

Making Aboriginal Issues Matter in the  
Government of Manitoba:  
Some Organizational and Procedural  
Options

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## **I Introduction**

The purpose of this report is to examine alternative organizational arrangements and procedural mechanisms designed to ensure that issues affecting Aboriginal peoples receive active and serious attention in the decision-making processes that take place on several levels within the Government of Manitoba. In its Second Report, the Aboriginal Justice Implementation Commission indicated that among the topics on which it was commissioning research were:

- the creation of a continuing government capacity to focus on Aboriginal issues
- the establishment of institutions or structures to facilitate change in policies and
- programs affecting Aboriginal peoples.

This paper provides some analysis and opinion on these topics. It is based upon a selective literature review, document analysis and a limited number of interviews.

Three broad sets of concerns lie behind the following examination of the existing structures and processes for handling Aboriginal issues and possible, alternative future arrangements:

1. The concern to ensure that issues affecting Aboriginal peoples achieve prominence on the institutional agendas of governments in such decision-making forums/processes as cabinet, cabinet committees, legislative planning, the budgetary process, program planning and implementation, etc.
2. The concern to ensure the coordination and integration of policies, programs and services affecting Aboriginal peoples, whether these activities are conducted by individual departments, more than one department, or by one or more non-departmental entities, such as crown corporations and boards/commission
3. The concern to ensure that the policies and programs of the main departments of the provincial government reflect an adequate understanding of the values, special circumstances, needs and priorities of the diverse Aboriginal communities and of the off-reserve Aboriginal population.

This paper approaches the analysis of these three issues in the following manner. The next section of the paper introduces the key concepts of responsiveness and coordination that are central to an analysis of the evolving relationship between Aboriginal peoples and the Government of Manitoba. A third section examines how the values of responsiveness and coordination have been incorporated into the traditional design of the government departments and the pressures to change this model. A fourth section examines Aboriginal issues and federalism. Section five provides a brief overview of recent policies and programs within Manitoba. The final section presents a series of institutional and procedural options that might improve the responsiveness and coordination of policy-making and policy implementation within the Government of Manitoba.

## **II Responsiveness and Coordination**

Recent reforms to the structures and processes of public sector organizations throughout the world have been adopted with a number of aims in mind:

- to ensure that policy-making is anticipatory (not simply reactive), responsive to changes within society and shifting political priorities, strategic in focus and content, and comprehensive, coordinated and effective in delivering results
- to deliver economical, efficient, effective, equitable and high quality programs and services

- to ensure that public services reflect the changing needs of clients, are integrated (so that clients are not required to achieve integration themselves) and are readily accessible
- to require performance measurement and performance reporting as a basis for promoting improvements to programs/services and as a basis for accountability for results on the part of both politicians and public servants.

The above list of aims of recent public sector reforms contains a number of political and administrative values that are deemed valuable within the operations of government. The growing international pursuit of greater sensitivity and responsiveness to client needs and concerns on the part of public sector organizations has had an impact on current thinking about future relations between Aboriginal peoples and governments at all levels in Canada.

Any list of highly prized values within government would include the following: responsiveness, accountability, economy, efficiency, effectiveness, due process and fairness, integrity and probity, representativeness, coherence, coordination and consistency, and flexibility and stability. Even a brief glance at such a list reveals that the various values compete with one another for priority when applied in practice and there are bound to be trade-offs involved. Flexibility or adaptability, for example, does not always co-exist easily with the desirability for some measure of stability and predictability. Efficiency can clash with representativeness, due process and responsiveness. Balancing the various values takes place within both the political and the administrative processes of government and throughout all phases of the policy cycle-formulation, decision-making program design, implementation, service delivery and ongoing evaluation. At different periods in time some values gain in importance at the expense of others.

For example, faced with large accumulated debts and annual deficits, most governments during the past two decades stressed the three Big Es (economy, efficiency and effectiveness) and de-emphasized the fourth Big E of equity-defined in terms of representativeness, due process and equal opportunities.

While none of the important values listed above operates in isolation from the others, the analysis in this paper focuses mainly on the two concepts of responsiveness and coordination.

Responsiveness-refers to the inclination and the capacity of governments -at both the political and the administrative level-to recognize and to reflect in their actions the wishes and needs of the public at large and of those segments of the public who are most directly affected by particular initiatives and actions. While the concept of responsiveness seems at first glance to be relatively straightforward, upon further analysis it becomes more complicated and problematic.

The questions that arise in relation to government responsiveness include: responsiveness by whom? to whom? for what? through what means? and with what consequences?

All notions of responsiveness involve some linkage and interaction between "the people" and some public institutions or public officials. When speaking of government, the representation of concerns and demands can take place through the political process and through interactions with the public service. Elections, political parties, the media, pressure groups, legislatures, polling, and communications by individuals are the main channels for the representation of the multiplicity of interests and values that exist within pluralistic societies. New, more direct avenues for public input, such as referenda and recall, have been promoted in recent years as a means for governments to keep in closer touch with the various publics they are elected to serve.

Disenchantment with traditional representative institutions and process has also prompted a rethinking of the traditional role of the public service in relation to the public. Traditionally, it was assumed that public servants were primarily responsive to the political executive, that is, the prime minister and the cabinet. By serving their elected political masters loyally and reflecting their priorities in the legislation and the spending they proposed, public servants were presumed to be acting responsively and serving the public interest. With the political process in disrepute and with the application of a consumer philosophy to describe program delivery (citizens become customers and they provide the key feedback on program quality), public servants have been encouraged to put the needs and wishes of clients first. Today, therefore, public servants are often asked to be responsive to two main groups of actors: the elected representatives (especially the political executive) and the public (especially, those groups and individuals most directly affected by their actions and inactions). Direct conflict between these two types of responsiveness may not occur all that often, but there is the potential for a clash, especially during periods of downsizing in the public sector when benefits may have to be withdrawn from groups or individuals. Often the public service identifies with these groups and believes in the value of the programs they deliver.

In terms of what form responsiveness takes, four broad types can be identified:

- policy responsiveness - involves representing the wishes and needs of the public or some sector of society within the processes of policy formulation, policy approval and policy implementation
- allocational responsiveness - providing material benefits in the form of programs, services and spending that will benefit the public, particular groups of people and specific communities

- service responsiveness - working to ensure that services are readily accessible to those who are eligible so they do not face systemic barriers to obtaining the benefits they are entitled to
- symbolic responsiveness - refers to provision of intangible benefits, such as recognition of a group as having the right to be heard, the voicing of the concerns of the groups or the visible representation of a group within government. Even when tangible benefits are not involved, symbolic gestures can be important in generating trust and confidence towards government.

These four types of responsiveness overlap in practice. For example, having Aboriginal people represented in the Legislature and in the public service sends a symbolic message. Not only does it suggest that public sector jobs are open to Aboriginal peoples, it may also inspire confidence that the system will be aware of and responsive to the preferences and needs of Aboriginal communities. Whether, in fact, Aboriginal individuals working inside the system see themselves as representatives of the Aboriginal community, work to advance its interests and are successful in obtaining tangible benefits is an open question, on which the evidence is mixed.

Usually responsiveness is deemed to occur when there is a match between the declared policy preferences and needs of a particular population and the outputs (policies, programs, services, etc.) and the outcomes (the impacts of government activities in society) of government. However, there is a question of whether a governmental system should be described as responsive if there is simply a potential for influence. Or, is responsiveness demonstrated only when tangible benefits are delivered to a target population? This raises the question of what consequences must follow to conclude that institutions are responsive. For example, there may not be a perfect match between the stated preferences of the Aboriginal community and the actions of government, but does this fact mean that representation and responsiveness are completely missing in the Aboriginal relationship with government? What constitutes responsiveness in the relationship when the demands of the Aboriginal community are multiple, perhaps contradictory, vague, shifting or uninformed? Is all responsiveness reactive in nature or can governments act responsively by interpreting and anticipating the needs of the Aboriginal community? Finally, there will always be a requirement for governments to look at Aboriginal concerns alongside the needs and preferences of other groups and society at large.

