



Patricia L. Tait

**Systems of Conflict Resolution
Within First Nations Communities:
Honouring The Elders, Honouring The Knowledge**

NCFNG
NATIONAL CENTRE
FOR FIRST NATIONS
GOVERNANCE



CNGPN
CENTRE NATIONAL
POUR LA GOUVERNANCE
DES PREMIÈRES NATIONS

**Research Paper for the
National Centre for
First Nations Governance**

2007

SYSTEMS OF CONFLICT RESOLUTION WITHIN FIRST NATIONS COMMUNITIES

Honouring the Elders, Honouring the Knowledge

© 2007, Patricia L. Tait¹

First Nations people are well aware that many of our governments and citizens struggle to move beyond the violence and dysfunction that characterizes some individuals, families and communities. Within some community settings, drugs and alcohol prevail, family members are involved in the justice systems and children are being apprehended. These situations are being compounded by significant unemployment and lack of both education and employment opportunities. Loss of culture, language and tradition further exacerbates the problems. All of these are primarily attributable to the impact of colonialism. The subsequent efforts by Canadian society to address these concerns through non-Indigenous interventions, developed and delivered by non-First Nations individuals, have most often only extended colonial impacts. First Nations people recognize that these efforts have been unsuccessful and have only served to further disrupt the traditional infrastructures.

The position, that control over peace making systems must rest with the First Nations, has been reinforced by justice reports authored by Canadian government sectors.² Previously mentioned non-Indigenous interventions have impaired the First Nations community's inherent ability to provide a peaceful and safe environment for all their citizens. It is important to note that the author does not equate non-indigenous understanding of justice with the limited definition attached to criminal justice systems. Rather, the term justice that is used is reflective of wellness, fairness and balance for First Nations and their people within Canadian society. Without a doubt these self determined forms of justice, First Nations community controlled, community empowered models of intervention, are better equipped to deal with internal issues in a more wholistic way. This justice definition requires recognition of the wisdom of First Nations people to define, address and heal the wounds of their own.

THE HEALING WAY: Recognition and Respect

Efforts are being made by First Nations in both urban and reserve communities to take back ownership of conflict resolution, healing, and justice to regain control of the issues that present themselves as problematic for the people. Conflict occurs on many levels and is a multifaceted concept that necessarily will elicit diverse responses. Conflict may occur between individuals, families and interest groups within the community, between communities, and certainly between First Nations, their government structures and Canadian governments. The complexity of this situation, in concert with resolution which itself has many faces, can appear to be overwhelming. However, it presents not only the need for strategic interventions, but also a world of opportunities within First Nations seeking projects for their communities. That being said, First Nations conflict resolution must be committed to honouring the values, processes, and traditions of the people, while recognizing that those imperative constructs must survive within a Canadian society that will often shun alternatives to the status-quo.

First Nations initiatives may initially necessitate approaches which operate concurrently with Canadian systems. This is particularly true when criminal justice issues are involved and it will remain true until the time when there is recognized and implemented autonomy for First Nation's peoples. This is a vision that has been articulated by Patricia Monture when she stated,

When Aboriginal people assert jurisdiction in matters of so-called criminal justice (which is not by any means how I conceive what justice is), we hear in response that there is a single system of criminal laws in Canada. Non-Aboriginal people fear the results of Aboriginal Peoples asserting jurisdiction over criminal law matters. What should be heard is the simple plea of Aboriginal Peoples to have both the resources and the control to address the many problems that our communities now face. People must stop fearing the possible creation of many Aboriginal criminal codes. What Aboriginal people seek is the acceptance that there can be more than one valid and legitimate way to address dispute and wrong-doings. Aboriginal people do not wish to displace anyone else's right to be governed by the legitimate and properly consented to laws of their nation. To do such a thing would amount to becoming oppressors

ourselves. Our challenge is not a challenge to your rights to be in your own unique way, but a simple desire to follow our own ways.³

Though acceptance of this concept may require creative approaches, it is important that First Nations commit to undertaking that challenge. As stated by Monture it is indeed ‘our own way’.

It is important to recognize the great diversity that exists across First Nations and their communities. First Nation’s communities will necessarily have different priorities, specific to the needs of their own people. Youth, justice, policing, substance abuse, language, cultural, ceremonial and Elder’s teachings represent just a sample of the focuses that may be taken. All these areas require conflict resolution strategies at some level. Priorities and projects may also be governed by the expertise and resources that are locally available. Projects addressing the same issues could look very different and that is attributable to the uniqueness of each First Nation. For example among many west coast nations, cleansing is traditionally achieved through water baths, while their central and eastern brothers use the sweat lodge for similar reasons.

In the face of this complexity and the plethora of on- and off-reserve issues across Turtle Island (in particular throughout Canada), there are innovative and inspiring projects of conflict resolution taking place. Communities with more sophisticated infrastructures in some instances have taken on larger projects addressing a number of concerns, while some initiatives are being administered by one committed individual in a given community. In order to demonstrate the complexity of this project, life examples have been included. Both ends of this spectrum and all those between have merit and deserve acknowledgement. Effort will be made within this paper to achieve that goal. Although only a small sample of projects that are taking place are examined, they are far from exclusive and are reflective only of a small sampling of projects that are occurring in the prairies. They are intended to capture the spirit of processes that may be transferable and inspirational to other communities and other regions, The examples used were easily accessible to the author because of their proximity to Saskatoon. This does not suggest that there are not equally valuable examples across the country, as a reparation of communities.

