

**The Edge of the Woods:
Being of Good Mind Through Respectful
Indigenous Engagement and Dispute Resolution**

COUNSEL

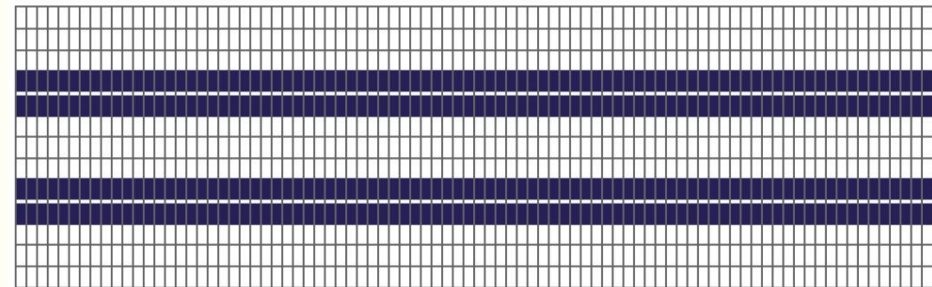
Victoria | Vancouver | Calgary | Edmonton | Regina | Winnipeg | Toronto | Ottawa

Our Presenter



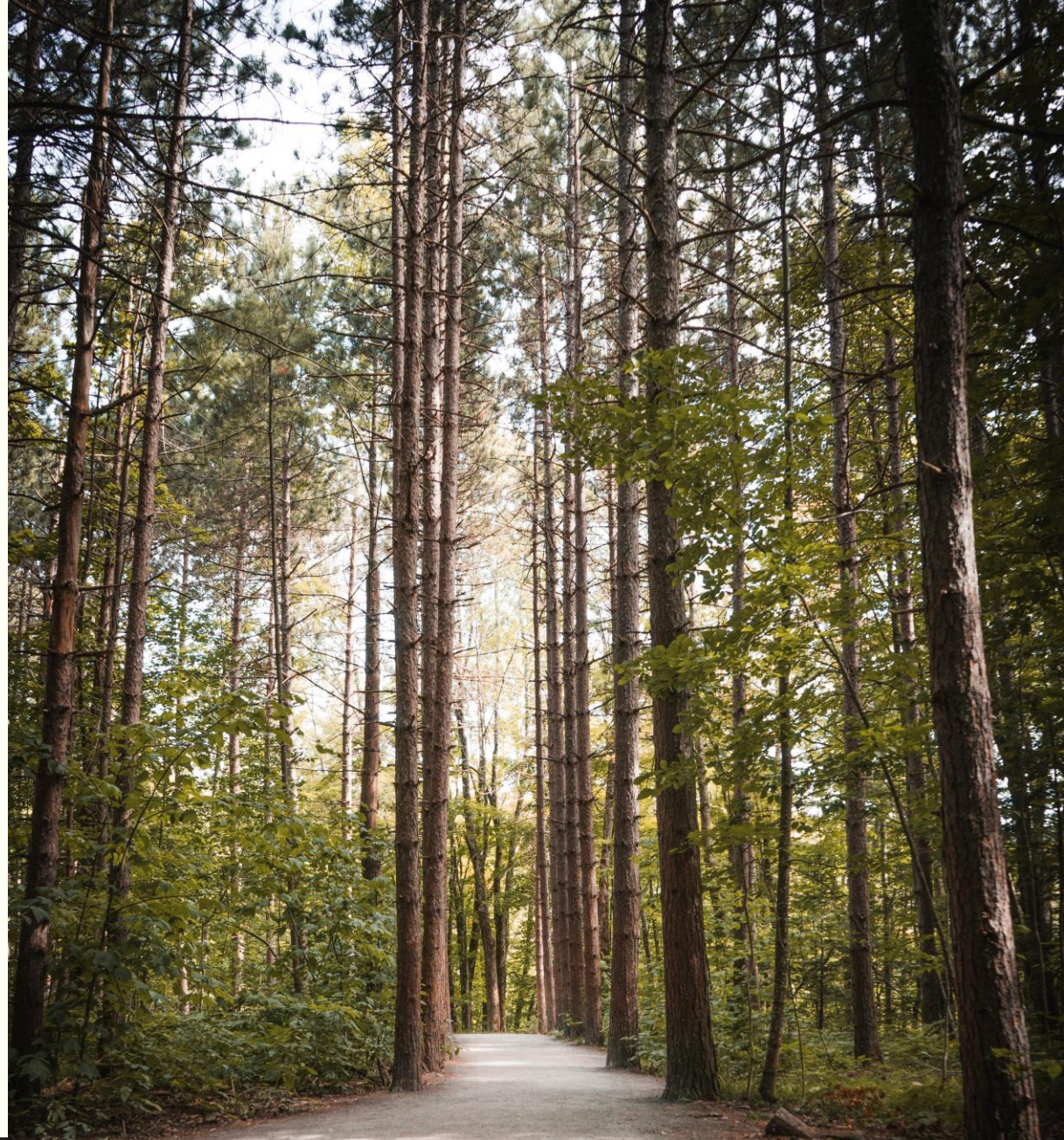
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Restorative Practitioner & Farmer

