

Tsuwalhkálh Ti Tmícwa (The Land is Ours): St'át'imc Self-Determination in the Face of Large-Scale Hydro-electric Development

by

Sarah Carmen Moritz
MA, University of Aberdeen, 2010

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

MASTER OF ARTS

in the Department of Anthropology

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University of Victoria

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Supervisory Committee

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Abstract

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In Canada, First Nations asserting authority over their lands are developing diverse strategies to overcome the state's dogmatic insistence on jurisdictional sovereignty. This movement corresponds to the wider context of the challenges faced by indigenous people to use their own ways of knowing to resist or reformulate legal doctrines and political tenets based on colonial power. Interior Salish St'át'imc people identify themselves through a strong and ongoing social relationship with *Satáqwa*, the Fraser River, and the "Valley of Plenty"— now known as the flooded Bridge River Valley – maintained through St'át'imc knowledge and cultural practice and demonstrated by talk of "the St'át'imc right to fish" and *Tsuwalhkálh Ti Tmícwa* (The Land is Ours). St'át'imc fishers are prepared to contest and resist any regulatory system that is understood to impact this right to fish while they advocate their own ways of sustainable fishing and water management. Based on ethnographic research in collaboration with St'át'imc people, this thesis explores some of these often successful contestations especially in the context of increasing territorial governance and by example of the rapidly transforming relationship between St'át'imc, BC Hydro and the Province of BC. Interior Salish St'át'imc people are currently navigating through a significant phase of increasing jurisdiction and authority and recognition of (unsettled) territorial property relationships. This very dynamic process is marked by strategic collaborations, compensation for 'infringements' on St'át'imc Title and Rights, and conservation efforts to protect their home. An important example is the changing relationship between St'át'imc people and BC Hydro – a relationship between two groups with radically different cultures and agendas: St'át'imc people in a struggle for self-determination, social justice and cultural survival and BC Hydro, a corporate culture, with the agenda to provide hydro-electric power to BC, maintain operation 'certainty' and to generate revenue. Exploring the different ways of relating to and acting on the land will allow for more holistic and shared cultural practices of co-governing land, working collectively, remembering history, co-existing in the present and sharing a common future according to the ethical ideals of reconciliation: accountability for wrongdoing, justice, sharing, respect, transcending of hegemonic silences and increased public knowledge.

Table of Contents

Supervisory Committee	ii
Abstract	iii
Table of Contents	iv
List of Figures	vi
Acknowledgments.....	vii
Chapter 1 – St’át’imc (Ancient Land), Úcwalmicw (People of the Land), (St’át’imc Law) and Tsuwalhkálh Ti Tmícwa (The Land is Ours): An Introduction.....	1
Chapter 2 – ‘The Other’/Myself, Relationality, Collaboration, Learning the St’át’imc Way of Life and Becoming Enskilled: Methodology.....	17
<i>Living on the Land and Becoming Useful, Integrated and Knowledgeable.....</i>	<i>22</i>
<i>Our Stories are Written on the Land: Learning St’át’imc Oral History, Conducting Interviews and Being Ethical</i>	<i>27</i>
Chapter 3 – ‘These are Our Fish and We’re Still Here!’: Transformations of the Valley of Plenty	43
<i>‘Walking the Land, Using the Land, Looking after the Land, Picking the Berries, Hunting, Fishing and Honouring the Chiefs Who Signed the Declaration of the Lillooet Tribe 1911’: Living and Voicing Inherent St’át’imc Title and Rights</i>	<i>54</i>
<i>BC Hydro’s Presence on the Land: Social Impacts and ‘Infringements’ on St’át’imc Title and Rights.....</i>	<i>59</i>
<i>Fish aren’t Chickens!: Evaluating the Social Impacts of BC Hydro’s Bridge River System and Negotiating Cultural Differences</i>	<i>61</i>
Chapter 4 – St’át’imc Self-Determination, Increasing Authority and Improving Relationships.....	68
<i>Consultation, Accommodation and Information Sharing: Collaboration and An ‘Improving Relationship’</i>	<i>69</i>
<i>The Bridge River Water Use Plan (WUP): A Collaborative Process.....</i>	<i>75</i>
<i>A New Relationship? An Improved Relationship!: A Small Measure of Justice.....</i>	<i>77</i>
Chapter 5 – Re-Cognizing Collaboration as Co-Governance and Partial Reconciliation: Alternative (Hi)Stories, A Small Measure of Justice and Improving Relationships – A Critical Analysis	79
<i>Voicing and Living St’át’imc Title and Rights – A Demand for Holism.....</i>	<i>79</i>

<i>Fish vs. Chickens: Asserting St'át'imc Self-Determination and Resisting the Colonial Narrative</i>	96
<i>A Small Measure of Justice, A Small Measure of Co-Governance: St'át'imc Historiography, Increasing Authority and Improving Relationships</i>	102
Chapter 6 – Holistic Perspectives on Past, Improving Relationships in the Present and Visions for a Shared Future – A Conclusion	115
<i>Inspirations, Justifications, (Self-)Entitlement and Impetus for Research</i>	117
<i>Re-Building the Canoe: Reflections on Ethical Research as Sharing</i>	118
Bibliography	121
Appendix 1: Declaration of the Lillooet Tribe	134
Appendix 2: St'át'imc cultural activities, ancestral teachings, learning to live off the land, working together and sharing: My role as a SCC Youth Worker July 12th-18th 2011	136
Appendix 3: Interview Excerpt Chief Art Adolph Xaxli'p (Fountain), September 2011	138

List of Figures

Figure 1: View from Tsal'álh's Mission Mountain onto Seton Portage, Seton and Anderson Lake and BC Hydro's powerhouses	1
Figure 2: St'át'imc Territory Map, incl. boundary markers as determined through the Nxeckmenlhkálha lti tmícwa St'át'imc Preliminary Land Use Plan 2004. Image by Wonders (2008)	5
Figure 3: Map of St'át'imc Territory as captured in the Relations Agreement of the 2011 Hydro Agreement (St'át'imc (PC) Settlement Agreement, [2010]. Draft.)	9
Figure 4: 2011 St'át'imc Gathering Images including 'descendant lists' for people to add their names if related to the signatory Chiefs of the Declaration of the Lillooet Tribe 1911; 100 gathered drums; Declaration wall hanging. Photographs taken by Sarah Moritz	19
Figure 5: 2011 St'át'imc Gathering Poster. Text includes: The Declaration of the Lillooet Tribe, "A New Cycle Begins" signing of the St'át'imc Hydro Agreement May 10th 2011 in Tsal'álh, St'át'imc Territory. Photograph taken by Sarah Moritz	20
Figure 6: BC Hydro Tour. Photograph by Sarah Moritz.....	21
Figure 7: Fishing at Anderson Lake. Photograph by Sarah Moritz	25
Figure 8: Gathering and preparing haqwa, wild celery, to eat. Photograph by Sarah Moritz.....	25
Figure 9: Gathering plants and twigs for baskets at Sqayt Culture Camp July 2011. Photograph by K.L.....	26
Figure 10: A trip to Tswúkwsam "look upwards" or "Leon's Creek" with Elders. Photograph by Sarah Moritz	34
Figure 11: St'át'imcets 110 Language Class May-June 2011. Photographs by Sarah Moritz.....	38
Figure 12: Bridge River - Fraser River Confluence. <i>Sxetl'</i> (shh-k-ettl). Photograph by Sarah Moritz	45
Figure 13: "Under the Old Bridge" Fish Camp of Elder Desmond Peters Sr and family. Photograph by Sarah Moritz	46
Figure 14: Fisher, Des Sr's granddaughter looking after <i>Tswan</i> , wind-dried fish, on the drying-rack under the Old Bridge. Photograph by Sarah Moritz.....	47
Figure 15: Fraser River Fish Camp, near <i>Sxetl'</i> . Photograph by Sarah Moritz.....	48
Figure 16: Elder Desmond Peters Sr explaining fishing and hydro-electric development in the 'Valley of Plenty'. Photograph by Sarah Moritz.....	52
Figure 17: Dam Spillway. Mission Mountain. Photograph by Sarah Moritz	53

Acknowledgments

This research would have not been possible without the approval, guidance, generosity, hospitality and ongoing support of the St'át'imc Nation, St'át'imc communities specifically the Seton Lake Band and its community. This research was made possible with the support and encouragement of many people whose contributions have been invaluable to this account. In particular, I would like to express my gratitude toward:

My St'át'imc participants and friends: Chief Garry John, SNH Coordinator Rodney Louie, William Alexander (for being a great host and friend), Steve Doss, Kathy Doss, Darwyn John, Elder Desmond Peters Sr. (for being a most inspirational and patient mentor), Gerald Michel (especially for invaluable insights on fisheries), Grand Chief Saul Terry, Elder Clara Shields, Elder Alice Oleman, Elder Lillian Link, Elder Albert Joseph with Tilly, Chief Perry Redan, Chief Art Adolph, Chief Bradley Jack, Chief Shelley Leech, SCC Chair Mike Leech, Darrell Bob, Isaac Adolph, Ida Mary Peter, Vision Ley, Storm Peter, Kurt Adolph, Rain, Laurie Patrick, Angelina Alexander, Kevin Alexander, Gloria Alexander, Brendan Casper, Ed Alexander, Ambie Alexander, Fran Shields, Monica Shields, Chantelle Louie, Karen Lougheed, Cliff Casper, Pete and Lorraine Alexander, Elder Ceda Scotchman, Elder Harriet MacDonald, Philomena Peters, Desmond Peters Jr, Sherry Peters, my fellow language class students, Odessa Hall, Marcel Adrian, Larry Casper Sr, Lemya7, Verne Adrian, Ivan John, Matt Manuel and many others.

My non-St'át'imc participants: BC Hydro Chief Negotiators Tom Molloy, Kathryn Kickbush, especially Al Boldt, Peter Scales, facility Manager Dave Percell and interim Rel. Manager Stewart Dill. Furthermore, Andy Miller, Jim McArthur, Shannon Squire.

My supervisory committee: Many thanks to my supervisory committee at the University of Victoria. Dr. Peter Stephenson for his wealth of knowledge, his long-sightedness, his incredible ability to enhance my writing, his ongoing and patient trust in both my anthropological capabilities and my research to succeed and for being a formidable supervisor. Dr. Brian Thom for his (contagious) enthusiasm, his constant belief both in my research and in my ability produce something adequately reflexive, ethical and academically meaningful, and for setting the bar high as a brilliant committee member.

My friends and colleagues: My deeply felt gratitude to Matt, Jen, David, Josh, Laura, Julia, Jess, Marie-Eve, Judith, Maureen, Rob, Marc, Michael for being there, for providing me with invaluable feedback, for enjoying being creatively and consciously human together. Matt and Jen, especially, thanks for being my 'Victoria family' and those blissful bike rides to the ocean. Julia, thank you, for being a loyal friend, for providing me with contagious laughter, and for reminding me to be kind to myself. Rob, thank you for your wisdom and inspiration which always helped me to keep going and have trust in my abilities.

My family and my partner: Heartfelt thank you to my partner David and his family for encouraging and supporting me and my studies. Danke mein lieber David! Mamita, your support, motivation and encouragement throughout which has sustained me in immeasurable ways. With love and patience have you reminded me of my capabilities and the need to enjoy my life. And to our beloved German Shepard Mix Marnie and Akita Inu-Samoyed Mix Juri for joining me on mind-clearing walks. I wish to thank to the University of Victoria and the Department of Anthropology for generously supporting this research and providing the academic platform to pursue it.

Chapter 1 – St'át'imc (Ancient Land), Úcwalmicw (People of the Land), (St'át'imc Law) and Tsuwalhkálh Ti Tmícwa (The Land is Ours): An Introduction



Figure 1: View from Tsal'álh's Mission Mountain onto Seton Portage, Seton and Anderson Lake and BC Hydro's powerhouses

Interior Salish St'át'imc people often express, through words and paper, that being ‘original inhabitants’ of their territory and *Úcwalmicw*, the people of the land, their way of life is inseparably connected with the land (cf. SLRA 2004). *Tsal'álh* Elder Clara Shields (personal communication August 2009), for instance, explains the St'át'imc relationship to the land with the words “we belong to the land and care for it as it cares for us” (see Figure 1). In the Salishan language, St'át'imcets, St'át'imc people often contend that – *Tsuwalhkálh Ti Tmícwa* – the land is ours. Politically and commonly they refer to ‘St'át'imc territory’ as their homeland, as the base for

culturally significant places and as grounds for their St'át'imc Title and Rights. *Stuqwaz* and *záwem*, referring to both fishing and the fish themselves, continue to be crucially important to St'át'imc people despite the significant impacts of industrial, and more specifically, hydro-electric development. Fish are simultaneously icon, index and symbol of St'át'imc social organization, subsistence and economic activity, spiritual practice and material culture – in short, “St'át'imc culture” as I was told by many people. Therefore, a myriad of words exist in St'át'imcets to describe fishing. In this context, Elders and community members often indicate how family systems and extensive trade networks extended into neighbouring groups and even to the coast which highlights the highly dynamic nature of social and kin group relations within the overall nation. As such, it denotes that there is a flexibility of affiliation and association within this broader framework of indelible cultural practice (pers. comm. Thom 2012). However, tribal conflicts, especially, with Tsilhqot'in people were common as a number of oral history accounts show which I could document. Community members also contend that, especially over the last several decades, there have been many changes and challenges to their traditional way of life. Trying to maintain St'át'imc knowledge of and activities on the land, and have St'át'imc jurisdiction and authority acknowledged has become an ongoing struggle over justice. In this thesis, my use of the overarching term “justice” includes social, political, economic, ecological and cultural justice. St'át'imc people, especially in relation with the state and industrial development corporations, find themselves forced to continuously employ a distinct political and legal rhetoric to stress rightful ownership to territorial lands and natural resources and ‘Aboriginal title and rights’ to land as they are now officially recognized and affirmed, albeit vaguely defined, in Section 35 (s35) of the *Canadian Constitution Act 1982*.

Together with many St'át'imc people in this thesis, I explore some of the past, present and anticipated changes which challenge them. I highlight St'át'imc self-determination processes and

significant transformations in St'át'imc territorial governance, specifically in the face of the large-scale hydro-electric development of BC Hydro and by example of the 2011 ratified St'át'imc Hydro Agreement (St'át'imc (PC) Settlement Agreement 2011, henceforth just 'Hydro Agreement' as commonly used by the parties) between St'át'imc Nation, BC Hydro and the Province of BC. As Elder Clara's eloquent quote cited above vividly shows, the St'át'imc ethic of sharing, the critical notions of respect and reciprocity, and the close relationship with what is widely understood as a sentient land, is ongoing despite these impacts and inform the current 'St'át'imc way of life'.¹ The interrelated themes of sharing and justice will remain critically important and visible throughout this ethnography and the details discussed.

The St'át'imc assertion of sovereignty over territorial lands and a strong opposition to the confiscation of land by non-St'át'imc settlers is aptly exemplified through the important document, *The Declaration of the Lillooet Tribe 1911*, signed by several St'át'imc Chiefs and accompanied by ethnographer James A. Teit, on May 10, 1911, in Spences Bridge (see Appendix 1). In the eloquent words of the signatory Chiefs:

We claim that we are the rightful owners of our tribal territory and everything pertaining thereto.

We have always lived in our country; at no time have we ever deserted it, or left it to others.

We have retained it from the invasion of other tribes at the cost of our blood. Our ancestors were in possession of our county centuries before the whites came. It is the same as yesterday when the latter came, and like the day before when the first fur trader came.

We are aware the B.C. government claims our country, like all other Indian territories in B.C.; but we deny their right to it.

We never gave it nor sold it to them. They certainly never got the title to the country from us, neither by agreement nor conquest, and none other than us could have any right to give them title. In early days we considered white chiefs like a superior race that never lied nor stole, and always acted wisely, and honourably.

¹ Crucially, anthropologists (for example, Anderson 2000; Cruikshank 2005; Ingold 2000, 1993; Krupnik et al. 2004) have put forward useful theoretical notion such as 'entanglement', 'sentience', 'sense of place', 'landscape' or 'dwelling' to describe the distinct, long and complex relationships indigenous peoples have with the land.

We expected they would lay claim to what belonged to themselves only. In these considerations we have been mistaken and gradually have learned how cunning, cruel, untruthful, and thieving some of them can be.

We have felt keenly the stealing of our lands by the BC. Government, but we could never learn how to get redress.

We felt helpless and dejected; but lately we began to hope.

We think that perhaps after all we may get redress from the greater white chiefs away in the King's country, or in Ottawa. It seemed to us all white chiefs and governments were against us, but now we commence to think we may get a measure of justice.

(see James 2008)

The Declaration is considered to be St'át'imc law by most St'át'imc people who are aware of the document's importance (pers. comm. St'át'imc Chiefs Council (SCC) Chair Mike Leech, May 2011). Importantly, it is not my intention to establish an exhaustive ethnohistorical understanding of this document, but rather to take it at face value in appreciation of its current central role in St'át'imc Title and Rights discourse and increasing territorial governance. As I will show in this thesis, *The Declaration of the Lillooet Tribe 1911* is frequently considered a manifest form of St'át'imc law. As such it functions to create and maintain unity, self-recognition as a sovereign nation, and serves as an example of the strong historical opposition to industrial development and land theft (cf. Drake-Terry 1989; Smith 1998).

Especially in regards to the way industry and government relate to St'át'imc, St'át'imc emphasise that, "We are a nation, not an interest group" (pers. comm. *Tsal'álh* (Shalalth) Chief Garry John, July 2011, St'át'imc Nation Hydro (SNH) coordinator Rod Louie, May 2011). Crucially, St'át'imc continue to call their territory 'unceded', just as their forefathers did. However, with colonial expansion, especially the gold rush in the 19th Century, and the subsequent establishment of the reserve systems, land was, in fact, involuntarily ceded (Matthewson 2005: 2). BC Hydro's establishment of several dams and the flooding of what was known as the "Valley of Plenty" not only led to the destruction of wildlife and plant habitat but also to the loss of many hunting, fishing, berry-picking and spiritually important sites long used

by ancestors. Many St'át'imc people with whom I have spoken maintain that failure to recognize and respect St'át'imc people at the time of the construction of BC Hydro's facilities through the Bridge River System has resulted in irreparable impacts and ongoing injustice (for a descriptive map of St'át'imc Territory see Figure 2).

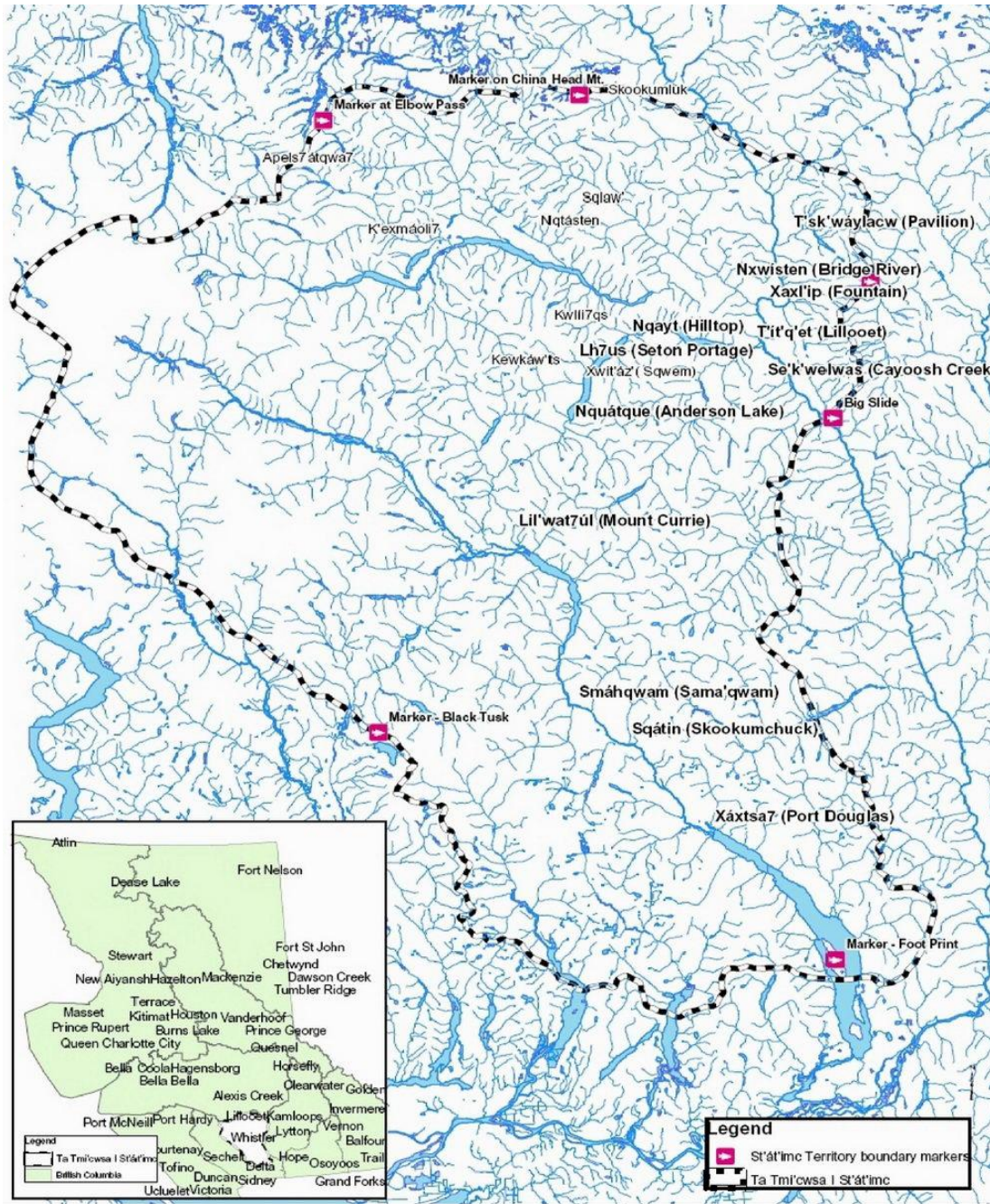


Figure 2: St'át'imc Territory Map, incl. boundary markers as determined through the Nxekmenlhkálha lti tmicwa St'át'imc Preliminary Land Use Plan 2004. Image by Wonders (2008)

The impacts of the original construction of the Bridge River System and the ongoing operation of the facilities essentially destroyed an abundant watershed and important tributary to the Fraser River that sustained St'át'imc people, fish and wildlife for centuries.² St'át'imc people emphasize that on-going use of this area by BC Hydro has been without any adequate consultation and accommodation.

In written statements addressed to BC Hydro and the Province of British Columbia, St'át'imc have stated that,

St'át'imc hold aboriginal title, rights and responsibilities to the Territory, including land and its resources. Our title and rights are rooted in the values, traditions and culture passed on from generation to generation through St'át'imc stories, legends and ecological knowledge. A fundamental value is our continued connection to our homeland which carries the responsibility for the wellbeing of past, present and future generations. (Hydro Agreement Community Information Session 2011; pers. comm. Elders and community members, July 2011).

There are 11 St'át'imc Communities who have been severely impacted by BC Hydro's facilities and operation. These operations include three dams, two reservoirs, four generating stations, 15 transmission circuits, totaling approximately 850 kilometers of transmission lines, 160 kilometers of access roads and four recreation facilities.

² Currently there are 11 St'át'imc communities connected through extensive social and kin networks and older or recently formed umbrella and centralizing organisations such as the St'át'imc Chiefs Council (SCC), St'át'imc Government Services (SGS), Lillooet Tribal Council (LTC), St'át'imc Authority (SA)/ St'át'imc Nation Hydro (SNH). The communities are divided into an Upper and a Lower region based mainly on linguistic (dialect) and geographical differences. Upper St'át'imc includes: *N'Quatqua* (D'Arcy), *Sekw'el'wás* (Cayoosh), *Ts'kw'aylaxw* (Pavilion), *Tsal'álh* (Shalalth/Seton), *T'ít'q'et* (Lillooet), *Xaxli'p* (Fountain), *Xwisten* (Bridge River). Lower St'át'imc communities include: *Lil'wat* (Mount Currie), *Ska'tin* (Douglas), *Samahquam* and *Xa'xtsa*. Because the terms *St'át'imc* and *Lillooet* are often used collective terms for all communities confusion can arise between the single bands. Historically, there were more communities and family groups with respective Chiefs, for example *L7hus* (Seton Portage) as the *Declaration of the Lillooet Tribe 1911* illustrate under its signatories Chiefs and their communities. Elders remember and still share memories on how Indian Agents came and divided groups into bands according to pre-determined reservation systems. In the words of William Alexander (pers.comm. July 2012): "Even as individual communities we see ourselves as part of the tribe, the nation too. That even as we have our own individual community challenges we are always aware and ready to defend our tribe and territory. That even as I am a member of *Tsal'álh* I am just as strongly a member of the St'át'imc overall." The term 'St'át'imc' is frequently used synonymously with the 'Lillooet Tribe' and for the historical connection between present St'át'imc groups to ancestors and Chiefs of the Lillooet Tribe I also use them as part of one group in this thesis.

About 20 years ago, in 1993, the St'át'imc Nation and BC Hydro began discussing and identifying various detrimental impacts, or 'grievances', and 'infringements' on St'át'imc Title and Rights that were caused by the existing hydro-electric facilities, dams and transmission lines. Prompted by BC Hydro's initiative to establish a 500 KV Line through St'át'imc Territory, St'át'imc were urged to respond and react (pers. comm. *Xaxli'p* Chief Art Adolph, September 2011).

Since, St'át'imc Nation and communities have reached the 2011 Hydro Agreement to resolve outstanding grievances related to BC Hydro's operation in St'át'imc Territory. The way in which St'át'imc and BC Hydro plan on working together is set out in the Relations Agreement of 2011 as an essential part to the overall Hydro Agreement. As I will show in more detail later, the Relations Agreement sets out how BC Hydro must consult with St'át'imc and accommodate respective rights and interests. Crucially, the Hydro Agreement is not a land claim or a modern treaty agreement as part of the current BC Treaty Process. Importantly, though, the Hydro Agreement does not address all the outstanding issues identified by both, St'át'imc or BC Hydro, but, as I will show in this thesis, it functions as a '*Small Measure of Justice*' of what the St'át'imc forefathers have demanded in the 1911 Declaration as I will show in this thesis (pers. comm. Chief Garry John, SNH Rod Louie, SCC Mike Leach, May 2011).

For the purpose of the agreement, St'át'imc people and lawyers involved in the negotiations had to put a dollar value on St'át'imc Territory which, as Chapter 3 shows, was a remarkably challenging and complex task (Interview *Xaxli'p* Chief Art Adolph, September 2011). "How do you put a dollar value on a 'way of life'? How do you reach a just settlement in the face of so many irreparable damages?" asked Rod Louie (pers. comm. June 2011), rhetorically, as we drove past BC Hydro's facilities in *Tsal'álh* one early morning in June 2011. During the negotiations, an expert economist was hired for this task and after a long and collaborative effort a value was

agreed upon by St'át'imc negotiators, yet not by BC Hydro negotiators. The final sum and opportunities to generate revenue included in the Hydro Agreement are seen as a compromise, a 'small measure of justice' (pers. comm. SNH Rod Louie, May 2011).

In sum, the Hydro Agreement covers some of the outstanding grievances and claims of the St'át'imc related to the planning, establishment, construction and continued operation of existing BC Hydro facilities within St'át'imc Territory. The Hydro Agreement includes capital flow and financial compensation (through a Trust Indenture), watershed and habitat restoration plans for fish, wildlife and flora (through a Water Use Plan), a cultural heritage plan which will allow for cultural revitalization initiatives, education, training and more. There are processes set out to deal with any material changes to the Bridge River and Cheakamus facilities, for any new facilities, the new transmission line, removal or closure of facilities, and surplus lands. For BC Hydro, the agreement means certainty for its operation in St'át'imc Territory (through a Certainty Provisions Agreement).

The key benefits of the agreement include economic, social and education opportunities, compensation and mitigation of impacts for St'át'imc. In addition to financial benefits, the agreement provides for:

- Long term environmental mitigation plans to help restore land, water, fish, wildlife and vegetation;
- A heritage and culture plan to preserve, protect and promote 'St'át'imc culture';
- Set of guidelines to assist in developing a long-term sustainable relationship between the St'át'imc and BC Hydro (Relations Agreement); and
- An education and training component to build capacity within the communities.

Importantly, within the Hydro Agreement there is now an official and tangible acknowledgement of St'át'imc territory in the 2011 St'át'imc Hydro Agreement through a map

(see Figure 3) illustrated in the Relations Agreement which can be considered a major achievement against what has been common practice of BC Hydro and the Province of BC (pers. comm. Rod Louie, July 2011; Thom, November 2011).

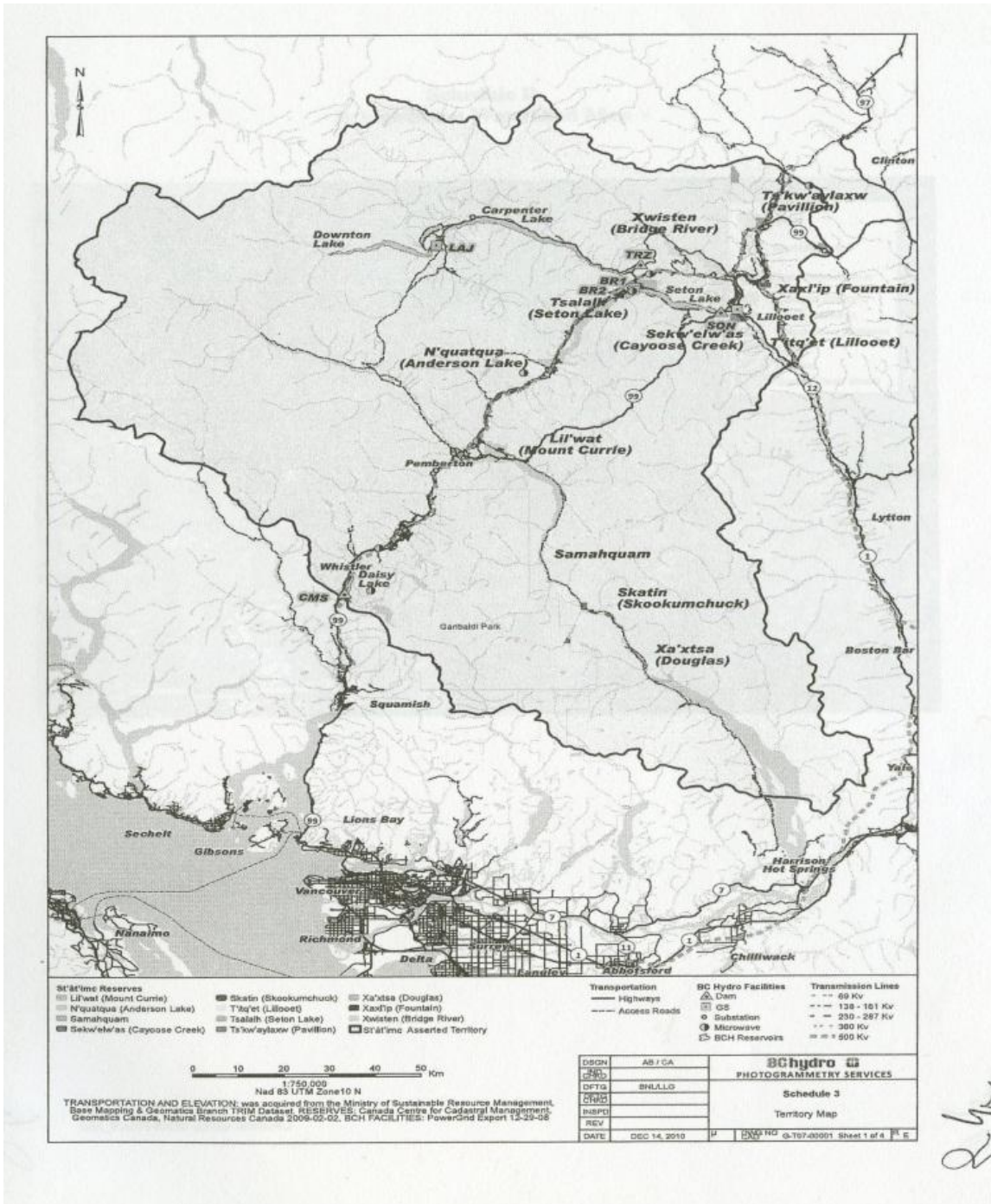


Figure 3: Map of St'at'imc Territory as captured in the Relations Agreement of the 2011 Hydro Agreement (St'at'imc (PC) Settlement Agreement, [2010]. Draft.)

