

**Briefing Note
Labrador and Aboriginal Affairs**

Title: Innu Healing Strategy

Purpose:

- To provide you with: (i) recommendations to alleviate the problems experienced by the Innu communities; (ii) a background to the Province's involvement with the federal government and the Sheshatshiu and Mushuau Innu Bands; and (iii) the attempts that have been made to assist the Innu in resolving the problems experienced by their communities.
- To confirm the priorities to be discussed with federal officials. A meeting of regional federal and provincial officials is scheduled for October 19, 2004. This will provide one further opportunity for provincial officials to: urge federal officials to coordinate the programs and services the federal government funds or provides with those of HLC; re-engage federal officials in the stalled devolution negotiations; and discuss the federal priorities for continuation of the healing strategy.

This briefing note has not yet been reviewed by Minister Rideout as he is away until Monday October 15, 2004.

RECOMMENDATIONS:

As noted in the Background (page 4), the success of any of the recommended actions depends on the agreement of the Innu, their capacity to bring an initiative to fruition; their agreement to prioritize initiatives; and the stability of the political leadership of the Sheshatshiu and Mushuau Innu Bands.

It is recommended with respect to children and youth in Sheshatshiu and Natuashish:

1. In addition to the specific recommendation below, the Province work with the Bands and federal government to develop a comprehensive long term strategy to address the needs of children and youth in the Innu communities. It is further recommended that in developing this strategy the Province ensure that the federal government accepts its full constitutional, fiduciary and financial responsibilities for the Innu.

It is recommended with respect to Sheshatshiu:

2. The Province continue, by both informal and formal means, to build trust between the Province and the Band. Trust was often lacking in earlier processes and a new relationship may increase the probability of success.

3. The Department of Labrador and Aboriginal Affairs (L&AA) follow-up on Chief Qupee's request that officials meet with the Band Council to discuss the devolution negotiations underway before the May elections. This invitation has been accepted however the time of the briefings has not been scheduled. L&AA officials are meeting with the Chief on Monday, October 18, 2004 in St. John's and this will be one of the issues discussed.
4. Minister Rideout may wish to offer to act as an intermediary to make arrangements for Chief Misel Joe, Miawpukek First Nation, to meet with the Innu. Misel Joe has offered on a number of occasions to meet with the Innu to discuss the experience of Conne River. The Band has never taken the Chief up on his offer.
5. The Province continue working with the Band and federal government to set realistic goals for devolution given the Band's capacity and resources. The Province is prepared to work on issues within the community in line with community priorities.
6. Health and Community Services (HCS) investigate expanding the daycare license of the Sheshatshiu Family Resource Centre to allow more children to avail of the programming. There is currently a wait-list for the Centre's services.
7. The Principal of the Sheshatshiu school be encouraged and supported in her efforts to establish a school council. This may increase parents' involvement in the education of their children and may help address truancy. (It is significant to note that voluntarism does not exist in either Innu community.)
8. The Department of Education and Labrador School Board work with the Innu and federal government to address the findings of Dr. Philpott's educational assessment of Innu children.
9. The Department of Education and L&AA pursue the question of devolving the Sheshatshiu School to the Band provided it is done so without prejudice to the creation of the reserve in Sheshatshiu.
10. The Department of Justice pursue an agreement under the RCMP First Nations Policing Policy (FNPP) with the Sheshatshiu Band.
11. HCS and L&AA work with the Sheshatshiu Band to establish a joint board to administer child and family services in Sheshatshiu and investigate the role that board may have in the provision of services to Natuashish.
12. The Province build on the progress made at the meeting between provincial, federal and Innu officials and the Chief of October 13, 2004 to assist the Band in dealing with the aftermath of the May Band election and begin developing a plan for the children and youth. (See letter from Chief Qupee attached.)

It is recommended with respect to Natuashish:

13. Minister Rideout and officials continue their efforts to meet with Chief Simon Pokue to discuss the Band's priorities. The Province has not established the same relationship with the new Chief in Natuashish as it has with Chief Qupee.

14. The Minister of Health and Community Services inform his federal counterpart of Cabinet's decision to withdraw Health Labrador Corporation (HLC) clinic services in Natuashish to permit the transfer of responsibility for those services to the federal government/Innu indicating that, if requested, the Province is prepared to enter into a funding agreement with the federal government to deliver clinic services on behalf of the federal government. (Pursuant to Cabinet's direction, this action should not be taken until the Canada/Newfoundland Native Peoples Health Agreement has been renewed.)

