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# TREATIES AND SELF-GOVERNMENT

Co-Chaired by

**John Burns**  
Donovan & Company

**Celeste Haldane**  
BC Treaty Commission

September 19<sup>th</sup> & 20<sup>th</sup>, 2019 • UBC Robson Square • Vancouver, BC

*Live Webinar also available!*



## CO-CHAIRS



**John Burns**, Donovan & Company, Vancouver, BC. John has a Master's degree in Canadian Aboriginal Law and a Juris Doctorate from the University of Toronto, Faculty of Law. John's exclusively Aboriginal-side practice focuses on Aboriginal rights and title, corporate commercial and governance matters. John has developed and implemented strategies for successful Consultation

and Accommodation negotiations, and has assisted clients through self-government negotiations. He has also assisted clients in obtaining debt and equity financing for multiple individual projects valued between \$150 - \$300 million, and has significant experience in commercial development on Reserve and in Nation Territory, including commercial / retail land development, forestry, mining, renewable energy and civil construction. John has also successfully represented clients from start to finish in the Specific Claims process; B.C. Supreme Court; the Tax Court of Canada; and the Supreme Court of Canada, as well as regulatory hearings on major natural resource projects.



**Celeste Haldane**, Chief Commissioner, BC Treaty Commission, Vancouver, BC. Celeste Haldane was appointed Chief Commissioner in April 2017. Prior to this, she served as an elected Commissioner for three two-year terms commencing in 2011. Celeste is a practising lawyer and holds an LL.M. in Constitutional Law from Osgoode Hall Law School [York University], and an

LL.B. and B.A. both from the University of British Columbia. In 2015 she began her Doctorate at UBC in Anthropology & Law. The Provincial Government appointed her to serve on the UBC Board of Governors and the Legal Services Society. Celeste is the first Indigenous chair of the Legal Services Society. She is a director of Brain Canada and the Hamber Foundation. Celeste is an active member of the Canadian Bar Association, and a member and director of the Indigenous Bar Association. She is a 2015 alumni of the Governor General's Canadian Leadership Conference. Celeste is a member of the Sparrow family from Musqueam and is Tsimshian through Metlakatla. She previously served as the Chair of the Musqueam Land Code Committee, a member of the Intergovernmental Affairs Committee, the Housing & Capital Committee, and the Matrimonial Real Property Committee. Celeste is the proud mother of three and grandmother of two.

## Treaties and Self-Government

Treaties and self-government agreements are vital to the protection of First Nations' land, rights, culture, and identity. Negotiating modern treaties involves unique challenges that must be understood and overcome in order for the process to succeed. Consideration must be given to not only the content of the treaty, but also pre-treaty and post-treaty circumstances. Those involved in the process must be well-informed about the latest developments that affect their negotiating positions. This program features expert faculty who will provide insights into legal and policy changes that are shaping modern treaty processes.

### KEY AREAS ADDRESSED:

- The BC treaty process and treaty implementation
- The role of UNDRIP in treaties and self-government
- Negotiating a treaty and new government initiatives
- Community engagement in the process
- Economic development post-treaty
- Case studies on self-government and treaty nations

### WHO SHOULD ATTEND?

- Aboriginal leaders, officials, councillors, elders, negotiators, administrators, and advisors
- Lawyers involved in negotiating and reviewing treaties
- Treaty and consultation/accommodation consultants and negotiators
- Federal, provincial and territorial officials, lawyers, and other advisors
- Municipal leaders, officials, and lawyers

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## FACULTY



**Eva Clayton**, President, Nisga'a Lisims Government, New Aiyansh, BC. Eva's public service to the Nisga'a Nation spans decades in various administrative and political capacities. Her employment history began with the Nisga'a Tribal Council (N.T.C.) in 1980s. While working with the N.T.C. Eva had the privilege of working closely with the many leaders of the day including the lates Dr. Frank Calder, James Gosnell, Rod Robinson to name a few, while they were actively negotiating what would become the Nisga'a Final Agreement. President Clayton has also held various political offices including Chief Councillor for the Gitlaxt'aamiks Village Government from 2004-2008, and various terms as Councillor for the then Gitlaxt'aamiks Band Council and now Gitlaxt'aamiks Village Government. While Chief Councillor for Gitlaxt'aamiks, Eva also served as Chair to the NLG Programs & Services Committee and has also represented her village government on the Finance Committee.



