

Canada:

THE TRUTH AND RECONCILIATION COMMISSION

A Backgrounder



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HISTORY 4RR3

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Land Acknowledgement

I take this time to recognize that we are currently on the traditional territory shared between the Haudenosaunee confederacy and the Anishinabe nations, which was acknowledged in the Dish with One Spoon Wampum belt.

EXECUTIVE SUMMARY

A Brief Synopsis

The Truth & Reconciliation Commission of Canada (TRC) was created in response to the legacies of trauma impacting Canadian Indigenous communities due to Residential Schools, cultural erasure, and other forms of historical systematic oppression. Although in theory the TRC is effective at addressing the historical truths and memory of Indigenous human rights violations, it often fails to provide solutions to continuous hardships and inequities Indigenous communities face today due to intergenerational trauma, inadequate reserve conditions, and a lack of funding and resources.



<https://pm.gc.ca/en/photos/2015/12/15/prime-minister-justin-trudeau-attends-presentation-final-report-truth-and>



INTRODUCTION

The Truth & Reconciliation Commission of Canada was established in 2008, following the Indian Residential Schools Settlement Agreement [5]. Finalized in 2015, the purpose of the TRC was to "reveal to Canadians the complex truth about the history and the ongoing legacy of the church-run residential schools, in a manner that fully documents the individual and collective harms perpetrated" [6], as well as "guide and inspire a process of truth and healing, leading toward reconciliation" with Indigenous communities [7]. The Canadian TRC came into existence following the complex Indigenous genocide in Canada's history, as a result of Federal residential schools. Only an educational institution in name, the residential schools were designed to separate Indigenous children from their families and to begin the process of assimilating them into Christian Canadian culture, in order to completely eradicate Indigenous culture from society.

As the TRC notes, "The establishment and operation of residential schools were a central element of this policy, which can best be described as 'cultural genocide' ... cultural genocide is the destruction of those structures and practices that allow the group to continue as a group" [8]. Unique from other Truth Commissions, the Canadian TRC acknowledges the distinct physical and cultural displacement Indigenous communities experienced throughout Canadian history, and the resulting trauma from such.

In this backgrounder, one will become familiar with the historical context in which these atrocities occurred, as well as the victims and perpetrators. One will also explore the various human right violations committed, supported by testimonies from survivors. The backgrounder will then shift to an analysis of the construction of the TRC itself, and engage in discourse surrounding modern critiques of the TRC's effectiveness. Through this, one will see the historical legacy of the Canadian TRC, and how it exists within society today.

Assimilation

Perhaps the most accurate description of governmental attitudes towards Indigenous communities, Canadian Indigenous history "reflected a consensus among both Liberals and Conservatives [that]... First Nations were expected to die off or be assimilated" [9]. In an 1879 report commissioned by Sir John A. MacDonalD titled '*The Davin Report*', it notes that "if anything is to be done with the Indian, we must catch him very young. The children must be kept constantly within the circle of civilized conditions" [10]. The Canadian government saw Indigenous communities as 'savage', 'backwards', and 'satanic', due to their cultural and spiritual practices differentiating from the Eurocentric, Christian, colonial societal norms of the time period, prescribed both by the Catholic Church and the British Empire.



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HISTORICAL CONTEXT

Residential Schools

Following the Indian Act and other growing measures of assimilation, Federal Residential Schools were established through partnerships between "the newly established Canadian state [and] with various Christian churches" [11]. Survivors describe the experience of their transition to residential schools as being "torn from their parents.. and hurled into a strange and frightening place, one in which their parents and culture would be demeaned and oppressed" [12]. Students would then be made to cut their hair and to redress in Christian, Canadian clothing provided by the school. Any form of Indigenous cultural expression was forbidden [13]. At the school itself, students were to only speak English or French, and were often harshly punished for interacting in their native tongues.

