The Importance of Consultation and Aboriginal Engagement in Policy-Making:

Lessons from the Winnipeg Urban Aboriginal Strategy

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INTRODUCTION:

Participatory democracy exercises (consultations, town-hall meetings, advisory boards, polling, etc.) in advanced industrialized countries are becoming the norm with governments consulting and engaging with citizens in many fields of public policy. This is increasingly becoming the case for state-Aboriginal relations in many parts of the world. Aboriginals are becoming a larger and more powerful stakeholder group than in the past in public policy-making and hence, governments are finding it increasingly hard to avoid Aboriginal participation (Maakas and Fleras, 2000: 108). Specifically, public consultations between Aboriginals and the state have become the norm in terms of governance, especially in the resource development and construction-related proposals in Canada. Aboriginal peoples' desire to be part of the decision-making process has resulted in advancements such as the legal "duty to consult", memorandums of understanding, co-op boards in the North, and the creation of Nunavut. The literature on state-Aboriginal consultations on-reserves is vast in terms of resource and economic development, however, the literature is largely silent on state-Aboriginal consultations in urban settings. Similarly, there are gaps in the literature on the effectiveness of the consultation processes in regard to urban Aboriginals. This paper seeks to fill these gaps through a case study, more specifically, the federal Urban Aboriginal Strategy (UAS) in Winnipeg.

This paper begins with a review of the public consultation literature. Review of the literature provides the foundation for defining and measuring genuine consultations in the following section. The overarching goal of this section is first, to define what is meant by "genuine" consultation and second, is to understand if the process of consulting allows urban Aboriginals the opportunity to affect policy, via an evaluation of the consultation process. In other words, this paper outlines the components necessary for public consultations to be labeled

as "genuine", as opposed to "general", and it argues that when involved in genuine public

consultation, such a method is an effective tool allowing Aboriginals to make genuine decisions

on policies that directly affects them. This is demonstrated through the examination of the

Winnipeg UAS as a case study.

SETTING THE GROUND WORK FOR PUBLIC CONSULTATIONS:

In Canada, public consultations have come to the forefront because of a changing

political culture which emphasizes greater democratic participation while acknowledging that

citizens have less deference towards their elected officials. In general, there is growing

widespread expectation that governments consult with the public on public policies and there is

no evidence of this trend reversing anytime soon (Bartram, 2007). The Organization for

Economic Co-operation and Development (OECD) states that, public consultations are:

> One of the key regulatory tools employed to improve transparency, efficiency and
> effectiveness of regulation…and improved accountability arrangements…It
> involves actively seeking the opinions of interested and affected groups. It is a
> two-way flow of information, which may occur at any stage of regulatory
> development, from problem identification to evaluation of existing regulation. It
> may be a one-stage process or, as it is increasingly the case, a continuing
> dialogue. Consultation is increasingly concerned with the objective of gathering
> information to facilitate the drafting of higher quality regulation (ND, 02).

This can occur in many forms such as, consensus building, citizen juries, citizen panels,

electronic voting, planning cells, conferences, community forums, deliberative face-to-face

dialogues/workshops and seminars, on-line venues, etc. (Rowe and Frewer 2005, 257 and

MacKinnon et al. 2008, 8).

The general understanding among participatory democracy proponents is the belief that

allowing citizens a seat at the table during the policy-making process will improve the quality of

decisions regarding the content and delivery of policies and programs, generate greater trust in

government and overall, strengthen democracy through social and political inclusion (Nylen,

2003). The degree to which this can occur varies based upon the type of consultation employed.

That is, consultations may occur as a one-time process, may involve several meetings, or may

consist of on-going deliberations throughout the policy-making process. The degree of

involvement will dictate the levels of benefits incurred. Much of the literature on public

consultations deals with form, policy-making, and benefits to and for government and

participants. The literature is largely silent on what occurs after the decision to consult has been

made and what happens to the participants, both government and community members, during

the consultation process especially, in the Aboriginal case.

     In the Aboriginal case, governments understand the important legal and policy

implications when consultation is not undertaken. A project report, *First Nations Consultation*

Framework (2008), prepared for The National Centre for First Nations Governance, highlighted

the importance of consultations for First Nations which include:

> respect for Aboriginal rights; provides opportunity to protect these rights; gives
> First Nations the opportunity to exercise their jurisdiction over, and their social
> and economic interest in, lands and natural resources; results in longer term
> commitment to build a sustainable relationship and reconcile the ongoing issues
> of the past; results in increased involvement by the First Nation in revenue
> sharing and land and resource management; consultation activities can create
> mutually beneficial relationships with government and 3rd parties; and last, will
> provide an increased role for the community to participate in decision-making
> (Hill Sloan Associates Inc. section 2.1.1).

The Supreme Court of Canada (SCC) has recognized the Crown's legal duty to consult which

has been the result of 3 pivotal cases: *Haida Nation v. British Columbia (Minister of Forests -*

2004); *Taku River v. British Columbia (Project Assessment Director – 2004)*; *Mikisew Cree First*

Nation v. Canada (Minister of Canadian Heritage – 2005). This duty is grounded in the concept

of the "honour of the Crown" (Hill Sloan Associates Inc. section 2.2.1). Stemming from these

judgments, several provinces have produced or proposed guidelines for consulting with First

Nations. However, these procedures and protocol have a large and almost exclusive focus on: "the duty to consult"; aboriginal policies pertaining to resource development, land management and self-government arrangements; and a focus on the final outcomes. But little is known about the negotiations and consultation processes that occur between state officials and Aboriginal representatives. This paper attempts to fill these voids.

