

M&C No.	2021-180
Report Date	June 09, 2021
Meeting Date	June 14, 2021
Service Area	General Counsel

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Truth and Reconciliation Commission Calls to Action and Indigenous Recognition

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Jacqueline Boucher and Melanie Tompkins</i>	<i>Melanie Tompkins</i>	<i>John Collin</i>

RECOMMENDATION

1. That the City cease using the word “Indiantown” in its records and actions; and further
2. That the City Manager take the necessary steps to have the name “Indiantown” removed from other sources (including Google maps) as soon as possible; and further
3. That, through the Civic Commemoration Committee, the City make it a priority to consult with stakeholders and community members to have the community currently known as “Indiantown” officially renamed through the New Brunswick Department of Tourism, Culture, and Heritage, and updated in the Geographical Names Board of Canada.

EXECUTIVE SUMMARY

At the Council meeting held March 22, 2021, Council expressed a desire, and the City Manager committed, to include an appropriate recognition of Indigenous People during council meetings. Indigenous land acknowledgments are one way to recognize Indigenous people. They are being used more prominently since the Truth and Reconciliation Commission’s Final Report was issued in 2015.

The purpose of this report is to outline the general history of the Truth and Reconciliation Commission of Canada, the Calls to Action aimed at local governments, the background on the City’s land acknowledgment, the stakeholder consultation we completed, and to discuss ways in which The City of Saint John could promote reconciliation.

During our consultation, comment was made that one way for the City to promote reconciliation is to remove the name “Indiantown” as a community name.

PREVIOUS RESOLUTION

N/A

REPORT

1. The Truth and Reconciliation Commission of Canada and the Calls to Action

The Truth and Reconciliation Commission of Canada (“TRC”) was created through a legal settlement between Residential Schools Survivors, the Assembly of First Nations, Inuit representatives and the parties responsible for the creation and operation of the schools: the federal government and church bodies. The TRC carried out extensive research and heard from a multitude of Residential Schools Survivors, their families, members of their communities, former staff of Residential Schools and others. The TRC Final Report was released in 2015 and includes 94 Calls to Action. The Calls to Action are an appeal to mobilize all levels of government, organizations, and individuals to make concrete changes in society. The Calls to Action list specific actions to redress the legacy of Residential Schools and advance the process of reconciliation.

Residential Schools were an aggressive policy developed under the authority of a federal law called the *Indian Act*. They were first created in 1886 and the last one closed in 1996. According to the TRC, the goal of the Residential Schools was to “kill the Indian in the child”. Sir John A. MacDonald is said to have described the purpose of the *Indian Act*, under which the schools were developed, as follows:

“The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change.”¹

Bob Joseph, an Indigenous author, in his book titled “*21 things You May Not Know About the Indian Act*”, writes that it is estimated that between 6000 and 15,000 children who attended Residential Schools between 1870 and 1996 either died or disappeared.²

The TRC found that the use of residential schools resulted in complete disruption to Indigenous communities, on-going and intergenerational trauma, the loss of language and cultural practices, poverty, a disproportionate rate of incarceration of Indigenous people, and hundreds of missing and murdered Indigenous women. In the end, the TRC concludes that the result of Residential Schools is “cultural genocide”.

The TRC Final Report has caused individuals, organizations and governments to realize that they not only have a role to play but a moral responsibility to make amends for the past. Of the 94 Calls to Action, 5 are directed to local and other levels of government. They are:

“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.”

*Note: The *United Nations Declaration on the Rights of Indigenous People* (“UNDRIP”) is the most comprehensive international instrument on the

¹ R. Douglas Francis et al., *Destinies : Canadian History since Confederation* (Toronto: Nelson Publishing, 2008), 44.; Bob Joseph, *21 things you may not know about the Indian Act* (Port Coquitlam: Indigenous Relations Press, 2018), 40.

² Bob Joseph, *21 things you may not know about the Indian Act*, *supra*, at p. 52.

rights of indigenous peoples. It establishes a universal framework of minimum standards for the survival, dignity, and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples.

“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.”

There are also eight Calls to Action that indirectly include municipalities by calling on “all levels of government.” These indirect Calls to Action are numbers 3, 17, 23, 40, 55, 64, 87 and 88.

