



Before all other words are said
we extend greetings to all of creation

Indigenous Studies at Trent University



The Challenges of Reconciliation

DAVID NEWHOUSE

PROFESSOR AND CHAIR, INDIGENOUS STUDIES

TRENT UNIVERSITY

JANUARY 22, 2017



Truth and Reconciliation: Will This Time be any Different?

WILLIAM A. MACDONALD, GLOBE AND MAIL, FRIDAY, DECEMBER 18, 2015

Four Reconciliation Documents

- 1. 1996 Final Report of the Royal Commission on Aboriginal Peoples, Georges Erasmus, Rene Dussault
- 2. 1998 Statement of Reconciliation, Honourable Jane Stewart
- 3. 2008 Apology for Indian Residential Schools, Right Honourable Stephen Harper
- 4. 2015 Report of the Truth and Reconciliation Commission, Justice Murray Sinclair
- 2007 United Nations Declaration of the Rights of Indigenous Peoples



Statement of Reconciliation, 1998

- The Government of Canada today formally expresses to all Aboriginal people in Canada our profound regret for past actions of the federal government which have contributed to these difficult pages in the history of our relationship together.
- Honourable Jane Stewart, Minister of Indian Affairs and Northern Development



Statement of Reconciliation, 1998

- Reconciliation is an ongoing process.
- In renewing our partnership, we must ensure that the mistakes which marked our past relationship are not repeated.
- The Government of Canada recognizes that policies that sought to assimilate Aboriginal people, women and men, were not the way to build a strong country.
- We must instead continue to find ways in which Aboriginal people can participate fully in the economic, political, cultural and social life of Canada in a manner which preserves and enhances the collective identities of Aboriginal communities, and allows them to evolve and flourish in the future.
- Working together to achieve our shared goals will benefit all Canadians, Aboriginal and non-Aboriginal alike.





The Long Assault

□ 1857

□ An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians

□ 1971

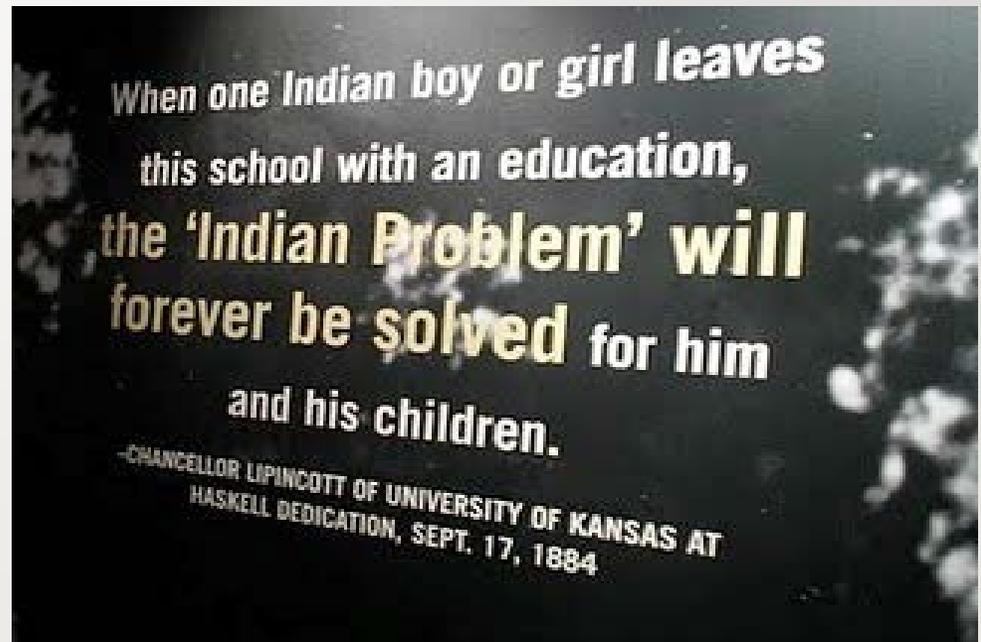
□ Withdrawal of Statement of of the Government of Canada on Indian Policy

The Long Assault Solutions to the Indian Problem

PILLARS OF INDIAN POLICY

- Protection - prior to Confederation
- Civilization - gradual and long term process
- Assimilation - long range goal
- Self-Determination - after 1969
- Reconciliation - after 1998? 2015?

