

**Committee on the Elimination of Racial Discrimination  
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**Submission to Canada's 19<sup>th</sup> and 20<sup>th</sup> Periodic Reports: Shadow Report by  
the Tsilhqot'in Nation on the denial of Indigenous peoples' rights in Canada  
with a focus on the Extractive Sector Operating within Canada**



*Sacred Teztan Biny*

**Report by the Tsilhqot'in Nation:**

**?Esdilagh (Alexandria Indian Band), Tsi Deldel (Alexis Creek First Nations), Tl'etinqox-T'in (Anaham Indian Band), Yunesit'in (Stone Indian Band), Tl'esqox (Toosey Indian Band), and Xenigwet'in First Nations (Nemah Valley Indian Band)**

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## EXECUTIVE SUMMARY

In its 19<sup>th</sup> and 20<sup>th</sup> Periodic Reports, Canada states that,

“Aboriginal title affords legal protection to prior occupation of land in the present-day and thus recognizes the importance of the continuity of the relationship of an Aboriginal group to its land over time...where prior occupation of title land is established on the basis of its use for hunting, the value of the land for such a use may not be destroyed by its subsequent use for activities such as strip mining.”<sup>i</sup>

Despite Canada’s claim that Aboriginal Title affords legal protection against activities that threaten the Indigenous relationship to our lands and waters, the Tsilhqot’in Nation is faced with a grave threat from a mining regime that allows mineral rights to be granted without consultation and accommodation, and harmful projects to be advanced without the free, prior informed consent (FPIC) of Indigenous Peoples.

The Tsilhqot’in Nation currently faces such a threat – the proposed “Prosperity Gold-Copper Mine”, which has been opposed by our Nation for over 20 years. The mine proposal is currently in its second federal environmental review, after having already been rejected by an independent expert panel and the federal government for its unacceptable harms to the environment and the culture, rights and Title of the Tsilhqot’in.

The fact that this harmful megaproject remains a threat highlights a fundamental problem with Canada’s relationship with Indigenous Peoples: the continued denial of our Aboriginal Title. Canada's policy to deny and fail to implement Aboriginal Title is the rationale behind Canada continuing to make decisions about extractive projects which threaten the extinguishment of constitutionally-protected Indigenous rights, and without the free, prior and informed consent of those Indigenous Peoples. The actions of the Canadian government are contrary to the minimum standards set out in the now endorsed *United Nations Declaration on the Rights of Indigenous Peoples*, especially the right of Indigenous Peoples to *free, prior and informed consent* when decisions are made which will affect our lands, waters, culture, rights and future generations.

### **Recommendations:**

- **Canada take immediate and effective measures to implement the *UN Declaration on the Rights of Indigenous Peoples*, with specific attention paid to the full recognition of Indigenous land rights, including Title, and the Indigenous right to *free, prior and informed consent (FPIC)* when decisions are being made which affect Indigenous Peoples and Territories.**
- **Canada, in full partnership and consultation with Indigenous Peoples, establish a process with Provincial and Territorial governments to reform mining laws to reflect the minimum standards found in the *Declaration*, and review existing subsurface dispositions granted without any consultation or consent of Indigenous Peoples.**
- **Canada take full and effective measures to ensure its actions and policies with respect to considering the proposed “New” Prosperity Gold-Copper Mine<sup>ii</sup> are fully consistent with CERD, and that the Honour of the Canadian Government compels it to respect the Tsilhqot’in Nation’s position that the proposed mine constitutes a grave threat to the cultural survival of the Tsilhqot’in Nation and the environment and must be rejected.**

## **Shadow Report by the Tsilhqot'in Nation on the denial of Indigenous peoples' rights in Canada with a focus on the Extractive Sector Operating within Canada**

