

Developing and Engaging in a Reconciliation Mapping Exercise

National Access to Justice Week

October 27, 2021

12:00 pm - 1:30 pm CST

Law Society
of Saskatchewan



Office of the
Treaty Commissioner

PRESENTERS

- ***Elder Sidney Fiddler***, Waterhen Lake First Nation
- ***Mary Culbertson***, Commissioner, Office of the Treaty Commissioner
- ***Foluke Laosebikan, Q.C.***, President, Law Society of Saskatchewan
- ***Pamela R. Kovacs***, Senior Policy Counsel, Law Society of Saskatchewan
- ***Angela Merasty***, Director of Operations, Office of the Treaty Commissioner
- ***Rhett Sangster***, Director, Reconciliation and Community Partnerships, Office of the Treaty Commissioner



RESPONDING TO THE CALLS TO ACTION

- A Truth and Reconciliation Advisory Group helps guide the Law Society's reconciliation efforts, providing advice to the Law Society on issues within the mandate of the Law Society affecting Indigenous Peoples in Saskatchewan with a current focus on four priority areas:
 1. Making a formal commitment to reconciliation and developing a framework to put that commitment into action.
 2. Reviewing regulatory processes and structures to determine whether these processes meet the needs of Indigenous Peoples and identifying any gaps in meeting those needs.
 3. Providing ongoing opportunities for competency and awareness training for Law Society leadership and members.
 4. Collaborating and building relationships with Indigenous organizations, the Indigenous bar, and other appropriate groups.

Truth, Reconciliation and Treaty Implementation



Saskatchewan Access to Justice Week
October 27, 2021





A bit about ourselves....

Angie Merasty

- Grew up in Pelican Narrows, fluent in Cree
- Part of the Peter Ballantyne Cree Nation, Treaty 6
- Ministerial Assistant to several Cabinet Ministers and Special Advisor to the Premier of Saskatchewan
- Band Councilor for the Peter Ballantyne Cree Nation
- Director of Operations, OTC



Rhett Sangster

- Background in diplomacy, peacebuilding
- Ancestors settled in Treaty 4, 2
- Grew up in Treaty 6 Territory (Tisdale)
- Director, Reconciliation and Community Partnerships, OTC since 2014



Agenda

- **Why do we need reconciliation?**
- **OTC's work to advance truth and reconciliation**
- **What can the justice sector do for truth and reconciliation?**



Office of the Treaty Commissioner

- **A Federal Commission**
 - Mandated by FSIN and Government of Canada
- **Two-fold mission**
 - Treaty table
 - Treaties 4, 5, 6, 8, 10
 - 100% of Saskatchewan
 - Advocate for strong Treaty relationship between Indigenous & non-Indigenous citizens



Reconciliation: What is it?

- miyo-wâhkôhtowin – Having good relations
- Both a goal and a process
- Reconciliation = Access to Justice



Why do we need reconciliation?



The Relationship Promised in Treaty

Real estate
transaction

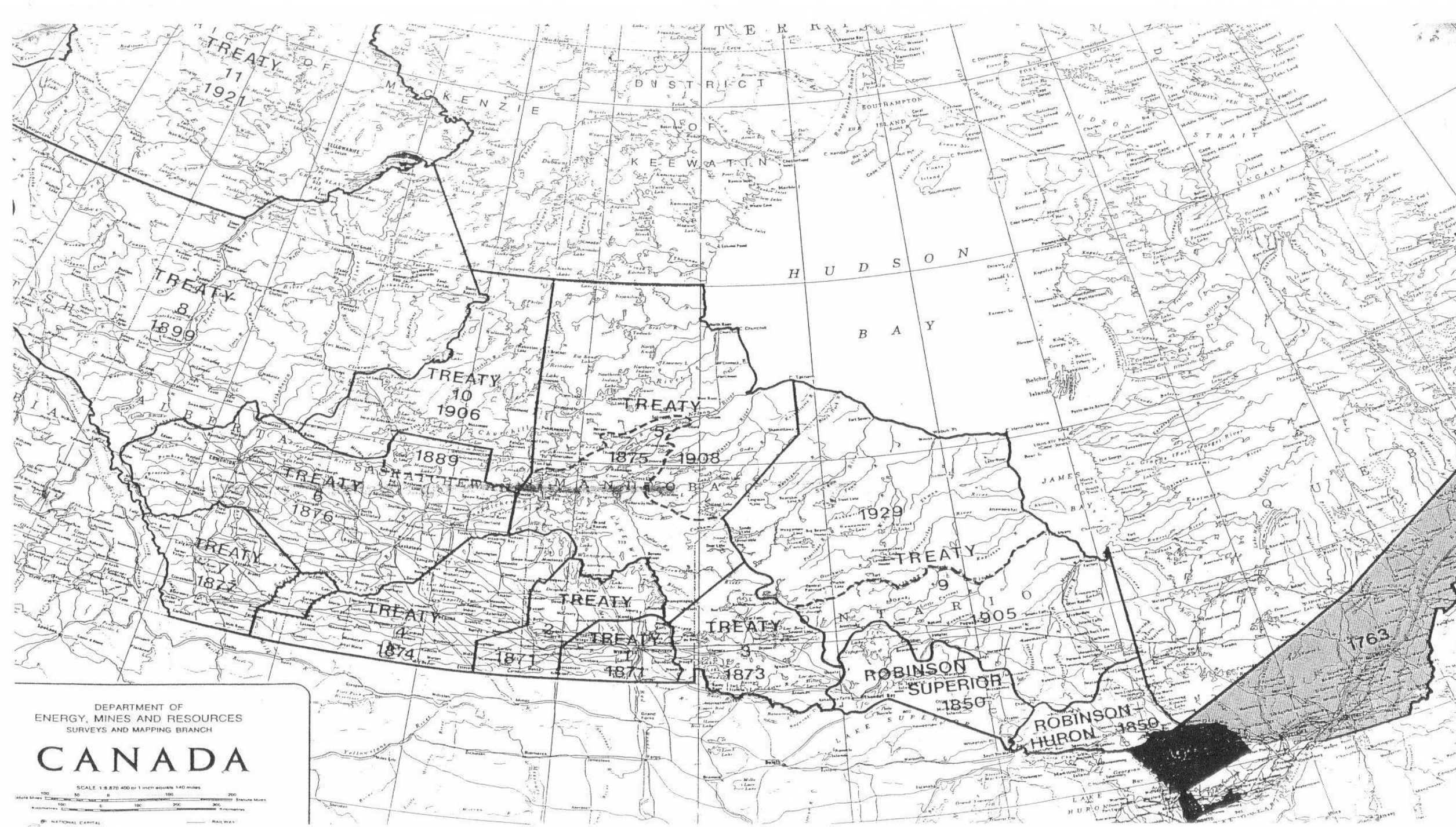


Agreement
between nations
to share 'milk of
Mother Nature'

The Relationship Delivered:



Photo sources: CBC, Legacy of Hope Foundation



Treaties 4, 5, 6, 8, 10

- Historical Context – a time of great transition
- Access to Land for Treaty Rights
 - Annuities
 - Medicine Chest (famine and pestilence relief)
 - School house
 - Agricultural supplies
 - Hunting, fishing, trapping, gathering
 - Shelter



Spirit and Intent of Treaties

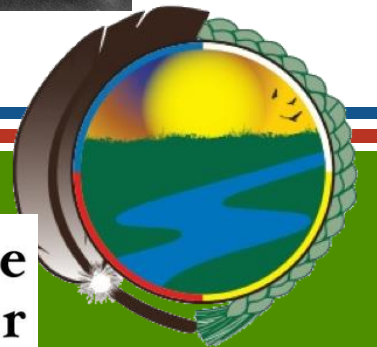
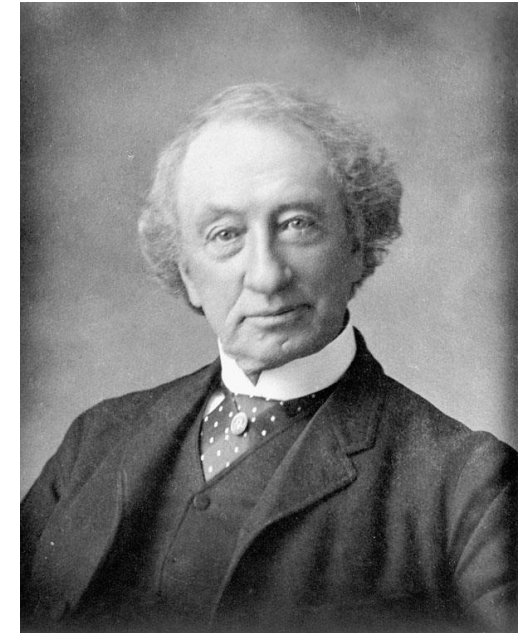
- Treaties are more than written documents, they maintain a permanent living relationship for all generations that is based on mutual benefit and recognition.
- Treaties were agreed to through ceremony, creating a sacred relationship.
- The process created a relationship of reciprocity; a kinship rooted in the worldview of the Indigenous Treaty partners.



