

First Nations

Background

Implementing First Nations Rights

A fundamental transformation of the fiscal relationship between First Nations and the Canadian government 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 Nation peoples face disproportionately high levels of poverty and lower levels of access to economic and educational opportunities. They are three times as likely to live in housing in need of major repairs, more likely to be without safe drinking water,¹ and First Nation women and girls continue to experience disproportionately high rates of violence.²

Current transfers to First Nation 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 increases to First Nations funding since 1996. This barely keeps up with inflation, making no adjustments for booming popu-

lation growth and the needs that come with it, and was imposed on already inadequate funding amounts. The removal of this cap on funding growth, and an adjustment of transfers for need, would reduce the disastrous current rate of poverty for First Nation children, now 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

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 Nation and non-First Nation communities, and account for the real costs to First Nation governments of delivering services. New mechanisms must ensure that every First Nation receives sustainable resources in accordance 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, not the Indian Act, form the foundation of the relationship with the Crown. Treaty implementation is central to achieving change across the entire spectrum of lands, economic, education, and social issues. Recognition, rather than extinguish-

ment, 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 (UN Declaration), which Canada endorsed in 2010.

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 they occupy, careful and thorough consideration must be given to all projects that may result in adverse environmental and cultural impacts. Free, prior, and informed consent is the foundation for successful economic partnerships, yet Canada actively works to prevent the implementation of this principle. At the recent UN World Conference on Indigenous Peoples, Canada was the only member state to object to the outcome document, and its support of the UN Declaration, on the grounds that free, prior, and informed consent represented a *veto* on the part of Indigenous peoples.

Current Issues

Removing Barriers to Education and Economic Opportunities

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 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 Nation education allocations imposed in 1996–97 has led to an accumulated shortfall exceeding \$3 billion.

In 2014 Prime Minister Harper announced Canada's commitment to a new approach to First Nations education along with new investments in that year's budget. The approach included new core funding of \$1.25 billion from 2016–17 to 2018–19, in support of First Nations education, with an annual growth rate of 4.5%; an Enhanced Education Fund that will provide funding of \$160 million over four years starting in 2015–16; and \$500 million over seven years beginning in 2015–16 for a new First Nations Education Infrastructure Fund. This was followed by the introduction of Bill C-33, the First Nations Control of First Nations Education Act. Chiefs-in-Assembly have rejected the legislation, and the unilateral imposition of standards and further entrenching of the role of

the Federal Minister of Aboriginal affairs in First Nations education. Instead, First Nations are seeking immediate provision of committed equitable funding, and for Canada to engage in an honourable process to develop and implement a path forward for the success of First Nation children.

The First Nations population is currently growing at four times the rate of the Canadian population. Nearly half 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, 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.

Even when First Nations actively participate in the economy and employment, discrimination continues. A recent study by the Canadian Centre for Policy Alternatives found that even when Aboriginal people find work they are paid far less than other employees. In the private sector, Aboriginal workers earn between 30% and 44% less than non-Aboriginal workers with the same level of education.⁶

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 tremendous 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.

Canada's Non-Insured Health Benefits (NIHB) program currently fails to ensure First Nations health outcomes are comparable to those of Canadians. A long-term strategy is required for funding, premised on realistic expenditure projections based on First Nations population growth and aging rates, inflation trends over the past four years, and an annual escalator. As with most programs that support First Nation communities, NIHB health services exist without a legislative base or governing framework, and there is an urgent need for new investments. Increases in NIHB program funding levels from 2008–09 to 2011–12 have averaged 4.5% annually. However, the Assembly of First Nations projects funding requirements of \$1.3 billion in five years and \$1.7 billion in 10 years, an increase of 5.4% to 5.6% annually.

Further, numerous vital First Nations health programs are set to sunset in 2015, including the Health Services Integration Fund, the Aboriginal Health Human Resources Initiative, the Aboriginal Diabetes Initiative, Maternal Child Health and Children's Oral Health Initiative, top-up funding for Aboriginal Head Start in Urban and Northern Communities and Aboriginal Head Start On Reserve, and the National Aboriginal Youth Suicide Prevention Strategy. The AFB will renew these programs in 2015.

A co-ordinated 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 funded 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 of negatively impacting water quality. Among First Nation communities, 97 remain on unsafe drinking water advisories,⁷ some of them in place for a decade or more.

