

Social Assistance and First Nations

A Literature Review

May 1999



Prepared for:

The Assembly of First Nations

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Project Description

The Assembly of First Nations and DIAND has jointly undertaken an Income Security Reform process. In order to develop a policy framework that will allow for meaningful change a comprehensive review of existing social programming, reform initiatives and related areas needs to be completed. To meet this objective the AFN has contracted Katenies Research & Management Services to do a literature review of existing work in the area of First Nation Social Assistance. The objective of this review of literature is to identify what is currently available on the topic of First Nation social assistance and to identify gaps in that research as it relates to the development of a policy framework that will allow for meaningful change. A review of existing social programming activities, examples of reform initiatives and other related areas of research has been undertaken as a part of this project. The goal is also to identify any gaps in the existing research and make recommendations on what steps should be undertaken to address these gaps in the literature.

In order to obtain a clear and concise picture of the times and conditions affecting the administration of social assistance in First Nation communities we have explored current First Nation socio-economic situations in relation to human resource development and planning, social assistance and poverty. We have also looked at social assistance from the perspective of its relationship to Aboriginal self-government. We have found that there is a significant body of social assistance research that exists from large collections of work done, for example, by the Royal Commission on Aboriginal Peoples and the Department of Indian and Northern Affairs as part of its *Gathering Strength and Agenda for Action* strategy development. Additionally, the AFN itself has just recently completed a large body of research and data collection process related to the *Aboriginal Strategic Initiative*. This project was a 2 year research endeavor that was designed to be a comprehensive review of social security programming and reform in First Nations communities. The primary objective of the ASI was to focus expertise and resources from all available sources to develop creative and practical initiatives which would improve the social well being of First Nations. The secondary objective of the ASI was to define substantive and procedural issues related to achieving social well being and to recommend a means of



resolving them. All of these activities combined have been a part of a larger concerted effort toward developing a framework for cooperative action to accomplish the long term vision of an appropriate and comprehensive system designed to improve the social well being of First Nations.

This paper has been outlined in a dialogue format with headings and descriptors followed by a narrative that responds to the research question. Given the large body of work that has been quite comprehensively done over recent years on this topic, we have endeavored to take a look at social assistance from a different perspective. To give an overview of what we mean we will describe briefly the themes that have been covered by prior researchers on this topic:

1. Statistical trends of dependency and the related social costs
2. Federal fiscal responsibility through the treaty making process
3. Provincial jurisdiction and program off-loading efforts by the federal government
4. Unemployment rates, labour market trends and their impacts on social assistance programming
5. Reductions in federal Non-Insured Health Benefits Program funding and impacts on social assistance program delivery.
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This paper is divided into seven sections. They are as follows:

- I. First Nations Social Assistance: Rights, Jurisdiction and Social Policy – an Evolution*
- II. A Traditional View of Social Assistance: Where We Were, Where We Are Now*
- III. Responsibility for Social Assistance to First Nations – the Federal / Provincial Tug of War*
- IV. Social Assistance an Issue of Government Social Policy. What Other Options Are There?*
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- VII. First Nations Social Assistance Gaps in Research and Next Steps*



Throughout these topics we have endeavored to incorporate all of the information collected without repeating current research. Ideas for further research are suggested as a result of what we saw as gaps as we collected information from the various sources indicated in our methodology. A detailed bibliography is provided as an appendix to this document highlighting research from 1995 to present. We have chosen this cut off date to ensure that the information contained herein is from the most current sources in accordance with standard research practice.



First Nations Social Assistance: Rights, Jurisdiction and Social Policy- an Evolution

Over a 15 year period the United Nations Human Rights Commission Working Group on Indigenous Populations worked on the formulation of a draft *Declaration on the Rights of Indigenous People* which was adopted in 1993 by the UN Sub Commission on the Prevention of Discrimination and Protection of Minorities. The draft declaration sets out international standards with respect to how international human rights instruments apply to indigenous peoples. The significance of this document is that it serves as a set of guiding principles setting out internationally recognized standards regarding the rights of indigenous peoples (AFN, 1997 p. 22)

The Declaration is the first of its kind that would be recognized under international law that both deals specifically with indigenous people and emerged on the basis of significant indigenous leadership. Part V of the Declaration states that:

Indigenous people have the right to participate fully at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures...

Indigenous people have the right to maintain and develop their economic and cultural systems, to be secure in the employment of their own means of subsistence and continuing improvement of their economic and social conditions, including in the areas of employment, vocational and social conditions, housing, health and social security....

Indigenous people have the right to determine and develop priorities and strategies for their development. In particular, indigenous people have the right to determine and develop health, housing and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions...

Prior to European contact our people lived in this country with their own systems of law and governance, their own customs, languages and cultures. In the early days it was very difficult for the settlers to understand and relate to the indigenous peoples of this country... accordingly, we as indigenous peoples had equal difficulty relating to the settlers. In those early days one of the mechanisms designed to ensure the peaceful co-existence and non-interference with the original occupants of the land was treaties. These treaties were entered into on a nation-to-nation basis: that is, *in entering into the pre-Confederation treaties the French and British Crowns recognized Aboriginal nations as self-governing entities with their own systems of law and governance and agreed to respect them as such* (RCAP p.2-3). For centuries, treaties continued to be the



traditional method of defining intergovernmental relations between Aboriginal and non-Aboriginal people living side by side on the same land (RCAP p. 3).

Over the years our people have found treaties have had some disadvantages. Most of these arising from issues of interpretation. Governments have insisted on the *written document as embodying the entire agreement between the parties; Aboriginal parties have considered the oral arrangement, whether reflected in the written document or not, as reflecting the true consensus reached by the parties*. Over the years the courts have favored the Aboriginal position and have established through a series of important decisions, the fundamental principles of interpretation that should apply to historical treaties. The problem is however, that ***existing treaties have been honored by governments more in the breach than in the observance*** (RCAP p. 3).

Recently changes to the Canadian Constitution have provided some reassurance, especially in section 35 and 25 of the *Constitution Act, 1982*, which recognizes and affirms existing Aboriginal and treaty rights and protects them against erosion. Furthermore, the courts have also enunciated new principles in recent years that Aboriginal parties to treaties can use to their advantage, *such as the fiduciary obligations owed by federal and provincial governments to Aboriginal peoples as calling into question the honor and integrity of the Crown*. Therefore, in future settlements it is still more advantageous to utilize the treaty process as a preferred option when negotiating with the Crown (p. 3).

For roughly 400 years, First Nations people in Canada have been ruled by foreign powers, first the French and the British and later by Canadians (p. 4). In the eyes of our people none of these governments ever had any legitimate authority over them. This belief is in part due to the fact that under international law, *which is embodied in a series of conventions and covenants to which Canada is a signatory, all peoples have the right to self-determination, and this right includes the right to decide how they will be governed*. No government can be imposed upon a people without their consent; this would be a denial of the right to self-determination (p. 4).

First Nations were never consulted, or even had a say, in the matter of their governance, nor did European powers ever assert authority over them under any valid grounds. *Canada is the homeland of the First Peoples. It was never won by Canada by conquest*. In fact it was not until after Confederation that Canada began to appropriate large tracts of land to house the ever increasing influx of settlers, and the process of colonization and domination of our people really began. It was then that our people were herded into small reserve communities to make way for development and at Confederation were assigned to the exclusive jurisdiction of the Parliament of Canada (p. 4). The lands and resources of our people were taken from them by the settler society and became the basis for the high standard of living enjoyed by other Canadians. Only a small proportion of Canada's resource income has come back to Aboriginal people, *most in the form of transfer payments such as social assistance*. *This has never been, and is not now, the choice of Aboriginal people (p. 5). They want to free themselves from the destructive burden of*



welfare and dependency But to do this they need to have back some of what was taken away. They need the land and they need the resources.

First Nations living conditions are deplorable. Yet Canada is rated internationally as one of the best countries in the world to live. Canada is affluent, yet our people live in grinding poverty. This has resulted in a deep sense of hopelessness and helplessness. Low morale and lack of self esteem has been the result of the loss of habitat. Former hunters and trappers are reduced to welfare dependency because they have no place to hunt or trap. They cannot feed their families and all of this has been in the name of *development* (p. 7). The traditional economies of our people need to be strengthened and re-established. Anti-fur campaigns by animal rights lobbies and mercury pollution, acid rain and over fishing and clear cutting have threatened and maimed the traditional economies of our people. Co-jurisdiction and co-management arrangements are required where governments and First Nations share responsibility for resource development that would result in less environmental damage by society, and therefore, less damage to the traditional lifestyles of our people (p.7). Thriving, economically viable communities are required so that our people have an opportunity to see something for themselves in the future. This means investments in education and training. Currently young people are dropping out of school at alarming rates. They know there is no future for them so they abandon all hope. How many generations do we have to lose before we can make the change that is so badly needed?

Chronology of DIAND Social Assistance Policy

DIAND's Research and Analysis Branch commissioned a paper entitled Chronology of Key Decision Points Influencing DIAND's Social Assistance Policy. The chronology begins with the late nineteenth century and progresses to present day. The following are excerpts from this paper:

The Early Period 1867-1918

During this period there were no real policies. However, this was a time during which there was the development of a federal sense of responsibility to provide for the social well being of First Nations individuals.