By 1930, "almost 75 percent of Indigenous children were in residential schools" [14], despite mass protests from Indigenous parents and families. However, in these schools, Indigenous students were subjected to gross amounts of physical, psychological, emotional, and sexual abuse in addition to cultural erasure that ultimately diminished both their physical and mental health upon returning to the reserves after their education. It was reported by Gina Starblanket that many students did not return home from school due to fatal outcomes, and "those who did usually found themselves alienated from their families, lands, and cultures" [15]. Indigenous and families and communities also experienced traumatization from the mass exodus of their children, and in turn were left with generational trauma continuing until the final residential school closure in 1996, and into today.

KEY ACTORS

Victims

Indigenous People

Perhaps one of the most direct victims of residential schools and Canadian colonialism, is that of the Indigenous children and former students. As stated, Indigenous children were subjected to harsh, cruel, and unlawful treatment during their education at residential schools. Beginning with the forceful removal of children from their families, communities and culture, Indigenous children were displaced from all forms of familiar environments, and thrust into a culture of which they did not speak the language, nor they understand or practice the social and religious customs of. This in itself can be seen as a form of victimization- the deliberate isolation and separation of young children and vulnerable persons from all safe figures and settings in their life, and therefore forcing them to become dependant on new figures and customs in order to survive and thrive. In a report by Christina Hackett et al, it is stated that "children as young as 3 years were forced by law to leave home and live at the schools....[and] were exposed to discrimination, colonialism, implied racial inferiority, cultural dispossession, widespread family fracturing and oppression" [16]. Being removed from their communities at such a young age ultimately resulted in a disconnect from their culture, as well as a loss of family and positive familial relations. As survivor Archie Hyacinthe is quoted stating in the TRC, " at's when the trauma started for me, being separated from my sister, from my parents, and from our, our home. We were no longer free" [17].



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In terms of direct abuse itself, a disproportionate amount of Indigenous students were subjected to physical, emotional, sexual, and psychological trauma at the hands of the residential school staff. The TRC notes that "while reports of sexual abuse were common, it was far from being the only type of abuse experienced by students. In many cases, a single student described many different types of abuse they experienced" [18]. Jean Pierre Bellemare, a former student of the Amos, Québec school, testified that he was subjected to "physical violence, verbal violence, [sexual violence], everything that comes with it" [19]. Another student, Andrew Yellowback from the Cross Lake, Manitoba school, stated that he was "sexually, physically, emotionally, and mentally abused by both the sisters and brothers" [20]. The severe violations and trauma that student experienced in forms of abuse, displacement and dispossession have had lasting consequences into today's Indigenous communities.

KEY ACTORS

Perpetrators

Government of Canada

The government of Canada has a complex, deliberate history of Indigenous discrimination, which they have long tried to conceal in current day global conversations. Perhaps one of the most defining historical state aggressions towards Indigenous communities, was that of the The Indian Act in 1876. The Indian Act "subsumed a number of colonial laws that aimed to eliminate First Nations culture in favour of assimilation into Euro-Canadian society" [21]. Led by Prime Minister Sir John. A. MacDonald, under the Act, the government could now hold reigning power over "First Nations identity, political structures, governance, cultural practices and education. These powers restricted Indigenous freedoms and allowed officials to determine Indigenous rights and benefits" [22]. Following such, the government banned Indigenous peoples from expressing cultural identity as well as practicing spiritual and religious customs such as Powwows and the Sun Dance. In addition, through the Pass System, they restricted Indigenous mobilization and autonomy, among other measures designed to control and assimilate Indigenous communities [23]. Furthermore, in collaboration with the Catholic Church, the Canadian government established the Federal Residential School system, lasting from 1883 until 1996. It is also important to note that while the Federal schools came into operation in 1883, "Canadian churches were already operating a small number of boarding schools for Aboriginal people" [24], prior to 1867. These schools were designed to not educate Indigenous children, but to remove them from their families and culture. Many of these implementations were imposed without proper legal authorization, as well as violating several human rights.



