

Report to Strategic Priorities and Policy Committee

To: Chair and Members
Strategic Priorities and Policy Committee

From: Lynne Livingstone

Subject: Truth and Reconciliation Commission Recommendations
Update on City of London Efforts

Date: January 26, 2021

Recommendation

That, on the recommendation of the City Manager, the report dated January 26, 2021 entitled “Truth and Reconciliation Commissions – Update on City of London Efforts”, **BE RECEIVED** for information.

Executive Summary

As part of Council’s Strategic Plan, building relationships with Indigenous peoples that are respectful, transparent, responsive, and accountable has been identified. Within that, there is a commitment to developing regular mechanisms to report on City-led actions that support reconciliation. Council last received information about progress towards the Truth and Reconciliation Commission Calls to Action in 2017. With a commitment to more regular reporting in the current Strategic Plan, this report is coming forward to update Council on actions taken since the last report.

This report provides an overview of actions taken by Civic Administration in response to the Truth and Reconciliation Commission Calls to Action that were directed to municipalities, as well as an overview of opportunities to further reconciliation efforts in response to additional Calls to Action.

Linkage to the Corporate Strategic Plan

Council’s *2019 - 2023 Strategic Plan* lays out the City’s mission to be “a responsive and modern public service partner that fosters change to build a better London for all.” Within the Strategic Plan, as part of the focus on Leading in Public Service, staff have identified the desired outcome of the ‘City of London is trusted, open, and accountable in service of our community’. Building relationships with Indigenous peoples that are respectful, transparent, responsive and accountable is an expected result of that outcome.

The City’s work with local communities and organizations contributes directly to achieving this mission. Strengthening relationships with First Nations communities advances this mission and contributes to all Strategic Areas of Focus.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

December 7, 2015 – SPPC – Municipal Implications of the Truth and Reconciliation Commission

April 18, 2016 – SPPC – Follow-up on Municipal Implications of the Truth and Reconciliation Commission Report

May 15, 2017 – SPPC – Update on Municipal Implications of the Truth and Reconciliation Commission Report

2.0 Discussion and Considerations

2.1 Background

The final report of the Truth and Reconciliation Commission was released in December 2015 in a ceremony involving Commission Chair Justice Murray Sinclair and Prime Minister Justin Trudeau. The Prime Minister called for a “renewal of the relationship between Canada and Indigenous peoples” and full implementation of the Calls to Action of the Truth and Reconciliation Commission “in partnership with Indigenous communities, the provinces, territories, and other vital partners, starting with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples”.

In response to the Truth and Reconciliation Commission’s report, City staff were directed to review all Calls to Action with implications for municipalities to determine how the City of London could proceed with implementing the recommendations.

At the December 8, 2015 meeting of Council, City staff were directed to advance three specific Calls to Action from the Truth and Reconciliation Commission report:

- c) *the Civic Administration BE DIRECTED to report back to Strategic Priorities and Policy Committee with a plan to act on two recommendations of the Truth and Reconciliation Commission Report being Recommendation 57, related to intercultural competency training for municipal employees; and Recommendation 77, related to municipal and community archives working 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; it being noted that this report should include a work plan and overview of the budgetary implications of completing the work plan;*
- d) *the Civic Administration BE DIRECTED to consult and collaborate with the London Public Library with respect to Recommendation 77 noted in part c) above;*
- e) *the Civic Administration BE DIRECTED to report back to the Strategic Priorities and Policy Committee on developing a prominent memorial in London, acknowledging the history of Canada’s residential school system and its former students.”*

An update was provided to Council through a report to the Strategic Planning and Priorities Committee on May 15, 2017, outlining progress to date on the TRC Calls to Action. In summary, the identification and submission of relevant archival records was completed; the training for staff on intercultural competency and history of residential schools was part of the diversity-themed staff update and subsequent training in October of 2017; and the London Arts Council is making progress towards the installation of a monument to the victims of the residential school system.

