

**Department of Labrador and Aboriginal Affairs
Innu Issues**

Issue:

An overview of current Innu issues.

Background:

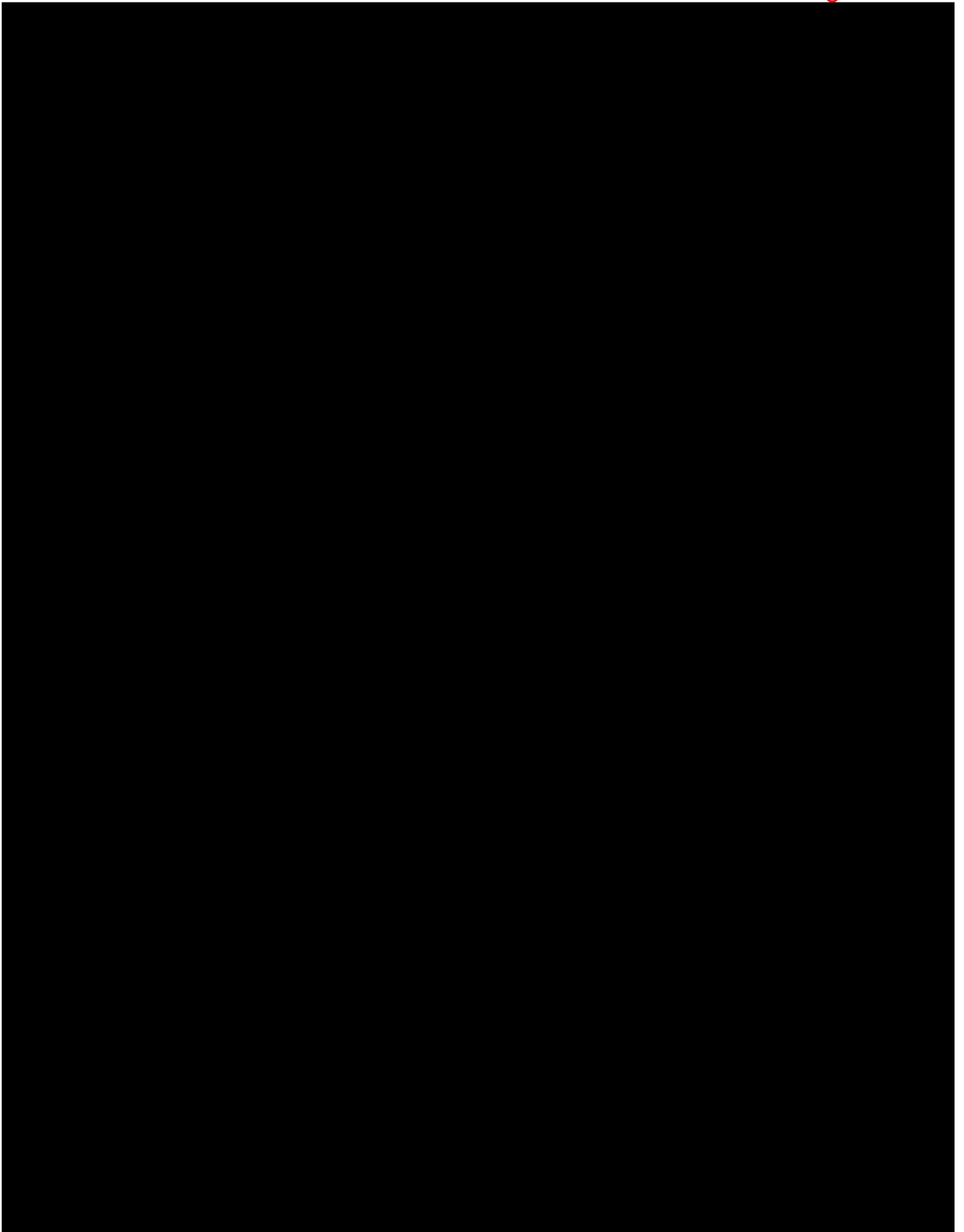
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Band Issues – The following issues are of primary interest to the Band rather than the Innu Nation, and are therefore unlikely to be raised by Mr. Michel.

Sheshatshiu Reserve Creation – Negotiation of a land transfer agreement to create a reserve at Sheshatshiu are nearly complete; some legal drafting remains which should be concluded within days. We anticipate seeking Cabinet authority to sign the land transfer agreement and associated agreements in the near future. Minister Prentice has assured Minister Rideout that, once the agreements are in place, the federal government will proceed quickly to issue an Order-in-Council formally creating the reserve, well before the calendar year is out.

