

DATE OF MEETING JUNE 17, 2019

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**SUBJECT IMPLEMENTING TRUTH AND RECONCILIATION
CALL TO ACTION #57**

OVERVIEW

Purpose of Report

To provide Council with a rationale and proposed approach to responding to the Truth and Reconciliation Commission's Call to Action #57 requesting that all municipal governments educate their employees on the history of Indigenous Peoples in Canada, including the impacts of residential schools and other colonial policies, the United Nations Declaration on the Rights of Indigenous Peoples, treaties, anti-racism, intercultural competency, and human rights.

Recommendation

That Council support the proposed Intercultural Competency Implementation Plan to support City of Nanaimo Staff learning about local, provincial, and national histories of Indigenous Peoples, including the history and legacy of residential schools, United Nations Declaration on the Rights of Indigenous Peoples, treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.

BACKGROUND

The City of Nanaimo highly values having healthy and respectful relations with the governments of Snuneymuxw and Snaw-Naw-As¹, the First Nations whose traditional territories the City of Nanaimo was established upon². In addition to strong government-to-government relations, the City aspires to be a fully inclusive community that supports the equity, health, and well-being of community members of diverse cultural backgrounds, including those who are Indigenous³ of First Nations, Inuit, and Métis ancestry.

¹ Snaw-Naw-As, also known as Nanoose First Nation.

² A significant portion of the city's boundary falls within Snuneymuxw Territory from the Southern boundary up to the Neck Point Park area where there are overlaps with Snaw-Naw-As whose traditional territory extends past the City's Northern Boundary. In the past, Snaw-Naw-As has not been clearly acknowledged by the City as having overlapping Traditional Territories with Snuneymuxw in North Nanaimo, and as such, activities directly involving Snaw-Naw-As have been limited. It is hoped that going forward, this relationship will be properly established and strengthened.

³ 'Indigenous Peoples' or 'Aboriginal Peoples' are collective terms used to describe the original inhabitants of North America and their descendants. In Canada these terms refer to people of First Nations, Inuit and Métis ancestry. Indigenous is becoming more commonly used since Canada adopted the United Nations' Declaration on the Rights of Indigenous Peoples (UNDRIP).

Reflecting a desire to improve relations through internal Staff education and building intercultural competency, Council, at its Special Council Meeting on Monday, 2019-JAN-14, passed the following motion:

"That Council direct Staff to develop an implementation plan for responding to Truth and Reconciliation Call to Action #57 for Council's consideration by 2019-JUL-01."

Council also re-confirmed the City's commitment to working respectfully and effectively with Snuneymuxw by signing a renewed government-to-government Protocol Agreement on 2019-MAY-27⁴.

Arising out of the Indian Residential School Settlement Agreement⁵, the Truth and Reconciliation Commission (TRC) was mandated in 2008 to shed light on the truth behind residential schools. This involved accessing restricted documents and gathering stories from those who attended the state funded 'Indian Residential Schools'. These schools operated in Canada from the 1870s until the closure of the last schools in the late 1990s. The policies that created and funded these schools resulted in separating an estimated 150,000 children from their families, communities, and culture. An overwhelming number of Indigenous children suffered extreme physical and sexual abuse, in addition to general neglect. An unknown number of children died in these schools and those who survived suffered profound and lasting impacts from the trauma they experienced.

The aim of the TRC was to provide survivors with an opportunity to speak about their experiences, and for all Canadians to learn about and understand the ongoing impacts of the Indian Residential School system on the current circumstances of Indigenous Peoples in Canada. The commission was also mandated to work toward reconciliation between former students and the rest of Canada. On 2015-JUN-02, after six years of hearings and testimony from over 6,000 survivors, the TRC released its findings and Calls to Action in their report titled *Honouring the Truth, Reconciling the Future*.

The report contains 94 'Calls to Action', several of which are identified as the direct responsibility of municipal governments in advancing Canada's reconciliation with Indigenous Peoples (see Attachment A). This includes Call to Action #57 quoted below:

"57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous Law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."

⁴ The first Protocol Agreement between the City of Nanaimo and Snuneymuxw was signed on 15-OCT-2005.

⁵ "The Truth and Reconciliation Commission of Canada (TRC) was created as a result of the Indian Residential Schools Settlement Agreement (IRSSA). This multi-faceted agreement, widely understood to be one of the largest settlement packages in the history of the country, was intended to compensate survivors for the harms they suffered in residential schools, and to work towards a more just and equitable future for Indigenous peoples.

