

00:07:41.430 --> 00:07:43.020

Iskwew kapaw apih Musqua FSIN Director CWSD: Konsei. Anin.

98

00:07:43.190 --> 00:07:49.719

Iskwew kapaw apih Musqua FSIN Director CWSD: I welcome all our panelists, as well as our leadership, and all my revelations that are online.

99

00:07:50.210 --> 00:07:55.899

Iskwew kapaw apih Musqua FSIN Director CWSD: I want to extend a thank you to Our Children, Our Way Society for hosting this webinar.

100

00:07:56.250 --> 00:08:09.899

Iskwew kapaw apih Musqua FSIN Director CWSD: My name is Eskaya Gapipin Masqua, also aka Karen Palchez. I'm the Director of Child Welfare and Social Development for FSIN, and I come to you, my relatives, from Treaty 6 Territory.

101

00:08:10.010 --> 00:08:11.999

Iskwew kapaw apih Musqua FSIN Director CWSD: In what is known as Saskatoon.

102

00:08:12.660 --> 00:08:19.030

Iskwew kapaw apih Musqua FSIN Director CWSD: We have a lot of information to share today with you, but first, we will take a moment, and I'll open with a prayer.

103

00:08:19.280 --> 00:08:21.910

Iskwew kapaw apih Musqua FSIN Director CWSD: I ask that you pray with me in your own way.

104

00:08:22.130 --> 00:08:30.780

Iskwew kapaw apih Musqua FSIN Director CWSD: And as well, if there's anything that... that you need today to help you to get through the day, please ask the creator for that.

105

00:08:31.570 --> 00:08:38.870

Iskwew kapaw apih Musqua FSIN Director CWSD: So I pray to the Creator for our most vulnerable, the little ones. I pray for the frail ones, the houseless ones.

106

00:08:38.980 --> 00:08:45.290

Iskwew kapaw apih Musqua FSIN Director CWSD: The ones with mental health problems, those with addictions, and those that are suffering the loss to loved ones.

107

00:08:45.740 --> 00:08:54.179

Iskwew kapaw apih Musqua FSIN Director CWSD: Today, we must give thanks to our ancestors for being strong and smart and highly motivated to fight for inherent treaty rights.

108

00:08:54.450 --> 00:08:57.729

Iskwew kapaw apih Musqua FSIN Director CWSD: We thank them for thinking 7 generations ahead.

109

00:08:57.960 --> 00:08:59.699

Iskwew kapaw apih Musqua FSIN Director CWSD: For they gave us today.

110

00:09:00.010 --> 00:09:06.979

Iskwew kapaw apih Musqua FSIN Director CWSD: We ask for that same strength to do the same kind of work that we continue to fight for on our own island.

111

00:09:07.460 --> 00:09:13.649

Iskwew kapaw apih Musqua FSIN Director CWSD: We give thanks to the Creator for giving us that capacity To be here, right now.

112

00:09:13.750 --> 00:09:17.879

Iskwew kapaw apih Musqua FSIN Director CWSD: To learn, to walk together, and to pick each other up when needed.

113

00:09:18.470 --> 00:09:24.379

Iskwew kapaw apih Musqua FSIN Director CWSD: Let us support each other across Turtle Island, so we can do the work that is needed for our children.

114

00:09:24.890 --> 00:09:28.220

Iskwew kapaw apih Musqua FSIN Director CWSD: Hi, hi.

115

00:09:29.520 --> 00:09:34.880

Iskwew kapaw apih Musqua FSIN Director CWSD: Today, our panelists are

Chief Erica Bowden of the Causes First Nation.

116

00:09:35.030 --> 00:09:40.669

Iskwew kapaw apih Musqua FSIN Director CWSD: She is also the National Chiefs Children Commission for the area known as Saskatchewan Region.

117

00:09:41.080 --> 00:09:49.849

Iskwew kapaw apih Musqua FSIN Director CWSD: She is a strong, long-time leader for our women, our children, our missing persons, and their families, and the homeless.

118

00:09:51.090 --> 00:10:02.510

Iskwew kapaw apih Musqua FSIN Director CWSD: Our next panelist... oh, sorry. Chief Bowden will provide you with an overview how the regional realities are addressed within the Love and Justice Plan and the Canada Plan.

119

00:10:03.500 --> 00:10:09.890

Iskwew kapaw apih Musqua FSIN Director CWSD: Our next speaker after that will be Dr. Cindy Blackstock. She's the Executive Director of the Cairn Society.

120

00:10:10.220 --> 00:10:17.590

Iskwew kapaw apih Musqua FSIN Director CWSD: Cindy was unable to join us this morning, and she... because she's attending the Canadian Human Rights Tribunal in Ottawa.

121

00:10:18.470 --> 00:10:20.150

Iskwew kapaw apih Musqua FSIN Director CWSD: They were having hearings today.

122

00:10:20.490 --> 00:10:25.970

Iskwew kapaw apih Musqua FSIN Director CWSD: She did record a presentation for us, and we will share that recording after Chief Bowden's presentation.

123

00:10:26.830 --> 00:10:35.050

Iskwew kapaw apih Musqua FSIN Director CWSD: Dr. Blackstock will give us a more detailed look at how the two plans address the different needs in regions across Turtle Island.

124

00:10:35.650 --> 00:10:39.079

Iskwew kapaw apih Musqua FSIN Director CWSD: We also have online with us today Rashard Gray.

125

00:10:39.420 --> 00:10:40.850

Iskwew kapaw apih Musqua FSIN Director CWSD: And Tracy Labin.

126

00:10:40.960 --> 00:10:45.770

Iskwew kapaw apih Musqua FSIN Director CWSD: There are two members of our National Children's Chiefs Commission technical team.

127

00:10:45.980 --> 00:10:52.209

Iskwew kapaw apih Musqua FSIN Director CWSD: Rashard and Tracy will chime in, if needed, during the question and answer portion of our webinar today.

128

00:10:52.920 --> 00:10:58.470

Iskwew kapaw apih Musqua FSIN Director CWSD: Before I turn to our panelists, there's just a few housekeeping points that I'd like to make.

129

00:10:58.850 --> 00:11:03.990

Iskwew kapaw apih Musqua FSIN Director CWSD: This session is being recorded and will be available on our Children Our Way website.

130

00:11:04.300 --> 00:11:11.050

Iskwew kapaw apih Musqua FSIN Director CWSD: We do have French interpreters available on a separate channel for our Francophones participants.

131

00:11:11.990 --> 00:11:19.399

Iskwew kapaw apih Musqua FSIN Director CWSD: We will try to save time for questions at the end, so please type your questions in the chat, and I will read them out to our panelists.

132

00:11:20.210 --> 00:11:28.400

Iskwew kapaw apih Musqua FSIN Director CWSD: Finally, we will be hosting two more webinars over the next few weeks to dig into the details of both the Love and Justice and the Canada Plan.

133

00:11:28.990 --> 00:11:35.299

Iskwew kapaw apih Musqua FSIN Director CWSD: The next webinar is in two weeks, and will focus on funding in the Love and Justice and the Canada Plan.

134

00:11:36.850 --> 00:11:45.379

Iskwew kapaw apih Musqua FSIN Director CWSD: I will now turn to Chief Bowden to introduce herself and to talk to us about regional difference in the Love and Justice and Canada Plan.

135

00:11:46.570 --> 00:11:48.839

Iskwew kapaw apih Musqua FSIN Director CWSD: I welcome Chief Erica Bowden.

136

00:11:58.380 --> 00:12:02.760

Iskwew kapaw apih Musqua FSIN Director CWSD: Excuse me, Chief Erica Bowden, we need your mic.

137

00:12:02.860 --> 00:12:06.189

Iskwew kapaw apih Musqua FSIN Director CWSD: And... Your video on, please?

138

00:12:09.530 --> 00:12:11.060

Iskwew kapaw apih Musqua FSIN Director CWSD: Thank you. Mukwech.

139

00:12:11.240 --> 00:12:12.300

Chief Erica Beaudin: Good morning.

