



2017 INHERENT RIGHTS WORKSHOPS SUMMARY

“Guided by our Creator and Ancestors, Lilwat7úl will learn and live in Ntákmén (Our Way) through our traditional ways of knowing, to respect and trust one another.”

Nation building and self-government were the issues that brought the subject of Inherent Rights to the forefront for Lilwat Nation Leadership in 2016/17. The goal: better lives for all *Lilwat7úl* (People of the Land).

In November 2016, Lilwat Nation contracted the Centre for First Nations Governance (CFNG) to deliver a series of workshops to Leadership, staff and *I Ucwalmícwa* (The People), to examine how the Nation could meet its goals of self-governance and self-determination. Three two-day workshops were held in January, February and March of 2017. This document looks at the content and outcomes of these workshops that were embraced and supported by Leadership. *Skalúlmecw* Chief Dean Nelson shared his thoughts about exercising Lilwat Inherent Rights and achieving self-governance in a notice to the community (*Our Path Forward*) distributed in January 2017:

“As leaders we all want change for the betterment of our people and we see a future where Lilwat Nation stewards our territory. Where our people share in the full benefit from the development on it. We see a time when we have moved beyond the Indian Act to our own authority and where our leadership and administration provides a higher level of service to our children, our Elders and all of our people according to their vision,” wrote *Skalúlmecw*.

“As leaders, we know that we cannot act independently without you. Lilwat Title and Rights belongs to all our citizens and only our people can define our rights and title, and decide what to do with it. What we can do is give everyone an opportunity to understand Lilwat Inherent Rights and we can help our people come together and create a common vision for the Lilwat Nation.

“Control over Lilwat Territory should belong to Lilwat Nation. By exercising our Inherent Rights and moving towards self-governance the Nation can achieve this goal. And in doing so, it can open up economic opportunities that would reflect and respect *Ntákmén* (Our Way) and *Nxékmen* (Our Law).”

Currently, there is a 30 to 40 per cent gap between INAC funding and what is needed for Lilwat Nation to provide services for the *I Ucwalmícwa*. As long as the Nation operates under the oppressive and racist Indian Act it will do so under a model of “managed poverty.” And things will continue as they have for the last 150 years.

Most *Lilwat7úl* (Lilwat people) can agree that the current system is not working. Leadership strongly believes that *I Ucwalmícwa* deserve to control our own destinies. Leadership believes self-governance will result in an empowered, economically sustainable Lilwat Nation where culture, language and spirituality are entrenched in daily lives.

The forthcoming Inherent Rights Strategy, developed using contents of the three Inherent Rights workshop reports and findings of future community engagements, will set the path for this exciting journey.

Self-governance has been a goal of the Lilwat since its removal by the Indian Act decades ago. Recently, it has been promoted in all of Lilwat Nation’s Strategic Plans since 2005. More than a decade later, the time has come to move forward.

What are Lílwat Inherent Rights?

Inherent means that something is yours and always has been yours. It's not a grant from anyone else. Lílwat Inherent Rights have existed since before the settlers came, before colonization, before 1867 Confederation and these rights still survive today. They are now recognized and protected under section 35 of the Constitution Act 1982.

They are collective communal rights. Exercising Lílwat Inherent Rights means clearly knowing them, understanding them, using them, enforcing them and protecting them.

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Inherent Rights are the Creator-given rights that are inherent and fundamental to the Lílwat people and their territories. And these rights must be recognized and respected.

Inherent Rights Workshops Purpose

The aim of the workshops was to provide Lílwat citizens with the opportunity to define and obtain a full understanding of their Inherent Rights and to determine ways they could be put to use again. The goal was to create the foundation for an Inherent Rights Governance Strategy, the blueprint for how Lílwat Nation leadership and citizens should move forward to reach the goal of self-governance.

The three, two-day workshops were developed by CFNG's senior associates Satsan (Herb George) and Chris Robertson in conjunction with Lílwat Leadership in the hope that people would attend as many sessions as possible. These sessions were held over three weekends in January, February and March 2017.

At the core of all sessions was creating an understanding of Lílwat Inherent Rights and Title, the Impact of the Indian Act and the Five Pillars of Effective Governance. The Five Pillars of the Inherent Right to Self Governance provided the framework for smaller group discussions that helped guide how Lílwat citizens could apply it to *Lílwat7úl* life and tradition.

