

Subject: FW: April 27th, 2023 | The Impact of UNDRIP on Resource Development Projects

From: PBLI <newsletters@pbli.com>

Sent: Wednesday, February 22, 2023 9:02 AM

To: Stephen McLain <SMcLain@gochetwynd.com>

Subject: April 27th, 2023 | The Impact of UNDRIP on Resource Development Projects

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The Impact of UNDRIP on Resource Development Projects April 27th, 2023 Downtown Vancouver or Live Webinar (6.25 CPD Hours) New Session Announcement: Travis W. Smith from MLT Aikins LLP will speak on L



The Impact of UNDRIP on Resource Development Projects

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Looking Forward: UNDRIP and the Judiciary. Click [here](#) for more details.

Chaired by



Amyl Lalji (MLT Aikins LLP)

Canada's *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Act* received Royal Assent in June 2021, marking a historic milestone in Canada. This legislation is paving the way for new relationships, agreements, and shared decision-making with Indigenous governments.

Resource developers need to navigate the legal, regulatory, financial, and reputational risks associated with development on traditional Indigenous lands. Many initiatives are underway to resolve expectations between resource developers and Indigenous communities. We will explore how Indigenous communities can use UNDRIP to gain economic participation in resource developments on their traditional lands.

While the law in this area continues to evolve, it also creates opportunities for parties who proactively identify and manage these issues. Our experts will cover the implications of recent court decisions and provide case studies of success stories from both industry and Indigenous communities. Attend this program to stay up to date on the latest developments that will impact current and future projects. [Learn more & updates](#)

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| 1. THAT Council receive for information; or |
| 2. THAT Council authorize Mayor Courtoreille to attend The Impact of UNDRIP on Resource Development Projects Session on April 27, 2023 in Vancouver BC. |



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Pacific Business & Law Institute

The Impact of UNDRIP on Resource Development Projects

April 27th, 2023

Downtown Vancouver or Live Webinar

9:00AM PST

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The Impact of UNDRIP on Resource Development Projects

April 27, 2023

Overview

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way for new relationships, agreements, and shared decision-making with Indigenous governments.

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Key Areas Addressed:

- The interplay between UNDRIP and the duty to consult
- Potential jurisdictional considerations
- Free, prior and informed consent
- Environmental and impact assessments on major resource projects
- Measuring cumulative effects
- Implications of the *Yahey* Decision and the Blueberry River First Nations Implementation Agreement
- Case update on the *Gitxaala* mining case before the BC Supreme Court in April
- Consent-based negotiations, effective practices, recent agreements and success stories
- Using UNDRIP to further joint decision making

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, and lawyers who advise clients on major development projects or environmental issues
- Owners, managers, and representatives of resource development companies
- Federal, provincial and municipal government officials, policy advisors, and regulatory bodies

- Engineering and environmental service firms
- Consultants, accountants, financial planners, and others advising on projects involving First Nations

Indigenous Sponsorship Program

PBLI offers sponsored registrations to individuals of First Nation, Inuit, or Métis Descent. One sponsorship is available per program. This sponsorship program is designed to make the education and networking opportunities at our conferences more accessible to Indigenous communities. For application details, please click [here](#).

Agenda

9:00 - Welcome and Introduction by PBLI

9:05 - Chair's Welcome and Introduction

Amyl Lalji

MLT Aikins LLP

9:10 - The Interplay Between UNDRIP and the Duty to Consult

Amyl Lalji

MLT Aikins LLP

- Potential impacts of implementing UNDRIP on the duty to consult
- The evolution of free, prior and informed consent?
- Jurisdictional issues

10:00 - Questions and Discussion

10:10 - Implementing the Blueberry River First Nations Decision

Darren Haines

Ratcliff LLP

Emma Hume

Ratcliff LLP

- Implications of the Blueberry River decision in BC and potentially Canada
- Update on the historic Blueberry River First Nations Implementation Agreement in BC
- Assessing and managing the cumulative effects and protecting treaty rights from a legal perspective

11:00 - Questions and Discussion

11:10 - Refreshment Adjournment

11:25 - "Death by a Thousand Cuts" - Measuring Cumulative Effects

Melanie Daniels

Indigenous Relations Professional

Dr. Terry Osko

Solstice Environmental Management

- Impact assessments on major resource projects
- Update on NorthRiver Midstream - NEBC Connector Project
- What protocols are in place?
- New ways of assessing and managing cumulative impacts of industrial development

12:15 - Questions and Discussion

12:25 - Catered Lunch

1:30 - Gitxaala Case Update

Lisa C. Glowacki

Ratcliff LLP

Kevin Hille

Olthuis Kleer Townshend LLP

- The tension between DRIPA and *terra nullius*
- What would an alternative mineral claim system look like?
- BC Directive on Civil Litigation involving Indigenous Peoples
- Potential implications of this case

2:20 - Questions and Discussion

2:30 - Using UNDRIP and Exercising Indigenous Jurisdiction to Further Joint Decision Making

Drew Lafond

MLT Aikins LLP

Nalaine Morin

Skeena Resources Limited

- Success stories of commercial agreements with municipal and provincial governments
- Section 7 agreements under DRIPA
- Consent-based negotiation techniques and effective practices
- A new future in true partnership?

3:20 - Questions and Discussion

3:30 - Refreshment Adjournment

3:45 - Looking Forward: UNDRIP and the Judiciary

Travis W. Smith

MLT Aikins LLP

- Setting the state - reviewing the judiciary's (limited) engagement with UNDRIP
- Future judicial treatment of UNDRIP - possibilities and limitations
- What can section 35 jurisprudence teach us about UNDRIP's implementation in Canada?

4:00 - Questions and Discussion

4:05 - Leveraging UNDRIP on Resource Development Projects

Faculty Roundtable - Facilitated by the Chair

- Looking ahead: what are the lessons learned and implications for future resource development in Canada?
- Does UNDRIP impact certainty?
- Can UNDRIP change attitudes?
- Using UNDRIP as a tool
- Risks and benefits of going above and beyond regulatory requirements
- Action vs. action plans

4:40 - Chair's Closing Remarks - Forum Concludes