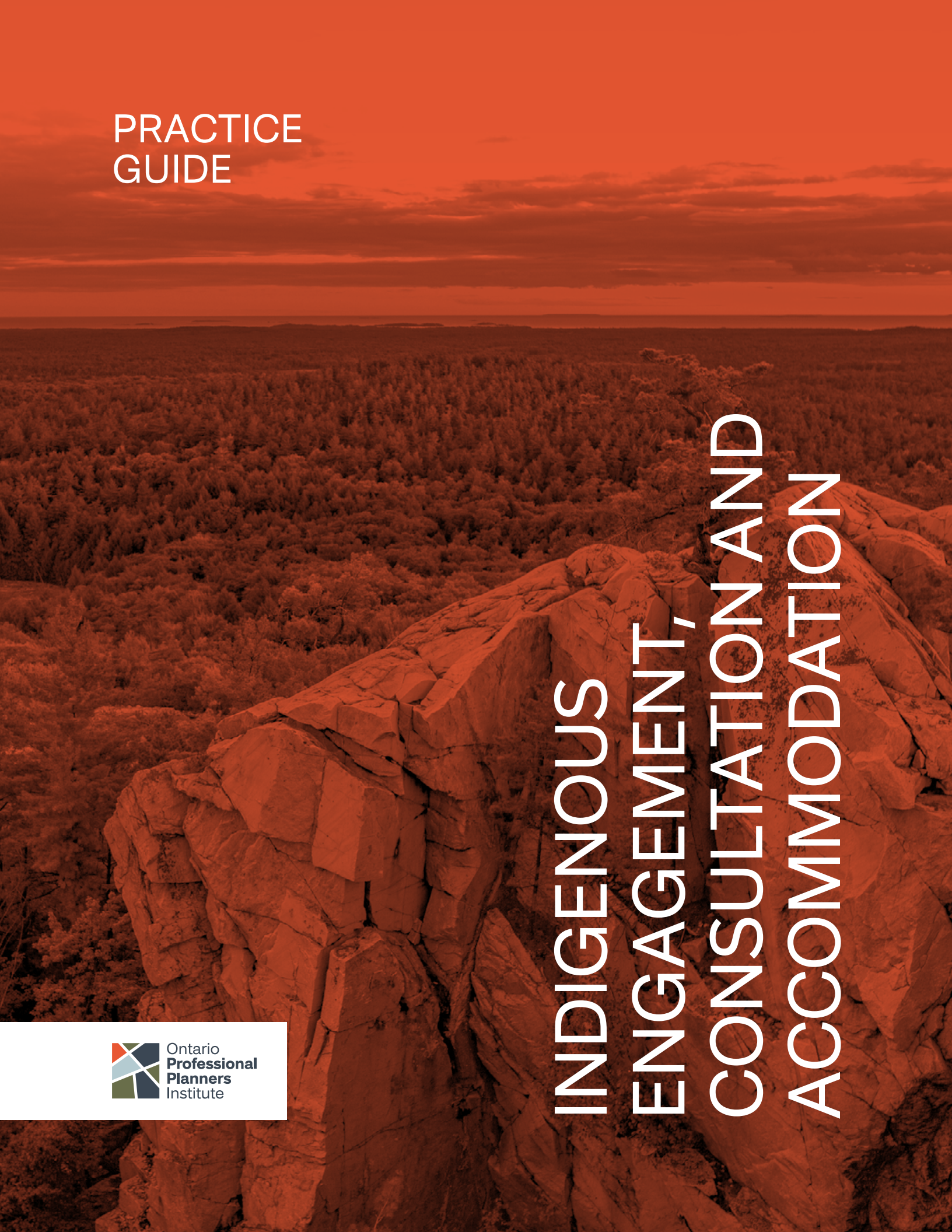
PRACTICE GUIDE

INDIGENOUS ENGAGEMENT, CONSULTATION AND ACCOMMODATION



Ontario Professional Planners Institute



FOREWORD BY CAROLYN KING

"All my relations" is a phrase that speaks to the many ways that all of life is interconnected. Opening with gratitude and acknowledgement for plant, animal, water and human kin invites us to think in terms of the social systems, the ecological systems, that our daily work relies upon. Decisions about land use, infrastructure, and resource management are more robust when they draw on multiple understandings.

This includes working with those who are in a relationship to the land and can speak to the long-term ecological impacts. Our prosperity rests in the balance between urban growth and sustaining natural assets for future generations.

Effective planning depends on fostering respectful relationships to address complex challenges such as housing, transportation, and environmental stewardship. In Ontario, at least 46 treaties have been signed with the Crown and approximately 133 First Nations who are your hosts and neighbours. Beyond the legal Duty to Consult and Accommodate — under Section 35 of the Canadian Constitution, within case law, and in accordance with the United Nation Declaration on the Rights of Indigenous Peoples (UNDRIP), and respecting inherent rights — treaties inform relationships. Relationships will follow from reconciliation. That is an effort to recognize historical injustices and actions taken to implement the Truth and Reconciliation Commission's (TRC) recommendations. To overcome uncertainty about the application of legal obligations and to truly build satisfying relationships, have courage to lead from the heart.

Before new challenges creep up, it is a good idea to throw a party or parade and think about ceremony and bring people together face to face. Think about how to appropriately include ceremony and acknowledge Elders. Establishing a co-governance table, piloting Indigenous Collaborative Hubs, and attending cultural events like Pow Wows are just some of the ways to build relationships and trust.

Early, meaningful engagement can build relationships and ensure culturally respectful and equitable outcomes. Under the new Ontario Provincial Planning Statement 2024, municipalities are instructed to engage early with Indigenous neighbours when creating land use plans as well as in land use decision-making to support the identification of potential impacts of decisions on the exercise of Aboriginal or Treaty Rights. The exercise and assertion of inherent First Nations Rights can be streamlined through coordination on land use planning; for example, through pre-consultation processes regarding priority areas that warrant archaeological and environmental assessments.

Relations play a role in dreaming — that is in forming shared aspirational visions. The more people are involved in imagining possibilities beyond current limitations the more we can shift from incremental change to regenerative forward-thinking change. Shared dreaming encourages innovation, inclusion, and creativity in addressing societal and environmental challenges. Imagine if cities were designed to add benefits that matched or exceeded those of nature. Floating platforms that help rehabilitate damaged waterways come to mind.

Together, these principles ensure that planning in Ontario moves beyond technical and regulatory concerns to embrace holistic forward-thinking approaches. As planners, by working on establishing relationships, you are building communities that not only meet present needs but also honour the past, respect the present, and remain resilient for future generations.



BIO: Carolyn King is the Chair and co-founder of the Shared Path Consultation Initiative, which is a not-for-profit that works to facilitate relationship building between First Nations and Municipal governments. Shared Path strives towards an Ontario where harmony is restored between Indigenous and non-Indigenous peoples in accordance with the Calls to Action of the Final Report of the Truth and Reconciliation Commission of Canada. She is the first woman to have been elected as Chief of the Mississaugas of the Credit First Nation (MCFN) (1997–1999). She has received numerous awards, including the Queen Elizabeth II Diamond Jubilee Medal (2012), the Order of Canada (2020), the King Charles III Coronation Medal (2025), and the Eagle Feather for her community work and efforts to improve Canadians' understanding of First Nations. She is also the founder of the Moccasin Identifier Project and an Honorary Member of OPPI.



Map limitations: This map does not purport to reflect true accurate boundaries and is provided for illustrative/ educational/interest purposes. Research and illustration of this map was completed to the best ability and may have resulted in unintentional deviations.

Treaties and the treaty relationships are more than what is recorded in maps.

Artwork by Danny Roy, RPP. Danny is Cree- Métis from Sakitawak (Île- à-la-Crosse, Saskatchewan) and a member of English River Dene Nation in Treaty 10 territory. He is a professional planner and architect practicing and living in Toronto.

Treaties in Ontario

3 **NUMBERED TREATIES**
(1870 - 1930)

2 **ROBINSON TREATIES**
(1850)

2 **WILLIAMS TREATIES**
(1923)

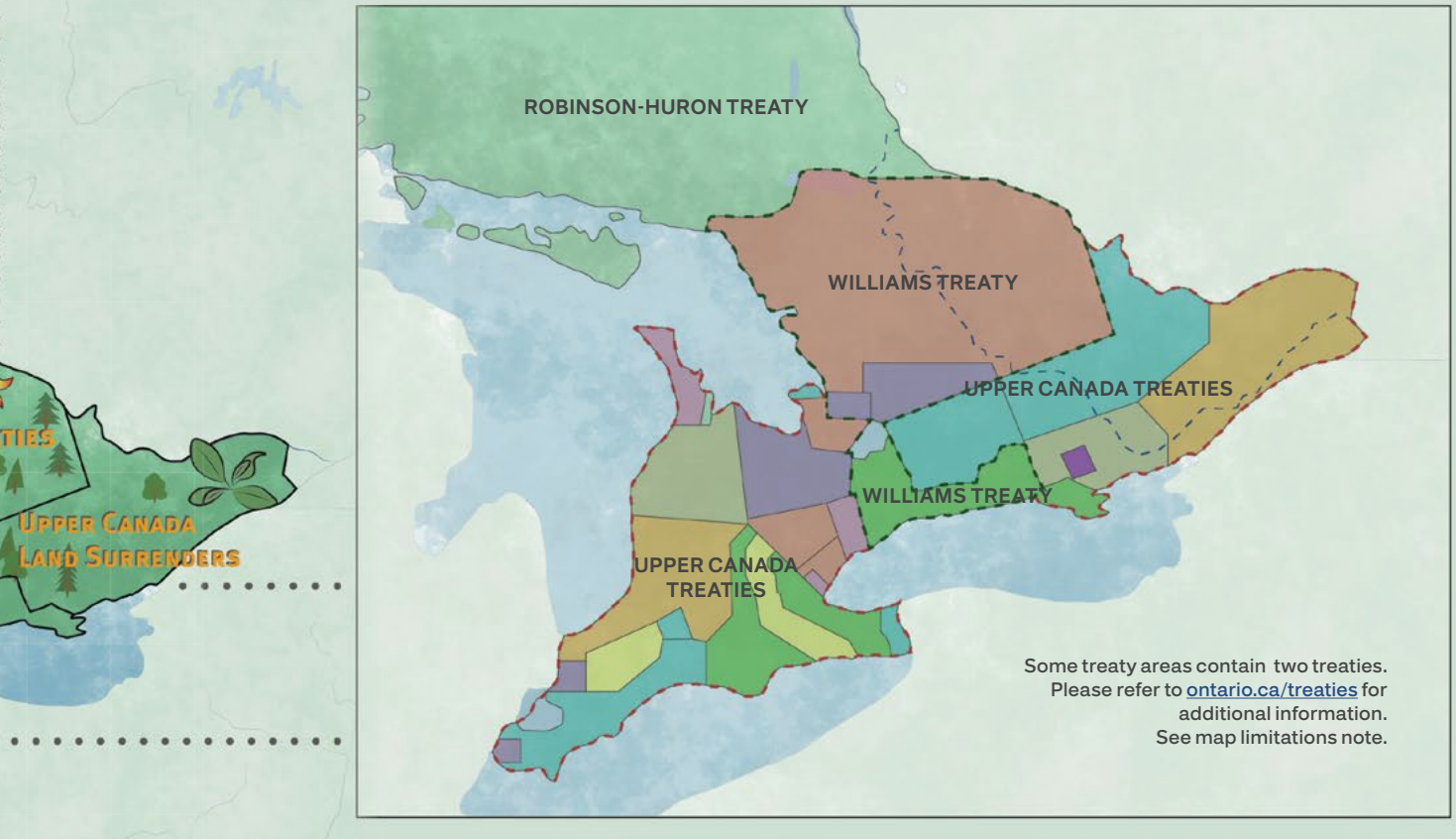
30 **UPPER CANADA TREATIES**
(1781 - 1862)

Ontario is covered by 46 treaties and other land agreements signed in Ontario before and after Confederation.

The land which Ontario covers is home to over 130 First Nations and Métis communities. Additionally, urban centres are home to large populations of Inuit, Métis and First Nations Peoples.

Treaties are viewed as living, legal documents, setting out rights, responsibilities and relationships between First Nations and the federal and provincial governments.
Source: ontario.ca/treaties

Our role as professional planners and citizens is to educate ourselves and others on how we can honour treaties and recognize how they play into our lives and relationships with land each day.



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IMPORTANCE TO THE PLANNING PROFESSION IN ONTARIO

Most planners are aware that at present, there are 444 municipalities in Ontario. Fewer are aware that there are 133 First Nations. Fewer still understand that these are governance structures whose traditional territory covers all of the province.

The relationships that this guide hopes to foster are not merely personal or professional; they are *government-to-government.* They are part of the pluralistic legal landscape in Canada, and they are between different types of administrative regimes that share a common interest: Land.



