

TO:	CHAIR AND MEMBERS STRATEGIC PLANNING AND PRIORITIES COMMITTEE MEETING OF DECEMBER 7, 2015
FROM:	KATE GRAHAM DIRECTOR, COMMUNITY AND ECONOMIC INNOVATION
SUBJECT	MUNICIPAL IMPLICATIONS OF THE TRUTH AND RECONCILIATION COMMISSION REPORT

RECOMMENDATION

That, on the recommendation of the Director, Community and Economic Innovation, the following actions be taken with respect to municipal implications of the Truth and Reconciliation Commission Report:

- a) That the report **BE RECEIVED** for information; and,
- b) That Civic Administration and the Mayor's Office **BE DIRECTED** to participate in the Big City Mayors' Aboriginal Partnership and Reconciliation Working Group.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

BACKGROUND

As instructed by Council at its June 25th, 2015 meeting, Civic Administration was directed to "investigate the recommendations contained within the Truth and Reconciliation Report that are directed specifically at municipalities and report back to the Strategic Priorities and Policy Committee with respect to this matter."

Furthermore, at its meeting of September 29th, 2015, Civic Administration was instructed as follows:

"That the following actions **BE CONSIDERED**, in conjunction with work already underway by the Civic Administration with respect to the final report of the Truth and Reconciliation Commission of Canada (TRC):

- a) providing information to the London Diversity and Race Relations Advisory Committee (LDRRAC), from the Civic Administration, with respect to the Civic Administration's review of the TRC's "calls to action";
- b) developing Indigenous cultural competency training for all municipal employees;
- c) reviewing and potentially endorsing the attached United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and
- d) developing a prominent memorial in London, acknowledging the history of Canada's residential school system and its former students;"

The Truth and Reconciliation Commission Report

The Truth and Reconciliation Commission of Canada was established in 2008 by the Indian Residential Schools Settlement Agreement, which settled a class-action lawsuit in 2006. Over a period of 100 years, over 150,000 First Nations, Métis, and Inuit children were removed from their

families and sent to residential schools. Often located far from the children's homes, these schools were funded by the federal government and run by churches across the country. As the Truth and Reconciliation Commission notes: the residential schools "were established with the purpose to eliminate parental involvement in the spiritual, cultural, and intellectual development of Aboriginal children." The cumulative legacy of residential schools, the last of which closed in the mid-1990s was "unresolved trauma passed from generation to generation", passing to the children and sometimes the grandchildren of Survivors and a "profound effect on the relationship between Aboriginal peoples and other Canadians."

The mandate of the TRC was two-fold:

- "Reveal to Canadians the complex truth about the history and the ongoing legacy of the church-run residential schools in a manner that fully documents the individual and collective harms perpetrated against Aboriginal peoples, and honours the resilience and courage of former students, their families and communities; and
- Guide and inspire a process of truth and healing, leading toward reconciliation within Aboriginal families, and between Aboriginal peoples and non-Aboriginal communities, churches, governments, and Canadians generally. The process was to work to renew relationships on a basis of inclusion, mutual understanding, and respect."

The Summary of the Final Report of the Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future*, was published in June 2015. The summary report is available at www.trc.ca. In addition to issuing the report with recommendations, the TRC was required to hold seven national events, to gather documents about the residential schools; to recommend commemorative initiatives to the federal government for funding; to fund truth and reconciliation events at the local level; and to set up a research centre that would permanently house the Commission's records and documents. The national events, which took place in cities across Canada (London was not one of these cities), became a forum for Survivors and their families as well as an opportunity to raise public awareness of the history and legacy of residential schools. Through the Settlement Agreement, \$20 million was allocated towards commemoration initiatives. Separately, the Commission issued a call for proposals for 75 community events. The National Centre for Truth and Reconciliation opened this summer at the University of Manitoba as a permanent home for all statements, documents and other materials gathered by the TRC.

TRC findings

The TRC report contains 94 calls to action. The final seven-volume report is expected to be released by the end of 2015. The Commission, chaired by Mr. Justice Murray Sinclair, travelled to all parts of Canada over a period of six years and heard from over 6,000 witnesses, most of whom were Survivors of the residential schools.

