

RESEARCH SNAPSHOT

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Honouring and incorporating diverse Indigenous decision-making traditions

What you need to know:

Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families confirms the jurisdiction of Indigenous communities over children and family services. Honouring and incorporating Indigenous decision-making traditions in co-developed processes for services is an important step towards supporting the principles of Bill C-92 and working towards reconciliation.

What is this research about?

In response to *Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families*, as well as the Truth and Reconciliation Commission's (TRC) Calls to Action in 2015, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the British Columbia (BC) Ministry of Children and Family Development (MCFD) intends to review the Child Protection Mediation Program (CPMP).

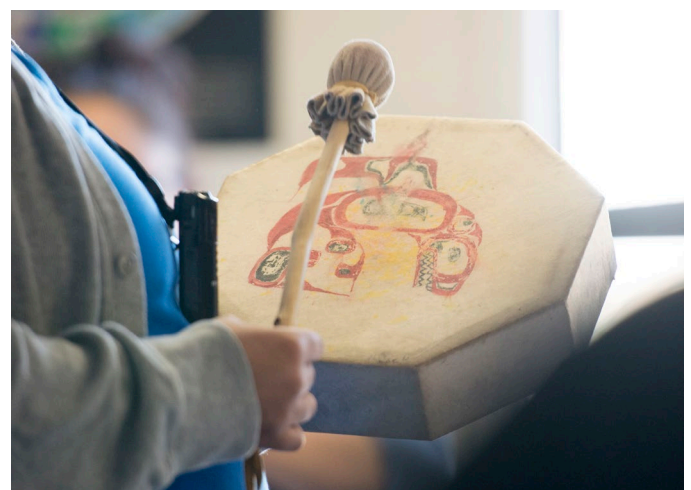
This research is intended to support this review with a grey literature scan on BC Indigenous decision-making systems and processes.

What did the researcher do?

The researcher performed a grey literature scan, drawing on MCFD's Aboriginal Policy and Practice Framework and guided by two research questions:

1. How do Indigenous communities in B.C. respond to harm and conflict within the community?
2. How can the BC CPMP learn from these systems to better align itself with the new principles in Bill C-92?

The researcher used Google to identify Indigenous decision-making systems in BC and recommendations for Indigenous dispute resolution processes. The search was limited to BC and excluded resources that did not describe unique systems or the recommendations from specific communities, Nations or Service Centres. The researcher then analyzed the resources for key themes.



UVic researchers reviewed Indigenous decision-making traditions to support the principles of Bill C-92 (Photo credit: UVic Photo Services).



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What did the researcher find?

The scan identified 19 Indigenous dispute resolution systems. Each system had a number of similarities and differences with the CPMP, as well as a number of additional practices that the CPMP can learn from in order to promote the principles of Bill C-92 for cultural continuity and the best interests of the child.

The researcher provided recommendations organized by three themes and practices: (a) the CPMP practices, (b) the best interests of the child, and (c) cultural continuity.

Like the CPMP, many dispute resolution systems scanned use referrals, pre-meetings, and cultural considerations. However, unlike the CPMP, 16% of the systems analysed do not support the use of confidentiality, 21% do not use signatures on safety agreements, 63% do not require social worker consent on the inclusion of participants, and 58% suggest limiting the participation of social workers in the decision-making process.

The results suggest that these Indigenous dispute resolution systems tend to promote the best interests of the child by, for example, promoting family ownership over the process, creating opportunities for meaningful child participation, and gathering a large support network of family and community. Additionally, the systems tend to promote cultural continuity by honouring and incorporating the traditional and cultural practices that guide decision-making, through for example the use of cultural or ceremonial preparation and by encouraging more consistent and accountable relationships between families and their service providers.

How can you use this research?

The research provides an educated and culturally informed starting point for future consultations with Indigenous communities and organizations, practitioners, policymakers, and other stakeholders to co-develop child protection mediation processes that integrate the cultural traditions of diverse Indigenous Peoples and communities.

About the researchers

Ryleigh Lightbourn is a University of Victoria (UVic) graduate student. This project was completed as part of the [Graduate Studies \(GS\) 505](#) course and supervised by instructors Dr. Sibylle Artz and Ms. Thais Amorim. Facilitated by UVic [Research Partnerships and Knowledge Mobilization](#), GS 505 is a partnership between MCFD and UVic. This project was prepared on behalf of MCFD.

Keywords

Indigenous decision-making; Indigenous traditional decision-making; Indigenous legal tradition; Indigenous legal protocols; Indigenous dispute resolution systems; Indigenous conflict resolution; Indigenous alternative dispute resolution; Indigenous child protection mediation.

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Content for this Research Snapshot was co-created by [UVic's Research Partnerships and Knowledge Mobilization unit](#) and Ryleigh Lightbourn.

Territory acknowledgement

We acknowledge and respect the ləkʷəŋən peoples on whose traditional territory the university stands, and the Songhees, Esquimalt and ƵSÁNEĆ peoples whose historical relationships with the land continue to this day.

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