### **Unextinguished Tsilhqot'in Title**

1. The Tsilhqot'in Nation has never ceded or surrendered its lands, or its Title and rights. The Nation has been living and using our lands for centuries, in our way and according to our own laws and traditions, from a time prior to the arrival of Europeans to North America and continuously to the present day.
2. The Tsilhqot'in Nation is committed to protecting our lands, waters, culture, language, Title and rights for future generations.
3. We have always fought to protect our way of life, our laws, and our families. We have always fought to protect the boundaries of our territory. Our goal, and main concern, has always been our survival as a people. We have survived the arrival of Europeans, genocide, smallpox, reserve creation and the theft of our land, residential schools and other attempted forms of assimilation, colonization and destruction. For the honour of our ancestors and for the future of our children, we continue to fight and resist.
4. We cannot survive without our land. It is part of us as a people, and we are a part of it. Under Tsilhqot'in law, we have a responsibility to our land, our ancestors, and our future generations. We make these submissions on their behalf. We ask that as you read these submissions, to remember that you hear not just the voices of our people today, but that you also hear the voices of all our ancestors and all our children's children.
5. We have a long standing history of conflict and attempted engagement with the State concerning the recognition, demarcation and titling of our traditional lands, which has not resulted in the protection or preservation of our lands as required under international, Canadian and Tsilhqot'in law. Since contact with the Europeans, we have made very serious and numerous attempts through warfare, protest, direct action, lobbying, litigation, and negotiation with the State to resolve our territorial claim, but have faced the State's continued denial, arrogance, condescension and indifference to our plight. To this day, over a hundred and fifty years later, the conflict with the State continues over the ownership of our lands and the survival of our people.
6. The Tsilhqot'in Nation refused to enter the British Columbia Treaty Commission (BCTC) process that is promoted by Canada and British Columbia, because the extremely limited mandates given to government negotiators result in a process of 'extinguishment' of Aboriginal Title and assimilation of culture, not one of recognition and reconciliation. Canada's Comprehensive Claims Policy which underlies the BCTC has been found by numerous UN human rights bodies to aim at *de facto* extinguishment of Indigenous land rights and to violate international human rights standards.<sup>iii</sup> The Tsilhqot'in refusal to enter this process has subsequently been vindicated by the failure of this process to solve the land question twenty years later and the provincial government's recent indications that it will abandon the process.<sup>iv v vi</sup>

7. Canada is neglecting its fiduciary duty to protect the lands, waters and Aboriginal Title and rights of the Tsilhqot'in Nation by conferring to the Province of British Columbia the management of natural resources such as subsurface minerals and petroleum, and surface rights such as fee simple land, and forest management. Canada does this although national courts have ruled that Aboriginal Title can serve as an ouster for provincial jurisdiction, and that the federal government has a fiduciary duty to protect Aboriginal Title.<sup>vii</sup>
8. Canada's failure to protect our Aboriginal Title and Rights allows the Province of British Columbia to dispense to third parties the legal rights to subsurface minerals without consultation and accommodation, or the free, prior and informed consent of the Tsilhqot'in Nation. To date, a significant proportion of the Tsilhqot'in Territory is licensed to private individuals and companies, granting the right to explore for minerals and petroleum, and develop extractives projects. Due to the glaring absence of protection for our Title lands in British Columbian and Canadian law, there has been no consultation and prior informed consent required for any of these dispositions.
9. British Columbia has made efforts to negotiate a consultation process with the Tsilhqot'in, via the "Tsilhqot'in Framework Agreement".<sup>viii</sup> This agreement sets out how British Columbia will engage the Tsilhqot'in when activities are to be permitted in Tsilhqot'in territory. However, the agreement does not incorporate the minimum standards found within the *Declaration*, including the right to free, prior and informed consent. The agreement also fails to provide any consultation prior to the allocation of subsurface mineral and petroleum rights to third parties. Nor is there a process foreseen to consult and seek the Tsilhqot'in consent for the pre-existing third party interests allocated prior to the agreement, such as Taseko Mines Ltd.'s mineral claims and leases.