DEFINING AND MEASURING CONSULTATION

There is no one-size fits all approach to consultation. However, there are common characteristics of the consultation process that distinguish between general/phoney/tokenistic and genuine/authentic (these words will be used interchangeably) consultations. This paper seeks to develop a framework to evaluate and distinguish between general and genuine consultations. Based on the overarching literature on public consultations and the interviews conducted with UAS members there are several key components required for genuine consultation to occur. First and most importantly, for the purposes of this paper general consultation refers to a consultation process in which the government controls the process and outcomes. Usually this occurs as a one-time process typically in the forms of town-hall meetings, community forums, electronic voting, etc. While genuine consultation symbolizes a sharing of the enterprise. In this instance a partnership is formed allowing both government control and Aboriginal control of the consultation process and outcomes, also referred to as 'real authority'. Usually, this will occur when consultations are on-going throughout the policy-making process. This does not mean the framework advocates for complete control in impacting the outcomes by any one party. Instead, it advocates for the opportunity to allow participants a fair and equal chance at impacting the outcomes. As the classic article by Sherry Arnstein (1969), *A Ladder of Participation*, states, "participation without redistribution of power is an empty and frustrating process for the

powerless. It allows the power-holders to claim that all sides were considered, but makes it possible for only some of those sides to benefit. It maintains the status quo." (216) The changing degree of control between the two parties can be visualized by a continuum (see Figure. 1), where allowing Aboriginals more control over the process leads to genuine (meaningful) participation and subsequently, signifies genuine consultation, or what Arnstein labels as *partnership*, which enables participants to negotiate and engage in trade-offs with traditional powerholders (217).

On this point, Hill Sloan Associates Inc. has noted that, First Nations and the Crown have diverging views on the matter of authority, or what their report labels as consent and Government-to-Government relationships (section 2.4.2). On the former, the report states, "There is no consensus that First Nations or indigenous peoples should have the "right to say no" to projects that might affect them" (Section 2.4.2). On the latter, the report states, "There is no consensus that the duty to consult carries the expectation that First Nations should be equal players in resource management decisions" (Section 2.4.2). Though these statements address consultations dealing with resource management, albeit, it speaks to governmental attitudes towards the consultation process at large. Hence, when government officials go into consultations in this manner, it will hinder the process ineffective for genuine Aboriginal participation. That is, if participants lack real authority to make policy decisions, they will be less likely to be in involved. Therefore, if the process is heavy-handed, Aboriginal participation cannot be meaningful.

A second component of this model deals with deciding representation: who speaks for or represents the group, and how are these representatives chosen? (Catt and Murphy 2003, 411) Governments have several ways to go about this task, such as random sampling. However, though this mechanism has its merits (it best approximates the principle of individual equality) it

provides Aboriginals with no choice in the matter. Catt and Murphy (2003) argue that allowing

parties to pick their own representatives is most effective and is especially important for

historically disadvantaged or marginalized groups who may not trust the government to choose

someone who will honestly and effectively represent their interests (412). Therefore, a better

mechanism put forth by both authors is to have governments provide for a process of *group*

selection, "wherein particular government-designed groups or associations would choose their

own representatives to speak on their behalf." (412)

In these cases, the group in question may choose to elect their representatives or to

choose them through informal methods. Catt and Murphy argue that the importance and benefits

of this mechanism is that it allows representatives to be directly accountable to the members it

represents and in ensuring that those representatives provide an accurate account of the

perspectives and priorities they represent (412). This is essential to the groups whose interests

are at stake and to the government who requires as accurate an account as possible in order to

achieve efficacy and legitimacy in the policy-making process. To this end, given the cultural

sensitivity of Aboriginal policies, Aboriginal participation can only be effective if members can

choose who they believe will best represent their interest.

Other important features needed for genuine consultation pertain to information

management, free-flow of communication and resources allocation. All of these features can be

labeled under *process management*. Participation cannot be meaningful if the appropriate

resources (internet, transportation cost, access to information, sufficient time, etc.) and

information (pertaining to the issue) are not made available to participants. As Turnball and

Aucoin (2006) state, "The effort to make participants as informed as possible enhances the civic

education aspect of the deliberation exercise. It also helps to "level the playing field" between

those participants who initially are knowledgeable about the issue and those who are not." (9) Furthermore, the Treasury Board of Canada Secretariat (2007) states, "To make meaningful contributions, participants must have access to neutral, timely, and relevant information. Inherent in the notion of accessibility is the need for terminology and language to be appropriate, relevant, and understandable to the stakeholders." (19) In addition, the Treasury Board notes that stakeholders should be provided with documents supporting the consultation effort, all information needed during the process, supporting rationales, technical or scientific information, analyses performed, costs and benefits, and potential impacts and consequences (19).

Without this information, knowledgeable input cannot and will not occur which will result in government officials pushing their agenda on Aboriginal participants (Van Den Burg, 20). Therefore, access to information will allow for inclusion and equality in the process. As Catt (1999) argues, "the ability to take part in the democratic process is an important step in attaining equality...Even if all have the same access to the democratic procedures there are other conditions that need to be met, such as availability of information" (1999). The report by Hill Sloan Associates Inc. highlight similar findings. The report states,

> Lack of resources and funding has been a major stumbling block to meaningful and valid consultation and accommodation with First Nations. The duty to consult and accommodate, carries with it obligation to ensure adequate and sustained funding for First Nations to carry ongoing work of identifying and articulating their interests and to participate in the decision-making process (section 3.1)

Some other important commonalities that emerged between First Nations, industry, international and Canadian legal guidelines, from the Hill Sloan Associates Inc. report, which are important for the purposes of this paper include: Timing – Consultation must be undertaken in a timely manner and as early in the decision/planning process as possible; Information Sharing – Information must be comprehensive and understandable; Funding - Crown should provide

funding for First Nation participation; and Feedback – Provide feedback and offer reasons for a decision, if necessary (Section 2.4.1)

On a more comprehensive level, King et al. (1998) argues that citizens need to be educated with a focus on teaching specific organizing and research skills and leadership training for effective participation to take place (324). Given the disadvantaged nature of Aboriginal societies (i.e. low education levels, high unemployment, poor health and housing, etc.) and therefore, restrictions to democratic participation, governments must provide the necessary resources (transportation cost, computer and internet access, communication devices, professional staff, access to expert consultants, etc.) needed to allow for genuine participation. By creating an environment conducive to authentic participation citizens and administrators can work together from the beginning when policy matters are being defined and framed. More importantly, such an environment encourages participants to make connections and develop relationships to allow for legitimate policy outcomes and simultaneously, an increase in community inclusion (King et al., 324). If and when this occurs, Aboriginal peoples will become partners in the policy-making enterprise and the democratic process at large. This being a central goal for the urban Aboriginal communities in cities all across the country.

