




RECONCILIATION

What's law got to do with it?

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What is Reconciliation?

“Ultimately, the Commission’s focus on truth determination was intended to lay the foundation for the important question of reconciliation. Now that we know about residential schools and their legacy, what do we do about it? Getting to the truth was hard, but getting to reconciliation will be harder. It requires that the paternalistic and racist foundations of the residential school system be rejected as the basis for an ongoing relationship. Reconciliation requires that a new vision, based on a commitment to mutual respect, be developed. It also requires an understanding that the most harmful impacts of residential schools have been the loss of pride and self-respect of Aboriginal people, and the lack of respect that non-Aboriginal people have been raised to have for their Aboriginal neighbours. Reconciliation is not an Aboriginal problem; it is a Canadian one. Virtually all aspects of Canadian society may need to be reconsidered. This summary is intended to be the initial reference point in that important discussion. Reconciliation will take some time. “

Source: “Honouring the truth, Reconciling for the future – Summary of the Final Report of the Truth and Reconciliation Commission.” Preface (Pg vi)

http://nctr.ca/assets/reports/Final%20Reports/Executive_Summary_English_Web.pdf

What does law have to do with
Reconciliation?

“The justice system has failed Manitoba’s Aboriginal people on a massive scale. It has been insensitive and inaccessible, and has arrested and imprisoned Aboriginal people in grossly disproportionate numbers. Aboriginal people who are arrested are more likely than non-Aboriginal people to be denied bail, spend more time in pre-trial detention and spend less time with their lawyers, and, if convicted, are more likely to be incarcerated.

It is not merely that the justice system has failed Aboriginal people; justice also has been denied to them. For more than a century the rights of Aboriginal people have been ignored and eroded. The result of this denial has been injustice of the most profound kind. Poverty and powerlessness have been the Canadian legacy to a people who once governed their own affairs in full self-sufficiency.

This denial of social justice has deep historical roots, and to fully understand the current problems we must look to their sources. We attempt to provide some of that context in the first part of this report. The mandate of this Inquiry is to examine the relationship between Aboriginal people and the justice system, and to suggest ways it might be improved. In this report we make many recommendations about how existing institutions of justice—the police, the courts, the jails—can be improved. But far more important than these reforms is our conclusion that the relationship between Aboriginal people and the rest of society must be transformed fundamentally. This transformation must be based on justice in its broadest sense. It must recognize that social and economic inequity is unacceptable and that only through a full recognition of Aboriginal rights—including the right to self-government—can the symptomatic problems of over-incarceration and disaffection be redressed.”

Source: Manitoba Aboriginal Justice Inquiry, Chapter 1 “The Inquiry and the Issues - Introduction”

<http://www.ajic.mb.ca/volume1/chapter1.html>

“Our report proposes instead that the relationship between Aboriginal and non-Aboriginal people in Canada be restructured fundamentally and grounded in ethical principles to which all participants subscribe freely.

The necessity of restructuring is made evident by a frank assessment of past relations. We urge Canadians to consider anew the character of the Aboriginal nations that have inhabited these lands from time immemorial; to reflect on the way the Aboriginal nations in most circumstances welcomed the first newcomers in friendship; to ask themselves how the newcomers responded to that generous gesture by gaining control of their lands and resources and treating them as inferior and uncivilized; and how they were designated as wards of the federal government like children incapable of looking after themselves. Canadians should reflect too on how we moved them from place to place to make way for 'progress', 'development' and 'settlement', and how we took their children from them and tried to make them over in our image.

This is not an attractive picture, and we do not wish to dwell on it. But it is sometimes necessary to look back in order to move forward. The co-operative relationships that generally characterized the first contact between Aboriginal and non-Aboriginal people must be restored, and we believe that understanding just how, when and why things started to go wrong will help achieve this goal.”

Source: Royal Commission on Aboriginal Peoples, Volume 1 – Looking Forward Looking Back (Page 12)

<http://data2.archives.ca/e/e448/e011188230-01.pdf>

Wahkohtowin

“When we talk about treaty, for example, from a Cree perspective, we are talking about a fundamental Cree doctrine of law called wahkohtowin, the laws governing relationships. These laws establish the principles that govern the conduct and behaviour of individuals within their family environment, within their communities, and with others outside their communities. Wahkohtowin provided the framework within which the treaty relationships with Europeans were to function. It is one of the most comprehensive doctrines of law among the Cree people and contains a whole myriad of subsets of law defining the individual and collective relationships of Cree people.”

Source: “Natives & Settlers – Now & Then: Historical Issues and Current Perspectives on Treaties and Land Claims in Canada”
Chapter 4 - Nation-Building as Process: Reflections of a Nehiyaw (Cree), Harold Cardinal
(Page 74/75)