Indigenous Peoples are significantly represented in Ontario's population and must be considered in any discussions around the public realm. According to the 2021 Census, 406,585 Indigenous individuals live in Ontario. While that is just 2.9 per cent of the total Ontario population, it represents 22.5 per cent of the total Indigenous population in Canada.

With such a strong and widespread presence, it is difficult to overstate the importance of meaningful engagement, consultation, and accommodation with Indigenous communities.

Currently, there are 133 First Nations that host Ontario on their Traditional Territories. In Ontario, there are 46 treaties signed by the Crown with many of these First Nations. As an example, the office of the Ontario Professional Planners Institute (OPPI) is located in Toronto, within Treaty 13 (the Toronto Purchase), originally signed in 1781 and revisited in 1805.

All of what we now call Ontario is subject to Treaty. First Nations have constitutionally protected Aboriginal Rights enshrined in Section 35 of the Canadian Constitution. However, some First Nations are not signatory of these historical treaties. Other First Nations, Inuit, and Métis peoples also reside within the province often referred to as urban Indigenous Peoples.

Understanding the significance of Traditional Territories and Aboriginal and Treaty Rights is foundational to the work of the planning profession. The profession is often concerned with the use and disposition of land and resources; thus, planning will inevitably intersect with the inherent rights and interests of Indigenous Peoples, communities, and organizations. Planners have a legal, professional, and ethical responsibility to help guide appropriate, early engagement, meaningful consultation and accommodation — including seeking free, prior, and informed consent (FPIC), as well as relationship building with Indigenous Peoples and communities.

For the planning profession, this represents an opportunity to create a better environment for meaningful Indigenous engagement and consultation; a responsibility to learn about Indigenous Peoples' experience in Ontario, as well as throughout Canada; an understanding of the importance of mutual respect and trust; and a commitment to embracing authentic relationship building as a vital step on the path to reconciliation.

Together, we must all strive to work collaboratively in the spirit of partnership to plan for better, more inclusive, equitable, and sustainable communities for all our human and non-human relations and for all future generations. The respectful braiding or weaving of Indigenous Knowledge shared by local communities and peoples is in the public interest and is integral to good planning.

As an important first step, readers are strongly encouraged to actively research the local area or the territory in which they are working to understand who their Indigenous neighbours are, including treaties and territories and any work that has been undertaken in collaboration with those neighbours to establish meaningful relationships. A commitment to this work is an authentic and genuine approach to understanding the territory and original inhabitants of the land. Land acknowledgements are important if they are not just performative and include personal reflection, respect and commitment to action. Share publicly and directly with Indigenous Peoples how you are working to achieve reconciliation.

This *Indigenous Engagement, Consultation and Accommodation Practice Guide* was developed in collaboration with OPPI members and Indigenous Peoples and communities. OPPI respectfully and gratefully acknowledges the hard work and dedication of those who contributed to this guide for the betterment of the planning profession in its ongoing efforts towards reconciliation.

Thank you/Merci/Miigwetch/Nya:weh.



WHAT THIS PRACTICE GUIDE IS AND IS NOT

The *Indigenous Engagement, Consultation and Accommodation Practice Guide* provides an overview of the principles of relationship building, engagement, and seeking free, prior, and informed consent, consultation and accommodation of the rights and interests of Indigenous Peoples, specifically for professional planners and those working with planners across various public and private sectors in Ontario. In this guide, readers will find information on current wise practices in planning, case examples of good practice, and questions to consider in planning work.

More specifically, this guide aims to:

Provide planners practicing in Ontario with guidance to critically reflect on how they approach engagement and consultation, including the importance of meaningful relationship building and an understanding of wise practices.

Support work related to the design, implementation, and facilitation of engagement, consultation and accommodation in fulfilling planners' ethical and legal responsibilities related to consulting and engaging with Indigenous Peoples, communities, and organizations.

Provide resources and references, not only for planners working on land-based projects but also for planners working on social-based programs and services.

Provide planners with a "snapshot in time" related to Indigenous engagement, consultation and accommodation as this continues to evolve, shaped by changing legal precedents, planning policies, and example practices.

The *Indigenous Engagement, Consultation and Accommodation Practice Guide* is not intended to be exhaustive, nor is it to be interpreted as procedural or legal advice. Rather, this is an introductory resource to help build relations, offering practical examples of what good, meaningful engagement can look like. The intent for this guide is that it should be reviewed by planners prior to planning or undertaking Indigenous engagement, consultation and accommodation, as well as to inform planners of approaches to relationship building. Readers/practitioners are solely responsible for its interpretation and/or application.

This guide is not a directive or a checklist exercise that can simply be followed. This guide also does not outline the minimum requirements for Indigenous engagement, consultation or accommodation, as these tasks should be guided with a lens of transparency, collaboration, and relationship building. It should be interpreted as a snapshot in time, representative of the planning context in place at the time of its publication.

Indigenous engagement, consultation and accommodation is complex and ongoing. It needs to be approached appropriately to meet the needs of the First Nations or Indigenous organizations involved, as well as the project proponent and/or regulator. Engagement with Urban Indigenous Peoples may also be supported by the information shared in this guide.

In this complex, ever-shifting landscape, it is crucial for planners to appreciate which questions to ask and to understand their role in supporting these ongoing efforts for meaningful change. It is our hope that this guide will serve as a valuable tool, empowering planning practitioners and partners to navigate their professional responsibilities and to use their skills to contribute to reconciliation.



DUTY TO CONSULT AND ACCOMMODATE

The Duty to Consult and Accommodate is a legal obligation that affirms the inherent Aboriginal[1] and Treaty Rights of Indigenous Peoples. It stems from the honour of the Crown and Section 35 of the Canadian Constitution *(Constitution Act, 1982),* 40 years of jurisprudence, and increasing legislative, policy, and procedural injunctions. While planners are becoming increasingly aware of the Duty to Consult and Accommodate, and the obligation to seek free, prior and informed consent set in UNDRIP[2] and as recently implemented in the federal statute of *UNDRIP Act,* 2021 (UNDA),[3] a significant knowledge gap persists within the profession. Many planners are uncertain about how to effectively engage and build relationships with Indigenous Peoples, communities, and organizations in practice.

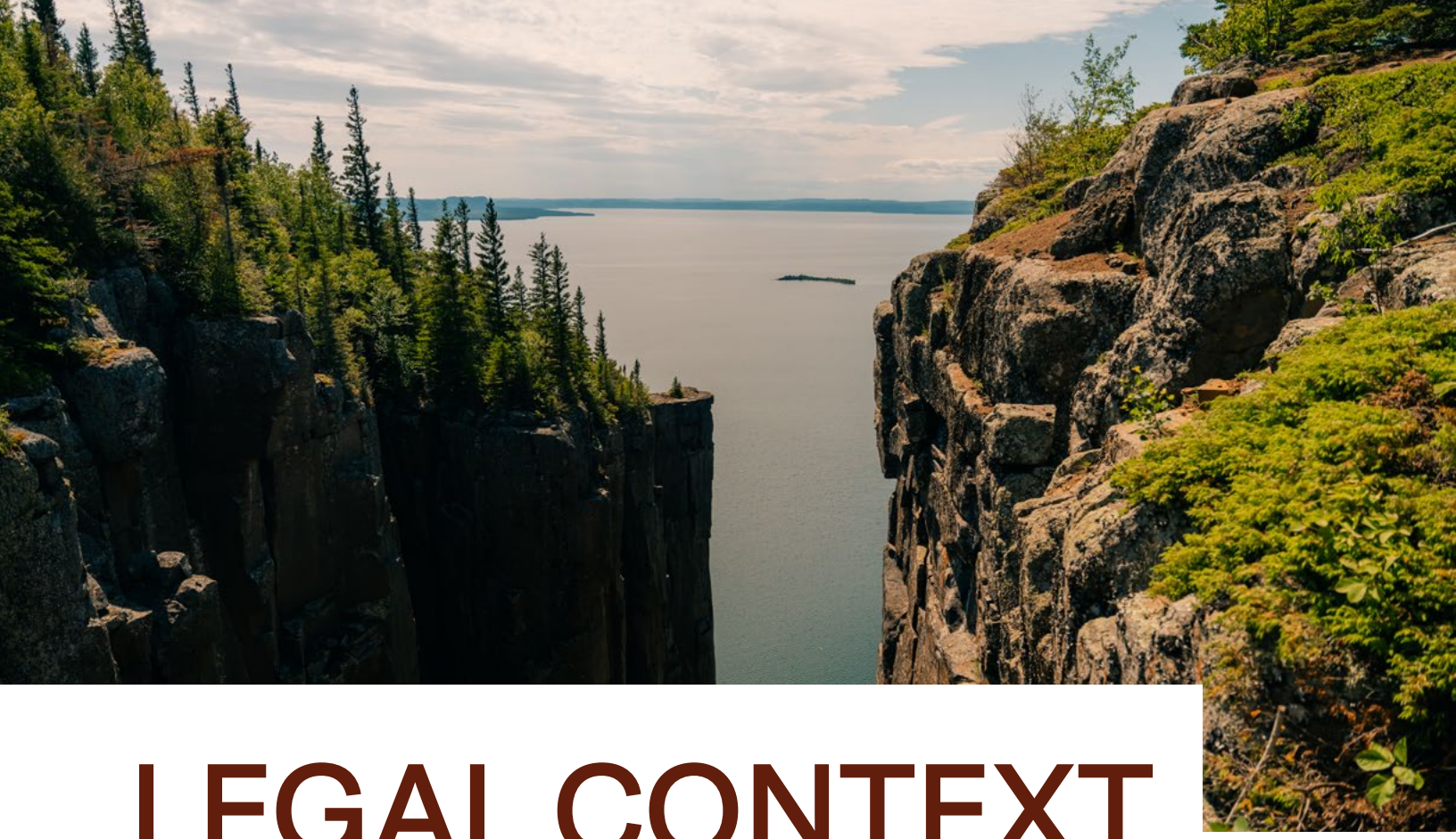
At the same time, planners are uniquely positioned to play a key role in guiding engagement and building authentic relationships between Indigenous and non-Indigenous peoples and organizations. Planners are trained in and skilled at bringing a diversity of perspectives to the table to inform decisions that bridge differences and move towards sustainable goals. Ultimately, good planning serves the public interest and "the public" includes Indigenous Peoples.

Thus, in addition to the legal requirement of the Duty to Consult and Accommodate, UNDRIP and FPIC, it is critically important for planners to understand the perspectives of Indigenous Peoples, communities, and organizations and to include them as an integral part of planning processes.

1 In Canadian law, the term "Aboriginal," as defined in Section 35 of the *Constitution Act, 1982,* collectively refers to First Nations, Inuit, and Métis peoples whose existing rights are recognized and affirmed. The term is most often applied in the context of constitutional rights, including Aboriginal and Treaty Rights, the Duty to Consult and Accommodate, and court decisions that address land, resources, and self-government.

2 United Nations Department of Economic and Social Affairs. (n.d.). *United Nations Declaration on the Rights of Indigenous Peoples.* Division for Inclusive Social Development. Retrieved March 4, 2026, from https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples

3 Government of Canada, Department of Justice. (n.d.). *About the United Nations Declaration on the Rights of Indigenous Peoples Act.* https://www.justice.gc.ca/eng/declaration/legislation.html



LEGAL CONTEXT FOR THE DUTY TO CONSULT AND ACCOMMODATE

Prepared by Dr. Bruce McIvor, Partner, First Peoples Law LLP

Note: this summary is provided for informational purposes only. It is not intended to be legal advice.

It is the responsibility of all Canadian governments and decision-makers to understand and fulfill their obligations to Indigenous Peoples.

Canadian law on Indigenous rights can be complicated. It is also changing. As a result, there can be confusion and misunderstanding about the source and scope of Indigenous Peoples' rights and Canadian governments' obligations to respect and uphold their rights.

To the extent possible, this overview provides concise answers to the following commonly asked questions about important issues related to Indigenous rights in Canada.

1. Why do Indigenous people have special rights?

Indigenous people have special rights under Canadian law because their ancestors had distinct legal traditions and rights in their lands before Europeans began to colonize what we now call Canada.

Indigenous people also have special rights because they are part of distinct Nations with their own political and legal systems, land base and cultures.

2. Are Indigenous rights protected under Canadian law?

The Canadian constitution recognizes Indigenous Peoples' existing Aboriginal and treaty rights.

Section 35 of the Canadian constitution provides constitutional protection to Aboriginal and treaty rights. That said, the constitution is not the source of Indigenous Peoples' rights. They are inherent rights that pre-existed colonization.

3. Whose rights are constitutionally protected?

The Canadian constitution recognizes the Aboriginal and treaty rights of the "Aboriginal peoples of Canada." This means they are communal rights since they are held by a collective of Aboriginal peoples instead of an individual.

