



## **Speech**

### **Assembly of First Nations National Chief Phil Fontaine**

Association for Mineral Exploration BC (AMEBC).  
Monday, October 29, 2007 7:30 AM to 9 AM  
Terminal City Club, President's Room, 2<sup>nd</sup> Floor  
837 West Hastings Street, Vancouver

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Ahneen, good morning.

First of all, I want to acknowledge that we are on the traditional lands of the Coast Salish. I also want to thank President and CEO Dan Jepsen, and the Association for Mineral Exploration British Columbia, for their kind invitation to speak here this morning.

I also want to acknowledge the presence of Michael McPhie, President and CEO of the Mining Association of BC; Mining Minister Kevin Krueger; Grand Chief Ed John; Chief Ian Campbell; Maria Morellato, representing our

sponsor, Blakes, Cassels and Graydon; Caroline Findlay, also of Blakes, Cassels and Graydon; and Rob Pease, Chairman of the Association for Mineral Exploration and President of Terrane Metals.

And I want to thank all of the people here who got up so early in the morning to attend this breakfast.

A gathering such as this – of Chiefs, industry people, and politicians would never have happened in such an exclusive location as this even a few years ago.

I think this speaks volumes about the strides we are making to build a partnership for prosperity.

But there is still much work to be done.

Two weeks ago, I spoke at a luncheon in Toronto hosted by the Prospectors and Developers Association of Canada. I can tell you there were a lot of nervous people there wondering if my message was going to be all doom and gloom about relations between First Nations and the mining industry.

But I got a very positive reception. In fact, PDAC plans to sign a Memorandum of Understanding with the Assembly of First Nations to explore how we can work together better.

I want to begin by saying that I am in total agreement with the statement made by Mr. Jepsen a while ago at a conference hosted by Canadian Business for Social Responsibility.

He said it's a mistake for industry to turn over the keys to the government for getting you through the consultation and accommodation process.

And that governments have limited ability to deliver the jobs, procurement contracts, and project input that many Bands want.

And I also agree with Grand Chief Stewart Phillip when he said last week that it's impossible for First Nations peoples to advance with a treaty process that caters to the economic agenda of the province, business, and industry.

Grand Chief Phillip said, and I quote:

“In order to rebuild our communities and nations, we need to have access on an ongoing basis to the wealth and development of natural resources within our territory.”

At this very moment, British Columbia's most expensive mine is being built about 1000 kilometres north of here. You could say the Galore Creek Mine represents a modern-day BC Gold Rush – and it's located in Tahltan First Nation.

I'm sure you've heard that its construction costs will exceed those of the 2010 Olympics.

And there's enough gold and copper deposits to generate billions of dollars in revenues for decades to come.

I commend Teck Cominco, and particularly NovaGold Resources, for engaging the Tahltan First Nation leadership from the very beginning of this project.

However, as in other locations here in BC – and across the country – there are still some difficulties with partnerships. And the Tahltan still have some very valid concerns about potential environmental impacts on traditional lands.

And then there is the – if I may be so blunt – the horrible mess with the Kemess operation.

Last month, a joint federal-provincial environmental review panel rejected Northgate Minerals' Kemess North Mine. It did this for two reasons: the benefits of the project were outweighed by the long-term risks to First Nations and the public; and it would have meant the loss of a spiritually significant lake for First Nations.

On this last point, let's be clear.

When First Nations speak about a spiritual connection to the land and its various constituents, it's often done because we want to protect key habitat, and related cultural and spiritual values.

There's nothing "illogical" or "stone age" about that, as some critics within the mining industry have derisively described it.

As individuals and as communities we are intrinsically linked to the land.

For many, this link is expressed in prayer and a keen sensitivity to the land, to the animals, and to entire the ecosystem.

This continues to be underscored by a reliance on our environment for food, medicines and knowledge.

This is why it is so hard in some cases to entertain major development, especially when rights and interests are threatened by a disturbance or by harmful and permanent destruction.

