

PART THREE

Building the Foundation of a Renewed Relationship

14



The Turning Point

OUR WORK AS COMMISSIONERS led us to a deeper understanding of the history of Canada and the challenges we face as a country. Much of the research and testimony presented by Aboriginal and non-Aboriginal people alike points to a fundamental contradiction at the heart of this country.

In the minds of people across the globe, Canada has come to represent the highest ideals of freedom and respect for human rights. But the unfortunate reality is that Canada also embodies less noble values far more characteristic of another, less tolerant age.

Our country has become a model for the world in many ways, yet the fundamental contradiction of building a modern liberal democracy upon the subversion of Aboriginal nations and at the expense of the cultural identity of Indigenous peoples continues to undermine our society. As a Commission, we see this contradiction manifest itself in harmful ways in Aboriginal communities, and we recognize the basic threat it poses to the legitimacy of Canadian institutions. We believe the time has come to move out of an age of disrespect and intolerance, and into a new era of reconciliation with Aboriginal nations.

We have also come to realize that Canadian history as told in our history books and schoolroom texts gives a privileged place to certain perspectives on events. The result is a skewed depiction of the history of the Aboriginal peoples who have inhabited this land from time immemorial. Creating an accurate understanding of the past is the best way to address the residual effects of this distortion, and part of our work as a Commission has been to attempt to understand and communicate both Aboriginal and non-Aboriginal perspectives on that history.

As with the telling of history, so too with shaping the governmental structures and institutions that control Aboriginal people's lives. The culture and values of the mainstream are recognized in the institutions of Canadian society, but indigenous cultures

and values are not. In this way, the colonization of Aboriginal nations has become an institutionalized reality.

But Aboriginal nations themselves are also a persistent reality. Aboriginal nations deny that they ever surrendered their sovereignty. In many cases, they regard the institutions of Canada as representing a sovereignty relevant only to non-Aboriginal people, co-existing with the inherent sovereignty of Canada's First Peoples.

With considerable historical justification, they argue that Aboriginal voices have been excluded from the Canadian narrative, that non-Aboriginal people have simply refused to recognize Aboriginal nationhood, and that at the core of Canada's fundamental contradiction is a racism and ethnocentrism that rejects the viability and value of Aboriginal cultures. Laws and structures founded on assumptions of cultural superiority continue to form the basis of the relationship between our peoples.

We believe most Canadians agree that the time has come to overturn the false premises on which the relationship has been built. Canada has already demonstrated some willingness to leave this legacy behind by questioning the *Indian Act* regime and some of the more offensive policies that have been pursued in its name. But Canada must go further.

We are confident that most Canadians today reject the racist assumptions that have permeated the country's relationship with Aboriginal peoples. We hold great hope that all Canadians will join us in abandoning the ideas that have grown out of those assumptions. And we trust that Canadian governments will take the lead in correcting the wrongs committed.

While the history of the relationship has been largely a story of oppression and neglect, we are encouraged by the fact that this is not the whole story. There were more positive elements in the relationship, as shown in our discussion of the early contact period. Even when a coercive, intrusive and assimilative relationship was being imposed, Aboriginal peoples continued to struggle for restoration of a better relationship. Indeed, at one level, the semblance of a nation-to-nation treaty relationship obtained. Thus we have the precedent, the seeds of an alternative relationship. For this reason we speak of the need for a *renewed* relationship, rather than implying that the past should be put entirely behind us.

Some 500 years after the beginning of sustained contact, we find ourselves again having to define the terms of our joint life on the northern part of this continent. As at other times in our shared history, we find ourselves at a critical juncture, a time when displacement and assimilation have been discredited and their enormous human and financial costs have become painfully obvious.

But how do we proceed? Here again we encounter divergent understandings. For many non-Aboriginal people committed to change, effecting justice consists in negotiating a peaceful resolution to apparent conflicts. For Aboriginal people, though, justice can be

achieved only through a return to the original principles that formed the basis of the Aboriginal/newcomer relationship. Governments in Canada are preoccupied with mediating conflict within the legal and political framework that has been created over time, while Aboriginal peoples question the foundations of the framework itself.

Many aspects of the framework need to be addressed, but here we want to introduce several ideas that are fundamental to a renewed relationship. These themes are discussed more fully in the chapters that follow in this volume and in the other volumes of our final report.

