



# Commission on Legal Pluralism



## uOttawa

Faculté de droit  
Faculty of Law

Section de droit civil  
Civil Law Section



CHAIRE DE RECHERCHE DU CANADA SUR LA DIVERSITÉ JURIDIQUE ET LES PEUPLES AUTOCHTONES

CANADA RESEARCH CHAIR ON LEGAL DIVERSITY AND INDIGENOUS PEOPLES

Centre de recherche et d'enseignement sur les droits de la personne



Human Rights Research and Education Centre



## uOttawa

Faculté de droit  
Faculty of Law

Section de common law  
Common Law Section



Conseil de recherches en sciences humaines du Canada

Social Sciences and Humanities Research Council of Canada

Canada

# Maxwell

Syracuse University

## GENERAL SCHEDULE

### **Wednesday 22 August**

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From 8.00am	Registration
8.30am – 9.00am	Welcomes
9.00am – 10.30am	Plenary session 1
10.30am – 11.00am	Tea
11.00am – 1.00pm	Parallel session A
1.00pm – 2.00pm	Lunch
2.00pm – 4.00pm	Parallel session B
4.00pm – 4.30pm	Tea
4.30pm – 6.00pm	Plenary session 2
6.00pm	Blessing
6.30pm	Welcome reception

### **Thursday 23 August**

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8.30am – 10.30am	Plenary session 3
10.30am – 11.00am	Tea
11.00am – 1.00pm	Parallel session C
1.00pm – 2.00pm	Lunch
2.00pm – 4.00pm	Parallel session D
4.00pm – 4.30pm	Tea
4.30pm	Bus leaves for museum and cultural dinner

### **Friday 24 August**

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8.30am – 10.30am	Parallel session E
10.30am – 11.00am	Tea
11.00am – 12.00pm	General Meeting of the Commission on Legal Pluralism
12.00pm – 1.00pm	Lunch
1.00pm – 3.00pm	Parallel session F
3.00pm – 3.30pm	Tea
3.30pm – 4.00 pm	Closing of conference

## Plenary sessions

**Wednesday 22 August, 8.30 am – 9.00 am**

**Opening and words of welcome by:**

- a) Janine Ubink, President of the Commission on Legal Pluralism
- b) Dean Lévesque, Dean of the civil law section, University of Ottawa
- c) Ghislain Otis, Canada Research Chair on Indigenous Peoples and Legal Diversity / Chaire de recherche du Canada sur la diversité juridique et les peuples autochtones, University of Ottawa
- d) John Packer, director of the Human Rights Research and Education Centre, University of Ottawa

**Wednesday 22 August, 9.00 am – 10.30 am**

**Plenary panel 1: Indigenous Law and Legal Pluralism in Canada**

**Room: FTX 147**

Chair and discussant: Ghislain Otis

- a) Val Napoleon, “Legal Pluralism and Reconciliation – Journey or Arrival?”
- b) Pierrot Ross-Tremblay, “Beyond simulacrum: First Peoples and the contemporary obstacles to legal pluralism in Canada”

**Wednesday 22 August, 4.30 pm – 6.00 pm**

**Plenary Panel 2: Indigenous Peoples Rights Struggles in the Americas: Perspectives on Legal Pluralities and Violence**

**Room: FTX 147**

Chair and discussant: René Kuppe

- a) Rachel Sieder, “Indigenous Sovereignities in Latin America: Constitutional Change and Mayan Law in Guatemala”
- b) Viviane Weitzner, “*Derecho Propio* in “a world backwards”: Reflections on inter(i)legalities in Colombia and Latin America”

**Wednesday 22 August, 6.00 pm**

Blessing, by Verna McGregor, elder from the Algonquin Community of Kitigan Zibi Anishinabeg,

**Thursday 23 August 8.30 am – 10.30 am**

**Plenary Panel 3: Legal Pluralism and the state-community nexus**

**Room: FTX 147**

Chair: Keebet von Benda-Beckmann ([kbenda@eth.mpg.de](mailto:kbenda@eth.mpg.de))

- a) John Packer, "Towards a Possible Right to Decentralization and a Duty to Accommodate Legal Diversity"
- b) Ido Shahar, "Mediators in Disputes and Intermediates between State and Community: Dispute Resolution among Arabs in Israel from a Legally Pluralistic Perspective"
- c) Sindiso Mnisi Weeks, "Where The State Does Not Govern: The Legally Pluralistic Culture of Justice in Rural South Africa"

