

ART GALLERY OF WINDSOR
APRIL 2-3, 2018
8:30 AM - 6:00 PM

DECOLONIZING LAW?

SPEAKERS:

Dr. John Borrows

Faculty of Law
University of Victoria

Dr. Usha Natarajan

Department of Law
American University of Cairo

Dr. Liliana Obregón

Faculty of Law
Los Andes, University in Colombia

Dr. Heidi Kiiwetinepinesiik Stark

Political Science
University of Victoria

METHODS
TACTICS
STRATEGIES

Exploring synergies and
divergences relating to the
meaning and scope of
decolonization at the intersection
of both Indigenous and Third
World decolonial movements.

www.uwindsor.ca/law/DecolonizingLaw2018



Windsor Law
University of Windsor



Universidad
de Concepción



Windsor Law sits on the traditional territory of the Three Fires Confederacy, which is comprised of the Ojibway, the Odawa, and the Potawatomi.

We are committed to ensuring Indigenous legal traditions and perspectives are fully acknowledged and respected in our teaching, research and community engagement.



Dear conference participants,

It is with great pleasure that we welcome you to the Decolonizing Law? Methods, Tactics & Strategies conference in Windsor Ontario. The University of Windsor is situated on the territories of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Pottawatomie. Our conference is hosted by the Transnational Law and Justice Network and the Faculty of Law at the University of Windsor. Our conference is co-organized with the Water Research Centre for Agriculture and Mining, Universidad de Concepción, Chile, & Osgoode Hall Law School, York University.

Law has played an essential and continuous role in the dispossession and disenfranchisement of colonized people around the world. Law and its various institutions provide the mechanism for colonial, imperial, and settler colonial programs to be deployed, reinforced and sustained. What is made however can be unmade. Law has the potential to decolonize our respective communities and societies. There are recent and historical examples in which law has played a role in dismantling colonial and imperial structures instituted during colonization. Nonetheless, the decolonial process is not complete and we have a long road ahead in undoing what law has managed to achieve.

We will begin our gathering with a keynote conversation between John Borrows and Usha Natarajan. John and Usha will discuss their characterizations of decolonization based on their own lived experience as researchers and teachers from their respective communities. Building from this conversation, in our next keynote Liliana Obregón will chronicle the erasure of women and Indigenous Peoples in the history of International Law. Heidi Kiiwetinepinesiik Stark will then focus on the impacts of the border on regulating relationships. We hope, through plenaries and concurrent panels over the course of two days, that we will explore synergies and divergences relating to the meaning and scope of decolonization at the intersection of both Indigenous and Third World decolonial movements. We seek to transcend disciplinary boundaries and explore various conceptions of decolonization with scholars, writers, and activists working both within Indigenous communities and from the Global South.

We are grateful to the generous support of the various funders that made this event possible, including Faculty of Law, University of Windsor, Vice-President, Research and Innovation Office, University of Windsor, Water Research Centre for Agriculture and Mining, Universidad de Concepción, Chile, Osgoode Hall Law School, York University & Politics of Sexual Violence Initiative, The City College of New York.

In solidarity,

Amaya Alvez Marin, Faculty of Law/CRHIAM, Universidad de Concepción
Amar Bhatia, Osgoode Hall Law School, York University
Karen Drake, Osgoode Hall Law School, York University
Signa Daum Shanks, Osgoode Hall Law School, York University
Jeffrey Hewitt, Faculty of Law, University of Windsor
Valarie Waboose, Faculty of Law, University of Windsor
Sujith Xavier, Faculty of Law, University of Windsor



DAY 1 – Monday, April 2, 2018		
8.00-8.30	Breakfast & Registration	
8.30-9.00	Opening Ceremony: with Myrna Kicknosway, Elder, Walpole & Bryan Loucks Elder, Walpole; Honour Songs: Drummers from Walpole Welcome: Dean Christopher Waters (UWindsor Law); & Conference Organizers Welcome (Valarie Waboose & Sujith Xavier)	
9.00-10.30	Keynote Conversation with John Borrows & Usha Natarajan [Rodzik Lounge] (Moderators: Valarie Waboose & Sujith Xavier)	
10.30-10.45	<i>Break: Check out the art pieces in AGW</i>	
10.45-12.15	Plenary 1 – Rodzik Lounge Anishinabek Methodologies and Water Law (Moderator: Russell Nahdee) Deborah McGregor Sue Chiblow Rayanna Seymour-Hourie Aimée Craft	
12.15-1.00	Lunch (<i>Optional: Guided Gallery Tour</i>)	
1.00-2.30	Plenary 2 – Rodzik Lounge International Legal Education in Latin America: a tool for epistemological decolonization? (Moderator: Reem Bahdi) Paola Acosta-Alvarado Amaya Alvez Marin Laura Betancur-Restrepo Enrique Prieto-Rios Daniel Rivas-Ramirez	
2.30-2.45	<i>Break: Check out the art pieces in AGW</i>	
2.45-4.15	Panel I (A)- Rodzik Lounge The right to Free Prior and Informed Consent: a Case study of Northern Ontario and Chile (Moderator: Gemma Smyth) Terry Mitchell Jose Aylwin Oyarzun Darren Thomas Courtney Arseneau	Panel I (B) - Valiant Suite Decolonizing Resources? (Moderator: Dayna Nadine Scott) Amaya Alvez Robinson Torres Decolonizing Water? The use and practices of Indigenous Peoples in Latin America Estair Van Wagner Maria Bargh Decolonizing Mining Law in Aotearoa? Maori engagement under the Crown Minerals Act 1991 Emily Rosser Decolonising claims to victim-centeredness: The testimonial-analytical division of labour in truth-telling and transitional justice
	<i>Break: Check out the art pieces in AGW or Publication discussion (Rodzik Lounge)</i>	



DAY 1 – Monday, April 2, 2018

4.45-6.15	Panel II (A) – Rodzik Lounge Learning from Kanawayandan D’aaki. Is There (Still) Only One Law? (Moderator: Alexandra Flynn) John Cutfeet Donna Ashamock Dayna Nadine Scott Andrée Boisselle	Panel II (B) – Valiant Suite Decolonizing Corporate & Economic Law? The Role of Scholarship (Moderator, Kristen Thomasen) Anna Lund Gail Henderson Shanthi Sente
7.30-9.00	Conference Dinner, Mazaar 372 Ouellette Ave, Windsor ON	

DAY 2 – Tuesday, April 3, 2018

8.00-8.30	Breakfast
8.30-9.30	Keynote [Rodzik Lounge]: Liliana Obregon: Decolonizing international legal history: re-reading the absence or presence of women and/or indigenous peoples in historical narrative (Moderator & Discussant: Amaya Alvez Marin)
9.30-10.30	Plenary 3- Rodzik Lounge Indigenous Women and Incarceration (Moderator & Discussant: Myrna Kicknosway, Elder, Walpole) Bev Jacobs Yvonne Johnson Joey Twins
10.30-10.45	<i>Break: Check out the art pieces in AGW</i>
10.45-12.15	Plenary 4 – Rodzik Lounge Unsettling, Shifting and Changing Modalities (Moderator & Discussant: Amar Bhatia) Adrian Smith Unsettling Labour Law Valarie Waboose Conducting Research from an Indigenous Lens Paul D. Ocheje Assailing the Colonial “Logic” of Laws and Constitutions: Sub-Saharan African States and the Prospects of Decolonization Reem Bahdi Decolonizing Mastery and Gratitude? An examination of the aid Agency’s everyday
12.15-1.30	Lunchtime Keynote: Heidi Kiiwetinepinesiiik Stark – [Rodzik Lounge] Title: Regulating Relations: Exploring the Impacts of Borders (Moderator: Jeff Hewitt) Discussant: Bryan Loucks (Elder, Walpole)



DAY 2 – Tuesday, April 3, 2018		
1.30-3.00	Panel III (A) – [Rodzik Lounge] Refusal & Resurgence (Moderator: Bev Jacobs) Mark Harris Turning away from Australian colonial law – the case of Murrumu Walubara Yidindji Mary Eberts Compatible: Canada’s federal system & Indigenous law? Natalia Angel-Cabo Garbage, Courts and Political Struggles: experimental justice and socioeconomic rights enforcement in Colombia’s intermediate cities Nombuso Mathibela Lessons from Azania: Social movements and the law/Feminist Jurisprudence through literature from the south	Panel III (B) – [Valiant Suite] Decolonizing Ideas and Institutions (Moderator: Jill Rogin) Allyson Stevenson Decolonizing Child Welfare Law in Saskatchewan: Histories of the Metis Struggle for Human and Children’s Rights. Paul Simard Smith Indigenous Oral Histories and the Epistemology of Deep Disagreement Vasanthi Venkatesh Decolonizing Migrant Worker Frameworks: Canada and Israel in comparison Patricia Galvao Ferreira Liberating Climate Law: Brazilian Indigenous Groups as Agents For Climate Justice
3.00-3.15	<i>Break: Check out the art pieces in AGW or Publication Discussion Cont’d [Rodzik Lounge]</i>	
3.15-4.15	Panel IV (A) – [Rodzik Lounge] Revitalizing Indigenous Law for Land, Air and Water (RELAW) Project: Reflections from Taku River Tlingit First Nation (Moderators: Lindsay Borrows & Georgia Lloyd-Smith) K’èdukà Jack Shawna Smith Gavin Smith	Panel IV (B) – [Valiant Suite] The national judicial systems and the recovery of Indigenous and campesino territory in Guatemala and Honduras (Moderator: Amaya Alvez Marin) Miguel Angel Urbina Isabel Solis Heather Teague Annie Bird
4.15-5.30	Panel V (A)- [Rodzik Lounge] Decolonizing Places, Institutions & Concepts? (Moderator: Jeff Hewitt) Jacqueline P. Hand Empowering Indigenous peoples by Effective Consultation German Sandoval Decolonization of law: Liberty, fraternity and equality after the colonial standards Assis da Costa Oliveira Estella Libardi de Souza Affected by Belo Monte hydroelectric plant: political mobilization and strategies for fighting for human rights	Panel V (B)- [Valiant Suite] Youth/Student Round Table Youth/Student participants include: Meridian Loon, Cheyenne Arnold-Cunningham & Lacy Carty
5.30-6.00	Closing Ceremony: Reflections with Elders: Myrna Kicknosway & Bryan Loucks (Elders, Walpole)	

CONFERENCE ORGANIZERS

Amaya Alvez-Marin

Amaya Alvez Marin received her LL.B. from the University of Concepción (Chile) and was called to the Bar by the Supreme Court of Chile in 1998. She holds a D.E.A. from the Faculty of Law at the University of Liege, Belgium, an LL.M. from the Faculty of law at the University of Toronto, and a PhD in Law, from Osgoode Hall Law School at York University, Canada.

Amaya is a member of the Mapuche People, an indigenous minority in Chile. She is currently an Associate Professor of Law and Political Science, at the Faculty of Social and Legal Studies and also an Associate Researcher at the Fondap Water Centre for Mining and Agriculture CRHIAM, at the University of Concepción, Chile.

Amaya's primary research and teaching interests are critical approaches to constitutional law based on the rejection of the ancestral beliefs of Indigenous People since colonial times. Her work after returning to Chile has been looking primarily at Constitutionalism of the Global South with a special Latin American comparative perspective; and, also Indigenous Peoples Rights and the consequences of the lack of recognition within the Chilean Constitutional Order. Recently she has been representing, as a lawyer, Indigenous Communities before the Supreme Court and the Chilean Executive mainly in cases of prior and inform consultation (or the lack thereof).

Cheyenne Arnold-Cunningham

Cheyenne Arnold-Cunningham is a second-year Indigenous law student at the University of Windsor. Prior to attending law school, Cheyenne completed her undergraduate studies at Queen's University where she received a BA in Philosophy and subsequently attained a certificate in the Program of Legal Studies for Native People at the University of Saskatchewan. After her first year of law, Cheyenne worked at the Ministry of the Attorney General, Crown Law Office – Civil where her central focus was to work alongside the Indigenous litigation team. She is currently a Research Assistant for Professor Sujith Xavier and a Tutorial Assistant for Professor Kristen Thomasen at the University of Windsor.

Katie Bartelds

Katie Bartelds is the Event Coordinator for the Faculty of Law at the University of Windsor. She has been with the University for the past 11 years and joined the staff at the Faculty of Law in August 2017.

Amar Bhatia

Amar Bhatia joined Osgoode's full-time faculty on July 1, 2014 after serving as a Catalyst Fellow and Visiting Professor at Osgoode for the 2013-14 academic year. He has undergraduate and graduate degrees in English and postcolonial literature (Queen's; Sussex) and received an LLB from Osgoode in 2005.

He articulated and worked in union-side labour and employment law in Toronto before returning to graduate school. He subsequently obtained an LLM from the University of Toronto Faculty of Law, where he received the Howland Prize for most outstanding performance in the program.

He was awarded a SSHRC CGS Doctoral Scholarship to pursue his SJD at U of T, and is currently in the final stage of his candidacy. His dissertation looks at issues of status and authority of migrant workers and Indigenous peoples under Canadian immigration law, Aboriginal law, treaty relations, and Indigenous legal traditions.

Lacy Carty

Lacy Carty is a first-year University of Windsor student in the Master of Social Work and Juris Doctor Program. She has utilized the last four years of her educational experiences as her catalyst for advocacy. As an anti-violence activist, Ms. Carty has been the founder and president of two grassroots student-led social advocacy groups at the University of Windsor: VOICES "Speaking-Out & Standing-Up," & "Making It Awkward Committee." Through her community involvement, Ms. Carty continues to inspire young innovators and future activists to work together to bring about change within their local community. Ms. Carty embodies the notion of volunteerism, and has served at numerous community organizations over the years: Women's Enterprise Skills Training of Windsor (WEST); Windsor Essex Children's Aid Society; Hiatus House; Welcome Centre Shelter for Women; Windsor-Essex Regional Youth Council; Amherstburg Freedom Museum; Beyond Abuse-Emotional, Sexual, Physical; University of Windsor Changing the Odds Program etc. Ms. Carty has also been the recipient of several prestigious awards over the years: Distinguish Women in International Service; Athena Scholarship Award; Dean's Social Justice Fellowship (Windsor Law), and Confederation Federation of University Women Windsor.

