



Affaires indiennes  
et du Nord Canada

Indian and Northern  
Affairs Canada

**Rapport de la Commission royale  
sur les Peuples autochtones**



**Report of the Royal Commission  
On Aboriginal Peoples**

Canada



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# Report of the Royal Commission on Aboriginal Peoples

Royal Commission on  
Aboriginal Peoples



Commission royale sur  
les peuples autochtones

To His Excellency  
the Governor General in Council

May It Please Your Excellency

We have the honour to submit to you, pursuant to paragraph 10 of Order in Council P.C. 1991-1597, dated 26 August 1991, the Report of the Royal Commission on Aboriginal Peoples.

Respectfully submitted,

Handwritten signature of René Dussault in cursive script.

René Dussault, j.c.a.  
Co-Chair

Handwritten signature of Georges Erasmus in cursive script.

Georges Erasmus  
Co-Chair

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Paul L.A.H. Chartrand  
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Viola Robinson  
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Mary Sillett  
Commissioner

Handwritten signature of Bertha Wilson in cursive script.

Bertha Wilson  
Commissioner

October 1996  
Ottawa, Canada














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# VOLUME 1

## Looking Forward, Looking Back

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Report of the Royal Commission on Aboriginal Peoples

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## **A Note About Sources**

Among the sources referred to in this report, readers will find mention of testimony given at the Commission's public hearings; briefs and submissions to the Commission; submissions from groups and organizations funded through the Intervener Participation Program; research studies conducted under the auspices of the Commission's research program; reports on the national round tables on Aboriginal issues organized by the Commission; and commentaries, special reports and research studies published by the Commission during its mandate. After the Commission completes its work, this information will be available in various forms from a number of sources.

This report, the published commentaries and special reports, published research studies, round table reports, and other publications released during the Commission's mandate will be available in Canada through local booksellers or by mail from

Canada Communication Group — Publishing  
Ottawa, Ontario

K1A 0S9

A CD-ROM will be published following this report. It will contain the report, transcripts of the Commission's hearings and round tables, overviews of the four rounds of hearings, research studies, the round table reports, and the Commission's special reports and commentaries, together with an educators' resource guide. The CD-ROM will be available in libraries across the country through the government's depository services program and for purchase from

Canada Communication Group — Publishing  
Ottawa, Ontario  
K1A 0S9

Briefs and submissions to the Commission, as well as research studies not published in book or CD-ROM form, will be housed in the National Archives of Canada after the Commission completes its work.

## **A Note About Terminology**

The Commission uses the term *Aboriginal people* to refer to the indigenous inhabitants of Canada when we want to refer in a general manner to Inuit and to First Nations and Métis people, without regard to their separate origins and identities.

The term *Aboriginal peoples* refers to organic political and cultural entities that stem historically from the original peoples of North America, rather than collections of individuals united by so-called 'racial' characteristics. The term includes the Indian, Inuit and Métis peoples of Canada (see section 35(2) of the *Constitution Act, 1982*).

*Aboriginal people* (in the singular) means the individuals belonging to the political and cultural entities known as 'Aboriginal peoples'.

The term *Aboriginal nations* overlaps with the term Aboriginal peoples but also has a more specific usage. The Commission's use of the term nation is discussed in some detail in Volume 2, Chapter 3, where it is defined as a sizeable body of Aboriginal people with a shared sense of national identity that constitutes the predominant population in a certain territory or collection of territories.

The Commission distinguishes between local communities and nations. We use terms such as *a First Nation community* and *a Métis community* to refer to a relatively small group of Aboriginal people residing in a single locality and forming part of a larger Aboriginal nation or people. Despite the name, a First Nation community would not normally constitute an Aboriginal nation in the sense that the Commission defined the term above. Rather, most (but not all) Aboriginal nations are composed of a number of communities.