What Happened?

The Indian Act - 1876

- Complete government control - Indian Agent
 - Citizenship
 - Lands and resources
 - Cultural and spiritual practices
 - Governance systems
 - Penalties and permits for trade
 - Pass system – 1885 to 1930
 - No legal council until 1950
 - Indian Act changed but still in place today



Canadian Assimilation Policies

- Indian Residential Schools
- Day Schools
- 60's Scoop
- Still today?

“When the school is on the reserve, the child lives with its parents, who are savages, and though he may learn to read and write, his habits and training mode of thought are Indian. He is simply a savage who can read and write. It has been strongly impressed upon myself, as head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men” (Sir John A. MacDonald)



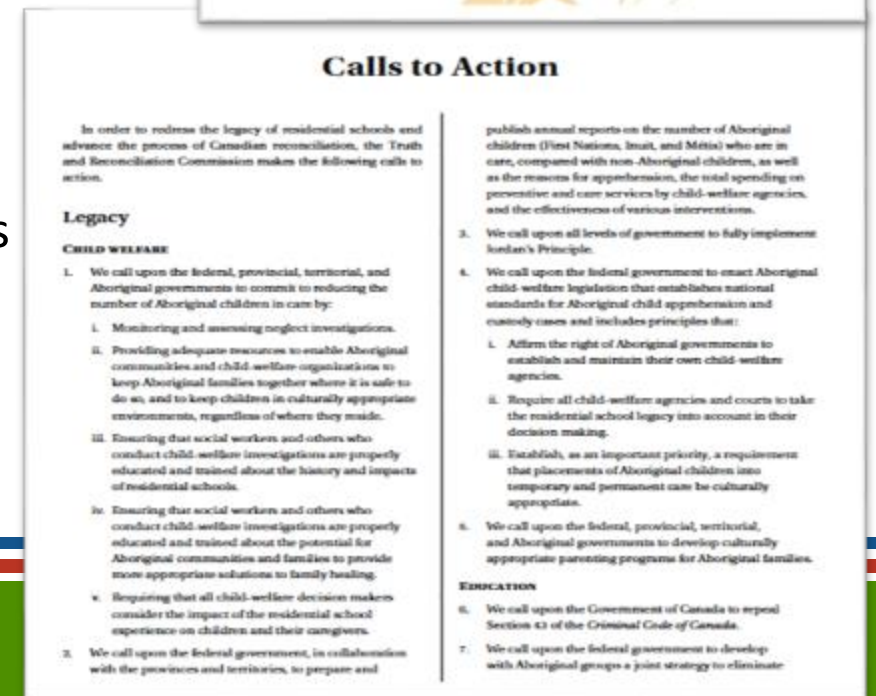
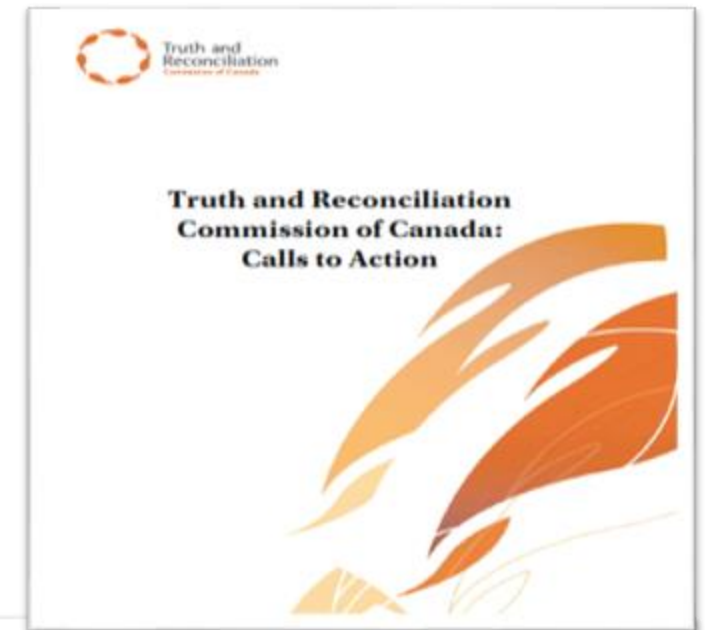
The ongoing legacy of an attempted cultural genocide:

- Language and Culture
- Health
- Justice
- Child Welfare
- Education



TRC Calls to Action

- Indian Residential School Settlement Agreement
- TRC was active from 2008-2015
- Broken up into Sections
 - Justice
 - 25-42
 - Equity for Aboriginal People in the Legal System
 - 50-52
 - Professional Development and Training for Public Servants
 - 57

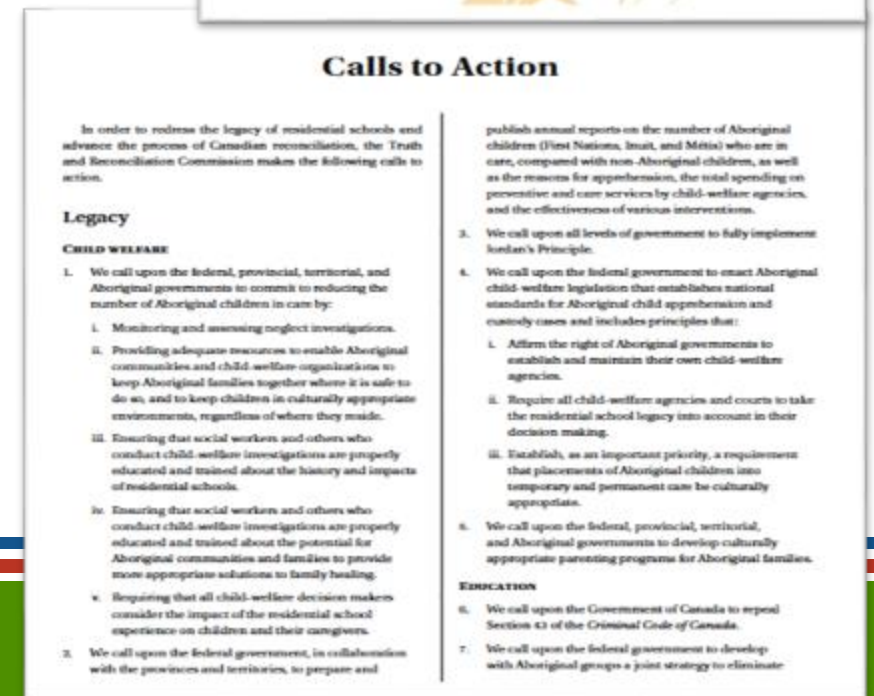
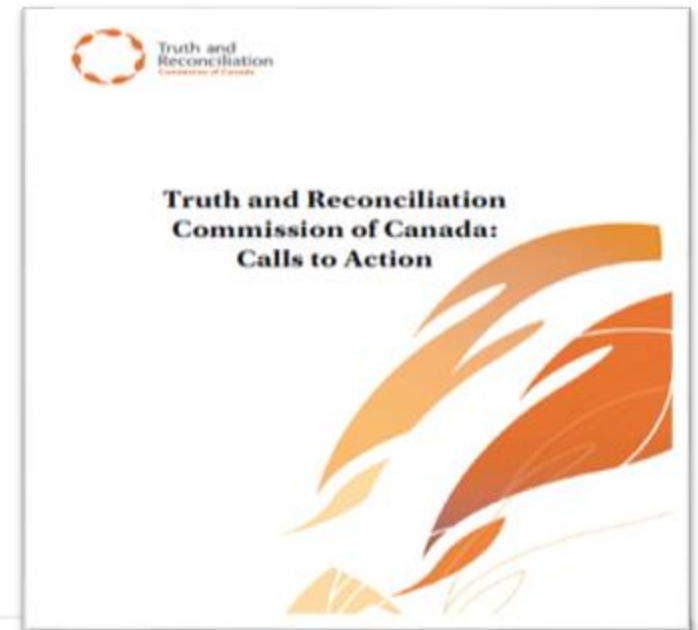


