



 JESSICA ASCH

SECWÉPEMC LAWS OF ǃWSÉLTKTEN AND SECWÉPEMC-KT

SUMMARY

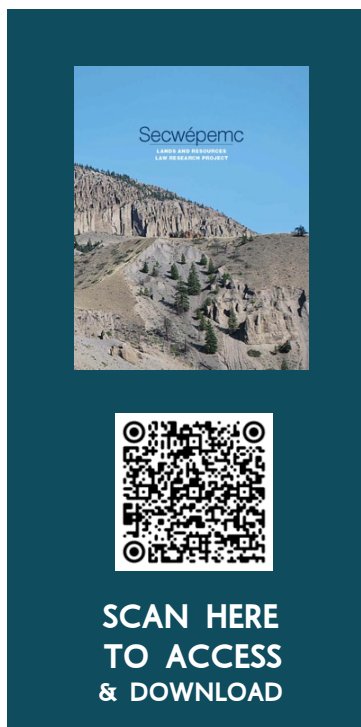
Indigenous Law Research Unit
& Shuswap Nation Tribal Council
with the Secwépemc Sna7a Elders Council

INTRODUCTION

Secwépemc law is founded upon, inspired by, and responsible to Secwepemcúlecw and Secwépemc people. It is expressed in many ways, including through the wisdom and teachings of oral histories and stories, which have been learned, lived, and passed down for generations.

Following the success of their first collaboration, the *Secwépemc Lands and Resources Law Research Project*, the Secwépemc Sna7a Elders Council and the Shuswap Nation Tribal Council (SNTC) approached the Indigenous Law Research Unit (ILRU) to partner with them on a second project. The Project focuses on standing up the laws of ƙwséltkten (being relatives) and Secwépemc-kt (we are all Secwépemc, we call ourselves Secwépemc), which together begin to describe Secwépemc laws of belonging or citizenship.

The Secwépemc Laws of ƙwséltkten and Secwépemc-kt Project (the "Project") and its resulting *Secwépemc Laws of ƙwséltkten and Secwépemc-kt Report* (the "Report"), *Secwépemc Laws of ƙwséltkten and Secwépemc-kt Casebook* (the "Casebook"), and *Secwépemc Laws of ƙwséltkten and Secwépemc-kt Glossary* (the "Glossary") have two major goals. First, they aim to support the rebuilding of internal governance and citizenship laws from the point of view of Secwépemc law. Second, they intend to push back on colonial concepts of membership or belonging that permeate contemporary understandings. In short, this work is about bringing Secwépemc people together to define themselves, on their own terms, and make those understandings accessible and known to the broader world.



THE MATERIALS



SCAN HERE
TO ACCESS
& DOWNLOAD

THE REPORT

The Report contains the analysis of Secwépemc laws on ƙwséltkten and Secwépemc-kt based on research done for this Project. The analysis has five chapters, outlining Secwépemc legal principles, processes, decision-makers, structures, pathways, and responses relating to laws of belonging. The analysis is not a codification of Secwépemc laws. It is a resource that the Nation can use in the development of laws, policy, education, and governance. The Report also contains a short primer on Secwépemc society and history, an executive summary of the analysis, a final chapter about implementing the Report, and a description of all project activities, including the names of people who worked on the Project.

THE CASEBOOK

The Casebook is a compilation of all the Secwépemc narratives the ILRU researchers learned from and explored alongside community as part of the Project. These stories helped form the legal principles, processes, decision-makers, pathways, structures, and responses that are discussed in the Report. This Casebook also includes a thematic index of the stories (an organization of the stories by different themes) and discussion questions for each story. The Casebook also talks about the Adapted Legal Narrative Analysis method of analysing stories, examples of ILRU's use of this method, and sample questions people can use to try this method themselves.

THE GLOSSARY

The Glossary is a compilation of the Secwepemctsín words, phrases, and concepts that ILRU researchers learned from and explored alongside Secwepemctsín speakers and resources as part of the overall Project. These concepts helped inform the legal principles, processes, decision-makers, pathways, structures, and responses that are outlined in the Report. This Glossary only includes words shared, compiled, and used within this Project as they relate to Secwépemc laws on ƙwséltkten and Secwépemc-kt. Any errors in the Secwepemctsín used in this Project are ILRU's alone.



