

Traditional Indigenous Knowledge in Canadian law (webinar)

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Over the past couple of decades, Canadian law has begun to incorporate consideration of Traditional Indigenous Knowledge into certain decision-making processes. Though there is no universally accepted definition, the 2022 *Indigenous Knowledge Policy Framework for Project Reviews and Regulatory Decisions* (the federal framework) describes it as “complex knowledge systems embedded in the unique cultures, languages, values, and worldviews of Indigenous Peoples.” Among other things, it includes factual, land-based information — for example, how lands in a proposed project area have historically been used for traditional purposes.

In the April session of Osler’s Indigenous Law Insights webinar series, partners Richard King (Co-Chair, Regulatory, Indigenous and Environmental) and Mary Buttery, KC (Litigation), presented on the role Traditional Indigenous Knowledge plays in policy, project reviews and the courtroom.

Topics explored during their discussion include

- the guiding principles of the federal framework
- when and how Traditional Knowledge should be considered by and presented to federal officials in regulatory proceedings
- how Canadian courts treat Traditional Knowledge, including oral history
- potential issues and sensitivities arising from consideration and application of Traditional Knowledge as evidence
- the three-part admissibility test established in *Mitchell v. Minister of National Revenue*, 2001 SCC 33
- interaction with the goal of reconciliation

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