



Business Plan

2020–21

Office of Aboriginal Affairs

**NOVA SCOTIA**

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Message from the Minister



I am pleased to present the Nova Scotia Office of Aboriginal Affairs business plan for 2020-21. The Office of Aboriginal Affairs (OAA) provides comprehensive support and advice on a complex suite of issues that include consultation obligations, formal tripartite negotiations related to Mi'kmaq Aboriginal and treaty rights, enhancing public education and awareness, and opportunities that seek to improve the social and economic prosperity of Aboriginal peoples in Nova Scotia.

Nova Scotia continues to be an innovative leader in many areas through well-established formal and productive relationships with the Mi'kmaq and Aboriginal communities. This is achieved through the Made-In-Nova Scotia Negotiation process, formal Consultation processes, the Treaty Education Initiative, and other intergovernmental mechanisms, such as the Mi'kmaq-Nova Scotia-Canada Tripartite Forum. Additionally, OAA continues to provide consistent advice, training, and engagement techniques on a wide range of First Nation and Aboriginal issues to other provincial government departments.

OAA remains active in representing Nova Scotia at interprovincial and national levels. This includes engagement on many major initiatives with federal, provincial, territorial, and Aboriginal partners, such as the National Inquiry into Murdered and Missing Indigenous Women and Girls, implementation of the Truth and Reconciliation Commission's Calls to Action, and participating in Federal-Provincial-Territorial roundtables. OAA also organizes meetings of the Assembly of Nova Scotia Mi'kmaq Chiefs and Provincial Cabinet to discuss important bilateral issues and opportunities.

We are proud of the work we have accomplished over the last year and look forward to continuing to build meaningful relationships and partnerships that will create opportunities and help build an inclusive, innovative, and prosperous Nova Scotia.

Wela'liog,

Premier Stephen McNeil
Minister, Office of Aboriginal Affairs

Section 1 – Mandate

The Office of Aboriginal Affairs (OAA) leads negotiations related to Aboriginal and treaty rights with the Mi'kmaq of Nova Scotia and the Federal Government, coordinates and facilitates consultation between the Provincial Government and the Mi'kmaq of Nova Scotia, represents provincial interests that address Aboriginal matters, and provides strategic policy advice to government in fostering social and economic prosperity in Aboriginal communities. In addition, OAA works with partners within and outside of government to increase public education, awareness and understanding of many Aboriginal issues. This is done through the development of resources for the general public, educational institutions, and other targeted audiences.

To deliver the broad mandate of the Office of Aboriginal Affairs, it is important to understand the various interests and priorities of Aboriginal peoples in Nova Scotia. The Umbrella Agreement (2002) outlines the Province's primary commitments and mechanisms by which we currently maintain and manage our relationship with the Mi'kmaq of Nova Scotia and Canada. This agreement includes the Negotiation Framework Agreement on Aboriginal and Treaty Rights; the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference, a preferred protocol for conducting consultations with the Mi'kmaq, and various funding initiatives to enhance social and economic prosperity for Mi'kmaw communities and other Aboriginal organizations. Ongoing financial and human resources support for the Mi'kmaq-Nova Scotia-Canada Tripartite Forum (TPF) to strengthen relationships and to resolve program and policy-based issues of mutual concern affecting Mi'kmaw communities is also provided.

Section 2 – Core Responsibilities/Services

Strategic Policy

As a central agency, a key focus of OAA is to provide effective coordination and policy advice to provincial departments, offices, and agencies. There is also significant dialogue and interface with federal agencies. To design effective and sustainable corporate practices and solutions, OAA facilitates inter-departmental activities through internal coordination, communication, collaboration, and the development of consistent policy and information on issues. This work intersects with all government departments and agencies and OAA works to provide ongoing, continual support to promote meaningful and productive relationships between Nova Scotia and Mi'kmaw communities, while ensuring the province meets its strategic and legal objectives and obligations relating to Mi'kmaq and Aboriginal people in Nova Scotia.

