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The Principles of a Renewed Relationship

WHAT IS OUR VISION for the future? Our thoughts are summed up in testimony we heard during our third round of public hearings:

A story was told a long time ago... An old man told us that, we look at the future, what we would like to see? Four children came from those four directions: a white child from the north, a red child from the east, a yellow child from the south, and a black child from the west. They walked together and they peered into the mirror of life. They joined hands and, when they looked in there, all they saw was the Creator. That's all they saw. They saw no animosity; they saw no colour; they saw the Creator.

Marvin Conner
London, Ontario
12 May 1993¹

This story has many levels of meaning and is open to a variety of interpretations. For us, it captures the essence of much we have experienced as commissioners. If we look to the future, what would we like to see? What is our vision? Very simply, we would like to see future generations coming together and forming stable, mutually beneficial relationships. This is what we draw from the story related by Marvin Conner.

To explain our interpretation, the children in the story represent the generations still to come — children yet unborn and their children after them. As shown by the four colours — white, red, yellow and black — these children are not just Aboriginal but come from all races and ethnic backgrounds. The children walk together and join hands; that is, despite their differing backgrounds, they come together and form relationships. Peering into the mirror of life, they reflect on what they have become and the relationships they have formed. They see no animosity, they see no colour. Their relationships are balanced and equitable. Any differences in colour, ethnic background or way of life do not give rise to inequalities. In the mirror of life the children see the Creator. By their actions, they have in fact returned to the time of Creation, a time when social relationships were governed by basic principles ensuring fairness, equality and mutually beneficial relations among all the various peoples and cultures that make up humanity.

This vision of the future, a vision of a balanced relationship, has been a constant theme in our work as a Commission. It is symbolized by the Commission logo, chosen when we

first began our work. The logo (Figure 16.1) represents the four divisions of humanity — in essence, all sectors of Canadian society — coming together to join hands, to establish a basic relationship. The circle they form represents their mutual willingness to join one another in finding ways to make their relationship more balanced and mutually beneficial. At the centre of the circle is a bear's claw. This represents the healing that must take place during this process. After so much misunderstanding, anger, alienation and division, the time has come to repair the fractures in relations between Aboriginal peoples and Canadian society. This healing will occur when the various components that make up Canadian society come together to embrace and affirm the fundamental principles that promote balanced and mutually beneficial co-existence.

In earlier chapters we rejected the idea that the past can simply be put aside and forgotten as we seek to build a new relationship. We said that what we should strive for instead is a *renewed* relationship.

The concept of renewal expresses better the blend of historical sensitivity and creative initiative that should characterize future relations among Aboriginal and non-Aboriginal people in this country. It would be false and unjust to suggest that we can start entirely anew,

FIGURE 16.1
The Commission's Logo



The Logo was designed by Joseph Saguteh, an Ojibwa artist from Toronto, Ontario. It was chosen by the Commission from among 51 entries.

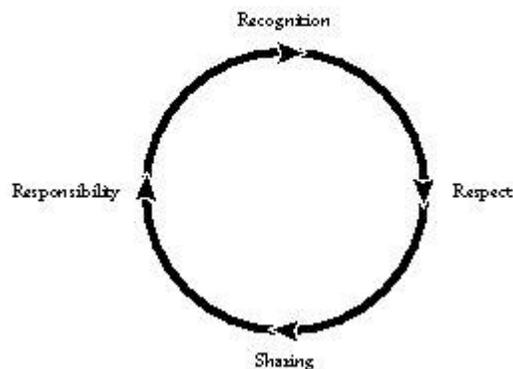
false and unjust to attempt to wipe the slate clean, ignoring both the wrongs of the past and the rights flowing from our previous relationships and interactions. At the same time, we are hardly prisoners of the past, locked forever in the same historical postures, with the same attitudes, grievances, suspicions and prejudices. If the Aboriginal and non-Aboriginal people of Canada are not embarking on a journey entirely afresh, as strangers and neophytes, neither should we travel with all the accumulated baggage of the past on our shoulders, or assume that we know how to deal with all the challenges awaiting us along the road.

1. The Basic Principles

Our vision of a renewed relationship is based on four principles: mutual recognition, mutual respect, sharing and mutual responsibility. The principles are illustrated in Figure 16.2.

These principles define a process that can provide solutions to many of the difficulties afflicting relations among Aboriginal and non-Aboriginal peoples. Again, we have chosen a circle to represent this process because a circle has no beginning and no end; the process is continuous. As we move through the cycle represented by the four principles, a better understanding is gradually achieved. As the cycle is repeated, the meanings associated with each principle change subtly to reflect this deeper level of understanding. In other words, no single, all-encompassing definition can be assigned to any of these principles. They take on different meanings, depending on the stage we have reached in the process. When taken in sequence, the four principles form a complete whole, each playing an equal role in developing a balanced societal relationship. Relations that embody these principles are, in the broadest sense of the word, *partnerships*.

FIGURE 16.2
The Principles of a Renewed Relationship



We spend a little time here talking about the four principles, always bearing in mind that their meaning is not static and unchanging but dynamic and responsive to change. Fuller treatment of their practical significance is provided in subsequent volumes of our report.

1.1 The First Principle: Mutual Recognition

We start with the principle of mutual recognition. This calls on non-Aboriginal Canadians to recognize that Aboriginal people are the original inhabitants and caretakers of this land and have distinctive rights and responsibilities that flow from that status. At the same time, it calls on Aboriginal people to accept that non-Aboriginal people are also of this land, by birth and by adoption, and have strong ties of affection and loyalty here. More broadly, mutual recognition means that Aboriginal and non-Aboriginal people acknowledge and relate to one another as equals, co-existing side by side and governing

themselves according to their own laws and institutions. Mutual recognition thus has three major facets: equality, co-existence and self-government.

