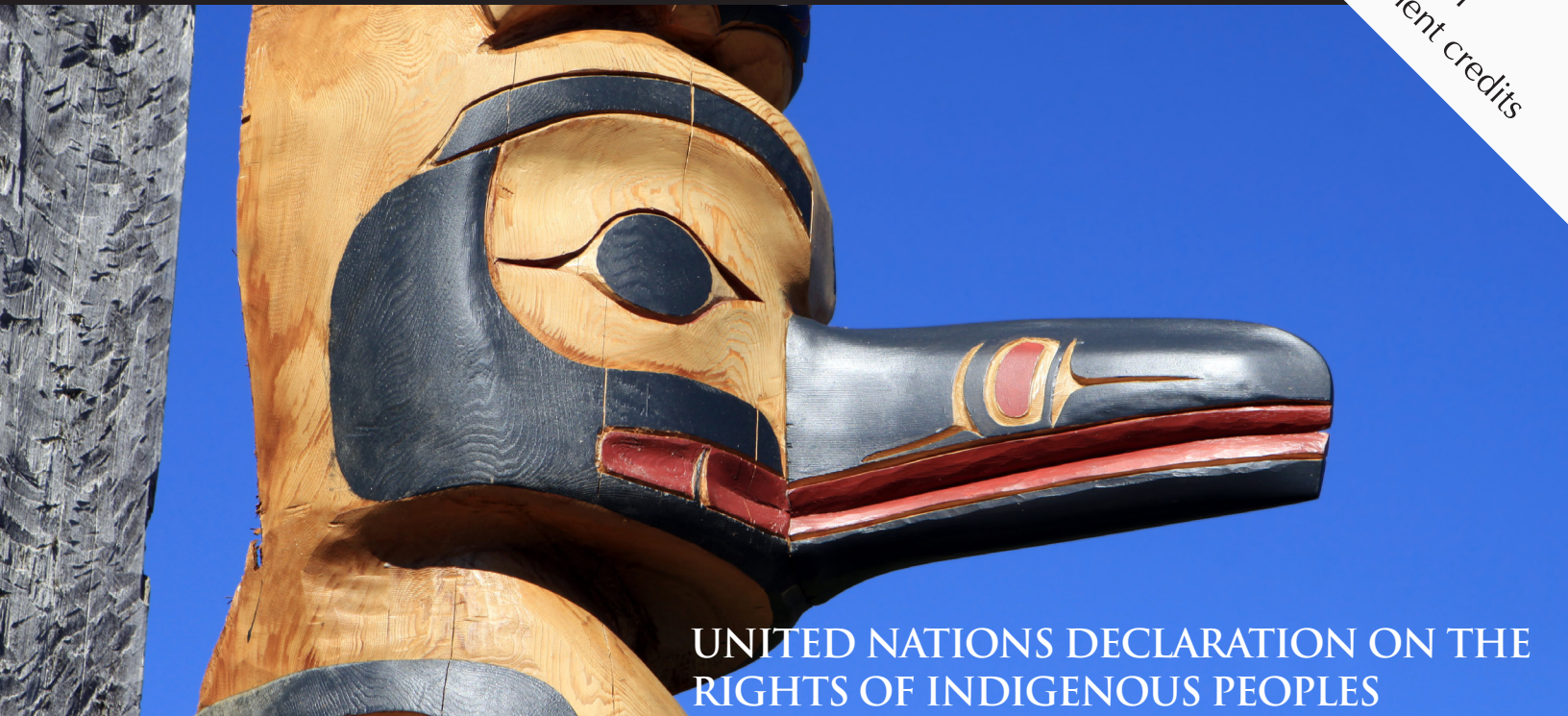




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UNITED NATIONS DECLARATION ON THE
RIGHTS OF INDIGENOUS PEOPLES

IMPLEMENTING UNDRIP

Co-Chaired by

Brenda Gaertner
Mandell Pinder LLP

Leah George-Wilson (Sisi-ya-ama)
Miller Titerle/Tsleil-Waututh First Nation

September 1st & 2nd, 2020 • Attend via Live Webinar



CO-CHAIRS



Brenda Gaertner, Managing Partner, Mandell Pinder LLP, Vancouver, BC. Ms. Gaertner advises Indigenous governments on Aboriginal title and rights, modern (self) government, consultation and accommodation processes, natural resource governance and management, and economic development. She was called to the B.C. bar in 1984 and has been

