

10 Cultural Survival and Environmental Degradation in the Mountains of the Secwepemc

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Introduction

Amenity migration, and more generally immigration, is a contemporary force critically impacting the Secwepemc people and lands. To comprehend its effects one must understand the unique relationship between the Secwepemc (also known as the Shuswap people) and our traditional lands and resources, the history of contact with European settlers and aboriginal land ownership and jurisdictional issues in British Columbia (BC). Since early contact with European settlers, the Secwepemc lands and culture have experienced devastating effects from in-migration of various forms.

One of the earliest examples of this happened between the years 1850 and 1903, when a series of epidemics were responsible for reducing Secwepemc populations by nearly 70% in just two generations and even extinguishing some communities altogether. Out of 30 original bands in the Secwepemc Nation, only 17 survived (Coffey *et al.*, 1990).

The onslaught of 'development' began in the mid-1800s with the arrival of Catholic Church missionaries, and grew with the fur traders, miners, loggers, land speculators, ranchers, tourists and amenity settlers. Today, amenity-motivated enterprise and settlers are focused on Secwepemc lands, littering the mountains with insensitive, large-scale residential, commercial, industrial and

recreational developments. Despite the settlers' insensitivity to the negative effects of the developments, the Secwepemc are striving to uphold our deep symbiotic relationship and responsibility to the land. In consideration of this special relationship and responsibility, the negative effects of in-migration have far greater impact on the Secwepemc than on most non-Secwepemc, because the Secwepemc are elementally reliant on the land for maintaining our distinct Secwepemc identity, culture and livelihood. Any harmful development to the land directly affects the entire Secwepemc way of life. However, the outcome is larger because there is also a direct relationship between the loss of Secwepemc culture, the loss of biodiversity and the longer-term health and integrity of *all* inhabitants of Secwepemc territory.

Although the phenomenon of amenity migration (AM) is apparent throughout the traditional territory of the Secwepemc, this study focuses on its effects in the area known to the Secwepemc as Skwelkwekwelt. It is one of the last remaining, yet endangered alpine mountain ecosystems in Secwepemc territory. Its biodiversity is being severely degraded, and this plays a critical role in the deterioration of the cultural fabric of the Secwepemc. This chapter describes Skwelkwekwelt's amenity migration, and its direct and indirect effects on the Secwepemc, as well as outlining what can be done to address its harmful impacts.

Land of the Secwepemc

The Secwepemc are the indigenous peoples whose traditional territory spans the south-central interior plateau of British Columbia, Canada. Secwepemc traditional territory extends from the Columbia River Valley on the east slope of the Rocky Mountains to the Fraser River on the west, and from the upper Fraser River in the north to the Arrow Lakes in the south. It is a vast area of approximately 180,000 km². A variety of landscapes in the mountain regions are particularly important to the survival and vitality of the Secwepemc. The landscape zones used by the Secwepemc include alpine, montane parklands, montane forests, intermediate grasslands, intermediate lakes, river terraces, floodplains and river valleys (Adams Lake and Neskonlith Secwepemc, 1999). The subsistence economy of the Secwepemc relies upon continued access to the great diversity of the varying ecological landscapes throughout this large area.

The Secwepemc were, and to a considerable extent are still, semi-nomadic, travelling considerable distances to fish, hunt and gather plants. Many plants are still harvested today for foods and medicines, and along with deer, moose, elk, caribou, many smaller mammals and several varieties of salmon and other fish, play an important role in sustaining the Secwepemc culture and economy. The Secwepemc traditionally harvested over 135 species of plants for foods, medicines, ceremonial purposes, habitation and technology (Palmer, 1975).

Skwelkwekwelt

Skwelkwekwelt is the place name given in the Secwepemc language (Secwepemcstin) that translates to 'high alpine mountains' in the English language and has been considered one of the closest, most accessible and significant hunting and gathering areas for the Secwepemc. Before Sun Peaks Resort (SPR) built ski trails and lifts on these mountains, the Secwepemc would traditionally harvest up to ten moose at a time and preserve the meat by smoking and drying in the seasonal hunting camps that were set up in this area. In addition to hunting and gathering, these pristine high mountains are considered by the

Secwepemc to be very sacred locations, where spiritual journeys such as vision quests are practised. Through fasting and praying in the vision quest, the Secwepemc maintain a connection with the spirits of their ancestors and the natural environment.

The traditional resources of Skwelkwekwelt continue to be used regularly to gather an entire winter's supply of food for many Secwepemc families, a large number of whom survive on low incomes and use game and other nutrient-rich wild foods to supplement their diets. Secwepemc Elder, Dr Mary Thomas, has identified numerous varieties of berries and many other plants harvested as foods and medicines. Two of which are culturally quite important roots gathered as a source of carbohydrates: avalanche lily and wild potato. While this source is being severely threatened by mass tourism, in-migration and unsustainable forestry practices, plants and animals in the outlying areas surrounding the SPR are still important food sources for the Secwepemc.

Sun Peaks Resort (SPR)

The SPR includes three ski mountains which have been developed to date and are known as Tod Mountain, Sundance Mountain and Mt Morrissey. It is interesting to note that oral histories state that Tod Mountain (the highest peak in this area at 2152 m) was named after a fur trader, John Tod, who distributed smallpox-infected blankets to the Secwepemc, which spread to epidemic proportions and almost led to the extinction of the Secwepemc. SPR was first developed in the early 1960s as a small resort with only a few lifts and trails, which did not greatly impact the Secwepemc way of life. Hunters, fishermen and traditional plant harvesters were still able to use the surrounding lands for economic, cultural and spiritual purposes.

