

Brenda L. Gunn

Winnipeg, MB

Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls

Location/Phase: Part III: Quebec City

Witness: Brenda Gunn

Submitted by: Big Canoe, C. Counsel

Add'l info: P03 P02 P0301

Date: MAY 16 2018

Initials

I/D

Entered

BJ

BI

Degrees and Qualifications

- 2008 **Barrister and Solicitor**, Law Society of Manitoba
- 2007 **Barrister and Solicitor**, Law Society of Upper Canada
- 2006 **Master of Laws**, Indigenous Peoples Law and Policy, University of Arizona
Thesis entitled "Reconciling Indigenous Peoples' Land Rights with International Trade Regulations"
- 2005 **Juris Doctor**, University of Toronto
- 2002 **Bachelor of Arts (Advanced)**, University of Manitoba
Majored in Women's Studies and Minored in Native Studies

Professional Experience

- July 2009-Present **Law Professor**, University of Manitoba
- Taught Constitutional Law, Environmental Law, Indigenous Peoples and International Law, Métis People and Canadian Law, International Law.
- Research focused on promoting greater conformity between international human rights law and domestic protection of Indigenous peoples' rights.
- Sat on a variety of faculty, university and community committees.
- June 2016-Present **Fellow**, Centre for International Governance Innovation, Waterloo, ON
- Assisted in developing research program on international law and Indigenous peoples' rights including planning a workshop and publication on implementing the UN Declaration on the Rights of Indigenous Peoples.
- Wrote several articles on implementing the UN Declaration in Canada.
- 2005-Present **International Human Rights Advocacy**, Winnipeg, Manitoba
- Developed civil society reports to international human rights treaty monitoring bodies for Canada's periodic reviews.
- Facilitated meetings between Indigenous peoples and Canadian governments on the role of Treaty Commissions.
- Worked with local lawyers providing expert advice on potential international human rights causes of actions on an ongoing case.
- Worked on a land rights case for Indigenous peoples in Belize before the Inter-American Commission of Human Rights.
- Regularly attend international meetings including Permanent Forum on Indigenous Issues, Expert Mechanism on Rights of Indigenous Peoples, Expert Seminars, UNITAR Training Programme to Enhance the Conflict

Prevention and Peacemaking Capacities of Indigenous Peoples' Representatives, and Working Group on the Draft Declaration

- 2013- Present **Speakers Bureau Member**, Treaty Relations Commission of Manitoba
- Gave presentations on Treaties and the UN Declaration on the Rights of Indigenous peoples to a variety of audiences, including Winnipeg Police Service, Manitoba government employees, high schools, First Nations.
- 2012-2015 **Technical Support**, UN Expert Mechanism on the Rights of Indigenous Peoples
- Analyzed State responses to questionnaire on best practices on implementing the UN *Declaration on the Rights of Indigenous Peoples* and drafted report for the UN Expert Mechanism on the Rights of Indigenous Peoples.
- March 2013 **Instructor/Convenor**, University of New South Wales Faculty of Law, Sydney, Australia
- Developed and delivered a 5 day intensive court on Indigenous Peoples and International Law that for graduate students in the Masters of Human Rights program.
- 2011-2012 **Researcher**, Truth and Reconciliation Commission
- Developed a research report and recommendations on implementing the UN *Declaration on the Rights of Indigenous Peoples*.
- June - November 2008 **Consultant**, Legal Aid Ontario, Toronto, Ontario
- Contracted to update and improve existing resources and create additional materials for legal aid lawyers representing Aboriginal clients.
- November 2008 - July 2009 **Researcher**, University of New South Wales, Sydney, Australia
- Undertook collaborative research on "Constitutional reform and Aboriginal women in Canada: Lessons for Australia".
- September 2007 - June 2008 **Human Rights Advisor**, Community Legal Clinic, Rabinal, Guatemala
- Provided advice to staff lawyer on technical and procedural matters regarding cases submitted to the Inter-American Commission of Human Rights claiming the genocide of rural Indigenous communities.

