RECONCILIATION IN BC
When are we going to get to the hard stuff!?

MARCH 16, 2018

SFU Morris J. Wosk Centre for Dialogue
Unceded, Traditional Territories of the Skwxwú7mesh, səlílwətaʔɬ, and x̱wməθkwəy̓əm First Nations
Vancouver, British Columbia
ACKNOWLEDGMENTS

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We extend special thanks to all the panelists and presenters, facilitators, Mark Podlasly and his team of rapporteurs, and note-takers who volunteered their time to prepare for and be present on the day of the event.

Finally, very special thanks go to Tony Penikett and Maureen Maloney of SFU’s School of Public Policy and Ginger Gosnell-Myers from the City of Vancouver for the countless hours planning and preparing for the event. We similarly thank Janet Webber, Eva Lewis, Michelle Hoar, Mark Beaty and Mobin Mehrparvar, as well as the dedicated staff from SFU Public Square: Kevin Cherney, Christine Dyson, Natalie Hawryshkewich, Landon Hoyt, Renée McMillen, Nicole Payer, and Kady Wong.

This event would not have been possible without the support of our partners:
INTRODUCTION
On March 16th, 2018, Indigenous Peoples and settlers from diverse sectors gathered on the Unceded, Traditional Territories of the Sḵwx̱wú7mesh, səl̓ilw̓ətaɬ, and xʷməθkʷəy̓əm First Nations for a unique event focused on achieving Reconciliation from a public policy perspective. SFU’s Reconciliation Policy Forum “Reconciliation in BC.” When are we going to get to the hard stuff?!” sought to challenge the current discourse through facilitated and thoughtful dialogue and to identify the policy shifts needed to increase the pace, range, and scope of initiatives that support Reconciliation in British Columbia.

The goal of the forum was to bring together Indigenous Peoples, labour and industry associations, government policymakers at all levels, educational institutions, as well as thought leaders and community representatives. Participants brought their energy and enthusiasm, sharing knowledge, expertise, and perspectives with one another, all to advance Reconciliation.

This narrative report aims to summarize the events of the day as well as the key themes and recommendations emerging from the panel discussions and dialogues. With some luck, we hope to capture some of the spirit of Reconciliation in the room, along with the goodwill and respect fostered by an intergenerational gathering of people working toward education and Reconciliation in BC.

FORUM DESIGN
The forum mirrored a policy framework that focused on long-term partnerships, the role of treaty-making, and the work of implementing the Truth and Reconciliation Commission’s (TRC) Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Guided by this framework, as well as the inclusive principles of dialogue, the forum aimed to generate and highlight broad consensus between participants on key policy areas of Reconciliation in British Columbia. To encourage open debate and freedom to share ideas, the forum was conducted under Chatham House Rule, which states that: “participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed” (www.chathamhouse.org).

The planning team included professors and alumni from SFU’s School of Public Policy, as well as staff from SFU Public Square. Early on, the team determined that a “policy analysis” format would work well as a structure for the day, including:

- Problem identification (outlined in invitation)
- Literature, research, expert knowledge (panels and presentations)
- Policy options generation and ranking (breakout groups)
- Recommendations and next steps (rapporteur reflections and final report)

With this in place, the planning team reached out to experts and Knowledge Keepers working in different areas of Reconciliation and assembled the following agenda.

AGENDA

PANEL 1
INDIGENOUS PERSPECTIVES ON RECONCILIATION
If we achieved Reconciliation tomorrow, what would it look like?

Moderator
- GINGER GOSNELL-MYERS | Aboriginal Relations Manager, City of Vancouver

Speakers
- DR. NADINE CARON | Associate Professor, UBC Northern Medical Program; Co-Director, UBC Centre for Excellence in Indigenous Health
- ANGELA COUSINS | Lawyer, Clark Wilson LLP
- ELDON YELLOWHORN | Professor, Department of Archeology, Simon Fraser University

PANEL 2
MINISTERS’ PERSPECTIVES
Given the long lists of TRC and Reconciliation agendas, what are your governments’ constitutional and legal priorities?

