

## Jurisdiction

Nlaka'pamux jurisdiction refers to the inherent right of the Nlaka'pamux to govern ourselves including people, land and resources. Before Europeans arrived, the Nlaka'pamux had laws. The right of jurisdiction and the Nlaka'pamux legal system have never been extinguished and are protected by section 35 of the Constitution. Some refer to the right of jurisdiction as self-government.

In recent years, there has been increasing recognition by others of Nlaka'pamux jurisdiction and a revitalization of Nlaka'pamux jurisdiction. This is reflected in Memorandums of Understanding, Protocols, NNTC Environmental Assessments, and Shared Decision Making agreements. Nlaka'pamux jurisdiction is also reflected in our stories and laws. Nlaka'pamux rights of jurisdiction allow us to meet our responsibilities associated with our rights including protecting and managing our land and resources. This includes, for example, regulating the right to the fishery:

In relation to the fishery, the Nlaka'pamux right of jurisdiction includes:

- determination of which, where, when and how members of the Nation exercise their Nlaka'pamux right to the fish;
- determination of how the fish are harvested, distributed and traded;
- decisions related to what institutions, including dispute resolution mechanisms, will be used to govern ourselves and the fishery; and
- determination of how the Nation will enforce its rules and regulations regarding all of the above.

The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) recognizes Indigenous Peoples' right to jurisdiction. Federal and provincial governments' undertakings to achieve reconciliation would be meaningless without recognition of rights of jurisdiction and would be contrary to their acceptance of UNDRIP:

Article 3 Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4 Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Shared decision making is the model which NNTC uses to exercise jurisdiction. Consent based decision making is core to the shared decision making model. NNTC and the Province of British Columbia have a formal agreement on shared decision making. The 2017 Political Accord between NNTC and the Province and the letter of commitment from the 2021 wildfire are further examples of the recognition of Nlaka'pamux jurisdiction exercised by NNTC.