



# **2024–25 Manitoba First Nations Alternative Federal Budget**

**MARCH 2024**



# Assembly of Manitoba Chiefs

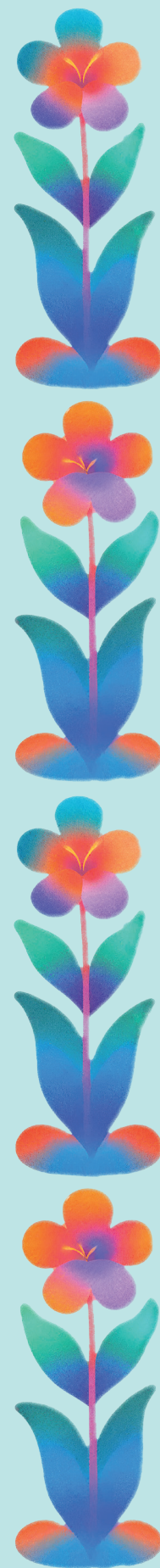
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All information is current as of December 8, 2023.

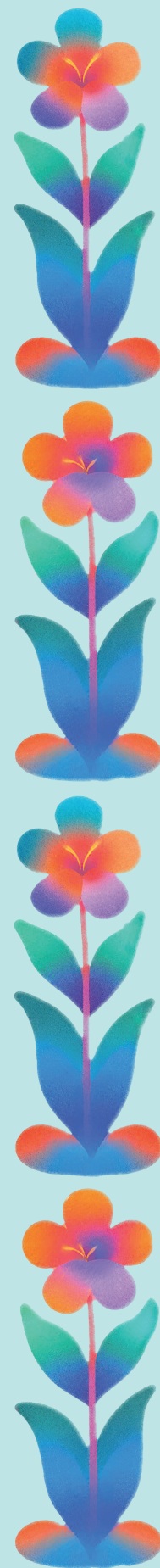
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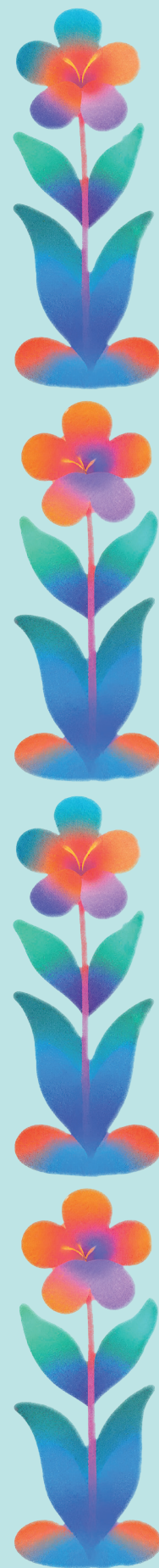
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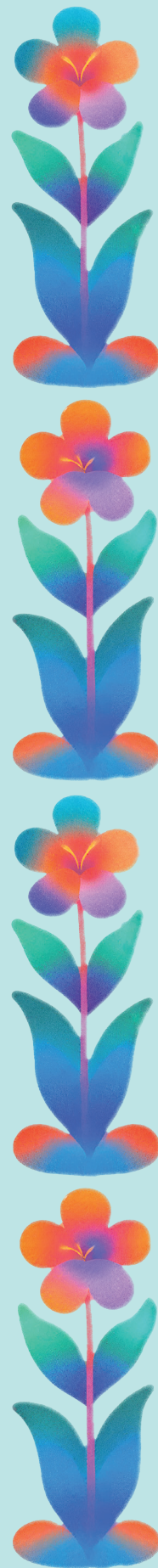


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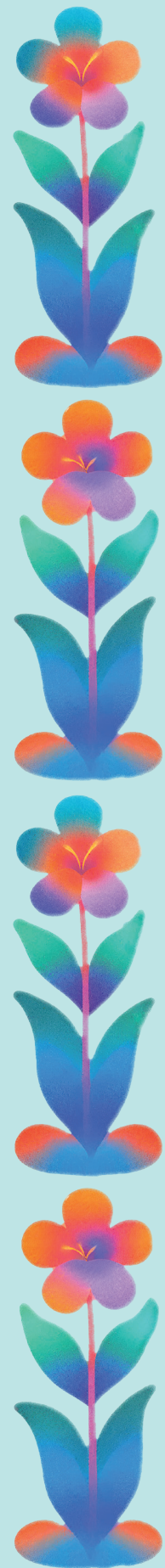
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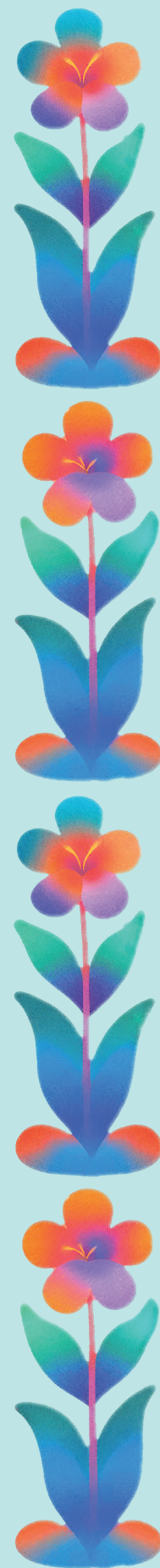


# Acronym List

|        |  |
|--------|--|
| AFB    | Alternative Federal Budget                                 |
| AFN    | Assembly of First Nations                                  |
| AMC    | Assembly of Manitoba Chiefs                                |
| BITSA  | Budget Implementation Tax Statutes Amendment Act           |
| CCOE   | Chiefs Committee on Education                              |
| CFS    | Child and Family Services                                  |
| CHRT   | Canadian Human Rights Tribunal                             |
| CIRNAC | Crown-Indigenous Relations and Northern Affairs Canada     |
| CRTC   | Canadian Radio-television and Telecommunication Commission |
| CSA    | Children's Special Allowances                              |
| CTA    | Community Tripartite Agreement                             |
| DCSP   | Downtown Community Safety Partnership                      |
| EIC    | Exchange Income Corporation                                |
| ELCC   | Early Learning and Child Care                              |
| EUTC   | Eagle Urban Transition Centre                              |
| FAI    | Framework Agreement Initiative                             |
| FNCFS  | First Nations Child and Family Services                    |
| FNFAO  | First Nations Family Advocate Office                       |
| FNHIB  | First Nations and Inuit Health Branch                      |
| FNHSSM | First Nations Health and Social Secretariat of Manitoba    |
| FNPF   | First Nations Police Forces                                |
| FNIPP  | First Nations and Indigenous Policing Program              |
| GC     | Government of Canada                                       |
| GHG    | Greenhouse Gas   |
| IAP    | Income Assistance Program                                  |
| ILABC  | Indigenous-Led Area-Based Conservation                     |
| ILNCS  | Indigenous-led Natural Climate Solutions                   |
| IPCC   | Intergovernmental Panel on Climate Change                  |
| IPCO   | Indigenous Police Chiefs of Ontario                        |
| ISC    | Indigenous Services Canada                                 |
| LTDWA  | Long-Term Drinking Water Advisories                        |
| MB     | Manitoba   |
| MMIWG  | Missing and Murdered Indigenous Women and Girls            |
| MOU    | Memorandum of Understanding                                |
| MPI    | Manitoba Public Insurance                                  |



|              |   |
|--------------|---|
| NAN          | Nishnawbe Aski Nation   |
| NAMO         | Northern Airports and Marine Operations                                   |
| NIHB         | Non-Insured Health Benefits   |
| NDP          | New Democratic Party of Manitoba  |
| NFSC         | National Family and Survivors Circle                                      |
| NRTA         | Natural Resources Transfer Act  |
| NWAC         | Native Women’s Association of Canada                                      |
| OCAP®        | First Nations Principles of Ownership, Control,<br>Access, and Possession |
| OECMs        | Other Effective Area-Based Conservation Mechanisms                        |
| ODI          | Our Data Indigenous   |
| PC           | Progressive Conservative  |
| PCH          | Personal Care Homes   |
| PSPP         | Post-Secondary Partnership Program  |
| RCMP         | Royal Canadian Mounted Police   |
| REA          | Regional Education Funding Agreement                                      |
| RRC          | Red River College Polytechnic   |
| SA           | Self-Administered   |
| SCC          | Supreme Court of Canada   |
| SCO          | Southern Chiefs’ Organization Inc.  |
| TRC          | Truth and Reconciliation Commission of Canada                             |
| TRCM         | Treaty Relations Commission of Manitoba                                   |
| UNDRIP       | United Nations Declaration on the Rights<br>of Indigenous Peoples         |
| UNESCO       | United Nations Educational, Scientific<br>and Cultural Organization       |
| UIP          | Urban Programming for Indigenous Peoples                                  |
| URN          | Urban, Rural, and Northern (URN) Indigenous Housing Strategy              |
| WPS          | Winnipeg Police Service   |
| WRHA-IH      | Winnipeg Regional Health Authority Indigenous Health                      |
| 2021 CHRT 41 | Canadian Human Rights Tribunal 41   |





# Executive Summary





# Executive Summary

**The time is now. First Nations in Manitoba continue to face a host of interconnected challenges. Our ancestral lands are burning. Our schools are overcrowded and collapsing. Outcomes and inequities in health are worsening. Our women and girls continue to disappear, their remains discovered in landfills. Threats to self-determination, language, and culture are growing. Leaders in government oscillate between offerings of empty words or outright complacency. First Nations in Manitoba can no longer wait – Canada needs to action its stated commitments of Reconciliation and a new fiscal relationship with First Nations – now.**

There are troubling signs the Federal Government is not committed to the creation of a new fiscal relationship with First Nations in Manitoba, most recently within the inadequate or non-existent spending amounts allocated to meet Canada's debts to First Nations in the 2023 Fall Economic Statement. Words are not enough; they must be followed through on with deeds.

The Federal Government continues to lack transparency in how and where funds are spent. Determining actual spending of federal budget commitments and programs within the context of arcane bureaucracies and opaque program reporting is a challenge. Nevertheless, as more information has been uncovered to cost specific investment areas, such as the debt to First Nations education infrastructure, one point is abundantly clear: Canada's debts to First Nations in Manitoba, in terms of its failure to meet Treaty and fiduciary obligations, is a massive sum, **estimated at \$35 billion for the 2024-25 fiscal year.**

Canada must partner with First Nations in Manitoba to codevelop fiscal policies and programs that meet the needs of First Nations citizens and fulfill Canada's Treaty and fiduciary responsibilities to First Nations. Canada must work with First Nations in Manitoba to provide support, including sufficient fiscal resources, for action on their self-identified needs and priorities. These include, but are not limited to, landfill searches to repatriate the remains of murdered Indigenous women and girls in accordance with Article 12 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), funds to upgrade or construct new infrastructure, support to shepherd Health Transformation and self-governance initiatives, actions to address persistent and chronic health needs, expansion of urban transition services, and advancing Child and Family Services (CFS)



to a preventive model governed by First Nations. It is critical Canada acknowledge these fiduciary obligations, rather than treating services and programming for First Nations as a “discretionary” expenditure that can be cut or disregarded on a whim.

If Canada realizes this new fiscal relationship with First Nations in Manitoba, addressing chronic underfunding and widening gaps can at long last fully commence. The way forward was wisely foreseen by First Nations Elders, Knowledge Keepers, and Leadership. In 1971, the need to respect Treaty and inherent rights, approach First Nations on a Nation-to-Nation basis, and operate within a context of fiscal self-determination was elegantly articulated in *Wahbung: Our Tomorrows*.<sup>1</sup> This vision is reiterated and championed in present-day by the proponents of this Alternative Federal Budget, we the Assembly of Manitoba Chiefs (AMC) and the Assembly of First Nations (AFN) Manitoba Region.

It is essential Canada recognize First Nations as the best stewards of their futures. First Nations in Manitoba must be given the ability to assert their inherent jurisdiction across all policy areas via authority over funding. Canada must dismantle past colonial funding relations and eliminate the use of non-First Nations intermediaries in program funding for First Nations. Fiscal self-determination is a necessary start to ensure a renewed relationship and understanding between Canada and the First Nations in Manitoba.

The 2024-25 Alternative Federal Budget for First Nations in Manitoba is only one of many starting points for a new relationship between Canada and First Nations in Manitoba. Ongoing co-development for new programs, enhanced fiscal policies, bolstered resources and funding supports, and self-determined initiatives is the pathway Canada must take to demonstrate its commitment to Reconciliation with First Nations in Manitoba in a meaningful and credible way.

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<sup>1</sup> Manitoba Indian Brotherhood, *Wahbung: Our Tomorrows*, Manitoba, Canada, October 1971. <https://manitobachiefs.com/wp-content/uploads/2017/12/Wahbung-Our-Tomorrows-Searchable.pdf>.

# Recommendations

\$35B



- 1. Canada must commit, at a minimum, \$35 billion in total funding during the 2024-25 fiscal year for self-government, Health Transformation, housing, social services, economic development, and other initiatives for First Nations in Manitoba. Sufficient ongoing funding in each identified investment area must also be committed to by Canada.**
- 2. Funding relations between Canada and First Nations in Manitoba must be transformed. Canada must approach First Nations in Manitoba on a Nation-to-Nation basis. First Nations Governments in Manitoba must be the leaders and overseers of the administration of funding for services and programs for First Nations citizens.**
- 3. Fiscal transfers currently flow through the Government of Manitoba – this colonial arrangement must be reimaged to ensure First Nations Governments in Manitoba are the self-governing administrators and recipients of fiscal transfers for services to First Nations citizens.**

# Summary of Required Federal Spending

| Spending Sector  | Investment Area  | Required Investment Per Year, Ongoing for Five Years |
|--|--|--|
| <b>Health, Dignity, Cultural and Spiritual Wellbeing</b> | Health Transformation, Clinical Care, Health Facilities, First Nations Health Human Resources Strategy, and Related Services | \$580M   |
|  | Indigenous Health Legislation  | \$19M in 2024-25                                     |
|  | Elder Care and Supportive Services   | \$116M   |
|  | Support for Indian Residential School Survivors  | \$64.2M  |
|  | Non-Insured Health Benefits (NIHB)   | \$480.9M   |
|  | Mental Health, Trauma Support, Harm Reduction, & Suicide Prevention Initiatives  | \$721M for 2024-25; \$376M ongoing                   |
|  | Locating and Commemorating Unmarked Indian Residential School Graves   | \$35.2M  |
|  | Revitalization of First Nations Languages, Cultural Promotion, and Cultural Activities                                       | \$212.9M   |
| <b>Housing</b>   | Housing On-Reserve   | \$10.1B for 2024-25; \$225M ongoing                  |
|  | Affordable Housing in Urban Centres and Other Off-Reserve Areas  | \$472.6M   |

| Spending Sector   | Investment Area  | Required Investment Per Year, Ongoing for Five Years |
|---|--|--|
| <b>Child and Family Support</b>                             | Implementation of Jordan's Principle in Social and Health Services                         | \$284M in 2024-25;<br>\$278M ongoing                 |
|   | First Nations Child and Family Services  | \$813.9M in 2024-25;<br>\$671.1M ongoing             |
|   | Implementing An Act respecting First Nations, Inuit and Métis Children, Youth and Families | \$793.4M   |
| <b>Education*</b>   | K-12 Education Infrastructure Deficit  | \$10.1B in capital spending for 2024-25              |
| <b>Employment, Economic Development, and Income Support</b> | Employment Strategy and Training Programs  | \$18.5M  |
|   | Economic Development Initiatives   | \$67.8M  |
|   | Transportation: Northern Airports and Marine Operations; Buses                             | \$1.8B in 2024-25;<br>\$411M ongoing                 |
|   | Income Assistance  | \$348.6M   |
| <b>Land and Wildlife Stewardship</b>                        | Wildlife Stewardship, Climate Mitigation, and Adaptation                                   | \$5.3M   |
|   | Additions-to-Reserve   | \$4.3M   |
|   | Specific Land Claims   | \$31.1M  |
|   | Comprehensive Land Claims  | \$271.3M   |

*\*Post-Secondary education and Early Learning and Child Care (ELCC) funding is to be estimated in future iterations of the Alternative Federal Budget for First Nations in Manitoba. K-12 operations are to be determined through the Regional Education Agreement Funding (REA) negotiations process.*



| Spending Sector  | Investment Area                             | Required Investment Per Year, Ongoing for Five Years                                    |
|--|---|---|
| <b>First Nations Institutions, Governance, and Intergovernmental Relationships</b> | First Nations Citizenship                   | \$9.5M  |
|  | UNDRIP Implementation                       | \$5.8M  |
|  | Canada-First Nation Treaty Relationship     | \$2.9M  |
|  | Governance Capacity Support                 | \$138.1M  |
| <b>Infrastructure</b>  | Digital Infrastructure                      | \$624.8M in 2024-25; \$113.9M ongoing   |
|  | Drinking Water and Wastewater               | \$4.165B in 2024-25; \$1.362B ongoing   |
|  | General Community Infrastructure            | \$3.802B in 2024-25; \$1.806B ongoing   |
| <b>Community Safety and Restorative Justice</b>                                    | Implementation of MMIWG Calls for Justice   | \$400M in 2024-25; \$150M for 2025-26; \$125M for 2026-27 & 2027-28; \$110M for 2028-29 |
|  | Decolonizing Justice                        | \$1.03M   |
|  | First Nations Police Forces                 | \$89.6M   |
|  | Emergency Services                          | \$320M  |
| <b>Urban Services</b>  | Transition Centres and Other Urban Supports | \$3.9M for 2024-25; \$1.5M ongoing  |
|  | Urban Reserves                              | \$42M for 2024-25   |



**Background**



# Background

The 2024-25 Alternative Federal Budget (AFB) for First Nations in Manitoba is the third iteration of this ongoing AFB process, intended to facilitate dialogue and collaboration with the Government of Canada. The required spending identified in this AFB is, in some ways, a 'what if' exercise – what Canada could do if it were truly committed to economic, social, health, and environmental Reconciliation that reflects the true self-identified needs and priorities of First Nations in Manitoba. It does, however, also demonstrate how starkly underfunded First Nations in Manitoba continue to be and as such, the asks within this AFB are not mere wishes – but rather direct requests to Canada to fulfill its stated commitments and responsibilities to First Nations.

The door remains open for Canada to demonstrate a meaningful commitment to a new fiscal relationship and Reconciliation with the First Nations in Manitoba through meaningful involvement in, and fiscal support of, the asks presented within this AFB and the Manitoba Regional Specific Fiscal Relations Table mandated by the AMC Chiefs-in-Assembly.

The overarching goal of the AFB is improved economic and social development

outcomes for healthier sustainable economies, Nations, kinship circles, and citizens of all First Nations in Manitoba. To this end, the 2024-25 AFB for First Nations in Manitoba centres the priorities, plans, self-identified needs, and resolutions of the First Nations it represents.

## **Fiscal Self-Determination: Long Overdue**

Recognition of the need for self-determination, a new fiscal relationship, economic Reconciliation, and substantial systemic changes are not new. Many of these concepts are underpinned in the Treaties signed by First Nations in Manitoba and Canada



that have appallingly been neglected and violated by successive federal and provincial governments. Much of the vision for what a renewed relationship could be, given past breaches of trust by Canada, was wisely articulated by First Nation Elders and Knowledge Keepers in the 1971 position paper *Wahbung: Our Tomorrows*:

“Today, [many] grievances of the Indian people remain unappreciated by the Federal Government. This is particularly true in regard to questions of Treaties and aboriginal title... We are determined that a settlement which will fit the entire range of grievances relating to Treaties and aboriginal title be secured... we demand full and continuous participation in the establishment of structures and processes which will provide a full and comprehensive redress. The bitter experience of centuries dictates that such structures and processes unfold from a knowledge of the Indian reality, as articulated by Indian people.”<sup>2</sup>

*Wahbung* notes that Canada has always had the legislative tools to engage with First Nations honourably on a Treaty basis. Innovative legislative authorities were not required – rather, the Federal Government must cease the policy choice of negligence towards the Treaty and inherent rights of First Nations. This remains true to this day.

“The Indian people of Manitoba are resolved:

That the right of a full and continuing redress of grievances created by the Treaties and by the failure of the government to implement the beneficial aspects of the Treaties be admitted.

That the Federal Government recognize the full scope of the damage inflicted upon Indian people of Manitoba by the Treaties. This should include the acknowledgment that the Treaties and non-implementation of their beneficial stipulations have had and continue to have an adverse effect upon the Indian people of Manitoba.”<sup>3</sup>

The Treaties between Canada and First Nations in Manitoba are International Treaties between sovereign Nations. Canada needs to recognize this not just in word, but also action, and meaningfully engage with First Nations in Manitoba on a Nation-to-Nation basis. Canada also has obligations under various human rights instruments and commitments, such as the United Nations 2030 Agenda, to address the numerous long-standing structural inequalities that

First Nations in Manitoba experience.

The demographic data shows that Canada is failing on this front and must act urgently to address inequalities as the effects of past initiatives have stalled. The Human Development Index scores are weakest in Manitoba<sup>4</sup> and, in some areas such as health, the gap is increasing.<sup>5</sup>

Canada needs to immediately and meaningfully demonstrate a commitment to a new fiscal relationship with First Nations in Manitoba. There is a deep track record of broken promises and breached trust from Canada to First Nations on matters of a new fiscal relationship

One major example was the work for a Framework Agreement Initiative (FAI). On December 7, 1994, the AMC and Canada entered into the agreement *The Dismantling of the Department of Indian Affairs and Northern Development, the Restoration of Jurisdiction to First Nations Peoples in Manitoba and Recognition of First Nations Governments in Manitoba*.<sup>6</sup> This agreement committed Canada and the AMC to a 10-year negotiation process aimed at achieving a self-government agreement for First Nations in Manitoba.

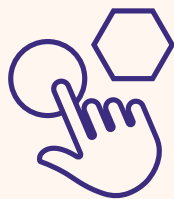
The FAI had 18 core principles and three objectives, the latter of which are detailed below:<sup>7</sup>




**1. Dismantle the existing departmental structures of the Department of Indian Affairs and Northern Development as they affect First Nations in Manitoba.**



**2. Develop and recognize First Nation Governments in Manitoba legally empowered to exercise the authorities required to meet the needs of their citizens.**



**3. Restore First Nations Governments and jurisdiction (including those of the other federal departments) consistent with the inherent right of self-government.**



The FAI process was severely undermined by a lack of resources and deep commitment from the Department of Indian Affairs and Northern Development.<sup>8</sup> The AMC Chiefs-in-Assembly resolved in 2007 to discontinue negotiations under the FAI until Canada demonstrated the political will to commit to an approach that included a new fiscal relationship consistent with a Nation-to-Nation approach in which the needs of First Nations people were paramount.<sup>9</sup>

It has been over two decades since First Nations in Manitoba and the Federal Government agreed to the FAI process. Many lessons and recommendations arose from the process. Despite this, current fiscal arrangements continue to provide inadequate funding. Funding models do not allow for long-term planning and do not address the acute issues First Nations in Manitoba face. There must be adequate funding for services, standards, and outcomes comparable to non-First Nation citizens. It is critical Canada make a true commitment to improve the lives of First Nations. The door remains open for Canada; First Nations in Manitoba are waiting.

Since 2015, lofty rhetoric on Reconciliation and a new fiscal relationship by Canada and Prime Minister Justin Trudeau presents an opening to build on and implement past work and proposals by First Nations in Manitoba.

In 2017, the AMC Chiefs-in-Assembly passed a resolution creating a Manitoba Regional Specific Fiscal Relations Table to develop a new fiscal relationship between Canada and First Nations in Manitoba to address chronic underfunding and the socioeconomic gaps between First Nations and non-First Nations citizens.<sup>10</sup> However, this table has not yet begun this work. More recent announcements of the Federal Government, including the 2023 Fall Economic Statement,<sup>11</sup> warrant skepticism of Canada's commitment to sufficient, predictable, and sustained funding for First Nations.

An AFB for First Nations in Manitoba is part of the ongoing need for this dedicated table to exist, consistent with Article 23 of UNDRIP:

**“Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous Peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.”<sup>12</sup>**

## Context of the Alternative Federal Budget for First Nations in Manitoba

The AFB for First Nations in Manitoba is a relatively new exercise, first initiated in 2022. The process for fiscal estimations and scope continually evolves, based on information availability and the self-determined priorities of First Nations in Manitoba. The 2024-25 AFB advances required spending in several new areas, such as the education infrastructure debt for First Nations in Manitoba which is based on tremendous research undertaken by the AMC Education Secretariat. This research adds \$10.1 billion to the estimate of needed funding in the 2024-25 fiscal year.

Full cooperation, participation, and information-sharing from Indigenous Services Canada (ISC) – Manitoba Region, the Department of Finance, and other federal departments is needed to support fiscal estimations. Regrettably, such cooperation remains minimal. The AFB is a yearly exercise; there is an opportunity for Canada to display good-faith and assist First Nations in Manitoba in their process of fiscal self-determination through the provision of relevant information.

In the following calculations, figures vary in level of disaggregation and specificity. It is paramount to note that these required spending figures detailed in this document should be seen as a *starting point*, not as an *end point*, for cooperation and program co-development between Canada and First Nations in Manitoba.

The 2024-25 AFB for First Nations in Manitoba has made substantial progress over the 2023-24 iteration. It is expected that the AFB will improve year over year as the participatory research process deepens to better identify the complex, interconnected fiscal and resource needs of First Nations in Manitoba. Year over year, however, it becomes more apparent the full extent and enormity of Canada's social debt to First Nations in Manitoba, stemming from decades of underfunding. There are surely many more debts and unmet fiduciary obligations less opaque financial reporting by Canada would reveal.



## Demographics of First Nations in Manitoba

The citizens of First Nations in Manitoba are a diverse population. First Nation citizens may live on-reserve or off-reserve in rural municipalities, towns, and cities or even out-of-province. Regardless of residence, Canada's Treaty obligations to First Nations citizens remains.

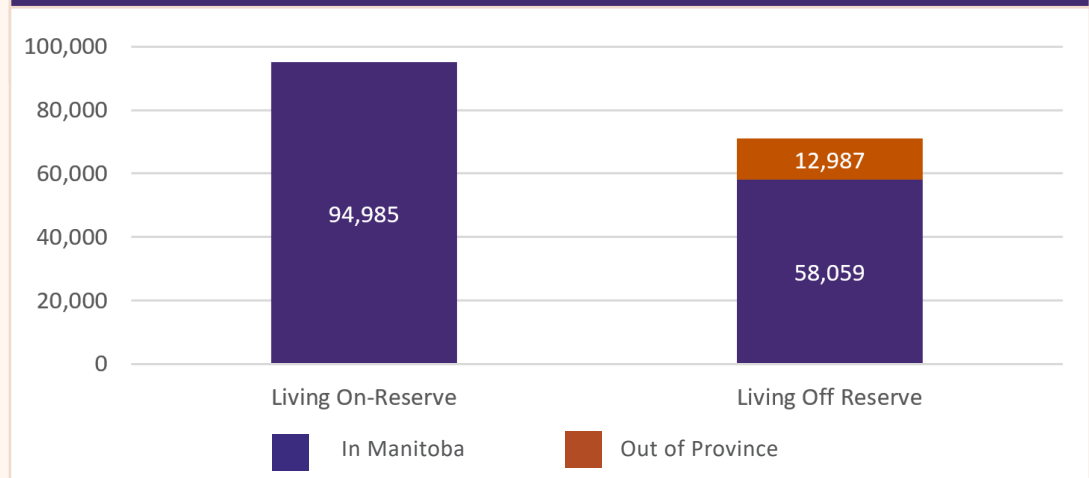


The most recent Indian Status Register count published by ISC shows there are 94,985 First Nations citizens living on-reserve and 71,046 citizens of First Nations in Manitoba living off-reserve as of Dec. 31, 2021.<sup>13</sup> This figure is of total citizens of all First Nations in Manitoba, but for the off-reserve population the citizens do not necessarily live in the province. In 2016, researchers estimated the number of off-reserve citizens of First Nations in Manitoba who lived in Manitoba rather than Saskatchewan, Ontario, or elsewhere.<sup>14</sup> Researchers were able to identify whether an off-reserve citizen of a First Nation in Manitoba was in the province by linking information in the Indian Status Register with data in the Manitoba Health Insurance Registry.<sup>15 16</sup>

**Table 1: Citizens of First Nations in Manitoba (2022)**

|   |                |
|---|----------------|
| Living On-Reserve                                     | 94,985         |
| Living Off-Reserve                                    | 71,046         |
| <i>Living Off-Reserve in Manitoba (Estimated)</i>     | <i>58,059</i>  |
| <i>Living Off-Reserve Out-of-Province (Estimated)</i> | <i>12,987</i>  |
| <b>Total Manitoba First Nations Citizens</b>          | <b>166,031</b> |


**Figure 1: Citizens of First Nations in Manitoba (2022)**



**Table 2: Health Indicators for Manitoba First Nations and All Other Manitobans**

|   | On-Reserve First Nations | Off-Reserve First Nations | All Other Manitobans |
|---|--------------------------|---------------------------|----------------------|
| Male Life Expectancy at birth (Crude age in years, 2012-2016)   | 67                       | 70.3                      | 79.4                 |
| Female Life Expectancy at birth (Crude age in years, 2012-2016)   | 71.8                     | 73.4                      | 83.8                 |
| Pre-Mature Mortality Rate (Age- and sex-adjusted, per 1,000 individuals, aged 0-74, 2012-2016)                                  | 4.8                      | 3.8                       | 1.4                  |
| Mood and Anxiety Disorder Prevalence (Age- and sex-adjusted per of individuals, age 10+, 2012/13-2016/17)                       | 21.10%                   | 30.30%                    | 22.00%               |
| Drug and Substance Use Disorder Prevalence (Age- and sex-adjusted per cent of individuals, age 10+, 2012/13-2016/17)            | 10.80%                   | 14.70%                    | 3.90%                |
| Hospitalization Rate for Ambulatory Care Sensitive Conditions (Age- and sex-adjusted, per 1,000 individuals, age 0-75, 2016/17) | 17.4                     | 12.1                      | 3.4                  |


Data Source: Katz et al (2019)



Manitoba's total First Nations population is second only to the province of Ontario.<sup>17</sup> Yet the socioeconomic gap between First Nations and other residents is stark. Past initiatives addressing inequalities have stalled and, in some areas, such as health, the gap is widening.<sup>18</sup> The Manitoba Centre for Health Policy has identified many stark disparities in health outcomes between First Nations living in Manitoba and other residents.<sup>19</sup>

Dismantling colonial fiscal relations and asserting First Nations jurisdiction and self-determination in health, education, CFS, housing, and economic development will be critical to closing identified health gaps and outcomes in Manitoba. Co-development of a new fiscal relationship between First Nations in Manitoba and Canada is key to make this a reality. Recent actions suggest Canada may be backtracking from its commitments. Now is not the time to stall. Canada must recommit to a new fiscal relationship based on fiscal self-determination for First Nations in Manitoba and true economic Reconciliation in deed as well as word.



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- <sup>2</sup> Manitoba Indian Brotherhood, *Wahbung: Our Tomorrows*.
- <sup>3</sup> Ibid.
- <sup>4</sup> Martin Cooke, *Application of the United Nations Human Development Index to Registered Indians in Canada, 2006–2016*, Indigenous Services Canada, last modified November 2019, <https://publications.gc.ca/site/eng/9.895951/publication.html>.
- <sup>5</sup> Alan Katz et al., "Changes in health indicator gaps between First Nations and other residents of Manitoba," *CMAJ* 193, no. 48 (2021): E1830–E1835.
- <sup>6</sup> Assembly of Manitoba Chiefs, "RE: Canada–First Nations Fiscal Relations," Dakota Tipi First Nation: Assembly of Manitoba Chiefs, (November 28–29, 2017), <https://manitobachiefs.com/wp-content/uploads/Certified-Resolutions-Nov-2017.pdf>.
- <sup>7</sup> Don McCaskill et al, *Manitoba Framework Agreement Initiative Review Final Report*, Maang Associates (February 12, 1999): 1. <https://publications.gc.ca/Collection/R32-233-1999E.pdf>.
- <sup>8</sup> Ibid, 19.
- <sup>9</sup> Assembly of Manitoba Chiefs, "RE: Framework Agreement Initiative," Long Plains First Nation: Assembly of Manitoba Chiefs General Assembly (January 23–25, 2007), <https://manitobachiefs.com/wp-content/uploads/CIA-Resolution-January-2007-General.pdf>.
- <sup>10</sup> Assembly of Manitoba Chiefs, "RE: Canada–First Nations Fiscal Relations."
- <sup>11</sup> Assembly of Manitoba Chiefs, "AMC Responds to Federal Fiscal Update Announcement Re: Housing Construction," AMC Communications, November 22, 2023, [https://manitobachiefs.com/press\\_releases/amc-responds-to-federal-fiscal-update-announcement-re-housing-construction/](https://manitobachiefs.com/press_releases/amc-responds-to-federal-fiscal-update-announcement-re-housing-construction/).
- <sup>12</sup> United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, accessed August 17, 2022, [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf).
- <sup>13</sup> Indigenous Services Canada, *Registered Indian Population by Sex and Residence: 2021*, last modified January 27, 2023, accessed August 20, 2023, <https://www.sac-isc.gc.ca/eng/1654268722711/1654268753990>.
- <sup>14</sup> Alan Katz et al., *The Health Status of and Access to Healthcare by Registered First Nation Peoples in Manitoba*, (Winnipeg, MB: Manitoba Centre for Health Policy, Fall 2019): 9. [http://mchp-appserv.cpe.umanitoba.ca/reference/FN\\_Report\\_web.pdf](http://mchp-appserv.cpe.umanitoba.ca/reference/FN_Report_web.pdf).
- <sup>15</sup> Ibid, 8–9.
- <sup>16</sup> A growth rate has been applied to the 2016 estimate to obtain an estimated population figure for 2022. This figure is important for calculating the contribution of citizens of First Nations in Manitoba to major federal transfers for the province (see *Province of Manitoba* for more information).
- <sup>17</sup> Indigenous Services Canada, "First Nations in Manitoba," last modified March 3, 2021, accessed November 10, 2023, <https://www.sac-isc.gc.ca/eng/1100100020400/1616072911150>.
- <sup>18</sup> Katz et al., "Changes in health indicator gaps."
- <sup>19</sup> 19 Katz et al., *The Health Status of and Access to Healthcare by Registered First Nation Peoples in Manitoba*, " 9.



# Province of Manitoba

# Province of Manitoba

Treaties are between sovereign Nations: Canada and First Nations. Consequently, the Province of Manitoba has no legitimate influence on matters of First Nations jurisdiction. When the provincial government drafts legislation in areas that affect First Nation jurisdiction and Treaty rights, they must consult with First Nations. Failure to consult with Treaty rights holders represents a derogation of Treaty rights and a breach of the duty to consult.<sup>20</sup> Shamefully, Manitoba has often breached this duty when legislating in various areas, including CFS, economic development, and natural resources. This must end and Manitoba needs a renewed relationship with the First Nations in Manitoba based on recognition and respect for Treaty and inherent First Nations rights.

The Government of Manitoba is the beneficiary of enormous transfer payments and often acts as an intermediary in areas of First Nations jurisdiction. Many fiscal transfers are based on per capita funding and, as a result, Manitoba benefits from a large First Nations citizen population despite the impact of provincial health and social programs being more constrained for First Nations citizens living on-reserve. The colonial expropriation and transfer of resource wealth, through the *Natural Resources Transfer Act* (NRTA), has enriched the Province of Manitoba enormously over the decades at the expense of First Nations in Manitoba.

The previous provincial government, defeated in October 2023, soured its relationship with First Nations in Manitoba through blatant disregard for its obligations to, and the inherent and human rights of, First Nations citizens. Atrociously and in violation of Article 12 of UNDRIP, the former government refused to search the Brady and Prairie Green Landfills to reclaim the remains of Morgan Harris, Mercedes Myran, Mashkode Bizhiki'ikwe, and Tanya Nepinak.<sup>21 22</sup> With the historic election of a First Nations Premier and a more diverse and inclusive member of the Legislative Assembly,<sup>23</sup> it is anticipated a renewed relationship between First Nations and the Province of Manitoba can commence.