OAA coordinates a collaborative approach among departments to address a broad range of Aboriginal issues and interests. This is achieved formally through the Senior Officials Advisory Committee on Aboriginal Affairs and informally through frequent issue coordination and management with line departments. Through the Policy Division, interpretation, analysis, and synthesis of information on issues from urban and rural Aboriginal communities and Nova Scotia's 13 Mi'kmaq First Nations is coordinated to provide line departments, community organizations, and business relevant information on issues related to projects, policies, and programming that can affect these communities. OAA also provides advice and coordination for the Assembly of Nova Scotia Mi'kmaw Chiefs and Provincial Cabinet meetings, and ongoing issues such as legislation, formal consultation, engagement, and negotiations. OAA also provides ongoing support and advice for departments and agencies wishing to initiate engagement and collaborate with the Mi'kmaq on projects of mutual interest.

Our relationships are strengthened through identification and coordination of cross-departmental issues, managing bilateral relations with the Mi'kmaq, and fostering intergovernmental relations with Canada and other provinces. A significant component of the collaborative relationship with the Mi'kmaq and Federal Government is through the Mi'kmaq-Nova Scotia-Canada Tripartite Forum. OAA provides both funding and provincial leadership to the Tripartite Forum to enhance collaboration and improve outcomes on issues of mutual importance. At an operational level, the seven working committees of the Mi'kmaq-Nova Scotia-Canada Tripartite Forum demonstrate a commitment to practical and tangible progress on issues and opportunities to improve social and economic outcomes for the Mi'kmaq, and the province as a whole. Surpassing its 20th anniversary, this forum is a nationally unique and innovative mechanism that brings multiple levels of government and the Mi'kmaw community together to work collaboratively.

Through the Tripartite Forum, the Truth and Reconciliation Calls to Action (TRC Calls to Action) have been prioritized and the working groups of the Tripartite Forum continue to develop implementation and action plans for the TRC Calls to Action within the Province. OAA continues to monitor, track, and provide advice on existing and emerging departmental programs, services, and initiatives that address the TRC Calls to Action.

In addition, OAA coordinates and leads provincial involvement with major Aboriginal-related Federal-Provincial-Territorial (FPT) initiatives. These fora include participating in the National Inquiry on Missing and Murdered Indigenous Women and Girls, working closely with the Status of Women for ongoing work for Nova Scotia's Sexual Violence Response Strategy as well as other initiatives to support Native Women in Nova Scotia, and working with Mi'kmaw leadership and other partners to address the TRC Calls to Action, and the Federal government's intended adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Mi'kmaq Rights Negotiations

The Made-in-Nova Scotia Process is the formal tripartite Aboriginal and treaty rights negotiation process involving Nova Scotia, Canada, and the Mi'kmaq of Nova Scotia, as represented by the Assembly of Nova Scotia Mi'kmaw Chiefs through the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO).

This negotiation process allows the three parties to discuss and resolve issues related to Mi'kmaq asserted and established Aboriginal and treaty rights, including Aboriginal title and Mi'kmaq governance, in a collaborative and interest-based manner. The negotiation process helps maintain and foster a positive and productive relationship between the Province and the Mi'kmaq of Nova Scotia as the parties work toward mutually beneficial short-term and long-term negotiated arrangements.

Through the negotiation process, OAA represents Nova Scotia's interests and negotiations goals. These include focusing on enhancing legal clarity on rights issues, improving and maintaining stable relationships, and reducing social and economic disparity for the Mi'kmaq of Nova Scotia.

In 2020-21, the three parties will focus on developing interim and incremental approaches to addressing Mi'kmaq rights in Nova Scotia. This will involve negotiating Rights Reconciliation Arrangements that bring greater clarity and predictability to the exercise of Mi'kmaq rights within National Parks and Mi'kmaq wildlife and fishing rights in Nova Scotia.

