



Ottawa, April 21, 2021 – A decision was issued today by Justice Sébastien Grammond of the Federal Court in file T- 2139-18:

**IN THE MATTER OF Copeau v. Canada (Attorney General)**

**Translation of Summary into Innu**

The Federal Court is committed to being more accessible to Indigenous people when they wish to bring legal disputes for resolution by the Court. For example, many Court hearings are held directly in the Indigenous community or via webcast from a Courthouse; and where appropriate, Court procedure is adapted to make space for Indigenous protocols and legal traditions. In selected cases, the Court also makes its decisions more accessible by having a summary prepared and recorded in the Indigenous language of the parties. The Court thanks the language keeper who assisted with preparation of this summary in Innu.

[1] Ms. Copeau is a member of the Pessamit Innu First Nation. In 2007, the Conseil des Innus de Pessamit [the Council] allotted land in the community to her where she could build her residence. Today, she is seeking a certificate of possession pursuant to section 20 of the *Indian Act*, RSC 1985, c I-5 [the Act], for this land. Both the Council and the Department of Indigenous Services refused to consider her request. She is now seeking judicial review of that refusal and is asking the Court to order that a certificate of possession be issued.

[1] Utshimashkueu Copeau Pessamit utshipanu. 2007 mishtatshitashun pupunnu, Pessamiu Innu takuaikan minapan assinu nete innu assit tshetshi manukatshishinit. Anutshish nanatuapatam mashinaikanu e utamikaninit tshi tipenitak nenu assinu, miam ne ne nishinnu (art 20) ka itashtet e pimapekinashtet nete innu-tshishe-utshimau mashinaikan (la Loi sur les Indiens, LRC 1985, c I-5) [takuaitsheun], utaua tshishe utshimau ka ishi ueueshiat innuat. Ne takuaikan kie ne ka tshishe-utshimau innu ka tshitapamat apu tut minat ka ishi nanatuenimanat. Ek anutshish ka ueueshtakan itatau tshetshi nananituenitak nenu *tshetshi utamikaninit mashinaikaninu e tipenitak nenu assinu*.

[2] The Court dismissed Ms. Copeau's request. In its judgment, the Court explained the difference between the concepts of possession of reserve land, which is the subject of the certificate under section 20 of the Act, and the various types of rights, often called rights of use or customary rights, that a First Nation may grant to its members, according to its own rules of law, policies or customs. The Court emphasized that the use or mere occupation of reserve land is not a basis for claiming a certificate of possession. The distinction between these two types of rights provides First Nations with increased autonomy in the management of their lands.

[3] In substance, Ms. Copeau argues that in 2007, the Council intended to issue a certificate of possession to her. However, the evidence clearly shows that the Council never had this intention. Since at least the 1980s, the Council's policy has been not to consent to the issuance of such certificates, in order to promote collective land management. Thus, Ms. Copeau obtained a right of use, which does not give rise to the issuance of a certificate of possession. It follows that the Department of Indigenous Services was entirely correct in refusing to issue such a certificate and that the Council was not required to collaborate in such a procedure.

[2] Ne ka ueueshtakanit apu tapuemat nenu utshimashkueu Copeau. E ishi pitshitinik ka kushkuenitak utaimun, ne ka ueueshtakan minu uitam eka tapishkut e itenitakuat ne assi nete e tshimitakanit mitshuap, tshetshi utaiamaikan mashinaikan, miam ne takuaikan uin e ishi ueueshtat tuta. Uitam ne ka ueueshtakan eka tshi pitshitinikan nenu mashinaikan, usham ne e ishi takaeimatshanut nete innu-assit. Ne nishuit e ishi-uitakanit tipenitamun, nishtuapatakanunu Innuat ua nanatuapatat u shutshishiunuaa mak utakuaikanuau.

[3] E minu-uitakanit, 2007 mishta-tshitashun, utshimashkueu Copeau issishueueu ne innu takuaikan miam tshi aieshkupit tshetshi minat mashinaikan e utamikaninit tshi tipenitak nete assit ua manukatshishut. Ek<sup>u</sup> ne pessamiu Innu-takuaikan, uapatanieu ka tapuanunit eka ua minanukue ne mashinaikaninu. Ne ut 1980 mishta-tshitashun ka itashtet, pessamiu innu-takuaikan utamikinapan nete mitshishuakan tshetshi eka pitshitinikanikau ne mashinaikan tshetshi tipenitak assinu. Ek<sup>u</sup> ue pessamiu takuaikan kie ne utauau tshishe-utshimau innuat ka tshitapamat, tapueienitamushipan tshetshi eka pitshitinik<sup>u</sup> nenu mashinaikaninu tshetshi eka tipenitak assinu nete innu-assit.

An audio recording of this summary in Innu is available on the Court website at:  
<https://www.fct-cf.gc.ca/en/pages/media/webcast>

A copy of the decision can be obtained via the Web site of the Federal Court:  
<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/495843/index.do>