

## Calls to Action Accountability: A Status Update on Reconciliation

By Eva Jewell and Ian Mosby

**IN JUNE 2015**, the Truth and Reconciliation Commission of Canada (TRC) released its **Executive Summary** and **94 Calls to Action**. This took place at the final of seven national events held across the country between 2010 and 2015 and marked the culmination of a process which saw the TRC hold 238 days of local hearings in 77 communities across the country. In all, the TRC collected 6,750 statements from survivors, their families, and others directly affected by the schools.

As the TRC Commissioners made clear in the Executive Summary, the actual process of reconciliation would only be possible through meaningful action on the part of non-Indigenous people in Canada.

**“A critical part of this process,” they argued, “involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change.”**

The 94 Calls to Action, then, represented these concrete actions.

Almost immediately upon the release of the Calls, the Liberal Party under the leadership of Justin Trudeau, promised to fully implement all 94, noting that **“meaningful reconciliation will only come when we live up to our past promises and ensure the equality of opportunity required to create a fair and prosperous shared future.”** These promises were reaffirmed in December 2015 during the release of the TRC’s Final Report in Ottawa where, in an official statement, the now Prime Minister Justin Trudeau committed Canada to **“in partnership with Indigenous communities, the provinces, territories, and other vital partners, fully implement the Calls to Action of the Truth and Reconciliation Commission, starting with the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples.*”**

In the Fall of 2016, Ian Mosby first began what has since become an annual update of the status of Canada’s progress towards completing the 94 Calls to Action.

**This effort was spurred, in the beginning, by a concern that the Calls to Action would go the way of the 444 recommendations of the **Royal Commission on Aboriginal Peoples (RCAP)**. That is to say, nowhere.**

Although 2016 was the 20th anniversary of the completion of RCAP’s landmark five volume Final Report, little progress had been made over the previous two decades. Avoiding this pattern means holding Canada accountable for its progress (or lack thereof) towards meeting its obligations to residential school survivors and their families.

Yet by the fall of 2016, no major media outlet or public organization had attempted to track this progress in any meaningful way. The exception was a (now defunct) page on the [National Center for Truth and Reconciliation's \(NCTR\)](#) website which allowed individuals and organizations submit information about progress made towards each individual Call to Action. But even this project did not assess whether or not the individual Calls had actually been completed.

**Ian's first analysis in October 2016—published directly to Twitter—found that 5 of the 94 calls to action had been completed: one by the federal government, two by the churches involved in the settlement agreement, one by a Crown Corporation and a final one by a non-profit organization.**

A subsequent analysis in [October 2017](#) found that seven Calls to Action had been completed while, in [November 2018](#), the number had increased to eight—with most of the newly completed Calls to Action having been implemented by the federal government.

Starting in 2018, the Canadian Broadcasting Corporation (CBC) began its own effort to track Canada's progress on the Calls to Action through the [Beyond 94 Project](#) housed on the CBC's News Interactives website. The project's methodology and approach to tracking the status of the Calls to Action differs from Mosby's in a number of ways but continues to provide an important resource for anyone hoping to keep track of Canada's progress towards meeting its obligations.

#### HOW DO WE MEASURE PROGRESS?

This year, Ian partnered with Ryerson colleague and Yellowhead Associate Fellow Eva Jewell to conduct a more robust joint analysis of Canada's success in implementing the 94 Calls to Action while also critically reflecting on what we can learn by comparing the past four years of "progress" towards meeting these commitments.

In our 2019 assessment, we approached our analysis similarly to past years by researching and fact checking each Call to Action individually. We determined if a Call to Action was complete by whether all steps were taken to fully address the content of the Call and by the specific parties to whom the Call to Action refers. Take, for example, #17:

We call 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.

We determined this Call to Action to be incomplete. While some provincial governments, like Ontario, have made clear processes that expedite name reclamation for Survivors, *not all levels of government have done so.*

**Other Calls to Action are ongoing each year, and can be considered complete in one year, yet incomplete in the next.**

Take, for example, #84:

We call upon the federal government to restoration and increase of funding to CBC/Radio-Canada to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:

- i. Increasing Aboriginal programming, including Aboriginal-language speakers.
- ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
- iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians, including the history and legacy of residential schools and the reconciliation process.

This had been marked “complete” in 2018—and is currently marked as “complete” by CBC’s *Beyond 94* project—but has been changed to “incomplete” this year for a number of reasons. These include, among other things, a move to consolidate three CBC North broadcasts into one, a 2.6% decrease to CBC in the federal budget, and the fact that there is no visible Indigenous leadership at the CBC.

