ASSEMBLY OF FIRST NATIONS BACKGROUNDER

SNAPSHOT OF THE SUSTAINABLE DEVELOPMENT GOALS (SDGS):

Sustainable and resilient recovery from the COVID-19 pandemic
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The Assembly of First Nations (AFN) is a national advocacy organization representing 634 First Nations communities in Canada that aims to protect and advance their aboriginal and treaty rights and interests. The aim of this backgrounder is to provide a snapshot of the progress made on the SDGs, with a focus on First Nations communities.

BACKGROUND

First Nations in Canada have long experienced socio-economic disparities and poorer health outcomes than non-Indigenous Canadians, rendering First Nations disproportionately vulnerable to adverse impacts from climate change, environmental degradation, and socioeconomic shocks such as the COVID-19 pandemic. The socioeconomic marginalization faced by First Nations is a result of imposed colonial ideologies and development priorities, as well as an imposed economic system.

In order to begin to close the socio-economic gaps between First Nations and the rest of Canada, these legacies of colonialism must be addressed. This requires calling for the dissolution of a discriminatory and inequitable colonial economic system, and replacing it with a just, inclusive, and sustainable economic system that respects First Nations values.

One cannot consider the pursuit of just, inclusive, and sustainable economic growth for First Nations without the recognition of the intentional and devastating effects that colonialism has had on First Nations individuals, families, institutions, and economies. From the first assertions of sovereignty, colonizing powers have sought to impose their own views of development and even their own frameworks of ‘economies’ upon First Nations, displacing sustainable and balanced First Nations economies with avaricious and consumption-driven economies. The displacement of the self-determination of First Nations has resulted in centuries of entrenched poverty and disparities between the beneficiaries of the consumption-driven economy and First Nations.

Recent years, however, have seen a significant shift, as sustainable development has become the new dominant ambition of global politics. But what does sustainable development mean? The 2030 Agenda for Sustainable Development states that there are three dimensions of sustainable development: economic, social and environmental.¹ This means taking a balanced approach to the pursuit of prosperity,
human dignity and well-being, and of environmental sustainability. Just and inclusive sustainable development means taking a rights-based approach to systemic change. This means acknowledging and respecting the inherent, constitutional, human, and Treaty, rights of First Nations, including the right to self-determination, self-government and the exercise of jurisdiction associated therewith. These fundamental rights, many of which have existed since time immemorial, are also internationally recognized and respected, notably having been incorporated into the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which was recently brought into domestic Canadian law by virtue of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples (Bill C-15).

Notable provisions of UNDRIP includes Article 3, which recognizes that: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Article 32 expands on this notion, recognizing that First Nations also “have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources.” What can be drawn from the text of UNDRIP, which has been affirmed as a source for the interpretation of Canadian law, is that First Nations self-determination is inexorably linked to the economic, social, and cultural development of First Nations. When First Nations are deprived of self-determination, even in the pursuit of improved economic or social indicators, history demonstrates that both inequality and injustice are further entrenched.

Bill C-15 further states that “Whereas the implementation of the Declaration (UNDRIP) can contribute to supporting sustainable development and responding to growing concerns relating to climate change and its impacts on Indigenous peoples.” The inclusion of sustainable development in the preamble of the federal bill to implement UNDRIP is important because it is so critical, both now and in the future, to First Nations. Sustainable development is also referred to in the preambular texts of the American Declaration on the Rights of Indigenous Peoples. This underscores the importance of sustainable development to First Nations, which is not simply a mere aspiration, but is intrinsically linked to their human rights.²

In February 2021, Canada released the domestic 2030 Agenda strategy: Moving forward together: Canada’s 2030 Agenda National Strategy. The strategy has recognized the gap in well-being and opportunities facing Indigenous Peoples and commits to working towards addressing this gap. The strategy also recognizes Indigenous Peoples’ contribution to sustainable development and recognizes their jurisdictions and distinctions. While this is a step in the right direction, First Nations were not engaged in the development of this strategy, or the following Federal Implementation Plan.

