

*i? sməlqmix*

# *Our Connection to the Land and Water is Sacred*

*n?aysnúla?x" i? kllux" nwix" mntət*

Declaring the Ashnola watershed as a sməlqmix protected and conserved area



*Legal Backgrounder on the sməlqmíx Ashnola IPCA  
(Indigenous Protected and Conserved Area) Declaration*



Thank you for joining us in witnessing as we declare the Ashnola to be a **sməlqmíx protected and conserved area**, upholding our inherent jurisdiction to protect and manage our territories according to **sməlqmíx / syilx** law – for the water, the land, all beings, the ancestors and future generations.

*Released at the Ashnola IPCA Declaration Ceremony (April 28, 2022).*

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### *Inherent Jurisdiction of the sməlqmíx*

aʔíʔ st'ək'k'xixtət tɪ k'wɪ ncútn iʔ skətraítət  
nix'w tɪ captík'wʔ iʔ sč'x'wax'wətət iʔ kɪ skč'x'w'iplaʔtntət iʔ tə stʔtət  
ixíʔ ki aʔts c'kəʔf'acxəntm ɣaɣ'áʔt s'xəl'x'f'alt iʔ siw'k'w, tmx'w'úlaʔx'w, tmix'w naʔʔ sqilx'w

axáʔ iʔ k'w'u sməlqmíx iʔ nx'w'əlx'w'əltántət  
lut p'ínkin t' a ksx'w'icxmntm t' a tumístmntm məʔ kɪ tsx'w'uys

*The Creator gave the inherent, ancestral domain which defines sməlqmíx collective cultural code and disciplines passed from the Creator through an oral culture and history defining Laws, Responsibility, Title and Rights as individuals and as a nation. The sməlqmíx look beyond the obvious, towards the underlying interconnections of the life forces of water, land, tmix'w (four sacred ecosystems) and the people.*

*The sməlqmíx will uphold those responsibilities and will never cede our sovereignty.*

*nṗaysnūlaṗx<sup>w</sup> iṗ kʷlux<sup>w</sup>nṗwix<sup>w</sup>mntat*

## Declaration of the Ashnola sməlqmix Protected and Conserved Area

*iṗ k<sup>w</sup>u sməlqmix kʷsacxntm iṗ scəx<sup>w</sup>ax<sup>w</sup>tət ul ḡṡat iṗ tmix<sup>w</sup> kʷlq<sup>w</sup>ilm*

**We the sməlqmix are setting out a plan ~ the songs of all living things.**

*tl scwāys iṗ siwtk<sup>w</sup> iṗ trəx<sup>w</sup>ūlaṗx<sup>w</sup> iṗ k<sup>w</sup>u sməlqmix/syilx iṗ sc ṗàlatət ṡaṗṡaṗ  
iṗ tl nxaṗcintət naṗt ks cyṡapmixax iṗ nxaṗcnústət  
niṡip tiṡxstm iṗ skʷlraṡtət naṗt skc<sup>w</sup>x<sup>w</sup>iplaṗtntət  
ṡ k<sup>w</sup>u snaqsx iṗ kl scxəlakəks iṗ təmx<sup>w</sup>ūlaṗx<sup>w</sup> kʷl ṡ sx<sup>w</sup>uys*

The **sməlqmix** presence, connection to, and practice on the waters and land is sacred. We uphold our spiritual obligations bestowed at the time of creation. We stand up our sovereignty and laws for the ancestors, present and future generations. We commit to live in reciprocity within the cycles of the land for all time.

We uphold our sovereign responsibilities to all of our waters and lands from the **nxaṗcinitk<sup>w</sup>** (headwaters) and **yaṡt ats ntuṗtuṗpitk<sup>w</sup>** (all that flows) throughout **nməlqitk<sup>w</sup>** (Similkameen watershed).

We are guided by our **captik<sup>w</sup>** (story systems / doctrine for the transfer of knowledge) and the teachings embedded in **nsyilxcən**.

We enforce our individual and collective sovereignty through extensive internal and external protocol systems. These include:

- **túk<sup>w</sup>ntím i?** **cq<sup>w</sup>a?q<sup>w</sup>?al títat**: our oral traditional agreements;
- **snha?nwix<sup>w</sup>tn**: protocol between nations; protocol of respect, where hard permissions are required to enter territories.
- **nti+xiki?tn**: standing behind title and rights in one another's territory, respecting protocols in each area;
- **snkclip i?** **kčəx<sup>w</sup>ípla?tns i?** **kl pəx<sup>w</sup>wikstm**: coyote's law of sharing; and
- **i? tsklqiyx<sup>w</sup> i?** **sux<sup>w</sup>tunwix<sup>w</sup>**: protection of traders' rights (diplomatic immunity).

The trend of declining and mismanagement of biocultural diversity, compromised forest health, toxic water contamination and waste in **sməlqmíx** territory must be addressed and reversed through upholding our ancestral responsibilities.

The **n?aysnúla?x<sup>w</sup>** (Ashnola River) sustains life, and lies wholly within **sməlqmíx nx<sup>w</sup>əlx<sup>w</sup>əltántət** (territory). This sacred place provides for **səx<sup>w</sup>tux<sup>w</sup>cncút** (those who make their living from the land) in every season. The **n?aysnúla?x<sup>w</sup>** is foundational to seasonal practices and is a place of safety and sustenance for **sməlqmíx** and guests on the land.

The **n?aysnúla?x<sup>w</sup>** is a place of connection, a great trade and migration route of historic and present cultural significance, linking the **sməlqmíx** to the **łmsiw** (Stó:lō) in the west through the Pasayaten to the Skagit and connecting the **n?aysnúla?x<sup>w</sup>** to the **mitx<sup>w</sup>a?** (Methow), merging the **sməlqmíx** with **syilx** at a critical juncture in our history. The **n?aysnúla?x<sup>w</sup>** encompasses and merges the **safstik** (Manning), **nix<sup>w</sup>túla?x<sup>w</sup>** (the doughnut hole), **skalusips i?** (confluence), **safstik<sup>w</sup>** (Pasayten), **k<sup>w</sup>ani+k<sup>w</sup>a?itk<sup>w</sup> / túk<sup>w</sup>túla?x<sup>w</sup>** (Cathedral), **ská?itk<sup>w</sup>** (Skagit); **tkcnwix<sup>w</sup>tn** (Ross Lake Area), **túlmn?atk<sup>w</sup>** (Tulameen) and **nməlqitk<sup>w</sup>** (Similkameen).

The **n?aysnúla?x<sup>w</sup>** is an essential watershed. Its waters are **i? siwtk<sup>w</sup> sqaqtus i? təmx<sup>w</sup>úla?x<sup>w</sup>** (veins of the land), providing cold, pure **siwtk<sup>w</sup>** (water) for the **təmx<sup>w</sup>úla?x<sup>w</sup>** (land) and **tmix<sup>w</sup>** (the life force within all four sacred ecosystems) in a time of climate change, uncertainty, increasing water scarcity, and threats from industry and development.

