

**ABORIGINAL ROUNDTABLE TO KELOWNA ACCORD:  
ABORIGINAL POLICY NEGOTIATIONS, 2004-2005**

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## **ABORIGINAL ROUNDTABLE TO KELOWNA ACCORD: ABORIGINAL POLICY NEGOTIATIONS, 2004-2005**

### **INTRODUCTION**

In 2004 and 2005, a highly publicized and unprecedented national process of Aboriginal policy negotiation was carried out under the direct authority of the Prime Minister. Beginning with the Canada-Aboriginal Peoples Roundtable in Ottawa on 19 April 2004 and ending with the First Ministers' Meeting in Kelowna on 24-25 November 2005, this 18-month process produced an ambitious ten-year plan to "close the gap" between Aboriginal and non-Aboriginal Canadians.<sup>(1)</sup>

The process leading up to the Kelowna Accord brought First Ministers and Aboriginal leaders together around the need for action and promised a new relationship between the Government of Canada and Aboriginal peoples. In November 2005 the Government of Canada pledged \$5.085 billion over five years to improve the socio-economic conditions of Aboriginal people. The overall plan was to bring the standard of living for Aboriginal peoples up to that of other Canadians by 2016.

To carry out the intentions agreed to at Kelowna, the respective responsibilities of governments (federal, provincial and territorial) and Aboriginal peoples still need to be worked out. Canada's Budget 2005, in February, predated the \$5.1 billion over five years that made headlines in November 2005. Thus, when the 38<sup>th</sup> Parliament was dissolved in November 2005, federal monies had not been approved for the Kelowna Accord and many of the other agreements leading up to it.

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(1) In the *Constitution Act, 1982*, Indian, Inuit, and Métis peoples are the Aboriginal peoples of Canada. Each group has its own unique legal and historical relationship with the Government of Canada. Only "Indians and lands reserved for the Indians" are the exclusive jurisdiction of the federal government. In reference to an Indian individual or an Indian band, the term First Nation(s) normally means Status or Registered Indian(s). Non-Status Indians are not on the Indian Register kept by the Government of Canada; they are of Indian ancestry but they do not receive benefits under the *Indian Act*. Inuit are the original people of Arctic Canada. Métis are people with mixed Aboriginal and non-Aboriginal ancestry who identify themselves as Métis. In Canada, the term "Aboriginal" often is used interchangeably with the terms "Native" and "Indigenous."

The Roundtable-to-Kelowna process was open to some 1,000 invitees. These selected representatives of Aboriginal organizations and the provincial, territorial, and federal governments worked together on an agenda and timetable set by the Prime Minister's Office that involved at least ten major meetings and numerous smaller meetings. Central to the negotiations were five national Aboriginal organizations:

- Assembly of First Nations (AFN) – representing the vast majority of First Nations (members of over 600 Indian bands)
- Inuit Tapiriit Kanatami (ITK) – representing Inuit irrespective of where they live
- Métis National Council (MNC) – representing Métis living in Ontario and westwards
- Native Women's Association of Canada (NWAC) – advocating for First Nations and Métis women throughout Canada
- Congress of Aboriginal Peoples (CAP) – advocating for off-reserve Aboriginal peoples throughout Canada<sup>(2)</sup>

More issues arose during the Roundtable-to-Kelowna talks than can be dealt with here. This paper outlines some of the main phases and features of that process and offers a few observations about the outcomes.

## **CANADA-ABORIGINAL PEOPLES ROUNDTABLE, APRIL 2004**

### **A. Participants and Purpose**

The first phase of the process, the Canada-Aboriginal Peoples Roundtable on Strengthening the Relationship, involved 147 participants. Forty-one were federal: members of the Cabinet Committee on Aboriginal Affairs, other Cabinet members, parliamentary secretaries, government members of the Aboriginal Caucus, a Liberal senator, and government members from the House of Commons Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources. Ten senior officials from provincial and territorial governments participated as observers. Ninety were participants from 27 Aboriginal organizations, associations, foundations, councils, and other entities. Sixty-five of the ninety were from the aforementioned five national Aboriginal organizations. Four elders and their two assistants were present.<sup>(3)</sup>

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(2) Provincial Native councils for non-Status Indians are CAP's roots; however, CAP does not have regional affiliates in Saskatchewan or Alberta.

(3) Government of Canada, *Strengthening the Relationship: Report on the Canada-Aboriginal Peoples Roundtable*, Ottawa, 19 April 2004, pp. 24-30 (hereinafter *Roundtable Report*).

At the Roundtable, the federal government made a start on what it hoped would be a more coherent, coordinated, and “modern” approach to addressing Aboriginal issues. To produce healthier and more economically self-reliant Aboriginal peoples and communities,<sup>(4)</sup> it set out to bring Aboriginal peoples together and to bring in provincial and territorial partners. These Aboriginal representatives were invited to “sit down on the same side of the table, as partners.”<sup>(5)</sup>

From the perspective of the five national Aboriginal organizations, the historic Roundtable was an overdue opportunity to engage directly with senior Government of Canada officials on issues of long-standing concern, including those particular to Aboriginal women and children. For their very diverse constituencies, they were hoping to avoid the failures of the past associated with insensitive unilateral government action, and to reduce the need, in the future, for protracted litigation to clarify the situation of Aboriginal people in Canada.<sup>(6)</sup>

## **B. Outcomes**

The main outcomes of the 19 April 2004 Roundtable were Canada’s commitment to:

- a report on the Roundtable;
- a plan of action and follow-up sessions on six themes or quality-of-life priority areas (Health, Lifelong Learning, Housing, Economic Opportunities, Negotiations, and Accountability) to enable the Government of Canada, the national Aboriginal organizations, and provincial and territorial governments to work together on policy;
- a Policy Retreat involving Aboriginal leadership and the Cabinet Committee on Aboriginal Affairs;
- an Aboriginal Report Card in *Canada’s Performance*; and
- an Inuit Secretariat within the Department of Indian Affairs and Northern Development.<sup>(7)</sup>

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(4) Treasury Board Secretariat, *Canada’s Performance 2004*, “IV. Aboriginal Peoples,” [http://www.tbs-sct.gc.ca/report/govrev/04/cp-rc5\\_e.asp#22](http://www.tbs-sct.gc.ca/report/govrev/04/cp-rc5_e.asp#22).

