syilx Okanagan Nation Alliance

DUTY TO CONSULT & ACCOMMODATE THE SYILX OKANAGAN NATION

For Government

A Primer on the Duty to Consult and Accommodate the Syilx Okanagan Nation

The purpose of this document is to educate governments at every level about the Syilx Okanagan Nation, including Sinixt people. The Syilx Okanagan Nation holds and exercises title to our Territory, including the Arrow Lakes area in the Eastern portion of our Territory. We have claimed and relied upon our lands for thousands of years as reflected in our oral history and land use practices. It is important to understand that while the Lakes Tribe of the Colville Confederated Tribes were found by the Supreme Court of Canada to be a successor group to the Sinixt, the Court did not determine that they are the only successor group. The Syilx Okanagan Nation, as represented by the Chiefs Executive Council, is the representative and successor group for the Sinixt in Canada.

Governments and non-Indigenous stakeholders must consult and accommodate the Syilx Okanagan Nation on issues involving Sinixt people and the Arrow Lakes area of our Territory.

Reconciliation requires taking the time to truly understand the Territory, culture, and history of Nations—including the impacts of colonization and resulting complexities.

Photo: Syilx youth gathered along nx̌ʷəntkʷitkʷ (Columbia River) in snɬuxwqnm (Castlegar).

Syilx Okanagan Nation

One Language. One Land. One Culture. One People.

Sinixt people have always been part of the Syilx Okanagan Nation. The Syilx, including the Sinixt, are nsyilxcən-speaking people and we have always been —and always will be—united by our common nsyilxcən language, our tmxʷulaxʷ (land,) and our sqixʷɬcawt (culture).

One Language: The Syilx Okanagan Nation is composed of nsyilxcən-speaking people and includes the contemporary communities of Okanagan Indian Band, Osoyoos Indian Band, Lower Similkameen Band, Penticton Indian Band, Upper Nicola Band, Upper Similkameen Band and Westbank First Nation. People of Sinixt ancestry are members of these communities.

One Land: The Syilx Okanagan Nation holds and exercises title to our Territory, including the Arrow Lakes area. We have claimed, relied upon and stewarded our Territory for its tmxʷulaxʷ (land) and tmixʷ (all living things) for thousands of years as reflected in our oral history and land use practices.

Since the imposition of the Canada-US border, we are now a transboundary people forced to be members of colonial "reserves" and "reservations" throughout our unceded territory on both sides of that border.

One Culture: The Syilx Okanagan are united by our common nsyilxcən language, our tmxʷulaxʷ (land,) and our sqilxʷcaʷt (culture), which includes our shared captikʷɬ (sacred stories).

One People: Just as there are Sinixt people in the US, there are also many Sinixt descendants in Syilx Okanagan communities in Canada.

One People/One Nation: The Syilx Okanagan Nation has one language, one land, one culture and one people.

Syilx Okanagan, including Sinixt, in Canada

Unchanging stəɬtaɬt (the-truth-way or rights)

In 1846, the Territory and membership of the Syilx Okanagan Nation were split when the Canada-United States border was drawn across our Territory without our consent. This had many impacts on our Nation, including the separation of our lands and the separation of families. Due to the tragedies of colonization, Syilx Okanagan people from the Eastern parts of Syilx Okanagan Territory were dispersed. Some remained in what is now known as British Columbia, moving to sister communities in the Okanagan region of our Territory. Others moved within the Territory to what is now known as Washington State, settling at the Colville reservation. In 1956, the Arrow Lakes Band was declared extinct by the Government of Canada just prior to the flooding of ancestral village sites for hydroelectric projects under the Columbia River Treaty.

The Sinixt are still here: We were displaced from our homes in the Eastern parts of our Territory. Some of our members are in the US, but many are in Canada and live within the communities comprising the Syilx Okanagan Nation. Throughout all this time, we have continued to return to the Eastern parts of Syilx Okanagan Territory, including the Arrow Lakes area, to hunt, fish, pick berries, harvest, carry out ceremony and be present on the tmxʷulaxʷ (land), maintaining connection and responsibilities.

Despite the colonial border, longstanding kinship connections between members of the Syilx Okanagan Nation communities in what is now Canada, and the Colville Confederated Tribes continue to this day.

Photo: Signing of the Unity Declaration, sẃiẃs (Osoyoos).

