

Summative Evaluation of Consultation and Policy Development and Basic Organizational Capacity Funding

Final Report

**Evaluation, Performance Measurement and Review Branch
Audit and Evaluation Sector
Indian and Northern Affairs Canada**

**16 February 2009
CIDM: 1939910**

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Executive Summary

Introduction

The Institute On Governance is pleased to submit the following report to the Audit and Evaluation Committee of Indian and Northern Affairs Canada (INAC). The report is on a summative evaluation of two of the Department's contribution programs that had similar objectives and recipients – contributions for the purpose of consultation and policy development (C&PD) and basic organizational capacity of representative Aboriginal organizations program (BOC). The purpose of the evaluation was to assess the relevance and rationale, success and impacts, and cost effectiveness of both programs as well as the potential for synergy between the two.

The evaluation was conducted through a document and file review; interviews with INAC and other federal officials, experts and Aboriginal organizations; and case studies of three organizations, one Regional Office and one policy consultation. The evaluation covered the five year period from 2003/04 to 2007/08 and focussed more on the C&PD program given its size relative to the BOC program and the fact that it had not been evaluated since its inception. The major limitation in conducting the evaluation was the lack of consolidated performance information for both programs.

Contributions for the purpose of consultation and policy development

The objective of “Contributions for the purpose of consultation and policy development” is to provide support to Indians, Inuit and Innu so that the Department can obtain their input on all policy and program developments. Over the longer term this should result in better informed policy, improved relations, and support for INAC's policies.

The C&PD authority was extended in 2005 to March 31, 2010. Eligible recipients are Indians, Inuit and Innu individuals and related organizations. C&PD funding is provided on a project basis linked to a proposal or application. Program directors and regional directors have delegated authorities to receive and approve applications and are accountable for agreements, reporting and monitoring. Performance monitoring for the program as a whole has been defined but performance information is not being collected, assessed and reported annually.

C&PD is not the only project funding that is provided to some or all of the eligible recipients – for example, many of the recipients receive contributions to support claims and self-government negotiations. C&PD funding is also not the only authority that funds consultations and policy development – for example the Office of the Federal Interlocutor provides consultation and policy development funding to Métis and Non-Status Indian representative organizations through its contribution program authority.

The total amount of funding using the C&PD authority varies greatly from year to year depending on what consultations are held and how allocations are made. Actual expenditures range from a low of \$34.6 million to a high of \$64.4 million. There is an initial allocation to

C&PD made at the beginning of the financial year, and this amount is amended as required throughout the year through reallocations from other program authorities.

The funding is divided into two components: a “base” amount and a “variable” amount. The base amount is allocated by INAC’s Regional Offices and through the Intergovernmental Relations Directorate (IRD) and the Inuit Relations Secretariat (IRS) to support ongoing policy discussions on priority issues. This base amount is provided predominantly to regional Aboriginal representative organizations and to two National Aboriginal Organizations - the Assembly of First Nations and Inuit Tapiriit Kanatami. Many of the Regional Offices and IRD and IRS combine the base amount with BOC funding and other project funds in order to support an agreed annual work plan for the organizations.

The “variable” amount of C&PD funding is linked to subject-specific and time limited consultations. These consultations have been related to constitutional, governance, human rights, and finance issues as well as sectoral policies related to education, economic development, water, and housing. Many of the consultations have been large scale – for example, consultations on Matrimonial Real Property On Reserve had a total budget of \$10 million over several years - and may be initiated by different programs in Headquarters, primarily within Policy and Strategic Direction. The program director is responsible for providing the budget to reallocate to the C&PD authority.

Most of the C&PD funding is provided to First Nations and First Nation-related organizations. Inuit organizations receive a much lower proportion and other Aboriginal organizations an even lower proportion. Some funding has been provided to organizations representing off-reserve or non-status Indians or Métis. The Terms and Conditions of the C&PD authority include different terminology – i.e. status Indians, Indians on or off reserve, Aboriginal organizations – and there is a need to clarify the target groups and beneficiaries.

Aboriginal representative organizations have received over 75% of the total C&PD funds in the past five years. About two-thirds of the funding has gone to regional Aboriginal organizations and one-third to national Aboriginal organizations.

Contributions to basic organizational capacity

The objective of contributions to support basic organizational capacity of representative Aboriginal organizations is to build their ongoing administrative and policy development capacity so that they can become stable, informed and effective representatives of their constituents and ultimately Aboriginal perspectives are reflected in the development of government policies and programs.

Prior to 2007, core funding to status Indian representative organizations was provided by INAC and core funding to Inuit, Métis, non-status Indian, and Aboriginal women’s representative organizations was provided by Canadian Heritage. As of 2007/08, INAC is responsible for providing core support to all Aboriginal representative organizations and does so through its Regional Offices and IRD, IRS, and the Office of the Federal Interlocutor.

The BOC authority was approved in 2007 and extends to March 31, 2012. Funding is provided through contributions based on work plans, rather than through grants. Eligible recipients are Aboriginal representative organizations at the national, provincial/territorial or regional level and national Aboriginal women's organizations. Recipients must be incorporated and provide evidence that their membership is restricted to a defined or identifiable group of communities or organizations; that they are mandated by their membership to represent or advocate on their behalf; and that they are not in receipt of other core funding from any other federal department for the purpose of maintaining a basic organizational capacity to represent or advocate for the interests of their members.

IRD has been assigned responsibility for preparing program reports and carrying out program reviews. The performance measurement strategy has defined performance indicators linked to immediate, intermediate and long-term outcomes.

The total amount of BOC funding was stable at \$12.6 million annually from 2003/04 to 2006/07. In 2007/08 it increased to \$15.5 million, and in 2008/09 it increased again to \$26.8 million. We were however told by INAC officials and recipients that the increase in BOC funding to First Nation and certain Inuit organizations was offset by a decrease in the "base" amount of C&PD funding – in other words, through a reallocation of funds between the two program authorities.

About two thirds of the BOC or core funding is provided to regional organizations and one-third to national organizations. First Nations' representative organizations have received the highest proportion of BOC or core funding followed by Métis and non-Status Indian representative organizations, Inuit representative organizations, and Aboriginal women's representative organizations. Core funding to the different Aboriginal groups has been linked to historical trends rather than populations and each recipient group is managed through different divisions within INAC. We did not hear of any rationale for allocating funds across the recipient groups or between national and regional organizations.

Findings, conclusions and recommendations

1. Contributions to consultation and policy development

1.1 Rationale and Relevance

We have concluded that the objectives of the contributions for consultation and policy development remain consistent with the Government of Canada's priorities and the Department's strategic objectives. The Government of Canada is committed to a partnership approach with Aboriginal peoples, communities and organizations; and this approach underlies all of the Department's strategic objectives.

The C&PD authority has primarily benefited First Nations. There is no longer a need to separately identify the Innu as they are now covered by the *Indian Act*. There has occasionally been a need to consult with other Aboriginal groups including non-status Indians, Métis and Aboriginal women.

We recommend that the list of eligible recipients be clarified and expanded to provide for all Aboriginal groups. This would reflect INAC's current mandate that covers all Aboriginal groups as well as the historical and recent use of C&PD funding, and would provide flexibility when engaging in consultations in the future on issues that have a potential impact on all Aboriginal groups.

The adequacy of support is a difficult question to answer because C&PD has a fluctuating budget. The "base" allocation is under pressure given caps on INAC's budget. Substantial amounts have been provided for subject-specific consultations.

More critical issues that were raised were the risk of consultation overload; the inadequate time provided for consultations; and the lack of sustainability of the project funding approach given the need to build consultation and policy development capacity.

We recommend that funding for consultation and policy development be more sustainable and less ad hoc and that there be fewer subject-specific consultations underway at any one time.

1.2 Success and Impacts

Over 400 Aboriginal organizations have been provided with the opportunity to participate in consultation and policy development activities over the past five years. These are predominantly First Nations' organizations. On the other hand, three quarters of the funding is provided to Aboriginal representative organizations and 40% of the recipients have received less than 1% of the funding.

We recommend that the use of C&PD funds be focussed on fewer recipients.

The reach of the C&PD funding in terms of individuals is not known because relevant information is not gathered, not reported, or not consolidated into a performance report for the C&PD authority as a whole.

We recommend that subject specific consultations should have clear objectives about who they are intending to reach, should select the most appropriate intermediaries, and should ensure that reporting is provided on who has actually been reached, and that a gender based analysis and gender disaggregated data should be part of these considerations.

The "base" allocation of C&PD funding has supported ongoing working groups together with core funding and other project funding. According to INAC officials and recipients, this has helped to foster and maintain a good working relationship between INAC and the recipient organizations.

The "variable C&PD allocation has been used for subject-specific consultations and according to INAC officials this has improved their understanding of the issues and concerns of Aboriginal peoples and communities and improved relations at the working level.

One aspect that is not dealt explicitly in the C&PD logic model is the degree to which C&PD funding improves the relationship between recipients and their constituents. Where C&PD funding has been provided on an ongoing basis, recipients are better able to set up processes and structures for engaging their own stakeholders. Where C&PD funding is provided on an ad hoc basis, recipients sometimes have had difficulty engaging their constituents.

We recommend that more frequent reviews be conducted of the relationship between INAC and Aboriginal representative organizations and other major recipients of C&PD funding; and of the relationship between recipients and their constituents. The latter should be conducted by the recipients themselves.

At the regional level, participation in consultations is related primarily to the communication of information or taking joint decisions on the implementation of INAC's programs. At the national level, participation is related more to the development of legislation, policies and programs. INAC officials indicated that they had been influenced by the consultations that were held. Recipients on the other hand expressed a great deal of frustration with both the approach of the government to consultations and with the outcome.

We recommend that large scale consultations should be assessed more rigorously in terms of their purpose, process, people involved, context, and outcomes and that best practices and lessons learned be captured and shared within and outside of INAC.

1.3 Cost Effectiveness and Alternatives

As indicated above, more sustainable consultation and policy development capacity is needed in key partner organizations as well as a more strategic approach and more rigorous assessment of the consultation process and outcomes.

The C&PD funding authority is being managed by the program directors and Regional Offices consistent with the terms and conditions with a very few exceptions in terms of the organizations or activities funded.

We recommend that performance monitoring of C&PD be improved in order to provide a clearer picture of what consultations the Department is engaged in, the approaches that have been taken, the organizations that have been involved, the impact on policy and best practices and lessons learned.

2. Contributions for basic organizational capacity of Aboriginal representative organizations

2.1 Rationale and Relevance

The objectives of BOC are also consistent with Government of Canada's priorities and the Department's strategic objectives. Aboriginal representative organizations are key partners for INAC and involved in all of INAC's strategic areas.

INAC officials, recipients and experts were in general agreement that there was a continuing need to support the basic organizational capacity of Aboriginal representative organizations. It is too early to judge where further changes are necessary. There were differing opinions about what an appropriate amount of BOC funding would be, how closely it should be linked to INAC's priorities, whether more funding should come from other sources including members, or whether the amount should cover minimum costs for a set of core positions and operations. There were also differing opinions about the allocation of the funding among the organizations.

BOC appears to have been implemented as intended although 2008/09 is the first full year of implementation and therefore it is too early to judge. There has been an increase in BOC funding in 2007/08 and 2008/09 due to the reallocation of funds from the "base" C&PD allocation. The transfer of responsibility from Canadian Heritage to IRD, IRS and OFI has taken place, INAC is of the view that management control procedures have improved, and recipients commented favourably about INAC's and OFI's management in comparison to Canadian Heritage.

It is not clear whether performance indicators related to the Performance Measurement Strategy have been incorporated into the funding arrangements with all recipients. It is also not clear where performance information will be collected, analyzed and reported across all Aboriginal representative organizations.

We recommend that the performance monitoring of BOC be improved in order to ensure that relevant performance information is collected, analyzed and reported by INAC for all Aboriginal representative organizations.

2.2 Success and Impacts

The historical timeline of Aboriginal representative organizations indicates that they have been very stable over the past decade. The achievement of administrative and policy development capacity cannot however be attributed primarily to BOC funding because it is a very minor portion of the total revenue of most of the organizations.

BOC funding covers some board, executive, finance and administrative costs but has not generally provided for policy capacity. Core costs are covered primarily by the administrative portion of project funding. This creates instability, reduces efficiency, and impedes the sustainability of communication and consultations with constituents.

The Aboriginal representative organizations receive a mandate from their constituents and are guided to varying degrees by the inputs from members. The degree to which they are effective in representing their members is not regularly assessed however.

We recommend that Aboriginal representative organizations be encouraged and supported by INAC to regularly conduct reviews of organizational effectiveness. We also recommend that membership and governance information be made publicly available on the organizations' websites to increase their transparency to their members and to the Canadian public.

None of the organizations depends on its members for financial support and few charge membership fees. Financial support from members improves the accountability relationship between members and their organizations and allows organizations to engage in activities that the Government does not support.

We recommend that Aboriginal representative organizations be encouraged to raise revenue from their members and that INAC consider providing an incentive for increasing the revenue raised from members, for example by providing matching funds up to a ceiling.

As indicated under the discussion of C&PD funding, there is no performance information on the degree to which Aboriginal perspectives are reflected in the development of government policies and programs and a difference of opinion between INAC officials and recipients. In addition, given the amount, it would be hard to attribute any impact to BOC funding.

2.3 Cost Effectiveness and Alternatives

As indicated previously, more basic organizational capacity and long-term funding for policy development and less ad hoc project funding would enhance the efficiency and effectiveness of the organizations. This should promote the hiring of long-term policy staff, systems development, knowledge management, improved communications and support for regional affiliates. It should also promote more strategic management by INAC of the relationship with these organizations.

We recommend that more long term and sustainable funding for policy capacity and less project funding be provided to Aboriginal representative organizations. This appears to be happening to some extent in the past year with the shift of funds from C&PD to BOC by IRD, IRS and the Regional Offices.

We also recommend that INAC encourage and support the Aboriginal representative organizations to diversify their funding sources and reduce their dependency on the federal government. Alternative sources could include membership fees, provincial or territorial governments, the private sector, or non-profit organizations. Reducing financial dependency on the federal government could increase accountability to members, increase sustainability, and expand the range of issues that the organization could engage in.

3. *Synergy between C&PD and BOC*

There are similarities between the C&PD and BOC programs in terms of objectives and recipients. The programs have been managed jointly to a certain extent. An alternative would be to consolidate the two programs under one authority. The major barrier identified to consolidation is that C&PD has a larger number of recipients.

We recommend that there be one authority combining BOC and C&PD funding, with several streams to provide for different types of recipients.

Key recommendations

The conclusions and recommendations of the previous section can be summarized in three key recommendations:

1. Consolidate funding authorities for consultation and policy development into one authority through an organizational rather than program approach that:
 - has similar objectives and outcomes to C&PD and BOC,
 - has multiple streams - basic organizational capacity funding for Aboriginal representative organizations; consultation and policy development funding for a broader range of Aboriginal organizations on specific issues; and capacity building funding;
 - increases the proportion of basic organizational capacity funding in relation to project funding;
 - is based on one work plan, one report, and one organizational assessment; and
 - is linked to one performance measurement strategy and one evaluation.
2. Improve strategic coordination and management of consultation and policy development, regardless of the program authority that is used to fund it, through:
 - longer term agenda, fewer high priority issues at any one time, fewer intermediaries;
 - more rigorous planning, management and reporting of major consultations; and
 - the consolidation of outcomes, lessons learned and best practices.
3. Review and clarify allocations across the different Aboriginal recipient groups or within each recipient group.

Gender Based Analysis

Although the Evaluation's Statement of Work did not include a Gender Based Analysis, we have reported to some extent on gender-related issues and information in this Evaluation Report and provide a summary of those issues and that information in this section.

Neither the C&PD nor the BOC Treasury Board submissions included a Gender Based Analysis despite the fact that INAC's Gender Based Analysis (GBA) Policy requires that the differential impact on men and women of proposed and existing policies, programs, and legislation as well as consultations and negotiations be considered by INAC officials. The opportunity to reinforce the GBA Policy itself through the terms and conditions for C&PD or BOC was therefore lost.

The objectives and outcomes of both programs are not gender specific and gender disaggregated performance information is not required for either program. With the consolidation of funding to Aboriginal representative organizations in INAC but in different divisions, there is no longer a distinct Aboriginal women's program.

C&PD funding for Aboriginal women's organizations is low in comparison to other Aboriginal representative organizations. Most of the C&PD funding has been provided to the Native

Women's Association of Canada (NWAC), although there are a few regions (Alberta, Nova Scotia, and Quebec) that have provided C&PD funding to NWAC's affiliates.

BOC funding to Aboriginal women's organizations is also low in comparison to other Aboriginal representative organizations. Aboriginal women's organizations have historically been funded only at the national level and not at the regional level – unlike all of the other Aboriginal representative organizations.

We have made two key recommendations that specifically address gender issues:

1. that subject specific consultations should conduct a gender based analysis when setting their objectives about who should be reached and how they should be reached; and reporting on who has actually been reached should include gender disaggregated data;
2. that allocations to Aboriginal women's organizations should be reviewed in terms of the level of funding and support for their regional affiliates.

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Section I – Background

1.1 Introduction

Indian and Northern Affairs Canada (INAC) provides support to Aboriginal Representative Organizations, First Nation Band Councils and other Aboriginal organizations through two contribution programs:

1. Contributions for the purpose of consultation and policy development (C&PD)
2. Contributions to support the basic organizational capacity of representative Aboriginal organizations (BOC).

In the Treasury Board decision on creation of the BOC program (TB 833715, June 13, 2007), a summative evaluation was required to be undertaken in 2009 to cover both the BOC and the C&PD programs for efficiency purposes since the two programs have a large number of recipients in common. The Institute On Governance is therefore pleased to submit the following report on the summative evaluation of both contributions to the Department's Audit and Evaluation Committee.

1.2 Statement of Work

The objectives of the summative evaluation are:

1. To evaluate the relevance and rationale, success and impacts, and cost-effectiveness of both programs;
2. To evaluate the implementation of the BOC contribution program during its relatively short history with INAC;
3. To identify issues, gaps in data collection and performance information processes, lessons learned, and best practices and provide strategic advice; and
4. To identify conclusions and recommendations to improve both programs.

The focus of the evaluation is to assess whether the two programs allow for effective consultation with Aboriginal people for the purposes of developing policy and whether funding is achieving measurable results in a way that provides value for money.

The full Statement of Work is provided in Annex 1.

1.3 Evaluation Scope

The evaluation covers a five year period from 2003/04 to 2007/08 for both programs. Because C&PD has never been evaluated, we also looked at financial information from the previous five

year period, 1998/99 to 2002/03, drawing on the Estimates and Public Accounts. Previous evaluations of core (i.e. BOC) funding have covered the period up to 2003/04 and the findings of these evaluations will be brought into the analysis. Allocations for BOC funding in 2008/09 will also be analyzed because it is the first full fiscal year of implementation of the new authority.

The evaluation focuses more on the C&PD program given its size relative to the BOC program; the fact that it has not been evaluated since its inception; and the fact that BOC is only into its first full year of implementation. Issues of synergy, duplication or gaps across the two programs are explored since they have similar objectives and similar recipients.

The evaluation looks at the policies, logic models, terms and conditions, program profiles and program files related to the two programs. It also considers other information that provides the context within which the two programs were implemented and that may have affected the achievement of the outcomes. It assesses the relevance, effectiveness and efficiency of the programs through qualitative and quantitative data; and triangulates the information across a number of sources. INAC and recipient perspectives are taken into account as well as those of other federal departments and experts who have a knowledge and interest in the evaluation issues.

The major limitation in conducting the evaluation was the lack of consolidated performance monitoring information, particularly for C&PD funding, summarizing the organizations, activities and outputs that were funded over the past five years. This was critical given the wide range of recipients and the diversity of activities funded. We therefore had to try and construct a picture of what activities had been funded through our interviews and the picture is far from complete. Few informants had the historical and detailed knowledge required to recall what had been funded over the past five years. Most of the recipients did not know what authority had been used to fund their activities.¹ Many of the recipients received funding under several authorities for one work plan and therefore could not distinguish C&PD funding from other project and core funding.

This limitation could be addressed in future through better performance monitoring – an issue we return to in the sections on conclusions and recommendations.

1.4 Approach and Methodology

The evaluation was conducted from September 2008 to January 2009 in three phases:

- Phase 1 Preparatory phase resulting in the evaluation work plan.
- Phase 2 Data collection phase resulting in the presentation of preliminary findings and conclusions on 15 December 2008.
- Phase 3 Analysis and reporting phase resulting in the draft and final evaluation reports.

¹ Comprehensive funding agreements (CFAs) with each recipient include a table indicating what program authority is being used to fund what activity. Recipient organizations however have other ways of describing and reporting on activities and initiatives in their plans and annual reports.

Four lines of evidence were employed in the conduct of the evaluation:

1. a document and file review;
2. interviews with officials in INAC, other federal departments and experts;
3. interviews with a number of recipients;
4. case studies related to the C&PD and BOC funding.

All of the lines of evidence have been used to formulate a response to the issues and questions of the evaluation as outlined in the Evaluation Matrix (Annex 2).

Document and File Review

Relevant documents and information were gathered and reviewed including the following types of documents:

- Speech From the Throne, Budget Speeches, news releases
- Treasury Board Submissions, Departmental Reports on Plans and Priorities, Departmental Performance Reports;
- HQ and Regional Office procedures (as identified by interviewees from HQ and ROs);
- program profiles and expenditures for the five year time period from 2003/04 to 2007/08; financial information for the previous five year period from 1998/99 to 2002/03 for C&PD; and allocations for 2008/09 for BOC;
- selected application requests and reports;
- staffing levels and organizational structures within HQ and selected Regional Offices to administer the two contributions.
- INAC and Aboriginal organizations' policy documents on the legal duty to consult;
- organizational profiles, strategic plans and reports for the sample of Aboriginal organizations (obtained from organizational websites or interviewees);
- Census data and analysis and statistical research on Aboriginal groups;
- surveys of Aboriginal peoples;
- relevant reviews, evaluations and audits;
- current relevant studies or draft policies on consultation, capacity building or financial support;
- previous studies or policy documents;
- contextual information of relevance such as land claim, self-government, treaty, sectoral or other negotiations;
- history of the formation and dissolution of Aboriginal representative organizations over the past four decades.

A list of documents referenced in this report is provided in Annex 3.

