

Kingdon's Multiple Streams Model and the Window of Opportunity for Improved Aboriginal Employment and Skills Development Outcomes

by

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Abstract

A rapidly growing and relatively young Aboriginal population in Canada has renewed concerns regarding the severe poverty experienced by this community. Statistics Canada estimates the Aboriginal population in Canada could reach between 1.7 million and 2.2 million by 2031. As a nation, Canadian history offers much to celebrate and be proud of, although the mistreatment of Aboriginal peoples remains a shameful chapter. Moreover, a tenuous relation between the federal government and Aboriginal Canadians has resulted in poor policy outcomes. Aboriginal peoples are grossly under-represented in skilled trades employment sectors and the dismal rate of unemployment for Aboriginal peoples at both the national and provincial levels far exceeds that of the non-Aboriginal population. Therefore, comprehensive policy proposals to address some of the hardships and challenges experienced by Aboriginal peoples and their respective communities are urgently needed. In this study, the Multiple Streams model presented by Professor John Kingdon is utilized as the framework to assess whether the timing is suitable for substantial policy innovation concerning Aboriginal employment and skills development to mitigate the problems they face. According to Kingdon, the convergence of multiple streams consisting of *problems*, *politics*, and *policies* may indicate the opening of a policy window. Such a window presents an opportunity for *policy entrepreneurs* to push a policy proposal that addresses a particular problem higher on the policy agenda. The application of Kingdon's model will reveal that natural resources can provide Aboriginal peoples a ladder for economic development, and there is a precise opportunity for policy innovation to facilitate improved employment and skills training outcomes for Aboriginal peoples. Appropriate policy initiatives in this window of opportunity could well offer Aboriginal peoples a remarkable opportunity to shift their overall socio-economic status from one of destitution to prosperity. However, there is reason for ample scepticism based on the deeply-rooted mistrust of some Aboriginal communities towards resource development, particularly in light of ongoing land claims issues in Canada. While resource development may not be relevant to, or supported by, some Aboriginal communities, many would benefit significantly.

Keywords: Aboriginal; Public Policy; John Kingdon; Multiple Streams Model; Employment and Skills Development; Natural Resource Development

Dedication

I dedicate this work to my father, mother, and wife Tina. Your love, support, patience, and encouragement made this project possible, and with your faith in me I was able to better navigate the accompanying journey.

Mom and Dad: Thank you for inspiring my personal and professional growth, and for supporting all my endeavors.

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List of Acronyms

AFN	Assembly of First Nations
ASEP	Aboriginal Skills and Employment Partnership
ASETS	Aboriginal Skills and Employment Training Strategy
ASP	Aboriginal Service Plan
ATEP	Aboriginal Training for Employment Program
CPC	Conservative Party of Canada
FNEA	First Nations Education Act
IBA	Impact Benefit Agreement
IRS	Indian Residential Schools
LNG	Liquefied Natural Gas
LPC	Liberal Party of Canada
MPMO	Major Projects Management Office
SPF	Skills and Partnership Fund
SPI	Strategic Partnerships Initiative

1. General Introduction

Based on recent projections from Statistics Canada, the Aboriginal population in Canada could reach between 1.7 million and 2.2 million by 2031, which heightens the urgency of addressing the severe poverty experienced by this community (Malenfant and Morency, 2011, 1). A rapidly growing and relatively young Aboriginal population in Canada combined with dismal socio-economic indicators presents an alarming outlook. Moreover, a tenuous relation between the federal government and Aboriginal Canadians has resulted in poor policy outcomes – particularly concerning employment and skills development. Aboriginal Canadians are grossly under-represented in professional and skilled trade employment sectors and the dismal rate of unemployment for Aboriginal peoples at both the national and provincial levels far exceeds that of the non-Aboriginal population (Employment and Social Development Canada, Aboriginal Labour Market Bulletin, Spring 2013). Therefore, comprehensive policy proposals to address some of the hardships and challenges experienced by Aboriginal peoples and their respective communities are urgently needed. In this study, the Multiple Streams model presented by Professor John Kingdon is utilized as the framework to assess whether the timing is suitable for substantial policy innovation concerning Aboriginal employment and skills development to mitigate the problems they face. According to Kingdon, the convergence of multiple streams consisting of *problems*, *politics*, and *policies* may indicate the opening of a policy window. Such a window presents an opportunity for *policy entrepreneurs* to push a policy proposal that addresses a particular problem higher on the policy agenda.

The application of Kingdon's model will reveal that natural resources can provide Aboriginal peoples a ladder for economic development, and there is a precise opportunity for policy innovation to facilitate improved employment and skills training outcomes for Aboriginal peoples and lucrative business partnerships for Aboriginal communities. Appropriate policy initiatives in this window of opportunity could well offer

Aboriginal peoples a remarkable opportunity to shift their overall socio-economic status from one of destitution to prosperity. This study will be well-served by application of Kingdon's multiple streams model to the issue of facilitating improved Aboriginal labour market integration through natural resource development. However, there is reason for ample scepticism based on the deeply-rooted mistrust of some Aboriginal communities towards resource development, particularly in light of ongoing land claims issues in Canada.

While Canadian governments have consistently encouraged resource development over the years, the opportunities for new development may have accelerated since 2006, as the legislative and regulatory framework has progressively faded. The Conservative government of Prime Minister Stephen Harper was first elected to power in 2006, and with subsequent electoral victories in 2008 and 2011 has pursued multiple opportunities to modify legislative and regulatory parameters that would put in motion an industry-friendly resource development agenda. However, both government and industry stakeholders are still dissatisfied by the slow pace of approvals concerning large-scale resource development. Much of this dissatisfaction stems from the legal and constitutional reality surrounding Aboriginal rights and title in Canada and duties therein for both government and industry to adequately consult Aboriginal Canadians when their rights or title could be adversely impacted by development of lands. In return, Aboriginal Canadians express their own dissatisfaction with the inadequate consultation efforts from both government and industry. Though many serious and significant differences exist between government, industry, and Aboriginal Canadians, new developments give rise to opportunities associated with resource development and further challenge the parties to harmonize their differences for the benefit of all. While resource development projects may not be relevant to, or supported by, some Aboriginal communities, many would benefit significantly.

As of 2012, Canada stood as the fifth largest oil and natural gas producer in the world with the third largest proven oil reserves. Recognizing Canada as a global energy leader, the Harper Government has charted a grand vision for resource development. Energy exports are an important component of the Canadian economy, totalling \$110 billion in 2012, which represented approximately 6% of Canada's total gross domestic

product (GDP) and roughly 25% of total exports (Eyford, 2013, 10). Accordingly, the Harper Government has undertaken significant measures to support an agenda of domestic energy infrastructure expansion, which is required for Canada to successfully compete against other energy superpowers vying to service potentially lucrative and expanding energy markets globally. In fact, over the next decade, more than 600 major natural resource projects, worth approximately \$650 billion, are planned for Canada (Bains and Green, 2013, 1; see also Jeremy Van Loon, Bloomberg Online, 2014). These projects are sure to impact every region of the country and provide solid assurance that the Canadian economy will remain robust well into the future (Coates and Crowley, 2013, 5). Among the government's priorities are mining projects in the so-called Ring of Fire region of northern Ontario, increased oil extraction from Alberta's tar sands, and liquefied natural gas (LNG) exploration and transportation in British Columbia (Jeremy Van Loon, Bloomberg Online, 2014).

Given the current climate for major resource development and the location of Aboriginal peoples in remote resource-rich areas, Aboriginal communities are well-positioned to benefit from resource development primarily through enhanced employment opportunities and prospective business partnerships (Bains and Green, 2013, 2). There is an enormous list of sectors within the major natural resources industry in Canada that are presently offering or will soon be offering long-term and well-paying employment opportunities to workers with some degree of skills training: oil and gas, mining, hydroelectric and new sustainable energy production, commercial fishing, agriculture, horticulture, or logging. The anticipated scale and intensity of proposed projects could be a key driver in recruiting Aboriginal workers and help them overcome otherwise barriers for employment; residential proximity, education levels, and language and cultural issues (Howard et al., 2012, 3). Moreover, the potential for employment opportunities that often accompany large-scale resource development would be welcomed by workers living in remote, rural, or non-urban areas, especially Aboriginal peoples who reside on reserves, where employment is presently limited to small-scale industries and organizations with local operations (Howard et al., 2012, 3). In addition, sustained growth of the natural resources industry will only increase ancillary employment opportunities: construction, manufacturing, engineering, information technology, communications, finance and accounting, and human resources.

The vast levels of skilled trade employment that could potentially accompany resource development present a timely opportunity to integrate otherwise poverty stricken Aboriginal communities into the Canadian economy. And, the related economic spinoff would provide a significant short-term boost to the Canadian economy in the form of more consumption expenditure, increased general taxation revenues, and enhanced global trade. Over a long-term, a skilled workforce that includes Aboriginal Canadians could serve to benefit the country in the form of improved living standards, growth in national productivity, and greater technological innovation. However, the resource development agenda of the Harper Government could be comprised if tenuous relations with Aboriginal Canadians persist. Case law respecting Aboriginal and treaty rights along with clear instructions from the Supreme Court of Canada (SCC) on the Crown's duty to consult and accommodate Aboriginal peoples have created an entirely new climate in relations between Aboriginal communities and both government and industry. Essentially, Aboriginal Canadians must be consulted concerning any adverse impact to their constitutionally protected rights and title to Crown land, and where necessary be accommodated, before development can take place. Prior to this there was no need and very little desire to involve Aboriginal Canadians in resource development. Now, Aboriginal Canadians could utilize both their legal backing and physical presence in the form of protests and blockades to halt resource development.

The resource development agenda of the Harper Government could also be compromised as a result of projected domestic demographic and labour trends, which indicate Canada will experience serious shortages of skilled workers over the next decade if the baby boomer cohort set to retire is not expeditiously replenished (Clancy, National Post, 2014). Fortunately, Canada has the population, especially a significantly underutilized cohort of young Aboriginal people, to develop a talent pool in order to meet future skilled trade labour needs. In fact, young Aboriginal Canadians explicitly desire long-term careers. For too long, significant socio-economic challenges and limitations have prevented multiple generations of Aboriginal peoples from adequately participating in the Canadian economy. Therefore, related policy innovation could support the attempt of Aboriginal Canadians to both access gainful employment opportunities through skills development and become beneficiaries of the Canadian economy through meaningful participation. Major resource development offers a window of opportunity for Canada to

become an energy superpower, equally important, it presents an opportunity to offer employment and skills development opportunities to Aboriginal Canadians. Ultimately, skills development and employment will provide Aboriginal Canadians the tools they require to offset the multitude of challenges and limitations they experience.

However, the window of opportunity to act on resource development is temporal, and the opportunity itself is fragile at best. The opportunity is temporal because it is supported by multiple elements that have converged at the right time so any subsequent change in context or condition could close the window of opportunity. For example, further deterioration in the challenges experienced by Aboriginal Canadians could potentially force Aboriginal leaders to replace compromise and peaceful negotiation of treaty and land claims with protest and confrontation. In fact, Aboriginal leaders are growing impatient with government over both the lack of recognition and implementation of Aboriginal and treaty rights. Moreover, radical voices amongst Aboriginal leaders could prove persuasive and pose challenges for the Harper Governments agenda of domestic energy infrastructure expansion, which is required for Canada to successfully compete against other energy superpowers vying to service potentially lucrative energy markets globally. At the same time, the Aboriginal population in Canada is young and growing at an alarming rate, and is forecasted to grow exponentially across the next decade, which presents additional challenges. The intensity of this situation is measured by the disproportionately high unemployment rate for Aboriginal peoples in comparison to the non-Aboriginal population at both the national and provincial levels. The situation for Aboriginal peoples is further compounded by poor educational outcomes. There is the danger that a quickly growing cohort of undereducated and underemployed Aboriginal youth might fuel radicalism, as seen recently in the Idle No More movement, which might undermine the ability for Aboriginal leaders to reach needed agreements with government and industry.

There is great potential in the opportunities that natural resource projects provide to develop employment skills and offer jobs to Aboriginal Canadians. However, it is important to note that increased employment alone will not solve all the well-documented challenges that Aboriginal peoples experience; loss of identity, alcoholism and substance abuse, broken families, and the lasting impact of Indian Residential Schools.

Rather, a combination of employment, education, and skills development can serve as a positive force for young Aboriginal Canadians to benefit from integration in the Canadian economy. But there are many obstacles to employment in the natural resources sector, which is notoriously capital-intensive. The primary barrier for most Aboriginal workers in their quest to access employment in the natural resources sector is a lack of skills training or formal education. In addition, prospective Aboriginal workers often contend language, cultural, and race barriers. Aboriginal Canadians would be well-served if future employment or skills development policy is developed to better integrate Aboriginal peoples into the work force and overcome historic barriers.

Although resource development has been a staple of the Canadian economy since its inception there have been many reasons why it did not represent a broad window of opportunity to benefit Aboriginal communities in the past. Racism in the general community as well as isolation and poor education in Aboriginal communities were limiting factors. Historically, natural resource development would actually overwhelmingly divide Aboriginal communities and pit one region against the other, which often resulted in blockades or demonstrations. This was further fuelled by poor consultation efforts from government and industry stakeholders, who essentially approached Aboriginal communities as similar entities; oblivious to the fact that each has its own opportunities, challenges, and constraints (Eyford, 2013, 8). But the dialogue has evolved in conjunction with the opportunities related to major resource development. For example, depending on the route eventually chosen and the projects actually proceeding, the Northern Gateway Pipeline could impact more than 36 Aboriginal communities in British Columbia and Alberta, while the Keystone XL project could impact more than 12 Aboriginal communities in Alberta and Saskatchewan (Bains and Green, 2013, 3). Based on the evolving legal reality in Canada such proposals will commence on the timeframe dictated by Aboriginal stakeholders.

Today, most Aboriginal communities across Canada want to share in the wealth and prosperity being generated through natural resource development, and thus are likely to collectively identify with the present-day Aboriginal *interests* that are being advocated therein; respect for the constitutionally protected rights of Aboriginal peoples, long-term employment, business partnerships and opportunities, pipeline emergency

planning and long-term monitoring, environmental protection and long-term monitoring, and development of projects in an environmentally sustainable manner (Eyford, 2013, 7 – 27). Similarly, industry recognizes the vital importance of efforts to engage Aboriginal communities; not only can these efforts potentially support government responsibilities surrounding the duty to consult but may also help reduce the risk of future legal challenges or regulatory delay, and potentially prevent protests or blockades. Therefore, resource developers are always well-served to build genuine and harmonious relations with Aboriginal communities that might otherwise be adversely impacted.

It is important to note that there are significant divisions amongst Aboriginal Canadians concerning resource development. For example, some Aboriginal communities stand firm against resource development in order to maintain a cultural or spiritual connection to their land and ancestors. At the same time, some Aboriginal communities have yet to build up the capacity required to participate in resource development or pursue similar economic development activities. Moreover, some Aboriginal communities, especially those in remote Northern regions of Canada, including Nunavut, are diametrically opposed to further resource development because of the accompanying climate change that threatens their way of life. Finally, some Aboriginal communities assert full sovereignty over their lands and resources, and so are unwilling to engage or work within the existing political structures. Evidently, Aboriginal communities share differences in values, legal standing, leadership, opportunities, influence, and motivation, which ultimately shape their views concerning resource development.

The evolving legal and regulatory framework surrounding Aboriginal rights and land claims have led industry stakeholders to understand, perhaps more directly than governments, that projects may be placed at risk if Aboriginal and treaty rights are not addressed and if Aboriginal communities are excluded from being involved (Eyford, 2013, 8). Therefore, industry stakeholders have routinely questioned why the federal government is not doing more to address unresolved Aboriginal rights claims, and why it does not engage with Aboriginal groups on project development in advance of or outside regulatory processes (Eyford, 2013, 8). The provincial and federal government would be well served in their efforts to pursue major resource development by seeking to improve

relations with Aboriginal communities. In fact, resource development is more likely to proceed by better incorporating the perspective, knowledge, and interests of Aboriginal peoples.

