



Qwi:qwelstóm and Land Code

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Overview of Presentation



- **Presentation is made up of two components:**
 - An overview of the Qwi:qwelstóm process.
 - How the Qwi:qwelstóm process will be used to address land code disputes and an overview of the Land Code Enforcement Pilot Project.

Qwi:qwelstóm



- Established in 1996 by Wenona Hall.
- Qwi:qwelstóm is a Halq'eméylem term that best describes the term “justice”.
- Focuses on relationships and the interconnectedness of all living things and bringing people to a better place.
- It is a traditional form of Stó:lō dispute resolution.
- It recognizes the inherent right to self-determination, which includes the administration of justice.

Qwi:qwelstóm



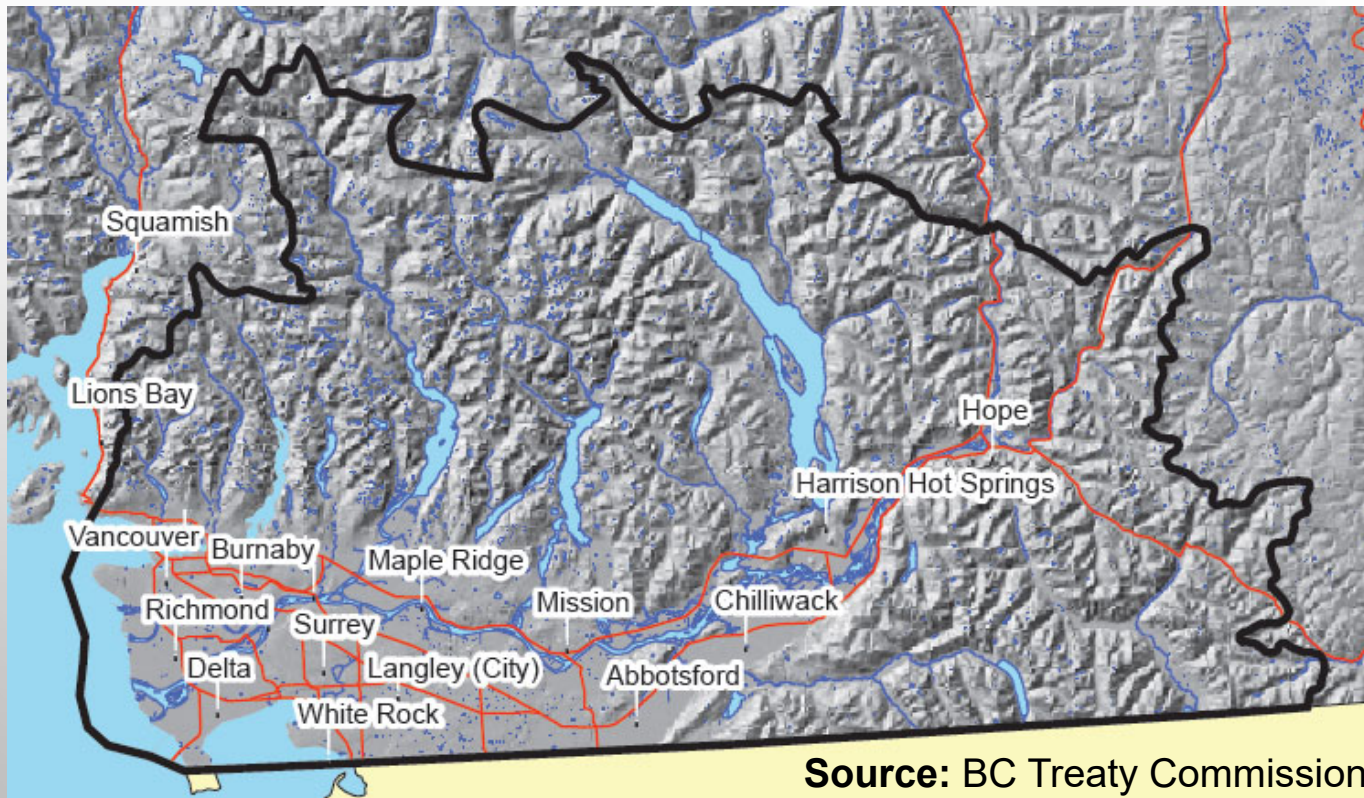
- Redefines “justice” and incorporates cultural practices and teachings.
- Is a process driven by and supported by the Stó:lō communities.
- A process based on Stó:lō culture, customs, and traditions.
- Reduces power imbalances and promotes equality.
- Employs the practices of consensual decision-making.
- Re-establishes a sense of belonging and connection to the community.
- Uses Elders who bring cultural knowledge and experience.

