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Calls to Action Accountability: A 2021 Status Update on Reconciliation

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ABSTRACT

It has now been six years since the Truth and Reconciliation Commission released its six-volume Final Report along with the 94 Calls to Action, meant to remedy the ongoing structural legacy of Canada's residential schools and to advance reconciliation in Canada. Framed by the recent revelations of thousands of children's graves discovered on the grounds of several residential schools and by signs of a new resolve among Canadians to work toward reconciliation, this year's report finds three new Calls to Action have been completed. Despite this, we also find an ongoing failure by the federal government to meaningfully enact the Calls to Action that would alter the disparate realities that Indigenous peoples experience in this country. With each passing year, Canada opts to perform reconciliation in an effort to shape a benevolent reputation rather than enact the substantial and structural changes that would rectify ongoing harms and change the course of our collective relationship.

BIOS

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Table of Contents

04

PART ONE
Introduction
& Methodology

12

PART THREE
Analysis: Legacy
& Reconciliation Calls
to Action

13 3.1 Legacy #1-42

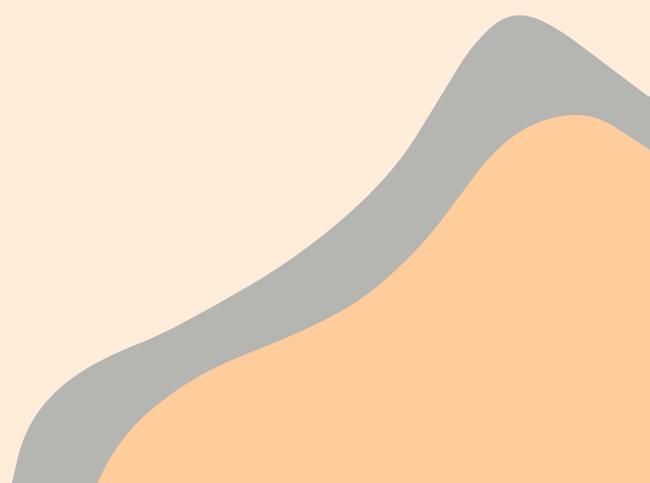
23 3.2 Reconciliation #43-94

07

PART TWO
Reconciliation:
A Year in Review

30

PART FOUR
Conclusion:
2021 Findings



Introduction & Methodology

AS OF DECEMBER 15, 2021, six years have passed since the Truth and Reconciliation Commission (TRC) released its six-volume [Final Report](#). In addition to a record of Canada’s genocide as experienced by Indigenous children, the TRC released [94 Calls to Action](#) to address the ongoing legacy of the Indian Residential School System (IRSS). These Calls challenge the structures and attitudes in Canadian society that continue to perpetuate the marginalization of Indigenous peoples and seek to advance the process of reconciliation.

This is the third year we have been formally tracking the completion of the Calls to Action. While there was the rapid adoption and implementation of three Calls to Action this year — a rarity — a terse survey in the general Canada-Indigenous relationship also reveals some low points.

Amidst a global pandemic, and despite promises to the contrary, clean drinking water is [still not guaranteed](#) for many First Nations communities. This is a scourge that is, in part, the outcome of generations of chronically underfunded infrastructure. The successive Liberal government [continues to battle](#) St. Anne’s Residential School Survivors in court and [appeal](#) Canadian Human Rights Tribunal orders to compensate First Nations children for being discriminated against by the federal government. Industry continues to violate Wet’suwet’en law, forcing the construction of natural gas infrastructure through their pristine lands and waters without the consent of hereditary chiefs.

Finally, as the country reeled from the discovery of hundreds of children’s graves outside former residential schools, the Prime Minister went on vacation. As one survivor put it, “[His words don’t match his actions.](#)” We find this to be an apt description of Canada’s engagement with the TRC’s Calls to Action.

To make this determination, we have spent the past year assessing the progress. We use a straightforward methodology that asks the simple question: Which Calls to Action are complete? We determine a Call to Action complete when all aspects of the Call are fully addressed by

the parties to whom the Call refers. This approach, we hope, helps to provide insight into how Canada is taking up reconciliation.

This year, we make a caveat to our analysis. While the exercise of checking the completion of the Calls to Action is a useful one in determining institutional commitments to reconciliation as set out by the Truth and Reconciliation Commission, it is a partial picture of the composition of reconciliation in this country.

Throughout the years, and with each deep analysis of the Calls to Action, we came to understand two key things that we bring to bear on this year’s report.

The first point is that not every Call to Action requires Canada and Canadians to make the kinds of lasting, permanent and structural changes necessary to transform the relationship substantively. In other words, they are symbolic in nature.

In the case of the Justice Calls to Action (25 through 42), for instance, there is a significant difference between 42 — which calls upon all levels of government to “commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples” — and 41, which calls for upon the federal government “to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls.” Both are important, but one requires meaningful changes, while the other results in a report that, however important as a record and as a resource to Indigenous communities, the federal government can choose to simply ignore (as currently seems to be the case).

Considering the Calls as “symbolic” and “structural” allows more nuance in the analysis of completion. Indeed, given the “low-points” mentioned above, it may not come as a surprise that all of the completed Calls to Action this year are on the mostly symbolic Calls, while there has been little or no movement on the more substantive, structural changes called for by the TRC.

The second point we think it's important to make here revolves around the conceptualization of reconciliation. The Calls are compelling to Canadians because they serve as a sort of checklist. This also casts them as readily disposable: once complete, we can forget about them. But the nature of reconciliation should not be considered so finite.

Like treaty historians and Indigenous knowledge keepers remind us, relationality (which, to our mind, is what reconciliation is trying to achieve) is an ongoing process, not a single event or box to check. Being in good relations means regularly revisiting that relationship to ensure that it is being properly maintained and all parties are doing their part.

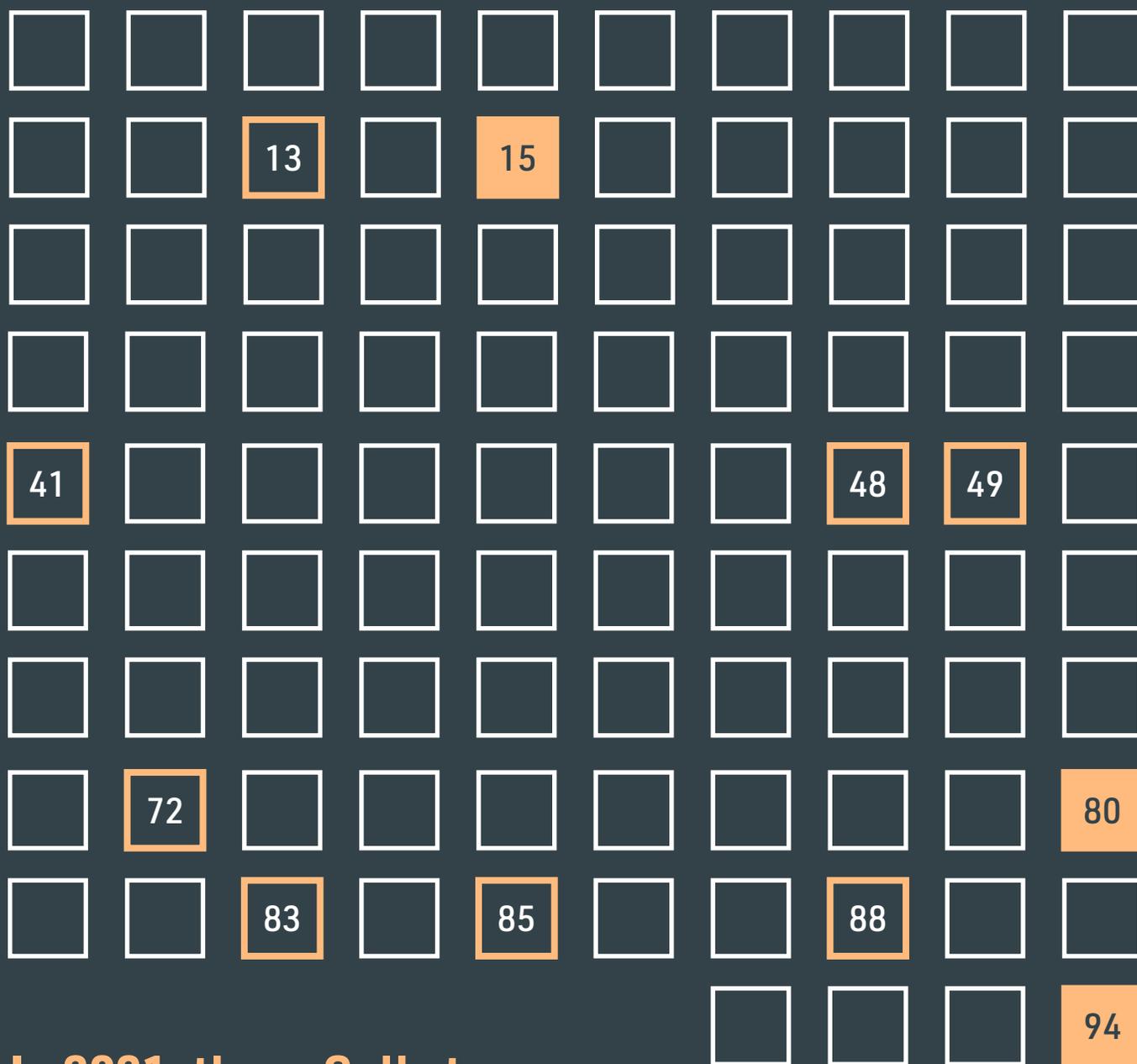
As we demonstrated in the [2019 report](#) with Call to Action 84, and in [2020](#) with Call to Action 90, progress on the Calls can stall and even unravel.

This is related to the earlier point about structural versus symbolic changes within the Calls to Action. Many times over the past three years, both of us have asked ourselves whether there really is a value in keeping a tally of completed Calls to Action when so many of the really important structural changes being demanded by the TRC

are being neglected. Can we celebrate the low-hanging fruit like creating a National Day for Truth and Reconciliation when the substantive progress is so limited?

