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# Implementation in Canada – UN Declaration on the Rights of Indigenous Peoples

Chaired by  
**Amyl Lalji**  
MLT Aikins LLP

April 7<sup>th</sup>, 2022 • Attend via Live Webinar

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## CHAIR



**Aryn Lalji**, Partner, MLT Aikins LLP, Vancouver, BC. Aryn F. Lalji has more than twenty years of experience representing Indigenous clients in negotiations and advocacy in respect of Canada's largest resource-based projects and economic development initiatives. He also provides advice to Indigenous governments, leaders and development corporations in many areas of the law. Aryn has been recognized as a leading lawyer in Canada practising in the area of Aboriginal law. He represents numerous First Nation development corporations and provides advice to their executives and boards on their roles, responsibilities, opportunities and potential liabilities in the areas of corporate, tax and employment law.

## Implementation in Canada – UN Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples was established to guarantee Indigenous Peoples around the world individual and collective rights, and offers guidance to governments on how to recognize and promote those rights. In 2021, after decades of advocacy by First Nations, the Parliament of Canada passed The United Nations Declaration on the Rights of Indigenous Peoples Act (formerly Bill C-15).

British Columbia was the first jurisdiction in Canada to take steps to implement The Declaration Act by enacting legislation, the *Declaration of the Rights of Indigenous Peoples Act (DRIPA)*. This legislation paves the way for new relationships, agreements and shared decision-making with Indigenous governments, and is a sign of more changes to come at the provincial and federal level.

This conference will bring together experts to discuss provincial and federal implementation of the UN Declaration Act, impacts and new opportunities for Indigenous communities, industry perspectives and the ongoing work of reconciliation.

## WHO SHOULD ATTEND?

- Indigenous leaders, officials, councillors, elders, negotiators, administrators, and advisors
- Lawyers practising in the areas of Indigenous law, administrative law, and business law
- Owners, managers and representatives of resource development companies and companies operating on Crown land
- Federal, provincial and municipal government officials and policy advisors
- Consultants, accountants, financial planners, and others assisting First Nations with financial matters and business operations

## KEY AREAS ADDRESSED:

- The role of UNDRIP within Indigenous communities and in government-to-government relations
- Free, prior and informed consent
- UNDRIP and resource development
- Consent-based negotiations and recent agreements
- The Future of the Duty to Consult
- UNDRIP implementation at the provincial and federal level
- Genocide in the Canadian Context
- The idea of certainty in UNDRIP implementation

## INDIGENOUS YOUTH SPONSORSHIP PROGRAM

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## FACULTY



**Lynn Acoose**, Chief of Zagime Anishinabek, SK. Lynn Acoose has been Chief of Zagime Anishinabek (formerly Sakimay First Nations) since July 2009. Prior to her election to Council in 2007, she worked in the arts as an independent curator, artistic director of Sakeewak Storytellers Festival, was Executive Director for various Indigenous arts organizations and was managing editor of Talking Stick Magazine. Chief Acoose's continued interaction with Knowledge Keepers informs her leadership. Since being elected, she has approached governance as a liminal process, reflecting the cycles of traditional narratives where self-determination is enacted through responsibility, ritual and our relationships within creation.



**AFN National Chief RoseAnne Archibald**, Assembly of First Nations, ON. RoseAnne is a third-generation Chief in her family, whose leadership has been groundbreaking and historical for women and youth. She was the first woman and youngest Chief elected for Taykwa Tagamou Nation in 1990. She was the first woman and youngest Deputy Grand Chief for Nishnawbe Aski Nation as well as the first female and youngest Grand Chief for Mushkegowuk Council. She served a second term for both. For nine years, she ran a successful consulting business providing advice and guidance to First Nations leaders, and organizations, specializing in negotiations and facilitation. She returned to elected leadership in 2018 becoming the first woman Ontario Regional Chief leading the Chiefs of Ontario. As Ontario Regional Chief, RoseAnne worked tirelessly and collaboratively with the Ontario Leadership Council over her three-year term. She made positive changes during her term including a strong and effective pandemic response that focused on saving lives and preserving the health and well-being of First Nation citizens; improved relationships with the federal and provincial governments; and established a Council of Elected Women Chiefs and the creation of an Economic Growth and Prosperity Table. She was elected Assembly of First Nations National Chief in July 2021.



