

"Our old people say, "How are we to live? If the government takes our food from us they must give us other food in its place." Conditions of living have been thrust on us which we did not expect, and which we consider in great measure unnecessary and injurious. We have no grudge against the white race as a whole nor against the settlers, but we want to have an equal chance with them of making a living. We welcome them to this country. It is not in most cases their fault. They have taken up and improved and paid for their lands in good faith. It is their government which is to blame by heaping up injustice on us. But it is also their duty to see their government does right by us, and gives us a square deal. We condemn the whole policy of the B.C. government towards the Indian tribes of this country as utterly unjust, shameful and blundering in every way. We denounce same as being the main cause of the unsatisfactory condition of Indian affairs in this country and of animosity and friction with the whites. So long as what we consider justice is withheld from us, so long will dissatisfaction and unrest exist among us, and we will continue to struggle to better ourselves"

MEMORIAL TO SIR WILFRID LAURIER, PREMIER OF THE DOMINION OF CANADA

From the Chiefs of the Shuswap, Okanagan and Couteau Tribes of British Columbia

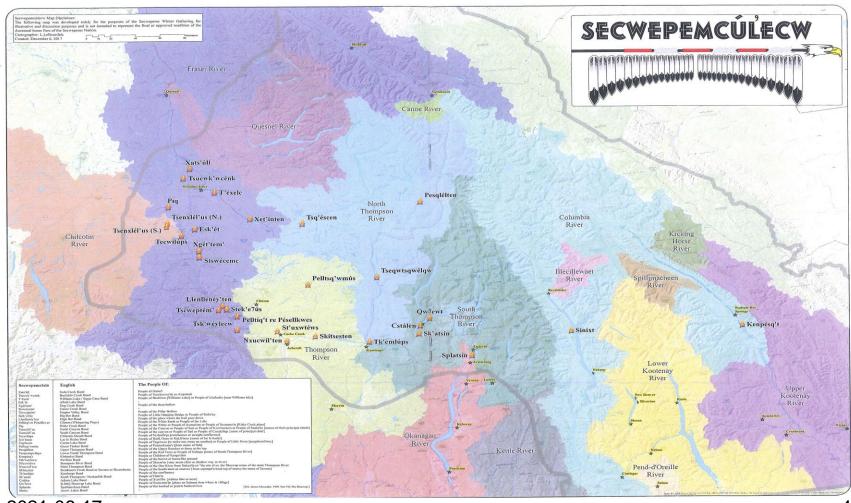
Presented at Kamloops, B.C. August 25, 1910

Kukpi7 Christian Splatsin-Secwepemc Nation

#### Who are we

- We are Secwepemc; who have our own language, culture, traditions and laws over all our traditional lands of 180,000 sq km, 32 communities, a population of 15,000 Secwepemc in our Nation
- We have total jurisdiction & title and rights to all our people, lands and resources; we have not surrendered ,ceded or released them to the gov't; we are not involved in the BC Treaty process
- We demand a just resolution to the land question based on recognition of our jurisdiction & co-existence not extinguishment and application of Provincial laws to our lands, waters; animals, plants and Children and families

### Secwepemc Territory



# Royal Proclamation of 1763 (of King George 111)

Was the legal tool by which the old English colonies and the new Colony of Canada were to make trade relations with Aboriginal nations. It sets out the boundaries and their duties in getting access to the west for settlements and trade. Britain agreed it had no right to colonize without first buying land occupied by Aboriginal owners. It proclaimed that consent must be obtained in an agreement (treaty) of any of the Aboriginal nations and Tribes.

### British North America Act Section 91-24 (BNA Act) "Indians and Lands reserved for Indians"

- ...the concept that native people retained Aboriginal Rights and retain property rights enshrined by law and had never been questioned by any Canadian government until Prime Minister Trudeau in 1969.
- The interpretation of Section 91-24 by the Federal government is the Indian Act, we have never consented to this unilateral interpretation

 1867 Confederation BC joins the Dominion ---Article 13 Terms of Union that Indians were a Federal responsibility and the Railway to be completed

