

RECONCILIATION AND HEALING:

ALTERNATIVE
RESOLUTION
STRATEGIES
FOR DEALING
WITH RESIDENTIAL
SCHOOL CLAIMS

**Reconciliation and Healing:
Alternative Resolution Strategies for Dealing with
Residential School Claims**

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PREFACE

The remarkable series of cross-Canada dialogues, published here for the first time, explores possible approaches for mitigating the impacts of the Indian residential school experience. The dialogues provided an opportunity for open discussion as well as an appreciation for traditional First Nation hospitality, prayer, ceremony, songs and food.

These pages help to demonstrate the process through which the thoughts, ideas, difficulties, successes, happiness, pain and sorrow of the over 400 people who participated in the dialogue process combined to develop a compassionate and meaningful approach to the past abuses of Indian children in the Canadian residential school system.

Without the wisdom and strength of so many people, these pages would not be possible. The greatest acknowledgment must go to the residential school abuse survivors who shared their stories and offered their support to the process without hesitation. We must also acknowledge the representatives of the four national churches and government departments who struggled through many difficult situations to work with each other and the survivors to find “a good way to get to a good place.”

OVERVIEW

Between September 1998 and June 1999, an extraordinary series of dialogues took place across Canada to explore ways to respond to the impacts of the Indian residential schools on the children who attended, their families, communities and nations, and Canadian society as a whole. These dialogues followed many years of effort by Aboriginal people to bring this issue to the national agenda, and took place in the context of Canada's Statement of Reconciliation and a series of significant apologies issued earlier by the four major church denominations which operated these schools.

These exploratory dialogues brought together survivors, Aboriginal healers and leaders, legal counsel, church leaders and senior government officials to consider the impacts of the residential school experience and explore the use of alternatives to the court process in the settlement of residential school abuse claims. Eight two-day dialogues were held across the country in British Columbia, Alberta, Saskatchewan, Manitoba, Northwest Territories, Yukon, Ontario and Quebec, and included representatives from each of these areas plus New Brunswick and Nova Scotia. About 30 to 50 participants took part in each session. They were intense, wide-ranging, illuminating, often terribly sad and, ultimately, enormously important in building a new consensus around the scope of this tragedy and the practical, local initiatives which could be taken to respond to it.

These regional dialogues were followed by a three-day national wrap-up dialogue bringing together people who had attended the earlier sessions. The wrap-up dialogue provided an opportunity for the participants to integrate what had been learned from the eight exploratory dialogues. It permitted specific consideration of actual models and approaches to residential school dispute resolution, and the development of a broad framework of options. One positive result was an unprecedented statement of principles for the implementation of alternative approaches. All the constituencies participating in the dialogues contributed to its development.

Now, through the work done in the dialogues, there is intense interest all across the country in resolving matters in processes designed with full and equal survivor participation, and designed to promote better long-term outcomes for those involved, and for Canada as a whole.

In March 1999, the Department of Justice with the support of the Department of Indian Affairs and Northern Development was authorized to test, through the use of up to 12 pilot projects, the potential for using various alternate dispute resolution mechanisms to manage litigation and resolve cases of abuse at residential schools. The impetus to have these pilot projects was, in part, due to the work and partnership building accomplished at the dialogues. By the end of March 2000, 10 of the 12 pilot projects were under way across Canada. All have clearly demonstrated the

goodwill and commitment to the process on the part of survivors, churches and government.

The following text represents amalgams of comments made at the dialogues. It reflects what was said, but does not represent the position of any person or institution, or any agreements or consensus from the dialogues. Indeed, what appears as a single point is often drawn from paraphrases of comments by more than one individual or from more than one institutional perspective. These notes are intended to give the flavour of the discussions without attempting to represent the views of any individual or the perspective of any institution.

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EXPLORATORY DIALOGUES

KAMLOOPS, BRITISH COLUMBIA

NAKODA LODGE, ALBERTA

REGINA, SASKATCHEWAN

WINNIPEG, MANITOBA

TORONTO, ONTARIO

RANKIN INLET, NORTHWEST TERRITORIES

WHITEHORSE, YUKON

MONTREAL, QUEBEC

KAMLOOPS, BRITISH COLUMBIA, DIALOGUE

September 29 and 30, 1999

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I THE EXPECTATIONS OF THE PARTICIPANTS¹

Expectations about the basis for the Dialogue were developed and agreed to by the participants with a view to honouring and respecting everyone's ability to participate fully. They were as follows.

- Explore through dialogue: share, inform and understand what we are dealing with, both in scope and in personal terms; don't negotiate or make decisions. Bring as tools, our perspectives informed by the experiences we have lived through, and are living, and share those perspectives and the truths that come with them on a level playing field as participants in a dialogue, not as representatives to a negotiation.
- Explore our diversity — understand both the common ground, and the differences between and among us, and the underlying reasons — and consider how we move forward building bridges across these differences.
- Build the foundation (an “idea pool”) with which to work in the future in developing a broader framework of choices within which subsequently to deal with specific cases.
- Communicate to others what we are doing, here, in this room, and what we are not doing. Ensure feedback happens and information is relayed from the Dialogue to the constituencies and decision makers behind the perspectives around the room. Provide the means — the ways — through which to involve and listen to others outside the room — to understand their “needs” and empower them to help shape choices to deal with them.
- Prepare summary notes through a committee representing all perspectives at the Dialogue to reflect, in a general way, the areas of discussion and the range of views expressed, but not to attribute comments to individuals nor purport to be formal minutes.
- What is said and not said, done or not done, cannot be used in any court or tribunal. To use the lawyer's language, these discussions are going forward on a “without prejudice basis” with the expectation that they will be open, non-judgmental, honest and respectful.
- We are here in a voluntary process in which we are free to come and go, and in the spirit of goodwill. And, in discussing this Dialogue with others, our intention will be to talk about what we have discussed here in that same spirit.

II OVERVIEW OF THE FLOW OF THE DIALOGUE

The Dialogue began with an opening ceremony and prayer, followed by participants being introduced to the group by a person sitting beside them. This was followed by an overview of the expected course of the session and a discussion of participant expectations. The first day concluded with a circle in which each participant expressed her/his reasons for attending and experience with the issue, and what each hoped to accomplish at the session.

The second day began with short presentations on approaches tried in similar or related circumstances, including at Alkali Lake, Canyon City, St. John's/St. Joseph's and in South Africa, and one on a holistic way of addressing the full range of needs and expectations. The session then broke into three small groups, which explored, in greater detail, the elements which might form part of a framework to address abuse and its fall-out. This triggered a further discussion of the participants' reasons for attending, and their ability to commit to exploring a new framework together. The session concluded with a discussion of the next steps to be taken, including ways to modify the Dialogue for future occasions.

III OVERVIEW OF MATTERS ON WHICH IDEAS WERE SHARED

Perspectives Expressed on the Residential Schools and Their Consequences

Residential schools have led to loss of language, parents being alienated from kids and general loss of understanding of extended family and of cultural beliefs. There is long-term pain and loneliness for survivors. Residential schools divided once proud nations and families — still divide elders and youth.

Issue is trauma — individual trauma which has led to community trauma and sometimes to family violence.

There isn't a lot of time for elders who want closure. Too many stories have gone to the grave.

No one organization can solve this issue — need to integrate resources — need local solutions — need to make this a priority for all — need society to embrace the problem so we can put it behind us — First Nations and others need to free up people to work on this.

Lots of people don't know or believe what happened. There isn't the level of public recognition that some other abuse cases have attracted. Need to recognize how much people have been damaged — need a broader understanding of this among a broad range of people. Also, many Aboriginal youth don't know of the harm done at residential schools.

While the Crown has apologized, there remains the need to look at issues of language and culture.

Some felt that the churches generally have not apologized — want to hear them acknowledge that people were hurt and they were responsible. My people look like they've come through a war.

The disclosures have been devastating to the churches and are contrary to what they believe in. The error lay in the willingness to embrace power and a national policy of assimilation. The issue is not who was responsible, but the fact that authority was not questioned. The churches need healing as well — should talk about a new relationship where we sit at the table as equals rather than a restored one because the old one was based on a willingness to be part of a conquest. Want closure and want local church people involved as part of the solution.

Although there is a desire to sit as individuals and as equals, it is important to recall that some around the table have access to incredible amounts of systemic power to influence a decision.

A lot of work remains to be done at this table and elsewhere, with these participants and with others. There is a need to recognize and address the role of racism, both in systems and in ourselves, and to learn the difference between vindication and reconciliation.

Lots of people are in denial and are just coming out now. Many still live with a lot of pain. Jails are full of people who are full of rage and don't know why. Can be very harmful when people disclose (e.g., to police). Without proper supports in place to deal with the consequences of confronting this, it takes a long time for people to start to look for the sources of a messed up life. Then a very powerful, but also very dangerous, process starts. Some survivors have been driven to suicide by the need to relive their experiences.

It is important to work with the RCMP [Royal Canadian Mounted Police] and other investigators to help them develop a more supportive approach to these kinds of investigations.

The reaction to abuse disclosures in Aboriginal communities themselves is not always positive, although there is strength in the communities to help with healing. The experts on the pain of the residential schools system are those who were there. The experts in healing are those who have come through the experience. Need a long-term spiritual response or the healing won't work — this is a five- or six-generation issue.

Government and churches won't solve this — people must. We aren't going anywhere.

Perspectives on the Exploratory Dialogue Process

Government has asked for advice on how to deal with these cases but officials can't provide that advice without listening to people first. While the problems with the litigation process are well known, alternatives cannot be developed without the participation and ideas of those most affected.

It is critically important that the Native community understand what is going on in the dialogues. Can't pretend to bring the Native perspective without involving them. Don't want to be a party to recommendations if unable to consult first — don't want to make decisions for people. Came here authorized to listen and take information back — not to make decisions. Need to get out to the community so the process belongs to them — those at the dialogues need to go back to explain and get support. Don't want to further disempower people.

This is about individuals and getting them empowered to make choices. Residential schools took control away for so long; getting control back is important. This is a task we take on for the community.

Will need to keep focus — it will take a great deal of effort to get to the heart of the problem. Important to identify all the issues even if some can't yet be dealt with. Need to develop networks and integrate our resources and efforts.

This kind of dialogue is leading to a more level playing field. It is valuable because it allows parties to speak about interests rather than positions. Need more meetings like this to try to avoid expensive and polarizing litigation. We're on the threshold of huge movement if we do our jobs right — we can change for the better forever how people treat each other. Need to work together.

Perspectives on Processes to Resolve Claims

Overall, the justice system may not be the best way, and dollars may not be the best answer. There is no justice system, just a legal system.

It takes courage to go through litigation. People don't understand how difficult and lonely the litigation process is, but until recently there has been no choice, and no help once within it. Some get validation from it but they are a minority. For most, it is re-victimization. Litigation can damage individuals, but also excludes whole communities who often don't even know what is going on. Families need to be part of a process if it is going to produce healing.

Going to court is too painful — story has to be told too many times, flashbacks, etc. Court process goes on and on — civil process can be more painful than criminal.

Litigation creates adversaries, not partnerships. Litigation can be crippling because it forces us into positions we can defend rather than issues we can resolve.

For all its faults, litigation gives people the power to pursue a remedy from powerful institutions. There is a risk that once the litigation pressure is off, there can be less incentive and fewer resources to explore alternatives.

Want to build a structure for choices — most people won't pursue litigation if they have a choice. Need a single point of access for an array of services and choices. Need to get government out of a "box" approach to issues where categories are created and dealt with without considering the interconnections.

Some do want to disclose, but in a comfortable environment — just want to have their experience validated and recognized by both churches and government. Although there have been some important apologies, there is still bickering about respective degrees of liability. This drives pain into the whole family and the community then has to deal with it.

Key point is the time of disclosure — avoid adversarial approach, focus on safety and community support rather than an immediate statement for court — keep legal system out of the first disclosure. Don't provide for disclosure if you're not ready to help those who disclose. There is a real need for immediate care — people are in danger as soon as they disclose. Key elements of a process are immediate help for survivors — at least enough to let them know that care is available. Often, these problems have been held back 25 years. Whole community has likely been affected and needs to be involved. There are strong links among churches, defendants and communities. Must reduce the number of times a story must be retold. Should have timelines for survivors after disclosure.

Lawyers have found that they can represent defendants' interests without losing sight of the need for family, community and individual healing to be inherent parts of the process.

Also need a non-adversarial review of claims, on a without prejudice basis. A facilitator can be important. Then need settlement discussions where talking about differences is important. A hearing by a panel should be one of the options, with someone being able to speak for the survivor at that time. Panel should act as a facilitator, with survivor, church, abuser and government all there. Should be able to get to decisions about healing, job training, etc. Take the time to talk about real options. The process

could also suggest healing options for the abuser and should address the needs of the community which should have input on who is on the panel and should be enabled to set up long-term support groups.

Must be certain there are choices appropriate to those without a community or within an urban community.

Need training for therapists to deal with this kind of abuse and need to build capacity in the community. Communities need to be ready to deal with the violence within them.

Perspectives on Desired Outcomes

Violence, substance abuse and poverty flow from the residential schools experience. Some want healing, others compensation, in part because they are poor. Whatever is done, needs to be individually driven — directed at those who went through the residential schools system — focus on their health and safety.

Not everyone wants courts and litigation — some just want to heal. Need a genuine alternative to litigation. Survivors need validation — have their experience accepted as real; voice — need to be listened to and heard — the ability to speak their truth without blame or judgment, and time to trust. Not sure that damages will lead to closure. Money never equals healing. Need accountability, redress, closure, resolution and rebuilding relationships.

Survivors need accountability from those who harmed them, but also need to be accountable for the harm they went on to do. Have to start dealing with the offender side of the survivor. Need to deal with accountability without re-victimizing.

Afraid we are only talking about restitution — there are huge community impacts and we need to make sure we aren't just talking about restitution. These are very broad issues affecting communities — need long-term community support. Survivors need to plan with their communities — do some planning and research at the local level. Seeking common ground to improve our communities — want to work with government and churches to heal communities. Want to move on — develop a partnership help each other to be great and good. Need to build back relationships.

Answers need to be integrated with other matters — the healing fund, government and churches working to restore language. Need holistic approach without losing the capacity to focus — to achieve concrete things.

Need to take care of those who are providing help and healing.

Should apply what we've learned to existing cases. Governments and churches need to explore liability issues among themselves, without sidelining survivors. All should check back with principles for reactions to possible approaches and report back.

Need to find out more about people who have gotten to successful outcomes. Should identify what resources are available now. Willing to develop a pilot. Want to get together to hammer out a model.

IV SOME ELEMENTS FOR NEW CHOICES

Over the course of the two days of the Dialogue, a number of elements for possible new choices emerged and appeared to enjoy some support. In general, it was felt that additional approaches that are developed must be flexible and adaptable, with elements such as the following.

- Safety. Specifically in “disclosure,” but generally in the process (with facilitation throughout).
- Persistence.
- “Local flavour.”
- Inclusive of those who need to be there.
- Accessible.
- Enables honour and respect.
- Permits acknowledgment of pain.
- Allows for forgiveness.
- Does not create false (unrealistic) expectations.
- Draws upon and builds on existing resources, programs and sources of institutional support.
- Recognizes traditional ceremonies and approaches.
- Accesses existing services and resources — in communities, in government and in churches.
- Makes choices understandable and explicit.

- Adds additional elements as required.
- Permits an individual/group/community/institution to navigate/pathfind through a series of choices.

V ONE POSSIBLE NAVIGATIONAL TOOL

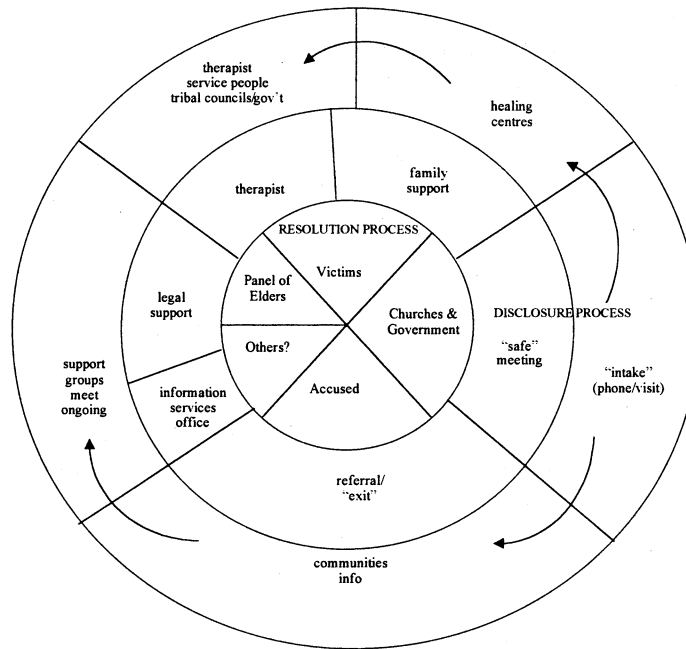
One way of looking at possible pathways was reviewed for the participants and was very positively received. It can be summarized as follows.

Goal. Provide a starting point for a way to think about creating community driven initiatives to provide the individual with the opportunity to make a series of informed choices about how best to achieve personal closure.

Means. Concentric circles with connecting passageways (around and between) which will provide individuals with access to safe and secure options and possibilities, and alternative ways of reaching personal closure.

- **Outer circle — awareness and access.** Consolidating connections between and among existing community and institutional resources and services to enable the individual to:
 - take a first step: “intake”(e.g., visit, phone call);
 - be informed as to resources and options, and how to access them; and
 - become aware of services.
- **Middle circle — education and referral.** Provide a safe and secure place to make “disclosure,” — while respecting cultural and professional values and concerns — with the opportunity to:
 - be informed as to resources and options, and how to access them;
 - be referred and assisted; and
 - make informed choices as to the next step.
- **Inner circles — action leading to closure.**
- Involve those who need to be involved (such as victim, panel of elders, accused, churches, government) in a process whose goal is to achieve consensus on an outcome involving a range of potential remedial elements that deliver personal closure for the individual.

Navigational Tool: One Way of Looking
At Possible Pathways



VI BEYOND KAMLOOPS: THE NEXT STEPS

Maintain continuity between and among the dialogues as they go forward, and continue to “learn by doing.” Possible building blocks in that regard may include the following.

- Inform upcoming dialogues on outcomes of earlier dialogues, and feedback of information to the participants in dialogues completed. The notes will be one tool through which to do this, but other activities should also be considered.
- Include representative voices from the dialogues in subsequent dialogues mindful and respectful that the goal is to share and inform, not to direct.
- Consider additional representatives for inclusion of provincial representatives, medical services, the RCMP and a “full perspective” of church participants given their special and varying organizational structures.

- Consider improvements in further dialogues. These could include ensuring an appropriate balance, making sure government and churches explain early on their reasons for being at the dialogues and identifying everyone's expectation and interests early on in the session, expressed possibly as a response to the question: How would we know we were on a "good way" and in a "good place" five years from now?

Within British Columbia strong interest was expressed in developing a pilot initiative, and the Inter-Tribal Authority indicated it intended to develop a proposal in that regard. A further meeting within British Columbia was envisioned within the next six months, and the B.C. Residential Schools Project offered to do the co-ordination. Offers to explore possible resources to support such an initiative were made.

The Dialogue, while providing a safe place to explore ideas on a "broad plane" outside of specific cases, also increased the awareness of the need to move forward quickly with efforts to attempt to resolve specific cases. An important building block in going forward, it was believed, would be for government and churches to move forward with discussion around a framework of principles and how they might apply to facilitate the resolution of specific cases.

The potential for research focussed on those survivors who have successfully worked through to closure in personal terms was noted. This might provide a basis for insights and help to inform/guide the development of application models.

- What worked; what did not? What was important; what was not?
- What resources were accessed? For whom? What was unavailable?

Initiatives that start to take form, as a sense of what might be desirable and doable becomes clearer, must also be considered in light of the challenge of identifying the resources, which must follow good ideas if they are to turn into action, but inevitably move more slowly. This makes the need to network and communicate, and to access existing resources and use them effectively all the more important. The foundation on which that rests is informing, understanding and building the structures to work together.

The "big picture" cannot lose sight of the fact that out there, every day, in different places and in different ways, are survivors with immediate care needs. We must not lose sight of short- term imperatives which build to longer term visions.

Endnote

1. These notes were prepared through the efforts of a committee consisting of Doug Ewart, Bobbie Joseph, Yvonne Rigsby-Jones, Gerry Kelly, Maggie Hodgson, Mark Wedge and Glenn Sigurdson.

NAKODA LODGE, ALBERTA, DIALOGUE

October 21 and 22, 1998

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I OVERVIEW OF THE DIALOGUE¹

The Alberta Dialogue opened with a ceremony and a prayer, after which the participants took turns introducing each other to the group. The background events leading up to the session were reviewed and expectations for the Dialogue were discussed. To respect everyone's comfort in participating openly and fully, it was agreed that no negotiations were intended, and that all comments would be on a without prejudice basis, that is, nothing said would be used in a court or alternate dispute resolution (ADR) process, but the discussions could be freely communicated to those not at the meeting. The Dialogue then moved into a circle, in which all participants expressed their reasons for attending, their experiences and their hopes for the future.

The second day began with a presentation on the experiences of the Grollier Hall survivors and their insights and expectations as to possible elements to be included within an ADR model. The research under way under the direction of the Law Commission of Canada was summarized, and a presentation on the network of the Aboriginal Healing Foundation was provided.

Discussion then focussed on ideas and actions that will make it possible to move forward in "good ways to good places" and the need to build understanding of the importance of this issue beyond this room within institutions, congregations, Aboriginal communities and leaders, and the public at large. The session concluded with a closing circle including suggestions to inform subsequent sessions. It was agreed, as well, that participants from the Dialogue, who were representative of different perspectives, would participate in a smaller group to develop summary notes from the session.

The meeting took place at the same time as the release of the report into the inquiry into the shootings at Sarcee. The participants took note of this sad matter and the pain it was causing, and sent an expression of their sympathy to the community.

II OVERVIEW OF MATTERS ON WHICH VIEWS WERE SHARED

Perspectives Expressed on the Residential Schools and Their Consequences

Those who were abused had opportunities taken away — all communities are weaker — assimilation was the overall purpose here — whole communities lost — whole nations were destroyed. Need to look at all circumstances where kids are taken from families.

We are all victims and have all suffered — have to work that out for ourselves and among ourselves and strengthen our families and communities. Issue is how do we reclaim who we were as tribal people. At the schools, we were treated as numbers, not people. Abusers took away development and spirituality and culture — many see this as criminal.

Many elders believe that the church can do no wrong — often parents did not accept revelations and sent kids back — priests in the communities denied abuse and sent kids back — how do you question the word of God? But one father wouldn't send child "until you're old enough to protect yourself."

Must get information to our leaders, who don't always direct available funds to this issue. Problem is denial — if we accepted it, we could deal with it — may not then need to do a whole lot more.

Those who went through residential schools were made to learn English and forget their own languages, but those who ran the schools didn't bother to learn Native languages or customs. Culture and spirituality were driven underground. Made people feel they had no roots — impacts are intergenerational.

Have to acknowledge positive as well as negative — some good things happened. But even where good things happened, there remains the impact of being taken from home.

Residential schools are still happening — in jails and communities. The high levels of physical and sexual abuse in some communities won't stop until survivors helped. Major fears for communities with several hundred cases — some people will die. Don't want residential schools to take more lives.

There are a lot of lonely paths, for example, elders who have no way to reveal to the community and have their experience validated. Generally hard to get a survivors' group started — people don't want to talk — there was a lot of abuse by older boys. Dehumanization led us to do dehumanizing things to others.

Churches got caught up with government and RCMP [Royal Canadian Mounted Police]. Church became an arm of government in taking land from Aboriginal people, enforced by the RCMP. Churches and government abused in the name of land and resources — need to get that back more than need money. Some feel that loss more than the abuse is the central cause of today's problems.