### **Denial of Tsilhqot'in Title**

10. Canada's neglect of its fiduciary duty has been a pattern repeating itself since the unlawful founding of the Province of British Columbia in 1871, and the founding of the British colony prior to that. Very few treaties were ever signed in this Province, and as a result the question of Aboriginal land Title and rights has never been settled. A prime example is the continuing disposition of mineral and other subsurface rights.
11. Despite negative impacts on Tsilhqot'in lands and waters, the wealth derived from the extraction of natural resources found on Tsilhqot'in lands have largely bypassed Tsilhqot'in communities, and have instead flowed to British Columbia, Canada and private interests. The continued level of poverty found in Tsilhqot'in communities, despite the abundance of natural wealth in our territories, is a reflection of the continued denial of Tsilhqot'in rights and Title.
12. In 1864, a gold rush north of Tsilhqot'in Territory led to road-building crews attempting to enter our territory. After refusal to negotiate the terms of this entry, and the kidnapping and assault on Tsilhqot'in members, as well as the threat of a second wave of smallpox disease, the Tsilhqot'in declared war and stopped the road crew and construction of the road through the southwest side of Tsilhqot'in Territory. Shortly after, the road to the goldfields was re-routed to the eastern portion of Tsilhqot'in lands, largely avoiding the majority of our communities.

13. Despite promises made by Canada following this war and later in 1872, the Tsilhqot'in were not granted the land reserves originally promised for our exclusive use.<sup>ix x xi xii xiii</sup>
14. Without any consultation, British Columbia, founded in 1871, began to enable access to the natural resources found in Tsilhqot'in lands by settlers and corporations, including granting our lands to private interests, and forest tenures, and permits to access minerals and other subsurface materials.
15. The lack of consultation and free prior informed consent when subsurface rights are granted by British Columbia to third parties continues to this day.

***Tsilhqot'in Nation v. British Columbia 2007 (BCSC 1700)***

16. In response to proposed industrial logging threatening some of the last intact tracts of Tsilhqot'in territory, the Tsilhqot'in Nation brought a landmark Aboriginal Title and rights case, *Tsilhqot'in Nation v. British Columbia*<sup>xiv</sup>, in the Canadian court system. In that case, the Supreme Court of British Columbia affirmed that the Tsilhqot'in people have Aboriginal hunting, trapping and trade rights throughout the entirety of the claimed area and that evidence established Aboriginal Title to almost half the claimed area and possibly much more. However, notwithstanding several years of trial, the court refused to grant legal recognition or protection to the area where it had found Aboriginal Title was established on the evidence, based on a technicality. Thus, Tsilhqot'in Title has been acknowledged to exist, and continues to do so throughout our traditional Territory.
17. The court did encourage all parties to be guided by his findings. [para 1375] This has not happened, despite the court's warning that the provincial and federal governments have advanced an "impoverished view of Aboriginal title" that "cannot be allowed to pervade and inhibit genuine negotiations." [para 1376] The Tsilhqot'in Nation has appealed the decision not to grant Title. Both the provincial and federal government argued against the trial court's approach to Aboriginal Title on appeal, contending that Aboriginal Title is limited to precise sites, such as village sites and cultivated lands, and cannot extend to traditional hunting grounds or trapping areas (an approach criticized by the trial judge as a "postage stamp" vision of Aboriginal Title). While the appeals are pending, the provincial government continues to act as though our Title Rights simply do not exist. No measures have been taken to provide interim protection of our Title pending the final resolution of our claim.
18. The legal barriers to obtaining formal recognition and protection of our Title and Rights are so great that Canadian courts have yet to award such protection in even a single case. The provincial and federal governments have aggressively opposed recognition of Title in court. This is especially unacceptable on the part of the federal government, which is supposed to serve as a fiduciary for our people and should intervene in these cases on our side. The tactics of the federal and provincial government have made the court process extremely onerous and costly for Indigenous peoples. Furthermore, the provincial and federal governments have failed to provide effective protection for Indigenous peoples' rights pending the resolution of these cases. The result has been the denial of our rights to both protection and legal remedy.

19. Our people are left with no effective national remedies: Canada's negotiation policy and the BCTC process aim at the extinguishment of Aboriginal Title and rights, and the courts also fail to impose the necessary remedies even when they substantively recognize our rights and Title.

