

IMPLEMENTING INDIGENOUS GOVERNANCE *STORIES AND STRATEGIES*

Wednesday June 6th, 2018

18:00 REGISTRATION [Kwanlin Dün Cultural Centre](#)

18:00 | 20:30 WELCOME COCKTAIL RECEPTION WITH KEYNOTE ADDRESS

Sponsored by:



Welcome: Chief Kristina Kane, *Ta'an Kwäch'än Council*, (Whitehorse, YT)
Kerry Simmons, *President Canadian Bar Association* (Victoria, BC)
Speaker: Honorable Justice R. S. Veale, *Chief Justice of the Yukon Supreme Court*
(Whitehorse, YT)

Thursday June 7th, 2018

6:30 | 7:00 MORNING RUN/WALK

Meet in lobby at the [Coast High Country Inn](#)

8:00 | 8:30 REGISTRATION & BREAKFAST [Kwanlin Dün Cultural Centre](#)

8:30 | 8:50 OPENING WELCOME/ PRAYER

Chief Doris Bill, *Kwanlin Dün First Nations*, (Whitehorse, YT)
Diane Smith, *Kwanlin Dün First Nations*, (Whitehorse, YT)

8:50 | 8:55 WELCOME BY CHAIR OF THE CBA ABORIGINAL LAW SECTION

Speaker: Krista Robertson, *JFK Law Corporation* (Victoria, BC)

8:55 | 9:10 CO-CHAIRS' WELCOME AND INTRODUCTION

Speakers: Eden Alexander, *Department of Justice Canada* (Whitehorse, YT)
Dave Joe, *Dave Joe Law Corporation*, (Whitehorse, YT)

9:10 | 10:45 PLENARY PANEL: PATHWAYS to SELF-GOVERNMENT

From Coast to Coast to Coast, Indigenous Nations in Canada are taking a diversity of approaches on their journey to self-government. The panelists will share their experiences with the negotiation and implementation of self-government agreements, and their vision for addressing and overcoming the challenges ahead.

Moderator: Derek A. Simon, *Burchells LLP*, (Halifax, NS)
Speakers: Joe Wild, *Department of Crown-Indigenous Relations and Northern Affairs*, (Ottawa, ON)
Judy Gingell, *Former Commissioner of the Yukon, Former Chair of CYI (CYFN), Elder and Citizen of KDFN* (Whitehorse, YT)

10:45 | 11:00 REFRESHMENT BREAK

Sponsored by:



11:00 | 12:30 PLENARY PANEL: FISCAL RELATIONS

The work of Nation building and self-determination is resource intensive. This panel will overview current financing arrangements of First Nation self-government in Canada with a specific focus on the

ongoing review of Canada's Self-Government Fiscal Policy framework and what it might mean for the future.

Moderator: **Gavin Gardiner**, *Woodward & Company*, (Whitehorse, YT)

Speakers: **James C. Harper**, *Barrister and Solicitor*, (Pelly Crossing, YT)

Mike Haberl, *Treaty Management West, Treaties & Aboriginal Government, Crown-Indigenous Relations & Northern Affairs* (Vancouver, BC)

12:30 | 14:00 LUNCHEON

Sponsored by:



14:00 | 15:30 CONCURRENT SESSIONS

SESSION A: FIRST NATION LEGISLATION

First Nations are embracing opportunities to develop and implement their own legislation. This panel will explore the ways First Nations across Canada are giving expression to the authority flowing from their inherent rights, self-government agreements, and federal enabling legislation by enacting First Nation laws. The panel will cover both theoretical and practical aspects, from implementing indigenous legal traditions in a contemporary context, to community engagement, to practical considerations in policy and legislative development.

Moderator: **Heather Mahony**, *Woodward & Company*, (Victoria, BC)

Speakers: **Alan Hanna**, *Woodward & Company*, (Victoria, BC)

Victoria Fred, *Boughton Law*, (Whitehorse, YT)

Andrew Beynon, *Lands Advisory Board Resource Centre*, (Sutton West, ON)

SESSION B: ECONOMIC DEVELOPMENT

An exploration of economic development initiatives undertaken by different Indigenous Governments. This panel will look at ways that Indigenous governments have utilized different agreements to grow their economies and how Indigenous governments have purposefully sought alternative structures to promote economic sustainability. The panel will share stories about successes [and maybe potential setbacks] of different models.