**Therefore we, the sməłqmíx, the syilx people of the Similkameen Valley, hereby declare the nʔaysnúlaʔxʷ snxaʔcnitkʷ (Ashnola Watershed) in its entirety and for all future generations a sməłqmíx Protected and Conserved Area, dedicated kł tsxʷuys (in perpetuity) to:**

- the protection of our **siwłkʷ**, **nxaʔcin** (ancestors) and **sluxʷluxʷncut iʔ scxəlakəks iʔ təmxʷúlaʔxʷ** (climate) in accordance with **sməłqmíx / syilx** law;
- the maintenance and restoration of ecological integrity and biocultural continuity through active **sməłqmíx** management and teaching;
- the healing and strengthening of the interconnected relationships of **siwłkʷ** to the **təmxʷúlaʔxʷ**, the **tmixʷ**, the **sməłqmíx**, **iʔ ʔaʔʔatət** (sacred ones/beings), and all guests, as taught to us through the the **captikʷł**; and,
- the spiritual, cultural and physical sustenance of the **sməłqmíx** people, including sustainable economic opportunities consistent with our responsibilities in the **nʔaysnúlaʔxʷ**.

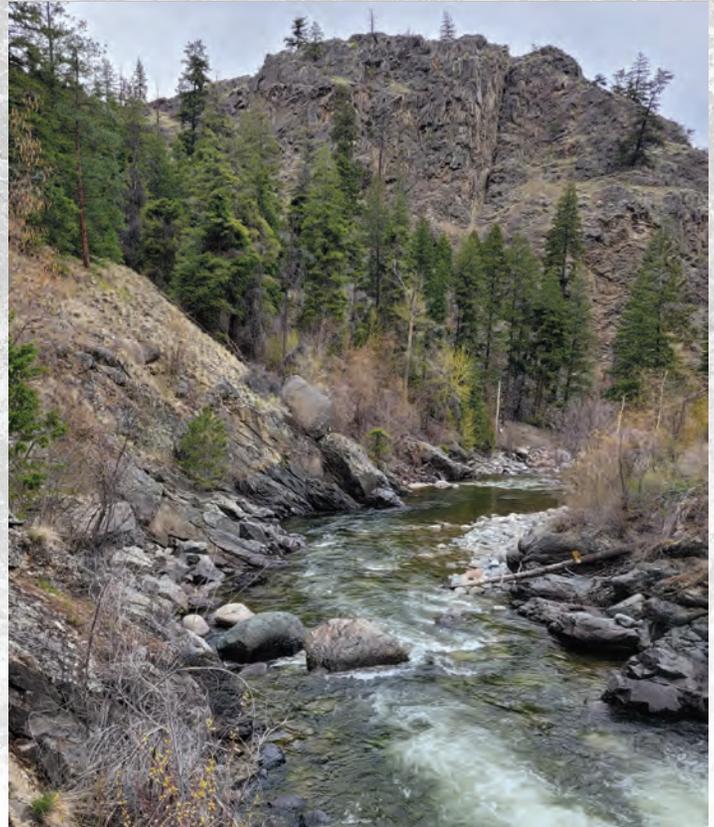
We expect all who interact within **nʔaysnúlaʔxʷ** and all **sməłqmíx** territory will take the necessary steps to bring themselves into good standing with the **siwłkʷ** (water), **təmxʷúlaʔxʷ** (land), **słəxʷłəxʷncút** (air), and **tmixʷ** (the life force within all four sacred ecosystems) in accordance with **sməłqmíx / syilx** law. We will work with our neighbours and visitors to the territory to inform and guide them. In doing so, we honour the ancestral agreements for healing, protection and restoration among the **tmixʷ**.



*Standing up our law for our future generations*



*The cleft: Ashnola height of land*



*n?aysnúla?x<sup>w</sup> making its journey*

*n?aysn?hla?xw i? k?luxw?nwixw?mntat*

## Declaration of the Ashnola sməlqmix Protected and Conserved Area

i? kwu sməlqmix k?façxntm i? sc?xwaxwtat u? yfat i? tmixw k?q?ilm

ixi? st'ək'k'wixitət t? k'w?ncútn i? skətraítət  
nixw t? captík'w? i? sc?xwaxwtat i? kí skç'x'w?ipla?ntət i? tət?ta?ta?  
ixi? ki a?ts kə?façxəntm ya?yá?st s?əlx'falt i? siw?k'w, tmx'w?la?xw, tmixw na?+ sqilxw  
axá? i? kwu sməlqmix i? nx'wəlx'wəltántət  
lut pnkiñ ksx'w?ičmntm kstumístmntm mə? kí tsx'w?uys

t? scwáys i? siw?k'w i? trnx'w?la?xw i? kwu sməlqmix / syilx i? scàla?tət xə?xə?  
i? t? nxa?cintət na?+ ks cy?apmixax i? nxa?cnústət  
ní?íp t?txstm i? sk?traítət na?+ skç'x'w?ipla?ntət  
t kwu snaqxs i? kí scxəlakəks i? təmx'w?la?xw kí tsx'w?uys

kck+qix<sup>w</sup>stm u+ kctxtnstim i? tl nxa?cinitk<sup>w</sup> nix<sup>w</sup> yaft ats  
 ntu?tu?pitk<sup>w</sup> i? kl nməlqitk<sup>w</sup>  
 ti+xstm i? tl captik<sup>w</sup> i? nákwúlamntət i? snha?nwix<sup>w</sup>tn i?  
 nti+xiki?tn  
 snklip i? kčəx<sup>w</sup>ípla?tns i? kl pəx<sup>w</sup>wikstm  
 ckíqiyx<sup>w</sup> i? sux<sup>w</sup>tunwix<sup>w</sup> na+ sux<sup>w</sup>tux<sup>w</sup>cncút na+ skicəxtət na+  
 xaxatət  
 n?aysnúla?x<sup>w</sup> x<sup>w</sup>ui+tət i? kl snəqsilx<sup>w</sup>?tət i? mitx<sup>w</sup>a? na+ xmsiw  
 i? sčaq<sup>w</sup>lax<sup>w</sup>s i? xəx<sup>w</sup>áptət i? tumx<sup>w</sup>ulax<sup>w</sup> n?aysnúla?x<sup>w</sup>, mitx-  
<sup>w</sup>a?, nix<sup>w</sup>túla?x<sup>w</sup>, saftitk<sup>w</sup>, túk<sup>w</sup>túla?x<sup>w</sup>,  
 ská?itk<sup>w</sup>, tkcnwix<sup>w</sup>tn, túlmn?atk<sup>w</sup> na+ cktipikn  
 i? siwik<sup>w</sup> sčaq<sup>w</sup>tusc i? təmx<sup>w</sup>úla?x<sup>w</sup>  
 i? k<sup>w</sup>u sməlqmíx tuk<sup>w</sup>ntím ala? i? cq<sup>w</sup>a?q<sup>w</sup>?allí t' tət