One of the key findings of the Commission was that too few Canadians were aware of the historical roots of the conflicts. Despite Prime Minister Harper's historic apology in 2008 on behalf of the Government of Canada and all Canadians to Survivors and their families for Canada's role in residential schools, the history of the residential schools is not well known. Many First Nations children and teenagers who attended the residential schools suffered emotional, physical, and sexual abuse and many died while attending the schools. Often, children were forcibly removed from their families by Indian agents or clergy and taken in some cases, a long distance to the residential schools. Siblings were generally separated within the schools, and churches arranged for marriages for students after they finished their education. Students were not permitted to speak their native language or to practise traditional activities and if caught, were generally punished. Medical care was inadequate, teachers were generally not well paid or well trained, and students often ran away. If students died under care of the schools, it was the policy of the federal government to hold the school responsible for burial costs. The school generally determined the location and nature of the burial, and requests by the parents to have the remains of their children repatriated were normally ignored as being too costly. Older students were often forced to work half-days to clean and maintain the schools.

The TRC describes these practices as cultural genocide: "the destruction of those structures and practices that allow the group to continue as a group" including the destruction of political and social institutions, seizure of land, forcible transfer of population, the banning of native languages, and

confiscation of objects with spiritual value.

The Commission found that this history of abuse has had a long term negative impact for First Nation children, their families and their communities. Robbed of their language, cultural identity, and self-worth, children who were abused sometimes went on to abuse others. Many used addictions to cope with their suffering. A disproportionate number of First Nations children continue to be taken into child-welfare agencies. The lowest levels of educational success are in those communities with the highest percentages of descendants of residential school Survivors. Lower levels of educational attainment have affected the employability of children of Survivors as well as their earning potential. Inequitable funding for First Nations schools has led to gaps in education. The poor health conditions experienced by the children within the schools have continued for the descendants of the Survivors and their communities.

Reconciliation

From the perspective of the TRC mandate, reconciliation is described as “an ongoing individual and collective process, and will require commitment from all those affected including First Nations, Inuit and Métis former Indian Residential School (IRS) students, their families, communities, religious entities, former school employees, government, and the people of Canada. Reconciliation may occur between any of the above groups.” The report defines reconciliation as an “ongoing process of establishing and maintaining respectful relationships”, “repairing damaging trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respectful relationships also requires the revitalization of Indigenous law and legal traditions.”

Mount Elgin Industrial Institute

There were 139 recognized residential schools, run by the Roman Catholic, Anglican, Presbyterian (later United) and Methodist (later United) Churches with basic financial support from the federal government. Some schools were excluded from the Indian Residential Schools Settlement Agreement therefore the Truth and Reconciliation Commission did not have a mandate to deal with them. Of the eighteen recognized schools in Ontario, one was close to London: Mount Elgin Industrial Institute, which operated on the Chippewas of the Thames First Nation, in Muncney. The area occupied by the school also bordered on the Oneida Nation of the Thames. One of the oldest residential schools, Mount Elgin opened in 1851, and was run first by the Wesleyan Methodist Society, and later the United Church. It closed in 1946 due to lack of funding to rebuild its dilapidated structure.

Approximately 1,200 children passed through Mount Elgin over its long history. In 2012, with funding from the Residential Schools settlement, a monument close to the abandoned school was erected to commemorate the experience of the Survivors. The Mount Elgin monument features seven pillars and stones representing the original clan families and grandfather teachings of the Ojibway people, written in English and Ojibway. Survivors of the Mount Elgin school were from the local Chippewa, Munsee-Delaware and Oneida Nations, and by 1885, the school also accepted First Nations children from across Ontario and Quebec.

Various support services exist within the city of London, and until recently a self-support group of Survivors of residential schools met regularly.

London's relationship with First Nations

In London, 1.9 per cent or 6,845 inhabitants identify themselves as Aboriginal (First Nations, Métis and Inuit); compared to the provincial average of 2.5 per cent, whereas 2.9 per cent identify themselves as having Aboriginal ancestry. The overwhelming number of Aboriginals in London are composed of First Nations, but there are also Métis and a few Inuit. The Aboriginal population in London is young and is growing at a steady pace. Across Canada, the Aboriginal population has a higher fertility rate than the rest of the population and a lower life expectancy.

There are three First Nations in the immediate area: the Chippewas of the Thames First Nation, the Oneida Nation of the Thames, and the Munsee-Delaware First Nation. There is also a London

District Chiefs Council which represents a broader array of First Nations governments in southern Ontario.