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¹ UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, available at: https://www.refworld.org/docid/57b6e3e44.html [accessed 24 June 2021]
Over the last year, the COVID-19 pandemic has had a disproportionate impact on First Nations. While COVID-19 recovery plans are being made, it is critical to ensure that these plans take a balanced approach of sustainable development, and address the underlying systemic inequities that marginalize First Nations, in order to make progress towards the SDGs.

To this end, the Assembly of First Nations (AFN) notes that:

- Canada must fulfill its commitment to leave no one behind by using a rights-based approach to implementing the SDGs, with sufficient and sustainable funding to do so.

- Canada must develop appropriate disaggregated data and indicators to measure progress being made against the SDGs. Special attention must be considered with the persistent pattern of growing inequities as a result of the COVID-19 pandemic.

- Canada must address discriminatory policies and legacy structures that have resulted in the unequal distribution of wealth and resources and the imbalance of economic power that have deprived First Nations of their lands and resources.

- Canada must achieve free, prior, and informed consent in legislative, regulatory, policy and management decision-making processes and ensure the appropriate respect for First Nations’ rights and jurisdiction in the development of such regimes.

- Lastly, Canada must establish mechanisms for the meaningful inclusion of First Nations. Special attention should be paid to First Nations women, youth, and persons with disabilities.
ANALYSIS OF SPECIFIC SUSTAINABLE DEVELOPMENT GOALS

The following commentary provides a snapshot of the progress made on some of the SDGs, which are also included in this year’s review at the HLPF.

**SDG 1: NO POVERTY**

SDG 1 represents a unique opportunity for Canada to address poverty within its own borders. Though many targets under this goal are relevant for First Nations they require contextualization. For example, Target 1.4, which calls for ensuring equal rights to economic resources and control over land, fails to specifically address Indigenous ownership of land, which is vital to addressing the socio-economic marginalization of First Nations in Canada. Specific indicators and targets are needed to measure First Nations ownership of land and resources, as these are sources of socio-economic empowerment.

In 2018, Canada announced their first national Poverty Reduction Strategy (PRS). However, this strategy, which is currently being implemented by Canada, excludes First Nations. First Nations were excluded because measures and indicators of poverty used for the general Canadian population are not appropriate for First Nations, such as the Market Basket Measure (MBM), the Low-Income Cut Off (LICO) and after-tax Low-Income Measure (LIM-AT). For example, the MBM does not account for the higher costs of goods and services in First Nations, especially those which are northern and/or remote. The Federal Government is working with the Territories, including First Nations, to develop a Northern-appropriate MBM and work is also beginning on co-developing First Nations Specific poverty indicators by the AFN.

Census data from 2016 using the LIM-AT measure (which may not reflect actual numbers of First Nations poverty) shows that 29.7% of First Nations individuals live in financial poverty, much higher than the 13.8% for individuals in the general population. The AFN’s report *Towards Justice: Tackling Indigenous Child Poverty in Canada*, states that 53% of on-reserve First Nation children and 41% of off-reserve First Nation children live in poverty. There are regional differences but on average these child poverty levels are substantially and inequitably higher than that of non-Indigenous, non-racialized, and non-recent-immigrant children, whose poverty rate is 12%.

Measuring and addressing poverty for First Nations is important, and requires a holistic approach, as poverty is a multi-faceted issue. This includes recognizing poverty as occurring at different levels, for example at the individual or community level and seeing the impacts of poverty as affecting emotional, intellectual (mental), physical, and spiritual aspects of life.

