"Getting to a Better Place":
*Qwi:qwelstóm*, the Stó:lō Nation and Self-Determination
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**Indigenous Rights and Justice**
- The contemporary effort by many First Nation communities to regenerate their own justice systems has roots in at least three different aspects of their experience
  - **Rights**: part of the inherent rights of self-determination and self-governance; also recognized by, for example, the Canadian Charter and the UN Working Group on Indigenous Population’s Draft *Declaration on the Rights of Indigenous Peoples*
  - **Necessity**: commission after commission has concluded that the Canadian justice system has failed Aboriginal peoples at every turn; an injustice system
  - **Being**: integral to being Stó:lō

**Stó:lō Nation**
- *S’ólh Téméxw*. From Langley area to Yale along both sides of the Fraser River
- 24 different communities; 5000 people
- Governance through three Houses: *Lalems Ye Siyolexwe* (House of Elders); *Lalems Ye Sto:lo St:yd:m* (House of Leaders); and the House of Justice

**The Path to Stó:lō Justice**
- 1999: Mandate to establish “alternative” Stó:lō justice programme
- Commitment to three principles. Any programme to be developed must be
  1. based on Stó:lō culture, customs and traditions;
  2. supported by the Stó:lō communities; and
  3. driven by the Stó:lō people.
1. Based on Stó:lō Culture, Customs and Traditions
   • Recognizing the Role of Language
     • Sensitivity to English words steeped in implicit colonialism, e.g., “alternative,” “mainstream.”
     • Names come embedded in world views; important to use own
     • “Justice” has no direct translation in Halq’eméylem
     • Asked Elders about a proper name; they came back with Qwi:qwelstóm q’lam t’ey, “they are teaching you, moving you toward the good”
   • In her MA thesis, Wenona asked Elders about traditional practices
     • The question posed was, “Traditionally, prior to courts coming to our territory, what did we do to resolve conflict within our communities?”
     • Not once were the words “crime,” “criminal,” or “punishment” used
     • Four main tenets: (1) role of Elders; (2) role of family, family ties and connections; (3) teachings; and (4) spirituality.

2. Supported by the Stó:lō Community
   • Formally accountable to the House of Justice and the Elders Council
   • Went to each Stó:lō community to talk about establishing a Stó:lō Nation dispute resolution process
     • Many serious community problems that need attention. Under-reporting a problem; Could do no worse than Canadian system.
     • Community encouraged the programme to seek a mandate for dealing with more serious offences, problems, situations

3. Driven by the People
   • Referrals
     • Both Community and Self-referrals
   • Community referrals:
     • Self-determination by the Nation by defining for itself what its “problems” are that require attention; and
     • A concrete manifestation of confidence and trust the community has in the process.
   • Approximately twenty Smómiyelhtel (facilitators) from the community
     • They inform circle participants of the process; organize and lead the circles; document the proceedings and resolution
   • Elders an integral part of the process
     • Only time a circle is cancelled is when the Elder cannot attend
   • Family Ties and Connections are emphasized
• Important to re-establish family ties to connect paths of responsibility
• Ancestral names come with relations, history, obligations
• Poor behaviour reflects on more than self
• Family accountability a stronger influence than strangers (e.g., judges)

_Qwi:qwelstóm and the Canadian Justice System_
• No Nation is an island. The Stó:lō look to partner with Canadian processes, institutions
  • Protocols developed with RCMP, Crown, Probation
  • However, bridging the “cultural divide” is often a challenging endeavour
  • Must be based on mutual respect
• Federal government retains control over “Aboriginal justice” through its “Aboriginal Justice Strategy”
• A glacially slow progression:
  • “indigenization” strategies of the 1970s and 80s
  • “accommodation” strategies of the 1980s and 90s
  • the beginnings of “parallel systems” in the late 1990s and early 2000s
• Each slightly more palatable than the last, but still government sets the rules, decides what the options will be, and allocates the funds.

_Qwi:qwelstóm Challenges_
• Education, among both Euro-Canadians and Stó:lō
• Staying focussed despite magnitude of problems; lack of resources; burnout; Canadian efforts to dismiss, undermine
• The Stó:lō are constantly challenged by Canadian Justice System actors to justify _Qwi:qwelstóm’s_ existence. Could Canada pass the same tests?

_Encouraging Dreams: What Can Canada Do?_
• Recognize that healthy and thriving Aboriginal communities are in everyone’s interest
• Realize Aboriginal ways of doing “justice” do not call into question the sovereignty of the Crown
• Formally recognize Aboriginal jurisdiction over Aboriginal justice
• Support First Nation justice initiatives without subsuming and assimilating them
• Help foster a stable infrastructure
• Begin negotiation with Provinces and First Nations organizations to create an Aboriginal-run Justice authority
• Find ways to improve the relationships between the two “systems.”