

Title is with me

Chief Roger William



Tsilhqot'in Chiefs drum after hearing the Supreme Court Declaration (Left to right: Chief Francis Lacey, Chief Percy Guichon, Chief Joe Alphonse, Chief Roger William, Chief Bernie Mack, Chief Russell Myers-Ross).

On June 26, 2014, the Supreme Court of Canada rendered an historic judgment in the Tsilhqot'in Nation's Aboriginal title case. All eight judges agreed with this decision. The Court declared Aboriginal title to approximately 1900km² of the Claim Area, including Xení (Nemiah Valley) and much of the surrounding area, stretching north into the Tachelach'ed (Brittany Triangle) and along the Tsilhqox (Chilko River). This is the first time in Canadian history that a court has declared Aboriginal title to lands outside of a reserve.
— *Tsilhqot'in National Government*

The following is a compilation of two presentations by Chief Roger William, Chief of Xení Gwet'in First Nation and Vice Chairman of Tsilhqot'in National Government, at the Free, Prior and Informed Consent Forum in spring 2015. He began with a drum song...

Introduction

This song I have sung is the Tsilhqot'in River song. The word Tsilhqot'in means River People, and our river, also called the Fraser River, is very important to us. In the Nemiah Declaration of 1989 the Xení Gwet'in announced the activities we would allow within our Nemiah Aboriginal Wilderness Preserve. On March 19, 2015, after the Tsilhqot'in won our landmark case at the Supreme Court of Canada, the Tsilhqot'in Nation affirmed the Nemiah Declaration as law. Nothing inside our caretaker area is going to happen without us.

Where I Come From

When I think back to 1862, there was smallpox in my community, in my nation, in a place called

British Columbia. Smallpox impacted our nations; it decimated 80 to 90 percent of us, in some places it killed all of us. And then I think of the word ?Esggidam. This word means a person who had jurisdiction, who had honour, who had powerful language, who held law and rituals. When this person welcomed you in it meant you were at home. That's "?Esggidam."

Going back to the gold rush of 1864, miners wanted to build a road through Tsilhqot'in territory, and our warrior leaders stood up and stopped them. This was only a few years after smallpox. When our warriors responded with force, the colonists sent in the calvary, but our people couldn't be caught even though they were on foot. We led them on a wild goose chase, showing ourselves just enough to keep the army going, and then killing their leader, MacLean. Afterwards, our leaders and the government met to discuss a peace treaty under a flag of truce, and because of this deceit, these warrior leaders were caught. The colonial authorities shackled them without their consent and they were tried for murder and eventually hung. So you see, that's where I come from. That was the Tsilhqot'in War.

This story shows that trusting the government is a big issue with my people. We've been to their treaty talks and we've seen what that looks like. Since then we've had reserves, residential school, and our people – the ?Esggidam – have slowly been picked apart. At the same time, the story of the Tsilhqot'in War was passed down for generations.

In the Tsilhqot'in there were six communities left after the smallpox epidemic, and I'm from the most western of these, right in the Cascade Mountains. There, we don't have B.C. Hydro. Two or three times they offered but our people don't trust the government, so we still have no hydro. And reserves were put there, but there are Elders in their 70s or 80s who have always lived on title land, never on reserve land.

When I grew up, I never knew English. I learned English in the St. Joseph Residential School. So in a sense, for me, I feel very fortunate with who I am, but as I went to school and learned English I got more confused. You learn nothing about where you come from in the schools. The legends and stories of our people were not taught. A lot of my non-First Nations friends talked about their European backgrounds, but when they got around to me I was confused. I spoke Tsilhqot'in, I came from there, and yet I was confused. This didn't make sense to people, who would, tease me by saying "You're First Nations, you're First People from this country!"

I can imagine what our people are going through even still: Mass confusion from contact, smallpox,

and new laws. Before the title decision, when I was growing up, I remember some of our people thought that any non-First Nations people who came here were the authority. But from the Tsilhqot'in War, we know what happened there, we know the history and the betrayal. We don't trust government, we don't trust companies.

So that's who we are and where we're moving forward from. And as I was going through high school and eventually running for leadership, I was also in a lot of sports: hockey, rodeo, and horses. I was born on a horse, and that's where my pride was. And my language was strong, and that's where my pride was. And I was fortunate enough to get elected.