THE URBAN ABORIGINAL COMMUNITY IN CANADA:

The literature on urban aboriginals is small however, the federal government has recognized the importance of creating sustainable policies for the growing number of aboriginals moving into urban centers. For example, the 1993 Royal Commission on Aboriginal Peoples (RCAP) identified Aboriginal peoples as an important policy area requiring research and governance attention. Evelyn Peters (1994) states, "the apparent failure of general public service organizations to improve the socio-economic position of the urban Aboriginal population

suggests that alternative approaches are required" (preface). Within this context, municipalities have struggled and continue to struggle, to make meaningful contributions to the establishment of Aboriginal self-government without compromising the ability of municipalities to provide for all citizens (Peters, 2005). Walker (2003) notes that urban planners cannot subsume Aboriginal peoples within the larger municipal planning discourse "without an affirmation of the unique rights and circumstances of this population group (In Peters, 331, 2005)." Policy-makers at all levels of government are facing real challenges which are not static but continue to be a part of the urban landscape as Aboriginals continue to settle in these centers.

Given this, urban Aboriginal governance continues to be an important area of inquiry for policy-makers and Aboriginal communities themselves. As Wherrett and Brown (1994) state, "In many parts of Canada, Aboriginal peoples in urban centres have already become involved in governing themselves. They are taking an active role in the administration and delivery of services, and have developed political institutions to further their participation in society" (84). This is nowhere more evident than in Winnipeg and may be the case for two reasons: socio-demographic outcomes and organizational outcomes. First, Manitoba has the largest percentage of Aboriginal population as a percentage of the provincial total. Statistics Canada's data from 2006 (most recent census) shows the Aboriginal population in Manitoba comprising 15.5% of the total population. This is higher than any other province in the country and only less than the territories. Looking specifically at Winnipeg the total population is approximately 650 000 with the Aboriginal population close to 64 000 (2006 Census). Winnipeg has one of the fastest growing urban Aboriginal populations in the country and has the largest concentration of urban Aboriginal people in Canada on a per capita basis. Almost 10% of Winnipeg's population

identify themselves as urban Aboriginal (Métis, Inuit and First Nations), which is more than four times higher than 25 years ago (INAC, July 2010).

Second, a study commissioned by Clatworthy et al (1994) demonstrates the organizational initiatives and the institutionalization of Aboriginal organizations taken on by Aboriginal peoples in three major urban centres in Canada: Edmonton, Winnipeg and Toronto. The importance of this study is that it demonstrates the political infrastructure created by Aboriginal communities to govern themselves. For the purposes of this paper, looking specifically at Winnipeg, the authors study documented a total of 25 Urban Aboriginal organizations in Winnipeg (Clatworthy et al, 61-62 of Peters, 1994). These organizations, more so compared to the other two cities, exhibited a higher level of Aboriginal exclusivity in terms of clients, membership, and appear more integrated into the urban Aboriginal community (Clatworthy et al, 62of Peters, 1994). Peters more recent work (2002) numbers Aboriginal organizations at 30. Though both studies are dated, but nonetheless demonstrate the growing involvement of Aboriginal peoples in urban life. In the Winnipeg context, community building through institutional development has deep historical roots. A Director for the Office of the Federal Interlocutor (OFI) noted that the presence of the Urban Aboriginal community in Winnipeg is strongly felt politically and socially, which may be linked to the fact such groups have been around longer (Personal Interview with Director, OFI, February 2012). Interviews with steering committee members of the Winnipeg chapter (many who sit on the boards of such organizations and all vehemently active within the community) all suggest that such efforts are paying off. These members highlight the effective co-operation that occur inter- and intra-organizationally which makes projects such as the UAS a success.

CONSULTATION AND DECISION-MAKING WITHIN THE UAS WINNIPEG: BACKGROUND AND FINDINGS

The research conducted here is part of a larger research project that compares the outcomes of the UAS in Winnipeg and Toronto. Both sets of data are based on the collection of official documentation and face-to-face personal interviews of Steering Committee members. Steering Committees are volunteer based (except for government representatives) and generally consist of 15 members – 10 from the community includes a few youth representatives and five government members (only accounting for three votes), each representing one of the three levels of government. In addition, each member sits on sub-committees, one or two members will act as Chair and/or Co-Chair, one member acts as the national caucus representative, and each member represents one vote at the table. This composition will different from chapter to chapter. Preliminary research conducted online and with Toronto-based members highlighted the success of Manitoba-Aboriginal relations and more specifically, the success of the Winnipeg chapter (see Appendix 3). Given these initial findings, in addition to the large urban Aboriginal demographic, Winnipeg is the appropriate unit of analysis to identify the reasons for what appears to be an effective consultation process in that city.

The personal interviews conducted in Winnipeg were carried out individually with each steering committee member, whether community member or government representatives. Thirteen interviews were conducted in total, in which two of the sessions were done in pairs. These dual interviews were done in an effort to save time for the respondents who belonged to the same organization, or in this case specifically, the same level of government. Interviews lasted between an hour to an hour and half. All recent members of the Winnipeg chapter were personally interviewed at their place of work (except for two interviews that were conducted by phone and two member never responded to any correspondence) and answered a series of

questions (see Appendix 1). Specifically, all community members (except for two members) including one youth representative was interviewed. Eight community members in total were interviewed with one member also acting as Co-Chair. All three levels of government were interviewed, including two from OFI (regional director and development officer), one from the Government of Manitoba, and two from the Government of Winnipeg (is a rotating seat but consist of only one vote).

In 1997 the Federal Government established the UAS to address the challenges facing the growing number of Aboriginal peoples living in urban centres. The strategy was categorized as a government-wide policy established to address these concerns "through greater internal coordination of federal activities and through partnerships with provinces, municipalities and Aboriginal stakeholders" (Goodale, 2002). The strategy is designed to focus on three priority areas: improving life skills; promoting job training, skills and entrepreneurship; and supporting Aboriginal women, children and families. These priority areas meet the objective of the UAS which is to "promote self-reliance and increase life choices for Aboriginal peoples in urban centres" (INAC 2010, i). As well there is an emphasis on forging relationships between the UAS chapter, governments and the community. More importantly, there is a large focus on capacity building on the ground. The general intent according to INAC is, "to address the challenge of growing numbers of Aboriginal people living in urban centres through improved federal coordination and greater intergovernmental cooperation" (i).

