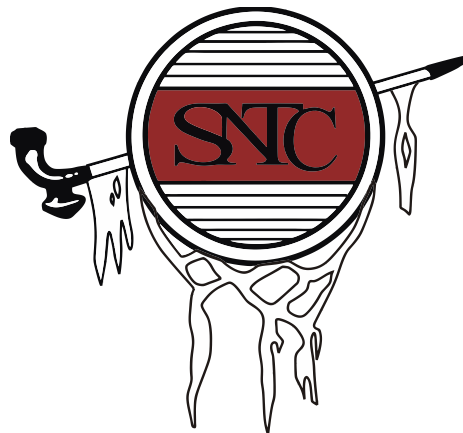


SECWEP EMC

Lands and Resources Law Analysis Project Summary



SECWPEMC

Lands and Resources Law Analysis Project Summary

Shuswap Nation Tribal Council

The Shuswap Nation Tribal Council (SNTC) was formed in 1980 as an effort of the Secwepemc chiefs to advance the issues of Aboriginal rights. SNTC works on matters of common concern, including the development of self-government and the settlement of the Aboriginal land title question. SNTC provides technical support to member communities to improve services in health, child welfare, employment and training and research as well as fisheries management.

Our Mission

Unified, self-governing, prosperous Secwepemc communities guided by Secwepemc values, language and culture and sustained by the resources of Secwepemcúl'ecw.



Secwepemc law is founded upon, inspired by, and responsible for Secwepemcúl'ecw. It is expressed, among other ways, through the wisdom and teachings of oral histories and stories that have been learned, lived, and passed down through generations.

SNTC embarked on this project upon the request of the Secwepemc Elders Council to establish a national Secwepemc law to protect and manage our natural resources in a way that could be functional and practical for us today. A partnership, supported by the SNTC Council of Chiefs, was developed with the University of Victoria's Indigenous Law Research Unit (ILRU). Respecting Secwepemc ownership and copyright over our traditional stories and laws was of the upmost importance to this partnership and a critical aspect to the research was ensuring this information was protected.

The purpose of this work is to help the Secwepemc Nation rebuild our governance and decision making authority over our lands and resources.



Our UVic Partners

The SNTC partnered with the University of Victoria's Indigenous Law Research Unit (ILRU), directed by Val Napoleon, for this project. The ILRU is a dedicated research unit at the University of Victoria's Faculty of Law committed to the recovery and renaissance of Indigenous laws. They believe Indigenous laws need to be taken seriously as law. The ILRU supports and partners with Indigenous peoples and communities to research, ascertain, articulate; and restate their own legal principles and processes in order to collaboratively meet today's complex challenges.

Project Overview

The following is a summary of the research process that took place in order to articulate Secwepemc laws relating to lands and resources. In total, we used 30 stories and had conversations with 23 Secwepemc witnesses for this process. The final products of this work include: (1) an analysis, (2) a casebook containing all the stories analyzed by the ILRU team, and (3) a glossary of key Secwepemc terms relating to lands and resources.

Here is a brief overview of the project phases which took place from Spring 2015 - Spring 2016:

Phase 1: Developing Research Questions and Initial Research

Phase 2: Initial Community Interviews

Phase 3: Preliminary Analysis

Phase 4: Follow-up Community Interviews

Phase 5: Integrated Analysis

Phase 6: Framework Revision

Phase 7: Reworking and Editing Analysis, Casebook and Glossary

Phase 8: Community Validation and Consultation



The Research Questions

Secwepemc stories are responsive to many human legal issues therefore this project required us to narrow the research question.

Question 1:

How do people within the Secwepemc legal tradition respond to disputes or conflicts concerning lands or resources?

Question 2:

Where there aren't clear disputes or conflicts concerning lands or resources, what relationships, responsibilities, and rights do people within the Secwepemc legal tradition have to land, water, animals used and plants?

The intention behind the first question is to draw out legal principles relating to land and resource issues such as access, harvesting, use and inheritance. The second question is meant to explore legal principles that may be within stories about land and natural resource that do not involve conflict.

