

# Stretched Beyond Human Limits: Death By Poverty in First Nations

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## Abstract

*“Indian” policy in Canada has been historically based on the objective of assimilating the Indigenous population. There has been recent movement to create policies that support First Nations’ self-governance, yet, the Indian Act and its related policies have not been amended to reflect this change. Thus federal policy now hovers between the two conflicting objectives. The result is chronic poverty in First Nations, a worsening problem that has stymied federal policy-makers.*

## Résumé

*Historiquement, les décideurs politiques autochtones au Canada ont eu pour objectif d’assimiler la population autochtone. Par ailleurs, on a récemment pu observer un mouvement visant à créer des politiques soutenant l’autonomie gouvernementale des Premières Nations. Cependant, la Loi sur les Indiens et les politiques connexes n’ont pas été modifiées pour tenir compte de cette évolution. Les décideurs politiques fédéraux sont à présent tiraillés entre ces deux objectifs contradictoires. L’un des résultats est la pauvreté chronique au sein des Premières Nations, dont l’aggravation laisse les décideurs fédéraux impuissants.*

The themes that emerged from a review of the circumstances of the deaths and lives of the youth, was not a story of capitulation to death, but rather, a story of stamina, endurance, tolerance, and resiliency stretched beyond human limits until finally, they simply could take no more. (Lauwers, 2011, p. 99)

## Introduction

The Indigenous Nations of what is now known as Canada have long thrived in their rich, vibrant cultures with their own languages, customs, and traditions, while developing complex governments, laws, and political structures. They prospered from their vast territories, careful management of natural resources, and strategic use of inter-tribal trading networks. While disputes did occur, their military strategies and treaty negotiating strategies always served them well. Post-contact, these Nations fought to maintain their way of life despite the diseases and poverty that ravished their populations. With the future of their peoples in the balance, Indigenous Nations in Canada took many risks to assert their sovereignty and control their territories. Land was not only central to their identity, but they knew then, as they do now, that it is the land and its rich resources that sustain their Nations. It should be no surprise, then, that First Nations have gone from being the richest peoples in the world to the most impoverished, as

their lands, resources, and ways of being were stolen from them. Today, Canada may be full of apologies and regrets, but the fact remains that federal laws and policies not only put First Nations in their current state of extreme poverty, but the same laws and policies keep them in this state. Federal laws presume jurisdiction over First Nations and every aspect of their lives, yet corresponding policies fail to live up to those constitutional responsibilities. For those that seek to blame First Nations for the results of hundreds of years of colonial oppression and discrimination, I would ask whether it is really plausible that First Nations decided one day that they would all prefer to depend on Canada for their existence and, as a result, die premature deaths from the extreme poverty that would result?

Perhaps before answering this question, consider the plight of Pikangikum First Nation in Ontario. Despite all the beauty that surrounds the community, they have been living under a dark cloud for some time because their children are taking their own lives. This has attracted the attention of the Ontario Coroner's office, which decided to look into what is happening in the community and found that:

Pikangikum is an impoverished, isolated First Nations community where basic necessities of life are absent. Running water and indoor plumbing do not exist for most residents. Poverty, crowded substandard housing, gainful employment, food and water security are daily challenges. A lack of an integrated health care system, poor education by provincial standards and a largely absent community infrastructure are uniquely positioned against a backdrop of colonialism, racism, lack of implementation of self-determination and social exclusion. They all contribute to the troubled youth... (Lauwers, 2011, p. 99)

What health care residents do receive is "fragmented, chaotic and uncoordinated" with "clear gaps in service" (Lauwers, 2011, p. 99). Their school burnt down in 2007 and has never been replaced despite empty promises by Indian and Northern Affairs Canada (INAC) to do so. The chronic underfunding of Pikangikum students as compared to Canadian students means that the students who are the most disadvantaged and have the greatest needs, receive the least assistance. A community of only 2400 people has 200 child welfare files open with 80 children in care. Due to the lack of housing and the high levels of overcrowding, these children are sent to foster homes far away from their communities. Should anyone be surprised by the fact that 16 children between the ages of 10-19 took their own lives between 2006 and 2008? This is what it means to be a First Nation living under federal jurisdiction in Canada today. Yet few realize the true extent of First Nation poverty, its root causes, or why it is getting worse.