It should be noted that in relation to the recent BCCA decision in *William v. British Columbia* (*William v. British Columbia* [2012] BCCA 285 Appeal), this kind of ‘territory’ acknowledgement is quite divergent from conservative case law where Aboriginal title is only seen as a ‘spot’, ‘postage stamp’ or ‘small area’ (pers. comm. Thom, July 2012).³

There is a lack of literature regarding St’át’imc history and contemporary life and more collaborative research needs to be done. Examining the ethnographic record around the time the *Declaration of the Lillooet Tribe 1911* was drafted, ethnographic research on St’át’imc was documented by anthropologist and photographer James A. Teit (1912) who presented in his folklore article “Traditions of the Lillooet Indians of British Columbia” collected myths, ancestor legends and stories of people’s relationship to the land and stories of the traditions of indigenous people, for example, the “original inhabitants of [...] Se(a)ton”. Teit’s account shows how oral narratives travelled between tribes of the West Coast and the Interior Salish groups. Boas (1923: 102-103; cf. Wickwire 1998), founder of North American anthropology and advocate of a methodological and epistemological cultural relativism against social evolutionist assumptions, acknowledged Teit as a distinguished researcher for making accurate contributions to the ‘ethnology of Aboriginal peoples in BC’. In the 1920s Boas (1922: 490) wrote that all “our whole

³ As I will discuss in more detail in Chapter 5, on the first page of the Hydro Agreement (Draft 2010: 1), the Province and BC Hydro acknowledge St’át’imc culture and history: “A. St’át’imc are indigenous people who assert aboriginal title and rights to the Territory and on May 10, 1911 the *Declaration of the Lillooet Tribe* was signed by 17 St’át’imc Chiefs asserting that the St’át’imc are the rightful owners of the Territory and everything pertaining thereto” and that “B. The St’át’imc Chiefs Council is currently the St’át’imc authority that represents the Communities on certain aboriginal title and right matters (...)”. Page 18 of the Relations Agreement (Draft 2010) states that ‘Territory’ is defined as “(i) the geographical area outlined in the map (...) (ii) any additional geographic area that may be claimed from time to time by St’át’imc or any or more Communities or a collective of Community Members as lawful title or rights holders for the exercise of aboriginal title, practice of aboriginal rights (...) pursuant to subsection 35(1) of the *Constitution Act, 1982*. Because of the fixity of a territorial map with invariable boundaries, however, in addition and limitation a paragraph reads that “For greater certainty, nothing in this definition authorizes or acknowledges a right of Community Members or a collective of Community Members to claim additional Territory.”

knowledge of the material culture, social organization, customs, beliefs and tales of the Salish tribes of the interior of British Columbia is based on his work”.

Linguistic and oral history research was conducted by Matthewson (2005), amongst others (cf. Swoboda 1971; Van Eijk 1997), emphasising in her comprehensive account entitled *When I Was Small - I Wan Kwikws: A Grammatical Analysis of St'át'imc Oral Narratives* that St'át'imc people have lived on the land since “time immemorial” and had never voluntarily ceded it. St'át'imc people never formalised their relationship with the Canadian state and their rights and title to land through a treaty. Moreover, Matthewson (2005) brings to attention the general lack of any form of compensation for land forcefully surrendered and rights infringed upon through colonial processes.

Historical research was conducted in 1996 through the ‘Upper St'át'imc History Project’ initiated by the Upper St'át'imc Language, Culture and Education Society (USCLES) to create education units with key concepts and important historical events in the Upper St'át'imc region, that would be provided to a grade ten audience at the Lillooet Secondary School. According to the author this project was a timely response to the “official classroom history” rendering “Upper St'át'imc invisible as though they were “a people without history”” (Smith 1998: preface; for the effective silencing of marginalised dispossessed peoples cf. Trouillot 2003; Wolf 1982).

Furthermore, highly collaborative ethnobotanical and oral history research with Elders fluent in St'át'imcets by Nancy Turner shows the continuous importance of gathering, use and St'át'imc ecological knowledge of plants in several of her books (Turner 2005, 1997; Turner et al. 2000).⁴

⁴ The notion of “collaboration” will remain critically important throughout the thesis to refer to ethical, meaningful, dialogical and dialectical relationships between St'át'imc and non-St'át'imc people. The term will be defined either explicitly and contextually or is implicitly made sense of through quotes and writing.

In 1989, Joanne Drake-Terry, wife of *Xwisten's* (Bridge River) political leader and artist Saul Terry, published *The Same As Yesterday: The Lillooet Chronicle and the Theft of Their Lands and Resources*, which highlights how traditional Lillooet land was colonized and confiscated through 'legal' and 'administrative' action and gave rise to the *Declaration of the Lillooet Tribe 1911*. It continues to be fairly widely read mainly among St'át'imc people themselves who appreciate that the account is written by someone with local knowledge (pers. comm. Saul Terry, September 2011). Unfortunately, nothing similar has been published and made available since then (pers. comm. William Alexander, July 2011). This gap in the local literature greatly inspires and facilitates my current work. Based on what I have learned, it seems as though many St'át'imc people wish for more literature that is directly and educationally useful, critical and tangible, directed by St'át'imc and largely based on accurate representations of local knowledge.

Thus, the structure of my ethnography and my methodological considerations follow Abu-Lughod's critical call for "ethnographies of the particular" which effectively works against "Othering" and dangerous generalizations (1991:149–152). I agree that a "tactical humanism," which aims for representations of other people's everyday lives and tries to avoid exoticizing can be used to overcome prevalent tendencies towards essentialism, false coherence, and hierarchy inherent in general use of the term 'culture' (Abu-Lughod 1991:159; cf. Foucault 1978, Said 1978).⁵

Largely, my writing is inspired by Franz Boas's (2006; 1982[1932].; 1923; cf. Stocking 1966: 871) avid advocacy of the notion of different 'cultures' against a prevalent Western ethnocentrism; Tim Ingold's (2000, 1992) admirably continuous insistence on humans *living culturally* rather than in bounded and isolated *cultures*; Cruikshank's (2005) commitment to

⁵ See Donna Haraway (1988) for her compelling feminist critique of prevalent ideals of objectivity and positivist science and her emphasis on situated knowledge.

collaborative, reflexive and rigorous ethnographic and ethnohistorical approaches and her inspiring focus on what she calls “stubborn particulars of voice”: oral traditions, local knowledge, social lives of narratives, storytelling as social action with attention to how knowledge is produced through colonial encounters. Over time, Cruikshank (2005; 1998) has skillfully shown how accounts and interpretations of specific events in local stories, courts and other dynamic and performative ‘spaces’ can be radically different, often reflecting diverging, highly contextual and conflicting moral and social judgements (cf. Miller 2011).

These inspirations and insights, I believe, are reflected throughout the following chapters, especially the methodology (Chapter 2) and ethnographic data chapters (Chapters 3 and 4), as ‘voices of the particular’ and voices of a diverse range of St’át’imc and non- St’át’imc actors resonate and come together in convergences as well as divergences. My research produces and highlights (the need for) functional collaborations and alliances. To take people involved in this research seriously means to pay attention to the way in which (alternative) histories are mobilized, culture is lived, identities are made and contestations are implicated in a land that extends north to Churn Creek and to South French Bar; northwest to the headwaters of Bridge River; north and east toward Hat Creek Valley; east to the Big Slide; south to the island on Harrison Lake and west of the Fraser River to the headwaters of Lillooet River, Ryan River and Black Tusk (James 2008, see Map Figure 2).

This chapter has outlined the historical and contemporary context of St’át’imc people’s self-determination efforts towards increasing territorial governance. As such, the chapter foretells how, by example of large-scale hydro-electric development in St’át’imc Territory, the transforming relationship between St’át’imc people, BC Hydro and the Province of BC now allows for the beginning development of renewed St’át’imc authority and jurisdiction and a theoretical and practical re-configuration of some of Canada’s prevalent jurisdictional doctrines

and assumptions. The dynamic process of social change which St'át'imc people are powerfully navigating, now further enables St'át'imc people to establish ways of being on and relating to the land that respects their cultural identity and autonomy. This chapter has begun to highlight the categorically important notions of 'justice', 'sharing' and 'respect' as principles for functional alliances, peaceful co-existence and meaningful reconciliation. The next chapters will illustrate the following:

Chapter 2 details the methodological, especially ethical, considerations and methods employed in this research. I discuss the research context and the (oral history) interview process and contextualise much of it in ethnographic examples that will help make sense of the thematic analysis that follows. In this chapter, I also explain my methodological position, especially in response to the colonial legacy anthropology seeks to transcend, and how this position and the learning of the 'St'át'imc way of life' through immersion in everyday life shapes this research.

Chapter 3 descriptively illustrates, the social impacts and infringements on St'át'imc people, their title and rights, that stem from hydro-electric development in the important 'Valley of Plenty' and concludes by reflecting on the cultural differences underlying the way these impacts were understood and consensually negotiated between St'át'imc people and BC Hydro.

Chapter 4 focuses on St'át'imc people's and BC Hydro's – at times – diverging perspective on the historical and now transforming relationship between them and the critical role of St'át'imc territorial governance in the (further) use, protection and management of the land and resources. This chapter highlights the differential ways these different groups talk about this relationship by example of the negotiations and the Hydro Agreement.

Crucially, Chapter 3 and 4 deliberately function to illustrate the detailed ethnographic data I documented through this research. These two data rich chapters precede the analytical discussion in order to ensure that the reader has a basis for understanding and interpreting this research

(more) effectively and meaningfully, and so that St'át'imc people's voices are presented (more) contextually.

Thereby I attend to many St'át'imc people's wish for me to provide as much un-edited direct speech, quotes and context as possible before making in-depth analytic sense of it through complex theoretical perspectives.

In Chapter 5, I provide an in-depth exploration of my research findings. I employ anthropological, legal and political theories and comparative ethnographic accounts on Aboriginal Title and Rights, co-governance, the politics of recognition, reconciliation, Indigenous resurgence, Indigenous knowledge and colonialism to examine how St'át'imc people's self-determination efforts function to effectively transform the colonial relationship with BC Hydro and the Province of BC.

Chapter 6 provides my final and reflexive conclusions for this research. These final thoughts are very much informed by my reading and understanding of what it means to co-exist peacefully according to the principles of social justice and reconciliation and mainly based on what I have learned from living with St'át'imc people. It also addresses some of the challenging and meaningful ways this research was shaped initially and looks at some of the possible implications of this project and possibilities for future research. For the next chapters I hope to further develop a non-normative and non-essentializing account that both, serves to critically illuminate the contemporary title and rights discourses in Canada and to join the general movement for more holistic evidence, understanding and recognition of title and rights. I feel it is important to acknowledge that I am aware of the power and the potential of the way in which my ethnography may be mobilized within and outside of the academic context.

My writing is not driving at being ‘evidence’ for the recognition of title and rights *per se* but more an account that seeks to expand what is currently and unjustly considered ‘evidence’ for lived experience and cultural practice of First Nations in Canada.^{6 7}

⁶ This MA thesis research has been approved by the Human Research Ethics Board of the University of Victoria (Protocol Number 11-188).

⁷ In this thesis I will be using the (hopefully non-derogatory) terms ‘First Nations’ and ‘Aboriginal’ synonymously as they are widely used to denote diverse groups in a Canadian context. This will also be the case for ‘Indigenous’ unless I specify that I am referring to a larger, wider and more global context.

Chapter 2 –‘The Other’/Myself, Relationality, Collaboration, Learning the St’át’imc Way of Life and Becoming Enskilled: Methodology

For my MA research I have returned to St’át’imc Territory for my ethnographic fieldwork May-October 2011, two years after completion of my undergraduate research in the summer of 2009. The time between my research was, however, marked by numerous ongoing conversations, social connections and friendships with many St’át’imc people. In the summer of 2010, when I began my graduate studies at the University of Victoria and the Department of Anthropology, I met with many *Tsal’álh* community members and St’át’imc people from all over the territory at a community event, a loonie auction, that was held at *Sk’il* Mountain School to raise money for the 2011 annual St’át’imc Gathering. It was here that I was able to consult with community members about how my research project could become genuinely collaborative. Essentially, this opportunity allowed me to begin negotiating how I could base my research within the framework of the important St’át’imc ‘ethic of sharing’ that revolves around respect and reciprocity and how I could become truly ‘useful’ as Elders always say (for example pers. comm. Elder Clara Shields, August 2009). Many community members and friends agreed that research focused on St’át’imc Title and Rights and St’át’imc territorial governance, especially around the example of hydro-electric development and the 2011 St’át’imc Hydro Agreement, would be useful and welcome as long as it was done respectfully and was designed to educate.

Throughout my preparation research phase, when asking Elders directly about what kind of research activities and questions they would like to see me to engage in, I received more or less elaborate answers as ‘stories’. This form of teaching was still fairly new to me but in retrospect it was very effective. Essentially, it is a way of instructing me that continuously teaches me mindfulness and that informs my entire research, writing and dissemination process. Stories

included accounts of misconduct of former researchers, misrepresentations and accounts of ‘Othering’ of St’át’imc people often according to some social evolutionist hierarchy or progressive developmentalism, biopiracy and theft of St’át’imc knowledge, a lack of empathy by the researchers, and, crucially, no adequate reciprocity. Thereby, Elders were pointing to the colonial legacy of anthropology, asking me to become fully aware of this and told me that if I aimed to do research ethically and with St’át’imc, that I should find ways to do things differently. They were referring to what anthropologist James Clifford (2004: 5) has eloquently captured with the following words:

The ambivalent legacy of anthropologists’ relations with local communities presents contemporary researchers with both obstacles and opportunities. No longer justifiable by assumptions of free scientific access and interpersonal rapport, research increasingly calls for explicit contract agreements and negotiated reciprocities. The complex, unfinished colonial entanglements of anthropology and Native communities are being undone and rewoven, and even the most severe indigenous critics of anthropology recognize the potential for alliances when they are based on shared resources, repositioned indigenous and academic authorities, and relations of genuine respect.

The following pages contain a few telling examples of how I negotiated and practise(d) respect, reciprocity and sharing within the intricate meshwork of my social relations in the field.

In May 2011, I moved into my friend and host William Alexander’s, ‘BJ’s’, spacious house in *Skagiet*, Spider Creek, Seton Portage which is located in between Seton and Anderson Lake and close to the BC Hydro generating facilities at Seton Lake. I was able to be there for the 2011 annual St’át’imc Gathering (see Figure 4) that is held in different communities every year with the objective of ‘bringing back traditions’ and to calling on the ‘Spirit of the People’.



Figure 4: 2011 St'át'imc Gathering Images including 'descendant lists' for people to add their names if related to the signatory Chiefs of the Declaration of the Lillooet Tribe 1911; 100 gathered drums; Declaration wall hanging. Photographs taken by Sarah Moritz

In the words of Chief Garry John (May 2011): "Hosting the gathering is a great opportunity. We feel we need to share what we have here in *Tsal'álh*. This is an acknowledgement of our ancestors and the Declaration, an incredibly strong statement of our people practising their St'át'imc Title and Rights."

Thus, the year of 2011 was special with the 100-year celebration of the *Declaration of the Lillooet Tribe 1911-2011* and the planned signing of the Hydro Agreement. In the words of Elder Clara Shields (St'át'imc Gathering brochure, May 2011) the gathering was held "in celebration and thanks giving of the signing of the Declaration by the Chiefs of St'át'imc Territory (...). As their descendants we will continue their efforts by working together as individuals, family

members, community members and St'át'imc at large. In the hands of the people, "Together is Better".

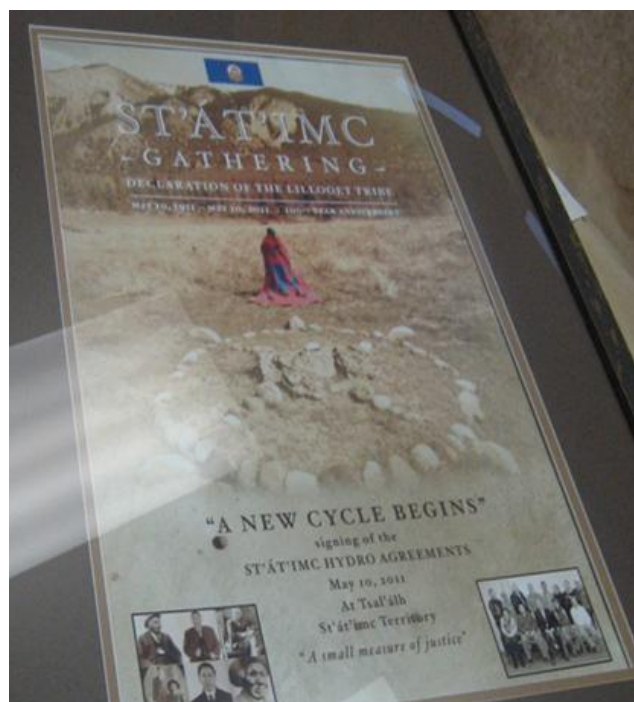


Figure 5: 2011 St'át'imc Gathering Poster. Text includes: The Declaration of the Lillooet Tribe, "A New Cycle Begins" signing of the St'át'imc Hydro Agreement May 10th 2011 in Tsal'álh, St'át'imc Territory. Photograph taken by Sarah Moritz

May 10th 2011 was a significant day for St'át'imc people, for me as 'newly (re-) integrated' observer and participant and visitors alike. Overall, the day was very memorable, moving and informative. To celebrate the 100 years of the Declaration, 100 drums were gathered in a circle (see Figure 5). The Declaration was read in full length and a 2011 commemorative Declaration that attests to the validity and continuous use was voiced loudly through the microphone. Many speeches were given regarding what it means to be St'át'imc and *Úcwalmicw*. Everyone who self-identified or was appointed by others as descendant of any of the signatory Chiefs of the Lillooet Tribe, was invited onto the stage to explain their relations to the Chiefs and their ancestry. A *Ts'kw'aylaxw* (Pavilion) community member (pers. comm., May 2011) expressed to me how astonished and moved she was because of the large number of people getting up to

gather on the stage to self-identify as St'át'imc descendants of the signatory Chiefs. On this day, many speeches were also given by St'át'imc people in honour of the ancestors and the St'át'imc principles that the Declaration conveys. BC Hydro representatives also came on stage to express their respect and acknowledgement of the gathering, congratulate St'át'imc people on the 100 years of the Declaration and the new agreement and speak about its importance for BC Hydro as part of the improving 'Aboriginal Relations' department and the overall 'new relationship with St'át'imc people'. In the words of one BC Hydro representative, (May 2011) "We're sincerely looking forward to a sustainable, meaningful, dialogical and productive new relationship with St'át'imc."



Figure 6: BC Hydro Tour. Photograph by Sarah Moritz

During the whole gathering BC Hydro offered a few tours with the 'Natural Resource Specialist and Environment and Social Issues' expert and the powerhouse manager, showing anyone interested what happens inside and around the facilities and explaining some of the environmental 'facts' relating to the impact that hydro-electric development has on Seton Lake, local fish habitats, salmon migration patterns and the Bridge River System. Together with a few

St'át'imc people from different communities, I attended one of the tours so that I could better understand the process of power generation (see Figure 6). Aside from giving information about the technical and engineering side of the facilities, potential employment and training opportunities especially for St'át'imc youth, environmental information was also shared and Seton Lake was emphasised as a 'functional ecosystem' *despite* hydro's impacts which seemingly upset a few St'át'imc people who have to face the longstanding detrimental effects BC Hydro has on the Valley, the water, the fish and the people.

Living on the Land and Becoming Useful, Integrated and Knowledgeable

Despite the fact that many anthropologists emphasise 'marginalisation' as inevitable, perhaps necessary fieldwork experience with the ethnographer as "naive stranger or marginal native" (Coffey 1999: 6; Lassiter 2009, 2005; Hammersley and Atkinson 1995; Van Maanen 2011), I agree with Coffey (1999: 20; cf. Ellis 2007) in her evocative account on researcher reflexivity that these descriptions of the researcher function as a "pedagogical simplifications and do not afford satisfactory accounts of research experiences" and "certainly do not do justice to the complex dualities of the research settings and the fieldworker self". Through my long-term involvement and practical engagement with many community members, especially my enrolment in the St'át'imcets language class, gardening in community and Elders' gardens, joining of hunting, fishing and gathering activities, involvement at gatherings and meetings, helping around funerals, working as a culture camp mentor (see Appendix 2 for my 2011 culture camp report), as proposal writer on the community job creation program (JCP) and, crucially, as a friend, I achieved integration into community life throughout my research. Importantly, this process of integration, observation and participation as part of my ethnographic research can be adequately described through the notions of "apprenticeship", "enskilment" and "learn[ing] to see anew"

(Grasseni 2008; Goulet 1998; Ingold 1993; Lee and Ingold 2006; Mauss 1979; Merleau-Ponty 2002; Okely 2008). For me, just like for Davies (1999: 54) who has been working collaboratively with many indigenous groups over many decades, “[l]earning was (...) informal and unsystematic” but required me to be open, flexible, ready to challenge my assumptions, habits and ways.

One of the main things I was invited to learn, for example, is that with any activity on the land it is appropriate ‘to make *plans as you go along*’ and not rigidly plan your day. Activities such as hunting, fishing, berry-picking or building of a shelter should be planned as day to day life unfolds (pers. comm. Rod Louie, May 2011; cf. Nuttall et al. 2004). With many of these activities you are at the mercy of the land, the changing seasons, the ways of the animals, the water, the wind, the weather and what the family or community needs or wants in terms of subsistence. As Nuttall et al. (2004: 650) emphasises, "(...) indigenous cultures have developed the capacity and flexibility to harvest a diversity of animal and plant species (...) [and] also shown resilience in the face of severe social, cultural, and economic change, particularly in the last 100 years.” In the words of Leroy Little Bear (2000: 78), “everything is constantly moving and changing” in indigenous philosophy, while “constant motion, as manifested in cyclical or repetitive patterns, emphasizes process as opposed to product. It results in a concept of time that is dynamic but without motion. Time is part of the constant flux but goes nowhere. Time just is.” The St’át’imc and thus my way of ‘planning’ of research activities was quite process-oriented, contextual and eminently place and activity-based.

Despite the variety of individual accounts and diverse interpretations that I obtained through the interview process and my interview questions, I agree with Davies (1999: 98) who notes in her discourse on ‘reflexive ethnography’ that interviews are not reflective of a social reality *per*

se. However, they provide a lens onto and completion of lived experience and help to highlight what is important and meaningful.

Throughout my fieldwork I was equipped with my camera, my audio recorder and my notebook for taking fieldnotes. I took notes during events and activities, especially, when topics, ideas and words were unfamiliar and I was certain I would not be able to remember accurately. Almost every evening I sat down by myself with my notebook to think about what had happened during the day, and I reflected on how I felt about the day's events, and what kinds of new questions had arisen that I could ask. On June 28th 2011, for example, I wrote in my notebook that: "Elder Desmond Peters Sr. noted to language class students that he helped to build BC Hydro's facilities in *Tsal'álh* (Seton), his home community, as he was employed as wage labourer in the 1960s. How was it for him to work for hydro? Back then? Now, in retrospect? Why did he do this? Must ask him about it!" According to Clifford (1990: 52) this moment during my fieldwork, the "turning *away* from dialogue and observation toward a separate place of writing", results in the Geertzian "thick description". Here, I disagree with Clifford (1990) as my ethnographic descriptions become "thick", contextual and analytic as I begin writing my ethnography and as I begin discussing my descriptions thematically.

Thus, in retrospect, in terms of taking notes in the field, I followed Okely's (2008: 56; Jackson 1990: 6) apt advice and wrote down information without any extensive social or moral judgments in a kind of "narrative stream" to achieve a more holistic and reflexive account of my fieldwork experience and to decide on 'relevance' and 'meaning' later. This way, I managed to and hope to continue to refrain from a rigid pre-determined research agenda or what Crapanzano (2010: 51) calls "the generalizing goal of the anthropologist (and at times that of his informants)" during the "[corrupted] immediacy, the spontaneity, the particularity of the encounter".



Figure 7: Fishing at Anderson Lake. Photograph by Sarah Moritz

Part of my integration involved joining those who were willing to take me on as an apprentice to go hunting, fishing (see Figure 7), berry-picking, and to identify and gather medicinal and edible plants such as *haqwa*, wild celery (see Figure 8).



Figure 8: Gathering and preparing haqwa, wild celery, to eat. Photograph by Sarah Moritz

Furthermore, my integration included being a culture camp mentor for youth (see Figure 9) and working on the JCP – Job Creation Program for members of Seton Lake Indian Band to receive

financial support from Service Canada and create meaningful jobs in the community as well as being a volunteer gardener in community and family gardens right behind my host BJ's house, in *Tsal'álh* and in Elder Albert Joseph's garden in *Xwisten*, Bridge River. The time spent gardening was a time spent telling and sharing stories, learning from each other and "giving back to the land" as Elders say.



Figure 9: Gathering plants and twigs for baskets at Sqayt Culture Camp July 2011. Photograph by K.L.

Furthermore I was invited along to the annual BC Hydro operations update hosted by St'át'imc Nation Hydro, Upper St'át'imc Fisheries meetings, Seton Lake Band community meetings, Independent Power Project (IPP) negotiations, an information-sharing meeting with a logging company and Hydro Agreement meetings with both, St'át'imc and BC Hydro representatives, which I will elaborate on in more detail further on in the thesis.

Thus, I found my field roles to be numerous: woman, friend, observer, learner, teacher, 'white' person, (language) student, gardener, kitchen helper, proposal writer, general writer, oral historian, author, interviewer, volunteer and guest. A number of people I only met briefly understood me as 'archaeologist' more so than sociocultural or environmental anthropologist

because they had some personal experience or encounters with archaeologists and excavations. A number of people shared experiences with me to do with archaeology that were quite negative, as they had to do with unethical conduct, modifications of local knowledge and oral history data, mis-representations and theories of St'át'imc people that offended and objectified people and were simply inadequate according to St'át'imc judgement. During a Seton Lake Band meeting I also learned that, to the joy of my social environment, a common title for me is 'French girl', because of my foreign accent. Speaking about my ancestors who were dispossessed and oppressed fishers resonated with many St'át'imc and functioned to create yet another 'shared' experience, one of mutual recognition and understanding.

Becoming 'useful' simultaneously meant becoming integrated and becoming knowledgeable of the St'át'imc way of life in the face of hydro-electric development.⁸ The next examples will show how I reflexively negotiated and applied ethics on-the-ground and highlight the challenges I faced during the fieldwork process because, after all, no formal code or guidelines of ethics could fully prepare me for what it means to conduct research ethically (cf. Meskell and Pels 2005).

Our Stories are Written on the Land: Learning St'át'imc Oral History, Conducting Interviews and Being Ethical

Anthropologists Julie Cruikshank (1990; 2005) and Keith Basso (1996), through their vivid descriptions of learning about the land, emphasise that ethnographers should be prepared and willing to listen to their indigenous mentors who share their experiences and their land, so that they may come to a better understanding of how the land is understood differently, frequently as sentient and socially interactive (in Wishart 2004: 85). Thus, it is not only that anthropologists

⁸ Another critical step for my research to be considered ethical was to obtain the "Ethics Approval for Human Participant Research" by the university's Human Research Ethics Board.

must be prepared to *listen for* stories but also that they must allow a great deal of methodological freedom so that their teachers share with them what they know through a process that is meaningful to them (pers. comm. Cruikshank 2011; Wishart 2004: 85). In one of her recent works, Cruikshank (2005; see Ingold 1993; Descola 1996) provides telling examples of how anthropologists, in their descriptions, methodologies and theories, may overcome such prevalent Cartesian nature-culture dichotomy when she brilliantly contrasts the Western separation between natural and social phenomena with the views of many Indigenous peoples, who eloquently and persistently focus on their “unique entanglements”.

This is to illustrate that sharing and reciprocity form essential part of my and other researchers’ methodologies. Discourses on “sharing” among ethnographers and social scientists over the last few decades have been rich and informative. In his influential comparative account titled *Essay sur le don or The Gift: Forms and Reason for Exchange in Archaic Societies*, Marcel Mauss (1966) concludes that “[if] one gives things and returns them, it is because one is giving and returning ‘respects’ – we still say ‘courtesies’ (...) [y]et it is also because one ‘owes’ *oneself* – one’s person and one’s goods – to others.” Thus, the giving of gifts, sharing and reciprocity result in collaborative, agentic and morally imbued social ties.

Before beginning my research, during and after my ethnographic fieldwork, a few key questions, mostly in line with the current AAA Code of Ethics (1998) that I ask(ed) myself included: How do my research methods allow for a respectful and critical relationships between myself and the topic of ‘St’át’imc self-determination in the face of hydro-electric development?’ How do my ethnographic methods enable respectful and beneficial relationships between myself and my participants, community members mainly from Upper St’át’imc Territory? What can I contribute and give back to the relationship(s)? Is the sharing and learning based on reciprocity? Is it ‘collaborative’ and communal? With those questions came a highly reflexive awareness for

me that who I am, what I do, the kinds of questions I choose to ask and the ones I do not ask will determine what I gather in the field, what will be shared with me and what, consequently, I deem 'valuable' and 'significant' enough to be written up as notes and then in academic or non-academic form. Thus, to borrow from Asch (2001: 201), it was clear to me that "[o]ur agency, our voice is present in all choices, even the choice not to assert it."⁹ This will be further reflected on in the final chapter of the thesis.

