



**BUILDING THE MOMENTUM**

**A Conference on Implementing  
the Recommendations of the  
Royal Commission of Aboriginal Peoples**



## C O N F E R E N C E   O V E R V I E W

The Royal Commission on Aboriginal Peoples was established in 1991 with a broad mandate to restore the social, economic and political health of Aboriginal people and to rebuild their relationship with Canadians.

By 1993, the Commission had visited 96 communities, held 178 days of hearings, commissioned over 350 research projects and accumulated over 76,000 pages of testimony.

In 1997, the final report offered Canada 440 recommendations for consideration.

Recommendation 13 of their report *Bridging the Cultural Divide* set out that, following one year from the final report's release, a joint forum should be established to generate discussions and effective measures to implement the RCAP

recommendations. The recommendation called upon the Indigenous Bar Association, Canadian Bar Association and Provincial Law Societies to organize such a forum.

A joint conference planning committee of the Indigenous Bar Association, Canadian Bar Association, Law Commission of Canada and the Law Society of Upper Canada are sponsoring a conference to be held on April 22-24, 1999 in Toronto, Ontario (Osgoode Hall). Noted experts on Aboriginal issues have been invited to attend. The conference will involve unique formats including simulation exercises, workshops and audio-visual demonstrations.

**Hotel accommodations for Royal York cut-off date is March 18, 1999. Conference rate applies from Wednesday April 21, 1999 to Saturday April 25, 1999.**

## MAJOR TOPICS INCLUDE:

## **DAY ONE: ABORIGINAL GOVERNANCE**

- Concept of an Aboriginal Nation
- The Legal Basis of the Inherent Right
- Métis Self-Government Issues
- The Scope of Powers of Aboriginal Governments
- Capacity Building
- International Perspective
- Urban Models
- Implementation
- Financing

## **DAY TWO: LANDS AND RESOURCES**

- Historic Treaties
- Comprehensive Claims
- Claims Resolution Mechanisms
- Interim Measures
- Métis Land and Resource Issues
- International Implications
- Fiduciary Obligations
- Co-Management
- Third Party Interest

## **DAY THREE: JUSTICE**

- The Right to Administer Justice
- The Charter of Rights and Freedoms
- An Aboriginal Justice Council
- Aboriginal Peoples and Legal Education
- Healing





## CONFERENCE PROGRAM

### DAY 1 - GOVERNANCE

The focus of day one is to review and analyze some of RCAP's recommendations regarding governance. We will review how RCAP's recommendations are being implemented and develop further ideas on how they could be implemented. RCAP concluded that only Aboriginal Nations had rights to self-government or self-determination. As such, in the first session we will first review notions related to Nationhood, and then we will review the issues which arise under self-determination and self-government.

### AM - NATIONHOOD

<b>8:30</b>	<b>Opening Prayer</b> and Welcoming remarks from two members of the Joint Sponsors (IBA, LSUC)
<b>9:00</b>	<b>Opening Remarks to the discussion on Governance</b> by former Commissioner Paul Chartrand
<b>9:20</b>	<b>Plenary Presentation:</b> The focus of the morning session will be on Nationhood and a noted Aboriginal legal scholar, Dr. Mark Dockstator Professor at Trent University, Peterborough will be presenting his paper on this topic.
<b>9:50</b>	<b>Panel Discussion:</b> The purpose of the panel discussion will be to examine the paper and to present the panelists views on the areas to be discussed in the workshops which will follow. The panelists are Rosemary Kuptana, Senate Committee on Special Study on Aboriginal Governance and Dr. Leroy Littlebear, Director of Native Program at Harvard University.
<b>10:40</b>	<b>Morning Break</b>
<b>11:00</b>	<b>Workshops:</b> Following the panel discussion, participants will break into workshop sessions focusing on issues related to Nationhood such as: the Concept of an Aboriginal Nation, the Legal Basis of the Inherent Right, Metis Issues, International Perspectives and Nunavut as a model. Participants will select which of the above-noted areas they wish to focus on and attend those workshops. The workshops will be recorded and at the end of the conference summaries will be delivered in these areas.
<b>12:00</b>	<b>Luncheon</b> - Ontario Ombudsman Roberta Jamieson will deliver the luncheon speech.



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### *D A Y 3 - Justice and Legal Education*

The theme for this day is justice and public education. The issue of Justice was addressed in Bridging the Cultural Divide.

RCAP did not rehash the recommendations of many past inquiries with respect to Aboriginal justice, it chose to focus on the lack of implementation on past recommendations. As such, we will review some of its recommendations with respect to this area, as well as RCAP's conclusions and recommendations on the legal basis for Aboriginal justice. Also, RCAP stressed the need for public education. As such, the partners thought it was important to include the need for legal education on Aboriginal issues and RCAP.

We hope that the law societies, law schools and academic institutions will participate in these sessions to discuss how Aboriginal issues can become entrenched in their institutions.

