



## TŜILHQOT'IN NATIONAL GOVERNMENT

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### TSILHQOT'IN NATION PRESENTS REPORT TO THE UNITED NATIONS

**GENEVA, SWITZERLAND, February 23, 2012:** Chief Marilyn Baptiste of the Xeni Gwet'in First Nations Government is in Geneva, Switzerland this week to report to the United Nations Committee on the Elimination of Racial Discrimination (CERD) 80<sup>th</sup> Session. The Tsilhqot'in Nation submitted a formal report to the CERD to highlight ongoing violations of Indigenous rights that the Tsilhqot'in experience in Canada and Chief Baptiste is in Geneva to present this to the Committee.

“The Tsilhqot'in are prepared to go to the international level to protect our Nation's rights and title,” said Chief Joe Alphonse, Chair of the Tsilhqot'in National Government. “In the case of the rebid Prosperity Mine proposal, we feel that we've nearly exhausted every possible avenue to resolve this at the local level, though we will continue to take our fight to the new federal Panel review.”

Chief Baptiste expressed, “Through questions asked by committee members, issues and concerns reported by NGO's and Aboriginal representation are being brought to international attention. Questions included asking Canada to present their justification about how they gained title to the land, what mechanisms exist in Canada to ensure fair and equal court processes when communities turn to court to protect their Aboriginal Rights and Title, and if Canada thinks that Aboriginal Title can co-exist under the current political structure.”

The Tsilhqot'in report focuses on the fight to protect Teztan Biny and its environs from the proposed resubmitted Prosperity Mine proposal, and the underlying legal regime which sees First Nations rights and title ignored and bad mining projects forced upon communities against their will.”

“This is not simply a criticism of British Columbia's outdated laws before the United Nations. Instead, we are educating the U.N. about who we are as Tsilhqot'in, and about the values that we must protect if our culture is to thrive” said Chief Alphonse. “These values include intact lands and waters that will sustain our communities, wildlife and fish, and second, economic development that respects our priorities.”

It has been extremely frustrating to the Tsilhqot'in communities to enter a new Panel review for a version of this mine already deemed worse by the previous Panel.

Chief Baptiste expressed, “The Tsilhqot'in will continue to call on both the BC and federal governments to uphold their fiduciary duties to protect our rights and title, which means protecting Teztan Biny and Nabas from this dangerous proposal. We are also calling on the reform of BC's outdated mining laws to be compliant with the standards found in the United Nations Declaration on the Rights of Indigenous Peoples, and which result in bad projects being forced upon us without our consent.”

A supporting submission on the issue of mining and FN rights in BC was also submitted by BC's First Nations Women Advocating Responsible Mining (FNWARM), of which Chief Baptiste is a founding member.

Media Enquiries: Chief Joe Alphonse (250-305-8282); As of Feb 24<sup>th</sup>: Chief Marilyn Baptiste (250-267-1401)

Tsilhqot'in Report: [http://www2.ohchr.org/english/bodies/cerd/docs/ngos/Tsilhqotin\\_Canada80.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/ngos/Tsilhqotin_Canada80.pdf)

Attached: *Ten Facts that show why resubmitted Prosperity Mine proposal cannot be approved*



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### **Ten facts that show why resubmitted Prosperity Mine proposal cannot be approved**

1. The CEAA review panel process was very different from the BC EAO rubber-stamp decision. Its report found immitigable, devastating impacts to the local fish stocks and endangered grizzly populations, and to the existing and future rights of the Tsilhqot'in and its youth. Then Environment Minister Jim Prentice described the report's findings as "*scathing*" and "*probably the most condemning I have ever read.*"
2. The company knows its new option is worse than its first plan. TML's V.P. Corporate Affairs, Brian Battison, was clear in his Mar. 22, 2010, opening presentation to the CEAA hearings, when he stated: "*Developing Prosperity means draining Fish Lake. We wish it were otherwise. We searched hard for a different way. A way to retain the lake and have the mine. But there is no viable alternative. The lake and the deposit sit side by side. It is not possible to have one without the loss of the other.*"
3. The point was emphasised by TML's VP of engineering, Scott Jones, who stated: "*What happens to the water quality in Fish Lake, if you try and preserve that body of water with the tailings facility right up against it, is that over time the water quality in Fish Lake will become equivalent to the water quality in the pore water of the tailings facility, particularly when it's close.*"
4. This proposal does not address the issues that led to the rejection of the first bid last year. Fish Lake will be affected by the toxic waste and eventually die, and it will be surrounded by a massive open pit mine and related infrastructure for decades. The Tsilhqot'in people will not have access to their spiritual place, and the area will never be returned to the current pristine state.

It is not even new. It is "Mine Development Plan 2." TML states on page 20 of its project submission: "*Option 2 is the basis for the New Prosperity design ...The concepts that lead to the configuration of MDP Option 2 have been utilized to develop the project description currently being proposed.*"

5. This option was looked at and rejected last year by the company, Environment Canada and the CEAA review panel. For example, page 65 of the review report states: *“The Panel agrees with the observations made by Taseko and Environment Canada that Mine Development Plans 1 and 2 would result in greater long-term environmental risk than the preferred alternative.”*

6. The new \$300 million in proposed spending is to cover the costs of relocating mine waste a little further away. There is nothing in the ‘new’ plan to mitigate all the environmental impacts identified in the previous assessment. TML states in its economic statement: *“The new development design, predicated on higher long term prices for both copper and gold, would result in a direct increase in capital costs of \$200 million to purchase additional mining equipment to relocate the tailings dam and to move the mine waste around Fish Lake to new locations. This redesign also adds \$100 million in direct extra operating costs over the 20-year mine life to accomplish that task.”* In fact, this new spending is actually \$37 million less than the company said last year it would have to spend just to go with the option that it and the review panel agreed would be worse for the environment.

7. The federal government is required under the Constitution to protect First Nations, which have been found to be under serious threat in this case, and is internationally committed to do so under the United Nations Declaration on the Rights of Indigenous Peoples. These duties are every bit as clear regarding this resubmitted proposal.

8. Approving this mine would show the Environmental Assessment process is meaningless, and would demonstrate that governments are ignoring their obligations - as the Assembly of First Nations national chiefs-in-assembly made this crystal clear this summer in their resolution of support for the Tsilhqot’in.

9. The federal Department of Fisheries and Oceans has opposed this project since it was first raised in 1995. It soundly rejected it again last year. It has no reason to support it now. Nor does Environment Canada, which, as the CEAA report noted last year, also found option 2 to be worse than the original bid.

10. There are many other more worthy projects to be pursued – the vast majority of which, if not all will require working with aboriginal communities. Natural Resources Canada estimates there is \$350 billion-\$500 billion worth of such potential projects in Canada. Governments, industry and investors do not need to go backwards by pushing this confrontational proposal and rebuffing efforts by First Nations to find a way to create a better mining system that would benefit everyone in the long run.