

# National Claims Research Directors

C/O 500-342 Water Street, Vancouver, BC V6B 1B6

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## **Joint Open Letter to Minister Bennett Regarding Canada's Refusal to Adequately Fund Specific Claims Research and Development**

April 10, 2017

Dear Minister Bennett,

As specific claims research directors from across Canada, we write today to express our shock and disappointment regarding the 2017 budget's wholly inadequate provision of funding for specific claims research and to repeat our call for the immediate restoration of research funding to 2009 levels. This restoration of funding was a commitment you made to the political representatives of the Union of BC Indian Chiefs in person in Vancouver in February 2016.

As you know, we have been struggling under the drastic cuts instituted by the Conservatives (including a 40 percent cut between 2013-14 and 2015-16) and maintained by your government. These cuts incapacitated Indigenous research organizations across the country and, as a result, hundreds of specific claims had to be put on hold, with no clear path forward. Some organizations were so debilitated that they have been unable to submit any claims at all. The principal implication of this cut to research funding is that First Nations are being denied access to justice.

In its fall 2016 report, the Office of the Auditor General identified cuts to funding as a significant barrier to Indigenous Nations' resolution of their specific claims. Your government agreed. We responded to this OAG audit with a joint report called *Taking Action, Building Trust*, which highlights (as Claims Research Units across Canada had done several times before) the need for the immediate restoration of research funding to 2009 levels. This would be a concrete sign of your government's good will and of its intention to take tangible steps toward resolving claims and advancing reconciliation. It would also ensure the basic, minimal level of resources at which we could continue to advance claims while waiting for a new approach to be developed.

A new approach to funding, we understand, is a topic of the AFN-INAC Joint Technical Working Group on specific claims. (The OAG recommended that INAC work with Indigenous Nations to "develop a clear and consistent methodology for funding to First Nations to adequately support the research and preparation of claims.") But Indigenous communities in Canada have been waiting for decades – in some cases, over a century – to obtain justice, and their claims should not be put on hold, especially in light of your government's stated commitments to renewing relationships with Indigenous Nations. Unresolved claims perpetuate social and economic inequality and create uncertainties for Indigenous Nations trying to plan for their futures. As well, Indigenous Nations and CRUs have heard decades' worth of promises of specific claims reform; at this point, we need concrete evidence of good faith and of the political will for change. For these reasons, we are asking for an immediate restoration of research funding to 2009 levels – a step to which you had previously committed.

The United Nations Declaration on the Rights of Indigenous Peoples – which your government adopted without qualification and committed to implement – states that that Indigenous Peoples have the right to redress in cases where their lands have been taken, used, or damaged without their "free, prior and informed consent" (article 28). Specific claims are a critical mechanism for redress of these land-related

historical grievances. Further, article 39 of the UNDRIP recognizes that “Indigenous peoples have the right to have access to financial and technical assistance from states ... for the enjoyment of the rights contained in this declaration.” In short, adequate funding is an inextricable part of Indigenous rights. Only with adequate funds to research historical wrongs will Indigenous Nations be able to seek redress for the injustices by which they have been so long affected. Restoration of funding would demonstrate that Canada is willing to do what is necessary to meet its international obligations.

Your government has repeatedly identified reconciliation between Canada and Indigenous Nations as a key priority. In your response to the Auditors report, you emphasize the mutual benefits when Canada takes concrete steps to advance reconciliation with Indigenous Nations.

We request that you respond to our letter, explaining your government’s current allocation of funds and indicating when you intend to fulfill your commitment to restore research funding.

Sincerely,

Algonquin Nation Secretariat Director, Policy & Research Peter Di Gangi  
Alliance of Tribal Nations, Research Director Mark Point  
Confederacy of Mainland Mi'kmaq, Research Manager Mary Jane Stevens  
Conseil Tribal Mamuitun, Research Director Denis Brassard  
Cowichan Tribes, Research Director Dianne Hinkley  
Lesser Slave Lake Indian Regional Council T.A.R.R., Research Director Peter Havlik  
Mi'kmaq Confederacy of PEI, Research Director Tammy MacDonald  
Mohawk Council of Kahnawà:ke, Chief Political Advisor Winona Poslon-Lahache  
Nishnawbe-Aski Nation, Research Director Luke Hunter  
Nlaka'pamux Nation Tribal Council, Research Director Debbie Abbott  
Six Nations, Lands & Resources Director Lonny Bomberry  
T.A.R.R. Centre of Manitoba, Inc., Research Director Patricia Myran  
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Cc/ Jody Wilson-Raybould, Minister of Justice and Attorney General  
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First Nations Summit  
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Federal Cabinet