

# **Practice in the Commons and Privatization Policies in Secwepemcul'ecw**

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Regardless of the courts' notion that our rights are granted to us by the Crown, Secwepemc Elders and grassroots activists believe that sovereignty “originated from the Creator when he placed us in our territory and gave us instructions under which we have lived in health since time untold.” Therefore, we believe that sovereignty is achieved more through our ability to uphold our sacred values and responsibilities than it is through being granted rights by the Crown.

## **Introduction**

With due respect for the dedication and commitment shown by the various Indigenous groups in B.C. (i.e. Haida, Taku River Tlingit, Gitskan and Wet'su'weten) who were successful in recent court cases, there is still a need for new policies at all levels of local, provincial and national government to solidify the courts' recognition of Aboriginal title and rights. Despite the recognition gained in the recent court rulings, policies designed to extinguish Aboriginal title and rights continue to maintain the status quo where Indigenous peoples' knowledge, values, wisdom are disregarded or appropriated by government, corporations and other economic institutions. Decision making structures and processes established in the various land and resource management agencies perpetuate the “business as usual” approach characterized by the exclusion of Indigenous peoples from decision making processes in land and resource management. Indigenous peoples must be given greater control in decision making processes, and governing structures must be redesigned to accommodate the complex web of location and culture-specific traditional land and resource management strategies and practices that are unique to each of the many diverse nations of indigenous peoples in B.C. and Canada.

The exclusive land and resource management policies (LRMP) of the federal and provincial governments in B.C. and Canada are for the most part, driven by one-dimensional economic principles that fail to include the collective Secwepemc (Shuswap people) food and cultural values and have therefore severely disrupted Secwepemc subsistence economies. Beginning at the time of the gold rush in 1858, Secwepemc knowledge, land and resources contributed greatly to the survival and economy of the traders, miners, settlers, loggers, roadbuilders, tourists and government officials. Secwepemc families hunted, fished, trapped, gathered and traded food with the settlers, but prime hunting areas were overrun with market hunters who competed with the Secwepemc families for food. Salmon beds and spawning grounds were destroyed by dredging for gold, and while the fisheries were heavily exploited, deer and beaver were almost extirpated, elk were completely extirpated, and caribou abandoned their southern range. The intensive hunting and gathering activities that took place during the early years of contact with non-Secwepemc settlers threatened food security for Secwepemc families to the point where many people were starving to death (Adams Lake & Neskonlith Indian Bands, 1998).

In a more contemporary context, the failure to remunerate the Secwepemc for resources taken from Secwepemcul'ecw in the southern interior of B.C. has resulted in a subsidy to the B.C. forest industry to the tune of an estimated \$210 million to \$1.163 billion (1999)<sup>1</sup>. Subsequently the Secwepemc have been economically marginalized and the diverse ecosystems where culturally important plants and animals have been the foundation of Secwepemc food systems since time immemorial have been damaged beyond the threshold of ecological integrity. For the Secwepemc, this has, in turn, decreased self-reliance and increased reliance on the highly competitive market economy and the programs and services as set out by the Department of Indian Affairs.

## **Reclaiming Jurisdiction**

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<sup>1</sup> Information taken from the B.C. Coalition for Sustainable Forest Solutions website: <http://www.forestsolutions.ca/Issue1exec.htm>

“No Nation can claim any of our lands by conquest. We have never given consent to join any other Nation of the World. We will never surrender our Right to carry the instructions and responsibilities the Creator gave to us. We will never betray our Children. We will never consent to extinguish our sovereignty to any Nation.” (*Confederated Traditional Okanagan Shuswap Nations Declaration, Written report reaffirmed 1986, Alkali Lake, B.C.*).

Despite the blatant attempt to extinguish our distinct culture and way of life through the neocolonialist policies that perpetuate economic and political control over the Secwepemc, some of the most dedicated Elders and traditional knowledge holders continue to uphold the sacred values as they are documented in the Confederated Traditional Okanagan Shuswap Nations Declaration (CTOSND). As an agreement made between 1875-1877 by four well respected Okanagan and Shuswap (Secwepemc) Nations Hereditary Chiefs and the Crown of England, the declaration provides testimony to the sovereign relationship that was recognized at times of conflict with non-Indigenous settlers over land, territory and dignity<sup>2</sup>.