TRC Calls to Action

- Justice

CTA 27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

CTA 28. Law Schools

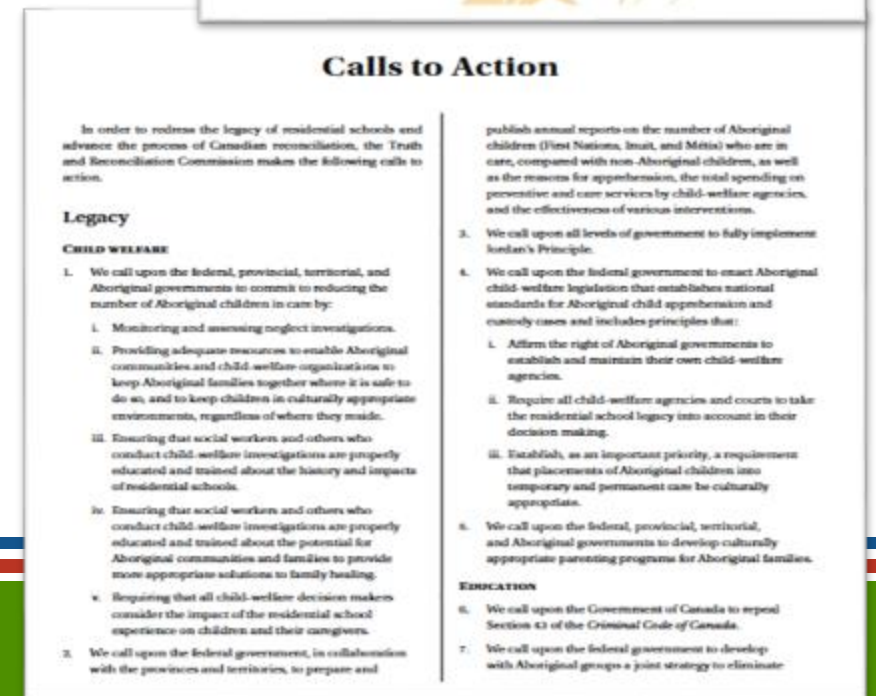
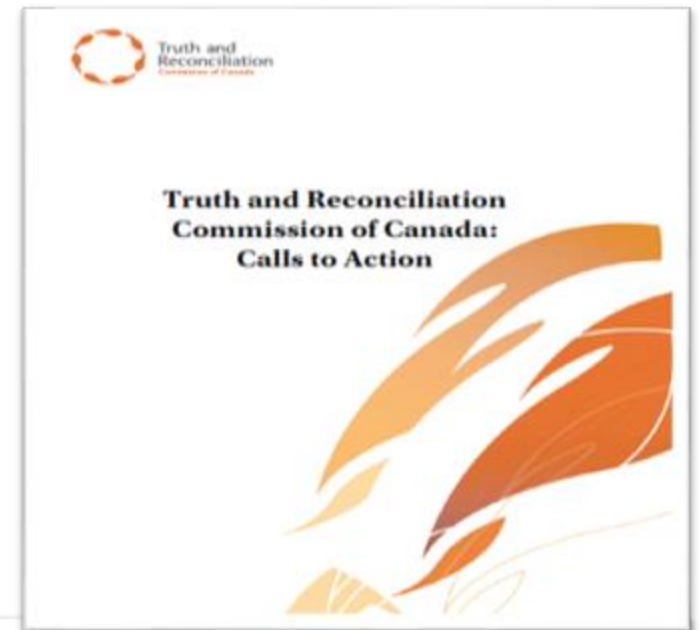


TRC Calls to Action

- Justice

CTA 30. We call 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

CTA 38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

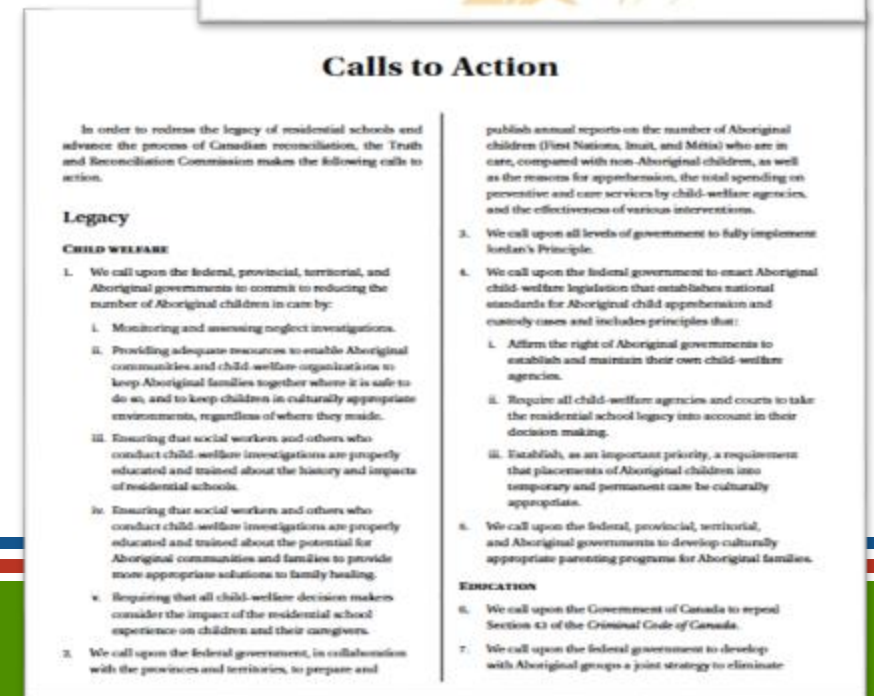
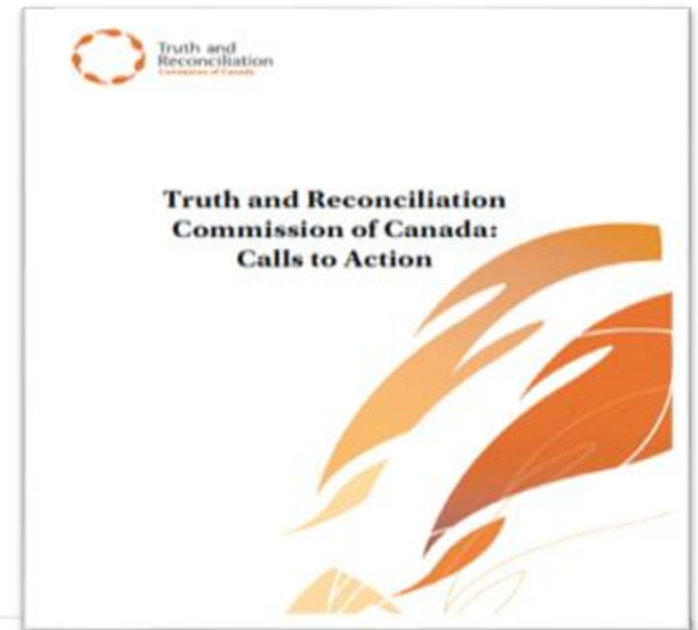