Professional Service and Community Activities

- 2009-Present **Indigenous Law Centre**, UNSW, Research Centre Associate
- 2016-Present **Centre for International Governance Innovation**, Fellow
- 2016-Present **Manitoba Legal Aid Management Council**, Director
- 2016-Present **Innocence Canada**, Director
- 2016-Present **International Law Association**, Canadian Branch, Member

Member of the Indigenous Rights Committee

2000-Present **Manitoba Métis Federation, Member**

Research Grants and Awards

- 2017 Developing a Framework for Indigenous Diplomacy, UM/SSHRC Research Development Grant, University of Manitoba, \$7000
- 2016 Merit Award (Combined Research and Service), University of Manitoba \$3000
- 2016 Redefining Relationships: Canada and Indigenous Peoples, SSHRC Connections Grant (Principle Investigator), \$13,966
- 2014 *Métis Treaties in Canada: Past, Present and Future*, SSHRC Insight Grant (Co-Applicant), \$423,904.
- 2014 Systemic Racism in the Health Care System, Centre for Human Rights Research Small Research Grants, (Principal Investigator), \$2300.
- 2013 *The Right to Clean Water in First Nations: The Most Precious Gift*, SSHRC Partnership Development Grant (Co-Applicant), \$200,000.
- 2011 Brenda Gunn, *Implementing the UN Declaration on the Rights of Indigenous Peoples in Canada*, Canadian Bar Association Law For the Future Fund (Principal Investigator), \$25,000.

Select Research Contributions

***Refereed Contributions**

- *Brenda Gunn, "A Métis Treaty Through the Lens of International Law" (2017) 7 *Aboriginal Policy Studies*.
- *Brenda Gunn, "Engaging A Human Rights Based Approach to the Murdered and Missing Indigenous Women and Girls Inquiry" (2017) 2(2) *Lakehead Law Journal* 88-115.
- *Brenda Gunn, "Defining Métis People as a People: Moving Beyond the Indian/Métis Dichotomy," (2015) 38(2) *Dalhousie Law Journal* 413-446.
- *Brenda Gunn, "Moving Beyond Rhetoric: Achieving Reconciliation Through Fulfillment of Indigenous Peoples' Right to Self-Determination," (2015) 38(1) *Dalhousie Law Journal* 237-270.
- *Brenda Gunn, "Self-Determination and Indigenous Women: Legitimacy through Inclusion," (2014) 26(2) *Canadian Journal of Women and the Law* 241-275.
- *Brenda Gunn, "Getting it Right: The Canadian Constitution and International Indigenous Rights," in *Indivisible: Indigenous Human Rights*, Joyce Green, ed (Vancouver, Fernwood Publishing: 2014).

*Brenda Gunn, "Overcoming Obstacles to Implementing the UN Declaration on the Rights of Indigenous Peoples in Canada," (2013) 31:1 *Windsor Yearbook of Access to Justice* 147-174.

*Brenda Gunn, "More than Money: Using International Law of Reparations to Determine Fair Compensation for Infringements of Aboriginal Title," (2013) 46:2 *UBC Law Review* 299-348.

*Brenda Gunn, "Protecting Indigenous Peoples' Lands: Making Room for the Application of Indigenous Peoples' Laws within the Canadian Legal System," (2007) 6.1 *Indigenous Law Journal* 31-69.

*Brenda Gunn, "Impacts of The North American Free Trade Agreement on Indigenous Peoples and Their Interests," (2006) 9 *Balayi: Culture, Law and Colonialism* 5-25.

*S. Brennan, B. Gunn, G. Williams, "'Sovereignty' and Treaty-Making Between Indigenous Peoples and Australian Governments," (2004) 26.3 *Sydney Law Review* 307-352.

Forthcoming Publications

*Brenda Gunn, "The Federal Court Aboriginal Bar Liaison Committee as a Mode of Reconciliation", in *Redefining Relationships: Indigenous Peoples and Canada*, eds Karen Drake and Brenda Gunn (Saskatoon, Native Law Center: 2017), accepted.

*Brenda Gunn, "Where's the Women: Critical Analysis of Three Supreme Court of Canada decisions Regarding Métis People," in *Métis Rising: The People and the Law*, eds Yvonne Boyer and Larry Chartrand, (UBC Press/Purich Publishing: expected 2018), accepted.

Non-Refereed Contributions

Thesis

Brenda Gunn, "Reconciling Indigenous Peoples' Land Rights with International Trade Regulations" (LL.M. Thesis, University of Arizona, 2006).

Publications

Brenda Gunn, "The legal system has harmed indigenous women enough – make it the focus of the inquiry," opinion, *Globe and Mail*, August 7, 2016.

Brenda Gunn and Alex Neve, "Canada comes up short at UN review of human-rights issues," opinion, *Globe and Mail*, February 26, 2016.

Brenda Gunn, "UN Declaration on the Rights of Indigenous Peoples and Reconciliation" in *Wrongs to Rights: in search of healing*, Steve Heinrichs, ed (Winnipeg, Mennonite Church Canada, 2016).

Brenda Gunn, "Self-Determination as the Basis for Reconciliation: Implementing the UN Declaration on the Rights of Indigenous Peoples," (2012) 7.30 *Indigenous Law Bulletin* 22.