In 2013, Prime Minister Stephen Harper made a significant attempt to improve relations with Aboriginal communities when he appointed a special federal representative to identify approaches that could meet Canada's goal of both expanding energy markets and increasing Aboriginal participation in the economy. Douglas Eyford identified a number of key observations regarding Crown – Aboriginal relations in the context of major resource projects: Canada and Aboriginal communities need to build effective relationships and this is best achieved through sustained engagement; Aboriginal communities view natural resource development as linked to a broader reconciliation agenda; Aboriginal communities will consider supporting natural resource development if it is undertaken in an environmentally sustainable manner; and natural resource development projects would contribute to improving the socio-economic conditions of Aboriginal communities (Eyford, 2013, 1). These observations form the underpinnings of this study and serve to highlight that a concerted effort from government, Aboriginal leaders, and industry stakeholders is not only required but possible to more fully realize the *opportunities* associated with development of natural resources in Canada.

1.1. Project Map

This study offers a unique and timely contribution to the policy studies literature concerning Aboriginal issues. In particular, this study utilizes John Kingdon's multiple streams model as the analytical framework to study Aboriginal and labour issues in Canada, which subsequently identifies opportunities to address Aboriginal challenges through innovation in employment and skills development policies. This study may be of particular interest to the policy community and entrepreneurs therein, who are surely monitoring the resource development vision of the Harper Government for an opportunity to adequately inform policy development. Finally, this study will be of great interest to the general public because it details the rise of Aboriginal issues in Canada and outlines the importance of finally addressing the prevalent state of destitution found

in most Aboriginal communities, and it also highlights the implications for Canada as a result of major resource development.

Following a background section (1.2) needed to contextualize the discussions, this paper will proceed with the analysis in three major parts. A review of the theoretical framework offered by John Kingdon's multiple streams model will be undertaken in section 2. This model will be applied, in section 3, to the case study of Aboriginal employment and skills development opportunities in the natural resource industries. Separate attention will be paid to the problem stream (3.1), the policy stream (3.2), and the political stream (3.3). The confluence of these streams will be considered in section 3.4, to assess the existence of a possible policy window. The concluding section 4 will offer observations on the action and opportunities required to address Aboriginal conditions through enhanced employment and skills development policies in resource development projects. The existence of a policy window would be an important finding, as there would be an opportunity to help Aboriginal communities to escape generations of poverty and build a more secure and prosperous future.

Kingdon's multiple streams model will provide a novel and particularly effective framework for illustrating the confluence of process and precision of timing associated with setting the government policy agenda. From a theoretical perspective, Kingdon's multiple streams model provides great insight both into how the formal policy agenda of government is set and how policy alternatives are considered. In this study, application of John Kingdon's multiple streams model will reveal that a window of opportunity exists to pursue policy innovation that would assist Aboriginal efforts to overcome a *real* deficiency in employment and skills development through meaningful participation in projected in major resource development. The convergence of multiple streams consisting of problems, politics, and policies indicates a temporal window of opportunity exists for the federal government to pursue policy innovation that could benefit many poverty stricken Aboriginal peoples and communities. Although resource development has been a staple of the Canadian economy for years, due to a number of factors, it did not benefit Aboriginal Canadians effectively in the past. But the window of opportunity remains fragile because poor consultation efforts in the past from government and industry have alienated some Aboriginal communities. In fact, while some Aboriginal

communities remain resistant to resource development on or near their lands, others recognize a strong legal framework enables them to steer dialogue with government and industry on their own terms. This study will argue that the fragility of this policy window is further heightened by the turbulence amongst Aboriginal leaders and the increasingly radical challenge to negotiation and compromise amongst Aboriginal youth and the Aboriginal community more broadly. As a foreseeable solution to overcome both the impasse and multitude of challenges plaguing Aboriginal peoples, both government and industry stakeholders would be well served to recognize the importance of fostering a personal relationship with Aboriginal peoples, which is built on mutual respect for one another.

1.2. Background

In recent years, the government of Prime Minister Stephen Harper has undertaken a number of measures to actively promote a grand natural resource development vision for Canada. However, this vision was constructed without adequately consulting Aboriginal Canadians who claim rights and title over much of land to be developed or often reside in communities nearby. Beginning in 2009, the Harper Government began to remove strict regulations from the *Navigable Waters Protection Act*, which included regulatory measures designed to protect rivers and lakes by subjecting any proposed pipeline development to a mandatory environmental impact assessment process. In fact, amendments to the *Navigable Waters Protection Act* were pursued unilaterally by the Harper Government and without any committee review or consultation with stakeholders – particularly with Aboriginal Canadians who argued they must be consulted when their traditional areas are affected. More recently, the Harper Government has lobbied United States of America President Barack Obama for a decision to approve the bilateral Keystone XL pipeline project. This project would transport crude oil from the tar sands deposits in Alberta through the US Midwest to subsequently link with pipelines in the US Gulf Coast where the crude oil could then be transported to refining facilities.

The Keystone XL pipeline project has a number of *real* environmental concerns because the proposed pipeline would be built in pristine wilderness and habitat areas

and travel through numerous rivers and lakes. And the project is a great example of the dichotomous decision-making concerning resource development and environmental preservation that is increasingly confronting nations. For example, US President Barack Obama has carefully navigated the decision-making apparatus and realizes full-well that the politically charged Keystone XL pipeline project could shape his legacy as President but also no matter the decision taken there will be an impact on jobs, the economy, and the environment (Jeff Mason, Reuters, 2014). In contrast, the Harper Government realizes the economic significance of the proposed Keystone XL pipeline and is prepared for a lengthy public relations battle to improve perceived levels of support for the project on both sides of the border, and further has declared it will not accept 'no' for an answer from the US (Joanna Slater, The Globe and Mail, 2013). In fact, the Harper Government has committed nearly \$40-million to promote Canada's natural resource sector both domestically and internationally (Bruce Cheadle, The Chronicle Herald, 2013).

The intricate detail of the potential affect – positive or negative – that resource development in Canada could have on local communities is really a work in progress. But there is little doubt that resource development will in some shape or form have an impact that is realized at the grassroots level. For example, the Keystone XL pipeline project alone would affect more than 12 Aboriginal communities in just Alberta and Saskatchewan (Bains and Green, 2013, 2). Moreover, in British Columbia, there are currently seven major oil and gas projects under proposal, which it is estimated that these seven projects alone would affect 56 of the roughly 198 Aboriginal communities in BC or 28% (Bains and Green, 2013, 2). These are encouraging projections if they result in tangible benefits for Aboriginal Canadians because presently the employment opportunities for workers living in remote, rural, or non-urban areas, especially Aboriginal peoples who reside on reserves, is generally limited to small-scale industries and organizations with local operations (Howard et al., 2012, 3).

A majority, if not all, of the proposed natural resource development projects in Canada are planned for resource-rich areas, most often rural or remote communities, which in turn would lead to significant infrastructure development and investment in isolated regions of the country. Across Canada, in comparison to city centers, remote

regions of the country are in dire need of economic development to bolster employment opportunities locally. Of course, the enormous landmass of Canada has contributed to regional and local disparities in terms of infrastructure development and investment. And while the resource development vision being promoted would lead to an upgrade of the infrastructure and related needs in remote areas of Canada, it would also produce a strong concentration of well-paid industrial jobs that could revitalize rural economies. Presently, in comparison to the non-Aboriginal population, the Aboriginal population remains the most heavily concentrated demographic to reside in rural and remote locations (Howard et al., 2012, 3). Briefly, the reason Aboriginal peoples are heavily concentrated in rural and remote areas dates back to the racist reservation policy adopted by the federal government during colonization and subsequently entrenched in the Indian Act RSC 1985 I-5. With the concentration of Aboriginal communities in rural areas, they are often in proximity to resource developments and should provide a ready labour pool if provided sufficient skills training.

An important matter that requires examination concerns the disparity amongst Aboriginal communities concerning participation in resource development itself. The history related to challenges of pursuing natural resource development in British Columbia and most other provinces across Canada inaccurately depicts the intentions of Aboriginal people; who were not opposed to natural resource development per se - in some cases, rather Aboriginal peoples formed social movements as a stand against both the lack of recognition of Aboriginal title concerning their lands and inadequate consultation from industry and government. For many decades, a periodic series of high-profile 'protests' and 'crisis' across Canada fuelled animosity and ambivalence between developers and Aboriginal peoples; James Bay hydroelectric conflict (1971)¹, MacKenzie Valley pipeline protests (1974)², Oka Crisis (1990)³, Clayoquot Sound protests (1993)⁴, Ipperwash Crisis (1995)⁵. Surprisingly, many of the historical sentiments inaccurately defining Aboriginal peoples as being opposed to resource development are still manifest today.

As with every other community, Aboriginal peoples are opposed to poorly supervised projects that damage the local environment, have harmful effects on the local population, and return few benefits to the community (Coates and Crowley, 2013, 20).

Most Aboriginal governments are open to properly managed resource activities that bring significant long-term benefits to their communities (Coates and Crowley, 2013, 20). The reality is that there are two present-day visions that surround the relationship between Aboriginal communities and the natural resources industry in Canada. On the one hand, some Aboriginal communities continue to challenge resource extraction and site development most often to preserve the cultural and ancestral significance of particular sites. On the other hand, other Aboriginal communities in Canada have been able to find some common ground with the natural resource industry on matters related to employment, skills training, education, business partnerships, and impact benefit agreements (IBA's)⁶. However, regardless of the resource development vision adopted by any one Aboriginal community the element that collectively unites all Aboriginal peoples is a strained relationship with the federal government. While there is significant potential associated with the opportunities provided through resource development, past volatility in Aboriginal support for resource development contributes to the fragility of present-day opportunities.

There are also sharp divisions and internal strife amongst Aboriginal peoples due to divergent views regarding development of natural resources. On the one hand, there are those Aboriginal Canadians who understand the value and opportunities associated with resource development but at the same time express caveats for proposed projects to be successful in Canada; projects should emphasize environmental sustainability, aim to prevent significant environmental harm, empower Aboriginal peoples through employment, offer a meaningful role in project-related activities including environmental monitoring and protection, create long-term benefits for Aboriginal communities, and overall adhere to the terms outlined by Aboriginal peoples through a process of respectable consultation and engagement (Shawn Atleo, September 27, 2013; see also Eyford, 2013, 12 – 30). On the other hand, increasingly at a more local level, Aboriginal communities often experience internal disputes about the appropriateness of cooperating with resource companies or the extent of the return and reinvestment directed to the community (Coates and Crowley, 2013, 18 – 19). Moreover, there is an increasing split between Aboriginal leaders who favour asserting full sovereignty over their lands and resource development, on the one hand, and those leaders who continue to work with government and industry within the existing constitutional and political

framework, on the other. However, most Aboriginal communities maintain a strong spiritual and cultural connection to their ancestral lands, which for some will inform their contemporary perspective of natural resource development while for others this perspective is informed by negative consultation experiences or poor relations with stakeholders – especially the federal government.

As a nation, Canada is at a political crossroads and has a decision to make that will have unprecedented consequences no matter which course of action is taken. On the one hand, Canada can pursue large-scale development and extraction of traditional natural resources that will initiate development of the export infrastructure required to compete against other nations vying to service the diverse commodity needs of growing markets in Asia. As a result, Canadians should expect this decision to produce much-needed job growth and improve living standards domestically. On the other hand, Canada can maintain the status quo that is to primarily service the import needs of the United States. Presently, nearly all of Canada's petroleum exports – 99% of crude oil and 100% of natural gas – go to the US (Eyford, 2013, 10). It's likely that *this* decision would not improve employment figures by any drastic measure but certainly has potential to contribute to the improvement of living standards over the long-term. Equally importantly, by maintaining the status quo, Canada is potentially offered a third option, which is an opportunity to leverage its resource development decision to support a more environmentally-sensitive direction that could lead to improved research and stewardship concerning global climate change. This is a classic but realistic polarization of the vision that Canada and most other resource-rich nations are contending.

Moving forward, the Conservative government under Prime Minister Stephen Harper has indicated a willingness to diversify Canada's petroleum export profile and signaled its unwavering support for large-scale development and extraction of natural resources across the nation. The potential benefits from resource-based activity are directly tied to government, industry, and Aboriginal Canadians harmonizing their differences and subsequently forming a collaborative partnership in major resource development. For Aboriginal Canadians, this opportunity should offer advancements in employment and skills development. This, over the long-term, should contribute to more favorable educational outcomes and improved socio-economic indicators. For industry,

they require some degree of certainty that their resource development activity will not be disrupted by protests and blockades, which can often have a devastating impact on their investment. However, industry must recognize that certainty will only improve when consultation with Aboriginal peoples is conducted in a timely and adequate manner or by forming genuine partnerships with Aboriginal peoples. And, Canadian governments recognize that the economic spinoffs of large-scale resource development may be enormous for the whole country. In turn these resource developments may depend in many cases on consultation efforts with Aboriginal communities and also offer governments an opportunity to develop policies with lasting benefit to the Aboriginal population. If a policy window has opened, it should be identified and taken advantage of before conditions change and the window closes.

2. Theoretical Framework

This project is part of an expansive literature studying public policy, which is a complex and demanding task that encompasses consideration of the array of state and societal actors involved in decision-making processes and their capacities for influence and action (Howlett et al., 2009, 7). Within the study of public policy, it is the role of a policy analyst to determine the best course of action (or inaction) related to any given policy-based issue. In fact, the study of public policy is generally broken down into two main subsets: *policy analysis* and *policy studies*. *Policy analysis* refers to the formal evaluation or estimation of policy impacts or outcomes primarily through statistical inference techniques or models (Howlett et al., 2009, 8). In contrast, *policy studies* involves the examination of individual programs and their effects but also more broadly the causes, presuppositions, and processes that led to the adoption of specific programs (Howlett et al., 2009, 8).

One of the most popular means of simplifying public policy-making for analytical purposes has been to think of it as a process, more specifically, as a set of interrelated stages through which policy issues and deliberations flow in a more or less sequential fashion from inputs (problems) to outputs (policies) – known as the ‘policy cycle’ (Howlett et al., 2009, 10; see also Easton, 1957). As expected, there is some degree of variation in the multitude of models or perspectives that have been proposed to capture the typical processes surrounding the cycle of policy-making. Therefore, in an effort to synthesize these models and offer a more cohesive framework for policy analyst to utilize, policy theorist have collectively identified and subsequently linked both tasks and actors to stages of the policy cycle.

The policy cycle is commonly presented as being comprised of five stages: *agenda-setting*, *policy formulation*, *decision-making*, *policy implementation*, and *policy evaluation*. Briefly, *agenda-setting* refers to the process by which problems come to the

attention of governments; *policy formulation* refers to how policy options are formulated within government; *decision-making* is the process by which governments adopt a particular course of action or non-action; *policy implementation* relates to how governments put policies into effect; and *policy evaluation* refers to the processes by which the results of policies are monitored by both state and societal actors (Howlett et al., 2009, 12).

The focus of this study, as it relates to the agenda-setting stage of the policy cycle, is to consider policy alternatives that could improve the dismal state of aboriginal employment and skills training in Canada. Specifically, this study will showcase the intention of the federal government to pursue an aggressive natural resource development strategy for economic prosperity as a parallel opportunity to also address the issue of Aboriginal poverty through improved employment and skills development outcomes. As noted, agenda-setting is a process of public policy-making through which both problems and their related solutions compete for the attention of the general public and also a position on the agenda of government. Agenda, in its simplest form, refers to the collection of problems, understanding of causes, symbols, solutions, and other elements of public problems that come to the attention of members of the public and their governmental officials (Fischer et al., 2007, 63). Key to this study is John Kingdon's work, identifying factors which may converge and produce a window of opportunity for a new policy agenda.

