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# National Aboriginal Governance Forum

Co-Chaired by

**Alfred E. N. Caron, Q.C.**

Indian and Northern Affairs Canada  
Ottawa, ON

**Peter W. Hutchins**

Hutchins, Grant & Associates  
Montréal, QC and Vancouver, BC

April 26<sup>th</sup> & 27<sup>th</sup>, 2006  
Fairmont Château Laurier, Ottawa, ON

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## Co-Chairs



**Alfred E.N. Caron, Q.C.**, Assistant Deputy Minister, Office of the Federal Interlocutor for Métis and non-Status Indians (OFI), Ottawa, ON. Mr. Caron began his career with the Federal Government in 1975 with Indian and Northern Affairs Canada (INAC) as a policy analyst. He practised law as a member of the Federal Department of Justice from 1978-1996 where he held various senior positions including Senior General Counsel, Native Law Section. Mr. Caron was appointed Queen's Counsel in 1992. He became Assistant Deputy Minister for the Aboriginal Affairs Secretariat in the Privy Council Office in May 1996 and held that position until the OFI was transferred to INAC in July 2004.



**Peter W. Hutchins**, Senior Partner, Hutchins Grant & Associates, Montréal, QC and Vancouver, BC. Mr. Grant has devoted his thirty-two years of practice exclusively to Aboriginal peoples. He has been involved extensively in negotiation, litigation and counsel work for First Nations and Inuit across Canada. The areas he advises on include historic and contemporary treaties, Aboriginal rights and title, human rights, environmental, constitutional, economic development, governance and international law issues. He has taught Aboriginal Peoples and the Law at the McGill University Faculty of Law, has written extensively and published on Aboriginal law and policy issues, and regularly speaks and chairs panels on those issues.

## Best Practices and Practical Solutions

Good governance is a fundamental element in improving the quality of life in Aboriginal communities. Creating and maintaining effective and culturally-appropriate institutions requires a knowledge and understanding of indigenous approaches to governance, customary law and institutions in a contemporary setting.

This forum explores success stories and explains best practices.

## What You Will Learn:

1. The role of traditional indigenous systems and their applications today;
2. Best practices from models being followed by Aboriginal communities across Canada;
3. What type of systems will work best in your specific community – practical solutions;
4. The components necessary for effective governing institutions;
5. How Aboriginal governance fits within the Canadian constitutional context; and
6. What Canada's federal, provincial and territorial governments can do to facilitate Aboriginal governance

## Who Should Attend:

- First Nations leaders and officials
- Métis leaders and officials
- Inuit leaders and officials
- Federal, provincial and territorial officials and lawyers
- Lawyers

## Upcoming Conference:

### ***Resource Development in Western and Northern Canada: The Mikisew Cree Decision*** **May 31st & June 1st, 2006 in Calgary, AB**

An in-depth conference looking at the Mikisew Cree First Nation decision: implications for stakeholders, effects on treaty entitlement and specific claims, negotiating accommodation and compensation, effects on the management of resources & the regulatory process. The faculty include several of the counsel who argued the case and other leaders in the field.

For more information, please visit our website at [www.pbli.com/586](http://www.pbli.com/586).

## Faculty

**Alan Cairns, O.C.**, Adjunct Professor, University of Waterloo, Waterloo, ON. Dr. Cairns' recent teaching and research interests have concentrated on Canadian federalism, the Charter, the Constitution, and Aboriginal issues. He recently published *Citizens Plus: Aboriginal Peoples and the Canadian State* (2001) and *First Nations and the Canadian State: In Search of Coexistence* (2005). He is a member of the Royal Society and an officer of the Order of Canada.

**Brian A. Crane, Q.C.**, Partner, Gowling Lafleur Henderson LLP, Ottawa, ON. Mr. Crane practises in the areas of constitutional, administrative and commercial law. He is widely known as a leading practitioner in the aboriginal law field. He has worked extensively in the negotiation of native land claims and related litigation, and commercial arbitration and mediation. A frequent speaker at legal seminars and conferences, Mr. Crane (along with co-authors Robert Mainville and Martin Mason) recently authored the text, *First Nations Governance Law* (Markham, ON: LexisNexis Canada, 2006).

**Minnie Grey**, Chief Negotiator, Makivik Corporation, Kuujuaq and Montreal, QC. From 1983 to 1988, Ms. Grey served as third vice-president of the Makivik Corporation, the official organization representing the Inuit of Nunavik, where she focused on self-government and community and economic development. In 1989, Ms. Grey became Vice-President of the Canada office of the Inuit Circumpolar Conference. Ms. Grey is a member of the Board of Nasivvik, a centre for Inuit Health and Changing Environment and a member of a UN Advisory Group to the Inuit Circumpolar Conference. Since 2002, she has been chief negotiator for Nunavik self-government.



