OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-40

RE: Call for Mining Reform and Resignation of Minister of State for Mining

WHEREAS the Takla First Nation and International Human Rights Clinic at Harvard Law jointly developed a study that stated the urgent need for mining reforms in British Columbia as the laws impact the Aboriginal Title and Rights of First Nations. This study, "*Bearing the Burden, the Effects of Mining on First Nations in British Columbia*" was released on June 7, 2010 and the provincial government attacked the study as, "a completely flawed document" and questioned "why Harvard doesn't look in its own backyard or concentrate on places with more egregious offences against indigenous people." Minister of State for Mining Randy Hawes said "the government is not interested in changing its more-than-100-year old free-entry system";

WHEREAS other jurisdictions in Canada, in particular Ontario, have embarked on mining reforms as a result of antiquated laws and conflicts with First Nations and mining exploration companies. Seven Aboriginal leaders went to jail rather than accept mining projects they decided would cause irreparable damage. An appeal court that ordered the release of the chief and council of Kitchenuhmaykoosib Inninuwug in Northern Ontario and a leader of the Ardoch Algonquins in Eastern Ontario cited the province's antiquated mining legislation as part of the problem. Ontario's new mining act, proclaimed last October, affirms Aboriginal and treaty rights;

WHEREAS Indigenous Peoples have endured substantial hardship as a result of European contact including disregard for Aboriginal Title; disease; legislated loss of control over traditional land use; and residential schools, and are in the process of healing. In 2005, the government of British Columbia made a

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Grand Chief Stewart Phillip, President

commitment to First Nations in BC to establish a government-to-government "New Relationship" based on respect, recognition and accommodation of Aboriginal Title and Rights;

WHEREAS the BC Minister of State for Mining, Randy Hawes, went on record saying, "some First Nations reject mining for a more traditional lifestyle -those ways are linked to lower birth weights, higher birth rate deaths and lower life spans. Improving those outcomes requires sharing the wealth and jobs that come from mining." Instead of promoting human dignity and the goals of the New Relationship he fuelled racist stereotypes and insulted our cultures. This Minister has refused to apologize or retract these comments;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly strongly object to the unwarranted comments by the BC Minister of State for Mining, Randy Hawes;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive to meet with the Premier to recommend that the Province retract these comments;

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive and staff to research and investigate the potential for a legal challenge of the existing BC Environmental Assessment Process and the current BC mining regulations and legislation;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly call upon the Premier to seek the resignation of the Minister of State for Mining, Randy Hawes, and request significant mining reforms, beginning with a review of recommendations from the joint study between Takla Lake First Nation and Harvard Law.

Moved: **Chief Fred Robbins, Esketemc First Nation**
Seconded: **Chief Don Moses, Lower Nicola Indian Band**
Disposition: **Carried**
Date: **September 16, 2010**

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