DECISION OF THE SSN JOINT COUNCIL ON THE PROPOSED KGHM AJAX

Wi7sts re sqw7els re kupkúkwpi7 te Tk’wem7íplem’ ne Stk’emlúps. Tsq’ey’ n7éne te SSN. Tsqwelmíns k emétens re KGHM te [Ajax Mining Inc.]. Yeri7 re [KGHM] qwenén e tsiqué7cwens k tsqwéscen ell kwelkwalscen [copper and gold] ne tmiçws re Stk’emlúpsemc ell ne Secwepemcúl’ecw. Tsqwelmíns kym te Ajax Mine. Nu7 ne ts7emetúl’ecwstem te Pipsell, tsúnses e tstíle7cwens re tmiçw e sk’úlemx tek [mine].

This is the decision of the Stk’emlúpsemc te Secwepemc (SSN) regarding a proposal by KGHM Ajax Mining Inc. (KGHM) to build and operate a copper and gold mine within Stk’emlúpsemc te Secwepemcúl’ecw. The project is known as the Ajax mine. The Ajax mine is proposed to be constructed in an area known to us as Pipsell.

PIPSSELL IS A SACRED SITE

Re Pipsell me7 tswikstem ne st’ye7uí’ecw te tmiçw (900-1,000 km) hëqen e (10 km) tsqwí7ekst te selselétkwé te setétkwé, re Simpcwétkwé ell re Secwepemcétkwé. Ta7a k skécmens k tmiçws re Secwépemc.

C7étsxe7ms re qelmúcw ri7 nu7 ne Pipsell. Xuxwiyúlecwem t’l u7 re sténes re p’úsmens re ssxwixwéytemc.

Ta7penhén me7 sxílt.se sixelcul’ecwventem re Pipsell, pill-stsepéktwí re Pipsell. Re stsmémlt ne Pipsell dri7 re stekstémes re stk’wenem7íplem’tem re qelmúcw: pill-cékül’ten ri7 xwexwey t re stem ne

Pipsell comprises the land and waters located in the mid elevation grassland, at an altitude of about 900 – 1,000 km approximately 10 km south of the confluence of two rivers, Simpcwétkwe (the North Thompson) and Secwepemcétkwe (the South Thompson). Pipsell is unequivocally within Secwepemcúlecw, unceded territory of the Secwepemc Nation.

Pipsell is a sacred place of fundamental significance to our people. It contains the spirit of our people. We are spiritually connected to Pipsell and our ancestors’ spirits who are at Pipsell still.

We have an irreplaceable historical, cultural and spiritual connection to Pipsell which derives from the Trout Children ststeptékwi. The Trout Children ststeptékwi expresses and sustains our Indigenous law about our conduct on the land.
and our reciprocal accountability to living beings on the land, our social conduct across generations and within generations, and provides spiritual, cultural, and environmental teachings and guidance. In its plot, message and meaning, it connects the world of humans in a described landscape of indigenous root-bearing grasslands, the under-the-water world of a trout bearing lake and the “upper world” of the sky country.

X7ensq’t, the land and sky will turn on you, expresses a relationship of reciprocal accountability between the land, the sky, the water, humans and all our relations. Certain places in the Secwepemc landscape are inhabited by powers that interact with people by producing sudden violent changes in the weather if the people who travelled there did not show respect. Pipsell is one of those places. The prayer tree located on a trail from the lake is a place where Secwepemc people must show their respect for the power of Pipsell, and the significance of Pipsell to the Secwepemc people, by making offerings and blackening their faces. Failure to respect the place and its power will result in the land and sky turning on you.

Our spiritual and religious connection to Pipsell, a sacred place, is irreplaceable. We cannot transport our connection to Pipsell to another site. Pipsell is marked by our people, one of our central stseptékwil originating in the place itself, which makes this a sacred site for our people.

Pipsell is a place of wonder. In its highest and best use, Pipsell is a place where all Canadians can come to learn and experience the profound significance of the place. Pipsell is a sacred site, and one which needs to be maintained in its best state, to be shared with all Canadians, in accordance with Secwepemc law.
RIGHTS AND TITLE OF THE STK’EMLÚPEMC TE SECWEPEMC NATION

The Stk’emlúpsemc te Secwepemc claim both aboriginal rights and aboriginal title to Secwepemcúlecw (Secwepemc Traditional Territory) including over Pipsell and the Project area.