SECWÉPEMC LAWS OF ƘWSÉLTKTEN AND SECWÉPEMC-KT REPORT

Indigenous Law Research Unit
& Shuswap Nation Tribal Council
with the Secwépemc ƙwséltkten Elders Council



SECWÉPEMC LAWS OF ƘWSÉLTKTEN AND SECWÉPEMC-KT CASEBOOK

compiled and edited by the
Indigenous Law Research Unit
& Shuswap Nation Tribal Council
with the Secwépemc ƙwséltkten Elders Council



SECWÉPEMC LAWS OF ƘWSÉLTKTEN AND SECWÉPEMC-KT GLOSSARY

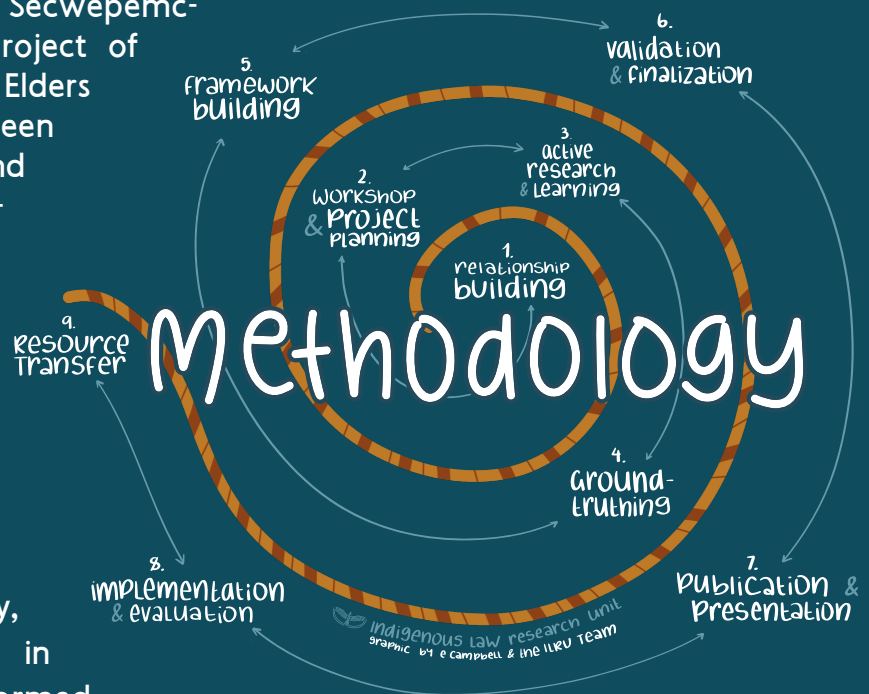
compiled and edited by the
Indigenous Law Research Unit
& Shuswap Nation Tribal Council
with the Secwépemc ƙwséltkten Elders Council



PROJECT OVERVIEW

The Secwépemc Laws of K'wséltkten and Secwépemc-kt Project is a collaborative research project of ILRU, SNTC, and the Secwépemc Sna7a Elders Council. The research took place between 2018 and 2019, with editing and validation occurring throughout 2019-2023.

The ILRU research team followed a methodology that consists of distinct and flexible phases that aim to understand and articulate specific points of Secwépemc law. These phases of work are grounded in principles of collaboration, accountability, transparency, flexibility, and rigour, which result in iterative, reflexive, and community-informed processes.



The final materials (the Report, Glossary, and Casebook) created through this Project are co-owned by the community partner and ILRU. Neither the authors of these materials nor ILRU claim any ownership of Secwépemc stories or law. These materials are used by ILRU to teach and present about Indigenous law and their work.

THE RESEARCH QUESTIONS

The ILRU research team focused on three broad research questions for this Project. First, how do people within the Secwépemc legal tradition understand laws of belonging? Second, what obligations attach when people are K'wséltkten and Secwépemc-kt? Third, how do people within the Secwépemc legal tradition respond when K'wséltkten fall short of their obligations and create challenges or cause harms?

OUR APPROACH TO RESEARCH

STORIES

Secwépemc narratives and oral traditions were ILRU's starting point for learning about Secwépemc law. James Teit's recordings, mostly from "The Shuswap" in *The Jesup North Pacific Expedition*, were the primary resources for stories. Teit was an anthropologist who journeyed to Secwepemcúlecw in 1887, 1888, 1892, and in the early 1900s. Teit spent much of his time working with a friend and storyteller named Sxwé'ylecken (or Sixwi'lexken, "Big Billy"), who was his source for many stories or oral histories he recorded. Teit also spent much time with Sisyúlecw (also spelled Sisiu'lâx, George Louis, North Thompson Secwépemc (Símpcwemc)) to record stories from the North Thompson.

The ILRU team worked with the stories to draw out the law and then spoke with Secwépemc community members in focus groups and engagement sessions to correct the researchers' interpretations and deepen researchers' learning and understanding.

