



Beyond Section 35: Beating the Constitutional Drum

Institute on Governance

Summary Report of Ottawa Symposium, November 8 – 9 2012

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Beyond Section 35

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Dedication

In the month preceding the Beyond Section 35 Symposium I had the privilege of speaking at length with eminent Métis leader Jim Sinclair, who played a fundamental role in the acknowledgement of Aboriginal rights both leading up to the 1982 Constitutional repatriation and moving forward. Although his health was rapidly deteriorating at the time Jim was insistent that the dialogue to be had was a necessary one, and was excited at the possibility of addressing some of the fundamental issues leading to and stemming from Section 35. Originally we made arrangements for Jim to travel with a health aide but the week of the symposium it became clear that he was bed-ridden. Determined to participate, we arranged for Jim to be present via Skype. Tragically, on the first day of the Symposium Jim was unable to communicate and died at home the next day, November 19th 2012, surrounded by loved ones.

Jim died without his opportunity to speak on issues that he considered vital to Indigenous people in this country. In light of that, I turn to Jim's iconic 1987 speech to Prime Minister Brian Mulroney and attendees of the first failed First Ministers' Conference on the Rights of the Aboriginal Peoples:

“...and we struggled with our Aboriginal brothers on what should go on the table. But one thing I want to say when we leave this meeting: I'm glad to see that we stuck together on a right that is truly right for our people, and right for all of Canada, and right within international law throughout the world based on human rights alone. We have the right. We have the right to self-government, self-determination and land, and the people that are here are going to go back and continue to struggle.”

In the months since Jim's passing, we have witnessed the Idle No More movement and the recent Federal Court decision stating the federal government now has jurisdiction and resulting responsibilities in relation to Métis and non-status Indian communities. We can only imagine Jim's impassioned response.

The Institute on Governance would like to dedicate this report to the loving memory of Jim Sinclair, his friends and family.

Marcia Nickerson
Head, Indigenous Governance
Institute on Governance

The IOG would like to thank the generous sponsors of Beyond Section 35, without whom these discussions could not have taken place: Gold Sponsor Deloitte & Silver Sponsor The Canadian Boreal Initiative.

Purpose of this Report

The year 2012 presented a milestone in Canadian history, marking three decades since the affirmation of existing Aboriginal and treaty rights in Section 35 of the *Constitution Act*. For the most part this historic landmark passed by unrecognized while the majority of the country spent the year celebrating the war of 1812. Section 35 states:

35. (1) The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.
- (2) In this Act, “Aboriginal peoples of Canada” includes the Indian, Inuit, and Métis peoples of Canada.
- (3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.
- (4) Notwithstanding any other provision of this Act, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

The IOG recognized the need to commemorate this groundbreaking recognition of rights, while at the same time capitalize on the opportunity to consider the substantial impact that recognition has had on altering both federal/provincial law and policy regarding Indigenous Peoples and Indigenous governance in Canadian society.

The *Beyond Section 35* Symposium held in Ottawa in November 2012 brought together key stakeholders from Indigenous communities and institutions, practitioners, public sector and academia to discuss and reflect upon the impact of the constitutional recognition of Section 35 on the lives and relations of Indigenous Peoples in Canada.

What follows is a summary of the discussions and recommendations that emerged from the Symposium. A select number of speeches, as well as the initial discussion paper *Beyond Section 35* provided to session participants can be found on the IOG website.

Symposium Summary In Brief

Was Section 35 a “false promise” or a “broken covenant”? “Was the box of rights full or empty?” These were the fundamental questions that kicked off the symposium posed by academic Paul Chartrand and lawyer John Olthuis. Those involved in Constitutional discussions posited that Aboriginal participants in the process saw Section 35 as a box full of rights to be unpacked, government representatives perceived it as an empty box to be filled. At the time, it was thought that the content of Section 35 would be defined by legislation, agreements and negotiations between treaty groups and Canada. The Honour of the Crown would ensure that Section 35 would be implemented, ultimately replacing the *Indian Act*.