Community Interviews & Preliminary Research

The ILRU student researchers visited Secwepemcul'ecw on two separate occasions in July 2015. During the first visit, they conducted five three-hour interviews to discuss the stories they had reviewed and case briefed. Each witness consented to participation and to being audio recorded.

The ILRU student researchers analyzed the stories and materials using an adapted "case brief" method. This method allows legally-trained people to draw out the legal principles and reasoning in those decisions. Using this same method for stories helps our researchers rigorously engage with them as legal cases. It also helps them think deeply about the stories they've looked at prior to visiting a community and talking to community members about law.

They then developed an preliminary analysis of the legal principles that emerged in all stories, and organized those principles into a framework. They also developed interview questions based on their work with the stories and the preliminary analysis. Doing the case briefing work helped the students come up with more specific and thoughtful questions for our community partners in their interviews.



Applying the Methodology

In order to address the work of examining Secwepemc laws embedded within the stories, the "Legal Analysis and Synthesis Methodology" developed by Dr. Val Napoleon (UVIC Law) and Dr. Hadley Friedland (UofA) was utilized. For this project, the methodology was adapted to meet the needs of our project. Just as the Canadian legal system cannot be understood through the examination of one case, Secwepemc law cannot be understood through the analysis of just one story. Therefore, numerous stories have been analyzed using this methodology.

Summary of the Analysis

This summary introduces each section of the analysis with a short explanation of the relevant legal themes and general restatements of law.

1) **General Underlying Principles**

2) **Secwepemc Legal Processes**

- i) Territorial Protocols and Practices
- ii) Harvesting Protocols and Procedures
- iii) Making and Maintaining Agreements or Resolving Conflicts
- iv) Authoritative Decision-Makers

3) **Relationships, Responsibilities and Rights**

- i) Relationship to the Land
- ii) Responsibilities to the Land
- iii) Rights of the Land
- iv) Relationships to Other Territorial Groups
- v) Rights of other Territorial Groups
- vi) Relationships within the Community
- vii) Responsibilities to Others in the Community
- viii) Rights of People in the Community

4) **Consequences, Enforcement, and Teaching**

- i) Consequences
- ii) Enforcement
- iii) Teaching

The Framework

A research framework is simply a way of organizing knowledge so that it can support a theory or research question. Our legal analysis is organized around the framework table you see to your left. It was used to help clarify the legal principles and processes necessary for responding to the research questions. It contains several categories, each one focusing on a particular aspect of Secwepemc law regarding land and natural resources.

Pictured Right: Christine Simon, Bonnie Leonard, Julie-Ann Antoine, & Georgia Lloyd-Smith at the Skeetchest'n School. Enjoying a break after a long night carefully reviewing the report during the validation process.



1) General Underlying Principles

In this section, we discuss Secwepemc legal principles that we found to be foundational and help inform the interpretation and application of other principles discussed in the analysis. These principles can be used to help people understand and evaluate the more specific points of Secwepemc law that are discussed in the other sections of the analysis and summarized in this document.

General Underlying Principles

What underlying or recurrent themes emerge in the stories and interviews that are important to understanding more specific points of law?

General Restatements of Law

- i. **Humans Influence and are Influenced by Environmental Change:** The proposition that the natural world is in constant flux, in which humans are influenced and influential members (for both better and worse).
- ii. **Secwepemc Law Evolves and is Integrated with Secwepemc History:** The proposition that law is embedded in, and evolves through, thousands of years of land-based learning.
- iii. **Secwepemc Language Is Important to Understanding Secwepemc Law:** The proposition that Secwepemtsín provides a richer understanding and transmission of law.
- iv. **Individual Agency:** The proposition that although individuals understand the importance of the collective as fundamental in Secwepemc society, individuals can act independently and make their own free choices in the Secwepemc legal tradition.
- v. **Respect:** The proposition that respect underlies all relationships among people and between people and the environment.
- vi. **Natural Forces Can Be Dangerous:** The proposition that dangers and challenges of natural forces are ever-present.



