Canadian Reconciliation in an International Context

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<u>List of Acronyms</u>

AFN – Assembly of First Nations

CEP - Common Experience Payment

IAP - Independent Assessment Process

MOU – Memorandum of Understanding

RCAP – Royal Commission on Aboriginal Peoples

RCMP – Royal Canadian Mounted Police

TRC – Truth and Reconciliation Commission

UN – United Nations

Abstract

Residential schools in Canada, purportedly established to educate Aboriginal children, carried the deeper auspices of assimilation and cultural extermination. Arising from missionary initiatives in the 1830s, residential schools housed more than 150,000 Aboriginal students before the last was closed in 1996. Forcibly removed from their families, these children were part of a wider colonial onslaught on native societies with many of them falling victim to their caregivers' physical, psychological, and sexual abuse amidst a culture of silence in Canadian society. Approximately 80,000 residential school survivors live on in Canada today. Amid prohibitively costly class action lawsuits, the government gave an official apology in 2007 to former students, established a Truth and Reconciliation Commission (TRC) in 2008. The TRC was mandated to collect testimonies to establish a comprehensive record of residential schools' existence. While Canada follows a succession of other countries around the world to establish a truth commission following extensive human rights abuses, the Canadian TRC remains unique from its predecessors. While some countries have established truth commissions to signal a definitive shift away from former repressive regimes, the Canadian TRC is situated in a context of enduring liberal democracy and national pride for progressive attitudes toward human rights. Many other truth commissions have been mandated to address human rights abuses committed during a short window of internal conflict, while the Canadian TRC must document a systemic pattern of atrocities which transcends Canada's history as a sovereign entity, and which reduces its diplomatic credibility as an international champion for human rights. Within these unique circumstances, this paper seeks to examine the ways in which the TRC promotes reconciliation between peoples which have never existed in a conciliatory state.

1
Introduction: Residential Schools

If anything is to be done with the Indian, we must catch him very young. The children must be kept constantly within the circle of civilized conditions.[1] (Davin 1879: 12).

While Canada's Indian Residential Schools (IRS) system was established with the nominal intention to provide education for Aboriginal children, the deeper auspices of forced assimilation and cultural extermination have given rise to intergenerational calls for recognition and justice. Beginning in the 1830s, the residential schools arose from a series of missionary initiatives, and were later jointly implemented by the Canadian Government and the Catholic, Anglican, Protestant, and Methodist Churches (Truth and Reconciliation Commission of Canada 2012: 6). The establishment of residential schools was justified by the inherent assumption that European settlers in Canada had reached the "pinnacle of human achievement," (Hanson 2009: 1). It was believed that Aboriginal peoples could be incorporated into an industrializing and intellectual society, but that this would require "aggressive civilization" (Ibid: 1).

At the peak of the IRS system in the 1930s, approximately 80 schools were operating across the country. Aboriginal children were forcibly removed from their families and enrolled in these institutions, where they were prohibited from speaking their mother tongues or demonstrating any residual connections to their heritage. Psychological and sexual abuse were common occurrences, and mortality rates resulting from malnutrition, physical punishments, and neglect were chronically high (Llewellyn 2002: 257).

In the 1950s it gradually became clear to Canadian policymakers that residential schools had not been successful in eliminating Aboriginal cultures and traditions from Canada, and the psychologically damaging effects of forcibly removing children from their families became more widely recognized (Hansen 2009: 1). Pursuant to this changing perception, the Indian Act[2] was revised to allow children to remain with their families and only attend school during the day, although poor education standards and abuses persisted (Ibid: 1).

Within Canadian society a "culture of silence" persevered with respect to the plight of Aboriginal children in the residential schools. For the first formative century of Canada's sovereign existence, ignorance among the descendants of European settlers became institutionalized, facilitating blanket obliviousness to these inherently colonial practices. It was not until the Royal Commission on Aboriginal Peoples (RCAP) was established in 1990 that Canadians were gradually faced with horrible accounts testifying to persistent human rights abuses perpetrated in their midst (Llewellyn 2002: 258).

1   Quoted from Nicholas Flood Davin's 1879 report to the Canadian government entitled "Report on Industrial Schools for Indians and Half-breeds".

2   The Indian Act was first passed in 1876, entering into Canadian federal law. Strictly paternalistic, it was designed to dictate aboriginals' status, land claims, reserve territories, and local governments (Henderson 2006: 1).

As awareness of residential schools increased, so too did civil lawsuits from Aboriginal survivors. Claimants filed grievances against both the federal government and various implicated churches. In 1990, leader of the Association of Manitoba Chiefs Phil Fontaine called for accountability for the residential schools, catalyzing nation-wide demands for reparation (Miller 2010: 138). This call coincided with the RCAP's recommendations for a public inquiry into residential school abuses (Stanton 2010: 49) and the 78 day standoff in the town of Oka, Quebec, between armed Aboriginal protestors and the Royal Canadian Mounted Police (RCMP). Faced with unprecedented claims of human rights abuses and staggering projected litigation costs, the federal government implemented a National Resolution Framework "to administer and settle sexual and physical abuse claims as an alternative to litigation" (Ibid: 73-4). This system was designed to conveniently categorize victims into different streams, creating strict definitions of various types of abuse in order to segregate claimants based on different characteristics of their victimizations. The process was immediately criticized as "slow, bureaucratic, traumatizing, and costly" (Ibid: 75), and the attempt to pursue reparations joined a consistent trend of ineffective alternative dispute mechanisms.

At least 150,000 Aboriginal children passed through the 125 schools that existed in Canada. Of the survivors, approximately 80,000 are still alive today. (MacDonald and Hudson 2012: 431). While the schools themselves have been formally closed for almost two decades (the last having finally been shut down in 1996), their effects remain prevalent among Aboriginal populations residing in all regions of Canada. Many former students were socialized into a position of "worthlessness," contributing to self-esteem damage, substance abuse, and high suicide rates (Hansen 2009: 1). Furthermore, many Aboriginal children have grown up feeling as though "they are neither truly Aboriginal nor part of the dominant society. They struggle to fit in but face discrimination from both societies" (Ibid: 1). These negative effects have cascaded from survivors to subsequent generations as neglected students become parents, and children inherit dysfunction and trauma. As time has passed "the legacy of the schools became joblessness, poverty, family violence, drug and alcohol abuse, family breakdown, sexual abuse, prostitution, homelessness, high rates of imprisonment, and early death" (Truth and Reconciliation Commission of Canada 2012: 77-8). The frustrating inability of the federal government to respond in ways deemed sufficient by survivors, and the ineffectiveness of civil litigation and alternative dispute mechanisms to placate those demanding justice, gave rise to the federal government's 2007 Indian Residential Schools Settlement Agreement, by which it established the Canadian Truth and Reconciliation Commission (TRC). The TRC was endowed with monumental expectations to break down 150 years of ignorance among settler Canadians about the residential school system, to restore dignity to Aboriginal victims and their generations of descendants, to address institutionalized social disparities between Aboriginal and non-Aboriginal Canadians, and to facilitate reconciliation among groups which had never before existed in a conciliatory state.

2
Current Conditions for Canadian Aboriginals

Before delving into a discussion about the ways in which the TRC's activities may promote reconciliation in Canada, a wider examination of the difficulties Aboriginal Canadians face must be provided. While the legacy of the IRS and their intergenerational impacts is one factor impeding reconciled relations between Aboriginal and non-Aboriginal Canadians, there are several others to be addressed. This section will provide a cursory examination of different factors which have perpetuated a wide socioeconomic gap between Aboriginals and non-Aboriginals for generations. As long as many Aboriginal communities remain so demonstrably disadvantaged compared to their non-Aboriginal counterparts, reconciliation efforts will continue to stagnate.

There are currently over 1.3 million Aboriginals in Canada, representing approximately 4.3 percent of the country's population (Anaya 2014: 4). While Canada has an extensive legal framework committed to the protection of Aboriginal peoples' rights, UN Special Rapporteur on Indigenous Rights James Anaya noted that human rights concerns persist: "It is difficult to reconcile Canada's well-developed legal framework and general prosperity with the human rights problems faced by indigenous peoples in Canada, which have reached crisis proportions in many respects" (Anaya 2014: 6). Anaya's report provides a detailed account of human rights abuses which continue to plague Aboriginal communities, despite the federal government's attempts over the last few decades to address these.