Regardless, the ensuing 30 years have been spent attempting to define the contents and in the meantime, the legal changes inspired by Section 35 have not had a measureable impact on key socioeconomic indicators. The content of the Section 35 box that has slowly come through court decisions, legislation or negotiated agreements and the movement towards Consultation and Accommodation through impact benefits agreements does not do justice to the land and resource rights of Aboriginal people.

What is clear, according to Chief Justice Ian Binnie, is that the courts will not deliver self-government. The courts have constructed a framework for dealing with matters through negotiation rather than litigation and appear to want to create conditions where negotiation will have the best chance for success, under a framework that requires politicians to consult Aboriginal Peoples in order to reach a decision. Ron Stevenson, Senior General Counsel for the Department of Justice, noted that the Supreme Court has developed a distinctive model based on Section 35, which is prospective, modern and focused on dialogue and creating resolution - a model that is respectful of history but not bound by it. It focuses on the purposes of the constitutional provision and is oriented to encouraging modern dialogues about different ways of understanding Indigenous connections to the land. With the Court's leaning in mind, Justice Binnie proposed "reconciliation" as the framework within which we should be moving forward.

A panel of prominent leaders discussed their experiences and the challenges and changes that have been faced by Indigenous governments, peoples and communities since Section 35. Former National Chief Phil Fontaine referred to the Kelowna talks as "an unprecedented demonstration of solidarity" between Aboriginal groups and as a significant "missed opportunity" on the part of the government that said "no" to the Kelowna proposals. Grand Chief Matthew Coon Come noted that (chronically underfunded) self-governing First Nations have not resulted in simple things like clean water, adequate services, or benefits from industry exploitation. Former Métis Nation of Ontario President Tony Belcourt spoke of a primary Métis challenge as being recognition: by government, by First Nations, of citizens and community councils; and the ongoing Métis struggle for legitimacy.

Sophie Pierre, the Chief Commissioner for the BC Treaty Commission emphasized that reconciliation through a treaty is the best way to live up to the promise of Section 35. Nation Chief Shawn Atleo sees self-determination, a fair share of economic benefits, exercising and implementing the inherent right to self government and mutual understanding based on respect and consultation as the way forward.

Like the speakers, many of the participants at the symposium have spent a lifetime trying to implement various aspects of Section 35, in the face of many obstacles. In all, one might think that disappointment stemming from the Charlottetown Accord, Meech Lake, or Kelowna; coupled with the courts urging negotiations while governments are choosing courts in an apparently unending series of small and definitive victories; combined with the glacial pace of self-government negotiations, might lead to the disenchantment and fatigue of the crowd. Interestingly enough this was not the case.

In fact, the overall tone of the symposium can be characterized by Paul Chartrand's plea to "beat the drum of constitutional change". "Beating the drum" became the mantra for participants as pleas emerged for unity amongst Indigenous groups in areas such as treaty recognition; the acknowledgement of Section 35 (4) that speaks to women's rights; and the governments position on "certainty" within self-government agreements.

A Framework for Moving Forward

Suggestions for next steps and a way forward? There were many. They ranged from what new fiscal arrangements are required, to workable models of governance, to the fundamental building blocks of self-government moving forward. What follows is an emerging framework based on the inputs of both symposium speakers and participants.

The language and recommendations may seem familiar. They may bring to mind recommendations from the Royal Commission on Aboriginal Peoples. In fact, they may be reminiscent of excerpts of recent news articles. This is telling. What becomes obvious is that from an Indigenous point of view the issues regarding the relationship with the Crown have not changed substantially over the past 30 years. The persistent use of the same language is a reflection on the underpinnings of how Indigenous people view the obligations stemming from Section 35 of the Constitution.

Indigenous Unity

Phil Fontaine, in revisiting the Kelowna Accord, noted that the Kelowna discussions were demonstrations of political strength. In this instance, all Aboriginal organizations provided clear guidelines - 10 years to close the gap in health, education and economic development – which was coupled by an unprecedented demonstration of solidarity on the part of the governments in 14 jurisdictions.

