

The Laws and Jurisdiction Pillar: It's time to talk about "step one" of First Nations self-government

Ben Sylvestre



Reconciliation between Canada and First Nations hinges on one ever-important concept—the law.

Across Turtle Island, First Nations are creating their own laws, under their own inherent right. Section 35 of Canada's Constitution and a growing number of court rulings have [recognised that colonization never swept away Indigenous peoples' jurisdiction over their land and communities](#).

"The first step in rebuilding our nations and our governments is to begin to put back in place our own law," said Satsan (Herb George), President of [The Centre for First Nations Governance \(CFNG\)](#).

The inherent rights thought leader has spent a lifetime teaching people of all ages and backgrounds that Indigenous peoples have the right to govern themselves while demonstrating how First Nations can leave behind the Indian Act and govern as unique nations in Canada's Confederation.

"The reconciliation between our pre-existing sovereignty and the assumed sovereignty of the crown can't happen unless we move out from section [91.24](#) and the Indian Act to our

inherent right to self-government under Section 35, under our own governance structures, our own governing institutions, our own jurisdiction, and our own laws,” he said.

In their latest effort to support First Nations self-government, Satsan and CFNG bridged geography and generations, inviting youth and Elders from across Turtle Island to discuss First Nations laws and jurisdiction with the help of a present-day tool for connecting to the past.

The fourth virtual gathering of the Inherent Rights Youth Initiative (IRYI) taught attendees about the Laws and Jurisdiction Pillar: one of the [Five Pillars of Effective Governance](#) created by CFNG to encompass the essential aspects of First Nations traditional governance.

IRYI is a joint effort spearheaded by CFNG with support from [The Rebuilding First Nations Governance Project](#), [The Institute of Public Administration of Canada \(IPAC\)](#), and [Laidlaw Foundation](#). Youth and Elders can still sign up for the initiative’s remaining gatherings through [IRYI’s signup form](#).

The event’s youth and Elders learned the ways of the Laws and Jurisdiction Pillar from the session’s featured storytellers. Multigenerational duo, Dr. Fred Metallic and his daughter Emma Metallic of Listuguj Mi’gmaq First Nation highlighted the role of First Nations Laws and Jurisdiction in touchstone moments of their lives to educate attendees on the presence of law and jurisdiction in their own.

Indigenous law v. Canada

Dr. Fred Metallic, Listuguj Mi’gmaq Government’s Director of Natural Resources, is one of the leaders behind the coastal Quebec community’s fishing laws. Through a [decades-long series of negotiation and court cases](#) with the Quebec Ministry of Natural Resources and Canadian governments, Listuguj has passed its own laws for fishing, harvesting lobster, and fisheries law enforcement.

Listuguj’s unwillingness to surrender its fishing rights has long been a point of contention between the community and Canada. Dr. Fred Metallic says he recalls Canada’s legal system and law enforcement encroaching on his community’s right to fish since early childhood.

“When I was a young kid, I often fished on the river with my dad and my uncle and my family,” he said. “We fished at night, and I was always told to keep an eye out for little lights on the water. What those little lights were was actually flashlights or lights that game wardens used to use in search of Indigenous fishers.”

Dr. Fred Metallic chronicled the history of Listuguj’s right to fish, beginning with the Mi’gmaq creation story: the basis for the community’s legal tradition. He traced the timeline of his community’s laws and jurisdiction while recognising the role of the oral tradition, land, and Listuguj’s philosophy in its law- and treaty-making.

He says when settlers arrived and began taking control, they didn't honour the jurisdiction Listuguj possessed via the existence of its people and stories since time immemorial.

"It's important to understand the way Canada assumes sovereignty, the way Canada exercises jurisdiction, and how Canada thinks they can delegate that authority to Indigenous people, which is its way of trying to solve the Indian problem," Dr. Fred Metallic said. "But that's a Canadian problem. We don't have an Indian problem."

