



Grand Chief Shawn Atleo in a pensive moment at an Ottawa news conference. “Not yet 50,” Robin Sears writes, “Atleo is at the leading edge of this new generation. He has nearly 30 years of experience as a leader, first locally, then in British Columbia and for the past four years at the national level.” Photo: Matt Usherwood, iPolitics.

The AFN and the PM: Retiring the Missionaries

Robin V. Sears

The federal First Nations bureaucracy has challenged prime ministers, confounded ministers and enriched battalions of lawyers and consultants. What it has done lately for First Nations comes in a federal budget delivered amid the eruption of Idle No More, the explosion of law suits and roadblocks against resource development in the North and in western Canada and the mobilization of young Cree to march hundreds of kilometres to Ottawa. As both the Harper government and the First Nations leadership weigh their options, powerful templates for change exist right in their backyards.

That Canada’s enormous aboriginal bureaucracy has failed to deliver despite dispensing billions of dollars a year for decades is not hard to explain – their values and methods differ little from their forbears of two centuries earlier. Just as Anglican and Catholic missionaries used a combination of carrot and stick to replace local languages and culture with English and Victorian values, so today’s zealous bureaucrats use grants, project funding – and the threat of their withdrawal – to reward ‘good Indians’ and punish the recalcitrant in defense of a classic clientist welfare agenda.

The department changes its name every decade or so, in the apparent belief that new paint will disguise the ancient, rigid superstructure it conceals. No more responsible for “Indian Affairs,” the newest packaging is about aboriginal peoples and northern development. To its friends and enemies it is always simply, “The Department.”

Local chiefs who attack the department’s diktat for its failure to supply clean water or safe schools risk placing themselves outside the “circle of grace,” as a patient missionary would have explained to their ancestors. Money has replaced the threat of force as the state’s preferred means of ensur-

ing compliance. Although the department selectively leaks the abuse of its funds by some First Nations communities – as a caution to those tempted to “get off the reserve” as it were – it rarely offers a view of its own internal use of taxpayers’ funds, nominally designated to address Canada’s indigenous peoples’ social and economic issues.

It would surely horrify the diminishing and battered cadre of Reform Party true believers to know that their government has overseen a rapid growth in the hundreds of millions of dollars that the department spends on outside consultants – a large percentage of them former employees of the department itself, rewarded with contracts by their former colleagues. The most recent figure is \$350 million dollars a year and growing rapidly.

It is this army of consultants who are sent to disaster zones such as Attawapiskat, at a cost of thousands of dollars a day, to usefully report that, indeed, there remains mould in children’s bedrooms and classrooms, poisonous water, domestic violence and substance abuse on reserve. The causes that their expensive reports predictably cite are bad band management and weak budgetary controls, never departmental policy or funding – after all, like a certain class of consultants everywhere, they know what their clients expect of them and they understand that their next contract depends on their expert stroking of those expectations.

Next to the accountants and the management consultants, the profession that dines most sumptuously on the riches of the broader aboriginal bureaucracy is – no prizes for guessing – lawyers. Billions of taxpayers’ dollars have been wasted on legal battles funded by the federal Department of Justice, backed by several provincial governments, to frustrate resolution of hundreds of outstanding land claims. A generation of lawyers’ entire careers have been funded by Canadian taxpayers in this bizarre exercise. Regularly smacked by the Auditor-General and even the Supreme Court, no Canadian government – no federal or provincial government – has yet had the will to force an end to the circus.

Once a decade or so, a brave or naive new minister is handed the mess than

is Canada’s First Nations policy, and he or she decides to take on the department. They announce measures that will deliver real change in health, education and economic possibility on reserve and among Canada’s burgeoning urban aboriginal communities. What follows is like a poorly scripted episode of “Yes, Minister,” as the department’s enormous ranks of mid-level bureaucrats adopt their best passive-aggressive postures, smiling and nodding at the innocent politician’s stern admonitions.

They’ve seen off a half-dozen of his predecessors and know that slow – walked production of strategic plans, seminars and consultations will be enough to ensure the preservation of the status quo ante, until the arrival of a more pliable supervisor. The list of well-meaning but ultimately frustrated ministers is long: Jean Chretien, Bryce Mackasey, Bob Nault in days of old; Chuck Strahl and Jim Prentice more recently.

The arrival of a seasoned old-hand in the form of Bernard Valcourt, is a token not only of Prime Minister Harper’s frustration with the department’s intransigence, but also of his recognition that he must break it if he is not to wear the political cost of a complete breakdown in relations between the Crown and Canada’s First Nations.

