

OUR PATH FORWARD

Inherent Rights Community Engagement Planning Session 1

Ullus building

January 28, 29 2017

EXECUTIVE SUMMARY

This report provides the background, the lead up to and the notes from the first Inherent Rights Workshop with Community.

On November 1, 2016 Lil'wat Nation Chiefs and Council passed a motion that set forth the steps and desired outcomes in preparation of the goal of Nation Rebuilding/Self-government. The Nation believes they will achieve these outcomes through a deeper understanding of Inherent Rights and community engagement. This action was a direct result of a workshop held in Whistler – SLCC in June 2016. The Centre for First Nations Governance (CFNG www.fngovernance.org) was invited by the Lil'wat Nation Chiefs and Council to facilitate a governance workshop. From this session dates were set for creating a working group to support Chiefs and Council and CFNG in their information gathering.

On December 12-14 2016, the Lil'wat Nation Chiefs and Council and the Administration team attended an information gathering workshop led by the CFNG group. The three day session was to go over Inherent Rights and the necessary stages of community engagement to shape the nation rebuilding plan and to identify and inform a working support group for future meetings. The first session of this process was held January 28th and 29th at the Ullus building, 9am -4pm.

Opening remarks were made by Cultural Chief Leonard Andrew in Ucwalmicwts. Political Chief Dean Nelson addressed the group and spoke about how this event came to be. Chief Nelson introduced the workshop's facilitators:

Satsan is a Wet'suwet'en Hereditary Chief of the Frog Clan and has been a long-time Speaker for the Wet'suwet'en Nation, which is located in BC. He previously served as Speaker for both the Gitksan and the Wet'suwet'en Nations. Satsan was a key figure and strategist in the Delgamuukw-Gisday'wa case, which was the subject of a successful judgment before the Supreme Court of Canada in December 1997

Chris Robertson has over 18 years of experience specializing in community economic and organizational development, professional management, public communications, strategic planning, governance, lands and resources support with First Nation communities, governments and businesses.

The two days included presentations and exercises from the CFNG group covering topics of history – ours and the Indian Act, Inherent Governance, case law and its impacts. The exercises were driven by the people and their input.

***see Appendix B**

ATTENDANCE:

Facilitators:

Satsan (Herb George) Senior Associate, Centre for First Nations Governance
Chris Robertson Senior Associate, Centre for First Nations Governance

Group Facilitators:

Chief Dean Nelson	Elizabeth Peters – Youth Group Rep.
Chief Leonard Andrew	AJ Nelson – Youth Group Rep.
Councilor Josh Anderson	Hayden Leo – Youth Group Rep.
Councilor Felicity Nelson	Supporting Lil'wat Nation Staff:
Councilor Alphonse Wallace	Bobbi Jo Leo
Councilor Vaughan Gabriel	Debbie Allendal
Councilor Tara Smith	Florence Ward
Councilor Helena Edmonds	Ernest Armann
Councilor Martina Pierre	Vince Pierre
Councilor Greg Bikadi	Josephine Peters
Councilor Maxine Bruce	Melanie Williams
Councilor Lois Joseph	

Lil'wat Citizens in attendance:

Ronny Lester	James Louie
Ralph Dan	Annette Pierre
Tammie Jenkins	Casey Dick-Wyatt
Lawrence Pascal	Inez Nelson
Mike Peters	Ruth Dick
Lydia Gabriel	Sharyle Peters
Martin Nelson	Vanessa Dan
Lloyd Williams	Joanne John
Rosa Andrew	Rick Nelson
Calvin Nelson	Harold Gabriel
Darryl Dan	

***see Appendix A 1 and 2**

PRESENTATION 1 - THE FIVE PILLARS AND PRINCIPLES OF GOVERNANCE: SATSAN

Satsan introduced and briefly reviewed the CFNG's "The Five Pillars and Principles of Effective Governance". The Pillars are:

- The People
- The Land
- Laws and Jurisdiction
- Institutions (Services/Providers)
- Resources

***see Appendix C**

Exercise 1 "Community Gathering Exercise" – Chris Robertson

After the morning presentation, 5 Pillars of Effective Governance, Chris led the group in community exploration of the five pillars, the People, the Land, Laws and Jurisdiction and Resources and Governance and Services. The working staff were broken into five tables, each table representing a Pillar. The community group is broken into five groups (four per table), the participants work at each table for 20 minutes, sharing and recording their feedback on the following questions:

The People: Before contact, how did your people live, deal with each other, support their community, and ensure that local infrastructure/public services were created and maintained? What was taking place in your nation? How did they plan as a community? How did people participate and share information among each other?