In summary, what it means for governments to act responsively is not as simple or straightforward as is often assumed. The concept of responsiveness involves different meanings and difference practices under different conditions. If it is assumed that the political process must be the main source of responsiveness, then the public service acts as an instrument of the will of elected officials. However, if it is assumed that the public should have a direct relationship with the public service, then administrative responsiveness becomes a more complex

phenomenon with public servants responsible for reconciling conflicting interests and values. Available studies do not provide clear evidence about what factors determine the nature and extent of the responsiveness demonstrated by administrative agencies towards different segments of the public. Among the potentially relevant factors would be the mandate of the organization, its structure, the backgrounds and attitudes of its employees, its internal culture and climate and the types of issues before the organization at different times. The key point is that we lack careful examinations of the linkages between different types of responsiveness and changing patterns of responsiveness and organizational features. Finally, responsiveness is only one of a number of values that are important and these values must all find expression within our political and administrative processes; hence, the need for balancing and trade-offs among values.

The interaction among values can be seen when we examine the second key concept of coordination. The term is used almost always with approval, but seldom defined carefully. Coordination is both a process and a desired outcome. The process of coordination involves interactions in which two or more individuals/institutions take one another into account for the purpose of bringing their decisions/activities into a harmonious and/or supportive relationship. Coordination as an outcome or end-state refers to a situation in which policies, programs and activities of government are characterized by minimal redundancy, incoherence, inconsistency and gaps.

It is popular to talk about coordination versus lack of coordination, but most situations involve degrees of coordination. In other words, coordination represents, as both a process and an outcome, a continuum. At the minimal end of the continuum, actors and institutions are aware of each other's activities and make some effort not to contradict or duplicate. A maximalist definition would imply perfect coordination, something that is probably unachievable in the real world of government practice. To achieve perfect coordination would require that governments behave as if they were "of one mind." In practice, however, governments do not represent a single unified, homogeneous institution, but rather a loose agglomeration of separate organizations representing different interests and values. It is usually assumed that to ensure a high level of coordination requires tight controls over organizations, means to settle disputes among competing units and ways to insist that gaps in services be closed.

The beneficial effects of coordination can be significant, but they are limited. Neither the process nor the outcome of coordination is always a good thing. For example, time-consuming efforts to achieve coordination and requirements that parts of government find ways to accommodate their differences, can weaken responsiveness. Over-coordination can lead to centralization of thinking and decision-making, leading to the omission of relevant perspectives on issues. Formal coordination structures do not always produce the desired result of better coordination in terms of results.

Three models of the coordination process have been identified: hierarchy, markets and networks. Hierarchy represents the traditional and widely practiced approach to the promotion of coordination. Hierarchical arrangements involve "top-down" direction and control through the creation of levels of authority and power among institutions and actors. Hierarchy implies coercion or at least the potential to order others to do something. Within government, as is discussed below, the use of hierarchy can be seen in the role of so-called central agencies. Examples of central agencies are offices serving first ministers and cabinets (called the Prime Ministers Office and Privy Council in Ottawa and the Executive Council in Manitoba), Finance Departments, Treasury Board Secretariats (sometimes called Management Boards), and Public Service Commissions. Other administrative entities may at times assume central agency-like functions on a temporary basis. In general terms, the function of central agencies is to protect and to promote the policy and other priorities of the cabinet across the range of departments and non-departmental organizations that comprise government. They do this by providing centralized direction on policy, administrative, budgetary, human resource management and other common purpose activities with the aim of achieving coherent, consistent and coordinated outcomes. To achieve this type of horizontal coordination, central agencies are granted the authority and opportunities to intervene in the internal affairs of the line departments and of non-departmental bodies (crown corporations, agencies, boards, etc.).

Within individual departments hierarchy is replicated with operating people on the front line, an ascending array of offices with expanding authority, and a minister at the apex of the organization. Direction and responsibility for particular activities are delegated downward and accountability for action flows upward, thereby ensuring that vertical coordination within the organization takes place. Both horizontal and vertical coordination within government are discussed in more concrete terms below. Suffice to say at this point that reliance upon hierarchy works best when the organization(s) involved have a clear mandate and are integrated from top to bottom. When mandates are diffuse, when organizations are structured loosely and when multiple organizations are involved in complex transactions, the potential and efficacy of hierarchy as a coordinating mechanism is reduced.

The "market" approach to coordination is based on the assumption that self-interested institutions and individuals will collaborate effectively only when it fits with their aims to do so or circumstances require it. This form of coordination is more voluntary and informal in nature. It involves the exercise of influence rather than formal authority or power. Alignment of activities is achieved through communication, information sharing, exchange, negotiation and bargaining. Coordination may occur without any deliberate, conscious attempt to coordinate; it arises as a by-product of on-going decision-making processes within government. Such ongoing, voluntary, interactive processes can supplement and

complement formal authority relations, or impede and frustrate them. "Coordination without a coordinator" is the more prevalent pattern of interaction when two or more organizations of similar status and power are involved.

The third model of coordination involves the concept of networks. It emphasizes the linkages and interactions among organizations both inside and outside of government. The model stresses the openness of government to outside influences and the role that such pressures play in encouraging more coherent responses from governments. It has become less fashionable than in the past to see governments at the pinnacle of society setting directions and intervening unilaterally to produce change. Not only is there less faith among the public about the capacities of governments to play this "steering" role, governments themselves are tied down by a complex web of linkages to other organizations (both domestic and international) that limits their freedom of action. Shared power is now the prevalent pattern. As more open pluralistic approaches to governance (i.e. direction setting) becomes the pattern at both the level of the individual organization and society at large, then network versions of coordination become more popular. The optimistic assumption of the network approach is that ongoing interaction will lead to shared understandings of issues, shared values and aims and shared risks. The trust generated in such networks will be helpful in solving joint problems through coordinated actions. Networks can vary significantly along a number of dimensions: the degree of interdependence among their members, the extent of their integration, the degree of formality of relationships, the intensity of the interactions, the parity of power of the members and the types of instruments used for network management.

The next section of the paper examines in more concrete and practical terms how the concepts of responsiveness and coordination have been incorporated into the design of the machinery of government.

### **III The Traditional Department and the Limits of Hierarchy**

Historically, it was assumed that public services structured and operated along bureaucratic lines would ensure responsiveness to the political priorities of the time and contribute to a coordinated approach across an expanding range of departmental and non-departmental entities. The key characteristics of the bureaucratic model were: hierarchy, a clear chain of command, division of labour and specialization, recruitment and promotion on the basis of merit and expertise, reliance upon expert knowledge in decision-making, strict rules and procedures, relative security of employment, continuity of personnel and long-range thinking. Putting the supposedly rational and reliable instrument of the bureaucracy in the hands of elected politicians in government would enable them to realize their policy goals in the most efficient and effective manner possible.

Under the Canadian system of responsible cabinet-parliamentary government, final responsibility and accountability for the policies and overall performance of



departments resides with ministers. There is both a legal and a political dimension to the doctrine of ministerial responsibility. The statutes that create departments call for a minister to be put in charge. Ministers are meant to have the final word on policy and on administrative matters that may have political significance. Ministers answer politically for their leadership of departments before the legislature, the media and ultimately to voters at election time.

If ministers are meant to be "on top," public servants are meant to be "on tap" in the sense that departments of government represent large reservoirs of specialized information, expert knowledge and accumulated wisdom that ministers can draw from to formulate policy and to carry out their plans. Inevitably ministers must rely greatly on the analysis and recommendations of senior public servants when deciding policy. Public servants are expected to demonstrate foresight and awareness of developments both internal and external to government when formulating advice. Representing neutral expertise, experience and a long-term perspective, public servants are also expected to warn of the dangers of ill-informed, short-term and perhaps politically-opportunistic actions. The closer one gets to the top of the department, the more ministers and public servants share an interactive and overlapping world of issues and activities. In the top administrative positions, public servants are expected to balance awareness, sensitivity and responsiveness to the concerns of the ministers they serve with a commitment to preserve organizational integrity, to promote employee morale and commitment, and to ensure that effective programs and sound management exist.