On March 10, 2006, Sheshatshiu Chief Anastasia Qupee wrote to the Province to request that notices of judgement concerning certain fines and support orders totaling about \$10,000 be amended to allow the properties of eight Band members to be included in the Reserve. Minister Marshall responded on March 28, 2006, indicating he has no legal authority to suspend any enforcement action on support orders. The fines, largely for offenses related to substance abuse (e.g. impaired driving), have been imposed by the courts, and will be discharged according to law. One lien that applied to land that subsequently became part of a street has been lifted. It is expected that the remaining parcels will be enclaved out of the reserve unless the fines are paid. Notices of judgement on two specific land parcels belonging to one individual have been removed as they relate to federal fines.

Sheshatshiu Tax Remission – The Sheshatshiu Innu First Nation requested in November 2005 that Government reconsider its position that it would only provide a remission of provincial taxes collected in Sheshatshiu back to January 1 of the year in which a reserve is created. This request was made when it became evident the reserve would not be created in 2005. Minister Rideout wrote to Chief Qupee on February 27, 2006 to advise that the Province's position remains unchanged as there is no legal basis to provide an earlier remission and the Province's approach is consistent with that taken in Natuashish.

Innu Healing Strategy - The Innu complained, in a document provided to MHA John Hickey in late August or early September 2005, that the strategy is based on "process and funding" not "outcomes and change". This is a federal issue.

From the Province's perspective, the Innu are not providing a fair representation of the federal position. The federal government is concerned that the funding it provides under the strategy is used effectively. It is seeking greater accountability from the Innu and measurable goals and targets. Federal funding is finite and the Innu are currently working with the federal government to establish priorities. This process has been protracted. There is little the Province can do to speed things up, except to facilitate the process when possible.

Education - Work is continuing on implementation of the Philpott report on Innu education. The Labrador School Board has implemented many of the recommendations within its mandate (e.g. breakfast/lunch program, full-day Kindergarten, Innu involvement in recruitment, etc.). A

tripartite Education Committee continues to work on implementation, and the federal government is planning to fund a new consultant now that Dr. Philpott has completed his work.

The Sheshatshiu Innu First Nation would like a new K-12 school building to replace Peenamini McKenzie School. In Minister Rideout's April 21, 2005 letter to the Hon. Andy Scott, the Province has reiterated its commitment of up to \$4 million, subject to appropriations, for this project, with the balance to come from federal sources. Indian and Northern Affairs Canada (INAC) has not, to date, identified their share of the funding. The federal government would oversee the construction project.

“Leave on the Table Money” – Former Premier Tobin committed in 1999 to “leave on the table” savings that would accrue from federal assumption of responsibility for the Innu, to be reinvested for the benefit of the Innu communities. Former Minister Ernest McLean clarified in 2001 that this would be subject to appropriations and time limited for five years, and taking into consideration resolution of significant Innu debts to provincial entities (now \$12M and counting).

Minister Rideout has advised the federal government in writing that the Province's view is that \$4M towards a new K-12 school in Sheshatshiu would satisfy this commitment. This takes into consideration the federal government's failure to fulfill a 1999 commitment to pay for education in Sheshatshiu and Davis Inlet (\$21.8M and counting), and numerous investments the Province has already made in the Innu communities since that time.

At the Federal/Provincial Innu Main Table on December 5-6, 2005, the Innu Nation served notice that the provincial position on “Leave on the Table Money” is unacceptable to the Innu and there will be a formal request for a trilateral meeting between the Premier, Minister Prentice and the two chiefs to get a resolution on this issue. However, no such request has been forthcoming.

Minister Prentice and Minister Rideout discussed this on April 28, 2006 in Ottawa. At that meeting, INAC officials noted Innu were a party to the November 24, 1999 “leave on the table” agreement, and that they feel the Innu would have to agree to what constitutes resolution of the commitment. Minister Prentice privately assured Minister Rideout that the federal government would not be going after the Province for any extra money. Provincial officials have since spoken with federal officials to outline in more detail how the “leave on the table money” was calculated, and discussed a strategy on how to deal with this with the Innu. If the Innu were to aggressively pursue this, the potential outcome would be an Innu demand of the federal government for \$21.8M – the amount the Province was to receive and then “leave on the table” for the benefit of the Innu communities.

