

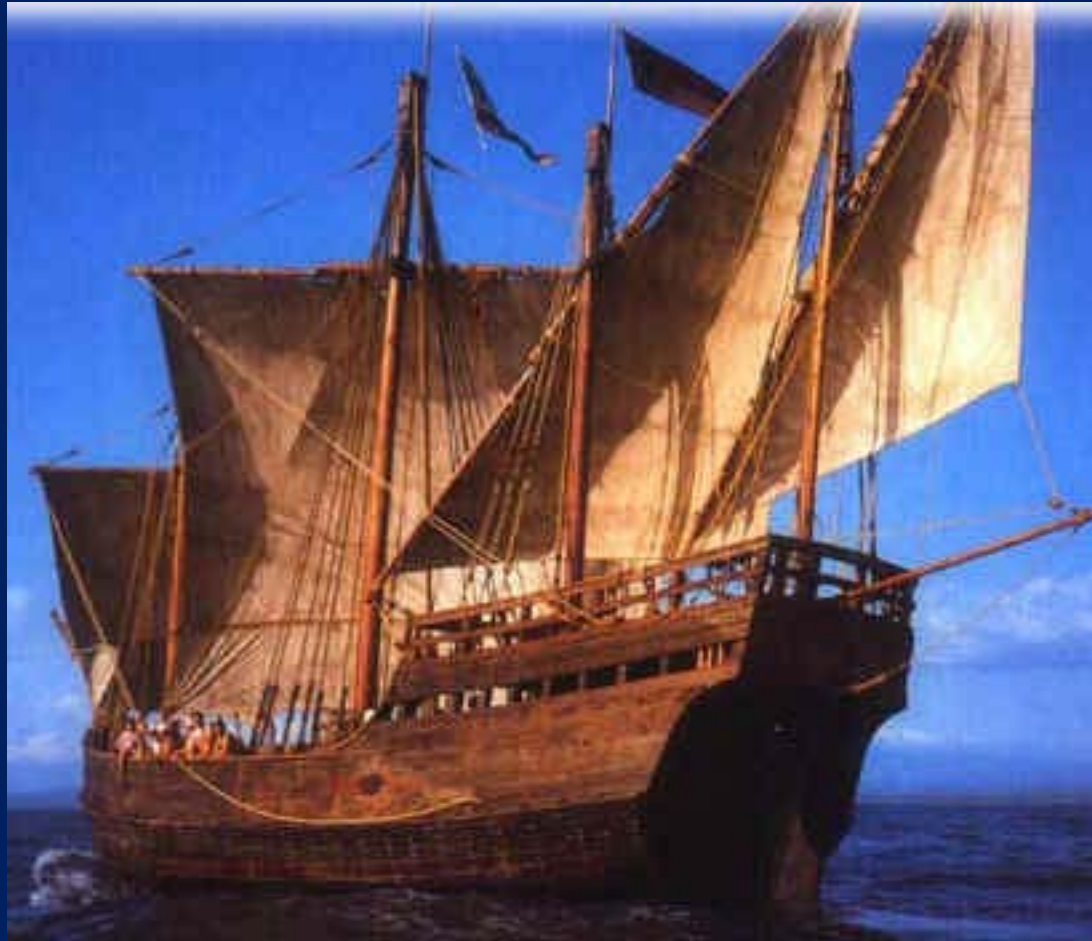
Aboriginal Rights & Economic Uncertainty