SSN asserts aboriginal title over Pipsell. This assertion of title is made notwithstanding the fact that Secwepemc people were dispossessed of their lands through various Colonial laws and expropriations which allowed non-Indigenous people to hold our lands in fee simple, including the lands at Pipsell. We have never consented to the transfer of our lands to private land holders. Our aboriginal title to the lands is a pre-existing title, an interest which underlies and pre-exists Crown title, and which has never been surrendered or extinguished.

Stsq’ey’ (Secwepemc laws) govern the boundaries of Stk’emlúpsemc te Secwepemcúlecw, our relationships with outsiders (or guests on our land), land access and tenure within Secwepemc Territory, and our reciprocal accountability with all living things on the land. We assert the right to self-govern and to determine land use objectives for Pipsell and the surrounding area using our traditional governance models, including the right to determine future land use for Pipsell.

In Secwepemc law, the concept of yecweminem involves the caretakership, management and stewardship of lands and resources. The responsibility belongs to different geopolitical units of the Secwepemc Nation. The SSN are the yecweminem of Pipsell under Secwepemc law. The responsibilities of the SSN include the monitoring and protection of game, fish, plants, water and mineral resources, implementing a
tmcw e sta7's e kisentem tek tucw'ticwell tek qelmu7c e sk'íséskstementem, ell w7ec re tscentwécw te sw7ec s mété kwpukúkwi7's re k'wseltknés7w te qelmu7c.

Re stseptkwíll te tsq'ye7' te slex'é7'en ne Pipsell, ri7 q7'es te tkw'enem7'íple7'tns te qelmu7c: Me7 xye7smém xwexwé7y7 re stem ne tmcw, ye77 sw7ec xwexwé7y7 te Secwepemc we77 t'é7nes e mútes. Yecwémintem-kucw re qelmu7c, re tmcw ell xwexwé7y7 re stem ne tmcw's-kucw, ell xwentr re skwénem-kucw we77 st'é7mes ne Secwepemcúl'ecw. Ta77 k sn76'ks k tkw'enem7'íple7'tns te m-sq7'estts.

Ell tkwén'mentém-kucw re [UN Declaration of the rights of Indigenous Peoples (UNDRID)]. Ne May 2016 lexé7'entem ne [Canada] k snék'éns k stsq'ey7's e l7l e skwens re [UNDRID] ell xye7sm7s re [Declaration].

Re Canada m-kwens re tsq'ey7 ne UNDRIP, tsélxemwiki7'tts k stkw'enem7'íple7's re qelmu7cwe77úwi e pl7-tmcw's ell xwexwé7y7 net77 tek tk7'sult, ne tmcw's te m-sq7'estts, ell tsq'ey7' e sute7mnins, e tn7'mins, tsq'ey7' e xil7'tts te sp7íné7smens ell e syecwemínems ne tmcw's. (Article 26)

SSN Governance

Ne 1910 le [Sir Wilfrid Laurier] le ré7pntmes, le q77'es te stq7'ey7's lc tkw'enem7'íple7's ne tmcw te syecwemínem pentl7ú7, ye77 t7'ekst7é7 re sw7ec re SSN re Tk'wenem7'iplem', ts7lílem ey re syecwemínems ne tmcw's, te tsmí7lles ne [twentieth century]. Ye77 te t'ekst7é7 ne syecwemínem ne Secwepemcúl'ecw. E tsle7's-tp-

The 1910 Memorial to Sir Wilfrid Laurier is a historic document that demonstrates SSN leaders' historical assertion of Aboriginal title, rights, and sovereignty in the early twentieth century. It reflects our continued and consistent traditional land ownership concepts as the hosts in Secwepemc lands, and the reciprocity that the
kucw me7 tsle7-stst ell, m-w?ec-ucw ne Secwepemcúl'ecw. P?7ecw lu7 re sycwemins re tmicw pent'lú7, ta7 k st'silems pyin te ts'ílmes, re Tk'wem?ılemp' te stsq'ey' te kupkúperman lexé'yens t'hénes wes e xílmes, eméctem te semseme7úy. [Crown]. Ell kukuíperman ne 1910 tsut le kupkúkwpí7i: Re tmicw ts'ilem te swemééc-kt ri7.