Child, Youth and Family Services (CYFS) – On April 19, 2006, Mushuau Innu First Nation Chief Simon Pokue wrote to Ministers Rideout and Osborne to raise concerns with the high rate of child apprehensions in his community. Chief Pokue argues that families are not being provided with the necessary services and support to sustain healthy, productive households. He also raised concerns with perceived delays in the courts' handling of these matters and limited available resources such as legal aid (the Province announced funding in Budget 2006 to hire two lawyers and one administrative support position in Labrador to enhance legal aid services in the region). Chief Pokue asked that this issue be discussed at the next federal/provincial/Innu Main Table meeting. Provincial officials are reviewing the concerns raised in Chief Pokue's letter. It is worth noting that, in September 2005, the Mushuau Innu first requested more federal funding for legal counsel to fight child protection cases in the courts on behalf of the parents of children in care. Provincial officials offered to arrange a meeting of the Labrador Grenfell Regional Integrated Health Authority and community representatives to discuss their concerns. Instead, the

Mushuau Innu initiated a study of court cases to demonstrate the extent of their problem. The study was done by Olthuis, Kleer, Townsend (the Innu's law firm, which also would stand to benefit from increased federal funding), and was only provided to the Province recently. Labrador and Aboriginal Affairs is working with Health and Community Services and Justice on a response, offering to meet with the Band Council.

The Innu would like control over CYFS in their communities. The Province is prepared to establish a joint Innu/Provincial Board to provide those services. The Innu accept this approach as one that will lead to ultimate Innu control under self-government. The federal government provides funding to the province for CYFS in the Innu communities. The funding is based on population not need, and accordingly is underfunded especially in the area of prevention. The Innu, understandably, are not currently prepared to take responsibility for an underfunded program.

Labrador-Grenfell Regional Integrated Health Authority has hired a second director in region for CYFS. She is a registered social worker who lives in Sheshatshiu and is married and has a family with a former Sheshatshiu Chief. This arrangement is working well and is seen as a precursor to co-management of CYFS.

Policing - Negotiations on a Policing Agreement for Sheshatshiu with the Band and Public Safety and Emergency Preparedness Canada, which would shift the federal cost share from 30% to 52%, have been productive. Chief Qupee is supportive of the arrangement in principle, but there are several outstanding issues to be resolved. It remains to be determined how provincial savings would be reinvested into justice programming in the community. There have been some discussions with the Band but the matter has not been concluded. Labrador and Aboriginal Affairs and Justice plan to meet with Chief Qupee within the next two weeks on this matter.

Safehouses - The federal government has recently committed to building safehouses in Natuashish and Sheshatshiu. Both will serve youth abusing substances or in emergency situations; the Natuashish facility will also serve as a women's shelter (there is already such a shelter in Sheshatshiu).

Co-Management - Both Bands were placed under co-management by INAC as a result of their poor financial management and lack of accountability for federal funding. This is strictly a federal government/Innu issue. The co-management regimes will be terminated by the federal government when each Band demonstrates that it has the capacity to properly manage and account for federal funding.

Housing - Both Bands are seeking additional housing for their communities. The issue has been addressed by the federal government for Natuashish, and as recently as September 2005 INAC officials were meeting with the Sheshatshiu Band on housing. Housing on reserves is strictly a federal issue. The 2006-07 federal Budget included \$450 million over two years for a number of Aboriginal initiatives, an unspecified amount of which would be for improving housing on reserves.

[REDACTED] Chief Qupee has suggested that a source of housing money could be the "leave on the table money".

Equivalency and program base - The Innu are concerned that they are not receiving all the funding they are entitled to as registered Indians. They want funding at the same level as other Bands in Canada. The Innu and federal government are undertaking a review of the funding and

the federal government has committed to correcting any errors identified in funding levels. This is strictly a federal government / Innu issue.

Tribal Council - While the Innu Nation attempts to represent the interests of all Labrador Innu, its basic federal funding is in the form of loans for land claims negotiations. The Bands are funded separately by INAC. The Innu are seeking funding for a Tribal Council that could represent the interests of both Bands and the Innu in general. This is done in other provinces. This is strictly a federal/Innu issue.

Recreation Centre in Natuashish – There have been reports that the Mushuau Innu First Nation is unable to operate the new hockey rink in Natuashish. When Peter Penashue was President of Innu Nation, he made verbal reference to funding from Voisey's Bay revenues that would go towards operating the facilities in Natuashish and Sheshatshiu. However, the Mushuau Innu have since unsuccessfully pursued operating funds from the federal government. It has not been explained what happened to the Voisey's Bay revenues, or why Sheshatshiu's rink remains open while the Natuashish rink is often closed. Natuashish Chief Simon Pokue noted this concern with a lack of operating funding at the Premier's November 14, 2005 consultation meeting with Aboriginal leaders in advance of the First Ministers' Meeting. At that time, the Premier made reference to participating in a hockey fundraiser.

Cultural Initiative – Chief Qupee wrote to MHA John Hickey on March 15, 2006 to request \$5000 to facilitate teaching Sheshatshiu Innu youth traditional Innu songs and dances and knowledge of how and when the drum is used in Innu culture. The Department of Labrador and Aboriginal Affairs, Education and Human Resources, Labour and Employment are cost-sharing this initiative, and Minister Rideout recently wrote to Chief Qupee to provide the \$5000 grant.

S. Dutton, DLAA
May 19, 2006