Healing on all levels of justice, necessitates projects that do not overwhelm the providers and, with success, will generate a commitment to proceed to address other more complex concerns. There are many ways this can be achieved through support of justice committees and others, perhaps those who have been impacted by the non-Aboriginal justice systems, who come forward with ideas and options for consideration. The relationship between each type of initiative or intervention may not be clear to the individuals involved. They are most often too busy to appreciate the connection as they labour within their own priorities. It may be that a community has chosen to address the conflicts that exist with youth while another may have determined that their most pressing need is conflict that exists between the community and their non-Aboriginal neighbours. No one project, or component in a single moment or single step can hope to achieve all the healing that is needed within some First Nations communities. Each is important to wholistic wellness that is the ultimate goal for First Nations peoples. The connection between each element within this process does exist and as commitments mature the way forward becomes clearer and community balance will be achieved.. This is stated well within the Sacred Tree, a production of Four Worlds International Institute:

Changes occur in cycles or patterns. They are not random or accidental. Sometimes it is difficult to see how a particular change is connected to everything else. This usually means that our standpoint (the situation from which we are viewing the change) is limiting our ability to see clearly.⁴

Though we may never actually see from our limited vantage point the connectedness that is referred to here, it must be acknowledged as it does indeed exist. Positive changes are necessary to the ultimate healing of First Nations from all those issues that have oppressed, depressed and trapped the people in states of hopelessness and despair. We must strive to remember that at times progress will feel frustratingly slow.⁵

ELDER PARTICIPATION IS ESSENTIAL:

Irrespective of the 'system' or project undertaken, it is imperative that Elders play an integral role. Their wisdom must be acknowledged through their direct involvement in

the development and visioning of the initiative. But there is no single model about how Elders and the traditional Knowledge Keepers must be involved. This is another form of First Nations diversity and the role of Elders may vary greatly across the country. This process enriches a purely academic, clinical approach and adds to maintaining a balance that can not be otherwise achieved. First Nations people have challenged non-Aboriginal systems to ensure that the role of the Elders is not minimized. This was one of the very first steps taken to realize Aboriginal justice. Within the federal correctional system the role of the Elders working with First Nations offenders is clearly articulated within the Correctional Directives for Correctional Service Canada.⁶ It is the responsibility of First Nations individuals or communities to identify the Elders or Spiritual Advisors they believe can best fulfill that role though ultimately the Service makes the final decisions with regard to contracting.

Various models of institutional Elder programs exist in both federal and provincial facilities across Canada. NCSA's program provides Aboriginal inmates the opportunity to have contact with community Elders who are able to prepare them for release. These Elders and Spiritual Advisors provide wholistic support, counseling and traditional ceremonies for incarcerated men. It is the opinion of this writer that a visiting Elder program, though to some extent informal in its mandate and content, has tremendous merit for First Nations men and women in conflict with the law.

Elders are identified based on different criteria and beliefs within communities. Dr. Art Soloman⁷ (Ojibway Elder) has suggested that:

“...the elder, the concept for me is like if you go into a strange land and you don't know the country and you're swamped and there's muskegs and there's bad places to travel and there's good places to travel. So the one's who have been longer are the good guides because they know how to get around the swamps, who know where to go on, and so on. It doesn't matter if there is a trail.”⁸

It is clear from this quotation, that the concept of Elder is representative of more than that of an older person who conducts ceremonies, though that may indeed be one quality that

an Elder exhibits. Elder is not a single role, even within one community different Elders hold different responsibilities. It is the knowledge of the journey that the people have traveled before, and the paths that were taken to reach their destination. This wisdom, when entrenched in the models of healing and respectfully transformed into current reality, will provide the integrity necessary to systems of conflict resolution within First Nations communities today. The significance of Elder participation has been proven by the projects that are noted within this paper as examples of directions that have been taken to resolve conflict that exist for First Nations people.

URBAN INITIATIVES: The First Example

Urban organizations, such as Indian & Métis Friendship Centres, offer a vast array of conflict resolution projects, through their programming, counseling and support programs. The role of the Elders is visible in all the programs and projects that these non-government organizations undertake. Details of these urban priorities are easily accessible and worthy of researching.⁹ One of the earliest examples of an urban-based initiative is the Native Counseling Services of Alberta (NCSA). It was founded by Chester Cunningham¹⁰ and is an example of an organization which has attacked many elements of conflict within First Nations communities.¹¹ The focus of the projects undertaken by NCSA is extensive and the projects are not exclusive to Edmonton area where their head offices are located. Rather, their projects and programs are situated throughout Alberta where needs have been identified that NCSA could address. Within the diversity of programs offered, Elder significance and conflict resolution are central. The role of traditional Elders is fundamental to all that is done within this organization. They are instrumental in guiding all the programming and in the development and delivery of those programs. By virtue of their mandate, this organizations recognizes the fact that many First Nations families, within urban settings are underemployed and living in poverty. There are no charges for any of the services provided.

