

**APPLICATION FOR LEAVE TO FILE A SUPPLEMENTAL NON-PARTY
SUBMISSION
GLAMIS GOLD LTD.**

v.

**UNITED STATES OF AMERICA
Submission of the Quechan Indian Nation**

Introduction

This application is made on behalf of the Quechan Indian Nation. The Quechan are a federally recognized American Indian Nation governed by a duly elected Tribal Council. The location of the proposed mine was on the Tribe's ancestral lands and within a known native sacred area.

Application

In August 2005, the Quechan Indian Nation submitted an Application for Submission and Submission in this matter. In September 2005, this Tribunal accepted those submissions. As the Tribunal is aware, those initial submissions, made in accordance with earlier Procedural Orders and correspondence, were made prior to the filing of Glamis's Memorial or the State Department's Counter-Memorial in this matter. As part of that initial Submission, the Tribe respectfully requested that it be provided the opportunity to respond to the disputing Parties' Memorials, and other submissions, as may be necessary and appropriate.

While the Tribe anticipated much of the Parties' argument, there are certain relevant factual and legal aspects that remain unaddressed or insufficiently addressed in either Party's submission to the Tribunal that could assist the Tribunal's decision making. The Tribe presents these issues through the attached supplemental submission.¹ The Tribe also confirms its original submissions. Finally, the representations made in the Tribe's August 2005 Application remain the same, with

¹ Because of page limitations, the Tribe is unable to respond to each factual or legal issue in Claimant's Memorial or Respondent's Counter-Memorial; similarly, because the Tribe was not able to view the many attachments to those submissions, due to their nonpublic status, the Tribe is unable to respond directly to such references.

the exception that the Tribe has engaged the services of the Indian Law Resource Center to assist it with aspects of this supplemental submission.²

This supplemental submission is the logical step in the Tribe's proactive tracking of all the legal, administrative and policy initiatives known to it, to ensure that the sacred places at Indian Pass would be protected to the maximum extent possible and treated with appropriate dignity. This NAFTA claim remains one of those processes that could affect the integrity of the sacred area and the Tribe's unique relation to it.

The rationales that supported the Tribe's initial submissions, also support the supplemental submission. In fact, some rationales, particularly related to the wide public interest in the subject matter of the arbitration, are strengthened since the filing of the Tribe's initial submissions.³

Conclusion

Based on the foregoing, the Quechan Indian Nation's Application and Supplemental Submission should be accepted and considered by the Tribunal and the disputing Parties.

Respectfully submitted,

/Signed/

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² The Indian Law Resource Center is a non-profit law and advocacy organization established and directed by American Indians. It provides assistance to Indian and Alaska Native nations who are working to protect their lands, resources, and human rights, the environment and their cultural heritage. Its principal goal is the preservation and well-being of Indian and other Native nations and tribes. See, www.indianlaw.org.

³ Since the filing of the Tribe's initial submission, many articles have been published, including several recognizing the Tribe's initial submissions: Desert Report, "*Living on the Edge: The Intersection of NAFTA & Quechan Sacred Places*," Spring 2006; Investment Law and Policy News Bulletin, "*Tribunal accepts bid by native tribe to intervene in Glamis mining arbitration*," October 4, 2005 and correction of October 26, 2005; Investment Treaty News, ""*Non-Parties*" waking up to investment treaty arbitration," April, 27, 2006; San Francisco Recorder, "*Sacred Soil? Quechan tribe steps in as amicus in clash over gold mine*," October 7, 2005; and ABA Section on Individual Rights and Responsibilities, Human Rights Journal, "*Protecting the Sacred*," Spring 2006. Additionally, in 2006, the California Wilderness Coalition listed the Indian Pass area on its annual list of California's 10 Most Threatened Wild Places based on "a new type of threat:" Glamis's claim against the United States under NATFA.