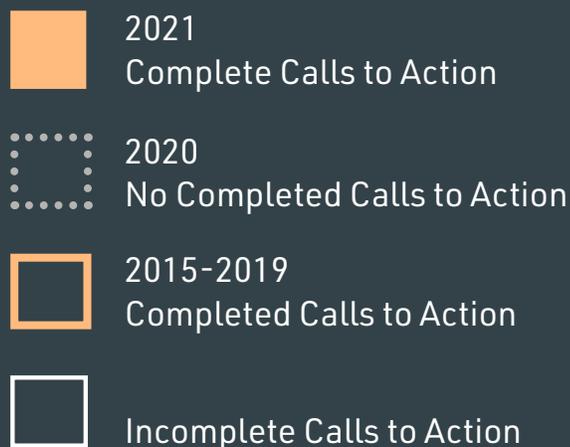
Ultimately, we have decided to continue the project because we still feel that our methodology of quantifying completion of the Calls is an important effort to ensure some semblance of accountability for Survivors and all Indigenous peoples harmed by Canada's colonial violence. We also believe this work is more critical than ever as we notice a certain reconciliation fatigue among the media. Journalists have asked us questions like, "When will it be enough?" in response to our supposedly high standards for reconciliation. And this is during a year when even the most [generous measure on Calls to Action progress](#) has Canada at an abysmal 14 per cent completion rate.

Canada has demonstrated time and again — in its intent, policy, and political culture — that Indigenous peoples are a project to complete or a "problem" to be solved. All of this tends to give rise to tones of exhaustion by Canadian policy-makers and the public when asked to face accountability for Canada's systems of genocide. To the question, "When will it be enough?" we say: it will be enough when the systems of oppression no longer exist. We will arrive at reconciliation when Indigenous peoples in this country experience, at the bare minimum, a living standard that reflects their visions of healthy and prosperous communities.



In 2021, three Calls to Action were completed, all in the month of June.

Following the discovery of 215 unmarked graves on the grounds of the former Kamloops Indian Residential School, this is more action on the Calls to Action in three weeks than the last three years.



PART TWO

Reconciliation: A Year in Review

We begin our analysis with a review of the events in 2021 that have shaped the discussion of reconciliation this year.

Revelations of Schoolyard Graves and renewed interest in Reconciliation

On May 27, 2021, Kukpi7 Rosanne Casimir, on behalf of Tkemlúps te Secwépemc, confirmed that ground-penetrating radar had identified the remains of 215 children, some as young as three, on the grounds of the former Kamloops Indian Residential School. Preliminary work to investigate the grounds of the school, which was the largest such institution in Canada's residential school system, began in the early 2000s. Kukpi7 Casimir confirmed what Survivors of the school had known and carried for years: "To our knowledge, these missing children are undocumented deaths."

The revelation shocked Canadians. Despite there being an entire volume dedicated to Missing Children and Burial Information in the Truth and Reconciliation Commission's Final Report (and indeed, six Calls to Action) that had been available for at least five years up to that point, the physical evidence of a *mass grave of undocumented child death* outside of just one school coupled with the media storm was a profound reminder of the "cultural" genocide Canada has admitted to while providing ample proof to suggest dropping the "cultural" qualifier.

Conversely, the revelations this year were not a shock whatsoever to Indigenous communities. Rick Harp, host of Media Indigena, [stated](#),

We had Indigenous people say, 'This is what happened. Here's our stories. Here's our presentation of a reality.' And yet, it was not legible to the broader society — to the settler society — until the intervention of this [ground-penetrating radar] technology and a non-Indigenous outlet deciding, 'This is a story.'

The ongoing discussion of reconciliation in this country is framed by both a profoundly felt knowledge on the part of Indigenous peoples harmed by Canada's colonial violence and the mix of shame and grief (or denial and antagonism) that Canadians feel when learning of this violence.

The truth seems to make reconciliation feel quite tense.

Days after the revelation, on June 1, 2021, Justice Murray Sinclair, former chair of the Truth and Reconciliation Commission, released a video statement reflecting on the testimonies he heard from Survivors. Sinclair noted that while he figured he had a "pretty good understanding" of what occurred in the schools,

The stories from the survivors proved to be horrendous. One of the most common stories that we heard were from survivors who talked about the children who died in the schools and whose deaths they witnessed.

Alluding to the harrowing amount of death the Commission heard from Survivors, Sinclair notes that a request was put forth to the federal government to conduct a fuller inquiry into children's death at the schools. Unsurprisingly, this request was denied. Sinclair gestured to the Kamloops revelations as evidence that the TRC was prevented from investigating, and remarked that we need to prepare ourselves for the reality that there will be more sites of children's graves. Sinclair reminds Survivors and intergenerational Survivors, "this information is important for all of Canada to understand the magnitude of the truth of this experience."

Indeed, following the announcement at Tk'emlúps te Secwépemc, four residential school sites were confirmed to contain children's graves: Brandon Indian Residential School in Manitoba, Marieval Indian Residential School in Saskatchewan, and St. Eugene's Mission School and Kuper Island Industrial School, both in British Columbia. At the time of writing, dozens of other sites are being investigated.

Amidst the revelations of summer 2021, Canada as a country found a new resolve in reconciliation. Many Canadians were interested in reflecting on their personal reconciliation practices as well as their government's actions — but not a single Call to Action was completed in 2020.

Reconciliation within the context of Canada's 2021 federal election

In the leadup to Justin Trudeau's snap election call on August 15, a series of public opinion polls suggested that reconciliation and the legacy of residential schools were increasingly becoming key political issues.

According to a June poll conducted by the Canadian Race Relations Foundation, the Assembly of First Nations (AFN) and Abacus Data, 49 per cent of respondents expressed "a new appreciation of the damage done by residential schools," and a solid majority "signaled strong support for actions on First Nations-led priorities toward justice, healing and closing the socio-economic gap." An August survey by polling firm Nanos even found that "Canadians are nearly twice as likely to say reconciliation between Indigenous and non-Indigenous people is important to them, rather than not important, in terms of influencing their vote."

To varying degrees, this new priority on issues related to reconciliation and completing the 94 Calls to Action was reflected in the platforms of the major political parties. This ranged from the NDP and Green platforms — both of which promise to fully implement UNDRIP and the

TRC's 94 Calls to Action and provide a number of specific examples of how this would be done — to the Conservative platform, which doesn't make an explicit commitment to completing all 94 Calls to Action and, instead, promises to "develop a comprehensive plan to implement TRC Calls to Action 71 through 76," and to "build a national monument in Ottawa that honours residential school survivors."

The Liberal platform, for its part, focuses mostly on their track record as a government and includes the highly dubious and misleading claim that "that 80% of the Truth and Reconciliation Commission's Calls to Action involving the government of Canada are now completed or well underway." Beyond this, they promise to "continue to accelerate implementation of the Truth and Reconciliation Commission's Calls to Action," with examples ranging from Jordan's Principle to UNDRIP to the Indigenous Languages Act.

None of the parties provided meaningful estimates of what it would cost to implement the Calls to Action, as a whole, or even their specific promises.

While all the major parties requested that the Parliamentary Budget Office (PBO) provide cost estimates for a whole range of individual promises from their platforms, none submitted any of their commitments related to "reconciliation" or the Calls to Action for a PBO cost estimate. This, perhaps, points to how seriously the parties took the issue.

The writ period itself further brought into question just how important the Calls to Action and "reconciliation" were for the parties, the media, and Canadians alike. The short answer was very little, as reconciliation was overshadowed by questions related to Afghanistan, assault weapons, vaccine mandates, and whether or not overwhelming public support for Quebec's racist Bill 21 means that Quebec is a racist province.

All of this was highlighted by the fact that one of the few times when Indigenous peoples were brought up on the campaign trail by Conservative leader Erin O'Toole, it was to pledge that his party would raise flags that had been at half-mast since the discovery of 215 unmarked graves on the site of the Kamloops Indian Residential School. "I do think we should be proud to put our flag back up," O'Toole told reporters. "It's not a time to tear down Canada. It's a time to recommit to building it up to be the country we know it can be. I think to recommit to Canada, you have to be proud of Canada." Trudeau responded,

[W]e made the commitment that we would not raise them again until we have worked enough with Indigenous communities and leadership to make a clear determination that it was time to raise them again and continue the hard work of reconciliation.

This exchange was emblematic of an election where, at best, Canadians were confronted with two competing visions of which sort of symbolic gesture was adequate to describe how sorry Canada was for running a genocidal system that saw thousands of children buried in unmarked graves on the grounds of what were supposed to be schools.

In spite of all this, polling during the election period continued to show that “a majority of Canadians believe reconciliation with Indigenous Peoples is an important consideration in how they plan to vote.” But as Mi’kmaq scholar [Dr. Pam Palmater](#) astutely [noted](#) at the time,

If the majority of Canadians are saying that reconciliation is going to determine how they vote, but then you have the parties not even mention Indigenous peoples during the recent Quebec debate, what does this say about the disconnect between all of these party leaders and Indigenous peoples?

Political commentator [David Moscrop](#) [noted](#) much the same thing about the French Language TVA debate, writing that “they spent more time talking about a tunnel/bridge in Quebec than they did Indigenous people.”

Even the [English language debate](#) — which had an entire section devoted to the topic of “Reconciliation” and was the first time that the Aboriginal Peoples Television Network (APTN) was represented at the debate — didn’t inspire much confidence that any of the parties were serious about transforming their relationship with Indigenous peoples. Take, for instance, one of the early questions, which saw young Ojibway voter Marek McLeod ask Trudeau:

How can I trust to respect the federal government after 150-plus years of lies and abuse to my people and as Prime Minister, what will you do to rebuild the trust between First Nations and the federal government?

Trudeau responded by focusing on his government’s progress on ending boil water advisories in 109 different communities, which was itself a broken promise from a previous election promising to end boil water advisories on all reserves by March 2021. And it’s worth noting that boil water advisories are not even mentioned in the Calls to Action because they shouldn’t need to be: clean water is a basic human right that non-Indigenous people in Canada are able to take for granted.

The other answers to the questions weren’t much better, and included Annamie Paul telling McLeod that her party was committed to “Indigenous sovereignty, self-determination, [and] nation-to-nation engagement.” It was hard for us to decide whether or not this was a more vague and non-specific answer than O’Toole’s promise that his government would “build partnerships and have Indigenous leaders have governance over the federal government finally delivering on our commitment to Indigenous people,” or Jagmeet Singh’s promise to start by “actually walking the path of reconciliation, not with the empty words, but real action, clean water, nation-to-nation and respect.”