Having identified many needs within First Nations communities (urban, rural, settlement, reserve) in Alberta, the NCSA has endeavoured to focus their priorities. They are currently targeting Aboriginal people in conflict with the law, the homeless, the underemployed and undereducated, youth at risk and women, some of whom have been

in conflict with the law. As with many urban organizations, NCSA is “treaty blind” not concerned with individuals having status, and is able responsive to the needs of all First Nations peoples (registered Indians, Métis, Non-registered Indians, or Inuit). This commitment to serve all Aboriginal peoples poses some interesting challenges in program development and services provided. This is a challenge common among many Aboriginal organizations. It is important to stress that as an urban organization which has inclusiveness as the mandate, NCSA is able to draw upon funding from various sources. These include federal (Indian Northern Affairs Canada plus other departments, provincial and municipal governments. This may not be the case for other projects, particularly those that are located on or through reserves and funded solely through INAC or their affiliates. The criteria for Indian Northern Affairs Canada (INAC) funding may be insistent on a target population of registered Indians only. Another challenge urban organizations face, irrespective of the source of the funding, is the need to offer competitive salaries for workers who will be taxed during their employment. This is a challenge when funding for non-government organizations (NGO’s) and projects is recognized as limiting.¹²

Among the programs that are offered by NCSA, are various initiatives that address diverse concerns within the Alberta community. The Family Court Worker Program which is invested in ensuring that Aboriginal families, at risk of coming into contact with child welfare system are provided with support and guidance in resolving their conflicts with the family court or child prevention services. The Criminal Court Worker Program involves conflict resolution for both victims and offenders in and out of court settings. NCSA is heavily involved in the delivery and facilitation of various alternative and restorative justice processes. These may involve victim/offender mediation processes, arrangements for reparation of damages by accused and providing non-therapeutic counseling including emotional support to accused individuals.

In an advocacy role, the criminal court workers are able to seek alternatives to criminal charges or mitigate the harms that flow from loss of liberty. This process allows both the accused and the victim to be satisfied and sometimes can even avoid a criminal charge being laid. One story that speaks to the accomplishments of this program is:

... An Aboriginal lady was arrested on a warrant issued for charges related to the Traffic Safety Act. She was a Grandmother, raising two grandchildren with no previous criminal record. As it was the 22nd of December, she was being transferred to Edmonton, and would be held over the Christmas holidays. The NCSA Court Worker advocated on her behalf with the police and Justice of the Peace, contacted the Parole Officer (who was able to arrange for her to be put on probation with Community Service hours to begin upon her release) and arranged for her release on December 24th in time for Christmas preparations.... As a result of completing her community service hours at a local organization, she was offered employment; she remains in her position today, the primary wage earner for her family¹³

As a success story, this example is to some extent flawed by the reality that this grandmother, in the best case should perhaps not have been removed from her family and incarcerated at all for a traffic safety violation which likely reflected her inability to pay a fine. This in turn reflects the poverty many First Nations families live in. However, it does illustrate that there are positive, though compromised, outcomes available when First Nations advocacy is in place for the people. The limitations imposed through necessarily providing services from within a non-Aboriginal construct, reinforces the need to continue advocating for First Nations autonomy in justice matters.

Stan Daniels Healing Centre, another NCSA initiative, is a facility for men, intended to be an alternative to federal incarceration in a non-Aboriginal institution. This facility is located in downtown Edmonton and is funded under an agreement with the Correctional Service Canada.¹⁴ It offers a healing lodge environment for offenders. Management is based on Aboriginal values, protocols and traditions and is a paradigm shift from a correctional philosophy to a healing one. Positive growth and not punishment are the focus of the programming and interactions with offenders. Other similar facilities do exist, but are located in either rural settings or on reserves.¹⁵ Each of the facilities is at a different stage of the transition from a CSC facility to one that is managed entirely by the host Aboriginal community. Stan Daniels has completed that transition. Stan Daniels, like other Healing Lodges has developed traditional programming that is unique and will address the needs of the population they serve.¹⁶

The expectation that an organization such as NCSA will be without difficulties would be naive indeed. The power differential between government and Aboriginal

organizations can not be eradicated in its' entirety and in fact continues to erode the integrity of what might otherwise be able to be accomplished. As funding agent for these facilities, the government is able to impose expectations that are based on non-Aboriginal constructs. They are reflective of imposed laws and consequences that do not mesh with the beliefs of First Nations people and often clash with methodology that would otherwise be utilized by First Nations. Though certainly better than the alternative of incarceration within a federal non-Aboriginal facility, it is not reflective of a wholly First Nations model. This is not a situation that is unique to corrections but entrenched throughout Canadian law and continues to have far reaching implications for First Nations. Melissa Williams articulates the reality very well when she says;

... notwithstanding *Gladue*, use of sentencing circles and elders panels is subject to the discretion of the judge. This effectively preserves the colonial relationship between Aboriginal peoples and the Canadian state, as many observers have noted. ...we must not forget that it is non-Aboriginal Canadian law (the Criminal Code ...) that sets the normative terms for these cases. Aboriginal people have had little or no meaningful role in defining the legal content of normatively acceptable behavior as set out in ... law, and many Aboriginal people, again, feel the imposition of this law as another example of colonialism.... Community based sentences impose heavy responsibilities on Aboriginal communities without necessarily securing the resources necessary to fulfill those responsibilities. This constraint reminds us, once again, of the close connection between cultural marginalization and systemic material inequity for Aboriginal people."¹⁷

The truth of this is manifested in the struggles that we see in community based project funding available for First Nations justice proposals that serves to limit the impact of potentially positive interventions.

