

NNTC TITLE AND RIGHTS INITIATIVES

Fishing is the lifeblood of the Nlaka'pamux and has been the focus of much of the NNTC's work. The Nlaka'pamux right to the fishery highlights issues which are common to title and other rights. Before the arrival of the settlers and the development of the commercial fishery, we were free to fish how we chose. When our interests conflicted with that of the newcomers, our interests were legislated against and increasingly controlled by others than ourselves. **Hell's Gate, Nikouch**, resulted from railway construction which led to the river being blocked. The area is still closed to fishing over a hundred years later. When we decided enough was enough and that we would reassert our control over the fishery, the NNTC developed the "**Inter-Tribal Fishing Treaty - A Treaty of Mutual Purpose and Support Between Indian Nations**". The Treaty had widespread aboriginal support. The government could see the threat that such unity posed. Money was quickly offered to those willing to abandon the principles of the Treaty. Such divide and conquer tactics have consumed NNTC resources.

It was to protect the fishery that the **Pasco v CNR** (Twin Tracking) litigation was undertaken. While the case never went to trial, it did go to the Supreme Court of Canada on issues of identity and did result in the longest standing injunction in the Commonwealth which protects the Nlaka'pamux fishery. This victory was won by leaders and community members being willing to risk their lives to stop the CN trains from dumping riprap into the River. As always with court, the financial and personal costs were high. Protecting the River from the railways and other users of the transport

corridor requires NNTC being continually vigilant, holding companies responsible and working to develop sustainable solutions.

Twin tracking also gave rise to the NNTC ***Specific Claims program*** which has been critical for ***research*** and documentation for all aspects of title and rights. Mapping, oral histories, genealogies, data bases and extensive archives have all been developed by the NNTC research unit. Initially, the specific claims process appeared to offer a possible solution to CN related grievances. The specific claims program grew to deal with a broad spectrum of grievances including illegal preemptions, excessive rights of way, loss of water rights, improper surrender of reserve land and the failure to confirm reserves. Over 170 claims have been identified with over 80 claims having been submitted to government by the communities and NNTC.

The NNTC has participated in numerous ***Inquiries and Commissions*** dealing with the fishery and many other issues. Submissions and presentation to the Fraser Public Enquiry into missing salmon resulted in the recommendation that a ***comprehensive fisheries agreement*** be entered with the Nlaka'pamux outside of the AFS model which would reflect our understanding of our right to the fishery. The process of reaching a comprehensive agreement created change on the River, increased Nlaka'pamux control and enhanced the well-being of the fishery.

The ***Nlaka'pamux Resource Officer initiative*** developed and implemented by the NNTC reflects Nlaka'pamux jurisdiction and responsibility to care for the fishery. This initiative provides skills,

knowledge and employment for the NRO's and ensures active participation of the Nlaka'pamux in the management of the fishery. Fishers are kept better informed which increases adherence to Nlaka'pamux regulation. The NROs assist in the ***ghost net removal program***.

When there is failure to adhere to fisheries regulations, rather than automatically charging the fisher under the Fisheries Act, the NNTC developed the ***Cit'ivc*** to provide for restorative justice. Cit'ivc is consistent with traditional Nlaka'pamux ways. The NNTC runs the Cit'ivc program which has had a clear benefit for individuals who have learned about the fishery and Nlaka'pamux ways, for the community which and for increasing compliance. The court system has been largely ineffective and inefficient. Cit'ivc is a viable alternative. We should not be criminalized for exercising our rights.

Fisheries management is grounded on the ***Permitting system*** developed by the NNTC which has the Nation and fisher's community granting a permit. Regulation of Indigenous rights among holders of the right, is for the Nation to determine.

Fishing camps are held every year to teach the young people about Nlaka'pamux traditions and practices around the fishery. Hunting camps are also held to pass on our traditions to then next generations.

The ***Coho in the Class Room*** program also sponsored by NNTC teaches kids about the coho and actively involves them in conservation activities.

