

Indigenous Peoples, Canada and the Possibility of Reconciliation

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Summary

- Building on progress achieved since the 1970s, including through the courts, reconciliation with Indigenous peoples is now a Canadian project.
- True reconciliation will require public education and institutional change, and will need to be sustained over generations.
- Those who lead Canada's public institutions need above all to spearhead the reconciliation effort and work for change within Canadian society as a whole.

Sommaire

- C'est en misant sur les progrès accomplis depuis les années 1970, notamment par voie judiciaire, que la réconciliation avec les peuples autochtones est devenue un projet véritablement national.
- Pour en arriver à une authentique réconciliation, il faudra privilégier sur plusieurs générations l'éducation du public et les changements institutionnels.
- Avant toutes choses, ceux qui dirigent nos institutions publiques doivent promouvoir l'effort de réconciliation et de changement dans l'ensemble de la société canadienne.

CANADA HAS MOVED INTO A NEW ERA that has the potential to transform its relationship with Indigenous peoples. Prime Minister Justin Trudeau, speaking to a special assembly of First Nations chiefs on December 8, 2015, said: "It is time for a renewed, nation-to-nation relationship with First Nations Peoples. One that understands that the constitutionally guaranteed rights of First Nations in Canada are not an inconvenience but rather a sacred obligation."¹ He laid out five priorities:

- 1) Launch a national public inquiry into missing and murdered Indigenous women.
- 2) Make significant investments in First Nations education.
- 3) Lift the 2 percent cap on funding for First Nations programs.
- 4) Implement all 94 recommendations of the Truth and Reconciliation Commission.



- 5) Repeal all legislation unilaterally imposed on Indigenous peoples by the previous government.

National Chief of the Assembly of First Nations (AFN) Perry Bellegarde, responding to the first visit of the Prime Minister to an assembly of chiefs in a decade, remarked: “I’m optimistic and hopeful... We are being heard, and I believe understood, like never before. That’s why I’m optimistic the new Government’s plan is aligning with the AFN’s vision.”² The Prime Minister’s priorities mark a change in tone and signal a willingness, to use a popular term, to reboot the relationship in hopes of getting it right this time.

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Reconciliation is now a Canadian political project that is moving from words to action. Its origins are in the 1998 Statement of Reconciliation, delivered by Minister of Indian Affairs and Northern Development Jane Stewart in response to the 1996 Report of the Royal Commission on Aboriginal Peoples. The statement framed reconciliation as an “ongoing process” and “a process of renewal.”³ It has taken almost two decades — from the 1998 Statement of Reconciliation, to the 2008 Statement of Apology for Indian Residential Schools, to the December 2015 release of the report of the Truth and Reconciliation Commission (TRC) — for this project to become an important part of the Canadian public policy landscape.

The framing of the recommendations of the TRC as calls to action was a brilliant move that created a policy frame for Canadians, their governments and their institutions to use to guide concrete efforts toward reconciliation. A large number of governments, agencies and organizations are now taking steps to address particular calls to action within their mandates.

Should we be optimistic? I believe that, more than at any other time in Canadian history, we should. Of course, huge challenges lie ahead. Tackling them means we will have to confront our history, our governance processes and our understandings of Indigenous peoples and their capacity to govern themselves. The challenge rests with public policy-makers and educators, in particular.

Why Reconciliation?

THE STORY OF INDIGENOUS⁴ PEOPLES is predominately told through the lens of colonization. I describe the historical period from the *Gradual Civilization Act* of 1857,⁵ which encouraged Indians to assimilate into Canadian society through the process of enfranchisement and adoption of European values, to the withdrawal of the much-criticized White Paper *Statement of Indian Policy*⁶

in 1971, as the Long Assault. Throughout this period, public policy-makers saw Indigenous peoples as a problem.⁷ As a result, Indigenous people endured more than a century of assault on their lands, economies, cultural practices, knowledges and identities. The fundamental goal of Canadian government policy during this period was to “solve” the “Indian problem” by either moving Indians from their traditional lands and territories or removing “the Indian” from within them. The TRC report captures this eloquently with the term “cultural genocide” — a term also used by the present Chief Justice of the Supreme Court of Canada.