TRC Calls to Action

- Justice

CTA 36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused

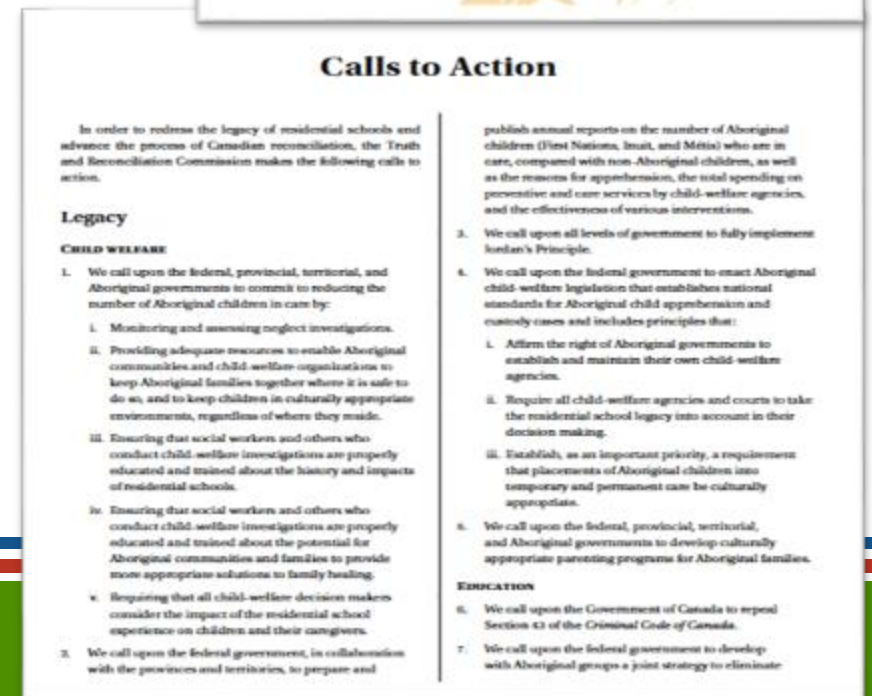
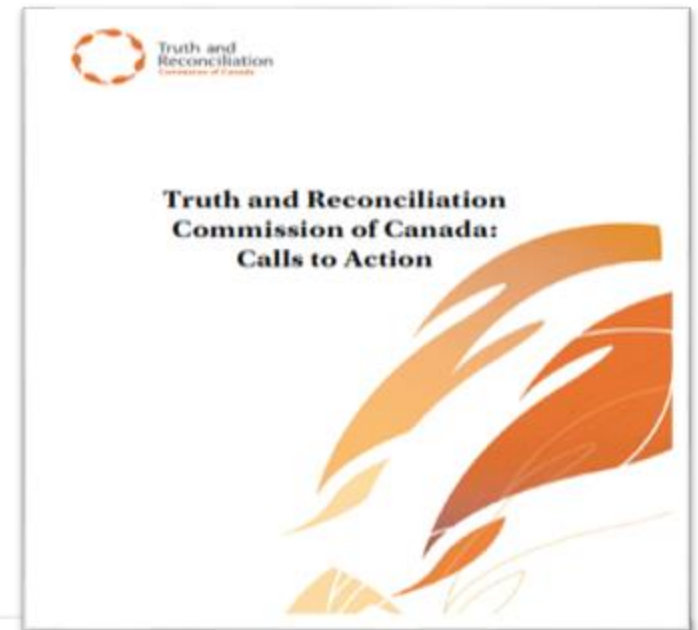
CTA 40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.



TRC Calls to Action

- Justice

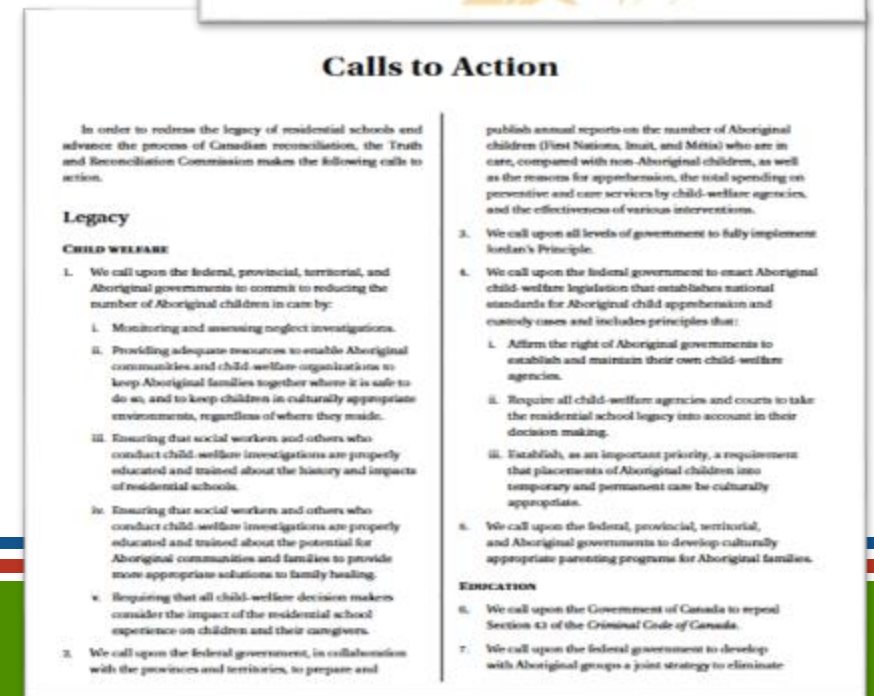
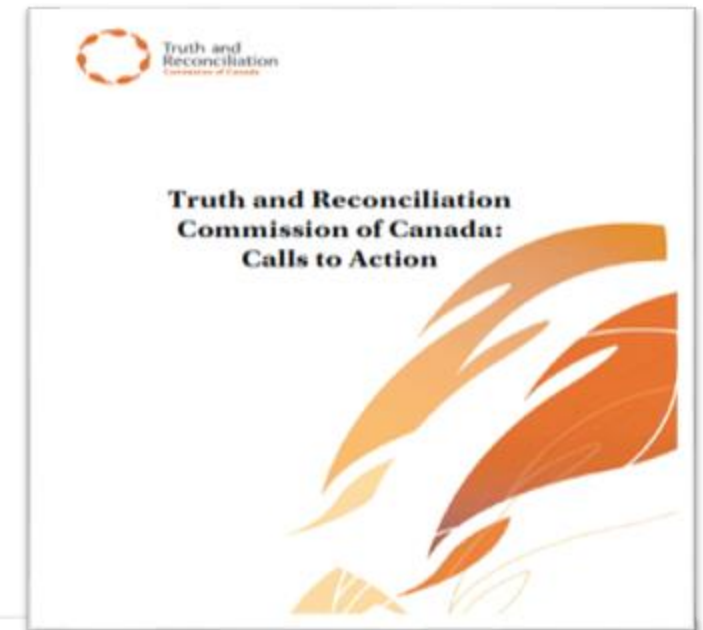
CTA 42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.



TRC Calls to Action

- Equity for Aboriginal People in the Legal System

- CTA 52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
 - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
 - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.



Why do we need reconciliation?

