

ILRU Analytical Framework: Human and Social Issues

Background:

The Indigenous Law Research Unit is committed to engaging with Indigenous laws as *laws*. The ILRU partners with Indigenous communities who want to access, understand and apply their own legal principles to a full range of current challenges.

The ILRU employs a methodology to identify and articulate Indigenous legal principles. The ILRU team uses an adapted form of common-law legal analysis to analyze a wide variety of resources, including published stories and oral histories. The team then engages with elders and community members about these resources and the law through directed focus groups. The results of this analysis and the interviews are then synthesized into an analytical framework. This framework organizes this analysis in response to a consistent set of targeted questions.

The original analytical framework, developed by Dr. Hadley Friedland, was designed and implemented in relation to Indigenous legal responses to human and social issues. The framework is structured around the following five questions:

1. Legal Processes: Characteristics of legitimate decision-making/legal processes
 - 1.1 Authoritative Decision makers: Who had the final say?
 - 1.2 Procedural Steps: What were the steps involved in determining a response or action?
2. Legal Responses and Resolutions: What principles govern appropriate responses to legal/ human issues?
3. Legal Obligations: What principles govern individual and collective responsibilities? What are the “*shoulds*”?
4. Legal Rights: What should people be able to expect from others?
 - 4.1 Substantive Rights
 - 4.2 Procedural Rights
5. General Underlying Principles: What underlying or recurrent themes emerge in the stories that might not be captured above?

The completed framework provides a transparent restatement of a body of law. In addition, the results from this analysis are recovered tools for governance. They create a foundation for revitalizing principled conversations within and between communities and allow communities to effectively apply their own tools to address complex issues facing them today.

