

# Reconciliation - be the change you wish to see.

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# Disclaimer

- ▶ The information contained in this presentation is not to be interpreted as the Government of Saskatchewan's position.
- ▶ The information is offered for discussion and information purposes only.

## Acknowledgement



# Objectives of workshop

- ▶ Who are you, where are you from and what are your reconciliation challenges
- ▶ Share information on Indigenous history and policy
- ▶ Unpacking the language of reconciliation
- ▶ Reconciliation in planning practice
- ▶ 10 big bold ideas that could make a difference
- ▶ Reflections from First Nation and Metis leaders
- ▶ Review of reconciliation challenges
- ▶ Self assessment of foundations and facts
- ▶ Declaring of commitment to Reconciliation
- ▶ Sharing circle
- ▶ Closing comments

Who are you, where are you from and what are your reconciliation challenges?



# Presentation Overview

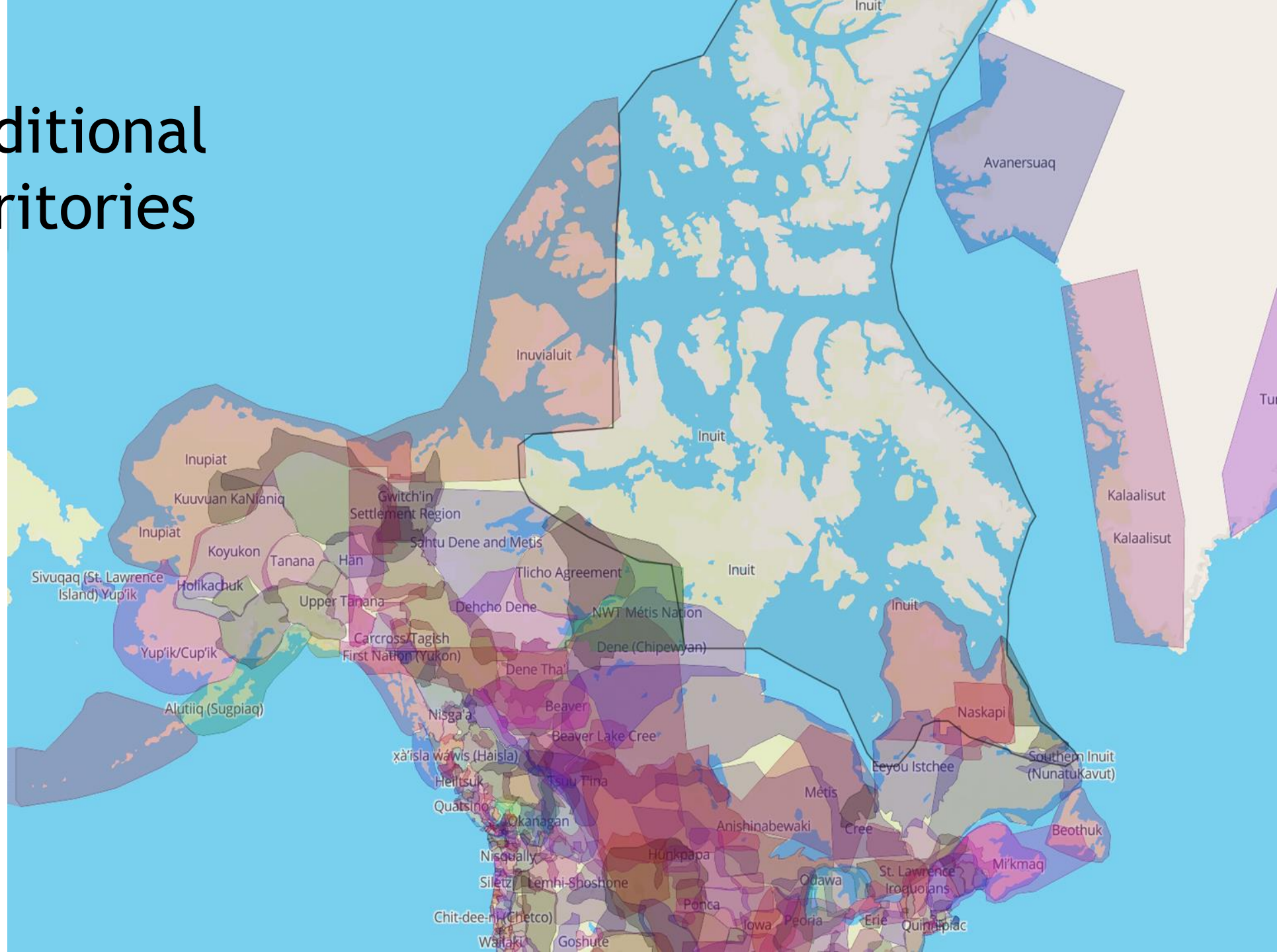
- ▶ Understanding colonialization
- ▶ Terminology, why it matters
- ▶ A context for the (present era of) reconciliation
- ▶ Instruments of assimilation and impacts
- ▶ Today's Indigenous landscape
- ▶ Treaty and Aboriginal rights

