



# From Reform to Retreat: How Canada is Reversing Course on Specific Claims

Presented to the National Claims Research Directors

April 16, 2026



JODY

- Land acknowledgement (wherever you're zooming in from)
- Thank you to the hosts and organizers, especially Vaughn Sunday, for including us in this important and forward-looking meeting, I also want to acknowledge and thank the leaders in attendance here today and the truly amazing work of all of you as well as your predecessors, leaders like Don Moses and George Saddleman, in guiding how we understand and carry out the mandates we're given to conduct our work.
- Introduce the UBCIC team present.
- Going to provide some information on the UBCIC Specific Claims Research Program.
- Acknowledge that we've worked with many of your communities through our program, on both the research and legal side, as well as advocacy for many years.

## Current Challenges



Canada has turned away from joint reform to develop an independent process



Canada is cutting funding to essential parts of the specific claims process (research funding, ATIP)



Canada is creating new barriers in negotiation of claims



Overall lack of transparency

Troubling signs that Canada is retreating from its obligations to resolve specific claims as well as its commitments to specific claims reform.

Canada appears to be silently walking back on previous Liberal government priorities and promises – it is retreating from the specific claims process as a whole, which is cause for deep concern.

Four main signs of retreat:

- Canada's turn away from the joint reform to develop an independent process
- Funding cuts to essential parts of the specific claims process (research in particular and most urgently)
- Canada is putting up new barriers in negotiation of claims
- Lack of transparency overall

In this period of heightened global uncertainty, Canada is turning from its relationship with First Nations. Canada cannot afford to do this.

The relationship is foundational to stability, strength, and partnership. Meaningful partnership requires full recognition of First Nations' inherent sovereignty and human rights, including making real progress on the fair,

transparent, and equitable resolution of historical claims. What I'm going to describe is the opposition of that recognition.

To leave time for questions I'm going to touch on these briefly but I'm happy to provide more info.

## Collapse of Reform Process

**2017-2025**

**Trudeau Liberal Government**

- Canada/AFN launch specific claims reform, co-development process to establish Independent Specific Claims Resolution Centre.

**2025-2026**

**Carney Liberal Government**

- End to co-development process
- No commitment to Independent Centre
- Concern there may be unilateral changes rather than joint work with First Nations

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- The first indicator of Canada's retreat is the general collapse of the specific claims reform process.
- As many of you know, over the past decade, substantial work was undertaken to effect transformational change, including the co-development of an Independent Specific Claims Resolution Centre.
- This followed the 2016 findings of the Auditor General and Public Accounts Committee, which identified gross mismanagement within Canada's Specific Claims Branch.
- Canada and the AFN struck a Joint Technical Working Group and, after two years of engagement, First Nations called for the removal of Canada's systemic conflict of interest, and the full integration of Indigenous laws into all specific claim processes.
- Many of your Nations played a leading role in advancing these critical issues
- Canada and the AFN formally launched a co-development process grounded in UNDRIP and principles of fairness and independence and this work continued until early 2025.
- In the spring of 2025, then PM Trudeau stepped down, Parliament was

prorogued and the co-development work stopped.

- There has been no commitment to resume co-development under PM Carney.
- Instead, we are seeing a shift from addressing historic wrongs toward a narrow focus on “economic reconciliation.”
- We’re deeply concerned that Canada may now pursue unilateral changes — contrary to clear direction that reform must be undertaken jointly with First Nations.

## Research Funding Crisis

	FUNDING SHORTFALL
2023-24	\$21.3 million
2024-25	\$14 million
2025-26	\$19.35 million
<b>2026-27</b>	<b>\$38.4 million (based on \$4 million budget, and \$42.4 million requested)</b>

### Likely Consequences:

- Closure of longstanding, First Nations mandated research centres
- Program paralysis; stalled work on hundreds of claims
- Denial of access to justice
- Sharp and costly rise in litigation
- More conflict as Canada pushes infrastructure and resource projects without resolving historical claims

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The second indicator is perhaps the most urgent, and that is the government's failure to address the Specific Claims Research Funding Crisis

There is an escalating crisis in specific claims research funding that threatens to completely obstruct access to justice for Canada's unlawful takings of First Nations lands and assets.

The crisis is driven by a widening gap between actual funding needs and federal allocations.

This slide shows the growing shortfall.

For 2025–26, requests from Claims Research Units and individual First Nations totaled just over \$35 million.

The initial shortfall was \$22 million and, even after a coordinated BCSCWG-led letter-writing campaign that generated over 70 letters to the Prime Minister and the Minister of CIRNAC, the shortfall is still \$19.35 million.

The crisis became acute last year when Canada's Specific Claims Funding Unit unilaterally redistributed research funding, without notice, transparency, or

regard for regional balance or need. These decisions destabilized long-standing research programs and left many First Nations and CRUs unable to continue work on hundreds of claims.

It is now officially dire. The already inadequate \$12 million annual research budget reverted to just \$4 million on April 1, and that's the research budget for all claims in Canada.

We received new information from the funders yesterday that revealed that the requests for funding have increased by about \$7 million this fiscal year, which will bring the shortfall to an alarming \$38.4 million.

