



Getting Started

The geese migrate because they have responsibilities to fulfil at different times and in different places. Before they fly they gather together and store up energy. I believe strongly that our people are gathering together now, just like the geese getting ready to fly. I am tremendously optimistic that we will soon take on the responsibilities we were meant to carry in the world at large.

Jim Bourque¹

As an ordinary Canadian I feel deeply that this wonderful country is at a crucial, and very fragile, juncture in its history. One of the major reasons for this fragility is the deep sense of alienation and frustration felt by, I believe, the vast majority of Canadian Indians, Inuit and Métis. Accordingly, any process of change or reform in Canada — whether constitutional, economic or social — should not proceed, and cannot succeed, without aboriginal issues being an important part of the agenda.

Brian Dickson²

ALTHOUGH JIM BOURQUE and Brian Dickson come from different cultures and backgrounds, they are recognized for their vision and dedication to the common good. They give voice to a sense of anticipation, apparent in many quarters of Canadian society, that Aboriginal people are poised to assume a vital role in shaping the future of Canada. But optimism about what can be achieved in the relationship between the Aboriginal and non-Aboriginal people of this land is tempered by the remembrance of past failures to come to one mind and by some foreboding that another failure could have dire consequences.

This Royal Commission on Aboriginal Peoples was born in a time of ferment when the future of the Canadian federation was being debated passionately. It came to fruition in the troubled months following the demise of the Meech Lake Accord and the confrontation, in the summer of 1990, between Mohawks and the power of the Canadian state at Kanesatake (Oka), Quebec.³ As we complete the drafting of our report in 1995, further confrontations at Ipperwash, Ontario, and Gustafson Lake, British Columbia, signal that the underlying issues that gave rise to our Commission are far from resolved.

1. Interpreting the Mandate

The Commission, established on 26 August 1991, was given a comprehensive mandate:

The Commission of Inquiry should investigate the evolution of the relationship among aboriginal peoples (Indian, Inuit and Métis), the Canadian government, and Canadian society as a whole. It should propose specific solutions, rooted in domestic and international experience, to the problems which have plagued those relationships and which confront aboriginal peoples today. The Commission should examine all issues which it deems to be relevant to any or all of the aboriginal peoples of Canada...⁴

In four years of consultations, research and reflection we have come to see clearly that the problems that plague the relationship cannot be addressed exclusively or primarily as Aboriginal issues. The questions we probed during our inquiry and the solutions that emerged from our deliberations led us back insistently to examine the premises on which Canadian law and government institutions are founded and the human values that Canadians see as the core of their identity.

The analysis we present and the avenues of reconciliation we propose in this and the other four volumes of our report do not attempt to resolve the so-called 'Aboriginal' problem.⁵ Identifying it as an Aboriginal problem inevitably places the onus on Aboriginal people to desist from 'troublesome behaviour'. It is an assimilationist approach, the kind that has been attempted repeatedly in the past, seeking to eradicate Aboriginal language, culture and political institutions from the face of Canada and to absorb Aboriginal people into the body politic — so that there are no discernible Aboriginal people and thus, no Aboriginal problem.

Our report proposes instead that the relationship between Aboriginal and non-Aboriginal people in Canada be restructured fundamentally and grounded in ethical principles to which all participants subscribe freely.

The necessity of restructuring is made evident by a frank assessment of past relations. We urge Canadians to consider anew the character of the Aboriginal nations that have inhabited these lands from time immemorial; to reflect on the way the Aboriginal nations in most circumstances welcomed the first newcomers in friendship; to ask themselves how the newcomers responded to that generous gesture by gaining control of their lands and resources and treating them as inferior and uncivilized; and how they were designated as wards of the federal government like children incapable of looking after themselves. Canadians should reflect too on how we moved them from place to place to make way for 'progress', 'development' and 'settlement', and how we took their children from them and tried to make them over in our image.

This is not an attractive picture, and we do not wish to dwell on it. But it is sometimes necessary to look back in order to move forward. The co-operative relationships that generally characterized the first contact between Aboriginal and non-Aboriginal people must be restored, and we believe that understanding just how, when and why things started to go wrong will help achieve this goal.

