Canada’s Truth and Reconciliation Commission: Truth without Reconciliation
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Abstract

Between 2010 and 2013 Canada conducted a Truth and Reconciliation Commission consisting of seven national events, and 18 travelling hearings in the Northern regions, to collect witness statements from survivors of Indian Residential Schools. These statements will be transcribed and preserved in an archive and presented publicly in a document. The goal was to provide Indigenous people with the assurance that the story and horrors of Residential School will now be recorded as part of Canada’s official story.

This paper contrasts Canada and South Africa’s Truth and Reconciliation Commissions. A Truth and Reconciliation Commission occurred in South Africa after the fall of Apartheid. The South African Commission was a legal process passed in parliament and conducted as a court of law. Perpetrators and victims participated in the process in such a way that a sense of justice could be achieved between conflicting parties. There was no comparative component in Canada’s Commission. Additionally, the massive social unrest that South Africa’s Truth and Reconciliation Commission was in response to, was the liberation of South Africa’s original peoples from oppression under Dutch occupation. There is no such occurrence for Indigenous people under Canada’s colonial occupation. This paper discusses points against Canada’s sincerity to facilitate a truly transformative justice in its conflict with Indigenous people through the Truth and Reconciliation Commission.
Canada’s Truth and Reconciliation Commission: Truth without Reconciliation

‘Truth and Reconciliation’ has a specific meaning in the international context of conflict resolution. It is regarded as a process of ‘transitional justice’ for countries moving from war to peace: specifically from a totalitarian regime to a democracy (Zalaquett, 1995). It is predicated on the principle that reconciliation is more viable and morally stronger than retributive justice (Tutu, 2000, 30:30). It is a mechanism to create a sustained and stable peaceful relationship between the conflicting parties as peoples who can coexist in the same social/geographic region (Bar-Siman-Tov, 2004). A Truth and Reconciliation Commission is conducted after domestic or international upheaval is stabilized (Verdoolage, 2008). After the period of active war ends, tensions and traumas remain intact, thus can potentially re-ignite into open conflict (VillaVincencio & Doxtader, 2004). Fledgling democratic institutions need to embed themselves into the new society in such a way that eases the pains of past injustice while forwarding the acceptance of a governance based on democracy and human rights (Verdoolage, 2008). The balance a Truth and Reconciliation Commission must maintain is between citizens’ need for justice and civil society’s need for stability. On one side, there are citizens, who are angered and raging because they have been tragically wronged, demanding the punishment of perpetrators of violence and injustice, and on the other side is civil and law abiding society, which is comprised of all members of the conflict, and their collective need to pursue a rewarding future (VillaVincencio & Doxtader, 2004).

Canada’s Truth and Reconciliation Commission did not meet the globally established definition of a Truth and Reconciliation Commission. The Canadian TRC did not provide a transformational process between conflicting parties: Canadian settlers and Indigenous peoples. In the specific context of Residential schools, Canada’s TRC did not confront the operators of the institutions, thus there was no element of accountability for those who perpetrated crimes
against humanity. The one element of Truth and Reconciliation that the Canadian version addresses is the economic and social stability of the Canadian state during its ongoing conflict with Indigenous peoples. One benefit to Indigenous peoples in Canada is that the Canadian TRC may have had some possible psycho-social elements of healing. This paper will compare the Canadian Truth and Reconciliation Commission with the global context of transitional justice through South Africa’s Truth and Reconciliation Commission. South Africa’s TRC is widely acknowledged as an exemplary success for the Truth and Reconciliation process (Villa-Vicencio & Du Toit, 2007), and it has parallels with Canada as a colonial settler state committing genocidal atrocities against an Indigenous/pre-existing population.

South African Values in Transformative Justice

Post-Apartheid South Africa was a transitional society moving away from intensive and divisive violent conflict towards a unified democratic state. South Africa’s Truth and Reconciliation Commission (SATRC) was about returning the humanity to people who had lost so many of their compassionate connections in an inhumane situation. In order to return humanity to the oppressed, humanity had to be simultaneously returned to the oppressors (Hoffmann & Reid, 2000). The time of Apartheid is regarded as chaotic and dangerous; the purpose of the reconciliation process was to lay the foundations of a peaceful future based on moral and lawful cohesion (Government of South Africa, 1995).