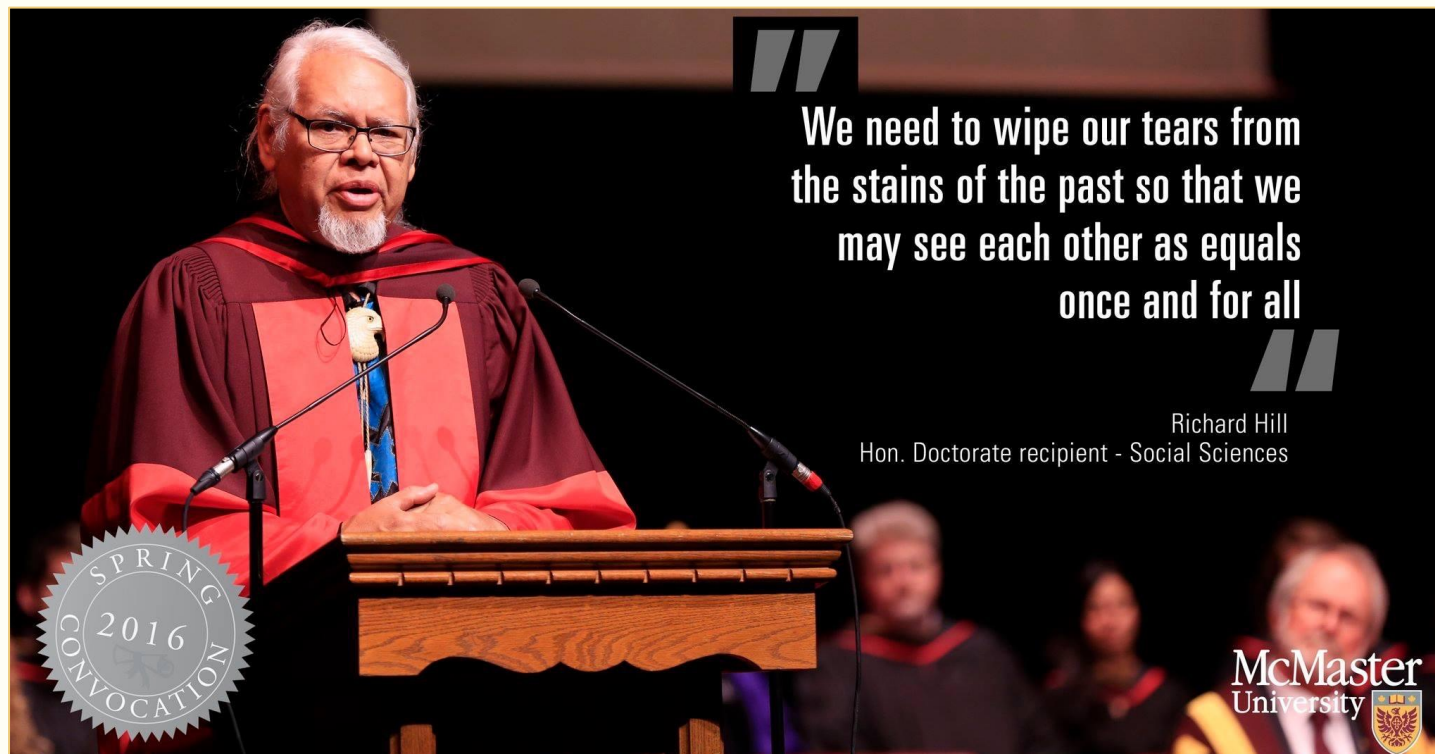


The Edge of the Woods Ceremony

- Visitors to a community should be announced and welcomed.
- Customary for visitors to stop at the edge of the community and explain their purpose for coming.
- Visitors show respect by pausing at the “edge of the woods” and are welcomed into the community.



