



***“Indigenous Rights, Globalization
and Federalism”***

FINAL REPORT

Indigenous Bar Association

15th Annual Fall Conference

Vancouver – October 15-17, 2003

Made possible through the generous support of:

Aboriginal Business Canada

BC Hydro Corporation, Aboriginal Relations

Canadian Aboriginal Judges

First Nations Gazette

Indian & Northern Affairs Canada - Vancouver

Indian Taxation Advisory Board

Law Commission of Canada

Legal Services Board of the NWT

Nahwegahbow, Nadjiwan, Corbiere

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INTRODUCTION & ACKNOWLEDGEMENTS

The Indigenous Bar Association's 15th Annual Fall Conference ***Indigenous Rights, Globalization and Federalism*** was held October 15-17, 2003 in Vancouver, British Columbia. This year's conference once again brought together Indigenous lawyers, judges, academics, law students, community leaders, community members, members of the non-Aboriginal bar, and governmental officials from various jurisdictions, to discuss the position of Indigenous rights in both the federal and global context. Looking at the battles fought, decisions won and roads to the future, we managed to bring together many of the key players on the national and international front to provide new insight and strategies.

The conference was held at **Crowne Plaza Georgia Hotel** in Vancouver. Once again we created an on-site digital record of the conference's main plenary sessions.

We would like to acknowledge all those that have helped to make this year's conference a success. There are certain individuals that have provided an exceptional effort including:

The Conference Planning Committee comprised of **Margaret Froh, Don McIntyre, Linda Locke, Germaine Langan, Brian Calliou, Bonnie D. Missens, and Mark Stevenson.**

We take this opportunity to also acknowledge Elders/Grandmothers **Mary Charles** and **Shawani Campbell Star** as well as Elder/Grandfather **Judge Alfred Scow** for their thoughts and prayers that greatly contributed to the conference.

We would also like to acknowledge the many keynote speakers and presenters who shared thought provoking and challenging remarks and papers with conference participants. A special acknowledgement goes to IBA Conference Coordinator **Germaine Langan, Hillary Thatcher**, and the many student and member volunteers who made the smooth running of the conference possible.

Finally, the Indigenous Bar Association would like to take this opportunity to once again acknowledge the sponsors of the 15th Annual Fall Conference for their generosity and support of this important gathering:

- **Aboriginal Business Canada**
- **BC Hydro Corporation, Aboriginal Relations**
- **BC Aboriginal Judges, Marion Buller Bennett & Steven Point**
 - **First Nations Gazette**
- **Indian & Northern Affairs Canada - Vancouver**
 - **Indian Taxation Advisory Board**
 - **Law Commission of Canada**
 - **Legal Services Board of the NWT**
 - **Nahwegahbow, Nadjiwan, Corbiere**

DETAILED CONFERENCE REPORT

Pre-Conference Activities- October 15

Student Day

The third annual student day was held at the Longhouse of the University of British Columbia and was a great success. This component of the conference just keeps getting bigger and better and more impressive.

We would like to acknowledge the Student Day Planning Committee comprised of **Jennifer Duncan, Shain Jackson, Gloria Cardinal, Leah Ballantine, Tuma Young, , Tamara Starblanket and Don McIntyre.**

Tuma Young and **Jennifer Duncan** did an exceptional jobs as Masters of Ceremony and the student planning committee should give themselves a pat on the back.

Shane Pointe welcomed the students to Musqueam Territory

Professor June McCue, Welcomed the students to the Longhouse on behalf of the University of British Columbia.

Opening remarks were given by **Madeline MacIvor** where she shared the story of the Totem Poles that hold up the Longhouse. Poles from the Four Nations that share in the history of those lands.

We made sure that the students would not want for food:

Breakfast was sponsored by the **BC Aboriginal Judges, Marion Buller Bennett & Steven Point**

Lunch was sponsored **BC Hydro**

Reception sponsored by the **Legal Aid Society of the North West Territories.**

We had a tour of the **Museum of Anthropology**, where the future met the past. The students had many questions about what was happening with regard to the Repatriation

of the articles that were housed there. It was good to see the enthusiasm that the students have for the work before them.

