



The Treaty and Aboriginal Rights Research Centre of Manitoba, Inc.

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Submission to the House of Commons Standing Committee on Indigenous and Northern Affairs

RE: Specific Claims and Comprehensive Land Claims Agreements

Tuesday, October 31, 2017

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Over the last several weeks, TARR Manitoba has been given the opportunity to absorb a variety of issues that have been brought forward by other groups directly affected by INAC claims policy and funding mandates. In order to enhance the conversation related to INAC's management of the claims process, we would like to provide TARR Manitoba's perspective relative to the unstable financial support for claims research and the associated impacts of funding cuts. TARR Manitoba would also like to provide a list of recommendations to INAN with the hopes of highlighting the need for additional resources to fulfill our mandate as a centralized, no-cost research service for our First Nation members.

T.A.R.R. OVERVIEW

The Treaty and Aboriginal Rights Research (T.A.R.R.) Centre of Manitoba is located in Winnipeg, Manitoba. The research centre provides no-cost claims and historical research services on behalf of 54 of the 63 First Nation bands in Manitoba. The First Nations in Manitoba are signatories to Treaties 1, 2, 3, 4, 5, 6 and 10. There are also five Manitoba Dakota First Nations who are not signatories to treaty in Canada.

Within the INAC, Status of Specific Claims website, Manitoba is listed as having 51 settled claims; 9 claims in active negotiations; 2 claims under assessment at the Dept. of Justice; 6 claims at the Tribunal; 14 claims listed as "Concluded with no lawful obligation found" and 19 claims filed as "File Closed".

In relation to the "Concluded with no lawful obligation found" and "File Closed" decisions, the website's information is somewhat misleading because some of these claims are still being actively researched or intended to be researched contingent on human and financial resources. Over and above these, the TARR Centre has an additional 17 claims on its current work plan. There are also an undetermined number of claims that have yet to be added. However, at this time, the TARR Centre does not have the capacity to deal with them.

T.A.R.R. FUNDING LIMITATIONS

Over the past several years, Research Directors were forewarned by INAC that funding cuts were imminent based on the position that the number of claims submitted to the Specific Claims Branch (SCB) for its assessment was the reflection of a research organization's progress. This philosophy was not new; cuts had been going on for some years prior to that, but at a more subtle level. SCB's position did not take into account, however, the number of claims still being processed at the Claims Research Unit level. Instead, SCB should have assessed each claim as unique with the knowledge that claims progress at different rates. Claims research does not simply flow in a seamless direction, and can often become complicated due to unforeseen circumstances, such as political change, lack of internal resources, etc.

As the TARR Centre receives 100 percent of its funding through the Research Funding Unit (RFU), attempts were made to work directly with the RFU to prevent any further cuts. Other attempts were made to point out the inappropriateness of judging progress based solely on the amount of claims submitted in a given year. However, explanations were to no avail. In fiscal year 2014/2015, the TARR Centre received a 60 percent funding cut. As a result, the Winnipeg based staff of four employees, consisting of a Director, an office administrator and two full time researchers, was reduced to one employee. The Thompson based office, which employed one researcher, was immediately shut down and its researcher was subsequently laid off.

The damage and resulting repercussions have been severe for TARR Manitoba. The 60 percent cut in funding in 2014/15 effectively stalled claims research within Manitoba for several years, and also legitimately interfered with a First Nation's right to pursue the claims process. For three years, TARR Manitoba's staff consisted of one Director and one research assistant to service 54 First Nation clients within Manitoba. Currently, funding has rebounded to the pre-2014 levels and our staffing levels have stabilized to five. However, the instability of funding makes it difficult to guarantee sufficient financial and human resources to conduct the work in an efficient manner. The TARR Centre has been forced to relocate twice in the last three years to accommodate the fluctuations in funding. With each move, more contracted library management services are needed to organize the Centre's main stacks and journals, and more time is spent away from the claims process.

Each fiscal year requires a new contribution agreement between the RFU and TARR Manitoba. A new contribution agreement is provided to TARR Manitoba after the previously funded fiscal year, therefore there is little time for review or discuss the agreement on account of the RFU placing a hold on any further funding until the agreement is signed. TARR Manitoba is typically spending from month to

month as per the funding allotment stipulated within the contribution agreement. Any pause in the flow of monthly funds places TARR Manitoba in a vulnerable position: bills and rent are typically late and more administrative time is needed away from the claims process to mitigate the lack of funds. In the future, TARR Manitoba would like have sufficient time to review and perhaps negotiate proposed contribution agreements.

Since 2008, supplementary funding has been made available during the last few months of the fiscal year. The Research Funding Division of INAC has always maintained that this additional funding does not extend into the following fiscal year. Again, the funding agreement represents a onetime fiscal arrangement and therefore there is no guarantee of a stable level of funding from year to year. The Specific Claims Branch has been working collaboratively with the Assembly of First Nations and RFUs to rectify the funding issue and has so far been unable to formulate an adequate solution.

Simply, there is no guarantee that there will be funding to operate adequately from year to year, and therefore does not allow for the proper momentum in claims research.

CONCLUSIONS

As of recently, Canada has made changes to improve the claims process, such as the removal of the pre-Confederation bar on specific claims, the influx of additional financial resources to the process - both within INAC and to First Nations, and also the formation of the Canada/ First Nation body referred to as the Joint Technical Working Group (JTWG) which was established to examine the claims issues. We hope this trend continues. However, Canada remains both the indicted and chief justice throughout the claims process. Following the recommendations outlined by the JTWG, the AFN and the The United Nations Declaration on the Rights of Indigenous Peoples, TARR Manitoba fully supports the notion that Canada must be removed from the claims process to ensure impartiality. The TARR Center of Manitoba also hopes that a stable funding structure is created to guarantee proactive claims research for its First Nation members.

RECOMMENDATIONS

1. Remove the year to year TARR Manitoba funding agreement and replace with a multi-year funding framework
2. Stabilize and increase funding in order to adequately build TARR Manitoba's research infrastructure
3. Allow for adequate time to review and negotiate all future contribution agreements
4. Remove Canada from the Claims process