(5) Government of Canada, *Roundtable Report*, 19 April 2004, pp. ii, 28 and 34; *Canada-Aboriginal Peoples Roundtable and Sectoral Tables, 2004-2005*, [http://www.aboriginalroundtable.ca/index\\_e.html](http://www.aboriginalroundtable.ca/index_e.html).

(6) AFN, “Update on the Canada-Aboriginal Peoples Roundtable Follow-up,” Communiqué from National Chief Phil Fontaine, September 2004, <http://www.afn.ca>; ITK, “Renewed Relationship,” Press Release quoting Jose Kusugak, 19 April 2004, <http://www.itk.ca/media/press-archive-20040419.php> (accessed 12 January 2005); MNC, Press Release, 24 November 2004; and Government of Canada, *Roundtable Report* (2004), Audrey Poitras, pp. 47-48, and Kukdookaa Terri Brown, pp. 72-74.

(7) The Inuit Secretariat was promised in the 5 October 2004 Speech from the Throne. The federal budget of 23 February 2005 provided \$10 million over the next five years to establish and operate the Inuit Secretariat.

## SECTORAL TABLES – NOVEMBER 2004 TO JANUARY 2005

### A. Participants and Process

To generate options for consideration on the six priority areas, subject-matter experts came together with representatives of Aboriginal organizations, service providers, and governmental and private-sector representatives. More than 750 invitees participated in the various follow-up sessions which were variously referred to as the “sectoral tables,” “policy tables,” “roundtables” and, by some in government, as “external involvement.” These sessions were held from November 2004 to the end of January 2005.

Each of the seven two-day sessions on the specified themes was led by the Minister of the relevant federal government department as follows: Health<sup>(8)</sup> (Health Canada), Lifelong Learning (Indian and Northern Affairs Canada – Meeting #1, Childhood to Grade 12; Meeting #2, Post-Secondary Education and Skills Training), Housing (Canada Mortgage and Housing Corporation), Economic Opportunities (Industry Canada), Negotiations (Indian and Northern Affairs Canada), and Accountability (Treasury Board Secretariat). All of the thematic discussions had First Nations, Inuit, and Métis breakout sessions.

The national Aboriginal organizations submitted substantial background papers on every theme. Professional facilitators aided the various discussions and summarized the substance of each round.

### B. Outcomes

Views and information were shared throughout the sectoral tables phase but specific commitments were not made. Detailed information (statistical overviews, background papers, facilitators’ reports, etc.) may be found on the Web site dedicated to the Canada-Aboriginal Peoples Roundtable.<sup>(9)</sup>

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(8) In September 2004, the Prime Minister, First Ministers and Aboriginal leaders had met to discuss joint actions to improve Aboriginal health. At that time, the government announced new federal commitments totalling \$700 million, as follows: \$200 million for the Aboriginal Health Transition Fund; \$100 million for the Aboriginal Health Human Resources Initiative; and \$400 million for health promotion and disease prevention programs involving Aboriginal organizations and communities.

(9) *Canada-Aboriginal Peoples Roundtable and Sectoral Tables, 2004-2005*, [http://www.aboriginalroundtable.ca/index\\_e.html](http://www.aboriginalroundtable.ca/index_e.html).

## POLICY RETREAT – MAY 2005

### A. Participants and Process

Findings from the sectoral tables fed into a 31 May 2005 bilateral policy retreat of the Cabinet Committee on Aboriginal Affairs with the leaders of the five national Aboriginal organizations. By this time, it was evident that effective Aboriginal policy development had to be consistent with priorities of the constituencies of the organizations representing First Nations, Inuit, and Métis.

### B. Outcomes

As most were opposed to a pan-Aboriginal approach to setting the direction for change, each of the five national Aboriginal organizations secured unique arrangements with the federal government at the policy retreat.<sup>(10)</sup> These were:

- First Nations Accord (AFN) – *A First Nations - Federal Crown Political Accord on the Recognition and Implementation of First Nations Governments*<sup>(11)</sup>
- Inuit Accord (ITK) – *Partnership Accord between the Inuit of Canada and Her Majesty the Queen in Right of Canada*<sup>(12)</sup>
- Métis Agreement (MNC) – *Métis Nation Framework Agreement between Her Majesty the Queen in Right of Canada and The Métis National Council*<sup>(13)</sup>
- Accord with CAP – *Accord on Cooperative Policy Development between the Congress of Aboriginal Peoples and the Government of Canada*<sup>(14)</sup>

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(10) Cabinet Policy Retreat with Aboriginal Leaders, 31 May 2005, [http://www.aboriginalroundtable.ca/plcy/index\\_e.html](http://www.aboriginalroundtable.ca/plcy/index_e.html).

(11) The Assembly of First Nations, *A First Nations - Federal Crown Political Accord on the Recognition and Implementation of First Nations Governments* (and Appendix), 31 May 2005, <http://www.afn.ca/cmslib/general/PolAcc.pdf>. See also AFN, Media Release, “First Nations-Federal Crown Political Accord and Cabinet Retreat Signal Steps Towards Self-Determination and Self-Government for First Nations,” 1 June 2005, <http://www.afn.ca/article.asp?id=1218>; and Indian and Northern Affairs Canada, Media Release, 31 May 2005, “Federal Ministers and National Aboriginal Leaders Participate in Joint Policy Retreat,” [http://www.ainc-inac.gc.ca/nr/prs/m-a2005/2-02665\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2005/2-02665_e.html).

(12) *Partnership Accord between the Inuit of Canada and Her Majesty the Queen in Right of Canada*, 31 May 2005, <http://www.itk.ca/media/supporting-docs/20050531-partnership-accord.pdf>; English version, [http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665itk\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665itk_e.html).

(13) *Métis Nation Framework Agreement between Her Majesty the Queen in Right of Canada and the Métis National Council*, 31 May 2005, <http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665mnc.pdf>; English version, [http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665mnc\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665mnc_e.html).

