

# The Queen V. Wilson (Okanagan Indian Band)

## MAIN ARGUMENTS

### PROVINCE

### OKANAGAN

<p>The forests belong to the Province and they have authority to manage them, including for issues of forest Health (Mountain Pine Beetle) and safety (fire hazards)</p>	<p>The OKIB have jurisdiction and responsibility to manage the lands and resources (including forests) according to Okanagan laws for future generations.</p>
<p>The OKIB do not have Title or Rights to the watershed area because they are not a nation capable of holding title, they are not descendants of the Okanagan who possessed title and rights, and they did not and have not continued to exclusively occupy the watersheds from the time of contact with non-aboriginal peoples to the present.</p>	<p>The Okanagan have Title and Rights to the Watersheds, and can legally prove they are descendants of the Okanagan nation. The Okanagan nation's traditional territory includes the Watersheds which the people have exclusively occupied since long before contact with non-aboriginals. The Watersheds are fundamentally important to the Okanagan and harvesting trees is an integral part of their culture.</p>
<p>The OKIB has acted unlawfully and the Forest Act should be enforced to stop the OKIB from harvesting the trees.</p>	<p>Harvesting trees to build houses is lawful under Okanagan title and rights and the laws of the Okanagan Nation. The Province's Forest Act infringes Aboriginal Title and Rights protected under s. 35.</p>
<p>Any infringements of Title and Rights by the Forest Act can be justified because they were directed towards valid objectives, including that it is necessary to develop the forest industry for the economy of the region, and to manage the health of the forest in the interests of the public and B.C. has offered the OKIB reasonable access to timber.</p>	<p>The legislation infringes Okanagan Title and Rights and cannot be justified because B.C has not consulted about or accommodated Okanagan Title and Rights, or reconciled these interest, The Province has failed to manage the forest in a way that recognizes Okanagan Title, Rights and jurisdiction to the trees and to Okanagan values and culture.</p>