Beyond Extraction Conference

**MARCH 16, 2013
PREPARED BY: INET**

Christopher Columbus 1492

Santa Maria



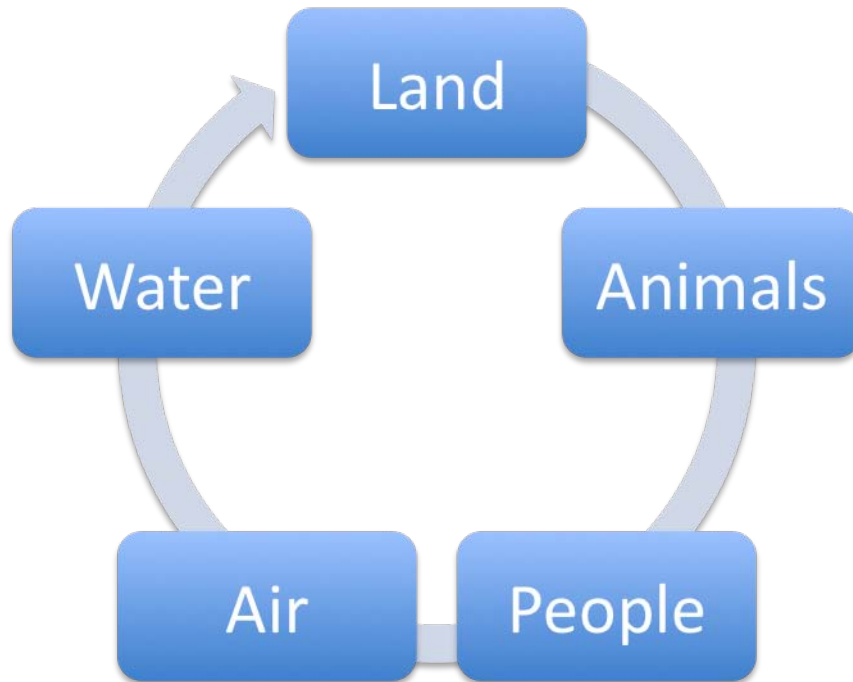
Colonial Doctrines of Discovery

- Legal Fictions
 - Racist Property Concept
 - Empty Land
 - Enriches Settlers & Impoverish Indigenous Peoples
- Outdated as Slave Laws