**Martin W. Mason**, Managing Partner, Gowling Lafleur Henderson LLP, Ottawa, ON. Mr. Mason's areas of specialization include administrative law, constitutional law and civil litigation. Mr. Mason teaches Constitutional Law at the University of Ottawa. Prior to entering the law profession, he was a lecturer in government and public administration at the University of Saskatchewan and previously at Carleton University. Mr. Mason (along with co-authors Robert Mainville and Brian Crane) recently published, *First Nations Governance Law*, Markham, Ont.: LexisNexis Canada, 2006.

**Alfred (Fred) I. Metallic**, Research Consultant, Migmawei Mawiomi Secretariat, Listuguj, QC. Mr. Metallic is a Ph.D. candidate in the Environmental Studies program, York University. His dissertation is titled *Reclaiming Mi'gmaq History and Politics: Living our Responsibilities*. Mr. Metallic has been studying and writing about Mi'gmaq political traditions for a number of years. He has presented at various conferences dealing with Mi'gmaq governance.



**Bradford W. Morse**, Professor, Faculty of Law, University of Ottawa, Ottawa, ON. Professor Morse has been a member of the Faculty of Law of the University of Ottawa since 1976 and a full professor since 1986. He has been a visiting scholar at many universities, the Canadian Visiting Fellow of 1987 to Australia as well as Senior Fulbright Scholar and visiting scholar at the Native American Legal Resource Center of the Oklahoma City University School of Law in 1997. His experience as a legal consultant or counsel includes among others: the Australian and Canadian Law Reform Commissions, the Aboriginal Development Commission (Australia), the Treaty of Waitangi Fisheries Commission and the Waitangi Tribunal [both of New Zealand], numerous First Nations and Metis organizations in Canada, and various governments.



**The Honourable Paul Okalik**, Premier, Minister of Justice, Minister Responsible for Aboriginal Affairs, Minister of Executive and Intergovernmental Affairs, Iqaluit, NU. In the early 1980s, Mr. Okalik worked as Deputy Chief Negotiator and Special Assistant to the President of Tunngavik Federation of Nunavut which pushed for a settlement agreement that had been evolving for generations. Signed in 1993, the Nunavut Land Claim Agreement became the largest land claim in Canadian history. Mr. Okalik graduated from Carleton University with a degree in political science and Canadian studies, followed by a law degree from the University of Ottawa in 1997. In 2005 he was awarded a Doctor of Laws from Carleton University. Mr. Okalik was selected by his peers to a second term as Premier in the non-partisan consensus government system that is in place in Nunavut and the Northwest Territories.



**Roger Obonsawin**, President, O.I. Group of Companies, Toronto, ON. Mr. Obonsawin is a member of the Abenaki Nation at Odanak in Quebec. For the past 35 years, Mr. Obonsawin has been actively promoting and defending treaty and Aboriginal rights of Canada's Aboriginal peoples. Previously Mr. Obonsawin worked for the Ontario Ministry of Community and Social Services, and as Executive Director of the National Association of Friendship Centres, the Red Lake Indian Friendship Centre, and the Native Canadian Centre of Toronto.



**Georges E. Sioui**, Coordinator, Aboriginal Studies Program, University of Ottawa, Ottawa, ON. Prof. Sioui received both his MA (1987) and his Ph.D. (1991) in History from Laval University. In May 1990, Prof. Sioui and his four brothers obtained a landmark victory in the Supreme Court of Canada (the "Sioui Case") over territorial and traditional land use rights. From 1992 to 1997, Dr. Sioui was Associate Professor of Indian Studies and Dean of Academics of the Saskatchewan Indian Federated College, at the University of Regina. From January 1999 to December 2000, he was President of the Institute of Indigenous Government in Vancouver. During 2003, he was Head of Research of the Indian Claims Commission, in Ottawa. In January 2004, he became the Coordinator of the newly-created Aboriginal Studies Program at the University of Ottawa. His writings on Indigenous philosophy, history and education have appeared in several journals, magazines and books, continent-wide and abroad.