In response to the update report, at the May 16, 2017 meeting of Council, the following resolution was passed:

“That the following actions be taken with respect to the Truth and Reconciliation Commission Report:

- b) *the Civic Administration BE REQUESTED to explore items 40, 43, 47, 55, 75, 87 and 88 to see if further calls to action could be undertaken;*

3.0 Update on Actions

3.1 Relationship Building

Since the last report to Council, through 2018 and 2019, Civic Administration met with administrative representatives from Chippewas of the Thames First Nation, Oneida Nation of the Thames, and Munsee-Delaware Nation to strengthen relationships and

establish an understanding of how local First Nations see City to Nation relations moving forward. One such meeting included former Chief Jessica Hill from Oneida Nation of the Thames. These discussions raised important considerations as the City looks to advance working relationships with local First Nations.

Engagement made clear the fundamental importance of recognizing the Chippewas of the Thames First Nation, Oneida Nation of the Thames, and Munsee-Delaware Nation as distinct nations with independent Councils and unique structure, traditions, and outlooks. Any actions with respect to building relations with local First Nations should be approached in a way that respects the autonomy of each Nation.

During initial conversations with the three local First Nations informal, relationship building engagements were identified as an appropriate first step, with more formal mechanisms to follow once relationships are strengthened. All three First Nations expressed the need to afford sufficient time for the development of greater trust and understanding between governments. As a result, Civic Administration began the process of exploring a number of opportunities to being this process, including:

- i) Hosting a dinner between First Nations Councils and London's City Council to begin forming personal relationships;
- ii) Holding formal meetings with each Nation individually, to establish relationships between Councils and build trust on a direct City-to-Nation level;
- iii) Move towards a joint meeting between all three Nations and City Council, which could include all members or a few appointed representatives; and,
- iv) Once relationships are further developed, look to move towards more formal frameworks to outline how the City works with each Nation.

Initial plans were being developed in late 2019 and early into 2020. However, with COVID-19, these plans were put on hold. With Council's support, Civic Administration would revisit plans for an event to bring the City of London, Chippewas of the Thames First Nation, Oneida Nation of the Thames, and Munsee-Delaware First Nation Councils together for relationship-building events focused that would include a shared educational element. The timeline for an initial event will be dependent on COVID-19 restrictions, with a recommendation that any plans for this type of gathering be paused until it is safe to bring people together and COVID-19 health restrictions on gathering numbers are no longer in place.

3.2 Municipal Calls to Action

The following are the TRC Calls to Action that were directed specifically to municipalities, followed by information about actions taken by the City of London in response.

Call to Action #57

Call to Action #57 reads: "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."

Beginning in 2016, Human Resource began working with neighbouring First Nations communities to develop an intercultural competency training package for City of London staff. This training was completed and presented to approximately 2000 employees in 2017 and is included in the City of London's training program for all employees.

Call to Action #77

Call to Action #77 reads: “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.”

Working with local First Nations communities and organizations, the London Public Library led the collection of records from local institutions relating to the residential school system. All relevant records have been forwarded to the National Centre for Truth and Reconciliation.

Call to Action #82

Call to Action #82 reads: “We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.”

The Residential School Survivors (RSS) Legacy Project Team has been working with the Residential Survivors Group of London that meets at the N’Amerind Friendship Centre. Throughout 2019/2020 the Project Team has been building trust, listening, participating in Indigenous ceremonies and conducting research about what other communities have been doing related to Indigenous public art and storytelling. The London Arts Council continues to work with Indigenous Artists to research and create Indigenous artworks and to consult about how to engage both Indigenous and non-Indigenous artists with this project.

This work is being supported by Tracey Whiteye, who is helping the RSS Legacy Project Team to understand traditional Indigenous methodology and holistic research methods for this consultation at the community level. The Project Team has begun to answer the following questions posed of the London Residential School Survivors:

- What do the Residential School Survivors want?
- How do they want their legacy honoured?
- How can their truth be heard?
- How can we educate the London community?

Members of the RSS Legacy Project Team are beginning to use videographers to capture the stories of the Residential School Survivors so that their truth will be heard. This included filming a panel of multi-generational Residential School Survivors at the N’Amerind Friendship Centre as part of Virtual Orange Shirt Day on September 30, 2020.

The RSS Legacy Project Team will focus on continuing to build positive relationships with the First Nations of the Chippewa of the Thames, Munsee-Delaware, Oneida of the Thames, and the Municipal Council of the City of London to keep everyone informed about this Project.