The 1996 Report of the Royal Commission on Aboriginal Peoples documented the Long Assault legacy in great detail and assessed the cost of addressing it at \$15 billion over two decades. The TRC focused in particular on the impact of one of the main elements of the Long Assault: Indian residential schools.

The economic deprivation, poor health, family disruption and cultural loss of Canada’s Indigenous people are well documented in the census and countless reports. The legacy is also evident in the continued troubled relationship between Indigenous people and other Canadians. The 2011 Urban Aboriginal Peoples Study (UAPS), conducted by Environics, reported that more than 90 percent of the 2,600 Indigenous respondents had encountered discrimination and prejudice.⁸ Studies examining the Canadian justice system have also indicated that Indigenous people have experienced consistent racism and discrimination. In addition to the social, economic and cultural legacy of the Long Assault, its most detrimental impact was the removal of Indigenous governance structures. Indigenous people’s attempts to act in our own interests, using our own ideas and values, and to develop our own communities were severely restricted, and in some cases rendered illegal.

Suffice it to say, remediating the remaining effects of the Long Assault is proving to be a complex challenge, even when almost everyone agrees that they have had deleterious consequences and that a new relationship of mutual benefit should be built. Public policy discussions about Indigenous peoples have tended to focus on the problems, and rightly so: they are immense. What is missing from the discussion is an overall sense of the long game that Indigenous leaders have been pursuing with increasing effectiveness over the last half-century.

Reconciliation has become the public policy focus for addressing the impact and legacy of the Long Assault. It consists of remedial efforts designed to close quality-of-life gaps and improve the relationship between Indigenous and other peoples within Canada and governance actions intended to bring Indigenous peoples and their institutions into the structures and processes established for

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Canada. Part of this undertaking is a critical examination of Canada itself, and this requires an understanding of the political goals of Indigenous peoples.

Addressing the Canada Problem

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INDIGENOUS PEOPLES, alone and in collaboration with others, have consistently and aggressively put forth ideas about the policies that governments ought to adopt to improve their quality of life as well as restore their ability to govern themselves. I view the efforts of Indigenous leaders through the lens of “the Canada problem”⁹ — the attempt to transform the country into a territory that permits Indigenous peoples to live as Indigenous peoples in distinct political and cultural communities, empowered to make decisions about important aspects of their lives.

The approach to addressing the Canada problem is multifaceted and multisited, and it uses multiple strategies that continue over many years. (The Nisga’a pursued their political objectives for 111 years, from 1887 to 1998, prior to the treaty coming into effect in 2000.) I group these into two broad categories: political recognition, which involves recognizing and defining Aboriginal rights, the pursuit of Aboriginal title and land claims, restoration of self-government, treaty recognition and renewal, along with new treaties and self-government and the restoration of a nation-to-nation relationship; and *Bimaadiziwin*, or quality-of-life improvements in all areas of Indigenous life — education, employment, health, housing, culture and language, child welfare, social justice, and community and economic development, to name only a few. As I point out later, the response to the Canada problem and the reconciliation agenda converge, providing cause for optimism for the first time in two decades.

Gerald Vizenor, an Anishinaabe scholar, argues that Indigenous peoples ought to frame their actions as “survivance.”¹⁰ This frame starts from the premise that Indigenous peoples are social and political actors with goals that they have chosen deliberately, with rational forethought and careful consideration, and will pursue in both the short and long terms. Indigenous people developed ways of surviving the Long Assault: resistance, subversion, diversion, confrontation, legal challenge and civil disobedience. These tactics have been continually employed to create space for Indigenous action and beneficial change.

