

# OUR LAND IS OUR FUTURE

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## SENT VIA EMAIL

May 20, 2021

Dear Ms. Goulet,

Please find attached the UBCIC Specific Claims Research Program's Final Activity Report for fiscal year 2020-2021. Thank you for the additional time to complete this report as discussed via email on May 13, 2021.

## Accomplishments

Our research team has continued its exemplary work over the past year and demonstrated enormous commitment and flexibility in the face of the serious challenges that continue to be posed by the COVID-19 pandemic. BC communities continue to show great support for our Specific Claims Research Program (see Appendix A: Resolutions and Mandates).

## Challenges and Impacts Related to COVID-19

The COVID-19 pandemic has had very concrete and serious impacts on our ability to meet a significant number of our deliverables this year and continues to affect our timelines. We did anticipate a considerable degree of disruption and delay, which I communicated in the covering letter to my funding proposal in January 2021. The greatest impacts have been as follows:

- **Delays receiving community mandates for continuing and new claims.** There have been delays obtaining BCRs authorizing claims research due to the inability of Chiefs and Band Councils to meet in person and to determine community priorities. As a direct result there have been cascading delays, such as those related to access to information or renewed mandates.

- **Delays accessing records to substantiate allegations.** Both federal and provincial COVID-19 health and safety measures have led to widespread closure of libraries and archives, delaying access to necessary evidentiary materials. As only a very small proportion of historical and archival materials are digitized, work on many claims has been unavoidably delayed. Provincial and federal access to information processes were also placed on hold or are experiencing significant backlogs and delays. A majority of federal and provincial government employees are also now working from home or have reduced in-office hours. Consequently, the delays obtaining digitized copies of records are substantial as government staff attempt to deal with a backlog of requests.
- **Logistical challenges associated with adhering to public health directives mandating employees work remotely from home.** The move to at-home work has resulted in delays as staff require time, capacity, and ongoing support to maintain their home offices, internet access, and workstations. Staff access to necessary in-office resources (including our own library and archives) has been curtailed by stay-at-home and self-quarantine orders. Information sharing has also suffered due to the decrease in opportunities for staff to communicate directly in person on a regular basis.
- **Staff illness, self-quarantine, and mental health leave.** We experienced a significant increase in illness leave from staff as they continued to deal with the physical and mental health challenges arising from COVID-19, impacting our overall capacity. Several researchers had to take extended COVID-related leave.
- **Delayed site visits and community/Elder interviews.** COVID-19 mitigation measures have led to cancelled or deferred travel plans (and their budgetary allotments). This has had impacts on our ability to maintain important relationships with communities and hold certain meetings. This has been exacerbated in those communities without reliable high-speed internet capabilities. While we are hopeful about resuming some travel in the new fiscal year, recent news about more aggressive strains of the virus and resulting travel and assembly restrictions may mean we need to make necessary adjustments.

Based on projections from both federal and provincial health officers, we anticipate that these impacts will continue well into the 2021-2022 fiscal year. I have indicated directly on the work plan COVID-related adjustments to our projections and noted the particular challenges associated with delays. It has taken a tremendous amount of patience and determination to advance claims in the current climate and we appreciate both the cooperation and flexibility of the Negotiation Support Directorate in helping us navigate these unique challenges to minimize disruption to claims research on behalf of First Nations seeking timely resolution of their specific claims.

## Additional Challenges

We continue to experience acute challenges obtaining records from CIRNAC and other federal and provincial government departments through both informal and formal access to information processes. We have developed a successful working relationship with Library and Archives Canada that has resulted in positive changes to obtaining records to substantiate First Nations' claims. We are in the process of reconvening a CRU-Canada working group on access to information and privacy issues and we hope that this forum will be constructive going forward.

We note that our application for supplementary funding to revise our introductory specific claims research course was rejected on the basis that it was viewed as training and as such is ineligible for further funding (outside of the 10 percent allocated to administration in our annual budget). This presents a significant challenge; the course is recognized as an important resource and it is now largely untenable. It cannot currently be offered to staff as practical information support and to enhance our capacity or to First Nations community members in British Columbia who are interested in understanding and pursuing specific claims. The development of the course pre-existed the creation of the Specific Claims Tribunal, the division of Indigenous Affairs into separate departments, and the vast majority of online information is out of date. We sincerely hope that the decision not to fund this initiative is reversed or can be revisited once the annual funding proposals have been reviewed.