We had fantastic speakers:

Brad Enge came from the North West Territories and spoke practically of the career opportunities in the North and what employers are looking for in articulated students and future lawyers.

Arthur Ray spoke giving the students a history of the US Treaty process and the similar approaches that the Australian and Canadian governments have incorporated and are using today. He showed how non-indigenous governments throughout the world continue to struggle with indigenous views of land sharing and guardianship.

Miguel Alphonso Martinez lead a discussion that explored the students questions about the international stage looking at everything from the Permanent Forum to the UN Declaration on Indigenous Rights. He shared his view that the primary role for Canadian Law students is to understand the legal system that is now in place to provide them with the tools necessary to continue the struggle for indigenous rights in the future.

Jean Teillet provided an overview of the recent Supreme Court of Canada decision *R. v. Powley*¹ and shared highlights of the ruling and the new definition of Métis aboriginal rights that the courts have embraced.

The day ended with the reception in the hotel that was extremely well attended by the Students and the Lawyers. At least two students were asked for their resumes. This is really a huge part of what the IBA stands for; this commitment to bring aboriginal students together with the indigenous legal community and the connections that are built are good to see.

¹ *R v. Powley* 2003 SCC 43

ETHICS COMMITTEE MEETING AND DISCUSSION

The Ethics Committee (the "Committee") met to discuss and present to the membership the work they have been doing and receive input from those within the membership that are interested in the work of the committee. The group was presented with copies of the work that has been ongoing. Inspired by the work of Margaret Somerville, the Committee led a discussion on ethics for the Indigenous Bar Association ("IBA"). The Committee was created in 2001 out of the need to develop and articulate an Indigenous grounded ethical guide for members. As part of this initiative, the Committee has worked toward ensuring inclusion of the views and perspectives of all IBA members. Indigenous lawyers must balance their community duties and responsibilities as Indigenous people with their professional duties and responsibilities as members of law societies. This results from time to time in a conflict between Indigenous ethics and legal ethics. The Committee seeks to identify these conflicts and provide supports to members in light of these conflicts. To this end the Committee has attempted to facilitate talks which bring together concerned individuals and provide resources and opportunities to better understand these ethical dilemmas. On October 15, 2003 the Committee arranged for a pre-conference discussion group to accomplish numerous results including:

1. provide an accounting of the work of the Committee to interested parties;
2. allow interested members the opportunity to provide input into the work of the Committee;
3. act as a recruitment drive to increase IBA membership activity in the Committee;
and
4. provide an opportunity to expand our Elders network and gain valuable input from them

For greater detail see paper available at IBA website.

MATRIMONIAL REAL PROPERTY ON RESERVES

This was the second meeting of a focus group to look at the issue of Matrimonial Real Property on Reserves and was held on October 15, 2003 in Vancouver, British Columbia. The meeting was attended by 27 individuals. It was facilitated by **Dianne Corbiere**. It began with introductions of all participants. Those in attendance were provided with a brief description of the work of the **Office of Women's Issues & Gender Equality Directorate at Indian and Northern Affairs Canada** by **Lila Duffy**, **Wendy Cornet** reviewed her paper, **Nancy Sandy** summarized the work with regard to submissions to the Senate Standing Committee on Human Rights and the group discussed future action including prospective recommendations that will be brought forward to the Standing Committee by **Nancy Sandy**. The exceptional work of **Nancy Sandy**, **Larry Chartrand** and **Helen Semaganis** on the oral and written presentations to the Standing Committee on behalf of the IBA must be commended.

For greater detail see paper available at IBA website.

INDIGENOUS RIGHTS AND GLOBALIZATION- Day 1

The **first day** brought together some important themes:

The peril and potential that is available with the continued expansion of globalization.

The need to protect and provide for the future generations the details of culture

Miguel Alphonso Martinez discussed globalization and the increasing disparities that indigenous peoples are experiencing because of it. What he referred to as "colonialism in a new format". He explored the environmental degradation and the forced displacement of Indigenous peoples due to resource exploitation and the assimilation and exclusion from economic benefit and decision-making. He expressed the view Aboriginal peoples in North America know only too well these themes and appear to be moving towards solutions.