From the time of earliest contact, equality has been an important theme in relations between Aboriginal peoples and incoming Europeans, best symbolized in the ceremonies and speeches accompanying the negotiation of the early treaties and alliances. The same theme has been emphasized by contemporary Aboriginal leaders in seeking renewed nation-to-nation relationships, seats at the constitutional bargaining table, and modern treaties to resolve outstanding land and governmental issues. As these leaders have stressed, mere *formal* equality is an empty shell without the substance of enhanced economic power and prosperity.

The second aspect of recognition is co-existence. This evokes a relationship in which peoples live side by side, retaining rights inherited from the past and governing their own affairs in a confederation that values this form of political diversity. We do not mean to imply a relationship based on separation and isolation. For many years, Aboriginal and non-Aboriginal people have had close and extensive dealings with one another, dealings that have given rise to a complex mesh of interwoven strands. Nevertheless, no matter how interdependent the partners become, the principle of recognition ensures that Aboriginal cultures and governments will continue. They will never again be the objects of public policies of assimilation and extinguishment. A commitment to preserve and enhance Aboriginal cultures and governments will entail a repudiation of certain strategies pursued in the past. It will involve a return to the relationships of co-existence implied in the early treaties and alliances. (See Chapters 3 to 6 in this volume and Volume 2, Chapter 2.)

Self-government is the third aspect of mutual recognition. There is no more basic principle in Aboriginal traditions than a people's right to govern itself according to its own laws and ways. This same principle is considered fundamental in the larger Canadian society and underpins the federal arrangements that characterize the Canadian constitution. In particular, it explains the division of powers between the federal and provincial orders of government and the basic principle of provincial autonomy. Of course, self-government, like any other right, is not absolute. It is subject to constraints in the form of norms protecting basic human rights. And, in a federal country, it is subject to principles that ensure harmonious interaction among the various orders of government making up the system.

What, then, is the justification for mutual recognition? Why should we affirm the goal of equal, co-existing, and self-governing peoples as basic to the relationship? The answer lies in political theory, international law and the historical evolution of Canada and its constitution. These matters are considered in greater detail in later volumes, but we touch on them briefly here.

Aboriginal peoples were the first inhabitants of this continent and the original custodians of its lands and resources. As a result of long-standing use and occupation, they have continuing rights in the land. They also hold the status of self-governing nations by virtue

of their prior standing as fully independent, sovereign entities. This sovereignty was manifested originally in the international relations that Aboriginal nations maintained with one another. After contact, it was also recognized in practice by incoming European powers, as they competed among themselves to establish favourable alliances and trading relations with Aboriginal peoples.

The sovereignty of Aboriginal nations did not come to an end when colonial governments were established. As we saw earlier, self-governing Aboriginal nations continued to exist side by side with the infant colonies, although as time went on and the colonies grew in size and strength, Aboriginal peoples lived increasingly in their shadow. The self-governing status of Aboriginal peoples was reflected, for example, in the practices surrounding treaty making and in such notable British documents as the *Royal Proclamation of 1763*. As we explain elsewhere, although this status was greatly diminished by the encroachments of outside governments during the nineteenth and twentieth centuries, it managed to survive in an attenuated form.² We have come to the conclusion that the inherent right of self-government is one of the "existing Aboriginal and treaty rights" recognized and affirmed by section 35 of the *Constitution Act, 1982*. Additional support for this conclusion is provided by emerging international principles supporting the right of self-determination and the cultural and political autonomy of Indigenous peoples.

To some, this account of the evolving status of Aboriginal peoples may seem strange and perhaps unsettling. It has points of similarity, however, with the constitutional history of the provinces and their relationship with the federal government. When the original four provinces confederated in 1867, they were recognized as retaining the equal right to govern themselves under their own laws and in accordance with their own cultures. In the case of Quebec, the constitution acknowledged the distinctive position of its civil law system and laid down specific measures protecting language and denominational schools. Other provinces, too, joined Confederation with unique provisions, negotiated at the time of entry. The constitution guarantees the autonomous status of the provinces and shields them from unwarranted federal intrusion into their exclusive spheres. In particular, the federal government does not have the right to abolish the provinces or diminish their powers. So the federal/provincial relationship provides a model for many of the features that would characterize a sound relationship between Aboriginal governments and federal and provincial governments. It allows us to see Aboriginal governments as constituting one of three distinct orders of government that together make up the Canadian federation.

The principle of mutual recognition can also be justified in terms of the values associated with a liberal democracy. Both Aboriginal and non-Aboriginal people expect a political association to enable them to participate freely in governing their societies and also to carry on their private lives in an autonomous and responsible fashion. However, the first benefit, civic participation, cannot be achieved if Aboriginal peoples are deprived of their autonomy and rendered subservient to outside governments. Such a situation is not only unjust; it also fosters the culture of alienation and defiance that tends to develop among any free people compelled to submit to alien laws and ways. Self-government enables Aboriginal people to participate in the direction of their own affairs according to their

own laws and cultural understandings. This is the basis upon which Aboriginal peoples can join with others in building a strong and enduring partnership to achieve common goals.

The second benefit, individual freedom and responsibility, is equally important. Aboriginal people in general have a strong sense of responsibility to their communities. However, this sense of responsibility is often combined with an equally strong ethic of personal autonomy, under which individuals are expected to carry out their responsibilities at their own initiative, without coercion. Of course, this ethic, like any other, has its limits. In practice, it has always been tempered by competing values, such as concern for an individual's safety and the overriding welfare of the community.