In collaboration with visitation from other traditional peoples from the community the Elders offer First Nations men and women being released from institutions a resource they can count on. This lifeline to tradition is often critical to the success of individuals who when released have the best of intentions but not the tools to succeed. Although research on release needs of Aboriginal prisoners is still scant, presumably of little interest, rarely touched upon and more focused on researcher interests than on community needs, a good analysis can be found in M Hodgson and D. Heckbert,

“Healing Spirit and Recovery”.¹⁸ Where are the traditional resources? Where are ceremonies held? Who are the Elders in this city? How can these individuals or activities be accessed? These are questions that are frequently asked by First Nations men and women who are imminently going to be released into a community whether urban, rural or reserve. Through a visiting Elder program, individuals who may be insecure about protocols for approaching an unknown Elder have already made that connection with those Elders in the visiting Elder program.

The needs of Aboriginal women have also become a central focus of NCSA. The need to reconcile the conflicts that are pervasive in the lives of First Nations women is acknowledged through providing a forum that is accessible and meaningful to women. Historically the availability of resources to address these needs have been limited, an extension of programs that were developed for men or simply programs that were gender neutral. Not only have these early efforts not been of real value but they have served to further marginalize woman.

The Healing Tears Program, another NCSA initiative is funded by the Aboriginal Healing Foundation. This Women’s Circle utilizes Medicine Wheel teachings. With the help of traditional Elders and community resources, this circle provides a safe environment that supports women on their healing journey. Child care and transportation are provided in recognition of the difficulties that would otherwise face these women.¹⁹ In addition, the program offers “Elders Tea and Story Telling” where the Elders are able to share traditional stories and their personal journeys toward wellness including how they have overcome the tragedy of residential school. Lee Francis of NCSA emphasizes the importance of these stories.

For the People, whether urban - or reservation-born, it’s really about story. The ancients among the People understood that all of creation – seen and unseen – tells story. In the long-ago time, from birth to earth, the People learned about their harmonious place in the order of all creation by listening to and telling story. Their identity was inextricably interwoven in the stories they were told. For Native People, story was and continues to be essential to an individual’s identity construction and development.²⁰

The positive impact of this story telling is clear and gives purpose to those Elders who have stories to tell. This process of healing is achieved through reinforcing the traditions and rich histories of First Nations people, their knowledge, wisdom and bravery, prior to the sad realities that currently exist for many.

As suggested earlier in this paper, Elders come with various gifts and stories are a gift to be shared. One participant in the program has eloquently stated:

Before I felt out of place, suicidal and isolated because I had no one to talk to about my traumatic experiences. I used to keep them bottled inside me and now I share my stories so that other women can become inspired and not feel alone...this Healing Circle has become my haven. This is my place to heal, to listen, to share, to mature and most of all, to succeed.²¹

This is the outcome that First Nations envision for programs, and speaks to the dramatic and multifaceted healing that can occur. We must always ensure that the importance of each gift that is shared by the Elders is acknowledged and recognized as essential to the ultimate healing of the people. This can not occur unless the needs of women are also addressed.

Tradition is not just important for healing but in strengthening people. As Herb George says: "We must create a new memory in the minds of our children."²²

In addition to the recognition given to Elders and traditions, it is clear that the passion and commitment to honoring other leaders of the past is being maintained as Chief Executive Officer of NCSA, Allen Benson states that looking back;

...we have lived the vision of those courageous First Nations and Métis leaders who supported, lobbied for and eventually realized the creation of a not-for-profit, non-political organization that could create significant, positive change for the Aboriginal peoples of Alberta.²³

These leaders too fought battles and engaged in conflict resolution through planting the seeds of what an Aboriginal organization could be. These men and women are examples of those from across this country who walked before us and made initial inroads within the framework of non-Aboriginal society with alternatives to the status quo, for leaders of today to build upon. This history that is kept alive through sharing provides an underpinning of courage for those engaged in current efforts at conflict resolution. NCSA is but one example

of how that can occur. Other communities may choose to use the groundwork of their own Elders and predecessors to address other areas of conflict.

YOUTH AT WHITEFISH FIRST NATIONS: The Second Example:

Many First Nations youth, across the land, experience on different levels, and with different manifestations, an appalling sense of hopelessness among many of our First Nations youth. The breakdown in family structures within First Nations has resulted in young people who are falling into conflict with their families, their communities, and the law. Historically Canadian society efforts have proved unsuccessful and the dysfunction of these boys and girls has escalated to become abuse, violence, and criminality by them as men and women. Positive changes need to occur to overcome this crisis. Breaking that cycle of conflict, anger and dysfunction that leads to incarceration needs to happen if there is hope of transcending the unhealthy choices that lead to criminality and separation from those values that First Nations embrace and know to be the core of healing.

I was born in 1960 and lived on the rez in northern Ontario till I was about 8. My family moved to Toronto, and the trouble started. Well maybe it just got worse. I was in foster care, group homes, receiving homes, youth justice, provincial jails and finally graduated to the federal system. Did time in lots of the pens in Ontario. Too many years wasted. I was a bro... I relapsed more than once, but finally got married and had five kids. That helped. Just five years ago I returned to the teachings. It was hard man. Not much support out there. Wish it had not taken that long. Went to school and now work as a social worker with a degree. No one would ever have thought I could do it. If it had not been for the Elders, I know I would still be lost²⁴

Healing can occur. It just requires time, resources, and faith. Each pebble in the pond creates a ripple effect that impacts many. It requires a realization that the impact of one man's healing can serve as the pebble in the pond that has ripples that touch many.

