

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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July 6, 2021

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation
Via Email Only: IRR.Minister@gov.bc.ca

Re: Funding for First Nations to Address Residential Schools and Missing Children

Dear Minister Rankin,

The Union of BC Indian Chiefs (UBCIC) thanks you for attending our Chiefs Council meeting on June 30, 2021, with a special focus on the Kamloops Indian Residential School and the overarching issue of missing and unidentified children from Indian Residential Schools. We are writing today to follow up on funding to support First Nations with addressing missing children and the continued impacts of residential schools.

We were shocked to learn that in 1998, when you were a treaty negotiator, you wrote an internal memo (attached) that proposed that federal dollars for residential school survivors be withheld as a “sweetener” for Indian Bands entering the BC Treaty Commission Process after *Delgamuukw*. Such an approach does incredible disrespect and disservice to the survivors and family members still grieving and processing the atrocities trauma inflicted and sanctioned by your government. When we raised this during the Chiefs Council meeting you responded by discussing your support for orange shirts- we fully expect an explicit apology from you for ever recommending that federal dollars for residential school survivors be withheld as a carrot for First Nations to enter the BCTC process.

Today, as the Minister of Indigenous Relations and Reconciliation, you now have a mandate of the highest order to advance and safeguard the Title and Rights of Indigenous people and to work with First Nations in BC to achieve lasting and meaningful reconciliation. We request that any funding for residential schools be made available in a fully transparent way, and for Nations to be able to access the

funds directly from the government in a nation-to-nation way, aside from existing dollars that are of course provided for critical counselling and mental health services.

As the number of confirmed mass graves at residential school sites continues to steadily rise, survivors and their communities need to be supported and given the economic, spiritual, and cultural reparations they deserve and are entitled to. We look forward to hearing from you on how you and your ministry will advance this important work.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief Don Tom
Vice-President



Kukpi7 Judy Wilson
Secretary-Treasurer

Encl: Internal BC memo, January 8, 1998

CC: UBCIC Chiefs Council



Ministry of
Aboriginal Affairs

Vancouver Island
Team

MEMORANDUM

January 8, 1998

TREATY NEGOTIATION
DIVISION
JAN 28 1998
LOWER MAINLAND
TEAM

NEGOTIATIONS DIVISION
JAN 8 1998
MINISTRY OF
ABORIGINAL AFFAIRS

To: Christie Brown
Assistant Deputy Minister
Negotiations Division

Patrick O'Rourke
Assistant Deputy Minister
Policy, Planning and Implementation Division

*copy Allison
& return
JAN 8 1998
C.B.*

Re: Ideas Regarding the Treaty Process

What follows are a few suggestions that might be considered as the Province tries to come up with an action plan to expedite treaty making in the wake of the *Delgamuukw* decision.

1. First Nation Community Expansion

There is an enormous population growth in certain First Nations and they simply are running out of room on many of their inhabited Indian Reserves. We know this to be particularly acute in the Nuu-chah-nulth area. Since our mandate has been to incorporate Indian Reserve land into treaty land, and since their communities are by and large, of course, on Indian Reserves already, it seems obvious that the First Nations will be selecting areas adjacent to their existing communities wherever possible. Therefore, we recommend that we facilitate Indian Reserve expansion initiatives with respect to those First Nations in the treaty process. To do so would address a pressing social need that must be addressed irrespective of the treaty process.

It would be a sign of good faith in the treaty process if the two public governments could work out financial arrangements to expedite Indian Reserve expansions and "get credit" for this initiative when the AIP is finalized. In other words, it would have to be explicitly acknowledged that the land set aside for the expansion of existing communities was to become "treaty land" and financial credit be acknowledged as well. Of course, our objective would be to no longer use the expression "Indian Reserve expansion" (perhaps "First Nation Community Expansion" is more appropriate terminology) since we have promised to get rid of the Indian Act and all of its manifestations.

cc: Allison

Such initiatives could also be called “interim measures,” which would make our commitment to interim measures (reflected in the famous Recommendation #16 of the Task Force Report) more meaningful. One could begin this process with those First Nations that are in the most need of additional lands for community expansion, including the Ahousaht, with respect to their main Indian Reserve on Flores Island, Tla-o-qui-aht, with respect to their Long Beach Indian Reserve (which will, no doubt, require the federal government to delete some Pacific Rim Park Reserve lands), and the Hesquiaht, regarding Hot Springs Cove. It appears all 13 Nuu-chah-nulth First Nations would be in need of these initiatives. We would propose starting with those with which we are involved in at the land selection stage of our negotiations.

2. Strategic Acquisition of Private Property

There are several instances of critically important fee simple land that would be ideal for the land package as part of a treaty. We would propose that a joint federal/provincial initiative be urgently taken in order to watch for such lands that are on the market. There would be no question of there being a “willing seller” because we would only be interested in acquiring land that was truly “for sale”. For example, the McKenzie Beach Resort property adjacent to Tin Wis near Tofino is now on the market and would be a perfect candidate for Tla-o-qui-aht land selection purposes.

Lynn Beak was involved with a negotiation in Ontario that used available fee simple property. There, private property that was up for sale was identified as appropriate for the settlement of a specific claim. Provincial funds were sent to the bank and First Nation on the condition that the monies be used by the First Nation to acquire the property. The property in question, therefore, never became Crown land during this transaction. The land is considered fee simple land held by the First Nation.

It should be noted that if lands are found in municipal boundaries, we would need to consult closely with the local government. However, if the land remains fee simple, then the tax base would not change for the municipalities. Conversely, if the land is to become treaty land, then this would have a direct impact on the tax base of the municipality.

It is suggested that the treaty teams be urged to watch for land that comes on the market in the traditional territories of the First Nations with which they are negotiating and that some kind of an agreement with either WLC, Lands Branch, or some other provincial agency with land marketing expertise, be undertaken so that, in conjunction with the federal government, the governments are in a position to move quickly when critically important private property comes available on the market.

John Balogh and Heinz Dyck are working on expanding upon these ideas, and they are planning on providing you with more information shortly.

3. Federal Government Grant re: Healing

Recently it was announced that the federal government intends to provide some \$350 million across Canada for healing process largely to address the legacy of residential schools and similar difficulties in the past. It would be disturbing (although not surprising) if this initiative were not related in any way to treaty making in British Columbia. Were the federal government to be strategic in how this money were spent in British Columbia, then they would prioritize those First Nations with which they are having treaty negotiations as the major beneficiaries of this program. In addition, the money could be made available as a "down payment" on an eventual treaty and given credit accordingly. This would serve to "sweeten the deal" when it comes to the cash component of treaties and avoid "double counting" which would otherwise inevitably occur. While it may be too late, it is to be hoped that the federal government could be asked to reflect on this before final decisions on allocations are made.

4. Delgamuukw and Compensation

s.14

s.14 Not only did the Terms of Union of 1871 require them to undertake responsibility for "Indians and lands reserved for the Indians," but I understand that in 1924 an Order in Council confirmed that the federal government had discharged its responsibility in British Columbia to this effect. Obviously, the courts do not agree and have said so in *Delgamuukw*. Therefore, there should be no requirement on the provincial government to make the compensation available; moreover, it is consistent with the primary responsibility of the federal government for the capital transfer part of treaty making. The Province would, of course, continue to provide Crown land as part of a treaty settlement.



for

Murray Rankin
Treaty Negotiator
Vancouver Island Team

Heinz Dyck
A/Negotiator
Vancouver Island Team

cc: Cristina Scattolin
Lynn Beak
John Balogh