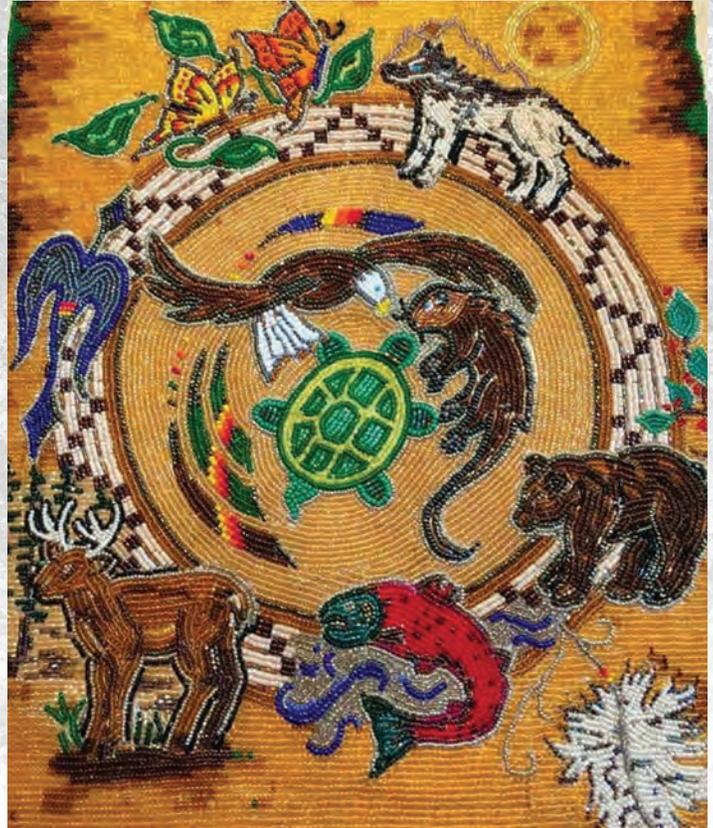
Ashnola Mary



*sməłqmix families are the original guardians*



*Chokecherry*



*Honouring tmix<sup>w</sup>*



*sməłqmíx nxaʔcin*

## Legal Backgrounder on the Ashnola IPCA Declaration

Our responsibilities are inherent to our sovereign jurisdiction extending throughout **sməłqmix** territory. This includes the Similkameen watershed whose river systems extend the breadth of the Similkameen and flow south to the Okanogan River and other inhabited areas. The **sməłqmix** are united with the broader **syilx** Nation through shared histories, economic relationships, and the **nsyilxcən** language.

Our continued unceded rights to self-governance and self-determination are inherent within our **sməłqmix** / **syilx** laws, which are embedded in our **captikʷł** (story systems / doctrine for the transference of all knowledge). We have governed our lands under **sməłqmix** / **syilx** laws, customs and **sməłqmix** / **syilx** legal processes since the beginning of time.

The **nʔaysnúlaʔxʷ íʔ kʷłluxʷnwixʷmntət** (Ashnola Declaration) is made to uphold our inherent jurisdiction, our relationship with **siwłkʷ** (water), **təmxʷúlaʔxʷ** (land), **tmixʷ** (four sacred ecosystems) and our lawful responsibilities as described in the **captikʷł** and set out further below. This IPCA declaration is made to ensure the protection, healing and management of the **nʔaysnúlaʔxʷ** watershed in accordance with **sməłqmix** / **syilx** law.

## Understanding our Relationship to Water through our Language and Story Systems

### nsyilxcən language

The *nsyilxcən* language is foundational to understanding relationships the *sməłqmix* / *syilx* peoples hold with the lands, waters and all beings. Dr. Jeanette Armstrong describes the language as a window into the relationships the *syilx* peoples maintain with the natural environment,<sup>1</sup> with deep ties between language, law and land:

*The language which arose from our learning about the land is called the **nsyilxcən** language. All who speak it are called the **syilx** because the language carries the teachings of a very old civilization with thousands of years of knowledge of healthy living on this land. The laws are always taught by telling the stories to each child and to any adults who need reminding.*

*The land forms in the stories are teachings and are reminders to each generation, that the land is at the center of how we are to behave. The destruction of the story landmarks and natural land forms are like tearing pages out of a history book to the **syilx**. Without land knowledge we are endangered as a life form on that land and we in turn endanger other life forms there.<sup>2</sup>*

### siwłkʷ

*siwłkʷ* is the *nsyilxcən* word for water. Water is life. Water is our relation. Water bonds us to our ancestry, our descendants and our land. Water is our most sacred medicine: it nourishes, replenishes, cleanses, and heals. It can give life, but it can also take life away. For these reasons, we must be respectful and humble in our interactions with water.<sup>3</sup>

<sup>1</sup> Dr. Jeanette Armstrong, *Constructing Indigeneity: Syilx Okanagan Oraliture and tmixʷcentrism* (Dissertation, University of Greifswald, 2010), online at: < <https://d-nb.info/1027188737/34>> (with modifications for consistent spellings of *nsyilxcən* words) [Armstrong, *Constructing Indigeneity*].

<sup>2</sup> Armstrong et al. "Original People" in Delphine Derickson, *We Get Our Living Like Milk from the Land* (Penticton: Theytus Books Ltd, 1994), online at: < [https://www.syilx.org/wp/wp-content/uploads/2017/01/Original\\_People.pdf](https://www.syilx.org/wp/wp-content/uploads/2017/01/Original_People.pdf)>. (with modifications for consistent spellings of *nsyilxcən* words) [Armstrong, *Original People*]

<sup>3</sup> Okanagan Nation Alliance, *Syilx Nation Siwłkʷ Declaration* (July, 2014), online at < [https://www.syilx.org/wp/wp-content/uploads/2016/11/Okanagan-Nation-Water-Declaration\\_Final\\_CEC\\_Adopted\\_July\\_31\\_2014.pdf](https://www.syilx.org/wp/wp-content/uploads/2016/11/Okanagan-Nation-Water-Declaration_Final_CEC_Adopted_July_31_2014.pdf)> [ONA, *Siwłkʷ Declaration*].

## təmx<sup>w</sup>úlaʔx<sup>w</sup>

təmx<sup>w</sup>úlaʔx<sup>w</sup> is the *nsyilxcən* word for land. It has three parts: *tmix<sup>w</sup>*, *x<sup>w</sup>ul* and *ulaʔx<sup>w</sup>*, that teach us about the interconnectedness of beings in the local ecology.

*The first word, **tmix<sup>w</sup>** refers to all of living things. It “also refers to a relationship between all living things. There is an inter-relationship and interconnection that exists that governs how all living things co-exist together. That interrelationship and interconnectedness between **tmix<sup>w</sup>** is the basis of [syilx] spirituality.” The second word, **x<sup>w</sup>ul**, refers to the energy of something spinning as well as “the cyclic connection of the day to night, month to month and season to season that revolves seasonally and that all living things are interconnected to that seasonal and generational cyclic system.” The last word, **ulaʔx<sup>w</sup>**, refers to the physical properties and/or physical systems that make up the land. Within the concept of **ulaʔx<sup>w</sup>** are the meanings that connect to the systems of habitat, ecosystem, climate, elevation and all other physical properties that enable **tmix<sup>w</sup>** to coexist on the land.<sup>4</sup>*

## tmix<sup>w</sup>

In our language, the root of the word *tmix<sup>w</sup>* comes from *tum* (mother) and *mix<sup>w</sup>* (strands). It is the life force within all four sacred ecosystems that are described in the Four Food Chiefs *captik<sup>w</sup>*<sup>4</sup> as:

- Black Bear, Chief for all creatures on the land
- Spring Salmon, Chief for all creatures in the water
- Bitterroot, Chief for things under the ground
- Saskatoon Berry, Chief for things growing on land.<sup>5</sup>

*tmix<sup>w</sup>*, is the universal intelligence that exists in all living things. It is the spirit that exists within all our relations.

