

## RECONCILIATION IS HARD WORK!

By Tuma T. W. Young, LL.M, QC

**UNAMA'KI**—It used to be that whenever the word reconciliation was used, it was in the context of family law, specifically in couples contemplating divorce. The *Divorce Act* requires lawyers to ask about the possibility of reconciliation. Some lawyers would ask directly while some others would mumble it out very quickly and quietly. Today, reconciliation is also being used in the context of Indigenous-Canadian relations which seem to have reached a low point recently.

The dictionary meaning of reconciliation “*is the restoration of friendly relations.*” It can also mean “*to make one belief or view compatible with another.*” What does reconciliation mean in Mi'kmaw?

*Apiksiktatimkewey* is a phrase that comes to mind. Another phrase is *Ila'matulti'k!* Mi'kmaw is a verb-based language (almost all Indigenous languages are verb-based as opposed to European languages which are noun based), so using a literal translation is not often helpful as a literal translation does not capture the intent of the language being communicated. Intent is very important in the process of reconciliation whether in divorce proceedings or in Indigenous-Canadian relations.

In *Apiksiktatimkewey*, you first have to acknowledge that there has been a breakdown in the relationship and this is what the Mi'kmaq call “*O'pla'matultimk*” (a dispute has occurred in the relationship). The next step to begin to resolve the dispute is to give the parties involved some time to let the feelings calm down. A period of being apart to let the parties reflect on the dispute and what has led to it. This period is called “*Petka'mataltultimk*” and shortly afterwards, mediators and/or counsellors are brought in to work with the parties to move them to *Apiksitamtimkewey*. Once the emotions have calmed down, the dispute has been rationally examined and the next steps identified then the formalizing of an agreement to resolve the dispute is undertaken. This is called “*Apiksiktaltultimk*” (an agreement has been reached).

*Apiksiktatimkewey* is really a process to reaching an agreement that the parties will use to resolve the dispute while *Ila'matulti'k* is engaging in the actual work required to reach the *Apiksiktatimkewey*. However, even though *Apiksiktatimkewey* is reached, this is not the end of the reconciliation process. There is still another step and this is called “*Wikapaltultimkewey*” or the Feasting Ceremony stage.

The parties have to hold a feast or a ceremony to acknowledge the dispute, to formally and legally (under Mi'kmaq law) recognize the *Apiksiktatimkewey* and to help restore the relationship that has been impacted by the dispute. A feast is held, speeches are made, gently teasing humour is used and sometimes, a game is played (more often a game of *Waltas* which is a bone dice game) and the exchange of presents. Soon, there is laughter and the parties are deemed to have restored the balance in their relationship. They can now live and participate in the same community once again.

The dispute over the Coast Gas Pipeline and the hereditary chiefs of the Wet'suwet'en tribe has shown a spotlight on the larger dispute between Indigenous peoples and the Canadian Government. This larger dispute is primarily over whose laws should apply in the territory, either Canadian federal, provincial or Indigenous laws.

This same dispute can be found in demonstrations and protests all over Canada, including Atlantic Canada. Protests have been done in communities over fracking near We'koqma'q First Nation, the Sisson Mine dispute among the Wəlastəkweyik (Maliseet), fracking protests in Elsipogtog, SQ raids in Listuguj, fishing disputes in St. Mary's Bay, NS, and the Burnt Church Crisis of 1999 just to name a few.

The initial relationship between Canada and Indigenous peoples has its roots here in Atlantic Canada. You do not have to look further than the Covenant Chain of Peace and Friendship Treaties that were signed here in the 1700s. These Treaties lay out the foundation as to how both parties are to conduct their relationship with each other. The relationship was to be based on a mutually respectful and beneficial manner. The Mi'kmaq agreed to share the land and its resources, not cede, and both parties were to benefit from this relationship.

Today, those Treaty expectations have not yet materialized for the Mi'kmaq. This relationship has resulted in tremendous losses for the Mi'kmaq: land, culture, language, resources, traditions, and governance. In addition, the Mi'kmaq have faced a near extinction of the people through the virgin disease epidemics which killed an estimated 95% of the people. Add to this list the cumulative effects of residential schools, centralization, legislative restrictions, poverty, Indian Day schools, boil water orders, chronic unemployment and racism, it is understandable why the Mi'kmaq see that this relationship is dysfunctional and needs restoring.

Those same experiences and examples can be applied to almost every other tribe in Canada, including the Wet'suwet'en. This is why there is a tremendous frustration among Indigenous folks and Canadians over their relationship with each other.

Now the government of Canada had recently announced that things will be different, things will change and things will be better for Indigenous peoples. The past was laid bare with the Truth & Reconciliation Commission and when the Calls to Action were presented, everyone's expectations were raised. The Truth about the Residential Schools came out and now the parties were going to move to reconciliation: a restoring of the relationship, a renewal of the vows, so to speak. A forgiveness of the past and the mistakes made. A new way forward towards to the future was promised.

But reconciliation requires a fundamental change in how things will be done. The relationship should now be treated differently and a new direction, a new approach to the relationship needs to be taken. A new agreement reached, the reset button pushed and *Apiksiktatimkewey* done.

Early on in our history when the French and the English arrived in Mi'kma'kik, they entered into a middle ground agreement with the Mi'kmaq and in this space, both party's laws did not apply but a type of hybrid approach was taken. Both laws influenced the creation of the space but neither dominated. In this middle ground, the relationship between the Mi'kmaq and the Settlers was mutually beneficial for a period of time.

We need to find ways to go back to that middle ground and this will require tremendous commitment on both parties to make it work. Reconciliation is hard work but when it is done right, it will result in a better relationship between the parties. A relationship that is based on mutual respect, mutual understandings and provide mutual benefits to each party. This is what the intent and spirit of the Treaties envisioned. *Apiksiktatimkewey* is hard work.

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