

# The Atikamekw Nehirowisiw self-determination process and several issues connected with the translation and correspondence of Indigenous legal knowledge and state-enacted law



## INTRODUCTION BY

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## Issues connected with the translation and correspondence of Indigenous legal principles concepts and knowledge with state-enacted law

This presentation by Benoit Éthier and Sipi Flamand discusses the importance of the processes for recognition and dialogue between the Indigenous and state-mandated legal traditions. In their view, the exercise must be carried out in both directions. On the one hand, the members of the Indigenous nations must translate and establish the correspondence of their legal principles, concepts and knowledge with state-enacted law. On the other hand, the legal principles and concepts of state-enacted law must be translated into the Indigenous language and thought system. However, it appears that this process is one-sided. Few state institutions commit to rethinking their legal principles, concepts and knowledge to establish a correspondence with Indigenous languages and thought systems. The dialogue becomes a monologue, helping strengthen the asymmetric relationship between the Indigenous traditions and state-enacted law, and also to undermine the process of Indigenous self-determination, in particular for the Atikamekw Nehirowisiwok nation.

### Translation at the heart of the fight for self-determination

Flamand notes the absence of legal cohabitation between the dominant legal tradition and the approaches that derive from the Indigenous tradition of the Atikamekw Nehirowisiwok. In concrete terms, the legal principles, concepts and knowledge used in state-enacted law do not represent either Atikamekw values or their principles for the definition of rights. This deep-seated asymmetry limits recognition for the ancestral rights of the Atikamekw Nehirowisiw. It also constitutes a brake on self-determination, since the translation of Western legal concepts is central to the self-determination process. For the purpose of decolonization and recognition, Flamand has begun work to highlight Atikamekw Nehirowisiwok political and philosophical knowledge, and in particular *nehirowisiw otiperitamowin*.

### The importance of an approach that respects Indigenous cultural and philosophical identities

A colossal amount of work is needed to translate Western concepts into the Indigenous thought system. It is difficult, and even sometimes impossible, to establish a correspondence between a Western legal concept and its Indigenous legal translation. For example, the concept of sovereignty has no match in the Atikamekw Nehirowisiwok legal tradition. *Nehirowisiw otiperitamowin* can be defined, instead, as responsibility for oneself and for one's self-determination, and by one's connection to the land. As a result, it is necessary to work and reflect in a way that remains mindful of Indigenous cultural and philosophical identities in order to achieve true reconciliation. For this purpose, Flamand proposes an approach of Indigenous resurgence and decolonization, in particular relying on Atikamekw knowledge, including legal knowledge, such as *nehirowisiw otiperitamowin*.

### Resurgence and decolonization of Atikamekw knowledge

The highlighting of Indigenous political and philosophical knowledge helps promote the Atikamekw Nehirowisiw legal tradition and the definitions of Atikamekw law, especially concerning the protection and preservation of the Atikamekw cultural identity. Flamand calls on the responsibility of Indigenous people to ensure the restoration, understanding and preservation of traditional values and history in order to position the Atikamekw legal and philosophical traditions as levers for self-determination.



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