Pictured Left: Shirley Bird, Kirsty Broadhead, and Doreen Kenoras

2) Secwepemc Legal Processes

This section explores Secwepemc legal protocols, practices, procedures and decision makers. These are the guides and guideposts that serve to help people decide how to balance their relationships, responsibilities and rights in a principled and legitimate way with regard to three core areas of the law's application: the land and resources, other territorial groups, and within home communities. Four sections structure this part of the analysis.

Territorial Protocols and Practices

How do people demonstrate respect for each other's territories?

First, we look at how people in the Secwepemc legal tradition show respect for territories or areas of knowledge that are not their own. We learn the importance of recognizing the legal authority of groups to govern themselves, and how to mutually honour the distinctiveness and integrity of different groups' laws. This can be expressed in various ways, depending on the context. Protocols involving gifts, ceremonies, and feasts are often used to acknowledge, establish, and maintain respectful relations. Existing agreements, such as the Fish Lake Accord, provide ongoing teachings for how to build and sustain relations of respect on the land, with the land, and between peoples.

General Restatements of Law:

- i. **Recognizing Authority and Integrity:** Acknowledging other people's authority and not pretending to know their laws or practices recognizes them as self-governing within their own territories.
- ii. **Gifts, Ceremony and Feasts:** Gifts, ceremonies and feasting publicly acknowledge and establish or maintain relationships of respect.
- iii. **Following Existing Agreements:** Territories are respected when groups follow existing agreements outlining their understandings about how the land and resources should be shared.

Learn
Secwepemtsín

Mellelc

Rough Translation:
'The value of renewal'

Secwepemc are known for being hard workers, always having to subsist off the land in harsh environments.

Throughout the seasonal rounds it was of great importance to balance work with rest. This process of renewal ensured healthier and happier people. The value of humour, of celebration, and of rest, was maintained in traditional times. Today we are often faced with many daily pressures and stresses. It is important to embrace the value of renewal to establish a healthier lifestyle.

Harvesting Protocols and Practices

How do people demonstrate respect for the natural resources they are harvesting?

Second, we explore legal protocols and practices regarding how Secwepemcul'ecw's natural resources are respectfully harvested. Community witnesses tell us that gratitude is an essential practice, and can be expressed in offerings, prayers, and simple expressions from the heart. Specific practices or ceremonies are also connected to specific sites or ways of using the land. The practice of sweat-bathing is reflected, in both stories and interviews, as a particularly powerful method of gaining strength, focus, and success, both in harvesting and for overall well-being. Finally, we learn that carefully observing the environment, and training to develop knowledge and skills, are important methods for learning and applying legal principles that respectfully sustain one's self, one's community, and the land.

General Restatements of Law:

- i. **Gratitude, Offerings and Prayer:** Providing offerings for the gifts you take from the land to demonstrate gratitude to the land.
- ii. **Specific Practices, Ceremonies and Uses:** People have specific practices and ceremonies for harvesting and using different resources.
- iii. **Sweat-bathing:** Sweat bathing provides strength, focus and success for hunting and health.
- iv. **Observation and Training:** Careful observation and training enables you to interact more respectfully with the land, its resources and non-human beings.



Making and Maintaining Agreements or Resolving Conflicts

What steps do people take to resolve conflicts and/or establish and maintain agreements for appropriate access and stewardship of natural resources between families or groups?

Third, we explore the ways people resolve conflicts and reach agreements respecting lands and resources. A number of steps are identified, which may be emphasized differently according to the situation. We learn that community consultation is a core feature of decision-making, in which people affected by a problem or decision are given an opportunity to contribute their voices. Families can provide representatives in such deliberations, so that leaders or elites are not acting in isolation when making decisions on behalf of the community. In other cases, the broader community is actively involved and specific tasks or actions can be given to individuals according to their abilities.

When working through issues with another group or community, it's important that groups sincerely voice and understand each other's interests to best resolve disputes and develop good foundations for future relations. Secwepemc law recognizes, however, that there may be times of extreme need or danger when communities must act to protect their interests against the wishes or actions of others. Finally, some stories indicate that, when faced with challenges that simply can't be solved by human action, trust and patience may be helpful. With time, observing the land's ways can lead to resolutions we cannot reach on our own.