Having said that, there is an even more basic concern where developments threaten to pollute community drinking water at its source – which is what the Kemess North did.

That was another reason why First Nations rejected the project. Without question, putting the source of a community's drinking water at perpetual risk of contamination is not acceptable.

If you combine the need for sustainable mining and the Kemess North decision, you will see that if Northgate had respected the First Nations' wish to declare Amazay Lake a "no go" area, then the company would have saved itself \$28 million dollars — not to mention the enormous amount of time, energy and resources spent by everyone else involved.

Nevertheless, the panel decision made the right decision. It also produced another good thing — the silver lining as it were. It produced a sustainability framework in which future developments can be assessed.

The First Nations Summit Chiefs in Assembly recently passed a resolution calling on government and industry to work with them to ensure that exploration and mining on their lands are done in a sustainable way.

It sounds similar to the Mining Association of Canada's sustainable mining initiative. This deserves further exploration.

In reality, "no go" areas make sense for two reasons:

First – this past summer, the Mining Association of Canada – as stated in its report *Toward Sustainable Mining* – committed to working with Aboriginal communities “to develop and implement responsible policies and practices” which includes...

”integrating the importance of biodiversity conservation, including respect for critical habitat, into mining and land-use planning and management strategies -- including considering the option of not proceeding with a project.”

Traditional hunting, fishing, and gathering are still very much practiced in BC.

They still constitute a large part of our cultural practices, whether for subsistence or other purposes.

They also represent a basis for cultural renewal as communities recover from and even continue to confront present-day manifestations of colonialism. And these activities – as rights – are recognized and protected by the Constitution.

In conjunction with these traditional rights, First Nations also possess Aboriginal title to their traditional lands.

Aboriginal title is a real sticking point here in BC. First Nation peoples continually ask why our title doesn't bring us the same benefits or the same standard of living as other British Columbians.

The follow-up question is even more challenging: How can we use our title to bring to our communities economic relief.

The simple answer is the one First Nations have always put forward – Aboriginal title cannot be denied. It has to be recognized – and not just superficially.

And the “inescapable economic component” of that title needs to be reflected in agreements between First Nations and other parties.

Recognizing and accommodating title must be defined as an economic entitlement, similar to that found in any jurisdiction that benefits from having land.

Benefits accruing to First Nations must stop being viewed as a handout. Benefits are a necessity and a right of exchange between parties – pure and simple.

But what does ‘working meaningfully with First Nations’ really mean?

It literally means what the Supreme Court of Canada said in the Taku decision: that “Responsiveness is a key requirement of both consultation and accommodation.

At the very least, responsiveness means providing funding to address the many complex referrals from government to under-resourced First Nations.

It means enough time to actually undertake that work.

And it means timely and tangible participation in a review when a major project is proposed.

Responsiveness should also mean a form of legislated involvement in environmental assessments – one that uses consistent and best practices.

Of course, sustainability in terms of the number of mines that proceed at any given time will likely require some latitude here and there. This should be addressed through land-use planning with First Nations.

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We realize this is an ambitious agenda. It is, however, equal to the ambitions of the mining sector.

Can our two agendas be harmonized? Only honest, frank and respectful discussion will allow that to happen – and given the cyclical nature of mineral prices, the sooner we start the better it would seem.

Nothing moves forward in a climate of disrespect. The general attitude of the mining sector and the specific attitudes of company officials toward First Nations leaders must be assessed.

Northgate Minerals CEO Ken Stowe recently remarked that First Nations representative were talking to the review panel about “speaking to bears.”

He spoke about this in a way that was demeaning to the Elder and those who were merely trying to convey their spiritual connection to the land and explain how important Amazay Lake was to them.

Those who want to run roughshod over First Nations’ wishes should realize that strategy, and the perception it creates, will backfire and we will have more conflict.