Reconciliation



“

We need to wipe our tears from
the stains of the past so that we
may see each other as equals
once and for all

”

Richard Hill
Hon. Doctorate recipient - Social Sciences



Objective

Guide participants on best practices and approaches to engaging in dispute resolution with Indigenous peoples.

Integrating this perspective into your practices as adjudicators and regulators.





**Indigenous Peoples within Settler
Systems of Justice and Adjudication**

Indigenous Peoples

- There is no singular “Indigenous culture” – there are many distinct cultures with some common characteristics.
- Three Indigenous peoples recognized in Canadian constitution: **First Nations**, **Métis** and **Inuit**.
- Within each group, unique nations and groups of peoples, with their own culture, language, and histories.



Meeting People Where They Are

- Canadian systems of justice are colonial systems, imposed upon Indigenous peoples.
- Oftentimes these systems interfere with traditional Indigenous norms and values.
- Even if the practices are well-intended, the systems can lack cultural nuance and ultimately discriminate against and isolate the Indigenous peoples participating in them.



What are Indigenous Peoples Carrying?

- Residential school and/or 60's Scoop
- Child welfare
- Racism
- Dislocation and dispossession
- Family history
- Loss of spiritual, cultural identification
- Education
- Poverty
- Disability or chronic health issues
- Gangs
- Legal system
- Addiction



Intergenerational Trauma

- **Layers of Trauma** - Complex forms of trauma/generational trauma.
- More experiences of racism in education, medical systems, policing, courts and incarceration rates.
- **MMIW** - Indigenous Women have been indiscriminatory murdered and have gone missing for centuries, without justice.
- Intergenerational trauma leads to **lateral violence** – the effects of colonialism internalized and expressed upon other members of the community.

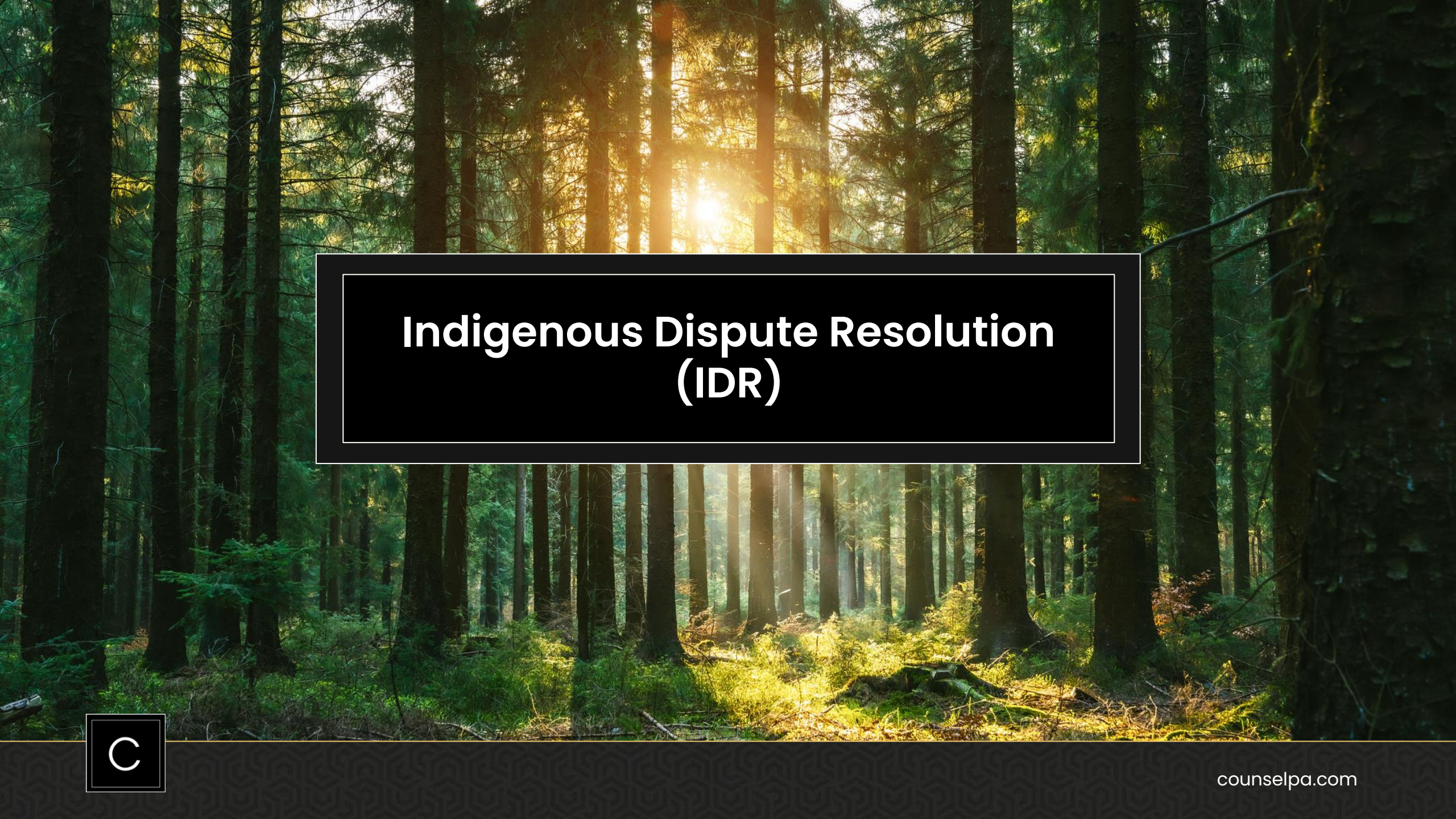
We all have shared history and endure the effects of Colonization



