



**Taking Action Together on Shared Priorities ~
*for the future of Indigenous Peoples
and all of Canada***

**AFN Submission to the
Council of the Federation**

August 27, 2014

Introduction

The Assembly of First Nations (AFN) welcomes this opportunity to advance a submission to the Provincial and Territorial (PT) Premiers complementing our participation at the 2014 meeting of the Council of Federation (CoF) in Charlottetown, Prince Edward Island, on the traditional territory of the Mi'kmaq.

Last year marked the 250th anniversary of the Royal Proclamation of 1763, which recognized the pre-existing jurisdiction of Indigenous peoples in Canada. This year marks 250 years since the Treaty of Niagara, a ceremonial gathering, where Indigenous Nations affirmed their relationships as sovereigns with the British Crown.

In solidifying this partnership, the Covenant Chain of Friendship was extended to all parties of the *Treaty at Niagara, 1764* formalizing the principles of Peace, Friendship, and Eternal as the foundation of the Indigenous-Crown relationship. Each principle represents a metaphorical link of the covenant chain as a way to convey the fragile nature of the relationship. In addition each chain link was symbolically made of silver as it was understood this form of metal would not easily break but would require polishing to maintain its lustre.

From this perspective the Indigenous-Crown relationship would require “polishing” or renewal in order to maintain the founding principles. When the relationship requires attention, one party symbolically pulls on the chain, signalling that once again the silver must be polished. Over the past half century, Indigenous peoples have been pulling on the chain without a response from our Treaty and Crown partners, who are allowing for the tarnished relationship to continue.

The relationship between First Nations and Canada is premised on mutually recognized rights and responsibilities. Canada’s recognition of these foundational principles, based on the inherent and Treaty rights of First Nations, is an essential prerequisite for respectful relationships, collaborative efforts, and mutual benefit going forward.

As Indigenous Nations, we have the right to exercise our inherent rights and responsibilities, which derive from our historic and present political, economic and social structures and from our cultures, spiritual traditions and philosophies. These rights are recognized in section 35 of the *Constitution Act, 1982*, by the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, and implicitly and explicitly in Treaties with each other and with other nations in the international community. This recognition of First Nations title and rights was most recently reaffirmed and reiterated by the Supreme Court of Canada in the Tsilhqot’in case (*William v. Canada, 2014*), one of the most significant Aboriginal law cases in Canadian history that set a clear declaration of Aboriginal title for the Tsilhqot’in lands.

This recent affirmation of the Supreme Court is an opportunity for truly transformative change. The status quo simply cannot stand and only provides a path of increasing conflict and uncertainty. Only through full recognition of First Nations as rightful and equal partners in the economic, political and social future of this country can we all move forward, together, for the benefit of all.

This is a time that calls for true leadership and vision. First Nations across this country are ready. As the Council of the Federation gathers to strengthen Canada as a country and foster meaningful relations among governments, fundamentally transforming its relationship with the First Nations of this land must be a priority for all.

Ensuring Action on Shared Priorities

The report and recommendations of the Aboriginal Affairs Working Group (AAWG) has already been submitted to the CoF for your consideration. The AFN continues to support this work and affirms the formalized commitments that have been made with respect to each of the focal areas: Education, Economic Development, Ending Violence Against Aboriginal Women and Girls, Housing and Disaster Mitigation. The AFN supports the addition of children in care as an additional focus of this group and will bring forward priority areas for attention.

This submission is meant to provide further context on that work and reiterate First Nation priorities in advancing fundamental change and achieving progress in these areas. In addition, the AFN will raise urgent work required in health care, given the role of PT governments in this sector.

Collaborative action on the recommendations made below is an essential step to renewing the relationship between First Nations and the Crown and a first step to polishing the covenant chain. The AFN encourages each PT to work closely with First Nation partners to implement each recommendation.

Current efforts of the AAWG underscore a shared understanding that attention and priority are needed in a number of areas - areas of longstanding challenge that require commitment to facilitate new approaches and solutions to transform outcomes based on the recognition of Treaty and inherent Aboriginal rights. It is imperative that Provinces and Territories commit to recognition of these challenges, in the context of rights and responsibilities, and to using all available avenues to work with First Nation governments and citizens to further these priorities.