## 1876 First Indian Act – 9 years after confederation

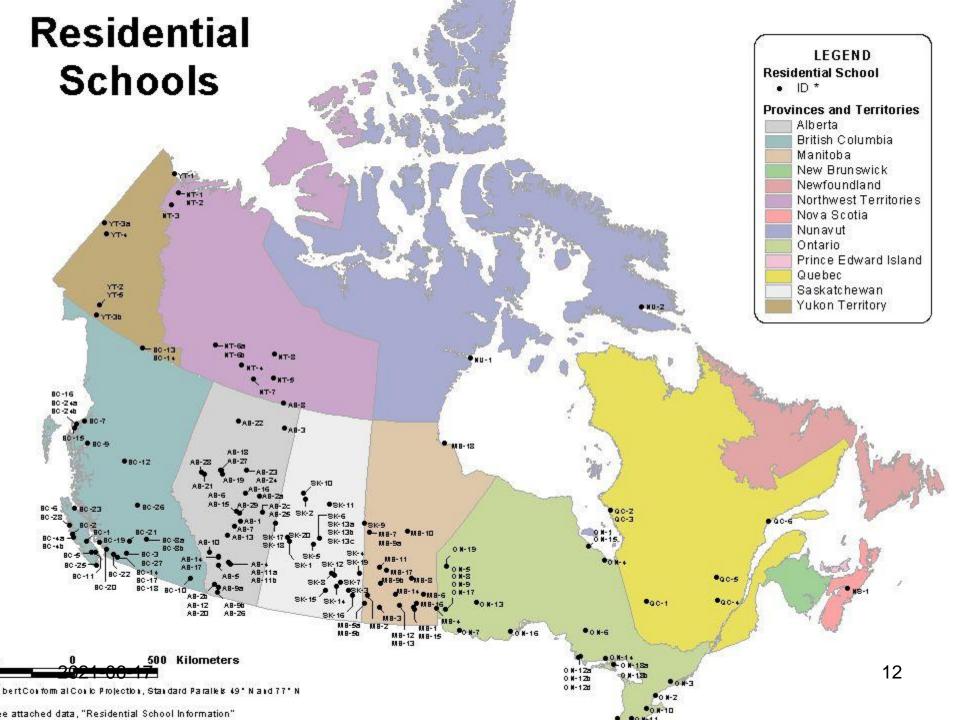
 "...sole though unwritten purpose of the Indian Act was to promote assimilation of Native people into White Society. It has never resulted in the unstated hope of total integration and assimilation (genocide). It merely succeeded in creating dependency, welfare and isolation, thereby widening the educational, economic and social gap between native people and non-native people

- Revised in 1880, 1884, 1885 DIA decided which Indians could leave the reserve and which couldn't until till 1951
- 1869 Splatsin population 1342
- 1862 Small pox epidemics started in Victoria
- 1877 Splatsin population 172
- 1883 Industrial Boarding Schools

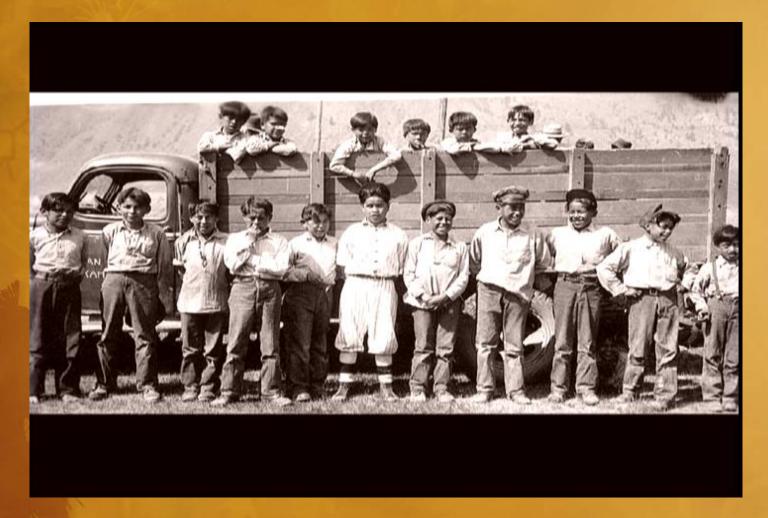
 For over 300 years two of Canada's major institutions, the church and the government engaged in formal educational and missionary work among Indian people. Policy was always geared toward assimilation of native people into dominant society "civilizing, educating, Christianizing native people"

## STOLEN SPIRITS





#### WHO PROTECTS THE CHILDREN



- 1890 Federal Government amended the Indian Act so that surplus or idle land could be available to non-Indians
- Loss of original 200 acre reserve located at the current site of the marina and Highway # 1 and CP rail crossing near Sek'emaws
- 1900 Indian Act Section 114 forbade traditional dancing – prosecution resulted