2. Looking Ahead

In this volume we turn our attention to Canadian history, presenting glimpses of the relationship between Aboriginal and non-Aboriginal people as it has unfolded at various times and places and examining four policies that have cast a long shadow over that relationship. We argue that consideration of this history will surely persuade the thoughtful reader that the false assumptions and abuses of power that have pervaded Canada's treatment of Aboriginal people are inconsistent with the morality of an enlightened nation. We delineate the elements of the turning point we are approaching, or that may already be upon us, and we explore the vitality of diverse Aboriginal traditions and their relevance for contemporary life. In the concluding chapter we set out four principles we adopted as reference points for our own work and that we propose as the ethical ground on which a new relationship can and should be built.

The structures needed to transform political and economic relations between Aboriginal people and the rest of Canadian society are the subject of Volume 2, entitled *Restructuring the Relationship*. Treaties are the historical expressions of nation-to-nation exchanges. Aboriginal people have always regarded treaties as embodying a living relationship, and in Volume 2 we propose how they can serve to structure relations in the future. New institutions of self-government, bringing together ancient wisdom and contemporary realities, are already emerging in various regions, and we undertake to describe the varied paths of development that such institutions might take. We maintain that Aboriginal nations have an inherent right to determine their own future within Canada and that the governments of Aboriginal nations should be recognized as a third order of government in the Canadian federation. Treaties and agreements that provide for the orderly evolution of relations between Aboriginal governments and their federal and provincial counterparts will be advantageous for Aboriginal nations and for Canadian society as a whole. Resolution of long-standing questions about land will require new approaches to conceptualizing land title and managing land use. We introduced some of these approaches in our report on extinguishment.⁶ We develop these further in Volume 2 with a view to achieving redistribution of land and resources between Aboriginal and non-Aboriginal people, as a matter of justice and as a means of re-establishing the economic base for Aboriginal self-reliance. The concluding chapter of Volume 2 addresses various means by which Aboriginal economies can be put on a stable footing through mixed economies that rely in part on traditional modes of harvesting renewable resources and through fuller engagement of Aboriginal individuals and institutions in wage and market economies.

We address the requirements for structuring a new relationship in advance of urgent issues of social policy because commitment to changing historical patterns of Aboriginal disadvantage must be reflected in public institutions. Structural change will require time and can be accomplished only with the active participation of healthy, well-educated citizens, nurtured by stable families and supportive communities. Action to establish the political, economic and governmental institutions detailed in Volume 2 must therefore be accompanied by effective action to resolve persistent social problems that undermine the morale and vitality of Aboriginal nations and their communities.

In Volume 3, *Gathering Strength*, we address practical questions of how public policy can help to restore Aboriginal families to wholeness and health, how health and social services can be reorganized to use Aboriginal expertise and Aboriginal support systems, how housing and community infrastructure can be brought up to a standard that supports health and dignity, and how educational effort can be applied more effectively. We also consider the policy implications of a commitment to acknowledging and affirming the importance of Aboriginal languages and cultures in Canadian society. We emphasize that adoption of far-sighted, culturally appropriate policies and initiatives, under the authority of Aboriginal people themselves, cannot and should not await new regimes of self-government. Our social policy recommendations are designed to be implemented in the current environment, to enhance Aboriginal capacity for self-reliance and self-government, and to make inroads immediately on unacceptable social conditions and relative disadvantage.

In Volume 4, *Perspectives and Realities*, we highlight the diversity that characterizes First Nations, Inuit and Métis people in their various regions and communities. We note that Aboriginal people affirm their intention to retain their distinct identities in relation to non-Aboriginal people; they also affirm their distinctive histories, cultures and identities in relation to one another. In Volume 4 we bring together the voices of women, elders and youth speaking on a range of issues in our mandate, and we examine particular challenges confronted by Métis people and by Aboriginal people living in the North and in urban settings.