The Land: What was your homeland and how did you maintain it? Where would you have lived? What resources sustained you? How were those resources distributed and used? What trade was established? What spiritual connection was there and why was it important?

Laws and Jurisdiction: What was your system? How did it work? How was conflict managed? How were laws made? How did everyone understand your laws? What guided managing and protecting your territory? How did others understand who you were and where you were?

Governance and Services: How was your governance organized? Who led? How did they lead? What services existed? How were they managed?

Resources: How were human resources managed, skills identified and used? How were crisis' managed (fires, drought, floods, resource diminishment)? How was oversight undertaken, accountability ensured? What happened if systems failed to meet the needs of the community? How was this managed?

Input:

The People:

- Lil'wat7ul – “Citizens”
- We are the People of the Land
- Ucwalmicw
- Ucwalmicwts
- Tmcwlkalha
- Skel7awlh – “ Leaders on the Land”
- Kultsam Pixem – “Hunting, gathering food”
- St'at'yemc
- Clans
- Nt'akmen – “Our Ways – Culture, Traditions”
- NxeKmin – “Our Laws”
- Nk'issaytken – “Family”
- Snekwnukwa
- Skwatsits – “Leadership Names”
- Kelkek La7lhkalh – “Ancestors”
- Icwlhmec cman – “Visitors”
- Skwatsits7ul – “Place Names”
- A7x7ulmecw – “Sacred land”
- Ca7akukwpi7 – “Great Creator”
- Kwekutkwpi7 – “All leaders”
- Scwena7em – “Medicine People”
- Tsicwalus – “the ones who see the future”
- Swa7a7wet – “the next generation”

The Land – Tmicw:

- Tsuwalhkacw Tmicw – “Our control over the land”
- Ucwalmicw – “People of the Land are one”
- Sqweqwel - “Stories – History”
- Matqmin tmicwa – “Walking and knowing the land”
- Skelkel7awlh – “Leaders of the Land”
- Protectors/Stewards of the land
- Shared the land
- K'imk'maniskalha – “ Boundaries” – were known and respected/shared
- K'ul'antsut – “Land Use Plan”
- Qu7,sts'oqwaoz – “water and fish”
- Villages and summer/winter homes – camps

- Sacred Places – birthing places, training places, burial sites

Laws and Jurisdiction:

- K’ul’tsam - “Family Laws”
- Taking what you need
- Oral Laws, traditions
- Community laws
- NxeKmen – “Lil’wat Laws”
- Matrimonial laws
- Relations to Land/Resources
- Hunting Laws
- Land Management Laws
- Forestry Laws
- Fishing Laws
- Hierarchy/Families
- Training
- Ceremonial laws
- Enforced Laws

The Institutions (group termed it Governance and Services)

- Family head system
- Kwekukwpi7
- Justice System
- Qwalut I ucwalmicwa – “the people have spoken”
- Calling the people together – had a system in place
- Lil’wat Governing System
- Traditional and Intellectual Knowledge
- Treaties
- Marriage
- Tribunals
- Social Organization (matrimonial)
- Clans – Wolf, Grizzly, Owl
- Pal7alhqwawt
- Pal7usem – “Family”

Resources:

- Land/People
- Land base
- Trees, water, plants, animals, metals, medicines, food, salmon, air, minerals

- Economy
- People – healthy people
- Intellectual Knowledge
- Ceremonies/culture/traditions/language
- Expertise
- Trade
- Leaders
- Sustainability
- Twit
- Communication
- Organizational structure
- Roles and Responsibilities
- Specialized skills
- Land – sub-surface resources
- Water – all water ways
- Air – clean
- Roads
- Right to gather our resources
- Nt’akmen
- Spirituality