To begin with, socioeconomic gaps between Aboriginal and non-Aboriginal communities figured as a prominent concern in the 2004 Special Rapporteur's report, and these gaps have not been reduced in the ten years since. Mr. Anaya reported in 2014 that Aboriginal communities constitute 96 of the bottom 100 communities on Canada's Community Well-Being Index. Only one Aboriginal community has made it into the top 100 (Anaya 2014: 7). Aboriginals lag far behind the non-Aboriginal population in terms of education, with 30 percent of Aboriginal Canadians between the ages of 25 and 64 holding no formal secondary diploma (compared to only 12 percent of non-Aboriginal Canadians the same age) (Edmonton Journal 2013). Aboriginals are also typically overrepresented among unemployed Canadians: recent surveys show that in Ontario, for example, Aboriginals constitute two percent of the population yet 13 percent of the unemployed. On reserves, the unemployment situation tends to be worse – in the extreme case of Attawapiskat, located in Northern Ontario, 70 percent of Aboriginal adults are unemployed (Walkom 2013). The majority of the community is sustained by social assistance.

Mr. Anaya expressed further concerns about the housing crisis affecting Aboriginal and Inuit communities in Northern Canada. In many communities and reserves, housing is chronically insufficient and of poor quality, resulting in overcrowding and contributing to "higher rates of respiratory illness, depression, sleep deprivation, family violence, poor educational achievement and an inability to retain skilled and professional members in the community" (Anaya 2014: 9).

Mr. Anaya's report also indicated that many Aboriginal communities in Canada struggle with convoluted and time consuming land claims processes. While the Special Rapporteur reported that the government has made laudable efforts to address grievances arising from historical treaties, modern treaty and claims processes "have been mired in difficulties. As a result, many First Nations have all but given up on them." (Anaya 2014: 16). The government has frequently refused to recognize Aboriginal land rights and titles, preferring to offer monetary compensation for territory, which contributes to a highly adversarial litigation process (Ibid: 16). In select instances, however, Aboriginal communities have successfully negotiated the right to treaty lands: in the recent Tsilhqot'in Nation v. British Colombia case, for example, the Tsilhqot'in Nation won ownership of 1750 square kilometers of land in the province's remote central interior (MacCharles 2014). The Tsilhqot'in have won the right to be consulted with respect to all industry and development on their land, and to defend against companies vying for clear-cutting projects. While this historic ruling represents a significant accomplishment for Canadian Aboriginals, the litigation process took 14 years, including a five year trial, and cost more than 15 million dollars (Anaya 2014: 16). While many other land claims cases expend similar amounts of resources, few to date have been successful.

Mr. Anaya expressed further concerns that Canadian Aboriginals are significantly overrepresented in prisons: while Aboriginals constitute just over four percent of the country's population, they make up 25 percent of the prison population. This statistic is even more disproportionate for Aboriginal women, who constitute 33 percent of the total female population in Canadian prisons. (Anaya 2014: 10).

Among the most serious of issues affecting Aboriginal Canadians, and the focus of Mr. Anaya's report, is the rising number of missing and murdered Aboriginal women. An RCMP report released in May 2014 documented 164 police-recorded instances of missing Aboriginal women since 1980, and 1,017 homicide cases. Of these 1181 cases total, 225 remained unsolved. As of November 4, 2013, 105 Aboriginal women had been missing for more than 30 days (Royal Canadian Mounted Police 2014: 3). Since 1980, Aboriginal female homicide victims have represented roughly 16 percent of all female homicides in Canada, despite the fact that Aboriginal women only constitute approximately four percent of the female population (Ibid: 9).

Using Mr. Anaya's report as a lens with which to analyze the experiences of Aboriginals in Canada, it becomes evident that the intergenerational effects of the residential schools must be situated within the wider context of socio-economic hardships. While the TRC is working to establish a complete record of the residential schools for the purpose of acknowledging the extent of the abuses committed, a plethora of other issues for Aboriginal communities remain to be addressed. In order to generate a reconciled relationship between Aboriginal and non-Aboriginal Canadians, this wider set of issues must be understood and acknowledged by all participants.

3
Official Apology

Two primary objectives of the residential school system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said, 'to kill the Indian in the child.' Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country.
(Harper 2008).

The above quote is an excerpt from Canadian Prime Minister Stephen Harper's official apology to Aboriginal survivors of residential schools. Harper delivered this apology on June 11, 2008 in the House of Commons to the hundreds of Aboriginal spectators who had gathered in Ottawa to receive it. In his speech he offered solemn remorse for the federal government's residential schools, which housed legacies of debilitating abuse and forced assimilation. Harper expressed further regret for the resulting loss of Aboriginal cultures and languages, and acknowledged that abuses committed in the schools have contributed to social problems affecting many Aboriginal communities today. The speech was meant to represent a pivotal point in Aboriginal and non-Aboriginal relations, establishing accountability for the past in order to usher in a new period of reconciliation.

While anticipation proceeding Harper's official apology was high, the speech itself generated mixed reactions from the Aboriginal witnesses. Some, like residential school survivor Charlie Thompson, expressed appreciation for the speech, claiming that it encouraged recognition of his suffering: "[My brothers and I] were all sexually abused by the people supposed to look after us," he explained. "All across the country people didn't believe us that we were being abused … Today I feel relief. I feel good. For me, this is a historical day" (CTV Staff 2008). The apology was furthermore taken by some as a gesture towards reconciliation between Aboriginal and non-Aboriginal Canadians: Diane Kelly, member of the Ogichidaakwe group, referred to Harper's speech as "not the end of an era but hopefully a renewed nation-to-nation relationship. This historical acknowledgement will assist us in working towards reconciliation. There is benefit from looking at the past and learning from it" (Wawatay News 2008). A Toronto Star editorial added that "Harper's apology ought to compel Canadians to look critically and unflinchingly at their past and help set the relationship between Aboriginals and non-Aboriginals on a better path" (The Star 2008).

However, Prime Minister Harper's apology also generated substantial criticism, particularly as the next few years yielded insufficient government action to address the injustices named in the 2008 speech. Chief Ron Evans of the Norway House First Nation claimed in 2013 that "the apology came, but nothing follows in terms of how do we restore the dignity that they tried to destroy" (Weber 2013). In addition, Harper generated disapproval by his omission of the more systemic causes of discrimination which persist in Canadian society, and which gave rise to the residential schools in the first

place. Like-minded critics agreed that the apology did not provide sufficient acknowledgment of the systemic causes of Aboriginal abuses and continued underdevelopment, and failed to suggest that such causes may still be present in the Canadian system today.

Prime Minister Harper's official apology yielded mixed impressions from Aboriginal and non-Aboriginal Canadians alike. Given the administration's intention to foster reconciliation between cultural groups of Canadians, some thought the speech was a strong and resonant gesture while others believed it lacked sincerity and commitment. The TRC was introduced in the Prime Minister's speech and was implemented the following year, designed to continue the government's reconciliation agenda.

4
Introduction to the Canadian Truth and Reconciliation Commission

The Canadian TRC represents movement on the path towards reconciliation between Aboriginal and non-Aboriginal Canadians. The Commission was established by the federal government in 2008, a year following Prime Minister Stephen Harper's official apology to residential school victims. The TRC emerged out of extensive and rigorous negotiations between parties to class-action lawsuits (Stanton 2011: 4), and represents the government's attempt to protect itself against the prohibitively high cost of continuing to address residential school abuses through the courts. It was one of the five actions the administration agreed to in the 2007 Indian Residential Schools Settlement Agreement, alongside a Common Experience Payment (CEP) for residential school survivors, an Independent Assessment Process (IAP) to manage claims of sexual and physical abuse, measures to support healing, and commemorative activities (Settlement Agreement 2010). The TRC's task was, and remains, to document and memorialize the experiences of Aboriginal survivors of residential schools.

The TRC's Commissioners were appointed by the Canadian government, through an Order in Council (Government of Canada 2006: 2). According to Schedule N of the Indian Residential Schools Settlement Agreement, at least one of the three Commissioners would ideally be Aboriginal, and the final decision would be made in consultation with the Assembly of First Nations (Ibid: 5). Originally, Aboriginal Justice Harry LaForme was appointed chairman of the TRC, tasked with providing leadership over the course of the TRC's five-year mandate. Two Commissioners were appointed alongside him – Claudette Dumont-Smith, a member of the Algonquin community Kitigan Zibi and specialist in Aboriginal health, and Jane Brewin Morely, a lawyer who had previously worked as a child and youth officer in British Colombia. In October 2008, however, LaForme withdrew from the TRC, claiming that "incurable problems" between the three appointees threatened to paralyze the Commission (Canwest News Agency 2008). The remaining two Commissioners announced their resignations the following January, citing the Commission's need for a fresh start (CBC News 2009). In June 2009, the selection committee announced the appointment of Justice Murray Sinclair, Manitoba's first Aboriginal judge, to the Commission as Chairperson. Renowned journalist and residential school expert Marie Wilson and residential school survivor Chief Wilton Littlechild were also selected, and the Commissioners collectively announced their determination to set the TRC's mission on track as soon as possible (Truth and Reconciliation Commission of Canada 2009).