<sup>4</sup> Indigenous Law Research Unit, *syilx Water Law in and for the sməlqmix: Analysis Report* (Victoria: ILRU, 2021) at 39 [*syilx Water Law Analysis Report*], citing “iʔ təmx<sup>w</sup>ulaxwtət t swiws iʔ sqilx<sup>w</sup>: iʔ nqəl<sup>w</sup>sk<sup>w</sup>ist swiws iʔ sqilx<sup>w</sup>t nkmip (The Land of Osoyoos Indian Band sqilx<sup>w</sup>: The Placenames of Osoyoos Indian Band)” (2016) 34:2 Arts Letter 5 [*Osoyoos Indian Band*].

<sup>5</sup> Okanagan Elders Council, “How the Food Was Given.” Illustrated by Barbara Marchand in *Kou-Skelowh/ We Are The People* (Penticton: Theytus Books Ltd, 1984) at 7 [*Four Food Chiefs*].



*George McGinnis, trapping cabin circa 1940s*

## **captikʷt**

“We are the stories” – *syilx* elder medicine man John Kruger.<sup>6</sup>

The **captikʷt** are story systems and the doctrine for the transfer of knowledge; they hold our histories as *syilx* and the histories of the land. **captikʷt** describe the origins of natural features on the land, including the creation of watersheds, the origin stories of many different beings and species across *syilx* territory, including our own origin stories as *sməlqmix*, the *syilx* people of the Similkameen.

**captikʷt** are a way to understand how nature relates to *syilx* society, using animal characters and acts to pass on teachings that inform our people.<sup>7</sup> The role of stories is foundational in transmitting our collective memory. **captikʷt** are meant to be applied in modern contexts as they simultaneously explain history, provide teachings and law relevant to present-day, and can also prophesize about the future:

*syilx* know history, passed on from one person to another, from generation to generation, as a record called **captikʷt**. It is a history of the meaning of being *syilx*, rather than a history of dates. The meanings in the **captikʷt** are formed through story. They are the truths and knowledge of the natural laws made active through story.<sup>8</sup>

The **captikʷt** (including our creation stories), and *smiɁmàɁ* (stories of history / lived experience/ stories of transition between animal people to human domain), are the best representatives for learning and teaching our laws for knowledge transfer for all ages. A few of our creation stories are shared here to express our laws and understanding of the world, which all began with water...

### **Four Food Chiefs captikʷt:**

The **captikʷt** called the *How the Food was Given* or the *Four Food Chiefs* is a foundational story that speaks about governance and our reciprocal relationships with the *tmixʷ*.<sup>9</sup>

<sup>6</sup> Cited in Lauren Terbasket, ed. *Toward a sməlqmix Environmental Ethic* (Lower Similkameen Indian Band, unpublished, 2016) [Terbasket, *sməlqmix Environmental Ethic*].

<sup>7</sup> Armstrong et al, *Original People*, ch. 1.

<sup>8</sup> *Ibid.*

<sup>9</sup> Okanagan Elders Council, *Four Food Chiefs*.

The Okanagan Elders Council tells us that this **captikw+** is from the “world before this world, before there were people, and before things were like they are now.” At this time: “All Creation was talking about the coming changes to their world. They had been told that soon a new kind of people would be living on this earth. Even they, the Animal and Plant people, would be changed.”

The four food Chiefs are: **skəmxist** (Bear), **n'tyxtix** (Salmon), **spitlem** (Bitterroot) and **siya?** (Saskatoon Berry).

After many meetings and many discussions of how things were to change, and how the People-To-Be would survive, **skəmxist** (Bear) decided: “I will give myself, and all the animals that I am Chief over, to be food for the People-To-Be.” Salmon, Bitterroot and Saskatoon all followed suite.<sup>10</sup>

This **captikw+** shows us that the animal people met to decide and engaged in ceremony to share their own bodies as food, medicine, tools and implements for the new people. This story also taught the people to sing songs of gratitude,<sup>11</sup> as it was Fly, who was the one who was finally able to sing Bear back to life.<sup>12</sup> *Four Food Chiefs* also tells us that:

*[F]or people to continue to have access to animals, fish, and plants, all of which are used to sustain human life, these relations must continue to exist themselves. This imposes a profound obligation on people to ensure those relations can continue to exist in healthy environments that allow for successful reproduction. This is the fundamental legal obligation identified through the principle of reciprocity. Caring for water is central to obligations of ensuring healthy habitats, because of its central role in nurturing all life.<sup>13</sup>*

This **captikw+** brings out legal processes of inclusive decision-making that are based on sustainability, collaboration, ceremony and reciprocity. Our stories show us that our relationships to the natural world are of interdependence and peaceful co-existence, rather than dominion.<sup>14</sup>

<sup>10</sup> *Ibid* (*Four Food Chiefs*).

<sup>11</sup> *syilx Water Law Analysis Report* at 34.

<sup>12</sup> *Ibid*.

<sup>13</sup> *Ibid*, at 46.

<sup>14</sup> *Ibid*, at 45.

### **Earth Diver captikw4:**

Harry Robinson, in his telling of the **captikw4**, *Earth Diver*,<sup>15</sup> describes the time of the water world, telling us that water was here first. All life emerged from this water. Creator asks the beings who are present to dive for earth:

*So now there are five men standing on four leaves which are floating on the surface of the water. [Creator] orders each to dive down into the water and to feel around at the bottom for some dirt. One by one they dive...<sup>16</sup>*

From the tiniest grain of dirt that is pulled from the bottom grows a ball that expands into the Earth. It is said that it is Coyote who did this work:

*After a number of attempts, coyote is able to obtain granules of sand, which are then made into the four races of human beings, and the land. The brothers are directed to go and learn from the land, and to come back to a designated place.<sup>17</sup>*

This **captikw4** teaches us about origins and title with the first directive to humans at creation being “to learn from the land” while also prophesizing that the ‘races’ would come back together and share their learnings with one another.<sup>18</sup> *Earth Diver* reminds us that water was here first; all life comes from water and water is regarded of as an ancestor, connecting people to their ancestors on a spiritual level, and connecting all beings on the earth.<sup>19</sup>

As such, the principle of learning and taking direction from the land, which has been practiced since the time of the water world, should continue to apply today, to inform sustainability-based practices in order to “integrate knowledge and wisdom of all nations, in living with

<sup>15</sup> “Earth Diver” in Harry Robinson and Wendy Wickwire, eds, *Write it on your Heart* (Vancouver: Talonbooks/ Theytus, 1989) at 35 [Robinson, *Earth Diver*].

<sup>16</sup> *Ibid.* Robinson refers to Creator as God.

<sup>17</sup> Lauren Terbasket, ed., *smalqmix Environmental Ethic*. See also Lauren Terbasket, “Earth Diver – Title Story/Legal Directive” in *Indigenous Story and Law* (Exploring Ethical Space workshop series, Y2Y Conservation Initiative, 2020), online at <https://www.youtube.com/watch?v=glz17K6PpVw&feature=youtu.be>.

