

ABORIGINAL PEOPLES AND SOCIAL SECURITY REFORM

by Mary Ellen Turpel

The Liberal government's proposals for the reform of unemployment insurance, social assistance and income security, support to education and learning, labour practices, job creation incentives, and the delivery and management of programs will, arguably, most profoundly affect aboriginal peoples — the most economically marginal group in the country.

What is alarming is that the debate seems to have been formulated without any consideration of self-government or a firm methodology for renewing social programs so that outputs will operate more effectively to ameliorate poverty and foster economic self-sufficiency. Aboriginal peoples are being included in a single process of considering all "Canadians" and their social security program interests. Meanwhile, the unparalleled poverty and social and political disempowerment of aboriginal peoples, and their special rights are not being factored into the review process.

The changes proposed are taking place out of context and without the comprehensive review of the federal government's fiscal obligations toward aboriginal peoples, especially those flowing from First Nations treaties. The treaty perspective is complex and it deserves specific attention because the post-Confederation treaties include specific economic rights for First Nations that no Canadian of any other ancestry enjoys. These economic rights (health, education, economic development, famine assistance) were promised in exchange for a commitment on the part of aboriginal peoples to share lands, and they were not meant to be broken or retreated from at will. As Treaty Commis-

sioner Morris reported in the 1870s, after his negotiations with First Nations during Treaty 6:

I have told you that the money I have offered you would be paid to you and to your children's children. I know that the sympathy of the Queen, and her assistance, would be given you in any unforeseen circumstances. You must trust her generosity.

The Assembly of First Nations and other aboriginal organizations have criticized the reform initiative because it has not acknowledged the existence of First Nations jurisdiction in key social policy areas and thus does not dovetail with the commitment to implement self-government. They have also questioned the process of policy review when aboriginal peoples are lumped into the process as "interest groups," and their political existence as distinct peoples with distinct governments is being ignored.

On this second point, the problems with the social security reform process are clear. Aboriginal peoples, as one of the major consumers of social security programs (especially social assistance), have not been properly identified as peoples with their own government representative, who deserve more than cursory consultation in a review process that will involve critical issues of rights and federal fiscal obligations. This unique process is required for First Nations because the government and non-aboriginal experts simply do not have a grasp of the social security issues of concern to aboriginal peoples.

Everyone in the field knows that data on aboriginal peoples and so-

cial security reform is limited and in many cases unsafe in its conclusions. A major study recently prepared by the Canada Council on Social Development for the Department of Indian Affairs (September 1994) concludes that "Information about the aboriginal population and its use of social programs is limited. Key information sources have severe drawbacks. ... There is a paucity of data on ethnic/aboriginal origin in program statistics generally for health services, welfare, education, income security ..." (p. 4). In other words, the data is unavailable. What is there is largely unreliable, and to understand either the problem or the solutions will require detailed discussions with aboriginal peoples in a specific process that can highlight aboriginal experiences, rights, and ideas for reform.

Many aboriginal people see the social security reform process as another opportunity for the federal government to off-load its fiscal responsibility for aboriginal programs onto the provinces where these programs face further erosion (as in the Alberta example), until treaty rights are eventually rendered non-existent. The "off-loading" or delegation of responsibility for Indians by the federal government is by no means new. There has been a trend since the 1950s to avoid cost obligations for Indians by either retreating entirely from a program area, or transferring responsibility to the province and attempting to either compensate a province in part for this, or allow the province to fill the void (if it so wishes) created by the federal retreat.

For example, in the province of Manitoba, the federal government has ceased off-reserve recoveries for Indian child welfare and no longer

reimburses the province for off-reserve provincial and municipal social assistance. According to federal-provincial studies, this has resulted in a decrease in provincial revenues in 1992-93 of \$23.7 million gross on the social allowance program, \$10.3 million gross on municipal assistance, and \$4.2 million net on child welfare recoveries. The total net cost to Manitoba after calculating the Canada Assistance Plan contributions that the federal government makes to these programs for all residents (regardless of Indian status) is \$21.2 million for 1992-93. Some people estimate that the provincial costs for Indians, given the birth rate statistics, will rise to nearly \$100 million by the turn of the century in the province of Manitoba.

The off-loading issue is important, from a Treaty First Nations perspective, because it indicates further erosion of the historic relationship between the Crown in right of

Canada and First Nations. This is worrisome because it demonstrates a shuffling of responsibility for treaty rights, or even a diminution of treaty rights by dispersing responsibility to the provincial governments. This may lead to a patchwork across Canada of the standards for fulfilling treaty obligations, depending on the "friendliness" and commitment of a particular provincial government at the time the federal government off-loads. Considering that Treaty First Nations have never fully enjoyed treaty rights because of the intransigence of the federal Crown, it is especially troubling that responsibility for key areas can be shifted to the provinces.

A review of the entire area of fiscal responsibility for aboriginal peoples is long overdue. The federal government cannot conduct such a review in isolation; nor can it think it will appease aboriginal peoples through a sham consultation proc-

ess where the aboriginal peoples are lumped in with interest groups. Legitimate issues of rights, especially treaty rights, are at stake, as is the sincerity of the Liberal commitment to implement self-government. Apart from some innovation in the area of youth internships and youth training, the government proposals for reform demonstrate that the government has no grip on the process or substance of reform in this area.

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WOULD THE REAL STATUS QUO PLEASE STAND UP?

by Daniel Latouche

TAKE-IT-OR-LEAVE-IT FEDERALISM

Against all odds, the constitutional status quo has made a remarkable comeback and is now offered as the only viable option for Canada. The country, as we are often reminded, managed very well before the recent round of constitutional negotiations. Are not Canadians a status quo people? And what is wrong with a little status quo *for a change*.

As the Prime Minister has made abundantly clear, there will be no devolution of powers to the provinces, no redefinition of Quebec's place within confederation and no new deal with the First Nations. Welcome to the "Take-It-or Leave-It" federalism.

A CAMPAIGN OF CENTRALIZATION

But, of course, this status quo has a special bent to it. As Maurice Duplessis used to say about the Supreme Court, "It's independent all right, but we know which [way] it is leaning." One of the few things on which Quebecers agree, federalists and sovereigntists alike, is the firm belief that the federal government, under the guise of bringing peace to the constitutional front, has already decided to embark on a widespread campaign of centralization, trying as best it can to circumvent the provinces to deal directly with so-called "ordinary" Canadians. In the health and welfare area, university education, science and technology, fisher-

ies, agriculture, tourism — to mention only those dossiers which have emerged in the last three months — Ottawa wants to use the coming massive funding cuts it envisages to recuperate those decision-making powers that it was forced to give to the provinces. For example, the Axworthy reforms can only be implemented if Ottawa unilaterally modifies its long-standing agreements with Quebec regarding tax points. Apparently, it can do so unilaterally.

NO ALTERNATIVE

Why is the federal government so willing to take the chance of offering absolutely no alternative to

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