The Commissioners have since traversed the country, collecting testimonies and holding seven highly emotional national ceremonies. Their mandate, as set out in Schedule N, includes several overarching goals: The Commissioners will work to "promote awareness and public education of Canadians about the IRS system and its impacts"; "create as complete an historical record as possible of the IRS system and legacy"; and submit recommendations to the Canadian government for managing the "systemic harms" and "intergenerational consequences" of the residential schools'

legacy (Government of Canada 2006: 1-2). The specific duties of the Commissioners involve receiving statements and testimonies from former students of residential schools, although they do not have subpoena powers and are not permitted, under their mandate, to hold formal hearings or to name names in their events and statements (Government of Canada 2006: 2). The TRC has also developed several auxiliary programmes including the Missing Child Project, which investigates the thousands of cases of children who perished in the IRS from yet unknown causes.

The Canadian TRC is a unique project, as compared to truth commissions established elsewhere across the globe. While many truth commissions are developed in post-conflict regions following humanitarian atrocities, and are established by governments attempting to signal a shift away from a previous repressive regime, the Canadian TRC was established within a long-standing liberal democracy by a government which has traditionally championed human rights. While many other commissions have been tasked to address atrocities committed within a narrow timeframe of political turmoil, the Canadian TRC is mandated to report on a century and a half of human rights abuses, which predate the country's confederation, permeate its national narrative, and represent a persistent stain on Canada's diplomatic leverage as an international advocate for human rights. Finally, while many commissions are responsible for documenting atrocities which exist within living memory, the Canadian TRC must additionally address experiences which have been psychologically repressed, or which took place a hundred years ago and yet which have repercussions for modern Aboriginal communities.

Concerns that the allotted five years would prove insufficient for the TRC to complete its mandate increased in 2013, among Aboriginal groups and federal opposition members alike. A report from Michael Ferguson, Auditor General of Canada, in the spring of 2014 cast doubt on the TRC's ability to create a comprehensive record of the residential school system and its legacy. According to Schedule N of the Indian Residential Schools Agreement, the federal government is obliged to "provide all relevant documents in its possession or control to and for the use of the Truth and Reconciliation Commission" (Ferguson 2013: 7). In addition, Aboriginal Affairs and Northern Development Canada was tasked with identifying the relevant documents which would be provided to the TRC (Ibid: 7). The Auditor General found several factors inhibiting the government's adequate provision of documents: namely, "no federal department was initially made responsible for coordinating the provision of documents"; there was no clearly defined scope of work; it was not clear which type of documents would be searched for; and the schedule and funding arrangements for the work was not defined (Ferguson 2013: 9-15). With a mere year and a half left for the TRC to operate, the government had yet to release a significant number of documents housed in Library and Archives Canada (Stone 2013). Amidst mounting pressure over the summer and into the fall of 2013, the Canadian government announced on November 14 that it

would extend the TRC's operating period an additional year, giving the Commissioners until June 30, 2015 to complete their mandate (Aboriginal Affairs and Northern Development Canada 2013).

5
Reconciliation in Canada

As the TRC enters the final year of its extended mandate, its Commissioners have maintained their rigorous efforts to establish a record of the IRS, and to use this accomplishment as a gesture to foster reconciliation between Aboriginal and non-Aboriginal Canadians. However, exactly what constitutes 'reconciliation' remains ambiguous, particularly given the lack of a conciliatory state between Aboriginals and non-Aboriginals. The TRC's mandate provides a highly generalized description of reconciliation, referring to it as "an ongoing individual and collective process" emerging from "the truth of our common experiences" (Government of Canada 2006: 1). This founding document also indicates that the key stakeholders involved in the reconciliation process can include any and all of "former Indian Residential School students, their families, communities, religious entities, former school employees, government and the people of Canada" (Ibid: 1). This definition yields little insight as to what exactly a reconciled relationship will look like, and how exactly Canadians can work to achieve it.

When applied to the Canadian context, the term 'reconciliation' is highly nuanced and defies a singular, official definition. The concept, as espoused by the TRC's Chief Commissioner Murray Sinclair, involves educating Canadians about historical injustices and a new narrative of institutionalized colonialism which persists in modern Canadian society. Sinclair recognizes that the wrongs to be addressed involve historical attempts by the federal government to strip Aboriginal peoples of their cultural heritage, and through residential schools, to enforce assimilationist policies. As discussed in previous sections, the TRC is specifically mandated to record the residential school policies' assimilation attempts, as well as their specified goal to "kill the Indian in the child" (Truth and Reconciliation Commission of Canada 2012: 81). Given that the injustices under scrutiny involve the forced decline of Aboriginal traditions as a result of the residential schools, the reconciliation process will necessarily involve the protection of cultural rights. Reconciliation in Canada, according to the TRC's interim report, requires primarily attitudinal changes by both Aboriginal and non-Aboriginal Canadians to generate mutual recognition, respect, and responsibility, and a societal shift towards respecting Aboriginal peoples' rights to self-determination (Ibid: 23). Murray posits that reconciliation between Aboriginal and non-Aboriginal Canadians will, ideally, facilitate the eventual emergence of a balanced relationship of mutual understanding, tolerance, and respect.

The crux of the challenge facing the TRC's Commissioners, however, is the timespan required to facilitate an observable shift towards reconciliation. The Commissioners recognize, and often remind Canadians, that achieving reconciliation, however it comes to be defined in this context, will not be possible within the lifetime of the Commission, or even of Canadians living today. Murray, among other advocates for reconciliation, reminds Canadians that "the damage that the schools inflicted on [Aboriginal children's] lives and the lives of their families and communities will take generations to fix" (Murray 2014). This extended timeframe for the commission's goals, beyond the

lifetime of the commission itself, lends unpredictability to the ways to pursue reconciliation following its closure and the form of reconciled society which Canadians should hope to someday achieve. The long-term and inherently ambiguous objectives of reconciliation (i.e. a 'balanced' relationship') have given rise to several other obstacles to the pursuit of reconciliation, which will be examined in the next section.

6
Challenges for Canadian Reconciliation

While Canadian reconciliation is demonstrably consistent with emerging international standards for Aboriginal rights, the TRC faces several issues which obstruct its activities. Among the TRC's primary objectives is to establish a comprehensive and accurate historical account of residential schools for educational purposes, in order to facilitate truth and memory for past abuses. This new national narrative will ideally serve as a basis for building a reconciled relationship between Aboriginal and non-Aboriginal Canadians, regardless of how they have been affected by the residential school policies. However, as discussed in previous sections, the Commissioners have encountered a persistent lack of federal government cooperation when it comes to procuring residential school records stored in national archives, which has hindered its ability to create this narrative. In addition, the TRC continues to struggle with incoherent and divergent objectives for reconciliation among the variety of stakeholders to the process. Stakeholders vary, for example, in their desires for short and curative approach to reconciliation and a more long-term commitment. Finally, there remains no cohesive, universally-accepted national narrative as to the structural conditions which facilitated the rise of residential schools, and which allowed them to persist almost into the present day. Each of these obstacles will be discussed in further detail below.

6.1   Cooperation with the Federal Government

The Canadian TRC represents a commitment to cooperation between the federal government and present day Aboriginal communities for the purpose of generating a sense of national reconciliation. This reconciliation, however, has experienced repeat setbacks as cooperation breaks down between stakeholders, and arguments emerge over the Commission's responsibilities. The turbulent relationship between the TRC and the federal government is epitomized by the recent trial in which the Commission took Ottawa to court in a battle for "control over history" (Galloway 2012). At issue was the fact that the federal government has refused to share millions of residential school documents contained within its vaults, despite its commitment to do so in 2007 under the Indian Residential Schools Settlement Agreement. The Commissioners became particularly concerned about the exclusion, so far, of records detailing cemetery exhumations, as well as those concerning policy decisions about residential school programming (Narine 2013). Given that the TRC had been applying pressure on the federal government to release these documents since it started its work in 2009, Commissioners worried that the remaining year of their tenure would be insufficient to fulfill their mandate and produce a final report by the original deadline at the end of 2014.