Our use of the term *Métis* is consistent with our conception of *Aboriginal*



*peoples* as described above. We refer to the *Métis* as distinct Aboriginal peoples whose early ancestors were of mixed heritage (First Nations, or Inuit in the case of the Labrador Métis, and European) and who associate themselves with a culture that is distinctly Métis. The more specific term *Métis Nation* is used to refer to Métis people who identify themselves as a nation with historical roots in the Canadian west. Our use of the terms *Métis* and *Métis Nation* is discussed in some detail in Volume 4, Chapter 5.

Following accepted practice and as a general rule, the term *Inuit* replaces the term *Eskimo*. As well, the term *First Nation* replaces the term *Indian*. However, where the subject of discussion is a specific historical or contemporary nation, we use the name of that nation (e.g., Mi'kmaq, Dene, Mohawk). Often more than one spelling is considered acceptable for these nations. We try to use the name preferred by particular nations or communities, many of which now use their traditional names. Where necessary, we add the more familiar or generic name in parentheses — for example, Siksika (Blackfoot).

Terms such as *Eskimo* and *Indian* continue to be used in at least three contexts:

1. where such terms are used in quotations from other sources;
2. where *Indian* or *Eskimo* is the term used in legislation or policy and hence in discussions concerning such legislation or policy (e.g., the *Indian Act*; the Eskimo Loan Fund); and
3. where the term continues to be used to describe different categories of persons in statistical tables and related discussions, usually involving data from Statistics Canada or the Department of Indian Affairs and Northern Development (e.g., status Indians on-reserve, registered Indians).

**COMMISSIONERS APPOINTED** to the *Royal Commission on Aboriginal Peoples* held close to one hundred meetings, each usually lasting several days, between the fall of 1991 and the fall of 1995. On these and other important occasions, such as the public hearings, opening and closing ceremonies were held and a prayer or thanksgiving address was offered to the Creator for the safe arrival of persons to the meeting or their safe return home to their families, for the start or ending of a day, and for all the living things that are part of the Circle of Life.

***If a meeting was about to begin, those who participated were asked to approach the day with a good mind, to speak clearly and honestly with each other, and to listen carefully to what was being said. It was emphasized that, when people come together for high purposes and to deal with difficult issues, their minds must be clear.***

***Those associated with the Commission experienced the strength gained when people come together in a supportive manner and for a common purpose. They felt the power that is generated when people use a good mind to come to one mind. It is in this spirit that the Commission begins its final report with a thanksgiving address that, in one form or another, was spoken many times at the Commission and from time immemorial among the Haudenosaunee (Iroquois).***

## **A Thanksgiving Address**

IT IS SAID THAT, as we walk the path that is our life, there are times when things happen to distract us. When this happens it is easy for us to lose our way and stray from the path that is the good mind, and we suddenly find ourselves stumbling through the brush. As we struggle to push our way through the underbrush, trying to regain the clear path, we pick up burrs and thorns that cling to our clothing, pricking our skin. We get dusty and scared. Our fear causes us to cry and our hearts to pound.

It is good to see that you have arrived here safely and that we may spend some time together. I know that you have come from far away and that many obstacles were in your way. And yet, despite these obstacles, you are able to be here. I take you by the hand as a brother or a sister. I offer you words of greeting and respect. I offer you food and drink.

I speak these words so that your mind may be put at ease and your load lightened. We come together in this way because your mind is distracted. We come to offer our thoughts and our support. We come to lift the weight of your burden from your shoulders and to share it among us. We know that as an individual you are very strong. But, we also know there are times when we need the strength of others. We understand that when we are in pain, the mind is distracted and we find it difficult to use the power of a good mind.

First, we take the finest eagle feather we can find, and with this eagle feather, we brush away the dust that clings to you. We remove any burrs or thorns or twigs that may be caught on your clothing. We remove these things because they surely cause you pain and discomfort. And so, we hope this makes you feel more comfortable and more at ease.