Canada is not a transitional society

Canada does not meet the criteria for conflict the Truth and Reconciliation process is designed to resolve. Canada is not a transitional society. Truth and Reconciliation is designed for societies that have recently engaged in intensive violent conflicts, such as war, civil war, and liberation from totalitarian regimes (International Association for Humanitarian Policy and
Conflict Research [IAHPCR], 2008). Indigenous peoples and the Canadian state have not been engaged in open warfare for over one hundred years (Hill, 2009). Yet Canada has continued to violate the human rights of Indigenous people throughout it’s history up to the present day (Hill, 2009). Canada is not relinquishing it’s power over Indigenous people and territories. Indigenous peoples are not experiencing a transition to liberation in which the oppressor must be reconciled with to move towards a civil union of cooperative relationships.

While not addressing the wider context of conflict between Canada and Indigenous Nations, the Canadian TRC did focus on a major aspect of colonization: Residential Schools (Truth and Reconciliation Commission [TRC], n.d.a). The Residential School system operated from 1883 to 1996 (TRC, n.d.b). Following militarized attack and biological terrorism, Residential Schools are the primary method of subjugation the British and Canadian governments used against Indigenous peoples (Hill, 2009). Residential Schools are a major source of pain, suffering, and ongoing unresolved conflict, but, unlike those oppressed Apartheid, there is no transition in Canadian society where Residential School survivors are moving from a position of subjugation to one of political empowerment.

Canada’s Truth and Reconciliation, Only One Side of the Story.

Reconciliation occurs through the administration of justice, both legal and social. The South African TRC was a legal process. A legislative act was passed through South African parliament that outlined the reconciliation process. It consisted of three main sectors: human rights violation investigation; reparations and rehabilitation for victims of human rights violations; and amnesty for persons who had committed acts of political violence under Apartheid (Government of South Africa, 1995). Amnesty would be granted if the applicant met the requirements under the Act: the offence was politically motivated in association with human
rights violations and abuse under Apartheid, and “…the applicant has made a full disclosure of all relevant facts” (Government of South Africa, 1995, p. 14). The SATRC, was not a trial court; it only dealt with people who confessed their guilt. Amnesty applications were submitted in writing and reviewed by the Amnesty Committee. Many were processed in office and granted/refused or withdrawn for various reasons. The rest were directed to public hearings. There were approximately 7000 applications made, while approx. 300 went to public hearing (Government of South Africa Department of Justice and Constitutional Development, 2009). People who were denied amnesty were subject to prosecution for their crimes, or continuation of previous sentences. In addition to law, the South African TRC was also a social process. The non-legal repercussion applicants faced was public accountability for their crimes. The SATRC hearings were held publicly in open courts and broadcast over national television and radio. Actions that had been secret or anonymous were revealed and attached to a living person who could no longer hide their deed from family, friends, community, the media or the public.

The Canadian TRC (C-TRC) was not a legally binding process. 1996 Royal Commission Report on Aboriginal People (RCAP) concluded that measures must be taken by Canada to recognize the suffering Aboriginal people endured under the Residential School system (Indian and Northern Affairs Canada, 1996). In 2001 the Office of Indian Residential Schools Resolution Canada (IRSRC) was established. The IRSRC defined five goals. The Common Experience Payment (CEP), a process through which any person who could prove their attendance at a Residential School was eligible for compensation, and the Independent Assessment Process (IAP) for Residential School Survivors who had suffered sexual and physical abuses at Residential School. The CEP and IAP were legal processes that involved non-adversarial federal court hearings to determine the validity of, and compensation for, abuse and damages that occurred for Residential School Survivors (Aboriginal Affairs and Northern Development
[AAND], 2009). The three other elements to the IRSRC were: measures to support healing; commemorative activities; and the Truth and Reconciliation Commission (AAND, 2010). The Truth and Reconciliation Commission would consist of seven national events, and 18 travelling hearings in the Northern regions. All of the information collected focused on witness victims.