### **Mining in Tsilhqot'in Territory**

20. British Columbia has promoted mining projects in Tsilhqot'in Territory, despite objections by the Tsilhqot'in. One area of particular importance that is currently under a mining lease is the Teztan Biny (Fish Lake) and Nabas region. Teztan Biny is a Tsilhqot'in sacred site, supports a wild rainbow trout population of 81,000, supports endangered grizzly bears, and in the connected watershed called Nabas, there are Tsilhqot'in homes and burial sites. British Columbia's Supreme Court recognized the importance by affirming Tsilhqot'in hunting, trapping and trade rights to this very area in question. The Teztan Biny site is now threatened by mining.
21. The proposed "New" Prosperity Gold-Copper Mine has created a significant conflict between our Nation and the federal and provincial governments and the proponent, Taseko Mines Ltd. The project lies in the heartland of Tsilhqot'in Territory, in the pristine Teztan Biny area where the Tsilhqot'in continue to exercise their rights, including the right to clean water and a sustainable future.
22. The mine proposal is one of Canada's largest-ever, and would result in a major industrial footprint in a pristine wilderness and headwaters area declared by Tsilhqot'in communities to be a 'protected area' called the "*Xeni Gwet'in Nenduw'h Jid Guzit'in*", known in English as Xenigwet'in's "*Nemiah Aboriginal Wilderness Preserve*". The area affected by the proposal is also within the Court Case claim area, where the judgement found that the Tsilhqot'in have Aboriginal rights. The Tsilhqot'in continue to assert full Title to these lands, including those beyond the court case claim area.
23. After the court found that our people had very strong Aboriginal rights to the area based on evidence presented in years of litigation, the province had the audacity of presenting us with a referral regarding the proposed mine asking if we had "any interests in the area". They knew about the Title and Rights we asserted over the area, and that we had substantively won in court, yet the province continued with their "business as usual" approach totally ignoring our Aboriginal Title and Rights.
24. The Tsilhqot'in rejected the mine proposal in the 1990s, after much deliberation about its impacts. Successive federal Fisheries Ministers agreed and refused to proceed to an environmental review due to the risks posed by the mine to fish and fish habitat.
25. The company, Taseko Mines Ltd., refused to recognize the Tsilhqot'in decision, and have continued to advance the proposal, originally dubbed the "Prosperity Mine", since the 1990s. The company entered an environmental assessment in 2009. The Tsilhqot'in reluctantly participated in the federal review, despite concerns that environmental reviews in Canada are not mandated to substantively address Aboriginal Title or Rights, or obtain the consent of Indigenous Peoples. Thus Canada is most certainly not adhering to its constitutional

obligations to protect the interests of Aboriginal Rights and Title, as required under Section 35 of the *Constitution Act*, 1982.

26. Hundreds of community members, from 90-year-old Elders who do not speak the English language to preschool children, participated in the review process, with nearly all opposed to the project.
27. In November 2010, the mine proposal was rejected by the Canadian government, after receiving a damning environmental report by an independent expert Panel mandated to assess the project's impacts. The independent panel's conclusions<sup>xv</sup> are replete with references to the profound cultural and spiritual importance of these lands and waters to the Tsilhqot'in and to the continued survival of the Tsilhqot'in way of life. The federal government stated that, "Canada has determined that the significant adverse environmental effects cannot be justified"<sup>xvi</sup> and refused to permit the development.
28. The Tsilhqot'in believe that the Government of Canada made the right decision in November 2010. We are not alone. The Minister of the Environment described the Federal Panel Report as "scathing" and "probably the most condemning report that I've seen". Prime Minister Stephen Harper echoed these sentiments, citing "the myriad and serious environmental concerns that were raised by that assessment."<sup>xvii xviii</sup>
29. Merely three months after Canada's decision, Taseko Mines Ltd. resubmitted one of its alternative mine plans, despite the fact that the Federal Review Panel had already reviewed the alternative and made clear findings about its unacceptability. Even by the company's own statements, the 'alternative' had greater environmental risk than the version already rejected by the independent federal review Panel and the Government of Canada.
30. The alternative now promoted by the company was also rejected by the independent federal Panel:

"The Panel observes that the proximity of the open pit and associated mining facilities would be close enough to Teztan Biny (Fish Lake) to *eliminate the intrinsic value of the area to First Nations even if another alternative were chosen.*"