Robert Williams, an American Indian legal scholar, argues that Indigenous peoples followed a consistent political philosophy in their relations with European newcomers.¹¹ This philosophy is based on Indigenous ideas of the world and how

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to live in a universe in which all entities have power. A key element of Indigenous political philosophy is the idea of relationship. Indigenous political effort, Williams argues, is directed toward the ideal of establishing, honouring and renewing mutually beneficial relationships. In this regard, survival is based on acknowledging the power of others and building good relationships with them. Another political goal is to ensure that these relationships also foster *Bimaadiziwin* or *Pimatisiwin*. The latter is an Anishinaabe and Nehiyawak concept that links individual and collective well-being and conceptualizes a good life as one that balances the four elements of existence — physical, intellectual, emotional and spiritual — as well as balancing the needs and desires of the individual and the collective.

The most commonly known Indigenous political philosophy is *Guswentah*, or the Great Binding Law, which is given expression in the two-row wampum belt. It sets out the principles that disparate political communities can use to foster mutually beneficial relationships while respecting their own sovereignty. Political principles are also contained in creation stories. For example, the Haudenosaunee creation story tells of Skywoman, whose fall from the sky world is slowed by the backs of birds, and for whom the turtle gives his shell as a landing place and the animals dive to the bottom of the ocean to find earth to create a soft landing spot. This story, often recited, promotes an ethos of collaboration and optimism that pervades Indigenous politics. Like Canadian politicians, Indigenous politicians are animated by ideals. However, translating ideals into effective action is often difficult and challenging.

Indigenous politicians continue their efforts, seeing the game as long and arduous but worthwhile. The rise of Indigenous knowledge as a social and political force within Indigenous communities over the last two decades provides for the possibility of transformation. Indeed, in Indigenous thought, the world is constantly being transformed, and one can sustain oneself through the view that, with effort, things can improve.

Framed using ideas from Indigenous thought, the Canada problem becomes a problem of relationship: How do we live with and within this powerful entity called Canada? Getting Canada to engage in a mutually beneficial relationship is the long-term goal. Such a relationship is the foundation of the discussions about treaties, land claims, self-governance and, more recently, the legal concept of the duty to consult and accommodate. The Crown, as a result of several Supreme Court cases,¹² has the burden of justifying its actions when those actions would have a negative effect upon Indigenous rights.

Canada has entered into a series of relationships with Indigenous nations embodied in a number of treaties over the last two centuries. Examining the behaviour of Canada

through the lenses provided by Indigenous political thought, we see that Canadian political behaviour toward Indigenous peoples is puzzling at best and unethical at worst: the sixties scoop, a practice by which Indigenous children were removed from their families and placed in the child welfare system, and the narrow interpretation of treaties are examples of Canadian behaviour that are shown to be unethical when viewed in light of Indigenous ideas about the nature of mutually beneficial relationships. Canadians have consistently not held up their side of the relationship and have had to be forced to behave well by the courts. It is a constant source of frustration to Indigenous leaders that Canada has to be dragged to the negotiating table, and it is a violation of the spirit of the original relationship. The courts also expressed their frustration: for example, the Supreme Court of Canada in the 1997 *Delgamuukw* decision argued for the path of negotiation rather than litigation: “Ultimately, it is through negotiated settlements, with good faith and give and take on both sides, reinforced by judgments of this Court, that we will achieve...‘the reconciliation of the pre-existence of Aboriginal societies with the sovereignty of the Crown.’ Let us face it, we are all here to stay.”¹³

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Five foundational documents animate contemporary Indigenous efforts to address the Canada problem:

- 1) *Whabung: Our Tomorrows* was a 1971 statement by the Indian Tribe of Manitoba (now Assembly of Manitoba Chiefs). It set the stage for Indigenous self-determination, treaty and sovereignty discussions and called for a multisite effort to deal with the Long Assault’s effects on economics, health, education and culture.¹⁴
- 2) The 1977 paper *Indian Self-Government*, prepared by the Federation of Saskatchewan Indian Nations, elaborated the ideals and principles of Indigenous self-government.¹⁵
- 3) In 1972, education ideals and objectives were set out in *Indian Control of Indian Education*, prepared by the National Indian Brotherhood, the predecessor organization of the AFN.¹⁶
- 4) The 1975 “Declaration of Dene Nationhood” added the idea of Indigenous nation to the mix.¹⁷
- 5) The 1996 *Report of the Royal Commission on Aboriginal Peoples* provided a political vision of Canada as well as a concrete plan for addressing the legacy of the Long Assault.¹⁸ The vision is firmly rooted in the Indigenous political ideal of a mutually beneficial relationship.