In his report to the prime minister on the mandate and membership of this Commission, Brian Dickson urged "that the government actively address the process and mechanisms for considering, adopting and implementing the Commission's recommendations."⁷ To assist in this process, in Volume 5, *Renewal: A Twenty-Year Commitment*, we present a plan for implementation, including a program of public education and an estimate of the financial costs of not taking action. The human costs of maintaining antiquated laws, economic disadvantage and a pervasive sense of powerlessness among Aboriginal people are evident throughout the five volumes of this report and others published earlier.⁸

3. Imperatives for Change

In our review of past commissions and task forces we discovered many well-founded recommendations for improving the situation of Aboriginal people in Canada.⁹ Yet in the 30 years since a comprehensive survey of Indians in Canada was published in the Hawthorn report,¹⁰ the gains that are recognized as widely accepted indicators of well-being have been very modest. At the same time the demands of Aboriginal people for recognition as nations and peoples with the right to determine their own place in Canadian society and to shape their own future have become more insistent. We understand the growing support in many parts of Canadian society for greater opportunities for control by Aboriginal people of decisions that affect their collective lives, but we see the need to go beyond a reorganization of existing structures and jurisdictions.

We believe firmly that the time has come to resolve a fundamental contradiction at the heart of Canada: that while we assume the role of defender of human rights in the international community, we retain, in our conception of Canada's origins and make-up, the remnants of colonial attitudes of cultural superiority that do violence to the Aboriginal peoples to whom they are directed. Restoring Aboriginal nations to a place of honour in our shared history, and recognizing their continuing presence as collectives participating in Canadian life, are therefore fundamental to the changes we propose.

The contributions of Aboriginal people to the richness and diversity of Canadian life are gaining visibility in discussions of environment and northern development, in the arts and education and, as we will see in Volume 3, in leading-edge thinking about the foundations of health. For these contributions to the common good to be realized fully, Aboriginal people require avenues, which have been largely denied by Canadian institutions, for expressing their distinctive world view and applying their traditions of knowledge. The resultant loss has impeded cross-cultural understanding and denied successive generations of Canadians the cultural resources that are part of our shared heritage.

Demographic projections, reflecting the fact that Aboriginal people will assume a larger presence in Canada in the next two decades, add to the motivation for embarking on a new course. The well-documented social and economic disadvantage experienced by Aboriginal people as a whole and the increasing urbanization that has occurred in the past generation add other imperatives for change. The social unrest that invariably ensues when a disaffected underclass lives in close proximity to a relatively privileged majority is well known. Redressing social and economic inequities will benefit Aboriginal people in improving living conditions and quality of community life; it will benefit all Canadians as Aboriginal people become full participants in Canadian society, contributing to the productivity and well-being of society as a whole.

We make the case, in this and subsequent volumes, not only for more just treatment of Aboriginal people now and in the future but also for restorative justice, by which we mean the obligation to relinquish control of that which has been unjustly appropriated: the authority of Aboriginal nations to govern their own affairs; control of lands and resources essential to the livelihood of families and communities; and jurisdiction over education, child welfare and community services. We also argue for measures to achieve corrective justice, eliminating the disparities in economic base and individual and collective well-being that have resulted from unjust treatment in the past.

Making room in institutions of governance for Aboriginal nations to exercise control over their collective lives and safeguard the interests of their citizens is one step on the way to a more just relationship. Correcting negative effects of past treatment is another. Both steps could conceivably be undertaken without a fundamental realignment of relations between Aboriginal and non-Aboriginal people. Even if that happened, the changes would still fall short of the transformation in consciousness that we believe is necessary and desirable. Political, economic and social restructuring is part of the equation, but we also envisage relations characterized by respect and reciprocity, relations in which

Aboriginal people exercise their sacred gifts in the service of the whole community, and newcomers and their descendants come to value the wisdom of this ancient land as well as its wealth and beauty.

4. A Matter of Trust

We have no illusions about the difficulties standing in the way of negotiations to renew the relationship. Efforts at reform, whether in political relations or social policies over the past 25 years, have failed repeatedly to effect substantial change, because Aboriginal and government stakeholders have frequently reached an impasse on matters of principle or perception even before practical problems could be addressed.

