

PRESENTATION

**from the Assembly of First Nations
of Quebec and Labrador**

Presented to

**House of Commons Standing Committee
on Aboriginal Affairs, Northern Development
and Natural Resources**

By

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THE FIRST NATIONS GOVERNANCE ACT

A Dangerous Step Backward

The First Nations have no choice but to build or rebuild their own forms of governance. And they are offering to do so in co-operation with the federal government. But the government has not yet matched our openness. We are prepared to study and restudy, if necessary, the conclusions of the Royal Commission on Aboriginal Peoples, still with no reply from the federal government.

But our people are daily demanding accountability. They want especially to know when our governments will be able to meet their real needs. More than 3,800 members of close to 20 First Nations communities signed a petition demanding that the House of Commons block the First Nations Governance Act and instead attack the real problems. Some local band councils (for example, the Mohawks of Kahnawake and the Malecites of Viger) passed resolutions in support of the petition. The petition circulated for only a few weeks in the fall of 2002, yet it gathered signatures from around 40% of the members of the communities.

Why does the Chrétien government stubbornly keep the door closed? Why does it refuse to listen to the proposals of the Assembly of First Nations, which is offering to help it to, once and for all, get rid of the *Indian Act*? The First Nations do not want to see phase II of the governance bill go ahead as proposed by the federal government. Yet the government refuses to listen.

What does the government feel it will accomplish by inventing the wheel again? Why does it want to discredit, against public opinion, the governments that the First Nations have established? What could be its motive for trying to undermine their ability to acquire a different form of government, one that is a truer reflection of their culture and thus a form of governance more appropriate to their needs? What is the cause of this dangerous step backward and who will pay for the price for it?

The First Nations are calling on all of Canadian society to help bring the federal government to see reason.

The First Nations are in the front lines, which is the best position to see just how much the federal government's Aboriginal policy has failed. Yet it is the members who are paying for that failure, as we see in the social indicators that point all too well to the harshness of their everyday lives.

The First Nations have made it very clear to the federal government that the governance bill will not solve any of the numerous important problems in the First Nations, indeed, that it will not change anything at all. INAC Minister Robert Nault should come down from his ivory tower at INAC headquarters and visit the reserves: There he would see the real problems that the Chiefs of the Quebec and Labrador First Nations are being forced to cope with on a daily basis.

Now is not the time for studies or public hearings. The federal government has everything it needs to make well-guided decisions. It must finally sit down with the First Nations to make those decisions because stalling over the issues is not a solution.

Reading the suicide statistics and burying your twenty-year old son or daughter are not the same thing. Reading the unemployment statistics and knowing at the age of 20 that your dreams won't come true, that you have no future, are not the same thing. Reading the housing statistics and living with a family of eight in unhealthy conditions are not the same thing. Reading statistics about band council indebtedness and having to daily refuse services that people desperately need are not the same thing.

- **Why Not Go After the Real Problems**

The First Nations have put initiatives into place to deal with problems in health and social services. They are taking firm steps with the federal government to make sure those initiatives have the support they need. The federal government must support communities that request help to develop, implement and run health and social service programs designed by First Nations and Inuit organizations to meet the needs of their populations.

INAC and the Treasury Board have unilaterally imposed a new procedure for renewing policies in the following areas: income security, child and family services, the National Child Benefit program, adult care services, family violence, and education. But their priorities do not match ours.

Employment and training measures are going without funding. Yet the Aboriginal Human Resources Development Strategy (AHRDS) was created in order to meet the communities' employment and training needs.

Furthermore, the effectiveness of this strategy is severely limited by the absence of initiatives in economic development that could lead to long-term jobs, and by the absence of funding for service infrastructures at the community and regional levels.

The housing situation in the communities of the Quebec and Labrador First Nations is catastrophic. A joint report submitted by the Secretariat of the Assembly of First Nations of Quebec and Labrador, and the Housing Liaison Committee shows clearly that the federal budget allocations for housing are not meeting the needs of the First Nations.

The report also shows that the situation will worsen with time if the status quo holds. It indicates that the housing needs of the Quebec and Labrador First Nations require spending of \$1 billion, whereas INAC funding for housing has stood at \$11.4 million a year since 1982. And even though INAC has added another \$24 million over the past seven years, the total funding meets only between 20% and 30% of the housing needs.

The devastating trend described by the report is due to the fast population growth in the First Nations. The populations of the communities will only get larger over the coming years. The 5-19 age group, which is made up of persons who will be forming their own households within the

next 15 years, is much larger than the 20-34 age group, contrary to what is being seen in the non-Aboriginal population.

The main consequences of the current situation will be a quicker deterioration of housing units due to overpopulation, increased family tensions, more learning problems among our youth, increased concerns for the health and safety of the communities' member, and greater indebtedness and financial risk. In that regard, we note that funding has not been indexed in 20 years, during which time housing construction costs have considerably increased.

The status quo is only forcing the First Nations into a downward spiral, and there is no indication as to when this might end.

INAC Minister Robert Nault severely harmed the First Nations when he told a reporter with the *Edmonton Journal* that their school system has been a failure. All of the teachers in the Quebec and Labrador First Nations have taken this insult to their professionalism and dedication very hard.

