OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST-JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-22

RE: Mining Free Entry Reform

WHEREAS mining free entry ("free entry") dates back to the gold rush period, where the Crown felt that natural resources were infinite and wilderness should be tamed; today this is still the foundation of British Columbia's mining industry, and free entry provides open access to any miner to any part of the provincial mineral zone to explore for minerals;

WHEREAS free entry assumes mining is the first and best use of land, and ignores the unresolved land question in BC; all lands are open for mining unless specifically excluded and mining prevails over private property interest and First Nations Title and Rights; mineral tenures are granted on a first come, first served basis;

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 for more than 100 years mining has trumped all other natural resource industries in BC, such as oil and gas, forestry, fisheries and tourism. Miners do not apply for tenure or try to outbid a competitor for permission to access a resource, and with a Free Miner's certificate, a credit card, and an Internet connection, mineral claims can be staked without the miner ever seeing the land or consulting with First Nations. Tenure is given regardless of the miner's history and accountability;

WHEREAS the free-entry system does not recognize constitutionally recognized Aboriginal Title and Rights; free entry defers the Crown's legal duties to consult with First Nations, and there is no requirement for consultation before a third party right is established for subsurface minerals;

WHEREAS First Nations Title and Rights are intricately linked with healthy ecosystems; modern mining operations bring significant impacts to the environment and communities and First Nations are increasingly concerned with the environmental, social, and cumulative impacts of mining operations in the last 100-plus years;

WHEREAS conflict between First Nations governments, public government, and the mining industry continues to escalate under the free entry regime; blockades and legal battles are ongoing and increasing;

WHEREAS free entry jeopardizes the future of a healthy mining industry in BC and risks the opportunity to build a positive working relationship with First Nations; a significant overhaul of mining policy is needed to decrease conflict, provide more benefits to First Nations, and provide certainty for government and industry investments.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes the need to change the mining free entry system to a permitting system that includes the impacted First Nation(s) in the decision making process;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the creation of a legal requirement for mineral exploration agreements that should be in place with the impacted First Nation(s) prior to exploration (see First Nations Energy and Mining Council policy paper titled, "Sharing the Wealth" – 2010 www. http://fnbc.info/fnemc);

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the First Nations Energy and Mining Council to work with the First Nations Leadership Council, to create a solutions paper for engaging the Province on solutions to the mining free entry system; the paper must be consistent with the UN *Declaration on the Rights of Indigenous Peoples* including the right to Free, Prior and Informed Consent, and will be brought to the next Chiefs Council meeting for the Chiefs to review.

Moved: **Chief Lenora Fletcher, High Bar First Nation**
Seconded: **Chief Dalton Silver, Sumas First Nation**
Disposition: **Carried**
Date: **June 2nd, 2011**