Le tqwelminiforms le Frank Oliver ne 1911, tla7 pínësnenses re SSN le sw?ec pent'lú7, melk'wilc xwecwéyt re Secwepemc te kupkúkwpí7 ell re s?ílícw te kupkúkwpí7is re k'wesiktméwst's e sqwlintés le [Canada's Minister] t'7élye te tmicw, [BC Government] le Frank Oliver. Netí7 tsq'é'y'es, re kwens m-sutmësnëse re qelmucúl'ecw, ta7 nukll k stsq'é'y's c s?éyéntem re qelmucwe7úw'i tek stem:

"Te m-sq7est's, k7ep-kucw re p'úsmens, ta7 penhén me7 silepántem wel me7 qwtseq-kt ell héegen me7 xemstéilt tek e éyentís. E kwéct'ses tke7 súten k swet me7 tsekméstíc ell nwi7s k kwect's tek stem me7 tsekméstés ell, re tmicw, t'hé7en me7 xílmes e skwéntem e slegwéntém? Tswikstem kwentús, e késtmes re tmicw me7 stslax."

The 1911 Memorial to Frank Oliver is a document that demonstrates the involvement of SSN leaders in describing the history of the relationship between the Chiefs of the Secwepemc (Shuswap) and Interior Tribes and the BC Government. The Memorial is written as a statement of facts to the Government of Canada’s Minister of the Interior, Frank Oliver. The memorial summarizes how the British Columbia Government has laid claim to tribal territories and taken possession without treaty or payment:

"The soreness in our hearts over this matter has been accumulating these many years, and will not die until either we are all dead, or we obtain what we consider a just settlement. If a person takes possession of something belonging to you, surely you know it, and he knows it, and land is a thing which cannot be taken away, and hidden. We see it constantly, and everything done with it must be more or less in view."

Ne ptek te upékíltyëenecwem te swucwt re Stk'emlúpsemc te Secwepemc. Tsels'ëlícstéem-kucw re stk'wenem7'íple7tns, kwéntem-kucw le host-guest relationship entails. It underscores the Aboriginal concepts of land ownership and tenure, Aboriginal political authority, and sovereign relations with the Crown and government. As the Secwepemc Chiefs expressed it in 1910 in the Memorial to Sir Wilfrid Laurier, “our land is the same as our life.”

In the past decade, we, the Stk'emlúpsemc te Secwepemc, “stood ourselves up” (ts'elícstém) as our traditional geopolitical unit, collectively

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1 Chiefs of the Shuswap, Couteau or Thompson, Okanagan, Lillooet, Stalo or Lower Fraser, Carrier and Talthan tribes in the Interior of BC, Memorial to Frank Oliver, May 1911
sw7ecs le q’7es te Tk’wem7íplem’ Kwéntem-kucw le q’7es te tk’wenem7íple7tms le q’7es te qelmúcw ell le sw7ecs le tk’em7íplem’. going back to our traditional indigenous governance model and ways of organizing politically.

**THE SSN REVIEW PROCESS**

Re SSN tqwelmins ell sts’exél etcwens stém’i k Simpsonentem re [Ajax mine], e ts’ilmes k swestém te ts’ilmes re tk’wenem7íple7tms re qelmúcw7uí’i, e kénmes e sxyemcitís te stselxem-ket ell te ck’ul’tn-ket.

Tqwelmintem-kucw:

- Te ts’ilmes re tk’wenem7íple7tms-kucw te m-sq’7est.s.
- Elkstmentem-kucw ne ck’ul’tns-kucw.
- Elkstmentem-kucw ne sesélte te cptin’estn, ne qelmucwe7uí’i ell ne sem7tsín. Tqwelmintem-kucw ell tsq’ey le elkstmentem-kucw.
- Cw7it re splexsmentem-kucw: Me7 kénem re stet’e7ék te qelmúcwe se7wit-ket? Ell tqwelmintem-kucw le kitsetntes le xetáqs te senseme7uíy, tqwelmintem-kucw re ts’ucwlém te swestós-kucw te m-s7emétentem yi7díye te tmicw, [Canada ell British Colombia].
- Cw7it re splexsmentem-kucw re ck’ul’tns-kucw, ta7 net7 k stsq’ey’s, tsukw re [BC] ell re [Canadian Environment]. Ta7 k stsq’ey’s net7 e sxyemcitís te c7etsxe7ktn-ket ell xwexwiyúlecwem nu7 me7 k’estwilcst.ses re tmicw.