**MEMORIAL** 

TO SIR WILFRID LAURIER, PREMIER OF THE DOMINION OF CANADA From the Chiefs of the Shuswap, Okanagan and Couteau Tribes of British Columbia

Presented at Kamloops, B.C. August 25, 1910

They treat us as subjects without any agreement to that effect, and force their laws on us without our consent and irrespective of whether they are good for us or not. They say they have authority over us. They have broken down our old laws and customs (no matter how good) by which we regulated ourselves. They laugh at our chiefs and brush them aside. Minor affairs amongst ourselves, which do not affect them in the least, and which we can easily settle better than they can, they drag into their courts. They enforce their own laws one way for the rich white man, one way for the poor white, and yet another for the Indian. They have knocked down (the same as) the posts of all the Indian tribes. They say there are no lines, except what they make. They have taken possession of all the Indian country and claim it as their own. Just the same as taking the "house" or "ranch" and, therefore, the life of every Indian tribe into their possession. They have never consulted us in any of these matters, nor made any agreement, "nor" signed "any" papers with us. They 'have stolen our lands and everything on them' and continue to use 'same' for their 'own' purposes. They treat us as less than children and allow us 'no say' in anything. They say the Indians know nothing, and own nothing, yet their power and wealth has come from our belongings. The queen's law which we believe guaranteed us our rights, the B.C. government has trampled underfoot. This is how our guests have treated us—the brothers we received hospitably in our house.

 1911 Spence Bridge Petition to Minister Frank Oliver of the Federal Government on Aboriginal title and Rights signed by the Chiefs of Shuswap, Thompson, Okanagan, Lillooet, Stalo, Chilcoten, Carrier and Tahltan

1911 Splats'in population 186

- 1913 Nisga'a Tribal Council petitioned the King of England for recognition of their right to their traditional land, they claimed they had never surrendered it; Many delegations of Chiefs made representations to the Crown during this period
- McKenna-McBride Commission established 1913 travels BC for 3 years final reports Cuts off lands from Indian Reserves in BC
- 1930 Laws prohibited gatherings of over 5 Indian people...
- 1935 DIA conducted a census to determine who would be a registered Indian of Splatsin...population 133

#### WW I and WW II

- Many Indian men entered and joined the Armed forces to fight for Canada
- In order to gain the same veterans benefits due all men some were forced to enfranchise and lose their status
- In Europe treated as Heroes and liberators not the same treatment in Canada, in the local cities and towns

- 1950 Proscription of Indian organizing was lifted
- 1951 Changes to the Indian Act established a direction in schooling that would result in most Indian residential schools being closed in 1970
- Application of Provincial legislation Section 88 of the Indian Act: laws of general application
- Section 12-1-b where a non Indigenous women could marry a Indian Man and gain status but the Indian women marrying a Non Indian lost status
- 1956 Allowing drinking in bars but not to be in possession of alcohol

- 1960 Memorandum of Understanding that the Federal government would pay the Provincial government for the Status children taken into the care of the province (sixties scoop) \$\$\$\$ 1960's Indian Children in Care 30%; today 50% and 70% in the North
- 1960 Allowed voting in Federal elections
- 1961 Integration into Public Schools Master Tuition Agreement \$\$\$\$ pre agreement to current Local Education Agreement

- 1961 Allowed drinking in and out of bars
- 1967 + Indian organizations growing discontent

 1968 Indian control of Indian Education National Indian Brotherhood-AFN

 1969 White Paper policy – P.E. Trudeau government ----transfer of responsibility to Provincial governments

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- 1970's Indian control of education, administration, social development, welfare, Band offices
- Splatsin Office 3 employees
- Political organizations, 1969 UBCIC NIB Native Brotherhood
- AIM road blocks, Red Power, renaissance of being Indian
- NNADAP established to deal with alcoholism

- Addictions treatment Poundmaker,
   Nechi, Round Lake
- Alkali Lake experience
- Residential schools in operation
- 1971 First Nations woman (Corbiere-Laval) protested to the courts about the way she was being discriminated by reason of sex and her right under the Canadian Bill of Rights had been encroached by the Indian Act (Section 12 (1) (B))

- 1975 Rejection of government funds in BC (UBCIC and BCANSI)
- 1976-1977-1978 Occupations Closure of Indian Affairs office in Vernon and Kamloops
- Sixties scoop Children going AWOL from non First Nations Foster homes & group homes returning to the community
- 1979 development of Splatsin Bylaw to Care for our children (monthly meetings)