Interviews with INAC, other federal officials and experts

We conducted interviews with the following federal officials:

- Officials from INAC Headquarters who are involved in the contribution programs including Policy and Strategic Direction (Intergovernmental Relations, Women and Gender Equality, Consultation and Accommodation, Strategic Policy), Office of the Federal Interlocutor, the Inuit Relations Secretariat, Governance Branch, and Lands and Trust Services;
- Officials from INAC's 10 Regional Offices;
- Additional officials from INAC (HQ and Regions) in relation to the five case studies;
- Officials from three other federal departments who provide policy and consultation support to the same recipients – Health Canada's First Nations and Inuit Health Branch (FNIHB), Aboriginal Policy Directorate in Human Resource and Social Development Canada (HRSDC); and Aboriginal Policing in Public Safety and Emergency Preparedness (PSEPC) Canada.

We also conducted interviews with five experts in Aboriginal governance, representation, policy development and capacity building in order to test out certain findings and conclusions prior to the analysis and reporting phase.

Interviews with Aboriginal Organizations

We selected a sample of 29 Aboriginal organizations to be interviewed. About half of the organizations have received both C&PD and BOC funding; and about half have received only C&PD funding.

To ensure that the sample was adequately reflective of the organizations who receive funding, a number of variables were considered. These variables included: the Aboriginal groups that are represented (First Nations, Inuit, Métis, non-Status Indians, and Aboriginal women); the amount of funding received; the regions where the organizations are located; and the size of the organization (small, medium and large).

The sample consisted of:

- All of the National Aboriginal Organizations – Assembly of First Nations (AFN), Métis National Council (MNC), Inuit Tapiriit Kanatami (ITK), Congress of Aboriginal Peoples (CAP), and Native Women's Association of Canada (NWAC);
- A random sample of provincial/territorial First Nation organizations (PTOs) and MNC and CAP affiliates spread across the regions;
- One national urban Inuit organization and two regional Inuit organizations; and
- First Nations, Tribal Councils, and other Indian-administered organizations.

We contacted the organizations by telephone and provided an introductory letter and interview template. By the end of the data collection period, we had completed interviews with a total of 20 Aboriginal organizations. These included 10 of the 14 organizations receiving BOC and C&PD funding and 10 of the 15 organizations that only received C&PD funding. As mentioned previously, many of the organizations had not heard of the C&PD authority and therefore could not identify what activities had been funded under that authority. Interviews with these

organizations were therefore of limited utility in terms of addressing questions related to success, impact and cost-effectiveness of the funding.

Case studies

We conducted five case studies across Canada. Three of the case studies were of organizations; one was of an INAC Regional Office; and one was of a specific policy consultation.

The three organizational case studies were selected from the interview sample and chosen to reflect C&PD and BOC funding allocations, Aboriginal groups and amount of funding as follows:

- A national representative organization that has received both BOC and substantial C&PD funding (over \$200,000 in the last three years);
- A regional representative organization that received BOC and moderate C&PD funding; (between \$25,000 and \$200,000 in the last three years); and
- An organization that received a small amount of C&PD funding (\$25,000 or less) and no BOC funding.

The organizational case studies looked at issues such as representation and accountability to membership; core (operating), policy development and consultation capacity; sources and application of funding from all sources; extent and quality of relationship or engagement over the past five years with INAC, other federal government departments, or other governments; lessons learned; and potential for improvement or recommendations for change.

The Ontario Region was selected as the regional case study because it is one of the three largest regions in terms of C&PD and BOC funding. A member of our team travelled to the region to conduct interviews with INAC officials and recipients and to review files. The regional case study looked at C&PD and BOC contributions and issues such as how the funding was allocated; who was eligible to receive funding; what the approval or rejection rate of applications was; what the perceptions of key stakeholders in the region are in terms of the degree to which they are consulted or engaged and the extent to which their input is taken into account in policy or program development; and what are the best practices and lessons learned.

Consultation on Matrimonial Real Property (MRP) on reserve was selected as the policy case study because it is fairly recent, completed and well documented. The policy case study was used to explore issues such as who is involved from the federal government and Aboriginal side in consultations and negotiations; what support is provided to which Aboriginal organizations to engage in the issue; what is the impact of that consultation on the policy that is finally developed; how could the consultations have been improved in terms of scope, range, support, or outcome.

We will use all of the case studies to illustrate certain points in greater detail throughout this report.

I.5 Outline of Report

This report provides an overview of the key findings, conclusions and recommendations from the evaluation. It is divided into four main sections:

- Section I Background – this section which provides the statement of work for the evaluation, its scope, the approach and methodology used, and an outline of the rest of the report.
- Section II Overview – an overview of the historical context, recent developments, previous reviews and evaluations, and terms and conditions of the two programs as well as a profile of funding and recipients and examples of activities or expenditures supported.
- Section III Evaluation Questions – the key findings and conclusions and initial recommendations related to the rationale and relevance, success and impacts, cost effectiveness and alternatives of each program as well as the synergy across the two programs.
- Section IV Key recommendations for improvements to increase the effectiveness of the two programs.

Section II – Overview

This section is divided into two sub-sections - one on the contributions to consultation and policy development and one on the contributions to basic organizational capacity. In each sub-section, we provide a brief background and context for each program, outline the terms and conditions, provide a profile of funding over the past five or ten years, and analyze the recipients and activities in a bit more detail.

II.1 Overview of Contributions to Consultation and Policy Development

Background and Context

The federal government began funding Aboriginal organizations for the purpose of consultation as early as 1964 in the lead up to the White Paper on Aboriginal Policy released in 1969. The White Paper galvanized Aboriginal organizations into action in opposition to its proposal to assimilate Indians into mainstream Canadian society and abandon the system of reserves.

In 1976, Cabinet approved consultations with Indians, Inuit and Innu² as a matter of policy (Cabinet Decision 360-76), with a focus on the development of programs and services to improve the quality of life of Aboriginal peoples. In the 1980s, funding under the C&PD authority was used to support Aboriginal participation in Constitutional discussions and biennial

² The Innu are Naskapi and Montagnais First Nations in northeastern Quebec and Labrador. In the 1970s, they did not have signed treaties or reserves. Since then, the Innu have been registered under the *Indian Act* and comprehensive land claims are being negotiated with the federal government and the provinces of Newfoundland and Labrador or Quebec. The Innu can therefore now be considered to be included in the term “Indians” or “First Nations”.

Aboriginal Conferences from 1983 to 1987 to discuss the meaning and implications of Section 35 of the *Constitution Act 1982* which recognized and affirmed Aboriginal and treaty rights.³

In the 1990s, consultation with the Canadian public in general and with Aboriginal peoples and organizations in particular received an increasingly high profile. A Consultation Directorate was created in INAC in 1993 to provide support and guidance for consultation activities. This support included training programs, the identification of best practices, the provision of advice, involvement in financial support for consultation activities, and production of a *National Consultation Framework*. Around that time, the Department was reorganized, operations were decentralized to the regions, responsibilities were increasingly transferred to First Nations and Inuit governments, and the Consultation Directorate “effectively ceased to exist.”⁴

In 1995, C&PD funding was used to support the preparation and participation of Aboriginal groups, organizations and individuals in the hearings of the Royal Commission on Aboriginal Peoples (RCAP). The government’s response to RCAP, *Gathering Strength: Canada’s Aboriginal Action Plan*, re-confirmed the rationale for supporting representative Indian organizations and involving Aboriginals as partners in the design, development and delivery of programs and services affecting their lives and communities.⁵

In 1995/96, a review of the Department’s consultation practices was initiated. The review found that there were substantial consultation activities occurring at all levels in the department for different purposes – funded through core support, C&PD funding, and through various programs. Consultation was regarded as a sound management practice as opposed to a program in its own right. Headquarters tended to see consultations as subject specific and time-limited whereas regions saw it as a continuous process based on established working relationships.

The review also found that there was no explicit departmental policy or directive guiding consultation. On the one hand, this provided flexibility for the development of different strategies in the various regions and sectors to meet diverse needs. On the other hand, it meant that there was not a consistent set of principles and no sharing of best practices across the department.⁶ Suggestions from departmental representatives at the time to increase efficiencies in using consultation funding included the following:

- provide more structure to consultations;
- reduce any resource duplication at a departmental and First Nation level;
- use specialists to facilitate consultations;
- ensure consultation priorities and objectives are clear; and
- adhere to a reasonable schedule for the discussion of specific issues.⁷

³ Annex D, *Integrated RMAF/RBAF for Contributions for the Purpose of Consultation and Policy Development*, April 18, 2007, p. 3.

⁴ DIAND Corporate Services, Departmental Audit and Evaluation Branch, *DIAND’s Consultation Practices: Departmental Overview*, June 1998, <http://dsp-psd.pwgsc.gc.ca/Collection/R3-40-1998E.pdf>, p. 9-12.

⁵ Minister of Public Works and Government Services Canada, *Gathering Strength: Canada’s Aboriginal Action Plan*, 1997, p. 11.

⁶ *Ibid*, page ii.

⁷ *Ibid*, p. 37.

In 2004, the government re-affirmed its commitment to consult with Aboriginal peoples on legislative, regulatory, policy and programming developments that affect them (Aboriginal Peoples Roundtable, April 19, 2004). Political accords were negotiated between the Crown and each of the national Aboriginal organizations – Assembly of First Nations, Inuit Tapiriit Kanatami, Métis National Council, Congress of Aboriginal Peoples and Native Women’s Association of Canada – that committed the parties to work cooperatively on policy development according to the principles of “mutual recognition, mutual respect, mutual benefit, and mutual responsibility.”⁸

The October 16, 2007 Speech From The Throne re-emphasized partnership and working with Canada’s Aboriginal peoples. In four of the five priority areas, specific reference was made to involving Aboriginal peoples and addressing their concerns.⁹ A Métis Nation Protocol was signed on September 5, 2008 to guide ongoing dialogue between the Government of Canada and the Métis Nation on priority issues.

Recent Developments

The preceding discussion relates to the more traditional concept of government consultation – i.e. an exchange of information, views and opinions with relevant stakeholders to improve the design, implementation and evaluation of legislation, policies, programs and other government initiatives and ultimately achieve better outcomes. While the decision to consult in these cases is discretionary, it is increasingly seen as a matter of good governance. The definition of consultation and the use of the C&PD program authority are almost entirely linked to this type of consultation.

INAC also has statutory or contractual obligations to consult under various statutes, comprehensive land claim and self government agreements or other contractual arrangements. The C&PD authority includes the beneficiaries of comprehensive land claims and self government agreements among its eligible class of recipients, and we found a few examples of C&PD funding to these groups. This type of consultation was not however a major focus for C&PD funding and there are other program authorities available for consultation or negotiation with certain treaty, land claim or self government groups.

Recently consultation has taken on yet another meaning for INAC and the federal government. In 2004 with the *Haida* and *Taku River* decisions¹⁰, the Supreme Court of Canada has ruled that the federal and provincial Crown have a common law duty to consult, and, where appropriate, accommodate when Crown conduct may adversely impact established or potential Aboriginal and Treaty rights. This legal duty to consult differs from the more traditional good governance type of consultation in two key respects. First, it is directed at government action that affects constitutionally protected rights as opposed to government action that affects public policy programming in areas such as social development, post secondary education, economic

⁸ Prime Minister’s Office, Fact Sheet, “Meeting of First Ministers and National Aboriginal Leaders, Kelowna, British Columbia, 24-25 November 2005,” November 2005.

⁹ *Canadian Press*, October 16th 2007

¹⁰ Earlier cases before the Supreme Court in the 1990s – for example, *Sparrow* and *Delgamuukw* – had also established the need to consult when governments proposed to affect Aboriginal or Treaty rights.

development, housing, etc. Second, the duty to consult is a legally enforceable obligation rather than a matter of discretion.

Since November 2004, INAC, Justice Canada and 14 other federal departments and agencies have been working on the issue of the legal duty to consult. On November 17, 2007, the Government of Canada announced a federal Action Plan on First Nation, Métis and Inuit consultation and accommodation.¹¹ The measures in the Action plan include the development of federal policy on consultation and accommodation. Interim consultation guidelines have been produced that include both legal and good practice guiding principles:¹²

- Legal principles – honour of the Crown, reconciliation, reasonableness, meaningful consultation, good faith and responsiveness.
- Principles from consultation practice – mutual respect, accessibility and inclusiveness, openness and transparency, efficiency, and timeliness.

There are therefore three types of consultation – good governance or discretionary consultation; a statutory or contractual obligation to consult; and the legal duty to consult. There are common principles that would apply to all three types – i.e. the principles from consultation practice – and good governance consultation can provide a foundation for successful consultations from a statutory, contractual or legal basis.

Aboriginal Views on Consultation

According to the Assembly of First Nations, the Crown has a moral duty to consult when developing federal legislation or policy.¹³ The AFN argues that where the Crown has proceeded unilaterally, “First Nations have pursued litigation, media campaigns, political advocacy, and direct action to frustrate the Crown’s intentions, sometimes quite successfully. This has cost far more money than the cost of any consultation process. The price of lost time and good will is incalculable.”¹⁴ The AFN also argues that the legal duty to reconcile the sovereignty of the Crown can only be achieved through consultation at the earliest stages of law and policy development to ensure that First Nations’ rights are not infringed.¹⁵

Furthermore, the AFN points out that the United Nations Declaration on the Rights of Indigenous Peoples calls for free, prior, and informed consent of indigenous peoples, including for the development of legislative or administrative measures which affect them and development activities on their lands. The UN Declaration is also supported by the Métis National Council, the Congress of Aboriginal Peoples, and the Native Women’s Association of

¹¹ Backgrounder - Action Plan on Consultation and Accommodation, November 1, 2007, <http://www.ainc-inac.gc.ca/ai/mr/nr/s-d2007/2-2948-bk-eng.asp>

¹² INAC, *Aboriginal Consultation and Accommodation - Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult* (February 2008) <http://www.ainc-inac.gc.ca/ai/mr/is/acp/intgui-eng.pdf>, p. 9-11.

¹³ Assembly of First Nations, *The Duty to Consult: Clarifying the facilitative nature of the role of the Assembly of First Nations*, March 2008, p. 1.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p. 2.

Canada. The Government of Canada voted against the UN Declaration, partly because of concerns that this provision for consent could imply a veto.¹⁶

First Nations have consistently taken the position that consultation between First Nations and the Crown must take place on a government to government basis and not through the AFN because the AFN is neither a national Aboriginal government nor an agent of the Crown.¹⁷ The AFN can however support and facilitate a First Nations-Crown engagement. In the AFN's experience, the following general elements are required for successful engagement:¹⁸

1. the engagement of First Nations' leadership
2. national dialogue
3. independent research and expertise
4. clear mandate for change
5. a joint principled policy process

Several First Nations have begun to develop their own consultation policies and protocols as part of comprehensive self-government agreements or as separate documents (e.g. Hul'quminuxw First Nation, Treaty 8 First Nations). The Federation of Saskatchewan Indians and the Quebec and Labrador Regional Office of the AFN have developed consultation guidelines related to all types of consultation. These guidelines encourage early interaction, respectful relationship building, recognition of inherent and treaty rights, and the engagement of First Nations in the decision-making process.¹⁹

The Métis National Council has developed *A Guide for Métis on Consultation and Accommodation* (Fall 2007) to ensure that Métis are engaged, that appropriate Métis representatives are being consulted, that the right questions are being asked, that the results are being implemented properly, and that the process is adequately funded. Many of the Métis Nation's regional affiliates are also in the process of developing Métis-specific consultation models for local, regional and provincial levels.

There is therefore considerable agreement between the federal government and Aboriginal representative organizations about the need to consult from both a good governance and a legal perspective and on the principles that would guide such consultation. There is however some disagreement about when Aboriginal rights are affected. For example, in our policy case study First Nations were of the view that law making in relation to matrimonial real property could infringe on their Aboriginal and treaty rights whereas the Department of Justice concluded that there was no legal duty to consult.²⁰ There is also disagreement between the federal government and Aboriginal organizations about the extent to which consent is required for policies and programs that affect Aboriginal people.

¹⁶ Statement By Canada's New Government Regarding The United Nations Declaration On The Rights Of Indigenous Peoples, Ottawa, September 12, 2007, <http://www.ainc-inac.gc.ca/ai/mr/nr/s-d2007/2-2936-eng.asp>

¹⁷ AFN Confederacy of Nations, Resolution 4/89 and AFN Annual General Assembly Resolution No. 22/2008.

¹⁸ AFN (2008), p. 20.

¹⁹ AFN (2008), p. 11.

²⁰ Grant-John (2007), *Report of the Ministerial Representative Matrimonial Real Property Issues on Reserves*, p.42-43.

C&PD Authority

Treasury Board authority to provide consultation funds was first approved in 1978 (TB 757362). In 2005, the C&PD authority was extended for another five years to March 31, 2010 (TB 831952, March, 2005), conditional on the Department returning with a Departmental Results Based Management Accountability Framework/Results Based Audit Framework (Departmental RMAF/RBAF).

Because the Department achieved its priorities and objectives primarily through grants, contributions and other transfer payments and operated with more than 80 separate authorities at the time, INAC and the Treasury Board Secretariat agreed that the Department would consolidate its authorities, adopt a strategic risk-based approach to audits and evaluations, and develop an umbrella RMAF and RBAF to support the remaining authorities.²¹ Authorities were consolidated down to 48 in the Departmental RMAF/RBAF, but the C&PD authority remained as a separate authority.

The objective of “Contributions for the purpose of consultation and policy development” is to provide support to Indians, Inuit and Innu so that the Department may obtain their input on all policy and program developments. The authority is part of INAC’s Operations activity and therefore supports effective program and policy development in all of the department’s strategic outcomes.²² In this respect, the authority relates to good governance or discretionary consultation.

According to the Logic Model for C&PD (Figure 1, Annex 5), C&PD funding of research, meetings and discussions by the recipients should lead to policy and position papers and advice. As a result, INAC should obtain diverse viewpoints on a wide range of issues concerning programs and services for Indians, Inuit and Innu and the understanding of all parties should be improved. Over the longer term, better informed policy, improved relations, and support for policies should result.²³ The evaluation issues are based on this logic.

The following recipients are eligible to receive C&PD support:

- Indians, Inuit and Innu individuals, on or off-reserve
- Indian Bands and Inuit Settlements
- District Councils and Chiefs’ Councils
- Indian and Inuit Associations and Organizations
- Tribal Councils
- Other Indian and Inuit Communities
- Indian and Inuit Economic Institutions, Organizations and Corporations
- Partnerships or groups of Indians and Inuit

²¹ Indian and Northern Affairs Canada, *Departmental Results-based Management and Accountability Framework (DRMAF) and Departmental Risk-Based Audit Framework (DRBAF)*, 2005, p. 3.

²² Departmental RMAF/RBAF, p. 109

²³ Note that the Logic Model in the Departmental RMAF/RBAF only refers to First Nations support for policies in the intermediate outcome, even though Inuit were also to be funded. There is therefore a need to revise the Logic Model to be consistent with the authority.

- Beneficiaries of comprehensive land claims and and/or self-government agreements with any group of Indians, Inuit or Innu
- Indian Education Authorities
- Indian Child Welfare Agencies
- Cultural Education Centres
- Indian and Inuit Co-operatives
- Boards and Commissions.

The maximum amount payable to any one recipient per year for any one project is \$5 million. C&PD funding is provided on a project basis linked to a proposal or application. Program directors and regional directors have delegated authorities to receive applications for funding and approve them in accordance with the Terms and Conditions. These directors are accountable for negotiating agreements, defining deliverables, and establishing project reporting requirements as well as for ongoing monitoring of agreements and identifying and resolving any potential issues that may arise. Recipients are accountable to INAC for carrying out the agreed activities, reporting, maintaining appropriate financial systems and administrative records, and cooperating in evaluation or audit activities.

C&PD funding is not the only project funding that is provided to some or all of the eligible recipients – for example, many of the recipients also receive contributions to support the negotiation process for comprehensive, specific and special claims and self-government initiatives. C&PD funding is also not the only authority that funds consultations and policy development – for example, the Office of Residential Schools and the Office of the Federal Interlocutor provide consultation and policy development funding to their target groups.

According to the Performance Measurement Plan in the Departmental RMAF/RBAF, the following performance indicators are to be collected and assessed annually:²⁴

- Number of organizations, individuals or other eligible entities being funded;
- The annual amount of subject specific consultation funding by region and topic;
- The number and scope of legislative and policy initiatives being consulted upon;
- The number of reports, studies, briefings, advice and guidance provided to the Department by status Indians, Innu and Inuit and other stakeholders;
- Analysis of compliance with funding agreements; and
- The general level of satisfaction of Indians, Inuit and Innu and other stakeholders with the government's commitment to, and support of, the consultation and policy development process.

Data sources include the financial system, administrative records and files, annual program reports, information from the recipients, and periodic surveys to determine the level of satisfaction. Only significant consultation and policy development activities at the initiative or program level are to be reported in the Report on Plans and Priorities and the Departmental Performance Report.

²⁴ Departmental RMAF/RBAF, p. 112.

In terms of monitoring and reporting, our investigations revealed that:

- recipients are reporting to INAC on activities and expenditures in accordance with contribution agreements although they may not be aware of the funding authority that has been used to support those activities;
- program directors are reporting to senior management and sometimes the Minister, Parliament or the Canadian public on individual subject-specific consultations in various ways according to the nature, scope and purpose of the consultations;
- Regional Offices are reporting on all funding to Provincial/Territorial Organizations (PTOs) in terms of the *Interim Policy on Funding to Representative Status Indian and Inuit*²⁵ PTOs from 2005/06, and a consolidated report has been produced by IRD for 2005/06 and 2006/07, but the reports do not provide details of C&PD funding to all recipients or detail the types of consultations that have been funded;
- reports on the number, dollar amount and recipients of funding is available from INAC's financial system; and
- RPPs and DPRs have noted a few significant consultation initiatives over the past five years – for example, the RPP for 2008/09 refers to consultations on the duty to consult and accommodate.²⁶

On the other hand, we found that:

- performance indicators are not being collected and assessed annually;
- there is no annual performance report summarizing all of the activities that have been funded under the C&PD authority;
- no performance reporting expectations related to C&PD have been conveyed to program directors and Regional Offices; and
- no surveys have been conducted of the satisfaction of recipients and other stakeholders with the consultation and policy development process.

There is therefore a need for greater clarity about what information should be collected, reported and monitored for the program as a whole.

The TBS Submission did not include a Gender Based Analysis. INAC's Gender-Based Analysis Policy requires that all sectors and units the Department consider the differential impact on men and women during policy and program development and in consultations and negotiations.²⁷ In our view, the authority that provides funding for consultation and policy development should reference this GBA Policy. Performance monitoring of the issues and organizations funded should include a gender-based analysis. Data on participants and surveys of stakeholders should also be gender disaggregated.

²⁵ There are no currently no Inuit PTOs. The definition of PTOs excludes organizations which are established primarily to negotiate or implement comprehensive claims or implement self-government agreements.

²⁶ INAC RPP 2008/09, p. 16.

²⁷ INAC (2008), *Evaluation of the Implementation of INAC's Gender-Based Analysis Policy*, p. 4.