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1 Data Tables, 2016 Census. Retrieved from Statistics Canada
The COVID-19 pandemic will likely increase the proportion of people living in poverty, delaying Canada’s poverty reduction goal in 2020. First Nations who are living close to or at the poverty line prior to the COVID-19 pandemic will suffer the most due to the unprecedented economic downturn in the long-term. Lower socio-economic status coupled with the fact that roughly half of First Nations people live on reserves or in remote communities means that they are more vulnerable to the impacts of the pandemic. Despite these challenges, First Nations have also proven to be innovative and to have taken steps in their communities to address poverty during the pandemic, demonstrating once again that they are best situated to self-determine their futures.

As Canada makes its plans to “build back better” from the COVID-19 pandemic, it is important to ensure that First Nations are involved in recovery efforts, and that the systemic factors that cause poverty in the first place are properly addressed.

**SDG 2: NO HUNGER**

As stewards of Mother Earth, First Nations have a special relationship with the earth and with all living things. First Nations have been growing and gathering food sustainably based on subsistence needs and values for thousands of years. Hunting, gathering, and fishing to secure food includes harvesting food for self, family, the elderly, widows, the community, and for ceremonial purposes. Everything is taken and used with the understanding that only what is needed is taken, with great consideration to ensure future generations will not be put in peril.

But First Nations traditional food systems and way of life continue to be threatened by numerous external impacts, including climate change, degradation of plant and animal habitats, widespread environmental contamination, threats from oil pipelines and legislative decisions made in neighbouring countries which impact the environment. As a result, over the last century, First Nations have experienced a profound nutrition transition (change in diet) with increased reliance on the market food system. This has resulted in diet-related chronic diseases such as diabetes and food insecurity. In fact, the First Nations Regional Health Survey found that just over half (54.2%) of households surveyed were food insecure; that is 1 in 2 on-reserve households experiencing food insecurity. This finding is corroborated by the *First Nations Food, Nutrition and Environment Study*, the largest study on nutrition, food security and food safety study conducted in Canada with First Nations, which finds 48% of households surveyed to be food insecure. Based on this study, First Nations also lack access to their traditional foods, with 47% reporting running out of traditional food before they could replenish it, and 77% reporting they would like to serve traditional food more often than they currently do.

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These issues of food security are tied to land, natural resources, and the environment, as well as to traditional cultural relationships and practices. In 2013, the United Nations Special Rapporteur on the Right to Food highlighted issues such as food security, access to traditional foods and affordability of nutritious market food that gravely affected First Nations. In 2014, the Council of Canadian Academies released a report titled *Aboriginal Food Security in Northern Canada: An Assessment of the State of Knowledge*, which further concluded that there is a food security crisis that is particularly acute in [Indigenous] communities. Moreover, as First Nations grapple with the issue of food security in their communities, there is also a movement in the resurgence of traditional food systems for cultural and mental wellness, for overall health and for economies.

Another aspect of SDG 2 is sustainable agriculture. Indigenous peoples have a history of agriculture in Canada that goes back many centuries. Very little data or analysis had been published; however, in 2016, Statistics Canada made a first attempt at filling this gap by linking farm-level data from the Census of Agriculture to individuals in the Census of Population. In this report, it was found that in 2016, 15,765 people (2.7%) of the 592,975 people in agricultural population self-identified as Aboriginal/Indigenous, even though they account for 4.9% of Canada’s total population. Among these, 4,135 people (0.7% of total) were First Nations. Moreover, agricultural operations managed by First Nations people had a median area of 151 acres, or about two-thirds the size of operations managed by non-Aboriginal persons. The median gross farm revenue of First Nations agricultural operations was $18,000, or about one-quarter of the revenue of farms managed by non-Aboriginal operators.

Progress on SDG 2 requires First Nations incomes from agriculture to increase and ensuring appropriate access to land and resources. First Nations disproportionately continue to have a small, fragmented land base, with limited resources to improve agricultural productivity.

