

Addressing the Legacy of Indian Residential Schools in Canada

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List of Abbreviations

ADR(P)	Alternative Dispute Resolution (Process)
AFN	Assembly of First Nations
AHF	Aboriginal Healing Foundation
CEP	Common Experience Payment
FNIM	First Nations, Inuit & Métis
FPIC	Free, Prior & Informed Consent
FRD	Friends and Relatives of the Disappeared
GNI	Gathering Nations International
HC	Health Canada
IAP	Independent Assessment Process
ICC	International Criminal Court
ICTJ	International Centre for Transitional Justice
IHRTGC	International Human Rights Tribunal into Genocide in Canada
IRS	Indian Residential Schools
IRSSA (SA)	Indian Residential Schools (Settlement Agreement)
ITCCS	International Tribunal into Crimes of Church and State
NWAC	Native Women's Association of Canada
NRSSS	National Residential School Survivor Society
RCAP	Royal Commission on Aboriginal Peoples
TRC	Truth and Reconciliation Commission of Canada
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Abstract

This thesis investigates the ways in which select groups and their advocates interpret and seek to address the Indian Residential School (IRS) experience and legacy. It also considers the extent to which their aims are being realized through the Truth and Reconciliation Commission of Canada (TRC) and other components of the Indian Residential Schools Settlement Agreement (IRSSA). Through the qualitative content analysis of data gathered from four organizations, and in-depth interviews with six of their representatives, this study has uncovered that despite the somewhat diverse approaches and methods used by these organizations and advocates to address the legacy of IRS, perspectives were nonetheless based on the same fundamental notion: the need to incorporate and pursue decolonizing principles and aims. Moreover, it found that while some goals were being forwarded by the TRC and IRSSA, in several ways, the official process underway in Canada has failed to incorporate the needs and aims of these organizations.

CHAPTER I: TOPIC & OVERVIEW

Introduction

Between 1874 and 1996, an estimated 150,000 Indigenous children in Canada were forcibly removed from their homes and placed in Indian Residential Schools (IRS) (Frideres, 2010). It is estimated that approximately 3000 children died within the schools and that many of those who attended were victims of physical and sexual abuse at the hands of the government-funded church members¹ who were officially responsible for their well-being (Perkel, 2013). Although Indian Residential Schools have since ceased to exist, the social, psychological and emotional impacts of their more than one hundred years of operation continue to be felt across Canada, particularly among Indigenous individuals, families and communities.

After decades of activism, legal battles and failed approaches to settling survivor claims, an out of court settlement was agreed to as a means to address the legacy of the schools. The Settlement Agreement (SA) was signed on May 6, 2006 by the government of Canada, churches and Aboriginal organizations (de Costa, 2009). The \$1.9 billion settlement consists of five components, including:

- 1) A \$125 million healing fund to be administered and allocated to healing projects through the Aboriginal Healing Foundation (AHF) over a 5-year period
- 2) Commemoration funds of \$20 million for national and community-based initiatives
- 3) A common experience payment (CEP) that awards \$10,000 to every living survivor who attended IRS for one year (or any part of a year), as well as \$3000 for each additional year spent at IRS (or any part of a year), conditional upon the completion and submission of an application form
- 4) An independent assessment process (IAP), which assesses and awards additional monies for individual claims related to physical and sexual abuse suffered at IRS, and which must be sought through court proceedings

¹ The churches involved in the administration of IRS include: The United Church of Canada; The Oblates of Mary Immaculate; The Anglican Church; The Presbyterian Church; and The Roman Catholic Church

- 5) A truth and reconciliation commission (TRC) with a five-year mandate and a \$60 million budget (IRSSA, 2006)

Canada's Truth and Reconciliation Commission (TRC) is one of the Agreement's five components, as well as the principle focus of this research project. Although, as part of a package of measures, it has nonetheless been considered in conjunction with the other elements of the Agreement.

The TRC aims to “guide and inspire First Nations, Inuit, and Métis peoples and all Canadians in a process of truth and healing that will lead to reconciliation and renewed relationships based on mutual understanding and respect” (AHF, 2010). Over its six year period², the TRC is operating on several levels. First, it has hosted national events in various cities throughout the country, including Winnipeg, Inuvik, Halifax, Saskatoon, Montreal and Vancouver thus far, and will hold one more in the spring of 2014 in Edmonton, before coordinating a closing ceremony in Ottawa. These events aim to facilitate the coming together and sharing of information among government and church officials, the public at large, and former students, their families and communities. They allow a sample of individuals and communities to share their IRS experiences, as well as describe the steps they have taken towards healing (IRSSA, 2006).

Next, “regional events” at the community level precede an area's national event, and work to develop collective narratives, investigate impacts on communities of the IRS legacy, discuss reconciliation practices, and facilitate relationships within communities (IRSSA, 2006). Finally, the TRC aims to “promote awareness and public education” about IRS and its legacy through the creation of a comprehensive historical record and the establishment of a

² This was recently extended from 5 to 6 years, with a mandate now in effect until 2015

national research centre, in addition to compiling a report for the Canadian government that includes a list of recommendations, as well as encouraging and facilitating the commemoration of IRS students and their families (ibid).

As outlined in detail below, these measures were first advocated for by survivors and Indigenous groups as critical components to addressing the IRS system and its legacy. However, while survivor and Indigenous activism has been key in bringing about the Settlement Agreement, including a Truth and Reconciliation Commission, the extent to which these processes have unfolded in ways that meet survivors' needs is unclear. Certainly, some have raised concerns about the possibility that reconciliation and recognition can be co-opted by the state as a means to declare an era of colonialism officially ended, despite that little is actually pursued in the way of decolonization and transformation, or otherwise addressing survivor demands (Coulthard, 2007; Green, 2012; Povinelli, 1998). As a result, in this thesis, I seek to bring clarity to this idea by investigating the mandates and aims of select organizations and their representatives who have been active in the redress movement, as well as their perspectives on the successes and/or failures of the TRC (and related components of the SA) in relation to these goals.

Background

A general movement seeking acknowledgement, justice and redress for IRS abuses has been in action for decades. While it is difficult to identify an exact starting point, the movement seems to have gained momentum in the 1990s. The first lawsuits claiming abuses related to IRS were filed by survivors in the late 1980s (Jung, 2010), and some believe that the rising general awareness about the consequences of sexual abuse against children that

resulted from widespread coverage of the Mount Cashel Orphanage case³ also led to the emergence of the issue as one of major public concern (Frideres, 2010; O'Connor, 2000).

Moreover, Aboriginal grievances in general were prominent on the national agenda in the 1990s, as seen through the Mohawk protests at Oka and other sites of contention, as well as the emergence of a growing number of Aboriginal land claims. While a specific claims process was established and codified by the federal government in the early 1980s, those on the receiving end were highly dissatisfied with the outcomes of these processes, and throughout the decade attempted to negotiate for changes in procedures. However, the government failed to adequately respond to these demands, and this, along with the further marginalization of First Nations peoples in discussions surrounding federal and provincial authority in the Meech Lake and Charlottetown Accords, encouraged further activism, including the standoff at Oka in the summer of 1990 (Henderson & Ground, 1994). It was in this context that the push began for a public inquiry into Residential School abuses. Yet, despite support for, and lobbying of this move by both Aboriginal and non-Aboriginal actors, the government responded in 1992 by outright rejecting such a measure (Milloy, 1999).

Most of the churches implicated in the abuses committed in Residential Schools responded to the emerging allegations by offering official apologies, beginning with the United Church in 1986, followed by the Oblates of Mary Immaculate in 1991, the Anglican Church in 1993, and the Presbyterian Church in 1994 (LHF, 2011; Milloy, 1999; O'Connor, 2000). The last to apologize was the Roman Catholic Church, which did so in 2009 (LHF, 2011). In addition to these public statements of regret, churches also began their own

³ Mount Cashel Orphanage made headlines in 1989 when the extensive sexual assault that occurred there over the years was revealed, leading to the closure of the facility (<http://www.cbc.ca/archives/categories/society/crime-justice/general-3/1989-notorious-mount-cashel-orphanage-to-close.html>)

education and restorative campaigns to help raise public awareness and contribute to community healing (Funk-Unrau & Snyder, 2007).

Some argue that the personal public admission of Aboriginal leader Phil Fontaine in 1990 detailing the sexual abuse he suffered at IRS, and the subsequent engagement of the Assembly of First Nations (AFN) in the campaign for IRS survivors, was significant to the movement (Brant Castellano, Archibald & DeGagne, 2008; Henderson & Wakeham, 2009). Focused on promoting truth telling and healing initiatives, the AFN actively sought out survivor stories and healing strategies, and in 1994 incorporated them into a report entitled “Breaking the Silence: An Interpretive Study of Residential School Impact and Healing as Illustrated by the Stories of First Nations Individuals” (AHF, 2002; Henderson & Wakeham, 2009).

As survivors continued to come forward in the 1990s to share their experiences and report physical and sexual abuse endured at Residential Schools, police responded with investigations (AHF, 2002; Milloy, 1999). A study of IRS abuses was conducted in British Columbia, and following the successful conviction of a former employee at the Alberni Indian Residential School, the RCMP formed a Native Residential School Task Force to investigate allegations of abuses committed within all residential schools between 1890 and 1984. However, by the end of the decade, only 5 charges had been laid from among 3400 complaints filed against 170 suspects (Regan, 2010).

Upon pressure from First Nations, the Canadian government under Brian Mulroney initiated an inquiry into various issues faced by Aboriginal individuals and communities in 1991 (AHF, 2002). The government-funded Royal Commission on Aboriginal Peoples (RCAP) conducted research related to experiences within IRS, among a host of other social, economic and cultural issues pertinent to Aboriginal peoples in Canada (O’Connor, 2000).

Their focus was on solutions for moving forward (Milloy, 1999), and they listened to testimonies from individuals across the country in order to gain insight into problems impacting Aboriginal communities (O'Connor, 2000). With respect to IRS, RCAP pursued a “three-pronged investigation”, which considered the history of the schools, their psychological effects, and finally, legal means for addressing their legacy (Llewellyn, 2002, 259).

In their 1996 report of findings, RCAP revealed the extent of IRS abuses and recommended a public inquiry into their causes and consequences as a first step in the process of recognition and healing (Regan, 2010). It proposed a “national policy of reconciliation and regeneration” to pursue new relationships between Aboriginal and non-Aboriginal peoples in Canada (RCAP in Walters, 2008, 173). Furthermore, it raised concerns over the role that the courts should play in reconciliation, arguing that adherence to legal precedent might prevent the use of the innovative measures required for reconciliation (Walters, 2008). The probing of RCAP into the issue of IRS, which encouraged survivors to share their stories for the first time, helped to legitimize their claims and inspired further mobilization of Aboriginal peoples around the legacy of Residential Schools (Frideres, 2010).

In 1998, the government of Canada released its official response to RCAP's report, with the publication of *Gathering Strength: Canada's Aboriginal Action Plan* (Regan, 2010). This included a “statement of reconciliation”, delivered publicly by the Minister of Indian Affairs. In it, the government expressed regret for the harms done to Aboriginal peoples through the Residential School system, and apologized to the victims of physical and sexual abuse. At the same time, the government announced its commitment to contributing \$350 million to a healing fund that would support community-based initiatives to address the

legacy of the schools (Jung, 2010; Llewellyn, 2002). Months later, the Aboriginal Healing Foundation (AHF) was created, independent from governments and other Aboriginal organizations, to manage and distribute allocated funds (Funk-Unrau & Snyder, 2007). The AHF began operations in 1999, with a ten year mandate (AHF, 2002).

However, the government again dismissed the truth commission strategy advised by RCAP. For this, and a host of other criticisms including the government's failure to recognize the IRS system as fundamentally wrong and refusal to acknowledge the cultural harms it caused, many felt that the response fell far short of what was both expected and believed necessary to address the Residential School legacy. In light of this, it is perhaps not surprising that neither the proposed healing fund, nor the statement of reconciliation were effective at halting the flow of lawsuits that survivors continued to file against the government and churches (Jung, 2010; Llewellyn, 2002; Milloy, 1999).

In response to this wave of legal claims, the government proposed and implemented an Alternative Dispute Resolution Process (ADRP), as a means to redirect claims from the litigation process, reduce costs and timeframes, and facilitate healing and reconciliation (Regan, 2010). However, this process too was quickly criticized for being overly complex, excluding claims related to cultural damages, failing to include healing elements, and ignoring the broader implications of IRS (AHF, 2002; Frideres, 2010; Funk-Unrau & Snyder, 2007; Jung, 2010; Llewellyn, 2002; Regan, 2010). Survivor dissatisfaction with the government's ADRP was demonstrated through their unwillingness to comply; a 2005 government document reveals that of 13,500 claimants, merely 1200 applied for the ADR process (Funk-Unrau & Snyder, 2007). This outcome contrasted with the government's prediction that most survivors would elect for the alternative option ahead of litigation (Regan, 2010).

In 2004, the AFN prepared the *Report on Canada's Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools*⁴, in which it unleashed a list of criticisms against the government sponsored process. While the report did not entirely reject the ADRP, it argued that the inclusion of two components would be critical to reaching an effective solution: 1) a lump-sum payment made to all IRS survivors, beyond the compensation received by individuals for damages related to sexual and physical abuse; and 2) a truth and reconciliation process that would involve not only survivors, but also their families and communities, as well as the broader Canadian public (Regan, 2010).

Regan (2010) argues that the AFN's report was given much attention particularly because of its emergence at around the same time as two other events. First, a \$2.3 billion lawsuit on behalf of a group of IRS survivors was given the green light to proceed to trial, which was significant because in order for it to reach this stage, the court had to essentially rule that the ADR did not represent a preferable means for settling the dispute. Next, the Standing Committee on Aboriginal Affairs and Northern Development convened to assess the ADRP through a series of hearings, and also presented the process in an unfavourable light. Particularly powerful were survivor stories relaying difficult experiences, first in IRS and then through the ADRP, which was supposed to be providing a solution rather than re-traumatizing survivors (ibid).

In response to the numerous concerns raised about the ADRP, the government signed a Political Agreement in 2005, committing to negotiate a more adequate settlement process for former IRS students (Jung, 2010; Regan, 2010). According to the AFN, news from the Ministry of Justice that the government did not intend to allow for their extensive

⁴ <http://64.26.129.156/cmslib/general/Indian-Residential-Schools-Report.pdf>

involvement in the implementation of a compensation plan sparked further action (Barnsley, 2005). Thus, in the wake of the Political Agreement, the AFN, led by then National Chief Phil Fontaine, launched a class action lawsuit against the government on behalf of all survivors and victims of the IRS system. Finally, the Canadian government agreed to joint negotiations for an out of court settlement in 2006, from which the Settlement Agreement came into being, representing the largest class action settlement in Canadian history (Jung, 2010).

Research Questions & Thesis

The TRC and other elements of the SA represent a particular approach to addressing the IRS system and its legacy, but there exist various other potential methods of dealing with legacies of conflict and state abuses. For instance, in post genocide Rwanda, community courts based on traditional methods of justice were established to address local crimes, in addition to the national and international trials set up to deal with gross human rights violations (Nagy, 2009). In contrast, South Africa favoured a restorative model of justice, granting amnesty to many perpetrators of violence in hopes of building a stronger shared future and avoiding “victor’s justice” (Kamali, 2001). In both Northern Ireland and Israel, institutional reforms were implemented to encourage mixed religion schools as a means to reconcile the rifts in their nations (Donnelly & Hughes, 2009).

Furthermore, truth and reconciliation commissions have primarily been employed in post conflict contexts characterized by recent and specific crimes, such as those committed through civil war or violent authoritarian rule. While South Africa’s TRC aimed to investigate crimes related to more than thirty years of the Apartheid era, still its application in a society where the oppressed group represents the vast majority of the population

differentiates it substantially from the Canadian context. Certainly, Canada's TRC will be the first to unfold in a "settler society", with a mandate to examine the events, legacy and impacts of a policy that lasted for more than a century and continues to shape the lives of all Indigenous peoples in Canada. Moreover, the "transition" in government that typically precedes a TRC has not occurred here.

Finally, although survivors and Indigenous groups were active in bringing about the SA and its various elements, including a TRC, the failure of previous government led initiatives to adequately address survivor needs, raises questions about whether this latest attempt will be any different. In light of all of this, the objective of this research has been to investigate the ways in which select survivor groups and advocates both interpret, and seek to address, the Residential School experience and legacy and to consider whether this falls in line with the TRC and SA's direction. This has been studied through an analysis of perspectives from representatives and organizations that have been involved in the redress movement or in otherwise addressing the legacy of IRS. Specifically, I explore the following research questions: *How is the Indian Residential School system and its legacy understood by the organizations and actors included in this study? How do these groups and their representatives seek to address its legacy? Finally, to what extent are these groups' goals and aims being embraced, promoted and realized through the work of Canada's TRC and other elements of the SA?*

Four organizations were included in this study, namely, the Friends and Relatives of the Disappeared (FRD), the National Residential School Survivors' Society (NRSSS), Kairos Canada, and the Native Women's Association of Canada (NWAC). Based on data gathered from organizational materials and in-depth interviews with group representatives, this study has uncovered that despite the somewhat diverging focuses, approaches and methods used by

these organizations to address the legacy of IRS, perspectives across this selection of groups were based on the same fundamental notions. Specifically, all organizations and their representatives emphasized the critical need for efforts to incorporate decolonizing principles and aims, through the use of Indigenous led processes and traditional practices. Similarly, decolonization was the central goal across groups, and all believe that the following outcomes are required in order to adequately address the legacy of IRS: revitalization of Indigenous cultures and traditions; acknowledgment of Indigenous perspectives on IRS (and similar colonial practices); recognition of, and support for Indigenous rights; and greater self-determination for Indigenous peoples and their communities.

However, while these organizations found that some of their aims were being forwarded by the TRC and SA, in many ways, the official process underway in Canada to address the Indian Residential School legacy was seen to fall short. Although perspectives varied by speaker, participants generally argued that certain goals related to truth-telling, education and healing have been supported more than others, such as criminal justice, compensation and the promotion of genuine structural changes to ongoing colonial practices. As such, this project lends support to the warnings raised by some that reconciliation processes can result in rhetoric taking precedence over fundamental alterations to oppressive systems and legacies (Coulthard, 2007; Green, 2012; Povinelli, 1998).

Significance

Indigenous peoples in Canada, as elsewhere, have faced widespread and ongoing oppression for centuries. The historical injustices of colonialism have taken many forms, including, but not limited to, the exploitation of Indigenous lands for resource extraction and development, the Residential School system, the extinguishment of rights, imposed

governance structures, and discrimination in various other forms, impacting Indigenous individuals and communities in countless ways. For many, not only have these policies harmed peoples of the past, but their effects can be clearly witnessed in the present, through such indicators as high rates of suicide, abuse, addiction and crime in Indigenous communities across the nation. Moreover, Indigenous peoples in Canada often continue to feel marginalized by, and disenfranchised from, mainstream society.

As such, the need to both address and provide redress for colonial crimes is clear. However, what is not known, is whether the measures within the SA are seen by IRS survivors and their advocates as an appropriate means to achieve this. A review of the literature has revealed that there exist several potential flaws in the structure of the Commission, and indeed, the SA as a whole, which may inhibit its ability to meet the needs of survivors (Flisfeder, 2010; Green, 2012; Liang, 2013). For instance, some have criticised the way in which funding for healing programs through the highly reputable AHF came to an end in 2012, despite the ongoing call for these types of Indigenous led programs (Green, 2012). Further, the fact that survivors were required to give up any future rights to sue the state or churches if they did not opt-out of the SA, has also been considered highly problematic (Jung, 2010).

Considering that the TRC is in the penultimate year of its six-year mandate, and has held six of seven scheduled national “truth-telling” events, I believe that it is essential to consider the extent to which certain survivor perspectives and needs (as advocated by survivor and other organizations and their representatives) are being forwarded by the TRC. In Quinn’s (2009) compilation of essays, she reveals that “the actual voices of people who are living with processes of reconciliation [...are] not found often enough in the research

surrounding reconciliation” (6). Certainly, the numerous failed attempts by the state in the past to successfully address IRS signals the need for further investigation.

Therefore, I believe that the examination of a range of viewpoints presented through this sample of organizations and survivor advocates can provide a more thorough understanding of how the TRC, and SA in general, has been seen to unfold on the ground. In what follows, I will provide context for my topic through an in-depth literature review, before presenting an overview of theories and ideas related to postcolonialism, social justice, and Indigenous rights, including ‘sustainable self-determination’. Next, I will describe the methodological approach that has guided my research, before finally presenting and analyzing the data I collected in order to build my central arguments. I conclude with a brief summary of my findings.

CHAPTER II: LITERATURE REVIEW

In the following review of literature, I will present an overview of the central concepts, debates and discussions relevant to my research questions. Specifically, I begin by discussing the field of transitional justice, broadly, before delving into several of the primary mechanisms for transitional justice that have been used both past and present, including criminal justice tribunals, truth (and reconciliation) commissions, as well as traditional judicial and ceremonial processes and measures. Throughout this overview, I will uncover the key debates and critiques surrounding these approaches to addressing historical harms, as a means to both preface my findings and provide context for the data I will later present. As well, I discuss various aspects of the TRC and the Canadian case surrounding IRS, and situate these within the literature. Of particular importance to my research are debates related to the concepts of retributive and restorative justice, human rights, truth telling, and healing. Finally, consideration will be given to the gendered aspects of reconciliation and redress.

Transitional Justice

Transitional justice has been defined as “a package of measures which societies emerging from violent conflict use to pursue accountability” (Bell & O’Rourke 2007, 24). It is commonly seen as a means to facilitate national unity and reconciliation in the wake of conflict or to promote a “societal and communal rebirth” (Verdeja, 2009, 12). Mechanisms for transitional justice are varied and have taken the form of international courts and tribunals, truth commissions, national courts, institutional reforms, traditional justice processes, memorials, apologies, and reparations (Lundy & McGovern, 2008; Quinn, 2009; Ross, 2003). The establishment of international tribunals in Rwanda and Yugoslavia in the 1990s, the International Criminal Court (ICC) in 2002, truth commissions in more than

twenty post-conflict nations (Gibson, 2006), and a host of other local, national and international initiatives undertaken in the spirit of “transitional justice” demonstrate the acceptance of such measures as an integral part of a state’s efforts to deal with violent histories.

The term itself emerged in response to the wave of democratisations (or “transitions”) that swept across the developing world in the 1970s and 80s (Arthur, 2009), but has since also been used to refer to measures implemented in diverse societies with histories of oppression against various groups and populations. As such, Arthur (2009) explains that “there is no single theory of transitional justice, and the term does not have a fixed meaning” (40). Thus, although it has enabled the development of a new field of study, scholars warn that “transitional justice” should be considered neither a concept nor a specific process. Rather, it merely refers to an array of possible practices that are applied in different combinations and myriad ways across diverse societies and contexts (Lefranc, 2008).

While it has been embraced and generally accepted as an appropriate means of addressing widespread human rights violations by states (Nadeau, 2010), because transitional justice measures were initially developed to deal with crimes committed in societies transitioning from authoritarian to democratic rule, questions have been raised over whether it has the tools to adequately address long term colonial violence in settler states. For some, the consequences of colonial policies in these states can be highly complex and difficult to discern as the direct victims of state abuses have often passed away, and the negative effects of colonial policies have been passed through to subsequent generations in different ways and to varying degrees (Arthur, 2009). Certainly, for Rice and Snyder (2008), the variation of situations in which transitional justice is applied renders it absolutely critical that the cultural and historical particularities of each case be taken into account. Here, I will trace the

evolution of the field of transitional justice over the past several decades, discussing the significance of various post-conflict mechanisms and concepts to this area of study in general, and my research questions in particular.