My experiences come from my Elders, who say that if you prepare yourself every day of your life in the most honest, most respectful way, then this Red Road will get you to a place. And if that place either doesn't exist or is not working out, then our Elders always told us it is not meant to be. These teachings mean that we shouldn't dwell on things because they happen for a reason. But I was also told that if you are not prepared — if you take shortcuts or if you have bad intent, — and then you fail, then it's harder on you, on your future, and on your family. So these are some of the teachings brought down to us, as First Nations and Tsilhqot'in.

Title Is With Me

Tsilhqot'in legends tell of our leaders turning to stones, of places where the beavers are large as a cabin, and of how the Tsilhqot'in river was dug out. I can take you to those places. That history is enshrined in our veins as Tsilhqot'in people.

I always think that the smallpox, the Tsilhqot'in War, and the residential school experience has divided us into three people: the traditional Tsilhqot'in, the Tsilhqot'in who accepted the new ways, and the Tsilhqot'in trying to hold onto the two and hold the families together. Our culture, our language, our laws, our dignity, who we are as a people, have been impacted.

Our people are clear that we have Aboriginal rights and title to our land and our resources. Meanwhile, the government is trying to define and limit what title and rights mean. They are confused. In the different court cases that have happened through all these years, we always say that we're never concerned about what the government is doing, we're concerned about us, about *me*. This is because ?Esggidam is being impacted.

Title is with me, title is with my community. Title is with my Nation. This is important first and foremost because if we can't exercise our rights, if we can't say that we have rights, then the government will have control.



Photo courtesy of the Tsilhqot'in National Government

Potato Mountain Range within the Declared Title Area.

Some of the Things Our People Have Had to Deal With

Over time, government decisions led to economic development in our Tsilhqot'in territory, and our people watched. I have family living in other Tsilhqot'in communities, and through communication with them we began to understand the impacts that were coming to our community of Xeni. In 1988 Annie C. Williams became our first woman chief, and from there we started what we call Nendush Nen Jid Guzit'in, which is the Nemiah Aboriginal Wilderness Preserve. The Nemiah Declaration formalized our commitment on August 23rd, 1989.

From there we moved to the filing of the trapline case and then to the May 7th 1990 roadblock where Tsilhqot'in, other First Nations, and non-First Nations protested to stop a company from removing timber without our consent, without our involvement. Out of this activism a process began called the Brittany Lake Management Plan.

During this time the government, local operators, individual companies and the Tsilhqot'in Nation began to develop a land-use plan. Two plans emerged, one of which is the protected area and the other is Taseko Management Zone. The protected area became what we call Ts'il?os Parks. Ts'il?os is a mountain legend about a leader who became a stone. The Taseko Management Zone was intended to allow a little bit of harvesting and mining explo-

ration, but agreement was never reached.

From 1993 to 1997 we worked on a forest management plan, but in the end our people thought they would be giving away too much and turned it down. This frustrated the Ministry of Forests, who informed us that they would go ahead with their plan, the Brittany Lake Forest Management Plan, with us or without us. Then there was another roadblock in 1997, when the Ministry of Forests decided to build a road in the northern portion of our trapline. That roadblock came down when both sides agreed to do a fur bearer study. In the end the study did not happen because we did not agree that the government should conduct it. The road never went ahead. These are some of the things that our people have had to deal with.

We have been dealing with our rights, with land-use planning, and with resource development in other ways. A large mine deposit was found at a place called Teztan Biny, inside our territory on our trapline at Fish Lake. This deposit became the proposed New Prosperity gold-copper mine, which was rejected in 2013 and 2015 by the federal government.

A Huge Victory

We filed our title case in 1998 and the trial went until 2007. Elders from all the six Tsilhqot'in communities testified along with expert witnesses. B.C.'s lower court agreed we had 100 percent Aboriginal right to

You are approaching Declared Tsilhqot'in Title Lands

The Supreme Court of Canada declared Aboriginal title to this portion of the Xenigwet'in caretaker area on June 26, 2014.

The grass you walk on, streams you drink from and the wood you burn are all gifts from the Creator.