In October 2020, the London Arts Council hired a Curator, Indigenous Programming to join the RSS Legacy Project Team. This individual will be responsible for assisting the London Arts Council with writing and disseminating a call to Indigenous and non-Indigenous artists from London and surrounding area to form an artist collective through a fair juried selection process to co-create the artwork(s). Once the artist collective is in place, they will work with the RSS Legacy Project Team and the Residential School Survivors to determine how they would like their legacy to be honoured, which may or may not be through a prominent memorial.

3.3 Additional Calls to Action

Per Council’s direction, Civic Administration has undertaken a review of Calls to Action 40, 43, 47, 55, 75, 87 and 88 from the Truth and Reconciliation Commission’s Report.

An analysis of each item follows, with consideration for potential actions the City could take.

Call to Action #40

Call to Action #40 reads: “We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.”

Victim services are predominantly funded by the provincial government, through the Ministry of the Attorney General and the Ministry of Community and Social Services, as well as the federal government in some cases. Although the municipality has a very limited role in the direct funding of community agencies providing social services, there are well established working relationships between the City and many of the agencies providing support services, including victim services, within the City.

While providing funding may not be within the City’s capacity, there may be an opportunity to provide support to community partners in advocating to the federal and provincial governments for increased funding for victim services. The level of support required and the potential benefits of this type of collaboration would need to be discussed with the community agencies themselves, but staff could be directed to begin these discussions and bring forward a plan to bring attention to the need for broadly available and culturally appropriate support services.

Call to Action #43

Call to Action #43 reads: “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) was issued on September 13, 2007 for the purpose of acknowledging a list of rights and principles as between the “State” (all levels of government) and Indigenous peoples. The Federal Government adopted UNDRIP in May 2016, while the Province of Ontario has not committed to implementing UNDRIP, but instead relies on the Federal government’s implementation.

The actions that the City of London is taking, pursuant to the Calls to Action, are consistent with the principles reflected in the UNDRIP, rooted in a commitment to establish and maintain constructive, co-operative relationships based on mutual respect that lead to improved opportunities for all Indigenous peoples. The City will look forward to direction from the Province with respect to its role in considering additional action to address UNDRIP and requests that the Province identify specific provisions of UNDRIP that could be achieved by adopting UNDRIP at a Provincial level.

Call to Action #47

Call to Action #47 reads: “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.”

The Doctrine of Discovery underlies 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. A municipality has no jurisdiction over property and civil rights, and the very specific powers that it may exercise in those spheres involve the regulation of uses on the land, licenses, approvals, etc. A municipality does not have sovereignty over Indigenous people and lands, nor does it have sovereignty over any person or land. It is limited in its actions to those powers conferred on it by statute.

Further, a municipality has no ability to reform legislation. With respect to litigation strategy, any litigation with respect to land claims or other rights would occur in the

context of legislation and case law. It is not a litigation strategy to pursue a course of action that is not consistent with the established body of case law, notwithstanding changes to legislation that may affect the applicability of said case law.

As such, the City has no ability to reform legislation that historically formed the basis of settlements and property ownership. The City does not claim sovereignty over Indigenous peoples and lands, or any people and lands. The City continues to work to explore opportunities to acknowledge treaties and lands in a meaningful way.

Call to Action #55

Call to Action #55 reads: “We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:

- i. The number of Aboriginal children—including Métis and Inuit children—in care compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
- ii. Comparative funding for the education of First Nations children on and off reserves.
- iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
- iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators, such as infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
- v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
- vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
- vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.”

Critical to this Call to Action is the availability of accurate data. In the absence of this, the true scale and scope of the challenges faced by neighbouring First Nations and urban Indigenous residents in London is unclear. Action towards fulfilling Call to Action #55 could help to address this knowledge gap, by gathering information related to First Nations residents across any number of social indicators of health, including educational resources and attainment, health and wellness, economic wellbeing, social inclusion, and any number of other factors. As community capability to collect and aggregate accurate data increases, the City will work to ensure that data is used to inform future initiatives.

Call to Action #75

Call to Action #75 reads: “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.”

Call to Action #75 calls on the federal government to take the lead on appropriately documenting, maintaining, and commemorating residential school cemeteries, and includes municipalities as potential partners in this work.