(14) *Accord on Cooperative Policy Development between the Congress of Aboriginal Peoples and the Government of Canada*, 31 May 2005, <http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665cap.pdf>; English version, [http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665cap\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665cap_e.html).



- Accord with NWAC – *Accord on Cooperative Policy Development between the Native Women’s Association of Canada and the Government of Canada*<sup>(15)</sup>

These five agreements commit the parties to work cooperatively on policy development according to the principles of “mutual recognition, mutual respect, mutual benefit, and mutual responsibility.” As official agreements, they “underline Canada’s commitment to renewing relationships and strengthening policy partnerships.”<sup>(16)</sup>

The Policy Retreat was pivotal in that it produced the Government of Canada’s long-term commitment to continue processes for cooperative policy development. Through the accords and agreements of May 2005, the foundation of a new relationship between the federal government and Aboriginal peoples was set in place.

Some of the specific federal commitments made to each of the five national Aboriginal organizations at the time of the Policy Retreat were:

- AFN – work on recognizing and reconciling section 35 rights for First Nations<sup>(17)</sup>
- ITK – negotiate a Canada-Inuit Action Plan by 31 March 2006
- MNC – examine the potential for devolving certain programs and services for Métis to the MNC; and, where appropriate, invite provincial governments from Ontario westwards to participate in multilateral processes
- CAP – discuss how to enhance CAP’s involvement in the development of federal policies related to Métis, non-Status and off-reserve Status Indians<sup>(18)</sup>
- NWAC – review NWAC’s involvement in the development of federal policies related to First Nations and Métis women.<sup>(19)</sup>

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(15) *Accord on Cooperative Policy Development between the Native Women’s Association of Canada and the Government of Canada*, 31 May 2005, <http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665nwac.pdf>; English version, [http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665nwac\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2005/02665nwac_e.html).

(16) Prime Minister’s Office, Fact Sheet, “Meeting of First Ministers and National Aboriginal Leaders, Kelowna, British Columbia, 24-25 November 2005,” November 2005.

(17) Treaty implementation, land rights and First Nations governments were agreed to as targeted priorities at the first Joint Steering Committee meeting. Plans for a 2006 conference on historic treaties and First Nations citizenship were announced by Indian Affairs Minister Andy Scott and AFN National Chief Phil Fontaine before the November 2005 First Ministers’ Meeting.

(18) Canada renewed its *Accord on Human Resource Development* with CAP on 21 November 2005. Human Resources and Skills Development Canada (HRSDC) will provide capacity-building funding to 31 March 2007. The Accord is in effect until March 2009, <http://www.abo-peoples.org/programs/HRSDC/Joint%20News%20Release%20-%20CAP-HRSDC%20Accord.pdf>.

(19) Canada renewed its *Accord on Human Resource Development* with NWAC on 28 September 2005. HRSDC committed to provide capacity-building funding to 31 March 2007. The Accord is in effect until March 2009.

## **FIRST MINISTERS' MEETING ON ABORIGINAL ISSUES, NOVEMBER 2005**

### **A. Participants and Process**

Provincial premiers, territorial leaders, and leaders of the national Aboriginal organizations were invited by the Prime Minister to meet with representatives of the Government of Canada in Kelowna, British Columbia, on 24 and 25 November 2005.

In preparation for the historic First Ministers' Meeting (FMM), a Multilateral Indicators Working Group (composed of officials from AFN, ITK, MNC, CAP, NWAC, British Columbia, Saskatchewan, Manitoba, Ontario, Quebec, Northwest Territories and the Government of Canada) developed guiding principles and a short list of indicators for identifying change over time in education, health, housing, and economic opportunities. Having only a month to do its work, the working group reported the suggested principles and indicators to the FMM Steering Committee with several qualifications that were mainly related to cultural considerations and the availability of data.<sup>(20)</sup>

### **B. Outcomes and Targets**

#### **1. Overall**

By way of the broad Kelowna Accord formally entitled *First Ministers and National Aboriginal Leaders: Strengthening Relationships and Closing the Gap*, the parties at the FMM agreed to work together to set goals and measure progress over ten years to achieve better results in the areas of relationships, education, health, housing, and economic opportunities, with a view to raising the standard of living for Aboriginal peoples up to that of other Canadians by 2016.<sup>(21)</sup>

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(20) Multilateral Indicators Working Group, Draft Report for Discussion with the Multilateral Designates Group in Preparation for the Final Recommendations to the FMM Steering Committee, 31 October 2005.

(21) *First Ministers and National Aboriginal Leaders: Strengthening Relationships and Closing the Gap*, [Kelowna Accord] and verbatim transcript of public session and press conference, Meeting of First Ministers and National Aboriginal Leaders, Kelowna, British Columbia, 24-25 November 2005, [http://www.scics.gc.ca/confer05\\_e.html#November05](http://www.scics.gc.ca/confer05_e.html#November05) (800-044). Note: The Kelowna Accord was not formatted for signatures.

A 25 November 2005 news release from the Prime Minister's Office (PMO) made note of the breadth of the gaps between Aboriginal Canadians and non-Aboriginal Canadians.<sup>(22)</sup> These gaps are detailed below in the sections that follow.

All governments acknowledged that Aboriginal peoples need the capacity to participate in the development of policies, programs and services that affect them. The Government of Canada therefore pledged almost \$5.1 billion over the next five years in support of this commitment and to enhance collaboration.<sup>(23)</sup> The funding commitment of \$5.1 billion was broken down by theme in a "Financial Commitments" chart.<sup>(24)</sup>

Appendix B sets out, in an abbreviated and tabular format, the Kelowna Accord outcomes and targets that are outlined below.