The stated reason for denying this project funding is that it does not fit the scope, methodology or terms of reference for the administration of research funding. It must be noted that NSD has on numerous occasions funded capacity

building and training initiatives such as the online course, and making archival records available through digitization, transcription, and hosting on our website.

## Annual Research Directors Meeting

Since 2014, UBCIC Research has received funding from NSD to plan and organize the annual Research Directors meeting, held in Ottawa in May. The Research Directors meeting provides essential opportunities for the directors of Claims Research Units across the country to come together and share our work, pool our knowledge, obtain and disseminate information, and work towards the fair and timely resolution of specific claims. As a group we share expertise and strategies to create efficiencies in research and create collective bodies of knowledge and experience that we take back to our membership and communities so they are able to make informed decisions about their claims. Representatives from Negotiations Support Directorate, the Specific Claim Branch, Library and Archives Canada, the Treasury Board Secretariat, the Specific Claims Tribunal and the Office of the Information Commissioner regularly attend these meetings to both provide updates and engage directly with claims practitioners.

Feedback from Research Directors across the country is overwhelming in expressing support for the continuation of this important information sharing event, particularly in these unique and challenging times. Due to COVID-19 health and safety measures, in 2020-2021 we opted to plan and host a series of topic-based virtual meetings in lieu of the standard two-day in person meeting in 2020. These have been valuable events but we look forward to resuming in-person meetings when possible. Research Directors meetings we hosted in 2020-2021 include:

1. Library and Archives Canada - Updates and Access to Information
2. Specific Claims Tribunal – Updates and Meeting the New Chairperson
3. Report from AFN on the Independent Claims Process Reform Work
4. Treasury Board Secretariat updates on the ATIA Review
5. A Review of the Federal Privacy Act
6. A Review of Draft Research Funding Guidelines
7. A Review of Revised Draft Research Funding Guidelines

Deferred (by CIRNA)CIRNA

1. Information on Formal and Informal Information Access Processes.
2. Information Management Team CIRNA - Accessing Records

## National Claims Research Workshop

As you know, each year the claims research community gathers together for the National Claims Research Workshop (NCRW). Since its inception, the NCRW has been funded by CIRNAC, in recognition of the event's critical importance to supporting the capacity, information sharing, and effectiveness of the claims research community. The NCRW is hosted by a different region of the country each year; the host community or CRU applies for designated funding to organize and run the meeting, and cover the cost of travel for invited speakers, and one community or CRU representative as funds allow. In additions CRUs typically include in their travel budgets costs for one researcher to attend the NCRW.

NSD has provided funding for this event for 27 years.

This event is also attended by representatives from NSD, SCB, LAC, TBS, SCT and the OIC and is viewed by Research Directors and government representatives alike as a critical mechanism to engage, share information, and build relationships.

Due to COVID-19, the 2020 NCRW did not take place. However, when it is once again safe to hold in-person meetings, the organizing committee will look forward to running the NCRW as usual. In an email in October 2020,

Director Shelie Laforest expressed support for the NCRW and acknowledged the importance of the event for the claims research community while stating that NSD was unable to commit to funding the NCRW in future. She did, however, invite the prospective host to submit an application to host the event.

I would like to underscore the importance of this annual event for the Indigenous claims research community. At the NCRW, claims practitioners meet to strengthen skills, review updates to the program, directly connect with SCB and funders, and share experiences in ways that build capacity and depth of knowledge. Experts from across the country, including government representatives, give information-based presentations on topics related to oral history, information access and management, funding and changes to policies or procedures, as well as legislative initiatives, case law, and the Specific Claims Tribunal. Typically, over one hundred First Nations researchers from across Canada attend.

As the only chance for the claims community to meet, the NCRW is an essential way to build relationships and capacity in ways that support the development of claims and the building of a knowledgeable and effective claims research community. NSD's support of the event also strengthens the relationship between CIRNAC and claims researchers.

I want to take this opportunity to thank you for your ongoing support of the UBCIC Specific Claims Research Program. If you have any questions or concerns regarding any portion of this report, please feel free to contact me at (604) 992-8849 or by email at [jwoods@ubcic.bc.ca](mailto:jwoods@ubcic.bc.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jody Woods', with a horizontal line extending to the right and a vertical line extending downwards.

Jody Woods  
Research Director