1. Education

The focus on education as a priority area by PTs is welcomed. Much remains to be done to address the immediate need to improve the education context for First Nations. The current AAWG education agenda must be more ambitious to produce immediate and lasting change. The AFN recognizes the recent commitment from the Council of Ministers of Education, Canada (CMEC) on work in four key areas: support for Aboriginal students interested in pursuing teaching as a career; development of learning resources on Canadian history and the legacy of Indian Residential Schools that could be used by teacher training programs; sharing of promising practices in Aboriginal education; and ongoing promotion of learning about Indian Residential Schools in K-12 education systems. These commitments are promising, but they do not go far enough. Change is required now, for all First Nation children wherever they reside.

Generally, with regards to First Nations education, PTs have focused on documenting what is happening rather than engaging in change measures. Since 1972, Chiefs-in-Assembly have consistently put forward policies that recognize the need for *Indian Control of Indian Education*. When we speak of First Nations “control” we are referring to our right to make decisions in relation to our own Peoples. This right to control is based on our inherent jurisdiction. All governments have an obligation to First Nations to support the design and implementation of First Nations comprehensive learning systems, complete with resources and capacity based on real needs at the community level.

Education is one of the core constitutional authorities for provincial governments and is historically a key area of differentiation among the provinces. PT governments cannot make laws with respect to the education of First Nations living on-reserve, but many have introduced policy and program initiatives that specifically address First Nation students.

First Nations have inherent jurisdiction over the education of our citizens which implies that we have our own laws, ways of being, and mechanisms for making decisions that differ from those of Canada. This has consequences for how the federal, provincial and territorial governments of Canada should interpret Section 35 of the *Constitution Act, 1982* which states: “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” Since our inherent jurisdiction exists independent of Canada, the Constitution cannot create Aboriginal or treaty rights, but can only recognize them as they are defined by us. This means that all legislation passed by Canada must affirm our rights and not impact them without our free, prior, and informed consent.

Sections 114-122 of the *Indian Act* allows the federal government to enter into agreements with other jurisdictions for the education of First Nations children and to establish, operate, and maintain schools. It is important to note that the education provisions of the *Indian Act* do not limit federal responsibility for the education of First Nations to on-reserve jurisdictions.

Furthering the agenda for First Nations control of education requires the recognition and implementation of First Nations jurisdiction. This requires federal and PT governments to ensure existing and future laws are consistent with First Nation rights. True First Nations control over First Nations Education in Canada will require the support of an appropriate institutional framework and Canada’s PTs have an opportunity to work with First Nations to realize this.

Directly connected to the reconciliation of jurisdiction, essential elements to achieve improved education outcomes for First Nation learners include the implementation of measures to strengthen First Nation languages and cultures, and a commitment to set specific targets with timelines.

Language is central to First Nation cultures and identities. Residential schools were a key factor in disrupting the intergenerational transmission of First Nation languages to the extent that only three Indigenous languages in Canada are not considered threatened. It is critical that PT leaders take steps to support First Nations to increase the number of First Nation language initiatives within their jurisdictions. Recent data from the CMEC shows that since 2001, there has been a slight decline (-0.9%) in students enrolled in provincial and territorial Aboriginal Languages Programs

(from 47,698 to 47,285 students). In contrast, there has been a 23% growth in French immersion students in PT schools over the same period.

PT governments have the opportunity to create respectful relationships with First Nations, enabling First Nation schools and education systems to share their expertise in supporting culturally and linguistically appropriate education. These relationships are emerging in places across the country, but the pace of change must quicken. Some PT governments are now engaged in tripartite processes with First Nations, their appointed organizations and the federal government. These processes can provide an avenue for federal-provincial engagement in the area of First Nations education ensuring coordinated support and equality in educational outcomes. PT governments can take steps to strengthen exchanges and build reciprocal relationships, whether a tripartite process is in place or not, by following the very same principles that provide the foundation for the Treaty relationship in this country.

Specific Recommendations:

1. Premiers adopt a statement of principles for the reconciliation of educational jurisdictions, which includes measures to strengthen First Nations control of First Nations education in all its forms. The measures should also include meeting the following specific targets:
 - A 16% growth in First Nations high-school graduation rates in PT schools over the next four (4) years; and,
 - Parity in graduation rates between First Nations and non-Aboriginal learners in PT schools by 2025.
2. All PT jurisdictions to develop and adopt First Nation language initiatives in collaboration with regional First Nation groups that would lead to increased enrolment in First Nation language programs. Specifically, a targeted increase of 15% over three (3) years of enrolments of First Nations students in PT First Nations languages programs.
3. The collaborative development of a framework to provide incentives, such as loan reimbursement, repayment of education fees, or mentorship programs, in exchange for a commitment on the part of educators to work or teach in a First Nation context for a given period (e.g., 3-5 years).
4. Design programs that encourage exchanges between educational jurisdictions that create and sustain respectful relationships, and that enable First Nation schools and education systems to share their expertise in supporting culturally and linguistically appropriate education programs and services.
5. Advance targeted discussions directly with First Nations on a provincial / regional basis to support the development of regionally relevant curricula and standards for the education of First Nations children in provincial schools.
6. Affirm the recognition of First Nation jurisdiction over their education through all intergovernmental forums, including the CMEC.