2.1. Kingdon's Multiple Streams Model

In 1984, Professor John Kingdon presented the 'multiple streams' model of agenda-setting, which he established as a framework to assess federal legislative agenda-setting behavior in the United States. In essence, Kingdon argued that multiple streams consisting of *problems*, *politics*, and *policies* would converge to open a *policy window* – an opportunity for *policy entrepreneurs* to push a policy proposal that addresses a particular problem higher on the policy agenda (Kingdon, 1994, 87 – 88). The *problem stream* refers to the recognition of some problem or issue that has come to capture the attention of the general public and invariably people in and around government. While the *political stream* consists of events or circumstances that may

influence whether or not the identified problem will actually be solved. And finally, the *policy stream* represents all the solutions or alternatives that could address the identified problem. In effect, changes in the policy agenda or new developments in either the *problem* or *political stream* will offer decision-makers or so-called *policy entrepreneurs* a *window of opportunity* (metaphorically) to reach into the *policy stream* to obtain solutions that address the identified problem (Kingdon, 1994, 173 – 174).

In this study, the multiple streams model presented by Professor John Kingdon is utilized as the framework to analyze policy initiatives related to Aboriginal employment and skills development. Specifically, this model will assist in highlighting two main points: (1) the need for policy decision-making to address the deficiency of Aboriginal employment and skills training in Canada, and (2) the proposed development of natural resources all across Canada serves as a window of opportunity that could facilitate improved employment and skills training outcomes for Aboriginal peoples and lucrative business partnerships for Aboriginal communities. Appropriate policy initiatives in this window of opportunity could well offer Aboriginal peoples a remarkable opportunity to shift their overall socio-economic status from one of destitution to prosperity.

2.2. Historical Overview

Kingdon's multiple streams model has been a great addition to the policy sciences discipline because it has offered a novel and particularly effective framework for illustrating the processes associated with complex public policy decision-making. Moreover, Kingdon's multiple streams model has provided great insight both into how the formal policy agenda of government is set and how policy alternatives are considered. It should be noted, Kingdon's multiple stream model was in fact adapted from the *garbage can model of organizational choice* introduced much earlier by Michael Cohen, James March, and Johan Olsen in 1972 (Kingdon, 1994, 84 – 89; see also Cohen et al., 1972, 1 – 25). The garbage can model itself was introduced as an alternative to two earlier models of decision-making; rationalism and incrementalism. In fact, the garbage can model branched off from these two models and is often referred to as the irrational model of decision-making (Howlett et al., 2009, 143). Therefore, it will serve this study well to briefly examine models of public policy decision-making that

have for decades influenced this craft and also provide an introduction to the foundational tenets of the garbage can model, which subsequently served as the impetus for Kingdon's multiple streams model.

2.3. Influence of Rational and Incremental Models of Public Policy

By the mid-1960's, the rational and incremental models of public policy decision-making had emerged as leading and purportedly incompatible models for the policy sciences discipline (Howlett et al., 2009, 143). Prior to this time period, analysts would have borrowed extensively from models and studies of decision-making in complex organizations developed by students of public administration and business organizations (Howlett et al., 2009, 143). However, as the field advanced it would be apparent that neither model accurately represented all instances of decision-making and that the range of decision-making styles varied beyond the two 'ideal types' represented by the rational and incremental models (Howlett et al., 2009, 143).

The rational model as a theory of decision-making was incorporated into the policy sciences discipline as an idealized model that presumed decision-makers would consistently and predictably undertake a series of sequential activities leading to their decision. First, the overarching goal for a problem or matter is established. Second, all alternative strategies of achieving the goal are explored and listed. Third, all significant consequences of each alternative strategy are predicted and the probability of those consequences occurring is estimated. Finally, the strategy that most nearly solves the problem or solves it at least cost is selected (Howlett et al., 2009, 144; Kingdon, 1994, 77 – 78; Wu, 2010, 53). This mode of thinking was introduced to the policy sciences discipline from already well-established economic and market-based principles, which encouraged decision-makers in that domain to obtain top 'utility' from their limited resources by minimizing costs and maximizing benefits (Howlett, 2009, 144).

The model is "rational" in the sense that, at least in theory, it can lead to the most efficient way of achieving policy or organizational goals (Wu, 2010, 53). However, applicability of the model is hampered by the need for a large amount of accurate

information on policy impacts and consequences, which may be impractical or impossible to obtain within the usually short time frame in which decision-makers have to act (Wu, 2010, 53). Moreover, there remain many cognitive limitations to predicting with certainty the consequences of various options outlined (Howlett, 2009, 145; see also Simon, 1955, 99 – 118). Subsequently, there may not be more time to gather more information and make better comparisons, which may result in an outcome that is likely to be less good and less efficient than expected or hoped (Wu, 2010, 53).

Doubts about the usefulness of the rational model led to development of a second major school of public policy decision-making theory that sought a closer approximation of theory to the actual behavior of decision-makers in real-life decision-making situations; the incremental model of public policy decision-making (Howlett, 2009, 146). Incremental decision-making theorists developed their description and defense of an incremental approach by which decision-makers take what they are currently doing as given, and make small, incremental, marginal adjustments within that current behavior (Kingdon, 1994, 79). They supported this view by arguing that gradual change is easily manageable as opposed to a major or transformational overhaul and is in fact a greater reflection of real policy or organizational change (Kingdon, 1994, 79). In contrast to the rational model, incremental theorists argued decisions eventually made represent what is politically feasible rather than technically desirable, and what is possible or 'optimal' rather than 'maximal' (Howlett, 2009, 146).

The incremental model analyzed public decision-making as a time- and information-constrained process characterized by conflict, bargaining, and compromise among self-interested decision-makers. Rather than adopt 'maximizing' alternatives, incremental theorists expected that decisions arrived at through bargaining would be the result of the *successive limited comparisons* decision-makers make of new proposals against the results of earlier decisions, resulting typically in only 'marginal' or 'incremental' changes from the status quo (Wu, 2010, 53; see also Lindblom, 1959, 79 – 88). While the rational and incremental models serve as two distinct and leading methods that cover a broad range of applicability for public policy or organizational decision-making, many policy scholars have attempted to advance alternative decision-

making modes or styles; including the garbage can model introduced by Michael Cohen and his colleagues in 1972.

2.4. Influence of the Garbage Can Model of Organizational Decision-making

The garbage can model introduced by Michael Cohen, James March, and Johan Olsen intended to better understand management and organizational decision-making processes related to modern colleges or universities. The garbage can model deviated from and, in fact, rejected other conventional and linear models of organizational decision-making in favor of less determinate and less rational forms of making decisions (Peters, 2002, 7). Accordingly, the fundamental assumption driving this model is, rather than being programmed or predictable, decisions in many situations are more the result of the serendipitous confluence of opportunities, individuals, and ideas (Peters, 2002, 7). The study of university decision-making processes led Cohen and his colleagues to equate universities to organized anarchies, which as organizations, they determined, are both similarly characterized by three general properties: *problematic preferences*, *unclear technology*, and *fluid participation* (Cohen et al., 1972, 1).

First, *problematic preferences* refer to the ambiguity associated with the overall objectives and goals of an organization. For example, when members of an organization define their individual goals or objectives these may clash with those of other members and also with those of the organization itself. Therefore, as Cohen et al. (1972) note, the organization operates on the basis of a variety of inconsistent and ill-defined preferences...[and] can be described better as a loose collection of ideas than as a coherent structure [where] it discovers preferences through action more than it acts on the basis of preferences (Page 2). Comparably, this relates to and highlights the conundrum that many Members of Parliament (MP) often experience - when attempting to harmonize their own personal view, constituency expectations, and party position - with any given public policy issue.

Second, *unclear technology* refers to the rules, structure, processes, or methods through which decisions are made or guided. According to Cohen and his colleagues,

the 'technology' of an organization may not fully be understood by its members, which forces an organization to operate on the basis of simple trial-and-error procedures, the residue of learning from accidents of past experience, and pragmatic inventions of necessity (1972, 2). Again, Members of Parliament may be subjected to various forms of party discipline for disobeying party position, which as an example might lead some MP's to cross the floor of Parliament and join another party more accommodating of that members policy position.

Finally, *fluid participation* refers to the inconsistency with which members of an organization participate in the processes related to decision-making, which includes the amount of time or effort they devote. As a result, Cohen et al (1972) noted, the boundaries of the organization are uncertain and changing; the audiences and decision-makers for any particular kind of choice change capriciously (Page 2). In government, a Cabinet Minister or Member of Parliament may, for example, be assigned particular duties or expected to develop a strong role in advocating (or denouncing) an issue of national interest, this role could also change spontaneously as provincial or local constituency-based issues rise or fall.

Cohen and his colleagues also argued that organizational decision-making is not linear but rather fragmented into various independently operating streams; *problems*, *solutions*, *participants*, and *choice opportunities* (Cohen et al., 1972, 3; see also Kingdon, 1994, 84 – 86). From this perspective, they further argued, an organization is a collection of choices looking for problems, issues and feelings looking for decision situations in which they might be aired, solutions looking for issues to which they might be the answer, and decision makers looking for work (Cohen et al., 1972, 2). Thus, any decision-making activity is an outcome or interpretation of the aforementioned streams deemed to operate relatively independent of each other within an organization (Cohen et al., 1972, 2).

Problems simply refer to those concerns of the people both inside and outside of the organization that require attention and can arise over various issues. Of course, *problems* will vary widely but in an organizational setting this might refer to issues of work-life balance; family; group relations within the organization; ideology of the

organization; or current events (Cohen et al., 1972, 3). In contrast, *solutions* may occasionally solve issues that arise in the *problems* stream but according to the *garbage can model* they should be viewed, more importantly, as answers actively looking for a question (Cohen et al., 1972, 3). Moreover, within an organization, people will generate and debate *solutions* because they have some self-interest in doing so – keeping their job or expanding their unit – and not necessarily as a response to a *problem* (Kingdon, 1994, 85).

Participants will fluctuate based on attributes of the decision or choice to be undertaken by the organization so participants will essentially come and go (Cohen et al., 1972, 3). More importantly, however, participation itself will vary based on other demands on the *participant's* time as opposed to features of the decision to be undertaken (Cohen et al., 1972, 3). To that end, *participants* will maintain their own level of resources and engage to promote their problem or solution (Kingdon, 1994, 85). Taking the earlier example, this is supported by the behavior of Members of Parliament who invariably will advocate (or denounce) issues or policies based on a wide-range of considerations, including; party policy platform, re-election, preferences of subordinate levels of government, constituency expectations, morality, cost or funding, and, of course, lobbying pressures.

Finally, *choice opportunities* represent those occasions when an organization is expected to make decisions and is best viewed as an initiative to make a decision as opposed to being directly related to any one decision itself (Cohen et al., 1972, 2 – 3). In an organizational setting, this may refer to the signing of a contract; hiring, firing, or promoting personnel; allocating responsibilities and duties; or spending within a budget (Cohen et al., 1972, 3). A *choice opportunity* serves as a garbage can, which collects the various kinds of *problems* and *solutions* that are generated and dumped by *participants* (Cohen et al., 1972, 2).

Recently, the Conservative government undertook a cost-saving decision to close down Veteran Affairs offices that serviced the administrative and health-care needs of former Canadian soldiers. The government argued there was needless overlap and that Veterans would be better served by combining this function with parallel Service

Canada offices. More to the point, the government is attempting to meet budgetary obligations and so is eyeing cost-cutting and deficit-reduction measures to that end. Therefore, regardless of the merits (or demerits) of the decision itself, this represented an opportunity for government to make a choice to meet budgetary obligations and potentially improve (or diminish) service delivery and is a traditional example of *choice opportunities*.

To summarize, the outcome of organizational decision-making is a function of the mix of garbage (problems, solutions, participants) in the can and how it is processed (Kingdon, 1994, 86). For example, who is invited and subsequently shows up for a meeting can dramatically affect the outcome of organizational choice (Kingdon, 1994, 86). Interestingly, Cohen and his colleagues initially chose the metaphor and label of a garbage can to better conceptualize the complexity and disorderliness associated with organizational decision-making. As Howlett et al. (2009) note, the garbage can metaphor was deliberately used to strip away the aura of scientific authority attributed to decision-making by earlier theorists (Page 152). Moreover, Cohen et al. sought to drive home the point that goals are often unknown to policy-makers; rather actors simply define goals and choose means as they go along in the policy process (Howlett et al., 2009, 152).

2.5. Key Concepts of Kingdon's Agenda-setting Process

In 1994, John Kingdon adapted the garbage can model of organizational choice introduced by Michael Cohen and his colleagues and presented a revised model known as the multiple streams model of agenda-setting, which sought to better explain the agenda-setting process in the making of public policy (Kingdon, 1994, 86 – 89; see also Mucciaroni, 1992, 459 – 482). Kingdon adapted the garbage can model, which analyzed the organizational decision-making processes of universities, to gauge decision-making processes of the federal government. He argued the overall structure and process inherent in federal government decision-making itself represents organized anarchy, as depicted much earlier by Cohen and his colleagues, where the properties of *problematic preferences*, *unclear technology*, and *fluid participation* are also evident. Kingdon presented his model by identifying three ordinary process streams in the federal

government: (1) problem recognition, (2) the formation and refining of policy proposals, and (3) politics (Kingdon, 1994, 87).

To summarize Kingdon's multiple streams model, he argued much like Cohen et al. that there are various streams in the federal government operating independent of one another but coupled at 'critical junctures'. And, in fact, it is through this coupling process that policy proposals become attached to a set of problems, which when coupled with political activity create windows of opportunity for policy entrepreneurs to pursue change (Kingdon, 1994, 87; see also Zahariadis, 2007, 65).

2.5.1. Problem Stream

The problem stream reflects all those issues that come to occupy the attention or agenda of government in some form, and also various conditions that policy-makers or citizens would like to see addressed. Evidently, competition to set the agenda is fierce because no society or political institutions have the capacity to address all possible alternatives to all possible problems that arise at any one time (Fischer et al., 2007, 63). Issues will generally come to the attention of government or policy-makers through indicators, focusing events, or feedback. Indicators such as data or reports are useful for assessing the existence or magnitude of a condition, and determining the scope of change required (Zahariadis, 2007, 70; see also Brunner, 2008, 501). While focusing events, such as the 9/11 terrorist attacks or other disasters, will evidently put into motion various evaluative dimensions of a problem or condition for policy-makers or government to subsequently address (Zahariadis, 2007, 70). Finally, feedback, such as the media, public deliberations, or analysis of previously implemented programs is important because it helps highlight what may or may not be working and could also be useful for informing deliberation of solutions in another unrelated policy area (Zahariadis, 2007, 72; see also Brunner, 2008, 501).

2.5.2. Policy Stream

The policy stream represents ideas, solutions, or policy alternatives that are actively being considered, at one time or another, by specialists in the policy community,

also known as policy entrepreneurs. Kingdon utilizes the metaphor of soup to conceptualize the evolution of ideas or solutions in the policy stream. In what he terms *the policy primeval soup*, many ideas float around, bumping into one another, encountering new ideas, and forming combinations and recombination's (Kingdon, 1994, 200). Taking the metaphor further, some ideas float to the top of the government agenda while others will fall to the bottom (Brunner, 2008, 502). For ideas or solutions to rise to the top of government agenda they must address outlined criteria, be technically feasible, fit the community's dominant values, and be able to anticipate potential constraints under which the idea might operate – including budget constraints, public acceptability, and politicians receptivity (Brunner, 2008, 502; see also Kingdon, 1994, 200). Therefore, it is often left to policy entrepreneurs to push their pet proposals or solutions in many ways and in many forums (Kingdon, 1994, 200 – 201).