Over the course of my fieldwork period I conducted twenty-one semi-structured interviews with seven Elders, eleven St'át'imc middle-aged community members, two BC Hydro representatives and one scientist/environmentalist in the area, which lasted between 30 minutes and one hour, respectively. Interview locations included the Seton Lake Band Office, the Lillooet Tribal Council, private residences, my place of residence in Spider Creek and the BC Hydro Office in *Tsal'álh*. Generally, interview questions for St'át'imc people included questions on individual and collective history, St'át'imc knowledge of the land, St'át'imc Title and Rights, the *Declaration of the Lillooet Tribe 1911*, BC Hydro's presence on the land, St'át'imc territorial governance, the Hydro Agreement, notions of 'consultation and accommodation', sharing, subsistence and economic development. Questions for BC Hydro representatives included, for example, questions on the Hydro Agreement, understanding of St'át'imc Title and Rights, understanding of St'át'imc territorial governance processes, the *Declaration of the Lillooet Tribe 1911*, collaboration and shared decision-making.

Essentially, these interviews were "formally bracketed, and set off in time and space as something different from usual social interaction" (Davies 1999: 94). As such, the interviews

⁹ In this regard, Rabinow (2003: 36) cites Max Weber to note that "All knowledge of cultural reality (...) is always knowledge *from particular points of view*." Thus the methodology is hermeneutic, but it is neither totalizing nor transhistorical. For Weber, both the object of understanding and the subject of understanding are historically situated and "in question".

provided each of my interviewees with a unique time and space to concentrate on topics I provided, focus their thoughts on something very specific and share with me what they felt was important or adequate (see Appendix 3 for a sample interview excerpt with *Xaxli'p* Chief Art Adolph). Obtaining informed consent from my participants revealed itself as the most straightforward part of every interview. Negotiating ongoing informed consent and making sure that my informants consent with how I use data remains critically important as I complete my thesis. However, it is important to note that these interviews were usually embedded within community activities and more conventional participant observation including trips with community members and Elders, gardening, fishing, hunting, attending gatherings, and other significant events. As such the interviews formed part of a much more complete experience afforded by living in the communities.

The interviews I conducted with BC Hydro's representatives seemed remarkably distinct. While my St'át'imc interview partners made use of many silences and used the interview time to share with me what they felt was important, BC Hydro interviewees were genuine and politely tried to answer all my questions while they seemed to feel compelled to be highly strategic about their answers, cautious about passing on knowledge they felt was too confidential and were much less exploratory than many of St'át'imc interviewees. During one of the two interviews I felt that my BC Hydro interview partner, Al Boldt, Manager, Grievances, Negotiations and Research Records, Aboriginal Relations, for example, associated me and conflated me with what he deemed to be the "St'át'imc side". During the other interview my interviewee expressed appreciation of me being a form of potential, maybe actual 'mediator' who understands both codes, that of Western science and that of St'át'imc knowledge. During the first interview (July 2011) Al Boldt also asked me to reflect on my motivation for doing this research which I appreciated as an invitation to clarify my researcher role(s) and ethical conduct to him. "No", I

added jokingly, “I’m not planning to bring BC Hydro to court. I’m aware that BC Hydro solves all its grievances and conflicts outside the court room!” It seemed to me that while my St’át’imc interviewees spoke about things contextually as part of their ‘life’ and ‘culture’, my BC Hydro interviewees mostly descriptively spoke about what is involved in their ‘job’ and ‘work’. Both groups, however, spent quite some time sharing their genuine perspectives on colonialism.

One of the key realisations I made during interviewing was that the experience of being interviewed and the responses seemed to be more pleasant and productive for people once I included specific questions on my interviewee’s knowledge, for instance, on land-based activities, politics, language and family history which was based on our social relationship and my increasing knowledge of them as individual community members with certain roles. Specifically, this form of flexible interviewing suited people who were experts in one particular activity such as fishing (Elder Desmond Peters Sr., etc.), plant knowledge (Elder Lillian Link, etc.) or leadership (Chief Art Adolph, Garry John, Bradley Jack, Saul Terry, Mike Leach, Rodney Louie, etc.). The following example illustrates how I adjusted my questions to respond to what my interviewee, a St’át’imc Elder (Interview July 2011), shared with me:

S: How did fishing and hunting change [because of hydro]?

E: (...). Very few went down to fish camp. (...) For a lot of the people my age, their language was *Úcwalmicw*. When they came out residential school, they couldn’t speak their language. They could understand but not speak because of the abuse they experienced. The ones who stayed home tried to keep the language alive. Today they’re butchering our language. Not pronounce the right way.

S: My next question is about ‘knowledge’ – could you define ‘St’át’imc Ecological Knowledge’ for me. I know some people prefer ‘St’át’imc Knowledge’ How did it change over time?

E: I guess people are talking about ‘plants’. How did I get to know plants and medicine? And I would just say that I grew up with it. It was there. My grandparents always had it in

the house and it was always hanging on the wall or in a bag somewhere. Granny always had a tea of some kind on the stove, you know. It was always there.

As I was growing up I went out with the older boys and they'd show us what was edible out there: You know, this is what this is and this is what that is. And when we went out hunting with uncle of father or grandfather, they would show us too, what else was good to eat. The name of everything, how to use it, how to put it away. That went along with the hunting and the fishing. We were out there when we very small and lived according to a kind of 'St'át'imc calendar' of the land [points outside towards Seton Lake]. We were shown how to do it. How to do it properly. So it was always with us. It was passed down as they say. It was passed down through the age.

There was a time where everything was kind of stopped. We blame the alcohol for a lot of that and later on the drugs. Everything stopped – the knowledge wasn't passed on. And our language. The young people don't understand what we're saying when we're talking to them in Indian because none of them heard. It wasn't spoken to them as they were growing up. They weren't shown what the plants were. A lot of them don't know the difference between a fir and a cedar or an alder or a birch. To them a tree is a tree and a tree.

S: What is the 'St'át'imc Calendar'?

E: It is Seasonal. (...) *Qwalilhkalapha* - the month, the berries are ripe. There's certain times of the year, a certain plant is ripe. When *tswan* berries are ripe, it's time to leave the *Zumaka* alone, the spring salmon, let them spawn. Grasshopper and the salmon are in. The indicators are more like a use calendar. You don't set the time, like July 15th. It's a whole cycle that's coming. It's happening. (...) The bullhead species. Now the bull frog is coming along. That's coming along and invading. A lot of it goes back to the pesticides that were used by hydro.

Upon completion of the interview, this Elder emphasised that he does not allow many people to interview him like this because of a fear of biopiracy, theft of local knowledge and failed reciprocity. However, he added that I remind him of a *Sama7*, a white person, a daughter he once had, that he enjoyed speaking about these important St'át'imc issues with me and that he is glad that I am learning the language. Thus, in a shared effort, my interviewee and I learned different perspectives and found new meanings in what the other said, which can be understood as an example of the productive effects of interviews (Yow 2005: 178).

A second important and anticipated realisation evolved around me grasping that despite the fact that many people agreed to being interviewed, important local knowledge was passed on to me during conversations, trips onto the land, during meetings, in my language class and during every day, embodied activities that require skills. Based on this and some of the past experiences that I had living with St'át'imc people, it took me only a little while to comprehend that most St'át'imc preferred other verbal and non-verbal ways of communicating which they initiated themselves, in ways which I did not impose onto them through my reliance on conventional interview techniques (Briggs 1986). From then on, whatever St'át'imc people shared with me and taught me, mainly outside of the formalized interview setting, seemed genuinely 'their way' of interacting with me. For example, I attempted to set up an interview with highly respected Elders Alice Oleman and Lillian Link in their homes to learn more St'át'imcets words, St'át'imc history, what St'át'imc Title and Rights are to them and to be instructed on their views of BC Hydro's presence on the land.

During my visit in Alice Oleman and Lillian Link's home in *Tsal'álh*, they sat quietly in their big arm chairs looking and smiling at me at times, and then gazing through the wide south-facing windows onto Seton Lake or Mission Mountain. Although Lillian would sometimes comment on the gardens that she and her neighbours used to plant and harvest, it seemed that perhaps being inside did not provide the adequate context and inspiration for talking in depth about her experiences on the land. However, when I was accompanied by Alice and Lillian on a trip to the areas around Seton and Anderson Lake, vivid details about various places, names, activities, fishing, berry-picking, trails, animals, plants, ancient settlements and stories about neighbouring Tsilhqot'in peoples were recalled and explained to me in great depth. Alice, Lillian and others have taught me what Briggs (1986: 29-30; cf. Asch 2001; Davies 1999: 94) alerts interviewers to consider: the ineptness of my interview techniques with the local system of "meta-

communication”. A lot of what I could learn from them during my fieldwork contributes to my understanding of the land as so many activities and conversations I shared with them derived from, was imbued in or focused on issues to do with the land such as ancestral hunting and trapping trails, berry patches, spiritual sites and fishing grounds. According to French philosopher Levinas (in Critchley 1999: 5) ethics is a demand for “alterity” and a criticism “of the ego that seeks to reduce all otherness to itself”. Thus, becoming aware of my well-intentioned, yet not always successful attempts to impose my own cultural customs onto Elders and community members, Alice and Lillian in this example, allowed me to gain a genuine understanding of cultural differences, and pursue my research ethically. It also allows of a self-conscious ethnography and ‘ethnographic authority’ to borrow from Clifford (1983: 119).



Figure 10: A trip to Tswúkwsam "look upwards" or "Leon's Creek" with Elders. Photograph by Sarah Moritz

Throughout my fieldwork I invited Elders to show me ‘places of significance’ and termed it with the words ‘places that are important to you’. One of these trips led Elder *Xwisten* Albert Joseph, *Ts'kw'aylaxw* Desmond Peters Sr. and myself along the mighty *Satáqwa7*, “big drainage (into the ocean)” or Fraser River, to *Tswúkwsam* “look upwards” or “Leon’s Creek” (see Figure

10). As we were walking around and ‘sensing’ the place around us, the two Elders shared essential parts of their life history with me and said that this place features prominently in it for its spiritual value and its connection to ancestors, mainly through many deserted pit house sites. By showing me an abandoned mine and work camp, they reflected on how it also has become a contested place over time, one which St’át’imc, mining companies, foreign workers, private ranchers, loggers and hydro were fighting about. In memory, they took me back with them in time to talk about all the activities they used to do here, especially those related to hunting and fishing. Essentially, as I will emphasise in the following chapters, the Elders were remembering and expressing these cultural practices to teach me about the holism, the uniquely local nature and the lived experience inherent in St’át’imc Title and Rights.

Also, throughout the interviewing process, it became remarkably obvious to me that one of the key topics St’át’imc people were interested in, enjoyed speaking about and often felt the need to learn more about was the *Declaration of the Lillooet Tribe 1911*. SCC Chief Mike Leach (pers. comm. July 2012) explained that there is a need for ‘revitalization’ of the document that as part of a broader St’át’imc cultural revitalization process. While driving down Texas Creek Road in late September 2011 with a spectacular view ahead of the *Satáqwa*⁷, sparkling in the sun, I passed by some deserted fish camps after a busy fishing season. As I saw all of this, I began to recall the words that were just shared with me by Grand Chief Saul Terry on the *Declaration of the Lillooet Tribe 1911* during our interview. These words, along with the landscape beyond the confines of my vehicle made me think about how all of these distinct individual accounts combined would be an excellent educational tool for St’át’imc people and anyone interested in learning about the history and ongoing relevance. I began sharing my thoughts with close friends people in the communities more broadly and found that many people thought that this form of writing would actually be something they would read, enjoy and use as opposed to a lengthy and

strictly academic document that is complex and often “makes one feel rather stupid” due to an abundance of jargon (pers. comm. Elder September 2011). Thus, in the fall, I decided to include this in my ethnographic writing process.

Essentially, being able to document so many St’át’imc voices on the past, present and future importance of this document and capturing the ‘stubborn particulars’ of St’át’imc voice became an intense and meaningful learning experience, an honour and an ethical tool for direct reciprocity and collaboration (cf. Cruikshank 2005). “*Ama*, this is good. This is from St’át’imc for St’át’imc,” expressed one Elder to me in agreement (pers. comm. September 2011).

Together with this Elder I would like to think that this example is reflective of a research methodology that is based on a relational St’át’imc ontology and epistemology, one in which St’át’imc stories are written (back) onto the land and are always in “unique entanglements of culture and nature, humans and landscapes, objects and their makers” (Cruikshank 2005: 259). As such, my research follows what Willson (2008: 77) terms “relational accountability” in his thoughts on indigenous research methodologies and axiologies. Despite the Elder’s understandable fear regarding being patronized, essentialized and denounced by academic writing, a number of St’át’imc people whom I have regular contact with had communicated their interest in reading and evaluating a finished MA thesis on the topic and having dialogues and important conversations throughout my writing process whether through drafts that I send them or specific ideas that I communicate which we discuss. Many questions that I have and had so far were to clarify details. Providing ‘writing in progress’ is done in addition to providing all interview material, and any writing I will produce that is based on my research. Upon completion, I will provide copies of written work to participants, the Lillooet Tribal Council, St’át’imc Government Services (SGS), all communities and their band offices that I have worked

with. As such, my methodology follows Lassiter's (2001; 2005) call to "collaborative ethnography" and provides an adequate answer to the following critical question:

Can the disparity between the academy and the communities in which we work be narrowed further through ethnographic practice and writing? Given our understanding of the politics of ethnography from the field to the final text (...), newly emergent questions thus follow: If we take the dialogic metaphor of "reading alongside the natives" to its next logical step, beyond its representational role to the use of dialogue in the actual practice of writing, then what happens when we collaboratively read and interpret the ethnographic text alongside our consultants as it develops - not just sitting down to verify quotes, for example (which is merely bureaucratic), but using the developing text as the centerpiece of evolving ongoing conversation? (Lassiter 2001: 139)

Thus, I returned to St'át'imc Territory in early summer 2012 in order to discuss and go through the thesis draft with a number of interested St'át'imc people whom I had worked with. I took the opportunity to look at quotes, images and overall themes with the community members who positively replied, felt invited to re-tell stories, share new stories and confirmed my writing is acceptable and representative of St'át'imc perspectives.

One of the methodological strengths of contemporary anthropology is that it takes oral traditions seriously and promotes an understanding of cultural meanings not as static objects of inquiry but as something that must always be studied in their practical forms. Oral traditions are now understood as "coherent, open-ended system for constructing and transmitting knowledge", embracing "subjective experience" which shall therefore not be analysed through positivistic terms (Cruikshank 1994: 405; cf. Jackson 2002; Palmer 2005) and which possess a critical 'performative quality' that must be taken into account when evaluated (cf. Finnegan 1992).

Thus, a critical element to my methodology in the field was improving my limited St'át'imcets language skills by taking two language classes with Elders and by using and clarifying words during everyday activities and at culture camp to be increasingly better equipped for the task of understanding St'át'imc oral history (see Figure 11). A prime lesson for me was to become an

attentive listener who speaks from the “heart and mouth” and not from “paper” (pers. comm. Elder Desmond Peters Sr., June 2011). My teachers asked me kindly to always look at them when teaching me new words. It seemed to me that they asked me to be prepared for a new kind of memory in which I do not need to prepare myself for (public) speaking but where speaking helps me highlight what I *know* and feel is important. I was invited to comprehend that, frequently, St’át’imc words are about doing things on the land, with people, animals and technologies.



Figure 11: St’át’imcets 110 Language Class May-June 2011. Photographs by Sarah Moritz

Topics for the language class were inspired by St’át’imc history, subsistence activities on the land, St’át’imc Title and Rights and St’át’imc stories. Words were about about flint knapping; seasons and subsistence; nomadic way of life; plant and animal names; words for fishing; hunting terms; place names; landmarks and trails; distinctions between Upper and Lower St’át’imcets dialects; St’át’imc community names; formal and public speaking; and St’át’imc stories documented in both, St’át’imcets and English. Learning the language brought me a lot of joy, and acknowledgement by my fellow language students and teachers as a researcher. Furthermore, it

better equipped me to understand Elders' oral history accounts, to initiate dialogues with others and constructively contribute to a language revitalization meeting in *Lil'wat*, Mount Currie, where a 20-year revitalization plan was discussed.

De Certeau (1984) aptly notes that the key function of narrative is one of authorizing, founding, and setting in place ways of experiencing the world. Similarly, Benjamin (1968: 86-87) claims that storytelling relates to the "ability to exchange experiences". Cruikshank and Argounova (2000: 113-114), however, find an overwhelmingly "creative energy" among local people engaging in "local countermemory" and using material representations and indigenous storytelling and epic traditions to "dismantle the master narratives of the Soviet empire" and to create local accounts of ongoing resistance. Narrative and the self are inextricably entangled in that stories are both, born out of lived experience and give rise to (new) experiences (Ochs and Capps 1996: 20). Storytelling provides tellers with a possibility to make meaning of and "impose order on otherwise disconnected events, and to create continuity between past, present, and imagined worlds" (Ochs and Capps 1996: *ibid.*; cf. Basso 1996). Following environmental historian Cronon (1992: 1349) my own scholarly and methodological role included just the same mechanism of ordering and ascribing meaning to the stories I learned through ethnographic research and thus pass on to others. Jackson (2002: 11; cf. Climo and Cattell 2002) provides yet another useful anthropological notion of narrative which is inspired by political philosopher Hannah Arendt's view (1958; 1998) of storytelling as "never simply a matter of creating either personal or social meanings, but an aspect of the "subject in-between" in which a multiplicity of private and public interests are always problematically in play". As such, my research fits with Gupta and Ferguson's (1997: 36; cf. Escobar 1991; cf. Fabian 1983) emphasis on the strengths of the ethnographic fieldwork tradition as it functions against ethnocentric points of view, the creation of an exoticized and 'primitive Other' which is denied "coevalness" as it promotes a

“detailed and intimate knowledge of economically and politically marginalized places, histories, and social locations” – highlighting the impacts of dispossession and marginalization St’át’imc people are experiencing through hydro-electric development and government’s ongoing insistence on jurisdictional sovereignty.

Particular ethical considerations and an unexpected challenging form of self-consciousness arose for me around Hydro Agreement, my documentation of views on and knowledge of the agreement and the negotiation processes. These considerations arose specifically through a political division between St’át’imc people in support of and those against the agreement. My fieldwork objective was to be holistic and my goal was to capture as many St’át’imc voices as possible, with the caveat that I have received people’s prior informed consent. Although many of my friends and acquaintances were part of the negotiations and were involved in the agreement procedures, I also had the chance to speak to a few people who self-identified as part of the ‘No Coalition’, a group of people who were in opposition to the Hydro Agreement. To me and others, they voiced a general discontent concerning the agreement’s content and the processes around it. As part of the opposition, the group sought a court injunction, which was later legally rejected in court. Furthermore, from speaking to members of the group I learned that there is an understanding in regards to the content that signing this agreement is about ‘extinguishing’ St’át’imc Title and Rights, signing away rights to protest against and block BC Hydro’s operations in the territory, and, with a ratified agreement, preventing themselves from decolonizing the Valley by removing BC Hydro and its facilities completely to achieve ‘justice’ (pers. comm. NC member May 2011). Notably, members of the group self-identified as *Úcwalmicw-ul*, the ‘real people of the land’ to poignantly distinguish themselves from anyone in support of the agreement and to the discontent of many people who understand themselves as *Úcwalmicw* and St’át’imc.

Thus, after speaking with members of the No Coalition I was asked by friends and acquaintances who are in support of or impartial to the agreement why I am learning from the No Coalition members and how this affects my overall opinion on the agreement and current St'át'imc governance processes. In my fieldnotes (September 2011), I self-consciously noted that this question is probably the most challenging and complex question I have encountered during my fieldwork so far. It made me contemplate the ethical, professional and personal implications of my potential reply, or any reply, on others and my role as ethnographer researching this highly political and contentious topic. In retrospect, my answer was genuine, honest and straightforward: "As researcher I'm interested in *all* St'át'imc voices and do not prioritise whom to talk to or not, as my objective is to be comparative and in line with anthropology's commitment to holism." Essentially, my response and the way I positioned myself as researcher follow's Asch's (2001: 204) principles for applied anthropologists trying to find a 'place to stand' in that,

I support the position taken by First Nations. But I would not support First Nations, whatever position they take, nor oppose Canada on that same basis. I do not support one group or the other. I support the position of First Nations because it is based on an approach (...) which I believe enhances the possibilities for justice. Were positions to change, so too might my support. This is what I understand it means to take Chomsky's position on power and justice over that of Foucault.

Chomsky's conclusion is that the "the goal of a social struggle, to be worthy of support, must be *to further the ends of justice*." (in Asch 2001: 203, emphasis added). As such, the goal of my research, when documenting different St'át'imc voices on the notion of 'justice', and that of St'át'imc people involved in the social and political struggles to increase St'át'imc territorial governance, becomes that of furthering 'justice' and finding a respectful middle ground between St'át'imc, BC Hydro, the Province of BC and myself.

As part of the Hydro Agreement relations, I was part of two distinct meetings in which BC Hydro representatives were 'taken onto the land'. Trips onto the land included one to historical

Tl'átl'lh, Keatly Creek, an unusually large prehistoric *S7istken* (pit house) village site located on the terraces of the Fraser River and the *Xwisten* Experience tour along the Fraser River, a tour of the traditional fishing grounds that teaches knowledge on fish, fishing, especially on how to wind-dry salmon. Essentially, BC Hydro representatives were explained some St'át'imc history through visiting these sites and were given a glimpse of what "it means to be St'át'imc" and to hold title to land and rights that derive from being *Úcwalmicw*.

Thus, in conclusion, almost all St'át'imc people I was able to conduct research with have generously provided me with great guidance and feedback 'as we went along' and as they let me fully participate in and become part of *living culturally*. They defined and continue to define my role as an ethnographer and anthropologist with me. I understand that being encouraged to come back for my doctoral studies by some St'át'imc people and staying involved as writer and consultant researcher on constitutional development, governance processes, and community planning processes, is a sign that myself and my research is useful, welcome, ethical and serves to advance what many St'át'imc people currently call a (small) 'measure of justice'.

Chapter 3 – ‘These are Our Fish and We’re Still Here!’: Transformations of the Valley of Plenty

Glistening currents flow through a narrow and winding riverbed, sometimes lapping gently, sometimes surging turbulently amongst the rocks and boulders. The water here often glows with bright red and green colours when sockeye salmon journey up river to spawn. Framed by a steep, majestic mountain range, at times canyon, at times covered with forests, the river will eventually flow into *Sat'áqwa*, the Fraser River, right down at the fish rocks, which on the west side of the river are mainly used by *Xwisten*, *Xaxli'p* and *Lil'wat* communities while the east side of the river is mainly used by *Tsal'álh*, *Ts'kw'aylaxw* and other communities to fish. The river, the valley and the community are all known as “Bridge River”. The river drains the East slope of the Coastal Mountains and used to be one of the Fraser River’s most historic tributaries until BC Hydro flooded the area. Before the flooding, however, the valley itself was called “Valley of Plenty” by many St’át’imc people who gave it this name because of the remarkable abundance of fish, wildlife, plants, berries, St’át’imc village sites and settlements in the area which allowed all people to ‘live off the land’. The flooding allowed BC Hydro to establish the Bridge River hydro-electric complex, which consists of three dams. The complex collects and stores water from Bridge River to supply four generating stations that generate electricity. Hydro-electric development of the system began in 1927 and was completed in 1960. Its waters, channelled into Downton Reservoir, initially pass through the Lajoie Dam and powerhouse and are then diverted through tunnels and penstocks from Carpenter Reservoir to two powerhouses at Seton Lake. Finally, the water flows from Seton Lake, through the Seton Powerhouse and into the Fraser River. BC Hydro seasonally changes water levels on these reservoirs. The lower Bridge River has been regulated since the installation of Terzaghi Dam in 1948, which left a section of dry

riverbed until an out-of-court settlement between BC Hydro and Federal and Provincial Fisheries regulatory agencies resulted in the required experimental discharge of 3 m³/s below Terzaghi Dam in 2000. However, life in the valley, for fish, people, plants, wildlife has suffered and changed significantly due to the extensive environmental impacts that have resulted from these developments.

In the years that followed BC Hydro's establishment in the area, many Upper St'át'imc worked in mines along the Fraser and upper Bridge River. During this period, Chief Hunter Jack or "In-Kick-tee", chief of today's *N'Quatqua* and Seton Lake Bands, exerted considerable control over this area. Chief Hunter Jack was the recognized leader of this hunting territory, and was guide-outfitter and canoe-ferry guide for many non-St'át'imc prospectors and visitors (Smith 1998: 35). St'át'imc legends hold that Coyote, the great trickster, along with the other Transformers, created the ancient land "St'át'imc" (pers. comm. Chief Art Adolph, September 2011). One famous St'át'imc legend tells how Coyote shaped the rock ledges where the Bridge River flows into the Fraser, including all fishing rocks at Six Mile Rapids (Figure 12). *Sxetl'* is frequently translated as "drop-off" by people such as well-respected Elder Sam Mitchell (Hayden 1992). Despite this common definition, Teit (n.d.) translated *Sxetl'* as "taking out" or "coming out". Crucially, on September 1st, 1881, the "Bridge River Indians" were allotted the "exclusive right of salmon fishing on both sides of the Fraser River from ½ mile south of Bridge River, upstream to the Fountain Indians' fishery" (Indian Reserve Commission 1881; Book 22: 58 in Hayden 1992). Thus the entire *Sxetl'* fishery was allotted for the Bridge River people.



Figure 12: Bridge River - Fraser River Confluence. *Sxetl'* (shh-k-ettl). Photograph by Sarah Moritz

It was an extraordinarily hot day during the last week of July, the first week of St'át'imc fish camp, just a week before several fish runs were at their peak, when Desmond Peters Sr and I went on a long journey together, simultaneously, through St'át'imc Territory and St'át'imc history. Throughout the trip, we stopped at places which Desmond considered culturally and historically significant, places which he deemed appropriate teaching grounds for me to learn about the St'át'imc experience with hydro and, importantly, that were meaningful to himself and his family, to St'át'imc people in general and that were frequently the most contested between different groups. The first stop, which Desmond initiated, was brief and memorable: a quick reminder of the historic significance of Keatley Creek and all its *S7istkens* (pit house sites). Facing *Xaxli'p* southeast, Desmond pointed to the right, down along the Fraser between *Ts'kw'aylaxw* and *Xaxli'p* to show that this is the place where the river's gorge is at its deepest. He showed me where the river runs through several narrow gorges that are flanked by steep cliffs

and framed by wide benchlands, and golden fields that are home to numerous sagebrushes, ranches and agriculturally land used by St'át'imc people in the past. On the other side, to Desmond's left, BC rail railway tracks find their way alongside the dramatic canyon and, to borrow directly from Desmond, 'leave a significant scar' on the mountain just like the old rough logging roads on the opposite side of the Fraser. Coming through the town of Lillooet, Desmond directed my attention to the newly installed spawning channel at Cayoosh Creek flowing in from Seton Lake connecting to the Fraser, an attempt to restore fish habitat that was destroyed as a result of BC Hydro's activities on the lake. Following *Sat'áqwa*, the Fraser River, from *Ts'kw'aylaxw*, past *Xaxli'p* and *Sekw'el'wás* we passed by 'under the Old Bridge' where Desmond and his family fish during fishing season (see Figure 13). This would soon be a place for arduous activity of catching, cutting, gutting and wind-drying fish.



Figure 13: "Under the Old Bridge" Fish Camp of Elder Desmond Peters Sr and family. Photograph by Sarah Moritz



Figure 14: Fisher, Des Sr's granddaughter looking after *Tswan*, wind-dried fish, on the drying-rack under the Old Bridge. Photograph by Sarah Moritz

Although Desmond's family had close ties to *Xwisten* and had direct access to *Xwisten's* fish rocks at *Sxetl'*, 'under the Old Bridge', became a new valued fishing location after BC Hydro's construction led to the eviction from fishers at the end of Seton Lake (see Figure 14). In the words of William Alexander (pers. comm., July 2011), "most people from Seton and *Tsal'álh* fished at the end of [Seton] lake and all the families had cabins and racks there before hydro fucked up."



Figure 15: Fraser River Fish Camp, near *Sxettl'*. Photograph by Sarah Moritz

Many St'át'imc, including Desmond Sr, Elder Albert Joseph, Rod Louie, Garry John, Bradley Jack and *Xwisten's* councillor and fisheries expert (pers. comm., June-August 2011) Gerald Michel informed me, on multiple occasions, that fishing 'under the Old Bridge' and along the fish rocks has become a notorious struggle due to the Department of Fisheries and Ocean's (DFO) monitoring programs and the ongoing attempts to impose water management regimes. One of the most contentious issues for both, St'át'imc and the DFO, are "Aboriginal Communal Fishing Licenses", issued to specify designated fishing areas, species, times, methods and allocations. In doing so, the DFO, in a way endeavours to restrict and narrowly define longstanding cultural practices, trade networks and rights to the harvesting of "fish for food, social or ceremonial (FSC) purposes". Thus, the DFO justifies its whole licensing program in terms of "sustainable water use" which despite the resonance with the St'át'imc ethic sharing, stewardship and care for the land also significantly clashes because of the lack of meaningful

recognition of St'át'imc sovereignty and management systems over fish and waterways (pers. comm. Chief Bradley Jack, July 2011).

From conversations like the ones above, it became obvious that St'át'imc fishers such as Desmond are prepared to contest and resist any such regulatory system that is understood to impact the St'át'imc right to fish while St'át'imc people persistently advocate their own ways of sustainable fishing and water management. When I enquired about the licensing process during an interview (August 2011), Chief Bradley Jack burst out laughing and explained emphatically:

That's their process. If we recognise it we make it more enforceable but we send [the licenses] right back: thank you, but no thanks.

We make our own rules about where to fish, when to fish. We say when we fish. It's their process and I can understand that they need to do that. [They recognise the St'át'imc process] a little bit. They don't always agree. That's where the battle begins. Sometimes they do have to listen. They're forced to do it their way. This year they were trying to close [the fisheries] but we didn't close it so that's a little bit of a contentious issue. In the last how many years there haven't been any charges to affirm their so-called rights. It's always been ours.

Moving on along the Fraser River past Lillooet, Desmond and I stopped nearby *Sxetl'*, gazing onto the fish rocks and the confluence of Bridge River and the Fraser River to catch a glimpse of people preparing their camps for the busy fishing season ahead and to talk about the how the landscape and fishing had changed because of hydro-electric development (Figure 15). After taking in the view in front of us for a little while, Desmond began to narrate the following oral history account, as comprehensive and essential element to St'át'imc knowledge:

D: [pointing downwards to *Sxetl'*] See the people were fishing there back in time. It was easy.

S: How would it have looked like before the dam was built?

D: (...). The water got less through the diversion of the dam. It degraded the Chinook salmon because they didn't have a place to spawn and this was their major spawning river

before (...). Now it's mainly Sockeye. Just like I said before, that's all [St'át'imc] fished for [in the past], spring salmon. It was larger, bigger and more oil, more fish oil. You know when they [prepared] the fish, they took all the inners out and all they left was the fins, the head and the backbone. And there's [points to *Sxetl'*] where the spring salmon went up.

S: ...up Bridge River...?