A History of Unity

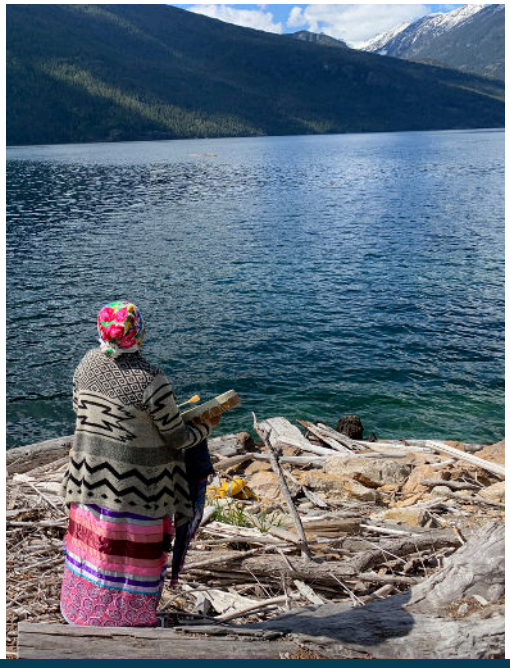
Syilx Unity Declaration

On July 15th, 2010, the Syilx Unity Declaration was signed by political representatives, Elders, and respected community members from the Okanagan Nation Alliance and Colville Confederated Tribes to reflect our longstanding shared history and family ties. It highlights our common cultural, familial, territorial, economic, and political ties as Syilx Okanagan people.

The Syilx Unity Declaration opens as follows:

Members of the Okanagan Nation Alliance and Colville Confederated Tribes make this declaration to signify unity between the Syilx Nation. *The Parties have owned and occupied their indigenous homelands since time immemorial; and without consultation or agreement with the Parties, colonizing governments established an international boundary, bisecting the Parties' homelands; and the Parties never agreed to or acquiesced to the international boundary at the 49th parallel; and despite the international boundary the Parties remain united through cultural, familial, territorial, economic, and political ties; and the Parties wish to strengthen this unity politically, culturally, and economically; and the Parties understand that working together for the Parties rights, title, and claims in unity best serves our collective interests.*

Despite Colville Confederated Tribes' decision to walk away from the declaration in recent years, the Syilx Okanagan Nation communities north of the border remain committed to our kinship ties, our collective interests, and the principle of unity.



Supreme Court Ruling

The Desautel Decision[1]

Summary of the Case: Richard Desautel is a Sinixt member of the Lakes Tribe of the Confederated Colville Tribes and a United States citizen. In 2010, he was charged with killing an elk without a hunting license in the Arrow Lakes region of BC. He argued that he was exercising his Aboriginal right to hunt in the traditional territory of his Sinixt ancestors. The central question for the Supreme Court was whether people who are not Canadian citizens, and do not live in Canada, can have and exercise an Aboriginal right to hunt in Canada, protected under s.35 of the Canadian Constitution.

In 2021, the case reached the Supreme Court of Canada, which found that "Aboriginal peoples of Canada" means the modern-day successors of Aboriginal societies that occupied what is now Canada at the time of European contact, even if such groups are now located outside Canada.

The Court found that the Lakes Tribe is one successor group of the Sinixt people who, at the time of contact, occupied territory that extended from what is now BC in the north into what is now Washington State in the south. This meant that Richard Desautel was exercising an Aboriginal right to hunt and was properly acquitted of all charges. The Court was careful to make it clear that there may be other successor groups representing people of Sinixt ancestry.

Syilx Okanagan in Canada Intervene: The Okanagan Nation Alliance was an intervener in R. v. Desautel at every level of appeal. This is because Sinixt people have always been part of the Syilx Okanagan Nation, and the Arrow Lakes area is part of Syilx Okanagan Territory. It was important to have the voices of Canadian Sinixt people included. Syilx Elders calyx (Richard Armstrong) and skəlitaʔ (Hazel Squakin)—respected language speakers and knowledge keepers from the Syilx Okanagan Nation in Canada— testified at the trial. Calyx identified his genealogical connections to Sinixt ancestors, hunting and carrying out ceremony in the Eastern part of the Syilx territory, including the Arrow lakes, and his identity as both Syilx and Sinixt. skəlitaʔ identified her genealogical connections to the Sinixt, as well as other Syilx Okanagan Nation families in Canada that have Sinixt ancestry. She also gave evidence that Syilx and Sinixt share the nsyilcen language and all are Syilx people.

[1] For the Supreme Court of Canada summary of R. v. Desautel, see this Case in Brief at https://www.scc-csc.ca/case-dossier/cb/2021/38734-eng.pdf

Photo: Syilx dancers at kɬamiɬp (Nelson).

