

# FIRST NATIONS LEADERSHIP COUNCIL

## News Release

March 14, 2024

### Environment and Land Use Act Orders Regarding Mining Provide Necessary Space to Provide Predictability in the Mining Sector

(xʷməθkʷəy̓əm (Musqueam), sḵwx̱wú7mesh (Squamish) and səliłwətał (Tsleil-Waututh)/Vancouver, B.C.) The First Nations Leadership Council (FNLC) fully supports the Province of B.C. taking measures to pause mining activity in the territories of the Gitxaala and Ehattesaht Nations by issuing interim orders under its *Environment and Land Use Act*. These measures provide the needed time and opportunity to resolve outstanding issues in relation to mining in the Nations' territories.

The Province issued the interim orders earlier this month, pursuant to an agreement among the provincial, Gitxaala, and Ehattesaht governments following the B.C. Supreme Court's decision that the Province has legal obligations to consult with First Nations prior to mineral tenure registration. Providing space for these governments to address issues of concern is entirely consistent with the Supreme Court of Canada's repeated message, in several cases, that issues between Crown and First Nations governments are best addressed through negotiation, rather than litigation.

The issuance of these orders is also consistent with the requirements of the *Declaration on the Rights of Indigenous Peoples Act*, which was unanimously passed by the provincial legislature in 2019 and which affirms the application of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) to the laws of British Columbia. Among other things, the UN Declaration recognizes that First Nations have the inherent right to self-determination and to participate in decision-making in matters which would affect their rights, including in relation to resource development.

Contrary to some of the commentary that has been made in relation to these orders, it is a common practice for orders and reservations of this nature to be put in place, under various provincial legislation, to allow the Province the opportunity to work with First Nations to try to address and resolve issues through negotiation, rather than leaving matters in a state of uncertainty or subject to litigation. While the important work of ensuring that the laws of B.C. are consistent with the UN Declaration continues, as required by the Declaration Act, the FNLC applauds the Province's utilization of existing legislative tools in furtherance of meaningful reconciliation.

The FNLC fully supports the critical work that Gitxaala, Ehattesaht, and the Province are undertaking so that they can try to resolve issues government-to-government. The certainty created when First Nation governments' decisions on the acceptable nature, scope, and location of mining activities and development are respected is in everyone's interests, including the mining sector. The FNLC also remains fully committed to work collaboratively with the Province in modernizing its mining legislation to be consistent with the UN Declaration.

*The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).*



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