

Affirmation of the Nemiah Declaration



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Enacted on March 19, 2015.

Title

1. This law will be known as the “*Affirmation of the Nemiah Declaration*”.

Definitions

2. For the purposes of this law:
 - a. “**Declared Title and Rights Area**” means the area of Tsilhqot’in territory subject to the declaration of Aboriginal title granted by the Supreme Court of Canada in *Tsilhqot’in Nation v British Columbia*, 2014 SCC 44 and the declarations of Aboriginal rights affirmed by the British Columbia Court of Appeal in *William v British Columbia*, 2012 BCCA 285;
 - b. “**Nemiah Declaration**” means the declaration made by the Xení Gwet’in on August 23, 1989, attached as Schedule A;
 - c. “**Tsilhqot’in Nation**” means the nation comprised of the Tsilhqot’in communities of ?Esdilagh, Tl’eqox, Tl’etingox, Tsi Del Del, Yunesit’in, and Xení Gwet’in, as represented by the Tsilhqot’in National Government for the purposes of this law;
 - d. “**Xení Gwet’in**” means the Xení Gwet’in First Nations Government.

Enacting jurisdiction and authority

3. This law is enacted pursuant to the inherent jurisdiction and law-making authority of the Tsilhqot’in Nation, and the declaration of Aboriginal title granted by the Supreme Court of Canada in *Tsilhqot’in Nation v British Columbia*, 2014 SCC 44.

Affirmation of the Nemiah Declaration as Law

4. The Nemiah Declaration is affirmed as the law governing the Declared Title and Rights Area.
5. All activities and development in the Declared Title and Rights Area must be consistent with the terms of the Nemiah Declaration.
6. Further laws, regulations and policies may be enacted by Xení Gwet’in and the Tsilhqot’in Nation to implement the Nemiah Declaration in the Declared Title Area. Such laws, regulations and policies must be consistent with the Nemiah Declaration.
7. No exceptions will be made to the terms of the Nemiah Declaration except with the prior informed consent of Xení Gwet’in and the Tsilhqot’in Nation.



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SCHEDULE A

Nemiah Declaration

Let it be known that:

Within the Nemiah Aboriginal Wilderness Preserve:

1. There shall be no commercial logging. Only local cutting of trees for our own needs. i.e. firewood, housing, fencing, native uses, etc.
2. There shall be no mining or mining explorations.
3. There shall be no commercial road building.
4. All terrain vehicles and skidoos shall only be permitted for trapping purposes.
5. There shall be no flooding or dam construction on Chilko, Taseko, and Tatlayoko Lakes.
6. This is the spiritual and economic homeland of our people. We will continue in perpetuity:
 - a. To have and exercise our traditional rights of hunting, fishing, trapping, gathering, and natural resources;
 - b. To carry on our traditional ranching way of life;
 - c. To practice our traditional native medicine, religion, sacred, and spiritual ways.
7. That we are prepared to SHARE our Nemiah Aboriginal Wilderness Preserve with non-natives in the following ways:
 - a. With our permission visitors may come and view and photograph our beautiful land;
 - b. We will issue permits, subject to our conservation rules, for hunting and fishing within our Preserve;
 - c. The respectful use of our Preserve by canoeists, hikers, light campers, and other visitors is encouraged subject to our system of permits.
8. We are prepared to enforce and defend our Aboriginal rights in any way we are able.

Nits'il?in (Chief) Joe Alphonse
Tribal Chairman – Tsilhqot'in National Government
Tl'etingox Government Office

Nits'il?in Francis Lacey
Tl'esqox First Nation

Nits'il?in Roger William
Vice-Chair – Tsilhqot'in National Government
Xeni Gwet'in First Nations Government

Nits'il?in Bernie Mack
?Esdilagh First Nation

Nits'il?in Percy Guichon
Tsi Del First Nation

Nits'il?in Russell Myers Ross
Yunesit'in First Nations Government