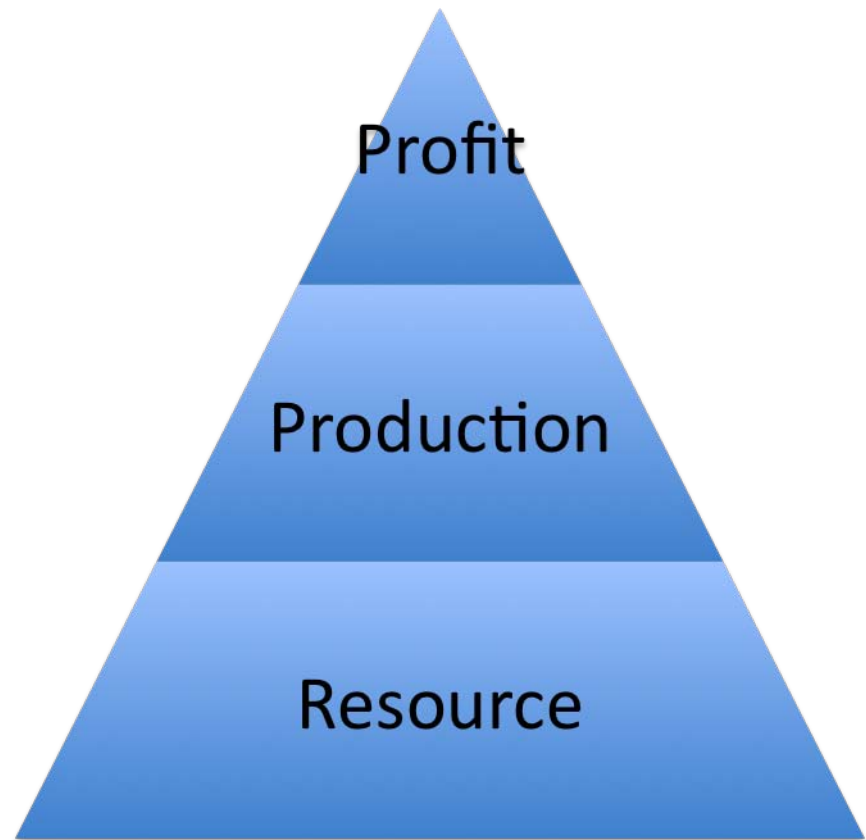


Different Earth Values

Indigenous



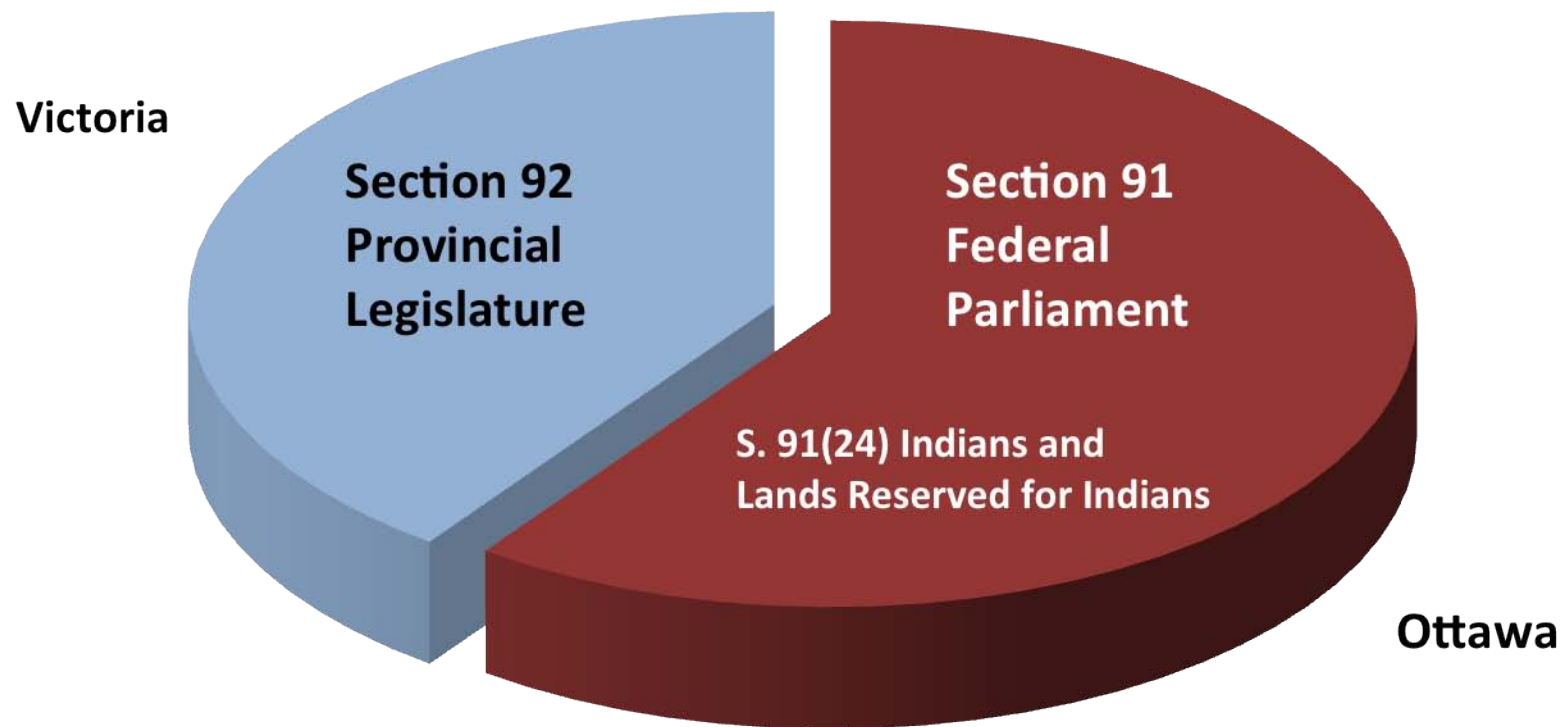
Eurocentric



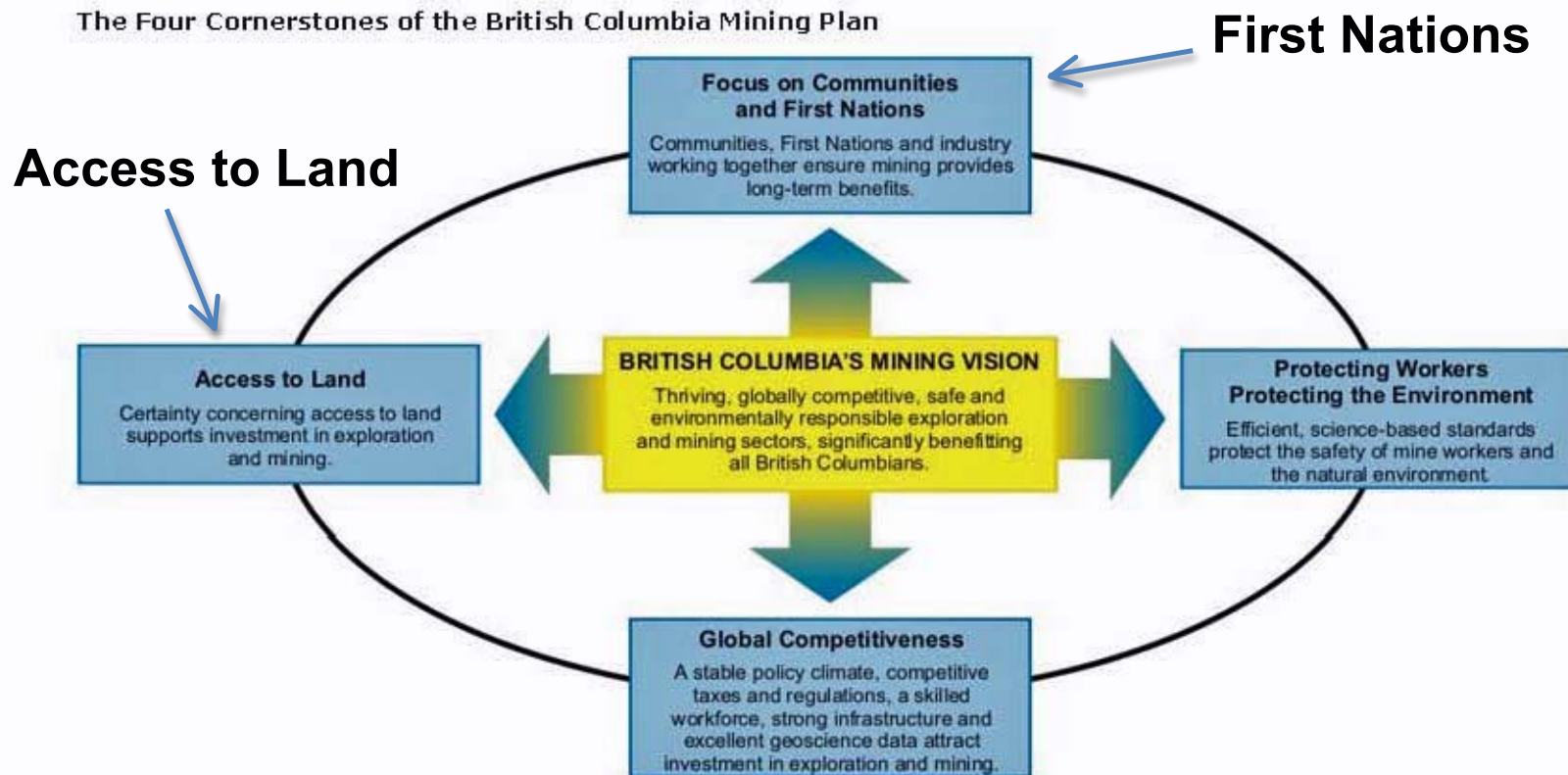
British North America Act 1867

