

Transcript

Gender Justice Now – Women's Legal Education and Action Fund (LEAF) Symposium Panel: The Legal System and Justice for Indigenous Women, Girls, and 2SLGBTQQIA Persons

Kat Owens: Welcome, everyone. We'll be getting started in just about 1 minute.

Kat Owens: Welcome, everyone. Welcome to those who are participating in our Gender Justice Now symposium, and welcome to everyone who is joining us on YouTube. My name is Kat Owens, and I am the project director for the Feminist Strategic Litigation Project at the Womens Legal Education and Action Fund, also known as LEAF. I am delighted to welcome you to this panel on the legal system and justice for indigenous women, girls, and 2SLGBTQQIA persons. A quick note, captioning for this event is available in English and in French. English captions will be seen embedded in the video showing on your YouTube screen. For French captions, please use the link emailed to you along with the link to the YouTube stream. We will also share a link to the French captions in the YouTube chat. I am speaking to you today from Tkaronto, which is a Mohawk word that means the place in the water where trees are standing. This land is governed by the Dish with One Spoon wampum belt covenant, which is a nation to nation peace agreement between the Anishinaabe, Haudenosaunee, the Wendat, and other allied nations. We all eat out of the dish all of this share this territory with only one spoon, meaning we all must share responsibility to ensure that the dish is never empty, including taking care of the land and the creatures that we share it with. There are also no knives at the table, meaning that we must keep the peace. In acknowledging the history of the land and my position as a settler on this land, I think about what it means for me and for LEAF to work for gender justice in the context of a legal system grounded in colonialism and white supremacy. This is also a system which continues to subject indigenous persons, and, in particular, indigenous women, girls, and 2SLGBTQQIA folks, to disproportionate levels of violence and poverty. At the same time, I think about the resilience and strength of indigenous persons and communities who have fought and who continue to fight back against these systems of oppression. I, and we, must do more to center the voices of those who face marginalization, acknowledge our complicity in this system, and push back not only against patriarchy but also colonialism, white supremacy, and racism. Only by doing so can we truly work toward gender justice and justice for all.

Two notes before I turn things over to our moderator. We've shared a link to our speaker bios in the YouTube chat. You'll also find links there for a report written by Alana Robert, one of our panelists, which provides a great introduction to the uses and limitations of the legal system and advancing equality for indigenous women, girls, and 2SLGBTQQIA folks, and I would highly recommend checking that out. Second, the panel will be recorded, and we will share the link with you after the event. We will also be making available a recording with French interpretation so that you'll be able to access that, as well.

I would now like to welcome Breanne Lavalley-Heckert, who will be moderating today's

panel. Breanne is a Métis woman from Red River on Treaty 1 Territory. She is currently a graduate student pursuing a masters of laws at McGill University. Her research focuses on Métis constitutionalism and law revitalization. We are lucky to have Breanne sitting as a member of LEAF Nation's board of directors. Breanne, welcome, and thank you for moderating our panel today.

Breanne Levallee-Heckert: Thank you, Kat. My name is Breanne, as Kat had said, and I am delighted to join you today. I'm joining from Treaty 1 Territory, the homeland of the Metis nation. It's snowing here today, so it's a beautiful, beautiful day. I just wanted to share a little bit about my intention coming in to this panel today. I know that there are a lot of Zoom meetings that everybody is going to, and I know everybody hears that Zoom fatigue is real, but I'm experiencing that right now, as well, with school, being online is a big transition for us all, and I just wanted this panel to be an opportunity for us to give ourselves permission, and if that feels right for you to do this, to look away from the screen, to just listen intuitively, to just be present here in whatever way that works for you, if that means turning the laptop screen all the way down, if that means sitting in a different spot, do that, because I want this to be a space where we can listen and learn from one another. Before I introduce the panelists, I just wanted to give a note about some of the words that I'll be using and the questions in the panel. The title of the panel is Using the Legal System, and I just wanted to note that I'll be using colonial legal system to describe Canadian law. As we know, indigenous legal traditions are also legal systems that exist on Turtle Island, so there's not just one legal system that we're talking about, so it's important to clarify which legal system we're discussing when talking about these things.

So, the first panelist that I have the pleasure of introducing is Dr. Lynn Gehl. Lynn is both a writer and an artist. Her work encompasses both anticolonial work and the celebration of indigenous knowledge. She challenges Canada's practices, policies, and laws of colonial genocide, such as land claims and self-government processes, the sex discrimination and the Indian Act, the continued destruction of Akikpautik and Chaudiere Falls, which is an Anishinaabe sacred place, and Canada's lack of policy that addresses that indigenous women and girls with disability are often the biggest targets of sexual violence. She weaves wampum belts and builds petroforms, paints, and plays with digital art. She has two books, *The Truth That Wampum Tells*, *My Debwewin on the Algonquin Land Claims Process*, and *Claiming Anishinaabe: Decolonizing the Human Spirit*. Currently she is in the final stages of editing a manuscript on her charter challenge regarding INAC's unknown and unstated paternity policy. She is also researching the history of Akikpautik. Lynn is frequently called upon as an expert by various media outlets to offer commentary on indigenous issues.

The next panelist is Naomi Metallic. Naomi is from, and I'm sorry if I say this incorrectly, Listuguj Mi'gmaq First Nation in Gespe'gewa'gi. She is an assistant professor at the Schulich School of Law at Dalhousie University, where she holds the Chancellor's Chair in Aboriginal Law and Policy. She holds a BA, an LLB, an LLL, and an LLM and was a law clerk at the Supreme Court of Canada. Naomi continues to practice law with Burchells LLP in Halifax. As a legal scholar, she is most interested in

writing how the law can be harnessed to promote the well-being and self-determination of indigenous peoples in Canada.

The next panelist is Beth Kotierk, and I'm sorry if I said that name wrong, too. Beth is originally from Iqaluit, Nunavut, and she grew up in Ottawa, Ontario. She studied sculpture and installation and indigenous visual at OCAD University in Toronto before going to law school at the University of Ottawa. She is currently a civil lawyer at Maliiganik Tukisiiniakvik, the legal services board of Nunavut and Iqaluit, where she also completed her articles. After completing her articles, she worked with Lawyers for Human Rights in South Africa on land and housing issues through the Canadian Bar Association Young Lawyers International Program.

Finally, I have the pleasure of introducing Alana Robert. Alana is a Manitoba Metis lawyer who works as a litigation association at McCarthy Tetrault in Toronto. She founded Justice for Women Manitoba, serves on the board of directors of the Native Womens Resource Center of Toronto, and recently completed a discussion paper for LEAF on using the legal system to advance equality for indigenous women, girls, and 2SLGBTQIA people. This is the document that Kat had mentioned at the beginning. Alana's advocacy focuses on combatting gender-based violence and violence against MMIWG2S. Her work in this area has been recognized by the Governor General's Award in commemoration of the Persons Case and the Inspired Metis Youth Award.

The first question for the panel today is drawn from the title of the panel. I thought it would be a good way for us to start this conversation. The question is, we often think about how to strategically use the colonial legal system, but is it possible to strategically approach the limitations of the colonial legal system? Can these limitations be seen as opportunities for resistance? First, we'll hear from Lynn.