Sir John A. MacDonal

https://www.ourcommons.ca/About/HistoryArtsArchitecture/fine_arts/prime_ministers/795-e.htm

Sir John A. MacDonal, the Canadian Prime Minister credited for establishing the residential school system, was also the Superintendent General of Indian Affairs during the time period. MacDonal instructed that both the Indian Act and the Residential School System, among other oppressive legislative and political measures, were essential for addressing "the Indian Problem". The TRC quotes MacDonal stating that "when the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian... Indian children should be withdrawn as much as possible from the parental influence...where they will acquire the habits and modes of thought of white men" [25]. Although the Government of Canada both historically and currently remains a primary perpetrator in the Indigenous genocide, it is arguable that John A. MacDonal is one of its most key agents.

KEY ACTORS

Perpetrators

The Church

In collaboration with the Canadian Government, Roman Catholic, Anglican, United, Methodist, and Presbyterian Churches can be credited with prescribing and enforcing Christian, colonial ideologies onto Indigenous communities and therefore inspiring the assimilation process in Canadian society. As Church officials such as priests and nuns were the dominating employees and educators of the schools, instruction was largely based in religious assimilation- the TRC affirms such, stating that "teachers attempted to frighten students out of their traditional beliefs" [26], by claiming traditional Indigenous beliefs were satanic and immoral. Students were forced to convert to Christianity, attend mass, and practice Christian beliefs and values. If students resisted to such indoctrination, they would be met with harsh punishment [27]. Furthermore, in a study conducted by Andrea Smith, it is noted that for the "most part, schools primarily prepared Native boys for manual labor or farming and Native girls for domestic work. Children were also involuntarily leased out to white homes as menial labor during the summers rather than sent back to their homes" [28]. Doing such essentially can be considered a form of slavery- and modern day children trafficking. It also proves that there was little room for actual education, and that the schools instead largely focused on enforcing white cultural norms and assimilation tactics. Smith's study further states that although Indigenous girls learned these 'housewife' and homemaking skills, they were rarely given the chance to put such to physical use- as Indigenous women were considered undesirable as a partner. Due to this, it can be argued that "the primary role of this education for Indian girls was to inculcate patriarchal norms and desires into Native communities, so that women would lose their places of leadership in Native communities" [29].



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The Church representatives employed at the schools were also the sole perpetrators in direct physical, sexual, emotional and psychological abuse towards the Indigenous students. Throughout the TRC, survivors give testimonies to the severe and disturbing treatment they were subjected to by Sisters, Brothers, and Priests who acted as teachers, caregivers, and overall guardians while students attended the school. One can then consider the Church equally responsible as the Canadian Government in the human rights violations committed against Indigenous communities- for the religious indoctrination, assimilation tactics, and white supremacy that they enforced, as well as the blatant and continuous child abuse during their employment at the residential schools.

HUMAN RIGHTS VIOLATIONS

The Legal & Legislative

Presented below is a list of various articles from Human Right Legislations that the atrocities against Indigenous people violated- and therefore should be prosecuted for such. In summary, Indigenous communities were subjected to disproportionate rates of state violence, dispossession and displacement, cultural loss, physical brutality and generational trauma. Although the UDHR did not exist until 1948, and the UDRIP until 2007- and so the atrocities precluded such legislations- understanding the violations in a current political context is crucial to the overall understanding of the Canadian TRC.

UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

- **Article 3:** Everyone has the right to life, liberty and security of person. [30]
- **Article 4:** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. [31]
- **Article 5:** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. [32]
- **Article 18:** Everyone has the right to freedom of thought, conscience and religion [33]
- **Article 25 (section II):** All children, whether born in or out of wedlock, shall enjoy the same social protection. [34]

UNIVERSAL DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

- **Article 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. [35]
- **Article 7:** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person... and shall not be subjected to any act of genocide. [36]
- **Article 8:** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. [37]
- **Article 10:** Indigenous peoples shall not be forcibly removed from their lands or territories. [38]

LEGACIES OF HARM

WHAT WERE THE LEGACIES OF HARM?