A program, committed to instilling positive change for youth exists on Whitefish First Nation in central Saskatchewan. Historically, the youth from this community and other surrounding First Nations, have been placed in group homes off the reserve where their custodians were primarily non-Aboriginal workers. Any healing that occurred

happened in isolation from family and the traditions of the people. On Whitefish they have developed a group home setting, Asikwanehk (which translates to bridging) to house youth who have come in conflict with the law and to reintroduce them to their home community in an holistic way that embraces the traditions of these Cree people.²⁵ This initiative has allowed the community to repatriate these teens and created a safe environment for them to be reconciled with their community and their families. Reclaiming the values, methods, theories and ways of the past is proving to be a successful strategy.

During an individual's stay at Asikwanehk, usually a year or more in duration, there is a plan created to meet the needs of that resident and to address the conflicts in his or her life. This plan is unique to that individual. It may address issues and needs around behavior, family relations, school difficulties or simply growing up. The home is open to individuals with diverse backgrounds and needs who may suffer with difficulties associated with fetal alcohol spectrum disorder (FASD), schizophrenia or other impairments to their being able to function in the community, at school and at home. These youth may have suffered different types of abuses or they may have abandonment issues. Addictions are frequently present. This project relies upon contact and involvement of the individual's family as well as other community supports. It encourages their participation in the development of the healing plan. Healing only one member in a family (the youth) would be futile, for the trap of dysfunction would be waiting for that youth as soon as they were away from the healthy setting of Asikwanehk. Bopp has articulated the results of that imbalance among First Nations stating:

Values are the way human beings pattern and use their energy. If there is not a balance between our values concerning ourselves and our values concerning others, we cannot continue to develop our true potential as human beings. Indeed, if there is an imbalance, individuals, and whole communities suffer and even die.²⁶

The young people of Whitefish and surrounding area learn how to deal in a healthy way with issues they face and so to do their extended family and community. This is achieved through sharing circles, mediation circles and ceremonies such as sweat lodge

ceremonies, to address conflicts. It serves to prepare all parties for the time when the young person will return home.

The healing, personal growth, and capacity to interact without blame and shame is integral to the process and in keeping with the traditional ways of Cree people. Pricilla Clark, Director of Asikwanehk shared her enthusiasm about the program saying:

I have worked in a group home before. This is very different. When the boys and girls leave here they often want to come back. When I meet them on the street, they always give me a big hug. They are more like family than anything. You get very close when they are here for one or two years. Lately we have not been able to meet all the needs, the house is always full and we keep getting calls. It is so good that we are expanding to have 16 beds by April.²⁷

Youth are the future. If they are not provided with a strong foundation including the tools they need to function within society in a healthy way that future will be grim. This project exemplifies traditional conflict resolution and what can be done through caring, community engagement and the healing of families. Through the example of this traditional intervention the entire community is reclaiming not only those lost children but the teachings of First Nations people which sustained us for generations before contact. Asikwanehk is indeed bridging.

REINTEGRATION: The Third Example

Prince Albert Grand Council (PAGC) hosts a federally funded program to assist First Nations men who have come in conflict with the law in preparation for their return to families, homes and communities in a positive way. The program is delivered in Prince Albert, Saskatchewan, by Sam Russell Badger who was born on Mistawasis First Nation. He received his Bachelor of Education degree in 1987. He has since acquired skills in counseling, mediation and does presentations of all kinds to youth and adults. He has worked as a teacher, counselor and mediator. His experiences include being a prisoner escort for the provincial correctional centers for men, Saskatchewan Penitentiary, Riverbend Institution, PAGC Healing Lodge and Willow Cree Healing Lodge. He has also worked as a curriculum writer, land claims team member, self-determination acts contributor, gang councilor, prison liaison and researcher. Sam has

also worked as a part-time actor whose greatest claim to fame was playing a Sioux (Lakota) Chief in the movie “Shanghai Noon” with Jackie Chan, Lucy Liu and Owen Wilson. He has been drug and alcohol free since 1991 and lives a very traditional lifestyle. It is important that the worker is not just comfortable, but enthusiastic about working with individuals who have come in conflict with the law. Individuals who have been incarcerated become very intuitive about those around them. Choosing the best candidate for a position, and that might be someone who has walked a troubled journey themselves, will ensure the best possibility for success of a project where offenders are the target group.

First Nations offenders have some similarities that can be drawn upon when projects addressing the needs of this population are being developed. Chief Justice Robert Yazzie has defined one of those similarities when he says:

What is an offender? It is someone who shows little regard for right relationships. That person has little respect for others. Navajos say of such a person “he acts as if he has no relatives”. So, what do you do when someone acts as if they have no relatives? You bring in the relatives!²⁸

Relatives are indeed the foundation for the Family Reintegration Worker project facilitated by Sam Badger. It provides support for incarcerated individuals, their families, their communities and the victims of their crimes.

The process, often a releasing circle, commences shortly before an anticipated release and continues after the incarcerated First Nations person returns home. Traditional mediation circles and victim offender reconciliation processes provide individuals and community with the reassurances they may need to support the reintegration of the offender. Commitments are made by all parties to ensure that the support systems needed to ensure success are negotiated in a traditional circle. All parties are aware of their responsibilities and that of the returning individual. The worker attempts to access as many positive supports systems, both formal and informal, as is possible. Work with families is integral to the process and there is an effort made to ensure that the man is returning to a healthy setting.