2.5.3. Political Stream

The political stream operates quite separately (or independently) from the other two streams and reflects all public or intra-government dynamics that in one form or another impact the agenda of government. The range of related activities or events is broad, but will generally include; election results, change of political party or administration, swing in public opinion or 'national mood', movement in patterns of support for or opposition to the prominence of certain agenda items, changes in interest group lobbying activities or related media campaigns (Kingdon, 1994, 162). Of course, each activity or event will unveil its own impact on the agenda of government. For example, a government elected on the pledge of fiscal responsibility highlights the salience of that issue in terms of government agenda and will naturally set the course of action for government. But Kingdon underscores the importance of differentiating between activities or events that may impact the agenda of government versus control over policy alternatives and the specific outcome of a policy proposal. The former is a result of dynamics within the political stream as referred to earlier; the latter is a result of the deliberate actions, activity, or forces of policy entrepreneurs (Kingdon, 1994, 164).

2.5.4. Window of Opportunity

The overarching component of Kingdon's multiple streams model is a window of opportunity, which is also referred to as a policy window in the policy studies literature. The policy window is an opportunity for advocates of proposals to push their pet solutions, or to push attention to their special problems (Kingdon, 1994, 165). A policy window can open for any number of reasons or when there is some related activity in any of the three streams. However, once the window opens, it does not stay open very long. In fact, the window closes for a variety of reasons; policy entrepreneurs may fail to initially get action on their proposal so are unwilling to further invest resources, a crisis or focusing event – for example – may have initially prompted the window to open but evidently will pass or be of short duration, or a change in personnel that initially enabled the opening of a window may change again and bring about a window of opportunity for other policy entrepreneurs (Kingdon, 1994, 168 – 169). To summarize, the policy window represents a situation where the separate streams of problems, policies, and politics come together at certain critical times; solutions become joined to problems, and both of them are coupled with favorable political circumstances to create a window of opportunity for policy entrepreneurs to push their pet proposals (Kingdon, 1994, 194 – 195).

2.6. Applicability of Kingdon's Multiple Streams Model

In recent years, Kingdon's multiple streams model has received both praise and criticism as a framework for deciphering agenda-setting behavior. Both proponents and opponents of Kingdon's multiple streams model have equally demonstrated the model's usefulness and limitations respectively. There is wide appeal amongst policy analyst that Kingdon's multiple streams model serves as an excellent tool for capturing the many components of the policy-making process. Since the inception of Kingdon's multiple streams model in 1984, a number of studies have subsequently applied this model across various policy cases and other countries beyond the US. However, in most cases, observers have collectively concluded and identified common shortcomings of the multiple streams model.

First, policy researchers have observed that the model itself lacks a distinctive consideration of learning processes (normally) connected to policy-making. Specifically, the model does not pay attention to the way previous policies affect current debates and instrument choice (Brunner, 2008, 506). As a result, the model itself has been criticized as being 'ahistorical' (Brunner, 2008, 506). Second, the model's overemphasis on ideas leads it to underestimate the importance of networks (see Zahariadis and Allen, 1995, 71 – 98). Researchers have observed, especially in connection with policy oriented learning, networks of experts do contribute to both agenda-setting and policy change and can exert substantial influence on policy choice pertaining to issues that by-nature are complex and thus require specific expertise and knowledge (Brunner, 2008, 506; see also Bennett and Howlett, 1992, 275 – 294). Finally, some researchers have openly questioned the mechanisms of the multiple streams model, including, the interdependence of each of the three streams (see Mucciaroni, 1992; see also Zahariadis, 2008, 514 – 530). While this is a fascinating discussion for academia it does stretch beyond the scope of this study. However, Kingdon does note that the three streams are not absolutely independent but rather loosely coupled throughout the entire policy process (Mucciaroni, 1992, 473; Kingdon, 1994, 228 – 229). For this study, the internal dynamics within each stream is of greater concern than the degree of interdependence amongst the streams.

While researchers have identified some constraints of Kingdon's multiple streams model, many praise the simplicity by which the model clarifies the complexity and ambiguity associated with the processes surrounding agenda-setting and policy-making (Zahariadis, 2007, 87; see also Larkin, 2012). As noted by one researcher, perhaps the greatest attribute of Kingdon's multiple streams model is its breadth and flexibility (Larkin, 2012, 50). For example, Kingdon's theory can be used to explain why elected officials do not change public policy even when there is a consensus that a problem needs fixing and when there are competing but reasonable policy arguments for different remedies. What is missing in those situations is a triggering event that demands action (Larkin, 2012, 50). And while Kingdon's original application referred only to agenda-setting in a single national setting, it is clear from subsequent applications of the model that the scope of the framework is broader than that. It constitutes a lens of the policy

process that is useful in single case or in comparative applications across time, countries, issues, and policy domains (Zahariadis, 2007, 83).

The Kingdon multiple streams model has proven useful in analyzing policy development across a range of political systems. In addition to the United States, empirical studies using Kingdon's model have been conducted for various countries; Great Britain and France (Zahariadis and Allen, 1995), Canada (Howlett, 1998), Germany (Brunner, 2008), and Sweden (Guldbrandsson and Fossum, 2009). In recent years, Kingdon's multiple streams model has been applied as a framework in various domains to study numerous policy-based issues; privatization of state-owned enterprises (Zahariadis and Allen, 1995), crime control legislation (Saint-Germain and Calamia, 1996), emissions trading (Brunner, 2008), community health promotion (Guldbrandsson and Fossum, 2009), high speed rail (Chen, 2011), and capital punishment (Larkin, 2012). The most comprehensive study to utilize Kingdon's theory was undertaken by Professor Michael Howlett, who examined agenda-setting behavior of the Canadian government as it related to six policy issues: Native affairs, the constitution, drug abuse, acid rain, the nuclear industry, and capital punishment (Howlett, 1998, 495 – 524). Howlett conducted a comparison of issue mentions in time series data collected from both parliamentary debates and media mentions relating to these six policy areas to assess impact on public policy agenda-setting (Howlett, 1998, 495 – 524). Interestingly, Howlett observed that there is evidence that policy windows of different types exist in Canada, which supports the application of Kingdon's theory of agenda-setting to Canadian policy cases (Howlett, 1998, 515).

3. The Case of Aboriginal Employment and Skills Development in Canada

In this study, Kingdon's multiple streams model is utilized as the theoretical framework to examine contemporary political and policy developments pertaining to Aboriginal employment and skills training. Notably, forecasted exponential growth of the natural resource sector in Canada combined with the economic spin-off that would follow could offer significant employment, skills training, and lucrative business partnerships to Aboriginal peoples. The multiple streams model, as a theory of agenda-setting, will assist in describing how challenges experienced by Aboriginal peoples have morphed into issues of national interest, captured widespread public attention, and reached the agenda of government. Ultimately, growth of the natural resource sector in Canada offers a window of opportunity through which the federal government could reciprocally push policy proposals to enhance Aboriginal employment and skills training.

3.1. Problem Stream

In Canada, exponential growth of the Aboriginal population has publically raised both the profile of Aboriginal peoples and the difficulties they contend. Aboriginal peoples in comparison to the non-Aboriginal population, disproportionately experience far greater challenges associated with and related to: substance abuse, addiction, health, mental health, violence, and crime. In relation to socio-economic matters, Aboriginal peoples score poorly with regards to graduation rates (Richards, 2013b; see also Richards, 2014), level of education and skills training (Richards, 2013a; see also Sharpe and Lapointe, June 2011), level of income and earnings (Wilson and Macdonald, 2010), and employment attainment (Employment and Social Development Canada, Spring 2013; see also Centre for the Study of Living Standards, June 2012). This situation is further intensified by the state of many Aboriginal communities (reserves),

which struggle with: poverty, housing shortages, overcrowding, mold and pest infestation, disease and illness, sanitation, and contaminated drinking water.

3.1.1. Population Growth

Aboriginal peoples remain the single-fastest growing segment of the general population in Canada and are growing at a rate almost six times that of the non-aboriginal population. In fact, from 2006 to 2011, the total Aboriginal population in Canada increased by 232,385, or 20.1%, compared with just 5.2% growth for the non-Aboriginal population during the same period (Statistics Canada, 2013, National Household Survey for 2011, 4). Moreover, latest figures from the 2011 National Household Survey (NHS) identified a total Aboriginal population of 1,400,685 in 2011, which represents approximately 4.3% of the total population of Canada (Statistics Canada, 2013, National Household Survey for 2011, 4). This population growth has resulted in not only a larger Aboriginal population but also a younger population. Whereas the median age for non-aboriginal Canadians was 41 years in 2011, the median age for the First Nations population was 26 years (Bains and Green, 2013, 5; see also Statistics Canada, 2013, National Household Survey for 2011, 1). In fact, 46% of the entire Aboriginal population is under age 25, compared to 30% of the non-Aboriginal population (Statistics Canada, 2013, National Household Survey for 2011, 1). Finally, higher fertility rates and shorter life expectancy account for the Aboriginal population being significantly younger than the non-Aboriginal population in Canada (Gulati, 2013).

3.1.2. Age

Aboriginal youth aged 15 to 24, a key demographic that will continue to join the workforce in years to come, represent 18.2% of the total Aboriginal population or 5.9% of all youth in Canada, compared to 12.9% of non-Aboriginal youth from the total non-Aboriginal population (Statistics Canada, 2013, National Household Survey for 2011, 5). It is important to pause and recognize that this same cohort has grown up in the maelstrom of Aboriginal protest, legal engagement, and socioeconomic change (Coates and Crowley, 2013, 13). And while some Aboriginal youth will follow the path from high

school graduation through college or university and into the work force, the reality is most will struggle because of the vicious cycle of Aboriginal poverty. The tragedy of Aboriginal poverty in Canada is that it has had the greatest impact on the most vulnerable segment of the Aboriginal population; children. It is well established that poverty is linked to a variety of physical, social, and economic disadvantages later in life. And there is no surprise that children living in poverty will require greater support both from government and their community as they strive to fulfil their potential (Macdonald and Wilson, June 2013, 6). Aboriginal demographics reinforce the growing urgency required to address challenges experienced by the burgeoning Aboriginal youth cohort, or Canada will run this risk of developing even higher levels of unemployment, disenchantment, and radicalization.

3.1.3. Wellbeing

Based on wellbeing data from the 2006 census, the average child poverty rate for all non-Aboriginal children in Canada was 17%, while the average child poverty rate for all Aboriginal children was more than twice that figure, at 40% (Macdonald and Wilson, June 2013, 6). In fact, Aboriginal children score poorly in comparison to the rest of Canada's children on practically every measure of wellbeing: family income, educational attainment, crowding and homelessness, poor water quality, infant mortality, health, and suicide. For example, Aboriginal children living in poverty are three times more likely to live in a house that requires major repairs compared to the non-Aboriginal children of families with similar income levels (Macdonald and Wilson, June 2013, 19). Furthermore, after adjusting for age, the Aboriginal population suffers from diabetes at a rate three to five times higher than for the general population (Macdonald and Wilson, June 2013, 19 – 20). Finally, perhaps most tragically, Aboriginal youth suffer suicide rates that are five to seven times higher than those for the non-Aboriginal population (Macdonald and Wilson, June 2013, 19 – 20).

3.1.4. Education

When it comes to education, almost 60% of Aboriginal parents do not have even a high school education (Macdonald and Wilson, June 2013, 20). And, according to the

most-recent census figures (2011), the incomplete secondary studies rate for the Aboriginal population residing off-reserve is three times the comparable rate for young non-Aboriginals – 30 percent relative to 10 percent (Richards, 2014, 3). More shocking, the rate of incomplete secondary studies for young Aboriginal Canadians residing on-reserve in 2011 remains extremely high at 58 percent and has declined little since census figures were enumerated earlier in 2006 (Richards, 2014, 3). Nationally, fewer than half of Aboriginal youth graduate from high school compared to nearly 90% (2010 figures) of all non-Aboriginal Canadian youth (Bains and Green, 2013, 10; see also Conference Board of Canada, 2014). Poor high-school certification rates translate into severely limited employment opportunities for Aboriginal peoples residing off-reserve and even more so for those residing on-reserve where jobs are already sparse (Richards, 2013, 3). The reality surrounding this situation is evident through the dismal Aboriginal unemployment rate in Canada. As a result of the lower education attainment, it becomes all the more important to implement skills development programs to allow Aboriginal peoples entry into the workforce.

3.1.5. Socio-economic Measurement

Presently, the overall Aboriginal unemployment rate of 12.8% is nearly double that of the non-Aboriginal population in Canada at 7.2% (Employment and Social Development Canada, Aboriginal Labour Market Bulletin, Spring 2013). It is important to note that unemployment rates are calculated as the portion of those *in the work force*, not the working age population. Since the rate of labour force participation is lower among Aboriginals than the general population, the overall portion of the Aboriginal population who are employed is even lower in comparison to non-Aboriginals than basic unemployment rates would suggest. While the overall unemployment rate of 7.2% in Canada is comparable to other G8 nations, the average unemployment rate on reserves alone was a staggering 23%, over three times the national average (Bains and Green, 2013, 5 – 8). The excessively high rate of Aboriginal unemployment in Canada offers policymakers an opportunity to engage the Aboriginal population as a potential solution to Canada's current and future labour challenges (Employment and Social Development Canada, Aboriginal Labour Market Bulletin, Spring 2013). However, Aboriginal

Canadians must realize that levels of employment will only improve through increased education and skills training.

Across Canada, there is ongoing demand for skilled tradespeople and workers in professional occupations but most new job openings require some form of post-secondary education. Thus, skills-based training is considered an increasingly important and integral part of long-term labour market success (Employment and Social Development Canada, Aboriginal Labour Market Bulletin, Spring 2013). Though poor high school graduation rates will pose a barrier to employment, especially in a field such as the natural resources sector, which typically requires a Grade 12 education and some form of specialized skills training, it is but one contributing factor to the excessively high Aboriginal unemployment rate (Bains and Green, 2013, 10). And, Aboriginal communities also experience a significant number of barriers related to their desire of pursuing business opportunities: limited access to capital; limited business and financial knowledge, entrepreneurial capacity, and business acumen; lack of relevant education; and inadequate physical infrastructure or resources (Eyford, 2013, 26 – 27).

3.1.6. Future Opportunities

But the future is bright because projected Aboriginal population growth combined with dismal employment figures highlights the potential for young Aboriginal peoples to fill labour shortages across Canada and for their communities to subsequently become key drivers of the Canadian economy. Statistics Canada has projected the Aboriginal population in Canada could reach between 1.7 million and 2.2 million by 2031 (Malenfant and Morency, 2011, 1). Perhaps most compelling and equally disturbing about both the relatively young age and projected growth of the Aboriginal population in Canada is the range of challenges far too many Aboriginal peoples contend along with an overall state of destitution in most Aboriginal communities. The statistics of Aboriginal despair are well-known: staggeringly high rates of teenage suicide, shocking numbers of unemployed young men, over-incarceration, and challenges with mental health and HIV-AIDS (Coates and Crowley, 2013, 13 – 14).

Moving forward, the projected state of major natural resource development in Canada and the associated economic windfall could very well offer Aboriginal Canadians an opportunity to now finally improve their social and economic well-being. It has been estimated that over the next decade more than 600 major resource projects, worth approximately \$650 billion, are planned for Canada (Bains and Green, 2013, 1). Due to a number of factors, Aboriginal communities across Canada are in a unique position to capitalize on the opportunities available through collaborating on development of natural resources; population density in remote and resource-rich areas, growing and young population, and a high level of unemployment (Bains and Green, 2013, 1 – 8). In some places, Aboriginal communities are already working alongside industry to benefit from oil and gas development. For example, in 2010 more than 1,700 Aboriginal people were directly employed in oil sands operations, and over the past 12 years Aboriginal-owned companies have secured more than \$5 billion worth of contracts from oil sands developers in western Canada (Bains and Green, 2013, 1).

