

# Appendix E Summary of Recommendations in Volume 1

We have grouped the recommendations made in this volume by theme rather than in the order in which they appear in the text. The original numbering of recommendations has been retained (that is, with the first number representing the volume, the second the chapter number and the third the recommendation number) to facilitate placing them in their original context.

*The Commission recommends that a renewed relationship between Aboriginal and non-Aboriginal people in Canada be established on the basis of justice and fairness.*

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).

## 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.

*That the appropriate place of Aboriginal peoples in Canadian history be recognized.*

The Commission recommends that

### **1.7.1**

The Government of Canada

(a) commit to publication of a general history of Aboriginal peoples of Canada in a series of volumes reflecting the diversity of nations, to be completed within 20 years;

(b) allocate funding to the Social Sciences and Humanities Research Council to convene a board, with a majority of Aboriginal people, interests and expertise, to plan and guide the Aboriginal History Project; and

(c) pursue partnerships with provincial and territorial governments, educational authorities, Aboriginal nations and communities, oral historians and elders, Aboriginal and non-Aboriginal scholars and educational and research institutions, private donors and publishers to ensure broad support for and wide dissemination of the series.

### **1.7.2**

In overseeing the project, the board give due attention to

- the right of Aboriginal people to represent themselves, their cultures and their histories in ways they consider authentic;
- the diversity of Aboriginal peoples, regions and communities;
- the authority of oral histories and oral historians;
- the significance of Aboriginal languages in communicating Aboriginal knowledge and perspectives; and
- the application of current and emerging multimedia technologies to represent the physical and social contexts and the elements of speech, song and drama that are fundamental to transmission of Aboriginal history.

*That the nature and scope of the injury caused to Aboriginal people by past policies in relation to residential schools be established and appropriate remedies devised therefor.*

The Commission recommends that

#### 1.10.1

Under Part I of the *Public Inquiries Act*, the government of Canada establish a public inquiry instructed to

- (a) investigate and document the origins and effects of residential school policies and practices respecting all Aboriginal peoples, with particular attention to the nature and extent of effects on subsequent generations of individuals and families, and on communities and Aboriginal societies;
- (b) conduct public hearings across the country with sufficient funding to enable the testimony of affected persons to be heard;
- (c) commission research and analysis of the breadth of the effects of these policies and practices;
- (d) investigate the record of residential schools with a view to the identification of abuse and what action, if any, is considered appropriate;

and

(e) recommend remedial action by governments and the responsible churches deemed necessary by the inquiry to relieve conditions created by the residential school experience, including as appropriate,

- apologies by those responsible;
- compensation of communities to design and administer programs that help the healing process and rebuild their community life; and
- funding for treatment of affected individuals and their families.

### **1.10.2**

A majority of commissioners appointed to this public inquiry be Aboriginal.

### **1.10.3**

The government of Canada fund establishment of a national repository of records and video collections related to residential schools, co-ordinated with planning of the recommended Aboriginal Peoples' International University (see Volume 3, Chapter 5) and its electronic clearinghouse, to

- facilitate access to documentation and electronic exchange of research on residential schools;
- provide financial assistance for the collection of testimony and continuing research;
- work with educators in the design of Aboriginal curriculum that explains the history and effects of residential schools; and
- conduct public education programs on the history and effects of residential schools and remedies applied to relieve their negative effects.

*That the nature and scope of the injury caused to Aboriginal people by past policies in relation to the relocation of Aboriginal communities be*

*established and appropriate remedies devised therefor.*

The Commission recommends that

### **1.11.1**

Governments acknowledge that where the relocation of Aboriginal communities did not conform to the criteria set out in Recommendation 1.11.2, such relocations constituted a violation of their members' human rights.

### **1.11.2**

Parliament amend the *Canadian Human Rights Act* to authorize the Canadian Human Rights Commission to inquire into, hold hearings on, and make recommendations on relocations of Aboriginal peoples to decide whether

- (a) the federal government had proper authority to proceed with the relocations;
- (b) relocatees gave their free and informed consent to the relocations;
- (c) the relocations were well planned and carried out;
- (d) promises made to those who were relocated were kept;
- (e) relocation was humane and in keeping with Canada's international commitments and obligations; and
- (f) government actions conformed to its fiduciary obligation to Aboriginal peoples.