General Restatements of Law:

- i. **Consulting with Community:** People should seek as broad of community consultation as possible, prior to taking action, rather than acting in isolation on behalf of the community.
- ii. **Consulting with Families:** Families are key representatives in community deliberations: Adams Lake Interview #2.
- iii. **Collectively Identifying Solutions and Individuals to Implement Community Solutions:** Members within a community work should collectively identify how to respond to a conflict or danger and select the best individuals to respond.
- iv. **Identifying Interests and Negotiating Agreements:** Communities or groups should talk together to articulate and identify each other's interests to provide a foundation for dispute resolution and developing an ongoing relationship.
- v. **Acting Unilaterally to Protect Community Survival:** In times of extreme need or danger, when negotiation fails or is not possible, communities may act unilaterally to protect their collective survival.
- vi. **Being Open to Non-Human Resolutions to Problems with Time:** Problems that can't be resolved through human intervention or immediate action may be resolved through non-human intervention, given time.

Authoritative Decision-Makers

Who has the final say? Where and over what resources?

Fourth, this section explores who, in the Secwepemc legal tradition, may make important decisions, and the contexts within which these decisions may be made. Four groups are identified as holding decision-making authority in regards to land and resources. At the most basic or local level, individuals and families control the use of personally-harvested or developed resources, including what is necessary for personal safety and well-being. At the broader level, communities control the use of resources that are communally harvested, and the land and resources necessary for community health.

Two holders of authority help guide and inform the decisions that are made at both these levels, between levels, and among groups. Elders guide responsible decision-making, help people grow into their own roles, and provide advice and guidance when conflicts develop within communities. And recognized leaders use their authority, when required, to coordinate conflict avoidance and resolution, as well as to lead their people in inter-community negotiations and disputes over land and resource use.

General Restatements of Law:

- i. **Individuals and Families:** Individuals and families control and are responsible for the use of personally-harvested or developed resources, including what is necessary to personal safety and well-being.
- ii. **Communities:** Communities control and are responsible for the use of communally-harvested resources, and the land and resources necessary for community health.
- iii. **Elders:** Elders guide responsible decision-making, role-allocation, and the resolution of conflicts within communities.
- iv. **Leaders:** Leaders, when required, coordinate community conflict resolution processes, facilitate and are the final authorities in inter-community negotiations and disputes over land and resource use.



Learn Secwepemctsin

Yecwemíns

Rough Translation:
'To watch or look after'

Secwepemc people have a responsibility to be stewards of the land, to ensure its survival because their survival is based on that of the land.

3) Relationships, Responsibilities and Rights

This part of the summary explores the interconnections between people, land, and resources, with a specific focus on how these connections can be understood as *legal* relationships, with accompanying responsibilities and rights. We assume decisions relating to lands and resources require a balancing of the relationships, responsibilities and rights people have with and to the land, other territories and their own communities.

Relationship with the Land:

What are the relationships between people and the land? Animals? Plants? Water?

Beginning with the relationships people in the Secwepemc legal tradition have with land (including animals, plants, water, and specific places), we learn first that the Secwepemcstín concept of *Qwenqwent*, which refers to humility and human dependency, is key to understanding legal principles and practices of respectful relations. Stories and community witnesses also teach of interconnection within an environment that sustains human and non-human beings alike. This fact underlies all laws about respecting the integrity and well-being of Secwepemcul'ecw's resources and non-human beings. It also informs an understanding that the land, Secwepemcul'ecw itself, effects the law's creation, application, and authority.

General Restatements of Law:

- i. **Qwenqwent:** Humility and human dependence.
- ii. **Interconnection:**
 - a) Humans, land and non-human beings are interconnected and interdependent within a larger ecosystem; and
 - b) Secwepemculecw impacts the law's creation, application, and authority.



Responsibilities to the Land:

What are people's responsibilities to the land? Animals? Plants? Water? Are there certain individuals, families or clans who have particular responsibilities to care for certain territory or resources?