**Please leave the sacred ground as you found it.
Sechanalyagh (thank you)
for respecting our nen (land) and wildlife.**

**For information about our people and our lands, please visit:
www.xenigwetin.ca or www.tsilhqotin.ca**



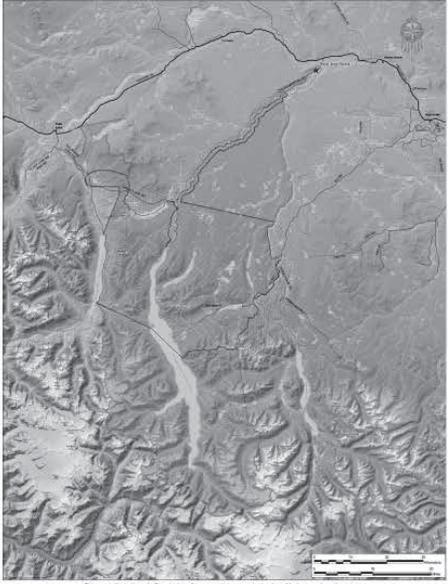


Legend

- ★ You are here
- ★ Tsilhqot'in Communities
- ★ Within the claim area
- ▨ Proven Tsilhqot'in Title Lands
- ▨ Beyond the claim area
- ▨ Proven Tsilhqot'in Rights Areas
- ▨ Major Rivers and Lakes
- ▨ Rivers and Streams
- ▨ Major Highways
- ▨ Major Roads
- ▨ Other Roads
- ▨ Can Tracks or Trails

Please Note:
This map depicts a selected list of Traditional Tsilhqot'in Place Names.





This map is for informational use only. Do not rely on this map as being a precise location of features, neither as boundaries including the boundaries of the declaration of Aboriginal title or for any representation, express or implied.

Tsilhqot'in Nation community highway sign.

hunt, to trap, to trade, and also to catch and use wild horses, but the court was not able to make a declaration of Tsilhqot'in title. In 2010 we appealed the decision to the B.C. Supreme Court, whose 2012 decision was a victory we could not accept.

When I got involved in politics in my community, my Elders always told me about Aboriginal rights and title, the Tsilhqot'in War, place names, where we lived, our roots. There are Tsilhqot'in names all over our area, and there is history behind those names.

This is why we could not accept the 2012 B.C. Supreme Court decision. It recognized title, but did so as if the land was cut into postage stamps. It was as if we had title behind a rock line to hunt, or title to a rock to stand on or to a place to fish. So where we could show exclusive use or camping areas we might have title, but not to the whole area. This is why we appealed to the Supreme Court of Canada.

Interestingly enough, B.C. and Canada didn't appeal the declaration of rights to hunt, to trap, to trade, and to catch and use wild horses, so as of September 2012 100 percent of our declaration of rights became the law in the area to which we claimed title.

Then on November 7th, 2013, the Supreme Court of Canada heard our case in Ottawa and we had what we call the Title Express Trip, where we drove our Elders across the country to attend the hearing. Along the way we stopped in each First Nations community and there were ceremonies, feasts, and celebrations. It was quite a journey. Then the positive title decision came down in June 2014.

I want to thank all First Nations and non-First Nations across Turtle Island who since way back were lobbying and doing direct action in support of Aboriginal

rights and title. We've been pushing the government and the companies to recognize that we have Aboriginal rights. We've had the 1973 Calder case, the 1980 constitutional drive, Delgamuukw in 1997, and Haida in 1994. All of these efforts have led us here.

I remember when I was a child the only way we got to the Williams Lake Stampede was by team horse and wagon. Since the 1992 roadblock a young couple started organizing eight-day wagon trips for our youth and Elders and we also have gatherings every year. I think these things bridge the gap between the youth, the Elders, and our leaders, to get them back on the land.

Throughout these 25 years we've been doing ecosystem-based planning, looking at our watersheds, our heritage sites, the different types of soils, and thinking about our economy. We already have an economy, one that's based on our traditional land use where our people still hunt, still trap, and do traditional activities on the land. That traditional use is our economy, and it's important. Our economy has been impacted throughout the years in the Tsilhqot'in territory.

Time for a Transition

Transition is very important. This ?Esggidam person has been impacted. There's alcohol, there's drugs, there's gangs with our people, and we need to catch up. We need to get back to ?Esggidam because our housing, culture, education, and health are all a priority for the Tsilhqot'in Nation.