### **The Reality of First Nation Poverty**

First Nation poverty is not a new phenomenon, nor is it so hidden as to be unknown to either the public or our policy makers. Doctors, academics, and other experts have tried to bring First Nation poverty and its devastating social effects to the forefront for many years. In countless reports and studies, the extreme poverty in First Nations has been described by researchers as "pervasive" (National Council on Welfare, 2007), a "national disgrace" (OCI, 2010), a "national shame" (Eggerton, 2007), "unacceptable" (OAG, 2011), and an "emergency" situation of "intolerable" conditions (RCAP, 1996). Even political leaders, organizations, and commentators have described the extreme poverty in First Nations as a "crisis," an "epidemic" (Eggerton, 2007) and a matter of "life or death" (APTN, 2011). The research that I have reviewed for this article shows that while historical colonial laws and policies created the dependency relationship, current federal laws and policies maintain the national crisis of poverty in First Nations which in

turn, results in their premature deaths (Government of Canada, 2008). Incredibly, this same research shows that politicians have turned a blind eye to the problem while conditions in First Nations have worsened. While Canada has publically denounced the attitudes of superiority upon which assimilatory laws and policies were previously based (Harper, 2008), the majority of these laws and policies remain unchanged (Venne, 1981; Wilson, 1993). How can Canada in one instance defend the assimilatory registration provisions of the *Indian Act*, while at the same time support self-government? The underlying conflict in these two policy objectives, acts as a significant impediment to progress. I argue that policy makers will not be able to move forward in addressing the crisis of poverty in First Nations until these conflicting policy objectives are finally resolved. The statistics that follow would suggest that Canada should make this an urgent priority.

### **Startling Statistics**

According to the 2006 Census, there are 1,172,790 Aboriginal peoples in Canada. There are approximately 698,025 First Nations individuals, a number which breaks down into 564,870 registered (status) Indians and 133,155 non-registered (non-status) Indians (Statistics Canada, 2006). As of 2011, there are 615 First Nations that represent more than 50 Nations (AANDC, 2010). BC has the largest number of First Nations (198) while Ontario has the second highest (126). In the 20-year period from 1981 to 2001, Statistics Canada found that the gap in educational attainment (completion of high school) between the non-Aboriginal population and the status Indian population had increased from twice as high (66% vs. 30%) to three times as high (51% vs. 15%) (Statistics Canada, 2004). The gap also widened slightly for university education from 5 times as high (15% vs. 3%) to a little over 5 times as high (26% vs. 5%). The employment rates between 1981 and 2001 also showed a widening gap between Status Indians and the non-Aboriginal population from 56% vs. 75% to 58% vs. 80%. In 2000 the median total income of status Indians on- and off-reserve was reported at \$13,932 and \$16,949 respectively, compared to \$30,023 for the non-aboriginal population (Statistics Canada, 2004). In a more recent report, Pendakur notes that even when compared to ethnic minorities, the Aboriginal income disparity gap is “very large” – making them the most disadvantaged group in Canada. Even “a little ‘Aboriginality’ is associated with very poor labour market outcomes” (Pendakur, 2008).

Statistical analysis also shows that First Nation governments face significant funding inequities on essential social services when compared to funding provided for provincial services (AFN, 2004). Only \$7,200 is spent on each First Nation individual in comparison to \$14,900 per non-Aboriginal person who also has the added benefit of provincial funding. Less than two thirds of the federal budget makes it past Canada’s large bureaucracy down to First Nations (AFN, 2004). While the objective of federal policy was to use a funding formula that would provide “equity, predictability and flexibility” in the funding for services like First Nations child and family services, just the opposite has occurred (McDonald & Ladd, 2000). Even INAC’s own internal documents have admitted that “the lack of in-home family support for children at risk and inequitable access to services have been identified...by INAC, as important contributing factors to the over-representation of Aboriginal children in the Canadian child welfare system” (INAC, 2004). An independent national assessment of First Nations water and sewer systems released in July 2011 was conducted with 571 of 587 First Nations and found that 73% of all water systems and 65% of all waste water systems in First Nations are characterized as medium to high risk (Neegan Burnside, 2011). These statistics must be considered in light of the 2003

report of the Office of the Auditor General of Canada, which found that First Nations were also facing a “critical shortage of housing” and more specifically “a shortage of 8,500 houses, which is forecasted to increase by about 2,000 units per year over the next 10 years” and “44 percent of the 89,000 existing houses require renovations” (OAG, 2003). Thus, the funding inequities and state of crisis exists in all social program areas and these poor living conditions have led to very predictable health and social outcomes.