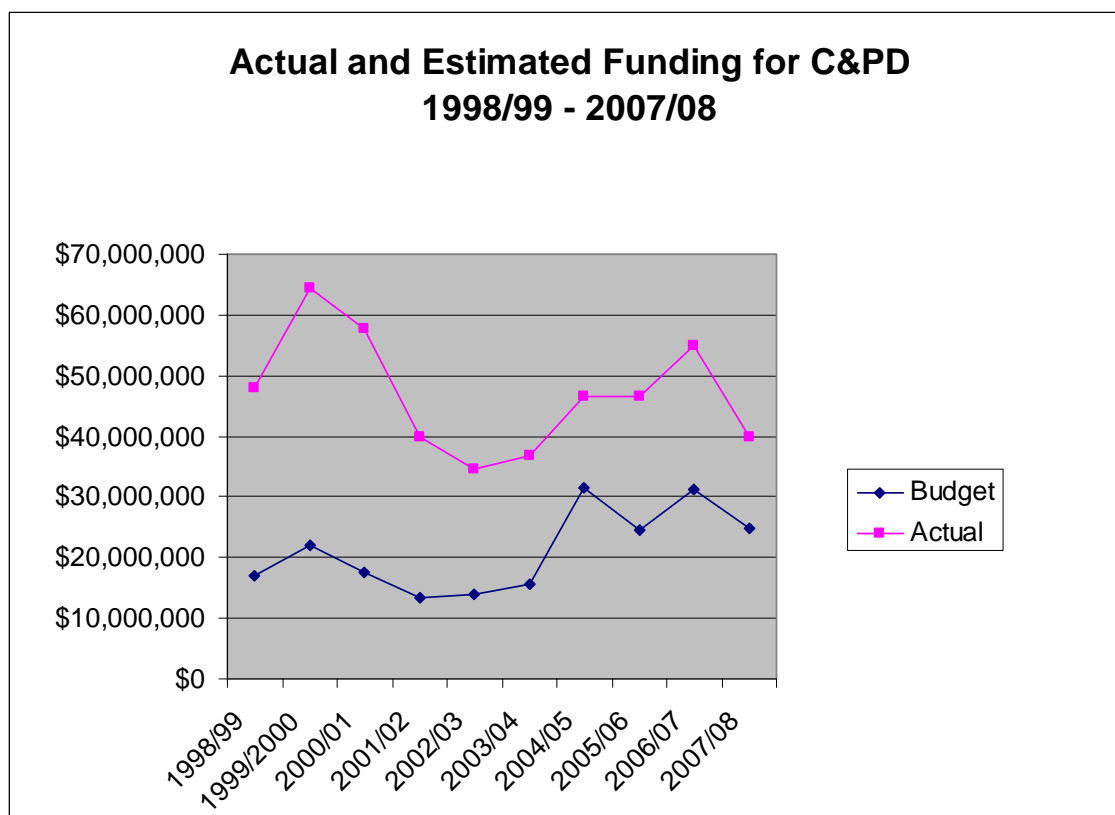
Profile of Funding

The costs of consultation and policy development approved in the Treasury Board submission for 2005/06 to 2009/10 are as follows:

Vote 10 – Grants and contributions	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010 and ongoing
Contributions for the purpose of consultation and policy development	\$30,604,000	\$29,847,000	\$24,470,000	\$24,470,000	\$24,470,000

Source: TB 831952, 6 April 2005, p. 3.

The profile of funding over the past ten years in the Estimates and the Public Accounts is presented in the following chart with further details provided in Table 1, Annex 5.



Source: Estimates for the Government of Canada <http://www.tbs-sct.gc.ca/est-pre/estime.asp>;
Public Accounts of Canada http://epe.lac-bac.gc.ca/100/201/301/public_accounts_can/index.html

Actual expenditure has varied from a low of \$34.6 million in 2002/03 to a high of \$64.4 million in 1999/2000. The variance in total funding is primarily due to the number and size of subject-specific consultations that are funded in any year. This also explains the variance between the

amount budgeted in the Estimates (which is provided in the September of the preceding year) and the amount reported in the Public Accounts (which are produced at the end of the year). Resource adjustments or reallocations may be made throughout the year to the Annual Reference Level Update (ARLU) to reflect senior management decisions on departmental priorities, including to the reference level for C&PD funding.

C&PD funding has been provided through various divisions in Headquarters and through INAC's 13 Regional Offices. Most of the Headquarters funding is through the Policy and Strategic Directorate. The Regional Offices receive an initial allocation for C&PD in their ARLU at the beginning of the year which is adjusted when subject-specific consultations are initiated by Headquarters that involve organizations in their region. Manitoba, Ontario and BC have had the largest share of the funding over the past five years, and the three territories the lowest share.

C&PD Funding By Headquarters and Regional Offices 2003/04 to 2007/08

Region/Headquarters	Total 2003/04 to 2007/08	% Total
Manitoba	\$44,656,402.30	19.33%
Ontario	\$27,614,967.00	11.95%
BC	\$26,820,247.00	11.61%
Saskatchewan	\$16,540,352.81	7.16%
Atlantic	\$11,358,290.04	4.92%
Alberta	\$10,247,267.00	4.43%
Quebec	\$5,057,085.00	2.19%
NWT	\$3,771,067.54	1.63%
Yukon	\$3,287,379.00	1.42%
Nunavut	\$1,044,142.66	0.45%
<i>Sub Total Regions</i>	<i>\$150,397,200.35</i>	<i>65.09%</i>
HQ Policy & Strategic	\$61,875,959.00	26.78%
HQ Lands & Trust	\$13,296,844.71	5.75%
HQ Inuit Relations Sect	\$3,871,129.00	1.68%
HQ Northern Affairs	\$797,306.43	0.35%
HQ OFI	\$304,606.00	0.13%
HQ Treaties/Abor Gov	\$268,603.00	0.12%
HQ SEPRO	\$175,000.00	0.08%
HQ Corporate Serv.	\$82,570.00	0.04%
<i>Sub Total HQ</i>	<i>\$80,672,018.14</i>	<i>34.91%</i>
Grand Total	\$231,069,218.49	100.00%

Source: FNITP 2003/04 to 2007/08.

Recipients

By Recipient Group

C&PD funding was provided to a total of 261 recipients in 2007/08. The number of organizations and amount of funding across the different recipient groups (First Nations²⁸, Inuit, Métis, Aboriginal Women, and Other Aboriginal Organizations) is provided in the following table:

**C&PD Funding By Recipient Groups
2007/08**

Recipient Groups	2007/08 \$	No. of Orgs	% Total
Indian Bands	2,182,469.00	59	5.48%
Tribal Councils, Sectoral Councils	3,603,808.35	26	9.05%
AFN and PTOs	26,388,983.41	22	66.30%
Other FN Related Organizations	2,835,598.00	13	7.12%
TOTAL FIRST NATIONS	35,010,858.76	120	87.97%
TOTAL INUIT	3,142,929.00	10	7.90%
TOTAL MÉTIS	30,000.00	1	0.08%
TOTAL OTHER ABORIGINAL	1,077,393.00	6	2.71%
TOTAL ABORIGINAL WOMEN	539,522.00	4	1.36%
GRAND TOTAL	39,800,702.76	261	100.00%

Source: FNITP, 2007/08.

Most of the funding (88%) is provided to First Nations and First Nation-related organizations. About two-thirds went to the Assembly of First Nations and the 21 Provincial/Territorial organizations. Some Indian bands have been funded but the total number is small in comparison to the total number of First Nations (59 versus 615) and the amounts tend to be very small.

Inuit organizations are the next largest recipient group, having received close to 8% of the total C&PD funding in 2007/08. The amount misrepresents the trends over the past five years, however, because \$2,501,000 in core funding for Inuit representative organizations in 2007/08 was provided under the C&PD funding authority. If that amount is deducted from the total, the proportion going to First Nations organizations would increase to close to 94% and the proportion to Inuit organizations would decrease to less than 2% of the total (refer to Table 2, Annex 5).

The focus on First Nations and Inuit is consistent with the list of eligible recipients under the C&PD authority. Some funding has also been provided to organizations representing off-reserve or non-status Indians (i.e. the Congress of Aboriginal Peoples and its affiliates). There is some

²⁸ For the purpose of the discussion, First Nations is defined as Bands, Tribal Councils, Sectoral Councils related to regional groupings of Bands, and other organizations that provide services to Bands or on reserves. Other Aboriginal organizations are defined as organizations that provide services off reserve or to non-Status Indians, or to Aboriginal professionals (working on or off reserve) or to Métis who are not members of MNC's affiliates.

confusion in the terminology used in the Terms and Conditions about the target groups and beneficiaries - sometimes Status Indians are specified, sometimes Indians on or off reserve, and sometimes Aboriginal organizations more generally.

Although there is no specific reference to Métis people or organizations, a little funding has been provided to them over the past five years. This has included the Métis National Council (MNC), the NWT Métis, and the Labrador Métis. The Office of the Federal Interlocutor’s contribution program includes funding for the MNC and its regional affiliates (which do not include NWT Métis or Labrador Métis) for ongoing consultations and policy development on a bilateral or tripartite basis according to an agreed work plan. Additional funds would be needed for subject specific consultations outside of that agreed work plan. For example, the \$30,000 in 2007/08 was provided for Métis women participation in the National Aboriginal Women’s Summit.

There were also a very few instances where the C&PD authority has been used to fund other organizations that do not fit the eligibility criteria – other governments (provincial, territorial, or municipal), universities, or non-governmental organizations. Of a total of 255 distinct recipients from 2005/06 to 2007/08, only 6 were organizations that did not fit the criteria. We have no information about what activities were funded with these organizations.

There is therefore a need to clarify the targeted groups and to ensure that funding is limited to those groups. In our view, the targeted groups and organizations should be defined broadly as Aboriginal and not restricted to Indians, Inuit and Innu. This would reflect INAC’s current mandate that covers all Aboriginal groups and organizations and provide the most flexibility. It would also reflect the historical use of C&PD funding for the participation of Aboriginal organizations in key developments (see previous section on Background and Context); the use of the C&PD authority over the past five years to fund consultations with non-status Indian, off-reserve, Métis and Aboriginal women’s organizations on issues that affect all Aboriginal groups (see subsequent section on Examples of Headquarters funding), and the limitations on funding for consultations under other program authorities.

By BOC Recipients

Three quarters of C&PD funding over the past five years has been provided to organizations that also receive BOC funding (refer to list in Annex 6).

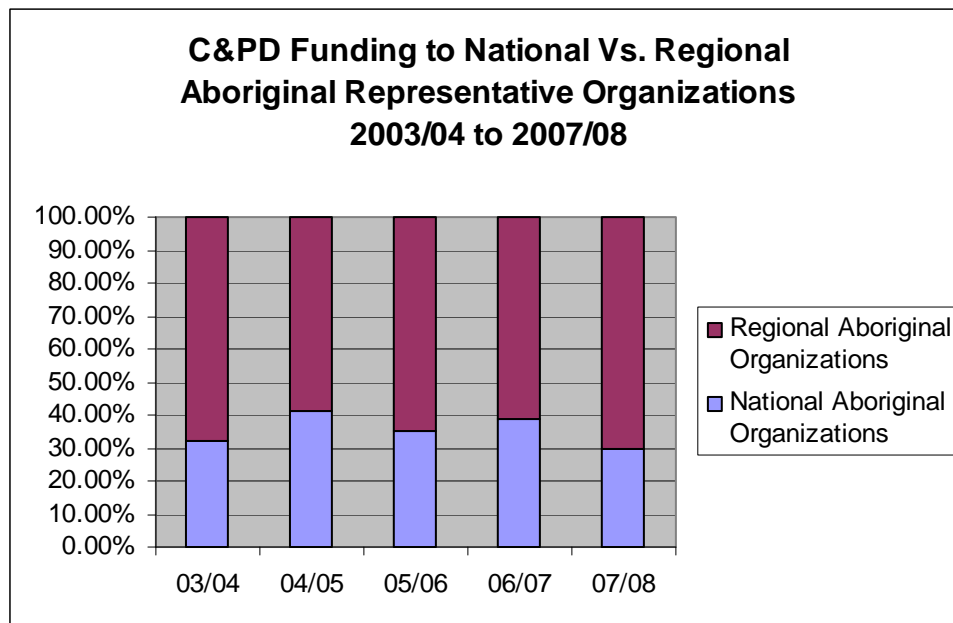
**C&PD Funding to BOC Recipients
2003/04 to 2007/08**

Recipient	Total	% Total
<i>AFN and PTOs</i>	\$155,230,057.90	67.18%
<i>ITK and Regional and Other Inuit Organizations</i>	\$11,266,774.66	4.88%
<i>MNC and Affiliates</i>	\$305,000.00	0.13%
<i>CAP and Affiliates</i>	\$4,228,864.00	1.83%
<i>Aboriginal Women's Organizations</i>	\$4,349,217.00	1.88%
TOTAL BOC RECIPIENTS	\$175,379,913.56	75.90%
OTHER RECIPIENTS	\$55,689,304.93	24.10%
GRAND TOTAL C&PD FUNDING	\$231,069,218.49	100.00%

Source: FNITP 2003/04 to 2007/08

The breakdown of funding between BOC and other recipients varies across the different regions and different divisions within INAC Headquarters (Table 3, Annex 5). Policy and Strategic Direction, Inuit Relations Secretariat and the Regional Offices in Alberta, Saskatchewan and Manitoba have provided over 90% of their C&PD funding to BOC recipients.

Sixty to seventy per cent of the funding has gone to regional Aboriginal organizations over the past five years and 30-40% to national Aboriginal organizations (Table 4, Annex 5).



In order to understand C&PD funding better, we will now look at some concrete examples of activities that have been funded.

Examples of Activities

Headquarters

Consultations and policy development activities funded through INAC Headquarters have been linked to the following legislation, policy, programs or initiatives over the past ten years or more. This list has been compiled on the basis of the document review and our interviews and is not a comprehensive list:

- *Constitution Act, 1982*
- Royal Commission on Aboriginal People (1995)
- Gathering Strength/Inherent Right (1998)
- FN Governance Act, *Bill C-7* (2002/03)
- National Centre for First Nation Governance (2003-2005)
- Aboriginal Peoples Roundtable (2004-2005)
- Plan of Action on FN Drinking Water

- Matrimonial Real Property on reserve (2005-2008)
- Repeal of Section 67 of the *Canadian Human Rights Act*
- Legislation, policies and transitional funding for First Nation Tax Commission, First Nation Finance Authority, First Nation Statistical Institute (2005-2008)
- Mould in Housing Strategy
- Legislation on specific claims (2007)
- Indian Taxation Advisory Board preliminary work (2007)
- National Aboriginal Women's Summit (2008)
- Leadership Selection Reform (2007-2008)
- Indian Land Registry System (2008)
- Consultation and accommodation (2008)
- Education policies and programs – national FN educational policy framework, FN educational jurisdiction, special education network, joint working group on funding and allocation of education funds, research on the status of FN curriculum development
- Aboriginal economic development framework (2008)
- Overall approach to Inuit education
- Engagement of Inuit on Olympic policy and economic development
- Urban Inuit

According to our interviews with INAC Headquarters officials, to a large extent C&PD funding is provided for consultations that INAC has identified as a priority and set aside funds for. Headquarters may be responsive to unsolicited requests from Aboriginal organizations to some extent, particularly from First Nation or Inuit representative organizations that also receive BOC funding and provided that the request fits within INAC's priorities. There are some moves to jointly identify priorities, e.g. joint INAC-AFN working committees, and C&PD funding is used to support participation on these committees.

Most of the Headquarters initiatives are large scale consultations. For example, consultations on Matrimonial Real Property (MRP) On Reserve had a budget of \$6.4 million in 2006/07 alone, and a total budget of about \$10 million over several years.

The budget for the MRP consultations was approved in a Memorandum to Cabinet and a Treasury Board submission that identified that the C&PD funding authority would be used. \$2.7 million was provided to both the AFN and NWAC to hold consultations across the country and the funds were transferred through the Intergovernmental Relations Directorate. \$1 million was allocated through a call for proposals issued to other national or regional Aboriginal organizations not represented by NWAC or AFN. Amendments were made by HQ or Regional Offices to their comprehensive funding arrangements with the recipient organizations to include the funding for MRP consultations.

Regional Offices

INAC's Regional Offices receive an initial allocation for C&PD funding in their ARLU and plan and manage the use of these funds. In many Regional Offices, the initial allocation had not increased in the five years from 2003/04 to 2007/08. In addition, Regional Office budget increases have been capped at 2% per year for more than the past five years and allocations for education and social assistance have had to be increased. Regional officials therefore expressed a

concern to us that they might have to reallocate the C&PD funding for other purposes in the not-too-distant future.

The different regional approaches to the allocation of the C&PD funds is outlined below, based on our interviews with regional officials and the financial tables provided. To varying degrees, Regional Offices use C&PD funds together with other funds to provide organizational support to PTOs and, to a more limited extent other organizations, based on work plans. The variation seems to depend on the situation in the region in terms of: the number of First Nations; the number of PTOs and independent First Nations not affiliated with a PTO; the total amount of funding available; and other factors.

- BC Regional Office
(27.35% to BOC Recipients)

The BC Region has 198 First Nations, many of which are quite small and a large number of which have no affiliation to a Tribal Council or a PTO. The Regional Office uses C&PD funding together with BOC funding to support the region's three advocacy organizations – the First Nations Summit, the Union of BC Indians, and the BC Assembly of First Nations. It also uses C&PD funding together with Professional and Institutional Development (P&ID) funding to support the region's organizations in the social, education, emergency services and financial management sectors. Other funding goes to individual First Nations and Tribal Councils.

- Alberta Regional Office
(95.01% to BOC Recipients)

The Alberta Region's 44 First Nations are all members of the three Treaty Organizations - Confederacy of Treaty 6 First Nations, Treaty 7 Tribal Council, and Treaty 8 First Nations of Alberta. The Regional Office channels C&PD funding to the three treaty organizations as mandated by the chiefs of the First Nations. Treaty women's organizations have also been funded.

- Saskatchewan Regional Office
(92.08% to BOC Recipients)

All 70 First Nations in Saskatchewan, except one, are members of the Federation of Saskatchewan Indians (FSIN). The Saskatchewan Regional Office has allocated most of the C&PD funding over the past five years to FSIN. Up to 2007/08, a small amount of C&PD funding was also allocated to the Tribal Councils in the region, but as of 2008/09 all of the C&PD funding goes to FSIN. The C&PD funding to FSIN is combined with core funding and other project funding to support the annual work plans of FSIN's various Commissions. Occasionally, but very rarely, an unsolicited proposal is also funded.

- Manitoba Regional Office
(91.56% to BOC Recipients)

The Regional Office provides most of the C&PD funding to the three PTOs in combination with core funding and other capacity building funding. The Assembly of Manitoba Chiefs represents 62 of the 63 First Nations in the province; Manitoba Keewatinook Ininew Okimowin represents 27 northern First Nations and Southern Chiefs Organization represents 33 southern First Nations. In the past couple of years, C&PD funding has also been provided to the Treaty Land Entitlement Committee Inc. that represents 20 First Nations negotiating additional reserve lands. Occasionally individual Indian bands or Tribal Councils are funded on a targeted basis, usually for program specific projects

- Ontario Regional Office
(76.95% to BOC Recipients)

Ontario's 134 First Nations are organized into four regional groups and one provincial organization of chiefs that represents the four groups plus independent First Nations. The Regional Office provides funding to the five PTOs in combination with core funding and other project funding and based on annual work plans. In addition, C&PD funding is provided to First Nations, Tribal Councils or other First Nation organizations on the basis of proposals that are received and the reallocation of funds from other authorities.

In the Ontario region, all funding for PTOs is recommended by a regional PTO steering committee and approved by the Regional Director General. Decisions are based on proposals and work plans submitted from the organizations and prepared in consultation with the PTO coordinators who have a direct and ongoing relationship with the PTOs. Requirements for the work plan are specified in the *Interim Funding Policy for PTOs* and the process emphasizes priority setting. Other C&PD funding outside of the PTO envelope is approved by a regional operations committee that reviews proposals against the terms and conditions of the authority and the availability of resources.

- Quebec Regional Office
(51.54% to BOC Recipients)

Quebec's 39 First Nations are members of the Assembly of First Nations of Quebec and Labrador (AFNQL) with the exception of the Cree First Nations covered by the James Bay and Northern Quebec Agreement. The Inuit communities of Nunavik are represented by the Makivik Corporation. The Quebec Regional Office provides about half of its C&PD funding to AFNQL and other funds to Makivik Corporation, Tribal Councils, Indian bands and other Indian administered organizations as well as Femmes Autochtones du Quebec, primarily in relation to calls for proposals.

- Atlantic Regional Office
(68.14% to BOC Recipients)

The region covers four provinces with 4 PTOs including one for the Atlantic region as a whole. Much of the regional consultation and policy development is done through the Atlantic Policy Congress (APC) and the APC has received about one quarter of the C&PD funds over the past five years. Other significant recipients are: the Mi'kmaq Confederacy of PEI - officially recognized as a PTO in 2004 but has only received C&PD funding and not BOC funding up until 2008/09; the Federation of Newfoundland Indians, a CAP affiliate representing 10,000 off-reserve Indians - supported in negotiations with INAC to establish a landless band; the Labrador Inuit Association - supported in self-government negotiations leading to the creation of the Nunatsiavut Government. The Nova Scotia Native Women's Association has also been supported.

- Yukon Regional Office
(38.86% to BOC Recipients)

There are 18 First Nations in the Yukon, 14 of which are members of the Council of Yukon First Nations. Nine First Nations of the Council as well as 2 other First Nations have self-governing agreements. In the past three years, more than half the C&PD funding has been provided to the Council of Yukon First Nations. The Regional Office allocates the remaining C&PD funding to non-self governing First Nations based on travel requirements to come to Whitehorse four times a year to meet with INAC.

- NWT Regional Office
(16.69% to BOC Recipients)

The Regional Office provides C&PD funding to the two regional organizations – Dene Nation representing all 26 First Nations, and Inuvialuit Regional Corporation representing the Inuit communities in NWT. A small amount of C&PD funding is also provided to most First Nations Tribal Councils in the territory and used for travel or meetings. The North West Territory Métis Nation has received substantial C&PD funding in the past.

- Nunavut Regional Office
(91.38% to BOC Recipients)

In the past three years, all of the C&PD funding has been provided to Nunavut Tunngavik Inc. (NTI), the Inuit organization responsible for implementing the Nunavut comprehensive lands claim agreement. The funding is used by NTI to support a number of organizations with governance, capacity building and policy development. There are no First Nations in Nunavut.