**Friday 24 August 3.30 pm – 4.00 pm**

**Closing of conference**

**Room: FTX 147**

## Parallel Sessions

### Parallel session A

Wednesday 22 August 11 am – 1 pm

#### **Panel 1. Between Hegemony and Resistance: The Twists and Turns of Environmental Democratization in America**

Chairs: Patricia Urteaga (purteaga@pucp.edu.pe)

Room: FTX 133

- a) Patricia Urteaga, “Negotiating emancipation in the Peruvian Amazon: Indigenous peoples, the state and oil block 192”
- b) Yenny Vega, “Citizen participation in environmental decisions before the *Bureau des audiences publiques sur l’environnement* (BAPE) in Quebec (Canada).”
- c) Armando Guevara, “The mineralization of prior consultation in Peru”
- d) Elisa Marchi, “Building a New Framework to Address Ecological Crises: The Relationship Between Biocultural Diversity Discourse and Indigenous Collective Rights”

#### **Panel 2. Science and Technology Studies and Legal Pluralism I**

Chair: Melanie Wiber (wiber@unb.ca)

Room: FTX 359

- a) Bertram Turner, “Anthropology of law in infrastructural designs”
- b) Melanie Wiber and Donna Curtis Maillet, “Legal Pluralism, STS and Environmental Law: the Case of Canadian Aquaculture”
- c) Ian Stewart, “Whose ‘environmental benefit’?”
- d) Courtenay Parlee and Paul Foley, “The Tangled Web of Fisheries Certification in Newfoundland and Labrador Fisheries: Soft Law, Science, Politics and Local People”
- e) David Isaac, “Pluralism in Evidence: Co-production, Oral History, and Novel Science”

#### **Panel 3. Invisible Outsiders inside Canada: Stateless Persons in Canada**

Chair: Jamie Liew (Jamie.Liew@uottowa.ca)

Room: FTX 136

- a) Jamie Liew, “The Misapplication of the Doctrine of Exhaustion (of Remedies) in Stateless Cases in Canada”
- b) Yin Yuan Brandon Chen, “Societal Belonging in a Statelessness Context”
- c) Jocelyn Kane, “Data Collection on Stateless Persons in Canada”
- d) Marcelo Saavedra-Vargas, “The formation and imposition of Colonial states and the anomaly of statelessness: an indigenous understanding”
- e) Robert Groves, “Reconciliation: Inuit Identities and an Indian Act Twist”

**Panel 4. The governance of contemporary plural kinship frameworks**

Chair: Federica Sona (federica.sona@unito.it)

Room: FTX 361

- a) Federica Sona, "Managing Muslims' old-new patterns of filiation"
- b) Ilaria Bertini, "The role played by *nature* in the definition of the new family forms"
- c) Alice Margaria, "Bridging the Gap: Judges vis-à-vis ART-created Families"

**Parallel Session B**

**Wednesday 22 August 2 – 4 pm**

**Panel 5. Indigenous courts, commerce and (intellectual) property**

Chair: Anthony Diala (anthony.diala@uct.ac.za)

Room: FTX 135

- a) Anthony Diala, "A butterfly that thinks itself a bird? The identity of customary courts in Nigeria"
- b) Nkanyiso Sibanda (and Andrew Hutchison), "A Living Customary Law of Commercial Contracting in South Africa: Some Law Related Hypotheses"
- c) Desmond Osaretin Oriakhogba, "Intellectual Property, Traditional Knowledge, Gender Equality and Benin Bronze Casting Art: Setting a Research Agenda"
- d) Daniel Huizenga, "Territory, property, and living customary law in South Africa"
- e) Danse Anna Maria de Bondt, "'Practical Governance': Negotiating Law and Governance in the Informal Cottage Industry of Traditional Drinks in West Uganda"

**Panel 6. Indigenous Peoples Rights Struggles in the Americas: Perspectives on Legal Pluralities and Violence II**

Chairs: Rachel Sieder (rachel.sieder@ciesas.edu.mx) and Viviane Weitzner (vweitzner@gmail.com)

Room: FTX 361

- a) Rachel Sieder, "Indigenous law, constitutional reform, and disputed sovereignties: Law and violence in Guatemala"
- b) Viviane Weitzner, "Alchemy in "un mundo al revés": Gold, "Raw Law" and Gobierno Propio in Colombia's armed conflict"
- c) David Szablowski, "Reading Indigenous Legality in Mining Conflicts"
- d) Colin Scott, "Legal Pluralities in Treaty-Making: Reflections on the Experience of the Crees of Eeyou Istchee"

**Panel 7. Legal Pluralism and the Practice of Human Rights**

Chair: Giselle Corradi (giselle.corradi@ugent.be)

Room: FTX 133

- a) Veronica Buchumi, "Actualizing the Right to Alternative Care for Children Without Parental Care Amidst Child Laws in Tanzania"
- b) Bradford Morse, "The Challenge of Respecting Indigenous Customary Law within the Canadian Human Rights Act"
- c) David Ngira, "Children rights under informal justice systems in Kenya"
- d) John Gitlitz, "State Justice vs Peasant Justice: what makes it so difficult to live together?"

