

Indigenous law, like so many other aspects of Aboriginal peoples' lives, has been impacted by colonization. At the TRC's Knowledge Keepers Forum in 2014, Mi'kmaq Elder Stephen Augustine spoke about the Mi'kmaq concept for "making things right." He shared a metaphor about an overturned canoe in the river. He said, "We'll make the canoe right and ... keep it in water so it does not bump on rocks or hit the shore.... [When we tip a canoe] we may lose some of our possessions.... Eventually we will regain our possessions [but] they will not be the same as the old ones."⁵⁰

When we consider this concept in relation to residential schools, we have repeatedly heard that they caused great and obvious loss. The Mi'kmaq idea for "making things right" implies that sometimes, in certain contexts, things can be made right—but the remedy might not allow us to recapture what was lost. Making things right might involve creating something new as we journey forward. Just as the Canadian legal system has evolved over time, Indigenous law is not frozen in time. Indigenous legal orders adapt with changing circumstances. The development and application of Indigenous law should be regarded as one element of a broader holistic strategy to deal with the residential schools' negative effects.

There are diverse sources of Indigenous law that hold great insight for pursuing reconciliation. In 2012, the TRC partnered with the University of Victoria Faculty of Law's Indigenous Law Clinic, and the Indigenous Bar Association, to develop a national research initiative, the "Accessing Justice and Reconciliation (AJR) Project." Working with seven community partners, the AJR project examined six different legal traditions across the country: Coast Salish (Snuneymuxw First Nation, Tsleil-Waututh Nation); Tsilhqot'in (Tsilhqot'in National Government); Northern Secwepemc (T'exelc Williams Lake Indian Band); Cree (Aseniwuche Winewak Nation); Chippewas of Nawash Unceded First Nation # 27); and Mi'kmaq (Mi'kmaq Legal Services Network, Eskasoni).

The AJR report concluded that many more Aboriginal communities across the country would benefit from recovering and revitalizing their laws. Doing so would enable First Nations, Inuit, and Métis communities to remedy community harms and resolve internal conflicts as well as external conflicts with governments more effectively. Professor Val Napoleon, the project's academic lead, and Hadley Friedland, the project coordinator, said,

We believe there is much hope that even the process of intentionally and seriously continuing ... [this work] will contribute to a truly robust reconciliation in Canada.... This work is vital for the future health and strength of Indigenous societies and has much to offer Canada as a whole.... Legal traditions are not only prescriptive, they are descriptive. They ascribe meaning to human events, challenges and aspirations. They are intellectual resources that we use to frame and interpret information, to reason through and act upon current problems and projects, to work toward our greatest societal aspirations. Finding ways to support Indigenous communities to access, understand and apply their own legal principles today is not just about repairing