

**Pacific Business & Law Institute**

**NOTHING ABOUT US WITHOUT US: INDIGENOUS JURISDICTION OVER MINING  
AND MARINE TERRITORIES**

**A G E N D A**

**October 31<sup>st</sup> and Nov. 1, 2023 at 9:00 a.m. PST  
Downtown Vancouver and Live Webinar**

**October 31, 2023 (Day 1) – MINING LAW**

**9:00: Welcome by PBLI**

**9:05: Opening prayer**

**9:15:**

**Chairs' Welcome**

**Lisa Fong, KC**, Partner, Ng Ariss Fong, Lawyers

**Gid7ahl Gudslaay Terri-Lynn Williams-Davidson, KC**, Principal and Senior Legal Counsel, White Raven Law

**Keynote speakers**

**Nees Hiwaas**, Gitxaala Sm'ooygit

**Linda Innes**, Chief Councillor, Gitxaala Nation

**9:30: Key issues and challenges in the intersection of Indigenous governance and BC mining laws**

**Lisa Fong, KC**, Partner, Ng Ariss Fong, Lawyers

**Lisa Glowacki**, Partner, Ratcliff LLP

**Calvin Sandborn, KC**, retired Senior Counsel, Environmental Law Centre at the University of Victoria

**Gavin Smith**, Staff Lawyer, West Coast Environmental Law

**Dominique Nouvet**, Lawyer, Nouvet Law Corporation

- Mining and indigenous governance: *Gitxaala v BC and Ehattesaht v BC*
- Placer mining and remediation of placer mines on Indigenous territories
- *Mines Act* issues for First Nations: compensation, impact assessments, and remediation and restoration
- On the ground challenges and successes with Lake Babine Nation

**10:45: BREAK**

**11:00: Mining standards and Indigenous perspectives**

**Adan Olivares Castro**, Regional Lead, Americas and the Caribbean, Initiative for Responsible Mining Assurance (IRMA)

**Tara Shea**, Senior Director, Regulatory and Indigenous Affairs, Mining Association of Canada

**David Walkem**, Councilor, Cook's Ferry Indian Band

**Naxginkw Tara Marsden**, independent contractor, Gitanyow Hereditary Chiefs

- Canadian and global mining standards
- Initiative for Responsible Mining Assurance (IRMA) standards
- Indigenous mining standards
- How mining standards have addressed UNDRIP and the principle of free, prior, and informed consent

**12:00: Impacts of mining on Indigenous women**

**Nuskmata (Jacinda Mack)**, Nuxalk Nation Spokesperson on Mining

- Mining standards and impact assessments need to account for impacts to Indigenous women

**12:30-1:30: NETWORKING LUNCH**

**1:30: Perspectives on Indigenous rights, critical minerals and climate change**

**Alan Young**, Principal, Material Efficiency Research Group (MERG)

**Ma-Lah Allen Edzerza**, Tahltan Nation Elder

**Christy Smith**, Senior Vice President, Indigenous Engagement and Human Environment, Falkirk Environmental Consulting

- Whether and to what extent critical minerals are needed to address climate change
- How Indigenous rights interact with climate change policies

**2:40-3:05: BREAK**

**3:05: Recent cases at the intersection of mining and Indigenous governance**

**Rodger Barnes**, Research Manager, Centre for Social Responsibility in Mining at the Sustainable Minerals Institute, University of Queensland

**Maya Stano**, Partner, Gowling WLG

**Ruben Tillman**, Associate, Ng Ariss Fong, Lawyers

- Important cases and developments in the law in Canada and globally, regarding mining or mineral tenures and Indigenous rights and governance

**4:05: Panel discussion on the future of mining law in BC in the UNDRIP era**

A moderated discussion on the future of mining, mining laws, and Indigenous governance

**4:50: Closing remarks for first day**

**Lisa Fong, KC**

**4:55: Forum Concludes for Day One**

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**November 1, 2023 (Day 2) – MARINE LAW**

**9:00: Opening prayer**

**9:05:**

**Chairs' Introduction**

**Gid7ahl Gud7laay Terri-Lynn Williams-Davidson, KC**, Principal and Senior Legal Counsel, White Raven Law

**Lisa Fong, KC**, Partner, Ng Ariss Fong, Lawyers

## **Keynote on Haida Law and Marine Areas**

**Gid7ahl Gudsllaay Terri-Lynn Williams-Davidson, KC**, Principal and Senior Legal Counsel, White Raven Law

### **10:15: Indigenous management of ocean spaces**

**Cloy-e-iis, Judith Sayers**, President, Nuu-Chan-nulth Tribal Council

**Dúqváísja William Housty**, Haítzaqv Hímás

- How co-management of ocean spaces by First Nations and the Crown works

### **11:15: BREAK**

### **11:30: Perspectives on reclaiming colonized ocean spaces**

West Coast Environmental Law

- Exercises of Indigenous ocean laws
- Indigenous Protected and Conserved Areas (IPCAs)

### **12:30: NETWORKING LUNCH**

#### **1:15: International perspectives on title to submerged lands**

**Dr. Rachel Ariss**, Associate Professor, Legal Studies, Faculty of Social Science and Humanities, Ontario Tech University, and visiting counsel at Ng Ariss Fong, Lawyers

**Dr. Lee Godden**, Dean, Faculty of Law, Victoria University of Wellington Te Herenga Waka

**Natalie Coates**, partner at Kāhui Legal, Wellington, New Zealand

**Dr. Elizabeth McPherson**, Associate Professor, University of Canterbury, New Zealand

- Aboriginal title to ocean spaces in the law of Atareiria (Austrasia)
- Indigenous rights and title to marine spaces globally

### **2:30: BREAK**

#### **2:45: Title to submerged lands in Canadian law**

**Maegen Giltrow, KC**, Partner, Ratcliff LLP

**Roger Townshend**, Partner, Olthuis Kleer Townshend LLP

**Ruben Tillman**, Associate, Ng Ariss Fong, Lawyers

- The public right of navigation and the test for aboriginal title to submerged lands in the cases of Saugeen (*Saugeen First Nation v. The Attorney General of Canada*, 2021 ONSC 4181) and Saik'uz (*Saik'uz First Nation v Rio Tinto Alcan Inc.*, 2022 BCSC 15)
- Aboriginal title to submerged lands in BC, given the *Declaration on the Rights of Indigenous Peoples Act*

### **3:45: Future of title to submerged lands in Canada**

**Elizabeth Bulbrook**, Managing Lawyer, White Raven Law

**Nigel Baker-Grenier**, Associate, White Raven Law

**Lisa Fong, KC**, Partner, Ng Ariss Fong, Lawyers

**Michael Jackson, KC**, Professor Emeritus, Peter A. Allard School of Law, and Senior Legal Counsel, White Raven Law

- The test for and content of aboriginal title to ocean spaces
- Evidence sources and challenges for proving aboriginal title to ocean spaces in court

### **4:40: Chairs' Closing remarks for the second day**

### **4:45: Forum Concludes**

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