Other areas of ongoing work for 2020-21 will include:

- identifying ways to enhance clarity and collaboration regarding archaeology in Nova Scotia,
- discussions on Mi'kmaq governance and the process for determining Mi'kmaq of Nova Scotia beneficiaries,
- the acquisition of land of interest to the Mi'kmaq, to be held in support of negotiated rights agreements, and
- maintaining a strong and respectful relationship through open dialogue on new and emerging issues related to Mi'kmaq asserted and established Aboriginal and treaty rights.

Duty to Consult

In 2004, the Supreme Court of Canada ruled that provincial and federal governments have a duty to consult with Aboriginal peoples and accommodate their interests, where appropriate, when contemplating conduct that may adversely impact established and asserted Aboriginal or treaty rights. The Government of Nova Scotia recognizes the duty to consult with the Mi'kmaq of Nova Scotia and, beginning in 2007, established an institutional framework for consultation.

The Consultation Division provides policy leadership, guidance, and advice to government departments about the duty to consult with the Mi'kmaq of Nova Scotia and advises on the process to fulfill consultation obligations. The consultation process is guided by the *Nova Scotia-Mi'kmaq-Canada Consultation Terms of Reference (ToR)*, and the *Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia*. The Consultation Division works directly with departments to implement the ToR consultation process by coordinating consultation, facilitating meetings and communication, organizing and coordinating working groups, technical committees and consultation tables, developing tools, and offering training and capacity building to ensure the duty to consult is met. The Consultation Division is regularly advising on over 200 active consultation files.

In addition, OAA coordinates consultations with federal departments on projects where multi-jurisdictional decisions are required. A coordinated approach ensures government meets its legal consultation obligations and has consistent and effective mechanisms for consulting with the Mi'kmaq. The relationship with Canada is guided by the *Canada-Nova Scotia MOU on Consultation Cooperation*. It enables the sharing of information and gives direction to coordinated training and capacity building for provincial and federal public servants. OAA has initiated discussions with several federal departments on coordinating consultation efforts in light of new federal legislative requirements.

OAA also advises project proponents on delegated aspects of consultation and engagement with the Mi'kmaq, as outlined in the *Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia* (Guide). OAA has initiated a review of the Proponent's Guide to reflect recent legal decisions and the changing context of Aboriginal consultation in Nova Scotia, with the aim of finalizing the Guide in 2020-21

Continued support of the Mi'kmaq internal consultation coordination, capacity, and communications is important to enhance the provincial consultation process. This includes responding to increased volume and complexity of consultations and the development of tools and technical solutions. OAA continues to work with line departments to create or enhance existing consultation processes that are aligned with the particular circumstances of their consultations with the Mi'kmaq.

In 2018, OAA received Cabinet endorsement for an enhanced approach to Consultation in Nova Scotia that would better support the increasing volume of consultation, enable inclusive economic growth and be responsive to project timelines. The Division is also working to design training modules aimed at targeted audiences and is updating the training package for the intensive one-day session – The Duty to Consult with the Mi'kmaq of Nova Scotia - offered annually through the Public Service Commission. In 2020-21, the Consultation Division will work with its partners throughout government to continue to implement the enhanced approach.

Enhanced Public Education Awareness and Understanding

Continuing to build understanding of historical and contemporary Mi'kmaq and Aboriginal context across Nova Scotia is a critical ongoing process as we continue to build stronger relationships and work towards reconciliation between Aboriginal and non-Aboriginal Nova Scotians. OAA plays a critical role in sharing messages and knowledge to celebrate Nova Scotia's diverse cultural heritage and build welcoming and inclusive communities. Through collaboration with Mi'kmaq organizations, communities, and government departments and colleagues, OAA works to build capacity of organizations, celebrate culture and history, and extend the reach of education opportunities.