During the course of our investigations we found a few examples of activities that had been funded by Headquarters or the Regional Offices which did not seem to be related to consultation or policy development. For example, there were a few professional and institutional development

activities that were funded and for which there is a separate authority. There were also a couple of activities that are totally outside of INAC's mandate – for example, the funding of a cultural exchange and a sporting exchange. There were not a lot of these types of activities, however, and they did not represent a significant portion of the C&PD funding. Improved planning, monitoring and reporting would circumvent most of these cases.

C&PD funds were also used as “bridge financing” for Inuit organizations in 2007/08 because the BOC funding authority was not approved until June 2007. The two authorities have very similar objectives and logic models, so C&PD would have been the next best authority to use. In fact, as the following section will show, BOC and C&PD funds are “blended” for NAOs and Regional Aboriginal Organizations to a large extent so that the distinction between the two authorities is blurred.

II.2 Overview of BOC Contribution

Historical Context

Core funding to Aboriginal representative organizations has been provided since 1964 and was formally approved by Cabinet in 1971. The Department for the Secretary of State was responsible for the program from 1970 until 1991 when it was split and INAC assumed responsibility for grant funding to status Indian organizations and the Secretary of State retained responsibility for Aboriginal Representative Organizations Program (AROP) funding to non-status and off-reserve Indian, Métis, and Inuit organizations until it was transferred to the Department of Canadian Heritage in 1993. In 2005, INAC's authority for grants to representative status Indian organizations was renewed (TB 831952, 6 April 2005) and Canadian Heritage's AROP authority was also renewed (TB 832390, 3 October 2005).

Native Women's project funding was first provided by the Secretary of State in 1972 and in 1976 the Native Women's Program (NWP) was established with funding to the Native Women's Association of Canada (NWAC) and Indian Rights for Women (up to 1981/82). The Program was renamed the Aboriginal Women's Program (AWP) in 1984 and support was extended to Pauktuutit Inuit Women of Canada. According to the AWP Evaluation (1987), core funding to Aboriginal women's organizations at the provincial and territorial level was considered in 1986 but not instituted due to fiscal restraint. Between 1990 and 1991, start-up funding was provided to the Métis National Council of Women which then became the third organization to receive AWP operational support. AWP was transferred to Canadian Heritage in 1993 together with AROP.

Effective April 1, 2007, the Prime Minister approved the transfer of responsibility for AROP and AWP from Canadian Heritage to INAC in order to consolidate responsibility for all funding to Aboriginal representative organizations. INAC had assumed responsibility from the Privy Council Office for the Office of the Federal Interlocutor (OFI) for Métis and Non-Status Indians in 2004 and therefore all Aboriginal groups were supported by the Department. Treasury Board approved a new funding authority - called contributions to support the basic organizational capacity of representative Aboriginal organizations (BOC) - on 13 June 2007. Given the timing of the approval, various means were used to provide initial core funding to some of the

organizations – NWAC was funded for the first quarter by Canadian Heritage and Inuit organizations were funded by INAC under the C&PD authority for 2007/08.

BOC funding to AFN and NWAC is managed by the Intergovernmental Relations Directorate at Headquarters; BOC funding to First Nation PTOs is managed by INAC's Regional Offices; BOC funding to Inuit representative organizations is managed by the Inuit Relations Secretariat; and BOC funding to Métis and non-Status Indian representative organizations is managed by OFI. (If a Métis women's organization was to be approved for BOC funding, it would be managed by OFI as well.)

Previous Evaluations and Reviews

No evaluation of INAC's grant funding to status Indian representative organizations has been conducted due to its relatively low materiality as well as a very low risk profile. Reviews of core and project funding to First Nation Provincial/Territorial Organizations (PTOs) and to all six National Aboriginal Organizations (NAOs) were however conducted by INAC from 2001 to 2005. The objective of the reviews was to ensure alignment to departmental priorities; to improve reporting on results; and to increase the transparency, stability and predictability in the funding process for PTOs and NAOs.

The reviews found that the activities of PTOs and NAOs were providing value to their members and to INAC but the value could be increased by addressing four key issues:

1. No substantial increase in core funding since 1992 despite cost increases, the increased role and complexity of the organizations, and a more active relationship with INAC and Canada;
2. Challenges related to planning over the longer term, recruiting and retaining staff, and sustaining multi-year initiatives due to the annual basis of both core and project funding, and the very small proportion of total revenue from core funding (estimated at 6% of total revenue for PTOs);
3. Ensuring that PTOs and NAOs were clearly mandated by their members; and
4. Managing the dual accountability relationship effectively – from PTOs and NAOs to INAC as a funding agency, but more importantly, from PTOs and NAOs to their members.

To address some of these issues in a preliminary way, the *Interim Policy on Funding to Representative Status Indian and Inuit Provincial/Territorial Organizations (Interim Policy)* was adopted in February 2003. It provided a basis for:

- allocating funding between INAC regions and among PTOs within a region, taking into account population and the number of First Nations represented by a PTO;
- centralizing the funding relationship with PTOs in the INAC Regional Office; and
- providing project funding based on annual comprehensive work plans. As indicated in the previous discussion of C&PD funding through the Regional Offices, Regional Offices have been implementing this procedure.

The reviews further suggested that a single authority be adopted for providing funding to PTOs and NAOs with robust eligibility criteria including links to mandating and accountability tests; sufficient core funding; the amalgamation of core and project funding under the same authority so that funds could be moved between elements as the priorities of the organizations and INAC change from time to time; and multi year funding arrangements based on multi-year work plans.²⁹

Canadian Heritage evaluated its two programs – AROP and AWP – prior to renewal of the two authorities in 2005. The AROP evaluation found that the rationale of the program was still relevant but the Aboriginal representative organizations had become multi-faceted sophisticated organizations increasingly delivering services directly to their constituents so that the core funding was only a small portion of their total revenues. The evaluation had difficulty assessing the success of AROP given the lack of performance indicators and no performance monitoring system, and difficulty attributing any successes to the core funding given the limited amount. It recommended that Canadian Heritage and INAC consider the transfer of the program to INAC; that the rationale and objectives of the program be revisited; and that a performance monitoring framework be implemented.³⁰

The evaluation of the core and project funding of the AWP found that the program continued to be relevant although no expected outcomes had been defined; that the Program had contributed to the maintenance of national Aboriginal women’s organizations but the extent to which these organizations were effectively representative was an issue; that the impact of project funding at the community level was similarly difficult to assess; and that radical improvements to the design of the program were needed or it should be partially relocated to other federal departments. It recommended that the two components of the program (i.e. project funding at the community level and program funding to national organizations) be separated; that the Program’s theory, expected outcomes, performance indicators and management frameworks be redefined or that it be transferred to INAC or Status of Women Canada; and that proper tools, resources and relevant training be provided to officials responsible for managing and delivering the program.³¹

The Institute On Governance conducted an evaluation of the Office of the Federal Interlocutor’s Contribution Program and *Powley* Initiative in 2007. While the evaluation excluded core funding and funding to the Aboriginal Women’s Program which had just been transferred to OFI from Canadian Heritage, some of the observations of the evaluation are relevant to this evaluation. In particular, the OFI evaluation found that core funding was insufficient and that the stability and predictability of funding was an issue that affected the Aboriginal organizations’ ability to plan and manage their activities. The evaluation recommended funding be consolidated to fewer organizations and that new, more flexible and multi year funding arrangements be developed for those organizations that had adequate governance and financial management capacity.³²

²⁹ INAC, *Reviews of Funding to Provincial/Territorial Organizations (PTOs) and National Aboriginal Organizations (NAOs) Final Report*, January 2005, p. vii.

³⁰ Canadian Heritage, *Evaluation of the Aboriginal Representative Organizations Program*, May 18, 2005, p. ii – v.

³¹ Canadian Heritage, *Aboriginal Women’s Program: Evaluation findings and recommendations*, February 24, 2005, p. 1-3.

³² INAC, *Evaluation of the Federal Interlocutor’s Contribution Program and Powley: Management of Métis Aboriginal Rights Final Report*, February 25, 2008, p. 30-31.

Aboriginal Representative Organizations

A timeline of the establishment of certain Aboriginal representative organizations is provided in Annex 7. A few of the organizations date to the early 1900s and many were established as a result of the 1969 White Paper. The number of representative organizations has grown since the 1970s, reflecting various splits nationally or regionally among different Aboriginal groups or among different First Nations. The organizations have however been fairly stable over the past decade except for name changes, with the greatest volatility among CAP's affiliates. At one time or another, some of the organizations have faced a leadership crisis that has temporarily suspended operations (and federal government funding), but they have been resilient enough to re-stabilize.

Federal core funding was initially provided to the National Indian Council which subsequently separated in 1968 into the National Indian Brotherhood (now called the Assembly of First Nations) representing status Indians, and the Native Council of Canada (now known as the Congress of Aboriginal Peoples) representing Métis and non-status Indians. In 1971 federal funding was provided to the Inuit Brotherhood (subsequently called Inuit Tapirisat and now called Inuit Tapiriit Kanatami) and in 1983 the Métis Nation separated from the Native Council of Canada to form the Métis National Council.

The Native Women's Association of Canada was incorporated in 1974, Pauktuutit Inuit Women of Canada was incorporated in 1984, and the Métis National Council of Women (a pan-Canadian, autonomous organization) in 1992. The latter organization is no longer funded and the Métis Women's Association – its affiliate in Alberta - received core funding in 2006/07 only. The MNC has a National Women's Secretariat and its provincial affiliates also have representative structures for women as part of their overall governance structures.³³ The National Women's Secretariat has been working towards a cooperative national Métis women's organization with four of the five provincial affiliates, Alberta being the exception.

The relationship between national and provincial/territorial or regional organizations and Aboriginal peoples varies.

- The First Nation PTOs are integrated into a complex web of organizations representing First Nations – Band Councils, Tribal Councils and the Assembly of First Nations.³⁴ Indian bands are represented directly in AFN, or through their PTO, or both directly and through their PTO. First Nation people on reserve are represented by their Indian band, and bands would also argue that they represent their members living off reserve.
- ITK represents the four Inuit regional organizations whose Presidents are voting members of ITK's Board of Directors. The Presidents of the four regional Inuit organizations are in turn elected by their constituents.
- The MNC represents the "Métis nation" nationally and internationally and is mandated by the leadership of the Métis nation organizations from Ontario westward who are its Governing Members. Provincial, regional and local Métis leaders are directly elected by the Métis people in their province, region or community.

³³ <http://www.metisnation.ca/women/index.html>

³⁴ INAC, *Reviews*, Annex G.

- The Congress of Aboriginal Peoples represents the interests of its provincial or territorial affiliates nationally. The affiliates are organizations that have legally associated with CAP at various times and represent the interests of off-reserve Aboriginal peoples. There is only one affiliate allowed per province or territory. The affiliates establish their own membership criteria which vary across the affiliates.
- NWAC represents its 13 provincial/territorial member associations (PTMAs) nationally. The PTMAs represent the interests of “First Nations and Métis women within First Nation, Métis and Canadian societies.”³⁵
- Pauktuutit represents all Inuit women who are members of the organization. Board members are elected directly by members on a regional basis, by youth or by urban women.

The link between Aboriginal individuals and Aboriginal representative organizations therefore varies. There is also a potential for overlap in terms of representation and membership.

Many of the organizations are also supported by other federal government departments to provide specific services or for certain activities, and the provincially and territorially based organizations may also receive provincial or territorial government funding, primarily for projects.

BOC Authority

According to the logic model for the “Contributions to support basic organizational capacity of representative Aboriginal organizations” (Figure 2, Annex 4), funding is provided to representative Aboriginal organizations in order to build ongoing administrative and policy development capacity so that the organizations become stable, informed and effective representative organizations and ultimately Aboriginal perspectives are reflected in the development of government policies and programs.

BOC funds are provided through contributions rather than grants. The rationale for using contributions was to increase accountability to the government through the approval of work plans with specific reporting provisions related to results achieved. Contributions are also subject to audits whereas grants are not. All funding flows through comprehensive funding arrangements with the organizations and funding can be provided on a multi-year basis.³⁶

An organization is an eligible recipient if:³⁷

- It is a recognized Aboriginal representative organization at the national or the provincial/territorial or regional level; or it is an autonomous, national Aboriginal women’s organization representing the interests of its respective First Nations, Inuit, Métis and Non-Status members.
- It is incorporated.

³⁵ <http://www.nwac-hq.org/en/nwacstructure.html>

³⁶ TB Submission 833715, June 13, 2007, p. 19-20.

³⁷ *Ibid*, Terms and Conditions, Annex A, p. 2.

- Its membership is restricted to a defined or identifiable group of First Nation, Inuit, Métis and Non-Status communities and/or organizations.
- It is mandated by its members to represent or advocate for the interests of those members.
- It is not in receipt of any other core funding from any other federal department for the purpose of maintaining a basic organizational capacity to represent or advocate for the interests of its members.

The maximum amount payable to any one recipient is \$5 million annually. Funds are provided on the basis of applications providing information related to the eligibility requirements. Eligible expenditures include, but are not limited to: staff salaries, travel costs, accommodation costs, professional services, meeting or workshop costs, communications and office overhead. Ten per cent of the funding is held back pending receipt of final reports and financial statements.

The program is considered a low risk because it has been in existence for over 40 years; financial support is provided to well-established, known organizations with which the Department has had a long-standing relationship; and the financial and administrative protocols for potential recipients are well-established.³⁸

Program management authority is delegated to Regional Directors General, the Director of IRD, the Executive Director of IRS, and the Assistant Deputy Minister for OFI. IRD is responsible for *inter alia* preparing program reports as required and carrying out program reviews.³⁹ The Performance Measurement Strategy calls for information to be collected and Performance Reports prepared on the following performance indicators at the output and immediate and intermediate outcome level annually:⁴⁰

Performance Measurement Strategy

Element	Description	Performance Indicator
Output	Funding agreements	Number of funding agreements in place \$ amount of funding
	Assessment, Reports and Briefings	Required documents exist and are received by Program management
Immediate Outcomes	Ongoing administrative and policy development capacity	Profile of organizations being funded, including the annual amount of BOC funding and the degree to which it assists organizations in covering costs associated with basic organizational capacity
		Number of Executive meetings held by organizations
		Number and profile of policy development activities and internal <i>fora</i> held
		Number of representative organizations that declare bankruptcy

³⁸ *Ibid*, Integrated RMAF/RBAF, Annex E, p. 3.

³⁹ *Ibid*, Integrated RMAF/RBAF, Annex E, p. 11-12.

⁴⁰ *Ibid*, p. 13-15.

Element	Description	Performance Indicator
Intermediate Outcomes	Stable, informed and effective representative organizations	Representative Aboriginal organizations are referenced in TB Submissions, MCs, published citations, and policy documents
		The number of reports, studies, briefings, advice and guidance provided to the Department by organizations
Long-Term Outcome	Aboriginal perspectives are reflected in the development of government policies and programs	Evidence of the use of Aboriginal perspectives in policy and programs
		Case studies of public policy documents that reflect Aboriginal organizations' input
		Stakeholder views

Some of the representative organizations we interviewed mentioned having to report on at least some of these indicators as of 2008/09 – the first full year of BOC implementation. IRD collects and analyzes Regional Office annual reports on all funding to PTOs but there is not yet a report for 2008/09 and we do not know whether Regional Offices will be reporting against these indicators. Officials from IRD did not consider that it was their responsibility to consolidate performance information across the BOC authority. OFI has developed its own templates to gather performance information related to all of its contributions to Aboriginal representative organizations. As with C&PD therefore, there is a need to clarify whether and what information needs to be collected and monitored and by whom.

The TB Submission for BOC did not include a Gender Based Analysis. The outcomes do not distinguish between Aboriginal representative organizations and national Aboriginal women's organizations and the performance indicators do not disaggregate the data to be collected by gender. With the dispersion of responsibility for funding Aboriginal women's organizations across three divisions – IRD, IRS and OFI – there is effectively no longer a distinct Aboriginal women's program. The implications of this were not considered when the authority was renewed. In addition, the continued differential treatment of Aboriginal women's representative organizations versus other Aboriginal representative organizations was not considered. In other words, only national Aboriginal women's organizations are eligible to be funded whereas national and regional First Nation, Métis and Inuit representative organizations are funded.

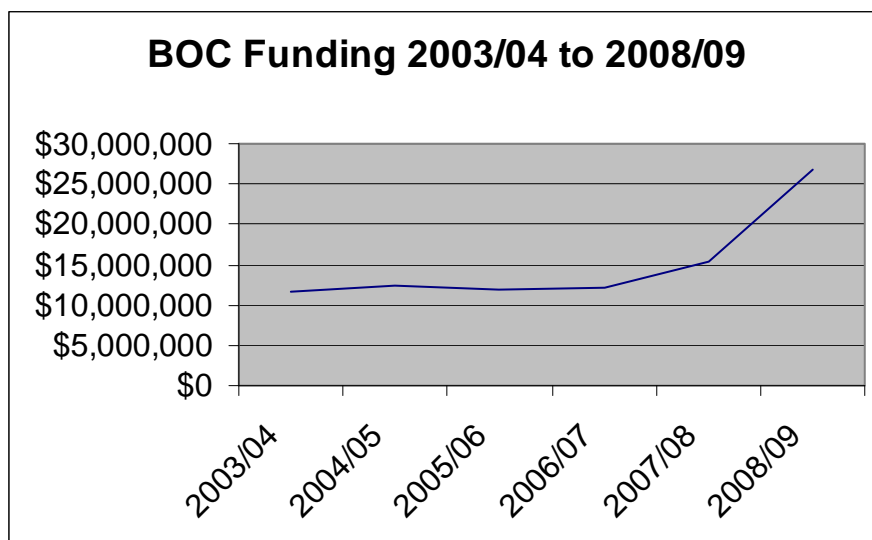
Profile of Funding

The TB authority provided for total costs of \$12.6 million per year from 2007/08 to 2011/2012 – an amount equivalent to what INAC and Canadian Heritage had provided under the previous authorities.⁴¹

In fact, BOC funding in 2007/08 increased to almost \$15.5 million⁴² due to increases in BOC funding to AFN, ITK and NWAC (Table 4, Annex 5). In 2008/09, BOC funding was further increased to a total of \$26.8 million due primarily to increases in BOC funding to PTOs.

⁴¹ TB 833715, June 13, 2007, p. 3.

⁴² Including the planned BOC funding for Inuit organizations that was provided under the C&PD authority.



Source: FNITP 2003/04 to 2008/09;
 Canadian Heritage – Aboriginal Affairs Branch 2003/04-2005/06 (Approved) and
 2006/07 (Planned)

We were told by INAC officials that the BOC increase to representative status Indian organizations as well as to ITK came from a reallocation of C&PD funding. The organizations themselves mentioned that they had not had an actual increase in funding from INAC, and in the case of the AFN, there had actually been a 25% decrease.

Funding to national and some regional Métis and Non-Status Indian representative organizations was also increased in 2008/09 by OFI. This increase was not linked to a reallocation of C&PD funding, but rather to a reallocation of other funding.

Recipients

By Aboriginal Group

The proportion of BOC funding to representative organizations of the different Aboriginal groups is presented in the following table. First Nations' representative organizations have received the highest proportion of funding followed by Métis and non-Status Indian organizations, Inuit representative organizations, and Aboriginal women's representative organizations.

**BOC Funding By Aboriginal Group
2006/07 to 2008/09**

Recipient Group	2006/07 % Total Actual	2007/08 % Total Actual	2008/09 % Total Allocation
Total First Nations	47%	55%	70%
Total Inuit	13%	16%	9%
Total Métis and NSI	35%	24%	17%
Total Aboriginal Women	6%	5%	4%
Total	100%	100%	100%

Source: FNITP 2006/07 to 2008/09,
Canadian Heritage Aboriginal Affairs Branch AROP 2006/07 Planned Expenditures

As mentioned previously, the increases in BOC funding in 2007/08 and 2008/09 for status Indian representative organizations was due to reallocations from C&PD funding rather than a net increase.

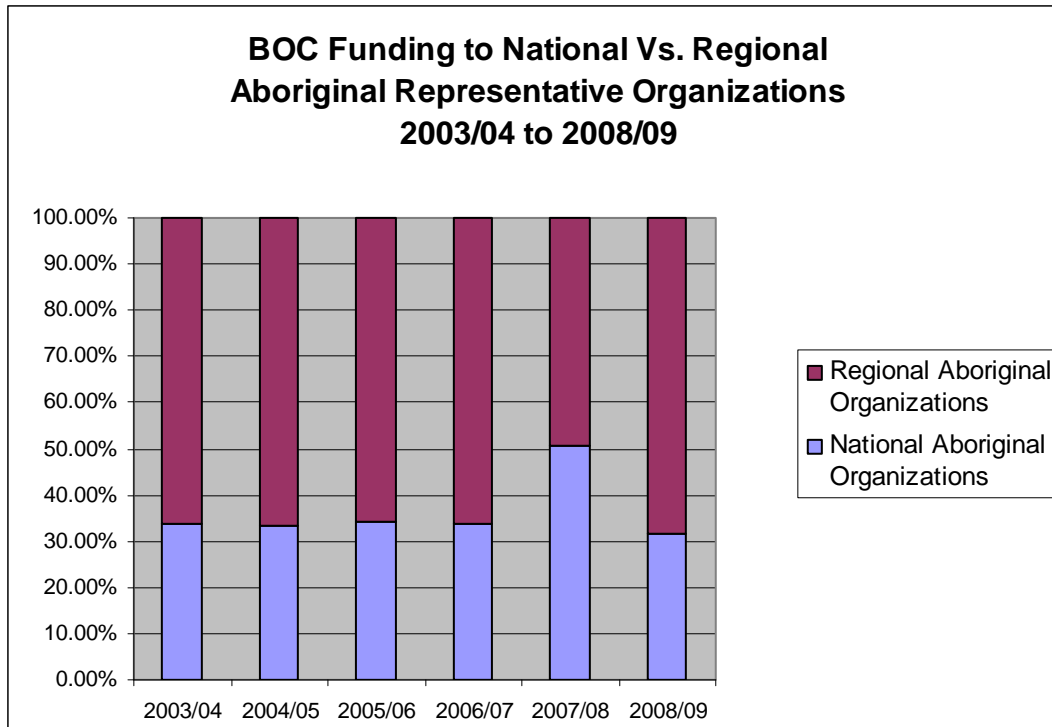
According to the 2006 Census, 53% of the Aboriginal identity populations were Registered Indians, 30% were Métis, 11% were Non-Status Indians, and 4% were Inuit. Since 1996, the Aboriginal identity population has increased by 45%, partly due to population growth and partly due to an increased tendency to identify, particularly among the Métis.⁴³

The allocation of BOC funding is not linked to population size, however. As outlined under the Historical Context, funding of the different Aboriginal representative organizations has had a different history within and outside of INAC. INAC's policies and programs have traditionally focussed on First Nations, increasingly on Inuit, and recently on Métis and Non-Status Indians with the movement of OFI to INAC. Each recipient group is managed through different divisions (IRD, IRS and OFI) and we did not hear of any rationale for allocating funds across the recipient groups.