***We have come to learn that reconciliation is not a grand gesture, not a big event that you plan for years and then execute in one weekend. Instead it is day by day, it is in everyday conversations and business meetings – it calls us to share our knowledge when and where we can – it pervades and permeates all that you do. – Martin Bell***

# The Process of Colonization

1. The incursion of the colonizing group into a geographical area.
2. The destruction of the social and cultural structures of the indigenous groups
3. Establishing external political control
4. Institutionalized economic dependency
5. Provision of low quality social services for colonized people
6. Emergence of racism - establishing the belief that there are genetic bases for superiority and inferiority
7. Establishing of a colour line

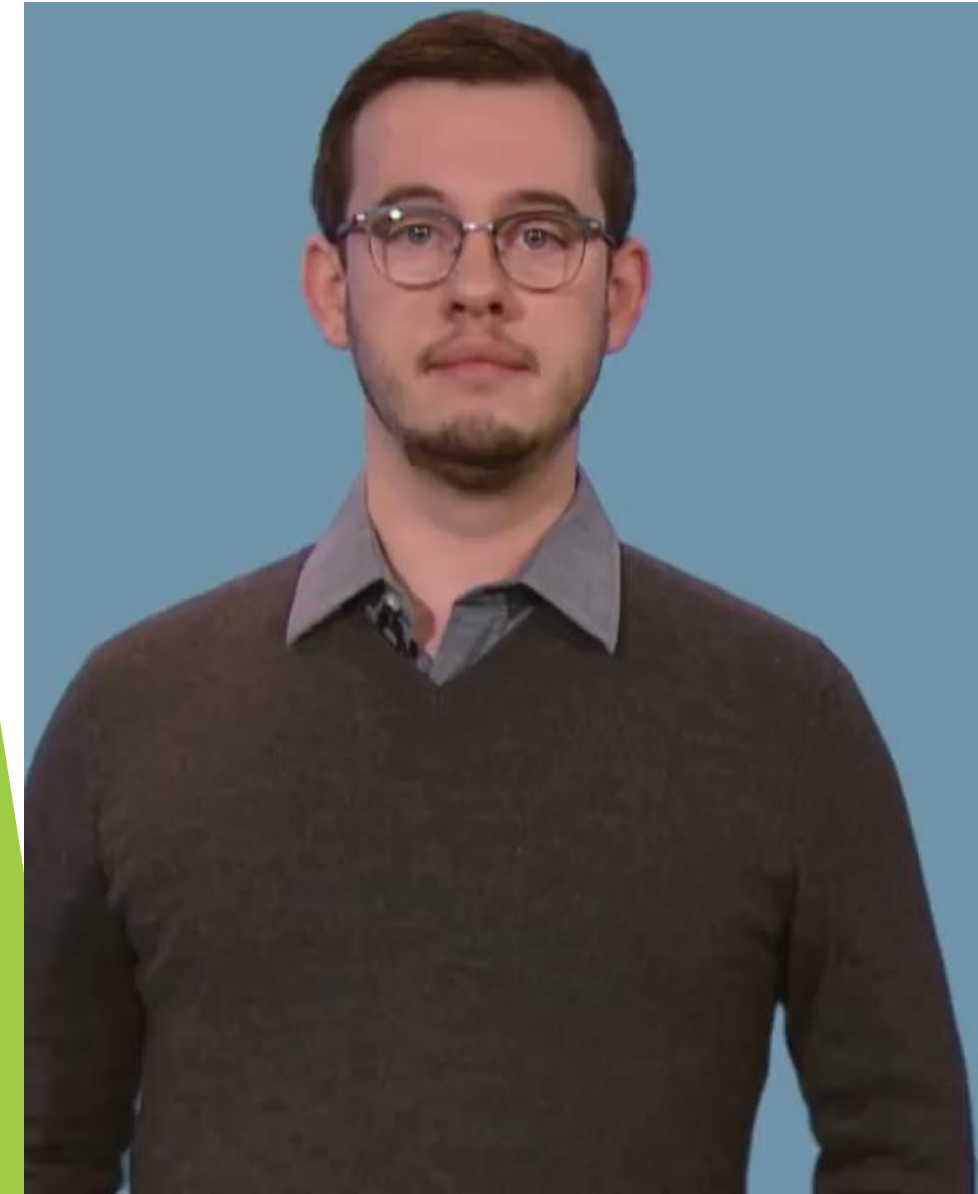
# Traditional Territories





Language, getting it right.  
But what does it mean?