with Mandell Pinder almost since its inception. Ms. Gaertner is passionate in her work towards recognition and respect for Indigenous governance and management, especially in the areas of fish, aquatic resources and ecosystems. She was senior counsel for the First Nations Coalition in the Cohen Inquiry on Fraser River Sockeye and has appeared before various regulatory bodies, including the National Energy Board and Joint Federal and Provincial Review Panels. Brenda has been educated by many Indigenous peoples on the importance of fish, fish habitat and sustainable fisheries. She works with numerous First Nation organizations, at the Provincial and Regional scale, in their continued efforts to implement better governance and management. She is currently the Lead Negotiator for the Fraser Salmon Management Council, representing over 70 Nations along the migratory route. She is a Director of the Pacific Salmon Foundation, an organization committed to protecting and preserving wild salmon. Brenda has been recognized as a leading practitioner in the area of Aboriginal law by Canadian Legal Lexpert since at least 2011 and has been listed in The Best Lawyers in Canada for 2018. She is committed to the path of respect and reconciliation.



Leah George-Wilson (Sisi-ya-ama), Lawyer, Miller Titerle Law Corporation; Chief, Tsleil-Waututh Nation, Vancouver, BC. Leah is a lawyer practising in the area of Indigenous law, and is also a well-known and respected Indigenous leader. Leah is the Chief of the Tsleil-Waututh Nation and was the first woman to serve in this position.

She is currently an elected Co-Chair of the First Nations Summit, a Director on the Land Advisory Board and an appointed member of the First Nations Health Council. She was a key voice in ensuring that Indigenous people were appropriately represented in the Vancouver 2010 Olympics through her role as a board member of the Four Host Nations. Other leadership positions that Leah has held include directorships of the Legal Services Society, Ecotrust Canada and Leadership Vancouver.

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

IMPLEMENTING UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by resolution of the UN General Assembly in 2007. UNDRIP 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. BC has become the first jurisdiction in Canada to take steps to implement UNDRIP by enacting legislation, the *Declaration of the Rights of Indigenous Peoples Act (DRIPA)*, in November 2019. 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 two-day conference will bring together experts from First Nations, government, industry, academia and the Indigenous legal community to discuss provincial and federal implementation of UNDRIP, impacts and new opportunities for Indigenous communities, industry perspectives and the ongoing work of reconciliation.

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
- UNDRIP implementation at the provincial and federal level
- Indigenous youth perspectives on the landscape of implementation
- The idea of certainty in UNDRIP implementation

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We are pleased to offer our successful sponsorship program for First Nation, Métis and Inuit youth to attend forums offered by Pacific Business & Law Institute. For further information about applying to attend this or other programs, please go to www.pbli.com/aboriginal-youth-mentorship.

FACULTY



Bob Chamberlin, National Indigenous Fisheries Institute and Skagit Environmental Endowment Commission, Nanaimo, BC. Bob served as the elected Chief Councillor of Kwikwasut'inuxw Haxwa'mis First Nation for 14 years, from 2005 to 2019, and also served as the Vice-President of the

Union of British Columbia Indian Chiefs (UBCIC) for 9 years. He has actively engaged in the defense of Aboriginal title and rights, advocating on issues of concern to First Nations, presenting to various Senate standing committees, supporting First Nations' direct action and giving keynote addresses and presentations. Chief Chamberlin has also been a member of various national working groups on issues covering water, the environment, aquaculture and fisheries. He is currently a member of the board of directors of the National Indigenous Fisheries Institute and recently appointed to the Skagit Environmental Endowment Commission. He is most proud of his work in implementing UNDRIP via a shared decision-making process developed with the Province of British Columbia in relation to 17 fish farm tenures in the Broughton Archipelago.