The Province of Manitoba must respect First Nations jurisdiction, consult with First Nations when legislating in areas that impact First Nations inherent and Treaty rights, compensate, and provide restitution for past harms, and partner with First Nations Governments on terms mutually determined by all parties.



## Canada's Fiscal Transfers to the Province of Manitoba

In the 2023–24 fiscal year the Province of Manitoba will receive \$5.8 billion in funding through major transfers from the Federal Government. Of this amount, \$2.4 billion were Canada Health Transfers and Canada Social Transfers,<sup>24</sup> which are directly allocated based on population. Approximately \$195 million in Canada Health Transfers and \$65 million in Canada Social Transfers are due to First Nations citizens living on or off-reserve in Manitoba. However, provincial services for First Nations living on-reserve are limited.

The approach Canada takes regarding fiscal transfers to the Province of Manitoba, a subordinate level of colonial government, in comparison to transfers to First Nations, to which Canada has international Treaties with which represent binding fiduciary obligations, speaks volumes. Federal-provincial transfers are much less prescriptive and onerous on the recipient government, allowing provinces much more flexibility than is typical with Canada's transfers to First Nations.<sup>25</sup> Federal transfers to the provinces are also *statutory appropriations*. Statutory appropriations are spending authorized by for broad usage by laws in advance and often with amounts determined based on pre-agreed formulas, such as the government-to-government negotiations between Canada and the Provinces which determine Canada Health Transfer amounts. By contrast, most federal transfers to First Nations are *voted appropriations*, which are voted on by Parliament each year for shorter durations and under more circumscribed purposes.<sup>26</sup> The fact Canada treats its fiduciary obligations to First Nations, owing to Treaty and inherent First Nation Rights, as a *discretionary* matter up for debate and reconsideration by Parliament on a year-to-year basis is a reprehensible practice that needs to change.

**Table 3: Per Capita Federal-Provincial Transfers Due to the First Nations Population**

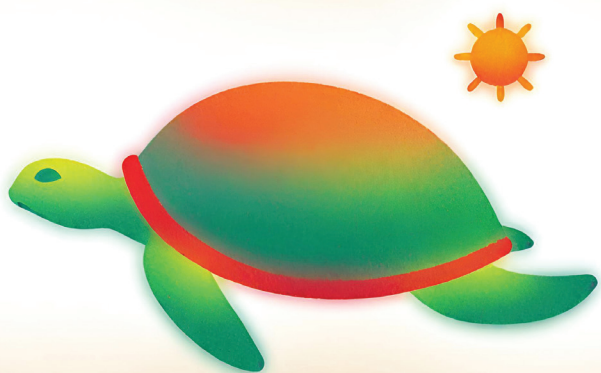
|   | <b>Manitoba Population Share</b> | <b>Canada Health Transfer</b> | <b>Canada Social Transfer</b> |
|---|----------------------------------|-------------------------------|-------------------------------|
| Male Life Expectancy at birth<br>(Crude age in years, 2012-2016)                                  | 6700.00%                         | \$70                          | \$79                          |
| Female Life Expectancy at birth<br>(Crude age in years, 2012-2016)                                | 7180.00%                         | \$73                          | \$84                          |
| Pre-Mature Mortality Rate<br>(Age- and sex-adjusted, per 1,000 individuals, aged 0-74, 2012-2016) | <b>480.00%</b>                   | <b>\$4</b>                    | <b>\$1</b>                    |

### **Land Theft and Natural Resources Transfer Act (NRTA) Wealth Transfer to Manitoba**

Canada’s colonial relationship with First Nations in Manitoba is defined by the dispossession of First Nations from their lands and resources. Given Canadian federalism, this colonial and dispossessive relationship extends to the provinces and territories, aided by federal legislation and resource transfers. The Federal Government violated the Treaties by passing the *Natural Resources Transfer Act* (NRTA) in 1930.<sup>27</sup> Under the NRTA, the Province of Manitoba assumed

responsibility over natural resources and resource development contrary to Treaty obligations and to the exclusion of consultation with all First Nations in Manitoba.<sup>28</sup> This Act further violates the fiduciary and trustee obligations of the Crown to First Nations in Manitoba. This expropriation of resource wealth from First Nations has been tremendously lucrative for Manitoba<sup>29</sup> and led to the imposition of legislation and various regulations by the provincial government contrary to the rights of First Nations.<sup>30</sup>

In 2011, the Province of Manitoba intentionally flooded Lake Manitoba, causing enormous harm to several



First Nations. These include Lake Manitoba First Nation and Lake St. Martin First Nation, among others.<sup>31</sup> The impact of this decision has been tremendous and includes displacement to this day. First Nations citizens have been dispossessed from their reserve lands and ancestral territories resulting from this decision, languishing in hotels in Winnipeg and elsewhere for over a decade. Tragically, many citizens have died and never received a chance to return home.<sup>32</sup> These immeasurable harms in terms of loss of land, culture, and infrastructure suffered by First Nations citizens resulted due to a lack of provincial planning and infrastructure to protect all Manitobans during the 2011 floods. Without progress on outlet channel projects, the risk of similar tragedies remains.<sup>33</sup> Manitoba needs to engage with affected First Nations to expedite the construction of outlet channels that will prevent and mitigate flood damage, protecting all Manitobans.<sup>34</sup>

It is paramount Manitoba engage in a collaborative process with First Nations on environmental infrastructure projects, with First Nations being able to ensure their first-hand and traditional knowledge is effectively used to prevent and mitigate environmental damage.<sup>35</sup> Manitoba's highest trial court ruled that the Province of Manitoba did not adequately consult First Nations regarding the Lake Manitoba and Lake St. Martin Outlet Channels project.<sup>36</sup>

***Disclaimer: The Following Contains Distressing Subject Matter.***



## Violation of Article 12 of UNDRIP Regarding Missing and Murdered Indigenous Women and Girls (MMIWG) in Manitoba

*Disclaimer: The Following Contains Distressing Subject Matter.*



The previous provincial government showed a blatant and appalling disregard to the rights and wellbeing of the kinship circles of Missing and Murdered Indigenous Women and Girls (MMIWG) as well as a willingness to violate Article 12 of UNDRIP.

1. *Indigenous Peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to have the use and control of their ceremonial objects; and the right to the repatriation of their human remains.*

2. *States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous Peoples concerned.*<sup>37</sup>

In December 2022 and early 2023 the discoveries of 33-year-old Linda Mary Beardy's remains at the Brady Landfill,<sup>38</sup> the remains of 24-year-old Rebecca Contois at the Brady Landfill, and the probable location of the remains of 39-year-old Morgan Harris and 26-year-old Mercedes Myran at the Prairie Green Landfill north of Winnipeg was verified by the Winnipeg Police Service.<sup>39</sup> <sup>40</sup> These women and a fourth unidentified Indigenous woman given the name Mashkode Bizhiki'ikwe are believed to have been murdered by the same perpetrator.<sup>41</sup>

First Nations in Manitoba took a leading role in working with the federal and provincial governments and the police service on a good-faith basis to develop

fair, transparent, and effective mechanisms through landfill searches to repatriate the remains of murdered Indigenous women and girls to their families. The AMC formally appointed the Landfill Search Feasibility Study Committee, which included both a Technical Subcommittee and Oversight Committee. The Technical Subcommittee was mandated to assess and make a determination on the feasibility of searching Prairie Green Landfill for the remains of Morgan Harris and Mercedes Myran and assess the costs and length of time a search would take.<sup>42</sup> This subcommittee found that a search was feasible.<sup>43</sup>

The AMC has supported victims' families and repeatedly demanded for searches of the Brady and Prairie Green Landfills.<sup>44</sup> The AMC has called for all levels of government to support landfill searches to ensure that First Nations women are laid to rest in their rightful homes, affording their kinship circles appropriate respect and compassion.<sup>45</sup> The failure of the Progressive Conservative (PC) provincial government under former Premier Heather Stefanson to uphold Article 12 of UNDRIP and support the searches of the Brady and Prairie Green Landfills moved the Chiefs-in-Assembly to call for her immediate resignation.<sup>46</sup> The AMC also expressed deep concern with Premier Stefanson centring this ongoing human rights violation as a political platform item in her 2023 re-election campaign.<sup>47</sup>

**“Stefanson’s political campaign underscores the urgent need for change. Her insensitivity to the families grieving lost loved ones is unacceptable. As a province, we need to move past divisive rhetoric and concentrate on the bigger picture.”**

**– Former Long Plain First Nation Chief Kyra Wilson<sup>48</sup>**

In the October 2023 Manitoba general election, the PC Party was defeated by the New Democratic Party of Manitoba (NDP), led by Wab Kinew. Premier Kinew supports a landfill search and, in a meeting between the province and the kinship circles of Mercedes Myran and Morgan Harris, apologized to the victims' families for being “forced to become a political prop” during the provincial election campaign.<sup>49</sup> These actions will engender a constructive relationship between the Province of Manitoba and First Nations in Manitoba when it comes to MMIWG and the repatriation of the remains of murdered Indigenous women to their kinship circles.



## Child and Family Services (CFS)

Child and Family Services (CFS) is a sector where much harm and suffering has been caused through provincial interference in areas of First Nations jurisdiction. Of the roughly 12,000 children in Manitoba's child welfare system 90% are First Nations.<sup>50</sup> The enormous level of apprehension of First Nations children has harmed children, their kinship circles, and their Nations.<sup>51</sup> The provincial child welfare system has led to abuse of children in care and disconnection from their kinship circles, communities, Nations, and cultures. It has resulted in shame and low self-esteem for parents.<sup>52</sup> The imposition of a colonial child welfare system must end. Manitoba and Canada must recognize that the wellbeing of First Nations children must be entrenched and safeguarded through First Nations laws, rather than colonial interference.

The AMC is firm on child welfare policy and legislation: the colonial governments must support First Nations jurisdiction over children and family.<sup>53</sup> The Province of Manitoba must work with First Nations before making amendments to the Child and Family Services Act, which impacts First Nations jurisdiction.<sup>54</sup>

In October 2022, the AMC – First Nations Family Advocate Office filed a class action lawsuit against the Government of Manitoba and the Attorney General of Canada. This lawsuit is on behalf of First Nations children, their kinship circles,

Nations, and concerns the impacts of apprehension and placement in foster care “off-reserve” of First Nations children by provincial CFS.<sup>55</sup> This lawsuit covers cases from 1992 to present day. The lawsuit seeks the following:<sup>56</sup>





1. An immediate end to the discriminatory practices resulting in the apprehension of so many First Nations children.



2. Proper funding for services for First Nations children now.



3. \$1 billion in compensation for First Nations children, families, and First Nations for the damage caused by the CFS system since 1992.



4. Recognition that the wellbeing of First Nations children must be entrenched in First Nations laws relating to the wellbeing of First Nations children and families.

The Province of Manitoba has deprived First Nations children of federal funds meant for their support. Children's Special Allowances (CSA) are monthly payments from the Government of Canada to Manitoba or private child welfare agencies earmarked exclusively for the care, maintenance, education, and advancement of First Nations children in care.<sup>57</sup> This could be through support for First Nations children through education, recreation activities, and training. Starting in 2005, the Government of Manitoba mandated child welfare agencies to remit their CSA funds from the Federal Government back to the province. This CSA claw back policy took away \$334 million of needed funding for social inclusion for First Nations children in care.<sup>58</sup>

The provincial government tried to retroactively authorize this and absolve itself of liability through section 231 of the *Budget Implementation Tax Statutes Amendment Act* (BITSA) passed in November 2020. Manitoba's Court of Queen's Bench<sup>59</sup> ruled that the CSA claw back policy discriminated against First Nations children in the provincial CFS system. The Court further noted that section 231 of BITSA:

“... overwhelmingly impacts the Indigenous children and disabled children in care. The CSA policy prevented the claimant group from receiving equal benefit of the law resulting in economic and social consequences to Indigenous children in care.”<sup>60</sup>

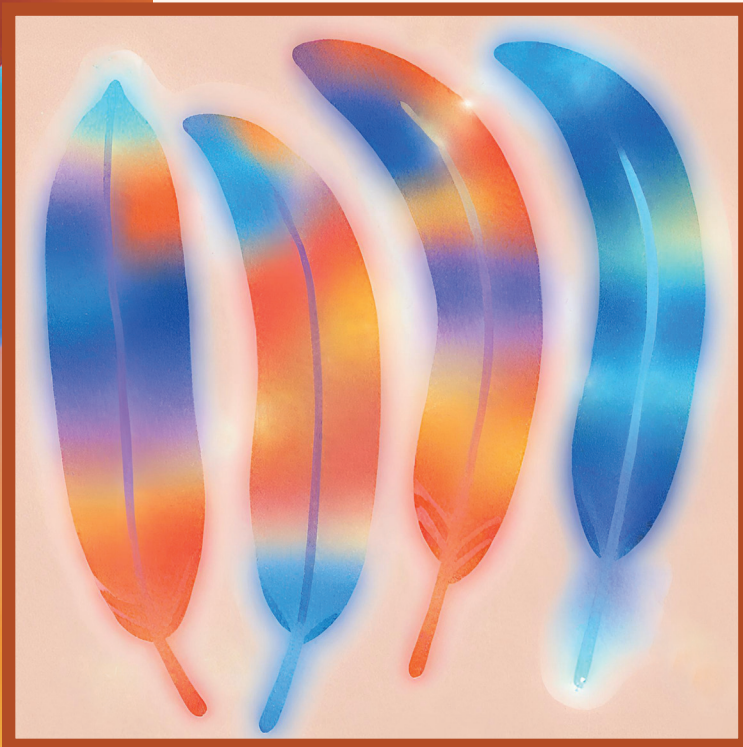
The Court’s ruling did not require the Government of Manitoba to return the taken CSA dollars but does find that taking the funds was discriminatory. The ruling allows for separate lawsuits against the Province to recover lost CSA funds.<sup>61</sup> The AMC demands Manitoba make full restitution to First Nations children in care for the unlawful and discriminatory taking of CSA payments.<sup>62</sup> This solution involves immediately discussing compensation for First Nations children and youth impacted by the loss of their CSA payments as well as the Province putting into practice its intention to listen by honouring the numerous calls to restore First Nations jurisdiction over child and family matters.<sup>63</sup>

As First Nations Family Advocate Cora Morgan notes:

“We are at a crossroads – we can keep having conversations around the table about what to do about how the child welfare system impacts our families, or the province can act now by stepping aside and finally listening to what we have been saying this entire time. The province must concede that the only way forward is to restore the jurisdiction of child and family matters to First Nations.”<sup>64</sup>

## **Opportunity For a Renewed Relationship Based on Respect for First Nations Treaty and Inherent Rights**

In October 2023, Wab Kinew became the first First Nations citizen to become premier of a province in Canada.<sup>65</sup> Kinew was joined in government by other First Nations and Indigenous Members of the Legislative Assembly.<sup>66</sup> Grand Chiefs and Chiefs from First Nations across Manitoba attended the inauguration of the new Premier, which featured the lighting of the Quilliq, the Norman Chief



Memorial Dancers, and Dakota Hotain Singers.<sup>67</sup>

The relevant lived experience of Premier Kinew and several members of his caucus is a cause for hope. The new Premier may be able to personally relate to the experiences of some of his fellow First Nations citizens living in Manitoba. As importantly, he has signalled a willingness to listen.

If the new Premier and the provincial government are open to listening to the concerns of First Nations in Manitoba and collaborating to ensure the inherent and Treaty Rights of First Nations are respected, then, as always, First Nations in Manitoba will be open to good-faith collaboration and discussions to advance Reconciliation and improve the lives of their citizens.

<sup>20</sup> Assembly of Manitoba Chiefs, "Assembly of Manitoba Chiefs Responds to the Speech from the Throne," AMC Communications, November 16, 2022, <https://manitobachiefs.com/amc-responds-to-the-speech-from-the-throne/>.

<sup>21</sup> Assembly of Manitoba Chiefs, "Assembly of Manitoba Chiefs, Chief Kyra Wilson, Families of Victims, Feasibility Study Co-Chairs, and Invited Experts (ISN Maskwa) Demand Premier Stefanson and All Levels of Government to Reconsider Prairie Green Landfill Search," AMC Communications, July 17, 2023, [https://manitobachiefs.com/press\\_releases/demanding-premier-stefanson-and-all-levels-of-government-to-reconsider-pgl-search/](https://manitobachiefs.com/press_releases/demanding-premier-stefanson-and-all-levels-of-government-to-reconsider-pgl-search/).

<sup>22</sup> Assembly of Manitoba Chiefs, "AMC Chiefs-in-Assembly Call for the Resignation of Manitoba's PC Party Leader," AMC Communications, August 18, 2023, [https://manitobachiefs.com/press\\_releases/amc-chiefs-in-assembly-call-for-the-resignation-of-manitobas-pc-party-leader/](https://manitobachiefs.com/press_releases/amc-chiefs-in-assembly-call-for-the-resignation-of-manitobas-pc-party-leader/).

<sup>23</sup> Assembly of Manitoba Chiefs, "AMC Celebrates Historic Election of Manitoba's First Nations Premier, Wab Kinew," AMC Communications, October 3, 2023, [https://manitobachiefs.com/press\\_releases/amc-celebrates-historic-election-wab-kinew-premier/](https://manitobachiefs.com/press_releases/amc-celebrates-historic-election-wab-kinew-premier/).

<sup>24</sup> Department of Finance Canada, "Major Federal Transfers, 2023-24," Government of Canada, last modified November 11, 2023, accessed November 20, 2023, <https://www.canada.ca/en/department-finance/programs/federal-transfers/major-federal-transfers.html>.

<sup>25</sup> John Lees and Caitlin McCulloch, *Enhancing Trust and Federal Horizontality in Crown - First Nations Fiscal Relationships*, (Ottawa, ON: Orbis Risk Consulting, December 2017), 11 <https://www.afn.ca/wp-content/uploads/2018/11/Federal-Horizontality.pdf>.

<sup>26</sup> *Ibid*, 19.

<sup>27</sup> Assembly of Manitoba Chiefs, "RE: Guiding Principles for Dismantling of INAC," The Pas: Assembly of Manitoba Chiefs Special Chiefs Assembly on Dismantling, April 19-21, 1994. <https://manitobachiefs.com/wp-content/uploads/CIA-Resolution-April-1994-Dismantling.pdf>.



<sup>28</sup> Assembly of Manitoba Chiefs, “RE: Fishers Legal Defence Fund - (WRTC) 2009 Court Case,” Sagkeeng First Nation: Assembly of Manitoba Chiefs General Chiefs Assembly, May 19-21, 2009, <https://manitobachiefs.com/wp-content/uploads/CIA-Resolution-May-2009-General.pdf>.

<sup>29</sup> Assembly of Manitoba Chiefs, “AMC Responds to Release of Manitoba Provincial Budget,” AMC Communications, March 20, 2022, <https://manitobachiefs.com/wp-content/uploads/20-03-20-AMC-Press-Release-re-MB-Budget-FINAL.pdf>.

<sup>30</sup> Assembly of Manitoba Chiefs, “RE: Fishers Legal Defence Fund.”

<sup>31</sup> Assembly of Manitoba Chiefs, “AMC Responds to Class Action Settlement.”

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Assembly of Manitoba Chiefs, “The AMC and AFN Manitoba Respond to Court Ruling on Inadequate Engagement with First Nations on Flood-Prevention Project,” AMC Communications, June 24, 2022, <https://manitobachiefs.com/wp-content/uploads/AMC-News-Release-The-AMC-and-AFN-Manitoba-Respond-to-Court-Ruling-on-Inadequate-Engagement.pdf>.

<sup>36</sup> Ibid.

<sup>37</sup> United Nations General Assembly, United Nations Declaration on the Rights of Indigenous Peoples.

<sup>38</sup> Assembly of Manitoba Chiefs, “Assembly of Manitoba Chiefs Expresses Condolences for First Nations Woman Found at Brady Landfill,” AMC Communications, April 4, 2023, [https://manitobachiefs.com/press\\_releases/for-immediate-releasemarch-4-2023/](https://manitobachiefs.com/press_releases/for-immediate-releasemarch-4-2023/).

<sup>39</sup> Caitlyn Gowriluk, “A Timeline of What We Know about 4 Slain Winnipeg Women and Alleged Serial Killer Jeremy Skibicki,” CBC News, last modified February 13, 2023, accessed August 15, 2023, <https://www.cbc.ca/news/canada/manitoba/jeremy-skibicki-winnipeg-alleged-serial-killer-timeline-1.6681433>.

<sup>40</sup> Brett Forester, “Daughter of Slain First Nations Woman Morgan Harris Walks out of Meeting with Minister,” CBC News, September 18, 2023, accessed October 12, 2023, <https://www.cbc.ca/news/indigenous/cambria-harris-landfill-meeting-ottawa-1.6970577>.

<sup>41</sup> Ibid.

<sup>42</sup> Technical Subcommittee of the Landfill Search Feasibility Study Committee, “Final Report of the Technical Subcommittee,” (Long Plains First Nation, July 2023), 3, [https://manitobachiefs.com/wp-content/uploads/2023/07/FINAL-REPORT-of-the-Technical-Subcommittee-\\_Redacted.pdf](https://manitobachiefs.com/wp-content/uploads/2023/07/FINAL-REPORT-of-the-Technical-Subcommittee-_Redacted.pdf).

<sup>43</sup> Ibid, 43.

<sup>44</sup> Assembly of Manitoba Chiefs, “RE: Call for the Resignation of Manitoba’s Progressive Conservative Party Leader Based on the Government’s Breaches of UNDRIP as It Pertains to the Repatriation of Human Remains,” (Brokenhead Ojibway Nation: Annual General Assembly – Leave No Citizen Behind: The Importance of Collaboration and Partnership), August 15, 2023, <https://manitobachiefs.com/wp-content/uploads/2023/08/AMC-Certified-Resol 57 utions-August-2023.pdf>.

<sup>45</sup> Assembly of Manitoba Chiefs, “RE: Support for Brady Landfill and Prairie Green Landfill Searches for Murdered Relatives Mercedes Myran, Morgan Harris, Mashkode Bizhiki’lkew and Tanya Nepinak,” (Brokenhead Ojibway Nation: Annual General Assembly – Leave No Citizen Behind: The Importance of Collaboration and Partnership), August 15, 2023, <https://manitobachiefs.com/wp-content/uploads/2023/08/AMC-Certified-Resolutions-August-2023.pdf>.

<sup>46</sup> Assembly of Manitoba Chiefs, “RE: Call for the Resignation of Manitoba’s Progressive Conservative Party Leader.”

<sup>47</sup> Assembly of Manitoba Chiefs, “AMC Increasingly Concerned by Human Rights Violations in Premier Stefanson’s Election Campaign,” AMC Communications, September 27, 2023, [https://manitobachiefs.com/press\\_releases/amc-increasingly-concerned-by-human-rights-violations-in-premier-stefanson/](https://manitobachiefs.com/press_releases/amc-increasingly-concerned-by-human-rights-violations-in-premier-stefanson/).

<sup>48</sup> Ibid.

<sup>49</sup> CBC News, “Manitoba Premier Wab Kinew Apologizes to Families of Slain Women for PC Landfill Election Ads,” CBC News, last modified October 26, 2023, accessed November 20, 2023, <https://www.cbc.ca/news/canada/manitoba/winnipeg-landfill-search-kinew-meeting-families-1.7009490>.

<sup>50</sup> Assembly of Manitoba Chiefs, “Child and Family Services,” accessed November 2023, <https://manitobachiefs.com/child-family-services/>.

<sup>51</sup> Ibid.

<sup>52</sup> Assembly of Manitoba Chiefs, “Bringing Our Children Home: Report and Recommendations,” June 2014, 7, <https://manitobachiefs.com/wp-content/uploads/2017/11/Bringing-Our-Children-Home-Final-Report-June-2014.pdf>.

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<sup>54</sup> Ibid.

<sup>55</sup> Assembly of Manitoba Chiefs, “Class Action Lawsuit on Behalf of First Nations Children, Families and Nations,” AMC Communications, October 6, 2022, [https://manitobachiefs.com/press\\_releases/the-amc-fnfao-files-class-action-lawsuit/](https://manitobachiefs.com/press_releases/the-amc-fnfao-files-class-action-lawsuit/).

<sup>56</sup> Ibid.

<sup>57</sup> Assembly of Manitoba Chiefs, “Court Rules That Manitoba Government Discriminates Against First Nations Children in the Child Welfare System,” AMC Communications, May 19, 2022, <https://manitobachiefs.com/wp-content/uploads/AMC-News-Release-CSA-Court-Ruling.pdf>.

<sup>58</sup> Ibid.

<sup>59</sup> Now the Court of King’s Bench.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Assembly of Manitoba Chiefs, “AMC Demands Full Restitution of CSA Funds Unlawfully Taken from First Nations Children in Care,” AMC Communications, August 5, 2022, <https://manitobachiefs.com/wp-content/uploads/AMC-News-Release-AMC-Demands-Full-Restitution-of-CSA-Funds-Unlawfully-Taken-From-First-Nations-Children-in-Care-FINAL>.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Assembly of Manitoba Chiefs, “AMC Celebrates Historic Election of Manitoba’s First Nations Premier.”

<sup>66</sup> Ibid.

<sup>67</sup> Assembly of Manitoba Chiefs, “AMC Congratulates Historic Milestone: Premier Wab Kinew, First-Ever First Nations Leader of Manitoba, Swears in New Executive Council,” AMC Communications, October 18, 2023, [https://manitobachiefs.com/press\\_releases/amc-congratulates-historic-milestone-premier-wab-kinew-first-ever-first-nations-leader-of-manitoba-swears-in-new-executive-council/](https://manitobachiefs.com/press_releases/amc-congratulates-historic-milestone-premier-wab-kinew-first-ever-first-nations-leader-of-manitoba-swears-in-new-executive-council/).



**Health, Dignity,  
Cultural and  
Spiritual Wellbeing**



# Health, Dignity, Cultural and Spiritual Wellbeing

Health, dignity, cultural and spiritual wellbeing are profoundly intertwined and essential for First Nations peoples, Nations, and cultures. First Nations citizens had well-developed traditional networks of support in their Nations that provided for healing for all aspects of the person. Three centuries of colonial dispossession of lands, languages, Indigenous lifeways, and kin networks were profoundly culturally destructive and repressive to First Nations peoples, deeply effecting and harming various aspects of wellbeing. As Grand Chief David Courchene observed in his Message of the Grand Chief in *Wahbung: Our Tomorrows*:

“During the centuries in which we lived on this land, we faced many times of struggle, for the land is not always kind, and our people like any other people had to find ways to adapt to a changing environment.

These last hundred years have been the time of most difficult struggle, but they have not broken our spirit nor altered our love for this land nor our attachment and commitment to it. We have survived as a people.

Our attachment means that we must also commit ourselves to help develop healthy societies for all peoples who live upon this land. But we will not be able to contribute unless we have the means first to develop a healthy society for ourselves. Since the signing of the Treaties one hundred years ago, we have been constantly and consistently prevented from doing so.”<sup>68</sup>

The impacts of colonialism on Indigenous and First Nations peoples in Manitoba and across Canada are stark. The United Nations notes weak Human Development Index scores for First Nations in Canada<sup>69</sup> In Manitoba, health gaps between First Nations citizens and non-First Nations residents continue to widen.<sup>70</sup> To improve the wellbeing of First Nations citizens, there must be a reconstitution of self-determined and self-governed First Nations systems for health, spiritual, and cultural support. To uphold the Treaty right to health, Canada must fiscally support wellbeing in all aspects for First Nations citizens.

Robust self-determined and self-governed First Nations-led health and wellness systems include funding First Nations Health Transformation initiatives



and improving Non-Insured Health Benefits (NIHB). There is a mental health crisis for First Nations youth in Manitoba. Mental health supports for youth and those who continue to be affected by the legacy of the Indian Residential School system must be funded. Additionally, a full suite of mental health and trauma supports are required for First Nations at large. This includes the need for capital and operational funding for more addictions treatment centres in First Nations. Survivors of Indian Residential Schools and their kinship circles must be supported as they locate final resting places of lost family and community members and memorialize their losses. Ongoing funds to locate and commemorate unmarked Indian Residential School sites is essential for uncovering these truths and finding healing.

The benefits of health services governed and delivered by First Nations has been noted in Manitoba and elsewhere. Continued support to amplify these successes and advancements for First Nations citizens, for example through operational funding to ensure wage parity with provincial employees or funds to construct more personal care homes on-reserve are needed.


First Nations are reclaiming their cultures and their languages. Funding to support traditional cultural activities and language revitalization initiatives is crucial for emotional and spiritual wellbeing. This ensures the dignity of individual First Nations citizens and supports Nation-building and Nation-strengthening.



## **Health Transformation, Clinical Care, Health Facilities, First Nations Health Human Resources Strategy, and Related Services**

“The Federal Government has a moral and fiduciary responsibility to First Nations Treaty right to health. The Federal Government has been unable to provide adequate health services to First Nations, who historically have had limited access to quality healthcare and health resources.

[...]



**“We call on the provincial government to invite First Nations leadership in Manitoba in planning a strategy to allocate these funds to First Nations and ultimately design a health care system together,” said Grand Chief Cathy Merrick. “We need to eliminate the provincial government from being a middle manager for limited services.”**

**– Assembly of Manitoba Chiefs<sup>71</sup>**

First Nations in Manitoba continue to be underserved by the dominant, colonial healthcare system and face numerous barriers to adequate, non-discriminatory care. The challenges to seeking culturally appropriate medical care are deeply impacted by interpersonal and structural racism.<sup>72</sup> These realities exacerbate the striking gaps in health outcomes that exist between First Nations and all other Manitobans.<sup>73</sup>

An expansion of facilities and health centres within the reserve lands of First Nations is necessary to provide care closer to home and to prevent lengthy medical trips far from home, which can be particularly strenuous to Elders and those with significant health challenges. There are serious issues with discriminatory and culturally inappropriate attitudes and practices from both non-Indigenous domestic and international physicians serving First Nations citizens. The Western healthcare system must ensure culturally competent care, supported with measures including comprehensive and culturally responsible competency training for new physicians.<sup>74</sup> In conjunction with this, a First Nations Health Human Resources Strategy led by First Nations in Manitoba is needed. This strategy would recruit and train more First Nations citizens in health care professions, with particular interest to ensure First Nations patients are cared for in local health facilities and centres by their fellow citizens. A First Nations Human Resources Strategy must be supported by associated initiatives in training and development, such as greater supports for First Nations citizens to attend post-secondary education.

It is important that existing and newly established accredited First Nations Health Centres be treated as the point of first contact for nearby residents. First Nations citizens and other nearby residents must often travel great distances to reach health services even when there is a nearby accredited Health Centre. This burden and costly bureaucratic inefficiency for patients should be addressed as one facet of health transformation.

First Nations' Treaty right to self-determination and sovereignty of healthcare in their territories and for their citizens is a necessary precondition to eliminating



discrimination and systemic racism, making health services available within First Nations reserve lands, and achieving true equity in health.

### Required Spending

\$580 million in spending for Health Transformation, Clinical Care, Health Facilities, a First Nations Health Human Resources Strategy, and related services. These investments will be allocated to a variety of improvements, including construction of health facilities and centres closer to the homes of First Nations citizens and the launch of a First Nations Health Human Resources Strategy led by First Nations in Manitoba. The same annual figure of \$580 million, adjusted for inflation, is allocated in each subsequent fiscal year up to 2028-29.

### Benefits

Investment in Health Transformation, Clinical Care, Health Facilities, a First Nations Health Human Resources Strategy, and related services is essential to enact desperately needed healthcare-related changes for First Nations in Manitoba. This investment will demonstrate the Federal Government's commitment to upholding the Treaty right to health and accelerate regional and Nation-led Health Transformation initiatives. Increased spending will expand First Nations health staffing capacity and the recruitment of First Nations citizens from their own Nations into health roles, and provide better access to clinical care in First Nations with remotely located land bases and population centres. This will improve the cultural competency of care and facilitate the recruitment and retention of more First Nations citizens into healthcare professions.

## Indigenous Health Legislation

"WHEREAS, First Nations have entered into Treaties with representatives of the Crown, at which time representatives of the Crown made promises regarding the right to health and safety for First Nations citizens;

...

WHEREAS, Canada has failed to adequately implement the Treaty right to health, and continues to make unilateral decisions regarding the health and wellbeing of First Nations citizens by imposing their policies and laws on First Nations without free, prior, and informed consent;

...



**THEREFORE BE IT RESOLVED, the Chiefs-in-Assembly agrees to participate in the development of a First Nations Regional Approach to Canada's Federal Indigenous Health Legislation that leaves the determination up to each First Nation in Manitoba that includes an opt-in clause."**<sup>75</sup>

The Government of Canada claims that throughout "2021 and 2022, Indigenous Services Canada supported First Nations, Inuit, Métis and intersectional partners to lead national, regional and community engagement sessions that aim to capture Indigenous perspectives about the scope and substance of distinctions-based Indigenous Health

Legislation."<sup>76</sup> Canada further purports that in "recognition of the right to self-determination, engagement was led primarily by First Nations, Inuit and Métis Nation partners at the nation, regional and sub-regional levels."<sup>77</sup> Despite this lofty rhetoric, Canada only funded 6.7% of a past proposal (of a requested \$3 million) for First Nations in Manitoba to develop and implement a regional First Nations Approach to federal Indigenous Health Legislation. To support the latter and demonstrate true commitment to distinctions-based Health Legislation for First Nations in Manitoba, Canada must increase funds to ensure this initiative becomes a reality.

The Federal Government's stated objectives for the co-development of distinctions-based Indigenous Health Legislation includes establishing foundational principles for health services for Indigenous Peoples (including First Nations citizens), transforming health service delivery through collaboration with Indigenous Peoples, the provinces, territories and affiliated organizations, to increase Indigenous-led health service delivery, and advancing Canada's self-declared commitment to Reconciliation and a renewed Nation-to-Nation relationship with First Nations.<sup>78</sup> Canada is planning on introducing this legislation in early 2024.<sup>79</sup>

First Nations in Manitoba need to be prepared and supported by the Federal



Government ahead of this major change. The AMC Chiefs-in-Assembly have declared, through resolution JAN-23.01, that any co-developed Health Legislation in relation to First Nations needs to be based on the following: <sup>80</sup>

- Nothing in the legislation shall take away, or be interpreted as taking away, First Nations' inherent rights or Treaty rights.
- First Nations laws and legal orders regarding health and wellbeing must be respected in the legislation.
- Legislation needs to reflect First Nations perspectives on health, including worldviews, languages, prevention, and traditional cultural practices.
- The approach to developing the legislation must be regional, considering the unique needs of First Nations and including Indigenous Services Canada's Manitoba Region office and the Government of Manitoba.
- The co-development process must be consistent with Article 19 of the UNDRIP, where First Nations must provide their free, prior, and informed consent before Canada adopts and implements the legislation.
- Each First Nation, as a sovereign Nation, will determine whether this legislation will apply to their Nation and citizenry.
- Health and social transfers must go directly to First Nations rather than flow-through the provinces.

As a minimum, First Nations Health Legislation must take a holistic approach to health and address the 17 Sustainable Development goals adopted by each United Nations member state, including Canada.

Following reports on Canada's failure to acknowledge the Treaty right to health during Health Legislation discussions, the Chiefs-in-Assembly added the following further principles for the co-development of Health Legislation through resolution MAY-23.06: <sup>81</sup>

- Canada must fully pay for all required health programs, services, and benefits for First Nation citizens regardless of residence on- or off-reserve.
- Canada must be the payer of first resort, regardless of any third-party insurance benefits a First Nation citizen may possess.

## Required Spending

\$3.1 million is required for a regional approach to First Nations Health Legislation that applies to First Nations in Manitoba. An additional \$15.9 million is allocated for all 63 First Nations in Manitoba to conduct their own engagement processes, technical reviews of Canada’s legislative proposals, and, if they opt-in to the legislation, implementation processes.

## Benefits

If First Nations are adequately supported during the process of engaging, scrutinizing, and reviewing proposed federal Health Legislation, and are adequately supported in implementing any legislation they opt-in to, or First Nation self-drafted alternatives to this legislation, subsequently Canada and First Nations will be able to move forward on true self-determination in health, Canadian compliance with the Treaty right to health, and better health outcomes for First Nations citizens.