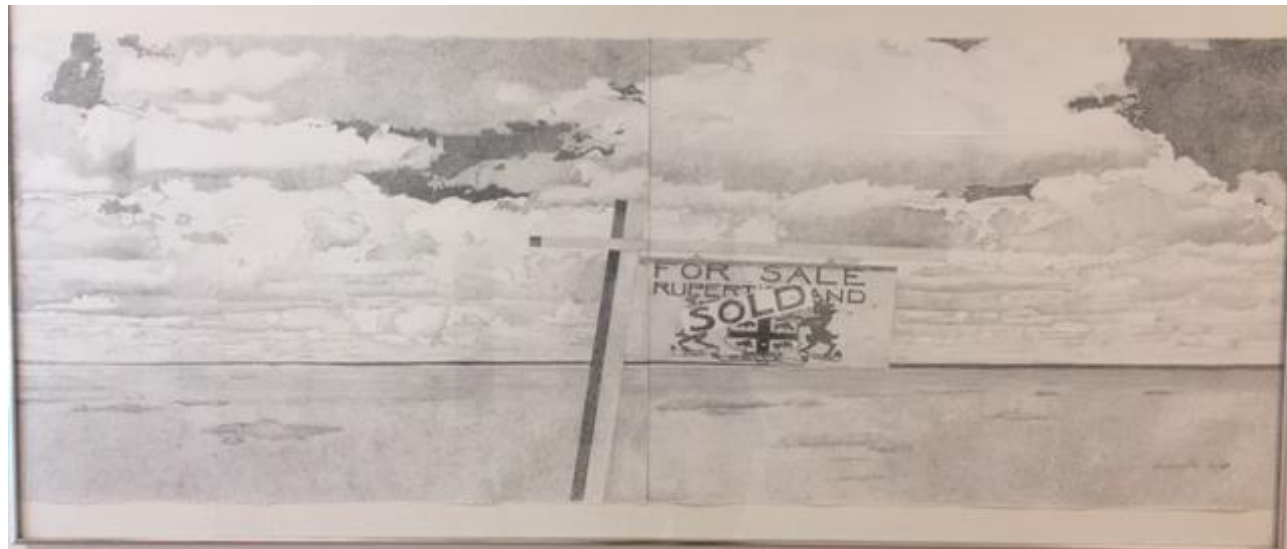




Political Terminology	Legal Terminology	Don't use this Terminology
Indigenous	Aboriginal	Native
	Indian	
	Status Indian	
	Inuit	Eskimo
	Metis	Half Breed
Grand Chief, National Chief, President (Metis),	Chief and Council	
Traditional Territory	Reserve	Reservation (American)
First Nation	Band	Tribe

# 4 “eras” of Indigenous Policy

1. Protection (fur trade to pre-confederacy)
2. Civilization/Assimilation (1867-1940)
3. Integration (post world war two)
4. Reconciliation (1996 - present)

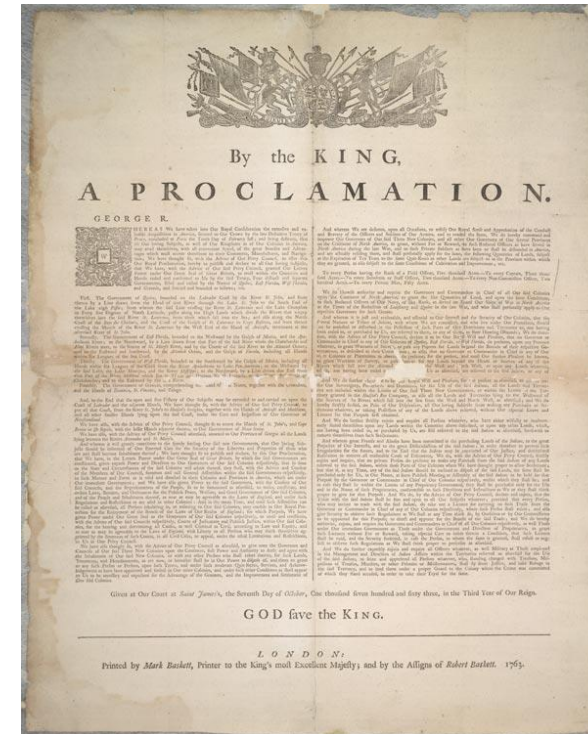


# 1. Protection

1755, Britain establishes an “Indian Department” to protect Indian hunting grounds from settler encroachment and from ‘unscrupulous traders’.