Though the Strategy was announced in 1997, no actual funding was allocated for the project until 2003, when $50 million was dedicated to the project over a four-year period (INAC 2010, i). In Manitoba federal investments had already been made to address urban Aboriginal matters. In 1997 to 2003, the project was still in the pilot phase and was instrumental in the lead

up to the Winnipeg Partnership Agreement (WPA) (engagement and cooperation of all three levels of government) which had an Aboriginal component. The WPA is what the federal government used to flow their contribution through to the UAS. Under the Strategy, the Office of the Federal Interlocutor (OFI) is responsible for implementing the UAS in the eight chapters that were involved (Vancouver, Edmonton, Calgary, Regina, Saskatoon, Winnipeg, Thunder Bay, and Toronto). The general mandate for OFI is to conduct research and provide advice to government on socio-economic conditions for off-reserve Aboriginal people who include Metis, Non-status Indian, and urban Aboriginal people. More importantly, for the purposes of this paper, a key activity of the office is to create "partnerships with other governments – whether provincial or municipal – as well as with other external stakeholders" (INAC 2000, iii).

However, Hanselmann (2002) argues that there is an absence of strong political backing by the Government of Canada since OFI "has no department of government and no significant budget to work with…[and] no legal authority" (170). That is, prior to 2006/2007 OFI directed the UAS from its National Capital Region (NCR) office which delivered on-the-ground services through the regional offices of Western Economic Diversification Canada and Service Canada (INAC 2010, i). It was not until April 2007 whereupon OFI assumed full responsibility for all aspects of the UAS followed by the establishment of regional offices in Ontario and four Western provinces (INAC 2010, i). In March 2007, the UAS was renewed for another 5 years with a projected annual funding of $13.7 million per year (INAC 2010, i) and moved from being a pilot project to a government programme. More recently, in March 2012 the federal government committed another $27 million over a two year renewal period. Funding for this programme has not seen major cuts in an era of economic uncertainty and government cutbacks, which seems promising for the future of the UAS. As an OFI representative stated, "The

mentioning of the UAS in the budget demonstrates that the UAS is here to stay – whatever we're doing is positive" (Aboriginal Strategic Planning Committee (ASPC) meeting, April 2012).

Once actual dollars were allocated in 2003, committees across the country began holding extensive consultations with their respective Aboriginal communities. The purpose of these community consultations, referred to as community forums, were to design local strategies, that would involve partnering with other governments, community organizations, and Aboriginal peoples to support projects that respond to local priorities (MVUAS, 2010). One thing should be clarified at this point - the UAS is not an exercise of self-determination and self-government. Rather, it attempts to reduce Aboriginal poverty in urban settings (Walker, 2005, 410). However, this paper is not concerned with policy outcomes and the effectiveness of such policy outcomes per se. Instead, the purpose is to understand if genuine consultation is occurring within the UAS Winnipeg and, if so, which factors contribute to the city's success in implementing the Strategy. Using the framework above and relying on qualitative data conducted through interviews, this paper will demonstrate the importance of several key factors/characteristics that need to be established in order for state-Aboriginal consultations to be fruitful. In particular, four variables are analyzed below: authority; representation; process management; and political will.

AUTHORITY – Authority involves the ability to affect change, not just the belief that one can. In terms of the UAS, authority lies in the ability of members to develop the Strategic Plan needed to implement the UAS and the ability to decide the direction of funding. In Winnipeg this is occurring. The members as a steering committee decide the policy direction which is the final product of the Strategic Plan. Development of the Strategic Plan occurred as a one day retreat in which all members came to the table to discuss policy direction. From there, consensus is built based on what the committee believes community needs are, which is at the

core of the Strategic Plan. However, what is important to note is that the development of the Strategic Plan is based on direct consultation with the Aboriginal community in Winnipeg. The steering committee holds community forums with Aboriginal organizations and individual members annually prior to the one-day retreat. In general they are well attended. For example, the last forum in February 2012 was one of the more successful forums to date. Attendees numbered over 150 and majority stayed for the full duration (two hours). The purpose of these forums is part of the principle of engagement and partnership in which all levels of government must demonstrate their commitment with the community and to the community. Specifically, the forums are used to inform the community what the Steering Committee is doing and to gather feedback. The feedback is then used to shape the direction of the Strategic Plan. Consultation in this instance is based on community engagement leaving the final decisions in the hands of the Steering Committee. This is an important aspect of genuine consultation as it signifies real decision-making power placed in the hands of the Aboriginal community.

Along with the Strategic Plan, project funding is decided by the committee via final recommendations which are presented to the government representatives. Rarely has a project submitted for recommendation been denied by the government. This indicates the government's willingness to allow Aboriginal control of the process. However, allowing the Steering Committee decision-making authority on funding projects perhaps has more to do with the fact that the government has accepted the reality that Aboriginal community members have a better understanding and knowledge of what is needed on the ground. One issue that a few members alluded to was that the entire process, from community engagement forums, drafting the Strategic Plan, to project funding recommendations, was greatly formalized by the federal government. For example, one member noted, on the matter of horizontality, which deals with

streamlining government programs and initiatives across the board (to avoid program and funding duplication), the intent is there however, bureaucratic processes makes it hard (Personal interview with committee member, May 1. 2012).

For example, many of the tools used for engagement follow a bureaucratic model of administration. For example, the use of the Community Assessment Tool (CAT) which is, "A tool for UAS Steering Committees to inform decision making and serve as a mechanism to enhance capacity development efforts" (OFI 2007), is a tool the Government of Canada put into place in 2007 to enhance community engagement. The purpose of CAT is "to help participating communities develop strategies to assess progress" (OFI, 2007). CAT consists of a series of questions to be filled out by committee member. The questions focus on nine characteristics OFI believes to be important to the UAS: Decision Making Structure; Strategic Planning Process; Community UAS Priorities; Communication; Community Support – National Priorities; Government to Community Relationship; Identified Capacity – Building Needs; Linking with Others Locally; Linkages between Governments (OFI, 2007). Though the tool is useful for gauging progress in these focus areas, the tool itself and the process of implementation was not a joint decision by the government and Aboriginal members. Rather, the development and use of such a tool continues to be part of the government's political way of interacting with Aboriginal members. Though no members had stated any objections to the use of CAT, it signifies the group is still just a government body, directed by a political processes established by the government.