In the course of completing Call to Action #75, relating to identifying and collecting any historical archives related to residential schools, as well as in conversations with local First Nations, there has been no evidence to suggest that there has ever been a residential school cemetery or related burial site within the City of London.

In the event that a First Nations burial site is identified, the site will be addressed in consultation with the relevant First Nations communities. City staff stand ready to assist in the documentation, commemoration, and protection of First Nations burial sites which may be identified within London.

Call to Action #87

Call to Action #87 reads: “We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.”

Tourism London has bid on the Indigenous athletic games for London in recent years and will continue to work with local Indigenous groups to bid for these games and other Indigenous athletic events in the future. As well, staff will work with the Sports Council to explore opportunities to further education about Indigenous athletes, and to support public education that highlights Indigenous athletes in Canadian history.

Call to Action #88

Call to Action #88 reads: “We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.”

The first North American Indigenous Games were held in Edmonton, Alberta in 1990, although the games’ roots date back to at least 1971 when the “Native Summer Games” brought together 3,000 participants competing in a variety of sports and cultural events. The 2017 North American Indigenous Games were held in Toronto from July 16 - 23, bringing together over 5,000 athletes and 2,000 volunteers. The 2020 Games were scheduled for Kijipuktuk (Halifax) but did not happen because of COVID-19.

While providing funding to the North American Indigenous Games generally or subsidizing competing athletes would not typically be a municipal responsibility, Tourism London could be requested to research the potential for London to be a host city for the games in the future, and to submit an application if London would be an appropriate site. The 2017 games were held in Toronto, but past games have been held in smaller cities like Regina, Saskatchewan and Blaine, Minnesota.

3.4 Memo of Understanding and Declaration of Mutual Commitment

In January, 2020, the N’Amerind Friendship Centre and the City of London entered into a Memo of Understanding to formally strengthen the relationship between the administrations of N’Amerind and the City of London and to achieve greater impact in the lives of urban Indigenous people in the City of London through strategically partnering resources and sharing expertise when possible.

In August, 2020, the City of London and N’Amerind Friendship Centre joined Ontario Municipalities and Indigenous Friendship Centres throughout the Province in signing a Declaration of Mutual Commitment and Friendship, with a goal of improving the quality of life of indigenous people across Ontario’s municipalities, and reflecting a joint and ongoing commitment between signatories, led by the Association of Municipalities of Ontario (AMO), and the Ontario Federation of Indigenous Friendship Centres (OFIFC).

3.5 Additional Actions

The TRC makes very specific recommendations for municipalities. As an organization, the City of London is committed to continued work to support truth and reconciliation. As a result, additional actions, not identified through the TRC, have been taken and work is

being done to build and strengthen relations with the urban Indigenous community, the surrounding First Nations communities and people in and around London. Principles that have guided this work include the following:

- Indigenous led
- Focused on education and learning
- Committed to decolonizing
- Offering culturally appropriate services
- Intersectional approach that acknowledges the ways in which people's lives are shaped by their multiple and overlapping identities and social locations, which, together, can produce a unique and distinct experience for that individual or group.

Additional actions include:

- Including a commitment to building relationships with Indigenous peoples that are respectful, transparent, responsive, and accountable as an action in Council's Strategic Plan.
- Recruitment for the role of Indigenous Community Liaison Advisor.
- Establishment of the Anti-Racism, Anti-Oppression office. The Indigenous Community Liaison Advisor will be a part of this newly formed team.
- Creation of an Indigenous led child-care and family centre
- Investment in capacity-building opportunities for professionals to create culturally safe spaces in child-care and early years environments
- Provided targeted outreach and support to Indigenous-led organizations for the London Community Grants Program, resulting in two organizations receiving multi-year funding through the program for the first time
- Enhanced and meaningful engagement and consultation with Indigenous communities and peoples through the leadership of the Project Manager, Environmental Assessment, Sewer Engineering Division on City-led projects that have the potential to impact Aboriginal and Treaty Rights.

Conclusion

The City of London remains committed to taking actions that further truth and reconciliation with Indigenous people in the community and in neighbouring First Nations communities. Civic Administration has made progress in response to calls to action that are directed towards Municipal governments; Civic Administration will continue to work to implement recommendations of the Truth and Reconciliation Report and to further reconciliation.

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