

# CIAJ ICAJ

Canadian Institute  
for the Administration  
of Justice

Listening. Learning. Leading.

Institut canadien  
d'administration  
de la justice

Écouter. Apprendre. Inspirer.

## THE 2015 CHARLES D. GONTHIER FELLOWSHIP



The Canadian Institute for the Administration of Justice (CIAJ) provides funds for the Charles D. Gonthier Research Fellowship, named in honour of [Mr. Justice Charles Gonthier of the Supreme Court of Canada](#), a former President of the Institute. The Fellowship supports research in relation to the topic of the Institute's annual conference. Each conference focuses on a specific aspect of the Institute's themes:

- Justice as a humanistic and social value
- Justice as a public service
- Justice in a global economy and interdependent world

"WE'RE ALL IN THIS  
TOGETHER":  
ABORIGINAL PEOPLES AND  
THE LAW

October 13 – 16, 2015  
Saskatoon (SK)

CIAJ's next annual conference will expand the perspectives on Aboriginal Peoples and the Law in Canada by taking a look at the relationships, voices and stories that inform the connections we build together to create Canada. Actors in the legal system are increasingly conscious of the need to address more informed attention to the historical, social and cultural context in which Aboriginal peoples participate in the Canadian conversations regarding their lives, businesses, land and families.

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With ongoing discussion of the rights protected under *Section 35* of the Canadian *Charter of Rights and Freedoms*, the articulation of the duty to consult, the requirement under *Gladue* that the Aboriginal identity of criminal defendants be taken into account, and the inclusion of Indigenous governance in the notions of reconciliation, there is a growing need for actors in the legal system to understand Indigenous perspectives. This conference aims to introduce participants to the perspectives of Indigenous peoples on legal issues that impact the evolution of Aboriginal Peoples and the law in Canada. The program of the conference will reflect the following specific themes:

## **CULTURAL PERSPECTIVES AND THE DEVELOPMENT OF CANADIAN LAW:**

We will consider how greater inclusion and understanding of Aboriginal cultural perspectives is important to the development and functioning of Canadian law. Illustrations of this proposition may be found in all areas of law – family law, employment law, property law and human rights law, for example.

## **TAKING JUDICIAL NOTICE: WHAT CAN THE JUSTICE SYSTEM LEARN FROM THE STORIES?**

The focus will be on the traditions and lived experiences of Indigenous peoples in Canada. Through artistic presentation of stories, conference participants will be invited to consider traditional laws and examine how stories can or should inform decision-making in the justice system.

## **TREATIES, GOVERNANCE AND CONSTITUTIONAL RELATIONSHIPS:**

We will explore how the treaties and other governance and administrative structures have influenced the development of Canada, the creation of Indigenous identities and the aspiration for reinvigoration of self-determination for Indigenous peoples in Canada.

## **INDIGENOUS PEOPLES AND THE ENVIRONMENT:**

The power and potential of the relationship between Aboriginal peoples and land will be considered, in particular the imperative in Indigenous culture for environmental stewardship and the legal implications of that imperative.

## **INNOVATION IN THE JUSTICE SYSTEM:**

We will provide examples of initiatives aimed at ameliorating the unconstructive aspects of the interaction between Canadian Indigenous peoples and the justice system. The goal will be to show how the operation of the law could be grounded in a deeper understanding and inclusion of Canadian Indigenous perspectives and legal traditions.

Applicants are invited to research one of these specific themes, or any other theme related to 'Aboriginal Peoples and the Law'.

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## ADMINISTRATION OF FUNDS

The funds are administered by CIAJ on behalf of the successful applicant and are available to support research assistance or other out-of-pocket expenses, but may not be used as an honorarium. It is expected that the completed research will be presented to the Institute's annual meeting in October 2015 in Saskatoon (SK).

The maximum amount of the Fellowship is \$7,500. The selection of the project for the research fellowship will be made by a committee composed of the President of the Institute (or his/her nominee), the CIAJ Academic Advisor, the Chair of the Research Committee, and one other person selected by the Research Committee.

The successful applicant will be notified by the end of February 2015 and the completed research paper must be forwarded to CIAJ by the end of August 2015.

The recipient of the Charles D. Gonthier Research Fellowship is encouraged to seek publication of the paper in a reputable scholarly publication and to indicate, in an introductory note, that financial support for the research was provided by the CIAJ.

## TO APPLY

- The fellowship competition is open to faculty and graduate students at Canadian universities.
- Applicants should complete the attached application form and submit it, **no later than January 30, 2015** to the address on the form.
- In addition to submission of a completed research report, the Institute expects to receive a complete account of expenditures.

For more information about CIAJ, contact us at [ciaj@ciaj-icaj.ca](mailto:ciaj@ciaj-icaj.ca) or 514-343-6157 or visit our Website at: [www.ciaj-icaj.ca](http://www.ciaj-icaj.ca)

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