Human Rights Violation of Indigenous Peoples Right to Self-determination

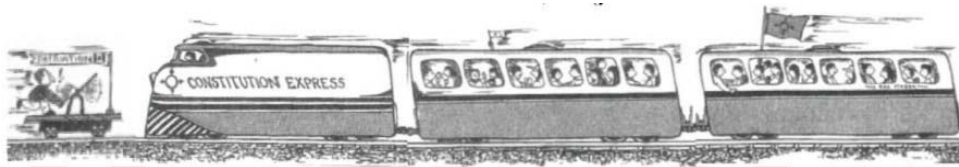
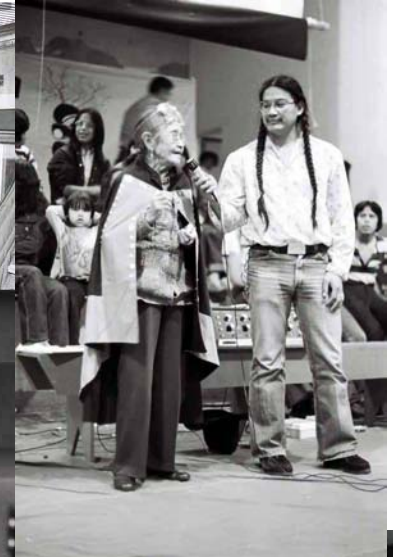
Federal and Provincial Government Mutual Exclusive Powers



