

Ian Mulgrew: First Nations justice moves forward

DOUG WHITE: "From the over-policing of our people to the criminalization of structural poverty, we cannot commit to anything less than a massive overhaul of our justice system."

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B.C. Attorney-General David Eby and Doug White, chair of the BC First Nations Justice Council, sign strategic agreement. jpg

B.C. First Nations have taken another positive step toward re-establishing their own legal systems in the hope of reducing the appalling number of Indigenous adults in prison and children in government care.

Although they make up only a fraction of the population, roughly a third of the country's prison inmates are Indigenous, and First Nations' kids in this province account for an even greater percentage in care.

Federal Justice Minister David Lametti, B.C. Attorney-General David Eby, and Doug White, chair of the B.C. First Nations Justice Council, announced Thursday the signing of a memorandum of understanding and funding for Indigenous Justice Centres.

"The devaluation of Indigenous people in Canadian society must end," White implored. "It is a colonial legacy that has produced systemic racism, alarming rates of violence and the unacceptable growth of incarceration rates in federal and provincial corrections. From the over-policing of our people to the criminalization of structural poverty, we cannot commit to anything less than a massive overhaul of our justice system."

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First Nations want to restore their legal traditions to improve public safety and community well-being while addressing the social challenges they face — much as some U.S. native tribes have done, including in Washington state.

Many Canadians are unaware or don't appreciate that historically there were vibrant, holistic approaches to justice within First Nations communities before white Europeans arrived.

The colonialists, however, banished Indigenous languages and mounted a concerted attack on their culture — eliminating their governments and legal structures, targeting key elements of First Nations justice for eradication. Potlatches were outlawed, longhouse use was banned, dancing was prohibited.

The settlers imposed their legal systems on Indigenous people, and Canada remains primarily an English common law nation, except in Quebec, where non-criminal law is based on the French civil code.

First Nations had a different and more consensual approach than either English or French systems based on notions of land ownership and individual rights.

This is one of the major outstanding issues between Indigenous peoples and the rest of Canada, White emphasized, and the agreement is the first meaningful initiative in 30 years.

“This memorandum of understanding and funding commitment is a critical first step, but much work still remains,” he said. “We have a long road ahead of us, but we also have a strong First Nations strategy to guide us and partners who support us. We look forward to working with both the federal and B.C. provincial government to transform the justice system for Indigenous peoples.”

Lametti added: “All Indigenous people deserve fair and just treatment in our justice system. Our government is committed to advancing and supporting approaches ... that help address systemic racism and the disproportionate representation of Indigenous peoples in the justice system.”

In 2020, the province and First Nations agreed on a strategy for change that called for 43 actions along two tracks for transformation — the reformation of the current legal system, and restoration of Indigenous traditions and structures.

At the same time, Ottawa promised \$28.6 million over five years to support Community Justice Centre pilot projects in B.C., Manitoba and Ontario, as well as consultations to expand the concept to other provinces and territories.

Through this Justice Partnership and Innovation Program, the federal government is providing some \$8.9 million to the B.C. justice council.

These hubs are an innovative approach to replace traditional courtrooms with a community setting offering legal, health, employment, education and social services to address the root causes of crime, improve public safety and community well-being.

Four are already established in B.C. — in Prince George, Prince Rupert, Merritt, and one virtual centre that serves the rest of the province. They will be officially opened next Wednesday.

A total of 15 are planned, each providing free services that are “culturally safe,” with lawyers and elders to “guide and teach.”

“We need to be doing things differently to address this profound crisis and disturbingly enduring provincial and national trend,” provincial minister Eby echoed. “We’ve already taken significant steps guided by Indigenous people themselves through (the justice council) and local First Nations to move to a justice system that better recognizes the unique justice needs of Indigenous people.”