

that are consistent with this purpose and, in principle, can justify the infringement of aboriginal title.²⁷²

Governments must also demonstrate that any infringement of Aboriginal rights is consistent with the Crown's fiduciary duty towards Aboriginal peoples and upholds the honour of the Crown. To meet these legal obligations, governments in all jurisdictions have developed Aboriginal consultation policies.

Although the court has ruled that the duty to consult rests solely with governments, it has also said that "the Crown may delegate procedural aspects of consultation to industry proponents seeking a particular development."²⁷³ On a practical level, the business risks associated with legal uncertainty created by the duty to consult have motivated industry proponents to negotiate with Aboriginal communities to establish a range of mechanisms designed to ensure that Aboriginal peoples benefit directly from economic development projects in their traditional territories. These may include, for example, joint venture business partnerships; impact and benefit agreements; revenue-sharing agreements; and education, training, and job opportunities.²⁷⁴

Between 2012 and 2014, several reports highlighted the fact that Canada is once again facing significant challenges and potential opportunities related to land and resource development. Economic reconciliation will require finding common ground that balances the respective rights, legal interests, and needs of Aboriginal peoples, governments, and industry in the face of climate change and competitive global markets. In addition to the concrete remedial measures required, these reports also emphasized the importance of so-called soft skills—establishing trust, engaging communities, resolving conflicts, and building mutually beneficial partnerships—to advance reconciliation.

In 2012, Canada's Public Policy Forum, a non-profit organization, held a series of six regional dialogues across the country, bringing together Aboriginal leaders; senior federal, provincial, and territorial government officials; and representatives from industry, business, and financial institutions. The purposes of the dialogues were to discuss issues, identify best practices, and make recommendations for action on how to ensure that Aboriginal communities benefit from large-scale resource development projects. The resulting report, "Building Authentic Partnerships: Aboriginal Participation in Major Resource Development Opportunities," identified five key opportunities for action: (1) developing authentic partnerships among Aboriginal communities, industry, governments, and academic institutions by building trust; (2) developing human capital by removing barriers to education, training, and skills development for Aboriginal entrepreneurs, workers, and leaders; (3) enhancing community control over decision making; (4) promoting entrepreneurship and business development; and (5) increasing financial participation.²⁷⁵ The report concluded:

Natural resource companies are recognizing that their operational success relies on strong, authentic community engagement. Private sector initiatives have