In 1992, the SPR was purchased by M. Ohkubo of Nippon Cable Company Ltd, Japan, who proceeded with a master plan to dramatically expand the size and operations of the resort under the auspices of the Sun Peaks Resort Corporation (SPRC). To date, over CAN\$200 million have been spent on the expansion, which includes construction of the Delta Hotel and Conference Centre, development of trails and

lifts on Mt Morrissey, completion of an 18-hole golf course and massive development of municipality-scale residential subdivisions. The present facilities include (Sun Peaks Resort Corporation, 2004):

- 3678 acres of ski terrain
- 116 named ski trails
- 40 km of Nordic ski trails
- back country Cat and Hummer tours and helicopter skiing
- 25 boutiques, restaurants, bars, cafes and hotels
- seven on-mountain hotels with some 4500-beds tourist accommodation and rental homes

The Sun Peaks Master Plan for future expansion includes:

- development of two more ski mountains (in addition to the existing three)
- mountain-top restaurants
- creation of 24,178 bed units
- creation of year-round resort (expanding into Secwepemc outlying continued-use areas)
- proposed expansion of residential development toward MacGillvray Lake (8 km from Sun Peaks)

Who are the Amenity Migrants?

Great numbers of amenity and other associated migrants are moving into the sensitive mountain ecosystems of Skwel'kwel'kwelt as a result of the Sun Peaks development. Of the approximately 2000 homeowners with fee simple interests in property at Sun Peaks (Ramsey, 2003), about 300 are presently considered permanent, year-round residents (Bergen, 2003). Generally speaking, permanent residents own the lower-priced homes, with other property out of the price range of average local purchasers. Condominium flats sell for between CAN\$330,000 and CAN\$485,000 (Hooper, 2004). The SPRC real estate marketing strategy focuses on attracting the wealthy from the USA (particularly Washington, Oregon and California); the Lower Mainland of BC; and Australia (Evans, 2004). Many of the residents are high-income foreigners who migrate seasonally to their chalet or condominium in Sun Peaks.

Following Moss's typology of amenity migrants (Moss, 1994, 2004), the majority of

these in-migrants to Sun Peaks are not permanent, but are seasonal and intermittent amenity migrants who are typically in residence for the ski season, and in the summer, for golf and other recreational activities. In an interview with Radio Netherlands on June 25, 2003, a Sun Peaks spokesperson, Chris Rogers, stated that 'there are about 300 people that live there year round and at different parts of the recreational city we'll have as many as four or five thousand guests in the village' (Bergen, 2003). With the increase in population numbers, there is increased competition for the natural resources that the Secwepemc have relied upon for sustenance for thousands of years. These in-migrants are unable to fully appreciate the traditional cultural activities and the ecological integrity and sensitivity of Skwel'kwel'kwelt. Most of them are white, middle-to upper-income urbanites, with vastly different values and belief systems from the Secwepemc.

SPRC is aggressively promoting the present high number of incomers flooding the area by developing the resort into a year-round destination. Winter activities include downhill skiing, cross-country skiing, snowboarding, snowmobiling, helicopter skiing, all-terrain vehicle (ATV) tours and dog sled runs. In addition to winter activities, the SPRC plans include attracting tourists and residents by hosting spectacles such as music festivals, wildflower festivals and sporting events in the spring and summer. It has increased spring, summer and fall promotion for hiking, fishing, mountain biking, ATV riding, hang-gliding and horseback riding activities. Sun Peaks recorded 300,000 skiers in its 2003 season (December to mid-March) and the August 7, 2003 edition of the *Vancouver Sun Newspaper* stated that the SPR Annual Canadian Mountain Bike Competition draws 2000 visitors (Ramsey, 2003).

While the Sun Peaks expansion project fails to offer any meaningful economic opportunities for the Secwepemc, its extensive development attracts, along with amenity migrants, those who follow for primarily economic reasons. Accommodation, other commercial enterprises and related infrastructure employ construction workers and various hospitality workers. Administrative-related employment includes clerical work and real estate sales, while socially related occupations are largely limited to day care work, some medical services, etc. Labourers

are hired to operate ski lifts, make snow and maintain golf courses and trails.

Impacts of the Amenity Migrants

Recognizing the direct relationship between ecological and cultural sustainability, it is quite apparent that the growing phenomenon of amenity migration in Skwel'kwelwelt is placing greater pressure not only on the sustainability of the biological diversity, but also on the cultural and political-economic fabric of the Secwepemc. These impacts of Sun Peaks' amenity residents, and associated economic migrants, tourists and other visitors, have complex implications for the lives of both the Secwepemc and local non-Secwepemc alike. Awareness of and sensitivity to the interconnectedness of the cultural, economic, environmental and legal impacts of amenity migration in an ecological context is vital to maintaining the uniqueness and beauty of the Secwepemc culture, and natural and social harmony for the benefit and integrity of all humans.

