



**SPEAKING NOTES FOR ASSEMBLY OF FIRST
NATIONS NATIONAL CHIEF PHIL FONTAINE**

MINING ASSOCIATION OF CANADA

Rideau Club
99 Bank Street
Ottawa, Ontario

November 20, 2007

CHECK AGAINST DELIVERY

SPEAKING NOTES FOR ASSEMBLY OF FIRST NATIONS NATIONAL CHIEF AT THE MINING ASSOCIATION OF CANADA'S ANNUAL LOBBY DAY ON PARLIAMENT HILL

- *(Traditional Greeting)*
- Thank you Chief Boucher for that warm introduction. It's good to see you again.
- I would like to thank the Mining Association of Canada for your kind invitation to make the keynote address here today as part of your annual Lobby Day on the Hill.
- In particular, I want to thank the MAC Chairman, Peter Jones, ... and Gordon Peeling, who is the President and CEO of MAC.
- It is great to see so many people here today and so many familiar faces in the room. This is my third opportunity to speak to the mining industry during the last month.
- And I have to say, I hope that we're getting closer to the production phase... Our new relationship, like any good mine, takes an investment of our precious time, effort and resources. In fact, I hope that one of these times, we might even strike it rich!
- For those of you who aren't aware, I spoke at the Prospectors and Developers Association of Canada luncheon in Toronto on October 12.
- Two weeks after that, I spoke at a breakfast to the Association of Mineral Exploration British Columbia on October 29th.
- The reactions from First Nations, mining companies and governments that we are receiving to those first two speeches are amazing. There has been a tremendous response.
- For the most part, the feedback has been very positive. However, some of the feedback is reminding us that we still have much more work to do before we can all claim success.
- There has also been some tangible progress made as well. Just two weeks ago, for example, the "P-D-A-C" (PDAC) officially announced the **Skookum Jim Award**, which will be presented to either an individual, or an Aboriginal business, that demonstrates excellence and achievement in the mining industry.

- Today, with all of you, I want to bring a bit of a different focus to our discussion. My topic is going to focus on “**certainty**”. This is a term that we all use, however, we don’t often discuss what we mean by it.
- Certainty: What is it? How can we work together to achieve it? And... Who will benefit from it?
- But first, a little bit of background. As a result of the PDAC speech, the Mining Association of Canada responded to our challenge and reached out to us.
- I, and some of my officials, met with MAC executive members in Toronto last week to discuss some of your main concerns and the possibility of MAC developing a Memorandum of Understanding with the AFN, as part of our Corporate Challenge.
- I am pleased to say that as a result of those discussions, we will be signing a letter of intent with you which commits us to develop the MOU and outlines our key areas of interest. This is a great step forward. You will also note that there is also a full page ad in the Hill Times expressing your willingness to work with First Nations and our willingness to work with all of you.
- We are very proud to have MAC as our partner and we are very excited about the possibilities we have created by agreeing to work together more closely.
- Congratulations to you on taking such a progressive and proactive approach to working with First Nations. What a great start!
- So, let’s talk about “certainty”. What is it? To begin, we can’t define certainty very well – unless we know what “uncertainty” is.
- I would suggest to you that uncertainty is what we are trying to avoid. You all know what uncertainty costs each of your companies.
- Uncertainty costs First Nations as well. We lose opportunities for attracting new investment, jobs, businesses.
- Perhaps most of all, it costs too many of our young people hope for a better and more prosperous future.

- Governments lose when uncertainty is created. They lose valuable revenue from every project that is put on hold or when investment dollars go to jurisdictions that are more favourable.
- We all have a part to play in preventing conditions that lead to greater uncertainty. We also all have a part to play to create conditions that will result in greater certainty.
- “Certainty” is a loaded term. It means something different to everyone. The lesson from the story is that it will be very difficult to really define what “certainty” is unless we all talk about it together.
- For us, certainty means minimizing our risks and maximizing our opportunities. It means that when we work with industry and governments, we can rely on our partners to work with us in a trustworthy manner.
- It means our partners will respect our Aboriginal and treaty rights. It means our values and unique cultures are respected.
- It means that we will develop our lands and resources in an environmentally sustainable manner.
- And, it means that our partners will address our needs and priorities in a meaningful way.
- So what does this mean for us, governments and industry? Certainty is about achieving **clarity**: defining and know our respective rights and responsibilities.
- This kind of respectful approach I just described, to us, is the basis of a **true partnership**.
- True partnerships ... respectful partnerships based on mutual trust ... will **minimize** risk and **maximize** opportunities. Therefore, in our view, true partnerships will lead to greater certainty.
- You might be wondering how we can undertake this task together? Industry, First Nations, and governments all have a unique role to play. In order to achieve greater certainty, we require the following:

