

First Nations

Background: Implementing First Nations Rights

A fundamental transformation of the fiscal relationship between First Nations and the Government of Canada is urgently required. As a result of their historical and ongoing dispossession and marginalization, First Nation women, men and children fare worse than all other people in Canada on virtually every indicator of well-being. First Nations peoples face disproportionately high levels of poverty and lower levels of access to economic and educational opportunities. They are three to four times more likely than to live in overcrowded or unsafe housing, they are more likely to be without safe drinking water¹ and First Nations women and girls continue to experience disproportionately high rates of violence.²

A new funding relationship is required that reflects the spirit and intent of Treaties and inherent First Nations jurisdiction. New funding mechanisms based in partnership and recognition of rights are required in order to meet the needs of the communities, ensure parity between First Nations and non-First Nations communities, and account for the real costs of delivery of services by First Nations governments. New mechanisms must ensure that every First Nation receives sustainable resources in ac-

cordance with their rights and the fiduciary obligations of the federal government. This is essential for First Nations to address their day-to-day needs and to raise the quality of life of every Nation.

Treaties form the foundation of the relationship with the Crown — not the Indian Act. Treaty implementation is central to achieving change across the entire spectrum of lands, economic, education and social issues. Recognition, rather than extinguishment, is the basis upon which First Nations must be able to exercise their inherent Aboriginal title and rights over their lands and resources. Canada's current policies and approaches to reconciling First Nations jurisdiction remain out of step with contemporary jurisprudence and international convention and standards, including the United Nations Declaration on the Rights of Indigenous Peoples.

As Treaty rights and title-holders, First Nations seek willing partners to create economic opportunities. However, due to the unique relationship between First Nations and the lands we occupy, careful and thorough consideration must be given to all projects that may result in adverse environmental and cultural impacts. This requires adequate time and capacity, both of which have been reduced by federal program cuts and changes to legislation under Bill C-38

and Bill C-45 which made sweeping changes to approval and regulatory processes for actions that could have significant and long-term impacts on First Nations' territories. Free, prior, and informed consent is the foundation for successful economic partnerships.

First Nations traditional economies are a rich source of economic, social, cultural and health benefits that need to be considered as part of larger socio-economic planning, particularly in the context of increased focus on resource development and energy generation. As such, First Nation economic pursuits (hunting, fishing, and other forms of harvesting like trapping, medicine gathering, etc.) should be supported through fully collaborative environmental regimes that respect First Nations as full partners.

Current Issues

Removing barriers to education and economic opportunities

Current transfers to First Nations governments are conditional, inflexible, inadequate, unpredictable and arbitrary. They are not based on the populations they serve, resulting in the denial of services adequate to meet First Nations needs or comparable to those provided to other people in Canada. While Canadians receive services from all levels of government, through direct federal transfers to provinces and territories at an average growth rate of 6% per year, Finance Canada has maintained a 2% cap on First Nations funding since 1996. The removal of this cap on funding growth and an adjust-

ment of transfers for need would reduce the disastrous current rate of poverty for First Nations children — which stands at 50%. To bring all First Nation children in Canada up to the poverty line would cost \$580 million, or 11% of the annual budget of Aboriginal Affairs and Northern Development Canada.³

Improved educational attainment is the foundation for long-term economic stability and prosperity. The ongoing cost of the status quo in terms of lost productivity and increased support requirements for First Nations is over \$12 billion per year.⁴ Raising First Nation graduation rates to levels comparable to the Canadian population by 2026 would lead to cumulative economic benefits of more than \$401 billion (2006 dollars), in addition to \$115 billion in avoided government expenditures over the same period.⁵

First Nations schools are still funded using a 25-year old funding formula designed to provide education services in the 1980s, compounded by a 2% cap on increases. Some ad-hoc, proposal-based funding has been added, targeting specific education services, but it is still far from addressing the gap in providing 21st century services for First Nations schools and achieving better outcomes. The addition of the 2% cap on annual increases to First Nations education allocations imposed in 1996–97 has led to an accumulated shortfall in the federal government's budget exceeding \$3 billion in First Nations education program delivery.

The First Nations population is currently growing at four times the rate of the Canadian population. Nearly half of the First Nations population is under the age of 25, and the federal government estimates that

over 600,000 First Nations youth will enter the labour market between 2001 and 2026. New investments of \$500 million, annually over five years, are needed to ensure First Nation training and employment organizations, as well as First Nation economic institutions, such as the Virtual Resource Centre on Energy and Mining, are properly equipped to provide business supports and skills training to First Nation citizens. First Nation communities and individuals will be key to realizing productivity gains in Canada's economy – from closing the growing labour gap, to participating in major projects, particularly in Canada's resource development and energy sectors.