A relationship with the land characterized by the concepts of *Qwenqwent* and interconnection develops legal responsibilities that serve to sustain such relations. People in the Secwepemc legal tradition are expected to learn from the land, and teach others about the land in order to best understand Secwepemcul'ecw's laws. From this knowledge comes a responsibility to follow or apply these laws in daily life. One important expression of law in regard to land and resource use is that people should not seek to obtain more or other resources without genuine need. People also have a responsibility to protect the land, and make sure that non-humans are able to sustain themselves and future generations through healthy seasonal and reproductive rhythms.

Learn Secwepemctsin

Sk'elpakw

*Known as Pillar Lake, between
Falkland and Chase BC.*

In Sk'leps travels throughout Secwepemculecw, making the land a better place for the Secwepemc, Sk'lep chose this place as a boundary marker. The Secwepemc know the boundaries of the territory by the markers Sk'lep placed on the land.

General Restatements of Law:

- i. **Responsibility to Teach and Learn about the Land to Learn the Law:** People are responsible for learning about and from the land to learn about their laws.
 - a) Teach and learn about the land; and
 - b) Teach and learn from the land
- ii. **Responsibility to Follow the Law:** People are responsible for respecting the laws relating to lands and resources.
- iii. **Responsibility to Not Seek More or Other Resources When There Is No Need:** People should not over-harvest resources or waste resources already in their control.
- iv. **Responsibility to Protect the Land and Ensure that Animals and Other Resources Can Sustain Themselves and Reproduce:** People should protect the land from unnecessary harms and consider the future of the land, resources and non-human beings in their use of the land.
 - a) To protect the land; and
 - b) To ensure that animals and other natural resources can sustain themselves and reproduce

Rights of the Land:

How should people be able to expect others to treat the land? Animals? Plants? Water?

Secwepemc law understands that legal responsibilities are designed to nurture and protect the rights the land and all its beings share. These rights are in essence reflections of the responsibilities introduced above – the right not to be over-harvested, for example, or the right to protection and self-sustainability.

General Restatements of Law:

- i. **The Right to not be Over-Harvested:** This can be inferred from the responsibility to not to seek more or other resources when there is no need.
- ii. **The Right to be Protected and Self-Sustainability:** This can be inferred from the responsibility to protect the land and ensure that animals and other resources can sustain themselves and reproduce.



Relationships with other Territorial Groups:

What are the relationships with other groups with overlapping/adjoining territories?

Turning to the legal principles informing relationships, responsibilities, and rights with other territorial groups, Secwepemc law asserts other groups must be recognized as self-governing entities. Within this recognition, however, is an awareness groups (especially those with overlapping or adjoining territories) are interdependent; the actions of each will impact the lives and choices of others.

General Restatements of Law:

- i. **Mutual Recognition:** Other territorial groups are self-governing and have their own laws and interests.
- ii. **Interdependence:** Groups' decisions and actions respecting the land and resources impact groups with overlapping and adjoining territories.



The Foundational Story

Directly reproduced from "Le Q'7es te Sisp7ékwiil – The Time of the Ancient Transformers By Ron Ignace and Marianne Ignace" (in publication)

When the Qoa'qLqaL reached Nkamtci'n (the mouth of Nicola River), they turned up the Nicola River and traveled until they came to a place near Kwenca'rtEn [20 miles up from Spence's Bridge]. Here they met Coyote, who was sitting on a stone watching them as they approached. They tried to transform him, but were able only to change his tracks into stone. Therefore the marks of the coyote's feet may be seen on this stone at the present day. Coyote sat with his chin resting on his hand, and stared at them while they were trying to metamorphose him. When they had failed, he cried out to them, "you are making the world right: so am I. Why try to punish me when I have done you no harm? This is my country. Why do you come here and interfere with my work? If I wished, I could turn you into stone; but as you have likely been sent into the world, like myself, to do good, I will allow you to pass, but you must leave this country as quickly as you can. We should be friends, but must not interfere with each others' work".