As Kim Tallbear succinctly summed up the “Reconciliation” portion of the debate in [an episode of the podcast Media Indigena](#) recorded the next day: “There was a whole lot of nothing said in that debate.” [Dr. Cindy Blackstock](#) similarly [argued](#) that the candidates tended to “simply list platitudes without a lot of commitments” and that “the quality of the answers was pretty public-relations-focused and not really substantive in terms of being based on the facts.” Likewise, we came away from all three of the debates feeling dejected and disheartened.

In the end, it seemed to us as though — despite the polling and rhetoric to the contrary — issues around justice for Indigenous peoples and commitments to completing all 94 Calls to Action fell by the wayside and were largely ignored. We weren’t alone in this perception and, as Yellowhead Research Fellow Riley Yesno [told CBC’s As It Happens](#):

It’s something that I’ve talked to with a lot of other Indigenous people about how hard it is to watch what seems like greater care and momentum than we’ve certainly seen in many years past just kind of dissipate into the news cycle of the election.

Reconciliation Redux, Again (and Again)

Nothing more perfectly encapsulated Canada's limited progress on the road to reconciliation than Canada's first National Day for Truth and Reconciliation on September 30, 2021. The new holiday was an important one, as it marked the completion of Call to Action 80, which calls upon Canada,

To establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.

The legislation enacting the new holiday also received Royal Assent on June 3, 2021 — roughly six years after the TRC first released the Calls to Action and just days after revelations that the remains of 215 children had been identified on the grounds of the former Kamloops Indian Residential School. The importance of a national day of mourning for lost Indigenous children, in other words, had become more clear than ever.

But instead of accepting an invitation to take part in the act of “public commemoration of the history and legacy of residential schools” or even meeting with residential school Survivors, the newly re-elected Prime Minister Justin Trudeau flew by RCAF Challenger jet to Tofino, BC, for “a family vacation.” Given that a number of provincial governments had already decided not to recognize the National Day for Truth and Reconciliation as a statutory holiday at all, it was becoming increasingly hard to take the apologies and tears and expressions of grief over summer from settler politicians as anything but a performance of a kind of substance-free reconciliation.

Trudeau, of course, later apologized for his “mistake” and promised to do better, but the message to Survivors and their families was clear.

Here, then, we once again see the familiar pattern. Indigenous peoples do the hard work of meaningful truth and reconciliation — in this case, the Tk'emlúps te Secwépemc spearheading the search for their lost ancestors in the face of years of inaction by settler politicians and governments — while Canada offers the most half-hearted and symbolic response. Namely, a completed Call to Action that gives government employees the day off work.

Apologies, promises, symbolic gestures; apologies, promises, symbolic gestures. Repeat, repeat, repeat.

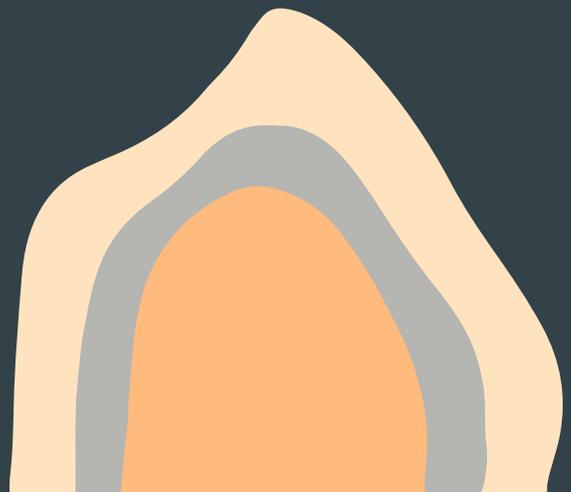
Is it any surprise, then, that the federal government once again refused to drop its appeal against the Canadian Human Rights Tribunal order that they compensate First Nations kids whose treatment in foster care was deemed by the tribunal to be “wilful and reckless”? Or that they would do so while claiming that they were, in fact, fighting for those same Indigenous kids?

Or is it any surprise that we would, once again, see heavily armed and armoured RCMP violently arrest and evict Wet'suwet'en land defenders from their own territories — even arresting two journalists there to cover the story — despite UNDRIP legislation having been passed at both the provincial and federal levels promising meaningful free, prior and informed consent for projects like the pipeline being built on unceded Wet'suwet'en territories?

These episodes are so common as to be expected. It's as if we're in a colonial Groundhog Day: symbolic gestures and apologies punctuated by colonial violence. It is no surprise that an increasing number of Indigenous people, and especially Indigenous youth, view the reconciliation dialogue as defeatist. It is hard to argue otherwise when considering the trends. But does the analysis of the 2021 Calls to Action progress confirm this view? Next, we consider the 94 Calls to Action, both symbolic and structural, and assess the current state of our collective relationship.

“ Indigenous people are just not seen as the highest priority. Look, for instance, with what we’ve been able to do with COVID by making it a priority, or what we’re able to do when there’s a natural disaster. When these kinds of things happen, the necessary resources are made available and then things change... If these Calls to Action were even close to being that much of a priority, well, this would be a very different world already.

- JARIS SWIDROVICH



PART THREE

Analysis: Legacy & Reconciliation Calls to Action

THE CALLS TO ACTION appear in two distinct categories: Legacy and Reconciliation.

Broadly speaking, Legacy Calls to Action seek to redress systemic inequalities that marginalize Indigenous peoples in Canada. Many of the inequalities that exist in the areas of Child Welfare (#1-5), Education (#6-12), Language & Culture (#13-17), Health (#18-24), and Justice (#25-42) find their roots in Canada's violent colonial policies and its Indian Residential School System. Hence, many of these Calls to Action seek to redress or repair the effects of genocide in Canada.

Reconciliation Calls to Action (#43-94) deal with 17 subcategories of measures that are meant to a) advance inclusion of Indigenous peoples in various sectors of society; b) educate Canadian society at large about Indigenous peoples, residential schools, and reconciliation; and, to our minds most importantly, c) establish practices, policies, and actions that affirm Indigenous Rights.

We examine these categories and present them in two parts. Like last year, we sought input from experts across the country in various disciplines and professional fields related to the recommendations that emerge from the 94 Calls to Action.

One challenge we find is that it's increasingly difficult to continue reporting each year without being overly repetitive when the same structural barriers prevent meaningful action.

These barriers to meaningful action include:

1. **Paternalism:** the deep-rooted, ongoing paternalistic attitudes and behaviours of politicians, bureaucrats, and policy-makers, resulting in a "we know best" mentality that prevents Indigenous peoples from leading on issues with their own solutions
2. **Structural anti-Indigenous discrimination:** Canada asserts legal myths to justify the dispossession of Indigenous lands and the subsequent manufactured poverty of Indigenous peoples
3. **"The Public Interest":** policy-makers and Canada's legal teams have used the interests of a non-Indigenous Canadian public to shore up their inaction on compensation for First Nations children, and as the beneficiary of exploited Indigenous lands
4. **Insufficient resources:** there's no shortage of promises, but with ongoing and rampant funding inequities, meaningful reconciliation will always be out of reach
5. **Reconciliation as exploitation or performance:** in the cases where "reconciliation" purportedly occurs, exploitative or predatory behaviour is rampant; and in the case of performative measures, actions serve to manage Canada's reputation

All the same, we find new examples and new themes informed by this year's events to lend to our analysis this year.

Part 3.1: Legacy

Legacy Calls to Action #1-42 seek to redress systemic inequalities that marginalize Indigenous peoples in Canada.

Child Welfare #1-5	Health #18-24
Education #6 - 10	Justice # 25-42
Language & Culture #13-17	

MANY OF THE LEGACY CALLS TO ACTION address major structural issues that Indigenous peoples continue to face in Canada. To date, this category has seen the least amount of action, which, correspondingly, means there has been little meaningful implementation resulting in change that positively impacts Indigenous peoples' lives. Below are the Legacy Calls to Action that have been implemented:

#13: Federal acknowledgment of Indigenous Language Rights

#15: Appointment of an Indigenous Languages Commissioner (announced June 14, 2021)

#41: Inquiry into Missing and Murdered Indigenous Women and Girls

While there is some analysis required on these Calls around federal support for the Language Commissioner's mandate, they are considered implemented in 2021. But where do we stand on the rest?

Child Welfare (#1-5)

Regarding the perpetual fight in Indigenous child welfare, this year, we spoke with the tireless and effective children's rights advocate Dr. Cindy Blackstock. A member of the Gitksan Nation, Executive Director of the First Nations Child and Family Caring Society, and Professor at McGill University, Blackstock offered insights into the movement on Calls to Action 1-5.

To demonstrate how critically important the first five Calls to Action are, it's important to understand their context. It is now widely understood that Canada's residential schools targeted vulnerable Indigenous children in order to expedite the violent project of settler colonialism. Dismantling the Indigenous family unit for multiple generations —

in concert with Canadian systems of surveillance and control under the [Indian Act](#), [E-number system](#), and the [Sixties Scoop](#) — ensured that the power of Indigenous Nations was neutralized as much as possible so as to make way for [easier land expropriation](#) and [unfettered resource extraction](#).

The multigenerational fallout of Canada's residential schools and its systems of control over Indigenous livelihoods are profoundly interconnected to this day.

In our interview with Blackstock, she noted that the [Canadian Incidence Study on Reported Child Abuse and Neglect](#) found that First Nations children specifically are [17.2 times](#) more likely to be placed in foster care than Canadian children. Historical and contemporary discrimination by Canada is directly linked to the key factors driving First Nations children into care. For example, government-run residential schools are directly linked to elevated rates of substance misuse and domestic violence related to intergenerational trauma among First Nations, and discriminatory federal public services result in First Nations having fewer resources to address these challenges.

Calls to Action 1-5 endeavour to address these legacies of Canadian violence by outlining a range of specific, ongoing failures within the Child Welfare system, and providing solutions for them. What's more, there is a reason these Calls are first: they are meant to prevent another generation of First Nations and Indigenous children from experiencing the systemic violence that Survivors themselves endured. As Blackstock stated,

The Child Welfare Calls to Action are the first that the Survivors wanted done so their grandkids didn't have to go through the system again.