Moderator
- MAUREEN MALONEY | Q.C., Professor, SFU School of Public Policy

Speakers
- THE HONOURABLE JODY WILSON-RAYBOULD | P.C., Q.C., M.P., Minister of Justice and Attorney General of Canada
- THE HONOURABLE DAVID EBY | Q.C., MLA, Attorney General of British Columbia

Lunch Presentation
- PAUL KARIYA and PATRICK KELLY, Coastal First Nations

Breakout Sessions

Topics
1. Social – How do we shift from expenditure concerns to investment commitments on TRC calls, education, health and social development?
2. Economic – Where does BC find the political will to reconcile conflicts about land, resources (fish, forests, minerals), free, prior, and informed consent (FPIC), and UNDRIP?
3. Political – What has to change in government operations to achieve Royal Commission on Aboriginal Peoples (RCAP) calls, treaties, self-government agreements and true Reconciliation?
4. Of the Reconciliation ideas generated in your session, which is the most urgent?

Premier’s Address
- The Honourable JOHN HORGAN, Premier of British Columbia

PANEL 3
SENIOR OFFICIALS’ PERSPECTIVES
How might the machinery of government be improved to achieve true Reconciliation?

Moderator
- CASSIE DOYLE | Former CEO, Canadian International and Resources Development Institute

Speakers
- JOE WILD | Senior Assistant Deputy Minister, Treaties and Aboriginal Government, Indigenous and Northern Affairs Canada
- JESSICA WOOD | Assistant Deputy Minister, Ministry of Indigenous Relations and Reconciliation, Reconciliation Transformation and Strategies Division
- HARRY SWAIN | Associate Fellow, Centre for Global Studies, University of Victoria

Forum Rapporteur
- MARK POOL ASLY | Director, Governance Accreditation, First Nations Financial Management Board
BREAKOUT GROUP DESIGN/PROCESS

Each breakout group was hosted by a facilitator and a rapporteur. Our facilitators were a team of engagement practitioners, thought leaders, and professionals from diverse sectors. Their job was both simple and challenging: to foster respectful dialogue and responses to key questions of Reconciliation, ensuring all voices in the circle were heard, and to shepherd the group to a general consensus on the three most urgent recommendations.

The rapporteurs had an equally difficult job: to capture the (often contrasting) big ideas and themes in a summary that reflected the nature of the conversation. These group summaries were then immediately analysed and summarized by a small team of rapporteurs led by Mark Podlasly, and presented as a final set of reflections at the end of the day.

Each breakout group also had an assigned note-taker, whose job was to capture the opinions, ideas and comments of the participants in substantial detail. These detailed notes allowed for further consideration of participants’ input and have been instrumental in the writing of this report.

FORUM PARTICIPANTS

Total Participants 132
Indigenous Participation 50 First Nations and Métis peoples from across BC and Canada.
Sectors represented Academia, labour, industry, health, finance, arts, social enterprise, law, NGOs, non-profits, politicians and public servants from all levels of government (municipal, provincial, federal, First Nations), private citizens.

KEY LEARNING POINTS

This section highlights key responses and recommendations from our three panels, two presentations, six breakout groups, and reflections on the day from our head rapporteur.

INDIGENOUS PERSPECTIVES | Prompt: If we achieved Reconciliation tomorrow, what would it look like?

We would:
• See every healthcare practitioner in the province have adequate cultural competency training. This will happen only when the Provincial government has the courage to say “you must have this training in order to practice in this jurisdiction.” Will BC demonstrate this leadership?
• Respond to an institution’s progress on Reconciliation as simply “doing its job” rather than with “a pat on the back.”
• See “so many more options for mental health, addictions and homelessness” including “culturally relevant rehab centres” that are available and responsive when people need it.
• See a national databank of DNA to match samples with unidentified human remains, which would allow for repatriation and commemoration of missing Indigenous women and children. “Commemoration is one of the only ways we can achieve some form of Reconciliation for the missing.”
LINK LEARNING POINTS

MINISTERS’ PERSPECTIVES | Prompt: Given the long lists of TRC and Reconciliation agendas, what are your governments’ constitutional and legal priorities?

Federal Priorities
• There is a clear priority to complete the unfinished business of section 35 of the Constitution as signalled through the Feb 14, 2018 announcement by Prime Minister Justin Trudeau about the Recognition and Implementation of Indigenous Rights Framework;
• Adoption of UNDRIP without qualification and recognition that the articles are requirements. Committed to the 6 Calls to Action of the TRC;
• The end of the Department of Northern and Indigenous Affairs Canada and the creation of Indigenous Services and the Department of Crown and Indigenous Relations. The re-design is to create the space for self-determination;
• Every federal department is now responsible for operationalizing the 10 “principles of recognition;”
• Commitment to the recognition of Indigenous Rights and Reconciliation Framework – federal government will move forward with legislation this year (2018);
• Indigenous Peoples have come forward with thoughtful solutions and actions, and the federal government will create the space and the mechanisms for Indigenous Peoples to be self-determining.

