

SKWELKWEK'WELT NEWSLETTER

STOP THE 70 MILLION DOLLAR SUN PEAKS SKI RESORT EXPANSION

PROTECT OUR MOTHER EARTH

JANUARY 8, 2002

SECWPEMC ELDERS ARRESTED AT SUN PEAKS ROADBLOCK

On December 28, 2002 Elder Irene Billy 73 years old of the Adams Lake Band and Winnifred McNab-Lulu 75 years old of the Skeetchestin Band were arrested near Sun Peaks resort. They have been charged with blocking the road between Kamloops and the Sun Peaks Ski Resort. Sheila Igance, Elizabeth Clemah and Janice Billy were also arrested at the same time.

The road was blocked in response to our outrage at the destruction of the cord wood home and sweatlodges at McGillivray Lake and the absolute silence of the Chiefs regarding this destruction. Chief Stewart Phillip and Chief Arthur Manuel were the only Chiefs to make statements. It was also set up in response to Sun Peaks physical blockages of the road to Mt. Morrisey and the snow blockades on the McGillivray Lake road.

The Elders and supporters felt that the destruction of the sweatlodges was an outrageous offence that needed to be specifically reacted to despite the fact of the consequences. Indeed the destruction of the sweatlodges still needs to be properly dealt with because they were built according to a prescribed set of ceremonies and must also be dismantled accordingly. This will be done when access is made to the McGillivray Lake location.

The people arrested were acknowledged and thanked for their service to their people at a dinner on January 3, 2002 at the Adams Lake Hall. A large audience enjoyed hearing Elder Irene Billy describe how Elder Winnifred McNab-Lulu and her talked about Elder Winnifred's decision to join Irene in getting arrested. It is clear that the decision to be arrested was made by our Elders. It is clear that we can learn from their commitment and determination.

Thank you for your strength and love. It is through you personally giving up your liberty that we as a Secwepemc peoples will find freedom.

CORD WOOD CABIN DESTROYED

On December 10, 2001 the British Columbia Assets and Lands Corporation (BCAL) acting under an injunction destroyed the cord wood house built by the Secwepemc peoples at McGillivray Lake. The cord wood home was destroyed under a Trespass and Seizure Notice issued by BCAL. The injunction did not however deal with the legitimate aspect of the Trespass and Seizure Notices. In fact Geoff Plant the Attorney General of BC destroyed the building before this matter could be dealt with by a court because he was afraid the BC government would lose.

In fact the Neskonalith Indian Band lawyers had a conference call with Judge and Crown Counsel but it was clear that the province had their plans to proceed with destroying the cord wood home and deal with the legal consequences later. It was apparent that since the entire BC land tenure system was being challenged by this unauthorized cord wood home the Attorney General decided to physically outmaneuver the courts in deciding this matter by destroying the home in the middle of night using Sun Peaks employees and equipment to do the job.

BUILDING OUR HOME

A LEARNING EXPERIENCE

When we began construction of our home at McGillivray Lake, we were not just constructing a building, we were rebuilding the infrastructure of our past government, our past laws. All our past ways of living were coming back the longer we stayed up there. We felt the strength flowing from the land and into our bodies, our minds, and our spirit. No seven words can explain the deep connection we were all getting to our surroundings, to our land. Needless to say, we were all anticipating the day we would move into our home.

Building our home was a learning experience, not only the experience of constructing a building, but experiencing and practicing real Indian values. We built our home

(Continued Page 2)

**(Continued - BUILDING OUR HOME
A LEARNING EXPERIENCE)**

with our hearts. We dedicated all our energy, and sacrificed all our time. We put our heart and soul into building the house day in and day out, in the rain, in freezing temperatures, in the wet snow, all while being under constant police surveillance and harassment. Most days we pushed our bodies to our physical limits. Whatever conditions we woke up to in the early morning we had to overcome.

Although it was difficult to get started in the morning, our determination to live at Skwelkek'welt was strong and kept us going. Each and every one of us felt the best we have ever felt. We finally found what it meant to be truly happy. We were working hard, being healthy, helping each other, learning about the land and animals all while building a home for us to live in. We knew we were doing what the Creator wanted us to do: to live at Skwelkek'welt and take care of the land. While being up at Skwelkek'welt, we got to know our surroundings: the trees, the ravens, even weather patterns.