The constitution defines the Aboriginal peoples of Canada to include "Indian, Inuit and Métis peoples."[4]

a. Which Indigenous groups can exercise Section 35 rights?

Determining who is entitled to exercise Section 35 rights requires first identifying the "Aboriginal peoples," i.e. what is the group or collective.

Canadian courts have concluded the reference to Aboriginal peoples of Canada means the modern-day successors of Indigenous societies who, at the time of contact with Europeans, occupied lands that later became what we now call Canada.

For First Nations with historical treaties, identifying the group or collective whose rights are constitutionally protected starts with determining the group that agreed to a treaty with the Crown. Subject to the federal government's reorganization of *Indian Act* bands (e.g. by amalgamating multiple bands or creating new bands), in most cases, there is a modern-day *Indian Act* band that corresponds to the group that agreed to the treaty.

For non-treaty First Nations, it's more complicated. Under Canadian law, an *Indian Act* band is not necessarily equivalent to an "Aboriginal People" under Section 35 of the constitution. The makeup of an "Aboriginal People" for the purposes of exercising Aboriginal rights is determined from the Indigenous People's own perspective based on their own laws.

b. Which individuals can exercise Section 35 rights?

In order to determine who is entitled to exercise Section 35 rights, it is also necessary to identify the members of the Indigenous collective.

Identifying the members of the collective is not straightforward. It is usually assumed that a status Indian on an *Indian Act* band list is a member of one of the "Aboriginal people" of Canada under Section 35. This assumption is not necessarily correct.

A small number of people are status Indians based on the federal government's requirements for registration and are placed on an *Indian Act* band list by the federal government but are not recognized as members of the collective based on Indigenous Peoples' own laws and traditions.

Similarly, there is a large number of non-status Indians who don't qualify to register under the *Indian Act* but are members of one of the "Aboriginal people" of Canada under Section 35 based on Indigenous Peoples' own laws and traditions.

4 The term First Nation is also used in different contexts to describe a group of Indigenous people who, under the Canadian constitution, are called Indians.

4. Which rights are constitutionally protected?

Section 35 provides constitutional protection for Aboriginal and treaty rights.

a. What are Aboriginal rights?

Under Canadian law, Aboriginal rights are based on pre-contact Indigenous practices which are essential to the distinctive culture of the Indigenous people advancing the right. Common examples recognized by courts include harvesting rights such as hunting and fishing rights.

Aboriginal rights also include Aboriginal title, which is a right to the land itself, including the right to benefit from and make decisions about the land and exclude others from the land.

b. What are treaties?

Treaties are an exchange of sacred, solemn promises between the Crown and Indigenous Peoples. Canadian courts have emphasized that treaties are not simple, one-time transactions — they are living documents.

Treaties in Canada have taken diverse forms ranging from one-paragraph statements to multi-chapter documents filled with legal jargon. They date from the early 17th century to the modern-day.

Early treaties, e.g. the Peace and Friendship Treaties of the 18th century, were about establishing peaceful trading relations. In the mid-19th century, colonizers began to envision treaties as a tool for gaining control of Indigenous land whereas Indigenous people continued to understand them as sacred agreements establishing peaceful, mutually beneficial relationships. Treaty First Nations reject and condemn the argument that their treaties are "surrender" documents.

The Crown is obligated to diligently fulfill treaty promises. In doing so, it must act with integrity and avoid sharp dealing, e.g. the Crown cannot make misrepresentations or apply inappropriate pressure when negotiating and implementing treaties.

c. What are treaty rights?

Identifying treaty rights requires an understanding of what was agreed to by both parties in their face-to-face meetings about the treaty. This approach requires analyzing the oral and written record that explains each side's objectives and perspectives entering into treaty negotiations.

Canadian courts have emphasized that treaty rights include oral promises not written down, rights necessary to exercise the treaty right, and the right to exercise the treaty rights using modern-day technology. Common examples recognized by courts include harvesting rights such as hunting, fishing, and trapping rights.

Many modern treaties claim to modify or extinguish the rights of Indigenous Peoples in exchange for land, money, and limited law-making authority. Indigenous Peoples have increasingly rejected this approach to treaty making. Instead of transactional settlements, they seek agreements that recognize and preserve their rights.

5. Why do Canadian governments have special obligations to Indigenous Peoples?

The Crown's original claim of control and ownership of Indigenous lands, including its denial of Indigenous sovereignty and rights, was based on unfair and dishonourable conduct with no basis in law.

The Supreme Court of Canada has recognized this claim created a "tension" between Crown sovereignty and Indigenous sovereignty and a "special relationship" which requires Crown representatives to always act fairly in their dealings with Indigenous Peoples. This is what the courts refer to when they speak about the principle of the Honour of the Crown.

The Honour of the Crown is the basis for Canadian governments' different obligations to Indigenous Peoples, including its duties to consult and accommodate, negotiate just settlements, and diligently fulfill constitutional promises. It is also the basis for Canadian governments' fiduciary duty to Indigenous Peoples, i.e., acting in their best interests when the Crown has the power to decide how Indigenous Peoples' legal interests are managed or disposed of.

6. What do Aboriginal and treaty rights require from Canadian governments?

Canadian governments owe Indigenous Peoples different legal obligations depending on whether they recognize or deny their rights.

When Aboriginal or treaty rights are denied by the Crown (what the courts call "asserted" rights), the Crown must consult and, in some situations, accommodate Indigenous Peoples.

When Aboriginal or treaty rights are recognized by a court or confirmed in a treaty (what the courts call "established" rights), Canadian governments' obligations are more serious. In those situations, the Crown often must do more than fulfill its duty to consult. The Crown may have to ensure its proposed conduct intrudes on Aboriginal and treaty rights to the smallest possible extent, advances reconciliation, and is consistent with its fiduciary relationship with Indigenous Peoples.

Canadian governments often sidestep their more serious legal obligations, e.g. by behaving towards Treaty First Nations with established treaty rights the same as they would behave towards non-Treaty First Nations with asserted Aboriginal rights.

7. What does the duty to consult and accommodate require from Canadian governments?

The Crown has a constitutional obligation to consult Indigenous Peoples when it considers making decisions that could negatively affect their Aboriginal or treaty rights. This obligation requires both federal and provincial governments to engage with potentially affected Indigenous groups in good faith with the intention of meaningfully addressing their concerns.

The Crown's consultation responsibilities exist on a spectrum from minimal responsibilities to the most demanding. In the context of asserted rights, the stronger the Indigenous People's claim to a Section 35 right and the more serious the potential effect of the Crown's proposed conduct on that right, the more serious the Crown's responsibilities.

When consultation demonstrates it is likely that a Crown decision will have a significant impact on Section 35 rights or claims for s. 35 rights, accommodation may be required. Accommodation measures may take different forms, such as modifying a project, creating ecological habitat, providing training or employment opportunities, or revenue sharing.

a. What are the minimum consultation requirements?

At a minimum, consultation must begin at an early stage. It requires notice and sharing of information. Government officials must have the good faith intention and ability to address Indigenous concerns. There must be a willingness to abandon the project if necessary. If the project proceeds, government officials must revise plans based on Indigenous proposals or explain why they've been rejected. If they can't address an issue themselves, they must connect the Indigenous group with government officials who can. If an Indigenous group's preferred course of action can't be supported, they must explain why not.

While there is no duty to agree, consultation must be more than an opportunity for Indigenous people to blow off steam. Indigenous people cannot take unreasonable positions that frustrate good faith efforts to consult with them, but they can engage in hard bargaining.

b. What are the more demanding consultation requirements?

When there is a strong claim and serious potential effects on the right, governments may be required to do much more than minimum requirements. Governments may be required to change proposals, work with Indigenous people to find stopgap solutions to minimize adverse effects and involve them in decision-making. In the most serious cases, the consent of Indigenous people may be required. As more information is shared during consultation, governments may need to revise upward the scope of consultation owed to Indigenous Peoples.

c. Can the federal or provincial governments delegate their duty to consult?

Although the Crown may delegate procedural aspects of the consultation process to proponents or other third parties, the ultimate legal responsibility for consultation rests with the Crown. Procedural aspects of consultation are activities like information-sharing, responding to questions, and discussing potential mitigation measures.

8. Do municipal governments have a duty to consult Indigenous Peoples?

The issue of whether municipalities have a duty to consult and accommodate Indigenous Peoples is an open question.

a. Administrative decision-makers

Under Canadian law, the Crown can rely wholly or in part on administrative tribunals to fulfill the duty to consult, e.g. the Ontario Energy Board. However, the Supreme Court of Canada has confirmed that a tribunal cannot proceed to make a decision if it lacks the necessary powers to fulfill its consultation and accommodation obligations, e.g. if it lacks the power to accommodate impacts on Indigenous Peoples' rights.

If the tribunal's powers are insufficient or if it does not provide adequate consultation and accommodation, the Crown must provide further avenues for meaningful consultation and accommodation in order to fulfill its obligations prior to making a decision.

b. Municipal decision-makers

There is no reason the principles applying to administrative tribunals should not apply in all situations when a government decision-maker contemplates a decision that triggers the duty to consult, including municipal governments who routinely contemplate activities with the potential to negatively affect Indigenous Peoples' rights. Examples of planning decisions made by municipal governments that may affect Indigenous Peoples' rights include rezonings that result in land use changes, park creation, and planning and development of municipal infrastructure.

Municipal governments should consult with Indigenous groups regarding the potential impacts of such activities on their Aboriginal or treaty rights.

It is possible a municipal decision-making body may not have sufficient powers to adequately consult Indigenous Peoples or adequately accommodate potential impacts of its decisions on their rights. If so, the decision-maker should call upon the provincial government to provide further avenues to ensure the Crown can fulfill its constitutional obligations.

Until the Crown has fulfilled its obligations, the municipal government cannot proceed to make its decision.

c. Provincial requirements

Provincial governments can also require municipal governments to engage with Indigenous Peoples when making decisions that could affect their rights.

For example, Ontario has issued a Provincial Planning Statement pursuant to the *Planning Act* to ensure municipal decision-makers (e.g. planning authorities) engage with Indigenous groups about planning decisions.

The Provincial Planning Statement recognizes the importance of consulting Indigenous Peoples on planning matters that may affect their Aboriginal or treaty rights and provides that:

- Planning authorities must undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making, and support identification of potential impacts on Aboriginal or treaty rights.
- Planning authorities must engage early with Indigenous communities and ensure their interests are considered when identifying, protecting, and managing archaeological resources, built heritage resources, and cultural heritage landscapes.
- Meaningful early engagement and constructive, cooperative relationship building between planning authorities and Indigenous communities will facilitate knowledge-sharing and inform decision-making in land use planning.

The *Planning Act* requires all decisions affecting planning matters to be consistent with the Provincial Planning Statement, including the decisions of municipal councils, local boards, planning boards, Crown ministers, and government commissions and agencies.

9. What does UNDRIP require from Canadian governments?

Canadian law regarding Indigenous Peoples' rights continues to develop. One new development is the status of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

a. UNDRIP in Canadian law

After nearly 25 years of debate, UNDRIP was adopted by the United Nations in 2007 as a set of minimum standards for the survival of Indigenous Peoples. It includes a wide range of commitments by member states to protect Indigenous Peoples' cultures, languages, laws and their right to self-determination. It also includes the duty to consult and seeking free prior and informed consent.

In 2021 the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent, *United Nations Declaration on the Rights of Indigenous Peoples Act, 2023* (UNDA) committing to implement UNDRIP.

The UNDA affirms UNDRIP is to be implemented as domestic law in Canada, that it is a source for the interpretation of Canadian law and requires the federal government to take all measures necessary to ensure Canadian laws are consistent with UNDRIP. It also requires the federal government to prepare and implement an action plan to achieve the objectives of UNDRIP.

At the moment, parties are well advised to consider seeking consent where possible.

b. UNDA Action Plan

In its UNDA Action Plan,[5] the federal government recognizes that provincial, territorial, and municipal governments each have the ability to establish their own approaches to implementing UNDRIP by taking various measures that fall within their authority.

The Truth and Reconciliation Commission of Canada (TRC) also called upon federal, provincial, territorial, and municipal governments to fully adopt and implement UNDRIP as the framework for reconciliation.

Municipal decision-making bodies (e.g. councils and planning authorities) should respond to the UNDA Action Plan and TRC Call to Action by ensuring their decisions are consistent with Indigenous Peoples' rights affirmed by UNDRIP.

For example, municipal decision-makers should seek Indigenous Peoples' free, prior and informed consent before making decisions affecting their rights and lands. This approach would be consistent with the direction of Canadian courts, which have been clear that the best course of action for Canadian governments is to seek Indigenous Peoples' consent prior to making decisions that could affect their constitutionally protected rights.

