

FEDERAL COURT JUDGE SPEAKS IN IQUALUIT, NUNAVUT ON ABORIGINAL COURTS AND RESTORATIVE JUSTICE

by Daniel Albahary¹

At the invitation of the Aboriginal Law section of the Canadian Bar Association, Nunavut Branch, the Honourable Justice Leonard S. Mandamin of the Federal Court (of Canada), delivered a lecture on the subject of Aboriginal Restorative Justice to the bar of Nunavut, in Iqaluit on May 8, 2013.

Justice Mandamin, an Anishnawbe member of the Wikwemikong unceded Indian reserve on Manitoulin Island, Ontario, is currently involved in the Federal Court First Nations judicially-assisted dispute resolution initiative and as a former Alberta Provincial Court judge, he presided in the Tsuu T'ina and Siksika First Nation courts, both in Alberta.

Sponsored in part by the Law Society of Nunavut, and open to the public with free admission, Justice Mandamin delivered his lecture in the elegant igloo-inspired boardroom of Nunavut Tunngavik Inc. (NTI), in Iqaluit. Attended by a significant portion of the bar who mostly reside in Iqaluit, but also other parts of Nunavut, as well as two members of the Nunavut Court of Justice, Justice Earl Johnson and Justice Bonnie Tulloch, Justice Mandamin's presentation focused on the experiences of the Tsuu T'ina and Siksika Courts, which involved First Nation peace-making justice initiatives and traditional Aboriginal mediation.

In his presentation, Justice Mandamin highlighted the alarming rates of Canadian Aboriginal incarceration and how these mediation initiatives were aimed at restoring balance to victims, those accused, and their respective communities through traditional Aboriginal justice approaches that eschewed incarceration for non-violent and non-sexual assault offenses and instead focused on coordinated individual and community healing.

Of the presentation, Mark Mossey, President of the Canadian Bar Association, Nunavut Branch, said “. . .our members benefitted tremendously by hearing Justice Mandamin's talk on restorative justice. It was highly praised by everyone in attendance

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and really brought value to our members.” “The Law Society of Nunavut was very pleased to receive Justice Mandamin and appreciative of his enlightening presentation on Aboriginal restorative justice. . . .” added Arthur Yuan, past-President of the Law Society of Nunavut.

Following the lecture, Justice Mandamin joined the Law Society of Nunavut as its special guest for its Annual General Meeting dinner at the Hotel Arctic in Iqaluit. Beginning with the lighting of the Qulliq by a respected Inuit elder, the evening culminated in a special presentation of traditional throat-singing and drum-dancing by the Inuksuk high-school drum-dancers. At the invitation of some of the students who performed that evening, Justice Mandamin delivered a similar presentation to a larger group of high school students in Iqaluit the following morning, before returning to Ottawa later that day.

During his stay in Iqaluit, Justice Mandamin was given a tour of the city and exposed to many of the unique aspects of living in Nunavut and Iqaluit, such as an escaped dog-team on the beach in near-by Apex, wintery blizzard-like conditions, local Inuit artists, their carvings and prints, and country food such as Arctic char and muskox.

During a visit to the Legislative Assembly of Nunavut, Tagak Curley, a historic Canadian Inuit leader and currently Nunavut MLA for Rankin Inlet North, reconnected with Justice Mandamin after having not conversed for many years, together having been involved in advocacy for Canada’s Aboriginal Peoples many years ago. The following day Mr. Curley officially recognized Justice Mandamin from the floor of the Assembly, and paid tribute to Justice Mandamin’s past advocacy efforts on behalf of the Inuit peoples in Canada.

Janet Rowsell, co-chair of the Aboriginal Law section, Canadian Bar Association, Nunavut branch, summarized the judge’s visit well: “Justice Mandamin’s visit to Iqaluit was a unique opportunity for our membership. His presentation on restorative justice was illuminating and everyone in attendance and participating benefited from the experience.”