7. All PT governments work in collaboration with First Nation governments to review existing education laws for consistency with inherent jurisdiction and rights.

2. Economic Development

Almost every resource development activity currently operating or planned in Canada is occurring within 200 kilometres of a First Nation community. All current and planned resource activities occur within First Nations ancestral lands, homelands, and traditional territories. Few proponents request or receive free, prior and informed consent of First Nations for their projects.

Free, prior and informed consent is a baseline international standard for development to occur on Indigenous lands. Requiring free, prior and informed consent before permitting resource activities is consistent with our Treaties and inherent rights and title, and it gives PTs the opportunity to provide proponents with certainty to achieve mutually-beneficial, stable and predictable economic development with First Nations partners.

Recent decisions by the Supreme Court of Canada (e.g., *William, Keewatin*) have brought needed clarity to the legal landscape and geo-political realities of resource development in this regard. In a report aimed at disclosing the top 10 barriers to Canada's competitiveness in 2014, the Canadian Chamber of Commerce noted that:

“Public concerns over Canada's ability to responsibly develop its natural resources has led to project delays, constrained investment and limited access to some markets. International concerns have also overshadowed Canada's diplomatic and trade initiatives on occasion. For Canada to claim its rightful place as the world leader in responsible resource development, it must establish a credible climate policy, clarify businesses' duty to consult with Aboriginal Peoples, ...”

The opportunities to work with First Nations encompass \$500 billion in natural resource development nationally; the potential to attract new investments nearing \$650 billion; and new opportunity for some economically depressed regions.

First Nations have raised questions around the Federal Government's ability and willingness to engage in true resource sharing as guided by the Treaties and recognizing inherent rights and title. In many instances conflict, situations on the ground with industry escalate and, generally, relationships suffer. In the face of development, the original relationship is not honoured, our Nations excluded from sustainable economic development, and our sacred sites jeopardized.

PT governments must come forward to address this critical gap in our relationship. Each government must commit to resource sharing, and each must pressure the federal government to also uphold its commitments.

Responsible resource development, resource revenue sharing, and access to resources – including procurement opportunity – are key issues which must be addressed in order to achieve prosperity

among First Nations and Canadians. The identification and coordination of opportunities to support collaborative action on natural resources management remains an essential element of fostering economic success of First Nations, PTs and Canada. Provincial and territorial involvement in this discussion must be emphasized.

At the international level, the former United Nations Special Rapporteur (UNSR) on the Rights of Indigenous Peoples highlighted particular impacts of extractive industries on Indigenous Peoples. In several special reports, the UNSR has examined various situations in which mining, forestry, oil and natural gas extraction and hydroelectric projects have affected the lives of Indigenous peoples. The UNSR led thematic studies focusing on the duty of States to consult Indigenous Peoples and corporate responsibility, issues that invariably arise when extractive industries operate or seek to operate on or near the traditional territories of Indigenous Peoples. His conclusions noted that there remains a need to put in place measures to protect, respect, and remedy. Undoubtedly, in Canada, full and effective participation by First Nations in such steps and levels of economic development are important parts to the solution, in addition to measures aimed at engaging early – and often – in initiatives that implicate First Nation rights and territories.

Today, Canada faces a major demographic challenge. The Canadian Chamber of Commerce listed skills shortages, and specifically Indigenous participation in the labour force. Continued commitments from PTs are needed to support First Nations to enter the work force and capably engage in driving economies both on and off reserve.