If he and others have issues, then they should be discussed in private – instead of publicly perpetuating stereotypes. That is simply not a good practice. And it's not good business.

Canadians often go to great lengths to understand the customs and traditions of other peoples when they are doing business internationally, yet they don't seem to realize that the same respect applies here.

Since that comment was made we've heard some disturbing remarks about dealing with First Nations. This is unacceptable.

We would appreciate an apology.

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We know that First Nations peoples in Canada live in the some of the most shameful conditions imaginable in the developed world.

The UN Human Development Index ranks Canada at about sixth in the world. First Nations in Canada rank somewhere around 63th.

And what shame this brings to a country like Canada internationally. How can Canada continue to hold itself up as an example for other countries.

Two weeks ago, in the Speech from the Throne, the government stated that “Canada is back as a credible player on the international stage.”

The speech said, “Guided by our shared values of democracy, freedom, human rights and the rule of law, our government will continue Canada's international leadership through concrete actions that bring results.”

Concrete actions... Now, consider what's been done – concrete actions, as the Speech from the Throne said – to try to eliminate the poverty First Nation peoples live in.

Think about the number of times and ways - and the number of years – First Nations have been working on these and the other issues we face.

We have been involved in discussions, and round tables, and negotiations and commissions of inquiry for decades now.

The Royal Commission on Aboriginal Peoples:

After four years of study, what happened to the report's 441 recommendations.

The Kelowna Accord. Over 18 months we engaged approximately 1000 people across the country to put forward their best ideas and best solutions on issues we and the government of Canada face.

And – as you are all aware – the Kelowna Accord was shelved. What a missed opportunity...

Where is “Canada's international leadership through concrete actions that bring results.”

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The reality is that we as First Nations have a lot in common with non-Aboriginal Canadians.... goals for ourselves, our families, for this land. Human nature is, after all, universal.

I'd like to see us working together to achieve those goals – for each other and for Canada as a whole nation.

And yes, there are ways that you can act... as individuals, as members of the Association for Mineral Exploration, and as employees and officials of your respective companies and organizations.

You see, since the first treaty was signed with us in 1701, our people have believed that cooperation must pave the way to progress.

We like to believe that all Canadians feel this way.

We prefer to hold our heads high when dealing with business and governments. It is always our way.

We also believe it is the way of Canadians.

And my question for you now is, how can we – together – make this right.

We have a number of ideas and initiatives that you, your colleagues and the leaders of your organizations and companies, can be involved in.

We've reached out with the Make Poverty History campaign to engage all Canadians. Here you can be part of a world-wide initiative that is making a difference.

Closer to home, push for land claim settlements. Push for the settlement of the claims right here in your own backyard. Land claims settlements are one of the most direct routes to self determination for us.

Demand that First Nations be given a fair share of resource revenues.

Get involved in procurement and investment.

We believe there are tremendous opportunities in the area of procurement.

And large companies can easily encourage their suppliers to work with First Nations. We are open for business.

Start providing employment opportunities.

Target our people for jobs. We have more than 750,000 status people – and more than half our population is under the age of 23.

We know companies are moving employees from other countries to Canada, when we have this largely untapped source of labor right here at home.

Sign a Memorandum of Understanding with the AFN. Draft a plan for addressing any or all of these four key areas: procurements, investments, partnerships and employment.

Take a seat at our Corporate Table for Peer Review and Dialogue where we discuss business relationships and ventures to directly reduce the economic gap between our people and other Canadians. The Corporate Table will publish an Annual Report on the state of the First Nations Economy. We are also planning an Economic Summit.

From there the Corporate Table will provide a forum for international dialogue and action on sustainable economic development with Indigenous peoples, internationally.

I'm encouraged by the genuine interest of people I've talked to about this and – together – I do believe we can achieve important results.

As First Nation peoples we want the same things you want, as written in your Constitution Act in 1867.

In fact, it's what all people want -- peace, order  
and good government.

Thank you. Meegwetch.