

Duty to Consult: Canada's Lawful Obligations to First Nations

Audrey Mayes , *Implementing Rights Unit, Assembly of First Nations, Ottawa, ON, Canada*

In 2008 the Government of Canada led by the Department of Indian Affairs and Northern Development released publicly a set of draft guidelines on the legal duty to consult. This Consultation action plan was designed to address the legal duty of federal departments and agencies to properly consult with First Nations, Métis and Inuit groups when Crown conduct may adversely impact established or potential Aboriginal and Treaty rights. These guidelines laid out training requirements for federal officials, interdepartmental and intergovernmental mechanisms to coordinate federal consultation and accommodation practices. However, most of these plans have been developed unilaterally without the full engagement and support of First Nations. To date, government efforts to develop consultation policies continue without the full engagement, consultation and participation of First Nations in Canada. Now more than ever it is evident that meaningful consultation processes must be developed in partnership with First Nations in order to achieve measurable success.