



Canadian Centre for Conflict Management (CCCM)
Together with the Assistance and Program Contribution of the Office
of Indigenous Initiatives, Queens University Presents

RECOGNITION AND RECONCILIATION
**A Skills Building Workshop on Indigenous Engagement,
Consultation and the Recognition and Reconciliation of
Indigenous Rights**

June 8th & 9th, 2019
202 Robert Sutherland Hall, Queens University
138 Union Street West, Kingston, Ontario Canada

In Few Words...The Workshop In Brief

This Workshop offers practical and pragmatic tips, tools and techniques for practitioners and others who have occasion to engage with Indigenous Communities, their members and their Leaders, who are committed to meaningful Indigenous engagement at the Community level. In keeping with the Truth and Reconciliation Commission's Call to Action, this Workshop is designed to share stories and lessons learned in an effort to promote authentic engagement, improved understanding and a broadly supported recognition that there are a constellation of opportunities when we embrace relationship building and 'walking together.'

Who Should Attend?

Anyone who is interested in or is actively working towards respectful Indigenous engagement and inclusion. This could include:

- Federal Government Staff
- Provincial Government Staff
- Municipal Staff (Local and Upper Tier)
- Indigenous Community Members & Organizations
- Professional Planners & Consultants
- Industry & Business Representatives
- Academics
- Individuals, communities and organizations committed to meaningful and authentic Indigenous engagement.

Day One: Saturday, June 8th, 2019

Time	Details	Presenter
8:45	Welcome & Opening Remarks	Ronald R. Price Q.C, & Kevan C. Flood, Conference Coordinators
9:15	<p>An Historical Overview: Aboriginal and Treaty Rights in Canada and More</p> <p><u>Session Synopsis:</u> The historic engagement of and/or alienation of Indigenous people with or from Canadian law and related institutions. [Documentary Material to be provided].</p>	<p>Brian A. Crane, Q.C – Gowlings, Ottawa & Co-Author, First Nations Governance Law</p> <p>Bob Watts, Adjunct Professor, School of Policy Studies, Queen’s University</p>
10:15	Refreshment Break	
10:30	<p>Cultural Safety Training – Kairos Blanket Exercise</p> <p><u>Session Synopsis:</u> Through a unique, interactive and participatory history lesson, developed in collaboration with Indigenous Elders, knowledge keepers and educators, The KAIROS Blanket Exercise™ covers more than 500 years in a 90-minute experiential workshop that aims to foster understanding about our shared history as Indigenous and non-Indigenous peoples. Since its creation, the Exercise has been updated several times to include new information such as the 2015 Truth and Reconciliation Final Report.]</p>	Laura Maracle, Office of Indigenous Initiatives, Queen’s University
12:30 – 1:30	Lunch	
1:30	Cultural Safety Training; Kairos Blanket Exercise (Continued) -- [Material to be distributed]	Laura Maracle
3:00	<p>Planning & Resource Management: Tips, Tools & Techniques for Effective Indigenous Engagement & Relationship Building</p> <p><u>Session Synopsis:</u> Tips, Tools and Techniques for working effectively with Indigenous people and communities. An overview of the legislative context, important terminology (Aboriginal rights, Aboriginal title), epistemology/world view and how the teachings offer a platform for doing things right and doing the right things. Planning and resource management Case Studies will be shared.</p>	Karen Wianecki, (CCCM), M.PI., MCIP, RPP Director of Practice, Planning Solutions Inc.
	The Existing & Emerging Landscape: Predictions & Possibilities	Brian A. Crane, Q.C. & Bob Watts
4:45	Concluding Remarks – Day One	Ronald R. Price, Q.C. (CCCM)