The Four Cornerstones of the British Columbia Mining Plan

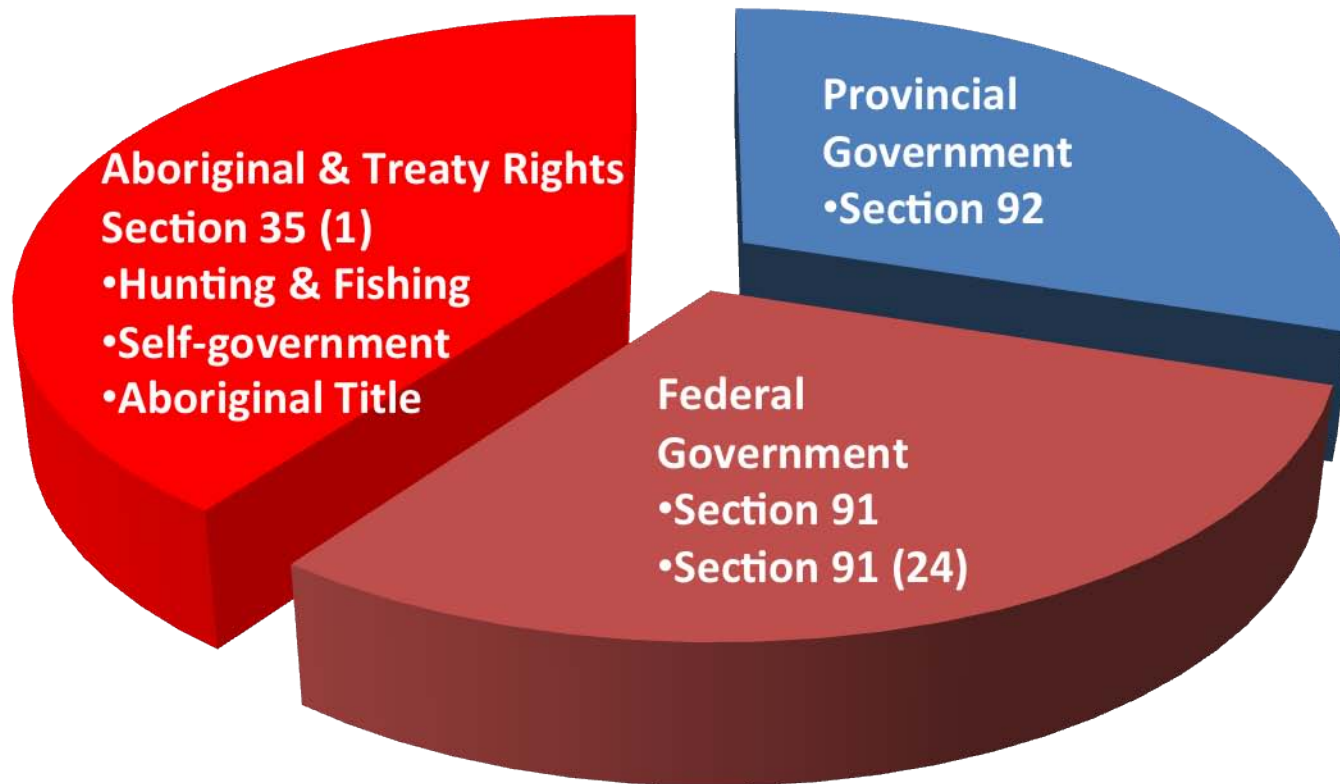


Constitution Express 1980



Canadian Constitution Act 1982

3 Orders of Government

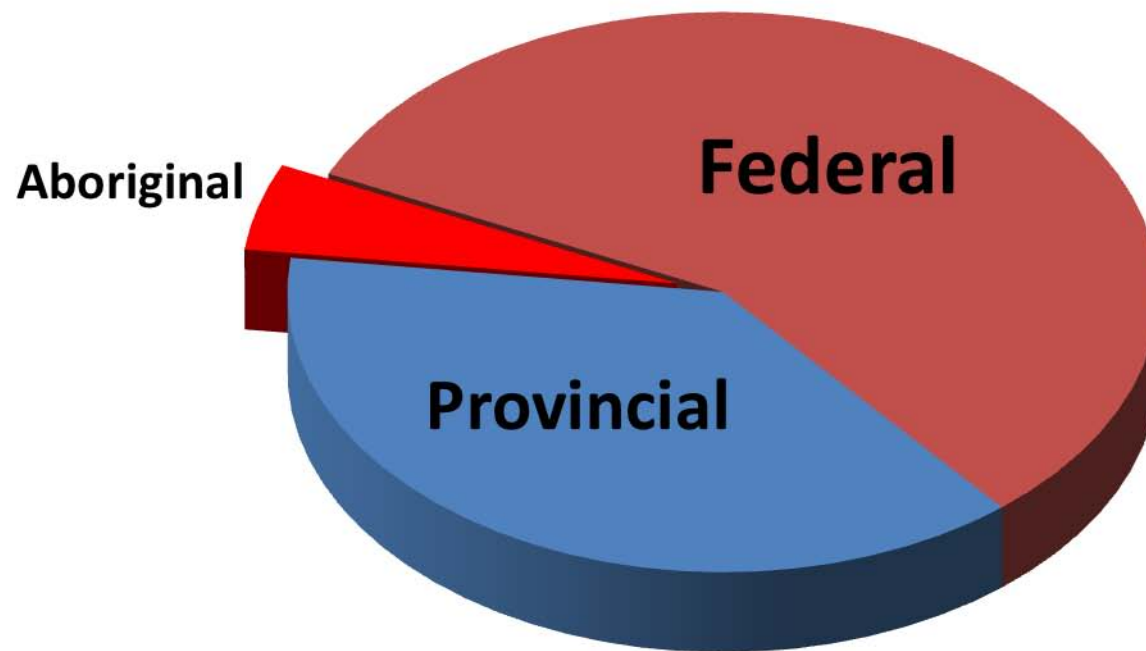


35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Canadian Constitution Act 1982

Existing Land Claims and Self-government Policy

Certainty for Federal and Provincial Governments





Supreme Court of Canada

20 Years of Generally Favorable Decisions

- **Delgamuukw v. British Columbia, [1997]** – *Recognizes Aboriginal Title as an Aboriginal Right*
- **Haida Nation v. British Columbia (Minister of Forests), [2004]** – *Pre-proof Remedy of Consultation and Accommodation*

