APRIL 2026

Public Policy & Global Affairs Review

MONTHLY EDITION

PPGAR Public Policy & Global Affairs Review | STUDENT LEADERSHIP INITIATIVES | munk school OF GLOBAL AFFAIRS & PUBLIC POLICY | UNIVERSITY OF TORONTO

Public Policy & Global Affairs Review

ppgareview.ca

Table of Contents

PPGAR Public Policy & Global Affairs Review | STUDENT LEADERSHIP INITIATIVES | munk school OF GLOBAL AFFAIRS & PUBLIC POLICY | UNIVERSITY OF TORONTO

Red Card For the Province of Ontario: How the Lack of Ticket Pricing Defence is Sidelining Fans

BY SAHANA GUNARATNAM

Red Card For the Province of Ontario: How the Lack of Ticket Pricing Defence is Sidelining Fans

Whether it was the Taylor Swift concerts in Toronto in 2024, Blue Jays tickets this past fall, or currently with the World Cup less than 100 days away, purchasing tickets has rapidly changed and become unaffordable for die-hard fans. And it's likely only going to get worse!

In 2024, $2,000 was the cheapest resale price for Taylor Swift tickets during her stop of the Eras Tour in Toronto. However, this ticket price not only places a significant financial burden on fans but also forces them to remain standing throughout the hours-long performance, while the 'restricted view' access ensures that the ticketholder has no chances of seeing her perform. The Eras Tour created “bad blood” between fans and ticketing companies. A year later, the Toronto Blue Jays were back playing in the World Series, for the first time in 32 years, but fans looking to sing “Take me out to the ball game” had to think again as the cheapest ticket on Ticketmaster cost $1,462.50 within the outfield district of Rogers Centre or $1,600 on StubHub. Additionally, soccer fans in Toronto seeking to secure tickets may be excluded, as the first-ever men’s FIFA World Cup match on Canadian soil is scheduled for June 12th at BMO field, with resale prices expected to reach approximately $1,765.74 on FIFA’s site.

Securing tickets to concerts or sporting events has turned into a battle of the fastest fingers for consumers seeking to purchase tickets at face value before resellers charge double or even triple the original ticket price.

The Away Team

Looking to purchase a ticket? What's stopping you? Well, it may be the away team made up of scalpers, dynamic pricing, and bots.

Scalpers have low to industrial-scale level reach, with the latter setting up various Ticketmaster accounts with the goal of purchasing tickets at the original value and reselling them. While consumers may view scalpers as single individuals looking to make extra money from one in-demand ticket, it has snowballed into a lucrative system in which they have been described as “hav[ing] seized control of the resale market.”

Bots utilize software to bypass automated tasks during ticket purchases allowing for tickets to be secured in large quantities and at faster rates. A single bot can purchase thousands of tickets in less than a minute, some bots even securing 15,000 in a day. There are different types of bots utilized, such as scraping bots, which focus on scanning websites for information to identify out-of-stock products. If a product is available, the bot notifies the scalper. Other types of bots include account creation bots; here, the sign-up process becomes automated, fuelled by scalpers using a list of fake emails to create a sizable volume of accounts, increasing the odds of purchasing a ticket on their side. Consumers are left

frustrated after attempting to purchase concert tickets, only to discover none are available at face value, and the remaining options are limited resale listings. Even if you manage to get to checkout, in the time you take to input your credit card information, the bots will likely have won.

Dynamic pricing is a long-established feature within the ticketing world, seen with airline ticket prices and hotel rooms, where prices fluctuate based on demand, such as ticket cost rising during the holiday season. For the first time, FIFA is planning to utilize dynamic pricing during this year's World Cup. This would allow tickets to change prices based on factors such as "real-time demand, inventory and the popularity of an event." An example of dynamic pricing was seen during the Oasis reunion tour last year in the UK. Tickets were advertised as £148.50 (CAD $269.81), however when fans joined the online queue, they found the basic standard tickets were "in demand", and now cost £355.20 (CAD 645.35).

The Front Office

Fans in Ontario are not just up against a strong away team with an offensive strategy that drives up ticket costs; our own front office is sabotaging our playing abilities. The Province of Ontario contributes to the challenge by creating an environment where consumers are penalized in an online ticketing system where we have little choice but to participate in.

The Ticket Sales Act (2017), introduced by the previous Liberal government under Kathleen Wynne, included a section that capped ticket resale prices at 50 percent above the original face value of the ticket. The Ford Government in 2019 "cancelled that section" as they say "there was no way to enforce the cap." During high-profile events like the Eras Tour and the Blue Jays World Series, discussions returned to how the Ontario government could better protect consumers. Yet, despite various opposition motions and the Premier himself acknowledging it as an issue, the government has voted against motions aimed at helping fans.

In March 2026, the Province of Ontario was discussing new amendments to the Ticket Sales Act (2017). These amendments would ban the reselling of tickets beyond their original value, just ahead of World Cup games. Subsequently, the Ford government passed the Plan to Protect Ontario Act (2026), making it illegal to resell concerts, sports, and other live events in Ontario for more than the total ticket price starting April 23, 2026. Ticketmaster has already begun contacting individuals who are reselling their tickets at a price higher than the original.

New legislation has raised concerns from stakeholders like Joe Freeman, Vice President of Government Affairs at SeatGeek, who argues such restrictions will "'make things worse'" as it restricts competition, increasing the original ticket prices. With the rollout of these new amendments, it remains unclear how the province will enforce fair ticketing practices and the cost for ticketing companies found violating them. Although some form of ticket defence is finally here, the Front Office should expect another penalty for delay of game.

The Playbook

What's the playbook pursued amongst other front offices (governments)?

In France, the unauthorized reselling of tickets for profits without the organizers permission is a criminalized act under the French Criminal Code.

In Victoria, Australia, individuals are fined between $908-$545,000 (CAD $867.41-520,638.50) for selling tickets at more than 10 per cent above the fall value, "for an event protected by the Major Events Act." The Minister of Tourism, Sport and Major Events is able to declare a sporting event or concert protected under the Major Events Act (2009). When Oasis was performing in Victoria for three nights, this allowed for all 180,000 tickets to be bought by real human fans.

In 2016, the U.S. introduced the Better Online Ticket Sales Act (BOTS) aimed at addressing loopholes through which tickets are secured, like fake identities. This legislation addresses any public event with a venue capacity of over 200 people. Utilizing BOTS, the Federal Trade Commission (FTC) launched a case against Live Nation and Ticketmaster in 2025, accusing them of "coordinating with brokers and allowing them to harvest millions of dollars worth of tickets in the primary market," allowing the companies to sell the tickets at higher prices for consumers. For context, Ticketmaster, a subsidiary of Live Nation, controls approximately 80% of major U.S. concert venue ticket sales. The case continues to move through the courts, with other lawsuits underway.

Other jurisdictions have taken action surrounding harmful ticketing practices; it's time for Ontario to increase the offensive pressure.

Conclusion

Consumers are paying thousands of dollars to see a glimpse of their favourite artist or players. This is no ordinary Toronto summer; sports will truly come alive with the FIFA World Cup, welcoming the inaugural season of the Toronto Tempo, and a new Blue Jays season well underway. This raises the question of whether the Province of Ontario will allow fans to 'root, root, root for the Blue Jays' without breaking the bank?

Two Bills, Two Directions: Ontario's Contradictory Vision for FIPPA

BY MOAID SAIF

Two Bills, Two Directions: Ontario's Contradictory Vision for FIPPA

The same government that just modernized FIPPA to strengthen privacy oversight has moved to significantly narrow its responsibility for public accountability.

Ontario's Freedom of Information and Protection of Privacy Act (FIPPA) has governed public access to government records and the protection of personal information since 1988. For nearly four decades, it has been the primary legal mechanism through which citizens, journalists, researchers, and advocacy groups can request records from provincial institutions and hold government accountable.

That framework has been tested in recent years. The Ford government, now in its third consecutive majority mandate, has faced a series of high-profile Freedom of Information (FOI) battles that have placed the law's accountability function under sustained pressure.
.

In November 2024, the Ontario Legislature passed the Strengthening Cyber Security and Building Trust in the Public Sector Act (Bill 194), with Schedule 2 substantively amending FIPPA. Effective July 1, 2025, provincial institutions (e.g. government ministries, agencies, crown corporations) became subject to mandatory Privacy Impact Assessments, new breach reporting obligations to the Information and Privacy Commissioner (IPC), and stronger safeguards for personal information.

Importantly, the IPC's regulatory authority was also expanded, allowing the commissioner to conduct reviews of institutional privacy practices, issue binding orders, and collaborate with other privacy commissioners on joint investigations. These changes brought Ontario in line with privacy frameworks in other Canadian provinces and reflected a genuine modernization of a law that had not been substantially updated in decades. Bill 194 laid out a clear trajectory for FIPPA: stronger institutional obligations, a more empowered regulator, and a firmer legal foundation for protecting the personal information of Ontarians.

That momentum, however, did not last long. Less than a year after those changes took effect, the Ontario government announced a different set of amendments. Under Bill 97, the Plan to Protect Ontario Act (Budget Measures), 2026, which received Royal Assent on April 24 2026, records held in the offices of the premier, cabinet ministers, and parliamentary assistants are no longer subject to FOI requests. Beyond covering future requests, these changes apply to existing ones as well. In addition, response timelines for all FOI requests have been extended from 30 calendar days to 45 business days.

The province's rationale for these changes was to better align with other Canadian jurisdictions, to gain better protections for records belonging to cabinet ministers or their offices. However, cabinet deliberations are already exempt under current law.

Bill 97 goes further by exempting ministerial offices entireley, regardless of whether specific records relate to any cabinet decision. The IPC pushed back directly, pointing out that provinces like British Columbia, Alberta, Manitoba, and Nova Scotia all allow access to ministerial records under their FOI laws, with specific protections for cabinet deliberations. They do not remove ministerial offices from the law entirely. Ontario, under Bill 97, goes further than any of them, making the province an outlier from the very norms it claimed to be joining.

If Bill 194 represented a step forward for Ontario's privacy framework, what explains the sharp turnaround less than a year later? The surrounding legal context offers some clues. In January 2026, a divisional court ruled that the Premier must release call logs from his personal cellphone, which he had used for government business. Bill 97, now law, effectively renders that court ruling moot. It also applies retroactively to a number of other ongoing FOI disputes working their way through the system, including requests related to the Greenbelt scandal and the Skills Development Fund.

At its core, FIPPA has always had a dual purpose: to shield personal information from exposure, and to open government records to public scrutiny. Bill 194 strengthened that first purpose. Bill 97 guts the second.