D: 1948 before they built those [fish] ladders. When the water was lower, the fish would go upstream. They, [hydro], were going to build [a road] across there but Chief Sam Mitchell said no. Just like here, they built a road right in there and everybody had easy access in there. They built one on that side [points across Fraser to Pavilion side]. They just left a trail. But here you have a road right down to the ladders. For the salmon to go up.

See right now, the Coho is on the run. The Stuart Lake [run] is gone. Then, there is two types of spring salmon: the white meat and red meat, you know. And steelhead runs all year round. (...) Like all the other fish, every four years, they come. Like the pink salmon comes up every 4 years to spawn, goes through the lakes though, Seton and Anderson Lake.

Cayoosh, they made those artificial spawning grounds because it was destroyed by hydro, when the powerhouse was put there when they built the channel, and they did build some sort of waterways for them to get into the lake because they have control gates there and less of a waterway and they did build a tunnel through the hill there because they had to divert the water to be able to build a channel and all that. The diversion tunnel so they drained it all out so they drenched all that. In the past when you came from *Tsal'álh* on horseback you could ride across at the mouth of the lake.

S: How did the fishing change here over time because of hydro?

D: Well, this here [points at Fraser River fish camp] decreased the spring salmon and there was more demand for it in the past and the people seemed to be moved in due to the mode transportation changed from horses to motorized cars.

The people thought well, we have the right to fish and hunt and all the people in the outlying districts thought, well we have the right to hunt and fish but we didn't feel like it. So people from all over came and that changed because of hydro too because of the other dam in the Columbia River. When they did that and stopped the flooding and then the people flocked here from the Okanagan and the Kootenays and they were trying to dominate the fishing grounds. That's what hydro has done. So it increased. So in 1978 they restricted for the people in the surrounding areas not from the Kootenays or Kamloops or all over. It was just restricted to Lillooet people. And the chiefs did that themselves because they had to.

The fisheries, they come armed now and we know, the different, when the fish go through we know because of the margins on the wall there [points to opposite side of the Fraser].

You'll see this once the water goes down. You'll be able to see the lines so it tells you which salmon would go through. So the first one is the spring salmon, the Chinook and then the Stuart Lake and then the Chilko and then every four years, the Pink Salmon. So they all leave a line. So that's where the fingerlings follow after they come back, they want to go back to the ocean and they follow back again. It's more like any other animal, they follow the line. It's like a deer, it leaves its scent on a tree. The creatures have it. They follow where they were born, they always come back.

After the dam was built there were still Pinks going up but they were dying because there was no spawning area and that decreased the Chinook salmon here (...). Then they started making artificial spawning grounds, now the Chinook spawning channel there and they do climb up to the Skeetchesn reserves. (...). All that came from shutting the one outlet for the Spring Salmon and this is *Xwisten*, Bridge River. [points down to *Sxetl'*]. Yeah. We used to camp down there in the 1940s that was before this road was built [the road from *Xwisten* along Bridge River] by the forestry in 1962. (...)

All these things happened: the forestry, hydro and we're left with the bare mountain. But we're still here.

S: Were there many more people fishing in the past, 40-50 years ago prior to hydro?

D: There were just families, from Bridge River up here, the reserve was up here [points towards the road up to Leon's Creek] until the small pox and that's when they abandoned this here [points to *Sxetl'*] and moved into the back (...). They had little ranches all along, always along to horseshoe bent and then it was Yalakom. And the families came.

My uncle Dan Peters was chief here so we came up here to fish and stayed down there. Mount Currie people joined more recently, like I said in late 1950s, they didn't come. *N'Quatqua* came because it was in the decision of 1887 and *Tsal'álh* came. Mount Currie came more recently just like the Okanagan. They had the inherent right to fish and figured they'd come to Lillooet because of hydro. When they started to dominate our people said no.

This is our place to fish! These are our fish! That still stands today. 1887 around there. They named the different bands that could fish in the Fraser River here. Then when the run came from Hell's Gate, they almost depleted the run. Then they started to stay... gradually as it worked its way in 1940s to 1950s they said give me a number, we'll put it in your fish folder so no one steals it.

Then later they put restrictions on and said well you can fish during the week, but we will close you off on the weekend and the weekends got longer and longer and up and arms they went to challenge the fisheries. You're taking foods from the mouth of the babes."



Figure 16: Elder Desmond Peters Sr explaining fishing and hydro-electric development in the 'Valley of Plenty'. Photograph by Sarah Moritz

Moving further along the Bridge River Valley towards Mission Mountain (see Figure 16), Desmond and I began talking about the St'át'imc Elders committee, which meets regularly to assess the water flow, quality and health of the river, now, especially, to report back to the St'át'imc Chiefs Council, St'át'imc Nations Hydro, Bands and BC Hydro, especially around the time when BC Hydro intends to make change to the flow regime as part of the Hydro Agreement's Water Use Plan (WUP). Driving further along the Bridge River Valley, past Carpenter Reservoir, over Mission Mountain and towards Seton Portage and *Tsal'álh*, Desmond was reminded of all the ancient hunting and trapping trails he and his ancestors used to know and travel on. Stopping briefly at the reservoir, Desmond also began reminiscing about his time as a young man that was employed to help build the dam whilst staying in a camp at the base of Mission Mountain. In his words, "I needed the cash. I had my family to look after. We all did. And we did not anticipate all the changes because of hydro." (Figure 17)

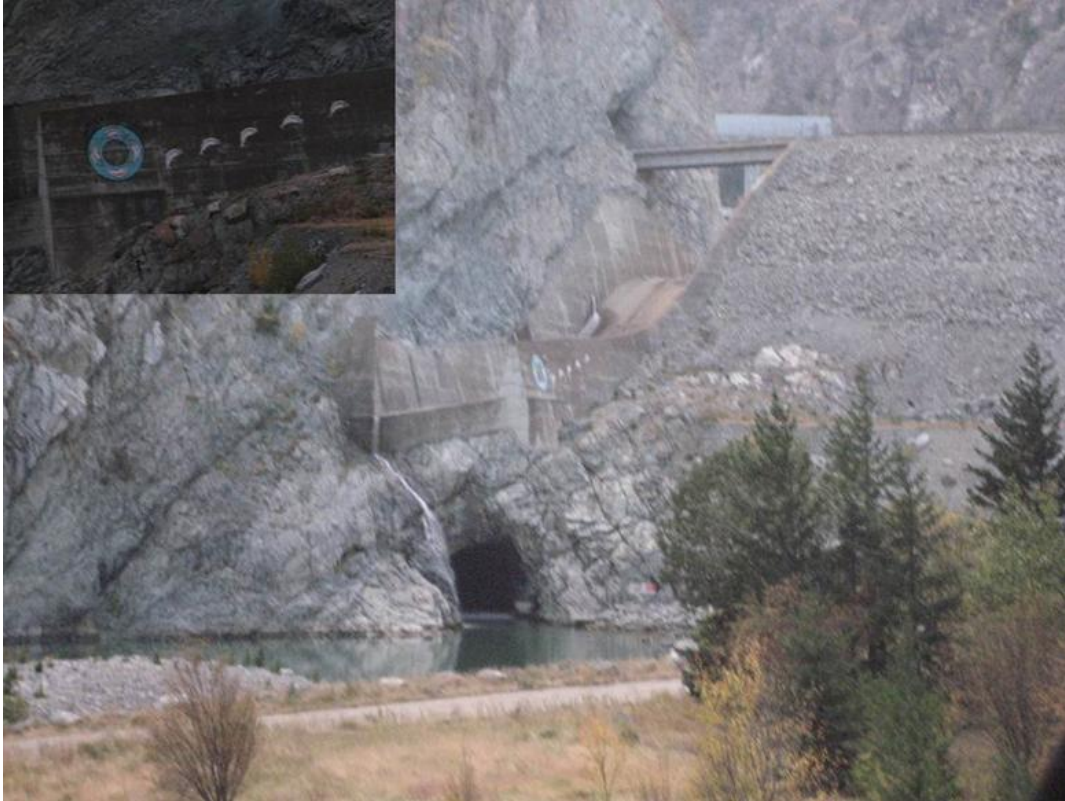


Figure 17: Dam Spillway. Mission Mountain. Photograph by Sarah Moritz

Just up Mission Mountain, for example, was an important family trapping line. The mountain used to and continues to be, a popular location where Desmond and family used to gather berries, wild celery, onions, potatoes, yarrow, fireweed and other medicinal plants for teas and ointments. After a long drive in the summer heat, our trip finally took us over the Mission Mountain pass down into *Tsal'álh* and the powerhouses where Desmond concluded:

After hydro's dams went in there were, there were many fish runs that went extinct. When the Bridge River system went in there were 17 species of fish in Seton Lake and that was before hydro came. There was a tiny fish, a 'stickleback'. I don't know how many went extinct. 11 or 12 I think. They used tumbleweed in the water to catch them. With the second powerhouse in 1948, I think, the salmon were trying to go into the powerhouse. They were confused with the fish slime on the rocks. They went the wrong way.

From this highly educational and unique journey, and especially as a result of the long landmark-, and place-based inspired conversation Desmond and I had, the following pivotal

themes emerge(d): St'át'imc Title and Rights as holistic and lived cultural practice, BC Hydro's impacts on St'át'imc culture, BC Hydro's infringements on St'át'imc Title and Rights, St'át'imc knowledge of the land, St'át'imc territorial governance, and, especially, the enduring significance of fish, fishing and fishing sites.

'Walking the Land, Using the Land, Looking after the Land, Picking the Berries, Hunting, Fishing and Honouring the Chiefs Who Signed the Declaration of the Lillooet Tribe 1911': Living and Voicing Inherent St'át'imc Title and Rights

Desmond Peters Sr. (pers. comm. July 2011) and others have often referred to St'át'imc Title and Rights as *inherent*. When he does so in dialogue with non-St'át'imc, a BC Hydro representatives or myself, he also makes sure to provide many examples of what he understands St'át'imc Title and Rights to be. It is not unusual for him to do so both in St'át'imcets and English. In 2011, as a part of the development of a 'St'át'imc Nation Government House', the leadership designed an '*inherent St'át'imc Title and Rights strategy*', to be shared with industry, government and other third parties (pers. comm. Rod Louie August 2011). Reflecting back onto the beginning of my fieldwork period, I only had a rather general, conceptual and vague idea of what 'inherent' and 'St'át'imc Title and Rights' meant but over time I began to understand, as a result of all the eloquent voices of my mentors: For St'át'imc, Title and Rights are unique and also uniquely rooted in their territory. References are sometimes made to the constitutionally defined 'Aboriginal Title and Rights' but more often the term "St'át'imc Title and Rights" is used to denote holistic, lived and local practices. Crucially, these designations are inseparable, as the undefined Aboriginal Title and Rights are and, ideally, should be based on St'át'imc cultural practice. However, for many St'át'imc it is important to emphasise the very local and distinct nature of their cultural practices.

From the educational trip with Desmond Peters Sr described above it is obvious that: St'át'imc Title and Rights are lived, practiced, intrinsic, passed on, shared, tangible, sometimes tacit, sometimes loudly proclaimed and continuously re-defined through skill and practice.¹⁰ Arguably, while they have to be lived and experienced to be fully understood, many St'át'imc people are prepared to generously share accounts of their meaning and mobilise knowledge through the *Declaration of the Lillooet Tribe 1911* to inform others who are willing to listen for them and make way for reconciliation, compromise and a path to a middle ground in regards to St'át'imc Territory and unsettled property relationships. Thus, during conversations and interviews, the term “St'át'imc Title and Rights” itself yielded numerous individual and often congruent responses as the following excerpts will show. Frequently, they were voiced in the regards to the Hydro Agreement. *Xwisten's* Chief Bradley Jack (Interview August 2011), during an interview at the *Xwisten* band office, explained St'át'imc Title and Rights as firmly anchored in St'át'imc Territory and confirmed the collective nature of the cultural practice the term denotes:

B: It's simple: This is our territory [points at map of “St'át'imc Territory” on the wall behind him]. And everything that's in it is ours. It's a deal. No ifs, ands or buts. We have territory we need to protect it and everything that's in it is our right to have a say. That's changed a bit over time [the map] but it's still fairly accurate. As we sign agreements with our neighbouring tribes over where our boundaries are we're going to make it stronger.

S: So this is about unsettled property relationships? But the term ‘ownership’ and ‘property’. It's kind of fixed. Title and Rights to me seem more lived and practised...?

¹⁰ As I will discuss further in Chapter 5, case law including *Sparrow, R.v. Van der Peet*, and *Delgamuukw*, sets out legal tests to establish proof of aboriginal title in which evidence must be brought forward showing a connection between ongoing cultural ‘practices’ and (inherent) ‘rights’. *Delgamuukw*, for example, sets out a three element legal test for the proof of Aboriginal title. First, the Aboriginal claimant must prove occupancy at time of European contact/sovereignty. Second, the claimant must show that continuity exists between present and pre-sovereignty occupation. Third, the test requires that the claimant brings forward evidence to show that occupancy is distinct to the Aboriginal group claiming the land. This is in contrast to the *Van der Peet* legal test, the first case to present a test for the interpretation of section 35, which requires the Aboriginal claimant to prove that the (traditional) custom or practice claimed as an Aboriginal right was essential to their distinctive culture at the time of contact. However, critics point out that despite acknowledging indigenous law's relevance to section 35, legal tests like the *Van der Peet* test fail to give effect to this acknowledgement and function to reinforce stereotypes about Aboriginal peoples based on essentializing and primitivizing discourses (cf. Borrows 2010).

B: Yeah because within our territory that's where we practise our right to hunting, fishing, trapping and our travel routes and how we share that within our territory. That's why I say fishing is important, you know. We share that with the whole tribe, really. They have the right to fish but because they cannot fish in their own areas, we share our area with them. And hunting – we should be able to hunt anywhere in our territory. No one can deny us access. If we step outside the territory it's another story. There would need to be an agreement with that other tribe.

Xaxli'p community member Isaac Adolph (Interview August 2011) outlined St'át'imc Title and Rights in the context of the Hydro Agreement with the following eloquent words:

As far as I know, St'át'imc Title and Rights is intact.¹¹ As far as I know, this Hydro Agreement did not impact Title and Rights. As far as I am concerned, our St'át'imc Title and Rights are safe right now.

In dealing with BC Hydro, we do have other work to do with BC Hydro, they're a Crown Corporation, we have to go further, higher than them to deal with other issues. (...). In my mind, the *Declaration of the Lillooet Tribe 1911* is everything that we need as a position, to pay for and dealing with the future. The 8 articles in the *Declaration of the Lillooet Tribe 1911* spell it out who we need to deal with and what issues we need to deal with. (...). It's a very strong emotional message that we have to be there for our kids that they recognize the *Declaration of the Lillooet Tribe 1911*. Not all of them do but if some recognize it without knowing about it then that's inspirational. I think one other part of the Declaration is: It is the effort to sacrifice yourself today for the benefits of tomorrow because we have not forgotten the past.

That means that we're leaving a legacy for the future generations like we're taught because we have not forgotten the *Declaration of the Lillooet Tribe 1911*. The Declaration also gives us direction.

¹¹ Notably, the Hydro Agreement (2010: 5-6) states under the 'Non-Derogation' section that "Nothing in this Agreement (...) shall be construed by anyone so as to: (a) extinguish or, except as expressly provided in this Agreement, limit any aboriginal title, rights or responsibilities or future treaty rights which are held (...) by any or more Participating Communities or St'át'imc regardless of whether such title, rights or responsibilities are recognized, established or defined before the completion of this Agreement; (b) constitute or be evidence of the nature and extent of aboriginal title, rights or responsibilities, ownership or jurisdiction (...) including their laws, customs, traditions; (...); (e) impact, extinguish, infringe, limit, define or in any way affect aboriginal title, rights or responsibilities or treaty rights which are held or may be held (...) regardless of whether such title, rights or responsibilities or treaty rights are recognized, established, or defined before the completion of this Agreement (...)."

Inviting *Sekw'el'wás* Chief Perry Redan (Interview August 2011) to reflect on St'át'imc Title and Rights and the notion of 'self-government', he remarked:

Over millennia of time we have learned to live within the territory, we have the ability to sustain ourselves from the land, we are *Úcwalmicw* – People of the Land – and as our Declaration said we retained it from invasion of other tribes. It is intricate part of our culture, our life.

Title is misleading... well, title, we vote title.¹² It's difficult to say it's 'ownership'. It's more of a stewardship relationship with the land. We can't own the land, we can't take it with us, we gotta protect it for future generations. And I believe because we are the rightful stewards of our territory – 'rights' is a legal term – I've been taught we hold title to that territory and rights flow from that title.

There is a missing term associated with title and rights. There is title, there are rights but there's also 'responsibility'. We have responsibility to protect the land for future generations, to understand, to protect the wildlife, the fish, these types of things. You can't separate any of those three.

Similarly, *Titqet* Tribal Chief Shelley Leech (Interview September 2011) stressed that:

We have never given up our lands. Never signed anything over to governments. (...). We hold the right to do whatever we want to do in our territory. We need to assert our rights. St'át'imc knowledge is living our culture and we live through our lands and our resources. My priority is water. It is so important. And ecological balance.

Grand Chief and *Xwisten* community member Saul Terry (Interview August 2011) voiced St'át'imc Title and Rights through the concept of 'homeland' with the following words:

To me it's ownership of our homeland. It's homeland. Title and Rights for me is the same, the concept of having a homeland and (...) no treaty process forced upon people. We have constitutional insurance and protection.

In the eloquent words of Chief Garry John (Interview July 2011):

People practise Title and Rights every day: they're walking the land, they pick berries, they hunt, they fish. Title, rights and responsibilities is to use the land, the resources, to

¹² As I will explore in more detail in Chapter 5, this point has been consistently made by anthropologists, legal, political and Indigenous scholars (cf. Nadasdy 2002).

honour the chiefs who signed the Declaration. When St'át'imc people speak about the territory and their responsibilities and their relationship to the land, they speak about St'át'imc Title and Rights.

As people reflect on history and changes over time, especially in the face of hydro-electric development, they also reflect on the changes to and adaptability of Title and Rights to these transformations. During our language class, for example, Desmond Sr. explained that, “as controlled burning went away, we lost words. As *Zumac*, spring salmon, went away, we began to wind-dry Sockeye.” It became increasingly clear to me that every time, activities on the land are discussed, St'át'imc are describing their Title and Rights and every time they engage in them, these are lived and practised.¹³

Desmond's quote also highlights the remarkable cultural continuity through significant changes which hydro-electric development has caused for St'át'imc people. Crucially, as I will examine further in the analysis, there is a significant divergence between the holistic St'át'imc perspective on lived cultural practice and the reductionist theories of industry, government and courts which predicate that cultural practices must be seen as ‘frozen in time’ and Aboriginal title as existing only in ‘spots’, ‘postage stamps’ and ‘specific sites’ (cf. *Tsilhqot'in* 2007). The Hydro Agreement does not fully embrace the St'át'imc holism but acknowledges St'át'imc claims to territory and assertions to St'át'imc Title and Rights as I have indicated above and will show more throughout Chapter 5. The following chapters will highlight just how the St'át'imc insistence on holism, relationality and the ongoing insistence on longstanding cultural practices such as fishing in many different places throughout St'át'imc Territory led to significant transformations in the relationship between these different groups.

¹³ For example, Elder Ceda Scotchman (pers.comm. July 2011) illustrated and explained to me the following medicinal plants which have been impacted through hydro's use of herbicides and the spread of noxious weeds: red osier: *kelulaz*, devil's club – *katlaz*, horsetail *nuxwan*, the making of juice in the mountains with *swapupsa7* wild black currants, arnica ointment in pavilion, teas made from fireweed, yarrow or rosebuds.

BC Hydro's Presence on the Land: Social Impacts and 'Infringements' on St'át'imc Title and Rights

As the last section began to show, St'át'imc people, especially those involved in the negotiations, emphasised (pers. comm. May-October 2011) that the impacts that hydro's facilities had on people and the overall territory are far-ranging and include impacts to fisheries, wildlife hunting, gathering, health, employment, forestry, mining, agriculture, tourism, recreation, economic development, cultural continuity and cumulative impacts. Thus, when BC Hydro established its facilities, it 'infringed' upon St'át'imc Title and Rights and thereby broke St'át'imc law (pers. comm. Rod Louie and SNH, May 2011). Accordingly, the purpose of the negotiations became to understand and mitigate these impacts and achieve 'adequate' compensation for these infringements. Particularly, the southern St'át'imc communities sought connection to the grid after relying on diesel generators for decades as the following interview excerpt with community member and former Chief of *Xa'xtsa* (Douglas) Darryl Peters (July 2011), aptly illustrated:

S: What have you learned from negotiating with BC Hydro? How has the relationship changed over time? How were the impacts hydro had addressed in those?

D: I learned that there is a need to have a better understanding of the past grievances of the community.

We're one of the southern communities with only one transmission line running through the territory which is the 360 KV line and to understand the impacts of that. So the process was to understand these.

Common problem that has come from BC Hydro coming through the Territory: Interesting fact that all the Elders have said and will always remember when the Indian Agents and BC Electric walked in hand in hand and promised us electricity for free if we allowed them to have a transmission line run through. With that kind of a common statement from our Elders and other Elders from other nations saying the same thing. And for BC Hydro to tell us today in 1996 that they don't have anything in record that identified that kind of a promise. I knew it would be difficult... ensuring the issue of electricity that be a main focal point. With that and the support of St'át'imc Chiefs.

I also learned about the impacts throughout the Nation... Not just one community that had broken promises. Trying to understand overall what the process was developing into with the framework of negotiating the 'past grievances' concept. Many times we have gone through a process of being position-based in the negotiations and not realising that we should have taken a more interest-based negotiation to implement opportunities for the whole nation.

And that as a St'át'imc the most important thing is the resources, the sustenance – the land and the water they are integral to each other and all else that survives on it is what keeps us all connected. So with all these segments within it seemed a lot easier for us to work as a team. We still looked at the whole concept of a 'nation' to negotiate the concept of past grievance overall. Having to deal with BC Hydro and understanding that their process is under a corporate entity and its responsibility is the Province of BC and knowing that the bucket is always passed over to someone else.

As southern communities we always wanted to ensure to have safe clean power and not the diesel generators. Working with governments and knowing that their process is always directed through different concept and knowing that the *Sama7*, white-man, government itself would be more in tuned in protecting their interest than resolving past grievance or an issue within each community or the nation. You know the court cases that have gone through the territory in terms of title and rights and how we connect all of that. So with dealing with all of that there were questions – internal – what or how could we do thing that will not impact or segregate from our title and rights?

What did we want to develop in terms of relationship with BC Hydro, BC and Canada? BC Hydro turned around and said we never promised you free electricity, I was also involved in IPPs... I sat at the environmental assessment table... Good understanding what our main objective was and that was to ensure that we do not lose our title and rights, the land as a resources and knowing full well that we don't own the land but that we are caretakers of the land for our descendants. That was a process that was put forward on numerous occasions and what I had learned from Elders. So to understand the process of stewards of the land.

Thus, for Darryl the negotiations and the relationship with BC Hydro entailed broken promises and a long, challenging but, eventually, transformed into an educational and productive process in which he as negotiator and St'át'imc managed to mobilize the important principles of sharing, respect, unity and stewardship as ownership at the negotiation table.

Xaxli'p Chief Art Adolph summarised the impacts hydro had on the 'Valley of Plenty' vividly for me during our interview (September 2011):

S: Could you elaborate a bit more on the impacts of hydro on the land, the people, the wildlife, on living culturally?

A: For *Xaxli'p*, Fountain, the impacts of BC Hydro were on agriculture: we had agricultural land so there was a huge impact to our agricultural land. To our fields and our gardens. Sam Mitchell who raised me and said, “just take a look at the power lines, BC Hydro and the government when they come to a non-Native ranch they’d blast the hell out of the Mountain to get around but when they come to a reserve, they go right through.” Yes, when you travel through our territory and you see the transmission lines they go right through. So there’s a huge impact to our way of life.

And it’s really sad but at 12-Mile, basically where I live right now, there was four individuals back in 1889, I think, they purchased this piece of property. They owned it. But through the reserve system, they forced us off our lands. Back then there was my great grandfather Chief Tom Adolph. He was one of the many that purchased this... back in 51... they purchased these properties and then after a while in the 50s BC Hydro decided to build these transmission lines they impacted these lands purchased.

Those impacts and to the fisheries: there was Seton and Bridge River who were hugely impacted and the fish that run there. Daddy used to call that – the huge run of spring salmon – used to be known as *Tyax*. That run, those spring salmon was big. So basically this run that goes up there was basically cut off by the Mission dam. Basically BC Hydro wiped out that whole Valley. That Valley used to be known as the ‘Valley of Plenty’.

Importantly, the following quote by *Tsal’álh* Chief Garry John (pers. comm. July 2011) summarises the cultural differences between Hydro and the St’át’imc well, highlights the St’át’imc perspective on the infringements of St’át’imc Title and Rights that were subject of negotiations:

[In working with BC Hydro] there were ideological barriers. We have bad fishing, major health impacts, no revenue sharing and the stark reality of having a 3rd party interest in our valley. Frustrating is that they make a shitload of money and there’s no sharing. We have to live with it every day. Sometimes the only thing to look forward to was a good fight with BC Hydro.

Fish aren’t Chickens!: Evaluating the Social Impacts of BC Hydro’s Bridge River System and Negotiating Cultural Differences

A central and complex task for St’át’imc people became to define the impacts and ‘past grievances’ that BC hydro’s facilities caused for them, their fisheries, their use of the ‘Valley of

Plenty' and their cultural practices, and then to negotiate 'reconciliation' and compensation of these. During the negotiations, a symbolic conflict arose which many St'át'imc people shared with me as a turning point in the relationship with BC Hydro.

According to *Sekw'el'wás* Chief Perry Redan, the following example illustrates the gap in understanding and the cultural differences BC Hydro and St'át'imc had to try and work through. Here, Perry (Interview August 2011) begins by explaining what he learned about BC Hydro through the negotiation process and how St'át'imc were looking at many impacts as a nation:¹⁴

P: [I learned about] their corporate structure. They're bound by colonial law, Provincial law, they're motivated by money and profit. They have this responsibility to provide reliable electricity to the Province of BC. They expressed the need to be environmentally friendly. (...) Their constraint being a Crown corporation under BC law. They have to approach DFO and other departments to even get their projects going.

I think it was also to try and build a little bit of trust in the negotiations. That went well I'm told. We got all our information together. (...). It was I believe 75 pages intense documentation with respect of right of ways, habitat destruction, loss of berry-picking areas, everything under the sun that we could think of.

That's when we were sitting at our table – everything, we marked down everything even if it's repetitious. So we sat down and began at the community level, tried to iron out issues that the community can't deal with – this right of way, that transmission line – things that the community cannot deal with at that time. (...) But in many cases, many of the issues were nation issues that couldn't be dealt with by individual communities so one of the idea was to look at common issues with respect to, for example, fisheries. Bridge River was flooded, they pumped water into Seton Lake – so that was a collective issue – INAC rights of way, so we moved those to the common table- later known as the main table negotiating team.

[A] shift in the negotiations occurred in 1998/1999 when we started looking at the quantum. They made an offer to us, but they did make an offer to the tribe, we made a

¹⁴ Chapter 5 outlines in more detail how critically important it became for St'át'imc people to become and be understood as a centralized 'Nation' and as communities working 'collectively' and sharing the same principles towards increasing territorial governance and advocating a vision of a form of governance in which permission has to be sought from St'át'imc people and a St'át'imc government for any form of land and resource use. Being understood as a unified 'nation' is frequently contextualised in the legacy of the *Declaration of the Lillooet Tribe 1911*.

counter offer.¹⁵ That didn't work. Our meeting, St'át'imc- most of the communities except from Cayoosh, Bridge River, Seton and Lillooet- those 4 had the big issues that needed to be resolved... these bigger issues should be up to the 4 communities should be sitting down- main table negotiating team. They basically mandated us to go to the meetings and resolve the issues.

Thus, putting a dollar value on St'át'imc Territory became an exercise in self-assertion and defining what had been impacted, changed and lost. Perry (Interview August 2011) continued explaining:

BC Hydro offered the Nation \$2,000,000 when we started out... so then there was a change in the negotiation structure. We started dealing with the quantum, ok, the figures went back and forth. That's when John Bodley US economist was hired to assist with a socioeconomic impact study. Bodley described it when the Bridge River Valley was flooded, thus we looked at the cost if it was not flooded. And the way we sort of looked at it: if they were starting the hydro development right now, how would we go about negotiating putting these in? Okay, Bridge River Valley had x amount of timber there which was lost. Then we calculated that there was so many hectare acres which equates to so many meters and if we were harvesting that would equate to so many. We pulled in x amount of \$... One of the funny stories I gotta share is: we were looking at: we lost hunting, we lost a lot of fishing, these type of things. We lost our fisheries.

How would you compensate us? And they're coming back and say if we take a food substitute, that is basically equivalent- they took chickens and calculated so many pounds of salmon so many pounds of chickens. And somebody says: how do you wind-dry chicken? That type of concept went out the window. It's not only the monetary value we're losing. It's the ability, it's a health issue, it's getting out with the family – you walk down to the river, that's healthy! ...so you're losing that ability to walk, to understand the land. (...) That would have been lost because you can't put no monetary value on those type of things. The same with hunting and fishing. (...) You can't put a monetary value on that. Or go and pick berries! So it was a loss of a communal activity.

So then we started talking about the quantum, again I indicated Saul was, he was chairman, tasked to sit down with the Provincial reps and hydro at a senior level to see if we could come close. They were under the impression that we were so far apart that we're never going to get an agreement. I think Dawn Ferro was under the impression we were looking at a \$2.2 Billion dollars as a settlement and they were just growling, how the heck because we were so far apart. But we sat down and understood that there was a benchmark that the Province and hydro is not gonna go higher. That's a non-starter that

¹⁵ To clarify, when Chief Perry Redan speaks of the 'tribe' he refers to a unified 'St'át'imc Nation'. His use of the word is most likely based on the more traditional 'Lillooet Tribe' designation for St'át'imc people.

amount. So we negotiated between \$150-300 million and we narrowed the gap and because (...) the southern communities were hooked up and that was a major achievement.

Similarly, *Xaxli'p* Chief Art Adolph (Interview September 2011) highlighted the incommensurability of the chicken-fish example as he reflected on the detrimental social impacts and the loss of culture:

So basically what we really wanted to get documented is social impacts in regards to our culture and our way of life. But one of the things that stands out from that study is one of the hydro consultants for the fisheries, like there is a huge section on the impacts to the fisheries, and the hydro consultant who had to quantify the dollar value to the loss of the fisheries was using 'chickens' to compare. So basically what they were looking at for the value of chicken is to quantify the loss of the fish, using the same amount of chickens for the fish.

But what's not included in this was the social impact – like the loss of culture and basically the loss of the language relating to these fisheries. And basically the loss of place for fish to get fishing activities to take place especially for Seton/*Tsal'álh*. So there was a whole loss of culture related to these fisheries. Chickens won't replace that. So there was some differences, this is an example of some differences we were up against. The colonial government couldn't wrap its head around the magnitude of the loss of culture.