Dr. Roshan Danesh, Lawyer, Victoria, BC. Roshan is a lawyer, conflict resolution innovator, and educator whose areas of work, teaching, and writing include international peace-building, constitutional law, Indigenous rights, and inter-ethnic and inter-religious dialogue. Roshan completed

his S.J.D at Harvard Law School and LL.B at the University of Victoria, and has taught at a number of universities around the world. Roshan has served as legal counsel to the UBCIC, BCAFN, and First Nations across the country, as special counsel on Indigenous reconciliation to the Minister of Justice and Attorney General of Canada, and as an advisor on implementing the United Nations Declaration on the Rights of Indigenous Peoples to political and executive leadership in the Government of British Columbia.



Larry Greba, Coastal First Nations, West Vancouver, BC. Larry has extensive experience and training in the field of wild fisheries management and community economic development. He has worked with 25 First Nations communities throughout British Columbia over the past 36 years primarily

in fisheries enhancement, management, policy development, strategic planning and negotiation including shellfish and finfish aquaculture business development and environmental monitoring. He has worked closely with the Kitasoo/Xaixais Nation, Central Coast Indigenous Resources Authority, the First Nations Fisheries Council and the Coastal First Nations-Great Bear Initiative, has represented the interests of many of these organizations on a myriad of boards and committees and has developed and serves as a director for several Kitasoo Band businesses.



David Kiemele, Managing Director, Cermaq Canada Ltd., Campbell River, BC. As Managing Director of Cermaq Canada, David is in charge of business performance, overseeing policies and planning, and also managing and motivating Cermaq's team of 260 staff. David has worked in the aquaculture

industry for nearly 20 years, and is exceptionally skilled in building solid organizational structure and developing strong teams. His expertise also applies to process improvements, major capital projects, and developing and managing annual budgets to support and drive long term strategic plans. David originally trained as an aquaculture technician at Sir Sandford

Fleming College. Throughout his career he has studied Executive Management at Harvard Business School and Melbourne University in Australia. David completed Harvard Business School's course, Program for Global Leaders (PGL) in Tokyo and has also taken courses on mindful leadership to polish his executive skills. David is currently the chairman of the British Columbia Salmon Farmers Association (BCSFA) Board; is on the Canadian Aquaculture Industry Alliance Board; and sits in on the Department of Fisheries and Ocean's Finfish Aquaculture Industry Advisory Panel.

Robert Lamirande, Director General, Indigenous Affairs and Reconciliation, Fisheries and Oceans Canada, Ottawa, ON.



Yvan Guy Larocque, Lawyer, Miller Titerle Law Corporation, Vancouver, BC. Yvan is an Indigenous business lawyer from Sainte-Anne, MB and a member of the Manitoba Métis Federation. Yvan has a diverse practice, providing practical services and advice to

businesses in various industries, as well as Indigenous governments and other organizations. Yvan is a Director on the Board of Indspire (formerly the National Aboriginal Achievement Foundation), an Indigenous-led national charity that invests in the education of Indigenous students.



Tom McCarthy, Chief Negotiator, Ministry of Indigenous Relations and Reconciliation, Victoria, BC. Tom McCarthy is Division Chief Negotiator for the Ministry of Indigenous Relations and Reconciliation with the Province of British Columbia. This role undertakes key negotiation priorities, and manages corporate

and strategic initiatives relating to the Ministry's negotiations with Indigenous Nations. Prior to taking this role, Tom was the Ministry's Chief Negotiator for the North area of BC. Before joining the Provincial government in 2017, Tom worked for ten Tsawwassen First Nation in a variety of roles, including as Chief Administrative Officer. Tom has also worked with for the Government of Canada, including with Privy Council Office, Treasury Board, and Department of Finance.



Brian McGuigan, Manager, Aboriginal Policy, Canadian Association of Petroleum Producers (CAPP), Calgary, AB. Brian is the manager of Aboriginal policy for the Canadian Association of Petroleum Producers (CAPP), an organization representing companies that

explore for, develop and produce natural gas and crude oil throughout Canada. As a lawyer, Brian practised exclusively in the field of Aboriginal and treaty rights since 1991 in a variety of capacities. He has acted as Chief Federal Negotiator in treaty and self-government negotiations in the Yukon; Federal Fisheries Negotiator in Atlantic Canada following the Supreme Court of Canada decision in *Marshall*; and has led policy development regarding the Crown's duty to consult and a variety of other matters. Brian has represented First Nations and project proponents in the negotiation of significant benefit agreements in the energy and mining sectors.