Another objection from some members was the "terms and conditions" handed down by the federal government which outlines the government's mandate and purpose for the UAS. These "terms and conditions" are not decided by the steering committee and no consultation is involved with the committee regarding the conditions of this document. However, members note

that the "terms and conditions" are broad enough to allow the committee free reign in terms of developing its Strategic Plan. In other words, members express that though the "terms and conditions" are handed down by the federal government, the committee is given the authority and decision-making power to decide which policy areas will be given attention and projects will be funded. This is not to suggest that some members did not have hostile feelings towards the "top-down approach". One member noted that the process was about "government control" (Phone interview with UAS committee member, October 13. 2011). That is, "the government has an agenda and government hands it to the community to implement" (Phone interview with UAS committee member, October 13. 2011). Several members expressed similar sentiments regarding the "terms and conditions" top-down approach. However, government officials seem to have a different perspective on the policies that govern the UAS. One government representative noted that, "committee members have the potential to network and build great capacity, government just works behind the scenes to harness this potential" (Personal interview with government representative, May 3. 2012).

REPRESENTATION – Representation on the Winnipeg UAS closely approximates the ideal selection method advocated by Catt and Murphy, *group selection*. Community representatives on the steering committee are selected by a process handled by a selection committee which is made up of representatives from the 3 levels of government, two representatives from the political organizations (the Assembly of Manitoba Chiefs and the Aboriginal Council of Winnipeg) and two elders (CGC, 2010) in addition, to 2 positions to be filled by nomination. The "Final Report Community/Government Committee (CGC)" (2010) conducted by Celeste McKay Consulting stated that, "While the other political organizations were invited to participate on the Selection Committee, they did not put forth a representative to

sit on the committee. A Metis Elder and an Inuit Elder were invited to participate but were not able to attend" (1). One member noted that some organizations did not want to participate because they believed the agenda of the UAS conflicted with their own organization's agenda (Personal Interview with UAS committee member, May 2. 2012). However, this statement does demonstrates the government's initiative to have representation inclusive of the Aboriginal community at large. Only 2 nominations for the additional 2 positions were received and therefore, these individuals sat on the selection committee. This Selection Committee created the selection criteria to guide the selection process. In addition to the "call for nominations" for the Selection Committee, a similar "call for nominations" for Steering Committee members was widely distributed through Aboriginal organizations and networks via emails. As the, Final Report (2010) states,

> A call for participation was sent out for both participation in the Selection Committee of the CGC as well as the CGC itself by email on or about January 28, 2010 to a number of individuals and organizations from a list of service providers and community organizations (provided by OFI-MB) as well as to the following list-serves: the iuscommunitylink list serve, the University of Manitoba's Professor Fred Shore's list, Volunteer MB's list serve and the Red River Community College's list serve. It was also published on the online version of the Drum. The Metro and other news publishing possibilities were not practical given the time frame for submission of applications.

Applicants were asked to fill out the Application Form (Appendix 2) and submit a recent resume. Most members stated they found that the "call for nominations" was widely distributed and effective. A total of 27 nominations were received to fill 10 seats. However, one member voiced the concern that representation was not reflective of the community because members were not voted by the community, though members were selected by other Aboriginal community members who sat on the UAS selection committee (Personal interview with UAS committee member, May 1. 2012).

Two points may be observed here. One, though the government believed email to be the most efficient and effective means of communication, the use of emails meant only those with access to the internet and those with emails were informed of the call. Emailing is obviously the common and most popular form of communication, however, those not registered on any list servers would not receive notification of the "call for nominations". This may leave out a large segment of the Aboriginal population who wants to participate but is unaware of such opportunities. Second, the time commitments (one-day monthly meetings, forum attendance, sub-committee meetings) asked of a volunteer-based group means that some applicants who cannot take off the full day of work would not be able to apply or be part of the committee. These points highlight the need to perhaps make representation more inclusive by providing the opportunity for more applicants to apply.

Another representation concern existed with the first set of committee members under the "Winnipeg Partnership Agreement" (WPA). The UAS was originally administered by the WPA which is an agreement "signed in May 2004 and represents a five-year, $75 million commitment by the governments of Canada, Manitoba and Winnipeg to strengthen neighbourhoods, promote economic development and enable Aboriginal citizens to fully participate in Winnipeg's economic and social opportunities" (WD, 2012) Originally, when the UAS was part of the WPA representation was based upon sectors or organizational representation. This caused some conflicts amongst members who felt their sector/organization was not being represented in terms of funding allocation. One former committee member noted he was asked to apply because the committee felt there was no representation from his region of the city (Personal interview with former UAS committee member, April 25. 2012). However, this respondent noted that this caused friction because more senior members were able to push and receive funding for their

specific organization (Personal interview with former UAS committee member, April 25. 2012).

Most members noted that the conflicts arising from the 1st set of steering committee members surfaced because members were representing their organizational affiliations knowing there was money to be distributed. However, this is no longer the case

When the WPA completed its mandate on December 31, 2009, the UAS became part of the Aboriginal Strategic Planning Circle (ASPC) and began playing a larger role in setting the rules and agenda of the Winnipeg's Strategic Plan. In its new incarnation, a new set of members were chosen for the steering committee now under the auspices of the ASPC. To avoid conflict members realized representation by sector/organization was ineffective in achieving common goals. Therefore, representation moved from organizational basis to individual basis. Majority of members note this to be more effective because when the representative comes to the table each wear their individual hats and do not carry their organizational baggage with them. One member noted that the change in selection criteria meant there was no agenda pushing and hence little conflicts of interest (Personal interview with UAS committee member, April 17. 2012). Since the rebirth of the UAS in 2010, mechanisms have been established to avoid further conflicts of interest. For example, if a member's affiliated organization is on the table for discussion/debate or has submitted a proposal for funding, the member is not allowed a vote and must leave the room when committee voting occurs (Personal interview with UAS committee member, April 17. 2012). Such mechanisms appear to be working for the committee and this has been noticed by most members.