Signa A. Daum Shanks

Signa A. Daum Shanks joined Osgoode's full-time faculty on July 1, 2014 from the University of Saskatchewan College of Law where she had been an Assistant Professor since 2009 and had taught Torts, Law and Economics, Aboriginal Self-government, Canadian Legal History, and the Kawaskimhon Aboriginal Rights Moot. At Osgoode, she teaches Torts, Law and Economics, Game Theory and the Law (via Monash University Law School), and Indigenous Peoples and Canadian Law. Prior to working in law schools, Professor Daum Shanks was on the faculty at the University of Alberta's School of Native Studies and had regularly taught at the University of Saskatchewan's Department of Native Studies and First Nations University of Canada. She also previously worked with Ontario's Office of the Attorney General (Criminal Appeals Division), Indigenous and Northern Affairs Canada (formerly DIAND), the federal Department of Justice, and the Toronto office of Heenan Blaikie. She has her PhD in History from Western, and while completing it was awarded a SSHRC Doctoral Fellowship. She also has a BA (Hons) from the University of Saskatchewan, an MA from Western, an LLB from Osgoode in 1999, and an LLM from the University of Toronto. As well, Professor Daum Shanks has studied at the école de langue française et de culture québécoise at L'université du Québec à Chicoutimi. While completing graduate work in history, she also passed translation training in French and studied the eighteenth century legal system in New France. For her training in law, Professor Daum Shanks articulated at Saskatchewan Justice and clerked at the Land Claims Court of South Africa via her participation in Osgoode's Intensive Program in Aboriginal Lands, Resources and Governments. Active within the legal profession, Professor Daum Shanks has presented to the Law Society of Upper Canada's Continuing Professional Development program on Indigenous Legal Issues. She is also a current member of the OBA's Provincial Council. Internationally, the United Nations has appointed Professor Daum Shanks to be a participant in the UN's annual Permanent Forum on Indigenous Issues. At York University, she is also actively involved in the Indigenization of learning processes. For that work, Professor Daum Shanks is a recipient of an Initiative in the Classroom Grant for her efforts at introducing Indigenous methods and content to various circles within York's greater community. Her writing projects include topics about Indigenous Peoples and the legal profession, Indigenous slavery in Canada, the existence of Métis treaties, microhistory, competing s.35 Aboriginal claims, the role of Indigenous history as evidence, and the future of Indigenous Peoples' influence upon sustainable development. In 2017, she was a Visiting Scholar at the University of Saskatchewan and her article *Why Coywolf Goes to Court* was awarded the Scholarly Paper Award by the Canadian Association of Law Teachers.

Jeffery Hewitt

Jeffery Hewitt (Cree) is an Assistant Professor at the University of Windsor, Faculty of Law. His research interests include Indigenous legal orders and governance, constitutional and administrative law, human rights and remedies, business law, art and law. He teaches constitutional law. Professor Hewitt has served as Visiting Scholar and McMurtry Fellow at Osgoode Hall Law School, York University as well as adjunct faculty at both Osgoode Hall Law School and the University of Toronto, Faculty of Law; was the 2015 Charles D. Gonthier Fellowship from the Canadian Institute for the Administration of Justice; and a 2013/14 McMurtry Fellow at Osgoode Hall Law School examining the relationship between Indigenous art and law; is past-President of the Indigenous Bar Association of Canada; and since 2002 served as General Counsel to Rama First Nation during which time General Counsel's office received a 2011 Canadian General Counsel Award for Social Responsibility for work with First Nation Elders and youth. Professor Hewitt holds an LLB and LLM from Osgoode Hall Law School and is called to the Bar in the Province of Ontario (since 1998); has served on various boards, including Aboriginal Legal Services of Toronto; and is currently on the executive of Legal Leaders for Diversity. Professor Hewitt has delivered numerous guest lectures at law schools as well as to both the judiciary and the legal profession in his areas of research.

Karly Lyons

Karly Lyons is a JD candidate (1L) with the University of Windsor. Karly holds a Bachelor of Arts in history and art history from Syracuse University and a Masters of Arts in Medieval Studies from the University of Toronto. Before coming to the University of Windsor, Karly worked as an Accident Benefits Department Manager for a personal injury firm in the Niagara Region. Passionate about community engagement and accessibility, Karly is involved in local theater projects, Community Legal Aid, and the Windsor Law Mental Health and Wellness Committee.

Valarie Waboose

Valarie Waboose graduated from Windsor Law in 1993 and was called to the Ontario Bar in 1995. Since this time she has practiced and worked in many different places. From 1996 to 2002 she worked as In-House Legal Counsel to the Walpole Island First Nation (Bkejwanong Territory). While working full-time for the Walpole Island Chief and Council she completed her Life Skills Coach Training.

In addition to a LL.B., she also completed an LL.M in Alternative Dispute Resolution at York University/Osgoode Hall Law School (1999). In 2002 she moved to Cambridge, Massachusetts and attended the Program on Negotiation for 1 year. Upon returning home she set up a consultant business specializing in policy development, strategic planning, program planning and evaluation, pre-employment training and life skills coaching. Later in 2005 she returned to school to complete her Ph. D. In 2016 she graduated from Trent University with a Doctorate in Philosophy. Her Ph. D. dissertation is entitled: Re-Living the Residential School Experience, An Anishinabe Kwe's Examination of the Compensation Processes for Residential School Survivors.

In December of 2015 she was successful in a competition for a tenure-track position in the Faculty of Law that commenced on July 1st, 2016. Valarie is delighted to be working at the law school in which she graduated and hopes to see many Indigenous students pass through the doors of Windsor Law while she is here.

Valarie's teaching philosophy revolves around Indigenous Knowledge and Indigenous Legal Traditions. As a member of the Midewiwin Society her Indigenous Knowledge is interwoven with her pedagogical teaching methodologies utilized within a classroom setting. As an Anishinabe Kwe she believes in sharing her knowledge with non-Indigenous students so that they can better serve the clients when they enter the legal profession.

Sujith Xavier

With a focus on governance institutions and communities of colour, Professor Sujith Xavier's scholarly interest is situated at the intersections of law, socio-legal theory, and global and local society. His research interests span domestic and international legal theory, including Third World Approaches to International Law (TWAIL), constitutions and administrations, global governance, international law, and transitional justice. Professor Xavier's scholarly engagement explores the intersections of law and society with a focus on race, colonialism and imperialism. His research is rooted in TWAIL methodologies that seek to unpack, deconstruct embedded racial hierarchies in law, and then reconstruct it. He borrows from neighbouring disciplines to advance progressive and practical solutions to the exclusionary challenges facing law and its institutions. Professor Xavier is one of the co-editors of *Third World Approaches to International Law: On Praxis and the Intellectual* (London: Routledge, THIRDWORLDS Series, 2017). Some of his peer reviewed publications appear in the following academic journals: *Indian Journal of International Law*, *Third World Quarterly*, *Journal of International Criminal Justice* and *Transnational Legal Theory*.

CONFERENCE PARTICIPANTS

ELDERS:

Bryan Loucks

Bryan Loucks (Wassayshikung), Waubshayshii - Marten Warrior Clan, Anishinaabe Nation, member Hiawatha First Nation lives at Walpole Island First Nation. He is a grandfather, great grandfather and an active member of Three Fires Midewiwin Lodge. Currently he facilitates a community-based program with elders and community resource people for adults at Walpole Island.

Bryan has an undergraduate degree in Psychology and a graduate degree and doctoral studies in Adult Education with a focus on cultural revitalization, Indigenous learning, ethics, epistemology and decolonization.

His areas of expertise include Indigenous adult education, cross cultural and community-based learning and research, curriculum development, partnership engagement and Indigenous knowledge/wellness.

As an educator, facilitator, consultant and researcher, Bryan has worked with national, provincial, regional, local Indigenous/non-Indigenous governmental, education, social service, enforcement and health agencies. Bryan has taught college, undergraduate and graduate degree courses at various higher education institutions across Ontario.

“Without gratefulness there can be no happiness”

Myrna Kicknosway, Boozhoo Aanii Sago Tansi

My Shognoshi Nozwin is Myrna Kicknosway. I'm a Bodawatomi/Odawa Anishinaabe Kwe of the Loon Clan. I originate from these lands and waters that are part of Bkejwanong Territories. I reside at Walpole Island upstream from Detroit/Windsor on the St. Clair River. I'm a mother, grandmother and great grandmother.

My background and skills have led me to work professionally and voluntarily in the fields of education, counselling, economic/employment planning, federal corrections, environment activism and community development.

My life journey, my personal learning and healing are providing me with an ever-expanding appreciation/gratefulness for who I am, and the knowledge and

wisdom of the ancestors who walked on this creation before me. Helping others is my life purpose opening endless possibilities/ opportunities for resiliency, compassion, joy and forgiveness.

I acknowledge all those men and women, many of whom have passed into that beautiful Spirit realm, who have helped me on my journey. This journey has lead me towards recognition of the inter connectedness of all humans, the significance of culture, language, traditions and all those elements that help sustain life here, this place I call my mother”.

KEYNOTE SPEAKERS:

John Borrows

John Borrows B.A., M.A., J.D., LL.M. (Toronto), Ph.D. (Osgoode Hall Law School), LL.D. (Hons., Dalhousie & Law Society of Upper Canada) F.R.S.C., is the Canada Research Chair in Indigenous Law at the University of Victoria Law School in British Columbia. His publications include, *Recovering Canada; The Resurgence of Indigenous Law* (Donald Smiley Award for the best book in Canadian Political Science, 2002), *Canada's Indigenous Constitution* (Canadian Law and Society Best Book Award 2011), *Drawing Out Law: A Spirit's Guide* (2010), *Freedom and Indigenous Constitutionalism* ((Donald Smiley Award for the best book in Canadian Political Science, 2016), *The Right Relationship* (with Michael Coyle, ed.), all from the University of Toronto Press. He is the 2017 Killam Prize winner in Social Sciences. John is Anishinaabe/Ojibway and a member of the Chippewa of the Nawash First Nation in Ontario, Canada.

Usha Natarajan

Usha Natarajan is an associate professor in the Department of Law and associate director of the Center for Migration and Refugee Studies. Her research and publications are interdisciplinary, utilizing postcolonial and third world approaches to international law. in order to provide an interrelated understanding of the relationship between international law and issues of development, migration, environment and conflict. In 2016, Natarajan's work on pioneering new approaches to law and the environment was recognized by an award from the International Union for Conservation of Nature Academy of Environmental Law, the leading global institution in her field. In 2015, she led the convening of the Third World Approaches to International Law Conference at AUC. Natarajan currently leads various international collaborative research projects on law and the environment, refugee entitlements in Egypt and statelessness in the Arab

region. Prior to joining AUC in 2010, she worked with various international organizations, including UNDP, UNESCO and the World Bank on law reform initiatives in Asia and the Pacific.

Liliana Obregón

Liliana Obregón is professor of law and director of the LL.M. in international law at the University of Los Andes in Bogotá, Colombia. She has a degree in law from the same university, an MA from the School of Advanced International Studies (SAIS) of the Johns Hopkins University (Bologna-Washington) and a doctoral (SJD) degree in law from Harvard University. Obregón studies and writes on international legal history and historiography, ideologies of historical narratives, global and transnational intellectual history, with a particular interest in peripheral histories, colonialism and forgotten actors and events of 19th and 20th century Americas and Europe. A scholar whose research focuses on international legal history she seeks to address the ways in which historical narratives have intended or unintended normative outcomes. She has published extensively in English and in Spanish, and has been invited to present and teach her work at universities in the Americas, Europe and Australia. During the 2016-2017 academic year she was a research fellow at the David Rockefeller Center for Latin American Studies (Fall) and the Weatherhead Initiative for Global History (Spring) at Harvard University.

Heidi Kiiwetinepinesiik Stark

Heidi Kiiwetinepinesiik Stark (Turtle Mountain Ojibwe) is Associate Professor, Political Science, University of Victoria and Director of the graduate certificate in Indigenous Nationhood. Heidi received her Ph.D. in American Studies from the University of Minnesota, Twin Cities, in 2008. Her doctoral research focused on Anishinaabe treaty-making with the United States and Canada and serves as the foundation for her manuscript *Unsettled: Anishinaabe Treaty-Relations and U.S./Canada State-Formation* (In progress, University of Minnesota Press, First Peoples Series). Her primary area of research and teaching is in the field of Indigenous Comparative Politics, Native Diplomacy & Treaty and Aboriginal Rights. She is the co-editor of *Centering Anishinaabeg Studies: Understanding the World Through Stories* with Jill Doerfler and Niigaanwewidam Sinclair (Michigan State University Press, 2013) and is the co-author of the third edition & fourth edition of *American Indian Politics and the American Political System* (2010 & 2017) with Dr. David E. Wilkins.

PARTICIPANTS:

Paola Acosta-Alvarado

Paola Acosta-Alvarado is a Lecturer at Externado University. She has a PhD in International Law and International Relations along with a Diploma of Advanced Studies in International Law and International Relations. Paola has a MA in Public Law and completed her postgraduate studies with a degree in human rights, transitional justice and democratization processes.

Natalia Angel-Cabo

Natalia Angel-Cabo is Assistant Professor in the Faculty of Law at the Universidad de los Andes (Bogotá, Colombia). Founder and former director of the Action Program for Equality and Social Inclusion, PAIIS-Universidad de los Andes, a human rights legal clinic focused on disability rights. She has been Deputy Justice of the Colombian Constitutional Court, director of the Support Office to the Special Follow-up Plenary on the constitutional Judgment T-025/04 (internal forced displacement), and consultant in various human rights projects. In 2017 she was nominated by the Colombian President as candidate for Magistrate of the Colombian Constitutional Court and in 2018 appointed by the Court as associate justice. Natalia holds a JD from Universidad de los Andes and a LL.M from Harvard Law School. She is currently a PhD candidate at Osgoode Hall Law School at York University, researching on the effects of social and economic rights litigation in Colombia.

Courtney Arseneau

Courtney Arseneau is a Ph.D Candidate (Community Psychology) at Wilfrid Laurier University. Courtney has served as Research Coordinator for the Laurier Indigenous Rights and Resource Governance Research Group (IRRG) for over five years. IRRG is a team of Indigenous and non-Indigenous students and faculty that takes a decolonial approach to promoting Indigenous rights, advising on community engagement strategies, and advancing an intercultural understanding of resource governance.