**Caleb Behn**, Director of Rights, Assembly of First Nations, Ottawa, ON. Caleb Behn is Eh-Cho Dene and Dunne Za from the Treaty 8 Territory of northeastern British Columbia. He is a graduate of the University of Victoria Law Program and was called to the BC Bar in 2014. Caleb's work has focused on the intersection of water, energy and indigenous law. A former 'lands manager' for the West Moberly First Nations and Saulteau First Nations and a Senior Researcher at the Centre for International Governance Innovation Caleb was also a founding member of the Decolonizing Water Research Collective and the subject of the documentary film 'Fractured Land'. Caleb now resides in Ottawa and is the Director of Rights with the Assembly of First Nations. In his spare time he works with the Berkman-Klein Centre for Internet and Society at the Harvard Law School on linking indigenous communities and legal systems globally.



**Stuart Glen**, RPF, Director, Forest Inventory and Stewardship, Western Forest Products Inc., Campbell River, BC. Stuart has 23 years of experience as a professional forester in coastal BC and is passionate about forestry and working collaboratively with others to develop and implement sound sustainable forest management outcomes. Stuart brings his experience and passion to several joint planning initiatives, including the TFL 37 Forest Landscape Plan Pilot with 'Namgis First Nation. Stuart is a registered professional forester and holds a Bachelor of Science in Forestry from the University of British Columbia. Stuart lives with his family in Campbell River where he enjoys the outdoors and quick access to skiing, hiking, biking, and kayaking.



**Geraldine Hutchings**, Legal Counsel, Geraldine Hutchings Law Corporation, Victoria, BC. Geraldine has practised law since 1988. For 22 years she has served as legal counsel with the Legal Services Branch, Ministry of Justice (BC). She was an executive of the Law Society of Yukon, and a member and chair of both the Yukon Human Rights Commission and the Yukon Mental Health Review Board. She also worked as an adjudicator under the Canada Labour Code.



**Sean Jones**, Partner, MLT Aikins LLP, Vancouver, BC. Sean practises in Indigenous, environmental and regulatory law, with a focus on natural resource law. He has extensive experience in federal and provincial environmental assessments and advocating for the rights of Indigenous communities. Sean has represented First Nations in Federal

Court and has appeared at all levels of court in British Columbia. Prior to entering law, Sean was a communications professional who served in a variety of industry and government roles. He taught communications at Douglas College and BCIT in Vancouver.



**Dale Lysak**, Counsel, MLT Aikins LLP, Vancouver, BC. Dale is an experienced litigator with extensive courtroom and trial experience. He has a background in commercial and complex litigation, representing both Fortune 500 companies and individual clients in Canada, the U.S. and internationally. His commercial and civil litigation practice includes class actions, corporate, shareholder and partnership disputes, antitrust, contract disputes, and fraud, conspiracy and breach of fiduciary duty claims. Dale practised law in San Francisco, California for 20 years. Prior to joining MLT Aikins, he worked for the United Nations in the International Co-Prosecutor's Office at the Khmer Rouge Tribunal. He was lead trial counsel in the prosecution of the two top surviving leaders of the Khmer Rouge, Nuon Chea and Khieu Samphan, that resulted in their conviction for genocide, crimes against humanity and grave breaches of the Geneva Conventions.



**The Honourable Murray Rankin**, Minister of Indigenous Relations and Reconciliation, Victoria, BC. Murray Rankin was elected the MLA for Oak Bay-Gordon Head in 2020. He is the Minister of Indigenous Relations and Reconciliation. Murray is a lawyer with expertise in environmental, Indigenous, and public law. He holds law degrees from the University of Toronto and Harvard Law School. He was elected as the Member of Parliament for Victoria and served from 2012 until 2019. During this period, he was appointed Justice and Attorney General critic, Health critic and also served as NDP House Leader. From 2019 to 2020 he was the Chair of Canada's National Security and Intelligence Review Agency, overseeing all national security and intelligence activities carried out by the Government of Canada. Previously he was a University of Victoria professor of law and taught environmental and administrative law. During this period, he helped develop groups such as the West Coast Environmental Law Association and the BC Public Interest Advocacy Centre. More recently, he served as community co-chair of the Environmental Law Centre at the University of Victoria, a student-run legal clinic doing public interest work in environmental law. Throughout his career he has been a dedicated advocate for climate action, accessible health care and child-care and has worked extensively to advance reconciliation with Indigenous peoples.