These Calls to Action are the real litmus test of accountability for reconciliation.

Since 2007, the First Nations Child and Family Caring Society and the Assembly of First Nations have been battling the federal government on the grounds that Canada is willfully discriminating against First Nations children by underfunding their services, resulting in another generation of disproportionate child apprehensions.

The Canadian Human Rights Tribunal (CHRT) heard the cases, sided with First Nations children, and ordered the Canadian government to a) fund First Nations children

equitably, and b) compensate children and their families who were wrongfully involved in Child Welfare systems as a result of underfunded services. The resulting compensation amount that victims of the Child Welfare system are entitled to is billions of dollars.

From the very first orders from the CHRT, the federal government has been fighting the rulings that side with First Nations children. The federal government's own reporting on Calls to Action 1-5 claims that "Indigenous Services Canada is focused on fully implementing the orders of the Canadian Human Rights Tribunal." Since July 2020, when the website was last updated, the government has appealed the orders of the Canadian Human Rights Tribunal *twice*.

To date, there has been no meaningful movement on the Calls to Action related to Child Welfare by Blackstock's assessment. Bill C-92, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, came into force in June 2019 and was peddled as the federal government's remedy to the many inequities Blackstock and others have pointed out. But, as we argued last year, it has widely been critiqued as another avenue to avoid meaningful action.

From Blackstock's perspective, C-92 simply doesn't deliver for First Nations kids.

All of that cascading inequality and trauma that's made worse gets codified as a parental deficit in every child welfare statute. C-92 was supposed to be the flagship of the federal government to remedy all this. Section 16, for instance, talks about structural drivers but doesn't do anything about them, doesn't fund them, doesn't address them, is really a lot of words on paper, to which no government can be really held [to] account.

One of the problems, notes Blackstock, is the lack of anything binding, particularly when it comes to communities who sign agreements devolving Child Welfare services to the local level.

The federal funding approach we've seen for C-92 is actually very similar to what we just had ruled discriminatory under the CHRT. They're literally rolling back the clock, and they're saying to themselves that they won't be bound by the CHRT orders on CFS as soon as a First Nation takes Child Welfare services into its own jurisdiction. So basically you get this fixed funding package —

adjusted for population and inflation — and away you go. It might be enough money for the first four or five years, but then you're going to wind up on the rocks if the historical patterns play out again. And then these First Nations will literally have to litigate from scratch.

Currently, the federal government is in negotiations with the Assembly of First Nations and the First Nations Child and Family Caring Society to come to a "global resolution," as APTN reported. On December 13, Minister of Crown-Indigenous Relations Marc Miller announced on Twitter that his government's Economic and Fiscal Update would "show that the Government of Canada is provisioning \$40 billion to provide compensation and to commit the funds necessary to implement long-term reform so that future generations of First Nations children will never face the same systemic tragedies."

It was a confusing statement for a number of reasons, because it was clear from his Tweets that negotiations were still ongoing. Had a negotiated agreement been reached? Was Canada dropping its appeal of the CHRT ruling? Or was this simply an acknowledgement that, regardless of what happens, Canada is going to have to pay compensation to Indigenous peoples victimized by Canada's Child Welfare policies?

A press release from Blackstock and the Caring Society published in response to Miller's announcement suggests that the latter possibility is the most likely one. "Negotiations and discussions are ongoing and no agreements have been signed," they wrote.

While the Government of Canada's promise to put \$40 billion towards ending ongoing discrimination and compensating the children and families who were hurt is an important step, there are more legal steps to take before victims get the compensation they are owed and First Nations children get the services they deserve. Part of government reform and reconciliation is keeping promises to First Nations children, youth, families, and Nations.

The press release offers an incisive explanation for why this cost is so high that also speaks to the high cost of failing to implement the calls to action, more generally:

The government is now paying a high price for not fixing its unequal funding of First Nations children's services... The price tag is so high

today because the Government of Canada did not implement available solutions to address the serious harms to First Nations children and families, despite knowing about the problems for decades. Let this be the lesson — that governments need to do better when they know better — the children and the country cannot pass the costs of discrimination down the road by choosing to ignore clear problems with clear solutions.

Regardless of what materializes in the remaining weeks of December 2021, Blackstock told APTN that she is prepared to “vigorously defend” First Nations kids in court if an agreement is not reached by January 2022.

If movement on the Child Welfare Calls to Action is, as Blackstock aptly notes, a barometer for Canada’s commitment to reconciliation in this country, we’ve witnessed the federal government’s neglect, resistance, and opposition to every step toward progress.

When we asked Blackstock why she thinks the federal government continues to challenge First Nations children in court and why it refuses to equitably fund their livelihoods, her answer struck a chord. “I think it’s about control. I think that they really have a hard time letting go of control, even if they want to.”

Despite Blackstock’s solutions-based approach developed by First Nations Child and Family Caring Society — particularly in the form of the Spirit Bear Plan — the federal government’s resistance to implementing Indigenous-designed solutions to the issues Indigenous peoples know all too well is telling. If Canada won’t take the measures to prevent another generation of Indigenous children from experiencing colonial violence, can we really say that reconciliation is on the table?

Education (#6-12)

Calls to Action 6-12 address the colonial legacy of assimilative, violent, and chronically underfunded systems of education that Indigenous children and peoples experience in Canada.

The fact that these Calls to Action come immediately after those related to Child Welfare is important to note here: Canada’s Indian Residential School System mandated the removal of children from their families and Nations under the guise of “education.”

In many ways, then, the bureaucracies that serve Indigenous peoples’ education systems today still contain the colonial legacies of underfunding, assimilation, and paternalism that were present in residential schools of the past.

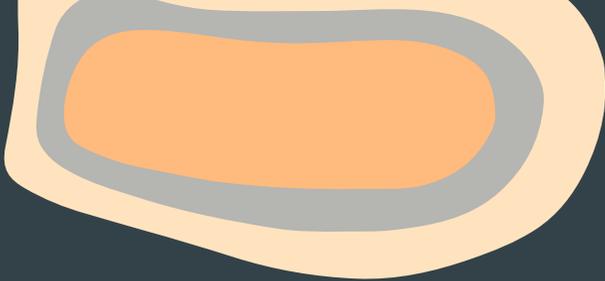
As a result, Indigenous peoples experience more systemic barriers in accessing education than their non-Indigenous counterparts. The outcome is lower rates of educational attainment, which is one contributor (among many) to higher unemployment rates, fewer employment opportunities, and lower incomes.

These structural “gaps” — as they are often styled — find their roots in what has been, for generations now, a shoddy education system. Indeed, Call to Action 9 urges the federal government to “prepare and publish annual reports comparing a) funding for the education of First Nations children on and off reserves,” and b) the resulting income attainments of Indigenous peoples in Canada compared to their non-Indigenous counterparts.” This Call to Action, in other words, is meant to illuminate and quantify the existing and longstanding disparities in the provision of education to Indigenous and non-Indigenous peoples.

By our analysis, Call to Action 9 is a critical first step to establishing a metric for completing other Calls to Action, like 7 — which demands that the federal government (in concert with Indigenous groups) eliminates education and employment gaps — or Call to Action 8, which calls upon the federal government to eliminate the discrepancy in federal education funding for First Nations children on reserves. The metric outlined in 9 would also assist in drafting Indigenous education legislation that is called for in 10.

Yet, the federal government’s own webpage that reports their movement on this foundational Call to Action (which hasn’t been updated since 2019) offers only a report on K-12 education operating expenditures from 2016 to 2017. The fact that after six years, the federal government still can’t meet this rather simple Call to Action — one that, for us, constitutes the absolute *bare minimum* necessary for accountability before real and meaningful changes occur — does not bode well for the future.

Additional foundational work to address education revolves around funding for education, which for decades was cut under the notorious two percent cap. In May 2021, the Liberal government released Budget 2021: Strong Indigenous Communities, which, among other funding commitments, details a 10-year grant funding mechanism designed to escalate funding. By the government’s own wording,



“ The government is now paying a high price for not fixing its unequal funding of First Nations children’s services... The [\$40 billion] price tag is so high today because the Government of Canada did not implement available solutions to address the serious harms to First Nations children and families, despite knowing about the problems for decades.

Let this be the lesson — that governments need to do better when they know better — the children and the country cannot pass the costs of discrimination down the road by choosing to ignore clear problems with clear solutions.

- CINDY BLACKSTOCK

Escalation will be based on inflation and the population of each community, but a minimum of two percent annual growth will be provided to ensure that First Nations within the grant receive stable and predictable funding.

Has the cap been recast as a funding floor in 2021? If two percent is declared as the *minimum* funding provided to Indigenous services (including education), the federal government's track record of severely underfunding Indigenous communities doesn't necessarily guarantee the funding will be lifted off the floor and warrants continued monitoring. While budget documents do indicate increased funding, the reality on the ground is more complicated.

This year, we spoke with M'chigeeng Anishinaabe scholar Brent Debassige, Associate Professor at Western University and the strategic partner to the First Nations with Schools Collective (FNWSC), an "inter-nation workspace" located in southern Ontario that strategizes First Nations-led policy for the control of First Nation education. In our conversation with Debassige about the additional funding that is being presented as a bare minimum standard for what the federal government calls "high-quality education," he stated there are caveats to these types of actions:

This approach is going to give the appearance that there's parity with the province on funding, but it's nonsense — it's the comparability model they're calling it — because it's this idea that First Nations are going to be funded on par with these transfer agreements that are funded under the provincial model.

In 2019, Anishinaabe educator and practitioner Leslee White-Eye, the Structural Readiness Coordinator for the FNWSC, pointed out similar problems with the "comparability model" in Ontario: she astutely noted that providing parity funding to First Nations schools that have been undercut for generations can set up systems to fail. Worse, these systems could be subject to austerity when First Nations schools do not replicate provincial standards that are tied to the funding, which could be a goal for those that want to implement a curriculum that reflects their unique knowledges, languages, and land-based practices.

In our conversation with Debassige, he pointed out that it is, once again, First Nations that, "are really trying to do the work — despite being severely underfunded and under-resourced — of trying to put together a model of education that speaks to the needs of the First Nations and that gives

consideration to the development of a virtually nonexistent Indigenous-focused curriculum."