The first and perhaps most important element is the need to reject the principles on which the relationship has foundered over the last two centuries in particular — principles such as assimilation, control, intrusion and coercion — and do away with the remnants of the colonial era. As a beginning, we need to abandon outmoded doctrines such as *terra nullius* and discovery. We must reject the attitudes of racial and cultural superiority reflected in these concepts, which contributed to European nations' presumptions of sovereignty over Indigenous peoples and lands. The renewed relationship needs to be built on principles that will return us to a path of justice, co-existence and equality. A detailed discussion of the principles the Commission believes should guide the renewed relationship is set out in the concluding chapter of this volume.

The second fundamental element is to recognize that Aboriginal peoples are nations and that the nationhood dimension of Aboriginal social and political organization must be recognized and strengthened. It should be clear from Chapter 3 that European peoples did not discover a vast and undeveloped land. They were welcomed with ceremony and protocol into the territories of nations. They did not encounter noble savages living in a state of nature. They came upon societies with ancient laws and cultures, peoples who each shared a language and a history, and who developed political and social structures beyond the level of kinship, clan or community.

We have also described how Aboriginal nations were undermined over time — through a process of coercive dispersal to make way for incoming settlers, through the establishment of reserves, through the imposition of band-based leadership structures under the *Indian Act* that fragmented nations and disempowered them, and through constraints imposed to limit collective organization. Despite this, Aboriginal peoples have never lost their sense of national consciousness — as Mi'kmaq, as Mohawk, as Inuit or as Métis of the west tracing the origins of their national heritage to the Red River settlements, to give a few examples. Indeed, many institutional foundations of national identity remain, including the Mi'kmaq Grand Council, the Haudenosaunee Confederacy with its system of representation of member nations, and the continued commitment of Aboriginal nations to treaties signed by their ancestors many years ago and still held sacred by their members today.

A third fundamental element is to recognize that Aboriginal nations were historically sovereign, self-governing peoples and that the time has come for other governments in Canada to make room for Aboriginal nations to reassume their historical self-governing

powers. We are in the post-colonial era. The world has changed, and if Canada wants to retain a position of respect and influence in world affairs, Canada must change too. We cannot continue to advocate human rights to the third world while maintaining the remnants of a colonial system at home.

We discuss sovereignty, self-determination and self-government in greater detail in Volume 2, but this general point is inescapable: room must now be made in the Canadian legal and political framework for Aboriginal nations to resume their self-governing status. We see a time when three orders of government will be in place, with Aboriginal governments exercising sovereign powers in their own sphere. In contrast to recent policy, based on delegating municipal-style powers to Aboriginal people at the community level, the Commission believes that the right of Aboriginal self-government is inherent, that it cannot be delegated from someone else. It inheres in the peoples themselves and, in our view, is already recognized in the Canadian constitution.¹ Moreover, it is through the nation — the traditional historical unit of self-governing power, recognized as such by imperial and later Canadian governments in the treaty-making process — and through nation-to-nation relationships, that Aboriginal people must recover and express their personal and collective autonomy.

Re-orienting Canadian society toward respect for Aboriginal autonomy is no threat to Canadians. Aboriginal peoples have sophisticated perspectives on political relations with other peoples. Our relations with Aboriginal peoples have been corrupted not by the inadequacy of indigenous cultures but by their subjection to an alien European value system bent on destroying their way of life. Aboriginal political systems are predicated on key values such as co-existence, sharing, balance, equity and harmony. These values provide a sound foundation for reconstructing a relationship respectful of the rights and responsibilities of both partners.

Aboriginal peoples do not see recognition of their nationhood as a denial of the rights of other Canadians, let alone as challenging the sovereignty of the Canadian state. On the contrary, what they envision is a restructuring of the relationship between Aboriginal and non-Aboriginal people so that Aboriginal peoples can govern their own members in their own territories, in accordance with their own value systems and as one of three orders of government within a flexible and co-operative Canadian federation. We do not see this as a threat to the Canadian state or Canadian people.

The only threat we see comes from continuing to deny Aboriginal peoples justice within Canada. The social pathology, economic deprivation and political instability that prevail in many Aboriginal communities cannot be overcome until we address the fundamental contradiction of continuing colonialism in this country. Aboriginal people's frustration and despair about their situation feed into an ever more intense rejection of the bases of social and political stability. This was illustrated by the 1990 crisis in Mohawk territory that preceded establishment of this Commission. It was a watershed event because it laid bare the ugly skeleton that much of our relationship with Aboriginal peoples has become — Mohawk people resisting further erosion of their land base and a government response that resulted in armed conflict. As the crisis at Kanasatake demonstrated, peace and

stability are threatened by ideas and actions driven by outmoded conceptions of how we should relate to each other.