The IPC is the thread that connects the two contrasting changes. The IPC was handed new powers under Bill 194, especially when it came to holding the government accountable on privacy. These powers are now quietly being hollowed out under Bill 97. An oversight body cannot review records it is no longer permitted to see. The commissioner herself put it simply: changing the law retroactively tells oversight bodies that if they get in the way, the rules can just be rewritten around them.

This is the tension Bill 97 leaves unresolved. You cannot build a credible privacy framework while simultaneously undermining the regulator tasked with enforcing it. If the IPC's authority is worth expanding when it serves the government's interests, it should also be worth respecting when it doesn't.

Looking beyond the lens of Ontario, research on the post-Brexit Conservative government in the UK found that weakening FOI laws was part of a broader pattern of eroding accountability mechanisms (one that also included restricting the right to protest, and favouring political allies in procurement). None of these changes looked catastrophic on its own. However, stacked together, the study found that they made future democratic erosion more likely. While not an exact parallel to Ontario, the pattern is still worth keeping in mind.

Ontario is heading into a period of heightened FOI activity, with journalists, opposition parties, and civil society organizations already engaged in legal battles over government records. But this debate is bigger than any single legal battle. At its core, FOI law is one of the mechanisms through which citizens can verify that the people they elect are actually doing what they say. Without it, accountability becomes a matter of trust rather than evidence.

For policy students across Canada preparing to enter the public service, that principle is not abstract. We're choosing careers in the public service because we believe that government can do good. But a government that cannot be scrutinized is harder to trust, harder to improve, and harder to hold to the standards it sets for itself. Bill 97 has made that scrutiny harder in Ontario, where we are entering a public service in which the most important decisions are now the least visible ones. The other provinces would do well to take note.

Function Creep and Civil Liberties: Reassessing Canada's Expanding Financial Surveillance Regime

BY WILLIAM CLARK

Function Creep and Civil Liberties: Reassessing Canada's Expanding Financial Surveillance Regime

In late March 2026, Prime Minister Mark Carney acknowledged, after a CBC Indigenous investigation was published, that an apology is owed for a decade-long RCMP operation that infiltrated Indigenous political organizations under the label "Native extremism." Nearly 6,000 newly declassified documents confirmed to the public that, with the government's approval, federal police monitored hundreds of Indigenous leaders engaged in legal and democratic advocacy. Following the exposé, the RCMP commissioner issued a statement of regret, which was met cautiously by Indigenous leaders and provoked a more important question: as Canada moves forward from an event like this and continues with major projects, will civil, and specifically indigenous, opposition again be labelled, officially or unofficially, criminal or extremist?

That question should not be rhetorical. Canada's expanding financial surveillance regime risks repeating a familiar pattern of treating lawful Indigenous and environmental dissent as a security threat, undermining both civil liberties and the effectiveness of counter-terrorism policy.

The regime is growing faster than its boundaries

Canada's anti-money laundering and counter-terrorist financing (AML/CTF) regime was designed to follow criminal money from places like cartel proceeds and jihadist funding. The tools that the regime requires have provided and do provide needed monitoring of threats identified by the government, but what has changed is the reach of these tools.

In 2024-25, FINTRAC began sharing financial intelligence with Environment and Climate Change Canada and Fisheries and Oceans Canada, justified as a measure against wildlife trafficking and environmental crime. In the same year, FINTRAC generated more than 6,200 financial intelligence disclosure packages, the largest number in its history, while actively integrating artificial intelligence and machine learning into its analytical work. In February 2025, Canada listed seven Latin American cartels as terrorist entities under the Criminal Code, following Washington's lead during tariff negotiations with the Trump administration. Each of these steps has a rationale that one could reasonably defend on one's own. But together, they show a regime expanding its scope and adding disclosure relationships that oversight mechanisms are likely to not keep pace with.

Dissent has been treated as a threat before

The concern over scope creep without proper oversight is not just a hypothetical issue. Declassified CSIS documents have shown that the agency ran "Native extremism" investigations for at least a decade from 1988, consistently identifying Indigenous activism as a leading national security priority. As recently as 2020-22, CSIS assessed whether First Nations activists who disrupted rail lines during the Wet'suwet'en conflict should be classified as a terrorist threat, with internal reports labelling land defenders as "ideologically motivated violent extremists."Jeffrey Monaghan, a scholar from Carleton University,

discussed in his 2018 book with Andrew Crosby how security categories like "Aboriginal extremism" function to criminalize Indigenous movements that are challenging extractive development or attempting to assert land rights. These are movements that are constitutionally protected under section 2 of the Charter and increasingly recognized under UNDRIP.

The FINTRAC disclosure expansion to environment and fisheries agencies lands directly on this terrain and encroaches on those exact liberties. Unlike crimes like money laundering, "environmental crime" has no fixed definition under the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. The distance between illegal wildlife trafficking and a pipeline blockade is not one that financial intelligence indicators are designed to measure or have been given oversight to dive into. Canada's Office of the Privacy Commissioner has noted that individuals whose financial information is disclosed by FINTRAC will very likely never know that disclosure took place, leaving avenues for recourse severely limited. When the subject of financial surveillance has no way of knowing it occurred, a complaints-based oversight system is unable to effectively function.

This damages counter-terrorism, not just civil liberties

The case against this drift outside of more clear-cut designations of terrorism is oftentimes framed as a tension between security and rights, as can be seen above. While that framing is apt and must be addressed, it also understates the problem. A counter-terrorism financing regime that conflates political dissent with genuine terrorist threat does not simply harm the people it wrongly surveils; it also waters down its own effectiveness. It turns real counter-terrorism measures that should be employed for the reduction of crime worldwide into a tedious liability.

Financial intelligence depends on signal quality. When reporting obligations and analytical resources are directed at constitutionally protected activity (like climate protests), the system produces noise that competes with useful intelligence about actual threats. Security agencies have shown a documented tendency to apply extremism labels to a wide range of activist activity, including civil disobedience like in these cases. This classification inflates the apparent threat landscape without doing anything to improve the state's ability to respond to it.

Unsurprisingly, this is also a trust problem. Effective counter-terrorism financing work depends on cooperation from financial institutions, civil society, and the communities most likely to encounter genuine threats. When national security agencies present a conflated threat of terrorism and extremism to negatively affect groups like environmental organizers, they erode the credibility of the security rationale with, yes, audiences like those directly affected, but also, all of their allies and the Canadians watching the overreach take place. A regime that is seen to target the wrong people becomes harder to defend politically and harder to operate practically when it is targeting the right ones.

Meaningful change is needed

The ongoing parliamentary review of financial intelligence laws (the PCMLTFA) is the right moment to act. Two changes outlined here would matter most.

The new disclosure relationships with ECCC and DFO should be governed by statutory purpose limitations specifying that financial intelligence cannot be used in files where the subject's primary activity is constitutionally protected. This seems a no-brainer, but if these types of guardrails stay as policy guidelines, as they are right now, they allow for change. They should not.

On a more difficult front, NSIRA's mandate should also be extended to cover FINTRAC's disclosures to domestic law enforcement and regulatory bodies, not only its national security-designated activities, and parliamentary oversight bodies should be directed to report publicly on whether financial intelligence has been used in investigations touching on Indigenous land rights or environmental protest. This opening up of NSIRA's mandate directly addresses the accountability gap the Privacy Commissioner has named, but is a big ask legislatively. It requires amending the NSIRA Act separately and changing the independence of FINTRAC. The gap has to close somewhere, though, and this pushes policymakers in the direction of demanding boundaries and visibility.

The path forward must be revised

This offers us a choice: we can continue to expand the net until it catches more and more forms of dissent, or we can restore the regime's focus to its original purpose.

To prevent the mistakes of the past from becoming the standard of the future, Canada must pay attention to global research and human rights groups and shift its strategy:

- **Establish Clear Boundaries for New Powers**: As financial surveillance enters the realms of environmental and fisheries regulation, we need "hard" statutory limits. It must be explicitly clear that financial intelligence tools are reserved for serious criminality, not for monitoring groups exercising their Charter-protected rights. Policy "guidelines" through agencies are not enough; federal law must draw a line that protects the activist from the state's most intrusive financial tools.
- **Prioritize Radical Transparency:** We cannot have a "complaints-based" oversight system when the public has no way of knowing they are being watched. Oversight bodies must be empowered to look across the entire lifespan of a financial disclosure. The public deserves to know (through regular, transparent reporting) whether these "counter-terror" tools are being repurposed to manage political opposition or Indigenous land claims.

AFN National Chief Cindy Woodhouse Nepinak has asked for assurance that the surveillance practices of the past are not being repeated in 2026. Canada's counter-terrorism financing regime is a serious instrument built for serious threats—I'll even be working within it this year—but, without structural changes to how we define "threats" and how we oversee the watchers, the assurance that's been requested remains impossible. Allowing the architecture to drift toward the surveillance of lawful dissent does not make Canadians safer. It makes the regime harder to justify and even harder to trust.

Care, Not Code: Why Trust Must Precede AI in Healthcare

BY MADOMI KUSANO

Care, Not Code: Why Trust Must Precede AI in Healthcare

In one hospital wing, a digital monitor detects cardiac failure before a nurse can see the signs. In another, a patient hesitates as an AI system scans their medical record. This is the paradox of progress in AI-powered healthcare: as machines grow more capable, Canadians grow less certain they will still be cared for as people. Canadians do not fear innovation; they fear losing the dignity and personal connection that define the nation's healthcare system.

Canada must embed a human-centred, trust-first strategy in the rollout of healthcare AI—one that ensures technological advancement strengthens, rather than erodes, patient dignity and trust.

Across Canada, AI tools are transforming care delivery. Systems such as CHARTWatch at St. Michael's Hospital flag early health deterioration, while tools like Fraser Health's GI Genius assist in detecting polyps more accurately and efficiently. Meanwhile, Canada Health Infoway's AI Scribe reduces administrative burdens by automating clinical documentation. These innovations emerge alongside national frameworks such as the Pan-Canadian AI for Health Guiding Principles, emphasizing person-centred care, transparency, and accountability in AI adoption.

Despite these advances, public trust has not kept pace. Nearly 42.5% of Canadians report concern about AI in healthcare, and 86% fear that technology will erode the human connection that defines care. Further survey data shows that trust varies depending on who handles their data, with markedly lower trust in private-sector digital health actors compared to clinicians. This reflects a deeper concern: not only about privacy, but also about whether AI will displace the human relationships that underpin care.

At the same time, pressures on the healthcare system are intensifying. Canada's median wait time for medically necessary treatment reached 27.7 weeks in 2023—the longest recorded, with over 1.2 million procedures delayed nationwide. Diagnostic delays remain significant as well, with MRI wait times averaging 12.9 weeks. These constraints create a compelling case for AI adoption, particularly in administrative triage, diagnostic imaging prioritization, and workflow optimization—areas where AI can reduce bottlenecks without displacing human judgment. However, in more sensitive domains—such as end-of-life decision-making or mental health assessments—AI use should remain strictly assistive, with clear limits to prevent erosion of relational care.

