

be high levels of distrust among indigenous peoples towards government at both the federal and provincial levels.⁴⁷

In Canada, law must cease to be a tool for the dispossession and dismantling of Aboriginal societies. It must dramatically change if it is going to have any legitimacy within First Nations, Inuit, and Métis communities. Until Canadian law becomes an instrument supporting Aboriginal peoples' empowerment, many Aboriginal people will continue to regard it as a morally and politically malignant force. A commitment to truth and reconciliation demands that Canada's legal system be transformed. It must ensure that Aboriginal peoples have greater ownership of, participation in, and access to its central driving forces. Canada's Constitution must become truly a constitution for all of Canada.⁴⁸ Aboriginal peoples need to become the law's architects and interpreters where it applies to their collective rights and interests. Aboriginal peoples need to have more formal influence on national legal matters to advance and realize their diverse goals.

At the same time, First Nations, Inuit, and Métis peoples need greater control of their own regulatory laws and dispute-resolution mechanisms. Aboriginal peoples must be recognized as possessing the responsibility, authority, and capability to address their disagreements by making laws within their communities. This is necessary to facilitating truth and reconciliation within Aboriginal societies.

Law is necessary to protect communities and individuals from the harmful actions of others. When such harm occurs within Aboriginal communities, Indigenous law is needed to censure and correct citizens when they depart from what the community defines as being acceptable. Any failure to recognize First Nations, Inuit, and Métis law would be a failure to affirm that Aboriginal peoples, like all other peoples, need the power of law to effectively deal with the challenges they face.

The Commission believes that the revitalization and application of Indigenous law will benefit First Nations, Inuit, and Métis communities, Aboriginal-Crown relations, and the nation as a whole. For this to happen, Aboriginal peoples must be able to recover, learn, and practise their own, distinct, legal traditions. That is not to say that the development of self-government institutions and laws must occur at the band or village level. In its report, the Royal Commission on Aboriginal Peoples spoke about the development of self-government by Aboriginal nations:

We have concluded that the right of self-government cannot reasonably be exercised by small, separate communities, whether First Nations, Inuit or Métis. It should be exercised by groups of a certain size—groups with a claim to the term 'nation.'

The problem is that the historical Aboriginal nations were undermined by disease, relocations and the full array of assimilationist government policies. They were fragmented into bands, reserves and small settlements. Only some operate as collectivities now. They will have to reconstruct themselves as nations.⁴⁹

We endorse the approach recommended by the Royal Commission.