<b>8:30</b>	<b><i>Opening Prayer and Welcoming remarks</i></b> from two members of the Joint Sponsors (IBA, LCC)
<b>9:00</b>	<b><i>Opening Remarks to the discussion on Justice and Legal Education</i></b>
<b>9:20</b>	<b><i>Plenary Presentation:</i></b> The focus of the morning session will be on addressing the issues related to Justice and legal education. Professor Patricia Monture-Angus, Associate Professor at the University of Saskatchewan, Native Studies Department will present her paper in this area which will also address the issues to be raised in the workshops.
<b>9:50</b>	<b><i>Panel Discussion:</i></b> The purpose of the panel discussion will be to examine the paper and to present the panelists views on the areas to be discussed in the workshops which will follow. The panelists are: Judge Graydon Nicholas, New Brunswick Provincial Court and Professor Dara Culhane, Professor of Simon Fraser University.
<b>10:40</b>	<b><i>Morning Break</i></b>
<b>11:00</b>	<b><i>Workshops:</i></b> Following the panel discussion, participants will break into workshop sessions focusing on issues related to Aboriginal Justice and Legal education: The Right to Administer Justice; The Charter of Rights and Freedoms; Healing and Legal Education.. Participants will select which of the above-noted areas they wish to focus on and attend those workshops. The workshops will be recorded and at the end of the conference summaries will be delivered in these areas.
<b>12:00</b>	<b><i>Luncheon</i></b>

<b>1:30</b>	<i>Plenary Presentations: A summary of all the workshops will be delivered by Aboriginal judges from the Indigenous Bar Association.</i>
<b>3:30</b>	<i>Closing Remarks</i>
<b>4:30</b>	<i>Adjourn</i>



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## DAY 2 - LANDS - RESOURCES (Cont'd)

### PM - TREATY IMPLEMENTATION

<b>1:30</b>	<b>Plenary Presentation:</b> Sharon Venne, a Cree legal scholar from Enoch, Alberta will be presenting her paper on issues and recommendations related to Treaty implementation. This paper is intended to address the issues/recommendations which shall be covered in the workshops.
<b>2:00</b>	<b>Mock Negotiation Session:</b> A mock negotiation session will take place following the paper presentation with participants debating the issues raised in the paper and from the recommendations of RCAP. The debate is intended to set the tone for the discussions in the afternoon workshops.
<b>3:00</b>	<b>Afternoon Break</b>
<b>3:15</b>	<b>Workshops:</b> participants will enter workshop sessions dealing with issues around self-determination and self-governance. The workshop sessions scheduled to take place are: Interim Measures; Land and Resource Claims Resolution Mechanisms; Co-management; Third Party Interests; Specific/Comprehensive Claims.
<b>4:30</b>	<b>Adjourn</b>
<b>6:30</b>	<b>Banquet</b>



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## DAY 2 - LANDS - RESOURCES

### AM - Lands and Resources

The focus of day two is to review and analyze some of RCAP's recommendations regarding lands and resources. We will focus on specific recommendations which will provide the basis for a discussion of the substantive policy issues in both the comprehensive and specific claims processes.

In addition, the discussion flowing from these recommendations will explore RCAP's proposed new structure to deal with claims. We will review how RCAP's recommendations are being implemented and develop further ideas on how they could be implemented. The day's review of the recommendations of RCAP is broken into two sub-themes: Aboriginal and Treaty rights and Treaty Implementation.

<b>8:30</b>	<b><i>Opening Prayer</i></b> and Welcoming remarks from two members of the Joint Sponsors (IBA, CBA)
<b>9:00</b>	<b><i>Opening Remarks</i></b> to the discussion on Lands and Resources
<b>9:20</b>	<b><i>Plenary Presentation:</i></b> The focus of the morning session will be on addressing the issues related to historic treaties. Dr. John Borrows, Associate Professor at the University of Toronto Faculty of Law will present his paper in this area which will also address the issues to be raised in the workshops.
<b>9:50</b>	<b><i>Panel Discussion:</i></b> The purpose of the panel discussion will be to examine the paper and to present the panelists views on the areas to be discussed in the workshops which will follow. The panelists are Violet Ford, Inuit Tapirisat and Sakej Henderson, Research Director of Native Law Centre at the University of Saskatchewan.
<b>10:40</b>	<b><i>Morning Break</i></b>

<b>11:00</b>	<b>Workshops:</b> Following the panel discussion, participants will break into workshop sessions focusing on issues related to Aboriginal and Treaty rights: Historic Treaty Rights, the Aboriginal Title, Metis Land and Resource Issues, International Implications and Fiduciary Obligations. Participants will select which of the above-noted areas they wish to focus on and attend those workshops. The workshops will be recorded and at the end of the conference summaries will be delivered in these areas.
<b>12:00</b>	<b>Luncheon</b>



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## DAY 1 - GOVERNANCE (cont'd)

### PM - SELF-DETERMINATION SELF-GOVERNANCE

<b>1:30</b>	<b>Plenary Presentation:</b> Willie Littlechild, Q.C., a Cree lawyer from Hobbema, Alberta will be presenting his paper on issues and recommendations related to self-determination and self government. This paper is intended to address the issues/recommendations which shall be covered in the workshops.
<b>2:00</b>	<b>Debate Session:</b> A debate session will take place following the paper presentation with participants debating the issues raised in the paper and from the recommendations of RCAP. The debate is intended to set the tone for the discussions in the afternoon workshops.
<b>2:55</b>	<b>Afternoon Break</b>
<b>3:15</b>	<b>Workshops:</b> participants will enter workshop sessions dealing with issues around self-determination and self-governance. The workshop sessions scheduled to take place are: The Scope of Powers on an Aboriginal Government; Urban Models; Capacity Building; Implementation and Financing.
<b>4:30</b>	<b>Adjourn</b>
<b>5:30</b>	<b>Reception:</b> hosted by the Treasurer of the Law Society of Upper Canada, Harvey T. Strosberg, Q.C.



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<http://www.cba.org/>



*Law Society of Upper Canada*

<http://www.lsuc.on.ca/>



*Law Commission of Canada*

<http://www.lcc.gc.ca/>



*Indigenous Bar Association*

<http://www.indigenousbar.ca/>

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