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## B.C. Court of Appeal Confirms Rights in Arrow Lakes

*tkwə+niwt* (Westbank), *Syilx* Okanagan Territory: The Chiefs of the *Syilx* Okanagan Nation welcome the May 2, 2019 decision of the British Columbia Court of Appeal in *R. v. Desautel*, recognizing and protecting Sinixt Aboriginal hunting rights in B.C. Sinixt are inextricably linked to our broader *Syilx* Okanagan Nation, sharing common language, culture, history, traditions and ancestry. As our *Syilx* communities include many Sinixt people, this confirmation that Sinixt rights continue to exist in *Syilx* Okanagan Territory is critically important, particularly in light of the Province of British Columbia's previous denial of those rights.

The case was an appeal of the BC Supreme Court's affirmation of the BC Provincial Court's March 27, 2017 decision that found that Richard DeSautel, a member of the Lakes Tribe of the Confederated Colville Tribes (CCT) and a United States citizen, has an Aboriginal right to hunt in the traditional territory of Sinixt people in British Columbia.

The BC Court of Appeal dismissed the Province's appeal and confirmed some key legal principles:

- The Aboriginal perspective needs to be taken into account when assessing whether persons who are not resident or citizens of Canada can be "Aboriginal peoples of Canada";
- There is no requirement for there to be a modern-day community in the area where harvesting activities take place for an Aboriginal right to exist - this finding reflects the fact that Indigenous peoples were displaced through the process of colonization and that rights in the Arrow Lakes area were never voluntarily surrendered, abandoned or surrendered.

In commenting on the decision, Grand Chief Stewart Phillip, Chair of the Chiefs' Executive Council of the *Syilx* Okanagan Nation stated that: "We are pleased that the Court of Appeal has confirmed what we have always known – that the Sinixt (in our language, the *sʔaltíkʷt*) were the original inhabitants of the Arrow Lakes region long before the Europeans arrived. We are not extinct."

The Grand Chief went on to note: "As colonization advanced and especially with the imposition of a boundary between the US and Canada, our Sinixt people were forced to choose which side of the border to live in. Yet we are all related and we remain related to the present day. The

ONA and CCT will continue to be united through our cultural, familial, territorial, economic and political ties. Neither the Court's decision nor an imaginary line at the 49<sup>th</sup> parallel can affect the relationships of our Sinixt people and the Title and Rights that belong to us, the nsyilxcen-speaking peoples. We were pleased to participate in the appeal on behalf of Syilx Okanagan people and our Nation. We also hold up our two elders, Richard Armstrong and Hazel Squakin, who were able to share their knowledge of the Arrow Lakes area of our Territory at Mr. DeSautel's trial."

The Okanagan Nation Alliance and its Chiefs' Executive Council represent Syilx Okanagan Nation members and are mandated to protect, advance and defend Syilx Okanagan Nation collective Title and Rights. Syilx Okanagan Nation communities include thousands of members who are Sinixt descendants and whose ancestors historically lived in the Arrow Lakes area.

For more information please contact:

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