Section 35 was also born out of both opportunity and political strength, and a prevailing theme throughout the symposium was to find ways to create unity out of diversity. Section 35 – and the rights stemming from it - is viewed as one of the doors Indigenous peoples can walk through hand-in-hand. Indigenous unity is also seen as a path to work towards legitimacy.¹

Ultimately the question remains, how do you arrive at principles applicable to Indigenous nations across the country? It was suggested that while there are different agendas and issues between Indigenous groups, pan-nation leveraging in areas of conflict over lands/resources/claims might be one means. Timely remarks considering this possibility has since been demonstrated ten-fold by the Idle No More movement.

¹ It was also noted that Section 35 defines the rights of Aboriginal peoples – including women and Métis – and participants expressed that in fulfilling its obligations, government must ensure the recognition of all Aboriginal peoples.

Path of Reconciliation

In his address National Chief Atleo outlined a framework for moving forward, and while for obvious reasons it focuses on First Nations, it can be used as a starting point to frame other considerations flowing from the symposium. Again the foundation for moving forward is reconciliation. Many participants reiterated this. According to the National Chief “Recognition will only be achieved:

- when First Nations’ right to self-determination is reconciled with Canada’s assumed authority;
- when First Nations receive a fair share of the economic benefits from our traditional territories and participate as partners in development;
- when we can fully exercise and implement our inherent rights and responsibilities to our citizens and our lands; and finally,
- We must move forward based on mutual understanding, respect, and consent.

Vision

Vision, capacity and political leadership are well known attributes of success in both governments and political movements and are instrumental to change. According to former National Chief Phil Fontaine, nation “re-building” is the process that will:

- restore our access and control of our traditional territories;
- establish economies of scale to enable us to better control the activities that affect our lives – education and employment, health, housing, and social services.

Translating vision into reality requires three key steps: policy reforms and legal instruments; structures and changes in the existing machinery of the federal government; and community dialogue and direction.²

In many ways, with some nuances, this vision remains the same for many of the leaders that were present at the session. Access to and a degree of control over lands coupled with improved social conditions for Indigenous people are also key aspects of the emerging Idle No More agenda. In other words, grass roots Indigenous citizenship and leadership are currently very much on the same page³. While it is certainly not for the IOG to establish a “vision” for the Indigenous people of Canada, it is important to note that all of these aspects were addressed in the many comments and perspectives put forward.

² Speaking Notes for Assembly of First Nations National Chief Phil Fontaine at the RCAP Anniversary Reception November 21, 2006

³ In his January 9, 2013 Globe & Mail article Hayden King speaks eloquently to where these agendas may diverge, citing the restoration of treaty relations perspective versus the non treaty perspectives that advocate for jurisdiction over surrendered lands. One could argue that in both instances the issue, in large part, is access to and control of lands.

Principles for Moving Forward

Paul Chartrand attributed three principles of good governance that need to be adopted by leaders in order to achieve a real, workable model of self-government:

1. *Legitimacy* – legitimacy of government requires that people recognize it and that the government has the support of others (in this case the Crown), echoing the National Chiefs’ position that the right to self-determination is reconciled with Canada’s assumed authority;
2. *Power* – wherein a government has the legal capacity to act (in other words the full implementation of the *Inherent Right*); and,
3. *Resources* – including both the necessary and financial and human resources to ensure that a government capacity meets the needs of its people (which directly correlates to a fair share in economic benefits).

Madeleine Redfern, the former mayor of Iqaluit, reiterated these in her discussion as well. There are other principles of good government of course, but using these particular principles in the measure of successful self-government has resonance. For example, legitimacy, power and resources may mean something different in an Métis versus a First Nation context, but were certainly cited as both challenges and opportunities for Métis in actualizing their Section 35 rights. The National Chief, Justice Harry Slade, and former BC Treaty Commissioner Miles Richardson all posited that the question around mutual recognition – legitimacy – is one of the key challenges that confront us right now.

A Process of Reconciliation

The theme of reconciliation prevailed, and many spoke to various aspects. Justice Binnie emphasized that the process of reconciliation is based on three general principles:

1. The “Honour of the Crown”
2. Consultation and Accommodation
3. Negotiation (in other words, serving to harmonize different levels of governments and understand how they work together.)