## Elder Care and Supportive Services

Elders are essential to First Nations culture and play an invaluable role in their kinship circles and Nations as Knowledge Keepers. However, significant gaps have been noted in the First Nations and Inuit Home and Community Care Program. Additionally, there is an insufficient number of care homes in First Nations to ensure Elders can remain in their home Nations as they age and their health needs become more complex.<sup>82</sup> This is a serious issue as First Nations citizens frequently require assisted living services at a younger age due to higher disease incidence.<sup>83</sup> First Nations Personal Care Homes have been

noted as particularly successful in delivering culturally competent healthcare and protections, notably during the COVID-19 pandemic. However, the lack of wage parity with staff in the provincial healthcare system is a major issue



for recruitment.<sup>84</sup> First Nations Elders and those with complex medical needs deserve to age with dignity, within their kin networks supported by culturally appropriate facilities and services.

### Required Spending

\$116M per year ongoing for five years for Elder Care and associated supportive services.

### Benefits

Investment in Elder Care and associated support services will allow improved access to home care, funding for assisted living, the construction of more First Nations Personal Care Homes, and a recruitment strategy for staffing at on-reserve care homes that ensures wage parity with healthcare professionals in the provincial system.



## Support for Indian Residential School Survivors

Indian Residential Schools systematically divided Indigenous kinship circles, severed cultural practices and ties, instilled shame in First Nations for their lifeways and languages, and inflicted emotional and physical abuse on students, constituting a genocide against Indigenous, First Nations, Métis, and Inuit people in Canada.<sup>85</sup> The colonial legacy of this system continues to reverberate through kinship circles and First Nations in the form of intergenerational trauma, physical and mental health inequities, social inequality, emotional and spiritual disconnection, and worsened economic outcomes for First Nations citizens.

Studies indicate residential school survivors and their descendants have an elevated risk of suicide and substance use disorders. In a British Columbia



assessment of 127 survivors, 82% reported that their substance use behaviours began after attending residential schools, and roughly 78% had abused alcohol.<sup>86</sup> The intergenerational trauma of residential schools deeply impacts suicide incidence and ideation for First Nations citizens. Among First Nations people aged 10 to 44, suicide and self-inflicted injury is the number one cause of death, responsible for almost 40% of mortalities.<sup>87</sup> First Nations women attempt suicide eight times more often than other Canadian women, and First Nations men attempt suicide five times more often than other Canadian men. Some First Nations experience what have been called “suicide epidemics.” One in four teenagers on-reserve who had a caregiver who attended a residential school had considered suicide, compared with one in 10 teenagers who did not have a caregiver or grandparent attend.<sup>89</sup> First Nations, their citizens, and First Nations-led service organizations require sufficient resources to provide ongoing cultural and trauma-informed supports and treatment to the families and individuals who continue to be harmed by the legacy of the Indian Residential School system. No substantive or lasting restoration can occur until healing from these traumas take place.

### **Required Spending**

\$64.2 million is required in the 2024-25 fiscal year to provide supports for Indian Residential School survivors in Manitoba. This budget also requires an additional allocation of \$64.2 million, in inflation-adjusted terms, each subsequent fiscal year until 2028-2029.

### **Benefits**

These investments will provide supports to address the intergenerational trauma resulting from the Indian Residential School system. Funded supports will aid in improving mental health for individual First Nations citizens and their kinship circles, as well as cultural and spiritual restoration within First Nations, which is deeply connected to emotional, physical, and mental wellbeing.





## Non-Insured Health Benefits (NIHB)

The provision of medical benefits not insured by the provincial health plan is a Treaty obligation of Canada. For First Nations citizens living in geographically vast or remote areas of Manitoba, medical transportation is necessary to access medically required health services not available on-reserve or located near home First Nations. Other NIH benefits First Nations citizens rely on include mental health counselling, vision care, dental care, and prescription and over-the-counter medications. The existing system of NIHB, administered by the First Nations and Inuit Health Branch (FNIHB), is notoriously difficult

to access and navigate. The NIHB system is rife with bureaucratic inefficiencies, systemic racism, arbitrary refusals, and long wait times.<sup>90</sup> To ensure care without delay and fulfill Canada's Treaty obligations, systemic transformation and the restructuring of medical transportation and other NIHB must occur. Moving these health benefits towards First Nations control is necessary to realize self-governance in various aspects of health and wellbeing.

### Required Spending

\$480.9 million is required for the 2024-25 fiscal year to fund and improve the NIHB program. This same annual allocation, in inflation-adjusted terms, is required for each subsequent fiscal year up to 2028-29.

### Benefits

Greater investment in the NIHB program in Manitoba will reduce arbitrary refusals address systemic racism and discrimination, and streamline benefits towards the goal of First Nations self-governance. Additional funding support will ensure more non-medical accompaniments for pregnant individuals who must leave their home Nations to give birth, Elders, persons with a disability, and persons experiencing mental health challenges as they navigate the medical transportation system to access necessary medical care in urban centres.

## Mental Health, Trauma Support, Harm Reduction, and Suicide Prevention Initiatives

Historical and ongoing colonization has resulted in widespread intergenerational trauma for First Nations in Manitoba. Community disruption, a loss of traditional cultural practices and Indigenous languages, and the forced removal of First Nations children from their homes manifests as widespread mental health issues<sup>91</sup> and is directly linked to suicide rates among First Nations people that are three times higher than among non-Indigenous people.<sup>92</sup> The ongoing effects of colonialism and resulting trauma is a root cause of substance use issues for First Nations citizens.<sup>93</sup>

Since 2018, Indigenous children, youth, and young adults have consistently represented the majority – 70% – of deaths by suicide in Manitoba.<sup>94</sup> Individual First Nations have repeatedly declared state of emergencies due to high rates of youth suicide deaths and attempts – such as Shamattawa First Nation in March 2023 and York Factory First Nation in May 2023.<sup>95</sup> Alarming national and regional statistics, combined with declarations of state of emergencies, emphasize the urgency and breadth of this issue.

In remote and northern communities, the history of colonization, isolation from the larger world, socioeconomic inequalities, and language barriers can also lead to substance use crises. Youth overdose deaths rose significantly in 2022–23 in Manitoba.<sup>96</sup> Past funding for addictions treatment centres in First Nations has been far too limited and capped by the Federal Government.<sup>97</sup> The lack of available mental health services for First Nations is a long-standing problem, with a report commissioned by the Province of Manitoba noting the lack of local services in reserves, remote and northern, and rural communities.<sup>98</sup>

The COVID-19 pandemic accelerated and worsened substance-use and mental health crises in many First Nations in Manitoba.<sup>99</sup> The 2022 Health Status



of Manitobans Report projected that the COVID-19 pandemic has increased drug-related deaths in Manitoba.<sup>100</sup> According to Theresa Crow Spreading His Wings, a frontline worker, the COVID-19 pandemic has had a huge impact on people already vulnerable to drug addiction. In 2022, deaths related to drug use happened 418 times in Manitoba.<sup>101</sup> It is well documented that drug addiction has affected the First Nations people in Manitoba disproportionately and COVID-19 has exacerbated this issue.<sup>102</sup> For example, around 1500 citizens of God's Lake First Nation in northeastern Manitoba are suffering from substance use disorders, which caused the Nation to declare a state of emergency over illicit drug use on October 4th, 2022.<sup>103</sup> Prior to the pandemic, drug and alcohol addictions had been a challenge for community wellness for First Nations on-reserve in Manitoba.<sup>104</sup>

The COVID-19 pandemic has increased overdose deaths in other parts of Canada. For example, between January and May 2020, the deaths from overdose drug use doubled among First Nations in British Columbia.<sup>105</sup> Reasons behind the surge of deaths during the COVID-19 pandemic due to drug overdose in Manitoba include the rising number of people using substances, disrupted drug supply, and increased toxicity of current supply.<sup>106</sup> This demonstrates the urgency required to address long-standing substance use and mental health crises in First Nations in Manitoba.

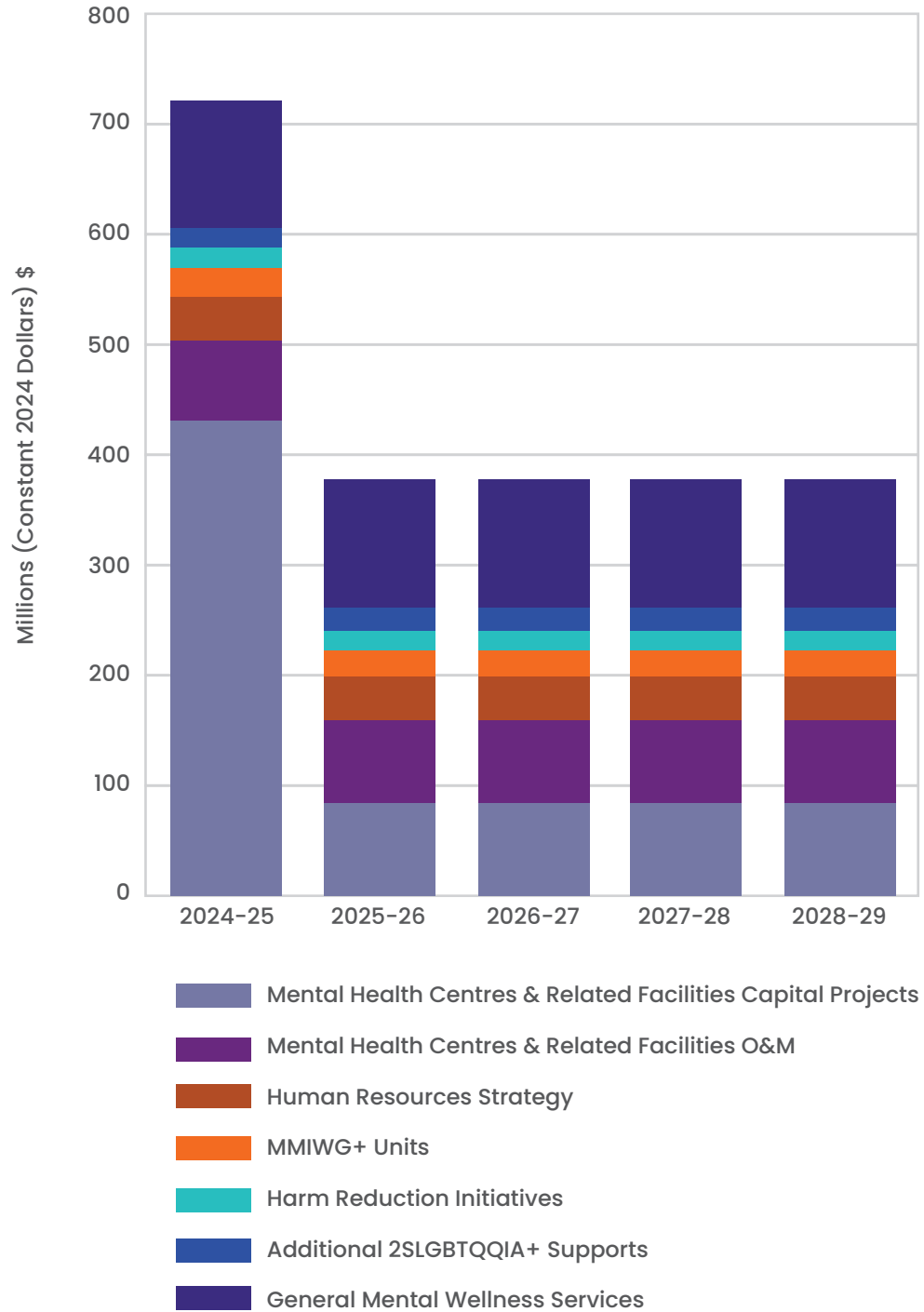
### **Required Spending**

\$721 million in mental health and related spending is required for the 2024-25 fiscal year, with the majority dedicated to meeting the tremendous backlog of needed work to construct new mental health and healing centres. For the subsequent four years, \$376 million per year is required. This would support capital projects to renovate and expand facilities as First Nations' populations grow, general mental health services, the introduction of ten new MMIWG+ support units in Manitoba, a human resources strategy to recruit and retain mental health professionals and workers to First Nations, and additional funding to providing innovative 2SLGBTQIA+ mental health programming and ensure 2SLGBTQIA+ needs are better integrated with existing First Nations mental wellness services.

Spending on Mental Health, Trauma Support, Harm Reduction, and Suicide Prevention Initiatives must be determined by individual First Nations. This includes oversight and direction over the administration of funding for mental health and harm reduction services, based on Nation-driven needs-based assessments.



Figure 2: Recommended Mental Health Spending, 2024-25 to 2028-29





## Benefits

Investment in these services will provide more robust support for individuals suffering from mental health issues, trauma (including family violence, gender-based violence, intergenerational and residential school trauma), substance use disorders, and bolster suicide supports and prevention initiatives. More funds will enable improved programming at the Nation-level, particularly for remote and isolated First Nations who have been vocal in their requests for greater support to address substance use and suicide incidence. Funds will also support the construction of new mental health and healing centres. The construction of new mental health and healing centres and the funding of more mental wellness teams in Manitoba would ensure more First Nations citizens can receive mental wellness care and support closer to home, reducing medical transportation expenditures for patients.

A First Nations human resources strategy will help recruit and retain mental health professionals and workers. New MMIWG+ support units across First Nations in Manitoba will better support and connect kinship circles affected by the ongoing tragedy of MMIWG. Additional 2SLGBTQIA+ supports will ensure mental health services in First Nations better serve this population. Funding for harm reduction initiatives will provide support for citizens suffering from substance use disorders. First Nations-led harm reduction initiatives will ensure they are culturally appropriate and in accordance with the priorities of the First Nations who wish to spearhead them.



# Bluesky Visual: Mental Health and Wellness

*The 2024–25 Alternative Federal Budget investments for First Nations in Manitoba...*

- Supports the construction of mental health centres, healing centres, addictions treatment

centres, and related facilities across the traditional territories of First Nations in Manitoba through **\$431 million in capital projects funding in the 2024–25 fiscal year** and **\$86 million**<sup>107</sup> for the remaining budget window.

- Supports mental health centres, healing centres, addictions treatment centres, and related facilities across the traditional territories of First Nations in Manitoba with **\$73 million each year in funding for routine operations & maintenance.**
- Supports recruitment and retention of culturally competent and local mental health workers through **\$40 million each year to a Mental Health Human Resources Strategy.**
- Addressing the unique needs and trauma how individuals and kinship circles affected by MMIWG through **\$24 million in funds each year for MMIWG+ healing supports.**
- Supporting First Nations–led, culturally appropriate and competent, harm reduction programs and services with **\$20 million in funds for First Nations harm reduction initiatives.**
- Bridging gaps in existing services with **\$17 million in funds to ensure 2SLGBTQIA+ mental wellness services** are better supported and integrated with existing First Nations Mental Wellness services.
- Supports **General Mental Wellness Services** with **\$116 million** in funding each year.

## Locating and Commemorating Unmarked Indian Residential School Burial Sites

The discovery of the remains of hundreds of children at the former sites of Indian Residential Schools is a persisting horror of Canada's colonial legacy. This time in history is not the distant past – the last operating residential school in Manitoba closed in 1988. An estimated 150,000 Indigenous children were taken from their home communities and forced to attend these schools over their more than 100-year history. Many never returned. Thousands of disappeared children, whose remains were never returned to their kinship circles, are buried in unmarked and unofficial graves.

First Nations have suffered the loss of these children and continue to experience an inability to find closure around the unnecessary death of so many loved ones from the Indian Residential School generations. In response, the Truth and Reconciliation Commission (TRC) of Canada has called for "the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried."<sup>108</sup> Locating such sites is a traumatic, lengthy, and costly process. Canada has a fiduciary and moral responsibility to support these efforts as a crucial aspect of Reconciliation.

### Required Spending

\$35.2M per year ongoing for five years to support locating and commemorating unmarked Indian Residential School burial sites at Manitoba's 17 official and unofficial residential schools.

### Benefits

Locating and commemorating residential school graves in Manitoba is a

crucial step in recognizing the horrific harms enacted by the destructive Indian Residential School system. First Nations citizens and their kinship circles continue to suffer the loss of family and community members due to lack of knowledge of what happened to their loved ones. The careful location and protection of mass graves is essential to providing recognition, closure, healing, and ultimately Reconciliation for First Nations citizens and kinship circles. The issue has become increasingly urgent with the rise of residential school denialism, which undermines the project of Reconciliation by attempting to disinter graves. This shows a profound disrespect for First Nations culture and history.<sup>109</sup>



## Revitalization of First Nations Languages, Cultural Promotion, and Cultural Activities

"First Nations languages and culture cannot be separated, and tell us who we are, where we are from and where we are going..."

– AMC Chiefs-in-Assembly<sup>110</sup>

In Canada, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO), all First Nations languages are at risk of perishing due to the colonial government's integrated policies and actions.<sup>111</sup> The decline of the number of First Nations and Indigenous speakers is

also on the rise. A key part of the colonial project of dispossessing First Nations from their lands and undermining their sovereignty were ongoing attempts to extinguish and suppress First Nations cultural traditions and languages. The state-sponsored suppression of First Nations culture and languages is apparent in history, from various laws Canada enforced against Indigenous cultural practices, to the Indian Residential School and Indian Hospital systems. First Nations' language retention, revitalization, and reclamation is therefore essential to address colonial harms and injustices.

Further, the use of Indigenous languages in First Nations settings is "a critical part of the cultural values and beliefs that are essential to the emotional wellbeing,





mental, and physical health of a community.”<sup>112</sup> Language revitalization has been linked to improvements in the rates of suicide, obesity, diabetes, and educational performance in Indigenous settings.<sup>113</sup> The First Peoples’ Cultural Council proposes that these documented health benefits may be because “language is strongly connected to spirituality, which plays an essential role in Indigenous Peoples’ health.”<sup>114</sup> Canada must therefore support the revitalization of First Nations languages and cultures to remedy these wrongs and support First Nations as they strengthen and reconstitute their historic traditions, languages, and physical, spiritual, mental, and emotional wellbeing.

### **Required Spending**

\$212.9M in total spending is required for the 2024-25 fiscal year and the same amount, with adjustments for inflation, in each subsequent fiscal year up to 2028-29.

### **Benefits**

Supporting a self-determined and regional strategy for First Nations language revitalization in Manitoba has many benefits. This would aid a shift from proposal-based funding to predictable programmatic funding with greater consideration to regional allocation. This will also include more First Nations control over the use of funds and which agents those funds are shared with. This would prove crucial to supporting the Nation-building and Nation-strengthening efforts of First Nations Governments and citizens.



<sup>68</sup> Manitoba Indian Brotherhood, *Wahbung: Our Tomorrows*.

<sup>69</sup> Martin Cooke, *United Nations Human Development Index to Registered Indians in Canada, 2006–2016*.

<sup>70</sup> Katz et al., "Changes in health indicator gaps between First Nations and other residents of Manitoba."

<sup>71</sup> Assembly of Manitoba Chiefs, "AMC Disappointed with Federal Announcement of Health Care Commitment and Calls for More Equitable Allocation and Distribution of Funds," AMC Communications, March 3, 2023, [https://manitobachiefs.com/press\\_releases/strongamc-disappointed-with-federal-announcement-of-health-care-commitment/](https://manitobachiefs.com/press_releases/strongamc-disappointed-with-federal-announcement-of-health-care-commitment/).

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<sup>114</sup> Ibid.



# Housing

# Housing

“We’re in a housing crisis. We’ve been in this position for a number of years. People are tired – I’m tired. People are growing angry.”

–Chief Stan Bird, Peguis First Nation, 2023<sup>115</sup>

First Nations on- and off-reserve are facing a housing crisis in Manitoba. The lack of federal funding for housing on- and off-reserve has been noted in multiple studies and reports. In 2021, a Parliamentary Budget Officer report found that after taking into account current programs, there was a \$636-million annual gap between what Indigenous households in urban, rural and northern areas can afford to pay for adequate shelter, and the cost of obtaining it.<sup>116</sup> Entities such as the AFN, for example, state that figure is even higher.

Data from the 2015–2016 First Nations Regional Health Survey, which surveyed over 30 participating First Nations in Manitoba, showed nearly 25% of adults lived in homes needing major repairs. The survey also demonstrated 38.3% of adults lived in crowded housing conditions, and 56.6% of children lived in crowded households.<sup>117</sup> Current funding levels allocated for housing construction is frequently redirected to repair and maintenance, deepening the overcrowding crisis.<sup>118</sup> Overcrowding in housing is directly linked to inequitable health outcomes and is therefore a significant health concern. Elders, seniors, and persons with disabilities in First Nations experience greater challenges as a result of inadequate housing not suited to their needs or hazardous to their health. Inadequate housing and overcrowding in on-reserve housing is also linked to lowered socioeconomic outcomes, such as lower-than-average education achievement rates.<sup>119</sup> Addressing housing shortages and backlogs to repairs on-reserve are crucial to ensuring First Nations in Manitoba do not experience worsening health conditions and can exercise their sovereignty.

The issue is also acute for First Nations citizens living off-reserve. Many off-reserve First Nations experience homelessness, precarity, and unaffordable rent burdens – all of which have severely deepened in 2022–23 due to soaring inflation and rising costs of housing. Canada must honour its commitment to a Nation-to-Nation relationship by codeveloping funding and program strategies with First Nations in Manitoba to address housing needs. It is paramount that funding for housing supports on- and off-reserve are Nation-based, recognizing cultural needs and the unique contexts of First Nations citizens and households,

many of which are multigenerational. Funding for housing off-reserve must be specifically dedicated to First Nations and based on the self-determined priorities of First Nations in Manitoba rather than through pan-Indigenous strategies designed by officials in Ottawa who do not have a sense of the unique realities in the Manitoba region.




## Housing On-Reserve

First Nations in Manitoba have been vocal about the growing backlog of repairs and new builds needed for housing on-reserve. For example, in Peguis First Nation, there is a shortage of approximately 800 homes as of 2023.<sup>120</sup> Some citizens spend five to ten years on wait lists hoping to acquire new housing or replacement housing in their home First Nation. Repairs and overcrowded homes, especially for children, is an acute issue.<sup>121</sup> During the COVID-19 pandemic, First Nations were disproportionately impacted due to overcrowded housing, lack of clean drinking water, and compounding high-risk factors, such as high diabetes

incidence. In addition, *The Implementation of Jordan's Principle in Manitoba: Final Report (2022)* identified the critical need for committed funding and other resources to ensure adequate housing and clean water for every First Nation child.<sup>122</sup> More housing is needed to eliminate overcrowding among First Nations kinship circles living on-reserve and provide space for First Nations citizens who want to migrate back to their home Nations. This includes those displaced through floods and wildfires as well as those separated from their kinship circles by the discriminatory CFS system. It is critical First Nations Governments in Manitoba acquire the resources to lead in the administration, governance, and delivery of housing programs and funds, on- and off-reserve.

### Required Spending

\$10.1 billion is required for the 2024-25 fiscal year to address the need for repairs, replacement, and construction of new housing on-reserve for both existing



on-reserve citizens and citizens looking to return to their home Nations. In each subsequent fiscal year until 2028-29, \$225 million is required for on-reserve housing needs.

### **Benefits**

Providing adequate housing, that would allow all First Nations citizens to live in dignity and enabling those away from their home Nations the chance to return, would bolster First Nations sovereignty. There would be tremendous social and economic benefits to adequate housing on-reserve. Addressing overcrowding and lack of enough homes on-reserve will also improve educational attainment, health outcomes, family stability, and employment opportunities.





# Bluesky Visual: Adequate Housing On-Reserve

An investment of \$10.1 billion for housing on-reserve would result in...



1. Happier kinship circles with the space they need to live.



2. Ability of First Nations citizens displaced by natural disasters to return and reunite with their fellow citizens.



3. Youth in care can return to their Nations and find a culturally supportive place to live.



4. With housing needs met, children have a better learning environment.



5. Improved economic activity in the First Nation.



6. Increased emotional, physical, mental, and spiritual wellbeing.




## Affordable Housing in Urban Centres and Other Off-Reserve Areas

Many First Nations citizens and Indigenous people living off-reserve in Manitoba's major urban centres and other communities face housing affordability issues.<sup>123</sup> In particular, there is great need for increased urban housing services for off-reserve for First Nations living in urban centres such as Winnipeg, Thompson, and Brandon who are homeless or at risk of homelessness. Furthermore, many First Nations living off-reserve experience unaffordable rent burdens and housing inadequate for their family needs – issues that have

only become exacerbated due to inflation and soaring living costs in 2022-23. First Nations citizens living off-reserve in rural communities also face challenges accessing suitable housing in Manitoba.

The 2022 Federal Budget announced \$300 million over five years for an Urban, Rural, and Northern (URN) Indigenous Housing Strategy for Indigenous people living off-reserve. Subsequently, the 2023 Federal Budget committed an additional \$4 billion over seven years, starting in 2024-25, to implement the strategy.<sup>124</sup> However, the URN Indigenous Housing Strategy falls short of needs – more investment in housing for First Nations citizens living off-reserve is required, in addition to investments to address the serious shortfalls of suitable housing in many First Nations. This is both in terms of *magnitude* of spending required to address housing needs outside of reserves and in terms of the *process* of arriving at the strategy.

The URN Indigenous Housing Strategy was not initiated in partnership with the AMC.<sup>125</sup> The Federal Government must commit to codeveloping a regional Manitoba First Nations Housing Strategy for First Nations living on- and off-reserve in partnership with First Nations in Manitoba. This co-drafting would allow for funding for service delivery of on- and off-reserve housing programs as well as research into the housing needs of First Nations citizens living on- and off-reserve in Manitoba.



Current spending is simply insufficient. Independent researchers have estimated the required spending to address off-reserve housing needs for Indigenous people in Canada to be at an annual figure of \$6 billion.<sup>126</sup> The Federal Government budget commitments of \$300 million over five years and \$4 billion over seven years therefore falls short by a considerable margin.


Additionally, housing need among Indigenous households in the Winnipeg metropolitan area is the highest among the other major metropolitan cities in Canada.<sup>127</sup> Indigenous kinship circles have been suffering not only the scarcity of housing over many decades and generations, but also by experiencing unsafe, unaffordable, and culturally inappropriate off-reserve housing situations.<sup>128</sup>

It is important housing supports, particularly for vulnerable populations such as unhoused individuals, do not solely focus on getting individuals into homes. Rather, additional wraparound supports are essential for keeping people in their homes.

First Nations citizens and other Indigenous Peoples in Manitoba are less likely to own homes. Within Manitoba, there is a 51% gap in homeownership rates between non-Indigenous and Indigenous residents of Manitoba (77% for non-Indigenous Manitobans versus 26% for Indigenous Manitobans).<sup>129</sup> This gap is alarming, as homeownership is a crucial way for kinship circles to build savings, equity, and ensure further security. More resources are needed for programs such as the Manitoba Tipi Mitawa program, which works to close the First Nations homeownership gap.

### **Required Spending**

\$472.6M in spending is required for 2024-2025 in the Manitoba region. \$390 million is needed to maintain and expand affordable housing for First Nations citizens and other Indigenous people living off-reserve. \$2.6 million is required for the development of a First Nations-led housing coordination service to facilitate linkages between existing off-reserve housing services, First Nations Governments, and First Nations-mandated entities. A further \$20 million is required for wraparound supports to keep vulnerable individuals in their homes. Additionally, \$60 million is required to assist 1,000 First Nations kinship circles to become homeowners.



## Benefits

Affordable housing, administered within a culturally appropriate framework, would give many currently unhoused First Nations citizens safety, security, and an opportunity to engage with schooling, family, cultural and community activities, and meaningful employment. Important social, cultural, and educational aspects of First Nations and Indigenous Peoples' lives can only be fully realized once pressing shelter needs are addressed. Housing supports would also aid those experiencing unaffordable rents and inadequate housing to obtain more appropriate accommodations. Support for First Nations homeownership will narrow intergenerational wealth gaps between First Nations citizens and other Manitoba residents while providing future economic opportunities and freedom.

# Spotlight:

## N'Dinawemak ("Our Relatives' Place")

N'Dinawemak, or "Our Relatives' Place," has provided a litany of services to address the homelessness crisis in Winnipeg since opening its doors in December 2021. The organization is a subsidiary of the AMC First Nations Family Advocate Office (FNFAO), towards whom it is



Our  
Relatives' Place  
N'DINAWEMAK

grateful for essential support. N'Dinawemak also works in collaboration with a number of other Winnipeg-based organizations to provide services, including Community Helpers Unite Inc., SABE Peace Walkers inc., Eagle Urban Transition Centre (EUTC), and Downtown Community Safety Partnership (DCSP).<sup>130</sup>

N'Dinawemak's staff, much like its clientele, are predominantly First Nations and Indigenous, and often former service users, bringing important lived experience to the workplace.<sup>131</sup> It is in this welcoming environment, where everyone is family and the beds are clean and warm, that Winnipeg's unhoused are given a voice, and their needs and past traumas are heard and respected.

The services provided include shelter for 200 people and three meals a day per-client. Under great effort and challenge, they manage to do this despite funding only being adequate to provide meals for 150 people.<sup>132</sup> Staff help individuals find housing, access benefits, and lend a compassionate ear for those dealing with trauma. A nurse is also on-hand and ready to assist with any medical needs. Sacred Fires are built as part of funeral services for deceased clients, showing them respect and dignity.<sup>133</sup> The reputation of N'Dinawemak precedes the organization, as its services are accessed by people from Manitoba, Saskatchewan, Ontario, Québec, and British Columbia. Despite being an adult-serving organization, children who have no other place to go have also reached out to N'Dinawemak staff for support, which has been provided on an emergency basis until connections to relevant service-providers are made by staff.<sup>134</sup> This holistic approach is important, not just to address the compounding issues that inform homelessness, but particularly for so for many First Nation individuals and their kinship circles that continue to struggle with the trauma of residential schools, the Sixties Scoop, and MMIWG.<sup>135 136</sup>



[www.facebook.com/Ndinawemak/](https://www.facebook.com/Ndinawemak/)

N'Dinawemak provides a wide range of holistic services to help people struggling with homelessness. However, this depletes the organization's limited resources, and greater financial support is needed to expand the scope and scale of support provided to the community. Nowhere is this more pronounced than with desired harm reduction supports and bed capacity. Despite receiving NARCAN and CPR training, as well as directing people towards detox services, N'Dinawemak is looking to build a managed alcohol program, provide culturally appropriate services, and deliver more harm reduction supports if funds were available.<sup>137</sup> Client overflow is also a noted issue. Staff would prefer to treat people with the respect and dignity they deserve, and not force clients to sleep on mats placed on the floor in common areas when beds are not available.<sup>138</sup>

The future of N'Dinawemak is promising. Not only do they provide a 24-hour safe space and food for unhoused populations, but they also assist with the coordination and sometimes the provision of important services. This experience can be uplifting for many clients, with opportunities to engage in cultural events, such as attending the nearby opera or symphony.<sup>139</sup> The promising future, however, is undermined without adequate federal financial support, placing increasing strain on N'Dinawemak's dedicated staff and limited resources.

<sup>115</sup> Nojoud Al Mallees and Alessia Passafiume, “Federal underfunding of Indigenous housing leads to years-long wait-lists, frustration,” *CBC News*, last modified August 19, 2023, accessed November 15, 2023, <https://www.cbc.ca/news/politics/indigenous-housing-difficulties-federal-government-funding-1.6941549>.

<sup>116</sup> *Ibid.*

<sup>117</sup> First Nations Health and Social Secretariat of Manitoba, *First Nations Regional Health Survey (RHS) Phase 3 (2015-2016): Manitoba Regional Report*, (Winnipeg: First Nations Health and Social Secretariat of Manitoba, September 2018): 85, [https://www.fnhssm.com/\\_files/ugd/ce86f2\\_f1b037d998d142a886da5d74b6422e20.pdf](https://www.fnhssm.com/_files/ugd/ce86f2_f1b037d998d142a886da5d74b6422e20.pdf).

<sup>118</sup> Standing Senate Committee on Aboriginal Peoples, *Housing on First Nations Reserves: Challenges and Successes*. Ottawa: Canada, 2015. <https://sencanada.ca/en/content/sen/committee/412/appa/rms/08feb15/home-e>.

<sup>119</sup> *Ibid.*

<sup>120</sup> Al Mallees and Passafiume, “Federal underfunding of Indigenous housing.”

<sup>121</sup> First Nations Health and Social Secretariat of Manitoba, *First Nations Regional Health Survey (RHS)*, *ibid.*

<sup>122</sup> Vandna Sinha et al., *The Implementation of Jordan’s Principle in Manitoba: Final Report*, (Winnipeg: Assembly of Manitoba Chiefs, 2022), 85-86, <https://manitobachiefs.com/wp-content/uploads/22-01-28-The-Implementation-of-Jordans-Principle-in-Manitoba-Final-Report.pdf>.

<sup>123</sup> Assembly of Manitoba Chiefs, “Statement from the Assembly of Manitoba Chiefs RE: National Housing Strategy,” April 10, 2018, <https://manitobachiefs.com/statement-from-the-assembly-of-manitoba-chiefs-re-national-housing-strategy/>.

<sup>124</sup> Department of Finance Canada, *Budget 2023: A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future* (Ottawa, ON: His Majesty the King in Right of Canada, 2023), 46, <https://www.budget.canada.ca/2023/pdf/budget-gdql-egdqv-2023-en.pdf>.

<sup>125</sup> Assembly of Manitoba Chiefs, “AMC Responds to Announcement of the National Indigenous Housing Strategy,” AMC Communications, February 21, 2023, [https://manitobachiefs.com/press\\_releases/amc-responds-to-announcement-of-the-national-indigenous-housing-strategy/](https://manitobachiefs.com/press_releases/amc-responds-to-announcement-of-the-national-indigenous-housing-strategy/).

<sup>126</sup> National Indigenous Collaborative Housing Inc., “NICH I Factsheet,” National Indigenous Collaborative Housing Inc., June 8, 2023, <https://nichi.ca/media/>.

<sup>127</sup> Caroline Nicol and Ben Segel-Brown, “Urban, Rural, and Northern Indigenous Housing,” Parliamentary Budget Report, (Ottawa, Ontario: Office of the Parliamentary Budget Officer, February 11, 2021), <https://www.pbo-dpb.ca/en/publications/RP-2021-039-C--urban-rural-northern-indigenous-housing--logement-autochtones-vivant-en-milieu-urbain-rural-nordique>.

<sup>128</sup> Standing Committee on Indigenous and Northern Affairs, “The Effects of the Housing Shortage on Indigenous Peoples in Canada,” (Ottawa, Ontario: House of Commons, June 2022), <https://www.ourcommons.ca/Content/Committee/441/INAN/Reports/RP11862143/inanrp03/inanrp03-e.pdf>.

<sup>129</sup> The Canadian Real Estate Association, “First Nations Homeownership,” Ottawa, ON: The Canadian Real Estate Association, October 2018, 13, <https://www.crea.ca/wp-content/uploads/2018/10/First-Nations-Homeownership.pdf>.

<sup>130</sup> K. Frank, L. Courchene, and S. Frank, “N’Dinawemak interview,” interview by Waapihk Research staff, Waapihk Research, November 21, 2023.

<sup>131</sup> *Ibid.*

<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*

<sup>134</sup> Ibid.

<sup>135</sup> D. Gallant, "Sixties Scoop," *The Canadian Encyclopedia*, last modified November 13, 2020, accessed November 15, 2023, <https://www.thecanadianencyclopedia.ca/en/article/sixties-scoop>.

<sup>136</sup> Assembly of First Nations, "Murdered & Missing Indigenous Women & Girls," Rights & Justice, Retrieved November 2023. <https://afn.ca/rights-justice/murdered-missing-indigenous-women-girls/>.

<sup>137</sup> Frank, et al., interview.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.