- Immediate socio-economic investments by governments to alleviate the crushing burden of poverty facing far too many First Nations people;
 - Governments must work with us to resolve all land claims, treaties and self-government issues that are blocking progress and impeding new investments;
 - Governments need to fulfill their obligations with respect to Aboriginal and treaty rights through proper consultation and accommodation policies and practices, and to ensure that they are consistent with Supreme Court of Canada decisions and our own understanding of our rights; and
 - Industry has to work together with us in a mutually respectful way to ensure that First Nations are fully benefiting from resource developments that are taking place in their territories and lands.
- First, we need investments to address the one in four First Nations children living in poverty and the 27,000 First Nations children living in state care. The vast majority of these children are in state care simply because their parents are too poor to look after them.
 - We also need significant investments in education and in creating an environment that is conducive to learning. This means investments in health care, clean water, new infrastructure and housing to bring us up to a comparable standard enjoyed by most Canadians.
 - In fact, there is no good reason – **no good reason** – for us to be going hat in hand to the government to **plead** for the basic necessities of life everyone else takes for granted.
 - This is a country blessed with multi billion dollar surpluses year after year after year.
 - There is simply **no good reason** the federal government cannot make the investments that are required to close the shameful poverty gap.
 - The First Nations population is a huge untapped resource right now. In the years to come, as our population continues to grow faster than any other group in the country, it will be a major part of Canada's work force.

- I understand that the Honourable Monte Solberg, Minister of Human Resources, agrees with us. He spoke about First Nations being an untapped pool of labour on a national radio program this past weekend. It is a welcome statement.
- In our pre-budget submission this year to the federal government, we estimated that **\$1.3 billion** is required to address the current shortfalls in education and skills development.
- **We would like you to join with us** in insisting that government invest this money in First Nations education and training in the upcoming budget.
- **You** need well trained local people. **We** need the jobs.
- Improved education and skill levels of the local work force will enable the corporate community to reduce your dependence on foreign workers and increase local knowledge in operations.
- That can save you time, effort, frustration and money.
- Secondly, governments must work with us to resolve all land claims, treaties and self-government issues that are blocking progress and impeding new investments
- In 1996, the **Royal Commission on Aboriginal Peoples** wrote, “transforming Aboriginal economies from dependence to self-reliance will not be easy. The greatest boost for most Nations will come from access to a fair share of lands and resources.”
- Unfortunately, the lack of access to land and resources **remains** the single greatest, impediment for us to achieve self-sufficiency.
- But, we are taking action to correct that. Over the last few months, the AFN has been co-drafting legislation with the federal government that is designed to speed up the resolution of **specific land claims**. This is a step in the right direction. We hope that the government will be tabling a new Bill in the House of Commons in the near future.
- Much more still needs be done to settle comprehensive land claims, implement treaties, negotiate self-government and give us a fair share of resource revenues.

- We will continue to push for those things.
- We ask you to work with us to push governments to fulfill those responsibilities. Doing so will help to ensure that we share equally in the riches generated from our lands and resources.
- Thirdly, governments must do a much better job of addressing their obligations to consult with our people and accommodate our rights and interests.
- Governments need to fulfill their obligations with respect to Aboriginal and treaty rights.
- They need proper consultation and accommodation policies and practices, and to ensure that they are consistent with Supreme Court of Canada decisions and our own understanding of our rights.
- It appears we still have a lot of work to do in this regard. Just two months ago, the Canadian Government was one of only 4 countries in the world to vote **against** the **UN Declaration on the Rights of Indigenous Peoples**.
- The Declaration provides a very helpful framework.
- It will enable the political, social, economic and cultural development to exist and prosper consistent with Treaties and Inherent Rights.
- It is hard to imagine why Canada voted against the Declaration, given that the Constitution of Canada already recognizes and affirms the rights of Aboriginal peoples.
- It leaves us more than a little perplexed about Canada's commitment to our human rights and equal citizenship.
- But I will leave it at that, as I would now like to talk about how **you can work together with us**.
- We believe that if you work with us in a mutually respectful way to ensure that First Nations are fully benefiting from mining activities taking place in our traditional territories and on our lands, then we will create greater certainty.

- By doing so, you can also help to alleviate First Nations' poverty by providing **employment opportunities**; holding governments **accountable**; demanding that First Nations be given a **fair share** of the resource revenues and creating **with us**, the kind of development that is economically beneficial, yet **environmentally sustainable**.
- In playing this role, you stand to gain as much or more than we do. Partnering with us is good for business. But it is a unique kind of partnership – one that must take our unique identities and status into account.
- It is imperative that we learn about one another and respect our differences. We don't need to be the same to do business together.
- We have developed a set of principles to guide us along the way.
- The first principle of partnering with First Nations is respect for, and protection of, our cultures and values.
- Development which substitutes **economic** impoverishment for **cultural** impoverishment is **a non-starter**.
- We love our lands, our cultures, our languages and our traditions. They represent who we are and where we have come from. They also represent who we are today. And who we will become in the future.
- **We have had enough assimilation and exploitation.** Attempts to destroy our cultures and our identities have never worked in the past and **they will never work in the future**.
- Any attempts to forcibly assimilate our people will not be tolerated.
- The second principle of partnership is **respect for our rights** to our lands and resources. Our inherent, Aboriginal and Treaty rights are recognized and affirmed in Canada's Constitution and they have been repeatedly affirmed by the Supreme Court of this land.
- As such, the law requires that they be respected by all governments and all companies that do business in Canada.
- The third principle is **meaningful consultation** with the affected First Nations.
- It should happen from the very beginning of a development project.
- We think it is presumptuous for companies to start work on development

projects which may affect our very way of life, yet come to consult with us only after the project is underway.