LANGUAGE

At the request of SNTC and the Secwépemc Sna7a Elders Council, ILRU researchers engaged with Secwepemctsín as a resource for understanding Secwépemc law. Although the researchers are not Secwepemctsín speakers, they studied some aspects of Secwepemctsín (words, phrases, and grammar) to develop questions about legal concepts, which were then discussed with Secwepemctsín speakers. The ILRU team consulted with many Secwepemctsín speakers throughout the Project to deepen their learning and understandings of Secwépemc law. Any errors in the Secwepemctsín used in this Project's materials are ILRU's alone.

SECONDARY RESEARCH

The ILRU research team reviewed many secondary resources to build more contextual knowledge about Secwepemcúlecw and the both human and more-than-human life there, and Secwépemc society, governance, and law. They looked at historical and ethnographic materials, governance documents, and documents from Secwépemc seasonal gatherings.



CONVERSATIONS WITH COMMUNITY MEMBERS & EXPERTS

Once the researchers read, engaged with, and analyzed the stories, language, and secondary resources, they held structured conversations with community members and different people who are knowledgeable in Secwépemc language, laws, stories, and governance. This is what ILRU refers to as "ground-truthing" as they are formalized occasions to discuss ILRU's research. Talking with people helps ILRU's researchers to correct errors, deepen understandings, and learn.

All community members who participated in the Project had an opportunity to look at their words in context and had control over how and if those words were used in the final materials. This validation process started in 2019 and was interrupted by the COVID-19 pandemic. The validation process finished in 2023.

EMBEDDED & CULTURAL LEARNING

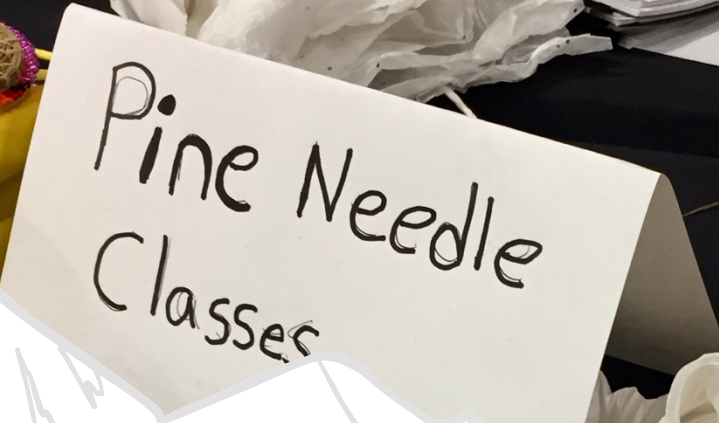
At the request of SNTC and the Secwépemc Sna7a Elders Council, ILRU researchers attended many Secwépemc seasonal gatherings between 2017 and 2020. Attending these gatherings was a privilege that enabled the team to build a richer understanding of Secwépemc laws of ƛ̓wséłtkten and Secwépemc-kt as they operate on the land and in context.

These seasonal gatherings helped ILRU build stronger relationships and learn about Secwépemc law, language, stories, and cultural practices. These gatherings were also opportunities to update people about the Project and add diverse voices into the Report. The researchers incorporated their notes (when permitted), learnings, experiences, and the observations made at these gatherings into the final Report, which were then validated in community.



SUMMARY OF THE ANALYSIS

What follows is the summary of the longer 265-page Report analyzing Secwépemc law. These are legal principles, processes, decision-makers, pathways, structures, and responses that inform the Secwépemc laws of ƙwséltkten and Secwépemc-kt. The analysis or synthesis is not a codification of law, meaning it is not a piece of legislation on its own. It is also not a comprehensive statement of law. This means it is not a complete picture of the Secwépemc laws of ƙwséltkten and Secwépemc-kt, but a piece of it only drawn from those people, stories, documents, and language looked at for this Project. The Report is a resource for conversations about the development of law, governance, and educational materials by Secwépemc people to stand up Secwépemc laws and governance throughout Secwepemcúlecw.



Pine Needle
Classes

CHAPTER ONE:

GENERAL UNDERLYING PRINCIPLES

Chapter One introduces some of the principles that uphold Secwépemc laws of *ḵwséltkten* and *Secwépemc-kt*. These underlying principles point to the recurring themes that emerged from the resources and the conversations held with community members. These legal principles are important to contextualize a broader theory of Secwépemc law and animate or inform the legal principles, processes, decision-makers, pathways, structures, and responses discussed in this Report.