## **2. Relationships and Accountability**

In the area of relationships and accountability the key elements of the Kelowna Accord were to:

- Implement FMM commitments through regional processes involving regional First Nations, Inuit, and/or Métis organizations;
- Establish region-specific targets and monitor progress regionally;
- Affirm joint responsibility for implementation by sector ministers in the Government of Canada and ministers responsible for Aboriginal Affairs in provincial and territorial governments;
- Establish a collaborative approach respectful of Aboriginal peoples' distinct and "unique histories, cultures, traditions and relationships" with federal, provincial, and territorial governments;
- Take into account the circumstances of those who reside on reserves or settlements, in rural or urban areas, or in northern and Arctic regions, and of Aboriginal women;
- Respect regional differences and other bilateral, trilateral, and multilateral agreements; and
- Report to constituencies in a relevant and accountable manner.

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(22) PMO, News Release, "Government of Canada Invests in Immediate Action to Improve Lives of Aboriginal People in Canada," 25 November 2005, [http://www.pco-bcp.gc.ca/default.asp?Language=E&page=archivemartin&sub=newscommuniques&doc=news\\_release\\_20051125\\_661\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Language=E&page=archivemartin&sub=newscommuniques&doc=news_release_20051125_661_e.htm).

(23) First Ministers' Meeting, 24-25 November 2005, [http://www.ainc-inac.gc.ca/nr/iss/fmm\\_e.html](http://www.ainc-inac.gc.ca/nr/iss/fmm_e.html). This amount was not anticipated in the federal budget announced earlier, in February 2005.

(24) "First Ministers' Meeting with National Aboriginal Leaders: Financial Commitments," <http://lpintrabp.parl.gc.ca/lopimages2/bibparlcat/7000/Ba391003.pdf>.

A notable outcome or commitment specific to the Métis was facilitation of the recognition of the distinctive place of the Métis in Canada and exploration with the Métis of options for objectively verifiable Métis identification systems.

Future meetings between governments and the national Aboriginal organizations were promised, including:

- A First Ministers and national Aboriginal leaders meeting in “two or three years when they are in a position to measure progress” [2007 or 2008]; and
- An annual two-day meeting between Aboriginal Affairs ministers and national Aboriginal leaders, including a First Nations forum, an Inuit forum, and a Métis forum.

With respect to relationships and accountability, \$170 million was committed for supporting Aboriginal organizations’ ability to work with governments, developing accountability practices, and engaging on land claim and self-government policies. Specific timelines were not set for this theme.

### **3. Education**

In 2001, 44% of Aboriginal people aged 20 through 24 had less than high-school education, as compared to 19% for Canada as a whole. Only 23% of Aboriginal people aged 18 to 29 reported having completed their post-secondary education, compared to 43% in the rest of Canada.<sup>(25)</sup>

One outcome of the FMM was that the Government of Canada indicated its willingness to enter into agreements with provinces, territories, and Aboriginal organizations in support of public education initiatives to improve outcomes for Aboriginal learners.

First Nations-specific commitments included implementing First Nations’ jurisdiction and control over education on-reserve or in self-governing First Nations, and improving support for First Nations learners moving between First Nations schools and public education systems.

For Inuit there was the promise to begin, within 12 months of the FMM, collaborative exploration on the establishment of a National Inuit Education Resource and Research Centre to help promote an Inuit-specific approach to education, coordinate best practices and conduct Inuit-specific research.

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(25) PMO, News Release, 25 November 2005.

In the area of Métis education, the emphasis was, within 12 months of the FMM, to explore the development of a Métis Nation Centre of Excellence in Education and Innovation through collaborative efforts between the Métis, the Government of Canada, relevant provincial and territorial governments, and other possible partners; to enhance Métis educational institutions such as the Gabriel Dumont Institute (Saskatchewan) and Louis Riel Institute (Manitoba); and, where there is agreement, to explore options for development of new Métis educational institutions.

Finally, an amount of \$1.8 million for education over five years was pledged to work toward achieving by 2016: a high-school graduation rate for Aboriginal people equal to that of other Canadians (22,000 more Aboriginal high-school graduates over the next five years, and 110,000 more in ten years); and a 50% improvement in Aboriginal people's post-secondary education completion rates (an increase of 14,800 post-secondary graduates over the next five years and 37,000 more in ten years).

#### 4. Health

Of the themes under discussion, health care was perhaps the most challenging. In particular, questions of jurisdiction remain to be worked out with respect to providing health care to Inuit, Métis, and First Nations living in cities and/or on reserves.

At the time of the FMM, the incidence of Aboriginal infant mortality was almost 20% higher than for the rest of Canada. Aboriginal people were three times more likely to have Type 2 diabetes. Suicide rates, especially among Inuit, were from 3 to 11 times more frequent.<sup>(26)</sup>

A 29-page *Blueprint on Aboriginal Health*, containing overarching principles and approaches and three distinct frameworks for First Nations, Inuit, and Métis, was presented at the FMM as a work in progress. It is an explicitly political commitment that is not legally binding.<sup>(27)</sup>

In total, \$1.315 billion over the next five years was pledged to reduce infant mortality, youth suicide, childhood obesity, and diabetes by 20% in five years and by 50% in ten years and also to double the number of health professionals by 2016 (from the present level of 150 physicians and 1,200 nurses).

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(26) *Ibid.*

(27) *Blueprint on Aboriginal Health: A 10-Year Transformative Plan*,  
[http://www.hc-sc.gc.ca/hcs-sss/pubs/care-soins/2005-blueprint-plan-abor-auto/index\\_e.html](http://www.hc-sc.gc.ca/hcs-sss/pubs/care-soins/2005-blueprint-plan-abor-auto/index_e.html).

## 5. Housing and Infrastructure

On-reserve, the estimated housing shortage is 20,000 to 35,000 units and growing. Off-reserve, the core housing need is 76% higher among Aboriginal households than among non-Aboriginal households. In the North, Aboriginal housing needs are 130% higher.<sup>(28)</sup>

General commitments under the Kelowna Accord, which endorse the principle of Aboriginal people determining their own housing solutions, were as follows:

- Examination by all parties of their respective policies and regulations to identify any impediments to housing development; and
- Investment by the Government of Canada in off/non-reserve housing where innovative tripartite housing agreements are developed regionally.