National Versus Regional Aboriginal Organizations

From 2003/04 to 2006/07, about two thirds of BOC funding was provided to Regional Aboriginal Organizations and one third to National Aboriginal Organizations (Table 6, Annex 5). In 2007/08, the proportional breakdown was more equal because of the increase in BOC funding to AFN, ITK and NWAC. In 2008/09 with the increase in funding to regional Aboriginal organizations, the proportional breakdown reverted back to about two thirds for regional Aboriginal organizations and one third for national Aboriginal organizations.

⁴³ <http://www.ainc-inac.gc.ca/ai/mr/is/cad-eng.asp>



Source: FNITP 2003/04 to 2008/09; Canadian Heritage – Aboriginal Affairs Branch 2003/04-2005/06 (Approved) and 2006/07 (Planned)

Section III – Evaluation Questions

This section answers the evaluation questions - rationale and relevance, success and impacts, and cost effectiveness and alternatives – on the basis of the findings and draws certain conclusions and makes recommendations. It first deals with the evaluation questions related to the C&PD program, then those related to the BOC program, and then the question of the synergy between the two programs.

III.1 C&PD Contribution Program

Rationale and Relevance

Do the objectives of the contributions for consultation and policy development remain consistent with the Government of Canada’s priorities and with the Department’s strategic objectives?

As the previous section has outlined, the objectives of contributions for consultation and policy development remain consistent with the Government of Canada’s priorities as expressed through the Royal Commission on Aboriginal Peoples, Gathering Strength and the Inherent Right to Self Government, the Aboriginal Roundtable, and more recently, Speeches From the Throne and protocols with Aboriginal groups.

The rationale for involving Aboriginal people, communities and organizations in policy development is that it should lead to improved policy and improved relationships and therefore

better outcomes. The contributions for C&PD should therefore support all of INAC's strategic outcomes and particularly those related to Co-operative Relationships with First Nations, Inuit, Métis and Non-Status Indians. The authority is flexible enough to accommodate changing priorities while also providing for the maintenance of ongoing relationships with Aboriginal organizations at the national and regional level.

Due to demographic changes, are the objectives of the C&PD still providing adequate support to Indians, Inuit and Innu?

As indicated in the previous section, the focus of C&PD funding has been on First Nations and, to a much lesser extent, Inuit. There is no longer a need to separately identify the Innu. There is occasionally a need to consult with other Aboriginal groups – the Aboriginal economic development framework - and funding has been provided in the past to these other Aboriginal groups. The terms and conditions for the C&PD authority are not clear about whether these groups and organizations are eligible.

We therefore recommend that the list of eligible recipients be clarified and expanded to provide for all Aboriginal groups.

The adequacy of support is a difficult question to answer since C&PD has a fluctuating budget that can be divided into two parts – funds flowing through the Regional Offices and certain divisions of Headquarters (IRD and IRS) for an ongoing dialogue with Aboriginal representative organizations (“the base” allocation); and funds allocated for subject-specific consultations, policy research or negotiations (“the variable” allocation).

The “base” allocation to the Regional Offices has not been increased for years and is under pressure from “A” base programs (e.g. education and social assistance). The variable funding been provided for subject-specific consultations has been substantial, although the amount available for any one organization may be relatively small (e.g. \$30,000).

The more critical issues raised in our interviews, case studies and document review are:

- the risk of consultation overload - for example, one national Aboriginal organization that we spoke to had six requests for proposals for consultations from INAC on a number of subjects that had all come in at the end of November. They had to reply to the requests, negotiate agreements, conduct the consultations, and submit their reports by the end of the fiscal year, and they would have to bring in consultants to prepare the proposals and do the work because they did not have staff available to do it.
- the inadequate time provided for consultations - for example, consultations for Matrimonial Real Property (MRP) on reserve were held over a short time frame from the end of September 2006 to January 2007 and according to the Ministerial Representative, serious concerns about the tight timeline were raised by all of the organizations. As a result, the depth of analysis was restricted and First Nations were constrained from

consulting directly or meaningfully with their community members.⁴⁴ NWAC and CAP also had difficulty mobilising their regional affiliates to hold consultations.

- the lack of sustainability of the project funding approach - the need to build sustainable consultation and policy development capacity was raised as an issue by all of the recipients that we interviewed and by many INAC officials. It is also a consistent theme throughout the documentation in the past five years. Because recipients rely on ad hoc project funding, they have difficulty rapidly building up policy and consultation expertise to respond to calls for proposals. Reliance on consultants means that the knowledge that is built up is not retained within the organization. Information technology and communications systems that would facilitate consultations with their members cannot be developed unless a project can be found to fund them.

We therefore recommend that funding for consultation and policy development be more sustainable and less ad hoc and that there be fewer subject-specific consultations underway at any one time.

Success and Impacts

To what extent do Indians, Inuit and Innu have the opportunity to participate in policy development and research as a result of C&PD?

Over 400 Aboriginal organizations were funded to participate in consultation and policy development activities over the past five years. These included Aboriginal representative organizations, Indian bands, Tribal Councils, Indian-administered sectoral agencies, and other Aboriginal organizations. First Nations' organizations received 88% of the total funding over the past five years.

On the other hand, three quarters of the funding is provided to Aboriginal representative organizations. Forty per cent of the recipients receive small amounts of money (less than \$25,000 in total over the three years from 2005/06 to 2007/08) and account for less than 1% of the total funding over that period.

We therefore recommend that the use of C&PD funds be focussed on fewer recipients.

For some of the recipients that may no longer receive C&PD funding, the issue may be that insufficient core funding to support consultations as part of their ongoing operations is being provided – for example through band support grants, Tribal Council funding, BOC funding, or other authorities.

We do not know what the reach of the C&PD funding is in terms of individuals. In our policy case study, for example, NWAC and AFN received the bulk of the C&PD funding. AFN held 8 regional dialogue sessions, NWAC held 12 public hearings, 17 consultations sessions, and 12 focus groups, and both the AFN and NWAC prepared had websites for people to access information. Neither organization provided information on attendance at their sessions. Other interested Aboriginal organizations or communities were funded through an open call for

⁴⁴ *Report of the Ministerial Representative Matrimonial Real Property Issues on Reserves*, p. 37

proposals and thirteen were supported to conduct 52 sessions in all provinces with over 680 people, approximately 76% of whom were women.⁴⁵

We therefore recommend that subject specific consultations should have clear objectives about who they are intending to reach, should select the most appropriate intermediaries, and should ensure that reporting is provided on who has actually been reached and that a gender based analysis and gender disaggregated data should be part of these considerations.

Do diverse viewpoints and improved understanding of the issues and concerns by all parties improve relations as a consequence of C&PD funding between INAC and stakeholders?

The “base” C&PD funding has been used to support ongoing working groups or commissions at the national and regional level in First Nations, and to a lesser extent Inuit, representative organizations, together with core funding and other project funding. It has also been used to support meetings of individual First Nations or Tribal Councils with INAC or internal meetings of those organizations. According to INAC officials and the recipient organizations, this has helped to foster and maintain a good working relationship between INAC and the recipient organizations.

The “variable” C&PD funding has been used for subject-specific consultations on a range of issues, particularly related to constitutional, legislative and governance reform. According to INAC officials, the funding has improved their understanding of the issues and concerns of Aboriginal peoples and communities and relationships at the working level are generally good. The quality of the relationship at the political level has been more variable, but is influenced less by C&PD funding and more by the perspectives and priorities of the people involved.

One aspect that is not dealt with in terms of this outcome is the degree to which C&PD funding improves the relationship between recipients and their constituents. This is an important aspect because it underlies the rationale for INAC supporting the recipient organizations. Where the C&PD funding has been provided on an ongoing basis, recipients are able to set up processes and structures for engaging their own stakeholders. Where the C&PD funding is provided on an ad hoc basis, recipients sometimes have difficulty engaging their constituents.

We recommend that more frequent reviews be conducted of the relationship between INAC and Aboriginal representative organizations and other major recipients of C&PD funding; and of the relationship between the recipients and their constituents. The latter should be conducted by the recipients themselves and used to improve the quality and responsiveness of their representation within the resources available to them.

Are First Nations, Inuit, Innu and Northern perspectives reflected in the development of government policies and programs?

At the regional level, participation in consultations is related primarily to the communication of information or taking joint decisions on the implementation of INAC’s programs and policies, and less to the development of new policies or programs. At the national level, this participation

⁴⁵ INAC, *Consultation Report on Matrimonial Real Property*, March 7, 2007.

is related more to the development of legislation, policies and programs, but the perception of both the recipients and INAC officials that we interviewed is that the issues are largely driven by the Government's agenda rather than that of the recipients.

INAC officials indicated that legislation or policy had been influenced by the consultations that were funded. The implementation of programs at the regional level had also been improved. Recipients on the other hand have expressed a great deal of frustration with both the approach of the government to consultations and with the outcome. For example, the AFN has described the Crown's approach to consultation as ad hoc and inconsistent at best and suggests that further study is needed of the approaches adopted, the expenditures of financial and human resources, and the success of each approach.⁴⁶

In our policy case study, there was ongoing international and domestic pressure to resolve the issue of MRP through a legislative solution, but disagreement with First Nations about the impact on Aboriginal and treaty rights and therefore the appropriate process to be followed, and more emphasis by NWAC on non-legislative solutions. Legislation on MRP was introduced in the House of Commons in March 2008. While INAC officials were of the view that significant changes were made to the legislation as a result of input from AFN and NWAC, NWAC felt "blind sided" by the timing of the announcement and the tabling of the legislation because it did not address their concerns about non-legislative solutions and transitional issues. AFN shared these concerns and was also concerned about the failure to recognize First Nation's inherent authority and the potential impact on Aboriginal and treaty rights. The legislation died on the Order Paper but there were plans by both NAOs for ongoing engagement and advocacy.

One explanation for the divergence in opinions about influence may be due to the different approaches of the two parties. Aboriginal groups take more of a rights-based approach to issues whereas INAC takes more of a development or policy approach. There are certain key issues that First Nations in particular would like to see resolved before other issues are dealt with.

Another explanation for the divergence may be due to the process that is followed, particularly in terms of setting the agenda for the consultations. There seems to be agreement around the principles for consultation but a problem in terms of how those principles play out in practice. Aboriginal organizations are therefore suspicious that INAC already has a predetermined solution and is just going through a consultation exercise as a "rubber stamp".

Another point that was raised in our interviews was that most of the funding has been targeted at consultations rather than policy research. Many of the recipients pointed out the need to provide more information and education to Aboriginal people and organizations prior to engaging them in consultations.

We therefore recommend that large scale consultations should be assessed more rigorously in terms of their purpose, process, people involved, context, and outcomes and that best practices and lessons learned be captured and shared within and outside of INAC.

⁴⁶ AFN, *The Duty to Consult: Clarifying the facilitative nature of the role of the Assembly of First Nations*, March 2008.

Cost Effectiveness and Alternatives

Are there other, more cost effective ways of delivering this program? What changes, if any, would make the program more effective?

As indicated above, more sustainable consultation and policy development capacity is needed in key partner organizations. This implies a more strategic, less ad hoc, approach in terms of the policies and programs that are consulted on and the recipients that receive funding. There also needs to be more emphasis on policy research, information and education prior to engaging in consultations, and more emphasis on consensus building to improve the impact of the consultations on policy.

Our investigations indicate that the C&PD Program is being managed by Regional Offices and Headquarters consistent with the terms and conditions, with a very few exceptions. The decentralization of authority and the flexibility in terms of approach has allowed activities to be tailored to particular regional and national contexts. We would support the continuation of this decentralization and flexibility.

However, we recommend that performance monitoring of C&PD be improved in order to provide a clearer picture of what consultations the Department is engaged in, the approaches that have been taken, the organizations that have been involved, the impact on policy, and best practices and lessons learned. The responsibility for performance monitoring could remain with IRD or be assigned to another division within Policy and Strategic Direction. The Consultation and Accommodation division might be appropriate although the action plan and federal consultation policy that they are working on is limited to the legal duty to consult. There is however overlap in terms of the general consultation principles that are applicable to both legal and good governance consultations and there could therefore be some synergy in monitoring both types of consultation.

Does the C&PD overlap with any other programs or services provided by the Government of Canada, the provinces or the territories?

There is considerable overlap between the C&PD and BOC programs for First Nations and Inuit representative organizations. Both programs have similar objectives and outcomes. Most of the C&PD funding is provided to the Aboriginal representative organizations that are also supported by BOC funding. Many of the Regional Offices and the IRD and IRS in Headquarters have allocated “base” C&PD funding and BOC funding on the basis of an annual work plan from the Aboriginal representative organizations.

On the other hand, C&PD funding also supports subject-specific and time-limited consultations and a broader range of organizations. There is therefore a need to retain this flexibility in terms of consultations. We return to the issue of synergy between BOC and C&PD after addressing the evaluation questions for the BOC contribution.

There is also a potential for overlap with other authorities related to consultation that fund Aboriginal representative organizations as well as other organizations - particularly OFI's contribution program and contributions to support the negotiation process for claims and self-

government initiatives. Comprehensive funding arrangements and responsibility centres for each recipient organization should however ensure that there is no actual duplication of funding.

Other federal departments provide funding for consultation and policy development to similar organizations, but these consultations are specific to their sectors. For example, Human Resources and Social Development Canada provides funding to its Aboriginal Human Resource Development Agreement holders, many of whom are Aboriginal representative organizations, for consultations on the labour market and labour development. Provincial and territorial governments provide more limited, but increasing, funding for consultations with Aboriginal groups related to P/T-Aboriginal specific negotiations, often linked to the legal duty to consult. There is need to coordinate more across the federal government and with other levels of government in terms of consultations since the same recipients are involved and affected.

III.2 BOC Contribution

Rationale and Relevance

Do the objectives of the BOC remain consistent with the Government of Canada's priorities and with the Department's strategic objectives?

Given the similarity in their objectives and outcomes, comments made about the continuing relevance of C&PD also apply to the BOC program. In addition, we would note that Aboriginal representative organizations are key partners for INAC and involved in all of INAC's strategic areas.

Has the BOC been implemented as intended?

As far as we can determine, the new terms and conditions for BOC are now being applied in the proposals and funding agreements. Of note is the move to contributions from grants for status Indian representative organizations, the introduction of multi-year agreements with some recipients as of 2008/09, and the increase in the maximum amount payable to \$5 million. There were some complications in 2007/08 in maintaining the flow of funding because Treasury Board approval was only received in June 2007 and various provisions were made so as not to disrupt funding to status Indian, NWAC, and Inuit organizations.

In addition, there has been an increase in BOC funding in 2007/08 and 2008/09. We were told that allocations have been shifted from "base" C&PD to BOC for status Indian representative organizations and ITK with apparently no net gain in funding. The rationale for this reallocation is not documented as far as we know.

The transfer of responsibility for the core funding of Aboriginal Women and Métis and Non-Status Indian representative organizations from Canadian Heritage to IRD, IRS and OFI has taken place. INAC officials were of the view that management control procedures had improved as a result. The recipient organizations commented favourably about both INAC's and OFI's procedures in comparison to Canadian Heritage. OFI has also received Ministerial approval to increase core funding for MNC and some of its affiliates and CAP in 2008/09.

Performance indicators related to the Performance Measurement Strategy have been incorporated into the funding arrangements with at least some of the recipients that we interviewed. It is not clear however whether all recipients, including those funded by OFI, have been asked to gather the information. It is also not clear who in INAC will be collecting, analyzing and reporting on the information across all of the Aboriginal representative organizations. If this is not done, then the additional reporting burden on recipients is not justified.

We therefore recommend that the performance monitoring of BOC be improved in order to ensure that relevant performance information is being collected, analyzed, and reported by INAC for all Aboriginal representative organizations.

Is there a continuing need to provide support to representative Aboriginal organizations? What changes, if any, would make the BOC more relevant?

INAC officials, recipients and experts were in general agreement that there was a continuing need to support the basic organizational capacity of representative Aboriginal organizations.

Since 2008/09 is the first full year of implementation of the new BOC authority and considerable changes are already being implemented in terms of allocations and agreements, it is too early to judge whether further changes are necessary.

One of the issues raised by our interviewees was the amount of BOC funding that should be provided. Aboriginal representative organizations thought that the amount should be increased. INAC officials and experts had differing views on what would be an appropriate amount and whether the amount should be linked more closely to INAC's priorities, whether more funding should come from other sources including members, or whether the amount should cover minimum costs for a set of core positions and operations.

Another question raised by our interviewees was the relevance of the allocation of the funding among the organizations including:

- Between national and regional organizations;
- Among the different recipient groups (First Nation, Inuit, Métis and Non-Status Indian); and
- To Aboriginal women's organizations and their regional affiliates.

However, there were also differing views about what the basis of allocation should be. Although all of the core funding is now provided by INAC, there is no documented rationale for its allocation. The TB Submission contained a proposed allocation for 2007/08 without providing a rationale, and the allocations appear to be historical. The *Interim Policy on PTOs* addressed allocations across the provinces and territories and within a province or territory, but dealt with only one group of representative organization. OFI has successfully argued for an increase in core funding for Métis and Non-Status Indian organizations in 2008/09.

Success and Impacts

To what extent is ongoing administrative and policy development capacity achieved?

As the timeline indicates, and with some exceptions, Aboriginal representative organizations are stable and increasingly complex organizations and have become a permanent part of Canadian civil society. The number of organizations has grown to reflect the increasing diversity of Aboriginal interests and the differing relationship with the Crown. The size of the organizations has also increased as they have assumed varying responsibilities for service delivery in addition to policy development, advocacy and consultation.⁴⁷

The achievement of administrative and policy development capacity cannot however be attributed primarily to BOC funding because it is a very minor portion of the total revenue of most organizations. For example, on average 5.5% of INAC's total funding to PTOs in 2006/07 was core funding – although it ranged from a high of 68.3% to a low of 1.0%.⁴⁸ As one of the regional officials said in relation to the PTO in his region, “BOC funds wouldn't last 1 ½ months, never mind a year.” For the AFN (2007/08), BOC was 17% of total revenues – and would have been 7.2% if BOC had not been increased that year with a reallocation of C&PD funds. For MNC (2006/07) and NWAC (2007/08), BOC funding was 13% of their total revenue and for CAP, 12% (2007/08) – but the latter two organizations are ARHDA holders and so get a lot of other revenue from HRSDC.

The BOC funding was used to cover some board, executive, finance and administrative costs but does not generally provide for policy capacity. Core costs are primarily covered by the administrative portion of project funding. Because the flow of project funds is not stable or ongoing, organizations reported to us that they could not easily hire permanent employees, invest in their infrastructure and systems to achieve efficiencies, or undertake long-term initiatives to improve communication and consultation with their constituents.

Are the representative organizations stable, informed and effective at representing their members?

Aboriginal representative organizations receive a mandate from their constituents (either individuals or organizations) through annual general assemblies and are guided by their governing body (usually made up of constituent representatives), by various working groups, by specific consultations and by ongoing communications. The stability of the organizations is one sign of the continued support of their members, at least in terms of the legitimacy of the leadership.

There can however be turnover of leadership within Aboriginal representative organizations and when the leader changes, the senior management also changes. This stability can not be addressed through BOC funding, but is a consideration in terms of the degree of risk within these organizations.

⁴⁷ For example, 20 of the Aboriginal representative organizations are Aboriginal Human Resource Development Agreement holders and provide employment and training services.

⁴⁸ INAC, *Provincial/Territorial Organizations Funding: Annual Report 2006-2007*, September 2008, p. VII.

None of the organizations depends on their members for financial support and few charge their members an annual membership fee and when they do, the fee does not generate significant revenue for the organization. In fact, the organizations are almost entirely dependent on the federal (and provincial or territorial governments in some cases) for support.

We would argue from a governance point of view that this financial dependence affects the accountability relationship between members and their representative organizations. It impedes organizations from engaging in issues that the Government does not consider a priority but that members do. It limits the ability of the organizations to challenge the Government for fear that their funding will be cut as a result.

We therefore recommend that Aboriginal representative organizations be encouraged to raise revenue from their members, and that INAC consider providing an incentive for increasing the revenue raised from members, for example by providing matching funds up to a ceiling.

Some of the organizations have some form of ongoing monitoring of their effectiveness and some organizations have undertaken a formal review of their effectiveness. For example, the AFN appointed a Renewal Commission in 2005 that made several recommendations to the organization to improve representation, responsibility, accountability and transparency. In our view, this is a good practice - although in the case of the AFN the recommendations were not implemented.

We therefore recommend that Aboriginal representative organizations be encouraged and supported by INAC to regularly review and renew their membership, governance and leadership policies, processes and structures and the effectiveness of their representation within the resources that they have available. As part of this process, organizations should obtain input from their members directly.

We also recommend that membership criteria, application procedures, member numbers and members' responsibilities be publicly available on the organizations' websites in addition to their governing documents (constitutions and bylaws) and annual reports. This would increase transparency for the Canadian public, existing or potential members, and critics that allege that the organization has no membership base.

Are Aboriginal perspectives reflected in the development of government policies and programs as a result of the organizations funded by this contribution?

Our findings and conclusions in relation to C&PD funding also apply to BOC funding. In other words, the impact on policies and programs has not been monitored and reported; and INAC officials are of the view that policies and programs have been affected and recipients are of the view that there has been little impact. Any impact would be less attributable to BOC funding than C&PD funding because it has had a much smaller budget.

Is there any difference in outcomes between those organizations that were previously funded by Canadian Heritage and those organizations that have been funded by INAC for the past five years?

It is too early to measure outcomes from the BOC funding since it is in its first full year of implementation. There also does not appear to be a consistent approach to the collection and reporting of performance information from those organizations that were previously funded by Canadian Heritage and now are funded by OFI, and those organizations that were funded by INAC for the past five years.

The one notable difference is that NWAC and Inuit organizations are now able to combine BOC and C&PD funding and link it to an annual work plan. OFI is also able to do the same with BOC funding and their contribution program with Métis and Non-Status Indian organizations. This increased flexibility could lead to more sustainable funding that is linked more to the organization's requirements and less to ad hoc projects.

Aboriginal women's organizations have received an increase in funding, but have lost a distinct Aboriginal Women's Program that also included capacity building project funding. We are not able to determine whether they are receiving increased C&PD funding. NWAC informed us that they intended to seek a specific Memorandum to Cabinet and related Treasury Board submission to provide them with organizational rather than program or project funding.