Lynn Gehl: Hi, can you hear me? Thanks, Breanne, thanks, Kate, and thank you for inviting me to this panel. I think I'm the oddball out, though, because I'm not a lawyer or trained in law. I'm just a plaintiff, so my position, my arguments, my thoughts are gonna probably be outside of what you would expect, and I'm just gonna apologize for that right now. So, first of all, I wanted to say as a plaintiff who has gone through the court system, I don't see Canada's legal system as an appropriate place of resistance. The legal system and the Department of Justice with all its power of the nations behind it through the appropriation of indigenous land and resources is more about Canada manipulating the agency of indigenous people, intellectuals, lawyers, and allies. So, for example, it took indigenous women 50 years of hardcore advocacy to challenge the sex discrimination in the Indian Act, yet the Charter of Rights was birthed in 1985, and while it was important for us to do that work, Mary Two-Axe Early, Jeannette Lavell, Yvonne Bedard, Sandra Lovelace, Sharon McIvor, and myself, to take on this intergenerational collective action and force Canada to move to a place of a formal equality, through its deep pockets, Canada was able to manipulate the agency of our minds, bodies, and agency for like 50 years, and so I believe this is Canada's strategy, to manipulate the women. Some will die, some will give up, and that's what I think about that, but I also offer another example. When you look at the land claim and self-government process,

indigenous nations have repeatedly taken our land grievances to the Supreme Court. In 1973, the Calder Case was a new era of indigenous rights, but what really came out of it was the comprehensive land claim process that forces us to extinguish our rights, and although the policy has shifted to obscure Canada's genocidal intent, the outcomes remain the same. All we get are miniscule plots of land. The policy of genocide continues through Canada's nation to nation framework that Carolyn Bennett is opposing, so the policy shifting is more about manipulation of indigenous minds and energy, so I don't really see it as acts of legitimate places of resistance. Thank you.

Breanne Levallee-Heckert: Thank you, Lynn, and I think that you pointed to an important aspect of law that I think lawyers sometimes forget and that is the politics of it, and I think that it's easy sometimes for us to forget that those factors are at play, so thank you for drawing attention to that. Naomi, do you have thoughts on this question?

Naomi Metallic: Yes, I do. Gwe`, welta'si [- - - -] That's me saying I'm very happy to be with you today. I'm going to try to speak slowly. It's not something I'm good at, but I'm reminded to speak slowly. This is the longest answer I will give to the questions for today, but it's my favorite, but I'm gonna keep track and try not to go overly long with this one. Breanne, you can send me a note. Probably 10 minutes if that's okay on this one, or is that okay? So, for this question, I reflected on the ways, we're reflecting on how Canada's legal system has been used to attempt to protect human rights of indigenous women, girls, and children, and there are some successes, but there are access to justice issues with all of these. So, that may be, in terms of your question, Breanne, not getting too much to the using the system to, to as resistance, but I think learning about these or knowing about the challenges I think is part of the resistance, so I wanna talk a bit about that, so I have a couple of examples. One is we have had cases where human rights and equality complaints regarding under inclusiveness and programming like the Indian Act, Indigenous Service Programs, things like the Metis Settlement Act. We've seen some successes, you know, taking her points certainly about the process itself, but Dr. Gehl's case was one, Sharon McIvor's case, as well, the Duchesneau case. There have been changes in response to these cases, legislative changes, but we always find them to be piecemeal and, in fact, the judge in the Duchesneau decision actually commented on how the government has to stop implementing just piecemeal responses, and there are many more cases like this, but we face challenges, so in 2018 we had a case from the Supreme Court of Canada called Matson and Andrews, which LEAF intervened on, but the court held there that the Canadian Human Rights Act could not be used to challenge discrimination in the wording of the Indian Act. There are also cases from the Supreme Court on under inclusiveness, like the Lovelace case from 2000 and the Cunningham case from 2011 that failed to appreciate the impact of colonial laws and policies on creating arbitrary distinctions in government services, programs, and approaches. The court's tendency is to see, you know, a program like noninsured health benefits or other government programs as ameliorative programs and not to probe potential discrimination very deeply. In fact, in Cunningham they said it's ameliorative. We don't have to look any closer at that. So, those are some real challenges with those types of human rights complaints.

Then the second area I wanna talk about are cases where we have seen arguments of systemic underfunding and neglect in the delivery of essential services to indigenous people, primarily on reserve but the arguments go beyond that, but the types of services I have in mind are things like child welfare, social assistance, housing, water, policing, etc. We have gotten a great decision from the Canadian Human Rights tribunal in 2016 recognizing the systemic underfunding and the delivery of child welfare services on reserve. The case also affirmed that First Nations children and families are entitled to substantive equality, and the case also confirmed, or affirmed, that Jordan's principle is a human rights principle that means that jurisdictional debates should not prevent timely provision of services to First Nations children and families. It's a great decision. I love that decision. I've written a long article about how great a decision it is, but it hasn't resulted in Canada implementing transformative changes across the board. There are the same problems in child welfare with underfunding in social assistance, in education, in policing, you name it, and rather than fixing it, First Nations on all of these issues have to go to the Canadian Human Rights Tribunal, and so there are ongoing cases on education, on policing, etc., currently at the Human Rights Tribunal, and these cases, although meant to be faster than bringing Section XV claims, can be very expensive and long in their own right. So, even in the area of child welfare where we have this wonderful decision, it continues advocating for the rights of indigenous children and still requires continuous pushing, monitoring, and going back to the Tribunal. The Tribunal maintains supervisory jurisdiction over the case 4 years out now, and Cindy Blackstock has had to go back at least 10 times, probably more now, I've lost track, but she continues to work tirelessly at this, and so that's another example of the challenges with the current system.

Another one that I wanna touch on is that Jordan's principle itself has become a program within the Department of Indigenous Services, which is good on the one hand. It allows for children and families to identify where they are not getting the same level of services as other Canadian children, but it's also extremely perverse when you think about it. It normalizes a system where First Nations receive less services than non-First Nations people. Instead of proactively addressing inequalities, this program is now just allowing for addressing the systemic discrimination after the fact, so there's something that really doesn't align there. I really worry about that, and it's also, Jordan's principle, although great, has not led to a situation where the provinces and the federal government are having meaningful conversations about their shared responsibility toward indigenous peoples. Right now, under this program, we only have Canada paying. It's not going back to the provinces and saying, oh, well, actually this one should be more of your responsibility, and what I worry about in that regard because, based on my understanding of constitutional principles, both have responsibility with respect to provisions of services and fiscal relationships, and I worry that because of the way that it's working now, at some point Canada's just gonna say, okay, that's, we've funded enough, and that's enough of the program, so there's something really big there that I think needs to be addressed. The way that our constitutional division of powers affects and results in neglect and inequality for indigenous people really needs to be examined as a major source of the problem. Yeah, and even in that regard, there's a