For First Nations, the Government of Canada made commitments to:

- Support First Nations' control on reserve, new institutional arrangements, financing, matrimonial property solutions, market-based housing, and social housing; and
- Accelerate its activity aimed at ensuring safe water on reserves and collaborate with First Nations, provinces and relevant territories to develop indicators to measure progress.<sup>(29)</sup>

To further an Inuit-specific housing approach, the Government of Canada agreed to:

- Enter into partnership agreements with relevant Inuit organizations in four regions (Labrador, Nunavik, Nunavut and Inuvialuit);
- Create, with relevant provinces and territories, an Inuit Housing Institute; and
- Use multi-year housing investments to create economic development initiatives.

The Government of Canada, the relevant provincial and territorial governments, and Métis agreed to:

- Address the unique housing needs of Métis through investments and maintenance in order to improve Métis delivery and control of affordable and social housing; and
- Work towards developing a regionally focused Métis Nation Housing Institute, within 12 months.

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(28) PMO, News Release, 25 November 2005.

(29) In 2005 the evacuation of a northern Ontario reserve, Kashechewan, due to contaminated drinking water was national news.

The targets related to the \$1.6 billion for housing, water, and other infrastructure needs were specific to location. The goals were to:

- Reduce the on-reserve housing shortage by 40% over the next five years and by 80% within ten years;
- Close the gap in Aboriginal people's access to off-reserve housing by 50% in five years and close this gap entirely in ten years; and
- Reduce the housing gap in the North by 35% over five years and by 70% in ten years.

## **6. Economic Opportunities**

At about the time of the FMM, unemployment rates for Aboriginal people were 19.1% generally and 29% on reserves, as compared to 7.4% for all Canadians. Aboriginal Canadians had a median employment income of \$16,000. The median employment income for Canadian individuals was roughly \$25,000.<sup>(30)</sup>

The Government of Canada pledged \$200 million over the next five years to support economic development framework initiatives for all Aboriginal groups, and accelerate the regulatory regime under the *First Nations Commercial and Industrial Development Act* for commercial and industrial activities. The targets were to:

- Increase Aboriginal employment levels by 30% over the next five years and by 50% within ten years;
- Narrow the median employment income gap by half within five years; and
- Bring broadband access to 250 more communities within ten years.

## **OBSERVATIONS**

### **A. Significance of the Process**

The Roundtable-to-Kelowna process exceeded simple consultation with Aboriginal peoples' representatives. Indeed, such a high level of involvement of government leaders and Aboriginal leaders in Aboriginal policy development was unique in Canadian history. The involvement of provinces and territories in the Multilateral Indicators Working Group and also the establishment of a regular process for ongoing high-level dialogue were significant developments.

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(30) PMO, News Release, 25 November 2005.

The 18-month Roundtable-to-Kelowna policy process raised hopes and expectations. Indications are that all Canadians, and not simply Aboriginal Canadians, want improvements in the federal government's policies with respect to Aboriginal peoples. Together with international human rights observers, they are looking for improvement in the circumstances of Aboriginal people, especially those living on reserves and in urban areas.

In the future, Aboriginal peoples expect to interact with all levels of government on policy development according to the deep-seated principle of mutual respect found in the early treaties. Lessons of past experience are that unilateral action on the part of the federal government seldom wins support and frequently leads to failure and devastating effects. Provincial and territorial governments were focussed on the FMM but some also observed the work of the sectoral tables and participated in the preliminary work on indicators. The Roundtable-to-Kelowna process made it clear that, where it concerns them, Aboriginal people want to be the initiators of policy change and not just subjects for consultation on government programs.

In short, the Roundtable process facilitated discussion of the interconnections between economic development, health, housing, and education, and the Kelowna Accord set out a process for future relations. The commitments made with the national Aboriginal organizations are a serious undertaking on the part of the Government of Canada, which pledged to continue to work inclusively in the development of policy concerning Aboriginal peoples.<sup>(31)</sup>

## **B. Challenges Highlighted by the Process**

### **1. Funding**

From time to time, the press raised the cost of holding the Roundtable in light of previous spending on Aboriginal issues (\$55 million on the Royal Commission on Aboriginal Peoples, established in 1991, for example).<sup>(32)</sup> Typically, while some seemed convinced that expenditures related to Aboriginal people are too great, others saw support for improving the well-being of Aboriginal people as a necessary step in the best interests of the country.

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(31) *First Ministers and National Aboriginal Leaders: Strengthening Relationships and Closing the Gap*, [Kelowna Accord] and verbatim transcript of public session and press conference (2005).

(32) Sue Bailey, "Aboriginal Summit Racks Up Huge Cost," CNEWS, 12 July 2004, and Canadian Press, 13 July 2004. Based on documents released under Access to Information, this journalist estimated the cost of holding the Canada-Aboriginal Roundtable at well over \$300,000. See also John Ibbitson, *The Globe and Mail* [Toronto], 13 April 2005, p. A4.



Securing funding for the Kelowna plan was made difficult by the context in which the Accord was signed. Nor were reliable mechanisms developed to keep the process moving ahead before Parliament dissolved, on 29 November 2005, just four days after the FMM.

In early 2006, with a new government in place, the question of whether the Kelowna Accord would be implemented was an open question. Clearly, substantial federal investment and further work, beginning in 2006, would be required to meet the five- and ten-year targets specified, and a budget and a national policy framework would be needed to enable all parties to pursue the agreed-upon goals.

## **2. Reliable Data**

The Roundtable-to-Kelowna process was not without its critics and controversy. Those directly involved and strongly committed to the goals note that many issues remain to be addressed. They worry about the consequences of the gap not being narrowed and seek to hold the government accountable. Some have even suggested attempting to measure “the implementation gap” or the extent of under-spending on the well-being of Aboriginal peoples.

Timelines were too tight, in the 18 months occupied by the Roundtable-to-Kelowna process, to arrive at the best indicators for measuring progress on “closing the gap.” The available data are incomplete and much needs to be done to refine both the data and the indicators.