Your eyes may be filled with tears because of that with which you are struggling. These tears blur your vision and sting your eyes. There may be a sound like roaring in your ears because of the fear, pain and anger you may be feeling. And so, we take the finest and softest deer skin we can find. We gently wipe away your tears so that you may see the beauty that is all around you and your friends and relations who have gathered here to support and help you. Next, we wipe away any obstruction in your ears that may prevent you from hearing the good words that people speak to help ease your suffering. We offer you a place to sit so that you may rest your weary body.

Finally, your fear, your pain and your anger may cause an obstruction in your throat. It is important to remove that obstruction so that, when you speak, your words may come loudly and clearly so that all may understand what is troubling you. And so, we offer you a drink of pure, cool water. Water is indeed one of the most powerful medicines we have, for it has the ability to give and to sustain life. The water will help to remove that which clogs your throat. It soothes your insides and quenches your thirst.

And so, with all this we hope you are now more comfortable and we have helped to ease your burden. We hope these words have helped to restore a sound mind, body and spirit. We hope that now you may focus, with a clear and good mind, on the words of thanksgiving, the Ohentonkariwatehkwen (the words that come before all others). We celebrate the fact that life exists, for we understand that it is by pure chance that it does.

And so it is Sonkwaiatison, our Creator, that as we prepare to begin this new day, we take a few moments to centre ourselves, to reflect on who we are, on our place within the Circle of Life, and on our responsibilities to all of Creation.

We begin by turning our thoughts to you, Ietiniistenhen Ohontsa, our sacred Mother, the Earth. We know that you are sick and you are dying at this time because of the way we, the two-legged, show you disrespect and abuse of your gifts. And yet despite this, your love for your children is such that you continue to provide all we need to survive on a daily basis. You continue to fulfil your responsibilities and carry out your duties in accordance with the instructions given you in the beginning of time. For this we are grateful. And so it is, we turn our minds to you, we acknowledge you and we give thanks. So be it in our minds.

We understand that we share our time here with many different forms of life. From the smallest micro-organisms and the insects that live in the body of our Mother Earth, it is your responsibility to keep the body of our Mother healthy and strong. It is your duty to fight the effects of pollution. We know your task is great at this time because of the demands we, the two-legged, place upon you. And yet, despite this, you continue to struggle with the weight of the burden we place upon you. You fight to carry out your responsibilities and fulfil your obligations in accordance with the original instructions. Because of this, the cycle continues. And so it is, we turn our minds to you, we acknowledge you and we give thanks. So be it in our minds.

We turn our minds to the different forms of life that walk on the face of Mother Earth. There are those of you who crawl and those of you who slither. We acknowledge you Okwaho (wolf), Okwari (bear) and Anowarah (turtle). You represent our clans, our families. There are those of you who provide us with shelter, tools, clothing and food. We call you Skanionsa, the moose and Oskenonton, the deer. You give of yourselves so that we may survive. We understand that there is a relationship of respect that must exist among us.

We turn our minds to the fish and other forms of life that live in the bodies of water. We know that you struggle because of the disrespect we show you. We pollute your world and treat you as resources and products.

We look now to all the different birds that are around us. When the Creator made you, he gave your feathers the colours of the rainbow. He gave each of you a beautiful and distinctive song and he asked that you greet each new day with that beautiful song. Every day, when your voices come

together in a beautiful chorus, we are reminded of the importance of the diversity and harmony in Creation.

From among the birds the Creator chose you, Akweks, our brother, the Eagle. You are the strongest and are able to fly the highest. Your keen eyesight allows you to see the Creation. Upon your shoulders, the Creator placed the added burden of being the Creator's messenger. Our Elders teach us that, should you appear in a dream and speak to us, we should pay particular attention to your words. For it is said that you are bringing a message directly from the Creator. All the creatures continue to carry out your duties and to fulfil your responsibilities in accordance with the original instructions. Because of this, the cycle of life continues and for this we are grateful. And so, we turn our minds to you, we acknowledge you and we give thanks. So be it in our minds.