### **Predictable Outcomes**

In January of 2011, the American Journal of Public Health published an article highlighting the number of deaths in the United States attributable to social factors (Galea, Tracy, Hoggatt, DiMaggio & Karpati, 2011). This article built upon the research before it that “demonstrated a link between mortality and social factors such as poverty and low education” (Galea et al., 2011, p. 1). They also found that “negative social interactions, including discrimination, have been linked to elevated mortality rates, potentially through adverse effects on mental and physical health as well as decreased access to resources” (Galea et al., 2011). In the year 2000, a minimum of 874,000 deaths in the United States were attributable to social factors like low education and poverty (Galea et al., 2011). Indigenous populations in Canada, Australia, and New Zealand all face higher mortality rates, higher rates of chronic and infectious diseases, and poorer overall health leading to decreased life expectancies at a rate of 8 to 20 years less than non-Indigenous populations (Daniel et al., 2009). Socioeconomic factors are now widely acknowledged to be determinants of both health and life expectancy and this is especially true for vulnerable groups like Indigenous peoples (Dunn, Hayes, Hulchanski, Hwang & Povin, 2006). Canadian studies also show that thousands of preventable deaths occur in Canada every year and First Nations are over-represented in those numbers.

A study conducted on the prevalence of Type 2 diabetes in Aboriginal communities showed that Aboriginal children suffer higher rates of meningitis, otitis media (middle ear infections), respiratory illnesses, and iron deficiency anaemia (Campbell, 2002). The largest gaps found between Aboriginal and non-Aboriginal children related to the prevalence of Type 2 diabetes, which is considered to be an epidemic. The same study also noted that diabetes was similar to psychosocial illnesses like suicide, depression, and substance abuse, which are also over-represented in young Aboriginal people, have their roots in the effects of colonialism, and are greatly exacerbated by poverty and social marginalization (Campbell, 2002). In fact, a 2005 Health Canada report noted that suicide was among the leading causes of death in First Nations aged 10-44 and accounted for over 22% of all deaths on Aboriginal youth aged 10-19 (Health Canada, 2005). Clearly, Aboriginal status and poverty is linked to the overall poor health and premature deaths of First Nations in Canada (Lemstra et al., 2009).

The Canadian Medical Association Journal recently noted, “Nunavut has recorded the largest tuberculosis outbreak in the territory’s 10-year history and specifically pointed to social factors, like poverty and overcrowded housing as the primary causes” (MacDonald, Hébert & Stanbrook, 2011, p. 741). Over 17% of First Nation homes reported overcrowding and although occupant density has decreased in the non-Aboriginal population, it has actually increased in First Nations (National Aboriginal Health Organization, 2006). Waterborne diseases from contaminated drinking water are also widespread on reserve and can cause severe illness and even death. Given the extremely high numbers of First Nations who have unsafe drinking water and are under boil water advisories, this places First Nations at increased risk of death and disease from contaminated water – all very preventable situations (NAHO, 2006).

The Office of the Correctional Investigator has found that incarceration of First Nations is directly linked to federal policies and the current poverty crisis (OCI, 2009). The problem of over-representation of Aboriginal people in federal jails is getting worse: between 1998 and 2008, the percentage of male Aboriginal inmates increased by 19% and for women it increased by 131% in the same period (OCI, 2009). Significantly, over 28% of federal Aboriginal inmates were raised in the child welfare system and another 15% in residential schools (OCI, 2006). While Aboriginal people make up less than 4% of the total population, Aboriginal children represent over 40% of the 76,000 children and youth in care (Aboriginal Justice Inquiry of Manitoba, 2001; Blackstock & Trocme, 2004). The evidence showing the causal link between Canada's policies and poverty in First Nations is overwhelming, yet Canada continues to ignore a growing problem.

### **Ignoring the Problem**

There is evidence showing that there is a direct link between discriminatory federal laws and policies, and the crisis of poverty and preventable deaths in First Nations. Canada controls the lives of First Nations, provides them with inequitable funding that results in conditions of extreme poverty, which the research has shown leads to their premature deaths. The ongoing funding inequities of basic social services have resulted in desperate living conditions, poor health, barriers to education and employment, social dysfunction, over-representation in jails and children in care, and premature deaths in First Nations. It is my contention that the federal government has been in a holding pattern on this issue, perhaps as a means of trying to determine the true extent of their legal obligations and potential liabilities. Many court cases have not gone in Canada's favour on key issues like Aboriginal and treaty rights, but more recent *Charter* cases like *Cunningham*, are tending to lean more in Canada's favour.<sup>1</sup> Perhaps Canada is waiting for a more favourable decision from the court? Whatever the reason, Canada's blatant pattern of ignoring First Nation poverty has made a crisis situation even worse.