GENERAL UNDERLYING PRINCIPLES RESTATEMENT TABLE

*What underlying or recurrent themes emerge in the sources that are important to understanding more specific points of Secwépemc laws regarding *ḵwséltkten* and *Secwépemc-kt*?*

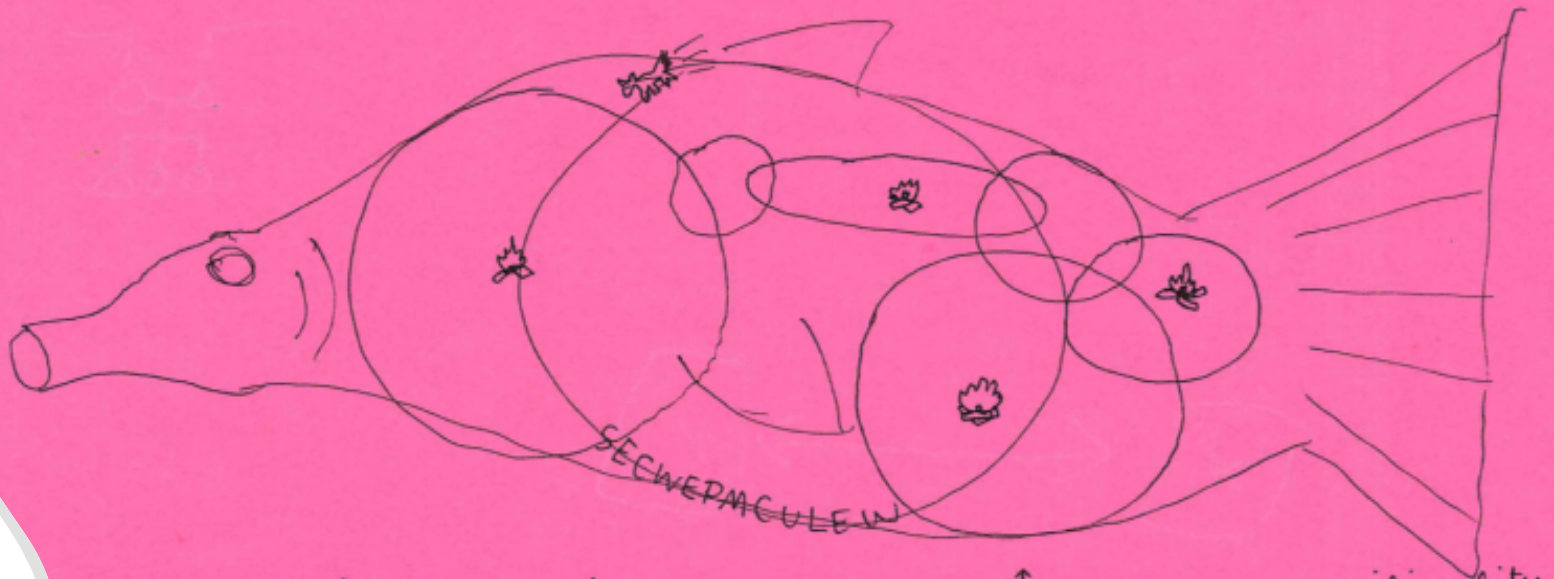
CONCEPT

SUMMARY

<p>1.1 ƁWSELTKTENÉWS</p>	<p>Ɓwseltktenéws (being relatives to one another, or we are all related) creates a web of interconnected relationality among humans and more-than-human relations, which shapes one's sense of belonging in this world. This includes one's understanding of self and their obligations to each other and the earth.</p>
<p>1.2 RELATIONS AS RESOURCES</p>	<p>Creating new Ɓwseltkten enriches and strengthens the Secwépemc Nation and its legal tradition, governance, economy, and relations with other nations. This is largely because all Ɓwseltkten have unique gifts and can enrich the citizenry and social life in Secwepemcúlecw by using them. As a result, it is important to recognize and nurture people's gifts throughout a lifetime.</p>
<p>1.3 SECWEPEMCTSÍN ENRICHES UNDERSTANDINGS OF SECWÉPMC LAW</p>	<p>Secwepemctsín carries ancestral knowledge of Secwepemcúlecw and the Secwépemc people and can enable and facilitate the sharing and learning of Secwépemc law today. Secwepemctsín also connects the Secwépemc Nation to its neighbours, particularly those who also speak languages in the Salish language family, and may strengthen those relations.</p>
<p>1.4 LAND AND LINEAGE ANIMATES SECWÉPMC LAWFULNESS</p>	<p>Understandings of Secwépemc laws of Ɓwseltkten and Secwépemc-kt are rooted in Secwepemcúlecw and both current and ancestral connections to the land and its stories. The land, a teacher of law, guides Secwépemc people as they explore their identity and their legal obligations as Ɓwseltkten.</p>
<p>1.5 SECWÉPMC LAW IS ADAPTABLE ACROSS SECWEPEMCÚLECW AND ITS CAMPFIRES</p>	<p>The Secwépemc laws relating to Ɓwseltkten and Secwépemc-kt are adaptable and flexible across Secwepemcúlecw. While legal principles and processes do not change across territory, they may be implemented differently depending on the context, location, and history of each individual campfire or community. People have an obligation to learn, understand, and respect the existing differences.</p>



