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# Conference on **BUSINESS PARTNERSHIPS with ABORIGINAL COMMUNITIES**

*Join industry, Aboriginal and government stakeholders and obtain the latest information to develop business partnerships in a post-Tsilhqot'in environment*

February 10 & 11, 2015 • Hyatt Regency • Montreal

## Get the practical tools, strategies and latest updates on:

- The consultation process in light of *Tsilhqot'in*
- Negotiating and drafting agreements which succeed in the long term
- What promoters, communities and companies need to know to facilitate the process
- Petroleum development: The types of partnerships that can be envisioned by Aboriginal communities
- Impact of *Tsilhqot'in* on project financing
- Maximizing the benefits of your partnerships
- Establishing efficient communication and follow-up models
- And much more!

## Industry, Aboriginal and Government perspectives

Mouvement Desjardins

Focus Graphite

Chef des Pekuakamiulnuatsh

Tata Steel Minerals Canada

SNC-Lavalin

Hydro-Québec

Secrétariat aux affaires autochtones

Canadian Council for Aboriginal Business

Grand Council of the Crees  
(Eeyou Istchee)

Affaires autochtones et Développement  
du Nord Canada

## Benefit from a pre-conference interactive workshop on:

**Structuring Aboriginal / Non-Aboriginal Partnership Agreements  
in the Present Legal, Political and Social Context**

The Canadian Institute will seek recognition from the Barreau du Québec for this conference.

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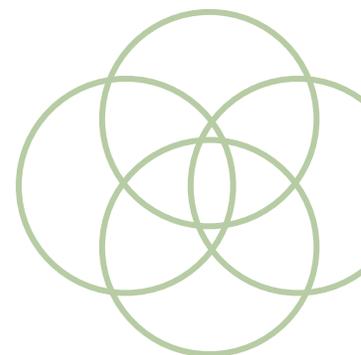
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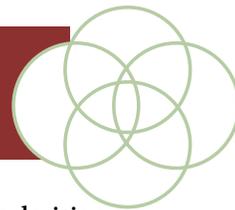


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# Business partnerships with Aboriginal communities in a post-*Tsilhqot'in* environment



Obtain the critical legal, business, financial and social updates following the Supreme Court of Canada's decision  
*Tsilhqot'in Nation v. British Columbia* on Aboriginal business partnerships in Quebec

*Does Tsilhqot'in Nation v. British Columbia impose a stricter duty of consultation or accommodation?*

**Will the decision slow down project development in Quebec?**

**In what situations is the consent of an Aboriginal community required?**

**Once title is established, what will the status of ongoing projects be?**

**Will obtaining approval become more complicated?**

**What are the expectations of ALL parties?**

**How will the decision affect future negotiations?**

**What are the different approaches that the parties will have to adopt?**

To answer these questions and to help you navigate through the complexities created by this decision, **The Canadian Institute** is proud to present its conference on **Business Partnerships with Aboriginal Communities**, scheduled to take place on February 10 and 11, 2015, in Montreal.

Join our faculty of partnership experts from *Borden Ladner Gervais • Grand Council of the Crees (Eeyou Istchee) • Mouvement Desjardins • SNC-Lavalin • Tata Steel Canada • Lavery de Billy • Hydro-Québec • Affaires autochtones et Développement du Nord Canada • Norton Rose Fulbright Canada • Conseil des Montagnais du Lac-Saint-Jean • Dionne Schulze • Focus Graphite • Gowling Lafleur Henderson • Secrétariat aux affaires autochtones • Canadian Council for Aboriginal Business • McCarthy Tétrault • Cain Lamarre Casgrain Wells* who will examine key issues, including:

- Enter into business partnerships with Aboriginal communities and businesses and ensure they are successful in the long term
- Understand what *Tsilhqot'in* means for business relationships between industry, Aboriginal communities and Government
- Will the judgment change the way negotiations and agreements are conducted?
- Ensure that your consultation is compliant
- Role and impact of governance on the negotiation of partnerships
- Petroleum development: Types of partnerships that may be considered with Aboriginal communities
- And more!

Register today by calling 1-877-246-4832 or by registering online at [www.InstitutCanadien.com/PartenariatsAutochtones](http://www.InstitutCanadien.com/PartenariatsAutochtones)

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interactive workshop on:  
Structuring Aboriginal /  
Non-Aboriginal Partnership  
Agreements in the Present Legal,  
Political and Social Context

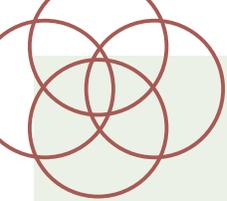


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**Monday • February 9, 2015**  
**INTERACTIVE WORKSHOP**  
 1:30 – 5:00 p.m. (Registration at 1:00 p.m.)