<i>British North American Act 1867</i>	Section 91(24) gives the federal government authority over <i>Indians and lands reserved for Indians</i>
<i>Indian Act 1876</i>	Asserted Federal administrative responsibility for <i>Indian Affairs</i>
<i>Indian Act 1914</i>	Asserts a role of the federal state over education based on a <i>specialized need</i>

Inter-War Period Reconstruction Period (1918-1950)



This period recognized Aboriginal right to services comparable to those of the rest of Canada.

<i>Act to Amend Indian Act 1938</i>	Loans were made available to <i>Indians</i> for economic development
<i>Unemployment Ins. Act 1940</i>	<i>Indians</i> & Inuit are entitled to benefits as residents of Canada
<i>Blind Persons Act 1947</i>	Blind persons pensions were made available to all those between the ages of 21-40, as well as, over 40
<i>Citizenship & Immigration Act 1949</i>	Another change in federal responsibility for <i>Indians</i>

Post War Period (1950 – 1980)

Growth of the Canadian welfare state and the policy of parallelism, cost-sharing arrangements and concerted efforts by the government to assimilate and integrate. A period of influx of First Nations individuals to urban centres.

<i>Old Age Security Act 1951</i>	<i>Indians</i> now qualify for Old Age Security Pensions
<i>The Blind Persons Act 1951</i>	Eligible <i>Indians</i> and Inuit were entitled to benefits as residents of Canada. Federal cost sharing.
<i>The Old Age Assistance Act 1951</i>	Eligible <i>Indian</i> and Inuit were entitled to benefits as residents of Canada. Federal/provincial cost shared.
<i>Indian Welfare Services Act 1955</i>	First specific welfare act relating to <i>Indians</i>
<i>Social Security for Canada 1958</i>	Provides increased funding for welfare
<i>Welfare Assistance Act of Ont. 1959</i>	Amended to consider Bands as municipalities for the purpose of the act. Bands could recover 80% from the province which in turn was reimbursed back to the province by the federal government at 50%
<i>Hawthorne Report 1963</i>	Emphasized the policy of special rights & provincial and government responsibility for services
<i>Canada Assistance Plan 1966</i>	Extended provincial welfare programs to <i>Indians</i> . Part I provided for 50/50 cost share
<i>Memorandum to Cabinet 1969</i>	Outlined the rationale for the White Paper recommending the provinces exercise jurisdiction over provisions of services to <i>Indians</i> – strongly rejected by Aboriginal people

Constitutional Period (1980-present)

A time period characterized by attempts to change the relationship between First Nations, the



provinces and the federal government. This was within the context of debates over jurisdiction and fiscal restraint efforts. The *Inherent Right Policy* outlined government commitments during this time period.



<i>Constitution Act 1982</i>	Section 35 recognized and affirmed Aboriginal and Treaty rights and defined Aboriginal to include Metis, Inuit and Status Indians.
<i>Canadian Charter of Rights & Freedoms 1982</i>	Section 25 and 15 relate to individual rights.
<i>Nat. Operating Standards for the SA 1983</i>	Developed as the resource document for regions in the administration of SA on-reserve by DIAND
<i>Penner Report 1983</i>	Recommended Indian self-government and self-determination & the dismantling of DIAND
<i>Indian Act Bill C31</i>	Provided for the reinstatement of women previously disenfranchised for marriage to non-Indians
<i>Admin. Manual on SA 1990</i>	Attempts to increase accountability for SA dollars through a framework for planning, conducting and reporting program reviews.
<i>Pathways to Success 1990</i>	\$100 million set aside for Aboriginal Employment & Training to raise the skill levels of Aboriginal workers
<i>Social Security Reform 1994</i>	Reform process announced by government – Aboriginal response emphasizes the irrelevance of mainstream programming
<i>Report of Auditor General 1994</i>	SA dependency rates continue to rise. There is no legislative base for SA. Concern over compliance. Questions are asked about what to do to improve the situation.
<i>Budget Plan 1995</i>	Introduction of CHST – evolving from cost-sharing to block funding in areas of provincial responsibility
<i>Accountability Framework 1996</i>	Review of AFA and FTA mechanisms as to how they can balance minimum program requirements and conditions while supporting implementation of inherent right.

Source: DIAND 1997



A Traditional View of Social Assistance: Where We Were, Where We Are Now

Traditionally, First Nation economies were based on hunting and gathering, trapping, fishing, farming and inter-First Nation trade relations. The land and its resources provided the basis for traditional social and economic *security systems*. First Nations occupied specific territories, regulated relations with neighboring nations and, in respect of their own lands and resources, established systems of tenure, access, conservation and management (AFN 1998).

In traditional First Nation societies men and women contributed to the continuance of their nations. The men were the providers of food and protection, and the women saw to the domestic side of life. They were the backbone of our societies. Women saw to the material needs of the community. They were the teachers of the young. Traditionally, women played powerful roles in First Nation societies. They were protected and sheltered by the Nation as givers of life. They also presided over important rituals and ceremonies from time to time (RCAP).

In many First Nation societies status was earned by individual achievement. Wealth was measured by the ability to provide a plentiful food supply, and indirectly by the number and quality of livestock or territory an individual possessed. Livestock was critical to the economy and wealth of the nation. The number of livestock at one's disposal signified one's material wealth. In modern day society this still holds true, for example, in the United States where the Navajo still practice subsistence lifestyles. They measure wealth by the number of sheep or cattle they have. Sheep in particular are critical to the modern Navajo economy because they provide wool and meat, both of which can be used by the Navajo to feed and clothe their families.

Families of chiefs and other good providers traditionally extended their good fortune to the poor, old and indigent. Because of the tradition of sharing this was one way of sustaining the smallest political units which were built upon the extended family. The larger community consisted of the accumulation of the individual extended family units totaling sometimes thousands. Leaders or chiefs were not elected. They gained recognition for their contributions to the nation and for personal qualities such as wisdom, honesty and strength (ibid.). Two essentials for leadership were an outstanding war record and a reputation for generosity. Leaders had to demonstrate their ability to protect the nation against the enemy. The virtue of generosity was also equally important in the selection of a leader.

When periods of economic instability were experienced, First Nations utilized various strategies to ensure the equitable distribution and sharing of needed resources. These were modified as periods of scarcity or abundance occurred. As part of the social security system, these strategies



also ensured that episodes of scarcity would be infrequent and there would be sufficient food for all (AFN). This was achieved through respectful management of the nation's lands and resources.

Traditional First Nation social security systems were based on a traditional land and resource base, and social institutions such as the family. These systems were formed in accordance with the local culture and values of the community. Due to contact with European society a non-First Nation social security system has replaced, and *displaced*, our traditional forms of "social security." This has been through the exercise of federal and provincial government control over our people. This has also been coincident with the dispossession of our traditional lands and resources (ibid.).

Our people have been dispossessed of the land, resource base and economies that were at the very heart of their traditional social security systems (ibid.). There are many barriers that today deny our people access to lands and resources, and opportunities to participate in the sustainable management, control and use of these. They can be attributed to the following:

Provincial jurisdiction over lands and resources, and limited opportunities for incorporating First Nation views, interests and rights, (including treaty and Aboriginal rights) in access, control and management regimes affecting traditional and treaty territories.

Federal jurisdiction over lands reserved for Indians and associated resources, exercised through *Indian Act* provisions which preclude meaningful economic development.

For the most part, traditional lands and resources as the foundation of First Nations social security have been replaced by a system of cash transfers aimed at maintaining First Nations people and communities at or *below the poverty level*, and denying access to social and economic development opportunities that ultimately could transform the conditions of human development.

Poverty for any individual or family has consequences for the whole community. At the same time, the community as a whole can experience poverty. In a traditional home the extended family is emphasized whereas in Euro-Canadian society the emphasis is on the nuclear family. Poverty in First Nation terms needs to be understood in relation to the extended family. We know that extended family support is essential in a traditional home and the whole extended family can be effected by the situation of particular members e.g. some not having enough resources to meet the necessities of life (WUNSKA 1998).

In mainstream society, poverty is measured in terms of *poverty lines*. These poverty lines are derived from using definitions of "low income" established by Statistics Canada. Individuals and families are defined as *low-income* if they spend a disproportionate amount of their gross income on the basic necessities of life – food, shelter and clothing. This definition of *low income* refers to the amount one spends out of their gross income for the necessities of life, in this case the threshold is 56.2% (ibid.).



For First Nations poverty goes beyond the necessities of food, shelter and clothing. Poverty also means to First Nations that there are profound effects on one's feelings, mental abilities and spirit. First Nations constantly face the reality of poverty. There are many different faces to poverty. There is poverty of the body, when people do not have enough resources to feed, house or clothe themselves adequately. There is also poverty of the heart, when there is insufficient caring and love in a person's life, where frequently there is incest, neglect and abuse. Poverty of the mind is there to, when people aren't challenged or are given the opportunity to develop their abilities and their talents. And finally there is poverty of the spirit, where people feel separated from themselves, from the Creator, from the Earth, and don't know really who they are. All of these interrelate with and affect one another (ibid.).