The cultural assimilation and residential schools have severely impacted the physical and mental health of Indigenous communities, stemming into current societies. Perhaps the most immediate lasting consequence that Indigenous students were faced with upon returning home was the prolonged loss of positive familial relationships. "When residential school survivors became parents, many struggled because they had lost their traditional family structures, but also had not experienced positive parental role modelling" [39]. This cycle of a loss of parental skills continued with each generation, therefore subjecting future Indigenous children and family to a loss of positive familial relationships and a lacking support system. These new generations of families also did not follow any traditional Indigenous familial structures, due to the severe cultural erasure. This was further insured by the Sixties Scoop- "the widescale national apprehension of Aboriginal children by child-welfare agencies. Child welfare authorities removed thousands of Aboriginal children from their families and communities and placed them in non-Aboriginal homes without taking steps to preserve their culture and identity" [40]. This phenomenon was recorded to have lasted from the 1960s-1980s.

Furthermore, in a report titled the *First Nations Component of the Canadian Incidence Study of Reported Child Abuse in Neglect* in 2011, it was found that "the rate of child maltreatment investigations involving First Nations children was 4.2 times the rate of non-Indigenous children" [41]. This can once again be attributed to the loss of positive parenting and familial structures, as well as the normalization of abuse in the residential schools. Beyond the familial household, "overwhelming evidence of disproportionately high rates of accidental deaths, youth suicides, problematic substance abuse, and mental illness among Indigenous adults and children" has been reported [42]. As the Indigenous communities and students were not provided with any resources to help with their transition back into society post-residential school, as well as being denied crucial aspects of healthcare, Indigenous communities saw overwhelming rates of physical and mental health disparities. This can be further attributed to the loss of Indigenous land, as well as food insecurity- "around 22 percent [in Indigenous households], compared to 7 percent in non-Indigenous households" [43].

All of these legacies of harm have been found to hold foundations in the atrocities committed by the Canadian Government and the Church- the Royal Commission of Aboriginal People's 1995 report on suicide noted that "Indigenous youth spoke most frequently about confusion and shame in personal identity, lack of opportunities within communities, and the significance of cultural identity in the healing process" [44]. In this, historical and current problems Indigenous communities face such as mental illness, health disparities, substance abuse, spousal/child abuse, and food and housing insecurity begin with the lasting generational trauma from the Indigenous residential systems. It is also important to note that any attempts to address these hardships have been largely rooted in western practices and approaches, and make little attempts to incorporate Indigenous culture and healing practices.

Historical, Social & Political

Contexts

The Indian Residential Schools Settlement Agreement was a response to several thousand court cases filed by residential school survivors, which "ultimately led to the largest class-action lawsuit in Canada's history" [45]. Following such, "Prime Minister Stephen Harper, and the leaders of all other federal political parties" [46]. formally apologized to Indigenous communities for the atrocities. The apology led to the idea of the TRC, which was presented to confront ongoing colonial, racist ideologies and implementations that were ensuring the continuous oppression of Indigenous communities in Canada. "The Commission spent six years travelling to all parts of Canada" [47] to collect testimonies from

Indigenous school survivors, and to provide a platform for their truths to be heard and acknowledged by the rest of Canada.

The final presented report of the TRC in 2015 was a curated collection of testimonies from Indigenous survivors and their families detailing both the history of the slow erasure of Indigenous culture, as well as the detailed documentation of atrocities imposed upon the Indigenous people by the Canadian Government in collaboration with the Churches. The TRC was meant to not only be a recognition of Indigenous trauma, but also as social acceptance for the need for reconciliation between Indigenous communities, the government, and the rest of Canadian society.

Creation of the Canadian TRC

The Mandate of the Truth Commission

the Truth & Reconciliation was established to address both the historical memory of Indigenous cultural assimilation and the residential schools as well as the ongoing concerns in Indigenous communities stemming from lasting trauma. The TRC defines the mandate as "an ongoing individual and collective process, and will require commitment from all those affected including First Nations, Inuit and Métis former Indian Residential School students, their families, communities, religious entities, former school employees, government and the people of Canada" [48]. The process was aimed at accepting responsibility and providing apologies, and in doing so beginning the reconstruction of trust and a peaceful relationship between Indigenous communities and Canada.