15. The Province continue the current arrangement with the federal government for delivering K-12 education programs and services through the Labrador School Board with 100% of the funding being provided by the federal government; work with the federal government and Innu to ensure a smooth transition if devolution is pursued; and the Department of Education and Labrador School Board work with the Innu and federal government to address the findings of Dr. Philpott's educational assessment of Innu children.

16. Minister Rideout write the Bishop to support the Mushuau's request for a church. During your visit to Natuashish, elders expressed their desire for a Roman Catholic church to be built in Natuashish.

17. As per Minister Rideout's request, HLC work with L&AA and HCS to develop a plan to better protect the young children in Natuashish.

18. The Department of Justice determine the current and future risk of the Province not fully enforcing the *Child Youth and Family Services Act*.

19. Health Labrador Corporation (HLC), HSC and L&AA examine the implications of fully enforcing the *Child Youth and Family Services Act*. A preliminary assessment suggests HLC may require:

- in house legal representation with an appropriate level of experience in family law;
- additional social workers and community service workers to manage the increased case loads;
- appropriate out of home placements for children who are deemed to be in need of protection under the *CYFS Act*;
- support of the RCMP and other stakeholders such as the Child and Youth Advocate, Indian and Northern Affairs Canada (INAC) and Health Canada;
- political support from the provincial government throughout the inevitable political and public consequences; and

- an employee assistance program to assist current staff deal with the pressures of working in Natuashish where there is little support for their actions.

20. The Department of Justice attempt to initiate negotiations with the Mushuau Band on an First Nations Policing Policy agreement.

21. Minister Rideout continue to seek a meeting with the federal Minister of INAC to discuss the situation in Natuashish and enlist his support in developing mechanism to address the availability of alcohol in Natuashish.

It is recommended with respect to the Federal Government:

22. The Province continue to press the federal government to fully accept its constitutional and fiduciary responsibility for the Innu. Specific priorities identified are:

- construction of the new school in Sheshatshiu;
- assume responsibility for funding 100% of the cost of K-12 education programs and services at Sheshatshiu as it did in Natuashish prior to reserve creation;
- reserve creation in Sheshatshiu;
- additional housing for Sheshatshiu;
- funding the nursing station in Natuashish;
- construction of infrastructure in Natuashish including a safe house, housing for community residents, housing for additional service providers (currently, if governments wanted to increase the number of professionals in the community it would be unable to do so due to a housing shortage);
- funding of an Aboriginal Head Start Programme (aimed at increasing the school readiness of young children) in Natuashish; and
- increasing funding for CYFS.

23. Minister Rideout write his federal counterpart and inform him that Cabinet had directed that the Province's commitment to "leave on the table" any savings it accrued from the registration of the Innu will be capped at \$4 million and that this funding may be used, in whole or part, to contribute to the cost of the Sheshatshiu school. MC2003-0037 directed L&AA to negotiate a final settlement of the "leave on the table" money commitment for an amount not to exceed \$4 million payable to the federal Department of Indian and Northern Affairs. While federal officials have been informed informally of the Province's position, there has been no formal notification of Cabinet's decision.

It is recommended with respect to the Child and Youth Advocate:

24. The Province support the Sheshatshiu Band Council suggestion that the Child and Youth Advocate's Office visit the community and hold sessions with parents about the rights of children and the responsibilities of parents. Minister Rideout suggest to the Advocate that his office be similarly engaged in Natuashish.

BACKGROUND:

Over the past fifteen years, the Province has made continued efforts to work in partnership with the Innu communities to improve the conditions for residents and give the Bands increased control over provincial programs and services offered to Innu. Few of these attempts have met with success, however, these efforts continue.

After the federal government agreed to register the Innu in 2000, and the federal government assumed more responsibility for programs and services delivered to the Innu, devolution negotiations intensified and involved the federal government. Unfortunately, there has been little progress partially because the Innu have not prioritized issues and do not have the resources to manage all the negotiations.

During those recent negotiations the Bands were represented by the Innu Nation, but there was no indication the Innu Nation was communicating effectively with the Bands or representing their priorities. This disjunct between the Innu Nation and Bands became apparent after the Band elections in May, 2004 which resulted in a change in leadership of the Bands and letters from the new Chiefs to the President of the Innu Nation that they no longer wanted the Innu Nation to represent them in community matters, including devolution. L&AA has received no indication this direction will change as a result of the recent change in the leadership of the Innu Nation. The lack of communication between the Bands and Innu Nation was most apparent during a recent meeting between officials and Chief Qupee, Sheshatshiu Band. She was not aware of the various devolution discussions and requested L&AA officials brief the Band Council.