Cultural degradation

Imperial expansion and colonization are key factors influencing the near extinction of Secwepemc culture. As an earth-based culture, massive land developments such as the SPR cause irreparable loss of Secwepemc land traditions. Ecosystem destruction and exclusion of the Secwepemc from land- and resource-use planning and management creates a high risk of loss of the sophisticated Secwepemc traditional ecological and historical knowledge system, including language, spirituality, values, beliefs, customs and laws, along with socio-political and economic structures.

Like many other indigenous peoples, the Secwepemc way of life is based on the spiritual beliefs and conservation ethics which reflect the perception of humans as a part of a wider community of life. We believe that everything – animals, plants, rocks, fire, air and water – has a soul, which is inherited from the remains of people who once lived during the mythological age. Everything in the natural world can speak and provide important messages to us. These beliefs

promote awe, respect and care for nature (Stevens, 1997).

The Secwepemc also believe that language is given by the Creator to communicate our unique perspectives, values and beliefs to people and to the natural world. Values of respect, reciprocity, gratitude, interdependency and cooperative relationships are expressed through prayers and offerings in the Secwepemc language. Prayers of respect and thankfulness to all of creation are offered before anything is harvested from the land. In return, the Secwepemc receive messages from the animals and birds, who tell us when it is time to harvest and gather certain foods and medicines. The cricket communicates when it is time to begin catching salmon. The plants also communicate messages to the Secwepemc. When the wild strawberry plant blooms, the people know a certain type of fish is ready to be caught.

The Secwepemc maintain a vast storehouse of traditional ecological knowledge (TEK), accumulated over years of experience and observations on the land. It was obtained through our relationship to, and direct participation in, the natural world. Secwepemtsin (Secwepemc language) is a 'living language', because it provides a cultural context for communicating the teachings of a people's cultural values, beliefs, rituals, songs, stories, socio-political structures and spirituality. And this knowledge, beliefs and wisdom are carried by oral tradition; it must be experienced first hand on the land with use of the indigenous language.

The language keeps the people whole and connected to the Creator and to the land and its resources, and within the Secwepemc language, exists the unique Secwepemc worldview and identity. The participatory lessons contained within the language maintain teachings of the responsibilities we have to the natural world. Generally speaking, because the Secwepemc language is being replaced with the dominant language of English, the dominant cultural framework takes over and displaces Secwepemc cultural values, beliefs and practices (Maffi, 2001). The context and values communicated through English do not accurately represent the core values, philosophy and beliefs of Secwepemc culture.

Language is the main tool to maintain, elaborate, develop and transmit knowledge to

future generations (Maffi, 2001) and ensures that the teachings of the Secwepemc responsibility to maintain a balanced and harmonious relationship with the land and one another are upheld. Secwepemc language transmits the traditional cultural and ecological knowledge needed to protect biological and cultural diversity for future generations. Secwepemc language is the most culturally relevant method of transmitting knowledge to following generations. The survival of the Secwepemc culture is dependent on perpetuating our values, perspectives and sophisticated knowledge system. The unique cultural, ecological, geographic and historical knowledge is transmitted through the Secwepemc language, and must be maintained in its natural form, as much as possible.

Traditional teachings of the Elders state that cultural survival is dependent upon the health and well-being of the land and unfettered access to the natural resources. For this reason, the land must be protected so it can continue to provide them with sustenance. The place-specific and subsistence-related TEK and wisdom, gained through a participatory information feedback process with the land and natural resources, provides them with a clear awareness of the long-term social and ecological implications of their actions (Cajete, 2000). From their intimate knowledge of the land they practise balanced resource use and caretaking regimes which make relatively light demands of the local resources.

Secwepemc resource management practices, world view, classification system and accumulated knowledge and wisdom about the human–environment relationship is losing relevance and disappearing with the magnitude and type of current amenity migration. Directly or indirectly, the Secwepemc people, who uphold their responsibility to the land and culture, feel that AM is also one of the major causes of biodiversity disappearing at a rate 50 to 100 times faster than it would naturally (Secretariat of the Convention on Biological Diversity, 2004b). Loss of access to our hunting and gathering grounds severs the connection with the land and resources, and deconstructs the traditional Secwepemc education process. Severely degraded land or removal from daily direct contact and hands-on interaction with the surrounding environment leaves little room for subsistence. Maffi describes this phenomenon as

‘extinction of experience’: the radical loss of experience that comes through subsistence and other daily activities (Maffi, 2001: 7).

Customary land-use practices include traditional conservation methods that ensure sufficient resources are available not only for the needs of present generations but for future generations as well. In addition to the more practical conservation methods, such as landscape burning, rotational hunting and harvesting techniques, spiritual ceremonies, songs and dances also play an important role in taking care of the land and its resources. For example, Secwepemc men endure 4 days of fasting, sweat bathing, praying and singing to offer prayers for the game and their habitats. ‘Yecwiminte r tmicw’ is a term in the Shuswap language that translates to ‘taking care of the land’. It attests to Secwepemc consciously practised land stewardship and, through an emotional and spiritual connection to the land, maintains ecologically sensitive caretaking regimes, which enabled the Secwepemc to survive in healthy functioning ecosystems for thousands of years.