### **1.11.3**

The Canadian Human Rights Commission be authorized to conduct inquiries into relocations, including those that occurred before the Commission's creation in 1978, and that with respect to the latter

relocations, its mandate expire 15 years after coming into force.

#### **1.11.4**

Parliament amend the *Canadian Human Rights Act* to provide that it is a violation of the act if a relocation of an Aboriginal community does not conform to the six criteria listed in Recommendation 1.11.2, and that the provisions in Recommendation 1.11.11 apply in those circumstances where appropriate.

#### **1.11.5**

The Canadian Human Rights Commission be authorized specifically to provide a range of alternative dispute resolution mechanisms, including mediation, facilitation, and consensual arbitration.

#### **1.11.6**

The Canadian Human Rights Commission be given subpoena powers with respect to documents, evidence and witnesses, and powers to compel testimony and appoint experts and counsel.

#### **1.11.7**

The Canadian Human Rights Commission be given the authority to recommend a range of remedies to redress the negative effects of relocations, including

- provision for essential social infrastructure or services or special community initiatives;
- provision for relocatees to return to and re-establish in the home community;
- provision for visiting between separated families;
- funding of additional services, for example, to assist the readjustment of returnees, or all persons still adversely affected by the relocations;

- settlement of individual claims for compensation for, among other things, unpaid work done or services rendered during relocation and personal property lost or left behind; and
- costs, including future costs, incurred by relocatees or their representatives in attempting to resolve their complaints.

#### **1.11.8**

The Canadian Human Rights Commission be required to describe activity on relocation claims in its annual report and be authorized to make special reports as it sees fit and periodically review and report on action on its recommendations.

#### **1.11.9**

Federal, provincial and territorial governments co-operate with communities and the Canadian Human Rights Commission by opening their files on relocation to facilitate research.

#### **1.11.10**

Aboriginal communities be given funding by the Canadian Human Rights Commission, upon decision of a panel of advisers appointed by but independent of the Commission, as follows:

- (a) seed funding, of up to \$10,000, to conduct preliminary research on their claims after *prima facie* assessment of the merits of their applications; and
- (b) adequate additional funding when, in the panel's judgement, the communities have claims sufficient to warrant inquiry by the Commission.

#### **1.11.11**

The Canadian Human Rights Commission be authorized to apply to an appropriate tribunal to obtain any appropriate measure against the government of Canada, or to demand in favour of the Aboriginal community

or communities in question any measure of redress it considers appropriate at the time, where

(a) the parties will not agree to mediation or arbitration of the dispute; or

(b) proposals of the Commission have not been carried out within an allotted time to its satisfaction; and

(c) application to a tribunal or demand in favour of a community is with the consent of concerned communities.

#### **1.11.12**

Canada participate fully in efforts to develop further international standards to protect Indigenous peoples against arbitrary relocation and ensure that Canadian law incorporates the spirit and intent of international norms, standards and covenants relating to relocation.

#### **1.11.13**

The national repository for records on residential schools proposed in Recommendation 1.10.3 and its related research activities also cover all matters relating to relocations.

*That the nature and scope of the injury caused to Aboriginal people by past discriminatory policies in relation to Aboriginal veterans be established and appropriate remedies devised therefor.*

The Commission recommends that

#### **1.12.1**

Acknowledge, on behalf of the people of Canada, the contribution of Aboriginal people within the Canadian Armed Forces during the wars of this century (the First World War, the Second World War and Korea) by

(a) giving a higher profile to Aboriginal veterans at national Remembrance Day services;



(b) funding the erection of war memorials in Aboriginal communities; and

(c) funding the continuing work of Aboriginal veterans' organizations.

### **1.12.2**

Agree to Aboriginal veterans' requests for an ombudsman to work with the departments of veterans affairs and Indian affairs and northern development and national and provincial veterans' organizations to resolve long-standing disputes concerning

- Aboriginal veterans' access to and just receipt of veterans benefits; and
- the legality and fairness of the sales, leases and appropriations of Indian lands for purposes related to the war effort and for distribution to returning veterans of the two world wars.

### **1.12.3**

Hire Aboriginal people with appropriate language skills and cultural understanding in the Department of Veterans Affairs to serve distinct Aboriginal client groups.

### **1.12.4**

Establish and fund a non-profit foundation in honour of Aboriginal veterans to promote and facilitate education and research in Aboriginal history and implement stay-in-school initiatives for Aboriginal students.