Some fear that concentrating on measuring the size of the gap in all areas could draw attention away from the issue of well-being. There is also the risk of closing the gap at the expense of the culture of First Nations, Inuit and Métis, partly because it is difficult to establish appropriate indicators to measure factors such as quality of education, cultural strength, or impacts on women. These aspects may be interpreted differently by Aboriginal peoples who have a different or more holistic world view.

If Aboriginal groups are to engage in reporting and collecting their own data, they cannot do it without support and improved capacity in this area. Striving for suitable data to meet statistical standards of comparability, consistency, and availability could stifle action on change, especially if the interests of the government and the Aboriginal peoples are not balanced.

### 3. Representation and the Fiduciary Relationship

The issue of representation remains an ongoing question. Aboriginal individuals (Status Indians, non-Status Indians, Inuit, and Métis) have varying views as to the extent to which the five national Aboriginal organizations represent and are responsible to them. It has never been very clear either to government or to Aboriginal people which groups are the most appropriate to be included in high-level policy discussions.

With federal elections occurring immediately after both the Canada-Aboriginal Peoples Roundtable and the First Ministers' Meeting, skeptics had no trouble imagining political motives and pointing to previous disappointments.<sup>(33)</sup> The national Aboriginal organizations and others lobbied to have the FMM occur before the government was brought down on a confidence vote. Irrespective of the outcome of the election, many feared there would be a retraction from commitments made during the 2004 and 2005 Aboriginal policy process.

Some Aboriginal people seeking resolution of their issues and looking for support for self-determination, especially First Nations, were suspicious of any move to devolve federal fiduciary responsibilities to other levels of government. While the process was under way, AFN considered the time frames for the sectoral tables too short and felt First Nations were underrepresented.<sup>(34)</sup> First Nations people worried that "Aboriginalization" initiatives – the trend to collapsing "Indian," "First Nation," and "band" into "community" and "Aboriginal" – were undermining their historical and legal relationship with the federal Crown.<sup>(35)</sup> Chiefs representing the 11 "numbered" treaty areas (that cover northern Ontario, the Prairies, parts of British Columbia and the territories) feared AFN had not placed enough emphasis on treaty rights. Quebec First Nations boycotted the FMM because they feared any process that might promote provincial involvement at the expense of federal responsibility.<sup>(36)</sup> Aboriginal protesters outside the FMM doubted the promised money would trickle down to them.

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(33) Failure to follow through on the 1993 Liberal Red Book promises for Aboriginal people, the 1996 recommendations of the Royal Commission on Aboriginal Peoples, the 1997 *Gathering Strength: Canada's Aboriginal Action Plan*, the 2000 Standing Senate Committee on Aboriginal Peoples recommendation to establish an Office for Aboriginal Relations, and the INAC-AFN Joint Initiative for Policy Development in Lands and Trusts Services that was abandoned in 2001 were just some of the disappointments.

(34) November 2004, Assembly of First Nations Bulletin, A Communiqué from National Chief Phil Fontaine, "Update on the Canada-Aboriginal Peoples Roundtable Follow-up," <http://www.afn.ca>.

(35) Phil Fontaine, National Chief, Assembly of First Nations, at the 7-9 December 2004 AFN Special Assembly, "Membership Issues Talk of the Town," *Windspeaker*, January 2005.

(36) Bill Curry, "Divisions Plague Assembly of First Nations: Dissident chiefs create tension on eve of key meeting with Prime Minister," *The Globe and Mail* [Toronto], 25 November 2005, p. A6; and CNW Group, "Rejection by the AFNQL of the initiative leading to the First Ministers' Meeting," 4 November 2005, <http://www.globeinvestor.com>.

While all Aboriginal participants sought inclusion and action on Aboriginal and treaty rights, AFN took the position that NWAC and CAP should not be at the table because they are not governments. NWAC and CAP had problems with the “distinctions-based” approach in which matters relating to non-Status Indians, urban Aboriginal residents, and Aboriginal women were categorized as “cross-cutting issues.”

### **C. Legacy of the Process**

The Roundtable-to-Kelowna process, which took place over 18 months in 2004 and 2005, drew public attention to the subject of the well-being of Aboriginal peoples. It therefore stands as another critical juncture in the history of Canada-Aboriginal relations. As the proceeding section outlined, the process served to clarify significant differences in the interests of the sub-sectors of Aboriginal society. The Kelowna Accord calls for both the means and the political will to realize Aboriginal peoples’ vision of their place in this country. In terms of closing the socio-economic gap between Aboriginal and non-Aboriginal Canadians, it is a vision that the First Ministers evidently share.<sup>(37)</sup>

The Kelowna Accord aimed to forge a new relationship between the parties. At the very least, it clearly identified a destination they intend to reach in ten years. It outlined a new approach but it did not chart a clear course to that destination. With sufficient resources and perseverance at every level, this can still be attempted and achieved.

Following up on the Kelowna Accord 2006 would involve multiple actions by all parties. Some of the actions most pertinent to federal parliamentarians include:

- Analyzing the intents and commitments in the various agreements made during 2004 and 2005;
- Matching the intents and commitments to funding, possibly along the lines of the funding pledge of \$5.085 billion over five years as laid out in the “Financial Commitments” chart (Appendix A);
- Securing a suitable budget immediately; and
- Engaging and working with Aboriginal people over the short and the long term to bring about the degree of change agreed to at the First Ministers’ Meeting in Kelowna.

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(37) *First Ministers and National Aboriginal Leaders: Strengthening Relationships and Closing the Gap*, [Kelowna Accord] and verbatim transcript of public session and press conference (2005).