The protection and enhancement of civic participation and individual freedom and responsibility have always been the primary concerns of liberal democracies. It has not always been recognized, however, that these goals can be achieved only when people are members of viable cultures that provide a supportive context for individual participation and autonomy. People can be active and responsible members of their communities only if they have a sense of their own worth and the conviction that what they say and do in both the public and the private sphere can make a significant contribution. However, this sense of self-respect is based in part on society's recognition of the value of an individual's activities and goals. A multinational society that treats the culture of a member nation with derision or contempt may well undermine the self-respect of people belonging to that culture. Such treatment jeopardizes their ability to participate as active members of their communities and to function effectively as autonomous individuals in work and private life. The disastrous effects on Aboriginal societies of successive policies of cultural assimilation bear poignant witness to this message.

To sum up, the principle of mutual recognition is not only just but also serves to preserve and enhance the values of liberal democracy in a manner appropriate to a multinational society. As such, it provides a basis for building a strong and enduring partnership between Aboriginal and non-Aboriginal people in Canada. On these points, it is worth remembering some thoughts expressed during our hearings:

"Equality and justice are not guaranteed by law but by friendship."

It is our contention that this [quotation from Plato] has much to do with the Canadian context and with the relationship that needs to develop.

We don't need more laws in Canada. We need a new relationship. We need a relationship based on respect. We need a relationship of equals and we need a relationship that recognizes we of non-Native origin have as much, if not more, to learn and to gain as we do to teach and to give.

Darryl Klassen
Aboriginal Rights Coalition
Ottawa, Ontario, 16 November 1993

1.2 The Second Principle: Mutual Respect

From mutual recognition flows mutual respect, the second basic principle of a renewed relationship. Many Aboriginal people, particularly those adhering to traditional ways, accord respect to all members of the circle of life — to animals, plants, waters and unseen forces, as well as human beings. Failure to show proper respect to these entities violates spiritual law and may well bring retribution. As a character in Richard Wagamese's novel, *Keeper'n Me*, remarks, respect is the "big centre of it all".³

In the larger Canadian society as well, respect is a valued aspect of relationships. Under the *Canadian Charter of Rights and Freedoms*, for example, individuals are recognized as warranting respect simply by virtue of their humanity. As human beings, individuals are of equal dignity and essential worth and should be valued as ends in themselves, not as means to other goals. There are also strains of thought in Canadian society that resemble the Aboriginal concept of a circle of life and maintain that respect should extend beyond the human domain to all living things, to all God's creatures, or to nature in general.

In the present context, however, we want to focus on one aspect of the concept of respect: the quality of courtesy, consideration and esteem extended to people whose languages, cultures and ways differ from our own but who are valued fellow-members of the larger communities to which we all belong. In this sense, respect is the essential precondition of healthy and durable relations between Aboriginal and non-Aboriginal people in this country. As Gerald Courchene stated at our hearings,

All we ask for is respect, respect for the sacredness of the treaties, respect for our remaining homelands and, most important, respect for our decisions.

Gerald Courchene
Fort Alexander, Manitoba
30 October 1992

Unfortunately, official policies have often deviated from this principle in the past, as we saw earlier in this volume. Especially from the mid-nineteenth century on, government policy was directed at smothering the right of Aboriginal peoples to exist as distinct peoples, with their own languages and cultures. This denial took the form of policies such as residential schooling and the suppression of Aboriginal languages, policies that were designed to erase people's identification with their own communities and to substitute an undifferentiated Canadian identity.

Where a public attitude of cultural disrespect prevails, cultural difference is often seen simply as a deficiency or disability. The child who enters an English- or French-language school speaking only an Aboriginal language may be treated as 'backward' or deficient in language skills. The Aboriginal worker who engages in seasonal hunting to help provide food for his extended family is considered 'unreliable' or delinquent. Such attitudes erode a person's sense of self-worth and discourage a commitment to education or employment;

in the long run, they may even encourage dependency and self-abuse. If these results are seen as confirming the original assessment, the vicious circle is complete.

These examples illustrate once again the close link between mutual recognition and respect at the collective level and feelings of self-respect at the individual level. Poor self-esteem, in turn, affects the ability of the individual to act autonomously and responsibly in public and private life. Public attitudes of mutual respect must therefore accompany and reinforce the recognition of equality.

We emphasize the idea of *public* attitudes because respect involves more than a change of heart within individuals. It requires us to examine our public institutions, their make-up, practices and symbols, to ensure that they embody the basic consideration and esteem that are owed to Aboriginal and non-Aboriginal languages and cultures alike. In doing this, we need to ensure that the distinctive contributions of different Aboriginal peoples are recognized and to avoid an artificial homogenization of Aboriginal cultures. As Sheila Genaille pointed out,

The Métis are a distinct nation of Aboriginal people. We see ourselves separately from Indians and Inuit. We have a unique, colourful, valuable history and culture. What happens is that we are lumped together with the other Aboriginal groups under the term 'Aboriginal' or 'Native'. The effect of this lumping of Aboriginal peoples is that Métis issues, concerns and priorities are lost, the issues that affect us left unattended.

Sheila Genaille
Alberta Metis Women's Association
Slave Lake, Alberta, 27 October 1992

We also emphasize the need for *mutual* respect. As Gary LaPlante candidly observed,

My point here is that race relations is a two-way street. While we make all kinds of comments about what the non-Aboriginal community should do or that the non-Aboriginal government should set up certain institutions on how to deal with racism, I think we have to deal with it as well. I am prepared to say it because in the past I have had to deal with my own racism. I know other Aboriginal people who are racist and I hear negative comments toward non-Aboriginal people.