Criminal Justice and International Human Rights Tribunals

In order to understand the emergence of the field of transitional justice, which began with the use of criminal trials, it is important to link its evolution to events that began in the years following World War II. In the wake of this important historical incident, the allies coordinated international tribunals to prosecute offenders of the war's most heinous crimes, including crimes against humanity and genocide, in an effort to reinforce human rights norms and reinstate the rule of law. While not wholly embraced by all, the tribunals were generally regarded as a crucial element to the restoration of post-war peace, through the creation of new narratives on the past and the justification of punishment for its crimes. However, in the years that followed, numerous instances of genocide occurred without similar responses from the international community, such as those in Cambodia and South Africa (Minow, 1998).

For this reason, prior to the 1990s, oppressive leaders and governments that committed human rights violations against their peoples were often able to do so with impunity (Fletcher & Weinstein, 2002; Wilson, 2003). Nonetheless, following political transitions in the 1970s and 80s, particularly in Latin America, some criminal trials were set up domestically to try crimes related to previous regimes, such as the Trial of the Juntas in Argentina. However, largely it was found that these transitioning states did not have strong enough systems in place to adequately and fairly prosecute crimes (Fletcher & Weinstein, 2002). Moreover, some leaders argued that granting amnesty was preferable to pursuing

criminal justice in weakened states, as the former could better facilitate a democratic transition by avoiding further societal rifts (Wilson, 2003).

While international laws continued to develop throughout this period, it wasn't until after military intervention by the West in the former Yugoslavia in 1992 that a mechanism comparable to Nuremburg was formed. Both here, as well as in post-genocide Rwanda, the UN established international criminal tribunals to address human rights abuses committed in sovereign states for the first time. These tribunals helped garner support for the eventual creation of the ICC in 2002, which 120 countries voted in support of. The objective of the court was to provide a permanent institution for dealing with crimes against humanity, war crimes and the like, acting in conjunction with domestic judicial mechanisms where possible (Aptel, 2010; Minow, 1998).

Proponents of criminal justice as part of transitional justice packages, both through domestic and international courts, argue that there is a moral duty to victims to bring their perpetrators to justice, that it deters similar behaviour in the future, and that it can hold people accountable and reinforce legal norms, both of which are required for a functioning democracy (Aptel, 2010). Further, Minow (1998) explains how those who promote international criminal tribunals believe that the individualization of crimes committed in societies that have been divided by race or other identities, helps to demonstrate how all members of a certain group are not responsible for the atrocities of the past, thus laying the foundation for improved relationships in the future. In addition, these trials can help societies transitioning from conflict to create official accounts of historical violence, publically acknowledge crimes, and pinpoint those responsible (Minow, 1998). According to Minow (2008), "the tribunals are meant to give palpability to the ideal of human rights, while locating violations in the past rather than a never-ending present" (177).

Some also argue that the development of international justice norms and practices has provided greater protection from future acts of certain crimes such as rape, which through these tribunals has been recognized as both a crime against humanity and a potential form of genocide. In addition, through the global promotion of human rights principles and the sanctioning of its abuses, the advancement of international justice has helped to raise awareness around conflicts and encourage outside intervention in the face of escalating domestic violence (Aptel, 2010).

However, the creation of trials for prosecuting perpetrators of violence in post-conflict situations is not without controversy. Minow (1998) argues that despite their endorsement by many in theory, tribunals have not been able to live up to their expectations in practice. Specifically, due to time and budgetary pressures, criminal trials are only able to pursue a small number of cases, which are not necessarily those that people associate their own experiences with. As such, the impact on victims' lives may only be minimal (Minow, 1998; Nagy, 2009). Further, not only can the selection of cases itself be controversial, but even in the cases that are chosen for prosecution, international efforts may depend on support from the state in question in gathering evidence and detaining suspects (Aptel, 2010; Minow, 1998). Some have also contested the "one size fits all" nature of distant domestic and international courts applied to diverse societies with largely remote populations (Nagy, 2009). Finally, retributive justice can be seen as potentially destabilizing, particularly for states that have been weakened by recent strife (Quinn, 2010).

In the Canadian case, although criminal prosecutions for specific crimes may not be possible in many cases, where perpetrators and victims have passed away, still the idea of international and domestic trials is relevant. Firstly, there are living survivors who may want to seek personal justice against their offenders, as can be inferred from the array of lawsuits

that emerged in the 1990s related to IRS. Furthermore, there is growing international support for the protection of both human and Indigenous rights, which are often cited as having been violated both through the schools and then in the failure to acknowledge the harms committed there as acts of genocide. Certainly, since the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, Indigenous peoples have looked to the principles set out within as a means to evaluate their experiences, both past and present. In the TRC's (2012) interim report, they recommend that all levels of government in Canada meet to discuss the use of this Declaration as "a framework for working towards ongoing reconciliation between Aboriginal and non-Aboriginal Canadians" (10).

Chrisjohn & Young (1997) clearly justify the case for IRS as genocide, which has become more widely endorsed by survivors and scholars in recent years. Highlighting its importance is the controversy that was sparked over TRC commissioner Murray Sinclair's alleged viewpoint that although certain IRS acts could fall under the category of genocide as defined by the UN Convention, genocide itself was not necessarily committed within the schools. Then Aboriginal Affairs Minister John Duncan added salt to the wounds of many more with comments confirming his belief that the school system, although harmful, could not be defined as genocidal. However, Justice Sinclair has since consistently stated that the IRS system does indeed classify as cultural genocide, a position recently supported by former Prime Minister Paul Martin at the 2013 TRC proceedings in Montreal (CBC, 2013). Further, former AFN chief Phil Fontaine also insists that IRS constituted both physical and cultural genocide, which he made clear through a letter submitted to the UN's rapporteur for Indigenous peoples (Globe and Mail, 2013). Certainly, making the case for IRS as genocide,

and appealing to international human rights standards, have been important in debates surrounding Canada's redress process.

Truth (and Reconciliation) Commissions

While criminal tribunals characterise the emergent period of transitional justice, their use in post-conflict societies has been overshadowed in more recent years by the prominence of truth commissions as a means to address past harms. Chapman & Ball (2001) define truth commissions as “temporary bodies, usually with an official status, set up to investigate a past history of human rights violations that took place within a country during a specified period of time” (2). Over the past few decades, they have become a pivotal mechanism for transitional justice, employed in approximately 25 post-conflict contexts around the world (Quinn, 2009). This has largely been a response to the shortcomings associated with criminal prosecutions, including their inability to try large numbers of perpetrators, the lack of impact they can have on local populations, and what some see as their tendency to exacerbate conflict through confrontational and one-sided trials. Moreover, truth commissions seek to address the alienation that sometimes results from questioning in criminal justice procedures, as well as the individualization of guilt (Park, 2010). In what follows, I will present discussions of the various objectives of truth commissions that are pertinent to my topic, including restorative justice, truth-telling, healing, reporting and providing recommendations.

(Restorative) Justice

Through the promotion of a restorative approach to justice, truth commissions are often understood as a “third way” of dealing with mass human rights abuses, falling

somewhere between absolute amnesia and widespread criminal trials (Chapman & Ball, 2001; Ross, 2003). In contrast to retributive justice, which focuses on the offender and uses punishment in response, and in proportion to the harms caused by a crime, restorative justice is seen as more holistic in that it focuses on the combined needs of victims, perpetrators and the greater community. Through active engagement of each of these parties in the justice process, a restorative approach understands the restoration of relations as key to healing for all parties (Woolford, 2009).

For this reason, truth commissions are promoted as a means to assist in building stronger societies in the wake of conflict and for their ability to address the social impacts of violent legacies (Park, 2010). Moreover, as mechanisms lacking prosecutorial power, truth commissions are able to incorporate far greater numbers of cases than criminal tribunals with similar time and budget constraints. Canada's TRC embodies the restorative justice principles that are characteristic of truth commissions, as their mandate makes clear that participation must be voluntary and no criminal investigations will ensue from the hearings (Angel, 2010; Llewellyn, 2008). Further, the TRC has endeavoured to make their processes more inclusive to those who self-identify as victims (e.g. intergenerational survivors, day school survivors, survivors from schools not officially recognized as "Residential Schools"), but have been excluded from other aspects of the Settlement Agreement, such as the IAP and CEP.

Nonetheless, some feel that if used in place of criminal trials, truth commissions may fail to adequately identify and punish individual perpetrators, and cannot perform the critical function of enforcing standards of human rights (Minow, 1998). Canada's TRC has been criticized for its failure to allow for the naming of specific perpetrators and for not compelling their attendance. Not only can this be seen as a limitation to serving justice, but

some also argue that the voluntary nature of the TRC will result in a lack of engagement by non-Indigenous people in general, rendering the process of reconciliation one-sided (de Costa, 2009).

If we understand restorative justice as “a process of active participation in which the wider community, including both victims and perpetrators, deliberates over past crimes, giving centre stage to both victim and offender in a process that seeks to bestow dignity and empowerment on victims” (Quinn, 2010, 15), then it is appropriate to question the potential of such justice measures if perpetrators and beneficiaries to colonial policies choose not to participate. For Quinn (2010), the success of a truth commission can be directly related to the engagement of a state’s citizens in the process, exemplifying the potential importance of this issue for Canada’s TRC, in that Indigenous peoples constitute such a small proportion of the overall population.

Truth-telling and Healing

In their promotion of truth-telling, truth commissions can ensure that denials about the past are not permitted to be taken seriously in the present. Their mandates also have the capacity to go beyond uncovering individual accounts of harms, by revealing patterns of abuse and documenting the broader societal and structural impacts of violence in ways that criminal tribunals cannot (Hayner, 2010; Minow, 1998; Wilson, 2003). However, one of the most critical objectives and touted benefits of truth commissions is their believed contribution to healing and acknowledging the suffering of victims through truth-telling and the creation of new national historical records (Chapman & Ball, 2001; Minow, 1998; Quinn, 2009).

Truth commissions are said to work on two levels with respect to healing. Firstly, they can facilitate personal healing by allowing individual victims to express their experiences in their own terms. Minow (1998) argues that this approach to truth-telling can more effectively endorse human rights ideals and support healing in its focus on victims' perspectives and the acknowledgement of harms done, than prosecutions, which often involve questioning and cross-examinations. As a result of this public honouring and acknowledgement of victims' stories in a non-confrontational manner, it is argued that survivors will be able to place their trauma in the past and begin to heal and move forward with their lives (Brahm, 2007; Hayner, 2010). In particular, this restorative approach can both instil a sense of status in the speaker, as well as help to restore dignity to their lives through public validation of their experiences. Finally, some believe that telling one's story can itself be therapeutic for individual victims, by allowing them to release the psychological burden of their past (Brahm, 2007; Minow, 1998).

For Quinn (2010), it is the aggregate of these experiences of individual victims regaining their dignity, voice and control over their situations that lays the foundation for healing on a broader level, that is, societal healing. Because she believes that "the powerless individual victims who fill a society make up a struggling, suffering whole", failure to bring truths to the surface and to allow individuals to move forward from their trauma, means that "the dregs of past atrocities are simply left to fester under the surface of that society" (17). Further, she argues that not only can the release of individual memories pave the pathway to social healing, but it can also establish a framework for collective memory that can shape a new and stronger society.

Indeed, Wilson (2003) describes the rise of truth commissions as an attempt to promote national reconciliation and a break from a violent past, whereby "[t]he ideological

power of truth finding [is] harnessed to the project of instilling public moral values and constructing a new, shared vision of the nation” (369). For him, this signifies a shift away from a prior emphasis on retribution and compensation after conflict, towards a focus on healing, forgiveness, and reconciliation, premised on the notion that the state in question is “sick” and needs to be “reconciled with itself” (371). Prager (2008) summarizes the ideas behind this current trend, emphasizing the metaphors of illness, trauma, and healing that are often employed in doing so:

Prior history is revisited to acknowledge and identify ways in which specific past political practices and, perhaps, particular individuals are responsible for the disruption and interference in the development of a more ‘healthy’ nation. [...] In the face of these traumatic ruptures in the body politic, in short, governments have sought to repair past wrongs through a process and politics of reconciliation and, in so doing, to heal an emotionally infirmed community (407).

Certainly, the preamble to the Canadian TRC’s mandate endorses the idea that truth-telling and reconciliation can act to heal historical trauma:

The truth telling and reconciliation process [...] is a sincere indication and acknowledgement of the injustices and harms experienced by Aboriginal people and the need for continued healing. This is a profound commitment to establishing new relationships embedded in mutual recognition and respect that will forge a brighter future. The truth of our common experiences will help set our spirits free and pave the way to reconciliation (IRSSA, 2006, 1)

However, some have raised concerns over the shift towards a focus on healing through truth-telling, by way of truth commissions after conflict. To begin with, studies have revealed that rather than experiencing a therapeutic effect through the sharing of their stories, victims have often reported declining mental health as a result of public testimonies (Wilson, 2003). For some, the process can be uncomfortable, frightening and even re-traumatizing, while for others, the lack of support and in some cases marginalisation from their communities following their statement-giving has caused additional pain and insecurity (Brahm, 2007; Ross, 2003). For instance, in South Africa, one poll indicated that a full two

thirds of those sampled believed that the TRC actually produced greater tensions and worsened relations between groups (Brahm, 2007). Thus, in practice, truth commissions have sometimes actually been found to create barriers to healing for individuals and communities.

Prager (2008) takes issue with the assumption that ideas about trauma and psychological repair on an individual level are relevant in discussions about a collective, which he argues is not backed by scientific evidence. According to this author, a focus on the theories of personal trauma places discussions about moving forward in the past, necessarily hindering the people who make up a community from easily imagining a common future. Thus, rather than concentrating on historical memories, he argues that engaging citizens in free and open dialogues about what a future together might entail, in their own terms, would allow them to more easily overcome their divided pasts.

Moreover, there are those who believe that a truth commission can place too much emphasis on victim rather than perpetrator “healing”. For them, there is danger in assuming that victims are the only ones who need to be active in the reconciliation process, and fear that colonial intentions and actions will not be adequately scrutinized. For instance, Henderson and Wakeham (2009) explain that by focusing on the healing of victims of IRS, attention can be diverted away from investigations into the reasons why the crimes were committed in the first place, and has the “potential to pathologize Aboriginal people” (16). Likewise, for Rymhs (2006), the metaphor of healing can take away from the agency of victims and ignore the role of the state and the churches as victimizers.

Green (2012) builds on these ideas, arguing that the therapeutic discourse used in Canada’s Settlement Agreement is problematic in that it emphasizes the examination of trauma experienced through IRS as central to reconciliation, pushing justice-seeking aside in the process. Moreover, in a settler-Indigenous context, she believes that there is a danger that

holistic Indigenous approaches to healing may be displaced by, and reduced to, one-dimensional Western notions of therapy as a means to a final cure. Rather than seeing healing in euro-centric, biomedical terms that denote an end point to trauma, Indigenous understandings of the term emphasize healing as a process, reject the link between healing and pathology, and highlight the ways in which healing is tied to justice and self-determination just as much as it is to mental and physical well-being. Certainly, the shift in healing program funding from the Indigenous run AHF to the state led Health Canada (HC) in 2012 has been identified as one way in which Indigenous approaches to healing have been displaced by Western ones through the SA (ibid).

Finally, while this idea of curing and rebuilding a fractured or ill society has been fundamental in other state approaches to dealing with historical wrongs, Green (2012) argues that the “narrative of national trauma and healing” is inappropriate in settler societies because it allows for the framing of “benevolence as misunderstood and institutions as simply misappropriated by problematic and cruel individuals” (137). For her, the risk here is that the critical need to decolonize institutions will be ignored as a result, severely limiting the reconciliation and healing potential of the redress process for IRS in Canada.

Reporting, Recommendations and Action

One of the primary objectives of a truth commission is the compilation of its gathered evidence into a report, and the creation of a list of recommendations on the basis of these findings. Thus, while truth commissions are commonly understood for their public role in allowing victims and perpetrators to share their experiences, much of their work actually occurs behind the scenes and after the fact. Several of the Canadian TRC’s objectives are relevant here, as in addition to facilitating truth-telling and reconciliation events on the

ground, it seeks to: promote awareness and public education of Canadians about the IRS system and its impacts; create a historical record about IRS and its legacy to be preserved and accessible to the public; produce a report of recommendations to the government for addressing the legacy of the system; and support commemoration of former students and their families (IRSSA, 2006).

Yashar (2012) explains how truth commissions can lead to further action, including changes to services and legislation, as well as reforms in education and other areas. Moreover, commissions have demonstrated the power to transform public opinions about an event or histories and enrich civil society, in addition to promoting a more tolerant and inclusive society, in general (Arthur, 2009; Hayner, 2010; Yashar, 2012). However, these outcomes are not typically understood as a given, but rather a potential result in contexts where commissions have strong support and commitment to change from the state (Yahsar, 2012). Thus, while TRCs such as the one carried out in South Africa certainly helped to transform national and international perspectives on the (un)justness of systems like Apartheid, still truth commissions have not often been capable of invoking the structural change that victim groups commonly hope for.

In its interim report released in 2012, the Canadian Commission expressed several concerns over its ability to reach its originally stated goals as a result of government non-cooperation. Critically, the issue of limited funds has emerged as a potential major hindrance, and the TRC has called on the government to allocate the additional funds required to ensure that work can be completed and adequate health supports secured throughout the remainder of the process. Funds have also been requested to support cultural revitalization projects and health, healing and parenting programs. The Commission also advocates for greater government involvement in commemoration initiatives, cooperation in

relinquishing documents in their possession, and a commitment to help disseminate research findings through school curriculum and public education campaigns. While the TRC's final report and recommendations are yet to be completed, it is relevant to consider how the organizations in this study perceive the potential impact of these aims, given the identified lack of cooperation from the government in many areas.

Reconciliation and Liberalism

Here, I turn to a discussion of the idea of reconciliation, a concept that has been used extensively in the IRS movement. However, it is worth noting that 'reconciliation' has not always been operationalized or sought through truth commissions, but instead gained popularity following its emphasis in the South African post-apartheid project. In some cases, barriers to reconciliation have not been perceived, and thus it has not been specifically pursued, while for states that have included it in their truth commission mandates, it has meant a variety of things from repairing relations between particular victims and offenders to rebuilding communities and societies as a whole (ICTJ, 2013). In what follows, I will unpack the concept in detail and explain its connections to liberal thought.

While the term "reconciliation" has a variety of meanings according to different actors and contexts, it has oft been employed as a normative aim pursued by states in the wake of widespread violence and injustice. In this sense, it is seen as a means to bring together former adversaries, as the victims, perpetrators and inheritors of past harms, such that society can overcome any legacy of wrongdoing and begin to work harmoniously towards a common and just future. Often truth commissions have been implemented as part of this process, with the assumption that truth-telling will facilitate healing and

reconciliation, both for individuals and communities, through the creation of a new collective memory (ICTJ, 2006).

Moellendorf (2007) explains that it is not necessary for all parties to be in complete agreement with the terms of reconciliation; instead, what is needed for the attainment of reconciliation is for all citizens to gain equal status within the political community. From this perspective, the existence of ongoing injustices for marginalized groups is not in contention with reconciliation. Rather, so long as all members of society can participate equally in political processes, there is an effective means for them to challenge continued grievances and prejudices through the same channels used by mainstream society (ibid). Thus, this growing trend to pursue reconciliation and the implementation of state-sponsored truth and reconciliation commissions as vehicles for this quest can be seen as a manifestation of liberal political values if the ultimate aim is to arrive at a state of equality that eliminates the need for the recognition of difference. While Moellendorf (2007) believes that the liberal roots of reconciliation are appropriate in that they promote peaceful co-existence in diverse societies through “a commitment to search for bases of broad acceptance” (216), others, including some recipients of state-sponsored reconciliation efforts, scholars, and activists have brought forth strong criticisms.

One point of contention, particularly in a settler society, is the charge that truth commissions are unable to explore ideas about reconciliation that fall outside of the established liberal democratic order. This results from limits placed on both what is allowed to be recorded within the space of a commission (Ross, 2003), as well as the extent to which the “truths” uncovered are able to effect change (Yashar, 2012). If it is indeed so that truth commissions “define and constrain [a group’s] possible narratives” (Angel, 2010, 2-3), then it is worth considering the following questions: Does a truth and reconciliation model have

the capacity to create a foundation for reconciliation that will satisfy states *as well as* those most affected by the harms in question? Through state-sponsored reconciliation mechanisms, with what are members of society being reconciled?

Truth and reconciliation commissions have also been criticized for their tendency to individualize crimes and victims at the expense of investigating the systemic nature of state abuses. Mamdani's (2002) critique of the South African Truth and Reconciliation Commission focuses heavily on this pitfall of reconciliation processes. For him, by concentrating on individual experiences, the TRC ignored the very nature of the Apartheid system as a policy that targeted an entire community of people. As a result, he argues that reconciliation too was focused on the more narrow political relationships between individuals and the state, rather than larger societal relationships.

While this argument is relevant in many contexts, it is especially important in reconciliation processes involving Indigenous peoples, who not only have histories of systemic violence and discrimination by states, but who also commonly understand their rights as stemming from their collective. In other words, the liberal assumption that experiences and rights belong to the individual can be embodied in reconciliation processes, creating possible tensions with Indigenous rights and ways of being (ICTJ, 2012). Hence, it is the normative roots of the term as implemented by some states that various actors take issue with rather than the aim of creating improved relations.

For instance, in a recent resource guide, the ICTJ (2012) states that the typical TRC model may be "alien or insufficient" with respect to addressing Indigenous experiences and rights (3). This is not only because these groups may not consider themselves wholly part of the state, but also that they may see "long-term, historical violence affecting a communal

life, often transmitted through an oral tradition” as more significant than the individual experiences commonly emphasized through truth commissions, in the liberal tradition (ibid).

In light of this, the Canadian case is particularly interesting in that not only was the term “reconciliation” initially embraced and employed by many survivors and their advocates as a goal, but the creation of a truth and reconciliation commission to address injustices related to IRS was an idea first brought forth by the AFN. Thus, whereas some have criticised the imposition of TRCs on former victims of state violence, IRS survivors were actively involved in its creation in the Canadian case. For this reason, it is important to pay attention to whether in this context the same limits to truth-telling and obstacles to implementing effective change exist, or if the participation of Indigenous actors in the development of the truth-telling process has fostered “reconciliation” beyond the term’s typical liberal restrictions.

Tradition and Culture in Transitional Justice

There has been a recent push towards the incorporation of more local and traditional measures and considerations in transitional justice projects, in part as a response to the standardization of international models that can promote foreign understandings of justice and reconciliation. Proponents argue that this can help to ensure that transitional justice measures are culturally appropriate for their intended populations, encourage greater participation and are seen as more legitimate on the ground (Nagy, 2009).

A prominent example of traditional methods of transitional justice are the post-genocide *gacaca* courts implemented in Rwanda, based on a pre-colonial method of dispute resolution in which community members would bring grievances to village elders to facilitate a settlement (Waldorf, 2009). A restorative style of justice was traditionally

promoted through *gacaca*, bringing together all parties involved and typically culminating in reparations to the victim and symbolic gestures of reconciliation. In the wake of the genocide, a version of these courts was set up in communities across the country, allowing victims to come forward with accusations, and alleged perpetrators to defend their cases in public “trials” (Staub, 2003). In this way, the courts sought to reveal the truths of crimes committed, eradicate the culture of impunity, and facilitate reconciliation and unity among Rwandans using locally rooted measures of justice that involved the community as a whole (Brannigan & Jones, 2009). Similarly, customary ceremonies such as *mato oput* were made use of in Uganda, and both Sierra Leone and East Timor incorporated traditional practices into their truth commissions (Nagy, 2009).