# **Child and Family Support**




# Child and Family Support

The Anishinaabeg, Anishininwak, Dakota Oyate, Denesuline, Nehethowuk/Inninwak and other First Nations peoples in Manitoba possess inherent Aboriginal and Treaty rights that include jurisdiction over the wellbeing of their kinship circles and children. Disregard of this inherent jurisdiction by Canada and Manitoba has led to disastrous outcomes for First Nations. In 2021, Indigenous children accounted for 53.8% of all children under 14 in care in Canada.<sup>140</sup> Of the 12,000 children in Manitoba's CFS care, a staggering 90% are Indigenous.<sup>141</sup> The CFS system in Manitoba serves as an extension of the cultural genocide approaches of the Sixties Scoop and the Indian Residential School system.<sup>142</sup>

Through the AMC, First Nations Leadership have exercised more than 30 years of mandates and actions taken to assert that First Nations in Manitoba have never surrendered rights over child and family wellbeing. In 2014, the AMC explored the child welfare system in Manitoba from the lens of First Nations citizens who had firsthand experience navigating a provincial CFS system. In response, the AMC developed the *Bringing Our Children Home* report that identified ten key recommendations calling for the need to transition to a First Nations system.

The AMC has consistently emphasized the need for regional jurisdictional solutions, evident in initiatives such as the proposed *Bringing Our Children Home Act*, historic region-specific draft legislation that would acknowledge and restore full jurisdiction of children and families to First Nations, and the Five Nation Family Law Templates. The AMC and First Nations in Manitoba remain skeptical of pan-Indigenous solutions to services for children and families that risk subjugation and breach of First Nations inherent and Treaty rights. The AMC stresses the need for funding to support successful regional consultations: the federal government should directly fund First Nations in Manitoba without using the Province of Manitoba as an intermediary. Region-specific child and family law development efforts, which would underpin a new system that recognizes First Nations jurisdiction in child and family matters, continue to suffer from funding uncertainty despite tremendous progress made.

In 2016, the Canadian Human Rights Tribunal (CHRT) decision that ordered Canada to reform the discriminatory First Nations Child and Family Services (FNCFS) program and to stop applying a narrow definition of Jordan's Principle highlighted a critical juncture in child welfare. In response, the AMC held further



engagement. The *Keewaywin Engagement Manitoba First Nations Child and Family Services Reform Final Report* identifies elements needed for a new, self-determined First Nations model-of-care. This includes dismantling the FNCFS system; standardizing prevention over apprehension; establishing customary care/kinship models of care across First Nations in Manitoba; restoring and revitalizing traditional lifeways, cultural, and language practices; and addressing inequitable socioeconomic conditions.<sup>143</sup>

In 2017, First Nations in Manitoba paved the way through a historical Memorandum of Understanding (MOU) signed with Canada on child welfare.<sup>144</sup> Moreover, First Nations leadership endorsed the *Bringing Our Children Home Act* intended to serve as a legislative mechanism at the federal level to empower First Nations laws over provincial laws, and five Nation/language group template laws to support First Nations with law development in the area of children and families.

As First Nations in Manitoba embark on a process of asserting jurisdiction and developing their own laws to support child and family wellbeing, whether it be under an *Act Respecting First Nations, Metis and Inuit children and families* or through their own process, there is uncertainty concerning funding to carry out the work. Canada must work with First Nations in Manitoba to ensure the inherent jurisdiction of First Nations in child and family well-being is holistically recognized. This includes ensuring fiscal transfers for child and family services for First Nations go directly to First Nations, rather than to intermediaries,<sup>145</sup> and the end of provincial control in First Nations child and family service matters.<sup>146</sup>

However, developments in 2022 and 2023 have made the goal of realizing more equitable CFS more challenging. Compensation for the failures of Jordan's Principle and FNCFS is represented in the *AFN, Moushoom, and Trout* class action lawsuits, compensation for which was approved by a federal court October 24, 2023.<sup>147 148</sup> A coinciding development is the approval of nearly \$20 billion in funds to support reforms to CFS under *An Act respecting First Nations, Inuit and Métis Children, Youth and Families*, shifting authority to First Nations to administer. Not coincidentally, these decisions are an extension of the 2016 CHRT rulings. However, development of a reform strategy remains stalled, pending consultations.<sup>149</sup> Further concerns have been expressed over statements from Indigenous Services Canada (ISC) Minister Patty Hajdu suggesting the Federal Government would reduce spending on First Nations, a puzzling statement coming on the tail of two large funding announcements.<sup>150</sup>

“Our people are already grappling with chronically underfunded and understaffed service delivery systems. Further cutting this funding would be a grave disservice to the very people that need these services to survive.”

– AMC Grand Chief Cathy Merrick<sup>151</sup>

The environment in which FNCFS exists is tense, caught between court decisions and promised funding for reform, ongoing support, and compensation, that could be negatively tempered by Federal Government austerity. As such, the Federal Government must be held accountable – First Nations in Manitoba will not tolerate any more empty promises.



## Implementation of Jordan’s Principle in Health and Social Services

“It is encouraging to know that Jordan’s Principle has greatly increased available services for First Nations in Manitoba. However, Canada’s established measures fail to address the significant and ongoing gaps that First Nations children continue to experience both on- and off-reserve.”

– AMC Grand Chief Cathy Merrick<sup>152</sup>

Norway House Cree Nation citizen Jordan River Anderson was a child born in 1999 with complex medical needs. In hospital from birth, doctors determined Anderson could move to a special home with the right medical supports when he was two years old. However, Canada and Manitoba disagreed over who was responsible for paying for Jordan’s medical needs, resulting in a protracted three-year dispute during which Jordan died in hospital at the age of five, without the chance to live outside of a medical facility.<sup>153</sup>

In 2007, the House of Commons passed Jordan’s Principle in recognition



of Jordan River Anderson. Jordan's Principle is a legal rule and child-first principle to ensure First Nations children are free from needless suffering such as that which was inflicted upon Anderson.<sup>154</sup> Jordan's Principle mandates Canada address gaps in services for First Nations children, ensuring timely service while meeting the needs of First Nations children while not compounding historical disadvantage.<sup>155</sup>

For several years after becoming law in 2007, Canada applied an extremely narrow and limited interpretation of Jordan's Principle, resulting in ongoing delays and denials of needed services for First Nations children and kinship circles. This human rights violation was acknowledged in a series of CHRT rulings. The 2016 Merit Decision (2016 CHRT 2) ordered Canada "to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of Jordan's Principle."<sup>156</sup> The Merit Decision further asserted failure to cover capital costs for FNCFS limited their ability to effectively deliver provincially mandated, culturally appropriate services to children and kinship circles.<sup>157</sup>

The continued failure to support FNCFS became the impetus for Canadian Human Rights Tribunal 41 (2021 CHRT 41), wherein FNCFS, small, and First Nations agencies were ordered to fund the full cost of purchasing or building capital assets for delivering FNCFS and Jordan's Principle services.<sup>158</sup> On December 31, 2021, the *Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services (FNCFS) Program and Jordan's Principle* ("Agreement-in-Principle on Long-Term Reform") was signed, budgeting \$19,807 million for FNCFS reform and Jordan's Principle services.<sup>159</sup> This funding was made available as part of the 2019 An Act respecting First Nations, Inuit and Métis children, youth and families, which provides the framework for First Nations jurisdiction over their own services.<sup>160</sup>

In addition to funding long-term reform, Canada, the CHRT, AFN, and the plaintiffs in the Moushoom and Trout class actions agreed to a final settlement agreement to compensate First Nations who have experienced denial or delay of services under Jordan's Principle and FNCFS.<sup>161</sup> The original agreement in principle promised to provide \$20 billion in funding as compensation for First Nations children and kinship circles.<sup>162</sup> However, this initial proposal was rejected by the CHRT and on April 5, 2023, an increase of \$3.3439 billion in funding compensation was added to the original settlement in order to ensure all qualifying parties could receive compensation.<sup>163</sup> On July 26, 2023, the CHRT announced approval of the Revised Final Settlement Agreement, with a value



of over \$23 billion. The next step was presenting the Final Settlement Agreement to the Federal Court of Canada, which approved it on October 24, 2023.<sup>164</sup> If this approval is not appealed over the 60-day appeal period, the process to implement the settlement through the court ordered third-party administrator could begin as soon as 2024.<sup>165</sup>

Upholding Canada's Treaty and fiduciary obligations and respecting the right of First Nations to self-determination is paramount to properly implementing Jordan's Principle. This includes addressing pre-existing inequities in infrastructure and services, such as inadequate digital infrastructure, and underfunded and insufficient housing for children and kinship circles. Each Nation must receive access to sustained, sufficient, long-term funding to create services which reflect their unique context, culture, strengths, and needs. The development of structures to facilitate coordination and collaboration on Jordan's Principle, led by First Nations in Manitoba, is essential. AMC proposals for a Jordan's Principle Equity Roundtable and Jordan's Principle Capacity Enhancement Centre (Jordan's Principle Centre of Excellence) provide a concrete plan for how this may become a reality.<sup>166</sup>

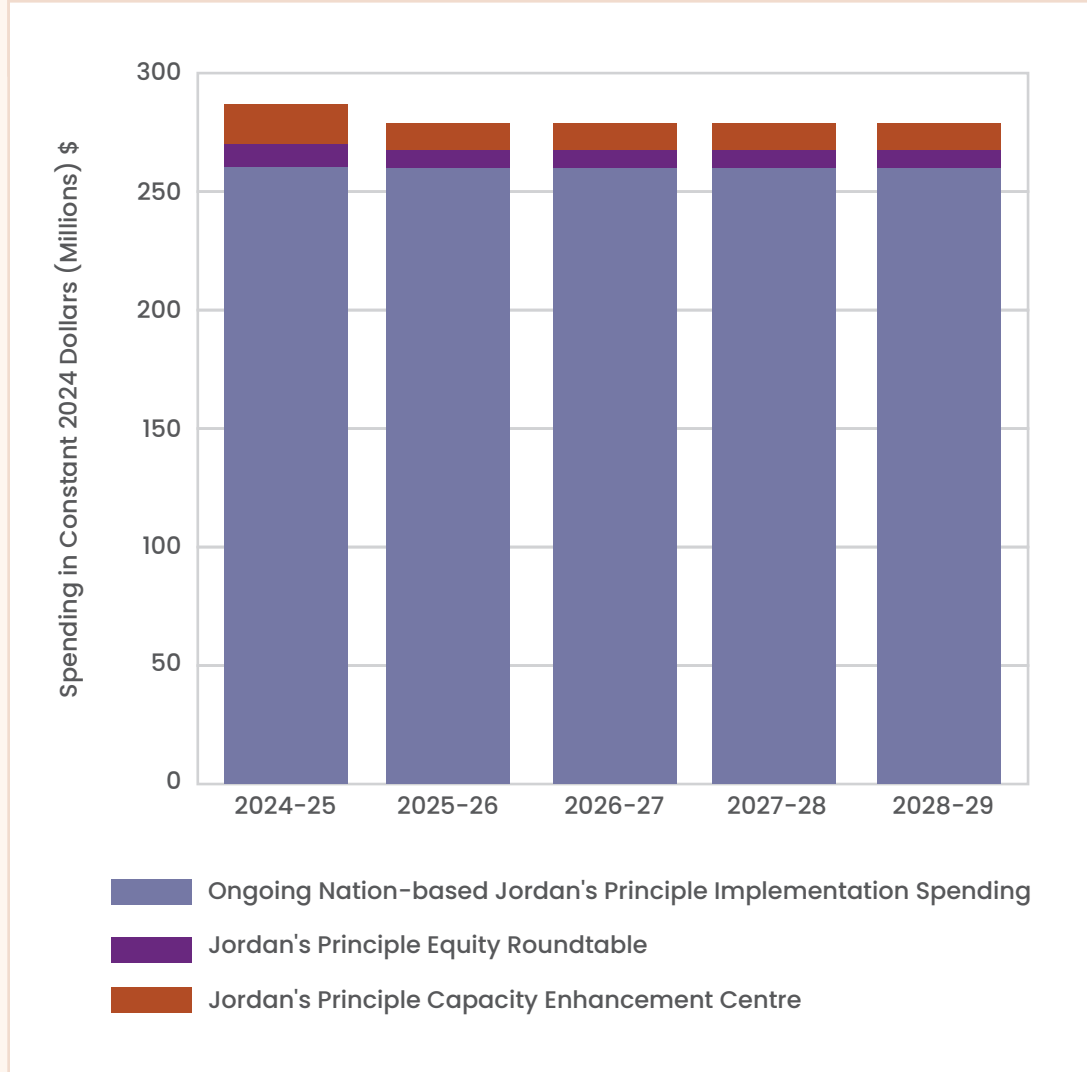
### Required Spending

\$284 million for the 2024-25 fiscal year and \$278 million in constant 2024 dollars in subsequent years is required to implement Jordan's Principle. These figures include \$259 million for Nation-based Jordan's Principle Implementation as a constant, stable, predictable minimum of Jordan's Principle funding for First Nations in Manitoba, \$10 million to scale-up the Jordan's Principle Equity Roundtable, and \$15 million to establish a Jordan's Principle Capacity Enhancement Centre. In subsequent (non-setup) years, required funding for the Jordan's Principle Equity Roundtable is \$7.5 million in constant 2024 dollars and \$11 million in constant dollars for the Jordan's Principle Capacity Enhancement Centre.

Contrary to representation in ISC's 2022-2023 Departmental Plan, funding for Jordan's Principle should not serve as a stand-in for ongoing FNCFS funding, as this is not its purpose.<sup>167</sup> Likewise, ongoing stable funding is needed to provide services through Jordan's Principle and in long-standing program service areas such as on-reserve housing, community infrastructure, and CFS self-determined by First Nations in Manitoba. Additional dollars for Canada to meet its obligations through Jordan's Principle implementation must come through new funding, not reclassifying and reshuffling existing funds from long-standing, underfunded program service areas.<sup>168</sup>



Figure 3: Jordan's Principle Implementation Spending Over Five Years



### Benefits

A central purpose of Jordan's Principle is to eliminate institutionalized discrimination between Indigenous identity and healthcare.<sup>169</sup> As per the budgetary proposal, Indigenous Service Canada (ISC) will receive an additional \$171 million in 2022-23 from Budget 2023 to provide continuous support to First Nations children through Jordan's Principle.<sup>170</sup> This proposed funding will benefit all First Nations children including those with disabilities.<sup>171</sup> Such funding will also benefit socioeconomically disadvantaged communities and kinship circles, who face inherent challenges to access services, and thereby provide supports to their children which are readily available to non-Indigenous children.<sup>172</sup>



The Agreement-in-Principle on Long-Term Reform is a crucial piece to ensuring FNCFS is adequately funded during the reform and transition phase. Data collection is necessary to inform long-term policy in line with the needs of First Nations in Manitoba. Sufficient support for First Nations in Manitoba, and the organizations that represent them, will ensure the timely and fair distribution of funds to children and caregivers discriminated against by CFS in Canada. Permanent funding and substantial support will encourage the development of data collecting and the sharing of services that will assist government and First Nations children, youth, and their kinship circles in the development of future policies for First Nations youth.

The Jordan Principle Equity Roundtable will include multiple, distinct, and interconnected forums. These would allow for focus on addressing day-to-day challenges around service delivery as well as enabling stakeholders to consider funding and long-term governance questions regarding the implementation of Jordan's Principle in Manitoba.<sup>173</sup>

The Jordan's Principle Capacity Enhancement Centre will facilitate and coordinate existing networks of services and strategies which regionally align First Nations perspectives, policies, programs, partnerships, and professionals to enable First Nations to fully implement Jordan's Principle on- and off-reserve in Manitoba.<sup>174</sup>





# **Spotlight: Pinaymootang First Nation Health Centre and Niniijaanis Nide “My Child, My Heart” Program**

## **Pinaymootang First Nation: A Jordan’s Principle Innovator**

The Niniijaanis Nide “My Child, My Heart” program is the culmination of Pinaymootang Health Centre’s advocacy in the area of child welfare. Although much of this work predates the implementation of Jordan’s Principle, its influence can be seen in ISC practices.<sup>175</sup> In 2010, the Sumner-Pruden family filed a complaint with the Manitoba Human Rights Commission, calling attention to unavailability of the goods and services needed in Pinaymootang First Nation to support their son’s complex medical needs. In response, Health Canada contacted Pinaymootang Health Centre for an estimate of the costs associated with supporting the Sumner-Pruden family. Identifying the injustice to provide services for one child and not others, the health director proposed funding to support eleven kinship circles in the First Nation with unmet health needs.<sup>176</sup> After being encouraged to request funding but being denied, initial funding was eventually provided in December 2015, although without specialized services.<sup>177</sup>

Since then, the “My Child, My Heart” program has begun exploring the provision of services for children aging out of Jordan’s Principle.<sup>178</sup> This is especially a concern with high-needs children, whose needs are not strictly tied to being under the age of majority.<sup>179</sup> This problem has also been noted in the national context. The CHRT identified the need to provide Jordan’s Principle services for young adults past the age of majority.<sup>180</sup> Despite lack of long-term federal funding, Pinaymootang Health Centre has found innovative ways of providing services to the Nation. This includes working in partnership with organizations such as the AMC and McGill University.<sup>181</sup> The University of Manitoba has also played a key role in supplementing services, often through students in medicine looking to gain experience and provide specialized services that otherwise go

unfunded.<sup>182</sup> Novel means of securing funding and expertise allows Niniijaanis Nide and Pinaymootang Health Centre to provide wraparound services to meet the holistic needs of people in Pinaymootang First Nation.

Specialized services are particularly important for kinship circles. It is not enough to merely mitigate the symptoms associated with disability. Addressing unique needs helps children, teenagers, and young adults, as well as their kinship circles who would otherwise have inadequate means to care for them, participate in community and have a sense of purpose.<sup>183</sup> Ultimately, these services are expensive, especially when a diversity of services and goods are provided. Additionally, with rapid inflation during the 2022-2023 fiscal year, the prospect of kinship circles traveling to Winnipeg or other Manitoba urban centres to access the same services can also be a considerable financial burden.<sup>184</sup> Providing convenient access to these services, not just for Pinaymootang but many First Nations across the Interlake and Northern Manitoba, requires close multilateral work. For this reason, Pinaymootang Health Centre works closely with their health team to bring together the Interlake Eastern Regional Health Authority, other First Nations, the University of Manitoba, Red River College Polytechnic (RRC Polytech), and various health specialists.

Through their work, Pinaymootang Health Centre and the Niniijaanis Nide “My Child, My Heart” program hope to provide children and young adults with comprehensive care and be recognized as leaders in First Nations health.



[www.pfnhealth.com/](http://www.pfnhealth.com/)



[cdnhomecare.ca/wp-content/uploads/2017/12/Niniijaanis-Nide-Program\\_My-Child-My-Heart\\_Pinaymootang-FN-HC.pdf](http://cdnhomecare.ca/wp-content/uploads/2017/12/Niniijaanis-Nide-Program_My-Child-My-Heart_Pinaymootang-FN-HC.pdf)



## First Nations Child and Family Services (FNCFS)

The CHRT 2016 *Merit Decision* asserted failure to cover capital costs for FNCFS limited their ability to effectively deliver provincially mandated, culturally appropriate services to children and kinship circles. Furthermore, it was asserted that FNCFS practices were predatory and unnecessarily drew First Nations children in to care. To drive this point home, it should be noted that since April 2023 the CHRT ordered the Federal Government of Canada to pay compensation (referred to as the “Final Settlement Agreement”) to those denied or provided delayed services under CFS and Jordan’s Principle.<sup>185</sup> The \$23.344

billion settlement calls attention to the historical inadequacy of FNCFS funding, a problem that has only been exacerbated since the Merit Decision. Despite claims that regular funding will not be interrupted while permanent, long-term reforms are discussed, it is important to hold the Federal Government of Canada accountable for delivering baseline services and cuts to spending will not be accepted.<sup>186</sup>

It is essential in meeting their fiduciary and Treaty obligations to First Nations for child and family service matters that Canada recognize a pan-Indigenous approach is simply unacceptable and fails to meet the needs of First Nations citizens and kinship circles. Canada must support First Nations in Manitoba as they undertake regional and Nation-specific initiatives to restore traditional child and family service support systems. This is the type of approach, in terms of law development and creating a different system for children and families based on First Nations traditions, evident in the region-specific draft *Bringing Our Children Home Act* and in the five Nation/language group family law templates in Manitoba.

### Required Spending

\$813.9M in 2024–2025 and \$671.1M per year until 2028–29 is required for ongoing FNCFS funding in Manitoba.

## Benefits

This funding approach considers a planned increase in spending to provide more benefits to First Nations children and youths in Manitoba while ensuring that ongoing funding is sufficient to provide reasonable services.



## Implementing An Act respecting First Nations, Inuit and Métis Children, Youth and Families

The failure to fund capital costs associated with the delivery of culturally-appropriate and effective CFS is noted in the CHRT 2016 *Merit Decision*. Consequently, the services provided were insufficiently resourced and inadequate. The continued failure to support FNCFS became the impetus for 2021 CHRT 41, wherein FNCFS, small, and First Nations agencies were ordered to fund the full cost of purchasing or building capital assets for delivering FNCFS and Jordan's Principle services.<sup>188</sup>

On December 31, 2021, the Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle, budgeting nearly \$20 billion for FNCFS reform and Jordan's Principle services was signed.<sup>189</sup> Development of a permanent approach is still underway (with regular funding not being interrupted in the process).<sup>190</sup> This funding was made available as part of the 2019 An Act respecting First Nations, Inuit and Métis Children, Youth and Families, which provides the framework for First Nations jurisdiction over their own services. Despite the announcement of funding, a permanent plan is still in development reform.<sup>191</sup> To prevent the imposition of colonial forms of governance on Manitoba FNCFS, and to further self-determination of First Nations service-providers, the AMC and its partners must be granted an active member in the policy-making process by Canada.



## Required Spending

FNCFS *reform* spending requires \$793.4M per year ongoing for five years starting in 2024–2025 for the Manitoba region. Such funding is not to be confused with required spending for *ongoing* FNCFS support.

## Benefits

FNCFS will be well funded during the reform phase, short to medium-term, while collecting data that can inform long-term policy attuned to the needs of First Nations in Manitoba.

<sup>140</sup> Indigenous Services Canada, “Indigenous children in foster care,” Government of Canada, last modified February 15, 2023, accessed November 10, 2023, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.

<sup>141</sup> Assembly of Manitoba Chiefs, “Child and Family Services,” accessed November 2023, <https://manitobachiefs.com/child-family-services/>.

<sup>142</sup> First Nations Family Advocate Office, *Keewaywin Engagement Manitoba First Nations Child and Family Services Reform Final Report September 2017*, Long Plains First Nation: Assembly of Manitoba Chiefs, 2017, iii. [https://manitobachiefs.com/wp-content/uploads/2017/11/Final-FNCFS-Reform-Engagement-Report\\_September-2017.pdf](https://manitobachiefs.com/wp-content/uploads/2017/11/Final-FNCFS-Reform-Engagement-Report_September-2017.pdf).

<sup>143</sup> First Nations Family Advocate Office, *Keewaywin Engagement Final Report*, 31.

<sup>144</sup> Indigenous Services Canada, “Indigenous children in foster care,” Government of Canada, last modified February 15, 2023, accessed November 10, 2023, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.

<sup>145</sup> Assembly of Manitoba Chiefs, *Setting the Foundation for Change: A Strategy towards First Nations’ Jurisdiction of Child Welfare in Manitoba*, Long Plains First Nation: Assembly of Manitoba Chiefs, March 2018, 10. <https://manitobachiefs.com/wp-content/uploads/FNWC-Session-Final-Report-Web.pdf>.


<sup>146</sup> *Ibid*, 16.

<sup>147</sup> Assembly of First Nations, “Compensation and Reform of First Nations Child and Family Services and Jordan’s Principle,” retrieved November 2023. <https://www.fnchildcompensation.ca/>.

<sup>148</sup> Assembly of Manitoba Chiefs, “AMC Acknowledges the Federal Court’s Final Approval of \$23 Billion Settlement Agreement,” AMC Communications, last modified October 25, 2023, accessed November 2023, [https://manitobachiefs.com/press\\_releases/amc-acknowledges-the-federal-courts-final-approval-of-23-billion-settlement-agreement/](https://manitobachiefs.com/press_releases/amc-acknowledges-the-federal-courts-final-approval-of-23-billion-settlement-agreement/).

<sup>149</sup> Indigenous Services Canada, “Executive Summary of Agreement-in-Principle on Long-Term Reform,” Government of Canada, last modified September 13, 2023, accessed November 2023, <https://www.sac-isc.gc.ca/eng/1644518166138/1644518227229>.

<sup>150</sup> Assembly of Manitoba Chiefs, “AMC Concerned over Proposed Funding Cuts to



Indigenous Services Funding, Urges Adequate Investment Based on AMC's Alternative Budget," AMC Communications, August 28, 2023, accessed November 2023. [https://manitobachiefs.com/press\\_releases/amc-concerned-over-proposed-cuts-to-indigenous-services-funding/](https://manitobachiefs.com/press_releases/amc-concerned-over-proposed-cuts-to-indigenous-services-funding/).

<sup>151</sup> Ibid.

<sup>152</sup> Assembly of Manitoba Chiefs, "AMC Recognizes Spirit Bear Day and the Implementation of Jordan's Principle in Manitoba," AMC Communications, May 10, 2023, [https://manitobachiefs.com/press\\_releases/amc-recognizes-spirit-bear-day-and-the-implementation-of-jordans-principle-in-mb/](https://manitobachiefs.com/press_releases/amc-recognizes-spirit-bear-day-and-the-implementation-of-jordans-principle-in-mb/).

<sup>153</sup> Assembly of Manitoba Chiefs, *2022-2023 Annual Report*, 49.

<sup>154</sup> Assembly of Manitoba Chiefs, "Spirit Bear Day."

<sup>155</sup> Vandna Sinha et al., *The Implementation of Jordan's Principle in Manitoba*, 1.

<sup>156</sup> Indigenous Services Canada, "Timeline: Jordan's Principle and First Nations Child and Family Services," Government of Canada, last modified October 30, 2023, accessed November 15, 2023, <https://www.sac-isc.gc.ca/eng/1500661556435/1533316366163>.

<sup>157</sup> Indigenous Services Canada, "2021 Canadian Human Rights Tribunal 41: Order," Government of Canada, last modified February 17, 2022, accessed November 15, 2023, <https://www.sac-isc.gc.ca/eng/1644607163941/1644607214188>.

<sup>158</sup> Ibid.

<sup>159</sup> Indigenous Services Canada, "Executive Summary of Agreement-in-Principle on Long-Term Reform."

<sup>160</sup> Indigenous Services Canada, "Long-term reform of First Nations Child and Family Services and long-term approach for Jordan's Principle," Government of Canada, last modified January 16, 2023, accessed November 15, 2023, <https://www.sac-isc.gc.ca/eng/1646942622080/1646942693297>.

<sup>161</sup> Indigenous Services Canada, "Revised settlement agreement of \$23B reached to compensate First Nations children and families," Government of Canada, last modified April 5, 2023, accessed November 15, 2023, <https://www.canada.ca/en/indigenous-services-canada/news/2023/04/revised-settlement-agreement-of-23b-reached-to-compensate-first-nations-children-and-families.html>.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Government of Canada, "Timeline: Jordan's Principle".

<sup>165</sup> Indigenous Services Canada, "Federal Court Approves Settlement Agreement to Compensate First Nations Children and Families," last modified October 25, 2023, <https://www.canada.ca/en/indigenous-services-canada/news/2023/10/federal-court-approves-settlement-agreement-to-compensate-first-nations-children-and-families.html>


<sup>166</sup> Vandna Sinha et al., *The Implementation of Jordan's Principle in Manitoba*, 119-124.

<sup>167</sup> Indigenous Services Canada, *Departmental Plan 2022-2023*. Ottawa, ON: Government of Canada, 2022, 57, <https://www.sac-isc.gc.ca/eng/1642087807510/1642087838500>.

<sup>168</sup> Olivia Stefanovich, "Ottawa's child welfare reform could mean cuts to Indigenous services, agencies warn," last modified October 20, 2022, accessed November 15, 2023, <https://www.cbc.ca/news/politics/indigenous-child-welfare-changes-child-family-services-1.6608174>.

<sup>169</sup> Luna Vives and Vandna Sinha, "Discrimination Against First Nations Children with Special Healthcare Needs in Manitoba: The Case of Pinaymootang First Nation," *The International Indigenous Policy Journal* 10, no. 01 (January 2019): 2, <https://doi.org/10.18584/iipj.2019.10.1.4>.

<sup>170</sup> Department of Finance Canada, *Budget 2023: A Made-in-Canada Plan: Strong Middle*



*Class, Affordable Economy, Healthy Future.*

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Vandna Sinha et al., *The Implementation of Jordan's Principle in Manitoba*, 45.

<sup>174</sup> Assembly of Manitoba Chiefs, *2022–2023 Annual Report*, 51.

<sup>175</sup> Vandna Sinha et al., *The Implementation of Jordan's Principle in Manitoba*, 40, 116.

<sup>176</sup> Ibid, 169.

<sup>177</sup> Ibid, 170.

<sup>178</sup> Previously, goods and services under Jordan's Principle were only accessible up to age eighteen. In 2022 CHRT 8, the tribunal ordered Jordan's Principle funding to be accessible past the age of majority (which varies by province).

<sup>179</sup> Gwen Traverse, "Pinaymootang Health Centre and Jordan's Principle interview," interview by Waapik Research staff, September 28, 2023.

<sup>180</sup> Canadian Human Rights Tribunal. 2022. *First Nations Child and Family Caring Society of Canada and Assembly v Attorney General of Canada (Representing the Minister of Indigenous and Northern Affairs Canada)*, 2022 CHRT 8 at para 172. March 24, 2022. Accessed July 2023. [https://fncaringsociety.com/sites/default/files/2022\\_chrt\\_8.pdf](https://fncaringsociety.com/sites/default/files/2022_chrt_8.pdf).

<sup>181</sup> Traverse, interview.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> These funds will be paid to qualifying individuals and are not discretionary; consideration of which has therefore not been included in the budget recommendations included within this report.

<sup>186</sup> Indigenous Services Canada, "Executive Summary of Agreement-in-Principle on Long-Term Reform."

<sup>187</sup> Indigenous Services Canada, "2021 Canadian Human Rights Tribunal 41: Order."

<sup>188</sup> Ibid.

<sup>189</sup> Indigenous Services Canada, "Executive Summary of Agreement-in-Principle on Long-Term Reform."

<sup>190</sup> Indigenous Services Canada, "2021 Canadian Human Rights Tribunal 41: Order."

<sup>191</sup> Ibid.



# Education





# Education

On April 9, 2023, the roof of Thunderbird School in O-Pipon-Na-Piwin Cree Nation collapsed under the weight of heavy snow leaving 234 nursery to Grade 10 students without an educational facility. With the roof compromised, Chief Shirley Ducharme expressed concerns the school would experience additional damage due to further inclement weather and did not know when the school would be able to reopen.<sup>192</sup> Alarmingly, this collapse was not unique. Chief Sam Cook Mahmuwee Education Centre in Tataskweyak Cree Nation also experienced a roof collapse in 2020. The high school in Garden Hill First Nation was forced to close for several weeks in 2022 when rampant mould was discovered throughout the school; as of November 2023, the mould has yet to be removed, resulting in overcrowding and ongoing space issues.<sup>193</sup> Such infrastructure failings are indicative of the disrepair and hazardous conditions of too many First Nations schools in Manitoba, the result of years of neglect and underfunding by the Government of Canada.

First Nations children and youths have an inherent and Treaty right to education. This right has been undermined by years of chronic underfunding by the Government of Canada. Deficient resources for First Nations education limit the ability of First Nations citizens to gain meaningful employment, participate and benefit for the Canadian economy, and close educational outcomes. Fundamentally, chronic underfunding and a scarcity of resources has reduced First Nations ability to introduce needs-based services, programs, and culturally driven curriculums. The restoration of traditional Indigenous cultures and languages, decimated by over a hundred years of the Indian Residential School system, is severely curtailed by the paucity of resources and supports. Decades of inadequate K-12 education has meant fewer First Nations have been able to attend and complete post-secondary, and many Nations have a long waiting list for funding for those who do qualify. A lack of access to post-secondary training programs also means many Nations have difficulty recruiting skilled workers from within their own populations. A needs-based investment in First Nations K-12 education will create opportunities for First Nations citizens, kinship circles, and their home Nations.

First Nations education in Manitoba must change. The AMC Education Directorate is working to reassert First Nations jurisdiction over education. To advance the stated goal of First Nations obtaining complete autonomy over

how they run their on-reserve schools, the AMC is in the process of negotiating a Regional Education Funding Agreement (REA) with ISC.<sup>194</sup> The result of these negotiations will lead to an equitable funding allocation model for First Nations K-12 schools based on Nation-identified needs and realistic cost drivers. When an REA is agreed to, a better understanding of needed K-12 funding for First Nations schools in Manitoba will be available.


Post-secondary education is critical for economic independence and cultural restoration in First Nations in Manitoba. Under direction from the Chiefs Committee on Education (CCOE), the AMC was designated the First Nations organization responsible for the adjudication and administration of Post-Secondary Partnership Program (PSP) funding.<sup>195</sup> The PSP supports First Nations-established post-secondary institutions and First Nations-directed community-based programming. The AMC works with First Nations Leaders to distribute funds equitably. Ongoing research is required to estimate the needed funding to establish First Nations-led and governed post-secondary institutions in Manitoba.



## **K-12 Education Infrastructure Deficit**

In Canada, education for First Nations students has been underfunded and consistently culturally inappropriate. The mechanisms for funding First Nations education infrastructure are extraordinarily complex and intricate. First Nations citizens in Manitoba have, on average, lower educational attainment than non-Indigenous Manitobans owing to the history of colonial dispossession, deprivation, and past quasi-educational undertakings of Canada being based on policy objectives of cultural genocide and destruction rather than genuine education. Poor educational results are

associated with negative socioeconomic outcomes. Inadequate K-12 education has meant fewer First Nations have been able to attend post-secondary, and



many Nations have a waiting list for funding for those who do qualify. This federal neglect has greatly undermined opportunities for First Nation citizens.

First Nations in Manitoba need adequate investment and resources to increase the quality of K-12 education, based on priorities self-determined by the Nations, as well as the physical safety of ill-maintained, outdated – and sometimes dangerous – buildings of educational institutions on-reserve. Many First Nations schools in remote and northern areas of the province lack adequate facilities, robust funding, and the appropriate design to cope with the extreme climatic conditions of the region. First Nations schools on-reserve are also important community hubs – First Nations citizens also need to feel safe and comfortable in their local schools. Substantial funding is required to address this educational infrastructure debt.

### **Required Spending**

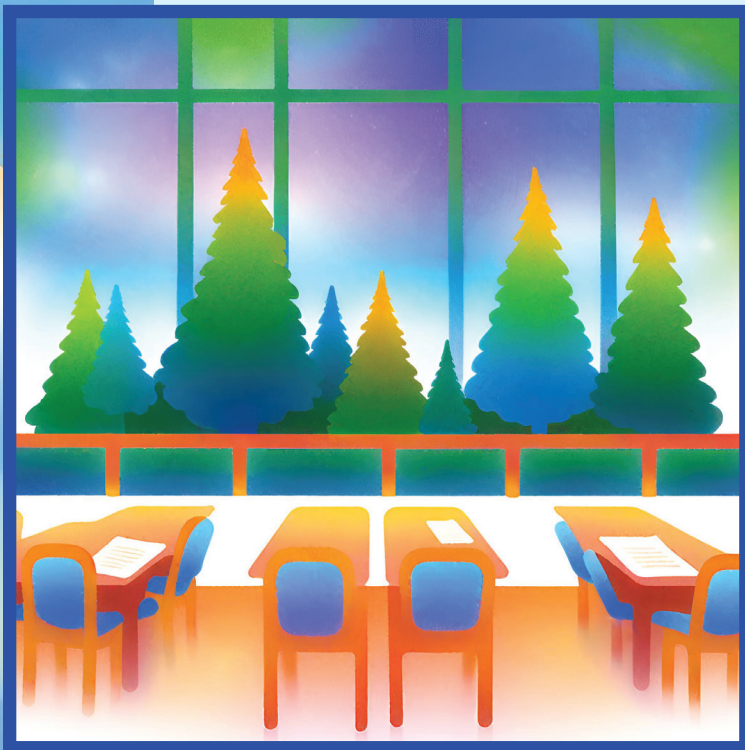
To address decades of neglect, an investment of \$10.1B capital spending is required in 2024-25 to address the infrastructure needs of First Nations schools in Manitoba and transform such schools into centres of culturally appropriate learning, based on self-determined First Nations priorities.