**Panel 8. Science and Technology Studies and Legal Pluralism II**

Chairs: Bertram Turner (Turner@eth.mpg.de) and James Krueger (jskrugs@gmail.com)

Room: FTX 359

- a) Masami Mori Tachibana, "Heritage for whom? Controversial concept and governance of cultural landscape and world heritage in Japan"
- b) James Krueger, "Regulating Eucalyptus in Africa: A Case Study in the Muddling of Expert Authority"
- c) Jovana Dikovic, "Gleaning: Old Name, New Practice"
- d) Parthasarathy, D., "Contested citizenship, Environmentalism, and Neo-liberal Gurus in Contemporary India: Pluralizing Illegalities?"

**Panel 9. Author meets reader panel, for the book *Access to Justice and Human Security: Cultural Contradiction in Rural South Africa***

Chair: Waheeda Amien (Waheeda.Amien@uct.ac.za)

Room: FTX 136

- a) Sindiso Mnisi-Weeks
- b) Thiyane Duda
- c) Keebet Von Benda-Beckmann
- d) Marc Simon Thomas
- e) Janine Ubink



**Parallel Session C**

**Thursday 23 August 11 am – 1 pm**

**Panel 10. Decentralised Governance and Legal Pluralism**

Chair: Sonwabile Mnwana (mnwanasc@gmail.com)

Room: FTX 133

- a) Magdalena Kryszynska-Kaluzna, "Some observations on legal pluralism and human rights in Latin America"
- b) Chipso Mushota Nkhata, "Chipso Mushota Nkhata, "Using public health and other laws to advance living conditions and health rights for occupants of prisons in Zambia"
- c) Marc Simon Thomas, "Understanding mediation in the Netherlands: Lessons learned from legal pluralism"
- d) Veaceslav Balan, "Small but Complex – Pluralistic Legal System of the Republic of Moldova: From Geopolitical Antagonism to Human Rights Based Convergence"
- e) Hasrat Arjjumend (and Konstantia Koutouki), "Involvement of Indigenous People in Monitoring of Access to Genetic Resources Under International and National Access and Benefit Laws"

**Panel 11. Legal Pluralism and Indigenous Perspectives I**

Chair: Christine Zuni Cruz (zunich@law.unm.edu)

Room: FTX 135

- a) Christine Zuni Cruz, "Shadows and Texts of Indigenous Law in Process and Voice"
- b) Val Napoleon and Hadley Friedland, "An Inside Job: Engaging with Indigenous Legal Traditions through Stories"
- c) Rebecca Badejogbin, "The bane of proving customary law by judicial notice in Nigeria and South African Courts: Where positivism and legal pluralism converge"

**Panel 12. New Theoretical Developments in Legal Pluralism I**

Chair: Melanie Wiber (Wiber@unb.ca)

Room: FTX 359

- a) Keebet Von Benda-Beckmann, "Relational social theories and legal pluralism"
- b) René Pahud de Mortanges, "Comparing religious laws: what to do and how to do it?"
- c) Dylan Asafo, "Reckless Exploitation, Corruption and Tyranny: A Critical Legal Studies Perspective on Legal Pluralism in Samoa"

**Panel 13. Pluralism in Governance: Global Challenges, Failures and Success Stories of Traditional Leadership Coexisting with Modern Governance Systems**

Chair: Christa Rautenbach (christa.rautenbach@nwu.ac.za)

Room: FTX 361

- a) Christa Rautenbach, "Traditional Leadership and Authority in Post-Apartheid South Africa: Success and Failures of a Mixed Governance System"
- b) Ifeoma L Owosuyi, "Revisiting non-state and traditional informal justice mechanisms in Nigeria as a means of improving access to justice: Lessons from South Africa"
- c) Chiara Correndo, "The situation of traditional leadership among Adivasi communities in Jharkhand in light of the 1996 PESA structural amendments: new setting, old challenges"
- d) Jewel Amoah, "Governance for Equality"

**Parallel Session D**

**Thursday 23 August 2 pm – 4 pm**

**Panel 14. Legal Pluralism and Indigenous Perspectives II**

Chair: Rebecca Badejogbin (badejogbin\_re@yahoo.com)