RESIDENTIAL SCHOOLS



The Effect of the Long Assault

- In the buzz-word of the day, assimilation; in the language of the 21st Century, cultural genocide
- *Reconciling Unity and Diversity in the Modern Era: Tolerance and Intolerance, Rt. Hon. Beverly McLachlin, Chief Justice of Canada, May 28, 2015*

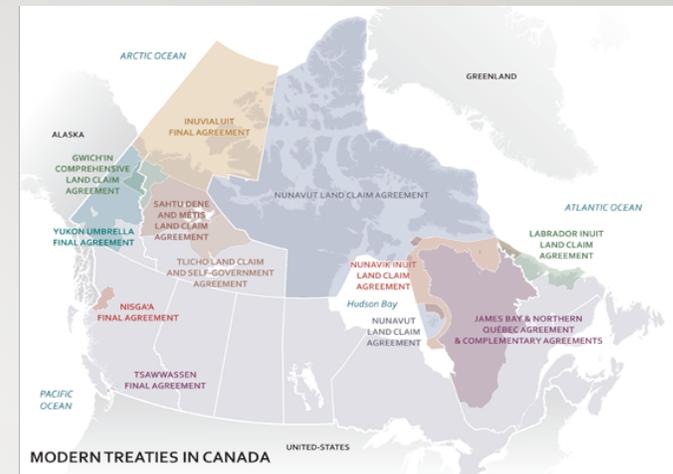
The Canada Problem

- How to live with and within this new entity called Canada as Indians,
- Aboriginal peoples, First Peoples/Nations
- *Consistent idea behind Aboriginal politics for almost two centuries*



The Canada Problem

Solution is multi-faceted, working on many fronts, engaging multiple strategies and alliances



- **Political Recognition**

- Aboriginal Rights
- Constitutional Amendment
- Land Claims and Aboriginal Title
- Self Government
- Treaties

- **Quality of Life**

- Education
- Employment
- Health
- Housing
- Culture and Language
- Community and Economic Development

Solving the Canada Problem

Multi-actor

Multi-year

Multi-generational

Multi-site

Complex effort





The Aboriginal Agenda

- Addressing the Canada Problem
- Mediating and repairing the damage from colonization
- Restoration of jurisdiction over lands and resources
- Cultural Revitalization and Resurgence
- Reconciliation

The Canada Agenda

- The Government will undertake to renew, nation to nation, the relationship between Canada and Indigenous Peoples, one based on recognition of rights, respect, co-operation and partnership
- Speech from the Throne,
- December 4 2015