Jordan's principle problem with trying to vindicate Jordan's principle so that if I was an indigenous group and I thought both the province and the federal government failed to provide me with necessary services, I'd have to take one to one human rights commission and the other to another human rights commission and not in the same place. Now, mind you, I could bring them to the Superior Court together with a charter argument, but that complicates things even more, so there are some real issues in dealing with this, and trying to use the charter or administrative law or aboriginal law to address some of these inequalities, so trying to use different legal tools, is exceedingly challenging, and that's because of how the system of service delivery with respect to indigenous peoples works. There's lack of legislation, lack of clear standards, and it's about money. All of these things make judges extremely uncomfortable to actually deal with. They'd prefer if the government would deal with it, but the governments don't wanna deal with it. So, I've been more bleak, I think, Breanne, sorry, talking about the problems, but they are really clear problems, I think, requiring addressing, and, in terms of some of the strategic ways to address them, I would say that we need to do a lot of education of judges and lawyers on this. You know, some of these changes are about judges changing how they interpret things. There are also legislative changes that could happen, but all of that takes a lot of education, and also we need allies who will help us advocate for that, but the biggest thing for me that I would love to see, if I had a magic wand and could change the world, would be implementing the MMIW recommendation 1.7, which calls for the creation of a national indigenous and human rights ombudsperson and a national indigenous and human rights tribunal who would provide significant oversight but also make decisions on key issues, and if it had jurisdiction over both the federal and provincial governments, I think that would be fantastic. That's all my comments for now. Thank you. I see there might have been a question. Did you want me to answer that, Breanne, or we wait?

Breanne Levallee-Heckert: We can wait. Thank you, though, Naiomi. That was great. I think it leads really well into the next question, especially the MMIWG recommendation for the national indigenous ombudsman. So, the next question is how do we as professionals and academics ensure that our communities are leading this work? How can we optimize our knowledge of the colonial legal system without becoming complicit in the system? Alana, would you like to go first?

Alana Robert: Sure. Tanshi kiya. Hello, everyone. Very nice to be with you all today. So, I think central to ensuring that indigenous people and communities are leading this world really goes back to embracing self-determination, which is essential in this work, and really respecting that indigenous peoples have the solutions, you know, to the challenges that we're confronting and respecting our agency and our autonomy in this. I think it's also really important to ensure that we're actually listening to what indigenous peoples and communities are expressing that they want, and the MMIWG inquiry is a great example of that. It's important that we're not making assumptions about what we think they want or what they should want, and so I think, you know, in law sometimes from an outside perspective it's easy to think that, you know, maybe money or damages are sought after but, in reality, perhaps an indigenous client, you know, wants to repair a relationship or rectify issues for future generations and so listening in this work,

remembering, you know, that we have 2 ears and 1 mouth to listen twice as much as we speak is really critical, and I think it's also about respecting indigenous knowledge and ways of being, so, you know, you might take instructions from an elected mayor of a community and that leader might emphasize, you know, the importance of understanding the realities and experiences of youth or elders or other demographics, and so, you know, really listening to what's being conveyed, and then I think it's also important to think about what we've learned about indigenous peoples and experiences directly from them and carry this knowledge, you know, center to this work, and so I think a big part of avoiding becoming complicit in the legal system is about maintaining a community connection, and so I think there are so many ways that any lawyer or anyone involved in the profession can do this, you know, by attending public events, whether it be a vigil or a community led event or taking initiative to learn on your own by reading, you know, works authored by indigenous peoples or attending one of the many webinars that are available online during COVID. You know, there are so many ways that we can get a better understanding of indigenous experiences and perspectives, and all of these things, I think, you know, can really ground an understanding of experiences, you know, which the legal system we know often tries to erase or distort. So, I think broadly in the legal profession, you know, we're often detached from indigenous knowledge and experiences in our everyday work, but we need to maintain connection and continually nurture this knowledge and center it when we do this work because it centers the shortcomings of the legal system, which we just heard there are many, and that really ensures that we don't become complicit, and then I think it's also about remembering the realities that we are confronting, and the realities are just to not maintain the status quo, and so this includes the reality that indigenous women, girls, and 2-spirit are 12 times more likely to go missing or be murdered than any other group of women in Canada, and this reality has maintained during COVID-19. One of the lives that was recently taken was that of Roderica Ribbonleg. She was a 15-year-old child from Little Red River Cree Nation in Alberta. She was motivated to make her family proud and be the first to graduate from high school and attend a university, but her dreams were taken from her, and her body was found discarded in a forest in Alberta in July, and she's remembered by her family and community for her beautiful spirit and ability to make other people laugh, and I share this story because I think it's one death of far too many and a tragically symbolizes the consequences of what happens when we maintain the status quo and the legal profession has a role to play in this. So, the national inquiry into MMIWG found that what connects the thousands of MMIWG in this country is colonial violence, racism, and oppression, and so I think each of these factors, colonial violence, racism, and oppression, can permeate throughout the legal system and it situates our role as lawyers to practice in a way that safeguards against this as much as possible. You know, there's no shortage of ignorance and racism in the legal profession, and I think we need to recognize it, we need to call it for what it is. We're also in a profession where there can be really big egos, and this can really get in the way and impede our ability to move forward together, and so I think really the more that we learn and understand the more that we can be disruptive in the way that we approach law and practice this work and do things differently than we have in the past, because we haven't always done things well when it comes to indigenous peoples, and so I think this is all part of transforming the culture of the profession, and so I just put

forward a few practice tips. They're explored more further in the paper, but just a few takeaways that we can all start to practice right now, so #1, practicing in a way that's culturally competent. The legal profession has been called by numerous bodies, including the Truth and Reconciliation Commission and the MMIWG inquiry, to become more culturally competent, and other reports have flagged that lawyers are generally not competent to represent indigenous peoples and nations, so this is a problem, it's widely known, and we need to do something about it, and so I think gaining cultural competency is about learning more about the individual or community that you're working with and taking the time that's needed to build meaningful relationships, and then also this work should be approached through a distinctions based approach which recognizes that there are distinct histories, cultures, geographies, and experiences between First Nations Inuit and Metis and along with a variety of other forces can shape different experiences even among these groups, so there's no one size fits all approach and we have to learn and do the hard work in order to do this work effectively and culturally competently.

Number 2 I would say it's about practicing law in a way that reduces harm, so the ability of the legal system to perpetrate harm and trauma is no secret, so, for example, the residential schools Independent Assessment Process brought people back to a time they never wanted to go back to. We looked at the case of Cindy Gladue, whose family horrifically had to watch her dismembered body be brought into the court as evidence only years later to hear Canada be silent on this horrific act. Dr. Beverly Jacobs has explained that Cindy's spirit was also victimized by the legal system, and I think that's such a horrific truth that we need to remember and not contribute to, and so we really need to practice in a way that reduces harm, so we need to foster a culture in the legal profession where indigenous peoples feel safe in their interactions with the legal system, we need to respect the sovereignty of indigenous peoples by respecting that they know what's best for them, and we need to recognize the ways that we may be complicit in colonial structures and how these structures distort the portrayal of indigenous peoples and experiences, and we need to embrace the self-determination of indigenous peoples by restoring power and control to places where it's historically been removed, and so I think all of this really feeds into trauma-informed lawyering, and I encourage everyone to check out Myrna McCallum's work. She has a podcast called the Trauma-Informed Lawyer. She also recently released a trauma-informed toolkit. There's so much we can learn about this and do a lot differently and do a lot better, and so I think all of this really sets the foundation for us to become strong allies, which is really about taking an active role in confronting oppressive systems and walking with indigenous peoples in this journey, and I think at the core, allyship is really building meaningful relationships, which we can address together if we walk through this together, and so I think when we practice law in these ways and show others how this can be done we can really begin to transform the colonial legal system that many of us operate in, and I think this really helps to reset how this work is done, and all of these kind of recommendations stem back to building relationships. So, one of my favorite calls for justice from the MMIWG inquiry is number 15.7, and it calls us to "create time and space for relationships based on respect as human beings, supporting and embracing differences with kindness, love, and respect," and I think there's something

so humanizing about this call, and it's not necessarily how many of us practice law but it guides us to reflect on how we can practice law, how we can, you know, approach relationships based on these principles and encourage others to do the same, and I think when we start to broaden our thinking as lawyers in these ways it really sets the stage for the hard systemic work that needs to be done, which includes, you know, heightening recognition and operation of indigenous laws and legal orders across this country.