Justice



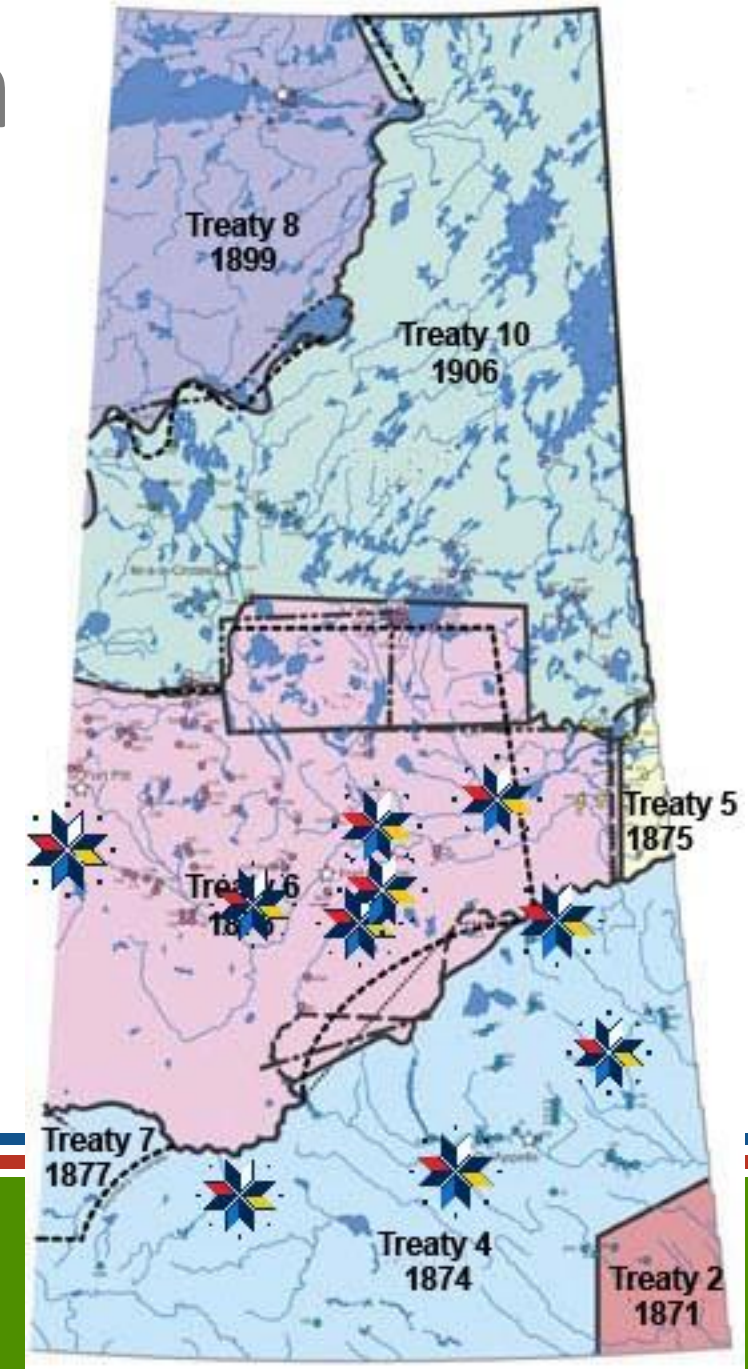
Three Strategies for Reconciliation and Treaty Implementation



1. Connect the right people
2. Pursue a shared vision for success
3. Inspire action, measure impact, and learn from our efforts

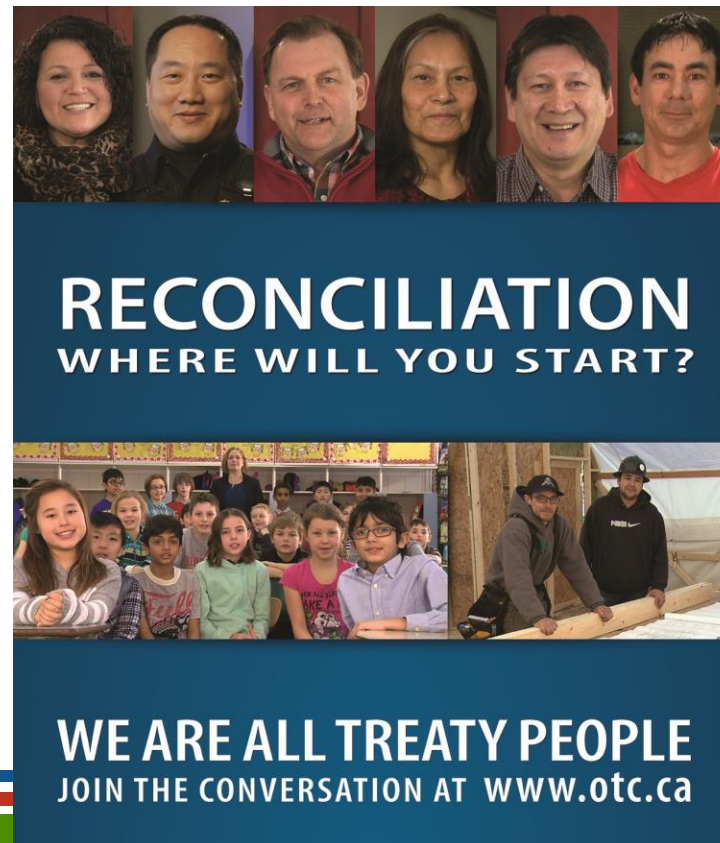
Strategy 1: Connecting people in our communities

- 10 Reconciliation Circles across the province
 - Saskatoon
 - Regina
 - Heart of Treaty 6 (Lloydminster, Onion Lake Cree Nation, Frog Lake First Nation, Poundmaker Cree Nation)
 - Prairie Rivers (Warman, Martensville, One Arrow First Nation, Osler)
 - Yellow Quill/Kelvington/Porcupine Plain/ Hudson Bay
 - Yorkton
 - The Battlefords
 - Prince Albert
 - Nipawin//Cumberland House
 - Southwest Reconciliation (Swift Current)



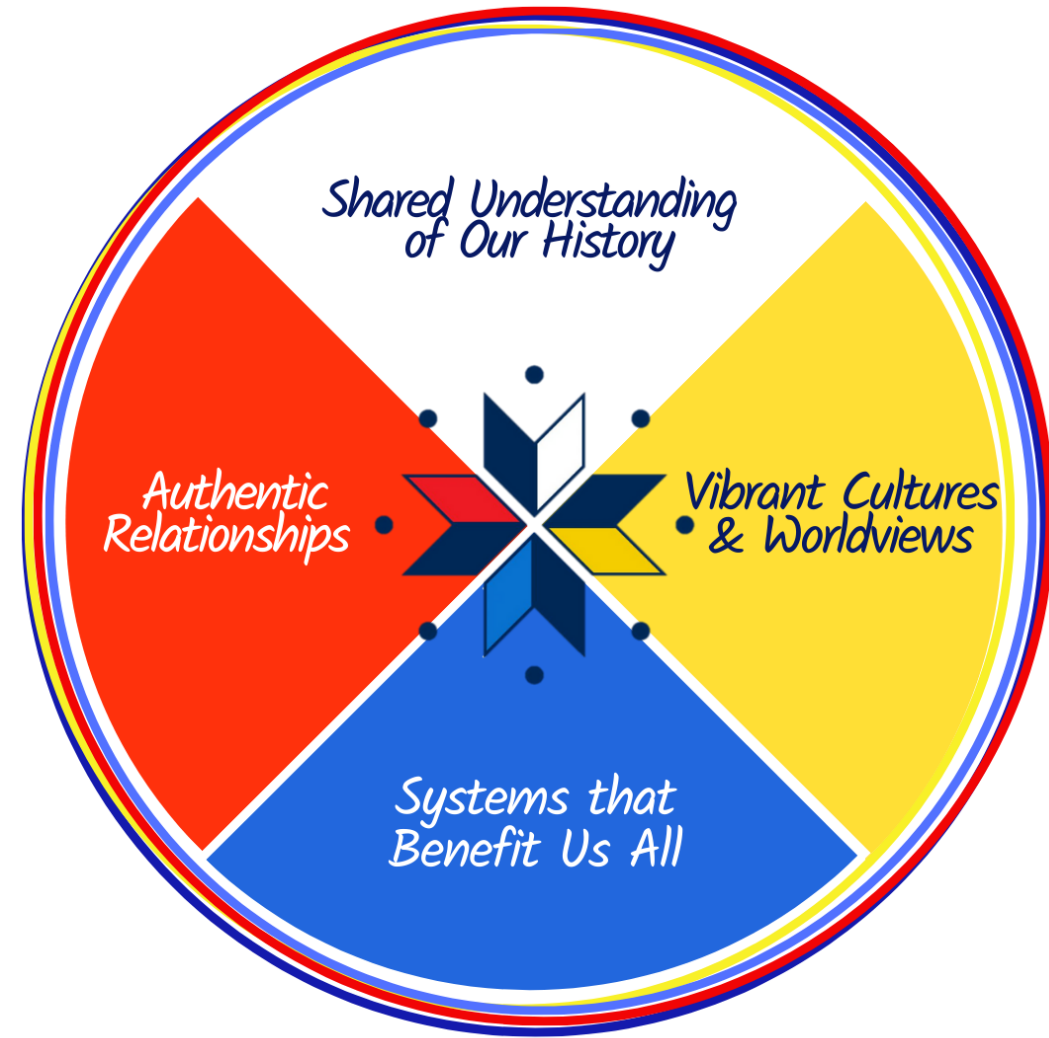
Strategy 2: Shared Vision

What is truth and reconciliation for you?



