

**Office of Aboriginal Affairs**  
**Annual Accountability Report**

**Reporting for the Fiscal Year 2010-2011**

**Issued by: Office of Aboriginal Affairs**

**Date: July 29, 2011**

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## Accountability Statement

The accountability report of the Office of Aboriginal Affairs for the year ended March 31, 2011 is prepared pursuant to the Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Office of Aboriginal Affairs Statement of Mandate for the fiscal year 2010-2011. The reporting of the Office of Aboriginal Affairs outcomes necessarily includes estimates, judgments and opinions by Office of Aboriginal Affairs management.

We acknowledge that this accountability report is the responsibility of the Office of Aboriginal Affairs management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of Aboriginal Affairs 2010-2011 Statement of Mandate.



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Premier Darrell Dexter  
Minister of Aboriginal Affairs



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Judith Sullivan-Corney, Deputy Minister/CEO  
Office of Aboriginal Affairs

## **Message from the Minister/Deputy Minister**

The Office of Aboriginal Affairs is committed to facilitating and supporting a coordinated approach within Government on matters related to Aboriginal people. It is also focused on working collaboratively with the Mi'kmaq and other federal and provincial agencies to foster economic and social development as well as community capacity building. It remains committed to enhancing Nova Scotians' awareness and understanding of Nova Scotia Mi'kmaq and to representing their interests in intergovernmental, bilateral and tri-party negotiations and initiatives.

Since taking office, this government has demonstrated its commitment to making life better for the Mi'kmaq. We have held more than 20 ministerial meetings with Mi'kmaq chiefs and other senior leaders in the community to discuss issues of common interest and concern – ranging from land acquisition and renewable energy, to community economic development and health care. Through the Mi'kmaq's implementation of the Assembly's portfolio model, the Province will continue to work closely with designated leads on important areas such as energy, economic development, education and healthcare.

At the national level, the work of the Aboriginal Affairs Working Group, a forum for Provincial/Territorial Ministers and National Aboriginal Leaders, continues. This group is focused on improving educational outcomes, increasing economic participation and eliminating violence against Aboriginal women and girls. Nova Scotia co-leads the National Aboriginal Affairs Working Group committee on domestic violence against women and girls. The group has made good progress on a number of fronts. They are identifying ways to remove barriers for Aboriginal victims seeking services; supporting holistic models of service delivery to the Aboriginal community; and facilitating linkages between governments (provincial, federal and First Nation) and Aboriginal organizations so that the needs of Aboriginal people experiencing domestic violence can be addressed through timely and effective culturally relevant, programs and services.

I would also like to recognize the efforts of the Office of Aboriginal Affairs in supporting the first-ever Halifax International Powwow and the 400<sup>th</sup> year anniversary celebrations of the baptism of Grand Chief Membertou. It provided an excellent opportunity to showcase the Mi'kmaq's attributes as a distinctive and innovative culture to both the citizens of Nova Scotia and its national and international visitors, including Her Majesty Queen Elizabeth and His Royal Highness the Duke of Edinburgh. All told, more than eighty thousand people took in the event – a historical moment for the province. Nova Scotia is proud to be playing a supporting role again for this year's July 1-3 event on the Halifax Common.

This year also saw the establishment of the Major Resource and Energy Fund. It will ensure Mi'kmaq involvement in the rapidly emerging renewable energy industry in Nova Scotia. The province contributed \$2 million to this fund which also allows for

contributions from interested businesses. In addition we provided over \$100,000 to the Mi'kmaq to support the development of a Mi'kmaq Renewable Energy Strategy.

Since May 2007, the Province has entered into more than 70 consultations through the Mi'kmaq – NS – Canada Consultation Terms of Reference Process which have resulted in a number of significant accommodations. The province continued to work closely with the Mi'kmaq over the past year on key decisions pertaining to Irving land purchases and property values in Inverness and Lunenburg counties.

Over the next year, the Province will continue to engage Mi'kmaq youth to help address our skilled labour shortage issue. For instance, we want to involve Mi'kmaq youth in major initiatives like shipbuilding, should the Halifax Shipyard be successful in its bid for national contracts. An enhanced regional transmission grid also represents an important employment opportunity for young Mi'kmaq people in the future. We want to ensure that this growing population has access to quality education and training in marketable skills.

Overall, the province will continue to focus on providing better health care and good jobs for Nova Scotians, while introducing measures to help the province live within its means. By setting collective priorities with the Mi'kmaq, in health and economic development, and in education and culture and heritage, we can reach these same objectives. I am pleased with the progress made at the recent third annual joint Nova Scotia Mi'kmaq Chiefs and Cabinet members meeting when these priorities were discussed.

