan in place to deal with the backlog on the other. In each instance, no details have been provided - neither an indication of when resources will be secured, nor information about SCB's elusive plan. Indigenous Nations have been excluded from any discussion about how to address the backlog as your government once again chooses unilateralism over partnership while publicly flaunting hollow assertions of co-development.

We remind you that in the fall of 2016 the Office of the Auditor General determined that the Department of Indigenous Affairs was grossly mismanaging the specific claims process by introducing multiple barriers that hindered Indigenous Nations' access to the process and impeded the resolution of claims. Significantly, the OAG cited poor and misleading communications as one of Canada's key failures. Neglecting to adequately inform Indigenous Nations about the missed timelines and work with them to develop solutions continues the pattern of poor communication your department promised to address in response to the OAG's report.

Indigenous people's right to redress for specific claims - land-based historical wrongs - is articulated in the *United Nations Declaration on the Rights of Indigenous Peoples*. Working with Indigenous Nations in full partnership to ensure they have access to justice for historical wrongs is a cornerstone of Crown-Indigenous reconciliation.

We once again urge you to take immediate steps to develop an action-oriented plan to implement the recommendations outlined in the BCSCWG's report.

Sincerely,

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Kukpi7 Judy Wilson
Secretary-Treasurer

CC:

BC Specific Claims Working Group
Union of BC Indian Chiefs Council
National Chief Perry Bellegarde, Assembly of First Nations
AFN Chiefs Committee on Lands, Territories and Resources
Standing Committee on Public Accounts
BC Assembly of First Nations
First Nations Summit