Once policy and programs are approved by ministers, the public service exists to implement them in a economical, efficient and effective manner. Because policy and program goals are often stated in general terms, public servants are left to define their operational meaning through various actions. Furthermore, because of the desire to capitalize on the expertise of the public service, departments and their managers are granted significant autonomy and discretion to operate programs and to adapt them to changing circumstances. Political involvement in administrative matters is supposed to be limited. To maximize the potential contribution of the public service to the goal of "good government" requires that politicians respect the neutrality, professionalism and operational independence of the institution. In quantitative terms, most of the decisions made within government that affect the everyday lives of citizens are made by public servants, not by elected politicians, and therefore reforms designed to improve the capacity and inclination of public servants to respond to the people they serve could be valuable.

There are numerous criticisms of the traditional integrated department as an example of a bureaucratic-style organization, but the focus here is mainly on the consequences of this form of organizational design for the values of responsiveness and coordination. The bureaucratic model allegedly leads to unresponsive and fragmented government by promoting an inward-looking,

narrow and turf-conscious mentality among public servants. Many priority areas of government require the design and implementation of complex intervention strategies that involve more than one level of government, several departments and even organizations from outside of government. Aboriginal policy-making definitely falls into this category. However, traditional departmental arrangements mean that public sector programs extend into society strictly along vertical lines making policy and administrative coordination of cross-cutting (horizontal) interventions difficult. The "departmentalization" of policy thinking and actions ignores the interdependence among societal problems and the interactive effects of government interventions as they reverberate throughout society, often in unpredictable ways.

Inside government, walls or barriers to collaboration across departmental boundaries, and even among divisions within particular departments, are erected as specialized expertise is applied, narrow mandates are pursued and public servants seek to protect their bureaucratic turf.

The traditional framework of accountability tends to reinforce these attitudes by associating performance and success with the fulfillment of narrowly defined departmental objectives. An emphasis within departmental cultures on putting the needs of the minister first can cause public servants to see the needs of their clients as secondary. Control over resources, status and power, are found at the top of the organization, not on the front lines where the clients' needs are most evident. Narrowly construed loyalty to the minister and the departments' goals, especially among senior managers, can be incompatible with horizontal initiatives, especially when it means sharing mandate, resources and credit for activities are not perceived as central to a particular unit's responsibilities.

Concentrating decision-making authority at the apex of the departmental pyramid has allegedly reduced reliance upon the knowledge that can only be derived from actual operations that take place at the bottom or the peripheries of the organization. Respect for ministerial freedom and departmental autonomy leads to complicated, cumbersome and slow-moving decision-making processes. The numerous interdepartmental committees that spring up like crabgrass in government (and are just as hard to eradicate) are meant to ensure that divergent perspectives are reconciled and that support is mobilized for decisions. However, these benefits often come at a cost in terms of both the boldness and timeliness of the response to issues that cut across organizational boundaries.

Reliance upon hierarchy as the sole or even the main basis for coordination is increasingly being challenged by trends both outside and inside of government:

- globalization, more open economies and the liberalization of trade means greater reliance on market forces, limited use of some types of government intervention, transformation of former domestic issues into bilateral/international issues

- rapid change, complicated, multi-faceted problems, interdependence among policy fields and the inability to capture all the interconnections among policies/programs within the traditional "boxes" of line departments
- devolution of power from federal and provincial governments to other orders of government, regional authorities and Aboriginal governments
- governments are disaggregating traditional, integrated departmental structures into multiple agencies
- there is growing reliance upon outside, third parties to deliver programs and services based upon contracting out and partnership arrangements
- the so-called "customer revolution" in the public sector involves an individualistic perspective that promotes "customer satisfaction" in terms of meeting expectations of individuals clients, but it downplays collective participation in setting policy and program goals
- the strain on the finances of government makes coordination more important, given that it may reduce overlap and duplication, but scarcity also increases competition making coordination more problematic.

Under changing conditions of governance, governments can rely less upon formal, hierarchical structures to harmonize their activities and they must develop other means to support a consistent, coherent approach to problem solving. Coordination failures arise when no organization deals with a particular problem (gaps), when two organizations perform the same task (redundancy), when policies/programs have different goals and perspectives (incoherence) and when clients are forced to find their way through a jurisdictional maze (fragmentation).

Several levels or types of coordination are needed and may occur within government:

- at the strategic policy level within cabinet
- among the several central agencies that are themselves intended to serve a coordinating function on behalf of the first minister and cabinet
- across departmental boundaries within individual governments
- between the policy priorities of the cabinet and the budgetary allocations
- among different divisions and levels within individual departments, between departments and non-departmental entities, such as special operating agencies, crown corporations, administrative tribunals, etc.

- among governments within the federal system and within provincial-municipal relations
- with outside organizations and individuals through advisory networks, consultation exercises, lobbying, etc.
- within the administrative processes for the purpose of integrated service delivery to an identifiable target population.

Coordination issues tend to be more easily addressed at the implementation stage than at the policy formulation stage. Administrative coordination takes place at the lower levels of public organizations and the issues are settled more on the basis of client needs, whereas policy debates emphasize issues of power, turf and organizational status.

While coordination efforts can contribute to more positive outcomes, they are not a panacea. There is no guarantee that better coordination structures and processes will solve problems of unresponsiveness, policy shortcomings and inefficient and ineffective programs. Nor is better coordination a substitute for better knowledge, greater sensitivity and shared goals among participants.

#### **IV Aboriginal Issues and Federalism**

Aboriginal peoples comprise 11.7 percent of the Manitoba population and Manitoba's Aboriginal population represents 16.1 per cent of the national Aboriginal base. Winnipeg has more Aboriginal people (approximately 60,000) than any other Canadian city. Compared with the rest of Manitoba's population, the Aboriginal community has been growing rapidly. This growth has included significant migration activity by Aboriginal peoples from reserve to off-reserve settings, from the north to the south and from rural to urban centres. Manitoba's Aboriginal peoples have made significant economic and social progress during the past three decades. There is now a large and growing Aboriginal middle class. However, Aboriginal peoples are still among the provinces most disadvantaged groups in terms of unemployment, inadequate incomes, poor housing, health problems, conflict with the law and acceptance by mainstream society. Even with the significant improvements in the socio-economic status of Manitoba's Aboriginal community, many Aboriginal families and individuals will continue to draw upon government programs and services to improve their opportunities in life.

Aboriginal organizations view the policies, programs spending and services provided by governments as entitlements derived from historical, treaty, constitutional and other obligations assumed in the past. Primary responsibility for Aboriginal matters rests with the Government of Canada, which under Section

91 (24) of the Constitution Act, 1861 has authority over "Indian lands and lands reserved for Indians." Historically, Aboriginal organizations insisted that they had a trustee relationship with the Government of Canada, which had a fiduciary responsibility to protect their interests. More recently, some Aboriginal organizations have adopted a nation-to-nation interpretation of their relationship with other governments, insisting that they operate outside of the constitutional framework of Canada.

At times, some if not all provincial governments have taken the view that the constitutional assignment of responsibility for Aboriginal peoples to the national government limits their obligations to purely discretionary policies and programs that are extended from the rest of society to include Aboriginal communities, perhaps with the inducement of financial support from the national government. This strict division of responsibility seeks to limit provincial spending obligations on behalf of Aboriginal peoples. The national government also embraces a strict division of responsibility in its stance that Metis and Indian people off a land base are primarily a provincial responsibility, rather than a federal obligation. At other times, within both orders of government more of a shared model of responsibility for Aboriginal peoples is adopted. Within the constitutional context, of continued federal responsibility, provincial governments have agreed at times to address Aboriginal needs and rights collaboratively. When this cooperative process includes Aboriginal organizations, a three-cornered version of federalism emerges.

There is not the space here to analyze the dynamics of Aboriginal-government relationship within the context of Canadian federalism. Suffice to say that federalism represents both a potential threat and an opportunity for Aboriginal peoples. In terms of a threat, Aboriginal peoples can be caught in the vice of federalism and see their interests neglected or compromised in the struggles among the different jurisdictions over authority, money and power. At other times Aboriginal organizations can use the federal or provincial government as allies to defend their interests against the other order of government.