Fifty percent of all people on-reserve are now receiving welfare, versus just over 10% in mainstream society. This also includes non-First Nation beneficiaries resident on reserve. On-reserve dependency is even as high as 60 and 80% in some provinces and climbing. This is especially true in the Atlantic provinces where in 1996-1997, according to DIAND Estimates, the dependency rate was 84%. This was an increase from the previous two year level of 82%. There are only two regions in the country with a dependency rate on-reserve of less than 40%. That is Ontario and the Yukon.

Aboriginal people are especially disadvantaged when they move to urban centres seeking education or work. Lack of job preparation, culture shock and racism are just some of the reasons why many end up on social assistance. Once in the city many find themselves stuck there not being able to get off welfare and not being able to go home. This is often because there is no home to go to due to limited housing in most First Nation communities. Some of the most sizable urban native welfare populations are in the prairie provinces of Alberta, Manitoba and Saskatchewan.

High social pathology levels are also associated with high levels of dependency. "Social pathologies" are social problems which can be quantified or expressed with statistics (AFN 1998). High occurrences of social pathologies are linked to poverty conditions and blocked social and economic mobility. Social pathologies are the human costs of dependency.

The following table illustrates the rates and incidences of selected social pathologies. Shown are the "low" and "high" ends of the range of credible estimates. On-reserve First Nation social pathology statistics are towards the high end of the ranges.

Table 1 Selected Aboriginal Social Pathology Rates

Social Pathology	Mainstream	First Nation
Family Violence	10-50%	60-85%
Homicide	1.8 per 10	6-10 per 10
Sexual Assault	100-200 per 10	500-900 per 10
Sexual Assault (0-16)	10-30%	greater
Spousal Homicide	17.3 per 10 couples	70-80% of cases



Suicide	15 per 10	45-60 per 10
Youth Suicide (10-19)	6-7 per 10	40-60 per 10
Alcohol in mortality	lower	20-40%
Alcohol in suicide	lower	75-90%
Elder abuse	10% probable max.	greater

Source: DIAND MIS Social Assistance Returns (FNSA data 1988-95); mainstream data from HRDC/SPIAD. AFN 1996 p. 11

Aboriginal violence is much more prevalent in far northern regions and especially in the territories. Over-representation of Native people within the correctional system has been growing for about at least a decade from 9.2% to 11%.

There is nothing to suggest that Native social pathology statistics are declining. It would appear that they are hovering at a structurally high level. *That is to say, high has become the norm* (ibid.).

Other alarming statistics relevant to the life and conditions existing in First Nation communities are those related to the following:

Life Expectancy: *The gap in life expectancy between First Nations and other Canadians is 7 years. In 1990 the life expectancy of First Nations men was 66.9, and for women 74 years (compared to 74.6 and 80.9 for all Canadians). Life expectancy is lowest for Registered Indians living on reserves: 62 for men and 69.6 for women. (RCAP)*

The birth rate *of Registered Indians is twice the Canadian average: 27 births per 1,000 in the population compared to 13 for Canada as a whole.*

Infant Mortality rates *fell from 28 to 11 per 1,000 live births between 1979 and 1993. The national rate fell from 11 to 6 in the same period.*

Addictions and Solvent abuse: *62% of First Nations people aged 15 and over perceive alcohol abuse as a problem in their community, while 48% state that drug abuse is an issue (APS, Statistics Canada, 1991)*

Solvent abuse by youth *is a particular concern: 22% of First Nations youth who report solvent abuse are chronic users and come from homes where there is financial hardship, neglect, family conflict or child abuse (source: Health Canada).*

AIDS/HIV reporting *is increasing for the Aboriginal population, whereas reporting in the mainstream is leveling off. The proportion of AIDS cases in Canada reported by Aboriginal peoples has risen from 1.4% (1984-1990) to 2.4% (1991-1992) to 4.4% (1993-1995).*



Other health Indicators for First Nations people: 6.6 times greater incidence of tuberculosis, 3 times as likely to be diabetic, and 2 times as likely to report a long term disability.

Incarceration rates of Aboriginal people are 5-6 times higher than the national average. The highest rates of Aboriginal sentenced admissions are in the NWT (80%), the prairies (50%) and BC (20%). Source: Sol. Gen. 1995. In some age categories, for example, youth aged 12-18 in Alberta, Aboriginal offenders are projected to account for 40% of the admissions (RCAP).

Urban crime rates for Aboriginal people are 4 _ times higher than the non-Aboriginal rate in Calgary and 12 times the non-Aboriginal rates in Regina and Saskatoon.

Poverty: Most Aboriginal people are at or below the poverty line. In major western cities, four times as many Aboriginal people as other citizens are below the poverty line.

Housing: The total number of housing units on-reserve has increased from 60,509 in 1989-90 to 80,443 in 1996-97. Over the same period, the number of adequate units has gone up from 24,659 (40.8%) to 41,885 (52.1%). In 1989 37.5% of Aboriginal houses were without central heating compared to 5.4% for all Canadians. First Nations also have a higher proportion of houses without running water, electricity or indoor toilets. Over 9% of Aboriginal houses according to RCAP had no piped water supply compared to 0.1% for Canada as a whole. Similarly 19.4% of First Nations houses had no flush toilet compared to 1.5% for Canada (1996, p. 367-8)

Aboriginal Labour Force: The Aboriginal labour force is young and is growing at twice the Canadian rate. In 1991, 43% of the Aboriginal population was of working age. This is expected to grow to 62% for the on-reserve population by 2015. The lag in labour force participation is greatest for on-reserve natives. The rates are 47% for Status Indians living on-reserves, 57% for off-reserve Indians, 57% for Inuit and 59% for Metis, compared to the national rate of 68% (1991 Census).

Business Owned and Operated by Aboriginal People: About 20,000 businesses in Canada are owned or operated by Aboriginal people. This represents less than 1% of all Canadian businesses. Half are located on reserves. About 75% of businesses owned by Aboriginal people have one employee or less. The vast majority of Aboriginal, privately owned business served local markets only.

Economic Barriers: the transition to economic self-reliance is difficult. Many Aboriginal communities face formidable challenges: access to equity, business and market development, workforce training and experience, lands and resources, and innovation in the workplace.



The perceptions of Canadians in general are rooted in the colonial attitudes towards First Nations and based on a fundamental ignorance of the historical and contemporary experience of Aboriginal people (WANUSKA). As a result many Canadians view Aboriginal peoples as those who:

- *Get everything for nothing – Canadians in general are not aware of the loss of land, culture, language and our way of life in general.*
- *Are lazy and won't work – it is hard to work where there are no jobs. Discrimination and lack of economic development and job creation result in hopelessness and low self esteem.*
- *Have more support programs than most Canadians - First Nations people are entitled to the same programs as Canadians in general. In most cases benefit levels are lower on reserve than off reserve.*
- *Receive higher benefits – First Nations are expected to deliver programs and services on-reserve equal to the provincial levels, however, funding levels from the federal governments equal less than provincial benefits. This is not commonly known by the average Canadian.*
- *Have less rigid eligibility requirements – the same eligibility requirements are followed by First Nations as for Canadians, especially for social assistance payments.*
- *Experience less or no monitoring of social benefits – due to increased pressure on the federal government in relation to accountability and decreasing of social costs for First Nations, there is significant pressure to reduce costs, decrease spending annually, implement stricter and more frequent compliance reviews, etc.*

The cause of poverty and dysfunction in First Nation communities is directly correlated to the historical attack, assimilationist policies and colonization efforts of the government for the past hundred years. People were dislodged from their ancestral lands and relocated on tiny, isolated and useless pieces of land. Disease, loss of resources, implementation of the *Indian Act* and outlawing of our ceremonies are just a few of the actions that resulted in the consequences we have described so far.

On-Reserve Social Assistance Dependency Rates 1997

Table 2

Province/Territory	Dependency Rate:	93/94	95/96	96/97
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Alberta	52%	47%	50%
Atlantic	82%	82%	84%
British Columbia	47%	48%	44%
Quebec	42%	39%	40%
Manitoba	56%	54%	49%
Ontario	29%	28%	25%
Saskatchewan	60%	59%	60%
Yukon	30%	32%	35%
National	48%	46%	45%

Source: DIAND Estimates

Responsibility for Social Assistance to First Nations The Federal/Provincial Tug of War

The Federal government has a fiduciary responsibility to fund social assistance for all First Nation peoples. This responsibility stems from it's history with First Nation peoples, Aboriginal and treaty rights, and constitutional and statutory responsibilities under Section 91(24). Social assistance was discussed and agreed upon in negotiating treaties with the Crown. Further, through the treaty process the Crown has a fiduciary responsibility to First Nations, flowing from the *Royal Proclamation of 1763* and the specific terms of treaties, and a responsibility to recognize and respect Aboriginal and treaty rights, pursuant to the *Constitution Act, 1982* (S.35).

In contrast to the above it is Canada's position that social assistance is a provincial, constitutional, legislative and fiscal responsibility, and that it has no treaty, fiduciary or statutory obligations to fund First Nations social assistance, on or off reserve. This is notwithstanding a long and continuing history of the Crown assuming a position of trust and promising to ensure social and economic security and development, often in the context of treaty relations (AFN 1999)

In the Review of the Social Assistance Methodology for Compliance prepared by the Departmental Audit and Evaluation Branch of DIAND in June 1996 the government blatantly stated that:

Under the Constitution Act, 1867, Canada has legislative responsibility for "Indians and lands reserved for Indians." Provincial governments have responsibility for health, welfare and education of Canadians generally. Court decisions and legal opinion hold that the federal



government has exclusive legislative responsibility for Indian people, as Indians, but in other respects, they shall not be exempted from the legislation of provincial or territorial governments.