Nancy A. Morgan, Principal, Morgan & Associates, West Vancouver, BC. Ms. Morgan has been practising law for over 30 years. She works primarily in the field of Aboriginal law representing First Nations and regional First Nations organizations in British Columbia and the Yukon. She has been engaged in the current

BC treaty negotiations process since its inception in 1991. She represents clients in the negotiation and implementation of modern treaties, sectoral self-government agreements, recognition and reconciliation agreements, and impact benefit agreements. She is also involved in supporting internal governance initiatives and the development of legislation and policy for First Nations and First Nations organizations.

FACULTY (Continued)



Ross Pattee, Assistant Deputy Minister for Treaty Implementation, Crown-Indigenous Relations and Northern Affairs Canada, Ottawa, ON. Ross Pattee was appointed as the Assistant Deputy Minister for the newly created Implementation Sector at Crown Indigenous Relations and Northern Affairs Canada (CIRNAC). In this new position

Mr. Pattee is responsible for coordinating the whole-of-government implementation of Modern Treaties and Self-Government agreements with Indigenous partners across the country. He also leads the coordination and guidance for federal officials in fulfilling the Government of Canada's Duty to Consult and Accommodate. The enhanced focus in this new role is a recognition that a renewed relationship with Indigenous Peoples must be built on a strong commitment to implementation. Prior to joining CIRNAC, Mr. Pattee worked at the Immigration and Refugee Board of Canada (IRB) where he held numerous posts, including Executive Director, Deputy Chairperson of the Refugee Protection Division (RPD), Assistant Deputy Chairperson of the western region of the RPD and as a Refugee Adjudicator.



Neil Rayner, Leader, Indigenous Affairs, Teck Resources Limited, Vancouver, BC. Neil Rayner is Leader, Indigenous Affairs at Teck Resources – Canada's largest diversified resource company, based in Vancouver. He has over 15 years of experience in leadership roles within the public and private sectors focusing on Indigenous relations. He

has extensive experience representing the government of Canada in treaty negotiations under the British Columbia Treaty Process, leading federal teams in negotiations with Indigenous groups including the Te'mexw Treaty Association, Hul'qumi'num Treaty Group, and K'òmoks First Nation. With Teck Resources, Neil focuses on implementation of Teck's Indigenous Peoples Policy, negotiation and implementation of agreements with Indigenous Peoples, external advocacy and government relations. Neil holds a Bachelor degree in Communication from Simon Fraser University and lives in North Vancouver with his family.



Dr. Judith Sayers, President, Nuu-chah-nulth Tribal Council, Victoria, BC. Dr. Judith Sayers is a member of the Hupacasath First Nation, and was the elected Chief for 14 years and the Chief Negotiator for 15 years. In her role as Chief, she focused on capacity building, sustainable development and restoring and rehabilitating Hupacasath territory. Currently Judith remains involved in Energy issues through

advising First Nations and corporations on clean energy projects. Judith speaks at many conferences, think tanks and strategic sessions concerning issues affecting energy including developing, transmitting and selling power, climate change, capacity needs, negotiating agreements, regulatory requirements and export of power. Judith's educational background includes a business and law degree and an honorary Doctor of Laws from Queen's University. She has an extensive background of practising law for 18 years in both Alberta and British Columbia, working in international forums, lobbying governments and other agencies for the promotion and protection of First Nations rights and title. In February 2009, the Canadian Council of Aboriginal Business inducted Judith in the Aboriginal Business Hall of Fame. Further accomplishments include being the recipient of the Bora Laskin Fellowship on Human Rights, a Finalist for the Buffet Award for Indigenous Leadership and twice awarded the Woman of Distinction from the Alberni Chamber of Commerce. She has been honoured by Atira Women's Resource Society as an Inspirational Women. In 2017, Dr. Sayers was appointed to the Order of Canada.