The long history of grassroots Secwepemc activism demonstrates the persistent struggle to break free from the oppressive land and resource management regimes that have impoverished the Secwepemc and eroded our spirituality, land, culture and nationhood for the past 150 years. With the passing of approximately 130 years since the sovereign relationship was declared, many of the most dedicated Elders and grassroots activists maintain that true peace and justice can only be achieved through a mutually respectful sovereign relationship that takes into consideration our lasting responsibilities to uphold and protect Secwepemc land, culture, spirituality, and future generations.

In this context, the southern Secwepemc have resisted the implementation of the extinguishment policies of the modern day B.C. Treaty negotiations. This act of resistance demonstrates our assertion of Indigenous sovereignty which in its

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<sup>2</sup> A council of Shuswap and Okanagan Chiefs was formed under the Confederated Traditional Okanagan Shuswap Nation Declaration between 1875-1877. For more information see Armstrong, J., Derickson, D., Maracle, L., & Young-Ing, G., (Eds.) (1993) p. 51.

culturally sensitive verb oriented context, is in direct contradiction to the noun-based western definition of sovereignty which uses the idea that “state authority is boundless and citizens are servants of the state” (Monture, 2005). (The indigenous language is based on verbs participatory action in contrast to the objectification inherent in the noun-based English language.) One of the most recent enactments of the neocolonialist concept of sovereignty was further defined in the landmark Delgamuukw decision of 1997 when:

Justice McEachern C.J. rejected the appellants' claim for a right of self-government, relying on both the sovereignty of the Crown at common law, and what he considered to be the relative paucity of evidence regarding an established governance structure<sup>3</sup>.

Regardless of the courts' notion that our rights are granted to us by the Crown, Secwepemc Elders and grassroots activists believe that sovereignty “originated from the Creator when he placed us in our territory and gave us instructions under which we have lived in health since time untold” (CTOSND, 1986). Therefore, we believe that sovereignty is achieved more through our ability to uphold our sacred values and responsibilities than it is through being granted rights by the Crown.

Given the diametrically opposing definitions of sovereignty, combined with the unsurmountable expense and time involved in settling our claims in an adversarial court system that is based on a culturally biased western scientific paradigm, the Secwepemc concept of sovereignty then raises the question of how best to reclaim our jurisdiction over lands and resources that are being encroached upon and degraded at an alarmingly rapid rate. Secwepemc Elders and activists question the courts' willingness or ability to recognize or respect our sovereign relationship as it is documented within the CTOSND. This contradiction presents the challenge of maintaining our sovereign position at a practical grassroots level, while at the

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<sup>3</sup>

British Columbia [1997] 3 S.C.R. 1010

Delgamuukw vs.

same time striving for a balance in the dynamics of power in a neocolonialist policy model of governance that has shown little cross-cultural sensitivity and understanding to Secwepemc voice, vision and jurisdiction.

With the ultimate goal of reclaiming Secwepemc jurisdiction, and promoting the wider application of traditional Secwepemc management strategies and practices in land and resource management, this paper will provide a basis for further discussion on critical matters pertaining to land and resource management policy development. Because the specific LRMP that require a critical analysis far outnumber the scope of this paper, the discussion will focus on the broader principles and concepts to consider in facilitating community control in decision-making processes, as well as combining specific traditional resource strategies and practices in a contemporary ecological and political framework.

### **Systemic and Cross Cultural Barriers**

The forced assimilation into the residential school system and the divide-and-conquer tactics of governments and corporations taking advantage of the breakdown of our tribal family and social structures reveal the underhanded, systemically racist nature of the extinguishment policies that enable settlers to assert ownership and jurisdiction over disproportionate tracts of indigenous land and resources. Existing governance structures and processes applied by the various government agencies related to land and resource management are based on a centralized form of authority that does not accommodate or reward a community-based decision-making process.

