

# Introduction

A story describing a young girl learning the tradition of beading from her grandmother ended the first day of the Reconciliation: *Wahkohtowin* conference held in Edmonton, Alberta on September 22 and 23, 2017. This was one of several *Wahkohtowin* ‘teaching and learning practice’ moments woven throughout the conference, designed to immerse participants in the concept. It juxtaposed a prior heartfelt plea by one of the elders in attendance for the imminent need for change in how Indigenous peoples are treated in Canada. These two very different stories, echoed by many elders who spoke, and seen in performances by Indigenous hoop dancers and an Inuit throat singer, added complexity to the thoughtful presentations given by academics from across the country. The totality created a unique experience which was transforming for some and at various points enlightening or frustrating for others.

The conference theme of *Wahkohtowin* — a Cree word that is foundational to Indigenous law — examined the possibilities and hurdles of a constitutional future built on mutual respect for Indigenous and non-Indigenous law. Possibilities for interpretation of existing constitutional provisions and formulation of modern treaties that would create new ways of thinking about Indigenous law and legal systems; giving interpretive equality to the views of legality and constitutionalism within Indigenous communities; the legitimacy of the Crown’s sovereignty given its lack of reconciliation with pre-existing Indigenous sovereignties and its perpetuation of Indigenous peoples inequality through tools like the *Indian Act*; and examples of Indigenous law in action were some of the themes emerging from the many rich presentations given.

The three papers in this issue capture these main themes. Colleen Sheppard’s piece describes

the experience of Jordan River Anderson, a young Cree child who spent his entire life in a hospital as a result of a jurisdictional dispute over provision of homecare services. Professor Shepherd provides a purposive interpretation of Jordan’s Principle that not only is capable of resolving jurisdictional conflicts but also embraces the substantive equality considerations necessary to ensure equitable funding for Indigenous peoples. Matt Wildcat follows with an intriguing illustration of how the *Wahkohtowin* principle affected the amalgamation process of the Maskwacis Education Schools Commission. His work illustrates how emphasis on the principle of *Wahkohtowin* allows Indigenous peoples to counter colonial dynamics that impede Indigenous cooperation. Ryan Beaton closes the issue with an overview of the Supreme Court’s jurisprudence rejecting substantive justifications of Crown sovereignty, instead favouring forward-looking procedural legitimization of *de facto* claims of Crown sovereignty.

We hope you enjoy the issue!

*Patricia Paradis and Colton Fehr\**

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