

**UNITED NATIONS PERMANENT FORUM  
ON INDIGENOUS ISSUES**

**STATEMENT BY THE  
OBSERVER DELEGATION OF CANADA**

**ON**

**AGENDA ITEM 3:**

**OPEN DIALOGUE – GOVERNANCE**

**DELIVERED BY:**

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**CHECK AGAINST DELIVERY**

Mr. / Madame Chairperson:

## **INTRODUCTION**

It is a great privilege for me to offer, on behalf of the Government of Canada, observations on the principles of good governance in support of the important work of the Permanent Forum. Canada has always been an active participant to the Permanent Forum and this year is no exception.

This year's special theme of the Permanent Forum focuses on principles of good governance. It provides an opportunity to discuss how, in a spirit of reconciliation, Canada has a long history of working with Aboriginal partners to improve the social well-being and economic prosperity of Aboriginal peoples and Northerners by developing healthier, more self-sufficient communities and furthering their full participation in Canada's political, social and economic fabric.

Canada's commitment in this regard was highlighted by the Special Rapporteur on the Rights of Indigenous Peoples, professor James Anaya, in his Preliminary Report further to his visit to Canada, last October. He says, and I quote:

“Canada was one of the first countries in the modern era to extend constitutional protection to indigenous peoples' rights over the last 30 years, especially through the courts. Federal and provincial governments have made notable efforts to address treaty and aboriginal claims, and to improve the social and economic well being of indigenous peoples.

Canada has also addressed some of the concerns that were raised by the

Special Rapporteur's predecessor following his visit in 2003. Moreover, Canada has adopted the goal of reconciliation, to repair the legacy of past injustices, and has taken steps towards that goal."

## **GOOD GOVERNANCE**

The many steps taken by the Government of Canada are predicated on a tradition and a commitment to working together on shared priorities and towards a renewed relationship built on reconciliation and trust. That commitment reflects what research, done by the World Bank, Harvard University and others has shown: good governance contributes to improved economic and social outcomes. The impacts of resources or public policy interventions on economic and social outcomes for anyone, including Aboriginal peoples, will be limited if good governance is absent.

The Government of Canada is committed to taking the necessary steps that lead to tangible and lasting results by creating the conditions for healthier, more self-sufficient First Nations communities. We know there are no quick fixes to good governance, but those communities who embrace it have been shown to have better socio-economic outcomes. Thus, the Government of Canada continues to focus on real, structural reforms and on increasing the effectiveness of our long-term investments. In trying to find practical solutions to real issues, work continues with willing partners to refine programs and develop approaches,

including new legislation, with the goal of improving the lives of Aboriginal Canadians.

## **PRACTICAL SOLUTIONS TO REAL ISSUES**

Many milestones have been achieved over the last year thanks to the work of the Government of Canada and willing partners. Allow me to highlight a few:

### **1. The enactment of the *Northwest Territories Devolution Act*:**

The enactment of the *Northwest Territories Devolution Act* provides for the transfer of administration and control of lands and resource to the Government of the Northwest Territories providing for greater local control over decision affecting residents of the Northwest Territories – the majority of whom are Aboriginal.

The Devolution Agreement also provides for resource revenue sharing directly with Aboriginal Governments in the Northwest Territories thereby contributing to their governance capacity, and outlines a new intergovernmental framework between those Aboriginal Governments and the Government of the Northwest Territories. Those measure, taken together, allows for Aboriginal communities to play a greater role in the managing lands and resources in the Northwest Territories.

## 2. **Métis Nation of Canada Governance and Financial Accountability**

**Accord:** The Accord renews the Government's commitment to work together and improve financial accountability, transparency and predictability with a view to focusing on what really matters: creating jobs, economic growth and long-term prosperity for the Métis in Canada.

3. **Self-government agreements:** are another way Canada continues to enable Aboriginal communities to exercise greater authority over their lands and resources by establishing a new legal relationship between the parties — based on mutual respect and recognition. Canada negotiates self-government agreements with Aboriginal peoples, either as part of a modern treaty or as a stand-alone agreement. Self-government agreements mean Aboriginal groups have greater control and law-making authority over a comprehensive range of jurisdictions, including governance, social and economic development, education, health, lands and more.

In Manitoba, the Sioux Valley Dakota Nation's self-government agreement received Royal Assent in Parliament on March 4, 2014, setting the stage for the First Nation to become the 34th self-governing Aboriginal group in Canada. Under the agreement, Sioux Valley Dakota Nation establishes a governance regime that is transparent and accountable, and that responds to the community's needs. The agreement will lead to improved

living conditions for members and create a climate that promotes investment and economic development.

