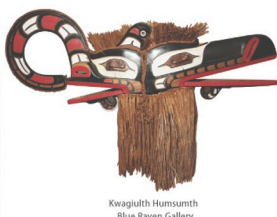


Faculty of Law NEWSLETTER Summer 2010

NATIONAL ABORIGINAL ECONOMIC DEVELOPMENT CHAIR



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Kwe-Kwe!

As we get mid-way into summer, I wanted to provide an update to faculty and staff with regard to a number of exciting developments. I am joined by a group of dedicated students who have helped me establish the Office of the NAEDC, which is intended to be the programmatic hub for research projects and other Chair related projects currently underway.

The team includes Racquel Fraser, Connie Nesbitt, Connor Munro, and Amanda Lindstrom.

We are located in room 436 at the Faculty of Business and you are welcome to drop in (just ignore the dry walling and renovations down the hall!).

Chi-Migwitch

Internship with the Pascua Yaqui Tribe's Judicial Services Branch

Mia Gaudin, an LLM candidate from New Zealand recently completed a two week internship with the Pascua Yaqui Tribe in Tucson, Arizona. She is finishing a comparative research paper under my supervision and her internship with the Tribe is part of her field work to compare tribal governments, Canadian First Nations, and Iwi governance systems in New Zealand.

She is specifically interested in governing structures that address economic development for indigenous communities. While at Pascua Yaqui, Mia met with several staff attorneys in the Pascua Yaqui Attorney-General's office, the counsel to Casino Del Sol, and assisted the Appellate Court's staff attorney on cases involving tribal agencies. We are grateful for the support of the Tribe in facilitating her visit and look forward to their continued support in the fall-winter semester.

Grants and Project Financing

Part of my mandate as Chair is to build sustainable partnerships with attention given to resources. While participating in a SSHRC peer review committee in Ottawa, I saw a greater need for applications by UVic. I am moving forward on several SSHRC grants. However, if you are interested in exploring grant opportunities, know of potential research students, or wish to discuss any other collaborations, please do not hesitate to contact me (plus I have coffee on the main floor!).

In an effort to increase the curriculum on aboriginal economic development, I am pursuing grant opportunities including a recent proposal to the Canada-Africa Research Exchange program (CAREG). My African research partners are based in Uganda's Kampala International University and with the help of a former doctoral student, we have submitted a comparative research proposal on indigenous title and the role of consultation in balancing the economic playing field for indigenous communities. If successful, this \$40,000 commitment will allow us to develop a course around this issue and publish in this area.

Intervenor Factum in *Dube* and *Bastien*, May 20, 2010, before the Supreme Court of Canada

I was able to work with several law students including Racquel Fraser on two factums that were involved in a Supreme Court of Canada case held on May 20, 2010. Our partners, the Chiefs of Ontario and the Assembly of First Nations were among the intervenors in two appeals, *Dube* and *Bastien*, involving s. 87 of the *Indian Act* and the tax immunity it grants to investment income.

The results of these two appeals will be significant as it impacts the tax status of income earned on investments held by banks for matters connected to the reserve. The jurisprudence on s. 87 has not been favourable to First Nations, however, in this case Crown reconciliation and Crown consultation and accommodation were significant issues. This is due in part to the economic reality of First Nations governments and a dependence on off reserve service providers to fulfill their banking needs.

Questions from the bench demonstrated an appreciation for this reality and the Crown acknowledged that a different deposit and lending program could be facilitated by the government to satisfy the connecting factors test (which has become an unruly hydra!).

Partnerships and Research

In partnership with the research team at the National Centre on First Nations Governance (NCFNG), I will be supervising several students on a number of practical issues facing First Nations across the country. As well, I am completing an internship agreement with the Inter-American Development Bank's department on minority affairs (IADB), which addresses borrower state compliance on the rights of indigenous peoples and indigenous communities. We are grateful for the support of the NCFNG and the IADB!

In addition, I am meeting with several First Nations on the Island regarding research partnerships. This includes Tsawout First Nations Chief Allan Claxton who participated in the NAEDC Summer Spotlight Series to discuss the role of capital and infrastructure.

Related to these partnerships several research projects are already underway and include the following:

1. lands into trust or new reserve lands;
2. the role of protocols between local governments and First Nations;
3. the duty to consult by local governments and economic opportunities for aboriginal communities; and
4. opportunities for joint ventures on public works between aboriginal organizations and provincial governments.



SPOTLIGHT on Aboriginal Entrepreneurs

Kitchens of Distinction

Sheri Solares

BCOM Candidate

Research Assistant to the NAEDC



Over the past year, up-and-coming Aboriginal entrepreneur and proprietor of Kitchens of Distinction, Shirley Lang, has built up her acclaimed catering service to a vista where she is ready to develop her business on a full-time basis. As a Cree woman from Alberta's farm country, Lang distinguishes her catering

services in the Victoria market by providing her clients with a cultural culinary experience, offering traditional Aboriginal cuisine with a contemporary flair. Her unique approach to tailoring the finest and freshest ingredients into creations for intimate dining has earned her a long list of accolades from local clientele. Recently, she also earned a Tour de Rock People's Choice Award for her juniper berry and chipotle barbeque rib sauce.

