

stances. It would also be charged with developing new models of engagement, or new applications of existing models, some of which could be found by surveying the international community (perhaps in conjunction with the Forum of Federations) on best practices for citizen engagement on policy files with an intergovernmental dimension.

In the end, political actors and the policy community should take the commitments to consultation in *SUFA* at face value, recognize that *SUFA* is not only Clark Kent but Superman as well, and reach what could be a radical conclusion: That governments actually meant what they said.

Matthew Mendelsohn is an associate professor and John McLean a doctoral student in the Department of Political Studies, Queen's University.

Aboriginals are securing a role

Michael J. Prince

The full realisation of Aboriginal self-government requires significant revisions to intergovernmental relations, and the *Social Union Framework Agreement (SUFA)* is therefore one focus of this struggle for self-determination and recognition of Aboriginal peoples' unique constitutional status in Canadian federalism.

For national Aboriginal organizations (NAOs) and their leaders, the run-up to the agreement resulted in a frustrating experience of exclusion. The social union talks were viewed as a historic process of nation-building that affects Aboriginal peoples, their governments and their place within the federation. Yet leaders from NAOs were not direct parties to the negotiations. To a certain extent, that exclusion is being remedied by the implementation process, which offers intergovernmental mechanisms providing for the direct representation of Aboriginal interests, values and rights.

It is hard to escape the impression that during the *SUFA* talks Aboriginal affairs were treated as a separate file — a policy sector not directly related to the task at hand for first ministers. As federal-provincial summitry, the social union negotiations were about managing disagreements and affirming certain shared constitutional and policy norms at the level of central officials and political executives. The reasons given for the exclusion of Aboriginal national leaders were that the talks involved administrative arrangements, not constitutional proposals, and that delivery of social programs continues to be a provincial responsibility. Federal and provincial leaders also pointed to two statements in the actual Framework Agreement that specifically mention Aboriginal peoples. The first section, on principles, says that “nothing in this agreement abrogates or derogates from any Aboriginal treaty or other

rights of Aboriginal peoples including self-government.” In section four, on “working in partnership for Canadians,” the document states that “Government will work with Aboriginal peoples of Canada to find practical solutions to address their pressing needs.”

This exclusion and these limited statements are striking

The reasons given for the exclusion of Aboriginal national leaders from the *SUFA* negotiations were that the talks involved administrative arrangements, not constitutional proposals, and that delivery of social programs continues to be a provincial responsibility.

in light of the Royal Commission on Aboriginal Peoples' five-volume final report, which was released during the *SUFA* negotiations. The Commission's theme throughout its volumes is that the NAOs should be important partners working in close consultation with federal, provincial and territorial governments based on the principles of mutual recognition, mutual respect, and mutual responsibility. Aboriginal peoples see their NAOs as a central means of expression for building a renewed relationship.

So far, however, implementing the *Framework Agreement* has not been as discouraging or exclusionary for Aboriginal organizations as the negotiations were. To date, it provides an example of adaptive implementation, in which the initial *Agreement* is being defined in more concrete terms by the goals and interests of the various participants engaged in renewing social programs. The process can be viewed as an expanded form of executive federalism, incorporating Aboriginal participation as represented by the five NAOs, with additional bargaining taking place as time passes. Involving more participants and goals may make implementation more complicated, but it will produce a more responsive and probably more legitimate process and set of policy outcomes.

Formal intergovernmental mechanisms in which the NAOs are participating as a result of *SUFA* include:

- The dialogue over the new National Children's Agenda announced in May 1999, and accompanied by two discussion papers, both of which resulted from general consultations among, and input from federal, provincial and territorial governments and the NAOs. As one of the documents states, “There are compelling reasons for Aboriginal people to participate as more than half of the Aboriginal population is made up of children, a trend counter to Canadian demographics.”
- A federal/provincial/territorial (FPT) working group,

including representatives from the five NAOs, is being assembled as of early 2000 to work on social policy issues relating to Aboriginal peoples.