This breakdown in cooperation between federal and TRC representatives and the subsequent entrenchment of adversarial stances lends saliency to the obstacles that remain between Aboriginal and non-Aboriginal Canadians. Aboriginal leaders, advocating for the educational role of the TRC, have applied consistent public pressure on the federal government to cooperate

more freely with the commissioners. The Assembly of First Nations National Chief Shawn Atleo has insisted that comprehensive records are necessary for the Commission to effectively educate Canadians about the residential schools, and he calls on "both the Government of Canada and the Commission [to] work collaboratively to complete this mandate and give Canadians a chance to learn the truth about this sad chapter of our shared history" (Plokhii 2013). Those tasked with operations of the TRC, including executive director Kimberly Murray, have joined the Assembly of First Nations (AFN) in its calls for government records, insisting that the National Research Center has legitimate claims to these records, which are necessary to establish a comprehensive historical account of the residential schools (Narine 2013).

The autumn of 2013, however, proved to be a critical turning point for the stalled dialogue between parties to the issue. Having been granted access to previously restricted federal archives by the Ontario Superior Court, the TRC and the federal government have rekindled cooperative efforts towards their shared goal of national reconciliation. Following recommendations from United Nations Special Rapporteur on the Rights of Indigenous Peoples James Anaya, the federal government also agreed to extend the TRC's tenure an additional year. Rather than condensing its further activities to conclude in June 2014, the TRC's tenure now extends until June 2015. Ideally, the Commissioners will be able to capitalize on this increase in federal investment and cooperation to establish a more comprehensive record of Canadian residential schools within their extended deadline.

6.2   Lack of Coherent Objectives

The Canadian TRC is further challenged by the multiple and highly nuanced visions of different stakeholders on the possible political and social forms of reconciliation. The literature concerning Canadian reconciliation offers several different suggestions on how a truly reconciled relationship could manifest. Experts on Canadian reconciliation identify how distinct groups of participants may seek different recourses to develop a contextually-appropriate reconciliation. Federal actors, for example, aspire for reconciliation to be a curative solution to long-standing social divisions, and hope that reconciliation will achieve a sense of closure for past injustices (Nagy 2012: 362). Aboriginal participants, on the other hand, tend to aspire for reconciliation to involve a process of broadening discourse, opening up public discussions on residential schools and encouraging widespread awareness (Ibid: 362). Existing literature on Canadian reconciliation reveals that this tension is influenced by short and long term objectives: Nagy, for example, claims that "whilst Indigenous leaders may seek to use the TRC 'to open up debate on historic injustice more broadly,' the state is largely operating on the basis of reconciliation as closure" (Ibid: 362). Jung agrees on the distinct scope and objectives among separate stakeholders generally in reconciliation scenarios, explaining that "governments may try to use transitional justice to draw a line through the past and legitimate present policy, whereas the Indigenous

peoples may try to use the past to critique present policy conditions" (2009: 1). Reconciliation, for these federal actors, involves a re-socialization process which may span generations and have no definitive final success point. This lack of agreement towards a coherent and consistent scope for Canadian reconciliation continues to obstruct Aboriginal and non-Aboriginal relations.

Boyer is one voice among others speaking on the Canadian context who denounces the federal government's desire for reconciliation to bring a sense of finality to the residential school injustices. Boyer recognizes the continuity of the intergenerational effects of the physical, sexual, and psychological abuses committed in many of the schools, and the resulting need to account for extenuating obstacles to Aboriginal community development (2006: 12). Aboriginal groups commonly insist that the ramifications of these educational policies extend into damage to family and community structures, loss of parenting and traditional skills, and detrimental psychological effects which have been passed on to the next generations (Stanton 2011: 1). Reconciliation, for these Aboriginal communities, should not be limited to the simple acknowledgment of the residential school system, since the effects of the abuses persist and have not been adequately addressed.

Prime Minister Harper's official apology in 2008, as discussed in previous sections, was intended to indicate the government's desire for reconciliation. However, given its mixed reception, the apology was not universally perceived to be a sufficient gesture. This Conservative government has implicitly signaled time and again that it prefers a short-term fix to Aboriginal complaints of human rights abuses. As mentioned above, Harper's apology was offered to residential school survivors in 2008 for the suffering they experienced during and as a result of their enrolment. This apology has been widely criticized, however, for appearing to be a short-term strategy for redressing human rights abuses, for requiring insufficient commitment to mitigate the negative consequences of the schools, and for being inadequately substantiated (with the exception of the TRC's implementation). Aboriginal spokespersons have insisted that the apology was offered as a gesture to show that the government supported reconciliation initiatives, but the Conservative party then failed to follow up on its promise to nurture a "new relationship between Aboriginal peoples and other Canadians, a relationship based on the knowledge of our shared history, a respect for each other and a desire to move forward together" (Aboriginal Affairs and Northern Development Canada 2008). Mr. Atleo, President of the First Nations Assembly in Canada, explains the difficulty presented in establishing a definitive divide from past injustices: "the past isn't past ...it remains with us to this day. For there to be reconciliation ... there has to be truth" (Weber 2013). Nagy, among other scholars writing on the subject, agrees on the insufficiency of the government's apology: "the government is doing little of substance to enact reconciliation as a decolonized relationship. The symbolism of pointing to a three year apology as a gesture of reconciliation speaks volumes about how little has been done since 2008" (Nagy 2012: 362). As these criticisms demonstrate, reconciliation as a form of closure on a history of injustice is

insufficient for Aboriginal peoples who still suffer from intergenerational ramifications.

While this disagreement over the appropriateness of a final and definitive point of reconciliation persists, other tensions also continue to obstruct improvements in Aboriginal and non-Aboriginal relations. In particular, there is discernable tension between the desire for mere respectful co-existence, a thicker version of reconciliation which includes recognition and respect for Aboriginal cultures and self-determination, or a more political version conducive to Aboriginal self-governance and sovereignty within the Canadian government's existing jurisdictions. For the latter version of a shared society to begin to emerge, Canadians will have to move beyond the skepticism that overlapping jurisdictions throughout the same territory can operate as a functional system. In 2005, Short wrote on the possibility for such a dual political system to develop, explaining that society can "challenge the erroneous assumption that jurisdiction cannot be shared … free and equal peoples on the same continent can mutually recognize the autonomy or sovereignty of each other in certain spheres and share jurisdiction in others without incorporation or subordination" (2005: 278). If applied to the Canadian context, this model of governance would suggest the different Aboriginal nations achieving self-governance, including sovereignty over their land and resources, while still within Canadian borders and jurisdiction. MacDonald adds that, for such a system to develop, Canadians would need to move towards syncretic democracy. According to him, this is "a process of attempting to create a balance between current institutional forms [European Parliamentary democracy] and traditional Aboriginal understandings of the world and methods of collective governance" (2013: 60). MacDonald's vision for overlapping jurisdictions within a shared sovereign space is somewhat abstract, and remains difficult to concretize within the Canadian reconciliation process. Visualizing the appropriate balance between Aboriginal self-governance and federal authority becomes especially complicated for issues such as resource extraction in lands with contentious ownership claims, or for which ownership is subject to extremely lengthy legal debates. Since such shared systems have few precedents, the Canadian federal government reasonably experiences some skepticism that the country's political and economic infrastructure will be able to continue operating cohesively. Thus, there remains considerable resistance to the evolution of true Aboriginal political sovereignty within a shared Canadian society.

6.3   Lack of Cohesive Historical Narrative

Reconciliation between Aboriginal and non-Aboriginal Canadians is further obstructed by continued contestation surrounding the national historical narrative. Henderson and Wakeham suggest that this contestation is caused by a lack of consensus or misrecognition of Canada's historic colonialism. Using the focal point of Prime Minister Stephen Harper's 2008 apology, some authors explain that "the absence of the word colonialism from the Prime Minister's apology enables a strategic isolation and containment of residential schools as a discrete historical problem of educational malpractice rather than one devastating prong of an overarching and multifaceted system of colonial oppression that persists in the present" (Henderson and Wakeham 2009: 2). In other words, the unwillingness to recognize the possibility that institutionalized colonialism persists within Canada's political infrastructure remains a deterrent to reconciliation for Aboriginal parties who strongly believe the contrary. Dorrell concurs with this criticism of Harper's apology: "Reducing the 'wrong' of residential schools assimilation to problems of implementation, rather than acknowledging the violence inherent in the project, allows the state to minimize its responsibility and thus preserve the benevolent, caring spirit shared by state and national subjects as well as the legitimacy of continued imposed interventions into Indigenous and Métis lives" (2009: 35). Given that the TRC's strategy for facilitating reconciliation is contingent upon establishing an accurate historical narrative of residential schools for the educational purposes, misunderstanding or misrepresenting the colonial infrastructure which gave rise to the residential schools will remain a serious obstacle.