However, one point of contention for some members was the fact government representatives were appointed by each respective level of government rather than the committee itself (Personal interview with UAS committee member, April 23. 2012). This is not a major

issue for the committee but some have noted this to be the nature of government-Aboriginal relations and perhaps alludes to the fact that some changes need to be made. Though the process of choosing government representatives may not be the optimal situation, it does represent a good start towards the notion of genuine consultation. That is, through some trial and error the steering committee is finding ways to make the UAS work for the community.

Process management – "Process management" includes those tools/resources needed to manage or make the process work for the committee. This includes time (deadlines, personal time), resources (funding), access to information (for incoming members, for referencing projects), and the free-flow of communication between governments and the committee and within the committee. The umbrella of process management can include much deeper management mechanisms such as community capacity building, government-aboriginal relationship building, mechanisms for dealing with different sectors (non-profit, voluntary, private) and rules of engagement. However, this is beyond the scope of this paper and delves deeper into the questions of state-Aboriginal governance. For the purposes of this analysis, this criterion will suffice for evaluating the consultation process.

When members were asked whether, "the tools/resources needed for participation made available to you" (Appendix 1), the general consensus was two-fold. First, what was lacking for all respondents were time and funding. In terms of time, most responded that given the nature of the strategy the federal government is asking for a lot in a short period of time, especially with the recent renewal of 2-years to allocate all funding. Majority of members noted that the timelines placed pressures on the individuals to get the projects off the ground and given that the strategy is volunteer-based, it is a lot to ask of individuals. In addition, one member commented that the rigid and formal processes required by the government makes it hard to get things done

such as, getting right to the planning aspect, especially when the process is volunteer-based (Interview with committee member, May 1. 2012). However, all members stated that being part of this strategy and making it work was important to each individual and each recognized the dedication and commitment of all others. One member summed it up as, "we have to prove we're good or we're gone" (Interview with community member, October 13. 2011).

In relation to funding, all members stated that funding is inadequate to redress the concerns related to urban Aboriginal poverty. In other words, funding is limited to deal with symptomatic problems related to poverty, such as housing, addiction, employment, etc., though more can always be available. However, the funding is even more inadequate to deal with the systemic problems related to poverty, as one committee member commented (Personal interview with UAS community member, May 1. 2012). Most members commented that the limited funding made it hard for the members to play a significant role in the community, though all members expressed the desire to. As one member noted, "we're just a government body with a small pot of money to play with, only $1 million per year" (Personal Interview with UAS community member, May 2. 2012). Essentially, the year-to-year framework for funding makes it difficult for members to build capacity in the community.

Second, all members noted that information on the Winnipeg UAS was sufficient in terms of background information, those new members needing to play catch-up, historical information and any information needed from the government, such as reasons for refusing project funding. In addition, all minutes from previous meeting are appropriately archived and accessible if needed. Adequate record-keeping makes it easier for new members to understand what is taking place in terms of on-going projects, the process and the procedures of the strategy, and the history of the strategy. This allows incoming members the ability to become quickly

informed in order to participate in the strategy. Several members noted that upon joining the committee there was a learning curve. However, it was easily overcame because all necessary documents were available and organized (Personal interview with committee members, April 30. 2012). The only barrier to information learning, which came up in several of the interviews, was the lack of information on results. Several members commented on the need for evaluation reports on how the funding is being used on the ground and outcomes of the funding. That is, accountability for how the money is being used which would assist in determining future funding strategies.

The other, and perhaps one of the most important aspects evident within the UAS process is the free-flow of communication. That is, communication leading to accountability for the actions of each member whether government or community member. The historical relationship between Aboriginals and the state is one embedded in distrust. Aboriginals tend to distrust the political process, and for good reason. The free-flow of communication is essential to building trust amongst the parties. Without this free-flow of communication members will be skeptical of government actions and intentions, making it difficult to build relationships and hence, encourage participation during consultation. One of the important lessons learned from Winnipeg is that the free-flow of communication is key to breaking down these barriers to participation. Otherwise, members will continue to feel as though the process is heavy-handed and their participation meaningless. As one member stated, UAS is "not a heavy-handed process where government is leading. It is a good process. If it is a big issue, the government will pull rank but this has only occurred once where the Government of Manitoba pulled rank *but* clearly explained why this was done and the reasoning made sense" (Personal Interview with UAS committee member, May 2. 2012. Emphasis added).

In addition, all members stated that the process provides an environment conducive to communication. That is, all members are encouraged to speak and voice their opinion on all discussions and decisions. Majority of members stated that the opening ceremony, which consists of an opening pray and a talking stick that goes around the table to each member, makes each individual feel welcomed and connected. The significance of the talking stick is to open the lines of communication allowing each member to tell the group what is going on in each member's personal lives. One member noted that this made her feel comfortable though she is a relatively new member (Personal interview with UAS committee member, April 17. 2012). These open lines that is, the free-flow of communication, are important for building trust amongst the parties and within the committee, and for encouraging open dialogue and participation. Given that decides are based on consensus building, without the free-flow of communication genuine participation cannot take place and essentially would hinder the process of decision-making.

One minor observation, which may hinder both the ability to gather information and to play catch-up in a timely manner, is the absence of a Winnipeg UAS website and the absence of up-to-date information on the AANDC website. The lack of a website for Winnipeg (when other chapters have websites) makes it difficult for researchers, citizens, and more importantly, members of the Aboriginal community to access information on the Strategy. Without insider information little is known about the UAS in Winnipeg. This means that those who may be interested in submitting a "call for nominations" or a "call for project proposals" would not know of the Strategy or its purpose. Essentially, Aboriginal individuals and organizations would have to be "in the loop" to benefit from the Strategy in any meaningful way (project funding,

community participation and engagement, etc). This applies to the lack of current data available on the AANDC website regarding the UAS as well.

