



22nd Annual IBA Fall Conference 2010

Gala Banquet & Awards Ceremony

October 21 & 22, 2010 The Fairmont Hotel Vancouver, Vancouver, BC

Indigenous Land Reform in Canada Conference Abstracts

Collective Ownership of Lands: The Alberta Métis Settlements Experience with Fee Simple Title

- Gary Parenteau, Senior Policy Advisor - Métis Settlements General Council

Discussion includes collective ownership rights and responsibilities of the Métis Settlements General Council, Métis Lands and Membership Registry, Settlement Council's and individual Métis.

Fee simple ownership successes and challenges for the Métis will be presented.

Indigenous Land Rights at International Law: Asserting the UN Declaration on the Rights of Indigenous Peoples and other International Law Mechanisms within Canada

- Brenda Gunn, Assistant Professor, University of Manitoba Faculty of Law

This presentation examines the standards set out in the UN Declaration on the Rights of Indigenous Peoples' and other international instruments which provides protections to Indigenous peoples' traditional lands that Canada must uphold. This presentation will also review the types of reparations ordered by international tribunals for violations of these protections and conclude with suggestions on how to use these norms in Canada and international bodies.

Report Card on Treaty Processes in Canada

- Sophie Pierre, Treaty Commissioner, British Columbia
- James Wilson, Treaty Commissioner, Manitoba
- The Honourable Bill McKnight, Treaty Commissioner, Saskatchewan

Treaty Commissioner James B. Wilson will give an overview of the Treaty Relations Commission of Manitoba's joint Assembly of Manitoba Chiefs / Indian and Northern Affairs mandate and discuss its three pillars: public education, facilitation and independent research. Commissioner Wilson will present on the current state of Treaties in Manitoba, as well as potential future opportunities for First Nations and Canada in strengthening the Treaty relationship in a modern context.

First Nations Land Codes: First Nation Lands Management Success Stories

- William (Bill) McCue, Director - First Nations Lands Advisory Board

Urban Indigenous Lands Development

- Musqueam Nation (TBC)

Redressing Land Claims: Canada's New Specific Claims Tribunal

- The Honourable Harry A. Slade, Chairperson, Specific Claims Tribunal Canada

Reconciling Indigenous and Crown Title: The *Kunst'aa guu* – *Kunst'aayah* Reconciliation Protocol (Haida)

- Terri-Lynn Williams-Davidson, White Raven Law Corporation

Terri-Lynn Williams-Davidson will speak about the *Kunst'aa guu* – *Kunst'aayah* Protocol. The Protocol describes how the Haida Nation and BC will seek a more productive relationship and respectful approach to co-existence. The Protocol outlines a shared and joint decision-making process for land and resource management.

Treaties Chair: Sharon Venne

There is a need to understanding that the federal government is not the Treaty Partner. It is the Crown, the Crown in a much different sense than the way Justice Department lawyers use it when they say they are representing the Crown. The Treaty Partner is the Crown. The federal government has the task of fulfilling the Crown's promises, protecting the Crown's honour. The Treaty structure is that the implementers of the Treaty are the governments of the parties. Where there are fiscal responsibilities, those should go to the First Nation governments so they can meet the needs of their people.

This workshop will explore the options available to Indigenous Peoples and their legal teams.

Human Rights and Bill C-21 Chair: Koren Lightning-Earle

This intensive workshop on the Canadian Human Rights Act will be composed of four segments.

First, a CHRC legal representative will provide a brief update on cases currently before tribunals and courts dealing with the rights of First Nations and other Aboriginal people, and the role that the CHRC is taking in representing the public interest on issues such as the extent to which adequate funding for on-reserve programs can be considered a service within the meaning of the CHRA.

The second part of the workshop will deal with practical tools the CHRC is developing to assist First Nation communities, and other organizations, to develop or enhance their own internal processes to prevent, manage, and resolve human rights disputes. The CHRC will suggest a number of guiding principles that could help to support processes that are effective in solving disputes of discrimination where and when they arise.

In the third part of the workshop, participants will be led through a discussion of the "Interpretive Provision" of the CHRA, which requires that in cases involving First Nations, decision makers under the CHRA need to interpret the law to give "due regard" to "First Nations legal tradition and customary law, particularly the balancing of individual rights and interests against collective rights and interests, consistent with the principles of gender equality."

The fourth and final part of the workshop will deal with practical guidance that legal practitioners may be expected to provide First Nations governments, following the repeal of section 67 of the CHRA. Participants will be guided through a soon to be released publication, the First Nations Managers Guide. Participants will be asked for their ideas on how to make this tool as widely accessible and as helpful as possible.

Pre-reading for interested participants will include:

- 1) CHRC Discussion paper on Guiding Principles
- 2) Draft First Nations Managers Guide

Indian Residential School – Independent Assessment Process Chair: Lee Schmidt

Using the UN Declaration & Other International Law Mechanisms Chair: Brenda Gunn

Indigenous Legal Ethics Chair: TBC