Donna Ashamock

As an Eeyou (Cree) community educator and practitioner for over twenty years, Donna Ashamock has worked with her community in Moosonee and Moose Factory in northeastern Ontario. Grounded in Cree Indigenous-centred processes

and worldview, she collaborated with fellow MoCreebec citizens to organize innovative community initiatives to support their governance and economic self-reliance such as the Cree Village Ecolodge, Community Education and Empowerment Project, and the MoCreebec Constitution. Donna facilitated employability and leadership programs for Indigenous young leaders with Northern College for four years and through several MoCreebec non-profit programs. She has worked with non-profit organizations in community development and until recently a teacher retention organization. Donna currently works as a contract facilitator and writer in education for a provincial-territorial organization in Treaty 5 and Treaty 9.

Jose Aylwin Oyarzun

José Aylwin is a human rights lawyer. With studies at the Faculty of Law of the University of Chile in Santiago (1981) and at the School of Law of the University of British Columbia (Canada), where he obtained a Master in Laws degree (1999), he has researched and published on human rights, ethnic and cultural diversity and environmental rights in Chile and the Americas. He teaches Indigenous Peoples' Rights at the School of Law of the Universidad Austral de Chile. He currently acts as Co-director of the Observatorio Ciudadano (Citizens' Watch), an NGO aimed at documenting, promoting and protecting human rights in Chile. He is a member of the board of the National Institute for Human Rights of Chile. He also acts as Co-Director of the Pan-American Indigenous Rights and Resource Governance Network.

Reem Bahdi

Reem Bahdi is Associate Professor at Windsor Law. She joined the faculty in 2002. Her research interests include human dignity, access to justice, empathy and pedagogy, human rights and national security, primarily in Canada and Palestine. She has taught courses in access to justice, torts, human dignity, torture and national security, feminist legal theory, the legal process, and Arabs, Muslims and the law, the latter with Khaled Beydoun. She served as Associate Dean of Windsor Law between 2012 and 2015. In 2015, she was elected to The Royal Society of Canada's College of New Scholars, Artists and Scientists. In 2017, she was awarded the Guthrie Medal by the Law Foundation of Ontario in recognition of her teaching, service and research about access to justice.

Maria Bargh

Dr. Maria Bargh is Head of School at the School of Māori Studies and is a Senior Lecturer in the School. Maria studied at Victoria University of Wellington before

completing her PhD in Political Science and International Relations at the Australian National University in 2002. Her research interests focus on Māori politics including constitutional change and Māori representation, voting in local and general elections, and the Māori economy including hidden and diverse economies such as Māori in the private military industry. She also researches on matters related to Māori resources, such as freshwater, mining, and renewable energy. Maria is a member of the Open Polytechnic of New Zealand Council, the Editorial Board of the New Zealand Political Science Journal, the Counterfutures Advisory Board, Canadian Research Chairs, College of Reviewers and the All Universities Working Party on Civics, Citizenship and Political Literacy.

Laura Betancur-Restrepo

Laura Betancur-Restrepo is an Assistant Professor at the Universidad de los Andes. She received her Ph. D in International law from the University of the Andes. She is a founding member of Rethinking International Law Education in Latin America, REDIAL, a project co-directed with: Paola Andrea Acosta (Externado University of Colombia, Bogotá), Amaya Alvez (University of Concepción, Chile), Fabia Fernandes Carvalho Veçoso (Federal University of São Paulo, UNIFESPU, Brazil), Enrique Prieto (Birkbeck, University of London, United Kingdom) and Jimena Sierra (Universidad del Rosario, Bogotá, Colombia). She is also involved in a collaborative research program entitled “Global Justice? Development, Human Rights and the Law of Recognition: Critical Approached,” led by Emmanuelle Tourme-Jouannet (Sciences Po Paris, France), Sundhya Pahuja (University of Melbourne, Australia / SOAS, University of London, United Kingdom), Albane Geslin (Sciences Po Lyon, France). She is a member of the Colombian branch and the Studies Management Committee of the International Law Association and Alumni of Harvard Law School’s Institute for Global Law and Policy.

Annie Bird

Annie Bird is Director of the Guatemalan Human Rights Commission. In her more than twenty years working in Guatemala and Honduras, she has coordinated and supported myriad social justice efforts and human rights cases at the grassroots, national, and international levels.

Andrée Boisselle

Andrée Boisselle is an Assistant Professor at Osgoode Hall Law School at York University. Her research interests are in the areas of indigenous law, comparative and constitutional law, pluralism and postcolonial legal theory. She is currently

completing her doctorate in the Faculty of Law at the University of Victoria. Her doctoral research on Stó:lō constitutionalism and the Coast Salish legal tradition has been supported by scholarships from the Trudeau Foundation and the Social Sciences and Humanities Research Council of Canada. Her master's thesis critically examined the development of the duty to consult First Nations in Canadian law. It received the Quebec Association of Law Professors Prize in 2008. Before pursuing graduate studies, she practised litigation in Québec with McCarthy Tétrault LLP and did contractual work with the Supreme Court of Canada.

Lindsay Borrows

Lindsay Borrows is a member of the Chippewas of Nawash First Nation. As a lawyer at West Coast Environmental Law, she works on the RELAW Project with the Heiltsuk First Nation and Toquaht First Nation.

Sue Chiblow

Sue Chiblow is Bear Clan and was born and raised in Garden River First Nation with a family of 4 brothers and 4 sisters. Her father was the only parent in the family and frequently took the entire family into the bush for hunting, trapping, and fishing excursions where he instilled the laws of the land. As a teenager, Sue lived with her Nokomis (grandmother figure) where she was taught women teachings. She has worked extensively with First Nation communities in environmental related fields and has a Bachelor's of Science degree in Biology and a Master's degree in Environment and Management.

Aimée Craft

Aimée Craft is an Indigenous lawyer (Anishinaabe-Métis), an Assistant Professor at the Faculty of Common law, University of Ottawa and an Adjunct Professor in Law at the University of Manitoba. Her expertise is in Anishinaabe and Canadian Aboriginal law. Professor Craft is one of the lead researchers on Water sustainability and indigenous laws (SSHRC Partnership Grant) and on hydro-impacted communities in Northern Manitoba (SSHRC Partnership Grant). Since 2013, Craft has lead research on Anishinaabe water law (SSHRC Partnership Development Grant). Craft's award-winning 2013 book, *Breathing Life Into the Stone Fort Treaty*, focuses on understanding and interpreting treaties from an Anishinaabe inaaakonigewin (legal) perspective. In 2016 she was voted one of the top 25 most influential lawyers in Canada. She is the former Director of Research at the National Inquiry into Missing and Murdered Indigenous Women and Girls and the founding Director Research at the National Centre for Truth and

Reconciliation (University of Manitoba). In her decade of legal practice at the Public Interest Law Centre, Craft has worked with many Indigenous peoples on land, resources, human rights and governance issues. She is past chair of the Aboriginal Law Section of the Canadian Bar Association and a member of the Speaker's Bureau of the Treaty Relations Commission of Manitoba. In 2011, she received the Indigenous Peoples and Governance Graduate Research Scholarship.

John Cutfeet

John Cutfeet was band councillor for Kitchenuhmaykoosib Inninuwug KI with responsibility for Lands and Environment from 1999 to November 2007. He is currently VP of Communications for Wataynikaneyap Power. He also works with the Wildlands League coordinating watershed work with Aboriginal communities and as a freelance translator. John has long worked on mining issues, Indigenous rights, Development and Peace, and has been involved in solidarity work in El Salvador, Mexico, Mesoamerica, and London, England. John lives in KI and continues to engage in the traditional pursuits of living off the land. John has written with Dr. Rachel Ariss on the issues arising from KI's legal dispute with Platinex Inc., publishing an article in the *Indigenous Law Journal* "Kitchenuhmaykoosib Inninuwug First Nation: Mining, Consultation, Reconciliation and Law" in 2011, as well as a book, *Keeping the Land: Kitchenuhmaykoosib Inninuwug, Reconciliation and Canadian Law*, with Fernwood Publications in 2012.

Assis da Costa Oliveira

Assis da Costa Oliveira is a professor of Human Rights of the Graduate School in Ethnodevelopment of the Federal University of Pará (UFPA), Brazil. He is a lawyer with a Masters from the Post-Graduate Program in Law at UFPA and Doctoral Candidate from the Post-Graduate Program in Law at the University of Brasília (UnB), Brazil. He has developed research focuses on the social effects of the implantation of large projects in the Amazon on the rights of children and adolescents; his research is currently focused on the construction of the rights of indigenous youth in Brazil.

Estella Libardi de Souza

Estella Libardi de Souza is a lawyer with a Masters from the Post-Graduate Program in Law at UFPA and Doctoral Candidate from the Post-Graduate Program in Law at UFPA. Her research focuses on the conflicts surrounding the implementation of the Belo Monte hydroelectric plant, related to the violations of indigenous peoples' rights.

Mary Eberts

Mary Eberts received her legal education at Western University and the Harvard Law School. She has appeared as counsel to parties and interveners in the Supreme Court of Canada, Courts of Appeal and Superior Courts in Ontario and other provinces, the Federal Court and Court of Appeal, and before administrative tribunals and inquests across Canada. She was instrumental in securing the present language of section 15 of the Charter, and was one of the founders of the Women's Legal Education and Action Fund (LEAF). Since 1991, she has been litigation counsel to the Native Women's Association of Canada (NWAC). Mary has been a faculty member at the Faculty of Law, University of Toronto, has held the Gordon Henderson Chair in Human Rights at the University of Ottawa and the Ariel Sallows Chair in Human Rights at the College of Law, University of Saskatchewan, where she taught courses in test case litigation. She has received the Law Society Medal, the Governor-General's Award in Honour of the Persons' Case, the Queen's Diamond Jubilee Medal and several honorary degrees.

Patricia Galvao Ferreira

Patrícia G. Ferreira is a fellow at the Center for International Governance Innovation (CIGI) and the Law Foundation of Ontario Scholar at the University of Windsor Faculty of Law, where she teaches international environmental law and Canadian environmental law. Previously, she was a postdoctoral fellow with CIGI's International Law Research Program, researching international climate change law. Patrícia specializes in international law and global governance, with a focus on the transnational regulation of environment and natural resources. She is particularly interested in how the rising influence of emerging economies like China, India and Brazil are reshaping transnational law and challenging existing approaches to understand global justice. Previously, Patrícia was the Joaquim Nabuco Chair in Brazilian studies at the Center for Latin American Studies at Stanford University and a visiting scholar at the FGV Law School in Sao Paulo. She holds an S.J.D. in law and development from the University of Toronto, which she earned concurrently with an interdisciplinary doctorate in the dynamics of global change from the Munk School of Global Affairs. She has an LL.B. from the Federal University of Bahia and an LL.M. from the University of Notre Dame. Before earning her doctoral degree, she worked for thirteen years in the fields of human rights, economic justice and international development, in Brazil and in Southern Africa. She is the author of various publications on climate finance, the principle of differentiation in international environmental law and climate justice.

Jacqueline P. Hand

Jacqueline Hand is a Professor of Law at the University of Detroit Mercy. Her current scholarship has focused on connecting her teaching and research interests in environmental, international and American Indian law. Throughout her career, Jacqueline has served as a visiting professor at various institutions, including the University of New Mexico, Santa Clara University and Lewis and Clark School of Law, and was the recipient of an Indo-American Fellowship for study in India through the Fulbright Association. In 1996, she founded the American Indian Law Center at Detroit Mercy Law and continues to serve as the Center's director. She is also active in numerous organizations in her field, including the Academy of the IUCN (World Conservation Union) and the Environmental and Indian Law sections of the State Bar of Michigan. She previously served as chair of the Environmental, Property and Agricultural Law sections of the American Association of Law Schools (AALS).

Mark Harris

Dr Mark Harris is a visiting Associate Professor in the Institute of Gender, Race, Sexuality and Social Justice at the University of British Columbia. His research focuses on Indigenous rights in relation to cultural heritage, land claims, the stolen generations, intellectual property and criminal justice issues. He has worked as a lawyer giving advice on native title claims for the Wurundjeri, Gunai Kurnai, Manatunga and Gubbi Gubbi Indigenous communities in Australia and continues to provide advice to Indigenous groups on a range of issues. He has presented at international conferences around the world and has developed extensive collaborative links with other academics working with and for Indigenous communities in the USA, New Zealand, India, Africa and Brazil. As a representative of LatCrit, an NGO comprising legal academics working in the field of critical race theory and racism, he has participated in the United Nations Permanent Forum on Indigenous Issues. His recent research projects have included reviews of the operation of Koori (Aboriginal) courts in Victoria (a program that is not dissimilar to Toronto's First Nations Gladue Courts), and the experience of Koori youth in the justice system.

Gail Henderson

Gail Henderson joined Queen's University Faculty of Law as an Assistant Professor in July 2016. Prior to joining Queen's, Professor Henderson was Assistant Professor at the University of Alberta Faculty of Law. Her research interests include corporate law, corporate governance, corporate social

responsibility, securities regulation and the regulation of financial institutions. Professor Henderson graduated from Osgoode Hall Law School as Gold Medalist in 2005, and served as law clerk to The Honourable Louise Charron of the Supreme Court of Canada. Prior to pursuing graduate studies at the University of Toronto, she practiced commercial litigation and environmental and municipal law at Osler, Hoskin & Harcourt LLP in Toronto. Her article on “Indigenous Entrepreneurship and Social Entrepreneurship in Canada” was recently published in the Supreme Court Law Review.”

K'èdukà Jack

K'èdukà Jack is a Taku River Tlingit First Nation Shaawát of the Yanyeidí Clan. Her ongoing commitments to her people and traditions include language revitalization, youth and citizen empowerment, and a dedication to reside within her people's territory to gain knowledge and ensure the Land, People, and Culture are protected and honoured.