Since the May Band elections, the Premier, Minister Rideout and officials have attempted to forge a productive relationship with Chief Qupee, who appears to be willing to work with the Province and is eager for its assistance. The same cannot be said for the new leadership in Natuashish. Minister Rideout has tried, without success to meet with the new Chief, Simon Pokue. The Minister has met, however, with other residents of Natuashish. There are indications the political situation in Natuashish is unstable, consequently, at least over the short term, it may be necessary to work with other groups in Natuashish like the Next Generation Guardians, a women's organization that focuses on teaching young Innu women life skills and assisting them to upgrade their education. HLC staff have been working with this group.

Despite the best intentions of all parties, success on any of the initiatives outlined below depends also on the stability of the Innu leadership. While the situation in Sheshatshiu appears to have stabilized following the disruption associated with the May Band election, this may change if the former Chief, Paul Rich, continues with his efforts to overturn the results of the May election. The situation in Natuashish is unstable. The current Chief and Council are ineffective and there is a move in the community to have them recalled and a new election called.

Improvements in the significant social issues in the Innu communities will take long-term solutions, success in the short-term will be difficult to measure, may be offset by occasional (or

even frequent) setbacks, and will likely occur in small ways. Successes will largely depend on community 'buy-in'. Accordingly, to succeed, the Province must act in partnership with the Innu. This means the pace at which progress is made is set by the Innu.

The situation in the two Innu communities is very different. A "one size fits all" approach will not fit Innu. Sheshatshiu is not yet a reserve, but has a higher level of capacity for devolution of programs and services. Natuashish, on the other hand, is a federal reserve, an isolated community and has a much lower capacity to deliver programs and services. Approaches and expectations must be tailored to these realities.

In addition, most of the problems in Natuashish require federal intervention. While federal involvement in Sheshatshiu is often necessary, there are some circumstances where the Province can work with the Band without federal involvement. Such an approach, however, relieves the federal government of its responsibilities and provides them an excuse not to act.

The Innu often have very high, usually unrealistic, expectations of any process with any level of government. They are rarely interested in doing things with the same amount of money or in the same manner that a successful project has been managed elsewhere. The Province often is not able to live up to Innu expectations and does not have the financial resources to meet all the Innu's demands.

Federal officials, for their part, often raise Innu expectations and then are unable to deliver on their promises, or what the Innu thought was promised. This has been apparent particularly in the federal government's inability to renew the federal Innu Healing Strategy.

Engagement with the federal government is challenging because:

- there are a number of departments (INAC, Health Canada etc.) involved, and they take differing approaches;
- former Premier Tobin's commitment to "leave on the table" provincial savings from federal assumption of responsibility for the Innu is still used as an excuse by the federal government for inaction on their part; and
- the Innu profile in the national media has diminished in recent years reducing the pressure on the federal government to meet its political commitments.

A meeting of provincial, federal and Innu service providers occurred in Sheshatshiu, October 13. Ostensively, it was called to develop a strategy to deal with the violence experienced in Sheshatshiu in recent months. While this may be accomplished, a secondary outcome of this meeting may be to further develop a cooperative and trusting relationship amongst the participants.

CURRENT STATUS OF PROGRAMS AND SERVICES

Education

Improving Education Outcomes

INAC contracted Dr. Dave Philpott, Memorial University, to conduct an educational assessment of all school aged Innu children. The results should be available this Fall. The goal of this research is to provide the Province, federal government and Innu with information that can be used to design an Innu administered education system that will encourage higher attendance and graduation rates.

Building a new School in Sheshatshiu

The school in Sheshatshiu needs replacing. The federal government has agreed to replace the school at a higher cost (\$12.5-\$15 million) than the Province believes is required (\$4-\$6.5 million) to replace the facility. In a letter, September 12, 2002 to Peter Penashue, then President of the Innu Nation, former Premier Grimes agreed that the Province would consider contributing to the cost of the new school. Former Minister Andersen wrote the Minister of INAC, September 4, 2003, indicating the Province was prepared to contribute up to \$4 million to the new school, subject to appropriation in the 2004/05 budget. Funding was not appropriated in the budgetary process because of financial constraints and the fact it was unlikely construction would start during the 2004/05 fiscal year.