PRESENTATION 2 - ORIGIN AND CONTENT OF THE INDIAN ACT

Satsan provided a presentation to Lil’wat participants on the origin and content of the Indian Act. It has been an immense obstacle in our lives and thwarts our efforts to effectively develop our own governance in ways that reflect our inherent rights. The object then is to understand the origins of the Indian Act, its content and its impact in a way that we can learn to master it to the point that we can spend more time working on putting in place the systems we need to exercise our inherent rights.

***see Appendix D**

Exercise 2 -

In order for participants to further distil the content of Satsan’s presentation and understand the impact of the Indian Act, they were divided into two groups and asked to respond to the following questions.

How did the imposition of the Indian Act affect your people, community, Nation?

- **People:** Status (social standing), lifestyle, relationships, community, public services, planning, engagement.

- **Lands:** Responsibilities to your homelands, where you lived, resources, trade, connection.
- **Laws and Jurisdiction:** Your system, your laws and authorities, resolving disputes, your territory and relationship with other nations.
- **Governance and Services:** Governance, leadership, management and other systems of support to your community.
- **Resources:** Skills, capacity, responsibilities, accountability, oversights, wealth, accomplishments and success.

The participants broke into five groups of four and worked with the Staff to record the following:

The People:

- Implement Chief and Council
- People fighting amongst themselves
- Lost identity
- Only be a member of one nation
- You have to be voted in if your parents are from two nations
- Services are limited
- If one of your parents are not Canadian you must say your father is unknown
- When employed by the band you must follow policies
- Broken family resulting from Residential Schools
- Told what to do
- Status cards expire
- Self-determination
- Low self-esteem, no direction, shame, dis-placed socially
- Dependency cycle- Education allowance- welfare
- Need for money and sugar – foreign systems
- Wards – underfunded, user fees, charges, Municipal conveniences and problems
- Loss of responsibility and wellness
- People – oppressed
- Wards- with status cards and numbers
- Less of a lifestyle – controlled
- No control over membership
- Confined and restricted – powerless
- More people, less funding, poverty
- Hopeless for any planning or engagement
- Provincial jurisdiction, child welfare, education and health
- Divided the nation into regions
- Child welfare

- No pride
- Limited funding for education
- Number “557”
- Made us dependent
- Controlled and powerless
- Bottleneck
- Lazy
- Took away our freedom
- Division
- Discriminated
- Assimilation
- Beggars in our own land
- No rights
- Lost Names(identity)
- Kids taken
- Broken family units
- Power shift – rolling changes
- Powerless
- Poverty
- Addictions
- Mental health issues
- Cultural genocide
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The Land

- Lost our territory and responsibility to the land
- INAC must endorse your will
- Postage stamp sized land
- We are not using the land
- Limitations to using the land
- Divide in the community
- No more hand shake decisions with land transactions
- Families involved with land use
- Depleted water and fish etc.
- Land use ownership lack of trust
- For independent people are not covered for assistance on reserve
- On reserve lack of understanding of benefits/services/entitle
- Displaced off of territory

- No influence or control of policies that is required on the lands
- Impedes and oppresses our responsibilities as we are conditioned
- No control over the land
- We don't own the land
- Land entrusted under the Crown
- Confined on Indian Reserves
- No control of possible resources under our lands
- No protection of our resources
- Put us on reserves
- No jurisdiction
- No mobility
- Restricted
- Lost resources – no economy
- Loss of connection – identity
- No hunting
- Land-less
- Reserves
- Confinement
- Permissions
- Lost – no connection
- Expropriate
- No control
- Poisoned resources

Laws and Jurisdiction

- Minister of Indian Affairs
- Loss of our laws and jurisdiction
- No acknowledgement of N'takmen
- Lack of understanding of N'takmen
- Matrimonial real property
- Education
- Health
- Main stream Canada laws don't apply on reserve for wills and estates
- Confusing on housing ownership
- Right to remain silent
- Systems are almost lost
- We have knowledge of our laws. Authorities are diminished/no recognition
- Disputes not usually resolved
- We are separated from other communities and families