### **Benefits**

This investment would reduce the gap between the present condition of education infrastructure and the satisfactory and required condition of educational infrastructure for First Nations in Manitoba to meet self-determined needs and priorities. Additionally, this funding will improve the education environment to one which is more culturally appropriate for First Nations in Manitoba. This investment will also address future challenges which will be raised by an increasing number of students and ongoing changes in educational needs and priorities.

# Bluesky Visual: Adequate Infrastructure for First Nation Schools

First Nations education in Manitoba has been systemically underfunded for decades, creating a significant gap in the quality of education and physical infrastructure. Many of the buildings for First Nations schools are outdated, ill-maintained, overcrowded, and in some instances unsafe. Additionally, many First Nations schools lack in design in terms of location, lighting, colours, and other elements to be culturally appropriate, comfortable, and welcoming for First Nations students and citizens. Many First Nations schools are in the remote northern region of the province where they lack in facilities, equipment, and resources to create safe and comfortable conditions to deliver education in extreme climatic situations.



- To bring education infrastructure up to the current standard set by ISC: **\$3,839,354,384 to \$6,725,799,359.**
- To bring education infrastructure up to a standard that meets the vision of First Nations: **\$7,529,109,177 to \$10,062,300,061.**

**Spending \$10.1 billion to bring education infrastructure up to a standard that meets the vision of First Nations would mean....**



- Reducing the infrastructure debt between the present conditions of education infrastructure and required condition of educational infrastructure in for First Nations in Manitoba.



- Culturally appropriate educational environments for First Nations students in Manitoba.



- Address the future challenges raised by an increasing number of students and ongoing changes in educational needs.



- Increased emotional, physical, mental, and spiritual wellbeing for First Nations students and citizens.



- Greater educational attainment and outcomes.

<sup>192</sup> The Winnipeg Free Press, "School Cancelled in Northern Cree Community After Roof Collapses," last modified April 11, 2023, accessed November 20, 2023, <https://www.winnipegfreepress.com/local/2023/04/11/news-briefs-for-tuesday-april-11-2023>.

<sup>193</sup> Erin Brohman, "Garden Hill students, staff facing packed classrooms and mould say new school would give them breathing room," *CBC News*, last modified November 10, 2023, accessed November 20, 2023, <https://www.cbc.ca/news/canada/manitoba/garden-hill-high-school-1.7022504>.

<sup>194</sup> Assembly of Manitoba Chiefs, "AMC Marks International Day of Education" AMC Communications, January 24, 2022, <https://manitobachiefs.com/wp-content/uploads/2022-01-24-International-Day-of-Education-FINAL.pdf>.

<sup>195</sup> Ibid.



**Employment,  
Economic Development,  
and Income Support**



# Employment, Economic Development, and Income Support

Economic dispossession and systematic marginalization undermined vibrant, healthy, traditional economies among the First Nations in Manitoba. Restoration of economic health for First Nations is vital to advance the prosperity of individual Nations and citizens. The creation of economic opportunities for First Nations citizens requires significant federal investment and support of First Nations self-determined priorities and initiatives. Restoration of economies and achieving economic independence requires intensive, substantial work in many economic and development areas. This includes the development of a First Nations-led Employment Strategy and targeted training programs to ensure First Nations citizens receive necessary, culturally appropriate job skills focused on the unique needs identified by their Nations. Fundamentally, realization of the inherent right of First Nations to self-determination in these areas requires listening to First Nations governments as part of the process of updating current legislation that affects the relationship between First Nations and other governments.

Investment in economic development initiatives to foster First Nations industries is also critical to repair decades of economic marginalization and inequality. Transportation infrastructure is a critical area for First Nations that is in desperate need of attention, funding, and improvements. Significantly enhancing the Income Assistance Program (IAP) to provide equitable services and flexible funding to those in need is another facet of restoring economic opportunities for First Nations in the Province of Manitoba.

## Employment Strategy and Training Programs

First Nations citizens in Manitoba are disproportionately underemployed or unemployed due to insufficient fiscal supports, training, education, and a lack of opportunities, all of which are intrinsically tied to past and ongoing colonial harms, including the destruction of traditional First Nations economies. In 2020, the unemployment rate for First Nations citizens in Manitoba was 20% compared



to 8.3% for the overall population of Manitoba and 7.2% for the non-Indigenous residents of Manitoba.<sup>196</sup> Significant investment in a long-term Employment Strategy and targeted training programs is necessary to equip First Nations citizens with the necessary skills and training that will lead to long-term employment and the restoration of First Nations economies.

It is crucial that training, vocational education, and professional development opportunities be close to home for First Nations citizens. This means more training programs located in or near First Nations. This will lessen the overall cost to participants, travel costs that may otherwise come from

program funds, and reduce the social impacts on First Nations citizens, including time away from kinship circles and fellow citizens living on-reserve.

### **Required Spending**

\$18.5M is required in the 2024-25 fiscal year, ongoing in inflation-adjusted dollars for the four subsequent fiscal years, for an Employment Strategy and Training Programs.

### **Benefits**

Investment in First Nations-specific employment and training programs will address noted socioeconomic gaps between First Nations and non-First Nations people in Manitoba. These programs will empower First Nations citizens by improving their skillsets, training, and educational opportunities, which will support securing sustainable and beneficial employment under strategies self-determined and spearheaded by individual First Nations. Increased investments will additionally allow First Nations in Manitoba to design and deliver job training services for First Nations that are culturally appropriate and meet Nation-identified needs.





## Economic Development Initiatives

The process of government-enacted colonization has laid waste to strong, vibrant, and sustainable Indigenous economies in North America and elsewhere.<sup>197</sup> To begin address this ongoing reality, support must be given to First Nations economic development in Canada if true Reconciliation is to be realized. Support for First Nations economic development will begin to undo centuries of unjust policies that have undermined the economic sovereignty and financial independence of First Nations in Canada, which have isolated communities and created widespread socioeconomic inequality.<sup>198</sup>

Moreover, the lack of economic development initiatives over time has deprived First Nations in Manitoba of gaining self-sufficiency, key skills, high quality education, gainful employment, and culturally-appropriate healthcare, all of which can address chronic social and economic inequality.<sup>199</sup>

### Required Spending

\$67.8M per year ongoing for five years to allow for First Nations-based Economic Development Initiatives in the province of Manitoba.

### Benefits

Strengthening First Nations economic development initiatives is an important step in advancing Reconciliation, which must occur within all aspects of the Canada-First Nations relationship. First Nations populations are a fast-growing population. Nations and their citizens require ongoing economic supports and fresh opportunities to ensure collective prosperity and a reduction in socioeconomic inequality.<sup>200</sup> Reconciliation will only be realized once First Nations economies become strong, unequal socioeconomic conditions are alleviated, and economic depression and dependence is radically reduced or eliminated.



## Transportation: Northern Airports and Marine Operations; Buses

Citizens of First Nations in Manitoba need access to safe and reliable transportation services. This is essential for interconnected aspects of social, physical, and emotional life and culture. First Nations citizens travel to visit family, obtain grocery items or other retail services not available at home, access medical services in urban centres, access formal education, and attend major cultural events such as Sundance ceremonies or Treaty Days. Travel between Nations is very important for many First Nations citizens, who often


have relatives or family members living in

neighbouring Nations. There are many challenges for First Nations citizens who require transportation services to go about their everyday lives, including but not limited to inadequate long distance bus service and air transportation, both which need to be addressed to ensure First Nations in Manitoba can access the services they need.

### Long Distance Bus Service

In 2018, Greyhound Canada's rural bus route services ended. This deprived First Nations citizens across Manitoba of access to a critical transportation service.<sup>201</sup> Lack of northern, rural, and inter-city bus service has dire consequences for First Nations. Given many First Nations citizens depend on long distance buses to attend medical appointments and access health services, this undermines the Treaty right to health. In 2018, the Chiefs-in-Assembly mandated the AMC Grand Chief to meet with provincial and federal ministers to ensure options were explored to fill this gap and ensure the needs of First Nations in Manitoba were understood and considered.<sup>202</sup>

First Nations-led entities have risen to the challenge of providing safe and reliable bus services.<sup>203</sup> However, there has been a lack of support from the federal and provincial governments, limiting their ability to scale-up services




to cover all the needed long distance bus routes in Manitoba. The vacuum created by Greyhound's departure in 2018 has yet to be fully filled.<sup>204</sup> As it stands, there are no federal subsidy programs to incentivize bus companies to serve socially necessary but financially unprofitable routes.<sup>205</sup> A barrier to First Nations-owned bus companies scaling up service across Manitoba is the lack of a province-wide network of maintenance shops, which requires major capital investment often too large for independent companies.<sup>206</sup> With a network of maintenance shops, as few as 25 buses may be able to service the entire province for travel, at least to the service standard of the former Greyhound network.<sup>207</sup> It is crucial that Manitoba Public Insurance (MPI) work with First Nations to accredit these new maintenance shops and any existing First Nations garages and maintenance facilities.

### ***Air Travel and Northern Airports and Marine Operations (NAMO)***

Air travel is essential for many First Nations citizens, and is often utilized for transport to medical appointments, provision of medical supplies, and supply of other goods and services. Unfortunately, current service-providers have considerable shortcomings. These challenges demonstrate the need to transform the air travel system in Manitoba for First Nations.

Perimeter Aviation has held a monopoly on providing aviation services to many First Nations in Manitoba for decades, while often being unresponsive to the concerns of First Nations customers<sup>208</sup> despite the significant contribution of fares from First Nations customers to Perimeter Aviation's profits.<sup>209</sup> Issues include delays or cancellations of flights in which First Nations citizens miss medical appointments, delays in the delivery of medical supplies and services, cargo restrictions, and other problems with the movement of goods.

The problem of market concentration and lack of consumer choice for First Nations citizens in air travel is even worse when one considers that Perimeter Air is owned by the Exchange Income Corporation (EIC), which is a publicly traded investment group focused on maximizing profits for investors. EIC has hangars and aircraft throughout Manitoba and operates many dominant carriers in northern and rural Manitoba, such as Perimeter Aviation, Bearskin Lake Air Service, Custom Helicopters, Calm Air, and Keewatin Air.<sup>210</sup> These airlines serve essential air travel routes for First Nations citizens, yet not always up to a level of good service. In February 2023 Margaret Wiebe, who was then Chief Judge of the Provincial Court of Manitoba, even stated that flight delays were disrupting access to the court and the administration of justice.<sup>211</sup>



On January 15, 2023, Perimeter Aviation instituted a “Cashless Policy” – a discriminatory and inaccessible policy which presumes an enmeshment in bureaucratic financial systems some low-income and elderly people simply do not possess. On August 1, 2023, Perimeter Aviation also introduced a new restrictive “Baggage Policy” detrimental to many First Nations citizens that need to use their services.<sup>212</sup> Through resolution AUG-23.03, the AMC Chiefs-in-Assembly demand Perimeter Aviation work with First Nations to improve services, including reviewing various policies and addressing safety concerns for First Nations citizens.<sup>213</sup>

On February 20, 2020, the AMC and the Government of Manitoba signed MOU on NAMO. This formalized discussions to transfer the province’s NAMO assets to First Nations ownership and operation.<sup>214</sup> The provincial NAMO network consists of 23 airports and five marine facilities, which serve as an essential lifeline for remote areas and First Nations, facilitating medical transportation, the movement of essential supplies, and service staff for various provincial and federal departments, and private charter services.

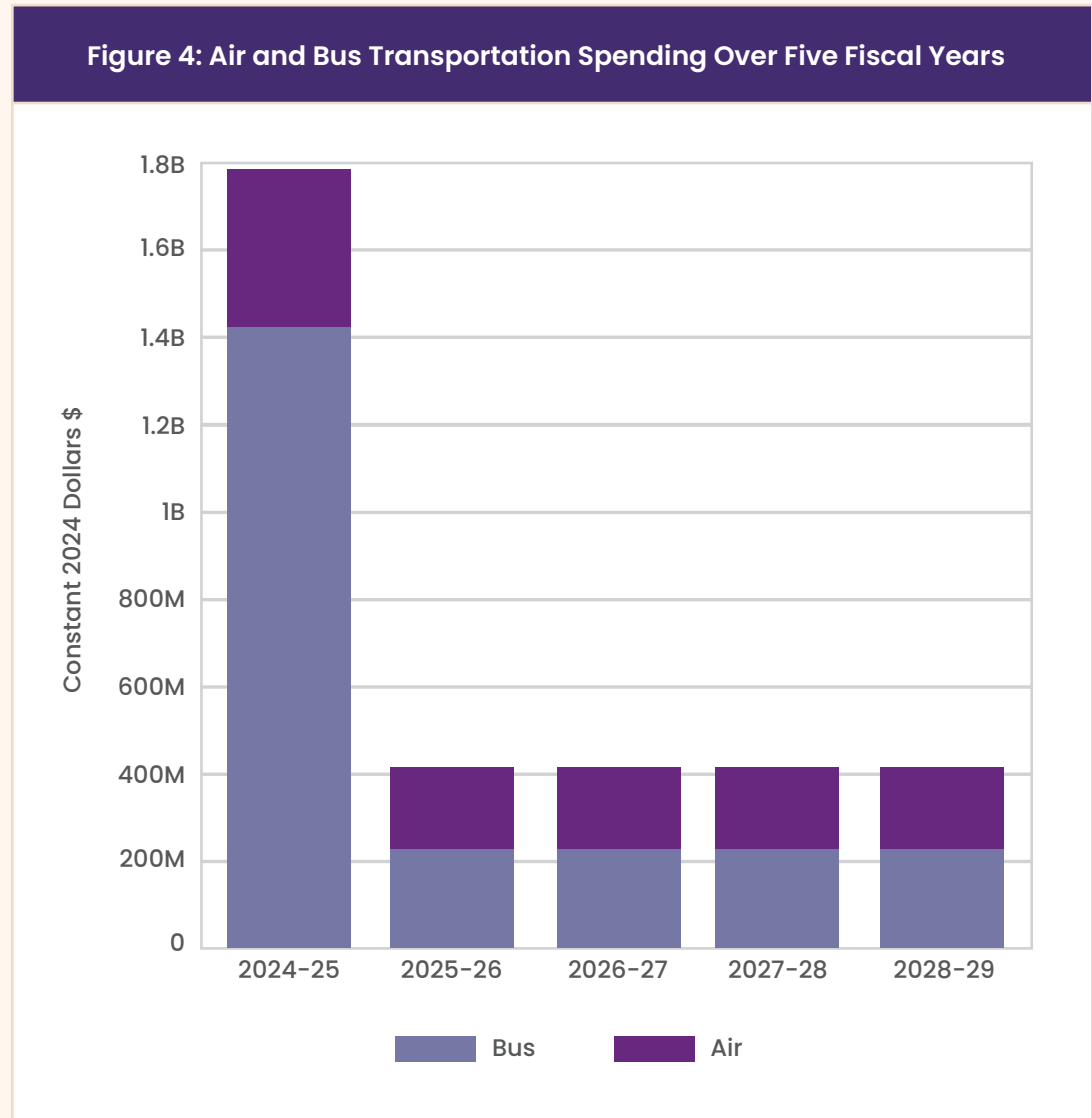
If the Government of Manitoba serves as a committed partner with First Nations and acts in a spirit of honour, good-faith, and respect throughout the process, then this transfer could lead to monumental improvements in the lives of First Nations citizens. Through the establishment of a Manitoba First Nations Airport Authority, First Nations could pursue control of air and marine transport infrastructure. A transformation of the air travel system under the guiding principle of First Nations self-determination is the best path forward to achieve safe, uninterrupted, and reliable air service for First Nation citizens and other Manitoba residents in need of safe and reliable air travel services. Federal fiscal support is necessary to ensure this transfer results in the best level of service for First Nation citizens.

### **Required Spending**

\$1.8 billion in spending is required for Air and Bus Transportation Services in the 2024-25 fiscal year. Of this amount:

- \$7 million is necessary to compensate First Nations bus providers for covering socially necessary but financially unprofitable routes.
- \$1.4 billion is necessary to establish a network of bus maintenance facilities for First Nations in Manitoba that will be accredited by MPI.
- \$83 million is required for a First Nations Airport Authority.
- \$262 million is required for capital upgrades to NAMO.<sup>215</sup>

Given the capital heavy nature of the 2024-25 investments required to address the substantial infrastructure debt (past underinvestment by government decisionmakers in facilities) amounts are expected to decrease in future years once capital investments are made. From 2025-26 to 2028-29, total expenditures on Air and Bus Transportation Services will be \$411 million in constant 2024 dollars.

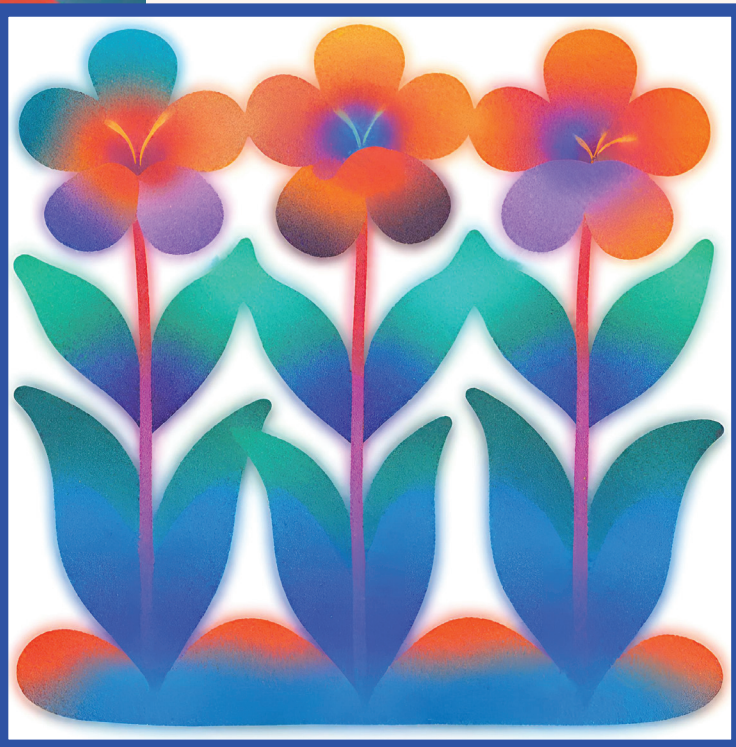


### Benefits

Transformation of the air and bus transportation system for First Nations in Manitoba under the guiding principle of self-determination would have sweeping benefits. Improved air and bus services and the associated

infrastructure would foster greater connection between First Nations family members living on- and off-reserve; result in better population health through fewer delays in routine medical care and preventive checkups; and improve the safety of First Nations citizens. A transformed air and bus transportation system also has significant potential to spur First Nations-led economic development, leading to greater opportunities for First Nations citizens to return home.

There are also climate benefits to investments in Airports and Marine Operations and bus services. First Nations are in an ideal position to collaborate with other governments and industry partners in transportation to meet future electric vehicle and carbon neutral system targets both on- and off-reserve through the redevelopment of Airports and Marine Operations and a transformed rural, inter-city, and inter-Nation bus system.



## Income Assistance

The Income Assistance Program (IAP) was first introduced in 1964 as a policy to ensure income assistance was available to on-reserve First Nations citizens in the provinces and territories. The program is meant to provide eligible on-reserve individuals and their kinship circles with a comparable standard of living and to help individuals better transition from income assistance to gainful employment and educational opportunities.<sup>216</sup> The program has not substantially changed since its inception in 1964, as noted in a 2018-19 engagement process with IAP recipients.<sup>217</sup> Changes required to enhance the program include more equitable services, rates based on the actual cost of living (an issue of acute

importance given the rapidly rising costs of housing and food in 2023), increased access to case management and pre-employment supports, greater funding for increased community capacity, and more control and flexibility over the design and delivery of the program by First Nations Governments to ensure culturally appropriate approaches and initiatives and consistency with self-determined, Nation-based priorities.<sup>218</sup> Greater federal investment is required to implement

these needed reforms to the IAP program.

### Required Spending

\$348.6M per year ongoing for five years to ensure better access to the IAP for many low-income First Nations citizens living on-reserve in Manitoba.

### Benefits

Greater federal investment in the IAP in Manitoba will advance the implementation of reforms required to make the program more accessible, culturally appropriate, and flexible while accurately reflecting the high costs of basic necessities, such as shelter and nutritious food. Reforms to the IAP will better support First Nations IAP recipients and their kinship circles, reducing overall unemployment rates and socioeconomic inequality in on-reserve communities.

<sup>192</sup> The Winnipeg Free Press, "School Cancelled in Northern Cree Community After Roof Collapses," last modified April 11, 2023, accessed November 20, 2023, <https://www.winnipegfreepress.com/local/2023/04/11/news-briefs-for-tuesday-april-11-2023>.

<sup>193</sup> Erin Brohman, "Garden Hill students, staff facing packed classrooms and mould say new school would give them breathing room," CBC News, last modified November 10, 2023, accessed November 20, 2023, <https://www.cbc.ca/news/canada/manitoba/garden-hill-high-school-1.7022504>.

<sup>194</sup> Assembly of Manitoba Chiefs, "AMC Marks International Day of Education" AMC Communications, January 24, 2022, <https://manitobachiefs.com/wp-content/uploads/2022-01-24-International-Day-of-Education-FINAL.pdf>.

<sup>195</sup> Ibid.

<sup>196</sup> Statistics Canada, "Indigenous Population Profile, 2021 Census of Population – Manitoba [Province] (Table)," Government of Canada, Ottawa: Ontario, June 21, 2023, accessed November 28, 2023, <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/ipp-ppa/index.cfm?Lang=E>.

<sup>197</sup> L. Schembri, "Remarks of Lawrence Schembri, Deputy Governor National Aboriginal Capital Corporations Association," (Gatineau, Quebec: May 5, 2022): 2, last accessed September 22, 2022, <https://www.bankofcanada.ca/wp-content/uploads/2022/05/remarks-2022-05-05.pdf>.

<sup>198</sup> Ibid, 6.

<sup>199</sup> National Collaborating Centre for Indigenous Health, "Economic Development as a Social Determinant of First Nations, Inuit and Métis Health." National Collaborating Centre for Indigenous Health, 2020, <https://www.nccih.ca/docs/determinants/FS-EconomicDevelopmentSDOH-2020-EN.pdf>.

<sup>200</sup> Ibid, 3.

<sup>201</sup> Assembly of Manitoba Chiefs, "First Nations Citizens across Manitoba Need Access to Reliable Public Transportation Services," AMC Communications, October 31, 2018, <https://manitobachiefs.com/first-nations-citizens-across-manitoba-need-access-to-reliable-public-transportation-services/>.

<sup>202</sup> Assembly of Manitoba Chiefs, "Re: Responding to Greyhound Canada Discontinued Rural and Northern Routes," Brokenhead Ojibway Nation: Assembly of Manitoba Chiefs 30th Annual General Assembly, July 18-19, 2018, <https://manitobachiefs.com/wp-content/uploads/AMC-Certified-Resolutions-30th-AGA-July-2018.pdf>.

<sup>203</sup> Assembly of Manitoba Chiefs, "First Nations Citizens across Manitoba Need Access."

<sup>204</sup> Northern Manitoba Transportation Sector expert, "Interview on Long Distance Bus Service in Manitoba," interview by Waapihk Research staff, Waapihk Research, September 6, 2022.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Assembly of Manitoba Chiefs, "RE: Perimeter Aviation," Brokenhead Ojibway Nation: Assembly of Manitoba Chiefs 35th Annual General Assembly, August 15, 2023, <https://manitobachiefs.com/wp-content/uploads/2023/08/AMC-Certified-Resolutions-August-2023.pdf>.

<sup>209</sup> Marina von Stackelberg, "They Have a Monopoly': Northern Manitoba First Nations Decry Perimeter Aviation Following Crash," *CBC News*, last modified January 21, 2020, accessed June 20, 2023, <https://www.cbc.ca/news/canada/manitoba/perimeter-aviation-2020-crash-first-nations-1.5434225>.

<sup>210</sup> *CBC News*, "Manitoba Signs 5-Year Deal for Private Air Transportation," *CBC News*, last modified February 14, 2019, accessed June 20, 2023, <https://www.cbc.ca/news/canada/manitoba/general-air-transportation-private-1.5019133>.

<sup>211</sup> Rachel Bergen, "Chief Judge, Union Call for Action amid Northern Manitoba Court Delays," *CBC News*, last modified February 16, 2023, accessed June 20, 2023, <https://www.cbc.ca/news/canada/manitoba/circuit-court-delays-privatization-manitoba-government-air-services-1.6748370>.

<sup>212</sup> Assembly of Manitoba Chiefs, "RE: Perimeter Aviation."

<sup>213</sup> Ibid.

<sup>214</sup> Government of Manitoba and Assembly of Manitoba Chiefs, "Manitoba Government and Assembly of Manitoba Chiefs Sign Memorandum of Understanding on Northern Airport and Ferry Operations," February 20, 2020, [https://manitobachiefs.com/wp-content/uploads/20-02-20-News-Release\\_NAMO-MOU-PR-INR\\_Final.pdf](https://manitobachiefs.com/wp-content/uploads/20-02-20-News-Release_NAMO-MOU-PR-INR_Final.pdf).

<sup>215</sup> Figure subject to revision based on further research and better information sharing from the Province of Manitoba, including in terms of financial and environmental assessments to estimate the overall cost to upgrades and training as well as unexpected future costs.

<sup>216</sup> Indigenous Services Canada, "First Nations-led engagement on Income Assistance 2018 to 2020, national summary report," Government of Canada, last modified June 22, 2021, accessed November 15, 2023, <https://www.sac-isc.gc.ca/eng/1618345382082/1618345423300#chp1>.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.





# Land and Wildlife Stewardship

# Land and Wildlife Stewardship

First Nations have an inherent relationship with the land, which is fundamental to many First Nations traditions and cultural practices. Traditional stewardship of the land is integral to First Nations societies, spirituality, cultural practices, relationships, and economies. Deep and respectful relationships with ancestral lands are vital to preserve First Nations traditions and cultural identities. Colonization led to dispossession and the minimization of land bases for First Nations. First Nations have rights to land, resources, and jurisdiction over their traditional territories. It is essential the Federal Government provide support to meet its Treaty and fiduciary obligations, and that colonial governments do not obstruct the full assertion of rights and jurisdiction of First Nations in Manitoba.


An important aspect of First Nations land and wildlife stewardship is First Nations governance and management of conservation and habitat preservation. First

Nations conservation approaches aids in land and habitat protection. These spaces serve as carbon sinks which help mitigate climate change, an issue affecting all peoples and cultures, but most acutely First Nations given their relationship to traditional territories and ways of life. An important element of First Nations governed conservation and habitat preservation, in addition to Nation-building for First Nations in Manitoba, is addressing outstanding land claims.

## Wildlife Stewardship, Climate Mitigation, and Adaptation

The 2021 Intergovernmental Panel on





Climate Change (IPCC) report lays out an urgent call to action in mitigating the irreversible and catastrophic effects of climate change. Over the years, Canada, and its G7 peers, have made numerous commitments to addressing this pressing issue but have repeatedly failed to fulfill those promises. With a broad consensus that time is running out, the need to take real action on multiple climate fronts is increasingly evident.

In Canada, First Nations and Indigenous Peoples are one of the lowest emitters of greenhouse gases, yet they are the most affected by climate change due to greenhouse emissions in the country.<sup>219</sup> First Nations conservation and stewardship are therefore critical aspects in achieving Canada's 2030 Greenhouse Gas (GHG) reduction target and contributing to the country's resiliency in the face of a changing climate. One of the simplest ways of addressing climate change is through nature-based solutions which are effective in both cost and outcome. First Nations stewardship will allow First Nations citizens to have a continuous respectful relationship with carbon-rich ecosystems and reduce carbon emissions.<sup>220</sup> For example, Indigenous-led nature-based solutions GHG projects in the United States and Australia achieved success in financially benefitting Indigenous people.<sup>221</sup>

Indigenous-Led Area-Based Conservation (ILABC) provides funding to Indigenous Peoples to lead or co-lead the establishment and recognition of protected areas or other effective area-based conservation mechanisms (OECMs) across Canada. This program acknowledges the importance of culture, language, socioeconomic factors, and traditional land use as part of conservation efforts. These areas establish important carbon sinks and help maintain biodiversity within a defined geography.<sup>222</sup> The Canadian government has established a target of conserving 30% of the country's lands and waters by 2030.<sup>223</sup>

In August of 2021, the Federal Government announced an investment of \$340M over five years to support Indigenous-Led Area-Based Conservation (ILABC) and Indigenous Guardian initiatives across Canada. The Indigenous Guardians Secretariat is also delivering funding for Indigenous-led Natural Climate Solutions (ILNCS) collaboratively with First Nations, Inuit and Métis partners using the existing distinctions-based governance structures in place for Indigenous Guardians. This investment furthers efforts toward the Canadian-set target of protecting 30% of land and waters. Canada must ensure its approach to Indigenous Protected Areas are thoroughly distinctions-based, respect the Treaty Relationship, and recognize the unique relationship that First Nations citizens have with the land, as the original inhabitants and stewards of the land.

## Required Spending

\$27 million in additional funding over five years (\$5.3 million annually) in Wildlife Stewardship, Climate Mitigation, and Adaptation for the development and expansion of Indigenous-Led Area-Based Conservation (ILABC) and to support First Nations Guardians and Guardian initiatives, operated by First Nations Governments or entities mandated by them, within the Province of Manitoba.

## Benefits

The Canadian government has established a target of conserving 30% of the country's lands and waters by 2030 and ILABCs represent a meaningful and well-managed path to reach this goal if proper emphasis on the unique relationship First Nations have to the land is acknowledged and incorporated. Parallel with establishing ILABCs, the development and support of a First Nations Guardians' network to enable each Nations' citizens to act as "eyes and ears on the ground" and combine traditional knowledge with Western science can be useful in coordinating research and mentoring youth as future stewards of the land.

An additional \$27 million of funding over five years would fast-track the expansion of ILABCs and protect expanses of Manitoba's boreal forest and peatlands which are well-established carbon sinks. This approach can help

ensure that a federal climate target is reached with time to spare rather than missed and retroactively redefined.

## Additions-to-Reserves

Canada and Manitoba were established on stolen land and territories in violation of the vision in the Treaties of sharing the land. One small remedy through Canada's colonial mechanisms to address the loss of land base for First Nations is the Additions-to-Reserve program. This program is used to create new reserves for First Nations or add land to existing reserve lands. ISC and CIRNAC received \$43 million from Budget 2021 to work and



redesign the *Federal Addition to Reserve Policy* with Indigenous partners and stakeholders.<sup>224</sup> Continued federal investment is required to meet First Nations' community access to land, resources, and increase the community and economic development of First Nations, all of which are necessary to fully realize Reconciliation efforts.

### Required Spending

\$4.3M per year ongoing for five years for the Additions-to-Reserve program in the Manitoba region.

### Benefits

The Additions-to-Reserves process is essential to advance Reconciliation and improve the Nation-to-Nation Treaty Relationship between First Nations in Manitoba and the Government of Canada. The above federal investment will ensure this important process can continue and First Nations in Manitoba are fully supported as they negotiate Additions-to-Reserves in their territories and Nations.



### Specific Land Claims

Specific Land Claims address past wrongs against First Nations. Specific Land Claims, made by First Nations against the Government of Canada, “relate to the administration of land and other First Nation assets and to the fulfillment of historic Treaties and other agreements.”<sup>225</sup> In response to decades-long demand from First Nations, on October 16, 2008, the *Specific Claims Tribunal Act* came into force.<sup>226</sup> Importantly, specific claims are separate and distinct from Comprehensive Land Claims and modern Treaties.<sup>227</sup> Continued federal investment is required to respond to First Nations Specific Land Claims, address past and

ongoing injustices to First Nations and their citizens, and ensure the Federal Government fulfills its Treaty responsibilities to First Nations citizens. The Federal

Government is currently working with the AFN, First Nations, and representative organizations to improve the specific claims process, such as means to improve public reporting on specific claims. Given the past thirty years of historically high inflation, it is paramount claim values and settlement offers from the Crown account for inflation and the opportunity cost of denied access to lands due to claims processes drawn out by Canada. This process must be multilateral at the national-level and regionally specific within Manitoba. It is essential for Reconciliation.

### Required Spending

\$31.1M is required per year for Specific Land Claims processes and allocates the same amount, in inflation-adjusted dollars, for the four subsequent fiscal years.

### Benefits


Federal investment in Specific Land Claims will ensure First Nations in Manitoba continue to be supported as they negotiate Specific Land Claims in their territories and communities.



### Comprehensive Land Claims

Comprehensive Land Claims, also known as “modern Treaties,” which may include self-government agreements, are made between Indigenous Peoples, Canada, and often involve provincial or territorial governments. These claims deal with land expropriated and stolen from Indigenous Peoples that have not previously been addressed by Canada’s colonial legal processes.<sup>228 229</sup> The Comprehensive Land Claims process is the most thorough way of addressing Indigenous rights and title, including certainty about the ownership, use and management of land and resources for all parties. In Manitoba, a relatively major self-government agreement was

the Governance Agreement between Sioux Valley Dakota Nation, Canada, and



the province of Manitoba, which came into effect on July 1, 2014.<sup>230</sup> The largest Comprehensive Land Claims, in Manitoba and Canada, involve First Nations but the process is not always limited to First Nations. The Métis and Inuit have also participated in comprehensive land claim negotiations.<sup>231</sup> Since 1973, Canada and its negotiation partners have signed 26 Comprehensive Land Claims and four self-government agreements. Of the 26 signed agreements, 18 include provisions related to self-government.<sup>232</sup>

Comprehensive Land Claims can provide clarity and predictability by committing Canada, the provinces, and the territories to acknowledge and respect the rights of First Nations to the ownership and management of land and resources. Continued federal investment is required to support First Nations in their participation in Comprehensive Land Claims and self-government agreement processes.

### **Required Spending**

\$271.3M is required per year for Comprehensive Land Claims and allocates the same amount, in inflation-adjusted dollars, for the four subsequent fiscal years.

### **Benefits**

The above federal investment will ensure First Nations in Manitoba continue to be supported as they negotiate Comprehensive Land Claims, modern Treaties, and self-government agreements with the Governments of Canada and Manitoba.

<sup>219</sup> Katharina Rall and Rachel LaFortune, “‘My Fear Is Losing Everything’ – The Climate Crisis and First Nations’ Right to Food in Canada,” Human Rights Watch, October 21, 2020, <https://www.hrw.org/report/2020/10/21/my-fear-losing-everything/climate-crisis-and-first-nations-right-food-canada>.

<sup>220</sup> Steven Nitah and Mary-Kate Craig, “Indigenous-Led Nature Based Greenhouse Gas Offsets: One Route Towards Reconciliation in Canada,” *Conservation through Reconciliation Partnership*, July 8, 2020, <https://conservation-reconciliation.ca/blog/indigenous-led-nature-based-greenhouse-gas-offset-one-route-towards-reconciliation-in-canada>.

<sup>221</sup> Ibid.

<sup>222</sup> Environment and Climate Change Canada, “Indigenous environmental leadership, funding, and initiatives,” Government of Canada, last modified August 28, 2023, accessed November 10, 2023, <https://www.canada.ca/en/environment-climate-change/services/nature-legacy/indigenous-leadership-funding.html>.

<sup>223</sup> Matt Simmons, “Canada Commits \$340 Million to Indigenous Protected Areas, Guardians Programs,” *The Toronto Star*, last modified August 12, 2021, accessed September 16, 2023, <https://www.thestar.com/news/canada/2021/08/12/canada-commits-340-million-to-indigenous-protected-areas-guardians-programs.html>.

<sup>224</sup> Indigenous Services Canada, “Additions to Reserve,” Government of Canada, last modified March 17, 2023, accessed November 15, 2023, <https://www.sac-isc.gc.ca/eng/1332267668918/1611930372477>.

<sup>225</sup> Crown-Indigenous Relations and Northern Affairs Canada, “Specific Claims,” Government of Canada, last modified March 9, 2023, accessed November 15, 2023, <https://www.rcaanc-cirnac.gc.ca/eng/1100100030291/1539617582343>.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid.