Cost Effectiveness and Alternatives

Are there other, more cost-efficient ways of delivering this contribution? What changes, if any, would make the program more effective?

As a result of the previous discussion, as well as the discussion related to C&PD, we recommend that more long-term and sustainable funding (i.e. basic organizational capacity funding) and less project funding (e.g. C&PD funding) should be provided to Aboriginal representative organizations. This appears to be happening in the last year or so with the reallocation of budgets from C&PD to BOC by IRD, IRS and the Regional Offices. There is also scope for OFI to do the same in terms of its basic organizational capacity funding and its contribution program.

More long-term funding and less ad hoc project funding would support a more strategic management of the relationship with these organizations. INAC officials could focus on long-term strategic issues with the organizations and the organizations themselves could implement more sustainable staffing and systems. Efficiency should increase as well as effectiveness. There could be more reporting on results and less reporting on activities and expenditures.

We also recommend that INAC encourage and support the Aboriginal representative organizations to diversify their funding sources and reduce their dependency on the federal government. These alternative sources could include membership fees, provincial or territorial governments, the private sector, or non-profit organizations. Reducing financial dependency on the federal government would increase accountability to members, more clearly demonstrate the representativeness of the organizations, increase sustainability, and expand the range of issues

that the organizations could engage in. One way for INAC to encourage this could be to match any membership fees that are raised.

Does the BOC overlap with any other programs or services provided by the Government of Canada, the provinces or the territories?

The overlap between BOC and C&PD has been noted. No other federal department provides core funding to these Aboriginal representative organizations. We heard that the province of Ontario is providing core funding to one PTO in Ontario, but were told that there is no duplication of funding.

III.3 C&PD and BOC Synergy

Is there a way to increase the synergy, efficiency and effectiveness between the two programs?

It would appear that IRD, IRS and some Regional Offices have found a way of increasing synergy, efficiency and effectiveness of the two programs by combing the funding and linking it to one organizational work plan. In 2007/08 and 2008/09, more resources have been allocated under the BOC authority. This solution works better for the organizations than receiving funding under two authorities with different procedures and requirements. It is confusing however when it comes time to monitor and evaluate the performance of the two programs.

An alternative would be to do away with a program-based approach, and take an organizational approach and provide various kinds of funding (including BOC and C&PD funding) to Aboriginal representative organizations under one authority. This approach was recommended by the reviews of PTOs and NAOs, was considered during the preparation of the 2007 TB submission, and has been proposed by NWAC to the Minister. It recognizes the critical role that Aboriginal representative organizations play in INAC's partnership approach. It reflects current practice to a large extent. Monitoring and evaluation could then be linked to organizational performance and effectiveness.

We were told that one of the barriers to instituting this approach was the larger number of recipients for C&PD funding. We accept that there would still be a need for an authority to fund subject-specific and time limited consultations and policy development with a broader audience. Our interviewees were not able to identify other potential barriers to implementing this approach.

We therefore recommend that there be one authority combining BOC and C&PD funding, with several streams. Aboriginal organizations would only be eligible for the BOC stream, but a range of organizations would be eligible for consultation and policy development funding. We elaborate on this recommendation further in the next section.

Section IV – Key Recommendations

We have drawn a number of conclusions and made a number of recommendations in the preceding section on:

- the terms and conditions of the two program authorities,
- the way in which they are managed and monitored;
- the amount and allocation of funding and the diversification of funding sources;
- clarifying membership, representation and effectiveness of Aboriginal representative organizations,
- increasing transparency and improving accountability; and
- improving synergies.

In this section, we summarize these conclusions and recommendations into three key, overarching recommendations:

1. Consolidate funding authorities for consultation and policy development
2. Improve strategic coordination and management of the funding
3. Review and clarify allocations

IV.1 Consolidate funding authorities for consultation and policy development

We recommend that an organizational approach rather than a program approach be taken to the funding of consultation and policy development in partnership with Aboriginal organizations.

In terms of this recommendation, BOC funding and C&PD funding would be consolidated under one authority with multiple streams. Other funding related to consultation and policy development – such as OFI’s funding for bilateral and tripartite processes or funding for the negotiation of claims and self-government initiatives – could also be included under the same authority.

The authority would have similar objectives and outcomes as both the C&PD and BOC programs. Immediate outcomes could be that Aboriginal views and perspectives are communicated to INAC, that INAC gains an improved understanding of the issues and concerns of Aboriginal stakeholders, and that the policy and consultation capacity of key Aboriginal organizations is developed and maintained. Intermediate outcomes could be better informed policy, improved relations, and stable, informed and effective organizations. The long-term outcomes could be good governance, effective institutions, and co-operative relationships for Aboriginal people.

The authority could consist of three streams:

1. Basic organizational capacity funding for Aboriginal representative organizations that could cover core governance and key management functions (executive, policy, finance), annual general assemblies with membership, core communications with members, key working groups in sectors or on issues that are a priority to INAC, and regular reviews of organizational effectiveness.

2. Consultation and policy development funding for Aboriginal organizations on specific issues that require additional policy research and consultations outside of the ongoing operations of the organization.
3. Capacity building funding for Aboriginal representative organizations and possibly other Aboriginal organizations – pending a more complete review of capacity building funding and related authorities. This capacity building funding could be linked to the results of the reviews of organizational effectiveness. It could also be linked to diversifying funding sources and increasing financial support from, and accountability to, members.

The proportion of basic organizational capacity funding – sustainable and long term funding linked to mutually agreed priorities and objectives including the maintenance of an ongoing relationship with INAC and with constituents - would be increased in relation to project funding - ad hoc and time limited funding, linked to a single activity or initiative.

At a later stage, it may be possible to consolidate funding to these organizations from other federal departments, but INAC should consolidate its funding and its relationships first before seeking to involve other departments.

As part of this recommendation, Aboriginal representative organizations would prepare one work plan and one report covering all of the funding. Funding would be more sustainable and multi year. One assessment for eligibility would be conducted, using a standardized assessment tool. Periodic organizational reviews would be conducted to assess and improve the effectiveness of representation and to assess any change in the risk posed by the funding arrangement.

Other Aboriginal organizations would only be eligible for consultation and policy development funding and possibly capacity building funding. The number of these organizations should be reduced through a more strategic focus on fewer organizations and more sustainable funding for consultation and policy development. They should also be reduced through a more strategic focus on fewer subject-specific consultations with a more targeted set of intermediaries.

Performance monitoring and evaluation would be linked to the authority as a whole. Information on activities and outputs would be collected on an ongoing basis and according to a common template that could be linked to both the organizations and the consultations and policies. Information on immediate outcomes would be collected and reported annually by the responsible program directors or regional officials, and these reports would be monitored and reported on a consolidated basis for the program as a whole by a division within INAC Headquarters. Information on intermediate outcomes would be collected every two to three years using surveys of recipients and constituents and organizational reviews. One summative evaluation would be conducted at the end of five years.

A model for this recommendation is the policy on funding community action organizations that was adopted by the Government of Quebec in 2001. The community action organizations are membership based and advocacy organizations for primarily low-income people and communities, as well as service delivery organizations. The policy consolidated various pots of money from ministries across the provincial government under one arrangement with three streams:

- Multi-year core funding;
- Multi-year service delivery funding contracted for by the provincial government; and
- Funding for special initiatives, one-time or short-term funding.

A key part of the policy was an increase in the proportion of core funding to 65% of the total provincial funding in recognition of the ongoing relationship between the provincial government and the community action organizations and the ongoing relationship between the organizations and their constituencies or communities. The policy also promoted the collection of membership fees, even if they are not significant, in order to clearly define membership and promote “the associative and democratic vitality of the organization.”⁴⁹

There are other models within the federal government where multiple funding streams with similar, but not necessarily identical, recipient groups have been consolidated under one authority. For example, in the late 1990s HRSDC integrated its different Aboriginal programs – labour market, youth, child care (only available to First Nations and Inuit communities), and capacity building – under one umbrella program with several pillars. There is a single report, a single audit, and a single evaluation for the entire program.

This approach would be consistent with the new Treasury Board Policy on Transfer Payments, particularly the objective of harmonizing transfer payment programs and the administrative processes and procedures for the delivery of transfer payments.⁵⁰

IV.2 Improve strategic coordination and management of consultation and policy development

The previous recommendation implies a more strategic coordination and management of funding and the relationship with Aboriginal representative organizations. We also recommend more strategic coordination and management of consultation and policy development generally, regardless of what program authority is used to fund it.

Longer term agenda should be negotiated and agreed with Aboriginal partners, fewer high priority issues should be on the table at any one time, and the range of recipients should be narrower. The objectives, target groups, processes and results of consultation should be agreed for every major subject-specific and time limited consultation, and the consultations should be monitored and reported against these objectives and targets. Lessons learned, best practices, tools, systems and mechanisms should be captured and shared within INAC and with Aboriginal partners.

IV.3 Review and clarify allocations

The rationale for the allocation of basic organizational capacity funding across all of the different recipient groups or within each recipient group needs to be reviewed and clarified. This review should address:

⁴⁹ Government of Quebec, *Community Action*, p. 27

⁵⁰ Treasury Board, *Policy on Transfer Payments*.

- whether there should be a minimum amount set for all organizations that would allow them to operate on a sustainable basis;
- whether there needs to be consistency across different Aboriginal groups, and if so, what factors should be taken into account in allocating funds across the groups;
- what an appropriate breakdown between national and regional organizations might be given the key policy issues, the level at which they are most likely to be effectively addressed, the key strengths of the different levels of organization, and the extent to which funding for regional organizations should be expected from the provincial and territorial governments;
- whether Aboriginal women's organizations should receive more funding and whether their regional affiliates should also be supported.

This review could lead to an updated and expanded policy on funding to Aboriginal representative organizations generally, or policies for each of the Aboriginal groups. If there is a change in policy, the best time to introduce it would be when new funds can be injected. Otherwise it would be a zero sum game and the Aboriginal representative organizations would not support it.

Summative Evaluation of Consultation and Policy Development and Basic Organizational Capacity Funding: Management Action Plan

This document summarizes recommendations, the management response to the recommendations as well as the specific management action that will be taken to implement the management response.

	Evaluation Recommendation	Management Response	Management Action	OPI
1	<p>We recommend that the list of eligible recipients be clarified and expanded to provide for all Aboriginal groups. (page 33)</p> <p>We recommend that the use of C&PD funds be focussed on fewer recipients. (page 34)</p>	<p>Disagree. The C&PD terms and conditions define First Nation, Inuit and Innu organizations as eligible recipients. Departmental Vote 10 allocations (for First Nations and Inuit recipients) are used to support C&PD projects. Voted authorities are those for which the government must seek Parliament's approval annually through an Appropriations Act. Providing vote 10 funds to all Aboriginal groups beyond those specifically identified in the Appropriations Act would subvert the will of Parliament.</p> <p>The eligibility list for this authority was established before the Office of the Federal Interlocutor joined the Department. The list does not include non-status Indians and Métis recipients. However, the Office of the Federal Interlocutor does have an authority (<i>Federal Interlocutor's Contribution Program</i>) aimed at achieving the same results.</p> <p>Authority to sign and amend agreements are delegated to Program Directors and Regional Directors. Program Directors and Regional Directors fund Consultation and Policy Development projects based on policy and programmatic needs. Given the Departmental mandates, many policy engagement activities with various partners and stakeholders maybe underway at any specific time. Limiting these activities may have negative unintended impacts on policy and program implementation and development.</p>	<p>A renewed Consultation and Policy Development authority will clearly define authority objectives and expected results.</p>	<p>Policy and Strategic Direction</p> <p><u>Expected Completion Date:</u> March 31, 2010 or date of C&PD authority renewal.</p>

	Evaluation Recommendation	Management Response	Management Action	OPI
		The C&PD authority expires on March 31, 2010. This evaluation is intended to support authority renewal.		
2	We recommend that funding for consultation and policy development be more sustainable and less ad hoc and that there be fewer subject-specific consultations underway at any one time. (page 34)	<p>Disagree. Given the limited amount of resources available, the department funds engagement activities as required. With competing resource demands the department is not in a position to fund the establishment of a permanent component for policy and program engagement.</p> <p>The current Consultation and Policy Development authority provides for time-limited, project specific engagement and policy development activities. Funded project activities are to be consistent with departmental priorities and the outcomes defined in the authority.</p> <p>Given the Departmental mandates, many policy engagement activities with various partners and stakeholders maybe underway at any specific time. Limiting these activities may have negative unintended impacts on policy and program implementation and development.</p> <p>The Department's integrated planning and reporting process provides more predictability by allowing for the tracking of all policy development and engagement activities supported by the Department.</p>	A renewed Consultation and Policy Development authority will provide funding in a manner consistent with defined objectives and expected results (e.g., may include multi-year funding for large scale engagement projects).	<p>Policy and Strategic Direction</p> <p><u>Expected Completion Date:</u> March 31, 2010 or date of C&PD authority renewal.</p>
3	We recommend that subject specific consultations should have clear objectives about who they are intending to reach, should select the most appropriate intermediaries, and should ensure that reporting is provided on who has actually been reached, and that a gender based analysis and gender disaggregated data	<p>Agree that projects have clear objectives and appropriate performance management structures.</p> <p>The purpose of "Contributions for the purpose of consultation and policy development" is to provide support to Indians, Inuit and Innu so that the Department of Indian Affairs and Northern Development (DIAND) may (consistent with <i>Results</i></p>	To support ongoing authority implementation, a renewed Consultation and Policy Development authority will define	<p>Policy and Strategic Direction</p> <p><u>Expected Completion Date:</u> March 31, 2010 or</p>

	Evaluation Recommendation	Management Response	Management Action	OPI
	<p>should be part of these considerations. (page 35)</p> <p>We recommend that more frequent reviews be conducted of the relationship between INAC and Aboriginal representative organizations and other major recipients of C&PD funding; and of the relationship between recipients and their constituents. (page 35)</p> <p>We recommend that large scale consultations should be assessed more rigorously in terms of their purpose, process, people involved, context, and outcomes and that best practices and lessons learned be captured and shared within and outside of INAC. (page 36)</p> <p>We recommend that performance monitoring of C&PD be improved in order to provide a clearer picture of what consultations the Department is engaged in, the approaches that have been taken, the organizations that have been involved, the impact on policy and best practices and lessons learned. (page 37)</p> <p>[We recommend...] that subject specific consultations should conduct a gender based analysis when setting their objectives about who should be reached and how they should be reached; and reporting on who has actually been reached should include gender disaggregated data. (page ix)</p>	<p><i>for Canadians and Gathering Strength</i>) obtain their input on all policy and program developments. These contributions are intended to enable recipients to provide input in relation to specific program and policy development initiatives of DIAND.</p> <p>There are a number of factors and circumstances that effect the relationship between INAC and recipients of Consultation and Policy Development funding. Strong engagement with recipients will continue to be important even if parties do not share common views.</p> <p>Authority to sign and amend agreements are delegated to Program Directors and Regional Directors. Project agreements must include clearly defined activities and expected results. Project payments are released based on the fulfilment of project activities and deliverables.</p> <p>Consultation and Policy Development project managers can share best practices, lessons learned and the results of funded projects.</p> <p>Performance monitoring and oversight of the Consultation and Policy Development authority can be improved. A performance measurement strategy should include ongoing relevant data collection (e.g., data on consultation participants such as gender) to support results-based management.</p>	<p>a performance measurement strategy. The performance measurement strategy will include a performance monitoring plan.</p> <p>Consultation and Policy Development authority evaluation issues will be defined in the performance measurement strategy and the issues will be consistent with the authority objectives and expected results.</p> <p>The performance monitoring strategy that will collect data to support assessments of INAC relationships with Consultation and Policy Development funding recipients.</p>	<p>date of C&PD authority renewal.</p>

	Evaluation Recommendation	Management Response	Management Action	OPI
4	<p>We recommend that the performance monitoring of BOC be improved in order to ensure that relevant performance information is collected, analyzed and reported by INAC for all Aboriginal representative organizations. (page 39)</p>	<p>Agree that relevant performance information be collected, analyzed and reported. Following the transfer from Heritage Canada and prior to program implementation in 2008-09, a Basic Organizational Capacity performance measurement strategy was defined and implemented. The strategy:</p> <ul style="list-style-type: none"> ▪ is consistent with the recommendations of the Blue Ribbon Panel; ▪ was developed in consultation with IRS, OFI, ROS, all INAC regional offices and Aboriginal Representative Organizations; and ▪ includes a logic model, performance indicators and a data collection strategy. <p>Data collection tools are included as part of funding agreements and are included in the First Nations and Inuit Transfer Payment (FNITP) system. Recipients are required to provide data on the performance indicators each year. Consistent with result-based management practices, the performance measurement strategy was implemented in the first year of the BOC (2008-09). This work was completed and implemented on April 1, 2008, before 2008-09 BOC contribution agreements were established.</p>	<p>The BOC performance measurement strategy will be periodically reviewed to ensure its efficiency and effectiveness.</p>	<p>Policy and Strategic Direction</p> <p>Inuit Relations Secretariat</p> <p>Office of the Federal Interlocutor</p> <p><u>Expected Completion Date:</u> Ongoing during BOC implementation</p>
5	<p>We recommend that Aboriginal representative organizations be encouraged and supported by INAC to regularly conduct reviews of organizational effectiveness. We also recommend that membership and governance information be made publicly available on the organizations' websites to increase their transparency to their members and to the Canadian public. (page vi)</p> <p>We therefore recommend that Aboriginal representative organizations be encouraged and supported by INAC to regularly review and renew their membership, governance</p>	<p>Disagree that INAC should direct the implementation of Aboriginal Representative Organizational reviews. The fundamental relationship of accountability is between the organization membership (i.e., the electors) and the organization leaders (i.e., the elected). INAC supports this relationship but is not the dominate player. Agree that effectiveness reviews can help improve the understanding of results achieved.</p> <p>Recipients have their own internal governance and mechanisms of accountability between their elected leaders and individual members. The department does not manage these accountability relationships</p>	<p>To ensure organizational representativeness, BOC applicants will continue to be required to provide information on their membership and on how the membership will be informed of organizational activities.</p>	<p>Policy and Strategic Direction</p> <p>Inuit Relations Secretariat</p> <p>Office of the Federal Interlocutor</p> <p><u>Expected Completion Date:</u> Ongoing</p>

	Evaluation Recommendation	Management Response	Management Action	OPI
	<p>and leadership policies, processes and structures and the effectiveness of their representation within the resources that they have available. (page 41)</p> <p>We also recommend that membership criteria, application procedures, member numbers and members' responsibilities be publicly available on the organizations' websites in addition to their governing documents (constitutions and bylaws) and annual reports. (page 41)</p>	<p>between members and their representative organizations.</p> <p>Department funding is guided by funding agreements. These funding agreements focus on the transfer of funding to recipients for the achievement of specific objectives. These agreements do not include organizational accountability mechanisms.</p> <p>INAC does promote transparency, accountability and effective management practices.</p> <p>To ensure organization transparency, BOC applicants are required to provide:</p> <ul style="list-style-type: none"> ▪ a list of members, member communities or member organizations; ▪ a statement, acceptable to the department (i.e. copies of resolutions from an annual or special meeting of members; copies of Band Council resolutions from members; copy of an annual general report), that the organization is mandated by its individual members, member communities or member organizations to undertake the activities it plans to undertake with the funds; and ▪ a description of how the organization will report to its individual members, member communities or member organizations on the use of the funds received, activities undertaken and results achieved. 	<p>Performance information will be analyzed to ensure its ongoing relevance to supporting program results-based management practices.</p>	<p>during BOC implementation</p>
6	<p>We recommend that Aboriginal representative organizations be encouraged to raise revenue from their members and that INAC consider providing an incentive for increasing the revenue raised from members, for example by providing matching funds up to a ceiling. (page 41)</p>	<p>Agree. To ensure stability and sustainability, INAC encourages funded organizations to generate revenue in ways consistent with their mandate, objectives, intended results and operating principles.</p> <p>INAC recognizes that issues of own source revenue (OSR) are complex and politically sensitive, but provide opportunities for reducing dependency on</p>	<p>Officials from INAC responsibility centres with authority to provide BOC funding will continue to hold exploratory discussions on the</p>	<p>Policy and Strategic Direction</p> <p>Inuit Relations Secretariat</p> <p>Office of the</p>

	Evaluation Recommendation	Management Response	Management Action	OPI
	We also recommend that INAC encourage and support the Aboriginal representative organizations to diversify their funding sources and reduce their dependency on the federal government. (page 42)	<p>government funding. In October 2007, INAC representatives from responsibility centres with authority to provide BOC funding held preliminary discussions on OSR options.</p> <p>Basic Organizational Capacity funding does not preclude Aboriginal Representative Organizations from raising revenue from their members.</p> <p>Departmental funding does not preclude Aboriginal Representative Organizations from diversifying their funding sources.</p>	viability of introducing own source revenue options to Aboriginal representative organizations.	<p>Federal Interlocutor</p> <p><u>Expected Completion Date:</u> March 31, 2010</p>
7	We recommend that more long term and sustainable funding for policy capacity and less project funding be provided to Aboriginal representative organizations. (page 42)	<p>Disagree. Given the limited amount of resources available, the department funds engagement activities as required. With competing resource demands the department is not currently in a position to fund the establishment of a permanent, "standing" policy and program engagement capacity beyond that already provided through the BOC.</p> <p>To enable long-term planning and capacity development, Basic Organizational Capacity recipients are eligible for multi-year funding.</p> <p>Regional Directors General, the Director, Intergovernmental Relations, the Executive Director, Inuit Relations Secretariat, and the Assistant Deputy Minister, Office of the Federal Interlocutor have been delegated authority and can decide to provide and approve multi-year funding agreements to Aboriginal representative organizations deemed to be in good standing.</p> <p>In addition to C&PD and BOC, the Department may also provide project funding to support the implementation of program activities. In many cases Aboriginal Representative Organizations are eligible and may apply for funding. Subject to the availability</p>	INAC will continue to provide multi-year funding opportunities to Aboriginal representative organizations in good standing.	<p>Policy and Strategic Direction</p> <p>Inuit Relations Secretariat</p> <p>Office of the Federal Interlocutor</p> <p><u>Expected Completion Date:</u> Ongoing</p>