Indigenous political action to address the Canada problem has been guided by these documents and many others over the years.

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represent the interests of Indigenous peoples in political fora; provide services to their communities in the areas of education, health and housing; support business and economic development; assist communities to improve their governance activities; and facilitate healing from the wounds of the Long Assault. This “invisible infrastructure”¹⁹ is one of the most important of the institutional developments that have begun to restore the capacity to govern oneself, speak for oneself, and develop and deliver services in culturally appropriate ways. These organizations provide a foundation for institutional continuity, important for long-term sustainable change and improvement.

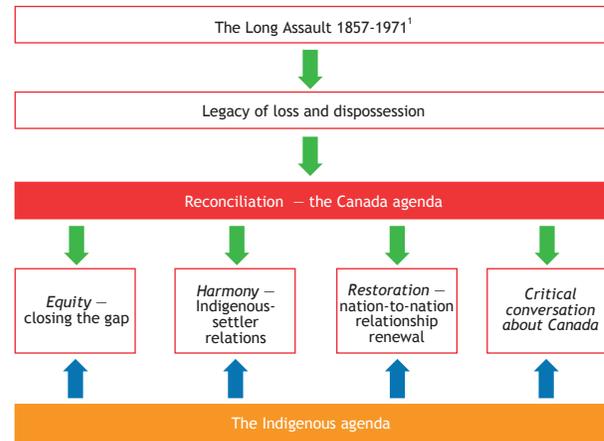
Canada itself began to change and to open doors to Indigenous political participation, to self-determination and, with the Supreme Court’s 1973 Calder decision, to the recognition of Aboriginal rights.²⁰ Following a period of intense political activity in the late 1970s and early 1980s, the Canadian Constitution was patriated in 1982. The *Constitution Act* of 1982 included provisions, in section 35, that recognized and affirmed “the existing aboriginal and treaty rights of the aboriginal peoples of Canada.” The meaning of these words has been the subject of much political debate, with the Supreme Court of Canada taking the lead in interpreting them.

Since the Calder decision, the court has defined what these words mean from a constitutional rights perspective, notably in the following decisions: Sparrow (1990), Guerin (1984), Delgamuukw (1997), Marshall (1999) and Tsilhqot’in (2014). According to Michael Asch, the Calder decision sent Canada down the path of constitutional reconciliation, a process intended to reconcile the sovereignty of the Crown with the existence of Indigenous sovereignties.²¹ As Harold Cardinal argued in the Indian Association of Alberta’s response to the White Paper (*Citizens Plus*), Asch sees treaties as an essential element of reconciliation.²²

The Canada Agenda: Reconciliation

THE PERIOD AFTER THE WITHDRAWAL OF THE 1969 WHITE PAPER is characterized by the search for a new Indigenous policy. The old policy of assimilation reflected in the White Paper was no longer viable or accepted by many segments of Canadian society. Surprisingly, the 1973 Calder decision provided a legal opening for reconciliation. Although the court ruled that the title of the Nisga’a to their land had been extinguished at Confederation, the court’s reasoning on the existence of Aboriginal rights was influential in the development of Indian land claims policy and subsequent jurisprudence. Indeed, Prime Minister Pierre Trudeau stated upon the release of the decision that “perhaps you have more legal rights than we thought you had when we did the White Paper.”²³

FIGURE 1
The four aspects
of reconciliation
as envisioned by
Indigenous leaders



¹ The *Gradual Civilization Act* of 1857 encouraged Indigenous people to assimilate into Canadian society through the adoption of European values. In 1971, the federal government’s *White Paper Statement of Indian Policy*, which also promoted assimilation, was withdrawn.