**Charting progress on this Call to Action tells us that the CBC has not been able to live up to the spirit and intent of this Call in a concrete and meaningful way.**

This analysis, moreover, was supported by University of Alberta Assistant Professor Ken Williams, who told the Media Indigena podcast on Nov 25, 2019 after the attempt to consolidate the CBC North broadcasts: “I don’t believe in any kind of meaningful way that the CBC has responded to the Calls to Action.”

Of course, the fact that CBC does their own assessment of the Calls to Actions reveals some commitment to reconciliation, it’s true. But it is also important to note that we differ from CBC’s analysis in a few important and substantive ways.

First, *Beyond 94* considers progress in the Calls to Action through four separate criteria: “Not Started”, “In Progress-Projects proposed”, “In Progress-Projects underway”, and “Complete.” While CBC applies a very generous methodological approach that centers “progress” as a key measure, we believe this delays meaningful action because it conveys movement towards reconciliation even with so little meaningful, concrete movement towards actually meeting the conditions of the call on a year-to-year basis.

**We, therefore, maintain that analyzing the full completion of a Call to Action is a better metric than measuring “progress” or “steps taken” on an item. At what point, after all, is “making progress” meaningful when so many Calls to Action remain unfulfilled?**

As Dr. Cindy Blackstock has stated, “In 2020, it is time to stop feeding the government’s insatiable appetite to be thanked for its inadequate measures and to demand a complete end to the inequality”.

We have also operated from the assumption that completing any particular Call to Action cannot be solely determined by gestures of process, budgetary promises, or otherwise “recognition of concerns” on the part of Crown-Indigenous Relations (CIR). Rather, we have judged their status based on whether or not specific actions have been taken that are capable of producing the kinds of clear, meaningful, structural changes necessary to improve the lives of Indigenous peoples throughout Canada.

In CIR’s *reporting on the Calls to Action*, after all, there are several claims that aspects of the Calls to Action are being fulfilled. But upon closer examination we see that these are oftentimes gestures or placating statements about a “commitment” to change without the systemic actions that many of the Calls to Action outline. CIR has even claimed that reporting on the Calls to Action successes have been obstructed by “fake news and bot accounts [that] spread disinformation on social media”.

And, finally, it is important to stress that none of these Calls to Action are absolute. As the example of Call to Action 84 above makes clear, it is possible that some could be complete in one year, but incomplete in another.

**This means that it is important to be vigilant and continually monitor each of the individual Calls to Action, even those which have been marked as complete for multiple years in a row.**

In 2016, five Calls were completed; in 2017 there were seven; 2018 saw the completion of 8; and in 2019, we are at a total of nine complete Calls to Action out of 94.

### 2019 Status Update:

# Completed Calls to Action      # Incomplete Calls to Action

<b>CHILD WELFARE</b>	1	2	3	4	5						
<b>EDUCATION</b>	6	7	8	9	10	11	12				
<b>LANGUAGE &amp; CULTURE</b>	13	14	15	16	17						
<b>HEALTH</b>	18	19	20	21	22	23	24				
<b>JUSTICE</b>	25	26	27	28	29	30	31				
	32	33	34	35	36	37	38				
	39	40	41	42							
<b>RECONCILIATION</b>	43	44	45	46	47	48	49	50			
	51	52	53	54	55	56	57	58			
	59	60	61	62	63	64	65	66			
	67	68	69	70	71	72	73	74			
	75	76	77	78	79	80	81	82			
	83	84	85	86	87	88	89	90			
	91	92	93	94							

#### Completed Calls to Action:

- 13: Federal acknowledgement of Indigenous Language Rights
- 41: Missing and Murdered Indigenous Women’s and Girls Inquiry
- 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
- 83: Reconciliation agenda for the Canada Council for the Arts

- 85: Reconciliation agenda for the Aboriginal Peoples’ Television Network
- 88: Long-term support from all levels of government for North American Indigenous Games
- 90: Federal support for Indigenous sports programs and athletes

## **(BARRIERS TO) MEANINGFUL PROGRESS**

Our analysis of Canada's progress towards completing the TRC's 94 Calls to Action suggests that—as was the case in past years—progress has been limited and the number of completed Calls to Action has moved from a total of 8 in 2018 to 9 in 2019. (By way of comparison, *Beyond 94* found no change in 2018 and 2019, with the number of completed calls to action coming in at 10 in total). For further reference: in 2017, we found that seven had been completed and, in 2016, there were just five.

This is a remarkably low completion rate, especially given the scale of commitments from the federal government.

### **If the current pace holds (2.25 Calls a year) it will take approximately 38 more years before all of the Calls to Action are implemented. Reconciliation in 2057?**

There is more to consider in the analysis of the Calls that have been completed. As we have said above, this methodology assumes that some Calls can be implemented one year, and not the next. Of the Calls completed in 2018, progress has stalled on Call to Action 84 (support for the CBC to promote Indigenous content) to the point we can no longer say it is complete. Meanwhile, two new Calls have been completed. They include Calls #13 (language rights as Aboriginal rights) and #73 (support for the National Centre for Truth and Reconciliation).