One of the fundamental principles of the South African TRC was truth over punishment (Thiessen, 2008). It was a general public consensus that it was beyond South Africa’s resources and interests to pursue a massive policing investigation and enforcement campaign against all human rights violations throughout the Apartheid era. If a process of self identification were enacted, where guilty parties could be granted amnesty if they told the truth of their crimes, there would be a greater likelihood of some of the perpetrators coming forward. This way, at least some of the injustices victims suffered could be brought to closure. Further, because of the highly dynamic and integral social structure of the anti-Apartheid movement, many acts of violence against individuals were perceived as an assault against a collective identity. Thus, a single family, or group of families, involved in an amnesty hearing would effect entire communities and townships (Hoffmann & Reid, 2000).

In contrast to the South African TRC, the Canadian TRC placed the impetus of truth telling on the victim. Those who suffered abuse and violation during internment at Residential Schools were asked to come forward to tell their stories as an educational tool for Canadians. The TRC’s brochure for survivor witnesses states, “The Commission has been given the responsibility of: telling Canadians what happened in the Indian Residential Schools; honouring the lives of former students and their families; and creating a permanent record of the Indian Residential School legacy” (TRC, n.d.c, p. 2). There is no mention, in the witness guide, nor in any of the Canadian TRC’s literature, of a process of justice towards the operators of Residential Schools. There was no option of choosing truth over punishment. Victims statements had no
action component. The perpetrators of Residential School human rights violations, from the upper echelons of church and state, to the priests and nuns in the schools, were given pre-emptive, unconditional amnesty no matter the truths or untruths they told or didn’t tell.

**Canada’s Truth and Reconciliation, Who is the Truth Being Told To?**

Canada’s TRC was a one directional issue of information. While this information was powerful, it was not dynamically broadcast towards a transformative participatory process. Truth telling in the Canadian TRC was not part of the public process. The truth telling process took place in secrecy and anonymity because it was the victim of abuse had to come forward. While this was a necessary protection against victims of violation being re-victimized through public scrutiny and humiliation, it altered the nature of the South African model of Truth and Reconciliation as a public interactive dialogue between perpetrators and victims of violence. According to the TRC witness guide, witness statements were taken in writing or in private booths. The witness statements will not be directly encountered by the Canadian public at all. They will be transcribed anonymously into a secure data base, kept as archival material, and summarized into a publicly accessible report (TRC, n.d.c).

Canada’s TRC was not a widespread, popular public effort. The settler public was not overwhelmed by national broadcasts and community dialogue. In Vancouver, there was a fairground sized gathering for a week, which was active and dynamic on site, but outside of the event grounds, the city was unaware and unconcerned that their country was reconciling the atrocities it had committed against Indigenous people through Residential Schools (personal experience, Truth and Reconciliation Commission, Vancouver, B.C. Pacific National Exhibition Fairgrounds, Sept 16 – 22, 2013). Annelies Verdooldaeg (2005), a Truth and Reconciliation scholar, writes that the media coverage of South Africa’s TRC was extensive, “The South
African Truth and Reconciliation Commission has been one of the most mediatised phenomena of the 1990s. It has probably been the most mediatised event ever taking place in Africa” (para, 2). Naomi Angel, a Canadian PhD candidate of Media, Culture, and Communication at New York University, who studies the Canadian Truth and Reconciliation Commission wrote of an event she spoke at in 2009. She was asked, in comparison to other TRC’s that had occurred globally, if the media had galvanized the Canadian public towards reconciliation,

“… there are still many Canadians unaware that such a commission even exists. Although there has been some excellent media coverage, it has been sporadic and often appears in local presses. The national newspapers and broadcasters may run a short story on it from time to time, but there hasn’t been any sustained coverage of the reconciliation process.” (Angel, 2012, May 14, para. 3)

In 2012, after the C-TRC had been operating for two years, Angel concluded that the situation had not improved (Angel, 2012, Oct. 29). The Canadian government and the Canadian TRC failed to spark a critical component of a Truth and Reconciliation process: public awareness. Without public awareness, the truth isn’t heard far and wide enough to generate the reconciliation.