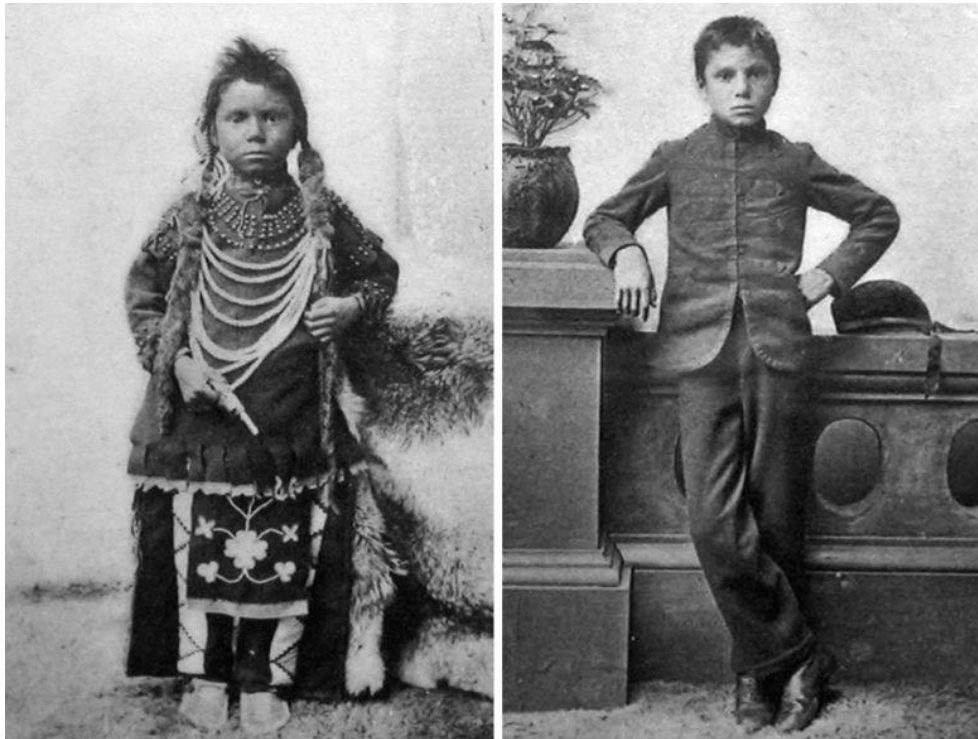
The Royal Proclamation of 1763:

- Recognized existence of Indian nations as sovereign states
- Recognized Indian title to lands not already colonized



## 2. Assimilation/Civilization

- Gradual Civilization Act, 1857
- Gradual Enfranchisement Act, 1869
- Introduction of the Indian Act, 1876



# Tools of Assimilation





# Indian Act

- ➔ The Act creates an almost 'total institution'
- ➔ The Act is explicitly assimilationist
- ➔ By defining and separating Indians, the Act creates a caste in Canadian society.
- ➔ The Act removes responsibility from the local community and puts in a the hands of a distant bureaucracy.
- ➔ The Act creates a dependency relationship.

# The Indian Act

- ▶ Governance Structure
- ▶ Made traditional practices illegal
- ▶ Still legal today...
- ▶ First Nations Land Management Act

# 3. Integration

- ▶ Aboriginal Veterans return home
- ▶ Rise of Indigenous Political Movements
- ▶ White Paper, 1969 and First Nations response, The Red Paper, Harold Cardinal
- ▶ 1960, First Nation peoples can vote in Federal elections
- ▶ Shift in thinking from “Aboriginal People are the problem” to “Aboriginal People have problems”
- ▶ Constitution Act, 1982



## 4. Reconciliation (1996-present)

- ▶ Royal Commission on Aboriginal Peoples (1991-1996)
- ▶ Government of Canada Statement of Reconciliation, 1998
- ▶ Official Residential School Apology, 2008
- ▶ Truth and Reconciliation Commission Final Report, 2015
- ▶ Apology to the Inuit, Tuberculosis Epidemic, 2019
- ▶ National Inquiry into MMIWG



# Today's Indigenous landscape



# First Nation Communities (Reserves) today



# First Nations

- ▶ 643 First Nations in Canada, on approximately 3100 reserves
- ▶ Elected Chief and Council on a 2-4 year election cycle
- ▶ Established communities with a land base
- ▶ Regional governance structures, such as Tribal Councils or Grand Council
- ▶ Provincial political lobby organizations, such as Federation of Saskatchewan Indigenous Nations
- ▶ National political organizations - The Assembly of First Nations

# Treaty Rights

- ▶ Treaty rights come from agreements between the federal Crown and First Nation communities
- ▶ The numbered treaties; Treaty 1 - 11, signed between 1871 and 1921 all promise:
  - ▶ Reserve land
  - ▶ A school on every reserve
  - ▶ Annuities
  - ▶ Farming tools and instruments
  - ▶ Continuation of hunting, fishing and trapping rights.



# Homelands of the Inuit Peoples of Canada



# Inuit

- ▶ 51 Inuit communities spread across Inuit Nunangat
- ▶ Culture left largely intact until the 1950's
- ▶ <https://www.qtcommission.ca/en> - Inuit Truth and Reconciliation Commission found the most significant impacts came from relocation and Quimmet (dog) slaughter.



# Traditional Homeland of the Metis



# Métis and the Canadian Government

- ▶ The Manitoba Act, 1870
- ▶ 8 Métis Settlements in northern Alberta, only landbase for Metis in Canada
- ▶ Regional Governance Structures that may have elected representatives allied with a provincial organization
- ▶ Provincial political organizations, such as the Manitoba Metis Federation, or Saskatchewan Metis Nation
- ▶ National political lobby organization, Metis Nation Canada

# Aboriginal Rights

- ▶ Collective rights derive from customs, practices and traditions of distinctive Aboriginal societies at the date of first contact with Europeans, flow from Aboriginal Peoples' continued use and occupation of certain areas.
- ▶ In general they include rights to the land, subsistence resources and activities, self-determination and self-government, and the right to practice one's own culture and customs including language and religion.
- ▶ Aboriginal rights are separate from rights afforded to non-Aboriginal Canadian citizens under Canadian common law.