Provincial Priorities
• With a minority government, priority is on seeing urgent actions led by Indigenous Peoples;
• Currently providing capacity funding to the Indigenous Justice Council to help address the over-representation of incarcerated Indigenous Peoples;
• Accelerating the work of establishing First Nations courts for communities that want them;
• Funding priorities including mental health ($51M towards legal aid, legal service centres, children in care system), $50M to Indigenous language revitalization programs, $46M to Aboriginal friendship centres for off-reserve Indigenous Peoples, $300M in overdose response funding in BC, committed to $1B investment in housing, $1B in child care including culturally sensitive approaches for Indigenous communities;
• Helping fund the first joint Indigenous and common law degree at University of Victoria;
• Government’s traditional approach to litigation will never achieve Reconciliation.

LUNCH PRESENTATION | Coastal First Nations presented their work on fisheries. Their lunchtime talk covered policy, rights, joint governance and management, noting;
• There will be no Reconciliation without fish due to its integral role in First Nations culture and identity;
• We must develop policy and supports that allow First Nations people to co-manage fisheries and bring back the work that was taken away;
• First Nations have the data that Canada needs on the fisheries – they are willing to work with Canada with that data;
• Good governance of the fisheries resource is a key to growth and prosperity;
• First Nations have growing capacity and inherent knowledge to better manage the fisheries;
• Canada does not have enough resources to manage all fisheries in abundance;
• First Nations have funds and are willing to invest own source revenue;
• Fisheries and Oceans Canada and First Nations must partner to reconcile title and co-manage.

BREAKOUT SESSIONS | The breakout sessions allowed for participants to discuss the possible actions, opportunities, and barriers they see in Reconciliation. A number of facilitators later remarked on the passion and engagement in their dialogue circles. The breakout sessions provided an opportunity for eager participants to connect and collaborate in advancing Reconciliation. In addition to the three (or more) priority recommendations from each group, we’ve included some of the specific quotes and innovative ideas that relay the spirit and level of dialogue that took place.

Social Perspectives
• The anxiety is to emerge was around education – both improving general access to education for Indigenous learners, and generating new opportunities for non-Indigenous learners to ensure a more comprehensive understanding of a largely unknown Indigenous history and Canada’s colonial past, and how that applies to Reconciliation today.
• Specific ideas and recommendations with broad support from breakout groups:
  • Elders and Knowledge Keepers have a critical role in guiding these Reconciliation processes;
  • Truth Telling – Education and knowledge is the root of Reconciliation and the way forward;
  • The necessity of sharing the history of colonization; everyone needs to know this history;
  • Teaching about colonization includes special attention to the impact of colonization on women;
  • Education – Addressing the current roadblocks to accessing forms of education;
  • To become allies, settlers must come to terms with their identity as settler;
  • The need to better persuade funders of the benefits of financial investments in Indigenous Peoples, and the long-term consequences of inaction;
  • Use the Indigenous value of planning for seven generations to combat the political 4-year mandate perspective;
  • The need to recognize that social investments (children, culture, community) are as important, if not more important, than financial investments;
  • A general shift is needed from a western, quantitative frame to a frame based in Indigenous and holistic perspectives;
  • Indigenous Peoples need to be bold in: “the financial investments we ask for, the requests and priorities we bring up in meetings and negotiations, in the outcomes we expect for Indigenous Peoples.”

Economic Perspectives
The economic policy groups found alignment on a number of key themes including: capacity building, access to equity, and resolving issues around jurisdiction. Also, one of the groups re-defined the assignment from delivering “urgent areas” to delivering “the top three actions to build political will and reconcile conflict.”
• Specific ideas and recommendations with broad support from breakout groups:
  • Addressing the steps to resolving jurisdictional disputes through supporting co-management decision-making and collaborative partnerships;
  • Improve capacity building, especially around First Nations’ ability to discern costs and benefits of development;
  • Improving First Nations’ access to capital, especially equity;
  • Changes to how exchanges between political actors and First Nations leaders takes place;
  • Laws and economic projects need to enshrine social license in its development framework;
  • Make funds available for the revitalization of Indigenous law and governance on lands and resources;

“…It was important for me to hear from [governments] directly that they are working directly towards Reconciliation.”