140

00:12:12.700 --> 00:12:31.909

Chief Erica Beaudin: Good morning to everyone else. I bid you a warm welcome from the homelands of Causes First Nation in Treaty 4 Territory. We have an absolute wonderful, although a bit windy day, as we say in our Nihawiak language,

141

00:12:32.290 --> 00:12:35.129

Chief Erica Beaudin: it's, it's your tin,

142

00:12:35.280 --> 00:12:41.150

Chief Erica Beaudin: Brother... Brother Wind is... has come today, and we are expecting a storm later on.

143

00:12:42.090 --> 00:12:52.539

Chief Erica Beaudin: Now, I, on behalf of the commissioners, it is my absolute honor to... To, present today.

144

00:12:52.840 --> 00:13:03.010

Chief Erica Beaudin: And, I am just looking here, and if you just give me one moment...

145

00:13:12.400 --> 00:13:17.900

Chief Erica Beaudin: My apologies here, I am having a little bit of technical...

146

00:13:21.110 --> 00:13:24.260

Chief Erica Beaudin: My notes are a little bit different.

147

00:13:24.770 --> 00:13:29.700

Chief Erica Beaudin: than the ones that... that are on the screen right now, Karen.

148

00:13:32.340 --> 00:13:33.870

Iskwew kapaw apih Musqua FSIN Director CWSD: Okay.

149

00:13:35.250 --> 00:13:43.490

Chief Erica Beaudin: I have just the plan overview regional perspectives here, and then we have discrimination in Okay, thank you.

150

00:13:44.990 --> 00:13:47.280

Chief Erica Beaudin: What are their parameters?

151

00:13:47.550 --> 00:14:04.649

Chief Erica Beaudin: There we go. Thank you very much. I just had the wrong screen. So, in front of you, you have the screen, what are the parameters and the goals of the regional negotiations? First of all, I want to not only thank Karen for the prayer, but also thank

152

00:14:04.650 --> 00:14:08.869

Chief Erica Beaudin: All of the other commissioners, but especially the,

153

00:14:11.040 --> 00:14:13.950

Chief Erica Beaudin: Technical people that, that are working.

154

00:14:14.120 --> 00:14:20.370

Chief Erica Beaudin: on our plan. Our technical people have hundreds of years of experience.

155

00:14:21.190 --> 00:14:38.490

Chief Erica Beaudin: in the area of the front line, working with our kids. And I'm so proud to sit as one of the commissioners alongside the sisters and brothers as we have become in our quest for equity and equality in

156

00:14:38.520 --> 00:14:46.500

Chief Erica Beaudin: ensuring that our children, and we feel that all Indigenous children are our children.

157

00:14:46.620 --> 00:14:54.890

Chief Erica Beaudin: And how we have worked together amongst sometimes very, very brutal conditions in...

158

00:14:55.300 --> 00:14:59.990

Chief Erica Beaudin: exacting this, this loving justice. But as we say.

159

00:15:00.240 --> 00:15:14.629

Chief Erica Beaudin: What we go through as advocates, and as the ones that are ensuring that our efforts don't go unchecked, are nothing compared to what some of our children go through, including loss of life.

160

00:15:14.670 --> 00:15:21.180

Chief Erica Beaudin: Including our families, our mothers, our fathers, our kokums, our mushrooms, who have to go through

161

00:15:22.590 --> 00:15:25.949

Chief Erica Beaudin: All of what they go through with the system that we are.

162

00:15:26.290 --> 00:15:28.040

Chief Erica Beaudin: In what we are doing.

163

00:15:28.840 --> 00:15:31.189

Chief Erica Beaudin: Our only intent.

164

00:15:31.840 --> 00:15:40.950

Chief Erica Beaudin: is that our children live that meal pomatsuan, which in our language is that good life that Creator has meant for all of us.

165

00:15:41.270 --> 00:15:43.990

Chief Erica Beaudin: And that is our bottom line.

166

00:15:44.230 --> 00:15:57.669

Chief Erica Beaudin: In the work that we have done since we have been given the mandate by our... by the other chiefs in Assembly, at the Assembly First Nations, has been to work without ego.

167

00:15:57.770 --> 00:16:01.580

Chief Erica Beaudin: to work ONLY only with

168

00:16:02.050 --> 00:16:18.199

Chief Erica Beaudin: The role in mind, that if we were in our most vulnerable position, and these were our children and grandchildren, and we were unable to be in that position to help our children and grandchildren go through tough times.

169

00:16:18.520 --> 00:16:29.029

Chief Erica Beaudin: That we would be able to feel confident that the system that our children and grandchildren are placed in would be a good, loving, caring.

170

00:16:29.170 --> 00:16:35.189

Chief Erica Beaudin: Just place until our families could be reunited again.

171

00:16:36.280 --> 00:16:42.669

Chief Erica Beaudin: We are very proud of the work that we have done. As I said, we have worked under very, very...

172

00:16:43.420 --> 00:16:45.380

Chief Erica Beaudin: Difficult conditions.

173

00:16:45.540 --> 00:16:47.970

Chief Erica Beaudin: However, the love...

174

00:16:48.020 --> 00:17:06.760

Chief Erica Beaudin: Every single word that you see, every thought has been done with prayer, ceremony, and has been worked on with only the best intentions, under very trying circumstances. But like our elders, our kate yaksei.

175

00:17:07.349 --> 00:17:10.670

Chief Erica Beaudin: It's tough for us to be born into this life.

176

00:17:10.849 --> 00:17:28.259

Chief Erica Beaudin: But it is a beautiful life, and we must do whatever we can to ensure that the lives yet to come, and even the little lives, and the lives of the mothers, fathers, kokums, mushrooms, the ones that are the caregivers now, that we do our best in order for them

177

00:17:28.920 --> 00:17:32.650

Chief Erica Beaudin: To be able to care for our children in the best way possible.

178

00:17:33.120 --> 00:17:36.589

Chief Erica Beaudin: So with that, I will start the presentation.

179

00:17:39.950 --> 00:17:51.660

Chief Erica Beaudin: We have had already, at least one... one webinar where we have already discussed the different very... or the very... what is different about our plan

180

00:17:51.660 --> 00:18:01.510

Chief Erica Beaudin: As in, what has been there with the first plan that had... that the Chiefs had voted down, which we knew that would not be

181

00:18:01.510 --> 00:18:08.430

Chief Erica Beaudin: It would only be putting together another system, broken system, that was already broken.

182

00:18:08.780 --> 00:18:12.740

Chief Erica Beaudin: And then we saw what Canada

183

00:18:13.190 --> 00:18:18.399

Chief Erica Beaudin: Is... is looking at, which is basically another broken system.

184

00:18:18.720 --> 00:18:21.440

Chief Erica Beaudin: These are our best attempts.

185

00:18:21.580 --> 00:18:29.670

Chief Erica Beaudin: To put together a system that, while under an umbrella, has...

186

00:18:30.230 --> 00:18:37.370

Chief Erica Beaudin: regional areas, as in our provincial Our provinces and our territories.

187

00:18:37.550 --> 00:18:55.390

Chief Erica Beaudin: What we need, because we realize that we are not all the same, that our children are not all the same, that our families aren't all the same, that our environments aren't all the same, that our... that even the provincial ministries that we work with are not all the same.

188

00:18:55.390 --> 00:19:11.650

Chief Erica Beaudin: The provincial governments are not all the same. And with under us all understanding that, which is the importance of us having the technicians from each of the regions, the commissioners from each of the regions, for us all to work together with

189

00:19:11.650 --> 00:19:29.390

Chief Erica Beaudin: the technical people, with the parents, with the youth, with the KTEAC, the elders, in order to put together the best plan possible, so that not only are we at a total, what is now Canada level, but also

190

00:19:29.710 --> 00:19:35.629

Chief Erica Beaudin: In each of our regions, that this best meets the needs of our children and families.

191

00:19:36.540 --> 00:19:40.419

Chief Erica Beaudin: Now, to start. And I apologize, I have a little bit...

192

00:19:43.540 --> 00:19:45.969

Chief Erica Beaudin: I have a frog in my throat this morning.

193

00:19:47.130 --> 00:19:55.730

Chief Erica Beaudin: Canada's plan says the government views direct negotiations with regional representatives of rights holders as the best way forward.

194

00:19:56.360 --> 00:19:57.900

Chief Erica Beaudin: Last fall.

