

FIRST NATIONS LEADERSHIP COUNCIL

NEWS RELEASE

July 24, 2020

First Nations Leadership Council requests that BC withdraw Bill 17 – Clean Energy Amendment Act (2020)

(X̱w̱məθkʷəy̱əm (Musqueam), S̱ḵw̱x̱w̱ú7mesh (Squamish) and sə̱lilwətaʔ/se̱lilwitulh (Tsleil-Waututh)/Vancouver, B.C.) — The First Nations Leadership Council (FNLC) is requesting BC withdraw Bill 17 – 2020 Clean Energy Amendment Act, 2020 pending sufficient consultation and consent by BC First Nations and proper alignment with the *Declaration on the Rights of Indigenous Peoples Act*.

Section 3 of the Declaration Act stipulates in no uncertain terms that the BC government “must take all measures necessary to ensure the laws of British Columbia are consistent with the [UN] Declaration.” The government has ignored its own statute in the process of drafting Bill 17 and its tabling in the legislature.

The proposed *Clean Energy Act* amendments have raised deep concern from many BC First Nations because those amendments allow for the elimination of self-sufficiency from the *Clean Energy Act*. This will directly undercut BC First Nations that have developed power projects by allowing the government to purchase power from other jurisdictions rather than from BC First Nations independent power producers, a majority of which are sustainable, clean, and environmentally friendly. BC should be working with First Nations to develop the power instead of importing power from other jurisdictions.

Further, the proposed *Clean Energy Act* amendments will have a detrimental environmental impact by providing the government with discretion to self-define “clean energy” and “clean resources” to include any type of power production including brown thermal generation, thereby opening the door to brown energy imports from Alberta or the U.S.

The piecemeal approach to amending the *Clean Energy Act* without sufficient notice to, and consultation with First Nations leadership and First Nations rights and title holders’ is an unfortunate signal that the government is moving forward on a business as usual approach and ignoring commitments made in the landmark *Declaration on the Rights of Indigenous Peoples Act*, which commits government to bringing all laws in alignment with the *UN Declaration on the Rights of Indigenous Peoples*.

Quotes:

Kukpi7 Judy Wilson, Union of BC Indian Chiefs

“After the momentous passage of the jointly developed Declaration Act, we were caught off guard with the introduction of Bill 17 given the Province’s unilateral development of the Bill, and the lack of alignment with the *UN Declaration on the Rights of Indigenous Peoples*. This Bill is fundamentally flawed in content and in process and must be withdrawn. We are particularly concerned that Bill 17, which



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stands to absolutely devastate some First Nations' economic development plans and opportunities, was introduced at the same time the Province is discussing economic recovery from COVID. First Nations must be included in the Province's planning around energy, and not be an afterthought."

Regional Chief Terry Teegee, BC Assembly of First Nations

The recent introduction of Bill 17 – *Clean Energy Act* does not reflect the urgent changes we have been seeking with the implementation of the UN Declaration (Bill 41), and further work is required on how Bill 17 will impact the title, rights and interests of First Nations in BC. Clean energy is a growing and important economic sector for both the Crown and First Nations governments. Many BC First Nations are seeking their own projects and this Bill will impact their sovereignty and self-determination to build energy self-sufficiency and economic development initiatives. In addition, without free, prior and informed consent from First Nations new clean energy projects will be challenged. Bill 17 lacks the proper process of engagement from First Nations. Premier Horgan must reconsider his government's approach as consent-based decision making in clean energy is critical.

Robert Phillips, First Nations Summit:

"We stood in the legislative assembly in November with great pride and anticipation of the positive change that would result from the Declaration Act receiving royal assent. The Declaration Act obligates the Province to align the laws of BC with the UN Declaration, including amendments to existing legislation, representing a significant part of the transformation necessary to achieve a modernized Crown-Indigenous relationship in BC. Thus, it is highly troubling and frustrating to see this legislative amendment move forward without proper consultation with First Nations. The government must do better in ensuring all ministries take the necessary actions to follow the obligations outlined in the Declaration Act."

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