With Election 2019 upon us it is time to take stock of where we are at in the work of Indigenous reconciliation and consider what Canadians should be thinking about, and looking for, as decisions are made at the ballot-box. As a proud Indigenous person and an equally proud Canadian, and having had the benefit of being a Regional Chief and a Minister of the Crown, I offer some thoughts in this post on where we are in the important work of reconciliation, some of the challenges we have faced, and where we go next.

**Progress yes, but not fast enough**

As a country, we have had a fuller and richer dialogue over the past decade about reconciliation, and the true history, present, and future of Indigenous peoples in Canada than at any other time. Vital undertakings such as the Truth and Reconciliation Commission, the Inquiry into Murdered and Missing Indigenous Women and Girls, and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), have challenged us to confront what we take for granted, and gain new insights of each other, and how we have been as a country. This is important and necessary. Achieving greater justice and equality, and addressing our colonial history, are not things that we just happen to stumble into, or occur by chance. To make real change, we need knowledge and understanding – so we can act with purpose and focus.

As part of this gaining of new knowledge, nothing has encouraged me more in recent years than seeing how children and youth across the country are learning about and interacting with Indigenous peoples in ways that their parents, grandparents, and those before them never had the opportunity to do. Where communities are much closer, where everyone now attends the same schools, plays sports or participates in other activities together, or are ever increasingly connected though social media. In that education and interaction lies important safeguards that will ensure the future will not repeat the past. Of this I am confident.
As Canadians overall have gained an understanding of why reconciliation is so vital and important, they are also asking: why is it taking so long to make real progress – and what must be done to effect the real transformation that is needed?

These are essential questions, and they demand real answers. We cannot sugarcoat what delays and a slow-pace of change means. To do so is irresponsible. Saying we should take our time means: the perpetuation of conditions of extreme poverty; vast numbers of children continuing to live in care, removed from their families; excessive rates, particularly amongst youth, of suicide; continuing disproportionate violence and harm faced by Indigenous women and girls; the maintenance of colonially imposed systems of governance and land-holding through the Indian Act; and ever-greater conflict and complexity regarding how lands and resources will be utilized, and our environment protected.

No more excuses please

How can anyone try to justify moving slow in addressing these realities?

Yet, we have, and continue, to move slow – too slowly – in making the changes that are necessary. Why?

Let us start by dispensing with a few of the excuses we sometimes hear:

- **“It’s hard”:** Of course it’s hard. Making any real change is hard. But just because something is hard does not mean we should do it slowly. Indeed, hard things often should be done with greater determination, and faster, so that the changes they necessitate are less costly and create less pain. This is true generally in life, and it is certainly true with reconciliation. In addition to how slowness perpetuates many injustices for Indigenous peoples, slowness also creates increased economic and social burdens for all Canadians. Maintaining patterns of oppression is expensive – especially when it carries with it economic, financial, and liability implications that the courts have made clear accompany not recognizing, respecting, and implementing Indigenous Title and Rights.

- **“It’s complicated”:** Sure it’s complicated. But we already have the solutions. For decades Indigenous peoples have identified how
rebuilding their Nations, moving out from under colonial laws such as the *Indian Act*, and establishing relations with the Crown grounded in their priorities and visions, are key to building the future. Countless studies, reports, and analyses show in detail how to move forward with these solutions, including the *Royal Commission on Aboriginal Peoples* and the *Calls to Action* of the Truth and Reconciliation Commission. For example, over two decades ago the *Royal Commission* laid out the guiding principles for transforming the status quo, the specific pieces of legislation and policy shifts needed to be put into place, the institutional structures to support the transition including the rebuilding of Indigenous Nations, and the roles and responsibilities everyone has to play, including Crown governments, Indigenous Nations, and the general public. Further, we now have hundreds of court decisions that point the directions we must go, including fundamental guidance like *Tsilhqot’in Nation* that indicate we have to lay a foundation based on the recognition of Title and Rights. Yet, somehow, despite having the solutions, we typically continue to act like we do not. We use “it’s complicated” as an excuse – but it is an invalid one when we know what must be done.

• "**We must do it together**": Of course we must do the work of reconciliation together. But that does not mean we do it slowly. Co-operation and action are not mutually exclusive. Indeed, in many life contexts, if we are co-operating sincerely and properly, things go better and more efficiently. But so often we see governments in particular, use the mantra of co-operation as a pretext for inaction. This is wrong, and must stop.

**So why is it really taking so long?**

The real reasons for slowness lie in a mix of three things.

First, while intentions may be sincere and correct (and unfortunately sometimes they are not), there remains a reality that some governments and politicians view doing the real work of reconciliation as a moral and ethical imperative, but not often enough as an urgent political, social, economic, and legal one.