Despite the fragmented condition of the Secwepemc culture, the Secwepemc continue to strive to maintain traditional values, beliefs and practices involving various aspects of the traditional Secwepemc way of life on the land. Many families rely on traditional foods and medicines for whole or partial sustenance. Many participate in spiritual practices, such as sweat baths and vision quests in the mountains. The Secwepemc continue to uphold the responsibility of taking care of the animals, birds and plants to the best of their ability despite the many threats brought on by AM. The local Secwepemc subsistence activities, which traditionally did not affect biodiversity negatively, and in some cases fostered it, are being replaced by the environmentally unsound practices of the SPRC and amenity migration in Skwelwkwelt.

Environmental impacts

While the customary land-use practices of the Secwepemc have minimal environmental impact, current mainstream land-use practices, such as mass tourism, settlement and forestry, mining and other commercial developments negatively

impact the quality of the land, air, water, plants and animals in Secwepemc territory. The Secwepemc belief of people being intimately interconnected with nature and their conservation ethics and practices that promote respect and care of the land are not significantly rewarded in the dominant society. This is a strategic disadvantage common for indigenous peoples (Messerli and Ives, 1997; Moss and Godde, 1999), and a social trap or mindset that makes it quite difficult for most non-Secwepemc to empathize with the negative effects that developments such as the SPR have on the Secwepemc culture. Because cultural survival and diversity are often entwined with environmental conservation and biodiversity, the loss of either causes the loss of the other (Stevens, 1997). Therefore, the environmental effects of AM, and the actions of the SPRC and its affiliated key stakeholders catering to the amenity migrants at SPR, must be considered crucial to the conservation of biological diversity.

Although Sun Peaks has an environmental policy (Box 10.1), it does not consider the Secwepemc as part of the environment, nor does it consider the effects of amenity migration on our culture. The Sun Peaks Resort's perception of the environment, as it is communicated in their environmental policy, is limited to the narrow view of the environment being only land, flora, fauna and natural processes, and fails to

recognize the key role that the Secwepemc and their culture plays in sustaining healthy environments and vice versa. Any perspective that excludes considering people as a part of nature is in opposition to the Secwepemc view and that of a growing number of people around the world who are seriously concerned about the future of our biosphere and, in particular, the role being played by mountains (Messerli and Ives, 1997).

Sun Peaks Resort Corporation states: 'we recognize that maintaining the natural environment is essential to maintaining the quality of life we now enjoy...' (see Box 10.1). However, no consideration or respect is given to the Secwepemc concerns, quality of life or traditional connection to the land in Skwel'kwelw. Elders instinctively know, without 'scientific studies', that Skwel'kwelw is being rapidly destroyed and the threat of extinction as a distinct people is real. Elders remember when MacGillivray Creek, which runs through the SPR, was teeming with Dolly Varden fish, and remember setting up hunting camps on Mt Morrissey where there are 'now 117 ski runs, spread over the second largest skiable terrain in BC' (Sun Peaks Resort Corporation, 2004: para. 2). Secwepemc Elders know that, in addition to the declining fish stocks, the quality and quantity of plants and medicines is being critically compromised.

Sun Peaks also states that 'we comply with, or exceed, all applicable environmental laws

Box 10.1. Environmental Policy of Sun Peaks Resort Corporation

Sun Peaks Resort Corporation recognizes that maintaining the natural environment is essential to maintaining the quality of life we enjoy now and wish to protect for future generations. With this goal in mind, the resort is committed to conducting its operations in an environmentally responsible manner, which respects the land, its flora, fauna and natural processes. Specifically we will:

- Comply with, or exceed, all applicable environmental laws and regulations.
- Minimize adverse environmental impacts from our operations.
- Promote environmental awareness.
- Monitor our performance with respect to the environment, by periodically reviewing our practices, procedures and objectives.
- Train our employees and contractors to incorporate good environmental practices in all aspects of our operations.
- Communicate our performance to our directors, employees, contractors and customers.
- Review our Environmental Management System on a regular basis to continually improve our performance

Source: <http://www.sunpeaksresort.com/winter2/environment.aspx>

and regulations' (see Box 10.1). However, from observations of their development activities, environmental degradation is indeed occurring at Skwelkwekwelt. Quality of water, land and air is rapidly changing for the worse. Sun Peaks maintains a 145 million litre snow-making water reservoir (Hewlett, 2003), which draws from the mountain water table. Excessive amounts of water are also being used for making artificial snow and the laundry facilities at the company's seven on-mountain hotels. In addition to this extraordinary consumption of water, harmful detergents contaminate what Secwepemc Elders teach is the most important source of water for the highlands and for the lowlands below – the high mountain streams. Personal communications with a Secwepemc person living at one of their home sites established outside the SPR area reported huge trucks bringing out loads of sewage after waste water systems failed.

Great amounts of water and hydroelectric and thermal energy are being used, and large amounts of sewage and waste water are contaminating the watershed that supplies the local Thompson Nicola Regional District. Amounts of water being used and sewage produced are rapidly increasing with the size of the expansion. Exhaust fumes from vehicles used to transport people and goods in and out of Sun Peaks, as well as recreational vehicles, such as cars, quads and snowmobiles, are contributing to a decrease in air quality, an increase in wildlife out-migration and significant reduction in forest cover and fragmented forest floor. The loss of forest cover contributes to the forest's inability to hold and cycle water through the ecosystem.

Another example of environmental degradation caused by SPR is its 'sheep experiment'. In the summer of 2003, sheep were used to graze on the steepest slopes. Three hundred and thirty sheep were released in the hope that they would 'eat everything down to within inches of the ground'. Sun Peaks described the sheep experiment as 'an environmentally friendly method' of removing unwanted brush (Evans, 2003: 1). However, for the Secwepemc, it is a serious threat to maintaining biological diversity because the sheep eat everything including roots, berries and medicinal plants.