Section 88 of the Indian Act provides that Indian people are subject to laws of general application unless and only to the extent that these laws conflict with the Indian Act, or treaties where relevant. The federal government has also contended that there is no constitutional or legislative obligation to provide for or fund the delivery of social services to anyone resident on reserve, whether Status Indian or not.

*The federal government has maintained that under the Constitution, provinces are responsible for the delivery and financing of social services to all their citizens, including those resident on-reserve and whether Status Indians or not. The federal government, while having the legal capacity to enact specific legislation for the delivery and financing of social services to Status Indians resident on-reserve, has deliberately not legislatively occupied the field with the exception of some individual first Nation self-government acts. Consequently, given that the provinces have jurisdiction over education, health and social services, **interalia**, the federal government has asserted, especially since the 1950's, that all Indian people should have access to these services from provincial governments on the same basis as other citizens in comparable circumstances.*

These court decisions and the federal constitutional legal position has been reinforced by the fact that under both the fiscal equalization transfer and Established Programs Financing arrangement, the federal government already contributes to the provision of a range of government services to all provincial residents. In particular, the Status Indian component of the provincial population, including those resident both on-reserve and off-reserve, is included within the population component of the formula used to determine these transfers. Furthermore, for certain social services, the federal governments contributes to the costs for all provincial residents pursuant to reimbursements submitted by provinces under the Canada Assistance Plan.

Nevertheless, provinces have generally refused to provide social service on-reserve, and as a matter of public policy the federal government has accepted responsibility for funding of community social services for on-reserve residents. DIAND thus incurs 100 percent of the related costs to virtually all the provinces. (note: the national percentage appears more in the range of 90%. Also although Canada has accepted the responsibility for funding social services it continues to attempt to divest itself to the provinces [AFN 1998])

This position forms the basis of the departments authorities for social assistance, currently stemming essentially from a 1966 Cabinet decision not to enact specific federal Indian social assistance legislation.

In 1990, a memorandum of understanding (MOU) signed between DIAND and the Treasury Board was established in the context of the increased Ministerial Authority and Accountability



(IMAA) regime. The MOU consolidated the previous authorities and accountabilities which govern the relationship between DIAND and Treasury Board.

Included in the program authorities is the consolidation of Treasury Board Authorities for Social assistance. The MOU, states that, stemming from the 1966 Cabinet decision:

- For each province and the Yukon Territory, the social assistance program must adopt the qualifying requirements and assistance schedules of the general assistance program of the province or territory (SA is delivered by the Government of the Northwest Territories in the NWT Region).
- The ultimate beneficiaries of SA will be indigent Indian and Inuit individuals and families who reside on-reserves, plus non-Indians.
- Funds for income support payments for eligible recipients will be consistent with the assistance schedules of the provincial/territorial general assistance program; and
- Although the department may administer the program directly to qualified applicants, it may be alternatively delivered by bands or distinct/tribal councils. The department is authorized to enter into and amend agreements/arrangements with the bands or councils which deliver the program. (note: these global spending authorities give DIAND no authority to authorize First Nations to depart from provincial rates and conditions. First Nations attempting to gain support for pilot projects linking SA to economic development are simply not allowed to do anything which appears contrary to provincial social welfare law. The expressed permission of the province is needed to go beyond this and the First Nations is responsible to secure it [AFN 1998]).

As described above, Canada continues to exercise significant discretion over First Nation social and economic development which extends to First Nation social assistance on-reserve. Social Assistance on-reserve is administered in accordance with provincial standards. From the Crown's perspective, social assistance is provided as a matter of discretionary policy, rather than pursuant to any statutory, treaty or fiduciary responsibility. Provincial governments provide social assistance to off-reserve First Nation members, on the same basis as other provincial residents, without compensation from Canada (AFN 1999).

In general, provincial governments actively support the First Nation in their efforts to halt federal off-loading of social development responsibilities. However, the provinces are not overly concerned with accommodating First Nation interests, needs or rights, let alone jurisdiction. While provinces are willing to work with First Nations to counter federal attempts to off-load costs and responsibilities, they are not prepared to acknowledge First Nation jurisdiction, and are



apparently quite content to see provincial jurisdiction extended and applicable on reserve in social security and other matters. Nor are they willing to recognize that new approaches to the allocation and management of lands and resources would contribute in a large part to the solution to First Nation dependency (ibid.).

Canada continues its efforts to off-load fiscal and political responsibility for social programs to the provinces. This has been through the Canadian Health and Social Transfer –C.H.S.T., Social Security Reform efforts and the new Financial Transfer Agreement (ibid.). It is no coincidence this is proceeding concurrently with federal fiscal retrenchment, deficit reduction efforts and the realignment of federal programs and services. The whole process focuses on spending reduction and down-sizing. Needless to say the impacts of these actions on the Crown’s fiduciary and trust responsibilities, treaties and Aboriginal rights are being minimized and ignored. Under the new C.H.S.T. provinces are offered greater flexibility through block funding arrangements in using reduced cash transfers for provincially-defined social welfare initiatives. While provinces have been offered tax points in exchange for a reduced cash component, the overall situation is one of reduced fiscal resources and increased competition for those which remain within the Canadian social safety net (ibid.).

At the same time, federal fiscal retrenchment has resulted in a down-loading of federal fiscal and to a large extent political responsibilities for social programs and services to First Nations themselves. This is occurring through the new Financial Transfer Agreement as the “new” funding mechanism for on-reserve programs and services. The off-loading of responsibilities has, however, proceeded without a concomitant recognition of First Nation jurisdiction and the growing social and economic development needs of First Nation peoples (ibid.).

The Financial Transfer Agreement is the First Nation version of the C.H.S.T. It offers First Nations block funding arrangements with arbitrarily capped budget amounts in exchange for increased flexibility to allocate resources between core program and service areas, increased certainty about funding levels and improved accountability to the community. In an effort to meet expenditure reduction targets, the federal government has unilaterally transformed open ended funding commitments into arbitrarily determined, capped subsidies. First Nations will have primary responsibility for providing programs and services, but must do so in accordance with “minimum delivery requirements” specified in agreements and based on federal or, as is the case for social assistance, provincial laws, regulations and policies. First Nations will be required to make up for shortfalls by raising monies from other sources. If this is not troubling enough, First Nation jurisdiction is further compromised because social assistance regimes on reserve are so closely tied to provincial systems. As the provinces individually pursue increasingly different approaches to social assistance and welfare reform, First Nations will find themselves drawn even further away from their own approaches. A good example of how this is unfolding is evident in Ontario, where Ontario Works is being implemented with little regard for the particular circumstances, needs and social and economic conditions which prevail in First Nation communities (ibid.).



While the provinces are having difficulty coping with new intergovernmental funding arrangements, First Nations lack tools such as those that are at the disposal of provincial governments that can be used to boost revenues to off-set reduced federal cash transfers. These include: recognized jurisdiction and own-source revenues from lands and resources, taxation and economic bases. First Nations not only lack the means for meeting minimum delivery requirements specified in FTAs, but the disparity between their needs and federal fiscal transfers to meet them are growing. Applying the power-resources-legitimacy effectiveness model, First Nations are being handed political responsibility for program and service delivery - the burden of legitimacy - while being denied both the power (jurisdiction) and the resources that are critical to effective governance (ibid.).

At the same time access to social benefits and entitlements are increasingly being tied to the tax system. In order to access some of these entitlements, including the new Child Tax Benefit, First Nations people will need to file personal income tax returns. This significantly compromises the treaty tax immunity of First Nations, and strengthens the information base that federal and provincial government have concerning First Nation peoples.

In summary, the current First Nations social security rests upon the federal governments' interpretation of relationships with, and responsibilities towards, First Nations generally, and specifically with respect to social security matters. Canada provides funding for social assistance as a discretionary policy measure, rather than pursuant to statutory, constitutional, treaty or fiduciary responsibilities. The federal policy of administering social assistance programs on reserve in accordance with provincial rules, the denial of responsibility for off-reserve members and the current environment of off-loading and fiscal restraint has allowed provincial jurisdiction and "systems" to seriously encroach upon First Nation social security matters. Increasingly, Canada is transferring the fiscal burden and political responsibility for First Nation programs and services to First Nations themselves. This is without a concomitant recognition of First Nation jurisdiction, or the provision of adequate resourcing to meet either basic maintenance needs or promote the type of social and economic development that ultimately underpins health, well-being and security (ibid.).



Social Assistance an Issue of Government Social Policy: What Other Options Are There?