Justice Binnie remains confident that if reconciliation is the spirit at negotiation tables, there can be an emergence of Section 35 government and treaty rights which will be implemented over time. The foundations of this reconciliation process allow us to pinpoint a number of issues and challenges that emerged from the Symposium.

1. Honour of the Crown

In the 2005 in the *Stoney Band v. Canada* case, Justice Rothstein said:

with respect to the honour of the Crown, the concrete practices required of the Crown so far identified by the Supreme Court of Canada in the Aboriginal context are: acting appropriately as a fiduciary; interpreting treaties and documents generously; negotiating, and where appropriate, consulting with and accommodating Aboriginal interests; and justifying legislative objectives when Aboriginal rights are infringed.

Participants questioned the Honour of the Crown in a number of these related scenarios throughout the symposium, however, the it was recognized that the Honour of the Crown would set the tone for how to implement the rights as they will be defined under Section 35, or where treaties remain to be concluded.

2. Consultation & Accommodation

With regard to consultation and accommodation, Phil Fontaine noted that there is a clear imbalance between corporate interests (corporations who are well resourced) and First Nations. As a result, First Nations turn to the government to ensure that there is a fair consultation process, which is not particularly sustainable. Others suggested that consultation and accommodation approaches to date have been purely risk management – risk management being a predominant issue reflected in current Impact Benefit Agreements (IBAs) – and that the IBAs do not do justice to the resource and rights of Aboriginal people. It was suggested that courts should also take a more aggressive stance in this regard, as while court decisions have been helpful in terms of consultation processes; they do not speak to a minimum level of achievable outcome.

3. Negotiations

BC Treaty Commissioner Sophie Pierre, acknowledged that reconciliation, through fair and equitable treaty negotiations, is the best expression of Section 35. That said, she posed: How do we ensure that we are having fair and equitable negotiations?

What has become clear, and is duly noted in the *Beyond Section 35 Discussion Paper*, is that negotiations are longer, more expensive, and less fruitful than anticipated. There are also looming questions around implementation once agreements have been reached – its practical application, cost, and effectiveness.

According to John G. Paul, Executive Director of the Atlantic Policy Congress of First Nation Chiefs, it is important to recognize that there are problems with the Machinery of Government that impede negotiations. For example, every department has their own interpretation of what self-government is and what they are mandated to do. Departments have defined their machineries but each is dependent on their legislation. In September the federal government announced they were looking at the process and creating an efficient result based approach. One recommendation moving forward on this front was

regarding the need for departmental coordination and the recognition that treaty agreements are negotiated with the federal government as a whole and not with AANDC.

Jeffrey Cyr, Executive Director of the National Aboriginal Friendship Centres, acknowledged that the various models of self-government need to be opportunity driven and should proceed from a sectoral basis where possible. This would allow the accumulation of governance capacity over time – building up sectors and gathering incremental momentum towards self-government.

Like others, John Olthuis agreed that the correct path forward is reconciliation. In his remarks he outlined two additional issues impeding negotiations (addressed in detail below), often taken up by other participants as requiring fixing in order to move forward: 1) certainty and 2) fiscal arrangements.

3.1 Elements of Self government

Matthew Coon Come outlined the four essential elements of successful self-government arrangements:

1. Consent – free and informed consent, which requires the appropriate associated resources;
2. Respect – relating to the promotion of fundamental human rights like self-determination (see recognition and legitimacy);
3. Equity – that can be viewed with respect to socio-economic outcomes; and
4. Effective – that is also outcome oriented, addressing deficits and appropriate structures of government.⁴

3.2 Certainty

Certainty is defined as the ceding and surrender of Aboriginal rights and title in the context of comprehensive claims and self-government negotiations.

John Olthuis cited a key stumbling block to negotiations is the view that the federal government is forcing Indigenous people to recognize certain rights and surrender other – Indigenous – rights. For success, there has to be options. Most agreed that self-government is inherent in Section 35 and therefore “certainty” is contrary to the spirit of reconciliation, harmonization and the Charlottetown Accord. According to Matthew Coon Come, the government’s emphasis should shift from individual to collective rights that emphasize nations, collectiveness and consensus. Phil Fontaine noted that IBAs are really about the extinguishment of Indigenous rights as well. He asked everyone to understand that it is difficult for First Nations to come to the table to negotiate when they know that the outcome will end with extinguishment of their rights.