Day Two: Sunday, June 9th, 2019

Time	Details	Presenter
8:45	Recap from Day One & Outline for Day Two	Ronald R. Price, Q.C. (CCCM)
9:00	<p>Consultation, Negotiation, The Reconciliation of Rights: Substance and Process</p> <p>Session Synopsis: This session will examine the evolution of consultation, negotiation and the reconciliation of rights from both a substance and process perspective. Matters to be covered include: the historic engagement and/or alienation of Indigenous people with and from the Canadian courts, legal profession and related institutions; the non-Indigenous and Indigenous cultural foundations for approaches in relation to individual and collective rights and interests, and to the protocols around the reliability, transmission, and provenance of information; oral history evidence and evidence concerning traditional knowledge; judicial notice in relation to historic facts and/or cultural context that may be relevant to disputes; ethical issues bearing upon engagement of collective rights and interests, the role of elders, and generally, with respect to the litigation of disputes involving Indigenous litigants. Also to be discussed will be the newly released “ATTORNEY GENERAL OF CANADA’S DIRECTIVE ON CIVIL LITIGATION INVOLVING INDIGENOUS PEOPLES”. These and related matters will be considered broadly – in particular, from the perspective of the “Reconciliation Paradigm.”</p> <p>*Morning Break at an appropriate time in the Agenda.</p>	<p>Katherine Hensel, Hensel Barristers and Adjunct Professor, Faculty of Law, University of Toronto</p> <p>Ronald R. Price, Q.C. (CCCM)</p>
TBD	Refreshment Break (See Above)*	
11:00	<p>Algonquin Bay Land Claims Scenario</p> <p>Session Synopsis: An interactive and engaging Demonstration Role Play by experienced participants who will present the resolution process for a Civil Claim, utilizing a Traditional Indigenous Circle. [Material to be distributed in advance.]</p>	Tina Dewache, Leader Restorative Justice Trainer
12:00	Lunch	
1:00	<p>Conflict Resolution in an Indigenous Context. Walking Together: Indigenous ADR in Land and Resource Disputes</p> <p>Session Overview: Group Discussion of Donald Couturier’s Canadian Bar Association award winning Student Paper. [Material to be distributed in advance in preparation for an interactive and engaging Group Discussion.]</p>	<p>Richard Moore (CCCM), LL.B., C. Med., CFM, Cert. Med. IMI., C. Arb.</p> <p>Tina Dewache, B.Ed. MA J.D. Restorative Justice Coordinator Kitigan Zibi Anishinabeg, Maniwaki, Q.C.</p> <p>Donald Couturier, Author</p>

Time	Details	Presenter
1:45	<p>Understanding and Working With the Duty to Consult: The Origin of the Duty to Consult in Jurisprudence and Consequent Federal and Provincial Policies on the Duty to Consult</p> <p><u>Session Overview:</u> Common elements of a Principled Consultation process. At what point does the “Duty” arise? Are all constituencies equal and does the “Duty” vary with constituency? Legal Duty and Moral Duty.</p> <p>Are there enough tools and processes and policies? Is it necessary to invent new methods or are existing tools sufficient? Establishing and maintaining a relationship with all Stakeholders through the Consultation process.</p> <p>What is the vision? Mitigation of impacts or integration into the Community? Obtaining a licence or permit or establishing an on-going relationship? How is this choice reflected in corporate, government and First Nations self-image, in policies and values?</p> <p>Toward a “Principled Consultation” Process: - Common Elements; Triggers; Constituencies; Tools, Processes and Policies; Identification and Development of Skill Sets</p>	<p>Kevan Flood (CCCM)</p> <p>Katherine Hensel</p>
2:45	<p>Refreshment Break</p>	
3:00	<p>Putting Thought to Action & Theory to Practice: An Interactive Panel of Leading Edge Thought Leaders & ‘On-the-Ground’ Experts</p> <p><u>Session Synopsis:</u> This facilitated session will profile the experience of leading edge practitioners who have negotiated agreements with Indigenous communities and realized success.</p> <p>Former Deputy Minister of the Ontario Ministry of Northern Development and Mines, David de Launay joined ENTERPRISE in 2019 as Chair of the firm’s new Advisory Board. His passion for Indigenous Community building is longstanding. David will share his experience and his efforts in originating resource development, infrastructure and other projects that will benefit Indigenous Communities to create Community-led and owned projects.</p> <p>Paul Norris, President of the Ontario Waterpower Association has been instrumental in building partnerships with Ontario First Nation Communities and organizations and in particular, his efforts have been directed to building capacity with remote Ontario First Nations to reduce diesel dependency. From Tripartite Agreements to on-the-ground developments that bring long-term opportunity to Communities and Community Members, Paul has focused</p>	<p>Karen Wianecki, Facilitator</p> <p>David de Launay Chair of the Advisory Board at ENTERPRISE Canada and Former Ontario Deputy Minister</p> <p>Paul Norris, President, Ontario Waterpower Association</p> <p>Gillian MacLeod Senior Advisor – Environment, Ontario Power Generation</p>