The Aboriginal parties in the reconciliation process insist that recognition of the systemic nature of the residential school injustices is necessary to inspire the appropriate transformative changes to ensure that Indigenous communities will not be subjected to colonial injustices in the future. Henderson and Wakeham note that this tension can been localized in the TRC proceedings: "perhaps the status of residential schooling will waver, in the TRC hearings, between the state's strategic formulation of it as an isolated error in educational policy, on the one hand, and the truth event that exposes settler colonialism's genocidal truth, on the other" (2009: 14). In order for a sustainable conciliatory relationship to develop between Aboriginal and non-Aboriginal Canadians there must first be a coherent understanding of the causes facilitating original residential school policies, as well as factors contributing to their continuation for well over a century. Only once this underlying policy infrastructure has been adequately addressed will reconciliation become contextually feasible.

Noting that national consensus toward a narrative for the causes and persistence of residential school policy is necessary for reconciliation, achieving this consensus can be highly problematic. Within the context of efforts to create a shared narrative between Aboriginal and non-Aboriginal

Canadians, it may be counterproductive to force a consensus on all stake-holders. While the TRC continues to work towards establishing a historical record to form the basis of a widely-acceptable narrative for residential schools, obliging all parties to accept a singular common history may drive some individuals further from forgiveness and reconciliation. As Dorrell keenly observes: "allowing contradictory narratives to co-exist without rushing toward forgiveness and a 'unifying' re-narration could encourage national subjects to (re)-consider their past and present relation to Indigenous peoples, to reflect on the past abuses carried out in their names, and to consider their current complicity in the oppression of Indigenous peoples" (2009: 40). While many reconciliation advocates posit that a shared narrative is necessary for disparate cultures to overcome historical social divides and build a more productive relationship in the present, these actors will also need to proceed in a way in which reconciliation is not enforced in ways non-conducive to truly transformative relationship dynamics.

This section has demonstrated that the Commissioners face several key challenges as their work towards reconciliation between Aboriginal and non-Aboriginal Canadians enters its final year. Firstly, the TRC's efforts to create a coherent national narrative upon which to base a reconciled relationship have been obstructed by the federal government's persistent lack of cooperation, specifically with regards to supplying residential school records. Secondly, reconciliation continues to be hindered by Canadians' lack of conceptual clarity and insofar inability to visualize a reconciled relationship, specifically in its political manifestations. Finally, the TRC continues to struggle to create a national narrative for the rise and persis-tence of residential school policies which will be widely adopted by Canadians, and which can then serve as a solid basis for reconciliation.

President of the First Nations Assembly in Canada Mr. Atleo presented an interesting metaphor for efforts to bring non-Aboriginal Canadians into the reconciliation process: he explained that "Canadians need to be supported to understand the full truth so we can break this pattern of blaming, this idea that you break the leg of a person one day and the following day you blame him for limping" (Weber 2013). Given the TRC's extra year to make its final recom-mendations, the Commissioners may be able to develop a narrative which facilitates a better mutual understanding, for Aboriginals and non-Aboriginal alike, of past experiences and the ways these contributed to present day conditions.

Furthermore, in its final report, the TRC will need to acknowledge that the reconciliation process cannot be forced. Nagy is very clear on this point, explaining that "If ...only collective memory and the acknowledgment of moral guilt ... can overcome moral indifference and initiate 'something new,' these cannot be forced. The call for moral confession can be politically alienating, resulting in withdrawal rather than reconciliation" (2004: 712). To force the socialization of attitudinal changes upon a population is to drive parties

further apart. To enforce notions of hierarchical victimization, responsibility, or guilt may also alienate groups from the reconciliation process. Therefore, whatever recommendations the TRC makes for facilitating Canadian reconciliation, it will need to recognize the need for reconciliation to be an organic process void of conceptions of force.

7
Canadian Reconciliation
in an International Context

Early sections of this paper discussed the ways in which Canada's TRC is operating in a unique set of circumstances, which differentiate it from many of its predecessor commissions in other parts of the world. However, it is interesting to examine the ways in which the conditions which motivated reconciliation in Canada have occurred in similar fashions in several other countries with large Indigenous populations. During the first decade of this century there seems to be an international trend towards greater account- ability for Aboriginal rights, and an observable increase in Aboriginal self- determination. Seeking this comparative analysis is illuminating for the Canadian context, since it reveals how external normative influences may have contributed to the debates around how a reconciled relationship should become manifest.

First of all, reconciliation in Australia has been operating within a comparable context to the Canadian case, since both countries have histori- cally been challenged by systemic divisions between Aboriginal and settler populations and both governments have been accused of perpetuating colonial injustices against Indigenous peoples. In fact, in 2008 both the Canadian and Australian governments offered national apologies to their Aboriginal populations for the removal of generations of children from their families for the purpose of assimilation. In February 2008 Prime Minister Kevin Rudd administered the official Apology to the Stolen Generations on behalf of the Australian Government (Barta 2008: 204), and the following June Prime Minister Stephen Harper followed suit, delivering the Apology for Residential Schools on behalf of the Canadian Government (Dorrell 2009: 28). It is inter- esting that two Commonwealth countries would take such significant steps towards redressing historical injustices almost simultaneously. Upon closer examination of the context within which these official apologies occurred, it is important to note that both took place one year following the near-universal ratification of the UN Declaration on the Rights of Indigenous Peoples in 2007. The apologies occurred at a time when international standards for the recog- nition of Aboriginal rights by sovereign states were emerging.

It is noteworthy, however, that Canada and Australia, along with the United States and New Zealand (Wiessner 2008: 1162), initially abstained from signing the UN Declaration (which otherwise enjoyed near-universal ratifi- cation). Canada, in particular, cited the Declaration's potential to undermine its own sovereignty and become problematic for the state's resource extraction projects and land disputes (Hansen 2009: 2). It is significant that the UN Declaration was signed in the context of emerging international standards for preserving Indigenous rights: the United Nations Permanent Forum on Indigenous Issues was created in 2000 to discuss Indigenous rights relating to health and education, as well as economic and social development (United Nations Department of Economic and Social Affairs 2014), and the Expert Mechanism on the Rights of Indigenous Peoples was established in 2007 as a subsidiary body of the Office of the High Commissioner for Human Rights (United Nations Office of the High Commissioner for Human Rights 2014). While the UN Declaration on the Rights of Indigenous Peoples arguably

represents the crystallization of international normative support for Indigenous rights, it is highly significant that four countries with such contentious colonial pasts and histories of mistreatment of Aboriginal populations would remain non-signatories. It is possible that, within these emerging international standards for Indigenous rights, the Canadian and Australian Governments were subject to normative pressure to deliver official apologies to their Aboriginal populations and officiate a formalized reconciliation process between their Aboriginal and non-Aboriginal constituencies.

The rise of international standards for Indigenous rights is also evident within a trend of increasing awareness of, and reaction to, the plight of Aboriginal and Indigenous peoples. Domestic movements promoting Aboriginals' rights to self-governance, for the purposes of preserving their dignities and regaining agency in their affairs, was (and still is) gaining traction worldwide. Examples of this trend include "'tribal sovereigns' in the United States, the Sami in Lappland, the *resguardos* in Colombia, or Canada's Nunavut" (Wiessner 2008: 1156). Furthermore, after more than a decade struggling for Indigenous rights in Mexico, in 2006, the *Zapatistas* launched 'La Otra Campaña' (the Other Campaign), advocating for local political autonomy (Mora 2007: 64-5). The success of Indigenous organizations in Colombia, Ecuador, and Venezuela in electing their own representatives into constituent-assembly elections in the 1990s also inspired similar political achievements in Guyana, Bolivia, Ecuador, and Peru (Van Cott 2007: 132-4). Each of these examples represents a sovereign government recognizing some degree of self-governance and autonomy for an internal group of people on the basis of their Aboriginality. Preceding the 2007 UN Declaration on the Rights of Indigenous Peoples, these instances set the stage for heightened international responsiveness to Aboriginal peoples' rights to self-determination and dignity. In this context, the Canadian government, along with those of Australia, New Zealand, and the United States, were arguably subject to normative pressures to formally commit to international standards for Indigenous rights, manifested in the 2007 UN Declaration. Both the Canadian and Australian Governments abstained from this convention until 2009 (Engle 2009: 145) when, a year after delivering official apologies to their Aboriginal populations, both governments signed the UN Declaration and signified their commitment to Aboriginal rights. The process of reconciliation in Canada, therefore, has been progressing consistently within these emerging global norms for Aboriginal peoples' dignity and self-autonomy.