The BC Specific Claims Working Group met with DM Valerie Gideon earlier this month and when asked about the research funding crisis she assured us that there would be some increase to the base level of funding, but that it wouldn't cover the extent of First Nations' needs. Expecting to hear end of April or early May. Funders are currently reviewing proposals. Ongoing advocacy will be needed.

Research is the entry point to the entire specific claims process. Without it, First Nations cannot submit claims or access the Specific Claims Tribunal.

If substantial additional funding is not provided, the program collapses and access to justice for hundreds of First Nations claims across Canada will be effectively barred.

Over half of these claims are from BC (54 percent).

Other consequences:

- Closure of longstanding, First Nations mandated research centres
- Sharp and costly rise in litigation
- More conflict as Canada pushes infrastructure and resource projects without resolving historical claims

Also cuts to LAC (\$13.6 million cut from budget for ATIP/ Proactive Access Functions); ATSSC, DOJ, and NRCan)

## Challenges in Negotiation

1. Delays
2. Lack of/changes to mandates
3. Reduced funding
4. Not accepting First Nations' experts
5. Take-it-or-leave-it offers
6. More challenging communication
7. Federal negotiators: changeover and capacity issues

*“The general observation is that the federal drive to resolve claims has slowed.”*

The third indicator of Canada’s overall retreat is in the area of negotiations.

From a number of sources, I began hearing reports of new barriers emerging in specific claims negotiation.

We conducted an online survey and received an overwhelming response, even within a short window. Data here comes from 50 in-depth survey responses. Responses came largely from BC, but we did hear from people in Ontario, Alberta, Manitoba, New Brunswick, and Quebec. We heard from chiefs and councillors involved in negotiations and employees from First Nations who are supporting negotiations. We also heard from lawyers and lead negotiators, as well as (to a lesser degree) representatives from Claims Research Units.

Question: Since January 2025, have you observed any changes in the pace, responsiveness, or conduct of specific claims negotiations involving Canada? Over 50 percent of people said yes. (A further 26 percent said “unsure.” So that means that just about 23 percent said “no.”)

The response from the survey was very strong and clear. It is unusual to get such

a strong response, so it really helped us see that this is a big issue that people want to see talked about and addressed.

I am going to focus on high-level themes. We will be analyzing the data more in-depth to produce a summary, which we will share with you all and also with the people who responded to the survey. But here I want to highlight 7 key issues that the survey respondents identified, indicating systemic changes and emerging challenges within negotiation:

**Delays:**

There are delays and a general sense that negotiations have slowed down. Most respondents described some form of delay.

68 percent of survey respondents said that they were experiencing new delays and pauses to at least some extent (many said to a significant extent).

Response times from Canada are slow, across the board. Negotiators are not responding to letters from First Nations for months.

Meetings are being postponed

Settlement pay outs are being delayed. One person said the claim they were working on had been waiting over a year to receive a settlement offer of between \$100 million and \$150 million.

One person said that nothing had moved on their file for over a year and Canada could not give an answer as to when this might change.

**Lack of mandates/changes in mandates:**

43 percent of respondents said that negotiators are awaiting mandates.

Communities awaiting a mandate and hearing nothing about it for a year.

We've heard of cases where Canada is walking back on existing mandates and returning with narrower mandates.

We also heard of Canada's negotiators downsizing the actual area of a historical fishing site claim. Reducing the size of the claim.

These changes have all been in the last year.

**Reduced funding for negotiations:**

Reduced funding means that face-to-face meetings with negotiators have "all but ceased.," which causes delay, and a disconnect for First Nations.

There is also a lot of delay and uncertainty related to grant funding intakes. This is an issue we need to look into further.

**Not accepting First Nations' experts:**

Respondents said that there is pushback from Canada on the idea of retaining independent advisors to support First Nations in negotiations

Federal negotiators are refusing to use a First Nation's preferred appraiser,

despite that appraiser being recognized as an expert by the SCT. This is a long-standing issue, where Canada is hesitant to accept First Nations' research or positions, but it is being exacerbated by the return of "take-it-or-leave-it" offers.

**"Take-it-or-leave-it" offers:**

One respondent said that Canada was "less receptive to a settlement proposal" since the change in government.

Tables have been issued "termination dates," whereby if the First Nation does not accept Canada's "best and only offer" negotiations will cease.

One respondent wrote: "First Nations have tried to come back to the table to negotiate in good faith, but Canada remains fixed in its position and mandate with little or no willingness to consider or entertain counter-offers based on facts and research made by the First Nation."

**More challenging communication**

One respondent said, "Canada's officials are being more evasive."

Several people said that Canada is increasingly "slow to respond."

One lawyer said that Canada is avoiding written statements, email, letters, sharing information verbally. They don't want a paper trail.

One negotiator for a First nation said that even with an agreement to accept a settlement in principle, Canada's negotiators are going silent.

**Federal negotiators and lawyers: changeover and capacity issues**

One lawyer reported that negotiators on claims are changing, resigning, and decreasing in number.

Several respondents noted that Canada's negotiators were too busy to advance the claim or respond to



## Opportunities for Collaboration

- Resource and skill sharing related to historical claims
- Sharing best practices related to document management
- Projects (e.g. women and claims, ensuring redress for all losses and ongoing harms, working with Indigenous laws in researching historical claims)
- Data collection for advocacy purposes
- Advocacy campaigns
- Legal interventions

ALL

## Questions?

Thank you!

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