Time	Details	Presenter
	<p>on expanding the contribution of waterpower to provide economic, environmental and energy advantage and will share his experiences with Workshop attendees.</p> <p>Gillian MacLeod has worked for more than three decades on environmental assessment for brownfield, greenfield and grey-field projects across Ontario. She was instrumental in working collaboratively with Taykwa Tagamou Nation to realize the development of the Peter Sutherland Sr. Generating Station that provides enough renewable electricity to power up to 28,000 homes. This \$300 million construction project was completed in March 2017 on budget and ahead of schedule and involved the collective efforts of more than 200 people, including 39 Indigenous individuals, with \$30 million worth of goods and services being provided by Indigenous contractors. She has extensive experience working with Indigenous Communities and will draw from her practical on-the-ground expertise to share key learning and emerging relationship building opportunities. Gillian will share her on-the-ground experience and will share lessons learned as well as opportunities for future relationship building with Indigenous Communities.</p>	
4:30	Recap, Wrap Up & Lessons Learned	Karen Wianecki
4:40	Concluding Remarks	Ronald R. Price, Q.C.
5:00	Program Concludes...Safe Journey Home	

Please Note: Delegate Networking Opportunity

One of the more rewarding experiences that can accrue from attending Professional Programs is the opportunity that it affords to meet and engage with others who share similar or related interests. On Day One of the Workshop, we will determine the level of interest among delegates in meeting informally during the evening. If desired, we will do our best to arrange a group dinner and/or informal evening networking opportunity for those who wish to participate.

Consultant Participants

Helen Dunlop

Parks Canada, Policy Advisor, Negotiator, Archaeologist; Public and Indigenous Engagement and Consultation; holds 40-hour qualifying Certificate from CCCM predecessor, the Mediation Centre of Southeastern Ontario (MCSO); MCSO 2014 Program, Contributor with Metis colleague on “**Best Practices in Aboriginal Engagement.**”

Robin Quantick, Ph.D. (Indigenous Studies, Trent University).

Mediator
Excalibur Learning Resource Centre, Kingston

Contributor Profiles

CCCM Denotes a Member and Affiliate of the **Canadian Centre for Conflict Management (CCCM)**. Full Professional Profiles appear on the **CCCM** web site.

Donald Couturier, Author

Queen's law student. Awarded Jane Glassco Northern Fellowship. Professional interests in litigation and Aboriginal rights and title. Diverse research interests in Indigenous legal traditions, northern governance and machinery-of-government. Prior to law and graduate school, he held increasingly senior roles as a policy advisor in the Northwest Territories.

Brian A. Crane, Q.C.

Brian Crane is a senior member of Gowling WLG's Advocacy Group and practices in litigation and general counsel work in constitutional, administrative, Aboriginal and commercial litigation before the SCC and Federal and Provincial Courts. He is a member of Gowling WLG Indigenous Law National Practice Group and has extensive experience in the negotiation, mediation and litigation of indigenous land claims and self-government agreements. Certified by the LSUC as a Specialist in Civil Litigation in 1988. Brian has chaired Canadian Bar Association Committees on Reform of Parliament, the Federal Judiciary, Reform of the Federal Court, the Supreme Court of Canada and the Reform of Civil Justice. He co-authored *First Nations Governance Law* (with Robert Mainville and Martin W. Mason) and was recognized as a 'Lawyer of the Year' by *Best Lawyers in Canada* in 2006–2017. Furthermore, he has been recognized by *Lexpert®* in the areas of Litigation – Public Law and Aboriginal Law. He was appointed Queen's Counsel in 1977 and is a Fellow of the American College of Trial Lawyers.

David de Launay, Chair of Advisory Board, ENTERPRISE

David de Launay is an experienced executive, board member, and project leader with a proven track record of bringing diverse interests together to deliver results.

David held numerous senior executive positions in his 33 year career in the Ontario government focused on natural resources, energy, northern and infrastructure development in partnership with Indigenous People. He also led ground-breaking collaboration efforts to develop land use planning in Ontario's Far North and multi-jurisdiction agreements to protect the Great Lakes. In 2013, he was appointed Deputy Minister of Aboriginal Affairs (now Indigenous Affairs Ontario) and in 2015 until he retired in 2018, he was the Deputy Minister for Northern Development and Mines.