There is a convergence between elements of the solution to the Canada problem as envisioned by Indigenous leaders and the emerging reconciliation agenda. Broadly speaking, reconciliation has four aspects: an equity component (closing the gap) that focuses on improving the life conditions of Indigenous peoples; a harmony component centred on improving the relationship between Indigenous and non-Indigenous peoples; a restoration component that concerns the renewal and improvement of the nation-to-nation relationship between Canada and Indigenous peoples, as well as the recognition of Indigenous interests and rights to lands, territories and resources; and a critical conversation about Canada (see figure 1). The third component is the one that the Prime Minister, in his December 2015 speech to the chiefs of the AFN, indicated was his core objective.

The restoration of lands and resources to Indigenous jurisdictions began in 1973 with the creation of the Indian Land Claims Commission and the announcement of an Indian land claims policy. Two types of claims are accepted: specific claims arising from the breach of one of the terms of a treaty; and comprehensive claims covering territories for which there is no treaty. The comprehensive land claims process led to a new round of treaty making, resulting in, among others, the 1975 James Bay and Northern Quebec Agreement (the first modern treaty since the Williams Treaties of 1923), the 1993 settlement with the Council of Yukon First Nations (formerly Council of Yukon Indians), the 2000 Nisga’a Treaty and the 2015 Inuvialuit Agreement. The continuing importance of treaties led to the 1989 creation of the Office of the Treaty Commissioner in Saskatchewan and the 1992 British Columbia Treaty Commission.

Indigenous self-government emerged as part of the Indigenous agenda during the 1970s and is an important part of reconciliation. Whether it was included among the “existing Aboriginal rights” as defined in section 35 of the 1982

Constitution Act was an important question in a decade-long debate at three federal-provincial-Indigenous conferences (1983, 1985 and 1987) and during two major attempts to amend the constitution: the Meech Lake (1987) and Charlottetown (1992) Accords. In addition, the House of Commons established the Special Committee on Indian Self-Government, chaired by Manitoba MP Roland Penner, which reported in 1983. The Penner report²⁴ introduced the term “First Nations” into public policy discussions and stated that First Nations governments existed prior to the establishment of Canada and that a right to self-government existed within the Canadian federation.

In 1995, the federal government stated that the right to self-government was inherent and could not be taken away.²⁵ In 1996, the Royal Commission on Aboriginal Peoples provided a vision as to how this right could be given expression within the Canadian federation. The 1999 establishment of a new territory, Nunavut, carved out of the Northwest Territories and having a public government, exemplifies one of the three models of Aboriginal national government envisioned by the Royal Commission.

The government of Canada’s 2016 decision²⁶ to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provides another foundation for addressing the Canada problem and is an important element in reconciliation. UNDRIP, by expanding upon the constitutional requirement of duty to consult, has the effect of defining the public interest as including a visible Indigenous interest — one that needs to be explicitly considered by public policy-makers. Although the duty to consult has been narrowly interpreted by governments, Indigenous leaders have adopted an expansive view and expect their interests to be taken into account throughout the public policy-making process.

Reconciliation is not a rural phenomenon confined to First Nations reserves. It also needs to take place in cities and towns. The 2011 National Household Survey²⁷ reported that more than half the Indigenous population lives in urban settings. In the same year, more than 70 percent of the urban Indigenous respondents to the Environics UAPS called a city home and had no intention of moving back to a reserve or rural area. The same study also found that urban Indigenous people are optimistic that they can influence the cities in which they live and are backing this optimism with high levels of civic participation.

The idea of the city as hostile and inimical to Indigenous culture and tradition, popular in the research literature of the 1970s and 1980s, is being challenged. For example, the Federal Court ruled in the 2002 *Misquadis* decision²⁸ that off-reserve Indigenous

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peoples are “self-organized, self-determining and distinct communities, analogous to a reserve community.”²⁹ Urban Indigenous people are pursuing an agenda of creating a mutually beneficial relationship using the same ideas as their rural brothers and sisters as well as pursuing *Bimaadiziwin*: the good life in the city.³⁰