Specific Recommendations:

1. Establish a dialogue between the Premiers and First Nations within each province and territory to articulate the core principles of a respectful relationship with First Nations based on Treaties and Indigenous rights and jurisdiction over the land, in order to facilitate resources-focused discussions.
2. Participate in discussions led by the Working Group on Natural Resources Development to consider a report on matters pertaining to First Nations and natural resources development.
3. Examine new process mechanisms – including First Nation-specific management/governance bodies in order to develop the capacity of First Nations to foster business development and to create a framework for networks to link First Nation entrepreneurs with sources of capital and local, national and international markets.
4. Ensure meaningful First Nation participation and input at inter-jurisdictional sector tables such as the Council of Energy Ministers, the Canadian Council of Forest Ministers, and the Energy and Mines Ministers Conference.

5. Convene a Ministers meeting on First Nation resource development matters, revenue options, and wealth sharing based on the Treaty relationship and respect of Aboriginal rights and jurisdiction.
6. Direct the AAWG sub-committee on economic development to work with Indigenous leaders to build frameworks, consistent with Treaties and inherent rights, to support First Nations' access to natural resources, greater benefits, revenue sharing options, respectful relationships, and sustainability.
7. Identify and support initiatives that grow First Nation capacities and secure current and future economic gains, such as:
 - Identifying a regional resource development funding platform jointly established by the jurisdictions, First Nations, federal stakeholders, and industry.
 - Developing a focused strategy to link First Nation students to mentorship programs, business management schools, degree granting educational opportunities, employment programs, services, and incentives.
 - Facilitating partnerships between First Nation and non-First Nation companies.
8. Work with First Nations across Canada to design tools to assist awareness building on complex matters such as, consultation and accommodation; free, prior and informed consent; and dialogue on effective ways to resolve disagreements outside of litigation;
9. Develop a template for development and operations on First Nation traditional lands that includes standards for:
 - Minimum level of employment on the development stages, operation stages and sets aside annual contracts for supplies and services.
 - First Nation employment targets in human resources plans.
 - Procurement strategies and supplier network incentives to work with the First Nation business community.
11. Support knowledge development through the creation of a resource center on responsible resources development.
12. Develop a gaming strategy to explore further acquisition of provincial gaming authorities to include an expansion of First Nation casinos as well as online gaming.
13. Develop strategic initiatives for each key resource sector that creates the conditions to enable and support First Nations to participate in economic priorities on terms acceptable to the First Nations.
14. Develop a strategy with the Premiers and jurisdictions to increase funding to develop year-round roads connecting all First Nations with existing highway system, and ensure benefit sharing by:
 - Transferring 2% of annual gasoline tax revenues for maintenance of existing and expanded road networks on traditional lands.

- Allocating a percentage of constructions and maintenance contracts to local First Nation companies operating within their traditional territory.

A related, although separate, critical economic discussion needed to help enable the First Nations economy is that of reducing the digital divide among First Nations and the rest of Canada. Connectivity continues to be at the forefront of an adaptable and capable economy – whether it be for the general population, First Nation communities, or for others in different parts of the world.

Currently, federal policy initiatives are re-introducing the need for activity that advances – and in some instances establishes – connectivity and broadband in rural and remote locations nationally. The opportunity to learn from multiple coordination efforts, align policy to facilitate efforts to address the various forms of the digital divide, and harmonize connectivity proposals among First Nations and other jurisdictions to add value to new capacity investments.

First Nations continue to facilitate community-led solutions and work with partners. Many communities seek to enhance citizenry service capacities using tools offered through technology, advance student learning opportunities from school and home, and promote business development opportunity with access to other markets as often only achieved in the use of modern communications – specifically the internet.

Specific Recommendations:

1. Create an inventory of digital infrastructure successes as well as PT programs and services being offered.
2. Consider outlining geographical broadband and connectivity progress transposed with First Nations community maps, as well as methods to gauge community institution, businesses, and household access to internet services.
3. Work with AFN, communities, and partners to explore how to build on success, and minimize technology divide – from services, to managing data, to human resources capacity.
4. Consider mandating officials to draft a discussion paper for Premiers on improving access to provincial and territorial broadband capacities and the digital economy among First Nations.

3. Ending Violence against Indigenous Women and Girls

There is an immediate and pressing need to seek justice for Indigenous women and girls in Canada, and ensure that they have the same opportunities to fully enjoy their rights, regardless of where they reside. Last year, Premiers unanimously joined their voices to the call for a National Public Inquiry into missing and murdered Indigenous women.