“I felt like I was being given an opportunity to share and contribute. I really appreciate that.”
Inclusive integrated land and resource management governance structure for integrated land, water, and resource management and planning framework;
• Make the restoration of land and waters a policy priority and outcome;
• Address funding inequities so First Nations are not forced to choose between environmental degradation and income.

Underscoring the interconnectedness of the three breakout group topic areas, the economic policy group also noted that “the preconditions for success, however, are education for everyone, youth, and proper funding,” which was also identified in the social policy discussion.

Political Perspectives
Groups discussing the political prompt agreed on a number of urgent themes, including government adoption of new Indigenous decision-making systems and support for Indigenous-led institutions.

Specific ideas and recommendations with broad support from breakout groups:
• Changes to policies and practices so the impact does not contribute to the past and present trauma experienced by Indigenous communities, and also builds in some culturally competency education for public servants in its design;
• Changes to decision-making processes - increasing the areas of expertise that are recognized, implementing Indigenous naming conventions, and changing how we conceptualize accountability and impact;
• Changes to the system itself by ensuring Indigenous Peoples are in senior decision-making roles;
• Recognizing that there are overlapping jurisdictions as opposed to displacing Indigenous jurisdiction in favour of settler jurisdiction;
• Recognition of existing First Nation governments.

For the remainder of the day, participants gathered in plenary to hear The Honourable Premier John Horgan’s address, as well as a final panel of senior government officials and final reflections from the head rapporteur.

Highlights from the Premier’s Address
• In its first actions, as a government, we told all ministers to recognize Reconciliation and implement it into our actions;
• We have an alignment with the federal government, this is a real opportunity to really make progress;
• We’re putting together a group of people to try to address the challenges of wild salmon, and the impact of farmed fish in the migratory routes of the salmon. We found that we had 10% of the power and 100% of the responsibility;
• We have to make genuine progress quickly while we have a federal government that is genuinely interested in Reconciliation.

Senior Officials’ Perspectives
The panels concluded with a presentation from one former and two current senior officials at the provincial and federal level, as well as a Q&A with participants. Highlights from the panel include:

Federal
• We wouldn’t be where we are today without the UN declaration as it lays out a framework about the issue of Indigenous rights recognition in government approaches;
• Framework of Reconciliation has to be built upon the foundations from the UN declaration;

KEY LEARNING POINTS

“It was an incredible group of industry-diverse, powerful and intelligent people. The discussion was rich and I learned a lot.”
KEY LEARNING POINTS

• This is about decolonizing and about ensuring some level of equity to Indigenous Peoples in regards to the powers of government;
• Provincial and federal governments cannot design a framework and tell Indigenous Peoples to work within that framework – those days are over. The approach is that we will co-design.

Forthcoming legislation from the federal government raises many questions:
• What is the criteria for recognizing the differences between Indigenous groups, self-government, self-determination, and rights?
• What styles of decision-making are preferred? Elections? Leadership from Chiefs and Elders? Consensus amongst members?
• What do we do with the “law of general application?” e.g. criminal code – which is generally accepted;
• Who is “we”? We know that the definition has to come from Indigenous People. The discussion about objectives to achieve is more important than a discussion of the machinery of government.

Provincial
• There is a change in that the commitment in public service is to uphold and be accountable for implementing UNDRIP, the TRC Calls to Action, and the Tsilhqot’in decision across BC;
• In these mandate letters, we have a responsibility for seeing the UN declaration and the TRC Calls to Action acted upon, and without an expiration date for when this work would end;
• Provincial public service staff needs training in dealing with and understanding these mandates;
• It is no longer an Indigenous-only responsibility to look for and create equality without the support of government, we now have the opportunity to see that the Province take a full and active role in also creating supports for this care alongside Indigenous communities;
• Policy in practice: Indigenous Peoples need to be adequately compensated for their contributions.

Key questions and responses during Q&A period:
Q: What are the performance measurements of Reconciliation within the machinery of government?
A: We talk about machinery but it is people (public servants) who make it so. We also create cultural safety when we see ourselves reflected in systems. We go to schools and see Indigenous futures, go to government and see senior officials. Co-building must be intrinsic. We must involve Indigenous Peoples in developing performance measurements, and only then, how we measure that performance will be drastically different.