<sup>18</sup> *Ibid* (Terbasket, *smalqmix Environmental Ethic*) at 6.

<sup>19</sup> *sylix Water Law Analysis Report* at 42.

the natural world.”<sup>20</sup>

### **Origin of the People captik<sup>w</sup>†:**

According to this **captik<sup>w</sup>†**, humans were created by a wolf, who chases a beaver down the Columbia River to its mouth, then kills and disperses parts of the beaver throughout the land.<sup>21</sup> This story places humans as descendants of a water animal. This story teaches us that human beings are made up of water and that we have an “intimate relationship to water.”<sup>22</sup>

### **Original People captik<sup>w</sup>†:**

In the Original People **captik<sup>w</sup>†** recounted by Dr. Armstrong the broader **syilx** prophecy of how humans came to be is grounded in four stages of learning, with deeper knowledge and relationality with the natural world gained each stage:

*The original people of the Okanagan were wished here by **k<sup>w</sup>† ncútn**, the Creator of oneself, the Creator and arranger of the world... In the **captik<sup>w</sup>†** we are told the **k<sup>w</sup>† ncútn** created and sent **senk’lip**, Coyote, to help change things so that our people might survive on the earth. Coyote’s travels across the land are a record of the natural laws our people learned in order to survive...*

***st’elsqilx<sup>w</sup>** was the beginning of people on this land. **st’elsqilx<sup>w</sup>** slowly changed to become the **sqilx<sup>w</sup>**, the original people of this land. They became changed through learning to live on the land. The **captik<sup>w</sup>†** tell of four stages of learning that they went through. All our laws come from these four stages of learning.*

*The first law is to understand and to live in balance with the natural world. This first law has been put into the meanings in the **captik<sup>w</sup>†**.*

*The other laws are for people to get along with each other in a healthy way and for passing on ways which are respectful to all creation. We govern ourselves by these laws.*

<sup>20</sup> Terbasket, *smalqmix Environmental Ethic*.

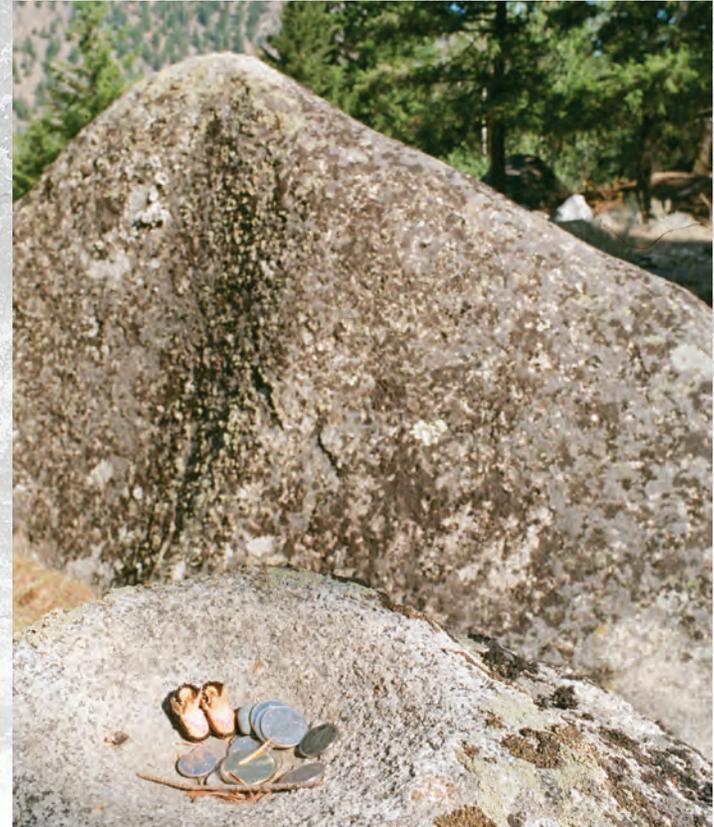
<sup>21</sup> Walter Cline et al, *General Series in Anthropology: The Sinaietk or Southern Okanagan of Washington* (Menasha WI: George Banta Publishing Company Agent, 1938) at 197-199 [excerpts] [Origin of the People].

<sup>22</sup> *syilx Water Law Analysis Report* at 33.

These are the four stages:

1. *st'elsqilx<sup>w</sup>* (torn from the earth *sqilx<sup>w</sup>*) life form of first people without natural instincts to survive
2. *xatmaʔsqilx<sup>w</sup>* (in front of us *sqilx<sup>w</sup>*) first thinking people who learned the natural law to survive
3. *sqilx<sup>w</sup>* (dreaming ones, bound together, of the land) original people who learned to live together on the land in peace
4. *ʔawtmaʔsqilx<sup>w</sup>* (to struggle and/or come after *sqilx<sup>w</sup>*) today's *sqilx<sup>w</sup>* after the arrival of newcomers.<sup>23</sup>

This *captik<sup>w4</sup>* shows that the more the people learned about the land over time, the greater their skills became to live together on the land in peace. The knowledge they gained from the land developed into laws of good conduct based on people's responsibilities to the natural environment.



*ʔikćin*, coyote bowl

<sup>23</sup> Armstrong et al, *Original People*, ch. 1. These interpretations are based on root-word meanings in the syllables of each word.



*"...we protect the water, we protect ourselves..." Joe Dennis, 2018 Community TEK Meeting*

## stʔtaʔt kl siwʔk<sup>w</sup> – Responsibilities to Water

Water teaches us many things, as our laws reject the idea of human supremacy over nature.<sup>24</sup> We have accepted the unique responsibility bestowed upon us by the Creator to serve for all time as protectors of the lands and waters in our territory for future generations, so that all living things return to us regenerated.

Over the generations, by upholding these unique responsibilities, the relationships of all beings with water have been maintained, and our/their physical and spiritual needs met. From a sməlqmíx / syilx law perspective we look to the healthy lands and waters of the territory prior to contact as a benchmark against which to measure impacts in the territory in order to set a pathway to healing/target for restoration.

Water is a sovereign being and a sacred entity.<sup>25</sup> Water is alive, imbued with spirit. It has breath and is able to speak to us if we know how to listen. Respect for water and for the spirit of water is key in the syilx legal tradition.<sup>26</sup>

*Water itself informs syilx jurisdiction. This understanding is reflected in decision-making structures and laws around water use, which are historically governed by the communities and family units who live closest to given waterbodies and courses.<sup>27</sup>*

Listening to water as our relative and acting in accordance with our traditional laws includes upholding the following principles:

**Respect:** *siwʔk<sup>w</sup> is a living entity that founds and sustains humanity and all beings, and it thus deserving of respect in all interactions.*

**Humility:** *While powerful, water also embodies and teaches gentleness.*

**Interconnection:** *Water connects humans to every other being, including ancestors and future generations.*

<sup>24</sup> Lauren Terbasket quoted in *Syilx Water Law Analysis Report* at 32.

<sup>25</sup> *Siwʔk<sup>w</sup> Declaration*.

<sup>26</sup> *Syilx Water Law Analysis Report* at 39.

<sup>27</sup> *Ibid.* at 49.