David's board Director experience is extensive, including Destination Ontario, Algoma University, FP Innovations, Greater Peterborough Area Economic Development Corporation and numerous international Great Lakes organizations. He is presently the Chair of the Advisory Board for Enterprise and working on project origination with Indigenous communities, financing, engineering, and mining interests.

Tina Marie Dewache, B. Ed., M. A. J.D. (Common and Civil Laws).

Tina Dewache is Restorative Justice Coordinator, Kitigan Zibi Anishinabeg, Maniwaki, Quebec, and has been part of its Community Services Directorate since 2015. Previously her career has included positions as:- Aboriginal Research and Liaison Officer for Carleton University; Indian Residential Schools Resolution Canada Researcher in the Laurier Research Group for Aboriginal and Northern Affairs Canada; Lead Research Officer on Algonquin Language Curriculum Development Research Project for Algonquin Nation Tribal Council; International Affairs and Human Rights Policy Officer for Native Women's Association of Canada; and Senior Research Manager for First Nations Community Well-Being Project in Department of Indigenous Affairs and Northern Development. At the University of Ottawa, she took a lead role in establishing the Aboriginal Studies Program.

Katherine Hensel

Katherine Hensel is a Secwepemc lawyer, and the principal lawyer with Hensel Barristers. Hensel Barristers represents First Nations and their members, as well as Indigenous organizations in a variety of litigation proceedings, including civil litigation, child welfare trials and appeals, human rights complaints, judicial reviews, treaty and Aboriginal rights disputes, select criminal cases and public inquiries, including British Columbia's Missing and Murdered Women's inquiry (as counsel for the Native Women's Association of Canada) and the Ipperwash Inquiry (as Assistant Commission Counsel). She was counsel for Attawapiskat First Nation in that community's Federal Court application concerning third party management. She also advises and represents law societies, bar associations, and other professional bodies with respect to professional issues specific to Indigenous clients, issues, professionals, and professional services. In 2013, Katherine was awarded the Minaake Award for Human Rights and Advocacy from the Native Women's Resource Centre. As well, she was the recipient of the 2013 Arleen Goss Young Advocates' Award.

Kevan Flood (CCCM)

With a 35-year career in the Public Service of Canada, Kevan held numerous progressively responsible positions including twelve years as a Senior Self-Government Negotiator with Indian and Northern Affairs Canada, 9 years as Director of Investigations with The Office of the Information Commissioner of Canada, 7 as an Immigration Adjudicator with Canada Immigration and 7 years as a Service Unit Supervisor with The Unemployment Insurance Commission. Kevan is skilled in the design, administration and delivery of federal programs and services and has extensive knowledge of federal legislation and administrative law. He is bilingual (Level "B") and held a Top Secret security clearance at specific times in his career. Kevan has a superb understanding of the federal government operating and decision making environment and has had the opportunity throughout his career to develop and maintain relations with clients, other federal departments, Provincial and Territorial Governments, numerous corporate entities, Indigenous people, and the media. He holds a Mediation Certificate from the Mediation Centre of Southeastern Ontario, a precursor to the Canadian Centre for Conflict Management.

Gillian MacLeod, Senior Environmental Advisor, Ontario Power Generation

Gillian MacLeod has worked as an environmental assessment specialist in the energy sector, advancing thermal, hydro and solar generation projects for OPG. Gillian has successfully completed environmental assessments for Portlands Energy Centre (with TransCanada), Wawaitin, Sandy Falls, Lower Sturgeon, Hound Chute, Mattagami lake Dam and New Post Creek and Ranney Falls, Nanticoke Solar, and Gull Bay Solar Migrogrid project through out the province of Ontario. Eight of these environmental assessments have resulted in the successful development of generation stations that today have been built and generating electricity.

Gillian holds an Honours BA, Double Specialist in Geography and Urban Studies from the University of Toronto and completed a 3-year Master's Degree in Environmental Studies, Urban Planning and Energy Conservation from York University. Gillian has worked extensively with First Nations and Metis Communities and is passionate about building relationships and leveraging her projects to bring prosperity and promise to the communities most directly affected."