A fourth fundamental element of a renewed relationship is the need for Canadians to reach a better understanding of the place of Aboriginal peoples in Canadian society and for Canadian institutions to reflect that understanding. It has been suggested that there are many competing characterizations of what constitutes Canada, and none is accepted by all key constituencies.² However, the characterizations that predominate in public discourse and popular images — Canada as an association of two nations (French and English), Canada as a bilingual but multicultural country, Canada as a union of ten equal provinces, Canada as a single nation of free and equal persons — completely ignore or misrepresent the nature of the country from an Aboriginal perspective. If Aboriginal peoples are considered at all, it is through the familiar image of Canada as a mosaic rather than a melting pot. In this view, Aboriginal people are just one minority among others, eligible for funding from multiculturalism programs and included in affirmative action policies designed to remedy disadvantage and effect corrective justice.

Canadians need to understand that, whatever the merits of these characterizations in capturing an important dimension of the history and current reality of the country, equating Aboriginal peoples with racial and cultural minorities is a fundamentally flawed conception. People came to Canada from other countries in large numbers, over a period of several hundred years, and they came as immigrants — that is, for the most part they chose to leave their homelands as individuals and families and to settle in an already established country. Aboriginal people are not immigrants. They are the original inhabitants of the land and have lived here from time immemorial.

Aboriginal people cannot go elsewhere if they find Canada not to their liking. This is their home. Representatives of Aboriginal nations entered into solemn agreements with representatives of the British and French Crowns and with their successors, agreements that enabled Europeans and others to establish themselves in this country with minimal violence and confrontation. These agreements were and are the mechanism for affirming collective rights and obligations on both sides, for sharing the land and its resources, and for agreeing to live in harmony and partnership.

Thus it is the continuing nation-to-nation character of the Aboriginal/Canada relationship that differentiates the status of Aboriginal peoples from that of other people in Canada. Because of this, Aboriginal peoples are not cultural minorities in the sense that Canadians have come to understand the term. Neither are they citizens with a slightly expanded set of rights based on their descent from the original inhabitants. Aboriginal people have historical rights. They form distinct political communities, collectives with a continuing political relationship with the Canadian state. This is the central reality that Canadians must recognize if we are to reconstruct the relationship.

Another fundamental issue is the need for Canadians to recognize that Aboriginal cultures were vibrant and distinctive not only in the beginning but remain so today. Though bruised and distorted as a result of the colonial experience, inevitably changed by

time and new circumstances, even in danger of extinction in some important dimensions such as language, nevertheless a fundamentally different world view continues to exist and struggles for expression whenever Aboriginal people come together.

Among the most important aspects of cultural difference is the emphasis still placed on the collectivity in Aboriginal society — that is, the importance of family, clan, community and nation; the importance of the collective to an individual's sense of health and self-worth; the conception of the individual's responsibility to the collective and of the collective's responsibility to care for and protect its more vulnerable members; the importance of collective rights and collective action. While much of contemporary policy is geared to the individual — providing welfare to those who are eligible, training to the unemployed — we need to understand that the problems of the relationship cannot be resolved by a narrow focus on individual-level problems and solutions. The importance of the collective, of collective rights and responsibilities, must be recognized.

In conclusion, as we search for justice and for solutions that can be identified in the common ground of the Aboriginal/non-Aboriginal experience, the certainty we face is two-fold. First, Aboriginal and non-Aboriginal people share Turtle Island, as will our children and our children's children. Second, balance must be restored in the relationship and, through it, peace brought to Aboriginal communities where turmoil and instability now prevail. This accommodation of Aboriginal nationhood can be achieved without undermining Canadian society. We all want a future based on respect for diversity, a future that is tolerant, co-operative and respectful of other peoples' need to live and govern themselves in the territory we have come to share.

We begin our more detailed consideration of the themes raised in this chapter with a discussion of Aboriginal cultures in Chapter 15, *Rekindling the Fire*, then conclude the volume with Chapter 16, *Principles of a Renewed Relationship*.

Notes:

1 See Volume 2, Chapter 3. See also Royal Commission on Aboriginal Peoples, *Partners in Confederation: Aboriginal Peoples, Self-Government, and the Constitution* (Ottawa: Supply and Services, 1993).

2 James Tully, “Let’s Talk: The Quebec Referendum and the Future of Canada”, paper presented as the Austin-Hempel Lecture, Dalhousie University, Halifax, 23-24 March 1995.