" <https://www.thecanadianencyclopedia.ca/en/article/truth-and-reconciliation-commission>

The reference to established international human rights in the Call to Action #57 is significant. Through 46 Articles, the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) forms a guiding framework and commitment for governments to work towards nation-to-nation relationships that recognize Indigenous Peoples as equal partners. It is important to note that UNDRIP does not establish new rights. Instead, it affirms and explains the application of existing human rights as they relate to Indigenous Peoples. Although UNDRIP was adopted by the United Nations General Assembly in 2007, Canada did not fully commit to adopting the Declaration until May 2016.

Delivering on TRC Call to Action #57 is a foundational first step towards the City of Nanaimo's journey towards reconciliation with our neighbouring First Nations governments and Indigenous community members. Staff are proposing the City consider a list of proposed actions outlined in Attachment B, Intercultural Competency Implementation Plan, to work towards TRC Call to Action #57. The proposed approach aspires to be grounded in the perspectives of Snuneymuxw and Snaw-Naw-As, as well as the Urban Indigenous Community. This will be done by initially leveraging existing Staff resources and relationships to provide Staff learning opportunities, and to develop a longer-term learning plan in collaboration with Human Resources, Staff representatives, and the Union (CUPE 401). The aim is to provide Staff with a range of learning options, acknowledging that some Staff will have already developed more skills and experience than others. The ideal is to develop a fundamental baseline of expected intercultural competency skills and provide learning opportunities to achieve higher levels of competencies depending on an employee's role in the organization.

DISCUSSION

While "reconciliation" is an increasingly popular term since the TRC was established, it is important to be aware that there have been many prior recommendations and government-funded initiatives attempting to resolve Canada's historical conflicts with Indigenous Peoples. In 1991, the Royal Commission on Aboriginal Peoples⁶ was mandated to investigate and propose solutions to the challenges affecting the relationship between Aboriginal Peoples, the Canadian Government and Canadian society as a whole. The Commission's report released in 1996 strongly advised Canadians to begin a national process of reconciliation. The report emphasized that in order to renew and reconcile relations, it was critical to address the past and understand the perspectives of Aboriginal people.

"The starting point for renewing the relationship, urged upon Commissioners by Aboriginal people speaking to us in hearings across the country, must be deliberate action to "set the record straight". With few exceptions, the official record of Canada's past — recorded in government documents, in the journals and letters of traders and colonial officers, in history books and in court judgements — ignores and negates Aboriginal people's view of themselves and their encounters with settler society."⁷

Since the TRC released the Calls to Action, many government agencies, not-for-profits, faith groups, educational institutions, and businesses have taken actions toward reconciliation. At

⁶ <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/introduction.aspx>

⁷ The Report on the Royal Commission on Aboriginal Peoples, October 1996, Pages 15-16
<http://data2.archives.ca/e/e448/e011188230-01.pdf>

the same time, it should be noted the leadership and staff of many organizations, including the City of Nanaimo, have, over time, taken a variety of actions and built individual relations that support what would be considered reconciliation. Attachment C provides an overview of some of the different steps towards reconciliation taken by City of Nanaimo leadership and Staff.

The Federation of Canadian Municipalities and Union of BC Municipalities have long recognized the importance of local and Indigenous government relations. This includes initiatives like the Community to Community Forum funding program established in 1997 to improve relations and collaboration between First Nations and local governments in British Columbia. Between 2009 and 2011, the City of Nanaimo was involved in three such forums with Snuneymuxw.

While there have been many great examples of meaningful actions, there has also been growing criticism by Indigenous groups and individuals that in the efforts to work towards reconciliation, the “truth” is not being acknowledged. A fundamental step in the journey towards reconciliation is to have a shared understanding and acknowledgment of history and the “truth”.

The TRC explains the perspective that, *“‘Reconciliation’ is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. For that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour”*.

Another key component of truth also relates to understanding ongoing violence experienced disproportionately by Indigenous women and girls. The recently released 2019-JUN-03 report from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) makes 231 recommendations referred to as “Calls to Justice”. This includes several that are consistent with the education and training recommendations for staff at all levels of government recommended by the TRC Calls to Action. Chief Commissioner Marion Buller, who led the MMIWG inquiry, speaks to the need to address violence against Indigenous women by “rethinking commonly held stereotypes, and confronting racism in every context”.

