

## Red Chris Mine: First Nations win round 1 with Imperial Metals in court

Posted October 9, 2014 by Damien Gillis in [First Nations](#)



*Tahltan and Secwepemc First Nations and supporters celebrate at the BC Supreme Court (contributed)*

**BC First Nations added a small but potentially significant notch to their legal winning streak yesterday, with a temporary victory over Imperial Metals in BC Supreme Court.**

The company was seeking an interlocutory injunction and enforcement order enabling it to have Tahltan Nation protesters immediately, forcibly removed from a blockade of Red Chris Mine – Imperial’s latest venture, in northwest BC’s Sacred Headwaters.



*Red Chris Mine under construction (Unuk River Post)*

After hearing from the company's lawyers and three First Nations women from the Tahltan and Secwepemc Nations, Justice Grauer refused to issue the injunction and enforcement order Imperial was seeking – instead issuing a non-permanent injunction, without the accompanying enforcement order. This means the blockade will likely remain in place until at least October 14, giving the defendants more time to respond to the temporary injunction.

The judge also agreed to a change of venue to Terrace court, allowing Tahltan elders from the region to participate in future proceedings.

## **Klabona Keepers' successful track record**

Red Chris mine was due to open in September but faces [lingering concerns over its tailings pond design](#). In the wake of the company's disaster at Mount Polley mine in the Cariboo region – the [largest tailings spill in history](#) - a group of Tahltan First Nations began applying renewed pressure on Imperial. Known as the Klabona Keepers, the grassroots organization has a [highly successful track record of blocking unwanted development](#) in the Sacred Headwaters – including Shell's planned coalbed methane development and [Fortune Minerals' proposed anthracite coal mine](#).

## **Injunctions take a hit**

Yet despite this history and the [legal strength of First Nations](#), injunctions have become a commonplace tool for corporations to remove protestors and are rarely refused or watered down by the courts – so Justice Grauer's ruling is a significant, if small departure from this pattern.

Said the Indigenous Network on Economies and Trade's Arthur Manuel on the verdict:

*Injunctions are one of Canada's last colonial instruments used to dispossess Indigenous Peoples off their land but pressure from the grassroots community is causing the colonial government to*

*retreat. Today's decision puts the injunction in question as being a sure form of remedy for corporations like Imperial Metals acting with impunity and without consent.*

## **First Nations take on Imperial together**



*Kanahus Manuel addressing reporters*

Manuel's daughter Kanahus has been instrumental in confronting Imperial Metals over the environmental devastation of her traditional Secwepemc territory from the Mount Polley spill. She and other community members and supporters [started a sacred fire](#) and water monitoring program in the area and quickly offered their support to the Klabona Keepers in challenging the company's tailings dam design at Red Chris.

This concern is shared by others, including US-Canadian conservation group Rivers Without Borders. In a [recent op-ed in these pages](#), RWB's Tadzio Richards noted:

*In 2013, [a third party review was done of Imperial Metals' engineering designs](#) for their tailings pond at Red Chris. The independent review concluded there was no guarantee that Imperial Metal's tailings pond would hold toxic wastewater from the mine. Despite this conclusion, construction at Red Chris has been allowed to continue, and the mine is currently scheduled to open in September of this year.*

Soon after writing this, the Klabona Keepers [instituted an initial protest against Red Chris](#) - stalling the mine's opening. They backed down temporarily once Imperial offered the Tahltan increased oversight over the mine's tailings pond design. But losing confidence in the new arrangement, the Klabona Keepers erected a new blockade on Sept. 29.

## **"An incredible victory"**

On October 3, Imperial filed initial documents announcing injunction proceedings for 10 AM yesterday.

“The defendants, through their physical blockade and their conduct, are interfering with Red Chris’s use and enjoyment of property,” the filing claimed.

Yet Justice Grauer clearly didn’t feel the blockade needed to be removed with the same urgency Imperial had sought.

Said the Klabona Keepers in a statement following yesterday’s ruling:

*Ultimately, this is an incredible victory – not only for the Klabona Keepers, but for all Indigenous Nations connected by the water and the salmon.*

<http://commonsensecanadian.ca/red-chris-mine-first-nations-win-round-1-imperial-metals-court/>