

March 17, 2008

Honourable Dalton McGuinty
Premier
Legislative Bldg
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Queen's Park
Toronto ON M7A1A1
Fax 416-325-9895

Dear Premier Dalton McGuinty,

Stop the injustice: Overhaul Ontario's mining laws and policies

We, the undersigned organizations, are writing to you concerning Ontario's *Mining Act*.

A number of recent examples underscore the urgent need for changes to the Act.

Today, six members of the Kitchenuhmaykoosib Inninuwg (KI) First Nation in northern Ontario were sentenced on contempt charges for their peaceful opposition to drilling for platinum on their traditional lands. They consider it to be their responsibility to protect their lands from drilling in the Boreal Forest in northern Ontario.

Recently, the Ardoch Algonquins were sentenced in court for opposing uranium exploration in a part of eastern Ontario which they have never surrendered and which is currently part of the Algonquin land claim negotiations. Ardoch spokesperson Bob Lovelace was sentenced to six months detention and fined \$25,000. In addition, the community was fined \$10,000 and Chief Paula Sherman \$15,000. Leaders of the neighbouring Shabot Obaadjiwan First Nation will also be sentenced for contempt next week. Leaders of the neighbouring Shabot Obaadjiwan First Nation and non-Aboriginal landowners and supporters of the Algonquin will also be in court this week.

All these charges relate to the non-violent actions of reasonable and concerned people opposed to exploration and mining activities that the provincial government should not have permitted in the first place.

Ontario's *Mining Act* allows exploration activities, including aerial surveying, felling trees, blasting and drilling, trenching and the construction of temporary roads and shelters, without any public consultation or environmental assessment. Such provisions are incompatible with other responsibilities of the province, including its higher duty to respect and uphold Aboriginal and Treaty rights. Such provisions are also inconsistent with contemporary state obligations to carefully assess and seek broad public input around environmental impacts and ecological values.

Canadian courts have said over and over again that there is a clear, constitutional obligation for governments to carry out meaningful consultation and accommodation before any decisions are made that could impact on the rights and interests of Indigenous peoples. The purpose of such consultation is to identify and address any Indigenous concerns.

This did not happen before permits to explore for platinum were granted in the KI case. And it did not happen before uranium exploration began in lands subject to a long-standing Algonquin land claim. Implementation of an antiquated *Mining Act* has meant that the rights of Ontarians to protect their communities and lands are quickly being eroded.

The province must act before any further injustices are committed.

The undersigned organizations call on the Province of Ontario to:

1. Instruct officials in the Ministry of Northern Development and Mines to not allow mineral exploration or the staking of claims and mining leases that violates constitutionally protected Indigenous rights, including the right to consultation and accommodation.
2. Comprehensively reform the Mining Act, including the free entry system, in consultation with Indigenous peoples and with affected stakeholders. Reform must include protection of the rights of Indigenous peoples in national and international law and independent environmental assessment of the cumulative impacts of proposed exploration and mining projects.
3. Enter into good faith negotiations with the KI and Algonquin peoples to ensure their rights are fully respected and that these conflicts are quickly remedied in the public interest.

We look forward to your response to these urgent matters.

Amnesty International Canada

Atlantic Regional Solidarity Network

Atira Women's Resource Society

Bathurst Street United Church

Bedford Mining Alert

Canadian Friends Service Committee

CPAWS Wildlands League

Christian Peacemaker Teams Canada

Community Coalition against Mining Uranium

CUSO

The Council of Canadians

The Council of Canadians, Kawartha and Peterborough Chapters

David Suzuki Foundation

Development & Peace, Peterborough diocese

Earth Action

Earthroots

Environmental Defence

Extractive Industries Research Group, York University

ForestEthics

Friends of the Earth Canada

Gravel Watch Ontario

Green Party of Canada

Green Party of Ontario

Green Party of Prince Edward Island

The Justice, Global and Ecumenical Relations Unit of The United Church of Canada

Manitoba Wildlands

Larry Martin, chair Ottawa Diocesan Committee for Development & Peace

Mining Watch Canada

Ottawa Riverkeeper / Sentinelle Outaouais

Physicians for Global Survival (Canada)

Rainforest Action Network

SAGE (Safe and Green Energy)

SalvAide

Sierra Club Canada

Skeena Watershed Conservation Coalition

Wild Women Expeditions