Many arguments have been made in support of Aboriginal self-government but none are more prevailing than as those that relate to the imposition of existing social programs on First Nations by the governments of the dominant society (Hylton, p. 34). The social policy sector encompasses a wide array of human service program – health, justice, education and social service programs to name a few – that are intended to ameliorate social problems such as poverty, delinquency, substance abuse, illiteracy, inadequate child care, and poor housing. There are numerous reasons why the social policy of Canada requires close examination within the context of the goal of self government:

1. Aboriginal people in Canada are disproportionately affected by the problems that social programs are intended to address;
2. Social programs have a dramatic impact on the quality of life of Aboriginal people in Canada;
3. In delivering social programs, the state exercises broad powers that frequently interfere with the most fundamental rights and freedoms of Aboriginal people;
4. Social programs are very costly to deliver. The “social envelope” represents the largest group of expenditures in the federal budget. At the provincial level, social spending typically makes up about two-thirds of government expenditures.
5. Both Aboriginal and non-Aboriginal Canadians are unhappy and frustrated with the current approach to the delivery of social programs;
6. For Aboriginal peoples, their involvement in designing and delivering social programs goes to their concept of “self-government.”
7. There is substantial evidence that more effective and efficient options are available for the delivery of social programs; and
8. The current approach to the delivery of social programs in Canada is well entrenched. Because of a complex web of financial and jurisdictional arrangements, fundamental changes will not occur without a dedicated effort (p. 35).



In the Royal Commission on Aboriginal Peoples (RCAP) report Renewal: a Twenty-Year Commitment the authors describe the differences in economic outcomes between Canadians and Aboriginal people. They indicate that the gap in average earnings from employment (including self employment) for persons aged 15 years and over is significant. As illustrated in Table 3 in 1990 Aboriginal people earned an average of \$9,140 or 53.7 per cent of the Canadian average of \$17,020. There are three reasons for this difference: Aboriginal people participated in the labour force at a lower rate (57 per cent compared with 67.9 percent); they experienced a higher unemployment rate (24.6 per cent compared with 10.2 percent); and those who were employed earned less than employed Canadians (\$21,270 compared with \$27,880.00).

Table 3
Economic Indicators 1991

	Aboriginal Rate	Canadian Rate
Earnings from employment per person age 15+	\$9,140	\$17,020
Labour force participation (% of population age 15+)	57%	67.9%
Unemployment rate (% of the labour force)	24.6%	10.2%
Earnings from employment per employed person	\$21,270	\$27,880

Source: RCAP Report Vol. 5, Statistics Canada, "Labour Force Activity"

Further described in the RCAP report was the level of education and how that relates to the probability of finding employment and income. The study found that in the case of Aboriginal people, less than half of those with a grade nine education or less were employed at any time in 1990, compared to more than 90 percent of those with a university degree. Average income ranged from less than \$13,000 for those with a grade nine education or less to more than \$33,000 for those with a university degree. This suggests that there is a significant correlation between educational attainment and employment income among Aboriginal people. This further suggests that education is an important lever for improving the economic situation for aboriginal communities.

In addition to educational attainment, health and social factors such as disability, conflicts with the law, and ill health are related to economic performance. Any improvement in these areas will be a contributing factor in reducing the economic gap between Aboriginal people and Canadians.

In Table 4 the RCAP study found that unemployment rates far out pace that for Canadians and that the average income of Aboriginal people declined in 1991. The reasons for these trends according to the study were a recession in the early 1990's along with loss of jobs and a decline in market prices



for goods traditionally traded by aboriginal people. The economic disadvantages of Aboriginal people are significant. Finding employment in aboriginal communities is very difficult. Even though in some cases educational attainment has improved slightly over the years, due to greater aboriginal control in schools; economic disparities continue to widen. Trends for employment in Aboriginal communities are toward low wage jobs. This results unfortunately in an increase in federal social assistance expenditures

**Table 4
Education and Employment Income Comparison 1991**

Highest Level of Education Completed	Aboriginal People (% of pop. age 15-64)	All Canadians (% of pop. age 15-64)	Average Employment Income Per Aboriginal person (\$000s)
Less than grade 9	25.4	11.8	12.7
Grades 9-13	32.2	22.8	15.3
High School Diploma	12.9	21.3	19.4
College without certificate	8.0	6.2	15.8
College with certificate	14.2	17.9	20.5
University without Degree	4.7	7.9	22.6
University with Degree	2.6	12.2	33.6
Total	100.0	100.0	17.8

Source: RCAP Report Vol. 5 Statistics Canada, "Educational Attainment and School Attendance." and Aboriginal peoples survey

**Table 5
Economic Indicators for Aboriginal People and All Canadians Age 15+ 1991**

	Aboriginal People (2)	All Canadians (1)	Gap (2-1)
Labour Force participation rate	57.0	67.9	10.9
Unemployment Rate	24.6	10.2	14.4
% with income less than \$10,000	47.2	27.7	19.5
Average total income	\$14,561	\$24,001	\$9,440

Source: RCAP Vol. 5 -Statistics Canada "Canada's Aboriginal Population 1981-1991: A Summary Report"



According to the RCAP report, in addition to relatively low participation rates in education, Aboriginal peoples make up a disproportionate share of the clients of the justice system and of federal, provincial and territorial social and income support programs.

Numerous studies indicate as did the RCAP report, that Aboriginal peoples are frequent users of remedial and financial assistance programs as a direct result of social disintegration within their communities, poverty and racial discrimination. In 1992-93 government expenditures on financial transfers and remedial programs for Aboriginal people far exceeded expenditures for the equivalent number of Canadians by nearly \$2.2 billion. It must not be assumed, although there appears to be high levels of services provided, that the needs of Aboriginal peoples are actually being met. During the RCAP hearings Aboriginal people complained many times about the lack of many services and the difficulties they had in accessing programs.

Given our brief overview of the factors that give cause to large government expenditures on programs for Aboriginal people, if social and economic circumstances of Aboriginal people changed significantly for the better, or service programs were more culturally sensitive, these levels of expenditures would decrease significantly and be more closely in line with expenditures of the general Canadian public.

As illustrated in Table 6 if no effort is made to reduce the cost of the status quo, it will certainly increase. The largest cost to Aboriginal people and Canadians are the present circumstances that exist in so many aboriginal communities today. Under better conditions the RCAP authors conclude that Aboriginal people could contribute an additional \$5.8 billion to the Canadian economy. This loss of potential income is a direct result of low Aboriginal participation in the labour force, low educational attainment, high unemployment and low productivity when employed. The authors conclude that this is no passing phenomenon, "Aboriginal people have been on the fringes of the economy for generations."

Table 6

Present and Future Cost to Maintain the Status Quo

	1996	2016
Cost to Aboriginal People		
Forgone earned income	5.8	8.6
Income taxes forgone	-2.1	-3.1
Financial Assistance from governments	-0.8	1.3
Net Income loss of Aboriginal People	2.9	4.3
Cost to Governments		



Expenditures on remedial programs	1.7	2.4
Financial Assistance to Aboriginal People	0.8	1.2
Government revenue forgone	2.1	3.1
Total cost to governments	4.6	6.7
Total cost of the status quo	7.5	11.0

Source: RCAP Volume 5 Renewal: a Twenty Year Commitment

After an extensive review of the social conditions that have been well documented in numerous government and organizational reviews over the past several years, there are numerous reasons why non-Aboriginal programs fail to meet the needs of Aboriginal people. The following are some of the factors identified by the research (Hamilton and Sinclair 1991):

1. Because programs have not been designed with the needs of Aboriginal people in mind, they frequently provide services that are not relevant or, alternatively, fail to provide services that are needed.
2. Policies, procedures and expectations associated with non-Aboriginal programs often fail to take into account the unique language, culture, traditions, and current life situation of Aboriginal clients.
3. Because non-Aboriginal programs typically employ non-Aboriginal staff, there is often a knowledge gap, and a corresponding lack of trust, between the non-Aboriginal service providers and the Aboriginal clients.
4. Because Aboriginal communities have had limited or no involvement in designing and delivering programs, there is typically limited community ownership or support. In some cases, for example, when the circuit court or the child protection worker comes to town, the community may feel that it has been invaded by a foreign power.
5. Because non-Aboriginal programs are seldom “resident” in Aboriginal communities, Aboriginal people usually have limited access to them. In addition, there is typically a high turnover rate among the non-Aboriginal, non-resident staff. Therefore, services are not consistently or sensitively provided and there is usually an absence of meaningful follow-up.

It is very apparent from the research that Aboriginal people continue to be treated poorly and insensitively by non-Aboriginal personnel who have inappropriate expectations and inadequate communication skills to deal with an Aboriginal client population. The result is mistrust and fear on the part of the clients. *It is significant to note that Aboriginal people rarely choose to receive services from non-Aboriginal social programs.* Rather, they do so out of necessity, or because the state has



compelled their participation. *When Aboriginal people have a choice between being served by an Aboriginal or non-Aboriginal agency, the data indicate they almost always elect the Aboriginal agency* (p. 41).

Numerous studies have been done about the attitudes of Canadians, social agency personnel and others toward Aboriginal peoples. Studies have examined the attitudes of program personnel (corrections officers, social workers, the police, etc.) toward Aboriginal peoples (for example, DIAND, 1980, Hylton 1981, Cooke 1984). Generally these studies have found that (p. 42) the community has very limited appreciation for the current circumstances of the Aboriginal peoples. *In fact, studies have often revealed a variety of negative attitudes and racial stereotypes. Results of studies involving agency personnel, particularly those involved in the exercise of social control functions (e.g. welfare workers, child welfare workers, police, corrections officers, etc.) often harbour very negative racial stereotypes* (p.42).