Sharing history, culture, traditions, language and kinship to land and families is an awesome task that is important to the position of Family Support Worker. “Traditional

systems of politics, justice, culture, education, spirituality and language, everything affects the other.”²⁹ This needs to be provided to both “clients” and staff. Coming to terms with the isolation of working alone on a project and identifying personal limitations, both financial and human, can be a struggle for those who are committed to a project such as this. The ability to make connections and enhance relations is an important consideration for establishing successful programs.

It is imperative that there are checks and balances in place for workers, and personal support in place to meet their social, cultural and spiritual needs. The Family Support Worker project has proven equal to the challenges. Men have returned to their communities, their wives, their extended families and have managed to overcome the usual traps that exist for those marginalized members of First Nations societies, who have been incarcerated, held in prisons, separated from family and communities. To date, after three years in operation, the recidivism (return to prison rate) for men participating in this program is 0% and evidence of the success of utilizing methods of intervention that is respectful of and based on First Nations models. This is a demonstrable statistic that proves without any doubt the value of a caring based individualized program. The facilitator is clear that this program is working well but certainly not all that is needed in the community to address all conflict issues. It is but one effort that is evidence of what might be.

CONCLUSION

These projects represent approaches and priorities that may be considered. They are examples of peaceful intervention strategies. We must acknowledge too that there have been efforts to reconcile differences, particularly between First Nations and Canadian society, which have escalated to include more aggressive efforts. These efforts too have been intended to bring attention to inequities that continue to exist. They are proposed to address promises and/or treaties that have been broken by Canada in dealings with First Nations people and were undertaken to draw public attention to the issues that prevail. Alone they would not usually serve to resolve the concerns. They could however be the catalyst to initiate discussions and potential resolution between First Nations and others. Though voiced by one group or person these efforts to find reparation

have often been reflective of the collective concerns of First Nations,. The consequences of not being able to make progress in First Nations communities are serious. Efforts have too often fallen on deaf ears causing breakdowns in negotiations with government and faith that forward movement was occurring. Frustration has ensued and violence has occurred. An example is clear in the efforts of the Native Peoples' Caravan to the People of Canada. The caravan was a group of First Nations men, women, and children, from various Nations who had traveled from British Columbia to Ottawa. Their efforts to deliver a Manifesto to the Government of Canada on Parliament Hill, September 30, 1974 state in part:

We the Native Peoples have banded together to come to Ottawa seeking justice... We are here to talk about equality and human rights. We are here to talk about the right of all people to live as free people.

For many years we have received promises instead of human rights. Promises, instead of justice. We are here to say the people cannot live on promises... Today our people exist in the midst of the Canadian extension of European competitive values. Today our people have alcoholism. Today our people have no education. Today our people have no work. Today our people have no housing. Today our people have no respect.

We are here to talk about violence. The violence of racism, poverty, economic dependence, alcoholism, land theft and educational warfare. This is the violence that hurts our people. We say it is time for the democracy of Canada to end its political and social violence against our people... we are here to talk about constructive action. This time we are still willing to talk but we will not sit idly to the side while the destruction of our people is completed.

We only seek to live as free people. It is the way of the land and its children.

The will of the people to be free is supreme.
The right of the people to be free is divine.³⁰

Sadly this assertive though peaceful effort to be heard, ended in a violent riot that was editorialized throughout the land in news articles that said in part that; "Never in modern memory have armed troops and a riot squad been pressed into action to help the normal security of RCMP during a demonstration"³¹ and "The Indians were not met with understanding government officials. They were met by men with big sticks, hard hats and a clubbing. What kind of mentality is that?"³² -

This example though dated is intended as evidence that the issues faced by First Nations have not changed over the years and it is telling that this scenario is not unique to thirty years ago, but has been repeated in recent years all too often with similar outcomes. Aboriginal peoples have long recognized the problems and the interconnectedness of the many struggles faced. The frustration by First Nations that has accompanied apparent apathy within society has served to spark escalation to revolution, in efforts to find resolution. Yes there have been successes in addressing some of the issues, in some areas. However, the costs are high and there are some First Nations people who were lost in the intervening ma lay. The freedom for control over all forms of justice within our communities that we seek has not yet been achieved.

Our success that has come on the backs of these warriors who came before us. As First Nation's people, conflict is not our way and we have been called to seek peace. Though this is a universal teaching, it is expressed eloquently by the Peacemaker, who came to the land of the Haudenosaunee, people of the Longhouse, with

a message that human beings should cease abusing one another. He stated that humans are capable of reason, that through the power of reason all men desire peace, and that it is necessary that people organize to ensure that peace will be possible among the people who walk about on the earth. That was the original word about laws – laws were originally made to prevent the abuse of humans by other humans.³³

First Nations people have heard the wisdom of this teaching and continue to seek healing through early intervention processes. Individual projects in isolation will provide a confusing paradigm and limited success. Clearly, in the face of the today's reality, a multi-pronged approach is necessary. Some First Nations men and women have been temporarily lost to systems of intervention that have failed the people since their inception. These men and women are ultimately going to be returning to their communities and are returning with issues that have not been resolved through incarceration. The justice systems where they were housed did not provide justice in the sense that is defined by the Peacemaker of the Haudenosaunee as he believed that "if absolute justice were established in the world, peace would naturally follow."³⁴ For this to occur there is a need to continue to address conflict at a local level in ways that have meaningful impact on First Nations People. In 1991, a Cree Elder from Alberta indicated

in reference to non-Aboriginal justice initiatives that: “We know you have a legal system; we’re just not sure it’s a justice system”³⁵ It is time to initiate real justice and that is only possible if done from within our own communities, by our own people and through use of those tools that Creator provided our ancestors.