195

00:19:58.140 --> 00:20:08.419

Chief Erica Beaudin: Canada told the CRT it refused to continue discussions with the nations because there was no point in further discussions.

196

00:20:08.810 --> 00:20:13.840

Chief Erica Beaudin: That is an actual quote from Canada's submission. They also said.

197

00:20:14.380 --> 00:20:27.430

Chief Erica Beaudin: that 4 months was not long... not enough time to engage with the nations, even if they were inclined to do so. And yet, the NCCC and the Caring Society worked together

198

00:20:27.600 --> 00:20:33.899

Chief Erica Beaudin: Without funding, to make sure the nations all had a chance to have their say in that short period of time.

199

00:20:34.440 --> 00:20:48.209

Chief Erica Beaudin: Canada has said they are making negotiations with regions a priority in their plan, but they are not willing to accept amendments to it, and they will only negotiate with regions until September 30th of this year.

200

00:20:49.140 --> 00:20:56.210

Chief Erica Beaudin: To be clear, regions do not need the CHRT to approve any agreement they sign with Canada.

201

00:20:56.500 --> 00:21:06.230

Chief Erica Beaudin: It is only when those agreements are put in front of the CHRT that they potentially impact the legal minimums that Canada must meet.

202

00:21:06.510 --> 00:21:17.039

Chief Erica Beaudin: The government's goal is to get regions to sign agreements before the CHRT has had a chance to make it a ruling on the two plans currently before it.

203

00:21:17.500 --> 00:21:25.190

Chief Erica Beaudin: The Loving Justice Plan also requires Canada to discuss regional variations within 6 months.

204

00:21:25.560 --> 00:21:33.270

Chief Erica Beaudin: But only after the protections of CHRT orders on minimum standards are in place.

205

00:21:33.410 --> 00:21:40.700

Chief Erica Beaudin: The tribunal has a 10-year history of increasing the resources we are able to access to support our kids.

206

00:21:40.830 --> 00:21:48.049

Chief Erica Beaudin: And after all this time, we think, and in fact, we know it is worth this small weight.

207

00:21:48.940 --> 00:22:05.990

Chief Erica Beaudin: Canada has already agreed that the CHRT hearing process on the plans that have been put forward should be complete by this year. By waiting until there are legal guardrails in place, the regional discussions are expected to be much more fruitful.

208

00:22:12.060 --> 00:22:14.909

Chief Erica Beaudin: The plan overview, regional perspectives.

209

00:22:15.500 --> 00:22:35.240

Chief Erica Beaudin: Both plans submitted to the CHRT are technically national plans within regional variations. As always, the details are

what matters. This is especially true when it comes to the ability of nations in different regions to make sure their children are properly supported.

210

00:22:35.670 --> 00:22:46.870

Chief Erica Beaudin: There are 5 major areas or details to consider when on-the-ground realities in each region run into the Loving Justice Plan and Canada's Plan.

211

00:22:47.840 --> 00:22:52.440

Chief Erica Beaudin: They are, what can be negotiated or changed over time.

212

00:22:52.900 --> 00:22:56.619

Chief Erica Beaudin: What types of decisions can rights holders make?

213

00:22:57.370 --> 00:23:04.620

Chief Erica Beaudin: By rights holders, we mean we as First Nations, who are ultimately responsible for our children and families.

214

00:23:05.010 --> 00:23:07.960

Chief Erica Beaudin: What kinds of decisions can Canada make?

215

00:23:08.280 --> 00:23:19.000

Chief Erica Beaudin: And how will each plan make sure non-delegated nations are able to hold Canada accountable for the activities they fund through the provinces?

216

00:23:19.190 --> 00:23:23.309

Chief Erica Beaudin: And finally, how can nations in each region

217

00:23:23.840 --> 00:23:30.379

Chief Erica Beaudin: Hold Canada accountable to make sure that discrimination stops and does not happen again.

218

00:23:35.370 --> 00:23:42.919

Chief Erica Beaudin: What aspects of CFS would be up for regional... would be up for discussion under each plan at the regional level?

219

00:23:46.080 --> 00:23:54.790

Chief Erica Beaudin: We know, and Canada knows, that regions want to have a chance to ensure their unique situations are taken into consideration.

220

00:23:55.710 --> 00:24:01.709

Chief Erica Beaudin: The difference is in the nature of what is being considered.

221

00:24:02.180 --> 00:24:08.100

Chief Erica Beaudin: The type of discussion Canada has committed to is limited to administrative functions.

222

00:24:08.200 --> 00:24:22.420

Chief Erica Beaudin: Who among the nations and agencies will be directing the data collection and reporting, and how and when they will transmit that information to Canada for consideration for the program after the 7-year term?

223

00:24:22.690 --> 00:24:34.000

Chief Erica Beaudin: Canada has made it very clear in their plan that the types of activities that get funded and the amount of funding available to each region is not

224

00:24:34.480 --> 00:24:42.480

Chief Erica Beaudin: And I repeat, not up for negotiation. They even underline the word, not, on page 7.

225

00:24:43.730 --> 00:24:47.789

Chief Erica Beaudin: The structure of Canada's plan will pit nation against nation.

226

00:24:48.720 --> 00:25:06.440

Chief Erica Beaudin: and nations against their agencies to a larger degree than what exists now. The Loving Justice Plan tries to build strength between the nations by building strong lines of mutual support and information sharing between nations at all levels of capacity.

227

00:25:06.500 --> 00:25:19.129

Chief Erica Beaudin: The regional technical and secretariat tables are supported by a national technical and secretarial hub that will work to build capacity and share best practices across the nations.

228

00:25:19.740 --> 00:25:35.110

Chief Erica Beaudin: The National Governance Committee will actually hold, actively, pardon me, hold Canada to account on any new piece of legislation or policy Canada proposes based on the analysis at the regional tables.

229

00:25:35.680 --> 00:25:55.370

Chief Erica Beaudin: This is a much cleaner process than what is in place even now. Rather than have AFN having to rely on the chiefs to pass resolutions directing action twice a year, the nations can have ongoing and active say in the recommendations sent to Canada in a timely manner.

230

00:25:55.620 --> 00:26:12.510

Chief Erica Beaudin: I will talk more about this in a moment, but more details about this governance and accountability framework are also available in our last webinar, which is posted on the NCCC website and the Our Children, Our Way YouTube channel.

231

00:26:14.510 --> 00:26:29.660

Chief Erica Beaudin: The types of discussions to address regional differences are also more meaningful under the Loving Justice Plan. Every community has its own history, its own requirements for how substantive equity needs to be put in place.

232

00:26:29.810 --> 00:26:36.860

Chief Erica Beaudin: Every agreement Canada has in place with the provinces and the Yukon also leave impacts.

233

00:26:37.010 --> 00:26:49.349

Chief Erica Beaudin: While nations can also discuss the administrative processes Canada's negotiations are going to cover, the Loving Justice Plan insists on making those discussions worth the nation's times.

234

00:26:50.380 --> 00:26:52.889

Chief Erica Beaudin: Worth the nation's time, pardon me.

235

00:26:57.310 --> 00:27:02.369

Chief Erica Beaudin: What types of decisions can rights holders make to reflect regional realities?

236

00:27:02.880 --> 00:27:15.539

Chief Erica Beaudin: The goals of regional negotiations. Canada has indicated a preference for negotiating regional agreements along provincial and territorial boundaries.

237

00:27:15.600 --> 00:27:23.230

Chief Erica Beaudin: But it is willing to consider other regional boundaries if colonial lines prove impossible to negotiate within.

238

00:27:23.910 --> 00:27:34.889

Chief Erica Beaudin: The loving justice holds space for variations as local as the community level to ensure that children are supported in a way that creates substantive equality.

239

00:27:35.390 --> 00:27:36.540

Chief Erica Beaudin: Governance.

240

00:27:36.780 --> 00:27:51.070

Chief Erica Beaudin: Under Canada's national framework, each regional agreement would include a regional governance scheme for the purpose of overseeing implementation of the First Nations Child and Family Services Program in that region.

241

00:27:51.130 --> 00:27:57.130

Chief Erica Beaudin: This would include a regional governance committee and a secretariat in each region.