A trust-first strategy must therefore begin with governance. Transparency is central. Policymakers should mandate clear disclosure of when and how AI is used in clinical settings, including plain-language explanations of algorithmic decision-making and data usage. This aligns with national guidance emphasizing that patients and providers must be aware of the role AI plays in care delivery and how decisions are made.

Participation must move beyond consultation toward genuine co-design. Evidence from patient engagement research shows that involving patients meaningfully in health system decision-making improves accountability and legitimacy, though current evaluation frameworks remain underdeveloped. Embedding patients in AI governance—through advisory boards, pilot evaluation, and ongoing feedback—ensures that technologies reflect lived experience rather than abstract efficiency goals.

Moreover, clinicians must be equipped not only to use AI, but to interpret and communicate its limitations. Trust in healthcare is relational; patients rely on clinicians to mediate complex systems. Without this interpretive layer, AI risks appearing opaque and unaccountable. Training should therefore include communication strategies that enable clinicians to explain AI-assisted decisions, reinforcing their role as answerable decision-makers rather than passive operators.

At its core, trust in healthcare is about identity. People want to be treated like patients and not data points. Trust is foundational to wellbeing and social cooperation, shaping individuals' willingness to engage with institutions and systems. When individuals feel their dignity or belonging is threatened, trust collapses—even in otherwise effective systems. In the Canadian context, where universal healthcare is closely tied to national identity, this risk is particularly acute. If AI is perceived as replacing human care rather than reinforcing it, it will be resisted regardless of its technical merits.

Current approaches to AI deployment often assume that trust will emerge organically as AI demonstrates its effectiveness by reducing wait times, streamlining diagnostics, and alleviating staff shortages. While performance matters, this view underestimates the social dimensions of trust. Trust is not simply a byproduct of efficiency; it must be actively cultivated through transparency and accountability. Rapid deployment without these safeguards risks public backlash and underutilization, ultimately undermining policy success.

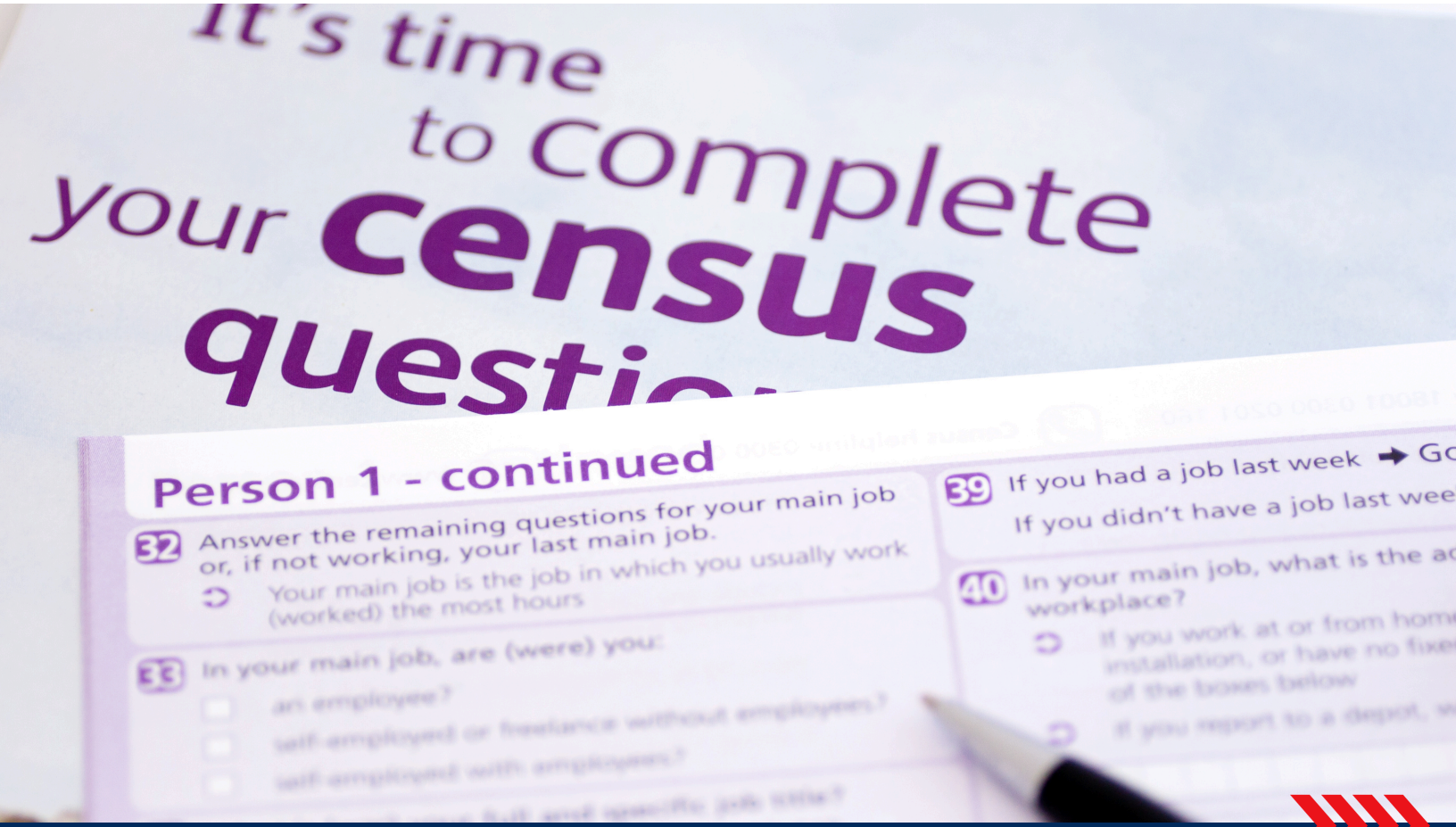
A trust-first strategy therefore, reframes the goal of AI in healthcare. The objective is not merely to optimize outcomes, but to preserve the relational foundations of care while leveraging technological capability. This means deploying AI where it enhances human capacity —such as reducing administrative burden or improving early detection—while setting clear boundaries where human judgment and insight must remain primary.

The real test of AI in healthcare is not accuracy; it's empathy. When technology reflects Canadian values of equity, dignity, and compassion, Canadians will trust it to help heal. Without that foundation, even the most advanced systems risk undermining the very care they are intended to enhance.

.

To Count or Not to Count: The Census and Canada's Wealth Gap

BY FATIMA PANCHBHAYA

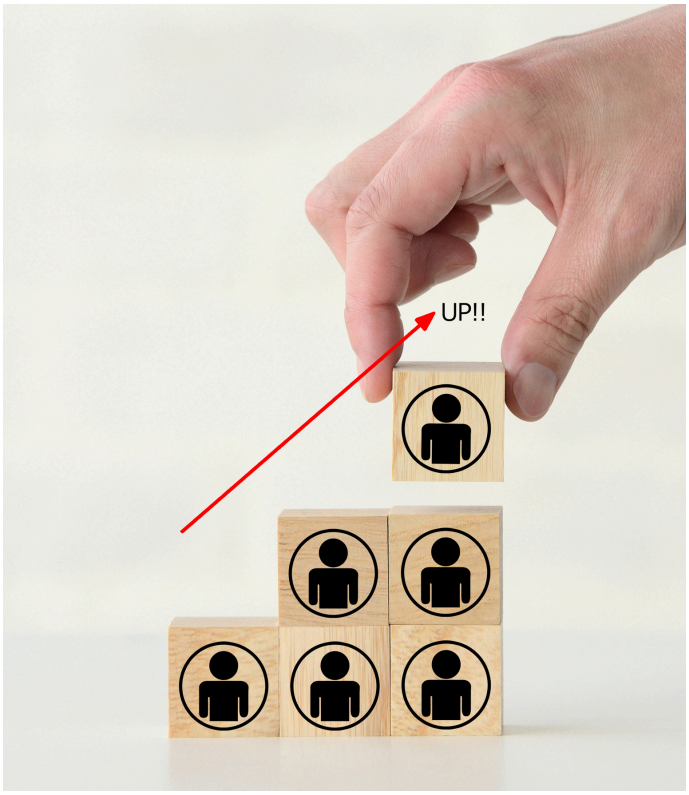


To Count or Not to Count: The Census and Canada's Wealth Gap

What happens when a country's inequality deepens every day, but the numbers fail to keep track? You get a survey called the Canadian Census. Along with politeness and poutine, Canadians have been fed a myth about the economic prosperity and level of equality in their country. Except, in this case, the myth is perpetuated by its very own government, not so much by the governments or people of other countries. For a long time, the national statistical portrait of the country, The Census of Population, has painted an image of Canada that has managed to perfectly hide the imperfections of inequality rooted in a growing gap between the country's richest and the poorest.

But how exactly does this work? By severely underestimating wealth. The Census has almost exclusively focused on measures of income, from wages and salaries to Government Transfers (OAS, CPP). These measures serve as indicators of an economically prosperous and equitable country, conveniently missing the distinct wealth discrepancy that is driving the gap between the rich and the poor. As of 2024, the top 1% of Canadian families controlled approximately 26% of the country's total net wealth. But this was nowhere to be found in the data gathered in the Census, not because it would be difficult to gather, but because the Census simply does not ask questions about wealth.

This undermeasurement of wealth is no flaw, it is by design and works exactly as intended. Among its OECD counterparts, Canada ranks roughly in the middle for income inequality - a ranking it holds with pride. We are fed the narrative that Canada works well for the middle class, that the gap between the rich and the poor is insignificant compared to a country like the U.S., who is well above Canada on the OECD Gini coefficient scale. But this is a false narrative. While 2025 incomes for the lowest-earning households declined by 35%, they grew by approximately 7% for the top 20% earning households.



These numbers do not lie. They tell a very real story about the current economic status of the country that national statistics fail to. When the top 20% earners possess nearly 70% of the country's total net worth ($3.3 million per household), leaving the bottom 40% only 3% ($85,700 per household), there is a systemic problem that national surveys like the Census must be able to pick up. This matters not only because it tells a story of the economic condition of our country, but because it is one of the greatest tools of policymaking our government has. However, when it only paints one side of the picture, ignoring the intrinsic fact that the inequality in this country is driven largely by unmeasured, unregulated financial assets, it is doing a disservice to both the policymakers who rely on it to serve the public and the public who rely on it to be served.