#### 1980's

- Residential schools being closed
- Capacity being developed in Splatsin in administration, Spallumcheen Developments Ltd, Super Save, Band operated school; operated Adult based Education programs for upgrading to grade 12
- Proliferation of residential and community based First Nations alcohol and drug program – urban and on-reserve; Splatsin community based prepost treatment facility in Splatsin operated 6 week to 6 month programs
- Drinking establishments open Sundays

- 1980 Indian Child Caravan Establishment of Splatsin Community legislation to deal with Child Welfare matters; only First Nation in Canada with legislative control
- 1980 Constitution express First Nation's fight against the patriation of the Canadian constitution to sever our ties with the British Crown-Ottawa; United Nations
- Recognition that there were three founding Nations of Canada: First Nations, English and French

 1981 Constitution Express – Europe lobbied 8 European countries on Trudeau's plan to patriate the constitution

 1982 Constitution Act; Charter of Rights and Freedoms, Article 35 Existing Aboriginal and Treaty Rights

1984 Splatsin population 380

- 1985 Bill C-31 passed as Federal legislation
- Changes to the Indian Act (Section 12 (1) (b))
  instead of two categories of Native people now
  13 categories; current analysis is that in 30
  years there will be no status Indians in some
  smaller communities
- 1985 Splatsin population 411
- 1985 beginning of "re-instatement" of "Indian Status"

#### 1990's

- Health...transfer of programs to community
- Education...Federal legislation
- Aboriginal Title...BCTC, legal cases
- Taxation...establishment of legislation; Federally and community
- Fishing Rights...Court Cases
- Hunting Rights...Court Cases
- Child Welfare...emergence of higher % of Children in Care of state
- Economic Development...Industrial or Tourist base economy being developed in communities

## 1990's RCMP investigation into the Residential Schools in BC

- Litigation against the church and Federal government
- Vernon Boys and Girls club and Vancouver Children's Foundation Supreme Court ruling on vicarious liability
- Federal government establishment of 5 year Aboriginal Healing Fund

- Casinos legalized in BC
- Delgamuukw 1997 Supreme Court of Canada recognition of Aboriginal title and rights "We are all here to stay"
- Aboriginal title is a *sui generis* right in land, something between fee simple title and a personal and usufructuary right (*ibid.*, 57). Aboriginal title in inalienable, except to the Crown (*ibid.*, 58). Aboriginal title has its legal source in prior occupation of the land (*ibid.*, 58). Aboriginal title is held communally, not by any one member of an Aboriginal Nation (*ibid.*, 59)
- BC Treaty process Nisga'a Agreement
- Haida, Taku River & other legal cases related to the duty to Consultation, Accommodation-Honor of the Crown
- 2004 Splatsin population 750
- Trauma emerging as a key issue (PTSD) for treatment

#### What is Trauma?

Trauma is when a person is rendered powerless and great danger is involved. The person has witnessed or been confronted with an event that involves actual or threatened death or serious physical of psychological injury to oneself or others and the persons response involves intense fear, helplessness or horror. Post Traumatic Stress Disorder or PTSD is when you have experienced trauma and you re-experience the trauma in the form of dreams, flashbacks and intrusive memories.

You also show evidence of avoidance behavior – a numbing of emotions and you experience hyperarousal as evidenced by insomnia, agitation, irritability and outbursts of rage. PTSD occurs within six months after a traumatic event and can be one year, twenty years or forty years after the traumatic event. If we understand that traumatic events are ones where people are rendered powerless and their lives are threatened, then we would understand that since contact, our people have been experiencing trauma under the laws of Canada and BC.

#### Residential School Traumas

- 1. Separation from family
- 2. Separation from community
- 3. Shaming of culture
- 4. Spiritual abuse
- 5. Physical abuse
- 6. Emotional abuse
- 7. Sexual abuse
- 8. Abandonment

# What is healing? Healing Process for Self & Families

- Stage 1
   Building a mental understanding of the trauma; remembering and reconstructing the trauma
- Stage 2

Experience the emotions associated with the trauma in a safe and therapeutic environment. Feel the feelings