242

00:27:57.770 --> 00:28:08.479

Chief Erica Beaudin: Regional negotiations within the context of Canada's national framework would allow First Nations an opportunity to create their own regional reporting.

243

00:28:08.520 --> 00:28:22.799

Chief Erica Beaudin: planning, and governance frameworks to help shape implementation of the First Nations Child and Family Services program to their distinct needs and circumstances. Under the Loving Justice Plan.

244

00:28:22.800 --> 00:28:34.520

Chief Erica Beaudin: Each region would have a dedicated technical table and a regional secretariat who would not only be monitoring the

implementation of the reformed CFS program.

245

00:28:34.520 --> 00:28:43.009

Chief Erica Beaudin: But would be actively working to increase capacity in the communities at any level the community is at.

246

00:28:44.700 --> 00:28:58.869

Chief Erica Beaudin: Regional governance structures would also inform region-specific First Nations family and children's Child Family Services program assessments and recommendations for adjustments moving forward.

247

00:28:59.360 --> 00:29:00.959

Chief Erica Beaudin: The funding aspect.

248

00:29:01.190 --> 00:29:14.450

Chief Erica Beaudin: During regional negotiations, rights holders would be asked to make decisions around prevention, post-majority, and household support funding is split between nations and agencies in that region.

249

00:29:14.650 --> 00:29:25.520

Chief Erica Beaudin: Nations would also be asked to decide how the top-up funding would be split between IT, emergency funding, and results funding.

250

00:29:25.690 --> 00:29:42.880

Chief Erica Beaudin: Results funding is money for data analysis. All three would come from an amount representing 13% of an agency's baseline funding, and it would be up to the nations to decide how much of that 13% to use for each item.

251

00:29:43.280 --> 00:29:54.689

Chief Erica Beaudin: Regional variations under the Loving Justice Framework will include ensuring that children have the types and amounts of the resources they need, but in a different way.

252

00:29:55.050 --> 00:30:11.749

Chief Erica Beaudin: Many of these variations will be built over time because the Loving Justice Plan insists that activities are funded at actual cost until such time that there is enough clear and measurable data to be able to make decisions

253

00:30:11.750 --> 00:30:15.109

Chief Erica Beaudin: In not only a good way, but the best way possible.

254

00:30:15.590 --> 00:30:25.530

Chief Erica Beaudin: For the data, loving justice, also insists that all data collected is handled according to OCAP principles.

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00:30:25.680 --> 00:30:28.239

Chief Erica Beaudin: Canada's national framework.

256

00:30:29.100 --> 00:30:39.900

Chief Erica Beaudin: Terms and conditions would require certain reporting from nations and agencies, but the region could choose to add these reporting requirements if they wanted to.

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00:30:48.510 --> 00:30:51.790

Chief Erica Beaudin: What types of discretion does Canada maintain?

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00:30:52.590 --> 00:30:58.729

Chief Erica Beaudin: There are very few areas where Canada retains sole discretion under the Loving Justice Plan.

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00:30:58.890 --> 00:31:12.740

Chief Erica Beaudin: There are guardrails built in at every stage, because even after 10 years of being under active CHRT direction, they have not demonstrated they are able to avoid discrimination.

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00:31:13.480 --> 00:31:28.880

Chief Erica Beaudin: The dispute resolution process under Canada's plan is limited to a nation's dissatisfaction of how their region is implementing their regional agreement and the concern a nation or agency might have over their fund...

261

00:31:28.880 --> 00:31:34.730

Chief Erica Beaudin: Over how their funding was allocated or out... or administered within their region.

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00:31:34.840 --> 00:31:45.679

Chief Erica Beaudin: It would be based off the dispute resolution process created for the Ontario Final Agreement, and Canada would appoint what they call a president

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00:31:45.770 --> 00:31:57.350

Chief Erica Beaudin: Or select adjudicators until such time as they could develop and pass legislation outlining the permanent dispute resolution process.

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00:31:57.350 --> 00:32:10.080

Chief Erica Beaudin: There is no requirement for Canada to accept the region's recommendations for future reform, and in the meantime, the process for approvals of capital infrastructure will revert to a process that

265

00:32:10.080 --> 00:32:21.700

Chief Erica Beaudin: to, pardon me, to a proposal-based process in line with ISC's standard capital approval for on-reserve infrastructure.

266

00:32:21.920 --> 00:32:34.070

Chief Erica Beaudin: There are no mechanisms for regions to advocate for different funding streams to meet their distinct needs, or to ensure that funding amounts discussed by IFSD

267

00:32:34.320 --> 00:32:41.560

Chief Erica Beaudin: Are appropriate for those nations that have not yet had a chance to fully identify the needs of their communities.

268

00:32:52.380 --> 00:32:55.490

Chief Erica Beaudin: Canada's agreements with provinces in the Yukon.

269

00:32:55.990 --> 00:33:05.910

Chief Erica Beaudin: Canada's plan mentions the government's willingness to make best efforts to amend their funding agreements with provinces in the Yukon.

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00:33:06.020 --> 00:33:21.240

Chief Erica Beaudin: Best efforts is a term used in relation to all provincial agreements... agreement aspects, including the actual inclusion of rights holders in the creation of governance and accountability mechanisms within these agreements.

271

00:33:21.240 --> 00:33:28.620

Chief Erica Beaudin: Data collection, and reporting by the provincial or territorial governments, and the public release of the funding amounts.

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00:33:28.870 --> 00:33:36.800

Chief Erica Beaudin: Words have power, and Canada's words, in their proposed way forward do not bind them to action.

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00:33:37.170 --> 00:33:45.149

Chief Erica Beaudin: Could, in a legal submission, typically means the potential for this to happen exists.

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00:33:45.620 --> 00:33:53.289

Chief Erica Beaudin: The term will is used where the outcome is a certainty, and the party writing the words is committed to action.

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00:33:53.550 --> 00:34:03.629

Chief Erica Beaudin: If Canada failed to reach an agreement with the provincial or Yukon government, its plan says it would discuss possible solutions with the governance body.

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00:34:05.640 --> 00:34:19.490

Chief Erica Beaudin: Excuse me. It isn't clear where such discussions might lead, because the nations have no ability to direct the provinces to renegotiate, or we know they would have done that years ago.

277

00:34:19.850 --> 00:34:27.850

Chief Erica Beaudin: The Loving Justice Framework asks the CHRT to bind Canada to a required set of actions.

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00:34:27.940 --> 00:34:43.190

Chief Erica Beaudin: They cannot discriminate through negligence, so Loving Justice asks that... asks they be required to ensure all of the activities they are funding are in line with the principles put forth by the nations. In order

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00:34:43.409 --> 00:34:49.469

Chief Erica Beaudin: To make sure these agreements... the agreements are

funding the right things, the same measurements.

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00:34:49.469 --> 00:35:03.620

Chief Erica Beaudin: Those same measurement systems, pardon me, must be in place for provincial activities as are in place for the nations and agencies. The data they collect must be both protected and shared with the nations whose families are impacted.

281

00:35:16.180 --> 00:35:17.630

Chief Erica Beaudin: Next slide, please.

282

00:35:19.860 --> 00:35:21.999

Chief Erica Beaudin: Holding Canada accountable.

283

00:35:22.550 --> 00:35:32.399

Chief Erica Beaudin: The largest and most meaningful difference between the two plans is where the voices of the nations and the role of the CHRT collide.

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00:35:32.610 --> 00:35:34.569

Chief Erica Beaudin: Under Canada's plan.

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00:35:34.950 --> 00:35:52.659

Chief Erica Beaudin: The regions could make recommendations to remove any remaining or new discrimination in the CFS program at the end of the 7-year term, and also somewhere in the middle of the agreement term. None of these recommendations have to be accepted by Canada.

286

00:35:52.660 --> 00:35:57.369

Chief Erica Beaudin: They just have to explain why they chose not to implement them.

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00:35:57.510 --> 00:36:17.239

Chief Erica Beaudin: The CHRT will no longer have jurisdiction over the First Nations Child and Family Services program, because Canada has asked the CHRT to approve their plan as a replacement for the CHRT orders that have forced them into action since 2016.