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Valcourt has already sent a frisson through the department’s most hard-

core gatekeepers of Canada’s last 19th century welfare bureaucracy. His early declarations, both to the First Nations leadership and to his officials, have been refreshing. In effect: “I am here to deliver the changes that the Prime Minister has promised for Canada’s aboriginal peoples and I do not intend to fail.” His ability to deliver, however, will be determined by events and decisions outside the department, the government and his control.

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As Assembly of First Nations National Chief Shawn Atleo has repeated ad nauseam in the past year, Canada truly is at a cross roads. The eruption of Idle No More, the explosion of law suits and roadblocks against resource development in the North and in western Canada, the mobilization of young Cree to march hundreds of kilometres to Ottawa are the storm warnings of a confrontation just over the horizon. Its roots lie in the centuries of broken treaties, residential schools, and abusive federal “Indian officers.” Today’s trigger is a new generation of well-educated, confident First Nations leaders and the threat of dozens of mines and pipelines crisscrossing their lands.

Atleo is at the leading edge of this new generation. Not yet 50, he has nearly 30 years of experience as a leader, first locally, then in British Columbia and for the past four years at the national level. Like a Martin Luther King in contrast to a Malcolm X, he is genuinely committed to the path of negotiation and civil disobedience if necessary.

However, like King he is surrounded by a much more hawkish group of advisers and competitors, convinced that only the threat of violence and economic disruption will wrest power from the department that controls life on the reserve, and force the resource sector to share the billions earned on their territories.

The National Chief has made a courageous gamble that he can keep this government's feet to the fire about delivering real change. He has a very limited ability to ensure the delivery of good schools and housing, or real economic opportunity for tens of thousands of unemployed and angry young people – unless he lets slip the dogs of war. As the fiasco surrounding the Chief Spence protest and the efforts of several political competitors to use it as a platform to undermine the National Chief and his agenda demonstrated, the pressures to move in that direction are powerful and growing.

He backstops his gamble in two ways. First, in a constant tour of venues and associations across Canada, taking a simple and powerful call for justice to groups of Canadians. He's grown into a compelling speaker, and has perfected the TV sound bite. Secondly, he consciously reaches over the heads of the First Nations establishment to the young and frustrated members on reserve and in urban Canada with a message of hope and self-empowerment. His poll numbers among both groups are impressive.

His internal challenge is that he is merely the voice of, not the empowered leader of, the several hundred chiefs who elect him. National Chiefs before him, faced with the scarce resources and authority of a role that sounds more powerful than it has ever been, have retreated to complaint and regular criticism. Atleo knows he has the power of a bully pulpit that he uses well, but among his constituents are an older generation who long ago made their peace with the Department. Beneficiaries of its largesse, they have little incentive to support dramatic changes that might undermine their authority.

Atleo and Harper have established a relationship that is a credit to both politicians. On Atleo's side, he has gambled his reputation and his future on his being able to deliver real change, not simply angry rhetoric, in the lives of

his people. He has attempted to secure it by keeping public pressure on Harper to keep his promise to break the department's iron grip and to force negotiation of real resource sharing agreements and treaty implementation.

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The risks on the Prime Minister's side are no less real. Failure to deliver could mean violence for which he will pay the political price. Failure also means no new resource development and the riches it will bring for governments and investors alike. Harper is nothing if not a capable political strategist – even if some of his minions' fascination with day-to-day dead-end tactics might lead one to conclude otherwise. He understands that an important part of his legacy – new resource development successes and his Western Canadian political fortress – are hostage to making progress on the First Nations file.

For reasons that are hard to understand strategically, he has permitted a set of legislative initiatives that seem designed to rub salt in First Nations yet-unhealed wounds. On issues as sensitive as matrimonial rights, local chiefs' compensation, property rights and the election of band leadership, he has stuck a legislative finger in the eye of the First Nations establishment again and again. A sympathetic observer might conclude it is the necessary sop to his more knuckle-dragging, anti-First Nations political base. A more cynical view is that he sees it as a means of gratuitously demonstrating how tough he is to his negotiating partner.

Unlike Paul Martin, whose commitment to change on these issues was equally authentic and determined, Harper is keenly focused. Not for him the broad Magna Carta of a Kelowna Accord. This prime minister is a quintessential *etapiste*: choose a short-term achievable goal, deliver it, and only then set out the next. His vision of a long term goal of an economically and socially transformed Canadian First Nations network of communities in cities and on reserve may not look that different than his predecessors'. His path to achieving it seems likely to have a greater prospect of success.

