

14

Policy Direction for Reconciliation and Indigenous Ocean Management in Canada

Russ Jones, Nancy Doubleday, Megan Bailey, Ken Paul, Fraser Taylor, and Peter Pulsifer

This chapter examines the best practices for reconciliation identified in Chapter 2, and provides recommendations on the future direction of reconciliation in Canada given the current trajectory. Reconciliation is a “wicked problem,” meaning one that is complex, presenting dilemmas that are resistant to solutions and are usually not solved once and for all but tend to reappear (Rittel and Webber 1973; Zurba et al. 2019).¹ It is difficult but possible to solve if we build on best practices and continue policy changes based on core principles of truth, justice, historical responsibility, and restructuring of the social and political relationships between Canada and Indigenous Nations (e.g., Rouhana 2011, 297). To this end, we build on the framework developed in Chapter 2 (Figure 14.1) to further examine the reconciliation criteria in Table 2.3 and we refer frequently to the examples provided there.² The discussion below focuses on changes underway in governance, resource access, and protection of culture and values that are having mixed success in transforming relationships. The policy recommendations focus on changes needed to establish a just and equitable reconciliation framework, and measures to advance shared management, planning, and governance of ocean spaces.

A PRINCIPLED ANALYSIS

Canada’s approach to reconciliation moved in 2015 from a policy requiring surrender of lands and extinguishment of rights to one of recognition of rights.³ Recognition of rights requires a shift to governance

agreements that promote equality and power sharing. Canada has committed to reconciliation between Indigenous Peoples and Canadian society, but it has not made commitments typical of transitional justice (as cited by Hughes 2012⁴) despite such commitments having broad political and societal support. As a result, results are mixed in terms of achieving justice in the domains of political domination, loss of territory, and cultural imposition, which are the main impacts of colonization (Moore 2016).

Policy changes have occurred unevenly over decades, as discussed in Chapter 2, leaving reconciliation of many Indigenous ocean issues still unaccomplished. The effect of Canada’s new policy of recognition of Indigenous rights, and adoption of international standards requiring Indigenous consent for resource development, could have far-reaching effects, but success depends on political will, and progress may require court direction.

GOVERNANCE: PROGRESS AND CHALLENGES

Twenty years ago, the Royal Commission on Aboriginal Peoples (RCAP) identified governance as a key area requiring transformative change in Canada (Chartrand 2004), and proposed comprehensive changes to Indigenous governance that were largely ignored.⁵ Current Indigenous governance systems range from modern structures, including those recognized or established through modern treaties, to those established through colonial systems, such as *Indian Act* Band Councils.⁶ Canadian government policies today, including those to implement the *United*