**APPENDIX A**

**FIRST MINISTERS' MEETING WITH NATIONAL ABORIGINAL LEADERS  
FINANCIAL COMMITMENTS CHART**

**APPENDIX A<sup>(1)</sup>**

**FIRST MINISTERS' MEETING WITH NATIONAL ABORIGINAL LEADERS  
FINANCIAL COMMITMENTS CHART**

(\$ Million)

	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	Total
<b>Education</b>						
K to 12 on reserve	25.0	141.0	227.0	296.0	361.0	<b>1050.0</b>
K to 12 non reserve	5.0	31.0	36.0	39.0	39.0	<b>150.0</b>
Post Secondary Education	50.0	75.0	125.0	125.0	125.0	<b>500.0</b>
Children	15.0	17.0	20.0	24.0	24.0	<b>100.0</b>
<b>Subtotal</b>	<b>95.0</b>	<b>264.0</b>	<b>408.0</b>	<b>484.0</b>	<b>549.0</b>	<b>1800.0</b>
<b>Housing and Infrastructure</b>						
On-reserve (for market and assisted housing)	200.0	100.0	100.0	100.0	100.0	<b>600.0</b>
Non reserve Housing	100.0	50.0	50.0	50.0	50.0	<b>300.0</b>
Northern Housing Partnerships	100.0	50.0	50.0	50.0	50.0	<b>300.0</b>
Water and Other Infrastructure	100.0	75.0	75.0	75.0	75.0	<b>400.0</b>
<b>Subtotal</b>	<b>500.0</b>	<b>275.0</b>	<b>275.0</b>	<b>275.0</b>	<b>275.0</b>	<b>1600.0</b>
<b>Relationships and Accountability</b>						
Policy Capacity of Aboriginal Organizations	12.0	18.0	20.0	20.0	20.0	<b>90.0</b>
Indicators and Accountability	20.0	7.0	7.0	7.0	19.0	<b>60.0</b>
Engagement on Land Claim and Self-Government Rights	7.5	7.5	5.0			<b>20.0</b>
<b>Subtotal</b>	<b>39.5</b>	<b>32.5</b>	<b>32.0</b>	<b>27.0</b>	<b>39.0</b>	<b>170.0</b>
<b>Economic Opportunities</b>						
FNCIDA	2.4	2.4	2.4	2.4	2.4	<b>12.0</b>
Economic Development Framework Initiatives	37.6	37.6	37.6	37.6	37.6	<b>188.0</b>
<b>Subtotal</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>200.0</b>
<b>Health</b>						
Stabilizing the First Nation and Inuit Health System	70.0	140.0	220.0	220.0	220.0	<b>870.0</b>
Promoting transformation/Building Capacity	67.0	78.0	89.0	100.0	111.0	<b>445.0</b>
<b>Subtotal</b>	<b>137.0</b>	<b>218.0</b>	<b>309.0</b>	<b>320.0</b>	<b>331.0</b>	<b>1315.0</b>
<b>Total</b>	<b>811.5</b>	<b>829.5</b>	<b>1064.0</b>	<b>1146.0</b>	<b>1234.0</b>	<b>5085.0</b>

(1) First Ministers' Meeting with National Aboriginal Leaders: Financial Commitments,  
<http://lpintrabp.parl.gc.ca/lopimages2/bibparlcat/7000/Ba391003.pdf>.

**APPENDIX B**

**KELOWNA ACCORD: SUMMARY CHART**

## APPENDIX B

### KELOWNA ACCORD: SUMMARY CHART

**First Ministers' Meeting with Aboriginal Leaders, 24-25 November 2005**

*First Ministers and National Aboriginal Leaders: Strengthening Relationships and Closing the Gap and Funding*

#### A Ten-year Plan with Five-year Targets

SECTOR	APPROACHES General and Distinctions-Based	COMMITMENTS Meetings and Institutions	5-Year TARGETS	5-Year FUNDING	10-Year TARGETS
Relationships and Accountability	<ul style="list-style-type: none"> <li>• Joint implementation of regional processes for First Nations, Inuit, and Métis (including reserves, settlements, rural and urban areas, northern and Arctic regions, and women) by sector ministers and regional Aboriginal Affairs ministers involving First Nations, Inuit, and Métis organizations</li> <li>• Métis – Facilitation of recognition and exploration of verifiable identification systems</li> </ul>	<ul style="list-style-type: none"> <li>• Annual 2-day meeting of Aboriginal Affairs ministers and national Aboriginal leaders</li> <li>• Annual forum for First Nations, for Inuit, and for Métis (national Aboriginal leaders + Canada + provinces and territories)</li> <li>• FMM “in 2 or 3 years” i.e., circa early 2008 (First Ministers + national Aboriginal leaders)</li> </ul>	Not specified	<p style="text-align: center;">\$170 M</p> <ul style="list-style-type: none"> <li>• To enhance organizations' capacity to work with governments</li> <li>• For indicators and accountability</li> <li>• For self-government and land claims</li> </ul>	
Education	<ul style="list-style-type: none"> <li>• Canada prepared to enter into agreements with provinces, territories, and Aboriginal organizations in support of public education initiatives to improve outcomes for Aboriginal learners</li> <li>• First Nations – Implementing jurisdiction and control over education on-reserve (or in self-governing First Nations)</li> <li>• First Nations – Improving support for First Nations learners moving between First Nations schools and public education systems</li> </ul>	<ul style="list-style-type: none"> <li>• Inuit – By Nov/06 – explore establishment of National Inuit Education Resource and Research Centre</li> <li>• Métis – By Nov/06 – explore development of Métis Nation Centre of Excellence in Education and Innovation</li> <li>• Métis – Enhance existing and explore development of new educational institutions</li> </ul>	<ul style="list-style-type: none"> <li>• 22,000 more high-school graduates</li> <li>• 14,800 more post-secondary graduates</li> </ul>	<p style="text-align: center;">\$1.8 M</p>	<ul style="list-style-type: none"> <li>• High-school graduation rate equal to other Canadians</li> <li>• Improve post-secondary completion rate by 50%</li> </ul>

