Indigenous Law

Indigenous law and the exercise of inherent rights by Indigenous governments is complex, dynamic and evolving. It is crucial to have trusted legal advisors who are respectful of and thoroughly versed in issues relating to First Nation, Inuit and Métis governments, nations and organizations in Canada.

As Canada's largest full-service law firm, we have a dedicated national indigenous group with lawyers across the country, which includes partners of Indigenous descent.

We assist our clients in navigating complex legal questions in Indigenous law and building relationships with Indigenous peoples. We advise project proponents, key stakeholders, Indigenous groups and the Crown on permitting and approval issues when proposed projects may affect Aboriginal and/or Treaty rights, or where government-to-government relationships need development in order to further reconciliation objectives.

As a collaborative, multidisciplinary firm, we offer a range of services to federal, provincial, territorial and Indigenous governments, agencies, organizations and private entities. These services can include:

- Navigating environmental assessments, consultation & accommodation processes, impact benefit agreements and related matters associated with major projects;
- Creating or advising on business entities, including partnerships and trusts, procurement opportunities, equity participation, and related matters associated with Indigenous participation in major and minor projects;
- Financing projects with Indigenous groups or on Indigenous lands;
- Acquiring or managing tenures on Indigenous lands; and
- Advising on the exercise of jurisdiction by Indigenous groups.

We have a growing practice providing commercial and transactional advice to Indigenous-owned businesses across all industry sectors – natural resource development, oil and gas, energy and transmission, infrastructure and construction, franchising, banking, and cannabis. Industry partners rely on us to assist in establishing strategic partnerships with Indigenous-owned businesses.

We are called on frequently to give legal advice to clients with interests in the northern and remote regions of Canada and have extensive experience with Northern Land Claims Agreements.

Our team includes active members and directors of various Indigenous organizations, such as the Canadian Council of Aboriginal Business, Indigenous Bar Association, National Indigenous Trust Officers Association, Anishnawbe Health Foundation, Northwest Territories and Nunavut Chamber of Mines, the Tungasuvvingat Inuit Board and the Akitsiraq Law Society.

Our lawyers have well-established relationships and a reputation for excellence at federal, provincial and territorial ministries and agencies for Indigenous affairs, natural resources and energy. We offer government experience and close access for national organizations working with provincial and federal Crown entities.

Experience

- Represented a coalition of First Nations in the negotiation of compensation from Canada for a failure to update or deliver treaty annuities, and in the creation and management of trusts to manage such compensation.
- Private proponents, First Nations, and government on Indigenous issues related to consultation processes and environmental assessments for major projects.
- The Federal Government in negotiations with the Wet'suwet'en hereditary chiefs on the recognition and reconciliation of their Aboriginal title and rights;
- The Federal Crown in the sale or purchase of major assets, including BC Rail and Kinder Morgan Canada (Trans Mountain Pipeline);
- The Federal Crown on the adequacy of consultations Kinder Morgan conducted with First Nations in relation to the Trans Mountain Pipeline;
- The Ontario Chiefs-in-Assembly on the creation of one of Canada's largest limited partnerships called the Ontario First Nation Sovereign Wealth LP, a partnership among 129 First Nations in Ontario;
- The Ontario First Nations Sovereign Wealth LP on the acquisition of 14 million common shares in Hydro One Limited (representing approximately 2.4 per cent of Hydro One Limited) from the Province of Ontario;
- The Ontario Chiefs-in-Assembly on negotiating a significant seed capital contribution for long-term wealth creation in connection with the privatization of Hydro One limited and the creation of the OFN Capital Wealth LP a limited partnership wholly owned by the Ontario First Nation Sovereign Wealth LP;
- Crown Corporations, Private Proponents, and Indigenous Groups in the negotiation of Impact Benefit Agreements involving: Railways, pipelines, highways, and transmission facilities; Oil and gas projects in northeast British Columbia and Nunavut; LNG, butane, rail and port expansion projects in the Port of Prince Rupert; Coal mines and quarries;
- Mountain development agreements for major ski and tourism operations; Major real estate developments; and Wastewater treatment facilities, conveyancing systems and landfill operations.
- Indigenous groups in the exercise of jurisdiction and authority, including advice on land and housing development, taxation and assessment, cannabis, and child and family services;
- Indigenous groups, private proponents and crown corporations on creating or engaging with Indigenous business entities, including partnerships and trusts, , including advising on customized governance structures for such entities;
- Project proponents, utilities, and First Nations in the acquisition and management of tenures under the Indian Act, the First Nations Land Management Act, and modern treaties, involving: Electrical distribution and telecommunications; Residential and commercial real estate developments, including field offices for utility services and correctional facilities; Mines, quarries and vineyards; Easements, highways and related infrastructure; and Associated environmental issues and approvals.
- First Nations across Canada in setting up trusts to receive a claim settlement, to address minor members of the First Nations, to receive capital funds; Lenders, including the Canada Infrastructure Bank and CMHC, First Nations and trusts on financing and security issues relating to loans to Indigenous groups and their members or for projects on Indigenous lands;

- Utilities, railways, ports, private sector parties, municipalities and Crown corporations on protocol agreements with Indigenous groups to establish relationships and frameworks for future engagement.

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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