Stage 3

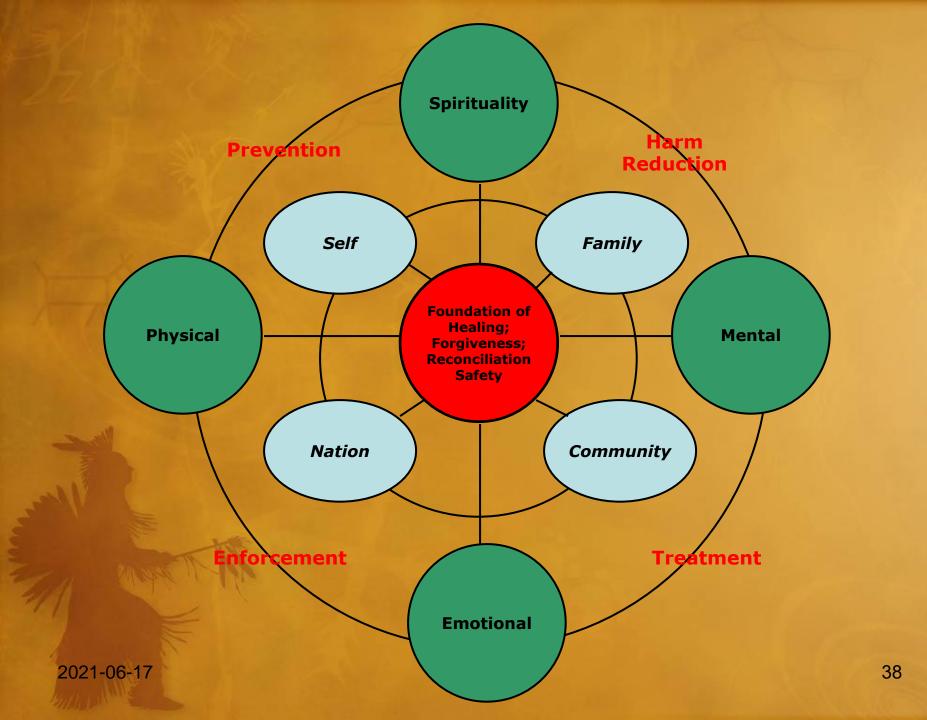
Empower yourself; finding a meaning in the trauma, develop a survivor rather than a victim mentality

Stage 4

Being human; recognition of your behaviors and emotional triggers and the ability to truly experience your life with all the natural stresses and joys

- Remember; healing takes time, there is no quick fix and every person who has experienced trauma needs their own path to healing. Healing is a lifelong process
- In order to begin the healing process, individuals need to *feel* and *be* safe.

There needs to be an established safe environment and a sense of security for individuals.



### What Works?

- Traditional healing approaches
- The role of culture and traditions
- The role of the family and community
- The role of spirituality
- The fusion of western and traditional approaches to healing

- "Reconciliation through decolonization"
   Justice Vickers, 2007 BCSC 1700
   (the "Xeni Decision")
- The Court concluded that the Forest Act does not apply to Aboriginal title lands, because this "Aboriginal asset" falls within the protective core of federal jurisdiction, under s. 91(24) of the Constitution.

- He endorsed the view that government recognition of Aboriginal title and rights is the key to reconciliation.
- ... For Canada to advance to maturity ... Aboriginal peoples must be able to bargain their way into a fair constitutional contract. This can only be accomplished with recognition on the Canadian side of the table of the position occupied by Aboriginal peoples: they come to these negotiations in the same state they were in 500 years ago, as organized societies existing 'prior' to the assertion of Crown sovereignty, societies organized according to separate and distinct conceptions of the good and of how to lead good lives.

## Significant Success for BC First Nations

FNESC, Canada, and BC signed a suite of agreements in July 2006 to recognize the jurisdiction of BC First Nations over K-12 on-reserve education.

- Education Jurisdiction Framework Agreement
- BC FNESC Education Agreement
- Canada-FN Education Jurisdiction Agreement template
- Canada-FN Education Jurisdiction Funding Agreement template
- Implementation Plan template



### Federal and Provincial Enabling Legislation

December 2006

Passage of Federal Legislation

Bill C-34 First Nations Jurisdiction over Education Act

November 2007

Passage of Provincial Legislation

Bill 46 The First Nations Education Act

## June 11<sup>th</sup> 2008 Prime Minister's Harper Apology

To the approximately 80,000 living former students, and all family members and communities, the government of Canada now recognizes that it was wrong to forcibly remove children from their homes and we apologize for having done this.