"After running my business part-time for ten years, I took a leap of faith in March and made the decision to quit my work in the justice system to begin totally focussing on catering full-time," explains Lang. "My passion is in food and creating events around food. My future goals include writing a cookbook, hosting a televised cooking show, developing a line of specialized spices and sauces, and finding a permanent home for my business."

Lang asserts that one of the primary secrets to her success as an entrepreneur is the ability to gain support from others while



simultaneously maintaining her independence. She has a strong network of supporters and mentors, including Martin Rutte, who co-authored "Chicken Soup for the Soul at Work" and who also conducted Success Factor trainings for large corporations, showing their top executives how to transform organizational blockages into opportunities for positive change. As specifically applied to her approach in running Kitchens of Distinction Private Catering, Lang ensures that she always conducts herself with the highest forms of integrity and lives true to her own principles—without ever "selling out."

She extends these ethics to the part-time staff that support her business by providing exceptional customer service. "I believe in treating staff well and with the utmost respect," says Lang. "I want to retain staff that I know I can trust and they will give me

first preference and be there for me because they are treated well. Their minds will also be really clear to practice the art of cooking."

In terms of her approach to food preparation, Lang places a strong emphasis on the sacred aspects and tribal traditions of feasting and community gathering. She muses over how high-stress, modern cultures focused on living in the fast lane utilize food and eating only as a basic consumption need for sustenance. In contrast, the dining experiences provided by Kitchens of Distinction offer clients the opportunity to "absorb love" through food and its careful, conscious preparation and in order to be ready for refined ingestion.

"All cultures really have their roots in tribal traditions with no racial separations and there are clear health benefits in taking time to feast together," explains Lang. "When we cook and eat together we are drawing in all of the ancestors, tapping into the spiritual, reducing conflict and creating change. We share love with one another."

With her shift in focus to full-time business development, Lang is now looking to expand her client base through marketing, hosting more private events and extending the reach of her word-of-mouth referrals. She envisions a new space for her kitchen, while not a restaurant, that is capable of hosting up to four private dinner parties a month, within a warm and sophisticated environment. "I would like to create an intimate setting for special, by-invitation-only dinners, perhaps around a long family table," describes Lang. "I want to give the best that I can give—period."



On the NAEDC Spotlight for Aboriginal Entrepreneurs, Hopkins says, "there is very little research on the experiences of Aboriginal women as entrepreneurs and small business owners. Bringing Shirley into the Spotlight Series to honour our guests with her delicious food creates an environment where students, faculty, and speakers can learn more about the issues - it's a great way to create a community around this important issue." Hopkins adds, "we will be looking at ways to add capacity to small aboriginal businesses and entrepreneurs with student involvement" and he hopes, "that we can break through some of the misconceptions surrounding participations rates by Aboriginal women and their businesses in the economy."

To find out more about Kitchens of Distinction Private Catering services, please visit: <http://www.kitchensofdistinction.ca>



SPOTLIGHT on Executives-in-Residence

Art Mercer

Art Mercer, one of BC's top Aboriginal business leaders, is the University of Victoria Faculty of Business newest executive-in-residence.

Mercer oversees the Nisga'a government's business interests as the CEO of the Nisga'a Commercial Group of Companies. He has also served as its economic development coordinator, where he focused on aligning business with the natural heritage of Nisga'a citizens. Mercer helped develop the Nisga'a Business Development Fund Act, coordinated an entrepreneurial think tank and assisted in developing eco-tourism projects in northwestern BC. He has extensive experience in BC's natural resource industry and continues to provide business development advice to Nisga'a citizens, corporations and the federal and provincial governments.

In his UVic position, Mercer provides insight on relevant issues, strengthens ties with Aboriginal communities and helps to prepare students to make a positive contribution in the business world. He is working with Professor James Hopkins, UVic's inaugural National Aboriginal Economic Development Chair based in the faculties of business and law.

"We are excited to have Art join us," says Dr. Ali Dastmalchian, dean of business. "His leadership role and track record of success in Aboriginal entrepreneurship and joint venturing, his close connection with his own First Nations community and his cultural knowledge will offer students and faculty important insight into Aboriginal economic development and policy."

Mercer's appointment furthers UVic's commitment to the well-being and economic success of Aboriginal peoples and



left: Art Mercer takes a seat in the NAEDC's chair

enhances the university's reputation.

Mercer's appointment furthers UVic's commitment to the well-being and economic success of Aboriginal peoples and enhances the university's reputation as a centre of excellence in Canada. The number of Indigenous students at UVic has increased over 700 per cent since 1999, to an estimated total in 2009 of 800 undergraduate students and 100 graduate students.