We turn our minds to the rooted nations of Creation. We acknowledge the trees. And you, Wahta (the maple), you provide us with wood for heat, tools and shelter. You also provide us your life's blood so that we may have Wahta osis (maple syrup) for medicine. It is indeed a happy time when you give us this gift, for we know the Creation is awakening and the cycle of life continues. We look forward to the time when you, Niionhontehsha, the strawberry, will show yourself once again. You are a powerful medicine and we know that, if you appear, the harvest will be good and our people will not go hungry. We acknowledge the grasses, the medicine plants. We greet you, the Three Sisters — Onenste (corn), Osaheta (beans) and Ononsera (squash). You are the staple of my people. We know that, when we plant you together, you protect one another from disease and insects. And in so doing, you teach us a valuable lesson about the need for diversity. And so it is, we turn our minds to you, we acknowledge you and we give thanks. So be it in our minds.

We turn our minds to you, the various bodies of water. The rivers, the lakes, the oceans and the springs. You fulfil a vital function in the continuation of the cycle of life. You provide us with the most powerful medicine there is, for water has the ability to give and to sustain life. For this we are grateful, so we acknowledge you and we give thanks. So be it in our minds.

As we look around us this morning, we see, Karakwa, our brother the Sun,

that you have chosen to grace us with your presence once more. You bring the warmth of a new day. You bring us light so that we may see the beauty that surrounds us. Working with all the other elements of Creation, you help perpetuate the cycle of life. We know that your time with us will be short this day and that you will soon disappear where the sky and earth come together in the west.

We know that, as darkness surrounds us, Ahsontenka Karakwa (Grandmother Moon), you will watch over us. You work with all the female life in the universe. You decide when children will be born. You work with the waters and help to keep the cycle going. We are reminded every day, as you share the sky with Karakwa, of the balance that must be maintained between the roles of the female and of the male. We are reminded of the equal importance of both, and we understand that without the one, there is no other.

As we look to the night sky, we see you Tsiitsistokwaronion (the stars). Some of our Elders teach us that you represent the spirits of those who have gone on before us. You represent the past, our history, and yet you are still here in the present. We understand that your teachings are as old as time itself, and yet they remain unchanged by the passage of time. You also show us the way into the future and we have but to look to you for guidance. And so, we take a moment to reflect on this and, because the cycle continues, we turn our minds to you, we acknowledge you and we give thanks. So be it in our minds.

Once again this morning, we have felt the presence of unseen forces that are around us at all times. We feel the air. You represent the breath of the Creator and you bind all life together in an unbreakable circle. We understand that we must respect your gift for, should we ever destroy you, we will destroy all life and the cycle will end. We feel the presence of the winds. Coming from the Four Directions, you bring the changing seasons. You help to keep the air we breathe clean and pure. We understand the importance of your gift and we are grateful. And so, we turn our minds to you, we acknowledge you and we give thanks. So be it in our minds.

And now we come to you, Sonkwaiatison. You have created all this and you have given us certain instructions. We see that all the different nations of your Creation struggle to carry out the instructions you gave them in the

beginning of time. They continue to strive in fulfilling their responsibilities and carrying out their duties as you have asked them to. It seems that only we, the two-legged, have difficulty in remembering your instructions. We seem to be blind to the lessons you have placed all around us. We are deaf to your teachings.

We invite you to spend some time with us. Move among us, feel our hearts and our minds. We have done our best to remember our place within the Circle of Life. But, we are frail and afraid. We build many things to help us survive, to help us control your Creation. The Ohentonkariwatehkwen (the words that come before all others) help to remind us of our responsibilities and duties. One day, we hope that we will begin to see the wonders of your Creation. Perhaps we will learn to live in harmony with it, rather than trying to control it. Perhaps we will see that all things, and all people, have their rightful place in the Circle. We hope that you are pleased with us and that we have shown you the respect you merit. We have done our best to honour you and the rest of Creation.