Unfortunately, we also got to know the foreign system that worked tirelessly conspiring to remove us from our home in the mountains. For the six months that we visibly resided at McGillivary Lake, Sun Peak's attempted to seek two injunctions, and we were issued a Trespass Notice and Seizure Notice. However, we did not stop building and, needless to say, the conspirators didn't stop their attempts to remove us either.

Finally, on December 3, 2001, BCAL and the Attorney General went to court seeking an injunction and enforcement order to remove us from our home at the Lake. Two days later, on December 5th, Justice Beams ruled in favour of the government and gave the RCMP the authority to move in on December 10th and arrest anyone occupying our home at the Lake. When December 10th came, we decided as a group that no one was to get arrested. We all left with the understanding and the assurance by the RCMP that our house would remain standing.

On our way down from Skwelkek'welt we heard news that an excavator was on its way up on the other side of the mountain. We quickly turned around and headed back home. It took us nearly four hours to get back to the Lake because our vehicle got stuck in a snow bank. When we returned home, we were devastated to see that our home was completely demolished. There was no sign of it. They even took our cement slab foundation. It was extremely difficult for some of us to contain our anger, especially witnessing the Sun Peak's employees, which the government contracted to do the actual demolition, smirking and laughing around the area where our home once stood.

We returned the next day to see once again the evil doings of the government and Sun Peaks. Two of the victims to these heartless acts, Mahekan, who is 2 years old, and Aaron, who is 10 years old, fell down to the ground and screamed in pain when they saw what had been done to their home. Their screams of hurt were felt by all of us there and were so unbearable to listen to. How could the Attorney General or any of the employees of BCAL and Sun Peaks live with themselves after doing such atrocities to children, to elders, to women, to fellow human beings? All of us young people, who are without a home this winter as a result of BCAL and the Attorney General's decision, found happiness up there that we never felt before and we are grateful that for that short time we were truly happy. Some times we talk about how it would be if the house was still standing. We imagine that it would be warm and cozy filled with family, filled with love, and filled with happiness. Although we are grateful for the happiness we found, we are not content with only those few months. We have not allowed the government and Sun Peaks to execute our dreams. We will return to Skwelkek'welt and live the way that was meant for us, in happiness on our land.

Niki Manuel, Royal Nahbexie, and Dave Sanderson

Funding Needs

Since the summer of 2000, Secwepemc and their supporters have been maintaining a peaceful protest on and around Sun Peaks, government offices and BCAL. Throughout this time Elders, community members and supporters have been arrested. In addition to mounting legal and research expenses, our community has carried the cost of our National and International campaign and communication outreach program for the last year and a half. Increasingly, the burden of these costs are affecting the efficiency of our people to continue to protect our watershed from further wide spread destruction by the major international corporation Nippon Cable and by Mr. Ohkubo

- ◆ Donations for legal costs
- ◆ Donations for research
- ◆ Donations for communications
- ◆ Donations for International & National campaigns and boycotts

Contact the Neskonlith Indian Band at (250) 679-3295 or Fax: (250) 679-5306

THE PEOPLE WILL NEVER RETREAT FROM THEIR HOMELAND

(Ottawa, Ontario; December 6, 2001) Chief Arthur Manuel, who is in Ottawa attending an Assembly of First Nations meeting, said today that he was disappointed by the court injunction against the current Skwelkwew'welt Protection Centre and McGillivray Lake camp. But he noted that the court-imposed restrictions were temporary and limited and he said they will do nothing to stop his people from using their Aboriginal title lands in the area. "We will not hesitate to continue to protect and exercise in face of this attempted land grab by Sun Peaks," Manuel said, "and we will never extinguish our rights or surrender our lands." Chief Manuel said.

The interlocutory injunction granted to Sun Peaks yesterday prohibits the named individuals from erecting structures in the base area of the Sun Peaks Resort and within one hectare of McGillivray Lake. It does not prohibit them from being in either location during the daytime and the injunction was granted for a 190-day period, or until the issue is decided in a separate court case on the Trespass orders issued by the B.C. Assets and Land Corporation.