Escalated funding will provide the *appearance* of parity, in other words. But parity for systems that have been significantly underfunded and undermined for generations — where basic infrastructure like buildings, books, school buses, and athletic facilities have all been neglected under a system of permanent austerity — is still not enough, particularly when budgets come with strings attached for First Nations schools (particularly in Ontario) to deliver the provincial curriculum. Debassige pointed to this inconsistency with the values of the first Indian Control of Indian Education policy paper released in the 1970s:

Even though we can talk about Indian Control of Indian Education coming up to its 50th anniversary, we are in a place where still this hasn't been done.

We are beyond 150 years of Canadian paternalism over Indigenous education. Each year the Calls to Action that address structural discrimination go without implementation, another generation of Indigenous kids suffer at home and in school.

It's alarming that the federal government continues to underfund Indigenous education, and particularly First Nations children — whose lives, as we saw in the previous section on child welfare, are more broadly underfunded — leading to exponential and compounding harm that will not end without real tangible commitments to structural change and substantial funding.

Language & Culture (#13-17)

As noted already, the weeks following the revelations by the Tk'emlúps te Secwépemc First Nation saw the federal government make a flurry of announcements related to the TRC Calls to Action. On June 14, just over two weeks after the unmarked graves on the sites of residential schools made international headlines, the federal government announced progress — for the first time in six years — towards the completion of the Language and Culture Calls to Action 15 and 17.

The first of these was the announcement that Chief Ronald E. Ignace of the Secwépemc Nation would be Canada's first-ever Indigenous Languages Commissioner and that Robert Watt, Georgina Liberty, and Joan Greyeyes would act as the first directors. This newly created Office of the Commissioner of Indigenous Languages would, according to the federal government,

[O]perate independently from the government of Canada and support Indigenous peoples in their self-determining efforts to reclaim, revitalize, maintain and strengthen Indigenous languages; promote public awareness of Indigenous languages; undertake research on the provision of funding and on the use of Indigenous languages in Canada; and provide culturally appropriate dispute resolution services and review complaints.

This marks a major milestone and, to our mind, meets — for the time being, at least — the TRCs call that the federal government “appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner.”

While we will be watching to ensure that the Commission meets the goal of helping to “promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal languages initiatives” as laid out in Call to Action 15, this was a welcome policy change.

The other major language announcement was that First Nations, Métis, and Inuit people would be able to “reclaim their Indigenous names, as written, on passports and other immigration documents,” including “travel documents, citizenship certificates and permanent resident cards.” This process, they also announced, “will be provided free of charge for 5 years.”

Although we are genuinely surprised that it took six years to get to this point at the federal level, we nonetheless see this announcement as good news. It does not, however, mean that Call to Action 17 is complete. This is because it calls upon *all levels of government* “to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver’s licenses, health cards, status cards, and social insurance numbers.”

While there has been movement on the federal level and by a handful of provincial and territorial governments, many provinces have not made comparable changes — posing a significant barrier to those trying to restore their traditional names. In fact, data from the federal government reveals very few have applied to reclaim those names. Why is that the case?

As the experience of Haílzaqv activist and educator Jess Ústi or Skw̓wú7mesh facilitator and strategist Ta7talíya Nahanee show, individuals trying to have their traditional names recognized on their government-issued identification documents still face significant and often insurmountable barriers.

When Ústi inquired about the process for legally changing her name in British Columbia so as to reclaim the traditional Haílzaqv spelling of her surname — a name which Ústi notes had been “anglicized by Indian agents generations ago” — she was informed, “Unfortunately, at this time, systems’ limitations do not allow for the accommodation of any diacritical markers for provincial government photo ID,” and that “where a diacritical marker cannot be accommodated, the letter will show without the marker.” Or, as CBC journalist Betsy Trumpener summarized the situation in her story about Ústi’s efforts: “The only way to accommodate Indigenous names like Ústi’s is to anglicize them using the Latin alphabet.”

These barriers, it turns out, are not just at the provincial level. As Ta7talíya Nahanee discovered upon trying to have her Skw̓wú7mesh name used on her passport, she was informed by the immigration department that “its document-issuance systems can only print Roman alphabet with some French accents, as well as three symbols: apostrophe, hyphen and period. Numbers in names are not part of its functionality.” According to the government, this is because the International Civil Aviation Organization standards require that “all passports and travel documents are machine-readable since they are used in computer systems by domestic and foreign border-control agencies, airlines and airports for ticket purchasing, reservations and boarding card printing.”

When asked why the federal government didn’t make this rather significant limitation clear at the time of their original announcement in June, a department spokesperson claimed that “during government consultations with organizations representing Indigenous communities... participants did not raise concerns around the use of the Roman alphabet.” When Toronto Star reporter Nicholas Keung asked officials to name who, exactly, had been originally consulted, federal officials “would not disclose which organizations were part of the consultations.”

After sitting on this policy for six years, the federal government had still clearly not thought through many of the *existing* basic technical barriers in place for Indigenous peoples trying to reclaim their traditional names. This is a half-measure towards implementing that Call and, we

hope, was not announced for political expediency given the context. But if so, it does not give us confidence in the seriousness of their commitment to completing the Calls to Action more generally.

Health (#18-24)

For the second year in a row, Canada has not completed a single Health Call to Action. This is true despite the fact the pandemic continues to expose both the importance of the Health Calls to Action as well as the profound human costs of Canada's inaction when it comes to closing the health care gap between Indigenous and non-Indigenous peoples.

None of this should come as a surprise, especially given that the government of [Canada's own website](#) created to track their progress towards completing the Health Calls to Action was last updated in September 2019 — and consists mostly of spending and programs announced in 2018.

Despite this, though, much has happened since we wrote our report last year — including the vaccination of millions of Canadians and the arrival of the more infectious Delta and Omicron COVID-19 variants. Perhaps most importantly, the year started with Indigenous peoples being given priority access to vaccines along with other “at-risk” groups, including health care providers and residents of long-term care facilities. The reason why public health officials prioritized Indigenous communities when it came to Canada's vaccine rollout ultimately reflected the existing crisis in Indigenous communities, which were already facing the overlapping crises of overcrowded housing, high rates of poverty, food insecurity, lack of access to safe and clean drinking water, and barriers to accessing quality health care.

As we reported last year: it's no wonder, then, that in the leadup to the vaccine rollout, many Indigenous communities were already experiencing COVID-19 rates well in excess of their non-Indigenous neighbours. Indeed, during the third and fourth waves, Indigenous communities, especially in the North, experienced the highest infection rates in the country. Canada's existing failures in areas ranging from health care to housing to clean water infrastructure had clearly made Indigenous peoples uniquely vulnerable to the threat of a highly contagious pathogen like COVID-19.

As Ian Mosby and Jaris Swidrovich — the latter of whom is a Saulteaux/Ukrainian Assistant Professor in the Leslie Dan Faculty of Pharmacy at the University of Toronto — wrote earlier this year in the *Canadian Medical Association Journal*, prioritizing Indigenous peoples for vaccination was

clearly the right move. However, it also sent a dangerous message to communities that already had good reason to be vaccine-hesitant given their experience with both [medical experimentation](#) and racial discrimination by health care providers. As Mosby and Swidrovich noted in their [March 2021 analysis](#):

Recent statements that Canada could not meet its pledge to end boil water advisories by March 2021 because of COVID-19 — all while early priority shipments of the vaccine are being sent to Indigenous communities — only feeds into the narrative that Indigenous Peoples are being used to test the safety and effectiveness of the vaccine before it is administered to the rest of the population.

Throughout the past year, while working at a mass clinic run by the Saskatoon Tribal Council, Swidrovich put into practice the key recommendation from their article that vaccine messaging and programming will be “more effective if delivered directly by Indigenous Elders, leaders and health practitioners who have trust and credibility in their communities.” And, as he told us in a recent conversation, this highlighted what Calls to Action such as 20 — which calls upon the federal government to “recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples” — might actually look like in practice.

“Right at the door,” Swidrovich told us, “the first thing you do after sanitizing your hands is smudging. And so, right away, it felt like, “This is for me; this is a clinic for me.” The important takeaway, though, was that “the whole experience just felt normal — but in an Indigenous sense of normal.” In the case of the Saskatoon clinic, this meant moving through the space in a circular, clockwise fashion, and being met with mostly Indigenous immunizers, support staff, and helpers.

Once again, though, it was Indigenous peoples, communities, and organizations doing the heavy lifting to create this kind of Indigenous-centered health care delivery — not the federal or provincial governments. And what's more: for smaller communities without the resources of the Saskatoon Tribal Council, the process has proven to be extremely challenging. This perhaps explains why, in many parts of the country, vaccination rates for Indigenous peoples continue to [lag behind the national average](#).

Perhaps the most disturbing trend in recent months, however, has been that on-reserve rates of COVID-19 cases have consistently been three and four times the national average — but even as high as seven and eight times in some weeks. While prioritizing vaccinations for Indigenous people was an essential step, it was by no means able to overcome the structural issues that the Calls to Action were created to address.

When we asked Swidrovich why he thought there had been so little movement towards completing Calls to Action 18-24 more generally, he framed it in a way that spoke to the conclusions of our earlier reports. “Honestly,” he told us, “Indigenous people are just not seen as the highest priority.” He pointed to examples of how many resources can be brought to bear during emergencies.

Look, for instance, with what we've been able to do with COVID by making it a priority, or what we're able to do when there's a natural disaster. When these kinds of things happen, the necessary resources are made available and then things change.

We are, Swidrovich pointed out, six years on from when the TRC released its final report. “If these Calls to Action were even close to being that much of a priority,” he told us, “Well, this would be a very different world already.” Given the endemic chronic and infectious health indicators for Indigenous people in Canada, we have to wonder why.

At the time of writing, Canada has begun consultations on new Indigenous health care legislation. Perhaps in the 2022 Report we'll be able to speak more positively about Calls to Action 18-24.

Justice (#25-42)

Canada has made little progress towards dismantling the structural racism at the heart of a justice system in which Indigenous peoples make up more than 30 percent of inmates in federal prisons, despite being only five percent of the national population. This figure, as we reported last year, is up 25 percent from when the TRC's Final Report was published in 2015.