The SSN Review was initiated as a process to review the proposed Ajax mine in accordance with our SSN stsq’ey’ and governance. It facilitated informed decision-making by our communities, in a manner which is consistent with our laws, traditions and customs. It assessed the Ajax mine proposal in a way that respects our knowledge and perspectives.

Our Review Process was:

- Founded on our laws and traditional governance structures that transcend time.
- Centered on our rich cultural perspectives, collective knowledge and history that goes back millennia.
- Built on the Principle of Walking on Two Legs- Secwepemc and Western. Information was provided both in oral and written format.
- A long view that delved into the long-term intergeneration impacts as well as the pre-contact past to address the legacy of wrongs that our people have faced since Canada and British Columbia’s foundation.
- In-depth, examining aspects that are currently lost in the BC and Canadian Environmental processes and inclusive of information regarding the “intangible” impacts to spirit, culture & immeasurable impacts.

The SSN Review process brought together representatives from each of our families, our youth, our elders, and our leadership. The SSN
Review Panel was asked by the SSN Joint Council to review all the evidence and make recommendations to the Joint Council, which would allow the Joint Council to answer the following question:

In recognition of the Declaration of Title to Pipsell (Jacko Lake & its surroundings), a cultural keystone area with significant spiritual and historical importance to the Stk’emlupsemc te Secwepemc Nation, does the Stk’emlupsemc te Secwepemc Nation give their free, prior and informed consent to change the land use objective to allow for development of the lands and resources for the purposes of the Ajax Mine Project in accordance with the Stk’emlupsemc te Secwepemc Nation’s laws, traditions, customs and land tenure systems supported by the following five assessments: Indigenomics, Health & Wellness, Tmicw, Integrity and Respect.

**Pipsell Report and the SSN Panel Recommendations**

The SSN Review Panel received evidence and submissions, both oral and written, and deliberated over 9.5 months. An extensive report, described as the Pipsell Report, was produced, and on February 23, 2017 the SSN Panel Recommendations were presented to the SSN Joint Council. The SSN Joint Council adopts in their entirety, the Pipsell Report and the SSN Panel Recommendations.
DECISION OF THE SSN JOINT COUNCIL

Re SSN ta7penhén k stsuns k swet e sw7ec ne tmicws, k stsuns. Ye7éne ri7 re tmicws-kucw, ner7'es k k'úlentpes k Ajax Mine." Ta7at'ni7.

Nu7 ne tsínses e sk'úlens re [Ajax Mine]. Ta7 ri7 k ts'ilems te stpínsəmentem tek sw7ec ner7 ne tmicw.

Pipsell is a cultural keystone area which must be preserved in a state consistent with the traditional importance of the site to the Secwepemc people. Pipsell must only be used in ways which preserve and sustain the area, which allow for the culture of the Secwepemc people to be exercised and maintained, and which preserve the use of Pipsell for all Canadians in accordance with Secwepemc law.

The decision of the SSN Joint Council is made in accordance with Stk'emlúpséč te Secwepemc Nation's laws, traditions, customs and land tenure systems supported by the evidence and assessments as presented in the Pipsell Report and SSN Panel Recommendations Report, and in recognition that Pipsell is a cultural keystone area with significant spiritual and historical importance to the Stk'emlúpséč te Secwepemc Nation, which significance is fundamental and undiminished.
FINAL WORDS

In closing, in December 2016 Prime Minister Justin Trudeau laid out his plan to reset Canada’s relationship with its Indigenous peoples and stated, "It is time for a renewed, nation-to-nation relationship with First Nations peoples, one that understands that the constitutionally guaranteed rights of First Nations in Canada are not an inconvenience but rather a sacred obligation."

Witnessed by the members of the Stk’emlúpsemc te Secwepemc in attendance at Moccasin Square Gardens at Tk’emlúps in the traditional territory of the Stk’emlúpsemc te Secwepemc Nation near Kamloops, BC this 4th day of March, 2017.

Kukpi7 Fred Seymour
Tk’emlúps te Secwepemc
Stk’emlúpsemc te Secwepemc Nation

Acting Kukpi7 Terry Deneault
Skeetchestn
Stk’emlúpsemc te Secwepemc Nation