SPECIAL CHIEFS ASSEMBLY
DECEMBER 4, 5 & 6, 2012, GATINEAU, QC

Resolution no. 56/2012

TITLE:	Moratorium and Joint Review of Non-Insured Health Benefits
SUBJECT:	Health
MOVED BY:	Chief Maureen Chapman, Skawahlook First Nation, BC
SECONDED BY:	Chief Donovan Fontaine, Sagkeeng First Nation, MB
DECISION:	Carried by Consensus

WHEREAS:

A. Affirming the following articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):

Article 19
"States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that affect them."

Article 21
1. "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security."

Article 23
"Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions."

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Article 24

1. “Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.”

2. “Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.”

Article 29

3. “States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.”

B. The Non Insured Health Benefits (NIHB) program is Health Canada’s national medically necessary health benefit program that provides coverage for benefit claims for a specific range of drugs, dental care, vision care, medical supplies and equipment, short-term crisis intervention, mental health counseling and medical transportation for eligible First Nations and Inuit.

C. The federal government maintains the position that health care is provided to First Nations as a matter of policy and not a legal obligation.

D. Urgent advocacy and action is required by First Nations leadership to address First Nations basic human rights to health and services and to respect Regional and jurisdictional distinctions including constitutionally protected First Nations Treaty and Inherent Rights to Health.

E. The 2012 federal budget reductions and the pre-existing funding shortfalls, coupled with First Nations population growth and the increase in registrants from Bill C-3 (to respond to McIvor case) and the recently recognized Qualipu MiKmaq First Nation, further exacerbates the struggle to meet the demand for services, particularly those of NIHB.

F. In the AFN’s 2011 pre-budget submission, it was estimated that an additional $376 million in 2012-2012 and $805 million over the next five years is required to meet the existing shortfalls, as well as anticipated demands from new registrants.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Mandate the AFN National Chief to call for a comprehensive joint review of the Non-Insured Health Benefits (NIHB) program.
2. Mandate the AFN National Chief to call for a moratorium on any further cuts to funding until a comprehensive joint review of NIHB is completed.
3. Direct the AFN to develop a business case to respond to NIHB shortfalls; examine the Indian health envelope; explore human rights mechanisms and avenues and legislative options to address this; and, bridging for Treaty and Inherent Right to Health.

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4. Direct the National Chief and AFN Executive to make First Nations health a priority at all levels and further advocacy to ensure the Government of Canada meets its obligations to First Nations.

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