Moderator: **Claire Anderson**, *Lackowicz & Hoffman*, (Whitehorse, YT)

Speakers: **Kennedy A. Bear Robe**, *Gowling WLG*, (Vancouver, BC)

Bruce McIvor, *First Peoples Law*, (Vancouver, BC)

Drew Lafond, *MLT Aikins*, (Calgary, AB)

Brock Roe, *MLT Aikins*, (Saskatoon, SK)

SESSION C: INDIGENOUS PERSPECTIVES

Sponsored by:



The Truth and Reconciliation Commission has stressed that Canadian lawyers and law students must gain greater cultural competency to advance the process of reconciliation. The majority of Yukon First Nations are orders of Government in the Yukon Territory whose authorities are described in modern day treaties signed by themselves and the Governments of Canada and the Yukon. Former Yukon First Nation leader Shirley Adamson will provide insight into the issues that have shaped and informed the lives of Yukon first nations peoples from early contact to what is at play today, and will share her opinions on why traditional knowledge, laws and practices must be acknowledged while engaging in the work still necessary to give life to the Yukon's modern day treaties.

Facilitator: Shirley Adamson, *Former Chairperson of the Ta'an Kwach'an Council (TKC); Former Yukon Vice-Chief of the Assembly of First Nations (AFN); Former Grand Chief of Council of Yukon First Nations (CYFN), (Whitehorse, YT)*

15:30 | 15:45 REFRESHMENT BREAK

15:45 | 17:00 PLENARY PANEL: SHARED DECISION MAKING

This panel will explore shared decision making models emerging in different jurisdictions in Canada, primarily regarding the use of natural resources. The discussion will include joint management models in place now and how they are working, new models being negotiated, and the principles of the United Nations Declaration on the Rights of Indigenous Peoples in relation to shared decision making.

Moderator: Krista Robertson, *JFK Law Corporation (Victoria, BC)*

Speakers: Jeff Langlois, *JFK Law Corporation, (Vancouver, BC)*

Brenda Gaertner, *Mandell Pinder, (Vancouver, BC)*

Julie R. Jai (Toronto, ON)

18:00 | 22:00 RECEPTION DINNER & KEYNOTE ADDRESS [MacBride Museum](#) (Pre-purchase your tickets)

Dinner sponsored by:



Cultural entertainment sponsored by:

WOODWARD & COMPANY
LAWYERS LLP | BARRISTERS & SOLICITORS

Speaker: Honourable Jeanie Dendys, *Minister of Tourism and Culture, minister responsible for women's directorate and minister responsible for Yukon workers compensation health and safety board. (Whitehorse, YT)*

Friday, June 8, 2018

6:30 | 7:00 MORNING RUN/WALK

Meet in lobby at the [Coast High Country Inn](#)

8:00 | 8:45 REGISTRATION & BREAKFAST [Kwanlin Dün Cultural Centre](#)

8:45 | 9:00 OPENING

8:45 CALLING CONFERENCE TO ORDER

8:50 CO-CHAIRS' WELCOME BACK

9:00 | 10:45 PLENARY PANEL: ENVIRONMENTAL ASSESSMENT – THE MEANS OR THE ENDS OF INDIGENOUS SELF-GOVERNANCE

This Panel will address the historical beginnings of the current environmental assessment regime in Yukon which is articulated in Chapter 12 of the Umbrella Final Agreement and the Final Agreements of 11 self-governing First Nations. It will also address some of the intricacies of maneuvering through tripartite negotiations between the federal, territorial and First Nation governments. Moving to current day, the proposed, federal *Impact Assessment Act* will be discussed with respect to its treatment of indigenous interests. A key issue as to the extent to which the new legislation would improve consultation arrangements in impact assessment will be discussed. Finally, the Panel will also provide an overview of the scope of the environmental assessment regimen required under the *First Nation Land*

Management Act (FNLMA) as well as some practical tips about how to structure such an environmental assessment regime.

Moderator: Mara Pollock, *Pollock Law*, (Whitehorse, YT)
Speakers: Professor D. Paul Emond, *Osgood Hall Law School*, (Toronto, ON)
Alexandria J. Pike, *Davies Ward Phillips & Vineberg LLP*, (Toronto, ON)

10:45 | 11:00 REFRESHMENT BREAK

Sponsored by:



11:00 | 12:30 PLENARY PANEL: SELF-GOVERNANCE IN KEY SECTORS

Panelists will share the experiences of three Indigenous Nations in asserting and taking steps to implement self-government in key sectors: Child & Family Services, Justice, and Citizenship. The presentations will highlight different approaches to self-government, challenges that have been faced, the roots of self-government in culture and traditions, and the fundamental role of the community in implementing self-government.

Moderator: Kate Blomfield, *Ratcliff & Company LLP*, (North Vancouver, BC)
Speakers: Chief Councillor Robert Dennis Sr., *Huu-ay-aht First Nations'*, (Anacla, BC)
Chief Peacemaker Gordon Reed, *Teslin Tlingit Council*, (Teslin, YT)
Councillor Shadelle Chambers, *Champagne & Aishihik First Nations*, (Whitehorse, YT)
Alexa McClaren-Nabavi, *Eagle Law*, (Vancouver, BC)

12:30 | 14:00 LUNCHEON & KEYNOTE ADDRESS:

Speaker: Professor Peter W. Hogg, *Blake, Cassels & Graydon and, Osgood Hall Law School*, (Toronto, ON)

Sponsored by:



14:00 | 15:30 CONCURRENT SESSIONS

SESSION A: RESOURCE USE DECISION MAKING - NORTHERN MODELS

The responsibilities of territorial and indigenous governments in the Yukon and NWT continue to evolve through modern treaties and the devolution of public government authorities from the federal to territorial governments. This panel will explore recent issues and opportunities since devolution, including the progress of the Intergovernmental Council in the NWT and the implications of devolution for reconciliation in the North.