As an encouraging sign, young Aboriginal people are now substantially more engaged in advocacy and activism (Coates and Crowley, 2013, 14). Collectively, the size, mobilization, engagement, and frustrations of young Aboriginal people are beginning to transform Aboriginal affairs in Canada (Coates and Crowley, 2013, 14). For the past 40 years, Aboriginal leaders focused on constitutional, legal, and political issues (Coates and Crowley, 2013, 14). Now Aboriginal youth have shifted the focus and are seeking ways to improve participation in the mainstream economy, particularly around resource development, and ways to build stronger and healthier communities through job and business creation (Coates and Crowley, 2013, 14). Like fellow Canadians, Aboriginal peoples also desire long-term and well paid employment, and prefer careers not short-term jobs (Eyford, 2013, 23).

There is little doubt that the aforementioned challenges directly impede the success of Aboriginal peoples in Canada and further establish the need for innovative and effective Aboriginal employment and skills development policies. The multiple and interrelated challenges experienced by Aboriginal Canadians highlights a complex policy problem of great interest to the general public in Canada. Fortunately, options do exist that could enable Aboriginal peoples to overcome many of the challenges they contend.

3.2. Policy Stream

Challenges experienced by Aboriginal peoples, and more generally the communities they reside within, appear to have increasingly captured the attention of the associated policy actors, who have put forth numerous policy proposals designed to improve the plight of Aboriginal peoples in Canada. There is engaged concern over the fact that Aboriginal Canadians often struggle to overcome a multitude of obstacles in their quest to acquire employment or skills training. Moreover, the grassroots reality indicates that government programs to assist Aboriginal Canadians in this endeavour are in some cases misguided or inadequate. However, both government and major industry representatives acknowledge that Aboriginal Canadians require more support to ensure they become meaningful stakeholders in future employment opportunities; especially those related to natural resource development. As a result, it is intriguing to see the volume of proposals and the range of actors in the policy subsystem, in addition to the federal government, that have offered expertise or insight to improve the circumstances of Aboriginal Canadians.

One of the widely recognized and multi-faceted policy solutions for addressing the plethora of challenges experienced by Aboriginal Canadians is to offer Aboriginal peoples an opportunity to adopt skills for the jobs of tomorrow. This section of the study serves three objectives, to: (1) highlight policy needs as a result of chronic barriers that impact the ability of Aboriginal Canadians to access or take advantage of meaningful skills training and employment opportunities; (2) survey existing federal and provincial government policy efforts aimed at promoting Aboriginal skills development and labour market participation; and (3) introduce two policy-based alternatives regarding skills training for Aboriginal peoples that could potentially lead to improved employment outcomes in the natural resources sector.

3.2.1. Barriers to Success

The affairs concerning Aboriginal peoples in Canada are occasionally viewed through a 'culture of dependency' lens, which is a suggestion that low employment and high poverty rates exist because Aboriginal peoples choose to bring it upon themselves

for the purposes of obtaining government support (Wilson and Macdonald, 2010, 11). The hypothesis being, broadly stated, that because Aboriginal people choose to live where there is little employment they have come to rely on government support (Wilson and Macdonald, 2010, 11). However, it is important to recognize that Aboriginal peoples were moved onto marginal lands through the creation of reserves by colonial administrators. But equally important, this draws attention to the support Aboriginal peoples require to overcome barriers associated with their residency in remote geographical areas.

The 2006 Census noted that 81% of the non-Aboriginal population lived in urban areas of Canada, compared with just 53.2% of the Aboriginal population. Of course, access to employment opportunities for Aboriginal peoples living in remote, rural, or non-urban areas is generally limited to industries and organizations with local operations close to Aboriginal communities (Howard et al., 2012, 3). Though, given the current climate for major resource development across Canada and the location of remote Aboriginal communities in resource-rich areas, these communities are well-placed to benefit from resource development (Bains and Green, 2013, 2).

As noted earlier, the Aboriginal population has considerably lower rates of educational attainment than the non-Aboriginal population. The national high school completion rate for Aboriginal youth is approximately 50%, compared to nearly 80% for non-Aboriginal youth. The concern is much more drastic on-reserve, where the high school completion rate is significantly lower at 40% (Eyford, 2013, 22). Moreover, based on estimates from the 2006 Census, 61% of the non-Aboriginal had completed a post-secondary certificate, diploma, or degree compared with nearly 44% of the Aboriginal population (Howard et al., 2012, 4). Lower educational attainment rates are attributed to a number of factors; including, poor socio-economic and health outcomes, and limited access to both schools and culturally appropriate curriculum. Consequently, jobs with entry requirements for educational levels, such as high school completion or a post-secondary credential, become unavailable for Aboriginal workers without those qualifications (Howard et al., 2012, 4).

There is a clear link between education attainment and employment outcomes. In 2011, 81% of employed Aboriginal Canadians had obtained at least a high school diploma (Eyford, 2013, 23). However, there are a number of other factors that impact the ability of Aboriginal Canadians to take advantage of employment or business opportunities: whether a community has leadership and vision that emphasizes the importance of education and skills development; community well-being and individual health; community support for economic development; proximity to urban areas and major transportation infrastructure; willingness to relocate; and availability of secondary and post-secondary education (Eyford, 2013, 23).

Prospective Aboriginal workers also often contend language, cultural, and race issues in their quest to join the workforce. Lack of appropriate literacy and language skills is often a key barrier preventing Aboriginal workers from achieving their workforce potential (Howard et al., 2012, 4-5). This can certainly prevent Aboriginal workers from both receiving promotions or being delegated higher levels of responsibility within an organization. Furthermore, negative stereotypes about Aboriginal people, as well as a lack of knowledge about Aboriginal people among the non-Aboriginal population, can create misunderstandings and conflict in the workplace (Howard et al., 2012, 5-6).

While most of the data on racism and Aboriginal people in Canada is anecdotal, a 2009 report by the National Collaborating Centre for Aboriginal Health found that nearly 38% of Aboriginal adults had experienced racism within a 12-month period, and a further 27% who experienced racism indicated that it had some or a strong effect on their self-esteem (Howard et al., 2012, 5). As such, racism and its subsequent social exclusion continue to create barriers to Aboriginal participation and productivity in the national economy (Howard et al., 2012, 6). Aboriginal Canadians would be well-served if future employment or skills training policy is developed to better integrate Aboriginal peoples into the work force and overcome historic barriers.

3.2.2. Sample Federal Policy Initiatives

The federal government has recognized investment in key areas as vital to the future success of Aboriginal peoples in Canada; education, general health and wellness

promotion, employment and skills training. In 2009, the federal government launched the Federal Framework for Aboriginal Economic Development, which was an initiative to build strategic partnerships with Aboriginal groups, the private sector, and provincial and territorial governments in order to promote Aboriginal economic development. Since then, the federal government has introduced a number of complementary programs as part of its overall Economic Action Plan to assist Aboriginal Canadians with obtaining skills training vital to access relevant employment opportunities, and some initiatives have jointly been identified by Aboriginal communities and industry as particularly useful (Eyford, 2013, 24).

First, the Strategic Partnerships Initiative (SPI)⁷ is a federal government program that aims to increase economic development opportunities for Aboriginal Canadians by stimulating partnerships between federal and non-federal partners and leveraging investments from other levels of government and the private sector. This is intended to improve Aboriginal participation in the Canadian economy, with the programs particular emphasis on resource development sectors; including, forestry, fisheries, mining, energy, and agriculture. The program also supports other key economic development opportunities in areas such as shipbuilding, tourism, and potash (Aboriginal Affairs and Northern Development Canada, 2014).

Second, the Skills and Partnership Fund (SPF)⁸ is a demand-driven, partnership-based program, which funds projects in the energy and mining sectors that contribute to the skills development and training of Aboriginal workers for long-term and meaningful employment. The projects must demonstrate partnership-based approaches to the development of training-to-employment activities, skills development, or service delivery improvement for Aboriginal people (Employment and Social Development Canada, 2012, 3).

Third, the Aboriginal Skills and Employment Training Strategy (ASETS)⁹ is a program that provides funding for training linked to labour market demand. Implemented in 2010, the Government of Canada provided nearly \$1.6 billion to fund the ASETS over a five year period. ASETS is designed to help all Aboriginal people prepare for and find both high-demand and long-term jobs. Finally, ASETS was implemented with three

strategic priorities: support demand-driven skills development; foster partnerships with the private sector and the provinces and territories; and place greater emphasis on personal accountability and employment results (Employment and Social Development Canada, 2014a; see also Employment and Social Development Canada, 2010).

Finally, the Aboriginal Skills and Employment Partnership (ASEP)¹⁰ is a collaborative skills development program designed to promote employment opportunities for Aboriginal peoples. The ASEP initiative, introduced by the federal government in 2003, was set up to support multi-year training and employment through formal partnerships with the private sector, Aboriginal organizations, the provincial and territorial governments, and training institutions. All partners are responsible for jointly developing and managing comprehensive, multi-year skills development plans leading directly to targeted jobs. The plan must have a commitment from the employers to provide at least 50 long-term jobs for Aboriginal peoples. Since 2003, the federal government has invested nearly \$290 million in funding to support the ASEP initiative (Treasury Board of Canada Secretariat, June 2014; see also Employment and Social Development Canada, 2014b).

While the federal government is directly responsible for the Aboriginal population, it is the provincial government that maintains responsibility for the administration of labour issues and resource development impacting all provincial residents. Consequently, some resource-rich provinces, including B.C., have recognized the opportunities associated with resource development and so have improved their efforts to engage with local Aboriginal communities and likewise have encouraged resource companies to do the same (Mills and Sweeney, 2013; Hitch and Fidler, 2007; see also Sosa and Keenan, 2001). In fact, in the province of British Columbia, there are currently seven major oil and gas projects under proposal with the Major Project Management Office (MPMO) and it is estimated that 56 of the 198 Aboriginal communities in B.C. are in a position to benefit from oil and gas development (Bains and Green, 2013). Thus, across Canada, the Province of British Columbia has developed a positive reputation as a potential partner willing to collaborate with Aboriginal Canadians on the opportunities associated with resource development and also for actively facilitating discussions between Aboriginal communities and resource development companies.

3.2.3. Sample Provincial Policy Initiatives: The Case of British Columbia

In addition to the federal government, the Province of British Columbia has also adopted various policy measures to support increased Aboriginal employment and skills training. Therefore, as a case study, B.C. offers a great vantage to examine skills training and employment strategies that aim to prepare local Aboriginal communities for the multi-faceted opportunities associated with natural resource development. The Province of British Columbia has invested in various initiatives to provide Aboriginal peoples a means to get the tools, training, and skills they need to overcome poverty and improve their socio-economic status. For example, the Aboriginal Training for Employment Program (ATEP)¹¹ and the Aboriginal Service Plan (ASP)¹² are just two initiatives that are benefitting Aboriginal peoples in British Columbia.

The ATEP initiative aims to assist Aboriginal people with their transition into sustainable employment by funding Aboriginal organizations that subsequently provide training and employment-based programming to participants. Essentially, service providers are awarded a contract to offer culturally-sensitive job-related training and support services to participants in order to connect them to relevant employment opportunities throughout British Columbia. The aim of the program is to offer training, mentoring, and coaching that enhances Aboriginal participant's life skills, job readiness, and employability as a result of industry-specific certification and transferable credits (Ministry of Advanced Education, 2012a).

The ASP is a strategic plan to enhance the educational experience and outcome for Aboriginal learners that is developed and implemented by public post-secondary institutions in conjunction with Aboriginal communities, institutes, and organizations. The ASP serves many encouraging purposes: increase the access, retention, completion, and transition opportunities for Aboriginal learners; strengthen partnerships and collaboration in Aboriginal post-secondary education that offer stakeholders an opportunity to participate in shaping programs and services that address the academic, social, emotional, and cultural needs of Aboriginal learners; and increase the overall receptivity and relevance of post-secondary institutions and programs for Aboriginal learners (Ministry of Advanced Education, 2012b).

3.2.4. Industry-led Initiatives

While governments at both the provincial and federal level have undertaken some measures to improve relations with Aboriginal Canadians with the overarching goal of encouraging Aboriginal support for resource development, the private sector has also been active in taking strides to achieve this same objective. Natural resource industries in Canada, especially the mining and the oil and gas sectors, have adopted new approaches to engaging Aboriginal communities and have actually been steadfast in promotion of policy measures to improve the overall socioeconomic state of Aboriginal peoples in Canada. In fact, resource companies have been investing in Aboriginal education and training in the oil and gas sector for at least the past decade. For example, Husky Energy alone has invested over \$1 million in oil and gas sector education and skills training for Aboriginal communities (Bains and Green, 2013, 11). Consequently, the natural resource sector is the largest private sector employer of Aboriginal peoples in Canada (AANDC, Crown-First Nation Gathering Progress Report, 2013). The importance of these types of employment and skills training measures are crucial because they serve as an important mechanism to link unemployed Aboriginal peoples with jobs near their communities (Bains and Green, 2013, 11).

There appears to be some synergy then between the investment and overall policy direction of government regarding Aboriginal peoples and activity of natural resource industries in Canada, as an example, in promoting overall Aboriginal employment and skills training. Much of these engagement efforts can be attributed to the political and legal reality surrounding resource development across Canada. First, development of natural resource projects in Canada requires the Crown (Federal, Provincial, and Territorial Governments) to uphold a duty to consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights. Second, successful initiation and subsequent completion of natural resource development projects invariably depends upon meeting environmental regulations and obtaining Aboriginal support. Consequently, natural resource development offers Aboriginal peoples an opportunity to acquire transferable skills training and obtain lucrative employment and business partnerships. Much of these benefits would likely be offered in exchange for a

partnership or support to ensure there are few impediments to the successful development of a natural resource project.

3.2.5. Opportunities for Improvement

In his report to the Prime Minister, Douglas Eyford offered a relatively straightforward recommendation for the federal government to follow: Canada should use available information about Aboriginal labour market participation to link training and employment requirements to labour market demand for the oil and natural gas sector, and measure outcomes (Eyford, 2013, 25). Moving forward, policymakers must ensure they actively consult and collaborate with both Aboriginal community leaders and industry stakeholders to identify alternatives concerning skills training that could lead Aboriginal peoples to decrease their dependence on social assistance while they simultaneously increase their level of income through employment in the natural resources sector. The caveat to designing any potential program or policy is that it will only truly resonate with Aboriginal peoples when it is produced harmoniously in consultation and collaboration with all stakeholders. Consultation and collaboration serve as the basis upon which two policy-based alternatives are sampled here.

First, unlike other Canadian schools, Aboriginal schools on reserves are not governed by any legislation that outlines standards, outcomes, or structures. This has resulted in a patchwork of policies and agreements that do not provide an adequate foundation to support comprehensive improvements or meet accountability requirements that would ensure higher graduation rates for Aboriginal students (Bains and Green, 2013, 10). The federal government has committed to enacting a First Nations Education Act (FNEA), which could potentially lead to better outcomes for Aboriginal students. Of course, this would require improved standards and structures, strengthened governance and accountability, and an effective funding model (Bains and Green, 2013, 10). Equally important, there is an opportunity to transform education so it is better able to serve the needs of those Aboriginal students seeking to acquire transferable skills for employment in the trades. However, the federal government was recently reminded of the volatility associated with pursuing policy changes that affect Aboriginal peoples.