<sup>228</sup> Crown-Indigenous Relations and Northern Affairs Canada, “Comprehensive Claims,” Government of Canada, last modified July 13, 2015, accessed November 15, 2023, <https://www.rcaanc-cirnac.gc.ca/eng/1100100030577/1551196153650>.

<sup>229</sup> Keith Crowe, “Comprehensive Land Claims: Modern Treaties,” in *The Canadian Encyclopedia*, last modified November 10, 2023, accessed November 15, 2023, <https://www.thecanadianencyclopedia.ca/en/article/comprehensive-land-claims-modern-treaties>.

<sup>230</sup> Crown-Indigenous Relations and Northern Affairs Canada, “General Briefing Note on Canada’s Self-Government and Comprehensive Land Claims Policies and the Status of Negotiations,” Government of Canada, last modified August 16, 2016, accessed November 2023, <https://www.rcaanc-cirnac.gc.ca/eng/1373385502190/1542727338550>.

<sup>231</sup> Ibid.

<sup>232</sup> Ibid.





**First Nations Institutions,  
Governance, and  
Intergovernmental Relationships**



# First Nations Institutions, Governance, and Intergovernmental Relationships

First Nations in Manitoba are sovereign and engage with Canada on a Nation-to-Nation basis. However, past actions by Canada have diminished many of the traditional governance systems of First Nations. Fiscal support from Canada is required to redress this harm and restore First Nations governance institutions as they work with governmental partners towards Reconciliation. This work must be self-determined and based on the priorities and agency of First Nations. As *Wahbung: Our Tomorrows* noted:<sup>233</sup>

“The transition from paternalism to community self-sufficiency may be long and will require significant support from [Canada], however, we would emphasize that state support should not be such that the government continues to do for us, that which we want to do for ourselves.

“...Our rights, both Aboriginal and Treaty, emanate from our sovereignty as a nation of people. Our relationships with [Canada] have their roots in negotiation between two sovereign peoples.”

Respecting and supporting nationhood at an institutional level requires considerable support of First Nations governance and institutions. This includes respect for Nation-specific policies regarding First Nations citizenship and assistance determining the impact of any legislative changes around Treaty Status. First Nations Governments and mandated institutions must be supported to take on expanded roles in service delivery and the recruitment of skilled workers. Canada must further support the Treaty Relations Commission of Manitoba (TRCM) to strengthen, rebuild, and enhance the Treaty relationship between First Nations and the Federal Government. Funding to fully implement the UNDRIP further requires substantial support. The implementation of UNDRIP will bring transformative changes in the relationship between Canada and Indigenous Peoples. Additionally, the Government of Canada must always acknowledge that self-governance is an inherent right of the Indigenous

Peoples in Canada, as stated in section 35 of the **Constitution Act, 1982**. As such, in pursuing any kind of relationship or engagement with Indigenous Peoples, Canada must recognize First Nations right to self-government, as determined and defined by the Nations themselves.<sup>234</sup> The investments identified in each of

the following investment areas within this section are in support of this endeavour.

## **First Nations Citizenship**

First Nations have inherent jurisdiction over citizenship matters for their Nations. Canada, through the legal definition of “Indian” under the Indian Act, intrudes on this jurisdiction.<sup>235</sup> Past colonial administration of Indian Status eligibility has resulted in loss of status entitlement for First Nations citizens and even the “de-listing” of a band, as was the case for Arrows Lake Band, the Sinixt Nation of British Columbia.<sup>236</sup> Loss of entitlement for First Nations and citizens seriously undermines the exertion of Treaty rights, resulting in the loss of federal funding

for on-reserve programming, and outright de-listing creates the risk of Canada converting reserve lands to Crown land.<sup>237</sup> Canada must engage with First Nations in Manitoba on a Nation-to-Nation basis, respecting the Honour of the Crown and the Treaty Relationship by recognizing self-governance over citizenship in their Nations. To do so, Canada must provide the freedom to utilize decision-making power to the First Nations Governments to deliver their programs and services. Canada and First Nations in Manitoba will only be able to achieve a renewed relationship when the foundation of development and economic growth of First Nations is based on a firm framework of self-governance.

Through resolution OCT-11.07, the AMC Chiefs-in-Assembly directed the AMC to seek commitment from Canada to support the development of a *First Nations Citizenship Recognition Act*.<sup>238</sup> Through this act, First Nations in Manitoba would be meaningfully consulted in a manner consistent with the principles of free, prior, and informed consent.



## Required Spending

\$9.5M per year ongoing for five years to support the administration and development of Nation-specific policies around First Nations Citizenship. This includes the development of a *First Nations Citizenship Recognition Act* through meaningful consultation with First Nations in Manitoba consistent with the principles of free, prior, and informed consent. Funding will support determination of what is required to meet the needs of any additional status membership as a result of legislative changes, including costs for mandatory program areas such as housing, education, social services, and reserve lands.

## Benefits

Further inquiry can inform self-determined approaches to First Nations citizenship and address any issues these approaches may face against the framework of the *Indian Act* as it is currently implemented by Canada. This will result in a shift to, and entrenchment of, self-determined First Nations frameworks for understanding and identifying citizenship. Doing so would help to ameliorate historical injustices, namely the denial of status as a means to justify the non-delivery of services stipulated in Treaties with the Crown.<sup>239</sup>

## United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Implementation

Canada is a signatory to UNDRIP, which recognizes Indigenous rights to self-determination and government, land rights, and cultural rights, among others.<sup>240</sup> Honouring this commitment by ensuring all Canadian laws and policies are consistent with UNDRIP's principles and that meaningful, substantive consultation is practiced on all issues and decisions that affect Indigenous Peoples, is an essential step on the path to Reconciliation. First Nations in Manitoba must be involved with the process of implementation



to ensure that this process is done comprehensively, within the spirit and the letter of the declaration.

Six provincial governments, including Manitoba, still have not included UNDRIP in their provincial laws.<sup>241</sup> However, the Liberal Federal Government enshrined UNDRIP into Canadian legislation in 2021 and there are no legal challenges for the provinces to fully adopt and integrate their own plans to implement UNDRIP. Therefore, the Government of Canada consulted and partnered with First Nations, Inuit, and Métis before taking the 2023–2028 Action Plan into consideration to address the gap between federal laws and UNDRIP. UNDRIP must be accepted at all levels of federal, provincial, territorial, and municipal governments as one of the necessary conditions for advancing Reconciliation in Canada.

### Required Spending

\$5.8M per year ongoing for five years to support UNDRIP Implementation in the Province of Manitoba.

### Benefits

Further investment supporting the implementation of the UNDRIP declaration is an essential step on the path to Reconciliation. Investment in this area will

ensure First Nations in Manitoba are continually and meaningfully involved with the process of implementation, which will ensure the spirit and the letter of the declaration are respected.



### Canada-First Nation Treaty Relationship

“As Treaty Nations, we are here to remind His Majesty King Charles III of the Treaty promises of the Crown and of our Treaty rights in order to recognize, fulfill and give life to our Treaty relationship.”

– AMC Grand Chief Cathy Merrick<sup>142</sup>

The Treaties between First Nations and the Crown are sacred, inviolable international covenants. Such Treaties, between sovereign Nations, were entered with the understanding and belief the terms wherein would be respected and fulfilled by all parties. However, honouring, fulfilling, and implementing the Treaties has not been achieved to their full and proper extent by various Governments of Canada.<sup>243</sup> In 2001, the AMC Chiefs-in-Assembly agreed to create the Treaty Relations Commission of Manitoba (TRCM) in collaboration with Canada.<sup>244</sup> The TRCM is a neutral body with a mandate to strengthen, rebuild, and enhance the Treaty Relationship. This includes independent research that advances discussion on Treaty related matters.<sup>245</sup>

### Required Spending

\$2.9M per year ongoing for five years is required to better foster the Canada-First Nations Treaty Relationship through established institutions, such as the TRCM.

### Benefits

Significant federal investment supporting Canada-First Nations Treaty relationships and institutions will improve public understanding of the Treaty Relationship and facilitate better protections, interpretation, and implementation of Treaty rights for First Nations in Manitoba.



### Governance Capacity Support

Respect and support for First Nations sovereignty and self-government is essential to actualize the health and social transformation that is a prerequisite to improve First Nations citizens' lives and circumstances. In addition to having an inherent right to self-government, First Nations have the agency to assert their needs, cultures, and histories and are therefore incomparably positioned to enact decisions on behalf of their citizens. This includes the development and administration of unique needs-based



programs, services, and governance systems. However, colonial violence and paternalism have diminished First Nations resources and their capacity for self-government. Governance capacity supports must be established for First Nations to succeed as they continue to reclaim their sovereignty in health and social services, CFS, cultural and language revitalization, justice, resource stewardship, and economic development, among the innumerable other areas of inherent First Nations rights and jurisdiction.

### **Required Spending**

\$138.1M per year ongoing for five years for Governance Capacity Support in Manitoba.

### **Benefits**

Investment in governance capacity will enable First Nations Governments and Tribal Councils to take on expanded roles in governance, and the administration and the delivery of health, social, economic, and other services for First Nations citizens. Increased governance capacity will enable Nations to recruit professional and skilled workers for First Nations Governments, especially through training. Recruitment and training will allow Nations to professionally develop their own citizens, who know their Nation's needs and interests best.

# Spotlight: First Nations Data Sovereignty and Governance in Action During the COVID-19 Pandemic – “Our Data Indigenous” App

ODI is an app available to Indigenous Peoples in Canada to assist with the collection and management data. The app can assist with mapping, cultural projects, program evaluation, land-based learning, and community health.<sup>246</sup> Importantly, the app, the data management policies provided, and reporting have been developed with direction from Indigenous Peoples to meet their needs and priorities and to respect their sovereignty.<sup>247</sup>

In 2020, at the beginning of the COVID-19 pandemic, the ODI project got its start.<sup>248</sup>

The project was born out of concerns during the

pandemic that First Nations in Manitoba, especially those in remote areas with limited internet connectivity, would be unable to access their own health data.

<sup>249</sup> The pandemic added urgency, increasing funding and accelerating the app’s development. Originally, the program assisted with mixed methods surveys, which typically focused on wellbeing and health along with language, culture, economic development, and safety in First Nations It was also designed to work offline so it could be used in remote landscapes where there is no access to the internet and designed to be stored in secure servers where communities would have full control over and ready access to their own data.<sup>250</sup>

As the COVID-19 pandemic became less acute, ODI moved outside of Manitoba (25-33% of the 25 communities currently using the app are located in the province) and Nations began to ask more of the program: land surveys, food sovereignty, geo-locating, mapping, and integration of characters specific to First Nations’ languages.<sup>251</sup> One Nation in northern Manitoba is mapping story telling on its traditional territories to better protect these landscapes from future resource extraction. Another First Nation in Québec will use the program to track





moose, while another in the province teaches school children to survey and archive important plants along portage routes with the help of local Elders.<sup>252</sup>

From this experience, ODI developed its unique community-engaged model. First, it follows an iterative process, developing data collection and management approaches based on the needs and priorities of the specific Nations it works with. These approaches are revisited and revised to tailor services as effectively as possible. Second, ODI embraces a trainer model, where staff will train First Nations citizens how to use data collection technologies in their home communities, and that information will then be shared within and across Nations (who prefer training and support when it comes to developing data collection tools as well as analysing and writing up their data). This knowledge, and any associated data, is only shared at the discretion of the Nation it was provided to. Third, and fitting with the last two points, ODI uses an open-source model. Because the program receives public and private funding, it can be provided for free, and Nations are able to make changes to the app at their discretion to meet their unique needs.<sup>253</sup> Ideally, non-academic core funding can be secured in the future to help expand ODI.

Despite its success, ODI faces several mostly systemic challenges in providing ongoing effective service. Centuries of neglect has left First Nations in Manitoba with limited capacity to dedicate time and resources (labour, financial, and capital), to developing proprietary data collection, management and related policies. Regrettably for these Nations, this requires sustained support as progress may be slow. Moreover, Nations sometimes have a hard time recruiting and retaining community trainers and/or experience which contributes to instability in key positions.<sup>254</sup>

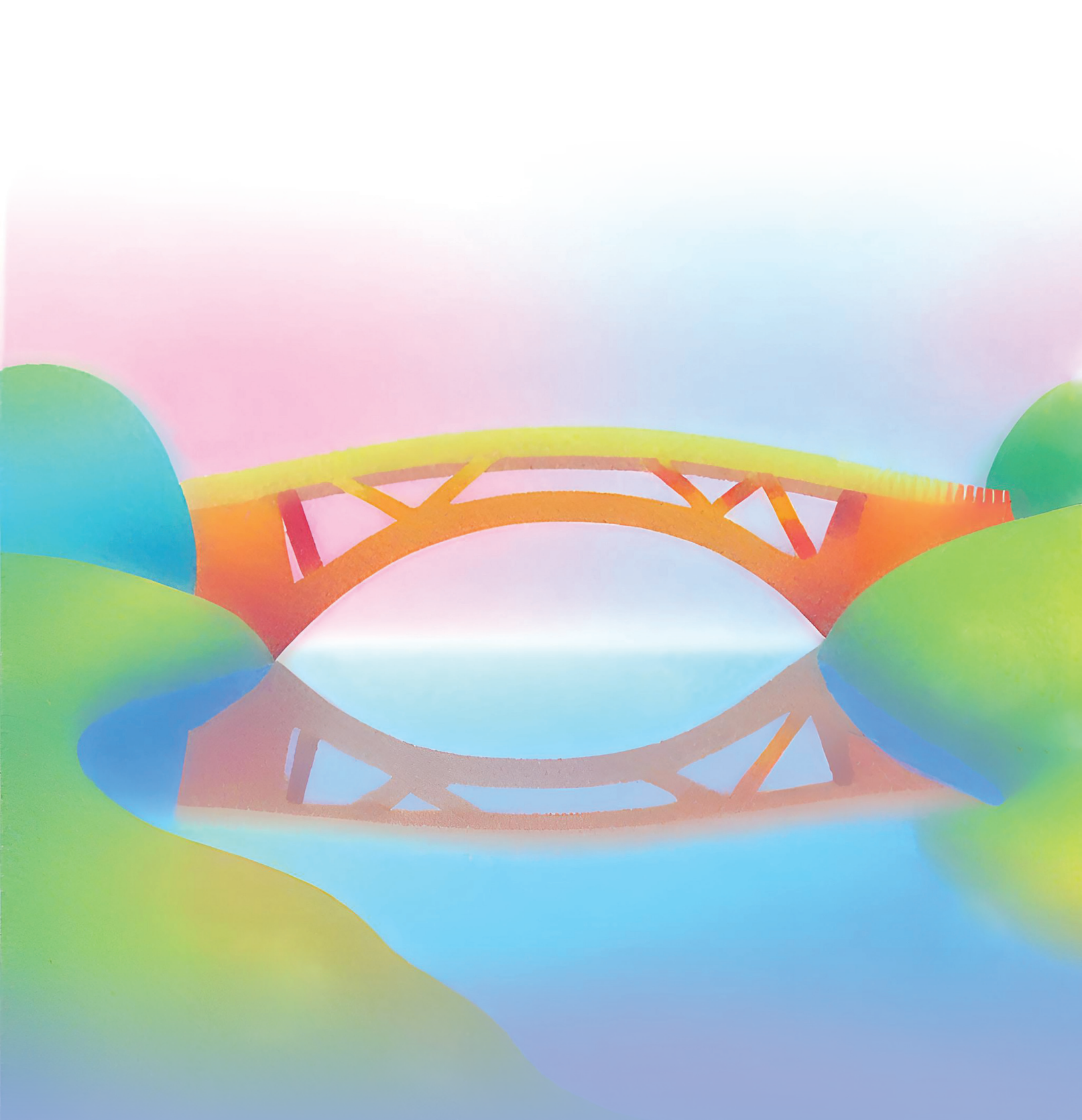
Despite the challenges it might face, the ODI app presents an innovation and effective approach to collecting and managing data for First Nations in Manitoba, one that respects their sovereignty and rises to meet their complex and diverse needs.



[ourdataindigenous.ca/about-the-app/](http://ourdataindigenous.ca/about-the-app/)



- <sup>233</sup> Manitoba Indian Brotherhood, "*Wahbung: Our Tomorrows.*"
- <sup>234</sup> Department of Justice Canada, "Principles Respecting the Government of Canada's Relationship with Indigenous Peoples," Government of Canada, last modified September 1, 2021, accessed September 15, 2023, <https://www.justice.gc.ca/eng/csj-sjc/principles.pdf>.
- <sup>235</sup> Assembly of Manitoba Chiefs, "RE: First Nations Citizenship and Bill C-3," Brokenhead Ojibway Nation: Assembly of Manitoba Chiefs Special Chiefs Assembly, October 11-13, 2011, <https://manitobachiefs.com/wp-content/uploads/CIA-Resolution-October-2011-Special.pdf>.
- <sup>236</sup> Assembly of Manitoba Chiefs, *First Nations Citizenship Workshop: Final Report*, Winnipeg, Manitoba: Assembly of Manitoba Chiefs, March 2018. <https://manitobachiefs.com/wp-content/uploads/AMC-First-Nations-Citizenship-Workshop-Report-FINAL.pdf>.
- <sup>237</sup> *Ibid.*
- <sup>238</sup> Assembly of Manitoba Chiefs, "RE: Manitoba First Nations Citizenship Recognition Legislation," Brokenhead Ojibway Nation: Assembly of Manitoba Chiefs Special Chiefs Assembly, October 11-13, 2011, <https://manitobachiefs.com/wp-content/uploads/CIA-Resolution-October-2011-Special.pdf>.
- <sup>239</sup> National Centre for First Nations Governance, *Reclaiming Our Identity: Band Membership, Citizenship, and the Inherent Right*, National Centre for First Nations Governance, retrieved September 23, 2022, 25-26. [https://fngovernance.org/wp-content/uploads/2020/06/Reclaiming\\_Our\\_Identity.pdf](https://fngovernance.org/wp-content/uploads/2020/06/Reclaiming_Our_Identity.pdf).
- <sup>240</sup> United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*.
- <sup>241</sup> CBC News, "Adopt and Implement the United Nations Declaration on the Rights of Indigenous Peoples," CBC News, July 3, 2023, <https://www.cbc.ca/newsinteractives/beyond-94/adopt-and-implement-the-united-nations-declaration-on-the-rights-of-indigenous-peoples>.
- <sup>242</sup> Assembly of Manitoba Chiefs, "Manitoba First Nations Statement on the Importance of Treaty Relationships Following the Coronation of His Majesty King Charles III," AMC Communications, May 10, 2023, [https://manitobachiefs.com/press\\_releases/mb-first-nations-statement-on-the-importance-of-Treaty-relationships/](https://manitobachiefs.com/press_releases/mb-first-nations-statement-on-the-importance-of-Treaty-relationships/).
- <sup>243</sup> Assembly of Manitoba Chiefs, "RE: Honouring Our Treaties," *Sioux Valley Dakota Nation: Chiefs Special Assembly on Health & Framework Agreement Initiative*, March 5-9, 2001, <https://manitobachiefs.com/wp-content/uploads/CIA-Resolution-March-2001-Health-and-FAI.pdf>.
- <sup>244</sup> Assembly of Manitoba Chiefs, "Treaty Relations," accessed November 6, 2023, <https://manitobachiefs.com/policy-sectors/Treaty-relations/>.
- <sup>245</sup> *Ibid.*
- <sup>246</sup> Our Data Indigenous, "About the App," retrieved November 2023, <https://ourdataindigenous.ca/about-the-app/>.
- <sup>247</sup> S. McLachlan and S. Lorenz, "Our Data Indigenous Interview," Interview by Waapihk Research staff, Waapihk Research, November 29, 2023.
- <sup>248</sup> Our Data Indigenous, "An app created by University of Manitoba researchers will give Indigenous community members a voice during the COVID-19 pandemic," last modified February 15, 2021, accessed November 2023, <https://ourdataindigenous.ca/new-app-gives-indigenous-people-voice-during-covid-19-pandemic/>.
- <sup>249</sup> S. McLachlan and S. Lorenz, "Interview."
- <sup>250</sup> *Ibid.*
- <sup>251</sup> *Ibid.*
- <sup>252</sup> *Ibid.*
- <sup>253</sup> *Ibid.*
- <sup>254</sup> *Ibid.*



# Infrastructure

# Infrastructure

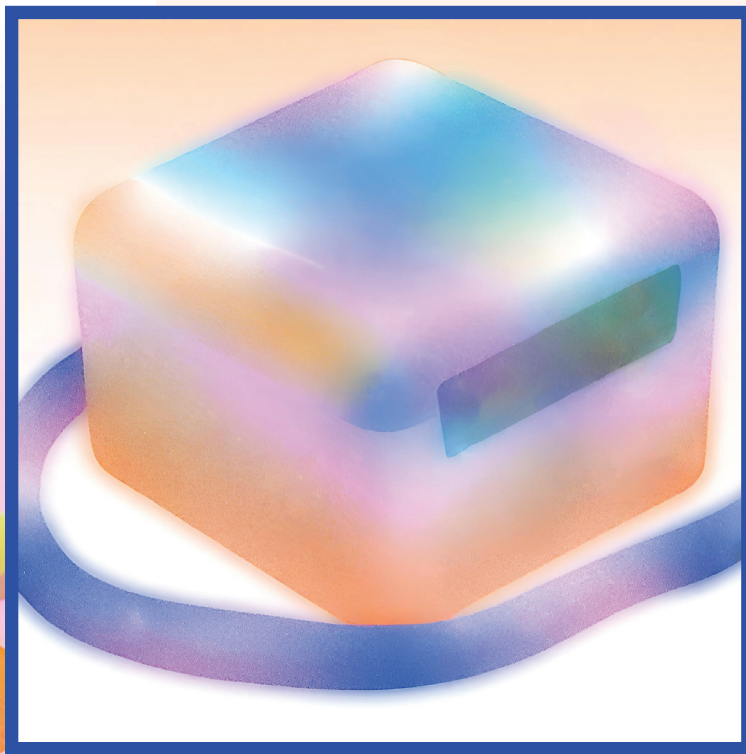
“We must work with Canada to identify the necessary infrastructure so First Nations can care for our citizens. The fact that First Nations leadership from Manitoba are not at the table today demonstrates that both Canada and Manitoba are not serious about Reconciliation and, quite frankly, are not that concerned about the promises made within the nation-to-nation agreements.”

– Grand Chief Cathy Merrick<sup>255</sup>

Infrastructure is critical for First Nations self-determination, sovereignty, and all aspects of wellbeing. Canada has consistently underinvested and underfunded First Nations infrastructure. This includes various types of community infrastructure such as all-weather roads, lot development for housing, community centres, and broadband connectivity needed for First Nations to participate in the modern economy, and even the fundamental human need of clean drinking water. Adequate, culturally and geographically appropriate infrastructure is a critical determinant of health and wellbeing for First Nations citizens in Manitoba.

Canada’s policies have resulted in a massive and *growing infrastructure debt*, a debt which must be addressed to bring existing or lacking infrastructure up to the standards of social need for First Nations citizens. It is deplorable Canada has not taken more action to make progress on closing this infrastructure debt by engaging with First Nations in Manitoba to codevelop new fiscal policies and approaches.

A 2021 report of the Auditor General of Canada noted ISC has failed to provide the needed funding to meet Prime Minister Justin Trudeau’s promise of ending all First Nations drinking water advisories by March 31, 2021.<sup>256</sup> As of December 2023, long-term drinking water advisories (LTDWAs) remain in three First Nations in Manitoba. Denial of the basic human necessity of clean drinking water for First Nations in 2024 is unacceptable. The AMC and First Nations in Manitoba have advocated on the issue of drinking water for several decades. The AMC has proposed First Nations stewardship over First Nations water resources and a Manitoba First Nations Water and Infrastructure Commission based on First Nations values, principles, and beliefs.<sup>257</sup> Investment is needed to end any emerging or long-standing water advisories and establish First Nations self-governance and self-determination over water and other crucial infrastructure.




## Digital Infrastructure

“... there is a need for First Nations to have adequate, accessible, and affordable access to the internet, video conferencing, eHealth and other services that include connecting all administrative offices, schools, health centres, water treatment plants, cultural education centres, protection services, communication and other First Nations owned facilities and residences...”

– AMC Chiefs-in-Assembly Resolution NOV-18.01<sup>258</sup>

Digital infrastructure is critical communications infrastructure for the 21<sup>st</sup> century, as much as landline telephones, television, and radio were for the 20<sup>th</sup> century. First Nations citizens living on-reserve need access to digital infrastructure, including high-speed internet, to participate in the modern economy, stay in touch with family living off-reserve, access eHealth services, and effectively run and deepen their institutions of self-government, among many other purposes. For at least 14 years, since Chiefs-in-Assembly Resolution May-09.01,<sup>259</sup> the AMC has identified the vital need in the 21<sup>st</sup> century for high-speed internet connection and digital infrastructure for First Nations in Manitoba. The AMC has outlined the vision of a First Nations-led approach to closing the digital divide between First Nations in Manitoba and non-First Nation residents of Manitoba. Despite this clear path forward, there has been far too little progress on digital infrastructure and far too little involvement of First Nations in the process of building digital infrastructure in federal and provincial government initiatives.

The lack of meaningful progress relative to other jurisdictions in providing high speed internet to First Nations and rural areas in Manitoba is astounding. As one provincial politician in Manitoba recently noted: “We’re still in the dark ages when it comes to internet access.”<sup>260</sup> This quote, unfortunately, perfectly captures the current situation of internet connectivity in Manitoba. According to a 2021 survey report undertaken by the Canadian Radio-television and Telecommunication



Commission (CRTC), only 38.78% of Manitobans living in rural areas can access a 50/10/unlimited broadband coverage.<sup>261</sup> Manitoba's percentage of internet coverage in rural areas is among the lowest compared to every other province in Canada; the only exception being even poorer coverage and digital infrastructure in the territories.

In 2016, the CRTC declared high-speed internet access as a "basic telecom service" in Canada. High speed connectivity is also vital for respecting Article 5 of UNDRIP, which affirms: "Indigenous Peoples have the right to maintain and develop their political, economic and social systems or institutions ..."<sup>262</sup>

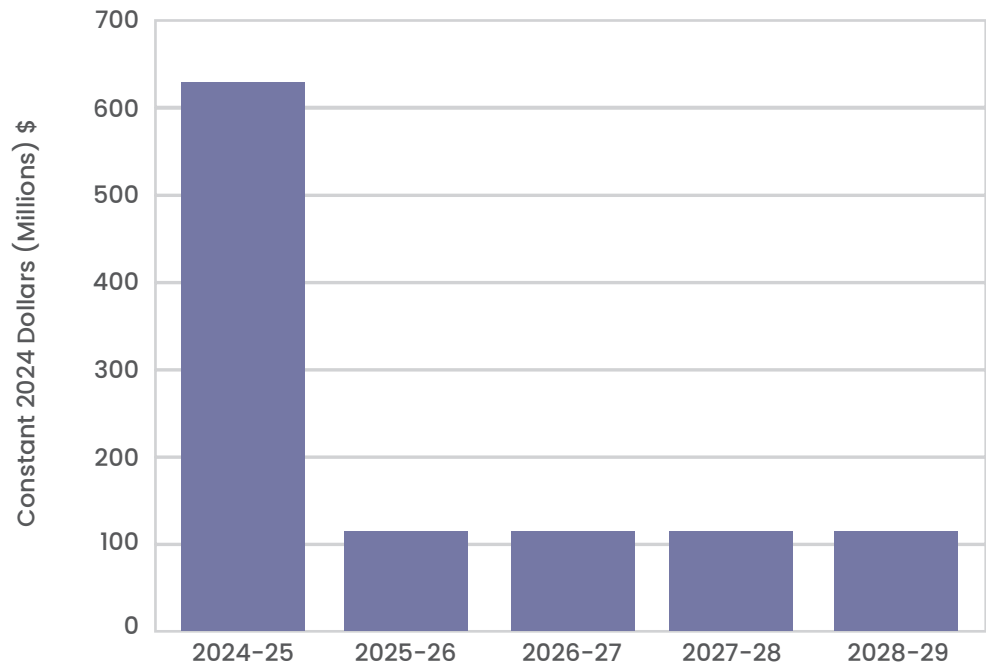
By the close of 2022, 17% of Manitobans were yet to experience high-speed internet access, a rate which is the second worst in Canada.<sup>263</sup> The percentage is astounding when compared to Manitoba's neighbouring province, Saskatchewan, which claims to have provided high-speed internet access to 99% of households in the province through Sasktel, the Crown corporation owned by the province.<sup>264</sup> Likewise, Manitoba could have benefitted from First Nations-led initiatives using Manitoba Hydro's 3,200-kilometre fibre optic cable network to provide broadband service for remote and rural communities. However, in 2020 the Government of Manitoba partnered with Xplore Inc. (formerly Xplorenet Communications) to connect 350 rural communities and 30 First Nations (more than 125,000 customers total) to high-speed internet service through Hydro's existing fibre optic cable network.<sup>265</sup> However, this project ignored First Nations approaches<sup>266</sup> and is currently on hold after three years due to a pay dispute and thus far, only 20% of the work has been completed.<sup>267</sup>

Furthermore, in Manitoba, only 14.58% of First Nations living in on-reserve areas can access 50/10/unlimited internet coverage.<sup>268</sup> This is generally considered to be the minimum bandwidth required for important tasks, such as video conferencing, accessing educational videos, and other digital materials. To reduce the digital divide between urban and rural communities, internet access needs to drastically improve to connect all First Nations in Manitoba. The delayed investment in this infrastructure area has created an environment in which rural and remote communities, who are lacking access – or do not have adequate access – are consistently falling farther behind southern Manitoba communities and urban centres, particularly regarding comparable infrastructure, technology, and services.<sup>269</sup>

## Required Spending

New capital spending of \$567.7 million is required to connect and ensure all 63 First Nations in Manitoba have high-speed internet access. Spending on a Network Operations Centre and other Operations and Maintenance spending, totaling \$57.1 million, brings the total required funding to \$624.8 million in Digital Infrastructure spending for the 2024-25 fiscal year. In subsequent fiscal years, new capital project expenditures decrease, resulting in required spending of \$113.9 million per fiscal year.

Figure 5: Digital Infrastructure Spending Over Five Years



## Benefits

Digital infrastructure, at a level suitable for the 21<sup>st</sup> century, and high-speed connectivity in all 63 First Nations in Manitoba, would unlock the full potential and promise of economic self-determination and self-government. Strengthening connectivity in First Nations, including remote Nations, will aid First Nations citizens and their kinship circles to access employment, education, eHealth services, other essential services, and remain connected with loved ones.



## Drinking Water & Wastewater

“This should never be acceptable in a first-world country, especially for such long periods of time, decades in some cases ... First Nations in Manitoba look forward to more discussions and clarity and remain ready and willing to help facilitate solutions and help the Federal Government keep its promises to First Nations.”

– AMC Grand Chief Cathy Merrick<sup>270</sup>

The once pristine water resources of First Nations have been greatly damaged and impacted by activities undertaken by settler society, including large-scale Hydro-electric development. This,

alongside the failure to adequately fund capital investments, operations, and ongoing maintenance for drinking water and wastewater infrastructure for First Nations, has made drinking water at various times and locations undrinkable and unsafe for bathing. Unsafe water has injured, and in some cases disfigured, infant, child, and elderly First Nations citizens.<sup>171</sup> First Nations leadership in Manitoba has long championed the establishment of a *Manitoba First Nations Water and Wastewater Authority* that would be mandated by, and accountable to, elected First Nations leadership in Manitoba.<sup>172</sup> A *Manitoba First Nations Water and Wastewater Authority* must be supported by the Federal Government in collaboration with First Nations leadership in Manitoba, and Canada must provide the necessary resources to ensure its development, formation, and implementation.

Canada’s policies have failed to provide clean water to all First Nations citizens in Manitoba. The Federal Government failed to meet its March 31, 2021, deadline to remove all long-term drinking water advisories on First Nations reserves.<sup>173</sup> This commitment addresses the Truth and Reconciliation Commission of Canada’s (TRC) Call to Action #19 to close the gaps in health outcomes and child welfare between Indigenous and non-Indigenous communities by improving access to clean drinking water. While Canada has made some progress on ending long-term drinking water advisories for First Nations in Manitoba, with approximately 13 boil water advisories lifted since 2015,<sup>174</sup> there are still First Nations without



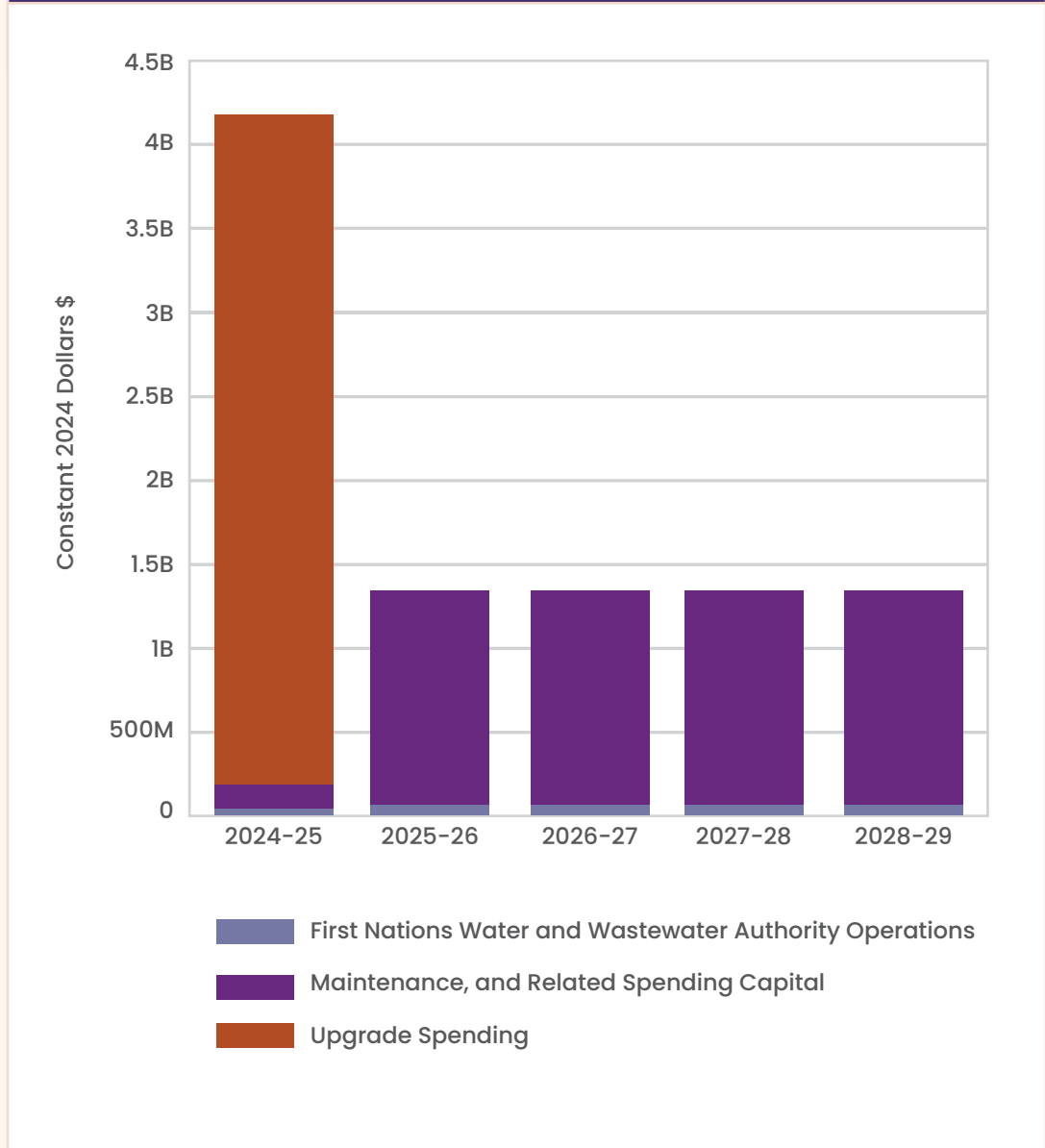
clean drinking water. As of December 2023, Mathias Colomb Cree Nation, Shamattawa First Nation, and Tataskweyak Cree Nation are still under long-term drinking water advisories according to the last update on the ISC portal tracking water advisories.<sup>175</sup>

Some progress has been achieved on the federal promise, but existing short and LTDWAs continue to reinforce the socioeconomic factors leading to increased risk of disease experienced by First Nations citizens. Additionally, aging water-related infrastructure, growing community needs, and operator training and retention contribute to increased risk of prolonged or newly issued drinking water advisories. An example of long-needed capital upgrades are old septic tank systems for mainline pipe systems, which are difficult to maintain and can cause water quality issues. Water infrastructure modernization, under the direction of a *Manitoba First Nations Water and Wastewater Authority*, is crucial to preventing long and short-term water advisories on First Nations in Manitoba in the future.