A Victory for All Syilx Okanagan People: The Chiefs Executive Council considers the court ruling to be a victory for all Syilx Okanagan people. Syilx Okanagan Nation members continue to use the Eastern parts of our territory, including the Arrow Lakes area.
The case confirmed Sinixt Aboriginal hunting rights in the Arrow Lakes, which is critically important to the Syilx Okanagan Nation, particularly given the Crown's denial of those rights over many generations.

More than One Sinixt Successor Group: The Supreme Court found the Lakes Tribe of the Colville Confederated Tribes to be one successor group to the Sinixt, but the Court expressly noted that there may be other successor groups. In Canada, the Syilx Okanagan Nation is the successor group for the Sinixt. Many members of our communities are of Sinixt descent.

The Problem of Historical Revisionism and Relying on the "Sinixt Confederacy" for Information about Sinixt People and Issues

naqsmiʔst xə̌l tmixʷ

The "Sinixt Confederacy" is a new entity that was created in 2023 by the Colville Confederated Tribes, an American tribal organization, through their Colville Business Council. The unilateral creation of this American-style confederacy and its assertion of exclusive Aboriginal rights and title in the Arrow Lakes area of Syilx Okanagan territory, has created conflict within our previously unified Syilx Okanagan Nation.

The Confederacy claims to represent the interests of all Sinixt peoples in Canada, and that they are the only group with rights in the Arrow Lakes area. In truth-testing this claim, it's important to revisit the finding in Desautel that the Lakes Tribe of the Colville Confederated Tribes is one successor group to the Sinixt: the Court did not find the Lakes Tribe to be the only successor group. In Canada, the Syilx Okanagan Nation, as represented by the Chiefs Executive Council is the representative of the Syilx Okanagan Nation and the successor group for Sinixt descendants.

The story of the historical denial and alleged "extinction" of the Sinixt is tragic, but **it should not be used to exclude the Syilx Okanagan Nation from our Territory or deny the identity of Syilx Okanagan peoples in Canada who are of Sinixt descent.** Syilx Okanagan people have fought for over a century against the denial of our rights by colonial governments and settlers, including in the Eastern parts of our Territory.

Relying on the Sinixt Confederacy and the Colville Confederated Tribes for information about Sinixt —to the exclusion of the Syilx Okanagan Nation as represented by the Chiefs Executive Council, the representative of Sinixt people in Canada—is inappropriate and perpetuates colonial injustices. It also puts the interests of a US-based tribe above the rights and interests of members of the Syilx Okanagan Nation in Canada.

How to Consult and Accommodate the Syilx Okanagan Nation

ni?ʕayp kus ala?x

1. Consult the Syilx Okanagan Nation
Consulting, speaking or making decisions about anything to do with the Syilx Okanagan Territory, including the Eastern parts of our Territory, must begin by consulting with the Syilx Okanagan Nation, as represented by the Chiefs Executive Council. Failing to do so is potentially illegal, revisionist, colonial, and damaging. Contact the Syilx Okanagan Nation directly to engage.

2. Understand that the Sinixt are part of the Syilx Okanagan Nation
In Canada, the definition of an Indigenous Nation is one language, one land, one culture, one people. The Syilx Okanagan Nation, including those who are Sinixt, share Syilx Okanagan Territory, share our common nsyilxcən language, share our captikʷɬ (sacred stories), culture, ways of being and ancestors. The Syilx Okanagan Nation is the representative of the Sinixt in Canada.

3. Listen, Learn, Ask
Diversify and evaluate your sources. Have you read both widely and laterally to seek out diverse and conflicting points of view? Are your sources credible? What are their motivations?
Educate yourself by listening to Indigenous people who are the experts on Syilx Okanagan culture, history and Territory. When you hear conflicting or unclear claims, ask the Nations and the Elders themselves for clarification.

4. Slow Down and Step Back
When faced with competing historical or cultural claims, it is best to slow down, step back and re-double your efforts to listen, learn, and ask. Recognize that the history of colonization has created complex relationships amongst Indigenous peoples and organizations. Speak with Syilx Okanagan Nation representatives. Stay humble and keep learning.

Reconciliation requires taking the time to truly understand the Territory, culture and history of Nations—including the impacts of colonization and resulting complexities.

Photo: Syilx Okanagan Nation Chiefs at the 2021 Annual General Assembly in snɬuxwqnm (Castlegar).

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Syilx
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One Land
One Culture
One People