



BC ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY
March 7 & 8, 2024
Online via Zoom

Resolution 13/2024

SUBJECT: SUPPORT FOR THE B.C. FIRST NATIONS CRITICAL MINERALS STRATEGY

Moved by: CHIEF ARNOLD LAMPREAU, SHACKAN INDIAN BAND

SECONDED BY: CHIEF JERRY JACK, MOWACHAHT/MUCHALALT FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. since time immemorial, First Nations have been the keepers and caretakers of the traditional and ecological knowledge and laws arising from their intimate and ongoing connection to their territories and resources, including air, land and waters;
- B. it is essential to ensure that any limitations or barriers stemming from the long and troubled relationship between the Crown and First Nations are dismantled and that any restraints on the exercise of First Nations' jurisdiction to manage and care for their territories and resources are promptly removed;
- C. a First Nations driven and led critical minerals strategy will contribute to amplifying First Nations' perspectives, approaches and voices;
- D. all minerals are critical minerals, including their elemental constituents and raw materials they comprise;
- E. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of

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Canada has adopted without qualification, and has, alongside the government of B.C., committed to implement, affirms:

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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.

(2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

(3) States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

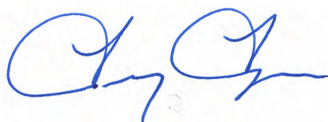
Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resource.

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;

- F. the massive push to reduce the rate of global warming and achieve carbon neutrality by 2050 is poised to transform the Canadian economy with the extraction of critical minerals on First Nations lands;
- G. mining activities are forecast to increase substantially with the construction of electricity generation and transmission of infrastructure to support critical minerals projects;
- H. in December 2022 the government of Canada, led by Natural Resources Canada, released the Canadian Critical Minerals Strategy and in January 2024 the government of B.C. released "phase 1" of a provincial critical minerals strategy;
- I. the Government of Canada's budget 2022 indicated that to build a net-zero economy by 2050 in Canada, between \$125 billion and \$140 billion per year in investments is required from the

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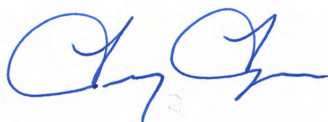
public and private sectors, and in B.C. the majority of critical mineral investments will be for the construction of mines, mineral processing facilities, the manufacturing of electric vehicles and electronic devices, and for battery storage facilities located on or within unceded First Nations territories;

- J. a First Nations critical minerals strategy has been developed by the B.C. First Nations Energy and Mining Council (“FNEMC”) under the guidance, assistance and input of First Nations leadership and members in B.C., and their various technical supports;
- K. from October 2023 to January 2024, the B.C. First Nation Energy and Mining Council hosted four province-wide online Indigenous peoples webinars with contributions from Natural Resources Canada, the B.C. Ministry of Energy, Mines and Low Carbon Innovation, and the Initiative for Responsible Mining Assurance (IRMA), with support from critical minerals and subject matter experts from academia, industry and the financial sector. The perspectives, approaches and instructions provided by First Nations leadership and members and technical supports were incorporated into the First Nations Critical Minerals Strategy;
- L. commencing September 2023, the government of B.C. began engagement with FNEMC on developing a process to align critical mineral strategies;
- M. inclusion of the government of Canada in a tripartite process with the government of B.C. and FNEMC is required for achieving an effective alignment that is consistent with the UN Declaration and the inherent and constitutional rights of First Nations;
- N. the governments of Canada and B.C. have established a B.C. regional table to develop an action plan to align resources, timelines and regulatory approaches to realize regional growth economic opportunities including critical minerals, clean fuels and hydrogen, carbon management, and electrification required for mineral extraction and processing and for infrastructure projects;
- O. FNEMC is prepared to facilitate further discussions with the governments of Canada and B.C., and title and rights holders to ensure First Nations lands, laws and values are protected and upheld in activities contemplated in Crown and First Nations critical minerals strategies; and

THEREFORE BE IT RESOLVED THAT:

- 1. the BCAFN Chiefs-in-Assembly supports and endorses the B.C. First Nations Critical Minerals Strategy prepared by the First Nations Energy and Mining Council through engagement with First Nations in B.C. and sectoral experts;

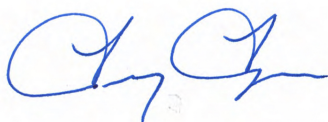
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2. the BCAFN Chiefs-in-Assembly calls on the First Nations Energy and Mining Council to report back to the Chiefs-in-Assembly with updates and an implementation strategy; and
3. the BCAFN Chiefs-in-Assembly calls on the governments of Canada and B.C. to support discussions with First Nations right holders who hold title and rights and sovereignty to unceded lands in B.C. to seek alignment between Crown and First Nation critical mineral strategies.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a light blue rectangular background.

Terry Teegee, BC Regional Chief