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00:36:21.490 --> 00:36:28.489

Chief Erica Beaudin: What is truly concerning is that this would appear to include 2016 CHR2,

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00:36:28.610 --> 00:36:35.920

Chief Erica Beaudin: Which was the original confirmation by the tribunal that Canada was discriminating against our children.

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00:36:36.080 --> 00:36:40.289

Chief Erica Beaudin: The Loving Justice Plan creates a fundamental shift

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00:36:40.470 --> 00:37:00.210

Chief Erica Beaudin: in the ability of Canada to recreate the discrimination. It supports the creation of capacity at the community, agency, and technical levels, and keeps a constant eye on Canada's policy framework before any new program components can be put into place.

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00:37:00.680 --> 00:37:04.849

Chief Erica Beaudin: And make sure that any issues are fixed BEFORE.

293

00:37:05.100 --> 00:37:23.289

Chief Erica Beaudin: they cause issues at the level of the child. And it keeps the CHRT as a guardrail to Canada's failure until such times as Canada is able to demonstrate to the CHRT and to the nations that the discrimination has been removed.

294

00:37:23.390 --> 00:37:30.800

Chief Erica Beaudin: The minimum amount of time the CHRT will retain jurisdiction is 5 years.

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00:37:30.910 --> 00:37:35.279

Chief Erica Beaudin: The maximum depends on Canada, and most importantly.

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00:37:35.460 --> 00:37:38.770

Chief Erica Beaudin: With our relationship and the honor of the crowd.

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00:37:40.820 --> 00:37:41.850

Chief Erica Beaudin: Thank you.

298

00:37:47.610 --> 00:37:50.320

Iskwew kapaw apih Musqua FSIN Director CWSD: McGuitch, for your words, Chief Bowden.

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00:37:50.560 --> 00:38:09.139

Iskwew kapaw apih Musqua FSIN Director CWSD: We will address any questions at the very end. If you have any questions, feel free to type them into the chat. Now, let's turn to Dr. Blackstock. As mentioned earlier, Dr. Blackstock had another commitment today, but she's recorded a presentation for us.

300

00:38:14.210 --> 00:38:28.630

Audio shared by Vincent – tech support: Hello, everyone. My name is Cindy Blackstock, and I am Git San, and it's a real honour to join you today for the National Children's Cheese Commission webinar series. In this series, we are comparing Canada's plan

301

00:38:28.850 --> 00:38:34.959

Audio shared by Vincent – tech support: to permanently end its own discrimination in First Nations Child and Family Services.

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00:38:35.070 --> 00:38:40.280

Audio shared by Vincent – tech support: to the First Nations–led plan, which is called Loving Justice.

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00:38:40.360 --> 00:38:49.040

Audio shared by Vincent – tech support: This series, we're going to be focusing in on specific types of topics, and today's topic is regional approaches.

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00:38:49.040 --> 00:39:08.630

Audio shared by Vincent – tech support: But to really understand Loving Justice and Canada's approach, we highly recommend you read both plans, which are available on the National Children's Chiefs Commission website or on fnwitness.ca, and then also, look at the rest of the webinar series. So, here we go.

305

00:39:09.060 --> 00:39:27.029

Audio shared by Vincent – tech support: I begin with a disclosure. I am the Executive Director of the First Nations Child and Family Caring Society, and we are a co-complainant, along with the Assembly of First Nations, in the landmark human rights case on First Nations Child and Family Services and Jordan's Principle.

306

00:39:27.310 --> 00:39:50.849

Audio shared by Vincent - tech support: And as we talk about what this, this case is about, the permanent goal is to end the discrimination that was found by the tribunal in First Nations Child and Family Services. We'll be talking about Jordan's principle as we do that work to create that First Nations-led plan to permanently end that discrimination, but that's going to be done later.

307

00:39:52.260 --> 00:40:11.610

Audio shared by Vincent - tech support: The other thing that I would say is that what we're presenting here are summaries. Summaries of analysis. And for you to get the full benefit, please read the original documents, and of course, get your experts to do their due diligence in looking at what their analysis might be.

308

00:40:12.580 --> 00:40:21.700

Audio shared by Vincent - tech support: So again, we're talking about the Canadian Human Rights Tribunal case, and it's really that permanently ending Canada's discrimination. I underlined that.

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00:40:21.700 --> 00:40:36.680

Audio shared by Vincent - tech support: Because that's really the jurisdiction of the tribunal, is to stop Canada's discrimination. There are other forms of discrimination that might happen in child welfare that might be a result of, for example, provincial laws or other things.

310

00:40:36.680 --> 00:40:52.360

Audio shared by Vincent - tech support: The tribunal cannot order the provinces to do anything, so we're talking about Canada's, stopping discrimination and how we do that. In the first area of topic, which is First Nations Child and Family Services, Jordan's principle will be dealt with later.

311

00:40:54.060 --> 00:41:11.969

Audio shared by Vincent - tech support: So, what are Canada's Plan and Loving Justice? Well, they all come from an order that was handed by the tribunal in August of 2025. It's called, 2025 CHRT80, for those of you wanting to look it up.

312

00:41:11.970 --> 00:41:23.100

Audio shared by Vincent - tech support: And in that order, the tribunal set down some minimum standards that need to be, upheld in

these plans, and ordered the Caring Society and AFN

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00:41:23.100 --> 00:41:39.120

Audio shared by Vincent - tech support: to work with the National Children's Chiefs Commission to file a First Nations-led plan. It encouraged Canada to join us in that endeavor, but Canada refused to do that, so it created its own separate plan, and that's how we have two different plans.

314

00:41:39.290 --> 00:41:48.579

Audio shared by Vincent - tech support: I should say that Canada's plan was created by Canada. We don't know of any First Nations input into that plan.

315

00:41:48.890 --> 00:41:52.950

Audio shared by Vincent - tech support: In Loving Justice, by comparison.

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00:41:52.950 --> 00:42:11.519

Audio shared by Vincent - tech support: is a First Nations-led plan that was overseen by the National Children's Chiefs Commission, which of course was formed by resolution of First Nations and Assembly, and we received over 100 submissions by First Nations, by their regional organizations, and their experts.

317

00:42:11.520 --> 00:42:19.509

Audio shared by Vincent - tech support: And that whole plan is really First Nations-driven and aligned with the resolutions of Chiefs and Assembly.

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00:42:20.930 --> 00:42:29.170

Audio shared by Vincent - tech support: So, one of the things I want to start out with, even in this topic of regional agreements, is which plan really respects First Nations rights.

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00:42:29.310 --> 00:42:36.810

Audio shared by Vincent - tech support: So, when we look at the Loving Justice Plan, because it was developed by First Nations, designed by First Nations.

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00:42:36.810 --> 00:42:51.210

Audio shared by Vincent - tech support: It really, is the stronger

approach in terms of respecting First Nations rights. It sets national minimum standards, but those are safeguards to First Nations children's rights.

321

00:42:51.210 --> 00:42:56.470

Audio shared by Vincent – tech support: It's not an imposed solution that's kind of bureaucratic or administrative.

322

00:42:56.840 --> 00:43:01.120

Audio shared by Vincent – tech support: And there are allowances for regional variations on top of that.

323

00:43:01.190 --> 00:43:06.939

Audio shared by Vincent – tech support: The governance, the design, the oversight is all done by First Nations rights holders.

324

00:43:06.940 --> 00:43:22.510

Audio shared by Vincent – tech support: There's data sovereignty, public reporting and transparency, and First Nations control and strong enforcement measures that are multi-layered. You can look at our enforcement video to learn more about that.

325

00:43:22.910 --> 00:43:29.890

Audio shared by Vincent – tech support: In Canada's plan, as I said, we don't know of any known First Nations input into that plan.

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00:43:29.960 --> 00:43:44.450

Audio shared by Vincent – tech support: The National Plan was created by Canada, and although it acknowledges First Nations rights, it really... and children's rights, it really has weak enforcement to that, so it really is left largely to the goodwill of Canada itself.

327

00:43:44.730 --> 00:43:55.579

Audio shared by Vincent – tech support: There are regional governance bodies, but as we'll get into details later, their main role is advisory to Canada, with Canada holding the ultimate decision power.

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00:43:55.950 --> 00:44:04.669

Audio shared by Vincent – tech support: And there are consultation and negotiations that are referenced throughout the plan, but again, Canada retains significant control.