Beverly Jacobs

Beverly Jacobs is an Assistant Professor at the University of Windsor, Faculty of Law. She lives and practises law at her home community of Six Nations of the Grand River Territory in Southern Ontario. She is currently in the last stages of completing an interdisciplinary PhD at the University of Calgary that includes Law (Aboriginal and Treaty Rights and Indigenous Legal Traditions), Indigenous Wholistic Health, and Indigenous Research Methodologies. Beverly is an alumna of the University of Windsor (LLB 1994). She also obtained a Master of Law Degree from the University of Saskatchewan (2000). Beverly is also a consultant, researcher, writer, and public speaker. She is a former elected President of the Native Women's Association of Canada (2004 to 2009). Beverly's passion is about peacefulness and safety of Indigenous peoples. For the past 20 or so years, much of her work has focussed on anti-violence work and restoring Indigenous traditions, values, beliefs, and laws. She continues to advocate for families of missing and murdered Indigenous women and girls and public education about the history and impacts of colonization, which has resulted in the historic traumas that are occurring to Indigenous peoples, specifically Indigenous women and girls, today. Professor Jacobs' work has been widely recognized. Most recently, on December 1, 2016, she received a Franco-German Prize for Human Rights and the Rule of Law from the Governments of France and Germany for her human rights fight for the issues relating to missing and murdered Indigenous women and girls in Canada.

Yvonne Johnson

Yvonne Johnson, member of the Cree Nation of Treaty Six Territory, Red Pheasant First Nations, daughter of Cecilia, great-granddaughter Chief Big Bear, grandmother and survivor of the colonial legal system.

Georgia Lloyd-Smith

Georgia Lloyd-Smith is a lawyer at West Coast Environmental Law. She is excited to be working on the RELAW Project (Revitalizing Indigenous Law for Law, Air, and Water) with the Kitasoo/Xai'xais First Nation and the Gitxaala First Nation and to be working to protect our precious coast.

Anna Lund

Anna Lund is an Assistant Professor in the Faculty of Law at the University of Alberta. She researches in the areas of bankruptcy and insolvency, and debtor creditor law. In 2015, she completed a PhD at the University of British Columbia on how insolvency trustees exercise discretion in the personal bankruptcy system. She is currently researching the intersection of insolvency law and gambling, and the constitutional limits of bankruptcy and insolvency law. She co-authored *Collections Law in Alberta: A Practical Guide* (Carswell, 2012). As a member of the Law Society of Alberta, she continues to practice on a pro bono basis through the Edmonton Community Legal Centre and Pro Bono Law Alberta. Dr. Lund is a member of the City of Edmonton Subdivision and Development Appeal Board, and sits on the executive of the Canadian Bar Association's Debtor-Creditor section (Northern Alberta) and the Canadian Bar Association's Access to Justice Committee (Alberta Branch). Prior to joining the Faculty at the University of Alberta, Dr. Lund taught at Western University, Osgoode Hall Law School at York University, and Simon Fraser University. Dr. Lund was an associate at Field LLP in Edmonton and a law clerk at the Alberta Court of Queen's Bench in Calgary.

Nombuso Mathibela

Nombuso Mathibela holds a BA (LL.B.) from the University of Cape Town. In her final year, she focused on Critical Legal Studies, looking at the predicaments in legal education, pedagogy and the epistemic structural violence embedded in Competition Law. Her primary areas of interest include black feminist philosophy, African feminist thought and the debates around law and decolonisation. She has

experience in student activism, and is passionate about political education for the purposes of strengthening student movements in South Africa.

Deborah McGregor

Deborah McGregor is an Associate Professor at York University's Osgoode Hall law as a cross-appointee with the Faculty of Environmental Studies. She is also a Canada Research Chair in Indigenous Environmental Justice. Her research has focused on Indigenous knowledge systems and their various applications in diverse contexts including water and environmental governance, environmental justice, forest policy and management, and sustainable development. Prior to joining Osgoode, Deborah was an associate professor in the Department of Geography at the University of Toronto and served as Director of the Centre for Aboriginal Initiatives and the Aboriginal Studies program. She has also served as Senior Policy Advisor, Aboriginal Relations at Environment Canada-Ontario Region. In addition to such posts, Deborah remains actively involved in a variety of Indigenous communities, serving as an advisor and continuing to engage in community-based research and initiatives.

Terry Mitchell

Terry Mitchell is a Professor at Wilfred Laurier University. She served as the coordinator of Laurier's Community Psychology Program from 2007-2010 and the executive director of the Laurier Centre for Community Research Learning and Action from 2008-2012. Terry is currently the director of the Laurier Indigenous Rights and Social Justice Research Group and also a faculty member at the Balsillie School of International Affairs. She has a long commitment to working with Indigenous peoples and Settler populations on Indigenous rights. Her doctoral dissertation "Old Wounds: New Beginnings: Challenging the Missionary Paradigm in Native-White Relations" was based on her work with First Nations in the Yukon in 1991. With First Nations in Prince Edward Island, Terry developed Aboriginal Survivors for Healing, a center for survivors of residential schools funded by the Aboriginal Healing Foundation (1998). She has also worked as a visiting scholar at the Institute of Indigenous Studies at the Universidad de La Frontera, in Chile (2009). Terry is currently leading a collaborative research project on the internationalization of Indigenous rights; the Pan-American Indigenous Rights and Governance Network (PAIR-GN). Her research focuses on the impacts of colonial trauma and the internationalization of Indigenous rights. Current work with the Centre for International Governance Innovation is focused on policy transformation to advance the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Paul D. Ocheje

Paul D. Ocheje joined the Faculty at the University of Windsor in July 2000. Prior to joining the Faculty, he taught at the University of Benin Law School, Nigeria. He was also State Counsel, Ministry of Justice, Kano State, Nigeria. He received a LL.B. at Ahmadu Bello University and a LL.M from the University of Benin (Nigeria) and a LL. M and D. Jur from Osgoode Hall Law School. Dr. Ocheje's research interests include public and private international law, international criminal law, human rights, law and development, global governance, consumer protection, and property law. He teaches or has taught the following courses: property law, commercial law, access to justice, insurance law, and law and development.

Enrique Prieto-Rios

Enrique Prieto-Rios is an Associate Professor and Head of Research at the Universidad del Rosario's Faculty of Law . He completed his Ph. D in Law at the Birkbeck College University of London and his MA in International Law at the London College UCK. His research areas include: International Law, postcolonialism, neoliberalism, international economic law, and investment law and arbitration.

Daniel Rivas-Ramirez

Daniel Rivas-Ramirez is a Research Assistant at the Universidad Externado de Colombia and has recently become a member of the REDIAL project.

Emily Rosser

Emily Rosser teaches and coordinates sexual violence prevention programming in the Bystander Initiative at the University of Windsor. Her past research documented the struggles of human rights defenders to expose genocidal sexual violence against indigenous women in the armed conflict in Guatemala. Her current research focuses on accounting for emotional labour and building capacity for community care in gender violence prevention and resistance. She is also working on research that develops the intersectional potential of bystander training and better accommodates the perspectives of international students. She received her Ph.D in Gender, Feminist and Women's Studies from York University. Prior to joining the faculty at the University of Windsor, Emily was a Visiting Research Fellow at Kroc Institute for International Peace Studies at the University of Notre Dame.

German Sandoval

Germán Medardo Sandoval Trigo is a professor at the Faculty of Law of the National Autonomous University of Mexico (UNAM, México) and at the Center for Research and Teaching in Economics (CIDE, México) where he teaches, among other topics, philosophy of law and legal sociology. He has also been a professor at other universities and graduate programs such as the Ibero-American University (Ibero, México). He holds a PhD in Law from the Legal Research Institute - UNAM, with the thesis "The dogmatic image of law". German Sandoval main line of research focuses on the decolonization of law, epistemologies of the south, human rights and community justice. He is also a critical scholar of the Third World Approaches to International Law (TWAIL). Since 2013 he has participated in several national and international research project from institutions such as the Institute of Global Law and Policy (IGLP) - Harvard Law School, the Centre for Social Studies (CES) - University of Coimbra and the Centre for Interdisciplinary Research in the Sciences and Humanities (CEIICH) - National Autonomous University of Mexico.

Dayna Nadine Scott

Dayna Nadine Scott is an Associate Professor at Osgoode Hall Law School and the Faculty of Environmental Studies at York University. Her research examines topics from environmental justice activism and experiential knowledge, to contested resource extraction, to the challenges posed for law and environmental health by the emerging endocrine disruption thesis. She is interested in questions of environmental regulation and governance from an interdisciplinary perspective, especially work that interrogates the interaction between local and global modes of governing and ways of knowing. Professor Scott typically employs community-based participatory research (CBPR) methods in partnership with affected communities. Recent publications explore the dynamics of "sacrifice zones" in the context of the emerging green energy economy; relational critiques of intergenerational justice; the tactics of activists resisting tar sands extraction, the authorization of extraction on Indigenous lands and the Idle No More movement.

Shanthi Senthe

Shanthi Senthe is an Assistant Professor at the University of Windsor, Faculty of Law. Prior to joining Windsor Law, Shanthi was an Assistant Professor with the Faculty of Law at Thompson Rivers University in British Columbia for three years. She taught Business Associations, Secured Transactions, Corporate Governance and Remedies. Shanthi is admitted to practice law in Ontario, Florida, North

Carolina and the District of Columbia. Her research interests include corporate, commercial, banking and finance law. Shanthi is completing her PhD at Osgoode Hall Law School, focusing on banking and finance regulation and governance. She completed a merit-based judicial externship at the Florida Supreme Court, and a judicial clerkship at the Superior Court of the District of Columbia. Her professional experiences include banking and corporate-commercial litigation. She has received multiple research awards, including the Social Sciences and Humanities Research Council of Canada (SSHRC) Doctoral Fellowship. She taught as a guest lecturer at Osgoode Hall Law School and was a Visiting Scholar at Duke University School of Law in 2013.

Rayanna Seymour-Hourie

Rayanna Seymour-Hourie is Anishinaabe from Anishinaabeg of Naongashiing (Big Island) in Treaty #3 Territory (ON). She has a B.A. in Native Studies & Sociology and is currently in her 3rd and final year at Robson Hall Faculty of Law, University of Manitoba. She found her voice on the Treaty #3 Youth Council, which fueled her determination to pursue a career in law. Rayanna's passion has always been land and water protection, specifically Anishinaabe *nibi inaakonigewin* (water laws).

Paul Simard Smith

Paul Simard Smith is a citizen of the Métis Nation-Saskatchewan and a descendent of the historic Red River Métis Nation. Paul graduated with a PhD in Philosophy from the University of Waterloo in 2014. His areas of research specialization are the philosophy of logic, epistemology, philosophy of language and argumentation theory. Between 2014 and 2016 Paul was a SSHRC Postdoctoral Fellow at the University of Connecticut, working on a project titled Logical Pluralism: Foundations and Implications. In January of 2017, he took up a Limited-Term Assistant Professor appointment with the Philosophy Department at the University of Windsor. Drawing on his understanding of social epistemology, philosophy of law and pluralism, Paul is actively involved in teaching and research that engages the works of contemporary Indigenous thinkers from a philosophical perspective.

Adrian Smith

Adrian Smith is an Associate Professor in the Department of Law & Legal Studies at Carlton University and is cross-appointed to the Institute of Political Economy and the Institute of African Studies. He enjoys wide-ranging research interests covering areas of labour studies and the global economy, migration, the political economy of development, anti-racism, social movements, and visual legal

studies. His research projects have taken him to northern Africa, western Europe, South America, the Caribbean, and throughout the U.S. and Canada.

Gavin Smith

Gavin Smith is a staff lawyer at West Coast Environmental Law who believes in changing the big picture of how we make decisions that impact the environment to focus on the long-term health and healing of ecosystems and communities, and to account for the integral role of Indigenous laws and governance in that process. Gavin provides technical and strategic support to the Taku River Tlingit First Nation as it carries out its Revitalizing Indigenous Law for Land, Air and Water (RELAW) Project. His other work includes representing Indigenous nations in their successful fight against the Enbridge Northern Gateway pipeline, entrenching a legislated federal oil tanker ban on the north Pacific coast, and working to reform BC's environmental assessment regime.

Shawna Smith

Shawna Smith, as a settler born on Aamjiwnaang First Nation territory, home of Chemical Valley, she has experienced the way that industry can affect the land and people. She now calls Taku River Tlingit First Nation Territory home where she is Co-Coordinator for the Revitalizing Indigenous Law for Land, Air and Water (RELAW) Project. She is committed to supporting TRTFN in their work to care for the land through decision-making grounded in Lingit Kusteeyí (Tlingit way of life).

Isabel Solis

Isabel Solis is a K'ice Guatemalan lawyer and veteran community organizer. She has accompanied innumerable communities who face eviction as a result of corruption and prejudice in the justice system. She observed and assisted the victims' families during the murder trial of the chief of security for the largest mega-project in the region – a nickel mine. Isabel is currently coordinator of the Guatemala Human Rights Commission – GHRC.

Allyson Stevenson

Dr. Allyson Stevenson is a Metis mother of four from Kinistino, Saskatchewan. She received her Ph.d in History at the University of Saskatchewan in the spring of 2015. She has completed her Post Doctoral Research at the University of Guelph and is currently an Assistant Professor in the Department of Politics and International Studies at the University of Regina. Allyson's currently a Tier 2 Canada Research Chair in Indigenous Peoples and Global Social Justice. Her

research interests have covered areas of child welfare history, Indigenous peoples, and global social justice movements.

Heather Teague

Heather Teague is an anthropologist who has been working with Maya genocide survivors and farming and fishing communities for more than thirteen years. Through activist scholarship, participatory research, and strategic political and legal work, she accompanies and supports organizations and communities as they navigate local, national, and international political and legal economies and structures, pursuing justice in cases regarding environmental and property damage, forced eviction, human rights and genocide.

Darren Thomas

Darren Thomas is a Lecturer on Indigenous Studies at Wilfred Laurier University. His dissertation project is examining Indigenous rights and resource governance in the "Ring of Fire" in Northern Ontario. He is also part of an international team of scholars and activists that are documenting the implementation of free, prior, informed consent in North and South America. His research areas and areas of expertise are centered on Indigenous rights and resource governance, Indigenous self-determination, and Indigenous research methodologies.

Robinson Torres

Robinson Torres is Assistant Professor of Environmental Social Sciences at the Department of Sociology and Faculty of Environmental Science, University of Concepcion, Chile. His research investigates the relationships between water, environment, and society, particularly in Chile and Latin America. He is a Co-I on the CONICYT/FONDAP Project 15130015 "Water Research Centre for Agriculture and Mining". He also is PI for the CONICYT/FONDECYT Postdoctoral Project 3170694 "Commons Hydro-Modernity: A Political Ecology of the New Water Social Movements in Chile". The research focuses on multi-scale relationships between water and social power from the standpoint of political ecology, and investigates environmental conflict between community, including indigenous peoples (Mapuche), and hydropower, forestry, mining, and urbanization. He is a member of the WATERLAT-GOBACIT Network, an inter- and transdisciplinary network for teaching, research and practical action on the politics and management of water (<http://waterlat.org/>).