Sun Peaks development activities have the potential to inflict even greater damage to

Secwepemc traditional-use areas if their proposed paved second access route to Sun Peaks from the nearby town of Chase, BC is approved by local government. The corporation's justification is that it will provide tour buses and other vehicles with a shorter access route to Sun Peaks (Fortems, 2003). The proposed road would cut right through Secwepemc traditional territory and additionally damage other important hunting and food-gathering areas.

Socio-economic impacts

Competition between the amenity migrants and their agents (especially SPRC and the BC government), and the Secwepemc for the traditional lands and resources has created vast economic discrepancies between the Secwepemc and these agents. Principally due to the Secwepemc unresolved claim to the land within the boundaries of the Neskonalith Douglas Reserve, they are the poorest people (money-wise) living on their traditional lands. The Secwepemc receive no remuneration or other economic benefit for the sale, lease and other uses of our land. Instead, token offerings of insignificant forms of economic benefits from Sun Peaks have been offered to a few 'hand-picked' Secwepemc whose interests are sometimes contrary to the protection and conservation of our traditional resource rights. Youth, Elders and traditional land users with cultural integrity refuse to be showcased as spectacles, and have declined opportunities to sing, dance and entertain the tourists.

Social disharmony within the Secwepemc community exists as a result of governments and private enterprise taking advantage of intra-tribal differences. One example of this is demonstrated through the actions of two Secwepemc Indian Bands representing the federal government's Department of Indian Affairs (DIA). The bands entered into an economic development agreement with Sun Peaks to receive only a minimal share of staff housing in the development. Contrary to the position taken by the DIA-elected representatives of the bands, the Secwepemc traditional land users want the land and resources protected for traditional uses and will not abdicate this position in exchange for token economic benefits.

In 2003, Matthew Ramsey reported in the *Vancouver Sun* newspaper that economic losses to Sun Peaks during that year's pronounced wildfire season were approximately CAN\$80,000 per day and an estimated total of CAN\$600,000 due to road closures and evacuations. The sale of real estate in the SPR generates large revenues from which it and the SPRC are greatly benefiting from Secwepemc lands. The mark-up on parcels of land being sold by SPDC further illustrates the inequitable compensation gained from the expanding exploitation at Skwelkwekwelt. The corporation buys land for CAN\$5000 per 0.4 ha from the BC government (Province of British Columbia, 1993) then subdivides and sells building lots for an estimated price ranging from CAN\$70,000 to CAN\$170,000.

Legal Challenges

Non-recognition of Secwepemc land title and rights and the considerable rapid changes being caused by amenity and other in-migrants are escalating tension and conflict over land and resource management at Skwelkwekwelt. The animosity between the Secwepemc, SPRC, the BC provincial government and a handful of racially insensitive in-migrants is also likely to extend to other areas throughout Secwepemc territory if there is no resolution to the unsettled aboriginal land issue in BC.

The BC government and SPRC fail to recognize the distinctness of Secwepemc rights and responsibilities to the land and its resources. Secwepemc youth, Elders and traditional land users hold the BC provincial government responsible for illegally selling what the government considers to be Crown Land using a fee simple land-ownership system. As stated in the Development Agreement between Her Majesty the Queen in Right of the Province of British Columbia and Tod Mountain Development Ltd (now known as the SPRC) (Province of British Columbia, 1993: 11):

Tod Mountain will be entitled to purchase Crown Land from the province, in Base Area Phases that correspond to particular Mountain Phases, to be developed in accordance with the land uses and densities specified in the Tod Master Plan.

Upon visiting the SPR, it is plain to see how, after purchasing the land from the Crown, Sun Peaks Realty, also known as Re/Max Alpine Resort Realty, then sells the land to other developers, who subdivide it into parcels for private buyers (Re/Max Alpine Resort Realty, 2005). Secwepemc traditional land users take the firm position that based on their long-standing title and rights to the land in Secwepemc territory, they are not required as tribal members or traditional land users to purchase the land through the fee simple system. Under the fee simple system, the land is not only taken out of local control, but the resulting escalated land costs are unaffordable to both the Secwepemc and the average local non-Secwepemc residents in the area.

In addition, the BC government has issued 50-year leases (Province of British Columbia, 1993: 44) for land under the ski lifts, and gave Sun Peaks the exclusive rights to use large areas of surrounding land for recreational purposes. The Secwepemc traditional land users believe that the non-recognition of their land title and rights as it is demonstrated in the agreement reached between the BC provincial government and Tod Mountain Ltd (SPRC) violates several national and international human and indigenous rights, laws, charters and conventions.

First of all, land has been sold where the title is being legally contested. Secondly, long-term leases, licenses of occupation and controlled recreation agreements are being issued that state that no one, including the Secwepemc, other than the licensee, can use the land under lease for any purpose other than what is stated in the terms of the lease. This not only denies Secwepemc title and rights, but also purposely divests our sovereignty, control, access and jurisdiction to use and manage our traditional territories and resources as we have done since time immemorial.