However, despite their rising popularity, traditional models of transitional justice have faced several challenges and criticisms. Firstly, there is the problem of assessing what is traditional and whether it is appropriate for modern day grievances. For instance, Rwanda’s *gacaca* courts were seen by some as very different in the post genocide environment from the traditional courts they sought to emulate (Waldorf, 2009). Others question whether the use of pre-colonial practices should even be attempted in the present, given the changing nature of culture and the inevitable evolution of practices in relation to histories and experiences (Nagy, 2009; Quinn, 2009). Moreover, often different regions experienced varying degrees and types of violence, some even over different periods of time (Quinn, 2009).

In the context of Canada, this is an important debate as not only has colonization changed societies and cultures diversely, but there exist many different Nations, languages, cultures and traditions, most of which were targeted by the Residential Schools, but had an array of experiences and outcomes. Liang (2013) argues that the varied experiences and

cultures of those impacted by IRS highlights the need for diverse methods to be available for dealing with its legacy. On the other hand, McCormick (2009) believes that there is in fact a “re-occurring pattern of what facilitates healing within Aboriginal individuals and communities”, namely based on the values of respect, reciprocity and responsibility (5). In either case, scholars have argued for the use of significant Indigenous cultural practices in processes addressing IRS, such as the use of traditional healing methods, and space for restorative and communal approaches to grieving (Henderson & Wakeham, 2009; Rice & Snyder, 2008; Woolford, 2009).

However, critiques first against the Alternative Dispute Resolution process, and then the TRC have accused both approaches of failing to embody Indigenous principles and instead promoting western notions of justice and healing (Flisfeder, 2010; Liang, 2013). For instance, some claim that the TRC is approaching the legacy of IRS as though it were an isolated occurrence rather than interconnected with a host of other events. At heart, this individualistic method is in contention with Aboriginal understandings of relationships as highly interrelated, necessitating a more holistic approach to addressing violent legacies (Liang, 2013). For the TRC’s part, they have created an Inuit sub-commission to address the specific needs of that group, and ensured that cultural support workers are available at commission events, as they strive to “provide a holistic, culturally appropriate and safe setting” for participants (IRSSA, 2006). Certainly, the extent to which these measures satisfy the survivor organizations participating in my study has been considered in my analysis.

Gender Considerations in Transitional Justice

Some argue that the liberal roots of transitional justice render its mechanisms incapable of taking into account the specific gender injustices and gender needs within a

particular situation (Bell, Campbell & Ni Aolain, 2004; Nagy, 2009; Reilly, 2007). That is, because peace and reconciliation processes often derive their bases from notions of universal principles of human rights (including gender neutrality), the gendered dimensions of violence and its aftermath can easily be left out of the discussion (Reilly 2007). Not only are women seldom a part of negotiations surrounding transitional justice projects, but their absence from the conversation means that the issues most relevant to them commonly do not get addressed in redress projects (ICTJ, 2010).

Progress has been made in scholarship to address the gender bias of transitional justice measures (Arthur, 2010), as well as through the “Platform for Action” that came out of the 1995 World Conference for Women in Beijing, which affirmed the need to incorporate a gendered perspective and an analysis of the gendered impacts of conflict into any program aimed at addressing historical harms (Bell, Campbell & Ni Aolain, 2004; Reilly, 2007). Nonetheless, that women are often subjected to a large part of the suffering associated with state violence, and similarly, tend to experience the brunt of any ongoing social and economic inequalities that result, renders this an important consideration for Canada’s TRC.

Certainly, Indigenous women in Canada have long been marginalized and today experience high levels of physical and sexual violence, poverty, murder and abduction, in addition to being greatly over-represented in prisons, all of which have been linked to the legacy of IRS (NWAC, 2010; 2011). Alfred (2009) explains how this represents an extreme assault on Indigenous communities, since although gendered violence and the unequal status of women is deeply-rooted and even endemic in many societies, “the fact that our cultures were founded on gender equality and respect makes it a special betrayal in Native communities” (59). Others concur that gender inequalities and the subjugation of women in

Indigenous communities have largely been the result of colonial practices, and the adoption of Western notions related to women and gender.

For instance, until Bill C-31 was introduced in 1985 and changed the rules for status claims, policies stemming from the Indian Act dictated that Indian women had to relinquish their status and rights when “marrying out” to non-Native men, while white women could gain status by marrying Indian men, clearly endorsing European notions of patrilineal descent as the guiding rule. It is easy to envision how this could drastically alter the social value of Indigenous women. In her study of its impacts on one community, Simpson (2009) found that this re-valuing of women has now been “woven into the consciousness” of the group to act as “a horizon for differentiation and enunciations of social value and worth”, despite the traditional importance of Native women in cultural and political spheres.

Similarly, in relation to IRS, students were separated by gender in the schools and different duties and roles were imposed on the children, on the basis of western ideas and beliefs. A study on a Residential School in Regina found that “both the Canadian government and the churches sought to reconstruct traditional Indigenous gender relations, gender roles, and gender identities, to reflect Euro-Canadian ideologies of gender” (Rosenau Chief Calf, 2003, 23), through IRS curriculum and vocational training. Thus, the important issue of gender justice has been analysed here, particularly through the inclusion of perspectives on addressing the legacy of IRS from the Native Women’s Association of Canada (NWAC), since “[c]ritical to achieving gender justice is the participation of women’s rights groups and victims in shaping and implementing transitional justice policies.” (ICTJ 2010, 2).

CHAPTER III: THEORETICAL FRAMEWORK

In this chapter, I develop the theoretical basis for this thesis by presenting an overview of postcolonialism and theories of social justice, Indigenous rights and self-determination, highlighting those aspects within each that are relevant to my topic. In doing so, I seek to provide the foundation from which my data analysis stems. Specifically, I examine how these theories help to explain and describe the ways in which the organizations I studied understand the IRS system, articulate their aims in addressing its legacy, as well as the extent to which organizations' goals are being promoted through the official process underway in Canada. First, I argue that a postcolonial approach to addressing IRS, in which dominant structures are both laid bare and challenged, is most strongly supported by the organizations studied here. That is, because these organizations and actors view the IRS system and legacy as one of a number of violent, colonial injustices committed against Indigenous peoples in Canada, they ultimately believe that in order to adequately address the harms done a process of decolonization is required, both internally among Indigenous peoples, as well as across other groups and institutions in mainstream society. Indeed, the groups and actors included in this study often made use of postcolonial language as a means to frame their objectives in relation to addressing the IRS legacy.

Next, I reveal the inherent limitations that are perceived to exist in the current movement, due to it being too tightly directed by the state rather than Indigenous peoples and principles. For instance, while certain aspects of redress advocated for by groups, such as truth-telling, education and healing, are seen to be forwarded through the Settlement Agreement (albeit to varying degrees), others, namely adequate compensation, criminal justice, structural change and a widespread commitment to challenge the validity of state systems and policies impacting Indigenous peoples, were not. As such, I draw on Povinelli's

(2002) ideas about the “cunning of recognition” to guide my findings. My aim here is to assess how, and to what extent, colonialism is seen to be alive and well in Canada, through a selection of organizational perspectives on the TRC and the IRS redress process more broadly. Further, I seek to highlight the possible dangers of pursuing certain forms of recognition and reconciliation, and the need to continually assess the existence and impacts of ongoing colonial policies, practices and institutions as these processes unfold.

Postcolonialism

Postcolonialism is a diverse field concerned broadly with the analysis of the impacts of colonialism. While traditionally applied to literary studies as a means to understand literature that revealed an “interaction between imperial culture and the complex of indigenous cultural practices” (Ashcroft, Griffiths & Tiffin, 2006, 1), it has since been used as a methodology within an array of academic fields, including political science, religious studies, anthropology and sociology (ibid 5). However, rather than suggesting that the era of colonialism has come to an end, the term ‘postcolonial’ instead describes “the continuing process of imperial suppressions and exchanges throughout [a] diverse range of societies, in their institutions and their discursive practices” (ibid 3). Certainly, postcolonial societies continue to experience oppression, in both explicit and more subtle ways. The postcolonial subject can include peoples within societies and nations that have regained sovereignty in the wake of imperial control, as well as those from Indigenous communities that continue to exist as minority nations within established settler states such as Canada, New Zealand, and Australia (ibid).

Numerous critical debates exist within postcolonialism, including discussions about how the subjects of colonialism gain agency and voice in a world made up of vastly unequal

power relations (Ashcroft, Griffiths & Tiffin, 2006). Certainly, theorists have looked at how social actors can and do challenge colonial histories and seek to impart their own versions of the past in the present, as a means to gain agency over experiences that have often been framed by settler perspectives. This challenge is important to theorist Gayatri Spivak (1999), who argues that the ‘subaltern’, that is, those “without lines of social mobility” (28), are unable to speak. Here, she means to convey her belief that because they are continually being “spoken for” by academics and institutions who understand them from their own situatedness, the subaltern’s direct voice is never truly given space to be heard. In essence, she deems that even those who act with the noble intent of improving the conditions of the most marginalized are incapable of fully hearing and comprehending the position of their subjects, and thus, cannot truly speak for them.

The novelist and post-colonial subject Chinua Achebe (1974) articulates a similar perspective in his claim that “the story we had to tell could not be told for us by anyone else no matter how gifted or well-intentioned” (145). As such, the act of speaking on behalf of the subaltern can itself be seen as a continuation of colonial injustice. Indeed, throughout my data, I found that actors were engaged in struggles for power to imprint their own perspectives on society and give voice to their own experiences on their own terms in order to challenge colonial histories related to Residential Schools and gain control over how the system and its legacy are talked about and understood both within and outside of their communities.

A second critical point that I draw on from within postcolonialism is central in explaining both the creation and the legacy of IRS. Historically and throughout their empire, Europe made use of teleological narratives of progress and constructed ‘other realities’ to describe its subjects, based on the “*prejudice* that European existence [was], properly

speaking, true human existence *per se*” (Serequeberhan, 2006, 90). For instance, Fanon (1963) acknowledged this phenomenon, arguing that “it is the settler who has brought the native into existence and who perpetuates his existence” (2). Some authors then argue that such narratives acted to afflict the postcolonial subject with a tainted view of herself or himself, as personal identities became influenced and entangled with colonial mentalities, including those that questioned the very existence of the colonized. One can clearly see the relevance of this idea to the topic of IRS, through which a European standard of conduct was deemed to be the only acceptable mode of conduct and related beliefs were drilled into the minds of colonized subjects through continual reminders within these schools, and elsewhere, about the inferiority of Indigenous languages, cultures and beliefs.

Postcolonial writers see this process as capable of acting as a double-edged sword, first through the destruction of peoples’ sense of cultural worth and second, through the adoption of the very tools used for oppression by colonized groups themselves. For Fanon (1967), it is both the violence with which European values were so often imposed, along with the dialogical nature of identity formation that drives behaviour here. He argues that it is not until the colonized come into contact with Europeans that they begin to see themselves through (and as) Others. In illustration, he provides this imaginary monologue performed by a colonial subject to describe the damaging effect when it does happen, emphasizing the importance of violence in enforcing conviction: “Sin is Negro as virtue is white. All those white men in a group, guns in their hands, cannot be wrong. I am guilty. I do not know of what, but I know that I am no good” (Fanon, 1967, 106). According to Fanon, subsequent to the internalization of inferiority and acceptance of the superiority of white values, a Native may then experience “a collapse of the ego”, after which he will seek only to attain a white existence (ibid, 119). As he explains, “[t]he [Native] stops behaving as an *actional* person.

The goal of his behaviour will be The Other (in the guise of a white man), for The Other alone can give him worth” (ibid, 119).

Theorist Achille Mbembe further describes the process through which these imposed conditions can become ‘naturalised’ (Ashcroft, Griffiths & Tiffin, 2006, 13) and incorporated into a postcolonial group’s social and political actions:

the real inversion takes place when, in their desire for a certain majesty, the masses join in the madness and clothe themselves in cheap imitations of power to reproduce its epistemology, and when power, in its own violent quest for grandeur, makes vulgarity and wrongdoing its main mode of existence (Mbembe, 2001, 69)

As a result, it is crucial to not only look at the direct impacts of colonialism, but also to analyse the ways in which the ‘politics of oppression’ have been taken over by and incorporated into postcolonial societies and subjects themselves (Ashcroft, Griffiths & Tiffin, 2006, 13). Indeed, not only did participants in my study see a strong link between the devaluation of their cultures through a violently imposed IRS system and the low self-esteem and lack of cultural continuity among Indigenous peoples and communities today, but they also pointed to oppressive structures of colonialism that have since been adopted and perpetuated from within.

Social Justice: From Redistribution to Recognition

While postcolonial ideas are helpful in explaining and describing certain perspectives on IRS and its legacy, it is also important to consider theories of social justice in order to better understand the ways in which justice for crimes of the past can be, and is being pursued in settler nations. In what follows, I will trace the evolution of these ideas from their traditional liberal roots to more current debates that have arisen in the context of today’s societies. In doing so, I seek to reveal some important considerations for the redress

movement around IRS in Canada, including the ongoing limitations of these theories to the development of an adequate process to address the Residential School legacy. Specifically, I look to critiques of social justice theories forwarded by scholars of Indigenous issues to guide my assessment of the TRC's perceived approach to truth-telling and reconciliation, paying close attention to the embedded systems of dominance that are seen to exist within this and other components of the Settlement Agreement. While certain goals and aims forwarded by the organizations and actors studied here were indeed seen to be supported through the TRC, I seek to understand and explain the limits that were perceived with respect to what can be achieved through this forum.

Prominent liberal political philosopher John Rawls (1958) defines justice as “the elimination of arbitrary distinctions and the establishment, within the structure of a practice, of a proper balance between competing claims” (165). For him, two principles shape the concept of justice in democratic societies: 1) that each individual has an equal right to the basic liberties of life; and 2) that each person has equal access to opportunities, which although not requiring all to experience equal outcomes, supports only those inequalities that work to the advantage of the worst off in a society (Rawls, 1985). The first principle assumes that there exist some universal values that can be used to determine that which all will agree to as basic liberties, while the second affirms the importance of distributive justice, that is, the “fair” allocation of goods across a society.

However, despite that this language of distribution was once the “hegemonic grammar of political contestation”, there has been a clear shift away from claims for justice through redistribution (Fraser, 2000, 107). Instead, what has emerged is a move towards claims for recognition as a means to social justice (Fraser, 2000; Harvey, 1993). Taylor (1994) refers to this as a “politics of difference”, which highlights the need to acknowledge

and respect those unique differences among individuals and groups, on the basis of such categories as gender, sexuality, race, religion and culture (Fraser, 2000). This is in contrast to the prior focus on a “politics of equal dignity”, which sought to ensure the same rights for all on the basis of a presumed universal set of values, and has therefore since been charged as assimilative and reflective only of those representing the majority within a society (Taylor, 1994).

The justification for recognition as justice stems from claims that recognition is linked to identity, and that individuals gain a sense of who they are, and their worth, by way of the recognition (or misrecognition) they receive from others (Fraser, 2000). According to this thesis, which draws on arguments supported by postcolonial theorists such as Fanon about the dialogical nature of identity formation, “our identity is partly shaped by recognition or its absence, often by the *mis*recognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves” (Taylor, 1994, 25).

Theorists are contemplating the impacts of these new forms of claims, and suggesting ways of responding, such that a current theory of social justice can be formulated. According to Harvey (1993), because the class politics of earlier decades has been replaced by a more fragmented politics surrounding diverse identities and issues, it has become difficult to respond to unjust circumstances with a “single institutionalized discourse” (52). As a result, for him, as for Fraser (2000), the fragmentation of politics and discourses has sometimes acted to displace important struggles for redistribution. Thus, while both authors agree that previous conceptualizations of justice focusing solely on distribution mask the more nuanced struggles that exist *within* class politics, the shift to claims for recognition of a range of differences as the pathway to social justice has also been problematic.

For Harvey (1993), the answer is to find ways of “breaking out of the local” by embracing the universality condition supported by Rawls, albeit through its continuous negotiation with particularities relevant to the oppressed. Further, it requires “situating situated knowledges”, or focusing primarily on similarities and only becoming concerned about what feminist theorist Donna Haraway calls *significant* differences. On the other hand, Fraser (2000) contests that there must be some way of integrating the struggles for recognition with those for redistribution, so that one does not eclipse the other. Moreover, on the basis of her argument that an emphasis on recognition claims can act to reify group identities by necessitating the use of particularities in order to make such claims, she posits that a theory of justice must also create “an account of recognition that can accommodate the full complexity of social identities” (108). For her, a failure to address this shortcoming in current justice claims can not only cause rigid categories for social identification to persist, but can also reinforce the existing power relations and forms of domination within groups (Fraser, 2000).

Taylor (1994) also attempts to reconcile the rifts between the ‘politics of difference’ and the ‘politics of equal dignity’. He argues that it is true that some forms of the liberal demands for equal respect cannot recognize difference because they refuse to accommodate exceptions to the rule or support collective goals. Certainly, where liberalism has falsely claimed the neutrality of its principles in order to argue for certain fundamental shared rights, other cultural perspectives have not been equally recognized or afforded the same level of worth. That is, the colonial mentality of assumed cultural superiority has often dictated the values for all of society (Taylor, 1994). Nonetheless, this author believes that there exist other liberal approaches that are more flexible, and thus capable of both recognizing equality and respecting difference. For him:

These forms do call for the invariant defense of *certain* rights, of course. There would be no question of cultural differences determining the application of *habeas corpus*, for example. But they distinguish these fundamental rights from the broad range of immunities and presumptions of uniform treatment that have sprung up in modern cultures of judicial review. They are willing to weigh the importance of certain forms of uniform treatment against the importance of cultural survival, and opt sometimes in favor of the latter (Taylor, 1994, 61)

This calls for members of a society to recognize, respect, and equally value the worth of cultural particularities, so long as they do not infringe on a set of fundamental social rights.

Taylor's position has been termed "liberal communitarianism" in that it emphasizes how some groups place great importance on the links between community well-being and an individual person's quality of life, in contrast to strict liberalism, which regards the individual as a separate unit of analysis. Specifically, in the case of Indigenous peoples, it is more than simply individual rights that are being demanded; rather, what is important, and what would be considered justice from this perspective, is the recognition of the collective rights of peoples striving to uphold their cultures, languages, and traditions (Taylor, 1994). While Taylor does not seek to abandon liberalism altogether, he argues for a "cross-cultural moral theorizing" (Newman, 2007) that stretches the boundaries of traditional liberalism.

However, despite that social justice theorists have attempted to address the limitations of a rigid, Rawlsian style of liberalism in accommodating the claims of minority groups, Coulthard (2007) and Povinelli (1998; 2002) argue that neither are these newer approaches entirely adequate. Rather, Coulthard (2007) believes that "the contemporary politics of recognition promises to reproduce the very configurations of colonial power that Indigenous demands for recognition have historically sought to transcend" (437). For instance, he argues that Taylor's "politics of recognition" emphasizes recognition at the expense of adequately questioning the "deeply rooted economic structures of oppression", which can at best only be weakened through the granting of recognition. Referencing Fanon,

he explains how societies often struggle for freedom from colonization through negotiation and constitutional reform, essentially gaining independence at the hand of the colonizer. Indeed, for Coulthard (2007), this ensures that “formal freedom and independence thus reaches the colonized ‘from without’” (449). As such, not only does the “subjectivity of the colonized” remain, but the inherently assimilative nature of liberal capitalism is allowed to live on, and in this way, perpetuate colonial harms. In essence, the only gains that can be made through this approach are the realization of justice and freedom as they are understood and articulated by the colonizer (ibid).

On the other hand, Coulthard (2007) argues that an approach like Fraser’s does the opposite by paying attention only to the ways in which the structures of society have misrecognized marginalized groups, without adequately endorsing the assertion of particular cultural identities. For him, Fanon correctly insisted that both challenging economic structures of oppression, as well as re-asserting, re-evaluating, and recognizing cultural particularities are required in order to achieve meaningful decolonization. As a result, ultimately Indigenous rights and struggles for decolonization through self-determination must begin from within the colonized themselves, “directed *away* from the assimilative lure of the statist politics of recognition, and instead be fashioned toward our own on-the-ground practices of freedom” (Coulthard, 2007, 456). This requires Indigenous individuals and communities to first recognize the dignity, worth and value of their own societies, cultures and histories, in order to free themselves from patterns of looking to the colonizer for recognition and worth, an idea I will return to later.

Similarly, Povinelli (2002) argues that recognition can be directed too tightly by the state itself, neither allowing Indigenous identities to express difference beyond certain limits, nor accommodating the “messiness” of identities that has arisen due to colonial histories and

the dynamism of culture through this process. Thus, she argues that while contemporary societies claim to encourage acceptance of difference, they can continue to be assimilative in nature as a result of their central focus on the pursuit of a more cohesive and coherent nation (Povinelli, 2002). However, for her, what is ultimately lacking through these theories is an analysis of the impacts of social justice claims and processes, in practice. As Povinelli (2002) suggests:

[B]efore we can develop a “critical theory of recognition⁵,” or a politics of distribution and capabilities, we need to understand better the cunning of recognition; its intercalation of the politics of culture with the culture of capital. We need to puzzle over a simple question: What is the nation recognizing, capital commodifying, and the court trying to save from the breach of history when difference is recognized? [...] we should pause and wonder what it is we are disseminating in actual rather than mere philosophical worlds (17).

Through her many years of research conducted in Australia, Povinelli (1998; 2002) found that the policies and procedures aimed at pursuing social justice for Indigenous peoples there had the effect of producing new narratives of national freedom from a colonial past, rather than actually and effectively challenging the fundamental (un)justness of the attitudes, systems and institutions that remain from this era (now deemed to be in the past). According to her, “[i]n this liberal imagination the state apparatuses, as well as its law, principles of governance, and national attitudes, need merely be adjusted to accommodate others; they do not need to experience the fundamental alterity of, in this case, indigenous discourses, desires, and practices or their potentially radical challenge to the nation and its core institutions and values such as “democracy” and the “common law”” (Povinelli, 1998, 581). Essentially then, these forms of recognition can act to free settlers from their guilty consciences more than they actually allow for a deep and critical consideration of how

⁵ The author references Nancy Fraser’s theory here

Indigenous ways can and should challenge the very ideals upon which state institutions and practices rest.

Thus, through this project, I have sought to uncover the possible impacts of addressing IRS through the Settlement Agreement, making use of those perspectives on the topic forwarded by select organizations (and their spokespersons) who represent survivors. I consider both how the TRC and SA support the aims of these organizations, as well as where they are seen to fall short, analysing these limits through the postcolonial critiques of social justice theories presented by authors such as Coulthard and Povinelli.

Indigenous Rights and Sustainable Self-Determination

Numerous Indigenous rights scholars have suggested ways of promoting effective and fair recognition of Indigenous rights in settler nations. For instance, Turner (2006) believes that unique group rights for First Nations in Canada should be afforded on the basis of Indigenous nationhood. Like the above theorists, he takes issue with a distributive approach to justice, arguing that it “does not fully recognize the legitimacy of Aboriginal sovereignty” (70). For Turpel (1992) too, sovereignty and self-determination are critical elements to justice for Indigenous peoples, and Indigenous voices must be included in the development of public policy, as “without participation in national decision-making, self-government is not meaningful” (593). Thus, for these and other authors, Indigenous governance must be recognized and greater powers granted to Aboriginal groups relative to federal and provincial governments (Carens, 2000; Lightfoot, 2010; Turpel, 1992). Indeed, Indigenous rights theorists argue for recognition of their rights *sui generis*, or unique, as originating from their status as the first peoples in this land (Borrows, 1997). That is, this perspective sees Indigenous rights as justified on the basis that they are “*still* self-governing

nations and that they have not in fact relinquished or ceded all of their powers to the state” (Turner, 2006: 66, italics original).