Joey Twins

Joey Twins is a Cree Woman from Maskwacis also known as Hobbema. She is a survivor of the prison system.

Miguel Angel Urbina

Miguel Angel Urbina is a Guatemalan lawyer and expert in comparative international law who assisted in the conversion of the Guatemalan penal process from written to oral trials, and the conversion of the Paraguayan justice system to a Guarani language-based system. He took a leading role in the GAIPE group of experts who investigated the murder of Honduran Indigenous leader Berta Caceres, and supports numerous strategic cases in Guatemala.

Estair Van Wagner

Estair Van Wagner is an Assistant Professor at Osgoode Hall Law School at York University. She researches and teaches in the areas of land use planning, natural resource and property law and is co-director of Osgoode's Environmental Justice and Sustainability Clinic. Professor Van Wagner completed undergraduate and postgraduate studies in political science, law, and environmental studies at the University of Victoria, Osgoode Hall Law School, and York University in Canada. Following this, she served as a judicial law clerk at the Ontario Superior Court of Justice. She has also worked as a labour and human rights lawyer, as an academic researcher on a number of interdisciplinary projects, and as a political advisor at the local and federal level in Canada. Estair is currently involved in a project examining government consultation with Maori under New Zealand mining law.

Vasanthi Venkatesh

Vasanthi Venkatesh is Assistant Professor in Law, Land, and Local Economies at the University of Windsor, Faculty of Law. Professor Vasanthi Venkatesh's research focuses on immigration and citizenship law, law and social movements, comparative human rights law, and property and labour. Her expertise lies in the interdisciplinary study of law within its political, economic, global, and historical contexts. It is informed by critical class, race, and feminist theories as well as post-colonial scholarship and uses empirical, comparative, and historical methods. Professor Venkatesh's doctoral dissertation from the Jurisprudence and Social Policy Program at University of Berkeley uses a comparative socio-legal approach to theorize how law is made and used by migrant workers and

their advocates in several countries and how colonial practices continue to persist in temporary foreign worker programs.

MODERATORS:

Alexandra Flynn

Alexandra Flynn is an Assistant Professor in the City Studies program at the University of Toronto. She teaches and researches in the areas of urban governance, property, and civic engagement. Her latest project is called “The Landscape of Local in Toronto’s Governance Model” and focuses on the overlapping geographies and governance of city space, including the formal and informal bodies that represent residents. She recently began a SSHRC-funded project examining the relationship between indigenous and municipal governments in planning matters. In addition to her academic work, Alexandra Flynn has over ten years of experience as a lawyer representing First Nations and as a senior policy official at the City of Toronto where she focused on intergovernmental relations. She has a long history of volunteer work, and currently serves as Chair of the Board of Directors of Community Legal Education Ontario and as a member of the Shared Path Consultation Initiative, which provides educational resources related to Indigenous-municipal planning.

Kathryn Pasquach

Kathryn Pasquach is a Cree woman and Turtle Clan with her family originally from the James Bay area. She graduated from the University of Windsor earning of her Bachelor of Commerce, Honours Business Administration where her studies focused on strategy and entrepreneurship. She is currently the Aboriginal Outreach and Retention Coordinator working in the Aboriginal Education Centre at the University of Windsor. Her role on campus is to provide support services to students on campus and building connections with Indigenous youth across the region. Much of her experience is working with Aboriginal youth in the Windsor community, at various community based projects and events including fundraisers, social gatherings and past mentorship programs.

Russell Nahdee

Russell Nahdee, MA is from the Walpole Island First Nation and currently lives in the City of Windsor where he is employed at the Aboriginal Education Centre-Turtle Island House - University of Windsor. He has worked in the field of

Aboriginal education for over 15 years and is involved with several Aboriginal research projects, community boards, and planning committees.

Jillian Rogin

Jillian joined the Faculty of Law at the University of Windsor in 2017 and holds the position of Assistant Professor. In this position she works with both the Community Legal Aid (CLA) and Legal Assistance of Windsor (LAW) as the Clinic Professor. She researches and publishes in the areas of clinic scholarship and criminal law including judicial interim release, evidence in sexual assault cases, Gladue, and legal ethics and professionalism. Her work is informed by feminist theory, and post-colonial and critical race scholarship.

Gemma Smyth

Professor Gemma Smyth is Associate Professor and Externship Program Director at the University of Windsor Faculty of Law, on the territories of the Three Fires Confederacy. Professor Smyth was Academic Clinic Director at the University of Windsor Faculty of Law from July 2009-June 2015 and Interim Associate Dean from July 2016-June 2017. She has taught Clinic Seminar, Dispute Resolution, Access to Justice, Mediation Clinic, and Qualitative Research Methods. Professor Smyth researches and writes in the areas of clinic law, dispute resolution, lawyering skills, and legal education. She is interested in the intersection of clients' and communities' experiences of law and lawyering and the skills, behaviours and attitudes that result in higher quality relationships. Professor Smyth is the co-author of the first text on clinical legal education in Canada, with Professors Sarah Buhler and Sarah Marsden, and the creator of a widely-used set of online tools for work-integrated and clinical legal education. She is also active in the Windsor-Essex community, serving as member and past Chair of Pathway to Potential, Windsor's Poverty Reduction Strategy and many other local Boards and community groups. In 2017, she was elected President of the Association of Canadian Clinical Legal Education (www.accle.ca).

Kristen Thomasen

Kristen Thomasen is an Assistant Professor of Law, Robotics & Society at the University of Windsor, Faculty of Law. She is completing her PhD in Law on the topic of drones and privacy in public at the University of Ottawa, where she is under the supervision of Dr. Ian Kerr, Canada Research Chair in Ethics, Law and Technology. Her doctoral work received a SSHRC Joseph-Armand Bombardier

Canada Graduate Scholarship. Kristen researches and writes about the legal, social and ethical implications of robotic and autonomous machines, and she teaches Robotics Law & Policy at the University of Windsor. Prior to starting her Ph.D., Kristen clerked for the Honourable Madam Justice Rosalie Abella at the Supreme Court of Canada. She also clerked for the Alberta Court of Queen's Bench. Kristen is a member of the Law Society of Alberta.

ABSTRACTS

Day 1 – Monday April 2, 2018

9.00-10.30 (Rodzik Lounge)

Keynote Conversation with John Borrows & Usha Natarajan [Rodzik Lounge]
(Moderators: Val Waboose & Sujith Xavier)

10.45-12.15 Plenary 1 (Rodzik Lounge)

Deborah McGregor, Sue Chiblow, Rayanna Seymour-Hourie & Aimée Craft, “Anishinabek Methodologies and Water Law”
(Moderator: Russell Nahdee)

In our panel we seek to address the question “what are the various methods, tactics and strategies in decolonizing law and the respective societies it governs?”. To approach this question, we will present our respective research approaches that places Indigenous methodologies at the core of our inquiry. All panelists have engaged in research that seeks to codify/document Indigenous laws (in particular Anishinabek law) from a community based perspective. In our panel we will link theory to practice by emphasizing our work that places Elders, knowledge keepers/holders and practitioners as experts, rather than the “researched”. In linking theory and practice, we focus on water governance and Indigenous Peoples relationship with water.

Continuing colonial practices that regulate and manage water as a resource that is owned, distributed, managed, controlled and exploited betrays Indigenous relationships with water; relations which are founded within our legal institutions and constitutions. An imperialist approach is accentuated in a national context where fresh water is abundant but a majority of Indigenous citizens living in their communities are water insecure. In an “era of reconciliation”, decolonizing approaches must be married with Indigenous laws, and cautiously grounded in Indigenous-lead community-based understanding to achieve reconciliation congruent with Indigenous realities.

This panel of Indigenous water researchers and activists aims to contest spaces where dominant colonial narrative aims to supersede community-based views on responsibilities and obligations that relate to water relationships. Working together, this panel will explore four facets of decolonizing approaches to our relationship with water, and how we arrive at Indigenous-lead decision making that is grounded in Indigenous laws. All four of the proposed panelists are part of the Decolonizing Water Project team

which brings together leading natural scientists, legal theorists and artists to engage in Indigenous-led, community based research and practice (including water monitoring initiatives) as an expression of Indigenous water governance.

The panel will canvass various legal mechanisms by which the legal agency of water has been approached (based on international examples). It will further focus on Anishinaabe nibi inaakonigewin (Anishinaabe water law) and community-driven work that aims to develop legal relationships with water through Indigenous legal mechanisms, such as treaties. This will probe the implications of grounding theory and legal decision-making in spirit and ceremony.

Together, the panel will explore the formation, maintenance and use of Indigenous knowledge relating to lands and waters as law or inaakonigewin.

1.00-2.30 Plenary 2 (Rodzik Lounge)

Paola Acosta-Alvarado, Amaya Alvez Marin, Laura Betancur-Restrepo, Enrique Prieto-Rios, Daniel Rivas-Ramirez, "International Legal Education in Latin America: a tool for epistemological decolonization?"
(Moderator: Reem Bahdi)

The REDIAL project brings together Latin- American researchers interested in studying international legal education in the region. Its main objectives are:

- Create a network of Latin-American scholars researching international law in the Third World;
- Offer a space to discuss international legal education from a critical perspective;
- Propose alternative approaches to international legal education from a Latin-American perspective;

Our starting point is that international law in Latin-America is mainly taught, learnt and perceived as an abstract, neutral system that regulates the relationships between subjects of international law, and which works for the benefit and purposes of the international community. These forms of teaching and learning international law, strengthen a specific (but not unique) vision of the law that often misses interesting and relevant debates for the region.

Hence, we as REDIAL consider that it is necessary to create awareness about the advantages and disadvantages of orthodox and Eurocentric approaches to international law, the importance of reexamining the colonial past in the construction of international law and to question us about the necessity or possibility of transforming it.

In this panel, we seek to debate about some characteristics and challenges of education in international law in Latin America that we have found in our researches. Thus, in this panel some of the members of REDIAL will present the results and advances in their research from the standpoint on how the teaching of international law can be (and has been) hegemonic, operating as mechanism of oppression, but also as an opportunity to break those patterns.

In the first presentation of this panel, Laura Betancur-Restrepo and Enrique Prieto-Rios will present a study centered on the syllabus of several universities in Bogota, underlining the “epistemologies of ignorance” that can be perceived in those syllabus and how it can perpetuate the use of law as a mechanism of oppression which rises several questions particularly in a local context of peace building and post-conflict. Then, Paola Acosta will talk about the possibilities offered by the renewal of the teaching of international law to the decolonial challenges in Latin America. Daniel Rivas will identify some of the consequences of the hegemonic model of international legal education in Latin America to show the need to decolonize international law. In the last presentation, Amaya Álvarez studies the issue of education in international law from the international subjectivity of indigenous peoples in the Chilean experience.

2.45-4.15 Panel I A (Rodzik Lounge)

Terry Mitchell, Jose Aylwin Oyarzun, Darren Thomas and Courtney Arseneau, “The right to free prior and informed consent (FPIC): A case study of northern Ontario and Chile”

This panel is comprised of Indigenous and allied scholars from Canada and Chile. We are members of Laurier University’s Indigenous Rights and Resource Governance Research Group (IRRG) and the Pan American Indigenous Rights and Resource Governance Network (PAIRR-GN). Our SSHRC funded research focuses on the current understanding and implementation of the Indigenous right to Free Prior and Informed Consent. Partnering with four Indigenous communities in Nunavut, NWT, Ontario and Chile we have been examining both barriers and promising practices facing Indigenous peoples when considering resource development on their lands. Specifically we have focused our analysis on the principles of FPIC [free, prior, and informed consent] contained in the UNDRIP [United Nations Declaration on the Rights of Indigenous Peoples].

We will present findings from our work with community leaders in Canada and South America to share reports of Indigenous experiences of consultation and consent seeking across the Americas. Shared learning will be presented from two case study sites, one

based in the “Ring of Fire” in the Matawa region of Northern Ontario and the other from the Diaguita peoples in the Atacama Dessert in Chile.

In Ontario, Canada, the “Ring of Fire” has been nicknamed the next “tar sands” and the people from the nine member communities of the Matawa First Nations Management are faced with the consideration of a \$65B proposed chromite development on their lands. What must be considered most importantly is the fact that this proposed development is located in an area where traditional land use continues for the Indigenous community’s on-going sustenance and economy. We will discuss consideration of existing mining legislation and the interface with traditional views of jurisdiction, land access and stewardship.

In the northern region of Atacama, Chile, the Diaguita peoples have been engaged in fighting and protecting their lands and inherent rights from Barrick Gold and other Canadian mining companies which they have successfully shut down due to environmental regulation violations. Chile is a state with a large Indigenous population, 10% of the total population, 1.5 million. Chile’s very open economy has triggered foreign investment, 50% of it in mining with a large part of it by Canadian mining companies on Indigenous territories. Whenever States and companies invest, they need to commit to observing human rights standards. We are therefore examining the extraterritorial responsibilities of Canada’s mining investments in Chile through the Human Rights Impact Assessment tool.

We are examining the intercultural aspects of FPIC and the awareness and understanding of different world views and legal constructs entertained during negotiations (State or Indigenous). We will reflect on how the principles of FPIC can be honoured within the current rights standard of the duty to consult within Canada and extraterritorial obligations for Canadian mining in South America. We will present decolonial approaches to FPIC essential to the necessary inter-cultural dialogue between Indigenous communities, governments, and industry in relation to resource governance.

2.45-4.15 (Panel I B) - Valiant Suite

Decolonizing Resources?

(Moderator: Dayna Nadine Scott)

Amaya Alvez and Robinson Torres, “Decolonizing Water? The use and practices of Indigenous Peoples in Latin America”

The notion of pluriverse (Escobar, 2016) challenges the standard of Western civilization imposed since colonial times in Latin America. It is justified as a private system of dominium over natural resources and the dispossession of indigenous people. This Eurocentric model continues to contrast with the many indigenous people's cosmovisions. Water privatization and other strategies of dispossession of the environmental commons have created new environmental and hydro social conflicts in America and the whole world. New waves of social protest and indigenous resistance in Canada, USA, Mexico, Chile, and other spaces are attesting on how the neoliberalización of nature has produced water conflicts but also alternatives to the traditional notions of development. How could social protests and society's demand become transformed into proposals to decolonizing nature and water? What does this mean to the practices of the indigenous people struggling for water commons and democratizing processes in Latin America?