Tanks are placed in the class rooms where the kids can see the coho hatch and then participate in releasing the fry into the river.

NNTC has dealt with many more issues related to the fishery including Hells Gate, protesting fish wars with the US, representation related to the Pacific Salmon Treaty, investigating Stwen marketing, and protecting the fishery from non-Nlaka'pamux incursion.

NNTC uses its best efforts to protect other natural resources including forestry, traditional plants and foods, non-renewable resources. The Forestry agreement entered into between the Province and NNTC in 2015 was likewise a significant step in the recognition of Nlaka'pamux title and rights. These agreements, like the agreements with BC Hydro and Teck, reflect the fact that the NNTC will not enter into agreements unless those agreements are consistent with Nlaka'pamux title and rights. Quick deals and fast cash can often be had with “cookie cutter” agreements offered to all groups. The NNTC rejects that approach and in doing so for generations, is now beginning to reap the rewards.

Much work has been done to protect the health of the River – especially from the dangers posed by **landfills**. The NNTC has undertaken scientific testing as well as relying on traditional knowledge to substantiate concerns that landfills are not a sustainable option. In battling landfills, the NNTC won recognition in Court for the right of the NNTC to be consulted. NNTC stopped the destruction of the Ashcroft Ranch by not allowing it to be turned into a garbage dump. NNTC had an issued Environmental

Assessment Certificate rescinded which is unprecedented. NNTC has **transformed the relationship** with Metro Vancouver from highly adversarial to working together to achieve mutual benefits having persuaded Metro Vancouver landfills are not a sustainable option. Since opposing the initial Cache Creek landfill in the 1980s, the NNTC has monitored the dump, has researched and investigated viable options and **offered solutions**. It is part of the principled disciplined approach of the NNTC that the NNTC does not merely say no but rather works to find a sustainable solution that is consistent with Nlaka'pamux title and rights.

Landfills are just one of many projects that proponents seek to develop within our homeland and which impact our title and rights. The Province has a referral system to deal with the legal requirement for consultation and accommodation. Hundreds of referrals are received annually within the Nlaka'pamux Nation. From the NNTC perspective, the referral system destroys not protects title. The NNTC has developed the **Shared Decision Making Model** to protect our title from proposed projects and to exercise our **jurisdiction**. Many projects proceeded before there was recognition of our title hence the roads, telecommunications, hydro, mines, forestry cut block, railways but now there is to be **free, prior and informed consent**. Consent based decision making is the process. The United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission Calls to Action set a high bar.

Relationships and trust can create mutually beneficial opportunities. This is reflected in the protocols and agreements with Telus, Teck HVC, BC

Hydro, CN Rail, and others and the Political Accord entered into with the Province of BC.

We need our **health** to exercise our title and rights. Jurisdiction over Nlaka’pamux health has been part of a province wide transition to increasing Indigenous control. At present through the First Nations Health Authority, institutions have been created which are not fully consistent with Nlaka’pamux perspectives but are a step along the journey. The devastation created by residential schools is profound. The NNTC works to support healing and creating a positive future. In addition to its political work, NNTC also provides day to day health support through the Nlaka’pamux Services Society – for example, patient travel, grief programs, fall prevention to name a few.

The NNTC is opposed to delegated authority. The Nlaka’pamux Nation has inherent jurisdiction, not merely authority granted by another government. This has greatly influenced how our children and families are cared for. The NNTC is instrumental in the development of the **ShchEma-mee.tkll**. ShchEma-mee.tkll is a culturally based and prevention focussed Nlaka’pamux child and family wellness model. ShchEma-mee.tkll asserts our identity as Nlaka’pamux and our inherent right of self-determination over all things in our territory, including our children. NNTC co-developed “Wrapping Our Ways Around Them” – a transformational approach and guidebook to the *Child, Family and Community Services Act* for Indigenous communities and those working under the Act. “We are Nlaka’pamux” is a children’s book developed by the NNTC.