BC Hydro's lack of understanding of the importance of fish and fishing was further compounded by the Province's and BC Hydro's reluctance to discuss and mandate revenue sharing of (the use of) land and resources. As Chief Perry Redan (Interview August 2011) continued explaining:

P: One of the tougher issues that hydro and the Province weren't gonna move on was revenue sharing – they were quite adamant that this wasn't on the table. So we're wondering how the heck we were going around that one? So we held off and we held off and we were just about to acquiesce to that concept but then they come along and say revenue sharing dahdahdah so that kept the door open... it's a Provincial issue.

S: So they pushed away the responsibility?

P: And we argued and the Province came back and communicated that we will discuss revenue sharing if it's a template with the whole Province. We cannot negotiate a revenue sharing with a particular tribal unit it has to be a Provincial concept.

And so revenue sharing, they were saying- any new projects it may be on the table but with the existing facilities we cannot talk about it. Part of our discussions too, because they stem from a desire to put a 500 KV line in. (...) Hydro and the Province established their energy plan- they have to have so much energy by 2016 and these type of things so they didn't want to take the 500 KV line off because we were negotiating that, that became part of our settlement offer.

When and if this is going ahead we need an opportunity of participating in all aspects of the development. (...) pressure was put on hydro and the Province because of the ILM (Interior Lower Mainland) that was going through and the tribes themselves opposed that and that sort of helped us finalizing the negotiations. And, yeah, we did agree when time comes and they need that 500 KV line we allow them to put them through with pre-clause that we get work.

Crucially, Perry Redan's quote highlights the difference between the St'át'imc view of local impacts and the generalizing and euphemizing provincial perspective that any type of revenue sharing would be done on a model compatible with all other First Nations in BC. As such does not imply recognition of a local occurrence of resource extraction but an overall policy position where the local negotiations are divided into either 'yes' or 'no' outcomes (pers. comm. Thom July 2012).

Elsewhere, Garry John (pers. comm. September 2011) explained that revenue sharing continues to be the objective for other projects in the Territory and as of early 2012 the Provincial government has signalled a stark interest in beginning this process with mining.

Just like 'revenue sharing', St'át'imc as a 'government' was initially barely conceptually recognised during, especially, the early negotiation process by BC Hydro and the Province despite mutual efforts to establish a government-to-government table until the negotiations came to a close and the agreement was finalized. The following quote illustrates this phenomenon clearly. *Xwisten* Chief Bradley Jack (Interview July 2011) remarked upon the government-to-government negotiations with the following words:

B: We signed the [government-to-government] protocol with the Province, can't remember what year. Was early 2000s? Maybe 2004. It was here in Bridge River. That

was the start of the government-to-government discussions: Us as 'government,' 'St'át'imc government'. The Province as a government. Trying to deal with lands and resources in our Territory. We went through that for a few years and basically, the government kept cutting the funding, basically, the government kept walking away from their table because they couldn't see us going their way, I think, really, and you know, us being pretty strong in our stance and where we wanted to go and didn't agree with us and so, to me, they just weaseled away on us.

S: Was there a condition they imposed on you?

B: Well they kept using funding as a problem because their funding is yearly and so they said if we don't have these milestones by the end of the year, we cannot have funding by next year. So they had less and less and then finally, they left. So we never did get a land use agreement in this part of the Territory, the Northern part of the Territory. They kind of broke us up really, because, in the last few years they signed with the southern communities, they guised the land and resources. That didn't help our table at all either.

When asking about the government table that was formerly initiated and failed in 2004, Chief Garry John (Interview July 2011) explained,

BC said let's talk about Melvin Creek. So one of the first things we want to talk about is revenue sharing and joint decision-making. You cannot talk to us like this. This is not the treaty table. On the one hand they don't recognise our title (...). Consult. It's about respecting St'át'imc sovereignty. At the beginning, when St'át'imc were tied to the government-to-government table, the Province congratulated us. They always try and dominate though, send proposal after proposal to invite individual communities into the treaty process. The Province basically said in its 2004 letter that we must finish negotiating the agreement and then we can come together again at the table.

Moreover, so Chief Garry John (Interview July 2011):

At the beginning hydro said they're not 'into fish'. We said to them, you're 'into killing fish'! Then they hired an environmental scientist (Peter Scales)... My mother fished at the end of Seton Lake. The drying rack was bending... We shared it with Hydro. A MOU. Fish isn't just fish, it's a seasonal thing.

The St'át'imc Chiefs Council (SCC) developed a 5-point strategy throughout the negotiation process to assert self-determination and discuss revenue sharing through: (1) legal, (2) direct, (3) political, (4) spiritual and (5) negotiation means. Despite or, arguably, because of these fundamental differences between the groups, the negotiations became an exercise in attempting to

achieve a mutual understanding of what needs to be agreed upon, and subsequently settled. According to the St'át'imc Nation Hydro negotiating team (SNH pers.comm, May 2011), the Hydro Agreement is supposed to address all past, present and future impacts, grievances and claims of St'át'imc in the territory, related to planning, acquisition of rights, authorizations, access to, design, development, construction, operation, maintenance, repair, alteration, upgrade, closure, removal or replacement of any existing BC Hydro facilities. Also, both, BC Hydro representatives and SNH, partially in response to the No Coalition claims, stressed throughout the ratification phase that with this agreement there is no extinguishment of St'át'imc Title and Rights to the Territory.

When speaking to me about 'making agreements' with the government or industry, many St'át'imc distanced themselves strictly from the famous *James Bay and Northern Quebec Agreement* (JBNQA). Chief Garry John's (pers. comm. July 2011) interpretation of the agreement, for instance, was that "they got a lot of money but surrendered a lot of title and rights." However, the St'át'imc Hydro Agreement was ratified with the knowledge that this is not the case (2010: 5-6, 1. Definitions, 1.5 Non-Derogation).

Thus, in conclusion, as St'át'imc were continuing to live and voice St'át'imc Title and Rights, the negotiations evolved and so too did the St'át'imc stance of self-determination. As I will show more in the following section this has become a strategic politcolegal move from speaking about holding title and rights to having jurisdiction and authority over all of St'át'imc Territory and asking for accountability, respect, transparency, honesty and sharing from anyone else who has interest in lands and resources and thereby in St'át'imc culture and history. The creation of a government, constitutional development, mobilization of St'át'imc law and (re-)emerging government-to-government relations are integral to this shift and are all reflected to some extent in and around the Hydro Agreement (pers. comm. SNH Mike Leech, July 2011).

Chapter 4 – St’át’imc Self-Determination, Increasing Authority and Improving Relationships

Following a process that officially started in 1911, 100-years later, on May 10th 2011 at the annual St’át’imc Gathering, St’át’imc people celebrated the continuous existence of *The Declaration of the Lillooet Tribe 1911*, signed by 17 St’át’imc Chiefs on May 10th 1911, simultaneously as St’át’imc law and as historical evidence of self-determination and ongoing resistance to colonialism, while the current chiefs surrounded by a CBC camera team, hand drums and lawyers, symbolically signed the then ratified Hydro Agreement with BC Hydro and the Province of BC (Figure 13). BC Hydro representatives presenting on stage strongly advocated the relationship between them and St’át’imc as a ‘new relationship’. The St’át’imc support for this statement was seemingly limited as many St’át’imc perceived this as a problematic and not quite accurate rhetoric of a longstanding, albeit transforming colonial relationship. How St’át’imc powerfully challenged, resisted and reformulated this rhetoric will be shown in the following sections.

The CBC camera team which was present at the gathering to film the historic moment would produce an episode featuring the relationship as ‘new’, also. The first episode of CBC’s show *8th Fire: Creating a New Relationship with Canada's Aboriginal Peoples*, broadcasted on TV early 2012, also one-sidedly (mis-)represented the relationship as something ‘new’, whilst it only allowed for a few selected St’át’imc voices to emerge through heavily and strategically edited interviews, largely to the discontent of many St’át’imc people involved in the negotiations and ratification, whom I discussed it with.

At the Annual Hydro Update which followed the historic signing of the agreement only nine days after, on May 19th 2011, held by BC Hydro representatives, St’át’imc people involved in

the negotiations and anyone willing to attend, BC Hydro representatives presented a number of updates in regards to their operations. Some presentation included information on how operation and new programs fit with the implementation phase of the agreement. For example, talks included information on the Carpenter Reservoir Productivity Model; water quality sampling; Contaminants: Bridge – Seton Metals and Contaminants Monitoring; Seton River Sockeye Smolt Enumeration Program; Seton Lake Erosion Program; Lower Bridge River Aquatic Monitoring; St'át'imc Water License Program and contracting opportunities for St'át'imc. BC Hydro management had seen various engineers, scientists and managers use the term “Consultation” ostensibly as a check mark to the way in which they ‘deal’ with St'át'imc interests (pers. comm. Rod Louie, May 2011). Rod stressed that many hydro representatives came up to him after the update and apologised for their use of language. Rod explained on behalf of all St'át'imc people that ‘Consultation’ should not be a capitalized word, a noun. He urged them to understand that, rather, it’s a process and a dialogue. Rod emphasized that they know that they have the duty to consult with St'át'imc in a meaningful way and present the work as collaborative, dialectical and dialogical effort.

Consultation, Accommodation and Information Sharing: Collaboration and An ‘Improving Relationship’

Chief Negotiator for BC Hydro, Al Boldt (Interview July 2011) explained BC Hydro’s understanding of ‘consultation and accommodation’, collaboration and the notion of the ‘new relationship’ (Hydro Agreement, Relations Agreement 2010) during our interview. He expressed his opinion to me as part of the following dialogue:

A: [new relationship]. It’s in lower case. So it’s not used to refer to what I know is very politically charged and that’s the upper case ‘New Relationship’ that the Province put forward a number of years ago. The notion of that is that the Province of BC in particular will take on a new relationship (...). These agreements have, obviously that spirit, the

biggest evidence is, I think the Relations Agreement which sets out a much more open transparent collaborative process than you'd see in a sort of cut and dry legal agreement and look there's a settlement and nothing happens after that. This one clearly looks forward. This is, you know, we realized that the relationship in the past is not something that anybody wants for the future and here is the expectation going forward (...).

S: What else adds transparency?

A: I think just the (...) intent in the relations agreement. Particularly that relating to the sharing of BC Hydro's plans, not only the current plan or the immediate operating plan but the future plans. That's something that hasn't typically been done. That's something that lets the St'át'imc communities get into ok, what are we're gonna do if it's years ahead. Often times in the past in the past you had someone arrive on the doorstep: Oh, we're gonna do this. And then you would have weeks, if not months of discussions back and forth before you had understanding. Here, the anticipation is clearly that you have that understanding well ahead of when it actually has to happen and if it does happen it is on a schedule amendable to all parties.

S: To me it sounds like it fits the description of 'consultation' but expand for me a little bit on this combination that comes as "consultation and accommodation" of St'át'imc people's interest.

A: Well, the agreement is, in terms of consultation and accommodation, compensation is volatile in respect to existing facilities. But the future in the relations agreement sets out, it doesn't speak to directly either the accommodation, the consultation.

What it does speak to is what does happen in the future that isn't covered in the Relations Agreement will take on all the processes and commitments, obligations of the current process. It doesn't speak to accommodation at all. That would be a result of those discussions. But in terms of looking back. All of that was resolved for the existing facilities by the full settlement agreement.

BC Hydro environmental scientist Peter Scales (Interview August 2011) emphasised that:

We're not acting like cowboys anymore and we have realised that we shouldn't have been acting like cowboys in the past. An apology has been made for that kind of behaviour so it's no longer "Cowboys and Indians" –it's 'us' and it's gotta be.

However, St'át'imc are increasingly assertive and precise about what 'consultation' and 'accommodation' should be by government, industry and third parties. As indicated above, part of the agreement is the Relations Agreement (Draft 2010: 1) which was developed with the mutual goal of building a respectful, effective, and evolving relationship (Interview Peter Scales

(BCH). *Xwisten* Chief Bradley Jack (Interview August 2011) mobilized the *Declaration of the Lillooet Tribe 1911* to state that:

B: The agreement (...) is a form of accommodation in regards to St'át'imc Title because hydro needs insurance that they can operate in our territory. Partly this is accommodation for us to receive benefits from BCH to be in our territory.

Consultation is the whole negotiation process, talking about everything under the sun for us and how this agreement gives us some small measure of justice in regards to accommodation.

Similarly, Chief Art Adolph (Interview September 2011) noted that:

A: Basically, the [overall] agreement is really to address past grievances and compensation for grievances. (...) how we're going to move forward together. And what it has come down to is really outlining a consultation process in more detail. In regards to activities occurring within St'át'imc Territory that deals with these items this is the kind of process we need to go through.

Kind of in a nutshell, it deals with past grievances, compensation for past impacts, process in regards to dealing with ongoing impacts and building a relationship through which we can move forward. Actually, what the relations document really talks about is if there's anything that's going to occur within St'át'imc Territory like for example *Xaxli'p* - say if BC Hydro wants to come in and do some upgrade. Then they need to actually come to us with a plan to get permission to go into our territory to do this.¹⁶ Like before, how the whole negotiation process started, they were actually going to put in a Kelly Lake – Cheekeye Transmission line. And what St'át'imc said is 'No' we have a lot of outstanding issues with BC Hydro and grievances that we need to discuss. Throughout all the outstanding grievances we've developed a process – for how they are going to operate within St'át'imc Territory. (...)

That's actually a really interesting question because basically like government they really don't want to recognize us like a nation governing body. They'd prefer to deal with the

¹⁶ In Chapter 5 I scrutinize in more detail to what extent the Hydro Agreement sets out a consultation and accommodations process. Having industry and government ask full permission to use land and resources is a vision and as such embedded in the overall nation-building process and has yet to be achieved. The Hydro Agreement, through its Relations Agreement, establishes clear(er) guidelines between the groups, as BC Hydro's chief negotiator Al Boldt will emphasise in his quote (p.75-76), that require a consensus on any kind of hydro-electricity related activity in the territory. Essentially, while many St'át'imc seem to contextualise 'consultation and accommodation' in the past, looking back and seeing the negotiation process as a form of consultation and the Hydro Agreement as a form of accommodation (see Interview Chief Art Adolph), BC Hydro representatives seem to theorize these processes as part of future discussions.

community. But with this agreement they are recognizing the St'át'imc Chiefs Council, with the court injunction too.¹⁷ And with that as well they know there is community autonomy. What we say too is that the SCC really can't make decisions on behalf of the community. It's really the community that makes the decision. But the SCC will support the decision of the community. What we were talking about earlier where we have the Leadership Council – government likes to go to these guys and make agreements and then just impose it on us. But where we have it, it has to be driven by the community.

So basically the courts talk about consultation and accommodation. So right now we've been consulted through the consultation process basically came out of the negotiations. So it's a higher level of consultation.

Accommodation is basically the agreement on all the impacts. So basically, what we have is facilities and corridors in our territory and through this agreement we have an agreement of their use of our territory, not giving up title to the whole territory.

According to *Xaxli'p* community member Isaac Adolph (Interview August 2011), the *improving* relationship has yet to be put to the test:

I: In my mind this is still a trial and we have to take full advantage of this trial if we're going to have a full working relationship with BC Hydro. For us to move ahead we need to know where we've been. Knowing where we have been, is knowing how we were treated by BC Hydro and its employees. That part we have to make sure it changes to have a working relationship. BC Hydro has to do their part in educating their workers or whoever works for BC Hydro whether its contractors or employees.

It was real evident actually, yesterday when we met with BC Hydro, it was August 4th. We had an issue over an archaeological site that was damaged by BCH previously and its contractors – they bulldozed a road straight through: One of our *S7istken* villages. So and this, you know, we also brought them to the site with a couple of our archaeology friends, and BC Hydro finally (...) admitted that there was wrongdoing there. And hopefully this process can help with the archaeological management plan into the future of St'át'imc people. (...)

S: Can you reflect for me on the significance of the Relations Agreement and what it's about? Mainly in regards to the future relationship?

I: Again, I'll have to repeat that. I'll just say what I just said about the relationship: we have to make sure that it works. And that is gonna be the key point – the implementations

¹⁷ Chapter 5 elaborates on the 'recognition' of St'át'imc as a 'government' and as a 'nation' and contextualises it historically and presently as tied to the *Declaration of the Lillooet Tribe 1911*.

stage and before that is the planning of the implementation which is going to be so critical to the whole agreement and terms of the agreement.

Similarly, in the words of Grand Chief Saul Terry (Interview August 2011):

Well, currently, the idea was to have these agreements in place in order to maintain a more civil relationship with BC Hydro who in the past was running right over our people and not really caring of what the effects of their decisions were. So I think the idea is that we have a meaningful role to play whether it's in the water use plan or those kinds of things and having an implementation committee and all those kind of things... so that there could be a meaningful development occurring and overseeing the new hydro line and any new development so we have a more appropriate role.

Xa'xtsa Darryl Peter's (Interview July 2011) reflected on how the relationship between St'át'imc people, BC Hydro and the government changed and as it is reflected by the Relations Agreement:

Well I believe that the Relations Agreement is based on "What do we do tomorrow?" How do we go about that from today on into the future in terms of being involved, being in your face. How we can make something happen that makes a difference for us today and how it would make a difference for our children in terms of being directly involved – education, employment. All of these issues that are based around there – the economy is of scale that we have to look at in terms to what have we done as opposed to what we can do now? ... agreement that identifies all those opportunities... makes it a tool...

That Relations Agreement is the form of that relationship between ourselves and BC Hydro and the government. (...) That's what I was referring to how look at business, employment and training. The whole involvement of looking at fisheries or anything else that would meet that spectrum- we work together on this- we collaborate. Whereas in the past we would say: road block. Now we have a tool. That's basically everything we have come to understand these agreements are a tool. (...) Yeah, we're getting a minimal amount of money compared to the devastations that we have encountered. We still have, today, the devastation of the health and wellbeing of our people. All the recognition isn't there fully.

Furthermore, contextualising the agreement within the important legacy of the *Declaration of the Lillooet Tribe 1911* was important for most of my St'át'imc interviewees when asked about collaboration and changing relationships with BC Hydro. The following quote from Chief Perry Redan's interview (August 2011) illustrates this aptly:

The Declaration of the Lillooet Tribe 1911 is the cement of our understanding of who we are. It was brought back around the 1970s. It's strong in the minds of our membership... when I first started out in the 80s not too many people were aware of it... started having gatherings in the recognition of the Declaration. It basically states that we are the rightful owners and everything pertaining thereto. And we indicated that Province purportedly still thinks that they own part of our territory we have not settled with them. Only with the feds. It's a guiding tool that our future generations do not acquiesce any portion of our title. It's a guiding document to be an intact people.

The Unity Declaration that was signed in Pavilion in 2010 moves us one step closer because all of our 11 communities signed that Unity Declaration. Since my time as *Kukwpi7* it was very difficult to have all communities sit down together and agree on something. And last May 10th 2010 was amazing, having all of them come together. They told us to come and work collectively. The leadership is very adamant that we are going to give our best to ensure that we are going to work on a collective basis. Certainly we have a lot of differences because of our geographical differences, lower communities are more coastal, our community is in the dry interior.

We're divided in many respects under Federal and Provincial jurisdiction. I believe there is 4 forestry districts. 3 Health Hubs. County jurisdictions. Mining jurisdictions. We're basically sliced up in regards to purported provincial jurisdiction. Our goal is to have one jurisdiction. And in many Aboriginal teachings we reflect after a 100 years to see how we've been and where we're going. We have to re-state our goals and objectives for our future generations. We did this really well through the declarations, through demonstrating that we can work collectively through this Hydro Agreement. This Hydro Agreement is really providing us with resources. Utilizing some of the resources to build our unity or establishing a Government House and these are building blocks we have to go through.

Ensure that our future generations would have something to carry forth and rather than re-inventing the wheel we are now working on a collective basis and have put this in place to struggle with unity... if we continue to work on a collective basis, this divide and rule will become less effective. We still have a lot of work ahead: we are in the process of entering into a protocol with other nations throughout BC we're currently working under the ITO dealing with fisheries: 4 nations participating. We look at protocols with other people... one of the issues – Fraser River- Enbridge Pipeline- may bring us people of the Fraser River Together, that'll strengthen us and give feds a better understanding.

Crucially, Chief Perry Redan's quote emphasises that 'unity' and working 'collectively' are paramount to contest the common 'divide-and-conquer' tactic by government and industry, to

continue building the 'nation' and St'át'imc 'government' and that generally the Hydro Agreement forms a useful as part of this process.

The Bridge River Water Use Plan (WUP): A Collaborative Process

Officially, for the implementation of the Bridge River WUP (Draft 2010: 18) BC Hydro agreed to an implementation that advances collaboration with the mitigation and enhancement programs that St'át'imc implement using their Environmental and Natural Resource Payments. This can be seen in the structured decision-making (SDM) framework for the Lower Bridge River. St'át'imc knowledge, Elders' assessments and oral history on how the valley was before BC Hydro was established compose and frame the WUP and its implementation. The current WUP was created in cooperation of St'át'imc and BC Hydro and includes the following changes based on St'át'imc involvement: a new flow trial downstream of Terzhagi Dam and monitoring programs; specific drafts to implement a Seton Lake Erosion Monitoring Plan; annual shutdowns at the Seton generating stations during the migration of Seton Sockeye Smolts between April 20 and May 20 to decrease the mortality of sockeye smolts migrating past the Seton dam and generating facilities; and a Seton Adult Fish passage research program. Moreover, the WUP states that BC Hydro will work with St'át'imc under the *BC Heritage Act* and other agreements and includes an outline of the importance of St'át'imc archaeological and heritage considerations and holds that St'át'imc interests include the protection of cultural sites, resources located in the reservoirs from erosion, from exploitation; the provision of opportunities for archaeological investigation in the reservoir and the maintenance of the cultural, aesthetic and ecological context of important cultural resources.

BC Hydro environmental scientist Peter Scales (Interview August 2011) captured this process as follows:

[The negotiations] were long and arduous. Probably eight years ago it was very interesting for me that the St'át'imc put their foot down and said look this water use plan has some issues and we want some things resolved before we're going to sign off. Of course without the WUP there couldn't be a move forward. They resolved that just last year and most were fish related: fish passage, water in the lower Bridge River, Seton Lake erosion... but that was entertaining for me and encouraging. They weren't just pushed along they put their foot down and I think that's because they got some good advice from their consultants. (...) The result is a good one for collaboration.

Xa'xtsa community member Darryl Peters (Interview July 2011) found that the WUP is “a step. It is a process involves as much as possible with St'át'imc people, the Elders... fish is not just there but it's there for our descendants.”

An important example of this process is smolt migration: BC Hydro has agreed to change their operations to benefit salmon smolts during migration. This was a key issue during the negotiations and St'át'imc Chiefs persisted until St'át'imc involvement was considered meaningful. Furthermore, BC Hydro and St'át'imc have agreed on the following research question and objective for the smolt monitoring: What is the variation in diel and seasonal timing of the annual out migration of sockeye salmon smolts from the Seton-Anderson watershed? How does the operation of the Seton generating facility and Seton Dam affect the relative distribution of the fish migrating past the facility in the Seton watershed? Does the implementation of planned partial or blanket shutdowns of the generating station meet sockeye salmon smolt population protection targets? *Tsal'álh* Chief Garry John found (pers. comm. Oct. 2011) that the whole WUP process can be called “shared decision-making”. The transition to achieving more involvement was not smooth. Chief Garry John (Interview. July 2011) explained:

The cooperative management group, ran into snarls when BC Hydro and the Department of Fisheries and Oceans said that we couldn't get political here and then proceeded to steam roll over our technicians. We eventually got the machine back on track, but had to slap the other two parties around. We had to threaten to publicize the impact of the dams and development. Our Techies couldn't pull it off so politicians had to wade in and make a very loud presence known. This is how we got government and BC Hydro to agree that it would be good to shut the canal down during the smolt migration. BC Hydro tried to

whine about lost revenue and we tried hard not to laugh at them too much about their "loss". It is partly because of the settlement but BC Hydro tried to get bare minimums, we pushed for way more.¹⁸

A New Relationship? An Improved Relationship!: A Small Measure of Justice

Just a few weeks after the official signing event on May 10th 2011, many people gathered in the spacious Lillooet Recreation Centre for a St'át'imc Nation Hydro and BC Hydro Gala which was held to celebrate the agreement collectively and invite community members to attend. A BC Hydro representative opened the event with the following words: "A wonderful and historic agreement, I hope this ensures the wellbeing for St'át'imc people. This is a living agreement. Hopefully this is a precedent." The flyer prepared for this purpose read, "In support of the St'át'imc Settlement Agreement and over 20 years of negotiations for a 'new-found relationships'". William Alexander (pers. comm., June 2011), when glimpsing onto this phrase began shaking his head in disbelief and quipped, "there's really nothing 'new' about this relationship. I'm still paying hydro bills."

Whilst BC Hydro representatives came prepared to celebrate, congratulate and elaborate on the "new (-found) relationship", St'át'imc representatives and leaders came prepared to voice St'át'imc territorial governance as eloquently and vividly as possible. Thus, they mainly spoke about everything that is in the face of St'át'imc self-determination: forestry, mining, independent power projects, alternative energies and mostly avoided elaborating on the agreement and the 'new' relationship. At the beginning, BC Hydro chief negotiator Tom Malloy emphasised the Hydro Gala as: A wonderful opportunity to learn about culture and how important the land is.

¹⁸ SNH Rod Louie (pers.comm. May 2011) would add that BC Hydro gained many of its 'social values' and work ethic embedded in the overall "Aboriginal Relations Department" and its mission statement from working with St'át'imc, especially the WUP as BC Hydro's environmental scientist Peter Scales indicated (Interview August 2011).

And this is exactly what he got from all the St'át'imc representatives: The audience received perspectives about colonialism, St'át'imc history, future challenges, conservation, notions of justice and sharing in regards to the entire territory more than opinions or reflections on the Hydro Agreement. Chief Garry John remarked quickly that, “now, that this is done, we need to look forward and deal with forestry, with mining and our resources.” Chief Art Adolph deemed it more crucial to look at where St'át'imc come from and how this strengthens their stance of self-determination: “Most of all, I want to acknowledge our past leaders. This is the day our ancestors were looking forward to. Those that signed the Declaration. It really is a “small measure of justice”.”

A St'át'imc representative from a southern community explained: “We look forward to the future, wasn't too long ago that I read my comics through candle lights. When we got power. We could actually hear the river. We hadn't heard it for a long time because of the generators. This is a small measure of justice. We must test the Province and BC Hydro for our future generations.”

Thus, St'át'imc people were placing this agreement in the wider context of colonialism but also increasing jurisdiction, governance and the historically proven strength to deal with different, often diverging interests in their land and resources. Crucially, they were signalling that this process is not marked by a ‘new relationship’ but an improved relationship that is, to borrow from Chief Art Adolph (Interview September 2011) “less antagonistic, adversarial to one more for collaboration and facilitation”. Thus in summary, this event became a dynamic platform for an alternative (hi)story, a St'át'imc history of cultural survival and resistance.

Chapter 5 – Re-Cognizing Collaboration as Co-Governance and Partial Reconciliation: Alternative (Hi)Stories, A Small Measure of Justice and Improving Relationships – A Critical Analysis

Voicing and Living St’át’imc Title and Rights – A Demand for Holism

When BC Hydro built its hydro-electric facilities, St’át’imc Title and Rights were not legally or politically recognized and respected by the Federal, Provincial Government or its Crown corporations. They were ignored and denied as part of both, locally distinct St’át’imc and broader First Nations’ systems of self-governance (Blackburn 2007; Charest 2008; Craik 2008; Scott 2001). While these rights are essential to St’át’imc self-determination, they did not suit the colonial narrative of Euro-Canadian sovereignty and jurisdictional monopoly which consequently led to the confiscation of St’át’imc land, dispossession of St’át’imc people and destruction of much of the Bridge River Valley and its fish runs. This was all done without taking into consideration St’át’imc interest and concerns (cf. Waldram 1988). As *Tsal’álh* community member BJ explained (pers. comm. July 2011) so earnestly when he stated that “most people from Seton and *Tsal’álh* fished at the end of [Seton] lake and all the families had cabins and racks there before hydro fucked up,” BC Hydro and the Province dispossessed and displaced St’át’imc communities from the longstanding and valued fishing locations that historically sustained many families. As illustrated earlier, these actions would later be discussed by BC Hydro and St’át’imc representatives as ‘impacts’ and ‘infringements’ on St’át’imc Title and Rights as well as ‘grievances’. According to BC Hydro negotiator Al Boldt (Interview July 2011) these impacts were discussed with an increasing awareness of the social and legal context St’át’imc people are currently navigating through. In his words,

I understand the early negotiation was really understanding, for both parties, understanding the impacts, the nature of the impacts, the extent of the impacts of the

existing BC Hydro operations on the St'át'imc people. (...) So the communities themselves have to understand and be able to articulate in the negotiations what those impacts were and how they affected their way of life. That took years – it was a long process for both parties to understand that. (...)

And then more recently, people become aware of and are given more certainty in terms of legal and social framework for Aboriginal Relations and Aboriginal Rights and Title. They get into, okay, these are some of our impacts and these are some ancillary impacts that we've seen and stories that Elders have passed on over generations.

Thus, for the longest period of time since colonial, and consequently hydro-electric expansion, St'át'imc were conceptually denied “coevalness” (Fabian 1983), ownership and jurisdiction over their land.¹⁹ This was primarily based on social evolutionist arguments and enlightenment thought which stereotyped and essentialized St'át'imc people as pre-cultural and pre-social ‘primitives’ who, in this view, lived on a *terra nullius*, land legally unoccupied, prior to colonial expansion and settler occupation (Asch and Samson 2004: 261-262; Blackburn 2007; Darnell 2008).²⁰ As an essential part of the colonial narrative, St'át'imc lands became “a wide open, empty terrain; that it is demarcated principally by abstract jurisdictional lines enclosing provincial Crown land; that it is a resource frontier for railways, mining and forestry companies, and energy utilities; that it is available to pioneer settlement wherever feasible” in stark contrast to St'át'imc relational ontology, senses of place and belonging to their homeland (Scott 2001: 8).

¹⁹ Crucially, Fabian (1983: 31) defines ‘coevalness’ as responding to the German noun *Gleichzeitigkeit* which I would translate as ‘being in the same time’. Being denied coevalness thus implies being denied existence in the same time, according to some pre-determined and ethnocentric notions of ‘modernity’, ‘progress’ or ‘advancement’.

²⁰ Euro-Canadian law and notions of ‘property’ are based on liberal political philosophy rooted in Enlightenment thought starkly at odds with First Nations epistemologies and relational ontologies (Nadasdy 2002). Enlightenment philosopher John Locke (in Tully 1980: 3), for instance, termed ‘property’ a subsistence right all men have derived from “natural reason”. First Nations in Canada are thus denied ownership and jurisdiction over their lands based on ethnocentric and racist arguments which stereotype them as pre-social ‘primitives’.

