



Business Plan

2021–22

Office of L'nu Affairs

**NOVA SCOTIA**

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Message from the Minister



I am pleased to present the Nova Scotia Office of L'nu Affairs business plan for 2021-22. The Office of L'nu Affairs (OLA) provides comprehensive support and advice on a complex suite of issues that include consultation obligations, formal tripartite negotiations related to Mi'kmaq Aboriginal and treaty rights, enhancing public education and awareness, and opportunities that seek to improve the social and economic prosperity of Aboriginal peoples in Nova Scotia.

Nova Scotia continues to be an innovative leader in many areas through well-established formal and productive relationships with the Mi'kmaq and Indigenous communities. OLA fosters these relationships and plays a key role in establishing critical pathways for timely information exchange and dialogue with Mi'kmaq leadership. These ongoing connections are vital, particularly during the ongoing Covid-19 pandemic. This is further achieved through the Made-In-Nova Scotia Negotiation process, formal Consultation processes, the Treaty Education Initiative, and other intergovernmental mechanisms, such as the Mi'kmaq-Nova Scotia-Canada Tripartite Forum. Additionally, OLA continues to provide consistent advice, training, and engagement techniques on a wide range of First Nation and Aboriginal issues to other provincial government departments.

OLA remains active in representing Nova Scotia at interprovincial and national levels. This includes engagement on many major initiatives with federal, provincial, territorial, and First Nations partners, such as the National Inquiry into Murdered and Missing Indigenous Women and Girls, implementation of the Truth and Reconciliation Commission's Calls to Action, and participating in Federal-Provincial-Territorial roundtables. OLA also helps coordinate and support government to government meetings between Provincial Ministers and Mi'kmaq Chiefs.

Despite the challenges brought on by the global pandemic, we are proud of what we were able to accomplish last year, with a main focus on health and safety of all Nova Scotians. We look forward to building on our successes, maintaining and strengthening our meaningful relationships and partnerships that will create opportunities and help build an inclusive, innovative, and prosperous Nova Scotia.

Wela'liog,



Premier Iain Rankin
Minister, Office of L'nu Affairs

Section 1 – Mandate

The Office of L'nu Affairs (OLA) leads negotiations related to Aboriginal and treaty rights with the Mi'kmaq of Nova Scotia and the Federal Government, coordinates and facilitates consultation between the Provincial Government and the Mi'kmaq of Nova Scotia, represents provincial interests that address Indigenous matters, and provides strategic policy advice to government in fostering social and economic prosperity in Indigenous communities. In addition, OLA works with partners within and outside of government to increase public education, awareness and understanding of many Indigenous issues. This is done through the development of resources for the general public, educational institutions, and other targeted audiences. As of February 23, 2021, the Office of Aboriginal Affairs was formally changed to the Office of L'nu Affairs. This name change better reflects the unique and important relationship between the Province and the Mi'kmaq of Nova Scotia, as well as the other Indigenous peoples and organizations we work with. L'nu is a Mi'kmaw word meaning “the people” and refers primarily, but not exclusively, to the Mi'kmaq people. This new name reflects the importance of the Mi'kmaw language, culture, and identity of the First People of Nova Scotia, the Mi'kmaq.

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

Section 2 – Core Responsibilities/Services

Strategic Policy Advice

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

OLA coordinates a collaborative approach among departments to address a broad range of Indigenous issues and interests. This is achieved formally through the Senior Officials Advisory Committee on L'nu Affairs and informally through frequent issue coordination and management with line departments. Through the Policy Division, interpretation, analysis, and synthesis of information on issues from urban and rural Indigenous communities and Nova Scotia's 13 Mi'kmaq Communities is coordinated to provide line departments, community organizations, and business relevant information on issues related to projects, policies, and programming that can affect these communities. OLA also provides advice and coordination for the Assembly of Nova

Scotia Mi'kmaw Chiefs and Provincial Cabinet meetings, and ongoing issues such as legislation, formal consultation, engagement, and negotiations. OLA also provides ongoing support and advice for departments and agencies wishing to initiate engagement and collaborate with the Mi'kmaq and other Indigenous communities and organizations on projects of mutual interest.