Room: FTX 135

- a) Riccardo Mazzola (and Raúl Márquez), “Vindictory Justice and the State: Accounts from Yolngu and Shuar Ethnographies”
- b) Sean Robertson, “Materializing maligait: The emotional geography of an Inuit normative system at Kugaaruk, Nunavut”
- c) Tody Sasmitha, “Adat and state justice system in Indonesia: how has incorporation been taken into account?”
- d) Karina Dwi Nugrahati Putri and Sartika Intaning Pradhani, “Adat Law Community in Public-Private Partnership”
- e) Muradu A. Srur, “Compulsory Loss of Customary Law: A Case Study of Pastoralists in Ethiopia”

**Panel 15. New Theoretical Developments in Legal Pluralism II**

Chair: Keebet Von Benda-Beckmann (kbenda@eth.mpg.de)

Room: FTX 359

- a) Melanie Wiber and Courtenay Parlee, “Legal Pluralism and the Anthropocene: Theoretical contributions or legal dead end?”
- b) Helen Dancer, “Legal Pluralism and Wild Law: New Synergies in Global Debates on Sustainable Development”
- c) Jula Hughes, “Dangerous Goods – The Use of Settler Law for Indigenous Self-Governance”

**Panel 16. Women Challenging Patriarchy Within and Across Legal Cultures I**

Chair: Kimberley Inksater (kj.inksater@justgovernancegroup.org)

Room: FTX 361

- a) Kimberley Inksater, “Constitutional litigation: an effective method to transform cultural norms and practices related to gender-based violence?”
- b) Mopai Zamokuhle Bettina Masia, “The Emancipation of Women in Polygamous Marriages: A South African Perspective”
- c) Giselle Corradi, “Realizing women’s right to equality in marital disputes in a context of legal pluralism: A case study of Maputo city, Mozambique”
- d) Jennie Abell, “Constitutional Jurisprudence, Gender Equality and Strategic Litigation”

### **Panel 17. Colonization, Imperialism and Socio-Legal Policy Changes**

Chair: Farrukh Hakeem (fbhzad@gmail.com)

Room: FTX 136

- a) Farrukh Hakeem, "Socio-Legal Precedents to the Indian Mutiny of 1857"
- b) Thomas Burelli, "The contribution of indigenous people and researchers for the regulation of their collaboration. An avenue for the expression of legal pluralism and for decolonization"
- c) Tim Soriano, "The Royal Navy, Legal Pluralism and Authority in Early Sierra Leone: 1670-1815"
- d) Roxana Vergara Rodríguez, "Women and Interlegality in the *Rondas Campesinas* of Piura (Peru): Authorities, Victims and Transgressors"
- e) Julie Ada Tchoukou, "Engaging the pluralistic nature of the Cameroonian state: A critical examination into attempts at integrating customary systems into the wider legal and regulatory framework of the state"

### **Panel 18: Legal Status and Identity**

Chair: Jennifer Corrin (j.corrin@law.uq.edu.au)

Room: FTX 133

- a) Jennifer Corrin, "On the Borderline: Who is a 'traditional inhabitant' under the Torres Strait Treaty"
- b) Sue Farran, "Who are you if you lose your island?"
- c) Lilis Mulyani, "Groups as Legal Person"
- d) David Palumbo-Liu, "Human Rights in the Vernacular: Translating and Inventing Rights Outside the State"

**Parallel Session E**

**Friday 24 August 8.30 am – 10.30 am**

**Panel 19. Law, Distortion and Traditional Authorities in South Africa**

Chair: Thiyane Duda (thiyane.duda@uct.ac.za)

Room: FTX 359

- a) Janine Ubink, "Custom, capitalism and democracy in Africa"
- b) Thiyane Duda, "Traditional Authority in South Africa: Reconstruction and resistance in the former Ciskei"
- c) Monica De Souza Louw, "Hidden roles allocated by government to traditional authorities in South Africa"
- d) Sonwabile Mnwana, "Contesting Custom and 'Community': Mining and Land Struggles in Rural South Africa"

**Panel 20. Legal Pluralism, Religion and Gender I**

Chair: Misozi Lwatula (mlwatula@yahoo.co.uk)

Room: FTX 135

- a) Gopika Solanki, "Dispute-Processing in Family Law and Questions of Evidence in India."
- b) Annelien Bouland, ""Somewhat you're stuck between values, duties and rights". Women, Islam and divorce in Tivaouane, Senegal."
- c) Andre Laliberté, "Justice for Caring: Towards an End to the Invisibility of Migrant Caregivers in Taiwan?"

