



VICTORIA HOSTS NATIONAL ABORIGINAL LAW CONFERENCE

The 2013 National Aboriginal Law Conference to be held April 11-12, 2013 at the Fairmont Empress Hotel in Victoria, BC. The subject of this year's conference is "Working With and Within Indigenous Legal Traditions." The conference is aimed at providing practical advice on integrating and achieving meaningful recognition of Indigenous Legal Traditions in the Canadian legal context. Woodward & Company will be sponsoring the attendance of a University of Victoria law student at the conference. Conference registration is not restricted to lawyers.

Several Woodward & Company lawyers will be involved and speaking. **Gary Campo** is featured on the opening panel entitled "A Multi-Juridical Canada." This panel will begin the dialogue on how to recognize and incorporate Indigenous legal traditions that form part of Canada's pluralistic legal foundation. Speakers will address the continued practice and preservation of Indigenous legal traditions within Indigenous communities, the use of Indigenous traditions in Canadian

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UPCOMING EVENTS:

March 7: **Dominique Nouvet** presents at PBLI in the Aboriginal Rights to Fish and Environmental Law session.

April 11 -12: National Aboriginal Law Conference - Fairmont Empress Hotel, Victoria, BC.

Profile: Kylie Buday

With Alana DeGrave and Berry Hykin on leave for the next year, Woodward & Co has hired Kylie Buday on a one-year contract. Kylie graduated from University of Victoria Law in 2007 and brings some very interesting and relevant experience to the firm. She starts on March 1.

Here are few highlights about Kylie:

- She has worked in various legal capacities for the United Nations High Commissioner for Refugees for the past three years, with stints in Damascus and Geneva;
- She has a keen interest in developing a practice as a litigator, and has recently appeared at the Supreme Court of Canada;
- She has experience working with indigenous communities and leaders in Canada and Ghana through volunteer pursuits and an internship; and
- She clerked for Mme. Justice Sharlow at the Federal Court of Appeal, working on some aboriginal and constitutional law cases, with particular emphasis on aboriginal tax law.



Welcome Kylie!

courts, the complexities and efficiencies of a pluralistic legal system and the recognition and re-invigoration of Indigenous legal traditions through research and community-based work in ways that are cognizable to the common law. Each of the panelists will share their perspective on the importance of making space for Indigenous laws within the Canadian legal framework. Gary will talk about the use of Indigenous legal traditions in the landmark *Tsilhqot'in* Aboriginal title and rights case.

Leah Mack will be speaking at a session on "Custom Codes and Election Acts." Custom codes have become the norm rather than the exception throughout First Nation communities. A difficult balance has developed between enabling Indigenous traditions and staying on-side of the complex framework of case law that has developed on these matters. Leah has worked on a number of election codes and will be sharing her knowledge of the area with conference attendees.

Heather Mahony will be speaking on a panel entitled: "Our Land, Our Laws: Indigenous Land Use and Land Management." This panel will examine if and how common law property concepts work in parallel with Indigenous land laws. Panelists will provide insights on how Indigenous people are reinvigorating traditional laws and perspectives on land, proving these land laws in court, and incorporating them into present-day land use and land management regimes.

Drew Mildon is a co-organizer of the conference and will be speaking at an evening dinner event as well as chairing the "Our Land, Our Laws" panel.

Those interested in attending should contact the BC Branch of the Canadian Bar Association. ❖

CBA Council Adopts New Initiatives Proposed by National Aboriginal Law Section

On February 16, 2013, the CBA Council adopted two resolutions put forward by the National Aboriginal Law Section. W&Co has representatives on the Executive of the National Aboriginal Law Section.

The first was a resolution calling for collaboration to help end violence against aboriginal women and calling for an Inquiry into the issue of murdered and missing aboriginal women and girls. This follows our earlier letter to the Minister calling for a National

Inquiry and supports our future efforts on this issue, including making submissions to a recently struck special Committee of Parliament (announced on February 14).

The second resolution called on judges, lawyers, law-makers and legal academics to recognise and value indigenous legal traditions. It also crystallised the CBA's support for and participation in initiatives aimed at the recognition of indigenous legal traditions, including professional development and public education. ❖

Links:

Ending Violence Against Aboriginal Women

<http://www.cba.org/CBA/resolutions/pdf/13-02-M.pdf>

Indigenous Legal Traditions

<http://www.cba.org/CBA/resolutions/pdf/13-03-M.pdf>

ACFN STOPS OIL SANDS PROGRAM

By Jenny Biem



On February 14, 2013, Teck Resources Ltd. learned about the perils of proceeding on the assumption that oil sands exploration programs will be approved regardless of their impact on First Nations' rights and interests.

The Alberta Energy Resources Conservation Board found that ACFN had rights that may be directly and adversely affected by Teck's proposed drilling program, sufficient to initiate a hearing of the applications. This means that the 135-well oil sands exploration program cannot proceed this year. Teck said that cancelling this year's program will cost approximately \$30 million.

ACFN vigorously objected to the proposed 135 well program due to impacts on ACFN's s. 35 rights and interests, including interference with hunting and gathering, water withdrawals from the Lower Athabasca River watershed, and impacts on the Ronald Lake Bison herd. Teck was well aware of ACFN's opposition to the project, but proceeded to pay drill rigs and contractors to be on standby from January 15 onward, and also went ahead and constructed the necessary camps and roads, and completed clearing for each well site. Teck then argued that because it had already undertaken so much work, the actual drilling would not result in any impacts to ACFN so the Board should deny ACFN's requests.

However, the *Oil and Gas Conservation Act* prohibits "operations preparatory and incidental to the drilling of a well", which ACFN said includes road construction and well site clearing, prior to the issuance of a well license. In addition to initiating a hearing of the applications, ACFN's submissions resulted in the Board commencing an audit of Teck's operations to address concerns regarding compliance with ERCB requirements. ❖