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

the shortfall still exists and appears to be growing rather than diminishing.”⁸ While some First Nations have undertaken innovative and successful initiatives, many still rely on federal programs to provide financing options for their members. By 2034, there will be a housing shortfall of 130,197 units, a need for an additional 11,855 units to replace existing ones, 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 Nation women and girls experience higher rates and more severe forms of violence than any other population group in Canada. A 2013 Statistics Canada report noted the rate of self-reported violent victimization against Aboriginal women in Canada was three times the rate for non-Aboriginal women, for spousal violence as well as violence perpetrated by other family members, friends, acquaintances, and strangers.⁹ Rates of homicide against Aboriginal women are an estimated seven times higher than for non-Aboriginal women.¹⁰ In May 2014 the RCMP released results from a comprehensive study that acknowledges this over-representation, identifying 1,181 cases where Indigenous women had been murdered or were missing between 1980 and 2012.¹¹

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. While Canada released an Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls in September 2014, it only catalogues existing investments, and continues at the same level of funding as per 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 peoples 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 be generally to ensure knowledge and understanding of past approaches, examine current practices to move forward on tangible solutions to prevent further violence and disappearances of Indigenous women, and offer support to families affected by such tragic incidents. The development and implementation of a National Action Plan to End Violence Against Women with clear mechanisms for reporting and accountability is absolutely crucial. A first step is underway with the convening of a National Roundtable on Missing and Murdered Indigenous Women.

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 ensuring 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 programs. 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.

The over-representation of First Nation citizens in the correctional system is at crisis levels. It is important that the federal government invest in initiatives that support First Nation governments in taking greater responsibility for justice administration and rehabilitation, prevention, mental health, and wellness.

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 that emphasize our collective responsibilities. The direct costs of keeping a person in prison are over \$113,000 per year, and there are many indirect financial costs from lost productivity, and 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 AFB will

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 keeping the peace in First Nation communities. Policing is generally considered an essential service within provincial laws; no similar legislative base exists for FNPS, resulting in sporadic, inadequate funding that threatens the ability to deliver high quality police services, ensure safety, and deal with emerging issues such as gang activity.

The existing 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 underfunding, fewer training opportunities, and infrastructure gaps.

AFB Actions

The AFB will:

- Implement stable, equitable, and long-term funding transfer mechanisms for all 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;
- Establish fully collaborative environmental regimes, which respect First Nations as full partners, with enhanced mechanisms to ensure free, prior, and informed consent per the UN 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 10 years in First Nations water treatment systems;
- Invest \$1 billion annually for the next 10 years to address the housing crisis in First Nation communities;
- Release the \$1.9 billion to support First Nations schools and address the urgent shortfall in First Nations education, while committing to engage First Nations in the development of a new First Nations education fiscal framework that reflects actual costs for First Nations education systems;
- Invest \$355 million in 2015–16 to address the existing gap in First Nations education funding, and implement equitable funding for First Nations education systems;
- Add \$108 million per year to First Nations Child and Family Services with a 3% annual escalator;
- Invest \$1.3 billion over five years in the NIHB program and implement a comprehensive approach to mental health and addictions programming;
- Continue to invest in the “upstream Aboriginal health programs” listed above in the section on meeting basic needs;
- Provide new investments of \$500 million annually for First Nations skills training and employment;

- Double the current investment to \$60 million in emergency on-reserve shelters (see Gender Equality chapter);
- Establish and fund a National Public Commission of Inquiry on Missing and Murdered Indigenous Women and Girls, to be fully inclusive of families and communities;
- Establish and fully fund a National Action Plan to Ending Violence Against Women (see Gender Equality 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 National Household Survey 2011. Ottawa: Statistics Canada. 2008. *First Nations and Inuit Health: Drinking Water and Waste Water*. Health Canada. Online: <http://www.hc-sc.gc.ca/fniah-spnia/promotion/public-publique/water-eau-eng.php#s2d>

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

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 McInturff, Kate and Paul Tulloch (2014) *Narrowing the Gap - The Difference That Public Sector Wages Make* Ottawa: Canadian Centre for Policy Alternatives.

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

8 Aboriginal Affairs and Northern Development Canada. (2011). *Evaluation of INAC's On-Reserve Housing Support*, online: <https://www.aadnc-aandc.gc.ca/eng/1325099369714/1325099426465>.

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

10 Amnesty International. (2009). *No More Stolen Sisters*.

11 Royal Canadian Mounted Police. (2014). *Missing and Murdered Aboriginal Women: A National Operational Overview*, online: <http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.htm>.