Looking ahead, a more complete approach to measuring wealth through the use of national survey data like the Census requires not a complete overhaul of the existing measure, but rather a more intentional inclusion of wealth-based indicators. Questions must be asked about household assets, capital gains, property ownership, and, perhaps most importantly, intergenerational transfers. Such indicators would provide a more accurate picture of economic inequality. Without these, the Census continues to capture only a fragmented view of the economic realities shaping Canadian livelihoods.

Public pleas to institute wealth taxes have gone virtually unheard of by the government, rationalizing inaction to avoid having to address the real inequality defining our country. Evidently, such a rationalization is not very difficult to maintain when the numbers from the largest survey themselves affirm it.

This is not to say that the Census is an entirely useless tool, or that Canada doesn't measure wealth data at all. It occasionally administers the Survey of Financial Security, an optional assessment of the wealth distribution that focuses specifically on "assets, debts, employment, income and education." However, unlike the Census, which is sent periodically to every single household (nearly 40 million households for the short form, 25% for long), the SFS is delivered to just under 40,000. So, while there are measures of wealth data that the government collects, we hardly get to see its usage in social policy and government proclamations about the economic state of the country.

By relying on a Census that captures only half the picture, the government deliberately chooses where its authority begins and where it ends. This reflects not a flawed statistical system, but a perfectly designed social one.

Ultimately, no policy or government program will reduce a wealth gap that it refuses to measure in the first place. For as long as wealth is excluded from our national surveys and data measures, the deeply embedded disparities driving the wealth gap will continue to persist. Thus, changing how we measure wealth is not just a technical fix – it is the necessary condition to tackle inequality at its source.

The only question that remains is, when will the government start to measure the gap?

From Policy to Practice: French-Language Access and Broader Language Equity in Ontario's Healthcare System

BY TAYLOR TORREON

Cover photo created by author in Canva Pro using available images and elements.

From Policy to Practice: French-Language Access and Broader Language Equity in Ontario's Healthcare System

Language matters most in moments of vulnerability. This insight emerged from an interview with Safia Fakim, a public servant with experience in Francophone affairs and healthcare planning. In healthcare settings, particularly during crises or when navigating mental health services, the ability to communicate in one's first language can shape the quality of care and a patient's sense of dignity.

This insight is supported in the literature, which increasingly recognizes language as a social determinant of health. Language barriers can limit access to care, reduce patient understanding, and increase the risk of adverse outcomes, particularly for marginalized populations. Beyond access, language is critical to trust and effective communication between patients and providers. When patients receive care in their preferred language, known as linguistic concordance, they report higher satisfaction and experience improved health outcomes.

Despite this, Ontario's healthcare system does not consistently deliver language-concordant care. While the French Language Services Act (FLSA) establishes a formal commitment to providing services in French, access remains uneven across regions and services. Structural barriers, including limited availability of French-speaking providers, inconsistent service coordination, and gaps in institutional implementation, continue to shape patient experiences. These barriers also disrupt continuity of care, particularly in access to family physicians, who are central to primary care. They reflect how the healthcare system is structured around dominant language norms, rather than designed for linguistic diversity. Francophones in Ontario are significantly less likely than Anglophones to receive care in their preferred language, with some estimates suggesting they are nearly nine times less likely to access language-concordant primary care. Research also shows that Francophones face greater travel burdens in accessing language-concordant primary care, particularly in rural areas.

These findings suggest that language extends beyond a matter of preference, representing a critical dimension of health equity. French-language healthcare access in Ontario therefore provides a compelling case study of how policy commitments to equity can fall short in practice when structural barriers remain unaddressed. This paper argues that inequities in language-concordant care are not simply gaps in service delivery, but reflect structural features of the healthcare system that shape access, resource distribution, and health outcomes.

The Gap Between Policy and Practice

Ontario's approach to French-language healthcare is grounded in a formal legislative and institutional framework, centred on the FLSA and the right to receive services in French. This commitment is implemented through designated providers and French-language planning structures that identify needs and advise on service delivery. This structure positions language access as a system-level responsibility rather than an individual burden.

A key mechanism intended to operationalize this commitment is the principle of "active offer," which requires institutions to indicate the availability of French-language services at the first point of contact. Active offer is intended to shift linguistic responsibility from patients to institutions. As Safia emphasized, this principle is central to improving access, particularly in complex or high-stress situations where requesting services in English may not be feasible.

However, research suggests that the existence of this framework does not guarantee meaningful access in practice. An estimated 78% of Francophones living in minority contexts continue to experience difficulty accessing healthcare services in French despite formal policy protections. In Ontario, the implementation of active offer remains uneven, with many healthcare organizations lacking concrete strategies to ensure that services are consistently visible, available, and accessible. This reflects Safia's observation that policies are often treated as procedural requirements.

While the FLSA establishes key rights, it does not require services to be offered in all circumstances and relies on designation processes that vary across institutions. As a result, access to French-language healthcare depends not only on policy commitments, but also on how individual organizations interpret and implement these requirements. Evidence shows that coordination across providers is often limited, which disrupts continuity of care and makes it difficult for patients to consistently receive services in French across the care pathway.

The evidence suggests that Ontario's policy framework establishes important legal commitments to French-language service provision, but does not consistently ensure equitable access in practice. While the system is designed to support language rights, its implementation remains uneven and shaped by broader structural and institutional constraints.

Implications for Broader Language Equity

As Safia's experience illustrates, language barriers in healthcare are not unique to Francophone communities but reflect structural patterns within the system. While Ontario's policy framework formally recognizes the right to receive services in French, similar protections do not exist for many other linguistic groups. This creates a tiered system of language access, where even recognized rights are inconsistently implemented and unrecognized needs remain largely unaddressed.

Canada's growing linguistic diversity further exposes these gaps. Many patients do not speak English or French, yet interpretation is not consistently embedded in healthcare delivery. As a result, the burden of communication often shifts onto patients, reinforcing inequities in access, quality of care, and health outcomes. These dynamics reflect a broader system design that assumes proficiency in dominant languages rather than adapting to the needs of diverse populations.

Francophone healthcare access serves as a critical case study of how language functions as a social determinant of health. Evidence shows that even within recognized minority language groups, structural barriers such as limited coordination, workforce shortages, and uneven service availability continue to shape care trajectories. Extending this lens to newcomers and other linguistic minorities reveals a deeper systemic issue. Healthcare systems structured around dominant language norms risk reproducing inequities unless language access is treated as a core component of equitable care.

What is Working

Despite these challenges, several structures within Ontario's health system demonstrate progress. The former French Language Health Planning Entities (Entités), such as Entité 4 where Safia previously worked as a Bilingual Health Planning Officer, helped bridge policy and community needs. Their mandate includes engaging Francophone communities, identifying service gaps, and advising on the designation and integration of French-language health services. This model helps ground system planning in community realities.

At the provincial level, institutional supports strengthen accountability and system integration. The French Language Services Office provides strategic guidance to ministries and agencies to ensure compliance with the French Language Services Act and to embed language considerations into policy design and delivery. It also serves as the secretariat for the French Language Health Services Advisory Council, which brings forward community perspectives and advises the Minister on issues affecting Francophone populations. The Connecting Care Act, 2019 reinforces the expectation that Ontario's health system must recognize linguistic diversity and engage with French-language planning structures in system design.

Recent policy developments aim to improve coordination. The consolidation of the six Entités into a provincial French Language Health Planning Centre is intended to improve consistency, strengthen oversight, and better align services with Francophone community needs. This shift reflects a move toward more centralized coordination of French-language health planning across the province.

At the community level, Safia highlighted tools such as virtual service maps developed through the former Ontario Telemedicine Network (now part of Ontario Health) that helped improve the navigation and visibility of available French-language services. She also emphasized the role of ongoing advocacy efforts in improving access and representation.

Recommendations

Improving French-language healthcare access in Ontario requires moving beyond formal policy commitments toward stronger implementation and accountability.

First, active offer must be more clearly defined, monitored, and enforced across healthcare settings. As Safia emphasized, treating active offer as a procedural requirement limits its effectiveness. Establishing clear standards and accountability mechanisms would help ensure it is meaningfully integrated into patient care.

Second, addressing workforce constraints is essential. The shortage of French-speaking healthcare providers limits access and continuity of care. Targeted recruitment, retention strategies, and better alignment between provider language capacity and patient needs would help reduce these gaps.

Third, system navigation tools, data infrastructure, and community engagement strategies should be strengthened in tandem. Safia highlighted the importance of tools such as virtual service maps in helping patients locate available services, but also noted that existing consultation processes often fail to capture the full range of community experiences. Investing in centralized, up-to-date information systems, alongside more inclusive and sustained engagement strategies, would help ensure that services are both accessible and responsive to diverse patient needs.

Fourth, Ontario's approach to language access should shift from a focus on formal equality toward equity in outcomes. Current models that treat all patients the same fail to account for structural disadvantages faced by Francophone communities. Embedding equity into planning and resource allocation would better align policy commitments with actual access to care.

Finally, lessons from French-language health planning structures could be extended to broader language equity efforts. While Ontario's former Entités have since been consolidated into a provincial planning structure, their model of integrating community engagement with system-level planning provides a useful framework for addressing the needs of other linguistic minority groups. Adapting similar approaches could support more coordinated, community-informed strategies for language access across the healthcare system.

Conclusion

Safia's experience highlights a central tension within Ontario's health system. While language rights are formally recognized, access to care in French remains inconsistent. This gap reflects limitations in how policies are designed and implemented.

Language is not simply a matter of preference but a key dimension of health equity. The case of French-language healthcare in Ontario illustrates how systems structured around dominant language norms can produce unequal outcomes, even when formal protections exist. Without stronger accountability, improved system coordination, and policies grounded in community realities, language rights risk remaining symbolic rather than meaningful in practice.

Addressing these gaps is essential, as language-based inequities are embedded in the structure of the healthcare system and require coordinated, system-level responses rather than isolated policy interventions.

