

**STÓ:LŌ XWEXWILMEXW
TREATY VISION STATEMENT (2006)**

A Contemporary Approach to Negotiating a Comprehensive Treaty for the Stó:lō

S'ólh Téméxw te íkw'élò. Xólhmet te mekw'stám ít kwelát.

(This is our land. We have to look after everything that belongs to us.)

Stó:lō Xwexwilmexw Treaty Table

October 31, 2006

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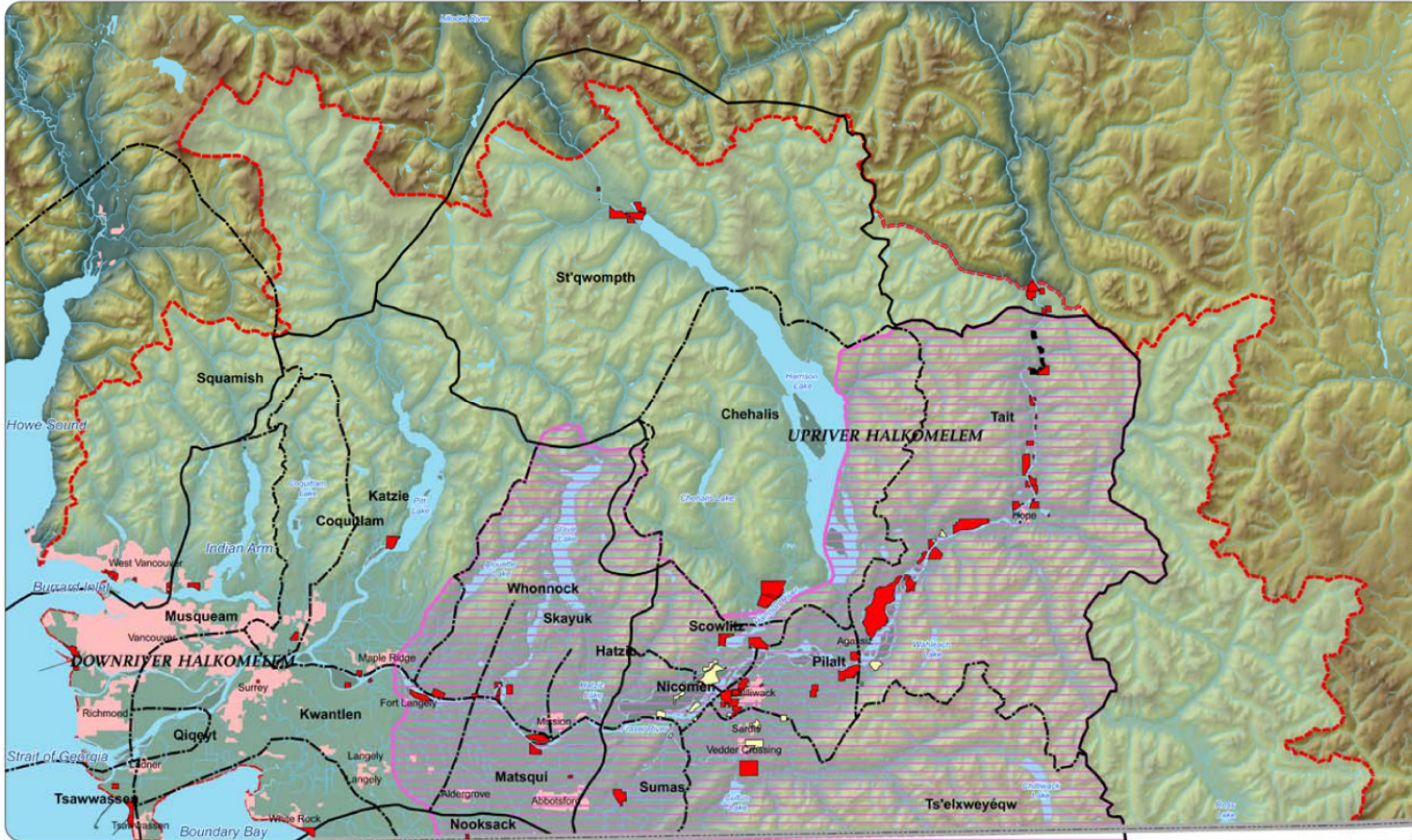
Section One – Introduction