After months of negotiations, the federal government and Aboriginal leaders had come to a resolution on a national education strategy for Aboriginal peoples. The government had committed to providing \$1.9 billion in funding to meet particular conditions outlined by Aboriginal leaders (Mas, CBC News Online, 2014). Though Aboriginal leaders initially indicated unanimous support for the strategy, this support was pulled at the last moment over sharp divisions within the Aboriginal community. Some viewed it as an opportunity to improve the lives of Aboriginal children, while others dismissed it over concerns that it exerted too much control over Aboriginal affairs (Omand, Huffington Post News Online, 2014). Ultimately, the strategy contributed to divisions amongst Aboriginal leaders themselves, which resulted in the resignation of a senior Aboriginal leader and forced the government to temporarily suspend action on the bill (Omand, Huffington Post News Online, 2014). This controversy highlights the necessity for swift action to be taken, and further reinforces the volatility as a window to take action may close at the last moment.

Second, there is an opportunity to reform income assistance for Aboriginal peoples by incorporating a skills training component. Essentially, offering Aboriginal Canadians incentives to undertake skills training should reciprocally help those who are truly committed to improving their socioeconomic status by assisting them in attaining gainful employment in or near their communities (Bains and Green, 2013, 10-11). In addition, as part of any policy or programming reforms, offering on-the-job training to income assistance recipients could lead to improved employment outcomes for Aboriginal Canadians. Of course, income assistance should be provided to those requiring it but incorporating a skills training component serves a dual purpose: it offers Aboriginal Canadians an opportunity to build their skills profile, and there is a potential reward for Aboriginal participants in the form of gainful employment. The present system of passive cheque-cutting is detrimental to achieving improved employment outcomes for Aboriginal peoples and must be reformed to better assist Aboriginal peoples with achieving their personal and professional goals (Bains and Green, 2013, 10).

Through targeted skills training and positive relationship-building between industry and Aboriginal peoples, there is an opportunity to employ the untapped young Aboriginal population in Canada and in the process bring about prosperity for Aboriginal

peoples and their communities and indeed all Canadians (Bains and Green, 2013, 14). However, the burden is collectively on government, Aboriginal leaders, and industry to collaborate and consult one another in the best interest of all Canadians. For that reason, reforms to Aboriginal education and income assistance could go a long way towards improving the socioeconomic status of Aboriginal peoples and ensuring they benefit meaningfully as partners in natural resource development.

3.3. Political Stream

After decades of neglect following Confederation, Canadian political actors have started to address Aboriginal peoples and their concerns in meaningful ways, with the federal government having to take a lead in this new dialogue. At the same time, Aboriginal leaders have come to play a more prominent role in the political process, and have shown both a willingness and capacity to engage in tough negotiations, as well as launch important court cases that have expanded Aboriginal rights and the duty of others to consult with them on resource issues. Under section 91(1) of the Constitution Act 1867, the federal government maintains exclusive power to enact legislation on matters relating to Aboriginal Canadians. Because of this unique and sensitive Crown-Aboriginal relationship, it is argued that Aboriginal issues never really disappear from the agenda of the federal government. However, recent political developments concerning the approach to Aboriginal affairs in Canada have in some ways altered the Crown – Aboriginal relationship. The impact of a range of Supreme Court of Canada decisions will be examined in this section. While they might have also been considered in the Policy Stream, because they have dictated new public policy approaches, their main significance is seen in their influence on political attitudes and processes. The objective of this section of the study is to detail how Prime Minister Stephan Harper and his Conservative Government altered Aboriginal relations and affairs in Canada through an aggressive natural resource development agenda. Specifically, this section examines the circumstances, events, and efforts that have facilitated the growth of an aggressive natural resource development agenda. Alternatively, this section also considers the combined and collaborative efforts of government, industry, and Aboriginal leadership to raise the profile of Aboriginal issues and challenges in Canada.

3.3.1. Historical Overview of Crown – Aboriginal Relations in Canada

The Crown – Aboriginal relationship in Canada is a very sensitive union that has required the Supreme Court of Canada to establish a framework that respects the rights of Aboriginal Canadians vis-à-vis issues such as development of natural resources; the key court-defined component of this relationship is the Crown's duty to consult and accommodate. There are three sources that establish Aboriginal rights in Canada: constitutional provisions, legal precedent and empowerment, and honour of the crown. First, any existing Aboriginal and treaty rights of Aboriginal Canadians are recognized and affirmed under section 35 of the Constitution Act 1982. The Constitution Act 1982 guarantees the existence of Aboriginal and treaty rights in conjunction with those rights contained in the Royal Proclamation 1763. The Royal Proclamation 1763 was instrumental in that it essentially established the treaty-making process and recognized the existence of Aboriginal rights in Canada. Moreover, the Royal Proclamation 1763 established a set of protocols and procedures for the purchase of Aboriginal land; only the Crown can buy land from Aboriginal peoples and then sell the land in question to an end-user. In recent years, the Supreme Court of Canada (SCC) through multiple challenges and rulings has clarified and affirmed the Constitutional provisions that legally recognize Aboriginal rights and title in Canada.

Second, Aboriginal rights in Canada are supported by an established series of case law that outlines the Crown's duty to consult and accommodate Aboriginal peoples so as to ensure their rights are not adversely impacted. The cases have combined to create an entirely new political climate in relations between Aboriginal communities, on the one hand, and government and industry, on the other. Previously, there was no need and very little desire to involve Aboriginal peoples in resource developments. In addition to recognizing the existence of Aboriginal rights and title in Canada, landmark rulings decided by the SCC have created individual tests or mechanisms for establishing, extinguishing, or transferring Aboriginal rights and title; *Calder et al., v. Attorney-General of British Columbia* [1973]¹³, *R. v. Sparrow* [1990]¹⁴, *R. v. Van der Peet* [1996]¹⁵, *R. v. Gladstone* [1997]¹⁶, *Delgamuukw v. British Columbia* [1997]¹⁷, *Haida Nation v. British Columbia and Weyerhaeuser* [2004]¹⁸, *Taku River Tlingit First Nation v. British Columbia* [2004]¹⁹. The most recent case, *Tsilhqot'in Nation v. British Columbia* [2014 SCC 44]²⁰,

is important because it recognizes traditional uses of land as sufficient to lay claim to land. Cumulative changes in judicial interpretations of Aboriginal rights and land title, Crown – Aboriginal relations, and the duty to consult have fundamentally altered the balance of power and now require government and industry to negotiate with Aboriginal leaders in a way that simply was not necessary before; this is most evident in the recent *Tsilhqot'in Nation v. British Columbia* [2014 SCC 44] ruling. Consequently, the case could have a huge impact on the approach taken by both Government and Industry concerning pipeline and resource development on lands traditionally claimed by First Nations without treaties – especially those in British Columbia. In each ruling, the SCC highlighted the importance of safeguarding Aboriginal rights and title and also formally recognized the sensitive and special nature of the Crown – Aboriginal relationship in Canada. This is further reflected in the legal and procedural instructions that have accompanied rulings from the SCC concerning Aboriginal rights and title and the subsequent duty to consult.

The SCC rulings in *Haida Nation v. British Columbia and Weyerhaeuser* [2004], *Taku River Tlingit First Nation v. British Columbia* [2004], and *Tsilhqot'in Nation v. British Columbia* [2014 SCC 44] together form the most definitive statement regarding the Crown's duty to consult and where applicable accommodate Aboriginal peoples over disputed land. In the case of natural resource development, the Crown's duty to consult Aboriginal peoples is often first triggered by the regulatory and permitting processes germane to such projects (Association for Mineral Exploration BC, Aboriginal Engagement Guidebook, 2014, 9). The SCC ruled the Crown's duty to consult arises when the Crown has knowledge, real or constructive, of the potential existence of an Aboriginal or treaty right or interest, and contemplates conduct that might adversely affect it (*Haida Nation v. British Columbia*, [2004] 3 S.C.R. 511, 2004 SCC 73; see also Association for Mineral Exploration BC, Aboriginal Engagement Guidebook, 2014, 9). Evidently, this is a very low standard concerning the consultation obligations of the Crown but more importantly it should be noted that the duty to consult does not impose a duty on any of the parties to agree (Association for Mineral Exploration BC, Aboriginal Engagement Guidebook, 2014, 10). Rather, the duty requires a meaningful process of consultation carried out in good faith (Association for Mineral Exploration BC, Aboriginal Engagement Guidebook, 2014, 10).

Finally, governments are legally committed to acting with integrity in order to uphold the honour of the Crown and a solemn declaration ‘...to make Laws for the Peace, Order, and good Government of Canada...’ is entrenched in the Constitution Act 1867. Therefore, federal and provincial governments across Canada should proactively consult Aboriginal peoples to ensure their title or rights are not adversely impacted. The SCC has ruled that the controlling question in all situations, including the Crown’s duty to consult, is what is required to maintain the honour of the Crown and to effect reconciliation between the Crown and the Aboriginal people with respect to the interests at stake (*Haida Nation v. British Columbia*, [2004] 3 S.C.R. 511, 2004 SCC 73). Adhering to these principles would enable the Crown and Aboriginal peoples to harvest goodwill that could further save all parties considerable time and resources fighting court battles. As highlighted, there is a strong legal precedent and framework in Canada that requires the Crown to consult Aboriginal peoples in relation to development of any lands that Aboriginal peoples may claim title over.

3.3.2. Contemporary Relations

In 2007, partially as a response to the legal precedents and framework determined by the SCC, the Government of Canada established the Major Project Management Office (MPMO), which, in collaboration with other government departments and agencies, conducts the regulatory review of proposed major natural resource projects (Major Projects Management Office, MPMO Mandate, 2012). The MPMO is widely viewed as an apparatus that serves to fulfill the Crown’s legal obligations to Aboriginal peoples regarding consultation. The MPMO was also established in part to improve the efficiency and effectiveness of the federal regulatory review process but also in anticipation of better tracking and monitoring the perceived natural resource development boom in Canada. As part of its duties, the MPMO evaluates the physical or geographic footprint of projects, the scale of a project’s activities, and the specific environmental or social impacts of a project. Major natural resource projects that come under the authority of the MPMO include those that involve extracting, processing, refining, producing, distributing, re-processing, disposing of or reclaiming natural resources, as well as decommissioning and reclaiming sites used for any of these activities.

Evidently, the MPMO serves an important regulatory and oversight function concerning natural resource development in Canada. But such measures do not appease most Aboriginal Canadians who generally point to the long-list of Aboriginal policy issues requiring attention from the Crown in addition to the potential environmental implications of resource development: stagnant treaty-making process, Aboriginal rights and title recognition, economic development, business partnerships, land issues, education reform, health and wellness improvements, housing and infrastructure investment, and community safety. The primary concerns of Aboriginal Canadians all fan out from a longstanding but broken relationship with the Crown; sadly, the colonial history of Canada continues to linger and overshadow reconciliation efforts (Murphy, 2003, 5). One of the most prominent reconciliation efforts occurred in January 2012, when representatives of major Aboriginal organizations in Canada along with First Nations Chiefs and community elders met with representatives of the federal government; including, the Governor General, Prime Minister Stephen Harper, and select Cabinet Ministers. The theme of the historic Crown – First Nations Gathering was *Strengthening Our Relationship – Unlocking Our Potential*.

While the Crown – First Nations Gathering was a vital initiative towards renewing a bitter relationship, the meeting itself was a follow up to an action item contained in a Joint Action Plan launched earlier in June 2011 by both the Government of Canada and Aboriginal stakeholders. The Joint Action Plan identified six shared priorities and principles for the benefit of Aboriginal Canadians: (1) improving Crown – Aboriginal relationships; (2) building effective, appropriate, transparent and fully accountable Aboriginal governance structures; (3) empowering success of Aboriginal peoples through access to education and opportunity; (4) enabling strong, sustainable, and self-sufficient Aboriginal communities; (5) creating conditions to accelerate economic development opportunities that benefit all Canadians; and (6) respecting the past and future role of Aboriginal cultures and languages in Canadian history (AANDC, Canada – First Nations Joint Action Plan News Release, 2011). However, much of the constructive dialogue and progress achieved through both the Joint Action Plan and the Crown – First Nations Gathering was disrupted by the Idle No More Campaign in December 2012.

The Idle No More campaign was a loosely organized but large-scale Aboriginal grassroots social movement that took place over many months, which captured the widespread attention of Canadians through peaceful demonstrations and imagery of the challenges endured by Aboriginal peoples. The campaign initially originated from Aboriginal opposition to a Parliamentary omnibus budget bill that included both changes to the Indian Act RSC 1985 I-5 over how reserves lands are managed and also reform of the *Navigable Waters Protection Act* that sought to ease environmental restrictions. However, the movement quickly morphed into active rallies and staged protests to highlight the state of destitution and deplorable living conditions experienced by Aboriginal peoples. The Idle No More campaign also resulted in an internal strife between members and representatives of the major Aboriginal advocacy organizations, with the members essentially urging representatives to adopt a more hardline stance against the Government of Canada regarding negotiations to improve the lives of Aboriginal peoples (Kathryn B. Carlson, National Post, 2013). The movement itself still remains active; however, staged protests and demonstrations have gradually waned.

The internal divisions expressed during the Idle No More campaign reveal a longstanding reality concerning Aboriginal – State relations in Canada: (1) Aboriginal communities harbour significant levels of mistrust of Canadian governments and the motivations underlying federal Aboriginal policy; and (2) historical injustices, understandably, fuel the absence of trust in this relationship, which is one of the most significant barriers to a more just and mutually beneficial relationship between the Canadian State and Aboriginal peoples (Murphy, 2003, 5). The absence of trust directly relates to the creation of Indian Residential Schools by the Government of Canada beginning in 1883, which subsequently were not officially closed until the mid-1990's (The Truth and Reconciliation Commission of Canada, 2012b). The unfortunate legacy of residential schools obligated the Government of Canada to deliver a formal apology in the House of Commons, in June 2008, to all former students and survivors of Indian residential schools and resulted in a Truth and Reconciliation Commission being established to investigate the complex truth of Canada's residential school system.

The strained Aboriginal – State relationship has also shaped the internal affairs of major Aboriginal advocacy organizations that are fighting for sovereignty and solutions

to address the crisis experienced by most Aboriginal peoples and communities across Canada. There are sharp ideological divisions between Aboriginal leaders and the members they represent concerning the best approach to achieve solutions for the betterment of all Aboriginal peoples. Aboriginal leaders tend to maintain a pragmatic intuition to cut an imperfect agreement with the State in order to avoid further delays in the process of rebuilding their societies and economies (Murphy, 2003, 5; see also Pamela Palmater, Rabble Online, 2013). In contrast, many members believe they should continue to hold out for a deal with Canada that is ideally more just (Murphy, 2003, 5; see also Pamela Palmater, Rabble Online, 2013). This latter perspective was vividly articulated by Aboriginal demonstrators throughout the Idle No More campaign, when they described the pain and hardship that plague their communities and expressed decades of anger at the inability of Canada to produce equality of opportunity and equality of experience for Aboriginal Canadians (Coates and Crowley, 2013, 18).

Evidently, the present Aboriginal – State relationship is in need of repair and renewal to overcome deep divisions and barriers to success. The Idle No More campaign along with both the Joint Action Plan and the Crown – First Nations Gathering are only some of the glaring examples that equally demonstrate the aspirations and frustrations of Aboriginal Canadians. More importantly these historical moments signify a plea for help to break the cycle of destitution and despair that has destroyed the lives of Aboriginal peoples across multiple generations. Moreover, these moments illustrate the passion, hope, and desire Aboriginal peoples have for a brighter future. In fact, Aboriginal leaders recently took the unprecedented step to formally collaborate with the federal government in the best interest of their members to produce the *First Nations Education Act* (FNEA) (Mas, CBC News Online, 2014; see also Omand, Huffington Post News Online, 2014). But internal dissension over the FNEA itself ultimately forced Shawn Atleo, the National Chief of the Assembly of First Nations (AFN), to resign his post (Mas, CBC News Online, 2014; see also Omand, Huffington Post News Online, 2014). There are increasing numbers of Aboriginal community leaders who question the existing constitutional framework and assert their welfare can only be effectively pursued by asserting sovereignty over their land and resources. This reinforces the point for policy entrepreneurs that any policy window may be fragile and have a finite life.