Treaty Education Nova Scotia is a collaborative initiative between the Mi'kmaq and several government departments, working together to develop specific programs and services for the education system, the public service and the general public. Treaty Education creates an opportunity for every Nova Scotian to learn about our shared history in the province and in Canada. Through building awareness and understanding we can together create an environment where reconciliation can be fostered.

Treaty Education uses four key questions as a guide to completing work: Who are the Mi'kmaq? What are the treaties and why are they important? What happened to the Treaty relationship? How can we reconcile our shared history? By highlighting the contributions of the Mi'kmaq, and by creating equitable perspectives within our education system, we can understand how the treaties were significant building blocks for Nova Scotia and Canada. Treaty Education is a long-term, generational process and we recognize that it is important to take the time to build a strong foundation of knowledge and resources by working closely with Elders and education professionals.

A Memorandum of Understanding was signed on Treaty Day 2015 between the Province and the Mi'kmaq to establish Treaty Education initiatives. The Province provides project funding, as well as significant in-kind staff contributions across government departments. As part of our work under the MOU, OAA continues to shape and implement options for long-term governance for Treaty Education in Nova Scotia.

Treaty Education Nova Scotia is also leading the implementation of projects, including the creation and delivery of public service education, development of a speakers' bureau, and facilitation training for the KAIROS Blanket Exercise, a teaching tool to share the historic and contemporary relationship between Aboriginal and non-Aboriginal peoples in Canada.

As well, OAA coordinates the annual Treaty Day celebrations with the Mi'kmaq in October and supports the Mi'kmaq History Month Committee by promoting community events and activities that celebrate Mi'kmaq culture, heritage, and contributions across Nova Scotia. Treaty Day (October 1st) commemorates the role of treaties in the relationship between Nova Scotia Mi'kmaq

and the Crown and promotes public awareness about the Mi'kmaw culture and heritage for all citizens of Nova Scotia.

Improve Social and Economic Prosperity of Aboriginal Communities

Improving social and economic prosperity in Aboriginal communities in Nova Scotia further strengthens the provincial economy through diversity and inclusion in the workforce. Ongoing work continues to identify major social, justice, and economic and employment opportunities and initiatives. These initiatives target social and economic prosperity that enhance economic development, education, and employment opportunities. This is done through maintaining and developing productive and collaborative partnerships with federal and provincial departments and other external partners. OAA works collaboratively with Mi'kmaw communities and Aboriginal organizations and with other levels of government, to coordinate Aboriginal and Tripartite initiatives, develop strategies, promote business development opportunities, and increase capacity.

OAA supports a number of projects that focus on partnerships to improve social and economic prosperity of Aboriginal communities and Aboriginal Nova Scotians. In addition, enhanced public awareness, education, and appreciation of Mi'kmaq history and culture help to target youth initiatives, marginalized communities, urban Aboriginal populations, and increase Aboriginal employment in the provincial workforce. As examples, in 2019-20, support was provided for the Clean Foundation Leadership Program, which employs up to 20 leadership placements for Aboriginal youth (15-30 years old), various community-specific initiatives to strengthen economic activity and prosperity, and to the Nova Scotia Native Women's Association for programming and services to address issues related to socio-economic prosperity for Aboriginal women throughout Nova Scotia. Recognizing the uniqueness of the Mi'kmaq in this province and the contributions of Mi'kmaw culture is supported through several initiatives focusing on cultural expression, visibility, and the development and planning for a Mi'kmaw cultural centre. This support will continue into 2020-21 targeting continued partnerships and innovation to strengthen social and economic development and prosperity for Nova Scotia's Aboriginal communities.

OAA plays a central coordination role connecting government departments with Aboriginal agencies involved in training and job creation. OAA continues to foster connections among various government departments and Aboriginal organizations, such as the Mi'kmaw Employment & Training Secretariat, Aboriginal Peoples Training & Employment Commission, and the Mi'kmaq Economic Benefits Office to explore and enhance training, recruitment, and employment opportunities for Aboriginal people. OAA also works with the Mi'kmaw Native Friendship Centre on programming to support employment and training for the urban Aboriginal community. These efforts have yielded stronger relationships, as well as increasing regional seasonal employment opportunities in construction and maintenance roles. OAA will continue these efforts with partners to increase the number of Aboriginal people receiving employment-based training and improving economic development opportunities and job creation.