In Canada, and likewise in Australia, reconciliation and the realization of these emerging standards for Aboriginal rights have necessitated a formal recognition of residential schools, among other past abuses of Aboriginal rights. Although the Australian Government has not established a truth commission as part of its reconciliation process, it has developed reconciliation-oriented programs, some of which are analogous to those existing in Canada. Australian reconciliation efforts are housed primarily in the Australian Human Rights Commission.[3] This commission focuses on human rights issues for a variety of minority groups in Australia, with a significant

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3   While Canada also established a Human Rights Commission in 1977, Harper's administration opted to implement a TRC to focus specifically on human rights abuses caused by the residential schools. Unlike the Human Rights Commission, the TRC would not be mandated to bring justice for abuse, but would instead be tasked with creating a historical record of the residential schools themselves.

component of its activities addressing concerns among Aboriginal and Torres Strait Islander peoples. The commission's annual reports track efforts to reduce child and maternal mortality rates among Aborigine populations, as well as to increase enrollment and employment rates (Gooda 2013: 102). The Commission also tracks the prevalence of racism towards Aborigine people within Australian society, and comments on the negative effects of derogatory sentiments on reconciliation (Ibid: 106). In the 2013 annual report of the High Commissioner, Australian efforts towards reconciliation were assessed and it was reiterated throughout the report that: "we must not lose sight of the fact that this is a long term, generational approach to address disadvantage" (Ibid: 101). This statement echoes the Canadian TRC's analogous sentiments that addressing social disparities between Aboriginal and non-Aboriginal Canadians is a long-term project. For example, Chair of the TRC Justice Murray Sinclair reminds Canadians that "there are no shortcuts. When it comes to truth and reconciliation, we are all forced to go the distance" (Truth and Reconciliation Commission of Canada 2012: 1). Addressing past violations of Aboriginal human rights has thus become an analogous process for Canadians and Australians. While the two nations diverge in their recourses to reconciliation, with Canada establishing its TRC and Australia continuing to address Aboriginal issues through its Human Rights Commission, the reconciliation processes are simultaneously consistent with emerging international standards for the recognition of Aboriginal rights and dignity.

8
Towards an Understanding
of Reconciliation

While the Canadian TRC undoubtedly faces a demanding final year in which it will be challenged to establish a productive basis for reconciliation, knowledge-sharing support exists among a community of reconciliation stakeholders external to Canada. As Aboriginals in other countries are granted greater levels of political autonomy, and as the UN Declaration on the Rights of Indigenous Peoples becomes standardized in global human rights norms, best practices for reconciliation are emerging.

Canada is one of several nations which have already established knowledge-sharing platforms to consolidate reconciliation expertise and develop strategies most conducive to sustainably conciliatory relationships. Branches of the Canadian government, specifically Aboriginal Affairs and Northern Development Canada, have been cultivating partnerships with other countries for the purpose of addressing Aboriginal issues (Aboriginal Affairs and Northern Development Canada 2012). The relationships are guided on the basis of informal knowledge sharing, as well as official Memoranda of Understanding (MOU) with governments experiencing similar challenges (Ibid). The United States is an intuitive partner in this initiative, and signed an MOU with Canada in 2010 to collaborate on addressing Aboriginal concerns (Aboriginal Affairs and Northern Development Canada 2010). Similar arrangements have also been constructed with Mexico and with the Russian Federation, operating with the objectives to improve Aboriginal political participation within their respective states (Aboriginal Affairs and Northern Development Canada 2010). The TRC, as it continues to encounter obstacles for reconciliation between Aboriginal and non-Aboriginal Canadians, can capitalize on the development of international forums for knowledge sharing and best practices. In these forums, the TRC's commissioners will find the requisite support to develop sustainable solutions.

9
Concluding Remarks

Reconciliation between Aboriginal and non-Aboriginal Canadians fits within an observable trend of heightened international attention to Indigenous issues. As domestic Aboriginal movements for political autonomy, dignity, and self-governance have traversed the globe, Aboriginals within Canada have likewise demanded more political and social prominence in Canadian society.

Despite supportive international norms, however, Canadian reconciliation since the establishment of the TRC has encountered several obstacles. While the TRC predicates reconciliation on the preliminary establishment of a cohesive historical narrative for the residential schools, the federal government, according to the Auditor General's report, has proven highly reluctant to provide the requisite records. Furthermore, Commissioners have had to negotiate various political and social visions for a reconciled society, and have yet to establish a consistent final objective. Finally, a coherent national narrative toward the residential schools' systemic causes and persistence continues to obstruct reconciliation between Aboriginal and non-Aboriginal Canadians. Since international norms surrounding Indigenous rights have become so prevalent, however, Canadians can leverage international forums for knowledge-sharing and cooperation towards effectively addressing domestic Aboriginal concerns.

Given that the TRC now has an additional year before its mandate comes to a close and it publishes its final report, a clearer conception of Canadian-specific reconciliation should be promoted in order for it to make more contextually-relevant and implementable recommendations. The dialogue should be opened for discussions to reveal different groups' requirements for a reconciliation process, as well as contextual issues and obstacles which may arise. Furthermore, given the newfound cooperation between the TRC and the federal government, Commissioners will need to probe ever more deeply into the hidden testimonies from residential schools held within the national archives. This deepest and long-withheld truth of the matter will be imperative for establishing a new national dialogue. Most importantly, the TRC will need to spend its additional year promoting the inclusivity of the reconciliation process, ensuring participation across the full spectrum of Canadian cultures.

We are on the threshold of a new beginning where we are in control of our own destinies. We must be careful and listen to the voices that have been silenced by fear and isolation. We must be careful not to repeat the patterns or create the oppressive system of the residential schools. We must build an understanding of what happened to those generations that came before us.
(Christian 2000)

References

Aboriginal Affairs and Northern Development Canada. (2008).
Indian Residential Schools Statement of Apology.
Aboriginal Affairs and Northern Development Canada.
Available from: <http://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>. [14 July 2013].

Aboriginal Affairs and Northern Development Canada. (2010).
Memorandum of Understanding between the Department of Indian and Northern Affairs Canada and the Department of the Interior of the United States of America Concerning Indigenous and Northern Issues.
Government of Canada.
Available from: <https://www.aadnc-aandc.gc.ca/eng/1100100014184/1100100014185>. [12 July 2013].

Aboriginal Affairs and Northern Development Canada. (2010).
Memorandum of Understanding Between the Department of Indian Affairs and Northern Development Canada and the State Committee on Northern Affairs of the Russian Federation Concerning Cooperation on Aboriginal and Northern Development.
Government of Canada.
Available from: <https://www.aadnc-aandc.gc.ca/eng/1100100014645/1100100014647>. [12 July 2013].

Aboriginal Affairs and Northern Development Canada. (2010).
Settlement Agreement.
Government of Canada.
Available from: <https://www.aadnc-aandc.gc.ca/eng/1100100015638/1100100015639>. [12 July 2014].

Aboriginal Affairs and Northern Development Canada. (2012).
Forging Strategic Partnerships with Other Countries.
Government of Canada.
Available from: <https://www.aadnc-aandc.gc.ca/eng/1346268003580/1346268121142>. [12 July 2013].

Aboriginal Affairs and Northern Development Canada. (2013).
Statement by the Honourable Bernard Valcourt on the Mandate of the Truth and Reconciliation Commission.
Government of Canada.
Available from: <http://www.aadnc-aandc.gc.ca/eng/1384445439915/1384445654380>. [12 July 2014].

Achtenberg, M. (2013).
Understanding Restorative Justice Practice within the Aboriginal Context.
Correctional Service Canada.

Adese, J. (2012).
Colluding with the Enemy?: Nationalism and Depictions of 'Aboriginality' in Canadian Olympic Moments.
The American Indian Quarterly, 36(4), 479-502.

Arthur, P. et al. (2012).
Strengthening Indigenous Rights Through Truth Commissions: A Practitioner's Resource.
International Center for Transitional Justice.
Available from: <http://ictj.org/publication/strengthening-indigenous-rights-through-truth-commissions-practitioners-resource>. [15 July 2013].

Assembly of First Nations. (2013).
Assembly of First Nations Welcomes Ontario Superior Court Decision to Disclose Documents to Truth and Reconciliation Commission.
Available from: <http://www.afn.ca/index.php/en/news-media/latest-news/afn-welcomes-ontario-superior-court-decision-to-disclose-documents>. [November 19, 2013].