At the 2012 Annual General Assembly, over 1,800 Chiefs and First Nations citizens made a pledge to “live violence free and to personally work to achieve safety and security for all Indigenous peoples – women and men, girls and boys.” At the 2012 Council of the Federation, Premiers took up this pledge as a reminder in their professional and personal lives of their responsibility to ensure the safety of Indigenous women and girls. The pledge is a clear recognition that ending violence and ensuring the safety and security of citizens is everyone’s responsibility and that all governments – federal, provincial, territorial and First Nation – must use any and all tools available to them to end violence.

The best and most successful efforts to prevent and end violence against Indigenous women and girls are grounded in communities, are inclusive of the voices of women, youth and Elders, and respect the jurisdiction of First Nation governments. Communities are best able to coordinate, support and mobilize the appropriate people – including leadership, frontline workers, volunteers, families, youth, service providers and external supports – to create safer homes and environments.

In May 2014, the RCMP released a national operational overview report on Missing and Murdered Aboriginal Women affirming 1,181 Aboriginal women in Canada were missing and murdered between the years 1980 and 2012. These disturbing findings are evidence of a deep social malaise and demand the attention of a National Inquiry. The power of a National Inquiry to feed into the broader societal narrative, address the underlying reality of our colonial legacy, and transform behaviour cannot be understated. We continue to maintain that such a National Inquiry is key.

In 2009, Amnesty International updated its report *No More Stolen Sisters* by recommending that the federal government, as a matter of urgent priority, work with Indigenous communities and provincial and territorial officials to develop and implement a comprehensive and coordinated plan of action regarding missing and murdered Indigenous women.

Article 4 of the *United Nations Declaration on the Elimination of Violence Against Women* states that:

[...] States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

- (c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons; [...]
- (f) Develop, in a comprehensive way, preventative approaches and all those measures of a legal, political, administrative, and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices, or other interventions; [...]

Specific recommendations:

1. All Premiers and jurisdictions provide a clear and public declaration of their commitment to taking tangible actions to prevent violence against Indigenous women and girls and to appropriately respond to it when it occurs.
2. All Premiers and jurisdictions actively commit to work with First Nation communities to implement options identified in the *Coordinating Framework for Action to End Violence Against Aboriginal Women and Girls* adopted by the AAWG at its meeting in May 2014.
3. Premiers agree to convene Regional Roundtables and to engage in and support a National Roundtable with Indigenous representative organizations to coordinate efforts to end violence against Indigenous women and girls.
4. PTs work with regional/provincial Indigenous representative organizations to drive towards a comprehensive National Action Plan against violence that includes focus on protection of Indigenous women and girls.
5. Premiers continue their support and increase advocacy for a National inquiry into violence against Indigenous women and girls, including focus on those that are missing or murdered.
6. Jurisdictions support the *United Nations Declaration on the Elimination of Violence Against Women* by ensuring their respective laws, policies and practices are updated and reflective of this document
7. Premiers direct police services within their jurisdictions to work with their respective regional/provincial Aboriginal representative organizations and independent third parties with the relevant and appropriate expertise to identify, and ensure that the policies, measures and practices used by those police services are impartial, unbiased, and statistically accurate, and take into consideration and respect the unique circumstances of Indigenous citizens and communities.
8. Invest in supports for housing, mental health, police services and other related services for the protection of abused women and children.
9. PTs provide political and financial support to provincial/regional Indigenous representative organizations to improve internal capacity and coordinate community level efforts to address issues facing Indigenous women and girls

4. Housing

The AFN welcomes focus on housing which is fundamental to the overall well-being of First Nation citizens. The agreement to examine housing issues, in addition to the other mandated areas of focus, presents a critical step forward in understanding and addressing the roots of First Nations poverty.

The substandard and deplorable housing conditions in First Nation communities are a persistent and growing phenomenon. Many First Nations have undertaken innovative and successful initiatives to address the backlog, while others still rely on federal programs to provide homes for their members.

Between 2010 and 2034, it is estimated that there will be a backlog of 130,000 housing units in First Nation communities, with 44% of the existing units requiring major repairs and 18% requiring replacement. This not only places a strain on the resources of a First Nation community, but further taxes PT housing and social services as First Nation citizens and their families are often forced or compelled to relocate to urban centres, with the resultant over-representation of First Nations among urban homeless. Clear coordination between jurisdictions is required to address this situation.

Patchwork programs and attempts to replicate municipal / corporate housing programs in a First Nation context is not the solution. Instead, PTs can share housing management expertise to assist in building First Nation capacity and work with First Nation governments to meet the housing needs of First Nation citizens living outside of their communities. There are many opportunities to address these challenges, but they must be approached collaboratively and in a manner that does away with the silos and oppositional thinking that has characterized some earlier efforts.