4. **New models of sectoral governance:** A very exciting development over the last decade is the transfer, by the Government of Canada, of the responsibility for the delivery of health programs and services to First Nations in British Columbia to the First Nations Health Authority. This transfer of responsibility, which represents \$4.7 billion from July 1, 2013 until March 31, 2023, is a testament to the appreciation, by the Government of Canada, of the advantages of giving Aboriginal communities greater control over their health-care services.
  
5. **Structural and program reform:** In her June 2011 report, the former Auditor General of Canada attributed the lack of progress in service delivery and living conditions of First Nations on reserve to a number of “structural impediments” – all of which relate in some way to the governance framework on reserve. In particular, she pointed to the lack of legislative base for programs and an appropriate funding mechanism, as well as a lack of clarity on service levels and organizations to support local service delivery.

The diagnosis and recommendations of this report have helped shape the Government of Canada's agenda in the intervening period. That is why the Government has presented to Parliament a far reaching set of bills to move toward a modern statutory foundation and clear accountabilities, and has embarked on deep structural reforms in areas such as child and family services, education, skills training and income assistance.

The *First Nations Financial Transparency Act* is one such piece of legislation that supports this move to a modern statutory foundation. It addresses the issue of financial transparency of First Nations governments by requiring the public disclosure of Chief and Council salaries and expenses, as well as the audited consolidated financial statements of First Nations. This legislation was part of the Government's commitment in the 2011 Speech from the Throne to support transparency and accountability of First Nations governments to their members.

As well, the legislative gap that denied couples living on reserves governed by the Indian Act the legal protection to ensure that the matrimonial real property assets are distributed equally, can now be bridged. Indeed, once in force, the federal rules will apply unless or until First Nations enact their own community-specific laws on matrimonial real property.

*The First Nations Elections Act*, which recently received Royal Assent, is an excellent example of how Canada and First Nations can work in partnership towards a common objective to improve the conditions in First Nations communities. Two regional First Nations organizations approached Canada several years ago asking for a better election system for First Nations governments. Canada worked with these organizations and supported their efforts at conducting the necessary engagement and consultation that enabled them to provide solid and informed recommendations, which now make up the Act. And since regulations must be developed to support the legislation, Canada's partnership with First Nations will continue throughout this development process.

The *First Nations Elections Act* provides a modern election system for willing First Nations with many opt-in and will have access to many improvements over the Indian Act election system, namely:

- Four year terms of office;
- A robust process for the nomination of candidates that ensure that only serious and committed candidates appear on the ballot;
- Clearly defined offence and penalty provisions surrounding corrupt election practices; and
- No role for the Minister of Aboriginal Affairs and Northern Development in receiving, investigating and deciding on election appeals.



In referring to this legislation, the Minister of Aboriginal Affairs and Northern Development, the Honorable Bernard Valcourt, stated that: *“This Act delivers on a commitment, in partnership with First Nations in Canada, to set the conditions for strong, accountable and transparent governments.”*

Through the *Safe Drinking Water for First Nations Act*, the Government can now develop, in partnership with First Nations, enforceable federal regulations to ensure access to safe, clean and reliable drinking water; the effective treatment of wastewater; and the protection of sources of water on First Nations lands.

6. **Governance over lands and resources:** is possible for First Nations by opting into a regime under the *First Nations Land Management Act*, which allows a community to develop and implement its own approach to realizing the potential of its lands and resources. Since 2013, 28 new groups have signed the Framework Agreement on First Nations Land Management, the first step in the process of exercising greater control over their economic and social destiny, which will soon bring the total of communities who have chosen to develop their own land regime and codes to 110.

## **EDUCATION**

All of these measures help create the conditions for good governance. However, if good governance is to thrive, it requires that citizens have access to quality education so that they can maximize their chances of effective participation in the lives of their community and their country. First Nations students on reserve across Canada deserve the same education, standards, supports, and opportunities available to other Canadians. The Government of Canada has made improving First Nations education a priority; that's why we committed to work with First Nations parents, schools, teachers, and leaders to fix the current system that has failed First Nations youth for far too long. With the support of the Assembly of First Nations, the Government of Canada introduced historic legislation, the First Nations Control of First Nations Education Act, in April. However, given the recent resignation of the National Chief, any further consideration of this legislation will be put on hold until the Assembly of First Nations clarifies its position.

## **CONCLUSION**

Mr. / Madame Chairperson, the Government of Canada recognizes the challenges faced by many Aboriginal peoples in Canada and we are committed to working together on shared priorities and towards a renewed relationship built on reconciliation and trust.

We believe that our many achievements over the last year demonstrate our unwavering commitment to good governance for Aboriginal peoples in Canada and we look forward to continuing this important work with willing partners so that all Aboriginal peoples in Canada have access to jobs and long-term prosperity.

Thank you.