Nlaka'pamux culture is living. Our culture evolves over time and over generations but always it remains connected to our land and to our ancestors. Our language expresses our culture. Every Nlaka'pamux has the responsibility to know our culture, to live our culture, to protect our culture and to share this with the next generation. NNTC works to this end. Eddie and Amy Charlie and Bev Phillips led the language group. The alphabet has been written, a dictionary created and curriculum material developed. We are hearing ***nlha.kapamhhchEEn*** in our communities again. ***Nlha.kapamhhchEEn*** is now taught in the schools which is part of the NNTC's efforts to improve the ***education*** system. This has been done by challenging school districts, participating in planning and local education agreements, providing programing, lobbying, supporting Stein Valley Nlaka'pamux School and ensuring education is valued.

Nlaka'pamux cultural heritage must be protected. If we lose our culture, we lose who we are. We must pursue all possible means of protecting our culture and language. Living the culture daily is the most fundamental step. NNTC traditional gatherings, nkshAytkn, are a way of keeping the culture alive and well. Another aspect of the protection of our culture is the development of a written ***Nlaka'pamux Cultural Heritage Law*** which has been undertaken by the NNTC with full community participation. Our laws are based on our stories. NNTC has challenged non-Nlaka'pamux laws such as copyright that alienate language and stories from the Nlaka'pamux.

The NNTC ***archaeology team*** has a vested interest in doing the best arch work possible and through its careful and very thorough efforts, have found and protected more archaeology sites than has ever been done in the past.

They also recognize the importance of sites far beyond archaeology sites. NNTC is setting the standard to be met. Our spiritual areas, our markers, while not to be made public, must be identified to be protected. Training is offered to our members to become archaeology field workers

The right to determine identity has been a focus of the NNTC for many years. The basis of the Nlaka'pamux Cultural Heritage Law is preservation of Identity. Fundamentally, Identity derives from the land. Identity determines who is part of the Nation and who shares in the benefits and responsibilities of title and rights.

Research into our past includes ethnographies and building **Strength of Claim** reports. NNTC has fought to have traditional use studies replaced by **Nlaka'pamux Use Studies**.

Nlaka'pamux culture is tied to the land – land which traditionally was not divided into Canada and the United States. The NNTC has achieved recognition of the Nlaka'pamux in the United States. NNTC obtained intervenor status at Federal Energy Regulatory Commission and from there negotiated cultural heritage recognition and mitigation with **Seattle City Light**. NNTC has been involved in protection of Nlaka'pamux traditional cultural properties in Washington State. The Elders and research team have made annual visits back to the Skagit and have identified a mid-montaigne trail with related sites.

Protection of our title means protection of the boundaries of our Nation. We have shared title with our neighbouring Nations in some areas. We

have worked with our neighbours to develop contemporary ways of defining our relationships. Traditionally, marriage was a significant means in managing inter-Nation relations. Today, we are developing protocols with our neighbours.

Each Indigenous Nation is unique but we all share some common interests and benefit from the strength in unity. We work with the Union of BC Indian Chiefs and the Leadership Council and national working groups to strengthen our title and rights.

There are many ***other initiatives*** the NNTC is involved in including residential school impacts, fire protection, fuel management, employment, funding, lobbying, policy making, inter-nation relations, Indigenous organization participation such as UBCIC, water rights, and community support.

When the NNTC came into existence, the concept of title and rights in the Canadian legal system was in its infancy. Thousands of cases now exist but Courts do not define who we are. We know who we are, where our land is and what our rights are. But we must take all action necessary to ensure protection of our title and rights. This has included filing a “Comprehensive Claim” and a protective writ. There was no protection to be found and many limitations in the BC Treaty Process so the Nlaka’pamux are not part of that process.

The initiatives taken on by the NNTC are carefully chosen. Resources are limited and we have an obligation to our ancestors and future generations to do the best we can.