Birth + Adoption + Marriage + Treaty



- Visiting // introductions
- +
- Helping one another

↑
suchet fish

- matrilineality
- +
- Place names

p m c - K+

 RACHEL FLOWERS

CHAPTER TWO:

LEGAL FORMATION OF RELATIONS

Chapter Two turns to the question of how people know they belong or are *k'wséltkten* within the Secwépemc legal tradition. Knowing who belongs or who is a relative is essential for understanding what obligations and expectations people have to one another, and how challenges and harms can be lawfully addressed within Secwépemc law. Section 2.1 is focused on exploring and identifying the pathways in place for becoming *k'wséltkten*. Section 2.2 expands on this discussion by identifying how decision-making takes place, and by whom, as part of these pathways for becoming kin. Section 2.3 touches on the recognized processes in place to formalize these decisions, such as introducing new *k'wséltkten*, including children, to their communities.



PATHWAYS OF CONNECTION: LEGAL FORMATION OF RELATIONS

RESTATEMENT TABLE

PATHWAYS OF CONNECTION: LEGAL MECHANISMS

What are the recognized legal mechanisms for becoming ƙwséltkten? In what contexts does that make ƙwséltkten Secwépemc-kt?

CONCEPT	SUMMARY
2.1.1 BIRTH	Birth is a pathway to building relations by bringing new kin into being. There is no concept of ‘blood quantum’ in the Secwépemc legal tradition nor is there any concept of illegitimacy in understanding ƙwséltktenéws. A child’s status of being fully kin, and fully Secwépemc, is not diminished if not all parents are Secwépemc.
2.1.2 MARRIAGE	People within the Secwépemc legal tradition can create new ƙwséltkten through marriage. Married-in people gain access to resources, help, and participation in Secwépemc life. Once they are no longer ƙwséltkten, they may not retain that expectation.
2.1.3 ADOPTION	Adoption is a formal and public pathway to bringing in new ƙwséltkten, both children and adults, when there is a social, political, economic, or spiritual need to do so. Adoption is a flexible concept with different forms and is usually equivalent to birth in terms of creating new relations who acquire legal obligations as ƙwséltkten.
2.1.4 AGREEMENTS	Agreements, such as peace treaties and lahal, are mechanisms by which people can create and maintain peaceful relations with one another. This may result in strengthened ties within and between the Secwépemc Nation and other nations or peoples, sometimes creating specific relationships of ƙwséltkten between them.

PATHWAYS OF CONNECTION: LEGAL DECISION-MAKERS

Who are the legal decision-makers relating to the formation or determination of legal relations? Who else has a say?

CONCEPT	SUMMARY
---------	---------



2.2.1 INDIVIDUALS	Individuals have the agency and authority to choose their k'wséltkten. This authority extends to decisions about marriage and the autonomy of children to make decisions in adoption processes.
2.2.2 FAMILIES	Families may help individuals who are making decisions about k'wséltkten. In particular, families may conduct assessments and consult with those seeking to bring in new kin or spouses.
2.2.3 OLD ONES, KYÉ7ES AND WOMEN	Old ones, particularly kyé7es, and women are often genealogists or memory keepers. They track relational ties for k'wséltkten within their families and communities and provide support in the broader community when there are questions about lineage. In some instances, old ones and kyé7es are decision makers about when new k'wséltkten can be made.
2.2.4 COMMUNITIES	Community facilitates the acknowledgement of new relations by witnessing their introduction, acknowledging their status as k'wséltkten, and enabling their participation in community.

PATHWAYS OF CONNECTION: LEGAL PROCESSES

What legal processes arise during the formation of legal relations?

CONCEPT	SUMMARY
2.3.1 PUBLIC INTRODUCING AND WITNESSING	Public introductions or declarations, witnessing, and validating are ways for people to formalize relations when children and new k'wséltkten join their communities.
2.3.2 ASSESSMENTS FOR RECONNECTING K'WSÉLTKTEN	K'wséltkten returning to communities may undergo additional assessments to confirm their identity (who they are related to) and ensure safety within community.



CHAPTER THREE:

OBLIGATIONS AND EXPECTATIONS

Chapter Three shifts from the questions of how people know they are *kwéltkten* and can call themselves *Secwépemc-kt*, to identifying what obligations and expectations they have to and of their families, communities, and *Secwépemcúlecw* as *kwéltkten*.