Meeting basic needs

First Nations face some of the most devastating health conditions across Canada. Chronic disease and mental health challenges, including suicide and addictions, have tremendously significant impacts on First Nations. Health outcomes are directly tied to a number of social determinants, including education, employment, gender, environmental health, cultural connectedness, housing, and degree of individual empowerment and collective self-determination. Improving First Nations health outcomes therefore requires significant investment in First Nations infrastructure, including safe drinking water, adequate housing, education, health, and emergency services.

As with most programs that support First Nations communities, Non-Insured Health Benefits (NIHB) health services exist without a legislative base or governing framework

and there is an urgent need for new investments. In 2010–11 NIHB program expenditures increased by 3.9% over 2009–10 levels; however, the Assembly of First Nations has estimated that increases of up to 9.3% are required to properly account for growth of the existing client population, new clients resulting from changing eligibility requirements, inflation, changes in health service utilization and health status, and effects of technological change. The absence of these investments will mean a shortfall of approximately \$573 million in 2014–15 and \$805 million overall by 2015–16.

A coordinated and comprehensive approach to mental health and addictions programming is needed. In addition, the federal government needs to provide continued support for culturally relevant and culturally competent mental health services, such as those through the Cultural Support Providers (CSP) which are supported through the Indian Residential School Resolution Health Support Program (IRS RHSP) and community-based healing programs through the Aboriginal Healing Foundation (AHF).

First Nations water quality continues to be a national concern. The National Engineering Assessment released by the federal government on July 14, 2011 concluded that 73% of First Nation water systems are at high or medium risk to negatively impact water quality. Among First Nations communities, 89 remain on unsafe drinking water advisories.⁶

The substandard housing conditions in First Nations are a persistent and growing challenge. A 2011 evaluation of on-reserve housing concluded: “despite ongoing con-

struction of new housing on-reserve, the shortfall still exists and appears to be growing rather than diminishing.”⁷ While some have undertaken innovative and successful initiatives, many First Nations still rely on federal programs to provide financing options for their members. By 2034, there will be a housing shortfall of 130,197 units, an additional 11,855 units required to replace existing units, and approximately 10,000 units requiring major repairs. This requires an investment of nearly \$1 billion per year.

Enhancing safety and security in First Nation communities

First Nations women and girls experience higher rates and more severe forms of violence than any other population group in Canada. A 2013 Statistics Canada report notes that the rate of self-reported violent victimization against Aboriginal women in the provinces was 2.5 times higher than the rate for non-Aboriginal women — for spousal violence, as well as violence perpetrated by other family members, friends, acquaintances and strangers.⁸ Rates of homicide against Aboriginal women are an estimated seven times higher than for non-Aboriginal women.⁹

There must be increased investments in shelters in First Nation communities for women and children fleeing family violence. There are currently only 41 on-reserve shelters for 634 communities. There is also a need for family treatment and culturally appropriate services. Investments in prevention and family support services will translate into significant cost savings. Budget 2013 iden-

tifies an investment of \$24 million over two years to the Family Violence Prevention Program. However, this is merely a renewal of funding, keeping the program at the same funding level as the previous six years, despite a 23% growth in First Nations population coupled with an increased demand for services. Doubling current investment to \$60 million annually and providing support and prevention services for First Nations would accrue significant cost savings along with measurable increases in child and family well-being.

The federal government must establish a National Public Commission of Inquiry on Missing and Murdered Indigenous Women and Girls. Its role would generally be to ensure knowledge and understanding of past approaches, examine current practices and move forward on tangible solutions to prevent further violence and disappearances of Indigenous women and offer support to families when such tragic incidents occur. The development and implementation of a National Action Plan to End Violence Against Women with clear mechanisms for reporting and accountability is absolutely crucial.

Every residential school survivor must have access to health supports and assistance to advance fairly and resolutely through the healing process. This includes restoring funding for community-based healing programs for survivors of residential schools and ensures continued funding for the 15 Healing Centres currently operating across Canada. Before expiry of its funding, the Aboriginal Healing Foundation had an annual budget of approximately \$42 million to support community-based healing pro-

grams. The operating budget of \$9.2 million annually for the 15 Healing Centres expired on December 31, 2013. These full amounts need to be restored to ensure supports are provided directly in communities to ensure that the inter-generational impacts of residential schools are overcome.

Delivering safety and security in our communities requires enabling a First Nations judicial system that builds on our traditional legal systems, enforcement and dispute resolution practices. We can support overall wellness through approaches which emphasize our collective responsibilities.