The neocolonialist policies administered by the Department of Indian Affairs and Northern Development (DIAND) perpetuate an imbalance of power in the imposed elected system, which legislates that band councils are to be chosen based on an exclusive system of plurality rather than through the customary process of demonstrating leadership skills and proving ability to contribute to the collective health and well being of the Secwepemc. The resulting social disharmony is further perpetuated in an adversarial decision making process that fails to facilitate reconciliation of the highly complex socio-economic and political conflicts that exist within the communities. This,

in turn perpetuates the cycle of oppression and does nothing to resolve polarizations that persist as an outcome of outside political and economic influences.

In addition, band councils and staff lack the human, technical, and financial resources required to effectively deal with the hundreds of research and development projects being proposed on the territory existing outside of the physical boundaries of the reserves, and are often then co-opted into the task of “moving forward” a neocolonialist agenda in land and resource management discussions. The most striking demonstration of this practice is the failure to remunerate the Secwepemc for timber harvested from public forests in the southern interior of B.C (Manuel & Shabus, 2002), and the low priority given to Secwepemc foods, medicines and technologies values in the commoditization of culturally important plants in the newly emerging Non Timber Forest Products industry<sup>4</sup>.

Furthermore, the provisions made to the B.C. Forest and Range Practices Act (West Coast Environmental Law, 2004) and the World Trade Organization’s General Agreement in Trade and Services (GATS)<sup>5</sup>, promote deregulation which in the end gives multinational corporations greater control over lands and resources and further undermines indigenous peoples responsibilities to make decisions over matters affecting our traditional land and resources.

While many scientists and academics are beginning to recognize the value of Indigenous land and resource management strategies and practices in their quest for solutions to the current ecological and social crises that humans are faced with, the imperialistic approach of western “science-based” resource management remains a cultural barrier to the effective inclusion of traditional Secwepemc management strategies and practices. The established model of governance exhibits a form of “cognitive imperialism” that is best described by Battiste & Youngblood in *Protecting Indigenous Knowledge and Heritage*

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<sup>4</sup> For more information see p. 17 on the British Columbia Ministry of Forests website: [http://www.for.gov.bc.ca/ftp/Het/external!/publish/web/non timber forest products/NTFP%20Property%20Rights%20FRBC%20PAR\\_02001-30.pdf](http://www.for.gov.bc.ca/ftp/Het/external!/publish/web/non_timber_forest_products/NTFP%20Property%20Rights%20FRBC%20PAR_02001-30.pdf)

<sup>5</sup> Trade negotiators are currently drafting new provisions to expand the WTO services agreement – the General Agreement on Trade in Services (the GATS). These provisions would impose restrictions on how governments can regulate proposed development. Gould, Ellen (personal communication, April 25, 2006).

(pp. 35-56) as the Eurocentric belief that western knowledge and scientific way of knowing is “the ultimate voice of truth”.

The biological and ecological insights of the Secwepemc have many practical uses in conservation, land and resource management, development planning, and environmental monitoring and assessment, but there is a reluctance of Elders and traditional knowledge holders to participate in land and resource management discussions. Historical non-recognition of the contributions to society made by the Secwepemc, combined with the threat of continued erosion of traditional knowledge, values and ways of life when they are taken and used out of social and cultural context in agricultural, pharmaceutical and genetic research remain as significant barriers to a participatory approach to policy development.

Communicating Secwepemc knowledge, values, and wisdom in the noun-based English language presents limitations because translation does not always accurately reflect the verb oriented Secwepemc worldview and philosophy. The reductionist methodologies applied in policy development processes break apart and separate the multi-dimensional and interconnected aspects of indigenous ways of knowing about the natural world. The Eurocentric need for defining and reducing indigenous knowledge to simple terms creates limitations and reduces it to a linear one-dimensional commodity in land and resource management (Battiste, 2000).

In the absence of a model of governance that applies a culturally sensitive communication, interpretation and administration strategy, Secwepemc Elders and grassroots activists are left with no alternative but to assert our inherent jurisdiction to manage and use the land and resources in the colonial policy model of governance that is based on conflicting methodologies, worldviews, and communication patterns.

