

The Mediation Centre of Southeastern Ontario

***ABORIGINAL INITIATIVES PROJECT***

**Negotiating Implementation of Treaty and Aboriginal Rights:  
A Skills Enhancement Program for Negotiators**

The Mediation Centre is offering two one-day special sessions prior to the course on **Thursday, October 25<sup>th</sup>** (more information to follow):

- *Best Practices in Relation to the “Duty to Consult” as it Concerns the Obligations Recognized by the Courts as Owing to First Nations Peoples*  
Full Day: Kevan Flood, Ingrid Bron, Others TBA
- *An Introduction to Group Facilitation*  
Full Day: Maria Stebelsky, Kimberly Bain, CPF

**Day 1 – Friday, October 26, 2012**

8:30 ***Welcome & Introduction***

Ronald Price, Q.C.  
Kevan Flood

- Introduction of instructors
- Program objectives and arrangements
- Learning community
- Introduction protocol

**TREATY MAKING & ABORIGINAL RIGHTS**

9:00

Matthew LaCompte

- The relationship between the Crown and Aboriginal peoples as essential to the implementation of treaty and Aboriginal rights
- Understanding the perspectives to be drawn from the development, negotiation and ratification of the historic treaty as the basis for contemporary negotiations

10:00 ***BREAK***

10:15

Brian Crane

- Evolution of the interpretation of treaty and Aboriginal rights in the courts: the significance for the negotiator

11:15

Robert Watts

- First Nations perspectives on the interpretation of treaty and Aboriginal rights

**Donald Gordon Conference Centre, Queen’s University  
October 26 – 28, 2012**

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**Day 1 – Friday, October 26, 2012**

12:00 **LUNCH BREAK**

**NEGOTIATION SKILLS**

Maria Stebelsky  
Jeff Wilson

1:00

- Dual purpose of the session
- Negotiation theory, strategy and tactics (hand-out materials)
- Learning through the Aboriginal context
- Participant introductions - sharing experience and learning goals

1:45

- Developing a definition of negotiation that suits this context
- *Stages of a Negotiation* and planning guide
- Definitions of terms used

2:30 **BREAK**

2:45

- *General Tactical Orientation* presentation and discussion
- *2 Row Wampum Belt* and *5 Nation Belt*
- Understanding negotiating in an aboriginal context

3:30

- Exploring historical context which impacts process
- Sharing stories which guide the process

4:30

- Introduction of Case Study and distribution of roles

5:30 **RECEPTION**

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**Day 2 – Saturday, October 27, 2012**

**NEGOTIATION SKILLS cont'd**

Maria Stebelsky  
Jeff Wilson

9:00

- Part 1 of the planning guide (preliminary stage and needs/currency analysis)

9:30

- Players initiate first contact as per role instructions

10:00

- Part 2 of the planning guide (plan for full negotiation)

10:30

- Conduct negotiation

11:30

- Feedback and debrief
- Insights and learning

12:00 **LUNCH BREAK**

**MULTI-PARTY NEGOTIATION**

Dr. John Andrew

This half-day session utilizes a six-party simulation exercise developed as an instructional vehicle by the Harvard University Negotiation Project. It is designed to assist participants' understanding of the dynamics of a multi-party negotiation context, and to allow differing approaches to negotiation, including in particular 'principled' negotiation', to be explored and evaluated. This particular exercise has the advantage of focusing on issues that will be of interest to those participating in this program. The exercise, and individual roles, will be distributed on the previous day to facilitate advance planning and to allow for the most effective use of class time.

1:00 **Role Play – "River Bend"**

2:30 **BREAK**

2:45 **Role Play (cont'd)**

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- Full group de-briefing

**Day 3 – Sunday, October 28, 2012**

**DEVELOPING NEGOTIATORS' KNOWLEDGE BASE AND SKILL SETS**

9:00 ***Implementation of Negotiated Agreements*** Speaker TBA

- Implementation plans are essential
- Necessary elements of a successful implementation plan
- The implementation plan as a core element of the on-going relationship
- Implementation plans do not create treaty or Aboriginal rights
- Dispute resolution mechanisms

10:30 ***BREAK***

10:45 ***Distinctive Demands of Negotiation in the Context of Treaty and Aboriginal Rights***

- A brief history of treaty making
- Assuming control of an existing process
- Framework agreements and negotiators' mandates
- Agreements in principle
- Dealing with power imbalances
- When to suspend or terminate unproductive processes
- Record-keeping
- Best practices in drafting
- Creating a productive working relationship
- Other Issues raised by participants

Brian Crane  
Robert Watts  
Kevan Flood

12:00 ***LUNCH BREAK***

1:00 ***Elective Sessions*** (see following page for options)

3:00 ***BREAK***

3:15 ***Visioning Exercise***

- Where will government, First Nations and the law be in relation to Aboriginal claims and entitlements 20 years hence?

Brian Crane  
Matthew Lacompte  
Robert Watts

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4:45 ***Course Wrap-Up & Evaluation  
Presentation of Certificates***

**Day 3 – Sunday, October 28, 2012**

**ELECTIVES 1:00 – 3:00**

**A: Needs Assessment Programming**

Instructor/s TBA

A two-hour time period is allocated for programming developed in response to participants' needs. In advance of the course, registrants are invited to identify instructional needs, and/or to indicate expectations for the course. Where practical, and to the extent that these needs are not adequately met in other parts of the course, **one or more** one-hour sessions will be organized. The Mediation Centre will respond to those indicating such preferences.

**B: A Clinic on Multiparty Facilitation**

Maria Stebelsky

This session gives participants an opportunity to share their experiences and explore ways to facilitate the resolution of issues where multiple stakeholders are in conflict. Using scenarios generated by participants the group will brainstorm creative strategies to: resolve stalemate, overcome deadlock, clarify divisive points of view, or assist in revealing common ground, etc. References and resources are offered for a broad range of approaches available in the literature.

**C: Enhancing Negotiations: Enriching Perspectives  
and Embracing Cultural Differences – An Aboriginal  
Perspective**

Jeff Wilson

This session begins with a brief history of aboriginal negotiation, including negotiations between tribes, inter-tribal agreements (the aboriginal government being the oldest democracy), and their influence on the U.S. Constitution. Understanding how six different self-governing nations bring cultural traditions into negotiations amongst themselves will enhance participants' awareness of cultural differences and the integral role they play in the negotiation process. The presentation includes a demonstration and exercise, and may involve other contributors. Resource materials will be provided.

**D. Conflict Coaching as an Aid to Negotiation**

John Curtis

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A description of Conflict Coaching appears on the MCSO web site, [www.mediatecentre.com](http://www.mediatecentre.com), and also on Mr. Curtis' web site, <http://johncurtis.ca>. Please note that this session is **one hour long** only.

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