The COVID-19 pandemic has further underscored the importance of agriculture and food security for communities, especially for remote First Nations. For First Nations that closed their borders to non-members, many Nations experienced challenges with food-supply chains causing local services and community organizations to source food for their members, thus incurring costs not normally part of their budgets. Moreover, the government response to First Nations’ food insecurity overlooked the specific interests and needs of First Nations through delegating food-security grant distribution to non-Indigenous groups, some of whom have never worked with First Nations.

The COVID-19 pandemic has also created an opportunity to look at funding to address not only the immediate food security needs in communities, but also longer-term systemic solutions for food sovereignty and resilient food systems and pathways.

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[7] Ibid.
SDG 3: HEALTH AND WELL-BEING

In pre-colonial times, First Nations enjoyed good health due to an active lifestyle and healthy traditional and balanced diets. Good health was also informed by ceremonial, spiritual, and physical elements, and there were customary laws regarding food and hygiene that assisted the people in staying healthy. First Nations communities and families greatly valued holistic approaches for preventative health care and thrived by working together to ensure their members were cared for so that the Nation remained strong.

Today, First Nations are facing a health crisis with poor health and well-being outcomes and extremely inadequate resources to address them. Resources are also inefficient, constraining First Nations and their ability to fully identify and address their health and well-being priorities. This is reflected by a range of health and well-being indicators. Concurrently, changes in lifestyles have also resulted in an increase in the prevalence of diabetes for First Nations adults living off reserve, which is 1.9 times higher than that of non-Indigenous adults.\(^8\) Attributable in part to the on-going and unresolved inter-generational impacts of residential schools and other colonial systems, the mental health burden is also experienced at a much greater rate by First Nations than the general Canadian population.

Furthermore, ongoing experiences of racism in the health-care system and differential access to primary and specialized care exacerbate these issues. Many First Nations delay seeking health care until their health issue reaches an emergency stage, requiring more invasive and costly interventions. As seen in the case of Joyce Echaquan and many others, racism in health care settings can be fatal for First Nations. Thus, Canada must commit to addressing racism in health care. First Nations have articulated strategies to address the prevalence of racism across systems and institutions. Some examples of systemic responses to racism in health care can be found in Provincial reports such as the Viens Commission (Quebec)\(^9\) and the In Plain Sight report in British Columbia (2020),\(^10\) and the recommendations from national scope reports such as the Calls to Action from the Truth and Reconciliation Commission (2015) and the Calls to Justice from Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019).

The systemic barriers and discrimination that lead to poorer health outcomes in First Nations also increase their vulnerability to the health and socioeconomic impacts of the COVID-19 pandemic. While disaggregating COVID-19 data has been a challenge throughout the pandemic, in the province of

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Manitoba, where First Nations make up approximately 10% of the population, 32% of all COVID-19 cases in the province have been First Nations. Indeed, the COVID-19 pandemic response has highlighted the many silos in the health care system and found that timely communication and public health guidance is often lacking the appropriate contextual and cultural lens. First Nations have also been challenged in accessing timely and appropriate COVID-19 care – specifically testing, contact tracing, isolation, treatment – due in large part to the existing inadequate health and human resources available in the community, compounded by the lack of health system infrastructure and health care professional capacity. This is evident from the fact that more than 1 in 5 (21.3%) First Nations adults reported not having a primary healthcare provider, compared to 15.8% among the general population.

During the COVID-19 pandemic, First Nations-led responses and services were found to be the most effective in meeting the health needs of their people. COVID-19 has highlighted the need for the Government of Canada to increase resources to improve First Nations’ capacity to share information and deliver culturally relevant services and supports. Along with immediate emergency funds, long term investments in First Nations-led infrastructure, programs and capacity building initiatives must also be considered to support First Nations to respond to crises over the long term. In September 2020, the federal government committed to co-development of distinctions-based health legislation; a critical outcome of that legislation must be First Nations control over First Nations health.