Brenda Gunn, "Let's Get on With It: Implementing the UN Declaration on the Rights of Indigenous Peoples," (2011) 16.1 *Justice As Healing* 1.

Brenda Gunn, "Understanding and Implementing the UN Declaration on the Rights of Indigenous Peoples: An Introductory Handbook" (2011), 36 pages.

Brenda Gunn, Note on International Developments: "Extension of the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People's Mandate," (2007) 11.3 *Australian Indigenous Law Review*, 115.

Reports

2017, Aboriginal Legal Services NGO Submission to the Committee on the Elimination of Racial Discrimination on Canada's periodic review.

2016, Aboriginal Legal Services NGO Submission to Committee on the Elimination of Discrimination Against Women on Canada's periodic review.

2016, Indigenous Bar Association in Canada NGO Submission to Committee on Economic, Social and Cultural Rights on Canada's 8th and 9th Periodic Review.

2015, "Summary of responses to the questionnaire seeking the views of States and Indigenous Peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples," provided technical assistance and drafted Report of the Expert Mechanism on the Rights of Indigenous People, UN Doc A/HRC/30/54, 17 August 2015.

2014, "Final summary of responses to the questionnaire seeking the views of States and Indigenous Peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples," provided technical assistance and drafted Report of the Expert Mechanism on the Rights of Indigenous People, UN Doc A/HRC/27/67.

2013, "Final summary of responses to the questionnaire seeking the views of States and Indigenous Peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples," provided technical assistance and drafted Report of the Expert Mechanism on the Rights of Indigenous People, 25 April 2013, UN Doc. A/HRC/EMRIP/2013/3.

2012, "Living Together Differently: Moving Past IRS Legacy Through Implementing the UN Declaration on the Rights of Indigenous Peoples and the Right of Self-Determination," commissioned research report for the Truth and Reconciliation Commission of Canada.

2012, Indigenous Bar Association in Canada NGO Submission to the Seminar on "Strengthening partnership between indigenous peoples and States: Treaties, agreements and constructive arrangements," to the Office of the High Commissioner for Human Rights, UN Doc HR/GENEVA/SEM/NGOs/2012/BP.16.

2012, "Summary of responses from the questionnaire seeking the views of States on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples," provided technical assistance and drafted Report of the Expert Mechanism on the Rights of Indigenous People.

2012, Indigenous Bar Association in Canada NGO Report on Canada's Nineteenth and Twentieth Periodic Report to CERD, submitted to the Committee on the Elimination of All Forms of Racial Discrimination.

2008, "Review and Update of LAO's Online Resources for Lawyers Working With Aboriginal

Clients,” commissioned research report for Legal Aid Ontario.

2005, “Critical Analysis of Federal Policies: New Band and Additions to Reserve Policy,” commissioned research report for the Ipperwash Inquiry.

Scholarly Conference Presentations

“What every public servant should know about the UN Declaration on the Rights of Indigenous Peoples,” IPAC annual conference, Charlottetown, PEI, August 21, 2017.

“UNDRIP implementation: braiding international, domestic and indigenous laws”, Side event, 10th session of the UN Expert Mechanism on the Rights of Indigenous Peoples, July 13, 2017.

“Canadian Constitution and the UN Declaration on the Rights of Indigenous Peoples,” Realizing Rights 2017: Human Rights and Constitutionalism, University of Ottawa, June 8, 2017.

“UNDRIP Implementation: Braiding International, Domestic and Indigenous Laws”, workshop participant, Center for International Governance Innovation, Tucson, AZ, December 1-2, 2016.

“Indigenous Peoples and the Charter,” Hearing and Deciding Charter Matters, National Judicial Institute, Vancouver, BC, November 24, 2016.

“Practical Approaches to Engaging the UN *Declaration* in Practice,” Pimohtéwin tati mīnowastānowahk (Journey to Reconciliation): Lawyers Called to Action, Pitblado Lectures, Winnipeg, MB, November 5, 2016.

“UN Declaration on the Rights of Indigenous Peoples,” panel presentation with Natan Obed and Merrell-Ann Phare, The Promise of International Law: Solutions for the World’s Crises, Canadian Council on International Law, Ottawa, ON, November 4, 2016.

“Implementing the UN Declaration as a Framework of Reconciliation,” panel presentation with Pamela Palmater and Harry Swain, Walter Gordon Symposium, Massey Hall, University of Toronto, March 23, 2016.

“Considering the Range of Human rights Violations: Murdered and Missing Indigenous Women and Girls,” Planning for Change: Towards a National Inquiry and an Effective National Action Plan, Symposium on Murders and Disappearances of Indigenous Women and Girls, Ottawa, ON, January 30-31, 2016.

