OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 22ND- NOVEMBER 23RD, 2011
VANCOUVER, B.C.

Resolution no. 2011-53

RE: Opposition to Proposed Regulatory Changes to the *Mines Act*

WHEREAS Indigenous Peoples have the inherent right to self-determination including jurisdiction and the stewardship of their respective territories;

WHEREAS the Province of British Columbia has consistently introduced legislation and policies that ignore and/or infringe upon on Aboriginal Title, Rights and Treaty Rights without full consultation of First Nations in British Columbia;

WHEREAS on November 14, 2011, Attorney General Bond introduced Bill 19, the "Miscellaneous Statutes Amendment Act (No.3)" and if passed, the amendments will affect specific statutes including the *Mines Act;*

WHEREAS the *Mines Act* was developed without consultation with First Nations in British Columbia and the proposed changes in Bill 19 have also been developed without consultation with First Nations;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* states:

> **Article 26 (1)**: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
>
> **Article 32**:
>
> 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
>
> 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

WHEREAS the Province has stated that the amendments proposed in Bill 19 to the *Mines Act*, will:

> ...Give the Province the power to introduce regulations that would exempt some lower-risk activities from the permitting process. This approach will reduce the regulatory burden on industry, allow it to grow the mining sector, save individual company's time and money and, ultimately, help create jobs. Regulations will be developed in consultation with First Nations, industry and the public. Higher-risk activities will continue to require permitting under British Columbia's strict regulatory regime;

WHEREAS the proposed changes to the *Mines Act* in Bill 19 continue to deny the inherent and constitutionally protected Title, Rights and Treaty Rights of Indigenous Peoples by giving the Province more regulatory powers in determining whether or not a project is "lower-risk," and allowing the project to bypass the already flawed permitting process and the ability to determine when consultation with First Nations will be triggered;

WHEREAS the proposed changes to the *Mines Act* in Bill 19 will allow the Province to speed up the permitting process for projects that First Nations may oppose in their territories, including the eight, un-named mines that the Province committed to opening in the BC Jobs Plan.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council reaffirms and asserts that as Indigenous Peoples we have the inherent right to self-determination to our respective territories;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council strongly opposes the proposed regulatory changes to the *Mines Act* as set out in Bill 19;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate opposition to the Provincial Government;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council demands that the Provincial Government uphold its legal obligations to meaningfully consult with First Nations where there is potential of infringement on Aboriginal Title, Rights and Treaty Rights.

Moved: **Chief Ko'waintco Michel, Nooaitch**
Seconded: **Chief Marilyn Baptiste, Xeni Gwet'in First Nation**
Disposition: **Carried**
Date: **November 23, 2011**