The workshops examined the critical importance of the Nation exercising Lílwat Rights and Title to ensure an independent future lived outside the oppression of the Indian Act.

For workshop processes and descriptions, please see last page.

WORKSHOP OUTCOMES: I UCWALMÍCWA SETTING THE DIRECTION

With the assistance of Skalúlmecw Chief Dean Nelson, CFNG's Satsan Herb George and Chris Robertson led groups of up to more than 50 people through a discovery process that included exploring The Indian Act, reviewing precedent-setting case law pertaining to Aboriginal title and rights, and developing strategies to put in place and use Lílwat Inherent Rights based on the Five Pillars of Effective Governance: the People, The Lands, Laws and Jurisdiction, Institutions (Services and Governance) and Resources. Here are the words (verbatim) of *I Ucwalmícwa* pertaining to the Five Pillars.

The People: I Ucwalmícwa (The People)

1. Strategic Vision
2. Meaningful Information Sharing
3. Participation in Decision-making

Participants considered what it meant to be *Lííwat7úl*. Among the comments were that *Lííwat7úl* are People of the Land who are also *Słát'yemc*. The groups also felt that I Ucwalmícwa should ideally live in *Ntákmen* (Our Way), governed under *Nxekmin* (Our Laws) and embrace *Lííwat Ucwalmícwts* and culture.

- Lil'wat7ul – "Citizens"
- We are the People of the Land
- Ucwalmicw
- Ucwalmicwts
- Tmcwłkalha
- Skel7awłh – "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 La7łhkalh – "Ancestors"
- Icwłhmec 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"
- Citizens made up government
- Leaders
- Teachers
- Warriors
- Rights holders
- Strong families/clans....
- Spiritually strong
- Principles/values
- Sacred ceremonies
- Clear roles/responsibilities
- Language medicine/healers
- Protocols
- Culture/traditions
- Child welfare
- Supported our own births
- Balance/harmony
- Arts/entertainment
- Holders/keepers of history
- Caretakers of our territories
- Recognition/respect for each other and the land

The Land: Ucwalmicw (People of the Land are one)

1. Territorial Integrity
2. Economic Realization
3. Respect for the Spirit of the Land

Participants considered the land in terms of *I Ucwalmicwa* being the protectors/stewards of the land as the People and the Land are one. Participants expressed the importance of the right to use *Lil'wat7ul* oral history to define Lil'wat territory: how it is used, governed, occupied and protected.

- 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
- Territorial (all of it)
- Used the lands & resources
- Governed
- Protected
- Transformers
- Natural & beautiful
- Bountiful
- Spirit in the land
- Organized land use
- Managed our activity on Land
- Oral histories all of our lands are named
- We've been on our lands since creation
- We are connected to the land-obligations
- Skel7awlh/Twit
- Used all our lands, trails, technology
- Depended on Land
- Infrastructure
- Seasonal places/use

Laws and Jurisdiction: Tsuwalhkacw Tmicw (Our control over the land)

1. Expansion of Jurisdiction
2. Rule of Law

Participants expressed the importance of observing, enforcing Nxeqmen, and oral and community laws. It was also stated that since time immemorial *I Ucwalmicwa* have lived responsibly and were guided by the principles of sustainability.

- K'ul'tsam - “Family Laws”
Taking what you need
- Oral Laws, traditions
- Community laws
- Nxeqmen – “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
- Laws/judiciary
- Trespass laws
- Regulations/policies
- Protocol
- Natural law
- Rule of law
- Boundaries
- Unique land holding
- Human rights
- Covenants

Institutions*: Skel7awlh (Leaders on the Land)

1. Transparency and Fairness
2. Results-Based Organizations
3. Cultural Alignment of Institutions
4. Effective Inter-Governmental Relations

Participants considered the institutions that affect *I Ucwalmícwa*, from the Canadian Justice System to *Lílwat7úl* clans (Wolf, Grizzly and Owl) and Lílwat's government. At the core of this conversation was the need to review all relevant institutions and see how traditional ways can be applied to them. Participants also asserted "the right to govern ourselves." It was discussed how being a sovereign nation would empower *I Ucwalmícwa*, as a Nation to meet with the Canadian government "Nation-to-Nation," and build community pride.