Nonetheless, for Turner (2006) and Niezen (2009), existing, non-specifically Indigenous rights frameworks can be employed by Indigenous actors as a means to achieve greater cultural protection and address colonial harms. To this end, these authors believe that it is critical for Indigenous rights activists to attain expertise in the use of western legal instruments as a way to pursue justice for their peoples. Turner (2006) refers to these leaders as “word warriors”, that is, those who are able to present Aboriginal claims and perspectives and thus further Aboriginal rights through engagement with non-Aboriginal peoples and frameworks. For Niezen (2009), it is a matter of “those seeking justice [representing] themselves in ways that will likely have broad appeal” (11). In other words, these theorists seek to find space for Indigenous rights within liberal societies. Certainly, Indigenous peoples in Canada have continually negotiated their rights and freedoms through the western institutions and policies that reign provincially, nationally, and even internationally. In this particular study, participants sought to have their claims heard through legal and political forums in Canada as well as on the global stage, in hopes of achieving greater support for Indigenous rights in general and address colonial injustices (and IRS), in particular.

However, in the same vein as Coulthard, Alfred & Corntassel (2005) believe that Indigenous struggles for freedom from oppression cannot succeed by making use of western systems or the language of the colonizer in order to address Indigenous concerns, as this can only lead to change to the extent that the colonizer is willing and able to grant it. As such, they refer to the use of colonial constructs and avenues by proponents such as Niezen, as a “politics of distraction”, that push opportunities for true self-determination aside, and can in fact encourage internal divisions. Instead, for them the means to decolonize must come from

within Indigenous knowledge, histories and experiences. Alfred and Corntassel (2005) thus consider how “Indigenous communities can regenerate themselves to resist the effects of the contemporary colonial assault and renew politically and culturally” (599).

To this end, they believe that “authentic Indigenous identit[ies]” must be embraced through the revitalization of culture, spirituality and language, as well as the strengthening of relationships and communities. Corntassel (2008) proposes a pathway to “sustainable self-determination”, which he argues should be thought of in terms of responsibilities rather than rights. For him, responsibility calls on Indigenous peoples to assert their own powers as nations, and to make use of “Indigenous centered discourse” as a framework for self-determination. Further, the approach must displace those endorsed by authors such as Niezen, who instead tend to focus on the colonial creation of Indigenous peoples as victims in order to challenge the state (Alfred & Corntassel, 2005).

That is, these authors take issue with the continuous use of Indigenous peoples’ victimhood as a means to forward Indigenous rights. For instance, in the case of IRS, too great a focus on the harms and impacts of IRS and the related need for healing can be seen to highlight the desperation and breakdown of Indigenous peoples and communities, overshadowing their strengths, achievements, and cultural resilience. Povinelli (1998) points to the dangers in approaching redress in this way and describes how settler states supporting social justice for Indigenous peoples can in effect co-opt the language of racism, oppression and shame into their new visions for a shared future, focusing on the damage done to Indigenous peoples (in the past) and their subsequent healing through recognition from the state (in the present). However, rather than going so far as to actually challenge and question systemic inequalities that live on, the state is able to merely claim that mentalities and practices have changed, then focus on healing this broken fragment of society. Thus,

Povinelli (1998) reveals the potential harm in allowing the state to frame and control the recognition process for colonial subjects:

[I]n this liberal imaginary, the now recognized subaltern subjects would slough off their traumatic histories, ambivalences, incoherencies, and angst like so much outgrown skin rather than remain for themselves or for others the wounded testament to the nation's past bad faith. The nation would then be able to come out from under the pall of its failed history, betrayed best intentions, and discursive impasses. And normative citizens would be freed to pursue their profits and enjoy their families without guilty glances over their shoulders into history or at the slum across the block (Povinelli, 1998, 582)

For this author, emphasizing the victimhood of Indigenous peoples and the shame of settlers as problems that can be solved through the creation of a shared vision for the future carries the risk of endorsing a false process of recognition and reconciliation.

Moreover, this approach does not consider the importance of incorporating Indigenous perspectives into the state's future direction, thereby sustaining the devaluation of their cultures. It also fails to acknowledge Indigenous worldviews and Indigenous peoples' incredible resilience and survival in the face of colonialism, rather depicting Indigenous pasts in the negative: as oppressed, broken, traumatic and in need of the kind of repair that can come from recognition of this painful history by the former oppressor.

Alfred & Corntassel (2005) clearly believe that the revaluation of Indigenous cultures and ways must guide the struggle for decolonization, which for them begins with an individual, and leads to the strengthening of groups, which can eventually gain the capacity to contest state power. Thus, for these authors, it is not necessary to "wait for the colonizer to provide us with money or to validate our vision of a free future; we only need to start to use *our* Indigenous languages to frame our thoughts, the ethical framework of *our* philosophies to make decisions and to use *our* laws and institutions to govern ourselves" (614). In other words, they support the need to break free from the idea that misrecognition from others, and

the colonizer in particular, has the power to cause any harm to those with pride of culture and identity, or that on the other hand, their granting of recognition can re-invigorate Indigenous peoples' self-worth. Indeed, while Fanon (1963) describes the process whereby the colonized internalize negative perceptions about their worth, he also envisions the decolonization process through which colonial subjects shed these falsities and reassert their own values; because negative ideas have been violently imposed on the colonized, in order to decolonize he imagines that "in revenge, the native laughs in mockery when Western values are mentioned in front of him", removing the power these ideas have over the colonized (10). Moreover, he insists that both the decision to end the period of colonization and the means with which to challenge it, must stem from colonial subjects themselves (Fanon, 1963).

The above discussion surrounding postcolonialism, social justice critiques, and sustainable self-determination will be used to help explain the ways in which the organizations and representatives included in this study understand the IRS system, seek to address its legacy, and the limitations they have experienced and perceived in pursuing and achieving these aims within the context of the SA. I reveal that these groups employed language and ideas stemming from postcolonialism, and envision a process of decolonization as a necessary component of addressing the IRS legacy, but that the current approach underway in Canada through the TRC and other components of the SA only goes so far in supporting their objectives. As a result, I argue that it is critical to monitor and evaluate these processes such that they do not "reproduce the very configurations of colonial power" they are hoped to overcome (Coulthard, 2007, 437).

CHAPTER IV: DESIGN AND METHODOLOGY

Population: An Overview

According to Funk-Unrau and Snyder (2007) as of 2005, there were 87,000 Residential School survivors living across Canada. However, given the advanced age of survivors, their numbers are decreasing rapidly and only about half of those living in 1991 remain alive today (ibid). These survivors are not confined to one geographical region, but rather reside in all areas of the country, both on and off reserve. As of 2007, there were officially 139 “recognized” Residential Schools, of which some were located in each province and territory with the exception of New Brunswick, Prince Edward Island, and Newfoundland (TRC). However, the TRC acknowledges that their list of schools does not include many of those that operated within Canada and had similar negative impacts on students who attended. Specifically, it excludes schools that were not funded by the federal government, as well as those that functioned only as day schools. Furthermore, it is important to make clear that the victims of IRS go beyond survivors to include survivor family members, friends, and communities.

For the purpose of this study, I sought to investigate the work, perspectives and aims of groups whose mandates include advocating on behalf of survivors. Organizations dedicated to advancing the needs of survivors began to formally organize in the 1980s. Some arose out of committed activism on the part of strong leaders who had survived the schools, and envisioned a coming together of other survivors in the area to pursue reconciliation and healing. Others sought litigation for crimes related to IRS, while still more were created with the aims of providing information to survivors regarding IRS redress options and representing survivors’ interests at the local, provincial and national levels. As well, Christian groups comprised of church leaders and communities, including survivors and their

supporters, have also formed to promote forgiveness, healing and reconciliation initiatives. Finally, some Indigenous organizations have incorporated this objective into the broad scope of work that they do. These organizations are varied in their composition and mandates and have sprouted from the visions and actions of Indigenous and non-Indigenous peoples and communities. Four such organizations have been included in this study; I have gathered data from in-depth interviews with six key informants from these groups, as well as various organizational texts, discussed below in detail.

Methodological Framework

This research project can be categorized as a qualitative descriptive study, as it seeks to obtain straightforward answers to questions, and stay as close as possible to the data. That is, I hope to (re)present organizational perspectives in their own terms, as voiced through documents and interviews with representatives. As Sandelowski (2000) explains, qualitative descriptive studies are appropriate designs when the researcher seeks to uncover attitudes towards a phenomena, in the way that I hope to. The aim of my project has therefore been the organization of perspectives and ideas in the manner that appeared to most suitably represent the data.

Analysis

The specific method of analysis I employ is qualitative content analysis, argued by Sandelowski (2000) to be the analytical method of choice for qualitative descriptive studies. While content analysis has traditionally meant the quantification of textual content (Ahuvia, 2001), Hsieh and Shannon (2005) explain that if performed qualitatively, it can “go beyond merely counting words to examining language intensely for the purpose of classifying large

amounts of text into an efficient number of categories that represent similar meanings” (1278). Thus, they define qualitative content analysis as “a research method for the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns” (ibid). Likewise, Sandelowski (2000) sees qualitative content analysis as “a dynamic form of analysis [...] that is oriented toward summarizing the informational content of that data” (338) This analytical approach was particularly suitable for this study given the large quantity of text I sought to analyse, and my objective of uncovering viewpoints related to IRS and addressing its legacy, as expressed through a selection of survivor advocates and organizations.

Qualitative content analysis is typically characterized by an inductive research approach, whereby categories and themes are derived from the data itself, in contrast to deductive analysis, which makes use of specified theories in order to identify the categories of study *a priori* (Elo & Kyngas, 2007). Hence, while the objective is to uncover trends in the data, this should be done in a way that stays close to the data rather than relying heavily on researcher interpretation or positioning. As Elo & Kyngas (2007) explain, “the outcome of the analysis is concepts of categories describing the phenomenon” (108). Nonetheless, I allowed myself to be loosely guided by a postcolonial framework as a means to organize and frame my data, albeit ensuring that ultimately this framework “earn[ed] its way into the study by virtue of its fit with and faithfulness to the data” (Sandelowski, 1995, 375).

As suggested by Anderson (2007), I began by reading through transcribed interviews one at a time, getting a sense of each interview before attempting to make any connections between them. In this way, I was able to gain an understanding of the data in the speaker’s terms without pressure to make analytical assumptions, which could act to reduce the data from each interview from its own depth. Throughout these initial readings, I highlighted key

phrases and passages, making “concept memos” in order to reflect on the way in which each participant described and understood relevant concepts, such as justice, healing, and truth-telling. Next, I reviewed multiple interviews, and began making “theory memos”, which attempt to make links between perspectives and ideas related to key concepts (White & Marsh, 2006). Specifically, I followed Berkowitz’s (1997) suggestion to code qualitative data by asking:

What patterns and common themes emerge in responses about specific topics?
How do these patterns (or lack thereof) help to illuminate the broader central question(s) or hypotheses? Are there deviations from these patterns? If yes, are there any factors that might explain these atypical responses?

By approaching my data using this two-step process, I sought to pursue an analysis that White & Marsh (2006) explain as producing “conceptual depth through thoughtful arrangement of detailed observations” (39). That is, not only did I seek to find patterns and themes in my data, but also to explore the complexity and diversity of perspectives within each category of response.

Moreover, because analysis and coding occurred in tandem, I was able to continually (re)evaluate my questions and direction, which proved to be critical in my study. According to White & Marsh (2006), “the emphasis is always on answering the research questions but considering as well any transformations that the initial foreshadowing questions may have undergone during the coding or any new questions or themes that emerge during the coding” (39). Indeed, while I began my research by focusing on ideas related to “reconciliation” for IRS, on the basis of the term’s use by the TRC, I found that it was not a concept that participants and groups were entirely comfortable with. I then encountered the same obstacles when making use of the term “redress”. Having discovered that my initial research questions would not produce the data required for meaningful analysis, I reformulated my

research questions, as well as interview guide to reflect the better accepted idea of “addressing” the legacy of IRS. In doing so, I have sought to acknowledge the breadth of work and approaches undertaken by organizations to address the legacy of IRS, beyond merely attempts to “reconcile” relationships and provide “redress” for this historical wrong. While either of these terms could be defined in a similar way for the purpose of this study, their widespread use in the context of transitional justice carries with it specific connotations, which I attempt to avoid by employing the broader and less associative idea of “addressing” the legacy. Where I do make use of the terms “redress” and “reconciliation” in this thesis, it is with recognition that understandings of these concepts are broad and varied.

Likewise, my initial attempts to focus on the TRC over other elements of the SA also proved difficult. In this case, groups and representatives tended to view the TRC as interconnected with each of the other elements of the Agreement, rendering my aim to look at the TRC in isolation futile. Thus, while I primarily focus on the TRC, other components of the SA have also been considered, where these emerged from the data as interrelated.

Sample Selection

White & Marsh (2006) explain that “text” used for analysis can include narrative responses, observations, and print media, and can take electronic, print or verbal form; text also has meaning, which the writer or speaker intends to express. Despite using an inductive approach to analysis, data selection for qualitative descriptive studies such as this one can be purposeful to ensure that there exists some variety within the sample, allowing the researcher to investigate the complexity of a specific phenomenon. Drawing on Sandelowski’s (2000) work, I understand that “the ultimate goal of purposeful sampling is to obtain cases deemed information-rich for the purposes of study” (338). White and Marsh (2006) explain that the

sample sizes for studies of this nature are typically limited, but should attempt to include enough cases to allow all themes in the data to emerge. I began with the intention of conducting a total of six interviews with two representatives from three different organizations, but found that a fourth organization was required to allow for a more comprehensive understanding of my topic. I was only successful at recruiting two representatives from two organizations, and one from each of two others. All of these groups have published a variety of materials relating to their aims, mandates and objectives, which I have also purposefully sampled from.

In order to begin sampling organizations for my study, I performed an initial review of literature, which helped to uncover several broad classifications of survivor perspectives on addressing the legacy of IRS. These initial categories were: criminal justice, forgiveness, and advocacy and representation, which allowed me to select three organizations that I found to represent these perspectives, including the Friends and Relatives of the Disappeared (FRD), Gathering Nations International (GNI), and the National Residential School Survivor Society (NRSSS), respectively.

Unfortunately, I faced recruitment problems with GNI and so chose to remove the group from my study, and include an alternate faith-based organization, Kairos Canada, whose work I first encountered at the TRC national event in Halifax. However, this latter group's work, aims and perspectives differ significantly from those I initially intended to represent through the inclusion of the faith-based group GNI, which promotes widespread forgiveness for the crimes of IRS. That is, Kairos Canada, while an organization based on Christian principles, forwarded many of the same decolonization messages as the other groups included in my study. Certainly, the removal of GNI from my study resulted in a less diverse sample of ideas related to addressing the legacy of IRS. Likewise, in an effort to

diversify my sample I made initial contact with several other groups involved with the redress process in Canada, including those working very closely with the TRC itself, but was unable to recruit any willing and able participants.

Finally, as I conducted and transcribed interviews and reviewed other texts, I was able to use early readings of the data to determine an additional and critical case for inclusion. Specifically, upon completing three interviews with male representatives from survivor organizations, I uncovered the absence of a gendered approach to dealing with IRS harms, and so made the decision to include the Native Women's Association of Canada (NWAC) in my sample. This approach is described by White & Marsh (2006), who explain that:

Some cases may be selected prior to initiating coding, but the selection and coding may also occur in tandem, with subsequent case selection influenced by discoveries during the coding process. Analyzing new cases may continue until no new patterns or findings related to the concept under analysis become apparent in the coding process.

Thus, the categorization and selection of my data was ultimately subjective, but my choices were made purposefully with the aim of identifying and including a range of responses and perspectives, such that the themes this research seeks to better understand are brought to light. Nonetheless, it is important to note that much of the diversity of perspectives I had hoped to include in this study did not materialize as a result of the recruitment obstacles described above.

As such, this study seeks to present an analysis of the ideas forwarded by its participating organizations and individuals, without claim that these necessarily represent the broad and diverse sample from which they were selected. Despite this, my data has nonetheless allowed me to better understand some of the complexity and themes that

surround perspectives related to my topic. Ultimately, the following four survivor and

Indigenous organizations were included in this study:

Organization	Location	Key Message	Mandate
Friends and Relatives of the Disappeared (FRD)	BC (office), works in BC, MB, ON	Justice-seeking	To pursue justice and compensation for the Residential School system
The National Residential Schools Survivor Society (NRSSS)	ON (office), works nationally	Advocacy & Representation	To serve as a national voice for the best interests of grassroots survivors and their descendants
Kairos Canada	ON (office), works nationally	Faith-based	To encourage faithful action for justice
The Native Women's Association of Canada (NWAC)	ON (office), works nationally	Gender-based	To advance the well-being of Aboriginal women and girls, as well as their families and communities through activism, policy analysis and advocacy

Data

In-depth Interviews

Organization	Key Informant/ Respondent	Title	Relationship to IRS/survivors
Friends and Relatives of the Disappeared (FRD)	Kevin Annett	Founder	Survivor advocate
National Residential School Survivors Society (NRSSS)	Michael Cachagee	Executive Director	Survivor
	Ray Mason	President	Survivor
Kairos Canada	Julie Graham	Education & Campaigns Coordinator	Survivor advocate
Native Women's Association of Canada (NWAC)	Michele Audette	President	Inter-generational survivor
	Fiona Meyer-Cook	Research & Policy Analyst (former)	Survivor advocate

Interviews with representatives from the chosen organizations constitute the primary component of the data employed for this study. As Schwadel & Dougherty (2010) explain,

“a small number of knowledgeable individuals per organization in equivalent positions across organizations can provide reliable organizational data” (367). I recruited interviewees through purposive sampling, and interview participants were enlisted from organizations according to seniority, subject knowledge, availability and willingness. I interviewed participants in lead roles with each of these organizations, with the exception of Kairos Canada. However, for this group, as well as NWAC, because their mandate extends far beyond the issue of IRS, my interviews with an Indigenous rights campaign coordinator and former IRS research & policy analyst, respectively, provided expert insight into this specific area of the groups’ work.

I first contacted the initial organizations by mail to inquire about their willingness to support my project. Two of these (NRSSS and FRD) responded to those letters by email stating their support, after which interviews were scheduled and conducted (two with NRSSS representatives, one with FRD). Next, I contacted the President of NWAC as well as one of their former employees, both of whom agreed to participate as interviewees. Finally, I reached out to a campaign coordinator at Kairos, who passed me along to another knowledgeable representative working in the area of Indigenous rights within the organization, who was willing and able to speak with me. Contact information for individuals was retrieved from organization websites, and in the case of one participant from NWAC, through my thesis supervisor.

Interviews were pre-scheduled at the interviewee’s convenience and took place over the phone. I conducted one interview with each participant, each lasting approximately one hour. Interviews were semi-structured, combining open and closed ended questions related to specific themes pertinent to my research questions. Interviews were conducted between November 2011 and October 2013, and each was audio recorded and transcribed verbatim.

Through interviews, I sought clarification and elaboration on organizational understandings of IRS and its legacy, approaches towards addressing this legacy, and responses to the official process underway in Canada. In-depth interviews served to enrich my understanding of the proposed research questions by providing a platform for participants to express and articulate their organizations' (and their own) views and positions on the subject. That is, in addition to data gathered from documents, key informant interviews allowed me to "ask in-depth and probing questions" and "get respondents' candid discussion of the topic", in order to better understand the motivations, beliefs and goals of organizations included in my study (UCLA, 1).

However, it is important to clarify that participants in this research project acted in a dual capacity, as both key informants⁶ for their organizations, as well as respondents⁷, inevitably sharing personal experiences and perspectives. While I originally intended to include them solely as key informants, upon completing my interviews, I discovered that not only did participants often revert to personal perspectives, experiences and opinions, but this information also provided expert insight into my research questions. As Seidler (1974) explains, researchers sometimes ask their interview participants to play both roles in their research, but each has his or her own way of separating the data. Thus, although I have attempted to focus on groups' aims and perspectives, in some cases I have considered participants' voices as strictly their own, while recognizing that these have inevitably been influenced by their roles within the organizations included in my study, as indeed representatives' own lives and histories are deeply entangled with the work that they do. This

⁶ Key informants are "knowledgeable participants, who observe and articulate social relationships for the researcher" (Seidler, 1974, 816). In this case, they provided insight into organizations' activities and aims.

⁷ Respondents are "reacting participants" who "report personal feelings, opinions and behaviours" (ibid).

distinction between informant and respondent positions has been made clear throughout the thesis, where I note whether representatives spoke on behalf of themselves or their organizations. Ultimately then, this project considers ideas forwarded by the above four organizations and their representatives (both past and present). I have used participants' real names in this study, having obtained consent to do so from each of them.

Documents & Other data

Organization	Document(s)	Other Data
Friends and Relatives of the Disappeared (FRD)	FRD Mandate	Unrepentant: Video (2006)
	IHRTGC Mandate	Notes: book reading event with Annett in Ottawa (2010)
	ITCCS website	
National Residential School Survivors Society (NRSSS)	NRSSS mandate	N/A
	“A preliminary report regarding the implementation of the Indian Residential Schools Settlement Agreement (IRSSA)”	
Kairos Canada	Kairos Canada Website	N/A
Native Women's Association of Canada (NWAC)	“Culturally relevant gender responsive models of reconciliation”	N/A
	“Reconciliation & equality rights”	
	“From residential schools to prisons”	

In order to supplement the data collected through interviews, I made use of textual data published by the sample organizations outlining their mandates and positions with respect to addressing the legacy of Residential Schools. I utilized purposeful sampling as a means to determine the most “information-rich” documents and texts for data analysis, which were retrieved from organizational websites and other public forums (Sandelowski, 2000). Certainly, this data differs from that gathered through the interviews, in that it has been reviewed, edited and verified by different members of the organization and officially put forward by groups to represent their perspectives, eliminating much of the bias error that can come through in interviews. Nonetheless, for the purpose of my study, as for research in

general, data collected from multiple sources (i.e. “triangulation”) can enable a richer understanding of a group or an issue and allow for cross-validation of information (UCLA; Elliot & Timulak, 2005). Indeed, this also sometimes assisted me in distinguishing participants’ own voices from those of their organizations. Throughout the analysis, I specify whether the data referenced was gathered from documents or interviews, thereby acknowledging their diverging properties.

CHAPTER V: SUMMARY OF FINDINGS

In the following section I will provide an overview of the four organizations included in this study, summarizing the main points gathered from interviews, documents, and other data. In doing so, I hope to make clear the general mandate and objectives of these groups, as well as introduce the work they have done with respect to addressing the IRS legacy. I will also touch on the ideas raised by participants and organizations that pertain to my research questions, to provide context for the deeper cross organization analysis that will follow.