From Latin America, the Eurocentric model is growingly criticized by scholars like Alberto Acosta (2013), Eduardo Gudynas (2015), Astrid Ulloa (2015), and Maristella Svampa (2016). Their arguments are based on indigenous perception of a living well (Buen Vivir), and proposal for recovering the nature's use values in order to undertake transitions to alternative and non-extractive developments.

The Constitutions of Ecuador (2008) and Bolivia (2009) have undoubtedly been the most important trigger for this legal discussion, followed by debates on the rights of nature. In this respect, the central idea shared by many indigenous worlds of Latin America, is that material spaces commoditized in previous Constitutions (land, minerals, trees, mountains, but specially water bodies) are understood to have life or are animated spaces. Therefore, they have agency, rights, and must be considered use values instead of commodities.

This panel calls for discussion of the legal and socio-environmental implications of considering nature, territories, and natural resources as legal entities in the Constitution being currently drafted in Chile and elsewhere. Legal but also interdisciplinary approaches (e.g. sociology, anthropology, geography, political ecology) are welcome. Some questions to be considered by panelist are the followings: What are the socio-environmental implications of decolonizing nature and water from neoliberalism? How the indigenous people frame water as a use value instead a commodity? What types of alternatives are being introduced into legal bodies such as Constitutions and Water Codes? How legal transformations reflect alternatives being produced by indigenous people? What are the state and corporations responses to these demands? What types of legal and political- ecological pluriverse are being introduced by indigenous people into the water worlds?

Estair Van Wagner and Maria Bargh, "Decolonizing Mining Law in Aotearoa? Māori engagement under the Crown Minerals Act 1991"

This paper will critically examine opportunities for Māori consultation and engagement within New Zealand's block offer process for mineral exploration under the Crown Minerals Act 1991. Through a case study of the 2013 Epithermal Gold Block Offer in the Central North Island, it will explore whether and how Māori involvement in mineral exploration decision disrupts colonial relations to land and natural resources. In the context of the case study, it will consider the layered sources of law in Aotearoa, both Māori and state-based, and whether and how these influence the final decision about when and where extraction can take place.

We will argue that despite an abundance of participation by Māori during the Block Offer process, existing procedural opportunities fall short of providing environmental justice for iwi and hapu and reinforce colonial relations with place. We will examine the relationship between the Crown Minerals Act and the general environmental planning regime under the Resource Management Act 1991 to consider and contrast opportunities for participation and decision making under New Zealand law. We will ask whether Māori participation under the Resource Management Act provides for greater substantive influence over decision making; and, if so, what the significance of Māori perspectives being considered at the later planning stages of mineral extraction rather than the prior allocation stage are for decolonizing mining law in Aotearoa.

Emily Rosser, "Decolonising claims to victim-centeredness: The testimonial-analytical division of labour in truth-telling and transitional justice"

In the urgency of the moment, why does it matter who collects and analyses testimony about atrocity? This paper draws on ethnographic research with non-indigenous rights defenders who documented wartime violence in Guatemala through two major truth-telling processes, the UN-based Commission for Historical Clarification (CEH) and the Catholic Church-based Recuperation of Historical Memory Project (REMHI). In dialogue with decolonial feminist approaches to knowledge production and critical anthropologies of human rights, the paper argues that existing social divides in Guatemala were reproduced in the labour practices of these human rights bodies in ways that resulted in narrow representations of genocidal harm. The paper outlines tensions between exposing sexual and other forms of violence through long-established documentation practices, and adequately accounting for the historical context and political demands inherent in survivors' testimony. While truth commissions and related bodies have long been touted for their relative "victim-centeredness," the paper argues that such a threshold is not reached by incorporating the voices of marginalised victims through heavily mediated testimony. This paper also challenges a lingering assumption that

victim-centeredness is an inherently decolonial or feminist position. While it can allow for limited rupture of dominant knowledge about war, this idea of victim-centeredness and its focus on collecting victims' voices is a trope that continues to obscure the colonial and heteropatriarchal relations of knowledge production in this field.

4.45-6.15 Panel II (A) – Rodzik Lounge

John Cutfeet, Donna Ashamock, Dayna Nadine Scott and Andrée Boisselle, "Learning from Kanawayandan D'aaki. Is there (still) only one law?"
(Moderator: Alexandra Flynn)

The panel focusses on a current research collaboration between university and community researchers in relation to understanding the purposes and practices of articulating Indigenous law for a remote Oji-Cree community in Ontario's far north.

The collaboration arose out of a request from some members of the community Kitchenuhmaykoosib Inninuwug, or the people of Big Trout lake, for facilitators of a workshop. The workshops were designed to re-visit a dispute with a mining company, Platinex, that had culminated in 2006 with the jailing of the Chief, 4 members of Council and another community member who became known as the "Kl 6". In the court proceedings on the contempt of court charges, community members described the key concept in the community legal tradition: the notion of Kanawayandan D'aaki, roughly translated as "keeping my land". It is a sacred responsibility to look after the land. Some community members say that it is this sacred duty owed to the Creator -- to pass this responsibility from generation-to-generation -- which has ensured the survival of the people. As Rachel Ariss and John Cutfeet describe in their 2013 book *Keeping the Land*, the notion that Kl community members could be respectful towards Canadian law and still be compelled to act in accordance with duties under their own law, was not cognizable to our colonial courts.

In the 10 years that have passed since the dispute with Platinex, the community has been engaged in an active process of articulating and recording "its own law". It has drafted a Declaration of Sovereignty, a Governance Framework, a Water Declaration and a Consultation Protocol. Community members expressed an interest in exploring the question of whether the process of writing down all of this law would assist them in any future encounters with the Canadian legal system in disputes over resource extraction.

In August 2017, John, Donna and Dayna participated in two days of workshops with the people of Kl as they explored, in Anishinii and English, these questions. The team will share our insights from the review of the transcripts from those discussions and our analysis of what it means going forward for remote communities facing resource

pressures in Ontario's far north. The collaboration is supported by funding from the SSHRC in the form of an Insight Grant entitled, 'Consent & Contract: Authorizing Extraction in Ontario's Ring of Fire'.

4.45-6.15 Panel II (B) Valiant Suite

Gail Henderson, Anna Lund and Shanthi Senthe, "Decolonizing Corporate & Economic Law? The Role of Scholarship"
(Moderator, Kristen Thomasen)

This panel will focus on identifying and addressing gaps in the perspectives represented in corporate and economic law school classes. The three presenters will focus on incorporating legal issues relevant to Indigenous communities into corporate and commercial classes in Canada in response to the TRC Calls to Action.

The three presentations on Canadian corporate-commercial classes follows up on a roundtable in May 2016, which resulted in an article in the Lakehead Law Journal entitled, "Reconciliation in the Corporate Commercial Classroom" (Vol 2, Issue 1, 49-63). A key takeaway from the article was that a gap exists in the scholarship around the challenges and opportunities that corporate-commercial law creates for Indigenous peoples. On this panel, the participants from the May 2016 roundtable will present on their subsequent research efforts:

- Gail Henderson will explore the overlap and divergence between Indigenous entrepreneurship and social entrepreneurship. This paper draws on the existing literature on Indigenous enterprises, primarily from entrepreneurship scholars, both Indigenous and non-Indigenous. Dr. Henderson will compare the defining characteristics of Indigenous businesses to those of social enterprises, noting the potential problems with equating Indigenous and social entrepreneurship.
- Anna Lund will offer a critique of judgment enforcement law under the Indian Act, as interpreted and applied in the 2006 Supreme Court of Canada decision in *God's Lake First Nation v. McDiarmid Lumber*. Dr. Lund will contrast the paucity of protection provided to Indian Bands under the Indian Act with the robust protection provided to the federal and provincial Crown under the doctrine of Crown immunity from execution and question whether this differential treatment is justified.
- Shanti Senthe will consider and critique how commercial actors, such as financial institutions and business enterprises have responded to the TRC's calls to action. Professor Senthe will map the financial inclusion efforts and challenges faced by

Indigenous communities in Canada. By highlighting the absence of access to credit and financial exclusion, a particular narrative emerges which indicates that financial apartheid is still pervasive in many communities, despite the legal reforms and frameworks employed to date.

DAY 2 – Tuesday, April 3, 2018

8.30-9.30 (Rodzik Lounge)

Keynote: Liliana Obregon, “Decolonizing international legal history: re-reading the absence or presence of women and/or indigenous peoples in historical narrative”
(Moderator & Discussant: Amaya Alvez Marin)

9.30-10.30 Plenary 3 (Rodzik Lounge)

Bev Jacobs, Yvonne Johnson & Joey Twins, “Indigenous Women and Incarceration”
(Moderator & Discussant: Myrna Kicknosway, Elder, Walpole)

Yvonne Johnson: “I was born in Kalispell Montana USA. My father was an American of Norwegian descent, and my mother is from the Cree Nation of Treaty Six of Saskatchewan. My mother is a direct Descendant of Chief Big Bear (my mother's father was John Bear, grandson to Big Bear). My mother's grandfather was Baptitist of Red Pheasant Reserve. My mother, Cecilia, was born in a tent on reserve. Cecilia was kidnapped and stolen when she was a child. She was placed in to the Thunderchild Indian Residential School in Saskatchewan when she was four and a half. Cecilia was forced to stay in the Residential School until she was sixteen years of age.

Chief Big Bear and his community were the first to clash with the encroaching white settlers and their government. Chief Big Bear was falsely tried and imprisoned in Stoney Mountain Prison in the 1885, after what was coined as the Frog Lake Massacre. He sentenced to what is now known as a life sentence (25 years).

My mother was the first woman to join the Teamsters Union in 1972 and she had seven children to care for while also taking care of her disabled husband. Cecilia drove 100-ton open pit truck, in the open pit mine in Butte, Montana. Cecilia fought for the recognition of her son's murder even though the authorities concluded it was a suicide, while he was in custody in Butte County Jail on May 5th 1971. My mother pushed for an inquest. The inquest did not prove my brother's murder but it did result in the closure of the Butte City Jail. The old jail is now used as a tourist attraction and still lists my brother's death as a suicide. Yvonne's mother's continued to struggle for 'so called justice' and she then joined the American Indian Movement in 1972. She was hoping to find some justice for her

child's death. Cecilia was almost shot in the Stand Off in Wounded Knee in South Dakota. Cecilia then traveled with a caravan, she stayed with them all the way to Washington DC, and then participated in the take-over of the Bureau of Indian Affairs Building. Cecilia then returned to her children and husband, with the statement of "I am returning to my people". She then divorced my father and returned to the reserve. This was a place that was not welcoming to her and her children. Cecilia then became a heavy Duty Construction worker building highways from North Battleford to Saskatoon, Saskatchewan. Again, my mother took on a man's job and she opened up space for other woman to follow. My mother then went on to build Airplanes for Bristol Aerospace, Aerodynamics. When my mother retired, she returned to care for a vast many including her brother's children. My mother watched over and cared for both her sisters and father till their deaths. Now she is very sick and I am currently caring for her.

My father was a highly decorated Marine in the United States Marine Corp. He participated in WWII and the Korean War. My father, Clarence, left Pearl Harbour as a teenager, to fight battles in the Philippine Islands. He travelled and fought alongside the Wind Talkers. He shared a story with me once about one of the Wind Talkers. He said every single marine was to keep them alive. He spoke of one such battle, where one of the tiniest Islands was one of the hardest to take back. My father said they bombed it by land sea and air and the Island itself was all stone. They had tunnels dug throughout the whole small Island. He said the whole Island was tropical before the war yet in the end only a few broken trees actually remained when the battle was over. My dad said that for the amount of fighting, the Island should have sunk into the Pacific. He said that they had orders to protect the Indian men assigned to them. He said they were all down in the trenches. They could not move because of being held off by the Japanese bunkered down in the mines and holes. The Japanese used propaganda with the local civilians, saying the white devils would do horrendous things to them. The American Government believed the Japanese were using the local peoples as the go between in the War. My dad said they sent out and dropped letters stating all civilians were granted safe passage to leave before the battle continued. Once granted time to pass to safety if wished, they could return to the battle. He was in the trenches with Wind Talkers, the men would go crazy being pinned down and under direct fire. My father said that the native man had enough and without saying anything, one of them jumped up and let out a yell and ran head first into direct fire. Once the native man did this, everyone followed as well. In the end they took over the island. My father was highly decorated yet never became more than he was. He believed the honour should of went to all the dead as he said they were bigger and better men than he himself can ever think to become, in a hundred life times. After the war, my father married my mother when she was only sixteen years of age and she was expecting her first child. My parents took out all four of my mother's younger siblings out of the Residential schools, and raised them till they left on their own.

I am my mother and father, as they were of theirs. I am my brothers and sisters. My family is full of dysfunction, hurt, pain and suffering. Yet we are inseparable and extremely loyal to and with each other. As I believe our love is a deep love, as it may be, keeps us bound in our loyalties. Our family has suffered through my disclosure of my life and times, written in my autobiography, my personal life story. This was published in 1997. I did not write this book completely of my own accord and it was co-written with Rudy Wiebe. Our book is entitled *Stolen Life: The Journey of a Cree Woman*.

Before our book was published, I was in prison for First Degree murder. I was sentenced to life, 25. In fact, when my book was published, we had one book launch out of a federal prison called Oki Maw Ochi Native Healing Lodge. I was part of this prison and instrumental in giving birth too. This takes me back to where I was first imprisoned in Prison for Woman (P4W) in Kingston Ontario. While in P4W I became the Chair of the Native Sisterhood. As the Chair, I was thrust into choosing to do the right thing when everything was so wrong to begin with. First, as the Chair and then when I met with Kim Pate, June Callwood, Peter Milliken, Warren Almond and the Native Women's Association, under the leadership of Sharon Mcivor and then Bev Jacobs. This is also when I met Ovide Mercredi, in the closing of the Royal Commission on Aboriginal Peoples. Many things occurred at this time and all of the details are too much to give proper mention of. I can mention some of chain of events that are needed here. For example, Correction Services was taken to court because of the suicides within P4W. This is when I became involved with Trish Monture and her children. Trish and her children interacted with the Native Sisterhood. The actions of Trish Monture and Kim Pate gave way to closing of P4W. (ie. attack upon native women and others in P4W, aka the riot of P4W). Later, the Arbour Inquiry clenched the very closing of P4W and set off a whirlwind of advancements for woman and native women with the building of five federal women's prison across Canada. One of them which was advocated by Kim Pate and Trish Monture was the Okimah Ochi Healing Lodge (OOHL). During all of this, I was pushing through the writing of my book. All of this occurred when the Liberals were in power.