It's no wonder, then, that some experts now view Canada's prisons as the “new residential schools.” Correctional facilities are viewed in this light because institutional discrimination — rooted in the legacy of colonialism — results in these exceptionally high rates of incarceration. Do Indigenous peoples commit more crimes? Not necessarily. But because of their socio-economic status and racism in

Canadian society, Indigenous people are incarcerated more frequently, for longer, and in higher security institutions. And, in light of this very clear systemic discrimination, we predict that the ongoing mass incarceration of Indigenous peoples will be the focus of future class action lawsuits, tearful national apologies, and promises that “this will never happen again” — maybe even by the very same people overseeing the system right now.

After all, these numbers *should* be a source of national shame and soul searching. They *should* prompt an emergency response by all levels of government. The scale to which Indigenous communities, families, and individuals have historically been and are currently being harmed by the justice system is nearly unimaginable. Instead of an emergency response or any sense of urgency on the part of policy-makers, Canada's response has been, for all intents and purposes, small tinkering around the edges of a system in need of a complete overhaul.

Take the federal government's own reporting on its progress towards meeting key Calls to Action, such as number 30, which calls upon “federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.”

There have not, of course, been any detailed annual reports published, so, realistically, we still don't have access to a meaningful metric of genuine progress. The federal government, however, points to Bill C-75's provisions relating to bail conditions and jury selection as examples of progress. While these are welcome changes, most critics believe the federal government did not go nearly far enough. In a commentary on Bill C-75's changes to the jury selection system, for instance, Kent Roach, the University of Toronto Professor and Prichard Wilson Chair in Law and Public Policy, has argued that while the changes addressed some of the specific issues related to the Gerald Stanley trial, “more comprehensive jury reform is necessary.”

It is unfortunate that Bill C-75 was not more aggressive in terms of imposing more robust standards, rooted in substantive equality, to allow for a jury's composition to be challenged when Indigenous peoples and other racialized groups overrepresented in the justice system are underrepresented on the jury.

The federal government's analysis of their progress on Call to Action 30 points to areas where they have “invested

in Indigenous community-based programs that support initiatives that have shown to reduce reoffending and address the root causes of offending.” Specifically, they point to the fact that “Budget 2017 provided approximately \$11 million in ongoing funding for the Indigenous Justice Program, while Budget 2016 increased ongoing funding for the Indigenous Courtwork Program by \$4 million.”

Not only are these examples already years out of date, but they are woefully inadequate by any standard. As [CBC’s Beyond 94 analysis argues](#), “The Indigenous Justice Program is not a new initiative in response to the TRC’s Calls to Action” and its predecessor, the Aboriginal Justice Strategy, “received the same level of funding — \$11 million a year — under the previous federal government.”

Similarly, the Indigenous Courtwork (ICW) Program has also existed in one form or another for decades before the TRC published its final report. While the increase in funding announced in 2016 was important and necessary, it also [“represented the first federal funding increase for the ICW Program since 2002-03,”](#) and was, therefore, long overdue. Yet even with these announced increases, the program in Manitoba saw its overall [budget decline by 25 per cent](#) between 2018 and 2019 due to funding squabbles between the provincial government (who cut their share of the program’s budget) and the federal government (who would only agree to match Manitoba’s funding). The result? As the [Winnipeg Free Press](#) reported last year: by 2020, the Manitoba program had only seven employees, down from 15 in 2014.

Even if these funding announcements were adequate, the fact that funding for these programs is simply dwarfed by the money Canada is spending to fight Indigenous peoples in court speaks volumes. According to a [December 2020 analysis](#) by APTN, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) spent \$58 million on legal services in 2020, which was “two times more than the RCMP or Defence Department respectively and more than any federal department other than the Canada Revenue Agency.” This spending includes, for instance, between \$5 and \$9 million “fighting Cindy Blackstock and First Nations kids at the Canadian Human Rights Tribunal” since 2007, and “\$3.2 million in court costs fighting survivors of St. Anne’s Indian Residential School since 2013.”

When we asked Vuntut Gwitchin lawyer and Yellowhead board member Kris Statnyk why this is the case and why, ultimately, there’s been so little progress, he pointed to the work of the TRC itself as an explanatory framework.

“We just need to read the report,” he told us.

I always go back to volume six, chapter two of the Final Report, which talks about the fundamental role of Indigenous law in the process of reconciliation. And it’s pretty explicit that Canadian law is a tool of colonialism, is an impediment to reconciliation, and needs to be transformed. It’s also explicit that Indigenous law needs to be part of defining what reconciliation is and that’s going to be different, based on the diversity of Indigenous peoples and their distinct cultures and experiences.

Statnyk added that it was not just Crown governments who were preventing meaningful change. “I think the legal profession, itself, is still a huge obstacle. It’s a notoriously conservative space and has never really embraced or respectfully engaged with Indigenous legal traditions in ethical ways.” Part of this, he suggested, is that the Calls to Action themselves pose a kind of “existential crisis for Canadian law”:

Repudiating the doctrine of discovery and Terra Nullius — not to mention litigation practices and laws that are based on them — could, in my view, be the only call to action in this whole report. If that was truly acted upon and embraced in a meaningful way, and we systematically overturned the racist notions underpinning Canadian laws that Indigenous peoples are lawless and incapable of governing for themselves, then everything else would flow from that.

This is the fundamental challenge with the substantive Calls to Action: they require Canadians to ask critical questions of themselves and the origins of this country, as well as about the origins of their own wealth and capacity for meaningful transformation. The Justice Calls to Action and the limited attention given to them reveals an unwillingness to both confront those questions and to challenge the Canadian identity with its myths of fairness. What we see regarding Indigenous people in the Canadian justice system is unfair, devastating, and — frankly — criminal.

Once again, at the time of writing, the federal government has announced plans to address the high incarceration rates of Indigenous peoples through the [repeal of mandatory minimum sentences legislation](#). But we suspect that, given the scope of the challenge, that this will not prove to be nearly enough to make the necessary structural changes to Canada’s justice system.

“ The pain and the impact of finding children’s graves is so great; I don’t feel like you should put a dollar amount on this process. A child’s life is priceless. Communities need to be given anything and everything that they need in order to do the work to find out where the resting places are to get justice and accountability for who’s responsible for the deaths of their children. And then work toward healing.

- KISHA SUPERNANT

Part 3.2: Reconciliation

Reconciliation Calls to Action (#43-94)

deal with 17 subcategories of measures that are meant to:

- a) advance inclusion of Indigenous peoples in various sectors of society;
- b) educate Canadian society at large about Indigenous peoples, residential schools, and reconciliation; and, to our minds most importantly,
- c) establish practices, policies, and actions that affirm Indigenous Rights.

THIS PAST YEAR, we have seen the most progress on the Reconciliation side of the Calls to Action, though largely in areas that are symbolic in nature. This has been true in each year of the Report. Calls to Action 43-94 propose strategies to advance reconciliation in Canada, and comprise the majority of the completed Calls, totalling eight complete, including two additional complete calls for 2021. These include:

#48: Adoption of UNDRIP by Churches and faith groups

#49: Rejection of the Doctrine of Discovery by Churches and faith groups

#72: Federal support for the National Centre for Truth and Reconciliation's National Residential School Student Death Register

#80: National Day for Truth and Reconciliation, observed September 30 (announced June 3, 2021)

#83: Reconciliation agenda for the Canada Council for the Arts

#85: Reconciliation agenda for APTN

#88: Long-term support from all levels of government for North American Indigenous Games

#94: Citizenship Oath reflecting commitments to Treaty Relationships with Indigenous peoples (announced June 21, 2021)

The following discussion will focus on three of the 17 subcategories, with check-ins and discussions of completed or soon-to-be completed Calls to Action.

Missing Children and Burial Information (#71-76)

This year, we spoke with Métis archeologist Dr. Kisha Supernant — Director of the Institute of Prairie and Indigenous Archeology and a Professor in the Department of Anthropology at the University of Alberta — for an update on these Calls to Action. “It’s very, very early days,” Supernant reminded us. “These are Calls to Action, which are going to take years to be met, so it’s not quite as simple as creating a National Day for Truth and Reconciliation.”

In 2020, we reported that while there was no progress on completing the Calls to Action regarding Missing Children and Burial Information, there was still important movement happening behind the scenes. We now know that at least part of this movement was 20 years in the making, which culminated in the May 2021 announcement by Tk'emlúps te Secwépemc.

This announcement, according to Supernant, resulted in a government response to either reiterate, increase, or create new funds for the Missing Children and Burial Information work to be led by Indigenous communities. Still, the funding has fallen short for the significant needs of longstanding sites such as The Mohawk Institute, Canada’s first and longest-running residential school, which operated for nearly 140 years.

While increased funding moves toward the completion of these Calls, there is still the added complication of capacity limits for this sensitive work. Approaching the arduous process of recovering graves in an ethical and culturally-sensitive way makes for logistically complex work, as Supernant noted:

Resources are more than money, and one of the big challenges that I see is the huge burden on communities to figure out every component that is involved. It is a very complicated process. And what’s happening is the communities are trying to figure out who to turn to in order to get reliable advice. Most people don’t know how ground-penetrating radar works, so they’re not going to have [the] in-house capacity to be able to survey these giant landscapes around the schools.

There exist few Indigenous experts in this field that Indigenous communities can turn to. Supernant’s institute alone is working with over 35 First Nations seeking Indigenous experts to assist in recovering graves of their children outside Canada’s residential schools. What’s

more, there is the ongoing concern that we raised in last year's report: increased reconciliation funding means newly resourced Indigenous Nations could be the target of exploitation by companies seeking to profit from their pain. Supernant referred to companies like SNC-Lavalin who are "coming out of the woodwork" to contract ground-penetrating radar services originally used to identify and repair pipeline infrastructure:

One of the Nations we worked with early on pulled up this big stack of proposals and said, 'These are all the quotes that have been sent to me since the news from Kamloops came out.'

While some welcomed the assistance, Supernant worries the influx of corporate-led for-profit approaches will lead to cut corners or hasty processes being created by companies that are more interested in the novelty of these revelations or in taking performative action that improves their reputation, rather than being attentive to building genuine relationships with Indigenous communities. Again, Indigenous people — in this case, experts like Supernant — are left trying to support communities through challenging circumstances in the absence of adequate resources:

I've been working with my fellow archeologists to try to coordinate efforts to offer at least a reliable source of information, on top of working with individual communities. We are trying to do what the federal government should've done from the beginning, which is coordinate the national conversation.