The TRC also aimed to ensure the provision of "individual and collective reparations, and following through with concrete actions that demonstrate real societal change" [49]. Beyond addressing human rights concerns and the lasting distress of Indigenous communities, the TRC mandate was to ensure the renewal and reconstruction of Indigenous cultures, traditions, and languages both on reserves and in the rest of Canadian society. One can then understand that the TRC was not necessarily created to "shaming and point out wrongdoing" [50], but instead to foster a mutual relationship of respect, trust and understanding between Indigenous people and Canada, as well as create a conversational dialogue surrounding the education of Indigenous history in Canadian society.

OUTCOMES



<https://pm.gc.ca/en/photos/2015/12/15/prime-minister-justin-trudeau-attends-presentation-final-report-truth-and>

RECOGNITION OF THE UDRIP

Following the final report of the TRC in 2015, the first outcome was Canada's call for "federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation" [51]. This meant that Indigenous rights and freedoms were to be immediately integrated into Canada's legal framework, and become recognized as protected persons under Canadian law. Furthermore, Canada aimed to establish land claims as a means of returning land rights to Indigenous communities.

DOCTRINE OF DISCOVERY

The Doctrine of Discovery, which was historically used by Europeans and settlers to justify empire building and colonization, was immediately subjected to revision [52]. Under revision, Christian Churches also began to reevaluate their justification of Indigenous cultural erasure and displacement. The resulting conclusion was to reject the Doctrine of Discovery, and for Churches to "review the policies and programs with a view to exposing the historical reality...and eliminating its presence in its contemporary policies, program, and structures" [53].

INDIGENOUS LEGAL RIGHTS & JUSTICE

The Canadian legal system became recognized as an obstacle to reconciliation, as it often excused or dismissed human rights violations committed by the government or the Church. There was a push for establishing Indigenous legal representatives and Indigenous sovereignty in legal matters, in order to eliminate Indigenous dependence on Canadian courts [54].

THE RECOGNITION OF VICTIMS AS HUMANS

"Survivors are more than just victims of violence. They are also holders of Treaty, constitutional, and human rights" [55].

LEGACIES

Professional Development & Training

There has been a public push for "skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism" [56] in both academic and occupational settings. This can include the establishment of land acknowledgements, equity and diversity training, inclusive language, knowing how to process Status cards, and other skills tailored to ensuring the protection of Indigenous rights and identities in public institutions.

Education

Including Indigenous history and the residential school system in public school education and curriculums has become mandatory and normalized. Students are given opportunities to understand Canada's Indigenous history and familiarize themselves with the conditions leading towards the development of the TRC.

Museums & Archives

The Federal government has ensured that funding be dedicated to the inclusion of Indigenous culture and history in Canadian museums and archives. In collaboration with Indigenous communities, archives regarding Indigenous history have been made accessible to the public, as well as the establishing the creation of Indigenous art and cultural exhibits.

Missing Children & Burial Information

The Federal government has called "chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available" [57]. They have also insured that these documents stay up to date, that there is a continuous investigation into the death of Indigenous students, and that families are provided with the resources needed for mourning and burial.

National Centre for Truth and Reconciliation

The National Centre for Truth and Reconciliation is the largest centre in Canada dedicated to Indigenous history, and both stores and provides access to trivial amounts of documents, primary sources, and records regarding Indigenous history and the atrocities.

PUBLIC RESPONSES

Scholarly Commentary

There has been several current critiques of the TRC, and flaws surrounding such. Anne-Marie Reynaud, a researcher at the University of Montreal, argues that many Indigenous people feel that the TRC does not provide direct justice and prosecution, and that "reconciliation is meaningful only if embedded in action" [58], referring to the criminal prosecution of Church officials and government members. This is a common theme in critiques of the TRC- that it cannot provide direct legal action, nor can it prosecute criminals and human rights perpetrators to the fullest extent of the law. At best, the TRC seeks historical justice instead of legal justice, in which some scholars find fault. As Berber Beverage notes, "social memory helps to serve justice for victims of the past, and for victims who did not get justice through jurisdiction" [59]. While the TRC allows for this, it does not necessarily criminally prosecute.