Urban Indigenous leaders are challenging municipalities to find ways to include Indigenous voices in their planning and decision-making structures and processes. Governments have supported the creation of an Indigenous service and community development organization infrastructure. Urban Indigenous leaders seek to ensure that Aboriginal and treaty rights are recognized, respected and acted upon by municipalities, which often tend to see Indigenous peoples as constituting cultural rather than rights-bearing communities. Some large urban centres — including Toronto, Vancouver, Edmonton and Winnipeg — have established Aboriginal offices and/or advisory committees in an attempt to move beyond ad hoc approaches to more systemic and institutional involvement.³¹

Reluctance to deal with provincial governments has declined over the last half-century as Indigenous peoples have come to see that the provinces are important to the delivery of education and health care, have taken responsibility for land and natural resources, and have become increasingly involved in Indigenous policies beyond the 1965 Indian Welfare Agreement, which reimbursed provinces for services to Indians in the areas of child care, homemaking, child and family services, and social assistance. By 2016, every province had established a cabinet portfolio with responsibility for Indigenous affairs and either a coordinating secretariat or a full-fledged ministry. In 2016, the Aboriginal Affairs Working Group (consisting of provincial and territorial ministers of Aboriginal affairs and leaders of the national Indigenous organizations) was transformed into the Federal, Provincial, Territorial and Indigenous Forum (FPTIF). This forum is mandated to identify priority issues, monitor progress and map out future areas for collaborative effort as well as advance reconciliation.

The Métis, one of Canada’s three constitutionally recognized Indigenous peoples, have had a challenging time finding a way to obtain a seat at the policy table and advance reconciliation. This became easier with the Supreme Court’s 2016 Daniels decision,³² which ruled that Métis and non-Status Indians were to be considered Indians under section 91(24) of the 1867 *Constitution Act*.

Reconciliation involves challenging and changing our views of Canada, bringing to the forefront Indigenous histories and understanding the nature of the federation. The 1996 Report of the Royal Commission on Aboriginal Peoples, the 1998 Statement of Reconciliation and the 2011 apology for Indian residential schools contain new

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views of Indigenous history and the Canadian federation — views that challenge the outdated idea of Canada as a compact between English and French. These views are consistent with and build upon the view of Indigenous history and Canada that Indigenous leaders have been advancing since the response of the Indian Association of Alberta to the federal White Paper in *Citizens Plus*: namely, that Indigenous peoples are charter members of Canadian society and enjoy a place within the federation equal to that of the other federation partners and a set of distinct rights that flow from the original occupation of the land that Canada rests upon.

Recent scholarship is also challenging established views of Canada: John Ralston Saul, in three books,³³ has provided the foundation for a new national narrative that gives weight to Indigenous ideas and influence. Indigenous scholars Kiera Ladner³⁴ and Sákéj Youngblood Henderson³⁵ have advanced ideas about treaty federalism that are based upon Indigenous ideas of treaty and relationship. Others — including Michael Asch,³⁶ Ken Coates,³⁷ Jim Miller³⁸ and James Tully³⁹ — suggest ways in which Indigenous philosophies are woven or can be woven into the Canadian political fabric and in the process help create a new Canadian narrative.

Indigenous scholars such as Taiaike Alfred,⁴⁰ Jeff Corntassel⁴¹ and Glenn Coulthard⁴² have contributed to a growing literature that is critical of how Canadian institutions have treated Indigenous peoples while bringing new ideas drawn from Indigenous thought to public policy discussions.

The Trudeau government vowed to act on the promises made during the 2015 election campaign: to launch a national public inquiry into missing and murdered Indigenous women; to make significant investments in First Nations education; to lift the 2 percent cap on funding for First Nations programs; to implement all 94 recommendations of the Truth and Reconciliation Commission; and to repeal all federal legislation that has been unilaterally imposed on Indigenous peoples.

Elements of these promises were given effect in the 2016 budget. It committed \$8.4 billion to improving primary and secondary education and supporting post-secondary education; building or improving social infrastructure, including housing, early childhood education, community health care centres, and cultural and recreational programming; improving on-reserve water- and waste-management systems; enhancing support for Indigenous languages; and enhancing support for economic development.

