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### Independence an issue, LaForme says

Government wants Truth and Reconciliation Commission secretariat to report to Indian Affairs

By Jesse Ferreras

The federal government is challenging the independence of Canada's first Truth and Reconciliation Commission (TRC), its chair said in an interview with *Pique*.

Speaking from Quebec City last week, Ontario Court of Appeal Justice Harry LaForme said the commission's independence is being challenged by the federal government's decision to have its secretariat, or administrative arm, function as a government department. This creates the potential for inappropriate interference with the commission's work, LaForme said, because it has been established as part of a class action settlement agreement to which the federal government is a party.

"We want to be as accountable for the funds as anybody should be, but the question then became, who is actually responsible for such things as hiring and firing within the commission?" LaForme told *Pique*. "The government of Canada thought it was, so that caused a problem and we've been sorting through that."

The Indian Residential Schools Settlement Agreement, which came into force on May 10, 2006, is the largest class action settlement in Canadian history. In addition to providing payouts to residential school survivors, the agreement established a Truth and Reconciliation Commission that will acknowledge the "injustices and harms experienced by Aboriginal people" in residential schools.

The commission will allow survivors to come forward and share their experiences through truth-sharing and statement-taking. Those stories will thereafter be recorded in a national archive as a way of putting the residential school legacy into Canadian history.

Part 6 of the TRC's mandate, which is embedded in the settlement agreement, states that the secretariat shall be subject to the "direction and control of the Commissioners." But that can't happen if the secretariat is being asked to report to the government, according to LaForme.

"We just want to make certain that the administration arm, the people that are responsible for providing our travel accommodations, all those other things, our office spaces and all that, is equally under the control (of the commissioners)," he said, stressing that all three commissioners overseeing the TRC are "absolutely independent."

These issues come despite Indian Affairs Minister Chuck Strahl's assurances to *Pique* in a May interview that the commission would be the "master of its own destiny."

This isn't the first time that an independent commission has drawn allegations of government interference.

In 1997, the Liberal government of Prime Minister Jean Chretien laid a final reporting deadline on the Somalia Commission, a public inquiry into the death of Shidane Arone, a Somali teenager, at the hands of Canadian forces during a UN peacekeeping mission.

The government ordered the inquiry to wrap up its work by the end of June 1997, far earlier than the deadline commissioners requested in order to fully investigate the allegations. They did not even get the time to investigate the events surrounding the murder within the time frame they were given.

As for the TRC, LaForme, who was introduced as chair in April, said it is making good progress, but he still hasn't figured out when, or in what form the hearings will take place. He stressed that survivors are not being asked to deliver testimony, but to relate stories about their experiences in residential schools.

He also said the hearings are likely to take on different forms at different events across the country.

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"We're just going to go and find the best way, the best atmosphere, and under the best conditions that survivors themselves want to come forward and tell their stories," he said, adding that the legitimacy of survivors' stories is no longer in doubt after the federal government delivered a formal apology for the residential school legacy on June 11.

LaForme expects that seven national events will take place over the first two and a half years of the commission's five-year mandate. The final two and a half years will be used to come up with recommendations for further action by the government on the residential school file, as well as establish an archive or educational facility.

"There has to be a permanent structure of an archive or something along those lines at the end of it that does some honour to the educational component to that history," he said.

Chief Gibby Jacob of the Squamish Nation, however, isn't sure what purpose the TRC will serve after the federal government offered its formal apology.

"Knowing most of my elders, I don't think there's going to be a big rush to go there," he said. "If you were sexually abused each and every day, or you're deaf in one ear and can hardly hear in the other because of the punishment you took in school, would you be willing to go and talk about that to a bunch of people you don't know?"

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