**Canada’s Self Serving Motive**

The Canadian government seeks to maintain economic and social stability between the Canadian settler state and the Indigenous population. Truth and Reconciliation is designed to be a process of transformation, yet there is no difference in the relationship between Canadian settlers and Indigenous peoples before or after the reconciliation process. The objective of the Canadian TRC was to inform Canadians about the suffering Aboriginal people endured because of Residential Schools (TRC, n.d.a). There was no mechanism of accountability Canadians had
to reconcile with. They were merely given an opportunity to become informed, if they chose to be interested. The Canadian TRC focused specifically on Residential Schools and the negative outcomes experienced by Aboriginal people and communities (TRC, n.d.a). The Canadian TRC did not encompass the injustices of colonization, genocide, and continued subjugation of Indigenous people. These missing elements of Canada’s TRC could be regarded as limitations justifiably based on a specificity of objective: to resolve tensions around Residential Schools. Alternately, these omissions could be regarded as deliberate intentions to contain and recuperate Indigenous people’s healing needs towards further assimilation and acculturation into the capitalist global economy.

A Beneficial Side Effect

One possible benefit to Indigenous peoples in Canada is that the Canadian TRC may have had some possible psycho-social elements of healing. The C-TRC did not provide an opportunity for reconciliation, but it did provide an opportunity for truth telling. The people of the Residential School story are children, children removed from their families and homes. These children are the adults of today making their way to give witness to their sorrows at Residential School. These sorrows stem from their experiences at Residential School, but further, from the pain, neglect, and disappointments they caused their own children because of the horrors they learned to live by in their own childhoods (Personal Experience, [Workshop] Working With Families, Indian Residential School Survivors Society Institute, West Vancouver, B.C., 2008). Psycho-social recovery in international conflicts or civil war prioritize social transformation. War results in destructive social relationships, that alter interpersonal norms and personal values. In a reconciliation process, these distortions are brought to light, attended to, and re-oriented towards a time of peace (IAHPCR, 2009). The opportunity for reconciliation the C-TRC
provided was not between conflicting social parties. It was a reconciliation for the self, in the personal realm, and the connectedness of the individuals who have been harmed by Residential Schools to their families and communities. Indigenous people within Canada had the opportunity to take a break from the stream of busy life in modern civilized society. In those moments the broken relationships, the unresolved tensions, the injustices, and the sorrows could be honoured. As a people, we had the opportunity to turn inward to reconcile with what has become of us because of the legacy of Residential Schools.

Canada’s Truth and Reconciliation Commission failed to provide a transformative process for conflict between Indigenous people and Canadian settlers. Canada is not a transitional society. It is stable in it’s colonial process, thus one is left to wonder why the International standards of Truth and Reconciliation were alluded to in the name. Canada’s TRC did not provide the conditions a true oppressor/oppressed conflict-resolution and restorative justice process needed, thus no macro-system scale social transformation occurred. Although it was not the goal of the TRC, the process may have provided Indigenous people with some internal mechanisms for individual, interpersonal, and community healing. If the Truth and Reconciliation process is about returning the humanity to both victim and perpetrator, Canada’s TRC failed Canadians. If Canada merely appropriated an internationally established process of transformative justice, without actually resolving the conflict, as part of their continued oppression of Indigenous people, time is yet to confirm their success or failure.
References


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**Research Notes:**

Lady who talks about land and self determination under and the TRC

http://intercontinentalcry.org/restoring-nationhood-addressing-land-dispossession-canadian-reconciliation-discourse/

Lady who talks about the clergy in Victoria’s TRC

http://www.youtube.com/watch?v=5xb1u4S_tbs