**Chief Grace Cunningham**, Chief, Katzie First Nation, Pitt Meadows, BC. Her ancestral name from her father's side of the family is Kuyawilhot. Daughter of Johnny Leon, Kuya, from Sts'ailes BC. Her ancestral name from her mother's side of the family is Lahah. Daughter of Helen Cunningham, Velmouth, from Katzie First Nation. Grace currently lives in Maple Ridge with her fiancé Damian George. They have a beautiful blended family and share five children. She is extremely proud of their five grandchildren. Together they live a very busy home life and surround themselves with cultural ceremony, as that is where they find peace and balance. Grace is currently serving her first term as Chief of Katzie First Nation and brings all of her management and leadership skills together to bring success to the Nation. Grace has worked in the health field for the last seventeen years, primarily in the field of mental health, additions with on-reserve Aboriginal communities, off-reserve nonprofit organizations and the federal government. She has worked in varying capacities from front line work, counselling, policy development, program development, business administration, and senior management, and various leadership positions. Grace has had many successful accomplishments over the years, and has implemented legacies along her journey as well. A few recent and prosperous highlights of her career include her work with Corrections Service Canada, Aboriginal Liaison Officer, Mission Friendship Centre Society, Executive Director and Sts'ailes Band, Senior Program Manager.



**Stacey Goulding**, Lands Manager, Katzie First Nation, Pitt Meadows, BC. As the Lands Manager, Stacey oversees and manages the development of policy, legislative frameworks, and administration of Katzie First Nation reserve lands. Components of this management and oversight include, but are not limited to requisition of and disbursement of program funds both private and public, community engagement that inform frameworks, but as well builds awareness and educates community members of all ages, and creating processes that work to protect Mother Earth (Tá:l Téméxw) and encourage sustainable economic development that will assist in providing adequate services to Katzie people.



**Lydia Hwitsum**, First Nations Summit, West Vancouver, BC. Lydia Hwitsum is a citizen of the Cowichan Nation located in Duncan on Vancouver Island where she previously served four two-year terms as the elected Chief of the Cowichan Tribes. She has advocated for Indigenous and human rights locally, nationally and internationally. She has presented at the United Nations Permanent Forum on the Rights of Indigenous Peoples and at the Organization of American States Inter-American Commission on Human Rights. Ms. Hwitsum was elected in June 2019 to a second term on the First Nations Summit Political Executive, which is mandated to carry out specific tasks related to Aboriginal Title and Rights negotiations with British Columbia and Canada and other issues of common concern to First Nations in British Columbia.



**John Jack**, Member of Council, Huu-ay-aht First Nations, Vancouver Island, BC. John is a Member of Council for the Huu-ay-aht First Nations, a modern treaty nation located on the west coast of Vancouver Island. John has held nearly every major file in his portfolio, and he is currently responsible for HFN's involvement in the Kwispaa LNG Project. In addition, he is the HFN's representative to the Alberni-Clayoquot Regional District since 2012 and he has been its Chair since 2016.

John is a strong believer in good governance practices, constructive and meaningful relationships with government and business, and focused collaboration in a global context as the foundation for success for his community, for the region, for the province and the country. He lives in a place called Oceanside on Vancouver Island in British Columbia with his loving, patient wife and two lively, beautiful daughters.



**Dillon Johnson**, Associate, Temixw Planning Ltd., North Vancouver, BC. Dillon Johnson has been providing community, economic and financial planning advice and services to First Nations governments and organizations for a decade as a consultant with Temixw Planning Ltd. in North Vancouver. Dillon is a member of the Tla'amin Nation, where he served three consecutive terms as an elected member of Council. He proudly carries a Tla'amin name, toq'anən (toh-kwonon), which is a former village site and a place of significance in Tla'amin territory. He is an MBA graduate from the Richard Ivey School of Business (University of Western Ontario) and has a BCom from the University of Victoria. Dillon also holds the Certified Aboriginal Financial Manager (CAFM) designation from the Aboriginal Financial Officers Association of Canada, and he serves as the President of AFOA BC, director of the First Nations Financial Management Board and coordinator of the Alliance of BC Modern Treaty Nations.