Need to recognize that White society is dysfunctional as well and needs to be healed. Church is dysfunctional as long as its members are. Church itself needs healing to overcome its inherent racism, which is still present systemically — heavy burden.

Realize that the institutions were the abusers, but those running them now need to take responsibility. Know words won't help — want to rebuild trust.

Perspectives on the Exploratory Dialogue Process

Important to know the goal of the Assembly of First Nations, government and churches at the dialogues. Concern that meeting was set up by Assembly of First Nations and government — very few of the First Nations or their members know about it. Need churches to acknowledge the abuse before sitting down with them. Concern that government and church want to develop a front against the survivors. Fear that Aboriginal people being asked to talk and the church and government will go away and make decisions. Government and churches should outline positions on compensation/healing/recording for survivors to take back to their communities.

Aboriginal people leave these meetings and go back to the problem — issue is what the government and church will do to bring about healing.

Assembly of First Nations supports this because, historically, the legal framework for dispute resolution was developed without consultation.

Government wants these dialogues because it didn't want to try to find a way to deal with the cases without listening to survivors — need to broaden the discussion to get to legitimate and appropriate answers. We are here to listen, in part, because Aboriginal people and organizations have asked us to listen to survivors and not just leadership. Need to learn your ideas and build on them. Want to move to a culture of resolution. Where there is litigation would like to make it faster, agree to more things (e.g., validation process and sorting out liability issues with churches), reduce victimization. Might try to move things out of court — overall focus on resolving rather than on winning or losing in court — need more paths. It is all connected — acknowledgment, healing, rebuilding whole nations. Also want a broader discussion about safer disclosures that may or may not lead to litigation — and may involve more choices than just cash compensation. Combine some solutions with Healing Foundation if possible.

Church representatives don't have a ready-made position — want to be able to go back and help the church take the next steps. Church is just beginning to come to grips with the history they were a part of and the need for a remedy. Have since acknowledged that crimes were committed and have expressed deep sorrow — want to explore here what is required for real healing — need to hear from those against whom crimes were committed — need to learn how to repent.

Must recognize that many survivors do not have a community because of the residential schools experience and their years of silence since. This will mean that there is no one to speak for them at the dialogues.

Dialogues can lead to government and churches meeting to discuss how to work out their respective liabilities and thus reduce delay and pain for survivors who would still get same amount but without having to watch a fight over shares.

Have questions about the openness of the process and control of the meeting. Concern that what happened in one dialogue not be taken into another dialogue in a way that made it seem like what went on in one place should control what could happen here.

Government representatives should not come to meetings to learn. Government should send people who have an understanding of what happened, know what Aboriginal people want and be able to say if they can have it. Should have more government departments here — corrections, health, medical services — should at least be aware of what is happening. Why no nuns at meeting? Include elders and youth.

Good process — feel better going out — got the information I was looking for — should get issues like recording of the meeting, etc., dealt with early. Some would have preferred a verbatim transcript, but generally there was comfort relying on summary notes. Government and churches should indicate early on what they are willing to do — more material in advance — present examples of ADR at beginning — get to early discussion of purpose of being here — get out some of the remarkable things people are doing — start building a base of success.

Sharing is key.

Perspectives on Processes to Resolve Claims

Need more people to help at the start of a path and a better sense of connectedness.

Assembly of First Nations should send staff to communities to talk to people affected by schools. Many victims don't know of efforts made so far. Should have 1-800 number for information on choices — government should provide information to all those dealing with survivors.

Train community caregivers before you do anything. They have to understand where survivors are coming from. Need to train all service providers in residential schools syndrome, otherwise they don't understand impacts. Experience of victims has to be central — have to understand what actually happened to them to be able to react — need to understand scope and extent of trauma. Need to respect those with the courage to speak — don't just listen — believe them.

Need to work with the whole community. Communities have to be prepared to deal with their own violence. Need a broader definition of community — residential schools destroyed communities — drove people away from their communities. Need to deal with those off reserve and those who go back and forth. They have no resources to deal with this and no programs — children suffer. No programs or even a facility — kids committing suicide. Could perhaps use church facilities in urban area.

Give victims choices, lawsuit, settlement, healing, nothing. Government needs to give up some power and believe in power of Aboriginal people. To do it their own way.

Need several processes — people not all at same stage. Each person needs access to healing — a process suitable to them including treatment options and a chance to find out what works and what doesn't. Key need is services. Treatment works, though it can be hard to have family tell you how you hurt them.

Process has to be safe — stories are hard to hear and even harder to tell. Have to expect flak, including from elders and others who will wonder why you are bringing up the past. Survivors need safe place to disclose and to find out their choices. Issue is how to build support for survivors where they live so they can come forward — part of this is knowing more about position of government and churches — know what to expect. May be worried about humiliation after coming out — or loss of benefits or opportunities. How can government encourage people to come forward — clear apology would help. If people are ready to speak government needs to be ready to listen and to provide immediate counselling.

Safety net is always important whether a trial or at survivors meeting — how to get from home to meeting and back with emotions intact. Work has been done at some trials to have counsellors available throughout and to provide funding for plaintiffs and families to attend at trial.

Government needs to understand the need for help during trials from own people and counsellors — need people who will be there after the trial is over. There should be resources to do things in the community. Training should be seen as part of an overall plan. There are problems with the lack of support during the process — sometimes money does help.

Lawyers are approaching people on reserve — they are the only ones making any money — people are being taken advantage of. Have heard of 40 percent + contingency fees — a major concern. There is a feeding frenzy going on in the community as lawyers sign people up without there being supports in place. Some sign forms and then commit suicide — some are as vulnerable as they were at the schools. Want to know that when lawyers go into the communities there are funded counsellors to help those

who disclose. Might need to work with lawyers on ethical obligations — perhaps establish training program for institutional abuse.

If we use courts and lawyers, we will spend a lot of time and money on processes that won't make a difference. Will the residential schools issue be as slow as land claims have been? Going to court is not healing. Want to see if there is a better, less adversarial way, less harmful way to resolve issues with survivors. Need non-court ways to be listened to. Need to work with communities to see if these ways exist.

Both litigation and ADR can be made less painful — key issue is to avoid trauma. It all comes down to power and control imbalance — e.g., it is hard to even talk to senior people in government and churches — even sometimes to elders.

Nothing inherently wrong with court system — delays don't come from rules but from parties. Even ADR is still adversarial. Damages are up to \$300,000 to \$500,000 in B.C., Mount Cashel up to \$400,000. Lawyers can make sure facts like these are known to those pursuing ADR.

Process can be made less expensive — just getting the basic facts out can be very expensive in either process. Justice system re-victimizes because of evidence rules. Should have data bases or archives, matters already disclosed in other cases — this would level playing field and reduce costs.

Litigation is very time consuming. Not personally interested in litigation, although it can be a part of healing. Want to know more about ADR before filing a statement of claim — seems inclusive, non-violent, non-aggressive.

ADR is good for clearer issues — but need to at least determine whether litigation needed to deal with compensation for cultural and spiritual losses. If so, maybe put best case forward from both sides so people don't have to wait and deal with the uncertainty. Not sure court is the right place to deal with issues like loss of a community — court might give the wrong answer — court answers tend to be limited.

Might have ADR for some issues (healing) but litigation for others — could combine them.

Should have nation-based class actions.

Church wants to sort out liability issues with government in way that causes less pain. Government wants to find out what happened and to pay its fair share.

Perspectives on Desired Outcomes

Need to work to develop a culture of resolution. Turn reflection to reconciliation — deal with wholeness of people and help recovery. Government and churches have moral responsibility to work to heal abuse. Can help to restore trust in government and churches. Must deal with culture and intergenerational impacts. Priority is kids of three or four generations of survivors.

Need apology including individual apology, extended to family if victim wants. Need apology for inducing shame about culture even where there was no physical or sexual abuse. Need televised apologies, if possible from prime minister and DIAND [Department of Indian Affairs and Northern Development] minister. Get all the apologies made to date on one sheet and on cassette in appropriate languages.

Some victims may not want an apology as much as they want a chance to be heard, but those who have received specific apologies find a powerful impact. Apologies must be followed by action — compensation plus training opportunities.

Apology without action leads to more abuse. Something concrete has to accompany apologies — not necessarily money but some productive acts. Churches should take on a mission to learn and then educate — apologies only meaningful if people know what they are apologizing for.

Get priests trained and then have them educate reserves — make people aware of the apology.

Must redress harm and facilitate healing — healing is the essence — not out to break the church. Churches should provide facilities for healing centres.

Healing must be based in traditional practices. The traditional forms of healing are still there. Language, culture and spirituality are critical elements in healing. Healing process must also take into account the related land claims issues — impact of loss of land. Must be community based — people shouldn't have to leave their community to get help and support. Healing services must be long term and so agencies need financial guarantees. Healing and ADR work well together — healing can make the survivor ready for the settlement.

Need to listen to Aboriginal people about healing themselves in culturally appropriate ways. Churches and DIAND should not be involved in healing — need to be penalized and survivors need money. Some have healed selves and are now trying to heal others. Some of the caregiving is working — some people are turning lives around. One way is to encourage people

to go back to the land where nature will do the healing. As well, the justice system needs to take into account, in dealing with violence in Aboriginal communities, all the consequences of the residential schools experience.

At present, government is settling, maybe too quickly and just for cash — may be a problem where there are no community supports — may make people worse off. Need to heal before litigation — without healing, money won't do any good.

Health workers don't have the ability to address all of the hurts and pains in the community — need churches and government and community and the individual working together. Need to know who in the broader community will help survivors once they disclose — burden can't be on Aboriginal communities alone.

Although there are some amazing things going on in communities to help people, Aboriginal service providers are not ready for the door to open — there needs to be a process in place for those who will disclose tomorrow. Healing Foundation could help. There are problems with Healing Foundation — people are getting lost in fight over money. Survivors and those reopening them have no information on what's going on with the Healing Foundation — people need better sense of Healing Foundation mandate. Healing Foundation should be given more money.

Government and churches need to quickly work out liability issues — not for individual cases, etc., but should develop the potential to work together.

Might want training, access to education — driven away from school by abuse — why not get education now?

Not sure money would help. It doesn't seem to make people happy in the dominant society, and doesn't do the environment any good. There are problems where money gets spent without pain and degradation being removed. Need personal commitment, then money can help. Compensation should be in a form decided by individual, community and healers. Government knows impacts and that the \$350 million being administered by the Healing Foundation is not enough at community level. Have emphasized compensation for physical and sexual abuse of individuals because understood it was key community priority — people really hurting.

Need to find ways that the Healing Foundation, although separate, will work with processes for individual claims and for healing.

If get financial compensation — should have protocol to protect from tax and social assistance cutoffs, and church should purchase financial

counselling services for victims. Medical services and others should at least be aware when people are getting money.

Need a more scientific study of what happened to people — post-traumatic stress syndrome. There is a need to look at a worldwide residential schools syndrome. This would help people see the need to treat it.

Need to build trust through accomplishments at the school or community level, e.g., victim support model — government support taking it elsewhere.

III GOOD WAYS TO GOOD PLACES: ATTRIBUTES

The Grollier Hall presentation identified attributes that should be present in “outcomes,” and in the process of trying to reach them — recognizing the fact that there are many different needs and expectations out there, and people will put different emphasis on different attributes.

Healing

You must take control over the healing process, and all that goes with that. We had to do it our way, and if mistakes were made, they were our mistakes. You have to do it yourself. Never give up. Healing is a tough job.

Starts with respect — reconnecting with who I am and reclaiming who we are.

The guys directed the counselling and arranged for training of others within the community to act as counsellors, and educated the support people (including parents) to help the guys.

Facilitates healing of the whole person, and is community based so that it is accessible.

Safety net — must always be present — before, during and after whether in trial, ADR or any other place so you return from wherever you were “emotionally intact.”

Acknowledgment

That harm was done. Apology is at the heart of reconciliation. It must go beyond words to action.

It must recognize the courage of having come forward.

It must be personal and extend to the survivor, and if requested, her/his family.

It must be widely published — both in the community and within the institution.

It must clearly state that the situation was not the survivors' fault, and they are not to blame.

Compensation

Must be accessible, fair and just, and supported by financial and vocational counselling.

Memorialization

The deep need to tell the story, and have it memorialized in a public way must be respected — including finding a means to commemorate those who have died. The outcomes must recognize the interconnection between settlements, and the need to reconcile possible tensions in specific circumstances between them.

Settlements must be transparent. Non-disclosure clauses are just another form of maintaining the silence already maintained for too long.

The school — who attended, the memorabilia, the trophies — must be recorded and told and remembered. If we do not hear from the past we are doomed to repeat the mistakes of history.

Choices

It is not sufficient to seek such outcomes only outside a litigation context — where litigation is the option of choice, ways must be sought to make that process safer less painful, more streamlined.

IV BUILDING AWARENESS AND ENGAGEMENT

Emerging from the discussions was the recognition that there was mutual interest in developing effective messages and creating together ways to deliver them in order to build awareness and engagement beyond the Dialogue — into governments, congregations, Aboriginal communities and leadership, and the public at large. Through the course of the discussions, some of the ideas and approaches which were shared included the following.

Deep need to tell our stories in our own ways and to memorialize both what happened generally and specifically those who died.

Need people to know it happened. The public must be made aware of the abuse of children that took place.

We have to educate parents and elders that this really happened — some parents sent kids back. We need to break the silence and create awareness, while being careful about what the stories are used for. They can sometimes cause more pain. We must learn from the past.

Government and churches know they need to move forward in different ways — acknowledge the abuse and apologize. Know of need of victims to have their experience validated. A priority is to build a national community of interest and to establish broader public awareness.

All apologies could be put together on one sheet. Maybe a video could be prepared with all apologies on it. Many different languages will have to be recognized and respected. Information packages should be prepared.

Lawyers' usual way is that non-disclosure is part of settlement and that is wrong — it is once again silencing Aboriginal people. Must acknowledge what happened. It was wrong and we are sorry — breach of trust — settlement terms have to be public, otherwise, it is like abuser saying "don't tell."

No question we, as church, were there and we accept our responsibility. Church members struggling with this coast to coast. The challenge is to get people in the congregations to pay attention to this. There is a big gap. Have apologized for our role — abuse was intolerable and inexcusable, a betrayal of trust — but it doesn't appear that the congregations are aware of it — need to get the message out to the pews — some church members are still in denial. Now trying to live the apologies. Earlier apology was for spiritual and cultural domination of Aboriginal people — since then have set up listening panels for those who want to tell story and have established a small healing fund. Maybe church should set aside one day per year to mark what happened to survivors. Maybe annual ceremony — four to five years at least — would make message visible and would also validate.

Need awareness workshops — government policy makers, front line workers, clergy, to expose them to the impact residential schools had on children. We do this today for teachers so they understand where kids are at. Hard to find out specifics now sometimes. How can I help if I don't know about particular schools? More information is needed. Do we have to wait for statement of claim to find out about each one? How can we help if we don't know? Need to deal with public perception and to create public awareness of the need for compensation.

Endnote

1. These notes were prepared through the efforts of a committee consisting of Betty Bastien, Lawrence Norbert, Gerry Kelly, Doug Ewart, Maggie Hodgson, Mark Wedge and Glenn Sigurdson.

REGINA, SASKATCHEWAN, DIALOGUE

November 19 and 20, 1998

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I OVERVIEW OF THE FLOW OF THE DIALOGUE¹

The Dialogue opened with a traditional ceremony and prayer followed by the participants introducing each other to the group. To respect everyone being able to participate openly and comfortably — it was agreed that the Dialogue was going forward to explore, openly and comfortably — to explore, not to negotiate, and on a without prejudice basis. Reference was made to the letter of invitation and the expectation of the participants from the Kamloops Dialogue (the notes of which had been distributed). It was also agreed that participants from the Dialogue representing different perspectives would take part in a smaller group to develop summary notes reflecting the discussions.

The Dialogue then moved into a circle, in which all participants expressed their reasons for attending, their experiences and their hopes for the future. This was followed by presentations by former students of Grollier Hall (invited as representatives from the Nakoda Dialogue to help build a connection and continuity between the dialogues) on their experiences in supporting themselves and other survivors through a recent criminal prosecution in the Northwest Territories; on an alternate dispute resolution (ADR) model under development by the Federation of Saskatchewan Indian Nations (FSIN); and on the Aboriginal Healing Foundation. The Dialogue concluded with a group discussion of the various elements which could be brought together into a resolution strategy.

II OVERVIEW OF MATTERS ON WHICH IDEAS WERE SHARED

Perspectives Expressed on the Residential Schools and Their Consequences

No Aboriginal person is outside the range of the pain caused to individuals, families and communities by the residential schools. The scope blows you away. Knives, guns, rape and violence are integral parts of the residential schools legacy. The devastation is almost unbelievable. Being Indian in Canada is one of the hardest jobs I've had. Don't understand how people could have done what they did. Why did people think this was a good idea? Why did it take so long to find out about it? A corrupt system, corruptly administered. Great loss of talent for Canada — generational problems continue.

Residential schools took away our trust and our sexuality and identity. Kids became numbers at residential schools. No love was given at the schools — anger, not love, was shown, and as a result parents went on to bring up their kids this way. Don't know how to express love because of sexual abuse at residential schools and because children were taken from parents and not exposed to parental love. Taught not to feel or express feeling at residential schools — don't know what it is to be happy, healthy First Nations family.

Must consider impact on small child taken from parents — loveless, not nurtured — just little children, no defences and no one to defend us against physical, sexual, verbal and spiritual abuse. Also at the mercy of the older boys. Kids had no way out — who would believe them? Parents sometimes returned kids who had been taken out for their safety. When Aboriginal caregivers at some schools tried to reveal the abuse going on, they were not believed and sometimes were told not to disturb the situation. Administrators made deals to move abusers when they were caught.

The pain began when I left my community. Pain of being torn from family — impossible for kids to understand why those who should have been there to love and care for them were not. Makes people act now as if they had no relatives. Parents were also affected by having kids taken away — these effects last through today. Family bonds were broken as a matter of policy.

Now starting to get calls from older women in the community who were abused at residential schools. Beginning to understand broader significance for women, many of whom have been beaten — now see how that is a consequence of residential schools system.

Residential schools told people their culture was wrong, but then when kids went home their parents would try to bring them back to their culture, then kids would go to school and again be told it was wrong, and so on. Kids lost their trust in their parents.

Our culture is based on language, and was lost when language was destroyed. Government and powerful churches tried to take the Indian out of us and almost destroyed us. Legacy includes loss of culture, high incarceration rates, physical and sexual abuse, violence, chemical abuse. The effects of residential schools have made people angry — they take this out on others. Many offenders were victims first. People have been through traumatic experience — will take years to heal — to make the dream of healing and wellness come to reality.

Problems are so ingrained at the community level that it's hard to know where to start, e.g., victims of victims — lateral violence. Some communities want to deal with this, others don't. There is still a lot of denial even in communities that have started a healing journey. Sometimes criticized by elders for bringing this out, but we have to tell the story. Elders sometimes don't want survivors to reveal abuse, nor do some others in the communities. Feel it is just stirring up old troubles. Some Aboriginal political leaders refuse to believe the extent of the harm. That hurts just as much as a lack of belief by elders. We need to come out of denial and listen. Individuals still suffer shame — don't tell even good friends — can lead to drugs and suicide. Can be a hard process within a family to come to grips with this. Some survivors don't disclose because they have gone on

to abuse. Sometimes it's best to start an investigation of someone suspected of committing a sexual assault by asking, who abused you?

There is still a mask of secrecy. People don't know what went on or why survivors are coming forward now — still don't know the effects — must educate them. The stories of Aboriginal Nations are still not known — racism and colonialism are still alive. There is a history of abuse of Aboriginal people over the centuries; racism continues. The fact of the schools and the imperialism they represented was the worst abuse overall.

There were those at residential schools who got good educations, and many staff who were not perpetrators.

Feel the government is to blame — churches just followers. Government wanted us to live like White men, but wouldn't let us into their world.

Churches accept their share of responsibility — it wasn't all the government. Churches played a role in the history of colonization. It's part of our history and should not be denied. It is important, but hard, to understand how it could have happened. There is a lot of work to be done with the church membership before they understand the church's responsibility. Have put together a book of stories to help increase awareness of what the schools did. Must deal with the hold the church has on elders. Need senior church leaders to come to the community to say that what happened at residential schools was wrong and that it is OK to talk about.

RCMP [Royal Canadian Mounted Police] accept that they were part of this pattern — not listening when told — and are also victims in having to deal with suicides and other consequences.

Residential schools happened because the government had an "Indian problem" and the churches wanted converts. Want to know more about the agreements between government and churches — was culture eradicated so government wouldn't have to pay for Aboriginal people forever? Were resources for churches to run the schools limited with that in mind? Need to know the non-Aboriginal side of this — need to know the history so it won't be repeated — make sure it really is history.

The AFN [Assembly of First Nations] involved in this issue nine years ago. Started to talk to government, but government got to decide when it was ready to talk.

Grew up as non-Aboriginal seeing the discrimination and the pain and what it was doing to communities. Saw the control that people with money and power exert. Want to do something about that. Government is aware of the damage created in First Nations communities as a result not just of

residential schools policies, but other policies as well. Residential schools issue is a symbol of how non-Aboriginal dealt with Aboriginal people. We are focussing on that now to try to find the right paths for people. Don't have all the answers because problems go well beyond residential schools.

Situation is critical — don't have a lot of time, lives are at stake. Residential schools survivors are dying off. Lots of hurting people out there. Don't want residential schools to take another life.

It took a long time for spousal abuse and child sexual abuse to get talked about. We're at the early stages for residential schools abuse. If I don't do this work for those who died, who will? Must honour them, not forget them.

Perspectives on the Exploratory Dialogue Process

The dialogues emerged from thinking that had been going on at the AFN, in [Department of] Justice and in DIAND [Department of Indian Affairs and Northern Development] on the profound impact residential schools were having on survivors, families and communities. It was felt that all of those affected needed to be involved in exploring the range of possible solutions, and that the dialogues could get the diverse perspectives together to talk, but more importantly, to listen. The idea was to develop choices without any preconceived models.

Believe this is the right process to get to healing — the ideas will come from the survivors.

Humbling to participate. There is much courage and wisdom here. We have heard things we didn't want to hear but recognize we are in the presence of truth tellers. Hearing the stories helps defendants lower their defences. It makes the experience more real for those who weren't there compared to reading the stories, even hundreds of them. It is a privilege to have this sharing. It is important for our country that we are here. But, it is still hard for government people to make the experience of the dialogues real for those who are not here.

The dialogues make it possible for those from the offending groups to feel some dignity and to own more of the apologies their organizations have made. This helps progress towards a restorative approach.

Have some concerns about the timing — is it in good faith? Abuse has been known at least in general for a long time. Why the government interest now? Probably because of the number of suits. Where were the AFN and FSIN on this issue five years ago? Why involved now? Clients wonder why they weren't active on this issue then. Political gain now?

Concerned that information shared here may not be used in the best interests of Aboriginal people. Should have people here from the province. Worried feds will go back to Ottawa and do nothing. Crown position in cases has gotten tougher — makes one wonder about current motives.

There is progress, even though we can't be sure of outcome. First dialogue got the government and church talking, and may have contributed to the settlement of a major case. Must keep working.

Let's talk about solutions and processes — this is a good start — must continue. Need to try to find the common ground and take steps forward together. This process brings us together to talk — experiences from different schools and communities are very similar.

Feel better after hearing experiences of other survivors' groups — feel there is somewhere we could start. It is hard to find the healing path when you look individually. Need to share the learning of others; don't have to start from scratch.

Must remember to speak for those who are not here.

See light at the end of the tunnel and it isn't a train. No matter how bleak things are, there is always hope and this process is part of it. Deep hurts have been shared, but also insights.

Perspectives on Processes to Resolve Claims

We are close to the point where we could lose the opportunity for a different approach. A wave of cases may overwhelm us and drive us into the old ways.