### **Defer, Deflect, Deny**

The federal government has taken what appears to be a three-step approach to avoiding what has become one of the most significant policy issues facing Canada today. First, the federal government has become extremely adept at deferring significant and even crisis issues by calling for additional studies or research into the problem. Take the current crisis in First Nation education for example. The Assembly of First Nation's (AFN) website contains over thirty major reports addressing issue of the education gap between First Nations and Canadians and many contain substantive recommendations. Yet, when the issue gained attention recently, INAC announced that it would spend over \$600,000 dollars to create a National Expert Panel on First Nation education to once again study the issue (AANDC, 2011). It is as if INAC had forgotten that in 2002 the Minister created a National Working Group on Education that provided recommendations on "strategies and measures required to foster excellence in First Nation elementary and secondary education" and "reduce the gap in academic results between First Nations and other Canadians" (AFN, 2002, p. 51). Referring to a "multitude of reports and

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<sup>1</sup> *Calder v. Attorney General of British Columbia*, [1973] S.C.R. 313. *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010. *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511. *R. v. Sparrow*, [1990] 1 S.C.R. 1075. *R. v. Van der Peet*, [1996] 2 S.C.R. 507. *Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, [2011] SCC 37.

studies” that have been consistent in their recommendations the group concluded that “First Nations must have the resources and the means to design, develop and deliver life-long education, on- and off-reserve” (AFN, 2002, p. 2). The recommendations to increase First Nation control over their lives and provide them with equitable funding are consistent throughout other reports across every sector, yet INAC continues to defer the problem to new studies, perhaps in hopes of different results.

There are times when deferring a crisis issue does not satisfy the media, and INAC is forced to publically address the issue. When this happens, deflection seems to be Canada’s solution to detract attention and shirk responsibility. INAC appears to strategically use the media by making announcements about unrelated projects it recently or previously funded, or by offering commentary that indirectly blames or vilifies First Nations in another part of the country on completely unrelated matters. For example, the much anticipated Auditor General’s report for Spring 2011 was released on June 9 and contained damning findings in relation to INAC and its failure to address issues like the gap in education, over-crowded housing, and unsafe drinking water in First Nations (OAG, 2011). Within minutes, INAC made an announcement about a Joint Action Plan with the AFN that would deal with issues like education and economic development and spoke of the “long-term prosperity of First Nation people” (AANDC, 2011). Upon closer reading, it was obvious that nothing new was contained in the announcement as it simply highlighted ongoing initiatives. It was successful, however, in deflecting attention from the Auditor General’s scathing report and INAC’s continued failure to meet its legislative and fiduciary obligations to First Nations (Warry, 2007).

Canada also denies the problem of First Nation poverty directly via its litigation and political positions, and indirectly by simply failing to act and/or consistently ignoring warnings from by its own federal officials (Palmater, 2011). The Office of the Correctional Investigator for Canada (OCI) and the Office of the Auditor General (OAG) have consistently tried to raise the alarm about First Nation poverty and demand that Canada take action – to no avail. In 2002 the OCI was alarmed that the situation was worsening for Aboriginal people (OCI, 2002); in 2006 it explained that Canada’s lack of an action plan meant that the situation was as bad as it had been 20 years ago (OCI, 2006); and more recently in 2010 it found that “inequitable and differential outcomes for Aboriginal offenders” are the direct result of “federal correctional policies and practices” (OCI, 2010, p. 53). Incredibly, the OAG reports document Canada’s similar track record for ignoring the problem that is created and maintained largely by its own discriminatory laws and policies. Continued denial of the problem will have disastrous results: “There is a risk that living conditions on many First Nations reserves will remain significantly below national averages, with little prospect of a brighter future, until these concerns are addressed” (OAG, 2011, p. 14). In 2008, the then Auditor General Sheila Fraser concluded that “current funding practices do not lead to equitable funding among Aboriginal and First Nation communities,” which results in an inability for First Nations to provide adequate service to their communities (OAG, 2008, p. 8). While INAC has acted on a few of the OAG’s recommendations over the years, Fraser found that overall INAC has consistently failed to implement those recommendations that “are most important to the lives and well-being of First Nations people” (OAG, 2011, p. 1). These are clear policy choices being made by Canada with the full knowledge of the devastating impacts it will have on the lives of First Nations.