Interactions between Aboriginal organizations and other governments take place on at least three levels-the "high politics" of constitutional negotiations and court cases; the "middle-level" politics of federal-provincial collaboration, program transfers and broad strategies; and the "local-level" politics of local capacity building, program/service delivery and relations with provincial/local governments. These various levels of activity overlap and intersect, giving rise to coordination issues. At any point in time a multitude of issues are being worked on at the various levels. The result is to impose significant transaction costs on Aboriginal organizations in terms of the expenditure of scarce leadership, staff, financial and other organizational resources.

Jurisdictional disputes, gaps, overlap, segmentation and lack of coordination means that the needs of Aboriginal peoples at the grassroots level can be

overlooked. Leader-dominated and unrepresentative Aboriginal organizations preoccupied with high-level negotiations with other orders of government can compound the problem of the neglect of the needs of their peoples "on the ground" at the community level.

For most of the twentieth century, it was reasonable to identify the Department of Indian Affairs and Northern Development (DIAND) as the main branch of the federal government responsible for Aboriginal peoples. However, by the 1990s, the trend was to transfer responsibilities for various Aboriginal programs to the main departments and agencies of the national government. As a result of this "mainstreaming" process, at least six federal departments now have major responsibilities in relation to Aboriginal peoples (particularly but not exclusively status Indians). Along with Indian and Northern Affairs Canada (recently renamed from DIAND) which still plays the lead and the main role, the following departments have significant "Aboriginal content" in their programming: Health, Justice, Fisheries and Oceans, Human Resources Development Canada and Industry Canada. In addition, decisions made in many other locations within the federal government have a significant impact on Aboriginal peoples—for example, in Finance, Heritage Canada, the Treasury Board Secretariat, etc.

The result of mainstreaming is that the federal government no longer has an exclusive focus in an individual department for purposes of Aboriginal policy development. The Minister of Indian and Northern Affairs retains responsibility for status Indians living on reserves and for Inuit, but even for these groups he shares responsibility with several other federal departments. In 1985 the position of Federal Interlocutor for Metis and Non-Status Indians was established. Officials in the Privy Council Office, the central agency, which serves the Prime Minister and cabinet, provide advice and support to the Minister designated as the Federal Interlocutor. As the title suggests, the Federal Interlocutor is the point of contact and advocate for the interests of Metis and Non-Status Indians within the federal cabinet system. In *Gathering Strength* (1998), the federal government's response to the report of the Royal Commission on Aboriginal Peoples; all Aboriginal peoples were included in an Aboriginal action plan and there was a call for strengthened partnerships between all governments and all Aboriginal groups.

In recent years the Government of Canada has developed several broad strategic approaches intended to improve the economic well-being of Aboriginal peoples. Part of their approach has been to involve provincial governments on a collaborative basis to a greater extent than in the past:

**Tripartite Self-Government Negotiations with Metis and Off-Reserve Aboriginal People**-This initiative provides for the establishment of Aboriginal institutions to provide programs and services devolved from federal and provincial departments.

Activities are underway in all the western provinces.

Urban Aboriginal Strategy-was formulated in 1997 and incorporated into Gathering Strength in 1998. The principal focus of this initiative is on improving communication and coordination to better understand the needs of Aboriginal peoples and to obtain maximum value from available resources and programs. The Government of Manitoba produced an Urban Aboriginal Strategy for Winnipeg and it signed a Memorandum of Understanding with the Government of Canada to work together on the delivery of programs for urban Aboriginals in Winnipeg.

Economic Development Initiatives-The department of Western Economic Diversification has partnership agreements with each of the western provinces to address economic development issues. Funding of Aboriginal projects is possible under these agreements. Individual federal departments participate in the "Aboriginal offset" procurement programs intended to benefit Aboriginal companies.

For broad horizontal strategies towards Aboriginal issues to work within the Government of Canada, requires political support at the highest level (in the Prime Minister's Office and the Privy Council Office), effective advocacy of Aboriginal concerns within cabinet, planning and commitment over a reasonable period of time, understanding and sensitivity to Aboriginal realities within line departments, effective cooperation with provincial governments and the participation of Aboriginal organizations during all stages of the policy cycle from formulation to implementation. Clarity of purpose, greater focus, coherence and coordination within federal policy and program approaches will enable provincial governments and Aboriginal groups to play a more constructive role in federally-led collaborative initiatives.

Another complication in meeting the challenge of coordination arises from the nature of Aboriginal communities. Most such communities are small and many are isolated. In 1999 it was reported by INAC that 64 percent of First Nation communities had fewer than 500 residents; only five percent had more than 2,000. In addition to the fact that for many such small, isolated communities survival on a daily basis is a harsh reality, there is also the matter of the capacity of the community to provide the leadership and organizational capacity to maintain the wide range of relationships with the numerous department and agencies of the different levels of government. Coordination issues have also arisen as a result of the transfer of the administration and delivery of programs/services from DIAND and other federal departments into the hands of Aboriginal organizations. Over 95 percent of DIAND's budget in Manitoba is supposedly under the direct control of Aboriginal organizations, but it should be noted that the department still exercises significant control over how funds are spent and sets the accountability requirements. Transfer arrangements reflect the demands of bands to take control of their own affairs and provide some flexibility to accommodate needs of diverse Aboriginal communities. On the other

hand, a community-by-community approach means inevitable differences in terms of how fast, in what directions and how far Aboriginal communities will move in terms of assuming greater self-control. A "checkerboard" approach to devolution of control adds to the coordination challenge.

After decades of minimizing their obligations to Aboriginal peoples, provincial governments have found themselves being drawn more extensively, and usually grudgingly, into this policy field. For example, entrenchment of Aboriginal and treaty rights into the Constitution Act, 1982 led to a more active role for provincial governments, especially in relation to land claims and negotiations on self-government. It has been the position of the federal government for some time that Aboriginal peoples should be able to access provincial programs of general application. Today provincial governments provide both targeted and non-targeted programs that affect the well-being of Aboriginal people.

One sign that Aboriginal policy concerns have gained a place on the agendas of governments is the creation of offices and organizations to deal with the issues involved. Institutional recognition in this way can have both practical and symbolic significance; helping to ensure that Aboriginal issues receive active and serious consideration and conveying the message to the public that a "new deal" for Aboriginal peoples is justified. Most provincial governments have now created positions in cabinet and/or designated organizations to address Aboriginal concerns. In terms of cabinet membership, about half of the provincial governments have appointed ministers whose portfolio of responsibilities includes Aboriginal matters. British Columbia and the North West Territories have separate portfolio solely devoted to Aboriginal affairs. Three provinces-Alberta, Saskatchewan and New Brunswick-combine responsibility for intergovernmental affairs with Aboriginal affairs. Under another model, Aboriginal matters are handled by the Executive Council, a central agency that supports the premier and the cabinet, in their decision-making. This model is found in Newfoundland and the Yukon. Yet another approach is to create a Secretariat for Aboriginal Affairs to support a cabinet minister who has other, usually larger responsibilities, such as the attorney general or the finance minister. This is the current arrangement in Ontario, Quebec, Nova Scotia and Prince Edward Island. Manitoba represents a hybrid of these approaches. Aboriginal and Northern Affairs are combined in one cabinet portfolio. The minister is supported by a small Aboriginal Affairs Secretariat (discussed below) and two members of Manitoba's cabinet happen to be of Aboriginal heritage. Recognition of a group within the institutional structure of government in this way confers symbolic legitimacy on the group, provides them with leverage in pressing their claims and represents a focal point for them to channel their representations to government. In itself, however, institutional recognition is no guarantee that responsiveness and coherence will characterize the dealings of a provincial government with the Aboriginal peoples within its boundaries.



## **V Policies and Programs in Manitoba**

A number of trends and developments have raised the profile of Aboriginal issues in public debate and on the agendas of governments all across Canada. An extensive network of intergovernmental and tri-lateral meetings, committees and projects have emerged. Even though they continue to insist that the federal government has primary responsibility for Aboriginal peoples, most provincial governments have been under pressure to develop broad, strategic approaches to Aboriginal issues. Especially in Western Canada there have also been pressures to develop both appropriate programs and services to meet the immediate needs of a diverse, growing and often mobile Aboriginal population. Among provincial governments, the Government of Manitoba has probably led the way in terms of developing innovative policies and programs that will contribute to positive change for Aboriginal people. It has also worked on a partnership basis with the federal government, the three leading provincial Aboriginal organizations, the private sector and local Aboriginal communities to create greater economic and social opportunities for Manitoba Aboriginals. It is necessary to recognize the significant progress that has been achieved, while still acknowledging the serious unmet needs of Aboriginal peoples and the potential to further improve both the process and the substance of the government policy process as it relates to Aboriginal peoples.