SDG 12: RESPONSIBLE CONSUMPTION

Goal 12 calls for balancing economic development with the environment and ensuring the sustainable management of natural resources. First Nations require effective tools, funding, and capacity to ensure environmental protection for the lands, waters, air, and First Nations peoples, especially children, mothers, and families.

Mainstream development processes have not only impacted the environment but have been detrimental to the health and well-being of First Nations living on and depending on the land. Past development practices, such as excessive extraction, diversion and damming of major water systems, have disproportionately affected First Nations, leading to the displacement of First Nations communities and the loss of ecological habitats important for First Nations’ economies. As part of all development processes, Canada has a legal duty to consult and accommodate First Nations, and ensure Free, Prior and Informed Consent in all development processes.

11 https://www.fnhssm.com/covid-19
No relationship is more valuable to First Nations than that with Mother Earth, the natural environment and everything contained within, including animals and marine life, forests and plants, surface, and sub-surface waters and the air. Consequently, the degradation of the environment leads to a decline in the way of life and cultural health of First Nations.

Urban unsustainable practices also have disproportionate impacts on First Nations. For example, using the World Health Organization’s 2011 Urban Outdoor Air Pollution Database, the 2013-2014 Environmental Commissioner of Ontario’s Annual Report indicated that as a result of the concentration of industrial facilities, Sarnia suffers some of the worst air pollution in Canada. Over 110 million kilograms of pollution were released into the air in 2009, and approximately 60% of this volume was released within five kilometers of Aamjiwnaang First Nation. Rates of cancer, birth defects and other health concerns are much higher at Aamjiwnaang than would be accounted for by random variation, suggesting that governmental failure to address the surrounding pollution is harming First Nations.

Many unsustainable practices are further perpetuated due to lack of access to services, such as renewable energy or clean drinking water. First Nations that lack access to clean energy often have to rely on diesel generators for power and heat. This is unaffordable, unsustainable, and damaging to the local environment, yet insufficient resources exist to replace diesel generators in every First Nation. Similarly, the lack of potable water on many reserves results in the use of bottled water, another unsustainable practice. While progress is being made in these areas there is still much to be done to ramp up efforts to ensure environmental sustainability, and in particular addressing the drinking water advisories in First Nations reserves.

The COVID-19 pandemic has increased the time spent at home for families which makes access to clean and affordable energy as well as waste services important. Ensuring responsible consumption and seeking consultation with First Nations in development processes is important in ensuring that First Nations are not adversely impacted from resource-consumptive processes and can live healthy lives in their First Nation. It is also worth noting that environmental consultation and the role (or lack thereof) of First Nations in the process is important in the COVID-19 recovery process. A number of provinces, such as Ontario and Alberta, have changed their Environmental Assessment (EA) regulations for COVID-19 to streamline the EA Process post-COVID and enhance economic recovery. These measures go against Canada’s legal duty to consult and accommodate First Nations, potentially First Nations inherent and Treaty rights, as well as the international human rights principles reflected in UNDRIP which have been domestically affirmed by way of Bill C-15.

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SDG 13: CLIMATE ACTION

Climate change will have significant environmental, social, economic and health consequences on First Nations. Changes in temperature can lead to a disruption in climate patterns such as wind, rain, snow, and storm intensity. As a result, communities may face devastating impacts such as harsh weather conditions, flooding, erosion along shorelines, increased risk of forest fires, loss of glaciers, water shortages and drought, increased risk of pests and disease. In addition, the increased risk of losing many animal and plant species will result in a loss of traditional food source for First Nations which will ultimately impact their health and well-being.

In 2020, Canada strengthened its climate plan, A Healthy Environment and a Healthy Economy, which committed to “…position Indigenous climate leadership as a cornerstone of Canada’s strengthened climate plan,” recognizing that “…[s]upporting self-determined climate action is critical to advancing Canada’s reconciliation with Indigenous peoples.” Even with the strengthened climate plan, Canada is not projected to be compliant with limiting warming to under 2-degrees – Canada is currently about 140 megatonnes (i.e., 140 million tonnes) over this target.