Breanne Levallee-Heckert: Thank you, Alana. Naiomi, did you wanna share?

Naiomi Metallic: I mean, those are excellent comments. I really don't have much to add on this work. I would just add that I think in terms of the legal profession and academia, particularly with respect to law, it's so important that our communities be represented as lawyers in the profession as well as academics in university, and by being here, or being in those spaces, we are both implicitly and explicitly, or often explicitly, making a safer space for our communities, and so I think representation is really key, and this can create conditions for empowering communities and moving important decolonization reform, so, for example, when there's an indigenous academic that's connected with the community, there's so much work that, you know, can be done, and that was one of the reasons I wanted to go to academia was to do more work, because I was doing good work in my practice but I could work with even a broader group, so, you know, that representation and having people who can work with a community is so important, and in terms of the optimization of knowledge, I might say that, you know, I see more of a correlation between lack of knowledge about the working of the Canadian justice system and our continued oppression, and what I mean by that is if people don't understand the context or the history or how the system really works on the ground, I think that's worse than having more knowledge about how that works, so, in terms of, you know, addressing the continued oppression of indigenous peoples in Canada. Those are my comments.

Breanne Levallee-Heckert: Thank you, Naiomi.

Lynn Gehl: Yes, thanks, Breanne. Thank you, Alana and Naiomi, for setting the stage for me to come in. So, I'm really happy to be able to respond to this question, and coming from my perspective, again as a plaintiff and as somebody who is intersectionally oppressed, race, gender, and disability, what I know for sure is that I'll never have a life of formal equality and substantive equality where my human rights are valued. Indigenous nations will never be able to take care of indigenous women and girls unless and until Canada moves to a place of shared sovereignty with indigenous nations where indigenous land and resource jurisdiction is respected. Without a doubt, there is a direct relationship between land rights and our ability to create and maintain our own laws, our own courts, and our own systems of education, healthcare, and social services. We cannot actualize our own government systems without land and resources. We just can't. I really like what Robert A. Williams, Jr., has to say. He says the doctrine of discovery resulted in us losing our land and resources. He says the first place to start is we need to train lawyers to understand the origins of the doctrine of

discovery because it and the Canadian model has to be challenged. We need lawyers trained to understand that the Canadian model does not provide due process and does not follow the rule of law when it comes to indigenous human rights and that as lawyers they have an ethical responsibility, ethical obligation, to do what they can to defeat it instead of enabling the government by upholding it. That's what I have to say about that. Thank you.

Breanne Levallee-Heckert: Thank you, Lynn. Sovereignty and land are two of my favorite words, so thank you for bringing those up. Next question that I have planned here, and it actually goes well, too, with how you finished for us there, Lynn. How do we balance using the colonial legal system with law revitalization efforts? Naomi?

Naiomi Metallic: Great. I think that both have to be happening simultaneously, quite honestly. It's so vital for that revitalization work to be happening, and it's also so exciting. I've been doing some, I've been teaching in the area of revitalization methods of, in indigenous law, taking from other people who have taught in this area in the last few years, and it's the thing that brings me the most joy, working with Mi'kmaq language and stories is just so soul nourishing and amazing, right, and so it's great work, and what my students who are doing it, especially my indigenous students, it's so clear, it's so soul nourishing to them, too, but they still gotta learn, you know, they wanna work with indigenous communities, too, and there's the learning of aboriginal law, and I always, I feel like I have to give my students a trigger warning when they aboriginal law to be like it's not as great as you think it is, in fact, it's really problematic, but if you would want more joy in your life take my indigenous law course, but the fact is that, you know, in order to implement our indigenous laws and jurisdiction, there are all sorts of intersections between indigenous legal systems and the Canadian legal system, and in order to move forward we're gonna have to confront those and suggest answers to those that are respectful of our indigenous jurisdiction and laws and argue for, you know, a 2-eyed seeing approach or a transsystemic approach, so there are ways to do that, yeah, but there's still a lot of like questions, and so anyway this is an area that I've started to work on, too. I'm writing my PhD on this exact topic around implementing indigenous law, so we'll, but I definitely think they all have to happen at the same time. That's it.

Breanne Levallee-Heckert: Thanks, Naomi. Lynn?

Lynn Gehl: Thank you, thank you, thank you for the opportunity to respond to this question. So, what I think about this is that we need to train young lawyers in indigenous law, and we need to train them to understand the limitations of western legal positivism, we need to train them to understand the emerging indigenous paradigm, train them to understand that indigenous law is one step closer to natural law and that it cares for more than who humans are. We need to train them to understand that indigenous legal traditions are what they need to learn and draw from because indigenous knowledge traditions understand that the land, water, and air are sacred and that people cannot live without them, nor can the rest of the natural world. We need to train young lawyers to understand that methodology, meaning legal positivism, is not

mythology where morality remains intact. We need to train them to understand that power skews the so-called truth that methodologies produce, and we need them to understand that power is not truth. We need young lawyers to understand that believing in the sacred is far more intelligent and life sustaining than believing in the current paradigm that is destroying the land, the water, and the air. Sacred beliefs are not silly relics of the past. They are intelligent. Young lawyers are also intelligent, and we can teach them this fundamental truth. I really like what John Borrows has to say. He argues that Canada has to recognize and harmonize indigenous law and British common law with the French civil law. He argues we need indigenous recognition legislation acts and an indigenous harmonization act that addresses how the three legal governance orders will relate to one another. There's no reason for the asymmetry between them. For centuries, indigenous intellectuals and leaders have been trying to push Canada to honor the treaties. Canada, though, would rather have racism manifest through lobster fights.

Breanne Levallee-Heckert: Thank you, Lynn. Question 4 we have here prepared. How do you take care of yourself? These are heavy topics, and I think that we're, we've talked about a few of them already, so how do you take care of yourself, and how can we take care of each other while we advocate through law? Beth, we haven't heard yet from you, so if you wanted to also address questions 1-4 all together in your response here.

