January 19, 2015

The "Premiers Natural Resources" forum this week provides an important opportunity for First Nations and the provincial government to re-focus and develop a new way to address government to government engagement. The present approach by the Crown in addressing land, resource development decision-making and environmental, social and other significant impacts raised by First Nations has not been successful. The unanimous decision of the Supreme Court of Canada on June 26, 2014 provides clear guidance to governments and industry proponents when it said: "Governments and individuals proposing to use or exploit land, whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group".

We, the Carrier and Sekani peoples are the original peoples to the vast territory in the central plateau of this province. This land has been our homeland since ancient times. It still is. It provides for our people now as it has in the past. Yet the federal and provincial governments treat our people as outsiders who must "prove" that we have historically and now used and occupied these lands. And the best the province is able to commit to is that we have "asserted rights" in and "asserted Aboriginal title" to our "asserted territories". We are seen as "asserted peoples" until we provide proof in court. This governments' denial of the existence of fundamental human and constitutional rights of our people is absolutely ridiculous and fundamentally racist.

Since the Crown, without our people's consent in any form, assumed "sovereignty" to our territories in 1846, a mere 149 years ago, our traditional lands and resources have been used as the economic base for and the development of villages, towns, cities, the province and country.

Presently development of mining, fishery, forestry, land and energy resources are substantial economic drivers. This is the major source of all wealth creation supporting jobs and business development. There is no good reason for First Nations to be on the sidelines of these economic activities. While properly taking care of the environment, protecting traditional food sources and security and planning for and acting on the inevitable social impacts First Nations should also see economic benefits, including revenues and jobs, from our traditional lands and resources. As everyone knows the social-economic gaps our people face are significant. We are addressing these in a constructive and proactive way and we need governments to be full partners in this.

LNG is being promoted by the government and the energy industry as a significantly important and beneficially new industry in this province. Our communities have been in discussions with LNG pipeline proponents, and on a limited basis with the government, on potential impacts as well as initiatives which will benefit our people. Our community members have prepared detailed
social and economic impact studies with important recommendations to address our concerns. These have been submitted to the government and industry. However these reports and recommendations have been largely ignored by the government when it issued environmental assessment certificates. This is why Nadleh and Nak’azdli First Nations with the full support of other Carrier Sekani First Nations, filed a judicial review application.

As the elected Chiefs of our respective First Nations we will continue to fight on behalf of our people and ensure the concerns they have raised with us are fully and effectively dealt with. Negotiations, in good faith, is our preferred approach. Following the Tsilhqot’în case the province’s approach in determining the "strength" of our land claim and the degree (low, medium or high) of "impacts" is not one we can accept. It is the status quo all over again! The province cannot afford to conduct its "business as usual", because it will continue to create uncertainty for investment and for development. A prime example of this are the 19 court cases filed against Canada and Enbridge with respect to the northern gateway proposal.

We are the original owners of the lands and resources in our respective territories and we have aboriginal rights and aboriginal title to our lands and resources. The Constitution of Canada "recognizes and affirms" this. We have never given this up. As the Supreme Court of Canada stated in Tsilhqot’în and given the significant impacts arising from LNG and other resources development we are firm in our view that our respective First Nation’s consent is absolutely necessary. Any agreement with our First Nations about our traditional lands and resources will require this standard.

Chief Justa Monk, Tl’atz’en Nation
Chief Martin Louie, Nadleh Whut’en
Chief Dan George, Burns Lake Band
Chief Anita Williams, Takla Lake First Nation
Chief Fred Sam, Nak’azdli Band
Chief Stanley Thomas, Saik’uz First Nation
Chief Archie Patrick, Stellat’ên First Nation
Tribal Chief Terry Teegee, Carrier Sekani Tribal Council