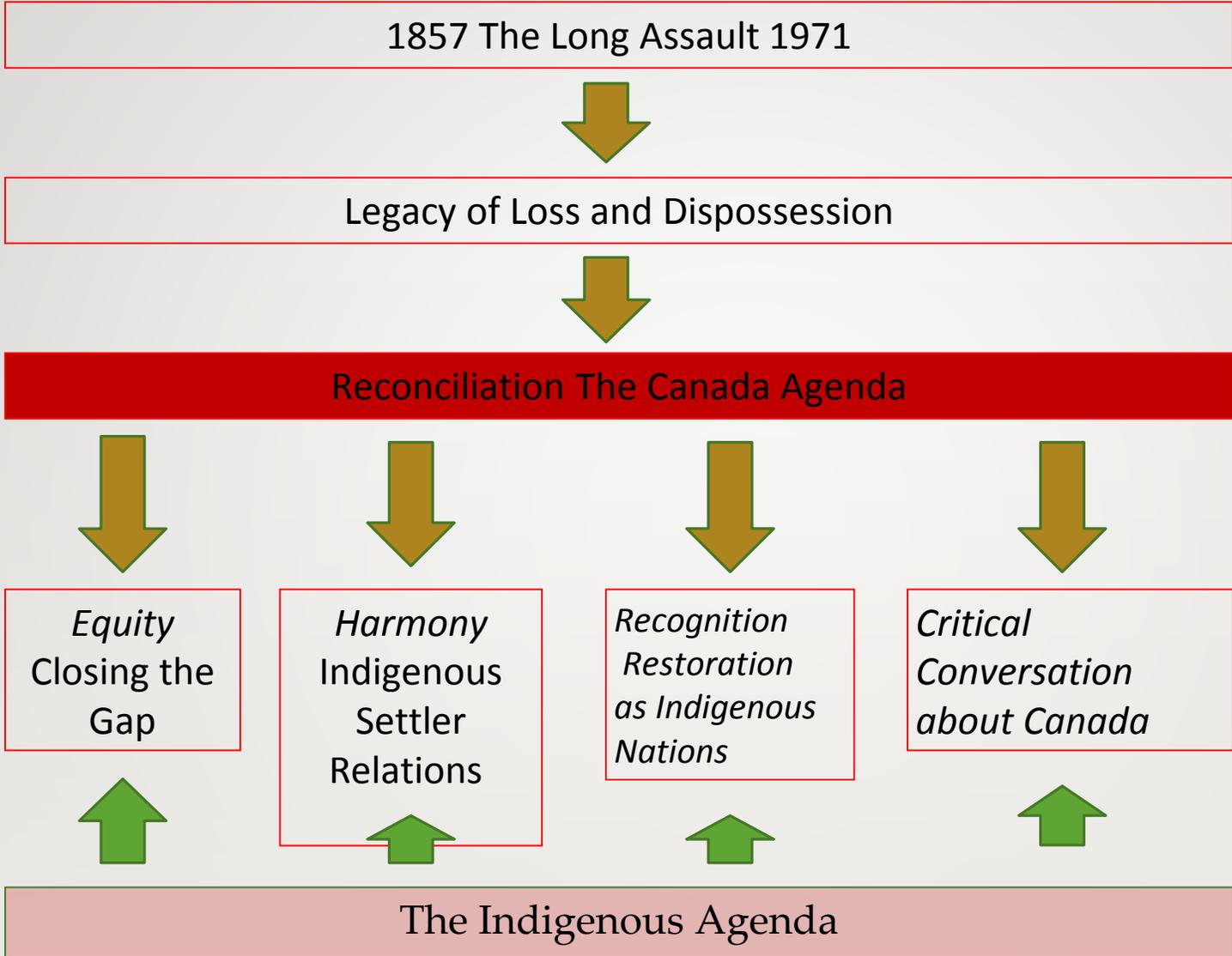
The Canada Agenda

- "It is time for a renewed, nation-to-nation relationship with First Nations peoples, one that understands that the constitutionally guaranteed rights of First Nations in Canada are not an inconvenience but rather a sacred obligation.
- Prime Minister Justin Trudeau to AFN Special Assembly, December 8, 2015



The Canada Agenda, December 08 2015

- 1. Launch a national public inquiry into missing and murdered indigenous women.
- 2. Make significant investments in First Nations education.
- 3. Lift the two per cent cap on funding for First Nations programs.
- 4. Implement all 94 recommendations from the Truth and Reconciliation Commission.
- 5. Repeal all legislation unilaterally imposed on indigenous people by the previous government





The Court Order

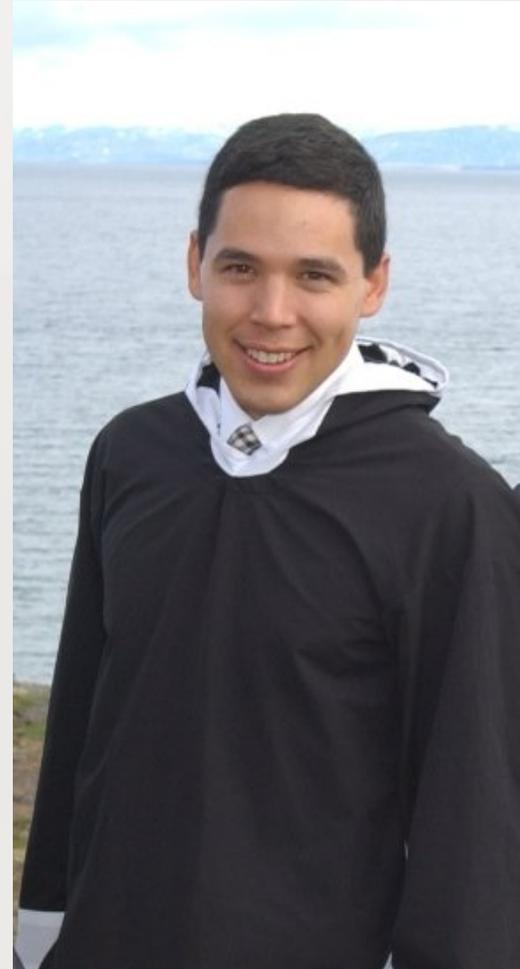
Ultimately, it is through negotiated settlements, with good faith and give and take on both sides, reinforced by judgments of this Court, that we will achieve... 'the reconciliation of the pre-existence of Aboriginal societies with the sovereignty of the Crown.' Let us face it, we are all here to stay.