Canada has also shown a tendency to avoid the collection of critical data that would support different policy choices. The most recent example of this is the replacement of the mandatory long-form census with a voluntary one that resulted in the Chief Statistician Munir

Sheikh resigning his post (Globe and Mail, 2010). Even the provinces publically denounced the move explaining that it “will undermine the accuracy of budget decisions and erode the ability to direct social programs to the most vulnerable” (Globe and Mail, 2010, p. 1). An internal memo at Statistics Canada came to a similar conclusion (Chase, Howlett, & Grant, T, 2010). In 2008, the OCI concluded that there was no evidence of improved data collection or analysis and “therefore, parliamentarians and Canadians have no way of evaluating the Correctional Service’s progress, or lack thereof, in this priority area of concern. The lack of openness and the refusal to engage in full reporting on this critical file remain a serious concern to this office” (OCI, 2008, p. 34). In 2003, the OAG found that INAC “did not have a plan in place to ensure the fulfillment of their obligations under the agreements, and it had not monitored whether the departments had fulfilled their obligations” (OAG, 2011, p. 30). By not sharing the data collected, it was impossible to monitor or analyze compliance (OAG, 2008, p. 28). The OAG also found that INAC lacked data related to actual education costs, cost comparisons for different delivery methods, or appropriate performance and results indicators (OAG, 2002, p. 14). This refusal to collect or share relevant data presents one of the most significant challenges for policy makers in moving forward to address First Nation poverty.

### **Blaming the Victim**

The general public is relatively uneducated about First Nation poverty and its historical roots, and as a result, they can be easily swayed by the media and other commentators who blame First Nations for the current situation (Benyon, 1994). Explanations for poverty in society are often divided into two main categories: (1) blaming the victim as the author of his/her own circumstances; or (2) looking to societal factors which create, contribute, or exaggerate the disadvantages faced by the impoverished (Varcoe, 2011; Steckley & Cummins, 2008; Hasnain-Wynia, Pierce & Pittman, 2004). This article focuses on the societal factors that have created the situation, but one cannot ignore the real role that “blaming the victim” has on society’s reactions, their lack of empathy, and their failure to demand that their governments address the situation. Some have argued that poor people are “genetically inferior” resulting in a lesser IQ for example (Varcoe, 2011, p. 5). These types of arguments were once very common among those who looked to race to explain poverty. Other explanations included certain groups of people having a “culture of poverty” in that their specific attitudes or cultural values kept them in poverty (Varcoe, 2011). While these explanations do not hold up against scientific scrutiny, they have allowed Canada’s relatively privileged society to justify their ongoing advantage (Varcoe, 2011, p. 6). This makes it far easier to blame First Nation culture, attitudes, values, or race for the crisis of poverty in which they currently live than it is to acknowledge the hard truth – while current generations did not personally steal the land and resources or create the discriminatory laws and barriers, they do benefit from it and have a role in perpetuating the situation by not demanding change.

While the prevalent attitude of blaming the victim can be explained in part by discriminatory attitudes towards First Nations, much of it seems to stem from a lack of knowledge about the real histories of Indigenous peoples and Canada’s role in creating the current situation (Warry, 2007). Although the media cannot shoulder all the blame for the current public attitude towards First Nations, the significant role that the media plays in fostering a societal attitude of blaming the victim (First Nations) simply cannot be ignored (Benyon, 1994). For example, in 2005 CBC News reported on the evacuation of Kashechewan due to contaminated drinking water, yet followed it up with a story about alleged corruption in

Natuashish (Warry, 2007). Even if the leaders in Natuashish had been corrupt (and the resulting INAC report said they were not), there is no link between these two First Nations from two different provinces. “In short, such editorial decisions blame the victim and create the impression that Aboriginal peoples are responsible for their ill health, rather than decades of government inaction and centuries of colonialism. Is it a surprise then, that many Canadians blame Aboriginal people for their problems?” (Warry, 2007, p. 69). The ways in which society seeks to blame First Nations for their impoverished situation does not reflect historical or present reality, but acts as a justification for their failure instigate change.

### **A Matter of Life and Death**

INAC’s own Community Well-Being Index (CWB) shows that there remains a significant gap between First Nations and Canadians with little to no improvement since 2001 (INAC, 2010). INAC found that over a third of all First Nations and Inuit communities have demonstrated a marked decline in CWB scores between 2001 and 2006 (INAC, 2010). In comparison, in the United Nations data that measures well being, the Human Development Index (HDI), Canada currently ranks 4<sup>th</sup> best country in the world (Make Poverty History, 2010). However, if the data is adjusted to consider only the conditions on First Nation and Inuit communities, Canada would rank 78<sup>th</sup>, below countries like Cuba and Paraguay (Borrows, 2003). According to the National Chief of the AFN Shawn Atleo, this decline has created a “life or death” struggle that requires a critical mass of public support to turn the tide (Aboriginal Peoples Television Network, 2011). There is no doubt that general society plays a role in putting pressure on governments; however, I would argue that the need to end the current poverty crisis in First Nations is not a matter of good will or charity by the public but a matter of justice. The problem for policy makers is how to create a workable solution given the federal government’s conflicting policy objectives – the assimilation of First Nations versus the re-building of First Nations.