SECTOR	APPROACHES General and Distinctions-Based	COMMITMENTS Meetings and Institutions	5-Year TARGETS	5-Year FUNDING	10-Year TARGETS
Health	<i>Blueprint on Aboriginal Health</i> , a work in progress in Nov/05, sets out principles, approaches, and three distinct frameworks for First Nations, Inuit, and Métis health	<ul style="list-style-type: none"> <li>• Support continuing collaborative work in this area</li> <li>• Measure progress in closing the gap</li> <li>• Strengthen capacity to assess progress and refine health indicators</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce infant mortality, youth suicide, and childhood diabetes by 20%</li> </ul>	\$1.3 B	<ul style="list-style-type: none"> <li>• Reduce infant mortality, youth suicide, and childhood diabetes by 50%</li> <li>• Double health professionals</li> </ul>
Housing and Infrastructure	<ul style="list-style-type: none"> <li>• Aboriginal peoples' own housing solutions</li> <li>• Parties to examine their respective policies and regulations to identify any impediments</li> <li>• Canada willing to invest in off/non-reserve housing where innovative tripartite housing agreements are developed regionally</li> <li>• First Nations – control on reserve, new institutional arrangements, financing, matrimonial property, market-based housing and social housing; Canada to accelerate activity to ensure safe drinking water and to collaborate with First Nations, provinces and relevant territories on indicators</li> <li>• Inuit – Multi-year housing investments to create economic development initiatives</li> </ul>	<ul style="list-style-type: none"> <li>• Inuit – Canada to enter into partnership with Inuit organizations and relevant provinces and territories to create an Inuit Housing Institute</li> <li>• Métis – By Nov/06, Canada working with Métis representatives and relevant provinces and territories to develop regionally focused Métis Nation Housing Institute</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce the on-reserve housing shortage by 40%</li> <li>• Close gap in access to off-reserve housing by 50%</li> <li>• Reduce housing gap in North by 35%</li> </ul>	\$1.6 B	<ul style="list-style-type: none"> <li>• Reduce on-reserve housing shortage by 80%</li> <li>• Eliminate gap in access to off-reserve housing</li> <li>• Reduce housing gap in North by 70%</li> </ul>



SECTOR	APPROACHES General and Distinctions-Based	COMMITMENTS Meetings and Institutions	5-Year TARGETS	5-Year FUNDING	10-Year TARGETS
Housing and Infrastructure (cont'd)	<ul style="list-style-type: none"> <li>• Métis – Improve Métis delivery and control of affordable and social housing; Canada and relevant provincial and territorial governments to address housing needs through investments and maintenance</li> </ul>				
Economic Opportunities	<ul style="list-style-type: none"> <li>• Initiate regional distinctions-based processes inclusive of all Aboriginal peoples, federal-provincial-territorial governments, and private sector to identify economic opportunity strategies</li> <li>• With support from Canada, develop regionally based strategic frameworks to facilitate opportunities and partnerships</li> </ul>	<ul style="list-style-type: none"> <li>• Report on economic development framework initiatives to First Ministers through multilateral processes</li> <li>• Canada to accelerate regulatory regime under the <i>First Nations Commercial and Industrial Development Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Increase employment levels by 30%</li> <li>• Narrow median employment income gap by half</li> </ul>	\$200 M	<ul style="list-style-type: none"> <li>• Increase employment levels by 50%</li> <li>• Broadband access in an additional 250 communities</li> </ul>
TOTAL	FINANCIAL COMMITMENTS announced at FMM with National Aboriginal Leaders:			\$5.1 B	Equal living standard

**APPENDIX C**

**RELATED ANNOUNCEMENTS, NOVEMBER 2005**

## APPENDIX C

### RELATED ANNOUNCEMENTS, NOVEMBER 2005

#### 23 November 2005

- Government of Canada announces approximately \$2 billion for former Indian residential school students.<sup>(1)</sup>
- Release of Treasury Board's *Canada's Performance 2005*<sup>(2)</sup> providing figures on federal spending for the more than 360 Government of Canada programs and services targeted to Aboriginal people.<sup>(3)</sup>

#### 25 November 2005

- British Columbia First Nations,<sup>(4)</sup> the Province of British Columbia,<sup>(5)</sup> and the Government of Canada sign a tripartite *Transformative Change Accord*.<sup>(6)</sup>

#### 28 November 2005

- Indian and Northern Affairs Canada and the Assembly of First Nations announce a bilateral *First Nations Implementation Plan*<sup>(7)</sup> to solidify FMM measures for First Nations<sup>(8)</sup>

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(1) Indian Residential Schools Resolution Canada, [http://www.irsr-rqpi.gc.ca/english/news\\_23\\_11\\_05.html](http://www.irsr-rqpi.gc.ca/english/news_23_11_05.html).

(2) *Canada's Performance 2005*, [http://www.tbs-sct.gc.ca/report/govrev/05/cp-rc09\\_e.asp#\\_Toc119296592](http://www.tbs-sct.gc.ca/report/govrev/05/cp-rc09_e.asp#_Toc119296592).

(3) Treasury Board Secretariat, Web site, *Aboriginal Affairs: Programs and Spending*, <http://www.tbs-sct.gc.ca/aaps-aapd/intro.aspx?Language=EN>.

(4) The First Nations Leadership Council is composed of the political executives of the First Nations Summit, the Union of B.C. Indian Chiefs and the B.C. Assembly of First Nations.

(5) Premier of British Columbia, "Premier's Statement on the New Relationship with Aboriginal People," 4 May 2006, [http://www.gov.bc.ca/arr/popt/the\\_new\\_relationship.htm](http://www.gov.bc.ca/arr/popt/the_new_relationship.htm).

(6) *Transformative Change Accord* (British Columbia First Nations, the Province of British Columbia, and the Government of Canada), 25 November 2005, [http://www.gov.bc.ca/arr/down/transformative\\_change\\_accord.pdf](http://www.gov.bc.ca/arr/down/transformative_change_accord.pdf).

(7) Indian and Northern Affairs Canada and the Assembly of First Nations, *First Nations Implementation Plan*, <http://www.afn.ca/cmslib/general/FirstNationsPlan.pdf>.

(8) Indian and Northern Affairs Canada, News Release, "The Assembly of First Nations and the Government of Canada Agree to Move Forward With FMM Commitments by Endorsing a First Nations Implementation Plan," 28 November 2005, [http://www.ainc-inac.gc.ca/nr/prs/s-d2005/2-02749\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/s-d2005/2-02749_e.html). See also the related background, "First Nations Implementation Plan," 2 December 2005, [http://www.ainc-inac.gc.ca/nr/prs/s-d2005/02749bk\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/s-d2005/02749bk_e.html).