I was transferred to the newly opened healing lodge as the third inmate. This was a place we as the Sisterhood was instrumental in building, of all new aspects of new wave prison. I was literally forced to do the right thing because of my found position as an inmate and Chair of the Native Sisterhood, which extended into the very building and structure of the new prisons. Once in OOHL, my book was published, with the launch taking place from within the prison setting. This was the time I became the focus of arguments of politicians, via the Conservative Party. This in fact involved people that were present during my arrest, conviction and sentence. Mr. Scott Newark, who was actually in attendance at my trial in which I was convicted and sentenced to life, twenty five. This made me, at the time, the first and only native women convicted and sentenced

in all of Canada for 1st degree. At the time there was a Liberal Backbencher, who was fighting to have a bill passed nationally which would ban and outlaw any person with a conviction for indictable offence, to profit off their crime by writing about their offences once convicted. I believe this made me a poster child for every argument that was behind the Conservative's agenda. I became the person to personify their agenda by expanding the victim offender relations, to publishing my book and profiting off crime by writing my life story. To victim offender reconciliation, to abolishment of the 15-year review, to harder stiffer penalties of law. To bringing change to due process of cascading out of the system. To being one of the longest stayed inmate in the halfway house. To being involved in implications of new laws and legal activities. To laws either invented, implemented to abolishment. To reverence of achievements of the native peoples within the system. To see or perceive the loss. To the stories of native peoples through me and my case is devastating to say the least. To Government involved in crime and punishment. Vast and endless, for any one individual. With the publishing of my book in the ongoing storms, lived through up and until full parole.

I was a lifer in a halfway house. I had gained eventual guardianship of two of my grandchildren that I am still raising. This caused two Government Bodies to tag team me, as my grandchildren were released out of care and into my care while in the halfway house. This is where we all stayed together for almost three years until I was granted full parole. Shortly after, I received complete guardianship of my two grandchildren. Since my release, I have been busy raising my two grandchildren and taking care of my elderly mother, who is now older and sickly. She will be with me till the spirits decide for her to go back in the company of the ancestors.

I know this is not brief, but I am a story teller and writer. But if one was to try and encompass my whole life into brief tidbits, well this is it. This is as brief as I can make it. I suffer for being who and what I was born to be. This is an attempt yet once again to speak of me and my ancestors experience in our homeland. I come today in the hopes of making positive change where it is most vital for the Native peoples of who and where do we go from here on out.

I'm older now and not as young as I once was, so I share in hopes that you struggle for the advancement of law and the order of this.

I am Medicine Bear Woman.
Of the Red Race.
Of the Cree Nation of Saskatchewan.
Of Turtle Island.
Of the human race.
I am a spirit, having a human experience".

10.45-12.15 Plenary 4 (Rodzik Lounge)

Unsettling, Shifting and Changing Modalities
(Moderator & Discussant: Amar Bhatia)

Adrian Smith, "Unsettling Labour Law"

Labour law in the so-called 'Anglo-American' tradition privileges industrial relations and conflict with little regard for the impacts of colonialism, imperialism and settler colonialism. What would it mean to 'unsettle' Anglo-American labour law? What would it take? Where might we start? The presentation will entertain the idea of unsettling labour law by probing the field's historical origins, foundational assumptions, core concepts and methods. Questioning prevailing understandings of the constitution and perpetuation of labour markets, and the role of accumulation, dispossession and difference, it promises to engage with migrant and Indigenous livelihoods and ecological relations as a basis for articulating a transformative agenda of unsettling the contemporary study and practice of labour law.

Valarie Waboose, "Conducting Research from an Indigenous Lens"

A new wave of scholarship has emerged around the world advocating for decolonization of research and writing within educational institutions. As a new and aspiring Indigenous scholar Valarie will share how she utilized her birthright as an Anishinabe Kwe of the Three Fires Confederacy to research and write the story of the Indian Residential School Survivors experiences with the Indian Residential School Settlement Agreement compensation processes in Canada. Using the Indigenous knowledge gained from her ancestors she explains how she carved a space within academia to include the teachings of the Seven Fire Prophecies and the Anishinabe Waterdrum into her work.

Paul D. Ocheje, "Assailing the Colonial "Logic" of Laws and Constitutions: Sub-Saharan African States and the Prospects of Decolonization"

Most African states only emerged from colonial tutelage in the second half of the 20th Century. Although these states are no longer colonies, it is a point that enjoys consensus among Africanist scholars that the colonial legacy casts a long shadow on the prospects of development and social justice in Africa. The role of law in the establishment and consolidation of colonial subjugation of the continent is well documented. What is less theorized or understood are the methods, tactics or strategies for undoing the colonial

legacy so as to liberate Africa's full development potential. Features of the colonial legacy include, but are not limited to, laws which have instigated (a) state fragmentation, and (b) persistent poverty of a majority of the population. In recent times, concern with consolidation of the "third wave" of democracy has led to an investigation of various methods and strategies for rolling back the colonial legacy. Some of these are political (e.g., truth and reconciliation commissions, or sovereign national conferences). Some have been economic in nature (e.g., the creation of new and generous incentives to foreign investment flows). However, the legal option, that is, directly using the law to transform the status quo, seems to have received the least attention. In this regard, relevant questions are: how can the laws and constitutions of African states be decolonized and deployed in transformative anti-colonial ways? Who would lead the charge, and what would be the incentive for such a transformative project? These are the central questions of this contribution. Answers to these questions should help in assembling the building blocks of a legal theory of social change, not from above, but from below.

Reem Bahdi & Mudar Kassis, "Decolonizing Mastery and Gratitude? An examination of the aid Agency's everyday"

Palestinians have become one of the most aid dependent people in the world (Zanotti, 2016: 2). Over the last two decades, donations from the Global North to the West Bank and Gaza have risen drastically. American funding increased from approximately \$70 million per year in 1994 and 1999 to approximately \$400 million in 2016 through USAID alone (Zanotti, 2016: 2) with the agency projecting \$363,576,000 in support for the 2017 fiscal year (Foreign Assistance, n.d.). Similarly, the European Union's contributes its highest foreign aid per capita to Palestinians. Canada, a small player on the international development scene, disbursed more aid to the Palestinian Authority between 2008 and 2012 than it offered to strengthen health care in all of Africa (Global Affairs Canada, 2015). These figures become all the more astonishing given that the Palestinian population currently hovers around 4.81 million people (Ma'an News Agency, 2016) who, according to some studies, have received the highest per capita disbursements in the world since World War II (Taghdisi Rad, 2016: 10).

Donors dispense development aid to help address humanitarian needs, build Palestinian state institutions, advance access to justice, improve living conditions, ensure security, encourage economic prosperity, and promote human rights – all important social justice goals (Taghdisi Rad, 2016: 11). But, foreign aid has not achieved its promise of assisting Palestinians to live better lives. As aid to Palestinians has increased, their living conditions have deteriorated (UNOCHA, 2016), the likelihood of a Palestinian state has become questionable (Daily Mail, 2016), Israel's hold on Palestinian land and resources

has tightened (UNGA, 2016), Palestinian civil and political rights have deteriorated (UNGA, 2016; Amnesty International, n.d.), and social cohesion within Palestine has begun to break down (Al-Modallal, 2013). Instead of advancing social justice, development aid has furthered Northern control over Palestinian priorities and decision-making.

This paper starts by analyzing the control mechanisms embedded within development aid, from conditionality to donor coordination to day to day management of aid implementation projects. We conclude that development aid furthers the colonial condition in Palestine by strengthening foreign control over Palestinian priorities (hence creating the conditions for “mastery”) and perpetuating an image of Palestinians as a people in need of technical assistance rather than liberation (and creating the demand “gratitude”).

Given this context, this paper explores whether there is any room for decolonization of foreign aid given that:

- new power dynamics have developed within the economic, legal and political structures to systematize oppressive policies through donor aid yet we turn to these same structures to change the status quo;
- individuals and communities are traumatized and/or exhausted yet we turn to them for leadership to change the status quo; and,
- social, political, legal and economic inequalities have been normalized yet we turn to these social, political and economic strategies to undo the status quo.

12.15-1.30 (Rodzik Lounge)

Lunchtime Keynote: Heidi Kiiwetinepinesiik Stark, “Regulating Relations: Exploring the Impacts of Borders”

(Discussant: Bryan Loucks (Elder, Walpole) & Moderator: Jeff Hewitt)

1.30-3.00 Panel III (A) – (Rodzik Lounge)

Refusal & Resurgence

(Moderator: Bev Jacobs)

Mark Harris, “Turning away from Australian colonial law – the case of Murrumu

Walubara Yidindji”

The status of Indigenous laws and their relationship to the imposed British (Australian) legal system has been a source of contention since the earliest days of white invasion – beginning with the colonial cases of R v Ballard (1829) R v Murrell (1836) and R v Bon Jon

(1841). More recently there have been a number of cases in which judges have attempted to accommodate Indigenous law (termed customary or traditional) in their sentencing of Indigenous offenders. In a number of jurisdictions there have also been established Indigenous sentencing courts that operate within the mainstream Australian legal system. These courts seek to incorporate Indigenous community members (usually Elders) in the proceedings. While such measures represent an attempt to respond to the over-representation of Indigenous men, women and children in their dealings with the justice system at every level, from first contact to incarceration, they also confirm the place of Indigenous law within the hegemonic constraints of the mainstream Australian legal system. This paper considers a moment in 2014 when Murrumu Walubara Yidindji formally renounced his existence in Australian law under his previous name of Jeremy Geia to live by the tribal law of the Yidinji people. In divesting himself of all documentary and personal affiliations with the Australian nation Murrumu sought to assert the sovereignty of his people (and their laws) over the traditional lands of the Yindinji. The action by Murrumu can be considered in the context of recent work by Indigenous scholars such as Irene Watson, Audra Simpson and Glen Coulthard who advocate in various ways refusing the recognition afforded in non-Indigenous laws by 'turning away'. In reflecting on this strategy I also draw from the work of Native Hawaiian scholar Maile Arvin and her framing of the power of what she terms 'regenerative refusals'.

Mary Eberts, "Compatible: Canada's federal system & Indigenous law?"

This paper would continue a train of research and thought I have recently started presenting and writing about. The question it asks is whether there is room in Canada's federal system for Indigenous law. My inquiry focuses on why such room must be made, starting (albeit somewhat late in the overall history) with the tangled reasons of the SCC on Indigenous law and its connection with section 35 of the Charter. The Court does not want to use the word (sovereignty) about Indigenous peoples in present day Canada, but we must use that term when talking about a place in Canada's federalism for Indigenous law, for federalism is shared sovereignty. The model we have used since 1774 for recognizing the civil law of Quebec as part of Canada's legal order has some things to teach us, but these are primarily about what will not work in the case of Indigenous laws made by many nations and no recognized terrain over which they are seen as sovereign. Can there be room in Canada's system of governance for Indigenous law without an acknowledgement of Indigenous sovereignty? Without such an acknowledgement, we are dealing primarily with law-making activity by Indigenous nations that could be seen as an exercise of power delegated by Canada, which is, I think, unsatisfactory. I am exploring this topic from the point of view of a settler. My investigation of Indigenous law is thus primarily through the lens of what settler law and concepts need to be changed in order to create room for it to flourish.

Natalia Angel-Cabo, "Garbage, Courts and Political Struggles: experimental justice and socioeconomic rights enforcement in Colombia's intermediate cities"

In the Global South courts are central actors in matters of social policy. In light of recurrent adjudication of socioeconomic rights, the traditional question about the rights of judges to intervene in social policy has begun to shift to a question about how courts can best contribute to improving the lives of marginalized communities. Scholars are answering this question by encouraging experimental justice. Rather than dictating a final resolution on a case, courts engage in this type of justice when their rulings aim to promote dialogue and negotiation among governments and affected population.

This paper discusses the potential and limits of experimental justice, through an empirical study of the outcomes of a landmark case of the Colombian Constitutional Court: the waste pickers' case (T- 291/09). This case sought to ensure livelihoods for hundreds of waste pickers, mostly afro-descendants, affected by the closure of the major dump in Cali, Colombia. It also sought to promote a deliberative process for the design, adoption and implementation of a public policy that would ensure effective participation of waste-pickers in the municipal solid waste management.

Although the paper recognizes previous contributions of the Court's approach to the enforcement of SERs, it also illustrates the limited effects of experimental justice at the municipal level. The waste pickers' case presents a story of limited enforcement, backlash, capturing of the waste pickers' voices and, in general, of the inability of the Court to mediate the "dialogue" among different stakeholders. By contrasting the waste pickers' case to other Colombian cases, the paper wants to draw attention to overlooked challenges that are present in Colombian intermediate cities for the enforcement of SERs.

Nombuso Mathibela, "Lessons from Azania: Social movements and the law"

In South Africa, the particularity of the transition to the 'new' post-apartheid era did not usher in a liberatory politics of decolonisation, which is about the historical pursuit of justice and the restoration of title territory and sovereignty to the conquered. Instead, 1994 heralded in what Ramose terms the democratisation era, which re-affirmed a settler-colonial history by accepting the conqueror's claims concerning extinctive prescription, making race as a marker of inequality, domination and colonial power invisible. This article will suggest that the democratisation paradigm has failed and instead social movements of working class folk and black students across South African universities have reinvigorated the politics and visions of liberation beyond the boundaries of democratisation and the nation-state itself. Through the struggles of the RhodesMustFall student movement and other live social movements, I will suggest that social movements in South Africa have shown us that law is product of interdisciplinary and intersectional struggle waged from different sectors and identities within the

oppressed classes and that they have begun to chart decolonial pathways that clearly show that only the popular masses through struggle can decolonise society, in Shivji's articulation law is merely an instrument of pedagogy, and a repository of struggles waged on the ground not a subsite for political struggles. Despite South Africa's lauded culture of Constitutionalism and the progressive role that law has played in advancing the struggles of the oppressed, it is nonetheless constrained to maintain the status quo. Ultimately, the broader concern of this article is to point to the suggestion that legal discourse and education need to be situated within the practices of struggle, and in fact social movements have begun to challenge South African law's western normative framework, challenging the perspective that law can decolonise society and provoke that the masses through waged struggles are incrementally decolonising society.