The urban Aboriginal population continues to increase and offers both challenges and opportunities to transition and grow our economy and culture. OAA works closely with and supports the Mi'kmaw Native Friendship Centre (MNFC) to provide culturally sensitive approaches to better serve and understand this expanding population. Since 2016-17, OAA has supported the MNFC to conduct various studies and business and strategic planning to allow for continued and enhanced programming to meet the needs of this population and to support the planning and development of a new centre. Plans for the new centre creates exciting opportunities for social and educational programming, culturally appropriate access to a variety of services, and

tourism initiatives. A recent relaunch of the Urban Aboriginal Strategy, now called the Community Coalition, brings together community and government to focus on issues related to training and employment, mental health, and housing, and how these topics intersect.

Through the Aboriginal Community Development Fund (ACDF) and other grant funding, OAA supports and enhances the capacity of Aboriginal organizations and Mi'kmaw communities to improve social and economic prosperity for Aboriginal people in Nova Scotia. The ACDF supports community-led, Mi'kmaq driven initiatives with economic and business development outcomes and benefits for Nova Scotia's Aboriginal people. This fund specifically leverages other resources within and outside of government to support these projects and initiatives. Specifically, OAA was successful in leveraging more than \$780,000 in federal funds, which accounted for approximately 90% of total project costs. These initiatives foster collaboration and exploration of new opportunities. Measures of success vary depending on the project, but often include increasing employment prospects, developing capacity in Aboriginal communities, providing leadership development opportunities for youth, establishing business opportunities, and increasing education and awareness regarding issues facing Mi'kmaw communities and peoples. OAA will continue to maximize partnerships and collaboration wherever possible through the ACDF in 2020-21.

Section 3 – Measuring Progress, Impact, and Success

Our approach to measuring progress, impact, and success is founded on strong working relationships with the Mi'kmaq and Aboriginal people in the province. These relationships will continue to be strengthened through existing mechanisms mentioned above, as well as other national, regional, and local forums and working committees. As an office with a central agency role, providing advice and coordination to all provincial departments and agencies, there are many ongoing initiatives and priorities that are integrated and complex.

The success of our work and approach can be measured through reflection and qualitative evaluation of our strategic outcomes, including:

- Positive and productive relationships through negotiations with Canada and the Mi'kmaq of Nova Scotia,
- Coordinated approaches that ensure government meets its obligations and legal duty to consult,
- Collaborative partnerships to improve social and economic prosperity of Mi'kmaw communities, including leveraging provincial funding for initiatives, projects and organizations that advance these objectives,
- Effective coordination and strategic policy advice within the Nova Scotia government, and with Aboriginal communities and organizations, to address a range of issues affecting their communities,
- Collaborative and respectful Aboriginal and intergovernmental relations, and
- Enhanced public awareness and appreciation of Mi'kmaw and Aboriginal history and culture, including continued development and promotion of training for NS public servants, enhanced curriculum within the public education system, and increased outreach with the general public to further strengthen our productive and positive relationships with the Mi'kmaq of Nova Scotia.

Section 4 – Departmental Expenses Summary

Aboriginal Affairs Departmental Expenses Summary (\$ thousands)			
<u>Programs and Services</u>	<u>2019-2020 Estimate</u>	<u>2019-2020 Forecast</u>	<u>2020-2021 Estimate</u>
Aboriginal Affairs	4,406	4,406	4,362
Total - Departmental Expenses	4,406	4,406	4,362
<u>Funded Staff (# of FTEs)</u>			
Department Funded Staff	17.5	17.0	17.0
<u>Note:</u>			
For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1			