The recent announcement of the discovery of the remains of 215 children, some as young as 3, at the site of the Kamloops Indian Residential School in British Columbia, by the Tk'emlúps te Secwépemc First Nation, in late May is a stark reminder for governments and others of the need to address the Calls to Action and to embark on the path to reconciliation.

We note that, in addition to the TRC Calls to Action, another significant report into Missing and Murdered Indigenous Women and Girls (“MMIWG”) was released on June 3, 2019 following a National Inquiry. This report included 231 individual Calls to Justice directed at all levels of government, social service providers, industry, and all Canadians.

Our consultations revealed that Indigenous people and communities are generous with their time and wisdom, and prepared to help guide governments down the path of reconciliation. For example, in a recent letter to her Worship Noade Reardon and the City's General Counsel, received June 8, 2021, Chief George Ginnish and Chief Rebecca Knockwood, of Mi'gmawe'l Tplu'taqnn Inc. have offered to provide educational sessions on the history of the Mi'qmaq in New Brunswick. Should the City choose to take further steps down the path of reconciliation, it should consider accepting this offer.

2. Land Acknowledgments

The TRC Final Report and Calls to Action resulted in a significant rise in the use of land acknowledgments as a move toward reconciliation. A land acknowledgment is a statement made to recognize the long history of Indigenous populations on the land before European contact and colonization and demonstrates active thought about what happened in the past and creates space for Indigenous reconciliation to happen in the present and future.

By having arranged for a smudging ceremony, the reading of a land acknowledgment and the singing of the Honor Song at the outset of the June 14, 2021 Council meeting, by making the land acknowledgment a part of every council meeting moving forward, and by considering the recommendation in this report, The City of Saint John is making space for reconciliation and taking steps towards the fulfilment of the Calls to Action aimed at local governments.

3. Stakeholder Consultation

A. The Province of NB.

We began our consultation in late March by contacting the Legislative Assembly of New Brunswick, to get a sense of the Legislature's position on Land Acknowledgments. We were advised that the Lieutenant-Governor has done land acknowledgments and obtained the text of the land acknowledgements given in Speeches from the Throne Opening Sessions of the Legislative Assembly for the past 3 years.

B. Eastern Circle

Following the Council meeting of March 22, 2021, when the land acknowledgment was raised and discussed, Eastern Circle, an organization advocating for Indigenous communities in Saint John, provided a statement to the Saint John Times Globe regarding the issue. We were able to speak with Mykayla Spinney, one of the co-founders of Eastern Circle. Ms. Spinney provided invaluable information on the land acknowledgment and where it should fall in the order of business on the council agenda. She also discussed with us the use of an Indigenous flag at City Hall, and graciously offered to attend the Council meeting on June 14th to perform a smudging ceremony and to sing the Honour Song.

C. The Wolastoqey Nation in New Brunswick

In April, we spoke with a lawyer who represents the Wolastoqey Nations in New Brunswick who provided insight on the historical relationship Indigenous communities have with the land upon which the City of Saint John rests. We also spoke with the Legal

and Governance Advisor to the Wolastoqey Nation in New Brunswick, whose guidance and input on land acknowledgments were also insightful.

D. Aboriginal Peoples Council

We contacted the New Brunswick Aboriginal Peoples Council, an organization that represents off-reserve Aboriginal people. Unfortunately, we had not yet received a response at the time of preparation of this report.

E. Moncton and Fredericton

We spoke with the City Solicitors for the Cities of Moncton and Fredericton to understand their current practice regarding Indigenous recognition. It is our understanding that an Indigenous flag is flown in Moncton and that the City of Fredericton has a full-time Manager of First Nations Relations and Special Projects.

F. The Honorable Graydon Nicholas

The Honourable Graydon Nicholas was the Lieutenant Governor of New Brunswick from 2009 to 2014, becoming the first Indigenous person to hold this office. We had an enriching and educational conversation on Indigenous history and language in the Saint John region with the Honourable Mr. Nicholas, who informed us that an important Treaty was signed in 1778 between Indigenous people and the British Crown at Fort Howe, here in what is now known as Saint John.

The Honourable Mr. Nicholas offered to draft language for a land acknowledgment for The City of Saint John and accepted our offer to read it at the first meeting of the newly elected Council.