The federal government did not appropriate the funding for the new school this fiscal year but did provide some funding for planning to begin. INAC regional officials are trying to convince the Innu that construction of the school cannot begin this year because the Province has not appropriated the funds.

Devolving the school in Sheshatshiu

MC 98-0425 authorizes the Minister of Education to negotiate the devolution of the Sheshatshiu and Davis Inlet (now Natuashish) schools to the Innu. Despite repeated attempts to do so, the Province was not able to reach an agreement with the Innu, who, at that time wanted Band schools funded by the federal government. Until the reserve is created at Sheshatshiu, the school remains under provincial jurisdiction and the Province pays the cost of educating the Sheshatshiu Innu. In the absence of any initiative on the part of the federal government, the Province is still prepared to negotiate devolution of the Sheshatshiu school to the Innu.

Devolving the school in Natuashish

Since Natuashish is located on a federal reserve, the federal government provides 100% of the funding to provide K-12 education programs and services. It does so under a financial arrangement with the province. As a result of this arrangement, the Labrador School Board continues to provide education in Natuashish. The federal government has suggested the Mushuau Innu could have a Band controlled school within two years. This is a federal decision,

however, the Province is prepared to work with the federal government and Innu to ensure a smooth transition.

Health

Enforcement of the the Child Youth and Family Services Act

The Innu and the Child and Youth Advocate have called for the Province to fully enforce the provisions of the *Child, Youth and Family Services Act*. HLC has been unable to do so because:

- it lacks sufficient social workers and the accommodation to house them in Natuashish;
- it lacks legal representation in Goose Bay;
- frontline staff are overstressed;
- neither the Mushuau Band Council nor community support HLC social workers in their attempts to protect young children.

HLC executive met recently with Chief Simon Pokue and former Chief Simeon Tshakapesh and were told the Band was using the problems experienced by the older children and young adults as a political leverage in their dispute with Ottawa over its refusal to provide funding for new infrastructure, a healing centre and safe houses.

When asked if the Band would support HLC intervening to protect infants and small children, the Chief declined to respond, and HLC received lukewarm support from Mr. Tshakapesh. HLC's experience has been that the Band will support the removal of children and young persons who need care, and are a nuisance in the community, but resist the apprehension of infants and young children. The Band argues that in Innu culture children are the responsibility of the community. This is fully in accord with the tenets of the *Act* but breaks down when the community is dysfunctional.

Devolving Child, Youth and Family Services (CYFS)

Up until February 2004, the Province had been discussing with the Innu models that would permit the devolution of CYFS to the Innu. These discussions were halted when the federal government stopped providing funding to the Innu for negotiations. The model proposed would involve the creation of a joint provincial/Innu board to administer CYFS in the Innu communities. The intent being to gradually increase Innu representation on the board as capacity was developed; until such time as the board was composed exclusively of Innu. There are indications the Sheshatshiu Band is prepared to consider resuming negotiations. There are no such indications from the Mushuau Band. (It is interesting to note, that as progress was being made towards the creation of a joint board, there were indications from Sheshatshiu that the community was rethinking its desire to be responsible for CYFS, particularly if they are underfunded by the federal government.)

Funding CYFS

INAC partially funds CYFS in both Innu communities. Funding is based on population not need and is insufficient to operate CYFS in the two communities. HLC covers the shortfall in federal

funding. There have been several reports released over the last two years calling for a significant increase in the number of social workers and community service workers in the Innu communities. The Province has increased the number of social workers available to the two communities but not to the level recommended by the studies. The costs of those increased services were borne by the Province.

The federal government is expected to change its CYFS policy as early as 2005-06. However, it is quite possible that this policy shift will be delayed. The new INAC policy may result in additional funding for prevention services that are not specifically provided for in the current agreement.

Coordinating Mental Health/Addictions Services

HLC, Health Canada and the Sheshatshiu and Mushuau Innu Health Commissions are all providing mental health and addictions services. These services are not coordinated and HLC staff question the effectiveness of the programming being offered by the Innu Health Commissions and Health Canada (which is providing most of its services from Happy Valley-Goose Bay). The Province, federal government and Innu are meeting October 13 and October 19 to further discuss coordination of services.