Specific Recommendations:

1. PTs facilitate dialogue and relationships between the various housing provision authorities.
2. Premiers mandate the AAWG to develop a long-term strategy to address the need for culturally-appropriate social housing, transitional housing, responses to homelessness, second stage housing and supportive housing for individuals and families facing mental health challenges.
3. PTs work with First Nations in the creation of a national housing strategy for all Canadians that is in harmony with, respective and supportive of First Nations needs, goals and aspirations.
4. PTs participate in a joint federal, provincial and territorial action based working group to develop strategies to address the expiring Social Housing Agreements that have and will affect First Nation citizens both on and off reserve.

5. National Disaster Mitigation Strategy

The need for a robust national disaster mitigation strategy for First Nations is becoming increasingly evident, with real and recent examples in Manitoba and Alberta regarding responses to flooding. We have seen what can happen when First Nation communities have inadequate supports for mitigation and relief services, and the real benefits of clear communication among jurisdictions that can lead to a coordinated response.

Most First Nations do not have adequate hazardous emergency preparedness, response and recovery plans due to lack of capacity at the community level (e.g., no emergency coordinator) to undertake essential planning. In addition to this, Health Canada's First Nations Inuit Health Branch has significantly reduced disaster plan funding to communities and First Nation organizations. This puts First Nation communities at significant risk when emergency events occur.

While emergency management is the purview of PT governments, First Nations remain under the jurisdiction of Aboriginal Affairs and Northern Development Canada (AANDC), which provides inadequate supports for emergency management. AANDC requires First Nations to use all available local resources to respond to emergency planning and situations, but they do not provide funding commensurate with this task. Severe underfunding persists in the areas of training, infrastructure, and capacity building. First Nations do not receive enough funding to apply the basic principles of emergency management, which include mitigation and prevention, preparedness, response and recovery.

As a result, First Nations are forced to rely on limited core funding to address emergency situations that, in turn, can create a catastrophic deficit in a community's budget. Lives can be irreversibly disrupted and entire communities are sometimes forced to evacuate as a result of emergency events.

Evacuations – though sometimes necessary for safety reasons – have serious, long-term side effects. In Manitoba, the 2011 floods have resulted in six First Nation communities, with 1,930 community members, still living in hotels some three years later. More recently, the 2013 Alberta flood has resulted in another 1057 members from two Alberta communities in evacuation status. The loss of infrastructure and personal belongings, families and communities lose a direct connection to their traditional lands, means of subsistence, and culture. Elders have reported that the feeling of being evacuated is similar to the feelings they experienced during their forced removal to attend residential schools.

The AFN welcomes the attention and focus of PTs on disaster management and mitigation and is committed to working with all jurisdictions to achieve coordination and support in such events.

Specific Recommendations:

1. Establish a community-based process for the creation of a national disaster mitigation strategy to address the needs of First Nation communities that includes measures to ensure greater cooperation and collaboration between First Nations, PTs and municipalities in the

development of emergency management response plans. This process must be funded properly and equitably to ensure First Nations are properly trained and have adequate human resources.

2. PTs must involve and consult adjacent First Nations in the planning and construction of disaster avoidance and mitigation infrastructure that will also benefit and protect First Nation lives, land and property. This includes creating real opportunities for First Nations to work with adjacent landowners, municipalities, Regional Municipalities and townships relating to infrastructure and planning.
3. PTs provide support for capacity to First Nation communities' planning and response abilities up to a level that is equal to that of other communities.

6. Child and Family Services

At their last meeting, the AAWG recommended a Working Group on Child and Family Services be established to examine among other things, the "Sixties Scoop", leading practices, challenges and jurisdictional issues and that the group be composed of experts in the field including child and family services and justice ministries.

In addition to the issues identified by AAWG, disparities in funding for child welfare on reserves remains a consistent problem and highlights discrimination against the most vulnerable members of our society. The AFN continues to advocate on behalf of First Nations children in a human rights complaint filed 7 years ago which is only now being heard before the Canadian Human Rights Tribunal. It is widely expected that despite recent wins, the federal government will continue to fight this case all the way to the Supreme Court of Canada and it may be many more years before we have a just outcome.