Friends and Relatives of the Disappeared (FRD)

The Friends and Relatives of the Disappeared is a small group that was formed in Vancouver in 2005, motivated by survivors who sought recognition of the Indian Residential Schools' "missing children". According to its leader, who I conducted an interview with in June 2012, it has since grown to include between 500 and 1000 survivors across three cities, now also including Winnipeg and Toronto. The group is headed by the 57 year old non-Aboriginal activist and former United Church of Canada Minister, Reverend Kevin Annett, who became heavily involved in advocacy work on behalf of Indigenous peoples after spending time in the "Apartheid community" of Port Alberni and uncovering the details of "Canada's (Native peoples) genocide" and its lasting legacy (Annett, 2007). The FRD have held demonstrations and rallies in churches across Canada, as well as organized a group that protested at the TRC's first national event in Winnipeg in 2010 (Ferrio, 2010).

The FRD has a clear mandate to pursue justice and compensation for the Residential School system, which includes seeking: one million dollars for every IRS survivor, as well as "comprehensive compensation" for intergenerational survivors; the removal of restrictions to pursuing further justice on the basis of accepting any such compensation; the liability of

churches for the crimes committed within the schools and institutions they managed; full disclosure of the crimes committed through IRS and hospitals; full disclosure related to the children who died there, as well as the repatriation of their remains; and payment for expenses related to medical and counselling care for IRS survivors and their families⁸.

In pursuit of these goals, the FRD established a “public investigative body” in 2007 called The International Human Rights Tribunal into Genocide in Canada (IHRTGC), to conduct research around IRS and to indict the government and churches for crimes of genocide. This Tribunal invited all survivors, direct and intergenerational, to come forward and provide statements related to harms suffered through IRS. It also sought to create “sovereign indigenous courts of justice” to sentence perpetrators. In addition, the group advocated for a land reclamation movement to re-assert the sovereignty of Indigenous nations and the validity of traditional governance. Finally, the FRD called for a boycott campaign against the government of Canada and all churches involved in IRS, including a boycott of the 2010 Olympic Games, other areas of trade and tourism, and most recently, the TRC.

Annett has published several articles on his website and elsewhere, outlining the range of issues he takes with the TRC, calling it a “whitewash” of the truth and an “obstruction of justice”. He criticises the Commission for its lack of subpoena power and inability to prosecute or even name the names of those responsible for specific crimes. For these reasons, he argues that it will only produce “a sanitized version of the unspeakable” and that despite their painful participation in the process, survivors will not see any of their experiences acted upon or used in order to pursue justice.

⁸ <http://www.hiddenfromhistory.org/historyfiles/html/2007-08-30-program-residential-school-survivors-and-families.html>

In these articles, as well as in the interview I conducted with Annett, he elaborated on the FRD's mandate and objectives, emphasizing their central aims of pursuing "full disclosure" and "full accountability" for the crimes committed in IRS, including the awarding of reparations to victims, an independent inquiry based on international standards of justice, as well as the use of traditional Indigenous courts, support for archaeological digs to uncover, repatriate, and provide a proper burial for the "missing children", and finally, public and widespread acknowledgement of the true histories of the schools.

The National Residential Schools Survivor Society (NRSSS)

NRSSS was formally established in 2005, with the primary aim "to serve as a national voice for the best interests of grassroots survivors and their descendants" (NRSSS). The group is based in Northern Ontario, but is made up of various smaller organizations that represent First Nations, Metis and Inuit peoples, and indeed, claims to represent all Aboriginal peoples. In a 2007 report, NRSSS estimated that their official membership exceeded 20,000 survivors, although in an interview conducted with President Ray Mason in October 2012, he confirmed that the group was in the process of closing its doors. Until that time, it played an advisory, information sharing, networking and lobbying role for survivors across the country, by promoting healing, empowerment, reconciliation and justice, particularly by advocating for direct survivor involvement in the terms of the Settlement Agreement.

In their 2007 "A Preliminary Report Regarding the Implementation of the Indian Residential Schools Settlement Agreement", NRSSS outlined three central issues they found regarding the Settlement Agreement. Firstly, they argued that survivors were not directly involved in either the creation or the administration of the SA, which was instead dominated

by the AFN, Inuit representatives, churches and legal groups. The organization criticized the way in which the government that was responsible for IRS was able to have such significant control over how the SA rolled out. As such, they called for a more independent process whereby survivors could be highly involved by representing themselves in each area of the Agreement.

Next, the group argued that the implementation of the SA was taking far too long, and recommended that the process be sped up to address the needs of ageing survivors. Finally, they found that there had not been enough communication with survivors about the details of the SA, and called for better dissemination of clear information surrounding survivor rights under the SA. In the report, NRSSS also argued that the destruction of IRS records by the government of Canada had unjustly placed the burden of proving attendance on survivors, and that this policy should be both acknowledged and addressed. Furthermore, they stated that survivors should retain their right to sue, whether or not they chose to opt-out of the SA (NRSSS, 2007).

The first of two interviews I conducted with this group's representatives, was with Executive Director and IRS survivor Michael Cachagee in January, 2012. He highlighted the flaws associated with the Settlement Agreement and described how the issues outlined in his group's 2007 report have only become exacerbated since then, speaking specifically about the TRC. I also completed an interview with survivor and President Ray Mason in October 2012. In our conversation, he explained how the organization aimed to assist all survivors in any capacity possible, and to ensure that as many people as possible received the greatest deal they could as compensation for their experiences in IRS. For him, reconciliation can involve many different things, meaning that it cannot be easily mandated. Thus, as an

organization, he argued that NRSSS sought to facilitate reconciliation rather than outline a “set program” for its achievement.

Kairos Canada

Kairos joins together eleven member churches and groups to encourage “faithful action for justice”⁹. I conducted an interview in September 2013 with Kairos Canada’s Education and Campaigns Coordinator for Dignity and Rights, Julie Graham, who has worked for the organization since it opened its doors, but had just voluntarily accepted an exit package from the group. According to Graham, Kairos’s social justice seeking mandate in Canada has included a significant emphasis on the promotion of Indigenous rights since the organization’s inception in 2001. Through education initiatives, Kairos seeks to inform federal policy related to Aboriginal peoples, promote awareness of such recommendations as those put forward by RCAP, challenge racism against Indigenous peoples, and provide resources for use in the education of Canadians on the true histories related to these groups.

Kairos works on several campaigns related to Indigenous rights, noting the injustices presently faced by FNIM peoples, and arguing that “[a]ll of us share in the responsibility of understanding how our collective history has created these current inequalities” (Kairos, 2013). They also encourage people from all backgrounds to pressure the government to enact the UNDRIP, host workshops on Indigenous rights, take part in TRC events, promote justice for Aboriginal women by encouraging “Sisters in Spirit” vigils, and call on people to contribute photos bearing messages of support for “Truth, Reconciliation & Equity”. Their website also contains resources on the topics of concern, including information surrounding

⁹ <http://www.kairoscanada.org/who-we-are/>

the PM's 2008 apology, links to the TRC's website, and a suggested prayer for the children who were forced to attend Residential Schools.

According to Graham, these campaigns are funded and supported through long-term partnerships with various domestic and international agencies, and informed by an Indigenous rights circle comprised of representatives from member churches and groups, as well as experts from a number of Indigenous organizations. In our conversation, Graham explained in detail some of the grassroots education work that Kairos has been doing to promote "truth, reconciliation, and equity" related to IRS, but stressed that for this organization, "TRC engagement is not at all separate from the wider Indigenous rights relation work".

The Native Women's Association of Canada (NWAC)

The Native Women's Association of Canada has been incorporated since 1974 and represents Aboriginal women in Canada at the national level. It operates under an elected national President and Board of Directors, which includes the leader of each of NWAC's provincial and territorial organizations, in addition to four youth and four Elder representatives. NWAC is based in Akwesasne, Ontario, with a satellite office in Ottawa. The organization "works to advance the well-being of Aboriginal women and girls, as well as their families and communities through activism, policy analysis and advocacy"¹⁰. Their areas of focus are diverse and include issues of education, employment, health, the environment, human rights, and violence. They have also worked towards addressing the legacy of the Residential School system, through research, advocacy and community-based

¹⁰ <http://www.nwac.ca/about-nwac>

initiatives. Part of this has included the creation of several reports, namely, “Culturally Relevant Gender Based Models of Reconciliation”, “Arrest the Legacy: From Residential Schools to Prisons”, and “Gender Matters: Building Strength in Reconciliation”.

The first report was written in response to the SA, as a way for the organization to outline their perspectives on reconciliation and explain both the need for, and the means to ensure, that any model used to this end takes a culturally relevant, gender-based approach. In the report, NWAC presents an analysis of four case studies (The Aboriginal Healing Foundation, Reconciliation Australia, the Boarding School Healing Project, and The Children’s Aid Society of Ottawa), through which it highlights important lessons for the IRS project. For them, because “destroying traditional gender balance was an essential strategy of colonization, gender justice must be an essential element in both the process and outcomes of reconciliation” (30). To secure this, NWAC (2010) insists that these models be based on Indigenous worldviews, given their non-hierarchal and gender equal characteristics, as well as their holistic nature, which “emphasizes the interconnectedness among all things” (7).

In their second report (2012), NWAC seeks to shed light on the links between IRS and the over-incarceration of Indigenous women, so as to “spark justice and reconciliation dialogues across the country amongst communities, practitioners and decision makers engaged in Aboriginal justice initiatives” (4). This builds on the previous paper by looking at one of the systemic inequities among the women and girls they represent, that is, the over-criminalization of Indigenous women. For them, it is important to promote greater understanding of the legacy of IRS, to address the conditions and discrimination that create this reality, promote collaboration between Aboriginal and non-Aboriginal peoples on the issue, and improve outcomes through grassroots initiatives.

I spoke with former NWAC Research and Policy Analyst Fiona Meyer Cook in September 2013 about some of the work she did with them from 2011 through 2013, which included researching and writing the “Arrest the Legacy” report. While she no longer works for the organization and was not able to speak to the overall views of the organization, her description of this particular project headed by NWAC nonetheless provided valuable insight into the ways this group both understands and seeks to address the IRS legacy. She explained how she was hired to work specifically on issues related to IRS and the SA, and how through her research, the huge disproportion of Indigenous women in prisons, and its links with IRS, revealed itself and became the focus of her work.

Next, I spoke with NWAC President Michele Audette in October 2013, who was able to talk more generally about the organization’s goals, aims and perspectives. She explained that although NWAC does not have a specific division devoted to the topic and issue of Residential Schools, they consider and discuss the ongoing impacts of IRS in all areas of their work. In fact, Audette told me that the organization itself was created largely by women who experienced the schools, although it began by focusing on the issue of discrimination against women through the Indian Act. Nonetheless, for her, the topic of IRS “was always there and it’s still there”.

In discussing the required means to address the IRS legacy, Audette stressed the importance of genuine commitment to supporting systemic change and active engagement of the government in this process, beyond merely making a statement of apology. Moreover, she insisted that ongoing paternalistic mentalities must end by allowing Indigenous peoples to lead and inform the development of the process. For NWAC, self-determination in general, including the ability to decide for themselves who is Indigenous and to make use of

Indigenous systems and political institutions, is also an important component to addressing the IRS legacy.

CHAPTER VI: DISCUSSION OF FINDINGS

Having provided an outline of each of the organizations and representatives included in my study, I will now proceed to address my research questions through an in-depth and cross-organization discussion of the above introduced perspectives and ideas. In doing so, I seek to pinpoint similarities and divergences in the data, noting both trends across groups and participants, as well as shedding light on disparities. To reiterate, I ask: *How is the IRS system and its legacy understood by the organizations and actors included in this study? How do these groups and their representatives seek to address the legacy of IRS and to what extent are these aims seen as being forwarded through the TRC and other elements of the Settlement Agreement?*

As I demonstrate in what follows, the IRS system is generally seen by these groups and their representatives as an intentional injustice by a paternalistic colonial power, framed as either genocide (FRD; NRSSS) or a grave human rights infraction (Kairos; NWAC), the legacy of which is understood by all as the oppression and degradation of Indigenous cultures, languages and communities. Moreover, groups believe that through the internalization of colonial ideas about the inferiority of their ways, Indigenous peoples have sometimes experienced a low sense of self and group worth, and communities and individuals have in some instances even resorted to embracing and employing colonial tactics through their own political and social actions. In addition, IRS has been interpreted as merely one element within a larger system of colonial harms and as such, was not seen as fully comprehensible without consideration of the broader context and conditions in which it arose. Similarly, its impacts and outcomes are understood by each of these organizations as woven into the wide range of experiences and realities faced by Indigenous peoples across

generations. That is, organizations made use of Indigenous worldviews on the interconnectedness of all things in order to understand the IRS system and its legacy.

As a result, groups and their representatives tended to propose a process of decolonization as a means to address the legacy of the Residential Schools. Specifically, through truth-telling, education and healing initiatives, they have all sought to gain agency over the interpretation of the history of IRS in Canada, and to have survivors' own views and experiences widely disseminated, understood and respected, both within their own communities and across Canadian society generally. Central to the work needed among Indigenous peoples themselves, was seen to be the strengthening of traditional cultures, languages, and practices, as well as the revitalization of Indigenous pride across generations.

While some form of compensation was important to all groups, ideas around this varied from large payouts to all survivors (direct and intergenerational), to sustainable funding for healing programs. The common ground across organizations was that compensation recognize and address the group-based, intergenerational, cultural and linguistic harms caused through the schools, in addition to physical and sexual assault. For two groups, FRD and NRSSS, criminal justice was seen as an important element to addressing the IRS legacy, through processes that are independent from the government and churches, and based on international standards of justice, so as to ensure that Indigenous peoples are treated justly in relation to other groups who have been victimized.

On the other hand, Kairos and NWAC felt that rights-based measures, such as a genuine implementation of the UNDRIP principles, were of central importance. Certainly, all organizations argued that Indigenous rights and greater self-determination for Indigenous peoples must be a part of any redress project, including a fundamental challenging of the existing political frameworks surrounding Indigenous peoples in Canada. Moreover, groups

felt that the legacy of IRS had to be addressed using holistic, Indigenous methods of inquiry, justice and healing, directed by Indigenous communities and groups themselves. Following this, in pursuit of decolonization, these groups believe that while all Canadians must be involved in the process, their role should begin as one involving deep listening and a commitment to challenging dominant structures and mentalities, rather than directing and informing procedures.

However, organizations and their spokespeople found that only some of their goals were being forwarded through the official process currently taking place in Canada. Perspectives varied by speaker, but in general, participants felt that certain goals related to truth-telling, education and healing have been supported by the TRC more than others, including criminal justice, compensation and the promotion of genuine structural changes to what they see as ongoing colonial practices. Moreover, even in its strongest points, and despite that most groups viewed the intentions of the TRC and its Commissioners as genuine and dedicated to achieving outcomes that were generally aligned with their own, the potential for these to be attained through this process was seen to be severely limited. In particular, the TRC was considered inherently flawed for several reasons, including: its perceived connections with, and reliance on, the state and churches that were responsible for the IRS system; a lack of participation and support from non-Indigenous Canadians; and the absence of adequate survivor and Indigenous perspectives and practices in various aspects of the process.

In what follows I will attempt to build the above arguments by looking first at how the IRS system and legacy is understood by organizations in this study, followed by a discussion of their efforts and aims at addressing this legacy, and finally, considering perspectives on the TRC and SA's ability to forward these organizations' goals. It is

important to note that while the above general themes across groups were relatively consistent, there was variance in how these perspectives were expressed, the importance placed on each element, and the way in which groups felt these should be pursued. Thus, throughout my discussion, I seek to keep the nuances of the trends in check by paying attention to both distinct and subtle differences that emerged from the data collected from various groups and representatives.

Part 1: Interpretations of the IRS system and legacy

In this section, I address my first research question: *How is the IRS system and its legacy understood by the organizations and actors included in this study?* I begin by looking at how the system itself is viewed by those who participated in my study, before investigating their perspectives on the legacy of IRS, including perceived ongoing impacts on Indigenous peoples and communities today. The following table provides a summary of key points¹¹ for each organization in relation to these questions:

Group	Framing of IRS system	Framing of IRS legacy
Friends and Relatives of the Disappeared (FRD)	Interconnected with wider colonial project; Intentional; Genocidal (focus on criminal activities: murder, sterilization, internment, etc.)	Negative social outcomes (poverty, suicide, infant mortality, etc.); Intergenerational & Interconnected with outcomes of other policies; Destruction of culture & tradition; Internalized oppression & Internal divisions
National Residential School Survivors Society (NRSSS)	Interconnected with wider colonial project; Intentional; Genocidal (focus on cultural and social violence)	Negative social outcomes (family breakdown, psychological trauma, physical, sexual & alcohol abuse, aggression, etc.); Intergenerational & Interconnected with outcomes of other policies; Destruction of culture & tradition; Internalized oppression & Internal divisions

¹¹ This includes only the most prominent themes for organizations, and as such, while some themes are not outlined for a group, they may still have come through to some extent in the data, and will be considered in the discussion.

Kairos Canada	Highly interconnected with wider colonial project; Violation of rights; Attack on Indigenous cultures & gender balance	Negative social outcomes (violence against women, poverty, etc.); Intergenerational & Interconnected with outcomes of other policies; Destruction of culture & tradition
Native Women's Association of Canada (NWAC)	Highly interconnected with wider colonial project; Intentional; Violation of rights; Attack on Indigenous cultures & gender balance	Negative social outcomes (violence against women, poverty, high rates of incarceration, etc.); Intergenerational & Interconnected with outcomes of other policies; Destruction of culture & tradition Internalized oppression & Internal divisions

The IRS System

IRS as interconnected with wider colonial project

Firstly, groups and representatives described the Residential School system as a racist policy enacted by the state, and stemming from the mainstream social perception that Indigenous cultures were (and are) inferior. For instance, Cachagee drew links to the European notions of progress and ways of life that inform(ed) colonial policies towards Indigenous peoples, explaining how Aboriginal peoples were deemed less valuable than settlers on the basis of their collective land use traditions that did not fit with European ideas of wealth and worth as stemming from individual property ownership. For him, despite the amount of wealth generated from their traditional lands, Indigenous peoples were not considered “an entity” in Canadian society due to the fact that they did not own land, as such.

Next, respondents tended to talk about the Residential School system not as a separate and isolated event, but rather as part of a larger, broader, and still ongoing colonial project. Without exception, participants discussed what they considered to be other related colonial experiences in their conversations surrounding the Residential School legacy and

contemporary initiatives to address it. That is, for them, it was not possible to look at the history and legacy of IRS without also talking about such events as the decline of the fur trade, the “60s scoop”, the “colonially imposed band and council structure”, broad institutional violence associated with the Indian Act, land theft, and the reservation system. In Graham words, “it’s a big, complicated web”. Hence, participants explicitly asserted that IRS was merely one element of the colonial project that characterizes the history of Canada. While NWAC and Kairos more explicitly tie IRS to the broader colonial system than FRD and NRSSS in their publications, respondents’ voices indicate that this is likely a result of these groups’ mandates stretching beyond IRS, rather than implying that the latter groups do not make these links. Finally, all organizations pointed to the way in which the colonial project persists today and continues to inform social attitudes and policies.

IRS as intentional

Certainly, none of the interview participants expressed sentiments of the system as merely “mistaken” or “misguided”. In fact, NRSSS representative Cachagee took specific aim at Minister Duncan’s public assertion that IRS was “just a flawed educational policy”. Only in publications from the Christian organization Kairos Canada were what could be described as similar perspectives expressed, through reference to “mistakes of the past” and “misguided intentions imposed”, when discussing IRS. However, long-term representative and Education and Campaigns Coordinator for Dignity and Rights for this group, Julie Graham, clearly and unequivocally described the Residential School system as “an effort to kill [Indigenous] cultures” so as to facilitate land theft and pursue a divide and conquer approach to controlling the first peoples inhabiting the lands. Thus, while the language used in publications may reflect a certain less critical perspective, one of those individuals guiding

the processes within Kairos, at least, expressed her position in different terms, more closely aligned with those employed by FRD, NRSSS and NWAC.

IRS as genocidal and/or a severe violation of rights

For all of my interview participants and their organizations, IRS is considered to have been a deep injustice and violation of Indigenous peoples' rights. However, the ways in which they expressed these perspectives varied slightly by organization. Both NRSSS representatives strongly supported the position that the Residential School system constituted cultural genocide, and made reference to the definitions outlined by the UN Genocide Convention in order to make their case. As Mason explained, "the reality is that if you take children away and to place them with another group in society for the purpose of racial indoctrination, was and is an act of genocide". Furthermore, both he and Cachagee likened the Residential School experience to that of the Holocaust, with Mason explaining how when listening to a Holocaust survivor speak, he "identified with him almost [...] word for word".

For FRD too, the IRS system was a blatant act of genocide on the part of both the government of Canada and the churches. One key distinction in these perspectives is the extent to which FRD focuses on the criminality of IRS. To be clear, both groups acknowledged that serious crimes such as rape and murder occurred within the system. However, NRSSS tended to focus more on the cultural and social aspects of the harms, while for FRD, the physical crimes committed take centre stage. For instance, Annett spoke of "very high death rates", "sterilization programs", "internment camps" and the "mass grave sites" being uncovered. As such, he argues that all five definitions of genocide outlined by the UN can be said to apply to IRS.

While the spokesperson from Kairos Canada did not offer up the term “genocide” in our conversation, she did confirm that “the crowd we tend to be working with absolutely talks in those terms”, when I inquired about this particular understanding of IRS. However, according to Graham, for this organization, the language they employ around IRS speaks to the violation of Indigenous peoples’ fundamental rights that occurred there and elsewhere. For NWAC too, IRS represented a policy intended to destroy Indigenous peoples by assimilating them into the mainstream, a definition consistent with that of genocide. President Audette cited RCAP findings that the Residential Schools were “a tactic to make sure that there [were] no more ‘savages’”, through “a policy [aimed at] killing the Indian in the child”. For them, the system was a deliberate attempt to destroy Indigenous traditions, cultures and beliefs, and particularly targeted Indigenous women as a means to do so. While framing the system as genocide is not a central argument put forward by the group, they acknowledge that Canada’s colonial past has involved “state sanctioned human rights violations *and* genocide” (NWAC, 2010, 3, italics mine).

Thus, whereas all groups understand the IRS system as a deliberate attack on Indigenous peoples and cultures, FRD and NRSSS emphasize the genocidal nature of the assault, while Kairos and NWAC instead tend to frame it as a severe infraction of rights. Nonetheless, what is important in this conversation is that despite their varying focuses, each of these groups’ perspectives point to the way in which these organizations and their representatives interpret the IRS system as intentionally destructive, and reflective of a general and overarching paternalistic mentality about, and approach towards governing Indigenous peoples in Canada. Moreover, groups understand IRS as merely one component of a broader colonial project enacted by the state and churches, which cannot be understood in isolation from other colonial harms.

The IRS Legacy

Negative social impacts

In describing the legacy of the Residential School system, organizations all agreed that the impact is profound and that the schools have been pivotal in shaping the realities of Indigenous peoples and communities today. Indeed, without prompting, participants spoke at length about the negative social impacts of IRS that reverberate through the lives of survivors and their communities. For instance, NRSSS representatives discussed the connection between the schools and community and family breakdown, arguing that the widespread removal of children from their parents and the psychological, physical and sexual assault they often endured, has led to the proliferation of spousal abuse, incest, psychological trauma, alcoholism, loss of parenting skills, the inability to love, deep rooted anger, aggression, and the destruction of language and culture, among individuals, families and communities. For FRD, the legacy of IRS lives on today through high rates of infant mortality, poverty and suicide, among a range of other negative outcomes in Indigenous communities (TCGC, 2001). Kairos representative Graham noted resource extraction as an additional consequence extending from the IRS legacy, while NWAC (2002) believes that “[t]he most negative period during colonialism was the federal government's implementation of residential schools” (17), which has led to vast harms including suicide, prostitution, violence, sexual abuse, drug and alcohol abuse, and gambling.