In addition to the limited capacity, there is still the stark reality that many First Nations and Indigenous communities are experiencing renewed grief as a result of this work. As Supernant told us:

The pain and the impact of finding children's graves is so great — I don't feel like you should put a dollar amount on this process. A child's life is priceless. Communities need to be given anything and everything that they need in order to do the work to find out where the resting places are to get justice and accountability for who's responsible for the deaths of their children. And then work toward healing: at Tkëmlúps te Secwépemc, they are talking about needing funding for a Healing Centre. And there are communities who want to establish museums to educate Canadians about

this history and make sure that it's not forgotten. All of these things need to be resourced, and right now, I'm not even sure communities know how best to access them because they're still in the process of just grieving.

While some Indigenous Nations are doing the sensitive and difficult work of identifying gravesites, there are still outstanding archives that are set to be released. Calls to Action 71 and 77 both call upon different agencies to provide outstanding archival information and records on child deaths to the National Centre for Truth and Reconciliation. Even though some agencies are reportedly cooperating with these Calls, on November 15, 2021, CBC reported that some residential school records and archives had been moved to the Vatican. Recently, Crown-Indigenous Relations Minister Marc Miller announced a new volume of federal residential school records would be turned over in early 2022.

In previous years, we've critiqued the federal government's lack of adequate updates on their "Delivering on Truth and Reconciliation Commission Calls to Action" website, which to our minds, signals a lack of commitment in not only their completion, but their transparency in delivering on the Calls to Action.

On July 5, Indigenous Watchdog, an independent research site that tracks the Calls to Action weekly (produced by Douglas Sinclair of Peguis First Nation), reported that the federal government had "updated" several parts of their website, including the section on Missing Children and Burial Information but that, in fact, no discernible changes could be identified from the previous updates made in 2019.

Sinclair suggests that only the dates were updated in response to significant media attention from national and international outlets. If true, this would very much reflect the predictable trend of "reconciliation as performance" that Canada has mastered. As Sinclair writes, "What does that say about the government's commitment to honesty, transparency, accountability — and respect?"

Canadian governments and the United Nations Declaration on the Rights of Indigenous People (#43-44)

On June 21, National Indigenous Peoples Day, Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), became law. According

to the [Department of Justice](#), the legislation “responds to the Truth and Reconciliation Commission’s Call to Action 43 and the National Inquiry into Missing and Murdered Indigenous Women and Girls’ Calls for Justice” by creating “a framework for reconciliation, healing and peace, as well as harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith.”

This is an important first step and does represent a response, but we are still a long way from seeing the federal government “fully adopt and implement the United Nations *Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation” as outlined in Call to Action 43. The federal government stresses in [its own explainer](#) on Bill C-15,

The Act requires that the action plan be developed as soon as possible and no later than two years after it has come into force. Once completed, the plan must be tabled in Parliament and will be made available to the public. The action plan can then be renewed and updated as needed.

To get a better sense of how both the federal UNDRIP law and BC’s *Declaration on the Rights of Indigenous Peoples Act* address the TRC’s Calls to Action, we spoke to Vuntut Gwitchin lawyer and Yellowhead board member Kris Statnyk. On the federal legislation, Statnyk was not optimistic. “They’ve adopted a legislative framework,” he told us. “But as to how it will be implemented federally, we have a very similar provincial framework in BC.” And this example, he pointed out, does not inspire much in the way of confidence.

One of the biggest problems with both pieces of legislation, from Statnyk’s perspective, was that they don’t really address the key issues at stake for many communities — namely, land and resources.

Both federally and provincially, two fundamental components of UNDRIP are restitution of land and redress. But land and redress are still largely absent from the conversations on UNDRIP implementation. The focus seems to be about consent and trying to define consent by agreement and in less threatening ways — ways where it can be exercised predictably and jointly with the provinces or the federal government. So we might have consent-based decision-making, but what

about Indigenous peoples’ ownership and control of their lands and the resources? What about the fact that Indigenous peoples and not the Crown own the trees and minerals, even under Canadian law?

Statnyk also worries that areas like criminal justice and law won’t receive the same attention as Canada develops its “action plan” to implement UNDRIP.

There’s now this statutory requirement to make federal laws consistent with UNDRIP. But what does that mean for the criminal code and the worsening circumstances of mass incarceration of Indigenous peoples? What is the justification for incarcerating any Indigenous person under Canadian law when UNDRIP says we should have our own justice systems? The calls to action are saying we should be funding Indigenous people that have their own community-based justice systems grounded in their own legal traditions for peace-keeping and responding to harms. Yet, there are still only a handful of those types of systems being implemented in communities, but with grossly insufficient resources and mandates supporting them to do so.

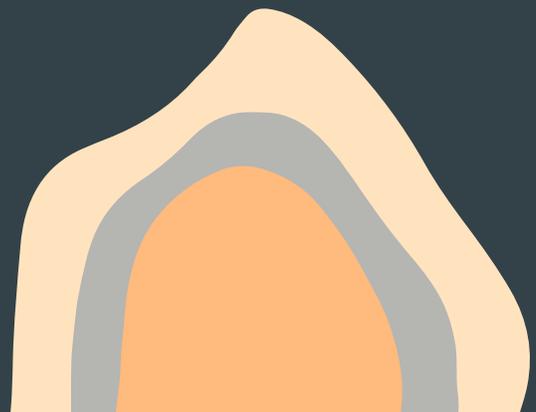
Statnyk told us, “The major red flag in the UNDRIP legislation, both provincially and federally, is that there’s no accountability, other than an annual report that the minister submits to Parliament or the legislature saying, “This is what we’ve done.” This means that the federal government is, in effect, defining UNDRIP in as narrow a manner as possible.

In my view, you have these very recent pieces of federal law dealing with lands and resources, such as the Impact Assessment Act and Fisheries Act, where — if you dig into the Hansard and what they were saying in the law development process, they’re basically saying, ‘In our view, this is consistent with UNDRIP.’ Which means that, at least when it comes to lands and resources that the Federal Government has responsibility over — which really isn’t that much outside of fisheries and reserve land — they’re saying that, ‘Consistent with UNDRIP means consultation, “considering” traditional knowledge, and an ability to enter into agreements.’ But on the ground, we still have the Mi’kmaq unable to govern their own fishery under their Treaty right.

“ There’s now this statutory requirement to make federal laws consistent with UNDRIP. But what does that mean for the criminal code and the worsening circumstances of mass incarceration of Indigenous peoples? What is the justification for incarcerating any Indigenous person under Canadian law when UNDRIP says we should have our own justice systems?

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- KRIS STATNYK



This is an interpretation challenge that seems central to the 15-year dispute between Canada and Indigenous peoples on what the Declaration actually means. We spoke to Gchi'mnissing Anishinaabe Hayden King, Executive Director at Yellowhead and researcher on Declaration implementation, about whether the legislation marks a shift in Canada's approach. Agreeing with Statnyk, King argued that,

As long as Canada can interpret progress on the Declaration in these narrow ways where consultation equals consent, for instance, and there is no independent monitoring of UNDRIP implementation, we'll have this ongoing conflict where the federal government is heralding progress and Indigenous peoples are pointing to the proliferating use of injunctions against land defenders. While the action plans and year-end reports to Parliament are meant to be collaborative, I very much suspect we'll see more conflict on the nature of consent but also on how to measure implementation.

For King, it seems as though the “enabling” nature of the legislation means enforcing the Declaration in Canada will be a very long road. So, yet again we'll have to wait and see what happens as the federal government begins its process of co-developing these action plans with Indigenous organizations and communities, whether the interpretive issues remain a challenge, and the critically important conversations about consent are addressed.

At the time of writing, the Justice Department has established an UNDRIP Secretariat to begin coordinating work on the action plan. One positive sign on this Call to Action is the emergence of municipalities adopting UNDRIP. Both the City of Vancouver and the Northern community of Inuvik have signalled an engagement with the Declaration.

Museums and Archives (#71-76)

There has been no change to the status of the Calls to Action related to Museums and Archives. But there have, nonetheless, been some signs of movement.

In November, for instance, the Royal British Columbia Museum announced it would be “closing sections of the First People's gallery on its third floor as it seeks to decolonize the institution.” This followed a very public resignation of the Royal BC Museum's CEO following what the CBC described as “allegations of racism from Indigenous staff.”

These, of course, were more than just allegations. Based on a review conducted by an independent investigator retained by the BC Public Service Agency, a June 2021 “Report to British Columbians” confirmed that the Royal BC Museum “is a dysfunctional and ‘toxic’ workplace with a culture of fear and distrust” and that “there have been acts of racism and discrimination at the Museum,” particularly against Indigenous and other equity-seeking groups. Importantly, the report also found that the anti-Indigenous racism was structural in nature and, in fact, are at the very core of the museum's mandate.

The Royal British Columbia Museum is home to thousands of spectacular photographs, films, recordings and cultural treasures that represent up to 10,000 years of Indigenous history from across the province. The Museum acknowledges that many of those Indigenous belongings, records and remains were unethically acquired or stolen, and that many of those Indigenous materials are personal belongings that represent the devastating damage inflicted on Indigenous families and cultures through colonization, the Indian Act, the Potlatch Ban era and residential schools.

The Royal British Columbia Museum recognizes that Indigenous peoples have the right to the restitution of their ancestors and cultural, intellectual, religious and spiritual property taken under cultural and economic duress and in violation of their laws and traditions.

This important report and the soul searching undertaken by the Royal BC Museum were not, however, undertaken voluntarily. As the report notes, they were sparked by the high-profile and very public July 2020 resignation of Haida Royal BC Museum employee, Lucy Bell — the Head of Indigenous Collections and Repatriation — “citing racism she experienced at the Museum as one of the reasons for her departure.”

This is because, in a July 2020 speech to her colleagues, Bell outlined very specific racist comments from colleagues and executives as well as the Royal BC Museum's culture of “outright discrimination, white privilege, bullying and micro-aggressions.” Bell told the Victoria Times Colonist that the “last straw” was the failure of Royal BC Museum CEO Jack Lohman to respond to specific reports of racist comments made during an anti-racism Zoom seminar “held in response to George Floyd's killing and the Black Lives Matter movement.”