This document establishes a *Vision Statement* of the Stó:lō Xwexwilmexw Treaty Association with respect to the negotiation of a treaty within the British Columbia treaty process. The Stó:lō Xwexwilmexw Treaty Association is currently in Stage 4 of the British Columbia treaty process -- the negotiation of an "Agreement in Principle." The Framework Agreement developed in Stage 3 requires negotiation of the following 30 substantive issues:

1. General Provisions
2. Certainty
3. Eligibility & Enrollment
4. Governance & Jurisdiction
5. Lands
6. Access
7. Land Use Planning
8. Environmental Protection & Assessment
9. Parks & Protected Areas
10. Subsurface & Mineral Rights
11. Fisheries & Aquatic Resources
12. Wildlife
13. Forest & Forest Resources
14. Water & Water Use
15. Air & Air Quality
16. Fiscal Arrangements
17. Taxation
18. Economic Development
19. Social Programs and Services
20. Child and Family Services
21. Health
22. Education & Training
23. Justice & Policing
24. Language, Culture, & Heritage
25. Vital Statistics
26. Inter-Governmental Relations between Stó:lō Xwexwilmexw, Federal, Provincial,
& Local Governments
27. Ratification
28. Amendment
29. Implementation
30. Dispute Resolution

As Stó:lō, we are the ‘People of the River.’ Since the time of *sxwōxwiyám*, time immemorial, we have occupied *S’ólh Téméxw* (‘Our World’; ‘Our Territory’) -

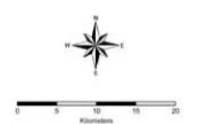
Stó:lō Xwexwilmexw Treaty Association - Statement of Intent



Legend

- SOI Boundary**
- Shared Interest Area
- Language District
- Language Micro-District
- City
- River
- Core Interest Area*
- Water
- International Boundary
- Other FN communities
- Stó:lō Xwexwilmexw Treaty Assoc. Communities
- Collective Fish Fishing Reserves

* Modification of all interests/subsistence issues in the area, largely without "overlap"
 ** Includes most interests/subsistence issues largely shared with other First Nations



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– the Lower Fraser River Watershed (see Figure 1). Our experience with *Xwelítem* (literally ‘Hungry People’; non-Aboriginal newcomers) is only a tiny and recent piece of our history; many millennia long. We are a self-governing people. We carry a language and culture shared among the Tribes of the Lower Fraser Watershed. We form a collective identity based on the interconnectedness of our families, of our creation by is otherwise known as southwestern British Columbia and northwestern Washington *Chichelh Siya:m*; of our transformation by *Xexá:ls*; and of our inherent aboriginal rights and title. On these grounds we recognize ourselves now, in continuity with our traditional past, as the collective Stó:lō *Xwewilmexw*.

Over the generations our Stó:lō position for treaty negotiations has been clearly and consistently articulated: in the petition of 1874; the petition of 1875; the petition of 1877; in testimony before the Royal Commission of 1913, and on many other occasions.

In 1975, our Stó:lō leaders gathered and declared:

- ◆ *The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.*
- ◆ *The laws of the Creator defined our rights and responsibilities. The Creator gave us our Spiritual Beliefs, our language, our culture, and a place on Mother Earth which provided us with all our needs.*
- ◆ *The people of the Stó:lō Tribes have held and still hold Aboriginal Title and Aboriginal Rights to all the land and resources within our Tribal Territory.*
- ◆ *The people of the Stó:lō Tribes declare and affirm our inalienable right of Aboriginal Title and Aboriginal Rights of the land, the rivers, the streams, the sea, the air, and other resources of our land.*
- ◆ *We declare that our Aboriginal Title and Aboriginal Rights have existed from time immemorial, exists at the present time and shall exist for all future time.*

This declaration and the pronouncements and petitions that came before it establish certain principles, including:

1. That Stó:lō Aboriginal Title & Rights are to be recognized not sold or extinguished.
2. That Stó:lō Aboriginal Title & Rights are the bases of on-going participation and the sharing of royalties in the use and management of Stó:lō traditional lands and resources.
3. That compensation be paid for past injustices to the Stó:lō.
4. That traditional Stó:lō lands and resources are to be shared among the Stó:lō communities and people.
5. That there should be a moratorium concerning any additional non-consented use of Stó:lō lands and resources.