### **Required Spending**

\$4.165 billion in spending on Drinking Water and Wastewater Infrastructure and Services for the 2024-25 fiscal year is required. In following fiscal years, this will be reduced to \$1.362 billion per year. The higher 2024-25 figure is driven by the \$4 billion in spending required to replace old septic tank systems for mainline pipe systems, which are difficult to maintain and a significant factor in water quality issues. Capital Upgrades spending will decrease to \$1.35 billion in the subsequent four fiscal years. For the 2024-25 fiscal year, \$15 million is also allocated to establishing and operating a *Manitoba First Nations Water and Wastewater Authority*. In subsequent fiscal years, funding to support operations of the authority decreases to \$12 million per year.

Figure 6: Drinking Water and Wastewater Spending Over Five Years



**Benefits**

The required investments will ensure First Nations in Manitoba are moving towards a reality in which there is better stewardship and respect of the sacred water resources First Nations rely upon. Such investments will improve the health and safety of First Nation citizens in Manitoba, leading to reduced illness, healthcare use and spending, and result in more worker-driven economic productivity. The initial capital expenditures replacing aging septic tank systems

will result in fewer issues with the water supply and prevent future short and long-term drinking water advisories. The establishment of a *Manitoba First Nations Water and Wastewater Authority* will facilitate regional coordination among First Nations for the management of water infrastructure and services, and advance self-determination and self-government in Drinking Water and Wastewater Services for First Nations in Manitoba.



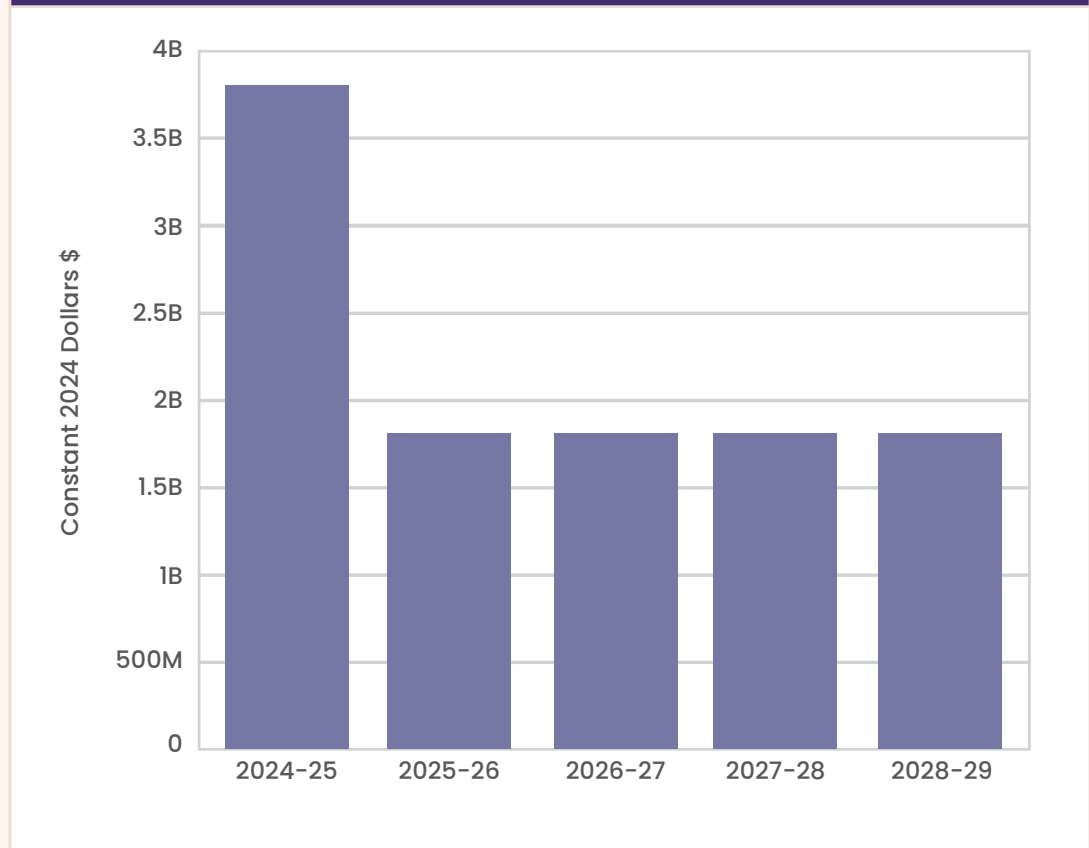
## General Community Infrastructure

The substantial infrastructure gap between First Nations and non-Indigenous communities in Canada poses a considerable barrier to enabling safety and prosperity for First Nations citizens.<sup>276</sup> High quality public infrastructure reduces social and economic inequities between First Nations and non-Indigenous communities and fosters sustainable Indigenous economic participation. With sufficient investments in adequate drinking water and wastewater systems, additional road development is also needed to address the General Community Infrastructure gap in First Nations in Manitoba.

### Required Spending

\$3.802 billion is required to address General Community Infrastructure in the 2024-25 fiscal year. For the four subsequent fiscal years, \$1.806 billion is allocated each year thereafter. Required spending in the 2024-25 fiscal year is driven by new capital spending to expand road networks, in conjunction with capital projects and upgrades to drinking water and wastewater networks (see the *Drinking Water and Wastewater* subsection). All General Community Infrastructure spending listed is in addition to required spending detailed in *Drinking Water and Wastewater*, *K-12 Education Infrastructure Debt*, *Housing On-Reserve*, and *Digital Infrastructure*.

Figure 7: General Community Infrastructure Spending Over Five Years



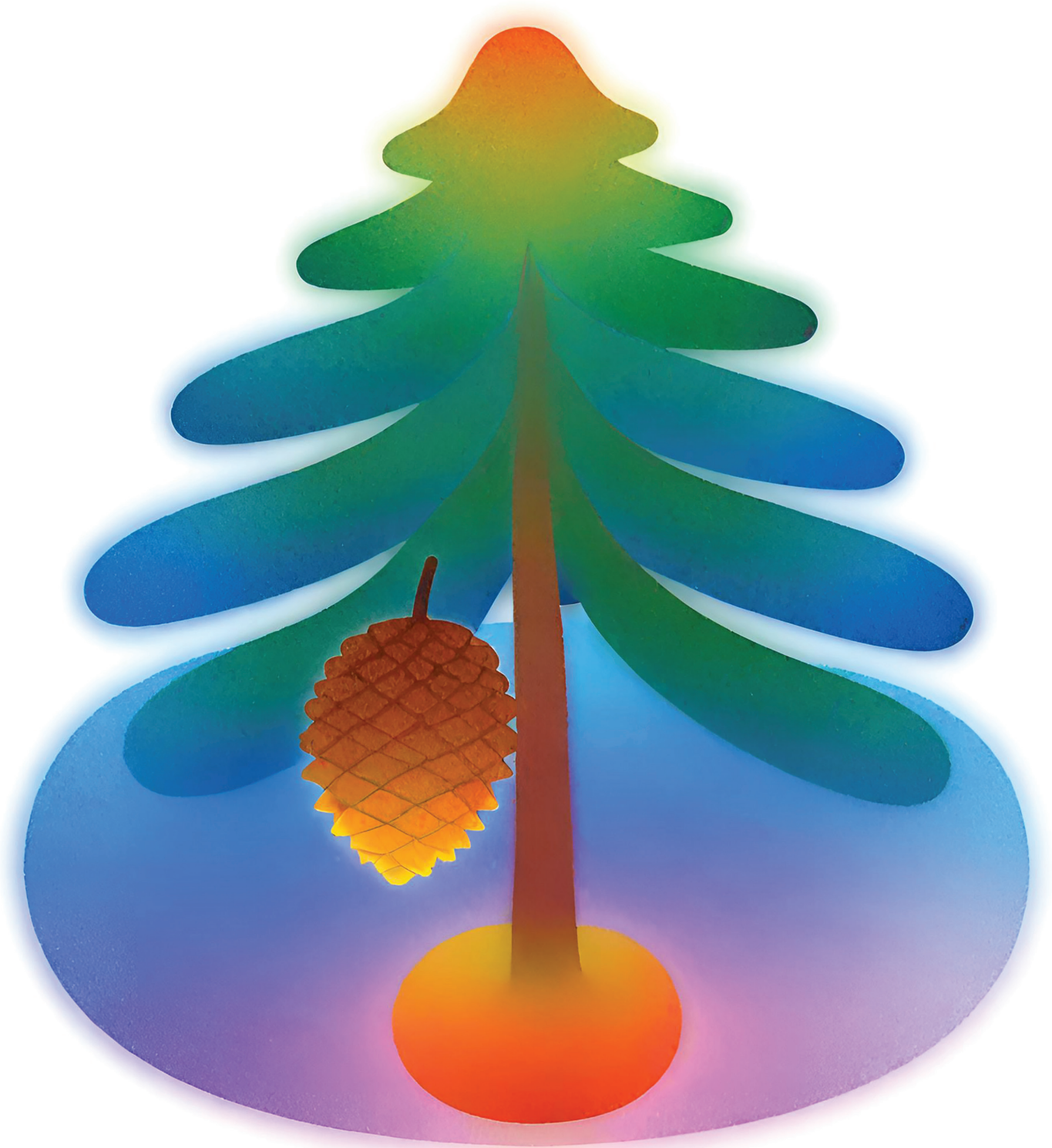
### Benefits

Funding to close critical infrastructure gaps, such as insufficient, damaged, or non-existent roadways in First Nations in Manitoba, is essential for economic development, job creation, and community enhancement. Investments in infrastructure will provide communities the flexibility to design and deliver infrastructure projects as defined by each unique local context. We must invest in our First Nations to accelerate local economic development for First Nations citizens living on-reserve.

- <sup>255</sup> Assembly of Manitoba Chiefs, “AMC Disappointed in Exclusion from Discussions on Provincial and Federal Health Matters,” AMC Communications, February 7, 2023, [https://manitobachiefs.com/press\\_releases/amc-disappointed-in-exclusion-from-discussions-on-provincial-and-federal-health-matters/](https://manitobachiefs.com/press_releases/amc-disappointed-in-exclusion-from-discussions-on-provincial-and-federal-health-matters/).
- <sup>256</sup> Assembly of Manitoba Chiefs, “AMC Responds to Report 3 of the 2021 Reports of the Auditor General of Canada,” AMC Communications, February 25, 2021, <https://manitobachiefs.com/wp-content/uploads/21-02-25-NR-RE-AG-of-Canada-Report-3.pdf>.
- <sup>257</sup> *Ibid.*
- <sup>258</sup> Assembly of Manitoba Chiefs, “NOV-18.01,” (Winnipeg: Assembly of Manitoba Chiefs-in-Assembly on Governance Renewal, November 20, 2023), <https://manitobachiefs.com/wp-content/uploads/AMC-Certified-Resolutions-November-2018.pdf>.
- <sup>259</sup> *Ibid.*
- <sup>260</sup> Carol Sanders, “Multimillion-dollar rural internet, cell service project hung up on pay dispute,” *The Winnipeg Free Press*, last modified April 28, 2023, <https://www.winnipegfreepress.com/breakingnews/2023/04/27/multimillion-dollar-rural-internet-cell-service-project-hung-up-on-pay-dispute>.
- <sup>261</sup> Canadian Radio-television and Telecommunications Commission, “Current Trends – High-Speed Broadband,” last modified November 2, 2023, accessed November 15, 2023, <https://crtc.gc.ca/eng/publications/reports/policymonitoring/ban.htm>.
- <sup>262</sup> Assembly of Manitoba Chiefs, “NOV-18.01.”
- <sup>263</sup> Dan Lett, “High-speed internet necessity, not luxury,” *The Brandon Sun*, last modified June 5, 2023, <https://www.brandonsun.com/opinion/editorials/2023/06/05/high-speed-internet-necessity-not-luxury>.
- <sup>264</sup> *Ibid.*
- <sup>265</sup> Lett, “High-speed internet necessity, not luxury.”
- <sup>266</sup> Assembly of Manitoba Chiefs, “The AMC Opposes the Province’s Decision to Ignore First Nations’ Approaches to Broadband,” AMC Communications, 14, 2021, <https://manitobachiefs.com/wp-content/uploads/21-05-14-NR-RE-MOU-Broadband-.pdf>.
- <sup>267</sup> Sanders, “Multimillion-dollar rural internet.”
- <sup>268</sup> Canadian Radio-television and Telecommunications Commission, “Current Trends – High-Speed Broadband.”
- <sup>269</sup> The Council of Canadian Academies, “Waiting to Connect: The Expert Panel on High-Throughput Networks for Rural and Remote Communities in Canada,” (October 28, 2021), [https://www.cca-reports.ca/wp-content/uploads/2022/01/Waiting-to-Connect\\_FINAL-EN\\_digital.pdf](https://www.cca-reports.ca/wp-content/uploads/2022/01/Waiting-to-Connect_FINAL-EN_digital.pdf).
- <sup>270</sup> Assembly of Manitoba Chiefs, “AMC Expresses Concerns Over Escalating Health Conditions for First Nations Experiencing Long Term Boil Water Advisories,” AMC Communications, February 23, 2023, [https://manitobachiefs.com/press\\_releases/amc-expresses-concerns-over-escalating-health-conditions-for-first-nations-experiencing-long-term-boil-water-advisories/](https://manitobachiefs.com/press_releases/amc-expresses-concerns-over-escalating-health-conditions-for-first-nations-experiencing-long-term-boil-water-advisories/).
- <sup>271</sup> *Ibid.*
- <sup>272</sup> *Ibid.*
- <sup>273</sup> Jill Giswold and Nasreddine Ammar, “Clean Water for First Nations: Is the Government Spending Enough?” (Ottawa, Ontario: Office of the Parliamentary Budget Officer, December 1, 2021), <https://distribution-a617274656661637473.pbo-dpb.ca/8544c3674361c171dbaded06eaff8c5261695d58b608cbc5505f521a0ab326fb>.
- <sup>274</sup> Assembly of Manitoba Chiefs, “AMC Expresses Concerns Over Escalating Health Conditions.”
- <sup>275</sup> Indigenous Services Canada, “Remaining Long-Term Drinking Water Advisories,” last

modified August 23, 2023, accessed November 15, 2023, <https://www.sac-isc.gc.ca/eng/1614387410146/1614387435325>.

<sup>276</sup> Harold Calla, "Closing the First Nations infrastructure gap benefits all in Canada," *The Hill Times*, August 3, 2022, accessed December 15, 2022. <https://www.hilltimes.com/story/2022/08/03/closing-the-first-nations-infrastructure-gap-benefits-all-in-canada/271037/>.



# **Community Safety and Restorative Justice**



# Community Safety and Restorative Justice


Community Safety and Restorative Justice are pressing issues for First Nations in Manitoba and across Canada. Relative to the broader Canadian population, First Nations – particularly women, girls, LGBTQ+, and Two-Spirited peoples – are disproportionately more likely to be victims of violent crimes. This is a systemic failure by governments in Canada to adequately account for the unique needs of First Nations, reform institutions that have perpetuated racist and discriminatory colonial practices, and address gender-based violence.

The slow implementation of the MMIWG Calls for Justice has further normalized violence against First Nations women, girls, LGBTQ+, and Two-Spirited peoples. By disregarding the seriousness of gender-based crimes, a clear message is conveyed that perpetrators of gendered violence are less likely to suffer any consequences for their actions and such crimes will continue undeterred.<sup>277</sup>

In December 2022 and the early months of 2023, the remains of our Indigenous relatives were discovered in landfills. These tragic discoveries include that of 33-year-old Linda Mary Beardy in April 2023,<sup>278</sup> 24-year-old Rebecca Contois in 2022, and the probable location of 39-year-old Morgan Harris and 26-year-old Mercedes Myran.<sup>279 280</sup> Contois, Harris, Myran, and an unidentified fourth Indigenous woman, given the name Mashkode Bizhiki'ikwe by the community, are believed to have been victims of the same killer.<sup>281</sup> The case emphasizes the ongoing issues with the Winnipeg Police Service (WPS) and First Nations safety. WPS has struggled to identify the names and remains of all the victims, two of whom come from Long Plain First Nation.<sup>282</sup> Similarly, WPS has been reluctant to dedicate the resources needed to locate two of the victims, which are believed to be in a metropolitan Winnipeg landfill.<sup>283</sup> This tragedy raises the issue of the need for Self-Administered (SA) First Nations policing, as Nations are frustrated by having to work through apathetic settler, often-times racist and discriminatory, police forces.

The previous provincial Progressive Conservative government, defeated in October 2023, appallingly refused to search the Prairie Green Landfill for the remains of the victims and atrociously attempted to make the call for a landfill search a partisan political campaign issue. This was both unconscionable





conduct given the foreseeable impact on the kinship circles of the victims and was in violation of Article 12 of UNDRIP.<sup>284</sup> While a landfill search has been determined to be feasible,<sup>285</sup> the Federal Government has also been shamefully unclear whether it would commit to funding a landfill search in meetings with victims' kin.<sup>286</sup> This is a clear example of the failure of colonial governments to treat victims and their kinship circles with appropriate compassion and respect.

Decolonization of the existing justice system is desperately needed. First Nations are not only more likely to be the victims of violent crimes, but also are incarcerated in disproportionately high numbers. The effects of incarceration are detrimental to quality of life and persist well after an individual is released.

The vulnerability of First Nations and Indigenous Peoples to violent crimes is a historical problem that has unjustly been allowed to persist to the present-day. Action is urgently required to fund improved and new programs that advance Community Safety and Restorative Justice.

*Disclaimer: The Following Contains Distressing Subject Matter.*

## Implementation of the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice

*Disclaimer: The Following Contains Distressing Subject Matter.*


“Through Treaty obligation, they [Canada] are responsible for the health and wellness of First Nation People. Yet, for 150 years now our people have been set aside ... And we’re here today to speak on behalf of the women that are in landfills in the province of Manitoba. This call to action has been supported by so many – churches, unions, Amnesty International, the Canadian Human Rights Museum. So why doesn’t government want to support? Why are these families being told to wait while Canada determines what department has the authority to fund such a search?”

– AMC Grand Chief Cathy Merrick<sup>287</sup>



First Nations in Manitoba continue to experience an ongoing crisis of women and girls missing or suffering from gender-based violence. This tragically remains an ever-present reality with not nearly enough substantive action from the federal and provincial governments and local police services. Greater funding allocations, supports, and increased commitment from the former named parties, as proposed in the 2023–24 AFB for First Nations in Manitoba, have yet to be adopted. The lives of all First Nations people are sacred, which includes women, girls, and 2SLGBTQIA+ identified individuals. They deserve safety and a life of decency without fear of violence – and the same level of gender equity enjoyed

by non-Indigenous women-identified individuals in Canada. Governments must implement the 231 Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls immediately and police services must implement more measures to safeguard them. This must be done while supporting kinship circles as they search for their loved ones.



The horrific reality of the racialized and gender-based violence Indigenous women and girls face became appallingly apparent, yet again, when the remains of our relatives were discovered in landfills in December 2022 and early 2023. These tragic discoveries include that of the remains of 24-year-old Rebecca Contois at the Brady Landfill in 2022, and the probable location of the remains of 39-year-old Morgan Harris and 26-year-old Mercedes Myran at the Prairie Green Landfill north of Winnipeg as determined by the Winnipeg Police Services in 2022, and the remains of 33-year-old Linda Mary Beardy at the Brady Landfill in April 2023.<sup>288 289 290</sup> Contois, Harris, Myran, and an unidentified fourth Indigenous woman, given the name Mashkode Bizhiki'ikwe by the community, are believed to have been victims of the same serial killer.<sup>291</sup>

### ***First Nations Leadership and Colonial Inaction on Landfill Searches***


The AMC is working with the Province of Manitoba, the RCMP, and the Winnipeg Police Services to search for our relatives in landfills.<sup>292</sup> These tragedies demonstrate the need for new procedures at landfills, including the proper screening and scanning of trucks with serial numbers, dates, and times to coincide with when loads are dropped off.<sup>293</sup> They further demonstrate the need to address the interlocking factors that make Indigenous women and girls vulnerable to gender-based violence and victimization.

**“Canada, the Province of Manitoba, and the Winnipeg Police Services must implement more measures to protect First Nations women from the murderers who target them. Our First Nations women deserve the same human decency and gender equity enjoyed by all women of Canada. Why aren’t the governments implementing the MMIWG’s 231 Calls to Justice immediately? We are losing women every day, and it is shameful we have to come out looking in landfills for our women.”**

**– AMC Grand Chief Cathy Merrick<sup>294</sup>**

Despite the good-faith efforts by the AMC and First Nations Governments to work with Canada, Manitoba, and police forces on landfill searches, these contributions have not been returned in kind by the colonial governments and police services. This is appallingly demonstrated by the actions of Canada and Manitoba’s response to the Landfill Search Feasibility Study and request from kinship circles to repatriate the remains of the victims, in accordance with Article 12 of UNDRIP.

On January 17, 2023, the AMC formally appointed the Landfill Search Feasibility




Study Committee, which included an Oversight Committee and Technical Subcommittee. The Technical Subcommittee was mandated to determine the feasibility of searching the Prairie Green Landfill for the remains of Morgan Harris and Mercedes Myran and, if a determination of “feasible” was made, to estimate cost and time lengths for a search.<sup>295</sup> The Technical Subcommittee included representatives of the Harris and Myran families, First Nation Elder Leslie Spillett, AMC Women’s Coordinator Kristin Flattery, Federal Government representatives, the Manitoba Fire Commissioner, Vice-President of Government and External Relations for Waste Connections Canada, and the Canadian Region Engineering Manager for Waste Connections Canada.<sup>296</sup> Waste Connections Canada is the firm which owns the Prairie Green Landfill.<sup>297</sup> The Technical Subcommittee worked closely with the kinship circles of Morgan and Mercedes, relevant experts, the Province of Manitoba, and the Winnipeg Police Service to address health and safety concerns around a search and to develop a search plan.<sup>298</sup> The Technical Subcommittee determined a search of the Prairie Green Landfill was feasible.<sup>299</sup>

Sean Spalding, the retired Deputy Chief of the Sault Ste. Marie Police Service, a force that has conducted three landfill searches, also affirmed that operations adopting an approach similar to that proposed for the Prairie Green Landfill could be successful. John Martella, another expert, notes environmental hazards of a search to personnel can be mitigated with proper personal protective equipment and the risks involved to workers are no different than those already experienced and managed by the industry.<sup>300</sup>

Despite these clear indications that a Prairie Green Landfill Search is achievable, in addition to being in line with the TRC Calls to Action and MMIWG Calls for Justice, Canada has stalled on committing funds for a search and the former Progressive Conservative Government of Manitoba was also adamantly opposed to a search. Former Manitoba Premier Heather Stefanson’s refusal to search the landfill, in contravention of Article 12 of UNDRIP, moved the Chiefs-in-Assembly to call for her resignation in August 2023.<sup>301</sup> Clear commitments for fiscal support for a landfill search, which is necessary and Canada is obligated to provide, were regrettably not stated by the federal Minister of Crown-Indigenous Relations and Northern Affairs (CIRNAC) in a late October 2023 meeting.<sup>303</sup> Canada needs to clearly commit and allocate resources for landfill searches.

### ***History and the National Inquiry***

Indigenous women, girls, and 2SLGBTQQIA+ people face significant and devastating violence in Manitoba, with Indigenous women making up almost




a fifth of the homicide victims in Winnipeg in 2022.<sup>303</sup> This is, sadly, a long-standing issue. In 2016, Carolyn Bennett, former federal minister of Crown-Indigenous Relations, referred to the city of Winnipeg as “ground zero” in terms of the growing awareness about the violence Indigenous women and girls face.<sup>304</sup> Years earlier, the response of the Justice System to the murder of Norway House Cree citizen Helen Betty Osborne was a major impetus for the launch of the Aboriginal Justice Inquiry by the Government of Manitoba in 1988. Regrettably, many of the recommendations of the Aboriginal Justice Inquiry remain outstanding – 35 years later.<sup>305</sup>

In September 2016, following years of advocacy and demands from the kinship circles and communities of MMIWG, the Federal Government established the office of the National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry or MMIWG Inquiry). Through resolution APR-17.03, the Chiefs-in-Assembly supported the AMC seeking standing at the National Inquiry under the direction and oversight of the AMC’s Women’s Council.<sup>306</sup> As part of the National Inquiry hearings, AMC prepared submissions on Indigenous Law and Perspectives, Government Services, Family and Child Welfare, Sexual Exploitation/ Human Trafficking and Resource Extractions, Racism, and Colonial Violence and the Criminal Justice System.<sup>307</sup>

The AMC presented a closing submission to the National Inquiry. This submission included recommendations that Canada meaningfully support and fund a Manitoba First Nations specific response to MMIWG. This would include two Regional Summits in Manitoba that would bring together First Nations Elders, Knowledge Keepers, community members, and technicians to coordinate a 10-year plan that would support First Nations Governments and self-determination.<sup>308</sup> The Government of Canada has yet to support or fund a Manitoba specific response.

In June 2019, the National Inquiry released their final report identifying 231 Calls for Justice. Many are still outstanding. Through Chiefs-in-Assembly resolution JUL-19.03, the AMC endorsed the National Inquiry’s recommendations and reiterated their demand for federal support to a Manitoba First Nations-specific response.<sup>309</sup> Nearly five years later, the current reality shows these demands remain as important as ever.

According to the numbers provided by the Sovereign Bodies Institute, between 2015 and 2019, Manitoba had 56 MMIWG cases, ranked fourth in the country after Alberta with 93 cases, Ontario with 65, and Saskatchewan with 61.<sup>310</sup> British



Columbia had a lesser number of MMIWG cases than Manitoba between 2015 and 2019 with 38. <sup>311</sup> Pressing issues, as noted by the chair of the National Family and Survivors Circle (NFSC) include access to safe housing, emergency shelter spaces, and more transitional and longer-term housing options that offer proper cultural and social supports. <sup>312</sup> In 2022, the Native Women’s Association of Canada (NWAC) noted “there is nothing to suggest that [MMIWG] crimes are on the decline” nationally. <sup>313</sup>

The risk to Indigenous women and girls and 2SLGBTQQIA+ individuals of gender-based violence is underpinned by many complex interconnecting factors. People who are transitioning to urban centres for education, medical services, recreation, youth in the CFS system, all of whom may be unused to the city setting and the risks herein, are particularly vulnerable. <sup>314</sup> Transition services, such as those offered by the EUTC, and support for CFS system navigation offered by the FNFAO, are both essential services provided by the AMC. Long-term reforms to the child welfare and justice systems to serve First Nations in Manitoba in a responsive, culturally appropriate, and effective way is also paramount.

“Addressing MMIWG in Manitoba and Canada will require significant change in our child welfare system to reduce the number of First Nations children in care. The FNFAO believes that true reform of the child welfare system, including the reassertion of Indigenous nations’ jurisdiction over child welfare is necessary.”

– Cora Morgan, First Nations Family Advocate <sup>315</sup>

In June 2022, NWAC’s *Canada’s MMIWG2S National Action Plan: Annual Scorecard* notes, “while some progress has been made over the past 12 months on some of [the Calls for Justice], little or none has been made on others.” <sup>316</sup> Furthermore, despite attempts at better reporting and transparency regarding funding streams to implement the Calls for Justice, there remains too little information regarding how the \$2.2 billion five-year commitment of the 2021 Federal Budget is being distributed and what concrete action is being achieved in key spending areas in each region across the country.

### ***Federal Budget 2023 and FNFAO Proposal***


The 2023 Federal Budget proposed \$20 million over four years to support Indigenous-led projects for safer communities, \$95.8 million over five years and \$20.4 million ongoing to make information regarding missing and murdered loved ones more accessible for family members. <sup>317</sup> Some additional funding in Budget

2023 has also been committed to implement the National Action Plan to end the tragedy of MMIWG. This includes the following funding commitments, starting in 2023–24:

- \$2.6 million over three years to implement the National Action Plan and the Federal Pathway by keeping the kinship circles and survivors at the centre of the process.
- \$2.2 million over five years to monitor and report on the progress of implementation by establishing an oversight mechanism.
- \$1.6 million over two years to provide advice and recommendations on the creation of an Indigenous and Human Rights Ombudsperson through supporting the Ministerial Special Representative.
- \$2.5 million over five years to facilitate and coordinate work on advancing the National Action Plan by establishing a standing Federal–Provincial–Territorial–Indigenous table on Missing and Murdered Indigenous Women, Girls and 2SLGBTQI+ People.<sup>318</sup> The latter will include discussion of how to create a “Red Dress Alert” system to notify the public when an Indigenous woman, girl, or two–spirit person goes missing.<sup>320</sup>



The FNFAO of the AMC submitted a proposal and received funding to create an MMIWG2S+ database. This database will include historical and active missing persons information in a space for kinship circles to share details when necessary and connect to resources. This will be more interactive and informed by kinship circles than other reporting systems. More must be done by governments to track MMIWG cases specific to First Nations in ways accessible to First Nations while respective OCAP® Principles. The FNFAO has further requested funding for an MMIWG Advocacy Unit. This has been denied by Canada, despite ISC and CIRNAC underspending by a massive \$5.6 billion in the 2021–22 Fiscal Year.



The proposed oversight mechanism from Budget 2023 may prove promising on gathering more information on spending and needs to implement the Calls for Justice. However, more must be done.

### ***Non-Search Recommendations of the Technical Subcommittee***

The Technical Subcommittee of the Landfill Search Feasibility Study Committee had further recommendations beyond a search, including: <sup>321</sup>

- **More funds for social supports and culturally appropriate programming for MMIWG2S+ Indigenous persons.** This includes access to addictions rehabilitation programming, affordable housing, mental health support and care and cultural connectivity.
- **Increasing funds for homeless shelters** so the unhoused can afford the opportunity to transition back to a safer life.
- **Making GPS tracking systems in garbage trucks mandated** for all waste removal companies in Manitoba and across Canada.
- **Making rear-facing cameras with a clear view and audio of the holding area in all garbage trucks mandatory.** This would ensure truck operators can see the material being dumped into their trucks before they compact the load/or deposit them into the landfill.
- **Digital and load tracking surveillance of rural landfills.** Additional support by the responsible ministry should be provided to help smaller municipalities upgrade their tracking system for waste materials.
- **Video surveillance of vehicles entering and exiting landfills.** This may include a view of the trucks as they are being unloaded.

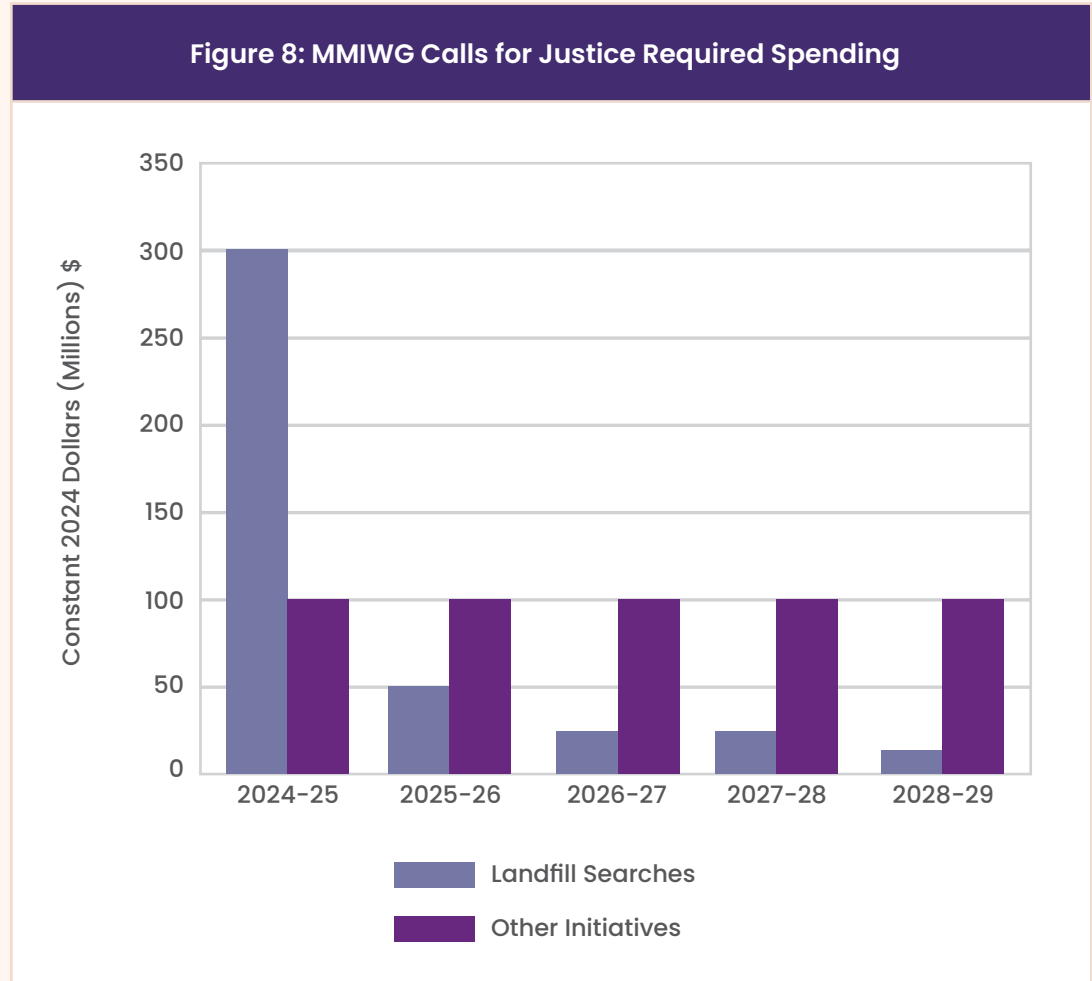
Some of these recommendations build on past advocacy and proposals from First Nations. Canada needs to commit to partnering with First Nations Governments and the province to fund and implement these recommendations.

### **Required Spending**

\$400 million is required for the implementation of the MMIWG Calls for Justice in the 2024-25 fiscal year and, in constant 2024 dollars, the following for each subsequent fiscal year: \$150 million in 2025-26; \$125 million in 2026-27 and 2027-28; and \$110 million in 2028-29. A larger funding commitment in earlier fiscal




years accounts for the landfill search spending budgeted for 2024-25. If, due to logistics and planning barriers or unforeseen circumstances, the search process proceeds slower than expected, than funds budgeted for searches in 2024-25 must be carried over into subsequent fiscal years.



“Other Initiatives” spending includes cultural and social supports programming, housing programming, various industry reforms to better monitor and record waste truck operations, criminal justice and community safety supports, and other programs that address the MMIWG National Inquiry Calls for Justice.

### Benefits

Continued work, across federal departments and ministries, of the 231 Calls for Justice from the National Inquiry into MMIWG will support systemic change



to address the ongoing tragedy of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people in Manitoba. Investments will confront violence and improve the safety and security of Indigenous women and girls, ensuring culturally appropriate healing, support services, and new initiatives for survivors and kinship circles. Funding for landfill searches will display good-faith by Canada towards the victimized families and display appropriate honour and respect to their deceased loved ones.

A suite of reforms to the process of waste disposal at landfills will either prevent the disposal of murdered Indigenous women, girls, and 2SLGBTQQIA+ people in landfills or alert law enforcement to the whereabouts of the remains for appropriate retrieval and reclamation practices based on the wishes of the families, such as burial.

