



***It's Our Time:  
A Discussion Paper for the  
Council of the Federation***



**AUGUST 5, 2009**

## **ABOUT THE ASSEMBLY OF FIRST NATIONS**

The Assembly of First Nations (AFN) is the national, political representative of First Nations governments and their citizens in Canada, including those living on reserve and in urban and rural areas. Every Chief in Canada is entitled to be a member of the Assembly. The National Chief is elected by the Chiefs in Canada, who in turn are elected by their citizens.

The role and function of the AFN is to serve as a national delegated forum for determining and harmonizing effective collective and co-operative measures on any subject matter that the First Nations delegate for review, study, response or action and for advancing the aspirations of First Nations.

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## ***Introduction***

The Assembly of First Nations (AFN) welcomes this opportunity to meet with the Provincial-Territorial Premiers for the sixth consecutive time following the inauguration of the Council of the Federation (CoF) in 2003. The opportunity to meet, to share views and information, and to set out an agenda of common interests / concerns has and continues to be extremely beneficial to First Nations across the country. The recent investments flowing from the First Ministers Meeting on the Economy is a case in point.

This year, under the new leadership of National Chief Shawn Atleo, AFN wants to highlight further opportunities that could be harnessed in an effort to make the most of our engagement. This year, we would like to emphasize “outcomes” – and how best to achieve these in a time of economic recession and First Nations population growth. This year, we would like to leave this meeting confident that a process is in place to enable us to work collaboratively between meetings – ensuring that we will be able to come together again next year to report on our progress.

Finally, we feel that it is important to note that next year – November 2010 – will mark five years since an unprecedented consensus was achieved between all of the Provinces-Territories, the Government of Canada, and each of the five National Aboriginal Organizations (NAOs) in the Kelowna Accord. The Kelowna Accord established a series of targets relating to Health, Housing, Education, Relationships and Economic Opportunities that were to be achieved over a period of ten years and identified over \$5 Billion in funding to achieve these ends.

The larger orientation of this submission relates to the ongoing need for us to measure progress, to hold the federal government to account for its role and responsibility and to target those areas where adequate progress is not being made. In order to look forward we must ensure that we all shoulder the collective responsibility, bring forward the required leadership, investment and accountability to all of the people of Canada. We are all Treaty people and we all share in this land. We must dedicate ourselves to the clear processes and outcomes that enable us to fulfill this important role and function as the Canadian federation.

## ***Critical Issues in 2009***

This year’s meeting with NAOs sets out an agenda that reflects the ongoing and critical issues of our time: Aboriginal engagement with the federal government remains inconsistent and ineffective; the H1N1 flu virus continues to be a serious concern for our communities and is expected to re-emerge even stronger and more deadly this fall; a wide range of arms-length expert data confirms that Education and Skills Training for First Nations continues to lag behind that of other Canadians; and First Nations leadership is increasingly pointing to the need for clear support and re-emergence of our role in the Canadian economy.

In this submission to the CoF, the AFN is highlighting the need for more and better coordinated interaction with the Provinces-Territories (P-Ts) as the basis for defining a new relationship between First Nations and other levels of government. In short, the AFN is

calling for a process that would ensure that all parties – Federal, Provincial-Territorial, and First Nation – are around the table where First Nations issues / interests are affected. This is the “new” relationship that was called for under the Kelowna Accord, and this is the basis for true reconciliation following the Prime Minister’s apology to residential school survivors on June 11, 2008.

While the initiation of the Aboriginal meetings with the CoF has proved to be a welcome and important commitment on the part of P-Ts – the time has come to examine our successes and to take these one step further. We need clear processes that bring all three jurisdictions to the table. The post-apology Canadian Federation must change in accordance with the new spirit of reconciliation, and First Nations must be positioned to take their rightful place in the Federation. This is not simply process for process sake, but a reflection of the fact that we must build on success and seek out new opportunities to advance our common interests.

The problems are clear – but we must drive to the solutions. This demands that all parties - Federal, Provincial-Territorial, and First Nation – bring their best efforts to bear on these challenges. This is also an opportunity to highlight the role of First Nations youth; the single fastest growing segment of our population.

## **1. Aboriginal Engagement with the Federal Government**

The federal government has fiduciary responsibilities with respect to First Nations. The fulfillment of these responsibilities remains one of the most frustrating aspects of the First Nations-Federal relationship. The CoF has consistently supported First Nations in their efforts to bring the federal government to the table with First Nations, with some limited success.

Among the greatest risks for both First Nations and P-Ts is the fact that a failure on the part of the federal government to live up to its fiduciary responsibilities can translate into new and further hardships for First Nation citizens and communities that, in turn, often translate into new and further hardships with respect to the delivery of services by P-Ts. The answer to this age-old challenge is clear: we must all play our appropriate parts.