**Neil J. Sterritt**, President, Sterritt Consulting Ltd., Hazelton, BC. Mr. Sterritt is a consultant in a range of Aboriginal/indigenous issues in Canada and overseas. He specializes in leadership development, including chief and council and board of director's governance, including roles and responsibilities, emphasis on conflicts of interest, fiduciary responsibilities. Mr. Sterritt was the co-chair of the 1992 Federal-Provincial constitutional round on Aboriginal issues (Work Group III), Director of Self-government and Land Claims, Assembly of First Nations (1988-1991), and President of the Git'ksan-Wet'suwe'ten Tribal Council from 1981-1987. He was a key political strategist and organizer of *Delgamuukw v. British Columbia* and, with Edward John, on the Assembly of First Nations intervention in *Guerin v. The Queen*.



**Jean Teillet**, Partner, Pape Salter Teillet, Toronto, ON and Vancouver, BC. Ms. Teillet is called to the Bar in Ontario, BC, NWT and Manitoba. She specializes in Aboriginal rights litigation and negotiations. She was lead counsel in *R. v. Powley* in which the court recognized the Métis right to hunt. She acted as counsel in numerous other Métis rights litigation proceedings for the defendants including *Morin & Daigneault*, *Lavolette* and *Willison* and for interveners in *Perry* and *Blais*. She has acted in several important First Nation cases for the First Nation in *Pamajewon* and *Taku River* and for interveners in *Delgamuukw*, *Haida* and *Paul*. She is the first recipient of the Law Society of Upper Canada's Lincoln Alexander Award granted for outstanding service to the community in 2002. She is the great grand niece of Louis Riel.

**Jake Tootoosis**, Executive Director, Office of Treaty Governance, Federation of Saskatchewan Indian Nations, Saskatoon, SK. Mr. Tootoosis is from the Canoe Lake Cree Nation in Saskatchewan. He obtained a Bachelor of Arts in Sociology (minor on Political Science) from the University of Saskatchewan and a Bachelor of Law Degree from Osgoode Hall Law School (Toronto).



**Catherine Twinn**, Twinn Barristers and Solicitors, Slave Lake, AB. Ms. Twinn is a member of the Sawridge First Nation, signatory to Treaty 8. She represents various First Nations in cases concerning the recognition, implementation and enforcement of Aboriginal and Treaty rights, Aboriginal title, Royal Proclamation and other issues, particularly governance. She was Solicitor of Record for various indigenous communities from Treaties 6, 7 & 8 in various proceedings in the Federal Court of Canada and the Supreme Court of Canada including a representative action brought by her late husband and others. She has also been deeply involved in recognition legislation and good governance, including the separation of economic structures from political authorities. She was a member of the North American Committee of the Human Genome Diversity Project concerned with social, legal and ethical issues.

## The Agenda - April 26<sup>th</sup>, 2006

### 9:00 Welcome and Introduction to Day One

**Alfred E.N. Caron, Q.C.**  
Indian & Northern Affairs Canada

**Peter W. Hutchins**  
Hutchins Grant & Associates

## Indigenous Systems

### 9:10 Indigenous Approaches to Governance

**Georges E. Sioui**  
University of Ottawa

- Introduction to governance
- Judicial institutions
- Other indigenous institutions

### 10:15 Questions and Discussion

### 10:25 Refreshment Adjournment

### 10:40 Traditional Indigenous Systems: Recognition and Revitalization

**Neil J. Sterritt**  
Sterritt Consulting Ltd.

- Methods of securing recognition: treaties, education
- Bringing new life to traditional systems
- Sharing knowledge with society at large
- Examples of traditional systems

### 11:45 Questions and Discussion

### 12:00 Luncheon Adjournment

## Contemporary Governance Models

### 1:15 Aboriginal Governance in an Urban Setting

**Roger Obonsawin**  
O.I. Group of Companies

- Urban reserves
- What governing systems are in place for off-reserve peoples?
- Representation for off-reserve persons

### 1:55 Questions and Discussion

### 2:05 Métis Governance Models

**Jean Teillet**  
Pape Salter Teillet

- What are "Métis Communities"?
- What the existing governance structures are and how they grew
- How to change the structures in the future

### 2:45 Questions and Discussion

### 2:55 Refreshment Adjournment

### 3:05 Inuit Governance Models

**Minnie Grey**  
Makivik Corporation

- Nunavut
- Nunavik – the experience of the Québec Inuit
- Labrador Inuit
- Inuvialuit

### 3:45 Questions and Discussion

### 3:55 First Nations' Traditional Territories

**Fred Metallic**  
Migmawei Mawiomi Secretariat

**Jake Tootosis**  
Federation of Saskatchewan Indian Nations

- Lands and resources in the FSIN treaty governance processes
- Reclaiming Mi'gmaq history and politics

### 4:40 Questions and Discussion

### 4:50 Conference Concludes for Day One

#### Aboriginal Youth Sponsorship Program

We are pleased to offer our successful sponsorship program for Aboriginal youth to attend conferences offered by the Pacific Business & Law Institute and the Summit Institute. For further information about applying to attend this or other conferences please go to [www.pbli.com/student](http://www.pbli.com/student).