These investments are welcome and much needed if Indigenous quality of life is to be improved. A promising aspect of the budget is the commitment of the government to develop a new long-term fiscal relationship with First Nations communities.

Moving Forward

I WORKED IN THE DEPARTMENT OF INDIAN AFFAIRS during the 1980s when Conservative minister David Crombie announced a treaty renovation process based on Treaty 8, the most comprehensive treaty covering about 840,000 square kilometres in northern Alberta, northwestern Saskatchewan, northeastern British Columbia and part of the Northwest Territories. Crombie stated: “The exercise, in my view, offers an opportunity to redesign and reconceptualize your relationship with the federal government in a way which reinforces your historical and constitutional rights as Indian First Nations, while at the same time, restoring to you the means to manage your own affairs.”⁴³ Finding a way to do this proved too challenging, and the bold and promising initiative was abandoned.

Since the patriation of the Constitution, in 1982, there has been a series of national discussions on Indigenous self-government (the Special House Committee on Indian Self-Government, three constitutional conferences, the Meech Lake Accord, the Charlottetown Accord and the Royal Commission on Aboriginal Peoples), two federal apologies, two provincial apologies (Manitoba and Ontario), a federal statement affirming the inherent right to self-government, reviews of the overrepresentation of Indigenous peoples in the prison system, an RCMP report on missing and murdered Aboriginal women, the National Aboriginal Healing Foundation, and the Truth and Reconciliation Commission. We understand the Long Assault and its legacy in detail. Both the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission have laid out the issues clearly and have pointed a way forward. Both commissions have been informed by Indigenous knowledge and thought in addition to contemporary social and political theory.

It is important to recognize that progress is being made in addressing the Canada problem. In the span of a generation of political leaders, Canada moved from an official proposal of assimilation as set out in the 1969 White Paper, to the 1982 constitutional recognition of Aboriginal peoples and an affirmation of Aboriginal rights, to a 1995 statement on the inherent right of Aboriginal self-government, to a 2014 Supreme Court decision (*Tsilhqot’in*⁴⁴) that requires, at least in my view, that the public interest include an explicit recognition and consideration of Aboriginal interest.

As an Indigenous⁴⁵ academic, I investigate the shape, contour, tensions and dilemmas, and most recently successes, of what I’ve come to call modern Aboriginal society.⁴⁶ My view is that a new Aboriginal society is emerging after the Long Assault.⁴⁷ This society is imbued with what I call “postcolonial

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consciousness” — that is, an awareness of the history of the Long Assault and its legacy, a determination to heal from its effects and a desire to ensure that it does not happen again. This strong desire for the restoration of stewardship over the structures and processes of everyday Indigenous lives is the animating force of this generation of Indigenous leaders. John Ralston Saul describes the ethos of this new generation of Indigenous leaders in *The Comeback: How Aboriginals Are Reclaiming Power and Influence*.⁴⁸

This consciousness appeared to be shared by Prime Minister Justin Trudeau when he addressed the 36th annual general assembly of the AFN during the 2015 election: “I want you to know that I appreciate how challenging this work can be. The injustices that took place over centuries cannot be undone immediately, no matter how good our intentions. But I also understand how critically important it is for First Nations to be full partners at those tables where shared decisions about the future [of] our country are made, from resource development to environmental stewardship.”⁴⁹

There is a remarkable convergence with remarks made by the same person speaking as prime minister in December 2015 (quoted at the outset of this article). Perhaps there is cause for increased optimism, but that optimism must be tempered with the reality of the challenges that lie ahead. This was reflected in a statement made by Minister of Justice and Attorney General Jody Wilson-Raybould at the AFN’s 2016 annual general assembly: “Now is the time...the political and legal ducks are aligned. But we need your solutions.”⁵⁰

Reconciliation is a long game, and the effort will have to be sustained over generations. The overwhelming nature of the many tasks that need to be undertaken can lead one to wonder where to start and how to make a difference. The place to start is with the 94 calls to action of the Truth and Reconciliation Commission. However, this will require substantial government leadership and effort from all parts of Canadian society.