There is a need to create a broader sense of community and support and to move away from a culture of denial and delay into one of resolution. Desired features are disclosure with safety, validation with sensitivity, reparation with commemoration and respect. A possible way to look at the process is as a continuum: healing → disclosure → validation → reparation → commemoration → healing, with safety throughout, and with a recognition of the interrelationship of individuals, abusers and communities at each stage. In a restorative justice model, disclosure and validation would be collapsed into one stage because the abuser is there to admit the wrong and validate at the same time.

In the absence of alternatives, relationships are being destroyed by trial process. Communities don't have a part. As well, some survivors go to court, get a settlement and then ask what happened. Some feel they are left dangling, are not included in negotiations with government.

There is a long way to go to make redress for the history of wrong. There are many paths to healing, some involving litigation, which needs to be the safe path for those who choose it.

Litigation is difficult for defendants' counsel who have to explore with survivors other possible sources of their present situation in order to clarify the damage award for the residential schools experience. Government has been trying to manage its response to litigation in a way that is sensitive to survivors — trying to hear the stories with sensitivity, but even the settlements are painful for all involved. Lawyers are not trained to respond to the horror stories. Government people involved feel their job is putting them in opposition to members of their own community. It's hard to be "Canada" in these processes, but good to have a chance to make right a wrong.

But, if it is painful to read the statement of claim, what about those who make them after much anguish about whether to expose their past, who have to break down the wall they have built to protect themselves from the memories. People now have to go to an office to make a disclosure to someone who may not care and then have to go back to family and community. Then have to go through discovery and trial. A serious burden which deters many, potentially to the benefit of the government. If government is committed to this process, they won't take advantage of these burdens deterring people.

Have to tell survivors who come forward that if they are going to the legal system they need to be prepared to relive the experience and hurt. Must find someone to go with you. Before we left people alone to go to court — now we know someone needs to go with them.

In over 20 years in the courts, never seen a victim come away happy or healed even where there is a conviction.

Aboriginal leadership is concerned about levels of contingency fees — heard up to 47 percent — which is very disturbing. Must put this issue on the table and talk about it. As well, the National Chief has written to all law societies to request that more concern be paid to the integrity of the lives of persons involved in litigation. Lawyers are soliciting clients — some have come to communities and lined people up like at residential schools. Some people are turning the claims into an industry — including some Aboriginal people.

Government accepts that there is a liability issue here and that money needs to be spent. Claims are focussing attention on these matters in a way that wasn't possible earlier. That isn't the worry. Rather, the worry is that a lot of money will be spent without making much of a difference. Don't

want to have thousands of people go through the justice system without things getting better.

Problems with current approach include lump sum (one-time) payments for people with long-term needs; apologies that can't be spoken about even though we know some survivors need public acknowledgment (at present told not to disclose settlements — continues the secrecy of the shame); communities being separated from the process; a justice system which deals with individuals, not collectives or with persons who identify as members of communities; lack of links to Healing Foundation; welfare cutoffs; government desire to treat like cases the same way even though there are a host of nations with different needs.

Don't assume survivors do not want time in court or that it is bad for them. For a number, it is a source of pride and a sense of empowerment. Used to being on the opposite end of the justice system — now are in charge of actions against the Crown. Courts make a difference — when government and church start being found liable, they find it is in their best interest to settle out of court and perhaps to seek alternatives to the courts. Some survivors would like to proceed with an all out fight in the courts — be fully heard. It's empowering to have some control and to be able to determine the direction proceedings will take. Government and churches should not discourage survivors from going to court — they were the abusers.

There is no government plan — no desire to take away choice. Courts may be best for some. For those who choose that, we want to make it less painful. But also want to see if there are good alternatives which can be built by the people affected.

Must deal with immediate effects once the silence is broken — key issue throughout. Where is the emotional safety net? Consider that before you discuss the end product. Scared of system where disclosure is written down — it can come back to harm you.

Must take control and challenge notion that government should look after Aboriginal people. We have to testify and we have to do the healing. Part of colonization is that government does it for you. If too many rules around a process, community will feel cut off. Need to figure out what is good for each community — don't tell them what to do, but support them. Need a process that is realistic in our own context.

Impacts went from individuals to families to communities — all three need to be supported as the issues are worked through. A lot of damage can be done in an investigation. Need to build safety and sensitivity into disclosure. If lawyers are charging high fees, they should at least pay for client's emotional safety during the process.

There are some good examples of other approaches. Some lawyers have carefully thought through what their clients need. Need to look seriously at all approaches. There are good models for supporting survivors at trials. Elements include support group, intensive training of community-based caregivers and health workers in residential schools impacts so there is a base of community resources in place, and having caregivers, family and supporters come to trial and be with survivor before and after testimony.

Resolution takes time, pain and trust. It's a hard, slow process. Need to find a process that encourages people to forgive, or they won't heal. Forgiveness doesn't mean that you don't pursue justice — it's not for the wrongdoer, but for the person who was wronged.

There are problems where people in helping agencies in the community are named as abusers or are related to those who are. Huge stress on the system where community members are abusers. Safety can be compromised within the community. What should survivors do with other Aboriginal people who abused them — sue them?

Very afraid for communities with hundreds of claims. Who will provide the support? Unless community backs people up there won't be a sense of ownership and follow-up — the disclosures made there won't be safe.

Where there are a number of residential schools survivors in a community, not sure how to get started on seeking redress — not sure where to get funds for services. May need some additional government resources until the Healing Foundation comes on line. In terms of supporting survivors through a process, government should not quibble over the costs. Too early to forecast costs — should get some processes going so we can better understand the cost parameters.

Need to get on with it and to make sure the community makes its own decisions. Need to build on experience elsewhere — take some chances — try some models and learn from them.

Must listen to the survivors.

Perspectives on Desired Outcomes

Once you get some power over government and church, have to decide how to use it — whether to use it to try to build a new relationship or to do to them what they did to you.

Residential schools happened because government made decisions for Aboriginal people — government took away control at residential schools — don't want to let that happen as we move to resolutions and to decisions around healing. Don't want to be told how to heal and what therapy is

properly part of a healing journey. We need to determine with whom and how to heal — don't take direction from government. Need healing for selves and families and community. Need healing designed by those who know what they need. Existing medical services don't have the skills or understanding of what First Nations people have to do on healing journey. Those services just won't work. Elders not recognized as healers — only people with degrees. Government needs to recognize that healing is a process, not a deliverable with a specific time frame.

Every community and reserve is different. Shouldn't have to live under a regime controlled by others. Government should feel guilt for the harm, but not try to heal us — leave that to us. Healing should not be required as a term of settlement — it's not for the courts to say. Have to heal selves as leaders before we can heal our people. Therapy and compensation can't erase the hurt and devastation. Need healing development monies at the band level now and then long-term support to enable First Nations to do what they have to do.

Need common sense — will the remedy work in a community of 120 people?

Healing Foundation inappropriately restricted from issues of language and culture, so can't do its job. There is confusion about Healing Foundation role. Concerned that Health Canada is suggesting Aboriginals go to Healing Foundation for psychiatric services — this is off loading.

Healing Foundation neither for individual cases, nor to replace government funding of existing programs. But it may be possible to co-ordinate activities to help strengthen communities having to deal with numbers of survivors.

Need to start to work together if we are going to find healing. Churches should help fund healing circles. Provincial governments have a stake in this, given their ongoing role in the daily lives of Aboriginal people.

Know we want to learn how to be Indians again — to get back language. Need a school for that — we can't teach what we were never taught. Must restore culture and dignity and remove as much pain as possible. Must address loss of culture and language and parenting skills and of self-awareness and self-respect — have to know where you came from to know where you are going.

Need community commemoration for healing to happen. Need to record the journey we are on to help people end their denial of our history and get on with healing. Must hear from the past so it doesn't happen again. Racism today might be less if people knew the paths Aboriginal people had to follow. Need to accelerate public education — speak to those outside the

dialogues. Must make public aware. Must educate the public so they don't fight politicians when they start to deal with the problem. There are strong concerns about gag orders. Today's system can still cause them — need to educate people in those systems so they don't. Non-Aboriginal people have to address themselves primarily.

Apologies are important. To acknowledge the atrocities takes great courage, including great institutional courage. It is of some assistance.

Some don't want to heal — want to stay with their coping mechanism, whether it be alcohol, drugs or self-isolation. But have to let go of the residential schools experience to recover. Have to forgive to heal. Forgave the abuse because couldn't live with the hate. When you put blame behind you, a lot of good can happen.

Start today to mend the wrongs of the past. Acknowledgment is part of validation; apology is part of reparation. Need vindication, validation and a response. Want to find ways to engage together to produce new communities where we can stand together.

The survivors have to be welcomed home and need to be listened to.

Churches have apologized. Issuing an apology was necessary for themselves — for their healing. Need to heal themselves and want to find a way to live out the apology. Want to make apology real, but don't assume that is the path to an appropriate relationship with Aboriginal people — need to move to listening and honouring the truth tellers and being advocates for others learning these truths. Must think deeply about what we mean by repentance — understand it means choosing new directions.

Churches feel privileged to have the hand of reconciliation extended to them. Amazed that Aboriginal people stay in the church — their perseverance gives us a chance to become new people and develop new relationships.

Not true that settlements are promoting alcohol and drug addiction — this happens but it is rare. There are cases where the money has done good, although it is never enough. People need the compensation package, but the compensation in settlements is not enough. Have concern that Mt Cashell settlement packages were better — bothersome if less for Aboriginal people. While money isn't the most important part of resolution, there should be equality when it is used. Compensation tends to vary with the frequency of the abuse, but the hurt can be the same.

Money itself is not the answer — look at who benefits when it gets spent — but it is a necessary part of resolutions. Might not want individual compensation, but maybe something for the community. Have to have material reparation, but also need spiritual and healing of hearts. Compensation and healing are different, but resources are needed for both.

III SOME ISSUES TO CONSIDER FOR NEW CHOICES

Over the course of the Dialogue, a number of views were expressed on matters to be considered when developing alternative approaches. Many of these are included in the above summary of what was said at the Dialogue, but some of the more specific comments include:

- collective rights or individual rights;
- healing and/or compensation (must healing come first?);
- confidentiality or “no hiding”;
- all compensation to survivors or a self-sustaining process;
- mediation or arbitration;
- lawyers or no lawyers;
- forgiveness or confrontation and anger;
- recording or oral decisions only;
- only First Nations arbitrators or broader group;
- comfortable, but legally sound;
- involve family and community or hold proceedings off reserve; and
- validation process where abuser has died.

Elements for consideration include the following.

- Have the ability to deal with claims already in the litigation process if parties agree.
- Relax rules of evidence and procedure, perhaps excluding direct cross-examination of victim.
- Panel controlling the process — discovery, document exchanges, deadlines, interpretation of rules, etc. Design what is right for each victim.
- Who chooses the panel members?
- Would parties sign agreement to follow the new process?
- People could proceed without lawyers, but lawyers should be welcome. They are certainly needed if government and church are represented.

- If the proceedings are recorded, need to resolve how the notes are kept and for how long.
- Survivor should drive the process.
- Very important to have support up to the process and then after care. Should see what is in place and what needs to be put in place.
- Nature of validation may vary with the remedy sought.

IV BUILDING BLOCKS FOR A RESOLUTION PROCESS

The discussion evolved to the point that there appeared to be broadly based support — four interconnecting building blocks needed to be in place within any process of resolution:

- disclosure, with safety;
- validation, *with sensitivity*;
- reparation, *with flexibility*; and
- commemoration, *with respect*.

Any structure built using these blocks needed to take into account:

- the community setting and the interrelationship of individuals, abusers and communities; and
- healing as a personal journey.

Safety, which must always be present, will mean different things in different circumstances. Restorative justice approaches may have an important role to play where:

- the abuser is alive and willing to admit her or his behaviour at the start;
- the abuser was a member of the community; or
- the person once abused has become an “abuser” her/himself in the community.

Where the starting point is an admission, there is no longer any need for the survivor to “validate.” Where the abuse is tearing at the community, this approach may help to break the cycle of abuse.

Validation, when the abuser is in denial or is no longer alive, raises many issues that will need to be considered, e.g., whether validation should have different applications in different circumstances, i.e., depending on the nature of the abuse, the reparation sought, the claimant (individual or a group of individuals), how long since the activity occurred, etc. Or might there be a general standard of validation, but different eligibility requirements depending on the reparation sought or other circumstances that exist.

Endnote

1. These notes were prepared through the efforts of a committee consisting of Joanne Lucarz-Simpson, Don Worme, Bill Wall, Maggie Hodgson, Doug Ewart, C. Willy Hodgson and S. Glenn Sigurdson.

WINNIPEG, MANITOBA, DIALOGUE

January 12 to 14, 1999

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I OVERVIEW OF THE FLOW OF THE DIALOGUE¹

The Dialogue began with an opening prayer, followed by each participant being introduced to the group by a person sitting beside her or him. This was followed by a discussion of the participants' expectations as to the flow of the Dialogue. The group was very large, and a suggestion was made that the group split into smaller groups, but the consensus was that the circle stay intact, at least at the beginning. It was agreed that the highest priority was to hear from survivors and, accordingly, the circle started with a survivor, and the eagle feather was passed around the circle so each person, but particularly the survivors, could share with the group her or his story or view on what each hoped to accomplish.

The second day continued at the point in the circle where the first day had ended and continued around the circle to the point of commencement. In the time remaining, the group expressed a desire to hear from representatives of the federal government, each of the four churches and the lawyers who represent victims. These representatives then spoke of their reasons for attending and expectations of the alternate dispute resolution (ADR) process.

II OVERVIEW OF MATTERS ON WHICH IDEAS WERE SHARED

Perspectives Expressed on the Residential Schools and Their Consequences

Back then we were not in control; now there seems to be a feeling of taking our lives back, gaining control.

Too much negativity — impossible to give thanks.

Not for fame and fortune, for peace and reconciliation. Aboriginal Healing Foundation is about healing, not compensation.

Aboriginal Healing Foundation — not listening — dictating how we are to heal. Only sexual or physical abuse — not healing where the hurt is.

The community is chaos. Wiped out language, laws. Was wrong for priest to say their spirituality was pagan. Nation disempowered — turn on each other. Suicide, family violence, several assaults of children.

Common sense will determine ADR process. Moral responsibility. Upset with church (lawyers) who say forgive and forget. Pedophilia has no place, no cure for pedophiles.

What happened was a crime. Elders not recognized as healers.

RCMP [Royal Canadian Mounted Police] wilfully blind. Excessive use of force against Aboriginal people. Offenders are victims. Can send them to

jail, but nothing is done to heal them. Importance of forgiveness. No healing without forgiveness.

Government truly does want to work in partnerships. Mend what has been broken. Not one set of answers, it is about a process.

Residential school experience led to lack of self-esteem. Survivors “looking for love in all the wrong places.” Communities are in chaos and if don’t deal with the residential school issues cannot recover. Symptoms are suicide, family violence, sexual assault of children. Nations are disempowered. Priest came to community and told us our ways and our spirituality was wrong and pagan. That was wrong. Apology not meaningful because people did not know about it. If church made apology, community missed it; they do not read news, apology given in community would be more meaningful.

Important to acknowledge courage of survivors who have come forward. What happened was a crime. Money going to professionals, not staying with Aboriginal people. RCMP not innocent. Forgiveness — if allow heart to harden to point where cannot feel compassion then you are truly conquered. No healing without forgiveness; forgiving through clenched teeth opens the door and creator will take that and work with it. Offenders are victims; can send them to jail, but nothing done to heal them. We want understanding, not sympathy.

People ask why cannot just move on — for healing must go back. Apology was a beginning. Government should be given credit for the Statement of Reconciliation — took courage to do this. Insulted that no consultation re Aboriginal Healing Foundation.

Perspectives on the Exploratory Dialogue Process

Part of healing process to share stories with group. Survivors need to be heard.

These meetings fulfil some of the goals of a public inquiry — give people an opportunity to be heard (or at least listened to, whether actually heard depends on the listeners). Challenge for government and churches will be to actually hear.

Identification of pilots. Who decides?

Thinks individual are sincere, but always wondering what is the agenda.

Perspectives on Processes to Resolve Claims

Any process must be led by survivors. Government and churches must allow us to do this ourselves. Important that survivors are in control of whatever process is developed. For that to happen, government and/or churches must relinquish control.

What other options are there? ADR process outline — what will it be like? Can't go to compensation without healing. ADR process less hard on people. What about relatives who died, can we file for them?

Traditional process is to fight and try to settle where legal liability. The problem with this approach is that trials are long and painful.

They are tough, not easy issues. Choices are important.

Lawyers and judges must learn, become informed.

Can't have compensation without healing.

ADR process may be less hard on people. Court process is very adversarial. There is no healing component. Discovery is gruelling process; re-victimizes the victims. Need to find alternate way to have survivors disclose. Must be comfortable — have spouse, parent, counsellor there.

Concern about what kind of outcome foreseen, what time line? Will settlements be like what Japanese got for internment?

What will make person feel comfortable coming to the table?

ADR means trying to solve problem outside the courts.

Emotional cost to members.

Members say they do not want to go to court again.

Members say we don't want to tell our stories again.

Look at South African Truth and Reconciliation Commission.

What about relatives who died — can anyone claim for them?

Common sense will determine ADR process.

Counsellors must be survivors because they can be trusted.

Why do we have to tell our stories again?

Process must be flexible. What works for one group of community may not work for another.

Sensitivity: pedophiles cannot be cured.

Self-esteem important (keeper of the bologna).

Safety, trust: concern for safety of persons involved so government not directing but working in partnership.

Pilot projects are government way, but willing to meet half way.

Existing processes have not shown themselves to be restorative. Alternative process must allow individual restoration of peace and reconciliation with church, state, families, communities.

Perspectives on Desired Outcomes

Reconciliation: what does it mean? Once we were friends, now we have to make up. Government did not do anything friendly. Has to be compensation and apology — no other way.

Primary concern was safety of persons involved so the government is not directing but working in partnership. Intergenerational trauma. Communities that have settlement. Support for memorialization. Older people dying — will not go in peace unless this is settled. It's up to us, not about money, not something a policy is going to do. Support networking — visit other communities. Public inquiry — request in RCAP [Royal Commission on Aboriginal Peoples]. Provides a place where people can be heard or listened to — whether actually heard depends on the listeners. How can we learn to be at peace with each other?

Important part of healing is forgiveness. Before can forgive need acknowledgment. Cannot separate one pain from another. What was taken away was mother's love. There isn't much time for some survivors: many are elders, some have died. Want resolution, compensation as soon as possible.

Apologies, healing, historical records. Are these things being addressed? Needs to be something that addresses the needs of particular groups.

Financial compensation is key. The apology was not enough. Maybe compensation would make it easier.

Apology: apologies given so far not enough. If church gave apology, people missed. Churches should apologize to congregations. Want church to apologize for saying that Native spirituality was wrong and pagan. Acknowledge that was a wrong thing to do.

Acknowledgment.

Forgiveness.

Public record.

Pension based on number of years spent in schools.

Education — survivors of residential schools did not receive proper education.

Hope for children.

Conference, celebration.

Memorialization.

Health care — malnutrition in schools means prone to many diseases. Canadians need to be made aware.

Peace.

School curriculum.

Beneficial to hear from other survivor groups:

- *Learned a lot from other groups.*
- *Part of healing is claiming voice again — being heard.*
- *Had to take control.*
- *Aboriginal Healing Foundation is not pertinent to this project.*
- *Mental health crisis management safety net.*
- *Do we need legal advice? Yes.*
- *Apologies.*
- *Counselling: individual, family, group.*

- *Can be brought up in ADR process.*
- *Validation.*
- *Financial management advice — stems from what has happened to other settlement monies.*
- *Voluntary: anyone can drop out anytime.*
- *Language, culture — can be dealt within the ADR process but not in court.*
- *Looking for love in all the wrong places.*
- *Self-esteem problems.*
- *Healing: not just physically.*
- *Getting in touch with the Creator.*

Endnote

1. These notes were prepared through the efforts of the following people:
Mary Ormerod, Doug Ewart, Maggie Hodgson, George Thomson, Susan Stewart and
Lynn Pettit

TORONTO, ONTARIO, DIALOGUE

February 2 to 4, 1999

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I OVERVIEW OF THE FLOW OF THE DIALOGUE¹

The Dialogue opened with a traditional ceremony and prayer followed by a presentation by Hereditary Chief Robert Joseph of the Gwawaejur Tribe, head of the B.C. Residential Schools Project operating under the direction of the B.C. First Nations Summit representing 120 First Nations. Chief Joseph's remarks summarizing the work of the Project are briefly outlined below.

A discussion of Chief Joseph's remarks followed, after which the meeting adjourned to the following morning, where after general introductions the delegates broke into two groups for the discussions which then occurred over two days. One group included those primarily involved in schools operated in Quebec and Nova Scotia, while the other considered matters arising from schools in Ontario. Phil Fontaine, the National Chief, and George Erasmus, Chair of the Aboriginal Healing Foundation, participated in this Dialogue and shared their perspectives with the other delegates over the course of the session.

At the end of the second day, the groups gathered together in a closing circle.

B.C. Residential School Projects (Presentation by Chief Robert Joseph)

Residential schools, both in terms of the impacts they have had, and how we should deal with those impacts, require us to draw on each other in order to determine the best course of action. There are no experts. The goal must be to develop "healing pathways" which will make it possible for survivors to find different ways that work for them in dealing with their individual traumas. Dollars will not be enough — we must put our hearts and minds into dealing with this trauma.

The B.C. Residential School Project started five years ago. Originally, a protocol committee was formed. The focus was on providing support to survivors during the court process. Over 200 complainants had gone forward to the Royal Canadian Mounted Police (RCMP) — most, ultimately, did not go forward due to a lack of evidence. A 1-800 number was put in place and over 150 calls from people considered to be "at risk" were received. Residential School Project support groups and committees were formed (e.g., Tear Drop Society) in recognition of the importance of building a strong connection with, and support from, the community. A handbook was also developed.

Key elements in the program that took shape included:

- a co-ordinated approach to healing — both for the short and long term;
- safety and security for individuals disclosing;
- educational (training) programs for victims' organizations and Native organizations, and work; and

- awareness of, and ability to access, a range of counselling support (e.g., traditional healers, psychologists, social workers, para-professionals, lawyers, etc.).

What has become clearer is the importance of finding ways to transcend differences and share umbrella ideas — to search for a national voice that can speak to these issues. Many people will want to go to court; many others will not. Our purpose must be to provide everyone with access to different choices — to find ways of drawing out this information, consolidating it and working with each other.

Healing and compensation must not be seen as mutually exclusive. Our goal must be both. Reconciliation must also be our goal. Some feel to be well you must be able to forgive and move on.

In building a framework of choice — a multiplicity of pathways — everyone will have something to offer to the solutions.

II OVERVIEW OF MATTERS ON WHICH IDEAS WERE SHARED

Perspectives on Schools

Aboriginal people are “people of the land” not “people of concrete.” We must go back to our roots. There is a reason we have survived through great trauma — the suffering of children, and grandchildren, those of us in institutions — many of whom were victims of abuse in residential schools. We have lost our language: the silence, the indoctrination are all part of what is a national shame. We have lost trust and connection with parents. Spiritual deprivation was severe.

Our own education and resources were taken from us in the residential system and in the colonization process. The resulting lack of skills to cope was passed on to children and changed a whole way of life. It led to suffering of children and grandchildren — they lost too.

Churches have divided communities along faith lines.

Indian reservation system = institution. Common threads: history of oppression and loss of identity. Policy was wrong as was government’s role. Schools were one piece of larger policy of assimilation

Christian/mainstream culture imposed, not just culture lost (programming). Now trying get back way of life — what was lost. Devaluation of language/culture, spirituality/existence.

Many children at the schools were forced to do household chores during school hours and were deprived of the opportunities to learn sewing,

carpentry and enjoy extracurricular activities such as drama, sports and music.

What about people in penitentiaries — affected by residential schools — no rehab there. Prison = native housing.