OBLIGATIONS RESTATEMENT TABLE

*What obligations attach once people are legally kwéltkten?
What should people do as relatives for one another?*

OBLIGATIONS

CONCEPT	SUMMARY
3.1.1 SUCWENTWÉCW	People are responsible for recognizing and acknowledging one another as <i>kwéltkten</i> . This obligation starts with an understanding of a person's identity in relation to their <i>kwéltkten</i> , respecting the connections <i>kwéltkten</i> have to others, and knowing how people are not <i>kwéltkten</i> . <i>Sucwentwécw</i> also involves a responsibility to search for, remember, and support the return of lost <i>kwéltkten</i> .
3.1.2 KNUCWENTWÉCW	People are responsible for helping one another, including both human and non-human relations, and themselves as part of the <i>Secwépemc</i> collectivity (family, campfire, or community). This obligation implies acts of reciprocity and contribution, using specific knowledge and skills to help existing and new <i>kwéltkten</i> in need.

3.1.3 YÚCWMENTSWÉCW	<p>People are responsible for looking out for and protecting the land and all beings, understanding that the bedrock of a healthy citizenry is community security, safety, and protection for all. This includes remaining attentive to unsafe conditions and conditions of vulnerability.</p>
3.1.4 SECWKWNÉMTEŅ	<p>People are responsible for teaching k̓wséltkten about their obligations and their lineage, and for learning and practicing what k̓wséltkten teach to them. Family members, particularly grandparents, and community play an essential role in teaching children, adults, and newcomers about their obligations as k̓wséltkten.</p>
<p style="text-align: center;">EXPECTATIONS</p> <p><i>What expectations or rights do individuals, families, and the broader community have once they are recognized as k̓wséltkten or Secwépemc-kt? What should they expect from others in their family and community?</i></p>	
CONCEPT	SUMMARY
3.2.1 PARTICIPATION	<p>People, irrespective of how they become k̓wséltkten, have an expectation to participate in daily life and to have that participation supported and facilitated on an ongoing basis. How one participates in community might be different for different people, be limited in certain circumstances, and may end when the person is no longer k̓wséltkten.</p>
3.2.2 MOBILITY	<p>People have the expectation that they can leave and return to Secwepemcúlecw, no matter the reason, without impacting their place in family, campfire, or community. This expectation applies to all k̓wséltkten, even if they have never lived in Secwepemcúlecw before, to ensure that there is always a pathway home.</p>
3.2.3 FAIRNESS AND INFORMATION	<p>People have expectations of fairness when engaging with Secwépemc law and the right to information in order to act lawfully, and to keep themselves and others safe. These expectations put emphasis on the importance of balancing the rights of people as part of decision-making related to k̓wséltkten.</p>

CHAPTER FOUR:

STRUCTURES THAT GROUND ǰWSÉŁTKTEN

Chapter Four shifts its focus to the systems and social structures that are necessary to support ǰwséłtkten in fulfilling their legal obligations and expectations to each other. These structures help coordinate and nurture individual and public aspects of the Secwépemc laws of ǰwséłtkten and Secwépemc-kt, and provide support for learning, teaching and practice. This chapter recognizes that there is ongoing learning for all ǰwséłtkten and Secwépemc-kt respecting how they become lawful within Secwepemcúłecw.

LEGAL STRUCTURES THAT GROUND THE LAWS OF ǰWSÉŁTKTEN RESTATEMENT TABLE

LEGAL STRUCTURES

What are the legal structures for teaching and learning and for grounding ǰwséłtkten? These include the social structures, customs, and practices that coordinate and enable the teaching, learning, and practice of the obligations and expectations of ǰwséłtkten and Secwépemc-kt.

CONCEPT	SUMMARY
4.1 DAILY PRACTICE	<p>Practicing daily activities, in particular participating in land-based teaching and learning, enables people to learn and fulfil their legal obligations as ƛwséłtkten and Secwépemc-kt. Families, particularly grandparents, play an important role in this teaching and practice for both children and adults.</p>
4.2 STORIES AND THE ART FORM OF STORYTELLING	<p>Secwépemc laws of ƛwséłtkten and Secwépemc-kt are kept alive as part of a storied universe. Stories and the art form of storytelling teach people how to live as ƛwséłtkten in a lawful way. Stories are told by storytellers in different ways for different purposes and their meanings will shift over time and context.</p>
4.3 VISITING	<p>Visiting is a form of collective learning that enables people to monitor and maintain relationships while also ensuring obligations and expectations of ƛwséłtkten are met. Visiting may take different forms, such as formal gatherings and feasting, to bring ƛwséłtkten together to celebrate, honour, and support relations and related decision-making.</p>
4.4 CEREMONY	<p>The understanding and practice of laws related to ƛwséłtkten and Secwépemc-kt includes ceremony. Ceremony is key to acknowledging and recognizing all of one's relations and can be used to support the teaching and learning of law, legal obligations, and how to appropriately engage in activities as ƛwséłtkten.</p>

CHAPTER FIVE:

LAWFULLY RESPONDING TO HARMS AND CHALLENGES

Chapter Five looks at what happens when challenges, disagreements, or harms occur because *kwéltkten* are not meeting their obligations under the Secwépemc laws of *kwéltkten* and Secwépemc-kt. The chapter outlines how to respond according to Secwépemc law. Chapter 5 has four sections. Section 5.1 looks at which decision-makers are involved in decision-making processes and the development of different responses. Section 5.2 looks at procedural steps people use when looking to respond to challenges and harms. Section 5.3 looks at the responses people use when these challenges or harms occur. Section 5.4 looks at the responses people use when these challenges or harms occur.