- **Relationality:** *As water sustains human origins and existence, it also informs and nurtures how all beings relate to one another as kin.*
- **Reciprocity:** *Water is a giver; humans have the capacity and responsibility to acknowledge, uphold, and care for its gifts.<sup>28</sup>*

When we take care of the land and water, the land takes care of us. This is our law and we have a sacred responsibility and duty to our water that requires us to act as caretakers of our lands. This obligation cannot be given away. It is an unchanging truth that will continue to be upheld through our *syilx* knowledge, understanding, and worldview.

## sməłqmíx History of the nʔaysnúlaʔxʷ Watershed

Our *captikʷ* (story systems / doctrine for transference of all knowledge) and *smíʔmày* (stories of history / lived experience / stories of transition between animal people to human domain) relay this history to you. Our stories and laws instruct us to protect *siwʔkʷ* (water) against activities or uses that might contaminate water or negatively affect its quality, quantity or timing of flow, as such activities are against *sməłqmíx* / *syilx* law. This applies to *siwʔkʷ* in all its forms (groundwater, aquifers), throughout *sməłqmíx nxʷəlxʷəltántət* (territory), and particularly the *nʔaysnúlaʔxʷ* and the waters connected to it.

The *nʔaysnúlaʔxʷ* (Ashnola River) reminds us of critical junctures in our history, including our relations with the *mətʔxʷa* (Methow), and the merging of the *sməłqmíx* with *syilx*. This *nʔaysnúlaʔxʷ* is a connector of watersheds, *skalusip* (confluence), merging of land, including the:

- *saʔtikn* (Manning)
- *nixʷtúlaʔxʷ* (the doughnut hole)
- *saʔtitkʷ* (Pasayten River)
- *kʷani+kʷaʔitkʷ* / *túkʷtúlaʔxʷ* (Cathedral Lake)
- *skaʔitkʷ* (Skagit)
- *tkcnwixʷtn* (Ross Lake Area) and,
- *nməłqitkw* (Similkameen River).

<sup>28</sup> *Ibid.* at 31 (formatting omitted).

## nʔaysnúlaʔxʷ story

Ɔáćxwúlaxʷ arrived in this country (nʔaysnúlaʔxʷ) when he was eleven years old in 1747.<sup>29</sup> Harry Robinson says, “This is the way they tell the story, he was at the age of eleven when his people moved” from mitḥʷaʔ (Methow):

Ɔáćxwúlaxʷ’s father was a chief of a small band of people who lived at səlxʷmist and moved seasonally upstream to the mitḥʷaʔ (Methow River), returning to the Okanagan River in fall. He had a disagreement with other chiefs and decided to go north. Harry Robinson says: “They were probably familiar with the land from past hunting trips around or near the Ashnola Creek... The [mitḥʷaʔ (Methow River)] drains from the same mountain, but it drains the other way, and the Ashnola comes this way.”

Ɔáćxwúlaxʷ was sent ahead as a scout to find a camp each night as the people moved north. By being sent to out to “see” the land he met all kinds of animals and learned, “just like going to school.” He became smart in everything because “what he meets talks to him, then when he grows up he will become an Indian Doctor.”

The people kept going until they came to the Ashnola River. “They followed the creek into the Ashnola. They followed this way, they followed that way. They just kept going until they saw Cathedral Lakes from the hill.... Then, they moved over there. They reached the top of Cathedral Lakes. It was very high and from there Twin Buttes was just visible, and Crater Mountain was visible too.”

“They moved from the top down into the Ashnola.”

“At his arrival the people he met were children and older people.” The smallpox had wiped out their relatives. There was plenty of deer and plenty of food to gather, but the elders were old and weak and the children who were left were too small for gathering. Ɔáćxwúlaxʷ was Okanagan and the people of the Ashnola spoke Similkameen. They had some troubles but they could understand each other. They begged Ɔáćxwúlaxʷ’s people to stay, and they did.

<sup>29</sup> From Harry Robinson, *Ɔáćxwúlaxʷ Story*, Unpublished translation of story told to Andrew McGuinness and John Terbasket, 1981. All excerpts below from the same version of the story.

**kíʔap+niwt**, Rob Edward was also told by his father, Johnny Edward, about the journey of the **mitx<sup>w</sup>a?** people and how they were adopted and made family by the **sməlqmíx**. He says:

*When they were going home they were met with runners who told them to go north. There was something wrong with your people, a sickness or something. They said don't come home, you have to go north. So that is why they came north.*

*They had to survey the land. The first place they passed was **ka+nǎimǎqs** then they came down the **n?aysnúla?x<sup>w</sup>**, and then they came through **ak† scwa?naýtmx**, the place of the Sasquatch, then **ak† stunx**, the place of the beaver, then **ak† pún†p**, the place of the juniper trees. Then they came to **snxnumtn**, a really steep area. Then they went up the hill. They had to survey the area. So they came, and they were up at the hillside there.*

*The **sməlqmíx** already knew they were coming because of the power they had. They were all old men and women and children. They said, "if we're fighting with young men, we probably aren't going to win." So they said, "We have to call them in. Tell them to come. We need help." They sent this one guy out and they said, "Don't scare them."*

*So he went out and he knew they were up there, so he, they say he raised his voice, he was calling them down. But what happens, he raised his voice too loud so it **piwcn** echoed. That was the power of our people's voice, it was too loud and the land echoed.*

***ʔacxwúla<sup>w</sup>**'s people said, "They said, they send this old guy and he was really loud. I think they are ready to fight."*

*So they did that for a few days. They kept calling. After a few days of this, they say, "Well maybe they don't really want to fight. It's just the same old guy and we don't see anybody else."*

*So when they sent a spokesperson down, they start communicating about how there was a sickness that took all the young women, and the fathers. "There is just us old people. We're trying to call you in, not fight with you." So they came down, and they adopted one another and they stayed. They started looking after those children. That photo of Ashnola Mary, she was one of those children.*



*nʔaysnúlaʔxʷ*

Ɔáxwúla<sup>w</sup> grew up and became a Chief and warrior who defeated the **Secwépemc** (Shuswap) after they inflicted a great atrocity on his people. Warring between the **syilx** and the **Secwépemc** people was eventually resolved through the Fish Lake Accord, an eighteenth-century treaty between the two peoples as represented by **Tk'emlúpsemc Chief Kwolila (Kwólí'la)** and his half-brother, **Chief pə́łkmulax<sup>w</sup>** of the **syilx** which established the northwestern boundaries of **syilx** territories.<sup>30</sup> **Chief pə́łkmulax<sup>w</sup>** was later killed at Spences Bridge and was avenged by his son **nkwalá**.

The place-names of the **nʔaysnúlaʔx<sup>w</sup>** and the peoples and places it connects hold the memories of these stories.



Johnny Edward

<sup>30</sup> See e.g., J.A. Teit, J.A. "The Okanogan," in *The Salishan Tribes of the Western Plateau*, Franz Boaz, ed. (Washington, D.C.: United States Government Press, Forty-fifth Annual Report of the Bureau of American Ethnology, 1930) at 198.

## **k<sup>w</sup>wu xíkək (where we have gone wrong)**

The legacy of colonialism and denial of sməlqmíx / syilx jurisdiction and law over the past 160 years is profound. It is a legacy of dispossession, degraded lands, diminishing wildlife, wildfires, mining pollution, water pollution and ongoing threats to water quality and quantity.