Beth Kotierk: Sorry for being that person, but I kind of wanted to address all these issues already raised together. It just made more sense to me than trying to like piece them up. But, yeah, I have, in my mind anyway, a little framework, and it's my understanding that maybe a lot of the participants today aren't indigenous, so I hope that it's kind of a good introduction, as well, to some people that are just learning about indigenous rights and indigenous legal traditions. Anyway, but, actually, I, let me get into the groove here, I wanted to address something first. I believe in my introduction, you know, Breanne mentioned that I studied art before going to study law, and I made such a drastic change because around that time a cousin of mine died in police custody. There was a coroner's inquest that was raised that for me like raised a lot of questions because it was more or less inconclusive and nothing came of it, so I didn't really understand at that time the processes that were in place and that are in place when those things arise, so I think that that's important for me to share today. I don't often share that. You know, I move on from those, or not move from those things, but, you know, it snowballs. You learn about one thing and then another thing and then another then and I just needed to understand the colonial structures, right, the colonial laws that we've been referring to. I bring this up today because I also understand that we won't be really talking about the criminal legal system, but that's actually a lot of what I've done in work in. I do work at Legal Aid here in Nunavut, and my articles were focused on criminal law. I want to raise this for those that aren't aware or too many euphemisms have been used around the subject, but indigenous peoples continue to be criminalized in our own lands, and this is through Canada's colonial violence, so I just wanted to address that first and foremost. Secondly, I would also call myself a feminist, but I do, I have been kind of uncomfortable with that lately, but I just wanna say that, that I do

identify myself that way, but I view it as an avenue, and I hope that it's understood as an avenue, to understand a profession rather than simply focusing on the advancement of women singularly, and I think that yesterday's panel on intersectionality highlighted the multidimensional nature of oppression. Anyway, moving on, so I wanted to get into my understanding.

So, I think that justice, which is very distinct from law, is achieved through the harmonizing of relationships, and I think a number of you have already mentioned and alluded to that, so the Canadian legal system is adversarial and therefore inherently designed not to create justice, which, again, is a harmonizing of relationships, but to create hierarchy and oppression, and as many of you are already aware, the history and power dynamics at play are always very important. So, resistance is only necessary when unequal power dynamics exist, so to talk about resistance as an opportunity is inaccurate as it derives from oppression, and freedom, freedom from oppression lies outside of this dynamic, so that's in the practice of indigenous traditions. That's where real opportunities for indigenous people lie. With that said, we are still being oppressed, we are still being colonized, and so, in my view, some people are in better positions than others to act as resisters and others better suited to hold and practice indigenous traditions, and we need both of these roles to be filled. It's not always clear cut who's playing what role, and actually, in reality, people perform different roles in different spaces and at different times. So, for example, an indigenous lawyer, and oh, I forgot to say this, and it was mostly about this part. I'm speaking very generally, and I know there's nuances and different exceptions, so when I say indigenous lawyer, some people might not want to, you know, practice indigenous law or practice aboriginal law and they might want to be in corporate law, and then some nonindigenous lawyers, you know, of course advocate for indigenous rights, so I'm kind of breezing through some things and it's very general and that's my disclaimer. So, again, I view the role of the indigenous lawyer as one that tries to hold back and contain the colonial system by limiting its interference with indigenous peoples sovereignty. So, for me, I picture someone kind of holding, barricading a door and trying to hold back, prevent an attacker from coming in. If they can push that line further, all the better. So, it's important to always know what role you're playing and when. This level of self-awareness that I view as very necessary is also very confusing sometimes and draining and difficult. As professionals and academics, we, there is a hierarchical trap that we can very easily fall into and need to be wary of. Our degrees, awards, and professional designations and what not lend itself easily to a culture of elitism that Alana already mentioned, and this is how systemic racism is birthed. So, as lawyers or policymakers, it's important to actively create space for our clients, the most marginalized in our communities that we serve, by centering their voices. Lived experience to me is the key to addressing the root of any issue. Our theorizing as academics and lawyers can, you know, help coalesce this information and digest it, but it is what we're dependent on to make any kind of change. So, this brings me to the question of how you take care of yourself. So, I think this is a very important question when you look at justice as harmonious relationships because self-awareness and self-harmony need to be maintained, as well, to create this type of justice, and I don't really wanna get into too many details, but personally I think that, I try to be as diligent about my own spiritual practice as I am

about my legal practice, and I encourage others to do the same, whatever that looks like, but to me there's an intricate and deep knowledge that we approach the law with that I think we actually need to be approaching ourselves with, but, with all that said, I wanna kind of look at some more substantial things and just wrap up with the fact that looking at justice as harmonious relationships doesn't mean that you have to like everybody and be nice to everybody and have everybody like you and be nice to you, and I wanna share some information when Nunavut was created. It was created through the Nunavut Agreement, so through that agreement a lot of Inuit gave up a lot of rights in order for the territory to be recognized. It's often mischaracterized as self-government. It's not. It follows a Westminster style of government and is a public government meaning that the laws are for everyone in the territory, not just Inuit. So, these were points that were insisted upon by the federal government during negotiations, as well as extinguishment of aboriginal title. This was and has been embraced in an effort to welcome non-Inuit into the territory, to maintain harmonious relationships, and to be seen as equals to Canadian citizens, to be free from discrimination. Unfortunately, that's not really how the system or the relationships work right now. The government of Nunavut currently has a lot of programming and policies that cater to non-Inuit demographics in Nunavut rather than Inuit as a result. Inuit continue to face discrimination in our own homeland. This is experienced through layers of underfunding, lack of resources and infrastructure, and a failure on many fronts to actively implement the Nunavut Agreement, especially when it comes to education and housing, which I'll touch on later. So, I just wanted to give that roundabout way of saying that as a result of these different approaches to justice and law, the Inuit have sought to maintain such a harmonious relationship with the rest of Canada without much reciprocity. Sorry for taking so much time to just say those things, but I thought they were important to say.

Breanne Levallee-Heckert: Yeah, absolutely. They're very important to say. I actually just wanted to comment on something that you had said about the self-awareness that's required for knowing our different rules. I think that's so important, and I also am really struck by how when we know what our roles are that's also living indigenous law, our system, our legal system is knowing our role, and so even when we're holding that door shut we're still living our law, so I think that that was a really great way to describe that. Thank you.

Next question for Lynn. In the colonial legal system, words have fixed and often restricted meanings. How does this affect the lived realities of indigenous women, girls, 2SLGBTQIA persons and persons with disabilities?