Comparing financial and non-financial factors that shape physician retention, such as support, quality of life, and cultural safety in Northern & Rural Ontario

BY ROBYN ANH, TAYLOR TORREON, & TENZIN YANGKEE

Comparing financial and non-financial factors that shape physician retention, such as support, quality of life, and cultural safety in Northern & Rural Ontario

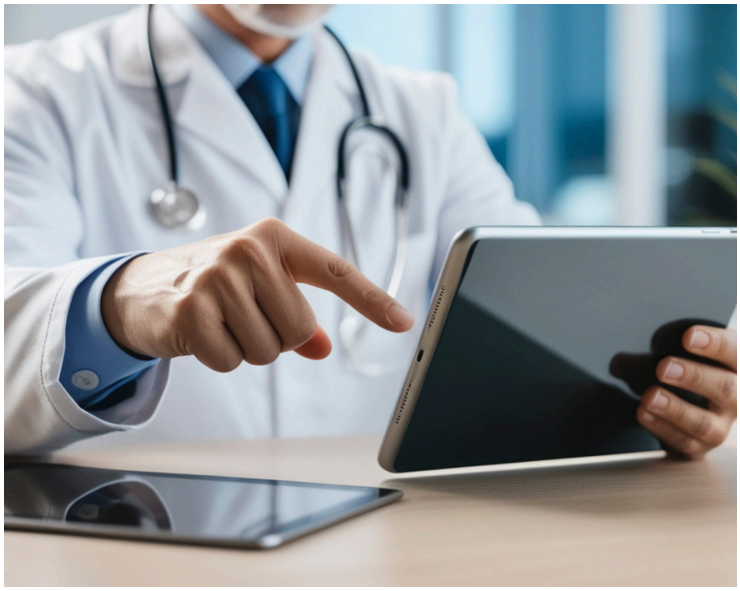
Executive Summary

Northern and rural regions of Ontario continue to face persistent challenges in recruiting and retaining physicians, affecting equitable access to care. Financial factors such as compensation, incentive programs, and alternative payment models support recruitment by reducing financial barriers. However, evidence shows these measures alone are insufficient for long-term retention. Non-financial factors, including professional and personal support systems, quality of life, and work environment, play a more significant role in retention decisions. Cultural safety and anti-racism are also critical, particularly in Indigenous and underserved communities, where systemic barriers persist. Strengthening physician retention therefore requires a comprehensive approach that combines sustainable financial incentives with supportive practice environments and culturally safe care systems.

Financial Factors

Financial factors play an important role in physician retention in Northern and rural Ontario, but their impact is strongest when they support long-term practice stability rather than only short-term recruitment. In remote and underserved communities, physicians often face higher practice and living costs than their urban counterparts. Running a clinic in the north can involve added expenses related to staffing shortages, transportation, housing, supplies, and maintaining services across large geographic areas. These realities can make rural practice financially uncertain, especially for early-career physicians who may already be managing student debt and relocation costs.

Ontario has introduced several programs to reduce these financial barriers. The Northern and Rural Recruitment and Retention Initiative (NRRRI) provides taxable recruitment incentives to physicians who establish full-time practices in eligible communities.



These incentives are structured on a sliding scale based on the Rurality Index of Ontario (RIO), with higher funding allocated to more remote and underserved areas. Grant values range from approximately $84,851 to $124,730 and are distributed over four years. The payment structure is front-loaded, with 40% provided in the first year, followed by 15% in years two and three, and a final 30% in year four.

Financial Factors

Financial factors play an important role in physician retention in Northern and rural Ontario, but their impact is strongest when they support long-term practice stability rather than only short-term recruitment. In remote and underserved communities, physicians often face higher practice and living costs than their urban counterparts. Running a clinic in the north can involve added expenses related to staffing shortages, transportation, housing, supplies, and maintaining services across large geographic areas. These realities can make rural practice financially uncertain, especially for early-career physicians who may already be managing student debt and relocation costs.

Ontario has introduced several programs to reduce these financial barriers. The Northern and Rural Recruitment and Retention Initiative (NRRRI) provides

taxable recruitment incentives to physicians who establish full-time practices in eligible communities. These incentives are structured on a sliding scale based on the Rurality Index of Ontario (RIO), with higher funding allocated to more remote and underserved areas. Grant values range from approximately $84,851 to $124,730 and are distributed over a four-year period. The payment structure is front-loaded, with 40% provided in the first year, followed by 15% in years two and three, and a final 30% in year four.

Complementing this, the Northern Physician Retention Initiative provides additional financial support to physicians already practising in northern communities, aiming to encourage longer-term retention beyond initial recruitment. At the federal level, the Canada Student Loan Forgiveness program for family doctors and nurses further reduces financial barriers by offering up to $60,000 in loan forgiveness over five years for physicians working in eligible rural or remote areas. Together, these programs help make northern practice more financially accessible at the point of entry and provide some ongoing support, although their effectiveness in ensuring long-term retention remains limited.

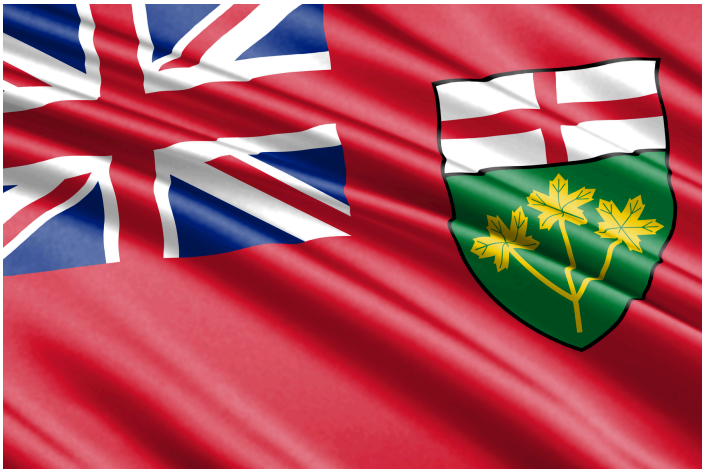
Non-financial Factors

Support Systems & Quality of Life

Non-financial factors play a decisive role in physician retention in Northern and rural Ontario, often outweighing financial incentives in long-term decisions to stay. A consistent finding across literature is that lack of professional and system-level support contributes significantly to burnout and turnover. Physicians report working in resource-constrained environments with limited clinical backup and specialist support, contributing to professional isolation and stress. In some cases, physicians described having no access to colleagues with advanced skills when managing complex cases, reinforcing the absence of system-level support. These challenges are compounded by high service demands and chronic understaffing, with workloads exceeding 70 hours per week and continuous on-call responsibilities, leading to significant burnout. Beyond system-level resource constraints, limited access to team-based care intensifies these challenges by forcing physicians to take on expanded clinical and administrative responsibilities, further compromising the sustainability of practice.

Family level support systems are critical determinants of retention. Spousal satisfaction, family well-being, and access to employment opportunities for partners strongly influence decisions to remain in rural communities. In Northern Ontario, lack of partner employment opportunities is one of the most frequently cited reasons for physician turnover Similar research found that retention is closely tied to partner fulfillment and overall family well-being. Broader evidence reinforces that limited social support increases the likelihood of leaving, even when professional conditions are otherwise favourable.

Beyond professional and family-related factors, community integration is a critical yet often overlooked determinant of physician retention. In Northern Ontario, physicians report feeling socially isolated and disconnected, with some describing a persistent sense of being "outsiders," which undermines long-term commitment. This lack of belonging can make rural practice unsustainable. Conversely, physicians are more likely to remain when they are well-integrated and able to build relationships beyond clinical roles. Therefore, community engagement and strong local support networks are essential for both quality of life and long-term retention.



Cultural Safety & Anti-Racism

Building on these factors, the institutional and cultural environment in which physicians practice plays a key role in shaping long-term retention, especially in Indigenous and northern communities. Evidence shows that systemic racism and a lack of culturally safe care negatively affect both patient outcomes and provider experience. The Constance Lake First Nation blastomycosis outbreak highlights how structural gaps, including delayed care, limited infrastructure, and lack of Indigenous leadership, contributed to poor outcomes and mistrust in the healthcare system. These conditions can create frustration and moral distress for physicians, which may discourage them from staying in these settings.

Research also shows that racism operates across both interpersonal and systemic levels within healthcare training and practice environments. Evidence from the Australian context shows that Indigenous medical trainees experience discrimination, lack of cultural safety, and insufficient support, which act as barriers to professional wellbeing and workforce retention. **Similar patterns** have been documented in Canada, where Indigenous medical students at the University of Manitoba report pervasive experiences of racism within training environments. While cultural safety training is increasingly implemented across healthcare settings in Ontario, evidence shows that it tends to improve awareness more than it leads to lasting changes in practice when it is not supported by broader institutional accountability.

More broadly, the literature emphasizes that cultural safety must go beyond training and include structural and organizational change. Indigenous-led models of care, particularly Aboriginal Health Access Centres (AHACs), demonstrate improved outcomes by integrating Indigenous knowledge systems, community governance, and holistic approaches to wellbeing. These models can also create more supportive environments for physicians by strengthening relationships, trust, and community engagement.

Overall, this evidence suggests that improving physician retention in Northern and rural Ontario requires systemic reform. Addressing racism, embedding cultural safety into governance, and supporting Indigenous-led healthcare delivery are essential for creating sustainable and effective practice environments.

Recommendations

1. Reforming Financial Incentives to Support Long-Term Retention

Financial incentives should be restructured to better support long-term physician retention rather than short-term recruitment. This requires targeted changes across existing programs:

Northern and Rural Recruitment and Retention Initiative (NRRRI): Shift from front-loaded, four-year payments to a longer-term structure that rewards physicians for remaining in communities beyond the initial period, helping align incentive with retention rather than short-term recruitment.

Northern Physician Retention Initiative (NPRI): Introduce more consistent and predictable funding tied to years of service, such as bonuses at key milestones, to better support physicians already practising in northern communities.

Federal Loan Forgiveness Program: Extend eligibility beyond five years or increase support in higher-need communities, allowing physicians to maintain financial stability over a longer period of rural practice.

2. Comprehensive Rural Physician Support and Integration Strategy

The Ontario government should implement a comprehensive Rural Physician Support and Integration Strategy that prioritizes non-financial retention factors. This should include expanding team-based care models to reduce workload, strengthening telehealth and specialist support networks, and formalizing locum coverage to prevent burnout. While elements of these supports already exist in Ontario, they remain fragmented and

inconsistently implemented, highlighting the need for a coordinated, system-wide approach. Simultaneously, the strategy should invest in spousal employment programs and family supports, alongside structured community integration initiatives such as mentorship and local engagement programs.. By addressing both professional and personal support gaps, this approach targets the root causes of turnover and fosters long-term retention beyond short-term financial incentives.

3. Mandatory Cultural Safety Training and Accountability Standards in Healthcare

The Ontario government should require all publicly funded healthcare organizations serving Northern and rural communities to implement mandatory cultural safety and anti-racism training, alongside clear accountability standards. This should be done in collaboration with the Ministry of Health and regulatory bodies such as the College of Physicians and Surgeons of Ontario to ensure alignment with professional requirements. Training should be Indigenous-led and supported by patient-informed evaluation, reporting mechanisms, and ongoing oversight to ensure it is reflected in practice. This should also include integrating Indigenous leadership into decision-making processes and supporting Indigenous-led models of care. Together, these changes would improve physician retention and support more equitable care for Indigenous communities.