- Federal Review Panel Report, p. 50 (emphasis added)<sup>xix</sup>
31. The resubmission occurred without any consultation with the Tsilhqot'in Nation, and continues to be opposed by the Tsilhqot'in Nation.
32. There are substantiated concerns that the Province of British Columbia is actively lobbying Canada to have the new plan approved<sup>xx</sup>, as the Province had previously ignored Tsilhqot'in concerns and approved the original mine plan, based on a flawed provincial environmental review process that was boycotted by the Tsilhqot'in. The decision to boycott has been since vindicated by an audit of the process, and the fact that the federal government came to the opposite conclusion and rejected the mine.<sup>xxi</sup>
33. The lack of consultation is also reflected in the same company's ongoing operations of the Gibraltar Mine, without the consent or agreement of the Tsilhqot'in, despite operating immediately next to the Reserve land of the ?Esdilagh (Alexandria Indian Band) community.

34. Still the federal government has since agreed to conduct a new review process for the alternative mine plan, again without the consent of the Tsilhqot'in Nation. This decision is the first time in Canadian history that a rejected mine proposal is immediately undergoing a second review after having been rejected.
35. The Tsilhqot'in continue to reject this devastating mine proposal and are calling for the federal government to stand by its earlier decision and the work of the independent expert review panel and reject the new proposal. Our legal analysis shows that there is no need to undergo another EA process as the government has the discretion to not review the project. The government's decision to reconsider the mine, despite the findings of its own experts, is an indication that remedies do not exist at the national level to ensure respect for Aboriginal Title and Rights and the importance of environmental protection of Indigenous lands.
36. The only significant change to the new proposal is that the tailings pond has been moved upstream by 2Km, and the company is no longer proposing to drain our sacred lake, called Teztan Biny. However, the lake would be situated between a massive open pit mine and a tailings impoundment that the company stated would likely leach toxic levels of heavy metals downstream into Teztan Biny, as well as into other nearby watersheds, including Wasp Lake, Taseko Lake, Big Onion Lake and the Taseko River.
37. The 'new' proposal still destroys extensive areas of fish habitat, including Yanah Biny (Little Fish Lake) and numerous areas of cultural importance to the Tsilhqot'in, including homes in a place called Nabas, where the toxic waste dump is proposed. Yanah Biny is intimately connected to Teztan Biny as the spawning grounds for Teztan's rare and unique landlocked trout population that has sustained themselves for hundreds of years. Tsilhqot'in members have homes in the area, loved ones buried, and they would be permanently displaced by the toxic pond. Teztan would be inaccessible for at least a generation, and according to those presenting at the Panel, would likely never be able to use the area again due to the mine's impacts.
38. The new proposal does not address the other significant impacts identified by the previous panel, including impacts to the South Chilcotin grizzly habitat and Tsilhqot'in culture. The toxic waste discharge also threatens the wild sockeye salmon of the Taseko River and Taseko Lake, which are only several kilometres below the mine site. This river system is connected to one of the largest sockeye runs of the Fraser River, better known as the Chilko sockeye run. The salmon form a cultural keystone species for the Tsilhqot'in People – we are literally the "People of the River", and salmon and trout have sustained our culture for since time immemorial.
39. The federal government is currently in the process of conducting a commission of inquiry into the decline of the Fraser River Sockeye salmon, due to the catastrophic declines in recent years and decades which can be traced back to cumulative effects, including environmental destruction and pollutants (such as from mining operations). The Chilko run is considered key to rebuilding healthy stocks and yet it is directly endangered by the mine proposal.<sup>xxii</sup>
40. The proposed project will irreparably alienate this land and its waters from the Tsilhqot'in Nation, including Tsilhqot'in homes, sacred sites, medicinal gathering areas and clean water.

