

National Claims Research Directors

c/o 401-312 Main Street Vancouver BC V6A 2T2

Open Letter to Minister Carolyn Bennett:

Canada Must Stop Misleading on Joint Claims Reform and Adequately Fund Specific Claims Research

January 16, 2019

Dear Minister Bennett,

The National Claims Research Directors (NCRD) is a national body of specialized technicians who manage thirty-five Claims Research Units (CRUs) mandated to research and develop specific claims against the federal government. Collectively we have developed and advanced over 1500 claims.

As we have been doing since your government took office in the fall of 2015, we write to you today to urge you to take immediate action to restore specific claims research funding. In February 2014, then Prime Minister Stephen Harper radically cut funding to CRUs and individual First Nations across the country by 30 to 60 percent.

The research funding cuts maintained by your government continue to debilitate Indigenous research organizations across the country. As a result, work on hundreds of specific claims has slowed or ground to a halt, with no clear path forward. Your government's 2017 one-time distribution of additional funding did not provide the continued, stable resourcing required to carry out the work to meet the requirements of the specific claims policy since each claim typically takes years to prepare.

Further, temporary infusions of research funding come at a cost to First Nations who are then denied necessary resources to participate in other parts of the process, effectively barring their access to justice. They also undermine your government's commitment to claims resolution and your commitments to implement the *UN Declaration on the Rights of Indigenous Peoples*, where Indigenous peoples right to access justice for historical losses is paramount.

Last month, you conducted a well-publicized television interview in which you stated that your government would soon announce a new specific claims process that had been co-developed with the Assembly of First Nations. You were obliged to retract that statement when we and the Nations we represent denounced your statements as inaccurate and misleading. We expressed concerns that like your predecessors, your government was acting unilaterally and willfully misrepresenting progress on promised specific claims reform.

In fact, since Prime Minister Trudeau took office in October 2015, your government has misled Indigenous Nations and the public about any productive steps toward meaningful claims reform. You have repeatedly issued empty reassurances about the importance of Indigenous-Crown relations while simultaneously impoverishing the current process: lack of resources is preventing Canada from meeting legislated timelines for claims review, denying First Nations access to the Specific Claims Tribunal, and jeopardizing negotiations.

Since October 2016, the AFN-INAC Joint Technical Working Group has been meeting to address recommendations made by the Office of the Auditor General. To our knowledge, this work has produced no joint recommendations. Further, our calls for a fully independent specific claims process that finally removes Canada's conflict of interest have been substantively ignored.

This situation cannot continue. We repeat our calls for the immediate restoration of stable research funding to pre-cut levels. Failing to restore funding is widely viewed as a continuation of Harper-era dishonourable actions that utterly contradicts principles of reconciliation.

We request now that you respond to our letter immediately, explaining your government's current allocation of funds and indicating how this drastic underfunding of specific claims research will be addressed.

Sincerely,

Algonquin Nation Secretariat Director, Policy & Research Peter Di Gangi
Alliance of Tribal Nations Research Director Mark Point
Conseil Tribal Mamuitun Research Director Denis Brassard
Cowichan Tribes Research Director Dianne Hinkley
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
Specific Claims Research Centre, Director Mona Donovan
Stoney Nakoda Nation, Ken Christensen, Acting Tribal Administrator
T.A.R.R. Centre of Manitoba, Inc. Research Director Cam Stewart
T.A.R.R. Centre of NS, Inc. Research Director Jim Michael
T.A.R.R. Treaty 3 Research Director Andy Sky
Treaty 8 Tribal Association T.A.R.R. Verena Hoffman
UBCIC Specific Claims Research Program Research Director Jody Woods
Union of Ontario Indians/Anishinabek Nation Treaty Research Coordinator Alicia McLeod

c.c.:

David Lametti, Minister of Justice and Attorney General
Hélène Laurendeau, Deputy Minister, Crown-Indigenous Relations and Northern Affairs
Kukpi7 Judy Wilson, Chair, BC Specific Claims Working Group
UBCIC Chiefs Council
National Chief Perry Bellegarde, Assembly of First Nations
AFN Chiefs Committee on Lands, Territories, and Resources
BC Assembly of First Nations
First Nations Summit
All First Nations
Federal Cabinet

Encl. November 24, 2015 letter to Minister Bennett
January 5, 2016 letter to Minister Bennett
March 30, 2016 letter to Minister Bennett
May 17, 2016 declaration to Office of the Auditor General
April 10, 2017 letter to Minister Bennett