The number of First Nations children in care remains unacceptably high. Research indicates Aboriginal children have been over-represented in child protection services for more than four decades, and that the degree of service provided to First Nation children is the most invasive form of child welfare intervention: removal from the home and placement in care. While efforts have been made by provinces across Canada to work with First Nations over the past 10 years to address these issues, the number of First Nation children in care continues to rise across Canada.

The reasons for this are well known, yet collectively, the ability to tackle these causal factors in a comprehensive manner remains elusive. The challenge, in large part, is that the reasons for children coming into care span all aspects of the social spectrum. Poverty, housing, education, alcohol and substance abuse are all key drivers in determining the eventual number of children coming into care. Given the day-to-day role PTs play in these areas, there are a number of ways they could engage in addressing the root causes and play a supportive role in the prevention of children coming into care.

Jurisdictional issues also play a key role in the challenges First Nation families face when attempting to secure equitable and culturally appropriate services for their children. This fact is highlighted in the case of Jordan River Anderson, a First Nation child who spent more than two years unnecessarily in a hospital due to jurisdictional squabbling. Jordan's Principle is a child first principle named in his memory. Payment disputes within and between federal and provincial governments over services for First Nation children are not uncommon. Jordan's Principle calls on the government of first contact to pay for the services and seek reimbursement later so the child does not become a victim of bureaucratic red tape. First Nation families are still waiting for the implementation of Jordan's Principle.

Several PTs and Canada are facing collective legal challenges with respect to the state's role in the Sixties Scoop. The Sixties Scoop is a term used to describe a period of approximately 25 years where thousands of Aboriginal children were arbitrarily removed from their homes and placed in foster care and adopted by non-Aboriginal families and thereby experienced a loss of culture, language, and Aboriginal identity. Learning from the past efforts of the state to "protect" Aboriginal children, such as Indian residential school and the Sixties Scoop, it has been proven that the removal of a First Nation child from their home community results in loss of culture, loss of language, and loss of identity.

The AFN welcomes the commitment by PTs to assist in addressing this critical issue, particularly in addressing complex, multi-jurisdictional challenges.

Specific Recommendations:

1. All Premiers and jurisdictions acknowledge the crisis in First Nations child welfare, and proclaim it as recently noted in the Hughes Report in Manitoba as a National Embarrassment.
2. PTs commit to working with First Nation governments to achieve fairness, equity, and justice for First Nations children.
3. All Premiers support a tripartite process that directly involves First Nation representatives to:
 - a. Discuss jurisdiction over the welfare of First Nations children;
 - b. Examine and discuss the issues of the Sixties Scoop in order to bring resolution and settlement to this serious issue; and
 - c. Establish a fair and transparent process to truly implement Jordan's principle.
4. All PTs commit to tracking all First Nation children in their respective systems.
5. PTs support a longitudinal study on First Nation children in care.

7. Health

Health care for First Nations continues to be a complex issue. Although the Constitutional responsibility and Treaty obligation for First Nations health rests with the federal government, PTs play an integral role in improving health outcomes of First Nations people both on and off reserve. There are a number of key ways that PTs can work with First Nations to achieve better health outcomes, while holding the federal government to account in fulfilling its health care obligations to First Nations. In addition, there are a number of areas that would allow PTs to engage strategically with First Nations in order to improve outcomes and as a result, achieve cost savings for the jurisdictions.

While First Nations health is a federal responsibility on reserve, inadequate federal health services in these communities often force First Nations people into urban centres to access provincial and territorial services. In addition, the consequences and costs associated with the current poor First Nations health outcomes are borne by PTs beyond the health system itself including in criminal justice and child welfare, among others. Therefore, First Nations and PTs clearly share an interest in ensuring the federal government provides adequate, sustainable and responsive health services on reserve.

Federal health funding continues to be inadequate and is clearly failing to improve First Nations health outcomes. In fact, since 1996, federal funding for First Nations core programming have not kept up with the rate of growth, creating substantial pressures on First Nations health delivery systems and the essential services provided under the Non-Insured Health Benefits (NIHB) program. At a recent national AFN conference on NIHB one participant observed that NIHB “is a source of illness rather than a source of healing.” In light of the crisis in NIHB, the AFN has undertaken a renewed campaign to demand profound program transformation in order to ensure First Nations receive the same high quality healthcare enjoyed by non-First Nations Canadians. This campaign has already succeeded in securing agreement from the federal Minister of Health to conduct a third party jointly-run program review. Continued pressure from all areas, including from Premiers, will ensure Canada follows through on this obligation.