His formidable Chief of Staff, Nigel Wright, a seasoned Bay Street deal maker, schooled in a business where the bonus comes only on the successful delivery of a profitable transaction, is now charged to do battle with a departmental bureaucracy where survival



Prime Minister Stephen Harper and PMO Chief of Staff Nigel Wright in the PM's Centre Block office. The personal engagement of Wright and Privy Council Clerk Wayne Wouters on the First Nations file has sent a message that Harper is serious about the dialogue with AFN Grand Chief Shawn Atleo. Photo: Jason Ransom, PMO.

There are two missing players during these fateful days for Canada and its relations with its first peoples. The first is the business community, especially those with the most at stake: the resource sector.

and therefore success is marked by how many cans you can kick down the road to your successor. Together with Privy Council Clerk Wayne Wouters, they have sent lightning bolts through the system about the Prime Minister's seriousness.

The time to act on the promises made in the January meetings with Atleo and his leadership team in the first Crown/First Nations Gathering last year, in their smaller and more intense discussions this past January, and in the promises in last month's Budget is running out. If the money promised for new schools, investigating missing and murdered women, infrastructure development on reserve and new job training does not begin to flow soon, and deliver visible change, the clock will have run out for both the National Chief and the Prime Minister by this time next year.

Both men will be in their pre-election seasons. Whether one or both chooses to seek another term from their respective electorates, their internal and external opponents will use the failure to deliver as a powerful political cudgel.

There are two missing players during these fateful days for Canada and its relations with its first peoples. The first is the business community, especially those with the most at stake: the resource sector. Scattered efforts by various corporations, business associations, and aboriginal business groups notwithstanding, no one has succeeded in mobilizing a high-level commitment to a negotiating process to establish a code of best practices, a model of resource revenue sharing, and a consultative process that is acceptable to First Nations communities.

The forestry sector did it in British Columbia more than a decade ago – a process a younger Shawn Atleo was a keen participant in. The template for success is available in that history and the counsel of the leaders who made it happen. If competitive jealousies or anxiety about the risks in being a 'first mover' block a similar effort when new

resource development is concerned, it is not First Nations communities that will be the biggest losers.

Similarly, the provinces need to step up to the plate. The 'pass the potato' behaviour the provinces and the always-territorial department officials have indulged for decades has secured the careers of the bureaucrats and the politicians involved: "You're responsible for clean water!" "No, I only do testing." "But I delivered a water tank, and you failed to inspect it." And on and on. When provinces believe it is in their interest to assert their authority in areas of shared or even exclusive federal jurisdiction, few hesitate. Their hesitancy in joining a movement for change where First Nations issues are concerned is purely political risk aversion.

It is the province of Quebec that has negotiated, not once but twice, enormous agendas for change with its Cree peoples. Driven by the reality that its dream of an economy secured by American hydro power revenues was forever hostage to the First Nations peoples whose lands would be flooded, they negotiated hard and seriously.

There is positive history here as well, for those who are genuinely committed to change. It is the province of Quebec that has negotiated, not once but twice, enormous agendas for change with its Cree peoples. Driven by the reality that its dream of an economy secured by American hydro power revenues was forever hostage to the First Nations peoples whose lands would be flooded, they negotiated hard and seriously. The incentive to deal was powerful. As one Cree leader of the first generation of negotiators observed drolly,

"Pipelines can always be patched, a power dam can't..."

That round of negotiations in the 1970s established the trust for an even more far-reaching and impressive second agreement negotiated by the Charest government covering political governance, revenue sharing, and shared legal jurisdiction and accountability with the province, municipalities and Cree-led political institutions. This improbable success was patiently and adroitly pushed across the finish line by one of Canada's great public servants, Dan Gagnier – the only person ever to have served as chief of staff to premiers in two provinces and as a deputy minister in each as well as Ottawa. Those involved in that torturous process on each side attest that their biggest challenge, their most formidable opponent, was the Machiavellian federal department and its cousins at the provincial level. The next generation of negotiators would be wise to seek his counsel.

Bob Rae's agreement to attempt a similar process on behalf of Northern Ontario bands in the province's "Ring of Fire" development plan bodes well, given his history as a supple and creative negotiator – but only if he has a negotiating partner as committed to overcoming resistance as were the several premiers of Quebec who backstopped its surprisingly successful process.

This is a classically glass half full or empty political spring on the First Nations file. We have a prime minister invested in it, supported by two exceedingly capable lieutenants and a new minister not easily duped or bullied. The National Chief of the Assembly of First Nations is the most impressive leader of his generation and a seasoned veteran of governmental and business negotiation. We have an increasingly focused and implementable agenda.

For those who believe that our future is forever imprisoned by our centuries of failure, the glass is more than half empty.

Canadians should hope that those who have gambled their own futures on success can break the bonds of that bitter history.

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