329

00:44:04.700 --> 00:44:21.969

Audio shared by Vincent - tech support: And what we have seen in the past is that when Canada does these region-by-region approaches in child and family services, they can end up creating a lot of fragmentation and unequal results for children across the country.

330

00:44:22.390 --> 00:44:41.660

Audio shared by Vincent - tech support: And another piece that we'll be tackling later is that if you don't agree with Canada's approach, or if Canada does not get an agreement on its terms by April 1st, 2027, then Canada's unilaterally going to impose a solution on First Nations.

331

00:44:41.660 --> 00:44:44.580

Audio shared by Vincent - tech support: And we do not agree with that approach clearly.

332

00:44:45.690 --> 00:45:04.849

Audio shared by Vincent - tech support: So, when you look at the... the... which plan gives most control to First Nations, Loving Justice is... gives much more control to First Nations, far less to, Canada. Now, it is important to recognize that Canada, because of the way the laws are structured, and that they hold the money.

333

00:45:04.850 --> 00:45:19.730

Audio shared by Vincent - tech support: They do need to have some level of control, but that needs to be limited, and their discretion needs to be guided by principles that ensure that there are no derogations of children's rights to be free of discrimination.

334

00:45:20.350 --> 00:45:29.989

Audio shared by Vincent - tech support: Then we have, the national plan, as Canada put over there. Now, I have moderate here, I think that's a generous, view.

335

00:45:30.000 --> 00:45:48.010

Audio shared by Vincent - tech support: But at least it's saying... it recognizes this, that it's important, but in practice, as we'll get into later in the regional agreements, at the end of the day, it's really Canada making the decision-making, and that's why we have a high degree of control over Canada.

336

00:45:48.010 --> 00:45:55.450

Audio shared by Vincent – tech support: And as a comparison, when you look at the Ontario Final Agreement, it really largely replicates the national plan.

337

00:45:55.550 --> 00:46:07.689

Audio shared by Vincent – tech support: With Canada, again, having high discretion over key aspects of the agreement, there is a lot that is not open to negotiation in Canada's plan.

338

00:46:08.310 --> 00:46:26.670

Audio shared by Vincent – tech support: So, when we talk about our regional variations, we're talking about regional agreements that build on national minimum standards that were developed and designed by First Nations, and that align with the tribunal's orders. We want those minimum national standards so they can't be negotiated away.

339

00:46:26.670 --> 00:46:41.419

Audio shared by Vincent – tech support: Indeed, that's exactly how UNDRIP was advocated for by First Nations across the country, to create that minimum national floor, but then to allow enrichment on top of that to meet the realities and distinct needs.

340

00:46:42.030 --> 00:46:54.860

Audio shared by Vincent – tech support: Regional variations exist to strengthen, not to limit, and there can't be any negotiation away by Canada, or putting pressure on maybe perhaps smaller regions to accept less.

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00:46:55.420 --> 00:46:57.430

Audio shared by Vincent – tech support: Sorry about that.

342

00:46:58.110 --> 00:47:16.199

Audio shared by Vincent – tech support: These negotiations are First Nations-led and governed in the regions. They're rights-based, they have to align with honor of the Crown and something called the Duty of Diligent Implementation, which comes from Supreme Court decisions. You can look that up.

343

00:47:16.200 --> 00:47:33.700

Audio shared by Vincent – tech support: And, the key goal is to remedy ongoing discrimination, and to, if it happens again, to prevent that recurrence, but if it happens again, we need to have meaningful

enforcement, not just program management. It's not meant to do that.

344

00:47:34.300 --> 00:47:36.780

Audio shared by Vincent – tech support: So, what's off the table?

345

00:47:37.170 --> 00:47:48.339

Audio shared by Vincent – tech support: of negotiations, sometimes it's good to have things that are off the table, which is those minimum standards, i.e, Canada can't discriminate for multiple generations. That's right in the tribunal's order.

346

00:47:48.690 --> 00:47:51.599

Audio shared by Vincent – tech support: So that's important to have it off the table.

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00:47:52.050 --> 00:48:00.609

Audio shared by Vincent – tech support: Minimum funding levels. We want regions to build on top of those levels, not for those levels to go down.

348

00:48:01.000 --> 00:48:13.290

Audio shared by Vincent – tech support: Accountability, there's going to be ongoing, tribunal jurisdiction that's proposed in Loving Justice. Multi-layered accountability mechanisms and monitoring mechanisms.

349

00:48:13.290 --> 00:48:24.220

Audio shared by Vincent – tech support: Those are all required. And, that flows into the governance oversight, which is consistent with the resolutions of Chiefs and Assembly that it be First Nations-led.

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00:48:25.120 --> 00:48:36.349

Audio shared by Vincent – tech support: So, what's on the negotiation in these regional agreements? Regional variations. To address things like geography, culture, capacity. Maybe you've got a unique service model in your region.

351

00:48:36.350 --> 00:48:58.919

Audio shared by Vincent – tech support: So, those, elements can be, negotiated. And what we've said there is that those negotiations have to be done by Canada in a way that is honouring of the Crown in duty or diligent implementation, and also has key aspects at remedying the

discrimination in child and family.

352

00:48:59.040 --> 00:49:17.289

Audio shared by Vincent – tech support: strengthening funding levels, or adapting above the national standards. Those are all things that are there. And of course, the Loving Justice Plan allows for regional governance and regional secretariates and oversight. That's all within those negotiation parameters.

353

00:49:17.940 --> 00:49:33.280

Audio shared by Vincent – tech support: So, for Canada, what's off the table? Well, Canada has a core plan, national plan, where it's decided funding levels, the terms and conditions of the funding, the funding approaches or formulas, all those are non-negotiable.

354

00:49:33.540 --> 00:49:41.139

Audio shared by Vincent – tech support: Tribunal orders, they want them to what's called satisfied, superseded, and replaced.

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00:49:41.170 --> 00:49:59.540

Audio shared by Vincent – tech support: And that means that they really, technically, they would go away, and that the tribunal would have no further oversight over Canada's conduct. What that means on the ground is no more tribunal orders to force Canada to do, things that, would stop its discrimination.

356

00:50:00.290 --> 00:50:10.260

Audio shared by Vincent – tech support: Canada retains significant decision-making. Often First Nations are relegated to advisory roles, to Canada.

357

00:50:10.540 --> 00:50:22.339

Audio shared by Vincent – tech support: And then here's the important piece, is that Canada says, if you don't have an agreement with us on our terms by April 1st, 2027, you just get the approach that we designed for you.

358

00:50:24.630 --> 00:50:40.899

Audio shared by Vincent – tech support: So, what about, Loving Justice regional, timelines? Well, one of the things we'd recommend right now is we regions, meet and, identify their region-specific needs. Many regions have already done this work.

359

00:50:41.060 --> 00:50:51.139

Audio shared by Vincent - tech support: What are the solutions that the tribunal could order that are necessary to end Canada's discrimination in child and family services? So all that work can begin right now.

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00:50:51.140 --> 00:51:03.580

Audio shared by Vincent - tech support: If the tribunal approves Loving Justice, which we hope it will, there are other timeframes that oblige Canada to come to the table in your region within 0 to 6 months.

361

00:51:03.580 --> 00:51:17.859

Audio shared by Vincent - tech support: to begin negotiating in good faith with the national standards as the floor. And if Canada doesn't do that, then First Nations are free to submit their own plans, so Canada doesn't hold all the power on timing here.

362

00:51:18.070 --> 00:51:41.700

Audio shared by Vincent - tech support: And that there are... is no disruption of regional processes unless a regional decides otherwise. Some regions have well-established leadership and expert tables, and they work well together, and that's working well with the region. There's no intention in this plan to disrupt that. But there is flexibility if folks would like to develop something different or adapt what they have.

363

00:51:44.210 --> 00:51:59.989

Audio shared by Vincent - tech support: So, what's on the table under... on Canada's, negotiation? Funding allocations within the region. So, they've got a specific pool of money. You can... they'll talk to you about who gets what money. First Nations agencies, for example.

