

Tsilhqot'in Nation vs. British Columbia

Also Known as the "Williams Decision"

Between:

Roger William, on his own behalf and on behalf of all other members of the Xeni Gwet'in First Nations Government and on behalf of all other members of the Tsilhqot'in Nation - Plaintiff

And:

Her Majesty the Queen in Right of the Province of British Columbia the Regional Manager of the Cariboo Forest Region and the Attorney General of Canada - Defendants



Honourable Mr. Justice Vickers

Supreme Court of British Columbia reasons for judgement issued following an action brought on behalf of the Tsilhqot'in Nation. The judgement describes the events that have shaped the course of history in the Cariboo Chilcotin Region of British Columbia. It canvasses the development of Canadian Aboriginal law and the current jurisprudence on s. 35 (1) of the Constitution Act, 1982. A review of the evidence leads the Court to express an opinion on the existence of Tsilhqot'in Aboriginal title and other constitutionally protected Tsilhqot'in Aboriginal rights. This case is also known as William v. British Columbia.

In this ground breaking trial, the plaintiff seeks declaration of Tsilhqot'in Aboriginal rights to hunt and trap in the Claim Area and a declaration of a Tsilhqot'in right to trade in animal skins and pelts. The declaration was triggered by proposed forestry initiatives in the Tachelach'ed and the Trapline Territory. This proposed forestry would inhibit the lives of the Tsilhqot'in Nation and effect the Aboriginal right to hunt and trap birds and animals throughout the Claim Area for the purpose of securing animals for work and transportation, food, clothing, shelter,

mats, blankets and crafts, as well as for spiritual, ceremonial, and cultural uses.

The Tsilhqot'in Nation vs. British Columbia is one of the most significant trials to take place in regards to Aboriginal Rights. It will affect the outcome of many future cases.

Table of Contents

1.	Executive Summary
2.	Preface
3.	Introduction
4.	Details of the Litigation
5.	Preliminary Issues
6.	Evidentiary Issues
7.	Historical Narrative
8.	Ethnographic Narrative
9.	Aboriginal Group
10.	Aboriginal Title
11.	Date of Sovereignty Assertion
12.	Tsilhqot'in Aboriginal Title
13.	Summary of Evidence Occupation
14.	Claim Area Sites
15.	Exclusivity
16.	Continuity
17.	Conclusions of Tsilhqot'in Aboriginal Title to the Claim Area 303

18.	Statutory Authority to issue Forest Tenures and Authorizations
19.	Private Lands Issue
20.	Constitutional Issues – Divisions of Power
21.	Infringement of Aboriginal Title
22.	Justification of Infringement of Aboriginal Title
23.	Aboriginal Rights (Excluding Title)
24.	Tsilhqot'in Aboriginal Rights (Excluding Title)
25.	Infringements of Aboriginal Rights
26.	Justification of Infringement of Aboriginal Rights
27.	Forestry Regime – Sustainability
28.	Fiduciary Duty/ Honour of the Crown
29.	Limitation, Laches and Crown Immunity
30.	Damages
31.	Reconciliation

Order Online at
www.publications.gov.bc.ca

1 800 663-6105