Responsibilities to other Territorial Groups:

What are the responsibilities to other groups with overlapping/adjoining territories? How should people act when they need to access resources within another group's territory?

Territorial groups therefore have responsibilities to maintain relations of mutual benefit and respect, including communicating and listening to each other's laws, interests, and needs. Guests and hosts may have different obligations in this regard. Resources should be shared when requests are properly made, and also when a need or inequity arises.

General Restatements of Law:

- i. **Responsibility to Communicate Laws and Interests, and Accept Knowledge and Resources with Respect for the Integrity of Others' Lands, Laws and Interests:** People should communicate what they need to other groups and respect others in their interactions with them.
 - a) To communicate your needs and interests
 - b) To accept knowledge and resources with respect for the integrity of others' lands, laws and interests

- ii. **Responsibility to Share Resources or Knowledge when the Request is Made Properly or the Need or an Inequality Arises:** People should share with others when they ask for resources properly or when it is needed.
 - a) Share resources or knowledge when the request is made properly; and
 - b) Share resources or knowledge when the need or an inequity arises



Pictured Left: Adrienne MacMillan, Julie-Ann Antoine, Christine Simon, Bonnie Leonard, Simon Owen, Garline Dodson, Georgia Lloyd-Smith

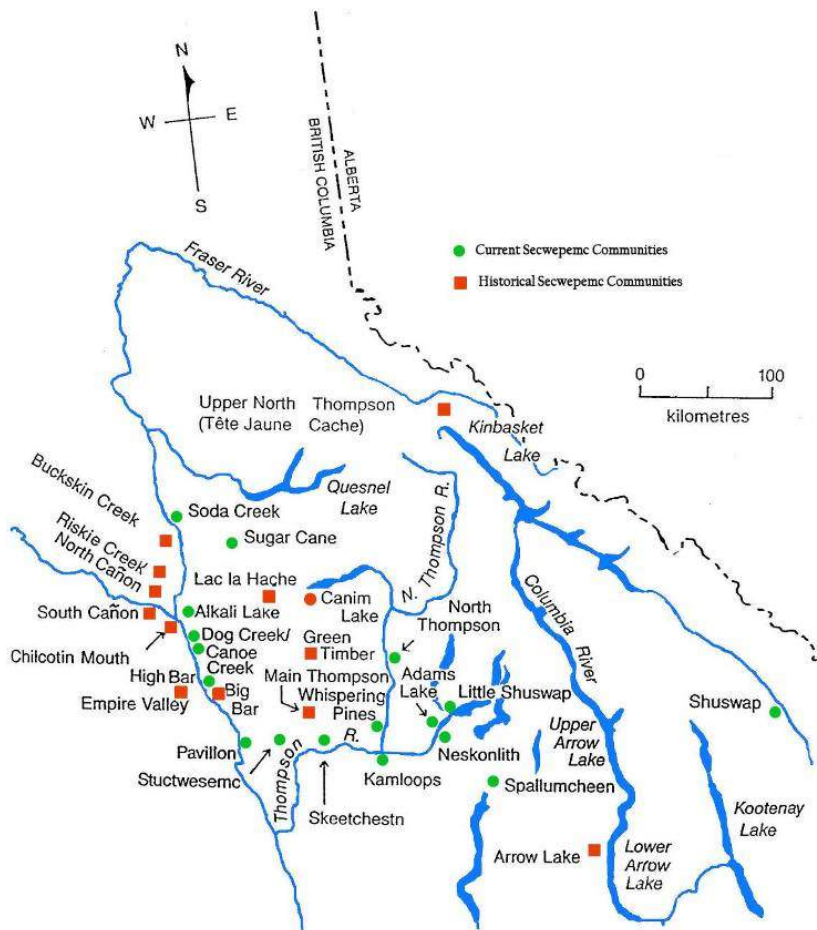
Rights of other Territorial Groups:

How should other groups with overlapping/adjoining territories expect people to act in their territories? How should people expect to be treated when they need access to resources within another group's territory?