Ethnostress

- Ethnostress is the result of the disruption of the joyful feelings of being an Indigenous person.
- As a result of colonization, our people often become fearful, angry and restless, not connected to the stabilizing influences of traditional culture.





Indigenous Dispute Resolution (IDR)

Principles of IDR

What makes it distinctive?

Culturally-appropriate

- Indigenous cultural interventions are more important than mainstream interventions.

Recognitions of Indigenous rights

- The rights of an Indigenous child or person cannot be diminished, abrogated or otherwise limited

Right to well-being

- Every Indigenous person has the right to be in an environment of cultural safety and spiritual wellbeing.



Principles of IDR

What makes it distinctive?

Free, prior, and informed consent

- Indigenous families are the experts on themselves and are central to planning and decision making. Therefore, no actions will be taken without their free, prior, and informed consent.

Family supports

- Indigenous families have many strengths and resources to solve problems with their families.

Family and friends

- Indigenous family members and friends are valuable resources.



Key Elements of IDR

Develop the Good Mind	Develop an exercise to remind participants to keep the Good Mind – judgment free, fair to all, open-minded.
No Projection	Remember to not project your personal needs onto the process.
Discerning	Be able to sort out judgment from fact.
Objectivity	Keep yourself objective and remain neutral.



Cultural Foundations of IDR

01

Address issues and concerns in a culturally-congruent manner.

02

Hear and understand concerns.

Cultural Foundations of IDR

03

**Create a Well
Being Plan.**

04

**Keep the
meeting clear of
human service
providers.**

Cultural Foundations of IDR

05

**Present and
advocate the persons
Well Being Plan to
the governing body.**

06

**Move forward as a
team, in the *best
interest* of the
person.**

Expected Outcomes and Benefits

- More effective and customized use of community and local cultural resources.
- To have people experience a more culturally-aware and equitable process in regard to their conflict.
- Shift to developing more positive relationships between individuals, family and with dominant society.
- People experience empowerment and resolution through the process of IDR as they develop a safety plan based on their own strengths and practices.





Putting it into Practice

Punishment rarely has the desired effect – most often it creates a whole new set of problems.