He shared his recommendations for a global project which would look to mandate "Prior and informed consent of all the affected indigenous peoples before any development happens on indigenous lands."

SESSION 1: INDIGENOUS RIGHTS AND INTERNATIONAL FORUMS

Our first panel looked at **Indigenous Rights and International Forums**.

Brian Calliou chaired the group and shared the idea that computers and the internet may be a place to protect our stories and language and tradition but cautioned that the threats may outweigh the benefits and that we should proceed cautiously.

Wilton Littlechild provided us with an overview of the UN system and gave us the four key areas that they are working in:

1. International Conventions- such as ILO 169, Human Rights Treaties and the like,
2. International Declarations- which though non-binding have influence on domestic law,
3. Customary International Law- involving UN expert meetings and Special Studies, and finally
4. World Conferences and Summits- which provide education and information for all of us in our work.

Sharon Venne spoke of the expectations of some people going to the UN looking for "Instant Pudding Solutions" and the reality that it requires hard work over the long term. She emphasized land and water rights are critical to the future of our peoples. She discussed two up-coming meetings:

1. The seminar on the Justice System and the Impact on Indigenous Peoples with particular attention to land in Madrid Spain, and
2. The follow up meeting in Geneva this December looking at the Treaty Study.

Finally we had **Jamie Lavallie** who kindly appeared to present James Hopkins' paper on Globalization. She highlighted the fact that globalization offers both promise and peril for the future of Indigenous peoples. Promises international forum for dispute resolution, opportunity for dialogue and a re defining of Indigenous peoples rights. The perils include the possible dilution of who Indigenous peoples are through the internet, news, cable programming etc. She described a fear that Indigenous peoples may not break away from the history and colonization. Though we cannot break the legacy of the past, we can use this knowledge to improve the future.

SESSION 2: IMPACT of INTERNATIONAL LAW on the EXERCISE of INDIGENOUS RIGHTS

The second panel on the **Impact on International Law on Exercise of Indigenous Rights** chaired by **June McCue** brought together:

Dr. Larrisa Behrendt who spoke on the Australian Constitutional Framework, the ongoing effort to provide Treaties in Australia, and the Australian reforms in 1967 which assumed that the government would make law for the benefit of the indigenous peoples. She highlighted three similarities to Canada.

1. Indigenous Rights are perceived as a threat to property rights.
2. the perception that Indigenous peoples are "being given something."
3. The struggle for a way to coexist.

Dr. Behrendt pointed out the precarious nature of Indigenous rights even today.

Corporations provide an opportunity for new understanding of Indigenous rights as they simply desire to get on with the business at hand.

Dr. Dalee Sambo Dorough who provided a very succinct overview the key developments in human rights including;

1. the need for human rights education,
2. the development of a Treaty on self-government with the Inuit of Greenland, and
3. the UN work group on a Draft Declaration on the Rights of Indigenous Peoples.

The group was offered examples of how Indigenous peoples are using the international community to define the Indigenous rights as human rights. The right to self-determination must be guarded against the nation states as it appears they do not care.

Art Manual talked of the importance of recognizing the ownership of land in a macro-economic perspective. Mr. Manual looked at the serious challenges to the domestic gains that Indigenous people have made in the area of land right, hunting fishing and Traditional Knowledge. He cautioned us that Free Trade discussions elevate corporate interests over indigenous rights..

SESSION 3: GLOBALIZATION and the PROTECTION of INDIGENOUS CULTURAL KNOWLEDGE

In the Afternoon Panel **Globalization and the Protection of Indigenous Cultural Knowledge**, **Roger Jones** chaired presenting:

Ray Obomsawin conveyed to us the ideas that Indigenous knowledge encompasses an array of socio-economic activities and the increasing disparity that globalization can potentially bring between the rich and the poor. Mr. Obomsawin described some of the pesticide issues and the removal of timber in the world. Indigenous Knowledge is very broad and holistic, looking at multiple factors. He showed how Indigenous Knowledge applies to all systems in any society. There was a review of Indigenous Knowledge, Aboriginal Knowledge and Local Knowledge with the results being integration, assimilation marginalization or separation. People with this knowledge should be considered experts and a potential source of capital for the community.