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

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

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

Mi'kmaq Rights Negotiations

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

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

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

In 2021-22, the three Parties will focus on exploring interim and incremental approaches to addressing Mi'kmaq rights in Nova Scotia. This will focus on developing negotiated agreements that bring greater clarity and predictability to the exercise of Mi'kmaq rights in Nova Scotia.

Duty to Consult

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

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

In addition, OLA coordinates consultations with provincial and federal departments on projects where multi-jurisdictional decisions are required. A coordinated approach ensures government meets its legal consultation obligations and has consistent and effective mechanisms for consulting with the Mi'kmaq. The relationship with Canada is guided by the *Canada-Nova Scotia MOU on Consultation Cooperation*. It enables the sharing of information and gives direction to coordinated training and capacity building for provincial and federal public servants. In 2021/22 OLA will continue discussions with several federal departments, including Fisheries and Oceans, Transport Canada, and Infrastructure Canada, on coordinating consultation efforts in light of new federal legislative requirements.

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

Continued support of the Mi'kmaq internal consultation coordination, capacity, and communications is important to enhance the provincial consultation process. This includes responding to increased volume and complexity of consultations and the development of tools and technical solutions. OLA continues to work with line departments to create or enhance existing consultation processes that are aligned with the particular circumstances of their consultations with the Mi'kmaq. In 2021/22 OLA will focus on supporting development of internal consultation processes for the Departments of Energy and Mines, Environment and Climate Change, Infrastructure & Housing, as well as Transportation and Active Transit.

The Consultation Division regularly delivers Duty to Consult training to Nova Scotia public servants through the Public Service Commission and targeted department-specific training modules. Due to Covid-19 pandemic restrictions, OLA has revised training material for virtual platforms and in 2021/22 will resume delivering training virtually.

Enhanced Public Education Awareness and Understanding

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

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

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

A Memorandum of Understanding was signed on Treaty Day 2015 between the Province and the Mi'kmaq to establish Treaty Education initiatives. This MOU was revised and renewed in October 2020 with no expiry date. The Province provides project funding, as well as significant in-kind staff contributions across government departments. As part of our work under the MOU, OLA continues to shape and implement options for long-term governance for Treaty Education in Nova Scotia.

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

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

Improve Social and Economic Prosperity of Aboriginal Communities

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

OLA supports a number of projects that focus on partnerships to improve social and economic prosperity of Indigenous communities and Indigenous Nova Scotians. In addition, enhanced public awareness, education, and appreciation of Mi'kmaw history and culture help to target youth initiatives, marginalized communities, urban Aboriginal populations, and increase Indigenous employment in the provincial workforce. The past year presented many difficulties for people, communities, and businesses throughout Nova Scotia. The Mi'kmaq and other Indigenous communities were also impacted by the affects of COVID-19. However, despite these public health setbacks, many projects were able to shift and adjust. For example, OLA has supported Clean Nova Scotia for several years and continues to do so. The Clean Leadership Foundation Program has sought to employ Indigenous youth (15-30 years old) with various community-specific initiatives to strengthen economic activity and prosperity. This past year, Clean Nova Scotia demonstrated an incredible ability to shift how learning can be accomplished and was able to move much of this online, while still retaining the fieldwork component of their internships, albeit more limited. This past year, Clean Nova Scotia employed more interns (67) that it ever had in the past with the highest number of Indigenous interns (22%), and Indigenous Women (15%) being employed.

Support has also been provided to the Nova Scotia Native Women's Association for programming and services to address issues related to socio-economic prosperity for Indigenous women throughout Nova Scotia. Recognizing the uniqueness of the Mi'kmaq in this province and the contributions of Mi'kmaw culture is supported through several initiatives focusing on cultural expression, visibility, and the development and planning for a Mi'kmaw cultural centre. This support will continue into 2021-22 targeting continued partnerships and innovation to strengthen social and economic development and prosperity for Nova Scotia's Aboriginal communities.