Playing an important leadership and coordination role in the development of policies and programs has been the Aboriginal Affairs Secretariat. Established in 1982-1983, the Secretariat was a response to the constitutional talks underway at the time, which included issues of Aboriginal self-government, and to the need for new programs and services to support a growing urban Aboriginal population.

Throughout its existence the Secretariat has been located in a line department, rather than in the Executive Council, as exists in some jurisdictions. Originally the Secretariat reported to the Minister Responsible for Native Affairs and provided staff support to a Native Affairs Committee of Cabinet. Today the Secretariat is housed in the newly created Department of Aboriginal and Northern Affairs, serves the Minister of Aboriginal and Northern Affairs and Minister responsible for the Communities Economic Development Fund (Honorable Eric Robinson, MLA) and reports to cabinet through the cabinet committee that directs the Communities Economic Development Fund.

The aims of the Secretariat are stated in the Department's Annual Report 1999-2000 as follows:

- to promote innovative policy/program development
- to advocate for the priority issues of Aboriginal people

- to provide, and leverage, financial and technical resources in support of Aboriginal capacity building initiatives

The Secretariat operated with an annual budget for 1999-2000 of \$1.4 million and employed eight full-time employees. Three of these were administrative support staff. As part of restraint budgeting during the 1990s, the Secretariat lost two positions. Given the multiplicity, complexity and difficulty of the issues facing Aboriginal peoples, the demands on the Secretariat are undoubtedly heavy.

The Secretariat seeks to stretch its organizational capacity in several ways. First, it tries to borrow professionals from line departments and currently has individuals from Justice and Health on secondment dealing with issues in their respective policy fields. Second, rather than attempts to develop its own policy expertise in various fields, it encourages line departments to develop their own awareness of Aboriginal issues and perspectives. Progress in this regard has been slow. Even though there are system-wide policies promoting employment equity and diversity, there has been less than impressive progress in creating a more representative civil service population. Some departments provide cross-cultural training for their employees, but much more could be done to ensure that Aboriginal needs and perspectives are represented in internal debates. Third, the Secretariat encourages Aboriginal organizations and local communities to define issue and develop responses on their own, with the Secretariat providing encouragement and support rather than top-down direction.

In a recent overview report on its operations, the Secretariat identified the following strategies for fulfilling its mandate:

- promote and support initiatives that enable communities to identify and resolve their own issues
- increase awareness in the public and private sectors of Aboriginal issues and their impact
- facilitate cross-jurisdictional coordination of programs and services
- promote and support innovative approaches and partnerships
- provide and/or leverage financial and technical resources in support of building Aboriginal capacity.

The same report presents an impressive inventory of "high-level" policy documents, "medium-range" strategic initiatives and narrower, more particularistic programs and projects that the Secretariat has been involved with over the years. In the case of initiatives that are tri-lateral (federal, provincial and Aboriginal), intergovernmental and system-wide within the provincial government, the Secretariat plays the lead role. For initiatives in specific policy fields, the

Secretariat provides advice and assistance through participation on various interdepartmental committees. The Secretariat is also the repository of a great deal of information about the circumstances of Manitoba's Aboriginal population and represents a valuable resource to other parts of government.

The Aboriginal Affairs Secretariat relies upon influence more than formal authority and real power to promote Aboriginal issues. By power I mean the capacity of an organization to modify the conduct of other actors in the policy system and to prevent their own conduct from being changed or blocked. Broadly speaking, there are two forms of power: control and influence. Control refers to the authority an organization has to direct or command others to do something. Influence is a more a general and pervasive form of power. It consists of the capacity to persuade or negotiate successfully with others. Influence can involve one party anticipating the expectations or reactions of others and behaving accordingly. Even in more authoritative, hierarchical arrangements influence operates and works in two-directions, both down and up the hierarchy. Influence is the prevalent pattern in horizontal dealings among departments and among governments, where peer rather than superior/subordinate relations are involved.

There are a variety of potential sources of power and influence available to public organizations to overcome resistance and to move issues forward on the agenda of governments. Looking at these potential sources in relation to the Aboriginal Affairs Secretariat provides an indication of the basis for its influence within the Manitoba policy system:

- the importance and urgency of the issues being addressed-all governments of Manitoba must address Aboriginal issues? the strength, coherence and persistence of outside groups in lobbying for action-the Aboriginal community has become more sophisticated in its lobbying efforts, although it is not entirely consistent and unified in its demands
- the policy ideas, commitment and skills of the key political leaders within the policy system-with the governing New Democratic Party committed to Aboriginal causes and with two cabinet ministers of Aboriginal background, there is momentum in favour of action
- the formal authority of the organization-the Secretariat does not have policy or budgetary authority in relation to line departments in the way that a central agency (like the Treasury Board Secretariat) has
- the location of the organization within the flow of issues in the policy process-the Secretariat is not right at the centre of government, it is not close to the Premiers Office and it is not a "gatekeeper" in terms of access to cabinet, but it does support a key committee of cabinet (Communities Economic Development Fund)

- the size of the organization, its budget and its control over program spending-the Secretariat is small in terms of both staff and budget and it deliberately avoids (with some small exceptions) a direct spending role
- the possession of expert knowledge and relevant information-the Secretariat gathers important intelligence about Aboriginal issues through its contacts with Aboriginal organizations, its participation in intergovernmental forums and its development/acquisition of specialized information about Manitoba's Aboriginal population
- the reputation and credibility of the organization and its leadership-the Secretariat appears to enjoy a positive reputation with all of its key stakeholders and has dedicated, professional leadership.

The leadership philosophy and style of the Secretariat has not been to push for a stronger, more controlling role, but instead it has relied upon advocacy and persuasion. It advocates on behalf of Aboriginal groups by helping them to frame and to present issues to government and by identifying the right locations and people with whom to place their demands. It seldom seeks to impose policy directions on departments, but rather sees its role as a "helpful policy broker" trying to bring parties together to achieve agreement. It promotes practice of partnerships: Aboriginal to government, Aboriginal to the private sector, government to government, and among different parts of government. It has also supported the successful transfer of service design and delivery into the hands of Aboriginal organizations, such as the Awasis Family Justice Program. The Secretariat has played a lead role in the preparation of high-level policy initiatives-such as the policies on First Nation Government, an Urban Aboriginal Strategy for Winnipeg, the Treaty Land Entitlement Framework Agreement and Aboriginal Participation in the Economy. With the advice and support of the Secretariat, the Government of Manitoba has been the only provincial government to-date to include representatives of the three main Aboriginal organizations-the Assembly of First Nations, the Manitoba Metis Federation, and the Urban Aboriginal Council of Winnipeg-as advisors in the provincial delegation to Aboriginal Affairs Ministers' meetings.

The sustained, high level of activity by the Secretariat is impressive and, even without the benefit of a comprehensive assessment of its impact, there are clearly many examples where it has played a positive role in promoting policy and program initiatives. In saying this, it should be acknowledged that the views of Aboriginal organizations on the Secretariat have not been sought.

In addition to the more strategic-level initiatives that are the main work of the Secretariat, the Government of Manitoba provides an extensive range of programs targeted specifically at Aboriginal peoples and programs of general applications that Aboriginal people can access. A table summarizing such programs is reprinted (as Appendix A) from the August 1999 document

"Report on Metis and Off-Reserve Aboriginal Issues: Towards a New Partnership" prepared by Kaufman, Thomas, associates. The authors of that report concluded that there were significant gaps and coordination problems in the delivery of federal and provincial program, both those targeted specifically at Aboriginals and mainstream programs. However, the study stated that the decision-makers recognized that the problems facing Aboriginals were multi-faceted and achieving results would require improved collaboration of many institutions. Improving policy and program coherence would be a difficult challenge. Aboriginal spokespersons were critical of the proliferation of organizations and programs with narrow mandates and weak accountability relationships to the Aboriginal communities they supposedly serve.