Barta, T. (2008).
Sorry, and Not Sorry, in Australia: How the Apology to the Stolen Generations Buried a History of Genocide.
Journal of Genocide Research, (10)2, 201-214.

Borrows, J. (2005).
Indigenous Legal Traditions in Canada.
UJL & Pol'y, 19, 167.

Campion-Smith, B. (2008).
Harper Officially Apologizes for Native Residential Schools.
The Star, 11 June.
Available from: <http://www.thestar.com/news/canada/2008/06/11/harper_officially_apologizes_for_native_residential_schools.html>. [12 July 2014].

Canadian Human Rights Commission. (2013).
Report on Equality Rights of Aboriginal People.
Government of Canada.
Available from: < http://www.chrc-ccdp.ca/sites/default/files/equality_aboriginal_report_2.pdf>. [16 July 2013].

References

Canwest News Agency. (2008).
Native Commission Head Quits, Citing
'Incurable Problem'.
Canwest News Agency, 20 October.
Available from: <http://www.canada.com/topics/news/
national/story.html?id=0d8ed93e-168f-47da-9b59-
21ea9cc874c1>. [12 July 2014]

CBC News. (2009).
Remaining 2 Members Resign from Residential
Schools Commission.
CBC News, 30 January.
Available from: <http://www.cbc.ca/news/canada/
remaining-2-members-resign-from-residential-schools-
commission-1.781852>. [12 July 2014].

CTV Staff. (2008).
Harper Apologizes for Residential School Abuse.
CTV News 11 June.
Available from: <http://www.ctvnews.ca/harper-apolo-
gizes-for-residential-school-abuse-1.301603>. [12 July
2014].

Daly, K. (2002).
Restorative Justice: The Real Story.
Punishment and Society, (4)1, 55-79.

Davin, NF. (1879).
Report on Industrial Schools for Indians and Half-Breeds,
Canadian Shakespeares, 14 March.
Available from: <http://www.canadianshakespeares.ca/
multimedia/pdf/davin_report.pdf>. [12 July 2014].

Dorrell, M. (2009).
From Reconciliation to Reconciling: Reading What 'We
Now Recognize' in the Government of Canada's 2008
Residential Schools Apology.
ESC: English Studies in Canada, (35)1, 27-45.

Edmonton Journal .(2013).
Aboriginal Education Still in Crisis.
Edmonton Journal, 28 June.
Available from: < http://www2.canada.com/edmonton-
journal/news/opinion/story.html?id=31748435-ec97-
43cb-89ac-7735b8f4e916>. [12 July 2014].

Engle, K. (2011).
On Fragile Architecture: The UN Declaration on the Rights
of Indigenous Peoples in the Context of Human Rights.
The European Journal of International Law, 22(1), 141-163.

Ferguson, M. (2013).
Spring Report of the Auditor General of Canada.
Office of the Auditor General of Canada.
Available from: http://www.oag-bvg.gc.ca/internet/
English/parl_oag_201304_00_e_38185.html>. [12 July
2014].

Galloway, G. (2012).
Ottawa taken to court over release of residential-schools
documents.
The Globe and Mail, 3 December.
Available from: <http://www.theglobeandmail.com/news/
politics/ottawa-taken-to-court-over-release-of-
residential-schools-documents/article5904543/>. [6 July
2013].

Globe Editorial. (2013).
Schism Will Not Help First Nations.
The Globe and Mail, 17 July.
Available from: <http://www.theglobeandmail.com>. [26
July 2013].

Gooda, M. (2013).
Social Justice and Native Title Report 2013.
Australian Human Rights Commission.
Available from: < https://www.humanrights.gov.au/
publications/social-justice-and-native-title-report-2013.>
[1 May 2014].

Government of Canada. (2006).
Schedule "N": Mandate for the Truth and Reconciliation
Commission.
Available from: http://www.trc.ca/websites/trcinsti-
tution/File/pdfs/SCHEDULE_N_EN.pdf. [27 August 2014].

Hansen, E. (2009).
The Residential School System.
Indigenous Foundations.
Available from: <http://indigenousfoundations.arts.ubc.
ca/home/government-policy/the-residential-school-
system.html>. [17 July 2013].

References

Henderson, J. and Wakeham, P. (2009).
Colonial Reckoning, National Reconciliation?: Aboriginal Peoples and the Culture of Redress in Canada.
ESC: English Studies in Canada, (35)1, 1-26.

Henderson, W. B. (2006).
The Indian Act.
Historica Canada, 2 July.
Available from: <http://www.thecanadianencyclopedia.ca/en/article/indian-act/ >. [12 July 2014].

International Center for Transitional Justice. (2008).
Canada's Truth and Reconciliation Commission.
Available from: <http://ictj.org/publication/canadas-truth-and-reconciliation-commission>. [23 July 2013].

International Center for Transitional Justice. (2008).
Canada's TRC: Special Challenges.
Available from: <http://ictj.org/publication/canadas-trc-special-challenges>. [23 July 2013].

Institute for Justice and Reconciliation. (2013).
SA Reconciliation Barometer Survey: 2012 Report.
Available from: <http://reconciliationbarometer.org/wp-content/uploads/2012/12/2012-SA-Reconciliation-Barometer-FINAL.pdf>. [19 July 2013].

Institute for Justice and Reconciliation. (2013).
Reconciliation Barometer Project.
Available from: <http://www.ijr.org.za/political-analysis-SARB.php>. [19 July 2013].

James, M. (2010).
Uncomfortable Comparisons: The Canadian Truth and Reconciliation Commission in the International Context.
Revue Les ateliers de l'éthique / The Ethics Forum, (5)2.

Johnson, M. (2011).
Reconciliation, Indigeneity, and Postcolonial Nationhood in Settler States.
Postcolonial Studies, (14)2, 187-201.

Jung, C. (2012).
Transitional Justice for Indigenous People in Non-transitional Society.
International Center for Transitional Justice.
Available from: <http://www.ictj.org/publication/transitional-justice-indigenous-people-non-transitional-society>. [5 July 2013].

Krebs, M. (2008).
Harper 'Apology' – Saying 'Sorry With a Forked Tongue'.
InterContinental Cry, 3 July.
Available from: <http://intercontinentalcry.org/the-harper-apology-%E2%80%94-saying-sorry-with-a-forked-tongue/>. [6 July 2013].

Llewellyn, JJ. (2002).
Dealing with the Legacy of Native Residential School Abuse in Canada: Litigation, ADR, and Restorative Justice.
The University of Toronto Law Journal, (52)3, 253-300.

MacCharles, T. (2014).
Supreme Court Grants Land Title to B.C. First Nation in Landmark Case'.
The Star, 26 June.
Available from: <http://www.thestar.com/news/canada/2014/06/26/supreme_court_grants_land_title_to_bc_first_nation_in_landmark_case.html>. [12 July 2014].

MacDonald, DB. and Hudson, G. (2012).
The Genocide Question and Indian Residential Schools in Canada.
Canadian Journal of Political Science, (45)2, 427-449.

MacDonald, DB. (2013).
Reconciliation after Genocide in Canada'.
AlterNative: an International Journal of Indigenous Peoples, (9)1, 60.

McGonegal, J. (2009).
The Great Canadian (and Australian) Secret: The Limits of Non-Indigenous Knowledge and Representation.
ESC: English Studies in Canada, (35)1, 67-83.

Miller, JR. (2010).
Reconciliation with Residential School Survivors: A Progress Report.
Aboriginal Policy Research, 7, 133-146.

Mora, M. (2007).
Zapatista Anticapitalist Politics and the "Other Campaign": Learning from the Struggle for Indigenous Rights and Autonomy.
Latin American Perspectives, 34(2), 65-77.

References

Murphy, MA. (2008)
Memory, Apology, and Reconciliation.
Annual Meeting, Hynes Convention Center, Boston.
Available from: <www.allacademic.com>. [19 July, 2014].

Nagy, R. (2004).
The Ambiguities of Reconciliation and Responsibility in South Africa.
Political Studies, (52)4, 709-727.

Nagy, R. (2012).
Truth, Reconciliation and Settler Denial: Specifying the Canada-South Africa Analogy'.
Human Rights Review, (13)3, 349-367.

Narine, S. (2013).
Government Ordered to Release Millions of Residential Schools Documents.
Available from: <http://www.ammsa.com/publications/ windspeaker/government-ordered-release-millions-residential-schools-documents>. [15 November, 2013].

Petoukhov, KS. (2011).
An Evaluation of Canada's Truth and Reconciliation Commission (TRC) Through the Lens of Restorative Justice and the Theory of Recognition.
Ph.D thesis, Carlton University.