	Evaluation Recommendation	Management Response	Management Action	OPI
		of resources, project funding is provided to eligible recipients to support the achievement Departmental Strategic Outcomes.		
8	<p>We recommend that there be one authority combining BOC and C&PD funding, with several streams to provide for different types of recipients. (page 43)</p> <p>We recommend that an organizational approach rather than a program approach be taken to the funding of consultation and policy development in partnership with Aboriginal organizations. (page 44)</p>	<p>Disagree. There are significant differences between these authorities. Combining two sets of distinct activities with distinct outcomes under one authority would cause more operational confusion than simplicity.</p> <p>The intended purpose of the two authorities and their funding varies greatly. Through the funding of specific projects, the C&PD supports program and policy development across multiple departmental strategic outcomes. The projects funded are intended to facilitate the engagement of First Nation and Inuit communities on key program and policy developments. In contrast, the BOC program provides funding to support the basic organizational capacity of Aboriginal representative organizations. This basic organizational capacity allows recipient organizations to provide an effective voice to represent the interests of their members.</p> <p>Besides the differences in each program's nature of funding and intended purposes, the eligible recipients are much different as well. The C&PD is only available to a wide range of First Nation and Inuit recipients. The BOC is available to all Aboriginal representative organizations, but with representative organizations being defined to include a specific group of recipients. As such, not all BOC recipients are eligible for or receive C&PD funding</p>	<p>The Consultation and Policy Development authority expires on March 31, 2010. A renewed Consultation and Policy Development authority will consider all options to improve the authority's implementation efficiency and effectiveness.</p>	<p>Policy and Strategic Direction</p> <p><u>Expected Completion Date:</u> March 31, 2010 or date of C&PD authority renewal.</p>
9	<p>We also recommend more strategic coordination and management of consultation and policy development generally, regardless of what program authority is used to fund it. (page 46)</p>	<p>Agree. INAC can improve the coordination and oversight of the C&PD authority.</p> <p>INAC can also improve the coordination of consultation and policy development generally. The Department is currently taking steps to improve</p>	<p>To support ongoing authority implementation, a renewed Consultation and Policy</p>	<p>Policy and Strategic Direction</p> <p><u>Expected Completion</u></p>

	Evaluation Recommendation	Management Response	Management Action	OPI
		<p>coordination of engagement and policy development activities (e.g., implementation of the BOC Program, development of a policy research agenda, the establishment of intradepartmental policy development and communications processes such as INAC Express, the establishment of interdepartmental collaboration processes).</p> <p>The Departmental integrated planning and reporting process provides a process for tracking all policy development and engagement activities supported by the Department.</p>	<p>Development authority will define a performance measurement strategy. The performance measurement strategy will include a performance monitoring plan.</p>	<p><u>Date:</u> March 31, 2010 or date of C&PD authority renewal.</p>
10	<p><u>From the Executive Summary:</u> Review and clarify allocations across the different Aboriginal recipient groups or within each recipient group. (page viii)</p> <p><u>From the main report:</u> The rationale for the allocation of basic organizational capacity funding across all of the different recipient groups or within each recipient group needs to be reviewed and clarified. (page 46)</p> <p>[We recommend...] that allocations to Aboriginal women's organizations should be reviewed in terms of the level of funding and support for their regional affiliates. (page ix)</p>	<p>Disagree. Current allocations are based on voted authorities and will continue to be consistent with Parliamentary approval.</p> <p>Basic Organizational Capacity funding allocations were recently established. In 2007-08, core funding for First Nations, Inuit, Métis and non-Status Indians was affirmed and integrated into the Basic Organizational Capacity Contribution Program. Current funding allocations for First Nations; Inuit; and Métis and non-status Indians were maintained and recipient allocations were recently approved by the Minister. Allocations may change based on the availability of approved resources and priorities.</p> <p>To support Métis and non-status Indian representative organization core funding decisions, the Office of the Federal Interlocutor developed and implemented objective funding criteria. The criteria were reviewed and approved by the Minister.</p> <p>Other existing funding allocation practices and policies were maintained (i.e., distribution of funding among First Nations PTOs is to follow the existing</p>	<p>Funding levels will be monitored on an ongoing basis.</p> <p>The Funding Policy will be reviewed and expanded to cover funding provided to National Aboriginal Organizations and regional Inuit, Métis, and non-status Indian representative organizations (not just regional representative First Nations organizations). The revised Funding Policy will be clarified and will reflect recent policy</p>	<p>Policy and Strategic Direction</p> <p><u>Expected Completion Date:</u> March 31, 2010</p>

	Evaluation Recommendation	Management Response	Management Action	OPI
		<p>PTO Funding Policy; Inuit and Métis and non-Status Indian funding is distributed based on a Request For Applications (RFA) process).</p> <p>Departmental Vote allocations are used to support a BOC recipient, which determines the overall funding available to each Aboriginal group. Voted authorities are those for which the government must seek Parliament's approval annually through an Appropriations Act. Providing voted funds to Aboriginal groups beyond those specifically identified in the Appropriations Act would subvert the will of Parliament.</p> <p>Agree that the terms and conditions be reviewed in terms of the level of funding to support Aboriginal women's organizations.</p> <p>Aboriginal women's organizations are not specifically mentioned but are not specifically excluded from the C&PD and could be considered eligible under current definitions.</p> <p>The BOC terms and conditions do exclude regional Aboriginal women's organizations. The Department did not conduct a gender based analysis of the program transferred from Heritage Canada during the creation of the BOC program. Changes to the terms and conditions to include regional Aboriginal women's organizations will require Cabinet approval.</p>	<p>decisions and current funding processes.</p> <p>Options for including regional Aboriginal women's organizations as eligible recipients under the BOC will be explored and assessed.</p>	

I concur with this Action Plan

I concur with this Action Plan

Fred Caron
Assistant Deputy Minister
Office of the Federal Interlocutor

Christopher Duschenes
Executive Director
Inuit Relations Secretariat

Annex 1 – Statement of Work

1. Introduction

In the TB Decision 833715 of June 13, 2007, a commitment was made for a summative evaluation to be undertaken in 2009. This evaluation will cover the *Contributions to support basic organizational capacity of representative aboriginal organizations (BoC)* and the *Contributions for the purpose of Consultation and Policy Development(C&PD)* which expire in 2010. Both programs will be evaluated at the same time for efficiency purposes since the two contributions have a large number of recipients in common.

2. The Programs

Program descriptions are available in the Terms of Reference.

3. The Evaluation

In order to conduct this evaluation, the Audit and Evaluation Sector requires the service of a Contractor to conduct, in cooperation with the Evaluation Manager, the scope of work necessary for a timely, strategically focused, neutral evidence-based report on the relevance/rationale, success/impacts, and cost-effectiveness of both contributions. Also, another evaluation objective will be to address the implementation of BOC since it has a relatively short history with INAC.

Furthermore, the evaluation will:

- Identify potential issues regarding both contributions (if applicable),
- Identify gaps in data collection/performance information processes (if any),
- Identify lessons learned and best practices, and
- Identify whether the conclusions and recommendations that can be used when renewal of these programs is sought.

The focus of the evaluation will be to assess whether these programs allow for effective consultation with aboriginal people for the purposes of developing policy, and whether funding is achieving measurable results in a way that provides value for money.

Evaluation Issues and Questions

Contributions to support the basic organizational capacity of representative aboriginal organizations

Rationale/Relevance

1. Do the objectives of the BOC remain consistent with the Government of Canada's priorities and with the Department's strategic objectives?
2. Has the BOC been implemented as intended?
3. Is there a continuing need to provide support to representative Aboriginal organizations? What changes, if any, would make the BOC more relevant?

Success and Impacts

1. To what extent is ongoing administrative and policy development capacity achieved?
2. Are the representative organizations stable, informed and effective at representing their members?
3. Are aboriginal perspectives reflected in the development of government policies and programs as a result of the organizations funded by this contribution?

Cost-Effectiveness/ Alternatives

1. Are there other, more cost-efficient ways of delivering this contribution? What changes, if any, would make the program more effective?
2. Does the BOC overlap with any other programs or services provided by the Government of Canada, the provinces or the territories?

Contributions for the purpose of consultation and policy development (C&PD)

Rationale/Relevance

1. Do the objectives of the Contributions for C&PD remain consistent with the Government of Canada's priorities and with the Department's strategic objectives?
2. Due to demographic changes, are the objectives of the C&PD still providing adequate support to Indians, Inuit and Innu?

Success and Impacts

1. To what extent do Indians, Inuit and Innu have the opportunities to participate in policy development and research as a result of C&PD?
2. Do diverse viewpoints and improved understanding of the issues and concern by all parties improve relations as a consequence of C&PD funding between INAC and Stakeholders?
3. Are First Nations, Inuit, Innu and Northern perspectives reflected in the development of government policies and programs?

Cost-Effectiveness/ Alternatives

1. Are there other, more cost-effective ways of delivering this program? What changes, if any, would make the program more effective?
2. Does the C&PD overlap with any other programs or services provided by the Government of Canada, the provinces or the territories?

Evaluation Methodology and Data Collection Strategy

A detailed evaluation methodology will be developed, led by Evaluation in partnership with the INAC working group. This evaluation will have 3 phases: *A preparatory phase, a data collection phase and an analysis and reporting phase.* Note that the same methodology will be used for both the BOC and C&PD funds.

3.2.1 Preparatory Phase:

Initial file and document review

- This line of evidence will inform the evaluation findings and assist in the development of program profiles, contextual background, case studies, the identification of potential alternatives, and the development of a more comprehensive Work Plan.

Creation of an evaluation Work Plan with detailed methodology, performance indicators matrix, guideline for interviews

- This will be agreed upon by all parties and will guide the evaluation activities as they progress.

3.2.2 Data Collection Phase:

Documents and file review (in-depth)

- To include MCs, TB Submissions, briefing materials, Annual Reports, RMAFs, administrative data and other documents pertinent to this evaluation.

Key informant interview (Note: The number of interviews will be determined by Evaluation with the working group)

- These interviews will provide a better understanding of each contribution. Interviews will be conducted with those selected from the following groups:
 - INAC Management
 - INAC Program Staff
 - Program partners
 - Stakeholders
 - Aboriginal Representatives

Case Studies (Note: the number of Case Studies will be determined by Evaluation with the working group)

- The following issues will be examined through a case study approach designed to better understand the impacts of approval or rejection of applications for both C&PD and BOC. They will investigate:
 - Reason for refusal
 - Cost effectiveness
 - Success/Impact (Best practices and lessons learned)
 - Liability
 - Consultation with regional staff
 - Consultation with Aboriginal groups

3.2.3 An Analysis and Reporting Phase:

- Data analysis
- Preliminary findings (progress report)
- Validation of findings
- Draft report with conclusions
- Final report with recommendations, management response and final action plan and new logic model

4. Scope of Work

The contractor will be expected to:

- Review the available documentation provided by INAC.
- Meet with the relevant INAC officials and obtain and review other relevant documents and records as required.
- Prepare a detailed work plan based on the preliminary assessment indicating, in particular, a comprehensive list of issues to be investigated (using the Terms of Reference) and the approximate time and resources required (within the allocations stated above). It will also describe the corresponding deliverables for each stage of the evaluation, indicating the project work breakdown structure and key project milestones.
- Provide the Audit and Evaluation Sector with oral and written updates and reports detailing the work undertaken and the results achieved in terms of observations, conclusions and recommendations.
- Document additional issues encountered that could represent the need for further consultation. This documentation is to be ancillary and collateral to the work scope and should be restricted to briefly identifying the issues encountered and reporting them to INAC in a timely matter.

5. Deliverables

The contractor is responsible for the quality and completeness of all work finished and submitted to INAC. All reports, deliverables, documentation and all services rendered under this requirement are subject to the approval of the INAC Project Authority (Evaluation Manager). Should any report, document or service not be to the satisfaction of the INAC Project Authority, they reserve the right to reject it or require amendments before payment will be authorized.

Deliverables will include, but are not limited to:

- The finalized Work Plan after completion of the preliminary assessment
- Oral and written reports as requested by the Evaluation Manager
- Working papers, such as interview guides and notes, findings, additional documents, etc.

Reporting

In addition to the timely submission of all deliverables and fulfillment of obligations specified within the Work Plan, it is the responsibility of the Contractor to facilitate and maintain regular communication with the Evaluation Manager. Communication is defined as all reasonable efforts to inform the Evaluation Manager of plans, decisions, proposed approaches, implementation, and results of work, to ensure that the project is progressing well and in accordance with expectations. In addition, the Contractor is to immediately notify the Evaluation Manager of any issues, problems, or areas of concern in relation to any work completed, as they arise.

6. Project Management

Evaluation Services is the contracting, project and technical authority for this evaluation. The Evaluation, Performance Measurement and Review Branch will direct and manage the evaluation, in consultation with the Intergovernmental Relations Directorate of INAC. Regular progress updates will be provided.

An informal working group will be established with members of the Intergovernmental Relations Directorate of INAC, led by the evaluation manager. It is expected that the working group will provide comments on evaluation materials (e.g. interview and survey questionnaires, program profiles, etc) and will assist with facilitating evaluation research (e.g. propose possible key informants, etc).

Updates on the evaluation progress will be shared with program officials and the working group over the course of the evaluation. To facilitate this process, the consultants will be required to update on the evaluation as required by the evaluation manager, and be prepared to participate in discussions.

Please note that the final technical report will inform and provide the basis for the final evaluation report, which will be produced by AES. The recommendations, taking into consideration the policy, operational and political reality of the Department as well as other work underway or already completed.

Annex 2 - Evaluation Matrix

Consultation and Policy Development Contributions			
Issues / Questions	Indicators	Data Sources	Data Collection / Analysis Methods
Rationale and Relevance:			
1. Do the objectives of the contributions for C&PD remain consistent with the Government of Canada's priorities and with the Department's strategic objectives?	<ul style="list-style-type: none"> ▪ Alignment of program's objectives with current federal priorities and the Department's strategic objectives 	<ul style="list-style-type: none"> ▪ C&PD objectives – TB submission ▪ INAC strategic objectives – RPPs & DPRs ▪ GoC priorities – Speech From the Throne and other current GoC policy documents ▪ Court rulings on duty to consult ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Analysis of alignment
2. Due to demographic changes, are the objectives of the C&PD still providing adequate support to Indians, Inuit and Innu?	<ul style="list-style-type: none"> ▪ Profile of C&PD funding to Indian, Inuit and Innu organizations compared to the profile of Aboriginal populations ▪ Breakdown of C&PD funding by Aboriginal groups compared to the breakdown of the Aboriginal population by Aboriginal groups ▪ Qualitative assessment of adequacy of support 	<ul style="list-style-type: none"> ▪ Departmental Finance System ▪ Census data ▪ Statistical research ▪ Aboriginal organizations' interviews ▪ Federal officials and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File Review ▪ Interviews ▪ Case studies of Aboriginal organizations (3) and regional office (1) ▪ Analysis of adequacy
Success and Impacts:			
3. To what extent do Indians, Inuit and Innu have the opportunity to participate in policy development and research as a result of C&PD?	<ul style="list-style-type: none"> ▪ Number of Indian, Inuit and Innu organizations that are recipients ▪ Number of subject specific, legislative, and policy consultations by region and topic ▪ Annual amount of C&PD funding and the degree to which it covers the consultation and policy development costs of the recipient organizations 	<ul style="list-style-type: none"> ▪ Departmental Finance System ▪ Annual Program Reports ▪ Departmental Performance Reports ▪ Aboriginal organizations' interviews ▪ Federal officials' and experts' interviews ▪ Applications and related reports 	<ul style="list-style-type: none"> ▪ Document/File Review ▪ Interviews ▪ Case studies of Aboriginal organizations (2), regional office (1) and policy (1) ▪ Analysis of opportunity to participate attributed to C&PD
4. Do diverse viewpoints and improved understanding of the	<ul style="list-style-type: none"> ▪ Qualitative assessment of the quality of the relationship between INAC and stakeholders 	<ul style="list-style-type: none"> ▪ Surveys of Aboriginal peoples ▪ Aboriginal organizations' 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Case studies of Aboriginal

Consultation and Policy Development Contributions			
Issues / Questions	Indicators	Data Sources	Data Collection / Analysis Methods
issues and concerns by all parties improve relations as a consequence of C&PD funding between INAC and stakeholders?		interviews <ul style="list-style-type: none"> ▪ Federal officials' and experts' interviews ▪ Applications and related reports 	organizations (3), regional office (1) and policy (1) <ul style="list-style-type: none"> ▪ Analysis of trends in the quality of the relationship and attribution to C&PD
5. Are First Nations, Inuit, Innu and Northern perspectives reflected in the development of government policies and programs?	<ul style="list-style-type: none"> ▪ References to First Nations, Inuit, Innu and Northern perspectives in TB Submissions, MCs, published citations, and policy documents ▪ Qualitative assessment of the extent to which government policies and programs are more reflective of First Nation, Inuit and Northern perspectives 	<ul style="list-style-type: none"> ▪ Annual Program Reports ▪ GoC policy and program documents ▪ Aboriginal organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Case studies of Aboriginal organizations (3) and policy (1) ▪ Analysis of congruence between GoC policies and programs and First Nations, Inuit and Innu perspectives and attribution to C&PD
Cost-effectiveness and Alternatives:			
6. Are there other, more cost effective ways of delivering this program? What changes, if any, would make the program more effective?	<ul style="list-style-type: none"> ▪ Recommended changes e.g. to procedures, to funding arrangement, consolidation with other programs, increased funding 	<ul style="list-style-type: none"> ▪ Aboriginal organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Literature Review ▪ Interviews ▪ Case studies of Aboriginal organizations (3), regional office (1) and policy (1) ▪ Analysis of the cost effectiveness of proposed changes
7. Does the C&PD overlap with any other programs or services provided by the Government of Canada, the provinces or the territories?	<ul style="list-style-type: none"> ▪ Evidence of overlap e.g. consultation, policy development or capacity building funding from other sources within or outside of INAC; activities or outputs funded partially by C&PD and partially by other sources 	<ul style="list-style-type: none"> ▪ Aboriginal organizations' documents ▪ Aboriginal organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Case studies of Aboriginal organizations (3), regional office (1) and policy (1) ▪ Analysis of overlap

Sources: Evaluation Statement of Work and Terms of Reference; Departmental RMAF/RBAF (2005)

Basic Organizational Capacity Contributions			
Issues / Questions	Indicators	Data Sources	Data Collection / Analysis Methods
Rationale and Relevance:			
1. Do the objectives of the BOC remain consistent with the Government of Canada's priorities and with the Department's strategic objectives?	<ul style="list-style-type: none"> ▪ Alignment of program's objectives with current federal priorities and the Department's strategic objectives 	<ul style="list-style-type: none"> ▪ BOC objectives – TB submission ▪ INAC strategic objectives – RPPs & DPRs ▪ GoC priorities – Speech From the Throne and other current GoC policy documents ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Analysis of alignment
2. Has the BOC been implemented as intended?	<ul style="list-style-type: none"> ▪ Degree of alignment of BOC planned implementation vs. actual, e.g. <ul style="list-style-type: none"> - plans vs. reports - budgeted vs. actual expenditure - documented management procedures vs. actual procedures - proposals vs. reports 	<ul style="list-style-type: none"> ▪ INAC RPPs, DPRs, Estimates and Public Accounts ▪ Departmental Finance System ▪ FMM, Ts & Cs, HQ & RO procedures ▪ Performance Reports ▪ INAC HQ & RO officials' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Analysis of variance
3. Is there a continuing need to provide support to representative Aboriginal organizations? What changes, if any, would make the BOC more relevant?	<ul style="list-style-type: none"> ▪ Proportion of sample of stakeholders who believe continued support is necessary to achieving objectives ▪ BOC support as a proportion of total revenue in the sample of representative Aboriginal organizations ▪ Recommended changes to increase relevance e.g. <ul style="list-style-type: none"> - amount of funding - eligible organizations - eligible expenses - allocation 	<ul style="list-style-type: none"> ▪ Performance Reports ▪ Aboriginal representative organizations' interviews ▪ Federal officials' and experts' interviews ▪ Aboriginal representative organizations' documents 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Case studies of Aboriginal organizations (2) and regional office (1) ▪ Literature review ▪ Analysis of continued need and proposed changes
Success and Impacts:			
4. To what extent is ongoing administrative and policy development capacity achieved?	<ul style="list-style-type: none"> ▪ Number of representative Aboriginal organizations that are recipients ▪ Evidence that the recipient organizations have ongoing administrative and policy development capacity 	<ul style="list-style-type: none"> ▪ Departmental Finance System ▪ Performance Reports ▪ Aboriginal representative organizations' interviews ▪ Federal officials' and 	<ul style="list-style-type: none"> ▪ Document/File Review ▪ Interviews ▪ Case studies of Aboriginal organizations (2) ▪ Analysis of administrative and policy capacity and

Basic Organizational Capacity Contributions			
Issues / Questions	Indicators	Data Sources	Data Collection / Analysis Methods
	<p>e.g. administrative and policy staff and budgets, executive meetings held, policy development activities and internal fora held</p> <ul style="list-style-type: none"> ▪ Annual amount of BOC funding and the degree to which it covers the basic organizational capacity costs of the representative Aboriginal organizations 	<p>experts' interviews</p> <ul style="list-style-type: none"> ▪ Aboriginal representative organizations' documents 	<p>attribution to BOC</p>
<p>5. Are the representative organizations stable, informed and effective at representing their members?</p>	<ul style="list-style-type: none"> ▪ Evidence of stability of the sample of Aboriginal representative organizations e.g. history, size in terms of staff and budgets, stability of leadership, stable or increasing membership ▪ Number of Aboriginal representative organizations that fail/close/declare bankruptcy ▪ Number of reports, studies, briefings, advice and guidance provided to the Department by organizations ▪ Qualitative assessment of the degree to which Aboriginal representative organizations are informed about their members' needs and effective in representing their members 	<ul style="list-style-type: none"> ▪ Performance Reports ▪ Surveys of members (organizational and individual) ▪ Aboriginal representative organizations' documents ▪ Aboriginal representative organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Case studies of Aboriginal organizations (2) ▪ Analysis of stability, consultation and representation, and attribution to BOC
<p>6. Are Aboriginal perspectives reflected in the development of government policies and programs as a result of the organizations funded by this contribution?</p>	<ul style="list-style-type: none"> ▪ References to Aboriginal representative organizations in TB Submissions, MCs, published citations, and policy documents ▪ Qualitative assessment of the extent to which government policies and programs are more reflective of Aboriginal perspectives 	<ul style="list-style-type: none"> ▪ Performance Reports ▪ GoC policy and program documents ▪ Aboriginal organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Case studies of Aboriginal organizations (2) and policy (1) ▪ Analysis of congruence between GoC policies and programs and Aboriginal perspectives and attribution to BOC