The City of London aims to consult with First Nations on a variety of matters. For example, throughout the ReThink London and London Plan process, staff provided notice and copies of the draft Official Plans to the three neighbouring First Nations communities. Policies regarding consultation with the neighbouring First Nations have been included in the new London Plan. While there has been no official response to these draft policies, Staff recently met with staff from the Chippewas of the Thames First Nation to discuss the London Plan and other recent City planning initiatives.

It is hoped that these initial meetings will result in more regular meetings at the staff level to review and discuss planning matters. The City will soon be starting an update of the Archaeological Master Plan, and, as part of that update will be looking at engaging First Nations participation. Letters advising of this Master Plan Update have been sent to the neighbouring First Nations communities.

Environmental and Engineering Service (EES) staff has been engaging our First Nations neighbours in this regard for over two decades. Most recently, efforts have changed from project-specific engagement to a more general basis where senior EES staff offer to meet with each First Nation's Chief and Council to determine which engineering projects may have more interest for each respective First Nation. For example, a First Nation may be more interested in the expansion and upgrades to a wastewater treatment plant than a road widening. Once the level of interest is identified the appropriate level of information sharing can then take place. This approach is meant to foster and enhance a trusting relationship over time. The approach is also meant to initiate the engagement early in the MCEA process so that meaningful dialogue can take place as the project moves from planning stages to construction and commissioning.

At the first meeting of the current Municipal Council on December 9, 2014, a traditional First Nations smudging ceremony was held. In February, 2015, Deputy Mayor Cassidy participated in an FCM workshop on strengthening relationships between municipalities and First Nations. Mayor Brown met with Chief Sheri Doxtator of Oneida Nation of the Thames in May 2015.

Response of the Federal government

The incoming Liberal government has promised to “support the work of reconciliation, and continue the necessary process of truth telling and healing, we will work alongside provinces and territories, and with First Nations, the Métis Nation, and Inuit, to enact the recommendations of the Truth and Reconciliation Commission, starting with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.” Carolyn Bennett, Minister of Indigenous and Aboriginal Affairs has pledged to enact the recommendations of the TRC report and to “redouble efforts” across all governments including municipalities to fully understand and implement the United Nations Declaration on the Rights of Indigenous Peoples.

Response of the Ontario Government

Ontario's Premier Wynne called the response of the Harper government “disappointing” and stated that the Liberal party must work hard to build better relationships with First Nations, Métis and Inuit people. In August, the Ontario government signed a political accord with the chiefs of Ontario to create a formal bilateral relationship framed by the recognition of the treaty relationship. The accord affirms the inherent right of First Nations to self-government, and commits the signatories to work together on a range of issues, including resource benefits sharing, the treaty relationship and jurisdictional matters. The Accord also sets a path for further reconciliation between First Nations and the people of Ontario and commits the Premier and First Nations' leadership to meet twice yearly.

Response of the Federation of Canadian Municipalities

The Federation of Canadian Municipalities (FCM) has been active for some years in building relationships between municipal governments and First Nations governments. In June, at the time of

the release of the TRC report, FCM congratulated the Commission on its work and committed FCM to supporting municipalities in their efforts to create renewed relationships with Aboriginal people. At the urging of Mayor Iveson of Edmonton, the Big City Mayors' Caucus (BCMC), of which London is a member, agreed to the creation of an action-oriented Aboriginal Partnership and Reconciliation Working Group.

BCMC has identified the following five calls to action from the TRC report which the Working Group will examine in detail:

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation. (See Appendix 2).

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

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.

75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children.

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

In June, 2015, the FCM board passed a resolution urging the Government of Canada to undertake a review of the recommendations and to provide a response to the TRC on how it intends to move forward no later than December 31, 2015.

Response of individual municipalities

Mayor Don Iveson of Edmonton and Mayor Gregor Robertson of Vancouver were heavily involved in the Truth and Reconciliation Commission reconciliation events and were declared Honorary Witnesses who are called on by the TRC Commission to “witness, support, promote and facilitate truth and reconciliation events at both the national and community levels.” Vancouver was the first city to establish a Year of Reconciliation in 2013 which prompted similar action by other Canadian cities.

The City of Edmonton is involved in several initiatives including the creation of an urban Aboriginal youth leadership initiative, the creation of venues to promote Aboriginal spiritual and cultural practices, and an education program for city staff on the history of residential schools and their impact. Its 2014 *Journey to Reconciliation* education program was a collaborative facilitation model that engaged high school students who have learned about residential schools and reconciliation in educating the top 250 City of Edmonton senior managers and directors. The *Journey to*

Reconciliation educational process is continuing.