Q: Is there opportunity for premiers and those in positions of power, to bring in Indigenous language speakers? To express Reconciliation, English or French is not enough. Is that an option moving forward?
A: One minister expresses interest in raising this idea within their department.

“I was amazed at the congruence of the rapporteur’s summary with conversations held in the breakout.”

NEXT STEPS: RAPPORTEUR’S REPORT

The final session of the day concluded with a short presentation from head rapporteur Mark Podlasly, who reflected on the recommendations of the six breakout groups:

Social: How do we shift from expenditure concerns to investment commitments on TRC calls, education, health, and social development?
• Not to put Indigenous Peoples into one group, one convenient category;
• Supporting the leadership role of women;
• Supporting the role of teachers in society;
• Moving between 2 time cycles: 7 generations and 4-year electoral cycle.

2. Truth-Telling:
• It is about promoting and learning a multi-layered, shared history;
• Cultural values must be valued;
• Building connections that we can unite over;
• Invest in initiatives that reflect these cultural values.

3. Community:
• Dismantling structures that support or prioritize one over the other;
• Requires both elders and youth in decision making;
• What is the history of the role of the settler community? That needs to be brought forth in addition to Indigenous history.

Economic: Where does BC find the political will to reconcile conflicts about land, resources (fish, forests, minerals) FPIC and UNDRIP?
1. Co-management and decision-making:
• Inclusive management resource plan that meets all the needs above a bottom line;
• Land and water needs to be protected and rehabilitated wherever needed;
• Indigenous lens to be recognized and included in policy making.

2. Access to capital (especially equity)
• Indigenous Peoples and communities need to benefit;
• Building in opportunities to acquire equity;
• To be part owner and have decision-making ability as opposed to being third parties.

3. Capacity-building and exchanges for meaningful co-learning:
• Meaningful co-learning: executive and leadership exchanges, for all sides to learn from each other;
• To bring Indigenous knowledge to political environments and in turn shape the system.

Political: What has to change in government operations to achieve RICAP calls, treaties, self-government agreements and true Reconciliation?
1. Spaces
• For Indigenous voices to be heard across the board – government, business, public spaces;
• Existing decision making structures are incompatible with true Reconciliation;

“Sharing and acting on the information gathered at the forum will be equally as important as gathering it in the first place.”
“Either/or" hierarchical structure of governments is hostile to the Indigenous lens; Local government is a great place to experiment before implementing in senior governments; Urban Indigenous populations’ relationships with governments need to be addressed;

2. Behaviour/Education
- Cultural competency learnings for public servants;
- Behaviour and education changes in the political sense, like language; bringing back Indigenous place names;
- Call for more support for the Reconciliation work that is already happening. Not just work between government and Indigenous Peoples, but also creating space for more involvement, like corporate boards;
- How can Indigenous groups help support provincial and federal governments to do this work?

The reflections ended with Mark Podlasly’s offering of a Sanskrit expression: “tat tvam as”, meaning “that which you long for, you are,” and encouraged forum participants to “share with others your energy that you’ve discussed with today.”

EVALUATIONS
Feedback on the forum from the online evaluation was generally positive. The most common criticism was that one day was not enough time to address the complex topics and questions raised in the breakout discussions. The following evaluation highlights are based on a response of 38 participants, which represents approximately 30% of the entire participant group:

- 85% of respondents had a better understanding of what different sectors (government, education, health, industry, NGOs) are doing to achieve Reconciliation (10% were neutral, 5% disagreed)
- 94% thought the presentations and discussions were meaningful and will contribute toward making progress on Reconciliation in BC.
- 69% agreed that the format and questions in the breakout dialogue were effective (20% neutral, 11% disagreed)
- 76% thought the rapporteur’s summary was reflective of the conversations in the breakout room (19% neutral, 6% disagreed).
- 89% would be interested in attending another event like it (8% said “it depends,” 3% said “not interested”).

CONCLUDING THOUGHTS
The SFU Reconciliation Policy Forum was a living example of SFU’s deep commitment to Reconciliation and decolonization. To witness Indigenous Peoples and settlers coming together to work through complex policy issues was truly inspiring. From private citizens to senior government officials, each and every participant played an important role and contributed to the recommendations highlighted in this report. We thank everyone for bringing their whole selves, lending their expertise, and demonstrating courage, honesty, and humility in the spirit of Reconciliation.

“I came away with a better understanding of what different sectors are doing to achieve Reconciliation because the invited speakers spoke the truth.”

“Share with others your energy that you’ve discussed with today.”