In their literature, NWAC also strongly emphasizes the gendered impacts of colonialism. For them, the imposition of western patriarchal views through indoctrination and the segregation of genders and duties through the schools and elsewhere has led to a general devaluation of women in Indigenous communities, which has in turn contributed to

high rates of poverty, incarceration, murder and violence among this group (NWAC, 2010; 2012). Graham explained that for Kairos too, the Residential School system has encouraged “disproportionate violence against Indigenous women”. NRSSS representative Cachagee acknowledged this as well, arguing that “if you’re a Native woman, you’re valued much less”, referencing the high numbers of unsolved missing and murdered Indigenous women cases today as evidence. For all of these groups, the imposition of western values surrounding women on Indigenous peoples has severely degraded the social, political and economic role of women in their societies.

A particularly strong link that NWAC has found is that between IRS and the over-incarceration of Indigenous women; my participant Meyer-Cook explained how a vast number of women and girls in custody today are either direct or intergenerational survivors of Residential Schools. She also spoke of the additional damage that the foster care system and the 60s scoop has caused, which many of the same people have been impacted by as a result of the parenting, family and social rifts created by IRS. For NRSSS representative Mason as well, the disproportionate rates of Indigenous inmates relates directly to the IRS experience, and can also be explained by the sense of security that prisons provide to a highly marginalized population.

Intergenerational harms & Interconnected with outcomes of other policies

However, the critical and collective thread that emerged among groups here was the idea of the interconnectedness of various colonial policies, practices, and outcomes, or as Meyer-Cook (2013) termed it, the “multiple dimensions”. That is, while participants pinpointed numerous injustices faced by Indigenous peoples today that can be linked directly to the Residential School system, they tended to view these as interconnected,

intergenerational and ongoing, in line with the traditional Indigenous perspective that everything is connected. Importantly, although individuals attended IRS, their experiences there and the long-term outcomes are seen to go beyond merely the personal. As Kairos Canada's Graham explained, the "multi-generational human rights violations" endured by Indigenous peoples through the Residential School system are considered "absolutely a community experience". Likewise, for NWAC (2002), "[t]he combination of all of the detrimental effects upon the lives of those who attended these schools has caused a chain of intergenerational abuse and violence" (25). Certainly, all of the groups studied made connections between IRS (and other colonial injustices) and the broad social issues faced by communities today. Thus, for all groups, the social conditions that persist for survivors, direct and intergenerational, such as alcoholism, violence, and over-incarceration, must be evaluated within the context of a range of colonial policies and injustices, including IRS.

Degradation of Indigenous languages, traditions and cultures

Beyond the negative social outcomes discussed above, the attack on culture emerged as the primary harm that these groups discussed with respect to the legacy and impact of the schools across Indigenous communities. Again, the focus tended to be on the interconnectedness of colonial harms and impacts, as well as the intergenerational reach of cultural damages, which run particularly deep due to the widespread family disruptions created by the Residential School system. For instance, Mason explained how his group, NRSSS, sees strong links between language and culture, the former of which was explicitly targeted in the schools as a means to weaken the latter. He reflected on how before attending IRS, children often spoke their Indigenous languages, whereas after, many had forgotten them entirely through forced learning in English and (often brutal) punishment for the use of

another language. For him, this often created deep rifts within communities when students returned home, as they were no longer able to communicate with those who had stayed behind.

Similarly, NWAC notes in one of their reports that “Indigenous languages are the foundation for culture-based understanding”, making clear the connection between the destruction of language and culture (NWAC, 2010, 3). For this group, colonial policies such as IRS have therefore “led to the marginalization and devaluation of First Nations roles and lifeways” (Wesley-Esquimaux, cited in NWAC, 2010, 11). For Kairos’s Graham, it was not just the intentional destruction of language, but also the approach to teaching and learning in IRS that stemmed from Western cultures and worldviews, which caused harms to Indigenous cultures. Certainly, Eurocentric ideas were seen to prevail throughout the schools, and to have the impact of displacing Indigenous worldviews with colonial ones, or at least attempting to do so.

Internalized oppression & Internal divisions

Mason explained how these ideas presented to the students within the schools and through social interactions, became internalized for many survivors. He described his own personal feelings of shame at being an “Indian”, and in being ashamed of his darkness, how he attempted to “scratch the redness out of [his] skin”. Likewise, NWAC also believes that these racist views have tainted the way that Indigenous peoples see themselves. For instance, in her work with the group, Meyer-Cook described how she encountered this perpetuation of shame through generations, whereby young people often did not know anything about their heritage or nation because “in keeping with what had happened in the Residential Schools with the erasure of culture, the parents had also tried to erase that in [their children]”.

Furthermore, NWAC states in one of their publications that “[c]olonialism has profoundly altered traditional Indigenous beliefs and practices; both Indigenous women and men have internalized colonial beliefs about female inferiority and male authority” (NWAC, 2010, 13).

In their published works, NWAC and FRD outline another way in which the devaluation of Indigenous worldviews has been accepted within communities, that is, through the displacement of traditional governance by the band and council system. FRD also pinpoints the internal divisions that have arisen as a result of the tensions between people within communities who support different political regimes. As Annett argued, “in Native communities, there’s a lot of in-fighting and factionalism”, while an NWAC representative mentioned the “internal issues” that communities are dealing with as a result of IRS.

Taking the most extreme and vocal position on the topic, FRD conclude in their summary document from their own truth commission inquiry that “[t]he Canadian residential schools [...] completely bifurcated native nations into two very different and hostile cultures” (FRD, 2001, 56). According to this report, certain Indigenous individuals were co-opted through preferential treatment in IRS, and assisted the schools’ administrators in achieving their genocidal aims. For this group, the legacy of this phenomenon is that those “who terrorized their fellow Indians at the behest of residential school staff years ago are still performing the same task at the helm of state-funded creations like the Assembly of First Nations, and local band councils” (ibid, 57).

For Kairos representative Graham, the “divide and conquer” aims of colonial policies, including IRS, did indeed facilitate divisions among Indigenous peoples. This participant, along with spokespeople from NWAC and NRSSS, also cited the rifts that have been caused by the removal of children from their families and communities, both among

individual families and across generations, more broadly. In particular, not only was IRS argued to have disrupted the transmission of culture, language and traditions, but it has also created anger, frustration and bitterness within families, where members either could not understand, or did not know of each other's experiences within the system. In one report, NWAC (2002) highlights how this was an intended goal of IRS: through "intense and prolonged application of schooling to the younger generations [...] a cultural wedge would be driven between younger and older Indians, and the former would gradually be absorbed into the dominant society" (Titley, 19).

Without question, each of these organizations believes that IRS has caused a web of damage to Indigenous individuals and communities, as a result of the intentional suppression of language and culture, which has been internalized by some, in various ways. Thus, in addition to widespread negative social outcomes for Indigenous peoples such as high rates of suicide and drug and alcohol abuse, cultural harms are seen as a significant part of the legacy of IRS.

Part 2: Addressing the IRS system and its legacy

In this section, I examine my second research question, by asking: *How do these groups and their representatives seek to address the legacy of IRS?* I will explain how organizations have sought to address the Residential School legacy through several mechanisms. To begin with, all groups felt that truth-telling, education, and healing were critical to this process, as a means to both re-shape mainstream Canadian perspectives, as well as strengthen Indigenous communities. Further, each organization advocated for some form of compensation. For FRD and NRSSS, there should exist a criminal justice element, whereas Kairos and NWAC focus their efforts on advancing Indigenous rights. Finally,

greater self-determination and participation of Indigenous peoples and perspectives in their own social, political and economic affairs was considered critical to addressing the IRS legacy. The following table provides an overview of each organization's key proposals and specific activities¹² in this area:

Group	Key Proposals to address IRS	Specific Activities to address IRS
FRD	Truth telling, Education & Healing: Re-framing history, Strengthening Indigenous peoples, Use of Indigenous informed, community-based & culturally relevant programs; Compensation (direct payments & program funding); Criminal justice (international standards, independent process); Self-determination	-research & advocacy (gather & disseminate survivor experiences through books, articles, films, etc.) -public pressure: demonstrations, protests & boycotts (churches, TRC, Olympic games, etc.) -pursuit of comprehensive compensation for survivors and intergenerational survivors -establishment of The International Human Rights Tribunal into Genocide in Canada (IHRTGC) -perform gravesite digs -support land reclamation, Indigenous courts & the reassertion of Indigenous sovereignty -provide support and healing for survivors
NRSSS	Truth telling, Education & Healing: Re-framing history, Strengthening Indigenous peoples, Use of survivor informed, community-based & culturally relevant programs; Compensation (direct payments & program funding); Criminal justice (international, independent process); Self-determination	-research & advocacy (gather and present grassroots survivor concerns and needs to help bring about and inform the SA process; advocate for direct involvement of survivors in the terms of the SA; lobby for compensation; organize community presentations; promote awareness) -threaten to pursue international justice -advisory, information sharing and networking for survivors -support family healing models (using Indigenous approaches)
Kairos Canada	Truth telling, Education & Healing: Re-framing history, Strengthening Indigenous peoples, Use of indigenous informed, community-based programs; Compensation (program funding); Indigenous rights & Self-determination	-research & advocacy -promote Indigenous rights and recommendations forwarded by Indigenous groups and inquiries (e.g. RCAP, UNDRIP, FPIC) -seek to inform federal policy related to Indigenous peoples -use grassroots education initiatives to challenge racism against Indigenous peoples, promote greater

¹² This includes only the most prominent themes for organizations, and as such, while some themes are not outlined for a group, they may still have come through to some extent in the data, and will be considered in the discussion.

		<p>understanding between groups, and forward alternative (Indigenous) versions of histories</p> <ul style="list-style-type: none"> -engage church members -encourage participation of all Canadians in forwarding Indigenous rights and pursuing equity, including self-determination for Indigenous peoples -promote participation of Canadians in TRC events
NWAC	<p>Truth telling, Education & Healing: Re-framing history, Strengthening Indigenous peoples, Use of indigenous informed, community-based, culturally relevant programs; Compensation (program funding); Indigenous Rights & Self-determination</p> <p><i>Gendered approach</i></p>	<ul style="list-style-type: none"> -research and advocacy (performed at grassroots levels and particularly focus on links between IRS, colonialism, and social outcomes) -seek to inform policies and procedures (provides recommendations to government, TRC, etc.) -publication of research materials -promotion of UNDRIP principles -engagement of criminalized women, justice workers, police officers, care workers, etc. to raise awareness around links to negative social outcomes -support for Indigenous healing models (connecting generations, land programs, cultural revitalization)

Truth-Telling, Education & Healing

All groups believe that addressing the legacy of IRS requires having survivor experiences both told and made known, as a way to challenge dominant interpretations of history with those from survivors and Indigenous peoples themselves. For FRD, this has been pursued through community-based work with survivors to document their stories. Annett explained that this is the primary concern for many of those he has worked with, informing his group's strong focus on making the truth (as told by survivors) known. Mason also supports this idea, arguing that through his work with the survivors NRSSS represents, he found that the most important aim for them was "to get their experiences¹³ out".

According to Graham, Kairos sees value in breaking the silence around IRS, and for both this

¹³ For Mason the term "stories" is problematic in that it implies there is room for fabrication; thus, he uses the term "experiences" to give credibility to the words spoken by survivors and to express that they represent a lived legacy.

group and NWAC, truth-telling is important because it allows spaces for dialogue to open up, and for those who have been impacted to share their perspectives.

Re-Framing History and Perceptions in Canadian Society

There were many ideas surrounding the value and purpose of truth-telling in communities. Firstly, groups thought it was critical to compile a record of experiences in order to educate non-Indigenous peoples about the histories of the schools, as told by survivors themselves. Groups talked about education as a way to address the lack of general knowledge that exists among Canadians about the Residential Schools and to improve peoples' understandings of contemporary relations. However, the primary aim for organizations here was to address deep rooted racism and create a pathway to challenging negative stereotypes about Indigenous peoples.

For Mason, teaching all Canadians about the true histories of the schools could help them understand and support the need to advance Indigenous rights and address the harms caused. NRSSS colleague Cachagee too believes that it is necessary to counter peoples' perceptions that the IRS experience was merely "trivial", instead understanding and acknowledging it as genocide, in line with Indigenous perspectives. FRD's Annett talked about the language used to describe the "schools", which his group believes should more appropriately be deemed "internment camps" to reflect their true nature, as understood by the survivors his group represents. Meyer-Cook explained that educating non-Indigenous peoples with these versions of history could also help change perceptions surrounding criminalized Aboriginal peoples, for instance, by raising awareness around its links to Residential Schools. Finally, NWAC President Audette insisted that Indigenous interpretations of IRS must be incorporated into mainstream thought since there still exist

strong, misinformed stereotypes that Native peoples are unfairly living off of taxpayers. For her, “by teaching what happened to us, maybe those prejudices, or the racism and ignorance will slowly melt and disappear”.

School curriculum

For FRD, NRSSS, and NWAC, educating about IRS should be done through schools and the implementation of mandatory curriculum, which incorporates the new evidence and perspectives that have emerged in recent years, such that young Canadians can learn the truth about what occurred. Specifically, representatives spoke about the need to include Indigenous views on the IRS system and the intergenerational and ongoing impacts of the schools. For Meyer-Cook, curriculum in schools should also cover colonial policies, broadly, as well as information regarding historical treaties, Indigenous rights, the historical agency of Indigenous women, Indigenous peoples’ contributions to society and the importance of Aboriginal worldviews. That is, IRS should be talked about as merely one way in which colonial policies have played out in our collective history, in line with Indigenous holistic worldviews. At the same time, these should focus not just on the victimhood of Indigenous peoples, but also on their strengths and achievements in the face of colonialism.

Both NRSSS and FRD have promoted the idea of curriculum development, and have played a role in collecting survivor experiences and raising awareness about the legacy of the Residential Schools, while NWAC has engaged students in this type of learning. For instance, as part of her role with the group, Meyer-Cook created a play and guidebook about the legacy of IRS and ongoing racism towards Indigenous peoples, which has been used in schools to engage youth in discussions around these issues, and particularly, to encourage

non-Aboriginal children to start thinking about how they can become allies to Indigenous peoples and address racism in their own lives and amongst their own families.

Engagement with other segments of society

Groups talked about promoting awareness of IRS and its impacts in other ways as well. For instance, Kairos has focused on engaging non-Indigenous peoples in the TRC's initiatives, and in particular, encouraging attendance at national and community events, either in person or via webcast. This group allows its work to be guided by RCAP findings that insist on public education as critical to "realizing a renewed relationship between Aboriginal and non-Aboriginal peoples"¹⁴. Graham explained that while this does involve work with "people of the pews", through worship services and theological reflections, it also entails reaching out to interfaith and secular society members. For instance, through connections with migration and refugee organizations, Kairos helps newcomers to Canada learn about the history of Indigenous peoples here, including the IRS system and its impacts, as a means to counter prevailing stereotypes.

One of the tools this group uses to facilitate learning is what they call the "blanket exercise", which is an interactive way of explaining the history of colonialism in Canada. Going through the history of the Indian Act and IRS, this activity demonstrates the connections between land theft and cultural loss. According to Graham, it "puts the responsibility on non-Indigenous peoples for learning the histories and challenging our existing notion of the history and of the relationship". She explains how "you're standing in the shoes of Indigenous peoples while you're on the blanket, and they're gradually taken

¹⁴ <http://www.kairoscanada.org/dignity-rights/indigenous-rights/>

away or you're pushed off". In this way, it "allows people to access some emotion" and think about how they would feel if they experienced something similar, particularly with their own children and residential schooling. This focus on evoking empathy and understanding has proved powerful, according to Graham, and often raises frustrations among participants who wonder why they had not been taught history in this way.

Finally, Graham talked about the role that churches could play in facilitating dialogues on IRS between Indigenous and non-Indigenous peoples, on the basis of shared religious perspectives, which allow Indigenous peoples to be heard in one of the few social spaces where they hold equal ground. She insisted that the Christian idea of forgiveness her group takes their lead from is one which sees repentance as a critical component of the process. For her, "in biblical terms, you haven't repented if you continue to do the same thing". Thus, Kairos feels that "truth-telling and reconciliation has to be in constant dialogue", rejecting any notion of unconditional forgiveness as a means to healing. In other words, ongoing truth-telling must be interwoven with appropriate responses.

For FRD too, the church has been used as a space for awareness campaigns, although for this group it has involved more contentious methods such as sit-ins, rallies and protests, whereby survivors hold signs and engage passersby, soliciting support for their demands for truth-telling and justice. This group's leader has also created several books and a documentary, in addition to regularly posting information on their website, as a way to disseminate survivor stories.

Political and social advocacy

Through their work, NRSSS has focused on political engagement around the issue of IRS. For instance, early on the group gave addresses in the House of Commons and to the

Aboriginal Standing Committee, bringing survivors along with them to share their experiences, in order to educate and rally support for a process of compensation and acknowledgement at the national political level.

For NWAC, it has been important to raise awareness among those working in justice and care, around the IRS legacy. According to Meyer-Cook, through learning circles, this group has brought together women and girls in custody with police officers, justice workers and prosecutors, among others, to help educate on the links between IRS and the over-incarceration of Indigenous women, and to promote culturally relevant models of justice for this group. Further, Meyer-Cook delivered presentations on the work she completed to groups within the Ministry of Public Safety and the Senate Committee on Aboriginal Affairs, for instance, in order to help shed light on the legacy of IRS and offer recommendations for moving forward. Finally, she talked about the need for the media to support this educational aim, by also focusing on the strengths and achievements of Indigenous peoples, or “telling the whole story”. Certainly, educating mainstream Canadians on Indigenous perspectives, in order to challenge dominant (mis)interpretations of history and counter prevailing stereotypes, was seen as a necessary component to addressing the legacy of the Residential Schools.

Healing & Strengthening Indigenous Communities

Next, groups talked about the need for education and awareness-raising among survivors and their communities, as a way to open up conversations such that issues can be addressed and individuals, families and communities can work towards healing and strengthening. Part of this was seen as the need to break free from the dominant, imposed telling of history that sees Indigenous cultures as inherently problematic, and re-gaining

agency over Indigenous experiences and pride in traditional knowledge. Further, support for community-based, culturally appropriate and extensive healing programs was considered by all organizations to be a requirement to addressing the legacy of IRS.

Several organizations have been active in working with survivors on the ground and developing or supporting education and healing tools for this purpose. For instance, Annett explained how the books and film created by his organization, FRD, have assisted community learning and healing. For him, these resources provide groups with the evidence they need to understand their own experiences accurately, which can help empower survivors by allowing them to release some of the pain and anger they are holding onto. For instance, legal documents provided in one book, which explain how parents were forced to sign away guardianship of their children to the state, have helped survivors deal with feelings of abandonment through the knowledge that the system was also imposed on their parents. In this way, education within communities has helped to spark processes of reconciliation for individuals and their families. NWAC President Audette also insisted that when it comes to teaching the histories of the schools, “we have to do it ourselves also in our own communities”, since in many cases “our people don’t know what their grandparents and parents went through”.

Cachagee explained that it is also valuable for survivors and communities to understand the links between IRS and the behaviours and breakdowns that exist today. His group, NRSSS, has supported the use of family healing models, whereby one individual or survivor looks within and tries to make sense of their own experiences and outcomes in order to come to peace with themselves. Following this, the family is asked to take part in the process, and to discuss all of the family issues that exist. By taking the view that many of the identified problems stem from IRS, the family can critically work through the web of

dysfunction they are facing. Cachagee argued that once complete, the family can view the connections objectively and understand the broad impacts that Residential Schools have had on their family. He describes the process as “demystifying the whole realm of the legacy of Residential Schools”, and explained that if several families pursue it, larger groups and eventually entire communities can engage in similar dialogues. NRSSS has also delivered presentations to Indigenous communities, and at conventions and events, to raise awareness around community breakdowns, their links to IRS, and the need to begin working through issues together in order to heal.

NWAC has taken a similar approach to educating about the impacts of IRS within Indigenous communities. The programs they have promoted include connecting youth with Elders and survivors to improve understanding about the IRS legacy among youth, validate the experiences of young Indigenous peoples, as well as build connections and empathy between age groups. In another project, youth created films to share their knowledge with other young people, which Meyer-Cook explained helped them strengthen leadership skills, gain confidence in their own abilities and experiences, and diminish blaming patterns. This organization has also worked with youth in communities by asking them to talk about their ideas regarding what is causing hardships and divisions, as well as what is needed to restore broken relationships, both inside and outside of their own communities. Finally, NWAC has involved Indigenous women in the criminal justice system in learning circles, which allows them to express their ideas about how their experiences relate to IRS and what they feel could better address their needs. Indeed, much of NWAC’s work has aimed to create spaces for dialogue in ways that are inclusive and non-threatening. As President Audette explained, this is critical to ensuring that myths and stereotypes are not perpetuated from within Indigenous communities themselves.

Both NWAC and Kairos also felt that it was important to strengthen Indigenous connections across borders, and have sought to link Indigenous women worldwide. For instance, at the most recent TRC National Event, Kairos facilitated the attendance of an Indigenous woman who survived the Guatemalan genocide to witness the event and connect with those who have had similar experiences in Canada, while NWAC regularly sends representatives to important international conferences and meetings to raise awareness about the conditions they are working to address at home.

Use of community-based, culturally relevant & holistic programs

Next, groups talked about needing support for Indigenous informed, community-based, culturally appropriate and ongoing healing programs to address the IRS legacy. Annett told me that one of FRD's main objectives as an organization is to support these kinds of survivor healing programs, particularly in the Vancouver area, where many of this group are highly marginalized. Both NRSSS and NWAC talked about the importance of locally based, survivor driven healing programs that incorporate Elders' knowledge and support. Mason described a model of this, whereby groups of survivors took part in a three-day wilderness sweat led by Elders, through which they "dealt with themselves and issues of reconciliation". For his group, this kind of process should be supported and different nations should be allowed to design programs that incorporate their own cultural healing methods, acknowledging that things can be done differently across nations. For Mason, the ideal healing model would be designed "by the survivors for the survivors". In our interview, NWAC's Audette agreed that the most successful healing programs were those based on tradition. For her, this could include work with Elders, sweat lodges, re-learning cultural identity and language, as well as prayer and talking circles. Like Mason, she too commented

on the need for various approaches to dealing with the IRS legacy for diverse groups such as youth, men, women, and those with special needs.

Nonetheless, for NWAC, making use of Elders, women, and traditional healing programs in a holistic manner, is a central imperative to all programs, and in their publications they point to the importance of Indigenous guiding principles in the design of redress initiatives, which highlight “the interdependence and interconnection of everything in the universe” (NWAC, 2010, 8). For them, inter-generational work between Elders and youth is an effective means to disseminate this knowledge. For instance, Meyer-Cook noted how communities seek to use land programs in healing, to allow younger generations to learn about how things were before the Residential Schools. Fundamental to this work is the use of oral and practical means for sharing and learning. Because of this, Meyer-Cook explained that the first step to healing in communities involves the strengthening of Elders and traditions, which can provide the required traditional foundation for further healing work involving individuals, families and entire communities. Further, she argued that communities must work to restore Aboriginal women’s positions in society, through the promotion of traditional Indigenous worldviews.