And while we're mapping out this transition process we're also making agreements with governments for emergency response to floods and fires. These local operators who need licences and per-

mits — we want them to continue what they've been doing, but the difference is we're going to be more involved in that process to improve their situation while we're in this transition, in these negotiations.

The decision that came down on June 26, 2014 is the first of its kind. It's a game changer. But we're not going to focus on the land title win. Instead we're going to be focused on the whole Tsilhqot'in territory, because our people want to be involved in decision making in the whole Tsilhqot'in territory. Our people want revenue from the whole Tsilhqot'in territory and we understand that while some of this is going to be simple, some of this is also going to be very difficult. Even though we may never come to agreement in some negotiations, we want to put a process in place so that we can move forward to improve as First Nations, as a province, and as a country.

What's Next

From there, what's next? What is our next step? Since the title decision we've been going around, doing presentations, exchanging notes, and thanking everyone. In terms of negotiations for other Nations, this title win could be a template. Looking at the title land, it's only about 10 percent of the Tsilhqot'in territory. And outside of the title land there's a declaration of of hunting, trapping, and trading rights, and rights to catch and use wild horses. This means the area is also off limits to the Ministry of Forests, and if the Ministry of Energy and Mines wants to come in, they need to go through what we call a referral process to show us, to prove to us, how they're going to mitigate the impact on our rights. They have to look at what species we hunt and trap, and at the habitat of those species. This declaration of Aboriginal title gives full responsibility of the land to us now.

In September 2014 we signed a Letter of Understanding (LOU) with B.C. to map out a process on title land to address what I call "islands" of private property. These islands are owned by local operators who have history with our people. They are non-First Nations people, some of whom have lived there for two, three, and even four generations, and my uncles, my aunts, and my grandparents work with them. In the past they have had to pay for Crown permits and license for the use of the land, but now they have to pay us for the use of the title land.

We thought about their situation before the title win, after the title win, and at our dinner tables. We want these property owners to benefit from the title decision, too. We want it to be better for them to use title land than it was when they used Crown land. From meetings and our long relationship, we know some of the issues, and we want to improve their situation on title land. Our six month LOU ended in March.

You Need Our Consent

We also need to look at the bigger picture, at all of Tsilhqot'in territory including the other five communities. Without the Tsilhqot'in Nation, and Xení, title wouldn't be possible. So when we negotiate the whole Tsilhqot'in territory, we're looking at being involved in all decisions, all revenues. Some of these will be quick agreements, some will be more complicated, and some negotiations might not work out, but now we have leverage. There *is* Aboriginal title.

Rather than going back to the courts to seek damages for past wrongs, we have decided to sit down with the government to negotiate. We are looking at the big picture and see these discussions as an opportunity. This is an opportunity for us.

In recognizing First Peoples of this country our consent is now required. There's fear mongering out there that title land is off limits, that economies will suffer. But we need to think about what a sustainable economy looks like — in a way that we're not stealing from future generations — in a way that we're all benefitting from it.

We want to be in touch with First Nations across the country so we can learn from each other. First Nations in this country have agreements that are powerful, we have self-government that is powerful, and these are models for many of us. Tsilhqot'in people have thrived under this whole process; there are those that still speak the language, that live off the land, that have Masters degrees, and we want to be able to use them, we don't want to reinvent the wheel. We may tweak it so that it fits us, but we want to move forward. We know our history, and from that history we want to move forward. Sechanalyagh (Thank you). ●

Chief of Xení Gwet'in First Nation and Vice Chairman of Tsilhqot'in National Government, Chief Roger William has been the Chief of Xení Gwet'in First Nation for 20 years and was a council member for 5 years. From 2011 to 2016 he has also acted as the Area J Director for the Cariboo regional District. Being born and raised in the Nemiah Valley by his mother Eileen Sammy William, Chief Roger William holds Tsilhqot'in history, culture, and traditions close.

Chief Roger William is more recently known as the Plaintiff in the recent Supreme Court of Canada decision, granting full Aboriginal Title to the Tsilhqot'in Nation in his traditional territory. He has been the Vice Chairman of the Tsilhqot'in National Government for the last few years. Chief William strives for sustainable economic development that is sensitive to Aboriginal Rights and Title, the environment, and culture of the Tsilhqot'in. Chief Roger William is married and the proud father of four children.



Photo courtesy of the Tsilhqot'in National Government

Chief Roger's drum, on the day Aboriginal title was declared.