**Rosanne Kyle**, Partner, Mandell Pinder LLP, Vancouver, BC. Ms. Kyle has practised Aboriginal law for over 20 years. Her practice focuses on litigation, regulatory processes for resource development projects, consultation issues, and negotiations. She has appeared as litigation counsel in British Columbia, Alberta and Ontario courts, as well as the Supreme Court of Canada. She has also been counsel to First Nations before regulatory bodies such as the National Energy Board and environmental assessment panels. For the last several years, she has been recognized as one of the leading lawyers in the Aboriginal law field in the Canadian Expert Directory and is also listed in Best Lawyers in Canada.



**Melissa Louie, Kahahxstahlas**, Morgan & Associates, West Vancouver, BC. Melissa is a Citizen of the Tla'amin Nation (Coast Salish peoples) located north of Powell River, BC and is also from the Syilx People of the Okanagan Nation (Penticton Indian Band). She holds a BA in Criminal Justice from UCFV and an LLB from UBC Faculty of Law and has worked with Morgan and Associates since 2007. Prior to pursuing a legal career, she worked with a number of First Nations participating in treaty negotiations, including with her own Nation as a member of Tla'amin Nation's treaty negotiation

team. Over the course of her career, she has developed broad and practical experience in providing legal and strategic policy advice on a wide range of treaty-related and Aboriginal title and rights issues. In particular, she has worked with her Nation throughout the treaty implementation process, assisting the team with drafting of the Tla'amin Constitution, developing the Government structure and drafting a number of key laws and regulations. In addition, Melissa has relevant experience working at the international level to advance Indigenous rights through United Nations mechanisms by supporting the former North American representative to the United Nations Permanent Forum on the Rights of Indigenous Peoples.



**Tejas Madhur**, Tsawwassen First Nation, Vancouver, BC. Tejas Madhur is a lawyer working in policy and intergovernmental affairs for Tsawwassen First Nation. Previously, she worked as Legislative Counsel for the Government of Nunavut as well as a self-employed legal researcher. She has a breadth of experience in the arts, in both performance and administration. Active in her community, she is a volunteer lawyer for the Refugee Sponsorship Support Program and prior to that served as Secretary for the Canadian Bar Association, Nunavut Branch. In addition, she was a member of the Alianait Music Festival and Concert Series, Chair of the Xara Choral Theatre Society, Trivia Host for the Iqaluit Community Greenhouse Society, and a Crisis Phone Line Worker for Women Against Violence Against Women (WAWAW).



**Tom McCarthy**, Division 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 the Tsawwassen First Nation in a variety of roles, including as Chief Administrative Officer. Tom has also worked with the Government of Canada, including with Privy Council Office, Treasury Board, and Department of Finance.



**Dwight Newman, Q.C.**, Professor of Law & Canada Research Chair in Indigenous Rights in Constitutional and International Law, University of Saskatchewan, Saskatoon, SK. Dwight Newman joined the University of Saskatchewan College of Law in 2005. Prior to joining the faculty, he clerked for Chief Justice Lamer and Justice LeBel at the Supreme Court of Canada and worked for human rights organizations and for the Canadian Department of Justice. He completed his B.C.L., M.Phil., and D.Phil. degrees at Oxford University as a Rhodes Scholar and SSHRC Doctoral Fellow, where he also taught in the Jurisprudence and Public International Law courses. He also studied at the Hague Academy of International Law in its intensive summer course on Private International Law. He has been an Honorary Senior Research Fellow at the University of the Witwatersrand School of Law in South Africa, a Visiting Scholar at the Wits Institute for Social and Economic Research (WISER), and a Visiting Scholar at the McGill Faculty of Law. Dr. Newman is the author of a number of books on Aboriginal rights and constitutional issues, as well as numerous articles and chapters. His writing has been cited by all levels of Canadian courts, including the Supreme Court of Canada.