Consequences include loneliness/rebellion/silence/indoctrination/dysfunctional families, grandparents and grandchildren/the loss of roots intergenerational effects. We don't trust you anymore. Why should we? Almost walking dead now. Student not a functional personality when he leaves; difficult to experience that pain; some people in emotional/psychological prisons; angry because nothing has happened — lives suspended for years — no rehabilitation.

Not for non-Native community to say who hurts.

Many people who went to residential schools suffer from an inability to form intimate relationships and many have been married twice. Some of the girls became promiscuous after leaving the schools because they knew nothing about loving relationships. Many people have been affected by various addictions and addictive behaviour in their life.

People who work with survivors are stressed too, everyone involved needs a support system.

People who are survivor group leaders are often re-traumatized during court and possibly during ADR [alternate dispute resolution] process. Their marriages can become unstable during this process. The group often sees them as “strong” and not needing support.

Now we must salvage what is left of our people, and right the wrongs that have been done. Gathering strength — step in right direction. Our common goal must be to forge a better future for Aboriginal people. We must build a better future in the relationship between the state, the churches and First Nations.

The RCMP, as the enforcement arm of government, was also an accomplice; they apprehended and returned children with a total disregard for their welfare.

We must work with truth, honour, kindness, respect — a collective good mind — if we are going to get good results. We must use our gifts, our reasoning power and recognize that all of us are part of creation. The schools were a collective wrong and require a collective response and co-operative effort from government and churches.

Perspectives on Dialogue

The purpose of being here is to come up with ideas — not to make decisions — and to gather information to help in later discussions. Our aim must be to strengthen communication and cultures, including the original ways of healing, and in that way assist to empower ourselves.

Here to come up with ideas — not here to make plans or devalue Aboriginal methods of healing. Trying to gather information to help in later discussions. Here to forge a better future for Aboriginal people and better future relationships among state/church/First Nations.

Only a good start. After this session, need to start to contact each other — build on faith and trust — set up focus groups — continue to work together — collective/co-operative — keep in touch — have lots to share — make the resources available to get the job finished — get it done.

Perspectives on Process Options

The cornerstones that must be present in any pathway that is developed include disclosure with safety, validation with respect, reparation with flexibility and commemoration with respect.

Many feel that the Canadian justice system does not reflect the value system of First Nations — which is built on respect, kindness, generations, trust, love, elders continually working with people and knowing where you come from. We must put this spirit into everything we do. Get litigation out of court. Court model does not work — system not created by victims. Forces adversarial approach; rigid process — contrary to personal values like privacy — confusing — intimidating — has the potential to re-victimize.

Others feel that mainstream ADR is a disguised litigation. To be effective, ADR needs resources for healing — support structure. All parties should agree on human/material/financial resources.

Others noted that litigation on all fronts will continue until alternatives are established. Court is a mechanism to confront abuse, to confront your abuser — to get vindication, to get compensation, to get fairness (only game in town).

Sense of urgency to deal with claims. The government should be more forthcoming about what is available to survivors. System should go out to the people, not require the people to come to it because many survivors are not able to do this or are not inclined to do it. For example, let people know that they are willing to negotiate a way of dealing with the claims on a community-specific basis. Get out a publication that would identify all

the actions brought so people can get in touch with their classmates who may be litigating; provide information about the settlements. Even respecting proper confidentiality concerns, the elements of the deal could be provided. This would help people find out their options. Might also consider an agency to gather claims.

Must find a way of determining compensation that does not re-victimize and does not discriminate — that is not based on a low estimate of the value of Native lives and culture; does not reflect a history of discrimination; does not require hurtful comparison of one kind of harm over another; and does not require the person to go through painful cross-examination.

Children who attended day schools also suffered; they must not be excluded from the process.

The challenge is to design a wider range of choices, informed by healing — marry healing and ADR process.

There should be a multiplicity of pathways to achieve closure for each individual. Creating a multiplicity of pathways involves developing a better understanding of both: a good way — how we are going to go forward to create the potential for people to reach closure and a good place — the outcomes that might help people reach closure in different ways in different places.

It is clear that building this multiplicity of pathways will take a concentrated and co-operative effort by all the different parties; a commitment to do so which goes beyond these dialogues; a recognition that solutions will grow over time and that “respect” must be included.

Some of the characteristics that should be present in how we go forward — in any pathway are that it is, and is seen to be, fair and respectful; guiding principles and rules are developed which are clear and understandable to everyone (not, like in court, someone else’s rules which are confusing and intimidating); it is culturally sensitive; elders are involved; it recognizes differences will exist in different places for different people; and healing is always at the core. ADR should be a different process leading to a different range of results, bringing the healing process and claims process together for the survivors.

This country has no experience in dealing with this type of litigation. We should build some models and get some experience across the country — set up several ADRs for each region. Deal with urban issues — displaced people — intergenerational effects — work with local agencies struggling to provide information/find ways for Native inmates to participate — deal with communities filing class action suits.

ADR process must be developed and controlled by the survivors, sensitive to cultural differences and decisions must be binding.

Need Aboriginal design and implementation. Should set up working groups within provinces to set up appropriate structure — perhaps community solution to individual problems where communities manage the process — not government or lawyers — let us do it — use natural methods — Indian way — do on cultural basis, not on regional basis — First Nations didn't set those boundaries. Should start an ADR process: one representative for each (church, feds, provinces, association) with the authority to agree to action. At first meeting agree to second meeting, where all parties would have authority to proceed.

There are precedents to look at that have dealt with institutional claims — e.g., at reform schools. There are several models to borrow from — other organizations — Australia, New Zealand, Veteran's Affairs, PSAC [Public Service Alliance of Canada] Special Claims process. Don't re-invent the wheel.

FSIN [Federation of Saskatchewan Indian Nations] has set up through chiefs, a process to design an ADR process — question whether Saskatchewan is bringing in government and churches to develop joint processes.

One suggestion: use facilitator/mediator to help reach agreement; address culture, language, etc.; survivors present list of issues to mediator, set time frame, set budget, provide support structure. Would be culturally sensitive — elders would be involved — survivors would be included — would be guided by principles jointly negotiated and by procedures jointly decided. Other organizations would be invited to participate to provide consistency in approach. Kinds of claims would be identified before ADR starts (physical/ sexual abuse not only abuse experienced); would provide a way to deal with issues Crown and churches not accepting liability for and would not try to force claims into pigeon holes. Recognize universal truth, e.g., First Nations are founding nations — incorporate into process.

Government and churches have not decided on how to approach compensation, whether through litigation or ADR. Want to provide choices in a system that is flexible and respectable, shows kindness, allows shared control and provides a fair process. Government and churches hesitate to impose solutions on people; feel survivors must be involved from start; they will have the ideas for solutions; want to empower the group; ensure a dialogue — active participation in any discussion. However, some felt that groups in government should come up with something they can take home. The government would prefer to do pilots where groups decide how to proceed, and there is discussion about how to prove that harm occurred — elders, single inquiries, etc.

Some stressed the need for processes to be designed by families and communities and that political processes should be avoided.

Whatever system is designed there has to be fresh funding. The needs of survivor groups include resources (human, financial) as well as a commitment to process. We should also keep the process costs low to maximize the dollars available to survivors.

We should develop a yardstick (the essential features) with which whatever process we develop could be assessed. Look at options in light of each layer (self, family, clan, community, nation).

How do we address the survivors that are falling through the cracks? Must inform our people what ADR is and what it is intended to do.

Disclosure/Safety

Some principles for disclosure were expressed as follows:

With safety — without shame for speakers and listeners — without prejudice; voluntary; without rejecting, disbelieving, re-traumatizing; support during the process — ease the feelings, respect privacy and sacredness of disclosure process; get to root source of problem, recognize as a piece of validation process. Informed consent to participate (i.e., risks, benefits, options, etc., time allowance). Walk before you run process of growth and healing; match ability to disclose with ability to witness/experience disclosure. Respect privacy and sacredness of disclosure process.

Should provide traditional community-based healers/healing to get to caregiving and nurturing which provide safety, security, protection of survivors to avoid further traumatization.

Safe disclosure requires education of front line workers, survivors and healed healers doing healing work, communities, parents, politicians, professionals, service agencies and providers, medical professionals, teachers, counsellors, police officers, judicial officers, Crown attorneys, mental health workers, Canadian communities and professionals. Needs of those dealing with disclosures include understanding the totality of affects and effects; accepting the ongoing processes; burnout prevention strategies; allowing workload to be shared and healers to replenish, culturally and spiritually.

Safe disclosure also requires curriculum integration of Native studies nationwide, specific to contemporary/residential school syndrome situations. Culturally and spiritually specific information.

How do we get information out to persons who will act? How do we get people past the denial phase and to the point where they can share this with family and friends, avoid further division of families? Christians feel threatened by disclosure — threaten their belief system, but in disbelieving — victim feels hurt — animosity between families and groups along religious lines.

Should immediately provide a 1-800 crisis hotline manned by competent, understanding, Aboriginal people — real people, 24-hour national.

Validation

Must consider what is validation in human terms (family, friends, support) vs what is validation for legal purposes. What is necessary for validation as a human being (sharing, getting help from one another) may be undercut by the necessities of the justice system. (e.g., if a group shares experiences they may be accused of concocting their evidence). The present validation process used in legal proceedings (discovery in civil actions) — in a room, lawyer, painful, against the culture of the people, is not in keeping with Aboriginal culture or experience.

Validation process involves a number of elements: disclosure, investigation, admission by offender, apology and compensation.

Role of lawyers will have to change — insurance lawyers for church have to be flexible — clients have to tell lawyers what approach to take and not be dominated by lawyers.

Many views were expressed on what validation means. These included having government and churches admit the wrong and their denial (need for government and churches to say they were wrong).

What do we have to do to satisfy church and government that there was abuse? You tell us; we determine how to establish what happened in an appropriate (First Nations) way. It means affirming the events/stories; all parties acknowledging what happened. Respectful acknowledgment and acknowledging the importance; understanding by all of what happened; taking ownership of what is happening today; not just checking school records — education and knowledge and acceptance.

Includes both the wrong and the impact — to the individual, family, community, Nation — and a recognition of the continual victimization because of destruction of parenting skills. Symptoms include substance abuse, loss of language and culture, nurturing, caregiving, discipline and loving.

Validation may be different for each party. Many, many incidents — can be difficult to validate each one.

Survivors can validate each other; group that is gathered certifies what happened.

Validation involves people who tried to do something about the abuse.

Validation must be controlled by Aboriginal people. The community should be able to design the process for validating claims, according to its needs and values. Validate traditionally; need elders; exclude no one. If done in the right setting, participants will not be able to lie to spirits, and there will be confidentiality (for example sweat lodge — what is said stays there). What do you do about fraudulent claims? Where the communities are together and know each other, this may not be a problem, as the people validate one another. But there are people who are not now connected with a community. This is part of the harm. And what is a “valid” claim? Don’t draw a narrow line — people in second generation may have been hurt even though they were not there as students.

Put burden of proof on perpetrators, not on the victims. Reverse onus on government and church to prove otherwise. Educate institutions to admit and individuals to admit.

Government financing of process — would be evidence of validation.

Some wondered about a possible government fear of settlement without conviction. The government indicated that it would settle in the absence of a conviction for sexual or serious physical abuse.

This is good because the other approach was very flawed.

Perspective on Desired Outcomes

General

Difficult questions that must be addressed if what we are trying to shape is going to be effective and responsive: Who should participate? To what are we responding — a right (in the sense of a legal right or claim), a “harm,” or a need — to one or to all of these in different ways? Might there be better ways to respond to sexual and physical abuse where other claims are also raised on which liability has not been acknowledged? Might remedial responses on specific settlements include elements that also respond to these other claims? Not for the non-Native community to decide what is a valid hurt — spiritual deprivation is as serious as sexual penetration.

Developing a wider framework of choices — what was called a multiplicity of pathways — must be done in the context of understanding the big picture. For much of the globe, assimilation processes and policies existed and still exist (and residential schools were one piece in a much larger puzzle). For families and communities deeply impacted in a way of life.

For individuals, took away self-respect, a sense of identity. In working to build these pathways, we must not ever lose sight of the fact that real people have immediate needs and, in particular, kids and elders out there in high risk — fragile and vulnerable. Support systems and resources to respond to these needs are critical. Band-aids will not work. Comprehensive long-term situations are needed

The goal must be to regain a way of life and the skills to cope (and to pass these on to their children) — in all respects — spiritually, economically, politically, culturally. To do so, we must gather strength — a step in the right direction. We must gain control and educate our young children. We must understand ADR in the “big picture.” We must move from a cycle of abuse to a cycle of healing in a holistic process, and to do so will require the development of “choices to closure” understood through the circles of identity, language, culture, spirituality, where each supports the other within a vision of healing. Programs and approaches must recognize the need to consider all these elements. What has happened has happened — we must now try to regain balance.

Can't undo holistic damage with a band-aid — need comprehensive solutions — long-term solutions — trying to right a wrong — salvage what is left of our people — aim to strengthen communities and culture — empower individuals — must go back to roots — looking for sense of justice for what happened.

Reparation = repair nation. Must consider:

- *What kinds of loss should be compensated for?*
- *Where should that compensation go?*
- *How much?*
- *How is it paid?*
- *How to get there without re-victimizing?*
- *How to deal with other decisions/factors, e.g., woman's work, undisclosed systemic factors that make poor, what to measure against (judges starting to use non-discriminatory scale).*
- *Who collects? How administered?*
- *Who is entitled to apply — generation/people in jails/institutions.*
- *Immediate temporary advances.*

What should be the approach to compensation? Rights were violated — everyone who was a student should get something. Needs: look at what survivors need. Harms: calculate compensation on the basis of what was done — sexual, physical abuse, forced labour and reflect larger harms such as loss of language, loss of culture, loss of spirituality, loss of community, addiction, loss of language/culture, loss of ability to parent, loss of self and the overall picture of assimilation.

In calculating harms, one particular problem will be how listing residential school vs other causes of problems.

Should deal with the reality that former students who are legally in a position to claim compensation have also harmed others who may have claims in turn against the former student.

Needs

Needs include opportunity for disclosure, healing ceremony, cash compensation, apology, record of what happened, opportunity fund, development of healing strategy, support on way through to settlement, national awareness strategy, broadened compensation put into community resources for self-designed healing (need for individual to have family/culture/own method of healing), training, creating new relationship with the churches. A 1992 list of immediate needs: apology and acknowledgment, elders institute, healing lodge, curriculum and language development, replacement school, peacekeepers compensation.

Spirituality is the basis of existence — must integrate into all options how to get back to living in harmony with nature. Make people strong; return to traditional beliefs. Address culture, language, curriculum (education).

Go back to beginning of relationship and redefine the relationship as equal partnership — no Indian Act — get out of jail — self government — new relationship from First Nations' perspective — not two founding nations.

Government/church should educate the public; Royal Commission on Aboriginal Peoples Report recommendations should be looked at and accepted by Canada (report may gather dust; short window of opportunity respond to RCAP report). Provide/support. Provide resources for healing needed for each area, to be provided by Native people wherever possible (need solid foundation for ongoing healing — need traditions, resources). Go to the perpetrators and educate them — make them honest and accept ownership of the problem — educate professionals to First Nations issues/concerns/perceptions

Church membership should recognize traditional First Nations beliefs. Change people's thinking back to way was before; provide deprogramming of teachings of church/government. Deprogramming is integral to healing at all levels. Language, culture and spirituality were devalued; must fix this. Take the shame out; debunk the lies.

Need to balance things, not fix things; some things can't be undone but can provide balance (positive). Healing and compensation — treating it as mutually exclusive — why can't have both? We want healing (holistic). We want the resources to do this healing!

Need immediate help with survivors' basic necessities of life, if/when requested, i.e., plumbing, heat, etc. (shows good faith, commitment, can help rebuild/build trust).

Need to be able to sit down on an equal basis with government to get justice, control, comfort. Want a decolonization process.

A psychiatrist who works in the emergency department feels there is a need to put urgency to this issue — people dying. Triage system; concerted, collective, co-operative effort of everyone to fix the problems; others are out there willing to give their all.

Healing Foundation — not answer to everything; not erase effects of residential school overnight talking of global issues; must reduce confusion between Healing Foundation and ADR.

Should consider whether using a healing process should be a condition of settlement? How do we deal with people who are bent on just filing for compensation? How do we help them? Do we make the compensation to include a healing process? Might have a problem "selling" that to people. Some work with pilot on elders helping people with addictions, etc. before settling claim. Part of that has to do with educating the law firms to look into long-term impact.

Who

The street (and poor) people have to be helped! Provide what is needed for people in prisons — to stop cycle of violence/abuse.

Should focus on today's children, but also include compensation for children who died from beatings or exposure when they ran away and children who are still missing.

Focus on especially high-risk categories (elders, alcoholics, suicidal) — provide emergency measures. Recognize needs of elders in the community now for support and help through networks or other ways. Pension plan for survivors. Senior citizens home. There is an urgency to this for elders, and for people in crisis. We can't wait for a long process to take place. As well, since elders are roots of community, this also supports an elder strategy.

Who has right to participate in solutions or to shape them? Everyone has something to offer to solution. Effect much wider than just the students: second generation, intergenerational trauma. Need to break cycle of abuse.

The community should also determine what kind of settlement there will be — designed for the needs of community, to maintain balance, but must take care to prevent survivors being overwhelmed by non-survivors.

Cash Compensation

Need cash compensation to get out of poverty — only one cure for this. How can people address different processes/programs if starving? Need food/shelter/(pension)? Should provide residential school descendants with basic necessities of life when requested.

There must be lump sum compensation for each individual (suffering is common thread) with a pension for life.

In order to settle on an amount, values have to be ascertained. How much would compensate for loss of culture, language and history? Humiliation and degradation? What price would cover the kitchen and barn chores?

Benchmarks must be established for compensation; sexual abuse in residential schools the same as abuse in other institutions and settings; we must know what is considered a fair settlement in other cases.

Immediate compensation is required, as Aboriginals have a shorter life expectancy.

Survivors can't say what that abuse is worth; feel ugly, dirty, used by what happened to us — paying cash can reinforce this.

All survivors must be compensated, not only those who suffered physical or sexual abuse; all suffered from being separated from families and being deprived of their heritage.

What are effects of payments? Worried what will do to people — scary having money — can create a problem for some; money does not equal healing and does not solve problem — can make it worse — gone in one or two years — affects whole community by enrichment of a few — secondary victims wanting a share — divides community. There are competing interests — try to control how survivor spends compensation (paternalism) vs cash being spent and gone quickly — no betterment. Perhaps, should pay amount over time — structured settlement; annuity.

What kind of compensation? Where should it go? Group — payment? How? And how much? Who will administer? Who determines the value of women's work? How do we get a non-discriminatory scale?

The compensation should be new money, not money to replace existing programs, and individuals should not lose their present social payments when they get a settlement. That issue is not easily resolved since it generally requires provincial OK.

Japanese Canadians received \$21,000 each for internment, but only after a long time. As circumstances are different, this should not be a precedent for this case.

Healing

Healing involves understanding the reinforcing and supporting circles with respect to self/family/clan/nation in which each supports the other. It is with respect to each of these circles that we must understand the harm that was done and consider any “outcomes” that are developed to respond to this harm.

Individual survivors must be able to draw on family, culture and community in shaping their own individual ways of healing. Individuals must decide for themselves on their healing path and when and how they want to step forward, and if they wish to seek help. They must be involved from the outset and have active participation in all discussions.

Healing should come first. Should have traditional healing ceremonies at all the sites, but healing circles are only the beginning. Reconciliation is a goal. Some feel to be well, one must be able to forgive and move on.

What can churches and government optimally do for healing? Memorializing; community education; church goes to community and begins healing; land for current generation, compensation for previous generations; same for government on more personal and community level. It is up to government/churches/survivors — government has to understand this is a good investment; have to work together to get the job done — develop joint healing programs — start with what claimant is looking for and negotiate a resolution.

What are the guiding qualities or characteristics? Flexibility, menu of services, etc.; support for victims; education; services available across the country; possibly must submit to healing program. The goal must be not to re-victimize or re-traumatize.

Mental health system at its limits today; Medical Services Branch — 50 to 60 hours. maximum — funding ran out; people not ready (lack of training for, and lack of resources — 50 hours too little); OHIP [Ontario Health Insurance Plan] psychiatrists not trained for residential school issues.

Can't get past hurt — no knowledge what healing is — how long it will last; don't want our stories devalued — real stories.

Change can happen. Each person's journey is theirs in same way and special; each responsible for walking away from cycle of abuse to cycle of healing — find things that connect and not disconnect us — vision of

healthy community clearer — every positive step is small victory; tears of healing/connection.

It can help to reprimand church that participated in implementing these policies which were wrong.

Where there is strong denial — dysfunction — need to go through a process to have reconciliation within family. How do we deal with this as part of the process? Perhaps residential family healing lodge; outreach program — use elders; provide funding for long term programs — act quickly.

Churches are also on a voyage of healing and reconciliation; the healing is necessary is they want to sit across the table with survivors.

Apologies

Apologies not meaningful if not able to pursue issues.

Those apologizing should be sorry for all the losses, not just a part; “visibility of your sincerity” — build trust. Visibility of sincerity/commitment.

Opportunity to receive a personal apology, not a blanket apology.

Memorialization

Why? Part of history that should not be lost. If not, history will repeat itself. Truth.

Memorialization should be similar to the Holocaust memorial.

How? Individual stories audio/video documentation/each community record its stories/major film/TV/teaching and healing tool — teach Canadians/school curriculum — update to include Aboriginal history including residential schools/Web site/1-800 number/survivors tell their stories in schools, cultural centre, museums/central repository/directory of actions brought — contact numbers.

What? Put in broader context. Strengthening or building a foundation for a naturally respectful relationship for the future based on trust, respect, understanding and honourable relations.

Should be national, centralized, comprehensive; designated day to acknowledge the residential school syndrome/legacy — a national process integral to validation/healing — a national recognition of losses but recognizing diversity of cultures.

Should be an appropriate and honourable expression of the truth, the opposite of denial. Establish what happened; acknowledge the importance and also deal with denial in community — reach out to people and invite them in.

Canadian professional organizations should identify/get delivered to members programs which help them to understand totality of affects and effects, e.g., psychologists, psychiatrists, social workers, teachers (reserve and off reserve/urban), counsellors, therapists, etc.

Provide monuments at residential school in memory of all Aboriginal people who suffered and were lost there. In Ottawa — large monument naming the students registered in residential schools. Canada should recognize and acknowledge what happened — name students who went.

Create national archives and data base containing historical data related to residential schools (hopefully leading to a larger data base on Aboriginal issues).

Provide education for front line worker/survivors, healed healers doing healing work, communities — parents, politicians. Should be curriculum integration of Native studies nation wide, specific to contemporary residential school syndrome situation.

Endnote

1. These notes were prepared through the efforts of the following: Doug Ewart, Ed Metatawabin, Rita Dagenais, Maggie Hodgson, Laurel Curley, Mark Wedge, Dennis Three Feathers, Gerry Kelly, Glenn Sigurdson and Lynn Pettit.

RANKIN INLET, NORTHWEST TERRITORIES, DIALOGUE

March 10 to 12, 1999

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I OVERVIEW OF THE DIALOGUE¹

The dialogue began with an Inuit elder lighting the ceremonial *qulliq* in the community centre of Rankin Inlet. Similar to the other dialogues, each participant was then introduced to the group by the person sitting on her/his left. Following the introductions, Mr. Richard Immaroituk welcomed the visitors to Rankin Inlet and spoke of the need to look for solutions for those in the communities, especially those alone and in pain because of the abuse they suffered at the residential schools. Mr. George Thomson, Special Advisor to the Minister of Justice, presented the reasoning behind the dialogues and the need to find alternatives to the court process in the settlement of residential school abuse claims. Bishop Rouleau stressed that the church wants to be part of the healing process for the communities. Mr. Thomson and the Bishop supported the need to create a healthy working relationship between the churches and government. Ms. Violet Ford, Executive Assistant to the President of Inuit Tapirisat of Canada (ITC), outlined for the group the pros and cons of alternative dispute resolution (ADR). She also raised some key concerns including the relative bargaining powers and available resources, the need for “expert” mediators, how much time would be involved, and how ADR addresses the needs of the broader community. The rest of the Dialogue was spent addressing those issues.

