

# Justice Murray Sinclair: Reconciliation involves all of us

OTTAWA - The Truth and Reconciliation Commission of Canada held its closing ceremonies in Ottawa this weekend in a historic gathering; celebrated with a walk for reconciliation, and the release of a 388 page report on the findings of the commission's investigation.

The report is filled with documented evidence of abuse, misconduct and legislated tactics which the commission identified as "cultural genocide" against the First Nations, Metis and Inuit people in Canada.

Also within the document are the accounts of nearly 6,750 Residential School survivors and witnesses who experienced over a century of abuse at the state and church run schools.

As part of the report, the commission made 94 calls to action for Canada's governments and church ministries to begin to walk out reconciliation with the indigenous people in Canada.

Justice Murray Sinclair gave a passionate speech, reprinted below, which inspired all but one - Aboriginal Affairs Minister Bernard Valcourt - who was the lone person that did not participate in giving Sinclair a standing ovation following his speech.

Sinclair said, "Starting now, we all have an opportunity to show leadership,

courage and conviction in helping heal the wounds of the past as we make a path towards a more just, more fair and more loving country."

Sinclair met with PM Stephen Harper after the closing ceremonies and released the following statement about that meeting.

"The Prime Minister and the commissioners shared a frank and open dialogue. He was open to listening to some of our concerns and inquired about some of our recommendations. I remain concerned with the Government's resistance to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. We have offered to meet again with the Prime Minister once he has read the report and we look forward to continuing the conversation"

*This speech was given by Justice Murray Sinclair at the Truth and Reconciliation Commission's closing ceremonies in Ottawa on June 2, 2015. It is edited here for length.*

Since 2008, we have collected documents, visited more than 300 communities from coast to coast and heard testimony from thousands of witnesses.

Their stories, more than 6,750 in number, will now become a part of a permanent historical archive, never to be forgot-

ten or ignored.

Residential School Survivors showed great courage, conviction and trust in sharing their stories. These were heart-breaking, tragic and shocking accounts of discrimination, deprivation and all manners of physical, sexual, emotional and mental abuse.

Today, I stand and acknowledge that what took place in residential schools amounts to nothing short of cultural genocide - a systematic and concerted attempt to extinguish the spirit of Aboriginal peoples.

These actions included the removal of generation after generation of Aboriginal children from their families, the suppression of Aboriginal language and culture, and the attempts to re-educate Aboriginal children with non-Aboriginal culture: to remove a culture deemed inferior.

In this way, Canadian governments and churches and others sought to erase from the face of the earth the culture and history of many great and proud peoples. This is the very essence of Colonialism



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leaving in its path the pain and despair felt by thousands of Indigenous people today. But rather than denying or diminishing the harm done, we must agree that this damage requires serious, immediate, and ongoing repair.

We must endeavour instead to become a society that champions human rights, truth and tolerance, NOT by avoiding a dark history but rather by confronting it. A society that respects and protects the cultures of all peoples within it. A society in which children are proud of their identity, culture and traditions - not made to feel ashamed of them. A society that seeks an end to the cycles of violence, abuse and poverty instead of seeking to re-victimize, marginalize and further punish; as though further injury could in some way resolve a past injury.

To become this society, we need to bear witness to the past and join in a vision for the future. This must be the goal of reconciliation.

If we are to truly live by our convictions, we must confront and accept that Canada's history in-

cludes a history that inconsistent with how we see ourselves.

We must acknowledge, apologize and atone for the abuses and horrors suffered by Aboriginal people in Canada and support the healing of all involved, from the Survivors, to Intergenerational Survivors, and those who responsible for abuses.

Part of this healing process will involve putting an end to the legacy of discrimination that still informs attitudes in our education system and curricula today.

We must understand that the lives of Aboriginal people across Canada are connected to the lingering effects of residential schools and that many of the most destructive attitudes are perpetuated in our public education.

We must remember that at the same time Aboriginal children were made to feel inferior, generation after generation of non-Aboriginal children were exposed to the false belief that their culture was superior. Imperialism, colonialism and a sense of cultural superiority linger on.

The courts have agreed that these concepts are baseless and immoral in the face of inalienable human rights. To this end, the Truth and Reconciliation Commission's recommendations address some

of these core challenges. From child welfare to legal and economic concerns; from education to language, culture, health, business and commemoration, our 94 recommendations endeavour to confront the complexities associated with reconciliation.

Central to directing the path to reconciliation will be the Canadian government's adoption of the United Nation's Declaration on the Rights of Indigenous Peoples - a declaration that received near unanimity at the UN in 2007. Shamefully, Canada was the only country to raise objections last fall to a UN document reaffirming the declaration.