A Vision for Truth and Reconciliation Through Treaty Implementation

Truth and Reconciliation through Treaty Implementation is about walking together on a journey to create a new, shared future for our children and grandchildren. It involves four overlapping and continuous areas of work.





Strategy 3: Measuring Progress



Ways we can measure impact

Found over 1000 ways to measure based on the:

- TRC Calls to Action
- MMIWG Calls for Justice
- United Nations Sustainable Development Goals
- Rights of the Child
- UNDRIP
- Locally sourced indicators
- And more



Measurement METHOD

What is a possible path for growth?

- A logic model for determining a possible path that a given organization, person, and society can grow towards some of the outcomes identified in the indicator work
- A wide variety of circular paths
- Early days of the logic model...

Truth and Reconciliation Through Treaty Implementation - Logic Model

Lightest colors = capacity change outcomes

Medium colors = behavioral change outcomes

Darkest colors = societal change outcomes

Greys = Shared Understanding of our History

Reds = Authentic Relationships

Yellows = Vibrant Cultures & Worldviews

Blues = Systems that Benefit Us All

Vertical colored lines note the intersections (ability to go back and forth) of capacity change with behavioral change

All outcome boxes are intended to measure the Vision for Reconciliation Through Treaty Implementation. Where appropriate, the points of the Vision are identified in the logic model.

Outcomes and Indicators were guided by community dialogue and foundational Reconciliation documents like the Truth and Reconciliation Commissions Calls to Action, United Nations Declaration of Rights of Indigenous Peoples, United Nations Sustainable Development Goals, and MMIWG Calls for Justice. Within each outcome noted below are multiple indicators from each of these foundational documents.

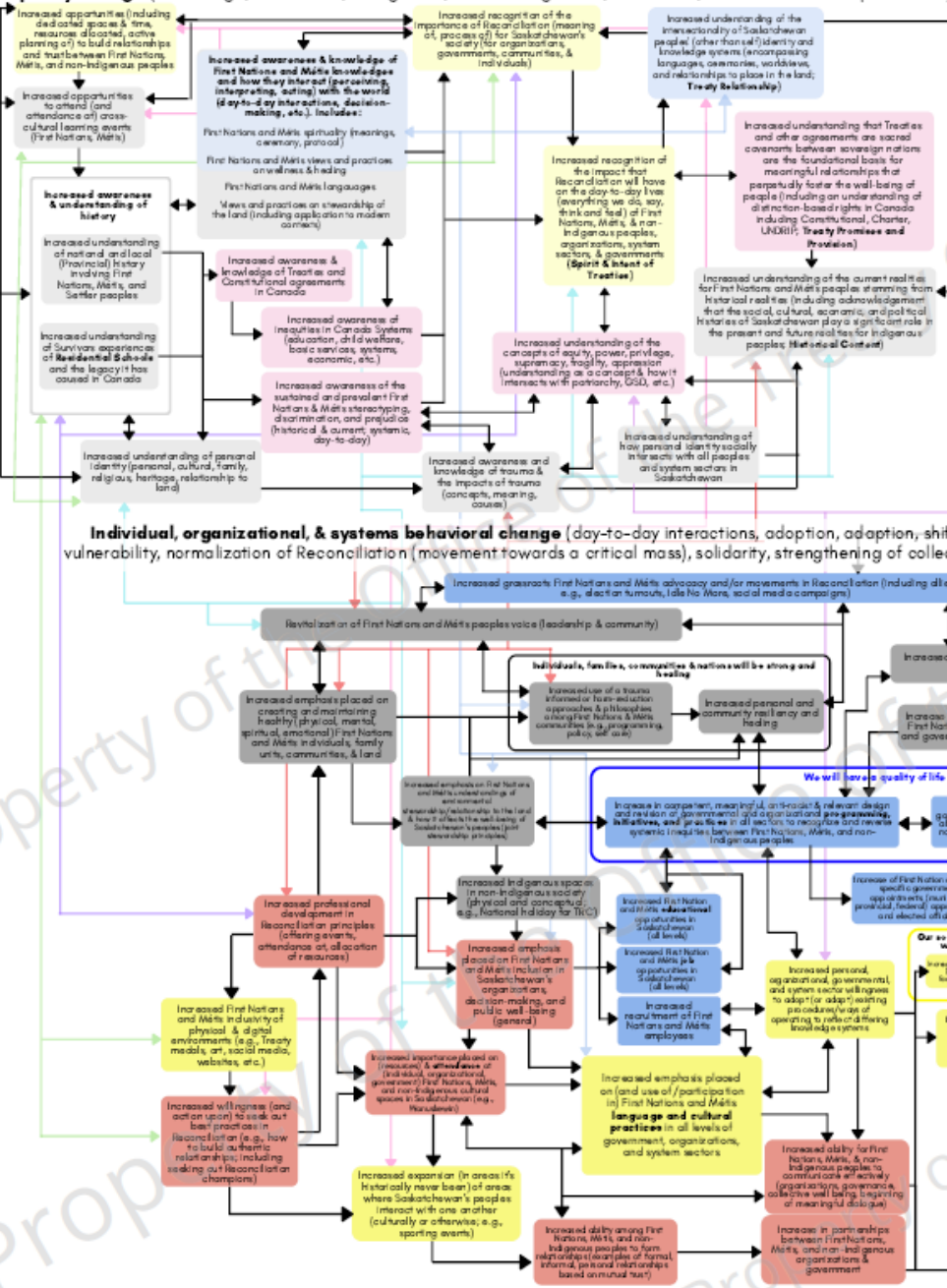
Societal change (equitable systems & interactions; critical mass reached; institutional structure change)

Capacity change (knowledge, awareness, recognition, acknowledgement, motivation, colonial narrative questioned)

Individual, organizational, & systems behavioral change (day-to-day interactions, adoption, adoption, shifting mindset, vulnerability, normalization of Reconciliation (movement towards a critical mass), solidarity, strengthening of collective intelligence)

Factors or reasons for entering Reconciliation path (input)

- Someone invites you to an event
- Reading TRC and/or awareness of the National Event
- Organizational mandate
- It directly impacts you (previous experiences, family, friends)
- Intersectionality of Reconciliation and volunteering
- Personal value placed on engaging with Reconciliation
- Curiosity, anger, sadness, sense of unfairness, or social interest
- A sense of internal imbalance (e.g., sense of social justice)
- Realization of intersectionality of social movements (e.g., Reconciliation and Climate Change/action)
- Self-interest (positive and negative)
- Validation of views and values (positive and negative)
- Recognition of the shifting political and social landscape in Canada (recognition that a movement is happening, positive or negative)
- Curiosity of family history (e.g., settlement of ancestors)
- Newcomers to this country wanting to learn about the history of the land
- A desire to be a good citizen
- White guilt & shame (social construction of concept)

