



The Conference Board
of Canada

COUNCIL ON CORPORATE ABORIGINAL RELATIONS



HOTEL ACCOMMODATION:

Pan Pacific Vancouver
900 – 999 Canada Place
Vancouver, BC

Tel: (604) 662-8111

MEETING LOCATION:

Pan Pacific Hotel
ROOM: Pacific Rim Suite 2

Contact:

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Consultation and Accommodation in Relation to Complex Projects and IBAs

May 7th and 8th Vancouver, BC

Meeting Agenda

Meeting Objectives:

1. Improve your understanding of the evolving legal landscape and the “hot topics” surrounding Consultation and Accommodation in Canada.
2. Learn about key challenges and emerging practices associated with complex resource development projects that touch multiple Aboriginal communities and involve overlapping claims.
3. Gain clarity about the relationship between Impact and Benefit Agreements (IBAs) and formal consultation and accommodation.
4. Learn how to better structure your own strategies, efforts and objectives with regard to consultation and accommodation

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Wednesday, May 7, 2014

Pacific Rim Suite 2

7:45 - 8:30 a.m. Networking Breakfast (continental)

**8:30 – 8:45 a.m. Opening Prayer
Elder: TBD**

**8:45 -9:00 a.m. Welcome Remarks
Stefan Fournier: Network Manager, Council on Corporate Aboriginal Relations**

**9:00-10:30 a.m. Contemporary Aboriginal Consultation and Accommodation: Hot Topics, IBAs and the Unknown Costs
Thomas Isaac: Partner, Environmental, Regulatory and Aboriginal, Osler, Hoskin & Harcourt LLP**

With strong international demand for commodities and hundreds of natural resource projects slated to occur across Canada in the years ahead, many within the vicinity of Aboriginal Communities, developing effective, productive and equitable Corporate-Aboriginal relations is pivotal. Central to this objective is the Crown's role and effectiveness regarding Aboriginal consultation and accommodation. Thomas will provide an overview of the evolving legal landscape surrounding consultation and accommodation in Canada, and highlight some of the associated challenges and "hot topics." In doing this, he will look at the relationship between IBAs and formal consultation, and discuss the importance of coming to a better understating of the costs surrounding consultation and accommodation for all stakeholders.

10:30 – 10:45 a.m. Health Break

**10:45 -12:00 a.m. Case Study: De Beers Canada's Approach to Community Engagement, "consultation" and Accommodation
Jonathan Fowler, VP Aboriginal Affairs & Sustainability, De Beers Canada**

Jonathan will discuss consultation and accommodation from the perspective and experiences of De Beers Canada. He will provide an overview of De Beers's approach to small "c" consultation and community engagement, and how this fits with formal consultation. An emphasis will be placed on the different stages and component's of effective community engagement, including how to best structure the *who*, *what* and *when* of the process. Jonathan will also discuss how IBAs as well as mitigation and accommodation on the part of the private sector are relied upon to pick up where Crown consultation and accommodation leave off. He will conclude with a discussion of some of the main hurdles and challenges that De-Beers has faced, and some of the practices that were developed in response.

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- 12:00 – 1:00 p.m. **Networking lunch**
- 1:00-2:30 p.m. **Aligning Aboriginal Consultation and Accommodation with First Nations Capacity Building and Industry Interests**
Harold Calla, Executive Chair, Board of Directors, First Nations Financial Management Board
- Harold will look at the topic of consultation and accommodation from the perspective of the interests of First Nations and the mandate of the First Nations Financial Management Board (FNFMB). He will discuss how consultation and accommodation might be better aligned with the objective of First Nations capacity development. He will also explore the synergies that exist in this space between Aboriginal interests and those of industry.
- 2:30 – 3:00 p.m. **Networking Break**
- 3:00- 4:30 p.m. **Canadian Environmental Assessment Agency (CEAA), Aboriginal Affairs and Northern Development Canada (AANDC), and the Major Projects Management Office (MPMO)**
(TBD) This presentation will explore the meeting themes from the perspective of the public sector.
- 6:30 p.m. **Networking Dinner – Please meet in the hotel lobby at 6:20 pm to travel together to Dinner at the Wildebeest Restaurant**

Thursday, May 8th, 2014

Pacific Rim Suite 2

- 7:45 – 8:30 a.m. **Networking Breakfast – Hot Breakfast Served**
- 8:30 – 10:00 a.m. **Managing the Aboriginal “Consultation Gap” Associated with Complex, Linear Projects**
Peter Forrester, Senior Director, Aboriginal and Legal Affairs, Kinder Morgan
- Peter will talk about the challenges associated with complex resource development projects that touch multiple Aboriginal communities and involve overlapping claims. He will discuss the difficulties in managing the “consultation gap” associated with these types of projects, and what types of practices and approaches have proved most successful in managing this gap.

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Specifically, his presentation will address the following questions: Can we reconcile the process involved in the Crown's obligation to consult and accommodate with the regulatory processes designed to approve projects? What are the short and long term options for making this process more efficient and functional? Finally, how does the formal consultation process align with the practical implementation of consultation in resource projects?

10:00 – 10:15 a.m. Networking Break

10:15 – 11:30 a.m. Legal Update
Sandra Gogal, Partner, Miller-Thomson LLP

Sandra Gogal will provide her regular legal update. She will discuss current court cases and legal developments that are shaping the future of aboriginal relations.

11:30 – 11:45 p.m. Meeting adjourns

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