We are committed to working with our partners in achieving the vision of a healthy, educated, self-sufficient Mi'kmaq people, participating fully in the life of this province.

Premier Darrell Dexter  
Minister of Aboriginal Affairs

Judith Sullivan-Corney  
Deputy Minister/CEO

## Financial Results

<b>ABORIGINAL AFFAIRS</b>		
	<b>2010-2011 Estimate</b>	<b>2010-2011 Actual</b>
Program and Service Area	(\$thousands)	(\$thousands)
<b>Total Program Expenses:</b>		
Aboriginal Affairs	\$4,115	\$4,057
<b>Total Program Expenses</b>	\$4,115	\$4,057
Provincial Funded Staff (FTE's)	15.0	13.7

## **Measuring Our Performance**

The following section of this report provides an overview of OAA's outcome measures. Each outcome measure relates to a core business area, and this section will measure OAA's progress in fulfilling its core business areas. This accountability report focuses on the revised measures (as reflected in the 2010-2011 statement of mandate), as they more accurately measure progress toward achieving our outcomes.

### **Effective representation of Nova Scotia's interests in federal, provincial, territorial, and Aboriginal relations.**

This outcome is measured by the percentage of government departments and agencies who agree that OAA effectively represents Nova Scotians' interests in federal, provincial, territorial, and Aboriginal relations.

#### **What does this measure tell us?**

This measure provides OAA with a perspective on the level of success we have had in effectively representing the interests of Nova Scotia through bilateral or trilateral negotiations and discussions.

#### **Where are we now?**

In the 2010 internal client survey, 92% of respondents agreed or strongly agreed that OAA was effectively representing the interests of Nova Scotians. This is a slight decrease from the previous survey conducted in 2005 (96%). The 2010/11 Target was identified as an increase in the percentage of respondents who 'strongly agree' that OAA effectively represents Nova Scotian's interests.

#### **Where do we want to go/be in the future?**

OAA wants to continue to grow the level of satisfaction within government on this measure. The means by which we will accomplish this is through continuous improvement of our processes, practices and approaches as they relate to our primary mechanisms of engagement with other governments.

These mechanisms currently include the Mi'kmaq-Nova Scotia-Canada Tripartite Forum, the Made-in-Nova Scotia Negotiation process related to Aboriginal and Treaty Rights and the Mi'kmaq-Nova Scotia-Canada Terms of Reference on Consultation. In addition to these primary mechanisms there are a variety of other bilateral and trilateral engagements that the Office is involved with in collaboration with other departments/agencies of government.

Moving forward, OAA will develop a clearer policy framework for government to help guide the engagement of the province with other governments and Aboriginal organization and communities on Aboriginal matters. OAA, along with our other partners in the Tripartite Forum will be reviewing its approach to the Forum to ensure it remains an effective vehicle for intergovernmental engagement on social and economic matters.

The parties to the Made-in-Nova Scotia Negotiation process completed a Four-Year Review of the process in 2010-11. This review will help the parties as they move forward with more substantive discussion on Aboriginal and Treaty Rights.

Also, in 2010-11, Canada, Nova Scotia and the Mi'kmaq signed a Terms of Reference (TOR) on Consultation. This agreement is a leading practice in Canada on the duty to consult. The TOR along with the provincial consultation policy and a variety of tools and training will continue to guide provincial departments in meeting their obligations with respect to consultation. In 2010-11 the province consulted on 49 new projects. It is expected that the number of consultations will continue to increase.

At the national level, OAA continues to support the work of the Minister through effective participation in the Aboriginal Affairs Working Group, a forum for Provincial/Territorial Ministers and National Aboriginal Leaders. The work of this group is focused on improving educational outcomes, increasing economic participation and eliminating violence against Aboriginal women and girls. Nova Scotia, co-leads the working group on the latter subject.

## **Improved relations between the Government of Nova Scotia and Aboriginal communities and organizations.**

This outcome is measured through an internal client survey which assesses government departments' and agencies' satisfaction on their working relationship with Aboriginal communities and organizations.

### **What does this measure tell us?**

This measure provides a point-in-time perspective on the level of engagement and satisfaction with the relationship between government and Aboriginal communities and organizations. To improve relations between the Government of Nova Scotia and Aboriginal communities and organizations, it is important to determine how satisfied government departments and agencies are with their working relationship with Aboriginal communities and organizations.