⁴ In keeping with Subsections 1, 2 and 3 of the Charlottetown Accord, which deal with the duty to consult, safeguards customs, maintains relationship with their lands and ensures the integrity of their values.

3.3 *Fiscal Arrangements*

An underlying principle in negotiations is that the over-arching fiduciary relationship between Aboriginal people and the Crown will continue. As First Nations become self-governing, however, certain aspects of that relationship will evolve. For example, where a First Nation assumes control over a subject matter, the Crown's responsibility in that areas will decrease accordingly.

Much discussion took place during the symposium around fiscal arrangements and two key issues arose – issues that are inextricably linked to self-government:

- 1) Fiscal transfers / arrangements and contribution agreements
- 2) Access to lands as a resource base

Marc LeClair was one of many participants that urged to create a new fiscal transfer process; a fundamental component of which is Indigenous people taking control of their resources. From an Métis perspective, this includes establishing a process to deal with land and resource base. The Métis, as every government, require this base regardless of whether it is enshrined in treaty or not. Many participants spoke to the tenuous and inadequate nature of fiscal arrangements, and to this end one of the working groups made the following recommendation for moving forward:

“A key research proposal is to develop options for macro negotiations of a new fiscal relationship that would remove the cumbersome and short term planning horizon of current Contribution Agreements, deal with the interaction with own source revenue, and set clear standards for accessing such arrangements and broad criteria for ongoing administration. The research could also consider the structural options the federal government would have to institute a separate body that would oversee such transfer arrangements in future.”

Sophie Pierre counseled that we must recognize that when a First Nation benefits, the whole region benefits and the country benefits, but that the reverse is not necessarily true. Ultimately, own source revenue (OSR) through IBAs and private sector partnerships needs to be taken into consideration with the other elements that will contribute to financing of sustainable governance. However, there is a lack of clarity on the form of financing that will make governance work. Without proper resources, governance at any level will be impeded, as resources are necessary to the take up jurisdiction or exercise authority. The concept of own source revenue needs to be reexamined so as not to penalize communities that are achieving some success.

The common thread here is that “economic development” initiatives and financial arrangement reforms have not succeeded to date in providing the necessary resource base for successful change: both in a social and self-government context. Resources and resource and revenue sharing are the underpinning of both an overarching vision and a self-government vision and new workable approaches need to be implemented.

4. Public Awareness

Since the November symposium we have witnessed the grass roots political demonstrations of Idle No More. One of the primary functions of the movement, according to Idle No More organizers, is the need to raise awareness of the issues facing Indigenous communities, often citing the treaty relationship, Aboriginal rights, and economic development as amongst its primary concerns. One need only read any comments section of any of the related news articles to face the dearth of knowledge and understanding held by the general Canadian public over said issues.

Many symposium participants spoke to public awareness and education as a key aspect of reconciliation. Phil Fontaine noted that more effective public education is required to educate Canadians about their rights and the rights of Indigenous people. Justice Binnie stressed that the politicians are not going to move unless the public moves - and this will happen with more education. Treaty Commissions across the country have already recognized this need and have enshrined public education as one of their key functions, as did the Truth & Reconciliation Commission. So the question emerges, what will **effective** public awareness and education consist of?

Next Steps

The success of the Ottawa Beyond Section 35 event generated much interest and momentum. To this end, the IOG will be working with the BC Treaty Commission and the New Relationship Trust to hold another Beyond Section 35 Symposium in Vancouver this coming February 19th – 20th. While the Ottawa Symposium had a national flavor, the BC Symposium will focus more on regional issues (primarily First Nations) and provide more direction regarding research measures that will impact communities.

Building on the broad findings of the Ottawa conference the two-day symposium will bring together Indigenous and non-Indigenous leaders to talk about successes and challenges of making social and economic progress in First Nations communities. The symposium will look broadly at the evolution of Aboriginal-government relations since 1982, their current state, and ways forward. Panel presentations will examine lessons learned from self-government arrangements and what those mean for going forward in the context of a more fully realized expression of the rights recognized in Section 35.