Kelly-Ann Speck, Elected Councillor, 'Namgis First Nation, Alert Bay, BC. Councillor Speck has held executive level positions with the governments of BC and Canada in policy development, service provision and dispute resolution. She has been appointed to various offices including Commissioner of Investigation and Mediation for the

BC Human Rights Commission and ADM for Aboriginal Affairs and

Skills, Training and Labour. In 2003, she was appointed as Vice-chair of the Parole Board of Canada, Pacific Region. Her current portfolios on NFN council include health, community justice, land and resources, as well as Aboriginal title and rights. She has a BA in Political Science from the University of Victoria, and a Masters of Public Administration from Queens. She is a recipient of the Lt Governor's Silver and Queen's Diamond Jubilee medals for Excellence in Public Service. She is a board member for the U'mista Cultural Center and the Vancouver Maritime Museum.



Kris Statnyk, Associate, Mandell Pinder LLP, Vancouver, BC. In his practice Kris provides strategic advice, negotiation support and advocacy over a broad range of areas including land and resource management, development assessment, regulatory process, modern treaty and self-government implementation, law and

policy development, fiscal relations and government-to-government relations. Kris is Gwich'in from the Vuntut Gwitchin community in Old Crow, Yukon. Kris' wife Shawna and their children Armyah and Jackson are Gitksan and belong to the Lax Skiik (Eagle Clan) Wilp (House) of Sakuu Higookw. Kris is called to the bars of BC (2014) and the Yukon (2016), and is a board member of West Coast Environmental Law and Yellowhead Institute.



Kukpi7 Judy Wilson, Secretary-Treasurer, Union of BC Indian Chiefs, BC. Chief Wilson has served her community for ten years as chief and eight years as a council member. She is a strong advocate for recognition of inherent title and rights and self-determination and for the fundamental shifts needed for the survival

of all Peoples. These shifts involve transitioning to clean energy (not depending on fossil fuels or pipelines), changing consumer purchasing patterns away from big conglomerates toward local foods and lifestyles, supporting and maintaining traditional food security and harvesting, lessening our footprint on the land, and restoring lands, lakes, rivers, and oceans. Chief Wilson's education includes public administration with focus on governance, public relations, and media (audio-visual production, book publishing, broadcast journalism, and web planning). She has experience as a data technician, communications officer, project developer, news reporter, broadcast manager, and marketing coordinator. Chief Wilson is currently a member of the following boards and committees: the Union of BC Indian Chiefs Executive (as Secretary-Treasurer), the First Nations Leadership Council, the Assembly of First Nations Comprehensive Claims Policy Committee, the BC Specific Claims Working Group, the BC Small Business Roundtable, the Secwepemc Chiefs Health Caucus, the Rural BC/Southern Interior Beetle Action Coalition, and several other community-based committees. She has formerly served on the BC-Canada Tripartite Children and Family Working Group, the BC All-Chiefs Task Force, the First Nations Child and Family Wellness Council, the First Nations Technology Council, and the Secwepemc Cultural Education Society.



Jessica Wood, Si Sityaawks, Assistant Deputy Minister, Reconciliation Transformation and Strategies Division, Ministry of Indigenous Relations and Reconciliation, Province of British Columbia, Victoria, BC. Known as Si Sityaawks – (Woman who creates change) Jessica is from the Gitksan and Tsimshian First Nations with

extended roots among the Tahltan and Nisga'a Nations. Currently serving as Assistant Deputy Minister for the Reconciliation Transformation and Strategies Division, Jessica is leading BC's cross-ministry work to adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (The Declaration), the Truth and Reconciliation Commission of Canada's Calls to Action, and learnings from the relevant case law such as the Tsilhqot'in decision. As part of this transformation she has led, in collaboration with the First Nations Leadership Council, the development of legislation to implement the UN Declaration in provincial law. The Declaration Legislation received Royal Assent in November of 2019. Now her Division is leading the development of the Provincial Action Plan to support implementation.