Lynn Gehl: Well, thanks for giving me the opportunity to at least respond to that tough question. I was really wrestling with it. So, again, I draw from my experiences, indigenous woman and issues of intersectional oppression, so it's been my experience, because I do have that awful court case, it's been my experience that words written in law and words not written in law are used to excuse Canada's ability to reason well, to reason morally. After crafting a silence in law in the Indian Act in 1985 on the matter of unknown and unstated paternity, Canada threw their arms up in the air and essentially

said we don't know what to do, and then INAC seemed to lose their mind, but this should come as no surprise because, after all, Canada's legislative drafters intentionally created the void for this purpose, to toss their arms in the air. This has to do with the, this is the problem with the legal positivism and how power skews truth and our need to be good moral human beings. Legal positivism extracts out what is good about the human condition and turns us into the wendigo. So, on the issue of indigenous people with disabilities, because of Canada's rigid structures and policies and laws and sometimes they're creating them intentionally to harm us, indigenous people have a disability rate that is 2.3 times the national average, and it is said in some communities it's 40% of the community has a disability, and it's also said that 83% of women with disabilities will experience sexual abuse in their lifetime. So, I believe we need to teach people that diseases and physical impairment flourish through oppressive structure, laws, policies, and practices. We know this is true because indigenous people, in particular, indigenous women and girls, have a higher rate of disability. This is not because our bodies are inferior. Rather, this has to do with colonial process that have resulted in the loss of clean land, water, and air and issues of poor nutrition, housing, and healthcare systems. So, I need to stress that intersectionally oppressed people who are oppressed through race, gender, and disability are especially vulnerable. Canada has to serve the needs of indigenous people, especially women and girls with disabilities, who are bigger targets of sexual violence, because many of us can't see or hear the perpetrator approach, or others are in wheelchairs and can't get away, and some are targets of abuse in their own hospital beds in part because they're not mobile. What is more, some are paralyzed without the ability to scream and defend themselves. For many, this is a lived reality. Canada must do something about it, and I'm just so tired of Canada not doing something to serve indigenous women and girls with disabilities that I've decided to stand up. Thank you for the opportunity. I really appreciate it, Breanne.

Breanne Levallee-Heckert: Thank you, Lynn. Next question is a big question, but I think it's a good way to open up into the Q and A. So, based on your knowledge and lived experiences, what are some of the unique uses for and limitations of the colonial system for your nation? Alana, would you like to go first?

Alana Robert: Yeah, for sure. So, I'm a member of the Manitoba Metis Federation, the MMF. It's a very litigious indigenous government, to say the least. Most recently they've launched a human rights complaint against a province for systemic discrimination and leaving them out of the COVID-19 response. Currently, they have quite a contentious relationship with the provincial government in Manitoba. The Premier actually just recently stated that they're perceiving MMF as trying to weasel out money from the province, and I just share this because I think it shows the importance of resetting the relationship between indigenous governments in settler colonial governments to transform the relationship from one of hierarchy to one of equity where the roles of each government and their boundaries are redefined but where we're all moving forward together in a good way, and so the MMF has turned to the legal system for answers for decades. This includes for recognition of Metis as Indians under Section 91(24) of the Constitution Act, something that the Supreme Court affirmed in

Daniels in 2016, but also something that Metis people have largely known to be true. The MMF has also turned to the courts to affirm the history between the Metis and settler colonial governments. In 2013 through the Manitoba Metis Federation Case, the Supreme Court recognized government failure to provide land to Metis pursuant to the Manitoba Act, which guaranteed 1.4 million acres of land for Metis children that would be set aside, and so, you know, the Metis have had many successes through the colonial legal system in affirming their rights, which has been helpful in strengthening different aspects of our nation, including some steps in a positive direction to return to a self-governing Metis government, but, at the same time, the legal system is not the only answer and it's often not the best answer to some of the most, you know, pressing issues confronting our nation today, and so the legal system doesn't always provide pathways for some of these greatest challenges, and I think about my own family and many people in my community and how normal it was for our grandparents to know about their Metis identity and practice Metis culture, but to be told not to tell anyone that they were indigenous and how these feelings of concealment and shame have been passed down through generations and have real impact today. There are so many amazing leaders and young people and elders in our community that are doing the hard work to counteract this and share our language and traditions and cultures and, you know, revitalize our culture and its practices and to instill pride and belonging in all of our young people, but I think that is one of my nation's greatest challenges is, you know, to remember the teachings of our ancestors and to ensure that all of our members gain pride and strength in this and, you know, Canada has undertaken deliberate acts to erase our existence as a distinct people, so whether it be through, for example, the reign of terror, which happened after Canada's Confederation, where 1000 Canadian troops were sent to pacify Metis territory, where many, many Metis women were raped and many Metis men were murdered at the hand of Canadian soldiers, or the creation of the Scrip system in Canada, which operated as late as the 1920s where massive amounts of Metis land were taken from us. These are all aspects of Canada's history that are not well known and that's why I share them today because they have real consequence for our people and for our nation, and they left deep scars on our nation, including sometimes feelings of shame in our communities and disconnection from our culture, and so I think that's a huge obstacle of us to overcome in order to return to a place, you know, where our children are proud of who they are and they gain strength from their families and communities, and so these consequences of disconnect are something that the legal system isn't really designed to address or remedy, and so I think the legal system can get us to a point of rights recognition but it can't be the only answer in this work.

Breanne Levallee-Heckert: Thank you, Alana. Naomi?

Naomi Metallic: Sorry, I think I'm okay. Thanks.

Breanne Levallee-Heckert: Then we'll turn it over to you, Beth.

Beth Kotierk: So, in Nunavut, our human rights tribunal does not have the power to decide on questions of law and only an implied power to decide on questions of fact

through the Public Inquiries Act. This makes Nunavut the only jurisdiction without a bona fide human rights tribunal. Now, this gap doesn't stop it from issuing decisions, but personally I would never bring a complaint to them knowing that if opposing counsel was smart they would simply seek judicial review and raise this as a jurisdictional issue, so it's a waste of time and resources, in my opinion. Sorry to be so blunt, but that somewhat major issue aside, the Nunavut Human Rights Tribunal has issued a total of 2 decisions since it was established as of 2013, so that number might not be accurate now. I did get that from their website. So, is it safe to say that there's no human rights violations in Nunavut? Of course not, right, so there's an overwhelming lack of access to justice in Nunavut. In some of our earlier discussions, Lynn mentioned or use the phrase legislative gaps. I think I'm going to use that for the rest of my career. There's a lot of these. There's a lot of these in Nunavut. It's hard to kind of pick just one issue. Anyways, I think talking about talking about opportunities for resistance and kind of going back to that, I think that Nunavut is a unique jurisdiction that provides a lot of room for these kinds of interesting human rights issues. The two that I'm most excited about would be housing. I want one day for housing to be viewed as an aboriginal right. I suppose it could be a human right, but I prefer, or, not that my preference matters, but there are strong arguments for it to be an aboriginal right, as well as education to be recognized as a prohibited ground of discrimination. Those are the two that get me excited. So, the housing crisis in Nunavut stems from the creation of the settlements in Nunavut. Inuit were coerced, for lack of a better word, into settlements by the Hudson Bay Company workers, the RCMP, and the government workers, federal government workers, at the time, who were the only people with housing at first. Before this, people lived on the land and were self-sufficient. So, this was accomplished in large part due to the slaughter of sled dogs by the RCMP in the 1950s through to the 70s. This prevented Inuit mobility and self sufficiency by preventing people from being able to hunt and then this also created a dependency on the wage economy. So, this was all done through a sovereignty in the north for over Canada, for Canada, over Inuit, and over the land, so in average law this triggers a fiduciary duty. However, today this pattern continues as much as the housing here in Nunavut is rented out by, or at least by the government of Nunavut, and most people obtain housing through employment contracts. This is maybe also a unique thing about Nunavut. Usually, people who get hired at the government of Nunavut are people from the south, non-Inuit. They get shipped here, do a few years of work, and then go back down south. So, for those of you that are curious, there's more information about the dog sled slaughter that can be found through the Qikiqtani Truth Commission. This is one of the first, if not the first, indigenous led inquires. The federal government long denied its policies of that time and its responsibility until last year, August 2019, where there was an official apology which was announced alongside some funding for cultural revitalization projects, but there was no mention on how this directly is related to and created the persistent housing crisis that we're dealing with. In terms of education, I would like this to be seen as a prohibited ground of discrimination. This isn't recognized in Canada. However, the Nunavut Agreement requires government departments to implement Inuit employment plans designed to increase Inuit employment, including through the removal of systemic discrimination through artificially inflated educational requirements, experience requirements that fail to consider one's level of proficiency and skill and testing