Many aspects of St'át'imc culture were directly impacted by these social evolutionist views and hydro-electric development. As *Xaxli'p* Chief Art Adolph (Interview September 2011) summarised,

So there's a huge impact to our way of life. (...) Those impacts and to the fisheries: there was Seton and Bridge River who were hugely impacted and the fish that run there. [Sam Mitchell] used to call that – the huge run of spring salmon – used to be known as *Tyax*. That run, those spring salmon was big. So basically this run that goes up there was basically cut off by the Mission dam. Basically BC Hydro wiped out that whole Valley. That Valley used to be known as the 'Valley of Plenty'.

Dyck (1991: 24-25; cf. Goulet 2010; Warry 2007) succinctly explains that by viewing First Nations as culturally and biologically inferior within a colonial framework, involuntary “tutelage” relationships were formed, in which power was, and still is, exercised over Indigenous peoples. As a person directly affected by these ‘tutelage’ relationships, Desmond Peters Sr was employed as a young wage labourer because he “(...) needed the cash (...) had [a] family to look after (...) [and] (...) did not anticipate all the changes because of hydro”. Thus, when he was helping to establish the hydro-electric facilities he was struggling to survive and could not foresee the severe impacts this type of development would have on his home, particularly the core of St'át'imc Territory, the Valley of Plenty.

However, this original essentialist and ethnocentric cultural ignorance and its powerful rhetoric transformed over time, arguably from perspicuity to subtlety, both equally powerful and adversarial. Now, theoretically, constitutional protection exists for Aboriginal Title and Rights. St'át'imc Title and Rights pertaining to “homeland” are characterized by an absence of the “treaty process forced upon people” and, crucially, by “constitutional insurance and protection”, as Grand Chief and *Xwisten* community member Saul Terry (Interview August 2011) explained to me. This form of constitutional insurance and protection, however, must be seen in a context of political and cultural struggle in which Aboriginal and non-Aboriginal leaders were and

frequently are failing to find a productive and reconciliatory middle ground at the negotiation table.

Several decades ago, the *Calder* case (*Calder v. BC*, [1973] S.C.R. 313) and later the *Sparrow* case (*R. v. Sparrow*, [1990] 1 S.C.R. 1075) with a justification test for infringements on Aboriginal Rights, significantly advanced the *recognition* of Aboriginal Rights in Canada and conceptually strengthened Aboriginal peoples in battles for their rights in legal and political arenas (Asch 1984: 53; 1999: 428; Blackburn 2007: 624; Borrows 2001: 18; emphasis mine).²¹ In 1982, partly through Aboriginal activism and insistence, the Canadian *Constitution Act* was revised to include Section 35. Subsection (1) of Section 35 states that “the aboriginal and treaty rights of the aboriginal people of Canada are recognized and affirmed”. Crucially, in Section 35 the Canadian government acknowledges that Aboriginal Rights exist but it does not describe what the nature of these rights actually is. Instead, Aboriginal rights must be politically negotiated or interpreted by the courts. Significantly, in recent judgments, Supreme Court Justices have argued that Section 35 rights should be defined so that aboriginal peoples’ prior existence in what is now Canada is *reconciled* with Canadian sovereignty and non-Aboriginal Canadian society (Borrows 2001: 36; emphasis added).

In retrospect, the 1983-1985 Constitutional Conferences held by ‘Aboriginal, Inuit, Métis’ representatives and non-Aboriginal political leaders to discuss the implementation of self-government and Aboriginal rights, were largely ineffective in achieving their objectives.

²¹ Notably, in regards to the *Sparrow* decision (*R. v. Sparrow*, [1990] 1 S.C.R. 1075), there are complex legal and policy requirements to establish Aboriginal Title and Rights in an Aboriginal territory, fishing for example, as they relate to the ‘cultural continuity’ of ‘traditional practices’. Thus in a way, the *Sparrow* justification test has been used to assess how much the Crown can continuously limit and exert power over Aboriginal rights (cf. Asch and Macklem 1992). To justify an infringement on Aboriginal rights, the Crown must demonstrate it was acting pursuant to a valid legislative objective, and that its actions are consistent with the fiduciary duty of the government towards Aboriginal peoples.

However, they succeeded in highlighting fundamental cultural differences pertaining to the (mis)understanding and (de)valuing of those rights. As such the conferences highlighted the need for an improved shared understanding of Aboriginal, Inuit and Métis concerns, for genuine government-to-government and nation-to-nation negotiations, and, perhaps more radically, for the need to acknowledge and address the demand for alternative mechanisms and pathways that Aboriginal peoples have to assert rights and to be autonomous self-governing nations.

Critically, these conferences were not marked by constructive negotiations but rather by a governmental rhetoric of ignorance, ethnocentrism and power imbalances reminiscent of the original colonial narrative discussed above, while they amounted to little more than *Dancing Around the Table* (Bulbulian 1987). In fact, the self-government proposal and discussions around equality completely failed. A deceiving political rhetoric was artfully advocated through notions of ‘integration’, ‘shared values’, ‘new consensus’, ‘equality’ (Prime Minister Trudeau) and having ‘substance’ on the table (Prime Minister Mulroney). Throughout the conferences, Aboriginal representatives were forced to continuously reassert their cultural identity as intricately linked to their homelands, their notions of Aboriginal rights and original ownership generally, and their inherent democratic and human right to self-government specifically. As Aboriginal representative George Watts eloquently expressed when the proposal to remove the obligation to negotiate self-government from the constitution proceeded, self-government implies a fair share of resources, control over own lives and independence for Aboriginal peoples (Bulbulian 1987). It does not imply having the Provinces and corporations exploit and destroy the land at their cost. Aboriginal title was well explained as “total ownership of the land, the mountains (...) given to us by God to use to survive” by James Gosnell, Chief of the Nisga’a (Bulbulian 1987). In reply, Trudeau cynically pointed out that the Nisga’a are obviously negotiating with the BC government to determine where title runs (‘which mountain?’), that

‘overlapping claims’ exist and that “[g]oing back to the Creator doesn’t really help very much” (Bulbulian 1987). Ethnocentrically and in defense of colonial practice and Canadian sovereignty, Trudeau remarked that migrations, immigration and fights are the usual means to re-write history and to settle claims to land. Rhetorically, he inquired whether Aboriginal leaders are “*just* going to repeat [their] historical claims” and if they want to “bargain their rights” (emphasis added) (Bulbulian 1987). The fact, or rather dilemma, that instead of a conference in good faith, the table had become a question of power and who exercises it also remained uncontested.

In the face of such ignorance, according to Borrows (2010: 187), Aboriginal, Inuit, Métis people and Canadian governments should pursue the implementation of Aboriginal legal traditions while stressing that Section 35(1) not only recognises Aboriginal rights but, reciprocally, also affirms the Crown legal obligations, its ‘duty’. Thereby, it shifts focus away from Aboriginal peoples to the Crown and calls for a much broader, more holistic and less simplistic conceptualisation and meaning of the section (Borrows 2010).

A decade after the Constitutional Conference on Aboriginal rights, Asch (1992: 45) optimistically concluded that after “[failing] largely because the parties could not reach any common agreement on self-government”, “[n]ow, however, the federal government, the territorial governments and most provincial governments seem at last to have *recognized* the point that native leaders have been making for years – that “aboriginal self-government” is an essential and legitimate expression of their rights” (emphasis added). Asch (1992: *ibid.*) continued by stressing the notion that “(...) we are now remarkably close to acknowledging that aboriginal self-government is and inherent right”. Furthermore, Asch (1992: 52) noted that “(...) aboriginal nations are not arguing for non-native people to leave Canada. By and large, they are calling upon non-native people to accept the concept of “sharing” in the political relationship.” Thus, for Aboriginal peoples ‘political self-sufficiency’ may be defined as “having the ability to

set goals and to act on them without seeking permission from others.” (Asch 1992: 50). Furthermore, it implies “acquiring certain political and economic resources through negotiations with the federal and provincial governments; it also means acquiring these resources in a manner that is free from both the symbols and the reality of dependency” (Asch 1992: *ibid.*).

In line with this argument, in the St’át’imc context, St’át’imc Title and Rights are based on the overall ‘territory’, the ability to move around freely, be autonomous, have decision-making powers throughout the area and be able to live according to the important ethic of sharing as Chief Bradley Jack (Interview August 2011) stressed when he stated that,

[T]his is our territory (...) [a]nd everything that’s in it is ours (...) need to protect it and everything that’s in it is our right to have a say. (...) we practise our right to hunting, fishing, trapping and our travel routes and how we share that within our territory. That’s why I say fishing is important, you know. We share that with the whole tribe, really. They have the right to fish but because they cannot fish in their own areas, we share our area with them. And hunting – we should be able to hunt anywhere in our territory. No one can deny us access.

Now, two decades after the conferences, it has become clear to many St’át’imc people, as Saul Terry indicated above when referring to constitutional insurance and protection, that the constitutional category they could use to protect their cultural practices and beliefs is Section 35. It has also become obvious to St’át’imc that achieving actual protection continues to be a challenging process because Section 35 is frequently understood differently by them, by government and/or industry. As Borrows (2010: 260) aptly notes, “[d]espite attempts to incorporate Indigenous perspectives and laws, section 35(1) remains securely tied to its non-Aboriginal foundations.” With respect to (case) law, for example, over the last three decades, the Supreme Court of Canada has continued to consistently refuse to recognize Aboriginal Peoples’ equal and self-determining status based on its adherence to legal precedent founded on the white

supremacist myth that Indigenous societies were too primitive to hold political rights prior to contact with European powers (Asch 1999; Coulthard 2007; Macklem 2001; Tully 2000).

Meanwhile, in 1997, the Supreme Court of Canada (...) countered the lower courts' decisions in the *Delgamuukw* case (*Delgamuukw v. British Columbia* [1997] 3 S.C.R. 1010), ruling that aboriginal rights have not been extinguished and that aboriginal people must be consulted on issues involving the infringement of aboriginal rights, especially on disputed lands (Daly and Napoleon 2003: 111). Nevertheless, Daly and Napoleon (2003: 112) stress that Judge McEachern's biological determinism and his "denial of aboriginal history and social complexity" are still common practice and "are assumptions that still inform the law" with subscriptions to "a shopping list of institutions deemed necessary for a society to qualify as civilized, the lack of which proves aboriginal savagery, inhumanity, and 'lawlessness' at the time of European conquest".

Thus, despite the constitutional rhetoric of 'recognition', power imbalances, uncertainty and Canadian dominance seem to continue. Despite the populist discourse of 'recognition' actual and meaningful recognition that accommodates First Nations claims is largely ignored. What adequate recognition entails is frequently not put into practice or even accepted during negotiations because primitivist discourses engaged by the state and industry trump any kind of meaningful recognition. Thus, within this framework of recognition Indigenous ontologies and epistemologies, self-determination objectives and efforts remain largely unheard or ignored. This framework includes recognition of Indigenous cultural and national distinctiveness, recognition of Indigenous rights to land, self-government, and recognition of the right of Indigenous peoples to benefit from the use and development of their lands and resources (Blackburn 2007).

As I will discuss in more detail below, there is a discrepancy between politics, policy and practice between St'át'imc and BC Hydro, especially before and during the first phases of the

negotiations that led to the Hydro Agreement. This is also the case, perhaps, moreso for the relationship between St'át'imc and the Provincial government as obvious through its strong reluctance to enter a meaningful nation-to-nation discussion and negotiate revenue sharing. Thus the question becomes: What does the political rhetoric of recognition entail in the broader Canadian and the local St'át'imc context? Which (St'át'imc) processes help to transcend power imbalances and render visible a dissembling rhetoric of recognition and achieve a more meaningful rhetoric and praxis that implies peaceful co-existence?

In this regard, Venne (1999: 119) contextualises the “issue of recognition” in a wider, global and cultural context – a context of power relations and cultural (self-) identifications – when she notes that the issue pertains to “Indigenous Peoples as ‘peoples’ and subjects in law”, and is “tied to the recognition of the right of Self-determination of all peoples and despite its collective overtones, Self-determination has increasingly been referred to as a human right, and included in the international human rights instruments.” Venne (1999: *ibid.*) insightfully concludes that “[i]f Indigenous people are recognized as Peoples, then the right of self-determination should apply to them”.

Similarly, Blackburn (2007) critically explores the colonial *status quo*, (the legitimacy of) Canadian sovereignty, policies of assimilation and the rhetoric of recognition and reconciliation in the context of the Nisga'a Treaty. Comparatively to what I found in the St'át'imc context, for Blackburn and the Nisga'a, the essential question became, “[h]ow much (...) does the treaty repudiate assimilation and enable aboriginal and non-aboriginal rights and differences to coexist in Canada?” She notes critically that,

The treaty sets out all of the Nisga'a peoples' constitutionally protected Section 35 aboriginal rights, including their aboriginal title, and is the final legal settlement of these rights. Recall that Section 35 recognizes that aboriginal rights exist but does not define them. From the point of view of governments and industry, undefined aboriginal rights

create uncertainty, particularly for resource companies that operate on lands that are or may be claimed by First Nations. (Blackburn 2005: 529).

Generally, Blackburn (2007: 628; cf. Zlotkin 2009) identifies two types of recognition which constitute contemporary reconciliatory efforts which include: “the recognition that much of what the government did to aboriginal people in the past was wrong” and, furthermore, “the positive recognition of aboriginal peoples’ rights and difference within the frame of liberalism.” Drawing on Kymlicka’s notion of “liberal culturalism” Blackburn (2007: 629) concludes concisely that,

[p]eople who argue for separate rights maintain the liberal emphasis on equality but say that difference-blind rights are not a neutral mechanism for guaranteeing this equality (...). As far as aboriginal people are concerned, having the same rights as other Canadians is a fundamental denial of their aboriginality and a continuation of colonial discrimination. Nisga’a and non-Nisga’a negotiators argued that the treaty was different because it enabled the Nisga’a to be Canadians without having to give up their rights and culture.

Similarly, Dene scholar of Indigenous political thought, Glen Coulthard (2007: 438; cf. Corntassel 2008; cf. Irlbacher-Fox 2009; cf. Miller 2003; cf. Tully 2006) sets out to critically challenge “the idea that the colonial relationship between Indigenous peoples and the Canadian State can be significantly transformed via a politics of recognition” which he takes to be “the now expansive range of recognition-based models of liberal pluralism that seek to reconcile Indigenous claims to nationhood with Crown sovereignty via the accommodation of indigenous identities in some form of renewed relationship with the Canadian state.” Coulthard (2007: 438-439) concludes “that instead of ushering in an era of peaceful coexistence grounded on the Hegelian ideal of reciprocity, the politics of recognition in its contemporary form promises to reproduce the very configurations of colonial power that Indigenous peoples’ demands for recognition have historically sought to transcend”. Historically, Indigenous demands for “cultural recognition” have also functioned to challenge the “dominating nature of capitalist social

relations and the state-form” as, in the St’át’imc context, for example, through the *Declaration of the Lillooet Tribe 1911*. Drawing on Kymlicka’s (1995) insights on the ‘nations-within’, national groups incorporated into a dominating jurisdiction, Coulthard (2007: 450-451) succinctly notes that one of the main flaws of the liberal discourse and the politics of recognition is that there is “no mutual dependency in terms of a need or desire for recognition. In these contexts, (...) the colonial state and state society – does not require recognition from the previously self-determining communities upon which its territorial, economic, and social infrastructure is constituted.” Coulthard (2007: 451) continues by identifying that “[w]hat it needs is land, labor and resources.”

Isaac Adolph (Interview August 2011) pointed out, however, that St’át’imc Title and Rights are more a stance of self-determination that requires St’át’imc, in the face of hydro-electric development and ongoing claims to jurisdictional monopoly by the Canadian state, to recognize *themselves* and mobilize their own law. In his words:

As far as I know, St’át’imc Title and Rights is intact. As far as I know, this Hydro Agreement did not impact Title and Rights. As far as I am concerned, our St’át’imc Title and Rights are safe right now. In dealing with BC Hydro, we do have other work to do with BCH, they’re a Crown Corporation, we have to go further, higher than them to deal with other issues which will include eventually BC Hydro. (...)

In my mind, the *Declaration of the Lillooet Tribe 1911* is everything that we need as a position, to pay for and dealing with the future. The 8 articles in the *Declaration of the Lillooet Tribe 1911* spell it out who we need to deal with and what issues we need to deal with. (...) It’s a very strong emotional message that we have to be there for our kids that they recognize the Declaration of the Lillooet Tribe. Not all of them do but if some recognize it without knowing about it then that’s inspirational. I think one other part of the Declaration is: It is the effort to sacrifice yourself today for the benefits of tomorrow because we have not forgotten the past. That means that we’re leaving a legacy for the future generations like we’re taught because we have not forgotten the *Declaration of the Lillooet Tribe 1911*. The Declaration also gives us direction.

In line with Isaac Adolph's hope and vision, and drawing on Fanon's postcolonial theory, Coulthard (2007: 455) concludes that "those struggling against colonialism must 'turn away' from the colonial state and society and find in their own *transformative praxis* the source of their liberation" which implies that "this process will and must continue to involve some form of critical individual and collective *self*-recognition on the part of Indigenous societies (...) with an understanding that our cultures have much to teach the Western world about the establishment of relationships within and between peoples and the natural world that are profoundly non-imperialist". Part of the self-recognition process for St'át'imc (increasingly) stems from the mobilization of the *Declaration of the Lillooet Tribe 1911* (pers. comm. July 2011 Isaac Adolph, Mike Leech), the negotiation process and having to define the 'infringements' and social impacts of hydro-electric development (pers.com July 2011 Darryl Peters), ancestral teachings that are being passed on (pers. comm. August 2011 Perry Redan), St'át'imc Knowledge and St'át'imc language (pers. comm. June 2011 Desmond Peters Sr), St'át'imc Title, Rights and Responsibility (pers. comm. July 2011 Perry Redan, Garry John), St'át'imc Territory (pers. comm. June 2011 Garry John).

However, as shown previously, in contrast to the vague constitutional definition of Aboriginal Title and Rights (Blackburn 2007; Borrows 2010; Willow 2009), which frequently only leads to a recognition of title and rights in rhetoric but rarely in practice, St'át'imc Title and Rights are lived as they are uniquely local, holistic and relational. What is needed then for a genuine recognition and a full "measure of justice", to borrow from the *Declaration of the Lillooet Tribe 1911*, is a more local and contextual understanding of the cultural practices as based on this St'át'imc holism and lived experience. In the apt words of legal scholars Godlewska and Webber (2007: 29),

[t]he language of rights stresses entitlement but provides little guidance on how responsibilities should be divided between Aboriginal and non-Aboriginal governments. It speaks in broad and abstract generalities, leading some non-Aboriginal observers to think of Aboriginal self-government either as complete rejection of co-existence with non-Aboriginal Canadians, as complete governmental separation, or, if independence is not on the cards, as a special right claimed by Aboriginal on the basis of culture or race – an outcome difficult to reconcile with ideas of the equality of citizens.

In sum, as all the eloquent quotes in my ethnographic data (Chapters 3 and 4) show, is that for St'át'imc, St'át'imc Title and Rights are above all deeply rooted in their territory as Grand Chief Saul Terry emphasised. References, as in Grand Chief Saul Terry's case, are sometimes made to the constitutionally defined 'Aboriginal Title and Rights' but more adequately, the notion St'át'imc Title and Rights is used to denote holistic – lived, remembered, shared, relational, sustainable and local – practices.

Arguably, while they have to be lived and experienced to be fully understood, many St'át'imc people are prepared to generously share accounts of their meaning and mobilise knowledge through the *Declaration of the Lillooet Tribe 1911* to inform others who are willing to listen to and *for* them (Cruikshank 2005, 1998) and make way for reconciliation, compromise and a path to a middle ground in regards to St'át'imc Territory and unsettled property relationships. Essentially, many St'át'imc people are ready to strategically voice and assert St'át'imc Title and Rights. In the articulate words of Chief Garry John (Interview July 2011),

[P]eople practise Title and Rights every day: they're walking the land, they pick berries, they hunt, they fish. Title, rights and responsibilities is to use the land, the resources, to honour the chiefs who signed the Declaration. When St'át'imc people speak about the territory and their responsibilities and their relationship to the land, they speak about St'át'imc Title and Rights.

The notion of 'St'át'imc Title and Rights' conceptually allows many St'át'imc to describe an ongoing connection to an unceded homeland as *Titqet* Tribal Chief Shelley Leech (Interview September 2011) expressively voiced when she noted that, "We have never given up our lands.

Never signed anything over to governments (...). We hold the right to do whatever we want to do in our territory.” For her, it is important to “assert (...) rights”. Being St’át’imc and having ‘culture’ means to hold “St’át’imc knowledge” and to “live through our lands and resources”.

However, as Chief Perry Redan (Interview August 2011) stressed, St’át’imc Title and Rights need to be conceptually expanded to denote a reality in which St’át’imc territorial governance embraces “responsibilities” towards the land. Chief Perry Redan (Interview August 2011) emphasised that the concept of Title and Rights in its current form is reductionist and needs to be conceptually expanded to reflect the St’át’imc reality. As he stated,

Title is misleading... well, title, we vote title. It’s difficult to say it’s ‘ownership’. It’s more of a stewardship relationship with the land. We can’t own the land, we can’t take it with us, we gotta protect it for future generations. And I believe because we are the rightful stewards of our territory – rights is a legal term – I’ve been taught we hold title to that territory and rights flow from that title.

There is a missing term associated with title and rights. There is title, there are rights but there’s also responsibility. We have responsibility to protect the land for future generations, to understand, to protect the wildlife, the fish, these types of things.

He suggests another conceptual move, one from ‘self-government’ as ‘recognized’ by a colonial government to ‘self-determination’ and highlights that “(...) We have the right to determine our own membership. We have a right to determine how our lands are going to be used. (...) Right now, the colonial government under the Department of the Indian Affairs is still debating or has influenced membership under the Indian Act.”

When Perry Redan notes that ‘ownership’ is reductionist and cannot account for a more ‘stewardship relationship with the land’, it becomes clear that the concept of (private) property, deeply rooted in Enlightenment thought, forces St’át’imc people to speak the legal language of property to create a basis for negotiation and for their title and rights not to be extinguished. Thus, *Tsuwalhkálh Ti Tmícwa*, “The land is ours”, forms part of the political and legal

positioning that is required of St'át'imc and other Indigenous groups in Canada. However, as many of my St'át'imc informants and many scholars (cf. Nadasdy 2002, Krupnik et al. 2004) argue, 'property and ownership' as known in Euro-Canadian thought are not fully compatible with St'át'imc and other First Nations' social and communal relationships with a sentient land.

Similarly, for Australia, Glaskin (2003: 67) notes:

The legal recognition of indigenous land rights presents significant challenges to Western legal systems, with such recognition typically impacted by, and balanced against, competing non-indigenous (frequently economic) interests in land or waters. Part of the difficulty involved in the legal recognition of indigenous land rights concerns the translation of indigenous relations with land into rights enforceable within Western legal systems. For indigenous peoples, the recognition of their indigenous title, should it be afforded, may bear little resemblance to, or reflect minimally on, their own conceptualisation of their relations to country. The problem of translation that emerges between (...) the 'subject of recognition' (indigenous relations to land) and the 'product of recognition' (the aboriginal or native title) is common to indigenous peoples seeking legal recognition of their rights to land. An important analytic tool in relation to this question concerning convertibility is the concept of 'property'.

Glaskin's (2003: 83; cf. Scott 2004) timely analysis of the consequences of legal recognition culminates in the conclusion that that "the way Western societies view property as having an essential character of alienability highlights the problem of the translation of Indigenous relations to country into legally enforceable rights". However, as Noble (2009) prudently suggests, for St'át'imc people it is more appropriate to associate ownership with 'belonging' rather than embedded in the Euro-Canadian concept of 'property'.

However, as Perry Redan's quote also shows, St'át'imc people are prepared to offer new ways of conceptualising their relationship with the land in the English language intelligible to industry and the state while using, expanding and essentially re-defining the concept of property

strategically as ‘analytical tool’.²² Furthermore, Perry Redan’s and Shelley Leech’s statements are reflective of Indigenous views of development which, according to McGregor (2004: 76),

(...) are based not on taking but on giving. Indigenous people ask themselves what they can give to the environment and their relationship with it. The idea of sustaining, maintaining and enhancing relations with all of Creation is of utmost importance from an Indigenous point of view. Indigenous ways of life focus on this type of relationship with Creation. Indigenous people understand that with this special personal relationship with Creation comes tremendous responsibility; it is not something to be taken lightly. (...) Everyone and everything carries this responsibility and has duties to perform. All things contribute to the sustainability of Creation. It is not a responsibility carried only by people. All of Creation contributes, and this includes everything from the tiniest animals to the powerful sun. It includes the land, the weather, the spirits - all of it. An important principle that emerges from the Creation stories is that we cannot interfere with the ability of these elements or beings of Creation to perform their duties. When we interfere, then the sustainability of Creation is threatened (as we now see). Over many years Indigenous people developed ways of living that sustained this relationship with all of Creation.

The emphasis on sharing, responsibility and reciprocity is crucial. And as the St’át’imc stance to self-determination, the negotiations with BC Hydro and the government have shown,

Aboriginal peoples have similar potential to shape the Canadian constitution order from outside. During certain periods of our history, they have had much more potential. Aboriginal rights, title, treaties, self-government, section 35, and the fiduciary obligation all represent ways of accommodating indigenous societies within the Canadian legal order. But these ways are always first approximations. (Godlewska and Webber 2007: 29).

Crucially, as my findings further suggest and as Godlewska and Webber (2007: 30) correspondently state, “(...) Aboriginal traditions are worth understanding on their own terms, in

²² Critical observers of co-management and co-governance systems, however, are highly skeptical about the commensurability of Indigenous and Western modes of understanding. Nadasdy (2005: 226), for instance, stresses that there is the great danger that if Indigenous people express alternative conceptions of a sentient land to government scientists and resource managers in co-management negotiations they will not be read, heard and understood because these conceptions cannot be implemented and integrated into (co-) management decisions (Nadasdy 2005: 226; 2003). Many St’át’imc, anthropologists (Hunn 2003, Feit 2005) and I would disagree with this quintessentially postmodernist line of thought which, if taken further, predicts a separation from the land, culture change or even complete culture loss and assimilation for St’át’imc peoples and other Indigenous groups (Nadasdy 2003). Arguably, this type of argument is not very useful in assisting marginalised and dispossessed indigenous groups in their struggle for jurisdiction and authority and does not sufficiently recognise the powerful and eloquent cultural statements I have explored so far in this thesis.

a manner that is not from the very beginning crimped and contorted by a colonial frame”. In the powerful words of Philip Awashish of the Eyou of Mistissini (one of the nations of the James Bay Cree), some First Nations have recognized that ”self-determination is the power of choice in action and have adopted a ‘just do it approach’” (Godlewska and Webber 2007: *ibid*).

For St’át’imc involved in the negotiations this “just do it approach” had to do with continuously re-asserting and defining self-determination. This includes yet another shift in political rhetoric and practice as SNH coordinator Rod Louie (May 2011) noted, one from talking about “St’át’imc Title and Rights to land” to one of “St’át’imc Jurisdiction and Authority *over* land” (emphasis mine). In light of this transformations and line with what McGregor (2004: 84) concludes, new paradigms of co-governance are called for:

Significant changes to state environmental and resource management paradigms are called for. Merely wishing to include Aboriginal people and their knowledge is not enough. The dominant paradigms and the professionals (managers, planners, scientists, policymakers, decision-makers) who adhere to them are ill-equipped to deal with Aboriginal people and their concerns. Aboriginal people are expected to conform or acquiesce to the dominant paradigm in order to be 'involved' or 'consulted' (Stevenson 1999: 164). The knowledge of Aboriginal people is forced to fit into dominant frameworks that often render irrelevant the intellectual, social, cultural and spiritual contribution that Aboriginal people have made or can potentially make. Fully appreciating and utilizing Aboriginal knowledge must occur in the context of positive, equal and healthy relationships.

Moving on, in the subsequent sections I will show how St’át’imc successfully navigated their local knowledge, the ethic of sharing and the need for a ‘measure of justice’ as their forefathers demanded in the *Declaration of the Lillooet Tribe 1911*.

In this sense, as Elder Desmond Sr indicated during our trip through the Bridge River Valley, the shared history of marginalization, dispossession and deterritorialization of St’át’imc people is also a local history of survival, persistence and cultural continuity as “[a]ll these things happened: the forestry, hydro and we’re left with the bare mountain. But we’re still here.” Furthermore, the

land also tells a local St'át'imc (hi)story of self-determination vividly illustrated through Desmond's claim of *Sxetl'* as "This is our place to fish! These are our fish! That still stands today".

Fish vs. Chickens: Asserting St'át'imc Self-Determination and Resisting the Colonial Narrative

According to Cornassel (2008: 105) "it is becoming clearer that the existing rights discourse can take indigenous peoples only so far. States and global/regional forums have framed self-determination rights that deemphasize the responsibilities and relationships that indigenous peoples have with their families and the natural world (...) that are critical for the health and the well-being of future generations". The implicit and explicit St'át'imc discourses on St'át'imc Title and Rights outlined in detail above, highlighted the holistic nature of these responsibilities.

Particularly, for the purpose of the negotiations with BC Hydro, many St'át'imc were mobilized to define, determine and assess the 'infringements' on St'át'imc Title and Rights and the social 'impacts' on the St'át'imc way of life. Negotiating these impacts, as I will show, also meant negotiating the colonial relationship with BC Hydro and the Province of BC while asserting the right to self-determination and St'át'imc governance over all of St'át'imc Territory. For both groups this also meant becoming increasingly aware of the cultural differences in relating, negotiating and asserting objectives. For St'át'imc people it became an opportunity to self-identify, self-recognize and communicate their cultural practices strategically without compromising too much of the holism inherent to being *Úcwalmicw*. For BC Hydro and the Province of BC it meant learning to understand and acknowledge, to some extent, this holism as well as the social complexities that these infringements have caused. Throughout the negotiations St'át'imc have challenged the political, cultural and legal notions of their 'participation' in hydro-

electric development and Canada and continue to emphasize communal values and kin-based forms of belonging within their communities. These emphases are placed, however, “in uneasy juxtaposition with the individualistic, market-oriented entrepreneurialism by which being [St’át’imc] and the (...) ability to be self-governing continue to be judged” (Blackburn 2007: 66).

Despite or, arguably, because of these fundamental differences between the groups, the negotiations became an exercise in attempting to achieve a mutual understanding of what needs to be agreed upon, and subsequently settled. According to the St’át’imc Nation Hydro negotiating team (pers. comm. Rod Louie May 2011), the Hydro Agreement is supposed to address all past, present and future impacts, grievances and claims of St’át’imc in the territory, including reserves, and in relation to planning, acquisition of rights, authorizations, access to, design, development construction, operation, maintenance, repair, alteration, upgrade, closure, removal or replacement of any existing BC Hydro facilities.