Addressing colonialism and historic injustice is not merely the right thing to do. It is something that we must do if the economic, social and political
well-being of Canada is to be secured. There is no vital public policy matter facing our country that is not directly and significantly intertwined with and impacted by how properly, effectively, and urgently we tackle the historic and enduring injustices faced by Indigenous peoples. Be it climate change, economic growth, safety and security, the excellence of our health care and education systems. I discussed aspects of this in the context of one particular example – the TMX pipeline – in another post. Too often, because the urgency of the political, social, economic and legal imperative is not understood, we see programs of half-measures and frequently aborted or scaled back efforts, instead of pushing ahead to do what needs to be done.

Second, reconciliation, political partisanship and expediency are inconsistent with one another. To try to use reconciliation as a political wedge issue to make one look good and others look bad, while scoring points with aspects of the public, is unserious and antithetical to reconciliation itself. To try to structure reconciliation so it fits into a sequence of electoral related announcements and messaging is similarly devoid of integrity. And by its very nature reconciliation is a project of Canada – of all Canadians, regardless of party affiliation. Real political leadership involves expressly articulating how reconciliation is above and beyond the cut and thrust of politics and electoral cycles, and practically ensuring all members, regardless of party affiliation, are involved in doing the work with Indigenous partners. Instead, too often we see rhetoric over action – with partisan and political considerations taking precedence over the real work. This must change.

Third, for reconciliation to occur Indigenous peoples and governments both have essential work to do – but often the relationship between these roles and responsibilities is not understood or respected. Indigenous peoples are all at various stages of rebuilding their Nations and Governments. They need to be supported in doing that – but ultimately they will determine how they will proceed. At the same time, federal and provincial governments must get their houses in order, so that they can be in proper relationships with Indigenous jurisdictions, laws, and governments. This means creating space through legislative change, creating new policy, and changing the culture and practices within government. Too often, however, we see governments continue old ways, pursuing approaches that continue to impose upon or interfere in how Indigenous peoples are trying to do their internal work of
Nation rebuilding, while at the same time failing to get its own house in order.

In Election 2019, we need to see political parties commit to a reconciliation agenda with urgency, affirm how they will work systematically in a non-partisan manner, demonstrate and understand how reconciliation is an imperative, and articulate, in detail, how they will get their own house in order. We do not need more lofty rhetoric about recognition, co-operation, and transformation without specifics of the plan of action. Some estimate that under the current practice of negotiations between and among Indigenous peoples, completing all land and resource-related agreements could take until 2100. This is obviously not acceptable.

Specifically, we need a plan of action that targets the root causes of the current injustices and challenges and does not continue the age-old pattern of primarily focusing on symptoms. Boil-water advisories; drug and alcohol abuse; high suicide rates; crippling poverty; these and other realities are symptoms of underlying colonial legal, political, economic, and structures and patterns that remain in place, including the Indian Act. As I have said previously, if the roots are dead, the tree will not grow; no matter how much we water it. The pattern of investments and action that we have largely taken is that of watering a tree with dead roots. We need to dig up those roots – the foundations – and plant new ones if we want to see real growth and change.

**Adopting an Action Plan that might actually work**

There are many elements that will be needed in an action plan that might actually work and lead to transformative change over time. I have spoken and written about the elements of such an action plan for over a decade.

When I was Regional Chief of the BC AFN we advocated for a plan that focussed on four key interrelated areas 1) Strong and Appropriate Governance, 2) Fair Land and Resource Settlements, 3) Improved Education and 4) Individual Health.

While in government I, and others, advanced a transformative vision of legislative, policy, and practice change that would achieve sustained and real progress in these four areas and others. For various reasons, this vision was not done, and if it was, the execution was not done fully and was often
poor. Below I have sketched out Ten Reconciliation Actions for Canada that capture where we must go from here.

The logic of the plan is really quite simple. Grounded in the recognition of Aboriginal rights and respect for the spirit and intent of treaties, Indigenous peoples should increasingly take over greater control and responsibility for their own lives. This means respecting self-determination and self-government, while also ensuring that Indigenous peoples receive comparable programs and services, regardless of whether they are provided by Canada, a Province or Territory or, as the future holds, by increasing numbers of self-governing Indigenous Nations and their institutions.

When you are speaking to candidates from all parties on the sidewalk or doorstep, or interacting with them through social media, ask them if they are ready to stop making excuses, do the hard work that is required, and implement the Ten Reconciliation Actions for Canada.

10 Reconciliation Actions for Canada

1. **A National Priority and Appropriate Machinery:** Affirm reconciliation as a National priority by establishing appropriate machinery of government to support the 10 Actions including establishing an inter-party process or group (or adjustments to how the existing Parliamentary committees functions) to ensure all of Parliament is supporting and participating in the work of reconciliation. Ensure the appropriate Ministers have a sufficiently broad mandate to carry out the 10 Actions.