LAWFULLY RESPONDING TO HARMS AND CHALLENGES	
RESTATEMENT TABLE	
HARMS AND CHALLENGES: LEGAL DECISION-MAKERS	
<i>Who is involved in decisions on how to respond when kwéltkten do not meet their obligations for grounding and supporting their kin?</i>	
CONCEPT	SUMMARY
5.1.1 FAMILY	Families and family members make decisions regarding teaching and protecting their <i>kwéltkten</i> , particularly when there is a risk of harm or danger. Grandparents often play an important role in either making or informing these decisions.
5.1.2	Women and <i>kyé7es</i> often work in collaboration with other decision-makers to make decisions about <i>kwéltkten</i> by providing direct guidance. Women and grandmothers may also act as core decision-makers when legal



WOMEN AND KYÉʔES (GRANDMOTHERS)	obligations of kʷséltkten are not being met, particularly in matters involving children, or harm against children and women.
5.1.3 TASK MANAGERS, LEADERS, AND EXPERTS	Those with specific knowledge or experience, such as task managers, leaders, and experts, may be consulted to assist in kʷséltkten related decision-making. These individuals may also dissent and intervene in decisions being made depending on the severity of the situation.
5.1.4 INDIVIDUALS	Individuals have the authority to dissent and intervene in decisions being made in order to meet their own obligations of kʷséltkten and Secwépemc-kt or to find solutions to their own challenges.
5.1.5 COMMUNITY	Community may make decisions to act in matters to ensure safety and security of their families or the group. Community members may also validate the decisions of others, such as families and individuals, in response to issues involving kʷséltkten.

HARMS AND CHALLENGES: LEGAL PROCEDURAL STEPS

What are the steps decision-makers take in developing responses when kʷséltkten do not meet their obligations for grounding and supporting their kin?

CONCEPT	SUMMARY
5.2.1 ISSUE IDENTIFICATION, RISK ASSESSMENT, AND DELIBERATION	Issue identification and risk assessment are essential first steps in determining any response. People may identify issues and risk through observation, information gathering, or from concerns raised and brought to their attention. Risk assessment is an important aspect of ensuring individual and community safety. Risk assessment and issue identification impact deliberation processes. It may take time to fully assess a situation and determine an appropriate response.
5.2.2 ALERTING AND WARNING	People may alert or warn kʷséltkten and community members to the identified issue and potential threats. It is important for individuals to recognize and take seriously the warning signs that are either presented or communicated to them.



<p>5.2.3</p> <p>CONSULTATION AND ASSISTANCE</p>	<p>In some cases, people with specific knowledge, skills, or positions within a community may need to be consulted and relied upon to respond to a particular issue. This involves identifying who may help and asking for their assistance.</p>
<p>5.2.4</p> <p>REINTEGRATION: PROVIDING RESOURCES AND SPACE</p>	<p>People who have been separated from community, especially youth, may be provided with resources for learning and survival. This is done with the aim of facilitating healthy and safe reintegration back into the community when it is appropriate to do so. The needs of the particular person and the community are considered if and when re-integration happens.</p>

HARMS AND CHALLENGES: PRINCIPLES GUIDING LEGAL RESPONSES

What legal principles guide decision-makers within the Secwépemc legal tradition when responding to harms and challenges that arise when k̓wséltkten do not meet their expectations or obligations?

CONCEPT	SUMMARY
<p>5.3.1</p> <p>CONTEXTUALIZED AND BALANCED REASONING</p>	<p>Grounded in the interconnected aspects of k̓wséltkten and Secwépemc-kt, responses in the Secwépemc legal tradition are influenced by context, considering the situation of the k̓wséltkten, root sources, and consequences to the broader community. Contextualized reasoning may assist in achieving balance in instances of uncertainty and in dealing with individual and collective obligations of k̓wséltkten.</p>
<p>5.3.2</p> <p>TRANSPARENCY AND PROPORTIONALITY</p>	<p>It is important for people to provide teaching and direction with reasoning. This involves being transparent, specifically about consequences that may arise as a result of particular actions, and proportionate in all responses in different contexts.</p>

HARMS AND CHALLENGES: LEGAL RESPONSES

How do decision-makers within the Secwépemc legal tradition respond to the harms or challenges that arise when their k̓wséltkten fail to meet their obligations or expectations?