Such was the case throughout the 1980s regarding the principle of the inherent right of Aboriginal peoples to govern themselves. Such was the case with extinguishment; Aboriginal people and the Canadian government maintained irreconcilable positions that stalled the settlement of land questions, even though both parties sincerely wanted a resolution. On both these issues the Commission has made proposals designed to find common ground.¹¹ But moving away from entrenched, polarized positions is extremely difficult when one stakeholder or both feel threatened.

How do participants move away from a relationship characterized by disparity in power, violations of trust, and lingering, unresolved disputes? How do they move toward a relationship of power sharing, mutual respect and joint problem solving? Much of our final report is devoted to finding answers that are unique to Canadian circumstances, but there is much to be learned from the experience of other countries that are trying to repair troubled relationships between peoples.¹² We expect, too, that the analysis and recommendations in our report will add to the repertoire of creative solutions to historical problems being explored by nation-states and Aboriginal peoples around the globe.

The starting point for renewing the relationship, urged upon Commissioners by Aboriginal people speaking to us in hearings across the country, must be deliberate action to "set the record straight". With few exceptions, the official record of Canada's past — recorded in government documents, in the journals and letters of traders and colonial officers, in history books and in court judgements — ignores and negates Aboriginal people's view of themselves and their encounters with settler society.

Until the story of life in Canada, as Aboriginal people know it, finds a place in all Canadians' knowledge of their past, the wounds from historical violence and neglect will continue to fester — denied by Canadians at large and, perversely, generating shame in Aboriginal people because they cannot shake off the sense of powerlessness that made them vulnerable to injury in the first place. Violations of solemn promises in the treaties, inhumane conditions in residential schools, the uprooting of whole communities, the denial of rights and respect to patriotic Aboriginal veterans of two world wars, and the great injustices and small indignities inflicted by administration of the *Indian Act* — all take on mythic power to symbolize present experiences of unrelenting injustice.

The Commission is convinced that before Aboriginal and non-Aboriginal people can get on with the work of reconciliation, a great cleansing of the wounds of the past must take place. The government of Canada, on behalf of the Canadian people, must acknowledge and express deep regret for the spiritual, cultural, economic and physical violence visited upon Aboriginal people, as individuals and as nations, in the past. And they must make a public commitment that such violence will never again be permitted or supported.

Aboriginal people need to free themselves of the anger and fear that surges up in any human being or collective in response to insult and injury, and extend forgiveness to the representatives of the society that has wronged them. In this respect the sacred ceremonies and spiritual traditions of diverse nations can be very instructive, preparing people to let go of negative feelings that can sap the energy needed for more positive pursuits.

The purpose of engaging in a transaction of acknowledgement and forgiveness is not to bind Aboriginal and non-Aboriginal people in a repeating drama of blaming and guilt, but jointly to acknowledge the past so that both sides are freed to embrace a shared future with a measure of trust.

Because we believe that the restoration of trust is essential to the great enterprise of forging peaceful relations, our recommendations for formally entering into a new or renewed relationship, to be marked by a Royal Proclamation, include an acknowledgement of wrongs inflicted on Aboriginal people in the past.

Ensuring that trust, once engendered, is honoured, is a continuing responsibility, one that cannot be left to governments alone, pulled as they are by the tides of events and fleeting priorities. The establishment of institutions to formalize and implement a renewed relationship will lend stability to the commitments we are recommending. In addition, in Volume 5 we set out a proposal for public education to broaden awareness of the heritage that all Canadians share with Aboriginal people. It is our conviction that appreciation of the distinctive place that Aboriginal nations occupy in the Canadian federation and of the mutual, continuing responsibilities engendered by that relationship, must permeate Canadian intellectual and ceremonial life. To this end, some of our recommendations address the need to ensure that Aboriginal history is documented and disseminated and that Aboriginal symbols take their place alongside the symbols of Canada's colonial past in public events.

A Métis senior speaking at our Calgary hearings described in personal terms the importance of shared memories and public affirmation in establishing bonds between generations:

It is important to us that when we reminisce, the listeners will nod their heads and say, "Yes, that is how it was. I remember."