There were two significant differences at the Rankin Inlet Dialogue. First, the discussions were predominantly held in Inuktitut and while the translation services were excellent, some nuances may have been lost and some of the fundamental messaging about ADR was not coming through clearly which seemed to cause a degree of apprehension at times. The Inuit survivors felt supported and validated by the presence of their elders. Second, this was the only dialogue where the press (CBC) was allowed to be present. When the survivors’ group was asked whether they minded the presence of the press, it was decided that it was important that other communities be aware of what was happening. This was to further validate the experiences of abuse the Inuit children suffered at the residential schools. The CBC remained under the condition that no names be made public. The remainder of the session allowed the survivors to share their experiences, expectations and fears. Some stories were being shared for the first time and were very painful and emotional.

By the end of the second day, the group realized a pilot project would, more than likely, involve a unified strategy from among five different regions. The survivors who resided at Turquetil Hall while attending the Sir Joseph Bernier Federal Day School in Chesterfield Inlet are prepared and organized representing Nunavut. The other regions are Inuvialuit (western NWT), Nunavik (Northern Quebec) and Labrador. The ITC took on the task of organizing some regional meetings over the next few months.

II OVERVIEW OF MATTERS ON WHICH IDEAS WERE SHARED

Perspectives on Residential Schools and Their Consequences

Court proceedings on abuse cases have commenced in many instances, and the number of cases is steadily increasing.

Chesterfield Inlet police and the Crown did not go forward with charges but knew abuse had occurred.

Today is exploratory and could lead to negotiation to solutions of residential school abuse issues.

- ADR is easier and resolves problems faster. We have these bad experiences — haven't been able to talk about them for many years, it's hard to continue — we need to resolve them now. Chesterfield Inlet nice community, wildlife, but there is still a black cloud over the community because of what happened. We can use alternative, we should do so, quicken the process. We're not getting any younger. Not many Inuit live to be 75. More important to help people.*

Both saying government and churches should learn.

What does bishop plan to do? Talk to lawyers — they're broke — churches saved for museum purposes yet abuse going on in those churches.

When I was home from the residential school, I resented my parents/culture/ tradition, I felt sorry for my parents.

Limited number of pilots; make residential school survivors think that there is nothing more; restrictions and guidelines are from government not the policy of Aboriginal people; assimilation — lost against it — having to speak this language.

All our lives were controlled by government and church; now strength in numbers to fight back, frustrated; want to take something home.

Killed caribou — White man only wanted the tongue; sister alcoholic; Inuit were slaves to White people; never consulted how hurt they were. We have lost the Inuit culture because of government policies; we don't want to lose our people.

Hands tied; federal and church could have done a good job; no planning; priests and nuns acted on; in inhumane ways — British White rule — Indian put down; harshest land — not given economic opportunity or opportunities to learn; some have leaned — educated — pay taxes — work in professions.

Being away from home — tough enough to be away from home; was government trying to eliminate the Inuit culture? Human rights issues — crimes against us.

Was 8 years old; mother taken away by helicopter, died from food poisoning; threw bodies on top of each other; funeral, couldn't go to it — they locked the door on him, wouldn't let him out; anger began at age 8. Want more control over institutions which care for people; push to assimilate; forced to scrub floor with toothbrush; chained to pole; caught, put into isolation with no food.

Northwest River Residential School, father died when he was 12; told three months later; didn't want to upset him as his grades would go down!

Somewhere we got lost; lost most of our language, culture and identity; spirit almost broken; can't say anything loveable; difficult being a parent; couldn't speak the language, judged by your own people; by sharing stories, some people begin to understand.

Authorities — regional health organization; lot of changes — no place to share the deep hurts; confusion — what and who we were; pain, lost identity; hurt by racism and prejudice. A client at Mount Cashel won his case but it didn't help his inner pain; would like Department of Justice or AHF [Aboriginal Healing Foundation] regional non-partisan support system; counselling and healing sessions.

The two oldest children got angry with me — almost physically abuse me; why are they angry? I love them equally. They had a reason but they couldn't discuss with me; want to see something positive; very hurtful to hear about how children are capable who went to residential schools — but not sure what happened at school; shouldn't leave people behind.

In Chesterfield Inlet, Turquotil Hall, afraid, scary experience, first time on plane, very loud, 6 years old; worried about mother and father; why weren't they included; missed them; why were they called sisters? Not my sisters; psychological evaluation; medical examination; doctor was aware of the abuse.

DIAND [Department of Indian Affairs and Northern Development] made a statement of reconciliation last spring which acknowledged problems, wrongs of residential school policy, responsibility of the government in the harm done. Announced the Aboriginal Healing Foundation now exists; \$350 million.

Chesterfield Inlet, tainted school, tainted product; didn't know sex was heterosexual; wasn't able to tell wife about the abuse; parents didn't know about the abuse.

I want to make peace with myself and the federal government and grow gracefully and peacefully; at a young age, I did not ask to be abused in any way; born into a happy family; enjoyed company of brothers and sisters until taken away to school; there was a time when my life was not worth anything; abused, mad to learn English; felt dirty, used, no solution for my life; only solution to commit suicide; only reason I didn't was someone said "I love you"; heavy burden — heavy load on back — pain so unbearable; three simple words would lighten the load: "I am sorry."

Crying kids taken by RCMP [Royal Canadian Mounted Police] to plane; compensation immediate in non-Aboriginal abuse cases; platitudes are used; as little as possible — the way your people delaying.

Went to Chesterfield Inlet at age 7 for seven years; we had to pay for so much; glad to discuss issues; gave up so much to get an education; during reunion in 1993 at Chesterfield Inlet, lot of issues came up, from there, RCMP did review, identified there had been abuse, emotional, physical, sexual abuse, mental; 1994 Katherine Peterson did report; 1996 bishop came to Igloolik, apologized for church; apologies made to us; people starting to realize stories are true; we're not here to tell stories; 40 some students in Igloolik expecting something to come out of this meeting so students will benefit. Important church and federal government ask themselves — they could fix our hurt; work together to benefit survivors.

First time in telling story; born in 1953; when age 2, mother died in childbirth; siblings live in Rankin Inlet; age 7 sent to school; pain unbearable for father; most painful — separation; used gestures to indicate wanted to go to bathroom, i.e., pointing to crotch area then slapped by the sister; emotional: separation from father; something died; blames church — early death of father; avenge my father's death; afraid of violence and confrontation; no contact with relatives. During summer, same water at beach that touches Repulse Bay. Physical abuse started the first day — slapped for speaking language; scolded for crying; held down by nun in scalding water — hit so many times; slapped and strapped for wetting the bed; urinated in pants — called names; hit by ruler, open hands, slapped; teacher demonstrated through chalk brushes, hit with palm or fist; reading too slow, not understanding. Psychological abuse: told language of devil, Inuit not good; no siblings to visit at school; cousins didn't count; feel useless; teenage — afraid to brush teeth — why would an ugly man want to look nice? Fear of physical pain; no reason for punishment; slowly able to cry; sexual abuse — felt ugly on outside and inside — thought church would be safe; couldn't look at girls. The brother, chapel, early Saturday morning, 6 a.m. sexual abuse, never told, so ashamed; afraid my wife would leave; fear of being rejected by society; still suffer effects today; abandonment; don't care — as long as family cared for. Lost good job due to alcohol and drug abuse; at age 16, lonely scared depressed, went away; lost two friends; neglected his family;

dependable, responsible. At residential school, never taught family values; regrets that. Seven children in three-bedroom house; take time to heal; no amount of money will bring back father; can't heal alone; federal government and church have obligation; deeply; wife and children give the love he should have had from father.

Have some anger; federal government and Roman Catholic Church changed my life; remember grandparents, had no respect for grandmother's culture; church and federal government have money — menial type of compensation; saw my cousin this morning, brothers mistreated us, priests did the same thing; sent him away quietly across the ocean. When I was a child I had fear; I didn't learn from my parents — had abuse — lot of damage to my life — now able to stand up — recently used to live in igloos — when we were kids — quite a transition. Assimilation factor of our education; another question, if don't go through ADR, how would statute of limitations apply? Thankful, sharing childhood memories; kids from back home; some of us have lost both of our parents; I was so angry I thought my parents were angry.

What do parents think about this? Not too many left — we need to work with them — included with the pain — in these workshops; my stepmother, she doesn't understand; so painful and embarrassing to talk about it; still can't talk about it; don't want to hurt her; always hid this until an adult.

Want another meeting like Chesterfield Inlet in 1993; more things to cry about; to release tension; lack of funding — to provide healing for use — in some other form; different forms of healing — elders; 22 survivors in Igloodik to Chesterfield Inlet; they have pain; oldest person is 95 years old; won't be around much longer; needs healing; spouses gone to Chesterfield Inlet; daughter had passed away in winter; not informed; parents should have been properly informed; parents seemed to be sleeping during the day; waiting for parents to start; student to Igloodik; children of students from Chesterfield Inlet.

Be supportive of each other; hearts are open, dialogue is part of the process of expressing emotions.

Don't hesitate to meet with your elder; important that child grows healthy; people keep things inside, release negative thoughts; don't neglect children.

Perspectives on the Dialogues

We needed to start discussions but not in Ottawa. The majority of people should be survivors.

This is the sixth Dialogue. Through a lot of listening and a lot of learning, we are only just beginning to learn about the pain. The churches have opened up a lot and we are willing to work and talk about this to heal the pain of the survivors by discussing the need for appropriate remedial outcomes.

Family support needed at these meetings like the elders; believe source of funding provided for victims; two days not enough — just workshop to explore individual life experiences.

Attended Toronto session, cynical — didn't do anything — less cynical now.

Set up a time to meet again after they have meeting with all survivors; continue dialogue; some groups ready to start; people employed to work on communication network.

Perspectives on Process Options

We are here to discuss ADR, we'll be able to discuss, agree or disagree on choices. It's a way to deal with resolving issues. ADR was initiated by government, need to learn what's in it for survivors, Department of Justice, church.

ADR means answers to questions. ADR is an alternative to court litigation. It saves time and money for both parties. Everyone is involved in the process, addressing other issues like healing and compensation.

ADR can be positive or negative.

The size of groups for the pilot project implementation is presently stipulated to provide for approximately 50 individuals at a time.

Two pilot projects have begun with survivors and former students. Provided money to survivors to get organized; money to be away from job to help people through the process; now at stage of how to validate cases without forcing people into court. Invited people to meetings, government, Government of Northwest Territories, church and survivors.

At no time is there any obligation, no one is forced to do this, one can withdraw at any time. At the end it would replace court if everyone is satisfied with the results.

It's important for people to understand three elements:

- *In negotiations, parties settle through mutually agreed solution and may represent themselves or through another agent.*

- *Mediation is not legally binding. The parties involved create ground rules based on their respective interests and goals. In the event that mediation does not work to the satisfaction of one of the parties, the affected party may seek court solutions.*

- *Resources are required to enter into the process, such as expert mediators and costs for process implementation so survivors may receive proper justice and a remedy comparable to those who receive remedy for similar sufferings. Other important considerations are time lines and the number of parties involved. While the parties decide what they want to achieve the mediators provide guidance. Federal government and the churches would cover the costs.*

Though the survivors and the communities can decide for themselves, they may need the advice of a lawyer during the implementing process of ADR.

If there are difficult points, the parties can look to mediation as an alternative and designate, upon agreement, to a mediator.

There are two possible choices identified within the dialogues: some will take court actions that may focus on fair compensation for the survivors and alternative dispute resolutions.

Government is liable in a number of cases, has obligation, responsibility to respond.

In some areas, survivors suing government and church — long trials — we could see a number of problems, taking a long time; government and church fighting over responsibility, cost.

Government also settling cases. The settlements were done quickly, only on compensation, done confidentially, nothing for healing. Lawyers' fees high; people taking money to communities; getting worse. The impact on community was not considered. There are other ways, other choices to settle cases.

ADR abuse in training schools in Ontario took years after survivors' group got together to verify cases.

The key thing is that each is different; government is learning the rules as it goes along; imperative key value: healing, safety for disclosure, follow-up and after care, especially during validation of files; ensure support systems are in place.

Respect time lines, everyone at different stage of healing; never want these things to happen ever again to children; so many things have to change to make it easier for children to testify in court; all of our jobs to ensure that

our children are safe — safe homes and schools; different jurisdiction; no foster homes.

Survivors, survivors' groups may apply to the AHF for funds to run healing projects.

The church also indicated that \$60,000 is available for healing projects.

ADR offers control by survivors — in charge, stronger voice than lawyer.

Courts don't know needs of people, judges might not understand need of survivors — higher likelihood ADR will have elements the people want.

ADR less painful — cross examination by lawyers can be much better than going to court.

ADR should be easier if it's done well.

Pain is the same whether through ADR or the courts; Iqaluit favours ADR — faster, now lawyers — not so many years; some don't have 11 years left; many students are older; if go through ADR, must consider amount of compensation — by both parties.

Court cases can hurt relationship. Consistent with statement of reconciliation; ADR introduced by the federal government. As survivors, if we're to have input, what is federal government going to do to help survivors and church? Choice to leave our past — court process very tedious: long process — we should look at options; everyone can make that choice.

In a court process must pay lawyers' fees — system often defers cases, will take longer.

It's a good way for victims to get help; have to decide what process needs to be considered; tell the government what you want; there are decisions to use this process; this is your chance.

Want peace, want to leave something for our children.

One disadvantage of ADR is that it may add cost, time and other complexities.

There are still more people suing than people doing ADR; options for anyone — their decision — free to sue. Generally, contingency fee. Help to make it fast — efficient for people who want to do it

Perspectives on Remedies

Many caregivers need to tell their story; support system needed to regain culture, language, self identity. Regional committees should look at damages for loss of culture, language, establish criteria; professional people, legal background. Want to heal — kept things secret. Most don't want huge sums of money. All in agreement: physical, sexual, spiritual, emotional, mental abuse — compensation; people hurt the most should be compensated the most. Appreciate DIAND [Department of Indian Affairs and Northern Development] and church making apology; never heard apology from Newfoundland government.

Healing — people in Igoolik never wanted to prioritize compensation. Healing and self-esteem is priority; want to release all pain; we should always include compensation; how to look at healing for different people, include elders; healing centres in north with Inuit people to help us.

One aspect in ADR, maybe most important is healing. Keeping healing broader in the communities, open to all — not just students, families. Could have community development, personal development.

Agreements with individuals or communal approach to healing.

Some confusion re AHF. The AHF is run by a separate board. It is a source of funds for community-based healing projects that attempt to meet the needs of Aboriginal people who were physically and/or sexually abused at residential schools. The term “intergenerational” allows room for including the impact on the parents of survivors and the children of the residential school survivors who were affected, indirectly or directly. Also the word “holistic” which includes emotional, spiritual, so they had room to provide money to groups — preferably survivors' groups — to assist them with healing process. Anyone can be on review panel. Children experience emotional and spiritual abuse when physically and sexually abused. When such abuse hurts a child, the pain goes right to the heart and spirit of the child.

The AHF is separate but is there — a way to link with other government programs such as crime prevention, Aboriginal justice programs.

Yes to compensation for abuse. How to spread compensation out over time instead of getting cut off social assistance. Funds used toward training, skills, education. Apologies at community level are important. Resources for healing individuals. Intergenerational issues, families affected.

Communities need to have records of what happened and why so the community knows.

Should have healing centres, healing workshops; need moral, family, community support; language culture. Unrealistic to expect us to heal in area that is not comfortable. Trauma, isolation, drugs, alcohol; need support to heal; being able to destroy a building that hurts (Grollier). Obligation was on government to provide and protect children; should be victims' assistance committee; should be process to help each and every individual.

Some still feel these elements won't bring peace, they hurt so much that no form of compensation will heal the wounds.

Each has a special concern. Children who were lost want part of settlement. Curriculum in schools as part of settlement.

What about abusers — need to be punished — held responsible. What will happen to abusers if we go through ADR? Is there package for people to sue? Lots of pain to carry; can't trust anyone; children carry the burden. In some places, compensation spells greed. Compensation, want healing; people died took all their pain with them; can't go back can't face abusers and make them feel the pain.

You are precious to your family: take care of your life.

Endnote

1. These notes were prepared through the efforts of the following people: Janet Binks, Doug Ewart, Susan Stewart, Simeonie Kunnuk and Lynn Pettit

WHITEHORSE, YUKON, DIALOGUE

March 30 to April 1, 1999

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I OVERVIEW OF THE DIALOGUE¹

The dialogue was opened with a prayer and then each participant was introduced by the person sitting on her/his left. Following the introductions, Mark Wedge, the co-facilitator, explained the purpose of the Dialogue, and talked of how the alternative dispute resolution (ADR) process was a process owned by the participants and how their input was vital to the development of this initiative. The organizers presented the reasoning behind the dialogues and the need to find alternatives to the court process in the settlement of residential school abuse claims. Participants agreed to speak with the feather as a talking piece so everyone would get a chance to put forward their views in a respectful manner. This process took the full day and continued in the morning session of the second day. On the second day, the group was divided into smaller groups to examine various components of a framework on ADR: memorialization, validation, reparation, and safety and disclosure. Afterward, the full group met to discuss the group's findings.

Mr. Wedge noted that there were counsellors available to provide safety to the process.

Additional Items

At the start of the second day, Jackie Maclaren made a presentation on the history of the organization called CAIRS, the Committee on Abuse in Indian Residential Schools. It was noted that Jim Sheldon had been nominated for the commissioner's award for his work. Jim Sheldon presented a poster called "The Spirit House" to commemorate all those former students who were no longer with us.

During the afternoon of the second day, there was a discussion concerning the Aboriginal Healing Foundation.

II OVERVIEW OF MATTERS ON WHICH IDEAS WERE SHARED

Perspectives on Residential Schools and Their Consequences

Taken out of their own community, assimilated and conditioned, put into an isolated place in a different culture. Separation in life is strong.

We were affected all our lives by the experiences of residential schools. We are discussing issues mainly around physical and sexual abuse, but there were other types of abuse too, such as psychological and spiritual abuse, that have had a deep impact on people. Even witnessing the abuse, vicarious abuse, has been terribly damaging. Beaten for being proud, brainwashed, constantly battling the abuse, living in daily terror. Sexual abuse can be re-framed but the emotional, psychological and spiritual scars remain.

There was much psychological abuse, torture, ridicule and shame. Resulted in post-traumatic stress, aggression and anger. Life with parents was lost. We were denied growing up with family. People are still suffering as evidenced by the substance abuse.

Never had the opportunity to make any decisions, always afraid to make decisions. Not able to handle confrontation. Residential school was just like a cult. People were subjected to what someone else wanted. Children were never encouraged to grow. The students were ashamed to be Indian. Never given the opportunity to learn management skills; how to manage life, how to manage finances.

Never discussed experience with partner who had also attended residential school. Inner child was shut down at residential school. Did not cry from age 7 to age 40 — shut down even physical pain. Level of pain is high. Suicides, needless deaths.

Learned about violence in White foster homes and residential schools.

Fall was the saddest time — the time to return to school. Community suffered, parents suffered, parents had no choice.

Perspectives on the Dialogues

It was hoped that these dialogues would provide a setting for a wider framework of choices from which we could start dealing with the sensitive issues involved so people have different ways of looking at this issue. We could do this by looking deep within the communities, histories and values of the way in which Aboriginal people approach disputes. We are also looking at restorative justice issues while at the same time respecting the survivor's right to go to court.

There are many questions to be answered such as how to make the courts more sensitive to the needs of survivors; how the Aboriginal Healing Foundation interfaces with the ADR process; are we willing to use an alternative process for the settlement of claims; what would the alternative process look like; and what steps would these processes take?

ADR is not about individual compensation but a framework of choices. After these discussions, would there be something to take back to the community?

Need to talk about the root of the problem to see the full impact of the residential school experience. We have an opportunity to get to the root of the problem by building partnerships

Not too many grass-roots people here. We want to speak candidly and openly but we wonder if there is a hidden agenda.

There is no hidden agenda. It is important to see the dialogues as a first step. They have generated an opportunity to bring all parties together by sharing ideas.

There are no specific ADR models. People have been affected in different ways, and people will take different paths of healing.

ADR is a good idea but what is the motivation? Whose best interest is it to keep it out of court?

Perspectives on Process Options

The whole group was divided into four smaller groups to discuss the following: memorialization, validation, reparation, and safety and disclosure.

Perspectives on Remedies

Strongly stress that we form the foundation for the younger generation. We have already lost our parents and our elders; now we need to leave something for the younger generation to give them some direction. We need to provide safe homes and child welfare for our children; we are relying too much on government assistance. First Nations people should hold those government positions that have influence over our people.

Need to start to work on a level playing field, identify what can be done to revive the culture. This is something new; it can be different and meaningful and is something to explore if it is approached on a level playing field and not discussions with an oppressed people. Government has to listen to our beliefs, listen to what was said and build trust. Partnership is not about telling people what to do or what is going to happen. Working in partnership will be a significant contribution to healing.

The government and the churches burned a lot of bridges. How serious are the government and the church about their apologies? How are they going to change? And when do First Nations forgive them?

Must know where we came from before we know where we are going to go.

Must have an eye constantly to the future, building a foundation for the future. Part of the healing process is to build a foundation for the future by giving children a chance. There must be actions behind the words. There must be a commitment to change on the part of the government. Only when

First Nations are convinced there is commitment, then can they begin to forgive. The building blocks are validation and disclosure.

Now is the time to deal with this, the community has suffered too long. We need to work together to have a foundation from which to build. First Nations work together as one; everyone takes his own path but comes together as one community and nation.

We want safety for our grandchildren. Many of the sex offenders were victims themselves. We want safe communities. We want to see something good come out of this process especially for the ones back home who are still suffering and those who are in the jails and the mental hospitals as a result of the trauma they suffered.

Need more money for counsellors to work with the people. Need more money to assist grass-roots people. People helping others get burnt out. Money needed for training to create resource people in the communities to run their own lives and healing centres.

The third generation is grasping to save the language. The number one priority is to bring back the traditional culture and values such as the things the grandparents did like tanning hides and beading.

Need to include all generations in healing workshops. Government should contribute to healing initiatives that are put forward by each community. There should be cross-cultural workshops for people who are interested and want to contribute. Younger generation and government want closure — they can do it together by working together to build trust.

Church owns land in Carcross — sold it to museum. Wants the church to come to the community to patch it up by putting money into healing and giving back the land.

Need to educate police officers to change their mind set so they know where the First Nations are coming from.

Non-Aboriginal people have to take ownership of the problem. They need to look at their own spiritual beliefs and ask whether those roots of inhumanity are still within us and what it was about our values that make it all right to do such terrible things. Mother Earth was not part of us so we abused the land.

Need to build capacity at community level. Have to train the people, get them well.

Government should look at healing themselves. Most important, don't take your pain home with you, deal with it yourself; everyone has their own problems.

Healing is a lifelong process. There is no magic ingredient, no magic pill or cure. An apology should have come from the leader, then it would have held more water. Is the Canadian government going to disclose the true outcome of the residential schools to the United Nations? It's a dream come true to sit with government, churches and survivors.

A river is what divides the land and, at the same time, what gives it its strength. It pulls the banks together to make it one place, instead of focussing on the differences that divide the two banks. In the residential school issue, one side was much more powerful in terms of its physical capacity than the other side. We thought we could just take the river away instead of making bridges. The fact that people see the world differently is what gives strength and capacity to deal with these issues. It grows out of agonizing and powerful problems; it takes courage to say "yes." We are dealing with some of the most powerful institutions and oldest civilizations. The far bigger challenge is to pull these two groups together to find practical building blocks — to find where the river can be crossed and where bridges can be built.

Angry that this has happened in a church, very disturbing, very sorry. The church is a servant of the people, how can we help? We have to be able to hear to understand. Hope the church can be part of the answer to bring about good things, together, for the future.