**Jasmine Paul**, Rights and Title Director, shísháhl Nation, Sechelt, BC. Jasmine began working for the Nation in 2007 as a researcher in the Rights and Title Department. She was promoted to the position as Director; a role she has filled since 2008. Jasmine oversees the implementation of the Nation's lands and resources decision-making process and litigation preparation. Jasmine works with the Chief and Council and Chief Administrative Officer to implement the Nation's strategic plan. The Rights and Title team works diligently to protect the shísháhl title and rights through the review of proposed developments including land, air, and water throughout the territory. They work collaboratively and proactively with various industries and assist the Council in negotiations of agreements with residents, industry, federal, provincial, and local governments. Jasmine also works collaboratively with leadership and colleagues to ensure the objectives of the Nation, including the protection of rights and title of the shísháhl Nation territory, are achieved.



**Chief Warren Paull**, shísháhl Nation, Sechelt, BC. Chief Henry Warren Paull is the son of Henry and Ruby Paull. Ruby Paul was born Ruby Clair Simpton at Port Simpson BC, a member of the Lax Kw'alaams, Gibuu (wolf) clan. Warren's shísháhl heritage is the stalashen (killer whale) and huham (frog) clans from twankw and Narrows Inlet. Warren is a retired supervisor from Lehig Material, one of the largest gravel operations in North America; he has 25 years' experience in the mining industry. He served as a council member for the shísháhl Nation for 12 years and served two terms as representative on the Sunshine Coast Regional District Board of Directors. He served on the shísháhl Housing Authority and as chair of the Trustees Committee. He was a board member of the Tsain-ko Board of Directors (economic development arm of the shísháhl Nation). In 2017 he was elected to serve as Chief, following his father Henry and paternal grandfather Daniel and a long line of hereditary chiefs in his family.



**Mark Smith**, General Counsel & Director of Process, BC Treaty Commission, Vancouver, BC. Mark joined the Treaty Commission in 2001. He manages the advisors and is directly responsible for process and communications initiatives. Mark provides legal, political, and strategic policy advice on a wide-range of treaty-related and Aboriginal rights issues. Mark leads complex facilitations on overlapping and shared territory discussions and is involved in dispute resolution processes. He works directly with First Nations to find Nation-led resolutions, and consults on governance-related matters. Mark assisted the Treaty Commission with its submission to the United Nations, which was endorsed in the Final Report of the 15th session of the Permanent Forum on Indigenous Issues. A graduate from the University of Alberta Law School, Mark was called to Alberta Bar, and is currently a member of the Law Society in British Columbia. Mark has focused his career on Aboriginal law and First Nations issues. Mark previously was a sole-practitioner, and has practised Aboriginal and environmental law with the firm of Blake, Cassels & Graydon LLP. He is completing a Master of Laws at the University of British Columbia focusing on First Nations legal issues.



**Angela Wesley**, Commissioner, BC Treaty Commission, Vancouver, BC. Angela Wesley was appointed Commissioner by the Government of British Columbia in December 2018 and is currently serving a two-year term. She is a citizen of the Huu-ay-aht First Nations (Nuu-cha-h-nulth), one of five First Nations implementing the Maa-nulth Final Agreement. Since establishing Wes-Can Advisory Services in 1992, she has worked extensively with First Nations throughout BC, providing advisory and facilitation services in the areas of strategic planning, community development, communications, community engagement, and governance capacity building. Angela has remained actively involved in the implementation of Huu-ay-aht's treaty and constitution, having served as Speaker (Legislative Chairperson) for the Huu-ay-aht First Nations Legislature and Annual People's Assemblies and serving as the Board Chair/President for the Huu-ay-aht Group of Businesses since 2012.

# TREATIES AND SELF-GOVERNMENT

SEPTEMBER 19<sup>TH</sup>, 2019 (DAY ONE)

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

**9:05** Chairs' Welcome and Introduction

**John Burns**  
Donovan & Company  
**Celeste Haldane**  
BC Treaty Commission

**9:10** Legal Tools for Effective Assertions of Indigenous Law within the Canadian Legal System

**Dwight Newman, Q.C.**  
University of Saskatchewan

**10:10** Questions and Discussion

**10:20** Refreshment Adjournment

**10:35** BC's First Modern Treaty

**Eva Clayton**  
Nisga'a Lisims Government

- Nisga'a perspective on being the first modern treaty in BC

**11:25** Questions and Discussion

**11:35** Internal and External Consultation During Self-Government Negotiations

**John Burns**  
Donovan & Company  
**Chief Grace Cunningham & Stacey Goulding**  
Katzie First Nation

- Community engagement
- Engaging with neighbouring communities and establishing relationships through the self-government process