Gary LaPlante
Kewatin Communications
North Battleford, Saskatchewan, 29 October 1992

Historically, the destructive effects of racial and cultural prejudice have been felt most keenly on the Aboriginal side. But disrespect has an insidious way of breeding disrespect. Sometimes there is also a need for Aboriginal people to show greater consideration for the various groups that make up Canadian society, to acknowledge the deep roots they have put down in Canadian soil, and to recognize the potential benefits of cross-cultural exchanges and interactions. To quote again from a character in Richard Wagamese's *Keeper'n Me*:

But us Indyuns, well, history kinda taught us to be afraid change. So we are. Afraid of losin' ourselves. Indyuns got a lotta pride and always wanna be walkin' around bein' Indyun. Don't wanna think they're walkin' around bein' anything else. So lotta times they only do what they think are Indyun things. Hang around with only other Indyuns, only go where other Indyuns go, only do things other Indyuns do. Watch sometime you see it good. It's okay on accounta you get kinda strong that way, but's weakening us too lotta the time. Get all closed in on yourself. It's like a private club like the white people got out there. The only difference is, you always gotta be payin' to join. Ev'ry day you gotta pay to join. Gotta pay up in all kindsa lost opportunity and lost chances. Tryin' to stay one way means you're robbing yourself of things might even make you stronger. Me I seen lotsa Indyuns thinkin' that way and all the time robbing themselves and their kids of big things that will help 'em live forever as Indyuns.

The experience of living in a society where a variety of languages, cultures, religions, forms of government and economic organizations thrive can be enriching. It enables people to see their own culture as one among many and to gain a tolerant, self-critical attitude. This is a benefit in itself, but it also fosters the personal qualities needed to live, work and compete in the diverse global market of the twenty-first century. As Earl Dean commented,

The basis of my thinking is that I think people do develop mutual respect when they are working together. I think the work has imperatives that force people to do their best, to do what they can and I think when we see each other responding to our work, we develop respect for one another. I have worked with Cree people, with Slavey people, with Inuit people and have always found quite a basis for respect. That respect is tied to very practical things. The people I have worked with have been very competent on the land, very good travellers, very good companions.

Earl Dean
Xeno Exploration
Yellowknife, Northwest Territories, 9 December 1992

Respect among cultures creates a positive, supportive climate for harmonious relations, as opposed to the acrimonious and strife-ridden relations of a culture of disdain. Respect for the unique position of Canada's First Peoples — and more generally for the diversity of peoples and cultures making up this country — *should* be a fundamental characteristic of Canada's civic ethos.

1.3 The Third Principle: Sharing

Closely related to mutual respect is the principle of sharing: the giving and receiving of benefits. Although sharing nourishes and sustains many different types of social relationships, it has particular relevance to relations in the economic sphere.

Sharing and reciprocity are important components of many Aboriginal world views, which see all living beings as striving for harmony, within themselves and with their surroundings. An animal that is asked to give up its life for food must be given

recognition in a thanksgiving ceremony. People share their goods and homes with visitors, who in turn express their gratitude by making gifts to the hosts or other needy persons at a later date. Reciprocity in gift giving has also been a long-standing feature of commercial and other relations among Aboriginal nations. The bonds that hold many Aboriginal communities together are created and renewed in public ceremonies of sharing through the giving and receiving of gifts, as with the potlatch among the west coast nations. Sharing is seen not just as one kind of relationship among many, but as the basis of all relationships.

Among Inuit of Baffin Island, for example, practices of community sharing have been pervasive since ancient times. According to one study, this sharing continues to be an integral part of Inuit lifeways today, both in the larger communities and in the hunting and fishing camps:

The sharing encompasses all aspects of Inuit lives, including everything from meat and tools, to children and knowledge — it is the glue that binds the community into a cohesive whole. The sharing is so innate among the Inuit that they find it very difficult to live in a culture where it is absent. Where this generalized reciprocity has been broken down by southern intrusions, such as the monetary system, the sale of meat, or the drug trade, the community members often feel confused and frustrated.⁴

Inuit hunters returning to camp are always greeted with great excitement, the researchers explain, because game is shared by the entire community. In the past, news spread rapidly among camp members by word of mouth. These days, the news is often broadcast on the local radio station. As one person explained to the researchers,

When I shot my first polar bear I went on the radio to share the meat. Soon it was all gone. I kept the hip piece for Christmas. I boiled it then and invited everyone to come for food. I was named after someone, so I gave him boiled polar bear. My husband never announces over the radio — instead he gives meat to our extended family. He always shares his catch of game with everyone. He is happy to give away caribou and seal.

Sharing has also been a long-standing feature of wider Canadian society. From the joint endeavours of old-time barn-raising and quilt-making to the rise of the co-operative movement in Saskatchewan, Quebec and the Atlantic region, from the proliferation of volunteer agencies to the high rate of charitable giving among Newfoundlanders, Canadians from all backgrounds and walks of life have always shown a strong commitment to the social and personal benefits that flow from sharing with others the fruits of one's knowledge, labour and resources.

It is often forgotten that Canada finds its origins in acts of sharing. During the early days of European exploration and settlement, Aboriginal people shared their food, hunting and agricultural techniques, practical knowledge, trade routes and geographical lore with the newcomers. Without their assistance, the first immigrants would often have been unable to prosper or even survive. Without Aboriginal innovations, the first newcomers and subsequent generations would have been much poorer.⁵ As we have seen, many of the

treaties were grounded in attitudes of sharing, whereby the Aboriginal parties agreed to share their lands with the new arrivals. The treaties involved other exchanges as well, such as commitments to maintain peace and friendship, engage in trade, furnish military support, or provide educational and medical benefits. However, the sharing of the land was at the heart of the relationship.

In the early period, many newcomers entered into relations of sharing with Aboriginal peoples. They acquired land by agreement, exchanged gifts at annual treaty ceremonies, engaged in thanksgiving ceremonies, and developed global trading systems in which Aboriginal and non-Aboriginal partners pooled their knowledge and skills. Some Aboriginal people look back to the fur trade era as a time when the relationship was more balanced, when their skills as harvesters of resources were valued and their business acumen served them well in securing trade goods.