Alice J. Wylie Mawusow
Seniors Club
Calgary, Alberta, 26 May 1993¹³

Let us now begin a walk together through history to establish common perceptions of where the Aboriginal and non-Aboriginal people who share this land have come from and to search out common ground on which to build a shared future.

Notes:

1 Personal communication to Commissioners, May 1994. The Honourable Jim Bourque, PC, is a Métis person who is recognized, particularly in the Northwest Territories and the Yukon, as an elder. His experience and service have included living on the land as a trapper and serving as president of the Metis Association of the Northwest Territories, deputy minister of renewable resources in the government of the Northwest Territories, and chair of the commission on constitutional development in the Western Arctic.

2 *Report of the Special Representative respecting the Royal Commission on Aboriginal Peoples* (Ottawa: 2 August 1991), p. 3. The Right Honourable Brian Dickson is the former chief justice of Canada. He was appointed by the prime minister as special representative respecting the Royal Commission on Aboriginal Peoples. The quotation is from his report recommending the establishment of the Commission.

3 For a discussion of events surrounding the establishment of the Commission, see Chapter 7 in this volume.

4 The full text of the terms of reference, as set out in the order in council of 26 August 1991 (P.C. 1991-1597), is provided in Appendix A.

5 For an overview of the rest of our report, see the tables of contents for the other four volumes in Appendix C of this volume.

6 Royal Commission on Aboriginal Peoples [RCAP], *Treaty Making in the Spirit of Co-existence: An Alternative to Extinction* (Ottawa: Supply and Services, 1995).

7 *Report of the Special Representative* (cited in note 2), p. 27.

8 See RCAP, *The High Arctic Relocation: A Report on the 1953-55 Relocation* (1994); *Choosing Life: Special Report on Suicide Among Aboriginal People* (1995); *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (1996).

9 RCAP, *Public Policy and Aboriginal Peoples, 1965-1992*, 4 volumes (Ottawa: Supply and Services, 1993-1996).

10 Indian Affairs and Northern Development, *A Survey of the Contemporary Indians of Canada*, ed. H.B. Hawthorn, 2 volumes (Ottawa: Information Canada, 1966, 1967).

11 RCAP, *Partners in Confederation: Aboriginal Peoples, Self-Government, and the Constitution* (Ottawa: Supply and Services, 1993); and *Treaty Making in the Spirit of Co-existence* (cited in note 6).

12 The government of New Zealand has undertaken a process of reconciliation with the signing of the Deed of Settlement by the Crown and Waikato-Tainui on 22 May 1995 and passage of the *Waikato-Tainui Raupatu Claims Settlement Act* by the New Zealand Parliament. The act was given royal assent in November 1995.

The government of Australia established the Council for Aboriginal Reconciliation in September 1991. It is composed of 25 members — 12 Aborigines from various parts of the country, two Torres Strait Islanders, and 11 non-Aboriginal Australians representing such sectors as government, trade unions, business, mining, agriculture and the media. Its goals are to increase understanding between indigenous and non-indigenous Australians, to provide a forum for discussing issues related to reconciliation and policies for promoting reconciliation, and to consult on whether a formal document of reconciliation would advance relations. See Henry Reynolds, “Aboriginal Governance in Australia”, research study prepared for RCAP (1994).

See also Douglas Sanders, “Developing a Modern International Law on the Rights of Indigenous Peoples”, and “Indigenous Peoples and Canada’s Role on the International Stage”, research reports prepared for RCAP (1994); and Joseph Montville, “The Healing Function in Political Conflict Resolution”, in *Conflict Resolution Theory and Practice: Integration and Application*, ed. Dennis J.D. Sandole and Hugo van der Merwe (Manchester: Manchester University Press, 1993).

13 Quotations from transcripts of the Commission’s public hearings are identified with the speaker’s name and affiliation (if any) and the location and date of the hearing. See *A Note About Sources* at the beginning of this volume for information about transcripts and other Commission publications.