# The Agenda - April 27<sup>th</sup>, 2006

## 9:00 Welcome and Introduction to Day Two

**Alfred E.N. Caron, Q.C.**  
Indian & Northern Affairs Canada

**Peter W. Hutchins**  
Hutchins Grant & Associates

## Elements of Effective Governance

### 9:10 Citizenship & Membership

**Catherine Twinn**  
Twinn Barristers and Solicitors

- Ascertaining status
- Treaty/land claim beneficiary status
- Individual rights and responsibilities
- Conditions for the exercise of citizenship rights

### 9:50 Questions and Discussion

### 10:00 Mutual Accountability

**Brian A. Crane, Q.C.**  
Gowling Lafleur Henderson LLP

- The meaning of "accountability"
- An Auditor-General for Aboriginal monies?
- Federal, provincial and territorial governments
- Aboriginal institutions
- Judicial remedies

### 10:40 Questions and Discussion

### 10:50 Refreshment Adjournment

### 11:05 Institutions

**The Honourable Paul Okalik (invited)**  
Premier, Nunavut

- Legislative bodies
- Judicial institutions
- How to establish effective institutions
- Creating a skilled civil service
- Sovereign areas of influence
- Institutions for inter-governmental relations

### 11:50 Questions and Discussion

### 12:00 Luncheon Adjournment

### 1:15 Capacity: Human & Fiscal Capital

**Martin W. Mason (invited)**  
Gowling Lafleur Henderson LLP

- Human capital – making small units work
- Off-loading of services
- Wealth derived from traditional territories
- Own source revenues including, taxation

### 1:55 Questions and Discussion

### 2:05 Leadership: Effective, Accountable and Recognized

**Jean Teillet**  
Pape Salter Teillet

- The executive branch
- How are leaders selected?
- Accountability to their people
- Furthering recognition of leaders: the dilemma of Métis communities

### 2:45 Questions and Discussion

### 2:55 Refreshment Adjournment

## Future

### 3:05 How Does Aboriginal Governance Fit within the Canadian Constitutional Framework?

**Prof. Alan Cairns**                      **Martin W. Mason**  
University of Waterloo              Gowling Lafleur Henderson LLP

**Prof. Bradford W. Morse**  
University of Ottawa

- How Aboriginal governance fits within s. 35
- Current federal, provincial and territorial policy directions
- How governments are going to carry out implementation
- Possible changes: guaranteed representation in Parliament, Senate and the Supreme Court of Canada
- Experiences in other jurisdictions

### 4:00 Questions and Discussion

### 4:10 Practical Solutions: Faculty Roundtable

### 4:50 Chairs' Closing Remarks

## Information

**Registration:** The registration fee is \$995.00 plus GST (R122967011) of \$69.65 totaling \$1064.65 covering your attendance at the conference, written materials, a light breakfast and refreshments.

**Payment:** You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the conference.

**Group Discount:** Register four delegates from the same organization and receive a 25% discount – a savings of \$995.00. This discount cannot be combined with any other offer.

**When and Where:** Check-in begins at 8:30 a.m., April 26<sup>th</sup>, 2006. The conference starts at 9:00 a.m. The Fairmont Château Laurier is located at 1 Rideau Street, Ottawa, ON.

**Hotel Room Discount:** A corporate hotel room rate of \$199.00 per night has been reserved at the Fairmont Château Laurier for this conference. To qualify for this rate, please call (613) 241-1414 and mention the Pacific Business & Law Institute when reserving your room.

**Materials:** The faculty will prepare papers and other materials explaining many of the points raised during this conference. Please contact us if you are unable to attend the conference and wish to purchase a set of materials.

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**Your Privacy:** We will keep all information that you provide to us in strict confidence other than to prepare a delegate list containing your name, title, firm and city for our faculty and the conference delegates. We do not share or otherwise make available our mailing lists to any non-affiliated organization.

**Cancellations:** Full refunds will be given for cancellations if notice is received in writing five full days prior to the conference (April 21<sup>st</sup>, 2006). Unfortunately, after that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content or venue of this event.

## Registration Form

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## National Aboriginal Governance Forum

April 26<sup>th</sup> & 27<sup>th</sup>, 2006  
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