During the nineteenth century, however, a more unequal and coercive system was superimposed on the joint economy. Aboriginal peoples were subjected to the rule of outside governments, and land was taken without their consent. The original sharing of lands, goods and knowledge among indigenous peoples and newcomers gradually faded from Canada's collective memory and was downplayed or completely overlooked in the history books. Aboriginal contributions to the fur trade and the larger economy were largely forgotten.

Despite these developments, some forms of reciprocity continued on the non-Aboriginal side. Increasingly, however, they took the form of charitable handouts, often given only grudgingly. In this century, and especially since the Great Depression, they have taken the form of welfare and make-work projects, some of which are more generous than their forerunners but often no less soul-destroying. In many sectors, relations of economic interdependency have been transformed into relations of dependency. For this reason, among others, many Aboriginal groups want to negotiate agreements that will restore access to their ancestral lands and enable them to share in the resources and revenues the lands generate. With a renewed economic base, Aboriginal peoples hope to be in a position to engage once again in genuine relations of reciprocity and sharing.

This point was emphasized by Grand Chief Jocelyne Gros Louis of the Huron-Wendat Nation in a presentation to the Commission:

What we want Canada to do is to give us the support we need in order to regain our own strength so that we can once again walk the right path under our own steam. This means sharing with us the renewal of our self-respect and our pride in our heritage. This means paying attention to the use of language, symbols and cultural opinions so that our peoples are not offended. This also means letting us take care of ourselves through equal access to the revenues generated on our traditional lands and working with us as partners on these vast expanses of land. [translation]

Grand Chief Jocelyne Gros Louis
Huron-Wendat Nation
Wendake, Quebec, 17 November 1992

During the nineteenth century, the prevailing viewpoint held that relations of economic co-operation can evolve and be maintained through calculations of immediate self-interest alone. This outlook stands in contrast to an older view, held by Aboriginal people and early administrators alike, that forms of economic co-operation can evolve and be sustained only with a strong element of sharing. In this view, the participants in an economic exchange see themselves not only as calculators of immediate advantage but also as partners engaged in relations of mutual benefit and reciprocity over time. The partners look out for their long-term shared interests and shape their conduct accordingly. If this dimension of sharing is overlooked, the acid of ingratitude may corrode the social fabric. In more recent times, the dimension of 'sociability', as it is called, has once again come to be recognized as an essential aspect of the highly complex relations involved in modern forms of economic and political co-operation.

This outlook informs Canada's constitutionally protected practice of provincial equalization, which is recognized as an important unifying feature of Confederation. From one angle, of course, equalization can be seen as a form of enlightened self-interest, whereby the provinces that happen to be more prosperous today 'insure' themselves against the effects of possible economic downturns in the future. However, equalization goes deeper than this. It is the acknowledgement, essential to any enduring partnership, that the Canadian economy is a shared enterprise, to which all contribute in various ways and from which all should benefit as a necessary condition of social harmony and balance. The economy's distribution mechanisms acting alone fail to deliver these benefits equitably and so fail to provide the basic conditions that enable the economy to survive.

The question is how sharing can be built into the renewed relationship between Aboriginal peoples and the larger Canadian society so as to generate mutually beneficial economic interdependence and ecologically benign forms of resource management. The detailed answers we propose are found in later chapters (see especially Volume 2, Chapters 4 and 5). Some general guidelines can be mentioned here, however.

First, as in any modern co-operative relationship, the partners must recognize each other's basic rights, including, in this instance, rights of self-government and rights of equality as peoples. They must also display respect for their respective cultures and institutions.

Second, our histories, public institutions and popular cultures must give greater recognition to what is often unacknowledged: the relation of sharing that is at the foundation of the Canadian federation and its economy.

Third, as a long overdue act of justice, Aboriginal people should regain access to a fair proportion of the ancestral lands that were taken from them.

Fourth, if sharing is to be a valued part of the renewed relationship, both parties need to be in a position to engage in exchanges on an equal basis. Meaningful sharing is not possible under conditions of poverty and dependence, so strong and effective measures need to be taken to address the often appalling inequalities that separate Aboriginal and

non-Aboriginal Canadians in such sectors as health, housing, income and overall living conditions.

Finally, sharing must take a form that enhances, rather than diminishes, people's capacity to contribute to the whole. Transfers that perpetuate relations of dependency, such as welfare payments, are not the long-term solution. Rather, just as they helped newcomers in the past, Aboriginal peoples should be assisted to develop economic self-reliance through new relations of economic co-operation in resource development and other fields.

Policies based on these guidelines will vary widely for different Aboriginal peoples, depending on such factors as their land base, degree of urbanization and participation in the wider economy. In all cases, however, policies should rest on the same twin foundations: the long overdue recognition that our past and present prosperity rests on a relationship of sharing extended by Aboriginal peoples; and the commitment to renew this ancient partnership for the future prosperity and well-being of all.

1.4 The Fourth Principle: Mutual Responsibility

Ideally, Aboriginal peoples and Canada constitute a partnership in which the partners have a duty to act responsibly both toward one another and also toward the land they share. The principle of mutual responsibility, then, has two facets.

Some of the basic features of the partnership between Aboriginal peoples and Canada become clearer if we compare it to an ordinary business partnership, in which the parties typically agree to co-operate in carrying on a joint enterprise, to hold certain assets in common, and to share in the profits and liabilities of the undertaking. Since each partner has the capacity to act in a way that affects the prosperity of the overall enterprise, each partner is also liable to suffer from the mistakes or wrongdoing of the other partners. This *mutual vulnerability* on the part of the partners gives rise to *mutual obligations*, in what lawyers describe as a *fiduciary relationship*. By virtue of this relationship, each partner has an obligation to act with the utmost good faith with respect to the other partners on matters covered by their joint endeavour.