- Indeed, the foundation of the AFN's Corporate Challenge is for us to work **together, as partners, as respected equals**, fully participating in mining activities while protecting and enhancing our culture and values.
- We see these partnerships primarily rooted in ventures that will provide **procurement, investment, and employment opportunities** for First Nations people.
- We think there are tremendous opportunities in the area of **procurement**, and in finding ways for large companies to get their mainstream suppliers to work with First Nations.
- Participation with us will go a long way in creating those much needed jobs.
- In **resource development**, First Nations and the mining community are natural partners.
- There is no reason we shouldn't be able to work together to create mutually beneficial projects.
- We know that you agree with us and as a demonstration of our partnership, we will be signing a letter of intent that will lead to the development of a Memorandum of Understanding between the AFN and MAC in the near future.
- But we still have challenges. And we have to be committed to work together through the hard times as well as the good times.
- A recent example of where things haven't gone well is in northern BC.
- You may be aware that two months ago Northgate Minerals had to abandon its proposed 3 Billion dollar Kemess mine operation in Northern BC because it had failed to consult with affected First Nations about plans to pollute a lake with cast off tailings.
- If proper consultation had taken place, local First Nations could have benefited from this venture. Instead, we have another classic case of what can go terribly wrong.
- I understand that this is an ongoing issue and the First Nations are very concerned.

- The First Nations that would have been impacted by the Kemess project have not changed their position even though the Association for Mineral Exploration British Columbia has launched a campaign to save the project. The views of our First Nations must be respected when these projects are undertaken.
- Another example of the need to work together involves the Mackenzie Valley Environmental Impact Review Board's recent decision to reject ("U-r") Ur Energy's application for a land use permit to conduct mineral exploration on First Nation land.
- We were pleased to learn that two months ago, MAC wrote a letter to the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development, telling him that you are not opposed to the rejection of development proposals due to adverse cultural impacts on First Nations.
- Specifically, you told Minister Strahl, and I quote:
- "...the Ur Energy case emphasizes, once again, the need for the federal government to settle land claims expeditiously so that Aboriginal and Treaty rights can be properly recognized and affirmed, land use conflicts can be avoided, and industry can be provided with the clarity and certainty that are required to make sound investment decisions."
- You also asked for greater clarity for the purposes of "industry certainty", on how spirituality will be identified.
- This is the kind of question that can be best addressed during consultation phases and at the on-set of considering exploration.
- In fact, we can also work with you to explore the answers to any policy or legal questions as they arise in non-adversarial processes. We shouldn't always have to go to the courts to resolve our differences. The courts should always be viewed as an arbiter of the last resort. (Unless you're a lawyer, of course)
- Which leads me to the final area of potential partnership I want to mention, which is the **environment**.
- **This is the number one issue of concern for Canadians today.**
- Everybody is finally accepting that global warming and serious environmental degradation must be addressed.
- We know that you have recognized this already and have reflected this in

your “Towards Sustainable Mining” initiative.

- First Nations stand for responsible development. Anti-pollution measures, tax incentives, and cultural impacts, – all must be taken into account, and require the co-operation of all the stakeholders involved.
- We have expertise. We have managed to survive in the Canadian environment, under all sorts of difficult conditions, for thousands of years.
- We have a deep respect for nature, the land and water, and an unbroken traditional, intimate relationship with the environment. Moreover, we have a **huge vested interest** in protecting the environment.
- The bottom line is that good economic development must support **human** development – it has to work **for** people – it has to respect **human rights** – it has to be **responsible** about the environment, about nature itself.
- The costs of doing nothing are far too great for everyone involved.
- But breaking with the past takes a **leap of faith**. It takes **courage**, and it takes **imagination**.
- We believe you have what it takes. Work with us to ensure we obtain the necessary investments we require to alleviate poverty in our communities
- **Work with us** to improve socio-economic conditions, settle claims, implement treaties and negotiate self-government agreements.
- **Work with us** to ensure that First Nations participate and fully understand the value of your industry.
- **Work with us** to enhance your access to the resources you want to develop.
- Better relations with **our** communities can help ease approvals processes for project development, expansion, and closure and help resolve disputes and avoid situations in which local groups might hinder or even prevent mining from taking place.
- In conclusion, I want to leave you with this thought: By working together as mining companies, you know that you can **effect** change. But, by working **in partnership with First Nations** ... together ... we can make **effective** change.
- Thank you. Meegwetch.