Endnote

1. These notes were prepared through the efforts of the following people: Janet Binks, Doug Ewart, Lynn Pettit.

MONTREAL, QUEBEC, DIALOGUE

May 31 to June 1, 1999

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I OVERVIEW OF THE FLOW OF THE DIALOGUE¹

The Dialogue began with an opening prayer, followed by participants introducing themselves to the group.

This was followed by an explanation of how the dialogues were initiated and the work that has been accomplished to date, and who is involved in the dialogues and their roles. A dialogue is without prejudice and the discussions will not be used in future legal proceedings.

Voluntarily, survivors expressed their experiences at residential schools in Quebec and how they were affected.

Recommendations were made on the needs of individuals and communities and the need to continue a dialogue process.

II OVERVIEW OF MATTERS ON WHICH IDEAS WERE SHARED

Perspectives on Residential Schools and the Consequences

The importance of being able to tell your story is part of the healing process. The story presented is a gift and is really special. Every person who is presented with this gift has a responsibility to honour this gift. After a person has told a story, it is important for those who are being told to go to the person and thank her or him.

Residential schools were set up in areas where people lived traditional Native lifestyles. Schools deprived them, sometimes through physical punishment, of traditional lifestyle and their language — were not able to experience the family unit and were not able to celebrate special occasions or have knowledge of illness and death within the family unit — this had a huge impact on the relationship with family between parents, their children and between siblings — parents were blamed as they were held responsible by their children for placing them in the schools — when a nun beat her in the stairway she blamed her mother for sending her there.

Young people were removed from their families and moved sometimes hundreds of miles away, for as much as 13 years. Even if siblings were at the same school, they weren't allowed to contact them.

The explicit goal of residential schools was disruption of culture. The integrity of my person was violated.

Some experienced a loss of identity. I lost my self-esteem and was afraid of my intelligence but I was afraid of getting hit so I continued to learn — residential schools never encouraged creativity at school. Was an artist but

could not develop her skills — Aboriginal people were not encouraged to be creative. Was never hit but saw others being hit all the time.

Many former residential school students have a problem with alcohol — all Native people who went through residential school need to be strong mentally.

Developed coping skills; otherwise would have been in a psychiatric hospital — witnessed someone having their ears torn for not eating the food at the school so she ate the food even though she didn't like it — was paralyzed with fear thinking she was next — was afraid of the night and what would happen to her — grew up in the school lacking affection.

No amount of money can bring back what they lost.

Heavy involvement with alcohol and drugs. No parenting skills. Children of survivors have been known to commit suicide and parents are blaming themselves.

Wondering what is behind the dialogue — she grew to distrust people in residential school and continues not to trust — she was sexually abused at residential school by a man who she considered to be a father figure . . . so she doesn't trust.

Residential school destroyed him as a person and as a Cree. Too educated to live with parents when he returned, but not educated enough to live in White society. Where does he fit in?

Many stated that they had to work really hard to regain their language skills lost at residential school, and that this is a source of pride today.

Anger has re-opened a lot of wounds. Physical abuse will never be forgotten.

Many find it difficult to be close to their children as they were never shown affection — one in particular described the adult he had become — alcoholic — abusive towards wife and children.

Community was affected by trauma of residential schools. I want to introduce myself by my prisoner number. Many girls died from exposure and disease and were buried by the railway tracks. I disassociated with the world — later in life I had to leave my job and enter into therapy — this gave me the courage to begin my healing journey — had to come to terms with the fact that I had been sexually abused by a nun in residential school — nun would take care of 4, 5 and 6 year olds — some of whom were forced to have oral sex with this nun.

Had problems with relationships as a result of learned behaviour at residential school. The boarding schools are responsible for what happened. I am responsible for what I did to my children. I had abusive tendencies and realized it. I used to tell my daughter to go to her room when she came home late so that I wouldn't hurt her. I was teaching her the same life lessons I learned and I had to stop. Boarding school is not the only institution to blame. The churches were responsible also.

The mission of residential schools was to eliminate the language, discourse and thought of the Indian culture. The model of these schools should have been the development of children — education of youth.

An attempt was made at residential school to crush the integrity of individuals at a very young age. The impact remains as a stain. It was a cultural genocide — abuse in all its possible forms.

The experience of loss at residential schools set up lifestyles that led to more losses.

Works with children and through own painful experience understands the pain of the children. A quote was read from a book entitled A Stolen Life by Yvonne Johnson.

A participant drew an illustration of the central role of children in Aboriginal society. Children are at the centre of the society. The roles and responsibilities of other members of the society are defined with respect to children. Grandparents are responsible for teaching children, mothers for giving life and fathers for protecting children. When the inner circle is removed, which is what happened with the establishment of residential schools, everyone's roles and responsibilities are removed at the same time, and all the circles collapse.

Perspectives on the Exploratory Dialogue Process

What is link between exploratory dialogue and this group? Dialogue is made up of two groups: people affected by residential schools and institutions, including churches. Their interests not necessarily divergent, but the perspectives are different

We are here in part because of RCAP [Royal Commission on Aboriginal Peoples]. It began in December 1996 — government began to look at possible approaches — started to work more closely with Aboriginal partners, including Assembly of First Nations. It was a four-part strategy: statement of reconciliation, gathering strength, healing and a response to litigation, which can't always be avoided. ADR [alternate dispute resolution] more important than litigation. Government realized it needed to travel across the country and listen to survivors, to hear what you want to see happen, and use this knowledge from the dialogues to build models. Government has set up a special team in DIAND [Department of Indian

Affairs and Northern Development] to deal with RCAP and IRS [Indian residential schools]. Goes beyond individual abuse — wants to look at legacy of abuse.

This is the eighth dialogue — started in British Columbia. This is the first dialogue in Quebec.

Government is not here to dictate an approach. Dialogues are not about politics but focus on listening to survivors. They are about hearing from the grass-roots. The purpose here is to listen to people and talk about possible approaches — trying to build on Healing Foundation and other programs — by building linkages.

Government is not designing the ADR approach — want survivors to have input into that approach. The models developed by each community may be different — may be able to develop a slate of options that individuals and communities can choose from.

B.C. dialogue — some of the survivors had been in trial for 26 weeks, they were battle worn by the court process. They strongly felt the need for a more humane approach. B.C. dialogue — first time that Crown, church and survivors had been in the same room. There was much tension at that dialogue — disagreement on apportionment. B.C. Dialogue saw a good thing develop — people started to communicate.

Three questions were asked:

- Who is promoting this dialogue?
- Are some pilots under way?
- Is the Assembly of First Nations (AFN) helping to co-ordinate the process?

A partnership of the Department of Justice, DIAND and the AFN has gone to local dialogues, works with survivor groups and political organizations in the provinces to look for another way to resolve things.

There was some discussion, at this Dialogue, to stay in large groups or break out into smaller groups — the consensus was to stay in the group as a whole to maintain an open dialogue for all to hear.

A discussion was held on the “summary notes” prepared from notes taken at each dialogue and whether a record of this event is acceptable to this group. It was made clear that the notes do not refer to specific comments from specific people and the notes reflect and summarize the comments.

The Catholic Church believes in restorative justice and wants to be involved in the ADR process.

From the survivor's perspective — does not know what churches will do. How far are they willing to go?

The Catholic Church has made a commitment to be involved in the healing circle and try to provide continuity of presence from the Church in a journey of healing and reconciliation — they are here to listen.

Is Dialogue enough? Are eight dialogues enough? Should there be effective measures taken — legal matters are demanding both psychologically and financially. You need evidence to win a court case as well.

It was agreed that eight dialogues are not necessarily enough but it gives those most affected some idea of limitations and opportunities.

There is some scepticism toward what is behind the Dialogue. It was explained that the Dialogue is an honest attempt by government for solutions — that travel to affected communities throughout the country and being responsive to affected Aboriginal peoples is an alternate means of ensuring action is taken. Government has to look at how issues are linked — looking beyond physical and sexual abuse — having to realize that parents suffered guilt for letting children go; that communities suffered; that people continue to suffer as adults. Government is trying to look at linkages, at what is the broader impact of the residential schools initially focussing on healing realizing that \$350 million is not enough but it's a first step.

There has been a lot of abuse and suffering. This has been transmitted from one generation to another and is evident at the dialogues. Time for a child cannot be calculated. Loss of dignity among women and men cannot be calculated. The beginning of an alternative is a dialogue, and there is an objective behind this. Dialogues offer people a forum to speak of their experiences and suffering.

The government made an apology to the group and honours those who participated in the discussion and shared their experiences.

Perspectives on Process Options

At the Alberta Dialogue, survivors from the Northwest Territories were present who had worked out an ADR framework. It was shared at the Alberta Dialogue and included key things such as:

- safety and healing and being culturally relevant;
- memorialization — another key element — (e.g., survivors watched the residential school being torn down — this was one way of remembering and obtaining closure); and

- validation — having story heard (survivor perspective) need verification that abuse occurred. Needs to be flexible, needs to be inclusive, if survivor chooses, family and counsellors should be involved.

Pilot projects using ADR processes have started — hoping to have 12 pilots.

Rumors are that pilot projects are a plot by government to put a cap on compensation.

ADR does not prevent people from going to court if they want. On the other hand, if you are in court process you have the option to transfer into ADR.

Flexibility must be exercised — shouldn't pretend that there are no parameters — honesty is one parameter. There are certain standards of validation. Flexibility exists where validation occurs.

The Catholic Church agreed that it would be open to resolution outside of litigation for a number of reasons. Litigation = isolation, and seldom is open to solutions that lead to restoration.

Working together the AFN, Department of Justice and DIAND are trying to find ways to avoid trials and legal actions. Legal action is stressful for survivors.

The comment was made that litigation is no fun and even though you may be the victim, the courts may not perceive you are one.

The government is looking at different ways of doing litigation and trying to find a different approach (currently 5,300 claims) trying to avoid trial. Government doesn't want to go to court and acknowledges the legal system is generally adversarial — sharing experiences in a not necessarily safe environment.

Rights of the children must be protected. Survivors have a need for information sessions.

It was noted that the government, church and survivors being in the same room was significant and a sign that progress has been made, and it was also noted that it is important that survivors be in charge of the process and that government does have some opinions but the parameters in ADR are better than parameters in the court process.

Discussion about litigation, and through the traditional litigation process, survivors are being asked to write out their stories for the first time. In some cases that may be 20 years after the fact, with no safety system in place . . . one reason why ADR processes are a better alternative.

There was a concern with respect to where the skill building will come from to develop mediators who can work within the communities.

The need to have further dialogues to develop a working relationship was also discussed. It was said that the government representatives need to be travelling to communities to meet with, and listen to, the range of people who have stories to tell; many of them are still very angry.

It was expressed that the emotions must be quieted before the cognitive takes over. This can only happen through validation. With validation, comes the move from emotional to cognitive and then resolutions.

The need to use life experiences to create an ADR process is absolute. The question of whose values prevail in process design must be observed. The experience of Aboriginal people is that the values and rules of the dominant society prevail, which doesn't honour our society and values.

Perspectives on Desired Outcomes

The media should not portray settlements as a burden on taxpayers.

Items identified as needed outcomes:

- *Develop a school curriculum based on mother tongue.*
- *Have to develop business opportunities.*
- *Adopt provincial programs at federal level, to make them more accessible.*
- *Develop programs on the arts — communications.*
- *Promote culture.*
- *Improve health and education.*
- *Generate a series of programs on self-esteem and personal development.*
- *Use technology to develop Aboriginal language and culture.*
- *Promote our culture.*
- *Use Internet to promote language and culture.*
- *Set up a Web site.*

Identify barriers between government, church and communities and find ways to get past the barriers.

Apologies on the issues of family breakdown — it is not viewed as illegal and is not a crime in the justice system, but someone should take responsibility for it.

An apology from the Oblate community in early '90s was passed around the circle.

Don't want money...want to feel good inside. The wounds need to be treated in order to be able to go forward despite the wounds — to prevent passing these wounds on to children.

Catholic Church apologized for the violation of the family within the residential school system — that it incarnated a violation of the integrity of the family and a commitment to work toward reconciliation and healing — wanted to continue to seek healing — Church is seeking an attempt to provide a framework to provide for the reconciliation.

The Catholic Church's perspective was to be available to support healing.

When she saw money put into Aboriginal healing she thought "that's good," but they are still waiting. Money means nothing compared to the problems they face.

Recovering dignity has nothing to do with money. Healing is a necessary process and you can't put a time frame on it.

Traditional ways of healing is a sure thing and it's fast. There should be a healing lodge in every province. Give the people the power to do their own healing.

As for compensation, some elders prefer compensation over healing. But we shouldn't feel like a price is put on a sex act like some form of prostitution.

What do First Nations want in regards to making this right: people have to take responsibility for what happened. Not liability but responsibility.

When you talk reconciliation, it must be from the perspective of the victim.

The other part is having more public relations and media attention given to the success story in terms of what people were given in life who managed to turn it around regardless of the challenges and abuses.

Tangible issues: people should be put back in their cultures to learn their language, designing a handbook for survivors to deal with their trauma and to deal with the legal system and how to protect themselves.

Healing programs have to be based on needs not quotas or caps. It should be on a sliding scale.

Wants the Native justice system to set up another umbrella. People want a community approach, not individual awards (e.g., trusts for education or healing possibly a camp to learn about traditional ways).

Use the experiences of other people who have made progress and have them help us understand or guide us to making more progress. The Internet site would help us to broaden our insight in this respect. It was said that given the testimonials to date, that it will take years for some to speak so let's make use of the electronic age.

There should be a handbook to help people deal with lawyers preying on our people.

Schedule A

Other Provinces Framework

Safety/healing

Compensation/restitution fund/what we do with it is healing

Validation

Memorialization

Flexibility

Inclusivity

Endnote

1. These notes were prepared through the efforts of the following: Robert Hay, Judith Nicolaiff, Joe Sebestyen and Lynn Pettit.

WRAP-UP DIALOGUE

FINDING A WAY TO WORK TOGETHER

Toronto, Ontario
June 21 to 23, 1999

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**“But there is always a silver lining,
we all have made friends — friends not acquaintances,
for I believe none of us will forget the hard road
travelled to this place today.”**

Elder Willy Hodgson in the Closing Circle, June 23, 1999

I OVERVIEW OF THE DIALOGUE¹

A series of eight exploratory dialogues was held across Canada from September 1998 to May 1999. These dialogues brought together survivors of residential schools attended by Aboriginal people, Aboriginal healers and leaders, counsel and senior officials within government and church organizations. Extensive and wide ranging discussions took place over a two-day period at each dialogue on issues ranging from the residential schools experience and its impacts through to quite detailed discussions around the design of dispute resolution models.

About 50 of the participants from those dialogues gathered in Toronto on June 21-23, 1999 for the Wrap-up Dialogue.

Similar to the previous dialogues, the discussions were facilitated by Glenn Sigurdson and Mark Wedge and were, for the most part, conducted in a large circle with smaller break-out groups organized throughout the day. Counsellors were available 24 hours a day to ensure a safe and comfortable environment for all participants and for the survivors in particular. Each morning the circle was smudged with sweetgrass (to clean and balance the energy in the room) and an opening prayer offered by Elder Willy Hodgson. At the opening circle, each participant was introduced to the circle by the person sitting to her or his left (following the path of the sun) and a moment of silence was observed for those who were not present — the children lost in the residential schools and elders who have since passed on. The recent passing of Grafton Ni-Door-Lew from Old Crow, a survivor of Yukon Hall, was noted.

Glenn Sigurdson then outlined the objectives of the Wrap-up Dialogue. He noted that while each dialogue had its own unique and special quality, this Wrap-up Dialogue had the distinct and additional challenge of attempting to integrate and build from the insights, concepts and approaches of the previous dialogues into a wider framework of choices through which to respond to the challenges of resolving residential school claims. Although this meeting was to conclude the dialogue process, he expressed the hope it would build bridges into the future. In the opening comments, several First Nations representatives made powerful pleas for quick action in dealing with the legacy of residential schools.

We're losing our elders every day as a result of the residential schools and it's time to get on with it. Let our elders live in peace. We have to settle it and settle it soon.

A lot of government officials have said that they'll work with us and get things done, but things don't get done. I am fearful that the Aboriginals will be thrown aside again.

Individual compensation must be a key element of the ADR process since 95 percent of Aboriginals do not have a pension. I don't want a program, I want compensation for what was done to my community and me. If the

ADR process does not address compensation, I've come here for nothing and wasted our time.

While the government and churches can deal with compensation, only the survivors can heal themselves, that part is none of the government's business. I sometimes think the attitude is that they buggered us up, now they'll fix us up. We can fix ourselves.

While church leaders come to the dialogues and talk about forgiveness and compassion, they then file motions that urge that the survivors' legal claims be struck out because of limitation periods. This leads to cynicism and mistrust and it is a great leap of faith for us to be here.

II ORGANIZATION OF THE DISCUSSIONS

The three days' work was organized around a discussion of three main issues.

- What has happened since the first dialogue in Kamloops in September 1998? What is the status of the pilots? Where are the government, churches and survivors at now?
- What are the barriers, problems, challenges, fears or difficulties that have been identified so far in the process — both within a particular constituency and in working with other groups?
- What solutions, both long term and short term, can be identified to these barriers?

Survivors, and church and government officials met separately to identify and articulate their perceptions of the barriers and problems. Subsequently, the conclusions reached by the three constituencies were reported when they reformulated into a circle. After a general discussion by all participants, it was decided that a range of possible solutions, to address the identified barriers, should be developed under the following headings:

- building trust among all parties;
- fundamental guiding principles;
- communication and public education;
- expanding the scope of the response beyond physical and sexual abuse; and
- what can be done now to achieve concrete results?

Five working groups, composed of representatives from all three constituencies, then met to develop a draft list of suggested solutions. After a preliminary report to the circle, the same groups met again to fine-tune their recommendations and to come up with a shorter list of more immediate or short-term proposals. These were then shared and discussed with the full circle.

At the conclusion of the meeting, a group of participants undertook to draft a mission statement in order, as one leader said, to “leave this place with something that binds us to work together.” (See Appendix of this publication.) One survivor described the mission statement, in simple but elegant terms, as “finding a way to work together.” There was discussion about the possibility of a press conference following the completion of the mission statement.

There were several watershed moments during the three days but none more dramatic than when one survivor walked over and hugged an Oblate Father. “We’re not here to destroy you,” she told the church leaders, “we’re here to talk to human beings, we came here in good faith and we stay in good faith. But that doesn’t mean we’ll stop fighting.” A church leader thanked the survivor for her courageous words and actions. “Whether we name our fears or not, they are there *under* the table. We are putting them *on* the table so we can work together to solve them.”

All parties expressed a commitment to the continued existence of the other institutions. “Reconciliation shouldn’t wipe any of us out,” said a senior government official and one survivor added, “we have to help the churches survive — it’s not a good history, but it’s our history.”

Issue #1: What Has Happened Since the First Dialogue?

In British Columbia, there is a heightened awareness among Aboriginal communities about residential school issues as a result of the Residential School Project. A toll-free, 24-hour crisis line has been established, and two field workers travel to communities around the province talking about the issues and helping to establish regional conferences. As a result of this hunger for information, the need to act is even greater since “the pain is greater than ever.” There is a great need to provide safety and comfort around these issues.

In Alberta, a brochure has been sent out to all Aboriginal groups about the residential school process and an Aboriginal mediation training package has been developed in conjunction with York University, which is available for use by any agency.

After the first few dialogues, the Department of Justice, with the support of the Department of Indian Affairs and Northern Development (DIAND), was authorized to test, through the use of 12 pilot projects, the potential for using additional approaches (alternative dispute resolution/ADR) as a basis through which to respond to the growing volume of litigation and to reach resolution of these claims. Survivors and the churches will be full partners in designing processes they can live with. Two pilots have begun (one in British Columbia and one in the North) and discussions are under way to identify a further 10.

The number of claims has continued to increase since the first dialogue, and much legal work is under way on the federal side. A recent Supreme Court of Canada ruling on the vicarious liability of organizations for abuse committed by their employees will no doubt affect the residential school litigation.

The government and churches recognize that critical issues between them have an impact on resolving claims and achieving closure, and they have begun to work together to resolve some of those issues. Of particular concern for the churches is the overall impact of litigation on the future of their institutions. Other issues, such as who is responsible for what and who should pay for compensation, are also being considered.

The churches are also meeting among themselves about how they can best be involved in the ADR process and work together.

Settlements have been reached in two British Columbia cases involving the Catholic Church, aided by the conversation that began at the dialogues. As one church leader noted: "This is the only place where all three parties are at the table." But as the adversarial litigation process moves forward on a parallel track, it gains momentum and certain milestones are reached where decisions must be taken. The church leader pledged that the churches would try and work out their differences with the government so they will not be a stumbling block.

Two members of the Grollier Hall Healing Circle, one of the pilot projects, described their positive experience. The group came about as a result of a criminal trial of one of the abusers, and the survivors decided they needed to take control of their agenda and "be responsible for ourselves" since they felt the government was doing everything for them. The idea started over coffee because "no one was listening to us. We have to do something and we have to do it ourselves." They went out and trained trauma counsellors and established support services for victims during the trial. After four ADR meetings between survivors and church and federal representatives since December 1998, they believe they are "way ahead" of where they would be if the litigation model were pursued. They will meet in July as a group to decide whether to accept the settlement framework that has been negotiated. The package will include several components including compensation and an apology. In four meetings, they believe they have "come a long way" toward building trust between the parties and helping government and church officials, whom they inherently distrust, understand why they are so angry. A by-product of the process has been the start of reconciliation. People are starting to deal with what happened and moving on with their lives. Getting involved in the ADR process has been "empowering in many ways." Sitting at a table where they can confront the institutions of the church and government, knowing there's an office set up just for them, that there's a lifeline for them rather than going to the government and being told to wait in line. The process is entirely voluntary but now the members have a choice — to accept this and continue the ADR process or go on their own. They cautioned against allowing the lawyers to take control since the process should be user-friendly, not lawyer controlled. Their advice was to give ADR a try but keep control. "Some of our guys can finally see the light at the end of the tunnel," they said. "We feel confident in this process. We're going to move ahead."

Issue #2: Barriers/Difficulties/Problems

Survivors, church officials and government representatives met separately to identify and articulate their perceptions of the barriers and problems.

Barriers Identified by Aboriginal People

As the first few pilots are learning experiences for all concerned, they may take longer than expected as the participants deal with novel issues for the first time.

Since many survivors are seeking compensation for more than physical and sexual abuse (e.g., cultural genocide, loss of identification, pride, language, culture and family), some may find it difficult to enter the pilots.

There is no full description of the dialogue process. What is its mandate? Is there a mission statement? What are the criteria for selection of the pilot projects?

What types of abuse will the ADR process acknowledge? So far, governments only talk about physical and sexual abuse but cultural genocide and language must also be addressed. Government appears evasive on this issue.

Other issues that must be addressed:

- *cultural genocide;*
- *murder;*
- *we were taught to hate;*
- *physical abuse;*
- *emotional abuse;*
- *we were deprived of education, work skills, food, future income, family and language;*
- *lack of self-worth, trust and love; and*
- *suicide and depression.*

Is the ADR process final or can participants seek other remedies once they start ADR? ADR appears to limit discussion, while litigation allows for more sharing of stories.

There is a lack of trust and bargaining in good faith, especially by the churches, which continue to use words such as “frivolous” in disputing claims and rely on limitation periods, and are lobbying politicians for changes to limitations acts.

There needs to be more public awareness of the issues surrounding residential schools. Aboriginals are still considered a disposable people and there is still denial about what happened at the schools. The Canadian

public is not interested in the issue because they believe it happened a long time ago. Indians already get everything free and they're out to destroy the churches.

There are questionable ethics by therapists who charge exorbitant rates and further traumatize survivors.

Lawyers are practising questionable recruiting tactics without the appropriate safety nets in place.

There is a lack of an integrated approach by government in dealing with residential schools. All aspects of government need to be involved in providing support.