Actions Taken to Date

Direct and legal action

The Secwepemc Elders and traditional land users adamantly oppose the SPR expansion plans and resulting destruction of Skwelkwekwelt. Community members from the Adams Lake and

Neskonlith Indian Bands, who are directly affected by the development of these plans, have been repeatedly excluded from the related planning and decision making and have not given their prior informed consent. In November 1998, several Elders, traditional land users and elected Chiefs and Councillors met with representatives from SPRC and issued a statement that outlined their opposition (*Secwepemc Elders Statement*, 1998). The corporation ignored the statement and continued with their massive expansion plans. The Elders and traditional land users have since embarked on a campaign to inform visitors, investors and the local public of the destruction of their lands and the outstanding land-ownership and jurisdiction issues (Fig. 10.1). This campaign has also been extended throughout Canada, and internationally to the USA, Japan and Europe. Many coalitions with environment, social justice and human rights groups have been established to assist the Secwepemc with information and action campaigns.

Beginning in October 2000, the Secwepemc re-established many home sites in the Skwelkwekwelt area, and the Skwelkwekwelt Protection Centre was built to assert Secwepemc

title to the land and protect the land from further degradation due to Sun Peaks. Homes were also built on seven different sites in Skwelkwekwelt and were destroyed by SPR personnel with the assistance of the BC government and the Royal Canadian Mounted Police (RCMP). Under the false jurisdiction of the *British Columbia Lands Act*, the government issued a trespass and seizure notice to Secwepemc residents occupying these homes (Department of Justice, Canada, 1982). These notices were enforced by the RCMP and were also used to destroy a family home at MacGillvray Lake, some 8 km from SPR. Ironically, this home was destroyed on December 10, 2001, International Human Rights Day. In violation of *Article 5* of the *International Convention on the Elimination of All Forms of Racial Discrimination* (United Nations' Office of the High Commissioner for Human Rights, 1969), two Secwepemc sacred sweat lodges were destroyed on the same day.

In attempts to assert and protect Secwepemc title to the land, Secwepemc traditional land users and protesters have repeatedly endured humiliating removal by force. Several Secwepemc people were charged with criminal



Fig. 10.1. Members of the Secwepemculecw Traditional Peoples Government (STPG) protesting the expansion of the Sun Peaks Resort, BC, Canada (photograph: courtesy of STPG, September 2004).

offences and some 54 arrests took place, including Elders and youth. Many Secwepemc and their supporters have received court orders prohibiting them from entering the Sun Peaks area. One woman has a restriction that prevents her from going within 10 km of Sun Peaks, an order that has been in effect for 3 years (A. Soper, British Columbia, 2004, personal communication). Rather than deal with the real issues of land ownership and jurisdiction, the British Columbia government chooses to manipulate the criminal justice system.

The community members are fortunate to have the strong leadership of former Neskonalith Chief Arthur Manuel, who is also Spokesman for the Indigenous Network in Economics and Trade. Under the direction of the most active Secwepemc Elders and traditional people, campaign letters have been written to the governments of Canada, British Columbia and the SPRC. The Secwepemc insist that SPR respect the Constitution of Canada, Section 35(1), which states, 'the existing aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed' (Department of Justice, Canada, 1982). The Secwepemc also insist that the governments acknowledge outstanding and unceded land issues by respecting the two recent and quite important court decisions regarding aboriginal land title.

The historic 1997 *Delgamuukw Decision of the Supreme Court of Canada* recognized *Aboriginal Title* (Library of Parliament, 2000: para. 1). In addition, The Haida Decision of the British Columbia Court of Appeal of 2002 ruled that the Government of British Columbia and corporations must consult with indigenous peoples and meaningfully accommodate aboriginal interests in any development taking place on our traditional territories whether Aboriginal Title has been established or not (Aboriginal Affairs and Northern Development, 2003). Despite the recent court decisions ruling in favour of aboriginal peoples in BC and Canada, the federal and provincial governments assume 100% control and jurisdiction and refuse to address outstanding land issues in Skwelkwekwelt (*aka* Sun Peaks Resort). Instead the federal and provincial governments pressure the Secwepemc to join in the British Columbia Treaty Process. But, entering into the treaty process would force the

Secwepemc to extinguish title to most of their traditional territories in exchange for a slightly bigger and inadequate Indian reservation and a cash settlement (A. Manuel, British Columbia, 2002, personal communication).

The southern bands of Secwepemc continue to pressure the Governments of Canada and BC to work out a just and honourable land settlement apart from the BC Treaty Process. In the process of pursuing a land settlement, the Elders and traditional land users continue to inform local and regional governments, development corporations and forestry companies of the outstanding land issues and insist they comply with the legal obligations as they are set out in court rulings and the Canadian constitution. The Secwepemc are determined to continue to assert Secwepemc Title and Rights and uphold the sacred responsibilities of protecting, maintaining and conserving the traditional territories through direct action and continued use of the traditional resources in Skwelkwekwelt.

Other actions undertaken

Extensive interviews with Elders on historical and present-day uses in Skwelkwekwelt have been conducted. The Adams Lake and Neskonalith communities completed a Traditional Use Study that included interviewing Elders and traditional land users regarding their use and occupancy of the land in the core of Secwepemc territory. All interviews were recorded and traditional use sites were placed on maps. These studies will be used in various court cases to prove continuous use and occupancy of the land (Adams Lake and Neskonalith Secwepemc, 1999).