Qwi:qwelstóm Logo

- The hands represent the four directions and are the colours of the healing circle.
- The wolf represents a teacher.
- The owl represents a messenger.
- The eagle represents our vision.
- The wolf paw represents the protective nature of wolf packs and the loyalty to protect one another.



Stó:lō Traditional Territory



Qwi:qwelstóm Team



- The Qwi:qwelstóm team is made up of six workers, an administrative assistant, and a program manager.
- Each Qwi:qwelstóm member has a specialization.

Qwi:qwelstóm Elders' Panel



- The Qwi:qwelstóm process is guided by a panel of approximately 14 Stó:lō Elders.
- Elders use their cultural knowledge, traditions, and experience to provide direction and support to the Qwi:qwelstóm team and Qwi:qwelstóm's clients.
- Elders guide mediation circles and activities.

Qwi:qwelstóm Addresses:



- The over-representation of Indigenous people within the criminal justice system.
- The under-reporting of family violence and sexual assaults in communities.
- Possible cultural differences and possible misunderstandings.
- The need to have justice administered in a manner that is consistent with people's culture.
- The need for a safe space where healing is encouraged.
- Enhancing relationships between communities and the Canadian judicial agencies.

Qwi:qwelstóm Assists By:



- Mediation
- Facilitating Circles
- Supporting Clients
- Advocacy
- Bridging Resources to Community Members

Referral Sources



- **Referrals are accepted from:**
 - The RCMP (Pre-charge)
 - Crown Counsel (Post-charge)
 - Probation
 - Department of Fisheries and Oceans
 - Child and Family Services
 - First Nation/Community Members
 - Land Codes
 - Self-referrals

Circle Facilitation and Mediation



- There are 4 rounds:
 - Round One – **Introductions**
 - Round Two – **Reasons why we are here?**
 - Round Three – **Recommendations/Solutions**
 - Round Four – **Close and check-in**
- Additional circles if needed

Participation in the Circle



- **Circles are made up of:**
 - The person who did the harm
 - The person who was harmed
 - Support persons for both parties
 - An Elder who guides the process
 - A Qwi:qwelstóm worker (sometimes)

Circle Facilitation and Mediation



- Encourages consensual decision making.
- All participants are equal.
- Creates a space to come into balance.
- Circles require emotional, physical, spiritual, and mental participation.
- Place for “heart talk” as opposed to “head talk”.
- Encourages closeness, openness, honesty, sharing, caring, and kindness.
- Forum that allows for more traditional ways of relating and speaking to one another.
- Allows parties to come to a resolution and begin the healing process.



Qwi:qwelstóm and Land Code



- Qwi:qwelstóm is working in partnership with the FNL MRC on a three-year Land Code Enforcement Pilot Project.
- Communities have the authority to create land codes under the Framework Agreement.
- There has not been a specific enforcement mechanism established within the Stó:lō territory to address land code disputes.
- The pilot project will address this need.



Qwi:qwelstóm and Land Code



- The enforcement mechanism will expand upon the existing Qwi:qwelstóm process.
- It will reflect culture, traditions, and practices.
- It will be a community driven process.
- It will be compatible with the Canadian legal system, and will adopt some of its formalities where required.