James Sakej Youngblood Henderson spoke to us on the subject of culture and how to protect, maintain and enforce the many cultural rights and heritages that are part of the world. Focusing on Canada and the many cultures that exist with Canada, He spoke on the formation and articulation of Indigenous jurisprudence and the need to maintain our culture on an international global front. We were reminded that in our stories and our ceremonies we will find our Indigenous jurisprudence and that we must hold this equal to any other including common law. He described the struggle for recognition of our rights as the struggle to maintain ourselves.

Russel Barsh a "recovering lawyer" spoke to us of traditional management practices and stewardship of the Northern Straits Coast Salish people. The program which he is

involved with mapping the territories and putting it together with memories, pictures and stories to create a mosaic of the present day landscape. He spoke of spirit gifts (things that the Spirit World give to you examples being skills as healer, fisherman or teacher) and Inherited gifts (privileges with regard to names, songs, harvesting rights, ceremonies) and the law jurisprudence surrounding these. He brought home how in the present we must look to the past and our stories to find our truths and understand our future.

Robert Paterson, after allowing for a brief and necessary emergency coffee break, spoke of his work with Catherine Bell regarding the dissemination of information about existing Canadian laws as they relate to Aboriginal concerns both at Federal and Provincial levels and trying to facilitate a better understanding of First Nation explained to us how legislative reform can be used to protect cultural and intellectual property with regard to tangibles and intangibles in the case of First Nation heritage.

WORKSHOPS

And finally we went off to our **workshops** to explore these themes looking at the present protections and the potential pitfalls that are all over in the area of indigenous rights and law. The feedback from this opportunity to speak in smaller groups on more specific points has been encouraging. This year there were four workshops where individuals could go and speak with teachers and practitioners in the areas that most interest them. This allows for greater one-on-one discussion as well as a more comprehensive and expansive viewing of the area of Indigenous rights, globalization and federalism. It allows that attendees to have a greater level of participation in a discourse area of their choosing. At the conference four topic areas were provided from which people could choose the one that most interested them. We looked at:

Protecting Indigenous Cultural Knowledge with Robert Paterson, Merle Alexander and Don McIntyre. In this workshop the problems with protection of Traditional Knowledge ("TK") were explored. We looked at the practical components intrinsic in try to protect TK. Finally, we looked at possible solutions that could be explored using common law rules, the *Trademark Act* and the *Constitution Act, 1982*, section 35. The group explored various contractual models and offered various real life examples of process that did and did not work.

Experiences in Using International Forums with Paul Chartrand and Wilton Littlechild. In this workshop the group looked at two questions. What has worked in the International arena? and, What access is available to International law? The primarily discussed the United Nations ("UN"). Looking at the process of accessing the International arena, it was suggested that indigenous leaders:

1. be part of the Canadian delegation
2. Be part of a non-government organization (examples include NGO status, AFN, Métis nation etc.)
3. Application to attend a meeting at UN under 1995/32
4. Collaborative partnership as Canadian Indian to work with other indigenous groups to get on in the international arena

The group discussed to opportunities at the UN and the benefits with regard to strategic ideas of knowledge. The shortcomings of the UN were explored including the ideas that the World Trade Organization ("WTO") may be more powerful than the UN. The fact that the UN cannot solve the problems but rather acts as a problem identifier. It was ended with a discussion of the fact that international cases have an effect on the law at the national level and vice versa

Globalization, Forestry and Indigenous Rights with Russell Diablo and David

Nahwegahbow looked at the Forest Stewardship Council ("FSC"). The FSC is an international membership organization with an emphasis on social issues. The Council provides an international panel of people with expertise in the area of indigenous rights, of which Canada is a "supplier" country, that is committed to:

1. Regulated Standards
2. Accreditation of certification bodies and
3. CB Audit and certify forest operations

The mandate of the FSC is to promote environmental, social and economic considerations in forest management. FSC is the only system where Intellectual Property rights are considered. Certification under the FSC is voluntary if an organization meets the standards set out by the FSC they are given the right to bear the FSC symbol. The purpose is to provide a voice to First Nation with regard to capacity

and balance that with the industry concern regarding cost of improving the standard and provide a mechanism where these concerns can be addressed and knowledge of areas accessed.