### **Resolving the Policy Conflict**

Indian policy in Canada changed quickly from one based on nation-to-nation treaty making and the recognition of Indigenous sovereignty (Moss & Gardner-O’Toole, 1991), to one of domination and aggressive assimilation (Long, Little Bear & Boldt, 1982). For the most part, Indigenous peoples have had very little input, if any, into the policy process and even less participation in the laws that pertain to them (Gibbons, 1984). The policies and laws created to deal with Indians and the reserve lands to which they were relocated were based on several problematic assumptions about Indigenous peoples that have led to ineffective and even harmful results in First Nations. The first was that Indigenous peoples were inferior to Europeans and the second was that Indigenous peoples were slowly dying off. When diseases like small pox, starvation, and scalping bounties did not kill Indigenous peoples fast enough, the former deputy superintendent of Indian Affairs Duncan Campbell Scott led an aggressive policy of assimilation. “I want to get rid of the Indian problem... *Our objective is to continue until there is not a single Indian in Canada* [emphasis added] that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill” (RCAP, 1996). This has been the cornerstone of Indian policy ever since. Despite apologies to the contrary, various provisions in the *Indian Act*, originally intended to speed up assimilation, are still in effect and in fact, vigorously defended by Canada (Palmater, 2011).



In addition to excluding Indian women and children from membership in their communities, these assimilatory laws also impacted the ability of men to provide for their families because engaging in colonial occupations required a significant sacrifice – to give up one’s Indian identity (RCAP, 1996; Palmater, 2011). If someone wanted to get a university degree or become a doctor or lawyer, they were required to relinquish their status as an Indian, which meant that their wives and children were automatically disenfranchised as well. The loss of one’s status as an Indian meant that they were no longer entitled to live in their community, have a voice in the affairs of their Nation, or access rights under the various treaties signed with the Crown. Treaty rights, which often protected the traditional means of providing for the community and Nation like the right to hunt, fish, and gather, or the right to trade, would also be inaccessible to anyone who received an education. Over the years, there has been some movement by the federal government to amend political positions, but the core objectives of Indian policy are firmly rooted in modern legislation (Lawrence & Dua, 2005).

Although assimilation as a formal policy objective became less politically palatable, it nevertheless resurfaced in 1969 when former Prime Minister Trudeau and former Minister of Indian Affairs Jean Chretien presented a White Paper on Indian Policy that advocated the abolishment of all special recognition for Indians: the INAC, the *Indian Act*, and the transfer reserve lands to individual Indians (INAC, 1969). The reaction of First Nation leaders to this policy was so swift and so fierce that the plan was eventually abandoned – but not the goal (Flanagan, 2000; Flanagan, 2010; Cairns, 1999; Helin, 2008; Widdowson & Howard, 2008; Gibson, 2009). Now, the policy trend is to promote individual initiatives that appear beneficial but will result in the eventual assimilation of First Nations. For example, abolishing the *Indian Act* and giving Indians individual interests in reserve lands are ideas being lauded as positive solutions to address the current situation of poverty, even though they are the original keys to Canada’s assimilation policy (Flanagan, 2000; Palmater, 2010). Getting rid of the *Indian Act* might clear the path for more formal recognition of First Nation jurisdiction or it could be used to do away with all special recognition and federal responsibility, as was the case with the White Paper. Overall, it comes down to the underlying policy objective: assimilation or self-determination. This will determine whether these initiatives will rid Canada of the problem of poverty in First Nations, or rid Canada of the “problem” of First Nations.

The proposed solutions that fall into the category of rebuilding and supporting First Nations tend to be more comprehensive in nature. This is why RCAP was such an important report. The Commissioners not only envisioned healthy, prosperous self-governing First Nations that would take them from poverty to prosperity, but also had a detailed plan and budget on how to achieve this. The report called for “sweeping changes” to the current relationship that would be founded on the recognition of Aboriginal peoples as self-governing nations. Recommendations related to the recognition of First Nation jurisdiction, equitable funding for core programs like education, child welfare and housing, and the resolution of long outstanding land claims and treaties.<sup>2</sup> The central theme was First Nation jurisdiction over every aspect of their lives from education to health to governance. Part of the problem policy makers have and will continue to face is that they require clear, consistent direction from politicians on how to