Conclusion

We hope this overview is a useful starting point for planners to learn about Indigenous rights law in Canada. It is the responsibility of all Canadian governments and decision-makers to understand and fulfill their obligations to Indigenous Peoples when making decisions affecting their rights, including planning decisions.

5 Government of Canada, Department of Justice. (2023). *United Nations Declaration on the Rights of Indigenous Peoples Act* action plan. https://www.justice.gc.ca/eng/declaration/ap-pa/ah/index.html



PLANNING CONTEXT FOR THE DUTY TO CONSULT AND ACCOMMODATE

The level of public participation in planning decisions often falls somewhere between asking people's opinions and occasionally addressing minor concerns. According to Sherry Arnstein in "A Ladder of Citizen Participation" (1969), these are forms of placation.

Ontario encouraged Indigenous engagement efforts for the first time in the 2014 Provincial Policy Statement (PPS). However, this was generally not accompanied by specific legislation, regulations, or guidelines to assist municipalities and Indigenous governments in undertaking engagement.

The 2020 PPS emphasized the importance of Indigenous rights and interests in land use planning, encouraging greater compliance and consultation with Aboriginal communities. The 2024 Provincial Planning Statement states:

Ontario will continue to recognize the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. Meaningful early engagement and constructive, cooperative relationship-building between planning authorities and Indigenous communities will facilitate knowledge-sharing and inform decision-making in land use planning.

It includes two other specific references:

- *4.6 Cultural Heritage and Archaeology*
  5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.
- *6.2 Coordination*
  2. Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.

There continues to be differences of opinion about when some planning projects should trigger the Duty to Consult and Accommodate.

Several methods for improvement have been started in Ontario. One example is the inclusion of First Nations representatives by some municipalities in the creation of official plans. This was done several years ago in the County of Peterborough through their official plan technical review committee. Another is the creation of an Indigenous/municipal forum, such as the up-and-running Muskoka Area Indigenous Leadership Table (see case study below). Though not yet at full participation, these are distinct examples which transcend tokenistic efforts. To give planners something to aim for, an official plan created with the full collaboration of the municipality's host communities could come close to "consent" as outlined in UNDRIP.

Another vital issue is whom to engage/consult, as there are many who have Aboriginal and/or Treaty and/or inherent rights, as well as interests. This is complicated in Ontario.

The First Nations territory upon which the municipality rests on, are its hosts. While Treaty maps are common, currently, there are few clear maps of Traditional Territories. In the north, there is generally more alignment of Treaties and Traditional Territories. In the south, the history is more complex (Treaty/non-Treaty, extirpated/non-extirpated, friendly/non-friendly, etc.) and jurisdictions often overlap. For example, areas in the south can often overlap as many communities were granted refuge here as allies of the Crown in the wake of the American Revolution and the War of 1812. Consider also the Huron-Wendat who have been extirpated from this landscape, but whose archaeological remains continue to exist here.

Despite the complexity, these are the groups with whom planners have a primary obligation to engage/consult. They are the collective Rightsholders, whose jurisdiction covers their territories. In addition to the Treaty map at the introduction to this guide, resources such as www.whose.land may be helpful.

It is important to note that the obligations of planners towards the First Nations on whose land the municipality rests are ***not*** the same as the obligations planners ***may*** have towards those who are Indigenous and happen to live in the planner's town (urban Indigenous peoples). Where the municipality is within the Traditional Territory of a rights-bearing collective, urban Indigenous individuals cannot speak for the collective. There is a legal principle called "sheltering" where the Band, Nation or other rights-bearing Indigenous collective has given individuals the opportunity to "shelter under the collective rights." This is generally done to respect a long history and protocol.



WORDS MATTER, ACTIONS MATTER, INTENT MATTERS IN RELATIONSHIP BUILDING

As planners, we need to celebrate diversity, build trust, and respect the land and its original caretakers.

The following section provides questions, guiding principles, and wise practices that planners should consider for good, respectful, and appropriate Indigenous engagement, seeking permissions and consent and consultation and accommodation more generally.





QUESTIONS TO ASK FOR RELATIONSHIP BUILDING

The following are some of the questions that should be considered at the outset of a planning process or proposed project. These questions should be revisited throughout the engagement to see if the answers are still the same or if they have evolved. The courts have told us that consultation is iterative (ongoing). Therefore, all questions should also be considered at all project stages, including planning, execution, construction, operations and maintenance, closure, and restoration.

What is the purpose of the outreach?

- Is it for relationship building, engagement, seeking a letter of concurrence or consent, or to fulfill the duty to consult or accommodate?
- Is it for several of these?

Who are the Rightsholders?

- If the project has a Duty to Consult and Accommodate, you must approach the Crown to request a letter identifying which communities and organizations need to be consulted. The letter will also indicate if procedural aspects are delegated to the proponent.
- Which Indigenous communities are hosts to your municipality or project?
- Which Traditional Territories underlie your municipality or project? Much of Ontario has shared Territory, so there are likely more than one First Nation whose territory your work is happening on. Some First Nations will participate in meetings together with other First Nations, and others will not. It is important to understand the dynamics and relationships between First Nations when preparing for and undertaking engagement or consultation.
- Which Treaties underlie your municipality or project? Treaties are living documents that should be considered and respected, and municipalities may be situated on lands covered by more than one Treaty.
- Are there groups exercising Treaty or other Indigenous Rights in your municipality or project or that might have the exercise of those rights impacted?
- Are there Treaty lands, Traditional Territories, or outstanding claims for Indigenous Rights that might be impacted by the municipal or project-related activities?

What is the current state of relationship/ relationship building with the Rightsholders?

- Which of the hosts in your municipality have you started to rebuild relationships with?
- Who should participate in meetings to continue to build these relationships?
- Does your main contact have the authority from the leadership of the Indigenous government to communicate about the planning or project? Does that representative have the capacity to seek any necessary approvals from leadership?
- Who within your organization is responsible for relationship building (leadership, staff, both, neither)?
- Does your organization need assistance in expanding its relationship capacity?
- Does your organization have a Reconciliation Action Plan or a commitment statement around reconciliation and/or consultation and engagement?
- Consider if you need support for Indigenous relations, consultation and/or engagement. Is there a community identified liaison or "community champion" that you can work with?
- Reflect on past interactions and consider the state of the relationship (if any). Consider this for all parties involved in a project because there may be multiple relationship holders involved. This can happen especially if projects are all treated separately and do not have a consistent person that participates in discussions with Indigenous communities.
- Were there past missteps or successes (generally for the proponent but also within or adjacent to the project area)? What can be learned from those? Potential missteps may include:
    - Treating Indigenous Peoples and communities as stakeholders and not Rightsholders
    - Focusing on positions and not ideas
    - Not seeing missteps/successes as a way to make better projects
    - Showing up only when you want something
    - Pushing regulatory timelines
    - Lacking appropriate capacity
    - Lacking sufficient funds
    - Not following/respecting protocols
    - Using inappropriate language
    - Being asked to leave
    - Approaching to discuss each project as a completely separate thing, without considering overall relationship and learnings.
- Learn as much as you can before you meet.

Are there other Indigenous groups or organizations to consider?

- Which Indigenous groups or organizations other than the Rightsholders have an interest within your municipality or regarding your project or may be impacted? This could include downstream or cross-border impacts. Planners should engage Indigenous organizations, service providers, and urban Indigenous populations for some projects while also respecting the constitutional role and authority of rights-bearing governments. This is especially important for projects that will impact service delivery in an area.

Interested groups may also include larger provincial groups or organizations like Tribal Councils or Provincial Territorial Organizations (PTOs); however, the focus should be working directly with individual First Nations.

What is the scope of the project and what external supports may be used?

- Has this scope been determined with or at least discussed with Indigenous communities and Peoples?
- What could be potential impacts of the project and how might they overlap with rightsholder concerns?
- Will expertise external to the municipality or project be provided to support First Nations, and/or Indigenous communities, and/or the municipality? If so, consider their reputation and relationships.
- Could joint projects or reviews be undertaken or will Indigenous governments and communities be allowed to comment on the qualifications of external consultants and/or participate in acquiring their services?

What do you know about possible interests of Indigenous participants?

- Are there First Nation consultation and accommodation protocols or guidance that should be followed? Ask the leadership or technician and check their websites for such protocols.
- Are there cultural protocols such as ceremony, customs, traditions, practices, honorariums for engagement, to be honoured?
- Is there a desire and/or opportunity to engage with Elders, youth, Knowledge Holders, men's groups, women's groups, harvesters, business leaders, entrepreneurs, Chief and Council, technical staff, or others?
- Is there a budget to support Indigenous engagement/consultation?
- Who within your municipality or organization has been selected to bring consistency to the relationship?
- What notes and discussion reports are being created and might be jointly shared?
- Are regular process and/or project updates to be provided to representatives of the Indigenous Peoples and communities?

What do you understand about the worldviews and Indigenous teachings of those you will be engaging or consulting?

- Indigenous Peoples are diverse, and teachings and worldviews vary among First Nations, Inuit, and Métis peoples, as well as among individual Nations and communities. It is important to learn from the specific Nation or community with whom you are engaging rather than assuming that a single Indigenous worldview applies universally.
- Many Indigenous teachings understand land as a living relationship and emphasize interconnected responsibilities among people, water, plants, animals, and future generations. These perspectives can shape how decisions about land and resources are understood and may differ from conventional planning approaches.
- Some differences that may arise include approaches to cumulative effects, sustainability, buffers, replacement ratios, the inclusion of ceremony and cultural practices, and the recognition and protection of Aboriginal and Treaty Rights. These differences can reflect different understandings of responsibility, time, and relationships. For example, some Indigenous teachings emphasize considering the impacts of decisions on future generations, sometimes expressed through the concept of "seven generations," rather than focusing primarily on a conventional 30-year planning horizon. Similarly, teachings such as "all our relations" can emphasize interconnected relationships and responsibilities among humans and the wider natural world, rather than viewing humans separately from, or above, other beings.
- These concepts should be understood as examples rather than universal Indigenous teachings. Engagement and consultation should be grounded in the specific knowledge, laws, teachings, and priorities of the Nation or community involved.

Tanya Talaga, an Anishinaabe author and member of Fort William First Nation, describes an important distinction in Anishinaabe and Cree understandings of leadership:

"In Ojibwe and Cree culture, leadership didn't mean power; it meant caring."

Tanya Talaga (2018). *All Our Relations: Finding the Path Forward.* House of Anansi Press.

"Have respect for all that is. All of Creation should be treated with respect."

Tanya Talaga, Ontario Native Women's Association. (n.d.). *7 Sacred/Grandfather Teachings.*

Oren Lyons was a Faithkeeper of the Turtle Clan of the Onondaga Nation and a Haudenosaunee scholar and environmental advocate.

"Creation is everything that we can see and probably a whole lot that we can't... it's the relationship, this amazing web of Life that we have here."

https://www.ratical.org/many_worlds/6Nations/OrenLyons-IndigenousWorldView.html

"Your roots are in the earth, that's your Mother....You're the same as that tree."

Lyons, O. (2001). *Governing our way to a brighter future* [Interview/presentation]. Native Nations Institute, University of Arizona.

What background context affects engagement, consultation, and accommodation?

- When is the community's next election?
- Is there any litigation regarding rights, title, land claims, interests, or other?
- Is there anything occurring within, between, or among the communities that could affect your municipality or project?
- Is there anything occurring within, between, or among the communities that could affect their interest or capacity to participate with your municipality or project?
- Be aware of possible conflicts among Nations without interfering or wading into historic or recent challenges.

What procedural context affects engagement, consultation, and accommodation?

- Are there federal/provincial/municipal permitting regimes and approval requirements that undermine relationship building, engagement, consultation, and accommodation?
- Can minimum requirements be transcended, allowing for more meaningful input?
- Can engagement be done earlier and more often?
- How will each point of contact be accommodated in the project schedule to respect varying timelines for Indigenous participation?
- How will the timing and format of Rightsholders' consultation occur ahead of other consultation?
- Is the topic possibly triggering? Should trauma-informed approaches and psychological safety be considered in planning for events?
- How can Indigenous Knowledge be respectfully included and appropriately braided or weaved with western science?
- How can this project support reconciliation and/or economic reconciliation? Are there opportunities for socioeconomic participation agreements, impact benefit agreements, Indigenous participation plans, or other approaches?
- Are meeting notes/minutes being shared for input and validation?
- Is a record of engagement, consultation, and accommodation being shared with the communities before being shared with the public or regulatory agencies?
- Is a letter of concurrence or permission required? What steps will support seeking consent and implementing UNDRIP, specifically FPIC?

Reflection:

Learning from the Land – the Earth as Teacher

When considering change to a place, what might be understood differently if people, land, water, plants, animals and future generations are considered as part of an interconnected web of relationships rather than as separate elements of a planning system?