The final text of the land acknowledgment prepared by the Honorable Graydon Nicholas, which incorporates small changes by other stakeholders, is as follows:

“The land on which the City of Saint John/Menaquesk is situated is the traditional territory of the Wolastoqiyik/Maliseet. The Wolastoqiyik/Maliseet along with their Indigenous neighbours, the Mi’kmaq/Mi’kmaw and Passamaquoddy/Peskotomuhkati signed Peace and Friendship Treaties with the British Crown in the 1700s that protected their rights to lands and resources.”

This is the text that will be read at the outset of the June 14th meeting of Council by the Honorable Mr. Nicholas. The reading will be preceded by a smudging ceremony by Ms. Mykayla Spinney of Eastern Circle, and followed by the singing of the Honor Song by Ms. Spinney.

More stakeholder consultation will be required should the City chose to take further steps on the Calls to Action. The consultation outlined in this report was focused on developing appropriate language for a land acknowledgment at council meetings and was conducted within a relatively short timeline.

4. “Indiantown”

From the Canadian Association of University Teachers:

“While acknowledging territory is very welcome, it is only a small part of cultivating strong relationships with the First Peoples of Canada. Acknowledging territory and First Peoples should take place within the larger context of genuine and ongoing work to forge real understanding, and to challenge the legacies of colonialism. Territorial acknowledgements should not simply be a pro forma statement made before getting on with the “real business” of the meeting; they must be understood as a vital part of the business.”

Through our stakeholder consultations, the eradication of the word “Indiantown” – to describe a community in the North End - was mentioned as a possible step the City could take toward reconciliation. The terminology is outdated and offensive.

According to the Provincial Archives of New Brunswick, that community is identified as being located near the mouth of the Saint John River, 3.2 km Northwest of Saint John, in Ward 2. It was named for a trading house built by James White in 1779. In 1871 the community had steamer wharves, several large sawmills, and a population of 1,500.

The name “Indiantown” is included in the Canadian Geographical Names Database which is run by the Geographical Names Board of Canada (GNBC). GNBC has published a document called the “Principles and Procedures for Geographical Naming”, which we have obtained. We are informed by the Department of Tourism, Culture, and Heritage, that there is an application process through that department which eventually would reach the Canadian Geographical Names Database.

After consulting with the Growth and Community Services Department, we also understand that a request can be sent to Esri Inc. to have the name expunged or changed in its database and the third-party toponym data it is referencing. Esri, Google, and Mapbox together account for the most used web maps and applications. We are also aware of other instances where the word “Indiantown” is still being used. For example, we note that the Canada Mortgage and Housing Corporation is using the name as a geographic area in its Housing Market Information Portal.

There are opportunities for the City to effect change toward reconciliation by eradicating its use and the use by others of the word “Indiantown”. Within the staff of City Hall, the term has already been restricted from use. We recommend that the City and its Boards, Agencies and Commissions, cease using the word in all records and actions, and take steps to cause this word to be expunged from other records. And because we expect that usage is likely to continue unless the City renames the community, we also recommend that the City take the steps necessary to officially rename that community.

STRATEGIC ALIGNMENT

This report and the recommendation align with the Council Priority “Vibrant, Safe City”, which recognizes and celebrates Saint John’s history; and the Council Priority “Growth and Prosperity” which promotes Saint John as a community for all to live, work and play.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

We consulted with the following stakeholders in the preparation of this report:

- The Honourable Graydon Nicholas, Lieutenant Governor of New Brunswick from 2009 to 2014;
- The Legislative Assembly of New Brunswick;
- A solicitor for the Wolastoqey First Nations in New Brunswick;
- The Legal and Governance Advisor, Wolastoqey Nation in New Brunswick;
- City Solicitors for the City of Moncton and the City of Fredericton;
- The Manager of First Nations Relations and Special Projects, City of Fredericton;
- The New Brunswick Aboriginal Peoples Council (no response);
- Mykayla Spinney, co-founder of Eastern Circle;
- Arts and Culture Coordinator, Growth and Community Services, City of Saint John.

We received and considered correspondence from Chief George Ginnish and Chief Rebecca Knockwood, of Mi’gmawé’l Tplu’taqnn Inc.

ATTACHMENTS

Nil