These responsibilities are mirrored in the rights Secwepemc law grants to guests and other territorial groups, including the right of well-meaning outsiders to be protected while in Secwepemcúl'ecw, and the right of outside groups to have access to the resources they need, provided they make appropriate requests and otherwise observe the protocols and principles of Secwepemc law.

General Restatements of Law:

- i. **The Right to Safe Passage and Hospitality:**
Guests have the right to be protected while in Secwepemcúl'ecw.
- ii. **The Right to Resources:** Other groups have a right to receive resources when they ask properly or there is a need.



Secwepemcúl'ecw
Since time immemorial

Relationships within the Community:

What are the significant relationships related to natural resources within this group?
Leaders? Vulnerable/those in need?

The final area this section explores is the community itself. Respectful relationships within a community, in the context of sharing and using the land and its resources, depend on mutual assistance. Key relationships identified here include relationships between family members, relationships between leaders and their people, and relationships between those who are capable and those who are vulnerable. These sets of relationships may overlap and change over time and in different situations, but each informs the responsibilities and rights that connect all members of a community.

General Restatements of Law:

- i. **Dependence and Interdependence:** Community well-being depends on mutual assistance.
 - a) Families Members to One Another
 - b) Leaders to Community
 - c) Those Capable to those Vulnerable



Responsibilities to Others in the Community:

What are the responsibilities related to natural resources to others within the community? Leaders? Vulnerable/those in need?

Responsibilities identified in stories and interviews include helping to care for and contribute to community well-being, sharing resources with those who ask or who are in need, caring for one's belongings and not taking what does not belong to you, teaching others about the law and helping them cultivate their own skills and knowledge, and using one's gifts of knowledge, skill, and power to benefit the community and not harm it.

General Restatements of Law:

- i. **Responsibility to Care for and Contribute to the Community:** People are responsible for helping and contributing to their communities.
- ii. **Responsibility to Share Resources with Those Without or Those in Need:** People are responsible for sharing resources or knowledge with others when asked or when it is needed.
- iii. **Responsibility to Take Care of What Properly Belongs to You, and Not Take What Belongs to Others:** People are responsible for caring for the resources in their possessions and not stealing from community members.
- iv. **Responsibility to Teach the Law and Cultivate Skills:** People are responsible for the transmission of law and the cultivation of skills respecting land and resources.
- v. **Responsibility to Use Knowledge, Power or Skills to Benefit, Not Harm Community:** People with special skills or gifts respecting land or resources must not use them against their community.
 - a) Knowledge; and
 - b) Power or Skills



Rights of People In The Community: What should individuals be able to expect regarding access to needed resources? Wanted resources? Are there certain individuals, families or clans who should expect to access or control access to certain territory or resources?

These responsibilities are equally reflected in people's rights as members of communities in the Secwepemc legal tradition. In this understanding, all Secwepemc have the right to access resources (whether directly or through the aid of others), and all people have the right to have their basic needs met (even if they may not be fulfilling their own responsibilities at the time).

General Restatements of Law:

- i. **Right to Access Resources in Secwepemcul'ecw:** People have the right to equal access to the land and its resources.
- ii. **Right to Have Needs Met:** People in need have a right to have their needs met.



4) Consequences, Enforcement and Teaching

In the final section of the analysis we explore the ways in which all legal principles are upheld or reinforced. We learn, first, that Secwepemc laws are supported by the concept of natural and spiritual consequences, in which conduct that upholds or nurtures legal principles has beneficial results, while conduct that violates or degrades legal principles leads to loss, suffering, or harm. We identify several legal features of these consequences in the stories and interviews.

Consequences

What are the natural and spiritual consequences of accessing and sharing resources in a respectful and sustainable way, or of not doing so?

First, consequences tend to be proportional to the conduct: both the type and the degree of harm, for instance, will usually match the conduct that violates the law. Second, we learn that positive legal conduct creates both inner and outer abundance: one feels better about one's harvest, for example, and one's harvest itself will likely be better. Third, deprivation, or not getting what one needs or wants, is explored as a common negative consequence of legal violations. Importantly, deprivation may affect not only the person or group that violates a legal principal, but others instead or as well. Fourth, we see that people may injure themselves or even others (particularly the vulnerable) if they disregard the legal responsibilities or principles that apply in a given situation.