Indigenous Peoples have diverse laws, teachings, knowledge systems, and relationships with land. The perspectives below are examples from Nishnaabeg and Anishinaabe scholars and should not be understood as representing all Indigenous Peoples or Nations.

Michi Saagiig Nishnaabeg scholar Leanne Betasamosake Simpson describes **land as pedagogy** — understanding land not simply as a physical setting or resource, but as a place and relationship through which knowledge, values, skills, and ways of living are learned. In her work, she draws on Nishnaabeg stories and teachings to describe how knowledge is developed through intimate relationships with homelands and through participation in those relationships. [1]

For planners, this perspective invites a shift in the way we think about a place. Land is not only something to which a proposed use is assigned or something for which impacts are measured. It can also be understood as a source of knowledge and teaching.

Anishinaabe scholar John Borrows similarly examines the relationship between land, law, ethics, and responsibility. In Law's Indigenous Ethics, Borrows draws on Anishinaabe teachings to explore Indigenous legal traditions and their relationship to land, relationships, and responsibilities. His discussion includes the idea that land and relationships are not separate from law and ethics but can be sources through which obligations and ways of living are understood. [2]

Together, these perspectives invite planners to consider a different starting point when engaging with Indigenous Nations: **What can this place teach us about the relationships and responsibilities that need to be understood before decisions are made?**

This question does not replace technical planning, environmental assessment, or legal requirements. Rather, it encourages planners to recognize that a place may hold knowledge, relationships, responsibilities, and meanings that are not fully captured through conventional land-use or regulatory frameworks.

It is important to remember that these are specific Nishnaabeg and Anishinaabe perspectives. They should not be generalized as a single "Indigenous worldview." Effective engagement requires planners to learn from the particular Nation or community involved and to understand its own teachings, laws, knowledge, rights, and priorities.

Sources

[1] Simpson, L. B. (2014). Land as pedagogy: Nishnaabeg intelligence and rebellious transformation. *Decolonization: Indigeneity, Education & Society, 3*(3), 1–25. https://jps.library.utoronto.ca/index.php/des/article/view/22170

[2] Borrows, J. (2019). *Law's Indigenous ethics*. University of Toronto Press. https://doi.org/10.3138/9781487531140



PREPARING A PROJECT CONSULTATION AND/OR ENGAGEMENT PLAN

Preparation is critical to establishing an effective and coordinated engagement or consultation process. Plans should be clear, respectful, relationship-focused, and grounded in the rights, priorities, and protocols. Regardless if a project requires engagement or consultation, it must go beyond notification and a checkbox exercise and should support Treaty relationships and meaningful discussions.

It's important to consider consistency across projects within the same organization, while still allowing each plan to improve and evolve and be tailored to the project and Indigenous Nation(s). These plans should be living documents and revisited throughout a project to refine as needed.

Every project and Nation is unique, but there are some consistent things to consider including:

- What is required by legislation (meetings, notices, etc.)?
- Who you need to consult and who you want to engage?
- What is the goal for the engagement and consultation program?
- What are wise practices?
- How will public, interested party, and rightsholder engagement align?

A plan could include:

Background and Project Overview which could include:

- High-level description of the project.
- How Indigenous Knowledge will be considered.
- Permits and approvals requirements.
- How the plan aligns with overall project engagement.
- Purpose and Objectives: Why are you engaging and what outcomes do you hope to achieve?

Overview of Indigenous Nations, Communities & Organizations which could include:

- Create a contact list for leadership and staff, including election timing.
- Consider of what you have learned about the truth of those you consult and/or engage with. Consider each Nation's or community's Treaty Rights, Aboriginal Rights, interests, potential concerns, protocols, processes and governance structures. Also consider known grievances or relationships history/status that may affect the plan and lessons learned from past projects.

Principles and Commitments could establish clear guiding principles, such as:

- Respect, reciprocity, transparency, and communicating early and often, including validation of information and changes.
- Free, prior and informed consent.
- Culturally appropriate, trauma-informed, and inclusive practices.
- TRC Calls to Action.
- First Nations' OCAP® Principles.
- "Two-Eyed Seeing"/braiding or weaving of knowledge.

Engagement/Consultation Approach and Methods: How engagement and consultation may occur considering:

- Permit and approval requirements.
- Community-specific cultural and consultation protocols.
- Any relevant agreements on engagement/consultation.
- Different approaches for leadership, staff, Elders, youth, Knowledge Holders, land users, and community members (on and off reserve) and engaging with Urban Indigenous Peoples or organizations, PTOs or TCs.
- Sharing notices, reports, and opportunities to participate in field studies.
- Support for Indigenous Knowledge studies
- Approaching each Nation or community with equity (as opposed to equality).

Timelines and Milestones: Include a high-level schedule that aligns engagement and consultation activities with the project timeline:

- Include opportunities for input at different project stages.
- Seasonal considerations and participant availability.

GUIDING PRINCIPLES FOR RELATIONSHIP BUILDING

Before any relationship can be built, mutual trust and respect must be established. Given the past and present experience of Indigenous Peoples in Ontario and throughout Canada, this understandably will take time and effort. Understand the historic reasons for a lack of trust. This section considers the foundational principles that guide respectful, appropriate engagement and relationship building.

Long-term relationship building

Focus on building or rebuilding collaborative relationships rather than temporary project-by-project efforts. Engagement is more effective if built on a solid foundation of trust, earned over the long term. Ask to attend and perhaps volunteer at the more public events, i.e., Pow Wows, September 30. Some events welcome everyone. It is noticed and appreciated when neighbours and/or partners "show up" — not just when they need something.

Engage directly

The community will often wish to rebuild relationships with the municipality or project proponent directly, rather than through outside consultants. If work is to be delegated to outside expertise, make sure the outside people are properly introduced to the community and that their role is explicitly understood and accepted by both sides.

Engage early and often

Involve Indigenous communities at the outset of a project and determine how they would like to be engaged throughout its development.

Collaboration and mutual respect

Work together to create solutions that reflect the values and knowledge of both parties. Recognize and respect the rights, culture, language, knowledge, and perspectives of one another. Recognize that collaboration and inclusion of diverse perspectives will lead to stronger outcomes.

Listen and learn

Every Indigenous community is unique. Take time to listen and learn about the history, culture, interests, and priorities of the communities you seek to engage. Listen to their stories and understand the impacts of colonization on Indigenous Peoples. Eating meals and sharing experiences together is a great way to connect more informally and make connections.

Open communication

Communicate openly and honestly. Share your perspectives and proposals fully and be open to new ideas and ways of knowing and being.

Consider future generations

Ensure planning decisions consider impacts to future generations. Involve all generations in engagement, including Elders and youth where possible. Understand and respect that decisions will very likely be considered for their effect anywhere from three to seven generations into the future while being grounded in Treaty making and in as many as seven generations in the past.

It is important to identify early on the guiding principles that should be considered for any given project and relationship. The following table provides several tasks to consider.

TASKS	WISE PRACTICES
Communication	▪ Treat everyone with respect. ▪ Listen to understand and learn. ▪ Listen with your eyes, ears, and heart. ▪ Be patient if people aren't ready to hear you yet. ▪ Paraphrase what is heard to confirm understanding. ▪ Engage early and often. ▪ Use written and verbal plain language. ▪ Use Indigenous languages and/or translation services where appropriate and requested. ▪ Understand that some concepts are not translatable. ▪ Validate correspondence and records of discussions. ▪ Keep dialogue open. ▪ Consider timing and location of activities. There are times of year that many practice harvesting, including hunting, trapping, and gathering, and these can impact availability to participate in events. For many, a death in the community can mean a closure for a week or more. ▪ Meet people on their time and turf. ▪ Respect community schedules and cultural practices. Condolences may be appropriate when there is a death in the community, but project-based communications may need to be delayed. ▪ Be flexible and roll with unexpected changes. ▪ Prepare to use a variety of engagement methods and activities to meet different learning styles, needs, and preferences. ▪ Confirm electronic connections and preferred platforms for online tools. Remember that some First Nations (primarily remote) do not have consistent access to specialty office programs or even broadband.
Transparency	▪ Be forthright and courteous. ▪ Be consistent. ▪ Follow through on commitments. ▪ Be clear on who the decision-makers are. ▪ Specify early what is possible and not possible for decision-making. ▪ Outline who is accountable/liable in the decision-making process.
Providing safe environments	▪ Consider the physical and psychological safety of all participants. ▪ Use trauma-informed approaches. ▪ Be respectful. ▪ Have empathy. ▪ Keep dialogue open. ▪ Be pragmatic.

TASKS	WISE PRACTICES
Co-creation	▪ Create engagement and consultation plans and activities collaboratively with the Rightsholders or interested parties you are engaging with. ▪ Involve Indigenous partners in all stages of planning and decision-making. ▪ Respect and follow cultural protocols and practices unique to each community. ▪ Incorporate Traditional/Indigenous Knowledge regarding worldviews and land use.
Inclusive and equitable approaches	▪ Learn from Indigenous Knowledge, which offers unique insights and perspectives on the responsibilities to nature, ecosystems, biodiversity, and natural resource management that complement and often surpass scientific understanding. ▪ Consider using a gender-based analysis-plus approach. ▪ Respectfully include and integrate Indigenous Knowledge where permissions of the Knowledge Holders have been provided. ▪ Understand the need for and create spaces where community members feel safe to contribute. ▪ Ensure spaces are fully accessible to participants, whether physically e.g. (elevators, parking) or technologically (e.g. internet and phone connections). ▪ Be respectful. Ask for and use the group identity term they use themselves and/or as the group how they wish to be referred. ▪ Avoid stereotypes and generalizations. ▪ Remember each community is unique. ▪ Support intergenerational learning.
Build rapport	▪ Visit the community when invited and where feasible. ▪ Clarify names, titles, and cultural protocols. ▪ Show genuine interest and curiosity in community perspectives and stories. ▪ Respect the various worldviews encountered within the community. ▪ Learn about current community aspirations, opportunities, challenges, and difficulties. ▪ Seek to protect Aboriginal and Treaty Rights, interests, claims, and ambitions. ▪ Be aware of historical contexts that have framed community experiences, good and bad. ▪ Share your own experiences and be open about your intentions. ▪ Observe differences in body language, eye contact, gestures, handshakes (if wanted), emotional tone and context of conversations, and personal space. ▪ Don't interpret quietness or silence as agreement. ▪ Long-term relationships are more effective than transactional interactions. ▪ Building trust and mutual respect is foundational in engaging with Indigenous communities. ▪ Learn some words in the community language (at least, hello and thank you). ▪ Look at maps that are available to you and know the area and any traditional names or sites.

TASKS	WISE PRACTICES
Build capacity	▪ Learn and be open to new experiences. ▪ Seek opportunities to increase community capacity. ▪ Enter into engagement, capacity funding, and other agreements as appropriate to confirm how to work together. This could include provision of honoraria and funding to support bringing on external subject-matter expert support. ▪ Identify areas of interest and areas of scope. ▪ Identify opportunities for participation early, including field work, workshops, monitoring. ▪ Indigenous participation plans (IPP), relationship agreements (RA), letters of intent (LOI), exploration agreements (EA), impact benefit agreements (IBA), memorandums of understanding (MOUs), capacity building, socioeconomic reconciliation, and sustainable economic models should all be considered.
Data sovereignty	▪ If extensive or sensitive data is collected, analyzed, or stored, apply OCAP® (ownership, control, access, and possession) principles: http://fnigc.ca/ocap-training/. ▪ Also consider CARE principles (collective benefit, authority to control, responsibility, and ethics). ▪ Follow other ethical data-handling practices your organization may have.
Accommodation	▪ Gain an understanding of the interests and concerns of the project by Rightsholders. ▪ Discuss or come to agreement on possible accommodation measures with Rightsholders to avoid, eliminate, or minimize adverse impacts on Aboriginal or Treaty Rights, including not proceeding with a proposal or compensating where this is not possible.





CASE STUDY 1:

MUSKOKA AREA INDIGENOUS LEADERSHIP TABLE (MAILT)

Introduction

In 2018, the District Municipality of Muskoka (District of Muskoka) embarked on a journey to strengthen relations with Indigenous Nations who have a traditional tie or ongoing interest in the lands that are now known as Muskoka.

The original goal of the Muskoka Area Indigenous Leadership Table (MAILT) was to strengthen relations between First Nations, Métis, and municipalities and to identify actions and initiatives that would benefit all residents and communities within Muskoka. This holds true in 2025.

