

First Nations' Evolving Role – (Syilx) Okanagan People and the Columbia River Treaty



Presented FOOS Conference

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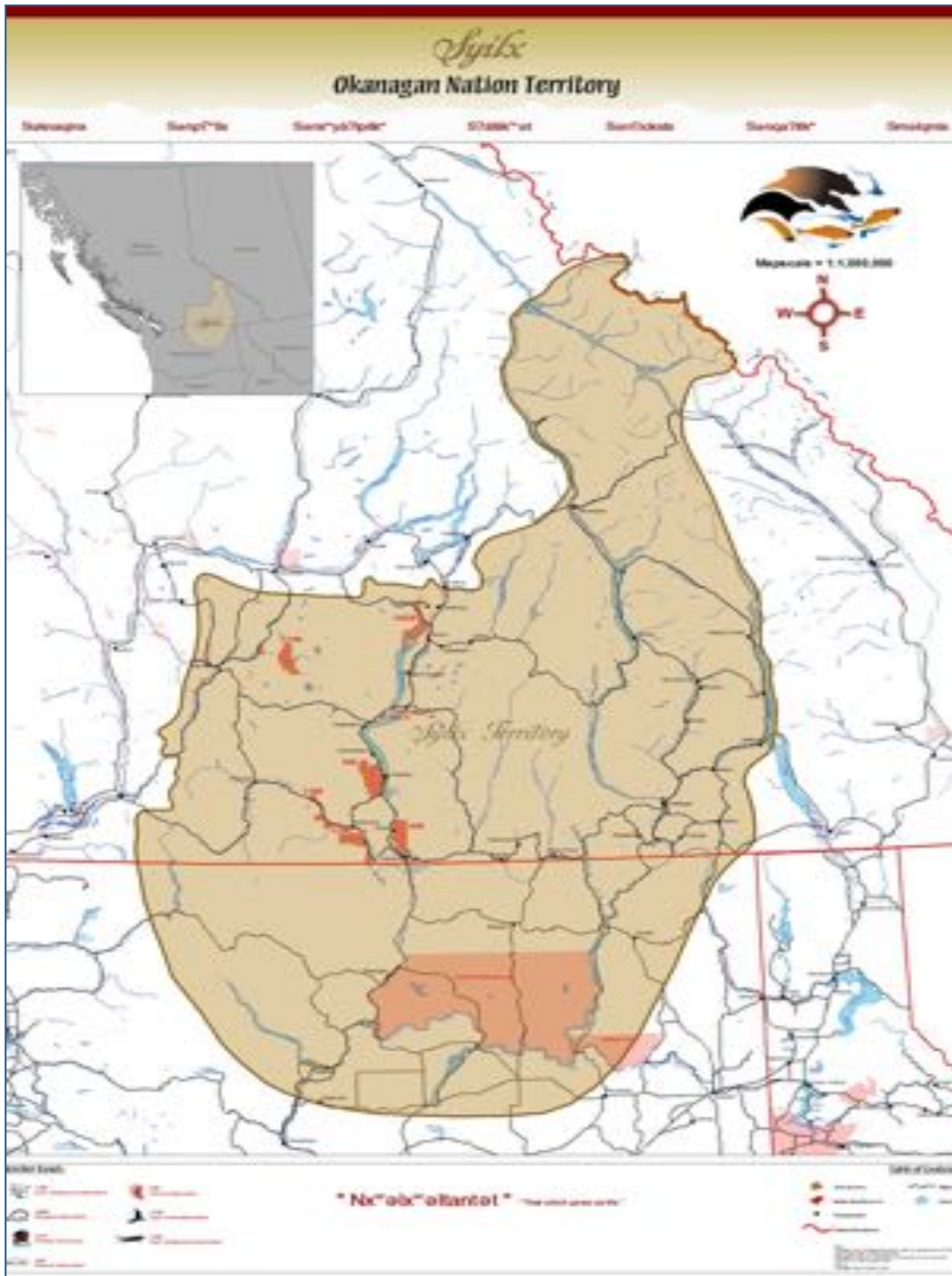
The Okanagan People Today



Okanagan (Syilx) Nation Revitalization of an Okanagan Fishery & the *Salmon* People

Seven member band communities:

1. Osoyoos Indian Band
2. Penticton Indian Band
3. Westbank First Nation
4. Okanagan Indian Band
5. Upper Nicola Band
6. Lower Similkameen Band
7. Upper Similkameen Band, and
8. Colville Confederated Tribes (USA)



A WAY OF LIFE



“The key resource for many of the Okanagan groups was fish, especially salmon.”

Douglas R. Hudson, “The Okanagan Indians of British Columbia,” in Jean Webber and the En’owkin Centre, eds., Okanagan Sources. Penticton: Theytus Books, 1990, p. 57.



“It has been determined that the Syilx consumed four or five times more salmon than other game animals.”

Marlowe Sam, 2008. Okanagan Water Systems: A Historical Retrospect of Control, Dominance, and Change. Masters Thesis, University of British Columbia Okanagan, p. 23.

CRT IMPACTS



Fishing at Kettle Falls

NO FISH PASSAGE



Grand Coulee Dam

CEREMONY OF TEARS



COLUMBIA RIVER TREATY

“The Treaty has disrupted our way of life in ways that very few other things have.”

*Grand Chief Stewart Phillip,
Okanagan Nation Alliance*



A DIFFERENT FUTURE AHEAD



The Changing Context

- 1. Tsilhqot'in
- 2. UNDRIP
- 3. TRC
- 4. Territorial Governance
- 5. Moving from denial to implementation and recognition

Tsilhqot'in Decision

- Aboriginal Title is real and meaningful, and can exist over large tracts of land
- Aboriginal Title includes the vesting of the full beneficial and economic interest in the land to the Aboriginal group
- Where Aboriginal Title exists, consent of the Aboriginal group is required for the Crown or industry to use that land; and failing consent, the Crown has to meet the test of justifiable infringement; and
- If the Crown authorizes activities on land which are demonstrated to be Aboriginal Title land, projects and permits may be cancelled, and damages owed to the Aboriginal group.

UNDRIP

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

TRC

- Canadian Truth and Reconciliation Commission (“TRC”) finished its work in 2015 and issued 94 Calls to Action
- Canada has committed to fully implement the Calls to Action.
- The Calls to Action include extensive measures on child welfare, education, and health, new structures and processes, changes to the justice system, measures to protect language and culture, and public education.
- It also includes the adoption of UNDRIP as a framework for reconciliation

ONA CRT Needs

- Fisheries restoration and mitigation
- Fish Passage restored
- Resolution to Industrial reservoir's on-going impacts (BC Hydro/ BC)
- Deeper Involvement Consistent with Tsilhqot'in SCC decision – incl. CRT Negotiations
- A New CRT with meaningful eco-system functions – Addressing all species
- Meaningful Economic Benefits
- On-going decision-making



**WHEN WE TAKE CARE
OF THE LAND AND WATER,
THE LAND AND WATER
TAKE CARE OF US.**

THIS IS OUR LAW.
ONA ANNUAL GENERAL ASSEMBLY, 2013



sn̓x̓aʔiwl̓əm : “Honouring the Sacredness of the River.”

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www.okanagannation.com