This constructive dialogue, coupled with the direction of the IOG Indigenous Advisory Circle, will help the IOG shape an applied research agenda, led by Indigenous experts in partnership with the Institute, to address the key challenges in achieving more fully realized authorities and jurisdictional control.

Recommendations from the Assembly of First Nations

National Chief Atleo envisions Section 35 as a cornerstone from which to chart a new path forward. Specific next steps suggested include:

- Building on the important work of RCAP:
 - clear, stable fiscal relationships;
 - nation re-building among First Nation communities;
 - capacity building; and
 - changes to the federal Government machinery
- Transforming current self-government approaches:
 - new mechanisms or protocols;
 - establish criteria and procedures to be agreed at a rate and pace acceptable to First Nations
- Developing approaches to implement Treaty and inherent rights:
 - elimination of the *Indian Act*;
 - an approach to implement and monitor the Treaty relationship;
 - a “code of conduct for the Honour of the Crown
- Evolving a smaller Ministry of First Nations-Crown Relations, an Office of a Treaty Commissioner, and a First Nations Auditor-General - entities to respect and implement the relationship and our respective responsibilities and accountabilities.

Emerging Role for the IOG

The IOG sees applied research as a practical hallmark of self-governance. Generally, participants felt that in moving forward the IOG could assist in supporting the RCAP recommendations on nation building. Participants saw three key roles that could be served by the IOG.

1. Creating a network that facilitates exchanging of information and best practices to enhance indigenous knowledge and capacity:
 - providing a centralized database wherein one can find research on this issue
 - ensuring appropriate principles and indigenous controls in the organization and dissemination of research
2. In terms of mapping an applied research agenda, some of the suggestions that emerged from symposium participants and working groups include:

- unique needs of the diverse Aboriginal communities and how those needs inform funding priorities;
 - tools for appropriate community engagement, through the comprehensive community planning;
 - practical implementation of existing community initiatives;
 - what capacity is required for the purpose of implementation;
 - how we can “constitutionalize the cash” and other approaches to new fiscal transfers;
 - new ways to present certainty and finality in agreements, taking into account Aboriginal perspectives.
3. Holding additional symposiums and forums for discussion, for example:
- Wendy Grant John noted that when a community does not have a resource or land base to move forward, they progress in environments like this symposium where people with knowledge of the system come together to provide assistance.
 - Michelle Audette, President of the Native Women’s Association of Canada hopes that will be another conference on Section 35 (4) so that Canadian society more fully understands the Indigenous history.

Conclusion

Grand Chief Matthew Coon Come acknowledged that among the human rights challenges facing Canada today, the continuing situation facing Aboriginal people is the thorniest, most persistent and most embarrassing. There remains an obligation to return to the basic principles of inherent and equitable rights. In that vein, Tony Belcourt maintained that the current challenge is to bring back intent of Section 35 through the following measures:

- Indigenous leadership working together;
- Enlisting support from the public and media;
- Increasing partnerships with institutions and universities.

Over the coming months, meetings between the Prime Minister and Indigenous leadership, ongoing Idle no More rallies, and further dialogue with regard to Section 35 will continue to position the discussions in the context of inherent and human rights. We hope that these discussions and efforts lend themselves to the kind of outcomes foreseen in the advent of Section 35.

