

Anti-Racism and Allyship in ADR



Professor Mary Ellen Turpel-Lafond (*Aki Kwe*)
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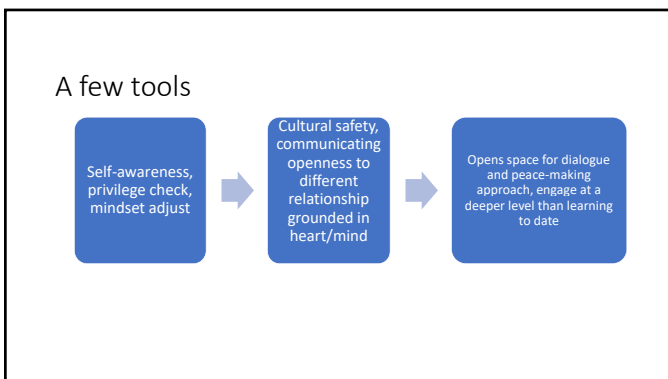
ADR that is Anti-Racist requires new tools

- Colonial and oppressive history shapes legal skills, experiences and notions of dispute resolution
- Rights based work based on UN Declaration—denouncing colonial doctrines
- Give space for anti-oppressive relationships. Hear truth such as through efforts of TRC and survivors voice.
- Recognize the privilege and ground the work
- Make space for Indigenous ADR skills
- Justice processes involve redress, structural issues and require participants to interrogate their own positions.

SHIFTS: You need to address real values and beliefs, shift mindset and skills

- **Indigenous-specific racism:** The unique nature of stereotyping, bias, and prejudice about Indigenous peoples in Canada that is rooted in the history of settler colonialism. It is the ongoing race-based discrimination, negative stereotyping, and injustice experienced by Indigenous peoples in Canada that perpetuates power imbalances, systemic discrimination, and inequitable outcomes stemming from the colonial policies and practices.⁹

Colorblindness: A concept that suggests that racial differences are invisible or unimportant, and fails to consider the social experience and lived realities of racialized people, thereby maintaining the status quo.⁴



Values and Beliefs, UNDRIP shifts our lens

- Indigenous developed instrument that has been adopted by UN General Assembly and TRC called for adoption and implementation into federal and provincial law
- Reframes how we see “disputes” into opportunities to shift to a human rights mindset and check again racism and privilege
- Requires listening and shifting mindsets.
- Free prior and informed consent —why this is integral to a mindset shift. Recalibrating from the “infringe, deny and destroy” approach to renewed relationships.