Vancouver Sun Business Section

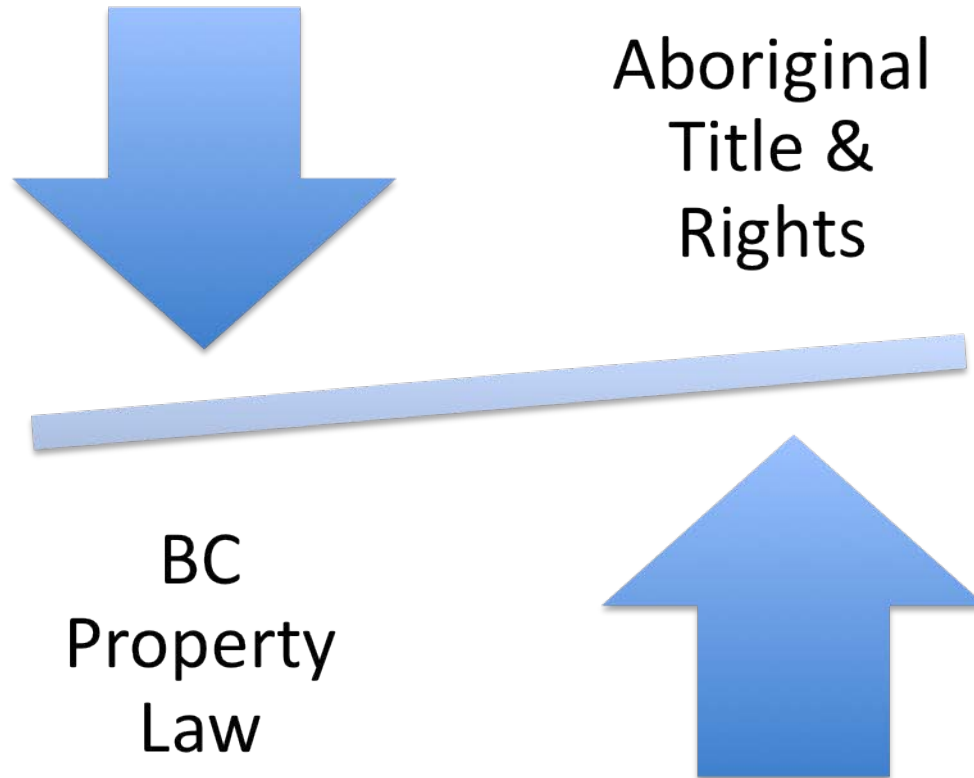
November 12, 2011

Agreements over resource development aren't a necessity, says Keith Bergner, a specialist in aboriginal law with Lawson and Lundell L.L.P. 'The duty is to consult, not a duty to agree,' he explains.

ABORIGINAL TITLE | **Certainty still a question in land rights and resource development**

Several issues make agreement between first nations and business interests difficult

Political & Economic Uncertainty





Kitchenuhmaykoosib Inninuwig

Elected Chief and Council – March 2008

Sentenced 6 Month for Stopping Mining Exploration

Economic Uncertainty



Indigenous Human Rights Activists



Harriet Nahannee, Squamish Highway
1935-2007



Economic Uncertainty

Lillian Moyer, Thaltan, Northern BC

Algonquins of Barriere Lake

October 2008





Economic Uncertainty

First Nation group protests signing

By [Keith McNeill - Clearwater Times](#) Published:
August 10, 2011 12:15 PM Updated: **August 10,
2011 12:15 PM**

Differing territorial claims by several First Nations bands appear to have postponed the proposed signing of a cooperation agreement between Selkirk Metals and Simpcw First Nation.

The signing, which was to have taken place on Tuesday afternoon, was cancelled at the last minute, apparently because of questions raised by Neskonlith and Adams Lake Indian Bands.

Selkirk Metals is a subsidiary of Imperial Metals, which is proposing a major zinc/lead mine at Ruddock Creek near Tum Tum Lake, which is located about 30 km directly east of Avola in the headwaters of the Adams River.

Close to 20 members of Neskonlith Band, unaware that the signing had been cancelled, traveled from Chase to Clearwater to protest the event.

Economic Uncertainty

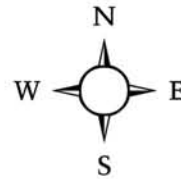


Elder Sarah Deneault & Chief Judy Wilson



Ontario

First Nations Strategically Located



First Nations in Ontario



The above map shows the locations of First Nations in Ontario. The information contained in this map has been compiled from various sources and includes First Nations not defined as a "Band" within the meaning of the Indian Act. The map is provided as a general visual aid only and should not be used or interpreted as a representation of the boundaries of First Nations' reserves or a complete list of First Nations. The Government of Ontario accepts no responsibility or liability for any errors, inaccuracies and/or omissions in this data.

0 120 240 480 720 960
Kilometres

19th ANNUAL CONFERENCE

November 6-8, 2011

Pan Pacific Hotel, Vancouver

MEETING MINDS, MAKING MINES

**Aboriginal Community
Development through the
Mining Sector**

"Canada's mining sector is set for a hiring spree in the coming quarter, making it the most upbeat sector in the country..."

Globe and Mail, March 3, 2011

"The booming Northern mining industry will power economic growth in all three Canadian territories this year, according to The Conference Board of Canada's Territorial Outlook - February 2011."