Bell's role in instigating the institutional review that ultimately led to the significant changes to the museum's policies and practices were later confirmed by the Royal BC Museum's own report on the matter. "Lucy Bell's resignation was a watershed moment for the Museum and its Board," [the report notes](#), "which, in accordance with the Public Service Act, immediately called on the PSA to carry out an independent investigation into the matter."

So, here again, we have Indigenous peoples doing the work — with Lucy Bell quitting her job to be heard — while museums and other institutions choose to respond only after literally decades of pressure and in a year when the horrors of residential schools were once again making international headlines.

What's more, is that many museums have yet to make the kinds of changes promised by the BC Royal Museum. [Blackstock noted](#) after visiting the Canadian Museum of History earlier this year, the displays related to the histories of Indigenous peoples were out of date, incorrect, and even filled with typos. Additionally, the museum was using the First Nations' sacred items — such as memorial poles and First Nations feast houses — as the backdrop for public events, including [Halloween light shows](#), "transforming First Nations Houses full of sacred items into haunted houses," in which "bar stations are also routinely set up at the base of the poles."

All of this highlights the importance of the as-yet-unfinished Call to Action 67, which calls for "a national review of museum policies and best practices to determine the level of compliance with the United Nations *Declaration on the Rights of Indigenous Peoples* and to make recommendations."

While there has been some movement on Call to Action 70 in recent years, the "report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives" is — contrary to what [CBC's Beyond 94 project states](#) — [still in draft form](#) and, according to our conversations with individuals involved, has not yet been finalized.

Sports and Reconciliation (#87-91)

Given our decision last year to remove Call to Action 90 from our list of "complete" Calls to Action, we were interested in revisiting the issue and assessing any renewed progress. We spoke once again with Dr. Janice Forsyth — a member of the Fisher River Cree Nation and Associate Professor of Sociology and Director of Indigenous Studies

at Western University in London, Ontario — to get her perspective.

We also drew on an analysis of Call to Action 90 done earlier this year by [University of Alberta Law students](#) who gave the federal government a grade of D- on this Call to Action, writing that the funding currently being allocated "is a start but in the end, it does not represent a serious push to invest in Indigenous athletes on a more proportionate scale as compared to non-Indigenous athletes."

Ultimately, we believe no additional Sports and Reconciliation progress has been made, and that 90 remains incomplete.

Forsyth, for her part, did point to a few hopeful signs in the area of Sports and Reconciliation. One of these was the establishment of an Indigenous Sports standing committee — led by Indigenous sport leaders — in the Federal, Provincial, and Territorial Sports Commission (FPTSC), the body where many of the funding decisions related to Calls 87-91 will ultimately be decided upon. Another hopeful sign was that the federal government recommitted itself to funding for the 2023 North American Indigenous Games (NAIG), which are currently being organized to make up for the postponement of the 2020 games in Nova Scotia because of the pandemic. "The government could have just easily walked away and said, 'No, you already got your money, now you need to figure out how to make it work three years later,'" Forsyth told us. "But, instead, they're committed to refunding the Games to get them going. I think that's really important because what it shows is government support and interest in moving Call to Action 88 along."

But as Forsyth also warned, that doesn't fix the problems with the existing NAIG funding framework, which is still being used to fund the 2024 Games. As Forsyth made clear in our conversation — and which we discussed in our 2020 report — the funding for NAIG covers the cost of hosting the games, leaving travel and their accommodations a provincial responsibility. "So the teams have to make up the shortfall, somehow," Forsyth explained. "And that's very different from the Canada Games where it's all paid for." Forsyth's hope, then, is that a future funding framework addresses these issues and, ideally, funds NAIG athletes on the same level as it does the mostly non-Indigenous athletes competing in the Canada Games.

The progress made on Sport and Reconciliation, in other words, has not marked a significant departure from the pre-TRC relationship between Indigenous sports organizations and the federal, provincial, or territorial governments.



“ ...the only way to breathe life back into the conversation on reconciliation would be for Canada to first accept the truth that there are too many systems still in place that actively harm Indigenous peoples, particularly the most vulnerable. Accepting this truth exposes any notion of simply ‘repairing’ the relationship between Indigenous peoples and Canadians for what it is: pure fantasy.

Real and meaningful transformative change to underlying systems of oppression — not just individual tinkering around the edges of a broken colonial machine — is, therefore, required.

- EVA JEWELL & IAN MOSBY

Conclusion: 2021 Findings

Three Calls Completed, Low Hanging Fruit

IN OUR 2020 REPORT, we highlighted five Calls to Action that could be realistically completed within the year if there was enough political will. From that list of five Calls, the following three were acted upon in the three weeks following the first revelations of children's graves outside residential schools:

#15 - Appointed a language commissioner
(announced June 14, 2021)

#80 - National Day for Truth and Reconciliation
(announced June 3, 2021)

#94 - Citizenship Oath
(announced June 21, 2021)

That is more movement on the Calls to Action in three weeks than in the last three years!

Any completed Call to Action is welcome news. But why did it take the profoundly disturbing findings of thousands of unmarked graves on the grounds of residential schools across the country to see Canada begin to make reconciliation a priority? And what does it mean that the Calls to Action that Canada did complete were also arguably the easiest — most of the symbolic gestures we alluded to as “low hanging fruit” in the introduction? We even wonder if some of these symbolic calls actually tended to benefit Canadians more immediately than Indigenous communities. When considering the National Day for Truth and Reconciliation and the amendment of the Citizenship Oath, Supernant aptly captured what many others had been telling us: “I think, unfortunately, Indigenous peoples’ needs are still not the ones that are being met.”

It was remarkable to us the degree to which external shame and embarrassment can motivate action. Where “reconciliation” happened to occur this year, it was in response to pressure brought to bear by the [international attention](#) focusing on the growing evidence of Canada's history of genocide. “When there's international outcry and Canada's reputation is on the line,” Supernant said, “that is when we see action.” We, ourselves, had to wonder: would these Calls to Action have been implemented if not for the revelations and the ensuing public pressure?

An even more disturbing question remains: if morbid and traumatizing revelations of Indigenous children's graves advanced completion on Calls to Action that are only *symbolic*, what will have to happen for Canada to complete Calls to Action that are *substantive*?

While we have noted some progress on more substantive issues — including increased funding in some areas — we also know that this progress is not as straightforward as it may seem. The creation of the new Office of the Commissioner of Indigenous Languages, for instance, marked the completion of Call to Action 15. But the Commission's work will only be meaningful if it spurs substantive movement on Call to Action 14 — particularly section iii, which calls for the federal government to “provide sufficient funds for Aboriginal-language revitalization and preservation.” As we pointed out last year, the fact that French language instruction is currently funded at more than 40 times that of Inuktitut language programs *in Nunavut* shows just how far we have to go.

A key area of concern we've identified going forward is that, where increases in funding do take place in Legacy Calls to Action such as Child Welfare and Education, a parity approach is being used — with the goal being to fund Indigenous systems on par with other systems — instead of an equity approach that would address structural shortfalls from decade upon decade of underfunding. Both Blackstock and Debassige warned that this would give only the *appearance* of more resources in the short term and could ultimately create precarious conditions for First Nations and Indigenous communities who not only lack systemic and financial stability but are also attempting to produce structures that reflect their unique values as Indigenous peoples instead of using the mainstream approaches that have failed them all along.

Once again, though, the pace of real substantive change remains glacial. For those of us who have taken on the accounting of this progress, it is frankly exhausting — so much so, that it's uncertain if we'll continue this work for a 2022 report. We can be certain, after all, that there will

be fewer among the next generation who are interested in reconciliation as a meaningful project. As Statnyk told us:

I think there will be a reckoning, or maybe we're already seeing a reckoning with young people. I still think about last year when young people across the country were saying, 'reconciliation is dead.' I think there's a need to reflect on that and these Calls to Action.

If this isn't already true, can the project of "reconciliation" even be saved? Has it already been so thoroughly co-opted as to be meaningless?

To our minds, the only way to breathe life back into the conversation on reconciliation would be for Canada to first accept the truth that there are too many systems still in place that actively harm Indigenous peoples, particularly the most vulnerable. Accepting this truth exposes any notion of simply "repairing" the relationship between Indigenous peoples and Canadians for what it is: pure fantasy. Real and meaningful transformative change to underlying systems of oppression — not just individual tinkering around the edges of a broken colonial machine — is, therefore, required.

After all, what does it mean that — when asked by an Indigenous youth how he could possibly trust or respect the federal government "after 150-plus years of lies and abuse to my people" — the Prime Minister boasted of his government's "progress" towards ending boil water advisories, despite the fact that his government hadn't even lived up to their own promise to end all boil water advisories by March 2021? What does it mean when a failure to do the absolute bare minimum required, to provide something that all other Canadians are able to simply take for granted, is presented as a measure of success?

We might be forgiven, then, for concluding that Canada is working harder to manage its feelings about the violence it commits than it is to stop that violence.

As we've shown throughout this report: Indigenous advocates, communities, and organizations have been doing the heavy lifting of forcing the government's hand on meaningful reconciliation — often through decades of litigation, or by investigating the grounds of their own homelands where residential schools were built. It is in these examples where we've seen the meaningful progress that will advance reconciliation: communities doing the federal government's work. And, even then, there are battles every step of the way.

What, then, is it going to take to see the completion of some of the more substantive Calls to Action that will make positive changes to the lives of Indigenous peoples? This, after all, is what Survivors demanded and what Indigenous communities deserve as they try to recover from over 150 years of genocidal violence at the hands of Canada and Canadians. The reality is that many Indigenous peoples are beyond tired of waiting for Canada to change. And the stakes of inaction are unimaginably high. This was a point Statnyk powerfully articulated during our conversation, so we'll leave you with his words:

The government is seemingly taking the approach that this is going to be long-term, that we shouldn't expect change tomorrow, but maybe 20 years from now. And that's just so devoid and separate from the reality that young people in our communities are growing up with and things that they're seeing happening to their lands and their families and their communities.

Reconciliation has a shelf life. Goodwill doesn't last forever.



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