Finally, we acknowledge one another, female and male. We give greetings and thanks that we have this opportunity to spend some time together. We turn our minds to our ancestors and our Elders. You are the carriers of knowledge, of our history. We acknowledge the adults among us. You represent the bridge between the past and the future. We also acknowledge our youth and children. It is to you that we will pass on the responsibilities we now carry. Soon, you will take our place in facing the challenges of life. Soon, you will carry the burden of your people. Do not forget the ways of the past as you move toward the future. Remember that we are to walk softly on our sacred Mother, the Earth, for we walk on the faces of the unborn, those who have yet to rise and take up the challenges of existence. We must consider the effects our actions will have on their ability to live a good life.

We offer a special thought for our families, our friends and our loved ones, wherever they may be. We ask that you watch over them and keep them well until we can rejoin them. If it should be your desire to call one of them back to your side, that will be a sad time and we will grieve. We understand, however, that this is the greatest honour we can achieve and we will try to not let our grief hold them back from the journey they must make.

Finally, Sonkwaiatison, we ask that you give us all the courage, the strength and the wisdom to use the power of the good mind in all we do. Help us to speak clearly and honestly so that we may understand one another, how we feel and why. Help us to listen carefully to what others say and not to react in anger when negative things are said. Help us to understand that even painful words contain teachings and that we must sometimes look hard and listen carefully to find them. And so it is, Sonkwaiatison, that we have reflected on our place within the Circle of Life and on our responsibilities to all of Creation. Life continues, and we are grateful for what we have. So be it in our minds.

Kanatiio (Allen Gabriel)  
Kanesatakeronnon  
(Kanesatake Mohawk, Bear Clan)

## Opening the Door

**THIS REPORT** of the Royal Commission on Aboriginal Peoples concerns government policy with respect to the original historical nations of this country. Those nations are important to Canada, and how Canada relates to them defines in large measure its sense of justice and its image in its own eyes and before the world. We urge governments at all levels to open the door to Aboriginal participation in the life and governance of Canada.

The approach proposed in this report offers the prospect of change in both the short and the long term. Broad support can be expected in Canada for policy changes that better the life conditions of Aboriginal people, that lead to the enhancement of educational and economic opportunities, and that help to establish healthier and happier neighbourhoods. Aboriginal people can be expected to welcome changes that assist individuals and communities to gather strength and renew themselves. But our approach extends beyond these changes.

In the Commission's public hearings, Aboriginal people explained to us that their various nations have distinct cultures, with unique knowledge and understandings of the world around them. Across the globe, there is a growing awareness that cultural diversity is of critical importance for the survival of humanity. An appreciation of the uncertainty of the future carries



with it an appreciation of the value of unique cultural insights. The preservation of distinct cultures is important to Canada, therefore, not only in the interests of the various cultural groups, but as a matter of enlightened Canadian self-interest.

Justice demands, moreover, that the terms of the original agreements under which some Aboriginal peoples agreed to become part of Canada be upheld. Promises ought to be kept. Undertakings ought to be fulfilled. Solemn commitments ought to be honoured.

Equality and security require the majority population of Canada to accommodate the distinct cultures of all its historical nations. Individuals are born into these cultures, and they secure their personal identity through the group into which they are born. This is their birthright, and it demands the recognition and respect of all Canadians and the protection of the state.

Aboriginal peoples anticipate and desire a process for continuing the historical work of Confederation. Their goal is not to undo the Canadian federation; their goal is to complete it. It is well known that the Aboriginal peoples in whose ancient homelands Canada was created have not had an opportunity to participate in creating Canada's federal union; they seek now a just accommodation within it. The goal is the realization for everyone in Canada of the principles upon which the constitution and the treaties both rest, that is, a genuinely participatory and democratic society made up of peoples who have chosen freely to confederate.