A fundamental part of establishing and maintaining good relations at the political, administrative, and community level involves having a shared knowledge and understanding of history. Awareness and understanding (or lack thereof) of history shapes individual beliefs, values, and perceptions. When histories of the past differ between Indigenous and non-Indigenous communities, this directly impacts levels of trust essential to healthy relations.

Failure to understand the deep and often dark history behind current conflicts and ongoing challenges facing Canada’s First Nations, Inuit, and Métis Peoples presents a serious barrier for building and maintaining healthy relationships between municipal governments and Indigenous governments, and community members.

The majority of Canadians are unaware that Canada’s Supreme Law, *The Constitution Act, 1982*, protects, recognizes and affirms existing Aboriginal and treaty rights under Section 35⁸. In Nanaimo, many are also unaware of the historic treaty that Snuneymuxw made with Governor James Douglas in 1854 and how different understandings and interpretations of that treaty continue to impact our relations today. When public servants do not understand this history and existing laws, the result can lead to poor public policy decisions that may unintentionally perpetuate systemic racism and inequity for Indigenous Peoples. Failure to

⁸ <https://laws-lois.justice.gc.ca/eng/const/page-16.html>

understand history may also reinforce racist beliefs and divisions between Indigenous and non-Indigenous Canadians.

The process of acknowledging the impacts of the past and building individual and organizational intercultural competency will take time. Without education and intercultural capacity building as a foundation, efforts to reconcile will be challenged by the risks of misunderstanding and frustration for both the City and Indigenous government partners and community members. As Justice Murray Sinclair states, “reconciliation is about forging and maintaining respectful relationships. There are no shortcuts.”

OPTIONS

1. That Council support the proposed Intercultural Competency Implementation Plan to support City of Nanaimo Staff learning about local, provincial, and national histories of Indigenous Peoples, including the history and legacy of residential schools, United Nations Declaration on the Rights of Indigenous Peoples, treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.
 - **Budget Implication:** Initial steps for 2019 are within the existing budget. However, it is proposed that funding for implementing an intercultural competency education and training plan be evaluated for 2020.
 - **Legal Implication:** Taking action to understand human rights, constitutional law, and building organizational intercultural competency will help mitigate legal risk of inappropriate conduct internally and in community relations.
 - **Policy Implication:** Supports the City’s Code of Conduct policy regarding service to the public to ensure that employees are sensitive and responsive to the changing needs, expectations, and rights of a diverse public, while respecting the legislative framework within which service to the public is provided.
 - **Engagement Implication:** Building Staff intercultural competency will support more inclusive approaches to engagement of Indigenous governments and community members, as well as people of other diverse cultures. This includes required engagement with First Nations through the *Local Government Act*.
 - **Strategic Priorities Implication:** Supports the Council priority to “Be a City in which all people live, work, play, create, and learn in a safe and connected community” under the Livability Theme in the draft 2019-2022 Strategic Plan.
 - **Political Implication:** Supports Council’s priority to “Continue to work with Snuneymuxw First Nation through the Protocol Agreement Working Group to address issues and topics of mutual interest” under the Governance Excellence Theme in the draft 2019-2022 Strategic Plan.

2. That Council provide alternative direction.

SUMMARY POINTS

- The City of Nanaimo highly values having healthy and respectful relations with the governments of Snuneymuxw and Snaw-Naw-As, the First Nations whose traditional territories the City was established upon. In addition to strong government-to-government relations, the City aspires to be a fully inclusive community that supports the equity, health, and well-being of community members of diverse cultural backgrounds, including those who are Indigenous of First Nations, Inuit, and Métis ancestry.
- Call to Action #57 requests that all municipal governments educate their employees on the history of Indigenous Peoples in Canada, including the impacts of residential schools and other colonial policies, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), treaties, anti-racism, intercultural competency, and human rights.
- Delivering on the Truth and Reconciliation Commission's Call to Action #57 is a foundational first step towards the City of Nanaimo's journey towards reconciliation with our neighbouring First Nations governments and Indigenous community members.

ATTACHMENTS

- ATTACHMENT A: Truth and Reconciliation Commission of Canada: Calls to Action Related to Municipalities
- ATTACHMENT B: Intercultural Competency Implementation Plan for Truth and Reconciliation Commission Call to Action #57
- ATTACHMENT C: City of Nanaimo Past and Current Reconciliation Actions Involving First Nations and Urban Indigenous Organizations

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