Delgamuukw v. British Columbia 1997 3 S.C.R., 1124.



Intellectual Foundations For Reconciliation

- When you come to meet with us, please remember that we have been thinking about our relationship with Canada for a very long time
- Natan Obed
- President, Inuit Tapiriit Katamani
- Nov 2, 2016



Partners in Confederation



Aboriginal Peoples,
Self-Government,
and the
Constitution



Royal Commission
on Aboriginal Peoples

The Royal Commission on Aboriginal Peoples

- Reported in Jan, 1996
- Contained a political vision of Canada
 - Details of nation to nation
 - Aboriginal nation
 - Treaty federalism

The Truth and Reconciliation

- Reported in June 2015
- December 2015
- History of Indian Residential Schools
- Impact upon Indigenous peoples
- Recommendations for change
- 94 Calls to Action
- Child Welfare
- Education
- Language and Culture
- Health
- Justice
- UNDRIP
- Church Apologies
- National Centre for Truth and Reconciliation



Truth and
Reconciliation
Commission of Canada

For the child taken,
For the parent left behind

United Nations Declaration of the Rights of Indigenous Peoples, 2007

- May 9, 2016
- We are fully adopting this and working to implement it within the laws of Canada, which is our Charter.
- Carolyn Bennett
- Minister of Indigenous Affairs



Intellectual Foundations

- Robert Warrior
- Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600-1800
- Gustwenah Political Philosophy
- Indigenous leaders have been following a consistent political philosophy in dealing with Europeans
- Establish, honouring and renewing **mutual beneficial relationships**

Intellectual Foundations

- **Whabung, Our Tomorrows**
- 1971
- Indian Tribes of Manitoba
- Treaties, Self-Determination
- Plan to deal with Long Assault
- **Indian Self-Government**
- 1977
- Federation of Saskatchewan Indian Nations
- Ideals and Principles of Self-Government

Intellectual Foundations

- **Indian Control of Indian Education**
- 1972
- National Indian Brotherhood
- Education ideals and objectives
- **Dene Declaration**
- 1975
- Idea of Indigenous nationhood

Intellectual Foundations

- **Report of the Special Committee on Indian Self-Government**
- 1983
- Introduced 'First Nation'
- With right to self government within Canadian Foundation
- **Inherent Rights Policy Statement**
- 1995
- Right to Self-government is inherent and cannot be taken away



Legal Foundations

- Calder, 1973
- Guerin, 1984
- Sparrow, 1990
- Delgamuukw, 1997
- Marshall, 1999
- Tshilqotin, 2014

The Challenges

- Translating ideas and ideals into a new reality



How will we know when we are reconciled?

- **Improved Relationship?**
- New FED-PROV-INDG Political Institutions
- Mainstreaming of Indigenous issues
- Improved social relationships between Indigenous and non-Indigenous peoples
- **Improved Quality of Life?**
- Education
- Health
- Economic
- Housing
- Culture
- Indigenous Institutions

How to measure progress?

- What are indicators that we are moving towards reconciliation?
- Who reports? And to whom?
- What happens when things go wrong or slow considerably?
- What are we using as the guides and milestones?
- 94 Calls to Action
- RCAP Recommendations

Changing the views held of Indigenous Peoples

- Citizen's Plus
- Charter Members
- Contributors
- Treaties
- Aboriginal Rights
- Jurisprudence/Court rulings



Changing the view of Canada

- Canada
- Provinces
- Territories
- RCAP
- Partners in Confederation
- First Nations/Band Councils
- Aboriginal Nations
- Aboriginal governments



Managing the Process?