- Indian Act laws powerless
- Membership under Indian Act B.2 don't have the same right as a B.1
- Judicial system through provincial/federal courts
- Can only work with the Federal government regarding any relationship with the municipalities etc.
- Provincial jurisdiction applies to Indians on reserve
- Controlled
- Filling courts (theirs)
- Their law suits them
- Illusion of power
- Lack of priority
- Reserve mentality
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Governance and Services

- Limited leadership – jurisdiction still with Indian Act
- No control for our own governing system
- 75 % from INAC funds to cover our needs – inadequate
- Welfare took away our dignity
- Band employee tough job to service community and follow INAC policy
- What is that? Governance we are administering INAC policy
- Lack of real empowerment
- Un-met expectations
- Elect leaders with no real power
- Administer the poverty in the community
- Leadership is by election through federal government
- Report any additional funding other than the fiduciary
- Powerless
- Non-existent
- Dependent
- All about \$\$\$
- Conditions of coercion

Resources

- Timber resources are off reserve
- Loss of skills to govern our own N'takmen
- Encroachment on our forests- settlers
- Not accountable for ourselves
- We don't know how to celebrate and acknowledge our successes

- Non- Lil'wat run the Band office
- Lack of education
- Lack of confidence
- Fiduciary relations between Lil'wat and Canada
- Fear of success
- Stifled mentality
- Loss of language, culture, teach, family structure and responsibilities
- Limit on access to financial resources and power
- Lack of housing and sub standard
- Add more responsibilities on workers
- Lose our skilled people to others
- Lack of funding in all areas
- SA clients are forced to live in poverty 235.00 per month for single = 7.00/ day
- Public and infrastructure services lack
- Non-Existent
- Gap in the knowledge
- No culture no language
- Lack of funding – dependent
- OOM7 – (handout)
- Stolen
- Limited access
- Power struggle
- Contaminated

PRESENTATION 3 – STRUGGLE AND SUCCESS: ABORIGINAL CASE LAW IN CANADA – SATSAN

The political, economic and legal environment has changed throughout Canada. Important legal victories have taken place in the courts that have tremendously strengthened our ability to exercise our aboriginal and treaty rights on our lands, within our nations, at the negotiation table and in the courtroom. It is now time to become fully aware of these victories and to implement a strategy that enables and empowers us to accomplish our goals with regard to our lands, resources and our inherent right to govern ourselves.

***see Appendix E**

EXERCISE 3 – CHRIS ROBERTSON

Following Satsan's presentation on Aboriginal Case Law, participants were divided into working groups to address two questions on Lil'wat Inherent Rights and Title:

- 1) Based on the history of case law that ultimately set out accomplishing and recognizing our aboriginal rights and title and the crown's legal requirements for consultation and accommodation.... How might that impact our:
 - People:
 - Lands:
 - Laws and Jurisdiction:
 - Governance and Services:
 - Resources:

- 2) What can you do as Chief and Council to mobilize your people to rebuild and restore your rights to your:
 - People:
 - Lands:
 - Laws and Jurisdiction:
 - Governance and Services:
 - Resources:

What can Chiefs and Council do to mobilize the people to rebuild and restore rights:

- People:
 - Right to live in Peace and Dignity
 - Family units/Heads
 - Clans
 - Take our power back, be strong
 - Communal
 - Enforce and practice our own laws
 - Plan to implement, start with current ullus staff
 - Heal the residential school survivors
 - Educate our youth about who we are, our history
 - Library with our own history books
 - Close the intergenerational knowledge gaps
 - Practice our protocols
 - Encourage language, ensure we learn our language
 - Empowerment
 - Establish trust and respect
- Lands:
 - Prevent entry of invasive species
 - Our own conservation officers
 - Practice control burns i.e. berries/teas fields
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- Laws and Jurisdiction: “Having our own Lil’wat Legislation that follows and respects our N’takmen. Muta7 N’xekmin” within a timeframe e.g. 2 years.