CONCEPT	SUMMARY
---------	---------



<p>5.4.1 PROVIDING OPPORTUNITIES TO CORRECT</p>	<p>As one of the many layers of teaching, providing individuals with the opportunity to correct negative behaviours fosters individual reflection and development as <i>k'wséltkten</i>.</p>
<p>5.4.2 WITHDRAWING HELP</p>	<p>When people are not living up to their legal obligations, relatives may withdraw their assistance from the person to either provide a space for learning or mitigate harm in line with one's obligations to the collective community. The principle of proportionality must be upheld in choosing to withdrawal help.</p>
<p>5.4.3 SEPARATING</p>	<p>Separating may facilitate ongoing training and teaching of <i>k'wséltkten</i>, particularly for youth. In addition, when people are not meeting their obligations, their relatives may separate themselves or the person from the community in order to correct behaviours, mitigate harm, and strengthen growth and understanding as <i>k'wséltkten</i>.</p>
<p>5.4.4 REMOVING <i>K'WSÉLTKTEN</i> IN DANGER</p>	<p>When an individual or group learns that <i>k'wséltkten</i> are in immediate danger from kin or outside threats, immediate action is taken to remove that person from the harm.</p>
<p>5.4.5 REMOVING POWER TO HARM</p>	<p>When <i>k'wséltkten</i> are a danger to kin or outside threats, people may act to remove their ability to harm. Specifically, people may use their skills, knowledge, or expertise to confront and limit such abuses of power.</p>



PROJECT ACKNOWLEDGEMENTS

We wish to acknowledge the guidance of the teachers who have passed since the finalization of the Secwépemc Laws of K̓wséltkten and Secwépemc-kt Project. Mona Jules, Flora Sampson, and Percy Rosette were instrumental voices, and shared knowledge in all areas of Secwépemc law, culture, and language with us. We are so very grateful for the time they spent teaching us and for their support of our work.

Thank you to the community members who shared their knowledge and teachings in focus groups and interviews: Julianna Alexander, Carolyn Belleau, Dave Belleau, Rhona Bowe, Senkúkpi7 Cwlíken (Irvine Johnson), Bert Deneault, Judy Deneault, Helen Duteau, Doreen M. Johnson, Gary Gottfriedson, Senkúkpi7 Francis Johnson Jr., Garlene Jules (using her birth name in honour and recognition of her mother, Celena Jules, who taught her all that she knows), Mona Jules, Minnie Kenoras, Barbara Larson, Richard LeBourdais, Sunny LeBourdais, Bonnie Leonard, Ralph McBryan, Mardi Paul, Peace/War Chief Pipíp'7ese (Alexis Harry), Senkúkpi7 Wilfred Robbins Sr., Percy Rosette, Shirley Bird-Sahlet, Flora Sampson, Diane Sandy, Laverna Stevens, Louie Basil Stevens, Kenthen Thomas, Rod Tomma, and two witnesses who asked that their names not be published. Thank you, also, the innumerable community members who shared their knowledge and teachings with us when we visited Secwepemcúlecw and attended seasonal gatherings.

Thank you to the language teachers who supported this Project. Thanks to Mona Jules, who translated Secwepemctsin focus group conversations and worked with ILRU researchers to help them understand core Secwepemctsin concepts. Thank you to Julianna Alexander, Carolyn Belleau, Dave Belleau, Gary Gottfriedson, Juliette Peters, Flora Sampson, and Garlene Jules (using her birth name in honour and recognition of her mother, Celena Jules, who taught her all that she knows) for translating and supporting the researcher's understandings of core concepts in Secwepemctsin.

Thank you to the Secwépemc Sna7a Elders Council for their leadership on this Project, and particularly past co-chairs Julianna Alexander and Richard LeBourdais.

We sincerely thank the Shuswap Nation Tribal Council for their collaboration and partnership, particularly past and current staff members Maryann Yarama, Rhona Bowe, Devan Swaine, Sunny LeBourdais, and Bonnie Leonard. Thank you to Rhona Bowe for collaborating on the graphic image and guiding the finalization of the Project.

This work was funded by the following: Shuswap Nation Tribal Council, Swift Foundation, McConnell Foundation, Law Foundation of British Columbia, Social Sciences and Humanities Research Council, and Real Estate Foundation of BC. We are grateful for their contributions to the collaboration.



CONTACT US

For further information about this project, or for any questions or comments, contact



INDIGENOUS LAW RESEARCH UNIT

Phone: 250-721-9814

Email: ilru@uvic.ca

Website: www.ilru.ca

Facebook: Indigenous Law Research Unit

Instagram: @ilruuvic