**12:20** Questions and Discussion

**12:30** Networking Lunch

**1:30** Treaties and Self-Government as a Means of Implementing UNDRIP

**Melissa Louie**  
Morgan & Associates

- How modern treaties can and should incorporate UNDRIP
- Are treaties and self-government agreements effective paths to reconciliation?
- Examples of reconciliation through treaty and self-government

**2:20** Questions and Discussion

**2:30** Refreshment Adjournment

**2:45** The Treaty Process

**Celeste Haldane**  
BC Treaty Commission  
**Lydia Hwitsum**  
First Nations Summit

- Evolution of the treaty process stage structure
- Treaties, agreements and other constructive arrangements

**3:35** Questions and Discussion

**3:45** Treaty Implementation

**Angela Wesley**  
BC Treaty Commission

- Implementing modern treaties
- Preparing for the Effective Date
- Communicating with communities through the implementation process
- The role of good faith in treaty implementation

**4:35** Questions and Discussion

**4:45** Chairs' Closing Remarks for Day One

**4:50** Program Concludes for Day One

# TREATIES AND SELF-GOVERNMENT

SEPTEMBER 20<sup>TH</sup>, 2019 (DAY TWO)

## 9:00 Welcome & Reflections on Day One

**John Burns**  
Donovan & Company  
**Celeste Haldane**  
BC Treaty Commission

## 12:20 Questions and Discussion

## 12:30 Networking Lunch

## 9:15 Working Together on Common Issues

**Dillon Johnson, toqʷanən**  
Temixw Planning Ltd./Tlaʼamin Nation  
**Tejas Madhur**  
Tsawwassen First Nation

- How and why the member Nations formed the Alliance of BC Modern Treaty Nations
- How the Alliance is working to benefit multiple Nations with issues in common

## 1:30 Case Study: The Sechelt Self-Government Agreement

**Rosanne Kyle**  
Mandell Pinder LLP  
**Jasmine Paul & Chief Warren Paull**  
shíshálh Nation

- The pathway to reconciliation
- Developing economies pre and post self-government: forestry, mining, commercial, etc.
- Building on existing agreements

## 10:05 Questions and Discussion

## 2:30 Questions and Discussion

## 10:15 Refreshment Adjournment

## 2:40 Refreshment Adjournment

## 10:30 New Initiatives at the Negotiation Table

**Tom McCarthy**  
Ministry of Indigenous Relations and Reconciliation

- Provincial approaches to negotiation of treaties & other reconciliation agreements

## 2:55 Economic Development Post-Treaty

**John Jack**  
Huu-ay-aht First Nations

- Developing an independent economy after a treaty
- Achieving economic Self-Sufficiency

## 11:20 Questions and Discussion

## 3:45 Questions and Discussion

## 11:30 Overlapping and Shared Territory

**Mark Smith**  
BC Treaty Commission

- Dealing with overlapping and shared territory in treaties and self-government agreements
- Examples of successful resolutions

## 3:55 Chairs' Closing Remarks

## 4:00 Program Concludes

## INFORMATION

### Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
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4. Register at [www.pbli.com/1527](http://www.pbli.com/1527)

**Registration:** The registration fee is \$1,195.00 plus GST of \$59.75 totalling **\$1254.75** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments on each day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional \$50 charge will apply with applicable taxes. Webinar attendees will always receive their materials electronically.

**Early Bird Discount:** Register by August 19<sup>th</sup>, 2019 and receive a \$200 discount on registration fee (\$995.00 plus GST).

**Group Discount:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

**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:** Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of 800 Robson Street in Vancouver, BC. Please visit <http://www.robsonsquare.ubc.ca/find-us/> for directions.

**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 materials.

**Your Privacy:** We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

**Cancellations:** Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**September 12<sup>th</sup>, 2019**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

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## TREATIES AND SELF-GOVERNMENT

September 19<sup>th</sup> & 20<sup>th</sup>, 2019  
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