**Dean Sayers**, Chief of Batchewana First Nation, ON. Dean Sayers has been Chief of Batchewana since 2005, now serving his 8th two year term. Chief Dean Sayers grew up in Batchewana village, a small community approximately 50 miles north of Sault Ste. Marie, where he worked with his father and brother in the First Nation's Commercial Fishing industry. This experience provided education on the traditional understandings of the history of Batchewana, its affiliation with Lake Superior and the reserved jurisdiction of the area. Chief Sayers moved on in pursuit of higher education and work experience spending 13 years in Southern Ontario in various human service roles with First Nations Peoples. It was through a culmination of experiences and understanding of Batchewana's history which led Chief Sayers and various council's to the formulation of BFN's "Letter of Assertion", a document outlining Batchewana's expected relationship with resource developers in the original lands set a side for Batchewana's sole benefit and use as per the Robinson Huron Treaty of 1850. This assertion has been instrumental to maintaining the First Nations sovereignty, jurisdiction and contributes immensely to Batchewana's success today. Chief Sayers and the Batchewana First Nation has led the charge in demanding Indigenous People's fair share of resource revenues.



**Brian Svanvik**, Director, Natural Resources, 'Namgis First Nation, BC. Brian started in a junior IT role for 'Namgis, later adding cartography and community engagement work part-time for the 'Namgis Treaty and Natural Resources Department (TNR). He then moved into TNR full time as more cartography was needed, working in planning, training, negotiations support, forestry, land management and referrals engagement with BC and Canada. After 'Namgis members rejected the negotiated AIP through a vote in 2013, the department transitioned into natural resources management including lands, forestry and fisheries, with a supporting role to Title & Rights, managed at a high level by 'Namgis Council and Administration. Brian continues with cartography, and has added referrals, engagement with industry, (WFP, TimberWest, BCTS) as well as land management in various areas (BC Parks, Rec Sites & Trails, BC Hydro, Arch Branch), and supporting the rest of the departments' roles in fisheries, and cultural research. Dukwalisala is the name given to him by his family, in his grandmother's language and it means "Seeing all over the world" chosen as a reflection of his career and personality.

# IMPLEMENTATION IN CANADA – UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

APRIL 7<sup>TH</sup>, 2022

**9:00 Welcome and Introduction by PBLI**

**9:05 Chair's Welcome and Introduction**

**Amyl Lalji**  
MLT Aikins LLP

**9:10 Keynote: UN Declaration Act Relevance to Indigenous Peoples in 2022**

**AFN National Chief RoseAnne Archibald & Caleb Behn**  
Assembly of First Nations

- Challenges and opportunities for Indigenous communities
- What practical implications does the Declaration Act have for Indigenous communities across Canada

**9:40 Questions and Discussion**

**9:50 Implementing Free, Prior and Informed Consent**

**Sean Jones**  
MLT Aikins LLP  
**Geraldine Hutchings**  
Geraldine Hutchings Law Corporation

- The meaning of free, prior and informed consent (FPIC)
- Implementing FPIC and increasing capacity

**10:30 Questions and Discussion**

**10:40 Morning Break**

**10:55 The Future of the Duty to Consult**

**Amyl Lalji**  
MLT Aikins LLP

- Implications of UNDRIP for the duty to consult
- Understanding UNDRIP as a consultation professional

**11:35 Questions and Discussion**

**11:45 Indigenous Perspectives on the Challenges Associated with UNDRIP**

**Chief Lynn Acoose**  
Zagime First Nations  
**Chief Dean Sayers**  
Batchewana First Nations

- The failure of UNDRIP to account for the persistent conflict between Indigenous responsibilities to creation
- The myth of Free, Prior and Informed consent

**12:25 Questions and Discussion**

**12:35 Lunch Break**

**1:30 Keynote: UNDRIP Implementation in British Columbia**

**The Honourable Murray Rankin**  
Minister of Indigenous Relations and Reconciliation

- BC's Declaration on the Rights of Indigenous Peoples Act (DRIPA)
- The Action Plan and next steps

**2:20 Questions and Discussion**

**2:30 Afternoon Break**

**2:45 What are the Practical Applications for the Forest Industry?**

**Stuart Glen**  
Western Forest Products  
**Brian Svanvik**  
'Namgis First Nation

- Consent-based negotiations and the role of UNDRIP
- Agreements and achieving certainty
- Challenges and opportunities

**3:35 Questions and Discussion**

**3:45 Genocide in the Canadian Context – How Does the Declaration Act Protect Human Rights of Indigenous People in Canada**

**Dale Lysak**  
MLT Aikins LLP

- The need for domestic law reform
- Genocide in Canada

**4:25 Questions and Discussion**

**4:35 Chair's Closing Remarks – Forum Concludes**

## INFORMATION

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1. Telephone us: 604-730-2500 or toll free 877-730-2555
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**Payment:** You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

**When and Where:** The program starts at **9:00 a.m. (PDT)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

**Materials:** The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at [registrations@pbli.com](mailto:registrations@pbli.com) if you are unable to attend the program and wish to purchase a set of electronic materials.

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