The City of Calgary resolved to review the calls to action and will provide an update to its Council in November, 2015. The City of Vancouver has resolved to review recommendations of the TRC this fall and to “move forward on the actions that are within the City’s jurisdiction to act”. It is also recommending that the Vancouver School Board, the Vancouver Police Department, and the Vancouver Public Library Board consider a similar review of the TRC recommendations.

The City of Saskatoon has issued a report to its Council highlighting TRC calls to action of relevance to municipalities, noting ongoing initiatives, providing estimated costs for additional actions, and noting that the City will collaborate with Aboriginal organizations and partners to develop an action plan for reconciliation.

Calls to action of relevance to the City of London

Civic Administration reviewed the 94 calls to action or recommendations (full list attached in Appendix 1), and following consultations with a number of staff and the London Diversity and Race Relations Advisory Committee, has developed a short list of four recommendations which it believes are of relevance to municipalities and the City of London.

The four recommendations directed specifically at municipalities could include the following:

1) Education to public servants: Recommendation #57

“We call on 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.”

This recommendation has been discussed with a member of LDRRAC and will be examined further by Civic Administration. There are various options for implementing and delivering this recommendation such as expanding ongoing efforts to develop cultural competency training for staff to include a focus on Aboriginal peoples; revising existing training materials on Aboriginal peoples to suit City of London staff training needs; and working with other municipalities to develop materials. The manner of delivery could range from online training to traditional classroom training. The implementation of this recommendation should be developed in consultation with First Nations chiefs in the London area. This activity would require financial and human resources.

2) Identification and collection of records: Recommendation #77

“We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.”

The London Public Library is prepared to lead a local effort to identify, collect, and document any and all records in any format relating to residential schools. A first step would be to identify sources of records and local partners who are willing to assist in the work. The London Public Library is prepared to work closely with the National Centre for Truth and Reconciliation to deliver these records to the National Centre and to ensure that access is provided to all users through a records management model. This activity would also require financial and human resources.

3) Adoption and implementation of United Nations Declaration on the Rights of Indigenous Peoples: Recommendation #43

“We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.”

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a resolution adopted by the UN General Assembly in September 2007 following two decades of negotiations between governments and representatives of indigenous peoples. It affirms that indigenous peoples world-wide are equal to all other peoples, that they have suffered from historic injustices, and that they should be free from discrimination. The document also affirms a wide array of rights to indigenous peoples such as the right to life, right to self-determination, right to nationality, right to live in freedom, security, and integrity.

As a General Assembly Declaration, UNDRIP is not a legally binding instrument under international law. As noted earlier in the report, the Liberal government-elect has indicated that it will enact the recommendations of the TRC starting with the implementation of the UNDRIP.

4) Repudiation of Doctrine of Discovery and *terra nullius*: Recommendation #47

“We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.”

In the words of the TRC report, the Doctrine of Discovery and *terra nullius* (derived from the Latin “nobody’s land”) are concepts used to justify “empire building and the colonization of Aboriginal peoples and their lands”, and they underlie the “legal basis on which British Crown officials claimed sovereignty over Indigenous peoples and justified the extinguishment of their inherent rights to their territories, lands, and resources.”

The Truth and Reconciliation Commission Report is a starting point for an important discussion in Canada and within municipalities on the relationship between Aboriginals and non-Aboriginal peoples and the need for reconciliation based on mutual respect. There is a move by several individual cities as well as the Big City Mayors’ Caucus to implement those recommendations of the TRC which involve municipalities. The City of London has an opportunity to strengthen its relationships with Aboriginal peoples within its municipality and on a nation-to-nation basis with surrounding First Nations.

CONCLUSION

This report provides a summary of the Truth and Reconciliation Commission Report. As noted earlier in the report, one of the key findings of the Commission was that too few Canadians are aware of the historical context of First Nations relations. This report provides an overview of the findings of the Commission’s work and resulting report, both as useful background information and as a starting place for further action.

The municipal sector in Canada, through the Federation of Canadian Municipalities, is already engaged in building relations with First Nations in Canada. This report recommends that the City of London continue to be actively engaged in this process, while continuing to build relationships with local First Nations communities.

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Appendix 1: Truth and Reconciliation Calls to Action

Appendix 2: United Nations Declaration on the Rights of Indigenous Peoples