

Comment: Can premier be a man of his word?

BEV SELLARS / Times Colonist

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So, B.C. will finally review its sadly weak environmental-assessment process. About time! But can First Nations trust the NDP government to work with them to address the glaring problems and make real and meaningful changes?

The B.C. process has been a bad joke. Travesties such as B.C.'s repeated approval of the soundly discredited and federally rejected Prosperity/New Prosperity mine proposals, and the approval of the unsafe and ultimately disastrous Mount Polley tailings dam have long made clear to many that the process is designed to help mining companies, not to truly protect the environment and Indigenous rights.

I would like to believe the government intends to live up to its word in terms of respecting Indigenous rights and protecting the environment. First Nations have been given reason to hope the United Nations Declaration of the Rights of Indigenous Peoples will be implemented, together with a requirement for free prior and informed consent for mining or other natural-resource developments affecting First Nations.

But recent events have raised doubts as to the government's sincerity. So, I have the following question: Premier John Horgan, where are you on Mount Polley?

I was acting chief of the Xat'sull (Soda Creek) Nation on Aug. 4, 2014, when the dam failure at Imperial Metals' Mount Polley mine unleashed the largest environmental mining disaster in Canadian history.

I watched while the provincial conservation officers took three years to investigate the disaster and failed to lay any charges.

I remember when Horgan, fresh to the job of premier, called their failure "shocking," even "disturbing." And I went to court on Aug. 4, 2017, the last day in the provincial limitations period, to lay private charges, which held the door open for the government — giving it a bit more time to hold Imperial Metals accountable.

But the government's prosecutors took over my private prosecution and dropped the charges. Horgan let that door slam shut. Why?

We deserve some answers. The government has provided no clear reasons why it could not lay charges or impose fines against Imperial Metals under provincial law.

Nor have prosecutors satisfactorily explained why my private charges should not have proceeded. Instead, B.C.'s inaction, combined with the official policy of shutting down private prosecutions, means Imperial Metals got away scot-free under provincial law.

In my culture, we have a sacred responsibility to care for the land, waters, animals and people living today, and also for the next seven generations to come.

The people of B.C. have spent at least \$40 million cleaning up Imperial Metals' mess while the company claims tax writeoffs for its cleanup costs.

B.C. has to show polluters that provincial environmental laws have teeth.

If the government wasn't going to prosecute Imperial Metals, then it should have let me do it.

To be sure, the government is working with the federal investigation into the Mount Polley disaster. I hope the investigators are working more effectively there than they were able to do here. I hope the federal investigation results in charges for Canada's largest, best-documented mining disaster. But having seen what I've seen so far, I have doubts.

Premier Horgan, you have been missing in action on Mount Polley and we need you to step up. You need to make sure that B.C.'s conservation officers have the resources they need to uphold the law. And you need to reform B.C.'s policy around private prosecutions so that ordinary people can step in when government drops the ball.

This would be a good place to start if you truly want to work with First Nations to make mining and environmental protection in B.C. an example to the world of how to do it right.

Bev Sellars is a grandmother, bestselling author and chair of First Nations Women Advocating for Responsible Mining. She was chief of the Xat'sull First Nation, in whose territory Quesnel Lake lies, at the time of the Mount Polley disaster.

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