International Conference Land Restitution and Territorial Rights in the Context of a Transition Towards Peace



Bogota, June 16-17, 2016

Environmental Development Policies and Land Restitution – Comparative Approaches - Canada

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Oil Sands





Surface Rights Compensation

Common Law Mineral Owners' Rights

Landowner Compensation Statutes

Statutory Arbitration Procedures



Indigenous Peoples' Rights









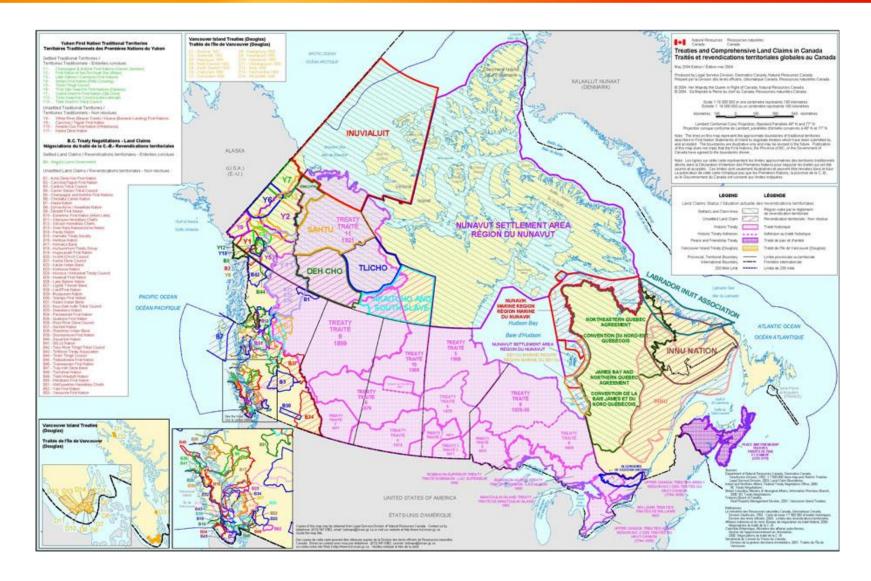
Indigenous Peoples' Rights

 Constitutional Rights – Constitution Act, 1982, s. 35(1)

 "Existing Aboriginal and Treaty Rights" are "Recognized and Affirmed"

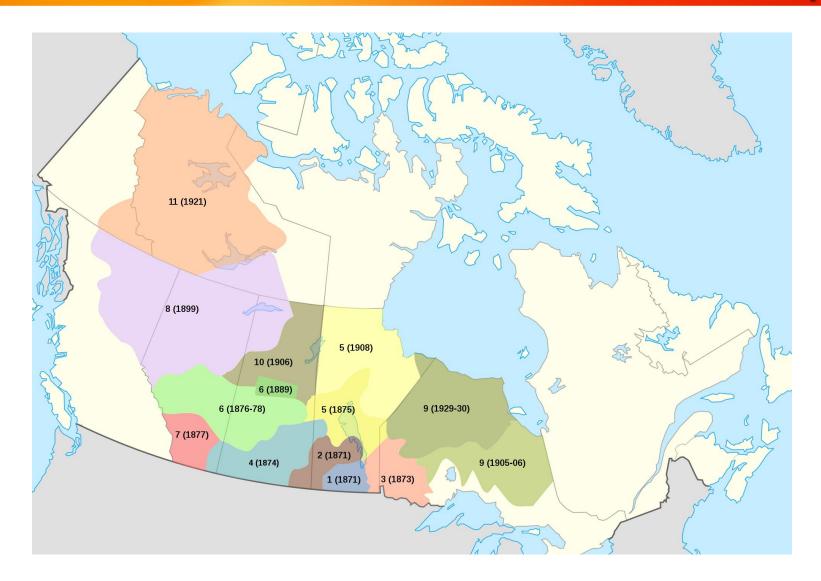


Negotiated Land Settlement Modern Treaties Map





Negotiated Land Settlements Numbered Treaties Map





Indigenous Peoples' Rights

Traditional Aboriginal Rights

Infringement; Justification Analysis;Proportionality

Consultation and Accommodation

—Compensation



Impact and Benefit Agreements

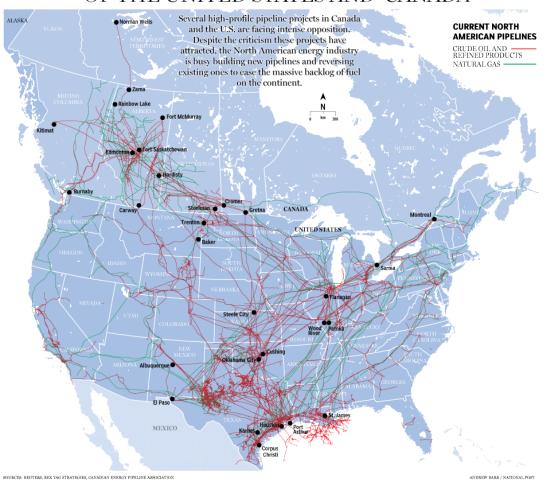
 Community benefits; employment; contract services; equity participation



Regulatory Conditions and Litigation – "Pipeline Gridlock"

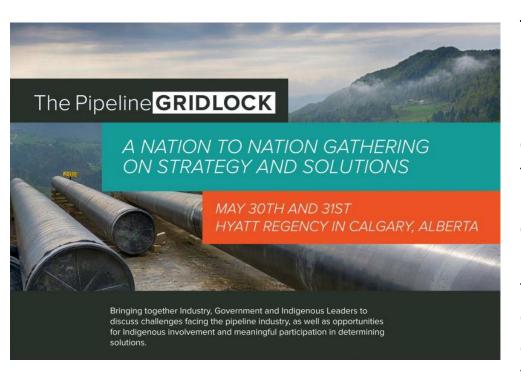
PIPELINES

OF THE UNITED STATES AND CANADA





Pipeline Gridlock Conference



The Indian Resource Council (IRC) is an Association of over 130 First Nations across the country that have oil and gas/energy interests on their lands and traditional territories. IRC advocates on their behalf with industry Governments to ensure that they receive maximum benefits from this important sector. The downstream industry and pipelines are of great interest to us and we want to participate usefully in the dialogue surrounding this pressing matter.



Aboriginal Title – Judicial Declaration

Tsilhqot'in First Nation Case, 2015



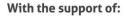


Aboriginal Title



Speakers include:

- · Guujaaw Council of Haida Nation
- · Arthur Manuel Indigenous Network on Economies and Trade
- Kukpi7 (Chief) Ryan Day Secwepemc, Stuctwewsemc
- · Chief Russell Myers Ross Yunesit'in, Tsilhqot'in National Government
- Kent McNeil Osgoode Hall Law School, York University
- Brian Noble Social Anthropology, Dalhousie University
- Sharon Mascher Univesity of Calgary Law School
- · Aaron Mills UVic PhD Candidate (Law), 2014 Trudeau Scholar





Canada









- Uncertain Rights
- Judicial Cases Delay and Cost
- Burdens on First Nations
- National Economic Strategy: Uncertainty;
 Delay; Cost ("Pipeline Gridlock")
- First Nations Governance Evolution