The partnership between Aboriginal peoples and Canada is political and constitutional rather than commercial. Nevertheless, the analogy is useful as long as we do not carry it too far. As in a business partnership, Aboriginal peoples have long shared with Canada the lands that were originally theirs alone. Since Aboriginal peoples and Canadian governments both have interests in these lands, both have the capacity to act in ways that affect the welfare of the other partners in the relationship and the well-being of the land itself. In light of this mutual vulnerability, then, Aboriginal peoples and Canadian governments both have an obligation to act with the utmost good faith toward each other with respect to the lands in question.

We have been speaking so far at the level of the ideal. In reality, as we have seen, the relationship between Aboriginal peoples and Canada is far from being an equal

partnership. The capacity of Aboriginal peoples to affect Canada's interests is very limited compared to the very extensive power of Canada and its governments to affect Aboriginal peoples' interests. Indeed, over the past century in particular, the relationship between partners gradually deteriorated into one between 'guardian' and 'wards'. In law, of course, guardianship is also considered a fiduciary relationship. In the latter case, however, the powers and obligations are largely one-sided; that is, the guardian has certain fiduciary obligations to the ward that restrain and control the great discretionary powers that the guardian holds.

The vision of mutual responsibility embodied in our fourth principle, then, involves the transformation of the colonial relationship of guardian and ward into one of true partnership. This partnership can be realized, however, only when Aboriginal peoples secure political and constitutional autonomy, as constituent members of a distinct order of government, and an economic and resource base sufficient to free them from the debilitating effects of long-term 'welfare'.

To this point, we have spoken mainly of the responsibilities Aboriginal peoples and Canada bear to one another. They also have responsibilities to the land they share. Aboriginal elders explained to the Commission that the identities of their peoples are strongly related to the places where they live, that the Creator placed them here with the responsibility to care for life in all its diversity. This responsibility is timeless. To make sound decisions today about the land and the environment, people need to look back to the wisdom of the ancestors as well as forward to the interests of future generations, as far as the seventh generation and beyond. At the core of Aboriginal identity is the unshakeable sense of responsibility to the spirit of life, which manifests itself in complex interconnected patterns in the natural world. To quote the words of Chief Crowfoot a century ago,

What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the wintertime. It is the little shadow which runs across the grass and loses itself in the sunset. [translation]⁶

As we saw earlier, this responsibility to life is coupled with a strong sense of personal responsibility. A person learns to assume responsibility for others and the environment through an individual quest to achieve awareness of one's place in nature. This is a lifelong process, marked periodically by ceremonies and rites of passage.

This two-fold ethic of responsibility does not find perfect expression in the everyday activities of Aboriginal people. As in other societies, there is always a tension between the ideal state of affairs and the realities of daily life. Still, when they emphasize the ethic of responsibility, rather than the right to do as one pleases, the elders speak from an ancient and powerful understanding of the nature of humanity and its place in the larger community of life.

This sense of responsibility to nature is echoed in various outlooks, attitudes and beliefs that have always found a prominent place in the broader Canadian tradition — attitudes

that are demonstrated, for example, in the popularity of the paintings of the Group of Seven and widespread support for national and provincial parks. Nevertheless, over the past century, the ethic of stewardship has often been eclipsed by a careless and uninformed attitude to nature, an attitude that tacitly assumes that the earth is a virtually limitless resource at the disposal of the human species. This outlook is, fortunately, now on the wane. Environmentalists, among many others, have alerted us to the enormous damage already caused to the natural world, damage that threatens to render the planet uninhabitable if it continues. There is an emerging awareness of the environment as an interdependent system in which humanity, as one element among countless others, has a significant role in sustaining the ecological balance.

Ecological diversity is valuable for the same reason that cultural diversity is: it allows for greater flexibility, adaptability and creativity in the system as a whole. In the long run, our very existence and well-being may depend on such flexibility. However, the shift away from an exploitative approach to nature goes even deeper than this for many Canadians. It is rooted in the sense that to act irresponsibly is not just short-sighted but a spiritual failure. It is an act of sacrilege and desecration against the ultimate source of our being.

This broader vision of Canada as a place of cultural and ecological diversity and of Canadians as stewards of this dwelling-place is an increasingly prevalent one. It is as though Canadians are finally shaking off the habit of defining themselves in terms of traditions derived from other continents and other ages. Not surprisingly, many are turning to indigenous Canadian wisdom for guidance in developing an ethic of responsibility appropriate to our emerging understanding of this country (see Volume 4, Chapter 3).

The Commission believes that the renewed relationship between Aboriginal and non-Aboriginal people will flourish only if it is infused with this dual sense of responsibility to one another and to our environment and dwelling-place. This fourth principle provides the final strand in a just partnership between Aboriginal and non-Aboriginal people.

2. Maintaining the Relationship

The Six Nations of the Iroquois Confederacy have traditionally described their relations with other nations as a silver covenant chain (see Chapter 5). "Silver is sturdy and does not break easily," they say. "It does not rust or deteriorate with time. However, it does become tarnished. So when we come together, we must polish the chain, time and again, to restore our friendship to its original brightness." In other words, a relationship among peoples is not a static thing. It changes and develops over time, in response to new conditions. If constant efforts are not made to maintain and update it, it can easily deteriorate or fall apart.

Canadians have prided themselves on their vision of a society that accommodates differences in language, culture and regional characteristics. Each province, as it joined Confederation, brought with it distinctive traditions, customs and priorities, rooted in its

unique makeup and history. For example, the *Constitution Act, 1867* recognized the distinctive position of Quebec, its laws and dominant language, even if, in the eyes of many Québécois today, the act did not go nearly far enough. And when Manitoba entered Canada in 1870, special constitutional provisions were made regarding such matters as the Aboriginal land title of the Métis people and the official use of the English and French languages — even though these provisions were honoured more in the breach than in the observance. What we have learned in the course of our long and sometimes turbulent association is that it is possible to maintain a proper balance between unity and diversity only by continuous care and attention. A relationship among peoples is not a once-and-for-all transaction. It needs to be adjusted regularly and, from time to time, explicitly reaffirmed.