This is not to say that significant movement has not been made on a number of important calls to action. We could easily see, for instance, the conditions for Calls to Action #15 being met in the coming year given progress already made towards the creation of an Indigenous languages Commissioner as part of the recently passed Indigenous Languages Act. There is also progress on #53 and #54 with the recent announcement of funding for the creation of a National Council for Reconciliation following the 2018 final report of the Interim Board of Directors.

But, by and large, there is a stubborn lack of progress on the vast majority of the 94 Calls to Action since 2015. Why is this the case? Based on our analysis, we see a number of structural barriers that are preventing meaningful movement.

#### **"THE PUBLIC INTEREST"**

Perhaps the most significant barrier to success has been low priority placed on meaningful structural changes, compared with other competing priorities. Although Prime Minister Justin Trudeau remarked early in his first and second mandates, that **"No relationship is more important to Canada than the relationship with Indigenous Peoples,"** it has become clear that the broader "public interest" has been viewed in opposition to the interests of Indigenous peoples and, therefore, has operated as a barrier to any meaningful movement on reconciliation.

Take for example Canada's ongoing legal challenges to the Canadian Human Rights Tribunal's September 2019 ruling that "the federal government was wilfully and recklessly discriminating against First Nations children in ways that contributed to child deaths and a multitude of unnecessary family separations." Canada has publicly claimed that the order was not in **"the public interest"** because of the billions of dollars that will need to be paid out to individuals unjustly taken from their families as children.

### **The Public Interest, it seems, is always defined as being the interests of a non-Indigenous public that benefits from the direct violation of treaty relationships and exploitation of Indigenous lands.**

Canadian policymakers are well known as being in **opposition to action** on meaningful reconciliation with Indigenous peoples, and does not see Indigenous issues as an immediate concern, even **by the government's own admission.**

Perhaps the best example of this definition of the public interest being in opposition to Indigenous rights, title and sovereignty has been the debate over the “free, prior and informed consent” provisions of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). As the TRC Commissioners make clear throughout the multi-volume final report, UNDRIP must act as the “framework for reconciliation in Canada” and, to that end, “provides the necessary principles, norms, and standards for reconciliation to flourish in twenty-first-century Canada.”

Yet Canada has demonstrated little intention of providing meaningful access to free, prior and informed consent (FPIC). As the *Yellowhead Land Back Red Paper* notes, Canada views the Duty to Consult as FPIC. Indeed, this became all the more clear with Canada’s \$4.5 billion purchase of the Trans Mountain Pipeline in May 2018. This pitted Canadian interests against the interests of those First Nations opposed to the project.

To justify this the Prime Minister Trudeau stated that “Indigenous peoples do not have a veto over pipelines, over projects like this. They need to be consulted, they need to be engaged with, they need to be heard and listened to, and there has to be significant efforts to accommodate, to build partnerships—but there is no veto.” While there are important debates around the difference between FPIC and a veto, the Prime Minister’s gesture is rooted in ensuring the interests of Canadian prevail.

All of which brings into question the recent promise by the federal government to pass legislation adopting and implementing UNDRIP.

### **How can this mark meaningful change if basic provisions like free, prior and informed consent will be rejected or interpreted narrowly from the outset?**

Given the centrality of UNDRIP within the 94 Calls to Action, this is perhaps the key barometer of whether Canada is truly committed to meaningful reconciliation. And while we are cautiously optimistic following B.C.’s recent passage of the *Declaration on the Rights of Indigenous Peoples Act* earlier this year, it remains to be seen as to what effect this legislation will have in that province and federally.

#### **PATERNALISM**

The paternalistic attitudes and behaviours by politicians and bureaucrats alike has also played a key role in delaying progress on a whole range of Calls to Action. Indigenous peoples have long dealt with an oppressive and fatal paternalism on the part of the federal government, which continues to endure.

For example, while Call to Action #13 regarding the acknowledgement of Indigenous language rights was completed in principle through the passing of the Indigenous Languages Act this past year, several concerns arose regarding the meaning of such an Act when the funding does not match the aspiration. As Fontaine, Leitch, and Nicholas note in a *previous Yellowhead Brief*, the Act “leaves intact the Government’s bureaucratic control over funding of all Indigenous language initiatives, including the trap of block funding which forces communities to compete with each other for available dollars.” This approach beholds Indigenous peoples to a continued system of duress.

Furthermore, this act does not address the unique challenges that Inuktitut speakers have—a fact that Inuk leaders attempted to address in their review of the Bill before it received Royal Assent—only to have their suggested revisions scrapped. What is clear in this example of paternalism as a barrier to meaningful change is that when Canada attempts to respond to the Calls to Action, it is without the meaningful input of Indigenous peoples.

