OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
43RD ANNUAL GENERAL ASSEMBLY
SEPTEMBER 14TH – SEPTEMBER 16TH, 2011
WHISTLER, B.C.

Draft Resolution no. 2011-35

RE: UBCIC Support for Tsilhqot'in Nation and Call for Rejection of the "New Prosperity" Mine

WHEREAS the Tsilhqot'in Nation, with the support of the Assembly of First Nations, Union of BC Indian Chiefs, and First Nations Summit, successfully defended their Aboriginal Title, Rights and the integrity of their lands and waters threatened by the Prosperity Gold-Copper Mine (the "Project"), which sought to completely destroy Teztan Biny (Fish Lake) and Nabas areas;

WHEREAS entire communities of the Tsilhqot'in people attended the public hearings held by the federal panel (the "Panel") conducting the environmental assessment of the Project, and Tsilhqot'in members from as young as 7 to as old as 90 explained the cultural and spiritual importance of these lands and waters to the Panel;

WHEREAS the independent Panel concluded that "the Project would result in significant adverse environmental effects on fish and fish habitat, on navigation, on the current use of lands and resources for traditional purposes by First Nations and on cultural heritage, and on certain potential or established Aboriginal rights or title" and on threatened grizzly bears and grizzly bear habitat;

WHEREAS the Panel specifically concluded that the mine would permanently destroy lands and waters described as an "important and spiritual area" for the Tsilhqot'in people, and warned that "the loss of the Teztan Biny (Fish Lake) and Nabas areas for current use activities, ceremonies, teaching, and cultural and spiritual practices would be irreversible, of high magnitude and have a long-term effect on the Tsilhqot'in" and these "impacts on the physical and mental health of the Tsilhqot'in communities would be long term";

WHEREAS the Panel noted that even the alternative Project proposals considered by the company, which might preserve the integrity of Teztan Biny (Fish Lake), would also have significant adverse impacts, and that "the

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Grand Chief Stewart Phillip, President

proximity of the open pit and associated mining facilities would be close enough to Teztan Biny (Fish Lake) to eliminate the intrinsic value of the area to First Nations even if another alternative were chosen";

WHEREAS the Union of B.C. Indian Chiefs has provided unwavering support to the Tsilhqot'in Nation throughout the process, as mandated by UBCIC Resolution 2010-32, including written submissions and presentations by Grand Chief Stewart Phillip before the Federal Review Panel, which called upon the Federal Government to reject the proposed Prosperity Gold-Copper;

WHEREAS the Government of Canada has recognized the United Nations *Declaration on the Rights of Indigenous Peoples*, which identifies the Aboriginal right to *free, prior and informed consent* regarding all development on traditional lands;

WHEREAS in November 2010, the Government of Canada made the only responsible decision available to it, and rejected the Project based upon the Panel's assessment that Minister of Environment Jim Prentice described as "scathing" and "probably the most condemning report that I've seen";

WHEREAS since the November 2010 decision, without the consent or support of the Tsilhqot'in Nation, the proponent has twice submitted one of its alternative proposals to the Federal government. The revised proposal was previously identified by both the proponent and the Panel as an unviable option, in part because it would be even more environmentally damaging.

WHEREAS the alternative proposal would still completely destroy the Nabas area, Little Fish Lake, Fish Creek, and surround Teztan Biny with a 2 km wide open pit, a massive tailings pond and other mine works, and would still threaten the integrity of Teztan Biny;

WHEREAS the Tsilhqot'in Nation view the latest revised proposal as equally or more destructive than the first, and one which does not address the severe environmental and cultural impacts identified by the independent Panel;

WHEREAS the Tsilhqot'in Nation view the willingness of the company to proceed to another review and to build a mine without the consent of the Tsilhqot'in Nation as an indication that it does not respect Aboriginal Title and Rights.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the efforts of the Tsilhqot'in Nation to protect their lands of profound cultural and spiritual value to its people from the proposed New Prosperity Gold-Copper Mine, and will stand behind the Tsilhqot'in Nation in defense of these lands regardless of whether the Federal and Provincial governments deem the new proposal worthy of review or approval;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call upon the Federal and Provincial Governments to heed the cautions of the independent Panel, demonstrate commitment to environmental protection and the cultural survival of First Nations, and deem the New Prosperity Gold-Copper Mine proposal not worthy of environmental review or approval;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly advise the Federal and Provincial Governments that First Nations across Canada are watching their decisions to see whether there remains any value or integrity in environmental assessments for major projects, or whether First Nations must turn to litigation and other means to assert our rights and protect our cultures;

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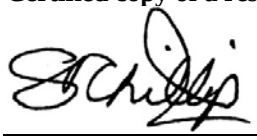

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THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly caution the Federal and Provincial Governments, that proceeding with a review of the proposed New Prosperity Gold-Copper Mine, despite the clear warnings of the independent Panel and the clear objection of the Tsilhqot'in Nation, would demonstrate utter disregard for the survival of First Nations as distinctive cultures within Canada and its commitment to the United Nations *Declaration on the Rights of Indigenous Peoples*;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to continue advocating on behalf of the Tsilhqot'in Nation, and to communicate the clear support of the UBCIC Chiefs-in-Assembly for the Tsilhqot'in Nation and for the rejection of the new Prosperity Gold-Copper Mine to the Federal and Provincial governments.

Moved: **Chief Francis Laceese, Toosey Indian Band**
Seconded: **Chief Marilyn Baptiste, Xeni Gwet'in First Nation**
Disposition: **Carried**
Date: **September 15th, 2011**

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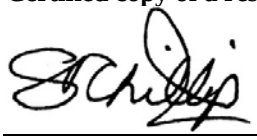

Grand Chief Stewart Phillip, President