Alliances have been formed with other indigenous peoples who are facing similar encroachment and degradation of their lands and threats to their traditional life ways due to land development in Canada, USA, Colombia, Ecuador and Guatemala. Since BC was awarded the 2010 Winter Olympics, there is considerable additional pressure to develop ski resorts on unceded aboriginal land throughout the province. The Stat'imx, the neighbouring nation to the Secwepemc, and the Cheam peoples of the Pilalt territory in BC are also facing massive destination resort development projects in their

traditional territories. Elders and traditional land users in all of the aforementioned nations remain opposed to the proposed developments. The Secwepemc have also formed many alliances with environmental groups, churches, labour unions and social justice and human rights groups who are helping to publicize the concerns and pressure governments to work on the unsettled land issues.

A team of highly committed and motivated Secwepemc and non-Secwepemc have devoted many volunteer hours to informing the public of the issues through a wide variety of media. In addition to regular press releases, which are distributed mainly through the internet, mail and radio stations, the Secwepemc have contributed numerous articles to various publications in Canada, the USA, Europe and Japan. High-profile coalitions such as the BC Coalition for Sustainable Forest Solutions and environmental organizations such as the Western Canada Wilderness Committee have featured Secwepemc concerns and activist campaigns. Under the direction of the Skwelkwekwelt Protection Centre, three videos were produced which inform and educate viewers of the outstanding Aboriginal Title and Rights, as well as environmental issues in Skwelkwekwelt.

Secwepemc youth, Elders and traditional land users have organized many peaceful demonstrations at Sun Peaks and in BC cities such as Kamloops and Vancouver. In the spring of 2001, the Secwepemc organized a large demonstration during the SPR's Much Music Snow Job Festival. This demonstration was considered high impact because the event brought thousands of visitors to Skwelkwekwelt. The demonstration resulted in a Much Music announcement stating that the festival will not be brought to Sun Peaks again until the land issue is settled.

The Secwepemc Elders and traditional land users who inhabit the Adams Lake and Little and Big Shuswap Lake regions are working on a number of local projects which are proactive and will create a model for peaceful co-existence between the Secwepemc and non-Secwepemc. In the same vein, the *Lakes Secwepemc Traditional Resource Research and Development Guidelines* (Morrison, 2004) were formulated. The guidelines outline an ethical code of conduct for governments and enterprises who are proposing research, education or economic

activities on Secwepemc territory and aim at protecting Secwepemc cultural and biological diversity from exploitation by outside organizations. Another important project is the Yecwiminte r Tmicw – Harper Lake Restoration Project. Under the direction of Elders, community members and traditional land users and all affected constituencies will be involved in the development of a sustainable forest management plan in the Harper Lake area.

International campaigns

The Secwepemc have developed a large support network in Europe and Japan. Groups such as The Society for Threatened Peoples work to inform the public and put pressure on the Canadian government to settle Aboriginal title and rights issues. In addition, community members have made presentations at various international speaking events, with Arthur Manuel in particular attending many international forums throughout the world. The European and Japanese people are shocked to learn of such unjust treatment of aboriginal peoples in Canada. Generally speaking, the Canadian government's rhetoric and biased perspectives in the media depict indigenous peoples as 'well taken care of' by Canadian governments, and that there are no problems. Secwepemc leader Arthur Manuel, assisted by Nicole Schabus, who is an international advisor with the Indigenous Network on Economics and Trade, have made a number of submissions and official complaints to United Nations international bodies, which include:

- Convention on Biological Diversity Article 8j and related provisions. Towards better practices, Sec 1.4 Worst practices, in-depth case study on ski resorts in sensitive mountain ecosystems (submission accepted) (Manuel, 2004b: p. 19)
- Appellate Body World Trade Organization *Amicus Curiae* submission on the appeal of the decision in United States final countervailing duty determination with respect to certain softwood lumber in Canada WT/DS257/4 (submission accepted) (Manuel, 2003)
- Article 1904 Binational Panel Review pursuant to the North American Free Trade

Agreement *Amicus Curiae* submission in the matter of: certain softwood lumber products from Canada: Final affirmative countervailing determination and final negative critical circumstances determination (submission accepted despite the opposition of Canada) (Manuel, 2002a).

- Official complaint to the International Olympic Committee. Concerns of aboriginal Elders, land users and native youth regarding the impacts of the 2010 Vancouver–Whistler Olympic Bid on aboriginal people, culture, land and environment (submission accepted) (Manuel, 2002b).
- United Nations Committee on the elimination of racial discrimination, *Report on Racial Discrimination Against Indigenous Peoples in Canada* (Manuel, 2002c)

Next Steps

Legal

The governments of Canada and British Columbia must be convinced to respect and follow the Constitution of Canada, especially Section 35 and the recent rulings of the BC Supreme Court of Appeal and Supreme Court of Canada. The Supreme Court of Canada's *Degamukw Decision* recognizes Aboriginal Title as 'collective rights' that come from the land and the specific activities that take place on the land. The *Haida vs. British Columbia and Weyerhaeuser Ltd* decision ruled that governments and corporations must consult with indigenous peoples and meaningfully accommodate their interests as it relates to their traditional territory. The *Haida vs. British Columbia and Weyerhaeuser Ltd* case found that even where aboriginal peoples have not yet proven their title, initial research and indicators of cultural and traditional values are enough to trigger the government's and industry's duty to consult and accommodate indigenous people (Manuel, 2004a). Following the Haida ruling, good faith negotiations were shown to be the solution to resolving outstanding land issues. But if the government continues to maintain 100% exclusive jurisdiction, investor confidence will be undermined and the uncertainty resulting from unsettled land and resource issues will deter business in

local communities because 'extractors and purchasers cannot legitimately acquire full title over the resources' (Manuel, 2002a: 21).