Laura Maracle, Indigenous Cultural Safety Director, Four Directions Student Centre, Queen's University

My name is Laura Maracle. I am a mixed-race woman who has made the conscious decision to live my life according to Haudenosaunee tradition. My biological father was an Anishinabek man and my mother is of French/Irish descent. The father who raised me is Mohawk and that is how I know Tyendinaga as my home today. I was born and raised in Toronto, where I spent the first twenty-two years of my life. Thereafter, I claimed my identity, language and culture and have been sitting with the Bear Clan and learning in the longhouse with the traditional Haudenosaunee people of Tyendinaga.

My work experience includes the fields of administration, legal secretary (corporate and criminal law), Indigenous employment and Indigenous education. My passion, heart and soul lies in the field of Indigenous education. Having taught from early childhood right up to Adult Education, the biggest life lessons I have gained came from teaching at-risk youth at the high-school level. Most recently, my path has taken me back to the world of Indigenous Post-Secondary Education, while raising two beautiful daughters. As Four Direction Student Centre's Indigenous Cultural Safety Coordinator, I work with staff,

students and faculty to deliver workshops and training related to the history of Indigenous peoples and current reality.

Richard Moore LL.B., C. Med., CFM, Cert. Med. IMI., C. Arb

Richard Moore has over 30 years' experience in conflict management. Having started his career as a practicing lawyer, he has retired from law practice and works exclusively in conflict management, delivering mediation, arbitration, med-arbitration, investigation, and conflict management system design services to a wide range of clientele in the public, private, and not-for-profit sectors.

Mediating since 1990, he has conducted over twenty-five hundred mediations including mediations in complex multi-party situations, and in various contexts including: employment and workplace, policing, hospitals and health care, human rights, indigenous people's issues, public policy, estates, real estate, professional responsibility, personal injury, insurance, construction, family and property disputes.

His international experience includes introducing mediation programs into the Supreme Court systems of Guyana and the Philippines. Other dispute resolution system design experience includes significant involvement in the establishment of the Mediation Institute of Guyana, the founding of the YMCA-YWCA Community Mediation Program (now Community Mediation Ottawa), and the provision of expert advice to many Canadian public and private sector conflict management and mediation programs.

He is recognized as a mentor in the conflict management field and has taught negotiation, mediation, and arbitration skills to a wide audience including judges, lawyers, social workers, union representatives, human resource professionals, tribunal members, civil society leaders and conflict management professionals.

He is a graduate of Carleton University and Queen's Law School and is an accredited mediator and arbitrator with the following designations: Chartered Arbitrator, Chartered Mediator, and Certified Family Mediator from the ADR Institute of Canada and Certified Mediator from the International Mediation Institute in The Hague.

Richard has held significant volunteer governance positions in not-for-profit, legal and conflict management professional associations including Past President of the Ottawa YMCA-YWCA, Past Director YMCA Canada, Past President of the County of Carleton Law Association, and past director of the ADR Institute of Ontario.

Richard is based in the Ottawa area.

Paul Norris, President, Ontario Waterpower Association

Paul Norris is the President of the OWA. Under Paul's leadership the OWA has grown to include over one hundred and fifty (150) members with a shared commitment to the advancement of environmentally sustainable economic development and resource management. Paul has a Bachelor of Science degree from the University of Toronto and is a graduate of Ryerson's Public Administration Program. He holds an MBA from Queen's University and the Certified Association Executive designation.

Ronald Price, Q.C., J.D.

Ronald Price is a Professor Emeritus in the Faculty of Law, Queen's University. He is a graduate in Law from the University of Toronto in 1958. He was admitted to the Bar of Alberta in 1960, following which he served with the federal Department of Justice until 1966, when he accepted an appointment at Queen's University. In 1968 he was admitted to the Bar of Ontario. He was appointed Queen's Counsel in 1978. In 1973, Mr. Price established the Correctional Law Project, a clinical legal education program that continues as part of the Law School's offerings.

Mr. Price has been Counsel in numerous cases in the Superior Courts, including eight full appeals and nine in person Applications for Leave to Appeal (seven of them successful) in the Supreme Court of Canada, and numerous cases before the Ontario and Federal Courts of Appeal, Ontario High Court, Federal Court of Canada (Trial Division) and Supreme Court of Northwest Territories. As well, he has appeared regularly before the National Parole Board and the Ontario Board of Review. For several years, he served as Alternate Chair of the Psychiatric Review Board (now the Consent and Capacity Board).