Impact of Globalization on Indigenous Cultural Knowledge with Ray Obomsawin and James Youngblood (Sakej) Henderson looked the idea that we live in a pre-globalization time which provides us with a time to reconstruct international law to respect and protect the knowledge of First peoples. People are the fundamental unit of the Indigenous knowledge. The view taken up by the group was that TK is not for sale, but can be shared. They discussed the numerous international documents that address this issue but it was suggested they are ineffectual. The group canvassed numerous methods of addressing the issue of protection and decided that the IP application provide weak protection, likewise, Biodiversity convention is only a structure. The strongest argument for a nation to pursue would be the cultural heritage protection argument. The group looked at the various case law and legislation (both Canadian and international). The conclusions gathered are that the laws that are now in place, come from a time when aboriginal people were not considered people. Lawyers must be constructive in this pre-global phase to ensure that nation state structures change to a notion of "peoplehood" which focuses on ecology. The final question left with the group was, what benefit do we (as Indigenous people) get from sharing our TK or should we share at all? The answer, it was suggested comes from our notion of who we are as indigenous people. .

INDIGENOUS RIGHTS AND FEDERALISM- Day 2

Opening Comments were provided by **Grand Chief Edward John**.

SESSION 4: INDIGENOUS RIGHTS and the SUPREME COURT OF CANADA

The first panel this morning looked at **Indigenous Rights and the Supreme Court of Canada**, examining the issues of Canadian federalism and the judicial evolution of a meaning for section 35. We have seen the still precarious place that section 35 holds unclear and worthy of careful and cautious interpretation by indigenous peoples. What was once considered by many to be a clear and explicitly expressed foundation of rights is, functionally, the groundwork for new and creative indigenous input.

Lydia Kwitsum looked at where indigenous people are with regard to consultation and offered the view that there is too much consultation for the sake of consultation. She suggests an Accommodation Policy Approach. This it was suggested addresses 3 major outstanding issues:

1. Certainty
2. Land Status
 - i. requires delineation of jurisdiction
3. Governance

Darlene Johnson described the importance of Treaty and how court decisions have removed the duty and honour components they hold for aboriginals. Looking at the Two Row Wampum, she described how the indigenous groups may be displaced and become the recipients of hostility from non-aboriginal groups angry at constitutional

protection given to Aboriginals Rights. She warned of the potential for diminished social harmony for Canada as a whole. Ms. Johnson looked at the inviolability and Constitutionalizing of Treaties. She suggested a move from implicit abrogation to implicit justification. She spoke of section 35 speaking to both aboriginal and treaty rights and suggests it does not respect the specificity of treaties. In her view we did not sign treaties, it was a congress. For First Nations, promises were made through the wampum belt. These belts are documents, they are texts. She ended by suggesting that the "honour of the crown" must be revisited by the court with regard to aboriginal case law. Section 88 of the *Indian Act* gives more protection for treaty rights though an 1951, amendment to Indian Act, allowed provincial legislative powers on reserve. This type of action undermines the *Indian Act*.

Gordon Christie approached the issue of section 35 may include rights to self-determination. He looked at the theoretical rather than the actual. He looked at the meaning of federated states and how to maintain a federal structure. By describing the power imbalances of section 35 as it is currently being interpreted, he suggested to us the interesting possibility of a third order of government within the Constitutional framework of Canada would provide rights to Indigenous government. He suggests moving the interpretation of the right from one of culture to a constitutional right.

Albert Peeling reviewed Honorable Justice Lamer's content in the *Van der Peet*² decision. He elaborated on the strengths and inconsistencies of the decision, giving a

² *R v. Van der Peet* [1996] 2 S.C.R.

comparison of where it held up and where it faltered. Where that decision stands today and how the modified test given in *Powley*³ may affect the position of Lamer.

³ *R. v. Powley* supra

SESSION 5: INDIGENOUS RIGHTS and the DUTY TO CONSULT and ACCOMMODATE

In the second panel **Indigenous Rights and the Duty to Consult and Accommodate** **Miles Richardson** chaired the panel as they looked at the position of British Columbia and the recent decisions out of the BC courts.