Many Aboriginal people across Canada see treaties and similar agreements as the pre-eminent means of creating and acknowledging relationships. Treaties, in their view, are not just historical documents; they are living instruments that bind peoples together. Thus the negotiation and renewal of treaties can be an important mechanism for re-establishing and adjusting relationships over time. This view was emphasized in the comments of Grand Chief Anthony Mercredi:

The principles which the treaty-making process demonstrates are simple, yet they are of enormous significance to the achievement of social peace and reconciliation with our peoples in Canada today. When the Crown entered into treaty with our people this was done in a manner based on our spiritual ceremonies and practices of solemnizing agreements. When the treaty was concluded we shared our sacred pipe with the Crown's representatives and we shared other ceremonies, including an exchange of gifts or wampum. The fact that our ceremonies were used tells us that the basis of our relationship with non-Aboriginal governments is one which respects the fact that we are different. It respects the fact that we have our own cultures, political systems, spirituality and that these are not inferior to those of European peoples.

Anthony Mercredi, Grand Chief
Treaty 8, Ottawa, Ontario
5 November 1993

The process of treaty making and renewal also illustrates a more general point: the importance of dialogue in creating and maintaining relationships. As Clifford Branchflower, the mayor of Kamloops, observed,

It is a great deal easier to reject the ideas and aspirations of people with whom we have never shaken hands, with whom we have never laughed together over a joke, or with whom we have never sat down to a shared meal. Whatever the future holds with regard to the political situation for the Aboriginal people, we are going to need to get along with one another and we need to interact with one another.

Clifford G. Branchflower
Kamloops, British Columbia
15 June 1993

When Aboriginal and non-Aboriginal people meet, exchange ideas and negotiate, they unavoidably bring to the table their own modes of communicating and understanding. In other words, the dialogue becomes intercultural. It would be misleading to pretend that such a dialogue is always easy or straightforward. All sorts of misunderstandings can arise simply because the partners speak and act in accordance with their particular cultural predispositions and expectations, which are not necessarily shared or even understood by the other party.

In such situations, there is a tendency for the more powerful party to try to overcome these difficulties by forcing its own way of doing things on the other party, on the assumption that this is clearly the 'normal' or 'better' way. However, the basis for genuine dialogue is destroyed when one party is compelled to speak and act exclusively through the medium of the other party's language, cultural forms and institutions. Justice and basic courtesy demand that parties to a relationship be able to contribute to a dialogue in their own accustomed voices and ways, even if this requires some patience and perseverance on all sides.

Fortunately, when Aboriginal and non-Aboriginal people meet today, they do not start from the beginning, nor are they trapped in mutually incomprehensible world views. They have, after all, been meeting, interacting and co-operating for more than 500 years. Contact has shaped the cultural identities of all the parties to the relationship in many and varied ways, some of which are obvious, while others are so subtle and pervasive as to pass virtually unnoticed. Contact has also generated a number of mutually acceptable modes of discussing and acting together. In effect, an intercultural common ground already exists, where the attitudes and expectations of the various parties are familiar to one another.

It is important not to misunderstand the nature of this common ground. It is far from ideal. It is shot through with relations of inequality, coercion and fraud, with broken promises, failed accords, stereotypes, misrecognition, paternalism, enmity, distrust, resentment and outrage. Nevertheless, Aboriginal and non-Aboriginal people have walked together on many paths during their long intertwining histories, often in peace and friendship, with good intentions and mutual respect. They have shared knowledge and goods, made treaties and traded, co-operated in building bridges, skyscrapers, airlines and orchestras, jointly managed resources, defended Canada together through many wars, stood in awe of one another's art and spirituality, and fallen in love. The resulting intercultural institutions and practices, as inadequate and distorted as they sometimes are, provide the starting point for a renewed dialogue. There is no other alternative, no universal language that transcends the cultures.

Finally, there is a special bond that holds the partners together: a strong sense of historical attachment to this land called Canada. For many Aboriginal and non-Aboriginal Canadians, the history of their association is strongly linked with a shared life on the land. As Chris O'Brien commented eloquently,

I believe that the land will play a central role in helping mainstream society change its attitudes and values. For me, the North is my holy ground, my guide and my source of spiritual inspiration. My relationship with this land has changed me and has given me a larger, clearer perspective from which to judge what is right. From my own experience, I know that the land possesses an indispensable wisdom that all human beings, Aboriginal and non-Aboriginal, can and indeed must learn from. I don't believe that Aboriginal cultures are perfect, nor do I believe that mainstream culture is wholly bad. But considering the present situation, it is obvious to me that non-Native people have much more to learn from Native people than vice-versa.

Chris O'Brien
Yellowknife, Northwest Territories, 9 December 1992

We need to remember, however, that the Canadian identity is by no means uniform. Canada is a partnership among different peoples, each with its distinct history and culture. Indeed, it could be said that respect for diversity is a vital aspect of our joint identity as Canadians, the essential basis for an enduring association and a shared life. To recall an image evoked often in our hearings, the Aboriginal and non-Aboriginal partners in Confederation are like distinct rows of wampum beads in an ancient belt rubbed smooth with long use — rows that are separate but also inseparable.

3. Conclusion

In this first volume of our final report, we have offered an historical overview of relations between Aboriginal and non-Aboriginal people in Canada. We have given particular prominence to the stage of that relationship we have called displacement and assimilation, discussing the origin, characteristics and consequences of certain key legislation and policies of that period — the *Indian Act*, residential schools, relocations and veterans. We have also made recommendations about the steps that should be taken to redress the injustices of the past.