In 1995, Mr. Price took on responsibility for the Alternative Dispute Resolution Course at Queen's, teaching Mediation, Arbitration and Conflict Resolution for six years.

In the period from 1996 to 2001 Mr. Price became a founding member of Associates in Dispute Resolution of Kingston (ADR/K); initiated the Queen's Small Claims Court Mediation Service; served as a Mediator for the Dispute Resolution Service of Frontenac County, a Victim-Offender Mediation Pilot Project initiated on the invitation of the Crown Attorney for Frontenac and Hastings counties; developed the Queen's Law Student Victim-Offender Mediation Project; and organized a number of ADR instructional workshops.

In 2001, Mr. Price joined with colleagues to form The Mediation Centre of Southeastern Ontario (MCSO), serving as its administrative Director, and responsible for the conduct of MCSO's 40-hour Certificate Program on Alternative Dispute and Conflict Resolution. Commencing in 2001, he was for many years a Roster Mediator for the Ontario Mandatory Mediation Program in both Toronto and Ottawa. Mr. Price is based in Kingston Ontario.

Bob Watts, Adjunct Professor, School of Policy Studies, Queen's University

Bob Watts has been involved in many major Indigenous issues in Canada over the past 20 years and led the process, with support from across Canada and internationally, to establish Canada's Truth and Reconciliation Commission, which has examined and made recommendations regarding the Indian Residential School era and its legacy. He was Interim Executive Director of the Commission and was a member of the team, which negotiated the historic Indian Residential Schools Settlement Agreement.

His activities have included working with Mediate BC to recommend ways for Aboriginal communities to respond to changes to the Canadian Human Rights Act and working on the Siting Process with the Nuclear Waste Management Organization. He is an adjunct professor and fellow in the School of Policy Studies, Queen's University, and a frequent speaker on Aboriginal issues.

Mr. Watts is also a former CEO of the Assembly of First Nations, served as the Chief of Staff to the Assembly of First Nations' National Chief Phil Fontaine, and is a former Assistant Deputy Minister for the Government of Canada. He is a graduate of the John F. Kennedy School of Government, Harvard University and fellow at the Harvard Law School. Mr. Watts is from Mohawk and Ojibway ancestry and is a member of the Six Nations Reserve.

Karen Wianecki (CCCM) M.Pl. (Queen's, 1985), Planner, Facilitator and Mediator, MCIP; Director of Practice. Planning Solutions Inc., Ajax, Ontario.

As a professional planner, facilitator and mediator, Karen has worked with Indigenous communities and organizations in Ontario and Western Canada. She is a member of the Ontario Professional Planners Institute, the Canadian Institute of Planners, the Ontario Bar Association (ADR Sector), the National Association for Dialogue & Deliberation and a member of both the National Roster & Native Sub-Roster, U.S. Institute for Environmental Conflict Resolution. Karen is also a Reviewer with the Professional Standards Board for the Planning Profession in Canada.

Karen has designed engagement processes and facilitated dialogue with Government (Federal, Provincial & First Nations) and Industry to secure resource-related Agreements. She has worked with knowledge holders and elders to develop an Ontario Aboriginal Statement of Perspective on the Use of Traditional Knowledge in Resource Management and Resource Management Decision Making. Karen has had the pleasure of visiting many Indigenous Communities and has worked with individuals, communities and representative organizations including the Chiefs of Ontario, Union of Ontario Indians, Nishnawbe-Aski Nation and AIAI. She participated in an Opportunity Study for the Constance Lake Eagle's Earth project, has collaborated with Chief and Band Councils to develop Strategic Plans and authored numerous reports including a report prepared for the Northeast Superior Regional Chiefs Forum (NSRCF) that makes the case for collaborative, comprehensive and co-creative community and regional planning. The NSRCF Report is premised on a systemic and holistic planning model that promotes 'whole system change' and calls for authentic and meaningful Indigenous engagement. Karen subscribes to the notion that we must find better ways of working together that are premised on a platform of seeing differently, thinking differently and acting differently.