However, groups agreed that the fundamental aspect of these processes of truth-telling, education and healing was that they work to challenge how history is currently being told in Canada around Residential Schools and colonialism, more broadly. Organizations felt that it was critical for Indigenous perspectives to form the basis for learning, and that their versions of history be used to educate Indigenous and non-Indigenous peoples on the impacts and legacy of IRS, such that contemporary conditions and social relations can be better understood by everyone. Moreover, the revitalization of Indigenous cultures and languages,

and the use of traditional holistic worldviews in the creation of programs, were seen as critical elements to the healing of survivors, their families and communities.

Justice

The aim of pursuing and achieving justice came through across the data as a critical factor in addressing the legacy of IRS. However, ideas surrounding justice were broad and varied, and included the desire for compensation and criminal justice, as well as support for Indigenous rights and self-determination. Despite this, throughout each were calls for accountability of the government and churches, the attainment of just processes and treatment for Indigenous peoples, and the need to acknowledge and address deep, group-based, cultural harms that have resulted from the Residential School system, through fundamental changes to oppressive structures and institutions.

Compensation: Direct payouts

Two groups, FRD and NRSSS, saw monetary compensation as an important element to addressing the IRS legacy. For the former, specific amounts demanded are one million dollars for each direct survivor, and “comprehensive” amounts to all inter-generational survivors. In addition, Annett explained that they “believe the churches should be paying for the medical bills and the re-training of survivors”. Although NRSSS does not specify how much should be awarded, they stress that compensation is critical to the reconciliation process, and that the pursuit of payments to survivors has been an important part of their mandate. Representative Mason stressed that *all* survivors of government mandated schools should be included for compensation, whether they attended boarding or day schools. Further, acknowledgement of the cultural and psychological harms done, and the loss of

parenting and other opportunities that resulted was seen as critical, in addition to the physical and sexual assault that was highlighted through the ADR process.

Compensation: Sustainable funding for programs

For all groups, just compensation was (also) seen as sustainable funding and support for the revitalization and restoration of language, culture, and community that have been eroded through IRS, including healing programs such as those outlined above. Mason argued that it is necessary to ensure that funding is ongoing and not merely in the form of short-term programs. Moreover, the need for equity in funding for Aboriginal programs in general was highlighted by Kairos, in their support of “Shannen’s Dream” and the work of the First Nations Family and Caring Society, which call for equal funding to be provided for First Nations schools in relation to those off reserve. For FRD, funding should cover rehabilitation and counselling costs incurred as a result of the negative impacts of the schools, for both direct and intergenerational survivors. Finally, NWAC stresses the importance of the Aboriginal Healing Foundation model, arguing that its grants supported over a thousand vital healing projects across Canada, which facilitated important “cultural revitalization and cultural continuity” (NWAC, 2010, 18).

Criminal Justice

At the same time, FRD and NRSSS talked about the need to pursue criminal justice against the institutions and individuals responsible for the system and its harms. Between these, FRD takes the strongest standpoint on this issue. According to this group, there must be a full inquiry into the crimes committed within IRS, run by survivors and international bodies in order to ensure independence from those institutions that were behind the system,

as well as adherence to global standards of justice. Further, Annett explained that perpetrators “should be called to appear before it and subpoenaed to give evidence and reveal what they know about these schools”, as well as answer to charges of genocide. In collaboration with their partner organization, the International Tribunal into Crimes of Church and State (ITCCS), they have documented survivor experiences, performed digs at mass grave sites for missing children, and collected proof of crimes committed in IRS, as evidence for evaluation in such an inquiry. In addition to an international process, Annett told me that FRD supports the re-establishment of traditional longhouse courts, based on tribal law and traditional dispute resolution processes, which would “issue summonses to people who are on their territory, who might have been associated with the schools, to come and answer these charges”. For this group, it is critical that the churches and government be held accountable for their criminal behaviour through IRS.

In their 2007 report responding to the development of the SA, NRSSS also insisted that survivors should “retain the right to sue even if they did not “opt-out”” of the Agreement. Mason confirmed his belief that perpetrators, if still living, should be arrested, prosecuted, and made accountable for their crimes. Both he and colleague Cachagee also spoke of their group’s support for international justice to be pursued through the frameworks laid out by the UN and the Genocide Convention. Both participants discussed the legal work that NRSSS was involved in to bring about justice for the survivors of IRS. For instance, Mason explained how they threatened early on to make the case for IRS as cultural genocide at the international level, helping to force the issue onto the table. Further, both representatives discussed the critical support they provided in the Baxter Class Action lawsuit, which was pivotal in the creation of the SA.

Indigenous Rights & Self-Determination

The idea of pursuing justice for the IRS legacy through the recognition and advancement of Indigenous Rights and self-determination was another theme in the data. In fact, all participants I spoke with made some reference to the need for these goals to be pursued in one form or another. While neither organization emphasized criminal justice, Kairos and NWAC representatives explained that their groups seek to address the legacy of IRS through a rights-based lens. Specifically, these organizations believe that the UNDRIP should form the bases for processes of reconciliation and its principles should be embraced as a means to address the colonial injustices of the past and present. Kairos representative Graham explained that her group has worked towards analyzing how the UNDRIP and the protocol for Free, Prior and Informed Consent, both of which recognize the inherent rights of Indigenous peoples, can be properly implemented in Canada. Moreover, this organization advocates for changes to federal policy pertaining to Indigenous peoples, through the “recognition of Aboriginal title and nationhood, and the implementation of Aboriginal land, treaty and inherent rights”¹⁵. For NWAC as well, Meyer-Cook explained that it is essential for Indigenous Rights to be supported and for Canada to follow through on the conventions that they have already claimed to endorse. Speaking from her experience with Kairos, Graham reflected that “my impression is that if [survivors] had to choose, they would choose true, genuine, real implementation of the UN Declaration as a positive document, over dragging Canada through a court about genocide”, a position she argued her group takes their lead from.

¹⁵ <http://www.kairoscanada.org/dignity-rights/indigenous-rights/>

A large focus of the discussion over Indigenous Rights, was on the particular right to self-determination, although not all participants used this term specifically. Graham explained that in addition to engaging non-Indigenous peoples in discussions about the need to endorse Indigenous Rights, Kairos also believes that supporting self-governance must be part of this. FRD and NWAC have stated that they seek a return to more traditional forms of Indigenous governance and see the overhaul of the current colonially imposed band and council system as necessary for addressing the harms done to Indigenous peoples. The importance of this issue was highlighted by an NWAC Board of Directors member at a TRC sharing circle in 2011, who claimed that “we don’t have a chance in hell of having our rights recognized on the international stage when we are operating under the chief and council system”.

Certainly, groups felt that Indigenous peoples should have more control over their own programs and services. This is a central concern for NWAC, while Graham told me that Kairos also supports the ceding of control over Indigenous and Inuit education, for instance, back to those groups to manage as they see fit. In Meyer-Cook’s work with NWAC, she focused on alternative ways of doing justice involving Indigenous peoples, which incorporate Aboriginal methods and proposals. As she explained, one of NWAC’s recommendations to the TRC was “to make a strong statement towards a rights-based reconciliation, which recognizes the principles of self-determination and the responsibility to restore Aboriginal decision making in matters of justice”. To this end, NWAC has considered the voices of criminalized women, Elders, and Gladue writers¹⁶, for instance, in

¹⁶ Gladue and other changes to the criminal code, give judges discretion to use sanctions outside of the mainstream prisons for Aboriginal women and men when appropriate (http://www.nwac.ca/sites/default/files/imce/Gender%20Matters%20English/5-WhatIsGladue_GM.pdf)

their development of policy recommendations, which endorse models based on the aims of “holistic healing” and the “restoration of balanced relationships”, in line with Indigenous worldviews.

However, the potential for self-determination to be realized depends, for some, on the willingness of Canada to commit to changing its current practices and ceding control over management of Indigenous peoples’ affairs. Indeed, this was seen as absolutely essential for bringing about the fundamental systemic changes needed to adequately address the Residential School legacy and other colonial harms. As Graham argued, the government must both recognize Indigenous nationhood and agree to “fundamentally altering power structures”. On their website, Kairos states that “Canada [must] base future governance and land rights discussions on the Royal Commission on Aboriginal Peoples, which includes the recognition that Aboriginal peoples are nations vested with the right of self-determination”. NWAC has also urged the government to recognize that “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain their own indigenous decision making institutions” (UNDRIP, cited in NWAC, 2011). In my interview with President Audette, she elaborated that Indigenous peoples have never surrendered their rights to self-determine, and should re-gain control over their own politics, systems of justice, public security and citizenship, for instance.

Nonetheless, despite that groups believe the government must commit to change and be full participants in the redress process, some argue that transformation must be demanded and pursued from within their own communities in order to achieve results. For instance, FRD has issued a “declaration of sovereignty”, through which they reject the authority of the church and state over Indigenous peoples, arguing that “only through our own wisdom and

traditional ways will we survive and acquire once again the true spirit and power of nationhood” (IHRTGC). NWAC representatives also talked about how strengthening Indigenous women and communities from within could help forward their agendas. As Meyer-Cook explained, when people are strong they go beyond asking for rights and learn “not to be content to just have a little piece of a budget, but actually to demand more self-governance”. Again, the common theme here was the participation of Indigenous peoples, ideas and processes in matters effecting them.

As described above, several components were seen as critical to effectively addressing the IRS legacy, including various forms of truth-telling, education and healing, both across mainstream society and within Indigenous communities. Justice through compensation, criminal prosecutions and the advancement of Indigenous rights and greater self-determination, were also advocated for. While FRD and NRSSS felt strongly about the need for payouts and criminal justice, Kairos and NWAC focused more heavily on rights-based methods of addressing the schools’ legacy. Nonetheless, calls for the acknowledgement of cultural, group based harms caused through IRS and other colonial policies, better opportunities for Indigenous participation in political and social affairs, and use of Indigenous methods in processes undertaken to these ends, were trends observed across the data.

Part 3: The potential for the TRC and SA to advance organizations’ goals

In the final section of this chapter, I will address my third research question, which asks: *To what extent have the TRC and other components of the SA been seen to forward the goals and aims of the organizations in my study?* As I will explain, groups saw some of their aims as better supported through these forums than others. The following table provides a

summary of each organization's perspectives on TRC and SA activities as means to achieve their goals¹⁷:

Group	Perceived Achievements/Potential	Perceived Limitations/Concerns
FRD	Truth-telling, Education & Healing: bringing attention to IRS; allowing some stories to be told; bringing survivors together	Truth-telling, Education & Healing: survivors limited in what they can say; re-traumatizing for survivors; internal divisions Compensation: Inadequate Criminal justice: absent; genocide not acknowledged; perpetrator attendance not compelled Self-determination: process led by perpetrators; survivors' needs not adequately addressed
NRSSS	Truth-telling, Education & Healing: bringing attention to IRS; allowing some stories to be told; bringing survivors together	Truth-telling, Education & Healing: limited participation of mainstream society, political leaders & industry; limited participation of survivors; limited use of culturally relevant methods; re-traumatizing for survivors; internal divisions Compensation: Inadequate; harmfully distributed Criminal justice: absent; genocide not acknowledged Self-determination: process led by perpetrators; survivors' needs not adequately addressed
Kairos	Truth-telling, Education & Healing: raising awareness among mainstream Canadians; bringing survivors together; use of community based events	Truth-telling, Education & Healing: limited use of culturally relevant methods; other obstacles Compensation: harmfully distributed
NWAC	Truth-telling, Education & Healing: raising awareness among mainstream society; bringing survivors together; use of community based, culturally relevant events	Truth-telling, Education & Healing: limited use of culturally relevant methods; other obstacles Compensation: harmfully distributed

¹⁷ This includes only the most prominent themes for organizations, and as such, while some themes are not outlined for a group, they may still have come through to some extent in the data, and will be considered in the discussion.

Truth-telling, Education & Healing

Re-framing history and perceptions in Canadian society

Organizations saw the truth-telling and education aspects of TRC's work as most promising, although not without issue. Participants argued that as a result of the Commission's efforts, messages about the nature and impacts of the IRS system were reaching the general public, both through attendance at events and the media. Even amid FRD's highly critical view of the TRC, they nonetheless see the fact that it is being talked about as a good thing. NWAC's Audette noted the success of the national event in Montreal at drawing hundreds of non-Indigenous students to bear witness to the proceedings, while Kairos has encouraged mainstream participation in the TRC's events, demonstrating their belief in the potential for these sessions to contribute to the education of Canadians. Representative Graham noted that the Commission has made sincere efforts to engage as many people as possible by "getting out and talking to every group that will listen, across the whole diversity of groups and structures across this society".

On the other hand, NRSSS's Cachagee argued that he saw little interest or participation from the public in the TRC's events. For him, "all you see in the audience is brown faces", resulting in survivors merely sharing stories amongst each other, which he argues could be done without a costly Commission. He also believes that the absence of political leaders and industry has led to the process being perceived as merely "an Indian thing", which Graham too noted, although her group, Kairos, has been working to counter this perception. At the same time, she acknowledged that while Indigenous peoples often feel as though they are still living the Residential School experience through intergenerational impacts, "it's basically completely voluntary for non-Indigenous people to even talk about the issue". According to Cachagee, without the impetus for mainstream Canadians to

participate in the TRC, there is little hope for improving understanding between groups, particularly given the small percentage of the overall population Indigenous peoples constitute in Canada. Given this, he fears that the TRC's work is merely following in the footsteps of RCAP, which failed to garner support for change from the mainstream.

Moreover, Annett takes issue with restrictions on what can be shared through the Commission, arguing that the fundamental act of genuine disclosure is missing. For instance, his group found that event speakers often had affiliations with chiefs and governments, whereas some representing more critical viewpoints were not given the opportunity to speak. Further, he argued that survivors had strict time limits, whereas church members were allowed to speak at length in their turns. FRD sees these issues as deeply problematic, and impediments to the redress movement, since the TRC is "giving people the illusion that it's a genuine inquiry", when in fact it is only allowing part of the story to be told. Thus, even though some have gained greater awareness of the issues surrounding IRS through TRC events and media coverage of these, still the reach of the Commission's work was generally seen by these groups as limited.

Healing & Strengthening Indigenous Communities

Nonetheless, representatives from each group argued that bringing together both direct and intergenerational survivors, particularly at community based events, was the most beneficial aspect of the Commission's work. For NWAC's Audette and Kairos's Graham, the TRC's work has really helped to break the silence around the IRS experience and its impacts, with both participants noting that it was something Indigenous communities didn't talk about ten or twenty years ago, causing a silence that Graham described as "utterly profound". Despite their generally critical standpoints, Annett stated that "bringing people

together means more stories are being told”, while Cachagee admitted that “some good stuff is happening, particularly at community events where survivors can gather together”. At the same time, however, he noted the difficulty some survivors had in reaching the national events, and argued that survivor participation from his perspective has been relatively limited, overall.

Kairos and NWAC participants also stressed the value of community level hearings facilitated by the TRC, which Graham noted are “fundamentally different from national events and the more valuable model, particularly from an educational standpoint”. In discussing community events, Meyer-Cook explained that despite how painful they could be for those attending, they allowed survivors to take their time when speaking, provided culturally appropriate and supportive spaces for sharing, and incorporated important Aboriginal protocols such as eagle feathers, Elders, and traditional medicine.

On the other hand, Annett argued that the experience of participating in TRC events was sometimes re-traumatizing for survivors, and his group FRD often dealt with the trauma that came from re-opening historical wounds. Likewise, Mason felt that the TRC national events did not adequately incorporate Indigenous healing approaches, did not make use of Elders in their processes enough, nor allow for a diversity of traditions across the country. For him and NRSSS colleague Cachagee, survivors were not made a priority by the Commission, so funding intended for their needs went elsewhere. For instance, both talked about how survivors were disappointed with the commercialism and sensationalism that surrounded the first national event in Winnipeg, where performers were seen to receive better treatment than survivors. As Cachagee explained:

They put a lot of survivors in hotel dorms, so they’re right back to an institutional environment that they suffered as children. So you’re taking these old people that are trying to remove the memories of being institutionalized at an event and you

stick them right back in another institution. [Then], you take Buffy St. Marie and her troop, and Blue Rodeo and their troop and you put them in a five star hotel, but with survivors' money, you know? And then you put on a free concert, 20,000 people come, most of them from the general population of Winnipeg, and say it was a huge success.

Clearly this group feels as though the ability for a Commission taking this approach to contribute to survivor healing and strengthening is somewhat restricted and that the money could have been better used to directly address survivor needs.

Moreover, some found that rather than strengthening communities, the TRC sometimes exacerbated divisions within and across groups. For instance, survivors were offered varied forms of travel assistance to attend events, which Cachagee noted were allocated politically and therefore unfairly supported the attendance of some over others. In some communities it was also revealed that support for sharing IRS experiences did not exist, as a result of “people not wanting their dirty laundry aired”, as Meyer-Cook explained it. NRSSS too found that in their work with communities, some were afraid to open up the conversation, particularly where abusers were those in powerful positions, such as the chief and council¹⁸. Next, Graham talked about how the divisive power of IRS has carried through to the present, evidenced at the TRC event in Vancouver, which received funding from oil industry giants Kinder Morgan and TransCanada - companies with which Indigenous communities have been engaged in ongoing protests against¹⁹. Finally, for Mason and NRSSS, the absence of some schools from the SA is also highly problematic; although students from these schools are permitted to attend and participate in the TRC, they still have

¹⁸ TRC findings also confirm that some students perpetuated the violence within the schools. See: http://www.attendancemarketing.com/~atmk/TRC_jd/ResSchoolHistory_2012_02_24_Webposting.pdf

¹⁹ <http://rabble.ca/news/2013/09/why-big-oil-funding-reconciliation-week-events-vancouver>

not received the same level of recognition due to lines being drawn by a list of “official” Residential Schools.

Justice

Compensation

Next, the TRC and SA’s contributions to adequate compensation was seen by groups and their representatives as not only limited, but in some ways counter-productive and even harmful. While the TRC was not the body responsible for payouts to individual survivors, they did evaluate proposals and distribute funds to support various healing and reconciliation programs through the commemoration component of the SA. As of 2013, all of the twenty million dollars allotted for this purpose had been awarded to a total of 145 projects²⁰. An NWAC representative noted that it funded some well-attended and beneficial events.

However, what participants agreed to as problematic was the way in which funds for these have been distributed. That is, following cuts to the AHF, which supported these aims from 1998 to 2009, funding for this purpose instead began filtering through Health Canada (HC). Not only did this result in many important previously AHF-funded programs having to close their doors, but it also redirected the process from an Aboriginal led body to one run by the federal government, which focused primarily on mental health as a means to healing (CBC, 2010). Thus, in the aftermath of any pain, suffering and trauma associated with participation in the TRC, IAP or CEP processes, survivors must now seek assistance from HC. For Mason and Meyer-Cook, the cuts themselves are severely troublesome, particularly given that they occurred at the time they were most needed. Others raised concerns that the

²⁰ <http://www.aadnc-aandc.gc.ca/eng/1100100015635/1100100015636>

new services are based on western models of healing and wellness, rather than Indigenous ones. NWAC's Audette explained that a political fight has ensued over the restrictions placed on approaches to healing, given that methods must obtain HC's (western informed) "stamp of approval". Former colleague Meyer-Cook argued that this sometimes causes negative impacts, when survivors are left feeling alienated by a foreign model of care that does not suit their needs, leaving them without adequate health supports.

While not part of their specific mandate, payouts distributed through the IAP and CEP procedures were often talked about in conjunction with the TRC's work, and were considered highly controversial by all groups in my study. For FRD, the amounts provided fall far short of what they feel is required, and do not recognize or compensate for the intergenerational trauma experienced. For Mason, payments do not adequately extend to all survivors, and exclude in particular those who attended day schools, while his organization, NRSSS, has expressed concerns that they place the burden of proof on survivors by requiring them to provide confirmation that they attended schools, despite that much of this evidence was destroyed by the government and churches (NRSSS, 2007).

Kairos spokesperson Graham pointed out that payouts have put "already vulnerable people in what is an even more vulnerable position", while NWAC's Meyer-Cook argued that large lump-sum payments to survivors has led to some of them being taken advantage of and made vulnerable when proper supports have not been in place. Furthermore, the IAP process was criticized by NRSSS, whose participant noted the injustice associated with awarding lower amounts to Indigenous peoples than others across society have received for similar harms. Mason explained that many survivors were not satisfied with the amount of compensation they were given, but accepted under the duress of poverty. In addition, NRSSS

and Kairos Canada representatives discussed how some lawyers have taken advantage of survivors and collected large percentages of their IAP compensation²¹.

Finally, NWAC and Kairos representatives pointed out concerns with issuing payouts to survivors in that it individualized a highly community-based experience. As Audette explained:

Yes, it was probably interesting to give the money to the person who went to the Residential School for many, many years, [to give them] thousands and thousands of dollars, hoping that they would get support or help, but what about the rest of the community affected by that, and the family? Why [didn't we] create programs where all of us, the community, [could] participate and get some help or healing?

Clearly, groups feel that compensation through the SA is inadequate at best, and in some cases has even perpetuated harmful outcomes for survivors and their families.

Criminal Justice

With respect to criminal justice, Mason believes that the perpetrators have been let off the hook through the SA clause mandating that survivors give up their right to sue if they accept settlement monies, an issue his group NRSSS raised in a 2007 report. Graham agreed, stating that despite Kairos's affiliation with the churches, she is "left feeling that my church has kind of gotten off scot-free". While she doesn't believe that bankrupting the churches is the solution either, still she feels that an adequate accountability component is absent from the Agreement.

For NRSSS and FRD, justice has also been hindered by the refusal of the government to acknowledge the system as an act of genocide. Further, the very idea of reconciliation was seen as troublesome to Cachagee, who argued that it is not an Indigenous idea, while Annett

²¹ http://www.canada.com/story_print.html?id=9c8121cd-2f67-43a7-bd7e-cc84079fbd17&sponsor=

spoke about how the term has been used politically to displace the fundamental need to hold the perpetrators accountable. In his words, “it’s a loaded term that undermines a real inquiry”. Annett also criticised the limits of inquiry that face the TRC, including that it has no power to issue subpoenas, name names of criminals, or allow unlimited evidence to be revealed, which for him represents a “whitewash” and “obstruction of justice”. Both FRD and NRSSS argue that because of the TRC’s affiliation with the government, in a criminal justice sense, it is not seen as adhering to legal standards and practices.

Indigenous Rights & Self-Determination

Ultimately, groups saw many of the above issues arising as a result of survivors not being consulted on how, and to whom, the money was distributed, creating bitterness, frustration and anger for many. Indeed, for NRSSS, the primary flaw in the creation of the entire SA is that survivors were not allowed to contribute to the terms of the Agreement, despite this group’s key role in bringing the issue to the table as the representative for “grassroots survivors”. While the AFN was deemed the body to represent survivors as the Agreement unfolded, both NRSSS representatives felt that nobody in the SA was actually playing that role. For this group and FRD, the TRC and other elements of the SA are merely government agencies, acting in the best interests of perpetrators rather than survivors. In Cachagee’s words, “Justice Sinclair is basically a Deputy Minister running another government program, entitled the Truth and Reconciliation Commission”, meaning that his team does not have the power to work independently from the state, and initial assumptions about the authority this body would hold do not stand. These groups therefore see this as an illegitimate process in the sense that it is being controlled by perpetrators rather than survivors and independent, international bodies. The absence of survivor and Indigenous

perspectives from the very process meant to address rights violations against them is therefore seen as a major hindrance to the advancement of their rights and ability to self-determine.