These principles form the fundamental foundation, mandate, and position of the Stó:lō *Xwewilmexw* Treaty Association negotiating team. They are meant to form the basis of

a lasting and meaningful agreement between the Stó:lō *Xwewilmexw* and the governments of Canada and British Columbia.

This treaty is made necessary as a result of the following historical events which have disrupted our system of governance, our religious freedom, and our use and ownership of our land and resources.

Section 2 - Cultural Background

Stó:lō is the Halq'eméylem word for 'river' and also for the people who live along the lower Fraser River and the adjoining watersheds, from Sawmill Creek in the Fraser Canyon downriver to the Gulf of Georgia. The Stó:lō people are a collective community who together hold title to all their traditional territory. The Stó:lō were put here by the Chichel Siya:m ('the Creator'). The world during was chaotic though, and so Xexá:ls the Transformer came to make the world right. Xexá:ls transformed the world into its permanent form. Some of our ancestors were transformed into animals, rocks, trees, and other resources. Our connection to these resources is therefore a family tie. They are our relatives. The resources in our territory are diverse not all resources are found in all parts of our territory. Our ancestors moved about seasonally to avail themselves of the full richness of the land. The wealth of our territory was not free. Families owned specific tracks of property and resource sights. These ranged from the canyon fishing and wind-drying sites to valley cranberry sites and wild potato sites to mountain berry patches, and ocean clam beds. Marriages were arranged to maximize our ancestors' access to their territory's wealth. In addition, to seasonal rounds marriage alliances allowed our ancestors to make more permanent settlement changes throughout their lives and between generations. A child born at one village might spend his youth in another and his adult life living some where else yet again. In this way all Stó:lō people and all Stó:lō resources were bound together in a web of family connections. Our halq'eméylem language expresses our unique world view. Our word for great-grandparent is the same for great-grandchild. Great-great-grandparent is the same for great-great-grandchild and so on. This reflects the continuity between our ancestors and unborn generation yet to come. Our past lives in the future and the present generation is obliged to look after the interest of both.

Our treaty with Canada and British Columbia must account for our traditions and our unique worldview. It must not compromise or to track from our cultural heritage. It must create an environment to which our culture, rights, and title will survive and thrive.

Section 3 - Historical Background

British and Canadian legal principles as defined in long standing Common-Law and as articulated in the Royal Proclamation of 1763 obligate the Canadian government to negotiate treaties on a Nation to Nation basis with Aboriginal people prior to the

government assuming regulatory jurisdictions and making available Aboriginal resources to third party interests.

In Stó:lō territory the first meaningful contact with non-Aboriginal society occurred in 1782 in a form of an epidemic. Smallpox was spread to our ancestors and other Coast Salish people from the south through inter-tribal trade networks without any European actually being physically present. Over the subsequent decades various European explorers and fur traders made small incursions into our territory. However, it was not until the Gold Rush of 1858 that serious and substantial challenges were made to Stó:lō Aboriginal Rights and Title. In the early 1860s in the wake of the Gold Rush the Colonial Government opened up “Crown Land” for settlement on the British Columbia mainland. As early as 1862 our ancestors took steps to exercise direct control of portions of their traditional territory by pre-empting fee simple land within the Fraser Valley. Simultaneously the government under James Douglas began a process of allocating reserve lands to our ancestors for their exclusive use and enjoyment. The size of these reserves was not dictated by the government but rather Stó:lō leaders were asked to point out and identify all the lands which they felt were necessary for their communities.