procedures that can be culturally biased. This, along with the fact that limited postsecondary programs are offered in Nunavut as a result of being one of the only jurisdictions without a university, this positions Nunavut like very uniquely to be the first to recognize should prohibited ground, so that's my dream. That I do see as an opportunity. Unfortunately, right now a lot of these systemic problems are normalized in the north as people learn/struggle with coping with these problems rather than seeking legal remedies. So, again, this is an access to justice issue, but I'm hopeful for the future that they'll be brought to court.

Breanne Levallee-Heckert: Thank you, Beth. Before I start the Q and A portion of the panel, did any of the panelists have any final thoughts, anything else you wanted to share? Just wanted to create that space if you have any final thoughts. Okay. Well, thank you so much for allowing me to facilitate this conversation between you all. I just flippin' love indigenous women. You are so smart and so powerful, just, this has been such an enriching conversation and I think we've all learned a lot together here.

I'm just going to go through the questions here now. Just give me one moment. Alright. So, for the Q and A, feel free to just see jump in as you see fit, as you feel that you are moved to respond to the question. So, the first question, do you think there is any appetite with Canadian courts knowing they exist to interpret and apply colonial law to hear submissions about indigenous legal traditions/systems? If so, how might this work and what might this look like?

Naiomi Metallic: I can jump in on that. Repeating some of the stuff I put in the chat, but so there's been some writing on this. John Borrows has talked about that we need to go beyond how indigenous law, or the indigenous perspective it's been called in Section 35 cases, gets seen as law, not as just evidence, and there's an article in the chat I put by Karen Drake that talks about that, as well. There are some cases where indigenous law has been presented, sometimes dealt with better and sometimes not so much. A great example, but it's at the Court of Appeals and it's on reserve, in the Restoule case. Anishinaabe interpretations of reciprocity were used to interpret the understanding of treaty in that case. There are a few other examples, but, again, it's one of these areas where we need to be working and helping Canadian lawyers and judges also kind of understand how this can work. I believe the Federal Court was working at some time as having like an indigenous law assessor program, but I'm not sure where it's at at this point, but I know that that was something they were working on a couple of years ago.

Breanne Levallee-Heckert: Thanks, Naiomi. Does anyone else wanna jump in, or should we move on to the next question? Alright. This is a question for Beth. Curious whether you see any hope for integrating indigenous law into criminal law in a way that could affect or overcome the overcriminalization and overincarceration of indigenous people?

Beth Kotierk: I, yeah, I think that's a great question, but with everything going on right now in terms of the discourse I think that it's safe for me to say I think that prisons

should be abolished, so I don't know exactly how the two systems can be integrated at this time. I think that there's a deep lack of resources. For example, here in Nunavut there's no addiction treatment centers, there's barely mental health workers available to assist people in times of crisis, yes, but also on a regular basis. Mental health is so important, and we have little to no resources here. So, I would start with that. I would start with resourcing our community and funding our community. I, yeah, I'm hesitant to say that the Canadian criminal justice system has potential. It needs to shift a lot. With that, and I can maybe add that I started with criminal law and I felt stuck. It was, I think that Naomi mentioned how important it is to have representation, to have indigenous representation in law. I actually think that it's probably the opposite, I think the opposite of you when it comes to criminal law. I felt like clients would trust me more or open up to me more when that is the last thing that they should do. I don't think that they should be trusting the criminal justice system to take care of them or protect them or to look out for their interests at all. So, I don't want to confuse people about what the colonial legal system is. Indigenous people can be here and do what they need to do, but they are very separate, and so it, sometimes I have a difficult time in understanding how we're going to be merging these things when you talk about working together. There's a lot of shifting that needs to happen, and I don't know necessarily how that's going to look.

Breanne Levallee-Heckert: Thanks, Beth. Lynn, we have a question for you. What do you think lawyers could do to help make the experience for an indigenous plaintiff better? Alana had some great suggestions for lawyers, but what would you say from your experience? How can lawyers support indigenous plaintiffs?

Lynn Gehl: Thanks for formulating that question. So creative. So, my situation was a very, very difficult situation, and I can only draw from there because I of course haven't done the research and asked other people, but the experiential knowledge is a valid way of knowing, and so the first thing I would say is money. Money, money, money, right? I had no money to challenge, to do the work that I was doing. I wasn't paying my lawyers, and, you know, the Department of Justice, their budget is like over \$700 million a year, and it's my understanding through Freedom of Information they spent a million dollars challenging my court case, so I had no resources, little to no resources, and I think when a plaintiff, a plaintiff needs to have money so that then the relationship with their lawyer, it comes different, right? They have a little bit more agency because they're paying the lawyer, so that's really, really crucial, and I guess if I had more time and more ability I would have did some serious fundraising, but I was in the process of a PhD and my agency was occupied, right, it was manipulated, so, I think that's what I would say foremost is resources, financial resources.

Breanne Levallee-Heckert: Yep, such an important topic. Another question we have here, really interesting, how can legal educators support nonindigenous law students to be allies given that some students are just beginning their journey and understanding intersectionality and settler colonial privilege, and I'd also add to that that law schools aren't always the place to decolonize yourself. Does anyone have any thoughts on that question?

Naiomi Metallic: I'll jump in. Certainly they, in the past, I can see your point, Breanne, that they've not been places for that, and it almost feels when you're indigenous that you're just filled up with all this colonial law, but, you know, there are schools that are starting to, you know, take seriously the Call To Action 28 from the TRC and working at it. Everything is a work in progress. Nothing is perfect, but, you know, we've been trying to do various things. We have a mandatory course for our first year students. It's not perfect, again, but, you know, trying to find ways to make the students think about, you know, indigenous issues. Like I say, it's a work in progress. My friend, a colleague of mine, wrote his LLM thesis recently about what works better in terms of TRC implementation 27 and 28 because it is challenging and often sometimes the reaction of settlers to some of this education is to push back from it and sort of looking at social psychology in order to figure out what are the best ways to do this work, so it is challenging work and there's definitely been some attempts that have not been as successful, but I do think that is a way that legal scholars can try to, and I think having representation of indigenous scholars, too, as long as they're not there to, you know, basically put all the equity work or the TRC work on the back of that one academic, I think that that's important, as well, but there's lots of work that I think that law schools can play and academics within law school can play in moving some of this because it's gotta start early. It really does have to start early in dealing with that thinking.

Breanne Levallee-Heckert: Lynn?