*“Tackling Climate Change: Development of Mitigation Policies with Indigenous Voices”, Resilience in a time of Uncertainty: Indigenous Peoples and Climate Change conference, UNESCO, Paris, France, November 26-27, 2015.

“Legal Understandings of Treaties,” Panel on Manitoba Treaties and Education, Aboriginal Education Leadership Initiative, Winnipeg, MB, February 27, 2015.

“Métis or Indian But Not Both: Regulating Métis Identity,” Identity Workshop, Dalhousie School of Law, Halifax, October 20-21, 2014.

“The Canadian Constitution: Protecting Treaties and Indigenous Peoples’ Lands,” Understanding Treaties: An overview of Law, Academics, Governance, Aboriginal Relations Branch, Manitoba Conservation, 2014 Speakers Bureau Series, Winnipeg, MB, June 17, 2014.

Panel Member, “Round Table on Keeping the Land: Kitchenuhmaykoosib Inninuwug, Reconciliation and Canadian Law,” Law and Society Conference, Winnipeg, MB, June 7, 2014.

“Current Issues in Canada on Good Governance,” UN Permanent Forum on Indigenous Issues, 13th Session, side event organized by Maori and Indigenous Governance Centre and Waikato University, New York, NY, USA, May 14, 2014.

Organized and Chaired, “Beyond Flows and Sightlines: Beginning Conversations on Systemic Discrimination and the Death of Brian Sinclair,” half day workshop Winnipeg, MB Friday, April 4, 2014.

Chaired panel “Metis Peoples and Metis Rights Issues,” National Judicial Institute, Winnipeg, MB, March 7, 2014.

“Relevance of the UN Declaration on the Rights of Indigenous Peoples in Canada,” Pitblado Lectures, Winnipeg, Manitoba, November 22, 2013.

“Renewing Nation-to-Nation Relationships: Realizing Indigenous Peoples’ Right to Self-Determination,” Indigenous Perspectives on the Royal Proclamation of 1763, Winnipeg, MB, October 4, 2013.

“Duty to Consult – UNDRIP & Domestic Law/Policy,” Challenges in Litigating Aboriginal Law and the Crown – Aboriginal Relationship, Ministry of Attorney General Crown Counsel Summer School, Hamilton, Ontario, June 20, 2013.

“Taking Action to Implement the UN Declaration on the Rights of Indigenous Peoples,” Canadian Indigenous Symposium, University of Otago, Dunedin, New Zealand, May 7, 2013.

“International framework for protecting Indigenous rights: Role of the UN and the use of UNDRIP,” World Indigenous Lawyers Conference, Te Hunga Rōia Māori o Aotearoa, Hamilton, New Zealand, September 5-8, 2012.

*“Overcoming Obstacles to Implementing the UN Declaration on the Rights of Indigenous Peoples in Canada,” International Conference on Law and Society, Honolulu, Hawaii, June 5-8, 2012.

“The UN Declaration and Indigenous Laws in Canadian Courts: Making Better Space for Elders Oral Histories,” Our Way: A Conference on the UN Declaration on the Rights of Indigenous Peoples and Indigenous Law-Making, University of Saskatchewan, March 22-24, 2012.

“Self-Determination as the Basis for Reconciliation: Implementing the *UN Declaration on the Rights of Indigenous Peoples*,” Indigenous Peoples, Truth & Reconciliation Workshop, McGill University, Montreal, October 14, 2011.

“Best Practices and Future Directions: A Consideration of Legal Aid Ontario’s Initiatives,” Implementing *Gladue*: Law & Policy 20 Years After the Aboriginal Justice Inquiry, University of Manitoba March 17, 2011.

“Self-Determination as the Basis for Reconciliation: Moving Past Colonialism in the IRS Policy,” Critical Conversations on Indian Residential Schools, Truth and Reconciliation Colloquium Series, University of Manitoba, March 7, 2011.

“Indigenous Land Rights at International Law: Asserting the UN Declaration on the Rights of Indigenous Peoples and other International Law Mechanisms within Canada,” Indigenous Bar Association, Vancouver, October 21, 2010.

“Application of Principles of Reparation in International Law to Determinations Of ‘Fair Compensation’ for Infringements Of Aboriginal Title in Canada,” Manitoba Bar Association Mid-Winter Conference, Winnipeg, January 22, 2010.

“Recognition of Aboriginal Title in Canada and the Implications for Canadian Mining Companies in Guatemala,” Emerging Scholars Research Workshop, University of Manitoba, May 6, 2009.

“Moving Past Liberal Rights Towards a Post-Colonial Legal Consciousness,” presented at Indigenous Law and Legal Systems: Recognition and Revitalization Conference, University of Toronto, January 20-21, 2007.