

to be unilateral and divisive, and Aboriginal peoples continue to resist such actions. Negotiations on Treaties and land-claims agreements continue with a view to reconciling Aboriginal title and rights with Crown sovereignty. However, many cases remain unresolved. The courts have produced a body of law on reconciliation in relation to Aboriginal rights, which has established some parameters for discussion and negotiations, but there remains no ongoing national process or entity to guide that discussion. What is clear to this Commission is that Aboriginal peoples and the Crown have very different and conflicting views on what reconciliation is and how it is best achieved. The Government of Canada appears to believe that reconciliation entails Aboriginal peoples' acceptance of the reality and validity of Crown sovereignty and parliamentary supremacy, in order to allow the government to get on with business. Aboriginal people, on the other hand, see reconciliation as an opportunity to affirm their own sovereignty and return to the 'partnership' ambitions they held after Confederation.

The United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation

Aboriginal peoples in Canada were not alone in the world when it came to being treated harshly by colonial authorities and settler governments. Historical abuses of Aboriginal peoples and the taking of Indigenous lands and resources throughout the world have been the subject of United Nations' attention for many years. On September 13, 2007, after almost twenty-five years of debate and study, the United Nations (UN) adopted the *Declaration on the Rights of Indigenous Peoples*. As a declaration, it calls upon member states to adopt and maintain its provisions as a set of "minimum standards for the survival, dignity and well-being of the indigenous peoples of the world."⁸

The Commission concurs with the view of S. James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples, who observed,

It is perhaps best to understand the Declaration and the right of self-determination it affirms as instruments of reconciliation. Properly understood, self-determination is an animating force for efforts toward reconciliation—or, perhaps, more accurately, conciliation—with peoples that have suffered oppression at the hands of others. Self-determination requires confronting and reversing the legacies of empire, discrimination, and cultural suffocation. It does not do so to condone vengefulness or spite for past evils, or to foster divisiveness but rather to build a social and political order based on relations of mutual understanding and respect. That is what the right of self-determination of indigenous peoples, and all other peoples, is about.⁹

Canada, as a member of the United Nations, initially refused to adopt the *Declaration*. It joined the United States, Australia, and New Zealand in doing so. It is not coincidence that all these nations have a common history as part of the British Empire. The historical