

FACULTY COLLOQUIUM

ADAPTIVE CAPACITY AND THE FUTURE OF INDIGENOUS LAND TENURE REFORMS IN THE UNITED STATES AND CANADA

Modern Indigenous nations are a vital part of both the U.S. and Canada. In both countries, the original, diverse land-tenure systems of these Indigenous groups were deeply disrupted by colonialism and in many ways replaced by highly federalized and restrictive property regimes on reservations/reserves. This project is future focused and asks, given the fundamental importance of land tenure for community resilience and self-determination, what comes next.

The U.S. and Canada have taken vastly different approaches to Indigenous-led land reforms in the modern era. Land tenure in the U.S. has remained largely immune from reform, while Canada is engaged in a much more robust and complex process of reconciliation and renegotiation of land- and governance-based relationships. This project compares (and critiques) both country's approaches in light of related literature on property system transitions and effective adaptation and resilience in complex systems. Ultimately, this project centers Indigenous nations' "adaptive capacity" within property system dynamics as a fundamental barometer for the future success and resilience of Indigenous communities across these landscapes.

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Jessica Shoemaker is an Associate Professor of Law at the University of Nebraska College of Law and the current Fulbright Canada Research Chair in Aboriginal Legal and Resource Rights at the University of Alberta Faculty of Law. Prior to her faculty position, Shoemaker clerked for the Honorable David M. Ebel on the United States Court of Appeals for the Tenth Circuit and earned a prestigious

Skadden Fellowship to work at a national non-profit law firm devoted to advocacy around systemic legal issues affecting small family farmers and rural communities, with a particular emphasis on minority farmer access and renewable energy issues. She then spent five years in private practice, working in nearly every phase of litigation, including several significant cases involving Indigenous land rights and religious practices. At the University of Nebraska College of Law, Shoemaker's scholarship focuses on Indigenous land tenure, rural property law, and community economic development. Her work has been recognized internationally and published in top journals.

This event qualifies for 1 CPD credit.

MARCH

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THURSDAY

12:30PM –
1:45PM

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CLASSROOM
(ROOM 122)



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