Furthermore, both BC Hydro and the St’át’imc Nation Hydro representatives stressed throughout the ratification phase that there is no extinguishment of St’át’imc Title and Rights to the Territory through the agreement. When speaking to me about making ‘agreements’ with the government or industry, many St’át’imc distanced themselves strictly from the famous James Bay and Northern Québec Agreement (JBNQA). Chief Garry John’s (Interview July 2011) interpretation of the agreement, for instance, was that “they got a lot of money but surrendered a lot of title and rights.”

Scott (2001: 6; cf. Niezen 1993) notes that the JBNQA, which Chief Garry John compares to St’át’imc struggles, essentially established institutional connections between Cree resource managers and the government(s) while outlining compensation efforts for the loss of (natural) resources, traditionally used, because of industrial development. However, Scott (2001: *ibid.*) continues by emphasising that the JBNQA led to “mixed results” in which “surviving Aboriginal

Title” was negotiated to “their partial advantage” mainly because a comprehensive settlement like this is less “ambiguous and more enforceable” than treaties historically made between First Nations and the Crown. Following Garry John’s stance, for St’át’imc people and their stance of self-determination a comprehensive treaty, whether historically or as part of the modern BCTC treaty process is not an option, mainly because no one is prepared to ‘extinguish’ Title and Rights for a disadvantageous exchange.

Complexities during the negotiation process arose for BC Hydro negotiators when St’át’imc challenged them to grasp the complexity of the impacts hydro-electric development had for the St’át’imc way of life, the Valley of Plenty, especially the fish and fishing. Initially, St’át’imc negotiators left it to BC Hydro to understand and offer adequate compensation, as *Sekw’el’wás* Chief Perry Redan (Interview August 2011) explains with the words “(...) we were looking at- we lost hunting, we lost a lot of fishing (...). We lost our fisheries. How would you compensate us?”

Developing a ‘St’át’imc understanding’ of BC Hydro’s goals, according to Perry Redan (Interview August 2011) meant grasping “(...) their corporate structure” and that “[t]hey’re bound by colonial law, Provincial law, they’re motivated by money and profit. They have this responsibility to provide reliable electricity to the Province of BC.” Crucially, for St’át’imc, becoming assertive also meant working collectively as communities and as a nation. Sharing his insight of the negotiation process with me, Perry Redan (Interview August 2011) explained that “(...) we sat down and began at the community level (...). But in many cases, many of the issues were nation issues (...) for example, fisheries. Bridge River was flooded, they pumped water into Seton Lake – so that was a collective issue – INAC rights of way, so we moved those to the common table- later known as the main table negotiating team.” Thus, self-determination, as Scott (2001: 16; cf. Alfred and Corntassel 2005: 603) aptly opines, “requires that communities

coalesce as functional collectivities able to give pragmatic institutional shape to their definitions of culture and identity.”

Putting a dollar value on St’át’imc Territory, culture and identity, and challenging BC Hydro to try and grasp these impacts from a St’át’imc perspective, became part of this exercise in self-assertion and defining what had been impacted, changed and lost. The blatant lack of understanding at the beginning of the negotiations which BC Hydro and the Province exhibited spurred an even stronger sense of St’át’imc self-recognition and cultural defense. As Perry Redan (Interview August 2011) stated expressively,

And they’re coming back and say if we take a food substitute, that is basically equivalent- they took chickens and calculated so many pounds of salmon so many pounds of chickens. And somebody says- how do you wind-dry chicken?

That type of concept went out the window. It’s not only the monetary value we’re losing. It’s the ability, it’s a health issue, it’s getting out with the family – you walk down to the river, that’s healthy! ...so you’re losing that ability to walk, to understand the land. (...) That would have been lost because you can’t put no monetary value on those type of things. The same with hunting and fishing. (...) You can’t put a monetary value on that. Or go and pick berries! So it was a loss of a communal activity. So then we started talking about the quantum, again I indicated Saul was, he was chairman, tasked to sit down with the Provincial reps and hydro at a senior level to see if we could come close.

Xaxli’p Chief Art Adolph’s (Interview September 2011) criticism was that what was initially missing in this incommensurate comparison between ‘fish as a way of life’ and ‘chicken as domesticated livestock’ advocated by BC hydro’s (so-called) experts, “(...) was the social impact – like the loss of culture and basically the loss of the language relating to these fisheries. And basically the loss of place for fish to get fishing activities to take place especially for *Tsal’álh* (Seton). So there was a whole loss of culture related to these fisheries.” Essentially, Art Adolph continued that “[c]hickens won’t replace that. So there was some differences, this is an example of some differences we were up against. ” Thus the task for the St’át’imc negotiators in the

struggle for recognition of St'át'imc Rights was to illustrate that to be able to wind-dry fish is to be able to practise a St'át'imc right and to live culturally. The suggestion in the negotiation process to wind-dry chickens became an absurdity and only served to ridicule St'át'imc claims and BC Hydro representatives' understanding thereof.

The St'át'imc effort to translate the “loss of a communal activity”, the impacts BC Hydro's facilities had on the fishing, the hunting, the berry-picking, the “ability to walk, to understand the land” and to have a ‘healthy’ family became a genuine effort to “(...) challenge and deny the authority and/or legitimacy of provincial and municipal boundaries (...) [and] to provide the socio-cultural substance of demands for shared sovereignty, to be worked out through intercultural compromise and engagement” (Scott 2001: 10). And although the “(...) colonial government couldn't wrap its head around the magnitude of the loss of culture” as Chief Art Adolph (Interview September 2011) concluded for the negotiation process and the chicken-comparison, St'át'imc remained stern, increasingly assertive and determined to assert their jurisdiction and authority.

Similar to what Willow (2009: 46) observed for the Anishinaabe Grassy Narrows First Nations, where “defending the land has become a precondition for the continuation of Anishnaabe cultural identity” and the protection of the homeland is considered “a right (...) closely tied to the safeguarding of their aboriginal and treaty rights” and akin to what St'át'imc possess and mobilize through the *Declaration of the Lillooet Tribe 1911* as a source of St'át'imc law, Grassy Narrows value an “assemblage of treaty-guaranteed rights” which their forefathers negotiated and signed with the British Crown (Willow 2009: 47). Both, St'át'imc people and Grassy Narrows First Nation must continuously re-assert and defend their version of this shared history of Anishinaabe and the Crown signing Treaty Three a 130 years ago and of the large-scale industrial development and dispossession of St'át'imc land by settlers, respectively. After decades of

environmental degradation, flooding and forced relocation, it becomes clear that for both, St'át'imc and Grassy Narrows “[n]o longer simply a way of life, living on the land is now a consciously political act” with the landscape (Willow 2009: 56) as “politically charged (...) site for injustice and a battleground in the wider struggle to overcome it”. These struggles are part of a larger ethno-political narrative unravelling of power structures and “grounded in a long history of social and environmental injustice” (Willow 2009: *ibid.*). Thus, negotiating the social and environmental impacts for St'át'imc and for Grassy Narrows also meant finding and navigating a productive ‘middle ground’ as a “political space, an arena of intercultural communication, exchange, and joint political action” (Conklin and Graham 1995: 696).

According to Alfred and Corntassel (2005: 601) there is, however, an inherent danger in letting colonization become the only narrative of Indigenous lives. The authors (2005: *ibid.*) urge us to recognize that “colonialism is a narrative in which the Settler’s power is the fundamental reference and assumption, inherently limiting Indigenous freedom and imposing a view of the world that is but an outcome or perspective on that power.” Their suggestion (2005: *ibid.*) is “remembering ceremony, returning to homelands and liberation from the myths of colonialism”. This, they (2005: 603) note, drawing on Franz Fanon’s postcolonial theory, can be understood through the idea that,

[a] battle is a spiritual and physical one fought against the political manipulation of the people’s own innate fears and the embedding of complacency, that metastasizing weakness, into their psyches. (...) the most important strength of Indigenous resistance, unity, is also constantly under attack as colonial powers erase community histories and senses of place to replace them with doctrines of individualism and predatory capitalism.

As I will show in the final section of this chapter, the ethic of sharing and justice – historically essential to an egalitarian St'át'imc cultural identity – which now manifests itself through the demand to (revenue) sharing and being fully understood as a self-governing nation with a

territory, have now become the main objectives of St'át'imc self-determination and resistance efforts.

In this regard, as Alfred and Cornthassel (2005: 611) contend, “[t]he larger process of regeneration, as with the outwardly focused process of decolonization, also begins with the self. It is a self-conscious kind of traditionalism that is the central process, in the ‘reconstruction of traditional communities’ based on the original teachings and orienting values of Indigenous peoples.”

A Small Measure of Justice, A Small Measure of Co-Governance: St'át'imc Historiography, Increasing Authority and Improving Relationships

At the St'át'imc Gathering on May 10th 2011, St'át'imc people celebrated their ancestral connection to their homeland, asserted jurisdiction and authority over all of St'át'imc Territory and (re-)claimed their collective history by mobilizing the *Declaration of the Lillooet Tribe 1911* in the presence of a number of BC Hydro, CBC, and political and legal representatives. St'át'imc gathered as individuals, families and as a nation. For St'át'imc this day was particularly crucial, partly because it allowed them to celebrate their own history and mobilize a shared sense of belonging with each other. The symbolic signing of the Hydro Agreement on this historic day was thus contextualised strategically in this history of a changing relationship with BC Hydro and the Province. While BC Hydro and the CBC camera joined the celebration prepared to capture and to advocate this historic moment as an emerging ‘new relationship’, St'át'imc, while acknowledging the improvements, shared a much more nuanced and critical perspective with me. As previously discussed this was the case both, at the gathering and during the Hydro Gala.

In this section I will highlight how this changing relationship has been meaningfully transformed through the negotiations as well as the early implementation phase of the agreement,

which is the focus of my research. Crucially, this relationship must be contextualised within a broader St'át'imc and Canadian context to do justice to the St'át'imc and Indigenous holism inherent in all social relationships (cf. Little Bear 1997). Social change, in fact, does not lead to a 'new relationship' and an outright break with a colonial past as many BC Hydro representatives state, but rather to an 'improved relationship' and a 'small measure of justice' as repeatedly argued by many St'át'imc people, which now has begun to foster the productive middle ground.

During the gathering (May 2011), St'át'imc people explained that: "The Declaration is our law, it says who we are, where we're from and where our territory is". In the words of *Xali'p* Chief Art Adolph (Interview September 2011): "We're getting a "small *measure of justice*" of what our ancestors demanded in 1911 (...). Taking a bold step in acknowledging this is St'át'imc Territory and we need to have an agreement with St'át'imc people, then we, through the negotiations, came up with the agreement. There has been give and take."

Essentially, the agreement could thus be understood as a form of reciprocity, as a recognition of St'át'imc authority (both the SCC and St'át'imc Authority (SA) as defined in the Hydro Agreement Draft 2010) and as an official acknowledgement by BC Hydro and the Province of BC of their wrongdoing and impacts. As such it has the potential to function as an important step towards co-existence and sharing of some of the wealth. On page one of the Hydro Agreement (Draft 2010: 1), the Province and BC Hydro acknowledge St'át'imc culture and history: "A. St'át'imc are indigenous people who assert aboriginal title and rights to the Territory and on May 10, 1911 *the Declaration of the Lillooet Tribe* was signed by 17 St'át'imc Chiefs asserting that the St'át'imc are the rightful owners of the Territory and everything pertaining thereto" and that "B. The St'át'imc Chiefs Council is currently the St'át'imc authority that represents the Communities on certain aboriginal title and right matters (...)". This process fits with John Borrows' (2010: 10) notion that indigenous laws hold modern relevance for indigenous as well as

non-indigenous peoples, as they are always restated to promote social stability, provide guidance on how to live peacefully and also on how to cope with conflicts.

Similarly, Blackburn (2007: 631, emphasis added) states that for the Nisga'a and their comprehensive settlement agreement,

the parties intend that this Agreement will result in this reconciliation and establish a new relationship among them' (1998: 1). The Supreme Court's formula for reconciliation requires that aboriginal rights be reconciled *with* the sovereignty of the Crown, however, and this means that aboriginal rights have to be defined in ways that do not challenge the sovereignty of the Crown (...). Ultimately aboriginal rights bear a greater burden of accommodation in order to produce this compatibility.

Chief Art Adolph for St'át'imc, Blackburn (2007) for Nisga'a and Charest (2008, 2002) for the Innu all seem to agree though that the rhetoric and emphasis of government, BC Hydro and Hydro-Québec on breaking with the past and beginning anew as part of the 'political legitimization of reconciliation' is problematic and must be challenged as it indicates closure where closure is unwarranted (Trouillot 2000; Willems-Braun 1997).²³ In the words of Blackburn (2007: 621) taken from the Nisga'a context, there is an inherent danger that "[w]hen politicians and policy-makers talk of moving into a new era, they move injustice and state culpability into the past, and this makes it harder for aboriginal people to complain about the inequities they continue to face in the present."

²³ In the succinct words of Willems-Braun there is the obvious danger in political rhetoric advocated to silence First Nations voices (1997: 11), "In light of incomplete decolonization in British Columbia, such rhetorics risk reinscribing colonial relations, erasing present-day First Nation struggles over 'sovereignty,' and ignoring their continual assertion that what appears as 'wilderness' in one rhetoric is a highly *cultural* landscape in another. Assuming fixity of these 'national/natural' spaces (and their staging as an abstract 'void' and normalization within a 'national economy') is, I suggest a bad epistemic habit, one that simultaneously incorporates and renders invisible the colonial histories through which these spaces have been constituted and naturalized, and which in turn authorize certain voices – resource managers, bureaucrats, nature's defenders – to speak for nature."

As Blackburn (2007: 627; cf. Corntassel et al. 2009) notes, “Aboriginal people are much less willing to engage reconciliation language that emphasizes closure and moral congratulation.” As one of Blackburn’s (2007: *ibid.*) interlocutors notes, the challenge is then,

that non-aboriginal people talk about reconciliation as ‘let’s wipe the slate clean, forget the past and walk hand in hand into the purple sunset’. For him reconciliation was ‘not a departure’ into a new era, but rather ‘is something you arrive at’, and before this arrival could happen ‘there needs to be justice’. Most Nisga’a I talked with questioned the seamlessness implied by the idea of reconciliation even if they actually supported the treaty.

Blackburn (2007: 634) emphasises that,

The Nisga’a treaty has not been part of an official, widely publicized reconciliation process that would raise public awareness about colonial histories in Canada and British Columbia. This is a significant absence and impediment to a broadly based reconciliation between aboriginal people and non-aboriginal Canadians. With respect to the terms of the Nisga’a treaty specifically, people have very different views on if and how it fulfils the various requirements of reconciliation. Supporters argue that the treaty creates a form of coexistence for the Nisga’a within Canada that overturns the colonial denial of aboriginal rights and emphasis on assimilation, and that in these respects it serves justice. Some also see the treaty as an acceptable resolution of the Nisga’a’s longstanding claim but do not link it with reconciliation at all; recall how some Nisga’a supported the treaty but distanced themselves from the language of reconciliation and the possibility that the government could ever make up for the past. Others argue that the only kind of coexistence that would transcend colonialism and provide justice for aboriginal people is one based on a recognition of aboriginal nations as sovereigns who are not subject to Canadian institutions or laws (...).

The conclusion that follows from this analysis of diverging perspectives is that the Nisga’a treaty “(...) is an achievement, but it does not construct this kind of coexistence. It reconciles the aboriginal rights of the Nisga’a with the sovereignty of the Crown and the presence of Canadian society primarily by making the former compatible with the latter.” (Blackburn 2007: *ibid.*)

Comparatively, the relationship St’át’imc people have with BC Hydro and the Province is similar to what Nisga’a have with the Crown in that it is improving and seeks to reconcile uncertainty of the operations caused by St’át’imc Title and Rights claims with certainty for these

operations established through the agreement but does not fully and completely recognize them as ‘sovereign’ people and as a ‘nation’. The St’át’imc example is more promising though as St’át’imc Title and Rights, and now St’át’imc jurisdiction and authority, have not been conceptually and practically compromised through a treaty. For St’át’imc the freedom to aim for increasing territorial governance and the co-governance of BC Hydro’s operations together with the Province of BC remains intact and this can be understood as a partial success.

This, for example, is not the case for the Innu of Québec where the notion of ‘partnership’, ‘innovation’ and ‘new relationship’ has emerged through agreements between Québec and the various Indigenous groups (Charest 2008: 263). In line with the St’át’imc context, focusing on the relationship between Hydro Québec and the Innu, Charest (2008: 265) urges people to scrutinize how the relationship has evolved and changed over time and to assess if a new relationship has emerged, categorizing historical phases into notions of (1) ignorance, silence, (2) opposition, confrontation, reconciliation and (3) agreements and partnership. Both, Innu and Hydro Québec, as is the case for St’át’imc and BC Hydro, seem to diverge in the way they make meaning of the evolving collaborations. According to Hydro Québec, “the idea of a partnership is largely a business proposition” while for “Innu leaders, however, reference to the notion of partnership seems to be a bit anterior to its use by Hydro-Québec and the provincial government” (Charest 2008: 274). This highlights that for Innu, power imbalances seem to be more obvious than for St’át’imc. In the words of Rene Simon, then president of the Council of the Atikamekw and Montagnais:

Fundamentally, we are not opposed to hydro-electric development in our territory (...). But in the future the planning and realisation of this development must be done with us, respecting our respective preoccupations... For example, we believe that in some cases a partnership approach with Hydro-Québec or other promoters can lead to a better social and environmental integration of projects of common interest. Some Montagnais communities have already tried past approaches of this sort, but met with rebuttal, or were proposed unacceptable conditions. Unfortunately, things are easy to say when the political

will is not there. Nevertheless, I personally believe that partnership is an avenue of solution because it creates links, forces dialogue, and favours compromises. (In Charest 2008: *ibid.*)

Thus, in contrast to the St'át'imc example, Charest (2008: 278) concludes skeptically that,

the Innu are not really involved in the political and economic decision-making process concerning the development of their lands and resources according to their own needs and priorities. Perhaps some day this situation will be reversed, at which point the Innu will at least share decision-making powers in the development of Nitassinan, their communities, and populations who have lived here for countless generations.

St'át'imc people, in contrast to Innu, have, through the negotiations, managed to achieve more economic, political, environmental and social decision-making power in regards to hydro-electricity in the overall territory.

A key example for an improving relationship, more cooperation and a transition to a reasonable form of co-governance between BC Hydro, the Province of BC and St'át'imc pertains to water management through the current Water Use Plan (WUP). As *Xa'xtsa* community member Darryl Peters clarified in his interview (July 2011), a mutually beneficial collaboration has been achieved through a combination of St'át'imc involvement in the mitigation and enhancement programs, a structured decision-making (SDM) framework for the Lower Bridge River, the inclusion of St'át'imc knowledge and oral history on the Valley of Plenty before and after flooding as well as St'át'imc insight and input in regards to the flow regimes. An important element of this includes the smolt migration and BC Hydro's willingness to adjust their operations to benefit salmon smolts during migration. St'át'imc Chiefs insisted upon this until it was included. As outlined in detail earlier and as *Tsal'álh* Chief Garry John found (*pers. comm.* October 2011), the entire WUP process can be called "shared decision-making". The St'át'imc stance to more self-determination led to this form of 'co-governance' as BC Hydro environmental

scientist Peter Scales acknowledged and Chief Garry John (pers. comm. July 2011) explained when he noted that,

[w]e eventually got the machine back on track, but had to slap the other two parties around. We had to threaten to publicize the impact of the dams and development. Our Techies couldn't pull it off so politicians had to wade in and make a very loud presence known. This is how we got government and BC Hydro to agree that it would be good to shut the canal down during the smolt migration.

Thus, arguably, while collaboration between the groups does not acknowledge the inherent right of St'át'imc people to exercise absolute self-governance and does not promote full (self-) empowerment (see Mulrennan and Scott 2005, Nadasdy 2005), it invites the Province of BC and St'át'imc people to co-govern BC Hydro's operation in St'át'imc Territory. St'át'imc governance, adopting Feit's (2010: 51) definition of indigenous governance, thus becomes "the shaping of the conduct of relations within societies and with nature, including discourses, ideas, visions, practices, and institutions" whilst BC Hydro and the Province of BC function within "governmental rationalities in which conduct is also shaped by the application of knowledge as science and technical expertise to a populace". Essentially, this agreement is a result of St'át'imc people governing and shaping the relationship with BC Hydro through negotiations motivated by the desire to have more decision-making powers and recognition. In the words of *Xaxli'p* Chief Art Adolph (Interview September 2011):

Throughout all the outstanding grievances we've developed a process – for how they are going to operate within St'át'imc Territory. (...) That's actually a really interesting question because basically like government they really don't want to recognize like a nation governing body. They'd prefer to deal with the community. But with this agreement they are recognizing the St'át'imc Chiefs Council (with the 2011 No Coalition court injunction too).

Notably, the Relations Agreement as part of the overall Hydro Agreement forms an essential part of the effective governing of the relationship. In summary, the Relations Agreement functions as a

form of that relationship between ourselves and BC Hydro and the government. (...) That's what I was referring to [when looking] at business, employment and training [for St'át'imc]. The whole involvement of looking at fisheries or anything else that would meet that spectrum- we work together on this- we collaborate. (...) Now we have a tool. (Darryl Peters Interview July 2011)

In this context, BC Hydro chief negotiator Al Boldt (Interview July 2011) remarked that the Relations Agreement has

[the new relationship] spirit (...), a much more open transparent collaborative process, [having] realized that the relationship in the past is not something that anybody wants for the future and here is the expectation going forward (...) sharing of BC Hydro's plans, not only the current plan or the immediate operating plan but the future plans. That's something that hasn't typically been done. (...) Here, the anticipation is clearly that you have that understanding well ahead of when it actually has to happen and if it does happen it is on a schedule amendable to all parties.

Expectedly but also somewhat surprisingly, however, there seemed to be diverging opinions between St'át'imc and BC Hydro negotiators on how exactly the Hydro Agreement, particularly the Relations Agreement, fit within the wider legal duty to 'consult and accommodate'. While BC Hydro negotiator Al Boldt (Interview July 2011) assumed that consultation and accommodation has yet to happen:

The future in the Relations Agreement sets out, it doesn't speak to directly either the accommodation, the consultation. What it does speak to is what does happen in the future that isn't covered in the Relations Agreement will take on all the processes and commitments, obligations of the current process. It doesn't speak to accommodation at all. That would be a result of those discussions. But in terms of looking back. All of that was resolved for the existing facilities by the full settlement agreement.

In contrast, for *Xaxli'p* Chief Art Adolph (Interview September 2011), the overall Hydro Agreement signifies the following:

So right now we've been consulted through the consultation process [which] basically came out of the negotiations. So it's a higher level of consultation. Accommodation is basically the agreement on all the impacts. So basically, what we have is facilities and corridors in our territory and through this agreement we have an agreement of their use of our territory, not giving up title to the whole territory.

Thus, through the negotiations St'át'imc people effectively asserted the need for increased power-sharing with the Province and BC Hydro by alerting them of the high costs and risks to the certainty of the operations when ignoring St'át'imc cultural practices and priorities (Mulrennan and Scott 2005: 197; Blackburn 2005). Arguably, this promotes a kind of half-measure of co-governance similar to the JBNQA. As Philip Awashish states for the Cree example, the agreement assists to some extent in advancing St'át'imc governance and allows them to exercise a considerable authority over their lives and futures (Feit 2010: 77).

Despite of these examples, it is yet to be seen whether this collaboration will continue to live up to the values of shared decision-making and whether this becomes a 'precedent' as one BC Hydro representative envisioned so enthusiastically at the Hydro Gala. The important notions of accountability for wrongdoing, justice, transcending of hegemonic silences and increased public knowledge about the past as basis for a "coexistence of differences within a polity" as criteria for reconciliation suggest a 'partial reconciliation', not of St'át'imc interests *with* the sovereignty of the Crown and its corporations, but more one where St'át'imc people come together as an increasingly self-determined nation (Blackburn 2007: 634; cf. Trouillot 1995). Thus what is in place now in terms of a formalized relationship is a decent compromise. Chief Bradley Jack (Interview August 2011) emphasised that "effectiveness is still to be seen (...). Hydro is such a big business and they have to be almost watched all the time (...) because we are doing business differently." When reflecting on the changing relationship with BC Hydro, *Xwisten's* Saul Terry (Interview August 2011) concluded optimistically that,

(...) the idea was to have these agreements in place in order to maintain a more civil relationship with BC Hydro who in the past was running right over our people and not really caring of what the effects of their decisions were. So I think the idea is that we have a meaningful role to play whether it's in the water use plan or those kinds of things and having an implementation committee and all those kind of things... so that there could be a meaningful development occurring and overseeing the new hydro line and any new development so we have a more appropriate role.

BC Hydro Environmental scientists Peter Scales (Interview August 2011) emphasised the need to work collaboratively and affirmatively concurred that, “[w]e’re not acting like cowboys anymore and we have realised that we shouldn’t have been acting like cowboys in the past. An apology has been made for that kind of behaviour so it’s no longer “Cowboys and Indians” –it’s ‘us’ and it’s gotta be.”

Like Feit (2010: 77) outlines for the Cree, for St’át’imc people, the Hydro Agreement expresses their relational ontology, their ethic of sharing and co-existence; their self-governance as stated in the *Declaration of the Lillooet Tribe 1911*; their historical experience with co-governance and the urgency to develop new economic opportunities in co-governance with non-St’át’imc people. In full agreement with Thom (2010: 46), it thus becomes clear that the agency St’át’imc and other First Nations may mobilize through managing the dynamic processes of social change as based on their ways of knowing and being, are integral to the shaping and (re-) building of First Nations’ governments. In this context, Thom (2010: 44) stresses the critical need to understand “these processes as dynamic, not merely a myriad of state-run programs to aggregate local communities, but indeed a great political debate that rages in the communities”.

The shared process St’át’imc people, BC Hydro and government are navigating is not marked by a ‘new relationship’ but an improved relationship that is, as Chief Art Adolph stated (Interview Sept. 2011) “less antagonistic, adversarial to one more for collaboration and facilitation”, while allowing for an alternative history, a St’át’imc history of cultural survival and

opposition. As such, the St'át'imc history is based on “communal stories [that] are dynamic constructs that are continually in flux, emerging in particular times and spaces through complex processes of contestation and deliberation,” as Nuu-chah-nulth law scholar Johnny Mack (2011: 290) contends in an analysis of what kind of stories bring his people to the negotiation table.

It has become obvious that for the transforming relationship with BC Hydro and the Province, the *Declaration of the Lillooet Tribe 1911* forms integral part as essential St'át'imc history and St'át'imc law. Whilst being based on an onerous historical struggle, this document also allows St'át'imc to gain a strong(er) sense of belonging and St'át'imc identity as St'át'imc people position themselves in the face of large-scale industrial development and successfully defend and assert their priorities for past, present and future generations.

In the graphic words of Perry Redan (Interview August 2011), the *Declaration of the Lillooet Tribe 1911* “(...) is the cement of our understanding of who we are. (...) And we indicated that Province purportedly still thinks that they own part of our territory we have not settled with them. (...) It's a guiding tool that our future generations do not acquiesce any portion of our title. It's a guiding document to be an intact people.” As previously mentioned, Perry Redan and Isaac Adolph agree that a Declaration like this reminds people of the importance of unity and working collectively as part of an overall nation-building process. Within the relationship with BC Hydro and the Province Perry Redan concludes that “[w]e did this really well through the Declaration, through demonstrating that we can work collectively through this Hydro Agreement. This Hydro Agreement is really providing us with resources. Utilizing some of the resources to build our unity or establishing a Government House and these are building blocks we have to go through.”

Similarly, Chief Bradley Jack (Interview August 2011), engaging a legal rhetoric of ‘consultation and accommodation’ while mobilizing St'át'imc history, concluded that the

relationship pertains to a small measure of justice, sharing, title and rights and territorial governance:

The agreement (...) is a form of accommodation in regards to St'át'imc Title because hydro needs insurance that they can operate in our territory. Partly this is accommodation for us to receive benefits from BC Hydro to be in our territory. Consultation is the whole negotiation process, talking about everything under the sun for us and how this agreement gives us some small *measure of justice* in regards to accommodation.

The way in which St'át'imc history does and must inform current relationships is essential to the furthering of improved relationship, co-existence, co-governance, justice and shared futures. This, to borrow from Scott (2001: 95), creates a much needed “effective history” in which indigenous identity(-making) is always understood contextually and processually. As such, effective history introduces “discontinuity”, “establishes the difference of the past, its remove in time”, challenges the “certainty of the present” and therefore opens up for a future with the possibility to change (Scott 2001: 95-97; cf. Sahlins 1994). As Scott (2001: 96) stresses,

This historicizing of the present opens the way for a future. The difference of the past challenges the certainty of the present (...) and so introduces the possibility of change. (...). “Effective” History’s insistence on the temporality of our conceptual categories denies the totalizing power of any system of thought, any regime of truth. The result does not guarantee progress; but it does support belief in futurity.

In the context of the agreement, Isaac Adolph’s eloquent historicizing words (Interview August 2011) show that the *Declaration of the Lillooet Tribe 1911* implies “(...) the effort to sacrifice yourself today for the benefits of tomorrow because we have not forgotten the past.” This ethnohistorical, revisionist and uniquely local discourse helps to counter the intentionally appealing but unpragmatic and cursory Euro-Canadian rhetoric of reconciliation which establishes political legitimations through employing modernist notions and modern temporality “involving the progressive movement away from the past into an improved future built upon enlightenment values” (Blackburn 2007: 625; Povinelli 1993, 1999, 2002).

Essentially, this account is then an example of the skilful navigation of Indigenous, St'át'imc "life projects" which, according to Blaser (2004: 26), "are embedded in local histories" as they "encompass visions of the world and the future that are distinct from those embodied by projects promoted by state and markets", "diverge from development in their attention to the uniqueness of people's experiences of place and self and their rejection of visions that claim to be universal", "premised on densely and uniquely woven 'threads' of landscapes, memories, expectations and desires". As such, life projects assist in envisioning relationships marked by equality between settlers and non-settlers and Indigenous empowerment (Blaser 2004: 4).

As I have shown throughout, however, St'át'imc relational ontologies and epistemologies promote just relationships and the powerful ethic of sharing with others (cf. Poirier 2005). Co-existence implies reciprocity and actively maintaining a middle ground. The notion of 'reconciliation' is increasingly mobilized in the national context, by the Province and BC Hydro through the discourse of a 'new relationship'.