Due to the failure of non-Aboriginal social programs to effectively meet the needs and aspirations of Aboriginal people, much research and interest has gone into the development of parallel programs that are run by Aboriginal people themselves. Some common findings from these studies (p.43) that describe how Aboriginal programs are more successful than the corresponding non-Aboriginal programs are as follows:

1. Incorporating principles, beliefs, and traditions that are a part of Aboriginal culture.
2. Attracting and retaining Aboriginal staff.
3. Involving the Aboriginal community in the design and delivery of programs.
4. Fostering greater acceptance by the individual client and the Aboriginal community.
5. Creating economic benefits for Aboriginal communities.
6. Extending services that were previously unavailable through the non-Aboriginal program.
7. Drawing attention to social issues in Aboriginal communities and generating interest, involvement, and support for social programs in Aboriginal communities.
8. Providing levels of service that approach or equal levels of service available to non-Aboriginal communities.
9. Reducing the need for the intervention *of the state* in the lives of Aboriginal people and communities.



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10. Providing services at a cost that is not more, and sometimes less, than the cost of corresponding non-Aboriginal programs.

Use of traditional approaches to program delivery is an element of knowledge that has expanded significantly. Historical research is abundant and much of this knowledge is now being used to adapt what has worked in the past to present day circumstances (p. 43). For example, traditionally, Aboriginal approaches to health is a holistic concept that goes beyond physical health to involve spiritual and psychological dimensions. Whereas modern medicine has only recently recognized that many disorders have an underlying cause that is not physical. This has been an important principle underlying Aboriginal approaches to health and well being for centuries.

Although there have been many successes in the development of Aboriginal run parallel programs there is considerable research to indicate that there are still a number of problems encountered (p. 44). They are as follows:

1. Financial resources provided to these programs are typically inadequate when compared with the resources available to corresponding non-Aboriginal programs.
2. The future of these programs is often in doubt. Budgets are subject to review as the programs are usually viewed by funding providers as “experimental” in nature.
3. An absence of resources forces many agencies to focus all their energies on crisis management. Prevention and community development activities are not properly recognized or funded.
4. Programs frequently have to operate without a proper infrastructure of personnel and program policies and procedures. Funding providers seldom recognize the importance of developing this infrastructure.
5. Relationships between Aboriginal programs and the dominant non-Aboriginal program are often characterized by uncertainty about respective roles and responsibilities.
6. Typically, Aboriginal programs are confined to a particular geographic area. It is often uncertain how members of the Aboriginal community who are outside the geographic boundaries of the program ought to be served by Aboriginal and non-Aboriginal agencies. This is a particularly problem, for example, with off-reserve Indians.



In summary it is clear there is positive potential for the development, implementation and long term operation of social programming by First Nations. The issue is to go beyond the “experimental” nature of these initiatives and to move towards the long term sustenance of those programs that we know are working.



Social Assistance in First Nation Communities: A Unique Perspective

Nunavut after a 25 year struggle is Canada's newest territory and has won the right to self-government. The challenge now for the Inuit is the achievement of economic self-sufficiency. Something which may take possibly just as long. "An estimated one-third of Nunavut's 25,000 residents are on welfare. The unemployment rate runs at roughly 22 percent – a rate that tops 50 percent in some of the territory's 28 communities." Social ills like alcoholism and suicide are big problems, and have been for decades. The territory is challenged with the task of establishing a new bureaucracy and currently it only has half of the work force needed for its government. Many Nunavut residents still rely on subsistence hunting and home made arts and crafts for income. The move to a cash based wage economy in the 1960's caused significant social upheaval for the Inuit and those negative effects are still being felt today (ABC News).

The exorbitantly high cost of living in Nunavut means that the cost of doing business is nearly twice what it would be for the rest of Canada. Nearly half its population is under the age of 25 and the population is growing at a rate of 3.1 percent per year or triple the national rate. Forty percent of the population over the age of 15 has no schooling past the ninth grade. It is no doubt that government will play a significant role in the development and success of Nunavut through substantial commitments of federal dollars.

It is the hope of the Nunavut legislature that it will "wean its people from government assistance, ironically by providing government jobs." The Canadian government is already a major employer in Nunavut and has the legislature decentralizes itself it will be possible to create public sector jobs across the territory.

Current \$150 million has been committed to by the federal government to set up the government of Nunavut and another \$95 million has been committed per year to run it. Additionally, Ottawa has set aside \$40 million to recruit and train Inuit public employees. It will take years, however, before the Nunavut government meets its goal of 85% Inuit civil service. Currently the Nunavut civil service is predominately non-Inuit (ibid.).

Long term hopes for the economy of Nunavut are tourism, crafts for export and mining resources. It is predicted that the Inuit will fuse traditional and modern know how since the North is no longer "hostage to geography and climate." With the "wired world" Nunavut "should experience equal opportunities for growth and development."



Concurrent with the *daring* steps taken by the government and Nunavut to meet the political and geographical claims of the Aboriginal people of the North, Aboriginal land claims are occurring in many countries and are ongoing in Canada at this very moment. Over the last twenty-five years, modern treaties and a variety of other land claim settlements have taken place in several countries including Canada, the USA, Australia and New Zealand. The resolution of land claims has occurred for a number of reasons. According to a study done on the Social and Economic Impacts of Aboriginal Land Claim Settlements (1995) done by the Ministry of Aboriginal Affairs in the province of British Columbia, some of the reasons why land claims have been concluded were to:

- *Resolve concerns of business interests that claims interfere with resource development*
- *Enable approvals for the progress of large scale resource development*
- *Respond to general public opinion that claims are valid and must be settled.*
- *Resolve issues associated with self-determination aspirations of Aboriginal groups, and*
- *Provide a means to maintain traditional Aboriginal lifestyles.*

Land claims can take many forms. The study found that in Canada the Comprehensive Claims Settle Process was initiated in the 1970's to address outstanding aboriginal claims, generally where treaties did not exist (primarily in the North and British Columbia). On the international scale, comprehensive settlements refer to any settlement that involves a range of components such as "transfer of title to land, ownership, cash, rights to resources, and involvement in resource and economic management." Settlements also may be specific, in that they may be based on "grievances of existing treaties, or they may be the result of government social policy."

Six land claims settlements were reviewed as part of the study. They were:

1. ***The Aboriginal Lands rights (Northern Territory) Act, 1976*** (Australia) - which dealt primarily with resource management issues
2. ***The Western Arctic (Inuvialuit) Claims Settlement Act, 1984*** – which involved a broad range of *co-management arrangements and mineral based resource development*
3. ***The Waikato-Tainui Deed Settlement, 1995*** (New Zealand) – a case where urban land was featured in settlement and there "*existed a high level of social and economic interaction between the Indigenous and non-Indigenous people*".



4. ***The Council for Yukon Indian Umbrella Final Agreement, 1993*** – this agreement was a parallel to the sociological and political characteristics of British Columbia
5. ***The Alaska Native Claims Settlement Act, 1971*** – had an economic oriented settlement structure and a long history of settlement
6. ***The James Bay Northern Quebec Agreement, 1976*** – involved issues for the maintenance of lifestyle amongst forestry activities and large scale industrial (hydro-electric) development

Collectively the five agreements were negotiated as comprehensive agreements and one (the Northern Territory Act) was a *social policy act*.

The general findings of the study indicated the following impacts:

1. In general there was a common belief that settlement would result in loss of access to lands for commercial and non-commercial purposes, and loss of employment or income resulting from changes in land ownership. The finding was *there was no dramatic change for the non-Aboriginal community. Aboriginal groups did not impose any significant restrictions on access and in some conditions access, such as permit systems, presented a change from pre-settlement conditions.*
2. Controversy prior to and during the negotiation process was reduced during the implementation period. Because some negotiations took as long as 17 years the outcome as time passed was the general acceptance of settlement and a desire to move on to a future partnership. Also, *as negotiations progressed community and regional leaders realized that the infusion of federal money into the region through settlement would be a major incentive to economic growth and diversification.*
3. Although settlements were often comprehensive and encompassed a broad range of issues from social and economic perspectives, there was a need for an on-going relationship between Aboriginal and non-Aboriginal groups as issues changed over time. *Indigenous peoples have used the land claims process as a basis for participating more fully in the broader economy, and, typically become more heavily involved with the on-Indigenous population as a result of the agreement.*
4. Evidence of benefits are not immediate to both the Aboriginal and non-Aboriginal communities are not immediate and appear over time. Indigenous groups learned from the experience of early settlements that education and training figure prominently in post-settlement operations. Settlements involve a wide array of



administrative powers and responsibilities, greater community autonomy and economic resources. *In order to capitalize on the opportunities presented, Indigenous groups must have trained people ready to assume the task of implementing the agreement.*

5. A better understanding of respective lifestyle and cultural values of Aboriginal and non-Aboriginal people are brought about by the settlement process. New Zealand demonstrated the most notable example, where Maori culture was incorporated in the collective culture of the country, facilitated in large part through the lands claims movement. *Underlying the settlement process there was a strong desire among Indigenous people to keep their language and culture strong. The very process of negotiating such considerations – funding for language training, control of education, resources for cultural activities – has awakened non-Indigenous people to the passion and conviction of Indigenous communities about their traditions, language and culture.*
6. Different Aboriginal groups have differing approaches and goals, and expectations toward settlements.