41. The Tsilhqot'in Nation has garnered support for defending its Rights and Title from all of the national and provincial First Nation political organizations, including the Assembly of First Nations, the Union of BC Indian Chiefs, and the First Nations Summit.<sup>xxiii</sup>
42. Despite its objections to the principle of the Indigenous right to *free, prior and informed consent* for major extractive projects, Canada must make the only honourable decision and reject the proposed mine in the interests of all Canadians and future generations.
43. The Tsilhqot'in Nation is very concerned that approval of the mine proposal would result in grievously harming our relationship with British Columbia and Canada, and would constitute a reversal of Canada's initial steps to reconcile its already troubled relationship with our people and Indigenous Peoples across Canada.
44. The Prosperity Mine proposal is a glaring example of why Canada's, and with the federal government's support, British Columbia's current legislative regime concerning mining and the review of major industrial projects is a failure, and need to be REFORMED.
45. Such a legislative reform must start with the minimum standards found in the UN *Declaration on the Rights of Indigenous Peoples*, including the principle of the Indigenous right to *free, prior informed consent* to developments that impact our lands, waters and resources.
46. Canada, in order to meet its fiduciary duty to protect Indigenous Peoples rights, must play an active role in the negotiation of such reform at a Provincial level, given that British Columbia does not have the jurisdiction where Aboriginal Title continues to exist, and where treaties have not been signed.

#### **Recommendations:**

- **Canada take immediate and effective measures to implement the *UN Declaration on the Rights of Indigenous Peoples*, with specific attention paid to the full recognition of Indigenous land rights, including Title, and the Indigenous right to *free, prior and informed consent (FPIC)* when decisions are being made which affect Indigenous Peoples and Territories.**
- **Canada, in full partnership and consultation with Indigenous Peoples, establish a process with Provincial and Territorial governments to reform mining laws to reflect the minimum standards found in the *Declaration*, and review existing subsurface dispositions granted without any consultation or consent of Indigenous Peoples.**
- **Canada take full and effective measures to ensure its actions and policies with respect to considering the proposed "New" Prosperity Gold-Copper Mine are fully consistent with CERD, and that the Honour of the Canadian Government compels it to respect the Tsilhqot'in Nation's position that the proposed mine constitutes a grave threat to the cultural survival of the Tsilhqot'in Nation and the environment and must be rejected.**

