Current Projects

*Funded by the Social Sciences and Humanities Research Council/Real Estate Foundation*

With this three-year project, we are working in three British Columbia regions that are currently experiencing water scarcity and crisis with the overarching goal of facilitating collaborative water stewardship and watershed management. The project brings together three research streams in each region: (i) substantive articulation of Indigenous law, namely Tsilhqot’in, Cowichan, and Lower Similkameen; (ii) settler water users and the articulation of informal water management practices which do not map onto formal legislation, inform how water users organize access, sharing, and allocation of water; (iii) and an analysis of formal state legal processes that govern water including the new *Water Sustainability Act*. These research streams will be brought together to develop more responsible, effective, and environmentally responsible water stewardship that brings together Indigenous and settler communities, and will serve as an exemplar for other regions in Canada and elsewhere. Additional projects include the development of an Indigenous water law graphic narrative and accompanying teaching guide.

**Legimus Legal Pluralism Research Project (2013-2018)**
*Funded by the Social Sciences and Humanities Research Council*

This is an international research project that has supported our Indigenous Law research partnerships with Cree and Secwepemc communities over the past three years as well as scoping conversations with people from a number of other legal traditions in Canada. These community research partnerships focus on Indigenous legal traditions relating to child welfare, adjudication, civil procedure, and lands and resources. We have provided Indigenous legal methodology training to communities and our researchers, and the research (focus groups and interviews) was conducted over the past two summers. We have developed and are employing an Indigenous law lands and resources research methodology. The communities will be provided with all research materials, analyses, and casebooks. The ILRU will maintain research as a resource from which to develop curriculum for the proposed UVIC JID Program. In addition, we will provide Indigenous legal methodology training to other national and international project collaborators.

As part of this grant, we completed a year-long research project in collaboration with the Shuswap Nation Tribal Council to articulate Secwepemc Land and Resource Law. We created a 100+ page analysis incorporating our analysis of 28 Secwepemc narratives and discussions with 24 community members, as well as a casebook that included the stories and case briefs completed for the analysis and a glossary of Secwepemc terms used in the analysis. The comprehensive analysis includes information about authoritative decision-makers, legal processes, general underlying principles, relationships, rights and responsibilities, enforcement, natural consequences and teaching. This analysis is being used by the Shuswap Nation Tribal Council as part of their larger governance initiative and to create a code of ethics respecting environmental decision-making.

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1 This is a professional degree program that will offer dual law degrees in Canadian law and Indigenous law over four-years. See: [http://www.uviclss.ca/blog/wp-content/uploads/2016/02/JID-Background-26-January-2016.pdf](http://www.uviclss.ca/blog/wp-content/uploads/2016/02/JID-Background-26-January-2016.pdf).
The overarching focus of this work is Indigenous marine management and governance, and we are working with the Gitga’at First Nation (marine protection) and Gitxa’ala First Nation (lands and resources). We drafted a preliminary analysis of legal principles and procedures for peacebuilding and cooperation between Tsimshian communities. This comprehensive Indigenous law report, which contains information on authoritative decision-makers, legal processes, legal responses and problem resolution, legal obligations, substantive and procedural rights, and legal principles. We also have completed a preliminary analysis on Tsimshian law relating to lands, water and resources for Gitxa’ala. A similar report for Gitga’at is in its final stages. This work involved synthesizing and analyzing selected narratives, oral histories, stories, and other textual sources, as well as the views and voices of contemporary community members. The comprehensive environmental analyses include information about authoritative decision-makers, legal processes, general underlying principles, relationships, rights and responsibilities, enforcement, natural consequences and teaching. The communities will be provided with all research materials, analyses, and case book from which these reports are created. The ILRU will maintain the research as a resource from which to develop the proposed UVIC JID Program.

**RELAW Project (2016-2017)**

*Funding from West Coast Environmental Law to support its project*

We partnered with WCEL support their RELAW project. ILRU staff will collaborate and work with WCEL staff on projects involving up to five BC communities aimed at developing and implementing environmental Indigenous law research based on ILRU approaches to analysis, and building contemporary legal instruments. Under this arrangement, we provide a range of training and education for WCEL lawyers and community members, close guidance, advice, support and planning throughout each research phase, and constructive reviews on research outcomes and project outcomes. Our aim is to continue this collaboration pending further funding.

As part of this project, we have held two “learning circles” at the University of Victoria, inviting WCEL and ILRU staff, community members and other people engaged in the practice of Indigenous law or in the re-articulation of Indigenous laws. One of the learning circles focused on the application of Indigenous laws. The other focused on developing methods to articulate governance and reconcile historic and contemporary institutional forms.

**Dispute Resolution Toolkit**

We are developing a plain language dispute resolution toolkit for communities.