Determining which Indigenous Nations to invite to the inaugural MAILT meeting was straightforward due to work that had taken place in 2011 as part of the District of Muskoka's official plan review process. Through extensive research, Archaeology Services Inc., which was contracted by the District of Muskoka, determined that eight Indigenous Nations should be consulted and included in the official plan review. These same eight Indigenous Nations were invited to join the MAILT and included:

1. Wahta Mohawks First Nation
2. Moose Deer Point First Nation
3. Beausoleil Island First Nation
4. Chippewas of Rama First Nation
5. Wasauksing First Nation
6. Huron-Wendat Nation
7. Georgina Island First Nation
8. Métis Nation of Ontario (locally the Moon River Métis Council)



Membership

The MAILT engages elected officials and senior leaders from Muskoka's six lower-tier municipalities and the upper-tier District of Muskoka, as well as elected officials and senior leaders from Indigenous Nations that elect to participate.

Member municipalities include:

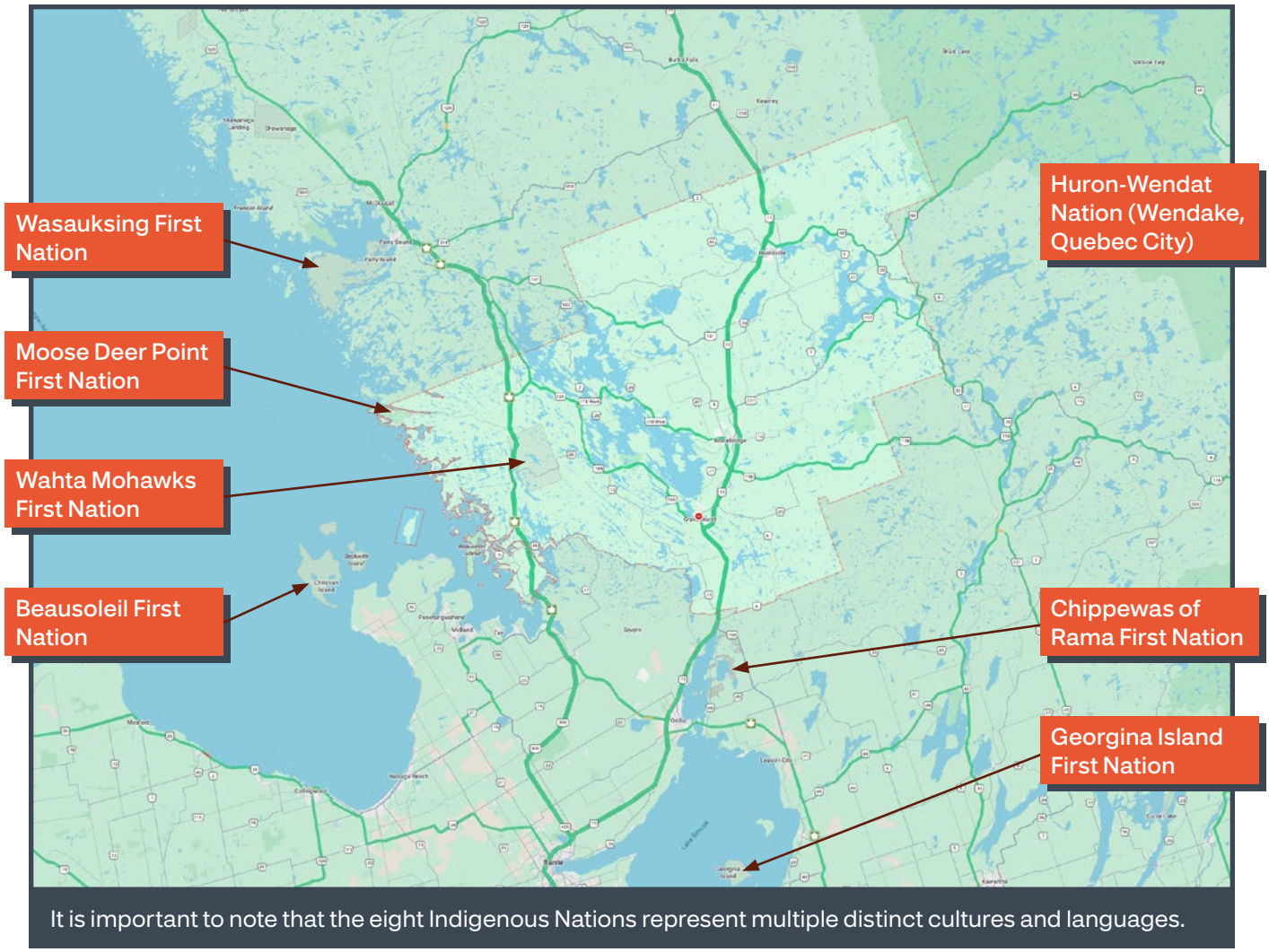
- District of Muskoka (fulfills the coordinating function)
- Town of Huntsville
- Town of Bracebridge
- Town of Gravenhurst
- Township of Georgian Bay
- Township of Lake of Bays
- Township of Muskoka Lakes

At the time of writing this case study, there are five Indigenous Nations actively engaging with the MAILT:

- Wahta Mohawks First Nation
- Moose Deer Point First Nation
- Chippewas of Rama First Nation
- Huron-Wendat Nation
- Moon River Métis Council

Participation shifts somewhat from meeting to meeting but over the years, there has also been engagement from other First Nations, including Wasuaksing First Nation, Georgina Island First Nation, and Beausoleil First Nation. Correspondence continues to be sent out to all eight Indigenous Nations.

Starting in 2021, the District of Muskoka invited several Urban Indigenous representatives who were actively building bridges between Indigenous and non-Indigenous community members to sit at the MAILT and offer their unique perspectives on issues, projects, and initiatives.



The traditional territory of the Huron-Wendat Nation includes the area depicted on the map, while their current land base consists of the Wendake 7 and Wendake 7A reserves located near Quebec City.

Geographical Context

The geographic area we now call the , or just Muskoka, is the traditional territory of the Anishnaabeg, which includes the Ojibwe, Odawa, and Potawatomi Nations, collectively known as the Three Fires Confederacy. The Huron-Wendat and the Haudenosaunee Nations also walked on this territory over time.

Today, the Wahta Mohawks and Moose Deer Point First Nations are both located within the formal boundaries of the District of Muskoka. The Moon River Métis are also located within Muskoka. These lands are covered by the Williams Treaty (of 1923), the Robinson Huron Treaty of 1850, and the J. Collins Land Purchase (of 1785).

Although the Chippewas of Rama First Nation is technically located just south of Muskoka's southern boundary, they co-own small parcels of land within Muskoka's geographic boundaries. More importantly is that much of the lands that encompass modern-day Muskoka are the traditional hunting grounds for the Chippewas of Rama First Nation and their affiliated First Nations of Beausoleil Island and Georgina Island.

The Huron-Wendat Nation, located within the boundaries of what is now called Quebec City, began to participate in the MAILT during COVID when the meetings moved to a virtual format. They continue to send a representative to participate remotely.

Process

Research and knowledge building

Although the process of establishing the MAILT was organic, early activities included a deep dive into learning about the histories and cultures of Indigenous Peoples in what is now called Canada, including understanding the impact of colonization policies and the complex experiences Indigenous Peoples face today.

The staff lead also researched best practices with regards to Indigenous engagement and reviewed transcripts of previous meetings between the District of Muskoka and Indigenous Nations engaged through the official plan review in 2011. This education and research ensured that future conversations would be built on previous engagement, that the District of Muskoka came to the table with awareness of past and current issues, and that the burden was not placed on Indigenous participants to educate municipal members.

Initial contact and relationship building

Initial contact made was through a formal letter sent in February 2019 from the Muskoka District Chair to the local Métis Council President and the Chiefs of the seven First Nations identified by Archaeology Services Inc. The letter outlined the desire of the new term of Muskoka District Council to strengthen relations with Indigenous Nations. It summarized past engagement with Indigenous Nations and proposed a list of preliminary relationship-strengthening initiatives the District of Muskoka wished to explore as a way to build a stronger Muskoka together.

Proposed initiatives included:

1. Establishing an Indigenous Leadership Table to provide an opportunity for Indigenous and municipal leaders to meet regularly to discuss approaches to common interests and concerns and to maintain positive relations;
2. Developing a formal land acknowledgement statement that the District of Muskoka could use on public documents, when calling political meetings to order, and when opening ceremonial events;
3. Honouring the Truth and Reconciliation Commission's Call to Action #57 and committing to provide Indigenous cultural sensitivity training to all District of Muskoka staff;
4. Working with the MAILT to identify joint community initiatives that would raise the public's understanding of Indigenous history, contributions, and cultures within Muskoka;
5. Developing Indigenous engagement principles to help support District of Muskoka staff as they create and update official strategies and plans such as the housing and homelessness plan; and
6. Broadening and revising the existing protocol (called the O'Donnell Point Notification Protocol) between Moose Deer Point First Nation, the District of Muskoka, and other municipal and provincial signatories to include all eight Indigenous Nations; better reflect Indigenous culture, consultation principles, and values; ensure decision-making honours traditional knowledge; address the impacts of decisions at least seven generations into the future; and acknowledge the pressure on Indigenous Nations to consult with different levels of governments and private enterprise.

These proposed initiatives were developed as a result of the research and knowledge-building phase of the process. In closing, the letter proposed an in-person meeting and welcomed feedback on the contents of the letter. A similar letter was sent from the CAO of the District of Muskoka to the lead administrators for the Indigenous Nations.

The first MAILT meeting was held at Moose Deer Point First Nation on June 18, 2019. Detailed minutes of the meeting were taken and posted to a MAILT project page at www.engagemuskoka.ca/mailt. Meeting minutes, project updates, and other important documents continue to be posted to this project page.

At the inaugural meeting, which was co-chaired by the Chief of the Moose Deer Point First Nation and the District of Muskoka Chair, feedback from Indigenous participants on the proposed initiatives was welcomed and integrated into future meetings and actions, thereby demonstrating the District of Muskoka's keen desire to respect participants' time and centre relationship-building.

The meeting closed with the District of Muskoka Chair asking how the District of Muskoka might support the Indigenous communities around the table and if any advocacy efforts to upper levels of government would be helpful.

Participants agreed to meet quarterly and to strike two working groups: the Land Acknowledgement Working Group and the Duty to Consult Working Group. It was agreed that the meeting host and chair would be rotational, and the District of Muskoka agreed to continue to coordinate meetings for the larger leadership table, as well as the working groups.

Issues engagement

Because the location of each meeting changes and the meeting chair rotates among Chiefs and Mayors, meeting protocol is left up to the host member. Municipal hosts tend to start with a land acknowledgement, whereas the MAILT meetings hosted by Indigenous Nations have variously opened with a prayer and drumming, a smudging, and even a Mohawk Thanksgiving Address.

This rotational approach ensures every member's voice is heard, and every community has a chance to be showcased. It also means members become familiar with other communities, which has been most beneficial for municipal members who have not often or perhaps never visited a neighbouring First Nation.

Although there is an agenda for each meeting, developed and finalized by a committee of Chiefs and Mayors with administrative support from the District of Muskoka, there is also an understanding that it is a suggestion only. There have been meetings where an issue or discussion needs more time, especially where an Indigenous member is willing to share an experience or story that illustrates an issue not as readily grasped by non-Indigenous members. And although members have undergone Indigenous awareness training and ongoing education is often an agenda item for the MAILT, there is always more for municipal members to learn. For this reason, the willingness of Indigenous members to engage in difficult conversations, explain their worldviews, and share the impact of racism, colonization, and colonialism is often cited as one of the key success factors for the MAILT and for strengthening relations around the table.

Over the past six years, just as municipal leaders and senior staff have had to learn the specific challenges, pressures, and complexities of leading Indigenous Nations, Chiefs and senior staff from Indigenous Nations have come to better understand the municipal processes, regulations, and legislation that guides the work of Muskoka's municipalities.

All participating members (Indigenous Nations and municipalities) help to shape the MAILT's strategic directions and celebrate achievements. While the District of Muskoka provides coordination support, all ideas and decisions are brought back to the wider group for discussion. Decisions are consensus-based, and this decision-making process allows for a deeper understanding of each member's point of view.

All projects are undertaken by working groups composed of Indigenous and municipal representatives (e.g. developing the MAILT Friendship Accord, drafting the *Land Acknowledgement Guidelines and Framework*, and renaming Muskoka Road 38 to Kanien'kehá:ka Iohatátie), which helps to reinforce strong relations between both staff and elected officials. In the early days, the working groups helped representatives engage in honest but difficult conversations, which was instrumental in strengthening the overall commitment to the MAILT. Each working group reports back to the MAILT.

In terms of administrative approaches, agendas for MAILT meetings are developed with input and feedback from members. Members can review all meeting minutes and make changes before they are posted on the project webpage, which is publicly accessible. All working group minutes are also publicly accessible.

