

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Martin Reiher
Assistant Deputy Minister, Resolution and Partnerships
Crown-Indigenous Relations and Northern Affairs Canada
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Via email: martin.reiher@canada.ca

May 13, 2021

Dear Assistant Deputy Minister Reiher,

Thank you again for agreeing to meet with the BC Specific Claims Working Group on Wednesday, May 19th. We are looking forward to a productive discussion about progress on the joint development of an independent specific claims process, as well as issues raised at both the Union of BC Indian Chiefs Council meeting held in February, and the Our Gathering event in March 2021.

Since that time, the BCSCWG has received additional information related to pending policy revisions to the funding guidelines for specific claims research and negotiations, and we are deeply troubled by what we have learned. The policy revisions as currently drafted jeopardize First Nations' access to justice, fail to meet the minimum standards articulated in the *UN Declaration on the Rights of Indigenous Peoples*, and contradict Canada's public commitments to work in full partnership with Indigenous Nations to advance reconciliation through the resolution of Nations' historical claims.

Contrary to the principles of fairness, equality, and transparency, both sets of guidelines further entrench Canada's conflict of interest and discriminate against First Nations. They do so by introducing arbitrary time limits, encouraging competition amongst Nations for resources, collapsing any pretense of an arm's length relationship between the Negotiation Support Directorate and the Specific Claims Branch, and jettisoning commitments to jointly develop clear methodologies for unilateralism and arbitrariness. They also rationalize questionable allocations of funding dollars that privilege Canada and curtail options for First Nations.

While the research funding guidelines and the negotiation guidelines are procedural and technical, they are the sole mechanisms through which Nations enter Canada's process of redress for historical claims. It is vital that both sets of guidelines reflect principles of fairness, equality, and transparency, and that Canada's conflict of interest is minimized through these mechanisms as much as possible while a fully independent process is being developed.

We are concerned about the tendency of CIRNAC's bureaucracy to proceed in matters of policy and procedure as though they are not bound by the public commitments made to First Nations by the Prime Minister and members of cabinet. As Canada's agents, public employees overseeing the development and implementation of policies and regulations are in fact bound by the commitments made by elected officials and they must adhere to the principles that underlie them.

In advance of our meeting, we respectfully put forward the following questions that we would like you to address on Wednesday:

1. What steps are you taking to ensure that all NSD and SCB employees act in accordance with international law and Canada's public commitments to First Nations?
2. What actions will you take to ensure First Nations are not subject to arbitrary time limits to research and develop their claims and that Nations will receive support to fully research and develop their claims?
3. What steps will you take to prevent Canada's conflict of interest from being further entrenched in policy, and address the Specific Claims Branch's role in approving research funding to First Nations?
4. How will you ensure that all funding methodologies are fair and transparent, and ensure equality of access between Canada and First Nations when researching, developing, and negotiating their claims?

We look forward to your response to these questions at our meeting on May 19th and to a substantive discussion of these issues.

Sincerely,



Kukpi7 Judy Wilson
Co-Chair, BC Specific Claims Working Group
Chief, Neskonlith Indian Band
Secretary-Treasurer, Union of BC Indian Chiefs



Chief Dalton Silver
Co-Chair, BC Specific Claims Working Group
Chief, Sumas First Nation

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Union of BC Indian Chiefs Council
Minister Carolyn Bennett, Crown-Indigenous Relations and Northern Affairs
National Chief Perry Bellegarde, Assembly of First Nations
AFN Chiefs Committee on Lands, Territories and Resources
BC Assembly of First Nations
First Nations Summit
Chief Mark Point, Skowkale First Nation