Conclusion

Physician retention in Northern and rural Ontario is shaped by a combination of financial and non-financial factors, but the evidence shows that financial incentives alone are not enough to ensure long-term retention. While programs such as the NRRRI, Northern Physician Retention, and federal loan forgiveness helps reduce initial financial barriers, they do not fully address the broader challenges physicians face in remote practice. Factors such as workload, professional support, community integration, and cultural safety plays a critical role in whether physicians choose to stay. Addressing this issue therefore requires a more comprehensive approach that strengthens both financial stability and the overall practice environment. Without coordinated and long-term policy efforts, retention challenges will continue to limit equitable access to care in Northern and Indigenous communities.

Economic and Infrastructural Development to Alleviate Food Insecurity in Nunavut

BY AVISHKA GAUTHAM & ALEXANDRA LI

Economic and Infrastructural Development to Alleviate Food Insecurity in Nunavut

Key Questions and Focal Points:

What do *food insecurity* and *food sovereignty* mean for Inuit populations in Nunavut?

What economic and infrastructural elements in Nunavut affect food insecurity?

Why push for economic and infrastructural development instead of traditional subsistence hunting and gathering?

How can we best engage with the web of complex organizations and bureaucracies in Northern governance and development financing?

Is there a mutually beneficial relationship between Inuit Nunangat and Canada in developing Nunavut's economy and infrastructure?

Executive Summary

This policy research report examines the economic and infrastructural factors contributing to food insecurity among Inuit populations in Nunavut. It situates food insecurity within broader historical and colonial contexts, including modes of disruption of traditional food production, economically inefficient transportation, limited local infrastructure, and precarious economic activity. Drawing on existing data, comparative policy and literature research, and discussions with leaders and scholars in the field of Nunavut development policy, this report evaluates the effectiveness of existing government interventions while identifying gaps in implementation and accountability mechanisms.

Building on this analysis, the report proposes several policy options designed to address immediate and long-term barriers to Inuit food security, including food subsidy program reforms, investments in transportation and storage infrastructure, government support for country food procurement and storage, and advocacy for Inuit-led governance over food policy design. This report's analysis and recommendations work to establish sustained food sovereignty and economic resilience across Nunavut's Inuit Nunangat.

Introduction

Nunavut is a Canadian territory home to around 42,000 people, with 32,000 of the population identifying as Inuit in 2025. With Inuit Nunangat representing over 85% of the territory's total population, it is a grave issue that the Canadian Income Survey (2023) reported 58.1% of Nunavut households to experience food insecurity. Although Consumer Price Index (CPI) data for Nunavut is limited to the city of Iqaluit, the average cost of goods and services has increased by 45.9% between 2002 and 2025, with an annual average increase of 1.4%. Food insecurity and economic disparity might be less visible in Nunavut as the average territorial income surpasses that of the national average, but these figures are often skewed by Iqaluit's proxy evaluation and high-earning non-residents or non-Inuit workers. Inuit Tapiriit Kanatami (ITK) reports that the median income among Inuit in Inuit Nunangat sits at $20,961 CAD, which is over $9,000 CAD less than that of non-Indigenous populations. Thus, it can be evaluated that Inuit populations in Inuit Nunangat struggle with precarious purchasing power against extremely high costs of living, specifically centring around food, fuel, and housing prices.

The Canadian Library of Parliament and the Nunavut Food Security Coalition (NFSC) maintain that food insecurity overwhelmingly affects Indigenous peoples. These discrepancies are commonly attributed to the following factors:

1. Community remoteness and isolation
2. Impoverishment and socio-economic inequities
3. Environmental dispossession and contamination
4. Colonial legacies

What is often disregarded, regarding food insecurity in Nunavut is the federal and regional neglect towards critical transportation infrastructure and the lacklustre subsidization programs for living necessities. The primary organizations responsible for subsidizing food in Nunavut include Nutrition North Canada (NNC), Indigenous Services Canada (ISC), and Agriculture and Agri-Food Canada (AAFC). The NNC partners with local support structures such as Nunavut Tunngavik Inc. (NTI), Regional Hunters and Trappers Organizations, which distribute country food across Inuit Nunangat, and various community-based non-profit organizations.

Outlined Problem

Nutrition North Canada (NNC) was instituted by Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) in 2011. This policy aims to provide subsidies for nutritious foods, such as fresh fruits and perishable items, to isolated Northern communities. The primary policy actors include the Federal Government of Canada, under which CIRNAC is the lead department, and federal partner organizations, including Indigenous Services Canada (ISC) and the Public Health Agency of Canada (PHAC). To be eligible for the subsidy, retailers must meet the following criteria: year-round surface transportation, meeting the provincial definition of a territory, and having access to an airport. NNC currently serves 125 communities across three territories. Despite its lofty mission, it lacks practical strength and remains an ineffective solution to the underlying causes of food insecurity plaguing Northern Indigenous communities.

The primary manifestation of fragmentation within the broader NNC framework lies in a division between the Government of Canada's interests and the provision of subsidies, which occur on the ground through retailers. The program pays retailers a subsidy based on the weight of nutritious food shipped by air to remote communities in Northern Canada that lack surface access for most of the year and rely heavily on air freight. The 2014 Canadian Community Health Survey (CCHS) analysis shows that the 2011 federal Nutrition North Canada (NNC) subsidy coincided with 13.2% rise in reported household food insecurity, implying that not only had NNC failed at reducing food insecurity in Nunavut, but correlated with a growing crisis.

A prominent challenge faced by the NNC distribution system is that subsidies are directly paid to retailers, such as grocery stores, and not to households. This increases the propensity of subsidy amounts not being delivered to residents of Nunavut– a failing distributional system. Studies highlight that only 67 cents per dollar of subsidy is passed through to the consumer, with this pass-through being much lower in communities with grocery store monopolization. The monopoly mainly takes the form of the grocery store chain Northern, which is owned and operated by the North West Company, and remains the primary grocery store retailer in the region.

Additionally, the program also fails in achieving its overall mandates of making nutritious food affordable. "Paying for Nutrition: A Report on Food Costing in the North" by Food Secure Canada (2016) reported that food prices remain consistently high despite the subsidy, and that the quality of the food has been inconsistent with government mandates. The program's lack of clear communication and transparency of its objectives to the consumers remains a clear barrier to its effectiveness, paving the way for the mismanagement of funds.

Food Insecurity and Sovereignty

The rights to food security and sovereignty in Inuit Nunangat are directly related to right to life, liberty, and security of the person, beginning with basic needs like shelter and nutrition. In 2019, James D. Ford et al. published the commentary "Food insecurity in Nunavut: Are we going from bad to worse?" The authors noted the rising share of household food insecurity in Nunavut, 46.8% in 2014, but argued that much of the insecurity lies in unsustainable food distribution and limited traditional niqituinnaq (country foods).

Much of the discourse around food insecurity ignores the concepts of food sovereignty, which the Qikiqtani Inuit Association (QIA) describes as the right to food that is healthy, nutritious, culturally appropriate, and attainable through ecologically sustainable practices that empower communities and local economies. Country foods are hunted and harvested from local ecologies, enriching local economies by reinvesting Inuit money into Inuit enterprises and continuing sustenance knowledge transfers. Indigenous Ministers, such as Premier P. J. Akeeagok, purport that sovereignty is best attained through the health of sovereign communities. The difficulty of achieving food sovereignty in Nunavut is exacerbated by weak infrastructure facilitating food procurement, processing, and delivery. The QIA highlights that marine infrastructure and food processing plants are integral to enabling food sovereignty in Inuit Nunangat, which has limited development due to a lack of industrial focus or subsidy programs willing to invest.

Infrastructural development is integral to ensuring the long-term sustainability of communities in Nunavut, where traditional subsistence hunting and gathering can no longer support survival. Rapid climate change has thinned sea ice and melted tracking landmarks, which both alter migration patterns of country food species and increase the risks of traditional practices. Concurrently, a shift towards permanent Inuit settlements and labour, rather than traditional semi-nomadicism, has largely restructured core aspects of Inuit life, which limits the mobility required for such activities.

Though traditional means of subsistence hunting and gathering may not be suitable amidst disrupted migration patterns and melting landscapes due to climate change, country foods are still integral to establishing food sovereignty in Inuit Nunangat. According to the Qanuippitaa?, which translates into "how are we?" in Inuktitut, or the Nunavik Inuit Health Survey (2004), store-bought foods supplied around 84% of the total caloric intake of Nunavik Inuit communities. Country foods only supplied 16%, with slightly higher consumption in elderly populations. The now permanent survey reported in 2023 on growing country food consumption from all age groups in Nunatsiavut, a small autonomous Inuit territory in Newfoundland and Labrador. Country foods now make up around 60% of Inuit Nunatsiavut's nutritional intake, reducing local dependency on costly imports from other provinces or territories.

However, it is important to recognize that the dependency on imported food in Inuit Nunangat is heavily influenced by the local environment and the infrastructural capacity of food delivery.

Regarding country foods, contemporary Inuit hunters and trappers in Nunavut are supported by organizations like the Nunavut Food Security Coalition and the Country Food Distribution Program by the regional government, with individual cases of subsidization reaching up to $10,000 CAD. Despite the robust food-sharing programs that are gaining greater attraction in Nunavut, the bandwidth of country food distribution is determined by the integrity and reach of local procurement and transportation infrastructure.

Economic and Infrastructural Elements

This report recognizes a lack of road infrastructure between settlements, especially those outside of Iqaluit, and a lack of marine infrastructure despite the region's exceptional abundance of fish and other marine life. Nunavut's food infrastructure is currently heavily reliant on air transport, which suffers from weather discrepancies, vehicle size and quality, capital centralization, and limited runways. Canada North Cargo's country food flat rate of $1.31 CAD per kg of shipment, which excludes businesses and reduces local commercial capacity, has led to the development of a private firm monopoly in the region.

Researchers like Katrin Schmid from the University of Vienna have noted the necessity of coastal infrastructure, a topic still being deliberated by local and provincial governments due to shortcomings in Indigenous consultation. In 2025, her work with InfraNorth's focus on Arctic resilience culminated in publications about transport security and food sovereignty in Nunavut. She argues that air and marine transportation must be diversified and maintained to reduce food insecurity in Inuit Nunangat.

The materials used to build runways have a significant impact on the size and make of aircraft that can land in Nunavut. As of now, most of the runways available in Nunavut are centralized in major cities like Iqaluit, making inter-community travel both costly and inaccessible to non-residents. Gravel runways and jets with specialized landing panels are highlighted as a necessity for reliable air transport in Nunavut's climate, which quickly erodes paved runways. In our recent interview, Schmid relayed that the food transport infrastructure used by each community is insular and limited in its disconnected capacity. Greater emphasis and funding on interconnected airways and aircraft infrastructure would lessen the financial burden of relying on air-transported food.