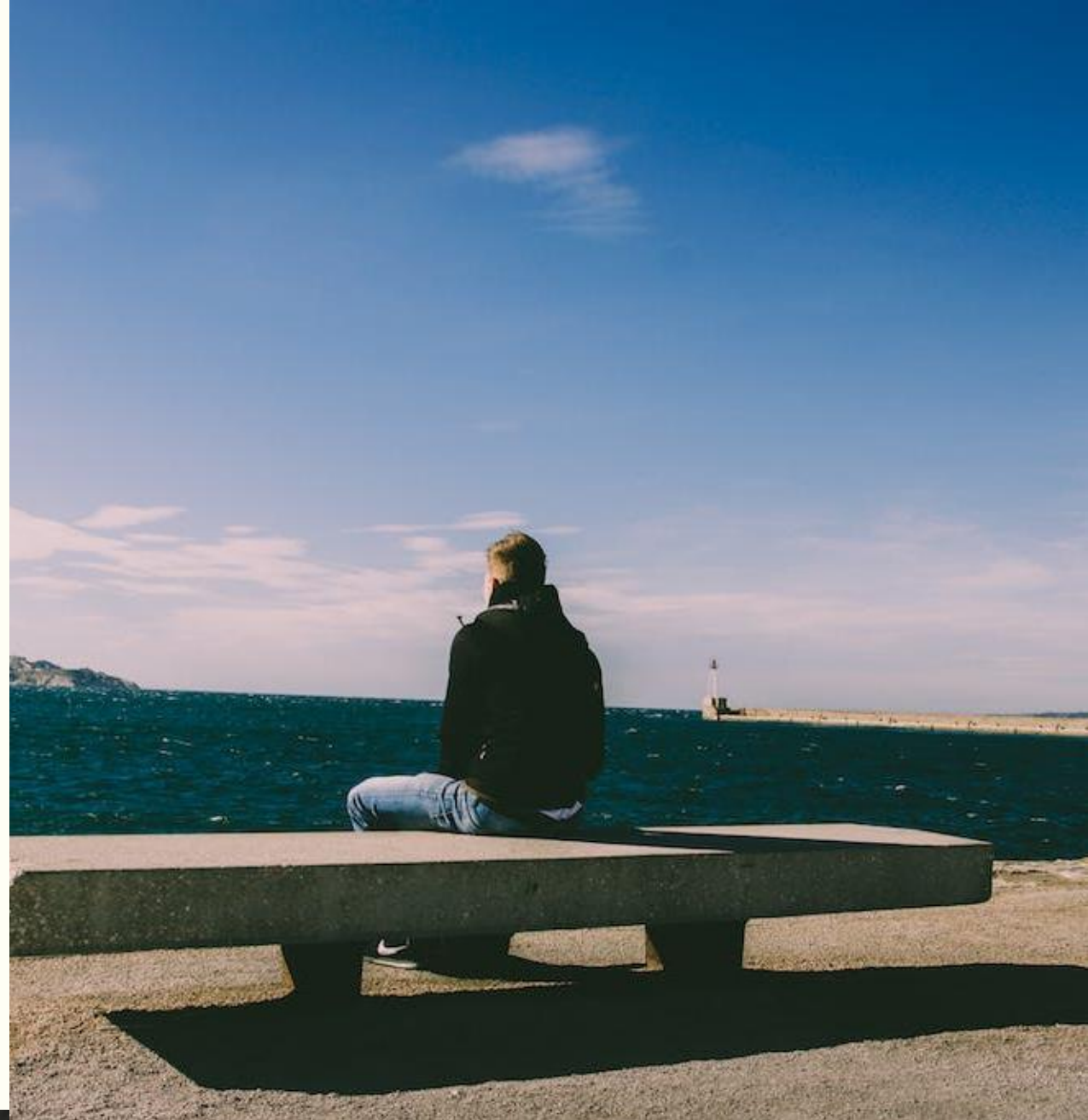
Adjusting Our Lenses

	Before Changing our Thinking	After Adjusting Our Lenses
Harm	Rules broken	People are hurt, relationships damaged
Responses	Blame and punishment/pain	Needs created by harm, making things right
Justice	Seeks to prove right and wrong Achieved through guilt and punishment	Sought through understanding, talk & reparation Achieved through responsibility, needs being met, healing of relationships
Acceptance	Limited acceptance into family/school/community	Maximizes chances for full acceptance



Transforming Our Communities

- Being Restorative vs. Being Punitive in your work life, home life and life out in the community
- Focusing on Strengths vs. Focusing on Weaknesses or Being Critical
- Being Open vs. Being Closed as a person. Are you Approachable?
- Do you look to Repair Harm vs. do you continue to Cause Harm?