Furthermore, Virginia Arsenault argues that there has been a fight for the archives. She notes that "the government lagged behind in releasing relevant files, did not search all of the government departments that it should have, and even refused to hand over the documents, leading to a fight for the archives...two highly publicized cases highlight the government's resistance to the reconciliation process" [60]. Arsenault speaks to the developing ideology that the Canadian government strives to maintain control of the historical narrative- and therefore true reconciliation cannot progress. She further argues that "there were also problems with the report provided by the RCMP. Though the RCMP told the commission that it wanted to submit a report on the role of the police force in the residential school system as a means of reconciliation" [61]. However, "there were issues with the report as it did not fully represent the role and the actions of the RCMP in the residential school system" [62]. This speaks to another ongoing trend in the Canadian government- a lack of full accountability for the atrocities committed against Indigenous people. Although the Canadian government claims that they are striving for Indigenous reconciliation, they often fail to acknowledge their role in such or provide the resources necessary for doing so.

Although the Canadian TRC has been praised globally for its defining progress in human rights and truth commissions, many scholars and other commentators believe that there is still far more work to be done for the TRC to be truly effective.

TODAY'S ASSESSMENT

In a 2019 report conducted by Yellowhead Institute, it was found that out of the 94 TRC calls to action, 9 have been completed. [63]

13: Federal Acknowledgement of Indigenous Language Rights

41: Missing & Murdered Indigenous Women & Girls' Inquiry

48: Adoption of UNRIP by Churches and faith groups

49: Rejection of the Doctrine of Discovery

72: Federal support for the National Centre of Truth & Reconciliation

83: Reconciliation agenda for the Canadian Council for the Arts

85: Reconciliation agenda for the Aboriginal Peoples' Television Network

88: Long term support from all levels of government for North American Indigenous Games

90: Federal support for Indigenous sports groups and athletes

CHILD WELFARE	1	2	3	4	5						
EDUCATION	6	7	8	9	10	11	12				
LANGUAGE & CULTURE	13	14	15	16	17						
HEALTH	18	19	20	21	22	23	24				
JUSTICE	25	26	27	28	29	30	31				
	32	33	34	35	36	37	38				
	39	40	41	42							
RECONCILIATION	43	44	45	46	47	48	49	50			
	51	52	53	54	55	56	57	58			
	59	60	61	62	63	64	65	66			
	67	68	69	70	71	72	73	74			
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	83	84	85	86	87	88	89	90			
	91	92	93	94							

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Personal Reflection

In thoroughly analyzing the TRC, it is my opinion that while the TRC is good in theory, it does not uphold in practice. While the government has acknowledged the atrocities committed against Indigenous communities, it has yet to provide sustainable, realistic, lasting solutions for continuous hardships Indigenous communities continue to face, such as unclean drinking water, environmental racism, gentrification, health disparities, food and housing insecurity, healthcare inequality, and a lack of green space. Furthermore, as Janna Thompson notes, "global pressures make it increasingly difficult for governments to fulfill requirements of social justice while exercising 'fiscal responsibility' - programs are also not always successful or sustainable" [64]. This has been reflecting in the current intellectual shift from social justice to historical justice, and the newer focus on social memory. While historical justice and social memory are crucial to the establishment of the path for reconciliation, as "recognition is a big factor for historical justice - victims want to be acknowledged as people" [65], it is not effective without social justice that ensures the continuous protection and peace of Indigenous communities following atrocity. I agree with many scholarly views that state that "both social justice and historical justice must play a role in a wider conception of what justice is" [66].

Furthermore, there must be a shift to more Indigenous based reconciliation. Many governmental efforts of reconciliation are still rooted in white, Christian, colonial ideologies- present in the ongoing struggle for control over historical narrative, as well as increasing backlash at Indigenous reparations. Indigenous communities cannot be truly reconciled, if their peace is still dictated by their oppressor.

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