Many of our Commission's recommendations are grounded in the principles of the Declaration on the Rights of Indigenous Peoples. This internationally accepted document provides a framework for affirming, respecting and protecting the equality of Aboriginal people and their rights. The Canadian government's rejection of the Declaration of the Rights of Indigenous Peoples sends a clear message to Aboriginal people in Canada, all Canadians, and the world.

We believe the current government is not willing to make good on its claim that it wishes to join with the Aboriginal people in

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Canada in "a relationship based on the knowledge of our shared history, a respect for each other and a desire to move forward together" as promised nine years ago.

Words are not enough. Reconciliation requires deliberate, thoughtful and sustained action. Political action will be required to break from past injustices and start the journey toward reconciliation.

The Declaration of the Rights of Indigenous Peoples also recognizes the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties and agreements with other nations.

To this end, we call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown.

The proclamation would build on the Royal Proclamation of 1763, which stated in no uncertain terms that all lands which had not been purchased or ceded to the Crown, were reserved for the Aboriginal inhabitants of the land.

Through the course of time however these agreements were disregarded and ignored by Canada's governments.

As we have learned, governments took further steps to hinder the expression and strength of Aboriginal sovereignty through a variety of means, one of which was the residential school system.

The courts have recognized this history and upheld the nationhood and the rights of Aboriginal people in their legal decisions. Now it is time for Canadian governments and Canadian society to do their part. This Royal Proclamation of Reconciliation would reaffirm and restore a commitment to the nation-to-nation rela-

tionship between Aboriginal peoples and the Crown.

In addition to adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation, we call for the proclamation to include a repudiation of the concepts used to justify European sovereignty over Indigenous lands and peoples such as the doctrine of discovery, to renew or establish Treaty relationships based on principles of mutual recognition and mutual respect, and to reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation.

Survivors, their families and their communities are looking to our political leaders to display the conviction and the courage to honour the commitments made to Aboriginal people in Canada - to start a new chapter in the story of Canada; one that we can all be proud of.

Political will, however, can only be sustained by the wishes of the people who demand change. We must all call for the ongoing progress of reconciliation, regardless of political affiliation, cultural background or personal history of connection to this dark history.

Reconciliation is not an Aboriginal problem - it involves all of us.

Our recommendations should not be seen as an itemization of national penance, but as an opportunity to embrace a second chance at establishing a relationship of equals: an opportunity for Canadians to prove to themselves and to the international community that Canada respects and protects the cultures of all peoples within it.

We must accept the challenge of enacting effective solutions to the cycles of violence, abuse and poverty experienced

too often and too disproportionately by Aboriginal people.

We therefore call upon the prime minister of Canada to issue an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

Many recommendations put forward by our commission include detailed public reports on the progress of the reconciliation process. In this way, some aspects of reconciliation will be manifested as concrete goals, against which the efficacy of government actions can be measured.

These annual reports would include: details of the state's care for Aboriginal children, information on funding of education for Aboriginal children on and off reserves, evidence on the economic attainments of Aboriginal peoples in Canada compared to non-Aboriginal people, action on the problem of overrepresentation of Aboriginal people in custody and the justice system - especially Aboriginal youth.

Also, the reduction of the gaps between Aboriginal and non-Aboriginal communities with respect to key health indicators, and the reduction of the rate of criminal victimization of Aboriginal people, including information related to homicide and family violence victimization.

While we are hopeful that these recommendations will be adopted, we realize that committing to annual progress reports will be the source of some apprehension for political leaders. Regular evaluations will be unequivocal in showing progress or the lack of it. This, however, is precisely the point.

Again, all the people in Canada must be clear, loud, and united in expressing their heartfelt belief that reconciliation SHOULD happen. I ask you today to

embrace this statement: you don't have to believe that reconciliation WILL happen, you need to believe that reconciliation SHOULD happen.

Those seeking or holding office must understand that reconciliation must be a priority from the highest to the most local levels of government. Our leaders must not fear this onus of reconciliation. The burden is not theirs alone to bear, rather, reconciliation is a process that involves all parties of a this new rela-

tionship.

Aboriginal and non-Aboriginal people from coast to coast to coast, the young and the elderly, are interested in taking part of the discussion about reconciliation and being part of making reconciliation a reality.

The eyes of the world and the gaze of history is upon us. What we do now and in the years ahead matters a great deal. It matters not only for those who are with us today, but also the generations

to come and the spirits of those who are not with us here today whose memories we must honour.

We must work together. We must speak the truth. At its heart, reconciliation is about forming respect. The sacred fire lit at sunrise a few days will be extinguished in the coming days; now we must light this fire within ourselves and let our conviction, courage, commitment and our love keep this fire burning.