1.30-3.00 Panel III (B) – (Valiant Suite)

Decolonizing Ideas and Institutions
(Moderator: Jill Rogin)

Allyson Stevenson, "Decolonizing Child Welfare Law in Saskatchewan: Histories of the Métis Struggle for Human and Children's Rights"

In 1974, the Doucette transnational adoption controversy pushed Indigenous child welfare into the public sphere in Saskatchewan. That year, Geraldine, Harold and Eileen Laliberte three Métis foster children, were abruptly removed and adopted into a non-Native family in Ann Arbor Michigan from their long-term foster home in Prince Albert, Saskatchewan. As a result, public discussions arose that questioned the unchecked operation of state child care services, the role of Indigenous peoples in policy making, and introduced a language of human and children's rights. The 1960's had been marked by an increase in social welfare interactions between Indigenous families and the state.

With the introduction of ad campaigns such as the Adopt Indian and Métis program and the Adoption Resource Exchange of North America (ARENA), overrepresented First Nations and Métis children who had been removed from their families and communities were increasingly adopted into white homes, in some cases, outside of the province and the country.

The 1970's witnessed the reawakening of Métis political consciousness, influenced by the Red Power movement, global decolonization movements and local histories of Métis resistance. Decolonizing the child welfare system in Saskatchewan was a fundamental element of the resurgence of Métis nationalist sentiment in this period.

This paper examines the emergence of a Métis movement demanding the right to care for Indigenous children and families that drew upon the strengths found within the Métis community. Métis grassroots activists and leaders proposed an alternative to government directed child removal, fostering and adoption. Rejecting the “cultural genocide” of non- Indigenous foster and adoption homes, the Métis Society proposed a Métis-run foster home program and the development of a parallel Native-run Native Family Caring Society. Despite Métis efforts to bring about transformative and culturally relevant changes, decolonizing and dismantling the legal framework that structured/s Indigenous child removal has remained elusive.

Paul Simard Smith “Indigenous Oral Histories and the Epistemology of Deep Disagreement”

According to Michael Lynch (2016), the participants to a deep disagreement are unable to rationally persuade one another of their distinct points of view. Rational persuasion is illusive in the context of such disagreements because the parties to the dispute (i) employ divergent epistemic principles that prescribe incompatible beliefs towards the same proposition and (ii) possess no shared epistemic principles that can be drawn on to resolve the difference over epistemic principles. In this paper, I characterize some legal disputes over the evidentiary role of Indigenous oral histories as deep in this sense. On one pole of the disagreement is an epistemic position that endorses a principle which holds that Indigenous oral histories can be, independent of any other evidence, sufficient for acquiring knowledge about the traditional territories, history, modes of survival and the legal and political conventions of Indigenous nations. On the other pole is an epistemic position whereby Indigenous oral histories require corroboration from written, archeological, genetic or other forms of physical evidence. I consider two different strategies for resolving these disagreements. The first strategy holds that the appearance of a deep disagreement is illusory. There are truth-conducive characteristics of Indigenous oral histories that provide grounds for the former epistemic position. The second regards the disagreement as genuinely deep and looks to practical reason to settle the difference of opinion. Drawing on the notion of responsible truth employed by Choctaw philosopher Lee Hester and Jim Cheney, I argue that the former epistemic position is responsibly true in Hester and Cheney sense and, on that basis, a principle which holds that Indigenous oral histories can be sufficient for acquiring knowledge about Indigenous nations should be broadly applied within Canada.

Vasanthi Venkatesh, “Decolonizing Migrant Worker Frameworks: Canada and Israel in comparison”

This paper looks at how the law constructs migrant farm worker narratives in settler countries. Canada and Israel have remarkably similar foreign worker programs in agriculture formulated around specific colonizing ideologies about farm-work that renders invisible both the racialized migrant labour that forms its backbone and the indigenous populations (First Nations in Canada and Palestinians in Israel) that have been displaced. By comparing the legal mobilizations of farmworkers in Israel and Canada, the paper sheds light on the historical legal legacies and the institutionalized construction of the migrant worker frameworks and that have informed the laws and policies around agriculture and immigration.

Patricia Galvao Ferreira, “Liberating Climate Law: Brazilian Indigenous Groups as Agents For Climate Justice”

Indigenous peoples are among those who contributed least to the problem of climate change. Nonetheless, they are disproportionately vulnerable to the impacts of global warming, for they rely on ecosystems that are particularly sensitive to extreme weather events including floods, droughts, heatwaves and wildfires. From a climate justice perspective, indigenous peoples are entitled to actively contribute to the discussions of international climate law solutions that will have an important effect on their rights and livelihoods, as well as to receive specific legal protections under international law. This paper uses the case of Brazil to explore the question as to what extent international climate law has been responsive to indigenous peoples’ efforts to address the threats of climate change, in the context of their historic struggles to overcome the legacies of colonization. Rather than viewing indigenous peoples primarily as victims of the effects of climate change, this paper pays equal attention to the role of Brazilian indigenous peoples as historic agents of environmental protection, and how they translated this role to the transnational climate context by a) participating in the development of international climate law; and b) promoting the effective implementation of international climate law in Brazil. The paper will look into three areas: 1) the participation of Brazilian indigenous groups in the design of key mechanisms of the United Nations Framework Convention on Climate Change; 2) the resistance of Brazilian indigenous groups in the face of State responses to climate change with concrete and potential unintended negative consequences to indigenous rights (like the expansion of renewable energy production by hydro power and biofuel, which tend to augment the encroachment in indigenous lands); and 3) the contribution of indigenous groups’ traditional land management practices to Brazil’s efforts to tackle greenhouse gas emissions from deforestation and forest degradation, the country’s largest emissions source.

3.15-4.15 Panel IV (A) – (Rodzik Lounge)

Revitalizing Indigenous Law for Land, Air and Water (RELAW) Project: Reflections from Taku River Tlingit First Nation

(Moderators: Lindsay Borrows & Georgia Lloyd-Smith)

K'èdukà Jack, Shawna Smith & Gavin Smith

The Revitalizing Indigenous Law for Land, Air and Water (RELAW) is a project of West Coast Environmental Law (WCEL), supported and advised by the Indigenous Law Research Unit (ILRU) at the University of Victoria. The RELAW project is grounded in the knowledge that Indigenous law is law, that Indigenous laws are part of living Indigenous legal orders, and that Indigenous law can and should be living, taught, learned and used every day. Taku River Tlingit First Nation (TRTFN) is one of six nations that are part of this year's RELAW cohort. Based in the remote northern community of Atlin, BC, K'èdukà Jack, Shawna Smith and their legal support Gavin Smith are committed to doing this work in a way that puts the needs of the community first and ensures that the teachings of Tlingit people are followed in each step of the way. What are the roles of indigenous people, settlers and lawyers to challenge the colonial system? How can this work take a trauma-informed approach, recognizing this is not just a law project but a healing journey? What is the relationship between indigenous and western law today and how can nations ensure their inherent rights are represented in a way that challenges the colonial definition of recognition? The team will share the roots of the RELAW project and TRTFNs reflections on the movement to revitalize indigenous law.

3.15-4.15 Panel IV (B) – (Valiant Suite)

Miguel Angel Urbina, Isabel Solis, Mariam Miranda, Heather Teague and Annie Bird, "The national judicial systems and the recovery of Indigenous and campesino territory in Guatemala and Honduras"

(Moderator: Amaya Alvez Marin)

While those with political, economic, and coercive power traditionally have been the ones to access the justice systems of Honduras and Guatemala, alliances of community organizers, lawyers, and academics are now using strategic litigation to reclaim territories on behalf of these countries' laboring poor indigenous and campesino (peasant) people. Land, mineral, and water rights are increasingly under siege by non-indigenous national powerbrokers backed by international investors—in many cases development banks. These powerbrokers partner with (typically non-indigenous) elite local actors who have the coercive capacity necessary to forcibly acquire the land required for their investment projects. Such acquisitions often involve forced evictions that are spectacularly violent, and typically leave hundreds or thousands of indigenous

and/or peasant people homeless and without work, reduce production of staple food crops, and result in food and health crises as well as shifts in local economies. Imposition of foreign crops such as sugar cane and African palm, and extractive industries like mining destroy natural environments, farmlands and fishing grounds, and protected biospheres. These practices of eviction and land grabbing follow old colonial and neo-colonial patterns. Strategic litigation teams champion paradigmatic cases as a way of forging judicial paths to the formal recognition of the right to territory, the autonomy and authority of local decision-making bodies, and collective rights for indigenous and campesino people.

While centered on legal actions in the national judicial systems, engagement in international human rights forum proceedings, the use of development bank complaint mechanisms, extraterritorial litigation in foreign courts, the education of justice operators and national and international policy makers, and the education and organizing of victims of evictions and other harms, and their grassroots allies, all are important tools for generating sufficient political will in the justice system so that cases can advance.

Such strategic litigation cases have proliferated in Guatemala during the past five to ten years, while virtually no such experiences exist in neighboring Honduras. Given the similarity of the legal systems, the political economies, and the social contexts, Guatemalan lawyers, academics, and human rights advocates are assisting their Honduran colleagues in promoting strategic litigation.

Panelists will discuss the issues described above through critical analyses of the methods, strategies, and tactics they have used in strategic litigation and related social justice efforts in Guatemala and Honduras, with particular emphasis on exploring strategies for current and future strategic litigation.

4.15-5.30 Panel V (A)- (Rodzik Lounge)

Decolonizing Places, Institutions & Concepts?
(Moderator: Amar Bhatia)

Jacqueline P. Hand “Empowering Indigenous peoples by Effective Consultation”
Shared ownership of property is always problematic, whether between individuals or sovereigns. It is particularly difficult when there is a severe imbalance of power such as exists between nation states and indigenous peoples. One mechanism for dealing with this is the adoption of a requirement that Native peoples be consulted before decisions are made which affect their land and natural resources. This process has become an

international norm as evidenced by the UN Declaration on the Rights of Indigenous People.

Canada, (along with other countries such as Ecuador and Columbia), have embedded this requirement into their constitutions. This contrasts with the United States where the Duty to Consult tribes rests on a series of presidential Executive Orders and specific articulation in a few statutes. The impact of this difference is exemplified in two recent cases involving oil pipelines. In Canada, the Northern Gateway pipeline was enjoined based on a failure to adequately consult five First Nations, whose fishing rights were put at risk by the project. By contrast, a challenge to a permit granted by the U.S. Army Corps of Engineers allowing the placement of a pipeline under the Missouri River based upon an asserted failure to adequately consult the Standing Rock Sioux Nation was rejected by the federal courts. (The project was subsequently halted, at least temporarily, on a voluntary basis by the Obama administration.)

Examination of the operation of the Duty to Consult in these two cases highlights the ways that the grounding of indigenous rights in the Constitution impacts the relationship between indigenous sovereigns and the government of the nation state in which they live.

German Sandoval, "Decolonization of law: Liberty, fraternity and equality after the colonial standards"

In this presentation I'll summarize my work of the last 3 years. I'm working about the decolonization of law, through an epistemic analyses (Silvia Rivera Cusicanqui and Boaventura de Sousa Santos), that is related on the context of the rise of international law, the foundation of its concepts and the uses of the monopoly of knowledge as the privilege of the colonizer. In my project I apply this analysis at 3 essential categories from law and modernity: Liberty, Equality and Fraternity.

I've already published 2 from 3 papers of this project which is aimed to published as a book. On decolonization of Liberty I expose the philosophical implications about the freedom to think far from the modern boundaries using G. Deleuze dogmatic image of law and epistemologies from the South as a theoretical frame. In Decolonization of Fraternity I apply the same philosophical strategy analyzing fraternity from philosophical grounds of modernity (substance) and the andine philosophy (relationality) to unveil the relation between humanity and nature on the modern legal system and how it is imposing only a capitalistic (colonial, racial and patriarchal) understanding of life. To analyze it, I use the practices from Andinian people, and how their resistances has shown other knowledge that could be useful to understand that there are more realness far from capitalism and Europe. The last paper, I am working on, Decolonization of Equality, it is about the inequality between the "third world" and the "developed" nations

in XXth century around the implications of the Biopolitics (Foucault tradition) and the harmonization of the globality project. I am implying on this paper that the relation of the independences processes are the continuity of the Coloniality used by the capitalism to fulfil the economic crisis after the (second war world) European wars in 1945, in these conception I am trying to go deep in the demonstration that the discourse of equality by UN and its implications about sovereignty were used to a central discourse to deploy the imperialism, which it has a particular result: Neo liberalism.

Assis da Costa Oliveira and Estella Libardi de Souza, "Affected by Belo Monte hydroelectric plant: political mobilization and strategies for fighting for human rights"

This article analyzes the political mobilizations of the compulsorily displaced persons by the Belo Monte hydroelectric plant, located in the Xingu River, Brazil. The discussion considers: (1) the actions of affected people organized in the Brazilian's Movement of People Affected by Dams (MAB), regarding the definition and treatment of the population affected in the city of Altamira; (2) the actions of indigenous peoples in the city of Altamira, organized in associations, calling for recognition of their ethnic identity and participation in the process of resettlement of indigenous families affected. For this purpose, field research was carried out between the years of 2013 and 2017, with interviews with indigenous and MAB's leaders, direct follow-up of some actions and documentary research. The mobilizations undertaken by MAB deconstructed the arbitrary reductions of the studies of the enterprise, evidencing the omission of inclusion of hundreds of families; in addition, MAB worked in the political counseling of the affected population to empower the individuals and strengthen the organizational capacity, and articulated international and national support to the local struggles of the affected people, ensuring the rights of them. In the case of indigenous peoples, their leadership and associations have achieved recognition of the indigenous presence among the urban population affected, with specific impact studies, as well as specific mitigation and compensation programs for the indigenous population; however, such recognition was not considered in the resettlement, an issue that is still in dispute. Both MAB and indigenous peoples' actions are examples of resistance to colonial practices that characterize the implementation of extractive projects in Brazil, such as the Belo Monte hydroelectric plant, and the demands for the effective participation of the displaced persons in the decision-making processes regarding resettlement are proposals for the decolonization of state and enterprises practices in the implementation of these projects.