Despite these criticisms, the authors found grounds for optimism. Both levels of government were establishing more constructive relationships with many Aboriginal organizations and communities. There were examples of improved cooperation in such program fields as economic development, labour market development, housing and others. There is also a recognition of the interdependence of the on and off-reserve situations. Success in building a new three-way partnership lies "first and foremost in the two levels of government making a long-term commitment to a new cooperative relationship and then, through a broad-based process of dialogue and consultation, building a common vision and set of shared objective to guide future strategies and priorities." (p. v) This is a rather grand and nebulous statement of future requirements. A number of significant Manitoba initiatives were singled out as an example of the new thinking and new programs that are contributing to a revitalized approach.

## **VI Institutional Options to Enhance Responsiveness and Coordination on Aboriginal Issues**

This paper has conducted its analysis of the evolving relationships between Manitoba's Aboriginal peoples and governments based on the concepts of responsiveness and coordination. Both concepts were shown to be more complicated, multifaceted and controversial than might appear at first glance. Though widely applauded as criteria of good government, responsiveness and coordination were seen to be among a number of political and administrative values that must be balanced and reconciled in the daily activities of government. Moreover, what is seen as adequate responsiveness and effective coordination will vary among participants in the policy process.

Among provincial governments the Government of Manitoba has probably been the most responsive to Aboriginal concerns. It has been willing to address high-level policy issues like Aboriginal self-government, and to work collaboratively with the federal government on Aboriginal strategies. It has introduced its own innovative programs/services targeted at Aboriginal populations and has supported parallel programming controlled by Aboriginal organizations themselves. With a growing Aboriginal population that already constitutes 12

percent of the population and with the country's largest concentration of urban Aboriginals found in Winnipeg, it is not surprising that Aboriginal issues have found a prominent place on the agendas of all Manitoba governments, regardless of the party in power. New Democratic Party governments have identified more strongly than Progressive Conservative Party governments with the positions of Aboriginal groups. The fact that the NDP has held the five northern seats in the 57-seat provincial legislature both reinforces and reflects the party's role as the champion of the Aboriginal cause. With two current cabinet ministers of Aboriginal heritage and with Aboriginal representatives usually comprising approximately one-fifth of the NDP caucus, there is little likelihood that Aboriginal issues will be ignored.

The real issue, then, is whether the policy and program responses of the provincial government to Aboriginal issues will be appropriate, commensurate to the needs and effective in their implementation. These are matters that involve subjective, value-laden judgements. No institutional arrangement or procedural requirement can guarantee perfection. The paper argued that there is a tension in current thinking about the future of Aboriginal relations with the federal and provincial governments. Two visions seem to exist. The constitutional vision, promoted most strongly by national and provincial Aboriginal organizations, is based upon history, treaties, land claims, constitutional recognition, and the achievement of self-government. This vision calls for independence and distance for Aboriginal governments from the other orders of government, with relationships defined strictly in constitutional terms to protect the freedom of Aboriginal peoples to choose their own directions based upon their own history, culture and local circumstances. The second vision, promoted by local Aboriginal leaders, focuses on the requirements for survival and development of their communities. This involves dealing with the immediate issues of economic development, housing, health, social policy, education and many other public policy concerns. In these fields there is a pragmatic recognition of an important continuing role for federal, provincial and even municipal governments. Rather than the independence and separation implied by the constitutional vision, the reality at the local level for the foreseeable future will be interdependence and cooperation with the general institutions of Canadian government.

Aboriginal peoples face a bewildering array of institutions, processes and even individuals who can, often unilaterally and dramatically, affect their lives on a daily basis. Despite the social and economic progress that has been made in recent decades, Aboriginal lives are marked by far greater hardships and challenges than those faced by most other Canadians. Even though there are more numerous better organized and better financed Aboriginal organizations than in the past, there are still limits on the capacities of these organizations to participate on all levels of policy-making and program administration that have a bearing on the well-being of the peoples they represent. It should also be noted that individual Aboriginal citizens no longer stand as much in isolation in relation to "big governments;" there are more programs and services being delivered

directly by bands and other Aboriginal organizations and there are intermediary bodies who can deal with federal and provincial departments on behalf of individuals. However, it is too much to expect Aboriginal organizations themselves to solve the problems of unresponsiveness, lack of coordination and lack of integration of programs/services that still characterizes their dealings with mainstream departments. Improved relationships will require commitment, awareness, sensitivity, new thinking and changes to structures and processes.

If the goal is to build long-term institutional capacity within the Government of Manitoba to deal with Aboriginal issues in a knowledgeable and culturally sensitive manner, a number of structural and procedural options could be considered. Assessment of each of these options will be affected by what is seen as the seriousness of the shortcomings of the existing structures and procedures, the benefits that are likely to flow from any new arrangements and the political, administrative and financial feasibility of each option. It is necessary to reiterate the point made earlier that institutional reforms are not a panacea, they cannot produce political commitment where it is missing and they cannot always overcome resistance within departments and agencies that are accustomed to defining and dealing with problems in a particular way.

Option One-The creation of a cabinet committee on Aboriginal affairs chaired by the Minister of Aboriginal and Northern Affairs.

This committee would combine in its mandate the development of policy for the Aboriginal community with the allocation of funds from an Aboriginal affairs expenditure envelope. The advantages of this arrangement are several. It would integrate policy-making with budgetary decision-making to ensure that policy priorities were reflected in expenditures. It would allow for coordination across departments of government. It would give the Minister of Aboriginal Affairs power to deal with line departments. It would bring issues affecting all Aboriginal peoples, regardless of status or place of residence, to the centre of government. It would send a symbolic message that Aboriginal concerns are important for the future of the province and that dealings with newly constituted Aboriginal governments will become a focal point of provincial activity for the future.

There are several possible objections to this proposal. First, it could be seen as unnecessary since Aboriginal concerns are already prominent on the cabinet agenda just because of the growing role of Aboriginal organizations and their leaders within the provincial political process and the fact that Aboriginal voters influence the outcomes of elections in a growing number of ridings. Governments in Manitoba already demonstrated reasonable responsiveness to Aboriginal issues. Even on the administrative level, the public service has demonstrated the capacity to design and implement innovative programs targeted at Aboriginal peoples. The relatively small scale of the provincial public service, which allows for more face-to-face interactions means that horizontal policy formulation and coordinated administrative actions are easier than in larger jurisdictions. The

creation of a cabinet-level policy committee with resource-allocation authority could provoke a backlash both inside and outside of government.

Option Two-The Natives Affairs Secretariat should become a true central agency.

It should become part of the Executive Council and should have the authority to review all policies and expenditures in terms of their potential impacts on Aboriginal peoples. To perform in this capacity would require an increase in the authority and the resources of the Secretariat. For example, the Director might be given the status of Assistant Secretary to the Cabinet for Aboriginal Affairs. The purpose of this proposal would be to promote horizontal policy and administrative coordination so that the line departments would serve more effectively the declared goal of enhanced opportunities and well-being for Manitoba's Aboriginal peoples. The new central agency would have power in the policy process as a result of their proximity to the Premier/Cabinet, their position in the communication flow of documents to cabinet, the information advantage they enjoy as a result of knowing what is happening in different parts of government and the significant power to review and comment on the expenditure plans of line departments.

The potential drawbacks to this proposal are several. First, no matter what authority is granted to an Aboriginal central agency, its power in relation to other central agencies (like Executive Council, the Department of Finance, the Treasury Board Secretariat and the Civil Service Commission) and the line departments will always depend on committed political leadership with good policy ideas that would benefit Aboriginal peoples. Granting the Aboriginal affairs secretariat the authority to review and comment on program and spending proposals from line departments would probably be opposed by both the existing central agencies (Executive Council, Treasury Board, and Civil Service Commission) and by line departments. It would be argued that there is no justification for adding a new central agency since the existing structures and processes already ensure that Aboriginal issues receive adequate attention at the centre of government and there are not major coordination problems. When integrated policy and program approaches are being sought to problems that cross-departmental boundaries (such as Aboriginal justice issues) this can be done through ad hoc interdepartmental committees or task forces. Creation of a separate central agency to promote Aboriginal concerns would send the message those concerns ranked ahead of other horizontal policy concerns, like the environment or women's issues.