- Reconciliation is a complex long term undertaking requiring action by many political actors
- *Liberia: The strategic Roadmap for National Healing, Peacebuilding and Reconciliation, 2015*



- Build a critical mass of public support and political buy-in
- Strengthen legitimacy of the reconciliation structures and initiatives
- Prioritize coherence and co-ordination throughout program design



Reconciliation doesn't just happen

- Requires political commitment at all levels
- Requires collective action
- Requires sustained effort over time
- Requires willingness to experiment and try new things
- Requires good will

‘We should begin by reminding
ourselves that reconciliation is not
optional, but necessary
for our national future’

Former Australia Prime Minister Kevin Rudd
2015 Reconciliation Lecture, ANU

Reconciliation is a long game

- How to sustain this large national project over the several generations?

RECONCILIATION
WITH INDIGENOUS PEOPLES IN CANADA

HARMONY
Renew the nation-to-nation relationship, and recognize indigenous rights to lands

CONVERSATION
Have a critical conversation about Canada

CLOSING THE GAP
Improve the life conditions of Indigenous peoples

RESTORATION
Improve the relationship between Indigenous and non-Indigenous people

Source: irpp.org/research-studies/insight-no11

Answer to MacDonald Question by Aboriginal Professional: Globe and Mail, Dec 18. 2016

- Governments should move on matters under their control, especially funding for education and child health. All sides should focus on how to bridge the gaps between them. First Nations should take more responsibility for their own future however politically incorrect that advice is in some circles.
- *Aboriginal professional, G&M, same date*
- The world is driven by feelings and limited by facts. Right now, there are high hopes for reconciliation and mutual accommodation, and we must seize the moment.
- We can achieve these goals by open discussion, very hard work, and much patience over a long period. What matters now is to get on the right path – quickly

DESIRE

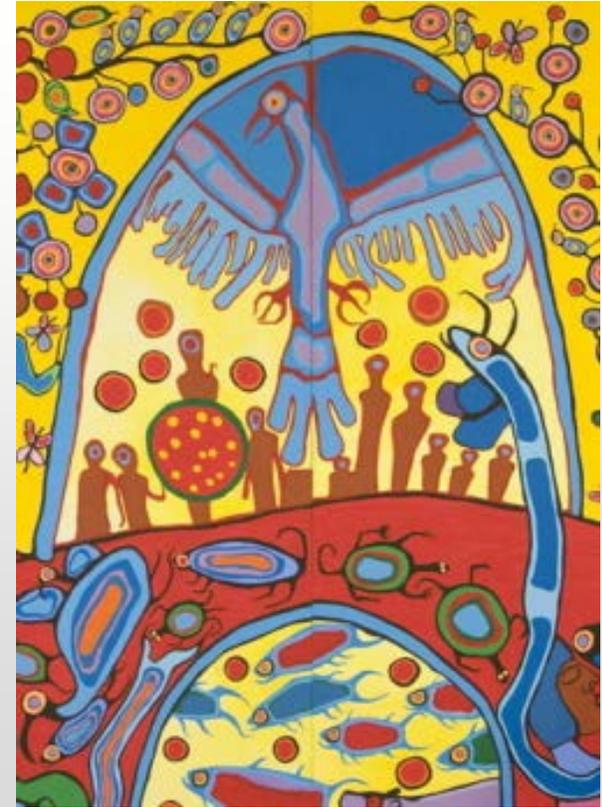


- Do Canadians Desire Reconciliation?
- Do Canadians Desire a new relationship with Indigenous Peoples?
- Are Canadians willing to make the changes that are necessary?

Trust

The Big Challenge

We've heard all of this before



Reconciliation can draw a new face on Canada

- Fine Liner Eyebrow
- Annie Pootoogok,
- 2001-2002





TRC Recommendations

- 57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.



The Duty of Public Servants

- Enact will of parliament as expressed through legislation and policy
- Advise parliamentarians on legislation and policy
- Act on behalf of the Crown and ensure the honour of the Crown.



Public Servants

- Where do we start?
- What do we do?
- How do we keep it going?
- How do we measure our impact?
- What are the challenges that you see? How can you deal with them?