Native Journal, March 2011

CONFERENCE HIGHLIGHTS

Focus on Training and Employment!

Financial Literacy and Entrepreneurship

CONFERENCE CHAIR

Chief Shane Gottfriedson
Tk'emlúps Indian Band
Kamloops, B.C.

DON'T MISS THE MONDAY NIGHT BANQUET

With entertainment by Juno-nominated, award-winning
CRYSTAL SHAWANDA

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Economic Certainty

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MINING

Yellowhead Mining developing large BC copper mine

by Ellsworth Dickson

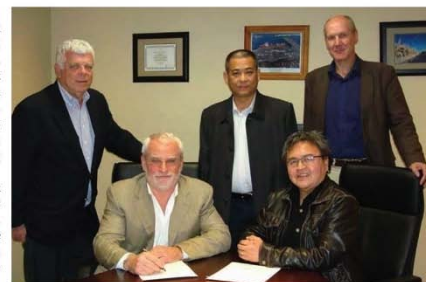
Recently listed Yellowhead Mining Inc. [YMT-TSEV], which was created by an amalgamation with Four Points Capital Corp., a CPC, on November 10, 2010, holds a 100% interest in the Harper Creek copper-gold-silver advanced exploration project in south-central British Columbia. The project, which encompasses 42,636 hectares, is located approximately 90 km by highway north-northeast of the mining centre of Kamloops.

Like many other mineral projects, it took a long time to get to the pre-development stage. Gregory Hawkins, PGeo, MSc, Chairman of Yellowhead, told *Resource World* that he and his partner Chris Nass, PGeo, Director, have been working in the area for over 20 years.

"We were working in the Eagle Bay assemblage which is an extensive package of rocks that go from Shuswap Lake to the North Thompson area where the project is located," explained Hawkins. "We vectored in on what is called the Mila area which hosts a massive sulphide occurrence. Then, looking at additional information, and checking out the Harper Creek area, we realized the geology of the Mila area was identical to the Harper Creek geology."

Unlike many other junior exploration companies, much work was done before going public. "It was the combination of the stock market crash and falling commodity prices that delayed the process," Hawkins noted. "We did have enough funds to go on a care and maintenance basis until things improved. Now that both commodity prices and investor interest in resources in general has returned, the project is back on track and advancing."

"My partners and I have sometimes invested our own funds in our projects and the Harper Creek Project was one of



Yellowhead Mining at the signing ceremony with the Simpson First Nations Band. Left to right, Ian Smith, CEO, Greg Hawkins, Chairman, MingAn Fu, President of Anthill Resources, Chief Keith Matthew Simpson Band, and Andrew Neale, COO. Photo by Ellsworth Dickson.

them," said Hawkins. "We conducted preliminary exploration which gave us the suspicion that this was a stratabound deposit as opposed to the porphyry model that was generally documented in past work."

The property was originally discovered by Noranda and US Steel back in the mid 1960s, during the porphyry copper boom. However, Noranda and some other mining companies decided to leave British Columbia after a government was elected in the early 1970s that was not supportive of mining.

"With a relatively simple change in the approach to exploration, that is, drilling stratigraphy rather than drilling just mineralization, we were able to increase the previously published resource by 10 times, by drilling about 12 holes," said Hawkins.

The Harper Creek Project has an NI 43-101 indicated resource of 569 million tonnes grading 0.33% copper and inferred

resources of 62.7 million tonnes grading 0.33% copper, containing 4 billion lbs and 0.5 billion lbs of copper respectively, at a 0.2% copper cut-off.

Hawkins said that while the Harper Creek Copper Project is one of the biggest copper projects in Canada, his management team is of the view that the project has the mineral potential to at least double the current resources as the mineralized zones are open to expansion. "We have looked at an area of about 2 km by 2 km and we know that the favourable geology and mineralization extend over an area of at least 4 km by 6 km. In other words, we have looked at just a small fraction of the total potential." There are numerous exploration targets outside the known deposit envelope that have been identified by airborne and ground geophysics and soil sampling.

Yellowhead plans to build the mine themselves. "Obviously, to find a mineral

Economic Certainty

First nations and the mining industry

First Nations and the mining industry



Seize the day

The mining industry
in British Columbia 2010



The Changing Landscape

According to the BC First Nations Energy and Mining Council, the nature of the Crown's duty to consult and accommodate First Nations interests is a "significant impetus for meaningful relationships between First Nations and industry."

Arising from Section 35 of the Constitution Act of 1982, this legal duty obliges the federal and provincial governments to consult and potentially accommodate the interests of Aboriginal groups whose rights could be impacted by Crown actions or decisions. It applies where treaty rights will potentially be impacted, but also where a First Nation asserts that Aboriginal or land rights will be infringed. In BC, assertions of Aboriginal title cover most of the province, and the duty to consult has major implications for the mining industry.