Option Three-The Aboriginal Affairs Secretariat could become part of the Federal-Provincial Relations Secretariat with the Executive Council of the Government of Manitoba.



This proposal would bring Aboriginal issues closer to the centre of government, ensuring that they received the attention and support of the Premier and the Cabinet. This change would recognize the fact that the Director of Federal-Provincial Relations has played a major role on Aboriginal issues in the past and that tri-lateral relations among federal, provincial and Aboriginal governments/organizations will become a more important forum for policy-making, financial negotiations and program collaboration in the future. An overall strengthening of the government's intergovernmental capabilities is necessary to ensure that the province participates effectively (with its own proposals for action) in the expanding network of intergovernmental collaboration where there is shared power and issues from different policy fields intersecting with one another.

This proposal does not elevate the Aboriginal Affairs Secretariat to the status of a full central agency and consequently it may not evoke as much resistance. It still could be argued that integrating the Secretariat into the Executive Council Secretariat is unnecessary because the federal-provincial relations and Aboriginal affairs officers have worked together successfully in the past.

Option Four- The development by the Government of Manitoba of a "vision statement" of the future of government-Aboriginal relations.

This statement would clarify federal and provincial role, Manitoba's relations with different parts of the Aboriginal community (status and non-status Indians, urban Aboriginals, Metis) and would set forth broad, 'general goals to provide a framework for policy and program development.

This proposal would require the Aboriginal Affairs Secretariat to consult with the various departments and agencies of the Government of Manitoba as a basis for preparing a draft policy statement for cabinet approval. This statement would set forth broad policy goals, principles and values. It would be the basis for setting overall direction in the Aboriginal policy field. Where it is relevant, departments would be expected to indicate in their planning documents how their new and ongoing initiatives support the statement of cabinet goals for Manitoba's Aboriginal peoples. The vision statement could be linked to a series of key result areas and a set of performance indicators that would provide evidence of the progress being achieved. The Government of New Zealand has issued cabinet-level priorities, with strategic results areas for the government as a whole, that, in turn, are meant to guide departmental activities.

Skeptics might argue that such a vision statement would amount in practice to nothing more than glittering generalities. Real progress in Aboriginal-government relations will come through practical work on individual issues as they arise.

Setting forth a vision statement will provoke more controversy than the benefits it will deliver as a source of cohesion and consistency in government policy and programming activity. A vision of the future, especially if linked to regular performance reports, will expose governments to unwelcome criticism when they fall short of the expectations created. Both at the political and the administrative level within government there would be opposition to a broad philosophical definition of future Aboriginal-government relationships since much of the future is unknowable and beyond anyone's complete control.

Option Five-A coordinating committee of deputy ministers to be chaired by the Deputy Minister of Aboriginal and Northern Affairs.

The function of the committee would be to support cabinet policy-making in relation to Aboriginal peoples and to promote administrative coordination among the departments that have the most direct impact on Aboriginal people. The committee's membership would "mirror" the membership of a cabinet-level committee on Aboriginal affairs. This proposal would formalize an arrangement that no doubt occurs informally today. Instead of an ad hoc committee of deputies to develop a document like the Urban Aboriginal Strategy statement, the proposal would create a permanent forum for the exchange of information, consultation, negotiation and joint decision-making by the departments having the greatest impacts on Aboriginal lives. The forum would promote a more comprehensive understanding of Aboriginal issues, it could monitor government-wide initiatives targeted at Aboriginal peoples and it could facilitate coordination on issues that cut across departmental lines. Staff support to the deputies committee could be provided by the Aboriginal Affairs Secretariat. Preparatory work by Secretariat staff and the committee would assist cabinet level decision-making, either in an Aboriginal affairs committee of cabinet or in full cabinet.

This proposal might be seen as unnecessary if the most relevant departments already demonstrate the willingness and the capacity to collaborate on horizontal issues. There might be the concern from ministers that the deputies committee would work out deals among departments and pre-empt the right of ministers to have the final say on policy and program changes.

Option Six-A standing committee for Aboriginal Affairs could be created in the Manitoba Legislature to ensure prominence for Aboriginal issues in political debate and perhaps to promote coordination of policy and administrative actions.

This proposal arises from the paper by Russel Lawrence Barish prepared for the Aboriginal Justice Implementation Commission. He bases his proposal on the important role of policy coordination played by the Senate Committee on Indian Affairs in the American Congress. The Committee wields significant influence by determining which Indian bills are voted on, by vetting the federal budget insofar as it affects Indian tribes and programs, and by providing scrutiny of the federal

government's fulfillment of its trust responsibilities to Aboriginal peoples. In his conclusions, Professor Barish acknowledges that, given the constitutional and political differences between American and Canadian governments, a standing committee of Parliament and/or a provincial legislature would not have the same power as a congressional committee. "It will," he concludes, "nonetheless prove superior, in terms of satisfying Aboriginal aspirations and improving policy coordination, than an administrative or ministerial alternative." (p. 30) He also argues that a Canadian solution to Aboriginal issues must rely heavily on the provincial assumption of a fiduciary responsibility for Aboriginal peoples.

These recommendations show the danger to transferring institutional features from one political system to another without adequate appreciation of the fundamental differences between them. The American political system is based on the principles of separation of powers and an elaborate series of checks and balances. It reflects an historical mistrust of government power. It seeks to curb potential abuses by diffusing authority and power to several, co-equal branches of government. The result is a complicated policy-making process characterized by "log-rolling," compromises and delays. In contrast, the Canadian political system at both the national and the provincial level is based on the fusion of executive and legislative functions through the concentration of authority in the hands of the Prime Minister. By dispersing power, the American system creates more potential points of access to government by outside groups. It does this at a potential cost in terms of delays, lack of coherence in policy-making and the blurring of accountability. In contrast, Canadian governments, with predictable majorities for their measures based upon party discipline, can act more boldly, decisively and consistently on major policy issues if they have the political will to do so. Because power is concentrated, the public knows whom to blame or praise depending on how things turn out. The United States Congress is the most powerful legislative body in the world and a great deal of its power is concentrated in its committees, especially the committees in the elected Senate. In contrast, legislative committees in the Parliament of Canada and the Manitoba Legislature are largely under the control of the government. Parliamentary committees lack real decision-making authority and real power; they have only the authority to study matters, make recommendations and seek to exert influence on decisions that are actually made within government. Within committees, party lines are often sharply drawn, and the proceedings resemble more a permanent election campaign than a search for constructive alternatives to existing policies and programs. Professor Barish's proposal underestimates the importance of these fundamental differences between the two political systems.

Moreover, it would be unconstitutional to give a legislative committee the budget-setting role that is assigned to congressional committees. All spending in our system must originate with the Crown, i.e. with responsible ministers. Also, it is not politically feasible to expect Canadian governments to grant legislative

committees the freedom to conduct detailed oversight of financial and administrative matters within departments. There are already committees in the House of Commons and the Senate that focus on Aboriginal issues, but politically sophisticated Aboriginal organizations recognize that such bodies are useful mainly to publicize their case after they have lost or been excluded from decision-making within the executive or in the federal-provincial arena. In summary the Barish proposal of a standing committee only has value as a publicity device that Aboriginal groups could use to embarrass governments, occasionally force them to change their minds, and generally oblige ministers to explain and defend their actions and inactions. It would not bring Aboriginal issues to the cabinet table where the real decision-making power rests.

Option Seven-The establishment of "Aboriginal desks" in the provincial departments having the most impact on Aboriginal peoples.

This proposal derives from a similar arrangement within the administrative structure of the Government of the United States where there are eight specialized sub-agencies providing financial aid and services to Indian tribal governments. Under a Presidential Memorandum all departments and agencies are to act in a knowledgeable and sensitive manner on tribal issues.