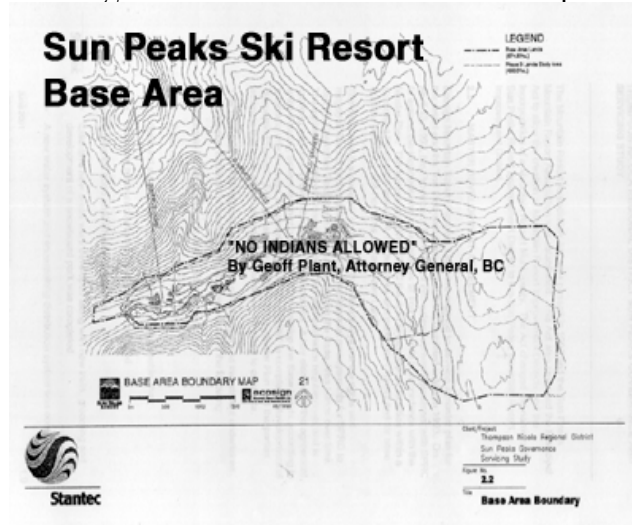
"The judges reasoning in granting the injunction," Chief Manuel said, "were the balance of convenience – but sadly, in this case it means putting the convenience of snowboarders and corporate profits above the convenience of our Elders and land-users having an adequate diet. This is our land and these are areas where our people have always gone to hunt and we were not preventing one skier from going down the mountain. But they are evicting Secwepemc women and children from their homes. It is shameful."

Earlier today the Elders and land-users at the Skwelkwew'welt Protection Centre issued a press release charging that the injunction was another attempt at "ethnic cleansing" on Secwepemc Territory by Sun Peaks and the Province of British Columbia. They also insisted that they will not abandon their homeland.

"Our people in the Sun Peaks areas have the full sup-

port of the Neskonlith Indian Band," Chief Manuel said. He also called once again on B.C. Attorney General Geoff Plant to return to the discussions that Plant unilaterally broke off two weeks ago.

"Trespassing charges and interlocutory injunctions will never solve the issue of Aboriginal title," Chief Manuel said. "The tactics will only increase bitterness and escalate the problem. The Province and the federal government have to assume their responsi-



BRITISH COLUMBIA ASSETS AND LAND CORPORATION (BCAL)

BCAL is a provincial government Crown Corporation. The primary purpose of BCAL is dispose of so called provincial Crown Lands. When BCAL disposes of Crown Land to third party interests it complicates our use and control of that land under Aboriginal rights and title. Stand up to BCAL.



CONSTITUTIONAL ASPECT OF THE SUN PEAKS MATTER

The legal system has always been the machinery through which the settlers undermined our values and uses of the land to secure their economic and political interests. The province of British Columbia used the Trespass and Seizure Notices to get an injunction against the Secwepemc peoples who lived at Skwelkwek'welt.

That is how they used the law to dismantle the Skwelkwek'welt Protection Center near Sun Peaks Ski Resort and destroy the cord wood house and sweat lodges at McGillivray Lake.

It is therefore important to know a little bit about the Constitution and the law to know our strength and our weaknesses.

In simple terms all laws are housed in the framework of the Canadian Constitution. The Canadian Constitution has went through a number of changes and they have affected us as Secwepemc peoples despite the fact that we may or may have not known about them.

In the **PAST** the exclusive or 100% jurisdiction has always rested in the hands of the federal or provincial governments. In fact from 1867 to 1982 there were only **federal power** or **provincial power** to make laws in Canada.

Laws could only be made in Parliament in Ottawa or in the Legislature in Victoria.

Laws respecting Secwepemc peoples were basically made under section 91(24) Indians and Lands Reserved for Indians of the British North America Act 1867. The British North America Act 1867 was an Imperial Law of Great Britain but it was also the Constitution of Canada.

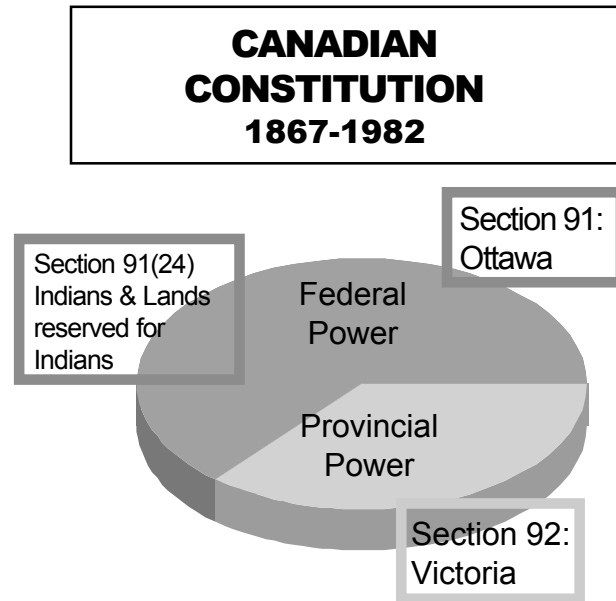
In fact section 91(24) is the reason why the federal government makes laws and policies for Indian people and not the province.