Reconciliation will require institutional change — we must either change existing institutions or create new ones. Indigenous peoples expect to be involved, and in some cases have a legal right to be involved, in policy actions that affect them — from resource development, to federal-provincial-territorial relationships, to child care policy, to health policy, to education. Indeed, in all areas of public policy we need to explicitly consider Indigenous aspirations and needs.

Changes to consultative processes are being made. In addition to creating the FPTIF I referred to earlier, Prime Minister Trudeau met with the leaders of the

three principal national Indigenous organizations⁵¹ prior to the First Ministers' Meeting on climate change held on March 3, 2016, and has indicated that he will do so again when the First Ministers return to the issue on December 8-9, 2016.

Going forward, monitoring progress will be an important task for a third-party agency to undertake. In this regard, the National Centre for Truth and Reconciliation should be made operational as soon as possible so that it can carry out this function on behalf of all Canadians.

Sustaining the reconciliation effort over the long term and improving the possibility that the effort will result in institutional change requires a policy community that is knowledgeable about Indigenous political objectives and desires. It is no longer possible to ignore Indigenous ideas about what effective public policy respecting Indigenous peoples ought to contain. Indigenous peoples expect to see their ideas discussed, debated and reflected in public documents and given policy expression. The education of public policy-makers should be broadened to include Indigenous history, Indigenous political theory and political structure, and Indigenous law and political objectives. This requires that public administration programs incorporate Indigenous political philosophies and ideas and engage Indigenous leaders and Indigenous political and public policy organizations.

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In this regard, Call to Action 57 of the TRC report, echoing a previous Royal Commission on Aboriginal Peoples recommendation, calls upon federal, provincial, territorial and municipal governments “to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.”⁵²

Indigenous peoples had little or no influence upon the public policies that animated the Long Assault. While Indigenous peoples expect to have significant influence over the policies that will lead us to a reconciled Canada, it would be unfair to place the burden of reconciliation upon them. Those who lead Canada's public institutions need to spearhead the reconciliation effort and work to expand support for change within Canadian society as a whole.

Notes

1. Government of Canada, “Prime Minister Justin Trudeau Delivers a Speech to the Assembly of First Nations Special Chiefs Assembly,” news release, December 8, 2015, <http://pm.gc.ca/eng/node/40159>.
2. Environics Institute, *Urban Aboriginal Peoples Study: Main Report* (Toronto: Environics Institute, 2011), <http://www.uaps.ca/wp-content/uploads/2010/04/UAPS-FULL-REPORT.pdf>.
3. Government of Canada, Aboriginal and Northern Affairs Canada, *Address by the Honourable Jane Stewart, Minister of Indian Affairs and Northern Development on the Occasion of the Unveiling of Gathering Strength — Canada’s Aboriginal Action Plan*, January 7, 1998, <https://www.aadnc-aandc.gc.ca/eng/1100100015725/1100100015726>.
4. “Indigenous” has recently become the preferred modifier, replacing “Aboriginal.” I follow this usage here, except for cases such as the text of the Constitution, where the latter term was current.
5. Canada, *An Act to Encourage the Gradual Civilization of Indian Tribes in This Province and to Amend the Laws Relating to Indians*, 1857 C.A.P. XXVI, <http://caid.ca/GraCivAct1857.pdf>.
6. Government of Canada, *Statement of Indian Policy of the Government of Canada* (Ottawa: Minister of Indian Affairs and Northern Development, 1969). See S. Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968-1970* (Toronto: University of Toronto Press, 1982) for an excellent analysis of this important period in Canadian political history.
7. See B. Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986).
8. Environics Institute, *Urban Aboriginal Peoples Study*.
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45. As an Indigenous person, I find it hard to know what term to use to describe myself and the original inhabitants of this land. I grew up as an Onondaga, was an Indian for the first part of my life, became Native in 1968, First Nation in 1975, Aboriginal in 1982 and Indigenous in 2015. Along the way, I was Iroquoian, Haudenosaunee and at various times Ongweoweh. The only constant has been the *Indian Act* and my legal status as an Indian.
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