



STRENGTHENING PARTNERSHIPS: Consultation Protocols

WHAT IS A CONSULTATION PROTOCOL?

Consultation protocols create a process for Aboriginal groups and governments to follow when addressing the constitutional duty to consult on impacts to Section 35 rights under the *Constitution Act*. They may also be used to facilitate engagement on other matters of interest and concern to communities. Protocols promote relationship building and clarify the roles and responsibilities between governments and Aboriginal communities for future consultation.



There are a number of consultation protocols already in place with Aboriginal groups across Canada. For more information on existing consultation protocols please visit our website at www.aadnc-aandc.gc.ca.

HOW CAN PROTOCOLS BENEFIT ABORIGINAL COMMUNITIES?

- Assisting communities in addressing their consultation capacity challenges
- Establishing common expectations between parties in relation to the consultation process
- Reducing “consultation fatigue” in communities by consolidating and coordinating requests among federal departments and agencies
- Building working relationships outside of project specific consultations

WHAT CAN BE ACHIEVED THROUGH A CONSULTATION PROTOCOL?

Consultation protocols can:

- **build communities’ knowledge and capacity** by contributing funding towards the development of consultation expertise. Communities will be able to rely on the experience of dedicated staff to coordinate and respond to a large number of consultation files;
- provide **support to communities** to bring forward both common and community-specific perspectives to consultation;
- permit communities and government to **jointly clarify** who needs to be consulted, the procedures, the roles and responsibilities, the stages of consultation, and timelines;
- **strengthen relationships** between communities and government, independent of specific project consultations. Protocols provide opportunities to work together on process improvements, information sharing, and common understanding of issues;
- **increase overall awareness** of Aboriginal groups Section 35 rights under the *Constitution Act*, resulting in a strengthened relationship between the parties;
- **enhance the predictability** of consultation and regulatory processes;
- develop ongoing **information exchange** between all parties;
- **create efficiencies** by establishing a single point of contact within an organization to lead and coordinate consultation activities on behalf of a number of participating Aboriginal communities;
- **facilitate dialogue** between Aboriginal communities and Industry proponents leading to improved relationships and economic opportunities.

Protocols respect community members’ individual rights. Furthermore, the use of the protocol is optional on any particular consultation.

WHAT ARE THE CRITERIA FOR NEGOTIATING PROTOCOLS?

Canada seeks to negotiate protocols primarily where:

- there is sufficient federal consultation activity for an agreement to be beneficial to both Canada and communities;
- provinces and territories are key partners in the process; and
- communities are interested in working together under a consultation arrangement.

Canada may also seek to negotiate protocols in order to advance other broader government objectives, such as reconciliation.



For information on how to negotiate a protocol, contact cau-uca@aadnc-aandc.gc.ca

Visit the Aboriginal and Treaty Rights Information System (ATRIS) for the location of Aboriginal communities and publically available information pertaining to their potential or established Aboriginal or Treaty rights at www.aandc.gc.ca/atris.



Scan to learn more about Consultation and Accommodation at AANDC

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