The intent of the examples within this paper has been to illustrate that through proactive, positive approaches to healing and justice, that are traditionally based ‘conflict’ between individuals, communities, societies and Nations are able to be resolved. Wholistic processes that provide healthy alternatives to conflict resolution are as the pebble in the pond and create ripples of healing within our homes, communities, and throughout the world. Conflict resolution within a First Nations construct is multivaceted and requires a very broad interpretation of the term holds just integral. As suggested by Patricia Monture, traditional conflict resolution is accomplished through more than ‘*rearranging of furniture*’.³⁶ It is achievable only through efforts that are grounded in the teachings and knowledge of our Elders and in the recognition that other systems are not going to provide the healing that is needed. This is clearly evidenced by the examples given.

Conflict resolution is achievable and can be undertaken by communities of all sizes with very different resource bases and various skill sets. What is important is that First Nation communities do not allow the fear of overwhelming difficulties or the apathy brought on by a sense of inadequacy to dissuade anyone from attacking the issues that they can. Without First Nations projects and passion to heal from within, there is little hope as stated by one man when he said:

It’s mostly the fact that governments do not seem to be doing anything substantial for Aboriginal people, I think that’s the main reason. No government actually enacts policies that will change the conditions in our communities. That’s the experience of most Aboriginal people.³⁷

First Nations have overcome tremendous obstacles, have survived despite opposition, and retain that sacred flame of commitment to healing and resolving the turmoil that exists in families, communities and society today. That goal is within reach, as evidenced by the examples included in this paper. They exemplify First Nations initiatives, informed by

the traditional morals, values, and beliefs of the people while recognizing that there are external factors that will impact the implementation of the effort. They have not been compromised, but rather enriched by taking advantage of all resources that are available. Although the diversity within First Nations is great, concerns are similar this does not equate with processes of intervention being insurmountable. This is clearly evidenced by nation wide efforts to find “Systems of Conflict Resolution”. For this commitment to healing, we must all be thankful.

ENDNOTES.

¹ The views expressed in this paper are those of the author and not of her employers past or present.

² For example see Task Force On the Criminal Justice System and it's Impact on the Indian and Metis People of Alberta. (Canada). "Report of the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of Alberta" [Edmonton, Alta. : The Task Force, 1991], & Manitoba. Public Inquiry into the Administration of Justice and Aboriginal People., (Winnipeg : Queen's Printer, 1991). & Canada. Royal Commission on Aboriginal Peoples. "Report of the Royal Commission on Aboriginal Peoples" (Ottawa : The Commission, 1996)

³ P. Monture-Angus, Myths and Revolution: Thoughts on Moving Justice Forward in Aboriginal Communities., In Thunder in My Soul (Halifax: Fernwood Publishing, 1995) at 251

⁴ J. Bopp, M. Bopp, L. Brown, & P. Lane Jr.: First Principals in The Sacred Tree, at 27. (Lethbridge: Four Worlds Development, 1984) It is worthy of mention that Four Worlds International who produced this book have a very extensive listing of published papers on various topics related to First Nations healing available on their web site. They are glad to have communities copy and use them at their discretion free of charge.

⁵ The design of the National Centre for First Nations Governance is an example of responsiveness to this diversity, ... services provided "assessed by choice, not by legislation" based on four specific areas. "They are: Governance Advisory Services, Professional Development Services, Land Law and Governance Research and Public Education and Communication."

⁶ Correctional Service Canada., Correctional Directive 702, Corrections and Conditional Release Act 79. In sections 80 to 84. Viewed: 29 November 2006.

http://www.csc-scc.gc.ca/text/prgrm/correctional/abissues/plan06_e.shtml#9

⁷ The writer of this paper was one of those individuals who were privileged to have been mentored by Art Soloman. Through the wisdom, courage and conviction he displayed in his commitment to prison abolition and prison reform, seeds of like dedication were sowed in those of us who knew him.

⁸ S. M. Stiegelbauer, What Is An Elder? What Do Elders Do? First Nations Elders as Teachers In Culture Based Urban Organizations, In The Canadian Journal of Native Studies XVI, (Toronto: University of Toronto, 1996) at 42

⁹ Suggested reading: National Association of Friendship Centers Archives etc

¹⁰ The Alberta Order Of Excellence (Alberta: 2002) Viewed on: 5 August 2006
www.lieutenantgovernor.ab.ca/aoe/cunningham.cfm

"Dr. Chester Cunningham is a humanitarian and educator whose personal convictions about justice and equality have improved the quality of life for Aboriginal Peoples in Alberta, across Canada and around the world.."

¹¹ Interview of R. Sloan. (14 November 2006) Thanks to Randy Sloan, Director of Operations for Native Counseling Service of Alberta, who was kind enough to spend time on the phone and shared his knowledge regarding NCSA and the difficult challenges they face as an urban Aboriginal organization..