Economic exploitation has characterized previous land use decisions in the Ashnola and elsewhere in our territory, including usurption of sməlqmíx economics and trade – loss of trap lines and range tenures to settlers, destruction of trade trails, expropriation of cabins, imposition of a ‘permit system’ for hunting and fishing, granting of guide outfitter licenses, and sequestering syilx people on reserves and requiring permissions to leave.

While substantial portions of the Ashnola watershed remain whole, undivided by roads or industrial human disturbance, significant impacts have nevertheless occurred from range use, logging, forest fire and changes in hydrology due to climate change (low flow conditions and temperature). sməlqmíx traditional forest management practices have been extirpated from the landscape in favour of conventional forestry and fire suppression, thereby reducing forest health, negatively impacting food and medicinal plants as well as forage quality for ungulates, and significantly threatening our water quality and quantity.

The Ashnola IPCA is a shift away from this colonial history and current mismanagement toward a healthier and more sustainable future that honours sməlqmíx law and knowledge.

## **sməlqmíx Protected and Conserved Area Designation**

The Ashnola IPCA Designation is an expression of our sovereignty and laws, for the ancestors, and for present and future generations, as well as for the siw<sup>k</sup>w (water), təmxwúla<sup>?</sup>x<sup>w</sup> (land), slux<sup>w</sup>lux<sup>w</sup>ncút (air), and tmix<sup>w</sup> (the life force within all four sacred ecosystems). To sustain these foundational relationships, the sməlqmíx have designated the n<sup>?</sup>aysnúla<sup>?</sup>x<sup>w</sup> snxa<sup>?</sup>cnitk<sup>w</sup> (Ashnola Watershed) as an IPCA grounded in our sməlqmíx / syilx law and knowledge.

An industrial model of unsustainable resource extraction in the *nʔaysnúlaʔxʷ* has come to an end. As set out in the *nʔaysnúlaʔxʷ* *iʔ kʰluxʷnwiʔmntət* (Ashnola Declaration) in the beginning of this book, through the IPCA, the *nʔaysnúlaʔxʷ snxaʔcniʔkʷ* (Ashnola Watershed) in its entirety will be managed by the *sməʔqmíx* in perpetuity for:

- the protection of our *siwʔkʷ*, *nxaʔcin* and *sluxʷluxʷncut iʔ scxəlákəks iʔ təmxʷúlaʔxʷ* (climate) in accordance with *sməʔqmíx* / *syilx* law;
- the maintenance and restoration of ecological integrity and biocultural continuity through active *sməʔqmíx* management and teaching;
- the healing and strengthening of the interconnected relationships of *siwʔkʷ* to the *təmxʷúlaʔxʷ*, the *tmixʷ*, the *sməʔqmíx*, *iʔ ʔaʔʔatət* (sacred ones/beings), and all guests, as taught to us through the *capʔtikʷ*; and,
- the spiritual, cultural and physical sustenance of the *sməʔqmíx* people, including sustainable economic opportunities consistent with our responsibilities in the *nʔaysnúlaʔxʷ*.

This declaration furthers active *sməʔqmíx* management of our entire territory. The IPCA designation applies throughout the Ashnola Watershed, inclusive of existing protected areas, the Ashnola corridor, and portions of the watershed south of what is today the US border. In addition to the Ashnola watershed, *sməʔqmíx* elders have identified the *ckʔpikn* (Olalla Highlands), the *skaʔitkʷ* (Skagit), and the *akʔ túlmn* (Tulameen) as priority areas that are needed to sustain the water and ecosystems of our homeland.

It is expected that all residents and users of the *nʔaysnúlaʔxʷ* watershed will respect this direction of healing, protection and restoration to bring us all into good standing with the *siwʔkʷ*, *tmxʷulaxʷ*, *sluxʷluxʷncut*, and the *tmixʷ*, in accordance with *sməʔqmíx* / *syilx* law. For example, there are mineral claims in the *nʔaysnúlaʔxʷ* watershed that were registered without consultation or consent of the *sməʔqmíx* and are contrary to *sməʔqmíx* / *syilx* law, as mining will not be permitted in the *nʔaysnúlaʔxʷ* IPCA area.

This work is part of a broader plan to manage the lands and waters in a better, sustainable way and to ensure that all people that live here are aware of our rights and responsibilities as the *sməʔqmíx*. Interests rooted in natural resource exploitation are not our interests, rather we are guided by our laws and lessons in our language, in our stories, from the land, waters, *tmixʷ*, and our elders. Management with these elements as guide posts will result in a land which continues to heal, and is restored to provide clean water and robust biodiversity.

Within the context of protection and sustainability-based decision making, those who have occupied the land for the longest period of time have the most information related to the health of the land in a specific place, and are best equipped to make decisions related to that place. Family names tie historic use and occupation into management tenure responsibilities in particular areas, including identification of keystone species migration corridors and harvest and management practices.

Ongoing work on family names and place names will inform **sməłqmix** management practices for protection and restoration work in the **nʔaysnúlaʔx<sup>w</sup>**. This will be integral in the identification of employment positions, and roles in governance, management and technician positions in the IPCA. In turn, this will provide important opportunities for strengthening the relationships between youth, elders and the **sməłqmix** lands and waters.

Going forward, a **sməłqmix** watershed management plan for the **nʔaysnúlaʔx<sup>w</sup>** and water quality standards will be developed alongside further policies and procedures for land management based in **sməłqmix** / **syilx** law and principles. This includes a “**tmix<sup>w</sup>**” law” based on the **captik<sup>w</sup>** and the wisdom and experience of **sməłqmix** knowledge holders.

## Benefits of the nʔaysnúlaʔxʷ IPCA Designation

The nʔaysnúlaʔxʷ IPCA will protect water, restore habitat and safeguard species through active sməlqmíx management according to sməlqmíx / syilx law (such as ceremonial burning), and will have restrictions on uses that are inconsistent with sməlqmíx / syilx law and the purposes of the IPCA.

With protection under sməlqmíx / syilx law, tmixʷ in the nʔaysnúlaʔxʷ have the potential to thrive, supported by everything they need to heal and renew their populations. This watershed connects the alpine and valley, providing foods, medicines, range and pure water for the sməlqmíx, as well as our relatives the ungulates such as mountain goats, bighorn sheep, deer, moose, and other animals such as grizzly and black bear, wolverine, cougar, lynx, and bobcat. Beavers are hard at work, landscaping, and revitalizing stream systems, shared by river otters, birds, reptile and insect communities.

The nʔaysnúlaʔxʷ is alive and is teeming with tmixʷ, both big and small. The nʔaysnúlaʔxʷ sustains many species and ecosystems, including species at risk. It is one of the last pristine stream systems in sməlqmíx territory. Protecting the waters of the nʔaysnúlaʔxʷ is essential to ensuring the well-being of sməlqmíx, tmixʷ, and our land, as well as that of Similkameen settlers.

The sməlqmíx are familiar with the challenges of our uncertain times, including the changing climate. We wish to work with and engage local settlers and stakeholders in what are the long-term best interests for all people in our territory. We are not vetoing economic or other development, but it must be done in a way which honours our responsibilities to all living things, including all people.