The unique interests and constitutional rights of Aboriginal communities support the rationale for industry to develop strong business relationships with communities based upon trust and respect to achieve common goals (Canadian Association of Petroleum Producers, 2006, 1). And not only is maintaining good relations with Aboriginal groups important for industry business practices but it can also assist with the following: regulatory approvals, improved certainty of project schedule and costs, more timely access to land, corporate acceptance by the community, cost reductions, improved access to local resources, more informed decision-making, and the ability to address evolving regulatory requirements (Canadian Association of Petroleum Producers, 2006, 1 – 3; see also National Aboriginal Economic Development Board, 2012, 1 – 25). Simply put, building mutually beneficial and effective relations with Aboriginal communities makes good business sense, both in the short-term for current business needs, and in the long-term for enduring projects and activities (Canadian Association of Petroleum Producers, 2006, 2). Similarly, it makes good politics for Canadian governments to engage Aboriginal communities in the development of natural resources. The Government of Canada must rise to the challenge and undertake measures that help Aboriginal Canadians achieve their full potential. A respectable framework amongst Aboriginal peoples, government, and industry stakeholders surrounding consultation, collaboration, and cooperation on the development of natural resources would be one of most significant and yet simplest measures to enable Canada to progress as a nation.

3.3.3. A New Direction

In January 2006, the Conservative Party of Canada (CPC) defeated the Liberal Party of Canada (LPC) to form a minority government and in the process Stephan Harper was elected Prime Minister of Canada. A Conservative party victory in two subsequent elections in 2008 and 2011 has enabled Prime Minister Stephan Harper to shape many areas of domestic policy and politics in Canada for nearly a decade. In fact, Aboriginal affairs is one predominant area that has been realigned, interestingly, it also intersects with so many other vital areas of domestic policy and politics in Canada; culture, environment, economy, and employment. As noted above, the long-standing Crown – Aboriginal relationship in Canada is very unique and sensitive. Specifically, this

relationship is most often regarded and accurately defined by elements of paternalism, assimilation, racism, mistreatment, mistrust, and legal battles (Atleo, 2013). But there are signs that a new relationship, centered on natural resource development, is being crafted for Aboriginal affairs in Canada.

In November 2005, through a First Ministers meeting with Aboriginal leaders, Liberal Prime Minister Paul Martin negotiated the Kelowna Accord, a deal which amounted to \$5 billion over a 5-year period to fund a series of key investments to improve the socio-economic conditions of Aboriginal peoples in 5-key areas: \$1.8 billion for education; \$1.6 billion for housing and infrastructure; \$1.315 billion for health and services; \$200 million for economic development; and \$170 million for relationship and capacity-building (Patterson, 2006, Appendix A). The overall intent of the plan was to bring the standard of living for Aboriginal peoples up to that of other Canadians by the year 2016 (Patterson, 2006, 1). The ambitious agreement was well-received and endorsed by most Aboriginal leaders who were engaged throughout the highly inclusive roundtable sessions. Evidently, the Kelowna Accord offered hope to Aboriginal peoples and showcased to Canadians that improvement of Aboriginal socio-economic conditions was a priority for the federal government. To that end, the Kelowna Accord essentially offered to expand social welfare assistance in key and targeted areas as part of funding for Aboriginal Canadians. However, in 2006, when the Harper Government was elected they immediately cancelled the Kelowna Accord through a series of parliamentary and legislative measures, which simultaneously created a policy void concerning Aboriginal peoples and signalled the beginning of an alternative approach to Aboriginal affairs in Canada.

3.3.4. Resource Development Agenda

The alternative approach to Aboriginal affairs in Canada undertaken by the Harper Government, much like most policy decisions taken by any government, was ideological, calculated, deliberate, and based on recognizing the increasing global demand for energy. Because the Harper Government recognized that a long-term resource development vision would not materialize without buy-in from Aboriginal peoples, as a result of the Crown's duty to consult, they took steps to reconcile and

improve relations with Aboriginal peoples. Consequently, in keeping with the main tenants of Conservative ideology on social welfare, the Harper Government would end up adopting an alternative approach to Aboriginal affairs that included increased emphasis on personal responsibility and self-reliance over the Liberal approach to social welfare that provided targeted funding in key areas to serve as a safety net. Remarkably, the path to meeting the increasing global demand for energy has prompted the Harper Government to undertake some unusual measures domestically in order to build an apparatus to service international energy markets.

The Harper Government has on occasion circumvented established parliamentary and legislative frameworks in support of its long-term resource development vision. For example, since 2009, the Harper Government has continually tinkered with the *Navigable Waters Protection Act*, including removing strict regulatory measures that served to protect rivers and lakes by subjecting any pipeline development to a mandatory project review. In fact, most amendments to the *Navigable Waters Protection Act* were pursued unilaterally without any committee review or consultation – particularly with Aboriginal Canadians who argued they must be consulted when their traditional areas could potentially be affected by natural resource development or otherwise. In fact, amendments to the *Navigable Waters Protection Act* and other legislative changes contained in a government omnibus budget bill only contributed to the list of long-standing grievances suffered by Aboriginal Canadians that served as the impetus for the cross-national Idle No More social movement beginning in 2012. One of the primary grievances often noted by Aboriginal leaders is a lack of consultation on the part of both the federal and provincial government concerning development or use of lands.

Lack of consultation with Aboriginal Canadians, especially when natural resource development or legislative amendments could impact their claimed traditional areas or lands, is a matter of national significance and, as discussed earlier, impacts the Crown – Aboriginal relationship in a number of ways. First, the SCC ruled in both *Delgamuukw v. British Columbia* [1997] and more recently in *Tsilqhot'in Nation v. British Columbia* [2014 SCC 44] that Aboriginal title to land existed, and further noted that when dealing with Crown land the government must consult with and may be required to compensate

Aboriginals whose rights are affected. The ruling in the recent Tsilhqot'in Nation decision provides fresh impetus for government and industry to negotiate with Aboriginal peoples, and also reinforces an immediate window to make policy changes. Second, governments are legally committed to acting with integrity in order to uphold the honour of the Crown and so should consult with Aboriginal peoples to ensure their rights and title are not adversely impacted. Finally, under section 35 of the Constitution Act 1982, the existing Aboriginal and treaty rights of Aboriginal peoples are recognized and affirmed. As evident, there is a strong precedent in Canada for the Crown to consult Aboriginal peoples in relation to development of any lands that Aboriginal peoples may be claim title over.

3.3.5. Improving Aboriginal Relations

Realizing their grand resource development vision was unattainable without fulfilling legal and constitutional obligations to Aboriginal Canadians, the Harper Government initiated a strategic process to improve relations with Aboriginal peoples. In 2008, the Harper Government issued a formal apology in the House of Commons to all Aboriginal Canadians, especially to the survivors of the former federally funded Indian Residential Schools (IRS), for the serious abuse and mistreatment that they suffered as former students. Subsequently, in January 2012, the Government of Canada and the Assembly of First Nations (AFN) held a joint gathering, which included a focused discussion on both unlocking the potential and improving the long-term prosperity of Aboriginal peoples in Canada. The overall theme of the gathering was *Strengthening Our Relationship – Unlocking Our Potential*. The gathering initially resulted in a Joint Action Plan and subsequently in a Progress Report, which both contained many encouraging principles and goals; improve relationships and strong partnerships between Canada and Aboriginal peoples, build fully accountable Aboriginal governance structures, empower success of Aboriginal peoples through access to education and skills training opportunities, and create conditions to accelerate economic development opportunities in Aboriginal communities and maximize benefits for all Canadians.

More recently, in January 2013, Prime Minister Harper was forced to meet with Aboriginal leaders as a result of the well-organized Idle No More protests across

Canada. Essentially, Idle No More was a cross-national grassroots social movement that emerged in 2012 to protest a government omnibus bill that contained an extensive series of legislative changes to more than 60 federal acts and regulations, including, the Indian Act RSC 1985 I-5 (Palmater, Rabble Online, 2013; see also Wotherspoon and Hansen, 2013, 23). In fact, events concerning the Idle No More movement attracted international attention and support for Aboriginal (Indigenous) issues in Canada through parallel rallies and protests in the United States, United Kingdom, Australia, and several other countries (Wotherspoon and Hansen, 2013, 22). One of the significant outcomes of the Idle No More movement was that it unified and mobilized young Aboriginal Canadians to demand improved socioeconomic outcomes. At a political level, this resulted in a renewed commitment from the Government of Canada to hold exploratory discussions with Aboriginal leaders so as to improve the terms upon which both historical treaties are recognized and modern treaties are negotiated (Wotherspoon and Hansen, 2013, 22).

3.4. Window of Opportunity for Policy Entrepreneurs

Application of John Kingdon's multiple streams model to the deficiency of Aboriginal employment and skills development in Canada reveals a convergence of the problem, policy, and politics stream that indicates a window of opportunity for policy entrepreneurs to pursue policy innovation. As highlighted, there are multiple challenges and limitations preventing Aboriginal Canadians from realizing and subsequently achieving their full potential. This problem is reinforced by the relatively young age and projected population growth of the Aboriginal population in Canada. Furthermore, the severity of Aboriginal needs is highlighted by poor education outcomes and substantially high rates of unemployment in comparison to the non-Aboriginal population. Fortunately, targeted policy alternatives that offer Aboriginal peoples an opportunity to develop training in skilled trades could lead to increased employment prospects, which, if successful, would subsequently help Aboriginal Canadians contest their socio-economic needs. Moreover, a looming shortage of workers with skills training highlights the necessity of such measures and offers both the federal and provincial government a

timely opportunity to realign employment and skills training policy with the needs of industry.

The political leadership in Canada may be inclined to pursue policy innovation that complements major resource development because of the legal reality concerning resource development in Canada. In particular, Aboriginal rights and title to Crown land inform the functions associated with such land. In reality, the major resource development agenda promoted by industry stakeholders and government is unlikely to succeed or even proceed without adequate and timely consultation with Aboriginal peoples. However, Aboriginal peoples could potentially offer support to resource projects in order to improve their socio-economic standing through requisite employment and skills development. Therefore, government and project proponents would be well served to explore options for policy innovation by offering Aboriginal Canadians an opportunity to acquire gainful employment and skills training as partners in major resource development.

But this window of opportunity is temporal and may be fragile. Presently, Aboriginal youth are expressing an overwhelming desire to integrate into and subsequently benefit from the mainstream Canadian economy. They recognize that they are supported in these ambitions by strong constitutional and legal provisions, which previous generations of Aboriginal leadership fought to earn. The Aboriginal youth of today are seeking to shift the dialogue with government from one of rights and title to opportunities for economic self-sufficiency. Aboriginal youth of today are not oblivious to the crippling impact that previous generations of Aboriginal leadership had on the economy through protests and blockades of poor consultation concerning development of lands. In fact, as the fastest growing segment of the general population in Canada, Aboriginal youth certainly do command some attention. For government and industry, this attention comes in the form of a timely window to collaborate on policy options around employment and skills development, which could support Aboriginal Canadians in their efforts to overcome socio-economic challenges, and in-return offer industry much-needed access to land.

The progressively weakened regulatory framework concerning major resource development in Canada is conducive to attract the major financial investment required in such endeavors. However, major resource development is unlikely to succeed or even proceed if both government and industry neglect the timely opportunity to engage Aboriginal Canadians. Any change in condition of the various elements that have converged to produce a window of opportunity could halt progress. Delay or inaction on the part of government or industry may provoke Aboriginal stakeholders to replace peaceful negotiations and cooperation with protest, confrontation, and assertions of sovereignty. In fact, the fragility of this opportunity to engage Aboriginal Canadians was most recently highlighted by the federal government being forced to abruptly cancel the proposed First Nations Education Act.

In effect, a window has presented policy entrepreneurs an opportunity to design policy that supports the ability of Aboriginal Canadians to become key beneficiaries or at least partners in major resource development. As it so happens, various elements have lined up to produce this exceptional opportunity for policy entrepreneurs to pursue much-needed policy innovation. The federal government has adopted an aggressive resource development agenda for Canada. But this agenda will only be successful if Aboriginal Canadians are afforded an opportunity to become meaningful participants. Moreover, the success and outcome of this grand resource development agenda hinges on both the active participation and sincere integration of Canada's Aboriginal peoples. This includes, perhaps most importantly, timely and adequate fulfillment of consultation obligations – especially at an early stage. On the other hand, Aboriginal Canadians would be well served to reconcile their environmental and cultural concerns because major resource development in Canada is *quid pro quo* as it will offer Aboriginal Canadians considerable leverage to obtain requisite employment and skills training. Alternatively, decision-makers or so-called policy entrepreneurs have an opportunity to build support for a grand natural resource development agenda in Canada by preemptively formulating policy solutions that seek to address the deficiency in employment and skills training plaguing Aboriginal Canadians.

The path to natural resource development in Canada is a critical moment for Crown – Aboriginal relations; which invariably will be defined by conflict or collaboration.

However, major resource development offers a significant window of opportunity, in which project proponents and government can unite to pursue policy innovation that could lead to better policy outcomes for Aboriginal employment and skills development, which in return may increase the viability of the Canadian resource development agenda. Ultimately, a cross-national resource development strategy could potentially appeal to all Canadians, including Aboriginal Canadians, and could indeed enable Canada to truly realize progress on a social, political, and economic level.

4. Concluding Observations

This study has applied John Kingdon's multiple streams model to examine Aboriginal and labour issues in Canada. Essentially, Kingdon noted that when multiple streams consisting of *problems*, *politics*, and *policies* converge it may lead to the opening of a *policy window*; an opportunity for *policy entrepreneurs* to push a policy proposal that addresses a particular problem higher on the policy agenda. Application of the multiple streams model reveals evidence that the resource development agenda of the federal government has presented a window of opportunity for policy entrepreneurs to pursue policy innovation leading to improved employment and skills development outcomes for Aboriginal Canadians. Specifically, this model was useful in highlighting natural resource development as a window of opportunity that could facilitate improved employment and skills training outcomes for Aboriginal peoples and lucrative business partnerships for Aboriginal communities.

The case for policy innovation concerning Aboriginal and labour issues in Canada is supported by the convergence of three main elements of Kingdon's multiple streams model: problem stream, policy stream, and political stream. This model's problem stream is reinforced by the demographic challenges of the Aboriginal population. In particular, Aboriginal Canadians are the youngest but also fastest growing cohort of the general Canadian population. The challenges are compounded by the fact that Aboriginal Canadians are grossly under-represented in professional and skilled trades employment. In fact, the rate of unemployment for Aboriginal peoples at both the national and provincial levels far exceeds that of the non-Aboriginal population. Consequently, Aboriginal Canadians desire equality with the non-Aboriginal population in order to access opportunities that enable them to improve their socio-economic state.

The policy stream crucial to Kingdon's multiple streams model is supported by the need for government intervention to contest projected domestic demographic and

labour trends, which indicate Canada will experience serious shortages of skilled workers over the next decade if the baby boomer cohort set to retire is not expeditiously replenished. Fortunately, Canada has the population, especially a significantly underutilized cohort of young Aboriginal people, to develop a talent pool in order to meet future skilled trade labour needs. In fact, young Aboriginal Canadians explicitly desire long-term careers. For too long, significant socio-economic challenges and limitations have prevented multiple generations of Aboriginal peoples from adequately participating in the Canadian economy. Therefore, government programs should be reformed to support the attempt of Aboriginal Canadians to access gainful employment opportunities. First, Aboriginal education policy should be reformed, in collaboration with Aboriginal Canadians, to better assist Aboriginal Canadians seeking to acquire transferable skills for employment in the trades. Second, policy reform to income assistance could include incentives for Aboriginal Canadians to undertake skills training, which would certainly assist those who are truly committed to improving their socio-economic status.