- Family head system
- Kwekukwpi7
- Justice System
- Qwalut I ucwalmicwa – "the people have spoken"
- Calling the people together – had a system in place
- Lílwat Governing System
- Traditional and Intellectual Knowledge
- Treaties
- Marriage
- Tribunals
- Social Organization (matrimonial)
Clans – Wolf, Grizzly, Owl
- Pal7alhqawwt
- Pal7usem – "Family"
- NxeKmen
- Clan System
- Family Head
- Government - Government Relations
- Leaders, clear roles & responsibilities overall
- N'takmen
- Dictated by means to survive
- People First
- Transparent/accountable

***Institutions** was termed **Governance and Services** by workshop participants

Resources: Matqmin tmicwa (Walking and knowing the land)

1. Human Resource Capacity
2. Performance Evaluation
3. Accountability and Reporting
4. Diversity of Revenue Sources

Lilwat's abundant natural resources—trees, water, plants, animals, metals, medicines, food, salmon, air, and minerals—were considered important economic drivers. Participants felt strongly about ensuring these resources, and the economy they supported, were sustainable and managed by *Lilwat7úl*. It was also expressed that it was important that everyone understand their roles and responsibilities to the land, resources and each other.

- 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
- Lands: used the resources to look after yourselves
- Trade/trade language
- Economies
- Sustainable Kúítsám
- Laws, regulations/policies, principles/values
- Taught not to be greedy, don't take too much and don't be stingy
- Knew when and how to use resources
- Food and medicines
- History/language/traditions
- Land is our culture
- Gifts of the land “not resources”
- Sustainable land use
- Restoration
- People-Leaders
- Specialists
- Healers
- Warriors
- Watchmen
- Teachers
- Roles & Responsibilities
- Midwives
- Herbalists
- Story tellers
- Knowledge keepers
- Hunters/fishers
- Food gathers
- Fire makers
- Clans/family heads had specific responsibilities
- Communicators
- Toolmakers/weavers
- Spiritual connection
- Taught our people everything about land
- Knowledge handed down
- Prophets

Five Priorities and 23 Subtopics Identified by I Ucwalmícwa

Using the Open Space process, approximately 50 Elders, adults and youth proposed 23 agenda topics to be collaboratively discussed over the two days as their path towards transitioning to self-governance moves forward. Of those 23 Topics, five were prioritized. However, participants chose to categorize all the other topics under the five priorities as matters that required the Nation's attention in its efforts to move away from the Indian Act.

Please note that two of the topics presented in the 23 Subtopics have been repeated. The subtopics "Lílwat control and protection of Lílwat Children" and "How will we enforce our law?" both appear under the priorities **Creating Traditional Leadership** and **Lílwat Tmicw – Lílwat Traditional Territory (LTT)**.

1. Lílwat Language Spoken by All

1. How to be able to teach people the language (without reading and writing, as that can come later)
2. What was Lílwat government system?

2. Creating Traditional Leadership

3. How will we enforce our laws?
4. What is our Lílwat Law?
5. Lílwat control and protection of Lílwat Children (Child Protection Law)
6. What was Lílwat government system?
7. What does Lílwat Citizenship look like?

3. Transition from INAC to Ntákmen

8. Transition from INAC to Ntákmen
9. Storytelling and place names in Lílwata Tmica Lílwatat kwa Lílwata Tselalh
10. How to reach the colonized people in a positive way
11. How do we get people on board that are so afraid of change?
12. How can we encourage the Lílwat Youth to participate in this process?

4. Bring Lílwat Past Forward - Protecting Úlús UI (Our Group Measurement)

13. Lílwat moving forward and protecting the process, continuity and the Movement, and this group
14. Adjusting our administration to support Lílwat's right to self-government
15. Lílwat protocols sharing in positive ways, why we do the things we do from the womb to passing
16. Bring Lílwat past forward
17. Lílwat control of Lílwat Education
18. Knowledge of Inherent Rights to Self-Government process and Lílwat Law.
19. Buy into our mandatory language and culture teachings Understand • Trust • Change • Accept

5. Lílwat Tmicw – Lílwat Traditional Territory (LTT)

20. How will we enforce our Laws
21. What is our Lílwat Law?
22. Lílwat control and protection of Lílwat children (child protection law)
23. Creating Traditional Leadership

Responses to the Indian Act

Participant comments regarding the Indian Act revolved around central theme: the act had only served to keep I Ucwalmícwa oppressed robbing the Líwat Nation of its culture, language, children, land, governance and interpersonal relationships.