Both governments and churches need to be involved in providing support services — therapeutic support for the emotional and mental well-being of survivors and their families has been overlooked.

We must find a way to work together to knock down existing notions that Indians are no good. New immigrants must also be educated about Indians, our history and what took place at the schools.

The diversity of all First Nations needs to be acknowledged in the school system.

The churches have to put their statements into action. Words are not enough. We need a token to take back to our people from these meetings to build the faith and allow them to keep hanging on.

We must have access to records of churches and government so the whole story will be known.

There must be better communications between the parties generally (e.g., Internet, newsletters).

Time is of the essence, especially for the elders — action now, let's get it done!

Barriers Identified by the Government

There is a lack of understanding within government about the harm done by residential schools and the scope of issues (more than physical and sexual abuse; not just survivors themselves but multi-generational impacts on entire communities) because governments like to box off issues into neat compartments.

There is a lack of experience in looking at alternative models for settlement. We don't have any models to look to; nothing in our back pocket we can roll out.

Governments are inherently cautious when dealing with new issues.

Capacity and resources are a barrier. There is only authorization for 12 pilots even though more communities will likely want them. Resources for the pilots are limited.

The relationship between government and churches can, at times, be a sticking point and must be overcome in order not to lose momentum from the dialogues. Each side must grapple with fear and mistrust of each other, and the issue of apportionment must be resolved.

Cost. The magnitude of settling these claims is a big fear for many in government, the numbers in the press seem extremely high.

We have to find different ways to work with each other and to convince people we are genuinely trying to change things fundamentally instead of the ingrained historical way of governments telling people what to do.

Ownership. This is still seen as a government process and it won't work if survivors and churches don't take ownership.

The impact of litigation. It inevitably closes people's minds to other types of outcomes. The process can't be guided by traditional court models.

The public perception of the taxpayers' burden. We need to continue to convince the public about the need to settle these cases and that it must not be seen as merely throwing more money at Aboriginals. We have to do a better job of explaining the real impact of residential schools and the need to take responsibility for what took place.

Time. People are dying and committing suicide. We need to find a path that allows us to move ahead quickly.

The structure of government hinders the ability to link programs to settlements. We should be able to speak with one voice instead of bringing 1,000 people to the table, but numerous departments are involved — Health Canada, the Department of Indian Affairs and Northern Development, Department of Justice, Human Resources Development Canada and the Privy Council Office.

There is a lot of misunderstanding and expectations of other institutions and their capabilities. There are only six people working full time on

residential schools in the entire federal government. Similarly, the structure of some churches does not allow for easy and quick decisions.

A need to put the survivors' interests front and centre. The government, and even some Aboriginal groups, have competing interests that sometimes also come to the table.

Governments are afraid of setting precedents in one area that could be used in other matters.

The practicality of shifting from litigation to dispute resolution — finding the right people and convincing lawyers to quit arguing and start focussing on problem solving.

Barriers Identified by the Churches

Though some of these barriers may be perceived as defensiveness, they affect us whether we name them or not.

There is a real fear that this process, under the prevailing assumptions, will mean the elimination of many of our church organizations and that, as a result, we won't be able to care for our people.

There is a fear that caring for our future will be seen as quibbling over details or a lack of caring or commitment to our apologies.

We find it difficult to trust others in this context, including governments.

We fear the weight and power of government will move things forward but we don't have the resources to be part of those processes.

There is a danger of creating an ADR process that is just litigation with a different name. The narrowing of the process could end up dividing people and communities and creating winners and losers.

We're trying to respond to a bad policy through litigation, a process that can only address certain issues.

We fear that our efforts to resolve our differences with government will be perceived as backroom dealing.

We are concerned that with the Law Commission [of Canada] also at work, the two processes will end up with different results and recommendations.

The rights of individuals named in lawsuits, who have not been investigated or charged, must also be respected.

We are not confident about the ability to change the racist attitudes of some members of congregations and fear that we might lose members as a result of these efforts.

One lawyer cautioned against regarding litigation and ADR as alternatives and said they should be seen as complementary means to an end. There will continue to be a need for litigation. For example, claims for loss of culture and language may only be settled by the courts. Although litigation should be regarded as a failure of ADR, it should also be seen as a part of the overall process, and the principles that are developed through the dialogues (protecting health and safety, engaging all interested parties, healing) should also apply to litigation as well.

Issue #3: Proposed Solutions – Ways To Overcome the Barriers

Five working groups, with representatives from all three constituencies, met and then brought back their suggestions to share and discuss with the full circle. The results of those efforts were as follows.

Building Trust among All Parties

Full disclosure of documents by all parties.

True and equal partnership in the process (such as the design of the process).

Continuing communication with dialogue participants.

Neutral and transparent process to resolve disputes (such as apportionment).

Mutual commitment to the future of all parties. The pursuit of justice shouldn't destroy people or institutions.

Don't do things that lead to severance between representatives and their respective constituencies.

Honest and open communication is critical.

Everyone must understand the history of the schools and their impact on, and damage to, survivors and their families in order to acknowledge and accept that what happened happened.

Statements and apologies are important. They may be gradual and become more specific as people move through the process.

Trust comes through concrete action not words alone. Concrete action shows that we are listening to each other and respecting and understanding each other.

A tripartite body or commission to record and memorialize what took place as a listening and recording function.

Continue with pilots as a way of building trust.

There is work among the churches and within individual churches and within government to build better relationships and help build overall trust.

We must establish and stick to certain ground rules to bring clarity to the process.

A guiding principle must be to remember and honour the victims and survivors.

Immediate doables

Encourage churches and governments to move quickly to clarify their relationships as this is a major obstacle to trust.

Go forward with the pilot projects as the only way to build trust is by doing.

It is necessary to tell the story. Build a memorialization feature into each of the pilots, with the agreement of all the participants, which is accessible to all the participants.

Spend a good deal of time at the front end getting to know the people involved in the process personally and explaining to each other what is the makeup and structure of their constituencies and how decisions are made.

Take time in the process to get to know each other as persons.

Fundamental Guiding Principles

Principles for restoration and reconciliation, drawn from the work of the prior dialogues and discussions at this Dialogue were developed. The working group which had given leadership to this agreed to meet subsequently by conference calls to further refine the works through which to explain and express the principles and organize them. (See Appendix.)

Public Education and Communications

Educational initiatives

Search and assess materials designed for educational purposes on residential school issues.

Develop an adaptable core set of materials using research sources for further training and education to meet educational needs surrounding residential school issues.

Build a team of skilled Aboriginal trainers to deliver programs and train trainers.

Develop and establish a speaker's bureau of knowledgeable speakers from government, churches and survivor groups, with a core group of exploratory dialogue participants.

Dialogue participants should take responsibility for promoting the use of speakers and materials.

Liaise with schools, colleges and universities to help develop curricula for educational materials and programs relating to residential school issues.

Make use of linkages and partner with other interested groups such as the Department of Justice Learning Network.

Training and education program initiatives should be targeted at politicians and other decision makers, judges in existing judicial education programs, elementary, secondary post-secondary and theological students, and church congregations.

Federal/provincial transfer agreements/arrangements in educational funding should be conditional on the inclusion of Aboriginal history and issues.

Communication

Create a comprehensive fact sheet for inclusion in newsletters and other publications.

Design a Web site for use by government, churches and survivors to share information.

Establish a toll-free telephone line for up-to-date information on residential school issues.

Establish a toll-free help line to assist survivors and their families in discussions that are anonymous and confidential.

National Aboriginal organizations should establish a creative national media campaign to raise awareness on residential school issues.

Have government, church and Aboriginal community representatives with exploratory dialogue experience meet with editorial boards of national and provincial newspapers.

Create a public "truth and reconciliation" process consistent with the Royal Commission recommendation.

Fully disclose, preserve and catalogue (by government, church organizations and Aboriginal organizations) historical and archival material related to residential schools, while respecting individual confidentiality.

Citizenship

Expand citizenship testing requirements for new Canadians to include both general Aboriginal issues and specific residential school issues.

Appoint Aboriginal citizenship judges.

Equal participation by Aboriginal leaders in July 1 citizenship ceremonies to welcome new citizens into the Canadian family.

Expanding Scope of Response

Continue momentum on pilot projects.

Expand scope to include all issues arising from residential schools. The current scope is too narrow to deal with all the issues.

Canada. Submit a clear report back to ministers and move toward a “single window” of services.

Churches. Produce a clear statement as to the direction the churches are going.

First Nations. Take back the results of the ADR process and share with other First Nations in their areas.

Concrete Next Steps

Eleven possible next steps were identified that would demonstrate visible progress in accordance with the principles and goals developed through the exploratory dialogues. These were refined in subsequent conference calls.

- *Complete the rest of the ADR pilots.* Perhaps the most important immediate action is to move quickly to identify and proceed with the other 10 pilot projects in accordance with the objectives set out in the principles document. Nothing could demonstrate more the value of those principles than to complete ADR projects in each region of the country successfully.
- *Early communication by government and church that they recognize the harm done.* It is important that the government and the relevant church find a way to acknowledge the harm done as a result of the policy and the abuse inflicted on former residents, *at the beginning of the process and at the community level*, so the right climate is created for the successful resolution of pilots and outstanding legal actions. Broad public statements at the ministerial level of government or at senior levels within the various churches are not sufficient to enable progress within individual communities.
- *Communication of our mission, principles, values and progress to date.* As many people as possible must be made aware of the principles and values that

guide our work in this area and documentation must be made available as soon as possible, not only to outline those principles but also to share information about the early successes with the first pilots. We believe that one of the best ways to produce the required momentum is to make sure more people are aware of what we are doing and what we are trying to achieve. If we wait until all the pilots or many of them are complete, the momentum will be lost and the only thing people will know about will be the ever-growing number of cases brought before the courts.

- *An ongoing structure and a communications plan.* We should quickly work out how we are going to develop a structure that keeps this initiative going and continues to build a real partnership between survivors, government and the churches. Our worries are that if we are not careful, we will lose sight of what we have achieved over the last several months, those who have been involved in the exercise will lose their connection to it and the initiative will continue to be seen too much as a government activity rather than one done through a partnership of the relevant parties. We need a structure of some sort that has every interest represented and we need a communications plan that is jointly developed by all the parties and becomes a way to let people know more broadly about the partnership of effort that is under way.
- *Settle cases where possible.* There are a number of cases that have been before the courts for a long time or which seem to be moving steadily toward a long, drawn-out trial. We think an important concrete step would be to review those cases and to settle them where this is at all possible, thereby avoiding substantial emotional and financial pain.
- *Choose participants carefully.* An important step would be to encourage all the key players to make sure those who represent them in court cases, in pilot projects, at the regional level and in discussions between the parties, are persons who are aware of, and committed to, the principles and values that have come out of the exploratory dialogues.
- *Public education.* Methods of educating the public should be developed that go beyond the alarmist articles that appear periodically in the media. There is concern that the public doesn't understand the residential schools issue and is reacting to predictions about what the ultimate costs might be in a way that is damaging to the initiative and to Aboriginal communities. A key part of this would be to find ways to sensitize persons in senior government, church and other positions so they come to understand the issue and its impact as those of us who participated in the dialogues have.
- *Possible validation models.* Church and government should start to work together to develop some possible ways by which claims might be validated that would be acceptable to both parties, that is culturally appropriate and does the least amount of harm to those survivors who need to go through the validation

process. Agreeing on some possible models early on might help to get through the validation stage of each pilot more quickly.

- *Special training and other programs for those who assist survivors that have experienced residential schools abuse.* There is a real need to develop some pilot programs and to train people on how to counsel and assist those who have experienced residential schools abuse. While there are some programs and certainly some people with real expertise in this area, there isn't enough, and these kinds of programs are going to be needed to enable the large number of people who have claims before the courts, or who are part of the ADR pilots, to get through the process with a minimum of harm to them and their families.
- *Early measures to assist elders.* Within the ADR pilots, and as part of any court cases, we need to focus on ways to get to early resolution for elders, given the fact that they might otherwise not benefit from these processes.
- *Develop a close working relationship between the ADR pilots and the work of the Aboriginal Healing Foundation.* While these are separate exercises with somewhat separate objectives, it is important that community members understand the distinction between the two and also are aware of ways in which the two might work together so more is achieved for survivors and the communities than might otherwise be the case. There appears to be some real confusion about how these two initiatives relate to each other and that there would be a real benefit to providing communities, claimants and those interested in ADR pilots with more information about both exercises.

Mission Statement

A working group began discussing a mission statement for the dispute resolution activities and continued their efforts through several subsequent conference calls. (See A Mission Statement for Dispute Resolution.)

III AFTER THOUGHTS

During the closing circle, all participants gave very personal, heartfelt statements about their feelings over the last three days. Survivors, church leaders and government officials all expressed a strong desire as summed up by one, to "get on with it" in achieving reconciliation of the legacy of residential schools and resolving the claims. All expressed a commitment to the ADR process as begun by the dialogues. A senior government official said that, although there are limits to the pilots, they are "a genuine attempt to move forward. It's not enough; the government knows it's not enough. They won't resolve 350 years of history, but they're a step forward in looking for a better way to deal with our differences." He said all sides should focus on the opportunities the pilots will provide to sit down with each other and address some issues and find a way to resolve others. Said one participant: "This is not the end, it's not the beginning of the end but the end of the beginning." Said

another survivor, “I think we are moving forward. A few years back, I didn’t know where we were going. All we did was open our wounds. But we have to let go of our bitterness because it will eat us up.”

We are now the repository not only of sharing knowledge of past pain and injustice, but collective work toward formulating means not only to address the residential school abuse issues but to create ways to start working on solutions now. I have been proud to hear people speak openly and honestly. Some have the charity and forgiveness in their hearts to stay the course in the midst of their own pain, in just being here. Others who are here and have also stayed the course, are representatives of the institutions that we have called abusers and perpetrators of cultural genocide. We thank the Creator for their presence. Their mere continued presence is an affirmation of their commitment. I have watched and seen empathy, sincerity and also pain because even though this is historical information for them too, they feel like a dartboard during the course of these dialogues. I believe we have built a bridge toward partnering, trust and even camaraderie. Here we are now at the crossroads once more. With openness, honesty and commitment we can forge a new road where we can walk side by side in common purpose and camaraderie.

(Elder Willy Hodgson from the Closing Circle)

Endnote

1. The notes were reviewed by a committee consisting of Stephen Bindman, Robert Hay, Maggie Hodgson, Chief Robert Joseph, Gerry Kelly, Glen Sigurdson, Susan Stewart, Barry Stuart, George Thomson and Shawn Tupper.

<p style="text-align: center;">GUIDING PRINCIPLES FOR WORKING TOGETHER TO BUILD RESTORATION AND RECONCILIATION</p>

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A series of eight exploratory dialogues was held across Canada from September 1998 to May 1999. These dialogues brought together survivors of residential schools attended by Aboriginal people, Aboriginal healers and leaders, counsel and senior officials within government and church organizations. Extensive and wide-ranging discussions took place over a two-day period at each dialogue on issues ranging from the residential school experience and its impacts through to quite detailed discussions around the design of dispute resolution models (often referred to for convenience as alternative dispute resolution or ADR). The discussions are summarized in notes developed for each dialogue. The guiding principles/lessons/values which follow were drawn from the discussions at the dialogues and experiences in the pilot dispute resolution processes. They were given expression in this form through the efforts of the participants in the Wrap-up Dialogue held in June 1999.

PARTICIPANTS

1. Building Relationships Through Mutual Respect and Understanding

Respect enhances our ability to see, hear and value others.

Understanding and respecting each other at the beginning creates the foundation for mutual commitments to restoration, reconciliation and respect for the future viability of all participants.

All stages in the design and implementation of a process must encourage and demonstrate respect for participants and for the process.

Respect for others does not require adopting their values or perspectives; it does require understanding and respecting their values and their needs for future viability.

Respect for oneself, for others and for the process reinforces all other principles and flows from all other principles.

2. Self-design

Those expected to use an alternative process, the survivors and the institutions affected, must be equally and mutually involved in designing it.

A key issue for many survivors is the lack of control they had over their lives at the residential schools. Therefore, the starting point of the process is the recognition of the ability of survivors to care for themselves by settling problems in a joint effort with other parties. Working with their own support mechanisms including administrative resources and personnel, and advisors (family, community, professional), and with government and churches as equals to design a resolution process can be an important part of the healing process.

Working together to design a process within a broad framework of principles and approaches is also the best way to ensure that the process chosen will suit the particular needs of those using it — and be effective. Each process must be home grown and fit the particular needs of the community. The perseverance to make a consensus work emanates from the pride of ownership, of building it locally.

3. Inclusivity

Increasing the extent of participation in designing the process will improve the potential to create innovative, community-appropriate and enduring processes.

Every effort should be made to encourage involvement and provide readily accessible information to foster informed decisions about involvement.

Ownership of, and commitment to, an agreement is a function of directly participating in designing the process leading to the agreement and in shaping the outcome of the process.

Direct participation is the most effective means of voluntary participation. Speaking through others often detracts from the vitality and sensitivity of being voluntary and fully engaged.

Personal stories can be very powerful in shaping personal and public decisions and in building relationships. These stories are the primary basis of sharing information, ideas and feeling within circles. Direct participation generates new connections to others, provides opportunities to share visions and to foster the skills to participate effectively.

4. Equal and Equitable Opportunity

Representatives of the survivor groups must be supported so they can participate on an equal footing. Special care must be given to elders and to survivors with special needs.

People are more likely to experience the process as fair, if they are given an opportunity to participate equally in designing it.

Promoting equal opportunity for anyone interested in participating enhances:

- commitment to design and implement the process;
- capacity for creative problem solving;
- sensitivity of the design to all community interests, including interests based on age and gender;
- overall fairness of process; and
- ability of people with a disability, those who are homeless or incarcerated to participate.

5. Community Participation

Communities should be involved wherever possible.

Communities have borne the brunt of the residential school experience and, wherever survivors agree, should be aware of any redress process under way.

Communities should consider the role they might play in the broader reconciliation efforts which might be necessary for healing, closure, reconciliation and renewal within the community.

The capacity of the process to engage participants in a dialogue depends on the extent that the values, needs, visions and circumstances of the community are incorporated into the design and use of the process.

6. Health and Safety

The health and safety of persons making disclosures of abuse must be protected at all times. Disclosure must not be made without crisis support immediately available and protocols in place.

Supports must always be available each time people are asked to address their experiences at the school, as both initial and subsequent disclosures can create significant traumas. This applies whether the issue is raised by phone or by letter or in person.

As well, arrangements must be made to have assistance available when a survivor leaves an interview, trial, discovery or other process in which experiences are revisited, especially if the individual is away from home.

Community care personnel must be trained in the treatment of personal trauma and stress arising from residential schools and must be aware when community members are engaged in a disclosure process.

Questioning of claimants by any party must always be sensitive to their past trauma.

PROCESS

7. Fair Process

Any process to resolve claims must demonstrate transparency, fairness, integrity and rigour.

It is in the interest of everyone involved in dealing with claims that whatever process is used be seen by all as one which will fairly establish the necessary facts.

Many ways exist through which the health needs of claimants can be respected without compromising the objective integrity of the process.

Where alternatives to litigation are employed, the parties must respect the right of those against whom allegations of abuse are made to defend their reputation or to make admissions and reconcile.

8. Holistic and Spiritual

Within alternative processes, the broad impacts of the schools should be recognized to the extent possible.

Survivors and community leaders have described the community and intergenerational impacts as including the loss of parenting skills, violence, loss of language and culture, and family and community dysfunction generally.

It is important to recognize the racism, discrimination and power imbalance that underlay the way many residential school students were treated and the need to explore creative remedies that address these systemic (larger) issues.

The broader impacts should be addressed whenever possible when redress is worked out with those whose abuse has been established.

Government and church programs developed for the broader Aboriginal community should take into account the overall impact of residential schools wherever possible.

The design and implementation of a process must:

- Allow all relevant issues to be addressed in reaching a consensus.
- Honour the connectedness and interdependence of all things.
- Enable participants to recognize their responsibility for what has happened and what can happen.

Introducing and designing a process involves sharing the pain and joy of working together, of sharing responsibility for a collective well-being. This experience can generate a deep, often subtle, spiritual sharing among participants.

The opportunity should be provided for expressions of spirituality to emerge and be shared in designing and introducing the process, where the survivors' group wishes.

9. Flexibility

Each process must be shaped to fit the specific needs of participants and affected communities.

Flexibility in design and implementation encourages trust that the process can accommodate everyone's needs and interests.

10. All Decisions Consensus Based

Consensus is crucial in designing and introducing a restoration and reconciliation process.

Consensus is reached if the participants agree to "live with the outcome." It is having had the full opportunity to speak, to be heard with respect, and the earnest efforts demonstrated to understand and embrace all interests that may make it possible for the participants to "accept the total package," even if there are certain aspects of the agreement with which they do not fully agree.

11. Honour the Process

Honouring the process involves responsibility to the process, to each other, and to the principles.

Participants in designing the process must act in accord with the underlying principles of restoration and reconciliation.

Participants must be accountable to each other and to the agreements reached on process design.

There must be a means to follow up commitments and to monitor expectations in realizing the overall objectives in designing and introducing the process. Following up on commitments builds confidence in, and connections to, the process. The credibility of the process significantly depends on follow-up to make adjustments and celebrate successes.

12. Voluntary

Participation in alternatives to litigation should be on an entirely voluntary basis. The goal is to develop a range of choices — a wider framework of alternatives from which informed choices can be made to enter a process, or to leave it.

Survivors are from a wide range of cultural backgrounds, live in a wide spectrum of circumstances, went to different schools at different times run by different organizations, experienced varying forms and degrees of abuse, and have varying expectations as to the ways to achieve, and what will be involved in, closure and renewal in personal terms. As a result, different validation and redress processes may

be required to meet the varying needs of survivors; every effort should be made to develop appropriate processes while respecting the core values of safety and integrity. A “one size fits all” dispute resolution process should be resisted.

Voluntary participation is the hallmark of a consensus process. Much of the power of the process flows from its voluntary nature. Giving choices is giving power. In preparing spaces and means for voluntary participation, participants must be constantly vigilant to ensure freedom from dominating and inappropriate pressures.

13. Free To Choose

The right to make claims through the courts must be respected and maintained in any alternative processes.

Litigation remains an important way of making churches and governments accountable and may suit the needs and circumstances of some survivors, even though many feel the traditional litigation model may be inherently damaging due to its adversarial nature and may create results that prevent or block restoration.

Any survivor in an ADR process may choose to leave the process and pursue a claim through the courts at any time unless otherwise agreed.

OUTCOMES

14. Fair Result

Any resolution process should be designed to provide for:

- *disclosure with safety;*
- *validation with sensitivity;*
- *remedies with flexibility;*
- *commemoration with respect; and*
- *healing, closure, reconciliation and renewal.*

Despite the abuse they suffered, survivors at all the dialogues expressed a strong desire to heal and to reconcile, and all participants shared and supported that desire.

This desire should be supported in dispute resolution approaches and in litigation.

15. Appropriate Remedies

For many survivors, possible elements of remedies for abuse to further the goals of healing, closure and reconciliation may include:

- *monetary compensation;*

- *acknowledgment of the wrong done and that it was not the fault of the survivor;*
- *apologies to individuals, families and communities;*
- *active steps by churches and government to create understanding at the level of the broader community and in local communities of the extent of the abuse that took place, accompanied by efforts by the church to reduce the perception in some communities that those bringing forward abuse claims are attacking the church;*
- *the creation of funds for healing, education and cultural recovery for survivors and their families;*
- *effective access to training and other programs;*
- *memorialization and community ceremonies;*
- *commitment to future prevention activities by government, churches and communities; and*
- *any other creative remedies the participants may develop.*

16. Effective Linkages

Linkages to other programs and services should be made to support and complement the goal of reaching resolutions, and the timely implementation of resolutions reached. These linkages must establish connections between and among the different institutions, groups and organizations participating in the process.