Moderator: Magnolia Unka-Wool, *Olthuis Kleer Townshend LLP*, (Yellowknife, NT)
Speakers: Larry Innes, *Olthuis Kleer Townshend LLP*, (Yellowknife, NT)
Daryn Leas, *Boughton Law*, (Vancouver, BC)

SESSION B: CASE STUDY WESTBANK SELF-GOVERNMENT

This panel will discuss the negotiation, development and implementation of the Westbank First Nation Self-Government. Topics will include the Westbank Constitution and amendment process, the Advisory Council and their role, and fiscal matters. The Panelists will also reflect on what worked, what didn't, and what they would do differently in the future.

Moderator: Kathryn Deo, *Arbutus Law Group LLP*, (Victoria, BC)
Speakers: Raf DeGuevara, *Westbank First Nation*, (Kelowna, BC)

Micha Menczer, *Arbutus Law Group LLP*, (Victoria, BC)

Dr. Tim Raybould, *The KaLoNa Group*, (Vancouver, BC)

SESSION C: INDIGENOUS PERSPECTIVES

Sponsored by: **WOODWARD & COMPANY**
LAWYERS LLP | BARRISTERS & SOLICITORS

The Truth and Reconciliation Commission has stressed that Canadian lawyers and law students must gain greater cultural competency to advance the process of reconciliation. The majority of Yukon First Nations are orders of Government in the Yukon Territory whose authorities are described in modern day treaties signed by themselves and the Governments of Canada and the Yukon. Former Yukon First Nation leader Shirley Adamson will provide insight into the issues that have shaped and informed the lives of Yukon first nations peoples from early contact to what is at play today, and will share her opinions on why traditional knowledge, laws and practices must be acknowledged while engaging in the work still necessary to give life to the Yukon's modern day treaties.

Negotiator and former Carcross/Tagish First Nation Kha Shade Heni, Mark Wedge, will discuss the efforts of Yukon communities to root self-government in indigenous legal traditions and need for these traditions to be incorporated into all legal practice.

Facilitators: **Mark Wedge**, *Former Kha Shade Heni (Chief) of the Carcross/Tagish First Nation, Negotiator for the Carcross/Tagish First Nation and Director of the First Nations Bank of Canada*, (Tagish, YT)

Shirley Adamson, *Former Chairperson of the Ta'an Kwach'an Council (TKC); Former Yukon Vice-Chief of the Assembly of First Nations (AFN); Former Grand Chief of Council of Yukon First Nations (CYFN)*, (Whitehorse, YT)

15:30 | 16:30 PLENARY PANEL: IMPLEMENTING SELF-GOVERNMENT- THE ROAD AHEAD THE SKY ABOVE

Land Claims in Yukon started with Together Today for Our Children Tomorrow. Since 1973 we are now into the second generation of Children of Tomorrow to have come of age. We invite you to join a group of young leaders (The Children of Tomorrow) from across Canada to discuss what Self-determination means.

Moderator: **Bruce Warnsby**, *Strategic Alliances Department of Energy, Mines and Resources* (Whitehorse, YT)

Speakers: **Elizabeth Zarpa**, *Lawyer, MA Student*

Deputy Grand Chief/Vice President Jordan Peterson, *Gwich'in Tribal Council* (Inuvik, NT)

Dana Tizya-Tramm, *Vuntut Gwitchin First Nation*, (Old Crow, YT)

16:30 | 16:45 CO-CHAIRS' REFLECTIONS

Speakers: **Eden Alexander**, *Department of Justice Canada* (Whitehorse, YT)

Dave Joe, *Dave Joe Law Corporation*, (Whitehorse, YT)

16:45 | 17:15 FINAL CLOSING with Dakwanda Dancers from Haines Junction

Sponsored by: **WOODWARD & COMPANY**
LAWYERS LLP | BARRISTERS & SOLICITORS

THANK YOU TO ALL OF OUR SPONSORS!



WOODWARD & COMPANY
LAWYERS LLP | BARRISTERS & SOLICITORS



BURCHELLS LLP
JUST RIGHT



Arbutus
LAW GROUP LLP

RATCLIFF & COMPANY LLP
Lawyers



THE POWER OF BEING UNDERSTOOD
AUDIT | TAX | CONSULTING