- Took us off our land
- Made us dependent
- Oppressed us
- Cultural Genocide
- Assimilation
- And capacity (don't have rights as a people)
- Outlawed our governments
- Residential schools
- Powerless, hopelessness, helplessness
- Wards of Crown
- No legal status
- Don't own land

Inherent Rights Workshop Processes, Participation and Descriptions

The workshops used a number of processes such as Open Space and Tribal Café which allow participants to set the agenda, have their say and engage in discussions that take as long as necessary.

Each morning of each workshop began with a review of material presented at previous sessions before new information was presented. Afterwards, participants broke into groups to discuss specific points and issues. The information gathered in these smaller groups was presented back to the group at the end of day and submitted to the facilitators for use in a Final Report.

The smaller groups ensured all *Lílwat7úl* voices were heard. From creative ideas for increasing understanding of **Inherent Rights** to questioning how best to move towards self-governance, all input was gathered for consideration moving forward.

Workshop Participants

Lílwat7úl Elders, youth and adults attended the workshops. The January and February sessions were held at Úllus Community Complex. To create greater access for community members living at *Xeťólacw* (Where the skunk cabbage grows), the third weekend workshop was held at *Xeťólacw* Community School.

Workshop Descriptions

Workshop #1: Our Path Forward (January 20 and 21, 2017)

As with all of the workshops, CFNG's Satsan and Chris Robertson, with the assistance of *Skalúlmecw* Chief Dean Nelson, led this initial session. The themes running through the exercises of the first two days of the Inherent Rights workshops were recognition of **"where we were and where we want to be."** The loss of identity through historical impacts, the origin and impact of the Indian Act, the recognition of traditional governance models, current strengths and weaknesses and ultimate desires were expressed in brainstorming and breakout group exercises designed for citizens participation and conversation.

Workshop #2: Our Path Forward (February 25 and 26, 2017)

The second workshop began with a review of the information presented in the January workshop. This session provided participants with considerable information on Lílwat Nation's title to its territory and the rights and jurisdiction that Lílwat citizens have to govern their land and themselves in accordance with their own vision. Participants actively engaged in facilitated exercises to discuss these matters among themselves. The Five Pillars of Effective Governance guided the comments that emerged from the breakout groups.

The beginnings of an **Inherent Rights Governance Strategy** began to emerge with discussion of a Strategic Vision, which identified learning traditional Rights of Passage, *Ucwalmicwts* and hands-on activities that should be mandatory until they are common practice. *Citleqam* (Bring back our laws) and *Ntákmén* were priorities as was the creation of a cultural calendar for the community.

Workshop #3: Governing Our Lands - Our Path Forward (February 25 and 26, 2017)

Satsan led the participants through a review of what had been discussed and determined in the first two workshops:

- History of Lílwat's inherent right to self-government- Five Pillars and Principles
- Origin and Content of the Indian Act (our time in Canada)
- Legal history of aboriginal title and rights and section 35 of the Canadian Constitution
- Legal and constitutional recognition of our inherent right to self-government, recognition of Aboriginal title and rights, expansion and definition of section 35 of the constitution, consultation and accommodation and reconciliation
- The governance of our communities, territories and the new relationship with the crown
- Inherent Rights Strategy

Participants considered comments within the Five Pillars of Effective Governance Framework and came up with five priorities, supported by 23 subtopics, to move the Nation forward.

Supporting Documents

To gain a fuller understanding of the Inherent Rights workshops all documents related to the three, two-day workshops are available for your review at Úllus front office. The documents will also be available for download from www.lilwat.ca once the Community Portal has been established in early 2018.

Workshop #1: Our Path Forward (January 20 and 21, 2017)

- Our Path Forward letter from Skalúlmecw Chief Dean Nelson January 17
- Agenda January 17
- Our Path Forward Agenda January 17
- Five Pillars Principles January 17
- Indian Act January 17.
- Case Law January 2017
- Final Report for January 2017 session

Workshop #2: Our Path Forward (February 25 and 26, 2017)

- Agenda February 2017
- Five Pillars Principles Workbook February 2017
- Lílwat IRS Workbook February 2017
- Final Report for February session

Workshop #3: Governing Our Lands: Our Path Forward (February 25 and 26, 2017)

- IR Poster March 17
- Five Pillars Principles Workbook March 2017
- Lílwat Open Space Workbook March 2017
- Participants Topics - Priorities March 2017
- Final Report for March 2017 sessions