The Canadian Constitution between 1867 to 1982 did not recognize Aboriginal rights nor did it provide the framework to accomodate Aboriginal rights or title. It was only through the amendment of the Canadian Constitution in 1982 that Aboriginal rights and title provided for.

The **CONSTITUTION EXPRESS** was very important in making these positive changes for our benefit. In fact many families from Neskonlith Band participated in making this very positive and substantive change to

our Constitutional and legal environment.

The diagram below tries to illustrate the fact that only the Federal and Provincial governments had power to make laws in Canada.



The Constitution Express resulted in section 35(1) being added to the Canadian Constitution 1982. It reads as follows:

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

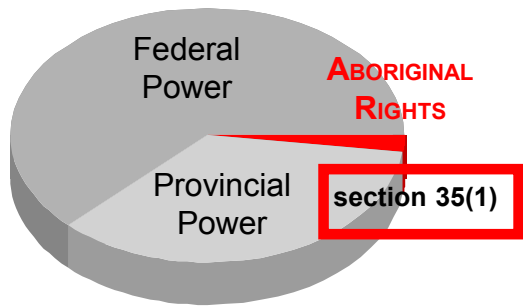
This provision as general and as simple as it may look does provide real substantive powers to us as Secwepemc peoples.

The problem in trying to give meaningful expression to this Constitutional provision is that it needs **land** and **massive political will** to have any real force. The land issue has been added to our side under section 35(1) by the Supreme Court of Canada by recognizing Aboriginal title as an Aboriginal right in the **DELGAMUUKW** case in 1997. The question of whether or not we have massive political will is still very questionable. In fact the level of support for what is going on at Sun Peaks is a good indicator of whether or not we have the will.

It is clear that the existing Constitution provides the framework to work out the **LAURIER MEMORIAL 1910** provision of co-existing ranches but the federal and provincial governments want to restrict law making powers to themselves.

The diagram below indicates the fact that Aboriginal rights is now a real identifiable aspect of the Canadian Constitution and not some legal tidbit that can be ignored.

**CONSTITUTION ACT 1982
Governance Framework**



Under the Constitution Act 1982 certain aspects of Secwepemc peoples lives are protected as existing Aboriginal rights under the Canadian Constitution. These are traditional matters that we do not have to get permission or permits from the federal or provincial governments in order to enjoy. In the illustration above hunting, fishing and gathering as existing Aboriginal rights are matters equated to federal and provincial powers. This does not mean that other Aboriginal rights like those respecting Aboriginal title to our unceded lands or our right to our own form of government cannot substantially change the shape of the three pieces of pie above.

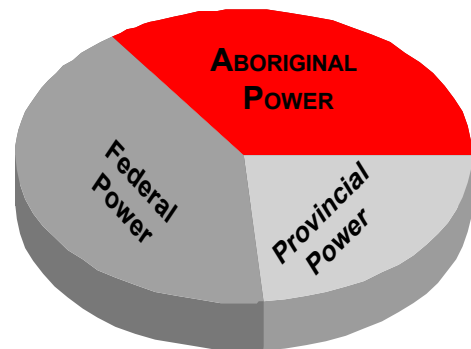
Expanding our piece of the pie will need massive political will on our part as Secwepemc peoples. Like was mentioned before the federal and provincial governments do not want a third order of Aboriginal government in Canada. They want fisheries to be governed by the federal Department of Fisheries and Oceans and they want forestry to be governed by the provincial Ministry of Forests. This is an important question that all Secwepemc peoples need to answer because all Indian bands have relationships with the federal and provincial governments. The federal and provincial governments use the PAST Constitutional system to force

Indian bands to limit and undermine initiatives to make long-term but more substantively important changes for the future.