Appendix A: Participants List

Section 35 Speakers' List			
	Name	Title	Organization
1.	Bob Watts	Adjunct Professor and Fellow	School of Policy Studies, Queen's University
2.	Gina Wilson	Assistant Deputy Minister	Public Safety Canada
3.	Honourable Mr. Justice William Ian Corneil Binnie	Counsel at Lenczner Slaght; Former Justice of the Supreme Court	Lenczner Slaght
4.	John Olthuis	Founding Partner	Olthuis, Kleer, Townshend LLP
5.	John G. Paul	Executive Director	Atlantic Policy Congress of First Nations Chiefs
6.	Madeleine Redfern	Former Mayor of Iqaluit	
7.	Matthew Coon Come	Grand Chief	Grand Council of the Crees
8.	Miles Richardson	Senior Associate	Institute On Governance
9.	Paul Chartrand	Retired Professor	
10.	Phil Fontaine	President	Ishkonigan Consulting and Mediation
11.	Richard Jock	Chief Executive Officer	Assembly of First Nations
12.	Ronald Stevenson	Senior General Counsel	Native Litigation, Department of Justice
13.	Sarah Morales	Professor of Law	Ottawa University
14.	Shawn Atleo	National Chief	Assembly of First Nations
15.	Sophie Pierre	Chief Commissioner	BC Treaty Commission
16.	Tony Belcourt	Managing Partner	Tony Belcourt and Associates
17.	Vera Pawis-Tabobondung	President	National Association of Friendship Centres
18.	Wendy Grant-John	Senior Aboriginal Advisor	Deloitte and Councilor, Musqueam First Nation
19.	Maryantonett Flumian	President	Institute on Governance
20.	Marcia Nickerson	Head, Indigenous Governance	Institute on Governance

Section 35 Participants' List			
	Name	Position	Organization
21.	Alisa Lombard	Junior Legal Counsel	Specific Claims Tribunal of Canada
22.	Allan MacDonald	Director General	Aboriginal Affairs and Northern Development Canada
23.	Alain Jolicoeur	Member	Board of Directors, Institute On Governance
24.	Bettina Koschade	Program Officer	Social Sciences and Humanities Research Council
25.	Celeste Haldane	Commissioner	BC Treaty Commission
26.	Charles Perron	Partner	Deloitte
27.	Craig Makinaw	Chief	Confederacy of Treaty 6 First Nations
28.	Cliff Fregin	Chief Executive Officer	New Relationship Trust
29.	Colleen Swords	Associate Deputy Minister	Aboriginal Affairs and Northern Development Canada
30.	Christopher Duschenes	Director General	Aboriginal Affairs and Northern Development Canada
31.	Cheryl Maloney	President	Nova Scotia Native Women's Association

32.	Douglas Sanderson	Professor of Law	University of Toronto
33.	Eric Bastien	Director	Social Sciences and Humanities Research Council
34.	Ghislain Picard	Regional Chief of Quebec	Assembly of First Nations
35.	Gisele Yasmeen	Vice-President	Social Sciences and Humanities Research Council
36.	Gilbert Whiteduck	Chief	Kitigan Zibi Anishinabeg
37.	Honourable Mr. Justice Harry Slade	Chairperson	Specific Claims Tribunal of Canada
38.	Jamie Sawchuk	Partner	Deloitte
39.	Jennifer Brennan	Chief of Staff	Assembly of First Nations
40.	Josée Touchette	Sr. Assistant Deputy Minister	Aboriginal Affairs and Northern Development Canada
41.	Melody Morrison	Senior Advisor	Boreal
42.	Matthew Kinch	Policy Analyst	First Nations Fisheries Council BC
43.	Michael Wernick	Deputy Minister	Aboriginal Affairs and Northern Development Canada
44.	Michael Hudson	Deputy Assistant Deputy Attorney General	Office of the Assistant Deputy Attorney General, Department Of Justice
45.	Marc LeClair	Senior Advisor	Métis National Council
46.	Marisha Roman	Aboriginal Initiatives Counsel	Equity Initiatives Department, Upper Canada Law Society
47.	Michael Smith	Regional Chief of Yukon	Assembly of First Nations
48.	Michele Audette	President	Native Women's Association of Canada
49.	Nadia Bouffard	Director General	Fisheries and Oceans Canada
50.	Pamela McCurry	Assistant Deputy Attorney General (ADAG)	Justice Canada
51.	Travis Hall	Councilor	Heiltsuk Tribal Council
52.	Terry Ansari	Member	Board of Directors, Institute On Governance
53.	Marion Lefebvre	Associate	Institute on Governance
54.	Todd Cain	Vice President, Crown & Organization Governance	Institute on Governance
55.	Judith Moses	Vice President, Toronto Office	Institute on Governance