**Structuring Aboriginal/Non-Aboriginal Partnership Agreements in the Present Legal, Political and Social Context**



*Elisabeth Patterson*  
 Avocate et associée  
 Dionne Schulze s.e.n.c.

*Economic development in Quebec often takes place in Quebec or near by Aboriginal territories. More and more companies wish to enter into business partnerships with Aboriginal communities and corporations. How should you prepare to enter into such partnerships, and how can you ensure they succeed in the long term? This interactive workshop includes discussion and concrete exercises that will give you the tools to negotiate and draft partnership agreements between Aboriginal communities and non-Aboriginal businesses. Content includes:*

- Consider the legal and financial realities of both parties
- Types of partnerships
- Identify and clarify the expectations of the parties according to the project
- Rights and obligations of both parties
- Define the responsibilities of each in the daily management
- Content of agreements and clauses that should be included
- Overcoming practical challenges

- Review of the following decisions *Tsilhqot'in*, *Grassy Narrows*, *Makivik* and others
- Practical applications of recent decisions
- Upcoming decisions

12:00 **Networking Luncheon for Speakers and Delegates**

1:00 **What Industry Needs to Know About Consent**



*Rosalie Vendette, B.A.A.*  
 Conseillère principale, Investissement socialement responsable  
**Mouvement Desjardins**

*More and more investors integrate environmental, social and governance in the evaluation of companies included in their investment universe. This new approach in finance, called socially responsible investment, is interested in best practices on relations with Aboriginal communities and promotes Free, prior and informed consent of First Nations (FPIC).*

2:00 **Conducting Business in a Post-Tsilhqot'in Environment**



*Gilbert Dominique*  
**Chef des Pekuakamiulnuatsh**

*Following the judgment of the Supreme Court of Canada in *Tsilhqot'in*, many wonder what its impact will be on project development. The question of taking into account Aboriginal ancestral rights, including aboriginal title, has been an issue for many First Nations communities. Chief Gilbert Dominique will discuss his concrete experiences in the context of business relationships and partnerships with governments and developers and perspectives that are emerging.*



*Armand Mackenzie*  
 Senior Director, Government and Stakeholders Relations  
**Tata Steel Minerals Canada Limited**



*Edith Garneau*  
 Directrice principale, Responsabilité sociale et Peuples autochtones  
**SNC-Lavalin**

- How will the parties position themselves?
- How should the parties position themselves?
- What companies need to know to facilitate agreements with Aboriginal communities (cultural, traditional, economic and financial), but also their commitment throughout the entire project
- Synergies to develop
- Strategies to overcome the challenges and uncertainties that could slow or derail your negotiations
- An insider's view on implementing agreements between Indigenous Peoples and extractive industries

\* *Armand Mackenzie's presentation will be in English*

3:30 **Networking Refreshment Break**

3:45 **Agreements Post-Tsilhqot'in**



*Nadir André*  
 Associé  
**Borden Ladner Gervais S.E.N.C.R.L., S.R.L.**

- The content of agreements and IBAs following *Tsilhqot'in*
- Impact on current agreements: will they/should they be modified? If so, how?
- What is at stake following *Tsilhqot'in*
- Upcoming challenges and approaches to overcome them
- Impact on current and emerging litigation
- Plan Nord 2.0 and agreements post-*Tsilhqot'in*
- Make sure that what is negotiated can be implemented

5:00 **Closing Remarks from Co-Chair Conference Adjourns**

**Tuesday • February 10, 2015**



7:30 **Registration Opens and Refreshments Served**

8:30 **Opening Remarks from Co-Chair**



*Nadir André*  
 Associé  
**Borden Ladner Gervais S.E.N.C.R.L., S.R.L.**

8:45 **Legal, Social & Economic Context of Partnerships With Aboriginal Communities**

Moderator



*Nadir André*  
 Associé  
**Borden Ladner Gervais S.E.N.C.R.L., S.R.L.**

Panelists



*Christian Rock*  
 Directeur principal, comptes majeurs, marché Plan Nord et Inuits  
**Mouvement Desjardins**

*Ken Rock, LL.B. MBA*  
 Directeur des Affaires Juridiques  
**Focus Graphite**

10:15 **Networking Refreshment Break**

10:30 **Impact of Recent Decisions on Partnerships**

*Jean-Sébastien Clément*  
 Associé  
**Gowling Lafleur Henderson S.E.N.C.R.L., s.r.l.**