Political will – Political will does not refer only to efforts of governments but in this instance political will includes the efforts of all committee members, efforts of their employees (in this case, majority of employees were Aboriginal and non-profit organizations except for one member who was employee but a for profit, non-Aboriginal company), and efforts of the Aboriginal community at large. Specifically, political will is the desire and genuine effort to get the process right and working for all parties. For governments, the desire in to change the way governments operate. That is, to engage the Aboriginal community with governments, to be innovative in terms of policy for urban Aboriginals, to promote horizontality (avoid duplication of programs), and alignment to ensure program complementarity at all levels of government. For committee members, the desire is to see the projects working on the ground and getting funding for specific causes. All members communicated the importance of the Strategy to their respective employers, who have supported the cause and allow the individuals to take the 1-day a month off to attend the meetings. Allowing employees time off demonstrates the support of these employers to this Strategy. The political will for all parties is there but each party is still attempting to figure out how to harness or tap into the potential of one another. For example, one member noted that the committee is still attempting to figure out how to harness the group's relationship with one of the levels of government at the table (Personal Interview with UAS committee member, April 23. 2012). While OFI representatives believe the potential for each member to access their networks and knowledge is there however, is not occurring to its fullest potential (Personal Interview with UAS committee members, May 3. 2012).

CONCLUSION:

This paper has established a framework for evaluating the differences between general and genuine consultation in relation to urban Aboriginals in Canada. The framework determines four key factors that need to be present and in effect in order for genuine consultation to occur: authority, representation, process management, and political will. Based on the case study examined here, for the most part genuine consultation is occurring within the Winnipeg UAS. That is, though not perfect many aspects of the genuine consultation framework are in effect. For example, the committee possesses the authority to decide the allocation of funding projects, though at the end of the day if government feels a project does not fit the UAS mandate, government has final say. The committee employs the *group selection* model for selecting representatives, however the pool of Aboriginal applicants is limited given the narrow distribution of "call for nominations", in addition to government representatives being appointed instead of submitting a nomination. Process management works to keep the programme running smoothly even though individual members' time and funding continue to be limited. Lastly, the political will of all members, governments and not, exist to make the consultation process and strategy at large a success, according to OFI. Looking at the strategy as a whole, more can be done to utilize the knowledge and skills of all members. Many of these successes (group selection, avoiding conflicts of interest, reallocation of funding to Winnipeg, etc.) appear to occur on an ad hoc basis. The lesson for future consultations is to have a blueprint of what the entire process will look like prior to consulting. That is, governments and participants should understand what is expected of each during the process of policy-making. More specifically, all need to understand how to apply what each member brings to the table, whether it is the department they represent or their own life experiences. Utilizing this knowledge from the

beginning will assist in moving the process along given that the programme is based on consensus building; otherwise the process will be time consuming and tedious as consultation unfolds.

Looking specifically at the Winnipeg UAS and the UAS in general, two lessons can be learned. First, though genuine consultation is occurring, it is the lack of a common vision, or understanding of how to approach the issue of urban Aboriginal poverty on the ground, that is preventing the committee from remedying these concerns. The observation here is that the process of consultation, though working for community members and governments, is not working to promote and encourage policy innovation or transformational outcomes which are part of the UAS mandate. That is, at the end of the day it is still a government body required to follow administrative protocol in order to achieve the final goal - allocate funding. Second, the sole action of allocating funding continues to be transactional in nature and do not compliment or nurture the notion of collaborative governance, which OFI aims for. In other words, there is a need to utilize the knowledge, power, and networking potentials of all community and government members in order to change the circumstances of Aboriginals living in urban centres. The next logical step for the UAS is to find ways to build consensus around a strategic plan which looks at long term investments for the Aboriginal community at large. Genuine consultation is the vehicle to achieve this goal which is for the UAS to leave a footprint on the urban political and socio-economic landscape for Aboriginal communities.

FIGURE 1.

PUBLIC CONSULTATION CONTINUUM

General Consultation
(Government Control)

Genuine Consultation
(Aboriginal Control)

General Participation

Genuine Participation

APPENDIX 1.

QUESTIONS TO PARTICIPANTS

Questions related to participation:

1. How were you chosen or approached to be part of the steering committee (SC)?
2. What is your involvement in the SC?
3. Do you know how members were contacted and chosen to join the SC?
4. To your knowledge were members of the steering committee given the opportunity to decide the purpose or form of the consultation? Or, was this decided a-priori your involvement?
5. What about consultation mechanisms, who gets to decide this?
6. Were the tools/resources (internet, transportation cost, access to info, sufficient time, funding, etc) needed for participation made available to you?
7. What obstacles (trust issues, bureaucratic control, etc), if any, do you think hindered your ability to fully participate?
8. Finally, in your opinion what is needed to make the participation of members more effective?

Questions related to the process:

1. How was agenda/policy direction decided? In other words, what policy projects get pushed through and how/why?
2. How does the SC reach final decisions?
3. Is the process democratic?
4. How is your input used in the final decisions
5. How does the SC overcome conflict?
6. Is there any suggests on how to make the process work better for Aboriginals?

Questions related to the strategy:

1. How is the UAS addressing urban aboriginal poverty?
2. Is it working?

3. Is the UAS trying to be the face of the urban Aboriginal population in Winnipeg?
4. How does it attempt to forge relationships with the community and how does it build capacity?
5. Why do urban Aboriginal organizations seem to cooperate so well with each other?
6. Is the UAS an effective way for governments to work collaboratively with the Aboriginal community?
7. Would you be able to comment on why Winnipeg is one of the more successful UAS communities?
8. What elements were present that allowed Winnipeg to be a success?
9. Finally, what could make this strategy more effective for Aboriginals in terms of the achieving the main goals of the UAS?

APPENDIX 2.

APPLICATION FORM

Please submit a completed application form and resume to _____ by mail, email or fax by February 12, 2010.

address, email, fax, etc.

Applicant Information

Name (*first and last*):

Address:

Postal Code:

Telephone:

Email:

Organization (if applicable):

Self-Declarations – check one box for each statement

1. I am:

☐ Métis

☐ Inuit

☐ Status Urban Aboriginal person

☐ Non Status Urban Aboriginal person

2. I am in the   ☐   16 to 29 age range   ☐   30 or older

3. I live in Winnipeg and have for at least the last 6 months.   ☐ Yes ☐ No

4. I live in a neighbouring community and work in Winnipeg. ☐ Yes ☐ No

Intent

Complete the following sentences. Be as long or as short as you like in your response.