Another very important finding was that in *through the land claims process Aboriginal groups were able to achieve the economic and organizational means to deliver social services in ways they collectively considered culturally appropriate.* In the Yukon, for example, self-government agreements as part of settlement will enable the transfer of various social service functions if desired.

Special education and training needs were identified *in virtually all of the case studies to include management and business entrepreneurial skills.* In the case of Inuvialuit and Alaska, an increase in engineering skills were a reported requirement. More fundamental education *also included self-confidence and knowledge of governance and politics.*

An Income Security Plan (ISP) for Cree Hunters and Trappers was probably one of the most significant social service provisions of the James Bay Agreement. The ISP has been widely accepted for having a *positive impact on keeping Cree hunters and trappers employed in traditional jobs while few other job opportunities existed.* One criticism of the plan, however, was that it has been described as *an alternative form of welfare.*

In summary, from the perspective of awareness, *the land claims process has the potential of providing self determination and pride which can lead to profound impacts on the collective cultural identity at a national scale.* The Yukon and Inuvialuit emphasis on cultural healing as part of their settlements have attributed to a stronger First Nation identity. On a broader scale, New Zealand society has become progressively more aware of Maori culture and language.



Similar impacts are being felt in the Yukon, where native culture is being acknowledged and translated into the business environment for the purpose of creating economic partnerships.

As a concluding thought it must be pointed out that the pattern of settlements described above were the result of a very basic reality. *It was much easier to reach agreements with indigenous peoples in sparsely populated, remote regions than it would be in more densely settled agricultural and urban areas* (the Tainui settlement in New Zealand was an exception to this rule). Another important fact is that Canada, the USA and Australia have greater constitutional control over territories (e.g. Alaska) than they do over states or provinces, giving them a freer hand to negotiate. Secondly, the presence of an indigenous minority or sizeable First Nations minority gives party interests great focus to the negotiations. Finally, *the national electorate does not generally see their interests as adversely affected by treaties covering lands and peoples far removed from major population centres*.

According to *Gathering Strength* its goal is to change the circumstances of the 800,000 Aboriginal peoples in Canada – and “those of many of the 29 million other Canadians who live with them.” Included in the government’s *Agenda for Action* huge quantities of land and cash from both federal and provincial governments to native peoples for treaty rights that have eroded is envisioned. Even more important, the government intends “to give native peoples extensive powers to guide their own destiny.” In the government’s analysis the “combination of joblessness, poverty, disease, ill health and delinquency that has strangled native peoples is caused by a lack of effective power.” In concrete terms about 80 different negotiations on self government have started up in the past two years. Another 210 negotiations on land claims ranging from claims on treaty land to huge comprehensive land claims on territory where no treaties are linked are also ongoing. An additional 280 preliminary land claims are still being researched by the Department of Indian Affairs.

First Nations although somewhat optimistic by the government’s agenda are still wary. There are several obstacles to overcome. One being the differing commitment of the provinces to the whole initiative. Only British Columbia, Saskatchewan and Newfoundland recognize the inherent right to self government of Aboriginal peoples. Therefore, since the provinces hold the key jurisdictions, to lands and resources, they could very well dictate what ends up on the table. Source: Whose Home and Native Land? Time Magazine. On the other side of things, in January 1999, British Columbia’s Sechelt First Nation ended years of legal wrangling and an agreement in principle to settle their claim to 1,000 hectares of urban and rural property along the Sunshine coast 50 km Northwest of Vancouver was concluded. *Provincial officials think that when all is settled, first Nations peoples will legally control 5% of British Columbia’s area - in contrast to 0.3% for Native people nation-wide*.

The impact, therefore, as we have discussed in this section, is the effect of these land claim processes on the long term development and social well being of First Nations nationally. The process is long and ridden with numerous obstacles, however, in many regions settlement may



turn out to be an eventuality. This being said present social conditions and policy will continue to prevail. We will discuss in the next section some next steps for the future.



Social Assistance in First Nation Communities What is the Foreseeable Future?

Between 1986 and 1991 the Aboriginal population increased by 43% to over one million people. This is partly due to the nearly 80,000 Bill C31 registrants to the *Registered Indian* component. *Another factor is the rapid growth of the non-status Indian population (up 29% between 1986 and 1991) largely attributed to increased awareness of Aboriginal issues (INAC 1996).*

Census data on mobility between 1986-1991 indicated general trends of increased mobility for both the Aboriginal population and the non-Aboriginal population. *In 1991 the proportion of Aboriginal people designated as “movers” (those who have indicated having changed location) increased to 59% up from 56% in 1986. During the same period 50% Aboriginal “movers” relocated within the same province. Data from the 1991 Census revealed high mobility rates for Aboriginal persons in the 15-24 age group. For example, there were changed locations in the 15-24 age group for 72% of Registered Indians living off reserve and for over 44% Registered Indians living on reserve.*

In 1991 single parent Aboriginal families accounted for 18% of all households. *Registered Indians living off reserve had the highest percentage of single parent families at 27% down from 30% in 1986. On-reserved registered Indians followed at 23% down from 25%. In 1991, women headed single parent Aboriginal families in 87% of all cases, up from 85% in 1986. Single parent Registered Indian families living on reserve were headed by women 75% of the time in 1991.*

In 1991, *70% of Aboriginal women reported having at least one child compared with 54% of non-Aboriginal women. In the same year 6% of Aboriginal women had seven or more children, double the level among non-Aboriginal women. The highest rate was attributed to 3 or more children.*

The total budget for DIAND in 1997-98 was \$4.4 billion. *This represented a 2.2 percent increase over the previous year. One reason for this increase is the fact that on-reserve First Nations birth rate is more than double that for the Canadian population as a whole. The demand for basic services like education, social services and health care in First Nation communities therefore continues to grow. As we know this budget is far from sufficient to meet the needs of First Nations. The budget, for example, for Social development is \$1 billion. This fund provides for social assistance and other social services to eligible status First Nation and Inuit individuals and families. Yet the expenditure of these dollars has far from impacted the level of dependency in a positive way.*



In addition, welfare reform is being promoted in at least two regions of the country. In Ontario, for example, the *Ontario Works* initiative is a dramatic reform that mirrors a similar reform movement in the USA. According to the *U.S. Centre for Community Change*, in 1996 the Welfare Reform bill *was passed with little public attention in terms of its impact on Native American and Alaska Native communities*. Though not all reservations in the USA are poor, there are a significant percentage of them with seasonal unemployment rates exceeding 50%. The challenge for these tribal communities is to create employment opportunities in some of the most neglected and underdeveloped regions in America. Tribal governments and their advocates report that job creation and economic development strategies are expected under conditions where there is lack of infrastructure, opportunity and revenue.

Another concern that is being raised is the question of state authority over tribal governments. *Currently state governments run most welfare programs on reservations. Usually the state allows tribal governments to run welfare systems on reservation through co-operative agreements, intergovernmental memos of understanding or contracts*. But in some cases if the relationship with the state and the tribe has not been good, the reservation is ultimately faced with an inadequacy of services.

For those reservations with high unemployment rates the welfare law does allow an exemption from the *life time limit* for welfare recipients for every month a recipient lives on a reservation. States may also include Native Americans in the hardship exemption allowed in the federal law for 20% of the state's caseload.

The welfare law further gives tribal governments the option of running their own welfare programs. So far only 10 reservations and a consortium of tribes in Southern California have chosen to run their own programs. *Most reservations have not taken advantage of the option because the tribes that do so are not entitled to any portion of the state's maintenance of effort (MOE) dollars. The US Department of Health and Human Services (HSS) has issued guidelines allowing state funds given to tribal programs to count under their MOE requirement, but states must pass legislation to provide tribes this funding. Otherwise, tribal governments are faced with having to do more with less (ibid.)*.

On the Pine Ridge Reservation, a hard-won college system is suffering under welfare reform as students are being forced into work programs. Residents of Pine Ridge supported a bill in the state legislature to allow school to count as a work activity. The bill passed, but was vetoed by the Governor. The result is, in this case and many more across the United States, tribes are being negatively impacted by welfare reform and more importantly getting caught in between state and federal jurisdictional battles over fiduciary responsibility.

Another problem in the USA with welfare reform is the impact that it has on urban Native Americans who live in some of the major cities of America. Like Canadian natives they are *ill-equipped for the workforces and isolated from mainstream society*. According to a recent case



study focusing on the barriers to American Indian welfare recipients in Minnesota, 54% of the Native Americans living in that city lived in poverty. *Many clients who had lived on welfare for 15 or 20 years suddenly get a letter from the state telling them in order to keep getting a check they would have to spend 30 hours a week working toward a job. More than half couldn't find jobs or couldn't find a job that paid enough to support their large families.* For others, they encountered problems that were beyond economic. Of the urban poor in Minnesota, many had problems related to teen pregnancy, low expectations and self esteem, as well as, drug and alcohol abuse. A study of this population found that over 30 percent of clients in the welfare-to-work program were either chemically dependent or mentally ill.

