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LUBICON SETTLEMENT COMMISSION OF REVIEW
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Commission on Human Rights
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Working Group on Indigenous Peoples
Twelfth Session
Agenda item 5

I am the co-chair of the Lubicon Settlement Commission of Review, a group of Canadian citizens of all walks of life and background who have made a thorough study of the Lubicon case and brought forward specific recommendations to help the process along. The previous government, we found out, had stifled all possibilities of a just resolution by a take-it-or-leave-it offer that would have condemned the Lubicon people to a future of welfare, a situation which would destroy their dignity and their future as human beings. The Lubicon would have had to sign away all their aboriginal rights prior to entering into negotiations. There were no solid provisions made for economic development nor for compensation for decades of neglect, lost benefits and lost income from oil and gas development on their traditional land, not to mention the destruction of their traditional way of life which had allowed them to be self-sustaining for generations before oil and gas development invaded their world.

One of the Commission's basic conclusions was that the Canadian government had negotiated in bad faith and had all the power in the negotiating process. We also found the Lubicon situation to be of the utmost urgency.

The Canadian and provincial governments refused to participate in our hearings and ignored our recommendations, leaving the Lubicon society slowly to disintegrate, in poverty and despair.

New hopes surged last October when the Liberal Party of Canada replaced the Progressive Conservatives as the new governing body in Canada. Indeed, during the election campaign the new Prime Minister Jean Chretien in a letter (which is attached to this intervention) to Lubicon Settlement Commission of Review stated:

<<We fully recognize that the Lubicon have struggled

for over fifty years to secure a permanent land base and the means to preserve their way of life. And we believe -- with negotiations suspended since 1989 -- that the government has reneged on its fiduciary responsibility to the Lubicon people.

Time is wasting. As a start, we believe the government should proceed with recommendation number five of the Settlement Commission Report to hold all royalties in trust and withhold leases and permits on traditional Lubicon lands -- unless approved by the Lubicon. Moreover, future negotiations should reflect the intent of the recommendation number eight, asserting that the extinguishment of Aboriginal rights must not be a condition for a settlement -- a position consistent with Liberal policy.

...We support a swift resolution to all claims, and consider the Lubicon claim to be a priority>>.

Further to this letter, the Liberal party at their annual convention in May 1994 adopted a resolution that the settlement of the Lubicon claim be a priority for the government. The Lubicon were the only Indigenous group specifically mentioned in that resolution.

We hoped that when the process of negotiations began between the new government and the Lubicon that things would indeed move very swiftly. Unfortunately, we have to report our very deep disappointment regarding the most recent development of the Liberal government initiative on this issue. This came in the form of letter dated July 11, 1994 from the Indian Affairs Minister Ron Irwin to Lubicon Chief Bernard Ominayak.

Their offer to negotiated is unacceptable. It does not provide for the negotiation of all aspects of the claim exempting compensation and the continuation or acknowledgment of Indigenous rights. The Liberal government refuses to refer to an independent tribunal those conflicts that cannot be resolved through negotiations. The government wants to <<make a fresh start>>, which means abandoning any meaningful progress made to date, such a reserve lands and the Fulton report.

We are surprised and dismayed that the <<new>> government, which had promised so much, has delivered so little. Also, it should be remembered that matters already agreed upon with the former government -- such as retaining unextinguished aboriginal land rights as a pre-condition of settlement talks, and the agreed-to land base -- were being wiped off the table.

For these reasons, the Lubicon Settlement Commission of Review is appealing to the Working Group members to monitor this situation with us and to raise a strong voice with the <<new>> Canadian government to help bring about a settlement

which is fair to the Lubicons.

Jennifer Klimek
Co-Chair

Geneva, 27 July 1994

ATTACHMENT

HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Leader of the Opposition
Chef de l'Opposition

Ottawa, Ontario
K1A 0A6

Dear Father Johnson:

Thank you for your letter and the copy of the report of the Lubicon Settlement Commission of Review.

The Liberal Party understands your concern. We fully recognize that the Lubicon have struggled for over fifty years to secure a permanent land base and the means to preserve their way of life. And we believe - with negotiations suspended since 1989 - that the government has reneged on its fiduciary responsibility to the Lubicon People.

Time is wasting. As a start, we believe the government should proceed with recommendation number five of the Settlement Commission report to hold all royalties in trust and withhold leases and permits on traditional Lubicon lands - unless approved by the Lubicon. Moreover, future negotiations should reflect the intent of recommendation number eight, asserting that the extinguishment of Aboriginal rights must not be a condition for a settlement - a position consistent with Liberal policy.

Ethel Blondin-Andrew, Liberal Critic for Aboriginal Affairs, has urged the government to renew negotiations with the Lubicon and resolve this issue, once and for all. While it is doubtful whether the current government possesses the will to do so, you can be assured that Liberals will continue to press the Conservatives to respond to the recommendations of the Settlement Commission and resume negotiations.

We support the swift resolution of all claims, and consider the Lubicon claim to be a priority. As Leader of

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