What role does the industry play in the Crown's duty to consult? Project proponents have no legal obligation. But increasingly, mining companies are taking proactive steps to ensure that consultation takes place with First Nations well in advance of and beyond procedural requirements. Early engagement is seen by many as a business imperative for any proponent wanting to successfully proceed with development on a First Nation's traditional territory. It can complement the government's consultation activities arising from the Crown's legal duty, and provide an opportunity for a smoother progression through all stages of the mining process.

New revenue-sharing arrangements in the Province

In August 2010, British Columbia became the first province to share direct provincial tax revenue generated from new mines or mine expansion with First Nations. Resource revenue sharing will not have an additional cost for the mining industry. This is a commitment to sharing tax revenue that the province would receive from new mine developments regardless of the revenue-sharing agreements.

Two separate historic agreements with First Nations were signed during 2010.

The first agreement was signed between the Province and the Stk'emlupsemc and Skeetchestm First Nations for revenue sharing for the mine at New Afton, near Kamloops when production begins in 2012. The government agreement allocates nearly one third, approximately \$30 million, of the anticipated provincial royalties over the expected 12 year life of the project to First Nations. As well, the New Afton agreement will provide jobs and training for First Nations, which sends an important message to First Nations across British Columbia.

The second agreement was signed between the Province and the McLeod Lake Indian Band for revenue sharing for the Mt. Milligan Mine west of MacKenzie. The agreement involves a reported \$35-\$38 million in provincial mining royalties expected to be distributed to the band over the estimated 23 year life of the project.

Other discussions regarding revenue-sharing arrangements are ongoing with the Na'k'adzi Indian Band, the Upper North Similkameen Indian Band and the Tahltan First Nations with regards to the Mt. Milligan Mine, Copper Mountain Mine and Red Chris Mine respectively.

The Transformative Change Accord was signed by the Provincial and Federal Governments and Leadership Council representing the First Nations of BC in November 2005. The two objectives of the Accord were to:

1. Reconcile Aboriginal rights and title with those of the Crown and establish a new relationship based on mutual respect and recognition and
2. Close the gap in economic opportunities by considering the implementation of revenue-sharing agreements.

The BC government's mining revenue-sharing policy provides an opportunity for the communities to benefit from the development of mineral resources in their territories. The agreements provide the financial capacity to achieve objectives the First Nations have identified for their community.

Two separate historic agreements with First Nations were signed during 2010.

Stk'emlupsemc of the
Secwepemc Nation
37.5% of Mining Tax
Approximately \$30 million
over 12 years

Sources
BC Government Website
Canadian Mining Journal Website
CIM Magazine Vol 5 No 7

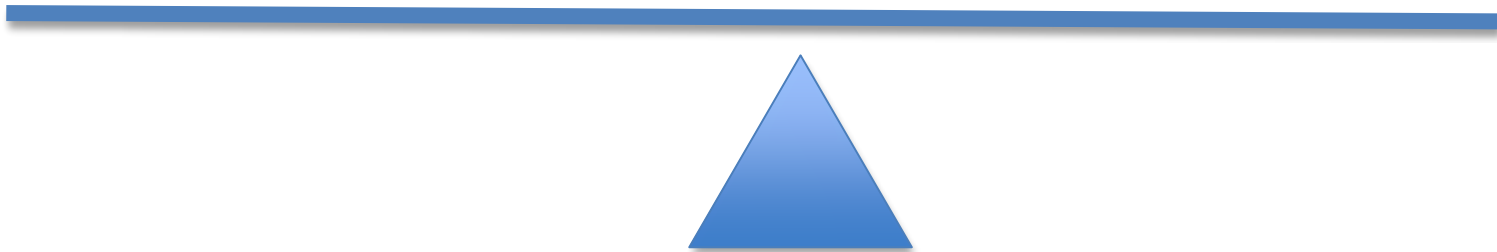
What do we need to do?

- Do the math and damage regarding all the mines in Indigenous Territory.
- Determine what our contribution is to the Canadian and BC economies.
- Reduce poverty by including us in making decisions on Access and Benefits
- Fill the vacancy of the government pulling back in protecting Mother Earth

Balancing of Responsibility

Mother
Earth

Jobs &
Business
Opportunities





Indigenous Network on Economies and Trade

11608 Palfrey Drive West

Coldstream, British Columbia, V1B 1A8, CANADA

Telephone: +1 (250) 319-0688

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- ✓ Arthur Manuel, Spokesman, INET
- ✓ Nicole Schabus, International Legal Advisor
- ✓ Voluntary Network of Indigenous Activists
- ✓ Focus on Indigenous Economic Matters
- ✓ *Do not accept funding from governments*
- ✓ Affiliate of the 7th Generation Fund (USA)