Basic Organizational Capacity Contributions			
Issues / Questions	Indicators	Data Sources	Data Collection / Analysis Methods
7. Is there any difference in outcomes between those organizations that were previously funded by Canadian Heritage and those organizations that have been funded by INAC for the past five years?	<ul style="list-style-type: none"> ▪ Variance in terms of success and impact between two different sets of organizations 	<ul style="list-style-type: none"> ▪ Analysis of Questions 4, 5 and 6 above 	<ul style="list-style-type: none"> ▪ Accumulation of data from Questions 4, 5 and 6 above ▪ Analysis of variance and attribution to INAC's implementation
Cost-effectiveness and Alternatives:			
8. Are there other, more cost-efficient ways of delivering this contribution? What changes, if any, would make the program more effective?	<ul style="list-style-type: none"> ▪ Recommended changes e.g. to procedures, to funding arrangement, consolidation with other programs, increased funding 	<ul style="list-style-type: none"> ▪ Aboriginal representative organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Literature Review ▪ Interviews ▪ Case studies of Aboriginal organizations (2) ▪ Analysis of the cost efficiency and cost effectiveness of proposed changes
9. Does the BOC overlap with any other programs or services provided by the Government of Canada, the provinces or the territories?	<ul style="list-style-type: none"> ▪ Evidence of overlap e.g. staff in representative Aboriginal organizations or activities and outputs partially funded by BOC and partially by other sources 	<ul style="list-style-type: none"> ▪ Aboriginal representative organizations' reports ▪ Aboriginal representative organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Document/File review ▪ Interviews ▪ Case studies of Aboriginal organizations (2) ▪ Analysis of overlap

Sources: Evaluation Terms of Reference and Statement of Work; Performance Measurement Strategy and Evaluation Plan in the *Integrated RMAF/RBAF for Contributions to Support Basic Organizational Capacity of Representative Aboriginal Organizations*

C&PD and BOC Contributions			
Issues / Questions	Indicators	Data Sources	Data Collection / Analysis Methods
Cost Effectiveness:			
1. Is there a way to increase the synergy, efficiency and effectiveness between the two programs?	<ul style="list-style-type: none"> ▪ Recommended changes e.g. consolidation into one program, integrated planning and reporting, reallocation of funds between the two programs 	<ul style="list-style-type: none"> ▪ Aboriginal organizations' interviews ▪ Federal officials' and experts' interviews 	<ul style="list-style-type: none"> ▪ Interviews ▪ Case studies of Aboriginal organizations (2), regional office (1) and policy (1) ▪ Analysis of the cost effectiveness of proposed changes

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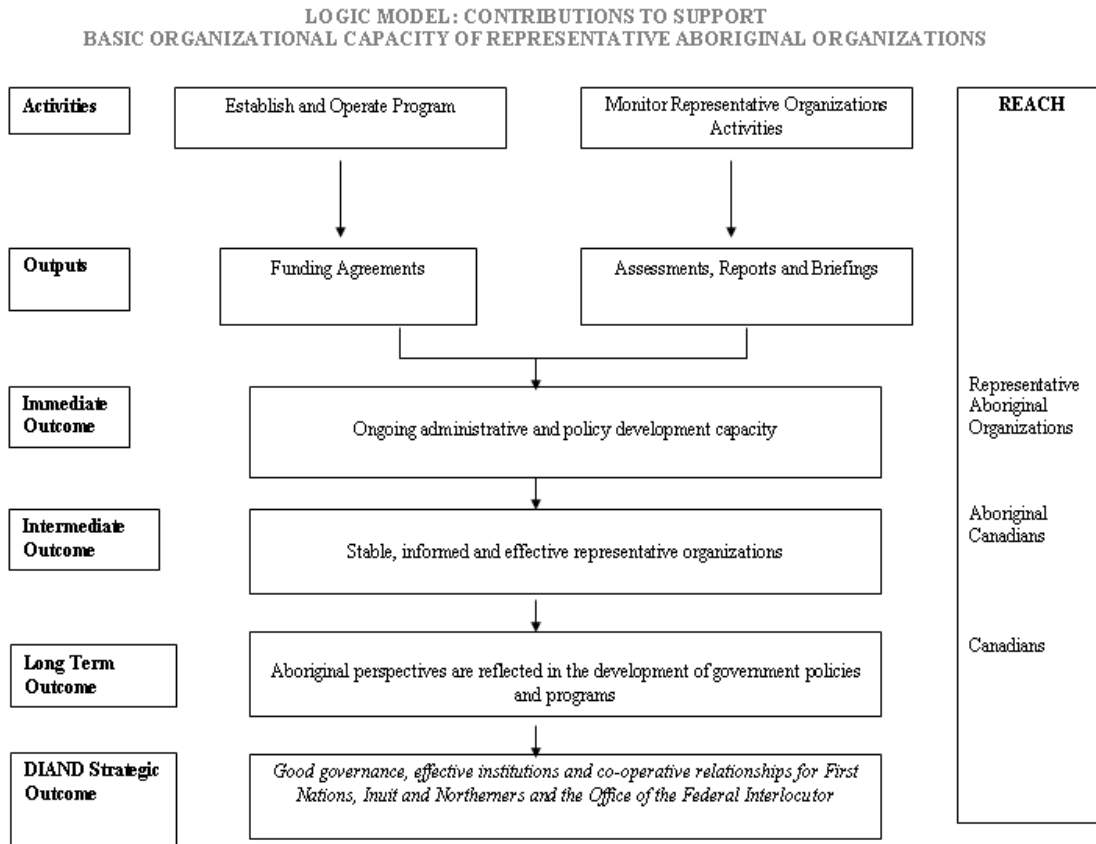
Annex 4 - Logic Models

Figure 1: Contributions for the purpose of consultation and policy development (C&PD)



Source: Departmental RMAF/RBAF, p. 111.

Figure 2: Contributions to Support Basic Organizational Capacity of Representative Aboriginal Organizations Program (BOC)



Source: *Integrated RMAF-RBAF for Contributions to Support Basic Organizational Capacity of Representative Aboriginal Organizations*, TB Submission #833715, June 13, 2007

Annex 5 – Financial Tables

Table 1: 10 Year Profile of Budgeted and Actual C&PD Funding

C&PD Funding	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Budget	\$16,909,000	\$22,064,000	\$17,657,000	\$13,457,000	\$13,957,000	\$15,524,000	\$31,610,000	\$24,570,000	\$31,287,000	\$24,824,000
Actual	\$47,865,566	\$64,369,920	\$57,863,021	\$39,975,274	\$34,625,748	\$36,855,249	\$46,540,726	\$46,482,953	\$54,808,068	\$39,800,703
Variance	\$30,956,566	\$42,305,920	\$40,206,021	\$26,518,274	\$20,668,748	\$21,331,249	\$14,930,726	\$21,912,953	\$23,521,068	\$14,976,703

Source: Estimates for the Government of Canada <http://www.tbs-sct.gc.ca/est-pre/estime.asp>;
Public Accounts of Canada http://epe.lac-bac.gc.ca/100/201/301/public_accounts_can/index.html

Table 2: C&PD Funding by Recipient Group, 2007/08

Recipient	07/08	No. of Orgs	% Total	Adjusted Total ¹	% Adjusted Total
<i>Indian Bands</i>	2,182,469.00	59	5.48%	2,182,469.00	5.85%
<i>Tribal Councils, Sectoral Councils</i>	3,603,808.35	26	9.05%	3,603,808.35	9.66%
<i>AFN and PTOs</i>	26,388,983.41	22	66.30%	26,388,983.41	70.75%
<i>Other FN Related Organizations</i>	2,835,598.00	13	7.12%	2,835,598.00	7.60%
TOTAL FIRST NATIONS	35,010,858.76	120	87.97%	35,010,858.76	93.86%
TOTAL INUIT	3,142,929.00	10	7.90%	641,929.00	1.72%
TOTAL MÉTIS	30,000.00	1	0.08%	30,000.00	0.08%
TOTAL OTHER ABORIGINAL	1,077,393.00	6	2.71%	1,077,393.00	2.89%
TOTAL ABORIGINAL WOMEN	539,522.00	4	1.36%	539,522.00	1.45%
GRAND TOTAL	39,800,702.76	261	100.00%	37,299,702.76	100.00%

1. Adjusted to remove planned BOC funding to Inuit organizations in 2007/08 that was funded under the C&PD authority.

Source: FNITP 2003/04 to 2007/08.

Table 3: C&PD Funding to BOC Versus Other Recipients By Region and Division, 2003/04 to 2007/08

Region/Division	Total	% BOC Recipients	% non-BOC Recipients
<i>Headquarters</i>			
Policy & Strategic	\$61,875,959.00	95.19%	4.81%
Inuit Relations Sect ¹	\$3,871,129.00	93.91%	6.09%
OFI	\$304,606.00	52.53%	47.47%
Treaties/Abor Gov	\$268,603.00	49.37%	50.63%
Northern Affairs	\$797,306.43	10.44%	89.56%
Lands & Trust	\$13,296,844.71	9.75%	90.25%
SEPRO	\$175,000.00	0.00%	100.00%
Corporate Serv.	\$82,570.00	0.00%	100.00%
<i>Regional Offices</i>			
Alberta	\$10,247,267.00	95.01%	4.99%
Saskatchewan	\$16,540,352.81	92.08%	7.92%
Manitoba	\$44,656,402.30	91.56%	8.44%
Nunavut	\$1,044,142.66	91.38%	8.62%
Ontario	\$27,614,967.00	76.95%	23.05%
Atlantic	\$11,358,290.04	68.14%	31.86%
Quebec	\$5,057,085.00	51.54%	48.46%
Yukon	\$3,287,379.00	38.86%	61.14%
BC	\$26,820,247.00	27.35%	72.65%
NWT	\$3,771,067.54	16.69%	83.31%
Grand Total	\$231,069,218.49	75.90%	24.10%

1. Includes the \$2.5 million allocation for BOC funding in 2007/08 that was funded under the C&PD authority.

Source: FNITP 2003/04 to 2007/08.

Table 4: C&PD Funding to National and Regional Aboriginal Organizations, 2003/04 to 2007/08

Recipient	03/04	04/05	05/06	06/07	07/08
National Aboriginal Organizations	32.41%	40.94%	35.44%	38.50%	29.60%
Regional Aboriginal Organizations	67.59%	59.06%	64.56%	61.50%	70.40%
GRAND TOTAL C&PD FUNDING	100.00%	100.00%	100.00%	100.00%	100.00%

Source: FNITP 2003/04 to 2007/08.

Table 5: BOC Funding by Organization, Recipient Group, and Year

Region/Division	Organization	2003/04 Actual	2004/05 Actual	2005/06 Actual	2006/07 Actual	2007/08 Actual	2008/09 Allocation
First Nations							
Head Quarters	Assembly of First Nations	2,070,000	2,070,000	2,070,000	2,070,000	4,850,000	5,000,000
Yukon	Council of Yukon First Nations	171,400	171,400	171,400	171,400	169,582	449,850
Northwest Territories	Dene Nation of NWT	194,900	194,900	194,900	184,237	200,700	401,047
British Columbia	British Columbia Assembly of First Nations	197,064	197,064	197,064	197,064	198,716	403,377
	First Nations Summit Society	325,279	325,279	325,279	325,279	328,004	665,625
	Union of British Columbia Indian Chiefs	134,538	134,538	134,538	134,538	135,664	553,990
Alberta	Confederacy of Treaty Six	126,263	126,263	126,263	126,263	127,232	266,233
	Treaty 7 First Nations Chiefs Associations	126,263	126,263	126,263	126,263	127,232	266,233
	Treaty 8 First Nations Of Alberta	126,263	126,263	126,263	126,263	127,232	266,233
Saskatchewan	Fed Of Sask Indians, Inc	458,917	458,917	458,900	458,900	466,900	1,512,900
Manitoba	Assembly Of Manitoba Chiefs Secretariat Inc	179,796	179,796	179,796	179,796	183,392	2,538,500
	Manitoba Keewatinowi Okimakanak	122,441	122,441	122,441	122,441	124,890	1,550,000
	Southern Chiefs Organization Inc.	147,253	147,253	147,254	147,254	150,198	795,000
Ontario	Nishnawbe-Aski-Nation	189,511	189,511	189,511	189,511	180,425	613,633
	Assoc. Of Iroquois Allied Indians	72,884	72,884	72,884	72,884	70,268	237,106

Region/Division	Organization	2003/04 Actual	2004/05 Actual	2005/06 Actual	2006/07 Actual	2007/08 Actual	2008/09 Allocation
	Chiefs Of Ontario	66,159	66,159	0	66,159	63,895	215,343
	Grand Council Treaty 3	100,669	100,669	100,669	100,669	100,408	331,639
	Union Of Ontario Indians	232,372	232,372	232,372	232,372	223,953	755,900
	Six Nations Of The Grand River						11,400
Quebec	Secretariat De L'assemblee Des Premieres Nations Du Québec Et Du Labrador	312,800	312,800	312,800	312,800	319,800	640,427
Atlantic	Atlantic Policy Congress	23,296	23,296	23,296	23,296	23,967	547,883
	Innu Nation	115,389	115,389	115,389	115,389	115,000	
	Mi'kmaq Confereracy Of PEI Inc.			0	0	0	252,532
	Union Of N B Indians	101,770	101,770	101,770	101,770	104,700	180,193
	Union Of Nova Scotia Indians	107,634	107,634	107,634	107,634	110,733	216,011
First Nations Total	Total	5,702,861	5,702,861	5,636,686	5,692,182	8,502,891	18,671,055
Inuit							
AROP/ Inuit Relations Secretariat	Inuit Tapiriit Kanatami	389,667	389,667	449,667	389,667	1,300,000	1,300,000
	Makivik Corporation	201,645	201,645	201,645	201,645	201,000	201,645
	Inuvialuit Regional Corporation	186,211	186,211	186,211	186,211	200,000	200,000
	Kitikmeot Inuit Association	0	0	194,546	194,546	200,000	200,000
	Kivalliq Inuit Association	194,546	194,546	194,546	194,546	200,000	200,000
	Labrador Inuit Association/Nunatsiavut Government				182,027	200,000	
	Qikiqtani Inuit Association	204,168	204,168	204,168	204,168	200,000	200,000
	Tungasuvvingat Inuit						200,000
Inuit Total	Total	1,176,237	1,176,237	1,430,783	1,552,810	2,501,000	2,501,645
Métis and NSI							
AROP/ Office of the Federal Interlocutor	CAP Saskatchewan	115,389	115,389	115,389	115,389	0	
	Congress Of Aboriginal Peoples	460,417	510,244	460,417	460,417	460,417	560,000
	Federation Of Nfld Indians	115,389	115,389	115,389	115,389	115,389	115,400
	Labrador Métis Association	115,389	145,189	115,389	115,389	115,389	218,300
	Manitoba Métis Federation Inc.	463,760	506,045	440,725	440,725	440,725	430,000
	Métis Nation Of Alberta Association	356,884	406,896	330,996	330,996	330,996	430,000

Region/Division	Organization	2003/04 Actual	2004/05 Actual	2005/06 Actual	2006/07 Actual	2007/08 Actual	2008/09 Allocation
	Métis Nation British Columbia	146,369	146,369	146,369	146,369	146,369	300,000
	Métis Nation Of NWT				198,757	0	
	Métis Nation Of Ontario	161,571	215,576	146,369	146,369	146,369	300,000
	Métis Nation Of Saskatchewan	517,227	517,227	517,227	200,000	450,617	430,000
	Métis National Council	425,855	498,335	450,855	450,855	425,855	560,000
	Métis Settlements General Council	0	0	0	0	20,375	115,000
	Native Alliance Of Québec	280,145	309,183	205,109	280,145	280,145	250,000
	Native Council Of Canada - Alberta	0	0	0	115,389	0	
	Native Council Of Nova Scot	146,065	186,065	146,065	146,065	146,065	206,900
	Native Council Of Prince Edward Island	115,389	142,889	115,389	115,389	115,389	206,900
	New Brunswick Aboriginal Peoples Council	154,236	197,022	154,236	154,236	154,236	206,900
	Ontario Métis Aboriginal Association	339,400	392,160	339,400	339,400		
	United Native Nations Society	340,466	390,466	340,466	340,466	340,466	270,600
M&NS Total	Total	4,253,951	4,794,444	4,139,790	4,211,745	3,688,802	4,600,000
Aboriginal Women							
AWP/ IRD & IRS	Native Womens Assoc Of Canada	351,531	351,531	351,531	311,531	561,531	561,531
	Métis Womens Association				200,000		
	Pauktuutit-Inuit Women of Canada	266,990	266,990	266,990	226,990	220,000	440,000
AW Total	Total	618,521	618,521	618,521	738,521	781,531	1,001,531
All	Grand Total	11,751,570	12,292,063	11,825,780	12,195,258	15,474,224	26,774,231

Note:

Funding to Inuit representative organizations in 2007/08 is based on planned amounts since C&PD funding authority was used that fiscal year.

Funding to NWAC in 2007/08 includes \$170,716 paid by Canadian Heritage pending TB approval of renewal of the authority and transfer to INAC.

Source: Financial Tables provided by Canadian Heritage – Aboriginal Affairs Branch 2003/04-2005/06
Financial Tables provided by IRD, 2003/04, 2004/05, and 2005/06 to 2007/08 and IRS.

Table 6: Allocation of Core Funding Between National and Regional Aboriginal Representative Organizations

Organization	2003/04 Actual	2004/05 Actual	2005/06 Actual	2006/07 Actual	2007/08 Actual	2008/09 Allocation
National Aboriginal Organizations	3,964,460	4,086,767	4,049,460	4,109,460	7,817,803	8,421,531
% Total	33.74%	33.25%	34.24%	33.70%	50.52%	31.45%
Regional Aboriginal Organizations	7,787,110	8,205,296	7,776,320	8,085,798	7,656,421	18,352,700
% Total	66.26%	66.75%	65.76%	66.30%	49.48%	68.55%
Total	11,751,570	12,292,063	11,825,780	12,195,258	15,474,224	26,774,231

Source: Canadian Heritage – Aboriginal Affairs Branch 2003/04-2005/06 (Approved) and 2006/07 (Planned)
FNITP 2003/04 to 2008/09 and IRS Allocations 2007/08.

Annex 6 – List of BOC Recipients

First Nations (n=24, 1 NAO and 23 PTOs)

Assembly of First Nations (AFN)

Provincial/Territorial Organizations (PTOs):

Union of BC Indians

First Nations Summit - BC

Office of the AFN Vice-Chief/BC Assembly of First Nations

First Nations Resource Council - Alberta (not funded 03/04 to 07/08)

Confederacy of Treaty Six - Alberta

Treaty 7 Tribal Council - Alberta

Treaty 8 First Nations - Alberta

Federation of Saskatchewan Indian Nations (FSIN)

Assembly of Manitoba Chiefs (AMC)

Southern Chiefs' Organization (SCO) - Manitoba

Manitoba Keewatinowi Okimakanak (MKO)

Chiefs of Ontario

Grand Council Treaty #3 – Ontario

Nishawbe-Aski Nation – Ontario

Association of Iroquois and Allied Indians – Ontario

Union of Ontario Indians

Secrétariat de 'Assemblée des Premières Nations du Québec et du Labrador

Atlantic Policy Congress

Union of New Brunswick Indians

Union of Nova Scotia Indians

Mi'kmaq Confederacy of Prince Edward Island (recognized in 2004/05 but not funded)

Council of Yukon First Nations

Dene Nation – NWT

Inuit (n=8, 1 NAO, 6 regional and 1 national urban organization)

Inuit Tapiriit Kanatami (ITK)

Inuit Regional Organizations:

Makivik – Quebec

Nunatsiavut /Labrador Inuit Association – Newfoundland & Labrador

Inuvialuit Regional Corporation (IRC) – NWT

Nunavut Tunngavik Inc. (does not receive BOC funding but its members do)

Qikiqtani

Kitikmeot

Kivalliq

Tungasuvvingat (from 2008/09)

Métis (n=7, 1 NAO, 5 regional affiliates and 1 land-based)

Métis National Council (MNC)

Regional Affiliates:

Métis Nation of British Columbia (MNBC)/Métis Provincial Council of BC

Métis Nation of Alberta (MNA)

Métis Nation of Saskatchewan (MNS)

Manitoba Métis Federation (MMF)

Métis Nation of Ontario (MNO)

Métis Settlements General Council - Alberta

Non Status, Off Reserve, Urban (n=14, 1 NAO and 13 regional affiliates)

Congress of Aboriginal Peoples (CAP)

Regional Affiliates:

United Native Nations Society – BC

Native Council of Canada Alberta

CAP of Saskatchewan

Indian Council of First Nations of Manitoba

Ontario Métis Aboriginal Association

Alliance autochtone – Quebec

Innu Nation – Newfoundland & Labrador

Labrador Métis Association

New Brunswick Aboriginal Peoples Council

Native Council of Nova Scotia

Native Council of Prince Edward Island

Federation of Newfoundland Indians

Métis Nation NWT

Aboriginal Women's Organizations (n=3, 3 NAOs)

Native Women's Association of Canada (NWAC)

Pauktuutit Inuit Women of Canada

Métis Women's Organization

Annex 7 – Selected Aboriginal Organizations Timeline

National Aboriginal Organizations

- 1961 – National Indian Council
- 1968 – National Indian Brotherhood
Native Council of Canada
- 1971 - Inuit Tapirisat of Canada
- 1974 - Native Women’s Association of Canada
- 1982 - Assembly of First Nations
- 1983 - Métis National Council
- 1984 - Pauktuutit
- 1992 - Métis Women’s National Council
- 1993 - Congress of Aboriginal Peoples
- 2001 - Inuit Tapiriit Kanatami

Regional Aboriginal Organizations

First Nation

- 1946 - Federation of Sask. Indians
- 1949 - Union of Ontario Indians
- 1969 - Union of Nova Scotia Indians
Assoc. of Iroquois & Allied Indians
Union of BC Indian Chiefs
- 1973 - Nishnawbe Aski Nation
Council of Yukon First Nations
- 1975 - Chiefs of Ontario
- 1981 - Manitoba Keewatinowi Okimakanak
- 1985 - AFN of Quebec and Labrador
- 1986 - Confederacy of Mainland Mi’kmaq
- 1988 - Assembly of Manitoba Chiefs
- 1990 - First Nations Summit
- 1993 - Confederacy of Treaty 6 First Nations
- 1995 - Atlantic Policy Congress
- 2005 - Treaty 7 Management Corporation

Inuit Regional/Urban Organizations

- 1984 - Inuvialuit Regional Corporation
- 1987 - Tungasuvvingat Inuit
- 1993 - Nunavut Tunngavik Inc.

Métis and Non-Status Indian

- 1928 - Métis Nation of Alberta
- 1967 - Manitoba Métis Federation
- 1969 - United Native Nations Society
- 1972 - Alliance Autochtone du Quebec
- Federation of Newfoundland Indians
- New Brunswick Aboriginal Peoples Council
- 1974 - Native Council of Nova Scotia
- 1975 - Native Council of Prince Edward Island
- 1979 - Labrador Métis Nation
- 1994 - Métis Nation of Ontario
- 1996 - Métis Nation of British Columbia