In 1867 the new colonial government reversed these policies passing ordinance making it illegal for Aboriginal people to pre-empt private land while simultaneously reducing the size of Indian reserves within the Fraser Valley by 92% without Aboriginal consultation or consent.

On July 20th, 1871 British Columbia joined Confederation. Article 13 of the terms of Union stated that

“Charge of Indians and the trusteeship and management of the lands reserved for their use and benefit shall be assumed by the Dominion Government. And a policy as liberal as that heretofore pursued by the British Columbia government shall be continued by Dominion Government after union.”

The inconsistency in Dominion policy and local British Columbian policy was not lost upon our ancestors who, throughout the 1870s, petitioned the federal government to increase the size of our land base and to negotiate comprehensive treaties for land off reserves. In 1873 British Columbia agreed to 20 acres of land per Aboriginal family, and then continued to even ignore this reduced allotment guideline. By comparison, in 1896 Canada extended Treaty #8 to cover approximately 27% of northeastern British Columbia. The treaty allotment of Indian reserve lands there allowed 648 acres per family compared with 10 acre per family which was imposed upon southern British Columbia.

Administration of Indian Affairs of British Columbia was conducted by the Department of Indian Affairs in Ottawa. The province was divided into five Indian agencies. Our territory was apart of the New Westminster agency, and for a time those bands in the canyon fell under the Lytton agency. In 1883, the federal government passed the Potlatch Law which banned and made it illegal for our people to practice exchanging gifts at give-

a-way ceremonies, and to practice Winter dancing and Sxwó:yxwey dancing. This law severely hampered our ancestors' ability to regulate our resources and govern ourselves. The very first Aboriginal person convicted under the anti-potlatch law was Stó:lō. The same year the government passed a law regarding the Aboriginal fishery which made it illegal for Aboriginal people to catch and sell any fish in non-tidal waters, that is, above the Mission Bridge on the Fraser River. In 1927, the Indian Act was again amended. This time it was made an offense for Aboriginal people to retain legal counsel to advance their land claims. Prohibition on hiring lawyers, on potlatching, Winter dancing and Sxwó:yxwey dancing was maintained until 1951. In 1930 British Columbia finally fulfilled a condition of Confederation by transferring the title of Indian reserves within this province from the provincial to the federal government. Between 1867 and 1961 the Stó:lō and other First Nations citizens in Canada were treated as children. We were not allowed to purchase alcohol or vote in federal elections. We could not vote in provincial elections until 1946.

Currently, we the Stó:lō people have meaningful jurisdiction over less than 1% of our traditional territory. Each year approximately 30,000 non-Native immigrants come into our territory. The environment and natural resources such as fish, deer, moose, mountain goat, bear, all have been profoundly impacted. Yet we know that Chichelh Siya:m - the Creator - put them here and that Xexá:ls made our World right for us in this territory. We are not afraid of transformations; they are a natural part of our history. We were given responsibility for our world from our ancestors. However, we can only re-assume meaningful and full responsibility through a modern treaty, negotiated in good faith.

Section 4 - Stó:lō Xwexwilmexw Negotiating Structure

The Stó:lō Xwexwilmexw negotiating structure is made up of four main elements:

- *Stó:lō Xwexwilmexw Treaty Association* – including representatives from each of the the seven First Nations in treaty; the Treaty Working Groups; the 'LYS' (Stó:lō House of Elders); and the Stó:lō House of Respect Care Taking Committee
- *Stó:lō Xwexwilmexw Treaty Negotiating Team* – including the Chief Political Advisor, Chief Negotiator, and Technical Advisors
- *Technical Support* – including the Stó:lō Research and Resource Management Centre as primary providers of technical support to the Government House operations (SXTA, Working Groups), the Treaty Negotiating Team, and the Community Outreach Program, as noted below;
- *Treaty Community Outreach* – including Treaty Liaisons providing services to the Stó:lō Xwexwilmexw Treaty Association communities.

Section 5 - Time Frame Working towards an Agreement-in-Principle

The Stó:lō Xwexwilmexw strategy is to establish an Agreement-in-Principle by the end of 2008, in conclusion of Stage 4 of the British Columbia treaty process.