### **We should expect that equity, at least in decision-making, to be a core principle of a conciliatory relationship.**

A similar form of paternalism is at play when it comes to federal commitments to “eliminate the discrepancy in federal education funding between on-reserve and off-reserve students” as per Call to Action #8. While the Federal Government did promise to bridge this gap with \$2.6 billion in funding over five years starting in 2016, 25 percent of that was delayed based on the justification that First Nations needed to build capacity before the funding could be used appropriately. Capacity issues have long been a convenient justification for funding discrepancies between Indigenous peoples and their non-Indigenous neighbors, and of course, on-going paternalism.

### **The language of ‘capacity building’ is also regularly used to gaslight critics of federal policies.**

In a September 2017 interview, for instance, Indigenous Relations Minister Carolyn Bennett asserted that there really *was* equitable funding for on-reserve students, “but we still need the analysis as to how we do better...I think that the way it is funded now, it’s difficult to make those comparisons because of the way that it is has been book-kept. But there is equitable funding, it’s just that the needs may be even greater.” The burden, according to Bennett, remained on First Nations themselves, “**We want First Nations to design their own school systems, then we will fund it appropriately.**”

#### **STRUCTURAL RACISM**

The Calls to Action that have seen the least progress at all are those that call for fundamental changes to policies and institutions built, from the start, on a foundation of anti-Indigenous racism. For instance, not only has the federal government refused to repudiate the Doctrine of Discovery as outlined in Call to Action #47, but this fiction has been the basis of Canadian claims to sovereignty on unceded Indigenous lands—a position which has been upheld by the courts despite its racist origins as a tool of European imperialism.

The Calls to Action related to Health and Justice have similarly seen minimal progress because reforms to discriminatory justice and healthcare systems have been, at best, minimal and cosmetic since the 2015 release of the Calls to Action.

### **No meaningful plans have been implemented that promise to reverse the disproportionate number of Indigenous peoples in Canada’s prisons or, for that matter, to close the health care gap that leads to shorter life expectancy for Indigenous peoples.**

At the time of writing, compared to Canadians, life expectancy is 15 years less for Inuit men and 10 years less for Inuit women, 5-6 years less for First Nation and Métis men, and 3-5 years less for First Nations and Métis women. These problems require structural solutions but Canada has, so far, been unwilling to make the kinds of fundamental changes necessary to make these kinds of changes.

This lack of action has also been accompanied by a general unwillingness of Canada and Canadians to admit that these unequal outcomes for Indigenous and non-Indigenous peoples are, in fact, the product of racist structures and institutions. Even after Canada was ordered by the Canadian Human Rights Tribunal (CHRT) to end policies that racially discriminate against Indigenous children, in January 2016, Canada’s lawyers continued to argue that their policies were not discriminatory. They have since been issued eight non-compliance orders. As Cindy Blackstock has eloquently said, “**The federal government has normalized racism as fiscal policy, even when it comes to children’s services and anoints itself the pacemaker as to when the discrimination will end, despite being the perpetrator of the inequality.**”

It’s worth noting, then, that the Calls to Action demanding transparency and annual reporting from different levels of government on issues like Child Welfare (#2), Education (#9), Indigenous Languages (#15), health care (#19), criminal victimization of Indigenous peoples (#39), Aboriginal and Treaty Rights (#51), and reconciliation (#55 and 56) are all, as of yet, incomplete. Such reports, one can imagine, would only reinforce the negative impact of structural racism on the rights of Indigenous peoples in nearly every area of Canadian society.



**The combination of ongoing paternalism, Canadian self-interest, and Canada's broader failure to admit or to even address the structural racism at the heart of many of the institutions responsible for providing health, welfare, legal, education services to Indigenous communities does not bode well for justice for the survivors of residential schools and their families.**

It should therefore not come as a surprise that the two additional Calls to Action completed in 2019—#13 “Acknowledge that Aboriginal rights include Aboriginal language rights,” and #72 “Develop and maintain the National Residential School Student Death Register created by the TRC,”—are, like those completed in previous years, more performative and procedural than substantive or structural changes. That is not to say that they aren't important, just that they are much easier to complete in practice.

#### **RECONCILIATION AS A METAPHOR (FOR COLONIZATION)?**

This is really a microcosm of the last four years of the federal government's relationship with Indigenous people: hard work on the symbols, while avoiding the substance. With four years of data indicating glacial progress on the Calls to Action and reconciliation generally, it is becoming increasingly clear that transformative change is required. It is difficult to imagine, even with a new government.

**But our hope in Indigenous communities to force that change remains.**

It is our hope, too, that this analysis can support those efforts.