It is in the best interest of PTs to engage with both the federal government and First Nations to determine the best means to bridge the health outcomes gap and ensure First Nations are able to access quality health programs and services wherever they reside.

There are PTs that are taking a proactive stance to improve First Nations health. The British Columbia Tripartite Framework Agreement is one important example. However, there are many other opportunities to work in a partnership approach to make real and meaningful improvements in First Nations health such as the National Native Alcohol and Drug Abuse Program Renewal, the First Nations Mental Wellness Continuum process and eHealth offers an emerging opportunity where all can benefit from engaging in tripartite discussions.

Specific Recommendations:

1. Recognition of First Nations governance and addressing critical gaps in First Nation health outcomes requires specific steps including: affirming our rights and advancing First Nation systems that are culturally appropriate and effective; delivering sustainable, fair and equitable Funding for First Nation health services; and improving coordination and effective intergovernmental cooperation and partnership.
2. PTs develop focused education and training programs and internships to support the development of First Nations health human resources and supporting cultural safety and cultural competence training for mainstream healthcare professionals.
3. PT governments work with First Nations to develop partnership agreements to improve health in First Nation communities.
4. PT governments work with First Nations to infuse capacity resources that target the promotion of wellness to mitigate the issues of obesity, diabetes, cancer and other chronic disease.
5. PT governments work with First Nation to address poverty as a social determinant of health.
6. All levels of government must work to increase the capacity of eHealth technology for First Nations people living on reserve; this includes the necessary infrastructure to ensure that the technology can be implemented for the purposes of Tele-medicine activities.
7. PT governments work with First Nations to coordinate better mental Health and Addiction services and programs to address prescription drug abuse, depression and the other issues of trauma that can be attributed to the residential school era.

Looking Forward

There is clearly much to be done. The CoF has the opportunity to provide leadership in these areas and provide direction and coordination with respect to FPT forums, including the CMEC, Council of Energy Ministers, Canadian Council of Ministers of the Environment (CCME), Ministers of Status of Women and Ministers of Justice and Public Safety.

The AFN advances the recognition and affirmation of First Nations as a distinct level of government and participant in key issues as highlighted here. The United Nations Declaration on the Rights of Indigenous Peoples provides important guidance in this work establishing the requirement for mutual respect and partnership in all aspects of our shared future. The inequalities, some of which are highlighted in this short paper, that exist between First Nations and the rest of Canada require our immediate attention, and a shared commitment across jurisdictions to effect real change.

First Nations are interested in exploring all options. It remains that Provinces are provided equalization payments by the federal government to be able to provide equitable levels of programs and services across Canada. While First Nations are included in the per capita calculation of these payments, they receive lesser levels of services.

The CoF and AAWG provides a valuable platform for dialogue and sharing, but discussions alone will not break the cycle of poverty that is being perpetuated in First Nations communities. No one can argue that the current approach must not change; the outdated policies, the competing and misaligned jurisdictions, or the chronically underfunded programs found in First Nations. The current approach must be replaced with mutually inclusive policies that work across jurisdictions, and which are properly supported with the necessary financial resources to make them effective.

The AFN reiterates its intention to advance an approach at the CoF (and by extension the AAWG) that creates more than supportive dialogue and statements. We must develop specific targets, and hold ourselves accountable to working with our partners to achieve these targets. To better gauge our work, and to benchmark our targets, the AFN would like to propose the use of cross- and multi-jurisdictional assessments of the disparities in funding levels that plague First Nations programs and services at all levels, from national to community levels. Based on these assessments, the CoF, with the support of the AAWG, will be in a position to present a clear and united call to address the systemic disparities in policy and program supports that continue to obstruct First Nations from achieving their full potential.

The priorities contained in this document can and must be advanced, together. Doing so is in our collective interest, and for our shared benefit. We welcome the opportunity to consider how to pursue these and other matters through to implementation.

The AFN wants to work with the CoF, the AAWG, and other levels of government to provide a clear commitment to coordinate and work together on shared priorities. It is our hope that this meeting will provide an opportunity to bridge any gaps that may exist in our ongoing work with the federal government as part of our joint commitment to the AAWG process. There is no question that the federal government is a key party to many of our discussions, however, we need not underestimate the considerable leverage PT governments can exercise in creating tangible change and improvements to the lives of First Nation citizens.

Thank you for this opportunity, and we look forward to advancing key results that support First Nations, and indeed all Canadians, on each of these matters of national importance.