# How are Aboriginal rights recognized?

- ▶ Aboriginal rights; have constitutional protection under section 35 of the Canadian Constitution Act, 1982, a consensus could not be reached on what specifically qualifies as an 'Aboriginal Right'.
- ▶ The Federal Government recognizes “that while Aboriginal rights exist, what the specific rights are will have to be determined over time, through the court system.”
- ▶ The Courts has further defined Aboriginal rights, enabling the government to address Aboriginal rights within more clearly defined parameters,
- ▶ Effectively, the government has sought to define and accommodate Aboriginal peoples' rights within a legal system that was not initially designed to recognize them.

# First Nations Land Management Act

- ▶ In 1991, a group of First Nations Chiefs drafted a proposal to enable First Nations to opt out of all land-related sections of the *Indian Act*.
- ▶ Enabled First Nations to manage their reserve land, resources, and environment according to their own cultural values and objectives; many also realized increased economic development benefits.
- ▶ Canada became a signatory to the Framework Agreement on First Nation Land Management in 1996 with 14 First Nations.
- ▶ In 1999, the *First Nations Land Management Act* (FNLMA) received Royal Assent,
- ▶ The Framework Agreement on First Nation Land Management provides First Nations an option to exercise self government over reserve lands, natural resources and the environment
- ▶ Currently 82 First Nations operating under the Framework Agreement

# Under FMNLA40 Sections of the Indian Act No Longer Apply

<b><i>Indian Act Sections</i></b>	<b>Description</b>
Sections 18-19	Reserves
Sections 20, 22-28	Possession of Lands in Reserves
Sections 30-31	Trespass on Reserves
Section 34	Roads and Bridges
Section 35	Lands Taken for Public Purposes
Sections 37-41	Surrenders and Designations
Section 49 and 50(4)	Distribution of Property on Intestacy: Devisee's entitlement and approval required
Sections 53-60	Management of Reserves and Surrendered and Designated Lands
Sections 61-69	Management of Indian Moneys
Section 71	Farms
Section 93	Removal of material from reserve
Sections 42, 57, 73	Any regulations under these sections (Descent of Property, Management of Reserves and Surrendered and Designated Lands, Regulations)



# Why is self government so important?

- ▶ Aboriginal self-government is not, and can never be, a 'gift' from an 'enlightened' Canada.
- ▶ The right is *inherent* in Aboriginal people and their nationhood and was exercised for centuries before the arrival of European explorers and settlers.
- ▶ The right to govern was never surrendered and Indigenous communities see the exercise of self government as a essential to their full participation in Canadian society

# Conclusion

- ▶ Our shared history points to...
- ▶ Colonization and Deliberate, systematic policy has left its mark....
- ▶ Intergeneration impacts are still in play today, affecting....
- ▶ Reconciliation has been identified as a primary objective since 1996...
- ▶ Together we need to....
- ▶ And....

“I have learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.” Maya Angelou - American poet



# Unpacking the Language of Reconciliation

When making planning decisions, how do we meet expectations to:

- ▶ Reconcile
- ▶ Indigenize public art / education / child care / architecture / planning / policy
- ▶ Decolonize (libraries/ schools / hospitals / science/ policy)
- ▶ Respect Treaty and Aboriginal rights / Inherent rights
- ▶ Align differing world views
- ▶ Acknowledge Sovereignty, Self government, self determination
- ▶ Acknowledge Traditional Territories and Homelands
- ▶ Not appropriate culture

10 min discuss 1-2 items and prepare a group response  
20 min to present and discuss

# Reconciliation in planning practice



*CIP envisions a future in which reconciliation is meaningfully embedded in planning practice in Canada...”*

*and*

*Calls on planners to recognize ...”that reconciliation is more than a conversation; rather, **it entails careful and sustained action** toward relationship building, based on mutual respect, trust, and dialogue.”*

# Mainstream vs Indigenous Planning

## Mainstream planning

- ▶ is a process based on Trust, Transparency and Fairness
- ▶ Works collaboratively to develop a coherent vision based on various perspectives and objectives
- ▶ Engagement on how the land is managed, developed,
- ▶ Capture opportunities to share information, educate and communicate the public and decision makers
- ▶ Respects and values relationships
- ▶ Seeks mutually beneficial outcomes

## Indigenous planning

- ▶ is community-driven, inclusive, and representative of the diversity of all community voices
- ▶ empowers community members to share reflections and concerns, and identify appropriate solutions using both individual and community strengths;
- ▶ provides time to hear and understand the experiences and emotions embodied in people's stories;
- ▶ uses traditional knowledge to shape processes and inform decisions; and,
- ▶ prioritizes land stewardship and strive for responsible development.