The concept of a political stream, as noted by Kingdon, is highlighted by the recent efforts of Prime Minister Stephan Harper and his government to mend broken relations with Aboriginal Canadians. The intentions of the Harper Government could be timely after explicitly offering support for development of domestic energy infrastructure. But, as noted, there is a serious disconnect between Aboriginal Canadians, both federal and provincial governments, and industry – especially regarding resource development. In particular, Aboriginal Canadians are dissatisfied by the efforts of both the government and industry to fulfill their constitutional and legal duty to consult Aboriginal Canadians over use of land that might adversely impact Aboriginal rights or title. However, government and industry recognize that development of energy infrastructure on a large-scale will offer Canada an opportunity to compete against other energy superpowers eyeing to service the potentially lucrative energy needs of emerging markets globally.

Overall, it appears that three of Kingdon's streams exist in Canada – a problem has been recognized, a political agenda will require congruent political will, and policy only requires minor modifications. In effect, the multiple streams model presented by John Kingdon has identified resource development as the window of opportunity for policy entrepreneurs to seek policy innovation that addresses the labour challenges of

Aboriginal Canadians. As noted earlier, a policy window can open for any number of reasons or when there is some related activity in any of the three streams. While this window for policy innovation is new it is also temporal and will not stay open very long. If a change in conditions prompted one or more streams to diverge we should realistically expect the window to disappear. For example, a further deterioration in the conditions experienced by Aboriginal Canadians could potentially force Aboriginal leaders to replace peaceful negotiations and cooperation with protest and confrontation. The recent turmoil within the Assembly of First Nations points to a growing impatience among many Aboriginal leaders. Further, this points to the relative fragility of the window. Ultimately, government must act to exploit this opportunity by collaborating with industry stakeholders and Aboriginal Canadians. As a foreseeable solution to overcome both the impasse and multitude of challenges plaguing Aboriginal peoples, both government and industry stakeholders would be well served to recognize the importance of fostering a personal relationship with Aboriginal peoples, which is built on mutual respect for one another.

The core objective of this study was to highlight the opportunities identified by the Kingdon multiple streams model to address Aboriginal challenges through employment and skills development policies. There is an opportunity for Aboriginal peoples to attempt to close this gap through participation in natural resource development. Although resource development has been a staple of the Canadian economy since its inception, due to a number of factors, it did not benefit Aboriginal Canadians effectively in the past. However, Aboriginal Canadians are certainly now in a unique position to benefit from resource development as a result of their established legal standing and the Crown's duty to consult. But, of course, there is disparity amongst Aboriginal communities concerning participation in resource development itself. In fact, poor consultation efforts in the past from government and industry have alienated some Aboriginal communities who remain ambivalent about engaging today, while others recognize a strong legal framework enables them to steer dialogue with government and industry on their own terms. For industry, the optimal path to raising consensus amongst Aboriginal Canadians and indeed all Canadians concerning resource development begins with receptive and responsive consultations. Similarly, government has an enormously sensitive task of restoring a constructive relationship with Aboriginal Canadians, which is

a critical component for the success of any potential projects. Of course, the success of natural resource development is dependent upon government, Aboriginal communities, and industry collaborating to advance shared goals.

This study has revealed a relatively straightforward choice for Canada: maintain the status quo or embrace the opportunities and potential offered by resource development. This moment is sure to test the resolve of all parties to either collaborate or collide with significant national economic interest in resource development at stake. Of course, the reward could be enormous if a new relationship emerges amongst all parties. This could lead to targeted skills training and potentially create employment opportunities for young Aboriginal Canadians; enabling them to break the generational cycle of poverty. In fact, most employers within the resource sector recognize the potential of Aboriginal workers to play an important role in helping them to address looming human resource challenges. Although significant challenges remain in terms of attracting, hiring, and retaining Aboriginal workers, the program and service delivery efforts of the federal government and the province of British Columbia serve as a great launch point for encouraging industry to employ more young Aboriginal Canadians. Finally, application of the multiple streams model in this study has revealed an invaluable lesson; the window to act on this opportunity is both temporal and fragile, so will require all parties to act soon.

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Endnotes

- ¹ James Bay hydroelectric conflict (1971): In 1971, the Quebec Government announced plans for the construction of a large-scale hydroelectric project in northern Quebec. The James Bay Cree set up a protest and blockade claiming they were never consulted and feared construction of the project would flood lands they traditionally used for hunting and trapping. In 1973, the James Bay Cree won an injunction in court that blocked construction of the project but was subsequently overturned on appeal. Eventually, the Quebec Government was forced to negotiate an agreement and offer financial compensation to those First Nations impacted by the James Bay hydroelectric project. The agreement resulted in the James Bay Cree surrendering their land claim in exchange for \$225 million along with retaining special hunting and fishing rights (see Hornig, 1999).
- ² MacKenzie Valley pipeline protests (1974): In 1974, the federal government put forward a proposal to construct a 3800 km pipeline to transport natural gas from the Arctic region to southern Alberta. However, native land claims along with heightened uncertainty from residents living in northern Canada resulted in the federal government calling a Royal Commission, chaired by Justice Thomas Berger, to study the proposal itself and the projects social and economic impact on the North. In 1977, after undertaking an extensive study and consultation process, the Commission's report concluded that an environmentally sound pipeline was feasible and could be built through the Mackenzie Valley but recommended a 10-year moratorium to further study the projects impact and settle native land claims (see Berger, 1977).
- ³ Oka Crisis (1990): In 1990, the municipality of Oka, which is located in the southwestern region of Quebec, had planned to expand a golf course and develop a residential area onto lands that had been traditionally used by Mohawk First Nations as a sacred burial ground for their ancestors. The Mohawk were never consulted or compensated for the land, and so barricaded the area and blocked access to the land. This led to a bloody standoff and battle between the Mohawk First Nations and Quebec police along with the RCMP, which resulted in one police officer being killed. Eventually, Quebec Premier Robert Bourassa requested the federal government intervene and the armed forces maintain law and order. In the end, the Mohawk warriors surrendered and negotiated an end to the blockade, which resulted in a cancellation of the project itself (see Atleo, 2010).

- ⁴ Clayoquot Sound protests (1993): Beginning in the early 90s, First Nation bands and environmentalist peacefully protested clear-cut logging in the Clayoquot Sound region, located on the west side of Vancouver Island. Environmentalists were primarily concerned with the environmental degradation of a highly sensitive ecological area and the related commercial exploitation of resources. While First Nation bands shared these concerns they also aimed to preserve the cultural significance of the region. In the summer of 1993, nearly 12,000 individuals engaged in the protest and blockade of the Clayoquot Sound, ultimately resulting in nearly 800 arrests for civil disobedience - amongst other issues. The protest led to a Memorandum of Understanding (MOU) between government, environmental organizations, forestry representatives, and First Nation bands; a First Nations wholly-owned and operated forestry company would take over forest tenures in the region and reform logging practices to increase conservation. Finally, in 2000, Clayoquot Sound received designation as a UNESCO World Biosphere Reserve (see Greenpeace Canada, 2014).
- ⁵ Ipperwash Crisis (1995): In 1995, Aboriginal protesters from the Kettle and Stony Point First Nations occupied Ipperwash Provincial Park (IPP), located on the shores of Lake Huron in Lambton County, Ontario, to protest the appropriation of their lands in 1942 by the federal government for use as a military camp. The affected First Nations repeatedly requested return of the land in question because of its cultural and ancestral significance; mainly, the area was used as a burial ground and contains gravesites. Tensions between protesters and police flared as the occupation of Ipperwash Provincial Park progressed, ultimately, resulting in a police officer shooting to death an unarmed member of the Stony Point First Nations. In 2003, the Ontario government commissioned an inquiry into the Ipperwash Crisis and surrounding events. Finally, in 2007, the Ontario government agreed to transfer Ipperwash Provincial Park to the Kettle and Stony Point First Nations (see Linden, 2007).
- ⁶ Impact and Benefit Agreement (IBA): An Impact and Benefit Agreement (IBA) is a formal contract outlining the impacts of a project, the commitment and responsibilities of all parties involved, and how the impacted Aboriginal community might share in benefits from the project through employment or economic development (see Sosa and Keenan, 2001).
- ⁷ Aboriginal Economic Development Strategic Partnerships Initiative (SPI): For detailed information about this program – see: Aboriginal Affairs and Northern Development Canada (2014).
- ⁸ Aboriginal Skills and Partnership Fund (SPF): For detailed information about this program – see: Employment and Social Development Canada (2012).
- ⁹ Aboriginal Skills and Employment Training Strategy (ASETS): For detailed information about this program – see: Employment and Social Development Canada (2014a). See *also*: Employment and Social Development Canada (2010).
- ¹⁰ Aboriginal Skills and Employment Partnership (ASEP): For detailed information about this program – see: Treasury Board of Canada Secretariat (June 2014). See *also*: Employment and Social Development Canada (2014b).

- ¹¹ Aboriginal Training for Employment Program (ATEP): For detailed information about this program – see: Ministry of Advanced Education (2012a).
- ¹² Aboriginal Service Plans (ASP): For detailed information about this program – see: Ministry of Advanced Education (2012b).
- ¹³ Frank Calder and the Nisga'a Tribal Council claimed Aboriginal title over a piece of land in northwestern British Columbia, arguing that Aboriginal title had been present prior to Confederation and had never since been extinguished, so therefore the Nisga'a Tribal Council still had title over the land. The claim was denied at trial and upheld on appeal. The SCC noted that Aboriginal title did indeed exist but Aboriginal land claims are extinguished once government exercises control over the lands (see *Calder et al., v. Attorney-General of British Columbia*, 1973).
- ¹⁴ Ronald Sparrow was charged with an offence under the *Fisheries Act* and admitted guilt to the act. However, at trial he claimed that he an existing Aboriginal right to fish so the *Fisheries Act* was inconsistent with his rights under Section 35 of the Constitution Act 1982. In this case, the Supreme Court of Canada (SCC) was required to address two primary issues: (1) How are Aboriginal rights recognized under section 35(1) of the Constitution Act 1982, and (2) What is the test for extinguishment of Aboriginal rights? The ruling was important because it recognized and affirmed existing Aboriginal rights, recognized the Crown's fiduciary duty to Aboriginal peoples regarding extinguishment of rights, and created a test for the extinguishment of Aboriginal rights (see *R. v. Sparrow*, 1990).
- ¹⁵ Dorothy Van der Peet was charged under the *Fisheries Act* for selling fish that had been acquired using an Aboriginal food fishing licence. The licence was restricted to fishing for food and ceremonial purposes and did not include commercial sales. The issue at trial was whether the restriction on commercial sales violated Van der Peet's Aboriginal rights under section 35 of the Constitution Act 1982. The SCC determined, as a test, that an Aboriginal right under section 35 must have an element of a practice, custom, or tradition integral to the distinctive culture of the Aboriginal group claiming the right, and commercial sale of fish does not meet this standard (see *R. v. Van der Peet*, 1996).
- ¹⁶ William and Donald Gladstone were members of the Heiltsuk Nation charged under the *Fisheries Act* for selling fish in a quantity beyond the amount specified by their Aboriginal fishing licence. The accused argued that they had an Aboriginal right to commercially exploit the type of fish they were selling and the regulation was a violation of their rights under section 35 of the Constitution Act 1982. At trial, the SCC applied the *Van der Peet* test and determined commercial sale of the type of fish and quantities were consistent with the historical customs of the Heiltsuk Nation. However, the SCC rejected the regulation was a violation of Aboriginal rights under section 35. The SCC determined that government regulation is legitimate but should consider Aboriginal rights when putting regulations in place (see *R. v. Gladstone*, 1997).

- ¹⁷ In 1997, Hereditary Chiefs from the Gitksan and Wet'suwet'en First Nations claimed Aboriginal title over 58,000 square kilometers of land in British Columbia, which they argued had never been extinguished. At trial, the SCC considered two matters: (1) the existence of Aboriginal title, and (2) whether provincial governments had the authority to extinguish Aboriginal title after Confederation? The court ruled that Aboriginal title did indeed exist. The case was important because it resulted in two important tests: (1) a test to establish Aboriginal title, and (2) a test for the infringement of Aboriginal title. Moreover, the SCC noted that Aboriginal title is inalienable to anyone but the Crown and on a related issue only the federal government could extinguish Aboriginal title. Furthermore, the SCC ruled that provincially created private property rights did not extinguish underlying Aboriginal title. The case was also important because the SCC recognized oral histories of Aboriginal peoples as a form of evidence in cases involving Aboriginal title (see *Delgamuukw v. British Columbia*, 1997).
- ¹⁸ In 1961, the government of British Columbia issued a Tree Farm Licence (TFL) located on Queen Charlotte Islands to a large forestry firm. The Haida Nation had claimed title to that land and the waters surrounding it but that title had not yet been legally recognized. In 1999, the government of BC authorized a transfer of the TFL to Weyerhaeuser without any consultation or consent from the Haida Nation. Subsequently, the Haida Nation asked the court to have the TFL transfer set aside. The issue at trial was how to determine if there is a duty to consult Aboriginal peoples regarding land, and what such a duty entails. The SCC concluded that only the Crown, including both federal and provincial Crowns, has a legal duty to consult Aboriginal peoples, and must do so when decisions could infringe upon Aboriginal rights, title, or lands. The case was also important because the SCC attached the Crown's degree of consultation to the strength of the claim by Aboriginal peoples (ie: strong claim – more consultation, weak claim – only notification). This case has significant implications concerning resource development, because it is the Crown (both federal and provincial) that manages the environmental review process and authorizes such projects (see *Haida Nation v. British Columbia and Weyerhaeuser*, 2004).
- ¹⁹ The Taku River Tlingit First Nation (TRTFN) objected to the plans of a local mining company to re-open a mine and construct a road through land the TRTFN had traditionally used. The Province of BC granted the project approval, which prompted the TRTFN to seek a judicial petition seeking to quash the decision because they objected to construction of a road. At issue for the SCC was to determine the limits of the Crown's duty to consult with and accommodate Aboriginal peoples when making decisions that may adversely affect as yet unproven Aboriginal rights and title claims. The SCC found that the TRTFN had a strong claim to the land in question; therefore, the Crown not only had a duty to consult the TRTFN but also accommodate where reasonable. This ruling is important because it clarified that the Crown has no duty to reach an agreement with the impacted First Nation but rather consultation should be meaningful, and accommodation itself requires that Aboriginal concerns be balanced with the potential impact of competing concerns (see *Taku River Tlingit First Nation v. British Columbia*, 2004).

²⁰ In 1983, the Province of British Columbia granted a commercial logging licence on land considered by the Tsilhqot'in Nation to be part of their traditional territory. The Tsilhqot'in Nation objected and sought a declaration prohibiting commercial logging on the land. On trial, in the Supreme Court of British Columbia, the Tsilhqot'in Nation successfully established Aboriginal title to a certain area of the land in question. The nature of Aboriginal title is that it provides exclusive rights to the title holder to decide how the land is to be used and also the right to benefit from those uses. The Supreme Court of Canada ruled that the Province of British Columbia breached its duty to consult owed to the Tsilhqot'in Nation through its land use planning and forestry authorizations. The ruling is important because it is among the most recent to recognize traditional uses of land as sufficient to lay claim to land. The case could have a huge impact on the approach taken by both Government and Industry concerning pipeline and resource development on lands traditionally claimed by First Nations without treaties – especially those in British Columbia (see *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44).