2. **Creating an Appropriate Legislative Base for Rights Recognition and Reconciliation:** Within the first 18 months of a new mandate, Parliament should, after engagement with Indigenous peoples, enact legislation that would:
   1. Establish standards based on the recognition of title and rights and the spirit and intent of treaties to guide federal officials in carrying out their duties;
   2. Affirm the UN Declaration on the Rights of Indigenous Peoples and its implementation;
   3. Create a legal obligation on the federal government to support First Nations and other Indigenous groups who are re-building
their Nations and their governments and, where applicable, will no longer be governed under the *Indian Act*; and,

4. Establish an institution in partnership with Indigenous peoples to help resolve conflicts and disputes, and provide for accountability regarding government upholding Indigenous rights including land and resource rights.

3. **Review of Existing Legislation, Policies and Mandates:** Contemporaneously with developing Rights Recognition legislation, review all existing federal laws and policies addressing Indigenous peoples to ensure compliance with UNDRIP, section 35, and the *Ten Principles* adopted by the last government. This review should explicitly consider how to ensure proper legislative and policy space is made for Indigenous governments, laws, and jurisdictions.

4. **Administrative Reorganization:** The Department of Indigenous Affairs was split in the last government into Crown Indigenous Relations and Northern Affairs (CIRNA) – responsible for rights recognition and reconciliation; and Indigenous Services Canada – responsible for programs and services, ostensibly until groups are self-governing. The administrative reorganization is ongoing and coordination is proving a challenge. While there needs to be an all of government approach to reconciliation, the two halves of the Ministry primarily responsible for Indigenous peoples need to be better coordinated to support one another in facilitating the transition to increased Indigenous autonomy within Canada.

5. **Enhancement of Existing Programs and Services:** While work on addressing systemic barriers to reconciliation, including new governance arrangements, is ongoing, and ultimately this work needs to be completed to support enhanced program and service delivery by Indigenous self-governments themselves, there is a need to ensure adequate programs and services are provided by Canada now and so that gaps are closed. There are two, but interrelated, tracks. Where there is a continuing role for Indigenous Services Canada to provide programs and services to Indigenous populations such programs and services should be designed and delivered in cooperation with Indigenous groups. This includes programs and services that address: the resolution of boiled water advisories, child and family services, education, housing, and healthcare among others. In providing such programs and services, standards must be clear and should, at least, be comparable to programs and services that other Canadians might
expect to receive. There must also be the necessary appropriation of funds from Parliament.

6. **Expedited Negotiations:** Under the current approach to the resolution of claims or disputes, or to the recognition of self-government, or the resolution of other matters of importance between the Crown and Indigenous peoples, the achievement of substantive outcomes takes years, if not decades, and is extremely expensive. The current approach is un-manageable and not scalable to cover all Indigenous peoples. Existing negotiations must be concluded expeditiously with adequate resources and broad mandates provided to those tables. Completion of timely negotiations will be supported by the legislation and new institutions identified and as contemplated in these Ten Actions. Moving forward, there is a need for other mechanisms to advance reconciliation, which do not always require negotiation or where outcomes are conditional on reaching agreements.

7. **Resolution of Litigation:** In 2019, as Attorney General, I issued a Directive respecting litigation involving Indigenous Peoples within the Department of Justice. The Directive must be fully implemented and where appropriate, and in accordance with the Directive, all litigation with Indigenous peoples should be expedited and wherever possible action taken to remove issues from the courtroom. As well, an advisory council of senior experts should be immediately formed in matters related to litigation involving Indigenous peoples – including experts in Indigenous legal orders, traditional protocols and other modes of dispute resolution – should be formed to provide policy recommendations to government on how to further transition from adversarial to co-operative patterns of relations.

8. **Strengthening the Fiscal Relationship:** In order to support Indigenous self-government and the ongoing provision of programs and services to Indigenous populations, the fiscal relationship between Canada, the provinces and Indigenous governments must be better articulated and supported by legislation. Indigenous governments require fiscal room, including appropriate taxation powers and a share of resource rents. Where fiscal capacity is limited then transfers from other orders of government, primarily Canada, must be sufficient to ensure Indigenous populations have access to comparable programs and services as other Canadians.

9. **Increased Role of Recognized Indigenous Governments in the Federation:** Indigenous governments may often be the best placed to
exercise governance over certain matters (e.g., fish management and environment). Mechanisms should be developed to support an increased role, consistent with UNDRIP, for Indigenous decision-making throughout a Nation’s ancestral lands as part of our evolving system of cooperative federalism. This should occur alongside, and not be dependent upon, completion of negotiated agreements regarding self-government.

10. **Public Education:** Establish a more comprehensive approach to building understanding amongst all Canadians about the importance of reconciliation, including how effective work on reconciliation can systematically support economic and environmental well-being for all Canadians. To stress the importance of reconciliation where the goal is to ensure healthy Indigenous peoples with practicing and thriving cultures within a stronger Canada.

As the Independent MP for Vancouver Granville, it will be one of my goals to advance the work of reconciliation. By moving forward in a non-partisan way I know we can make more progress, including taking the legislative and other actions necessary to build on the work that has already been done to transform the relationship with Indigenous Peoples. It is in all our interests to see this work done and done right.