Federal off-loading serves no one well and is inconsistent with the aspirations of First Nations, and is certainly not in keeping with the principle of respectful engagement based on a commitment to Treaty implementation and reconciliation. Similarly, the federal government’s recent reference to a “coalition of the willing” prioritizes funding for projects based on unilaterally determined criteria. This approach fails to recognize the relationship that exists between First Nations and the Federal Crown, the unique circumstances and perspectives of diverse First Nations and does not recognize, respect or live up to the aspirations of First Nation governments and citizens.

To address these and other related concerns, the AFN is calling for a new, more robust Federal / Provincial-Territorial / Aboriginal (FPTA) process, with distinct First Nation, Métis and Inuit streams respectively. This would include mandating an Aboriginal Affairs Ministers

“working group” that would be tasked to work with AFN officials to carry out research and projects in key areas, and report back to the CoF annually.

This would also involve regular FPTA meetings to focus on key areas such as Education and Skills Training, as well as Economic Development. Our collective success in reaching these goals would be driven through a coordinated strategy involving advocacy on the part of the National Chief, along with key Premiers from the Working Group. The identification of outcomes would be informed by the CoF, along with the identification of specific targets and indicators.

Finally, to do so effectively, the federal government would be called upon to contribute to this process and to work towards ensuring adequate and sustainable resourcing to the parties to ensure that the work that is identified can be carried out effectively.

***Recommendation #1: That the Parties agree to form an Aboriginal Affairs Ministers Working Group (AAMWG) to pursue collaborative projects between meetings of the Council of the Federation, reporting on an annual basis.***

## **2. H1N1 Flu Virus**

All jurisdictions have a clear responsibility to dedicate themselves to the very serious issues of H1N1. Just as with “Jordan’s Principle,” we can not tolerate jurisdictional wrangling and uncertainty that risks our health and costs First Nation lives. First Nations must be able to have clear and unimpeded access to necessary resources, to make informed decisions based on clear medical advice, and be partners along with P-Ts and the federal government in developing plans and implementing strategies.

The Public Health Agency of Canada (PHAC) confirms that a total of 10,449 laboratory-confirmed cases of H1N1 flu virus have been reported across all provinces and territories in Canada. There have been at least 1,141 hospitalizations and 55 deaths in Canada from H1N1. The First Nation population is distinctly overrepresented within these figures.

The H1N1 issue has been front and center for Health Canada for several months now, one of the main reasons has been the high number of cases amongst First Nations in Manitoba and Ontario. In Manitoba, the First Nation Population was 20 times more likely to contract H1N1 and represented 2/3 of the ICU clients. While the rest of the First Nation population has not been as severely impacted several concerns remain for the upcoming flu season.

While regions like Ontario and Saskatchewan have planning and testing of their pandemic plans underway, other regions do not. We require a full federal update as to where pandemic planning gaps exist and assurances that resources will be made available to close those gaps, and this must include testing of the plans. In addition, like in Ontario, a regional pandemic plan should be put in place that is developed in partnership with First Nations and the respective province. In the case of a pandemic, all three jurisdictions must have a clear and accurate understanding of their respective roles and responsibilities. Resources need to match the roles and responsibilities detailed in the guiding document Annex B to the Canadian Pandemic Influenza Plan. In order to have an effective pandemic

plan, an open line of communication and a solid relationship between all levels of government is crucial.

Finally, because many related issues arise in the case of a crisis such as that of H1N1, it is also a situation that helps to highlight the more general need for better and more coordinated planning. The availability of antivirals, vaccines, the need for extensive rehabilitation and related services, and the shortage of doctors and other health care professions in First Nation communities are all highlighted in this context. The need for adequate investment – while always an issue – is most clearly brought to bear when these glaring gaps appear. Indeed, we are compelled to consider what difference the full implementation of the Kelowna commitments might have made in facing this crisis.

***Recommendation #2: That the Parties agree to work together in the spirit of “Jordan’s Principle” to make informed decisions about H1N1 based on clear medical advice, and to do so as a partnership between First Nations, P-Ts and the federal government.***

***Recommendation #3: In the case of a pandemic, the Parties agree to work together to ensure that “surge capacity” planning occur with First Nations as full partners in the discussions.***

### **3. Education and Skills Training**

Once an instrument of oppression, education must now become the tool that brings hope, opportunity and success to First Nations. There is an abundance of evidence to support the need for greater investment in education and skills training, and the economic arguments are easily made to show how this investment can and will pay off for the entire Canadian population.