### **Where are we now?**

91% of respondents (2010) indicated that they were satisfied or very satisfied with their relationship with Aboriginal communities and organizations. This represents an increase from 80% (2005) in the previously conducted survey. The 2010/11 Target was identified as an increase in the percentage of respondents who are 'very satisfied' with their working relationship with Aboriginal communities and organizations.

### **Where do we want to go/be in the future?**

OAA will work to improve the level of client satisfaction in this area to 96%.

To enable this increasing satisfaction with the working relationship, OAA will continue to work with departments and agencies to give them the tools to further improve their relations with Aboriginal people, communities and organizations. These tools include a set of core mechanisms (Tripartite Forum, Made-in-NS Negotiation and the Consultation TOR), and an on-going development of a positive government-to-government working environment with the Assembly of Nova Scotia Mi'kmaq Chiefs. This relationship is embodied through the annual meeting of Chiefs and Cabinet and the on-going development of Minister to Chief working relationships on a wide variety of issues.

Moving forward, OAA will focus on providing better guidance, information and training opportunities for provincial staff. These efforts will be focused on offering a positive environment for the working relationship between government and Aboriginal communities and organizations to continue to be successful.

## **Effective coordination and advice being provided to government**

## **departments and agencies.**

This outcome is measured by the level of satisfaction of government departments and agencies with the services and advice provided by OAA.

### **What does this measure tell us?**

Addressing Aboriginal issues involves a significant level of coordination. Key to designing effective and sustainable corporate practices and solutions are the support and involvement of other departments and agencies. One measure of our success is how satisfied government departments and agencies are with the services and advice provided by OAA.

### **Where are we now?**

75% (2010) of respondents were very satisfied with the advice/coordination being provided by OAA. This is unchanged from the results of the last survey conducted in 2005. The identified 2010/11 Target was an 80% 'very satisfied' response rate.

### **Where do we want to go/be in the future?**

OAA is committed to increasing this level of satisfaction to 80%.

Key to achieving this improvement will be clearer guidance, more timely advice and better information flow between OAA and other departments and agencies of government.

Moving forward, OAA will establish a clearer policy framework to guide departments and agencies work on Aboriginal issues. This framework will be supported by tools and training.

**Consultation between the provincial government and the Mi'kmaq that is effective, transparent and efficient.**

This outcome is measured by having a Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference (ToR) in place and working effectively to address consultation between the Mi'kmaq, Canada and Nova Scotia for government decisions, approvals and activities that may adversely impact proven or asserted Aboriginal or treaty rights.

**What does this measure tell us?**

This measure tells us that the Province is serious about meeting its commitment to address the duty to consult with the Mi'kmaq. NS is the only province in Canada with a consultation protocol among all First Nations in the province and the provincial and federal governments. The 2010/11 target was a revised ToR and formal adoption of the agreement by all parties. A final ToR was signed by Canada, Nova Scotia and the Mi'kmaq on August 30, 2010.

**Where are we now?**

The Province initiated 49 consultations in 2010-11 about decisions, approvals and activities that may affect Aboriginal or treaty rights. In August 2010, the ToR was formally signed by all parties. As a result of consultation, the province has provided at a minimum approximately \$13 million in accommodations to the Mi'kmaq. This is in addition to the continued improvement of government approaches to decision-making that incorporate the government's obligation to consult.

**Where do we want to go/be in the future?**

OAA will continue to support the implementation of the ToR with training, tools and timely advice to departments. Moving forward, the province will establish a Memorandum of Understanding with Canada on joint practices, information sharing and training.

**Capacity to undertake consultation efforts within other provincial government departments is improved.**

This outcome is measured by having an Interim Policy Guidance on Consultation and associated tools in place, for example, training and awareness sessions, departmental guidelines, and consultation assessments.

**What does this measure tell us?**

This measure provides internal guidance to provincial employees on how they should address the Crown's duty to consult; as well as direction to departments that deal with natural resource issues to develop their own guidelines for consultation based on their own business lines, and consistent with the ToR and the Interim Policy. The 2010/11 target was the implementation of training and learning seminars, development of operational guidelines for individual departments, and consultation assessments to determine consultation.

**Where are we now?**

Three out of five departments have developed their own guidelines. In 2010/11 OAA held three, two-day consultation training sessions that trained 55 employees; and provided 15 external awareness sessions. OAA provided consultation assessment advice to eight provincial government departments.

**Where do we want to go/be in the future?**

All five departments will develop their own guidelines, and OAA will lead the development of a final consultation policy.