Canada's image of itself and its image in the eyes of others will be enhanced by changes that properly acknowledge the indigenous North American foundations upon which this country has been built. Aboriginal people generally do not see themselves, their cultures, or their values reflected in Canada's public institutions. They are now considering the nature and scope of their own public institutions to provide the security for their individual and collective identities that Canada has failed to furnish.

The legitimate claims of Aboriginal peoples challenge Canada's sense of justice and its capacity to accommodate both multinational citizenship and universal respect for human rights. More effective Aboriginal participation in Canadian institutions should be supplemented by legitimate Aboriginal institutions, thus combining self-rule and shared rule. The Commission's

proposals are not concerned with multicultural policy but with a vision of a just multinational federation that recognizes its historical foundations and values its historical nations as an integral part of the Canadian identity and the Canadian political fabric.

Historically, the door has not been open for the just participation of Aboriginal peoples and their representatives in Canada. The Commission heard about misunderstandings concerning the treaties and about federal policies that ignored solemn commitments made in these treaties once the newcomers were settled and assumed control. Federal legislation, we find, has unilaterally defined 'Indians' without regard to the terms of the treaties and without regard to cultural and national differences among Aboriginal peoples. The participation of Aboriginal people as individuals, generally on the margins of society, has not met the standards of justice that Commissioners believe Canadians would wish to uphold.

History also shows how ancient societies in this part of North America were dispossessed of their homelands and made wards of a state that sought to obliterate their cultural and political institutions. History shows too attempts to explain away this dispossession by legally ignoring Aboriginal peoples, in effect declaring the land *terra nullius* — empty of people who mattered. This is not a history of which most Canadians are aware. It is not a history of democratic participation, nor is it a history that reflects well on Canada or its sense of justice. It is essential to recognize and respect the common humanity of all people — to recognize and respect Aboriginal people as people who do matter and whose history matters, not only to them but to all Canadians.

This Commission concludes that a fundamental prerequisite of government policy making in relation to Aboriginal peoples is the participation of Aboriginal peoples themselves. Without their participation there can be no legitimacy and no justice. Strong arguments are made, and will continue to be made, by Aboriginal peoples to challenge the legitimacy of Canada's exercise of power over them. Aboriginal people are rapidly gaining greater political consciousness and asserting their rights not only to better living conditions but to greater autonomy.

Opening the door to Aboriginal peoples' participation is also a means of promoting social harmony. The unilateral exercise of federal authority to

make and implement policy can no longer be expected to attract enduring legitimacy; it must be discarded in favour of the principle of participation. It is vital for Canada to be seen as legitimate by all its inhabitants. The strength of a geographically vast and culturally diverse country like Canada rests on the commitment and mutual respect of its peoples. The true vision of Canada is that of a multinational country, strengthened by the commitment of individuals to their natural and historical ties and to a federal union that promotes the equal security and development of all its partners.

Federal policy toward Aboriginal people has its roots in a power set out in the constitution of 1867. Since early British colonial times a legislative power has been reserved to the central government to protect the interests of Aboriginal peoples, first from local settler interests and, since 1867, from provincial interests. This unique feature of Canadian federalism has continuing significance today, since it includes the means to carry out positive obligations owed to Aboriginal peoples. In this report we explain that constitutional, legal, and political obligations proscribe the unilateral and arbitrary exercise of this federal power. It must be exercised in furtherance of the interests of Aboriginal peoples and not in derogation of those interests. This is a basic principle of the constitution supplemental to the principle of participation.

Contemporary Canadians reject the paternalism of yesterday and recognize that Aboriginal people know best how to define and promote their own interests. This report makes a number of recommendations to ensure that the principle of participation is the basis of future federal policy.

The federal obligation to act in the interests of Aboriginal peoples is now being recognized and implemented by the courts through the concept of fiduciary duty. This concept requires governments to acknowledge Aboriginal people as people who matter, not only in history but in real life today, and who have rights at common law and in the constitution that it is the federal government's duty to protect.

