

Good afternoon. My name is Naiomi Metallic. I am a Mi'kmaq lawyer in private practice in Halifax, Nova Scotia and one of the organizers of this panel. I was approached to be on the organizing committee for this conference about a year and a half ago. I have to say that I was flattered, yet surprised, at this invitation since I am a relatively young lawyer, having only been called to the bar in 2008, and am not involved in legislative drafting. However, what I suspect brought me to the attention of the committee was my work in Aboriginal law. There was a clear desire by the organizing committee to have some focus on Aboriginal drafting issues – which I commend them for. Even more specifically, however, I suspect the invitation was the work of Barbara Kinkaid, who is on the committee and also general counsel at the Supreme Court of Canada, who I got to know during my time at the Court while clerking for Justice Bastarache. I think Barbara saw me as a good fit for the Committee because of my involvement, along with my other co-clerks in co-authoring *The Law of Bilingual Interpretation* with the judge. I don't think I'm revealing any big secrets by telling you that I had significant involvement in the section on the incorporation of Aboriginal Languages and Indigenous

legal concepts in Canadian legislation and the prospect of Canada becoming a truly multilingual and multijural jurisdiction.

It is early days yet, but I am convinced we will arrive at this point.

There are many social factors driving us to this point:

- 1) Canada's changing demographics and the fact that Aboriginal people are Canada's fastest growing population;
- 2) Increased political power being gained by Aboriginal people, through bilateral and trilateral negotiation and also through increase involvement in Provincial and Federal policies; and
- 3) the growing awareness within our communities of the need to counteract the impacts of colonialism on Indigenous languages and legal concepts.

There are also legal norms driving us in this direction such as:

- 1) Section 35 of the *Constitution* which recognizes and affirms our existing Aboriginal and Treaty rights;

- 2) Canada's commitment to multiculturalism enshrined in the Charter; and
- 3) the common law itself, which at least since the *Conolly and Woolrich* decision from 1867 has recognized the continued validity of Aboriginal custom and legal tradition.

And there are already some changes occurring. We have presenters from Nunavut who will speak to the exciting work going on there. They will be introduced by my colleague, Mark Aitken later. We also have First Nation scholar, Lorena Fontaine, who will speak to the work that is being undertaken to preserve and promote Aboriginal languages in Canada. Finally, we have Maori Scholar, Jacinta Ruru, who will tell us about the recognition of the Maori language and legal concepts in New Zealand's legislation. Arguably New Zealand is much further advanced than Canada at this point; but it must be recalled that New Zealand has one Indigenous cultural-linguistic group to deal, while Canada has over 50. Nonetheless, hearing of the experience in New Zealand will be instructive of us only beginning to get our minds around what the incorporation of Indigenous languages and legal concepts into Canadian laws will look like.

I will now share with you the bios of our two first speakers.

**Jacinta Ruru** is a senior law lecturer and coordinator of the Research Cluster for Natural Resources Law at the University of Otago in Aotearoa New Zealand. Jacinta's research interests focus on exploring the legal rights and responsibilities of Indigenous Peoples to own, manage and govern land and water, including national parks, the foreshore and seabed, and rivers. She is co-author of the recently published Oxford University Press book *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* and co-editor of the recently published Otago University Press book *Beyond the Scene. Landscape and Identity in Aotearoa New Zealand*. Much of her work explores the power of law to re-imagine relationships with Indigenous peoples, including the role of te reo Maori (the Maori language) in law-making in Aotearoa New Zealand. She is also completing a PhD at the University of Victoria, in British Columbia, under the supervision of Professor John Borrows, Professor Phil Dearden and Professor Nancy Turner.

**Lorena Sekwan Fontaine** is of Cree and Ojibway decent and a member of the Sagkeeng First Nation in Manitoba.

Ms. Fontaine is an Assistant Professor at the University of Winnipeg in the Aboriginal Governance Program. She has also taught for the First Nations University of Canada and the School of Public Policy Graduate Program at Queens University. Currently, Ms. Fontaine is a PhD student at the University of Manitoba researching Indigenous Language Rights in Canada

For twenty years, Ms Fontaine has worked with Indigenous political organizations as an advocate for Indigenous women, Indigenous youth and former students of Indian Residential Schools in Canada.

Previously, Ms. Fontaine has been a legal consultant to the law firm of Thomson Rogers in the Baxter Class Action on Indian Residential Schools, worked with the Assembly of First Nations Residential School Unit and interned with the Inter-American Human Rights

Commission of the Organization of American States in Washington  
D.C.

Jacinta will present first, followed by Lorena.