# So, if there is alignment, why the need for a policy?

Because, as a profession, we generally lack an understanding of:

- ▶ Our shared history
- ▶ Diversity of Indigenous peoples, communities, cultures, and traditions
- ▶ Current Policy and Legal environment as it relates to Treaties and Aboriginal rights
- ▶ Indigenous governance models
- ▶ How to engage with cultural safety and humility
- ▶ Our individual and collective opportunity and responsibility to reconcile
- ▶ To advance reconciliation

So when things get difficult, we default to the tool box we know



# Today's policy environment



# Truth and Reconciliation Principles

1. UNDRIP is a framework to support reconciliation at all levels across all sectors
2. Recognition and respect of Treaty, constitutional and human rights of First Nation, Inuit and Metis as self determining people
3. Truth, apology, and commemoration is necessary to acknowledge and redress past harms
4. Constructive action to address the ongoing legacies of colonialism
5. Equitable and inclusive approaches to close the gap
6. All Canadians, as Treaty people are responsible for mutually respectful relationships
7. The perspectives and understandings of Aboriginal Elders and Traditional Knowledge Keepers of the ethics, concepts, and practices of reconciliation are vital to long-term reconciliation.
8. Supporting cultural revitalization, and integrating knowledge systems, laws and protocols
9. Political will, joint leadership, trust, accountability and funding are essential
10. Sustained public education and dialogue of our shared history, past wrongs, Treaties, rights, and the contributions of Indigenous people to Canadian society.

# The United Nations Declaration on the Rights of Indigenous People (UNDRIP)

- ▶ Significant international achievement of the UN who lobby national and international government and hold them accountable for their actions
- ▶ Structured as a resolution with an 23 clause preamble and 46 articles that:
  - ▶ identifies particular individual and collective rights of Indigenous peoples to self determine, govern their own institutions, protect their culture and traditions, be consulted, and to pursue development that meets their own needs and aspirations.
  - ▶ identifies the role of the State to protect or fulfill these rights, and the role of the UN with regards to indigenous people
  - ▶ confirms the Declaration applies without distinction to men and women
  - ▶ sets out the minimum standard for survival, dignity and well being of indigenous people of the world
- ▶ However, it is a declaration, not a treaty, covenant, or law, countries do not sign up to it

# Canada's recognition of UNDRIP

- ▶ 2007, Canada cast a “NO” Vote
- ▶ Initially endorsed by the Harper government in 2010 as an “aspirational” document
- ▶ Liberal Minister Carolyn Bennet announced on May 9, 2016 “we are fully adopting this and working to implement it within the laws of Canada, which is our Charter”
- ▶ National Assembly of First Nations, Chief Perry Bellegarde called this “historic” and a “break against the status quo”
- ▶ Indigenous expectations are high



# Opportunity and challenges

## Opportunity

UNDRIP is a call to action to redress historic wrongs, establish conditions for self determination, cultural resurgence, and create new economic and social opportunities for Indigenous people, based on:

- ▶ Justice
- ▶ Democracy
- ▶ Respect for human rights
- ▶ Good governance
- ▶ Good faith

## Challenges

- ▶ Definition of “implement”
- ▶ Application of Free, Prior and Informed Consent
- ▶ Jurisdictional tensions
- ▶ Financial investments

# The Duty to Consult and Accommodate

- ▶ The duty to consult and accommodate is judge made law
- ▶ Supreme Court of Canada (SCC) decisions beginning with the “Trilogy” in 2004/2005 set out the doctrine
- ▶ SCC decisions continue to inform the scope of government’s duty to consult
- ▶ DTC is triggered when government is contemplating a decision or action that has the potential to adversely impact the exercise of Treaty and Aboriginal rights, such as the right to hunt, fish and trap on Crown lands to which Aboriginal peoples have a right of access
- ▶ Government is responsible to fulfill the DTC, but may assign procedural aspects to a proponent
- ▶ There is no consistent policy approach across the country
- ▶ Historical Treaties, modern day Treaties and un-ceded territories create a different dynamic
- ▶ The approval of planning documents sometimes triggers a DTC
- ▶ Planner’s can and should inform the DTC through early engagement with rights holders
- ▶ The duty to consult is a tool to gather information, but it is not a substitute for interest based engagement

# So how does all this translate into action?

- ▶ Do a side by side analysis of your organizations alignment with UNDRIP
- ▶ Identify opportunities to build understanding, raise awareness, the need for policy and practice change
- ▶ Build your understanding of the DTC in your jurisdiction and identify the opportunities to inform DTC through early engagement
- ▶ Build your understanding of the Indigenous rights holders, communities and organizations in your jurisdiction and their local, regional and provincial governance structures and political positions
- ▶ Sign up for Indigenous awareness training
- ▶ Confront and eliminate your bias