## **Progress toward resolution of Aboriginal rights, Aboriginal title and treaty-related issues.**

The Province, the federal government and the Mi'kmaq of Nova Scotia signed a Framework Agreement in 2003 that established a negotiation process to address Mi'kmaq rights issues ("Made-in-Nova Scotia Process"). Experience from other jurisdictions indicates that these are long term discussions, typically taking more than 15 years to reach a final agreement. Because the negotiations are confidential, reporting on progress of agreements is not possible until they are approved by all of the Parties. As a result, the outcome is measured through the on-going participation in the process by all parties, including all thirteen Mi'kmaq communities as represented by the Assembly of Nova Scotia Mi'kmaq chiefs. In addition, the outcome can be measured by interim agreements or initiatives that the parties may reach.

### **What does this measure tell us?**

By remaining part of the process, the parties share a commitment to resolve Mi'kmaq rights issues cooperatively through negotiation versus adversarial approaches like litigation and civil unrest.

Because agreements remain confidential until they are approved, reporting on interim agreements or initiatives indicates that the parties are able to work together and achieve results.

### **Where are we now?**

In 2010-11, the parties completed a four-year review of the negotiation process since the signing of the Framework Agreement in 2007. The province is generally satisfied with the progress of negotiations and remains committed to the process.

The province's strategic goals with respect to negotiation are as follows:

- Enhance legal clarity (lands and resources)
- Improved and stable relations
- Reduced social and economic disparity

Progress continues in a variety of areas. In 2010-11, two parcels of land were purchased for the purposes of negotiations, collaborative work continued on the determining the potential location for a Mi'kmaq House of Assembly and progress continued in priority areas such as lands, fisheries, forestry and moose management. On the last item, the province's partnership on moose management in Cape Breton continues to grow. Highlights include:

- The results of a major joint population study are being finalized
- The Mi'kmaq Moose Harvesting Guidelines are being well received
- We are putting in place a pilot project on customary law/restorative justice as an alternative to prosecutions for hunting offences, and
- The Parties are collaborating on the development of a joint management plan

**Where do we want to go/be in the future?**

OAA will continue to seek interim measures on priority topics while developing a long-term understanding of rights and governance issues.

## **An enhanced level of awareness and understanding of Aboriginal issues in Nova Scotia.**

This outcome is measured by the percentage of Nova Scotians who feel informed and knowledgeable of Aboriginal issues in Nova Scotia.

It is also measured by the percentage of government employees who strongly agree that OAA enhances awareness of Mi'kmaq culture.

We have ceased to track a third measure associated with this outcome, A qualitative assessment of government employees' satisfaction with Aboriginal cultural awareness training.

### **What do these measures tell us?**

This measure provides a snapshot of the public awareness of Aboriginal issues in Nova Scotia. It also tells us whether we are doing working with departments and agencies on this important goal.

### **Where are we now?**

42% of Nova Scotians feel informed about Aboriginal issues in Nova Scotia. (2011 Omnibus Survey) This is unchanged since 2005. The 2010/11 Target was an increase of 10% in Nova Scotians who feel informed about Aboriginal issues in Nova Scotia.

35% of internal respondents (2010) strongly agreed that we were enhancing awareness of Mi'kmaq culture. This is an increase from 33% in 2005. The 2010/11 Target was identified as an increase in the percentage of internal respondents who 'strongly agreed'.

### **Where do we want to go/be in the future?**

OAA wants to increase the level of public awareness and understanding among Nova Scotians by 10% and increase the percentage to 40% of clients surveyed internally that strongly agree that we are enhancing Mi'kmaq culture.

We see this as critical to enhancing positive relationships among Aboriginal and non-Aboriginal Nova Scotians. Internal to government, a solid understanding of Mi'kmaq history and culture across departments is essential to developing respectful and meaningful progress on issues today.

OAA supports an on-going program of public education and awareness throughout the year. In 2010-11, this included the 24<sup>th</sup> annual Treaty Day celebration on October 1, followed by a series of activities throughout the month of October, Mi'kmaq History Month. We also provided substantial support for the Membertou 400<sup>th</sup> celebrations held on the Halifax Commons in June of 2010, an event that exposed over 80,000 people to the rich history and culture of the Mi'kmaq of Nova Scotia.

The final video in the Wabanaki series was distributed to schools, along with a learning guide developed by the Department of Education. This video was also translated into Mi'kmaq and distributed to Mi'kmaq schools across the province. OAA also support a number of cultural activities across Nova Scotia through small grants to communities and Aboriginal organizations. Moving forward, OAA will continue to expand the level of activities that support an increased understanding of the rich history, culture and tradition of the Mi'kmaq. In addition, OAA will identify opportunities to increase the visibility of Mi'kmaq heritage and culture in public buildings across Nova Scotia.