The opportunity to make substantial and significant changes is before us. Never in the past have the cross-roads been so significant as they are now. The BC Liberal government Referendum is a very clear signal that the BC government is concerned. The First Nations Governance Act (FNG) is a clear signal that the federal government is concerned. It is clear that we are on the door step of putting to rest the misery we have suffered when we had no choice but to live under the exclusive or 100% law making power of Ottawa and Victoria.

The diagram below shows how Aboriginal rights can grow and expand if we have the massive political will to make it grow and expand. The same kind of political will that gave life to the CONSTITUTION EXPRESS.

**3 ORDERS OF GOVERNMENT
Intended Distribution of Powers**



It is apparent that what is happening regarding the expansion of Sun Peaks Ski Resort does have a very important impact on our Aboriginal rights. The Skwelkwek'welt Protection Center is red flagging these issue like under the Trespass and Seizure Notices. It is important to understand that the provincial Land Tenure system under which the Trespass and Seizure Notices were issued goes to the very heart of the whole issue of who owns the land.

The Skwelkwek'welt Protection Center has put our community and our people in a very important leadership role regarding the question: Where do we go from here.

SELF-DETERMINATION MEANS: WHERE DO WE GO FROM HERE?

FIRST NATIONS SUMMIT SUPPORT NESKONLITH

On December 12, 2001 Chief Arthur Manuel received a letter from Hemas (Bill Wilson), Kathryn Teneese and Gerald D. Wesley of the First Nations Summit Task Group. The letter stated that the First Nations Summit, when meeting with the Attorney General Geoff Plant advised him that First Nation Summit support the Neskonalith Indian Band. In particular they said "Our message to the Government of BC is to resolve the dispute fairly, via an open dialogue between the parties rather than through a forced intervention by the RCMP or other police forces."

A resolution was also passed by the First Nations Summit (Resolution # 1101.11) subject: Support for the Neskonalith Indian Band in Sun Peaks Dispute. The resolution was moved by Chief Cyril Livingstone, Lake Cowichan Band and Chief Judith Sayers, Hupacasath First Nation.

Chief Arthur Manuel of the Neskonalith Band said "he would like to publically thank the First Nations Summit, Chief Cyril Livingston and Chief Judith Sayers for their support". Chief Manuel also said "that the BC Referendum must make us realize that we need to work more closely together". He said "it does not matter if you are negotiating or not the consequences are the same. The province through the Referendum is trying to take a hardline stand against us all."

INTERNATIONAL SUPPORT FOR SKWELKWEK'WELT

Indigenous and Human Rights Support Groups from across Canada and around the world had been informed about the Skwelkwek'welt Protection Center from its beginning. They had known about its growing and the forced removals and when the government destroyed the camps the support groups were as upset as the Secwepemc. Support letters kept flying in from across Europe. When usually their letters to the government had been polite and explanatory they now became very direct and confronted them with their human and indigenous rights violations.

One support group in Munich, Germany decided to make Canadian representatives in their town know

how it felt to have snow blocks keep you away from their home. They heaped up snow in front of the Canadian Consulate and put a Christmas Tree on top, "decorated" with complaints about violations of Secwepemc rights. The international and national press was informed and calls for support are being circulated.

Presently the support groups are raising money for a cabin for human rights observers and peace-building work in Skwelkwek'welt. We plan to train people in human and indigenous rights and also bring in international observers to protect the rights of the Secwepemc in the short term and in the long term help find a sustainable solution for the conflict. Awareness-raising is one of our most important tasks, we inform people around the world about the negative impacts of tourism enterprises like Sun Peaks on indigenous peoples and on our lands. An international tourism Campaign will be launched, alongside the International Forestry Campaign.

2002 has been declared the International Year of the Mountains, time to make our message of protecting Skwelkwek'welt heard. Also time to work together with other indigenous peoples who fight for their sacred mountains and homes, such as the Dine (Apaches and Navajos) who fight for Mount Graham and Big Mountain. We will also keep working together with people in Cauca the mountain region of Colombia. Despite their daily struggle for survival and for peace and for the realization of their life plans, they also share in the concerns of the Secwepemc people. They were informed about the destruction of the Cabin on December 10th, 2001 as they were just fearing another massacre in the Naya Valley and expressed their support.

We are not alone! Together we are strong!

**SKWELKWEK'WELT PROTECTION CENTER
c/o Neskonalith Indian Band
Box 608
Chase, British Columbia, V0E 1M0
CANADA
Telephone: (250) 679-3295
Facsimilie: (250) 679-5306**