# Winslow Road - A Case Study

## Saskatchewan First Nations want road project stopped after rare artifact discovery

CBC News · Posted: Jun 05, 2019

## Controversial road project put on hold days before it was due to proceed

MBC radio, Jun 6, 2019

## Saskatchewan RM of Winslow hits pause on road after Indigenous artifacts discovered

[THE CANADIAN PRESS](#) Updated: June 7, 2019



## Sask. artifact rules violate international law, says professor

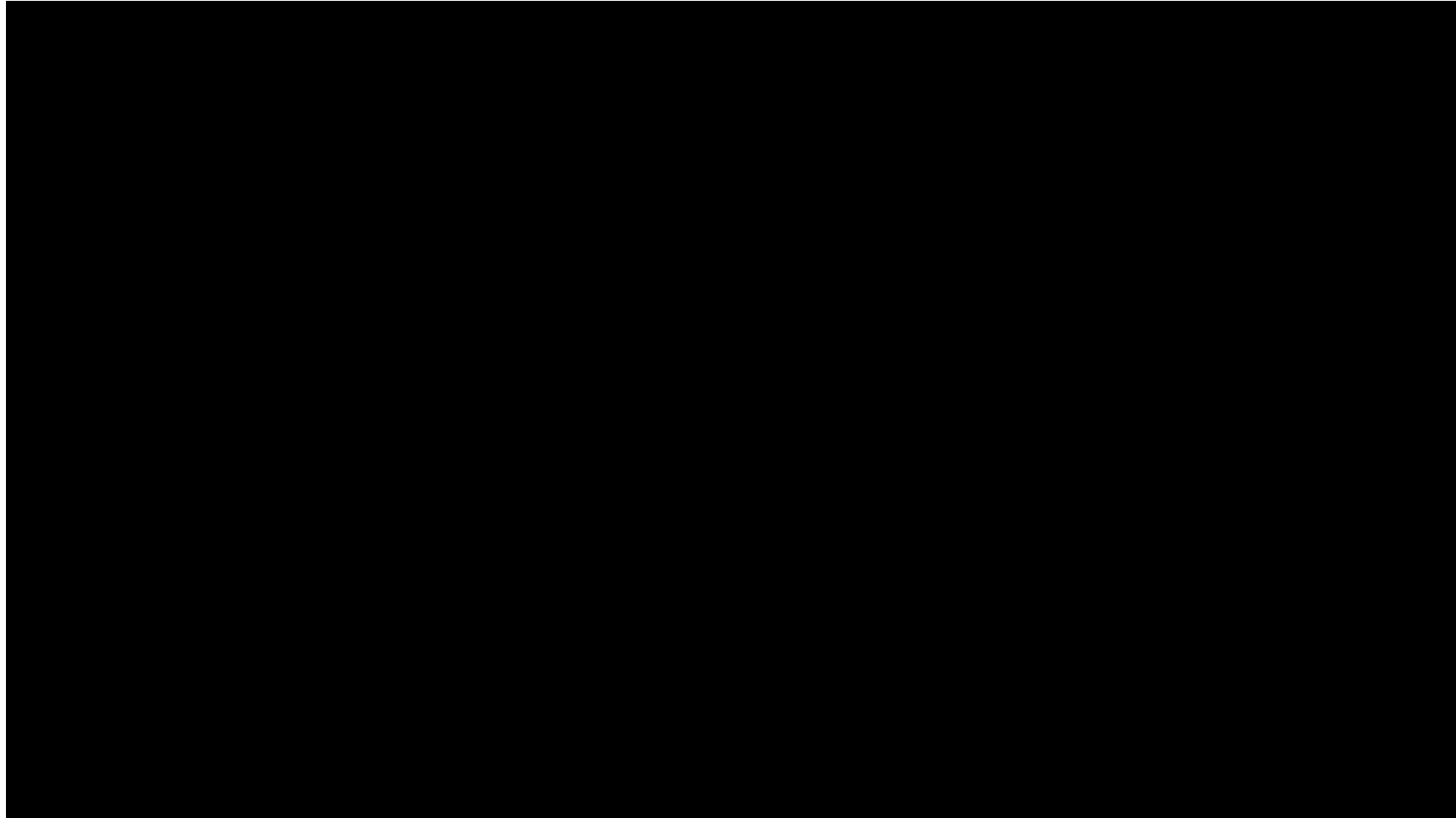
## Artifacts dating back as far as 10,000 years were recently found in RM of Winslow

CBC News · Posted: Jun 07, 2019





# Saskatchewan First Nations want road project stopped after rare artifact discovery







**“FSIN proposes teepee camp at contested road project in western Sask.”** June 11, 2019

“We have thousands of First Nation women and men that are more than willing to come set up camp,” Cameron said. “There will be no road construction.”

“FSIN signed a memorandum of understanding with leadership from Battlefords Agency Tribal Chiefs (BATC) and nearby property owners Jim and Mitzi Gilroy.

Neil Sasakamoose, director for BATC, said his organization would support a teepee camp and blockade.”





**R.M. of Winslow**  
**No. 319**

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The Municipality has received some concerns regarding a road widening on an existing road that the Municipality owns.

For the road widening, the Municipality is complying with all Provincial requirements. The Municipality is bound by Provincial road development requirements where existing roads are being widened.

No road construction is planned to take place in the month of June. Council will take this month to review how to move ahead in an appropriate manner with the development of this existing Municipal road.



