Chapter VI. Engaging Aboriginal Communities

Engaging members of Aboriginal communities requires a unique set of considerations. The history of the relationship between government and Aboriginal people impacts the following diverse areas: non-Aboriginal interaction with Aboriginal communities and people; Aboriginal peoples’ relationship to and use of the land prior to and since colonialization; their experience with historical and current treaty processes; and the unacceptable socio-economic, educational and health status of many Aboriginal people. Combined, these provide very strong moral, legal and practical reasons for pursuing avenues that promote decision-making processes that fully engage Aboriginal peoples in policies and programs that affect their lives.

The Supreme Court has affirmed a legal duty for governments to consult with First Nations and Métis people through numerous decisions. The Sparrow decision (1990) affirmed and recognized Aboriginal peoples’ freedoms and rights under the Constitution Act. The Haida decision (2004) deems that, based on these rights, both the federal and provincial governments have a legal duty to consult Aboriginal peoples on any matters that may impact Treaty and/or Aboriginal rights as set down in Section 35(1) of the Constitution Act. The Taku decision (2004) went even further to claim that regardless of the status of Aboriginal land claims, the Crown still has a duty to consult. Most governments have thus far applied this duty in the realm of natural resource management, but many Aboriginal groups have the view that these rulings also apply to all government decisions and policies that affect the lives of Aboriginal peoples, including health, social services, education and so on.

Beyond the moral argument to engage Aboriginal peoples, there are strong pragmatic reasons to do so. The public and private sectors have realized that consulting with Aboriginal peoples before making and implementing policy can avoid problems, delays and ultimately resources required to mediate conflict. For example, in Saskatchewan, non-smoking legislation was adopted and implemented in workplaces without giving due consideration to Aboriginal jurisdiction over reserves. This resulted in a jurisdictional tug-of-war with reserves taking an oppositional stance to the province, rather than coming to a consensual agreement that could have benefited the health of all in the province. Other potential impacts from failing to consult Aboriginal peoples include: failing to address intended needs targeted by programming or policy; perpetuating or exacerbating tensions between Aboriginal and non-Aboriginal groups; legal action; and civil disobedience (i.e. as experienced in Caledonia).

As previously discussed, there are both cultural and structural roots to the exclusion of Aboriginal peoples that need to be addressed. To begin with, there is a tendency for experts to be dismissive of “lay” or “traditional” knowledge and opinions, and this is seen even more strongly in the case of Aboriginal peoples. While Supreme Court decisions provide the legal duty to develop structures and institutions for the consultation of Aboriginal peoples, deeply engrained cultural beliefs and biases about Aboriginal people continue to erect barriers to genuine engagement and listening. In order to engage Aboriginal people in a meaningful way in program and policy development, it is essential to be respectful of cultural differences, acknowledge differences in power and history, work to overcome preconceptions about each other and attempt to find common ground.
As Aboriginal communities develop their rights and capacity for self-governance, they will continue to develop their own versions of citizen engagement within their communities. Several examples of this are informative:

- First Nations of the Meadow Lake Tribal Council, Saskatchewan, where members are being consulted at key stages of the self-government negotiations with Canada
- The Health Care System in Nunavut has integrated citizens into its governing body
- Hul’qumi’num Treaty Group has developed a Land Use Plan for its territory on southeast Vancouver Island and the Gulf Islands.¹⁷

The Government of Saskatchewan has developed a series of principles to guide employees implementing the duty to consult that are useful in thinking about engaging Aboriginal populations. Note that while the word “consultation” is used, it is clear from the guiding principles that the vision is much closer to that of citizen engagement. The following are a selection of the 12 principles from the Government of Saskatchewan’s Guidelines:¹⁸

- Whether government action may adversely affect Treaty or Aboriginal rights is a question that must be asked of all new initiatives and changes contemplated to existing activities.
- Consultations must be genuine and must be conducted with integrity and in good faith with the intent of upholding the honour of the Crown.
- First Nations and Métis people need to be directly engaged in the consultation process.
- First Nations and Métis people who are being consulted are to be given a say in how the consultation process should unfold.
- Consultation should occur as early in the decision-making process as reasonably possible and before final decisions are made.
- The consultation process should lead to the establishment of respectful and lasting relationships.

Citizen engagement, (as discussed in Chapters II and III), is motivated by a longer-term vision than simply to solve a particular problem at a particular point, important as that immediate need is. Part of the vision is to include people who have historically been excluded from decision-making processes. For Aboriginal people, this marginalization has resulted in long-standing conflicts between their communities, the government and sometimes segments of the Canadian mainstream population.

The purpose of consultation is to advance the process of reconciliation [between government and Aboriginal peoples]. It is not simply a step in a particular process, but an attitude that needs to inform the manner in which the government does its business.¹⁹

Following the principles provided above and carefully planning the process (see Chapter VII. Getting Started) will combine to provide a starting point for working towards a reconciliatory citizen engagement process between Aboriginal and non-Aboriginal peoples.
For further reading:


[www.nald.ca/fulltext/cric/eng/cover.htm](http://www.nald.ca/fulltext/cric/eng/cover.htm).

Indian and Northern Affairs Canada. List of resources: toolkits, guides and workbooks
[www.ainc-inac.gc.ca/ch/awpi/gde/rsucs_3_e.html](http://www.ainc-inac.gc.ca/ch/awpi/gde/rsucs_3_e.html).