¹² Interview of R. Sloan, (14 Novmeber 2006)

¹³ Native Counseling Services Of Alberta, Annual Report, 2004-2005, (NCSA 2005) p3

¹⁴ Correctional Service Canada. "The Corrections and Conditional Release Act" reads: 81.(1) The Minister, or person authorized by the Minister, may enter into an agreement with an aboriginal community for the provision of correctional services to aboriginal offenders for payment by the Minister, or by a person authorized by the Minister in respect to the provision of those services. 1992.c20 s 81; 1995.c.42s21(F) Viewed on: 2 December 2006
<http://www.csc-scc.gc.ca>

¹⁵ Corretional Service Canada. "Healing Lodge Information Package Kit" (Ottawa: Correctional Service Canada, 2004) Healing Lodges for First Nations Men: Somba Ke' Healing Lodge, Yellowknife, NWT; Waseskun Healing Centre, outside Montreal, P.Q.; Willow Cree Healing Lodge, Natawihokamik, Beardsy Okemasis First Nation, Duck Lake Saskatchewan; Ochichakkosipi Healing Lodge, Crane River, Manitoba; Prince Albert Grand Council Spiritual Healing Lodge, Prince Albert Saskatchewan; Pe Sakastew Centre, Samson Cree First Nation, outside Edmonton Alberta; Elbow Lake Healing Lodge, Abbotsford area, British Columbia
Healing Lodge for First Nations Women: Okimaw Ohci Healing Lodge, Nekaneet First Nations, Cyprus Hills, Saskatchewan

¹⁶ In Search of Your Warrior and Spirit of A Warrior are two programs that have been developed by NCSA. They offer the training for these programs to First Nations communities and provide ongoing support to facilitators. Although within corrections these programs, one for men and one for women, are acknowledged to address violence, they have proven to offer tremendous healing to First Nations people on many levels.

¹⁷ M. S. Williams, *Criminal Justice, Democratic Fairness, and Cultural Pluralism: The Case of Aboriginal Peoples in Canada*. (2002,) at 252-253

¹⁸ M. Hodgson and D. Hickbert, "Healing Spirit and Recovery: Factors Associated with Successful Integration"(Ottawa: Aboriginal Peoples Collection, 1995).

¹⁹ Too often there is no consideration for the unique needs of women when program planning takes place. It is commendable that this has been an integral element of the Healing Tears initiative.

²⁰ L. Francis, *We The People: Young American Indians Reclaiming Their Identity*. In M. Moore *Genocide of the Mind*, (New York: Thunder's Mouth Press/ Nation Books, 2003), p77

²¹ Native Counselling Services Of Alberta, Annual Report, 2004-2005 (NCSA 2005), p11

²² NCFNG web site at : <http://www.fngoverence.org/employment/index.htm> Viewed on: 10 December 2006

²³ Native Counselling Services Of Alberta, Annual Report, 2004-2005,(NCSA 2005) p1

²⁴ Interview of C.P. (29 September 2006)

The author would like to acknowledge this respondent for their courage and honesty, in relaying their story. Though the entire interview was not included in this report, the content of it served to direct the focus taken throughout. Meegwetch.

²⁵ Interview of D. Stonestand. (16 October 2006) Thanks to Darlene Stonestand, Therapeutic Councilor, Asikwanehk, for sharing her knowledge regarding this program and the work that is being done for Youth on Whitefish First Nation.

²⁶ J. Bopp, M. Bopp, L. Brown, & P. Lane Jr.: *The Sacred Tree.*,(Lethbridge: Four Worlds Development Press, 1984) at 27

²⁷ Interview of P. Clark (12 September 2006)

²⁸ Yazzie, Chief R, *The Healing Process: Being a Good Relative*, In W. D. McCaslin, *Justice as Healing, Indigenous Ways*. (St. Paul, Minni: Living Justice Press., 2005) p85

²⁹ Interview of S. Badger (22 November 2006)

³⁰ V. Harper. *Following the Red Path; The Natives People's Caravan, 974.*, (Toronto: NC Press Limited 1974) at 69

³¹ Toronto Star Article(1 October 1974), In V. Harper *Following the Red Path; The Native People's Caravan, 1974.*, (Toronto: NC Press Limited, 1974) at 71

³² Wally Firth, MP, CP Wire Service, (4 October 1974). In V. Harper, *Following the Red Path; The Native People's Caravan.* (Toronto: NC Press Limited, 1974)at 71

³³ Akwesasne Notes, *Basic Call to Consciousness*, , (Tennessee: Book Publishing Company, 1978), p66

³⁴ Akwesasne Notes *Basic Call to Consciousness*(Tennessee: Book Publishing Company, 1978, , p16

³⁵ R. Ross. *Returning to the Teachings; Exploring Aboriginal Justice.*(Toronto: Penguin Canada, 2006) p266

³⁶ Interview of P. Monture (5 August 2006)

³⁷ J. Silver, C. Keeper, & M. MacKenize. "A Very Hostile System in Which to Live" *Aboriginal Electoral Participation*, in J. Silver, J. Hay, D. Klyen, P. Ghorayshi, P.Gorzen, C. Keeper, M. MacKenize & F. Simard.(Halifax: Fernwood Publishing, 2006) ,p120