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2017/2018 Report of the LSN TRC Standing Committee

Background

The Law Society of Nunavut Truth and Reconciliation Committee Standing Committee was formed in June 2017 to advise the LSN Executive on work that the LSN can undertake to respond to the Report of the 2015 Truth and Reconciliation Commission of Canada. The members of the Committee were Jessi Casebeer, Sandra Inutiq, Joseph Murdoch-Flowers, and Paul Okalik. Murdoch-Flowers and Okalik were appointed co-chairs of the Committee, while Okalik also sat as Nunavut’s representative to the equivalent TRC committee at the Federation of Law Societies of Canada level. The Committee met 5 times since it was formed back in June 2017.

In the TRC Report, the Commission calls on various entities to undertake certain actions to address the legacy of residential schools in Canada, and to reconcile from the damaging legacy left by the schools. Within the Legacy section of the Report, the TRC calls for specific actions in Child Welfare, Education, Language and Culture, Health, and Justice. Within this is Call to Action 27, which reads:

We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

While the Calls to Action cannot be read in isolation, CTA27 provides specific guidance on how the Law Society of Nunavut may respond to the Report of the TRC. To make the TRC Calls to Action easier to parse, they may be broken down into their component parts.

WHO?

The Federation of Law Societies (and by extension, the Law Society of Nunavut)

DOES WHAT?

Ensure that lawyer receive appropriate cultural competency training, which includes:

- The history and legacy of residential schools
- The UNDRIP
- Treaties and Aboriginal Rights
- Indigenous Law
- Aboriginal – Crown relations

Which requires skills-based training in:

- Intercultural competency
- Conflict resolution
- Human rights
- Anti-racism

With these items as guidelines for the TRC's work, the Committee drafted and approved the Terms of Reference for the Committee's work on September 15, 2017 (See Appendix A for the ToR).

Actions of the LSN TRC Committee

The LSN TRC Committee has explored suggesting the following actions for the Executive to consider.

Indigenous Cultural Competency (ICC)

- Opportunity to explore the development of a mandatory program with the reconciliation group who is currently offering the 2 day Indigenous Cultural Competence (ICC) Workshop in partnership with the GN
- Opportunity for any current members of the LSN to sign-up for the ICC workshop thanks to Karen Kabloona, ADM for Quality of Life

Suggested Speaker Series

- The speaker series should give consideration to oral traditional where stories are passed on; the Committee suggested an Elder storytelling series and with consent, have the events captured on video
- An invitation has gone out to have Senator Murray Sinclair be the first guest speaker to launch the speaker series in the Fall

Amending the mandatory reading list and include a suggested readings list

- The current required reading list does not include any cultural and historical readings; the Committee will propose materials for consideration to add to the mandatory reading list
- In addition to the mandatory readings, the Committee will suggest other readings that aim to increase ICC

Lucien Ukaliannuk translation project

- Half of the transcript has been translated
- The LSN has reached out to Arctic College to complete the translation project as a joint effort. An excerpt of the transcript could be made available as early as Fall as part of the Committee's efforts to offer opportunities for ICC.

Inuktitut language training

- The language training would be delivered through an online module as part of the mandatory requirements to be called to the LSN (in addition to the mandatory reading list); the online module could also be an opportunity to include a component devoted to oral tradition learning where Elders, Inuit leaders and Inuit lawyers would be invited to share their views and stories.

Next steps required

- Increased communication between the executive and the LSN TRC Committee
- Increase communication between the LSN TRC Committee and the LSN membership
- Recruit new members of the LSN TRC Committee, including Elder representative (See Terms of Reference 3(a)).
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APPENDIX A
Law Society of Nunavut TRC Committee
Terms of Reference

1. The Law Society of Nunavut (the “LSN”) establishes the Truth and Reconciliation Commission (the “TRC”) Calls to action Standing Committee (the “ TRC Standing Committee”)¹.

Mandate and Process

2. The Standing Committee is established with a mandate to make recommendations to the LSN on a response to the TRC Calls to Action (“Calls to Action”). In developing recommendations for consideration by the LSN, the Standing Committee will take into account the role of the LSN in responding to the Calls to Action and the value in complementing any activities the LSN may undertake. In particular, the Standing Committee will:
 - a. Facilitate the exchange of information to the LSN members about LSN initiatives related to the Calls to Action and the initiatives of other stakeholders;
 - b. Develop recommendations on a response to Calls to Action 27 and 28 as its first priority given their urgency and relevance to the regulation of the legal profession;
 - c. Work with the (*Ethics and Unauthorized Practise Committee* or the *Professional Development Committee*) to determine how the LSN should require LSN members to receive cultural competency training and education on the history and legacy of residential school and colonization, the Land Claims Agreement of Nunavut, the United Nations Declaration on the Rights of Indigenous Peoples, Inuit law, Inuit languages, and Inuit-Crown relationships as recommended in Call to Action 28;
 - d. Consider actions the LSN can take to support the establishment and incorporation of Inuit law and languages, including Inuit Elder participation and consultation;
 - e. Evaluate and consider actions the LSN can take to support Inuit lawyers and law students, and work towards having the LSN Bar reflect the population of Nunavut; and,

¹ The TRC Standing Committee Members were appointed by the LSN Executive pursuant to Ss. 32(3) of the Rules of the LSN on April 11 and May 18, 2017.

- f. Review other relevant Calls to Action to make such recommendations to the LSN in relation to them as the Standing Committee considers appropriate.

Standing Committee Structure

3. The Standing Committee should reflect a diversity of experiences and knowledge relevant to the issues under consideration, including knowledge of the history, cultures and rights of Inuit, Inuit law, Inuit languages, the Canadian justice system, legal education, and regulation of legal profession.
 - a. The Standing Committee shall create and fill the Inuit Elder Standing Role position
4. The Standing Committee will have two chairs appointed by the Standing Committee Members.

Outside Participation

5. To fulfill its mandate, the Standing Committee may seek the assistance of and engage with outside parties including representatives of Inuit organizations and communities, Inuit Elders, LSN members, other LSN Standing Committees (such as the Ethics and Unauthorized Practise Committee) and other justice-system stakeholder as it considers appropriate.

Resources

6. To ensure that the Standing Committee is able to carry out its mandate effectively, it should receive appropriate staff and financial resources.