Ongoing engagement and maintaining the relationship

Although the MAILT only meets quarterly (with working groups meeting more frequently as needed), maintaining relationships is an ongoing effort and is more frequently factored into municipal decision-making. The District of Muskoka, as well as Muskoka's six lower-tier municipalities, makes deliberate and conscious efforts to demonstrate the importance of the municipal-Indigenous relationship through actions such as:

- Following through on commitments to Indigenous Nations and being transparent about decision-making;
- Seeking clarification and guidance from Indigenous Nations when needed;
- Advocating to higher levels of government on Indigenous issues;
- Participating in community events hosted by Indigenous Nations;
- Issuing public statements on current events that impact Indigenous Nations;
- Acknowledging the passing of important Indigenous leaders;
- Inviting Indigenous leaders to participate in municipally led events;
- Encouraging municipal staff to provide technical support to staff from Indigenous Nations when required;
- Sponsoring community-based Indigenous awareness training; and
- Being responsive when contacted by an Indigenous representative of the MAILT.

To ensure sustainability and longevity in the face of changing representatives, the MAILT created and signed the MAILT Friendship Accord in October 2022 (just ahead of the municipal election). The MAILT Friendship Accord, which was a result of the work of the Duty to Consult Working Group, establishes a mutual ongoing commitment to the framework, intent, and principles of engagement between participating members of the MAILT. It establishes both values and principles:

MAILT members value:

- Building strong relationships based on mutual respect;
- Advancing reconciliation through strong leadership and continued relationship-building;
- Fostering regional partnerships to improve the quality of life for all residents;
- Enhancing social cohesion between Indigenous and non-Indigenous people; and
- Fostering stronger cultural, social, spiritual, civic, and economic ties between Indigenous communities and municipalities.

MAILT members commit to:

- Building and maintaining strong relationships based on mutual trust and respect;
- Acknowledging the history, past experiences, and differences that impact current perceptions and opinions;
- Learning, understanding, and respecting each other's values, customs, and beliefs;
- Fostering communications and information-sharing opportunities by being open, honest, and straightforward;
- Listening to and considering concerns and suggestions expressed in good faith;
- Respecting each other's diversity and respective jurisdictions, governing authority, and governance structure; and
- Working collaboratively on common issues, concerns, pursuits, and initiatives for the well-being of current and future generations, including but not limited to:
  - Making the region more economically vibrant and sustainable;
  - Committing to heritage protection and environmental stewardship; and
  - Addressing root causes relating to public safety.

It was inevitable that someone at some point would say or do something that didn't land well with Indigenous members. Because of this, early in the process, the MAILT adopted an unofficial mantra: *Know More Do Better.* MAILT members continue to bring goodwill and good intent to the table and create a safe space for all to speak and listen with deep respect and gratitude.

Achievements

Since 2019, the impact of the MAILT has been felt across Muskoka and beyond. From a municipal perspective, the following achievements have positively impacted the District of Muskoka as well as the six lower-tier municipalities and their communities:

- Indigenous awareness training was delivered to 1,000 municipal councillors, municipal staff, agency partners, and community members;
- A *Land Acknowledgement Guidelines and Framework* was created to ensure both elected officials and municipal staff understand the importance of land acknowledgement statements and can deliver them in a personal, heartfelt, and meaningful way;
- All District of Muskoka Council and Committee meetings, as well as council meetings at the lower-tier municipalities, now open with a land acknowledgement statement;
- An Indigenous-municipal project team worked together to rename Muskoka Road 38 to Kanien'kehá:ka Iohatátie, which means Mohawk People Road. This new road name better reflects the Indigenous history, language, and culture of the Wahta Mohawk First Nation through which this road crosses; and
- The District of Muskoka worked with Moose Deer Point First Nation to ensure their drinking water intake, located in 12-Mile Bay, was captured by Muskoka's official plan and provided the protection required for all sources of drinking water in Ontario. Moose Deer Point First Nation cites this outcome as "reconciliation in action" after finding themselves in a regulatory vacuum.

In addition, the work of the MAILT has positively influenced other organizations and their efforts in both Indigenous and municipal communities in Muskoka and beyond, for example:

- At the request of the Moon River Métis Council at the first MAILT meeting, Colonization Road was renamed to Old Sinclair Road in the Township of Lake of Bays. The Métis Nation of Ontario was working to change all "Colonization Roads" across Ontario;
- The Muskoka Steamship and Discovery Centre, located at the wharf in Gravenhurst, created a 3,000-square-foot exhibit called *Misko-Aki: Confluence of Cultures.* Misko-Aki is a unique presentation of Indigenous cultures in Muskoka dating back more than 13,000 years and has been created by an all-Indigenous team of storytellers, curators, designers, and artisans. In 2024, the exhibit won the Outstanding Achievement in Exhibitions from the Canadian Museums Association (CMA); and
- In September 2022, Golf Ontario held its inaugural Indigenous Ontario Golf Championship. Representatives from 41 Indigenous communities throughout North America took part in this historic tournament. The idea for this golf tournament was a result of non-Indigenous MAILT members advocating for Indigenous interests within their other networks.

These are only some of the achievements of the MAILT. Other smaller initiatives have also influenced municipal staff, rippled out into the community, and encouraged other organizations. In fact, delegates from the MAILT have been invited to speak to several other municipalities and non-government organizations with the hope that the MAILT's successful approaches and lessons learned can be used as a starting point to strengthen relations with Indigenous Nations in other jurisdictions.

In 2023, the MAILT was honoured with an Award of Excellence from the Canadian Association of Municipal Administrators (CAMA). The CAMA Collaboration Award recognizes an exemplary partnership of an innovative, collaborative initiative where the outcome has demonstrated mutual benefits to all partners.

Key Success Factors

Some of what the District of Muskoka has learned in establishing and coordinating the MAILT has been through doing things right, as well as doing things wrong. Some of the key success factors cited by the staff lead include:

- Indigenous participation and Indigenous leaders willing to act as ambassadors and champions.
- Dedicated project lead with passion for the work, comfort with uncertainty, patience, humility, respect, relationship-building skills, listening skills, and advocacy skills.
- Political will to do what is needed to be successful.
- Education for the project lead on Indigenous awareness in general and on local Indigenous Nations.
- Dedicated funding (for the coordinating organization).
- Education for staff and elected officials to build foundational knowledge within the participating municipalities.
- Organizational support (for the coordinating organization).
- Demonstrated commitment to build relationships, listen, learn, and work together, remembering that the history of working with the settler population has not been a positive experience for Indigenous Peoples.
- Long-term commitment.
- Centring the relationship, which means being protective of the relationship when challenges arise.

More Information

More information, including meeting minutes, working groups, the MAILT Friendship Accord, and other achievements, can be found at the MAILT project page at www.engagemuskoka.ca/mailt



CASE STUDY 2:

RECONCILIATION IN ACTION

The District of Muskoka worked with Moose Deer Point First Nation to ensure their drinking water intake, located in 12-Mile Bay, was captured by Muskoka's official plan and provided the protection required for all sources of drinking water in Ontario.

Context

Moose Deer Point First Nation is a small community of approximately 200 residents that straddles the O'Donnell Point peninsula along the shores of Georgian Bay. It boasts two marinas that do a brisk cottaging and boating trade and is home to the Niigon Manufacturing Facility. In 2011, it opened a water treatment plant (WTP) and water tower that provides potable water to all homes, offices, and businesses within the community. As a First Nation WTP, this facility is not required to be provincially regulated; it was "invisible" to the municipal/provincial land use and water treatment classification.

Scenario

Ten years later, the administrator of Moose Deer Point First Nation and the senior operator for the WTP began the process of cataloging basic refurbishments that might be needed after a decade of service. Both are members of the community, and one had a background in resource management, including employment for a conservation authority, and the other had a background in municipal water systems. Thus, they also wondered about the safety of the water supply and how this might alter the effectiveness of the treatment protocols. Though the intake pipe is located in one of the deeper parts of an inlet that extends from Georgian Bay, it is surrounded by numerous cottage properties and extensive pleasure-craft boat traffic. A spill or an accident might compromise the integrity of the WTP. As a First Nation, the immediate impulse is to turn to their federal partners; however, they were of little help as "source water protection" is seen as a provincial matter. When the provincial government was approached, they were also of little help since First Nation water issues are seen as a federal matter. The Severn Sound Association was then approached as they are a semi-conservation authority with a strong interest in water quality; however, the First Nation is located just beyond their geographic scope.

At the time, the administrator was also participating in the meetings of the Muskoka Area Indigenous Leadership Table. At a meeting, she made a general comment about the challenges First Nations face in a jurisdictional "grey zone" like water. A planner at the District of Muskoka, previously unaware of the existence of the WTP, said they could probably help with the situation. Within several months, an official plan amendment process had begun. In consultation with Moose Deer Point, a 1,000-metre distance was chosen as an appropriate intake protection zone. The local property owners were informed. Most were unconcerned, but some complained about the security lights of the WTP interfering with the peaceful enjoyment of their cottage. Nonetheless, the amendment passed, and the property owners within the intake protection zone are now under the restriction of Muskoka's official plan.



Success Factors

There was a forum for discussion (the Muskoka Area Indigenous Leadership Table) between the First Nation and the district. The existence of the forum has rebuilt a baseline of trust and collegiality where even a one-sided issue could be raised.

The time had been taken to rebuild relationships. The friendship that was created allowed the First Nation to be open about its situation.

The municipality saw a flaw in the system and acted to address this oversight. Using their regulatory powers, the district resolved a "regulatory vacuum" that only affected the First Nation.

The municipality recognized the sovereignty of the First Nation and took steps to protect it, without constant reminders from the First Nation or complaints from the municipality about any perceived loss of its own jurisdiction.

Needed Improvements

At the time, the First Nation was unaware of the fact that the municipality had this authority. There is a considerable lack of knowledge that goes both ways between municipalities and First Nations. It is only in this type of open forum, where both sides are comfortable, that this type of solution can organically evolve.

It should also be noted that the 1,000-metre intake protection zone also crosses into the Township of the Archipelago in the District of Parry Sound. No similar steps have been taken by that municipality. While no cottages are there at present, any development would not be subject to the same source water protection restrictions as now exist across the boundary line. To be fair, there is also no similar forum as the Muskoka Area Indigenous Leadership Table, and thus, no similar levels of friendship and trust have been rebuilt.

Outcome

The intent of the District of Muskoka was to alter the district official plan to recognize the existence of a First Nation asset and give it the same protection that a municipal water supply would be given. They restricted their ratepayers to act in the public good. The administrator of Moose Deer Point First Nation told the Muskoka Area Indigenous Leadership Table that this was, in her opinion, an example of "Reconciliation in Action."

Key Takeaways

Consultation and engagement with Indigenous Peoples and communities in Ontario is not just a legal or procedural obligation — it is an essential step toward mutual reconciliation, justice, and respect. Understanding and considering the unique rights, traditions, and knowledge of Indigenous governments and peoples will foster more inclusive, sustainable planning practices. It is through collaboration, education, and a commitment to building strong, trust-based relationships that we can collectively create a future where Indigenous and non-Indigenous communities thrive together.

As noted earlier, the *Indigenous Engagement, Consultation and Accommodation Practice Guide* is not intended to be directive nor exhaustive but serves as an introductory resource, offering practical examples of what good, meaningful engagement can look like. We hope this guide provides information that will help planners and others in related fields think critically when preparing projects that have engagement and consultation components.

Key takeaways include:

Know the community and develop culturally appropriate strategies:

Planners should be aware of Indigenous territories, land claims, Treaties, and rights that may affect the jurisdiction of a proposed project or action. Planners should also learn about the Indigenous communities' interests and what is important to them. Engagement processes should be adapted to the cultural context of each community that is worked with. This understanding will help identify opportunities and ways of working together, remembering that every Indigenous community is different.

Build or strengthen relationships:

Successful engagement builds on long-term relationships, not one-off consultations. Building trust takes time, and establishing a foundation of mutual respect will make it easier to navigate difficult conversations and ensure outcomes reflect the needs and aspirations of Indigenous Rightsholders and non-Indigenous interested parties. While significant engagement and consultation may require additional time, resources, and effort, its benefits are far-reaching.

Value Indigenous Knowledge:

Indigenous knowledge systems, which include Traditional and Contemporary Knowledge, play a vital role in sustainable land use, resource management, and environmental conservation. Braiding and weaving this knowledge into planning processes enriches decision-making, ensuring Indigenous communities have a say in how their lands and resources are used.

Respect and reflect Indigenous views:

Indigenous worldviews must be given a genuine platform to share perspectives, concerns, and solutions. Planning practitioners must go beyond formal meetings and work to understand the deeper cultural, environmental, and social values that inform Indigenous views. Integrating these perspectives allows for better, more holistic, sustainable, and effective decision-making and mutually beneficial agreements.

Seek continuous engagement and be open to integrating feedback:

Engaging early in the planning process helps to build trust and reduces the potential for conflict later. Being consistent allows communities more opportunities to identify concerns and influence decisions before impactful decisions or major investments are made. Real engagement is much more than a check-box exercise. It requires genuine collaboration and appreciation for Indigenous Knowledge, values, and processes. Tokenism, where engagement or consultation is superficial or done in a way that does not consider Indigenous perspectives, can lead to frustration, distrust, and missed opportunities for shared decision-making.