General Restatements of Law:

- i. **Proportionality:** Resolutions should be proportionate to the violation or harm
- ii. **Abundance:** People are rewarded with healthy and abundant resources
- iii. **Deprivation:** People may not get what they need or want
- iv. **Injury:** People may injure themselves or others

Enforcement

What are consequences people have designed and implemented to ensure others are following the legal principles related to accessing and sharing natural resources?

Along with natural consequences, Secwepemc law also expresses tools and teachings for its enforcement by humans. Here as well, proportionality is a key concept. When communities respond to wrongdoing, they must carefully assess the harm that has been caused, and craft resolutions that do not too severely (or too leniently) punish those who have caused the harm. Enforcement methods must respect people's inherent dignity, and must also help teach both wrongdoers how to act in better ways so that harms are not repeated. Two important means of enforcing Secwepemc law are, simply by telling people about it using stories and, by letting natural consequences take their course. Community pressure is also effective at encouraging people to make responsible choices concerning the use of collectively-valued land and resources. Finally, in extreme cases, communities may choose to take away resources and/or support from those who continue to violate Secwepemc law.

General Restatements of Law:

- i. **Proportionality/Assessment of Harm:** Resolutions should be proportionate to the violation or harm
- ii. **Deterrence:** Resolutions must be able to deter future violations
 - a) Stories of natural consequences; and
 - b) Community pressure/embarrassment
- iii. **Withdrawal of Resources or Assistance:** People may not receive support from their communities



Teaching

What are effective ways people learn or teach others about the legal principles related to accessing and sharing natural resources?

The analysis concludes with an exploration of how legal teaching, training, and practice are essential to maintaining, understanding, and sharing Secwepemc legal principles within and between communities, as well as across generations. We see how community members teach others about the law and how to cultivate their own knowledge, skills, and roles. Interview participants also share how they practice Secwepemc legal principles on a daily basis, and the benefits these practices bring to their lives. Finally, stories themselves are identified as living teachings that must be shared and passed on for the Secwepemc legal tradition to sustain individuals and communities into the future.

General Restatements of Law:

- i. **Training:** Community members teach each other the law and how to cultivate skills.
- ii. **Practice:** Individuals live out legal principles on a daily basis.
- iii. **Stories:** Communities keep teachings alive through the telling of stories



Pictured Right: Elder Shirley Bird & Kirsty Broadhead

Contact Information:

For more information about our Secwepemc laws research, please contact the SNTC Aboriginal Rights and Title department at 778-471-8200 or email: art@shuswapnation.org

Full text copies of the work including the Analysis, Glossary, and Casebook, are available upon request.

Being Mindful

As with all research projects, there are always limitations that impact the work and therefore must be acknowledged.

Stories and Protocol

It is well known that Indigenous stories have protocol and rules which need to be honoured and taken seriously. It was due to such protocols that the decision was made to use already recorded, published, and/or readily available stories for the project (i.e., the stories recorded by the ethnographer James Teit). Doing so enabled us to utilize Secwepemc stories with integrity and without fear of entrenching on the important cultural protocol of families and communities that are upheld to this day.

Also, the stories used were considered under the general theme of “land and natural resources”. We hope to continue to articulate all aspects of Secwepemc legal traditions by working through the stories which have been passed down for thousands of years and have been stored in collective memories for safekeeping.

Time & Resources

Due to the constraints of time, availability, and resources, only a handful of Secwepemc communities and community members were able to be involved. We are very grateful to those who gave their time and spirit to this project.

Secwepemctsin Translation

Lastly, but very importantly, stories have been translated from Secwepemctsin into English and therefore will not be an exact translation. Given the great importance of having laws and principles be taken from the language directly, we produced a glossary of key Secwepemctsin terms in the project. It should be noted however that using the English language made it possible for all community members to be a part of this work.

Pictured Below: Kirsty Broadhead, Jessica Asch, Kelly-Ann Connor