First Nations have been active in voicing their concerns around climate change. Chiefs-in-Assembly have called for urgent and transformative climate action to reduce emissions in Canada by 60% below 2010 levels by 2030, and to reach net-zero emissions by 2050. To achieve net-zero by 2050, attention must also be given to avoiding additional fossil fuel development (i.e., the known driver of anthropogenic climate change). There is however, nearly zero reference to the role of phasing out fossil fuel development in Canada’s climate plan. This is problematic given that the Canada Energy Regulator projects ‘growth’ in both crude oil production (20%) and in-situ oil production (37%) through to 2040.15

First Nations have been clear in their expectations for climate action to be framed as a right-based imperative given the impacts, both direct and indirect, of climate change and climate solutions on their inherent and treaty rights. This includes those affirmed in Section 35 of the Constitution Act, as well as the international human rights principles as enumerated in UNDRIP, with emphasis on both the right to self-determination and the standard of free, prior, and informed consent (FPIC).

While the COVID-19 pandemic has taken attention away from climate change, it also offers the chance to align recovery responses that will not only help to improve public health, but also create a sustainable economic future by better protecting the planet’s remaining natural resources and biodiversity and taking action on climate change.

CONCLUSION

In Canada the denial of First Nations rights to self-determination and the imposition of a colonial system has deprived them of the benefits derived from using land and natural resources. This has led to their socioeconomic marginalization, which is evident from the socio-economic gap between First Nations and the rest of Canada that we see today. The COVID-19 pandemic has only widened this gap.

In order for Canada to close this gap and fulfill its commitment to achieve the SDGs by 2030 and to leave no one behind in this process, a rights-based approach is essential. This requires the recognition of First Nations’ inherent rights; Treaty rights; title to traditional lands, territories and resources; and their exercise of jurisdiction associated with these rights and title, as a fundamental right. In addition, Canada must achieve free, prior and informed consent in legislative, regulatory, policy and management decision-making processes and ensure the appropriate respect for Indigenous Peoples’ rights and associated jurisdiction in the development of such regimes. For this to happen there must be mechanisms for the meaningful inclusion and decision-making of First Nations, particularly women, youth and persons with disabilities in the implementation of and monitoring of the SDGs. Sufficient and sustainable funding for First Nation’s governments is also needed to realize the ambitions of the 2030 Agenda and for First Nations to exercise their right to self-determine their development.

The AFN also notes the stark messaging provided by Indigenous Peoples as reflected in their input generated at this year’s UN High Level Political Forum\(^{16}\) that focused on the COVID-19 pandemic. Based on this input, the COVID-19 pandemic had worsened inequality and amplified the existing systemic discrimination and marginalization that First Nations have been subjected to. In addition to these negative outcomes, many States also took advantage of the pandemic and the resulting restrictions on fundamental rights and freedoms to criminalize Indigenous leaders. Land-grabbing and resource extraction by the public and private sectors also continued during the pandemic. The input additionally noted that the current priority for pandemic recovery is solely focused on economic growth, which is inconsistent with the need to balance the social, environmental, and economic dimensions at play. Unfortunately, many States weakened their policies for environmental protection during the pandemic and restricted democratic participation in order to pursue their economic targets in the guise of pursuing recovery from the pandemic.

Ultimately, the relevant data appears to suggest that the COVID-19 pandemic may have impeded progress on the SDGs within Canada, and that there may be some correlation with the various negative effects of the pandemic experienced by First Nations. As COVID-19 recovery plans are being made and the next steps of the domestic 2030 Agenda National Strategy are underway, First Nations must be engaged so they are equal partners in the implementation of the SDGs, as noted in the domestic 2030 Agenda National Strategy. Engagement must also be supported with sustainable funding mechanisms. All implementation activities must be done in co-development and partnership with First Nations.