Lynn Gehl: Thanks for the question, and thanks for the opportunity. So, I like to construct, I've created a construct called follow the turtle, and what I mean by that is if we want social justice, if we want equality for all, then we have to stand behind the most oppressed person, the slowest person, and push them forward, so I really think that's important for allies to do that, to stand behind the most oppressed, to follow the turtle, when the slowest is liberated then we'll all be liberated.

Breanne Levallee-Heckert: Thank you, Lynn. This next question, we'll open it up to everybody. If we could hear from all of you a little bit about your relationships with or views on feminism. That's also something that Beth had touched on, but if you wanted to share, please jump in. Lynn?

Lynn Gehl: Sure, so, what I like to tell people is I'm not a feminist, you know, the senators will sometimes say oh it's so great to be around these feminists, and I always put up my hand and say, uh, I'm not a feminist, I'm an indigenist. It is the emerging paradigm, and feminism really hasn't served me as an intersectionally oppressed person, but why I think this is really important that I say that I'm not a feminist is because indigenous knowledge and the emerging paradigm sits closer to natural law, so that's why I like to say I'm an indigenist, so we're not just concerned about human beings, we're concerned about the trees, the land, the water, so when you say you're an indigenist you sit closer to natural law versus remaining in the human realm.

Breanne Levallee-Heckert: Does anyone else want to share their thoughts on feminism? I'm recognizing that this is a panel for LEAF. I'm gonna maybe answer that

question a little bit because that is something I agree, Lynn, that that's something that I've wrestled with with the label of feminism, as well, and the ways in which the feminist movement has been coopted by non-BiPOC women and how that has often caused violence towards our communities, and so it's definitely a complicated relationship to have, but, like all things, it's always good to be talking about it.

This last question, and I would like to hear from everybody on this because I think that this is a really great way to wrap up, what gives you hope and what keeps you going? So, maybe I'll call on Alana first, if you wanna share.

Alana Robert: Sure, yeah, I think, you know, I'm new to the profession, so I think I still do have a lot of hope, but I think a lot of that stems from, you know, indigenous young people, you know across the territory we now call Canada, you know, taking their rightful place and claiming space and advocating for what they believe in and showing up and being unapologetic, and I think that I see such hope in our young people and our children and all their dreams and how they're pursuing them and I think there are thoughtful visions for what, you know, our territories can look like and they're not accepting status quo anymore and they're saying, you know, things need to be done, we're gonna do the hard work and we're gonna hold institutional actors accountable, and I think that gives me a lot of hope, and I'd also say, you know, I think there's a greater willingness now than there probably has ever been, you know, to engage on these tremendous challenges together, you know, from an allyship perspective, and so I think that that gives me a lot of hope that, you know, together we can roll up our sleeves and do the hard work and shake things up.

Breanne Levallee-Heckert: Thank you, Alana. Who would like to go next? Let's hear from Naiomi.

Naiomi Metallic: Alright, well, having gone to academia in the last 5 years, I quite like that. I'm not a mom, but I feel very maternal with respect to my students, both indigenous and non, and what I feel about this work is that we've got several indigenous students at Dalhousie, there's usually about 30 per year through all 3 years, but seeing them flourish and do well and go on brings me much joy, and getting, so we got added a bunch of indigenous courses, including indigenous law, indigenous governance, and seeing them doing in those courses and seeing themselves reflected in the relevance of that. I've also liked some of the TRC work we've done with non-indigenous students and seeing them being far more articulate in terms of elaborating on the problems with the Canadian legal system. Nobody talked about the Doctrine of Discovery when I went to law school in 2002 to 2005, right, and now I teach it now as part of our first year course and in our constitutional law course and to see my students actually say oh, well, extinguishment of aboriginal rights is really problematic because it's based on the Doctrine of Discovery, well, that's just music to my ears, right, so I do feel hope again in working with it, seeing the younger generation of learners being far more knowledgeable on some of this stuff. I mean, it takes concerted work, but that gives me hope.

Breanne Levallee-Heckert: Yep. Great. Lynn.

Lynn Gehl: Thank you for this question. This is a really tough question, a really, really tough question for me, and I have to be careful in how I answer it because, you know, role models are so important in indigenous communities, but I have to be genuine, and there's a beautiful teaching that really gives me hope and it's that teaching that, you know, rocks and water are born with their knowledge. They're born with the knowledge because they're so close to the creator, they're the first elements to be created, and then the next one are the trees and the shrubs and they, too, have a lot of the knowledge they're born with, they're just a little bit away from the creator, and then the 4-legged and the finned and the swimmers, they, too, are born with a lot of their knowledge, but humans, we've walked a little bit away from the creator, a little farther away, and because we've walked a little bit farther away, we have a tendency to be more pitiful, but one of the teachings that I learned was that we have to keep trying as human beings. We just have to keep trying. We are pitiful, but it's hard to be a human. That's the foundation, I guess. That's the get go. At the get go it's harder to be a human because we're born with less of our knowledge, we have less knowledge than a rock, less knowledge than a tree, so we have to just keep trying, so when I fall down I remember that teaching. I have to keep trying. It's hard to be a human.

Breanne Levallee-Heckert: Thank you, Lynn. And Beth?

Beth Kotierk: I like this question. I think it's a nice reminder to be hopeful. I get very cynical, but, yeah, I would say similar to Alana like I think there's like indigenous youth are amazing and seeing the younger generation just be proud of who they are and their culture it's just a beautiful thing and especially the babies, ah, it's so cute, and it, yeah, I don't, I don't actually know how to answer it, which like already signals to me that that's like a problem, not, I don't know, just for me personally, but I think like I said earlier, like the housing and employment issues like I get excited about those because I think that there's actually potential to see change there, even though if you live here in Nunavut you wouldn't necessarily see that potential, but when I look at the law I see it clearly there. We just have to get the arguments argued, we need to find the right cases, and I don't know if I'm like in the best position to do that necessarily or who is in the best position to do that, but it's gonna, but it has to get done some day, like I don't, I don't know, so, yeah, I guess it's, there's only going up from here. I don't know. I don't know.

Breanne Levallee-Heckert: Thanks, Beth. I think the thing that gives me hope is the joy and the laughter that we still all have, and I think that's something that I experience with my aunts and now I'm an aunt, as well, and I have nieces and a nephew and the way that we laugh and are just together and hold space together as a safe place to just feel like ourselves because so often it's hard to just be fully indigenous in the colonial settler society that we live in, and so these moments, and like this panel, you know, even though we were talking about incredibly difficult subject matter that all personally affects us in very intimate ways, we still were able to smile and to have these moments where we just can laugh together and that strength and that resiliency is what gives me hope, so thank you all for sharing today and for being here and for really just giving so

much today. Really, thank you.

Kat Owens: Thank you so much, Breanne, and thank you to all of our panelists for that incredibly insightful and important discussion. I think that we all have a lot to take away and reflect on and we're truly grateful to all of you for taking time to spend with us. If you'd like to learn more, folks who are watching, we encourage you to take a look at the resources that have been shared, both in the Zoom chat and the YouTube chat, and we'll put a link to Alana Robert's paper in the YouTube chat, as well, and you can also visit LEAF's website, www.leaf.ca, to learn more about the work that LEAF does. Thank you so much for attending our discussion today and have a lovely evening.