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<sup>2</sup> The Commission’s implementation strategy proposed that governments increase spending to reach \$1.5 billion by Year 5 of the strategy, and \$2 billion in the subsequent 15 years. This would include new recognition legislation that would clearly outline treaty recognition and processes as well as specifically recognizing Aboriginal Nations as a third order of government. Aboriginal lands and resources would be expanded to support their governments and a new Aboriginal parliament would be created.

move forward on First Nation issues, i.e., a policy objective that transcends the inevitable changes in government every four years, changes in political parties, and the ever-changing ideological slants of academics, the media, and public. If Canada cannot decide whether it wants to eliminate First Nations or empower them, then we will continue to see social programs and policies that do more harm than good. Although the law has advanced Aboriginal and treaty rights somewhat, it should not be seen as a replacement for sound policy making. While jurisprudence may help guide policy on high-level, core matters, it is simply not feasible to address issues of poverty in the courts on a case-by-case basis. Incremental legislative or policy changes are not enough to combat the crisis of poverty in First Nations. Canada must finally reconcile itself to the fact that Indigenous peoples in Canada are here to stay and act on that constitutional and political reality.

### **Signs of Hope**

Despite the very slow progress to date and the lack of attention that the crisis of First Nations poverty has been given, there are signs of hope that come from the most unexpected places. Take for example, the situation at Attawapiskat First Nation in Ontario. This Cree community has been fighting for a new elementary school for decades (Wawatay News, 2008). Their youngest members travelled to Ottawa to bring the issue to the attention of the Minister, who, sitting in his lush office, told 13-year-old Shannen Koostachin that he did not have the funds to build them a new school (Goyette, 2010). INAC had promised them a new school four times previously because their current one was full of mold, mice, cracked walls, and reeked of diesel fuel (Goyette, 2010). After Shannen passed away unexpectedly, those she inspired created the Shannen's Dream campaign to end the discrimination in funding for First Nations education nationally. All of the subsequent pressure and publicity seemed to work in Attawapiskat's favour (New Democratic Party of Canada, 2011). The United Nations Committee on the Rights of the Child investigated Canada's failure to protect the rights of First Nations children (Provincial Advocate for Children and Youth, 2011). The public pressure and international spotlight on Canada essentially shamed INAC into announcing funding for a new school to be built in 2013 (INAC, 2011). None of this would even have been possible but for the courage of Cree youth to exercise its collective voice and defend the community (Provincial Advocate for Children and Youth, 2011).

Yet there is a very real political downside to exposing Canada's blatant neglect of First Nations. While Attawapiskat did achieve a departmental commitment for a new school, this temporary solution did not address the extreme poverty in that community. The community called an official state of emergency in 2009 and was ignored by Canada (Romain, 2009). The community's housing situation became so bad that people were sleeping in unheated tents without power or running water. They again raised the alarm on the housing crisis in Attawapiskat and officially declared a state of emergency in 2011 (Angus, 2011). The images of tents and moldy shacks in -20 degree weather attracted significant media attention but not a response from INAC for over three weeks. Finally, due to unrelenting media attention, INAC responded with a vengeance. The Minister not only stood in Parliament and blamed the community for their own situation, but also put them into third party management (full INAC control) without consulting the community and going against its own policies (AANDC, 2011). This sent a strong message to other First Nations that declaring a state of emergency to highlight Canada's neglect would be met with a swift punitive response, as opposed to one based on

empathy for fellow Canadians, like one that might be offered to any Canadian town that suffered a flood, for example.

There are signs of hope that come from First Nations themselves through their acts of nation-building and cultural revitalization. Take for example the changes to educational programming in Nunavut noted by the Standing Committee on Aboriginal Affairs and Northern Development in 2007 (Canadian Council on Learning, 2007). Since 1985, the Nunavut Sivuiksavut Program has offered Nunavut high school graduates culturally appropriate transitional programming. Not only did this program have an 80% completion rate but it also resulted in a very high employment record for its students. Similarly, cultural revitalization goes hand in hand with traditional governance practices and the assertion of jurisdiction over their own affairs. In fact, early research has shown that acts of self-determination and cultural revitalization can even impact the number of suicides in communities (Chandler & Lalonde, 1998, 2008). This is due to the presence of “cultural continuity factors” which include the achievement of at least some measure of self-government, control over key services like health, education, and policing and community facilities to preserve culture (Chandler & Lalonde, 1998, p. 6). There is still a long way to go before all First Nations enjoy this kind of success in all aspects of their lives, but the formula is supported by the research. Policy makers need to focus on (1) equitable funding, (2) First Nation jurisdiction, and (3) cultural revitalization to achieve healthy communities.