Restoring the Good Mind

The Healing Path is Not a Straight Line

“Your Normal”

Functioning, not Living.

Realization DIAGNOSIS

Shock & Denial

Finding out the effects of the past influence the actions of today.

Years of Avoidance, confusion, irritation, embarrassment and blame.

Anger

Years of frustration, embarrassment and shame.

Depression & Detachment

- Feeling overwhelmed
- Having the “blahs” / low energy
- Feeling helpless

Perspective CHANGED

The Way “OUT”

Return to Meaningful Life

- Finding Original Instruction
- Empowerment
- Security
- Self-esteem

Acceptance

- Exploring options
- Putting a new plan in place

Dialogue & Bargaining

- Reaching out to others
- Desire to tell their story
- Struggle to find meaning in what has happened

Original Instructions

“In our bodies live the original instructions, we received when we came to this earth:
go out and about in the world and create oneness with creation.

When we live in contradiction to this instruction a kind of madness [the split mind] overtakes, or our bodies weaken [auto-immune diseases develops], our hearts are saddened, and our spirits are overly cautious.

Clear the path, our elders teach, make memories work for you.”

- Lee Maracle (Salish/Cree) *Re-Membering Memory*

What is the Good Mind?

- Uses reason instead of intimidation or violence.
- Treats all people with respect.
- Treats all people fairly.
- Has compassion for others.
- Remains calm.
- Does not seek revenge.
- Does not spread gossip.



Good Mind Model of Wellness

- Our Fire, Our Spirit
- Compassion and Innocence
- Love and Caring
- Words of Encouragement
- Inner Strength
- Kind Caring Words
- A State of Peace

Formal Restorative Questions

1. What happened?
2. What were you thinking at the time?
3. What have you thought about since?
4. Who has been affected by what was done? In what way?
5. What do you think needs to happen to make things right?

Seventh Generation Mandate

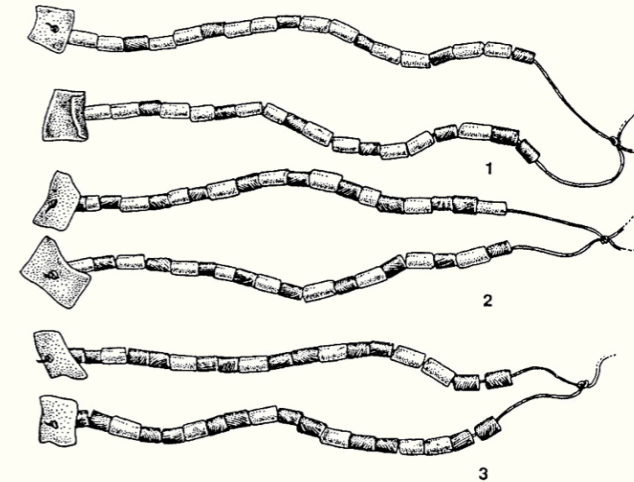
Think not solely of the welfare of your current generation, nor even that of the next.

Instead, think of the future welfare of the Seventh Generation to come, the faces that are coming from within Mother Earth.

Wiping the Tears Protocol

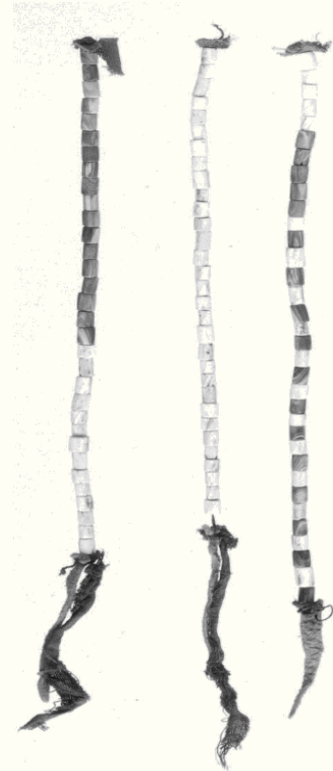
A Model for:

- unburdening a troubled mind
- uplifting the mind, body and spirit



Condolence...

We've never condoled each other for the losses we've suffered.



Questions and Discussion



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