Regardless of the mistrust and many other systemic and cross-cultural barriers, many of the wisest Elders believe that the ability of human beings to withstand the impending doom and gloom of the catastrophic economic and environmental forecasts will be determined by our ability to work together in a mutually respectful relationship that honours cultural and ecological diversity in a manner that does not require us to compromise our sacred values and responsibilities.

## The Power of Practice

“Current thought is slowly coming around to the Native way of understanding that the best natural resource is the individual being. In the recent past it has been thought that the best resource has been the use of the natural world. As Native people we have moved quickly from a hunting-gathering society to an agrarian society through to the industrial society and now to the information society. It has taken fifteen thousand years for the dominant cultures to go through this process. It is the information society and the resources of the knowledge we have in living in harmony where we can fully contribute and achieve our full potential as human beings. I see that the hunter-gatherer remains in the creative domain. It is the information society that is without the understanding necessary for us to achieve our full potential as creative beings”. (*Douglas Cardinal, The Native Creative Process, p. 25*).

To effectively include Secwepemc traditional land and resource management strategies and practices in SBRM, it is first necessary to understand some of the main concepts, themes and characteristics that are the foundation of the Secwepemc knowledge system. As the common thread that runs through the veins of all indigenous knowledge systems, the underlying “eco-philosophy” teaches that harmony in the natural world is maintained through healthy, functioning relationships in which we co-exist in a holistic framework that interrelates all of the emotional, physical, spiritual and mental aspects of creation (Cajete, 2000). Moreover, the wisest Elders and traditional knowledge holders recognize that the natural world is dynamic and is in a constant state of change. The insights gained through thousands of years of observations of the cyclical patterns of change, combined with modeling the action-oriented customary strategies and practices are vital clues to the process of seeking relative stability in the diverse ecosystems throughout Secwepemcul’ecw.

For thousands of years the Secwepemc maintained relative stability in highly productive ecosystems that were actively managed for food, shelter, security, health, education, and

other vital purposes. The subsistence strategy consisted of seasonal rounds of hunting, fishing and gathering and was the basis of an economy adapted to the diverse ecosystems of the Southern Interior Plateau of B.C. (Palmer, 1975). The location and culture-specific strategies were innovative, adaptive, experimental, and embodied a value system that was integrated into the social structure that was oral and symbolic in nature. While many of the strategies and practices were never systematically documented, the lessons contained within the oral history research and traditional use studies is ground-proofed<sup>6</sup> evidence of their effectiveness.

Enhancing the reliability and productivity of any culturally important species at the population level involved balancing production with exploitation and defining selective harvesting criteria that is neither random nor all encompassing. An intensive knowledge of plant species, physiology, and environmental factors combined with the yearly growth cycle, reproductive status, maturity, size, and habitat preferences was vital to the development of strategies associated with sustainable harvests. Extractive techniques were consciously developed to increase rather than decrease populations, and the harvests were regulated for timing and frequency (Peacock, 2002).

The use of low intensity fires to mimic natural disturbance regimes and create habitat types where culturally important species thrive in early to middle aged forests was common in the southern interior plateau. At the community level, the practice of burning was useful in clearing brush, stimulating growth and killing harmful insects, and at the landscape level was used to create open parklands and transition zones where an increased variety and density of culturally important species inhabited the forest edge eco-tone. Timing of planned seasonal rounds and rotational harvesting were determined by the knowledge of plant associations, the cyclical nature of salmon runs, and the population profiles of ungulates (Peacock, 2002).

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<sup>6</sup> Ground-proofing requires field visits to specific locations to verify the accuracy of oral history evidence provided by Elders and traditional knowledge keepers in contemporary oral history research and traditional use studies. Accuracy of sites are usually verified with maps and a global positioning system (Tobias, 2000, p. 63).

Contrary to the contemporary fee simple and land tenure holders land distribution policies that promote privatization, the broad scale patches of landscape units were considered common tribal property where access was carefully monitored and sometimes regulated by customary ceremonies and moral values (Peacock, 2002). The Secwepemc economic and subsistence strategy balanced specialization and diversification of individuals and task groups, and competitiveness was reconciled through minimal individual or cooperative ownership. The dispersal of the diverse common property resources in linear zones characterized by their seasonal and geographical variations fostered protection and exploitation of resources, flexibility in residence patterns, self reliance, and a sexual division of labour (Palmer, 1975). The public ceremonies and philosophy captured in the oral tradition embodied the moral values of responsibility, giving, sharing and maintaining good relationships with the land and one another.