IMPLEMENTING UNDRIP

SEPTEMBER 1ST, 2020 (DAY ONE)

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Brenda Gaertner

Mandell Pinder LLP

Leah George-Wilson (Sisi-ya-ama)

Miller Titerle/Tsleil-Waututh First Nation

9:20 UNDRIP's Role Within Indigenous Communities

Leah George-Wilson (Sisi-ya-ama)

Miller Titerle/Tsleil-Waututh First Nation

Dr. Judith Sayers (Kekinusuqs)

Nuu-chah-nulth Tribal Council

- How Indigenous people can use UNDRIP in their own communities, for their own people

10:10 Questions and Discussion

10:20 Morning Break

10:35 This Moment in the Work of Reconciliation: Changes, Challenges, and Possibilities

Dr. Roshan Danesh

Lawyer

- Reflections and lessons learned from advising First Nations, federal government, and provincial government leadership on the work of reconciliation
- Critical examination of the patterns that we appear stuck in, the shifts that are happening, and the challenges and real change still needed

11:20 Questions and Discussion

11:35 UNDRIP and the Coastal GasLink Pipeline Project Dispute

Kris Statnyk

Mandell Pinder LLP

- UNDRIP on representative governing bodies and free, prior and informed consent
- State responses to Wet'suwet'en land defenders

12:05 Questions and Discussion

12:15 Lunch Break

1:15 An Industry Perspective on UNDRIP

Brian McGuigan

Canadian Association of Petroleum Producers

Neil Rayner

Teck Resources Limited

- What "free, prior and informed consent" means for industry parties
- The immediate effects of implementation and what has changed
- Future challenges

2:25 Questions and Discussion

2:35 Afternoon Break

2:50 The Broughton Archipelago Fish Farm Agreements

David Kiemele

Cermaq Canada Ltd.

Councillor Kelly-Ann Speck

'Namgis First Nation

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

4:00 Questions and Discussion

4:10 Chairs' Closing Remarks

4:20 Forum Concludes for Day One

IMPLEMENTING UNDRIP

SEPTEMBER 2ND, 2020 (DAY TWO)

9:00 Welcome and Introduction to Day Two

Brenda Gaertner

Mandell Pinder LLP

Leah George-Wilson (Sisi-ya-ama)

Miller Titerle/Tsleil-Waututh First Nation

12:20 Questions and Discussion

12:30 Lunch Break

1:30 Panel: Indigenous Youth and UNDRIP Implementation

Facilitated by: **Yvan Guy Larocque**

- The perspective of Indigenous youth on UNDRIP implementation
- The meaning of free, prior and informed consent
- Looking to the future: climate change, upcoming issues

2:20 Questions and Discussion

2:30 Afternoon Break

2:45 The Role of UNDRIP in Achieving Certainty

Bob Chamberlin

National Indigenous Fisheries Institute

Brenda Gaertner

Mandell Pinder LLP

- The challenges and opportunities that UNDRIP provides in promoting robust concrete outcomes

3:35 Questions and Discussion

3:45 Fisheries Reconciliation Agreements

Brenda Gaertner

Mandell Pinder LLP

Larry Greba

Coastal First Nations

Robert Lamirande

Department of Fisheries and Oceans Canada

- Details of fisheries reconciliation agreements
- Collaborative governance and reconciliation
- Challenges and opportunities being identified

4:35 Questions and Discussion

4:45 Chairs' Closing Remarks For Day Two

4:55 Forum Concludes

9:15 UNDRIP Implementation at the Provincial Level

Kukpi7 Judy Wilson

Union of BC Indian Chiefs

Assistant Deputy Minister Jessica Wood

BC Ministry of Indigenous Relations and Reconciliation

- BC's *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*
- Visions and priorities for implementation
- Challenges and successes

10:05 Questions and Discussion

10:15 Morning Break

10:30 Implementing UNDRIP Through Modern Treaties

Tom McCarthy

Ministry of Indigenous Relations and Reconciliation

Nancy A. Morgan

Morgan & Associates

- Implementing UNDRIP at treaty negotiation tables
 - Impact on the negotiations process
 - Impact on the substance of negotiations
 - Implementing the 2019 "*Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia*"

11:20 Questions and Discussion

11:30 UNDRIP Implementation by the Federal Government

Assistant Deputy Minister Ross Pattee

Indigenous and Northern Affairs Canada

- Recent developments at the federal level
- New ways the federal government is working with Indigenous governments to implement UNDRIP

INFORMATION

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IMPLEMENTING UNDRIP

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