364

00:52:00.420 --> 00:52:12.399

Audio shared by Vincent - tech support: You can talk about how to implement their plan, how to report on it, those types of things, largely administrative. Regional governance bodies are provided for in the plan, which is a good thing.

365

00:52:12.640 --> 00:52:28.570

Audio shared by Vincent - tech support: And... but largely, it's to provide advice to the, ISC, to Canada, and make recommendations, and inform program assessments. But that's why we have that note at the

bottom. Read the fine print.

366

00:52:28.570 --> 00:52:47.010

Audio shared by Vincent – tech support: If you're reading it as we're reading it, Canada still retains ultimate decision-making over many of the key factors and significant discretion on whether it would discharge its responsibilities, or even take up these recommendations that are made by regional First Nations bodies.

367

00:52:48.320 --> 00:53:01.939

Audio shared by Vincent – tech support: So, what is this default plan I've been talking about? Well, in the regions, as I said, if you don't reach this agreement, Canada will impose its national framework.

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00:53:01.940 --> 00:53:10.039

Audio shared by Vincent – tech support: And, in our view, this is likely to incentivize regional agreements and to introduce a negotiation pressure.

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00:53:11.020 --> 00:53:20.390

Audio shared by Vincent – tech support: We have some concerns about that, obviously. For us. That doesn't really align with, free, prior, and informed consent.

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00:53:20.530 --> 00:53:25.999

Audio shared by Vincent – tech support: And you may want to look more deeply into that question.

371

00:53:26.500 --> 00:53:35.560

Audio shared by Vincent – tech support: And, the other thing that Canada says in its plan is it really wants one of these agreements per region, if possible.

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00:53:36.020 --> 00:53:51.130

Audio shared by Vincent – tech support: And, you can see there, that's... this is a section of their plan, it's on pages in 5 and 6 of their national plan, where you can find this note that if there is no agreement, then, Canada's national plan goes forward.

373

00:53:51.990 --> 00:53:57.049

Audio shared by Vincent – tech support: So, it's a very tight time frame for getting these agreements, so...

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00:53:57.050 --> 00:54:12.600

Audio shared by Vincent – tech support: Right in the, in the submission on December 22nd, 2025, where they filed this plan, they say regions can apply for funding proposals for these negotiations with Canada.

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00:54:12.740 --> 00:54:17.620

Audio shared by Vincent – tech support: And then these negotiations also began last month.

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00:54:17.790 --> 00:54:32.510

Audio shared by Vincent – tech support: And all these agreements are supposed to be wrapped up by September 30th, with the federal government filing them with the tribunal on October 5th, and then they would take effect, on April 1st, 2027.

377

00:54:34.170 --> 00:54:46.880

Audio shared by Vincent – tech support: So I want to come back to this whole idea of take this agreement on our terms, or you're going to get the agreement we designed for you that's really at the bedrock of Canada's regional approach.

378

00:54:47.230 --> 00:54:57.369

Audio shared by Vincent – tech support: And I just want to remind everyone of what the United Nations Declaration on the Rights of Indigenous Peoples says about this. I think it's Article 19.

379

00:54:57.780 --> 00:55:14.220

Audio shared by Vincent – tech support: On free, prior, and informed consent. So it really requires that the free part be no coercion. Like, you're making the decision, because you feel it's the best decision and approach for your nation and your community.

380

00:55:14.500 --> 00:55:27.849

Audio shared by Vincent – tech support: Prior is that you need to have some input before the decision is made. For example, in Loving Justice, First Nations and their experts had input into the actual design of Loving Justice.

381

00:55:28.300 --> 00:55:35.169

Audio shared by Vincent – tech support: Informed is that you have a

chance to look at all the impacts of this, the pros and cons, etc.

382

00:55:35.490 --> 00:55:49.420

Audio shared by Vincent – tech support: And consent, it's not just consultation, it's consent. So that's what UNDRIP requires, and we would really encourage you to look at Canada's plan and looking at loving justice, and compare them against this UNDRIP standard.

383

00:55:50.890 --> 00:56:02.659

Audio shared by Vincent – tech support: So, overall, when we look at the regional approaches, under Canada's plan, regionalization is present. In fact, for example, I think they're really largely relying on regional agreements

384

00:56:02.740 --> 00:56:16.680

Audio shared by Vincent – tech support: And that is a departure from what the tribunal really has been emphasizing over the years, which is a national agreement with regional adaptations.

385

00:56:17.030 --> 00:56:26.329

Audio shared by Vincent – tech support: Canada retains the final say on a large number of these funding decisions, minimum standards, timelines, that kind of stuff.

386

00:56:26.590 --> 00:56:33.109

Audio shared by Vincent – tech support: And, regional governance exists, but is advisory and largely subject to federal approval.

387

00:56:33.630 --> 00:56:50.940

Audio shared by Vincent – tech support: Under loving justice, again, we have those binding, and that's a key word, because that means it can be enforced if Canada backslides. Minimum national standards that are really rights-affirming for First Nations and for their children.

388

00:56:51.360 --> 00:57:00.419

Audio shared by Vincent – tech support: Regions have the right to develop, propose, and implement their own regional variations on top of those minimum standards to make it even better.

389

00:57:00.970 --> 00:57:09.999

Audio shared by Vincent – tech support: And regional governance is First Nations-led, with chiefs, elders, youth, technical experts, and

others participating in the decision-making.

390

00:57:11.580 --> 00:57:25.970

Audio shared by Vincent – tech support: So, look at our enforcement video on more about this, but when you're talking about regional agreements, you want to make sure that the agreement that you get is actually going to be, something that's honored and implemented.

391

00:57:25.970 --> 00:57:39.339

Audio shared by Vincent – tech support: So, do take a look at the multiple levels and multiple layers of accountability and enforceability in Loving Justice. This is just a quick summary slide.

392

00:57:39.350 --> 00:57:44.919

Audio shared by Vincent – tech support: And, compare that in Canada's plan, where the tribunal goes away.

393

00:57:45.090 --> 00:58:04.250

Audio shared by Vincent – tech support: There is an allowance for a national dispute tribunal to be created through legislation, but Canada just has to make best efforts to do that. It really retains a lot of final decision making, and that's not negotiable. So there's some real,

394

00:58:04.750 --> 00:58:09.290

Audio shared by Vincent – tech support: real questions around the enforceability of Canada's approach.

395

00:58:11.210 --> 00:58:24.379

Audio shared by Vincent – tech support: So, summing up, Canada does propose a regional plan, and the implementation of really what is a Canada-defined framework. The...

396

00:58:24.570 --> 00:58:41.879

Audio shared by Vincent – tech support: First Nations leadership in the regions can, help shape what that implementation looks like on their region for... on some issues. But it's largely a recommendation-based, relationship with First Nations Advising Canada.

397

00:58:42.430 --> 00:58:50.069

Audio shared by Vincent – tech support: Loving justice, takes a different approach, which is, First Nations define national minimum

standards.

398

00:58:50.070 --> 00:59:04.150

Audio shared by Vincent – tech support: That are in alignment with the Canadian Human Rights Tribunal, and enforcement, enforceable governance and human rights supervision to prevent, discrimination from recurring, or to address ongoing discrimination.

399

00:59:04.290 --> 00:59:05.660

Audio shared by Vincent – tech support: by Canada

400

00:59:06.470 --> 00:59:20.589

Audio shared by Vincent – tech support: So, that's kind of our summary on, regional agreements. Again, we really recommend that you, in your region, take a look at, what's best for you.

401

00:59:20.880 --> 00:59:25.130

Audio shared by Vincent – tech support: And, yeah, thank you for joining us.

402

00:59:31.040 --> 00:59:50.669

Iskwew kapaw apih Musqua FSIN Director CWSD: H to Dr. Blackstock for providing that video presentation for us to have here. I just want to go... we will take some questions now. We have a little bit of time left, but first I will remind everybody that our next webinar will be on funded, and that will be two weeks from now on March 13th.

403

00:59:52.230 --> 01:00:06.519

Iskwew kapaw apih Musqua FSIN Director CWSD: So we do have a... I do have a couple of questions here that I will ask, and I'm going to actually ask... I see Rashard is, here, as well as Chief Erica Bowden, if you come back online, Chief... Chief?