The concept of fiduciary duty and the principle of participation are intimately connected. Whenever governments intend to exercise their constitutional powers to legislate or make policies that may affect Aboriginal peoples in a material way, particularly in an adverse way, they would be wise to engage first in a process of consultation. The constraints imposed by the common

law and the constitution on the exercise of arbitrary governmental power would seem to require no less.

The courts have also begun to probe the nature of Aboriginal peoples' rights, including the relationship between Aboriginal individuals and groups and Canadian institutions. Commissioners believe that the door to Aboriginal group participation in Canada has been opened by recognition of an inherent right of self-government in the common law of Aboriginal rights and in the treaties. This right of peoples to be self-governing affords a solid legal foundation on which governments in Canada can enter into agreements with Aboriginal peoples to establish appropriate working relationships. There is no further need, if indeed there ever was a need, for unilateral government action. The treaty is still Aboriginal peoples' preferred model.

Where treaties have already been made, they establish a unique legal and political relationship that the federal government is bound to preserve and maintain. New and renewed treaties can serve the same purpose.

The role of the courts is limited in significant ways. They develop the law of Aboriginal and treaty rights on the basis of a particular set of facts before them in each case. They cannot design an entire legislative scheme to implement self-government. Courts must function within the parameters of existing constitutional structures; they cannot innovate or accommodate outside these structures. They are also bound by the doctrine of precedent to apply principles enunciated in earlier cases in which Aboriginal peoples had no representation and their voices were not heard. For these reasons courts can become unwitting instruments of division rather than instruments of reconciliation.

We learned from our hearings and from the research we commissioned that Aboriginal peoples share strongly held views of the relationship between their nations, their lands, and their obligations to the Creator. The concept of Aboriginal title as developed in English and Canadian courts is at sharp variance with these views, as are the courts' interpretations of some of the historical treaties. It is crucial that judicial decisions on such fundamental issues be made on the basis of full knowledge and understanding of Aboriginal cultures and spiritual beliefs. To do otherwise is to attribute to people perceptions and intentions that are repugnant to the

very essence of their being.

Participation in the courts requires Aboriginal people to plead their cases as petitioners in a forum of adversaries established under Canadian law. There is a certain irony in this, since in many instances the adversary they face is also the fiduciary that is obligated to protect their interests. The situation is, to say the least, anomalous, and it would appear that the courts cannot really substitute for a political forum where Aboriginal representatives can develop their own visions of political autonomy within Canada.

There are other, broader considerations to assess in considering the nature of Aboriginal participation in the institutions of Canada. In 1982 the constitution was amended to recognize and affirm the Aboriginal and treaty rights of the Aboriginal peoples of Canada. Those amendments contained a promise to amend the constitution further to determine the nature and scope of those rights. The constitutional promise was not fulfilled in the first ministers conferences conducted for that purpose, and the basic constitutional promise of 1982 is still outstanding.

There have been important changes in recent years in the nature of Aboriginal peoples' participation in statecraft in Canada. Since the white paper proposal to eliminate the distinct status of 'Indians' and the prime minister's refusal in 1969 to recognize the treaties, Canadian society has developed a greater willingness to include Aboriginal peoples as partners in the Canadian enterprise. This has been shown by the participation of Aboriginal representatives in first ministers meetings on constitutional reform, among other changes. With increased participation, Aboriginal peoples anticipate that they, and their voices, will matter more in the Canada of the future. In a sense, participation in the Canadian polity has created a more just image of Canadian society, but that image will remain what it is — an image — until participation succeeds in achieving a full measure of justice for Canada's First Peoples.

# 1



## 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 Bourque<sup>1</sup>

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 Dickson<sup>2</sup>

**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.<sup>3</sup> 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...<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup> 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."<sup>7</sup> 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.<sup>8</sup>

### **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.<sup>9</sup> Yet in the 30 years since a comprehensive survey of Indians in Canada was published in the Hawthorn report,<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup> 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 1993<sup>13</sup>

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.

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## **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 Extinguishment* (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.