Jean Teillet was originally scheduled to discuss *Taku River*⁴ case but was requested to take us through the *Powley*⁵ case and looked at the rights of Métis. She described the change in 1982 when the understanding of Métis moved from a "part Indian " status to one of the constitutionally protected groups within section 35. She addressed the modifications to the *Van der Peet*⁶ test with regard to non-species specific hunting rights. She explored with us the new definition for Métis and aboriginal that the courts have adopted. She addressed the very interesting removal of blood quantum from the equation when looking at Aboriginals rights as they affect Métis. She shared with us some the queries that the courts are now willing to consider. Finally Ms. Teillet addressed the areas that still possible for future litigation.

Terri-Lynn Williams Davidson explained briefly her role and the role of her firm Environmental/Aboriginal Guardianship through Law and Education (EAGLE). She looked at the *TFL 39 Weyerhaeuser* decision and then at the BC court's *Taku River*⁷ decision and how the consultation has changed. She described the Haida Protected Areas which consists of 14 protected areas on Haida Gwaii. She described the history of forestry operations in Haida Gwaii by the province and the forestry corporations. The

⁴ *Taku River Tlingit et al v. Ringstad et al* 2000 BCSC 1001

⁵ *R. v. Powley* supra

⁶ *Van der Peet* supra

⁷ *Taku River* supra

duty to consult and duty to accommodate that has been set down by the Courts was reviewed.

Hugh Braker spoke briefly on the recent *Paul* decision. He spoke to us on consultation with regard to Aboriginal rights and title. He stated the duty to consult arises before any proof of title or rights has been determined by the courts. He described how indigenous groups are more than just one of many interested stakeholders but rather are entitled to a distinct process surrounding any consultation. He left off with the idea that the requirements for consultation will vary from community to community.

SESSION 6: INDIGENOUS RIGHTS AND FEDERALISM

The final session was chaired by **Bruno Bonneville**

Clare Beckton provided the group with a Framework for Federalism. She indicated there is a history of cooperation and pragmatism. The key to effective protections is in our relationship with the federal government. Section 25, offers some protection and freedoms but we have to look for ways to avoid conflict.

Jeremy Webber attempted to restore to respectability the Rule of Law and suggested it is seen with regard to Indigenous issues as an external principle that can be used to confine the relationship between government and people. When looked at from the view of someone who is subjected to the law, it speaks to a broad level of generality. Rather, Indigenous peoples should perceive the Rule of Law as one engaged in their community. It should describe so that it does have relevance to communities and how they work with the people. It was suggested that Rule of Law should be used as a vehicle for freedom that helps promote responsibility. It is an important tool to expose the value of formality in law making. The purpose of law making is for norms to be changed and clarified. Rule of Law provides a groundwork for that discourse.

Paul Chartrand discussed the relationship between federalism and Indigenous rights. He began by describing the Canadian system as the oldest and most respected federal system in the world suggesting it provides:

1. common interest
2. shared rule
3. a working system of well established institutions

The issues that Mr. Chartrand addressed with regard to this system are that at present provincial rights trump Indigenous rights. The courts have created a legitimacy problem for aboriginal peoples with tests that are unrealistically complex and problematic. The view is Canadian public interest or Indigenous interests, there can be no meeting. This is an intrinsic component of the adversarial system where someone must win. But even when an Aboriginal case is won, the courts are loath to give large cost decisions- maintaining indigenous people at the peasant level.

The Statute of Limitations extinguishes Indigenous rights. The aboriginal peoples of Canada need the power to fight at the federal and provincial levels as an equal. To do this he proposes that there is a need to get Indigenous people into the parliament and legislative assembly and points out that only 2 dozen Indigenous people have risen to that level. This is the first steps on the long road to self sufficiency.

André Lajoie looked at this discussion from a Radical legal pluralist view. She suggested that unless an Indigenous has in good faith, validly signed away their rights , they are not a part of the Canadian federalist state. Indigenous areas without treaties are stateless in the context of a Canadian state. Those places that do have treaty, it was a nation to nation document and should now be viewed by Canada as such At the time that Indigenous groups enters into the federalist paradigm, then and only then, it would determine how that federalist state of which they are a part would look. No state existed previously the Indigenous and their laws are maintained to this day. Today the courts in Canada have given Indigenous peoples;

1. recognition of identity,
2. some private money in the way of indemnities,
3. public monies in the form of limited access to resources, and
4. some concessions with regard to services.