"I look forward to contributing to UVic's approach and developments in the area of Aboriginal business," says Mercer.

"This opportunity promises to be a mutual learning experience between myself, the faculty and students of UVic Business, and I look forward to the exchange of knowledge and the sharing of resources that will surely emerge."

Judith Sayers' Spring Law Course

Professor Judith Sayers will teach "Legal Landscape Facing First Nations" (Law 343 A06) at the Faculty of Law in Spring

2011. Student enthusiasm is high for this upper year seminar course and it will make an important contribution to the growing curriculum on indigenous peoples law and policy offered at UVic Law.

Grant Christoff will be joining the Faculty of Law, teaching "Aboriginal Law in Practice" (Law 343 A07). This upper year seminar course is a nice extension to Grant's work at the Department of Justice and his involvement with ILSA and other Faculty events.

In the Fall 2010, John Borrows, Law Foundation Chair in Aboriginal Justice and Governance will teach "Indigenous Lands, Rights, and Governance" (Law 340).

I will be teaching a comparative law course on indigenous peoples and natural resources using a text by Blumm and Royster (Law 343 A06).

Sayers Brings Experience

Sayers holds a business degree and was one of the first Indigenous law school graduates of the University of British Columbia. She also holds an honorary Doctor of Laws degree from Queen's University. Sayers practised law for 18 years in Alberta and British Columbia and has extensive experience working with international agencies and government bodies to advance the causes of First Nations rights, sustainable development and Aboriginal title issues. She was Chief of the Hupacasath First Nation in Port Alberni for 14 years, acted as its chief negotiator for many years, served as president of the Upnit Power Corporation and was also named to the political executive of the First Nation Summit in 2006.

Her many honours include the 2008 Silver Medal in Climate Change from the Canadian Environmental Association, induction into the Canadian Aboriginal Business Hall of Fame and a Bora Laskin Fellowship on Human Rights. She was twice honoured with a Woman of Distinction Award from the Alberni Valley Chamber of Commerce.



above: Judith Sayers outside the First Nations House on the University of Victoria campus



SPOTLIGHT SERIES on Aboriginal Economic Development

This summer I launched the NAEDC Spotlight Series on Aboriginal economic development, entrepreneurship, and leadership. This inter-disciplinary series brings together nationally renowned scholars, researchers, entrepreneurs, and leaders from the Aboriginal community, businesses, the public and private sector, and government.

I wanted to create an academic venue for the exploration and discussion of the issues surrounding the successes, challenges, and complexities that Aboriginal peoples and communities experience in the field of economic development and policy.

Some of our distinguished speakers include: Allan Clarke, INAC; Kristyna Bishop, Inter-American Development Bank; Arthur Mercer, Nisga'a Commercial Group; Robert Valencia, Pascua Yaqui Tribe; Chief Allan Claxton, Tsawout First Nations, among others. The topics covered during these speaking engagements range from: "Capital and Communities: Indigenous Perspectives on Investment and Economic Development," to, "Aboriginal Economies and Sustainability: Local and Global Perspectives," to, "Aboriginal Education: Perspectives on Aboriginal Entrepreneurship," and so on.

The NAEDC's next Spotlight Series will see Brian Calliou, the Banff Center's Program Director for Aboriginal Leadership and Management, on Monday, June 28th, speaking on the topic of Aboriginal Education.

The event is free and open to the public, but if you would like to attend we ask that you please RSVP to (250)853-3869 or by email to naedc@uvic.ca

As we prepare for the year ahead, I will be sure to keep you posted on the upcoming events.

Chi-Migwitch



Clockwise from top left:
From left to right:
1) Chief Allan Claxton, Tsawout First Nations; Professor James Hopkins, National Aboriginal Economic Development Chair, UVic; Kristyna Bishop, Operational Specialist, Inter-American Development Bank; Vice Chairman Robert Valencia, Pascua Yaqui Tribe;
2) Professor James Hopkins; Rebecca Johnson, Associate Professor, Faculty of Law, UVic; John Borrows, Law Foundation Professorship of Aboriginal Justice and Governance;
3) Quail Egg Appetizers;
4) Professor James Hopkins, Dr. Mike Valente, Assistant Professor, Business & Sustainability, UVic;

Farewell to Mike (but not really).

June 21, 2010 - "Aboriginal Economies & Sustainability: Local and Global Perspectives"

Inclusive business models and corporate governance: these were the hotly discussed issues as Mike Valente delivered his last presentation to UVic students before heading East. In this memorable NAEDC Spotlight Series, students challenged and explored issues of corporate governance as it relates to sustainable development and the framework for inclusive business models. Mike's expertise has focused on case studies in Africa; one of his most famous research projects concerns a case study on Honey Care Africa and the sustainable network it generated by incorporating and growing its own value chain of honey farmers.