RM Winslow  
RM Resources  
Bylaws

There are currently no documents

Policies

Home RM Resources Policies

Policy for Towing on Municipal Rights of Way

# How could planning / planners have helped the municipality to prevent this situation

- ▶ What does a municipality need to understand?
- ▶ How do they develop their understanding?
- ▶ Who do they need to get to know?
- ▶ What planning tools should they have?
- ▶ How can the planning tools facilitate relationships and reconciliation?



# Some suggestions...

- ▶ What does a municipality need to understand?
  - ▶ That First Nation and Metis are their local and regional neighbours
- ▶ How can they develop their understanding?
  - ▶ Researching, learning, meeting with communities to understand history, culture, protocols, interests, aspirations, opportunities
- ▶ Who do they need to get to know?
  - ▶ Local community leaders, community members, land managers, established liaisons
- ▶ What tools should they have?

Inclusive planning policies that acknowledge and celebrate their Indigenous neighbours, their historical and cultural connection, the commitment to a relationship, and the opportunities for a collaboration
- ▶ How can the tools facilitate relationships and reconciliation?

What steps would you suggest the RM take to facilitate reconciliation



# CIP view of reconciliation

- ▶ CIP uses the term reconciliation to refer to the commitment to establish and maintain a mutually respectful relationship between Indigenous and non-Indigenous peoples.
- ▶ It is a long-term relationship-building, learning, and healing process, as opposed to a specific outcome to be achieved.
- ▶ Reconciliation in planning will look different in every context, as it is shaped by the unique needs, experiences, and priorities of the Indigenous partners involved.



# 10 BIG BOLD IDEAS to advance reconciliation



- ▶ Each table comes up with 2 BIG BOLD IDEAS,  
AND
- ▶ Identify who you would need to ally with

# Reflections from Indigenous Leaders



What did you hear?



# Connecting back to the challenges



A 15 min...





# How do we become the change we want to see?

Chief Joseph

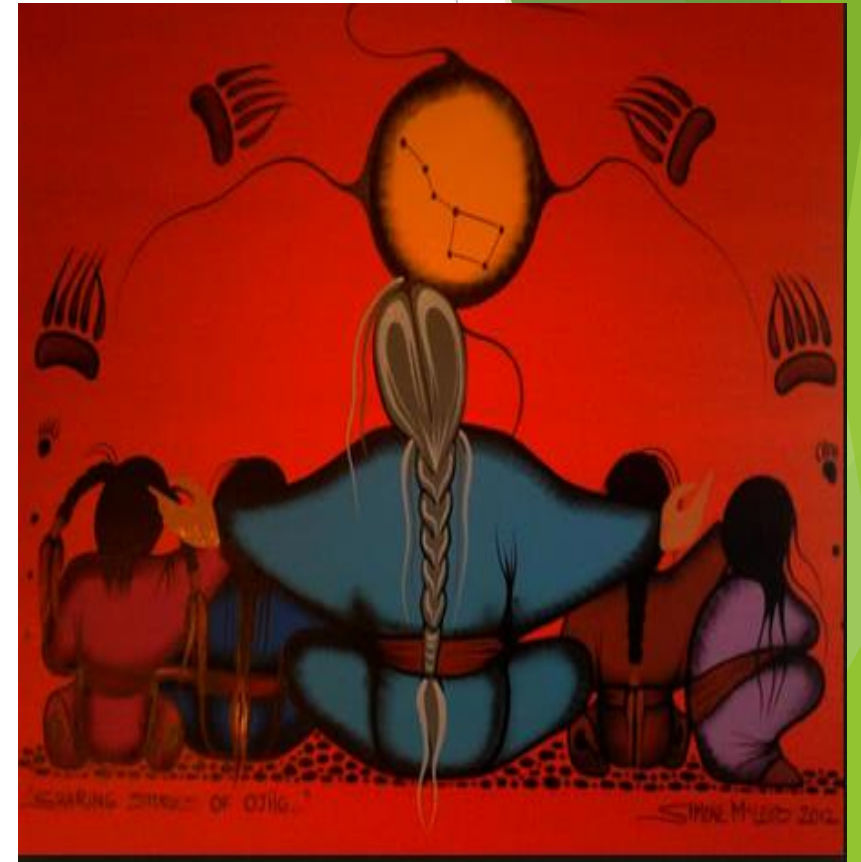
*Ambassador for Reconciliation Canada*

- ▶ *“The more you want to embrace the notion that you can indeed inspire change, the more power and courage you give yourself to act in the pursuit of justice and equality”*
- ▶ *“Let us find a way to belong to this time and place together. Our future, and the well-being of all our children, rests with the kind of relationships we build today” - Chief Joseph*



# Your Reconciliation Declaration

- ▶ A PERSONAL DECLARATION is an effective way to establish new belief systems
- ▶ Declarations are a daily reminder of your commitment
- ▶ A Declaration should be a living document, that represents your hopes, goals, and dreams - it is your TRUTH



# Sharing Circle

\_\_\_\_?\_\_\_\_ will guide my reconciliation journey.

*“We must learn to live together or perish together as fools.”* Martin Luther King Jr.

# Meegwetch