## ENDNOTES

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- <sup>i</sup> Canada, *19<sup>th</sup> and 20<sup>th</sup> Reports on the United Nations' International Convention on the Elimination of All Forms of Racial Discrimination*, p. 29
- <sup>ii</sup> Canadian Environmental Assessment Agency Registry of Information Related to the "New Prosperity" Environmental Review, <http://www.ceaa.gc.ca/050/details-eng.cfm?evaluation=63928>
- <sup>iii</sup> Organization of American States (Inter-American Commission on Human Rights), *Report on the Admissibility of the Hul'qumi'num Treaty Group Petition v. Canada* (30 October 2009), Report No 105/09, Petition 592-07, <http://www.cidh.oas.org/annualrep/2009eng/Canada592.07eng.htm>
- <sup>iv</sup> Justine Hunter, "Ottawa must defend human rights record regarding B.C. treaty", *Globe and Mail* (3 January 2010), <http://www.theglobeandmail.com/news/national/british-columbia/ottawa-must-defend-human-rights-record-regarding-bc-treaty/article1417718/>.
- <sup>v</sup> Jeffrey Simpson, "Treaty-making in B.C.: Noble sentiments, difficult realities", *Globe and Mail* (24 July 2010), <http://www.theglobeandmail.com/news/opinions/treaty-making-in-bc-noble-sentiments-difficult-realities/article1650053/>.
- <sup>vi</sup> *Globe and Mail*, "B.C.'s Premier Clark breaks with decades-long First Nations strategy" (4 November 2011), <http://www.theglobeandmail.com/news/national/british-columbia/bc-politics/bc-premier-seeks-non-treaty-deals-with-natives/article2225063/> or <http://fnbc.info/bcs-premier-clark-breaks-decades-long-first-nations-strategy>
- <sup>vii</sup> *Tsilhqot'in Nation v. British Columbia 2007* (British Columbia Supreme Court 1700), <http://www.courts.gov.bc.ca/jdb-txt/sc/07/17/2007bcsc1700.pdf>
- <sup>viii</sup> *Tsilhqot'in Framework Agreement (Amended Version – 2011)*, [http://www.gov.bc.ca/arr/treaty/key/down/tsilhqotin\\_sea\\_amended.pdf](http://www.gov.bc.ca/arr/treaty/key/down/tsilhqotin_sea_amended.pdf)
- <sup>ix</sup> Canada, "Government of Canada Archival Records." [Microfilm – Handwritten originals]. RG10 Reel C-10103, Volume 3583, File 1102.
- <sup>x</sup> British Columbia, "Papers connected with the Indian land question, 1850-1875." Victoria, BC: Printed by R. Wolfenden, 1875 [Transcribed reprints]. <http://www.archive.org/details/papersconnectedw00britalia>
- <sup>xi</sup> John Lutz, *Makuk: a New History of Aboriginal-White Relations*. Vancouver: UBC Press (2008), p. 143.
- <sup>xii</sup> Jeannie Blankinship, *Alternatives to the British Columbia Treaty Process: Community Perspectives on Aboriginal Title and Rights*. Victoria, BC: Blankinship/University of Victoria, p. 38, [http://web.uvic.ca/igov/research/pdfs/Blankinship.Jennie\\_598.FINAL.pdf](http://web.uvic.ca/igov/research/pdfs/Blankinship.Jennie_598.FINAL.pdf)
- <sup>xiii</sup> William J. Tuekel, *Archive of Place: Unearthing the Pasts of the Chilcotin Plateau*. Vancouver: UBC Press (2007), p. 187
- <sup>xiv</sup> *Tsilhqot'in Nation v. British Columbia 2007* (British Columbia Supreme Court 1700), <http://www.courts.gov.bc.ca/jdb-txt/sc/07/17/2007bcsc1700.pdf>
- <sup>xv</sup> Review Panel established by the Federal Minister of the Environment, *Report on the Prosperity Gold-Copper Mine Project* (2010), <http://www.ceaa.gc.ca/050/documents/46911/46911E.pdf>
- <sup>xvi</sup> Canada, "Government of Canada Response to the Report of the Federal Review Panel for the Taseko Mines Limited's Prosperity Gold-Copper Mine Project in British Columbia", (2 November 2010), <http://www.ceaa.gc.ca/050/document-eng.cfm?document=46183>
- <sup>xvii</sup> Wendy Stueck, "Ottawa vetoes controversial Prosperity mine project in B.C.", *Globe and Mail* (2 November 2010), <http://www.theglobeandmail.com/news/national/british-columbia/ottawa-vetoes-controversial-prosperity-mine-project-in-bc/article1783048/>
- <sup>xviii</sup> *Environmental News Service*, "British Columbia Premier-designate Clark embroiled in mine conflict" (28 February 2011), <http://www.ens-newswire.com/ens/feb2011/2011-02-28-03.html>
- <sup>xix</sup> Review Panel established by the Federal Minister of the Environment, *Report on the Prosperity Gold-Copper Mine Project* (2010), <http://www.ceaa.gc.ca/050/documents/46911/46911E.pdf>
- <sup>xx</sup> Ian Bailey and Justine Hunter, "Christy Clark presses Harper over rejected mine proposal", *Globe and Mail* (15 March 2011) <http://www.theglobeandmail.com/news/national/british-columbia/bc-politics/christy-clark-presses-harper-over-rejected-mine-proposal/article1943610/>
- <sup>xxi</sup> Mark Haddock, L.I.B., "Comparison of the British Columbia and Federal Environmental Assessments for the Prosperity Mine" for the Northwest Institute for Bioregional Research (July 2011), [http://northwestinstitute.ca/downloads/NWI\\_EAreport\\_July2011.pdf](http://northwestinstitute.ca/downloads/NWI_EAreport_July2011.pdf)
- <sup>xxii</sup> *Vancouver Sun*, "Salmon survival depends on spawning spot" (1 April 2011), <http://www.canada.com/vancouvernews/news/westcoastnews/story.html?id=03dc65e2-e5f1-4cca-9474-b178732b3e8d>
- <sup>xxiii</sup> Gordon Hoekstra, "Tsilhqot'in get support for rejection of revamped Prosperity mine plan" *The Prince George Citizen* (16 July 2011), <http://www.princegeorgecitizen.com/article/20110716/PRINCEGEORGE0101/307169992/-1/princegeorge/tsilhqot-39-in-get-support-for-rejection-of-revamped-prosperity-mine>