*Ceremonial burn, Crater Mountain, April 2021*

## Bridging the nʔaysnúlaʔxʷ íʔ kʔluxʷnwixʷmntət (Ashnola Declaration) with Canadian Law

The nʔaysnúlaʔxʷ continues to be a place of connection for us, the sməłqmíx, as well as guests on our land. The Ashnola Declaration is an expression of sməłqmíx / syilx inherent jurisdiction<sup>31</sup> that helps secure the safety and sustenance of everyone, including our neighbours and visitors to our territory. Disruption of ecological integrity and biocultural continuity impacts us all, thus the benefits of active sməłqmíx management and teaching to maintain and restore the nʔaysnúlaʔxʷ are meant to benefit us all as well.

Self-determination includes the right to control our institutions, territories, social order and cultures without external interference or domination. Bridging Indigenous laws with Canadian law requires ethical space and deep understanding of one another. Recognizing the nʔaysnúlaʔxʷ íʔ kʔluxʷnwixʷmntət (Ashnola Declaration) provides a unique opportunity for Crown governments to advance reconciliation and shared environmental goals, spearheaded by the caretakership of the sməłqmíx.

The nməłqitkʷ (the Similkameen water system/watershed) is unceded and the sməłqmíx continue to enforce our individual and collective sovereignty throughout our territory. sməłqmíx presence on these lands and waters, including on the nʔaysnúlaʔxʷ, pre-exists Canada, going back to the time of creation. As the nʔaysnúlaʔxʷ íʔ kʔluxʷnwixʷmntət (Ashnola Declaration) makes clear, the sməłqmíx / syilx are a sovereign people who have inherited the spiritual obligations of decision-making authority from our nxaʔcin (ancestors) over our territory, nməłqitkʷ (the Similkameen water system/watershed).

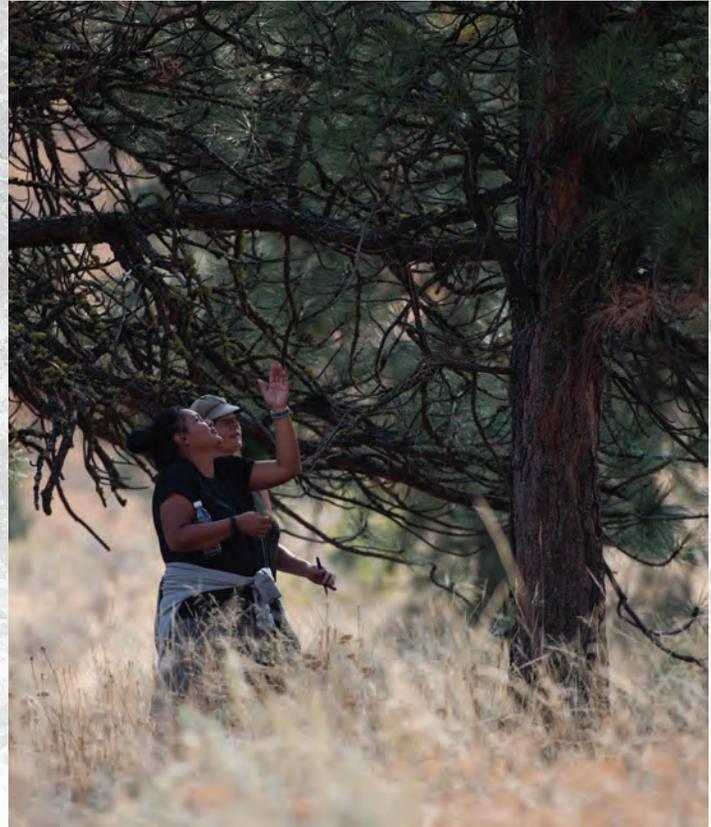
Canada and British Columbia have both committed to implementing the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation, and have passed legislation committing their governments to take all necessary measures to align federal and provincial laws with the *Declaration* in consultation and cooperation with Indigenous peoples.<sup>32</sup>

<sup>31</sup> Inherent jurisdiction recognizes the Indigenous nation's own laws and sources of authority: Larry Innes & Georgia Lloyd-Smith (2021) *Indigenous Laws in the Context of Conservation*, online at: <[https://www.wcel.org/sites/default/files/publications/indigenoulawsinthecontextofconservation\\_mar2021\\_final\\_web.pdf](https://www.wcel.org/sites/default/files/publications/indigenoulawsinthecontextofconservation_mar2021_final_web.pdf)>

<sup>32</sup> *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14; *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c 44.

The Canadian Constitution, through sections 25 and 35<sup>33</sup> also affirms pre-existing Indigenous jurisdiction and authority over lands and resources arising from the fact that Indigenous nations pre-existed Canada as distinct peoples governing their own lands and using their own laws, and continue to exist as nations today. Canada's Constitution recognizes and affirms existing Aboriginal title and rights. Aboriginal rights and freedoms include those recognized by the Royal Proclamation of October 7, 1763.

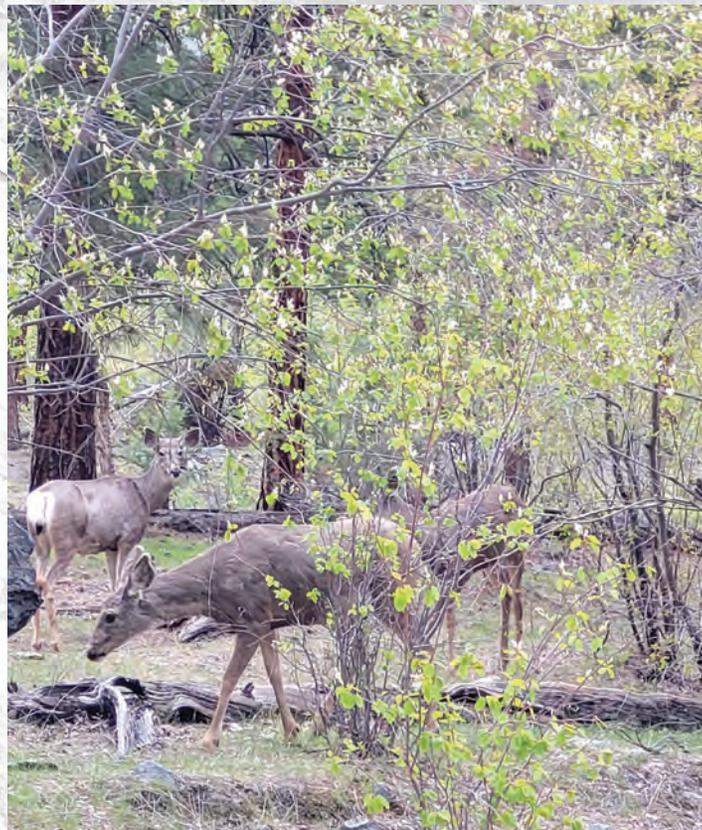
<sup>33</sup> *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, ss 25 and 35.



*On the land*



*Guardian spirit*



*sʔa?cínm*



*sməłqmíx baby*



*sməłqmíx elder*

We thank sməłqmíx members, staff and contractors who shared photos for this publication.



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