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**Human Rights Council
Agenda Item 3
Protection of all human rights**

Written Statement submitted by the International Human Rights Association of American Minorities (IHRAAM), an international NGO in Consultative Status (Roster)

Indigenous Nations in Canada Face Systemically Enforced Non-development

The Declaration on the Right to Development recognizes “that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,” and stipulates in Article 1(2) that:

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

These rights must be understood to apply to all peoples, including indigenous peoples.

IHRAAM would like to draw the Commission’s attention to the conditions presently created by the state of Canada with regard to the indigenous peoples living within it in the context of their right to development, and the amelioration of their deplorable social conditions.

Poverty among indigenous people and nations is epidemic in Canada. The peak result of current Canadian negotiations with First Nations (Indians), Innu and Metis over their true entitlements can be demonstrated to have accomplished nothing more than the entrenchment of that poverty which will ultimately lead to the dissolution of indigenous nations.

Statistically, First Nations and Inuit people live in conditions that feature suicide, high school drop-out, teen pregnancy, diabetes and HIV, poverty, unemployment, malnutrition, illiteracy, child apprehension by the state, drug abuse and addiction, homelessness and incarceration at rates that outstrip the national averages by ten to seventy times.

Canada had a Gross National Income of \$1.3 trillion in 2009. Federal politicians have proclaimed proudly and often, over the last half decade, that Canada spends \$10 billion annually in providing for indigenous people—about a million people out of Canada's population of 37 million. Compare this to the fact that Canada spends about \$7 billion annually to prevent the spread of noxious weeds, at least in a program that was operational in 2010. The \$10 billion is purported to cover expenses pertaining to—but not limited to—health, education, governance, land management, infrastructure, child and family services, and economic development specifically for Status Indians, Metis and Innu.

The BC First Nations Education Steering Committee discovered in 2009 that less than 50% of eligible aboriginal post secondary students Canada-wide received education funding.

The Assembly of First Nations did a survey on social spending in 2004. They discovered that since monies for aboriginal health, education and infrastructure were capped in 1992, it would cost \$1 trillion to bring those services delivered to aboriginal people up to par with similar services to non-natives, in 2004.

The right to development must surely include entrainment of young people—especially in the case of indigenous people who have so many challenges to develop according to their culture and identity. The Canadian state addresses this sensitive aspect of development by apprehending indigenous children at a rate nineteen times higher than the demographics permit—if aboriginal children were apprehended at a similar rate to non-aboriginal children. The vast majority of these children are placed with foster parents away from their communities, and the foster parents receive more financial support to raise the children than the natural parents did.

Financial resources accompanying care of aboriginal children in state custody does not compare favourably to provincial standards. The Assembly of First Nations, the First Nations Child and Family Caring Society and the Canadian Human Rights Commission petitioned for a Tribunal to hear this problem. The judge to the Human Rights Tribunal ruled in favour of the government of Canada's argument that no discrimination could be viewed as having occurred, insofar as there is no comparable group funded by the federal government to which it might be compared.

None of the aboriginal communities in question, with the possible exception of three in British Columbia and some in the Yukon First Nations (there are 650 First Nations in Canada), have treaties or proper arrangements with the indigenous communities, respecting their right to self-determination, on the subject of child and family welfare.

The depopulation of indigenous communities is due not only to poverty, but to the lack of normal forms of economic development affording employment, such as small businesses, let alone any institutional control over the development of land resources. These impossible living conditions result from denial of aboriginal title and then the restriction of access to trees and resources on aboriginal title land. Unemployment on rural Indian Reserves is typically 80-95%. In British Columbia,

the Canadian province with the third highest indigenous population, Status Indians are forced live off-Reserve as the route to a better life. Fifty-eight percent of them have made this choice (although they have not necessarily transitioned to a better life as the above-mentioned social indicators make clear) to the further depopulation of their bands. But this is not to say that were opportunities available, they would not prefer to return, especially in the context of the widespread discrimination faced off-Reserve.

Not only are indigenous peoples trapped in poverty, their only way out is to cease to be indigenous people. This flows from an old Canadian offer: in 1857, the Act for the Gradual Civilization of the Indian Tribes was brought in. This Act encouraged native people to give up their indigenous identity, their federally recognized Status as an Indian, and enfranchise themselves as British subjects. Today, indigenous people are asked to participate in treaty and land claim negotiations that prescriptively result in the extinguishment of their aboriginal title via the Comprehensive Claims Policy.

While politicians and the media purvey the notion that governments are now sharing benefits and revenues with First Nations, two examples will serve to place that claim in a present economic reality. For a payment of \$210 million (to be paid out over 100 years), British Columbia and its publicly owned utility BC Hydro have secured at least \$10 billion worth of land, water rights and transmission and generating facilities. This royalty-free deal commits the entire St'át'imc nation of eleven communities with whom the Agreement was made, to never again refer to the "facilities," which include two lakes and thousands of kilometers of distribution lines, in land claims negotiations or seek any further compensation for any future damages resulting from same. One of the many generating stations included in the deal produces over \$100 million worth of electricity annually. The Chehalis First Nation has shattered all revenue-sharing precedents in the forest industry by making a deal for 3% of stumpage fees collected in Chehalis territory by the province of BC each year. In both cases, the funds are elaborately earmarked and, in the St'át'imc case, cannot be spent on development activities.

The World Trade Organization has identified Canada's denial of aboriginal title as a direct subsidy to its economy. During the softwood lumber dispute between Canada and the USA, an intervention was submitted by the Indigenous Network on Economies and Trade based in British Columbia and led by Arthur Manuel of Neskonlith, Secwepemc. That submission described the criminalization and incarceration of native people who either attempt to use the timber on their own territory, or prevent provincially licensed corporations from removing it without their consent. The WTO agreed, in the year 2000, that this situation is a direct subsidy to the forestry industry—providing unnaturally low stumpage rates on lands Canada could not prove it owned, and that Canada was policing the indigenous title holders into submission.

Canada says it is solving these problems by the BC treaty process and the Comprehensive Claims Policy. However, in these Final Agreements, First Nations extinguish their aboriginal title, relinquish their Indian Status, agree to "release and indemnify Canada, British Columbia and anyone else" for

all time for any claims of damage against their aboriginal title or rights.

Poverty among indigenous people and peoples in Canada is not coincidental. It is a calculated and essential part of the state's strategy to undermine aboriginal title. Effectively it is a policy of forced assimilation. The social structures and conditions on Indian Reserves as established by the Canadian government are such that the indigenous peoples have little ability to pursue their rights to self-determination, rights which the Canadian government appears to presume would impact Canada's economy in a zero sum manner, rather than seeing that the development of indigenous peoples points toward a win-win situation for the state, an understanding reflected in the Declaration on the Right to Development.