The state is a construct. And Indigenous peoples lived here prior to the state but in communities with law (in the general sense). There has been no conquering of First Nation and no extinguishment. Reviewing the Supreme Court of Canada decisions, it was suggested that there is a limit to the interest of the dominant group and what the courts will allow. If Aboriginals feel that Canada is of value, join. If not than your decision must be something else.

GALA BANQUET

The banquet was held at the Crowne Plaza and was very well attended despite the monsoon type weather. As always, it provided an opportunity for friends to sit, share a meal and reacquaint with the events that have occurred over the last year.

The banquet is also the time for presentations and this years recipient of the **Indigenous Bar Association Law Student Scholarship established in Memory of Ronald**

Peigan is **Tamara Starblanket** a third year student from University of British Columbia.

This award by **Paul Chartrand** a member of the selection committee for the scholarship.

The highlight of the IBA Annual Conference is the appointment of **Indigenous Peoples Counsel ("IPC")** which is the Aboriginal counterpart to the common law designation of Queen's Counsel ("QC"). This years designate is past President of the Indigenous Bar Association. **David C. Nahwegahbow**, the senior partner of the law firm Nahwegahbow, Nadjiwan, Corbiere, established in Ottawa, Canada since 1982. The appointment was presented by IBA president **Mark Stevenson**. David is a member of the Whitefish River First Nation, received his law degree from the University of Ottawa in 1980 and has been a member of the Ontario Bar since 1982. His firm represents a variety of First Nations and Indigenous organisations across Canada. David's expertise lies in Indigenous lands and resource rights issues. He has worked diligently within the federal and provincial Liberal parties to advance the role and position of Aboriginal peoples within the Canadian framework. He has acted both nationally and internationally presently acting as chairman of the board for the **Forest Stewardship Council**. He has maintained and prospered in his own practiced

After the dinner we were treated to the **Haida Dancers** which presented numerous songs and dances ending in an Honour Dance which included our members from each of the tables. The dinner ended with **George Leach** of the Sta'atl'imx Nation, located in the mountains of Lillooet, British Columbia singing The night ended with everyone being invited to the IBA hospitality suites and the Crowne Plaza to continue discussions and the renewal of old and new friendships

RECEPTION for the PROGRAM of LEGAL STUDIES for NATIVE PEOPLE 30th ANNIVERSARY

University of Saskatchewan

There was a reception to celebrate thirty years of the **Saskatchewan Program**.

Students from the last thirty years of the program came together to reminisce, renew old acquaintances, talk, laugh and look ahead to the next thirty years.

The archives of the program were pilfered and attendees were invited to look at pictures and attempt to match names to faces and celebrate the remarkable contribution the program has made to the careers of many aboriginal lawyers and legal educators as well as the development of the profession of indigenous practitioners in the Canadian legal system.

BOOK RELEASES

The IBA also hosted the release and re-release of books by **Theytus Books Ltd.**

The release gathering was for **Box of Treasures or Empty Box –Twenty Years of Section 35** edited by **Ardith Walkem** and **Halie Bruce**. The book is a collection of essays that explore where section 35 of the *Constitution Act , 1982* has taken aboriginal peoples and where it will lead.

The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

These words signify a great deal and this work looks to provide perspective to the over two decades of re-defining and re-constituting by Canada of who Indigenous peoples are and the aboriginal peoples resolve for nationhood. This work provides a framework to explore section 35 and suggestions for the future by some of the most recognized writers in the subject area. In attendance were **Mark Stevenson, Robert Paterson, L. June McCue, Ian Waddell** and **Louise Mandell**

The second book by **Theytus Books Ltd** was the second printing of the **Sharon Helen Venne** book **Our Elders Understand Our Rights- Evolving International Law Regarding Indigenous Rights** which provides an indigenous perspective of International Law and the issues, events and legislation that has been effected for indigenous peoples around the world. The author was on hand to sign copies