Many critics of the USA *Welfare Reform* movement object to the rigid requirements of the new welfare programs, *even though they support the goal of moving able bodied people into jobs.* As for Native American urban dwellers, their welfare time limits are running out. *Some tribal leaders are bracing for an in-migration of their most troubled urban members in a few years. They say many who fail to get jobs may return to tribal lands, hoping they can get more help there. If that happens, tribal leaders say it will make things worse for reservation governments already overwhelmed by poverty and unemployment.*

In one final U.S. study the findings were again similar. The Rosebud Sioux Tribe investigated the existing hurdles to overcoming dependency and presented its results in the hope that it would assist other tribal governments to assess the effectiveness of welfare reform. The results of the study indicated significant barriers existed in the “back-to-work” schemes for Native American communities. Five categories were identified as *obstacles for leaving welfare*: 1) few local employment opportunities, 2) inadequate transportation and child care, 3) disabling health problems, 4) limited training opportunities and 5) work disincentives. The major recommendations of the study were that a nation-to-nation relationship needed to be reinforced between the tribe and the government. Adequate funding levels, planning, implementation, administration, and evaluation of tribally delivered social assistance was emphasized as necessary in the development of any welfare reform.

If there are any lessons to be learned from these data it is that First Nations will be challenged to create a social assistance policy system in an uncertain political and economic climate. Jurisdictional quandaries and disparities in the vision of the future for First Nations dependency reduction are just the beginning of the challenge facing our people in the 21st century. We know for sure what ever is created it must be First Nation developed, First Nation directed and First Nation implemented.



First Nations Social Assistance Gaps in the Research Next Steps

Analysis of the research indicates that the trends of late focused a great deal on the social conditions and dependency rates in First Nation communities, the effects of political issues such as the multi-level disputes over jurisdiction encompassing First Nation, provincial and federal perspectives, as well as, the ability of First Nations to confront the effects of dependency on contemporary First Nation society.

Comparisons of on-reserve, off-reserve, Aboriginal and non-Aboriginal conditions are abundant. The lack of support by government of the cultural and traditional lifestyles and beliefs of Aboriginal people are also well documented. The differences in economic possibilities and market trends have been well documented, as well as, their effects on the ability of First Nations to eventually prosper. The case is well made that economic development must be a strong component of any reform to current social policy.

Unresolved federal/provincial jurisdictional difficulties and their contribution to inappropriate service provision are discussed in numerous papers, journals and government documents. Self government and its impacts on the future of social policy have also been widely debated and discussed from a variety of multi-level perspectives.

Studies of compliance to federal and provincial social assistance guidelines by First Nations have been critical and by no means supportive of current self-government thinking. Especially from the perspective of funding methodologies such as AFA's and FTA's.

The impacts of the Canada Health and Social Transfer on social assistance are very evident in the literature, as well as, the impacts of reductions in Unemployment Insurance benefits and Non-Insured Health Benefits on social assistance recipients.

Discussion on the bigger problem of community healing has also been studied, as it relates to the healing of generations of cultural and spiritual destruction efforts by the government of Canada. Entire communities have been destroyed by government social policy and the healing required goes beyond the level of the individual to that of the whole community. For any intergenerational damage to be undone this healing is very necessary. After years of discussing the problem in First Nation communities, healing and strategies for change are becoming more prevalent in the literature, particularly from the perspective of our elders and our cultural and spiritual leaders

The need for capacity building, education and training have been an integral feature of current research efforts as it relates to the ability of First Nations to overcome community level



dependency. At the same time education and training is being discussed from the perspective of self government as we prepare to reclaim the governance of our communities and our collective nations.

Analysis of migration trends of our people to urban centres and the portability of their rights have been on the forefront of the literature debates as the federal government continuously attempts to off load responsibility for these individuals to the province.

Empowerment of First Nations through increased control over job creation, community visioning and decision making is another element of research that is increasing. Alternatives to social assistance and analysis of trends in reform by the mainstream society are being debated in the literature as the negative impacts on First Nations become increasingly evident. There is a multitude of research on work for welfare reform issues being generated by the province of Ontario with British Columbia being a close second.

Alternative uses of social assistance funds and the use of savings that would result from reform are being discussed in mainstream literature and to a lesser extent in First Nation literature.

Impacts of technology on a national scale are written about from a historical perspective particularly from the standpoint of the question of whether going back to the old ways of living would not be practical in modern society. A good example is the increasingly strong argument that subsistence living is a way of the past since there are limited capacities now to support the traditional hunting, fishing, farming, trapping and other subsistence lifestyles. This has been discussed as a matter of fact from a variety of perspectives including environmental, economical, cultural and technological.

The impact of Bill C31 has been analyzed in the literature from the perspective of its impact on increased numbers in the population and increased need for essential services such as education and social assistance.

In addition, the over-representation of Aboriginal women on the welfare rolls is discussed to a limited extent even though it has been discussed a great deal in mainstream literature. This trend is consistent, for example, with other racial groups, such as Black American women, who in some parts of the USA constitute nearly 90% of the welfare rolls. The biggest barriers to women being in the work force, or off the welfare rolls, is lack of access to child care, transportation, low self esteem, inadequate job skills or illiteracy and lack of opportunity. The correlation to child poverty is significant. This has also been discussed in the literature from the perspective of how it impacts the potential development of the child. If a child lives in a poverty situation it is likely that they will grow up to be in the same situation. It holds for example, that “the best way to fight child poverty is for the parents of poor families to have a job.” Quality day-care is another factor in this discussion as it relates to changing the cycle of dependency.



Implications of social conditions on reserve suggests that until basic community needs such as housing and better health, or better employment and income standards are met, it will be impossible for most First Nation individuals to live independently of welfare programs. Research has documented this fact but somehow the translation of this fact into change has yet to occur.

According to the research presented herein the following are the gaps we have identified in the literature:

1. Longitudinal studies to assess the impact of current mainstream reform initiatives before these are translated to a First Nation setting are required. This is necessary to ensure that the lessons now still being learned in the USA can be translated to efforts being considered in Canada.
2. Deeper research needs to occur as it relates to the impacts of land claims on the future governance and social policy initiatives being considered for First Nations. Capacity building and the cultural and linguistic impacts at the Aboriginal and non-Aboriginal level are significant, as well as, the potential impacts from a national perspective.
3. Links to jurisdiction, land resources and power are the essential elements of any movement towards self-sufficiency for First Nations. A detailed analysis of the regional potentials of combining these variables would be a strong indicator of successful reform. Especially as they effect social policy reform.
4. Special needs of the ever increasing First Nation youth population must be addressed within the context of social policy development in order to identify their special issues and needs. This research must be from their perspective and based on significant youth participation.
5. Case studies are required to assess comprehensively the needs of the diverse First Nations of the country based on a sampling methodology. This could include rural, isolated, urban and other kinds of community settings to comprehensively assess their unique policy needs and requirements.
6. Research and analysis of a potential legislative base to ensure federal fiscal responsibility for First Nations social assistance is necessary to ensure the legal analysis is in place in the eventuality that the federal government “makes good” its threat to off load social assistance for First Nations to the provinces.
7. It is acknowledged that current demographic and other statistics related to the conditions in First Nations communities is flawed for a variety of reasons. A mechanism to ensure accuracy of these data needs to be investigated to ensure the



relevancy and adequacy of information. This is important as these data are critical to predicting the trends and needs of First Nations communities. As we know social policy development processes will be dependent on these data being current as well.



Guiding Principles for a National Policy Framework on Income Security Reform

AFN/INAC have identified the following as part of the Income Security Reform Initiative.

Purpose

To build health sustainable communities through reducing welfare dependency and increasing community and individual self-reliance.

Objectives

The objectives of the process are to establish a National Policy Framework, which will provide for:

- 1. A more integrated approach to tackling the issue of dependency.*
- 2. Increased capacity in First Nations for implementation of reformed income security programs.*
- 3. A successful transition to an active, measures-based on-reserve social assistance program.*
- 4. For people to achieve individual well-being and financial independence to the greatest extent possible.*

Guiding Principles

- The objective of the welfare system should be to assist people to achieve individual well-being and financial independence to the greatest extent possible.*
- Improving the social well-being of members of First Nations must be based on the needs, wishes, hopes and plans of the members themselves, individually and collectively.*
- Reducing dependence on social assistance can and should be a result of these First Nations activities, but it cannot be the only objective. There will be many instances in*



First Nations, as is true among other peoples, where dependence on social assistance will continue.

- *In cases of long term dependence, welfare programs should focus on active developmental programs.*
- *Social assistance programs should also include a tool-kit of active measures to assist clients in making the transition to the labor force.*
- *First Nations' social safety net should be based on First Nations' values of personal and communitarian contributions.*
- *First Nations should have the authority and the responsibility for the provision of welfare in their communities including the design, development, administration and evaluation of programs and services.*
- *The welfare system should support a client focussed, community based holistic approach to well-being and financial independence that draws on federal, provincial, private sector and community programs.*
- *Program development and delivery must respect the diversity of First Nations including, but not limited to, diversities of tradition, social and economic circumstance and the special roles of the extended family.*
- *The administration of the welfare system should facilitate the accountability of First Nations governments to their members, and of the Minister to the Government of Canada.*
- *The right and the responsibility of the individual to take initiative and to seek out programs and interventions of personal benefit should be affirmed.*
- *Programs should be results-focussed and measurable with respect to the well-being of individuals.*



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