We know that our teachers make every effort to provide quality educational services despite chronic underfunding and the absence of an education policy that could support them. Even worse, they have had to use every possible means to overcome the devastating effects of bad management by INAC of Aboriginal educational services.

For example, we recall that during the 1960s and 1970s, when the department had despotic control of First Nations education, the drop-out rate of the students in our communities was close to 90%, and right up to 100% in some of them. Today, under the First Nations' own education system, the drop-out rate is between 7% and 12%. Who have been the better managers of First Nations education, INAC or the First Nations themselves?

Even more telling, since we took over our educational services, the success rate of our students has been far better than the success rate under the government's management.

Robert Nault would have been more honest if he had checked the facts before saying that the First Nations' education system has failed. If any party has failed, it has been the government which, even though it has fiduciary responsibility for the First Nations, has not found it necessary to provide the financial resources necessary for the education of our children. The funding it does provide does not come close to the funding provided by the public school systems.

- **Once again, we say NO to the proposed form of governance**

It is evident to us that any process for change can be legitimate only if it provides for input from the people who are its target. The only solutions that the First Nations can approve will be ones that they themselves have developed. And because of that, they know they will have solutions that work.

For several years now, INAC has come under attack on all sides for its inability to resolve the social and economic problems of the First Nations. The Auditor General of Canada has criticized the department for its incompetent management of public money. She sees that enormous amounts of money have been swallowed up without giving satisfactory results, because there is no verification by the government managers concerning the effects of the programs they run.

Lastly, in an interview that Mr. Nault gave to *Le Devoir* on January 5, 2001, he admitted that the *Indian Act*, which dates back to 1867, does not stand up to the test of the *Canadian Charter of Rights and Freedoms*. In that same interview, he said that a good part of this outdated Act could be judged unconstitutional by the Supreme Court of Canada in the next several years.

And that is why Mr. Nault has tabled the First Nations Governance Act, which shows nothing but scorn for his fine declarations about how dilapidated the *Indian Act* has become and intentionally sets up a smoke-screen. Far from radically changing the parts of the Indian Act that the First Nations have denounced as being discriminatory, he is doctoring this old act to hide his administrative incompetence and put all the blame for that incompetence on the shoulders of the First Nations.

When we look again at human rights, we see that contrary to what Mr. Nault has said publicly, he has let himself be deceived by INAC officials, who through an unacceptable tour de force, have put the blame on the First Nations. Mr. Nault is acting through his governance bill to show that the First Nations are the authors of human rights violations. This accusation is absolutely false and is exceptionally defamatory. The Minister must know that the First Nations had nothing to do with the drawing up of treaties and later, the *Indian Act*.

It is clear to us that self-government for the First Nations depends on a governance process. But the First Nations are the only ones who can properly define such a process.

The vision of the First Nations requires major changes to the governance model that the federal government is trying to impose unilaterally along with a consultations process, both of which run contrary to the government's previous commitments and to several court rulings.

We are forced to acknowledge that the governance bill is nothing other than a response by the Chrétien government to pressure by the opposition parties for better accountability mechanisms.

Such is the culmination of 33 years of Canada's Aboriginal policy, 33 years of promises made and broken, 33 years of reports, each one more encouraging than the last, but each one just as quickly forgotten. And the stream of promises continues to roll on.

Thirty-three years ago have passed since the tabling in 1969 of the *White Paper* of Canada's Indian and Northern Affairs minister at the time, Jean Chrétien. Even though that document was firmly rejected by the First Nations, it has enjoyed a career every bit as prosperous as its promoter has. The *White Paper* was based on the idea that to develop, the First Nations had no choice but to integrate into the majority society and adopt its development model. And now, 33 years later, that is all the government has to offer, as proof of its lack of vision.

The 1969 White Paper offered the First Nations the opportunity to free themselves from the *Indian Act* by accepting assimilation.

But the First Nations have always been looking in another direction, one that will lead to full self-government. That is how they hope to get free of the *Indian Act*.

According to the Chrétien government, if the First Nations can't move beyond the *Indian Act*, it will be the fault of their governments and especially the fault of their governance practices. If the First Nations won't adopt 'good governance practices', the federal government will impose them on them for their own good. There are no other models for the government. It says, do as we do and everything will turn out right

The federal government is shifting blame to the First Nations governments for the failure of its Aboriginal policy: After all, it is the local band councils that are in the front lines. They are the ones who deliver most of the services that are available to their populations. According to the federal government, all these local governments have to do is to follow the right recipe, which it is only too willing to give them.

The Royal Commission on Aboriginal Peoples clearly denounced the government's handling of Aboriginal affairs and handed down a series of recommendations that were not tinged with colonialist or paternalistic attitudes. The Chrétien government's first response to those recommendations did not carry any conviction, and now the government is dismissing them completely.

Canadian society will not tolerate this attitude and this step backward. The federal government must have the courage to admit publicly that its Aboriginal policy has failed, and it must not shirk either its fiduciary or its moral responsibilities.