Article 8 (j) of the United Nations' *Convention on Biological Diversity* has recognized the principle of free, prior informed consent, which means that subject to its national legislation, governments and industry are required to:

respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices (Secretariat of the Convention on Biological Diversity, 2004a).

In other words, governments and industry are required to seek indigenous peoples' consent before any development can take place on their traditional territories. Since the Secwepemc have never given prior informed consent to expand the SPR at Skwelkwekwelt, the Sun Peaks Corporation and the BC government (who provided the permission to Sun Peaks) are violating international law and the constitution of Canada.

The government and corporations continue to capitalize on Secwepemc impoverishment. Nevertheless, the Secwepemc will significantly expand their political and economic power to obtain recognition of their traditional land and title rights, laws and regulations. Financial and human resources are required for developing and implementing projects that include restoration and rehabilitation of damaged areas; ecologically and culturally sustainable land use plans; and research and development for the re-establishment of traditional governing policies and structures.

Research and development is critical to undertaking the intensive ecosystem-based land-use planning that is required within Secwepemc territory. Strategic analysis and planning as described by Laurence Moss (Moss, 2004; Moss *et al.*, 1999) would be very useful to the Secwepemc. This approach was instrumental in identifying and explaining amenity migration and in formulating and undertaking related community analysis and

action (Moss, 2004, Chapter 1, this volume). To date, there have been no similar analyses or strategies formulated to address the current unsustainable mountain development within Secwepemc territory, especially in Skwel'kwelt.

Other particular approaches and solutions which promise effective pay-off for the Secwepemc are found in two recent reports: *Implications and Recommendations for Policy and Action* (Godde, 1999) and *Amenity Migration* (Stewart, 2002). The former recommends the following core perspectives and actions (p. 36):

1. Holistic management strategies,
2. Local ownership and control of resources,
3. Supportive national and regional policies,
4. Balance between highland and lowland resources flows and decision-making,
5. Local knowledge and traditional systems of social and environmental management,
6. External knowledge and technology,
7. Infrastructure development appropriate to fragile environments,
8. Reinvestment of tourism revenues into conservation,
9. Equitable distribution of tourism benefits and opportunities,
10. Full integration of women,
11. Organizational capacity building,
12. Skill-based training,
13. Awareness-raising of all stakeholders,
14. Partnerships and
15. Continuing research and information exchanges.

Susan Stewart in her review of amenity migration in rural USA suggests the following as key areas of analysis (Stewart, 2002):

- Migration patterns and trends with emphasis on potential growth and change in resource-rich and environmentally sensitive areas.
- Impacts of rural residential development on physical, biological and social systems.
- The nature, causes and remedies of community conflict, especially related to resource management.

The Secwepemc, however, must be fully and meaningfully involved in the generation of such

information, and the planning, policy and programme formulation and implementation, and where they are not the proponents, must provide their consent to any recommendations and land-use plans within their territory. A major issue is how and where and when can the Secwepemc obtain funding for these critical activities.

Furthermore, environmental laws and policies must be changed to address Secwepemc issues. For example, Secwepemc land management regimes must be considered an integral part of the environment. Health Impact Assessments must be conducted as a part of any environmental study. Presently such assessments are not included in the Canadian Environment Assessment Act, and they are needed to show how Secwepemc health is affected when access to traditional foods from the forests is not obtained. Cultural and social impact assessments must also be undertaken. These assessments will help determine how the Secwepemc are impacted by the degradation of, and lack of access to, their traditional resources.

Finally, the Secwepemc must continue challenging the denigration and non-recognition of their Aboriginal title and rights, by continuing to work diligently until satisfactory resolutions to these issues are reached.

Some Conclusions

It seems possible for the harmful effects of amenity migration impacting the Secwepemc to be effectively eliminated or reversed if the key stakeholders demonstrate goodwill, mutual understanding and respect. The governments, corporations and the general public must reconcile the past unjust treatment of the Secwepemc by committing to fundamental and positive change. Maintaining the status quo of oppression, paternalism, racism and impoverishment of the Secwepemc perpetuates the devastation caused by loss of their land, culture and identity. This can be only accomplished when the Canadian and British Columbia governments recognize and acknowledge the Secwepemc as fellow human beings.

A new era of reconciliation will need to be centred on recognition and acceptance of Secwepemc Aboriginal title and rights. A model

for harmonious co-existence can be developed when the Secwepemc way of life is no longer faced with continuous threats by amenity migrants, and they are allowed to maintain their integral connection to the land. Secwepemc knowledge has enabled the land to flourish for thousands of years and must be acknowledged and respected. Secwepemc cultural rights must be on parity with residential, commercial, indus-

trial and, especially in the case of Skwelkwekwelt, recreational interests. The development at Skwelkwekwelt, which is being driven significantly by amenity migration, can be considered one of the contributing factors leading the Secwepemc to extinction and must be halted. There is too much at stake for the environment and for all people if they fail to follow the natural law of the land.

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