In the last part of this volume, beginning with Chapter 14, *The Turning Point*, we began to consider how the foundations of a renewed relationship could be constructed, directing attention in particular to certain fundamentals that need to be recognized. The first of these is the need to reject the false assumptions that shaped policy and legislation in the past. We argued that a renewed relationship must be built on a foundation of sound principles — mutual recognition, mutual respect, sharing and mutual responsibility — that will return us to a path of justice, co-existence and equality. In Volumes 2 and 5 of our report we articulate the content of a new Royal Proclamation and its companion legislation, in which we recommend that these principles be enshrined. A new Royal Proclamation will mark a turning point in the relationship. It will initiate a period of nation building on the part of Aboriginal societies and completion of the work of making Aboriginal people full partners in Confederation.

Recommendation

The Commission recommends that

1.16.1

To begin the process, the federal, provincial and territorial governments, on behalf of the people of Canada, and national Aboriginal organizations, on behalf of the Aboriginal peoples of Canada, commit themselves to building a renewed relationship based on the principles of mutual recognition, mutual respect, sharing and mutual responsibility; these principles to form the ethical basis of relations between Aboriginal and non-Aboriginal societies in the future and to be enshrined in a new Royal Proclamation and its companion legislation (see Volume 2, Chapter 2).

We also noted in Chapter 14 that one of the first steps in building a renewed relationship is the need to abandon doctrines such as *terra nullius* and discovery. The concept of *terra nullius* was used by Europeans to suggest that they came to empty, uninhabited lands or at least to lands that were not in the possession of 'civilized' peoples, that were not being put to 'civilized' use. The doctrine of discovery held that the discovery of such lands gave the discovering nation immediate sovereignty and all right and title to it.

These concepts must be rejected. To state that the Americas at the point of first contact with Europeans were empty uninhabited lands is, of course, factually incorrect. To the extent that concepts such as *terra nullius* and discovery also carry with them the baggage of racism and ethnocentrism, they are morally wrong as well. To the extent that court decisions have relied on these fallacies, they are in error. These concepts have no legitimate place in characterizing the foundations of this country, or in contemporary policy making, legislation or jurisprudence. If we are to build a renewed relationship between Aboriginal and non-Aboriginal people in Canada, we cannot do it by unilateral and demeaning assertions. Rather, we have to find or rediscover other ways to describe the foundations of this country, to recognize rather than dismiss the rights and contributions of Aboriginal peoples, and to undertake the difficult task of renewal through dialogue and agreement.

Much of the content of our report outlines the steps that need to be taken to achieve these goals.

Recommendation

The Commission recommends that

1.16.2

Federal, provincial and territorial governments further the process of renewal by

- (a) acknowledging that concepts such as *terra nullius* and the doctrine of discovery are factually, legally and morally wrong;
- (b) declaring that such concepts no longer form part of law making or policy development by Canadian governments;

(c) declaring that such concepts will not be the basis of arguments presented to the courts;

(d) committing themselves to renewal of the federation through consensual means to overcome the historical legacy of these concepts, which are impediments to Aboriginal people assuming their rightful place in the Canadian federation; and

(e) including a declaration to these ends in the new Royal Proclamation and its companion legislation.

The principles described in this chapter are an essential but not sufficient basis for constructing a renewed relationship. In subsequent volumes of our report, we present details of the changes in laws, institutions and policies that are necessary to give substance to a commitment to a new beginning. More specifically, the concepts examined in Volume 2, *Restructuring the Relationship*, are the self-determination of Aboriginal peoples through self-government within Canada and the achievement of greater self-reliance through the equitable sharing of lands and resources and through economic development. In Volume 3, *Gathering Strength*, we turn our attention to the evidence of disadvantage in major dimensions of Aboriginal life, which are attributable in large part to false assumptions and failed policies of the past. We propose measures to correct inequities and to establish the conditions under which Aboriginal people can assume responsibility for the personal and collective healing that is urgently required. These strongly interrelated concepts — a renewed relationship, self-determination, self-reliance and healing — are central to the message the Commission heard in its many public hearings.

We believe a new relationship is of critical importance, and the four defining principles outlined in this chapter will provide a solid foundation for it. They will also contribute to the development of sound strategies for the achievement of self-determination, self-reliance and healing. Furthermore, as we make clear in subsequent volumes, we are convinced that these elements reinforce each other — that self-determination is an important element in achieving self-reliance, that a greater degree of autonomy in the political realm is illusory without a strong economic base, and that both these elements will contribute to and be nourished by the process of healing.

The challenge, therefore, is not only to recognize interdependence among the elements but also to change the dynamic among them so that a positive cycle of development occurs. In other words, we need to restore the balance that has been so profoundly disrupted for so much of the time we have lived side by side in Canada.

Notes:

* The Commission's terms of reference were contained in Schedule I to an order in council (P.C. 1991-1597) dated 26 August 1991.

1 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. For information about transcripts and other Commission publications, see *A Note About Sources* at the beginning of this volume.

2 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).

3 Richard Wagamese, *Keeper'n Me* (Toronto: Doubleday Canada Limited, 1994), p. 116.

4 Jill Oakes and Rick Riewe, "Informal Economy: Baffin Regional Profile", research study prepared for the Royal Commission on Aboriginal Peoples [RCAP] (1994). For information about research studies prepared for RCAP, see *A Note About Sources* at the beginning of this volume.

5 Jack Weatherford documents the contributions of the Indigenous peoples of the Americas to the world but concludes that as much or more has been lost or left undiscovered: "The history and culture of America remain a mystery, still *terra incognita* after five hundred years. Columbus arrived in the New World in 1492, but America has yet to be discovered." Jack Weatherford, *Indian Givers: How the Indians of the Americas Transformed the World* (New York: Ballantine Books, 1988), p. 255.

6 Quoted in Ethel Brant Monture, *Canadian Portraits: Brant, Crowfoot, Oronhyatekha, Famous Indians* (Toronto: Clarke, Irwin & Company Limited, 1960), p. 128.