404

01:00:06.520 --> 01:00:17.880

Iskwew kapaw apih Musqua FSIN Director CWSD: And I'm going to start with the questions for the little bit amount of time. I'll direct my first question here to Rashard. What happens after 5 years if this is not resolved?

405

01:00:19.180 --> 01:00:26.409

Richard Gray: Thanks, for the prayer today, Karen, and the presentations from Cindy and Chief Budden.

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01:00:26.540 --> 01:00:38.569

Richard Gray: Great question. I would refer the person who asked the question to look at the Loving Justice Plan, pages 49 to 51.

407

01:00:38.990 --> 01:00:57.690

Richard Gray: So, the Loving Justice Plan basically promotes that we do seek continued guidance from the tribunal following a dispute and complaint. So, we're asking the tribunal to retain jurisdiction over the complaint in relation to CFS for a minimum of 5 years from the date

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01:00:57.820 --> 01:01:10.610

Richard Gray: of the long-term reform order, and thereafter, until Canada has demonstrated sustained compliance with the CFS reforms, and the risk of recurrence of discrimination has been eliminated.

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01:01:10.900 --> 01:01:13.290

Richard Gray: During that period as well.

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01:01:13.560 --> 01:01:23.410

Richard Gray: Hopefully, the complainants in Canada will be able to agree on an effective dispute resolution as part of the CFS reforms, and

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01:01:23.540 --> 01:01:38.970

Richard Gray: If the complainants in Canada can't agree on something, then they will only return to the tribunal for assistance following the full adjudication of a dispute using that mechanism.

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01:01:39.460 --> 01:01:47.790

Richard Gray: As well, subject to Canada's compliance with CFS reforms following the five-year review,

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01:01:48.330 --> 01:01:57.320

Richard Gray: super... the complainants in Canada shall report to the tribunal regarding the initial five-year term and seek guidance and direction regarding

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01:01:57.430 --> 01:02:04.900

Richard Gray: the tribunal's ongoing jurisdiction in relation to CFS.

So I hope that provides, some clarity.

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01:02:06.290 --> 01:02:23.050

Iskwew kapaw apih Musqua FSIN Director CWSD: Great. Thank you, Richard. We will... I will direct the next question. I have two more questions that we have time for here. I will direct the next question to Tracy. If we were... if we were not able to go back to the CHRT, is this not against our human rights once again?

416

01:02:24.960 --> 01:02:39.080

Tracy Lavin: Thanks, Karen. So there are two ways of going back to the Canadian Human Rights Tribunal. One is, you know, the easy pathway, where the tribunal retains jurisdiction over this particular case.

417

01:02:39.210 --> 01:02:46.379

Tracy Lavin: And the complainants are able to go back to the tribunal to ask for additional orders in this same case.

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01:02:46.550 --> 01:03:03.430

Tracy Lavin: That is the easiest way of going back to the tribunal and the fastest way, and that's why the Loving Justice Plan wants to maintain that as an option for at least 5 years, as Richard was describing, and until it's clear that the discrimination really has ended.

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01:03:03.800 --> 01:03:12.979

Tracy Lavin: It's true that everyone always has the right to go back to the tribunal, but once this particular case is settled.

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01:03:12.980 --> 01:03:31.189

Tracy Lavin: that would require starting a new case, and as we know, that takes years and years. In this particular case, the complaint was filed in 2007, and the actual hearings didn't start until 2013, and the first decision didn't come out until 2016, so it takes a really long time.

421

01:03:31.190 --> 01:03:40.379

Tracy Lavin: to start a new case, get a new case going. There's never any guarantee that a new complaint would actually go to a hearing to be adjudicated.

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01:03:40.390 --> 01:03:49.310

Tracy Lavin: And that's why it's really important to maintain the jurisdiction of this tribunal until it's very clear that the discrimination has ended.

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01:03:50.880 --> 01:03:58.949

Iskwew kapaw apih Musqua FSIN Director CWSD: Chief Bowden, do you have any comments on either of those questions? Because we are running out of time, and I have probably about 1 minute.

424

01:03:59.430 --> 01:04:17.120

Chief Erica Beaudin: Okay, thank you. I think that, I want to, first of all, thank everybody who has attended this morning. It really shows across the board how much our children really mean to us, and we, as commissioners, are only the voices.

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01:04:17.140 --> 01:04:31.990

Chief Erica Beaudin: And we need your voice to assist us in ensuring that we have the best and the most robust plan that we possibly can for our children and families, our most vulnerable children and families.

426

01:04:32.090 --> 01:04:48.190

Chief Erica Beaudin: In regards to the questions about the CHRT, that has... that was an immediate red flag to many of us as rights holders, myself being a chief, when we saw the initial plan, that... that was presented to us.

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01:04:48.190 --> 01:05:03.430

Chief Erica Beaudin: the elimination in this regard to the CHRT was probably the largest indicator for us that if we did not have the CHRT, because Canada continues to take

428

01:05:03.650 --> 01:05:22.119

Chief Erica Beaudin: the CHR or the rulings back to court, or else not to fulfill them, which requires us to go back to the CHRT. So, if currently we are having those types of issues in current CHRT rulings.

429

01:05:22.390 --> 01:05:28.080

Chief Erica Beaudin: The hugest red flag is In whose best interest is it

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01:05:28.420 --> 01:05:41.849

Chief Erica Beaudin: to eliminate the CHRT, especially if we do not have an agreed-upon mechanism that has either equal or greater authority,

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01:05:42.130 --> 01:05:55.619

Chief Erica Beaudin: more expedient authority to make decisions on behalf of our children and families, which are, again, apart from us as rights holders. So, that being the case.

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01:05:55.620 --> 01:06:03.780

Chief Erica Beaudin: That is one of the greatest... we want there to be a transition. We don't want our plan to be, okay.

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01:06:04.080 --> 01:06:27.360

Chief Erica Beaudin: We want to instantly put in something that we as rights holders in our plan, what we imagine to be the best plan, and we have the answers right away. No. It is going to come through data, it's going to come through us working through, you know, the first 2, 3, 4 years, whatever the case is, in order for us to do the best for our children.

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01:06:27.360 --> 01:06:37.579

Chief Erica Beaudin: Therefore, we do require the CHRT and their involvement until we are satisfied That there is a mechanism

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01:06:37.580 --> 01:06:52.899

Chief Erica Beaudin: that has greater or equal authority or expediency in the best interests of our children and families. And that is our best way to protect our children and families that we can see. So, thank you for that, Karen.

436

01:06:52.900 --> 01:07:10.329

Iskwew kapaw apih Musqua FSIN Director CWSD: for providing those answers once again. So, I just, want to say thank you for everybody for joining, all my relations, thank you. Please look forward to the next couple of weeks here. On March 13th, we'll have the next one.

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01:07:10.330 --> 01:07:14.630

Iskwew kapaw apih Musqua FSIN Director CWSD: And it'll be... all our webinars are available on the,

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01:07:14.630 --> 01:07:28.090

Iskwew kapaw apih Musqua FSIN Director CWSD: On the NCC website, as well as our Children Our Way. We thank Our Children Our Way once again. I just want to close us off in a prayer, so please join me. Join us as... in your own way as we... as we close today.

439

01:07:28.230 --> 01:07:42.629

Iskwew kapaw apih Musqua FSIN Director CWSD: We give thanks for this time that we had together. We give thanks to the Creator for hearing us today and guiding us as we move forward. We pray for those getting ready for our spring and summer ceremonies. May their prayers be lifted to the spirits.

440

01:07:42.780 --> 01:07:45.710

Iskwew kapaw apih Musqua FSIN Director CWSD: We pray for each other and our loved ones.

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01:07:45.840 --> 01:07:51.070

Iskwew kapaw apih Musqua FSIN Director CWSD: We give thanks for having woke up this morning and smelled the fresh, crisp air that the Creator gave us.

442

01:07:51.200 --> 01:07:55.620

Iskwew kapaw apih Musqua FSIN Director CWSD: We pray for our little ones and our lost ones, and that they come home to us.

443

01:07:55.960 --> 01:08:02.829

Iskwew kapaw apih Musqua FSIN Director CWSD: Hi, hi, mugweich. Mercy Ciao. Masi. Be safe out there, and take care of each other, everyone.