

## **GUIDING PRINCIPLES FOR WORKING TOGETHER TO BUILD RESTORATION AND RECONCILIATION**

A series of eight Exploratory Dialogues was held across Canada 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, experiences developing in the pilot dispute resolution processes, and were given expression in this form through the efforts of the participants in the Concluding Dialogue held in June, 1999.

### **A. 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 working with government and churches as equals to design a resolution process can be an important part of the healing process.

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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, must 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.

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 connection 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 to participate enhances:

- a) Commitment to design and implement the process
- b) Capacity for creative problem-solving
- c) Sensitivity of the design to all community interests, including interests based on age and gender
- d) Overall fairness of process
- e) Ability to disabled, homeless, and incarcerated to participate

### **5) *COMMUNITY PARTICIPATION***

**Communities should be involved wherever possible.**

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Communities have borne the brunt of the residential school experience and wherever survivors agree should be aware of any redress process which is underway.

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 a person is 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 their experiences are revisited, especially if they are 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.

## **B. *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 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***

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**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 inter-generational 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:

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

Introducing and designing 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 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/or 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.

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## **C. OUTCOMES**

### **14) FAIR RESULT**

**Any resolution process should be designed to provide for:**

- a) Disclosure with safety;**
- b) Validation with sensitivity;**
- c) Remedies with flexibility;**
- d) Commemoration with respect;**
- e) Healing; closure; reconciliation; and renewal.**

Despite the abuse they suffered, survivors at all 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:**

- a) Monetary compensation.
- b) Acknowledgment of the wrong done and that it was not the fault of the survivor.
- c) Apologies to individuals, families and communities.
- d) 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.
- e) The creation of funds for healing, education, and cultural recovery for survivors and their families.
- f) Effective access to training and other programs.
- g) Memorialization and community ceremonies.
- h) Commitment to future prevention activities by government, churches, and communities;
- i) And any other creative remedies the participants may develop.

### **16) EFFECTIVE LINKAGES**

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**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 who are participants.**

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:

- 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 in the Presbyterian Church of Canada;
- Healing Fund of the United Church of Canada;
- Regional and Diocesan Funds;

Each have a separate mandate and function. 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.**

## **D. 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;

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- 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 upon the immediate circumstances, but in no circumstances can any be ignored without imperiling 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 towards 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 towards 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

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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.”

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