Promote training and education:

Understanding Indigenous histories, rights, and worldviews is critical to effective engagement and consultation. Training and educational opportunities are essential to ensure those involved in consultation processes have the knowledge and cultural competence to engage diligently. For educators, promoting Indigenous history, governance, and perspectives within curriculums helps foster respect and understanding among the next generation of planners, policymakers, and decision-makers.

Contribute to capacity-building for Indigenous communities:

It is important to support Indigenous communities in developing their own capacity to engage in consultations. This could include providing resources for community-led planning initiatives, enabling communities to hire internal or external people who can support their interests during engagement or consultation processes, or to cover for travel and/or per diem expenses, e.g. for site monitors or community representatives.



THANK YOU & ACKNOWLEDGEMENTS

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References & Further Resources

This practice guide is not a definitive resource and should be treated merely as a starting point. With that in mind, there are many resources that can be used to gain further information and education on relationship building, engagement, and consultation.

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Glossary Of Terms & Definitions

TERM	DEFINITION
Aboriginal	This is a general term that, in Canada, collectively refers to First Nations, Métis, and Inuit and is found in the Canadian Constitution. "Indigenous" is often used interchangeably with Aboriginal. Aboriginal is always an adjective.
Accommodation	There is no freestanding duty to accommodate, but the duty might be revealed through consultations (Haida, SCC). The purpose of accommodation has been described by the courts in various ways, including seeking to harmonize conflicting interests, avoiding irreparable harm to rights and avoiding the depletion of resources that are subject to claims (Haida, SCC). Accommodating adverse impacts on claims yet to be determined may require a balancing of the Indigenous concerns with other societal concerns and public and private rights (Haida, SCC). Accommodation can include: avoid, eliminate, minimize adverse impacts on Aboriginal or Treaty Rights, including not proceeding with a proposal or compensating with this is not possible.
Colonial / Colonialism	The process through which a foreign people establish control over a territory and, if applicable, its Indigenous Peoples. Control is established through various means, including political or economic legislation directed at Indigenous Peoples or their lands, foreign settlement, and assimilation of Indigenous Peoples into the colonizer's culture. https://www.thecanadianencyclopedia.ca/en/article/colonialism-in-canada
Decolonization	The removal or undoing of colonial elements. In Canada, decolonization is usually discussed in terms of the relationship between Indigenous and non-Indigenous peoples and is particularly associated with the Truth and Reconciliation Commission of Canada's final report and Calls to Action. It is related to Indigenous resurgence (Indigenous People reclaiming and restoring their culture, land, language, relationships, health, etc., both independent of and with the support of non-Indigenous people). Decolonization is also associated with other relationships between groups of people within Canada and in other countries and contexts around the world, and for some, is linked to broader principles of inclusion and equity.
Duty to Consult and Accommodate	A constitutional obligation of the Crown based on more than 400 years of collaboration and Treaty making and more than 40 years of court cases. "The government's duty to consult with Aboriginal peoples and accommodate their interests is grounded in the Honour of the Crown. The Honour of the Crown is always at stake in its dealings with Aboriginal peoples." *Haida Nation v. B.C. (Minister of Forests), 2004 SCC 73, para. 16.* The assertion of British sovereignty created "a protectorate relationship with indigenous peoples" because they were not conquered. *Delgamuukw v. British Columbia, 1997.* Where the Crown is contemplating undertaking conduct that could have an adverse impact on Section 35 Aboriginal or Treaty Rights, the Crown has a duty to consult with the rights-holding group and, where appropriate, accommodate the rights (Haida, SCC).

TERM	DEFINITION
Economic Reconciliation	Also referred to as socio-economic reconciliation. A commitment to make space for the Indigenous way of life where values, practices, and sovereignty are respected. It is the inclusion of Indigenous Peoples, communities, and businesses in all aspects of economic activity. Indigenous communities continue to face multiple barriers to fully participating in the economy, despite successes in court that recognize rights and title to their lands. Lack of access to capital and the hurdles to generating own-source revenue are two well-known barriers.
Elder	Elders are recognized because they have earned the respect of their community through wisdom, harmony, and balance of their actions. This honour may be based on knowledge keeping and/or teaching, language and/or culture preservation, service to the community, and sometimes, though not always, age. Elders try to instill respect for others, for the natural world, and for their community's traditions.
First Nation(s)	The governance title that most, if not all, communities use if they have land reserved for them (see Reserve below) and if members have "status" under the *Indian Act*, 1985. This governance title implies respect amongst peers explicit in the Treaty-making process. It is the equivalent of the notion of Canada being a Nation and denotes a similarity in jurisdiction. Some communities only use the word "Nation" (e.g. Six Nations), and some make no reference to it at all (e.g. Wahta Mohawks). The term "First Nations" can be applied to individuals but technically, under Canadian law, refers only to those who have Indian status as part of a recognized community. Many Aboriginal peoples in Canada do not have this formal connection, and those who are Métis or Inuit should never be referred to as "First Nations." Sometimes, the term "Nation" is more generally applied to a whole cultural group (e.g. the Mohawk Nation). There is no legal definition for First Nation, and it is acceptable as both a noun and a modifier. The term can be used to refer to a single band or the plural "First Nations" for many bands. Use "First Nation community" as a respectful alternative phrase and use "First Nation" instead of "Indian" when referring to an individual. If using "First Nations" interchangeably with "Aboriginal Peoples," be cautious as some First Nations people don't like the term "Aboriginal Peoples." Some may have more preference for "Indigenous Peoples" — for example, First Nation communities in Ontario have expressed publicly and politically that they prefer Indigenous Peoples. It is considered wise practice, while establishing relationships with a community, to ask how that community wishes to be referred to.
Impacts and benefits agreements (IBA)	A broad term used to describe various contractual commitments related to development of land or resources subject to Indigenous Rights. IBAs usually impose negotiated limits on a project's impacts on the environment, fish and wildlife, the land, and traditional use and enjoyment of same. IBAs usually define a range of negotiated economic and preferential benefits to flow to the First Nation(s) whose lands are to be impacted by the development.
Indigenous	An umbrella term for First Nations (status and non-status), Métis, and Inuit. "Indigenous" refers to all of these groups, either collectively or separately, and is the term used in international contexts, e.g. the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

TERM	DEFINITION
Indigenous Knowledge	Also referred to as Traditional Knowledge or Indigenous Knowledge System or Traditional Ecological Knowledge. Often based on centuries of observation, experimentation, and adaptation, it promotes sustainable use of resources and resilience to environmental change. It also offers unique insights and perspectives on ecosystems, biodiversity, and natural resource management that complement scientific understanding.
Indigenous participation plans (IPPs)	A plan for meaningful employment, sub-contracting, training, skills development/ apprenticeship opportunities for Indigenous Peoples and businesses throughout the duration of the project.
Indigenous Peoples	A collective noun for First Nations, Inuit, and Métis. This term may be used instead of "First Peoples," "First Nations," and "Aboriginal Peoples."
Inherent Rights	Pre-existing rights granted by the Creator, that an Indigenous person is born with. Inherent rights emerged from the court, including the Supreme Court of Canada, interpretation of Section 35 of the *Constitution Act,* 1982, as protecting rights that predate European colonization. See for example, R v Sparrow (1990), Delgamuukw v BC (1997), and R v Van Der Peet (1996). Aboriginal peoples of Canada have the right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages, and institutions, and with respect to their special relationship to their land and their resources.
Intergenerational learning	The way that people of all ages can learn together and from each other. It is an important part of lifelong learning, where the generations work together to gain skills, values, and knowledge. Beyond the transfer of knowledge, it fosters reciprocal learning relationships between different generations and helps develop social capital and social cohesion in our aging societies.
Inuit	Inuit are an Aboriginal people, historically located in the Arctic and legally and culturally distinct from First Nations and Métis. The singular of "Inuit" is "Inuk," and because the translation of Inuit is "the people," it is redundant to add "people" after it.
Knowledge Holders	Spiritual leaders that are given their esteemed title from their respective communities in recognition of life experience and wisdom. They have a comprehensive understanding of Indigenous Ways of Knowing and the connection to the universe, including the land, animals, seasons, and all life.
Land Acknowledgement	Usually a brief statement (such as one made at a public gathering) that recognizes the surrounding land as the ancestral, traditional, or contemporary homeland of one or more Indigenous Peoples.

TERM	DEFINITION
Métis	A specific Aboriginal people recognized in the Canadian constitution with a very specific social history associated with the fur trade. They are never considered First Nations and currently, there is no specific land base set aside for them in Ontario (there are exceptions in western Canada). The term "Métis" may be used as singular or plural, and refers to individuals or groups, e.g. "Tom, a Métis student, is attending Queen's University," or "The *Indian Act* does not govern the Métis." Please be sure to use the acute accent over the 'e' in Métis unless quoting a name or source in which it is not used.
Nations	People united by some or all of common descent, history, culture, language, and governance structure.
OCAP®	An acronym for "ownership, control, access, and possession." OCAP® represents principles of data collection, analysis, and storage processes and establishes how First Nations' data and information will be collected, protected, used, or shared. OCAP® is a tool to support strong information governance on the path to First Nations data sovereignty. Given the diversity within and across Nations, the principles will be expressed and asserted in line with a Nation's respective worldview, Traditional Knowledge, and protocols. Note that while OCAP® is asserted by The First Nations Information Governance Centre, it is not referenced in Canadian privacy legislation, which, unlike OCAP®, focuses control over personal info at the individual rather than collective level.
Psychological Safety	The belief that one can take interpersonal risks without negative consequences. It is a feeling of trust and confidence that allows team members to be vulnerable, share their ideas, and ask for help. Psychological safety is essential for teams to learn, innovate, take risks, and be open to feedback, which can lead to better problem-solving, more creative solutions, and better outcomes.
Reconciliation	The re-establishment and maintenance of mutually respectful relationships between Aboriginal and non-Aboriginal peoples. This involves awareness and acknowledgement of past harms, compensation, if appropriate, and constructive action.
Reserve	Land under federal jurisdiction, specifically set aside for a First Nation. These are outside of the provincial land registry, similar to military bases, national parks, etc. Provincial land policies and legislation do not apply. Formally, these areas are still "Indian Reserves" under the purview of the *Indian Act*, 1985. However, many First Nations have regained sovereignty over these areas through self-government agreements and the *First Nations Land Management Act.* Note: there are some, though not many, federally recognized First Nations that do not have a land base.
Rightsholder	Indigenous Peoples who have constitutionally protected rights. The more commonly applied planning concept of "stakeholder" is inappropriate, as it fails to take these rights into consideration. Within Rightsholders there are two distinct groups, those with Treaty Rights and those without but with Aboriginal Rights.
Socio-economic participation agreement (SEPA)	A synonym for impacts and benefits agreement.

TERM	DEFINITION
Territory	A geographic area belonging to or under the jurisdiction of a governmental authority.
Traditional Territory	The jurisdiction of a particular First Nation based on its use and occupation of a particular region. Occasionally, it refers to land reserved for the community, but typically it refers to the entire region relied on for sustenance, settlement, trade, travel, burial, and ceremony. This may, though not always, be adjacent to the lands currently reserved for the First Nation. It may or may not coincide with Treaty boundaries. It may overlap the Traditional Territory of other First Nations.
Trauma-informed approach/care	An approach that acknowledges the impact of trauma on individuals. It focuses on understanding and responding to trauma, emphasizing safety, empowerment, and positive outcomes.
Treaty	An agreement between two equal parties for the mutual benefit of both. In Canada, these include agreements between self-governing First Nations and the Crown.
Truth and Reconciliation Commission of Canada (TRC)	The TRC was mandated to document the truth of residential school survivors, their families, communities, and anyone personally affected by the residential school experience. The TRC concluded its mandate in 2015 and prepared a comprehensive report on the policies and operations of the schools and their lasting impacts. The stories, histories, and materials collected by the TRC are now stored at the National Centre for Truth and Reconciliation in Winnipeg. The TRC report included Ten Principles for Reconciliation and 94 Calls to Action, recommendations that speak to all sectors of Canadian society and are designed to address the legacy of the residential schools and promote reconciliation between Indigenous and non-Indigenous people.
Urban Indigenous Peoples	Refers to First Nation, Inuit, and Métis individuals residing in urban areas, but who are not Rightsholders on the land they reside.
Wise practices	As opposed to best practices, which suggest a binary approach to problem solving. Wise practices suggest that practices are guided by wisdom and are not universally perceived as a "best" or "universal" approach. In the context of Indigenous relationship building, engagement, and consultation, wise practices recognize that there is considerable diversity amongst Indigenous Peoples, and no one community is the same as another.



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