Petoukhov, KS. (2012)
Locating a Theoretical Framework for the Canadian Truth and Reconciliation Commission: Charles Taylor or Nancy Fraser?
The International Indigenous Policy Journal, (3)4.

Plokhii, O. (2013).
Poor Planning, Discord Plague Residential Schools Commission Legacy, AG Finds.
iPolitics, 30 April.
Available from: http://www.ipolitics.ca/2013/04/30/ poor-planning-disagreements-plague-legacy-of-residential-school-commission-legacy-ag-finds/>. [6 July 2013].

Quinn, JR. (2011).
Introductory Essay: Canada's Own Brand of Truth and Reconciliation?
The International Indigenous Policy Journal, (2)3.

Rabson, M. (2013).
Truth Commission Low on both Time, Money.
International Center for Transitional Justice.
Available from: <http://ictj.org/news/truth-commission-low-both-time-money>. [6 July, 2013].

Reconciliation Australia. (2013).
Building Relationships for Change between Aboriginal and Torres Strait Islander Peoples and Other Australians.
Available from: <http://www.reconciliation.org.au/>. [16 November, 2013].

Royal Canadian Mounted Police. (2014).
Missing and Murdered Aboriginal Women: A National Operational Overview, Government of Canada.
Available from: <http://www.rcmp-grc.gc.ca/pubs/ mmaw-faapd-eng.pdf>. [12 July 2014].

Sakej, J. & Henderson Y. (2002).
Sui Generis and Treaty Citizenship.
Citizenship Studies, 6(4), 415-440.

Short, D. (2005).
Reconciliation and the Problem of Internal Colonialism.
Journal of Intercultural Studies, (26)3, 267-282.

Special Rapporteur on the Rights of Indigenous Peoples. (2014).
The Situation of Indigenous Peoples in Canada.
United Nations General Assembly.
Available from: <http://unsr.jamesanaya.org/docs/ countries/2014-report-canada-a-hrc-27-52-add-2-en. pdf>.

Stanton, K. (2010).
Truth Commissions and Public Inquiries: Addressing Historical Injustices in Established Democracies.
PhD thesis, University of Toronto.

Stanton, K. (2011)
Canada's Truth and Reconciliation Commission: Settling the Past?
The International Indigenous Policy Journal, (2)3.

Stanton, K. (2012).
Truth and Reconciliation in Canada.
Canadian International Council, 18 May.
Available from: <http://opencanada.org/features/ the-think-tank/comments/truth-and-reconciliation-in-canada/>. [12 July 2014].

References

Stone, L. (2013).
Extend Mandate of Aboriginal Truth and Reconciliation Commission: Opposition.
Global News, 2 May.
Available from: <http://globalnews.ca/news/531112/extend-mandate-of-aboriginal-truth-and-reconciliation-commission-opposition/>. [12 July 2014].

The Star. (2008).
Why the Apology Matters to Us All.
The Star, 11 June.
Available from: <http://www.thestar.com/opinion/2008/06/11/why_the_apology_matters_to_us_all.html>. [12 July 2014].

Truth and Reconciliation Commission of Canada. (2007).
Our Mandate.
Available from: <http://www.trc.ca/websites/trcinstitution/index.php?p=7>. [12 July 2014].

Truth and Reconciliation Commission of Canada. (2009).
Appointment of New Chairperson and Commissioners of the Indian Residential Schools Truth and Reconciliation Commission.
Available from: <http://www.trc.ca/websites/trcinstitution/index.php?p=40>. [12 July 2014].

Truth and Reconciliation Commission of Canada. (2009).
Schedule "N": Mandate for the Truth and Reconciliation Commission.
Available from: <http://www.trc.ca/websites/trcinstitution/File/pdfs/SCHEDULE_N_EN.pdf>. [6 July 2013].

Truth and Reconciliation Commission of Canada. (2012).
Interim Report.
Available from: <http://www.attendancemarketing.com/~attmk/TRC_jd/Interim_report_English_electronic_copy.pdf>. [8 July, 2013].

Truth and Reconciliation Commission of Canada. (2012).
They Came for the Children.
Available from: <http://www.attendancemarketing.com/~attmk/TRC_jd/ResSchoolHistory_2012_02_24_Webposting.pdf>. [8 July 2013].

United Nations Human Rights. (2014).
Expert Mechanism on the Rights of Indigenous Peoples, United Nations.
Available from: <http://www.ohchr.org/en/issues/ipeoples/emrip/pages/emripindex.aspx>. [1 May 2014].

United Nations Department of Economic and Social Affairs. (2014).
Permanent Forum on Indigenous Issues.
United Nations, Available from: <http://undesadspd.org/IndigenousPeoples.aspx>. [1 May 2014].

United Nations Office of the High Commissioner for Human Rights. (2014)
The Expert Mechanism on the Rights of Indigenous Peoples.
Available from: <http://www.ohchr.org/en/issues/ipeoples/emrip/pages/emripindex.aspx>. [1 May 2014].

United Nations Special Rapporteur on the Rights of Indigenous Peoples. (2013).
Statement upon Conclusion of the Visit to Canada, United Nations.
Available from: < http://unsr.jamesanaya.org/statements/statement-upon-conclusion-of-the-visit-to-canada>. [12 November 2013].

Van Cott, DL. (2007).
Latin America's Indigenous Peoples.
Journal of Democracy, (18)4, 127-142.

Van Der Merwe, H, Baxter, V, & Chapman AR (eds). (2009).
Assessing the Impact of Transitional Justice: Challenges for Empirical Research.
US Institute of Peace Press.

Walia, H. (2013).
Indigenous Women: Never Idle, Idle No More.
Available from: < http://www.idlenomore.ca/indigenous_women_never_idle>. [5 July 2013].

Walkom, T. (2013).
Walkom: The Real Story behind Attawapiskat's Problems.
The Star, 8 January.
Available from: < http://www.thestar.com/news/canada/2013/01/08/walkom_the_real_story_behind_attawapiskats_problems.html>. [12 July 2014].

Wayne, C. (2000).
Behind Closed Doors: Stories from the Kamloops Indian Residential School.
Theytus Books.

Wawatay News. (2008).
Reaction to Harper's Apology.
Wawatay News, 26 June.
Available from: <http://www.wawataynews.ca/
node/13502>. [12 July 2014].

Weber, B. (2013).
Assembly of First Nations Passes Emergency Resolution
on Nutritional Experiments.
The Globe and Mail, July 18.
Available from: <http://www.theglobeandmail.com/news/
politics/assembly-of-first-nations-mulls-emergency-
resolution-on-nutritional-experiments/article13301241/>.
[19 July 2013].

Weber, B. (2013).
Atleo Calls on PM to Acknowledge the 'Horrors' of
Nutrition Tests on Native Children.
The Globe and Mail, 17 July.
Available from: <http://www.theglobeandmail.com/news/
national/atleo-calls-on-pm-to-acknowledge-horrors-of-
nutrition-tests-on-native-children/article13291949/>. [18
July 2013].

Weber, B. (2013).
Assembly of First Nations Passes Emergency Resolution
on Nutritional Experiments.
The Globe and Mail, 18 July.
Available from: <http://www.theglobeandmail.com/news/
politics/assembly-of-first-nations-mulls-emergency-
resolution-on-nutritional-experiments/article13301241/>.
[19 July 2013].

Welch, MA. (2013).
CMHR Rejects 'Genocide' for Native Policies: Debate is
Still Underway.
Winnipeg Free Press, 26 July.
Available from <http://www.winnipegfreepress.com/local/
cmhr-rejects-genocide-for-native-policies-217061321.
html>. [28 July 2013].

Wetere, R. H. (2014)
National Skills Upgrade 2014.
Arrowmight Canada.
Available from: <http://www.arrowmight.ca/docs/
Employment%20and%20Literacy%20Issues.pdf>. [12 July
2014].

Wiessner, S. (2008).
Indigenous Sovereignty: A Reassessment in Light of the UN
Declaration on the Rights of Indigenous Peoples.
Vanderbilt Journal of Transnational Law, (41)4, 1141-1176.

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<u>Elizabeth Shelley</u>
completed her Honors Bachelor degree in Sociocultural Anthropology and English at the University of Western Ontario in 2011. She went on to complete the Master of Global Affairs program at the University of Toronto in 2014, developing a research focus in international development theories and global security. She completed her internship at swisspeace during the summer of 2013, midway through her Master's degree. Working in the Dealing with the Past program, she developed a keen interest in theories of transitional justice and reconciliation.

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