The statistics affirming the deplorable state of First Nations education are alarming:

- The funding for First Nation schools has been capped at 2% since 1996 in spite of inflation and an average annual population increase of 6.2%.
- During the same period, almost every provincial and territorial education system in Canada has undergone a complete restructuring of their education system, increasing their annual funding, on average, by 3.8% per year.
- INAC’s funding has resulted in an historical deficit of \$1.17 billion over the years 1996-2005.
- A projected funding deficit over and above the 2% cap is projected at \$304 million by 2010.

Furthermore, the current federal funding formula provides little or no funding for First Nations in the following areas:

- Languages - Over half of the 60 or so Aboriginal languages in Canada were at risk of extinction in 2001. The majority of these languages are not spoken in other locations. The federal government’s national formula allots only \$215 per student for language

training. By way of comparison, Alberta provides \$2,261 per student, on average, to teach French as a first language.

- No funding for key functions including Libraries, Technology, Sports and Recreation, second and third level First Nations education systems, as well as shortfalls in special education, band employee benefits, student transportation, teacher salaries, capital and maintenance, and more.

Without the necessary support for basic life skills in early learning years, First Nation economies struggle under the burden of a population without the necessary literacy, numeracy skills, and training to secure employment opportunities. In fact, for First Nations to achieve employment parity only with the rest of Canada we need over 93,000 new First Nation workers introduced to the workplace today. Our figures also show that given the schooling gap we need at least 169,000 secondary level certificates in order to start addressing higher level post-secondary deficits. With these deficits, impacts will only continue to deepen as we enter a knowledge based economy with two-thirds of jobs requiring post-secondary training or education.

At a meeting of the Council of Ministers of Education, Canada (CMEC) this past February, AFN advanced a National Education Framework as a recommended path forward. The AFN seeks engagement on this basis to advance critical needs in education.

***Recommendation #4: That the Parties agree to address the discriminatory underfunding of First Nations' education by engaging in comparability studies with other stakeholders (e.g., Ministries of Education, First Nation Regional Management Organizations, etc.).***

#### **4. Economic Development**

Implementing our Treaties and the development of genuine partnership is a requirement for sustainable First Nation economies and would generate tremendous mutual advantage through sustainable resource development and growth. These are opportunities that cannot be overlooked at a time of economic recession.

In 2007, the AFN advanced a discussion paper with the CoF entitled "First Nations' Role in Canada's Economy" emphasizing the positive links between resource development and labour force replacement. We feel that this paper is still relevant.

In March 2009, the AFN published *The State of the First Nation Economy* noting particular vulnerability during recession, the clear need for basic infrastructure and economic institutions, an increasing focus on the natural resource sector, as well as pointing out the limited nature of available data and analysis of First Nation economies.

Where the First Ministers Meeting on the Economy in January 2009 did identify some new funding for First Nations, the economic stimulus package fell far short of investing in First Nation infrastructure, in supporting our equity stake in key developments and in equipping our economies for future success. Furthermore recent announcements such as Indian and Northern Affairs Canada (INAC)'s new Federal Framework on Aboriginal Economic

Development (June 30, 2009) continue a pattern of narrowly defined program parameters as opposed to enabling partnership and the re-emergence of First Nation economies. We can do better. We must do better in partnership.

The AFN is keen to advance a variety of economic development initiatives. Evidence from across Canada and around the world supports the idea that sustainable and meaningful economic development can provide the basis for wide ranging improvements relating not only to the economy, but to overall health and well-being more generally.

This includes a focus on resource revenue sharing and filling future labour force shortages, an emphasis on new energy sources, and initiatives related to spurring entrepreneurship through an emphasis on investment, infrastructure and connectivity. As well, an effective approach to dealing with consultation and accommodation would enable genuine partnerships respectful of Treaty and Aboriginal title and eliminate one of the most complex barriers relating to the advancement of new sustainable development projects.

***Recommendation #5: That the Parties agree to focus on specific outcomes that will enable and support First Nation economies over the coming year.***

## **Conclusions**

On all of these matters, we need a clear commitment to coordinate and to collaborate, but this must be done in full respect of our rights and our responsibilities. We are ready to work with you. We need to work with you. But we must build processes that include firm targets, clear indicators of success, and mechanisms to be accountable for every engagement through the CoF and other intergovernmental processes.

To do so, we must transform the process of engagement to include:

1. Clear direction and leadership;
2. Inclusive dialogue and planning;
3. Smart investment; and
4. Shared accountability to ensure reporting and the tracking of results.

I urge you to join with me in finding the new processes to achieve the needed results. We have additional important meetings planned for the Fall and we are seeking a commitment from all jurisdictions to dedicate themselves to arriving at strong outcomes with clear follow-up. We must challenge one another to bring our utmost attention and energy to the challenges before us.