For Kairos, despite that steps have been taken towards recognizing Indigenous rights through the TRC, the apology, and the signing of the UNDRIP in Canada, the existence of ongoing and widespread inequities in education, health and poverty, means that much more must be done to address the legacy of colonialism. For them, Canadians must not only become directly involved in the truth telling and reconciliation process, but also commit to addressing these inequalities²². As Graham explained, there is a huge need to “counter the situation that we’re still living in”, on top of recognizing the injustices of the past. However, the group argues that “governments continue to disregard, limit, and terminate Aboriginal rights”²³, an issue they are unclear about whether the SA really has the capacity to influence.

Certainly, the potential for the TRC to advance Indigenous rights and support self-determination was seen to rest largely on successes related to these goals of truth-telling, education, healing and justice. For all organizations, survivors and Indigenous peoples were required to lead and inform processes of redress, with the majority of Canadians, including political leaders, listening and making a commitment to genuinely allow their perspectives, beliefs, and actions to be challenged. Instead, however, despite what were often seen as valiant efforts by the TRC to forward these aims, the official process has in many ways failed to adequately address the demands of these groups.

²² <http://www.kairoscanada.org/take-action/truth-equity-reconciliation/>

²³ <http://www.kairoscanada.org/dignity-rights/indigenous-rights/>

CHAPTER VII: ANALYSIS OF FINDINGS

In the analysis that follows, I situate my findings above within the literature and theoretical currents introduced in chapters two and three, in order to build and substantiate my central arguments. Specifically, I reveal how postcolonial ideas tended to frame organizations' perspectives on the IRS system, its legacy, and the required means to address these. Next, I look to postcolonial critiques of social justice in order to analyse the limitations that were seen to exist with respect to the TRC and SA in achieving groups' aims.

In doing so, I uncover that a postcolonial approach to addressing the legacy of IRS is seen as crucial by the organizations and participants in this study. That is, despite that groups employed a range of efforts to this end, the common idea underpinning all of their work was the need to incorporate decolonizing methods. However, while some elements of the TRC and SA were considered to exhibit these principles, broad limitations were perceived as a result of the failure of this most recent attempt to address the Residential School system to be sufficiently guided by Indigenous peoples and worldviews, garner support and participation from the mainstream, and fundamentally challenge the continued oppression of Indigenous peoples in Canada today.

Understanding views on IRS and addressing its legacy

This study has revealed how the IRS system is seen by these organizations and their actors as a destructive colonial policy, the legacy of which continues today through negative social indicators and the sustained devaluation of Indigenous cultures and languages, both among Indigenous peoples and across society more broadly. As such, the postcolonial perspective and its concern with understanding ongoing unequal power relations in Indigenous-settler contexts, is particularly relevant in this discussion. Not only does it help to

explain how survivor advocates understand the IRS system and its legacy, but as suggested by Ashcroft et al. (2006), it also illuminates how colonialism is seen to be alive and well in Canada today, despite that the use of blatant political tools for its pursuit, such as the Residential School system, no longer exist. Finally, it can assist us in understanding how postcolonial subjects comprehend, articulate, and seek to put into practice their ideas related to addressing this colonial legacy.

Firstly, participants and groups tended to understand the IRS system as an intentional attack on Indigenous cultures, languages and traditions on the basis of colonial assumptions that these were inferior to Western practices, and compromised the colonizer's ability to progress in a teleological fashion. While some framed this as an act of genocide and others as a severe infraction of human rights, all agreed that the aim of the policy was to assimilate Indigenous peoples into the mainstream through the destruction of their social and cultural fabric. Moreover, both the system and its legacy were seen as interconnected with a range of colonial policies, practices and harms, which cannot be understood in isolation. Despite this, settler interpretations of history were seen as still dominating conversations around IRS, for instance, through the failure to acknowledge the genocidal intentions of the system, or recognize Indigenous perspectives that emphasize the importance of culture and community to both individual and group well-being, and see history, events and outcomes as interconnected and cyclical.

Thus, not only is Spivak's (1999) concern over the oppression of subaltern voices in the telling of history shown to be valid in this case, but it is also understood by organizations and actors as a primary concern in the pursuit of redress for IRS. Certainly, the data gathered reveals how, and through what means, these actors seek to challenge dominant versions of history through struggles to imprint their own perspectives of the IRS system and its legacy

in the present. As suggested by Achebe (1974), postcolonial subjects in this context have insisted that addressing the IRS legacy must involve them telling their own stories, on their own terms.

Next, postcolonial theory can further contribute to our understanding of contemporary discussions surrounding redress and reconciliation as these pertain to IRS, in its longstanding examination of processes of internalized oppression, and dialogues considering the means to address these. Certainly, groups and representatives in this study felt that a significant negative impact of the IRS system has been the internalization of colonial ideas about the inferiority of Indigenous cultures and languages. In particular, and as described by Fanon (1967) nearly half a century ago, this was seen as evident through the lack of cultural pride, low self-esteem, adoption of western ideas, traditions and languages, and even in some cases re-enactment of colonial mentalities through various social and political exploits, by survivors, both direct and intergenerational. As such, the IRS system is seen to exemplify the way in which colonial discourses and imposed processes can infiltrate the minds of the colonized (Ashcroft, Griffiths & Tiffin, 2006; Fanon, 1967; Said, 1978; Serequerberhan, 2006).

In response, the need to address these outcomes was identified as a critical component to any process aimed at addressing IRS. For instance, all participants and groups advocated for community based, culturally relevant healing programs, aimed at strengthening pride in culture, revitalizing languages and traditions, encouraging intergenerational relationships, and raising awareness within their own communities around Indigenous perspectives on colonial history, including Residential Schools. Moreover, some argued that there exist leaders and practices “representing” Indigenous peoples, which symbolise “cheap imitations of power [that] reproduce [colonial] epistemology” (Mbembe,

2001). As such, these actors and groups felt that decolonization was required not only amongst the general population, but also from within, through the reestablishment and reevaluation of Indigenous cultural, political and social systems.

Similarly, groups argued that Indigenous peoples and worldviews should guide and direct the process of redress, in line with Fanon's (1963) insistence that ideas about the means with which to challenge colonialism must come from the colonized themselves. Exemplifying the way in which this language of decolonization was embraced and employed in this study, an NRSSS representative I interviewed argued that change must be inspired from the grassroots peoples who have been oppressed since "it's not within the power or the being of the colonizer to decolonize". Without exception, these organizations support the use of traditional, holistic frameworks for truth-telling, education and healing, which acknowledge the interconnectedness of all peoples, experiences and outcomes.

While cultural differences across survivor groups and communities were noted by participants, these were not considered necessarily problematic in discussions around addressing the IRS legacy in Canada. That is, cultural diversities were seen as important, but possible to address through simple provisions allowing for the freedom to use a variety of approaches to truth-telling and healing, in line with local traditions, beliefs and histories. For organizations, this was feasible since there exist overarching and fundamental characteristics common to all Indigenous worldviews. Thus, while diverse approaches to redress and healing were seen as critical, the use of tradition and culture in general within these processes was seen as both appropriate and possible, despite concerns raised by some scholars about the relevance of traditional measures in other contemporary transitional justice contexts (Quinn, 2009; Waldorf, 2009). This sentiment is captured well in an NWAC (2010) document:

Although there is considerable breadth and diversity in the cultural ways and protocols of Indigenous peoples of North America, there are also many commonalities that differ profoundly from a Eurocentric worldview. Most significant are shared beliefs in holism, collectivism, kinship, cooperation, reciprocity and the absolute dependence of humans on each other, the land, and their environment (8).

Certainly, and as posited by McCormick (2009), this passage highlights a common theme in the data that cultural differences across Indigenous groups were not seen as so significant that they could not be incorporated under the same broad framework. On the other hand, Western worldviews were considered fundamentally contentious with Indigenous ones and as such, inappropriate for the design of procedures to address the IRS legacy.

Specifically, organizations felt that making use of Elders, sweat lodges, land programs, and traditional healing circles, would facilitate the critical healing and strengthening of Indigenous peoples in the aftermath of IRS. Although all organizations supported these measures, this was a particularly important focus for the two Indigenous led groups, NRSSS and NWAC. Like Alfred and Corntassel (2005), they see the revitalization and restoration of Indigenous health and ways of being as the critical starting point for holistic healing and decolonization. In this way, the postcolonial principle that addressing colonial legacies requires coming loose from the grip of the colonizer, by removing their power to impose foreign values and ideas about worthiness, was embraced by these groups as a way to build and transmit Indigenous pride.

Moreover, some participants argued that the revitalization process must begin with the individual, before extending outwards to eventually include family members and communities in the circle, as suggested too by Alfred & Corntassel (2005). For NRSSS, Kairos and NWAC, the participation of non-Indigenous Canadians at this stage should therefore involve merely deep listening, a commitment to challenging prominent myths and

stereotypes, and support for greater Indigenous rights. As former NWAC employee Meyer-Cook explained, “there is such a huge need, and there will be for quite some time still, for these collective spaces of mourning, grieving, healing [and] renewal, internally, and in some cases, it’s not the right time to bring in non-Aboriginal [peoples, outside of a] support, ally, [or] observer role”. As a result, although these groups believe that non-Indigenous Canadians must be involved in redress work, they reject the imposition of western direction to this end.

Thus, whereas some have touted the therapeutic power of truth-telling through public forums, such as a TRC, the organizations in this study insisted that on a broad scale, this would only be truly possible through processes employing decolonizing methods, including culturally relevant procedures and health supports. Further, the truth-telling, education and healing aims forwarded by these groups emphasized the need not only for experiences to be revealed, but also for them to be heard and acknowledged by all Canadians. In other words, as suggested by Brahm (2007), Ross (2003) and Wilson (2003), truth-telling on its own was not seen as a sufficient means to healing, and was even considered potentially harmful in the absence of culturally relevant methods, proper health supports, and acknowledgement from mainstream society.

On the other hand, FRD presented a seemingly diverging perspective on the role that should be played by non-Indigenous peoples. For them, criminal justice is a requirement to addressing the Residential School legacy, necessitating the compelled attendance of church and state leaders, and administrators responsible for the IRS system and the specific crimes committed within. Criminal justice was important for NRSSS too, particularly at the international level, as a means to validate Indigenous understandings of IRS as genocidal. Nonetheless, these groups’ promotion of Indigenous voices and traditional methods for

pursuing justice, reveal the way in which their approaches ultimately also emphasize the need to make use of decolonizing principles in any efforts at addressing the IRS legacy.

Certainly, the aim of all groups to advance Indigenous rights and self-determination lends further support to this finding. Without exception, organizations touted the need to address ongoing structural inequalities impacting Indigenous peoples in Canadian society, and at the same time, to gain greater rights for this still marginalized group. To achieve this, they argued that mainstream social and political systems and actors must not only genuinely hear and consider Indigenous voices, but also commit to challenging longstanding stereotypes and implementing the structural changes required to address these. While groups applauded certain efforts made by the TRC to raise awareness around the issue of IRS, they believe that such education campaigns must also lead to fundamental changes from the state. Thus, the need to examine and address the social ills of Canadian society (rather than just those within Indigenous communities), as advocated by authors such as Green (2012), Henderson & Wakeham (2009), and Rymhs (2006), was found in the data. Moreover, claims that truth commissions can only lead to change through strong support and commitment from the state, was also considered to be true (Yashar, 2012). As part of this, all organizations called for greater freedom for Indigenous peoples to participate in decision making and leadership on all issues impacting them.

In this way, the question of *how* we address the legacy of IRS was shown to be much more significant than that of *what* categorical methods are used. While on the surface, aims such as educational reform and criminal tribunals may appear to be in contention, in fact these have been advocated for by those seeking the same outcomes: the revaluation and strengthening of Indigenous cultures, acknowledgement of Indigenous truths, and the recognition of rights and greater self-determination for Indigenous peoples. In other words,

this study has demonstrated how postcolonial language and ideas have been widely embraced by these groups and representatives; the voices included in my research insist that postcolonial tenets must form the basis for how we talk about and seek to rectify the harms caused through the Residential School system in Canada. Specifically, my findings lend support to Coulthard (2007), who draws on Fanon to argue that addressing social injustices requires both recognition of the importance and strength of Indigenous peoples' cultural particularities, *as well as* the questioning of deeply rooted economic structures of oppression. Indeed, the use of "Indigenous centered discourses" (Corntassel, 2008) as a framework for pursuing this self-determination, was seen as fundamental.

Understanding organizational perspectives on the limitations of the TRC and SA

Given the importance of postcolonialism in understanding survivor perspectives on IRS and the means to address its legacy, it is perhaps not surprising that the same principles can assist us in explaining and describing the limitations that groups found within the SA. In this section, I highlight the extent to which these theories can help us understand perceived shortcomings, by paying particular attention to warnings raised by authors such as Coulthard (2007) and Povinelli (1998; 2002), who have provided postcolonial critiques of prominent social justice theories.

Indeed, returning to Povinelli's (2002) suggestion that we consider "what [social justice measures] are disseminating in actual rather than mere philosophical worlds" (17), here we find evidence that groups saw recognition and reconciliation being offered up, without genuine consideration for the meaning and purpose they should embody and serve from an Indigenous perspective. While the state and churches have succumbed to pressures insisting that the IRS system and its legacy be addressed, an analysis of the TRC and SA

more broadly, reveals that the actual commitment to demands made by survivors and their advocates has been considered inadequate. For some, the danger of this is seen as further exacerbated by the false pretense that the process underway is in fact what was requested.

As demonstrated, the TRC's educational reach to the general public has thus far been considered minimal. While their work continues with the creation of a report and recommendations, participant Meyer-Cook pointed out that they have no budget to actually follow up on these and in fact, no body exists to ensure their implementation. Moreover, Cachagee noted the lack of funding to support the creation of a national archive and research centre, which is supposed to be part of the TRC's mandate, as a means to widely disseminate their findings. His scepticism was evident in his claim that, "I don't think you can do anything with [the Settlement Agreement at this point], you know, I think the only thing left to do is let it die as painless a death as possible". Without the widespread and compelled participation of government and the public, the ability for the TRC's findings to effectively challenge stereotypes and myths surrounding Indigenous peoples is considered doubtful. Thus, we see the potential for similar outcomes in Canada as those Povinelli (2002) discovered in Australia: an investment in words and ideas promoted by the state over concrete actions demanded by Indigenous peoples.

Moreover, that some saw certain voices and perspectives as absent from the telling of history, suggests that recognition of experiences and viewpoints may be occurring only to the extent that the state is willing to grant it. Certainly, the irony of a TRC, whose stated purpose is to give voice to survivor experiences, yet is perceived as not allowing them to speak entirely on their own terms, is clear, and demonstrates how "TRCs may be read as an exercise of state power, one that integrates marginalized voices, but not on their terms" (Angel, 2009, 9).

Coulthard's (2007) warning that contemporary approaches to social justice can perpetuate colonial power relations is also worth considering in the Canadian case. That is, although the TRC has attempted to recognize the injustices of IRS on the national and international stage, it is ultimately seen by several of these organizations as not sufficiently independent from those responsible for IRS and indeed, sometimes even acting in their best interests. Lending support to Coulthard's (2007) claims, the pathway to freedom from a colonial past was seen as directed by the colonizers themselves in this case, through the guise of "truth and reconciliation", and at the expense of Indigenous led processes. Here, we see how Indigenous worldviews and aims have been suppressed through the very tools they sought to bring to life. As Mason argued, once the SA came into being, his group NRSSS (created to speak on behalf of grassroots survivors) was dropped from participation in the development of its terms and replaced with the controversial and federally funded AFN, without the consultation of survivors. In Mason's words, "we felt that this agreement was signed, sealed and delivered, and then thrown at us, [with the message:] 'here it is, accept it, or do whatever you want'".

In addition, what these organizations believe is being facilitated through the TRC, that is the (albeit limited) dissemination of survivor experiences in IRS, can be seen to focus on the trauma inflicted on Indigenous peoples over their strengths and resilience. Whereas community healing was advocated for by groups through traditional, holistic approaches, as a means to strengthen communities and revitalize and reignite pride in culture, the healing programs supported through the SA are seen as stemming from one-dimensional, western notions of healing (Green, 2012). Indeed, the transfer of control for healing from the AHF to HC, and the corresponding failure to acknowledge the importance of strengthening cultural

particularities to survivor healing, demonstrates the extent to which Indigenous voices have been silenced in the Agreement.

As a result, the need to address the “sickness” of colonialism and the deep-rooted systems of oppression across society, has also been ignored, as cautioned by Green (2012) and others. As Povinelli (1998; 2002) explains, the language of historical shame and cruelty can be co-opted by state processes to divert attention away from the need for fundamental changes by the state and dominant society, evidenced here in the Canadian case. For instance, participants cited examples of how the government continues to deny Indigenous peoples control over, or even participation in, decision-making surrounding their own matters, from the SA process to governance and justice. Therefore, rather than the state committing to a process of decolonization, it is seen as continuing to assert the perspective that Western values and systems are superior to those stemming from Indigenous worldviews. As NWAC President Audette explained, “I can feel it, sitting with [policymakers] on other subjects also, they have that attitude ‘*colonialisme*’, I know better, I know what’s good for you”. For NRSSS’s Cachagee, the tight control held by the government and churches over the terms of the SA demonstrates their continued belief that Indigenous peoples are neither qualified nor capable of participation themselves. My representative from Kairos also noted the presence of rhetoric over action in government responses to redress claims:

‘[R]econciliation’ without fundamentally altering power structures, dealing with racism, and recognizing Indigenous nationhood is not reconciliation. So we have to join the majority of Indigenous peoples, as far as I can see, in saying that the government apology was really not worth the paper it’s written on. Absolutely nothing has changed in terms of how you act.

Certainly, these findings lend credence to Alfred & Corntassel (2005), who claim that true self-determination aims can be swept aside in struggles for freedom that unfold through

Western frameworks. Moreover, evidence was found that these processes can also spark internal divisions among the colonized, as posited by these theorists. From individualizing the experience of IRS to allocating event travel funds across groups differentially, the SA was indeed seen to sometimes create bitterness amongst those left out. While the TRC has sought to highlight the communal nature of IRS through its community events and inclusive mandate, the SA's controversial nature and endorsement by only some, was seen to in some cases divide Indigenous peoples and communities.

As is clear, in contrast to the decolonization methods generally advocated for by the groups and representatives included in my study, the official process in Canada is seen to fall short of delivering on these aims, and for some, to even promote and perpetuate a still colonially informed approach to social justice through excessive state control over how truth-telling, reconciliation, and compensation proceed. Thus, the need to continually assess the embedded systems of power, and their impacts on survivors and Indigenous peoples more generally, becomes critical. Without this, not only do we risk ignoring the very needs of those who have been most affected by this experience, but we also face the danger of actually advancing oppressive structures through acceptance of the rhetoric of a colonial period belonging to the past, which created a damaged, but now healed Indigenous population (Povinelli, 1998; 2002).

CHAPTER VIII: CONCLUSION

In this thesis, I have considered the perspectives and ideas forwarded by four organizations and their representatives, in order to bring clarity to the following research questions: *How is the Indian Residential School system and its legacy understood by the organizations and actors in this study? How do these groups and their representatives seek to address its legacy? Finally, to what extent are their goals and aims seen as being embraced, promoted and realized through the work of Canada's TRC and other elements of the SA?*

As I have shown, groups and representatives included in this study interpret the IRS system as an intentional injustice by a paternalistic colonial power, the legacy of which is understood as the oppression and degradation of Indigenous cultures, languages and communities. Moreover, participants believe that through the internalization of colonial ideas about the inferiority of their ways, Indigenous peoples have sometimes experienced a low sense of self and group worth, and communities and individuals have in some instances even resorted to embracing and employing colonial tactics through their own political and social actions. Further, both IRS and its outcomes have been interpreted as merely part of a large, ongoing, and inter-generational web of colonial policies and harms. In other words, organizations employed Indigenous worldviews on the interconnectedness of all things, as well as postcolonial ideas and language, in order to understand and describe the IRS system and its legacy.

As a result, groups and their representatives proposed processes of decolonization in order to address the legacy of the Residential Schools. Specifically, through truth-telling, education and healing initiatives, they have sought to gain agency over the interpretation of the history of IRS in Canada, and to have survivors' own views and experiences widely

disseminated, understood and respected, both within their own communities and across Canadian society generally. Indeed, the need to strengthen traditional cultures, languages, and practices, as well as the revitalization of Indigenous pride across generations was considered crucial.

Further, compensation for direct and intergenerational survivors, in various forms, was seen as a requirement to recognizing and addressing the group-based, intergenerational, cultural and linguistic harms caused through the schools. While two groups advocated for criminal justice as an important element to addressing the IRS legacy, the remaining two felt that rights-based measures, such as a genuine implementation of the UNDRIP principles, were of central importance. Nonetheless, all organizations and participants stressed that Indigenous rights and greater self-determination for Indigenous peoples must be a part of addressing the legacy of IRS, including a fundamental challenging of the existing political frameworks surrounding Indigenous peoples in Canada. Moreover, groups advocated for the use of holistic, Indigenous methods of inquiry, as well as measures of justice and healing, directed by Indigenous communities and groups themselves.

In this way, Spivak's (1999) concern over the oppression of subaltern voices can be seen to represent the keystone of these groups' ideas for addressing IRS harms. Certainly, the data gathered reveals the importance these social actors place on the need to challenge dominant versions of history through the dissemination and incorporation of Indigenous voices and practices in the present. Thus, this thesis has revealed that despite some variation in the specific methods used by this sample of groups to deal with the IRS legacy, their aims were nonetheless underlined by the promotion of similar post-colonial values and ideas.

Moreover, this thesis has shown that while some of these groups' and representatives' goals have been supported by the TRC and SA (at least to some extent), other aims have

been less so. Despite that most viewed the intentions of the TRC and its Commissioners as genuine and dedicated to achieving outcomes that were generally in line with their own, the ability for the TRC and other components of the SA to meet these objectives was considered limited. While the TRC has been created as a means to disseminate survivor experiences and address survivor needs through truth-telling, acknowledgement, healing, and reconciliation, this current attempt to address the legacy of IRS has neither been sufficiently informed by Indigenous worldviews nor attracted substantial support from political leaders and non-Indigenous Canadians.

For these reasons, doubts have been raised over its ability to result in the required structural challenges to oppressive systems that continue to marginalize Indigenous peoples. Consequently, we find Povinelli's (2002) advice to "pause and wonder" (17) about the impacts of redress processes wise; in this case, the rhetoric of healing and reconciliation may be better supported than an actual commitment to addressing ongoing systemic inequalities.

Nonetheless, despite the limitations that have been associated with the TRC and SA generally, Indigenous peoples and organizations have embraced 'sustainable self-determination' tactics, both through and in response to the procedures within the SA. The very fact that groups continue to place such high importance on the strengthening of cultures, languages and communities reveals that many of those involved in the movement have not been sidelined by the state's resistance to their demands. Even within the small opportunities presented through the TRC, individuals and communities have focused on strengthening themselves through traditional, holistic approaches to health and healing, where possible. Certainly, the achievements that have been made through the TRC and survivor advocacy groups in breaking the silence around IRS and opening up a dialogue within Indigenous

communities, has laid the foundation for the possible widespread regeneration of Indigenous peoples from within.

Thus, although we have seen evidence that the SA may have in some ways hindered, or failed to significantly advance self-determination efforts, still it is possible that genuine ground has been gained. The organizations and participants in my study reveal that even in the face of continued efforts at assimilation and the limited recognition of their cultural values, Indigenous peoples continue to look within to develop a sense of pride and self-worth. As communities strengthen and make connections between experiences and outcomes, all the while healing through their own methods, they may eventually build their capacity to counter state structures as a “healthy”, united front.

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