The supply chain of food insecurity in Inuit Nunangat ends in poorly maintained, but necessary freezer storage. As temperatures fluctuate due to climate change, traditional freezing methods are subject to food spoilage and contamination. Community and household freezers are expensive to maintain, often costing local communities large fees as the maintenance companies are external to the territory. Their reliance on a stable electric grid will also render Inuit Nunangat vulnerable to environmental shocks or failing equipment.

Lastly, the lack of local maritime infrastructure greatly reduces the territory's capacity for fishing and shipping goods. Despite having the largest coastline of any Canadian province or territory, measuring around 162,000 kilometres, Nunavut still only has three small harbours and one deep-water port. Inuit Nunangat has 26 coastal communities, many of which are forced to rely on expensive, imported food instead of having the infrastructural capacity to harvest from the bountiful waters surrounding them. Construction on a new deep-sea port in Qikiqtarjuaq is set to begin in June 2026, with an expected cost of $350 million CAD for its first phase. With plans to begin operations in 2028, this new port could attract fishing boats that currently must make a longer trip to Nuuk, Greenland.

Recommendations

In addressing this multifaceted issue, the following three solutions are proposed.

1.The North's Symbiotic Future:

Firstly, a symbiotic relationship must be strengthened between Inuit communities and CIRNAC. Symbioticism is defined as a close, reciprocal relationship between Inuit communities, and this must begin with greater communication between Inuit communities and CIRNAC representatives in Ottawa. Currently, decentralized decision-making is occurring, wherein key decisions are made in Ottawa with little to no consultation with Indigenous communities. There must be a clear focus placed on ensuring that Indigenous leaders are represented in Ottawa, and that their opinions on topics including food sovereignty and security are acknowledged.

2.Accountability Mechanisms for Nutrition North Canada Subsidies:

The second solution proposed is an increase in accountability mechanisms for Nutrition North Canada subsidies through the establishment of an accountability dashboard affiliated with CIRNAC. This addresses the first challenge of the extremely high prices of nutritious food in Inuit communities, alongside the dual issue of grocery store monopolization and the failure of grocers to pass full subsidy amounts to Inuit communities, with the core problem being that Inuit peoples only receive 67 cents for every one dollar of subsidy amounts. The development of the dashboard further addresses unclear data transparency, oversight mechanisms and a lack of Indigenous representation in solution efforts.

The dashboard will include data on food prices, freight costs and retailer compliance visible on a real-time public interface. The dashboard will further include an Indigenous task force on the ground to ensure that retailers are compliant with subsidy pass-through rates and to ensure that Indigenous values and cultural traditions are upheld in the development of the dashboard. Retailers who are found to consistently mark up prices will be penalized and will be detected quickly through the dashboard. Moreover, this dashboard will be made publicly available and will be utilized as a public good for Inuit communities in Nunavut and other territories. Potential funding sources for this project include the Government of Canada's sources, such as the Community Food Programs Support Fund and the Northern Isolated Community Food Initiative.

This is effective in achieving the following core goals related to food insecurity in the Arctic. Firstly, it enables greater accountability and oversight that subsidies are appropriately allocated, which ensures healthy food remains accessible and affordable for Inuit communities. It is currently unclear where the other 33 cents of subsidy money goes. Public reporting is necessary for the transparency of food prices and more equitable access to nutritious food options.

3.Prioritizing Infrastructure

Another key issue is the lack of access to year-round infrastructure in ensuring the transportation of food to isolated Northern communities. Transportation is critical in delivering food to remote Indigenous communities. Two key issues arise, including reliability issues and the types of aircraft runways available to deliver food that is flown in from other provinces.

In addressing this, an investment must be made in high-tech and weather-resistant transportation methods which are able to distribute food over long distances and are available in communities in which transportation infrastructure is limited and unreliable. Funding for this will be obtained through a combination of public and private partnerships, targeted government investment and international development organizations. This initiative aims to enhance the reliability and breadth of food distribution networks. Moreover, investments by the federal government must target the accessibility of year-round road infrastructure.

Final Remarks & Summary:

This report identifies the most concerning issues in Indigenous food insecurity in the Arctic territories, namely Nunavut. The problems identified are multifaceted and encompass the following:

1. Failures of Nutrition North Canada policies in transferring full subsidy amounts to Indigenous communities, and their core failures in ensuring that Indigenous peoples have access to healthy and affordable food options.
2. There is a lack of access to year-round infrastructure to ensure that food is able to be delivered to communities when it is needed. Examples: roads, airplane pathways.

Recommendations include the following:

1. Establishing a symbiotic relationship between Indigenous communities on the ground and decision-making officials in Ottawa.
2. Accountability frameworks via digital tools (the Accountability Dashboard).
3. Prioritizing and investing in access to durable, year-round infrastructure.

References

Blanchet, Carole. "Nutrition and Food Consumption among the Inuit of Nunanvik." Nunanvik, QC: Nunavik Regional Board of Health and Social Services, 2008. https://www.inspq.qc.ca/sites/default/files/publications/762_esi_nutrition_report_ma.pdf.
CEIC Data. "Canada Consumer Price Index: 2002=100: By Province and Territory." CEIC Data. CEIC Data, 2026. https://www.ceicdata.com/en/canada/consumer-price-index-2002100-by-province-and-territory.
Food Secure Canada. "Paying for Nutrition: A Report on Food Costing in the North." Food Secure Canada, September 9, 2016. https://www2.foodsecurecanada.org/paying-for-nutrition.
Ford, James D., Dylan Clark, and Angus Naylor. "Food Insecurity in Nunavut: Are We Going from Bad to Worse?" Canadian Medical Association Journal 191, no. 20 (May 20, 2019): E550–51. https://doi.org/10.1503/cmaj.190497.
Galloway, Tracey, and Nicholas Li. "Pass-through of Subsidies to Prices under Limited Competition: Evidence from Canada's Nutrition North Program." Journal of Public Economics 225 (September 1, 2023): 104971. https://doi.org/10.1016/j.jpubeco.2023.104971.
Government of Canada. "How Nutrition North Canada Works." www.nutritionnorthcanada.gc.ca. Government of Canada, November 9, 2014. https://www.nutritionnorthcanada.gc.ca/eng/1415538638170/1415538670874.
———. "Nutrition North Canada." www.rcaanc-cirnac.gc.ca. Government of Canada, December 15, 2019. https://www.rcaanc-cirnac.gc.ca/eng/1576437858843/1576437881780.
Government of Nunavut. "Country Food Distribution Program." Government of Nunavut. Government of Canada, 2022. https://www.gov.nu.ca/en/communities/country-food-distribution-program.
———. "Nunavut Household Allowance (NHA) Program Guidelines." Government of Nunavut, April 4, 2024. https://www.gov.nu.ca/sites/default/files/policies-legislations/2024-05/Nunavut%20Household%20Allowance%20-%20Guidelines.pdf.
Inuit Tapiriit Kanatami. "About Canadian Inuit." Inuit Tapiriit Kanatami. Inuit Tapiriit Kanatami, April 3, 2025. https://itk.ca/about-canadian-inuit/.
———. "Social Determinants of Inuit Health in Canada." Ottawa, ON: Inuit Tapiriit Kanatami, September 2014. https://www.itk.ca/wp-content/uploads/2016/07/Income_FactSheet.pdf.
Kaye, Marcia. "Grocers Fail to Pass along Full Nutrition North Food Subsidy to Shoppers, Study Shows | University of Toronto Mississauga." www.utm.utoronto.ca. University of Toronto, Mississauga, September 14, 2023. https://www.utm.utoronto.ca/main-news/grocers-fail-pass-along-full-nutrition-north-food-subsidy-shoppers-study-shows.
Leblanc-Laurendeau, Olivier. "Food Insecurity in Northern Canada: An Overview." Ottawa, ON: Library of Parliament, Hill Studies, November 28, 2025. https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/HillStudies/PDF/2020-47-E.pdf.
Penney, Jessica. "Bringing Inuit Food Security and Sovereignty into Canadian Nation-Building Narrative." Yellowhead Institute. Yellowhead Institute, September 2, 2025. https://yellowheadinstitute.org/2025/bringing-inuit-food-security-and-sovereignty-into-canadian-nation-building-narratives/.
Qikiqtani Inuit Association. "Food Sovereignty and Harvesting ᓂᕆᑎᓂᑦ ᐊᐅᓚᑦᑎᐊᑎᖏᓐᓂᖅ ᐊᓗᒐᓗ ᓂᕆᑭᓴᕐᕕᖏᓚᑦᑎᓂᖅ." Iqaluit, NU: Qikiqtani Inuit Association, 2020. https://www.qia.ca/wp-content/uploads/2019/03/Food-Sovereignty-and-Harvesting.pdf.
QNIHS. "QNIHS 2022–2023: Food." Nunatsiavut, NL: Government of Nunatsiavut, 2023. https://nunatsiavut.com/wp-content/uploads/2026/02/QNIHS-Food-Report-FINAL_2026-02-25.pdf.
Samoglou, Emmanuel. "Nunavut, Greenland Officials Form Joint Fisheries Committee." Seafoodsource.com. Seafood Source, 2026. https://www.seafoodsource.com/news/supply-trade/nunavut-greenland-officials-form-joint-fisheries-committee.
Schmid, Katrin. "Country Food Cargo: Transport Infrastructure and Food Sovereignty in Nuvavut." Vienna, Austria: Infra North, University of Vienna, March 2025. https://infranorth.eu/wp-content/uploads/2025/04/2025_Schmid_Country-Food-Cargo.pdf.
———. Katrin Schmid on Nunavut's Food Insecurity, Inuit Food Sovereignty, and Infrastructural Development. Interview by Alexandra Li. The Munk School, Indigenous Policy Initiative, February 3, 2026.
Tranter, Emma. "A New Federal Bill Aims to Approve Projects Faster. What Would That Mean for Consultation in Nunavut?" CBC. CBC News, June 12, 2025. https://www.cbc.ca/news/canada/north/federal-approval-major-projects-nunavuregardingt-inuit-consultation-1.7558821.
Varela, William Koblensky. "Qikiqtarjuaq Deep-Sea Port's First Phase Estimated at $350 Million - Nunavut News." Nunavut News. Nunavut News, December 10, 2025. https://nunavutnews.com/2025/12/10/qikiqtarjuaq-deep-sea-ports-first-phase-estimated-at-350-million/

The Duty to Consult and Accommodate and the Limits of Indigenous Self-Governance in Canada

BY DAVID GLASS, CASSANDRA PORTELLI, SEAN WIEDER, & GABBY FANG

The Duty to Consult and Accommodate and the Limits of Indigenous Self-Governance in Canada

Introduction

Recent efforts to accelerate economic development in Canada, including Ontario's Protect Ontario by Unleashing Our Economy Act, 2025 (Bill 5), have intensified debate over the role of Indigenous consultation in governance. At the center of this debate is the Duty to Consult and Accommodate, a constitutional obligation intended to ensure that Indigenous communities are meaningfully engaged in decisions affecting their rights.