- Exercise & practice
 - Part of our Lil'wat Culture and customs
 - Communal
 - Define our laws and jurisdiction plus management it independently
 - Self –Determination
 - Protect our Land and Water
 - Lil'wat Environment Law
 - Lil'wat child Services – care and protection
 - Lil'wat Legislation
 - Lil'wat Restorative Justice
 - Lil'wat Taxation
 - Education
 - Educate next generations
 - Enculturate Oral Histories
 - Pictographs and petroglyphs
 - Lil'wat Court
 - Language
 - Natural Law
 - Cultural Protocol
 - Man-made/black letters
 - N'takmen
 - Nxekmin
 - Fishing Protection
 - Hunting
 - Gathering
 - Watchmen-Stewards Runners/messengers
 - Spirituality
 - Title and Rights
 - To uphold & respect
 - To learn the laws
 - Recognize each other as citizens
 - To define the laws and Jurisdiction
- Governance and Services:
 - Create economic development
 - Create our own jurisdiction and judicial system
 - Create our own currency
 - Resources:
 - Understand our rights
 - Limit and take of what we have
 - Live our N'takmen
 - Revive and build new laws
 - Prepare our people and children
 - Use our resources wisely

- Become stronger stewards of our land and resources
- Use the same language
- Practice our ways and who we are
- Respect each other
- Embrace who we are
- Embrace technology
- Create a war chest of finances
- We have the right to set laws on who has access to our resources
- Establish inventory of our resources to see what we have left
- Create an environment assessment
- The right to stop the taking of our resources
- Revisit the decisions we have made in the past and build on it
- We should all know what we doing currently
- Remind each other on our harvesting (i.e. Mushroom) techniques, including our traditional harvesting
- Put to use the old hatchery site, so no impact to the wild stocks

OUTCOMES:

The themes running through the exercises of the first two days of the Inherent Rights workshop were a recognition of where we were and where we want to be. The loss of identity through historical impacts, the recognition of traditional governance models, current strengths and weaknesses and ultimate desires all came out of the facilitator led exercises. A SWOT if you will, was identified showing priorities which will be used in creation and implementation of the Nation Re-building process.

The citizens of Lil'wat Nation identified their rights and freedoms to practice their culture, beliefs, language and governance. Lil'watemc prioritized the following summaries of each pillar:

The People – Lil'watemc – “the people of the land”

Through mutual trust and respect, and collaboration, we will maintain our identity for future generations.

Working together to get reparation and restitution to be self-sufficient and self-reliant.

Involve all citizens in making decisions and implementation of those decisions.

The Land - Ucwalmicw – “People of the Land are one”

The right to use our oral history to define our territory and how we use, occupy and protect the land and our people and all that pertains to.

Walk upon the land, implement place names, exercise the traditional activities.

Laws and Jurisdiction - Tsuwalhkacw Tmicw – “Our control over the land”

Since time immemorial the Lil’watemc have lived responsibly guided by Principles of sustainability.

Enforce our laws within our territory, Nt’akmen – “Our Ways – Culture, Traditions”

Governance and Services - Skel7awlh – “Leaders on the Land”

We have the right to govern ourselves.

Instill pride in who we are as Lil’watemc with our N’takmen and Nxeqmen within our Territory. This will empower us as a sovereign nation to govern and provide the necessary services to meet our basic needs. This establishes our constitutional rights and responsibilities to govern our own traditional territory and people.

Must strive for Government to Government relations.

Resources - Matqmin tmicwa – “Walking and knowing the land”

Understand our roles and responsibilities to the land, resources and each other.

Utilize our resources to serve our people.

We have the right to manage our resources.

CLOSING:

The session closed off at 4 pm with final remarks by Chris Robertson, Satsan and Chief Dean Nelson.

The next session is scheduled for February 25 and 26 2017 at 9:30 am in the Ullus building. Participants are asked to encourage family and friends to attend the two-day session and help contribute to Lil’wats Path Forward.