The issuance of a cabinet directive combined with the establishment of Aboriginal desks in the Executive Council and relevant provincial departments would send a message to the bureaucracy and the outside community that Aboriginal concerns were a priority for the government. However, the experience with the Presidential directive indicates that attitudes towards Aboriginal peoples are often slow to change. Optimistically, the presence of Aboriginal representatives in key departments might create some additional awareness and sensitivity to Aboriginal perspectives. Pessimistically, such positions could be dismissed as empty symbolism, both because the individuals involved would be under pressure to adapt to the cultures in which they work. This would over time lessen their willingness to act as representatives of the Aboriginal viewpoint. Evidence from other attempts to create a more representative public service reveals that a critical mass of personnel from a particular social group is needed to transform the climate and culture of an organization to be more accepting of diverse perspectives.

Option Eight-Encouraging seamless service provision.

In the past, governments have been ineffective in coordinating services to specific target groups when these services span several levels of government and/or several departments within a particular government. "Seamless service" initiatives aim to integrate the provision of related government services to meet a service need that spans multiple jurisdictions and programs. Creation of seamless service provision involves a number of transformations of the traditional hierarchical public organization:

- a move from fragmented, specialized functions to integrated process teams
- move from narrow and segmented to broad and generalist jobs
- move from clear and distinct to cross-functional roles
- move from the use of technology to control to use for decentralization and empowerment
- move from slow to quick response time
- move from focus on inputs and internal processes to outputs and outcomes
- move from standardized to customized services.

There is no quick fix to transform established organizations into more agile, flexible, transparent, accessible and integrated operations. Structural and process changes can be introduced, but the accompanying cultural transformation often takes years.

The Aboriginal Single Window Initiative (ASWI) office officially opened on June 26, 1997. The Federal Interlocutor for Metis and Non-Status Indians played a lead role in developing an urban Aboriginal strategy and the ASWI, though meant to be part of the strategy, was announced before it. The ASWI resides in the Aboriginal Centre of Winnipeg Building that houses over 50 Aboriginal organizations. The Initiative is led by Human Resources Development Canada-Manitoba (HRDC-Manitoba) with support from the Privy Council Office, Aboriginal Affairs.

ASWI has three main aims:

- to coordinate and improve programs and services targeted at urban Aboriginal peoples by the federal government, other levels of government and other organizations
- to provide better access to an information on government services of general application
- to serve as a communications channel between stakeholders and government policy-makers from all levels of government.

The ASWI is not an attempt to integrate programs from various government departments. Instead, it aims to provide "single window" service delivery to Aboriginal clients. It serves as a "gateway" and "referral" service. It also provides administrative support to public managers to deliver programs/services from the ASWI location. Finally, ASWI staff can act as a facilitator of community-based initiatives through multi-organizational partnership and serve as a broker to pool scarce resources and reduce overlap. ASWI functions with a relatively small staff-five from HRDC-Manitoba, and one from Aboriginal Affairs, Government of Manitoba. A number of federal, provincial and City of Winnipeg departments and agencies have opted to utilize the ASWI.

A 1999 study identifies the following issues as having been encountered during the early stages of the ASWI:

- lack of financial resources
- turf protection and reluctance to participate in the initiative
- varying degrees of delegation-provincial staff are less empowered
- expectations among stakeholders rose faster than results.

ASWI represents an example of "single window" service delivery, the broad objective of which is to bring information about services or the services themselves in one location (physical or electronic) in order to reduce the effort and time citizens must expend in order to obtain what services they need and are entitled to from government. ASWI is a work in progress. It continues to pursue the participation of additional federal and provincial departments and Aboriginal organizations. The model of one-stop service or a continuum of services could have some potential in broad policy fields like education, economic development and family services as a way to assist Aboriginal individuals in contacting the right organization and the right program. As Aboriginal organizations take greater control over programs there will still be Aboriginal citizens who move between mainstream and parallel programs. Co-location of program staff could be helpful.

## **VII Conclusion**

It should be reiterated that institutional design is not a precise science. There is no structural or procedural mechanism that will guarantee results. The options presented above are not mutually exclusive it would be possible to combine a number of them.

A choice from among the options would depend on a judgement about the seriousness and urgency of Aboriginal issues, both now and in the future. It would also depend on a judgement about the strength of political will to deal with the issues, the commitment to persevere in the face of controversy and the skills needed to mobilize public support for the actions involved. Choice would also be guided by an assessment of how inadequate or deficient were policy and administrative responses in the past and to what extent institutional arrangements contributed to these shortcomings. Successful government requires certain things: sound policy ideas, capable political and administrative leadership and efficient/effective administrative systems. Shortfalls in performance can occur on all three levels. Therefore, another question to be asked is whether there has been a lack of knowledge and of sensitivity on the part of the bureaucracy. Out of all these questions will arise a choice between two broadly different types of mechanisms. One choice would be for a formal, coordinating body with real decision-making authority exercised on a top-down basis from the apex of government. The alternative would be an informal, procedural mechanism that would create a challenge function and require the different institutions involved to take account of one another's perspectives and actions.

The choice of institutional arrangements can have importance for the policy process. The establishment of new structures and procedures carries with it symbolic recognition of groups. Those groups can in turn use those structures and procedures to promote policies and programs favourable to their members. However, the beneficial impacts of new institutional arrangements should not be oversold. Reorganizing government is not a free lunch and past reorganizations have usually delivered less than was promised. Adding new institutions adds to the overall complexity of the policy process and reorganizing existing organizations causes disruptions. Decision-makers must satisfy themselves that the cost of maintaining the status quo is so high that it justified the costs of institutional innovation. Successful change requires careful attention to the design and implementation issues involved. Once new institutions are created pressures for visible progress against stated objectives can mount quickly. There must be support at the high level of government for new institutional arrangements, especially during the transitional phase when resistance will be at its peak and expectations will be rising faster than results. In short, institutional innovations, if they are made, must be managed in a competent and determined manner if the costs of change are to be minimized and the benefits are to be maximized.

## **APPENDIX B-Briefing Note**

### **VIII Maori Participation in the New Zealand Public Sector**

The basis for the recognition of the Maori interest in the operations of the public sector is the Treaty of Waitangi signed in 1840 between Britain and most tribes. A separate department for Maori affairs existed since 1840 under various names. The size, purpose and responsibilities of the department have varied over time.

The original goals of public policy were assimilationist in intention. By the 1970s it was accepted that the policy was not working, nor was it acceptable to the Maori.

By the 1980s there was growing disillusionment with the Department of Maori Affairs. It was regarded as neither a good advocate for Maori nor an effective instrument for the delivery of public services. The department had insufficient influence to bring about many of the improvements sought by the Maori and programs administered by mainstream departments also failed to meet Maori needs. The Labour Government of the day adopted legislation to recognize Maori institutions (called *ewi* and *runga*) as working in partnership with government. The State Sector Act, 1988 which governs the public sector requires the recognition of the aims and aspirations of Maori people and their representation in the public service.

Four approaches to recognizing the Maori interest have been adopted over the past two decades: biculturalism, active Maori recruitment into the state sector,

mainstreaming or the devolution of programs to line departments or outside organizations, and delivering effective outcomes.

One of the published strategic goals of a cabinet paper is the development of policies and programs that close the economic and social gaps between Maori and non-Maori. While no clear targets are involved, this cabinet declaration sends a clear signal to departments that the government has a collective responsibility for improving outcomes for Maori. To track progress the Ministry of Maori Development has been given an internal audit function, meaning that it can call on other departments to demonstrate how they have addressed Maori aspirations and reduced disparities between Maori and non-Maori. If progress cannot be demonstrated, resources may be shifted to more responsive and effective agencies, either inside or outside of the state sector.

Equal employment opportunities programs provide for the active recruitment and advancement of Maori throughout the state sector. Most major agencies have established Maori units or advisory positions.

While the goal of past policies has been the integration of Maori concerns into the governance process in a culturally-sensitive and appropriate manner, the long-term direction is more towards separation. As one writer put it: "In the future Maori participation in governance may be less about inclusion within a unitary system of control and authority, than the establishment of Maori governing bodies to control Maori resources and to provide a fulcrum for interacting with the Crown." This direction does not imply a splintering of the nation state as a political entity, but rather the creation of ongoing partnership relationships.

#### Endnotes

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