8:00 Refreshments Served

8:30 **Opening Remarks from Co-Chair**



*Pierre-Christian Labeau*  
Associé

**Norton Rose Fulbright Canada, S.E.N.C.R.L., s.r.l.**

8:45 **Update on Consultation Post-Tsilhqot'in**



*Jules Brière*  
Associé

**LAVERY, DE BILLY, S.E.N.C.R.L. • AVOCATS**

*René Bourassa*  
Avocat, Affaires juridiques  
**Hydro-Québec**

- Case law trends that impact the consultation process: Will the process change in light of the decision?
- Meeting the requirements of consultation: Roles and Responsibilities of companies, Government and Aboriginal communities
- Overcoming actual challenges
  - Liberalization of rules of evidence and procedure

10:15 Networking Refreshment Break

10:30 **Distinct but Complimentary Role of Government and Promoters From Aboriginal Communities in the Development of Natural Resource Projects**

*Patrick Brunelle*

Directeur, Direction des négociations et de la consultation,  
Secrétariat aux affaires autochtones  
**Ministère du Conseil exécutif**

*Recent developments in case law with respect to Aboriginal ancestral rights greatly influenced the approval process for project development in the natural resource industry. Both governments and developers had to adapt their practices to reflect this context that continues to evolve rapidly. Significant efforts are being made to meet the expectations of the various parties involved. However, enormous challenges are met, but interesting paths are worth exploring in partnership.*

*Sheilagh Murphy*

Sous-ministre adjointe,  
Secteur des terres et du développement économique  
**Affaires autochtones et Développement du Nord Canada**

**Accelerating Change Through Business Partnerships**

*Ms. Murphy will provide an overview of the numerous actions the Federal Government is taking to support, directly or indirectly, the participation of Aboriginal businesses in areas of high resource development such as: building trust through constructive dialogue, fostering business inclusion, advancing reconciliation through engagement and consultation, streamlining regulatory processes, and, facilitating access to capital.*

11:30 **Grand Council of the Crees and Governance: Impact on Partnerships Between Aboriginal Communities, Industry and Government**



*Dr. Matthew Coon Come*  
Grand Chief

**Grand Council of the Crees (Eeyou Istchee)**

\* *Dr. Matthew Coon Come's presentation will be in English.*

12:30 Networking Luncheon for Speakers and Delegates

1:15 **SPECIAL ADDRESS  
Success of An Interregional Partnership with the Cree Nation, the SAENCAT: Its Importance and Its Repercussions**



*Drs. Ted Moses O.Q.*  
Président

**Secrétariat aux alliances économiques Nation Crie  
Abitibi-Témiscamingue**

1:45 **Petroleum Development: What Types Of Partnerships are Being Considered**



*JP Gladu MBA, B.Sc.F.*  
President & CEO

**Canadian Council for Aboriginal Business**



*Marc-Alexandre Hudon*  
Associé

**McCarthy Tétrault S.E.N.C.R.L., s.r.l.**

- What is the social acceptability necessary for the development of this new resource?
- Issues related to oil development and challenges resulting in the establishment of partnerships with Aboriginal communities
- Partnership and joint venture models with Aboriginal communities in the petroleum sector

\* *JP Gladu's presentation will be in English.*

3:00 Networking Refreshment Break

3:15 **Impact of Case Law on Project Financing**



*Vassilis Fasfalis*  
Associé

**Cain Lamarre Casgrain Wells S.E.N.C.R.L./AVOCATS**

- The role of financing following *Tsilhqot'in*: title vs occupation
- Main challenges and issues in project financing
- Impact of *Tsilhqot'in* on the guarantees granted to lenders and other financial players
- Consultation post-*Tsilhqot'in* and the impact of pre-investment due diligence for lenders and other financial stakeholders
- Financial structure to facilitate financial investment of Aboriginal communities

4:30 **Closing Remarks from Co-Chair  
Conference Concludes**



**Reasons to attend!**

- 1 Mouvement Desjardins • Focus Graphite • Chef des Pekuakamiulnuatsh • Tata Steel Minerals Canada • SNC-Lavalin • Grand Council of the Crees (Eeyou Istchee) • Hydro-Québec • Affaires autochtones et Développement du Nord Canada • Secrétariat aux affaires autochtones • Canadian Council for Aboriginal Business • And more!

- 2 Be on the lookout for current developing sectors and emerging business opportunities
- 3 Communication practices for Aboriginal communities and developers
- 4 Pre-conference interactive workshop: Structuring Aboriginal/ Non-Aboriginal Partnership Agreements in the Present Legal, Political and Social Context

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# BUSINESS PARTNERSHIPS with ABORIGINAL COMMUNITIES

and

February 10 & 11, 2015 • Hyatt Regency • Montreal

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\*Both conferences will be held in French and simultaneous translation will be available.

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SPECIAL PRICING FOR ABORIGINAL COMMUNITIES**		
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ADDRESS: 1255 Jeanne Mance, Montreal, QC  
TEL.: 514-982-1234

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