The over-representation of First Nation citizens in the correctional system is at crisis levels and it is important that the federal government invest in initiatives that support First Nation governments in taking greater responsibility for justice administration and rehabilitation. Direct costs of keeping a person in prison are over \$113,000 per year, and there are many indirect financial costs from lost productivity as well as social costs to families and communities. Preventing crime and ensuring better reintegration and lower rates of re-offending will have both positive economic and social impacts for First Nation communities and all Canadians. The federal government must increase investments in community-based justice programming, such as those funded under the Aboriginal Justice Strategy.

First Nation Police Services (FNPS) play a critical role in ensuring public safety and in keeping the peace in First Nation communities. Policing generally is considered an essential service within provincial laws — no similar legislative base exists for FNPS, re-

sulting in sporadic, inadequate funding that threatens the ability of FNPS to deliver high quality police services, ensure safety and deal with emerging issues such as gang activity.

The First Nation Policing Policy (FNPP) is inadequate and assumes that First Nation policing is an enhancement to existing policing services. This leads to chronic levels of under-funding, fewer training opportunities and infrastructure gaps. Some First Nation police services reported their operational budgets for this fiscal year will not maintain their service beyond December 2013, leaving communities at risk. Federal and provincial governments must commit to long-term sustainability, viability, capacity and equity with other police services.

AFB Actions

The social and economic costs of the status quo are too high. The AFB will implement the structural changes and investments outlined below:

- Implement stable, equitable, and long-term funding transfer mechanisms for First Nation programs and services, reflective of the true service population of First Nation governments, the real costs of delivering services, and the original nation-to-nation relationship.
- Advance Treaty implementation in accordance with their spirit and intent.
- Work with First Nations on comprehensive claims policy reform and resolving

- long-standing issues based on recognition and affirmation.
- Establish fully collaborative environmental regimes which respect First Nations as full partners with enhanced mechanisms to ensure free, prior and informed consent, as per the United Nations Declaration on the Rights of Indigenous Peoples and other international and domestic human rights and environmental rights standards.
 - Invest \$470 million annually for the next ten years in First Nations water treatment systems.
 - Invest \$1 billion annually for the next ten years to address the housing crisis in First Nation communities.
 - Invest \$715 million in 2014–15 to address the existing gap in First Nations education funding and implement equitable funding for First Nations education systems.
 - Provide equitable funding for First Nations child welfare systems.
 - Invest \$573 million in the NIHB Program in 2014–15 and \$805 million in 2015–16 and implement a comprehensive approach to mental health and addictions programming.
 - Provide new investments of \$500 million for First Nations skills training.
 - Invest \$100 million per year to support corporate and First Nation incentive programs over the next five years.
 - Increase the current investment in family violence prevention programming (see Ensuring Equality for Women Chapter).
 - Establish and fund a National Public Commission of Inquiry on Missing and Murdered Indigenous Women and Girls.
 - Establish and fully fund a National Action Plan to Ending Violence Against Women (see Ensuring Equality for Women Chapter).
 - Invest \$51.2 million annually to support community-based healing programs.
 - Invest in First Nations justice systems and community-based justice programming.
 - Invest in stable, predictable, sustainable, and culturally appropriate First Nation policing services to enhance safety and security in First Nation communities.

Notes

1 2006 Census: *Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations*. Ottawa: Statistics Canada. 2008. *First Nations and Inuit Health: Drinking Water and Waste Water*. Health Canada. Online: <http://www.hc-sc.gc.ca/fnihah-spnia/promotion/public-publique/water-eau-eng.php#s2d>

2 *No More Stolen Sisters*. Ottawa: Amnesty International. 2009; *What Their Stories Tell Us: Research Findings From The Sisters In Spirit Initiative*. Ottawa: Native Women's Association of Canada. 2010.

3 Macdonald, David and Daniel Wilson (2013). *Poverty and Prosperity: Indigenous Children in Canada*. Ottawa: Canadian Centre for Policy Alternatives.

4 Government of Canada (1996). *Report of the Royal Commission on Aboriginal Peoples* (Vol 5, Chap 2). Ottawa: The Royal Commission on Aboriginal Peoples.

5 Sharpe, Andrew et al. (2009). *The Effect of Increasing Aboriginal Educational Attainment on the Labour Force, Output and the Fiscal Balance*. Ottawa: Centre for the Study of Living Standards. p. vii.

6 *First Nations and Inuit Health: Drinking Water and Waste Water*. Health Canada. Online: <http://www.hc-sc.gc.ca/fnihah-spnia/promotion/public-publique/water-eau-eng.php#s2d>

7 Evaluation Performance Measurement and Review Branch Audit and Evaluation Sector (2011). *Evaluation of INAC's On-Reserve Housing Support*. Ottawa: Aboriginal Affairs and Northern Development Canada.

8 Sinha, Maire (2013). *Measuring Violence Against Women: Statistical Trends, 2011*. Ottawa: Statistics Canada.

9 *No More Stolen Sisters*. Ottawa: Amnesty International. 2009.