Canada's constitution recognises Indigenous people's jurisdiction—their power to create law. But Dr. Fred Metallic says Canada still doesn't practically accept that jurisdiction nor Indigenous laws and legal traditions. It's the reason for his fight for Indigenous legal rights and why the Listuguj's present-day fisheries couldn't come to full fruition until the community signed an agreement with Canada in 2021.

But regardless of Canada's opinion, First Nations have an inherent right to make their own laws as nations thriving on Turtle Island long before Europeans set foot on its shores. Listuguj now has its fishery and is working towards reducing Canada's efforts to stifle of the community's jurisdiction.

There's still work to be done, but Listuguj now fishes for lobster and salmon in the daylight.

"We really need to work with our knowledge systems. And we really need to work with our Elders, our ceremonialists, and push out that vision of what it means to a human being living in peace and harmony with the natural world," said Dr. Fred Metallic.

A gallery of laws

Nature itself can be a teacher of First Nations law: that's one key message in Emma Metallic's short-story-turned-gallery-experience, [Nipugtug](#). The storyteller and education assistant at Listuguj's Mi'gmaq immersion program presented excerpts of her story connecting law and language to the gathering's attendees.

"Listening and learning from our Indigenous stories, we can start to understand Indigenous laws and ways of governing. Another source of Indigenous law is looking to our language," she said.

Nipugtug is a story about the relationship between nature, language, and law expressed through a First Nation's worldview. Emma Metallic says the story was inspired by going snowshoeing in the woods when she was learning the Mi'gmaq language full-time over the last year.

"Every other day, I'd spend a couple of hours in the woods, and I connected the words I was learning with the things around me. I built a relationship with the trees, animals and rivers—all that surrounded me," she said. "So in a way, I introduced myself to the forest and it introduced itself back to me."

Nipugtug (meaning “In the Forest” in English) is the story of A’le’s, a young Mi’gmaq woman who is herself learning to speak the Mi’gmaq language. She meets animals and trees who act as guides and friends along her learning journey.

While the story was originally a written piece, Emma Metallic joined forces with Métis designer Natalie Laurin to transform Nipugtug into a gallery experience in Spring 2022.

The narrative confronts a reality for many present-day Mi’gmaq people learning their language to connect with their worldview, history, and laws.

“Mi’gmaq speakers are now tasked with having to remember old words they heard growing up in order to pass them down to the next generation. While Mi’gmaq language resources exist now, challenges still remain between bridging Mi’gmaq speakers and learners,” Emma Metallic said, “Nipugtug was my way of exploring these challenges to help safely bridge speakers and learners and to shed light on how nourishing our languages is.”

For Emma Metallic, creating and sharing Nipugtug has been an experience about becoming closer to her community’s worldviews. Thinking about Indigenous worldviews, she says, helps frame the ideas behind Indigenous laws.

“In my own experience, learning Mi’gmaq has allowed me to connect and understand Mi’gmaq worldviews more deeply. I understand how we live in relation to one another, because it’s described within our language,” she said.

Connecting with law

Worldview, language, histories, and stories are all in relation to First Nations Law and Jurisdiction, just like the Laws and Jurisdiction Pillar is in relation to the Land Pillar, the People Pillar, the Governing Systems Pillar, and the Resources Pillar as the five essential components of each First Nations governing system.

Elders—the knowledge keepers—and youth—the leaders of the future—have tools within them to rebuild First Nations laws and governance. By coming together to learn and share, they’re laying the groundwork for a future filled with Indigenous lawmaking.

“The power that we need to rebuild our nations is held by our youth and our Elders,” said Satsan. “And if we can pull that together, everything in between that will come together.”

“Every time we do this, that’s the overwhelming feeling that I get.”

For information on how to join future IRYI storytelling sessions and other gatherings, please visit our [events webpage](#).

Read more about Listuguj and Dr. Fred Metallic’s journey creating the community’s fishing laws in [Lawmaking for Nation Rebuilding – Learning from Listuguj](#) from The Rebuilding First Nations Governance Project.