

3. Traditional Laws and Governance

Since time immemorial, First Nations occupied what we now call British Columbia as sovereign, autonomous Nations. They lived by their own laws and systems of government.

These laws and governments reflected the diversity of cultures and the lands where they lived. They met the needs of the people to flourish in their traditional territories. Many of these systems still exist and are practiced today.

Legal Traditions

As in any society, First Nations societies developed standards of behaviour for relating to the land and to each other. These became legal traditions – unwritten laws and protocols that everyone in the society would have understood and generally abided by.

Some of these laws have spiritual dimensions, sometimes called “natural law.” They are embedded in the worldview held by many Indigenous Peoples that they were placed on the Earth to take care of the land and its resources. This responsibility to the land forms the basis of many values and practices.

Other important values inherent in customary Indigenous laws are reciprocity and respect, both in relation to nature, and in relations with each other.

The unwritten laws and legal traditions of First Nations societies have always been passed down orally. They are embedded in oral traditions and other cultural practices.

Governance

In most First Nations cultures, political life was inseparable from their spiritual, economic, and cultural lives.

Traditional governance valued both the collective and the individual. People had a strong sense of their responsibility to the community, and when taking action, they act as one.

They may also have had an equally strong sense of personal autonomy and individual responsibility, depending on their role in the society.

Each Peoples’ values influenced its form of governance. In some Nations, consensus decision making was key, where everyone had a chance to speak and discuss the issues. In other Nations, there was a hierarchical order of individuals who had decision-making authority on behalf of the people.

Values also influenced how justice was enacted. People generally had the right to act independently, unless it threatened the balance or harmony of the community. Justice was at first dealt with individually, often by Elders. If the person continued to ignore their responsibilities, then the community would come together to impose a punishment.

There was day-to-day governance within a Nation, but there were also important public ceremonies like feasts and potlaches where important matters were conducted, protocols were displayed, and the proceedings approved by important witnesses.

Colonialism had a profound impact on these governance systems and legal traditions. They were undermined by the imposition of Band Councils and the Indian Act. Today First Nations are actively rebuilding their traditional laws and incorporating them into new forms of governance.