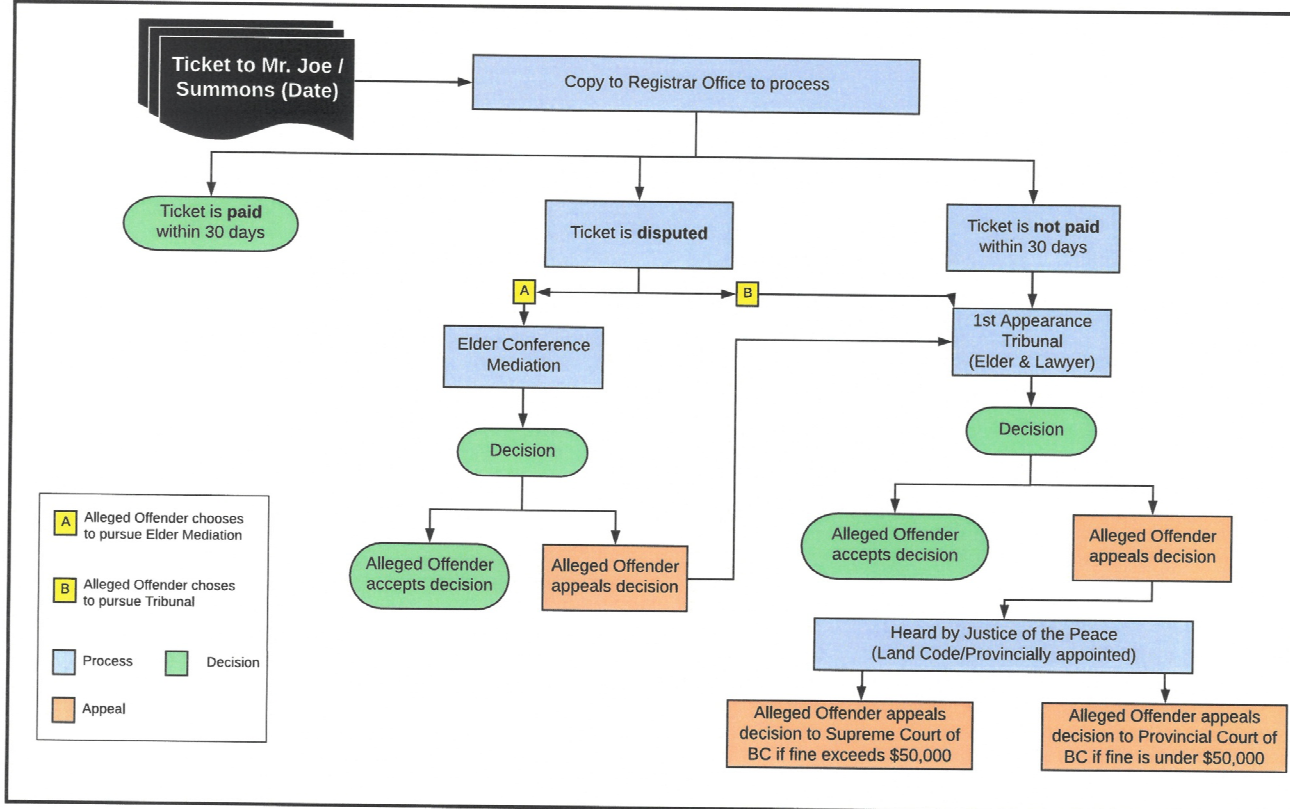


Project Goals



- **Some of the project's goals include:**
 - Building a consistent ticketing process.
 - Developing and operating a consistent fine collection process.
 - Developing a clear registry system.
 - Establishing a system for mediation and dispute resolution.
 - Educating communities.
 - Seeking additional funding sources.
 - Collecting statistics for evaluation purposes.

QWÍ:QWELSTÓM LAND CODE ENFORCEMENT PILOT PROJECT



QWÍ:QWELSTÓM
JUSTICE PROGRAM



FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE



Proposed Draft Process



- **The process is bifurcated into two pathways.**
 - The first pathway allows for Elder Conference Mediation – Similar to the existing Qwi:qwelstóm process.
 - The second pathway is more formal and involves a tribunal.
 - The system has built-in mechanisms for appeals, and appeals to the Provincial and Superior Court of British Columbia.



Proposed Draft Process



- **Some cases will be ineligible for this process:**
 - Extremely complex cases may be referred directly to the Provincial/Superior Court of BC.



Timeline of Events



- The infrastructure and system will be established by March 31, 2019. The system will begin to take cases.
- During the following two years of operation, the system will be refined and adjusted as needed.

Conclusion

- Thank you for your attention.
- Any questions?