**Panel 21. The role of pluralist governance in the definition and implementation of Aboriginal title and indigenous territorial governance**

Chair: Nicole Schabus (NSchabus@tru.ca)

Room: FTX 235

- a) Nicole Schabus, "Implementing Indigenous Territorial Authority"
- b) René Kuppe, "How to translate indigenous land use norms into Western legal concepts?"
- c) Robert Groves, "Free Trade and Indigenous Peoples"

**Parallel Session F**

**Friday 24 August 1 pm – 3 pm**

**Panel 22. Indigenous Law and State Law in Canada: Is Cooperative Legal Pluralism Possible?**

Chair: Ghislain Otis (Ghislain.Otis@uottowa.ca)

Room: FTX 133

- a) Ghislain Otis, "The Relationship between Indigenous Law and State Law in Canada: Overview of Current Trends"
- b) Jennifer Corrin, "A Comparative Perspective on the Application of Indigenous Customary Laws in Canada and the South Pacific"
- c) Mylène Jaccoud and Marie-Eve Sylvestre, "Legal Pluralism Applied to Atikamekw Nehirowisiw with Respect to Conflict Management and Child Protection"
- d) Val Napoleon and Hadley Friedland, "Indigenous Laws: Challenges and Opportunities in Canada"
- e) Sebastien Grammond (and Christiane Guay), "The Challenges of Recognising Innu Customary 'Adoption'"

**Panel 23. Plural Governance and Legal Pluralism in War Torn Societies**

Chair: Markus Weilenmann (drmweilenmann@sunrise.ch)

Room: FTX 135

- a) Markus Weilenmann, "No short cuts to peace in Burundi – plural governance and legal pluralism as triggers for state collapse"
- b) Michael Leach, "Syria and the Legally Plural Warspace"
- c) Emma Charlene Lubaale, "The Case of the Dominic Ongwen Before the International Criminal Court: A Quest for An Approach that Recognizes the Victim-Perpetrator Dilemma"
- d) Vincent Dalpé, "The challenge of legal pluralism for international criminal justice"

**Panel 24. Fluid customary law and its interaction with the state**

Chair: Helen Dancer (H.E.Dancer@sussex.ac.uk)

Room: FTX 136

- a) Sayaka Takano, "Sultan in the courtroom: Fluid adat and shifting decisions in East Sumatra"
- b) Evelyn Jean-Bouchard, "Rule of Law Reforms and Institutional Change Processes in Eastern Congo: Neo-Institutional Economics vs. *Multijuridisme*"
- c) Burim Ramaj, "Customary and Constitutional Law – the Albanian Example of Legal Pluralism"
- d) Alexandre Syvrais-Gallant, "International Human Rights for Foreign Caregivers: The Power of Familial Ideology and Legal Pluralism in Taiwan"

### **Panel 25. Legal Pluralism, Religion and Gender II**

Chair: Annelien Bouland ([a.m.bouland@law.leidenuniv.nl](mailto:a.m.bouland@law.leidenuniv.nl))

Room: FTX 359

- a) Waheeda Amien, "Judicial activism in Muslim personal law: An exploration of three common law countries"
- b) Misozi Lwatula, "Colonialization, imperialism and socio-legal policy changes"
- c) Fatima Mukaddam, "Legal Pluralism: A Case Study on the Relationship between State and Religiously Regulated Marriages in South Africa"
- d) Yüksel Sezgin, "Shari'a in Non-Muslim Courts: Challenges, Opportunities and Prospects of Reform"

### **Panel 26. Navigating Family Law Through Legal Pluralism**

Chair: Fatima Osman ([Fatima.Osman@uct.ac.za](mailto:Fatima.Osman@uct.ac.za))

Room: FTX 235

- a) Fatima Osman, "Legal pluralism in South Africa: explaining the plurality of normative orders through the case study of the administration of customary law estates"
- b) Florencia Kimario, "Negotiating Child Adoptions with a Foreign Element in Tanzania: Effects of Legal Pluralism"
- c) Ulrike Wanitzek, "Transgender Parental Roles as Perceived by the European Court of Human Rights"

### **Panel 27. Governing Plural Societies: Religiously and Culturally Sensitive (in)Justice**

Chair: Federica Sona ([sona@eth.mpg.de](mailto:sona@eth.mpg.de))

Room: FTX 361

- a) Oyeniyi Abe, "Dialectics of Indigenous Dispute Resolution and Legal Interactions among the Yoruba's of Western Nigeria"
- b) Siddharth Peter de Souza, "Development Agencies and Non-State Justice Systems: Uncovering frameworks for engagement"
- c) Tamara Relis, "Ideologies and methods of the Tibetan non-state justice system: A catalyst to enhancing justice processes in the West"