Broader social supports funding, in conjunction with increased spending for supports identified in other budget sections and investment areas, will aid in preventing the victimization of Indigenous women, girls, and 2SLGBTQQIA+ people in Manitoba.

# Bluesky Visual: Missing and Murdered Indigenous Women and Girls (MMIWG) in Manitoba

*To address MMIWG in Manitoba, the Federal Government must commit \$400M in 2024–2025. This includes \$300M for a landfill search and \$100M for non-landfill search recommendations from the Technical Subcommittee of the Landfill Search Feasibility Study Committee.*

## Context

Between December 2022 and April 2023, remains of five Indigenous women were discovered at the Brady and Prairie Green landfills near Winnipeg, Manitoba. These cases drew national attention as four of the women are believed to be victims of a serial killer. Adding to the distress is the fact that one woman, named

Mashkode Bizhiki'ikwe by the community, has not been identified.

These tragedies could have been averted. On the technical side, better procedures accessing the landfills could be more rigorous. Importantly, it is necessary to target factors at the intersections of gender identity and Indigeneity, both contributing to added vulnerability to violence. The challenge of ending MMIWG+ requires a holistic approach. Searching landfills for MMIWG+ is only aspect of addressing the 231 Calls for Justice made by the National Inquiry into MMIWG. Yet, making communities safer for Indigenous women and girls has become highly politicized, such as being used by the



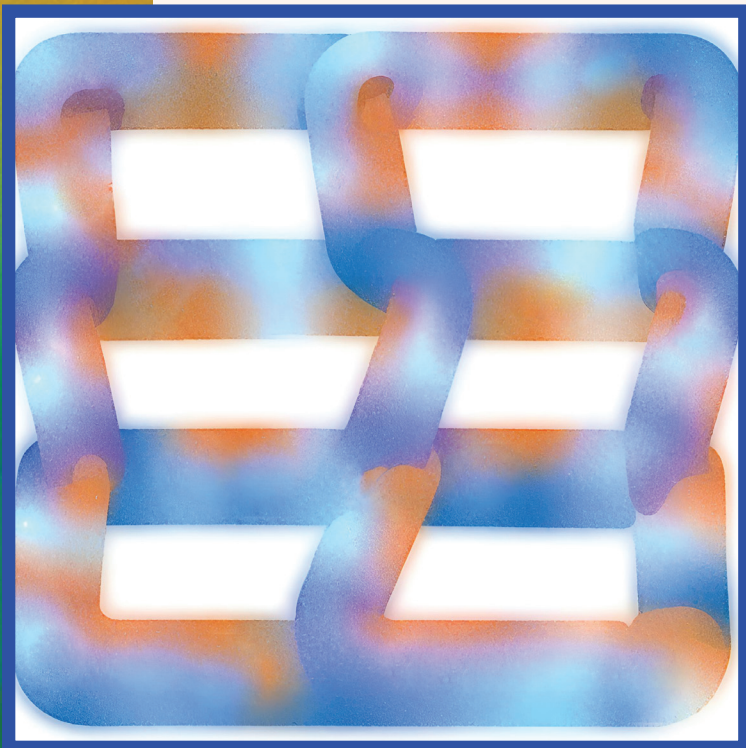
Manitoba Progressive Conservatives as a wedge issue in the 2023 provincial election. This type of rhetoric undermines efforts to secure essential funding and address MMIWG+.

### **Non-Search Recommendations of the Technical Subcommittee**

The Technical Subcommittee of the Landfill Search Feasibility Study Committee had further recommendations beyond a search, including:

- More funds for social supports and culturally appropriate programming for MMIWG2S+ Indigenous persons. This includes access to addictions rehabilitation programming, affordable housing, mental health support and care and cultural connectivity.
- Increasing funds for homeless shelters so the unhoused can afford the opportunity to transition back to a safer life.
- Making GPS tracking systems in garbage trucks mandated for all waste removal companies in Manitoba and across Canada.
- Making rear-facing cameras with a clear view and audio of the holding area in all garbage trucks mandatory. This would ensure truck operators can see the material being dumped into their trucks before they compact the load/or deposit them into the landfill.
- Digital and load tracking surveillance of rural landfills. Additional support by the responsible ministry should be provided to help smaller municipalities upgrade their tracking system for waste materials.
- Video surveillance of vehicles entering and exiting landfills. This may include a view of the trucks as they are being unloaded.

Some of these recommendations build on past advocacy and proposals from First Nations. Canada needs to commit to partnering with First Nations Governments and the province to fund and implement these recommendations.




## Decolonizing Justice

Manitoba has among the worst records of the provinces for disproportionately incarcerating Indigenous people. Indigenous inmates in federal institutions rose from 20% of the total inmate population in 2008–2009 to 28% in 2017–2018, while representing only 4.1% of the overall Canadian population.<sup>322</sup> In Manitoba, an Indigenous person is more than 13 times as likely as a non-Indigenous resident to be admitted to adult custody in the province.<sup>323</sup> Incarceration separates kinship circles and has long-term negative consequences on many aspects of life, including gainful employment. Overrepresentation of Indigenous

Peoples and First Nations in provincial and federal institutions is a multifaceted issue caused by colonialism, socioeconomic marginalization, and systemic discrimination in policing and the court system. The continued failure to address this overrepresentation is a violation of the TRC Call to Action 30. Even more unjustly, most inmates in provincial institutions in Manitoba are in remand awaiting court and have not been convicted of a crime.<sup>324</sup> Addressing this issue must be done via a multi-pronged approach, which includes First-Nations-led restorative justice programs, application of Gladue principles, and other community-based initiatives and increased governmental commitment to Reconciliation in this realm.

### Required Spending

\$5.15M in federal funding over five years (\$1.03M annually) is required to expand First Nations-led restorative justice programs in Manitoba. This is a 50% increase in funding over the funding currently available. Consultation with Restorative Justice program administrators in Manitoba has confirmed that more funding is needed to improve and expand programs. More training and professional development for staff, supports for victims, and opportunities for land-based activities and healing for clients are needed. Particularly in northern and remote First Nations, it is difficult to provide these opportunities, to staff



restorative justice programs adequately, and to provide sufficient training and support. Increased funding will ensure timely access to services regardless of a client's residence; the provision of community justice workers in each First Nation; strong family and community engagement; land-based culturally affirming ceremonies and activities; and enhanced training and professional development available to associated staff.

### **Benefits**

Providing individuals, kinship circles and Nations with community-based restorative justice programs diverts justice-involved individuals away from a backlogged and discriminatory system providing a culturally appropriate pathway to healing and restoration.




# Spotlight: Justice from a First Nations Perspective

The historical and present-day discrimination of First Nations overincarceration in Canada requires reforms to the criminal justice system. To do so, reforms must occur in multiple places, not just within the court system, but across the whole of the criminal justice system.<sup>325</sup> Furthermore, these changes cannot simply be “Gladue Courts” and common law practices.<sup>326</sup> Effective reforms must instead move beyond the boundaries of the current common law legal practice and integrate Indigenous knowledge and experience.<sup>327</sup> The product must be a legal system where First Nations’ ideas of justice are integrated with the common law system, but also, where appropriate, function independently to avoid assimilation into settler legal norms.<sup>328</sup>

While Gladue Courts – Indigenous courts under a provincial court system or self-governed First Nations courts – have brought positive changes within some provinces and territories, they represent broad, general policies that Manitoba courts do not have to follow exactly once implemented. First Nations courts in Manitoba, once established, can instead follow their own legal orders and restorative justice protocols, such as being less adversarial and drawing on the guidance of Elders. Indigenous courts in Manitoba could also resemble tribal courts in the United States – more independent and less of a “system” that is integrated into the existing state or provincial justice system. Any non-common law approach can be seen as positive, but realizing this requires more Knowledge Keepers, and more *amicus curiae* (friends of the court) from specific Nations to give judges specific context on Nations and offenders.<sup>329</sup>

To help facilitate these changes within and outside of the existing Manitoba justice system, 110 (approximately 19% of enrollment is Indigenous) future lawyers at Robson Hall, University of Manitoba, are learning an “Indigenized curriculum.” This includes a mandatory course for all second-year law students, more speakers and content to add intersectional elements, and holistic wraparound educational approaches, such as land-based law. Robson Hall faculty are also eager to work with First Nations in Northern Manitoba to develop further courses and have lawyers practice in the region, with the possibility for developing accessible Indigenous courts in the cities of Winnipeg, The Pas, and Thompson. Additionally, these locations, as pre-existing hubs for other social and support



services, are likely to prove more successful than mobile circuit courts (where transportation is frequently an issue).<sup>330</sup>

“Decolonizing” Robson Hall is an important step towards realizing a more equitable justice system for First Nations in Manitoba, but achieving this also requires decolonizing spaces outside of institutions in order to foster positive Indigenous-settler cooperation.<sup>331</sup> This involves, for example, lunch teach-ins for lawyers and mandatory Indigenous education as part of the Continuing Professional Development Program.<sup>332</sup> This learning is important, not just for lawyers, but also judges, who have, of the own accord, reached out to Robson Hall instructors to learn more.<sup>333</sup>

First Nations-informed justice can prove to be effective. An example is the restorative justice program in Hollow Water First Nation, which operated in the 1990s. Even with the transportation and Elder-associated costs, this approach proved to be less expensive than using a Provincial Court and appropriately considered the incidence of crime against the backdrop of colonial harms and intergenerational trauma.<sup>334</sup> As such, there is reason to embrace and be optimistic about the future role First Nations justice can play in Manitoba.



## First Nations Police Forces

First Nations must have control and self-governance over the policing of their citizens. Strong, sustainably funded First Nations Police Forces with understanding of and respect for the Nations they serve are vital to First Nations self-determination and to ensure community safety.

Presently, the funding allocated for the First Nations and Indigenous Policing Program (FNIPP) is limited (\$144.3M nationally in 2020–2021) for Self-Administered (SA) and tripartite funding agreements with the Royal Canadian Mounted Police (RCMP).<sup>335 336</sup> Funding remained low in the 2021–2022 fiscal year at \$153.0M, before ballooning to \$241.0M in 2022–2023, with an expected \$386.0M in 2023–2024, \$400.2M in 2024–2025, before falling to \$352.0M in 2025–2026.<sup>337</sup>

Reactive policing is the norm, as First Nations police often lack the resources required to provide culturally appropriate, preventive services that mitigate crime.<sup>338</sup> Time-limited contribution agreements inhibit long-term planning which undermines recruitment efforts, specialized services, and results in a significant

toll on officer physical and mental health.<sup>339</sup> Responding to this problem, Justice Gascon ruled in the 2023 *IPCO v Public Safety Canada* decision that funding had to flow to First Nations police forces without arbitrary funding conditions, despite being the midst of contract negotiations. It was stated that Public Safety Canada could not both create terms and conditions that they could then amend and therefore claim as binding, a gesture that ran contrary to the spirit of Reconciliation.<sup>340 341</sup> Despite this positive precedent, funding for First Nations policing must increase to address more than just financial precarity. Officers, for example, are limited in their ability to engage with members of the community they

police, undermining their ability to build trust with community members and conduct effective policing.<sup>342</sup> This is no less caused by SA First Nations police detachments being forced to service large populations over vast geographic



areas, many inaccessible due to seasonal roads or being fly-in communities.<sup>343</sup> The realities of remote and northern policing make many officers inclined to leave for municipal policing jobs, resulting in a loss of the institutional memory and trust built in those Nations. This is much the same case for community tripartite agreements (CTA) agreements as well.<sup>344</sup> Ultimately, First Nations in Manitoba rely on a mix of SA and CTA policing, which still necessitates that organizations such as the RCMP respect and assist with the laws and bylaws enacted by Nations.<sup>345</sup>

### Required Spending

\$89.6M per year, ongoing for five years, to enlarge and support SA First Nations policing in Manitoba.

### Benefits


The growth of SA policing on-reserve should serve as an affirmation of two points: the right to self-determination when governing First Nations services, and secondly, the need to treat First Nations policing as an essential service.

<sup>346</sup> Bolstering these services will facilitate culturally aware policing and more effective public safety.



### Emergency Services

Accelerating climate change has made extreme weather events more common and increases the risk from natural disasters, such as flooding and wildfires. Manitoba is vulnerable to both, and the risks to First Nations are increased by remoteness and the location of many Nations in fire-prone areas. The devastating wildfires in 2023 further indicated the pressing need to adequately prepare for, and respond to, emergency events such as wildfires. In May 2023, 7,000 residents of Pimicikamak Cree Nation were forced to suddenly evacuate due to a wildfire burning out of control only a few kilometres south



of the First Nation. Residents were able to return, but respiratory-compromised individuals, such as young children, Elders, and those with underlying health conditions, were forced to remain evacuated until the air quality drastically improved.<sup>347</sup> Over 19,700 individuals have been evacuated from First Nations in Manitoba due to wildfires since 2013.<sup>348</sup> Some of these evacuations have become long-term in nature as communities work to rebuild. This has been the case for many flood evacuees from different Nations affected by the 2011 Manitoba flood, some of whom remained away from their homes for over a decade, and 91 of whom remain evacuated as of December 2023.<sup>349</sup> These disasters and the experiences of evacuation are painful and traumatic for First Nations, and have had economic, health, and social consequences that relevant organizations and government agencies have only begun to grapple with in recent years. A 2018 Canadian Senate report identified numerous interconnected areas where First Nations disaster preparedness, response, and relief should be improved, including funding, consultation and planning, cultural safety, and the integration of Indigenous knowledge.<sup>350</sup>

Local emergency services, including fire and ambulance, are also underfunded in First Nations. Such services often rely on volunteers who do not receive adequate training or support. A 2021 Statistics Canada report found that Indigenous Peoples are five times more likely and First Nations are roughly 12 times more likely to die in a fire than non-Indigenous Canadians.<sup>351</sup> Along with inadequate housing, the lack of funding for emergency response, including inadequate access to firefighting services, is also a major issue. Greater resources are needed to build local capacity and empower First Nations to support themselves and each other in culturally and linguistically appropriate ways during times of crisis.

### **Required Spending**

\$320 million per year is required for emergency services, in constant 2024 dollars, until the 2028-29 fiscal year. These funds will be used to provide for paid fire response and prevention services in each of the 63 First Nations in Manitoba, fund First Nations-led and run emergency evacuation and planning initiatives and support the establishment of First Nations-led fire safety programs for First Nations citizens living on- and off-reserve. This would ensure that Emergency Management Organizations in each Tribal Council and Provincial-Territorial Organization are fully funded to fully support First Nations before, during, and after emergency events. Such funding would also support training and education for present and prospective fire, rescue, and response personnel.

## Benefits

These critically necessary investments will stem the disproportionately ruinous impacts of fires, natural disasters, and other emergencies on First Nations. With this funding, First Nations in Manitoba will be able to adequately compensate firefighters and strengthen their capacity for responding to emergency events. This support will ensure emergency services are culturally and linguistically appropriate and grounded in First Nations knowledge. Better responses to and prevention of disasters such as fires will improve the wellbeing of First Nations citizens, restore the economies of First Nations affected by avoidable or mitigable climate events, ensure proper resources for disaster events, and strengthen First Nations sovereignty via the ability to self-evacuate and plan. The latter will ensure colonial governments will play a supporting role to First Nations Governments, advancing self-governance initiatives and programs.

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<sup>279</sup> Gowriluk, “A Timeline of What We Know about 4 Slain Winnipeg Women and Alleged Serial Killer Jeremy Skibicki.”

<sup>280</sup> Forester, “Daughter of Slain First Nations Woman Morgan Harris Walks out of Meeting with Minister.”

<sup>281</sup> *Ibid.*

<sup>282</sup> CBC News, “Unidentified Victim of Alleged Winnipeg Serial Killer Will Be Known as Mashkode Bizhiki’ikwe or Buffalo Woman,” *CBC News*, last modified December 5, 2022, accessed November 15, 2023, <https://www.cbc.ca/news/canada/manitoba/winnipeg-alleged-serial-killer-unidentified-victim-buffalo-woman-mashkode-bizhikiikwe-1.6675261>.

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<sup>285</sup> Technical Subcommittee of the Landfill Search Feasibility Study Committee, *Final Report of the Technical Subcommittee*.

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- <sup>295</sup> Technical Subcommittee of the Landfill Search Feasibility Study Committee, Final Report of the Technical Subcommittee, 3.
- <sup>296</sup> Ibid, 1.
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# Urban Services



# Urban Services

First Nations inherent and Treaty rights extends to First Nations citizens living on- or off-reserve. Canada's relationship with – and fiduciary responsibility to – First Nations must therefore be understood as similarly extended to off-reserve First Nations citizens. Economic opportunities and wealth have accumulated in urban centres on the traditional lands of First Nations. First Nations citizens have, historically and to this day, been excluded from or relegated to the margins of these spaces. Despite this, First Nations and other Indigenous Peoples migrate to Manitoba's urban centres – such as Winnipeg, Thompson, The Pas, and Brandon, among others – for economic opportunities. First Nations citizens moving to or established in urban areas often experience barriers and racist and discriminatory attitudes which further compounds difficulty transitioning to a new place and cultural context.

With federal fiscal support, First Nations can assert jurisdiction and economic self-determination through the development of urban reserves in Manitoba. Alongside this, funding for urban transition services and programming can aid First Nations in urban centres in overcoming significant barriers, such as finding affordable housing, stable and meaningful employment, and accessing health services. Adequate fiscal support from Canada will strengthen the successful EAGLE Urban Transition Centre (EUTC) in Winnipeg and establish similar centres in other Manitoba urban hubs.

Regrettably, Canada has not taken this approach thus far. The EUTC has recently experienced funding cuts and must compete with Métis, Inuit, and other pan-Indigenous organizations for limited federal funding in restricted program funding streams. Canada, recognizing the unique Treaty Relationship with the First Nations in Manitoba, must dedicate specific funding to off-reserve citizens of First Nations in Manitoba.




## Transition Services and Other Urban Supports

First Nations citizens and other Indigenous people, especially those moving from on-reserve communities to urban centres, face barriers finding affordable housing, stable employment, and accessing health care.<sup>352</sup> As stated in a 2020 report reviewing gaps in urban Indigenous health and wellness, “migration to urban centres is complex and multifaceted” and as such additional support and care are required.<sup>353</sup> Urban Indigenous Peoples may have distinctive health issues compared to those residing in rural and remote communities. While experiencing a loss of cultural identity, racism,

stereotypes, and discrimination.<sup>354</sup> The aforementioned can be compounded due to a lack of access to culturally appropriate social supports, mental health services, and services to address intergenerational traumas associated with colonialism, residential schools, and gender-based violence.<sup>355</sup>

The issue of Indigenous urban migration is growing: the proportion of Indigenous Peoples living in urban areas has grown substantially since the 1960s, and it is projected that in Winnipeg alone, the Indigenous population could grow to approximately 13.8% of the total urban population by 2031.<sup>356</sup> Despite these trends, urban Indigenous organizations in all provinces are underfunded<sup>357</sup> and it has been documented that demand for Indigenous urban supports often outstrips ISC funding allocations for urban programming.<sup>358</sup> Canada must commit to greater funding allocations to support urban Indigenous Peoples, particularly in the area of transition and housing.

The EUTC, in operation since 2005 and located in the city of Winnipeg, is the only Indigenous-run settlement service available in Manitoba. It has a documented history of aiding the mobile Indigenous population and has produced evidence-based results that demonstrate the benefit and increased need for their services, which include housing assistance, medical care, employment services, direct family assistance, and walk-in services.<sup>359</sup> Expansion of similar services to the



cities of Thompson, Brandon, Portage La Prairie, and The Pas is required to better support urban migration, as many individuals spend time in these smaller urban centres before relocating to Winnipeg or back to their home First Nations.<sup>360</sup>

Despite its noted efforts to end homelessness for Indigenous people in Winnipeg, the EUTC was denied Urban Programming for Indigenous Peoples (UPIP) funding in early 2023, despite funding support from this program stream for several years. Major funding cuts and the denial of grants have made it challenging for the EUTC to run their programs to facilitate and provide holistic support to Indigenous people experiencing transitional issues in the urban environment in Winnipeg. The Federal Government must recognize and support this predominately Indigenous and First Nations population in the Province of Manitoba.

### **Required Spending**

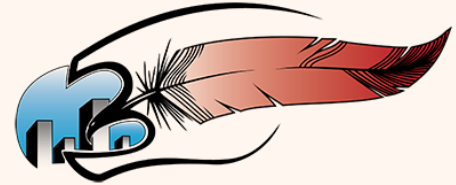
It is recommended the Federal Government increase spending for Indigenous urban settlement services by \$3.9M in 2024–25, with an additional \$1.5M per year ongoing for five years. These funds would be used to expand the services available through the EUTC, as well as to establish similar services in the urban centres of Brandon, Portage la Prairie, Thompson, and The Pas.

### **Benefits**

The EUTC is well placed to provide continued support and has the institutional will and experience to expand its services in the city of Winnipeg; an increase in funding will support additional staff, training, and the capacity to serve a growing urban population. Further, de-centralization of transition services, by expanding services to smaller urban centres, will alleviate many of the issues associated with First Nations citizens and other Indigenous individuals moving to urban centres (i.e., lack of knowledge, cultural supports, housing, and employment options), thereby supporting more successful transitions for First Nations citizens and other Indigenous Peoples moving to urban centres.<sup>361</sup>

# Spotlight: EAGLE Urban Transition Centre (EUTC)

The EUTC, created by the AMC, has operated in the city of Winnipeg since 2005. According to the latest census data from Statistics Canada, there are no cities in Canada which have a larger urban Indigenous population than Winnipeg.<sup>362</sup> As the only Indigenous-run settlement service available in Manitoba, the EUTC serves as many as 1,700 First Nations kinship circles and 10,000 First Nations and non-First Nations walk-ins annually. Clients of EUTC are diverse, both on- and off-reserve First Nations citizens, and Indigenous and Métis populations. Initially a small entity, the EUTC employs over 30 staff and runs six programs annually. Providing wraparound, culturally relevant, and non-discriminatory services, the EUTC is committed to providing Indigenous people experiencing transitional issues access to resources that support a healthy balanced life, independent living, and physical, mental, spiritual, and emotional wellness.<sup>363</sup>



EUTC is an important reference and support service for migrant Indigenous populations, providing housing assistance, medical care, employment services, direct family assistance, and walk-in services.<sup>364</sup> EUTC acts as an important junction, directing clients to service-providers. These services are important as First Nations moving from reserves to urban centres – often a wholly unknown and new environment – face many challenges. The competitive and individualistic nature of city life is often at odds with cooperative First Nations culture, and assistance is often needed to help migrants adapt. Proactively working with migrant Indigenous individuals and kinship circles by providing access to goods and services helps mitigate the crisis and the need for assistance at a future date. Assistance can be simple, such as helping to acquire documentation needed to access health services and benefits. EUTC also plays a key role in building relationships between different governments and service-providers while collecting crucial data, adding efficiency and effectiveness to program delivery.

Some of the programs and units run by EUTC are the Eagle's Nest Program for out-of-school and unemployed Indigenous youth, Jordan's Principle service

coordination and off-reserve advocacy, the New Beginnings Program for First Nations facing homelessness and housing crisis, the Fresh Start Program in partnership with End Homelessness – Reaching Home, and Doorways Winnipeg, to end homelessness for the most vulnerable individuals, the Patient Advocate Unit in collaboration with the Winnipeg Regional Health Authority Indigenous Health (WRHA-IH) program to help First Nations with health, housing, and social services, and the Special Needs Advocate Unit for providing support and solutions to in accessing services and finding resources.<sup>365</sup>

Despite the success of EUTC, key challenges remain. New issues within the urban, migratory Indigenous population are constantly arising, however, the most pressing remain ongoing substance use disorders, homelessness, and a lack of affordable housing. Additionally, recent funding cuts and grant denials by the Federal Government, such as UPIP funding, have made it difficult for EUTC to sustain their ongoing programs and units. Funding for EUTC’s programs must be stable and long-term to provide consistent services and support staff with new training and education.



[www.facebook.com/EAGLEUTC](http://www.facebook.com/EAGLEUTC)



## Urban Reserves


Urban reserves are an important means for First Nations Governments to assert sovereignty within traditional territories. Urban reserves also present an opportunity for First Nations to obtain a share of the economic benefits of activities occurring in traditional territories which have been colonized by settlers and urbanized.

Two significant urban reserve initiatives are occurring in Manitoba at present. A notable initiative is the redevelopment and reclamation of a historic symbol of Canadian settler-colonialism, the Hudson's Bay Building, located in the heart of downtown Winnipeg through the

Wehwehneh Bahgahkinahgoohn project led by the Southern Chiefs' Organization (SCO).<sup>366</sup> Envisioned as a space for economic and social Reconciliation, in May 2023 the visionary plan for Wehwehneh Bahgahkinahgoohn was internationally recognized as the "best world-changing idea in North America."<sup>367</sup> The former Kapyong Barracks site in Winnipeg is also being reclaimed through the Naawi-Oodena project led by the Treaty One Development Corporation, which saw its first groundbreaking ceremony in early November 2023 after nearly 20 years of prolonged negotiations.<sup>368 369</sup> The Treaty One Development Corporation includes the Nations of Brokenhead Ojibway Nation, Long Plain First Nation, Peguis First Nation, Roseau River Anishinaabe First Nation, Sagkeeng First Nation, Sandy Bay Ojibway First Nation, and Swan Lake First Nation.<sup>370</sup> Progress on the Naawi-Oodena project, envisioned as an economic hub, is viewed as an important step forward for sustainable growth and economic prosperity for First Nations in Manitoba. More projects that reclaim traditional territory and create space for First Nations citizens living in urban areas need to be supported and advanced in the Province of Manitoba.

### Required Spending

\$42M in additional spending in the 2024-25 fiscal year is required through grants to First Nations Governments and mandated entities to support development



efforts at urban reserves. These investments would further support Wehwehneh Bahgahkinahgoohn, Naawi-Oodena, and other projects in Manitoba. This proposed federal investment would be in addition to any existing spending, such as \$65 million in loans to the Wehwehneh Bahgahkinahgoohn project already committed by the Government of Canada.<sup>371</sup>

### Benefits

Urban reserves in Saskatoon and British Columbia have injected millions of dollars into local economies and while enabling the creation and development of First Nations-owned businesses.<sup>372</sup> Urban reserves can feature mixed-use developments that advance social and economic opportunities, and provide affordable housing, assisted living facilities, child-care, and cultural programming.<sup>373</sup> An investment of \$42 million in 2024-25 will support and advance initiatives for further First Nations-mandated projects in urban centres such as Winnipeg, Brandon, Thompson, and others.

<sup>352</sup> Josh Brandon and Evelyn Peters, "Moving to the City: Housing and Aboriginal Migration to Winnipeg," *Canadian Centre for Policy Alternatives Manitoba*, November 2014, 1, [https://www.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba%20Office/2014/12/Aboriginal\\_Migration.pdf](https://www.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba%20Office/2014/12/Aboriginal_Migration.pdf).

<sup>353</sup> Ashley Hayward, Jaime Cidro, and Coreen Roulette, "Identifying the gaps: A scoping review of urban Indigenous health and wellness in Manitoba and Saskatchewan," *Canadian Journal of Urban Research* 29(2): 33, <https://cjur.uwinnipeg.ca/index.php/cjur/article/download/292/139/>.

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

<sup>356</sup> Brandon and Peters, "Moving to the City," 9.

<sup>357</sup> Urban Aboriginal Knowledge Network, "Phase 2: The Urban Aboriginal Service Delivery Landscape: Themes, Trends, Gaps and Prospects – Final Report – Key Findings and Regional Summaries," *UAKN Secretariat*, March 31, 2016, 11, [https://uakn.org/wp-content/uploads/2016/10/NAFC-UAKN-National-Project\\_Phase-2-Final-Report-Regional-Summaries\\_2016-1-1.pdf](https://uakn.org/wp-content/uploads/2016/10/NAFC-UAKN-National-Project_Phase-2-Final-Report-Regional-Summaries_2016-1-1.pdf).

<sup>358</sup> Brittany Collier, "Background Paper: Services for Indigenous People Living in Urban Areas," *Library of Parliament*, December 1, 2020, 7, [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/202066E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/202066E).

<sup>359</sup> Ibid, 14.

<sup>360</sup> Ibid.

<sup>361</sup> Brandon and Peters, "Moving to the City," 40.

<sup>362</sup> CBC News, "Winnipeg Indigenous Population Highest in Canada Again: StatsCan," *CBC News*, last modified September 21, 2022, accessed August 18, 2023, <https://www.cbc.ca/news/canada/manitoba/statistics-canada-indigenous-population-1.6591058>.

<sup>363</sup> Assembly of Manitoba Chiefs, "EAGLE Urban Transition Centre," last modified 2023, accessed August 18, 2023, <https://manitobachiefs.com/urban/>.

<sup>364</sup> Ibid.

<sup>365</sup> Assembly of Manitoba Chiefs, "EAGLE Urban Transition Centre: About EUTC," last modified 2023, accessed November 29, 2023, <https://manitobachiefs.com/advocacy/urban/#abouteutc>.

<sup>366</sup> Southern Chiefs' Organization Inc., "A New Future: Wehwehneh Bahgahkinahgohn," Southern Chiefs' Organization Inc., 2023, last accessed November 29, 2023, <https://scoinc.mb.ca/a-new-future-wehwehneh-bahgahkinahgohn/>.

<sup>367</sup> Ibid.

<sup>368</sup> Sam Samson, "Winnipeg Council Approves Tax Deals with First Nations Groups for Urban Reserve, Hudson's Bay Redevelopment," *CBC News*, last modified June 23, 2022, <https://www.cbc.ca/news/canada/manitoba/winnipeg-treaty-1-urban-reserve-southern-chiefs-the-bay-1.6499687>.

<sup>369</sup> Treaty One, "Media Release: Treaty One Nation Breaks Ground at Naawi-Oodena Urban Economic Development Zone," *Treaty One Development Corporation*, last modified November 13, 2023, <https://Treaty1.ca/block-a-groundbreaking-2023/>.

<sup>370</sup> Treaty One, "Treaty One Development Corporation," Treaty One, 2021, <https://Treaty1.ca/development-corp/>.

<sup>371</sup> Bartley Kives, "Winnipeg Poised to Offer \$10M Worth of Tax Breaks to Bay Redevelopment," *CBC News*, June 9, 2022, <https://www.cbc.ca/news/canada/manitoba/the-bay-redevelopment-city-assistance-sco-1.6482866>.

<sup>372</sup> Tim Fontaine, "Demystifying Urban Reserves," *CBC News*, March 13, 2015, <https://www.cbc.ca/news/canada/manitoba/demystifying-urban-reserves-1.2993051>.

<sup>373</sup> Southern Chiefs' Organization Inc., "A New Future: Wehwehneh Bahgahkinahgohn."





# Conclusion

# Conclusion

**“The existing fiscal relationship between First Nations and the Government of Canada is not working – for anyone. For the benefit of First Nations and of Canada as a whole, it must be changed.”**

**– Assembly of First Nations and Government of Canada, 2017<sup>374</sup>**

The 2024–25 AFB for First Nations in Manitoba is an exercise that poses promise for fiscal policy and program co-development between Canada and First Nations Governments in Manitoba. Canada has many fiduciary responsibilities to First Nations through Treaties and inherent rights. Regrettably, Canada has not lived up to most of these obligations – as is evidenced by the ignored, often repeated requests of many First Nations in Manitoba, which includes a majority of the budget asks from the 2023–24 iteration of this budget.


First Nations, whose traditional territories are in Manitoba, face particularly adverse conditions, such as weaker human development index scores relative to First Nations in other provinces<sup>375</sup> and widening health gaps between First Nations citizens and non-First Nation residents of Manitoba.<sup>376</sup> The aforementioned are compounded by the accelerating climate crisis and an increase in natural disasters, such as floods and wildfires. Canada must listen to the stated needs of First Nations in Manitoba and commit to fulfilling its Treaty promises and obligations. Only then can true Reconciliation become a reality.

The fiscal commitment and approach proposed in this Alternative Budget needs to be based on dismantling colonial fiscal relations and supporting First Nations self-determination. First Nations jurisdiction in health, education, CFS, justice, economic development, and housing, among others, must be recognized and asserted.

Inclusion of First Nations at every level of society has financial benefits to all those living in Manitoba. But this requires colonial governments breakdown barriers, both in terms of legislation and policy, and dispel discriminatory myths of First Nations that impede full collaboration.

**“It’s time for a new fiscal relationship with First Nations that gives your communities sufficient, predictable and sustained funding. This is a promise we made, and a promise we will keep.”**

**– Prime Minister Justin Trudeau, 2015**



First Nations in Manitoba want promises actioned. Regrettably, the 2023 Fall Economic Statement by Canada, particularly in areas such as First Nations housing,<sup>377</sup> does not inspire confidence in the Federal Government's commitment to economic Reconciliation with First Nations.

The AMC has long had proposals for self-determination and co-development of fiscal policies affecting First Nations in Manitoba. In 2017, the AMC Chiefs-in-Assembly passed a resolution creating a Manitoba Regional Specific Fiscal Relations Table to codevelop a new fiscal relationship between Canada and First Nations in Manitoba. A transformative, new fiscal relationship would address chronic underfunding and persistent socioeconomic gaps between First Nations and non-First Nations citizens in Manitoba. As of yet, the Table has not begun this work. There is ample opportunity for Canada to engage with, and listen to, First Nations in Manitoba regarding their priorities and needs.


First Nations in Manitoba are severely, chronically underfunded and consequently, Canada has an enormous social debt to pay. It cannot hide this reality by continuing to obfuscate data and information directly related to and affecting First Nations and First Nations citizens in Manitoba.<sup>378</sup> Comprehensive program and policy co-development between First Nations in Manitoba and Canada is needed. This will necessarily entail information-sharing and transparency from federal departments on program funding, disbursements, and usage statistics. Not only will this anchor and properly scope research into fiscal needs for future budget years but will enable a productive working relationship of equals in Nation-to-Nation dialogue.

Colonial approaches to policy and programs for First Nations are not working – whether it be delays and denials in health services, a traumatizing and apprehension-based orientation to CFS, or an underfunded and culturally inappropriate approach to education. The way forward is for Canada to respect the sovereignty of First Nations and engage on a Nation-to-Nation basis. This will include supporting First Nations as they assert their inherent jurisdiction in health, CFS, education, economic development, and other sectors.

As Wahbung proclaims:

**“Canada will not long maintain a position of respect in the councils of the world so long as her first citizens live in degradation and despair.**

**She will not long maintain a position of respect so long as she attempts**



to force changes upon her first citizens irrelevant to the situations in which they find ourselves.

We are prepared to work with the government of Canada, the government that represents the people of Canada. But we are no longer prepared to be manipulated by it, however enlightened and well intentioned that manipulation might be.

The history and past policies regarding the Indian people cannot and must not be ignored, for their effects are with us all in the present Indian fact. To deny the past and to refuse to recognize its implications, is to distort the present; to distort the present is to take risks with the future that are blatantly irresponsible.

***Without justice there can be no freedom, and without freedom there can be no peace. To the Canadian public and to their government, this proposal for changes in policy is directed.***<sup>379</sup>

**The 2024–25 Alternative Federal Budget for First Nations in Manitoba presents to the Government of Canada, in the same spirit of *Wahbung: Our Tomorrows*, our proposal for policy change and a new relationship between our peoples. The time is now.**

<sup>374</sup> Assembly of First Nations and Government of Canada, *A New Approach: Co-Development of a New Fiscal Relationship*, Gatineau, Quebec (2017): 21. [https://publications.gc.ca/collections/collection\\_2017/aanc-inac/R5-601-2017-eng.pdf](https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-601-2017-eng.pdf).

<sup>375</sup> Cooke, *Application of the United Nations Human Development Index*.

<sup>376</sup> Katz et al., "Health indicator gaps between First Nations and other residents of Manitoba."

<sup>377</sup> Assembly of Manitoba Chiefs, "AMC Responds to Federal Fiscal Update Announcement Re: Housing Construction."

<sup>378</sup> Assembly of Manitoba Chiefs, "RE: Canada-First Nations Fiscal Relations."

<sup>379</sup> Manitoba Indian Brotherhood, *Wahbung: Our Tomorrows*.



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