In this article, Indigenous self-determination refers to the ability of Indigenous peoples to make decisions about their political, social, and economic futures, while self-governance refers more specifically to the exercise of authority through Indigenous institutions and legal systems.

This article asks whether the Duty to Consult meaningfully supports Indigenous self-governance in this context. It argues that while the duty provides a mechanism for participation, its theoretical foundations, practical implementation, and legal structure ultimately reinforce Crown authority and limit its effectiveness as a tool for genuine self-determination. To demonstrate this, the paper examines the duty from theoretical, practical, and legal perspectives.

The Duty to Consult in Theory

The Duty to Consult is a legally ingrained facet of the Canadian landscape upheld by the Supreme Court, and it shapes how the Crown conducts itself with Indigenous groups. While Bill 5 highlights tensions between development and consultation, the theoretical foundations of the Duty to Consult help explain why these tensions persist. The theoretical grounding behind the Duty to Consult is contentious, and discourse exists as to whether the legal stance, as it is written, is sufficient to further Indigenous self-determination.

Before analyzing the Duty to Consult in law, it is important to understand what it is and what it aims to achieve. At the broadest possible sense, the Duty to Consult aims to provide Indigenous people with a voice in matters that impact them, which may circumvent some of the paternalistic history which has characterized Canada both pre- and post-Confederation. Consultation in the abstract is absolutely crucial for Indigenous self-determination, which is the principle which states Indigenous peoples ought to determine their own futures, as it brings Indigenous perspectives into the decision-making process. For this reason, ensuring that Indigenous people are adequately consulted on matters that impact them is key. The Duty to Consult is a mechanism which aims to facilitate this.

The Duty to Consult is a duty imposed by the Crown onto itself to consult and reasonably accommodate Indigenous people and groups on matters that impact them. An interesting facet of the wording is that it is a responsibility imposed on the Crown, not a privilege or right granted to Indigenous people. This is an important theoretical move because it allows for some sovereignty claims by Indigenous people (claims that Indigenous peoples remain a distinct nation from the crown), since if the rights were afforded to them by the

Crown, then it would naturally follow that they are subjects of the Crown who are being delegated such rights. It should be noted that this move is a theoretical one, and the practical outcomes of it are far different, as will be demonstrated in this article.

The most significant challenge that the Duty to Consult faces in promoting Indigenous self-determination in the theoretical landscape is that the standards that the Crown and its associates are held to are somewhat ambiguous. This means that the Crown or a developer may circumvent meaningful consultation by engaging in the bare minimum required by the "letter of the law", circumventing the spirit of the relevant Supreme Court opinion. Laws such as the UNDRIP Act signal a shift to prioritizing more rigorous standards and further empowering Indigenous people and groups, but instruments such as free, prior and informed consent are only encouraged, not mandated. This ambiguity circumvents meaningful Indigenous self-determination by allowing the Crown and developers to engage in the bare minimum of consultation. These theoretical limitations become more apparent and real when looking at how the duty to consult is practiced.

These theoretical limitations become more apparent when examining how the Duty to Consult operates in practice.The Duty to Consult in Practice.

While the theoretical framework of the Duty to Consult suggests a pathway toward inclusion, its implementation reveals more significant limitations. The Duty to Consult, while it obliges the procedures to the Crown, it structurally subordinates Indigenous authority rather than recognizing it.

The doctrine's most critical limitation is that it does not confer a veto. The Supreme Court has interpreted that the duty to consult and, where appropriate, accommodate does not give Indigenous groups a veto over final Crown decisions. Which places the Indigenous community in a reactive position, where they are not recognized as the original occupants, but as people whose independence exists at the mercy of the Crown, whose governing authorities operate within the larger jurisdiction of federal and provincial authority. Consultation, in its nature, is a colonial process management tool and a procedural protocol, rather than an exercise of self-determination and governance.

The Duty to Consult is excluded from the legislative process, which further narrows its practical reach. In October 2018, the Supreme Court ruled the Duty to Consult as non-applicable to the drafting of legislation in the Mikisew Cree First Nation case. Judge Andromache Karakatsanis explained, "Applying the duty to consult doctrine during the law-making process would lead to significant judicial incursion into the workings of the legislature." Though the court did rule that the government has a duty to maintain the "honour of the Crown" when drafting laws affecting Indigenous people. Consequently,, Indigenous leaders had said that Bill C-5 was passed without meaningful consultations and fear that it will enable the government to override or limit the constitutional duty to consult First Nations in the nation-building project approval process. A group of First Nations has challenged the law, arguing that the government runs roughshod over their rights to self-determination and the government's duty to consult.

Even where consultation is legally required, it frequently fails in practice. First Nations leaders expressed significant concerns over the consultation process in drafting Bill C-5, arguing that more time is needed for meaningful consultation directly with stakeholders and questions how "national interest" is defined and by whom.

All in all, the Duty to Consult is constructed as a floor of governance, but not a framework for Indigenous governance and self-determination. Its scope is vaguely defined, and the Supreme Court's cautious approach in outlining its parameters favours flexibility over enforceable standards, leaving legal uncertainty resulting in power imbalances.
While these practical limitations illustrate how the Duty to Consult functions in reality, they become even more consequential when applied to contemporary policy contexts such as Ontario's Bill 5.

The Duty to Consult and Bill 5

Ontario's Protect Ontario by Unleashing Our Economy Act, 2025 (Bill 5) represents a major restructuring of the province's environmental and regulatory framework. The legislation amends multiple statutes related to environmental protection, land-use planning, and resource development, with the stated goal of accelerating economic growth. Central to the bill is the creation of the Special Economic Zones Act, which allows cabinet to designate areas where provincial regulations and municipal by-laws may be suspended for selected "trusted proponents". The bill also replaces the Endangered Species Act, 2007 with the Species Conservation Act, 2025, reducing requirements for species recovery planning and increasing ministerial discretion.

Supporters argue that these reforms address longstanding delays in project approvals that have hindered Ontario's competitiveness, particularly in sectors such as mining and energy infrastructure. By streamlining regulatory processes and centralizing decision-making authority, the government aims to improve investor certainty and facilitate large-scale development projects.

However, critical perspectives raise significant concerns about environmental protection and governance. Indigenous organizations and policy commentators argue that the replacement of the Endangered Species Act weakens enforceable protections and removes legally binding recovery strategies for species at risk. Additionally, the use of Special Economic Zones may allow projects to bypass environmental assessments and municipal planning processes, thereby reducing transparency and public oversight.These changes are widely seen as increasing the risk of ecological harm, particularly in sensitive regions targeted for resource extraction.

Indigenous critiques are particularly pronounced. First Nations leaders argue that Bill 5 undermines constitutionally protected Aboriginal and treaty rights by weakening the Crown's duty to consult and accommodate. The legislation's expanded ministerial discretion may enable development on traditional territories without meaningful consultation, raising concerns about sovereignty and long-term environmental stewardship. Public commentary further challenges the framing of Indigenous consultation as a barrier to development, instead emphasizing that delays often stem from inconsistent consultation practices and a history of unmet commitments by governments.

Overall, Bill 5 reflects a fundamental policy trade-off between economic acceleration and regulatory safeguards. Importantly, it also raises a broader governance question: to what extent does Canada's Duty to Consult meaningfully support Indigenous self-governance in the context of accelerated development? The final section builds on this by considering a more explicitly legal perspective.

The Duty to Consult and Indigenous Interests

Building on both the theoretical and practical limitations, the legal structure surrounding the Duty to Consult exhibits the duty's constraints. The Duty to Consult and Accommodate holds that whenever the Crown proposes actions that might infringe on Aboriginal rights, it must consult with the affected communities and accommodate them where possible. In theory, this duty moves Canadian law towards recognizing Indigenous authority, but there are strong reasons to think that the duty also limits Indigenous self-governance.

To begin, consider the distinction between Indigenous law and Aboriginal law and rights. The Canadian government interacts with Indigenous peoples through Aboriginal law and rights, while Indigenous law is derived from Indigenous governments and decision-making processes. Indigenous law is an important component of the legal process when determining what constitutes reasonable infringement of Aboriginal law in matters pertaining to the Duty to Consult and Accommodate. The Supreme Court of Canada has not explicitly ruled on the question of whether Indigenous law is considered Aboriginal rights.

On this question, the University of Toronto's John Borrows argues that if Aboriginal and treaty rights are to be properly recognized and affirmed by the Supreme Court, then Indigenous law should be considered Aboriginal rights (Borrows, Duty to Consult podcast). The Supreme Court has been hesitant to rule on whether Indigenous peoples have governmental or jurisdictional authority capable of placing constraints on federal and provincial authority. Instead, the duty to consult and accommodate only requires that Indigenous perspectives on law be considered, particularly in determining what constitutes reasonable infringement. As a result, consultation occurs within a system where the Crown still holds final decision-making authority under sections 91 and 92 of the Constitution. This means the process empowers Indigenous peoples to participate in decisions, but they remain vulnerable because the Crown largely sets the terms of negotiation.

Douglas Sanderson, also at U of T, raises further concerns about the terms of engagement. He argues that Indigenous peoples are often not treated as equal partners in negotiations, despite expectations set in the Assembly of First Nations' understanding of the Recognition and Implementation of Indigenous Rights Framework. Engagement conducive to enhancing self-governance, in Sanderson's view, requires the federal Crown to incorporate Indigenous decision-making and negotiation practices into the consultation process. Rather than expect Indigenous communities to conform to existing government procedures, consultation should be adapted to reflect Indigenous traditions and decision-making procedures.

Canada's aforementioned implementation of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations, introduces the principle of free, prior, and informed consent. If fully applied, this could strengthen the duty to consult and accommodate by integrating Indigenous law, international law, and Canadian constitutional law. However, without full legal enforcement, these principles remain aspirational rather than transformative.
The duty to consult represents an important step towards promoting genuine Indigenous self-governance and self-determination. However, its efficacy in achieving this is severely limited by its theoretical ambiguity and inconsistent and bad-faith application. Further, Ontario's Bill 5 presents an existential threat to a doctrine which is already flawed and in need of serious review, representing a step back from previous reconciliation efforts. While the UNDRIP Act presents a promising way forward, it must be legally codified and fully implemented to have meaningful effects. Ultimately, this already strained principle is being further tested by recent developments, and strong action must be taken to ensure the Crown's commitment to the Indigenous right to self-determination.