### **Policy suggestions**

In consideration of the many systemic and cross-cultural barriers, the prospect of institutionalizing Secwepemc jurisdiction in all levels of the colonial policy framework will require many years of hard work and dedication on behalf of the Secwepemc and non-Secwepemc alike. In light of the urgent nature of the current ecological crises and the lengthy time commitment involved with actualizing the aspirations of Secwepemc Elders and grassroots people in land and resource management, policy development structures and processes must be re-designed to encourage all people to take action in their day-to-day lives. Therefore, the following is a list of suggestions that will provide a framework for governments, corporations, and institutions who in their legislated duty to consult and accommodate Indigenous peoples in matters affecting us and our traditional territories, are morally obligated to facilitate indigenous community involvement in policy development and implementation. The primary goals of the framework are to: a) Promote the reconciliation of conflicts that exist within Secwepemc communities; and, b) Apply specific traditional Secwepemc strategies and practices in contemporary land and resource management.

1. Stop large scale resource exploitation and development, and institute a conservation ethic in all levels of education and land and resource use and management policy development.
2. Allocate adequate financial, technical and human resources to researching and apply Secwepemc knowledge, values and practices in land and resource use and management.
3. Allocate adequate financial, technical and human resources to facilitating an inclusive, balanced approach to involving Secwepemc community members with culturally appropriate values as well as a demonstrated commitment and ability to be active in making critical decisions about Secwepemc land, culture, spirituality and future generations.
4. Allocate adequate financial, technical and human resources to Secwepemc communities to support them in developing community mechanisms that will encourage and facilitate community control in decision making matters affecting Secwepemc land and traditional resources by:
  - Outlining a process for obtaining prior informed consent from the holders of Secwepemc knowledge, innovations and practices.
  - Clarifying the responsibilities of Secwepemc people in making critical decisions as they relate to Secwepemc land, culture, spirituality and future generations.
  - Clarifying criteria for choosing Secwepemc people to participate in decision making matters affecting the protection, conservation and restoration of Secwepemc land, culture, spirituality and future generations.
  - Defining responsibilities of governments, corporations and outside organizations in their duty to seek approval and involvement of the holders of Secwepemc knowledge, innovations and practices.
5. Exclude clauses in funding contracts that require indigenous communities to compromise the collective proprietary ownership of Secwepemc knowledge, innovations and practices.
6. Promote traditional diets and medicines in culturally sensitive education programs in all K-12 and post secondary institutions and social programs.
7. Allocate adequate financial, technical and human resources to develop and deliver cross cultural and indigenous studies education programs to governments, corporations,

scientists, academics and other outside organizations proposing research and development in Secwepemc traditional territory.

8. Apply an ongoing culturally sensitive communication, interpretation, and administration strategy that encourages reconciliation of differences of opinion existing within the community.

9. Give priority to Secwepemc food and cultural values over commercial interests in research, education and economic development projects being proposed in the Non Timber Forest Products industry.

10. Revise current management practices in parks and protected areas to allow access to indigenous peoples.

11. Define the boundaries of land use plans according to the naturally occurring boundaries or the related ecosystems as they are defined by their respective watersheds.

☺ Some practical ways to integrate traditional Secwepemc land and resource management strategies and practices into ecological assessment and restoration activities are listed below<sup>7</sup>.

1. Taxonomic data – naming and classification of organisms.

2. Spatial distribution – location of resources and endangered species, animal migration paths, sensitive areas.

3. Temporal distribution – Timing of biological phenomena such as migrations, flowering, population abundance cycles.

4. Management practices – fire, selective harvesting, extractive techniques etc...

5. Social context – cultural and political framework, ethics of use, perception, use, allocation, management.

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<sup>7</sup> Refer to Hebda, R. (2006) in University of Victoria School of Environmental Studies -Ecological Restoration ER 311/ES 341 Course Readings for more information.

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