We now recognize that it was wrong to separate children from rich and vibrant cultures and traditions, that it created a void in many lives and communities, and we apologize for having done this.

We now recognize that, in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow, and we apologize for having done this.

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# **About the Truth and Reconciliation Commission**

 The Indian Residential Schools Settlement Agreement, the largest class-action settlement in Canadian history, began to be implemented in 2007. One of the elements of the agreement was the establishment of the Truth and Reconciliation Commission of Canada to facilitate reconciliation among former students, their families, their communities and all Canadians.

 Between 2007 and 2015, the Government of Canada provided about \$72 million to support the TRC's work. The TRC spent 6 years travelling to all parts of Canada and heard from more than 6,500 witnesses. The TRC also hosted 7 national events across Canada to engage the Canadian public, educate people about the history and legacy of the residential schools system, and share and honour the experiences of former students and their families.

- In June 2015, the TRC held its closing event in Ottawa and presented the executive summary of the findings contained in its multi-volume final report, including 94 "calls to action" (or recommendations) to further reconciliation between Canadians and Indigenous peoples.
- In December 2015, the TRC released its entire 6-volume final report. All Canadians are encouraged to read the summary or the final report to learn more about the terrible history of Indian Residential Schools and its sad legacy.
- To read the reports, please visit the National Centre for Truth and Reconciliation website.

- Tsilhqot'in Nation v. British Columbia SCC decision June 26 2014 establishing title for the Tsilhqot'in Nation
- Transformative Change Accord: First Nations Health Plan [2006], Tripartite First Nations Health Plan [2007], and Tripartite Framework Agreement on First Nations Health Governance on October 1st 2013, Health Canada transferred its role in the design, management, and delivery of First Nations health programming in British Columbia to the new First Nations Health Authority (FNHA).

#### IN THE SUPREME COURT OF BRITISH COLUMBIA

**BETWEEN:** 

SPLATSIN te Secwepemc and KUKPI7 WUNUXTSIN (WAYNE CHRISTIAN) on behalf of himself and on behalf of the members of Splatsin

**PLAINTIFF** 

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA

DEFENDANT October 15 - 2015

## Legislation in support of inherent jurisdiction for our children

C-41 BC Declaration on the Rights of Indigenous Peoples Act November 28<sup>th</sup> 2019

C92 came into force January 1<sup>st</sup> 2020 An Act respecting First Nations, Inuit, Metis children, youth and families

C-15 An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples (pending currently in the House of Commons)

Federal Health Legislation distinction based – First Nations – Inuit - Metis

#### **Current Status with Canada and BC 2021**

10<sup>th</sup> edition of Secwépemc Law of Stsmémelt and Kw'séltkten presented to communities

Splatsin issued notice to Canada under c-92 section 20-(1) giving notice to exercise our jurisdiction (2) coordination agreement with Canada and BC dialogue in process

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## 2021 -111 hundred years later

- They (Provincial government) say they have authority over us. They have broken down our old laws and customs by which we regulated ourselves....
- They enforce their own laws one way for the rich white man, one way for the poor white, and yet another for the Indian.
- They knocked down (the same as) the posts of all the Indian tribes. They say there are no lines except what they make. They took possession of all the Indian country and claim it as their own. Just the same as taking the "house" or "ranch" and, therefore the life of every Indian tribe into their possession.

Memorial Sir Wilfred Laurier 1910

## 2021 to 2121 the next 100 years

- Strategies to re-build our community and our Nation
- Title and Rights; Economic development; Health and Healing; Culture & Language; Governance; Comprehensive Community Planning; Information-communication and technology
- "Working together toward Independence"

### Rebuilding the Present



As Shuswap Elder Mary Thomas has said, "We have been caring for our children since time immemorial. The teachings of our values, principles, and ways of being to the children and youth have ensured our existence as communities, nations, and peoples. The values of our people have ensured our existence. It is to the children that these values are passed. The children are our future and our survival."

## Voices of the Secwepemc 5 priorities identified during engagement 2016 Rebuilding our Nation

- Language Yiri re Stsqeys-kucw
- Laws Stseptekwll anchored in our oral history
- Lands and resources Stsillen (food)
   Melamen (Medicine) c7istkten (Shelter)
   Sewllkwe (Water) Sqlew (Economy)
- Governance Kwsaltktan Our Relatives
- Healing Knucwentwecw Helping each other

# Rebuilding the Nation through re-instituting our Laws