- In December 1999 the first ever joint meeting was held of the FPT Ministerial Council on Social Policy Renewal, ministers responsible for Aboriginal affairs, and the five NAO leaders. The group has agreed to meet again within a year.
- The FPT Ministerial Council on Social Policy Renewal co-chairs and the national Aboriginal leaders last met in February 1997, but have now agreed to meet again by mid-2000 to review the outcomes of the working group.

Judging by this evidence, the *Social Union Framework Agreement* and its implementation clearly offer another avenue for strengthening the role of Aboriginal political organizations within Canada's network of government-to-government-to-government working relationships. True, the *SUFA* is only a three-year administrative agreement, not an entrenched constitutional amendment. But the measures taken so far should allow for a more effective representation of aboriginal realities and aspirations within the institutions of federalism. If carried on over time, the practice of including Aboriginal leaders and agencies within intergovernmental relations could crystallise into conventions of responsible federalism, and command the political and even eventually moral respect of governments.

In sum, NAOs are securing the opportunity to have a direct effect on the Social Union in the implementation stage. Aboriginal groups are helping to frame the meaning of the Social Union, thereby enhancing the legitimacy of social policy initiatives such as the National Children's Agenda and raising the salience of Aboriginal perspectives and priorities at the Canada-wide level.

Beyond *SUFA*, the wider struggle for self-determination remains. National Aboriginal leaders continue to be excluded from routine participation in the Annual Premiers' Conferences, a political body growing in importance, and from the regionally-based Atlantic and Western Premiers' conferences. In addition, Aboriginal peoples are frustrated by the Prime Minister's continued refusal to convene a conference of first ministers and national Aboriginal leaders to discuss the recommendations of the Royal Commission. The implementation of the *Social Union Framework Agreement*, however, offers a stepping-stone toward these further reforms in democratising and modernising Canadian federalism.

Michael Prince is Landsdowne Professor of Social Policy and Associate Dean, Faculty of Human and Social Development, at the University of Victoria.

SUFA, the child benefit and social assistance

Gerard W. Boychuk

The National Child Benefit, the poster program of the new social union approach, is often used as an example of what might be achieved under the *Social Union Framework Agreement (SUFA)*. The NCB is widely touted as the epitome of an approach that works and even critics of the new collaborative social union approach concede that it marks the triumph of "what works" — that is, of efficiency and effectiveness — over a principled respect for the constitutional division of powers.

In fact, federal-provincial agreement on the NCB was a relatively modest achievement. The agreement entailed the enrichment and reworking of an existing federal program, did not require any provincial financial commitment and incorporated very modest reinvestment requirements. Three additional elements appear to have been crucial to the agreement's success. First, the NCB's focus on children's (as opposed to family) benefits neutralized potential provincial opposition, muted ideological differences between governments, and ensured that the program would not threaten "tough on welfare" provinces. Second, a focus on work incentives — of defining the primary problem as being one of people willingly receiving social assistance because it pays more than work — was central to securing provincial agreement. The third and final element that helped cinch the agreement was defining the NCB primarily by its relationship to social assistance. In fact, the NCB provides benefits to low-income families regardless of the source of their income and is not primarily about social assistance. However, discussions surrounding the NCB are characterized by an insistence on the language of "getting children off welfare" — rather than "getting children out of poverty" or any number of other possible spins. This language is most immediately understandable as a euphemism for absolving provinces of any responsibility for child poverty.

The rhetoric and symbolism of this particular agreement should raise caution flags even for proponents of the income-tested approach. In rhetorically de-coupling children's and parents' well-being, the NCB is deliberately designed to make social assistance an "adults only" program — a separation that may be difficult to reverse once it takes root. This separation is combined with defining the primary policy problem as one of adults who receive social assistance because it pays better than work (thus ignoring a wide range of factors that contribute to social assistance receipt, including lack of training, jobs, child care, etc.). This politically potent combination is likely to generate