I offer this thesis and my research as part of the conversation between these different groups, to their voices which are responsive now to each other, and as an example of what it means to work and live together in a respectful way that allows for all voices to be heard. Collaborations such as that between St'át'imc, BC Hydro and the Province form an integral part of the pragmatic effort to realize St'át'imc 'life projects' and to achieve more territorial governance. Thankfully, St'át'imc people have generously provided me with great guidance as they defined my role as anthropologist with me: *Educate people about what's going on here. Just listen to what you have been taught. You are now a messenger. And think of tswan - think of the fish.*

Chapter 6 – Holistic Perspectives on Past, Improving Relationships in the Present and Visions for a Shared Future – A Conclusion

In Canada, First Nations (re-)claiming authority over their lands have developed various strategies to overcome the obstacle of the states' and industry's dogmatic insistence on sovereignty and jurisdictional monopoly (Asch 2002; Blackburn 2009; Borrows 2010; Feit 2004; Nadasdy 2003; Niezen 2003; Poirier 2002; Scott and Mulrennan 1999, 2010). This movement corresponds to the wider context of the challenges faced by Indigenous peoples to use their own ways of knowing to simultaneously resist or reformulate legal doctrines and political tenets based on colonial concepts and power imbalances (Anderson 2004: 6; Berkes 2008; Hunn 2003: 80; Turner et al. 2000). At the same time, anthropologists are becoming critically aware and part of collaborations between indigenous people and other organisations as a key method in the assertion of power in territorial decision-making (Blackburn 2009; Feit 2004). Strategies effectively employed to mobilize power in these relationships include advocating for the recognition of consultative rights, implementing agreements, and the tactical engagement of the media to influence public and political opinion (Clifford 2001; Hendry 2004). The rhetoric of self-government, co-management and resistance has shifted to employ shared decision-making, co-governance and resurgence, seeking to accommodate greater indigenous political power in territorial governance (Blaser 2004; Feit 2010; Goetze 2005). In light of these transformations in the legal and political landscape, much qualitative and 'collaborative' research remains to be done that provides critical and comparative insights, educates and contributes to crucial anthropological debates locally in BC and globally in terms of larger Indigenous and ecological movements. This thesis highlights the significant historic process marked by collaboration,

compensation and conservation efforts and transforming relationships, St'át'imc people are currently navigating through with BC Hydro and the Province of BC.

I believe that my research is beneficial for St'át'imc people as it furthers the documentation of St'át'imc knowledge and informs about St'át'imc efforts to increase their territorial governance. Generally, oral traditions of St'át'imc people may be successfully mobilized for social, political or legal purposes in efforts towards more autonomy, cultural re-vitalization, resource management and conservation. Hopefully, my research can be used in the future to assist in important community projects and lead to a fairer, more equitable settlement with government and large-scale industrial corporations such as BC Hydro. Research is lacking on the transformative processes, strategic relationships and functional alliances that acknowledge and enable increased Indigenous territorial governance. By engaging in community-based research with St'át'imc, my research makes a distinctive contribution towards this literature gap and larger anthropological, historical, politicolegal and environmental debates on the ongoing effects of colonialism, including marginalization, displacement and resource exploitation. Crucially, my research has allowed me to document a process with wider—global—implications for hydro-electric development in indigenous territories which is ongoing in many parts of the world. This will hopefully allow for more comparative studies to emerge and for adequate policy to develop in BC and beyond.

My research is significant because it provides an analytical focus on these changing relationships and the role of indigenous territorial governance in dealing with prevalent colonial doctrines. Crucially, the re-configuration of Canadian jurisdictional doctrines and assumptions now increasingly enables St'át'imc to establish ways of being on and relating to the land that respects their cultural identity and autonomy (cf. Gagné 2009).

Through the negotiations with BC Hydro, St'át'imc people successfully navigated the need for more power-sharing with the Province and BC Hydro. This was mainly achieved by emphasizing the high costs and risks to the certainty of the operations when ignoring St'át'imc interests. My ethnographic research with St'át'imc communities has investigated just how these collaborations allow for the beginning development of renewed St'át'imc authority and jurisdiction.

Inspirations, Justifications, (Self-)Entitlement and Impetus for Research

I experienced a key moment in the development of my research during the time that I began to prepare my research proposal. Sharing my research ideas with Professor Michael Asch in late 2010 led to a series of critical questions I asked myself: “Who am I to do this research? What kind of (self-)entitlement leads me to do this type of research? What is the historical, methodological, epistemological and cultural context that allows me to engage in this research? What can ‘anthropology’ or the ‘anthropological method’ contribute to develop the understanding of resource conflict, unsettled property relationships, Aboriginal Title and Rights and territorial governance? Would it be easier to teach a legal scholar some anthropology than to teach an anthropologist law to make sense of the topics at hand? How can I transcend the colonial legacy of the discipline and study *with* St'át'imc and not conduct a study *of* them?” Despite the strong research relationships and friendships I had developed and maintained up to this point, I became very reflexive and contemplative. In retrospect, I can say now with certainty that the answer to all these questions pertains to ‘holism’, ‘ethics’ and St'át'imc people’ endorsement of my research based on mutual respect, sharing, accountability and the potential of my research to educate about “what’s going on (t)here”. This means to take St'át'imc accounts seriously and offer of alternative history to the dominant colonial discourse advocated by government and adopted by

industry (cf. Mack 2011; cf. Warry 2007) as stated above. These nouns I have found most adequate to describe the meaningful research relationships I was encouraged to develop and maintain through, for example, ongoing dialogues, hospitality, shared activities on the land all fit with the criteria put forward by many scholars for meaningful ‘reconciliation’ (Blackburn 2007).

Re-Building the Canoe: Reflections on Ethical Research as Sharing

The concept and ethic of sharing itself works to counter the dominant notions of ‘culture contact’, ‘terra nullius’ or the ‘Doctrine of Discovery’ through respect, fairness, honesty and openness (pers. comm. Chief Art Adolph, June 2012).

In Spring 2012 I attended a lecture at the University of Victoria which was given by Indigenous scholar and activist Taiaiake Alfred on ‘Indigenous Resurgence’ and the history of Indigenous resistance against colonialism. During the lecture, I learned a great deal more about the intellectually mobilized concept of sharing, the now famous phrase of “we’re all here to stay” taken from *Delgamuukw* (*Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010), Indigenous resistance/resurgence, reconciliation and my own ethical considerations. Towards the end of the lecture, Alfred (pers. comm. 2011) condignly noted that anyone who believes in justice must educate themselves about the past, present and future of their country as a colonial system. In this view (Alfred *ibid.*), it is only through this education that one can achieve a clear understanding of peaceful co-existence and subsequently work towards transcending colonialism and achieve reconciliation. As part of this Indigenous resurgence, the decolonizing process and productive research (Native Studies, Anthropology, Indigenous Governance, Aboriginal law etc.), he envisioned “white students leaving his canoe” to mainly focus on educating themselves and their own people and problematize their own settler heritage.

My St'át'imc friends and I fully agree with and support Alfred's emphasis on educating ourselves and others about Indigenous struggles against the ongoing effects of colonialism.

However, we are not prepared to embrace the radical perspective on 'white' people in which white students restrict themselves to working with their own people. This is not in line with the St'át'imc ethic of sharing and the need for functional alliances. There is no canoe to get in or out of. The canoe – St'át'imc cultural practices, history and knowledge – is in the process of being re-built. This thesis shows that St'át'imc history and law, for example, the *Declaration of the Lillooet Tribe 1911* and St'át'imc knowledge of the land are increasingly being 're-built', revitalized and navigated through improving relationships with non-Indigenous peoples such as with BC Hydro and anthropologists.

For Johnny Mack (2011: 305) it is clear that for him and other Indigenous peoples wanting to leave “the imperial vessel” and having “lost a vast amount of knowledge (...) acquired through practice” and not knowing “how to build our canoes or paddle them now, we have reason to hope that this knowledge will return if we embed ourselves in the kinds of practices that generated it.”

He (2011: *ibid.*) concludes with the eloquent words,

It seems to me that our best hope in resisting imperialism is not through negotiating complex treaty agreements, drafting a proper constitution, or securing a right to self-determination. Imperialism has shown itself quite adept at manipulating these structures toward its own ends. Our challenge is to thicken our connection to our stories through sustaining simple practices of, for example, feasting with our *hawiih*. It is not a matter of returning to an old and almost lost story. It is a matter of looking back to those stories through practice. These practices will provide the inspiration and instruction as we move to rebuild a canoe that can help us navigate the currents we encounter in the present.

This historical process (of resistance and re-vitalization) is ongoing for St'át'imc people as St'át'imc have shown during the St'át'imc Gathering, the Hydro Gala and everyday life activities when focussing on all the things *but* the Hydro Agreement that have yet to be done to achieve full self-determination and a *measure of justice*.

As I am writing this conclusion the news for Tsilhqot'in peoples – St'át'imc neighbours and alliances in the struggle for more jurisdiction and authority – (BC newsroom, June 27th 2012) read,

Aboriginal Relations and Reconciliation Minister Mary Polak released the following statement today regarding the B.C. Court of Appeal's decision in *Roger William v. British Columbia (Attorney General)*: The B.C. Court of Appeal, in finding that Aboriginal title must be demonstrated on a site-specific rather than a territorial basis, accepted British Columbia's interpretation of earlier Supreme Court of Canada decisions. As a result, the Court of Appeal found Aboriginal title was not found in this case. The Court of Appeal said: 'Consultation and negotiation are, without a doubt, the preferred routes to reconciliation of Aboriginal rights with the needs of British Columbians as a whole.'

As this thesis has shown, for St'át'imc such 'preferred routes to reconciliation' do not involve giving up title, settling with reductionist 'postage stamp' approaches to Aboriginal Title or reconciling *with* the Crown but it means engaging their 'life projects', mobilizing the *Declaration of the Lillooet Tribe 1911*, moving forward and peacefully co-existing according to the important ethic of sharing to achieve a full *measure of justice* which allows for all voices to be heard.

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Appendix 1: Declaration of the Lillooet Tribe

To Whom It May Concern:

We the underwritten chiefs of the Lillooet tribe (being all the chiefs of said tribe) declare as follows:

We speak the truth, and we speak for our whole tribe, numbering about 1400 people at the present time.

We claim that we are the rightful owners of our tribal territory, and everything pertaining thereto. We have always lived in our country; at no time have we ever deserted it, or left it to others. We have retained it from the invasion of other tribes at the cost of our blood. Our ancestors were in possession of our country centuries before the whites came. It is the same as yesterday when the latter came, and like the day before when the first fur trader came. We are aware the B.C. government claims our country, like all other Indian territories in B.C.; but we deny their right to it. We never gave it nor sold it to them. They certainly never got the title to the country from us, neither by agreement nor conquest, and none other than us could have any right to give them title. In early days we considered white chiefs like a superior race that never lied nor stole, and always acted wisely, and honourably. We expected they would lay claim to what belonged to themselves only. In these considerations we have been mistaken and gradually have learned how cunning, cruel, untruthful, and thieving some of them can be. We have felt keenly the stealing of our lands by the BC. Government, but we could never learn how to get redress. We felt helpless and dejected; but lately we began to hope. We think that perhaps after all we may get redress from the greater white chiefs away in the King's country, or in Ottawa. It seemed to us all white chiefs and governments were against us, but now we commence to think we may get a measure of justice.

We have been informed of the stand taken by the Thompson River, Shuswap, and Okanagan tribes, as per their declaration of July 16, 1910. We have learned of the Indian Rights Association of B.C. and have also heard the glad news that the Ottawa government will help us to obtain our rights. As we are in the same position in regard to our lands, etc, and labor under the same disadvantages as the other tribes of B.C., we resolved to join them in their movement for our mutual rights. With this object, several of our chiefs attended the Indian meeting at Lytton on Feb 13th, 1910, and again the meeting at Kamloops on the 6th of Feb last. Thereafter we held a meeting ourselves at Lillooet on the 24th of Feb. last, when the chiefs of all Lillooet bands resolved as follows:

First – That we join the other interior tribes affiliated with the Indian Rights Association of the Coast.

Second – That we stand with them in the demand for their rights, and the settlement of the Indian land question.

Third – That we agree unanimously with them in all the eight articles of their Declaration, as made at Spences Bridge, July, 1910.

In conclusion, we wish to protest against the recent seizing of certain of our lands at “The Short Portage,” by white settlers on authority of the B.C. government. These lands have been continually occupied by us from the time out of mind, and have been cultivated by use unmolested for over thirty years. We also wish to protest against the building of railway depots and sidings on any of our reservations, as we hear projected. We agree that a copy of this

Declaration be sent each to the Hon. Mr. Oliver, the Superintendent of Indian Affairs, the Secretary of the Indian Rights Association, Me Clark, K.C. and Mr. McDonald, Inspector of Indian Agencies.

(Signed)

- JAMES NRAITESKEL, Chief Lillooet Band
- JAMES STAGER, Chief Pemberton Band
- PETER CHALAL, Chief Mission Band
- JAMES JAMES, Chief Seaton Lake Band
- JOHN KOIUSTGHEN, Chief Pasulko Band
- DAVID EKSIEPALUS, Chief No 2 Lillooet Band
- CHARLES NEKAULA, Chief Nkempts Band
- JAMES SMITH, Chief Tenas Lake Band
- HARRY NKASUSA, Chief Samakwa Band
- PAUL KOITELAMUGH, Chief Skookum Chuck Band
- AUGUST AKSTONKAIL, Chief Port Douglas Band
- JEAN BAPTISTE, Chief No 1 Cayuse Creek Band
- DAVID SKWINSTWAUGH, Chief Bridge River Band
- THOMAS BULL, Chief Slahoos Band
- THOMAS JACK, Chief Anderson Lake Band
- CHIEF FRANSOIS THOMAS ADOLPH, for La Fountain Indians

Spences Bridge, B.C. May 10, 1911.

Appendix 2: St'át'imc cultural activities, ancestral teachings, learning to live off the land, working together and sharing: My role as a SCC Youth Worker July 12th-18th 2011

This year's St'át'imc *Sqayt* culture camp on Packhorse Mountain had me fully engaged as a youth worker. For the first time since I began to volunteer and work with St'át'imc people, especially in the Tsal'álh area, as a cultural/environmental anthropologist in 2009, I had the pleasure and honour to work, share my knowledge and thoroughly enjoy this beautiful and traditional spot in the territory together with St'át'imc youth, co-workers, ancestors and all the other non-human beings that co-exist and dwell there around us and the camp – bears, eagles, wolves, moose, deer, coyotes, cougars, squirrels, marmots, fish, mice, mosquitos and many others. I was involved with planning, organizing and implementing camp chores such as cleaning, cooking, processing of game, taking care of the camp fires, supervising some of the many different tasks youth were assigned, holding craft sessions (to have something special for the 'secret friends', respectively), maintaining camp and the *S7istken* as a 'home' which provided us with warmth, nourishment, shelter, nurture, and a shared sense of belonging as part of one large family – *SmúKwa*⁷. With this strong sense of community it was not difficult to encourage all the young people to work as a team, support each other, answer questions and mediate in difficult situations.

On daily walks near camp, we identified animal tracks and plants, learned to remember what they look like at this time of the year, learned about their traditional and present use and if we could, name them in St'át'imcets. The favourite herbs of the camp we learned about, it seems, were fireweed (*sxak't*) and yarrow (*k'ets'yu7a7llep*) which we hung to dry for tea over the stove in the *S7istken*. Almost every day there was one big pot of yarrow or fireweed tea going on the stove which kept us warm and content especially during cool evening hours when we sat around the fire, hand drummed or held talking circles. Jade (see picture above), for instance, after being chewed by the uncountable mosquitos, learned to find, harvest and apply yarrow leaves to find relief from the bites.

Generally, youth were invited to choose one animal, bird and plant which they would learn and become knowledgeable about before we would depart. Utilizing the inspiring 'culture camp library' resources on St'át'imc culture, history and language as well as wildlife, birds, (food) plants and survival skills, some culture campers and I spent some time researching potential plants, animals and birds. Another task was St'át'imcets practice including important greetings and hunting/plant/fishing terms. Youth had already learned some of these terms in school and through a St'át'imcets language class with Elders at the Lillooet Tribal Council (LTC)/ *St'át'imc Alkstálhcw*.

Many hours were spent reading stories from the *Lillooet stories* (Charlie Mack and Ritchie Baptiste) and from *Our Stories Are Written on the Land: A Brief History of the Upper St'át'imc 1800-1940* (Trefor Smith). We discussed materials and food from the land that were traded in the past with Lower St'át'imc/Coast Salish/Nlhakápmeç: dentalia, fish oil (*smíkil*), fruit berries (*usa7*), hemp bark, cedar root baskets, root foods, wind-cured salmon (*st'swan*), dried meats (*kaclhsá*), etc. Based on our experiences, such as what we learned/saw/heard/touched/felt and tasted around camp, the youth created their own indigenous St'át'imc culture camp map. Some of the young cartographers and storytellers were inspired by a copy of "The Lillooet Indians - Rock Paintings" which shows ancestors' images on rocks of, for instance, grizzly tracks, fish, big-horn

sheep, a hunter, bow and arrow and the sun (James Teit Jesup North Pacific Expedition Vol.II 1909. Plate IX). They would then adjust their drawings accordingly. I spent some time documenting recipes, especially around our 'wild foods night' which had us butcher and prepare meat for cooking, gather and harvest *anq* (wild celery), *haqwa7*, wild potatoes and add some of the dried morels and rabbit that were already saved for this purpose.

I am very motivated and excited to say that I left camp with a great sense of gratitude and honour. We made our way back home with an enhanced sense of pride in St'át'imc culture, traditional and modern knowledge and skills that come with it, enhanced self-discipline, respect for the land and all beings we are connected with in close entanglements, community and creativity which we will transfer right onto our 'other' home down in the Valley and back in town.



Appendix 3: Interview Excerpt Chief Art Adolph Xaxli'p (Fountain), September 2011

Sarah Moritz (Interviewer): S

Art Adolph (Interviewee): A

S: Please introduce yourself the way you like and explain your 'role' among St'át'imc people and, perhaps, your passion.

A: Art Adolph. I'm from *Xaxli'p* (...) The passion that I have is that we need to actually really need to come to a point where we're recognized as rightful owners of our territory. So, for me that is one of the area that I try and contribute as much as I can. My dad who raised me, Sam Mitchell, always said "we're the natives of the land!" and so the opportunity that I have is to try and demonstrate, you know, that we are the natives of the land. And basically, my father is Victor Adolph and he was the chief in Fountain and his father David Adolph was also Chief. They were appointed by community members. My great grandfather was also a chief who signed the *Declaration of the Lillooet Tribe 1911*: Chief Thomas Adolph.

S: Can you provide me with any personal reflections on how the signing of the Declaration must have been like?

A: (...) It is interesting, looking back on that time. When the Declaration was signed, there was a number of Declarations that were signed by other nations in regards to affirming their dis-ownership to the land... Taku Tlingit, Okanagan, Haida... all aboriginal nations were affirming their title, that they own the land and never gave it up...

S: Is there a word for 'ownership' in the language?

A: Actually for ownership in our language: *Tsuwalh kalh* – this is ours.

S: This is not just a terminology or something that's said to counter what the colonial government did and does but also something that's inherent?

A: Yeah because basically, from a colonial perspective the translation of *tsuwalh kalh* would mean like "mine" or "ours" but from our perspective it means like 'ours', like a group. I guess that's properly where colonialism gets their private property and focussing on just that ownership but that's a little different from our perspective.

S: Can you tell me about the Declaration? What it is now, what it meant back when it was signed?

A: Basically, in summary the Declaration really talks about, you know, who the St'át'imc are and references the chiefs that signed it and who they speak for and basically indicating that what they're saying, they're telling the truth and then they go into talking about the impacts to themselves, the St'át'imc. Then they reflect on other Nations that are standing up for their rights.

Then affirming that they want to stand to stand with these other nations in the Interior and then also align themselves with the Coastal Tribes. It was really interesting because basically, in a nutshell, by defining who they are, who they speak for, they speak the truth, looking at the atrocities that have been inflicted upon them and then the different Nations that are standing up for their title and then aligning themselves with these other people and their title and then advancing forward to seek a measure of justice.

S: 'Measure of justice'? Has this been or has it not been achieved?

A: We're slowly achieving it basically with the Hydro Agreement, as I said in the past, we're getting a 'small measure of justice' and basically there is a huge shift there in this case with the Provincial government because they're a Crown corporation. Taking a bold step in acknowledging this is St'át'imc Territory and we need to have an agreement with St'át'imc people, then they through the many years of the negotiations came up with the agreement. Yes, through the many years of the negotiations we came up with the agreement. There has been give and take.

S: Can you reflect for me on the negotiations over time and what you've learned from being part of them?

A: Actually through being part of these negotiations, when I was in Council, before that we were having communities meetings and talking about some of our issues especially the landowners of our community that have been especially impacted by the transmission corridors going through our agricultural land. We were meeting with each individual landowner and looking at their impacts to try find the best possible compensation for the impacts and to basically write the wrong. And being Chief 1998-2002 being part of the negotiations. At that time BC Hydro was really stuck in process, from my perspective they weren't interested in negotiating, they were so focused on meeting and having discussions about process and studies upon studies. The one, when I was chief- the socioeconomic study which took a few years. And I imagine, quite a few resources went into it. You know, they had to hire a consultant and along with the consultant they had all their experts and so like when the studies were done and they tabled it with the St'át'imc and because it was a joint study, so the outcomes were really dictated by BC Hydro. So what we would have liked to see out of the study was countered by BC Hydro.

S: What was the difference in goals, objectives, aims?

A: So basically what we really wanted to get documented is social impacts in regards to our culture and our way of life. But one of the things that stands out from that study is one of the hydro consultants for the fisheries like we there is a huge section on the impacts to the fisheries. And the hydro consultant who had to quantify the dollar value to the loss of the fisheries was using 'chickens'. So basically what they were looking at for the value of chicken is to quantify the loss of the fish, using the same amount of chickens for the fish. But what's not included in this was the social impact – like the loss of culture and basically the loss of the language relating to the fisheries. And basically the loss of place for fish to get fishing activities to take place especially for Seton. So there was a whole loss of culture related to these fisheries. Chickens won't replace that. So there was some differences, this is an example of some differences we

were up against. The colonial government couldn't wrap its head around the magnitude of the loss of culture.

S: Could you elaborate a bit more on the impacts of hydro on the land, the people, the wildlife, on living culturally, please?

A: For Fountain, the impacts of BC Hydro that was on agriculture: we had agricultural land so there was a huge impact to our agricultural land. To our fields and our gardens. Sam Mitchell who raised me and said "just take a look at the power lines, BC Hydro and the government when they come to a non-Native ranch they'd blast the hell out of the Mountain to get around but when they come to a reserve, they go right through." Yes, when you travel through our territory and you see the transmission lines they go right through. So there's a huge impact to our way of life. And it's really sad but at 12-Mile, basically where I live right now, there was four individuals back in 1889, I think, they purchased this piece of property. They owned it. But through the reserve system, they forced us of our lands. Back in the day my great grandfather Chief Tom Adolph. He was one of the people that purchased this ... back in 51 ... they purchased these properties and then after a while in the 50s BC Hydro decide to build these transmission lines they impacted these lands purchased. Those impacts and to the fisheries there was Seton and Bridge River who were hugely impacted that run there. Daddy used to call that – the huge run of spring salmon – used to be known as *Tyax*. That run, those spring salmon was big. So basically this run that goes up there was basically cut off by the Mission dam. Basically BC Hydro wiped out that whole Valley. That Valley used to be known as the 'Valley of Plenty'.

S: Thinking about these impacts and a small measure of justice- what are the new agreements about?

A: Basically, the agreement is really to address past grievances and compensation for grievances. Looking at what they refer to: building an improving relationship and how we're going to move forward together. And what it has come down to is really outlining a consultation process in more detail. In regards to activities occurring within St'át'imc Territory that deals with these items this is the kind of process we need to go through. Kind of in a nutshell it deals with past grievances, compensation for past impacts, process in regards to dealing with ongoing impacts and building a relationship through which we can move forward.

S: What are St'át'imc Title and Rights and what's their role in the agreement?

A: Actually, myself and other people may have a different perspective on title is that a lot of the younger generation, younger leaders that are coming in and other leaders that haven't lived off the land and don't understand what title is. And taking a look at title and where some of the directions that some of the leaders want to go is for economic opportunities is that title is being compromised for the advancement of the community. So for myself I really see capitalism well succeed and we have economic opportunities that are being presented. Individuals see this as a good thing for their community by advancing forward and creating revenue but in one sense it really kind of impacts title. So for me title, really comes down to having a real strong sense of place and a real strong sense of identity.

And once a person has a strong sense of place and identity and the land they will be able to approach title from that perspective of you know speaking as St'át'imc knowing the land and knowing the resources that are important and especially knowing the history and the struggles our leaders went through, you know, especially when they sat down on May 10th 1911 to draft the Declaration. It kind of spelled out who we really are. It identified we never gave up our title through conquest. We fought for it at the cost of our blood. So title is a huge topic and myself along with other people in our territory talk about that there should be some kind of an education process to kind of attend so that they would be able to understand more what title is. I really think it needs to get back more on the land. If you're not on the land, and you talk title and impacts to title and you're not using the land. This is going to the grocery store to get all your food. Then to talk about title is just rhetoric.

S: What does it mean to use the land?

A: To use the land is basically just to manage it properly and to ensure that we take off the land what we need and not any more. To ensure that the future generations will still be able to have a land base and a culture and especially what the land provides and still have that intact. That's really counter to the colonial perspective of capitalism: take as much as you want. Sadly just for one individual, the CEO... It's really clever how government and industry use to grunt people to advance their cause. They say there is economic opportunities here, there's jobs here...

S: Just quoting the "No Coalition" here, their claim is that this agreement is about giving up title and rights?

A: Basically, I think, I don't see any compromising of title and rights with this agreement. What I said earlier, you know, there's impacts on the land and resources and the compensation for lands and impacts and how to move forward is there's going to be ongoing impacts. So there's going to be dialogue in regards to how to actually mitigate or, like for Fountain, we're getting BC Hydro to move on section of the transmission line off our property. And basically for giving up title. It's not giving up title, it's basically having an agreement for that section corridor. What BCH says is that they do have facilities in St'át'imc Territory and we'd like to compensate for these impacts and what this agreement looks at is for the time being – you know St'át'imc has title throughout the whole territory – but there is an agreement of BCH's facility in the territory and this is what we're going to compensate you on: the use of your lands and resources. From the No Coalition, when they take a look at the agreement and say we're giving up title, it's basically taken out of context. It's having an agreement in regards to our resources.

S: What does it mean? Consultation – a process, the relations agreement? What does it mean to accommodate?

A: So basically the courts talk about consultation and accommodation. So right now we've been consulted through the consultation process which basically came out of the negotiations. So it's a higher level of consultation. Accommodation is basically the agreement on all the impacts. So basically, what we have is facilities and corridors in our territory and through this agreement we have an agreement of their use of our territory, not giving up title to the whole territory. Basically what was indicated, we have impacts to the fisheries, for Seton they're being compensated more than other communities. So they're being accommodated by the impacts on

their way of life in regards to the fisheries at a higher rate than others. For Fountain we still have a fishery, but for them they completely lost theirs. For Seton there'd be more resources and more opportunity for them. And it would be really up to the community what opportunities are available for us?

S: It's up to St'át'imc to voice what they want to see implemented?

A: Yeah, it really comes down to the communities. The community members are the ones that are going to have to organise themselves and to becoming more involved in regards to what is best for us. For far too long we've had members that always criticize but there not there for solutions.

S: The Relations Agreement in a nutshell? And the notion of the 'new relationship' is this a new relationship? How would you describe the relationship now?

A: Actually, what this document really talks about is if there's anything that's going to occur within St'át'imc Territory like for example Xaxli'p- say if BC Hydro wants to come in and do some upgrade. Then they need to actually come to us with a plan to get permission to go into our territory to do this. Like before, how the whole negotiation process started, they were actually going to put in a Kelly Lake – Cheekeye Transmission line. And what St'át'imc said is 'No' we have a lot of outstanding issues with BC Hydro and grievances that we need to discuss. Throughout all the outstanding grievances we've developed a process – for how are they going to operate within St'át'imc Territory.

S: Is there anything else you want to say on how the relationship changed? The way things are negotiated. Or mutual understanding. Or maybe a reflection on the acknowledgement of St'át'imc as a nation, as a government by BC Hydro and the government?

A: That's actually a really interesting question because basically like government they really don't want to recognize us as a nation, a governing body. They'd prefer to deal with the community. But with this agreement they are recognizing the St'át'imc Chiefs Council. They did that with the court injunction too. And with that as well they know there is community autonomy. What we say too is that the SCC really can't make decisions on behalf of the community. It's really the community that makes the decision. But the SCC will support the decision of the community. What we were talking about earlier where we have the Leadership Council – government likes to go to these guys and make agreements and then just impose it on us. But where we have it, it has to be driven by the community.

S: Please reflect on revenue sharing. Why isn't this in the agreement?

A: I wasn't part of the negotiations when this was discussed. Government didn't want to discuss revenue sharing this with the chiefs. It was said that this is for another table. And so we're trying to get rev sharing through the govt.-to-govt. table. See while the hydro negotiations were going on we had gov-to-gov negotiations also at the same time but that table collapsed because they pulled back resources and key people at the table and we were just left with one individual whose only mandate was to implement the LRMP – Land and Resource Management

Plan. So this is our next challenge to get the government-to-government table going. One of the main items is revenue sharing.

S: What else makes for a successful or functional ‘collaboration’ with government and BC Hydro?

A: Basically, I think the fundamental principle needs to be recognition. Once government, a Crown corporation and industry recognizes that there is indigenous people here that live off the land and utilize the resources. They need to recognize that and once that’s recognized then there’s going to be a collaborative relationship built. Like all through history and colonization there never has been that recognition. There never has been that collaboration, it has been an adversarial.

S: Is this agreement an example of such a functional collaboration?

A: It’s going to be put to the test within the next few years.

S: What’s your reflection on the current implementation phase? What has been done and what needs to be done?

A: I think for ourselves what needs to be done- we need to organise ourselves. That’s basically at the community and the Nation-level.

S: What does BC Hydro need to do?

A: BC Hydro really needs to ensure that every entity of this organisation is aware of this agreement. Far too often within BC Hydro the right hand didn’t know what the left hand was doing. Going about doing their own business and taking advice from supervisor without even really following the law.

S: What’s the strength of the Water Use Plan?

A: Basically for Bridge River and for Seton this is something they’ve been really been trying to get a handle on for a number of years. They need to ensure that their needs are met in regards to the management of the water. So I think with the water use planning process what I’ve heard is that they are unaware when BC Hydro is going to release any water. This is really governed... the bottom line is that they store and release water basically for generating electricity. They never took into consideration Bridge River’s or Seton’s need of how this water needs to be managed. So what this WUP document for BR and Seton to be able to have a more, better voice, actually it would be in agreement that there is a process that BC Hydro needs to follow.

S: What would be the St’át’imc way of assessing good water management? I know that there is a group of Elders that was asked to assess the flow regime.

A: Just over the years travelling the road to Seton and seeing how low that River is and especially fish migration there is no way if Bridge River would be putting in a fishery - like a spawning canal they would be able to succeed with the limited water. With individuals, such as

Elders, more familiar with the system there is more chance to succeed. There needs to be more to ensure that there is a functional habitat for fish...

S: Can you explain in your own words some of the St'át'imc values and principles?

A: Values: We are St'át'imc. In regards to our land – we don't take more than we need.
Principles: Managing lands and resources so that they are there for future generations. We really need to take a look at our *sptaks* (legends) – and how to incorporate them. A lot of them are about coyote. In many, coyote dies because he's done something wrong and it takes another coyote... if we really read into the *sptaks*. He's done something wrong. You need to understand that if you're doing this there is consequences.