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

Recently, OLA and key government departments partnered with Sipekne'katik on the Driver Education Licensing project. Transportation has been identified as a systematic barrier for access to employment, training and other services, particularly in a rural community. The parties worked together with Mi'kmaw organizations to offer a variety of programs and services to overcome barriers faced by community members in obtaining a valid drivers' license. The result was increased access to employment, training, services, enhance social connection and a tremendous sense of community pride.

The urban Indigenous population continues to increase and offers both challenges and opportunities to transition and grow our economy and culture. OLA works closely with and supports the Mi'kmaw Native Friendship Centre (MNFC) to provide culturally sensitive approaches to better serve and understand this expanding population. Since 2016-17, OLA has supported the MNFC to conduct various studies and business and strategic planning to allow for continued and enhanced programming to meet the needs of this population and to support the planning and development of a new centre. Plans for the new centre creates exciting opportunities for social and educational programming, culturally appropriate access to a variety of services, and tourism initiatives. In addition, MNFC recently opened a homeless shelter that offers increased services to Halifax's homeless population to meet their immediate housing needs and holistic counselling to address chronic homelessness. A recent relaunch of the Urban Aboriginal Strategy, now called the Community Coalition, brings together community and government to focus on issues related to training and employment, mental health, and housing, and how these topics intersect.

Through the Aboriginal Community Development Fund (ACDF) and other grant funding, OLA supports and enhances the capacity of Indigenous organizations and Mi'kmaw communities to improve social and economic prosperity for Indigenous people. The ACDF supports community-led, Mi'kmaq driven initiatives with economic and business development outcomes and benefits for Indigenous people in Nova Scotia. This fund specifically leverages other resources within and outside of government to support these projects and initiatives.

While the global pandemic has affected tourism in the short-term, Indigenous cultural experiences are gaining recognition as an important sector in Tourism. OLA continues to support the Mi'kmaq as they undertake a nation-approach to cultural tourism and implement the Cultural Tourism Strategy for Nova Scotia Mi'kmaw. Through the ACDF, OLA has provided financial support for the Mi'kmaq to develop Authenticity Guidelines and investigate the viability of nation-led economic development opportunities in this growing sector. When the pandemic subsides, and conditions change, the Mi'kmaq will be well positioned to participate in this rapidly growing sector; providing unique, local opportunities that will support economic self-reliance and contribute to independent, vibrant, healthy Mi'kmaw communities.

OLA has been successful in leveraging more than 90% in federal and other funds on total cost for various social and economic development projects. These initiatives foster collaboration and exploration of new opportunities. Measures of success vary depending on the project, but often include increasing employment and training prospects, developing capacity in Indigenous communities, increasing own source revenue, reducing operating costs through implementation of green energy technology, providing leadership development opportunities for youth, establishing business opportunities, and increasing education and awareness regarding issues facing Mi'kmaw communities and peoples. OLA will continue to maximize partnerships and collaboration wherever possible through the ACDF in 2021-22.

Section 3 – Measuring Progress, Impact, and Success

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

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

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

Section 4 – Departmental Expenses Summary

| L'nu Affairs Departmental Expenses Summary (\$ thousands) | | | |
|---|--------------------------------------|--------------------------------------|--------------------------------------|
| <u>Programs and Services</u> | <u>2020-2021 Estimate</u> | <u>2020-2021 Forecast</u> | <u>2021-2022 Estimate</u> |
| L'nu Affairs | 4,362 | 4,357 | 4,257 |
| Total - Departmental Expenses | 4,362 | 4,357 | 4,257 |
| | - | - | - |
| <u>Funded Staff (# of FTEs)</u> | | | |
| Department Funded Staff | 17.0 | 16.1 | 17.5 |
| <u>Note:</u> | | | |
| For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1 | | | |