Conversely, the studies that show that the long-term costs of doing nothing would far outweigh the immediate investment required to eliminate the gaps in health, education, and income currently existing between First Nations and Canadians (Coffey, 1997). For example, the cost of incarcerating one Aboriginal person for one year is \$100,000 – a total far greater than the \$13,200 it costs to send one Aboriginal person to university for one year (AFN, 2010). Yet, First Nation post-secondary education funds have been capped since 1996. If these were raised to the more equitable level of \$20,000 per person per year, even a four-year degree would be cheaper than one year of prison (AFN, 2010). Educating First Nations “would add \$179 billion to Canada’s GDP by 2026 through employment and by reducing government expenditures on income support, social services, health care, and security” (AFN, 2011, p. 4). Even the initial costs of resolving of treaties and land claims are far outweighed by the long-term financial and social gains. One study conducted by Price Waterhouse Coopers (2009) found that the advantages of settling treaties earlier resulted in greater benefits being delivered sooner. Conversely, when it takes longer settle treaties the overall net benefit to Canadians and First Nations is reduced. Thus, the faster we address poverty in First Nations, the more we will all benefit.

## **Conclusion**

The colonization and aggressive assimilation policies of the past have turned thriving Indigenous Nations into small communities of peoples, some of whom are barely surviving. Understanding the historical context and root causes of the current crisis of poverty in First Nations is absolutely essential to developing policy solutions that can turn this trend around. While past laws and policies impoverished First Nations, current laws and policies maintain it. Canada controls the lives of First Nations, provides them with inequitable funding that results in conditions of extreme poverty that research has shown leads to their premature deaths. The startling statistics illustrate the true extent of the chronic underfunding of essential social services, the cap on

education funding, the lack of basic infrastructure and maintenance support, and the discrimination experienced in health and justice services. This had led to very predictable results – namely, lower educational achievement rates, poor health outcomes, and high unemployment and suicide rates. Research has also demonstrated a direct causal link between premature deaths in First Nations and the chronic poverty originally created and now sustained by federal policy.<sup>3</sup> In the words of the National Chief of the Assembly of First Nations (AFN) Shawn Atleo: “right now, decisions are made for us and we live – and die with the consequences” (Atleo, 2011). However, instead of acting on the current medical, legal, and social science research, Canada’s tendency is to ignore the problem. Canada’s ability to defer, deflect, and deny the problem is bolstered by the blame the victim mentality of many right-wing commentators and media outlets. Policies have waivered between assimilation and promotion of self-government. Yet, the two objectives cannot both underpin future policy. Canada has used the impoverished condition of First Nations in the last 250 years as a justification for both the assumption of jurisdiction over them and its paternalistic management of Indian affairs. This has led to the current crisis of poverty and premature deaths in First Nations. Yet, First Nations have had far more experience in governing themselves and creating strong, prosperous, thriving Nations than Canada has had tearing them down. Despite all the challenges, there are signs of hope in First Nations that offer small glimpses into what is possible. Increased employment rates, reduced suicide rates, and improved educational rates are all possible with access to equitable funding and First Nation jurisdiction over key areas like health, education, justice, and child welfare. The resolution of land claims and treaties not only benefit First Nations, but all Canadians. First Nations can create success in their communities by addressing federal control, inequitable funding, and discrimination prevalent in federal policies. The well-being of future generations can be assured through cultural revitalization in First Nations. First Nation youth need to know that there is nothing wrong with them – it is the system under which they are controlled that needs to be addressed. They have no less a desire to live and experience the world than anyone else. The deprivation associated with extreme poverty stretches them “beyond all human limits” until they simply can’t take it anymore. Decades ago, anthropologists, sociologists, and other researchers used to study First Nations and write reports documenting their cultures; today, coroners study First Nations and write death reports. First Nations deserve a fair chance to live the lives they believe in – a chance to live the “good life” that everyone else takes for granted. The difference between life and death in First Nations communities can be as simple as a policy choice by Canada to finally see them as human beings deserving of dignity and the good life afforded every other Canadian.

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<sup>3</sup> *Bill C-3: Gender Equity in Indian Registration Act* came into force January 31, 2011. This amended section 6 of the Indian Act, 1985. *Bill S-4: Family Homes on Reserves and Matrimonial Interests or Rights Act* died when the federal election was called in 2010. Similarly, *Bill S-11: The Safe Drinking Water for First Nations Act* died when the election was called, as did *Bill C-575: First Nations Financial Transparency Act*. Even the old policy of treating Indigenous peoples as wards of the state continues as INAC makes unilateral decisions about their individual and communal lives often without consultation. The recent bills introduced in the House before the last federal election are a prime example of this.

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