



UAKN
Urban Aboriginal
Knowledge Network

RCdU
Réseau de connaissances des
Autochtones en milieu urbain

RESEARCH PROJECT SUMMARY

Atlantic Research Centre

Name of Project:

Urban Aboriginal Populations and the Honour of the Crown

Collaborating Friendship Centre and/or other urban Aboriginal organization:

MicMac Native Friendship Centre

Native Council of PEI

Under One Sky Head Start

New Brunswick Aboriginal People's Council

Government of New Brunswick – Department of Social Development

Government of New Brunswick – Employment and Continuous Learning Services

Research Start-up Summary and Abstract:

The purpose of this research project is to provide a ready reference for communities, service providers and researchers for the state of the law on the duty to consult, the rights, needs and interests of urban Aboriginal populations and their representatives as regards consultation and accommodation and to guide further research.

Urban Aboriginal populations are affected by a variety of governmental policy and legislation including those related to programming and social services. Some of the legal requirements for triggering the duty to consult are a poor fit for the rights and interests of urban Aboriginal populations. For example, the requirement of community recognition calls into question which community has rights of recognition. Further, the requirement that the group seeking to be consulted has to be predetermined and of clear scope can be difficult. Research is required to identify areas of policy-making where urban Aboriginal populations and their representatives have an interest in consultation and to develop a legal framework for initiating consultation, for enabling participation, for developing positive outcomes, and for legal remedies where consultation is absent, inadequate or where results are not implemented.

Engagement Objectives:

This research will look at the following questions:

Do urban Aboriginal populations engage the honour of the Crown?

If so, does this engagement result in duties to consult with urban Aboriginal populations on policy issues affecting their rights and interests?

Who represents urban Aboriginal populations for the purpose of provincial and federal consultation processes, whether carried out under the Constitution or through citizenship engagement?

What are appropriate areas of consultation?

How should processes of consultation be structured?

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