1. I want to be a Committee member because…

2. The knowledge that I would bring to the Committee includes…

3. If you have experience working on a Committee please answer a). If not, skip to b).
    a. I have always found being part of a Committee to be…

    b. I think Committee work will be…

4. My personal or professional lived experience that I can contribute to the work of the Winnipeg Aboriginal Community – Government Committee includes…

Attributes

All members are expected to bring the following attributes. In 250 words or less please provide detail or examples of experiences where you were able to contribute in these ways.

1. Ability to form relationships and work as a member of a team;
2. Honesty and integrity in professional and personal dealings with people and organizations;
3. Ability and willingness to talk about difficult issues in a manner that encourages discussion and problem-solving;
4. Flexibility and willingness to consider change as a way to respond to needs in the community;
5. Ability and willingness to listen to others;
6. Ability to consider the broader picture on issues;
7. Awareness of an Aboriginal world-view relative to culture, spirituality, history, language, political and social issues;
8. Demonstrated commitment to improving the quality of life of Aboriginal people;
9. Willingness to work within Guiding Principles based on the Seven Sacred Teachings.

Declaration

I certify that the above information is an accurate representation of me and my opinions and may be shared with only those directly involved with the selection of the new Community – Government Committee members. Upon completion of the selection process the information destroyed.

Applicant Name (please print)	
Date	Signature

APPENDIX 3.

Winnipeg

1. Aboriginal Health and Wellness Centre (AHWC) - Comprehensive Community Initiative (CCI) Financial Administration and Coordination

Through this project, the Aboriginal Health and Wellness Centre of Winnipeg (AHWC) provided coordination and administrative support to the UAS Comprehensive Community Initiative (CCI) from August 1, 2009 to March 31, 2010. The coordinating organization worked with the CCI Steering Committee and the Office of the Federal Interlocutor, to achieve the goals of the CCI community strategy. The results from the coordination activities included: the delivery of effective and efficient administrative services to the CCI Steering Committee, the management of financial accounting records related to UAS funds, in accordance with Generally Accepted Accounting Principles. It also promoted the ease of access of financial reports, activity reports, and records to the CCI Steering Committee and the Office of the Federal Interlocutor, in accordance with the reporting schedules defined in the Comprehensive Financial Arrangement.

Amount contributed by UAS: $357,816.

2. Assembly Manitoba Chiefs/Eagle Urban Transition Centre - Transitional Issues and Partnership Opportunities Forum

Funders and other stakeholders in Winnipeg were invited to participate in a Strategic Planning Session regarding "Transitional Issues and Partnership Opportunities", in March 2010. The forum provided the Eagle Urban Transition Centre with the opportunity to provide community leadership, build service delivery capacity, and partnerships with these organizations in the urban Aboriginal community in Winnipeg. Participants identified issues that Aboriginal people faced when transitioning to an urban centre, they further shared knowledge of priorities related to transitional issues, and developed partnerships and networks to strategically meet the needs of urban Aboriginal people in Winnipeg.

Amount contributed by UAS: $15,000

3. Helen Betty Osborne Memorial Foundation - Aboriginal Student Awards for Post-Secondary Education

Educational awards were presented to Aboriginal post-secondary students who completed their chosen field of study. In 2009, the sponsor presented 71 financial awards to Aboriginal post-secondary students.

Amount contributed by UAS: $49,050

4. Ka Ni Kanichihk Inc. - Restoring the Sacred

This successful program delivered culturally relevant prevention and intervention programming to Aboriginal youth between the ages of 14 to 21, who have relocated from northern and/or rural communities to Winnipeg to attend high school and are vulnerable to gangs, sexual exploitation, prostitution, and the use of drugs and alcohol. The program operated after-school and on weekends and offered an orientation to urban life and resources, cultural events, homework assistance, study groups, recreational and networking opportunities with other Aboriginal youth in a healthy and safe environment. The project also provided a comprehensive training program for youth to equip them with the knowledge and skills to become active peer mentors/buddies.

Amount contributed by UAS: $63,355

5. Native Women's Transition Centre - Completing the Circle

The Mentorship Project, Completing the Circle, addressed the need to provide peer assistance to women leaving in the Native Women's Transition Centre. Completing the Circle provided nurturing and caring supports, guidance, teachings, life skill lessons, and skills training to assist Aboriginal women to build their individual capacity and to take on leadership roles within their communities.

Amount contributed by UAS: $66,100

6. Social Planning Council of Winnipeg - Program and Administration Support

The project provided coordination, financial, and administrative support in implementing activities to developed partnerships and increase the capacity of the Aboriginal community of Winnipeg.

Amount contributed by UAS: $153,000

7. Manitoba Urban Native Housing Association Inc. - Operations and Organizational Transformation

Funding for this project supported this Aboriginal non-profit organization to transform its organization to meet the growing needs of low-income Aboriginal families in Winnipeg to obtain safe and affordable housing.

Amount contributed by UAS: $69,175

8. United Way of Winnipeg - Aboriginal Philanthropy in Canada 2009-2010

The Recipient initiated research and explored strategies to increase the participation of Aboriginal individuals and organizations in the philanthropic activities of their communities. This also advanced Aboriginal priorities related to Aboriginal focused philanthropy. The information will lead all sectors of Canadian society (government, corporate, and philanthropic) towards better policies, programming, and opportunities of, financial support for specific programs and projects for the Aboriginal community.

Amount contributed by UAS: $30,000

9. United Way of Winnipeg - Winnipeg Poverty Reduction Council 2009/2010

This project addressed issues of poverty in Winnipeg and brought together community leaders from business, social service, government, labour, arts and culture, recreation and sport, education, health, and the Aboriginal community to address the issue of poverty in a community-wide, integrated, and cross-sectored approach.

Amount contributed by UAS: $45,000

Source: Aboriginal Affairs and Northern Development Canada. 2011. "Urban Aboriginal Strategy Projects (2009-2010 Fiscal Year)". Ottawa: AANDC

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