Controlling Alcohol

Both Innu communities have identified alcohol and drug abuse as significant causes of the social problems in the communities. Natuashish is a reserve with an elected Band Council with the power to make by-laws restricting the availability of alcohol in that community. Despite repeated calls for such a by-law by Natuashish residents, no Band Council has been prepared to enact an appropriate by-law.

During the recent Innu Nation election, Minister Rideout indicated he was prepared to stop shipments of alcohol into Natuashish on provincial ferries. On October 7, 2004 he also wrote the federal Minister of INAC urging him to examine how, in the absence of a Band by-law, Natuashish can be declared a dry community and what mechanisms can be used to prevent the transportation of alcoholic beverages by air into Natuashish.

The RCMP, however, is uncertain that an alcohol ban would be an appropriate response to the alcohol abuse in Natuashish. The RCMP agrees that measures to control the amount of alcohol in the community are needed. RCMP members with extensive experience in other isolated reserves believe that an alcohol ban does not always have a positive impact on the community and in some instances has created more significant issues.

L&AA has asked HCS to consider whether or not the provisions of the *Health and Community Services Act* could be used to support alcohol control in Natuashish.

Transferring responsibility for the Nursing Station in Natuashish

Elsewhere in Canada, primary health care on isolated reserves is funded/operated by Health Canada or the First Nation. Health Canada has thus far been unwilling to fund the service in Natuashish. Cabinet has authorized the Minister of HCS to inform the federal government that the Province will be withdrawing its services from the Natuashish clinic at the end of the fiscal year (MC 2004-0261). This action, while saving funds that HLC may use to enhance services in Labrador, will permit the gradual assumption of control by the Innu and allow the federal government and Innu to better integrate health service in the community. (The Province would be prepared to operate the clinic under contract to the federal government until devolution.) The Minister has delayed conveying this message to the federal government pending the renewal of the Canada/Newfoundland Native Peoples of Labrador Health Agreement.

Programming for Fetal Alcohol Syndrome (FAS)/ Fetal Alcohol Spectrum Disorder (FASD)

The Departments of Education, HCS and the Rural Secretariat are currently developing initiatives to address the issue of FAS/FASD. L&AA will coordinate these activities with reference to the needs in Labrador.

Justice

Negotiating First Nations Policing Agreement

Since 2000, the Department of Justice has attempted to negotiate FNPP agreements with the Innu. An FNPP changes the cost sharing of RCMP police services in Aboriginal communities from 70% provincial/30% federal to 48% provincial/52% federal.

The Innu demands were so far removed from what was allowable under the federal policy that an agreement could never be concluded. Justice and L&AA met recently with Chief Qupee to see if there is common interest in completing a standard FNPP. Chief Qupee is reviewing the agreement. Justice has had no indication of the position of the Mushuau Band. Justice has indicated to the Innu that it is prepared to use any savings on Justice initiatives in the Innu communities.

A Community Consultative Group has just been established between the RCMP and the Sheshatshiu Band. The group will meet monthly to discuss policing issues in the community. Its first meeting is being planned for later this month.

Recreation

Co-ordination of Recreation workers in Sheshatshiu

The Province currently provides funding to the Sheshatshiu Band council for two recreation workers. They have not been particularly effective and Chief Qupee has asked for assistance from the Department of Tourism, Culture and Recreation. The Department has agreed to provide the Band with the assistance of a coordinator from the Happy Valley-Goose Bay office.

The Sheshatshiu Band also requested assistance from the Province in the operation of the new Stadium. We anticipate a similar request from Natuashish. Former President Peter Penashue, during the recent Innu election campaign, indicated that the Innu Nation had set aside funding from its Voisey's Bay Impact and Benefit Agreement, and other economic development opportunities, for this purpose. This had not been communicated to the Bands. Caution should be exercised in any discussions with the Bands respecting operation of their sports facilities.

HousingHousing needs in Natuashish

The federal government and Mushuau Innu planned the new community of Natuashish on the basis of 1996 population data. Since that time the population has grown and the children of 1996 are now having children. Accordingly, there is insufficient housing in Natuashish. The Band has been working with the federal government to address this issue.

An related problem is housing for staff of HLC programs and services who live in the community but are not members of the Band, for the RCMP and staff HLC sends to the community in response to crises.

Prepared by: Departments of Labrador & Aboriginal Affairs, Health and Community Services, Education, Justice and Cabinet Secretariat

Dated: October 15, 2004