



Resource Rulers – required reading for mining execs

An excellent book recently written by Bill Gallagher entitled *Resource Rulers* details the rise of native empowerment in Canada and its effect on resource development. Gallagher was in a unique position to write the book as he is a lawyer, strategist, facilitator, energy regulator and treaty negotiator with 30 years experience in the area of government, native and corporate relations. He attended and sometimes participated in a number of the events he describes.

The author did a meticulous job of assembling dozens of pertinent official documents from both the government and native side and provides a history of how Canadian First Nations peoples started with virtually no power over what happened on their traditional lands, much of which was never ceded to Europeans, to the point where today they have won 179 court cases.

The reason so many cases ended up in court was not that First Nations peoples were overly litigious; it was the lack of or inadequate arrangements with the various provincial, territorial and federal governments in dealing with their concerns over hydropower, petroleum, forestry, mineral

projects as well as harvesting of maritime food resources.

The winning court cases were often based on treaties signed with England as far back as 1752 that stated the Crown had a fiduciary duty to permit First Nation peoples to hunt, fish and trade various resources on their traditional lands. In addition, First Nations should not suffer adverse effects of industrial development.

The author starts at Canada's east coast and takes the reader through the various court cases while gradually working west to British Columbia. Sometimes it was clear that too much responsibility to achieve satisfactory arrangements was dumped on to mineral explorers and other industrial developers – responsibilities that the various levels of governments should have dealt with years before.

It was interesting to see how the Voisey's Bay nickel-copper-cobalt mine in Labrador was approved and built and also why the Kemess North copper-gold mine in British Columbia was rejected. Sometimes First Nations banded together with eco-activists to achieve a common goal although,

on occasion, native strategists became annoyed that southern eco-activists were not consulting with them when development protests were launched.

"Consultation" is the key word here. Most First Nations are not anti-development – they want jobs, training and some kind of share in the earthly wealth being extracted from their traditional lands. They are anti-destruction and want to be included in talks regarding development proposals that will affect their way of life and potential economic opportunities. Keep in mind that for centuries, First Nations were shut out of benefiting from industrial developments on their traditional lands.

The legal rights and title to resources by First Nations may be still unresolved; however, Gallagher draws the conclusion that since they have become very successful litigants and while it may not be actually written in treaties, they now hold de facto veto power over resource projects.

There are some valuable lessons to be learned from Gallagher's engaging book and woe to any mining executive that does not appreciate these game changing events. It is important for mining execs to realize that they have a legal duty to consult with natives. By not consulting with First Nations groups, there is the real possibility of lost economic opportunities that may never be realized. We are talking millions, if not billions, of dollars. ■

– *Resource Rulers* is available at amazon.com

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