Given the broad impact of the abuse, those involved in designing processes and remedies should attempt to build on and, where possible, enhance related services already available within communities.

Individual healing foundations such as the following each have a separate mandate and function:

- Aboriginal Healing Foundation, a non-profit corporation controlled by Aboriginal people through an independent board of directors;
- Residential Schools Healing Fund of the Anglican Church of Canada;
- Reconciliation, Solidarity and Communion Fund of the Canadian Conference of Catholic Bishops;
- Journey to Wholeness Healing Fund of the Presbyterian Church of Canada;
- Healing Fund of the United Church of Canada;
- regional and diocesan funds.

Survivor groups may work with their communities to develop proposals funded by these foundations for community projects which would complement the redress survivors receive as individuals.

Within institutions, organizations and groups, linkages must also be established to reconcile inconsistencies and to integrate activities, programs, policies and procedures across departmental and other conventional lines of authority and responsibility.

TRAINING AND AWARENESS

Awareness about the issues and training in the use of these guiding principles and dispute resolution processes is an essential part of working together.

All participants, including governments, churches, survivors and communities, as well as the professional advisors, decision makers, service providers and others involved in the process must recognize the need for, and be involved in, training and education about the issues and history surrounding the impact of residential schools. Before the process begins, and as the process unfolds, the need for training and education in matters such as the following must be continually addressed:

- history of residential schools;
- impact and consequences to individuals, families, communities and cultures of First Nation people;
- effects of trauma and stress;
- consequences of institutionalization; and
- dynamics of reconciliation.

Training sessions and educational workshops, developing resource and reading lists, and other initiatives, must all be a part of the shared training and educational experience. The experience should include understanding how, in building consensus and resolving disputes, these principles build from, reinforce and can be applied in all ADR processes, whether conventional, traditional or other new and developing approaches in peacemaking, restoration and reconciliation.

Honouring the process, respecting and understanding each other requires a mutual appreciation by all parties of the importance of working together to learn through various training and educational experiences how to realize the overall process goals of healing, reconciliation and renewal.

CLOSING COMMENTS

These principles are part of a searching process. They must always be used as guides, not rules — must be respected, but not rigidly applied. Respect for these principles includes questioning how best to employ them in each situation. While innovative adaptation is fervently encouraged, minimizing any principle is fervently discouraged. The relative importance of each principle depends on the immediate circumstances, but in no circumstances can any be ignored without imperilling the overall objective of designing and introducing a fair process. Different circumstances may draw more heavily on some principles but, in all circumstances, each principle is essential. Other principles may emerge from local experiences.

The lessons of the dialogues are the lessons that everyone must learn in becoming fully human and fully mature. There were individuals who engaged in abusive acts. The lesson of special significance is, however, that institutions and governments develop lives of their own, lives whose direction sometimes contradicts their basic calling of service to communities and to individuals. This journey will end in a good place when each of us remembers our true calling.

We have come to understand that the halting steps toward progress that occurred in the dialogues came about in those intensely human encounters, person-to-person, where position and pretense were set aside, when we saw in action our spirits touching. Those stumbling and searing attempts to reach out have created a firm foundation for the future. Progress toward restoration and reconciliation, healing, closure and renewal will be made by grasping the truth that human relationships are the heart of the matter.

We walk in the courageous footsteps of those who first brought to our consciousness and conscience the abuse that survivors experienced at Native residential schools. In the drafting of these guiding principles, we have had before us the faces, and drawn together the voices and woven together the words, of those who told their stories in the exploratory dialogues across Canada.

A MISSION STATEMENT FOR DISPUTE RESOLUTION

As Aboriginal people, the federal government and religious organizations working together, respectfully and guided by the principles developed through the dialogues we are:

- Committed to just redress for residential school claims and restoring and enhancing their relationships for the future.
- Developing a framework of alternative approaches and additional tools to resolve disputes and historic grievances which address physical and sexual abuse issues and seek ways to respond to the broad impact of the schools.
- Providing a broader framework from which to make informed choices about redress, healing and reconciliation to enable people to bring closure to these issues and find new directions or beginnings in their lives.
- Continuing in the spirit of the dialogues to create means whereby information and ideas can be received, stored and shared.

APPENDIX: APOLOGIES

THE MISSIONARY OBLATES OF MARY IMMACULATE

July 24, 1991

An Apology to the First Nations of Canada by the Oblate Conference of Canada

The Missionary Oblates of Mary Immaculate in Canada wish, after one hundred and fifty years of being with and ministering to the Native peoples of Canada, to offer an apology for certain aspects of that presence and ministry.

A number of historical circumstances make this moment in history most opportune for this.

First, there is a symbolic reason. Next year, 1992, marks the five hundredth anniversary of the arrival of Europeans on the shores of America. As large scale celebrations are being prepared to mark this occasion, the Oblates of Canada wish, through this apology, to show solidarity with many Native people in Canada whose history has been adversely affected by this event. Anthropological and sociological insights of the late 20th century have shown how deep, unchallenged, and damaging was the naive cultural, ethnic, linguistic, and religious superiority complex of Christian Europe when its peoples met and interrelated with the Aboriginal peoples of North America.

As well, recent criticisms of Indian residential schools and the exposure of instances of physical and sexual abuse within these schools call for such an apology.

Given this history, Native peoples and other groups alike are realizing that a certain healing needs to take place before a new and more truly cooperative phase of history can occur. This healing cannot however happen until some very complex, long-standing, and deep historical issues have been addressed.

It is in this context, and with a renewed pledge to be in solidarity with Native peoples in a common struggle for justice, that we, the Oblates of Canada, offer this apology:

We apologize for the part we played in the cultural, ethnic, linguistic, and religious imperialism that was part of the mentality with which the peoples of Europe first met the Aboriginal peoples and which consistently has lurked behind the way the Native peoples of Canada have been treated by civil governments and by the churches. We were, naively, part of this mentality and were, in fact, often a key player in its implementation. We recognize that this mentality has, from the beginning, and ever

since, continually threatened the cultural, linguistic, and religious traditions of the Native peoples.

We recognize that many of the problems that beset Native communities today — high unemployment, alcoholism, family breakdown, domestic violence, spiralling suicide rates, lack of healthy self-esteem — are not so much the result of personal failure as they are the result of centuries of systemic imperialism. Any people stripped of its traditions as well as of its pride falls victim to precisely these social ills. For the part that we played, however inadvertent and naive that participation might have been, in the setting up and maintaining of a system that stripped others of not only their lands but also of their cultural, linguistic, and religious traditions we sincerely apologize.

Beyond this regret for having been part of a system which, because of its historical privilege and assumed superiority did great damage to the Native people of Canada, we wish to apologize more specifically for the following:

In sympathy with recent criticisms of Native residential schools, we wish to apologize for the part we played in the setting up and the maintaining of those schools. We apologize for the *existence of the schools themselves*, recognizing that the biggest abuse was not what happened in the schools, but that the schools themselves happened . . . that the primal bond inherent within families was violated as a matter of policy, that children were usurped from their natural communities, and that, implicitly and explicitly, these schools operated out of the premise that European languages, traditions, and religious practices were superior to Native languages, traditions, and religious practices. The residential schools were an attempt to assimilate Aboriginal peoples and we played an important role in the unfolding of this design. For this we sincerely apologize.

We wish to apologize in a very particular way for the instances of physical and sexual abuse that occurred in those schools. We reiterate that the bigger issue of abuse was the existence of the schools themselves but we wish to publicly acknowledge that there were instances of individual physical and sexual abuse. Far from attempting to defend or rationalize these cases of abuse in any way, we wish to state publicly that we acknowledge that they were inexcusable, intolerable, and a betrayal of trust in one of its most serious forms. We deeply, and very specifically, apologize to every victim of such abuse and we seek help in searching for means to bring about healing.

Finally, we wish to apologize as well for our past dismissal of many of the riches of Native religious tradition. We broke some of your peace pipes and we considered some of your sacred practices as pagan and superstitious. This, too, had its origins in the colonial mentality, our European superiority complex which was grounded in a particular view of history. We apologize for this blindness and disrespect.

One qualification is, however, in order. As we publicly acknowledge a certain blindness in our past, we wish, too, to publicly point to some of the salient reasons

for this. We do this, not as a way of subtly excusing ourselves or of rationalizing in any way so as to denigrate this apology, but as a way of more fully exposing the reasons for our past blindness and, especially, as a way of honouring, despite their mistakes, those many men and women, Native and White alike, who gave their lives and their very blood in a dedication that was most sincere and heroic.

Hindsight makes for 20-20 vision and judging the past from the insights of the present is an exact and often cruel science. When Christopher Columbus set sail for the Americas, with the blessing of the Christian Church, Western civilization lacked the insights it needed to appreciate what Columbus met upon the shores of America. The cultural, linguistic, and ethical traditions of Europe were caught up in the naive belief that they were inherently superior to those found in other parts of the world. Without excusing this superiority complex, it is necessary to name it. Sincerity alone does not set people above their place in history. Thousands of persons operated out of this mentality and gave their lives in dedication to an ideal that, while sincere in its intent, was, at one point, naively linked to a certain cultural, religious, linguistic, and ethnic superiority complex. These men and women sincerely believed that their vocations and actions were serving both God and the best interests of the Native peoples to whom they were ministering. History has, partially, rendered a cruel judgement on their efforts, showing how, despite much sincerity and genuine dedication, their actions were sometimes naive and disrespectful in that they violated the sacred and cherished traditions of others. Hence, even as we apologize for some of the effects of their actions, we want at the same time to affirm their sincerity, the goodness of their intent, and the goodness, in many cases, of their actions.

Recognizing that within every sincere apology there is implicit the promise of conversion to a new way of acting, we, the Oblates of Canada, wish to pledge ourselves to a renewed relationship with Native peoples which, while very much in line with the sincerity and intent of our past relationship, seeks to move beyond past mistakes to a new level of respect and mutuality. Hence . . .

We renew the commitment we made 150 years ago to work with and for Native peoples. In the spirit of our founder, Blessed Eugene De Mazenod, and the many dedicated missionaries who have served in Native communities during these 150 years, we again pledge to Native peoples our service. We ask help in more judiciously discerning what forms that service might take today.

More specifically, we pledge ourselves to the following:

- * We want to support an effective process of disclosure vis-à-vis residential schools. We offer to collaborate in any way we can so that the full story of the Indian residential schools may be written, that their positive and negative features may be recognized, and that an effective healing process might take place.

- * We want to proclaim as inviolable the natural rights of Indian families, parents and children, so that never again will Indian communities and Indian parents see their children forcibly removed from them by other authorities.
- * We want to denounce imperialism in all its forms and, concomitantly, pledge ourselves to work with Native peoples in their efforts to recover their lands, their languages, their sacred traditions, and their rightful pride.
- * We want, as Oblates, to meet with Native peoples and together help forge a template for a renewed covenant of solidarity. Despite past mistakes and many present tensions, the Oblates have felt all along as if the Native peoples and we belonged to the same family. As members of the same family it is imperative that we come again to that deep trust and solidarity that constitutes family. We recognize that the road beyond past hurt may be long and steep but we pledge ourselves anew to journey with Native peoples on that road.

Reverend Doug Crosby OMI

President of the Oblates Conference of Canada

On behalf of the 1,200 Missionary Oblates of Mary Immaculate living and ministering in Canada.

THE ANGLICAN CHURCH OF CANADA

A Message from the Primate to the National Native Convocation

Minaki, Ontario, Friday, August 6, 1993

My Brothers and Sisters:

Together here with you I have listened as you have told your stories of the residential schools.

I have heard the voices that have spoken of pain and hurt experienced in the schools, and of the scars which endure to this day.

I have felt shame and humiliation as I have heard of suffering inflicted by my people, and as I think of the part our church played in that suffering.

I am deeply conscious of the sacredness of the stories that you have told, and I hold in the highest honour those who have told them.

I have heard with admiration the stories of people and communities who have worked at healing, and I am aware of how much more healing is needed.

I also know that I am in need of healing, and my own people are in need of healing, and our church is in need of healing. Without that healing, we will continue the same attitudes that have done such damage in the past.

I know that healing takes a long time, both for people and for communities.

I also know that it is God who heals, and that God can begin to heal when we open ourselves, our wounds, our failure and our shame, to God. I want to take one step along that path here and now.

I accept and I confess before God and you, our failures in the residential schools. We failed you. We failed ourselves. We failed God.

I am sorry, more than I can say, that we were part of a system which took you and your children from home and family.

I am sorry, more than I can say, that we tried to remake you in our image, taking from you your language and the signs of your identity.

I am sorry, more than I can say, that in our schools so many were abused physically, sexually, culturally, and emotionally.

On behalf of the Anglican Church of Canada, I offer our apology. I do this at the desire of those in the Church, like the National Executive Council, who know some of your stories and have asked me to apologize.

I do this in the name of many who do not know these stories.

And I do this even though there are those in the church who cannot accept the fact that these things were done in our name.

As soon as I am home, I shall tell all the bishops what I have said, and ask them to co-operate with me and with the National Executive Council in helping this healing at the local level. Some bishops have already begun this work.

I know how often you have heard words which have been empty because they have not been accompanied by actions. I pledge to you my best efforts, and the efforts of our church at the national level, to work with you along the path of God's healing.

The work of the Residential Schools Working Group, the video, the commitment and the effort of the Special Assistants to the Primate for this work, the grants available for healing conferences, are some signs of that pledge, and we shall work for others.

This is Friday, the day of Jesus' suffering and death. It is the anniversary of the first atomic bomb at Hiroshima, one of the most terrible injuries ever inflicted by one people on another.

But even atomic bombs and Good Friday are not the last word. God raised Jesus from the dead as a sign that life and wholeness are the everlasting and unquenchable purpose of God.

Thank you for listening to me.

† Michael
Archbishop and Primate

Response to the Primate at the National Native Convocation

Delivered by Vi Smith on behalf of the elders and participants
Minaki, Ontario, Saturday, August 7, 1993

On behalf of this gathering, we acknowledge and accept the apology that the Primate has offered on behalf of the Anglican Church of Canada.

It was offered from the heart with sincerity, sensitivity, compassion and humility. We receive it in the same manner. We offer praise and thanks to our Creator for his courage.

We know it wasn't easy. Let us keep him in our hearts and prayers, that God will continue to give him the strength and courage to continue with his tasks.

THE CONFESSION OF THE PRESBYTERIAN CHURCH

(As Adopted by the General Assembly, June 9, 1994)

The Holy Spirit, speaking in and through Scripture, calls The Presbyterian Church in Canada to confession. This confession is our response to the word of God. We understand our mission and ministry in new ways, in part because of the testimony of Aboriginal peoples.

1. We, the 120th General Assembly of The Presbyterian Church in Canada, seeking the guidance of the Spirit of God, and aware of our own sin and shortcomings, are called to speak to the Church we love. We do this, out of new understandings of our past, not out of any sense of being superior to those who have gone before us, nor out of any sense that we would have done things differently in the same context. It is with deep humility and in great sorrow that we come before God and our Aboriginal brothers and sisters with our confession.
2. We acknowledge that the stated policy of the Government of Canada was to assimilate Aboriginal peoples to the dominant culture, and that The Presbyterian Church in Canada co-operated in this policy. We acknowledge that the roots of the harm we have done are found in the attitudes and values of western European colonialism, and the assumption that what was not yet molded in our image was to be discovered and exploited. As part of that policy we, with other churches, encouraged the Government to ban some important spiritual practices through which Aboriginal peoples experienced the presence of the creator God. For the Church's complicity in this policy we ask forgiveness.
3. We recognize that there were many members of The Presbyterian Church in Canada who, in good faith, gave unstintingly of themselves in love and compassion for their Aboriginal brothers and sisters. We acknowledge their devotion and commend them for their work. We recognize that there were some who, with prophetic insight, were aware of the damage that was being done and protested, but their efforts were thwarted. We acknowledge their insight. For the times we did not support them adequately nor hear their cries for justice, we ask forgiveness.
4. We confess that The Presbyterian Church in Canada presumed to know better than Aboriginal peoples what was needed for life. The Church said of our Aboriginal brothers and sisters, "If they could be like us, if they could think like us, talk like us, worship like us, sing like us, and work like us, they would know God and therefore would have life abundant." In our cultural arrogance we have been blind to the ways in which our own understanding of the Gospel has been culturally conditioned, and because of our insensitivity to Aboriginal cultures, we have demanded more of the Aboriginal people than the gospel requires, and have thus misrepresented Jesus Christ who loves all peoples with

compassionate, suffering love that all may come to God through him. For the Church's presumption we ask forgiveness.

5. We confess that, with the encouragement and assistance of the Government of Canada, The Presbyterian Church in Canada agreed to take the children of Aboriginal peoples from their own homes and place them in residential schools. In these schools, children were deprived of their traditional ways, which were replaced with Euro-Canadian customs that were helpful in the process of assimilation. To carry out this process, The Presbyterian Church in Canada used disciplinary practices which were foreign to Aboriginal peoples, and open to exploitation in physical and psychological punishment beyond any Christian maxim of care and discipline. In a setting of obedience and acquiescence there was opportunity for sexual abuse, and some were so abused. The effect of all this for Aboriginal peoples, was the loss of cultural identity and the loss of a secure sense of self. For the Church's insensitivity we ask forgiveness.
6. We regret that there are those whose lives have been deeply scarred by the effects of the mission and ministry of The Presbyterian Church in Canada. For our Church we ask forgiveness of God. It is our prayer that God, who is merciful, will guide us in compassionate ways towards helping them to heal.
7. We ask, also, for forgiveness from Aboriginal peoples. What we have heard we acknowledge. It is our hope that those whom we have wronged with a hurt too deep for telling will accept what we have to say. With God's guidance our Church will seek opportunities to walk with Aboriginal peoples to find healing and wholeness together as God's people.

George Vais
Moderator of the 120th General
Assembly
The Presbyterian Church in Canada

Kay Cowper
President
Women's Missionary Society

Thomas Gemmell
Principal Clerk
General Assembly

Tamiko Corbett
Executive Secretary
Women's Missionary Society

THE UNITED CHURCH OF CANADA

To former students of United Church Indian Residential Schools, and to their families and communities:

From the deepest reaches of your memories, you have shared with us your stories of suffering from our church's involvement in the operation of Indian Residential Schools. You have shared the personal and historic pain that you still bear, and you have been vulnerable yet again. You have also shared with us your strength and wisdom born of the life-giving dignity of your communities and traditions and your stories of survival.

In response to our Church's commitment to repentance, I spoke these words of apology on behalf of the General Council Executive on Tuesday, October 27, 1998:

As Moderator of The United church of Canada, I wish to speak the words that many people have wanted to hear for a very long time. On behalf of The United Church of Canada, I apologize for the pain and suffering that our church's involvement in the Indian Residential School system has caused. We are aware of some of the damage that this cruel and ill-conceived system of assimilation has perpetrated on Canada's First Nations peoples. For this we are truly and most humble sorry.

To those individuals who were physically, sexually, and mentally abused as students of the Indian Residential Schools in which The United Church of Canada was involved, I offer you our most sincere apology. You did nothing wrong. You were and are the victims of evil acts that cannot under any circumstances be justified or excused.

We know that many within our Church will still not understand why each of us must bear the scar, the blame for this horrendous period in Canadian history. But the truth is, we are the bearers of many blessings from our ancestors, and therefore, we must also bear their burdens.

Our burdens include dishonouring the depths of the struggles of First Nations peoples and the richness of your gifts. We seek God's forgiveness and healing grace as we take steps toward building respectful, compassionate, and loving relationships with First Nations peoples.

We are in the midst of a long and painful journey as we reflect on the cries that we did not or would not hear, and how we have behaved as a Church. As we travel this difficult road of repentance, reconciliation, and healing, we commit ourselves to work toward ensuring that we will never again use our power as a Church to hurt others with attitudes of racial and spiritual superiority.

We pray that you will hear the sincerity of our words today and that you will witness the living out of our apology in our actions in the future.

The Right Reverend Bill Phipps
Moderator of The United Church of Canada

THE GOVERNMENT OF CANADA, STATEMENT OF RECONCILIATION

Learning from the Past

As Aboriginal and non-Aboriginal Canadians seek to move forward together in a process of renewal, it is essential that we deal with the legacies of the past affecting the Aboriginal peoples of Canada, including the First Nations, Inuit and Métis. Our purpose is not to rewrite history but, rather, to learn from our past and to find ways to deal with the negative impacts that certain historical decisions continue to have in our society today.

The ancestors of First Nations, Inuit and Métis peoples lived on this continent long before explorers from other continents first came to North America. For thousands of years before this country was founded, they enjoyed their own forms of government. Diverse, vibrant Aboriginal nations had ways of life rooted in fundamental values concerning their relationships to the Creator, the environment, and each other, in the role of Elders as the living memory of their ancestors, and in their responsibilities as custodians of the lands, waters and resources of their homelands.

The assistance and spiritual values of the Aboriginal peoples who welcomed the newcomers to this continent too often have been forgotten. The contributions made by all Aboriginal peoples to Canada's development, and the contributions that they continue to make to our society today, have not been properly acknowledged. The Government of Canada today, on behalf of all Canadians, acknowledges those contributions.

Sadly, our history with respect to the treatment of Aboriginal people is not something in which we can take pride. Attitudes of racial and cultural superiority led to a suppression of Aboriginal culture and values. As a country, we are burdened by past actions that resulted in weakening the identity of Aboriginal peoples, suppressing their languages and cultures, and outlawing spiritual practices. We must recognize the impact of these actions on the once self-sustaining nations that were disaggregated, disrupted, limited or even destroyed by the dispossession of traditional territory, by the relocation of Aboriginal people, and by some provisions of the *Indian Act*. We must acknowledge that the result of these actions was the erosion of the political, economic and social systems of Aboriginal people and nations.

Against the backdrop of these historical legacies, it is a remarkable tribute to the strength and endurance of Aboriginal people that they have maintained their historic diversity and identity. The Government of Canada today formally expresses to all Aboriginal people in Canada our profound regret for past actions of the federal government which have contributed to these difficult pages in the history of our relationship together.

One aspect of our relationship with Aboriginal people over this period that requires particular attention is the Residential School system. This system separated many children from their families and communities and prevented them from speaking their

own languages and from learning about their heritage and cultures. In the worst cases, it left legacies of personal pain and distress that continue to reverberate in Aboriginal communities to this day. Tragically, some children were the victims of physical and sexual abuse.

The Government of Canada acknowledges the role it played in the development and administration of these schools. Particularly to those individuals who experienced the tragedy of sexual and physical abuse at residential schools, and who have carried this burden believing that in some way they must be responsible, we wish to emphasize that what you experienced was not your fault and should never have happened. To those of you who suffered this tragedy at residential schools, we are deeply sorry.

In dealing with the legacies of the Residential School system, the Government of Canada proposes to work with First Nations, Inuit and Métis people, the Churches and other interested parties to resolve the longstanding issues that must be addressed. We need to work together on a healing strategy to assist individuals and communities in dealing with the consequences of this sad era of our history.

No attempt at reconciliation with Aboriginal people can be complete without reference to the sad events culminating in the death of Métis leader Louis Riel. These events cannot be undone; however, we can and will continue to look for ways of affirming the contributions of Métis people in Canada and of reflecting Louis Riel's proper place in Canada's history.

Reconciliation is an ongoing process. In renewing our partnership, we must ensure that the mistakes which marked our past relationship are not repeated. The Government of Canada recognizes that policies that sought to assimilate Aboriginal people, women and men, were not the way to build a strong country. We must instead continue to find ways in which Aboriginal people can participate fully in the economic, political, cultural and social life of Canada in a manner which preserves and enhances the collective identities of Aboriginal communities, and allows them to evolve and flourish in the future. Working together to achieve our shared goals will benefit all Canadians, Aboriginal and non-Aboriginal alike.

On behalf of the Government of Canada

The Honourable Jane Stewart, P.C., M.P.
Minister of Indian Affairs and Northern Development

The Honourable Ralph Goodale, P.C., M.P.
Federal Interlocutor for Métis and Non-Status Indians

