

Twitter Thread by Louissette Lanteigne 🇵🇸✌️🇺🇸🇫🇷❤️🇨🇦



Back in 2014, Dentons & Imperial Oil partner on Internationally Trained Lawyer Articling Program in Calgary

Fraser Milner Casgrain (FMC) law firm was acquired by Dentons. Their report shows how Harper tried to bypass First Nations consent. Josh Jantzi who wrote it became a solicitor for Enbridge for the Supreme Court case vs Chippewas of the Thames re: Line 9. <https://t.co/7qTYcWt1Yi>

Report dated May 28-29 2012 titled: Aboriginal Consultation and Project Development prepared by Bernard J. Roth and Joshua A. Jantzi of Fraser Milner Casgrain. Mr. Jantzi now works for Dentons. Hired by Enbridge for Line 9 Supreme Court vs. Chippwas of the Thames.

federal government may seek clarification from the review panel regarding any of its recommendations and also engage directly with aboriginal groups in further consultation.

Review panels are clearly not intended to assess the adequacy of Crown consultation for at least two fundamental reasons. First, they are the product of consultation themselves and they are designed to play a critical role in fulfilling the Crown's consultation obligation by investigating environmental impacts and making recommendations regarding mitigation. For review panels to consider the adequacy of Crown consultation would require them to assess their own legitimacy and, ultimately, their efficacy.

Secondly, until the federal government reviews a panel report and approves the response of decision-makers, Crown consultation is not complete. It would therefore be premature for a review panel to assess the adequacy of Crown consultation. The review panel's job is completed before the federal government makes a determination regarding the adequacy of the Crown consultation.

Regarding the role of the review panel in fulfilling the Crown's consultation obligation, it is probably not accurate to characterize a review panel as having been delegated the Crown's duty to consult, at least to the extent that the Supreme Court of Canada was referring to delegation in the *Rio Tinto* case. Although review panels may have the obligation to hear evidence of asserted or established aboriginal rights and must make findings regarding how those rights could be affected, following any recommended mitigation, review panels are not decision-makers and therefore have no direct remedial powers. Remedial powers remain with the federal government as part of its approval of the response that decision-makers take in respect of a review panel report under the *CEAA, 1992* or in direct response to a review panel report under the *CEAA, 2012*. This is not consistent with the delegation of consultation obligations within the meaning of *Rio Tinto*.

In appointing a review panel under the *CEAA, 1992* or *CEAA, 2012*, the federal government maintains control over the exercise of all decision-making powers and the ultimate determination of whether aboriginal groups have been adequately consulted, so as to maintain the honour of the Crown. If aboriginal groups disagree with the determination made by the federal government, there is no process under the statutes for the issue of the adequacy of consultation to make its way back to a review panel. The aboriginal group will have to take any concerns it has regarding the adequacy of consultation to the Courts, where it will have the onus of proving that the Crown has acted dishonourably in the discharge of its consultation obligations.

This still leaves the issue of how substituted or joint review panels under the *CEAA, 1992* and *CEAA, 2012* would be characterized pursuant to *Rio Tinto*. The difference between joint or substituted review panels under the *CEAA, 1992* and simple review panels is that substituted joint panels also have express decision-making powers. For example, joint review panels have often been established between the Minister of the Environment and the NEB to fulfill the environmental assessment obligations of the *CEAA*, as well as the public hearing obligations of the NEB under the *NEB Act* leading to its public interest determinations. Recently, the Minister of Environment has entered into a Memorandum of

Understanding with the NEB to routinely substitute the NEB's public hearing process for review panels under the *CEAA, 1992*. In doing so, the federal government has indicated that "it will rely on the NEB process, to the extent possible, to discharge any Crown duty to consult Aboriginal groups".⁶⁴ However,

⁶⁴ Memorandum of Understanding (MOU) on the substitution of the environmental assessment process followed by the National Energy Board for the environmental assessment by a review panel under the *Canadian Environmental Assessment Act* between the Minister of the Environment and the National Energy Board dated March 1, 2011.

Dentons endorsed the Isle of Man tax evasion system. <https://t.co/oSTlbobyNg>

Dentons created from merger of SNR Denton, Fraser Milner Casgrain and Salans and later merged with Chinese law firm Dacheng in 2015.

The screenshot shows the Wikipedia page for Dentons. The article describes Dentons as a multinational law firm, the world's largest by number of lawyers and 2015/16 revenues. It was founded in March 2013 by the merger of SNR Denton, Fraser Milner Casgrain, and Salans. The firm is decentralized with over 136 offices across 57 countries and approximately 7,700 lawyers. It consists of multiple legal entities, including Dentons Canada LLP, Dentons Europe LLP, Dentons UKMEA LLP, and Dentons US LLP. The article also mentions its revenue of US\$2.12 billion in 2015/16 and its headquarters in a decentralized structure. A sidebar on the right provides a summary of key people, revenue, and date founded. A table at the bottom lists the firm's main practice areas.

Interesting to note this senior partner of Dentons worked with Jack Ma. (Ant, Alibaba etc.) <https://t.co/n5KLiof1Ck>

2014 Harper was dealing with China when Ma said he intends to sell almost a quarter of a million Canadian lobsters, ten times what it moved the year prior. <https://t.co/CZ7jT3PBSV>

After he left office Stephen Harper like Jean Chretien and James Moore ended up working at Dentons. <https://t.co/Xpmo1WswKj>

The company calls the relationship with Harper a "strategic affiliation," noting that Harper remains chairman and CEO of his own consulting agency.
Harper worked out of the Dentons office in Calgary. <https://t.co/Xpmo1WswKj>

Kpmg and Dentons were linked here with Beth Wilson. Beth Wilson, former KPMG Greater Toronto Area Managing Partner was selected as Dentons Canada CEO effective July 1, 2017. <https://t.co/zRgOyylfae>

The Honourable James Moore was appointment to the Board of the Canada China Business Council. <https://t.co/LNNFZPM2ZP>

Citic links to SNC Lavalin, Barrick, Demarais and others at the Canada China Business Council. <https://t.co/9AKImu7R0p>.

André Desmarais was member of Citic's board of directors for 16 years. <https://t.co/pjQaLYsALf>

Qatar invested billions in Citic. <https://t.co/nfBtCegeN1>

At Brookfield there are concerns insiders wield such power that the companies below them could face risks similar to those of "pyramid control companies", according to a draft investor disclosure that Brookfield filed with the Securities.<https://t.co/0lZYaOMfS1>

Brookfield Asset Management and Doha connected with Brookfield Property Partners (BPY). Through a sovereign wealth fund, Doha holds \$1.8bn worth of BPY and Qatar can force Brookfield Asset Management to buy them back for \$1.8bn over the next 6 years. <https://t.co/m3bCvbj4i6>

In 2018 Brookfield's Senior Manager James Flatt's base salary was \$795,334 with \$5,385,958 in shares making his total compensation \$6,181,292. Giving shares to CEOs is a horrible tax loophole. Reduces taxes 50%. They should be paid in cash. <https://t.co/YeNr8HosUv>

Brookfield Asset Management unveiled sweeping changes to its "unusual" ownership structure that for decades has given a secretive group of self-styled partners the right to wield huge influence over the US\$500-billion investment firm. <https://t.co/h8BjL4tSql>

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