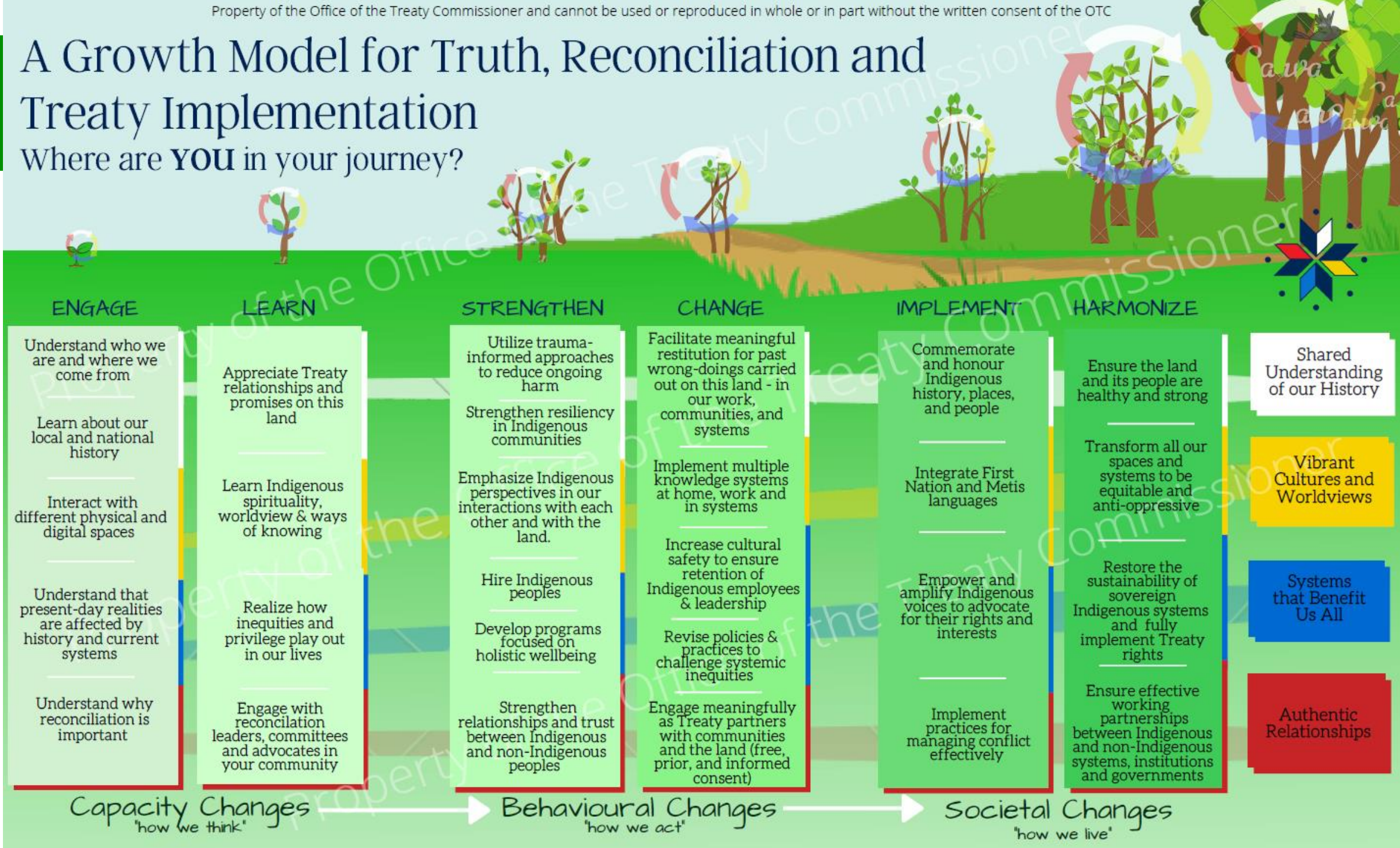


External factors affecting the progress of Reconciliation outcomes:

Reconciliation Committees (Conditions of Champions)	Implementation of Treaty education in Saskatchewan (K-12)	Urgency of Reconciliation climate in Saskatchewan	International influences / pressures	Positive or negative influences outside of Saskatchewan	White fragility	White Supremacy	Political will / Government Capacity	Racism	Tragedy / Injustice	Government & private funding (amount)	Resistance to Reconciliation	Mainstreaming on Indigenous histories & current realities	Organizational capacity to engage with Reconciliation	Interpretation of numbered Treaties (e.g., Treaty right to land)	Recognition of Trauma (e.g., in workplaces)	Participation & buy-in from general public	Fear
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A Growth Model for Truth, Reconciliation and Treaty Implementation

Where are **YOU** in your journey?





Indicators

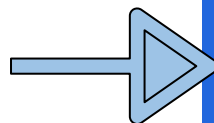
Vision

Systems that benefit us all



Growth Model Outcome

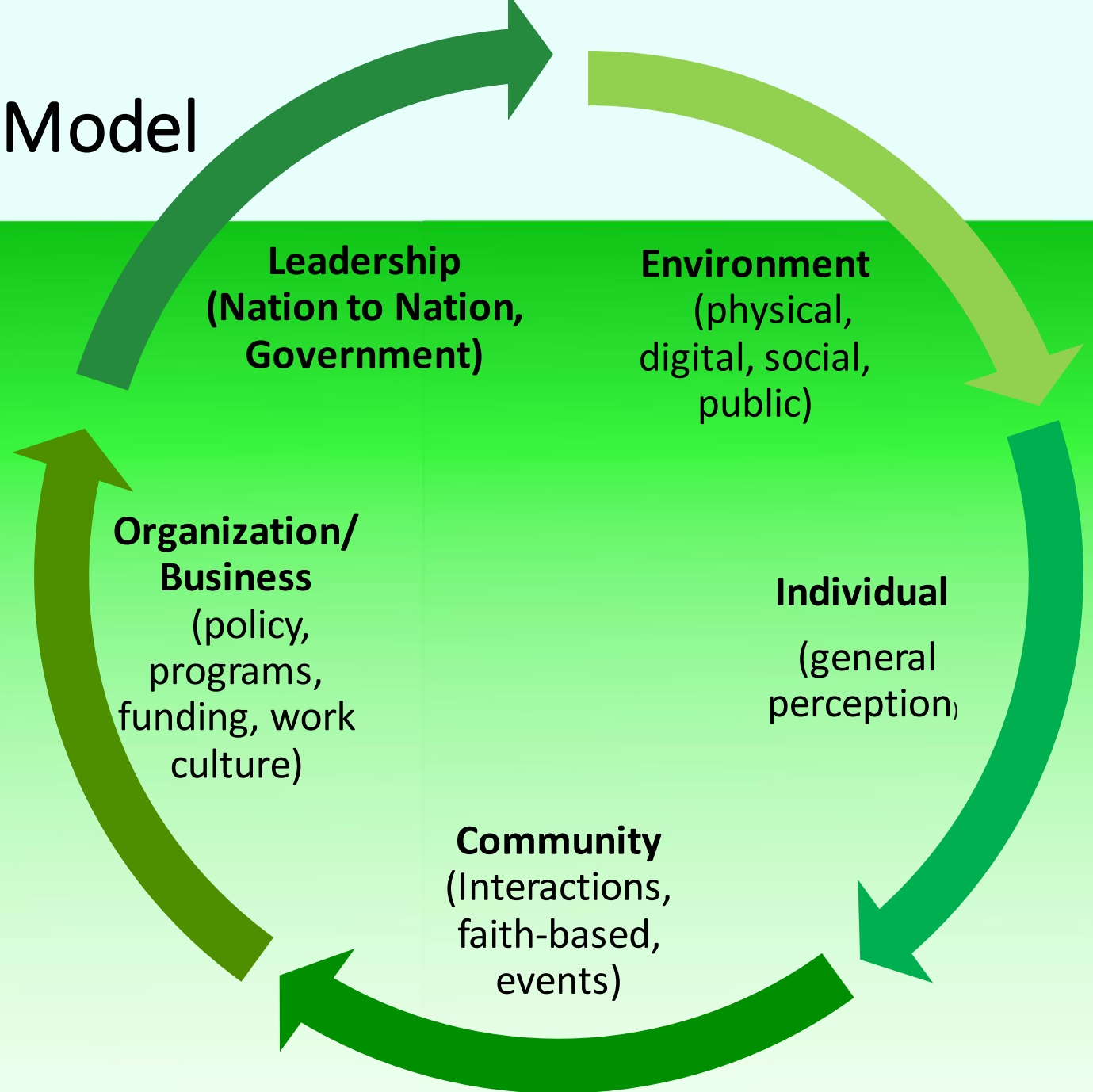
Develop programs focused on holistic wellbeing (Strengthen)



- # of legal aid programs in Saskatchewan that focus on ensuring access to justice and meaningful participation in the justice system (MMIWG 5.13, per year, over time, by geographic location)
- # of culturally appropriate community resources and support available to adequately diagnose FASD in the court system for First Nations and Métis peoples involved in the criminal justice system (CTA 34, per year, over time, by geographic location)
- % of Elders in Saskatchewan reporting increasing and enhanced roles and participation in organizations they are asked to consult with (including justice areas such as Corrections Service Canada decisions; MMIWG 14.10)

Ways to use the Growth Model

- Mapping current status on the journey
- Planning next steps
- Measuring impact
- Equipping change leaders to lead implementation



Piloting the Model

City of Saskatoon:

- Completed Phase 1: Mapping and Recommendations in December 2020

University of Saskatchewan:

- Office of Vice-Provost, Indigenous Engagement

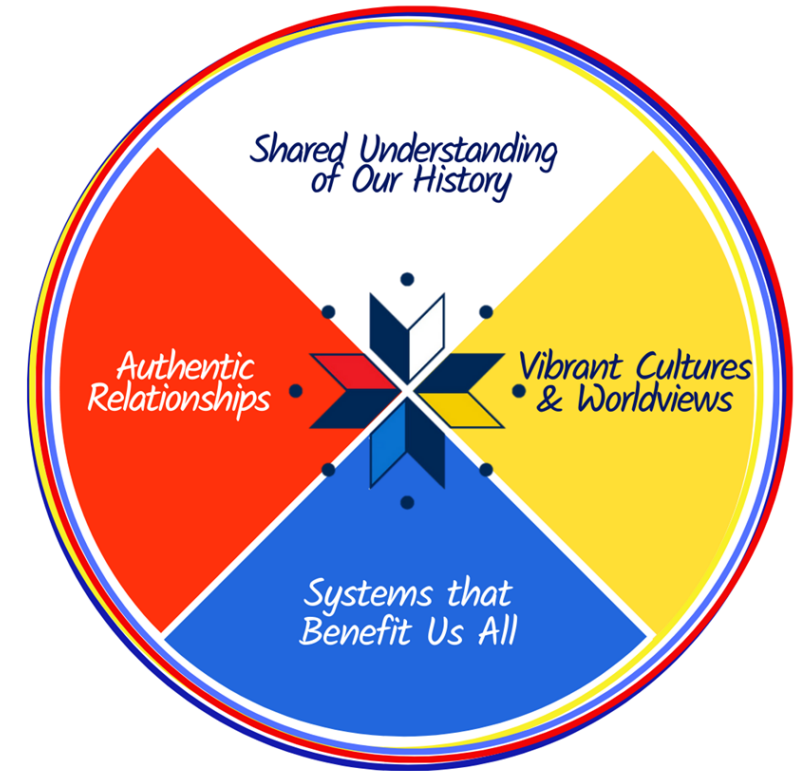
SaskCulture:

- Began Mapping and Recommendations in May 2021

Family Service Saskatoon

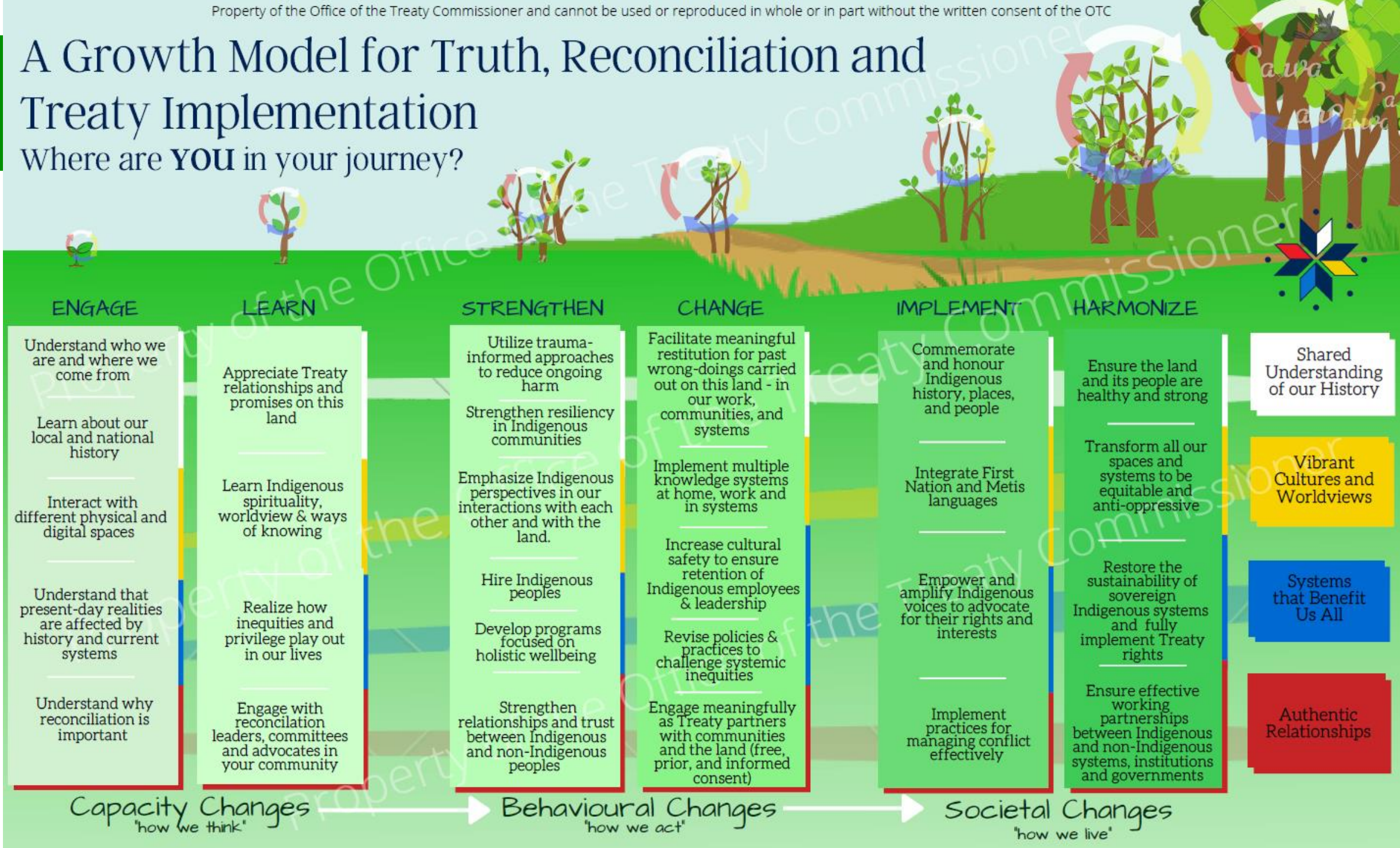
- Began Mapping and Recommendations in Sept. 2021

Law Society of Saskatchewan



A Growth Model for Truth, Reconciliation and Treaty Implementation

Where are **YOU** in your journey?

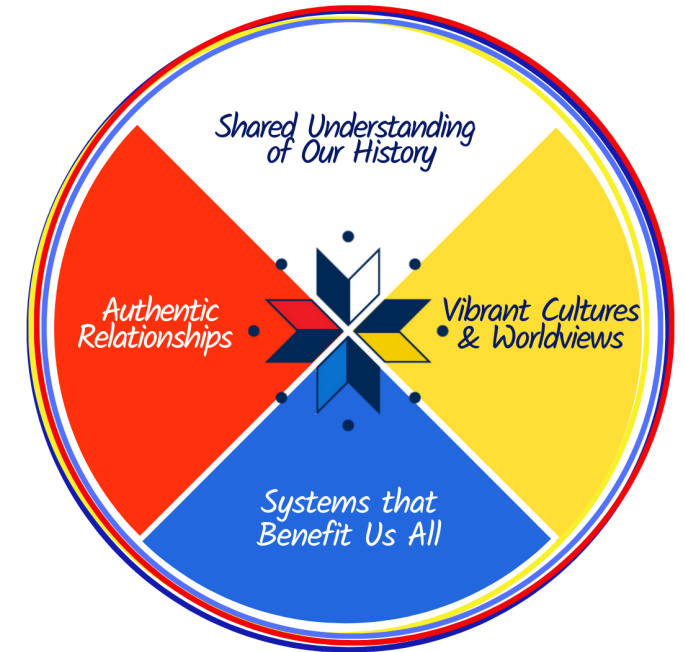




What can you do in the justice sector?

Shared Understanding of Our History:

- Learn the story of your community and of your ancestors, understanding how that history interacts with the Indigenous peoples of that land.
- Understand what it means to be a Treaty person in Saskatchewan
- Ensure everyone in the justice sector understands Saskatchewan's colonial history, the impacts of policies like IRS, and the cycles of trauma
- Use trauma-informed practices in your work
- Ensure your organization understands and can articulate publicly its role in the advancement of reconciliation

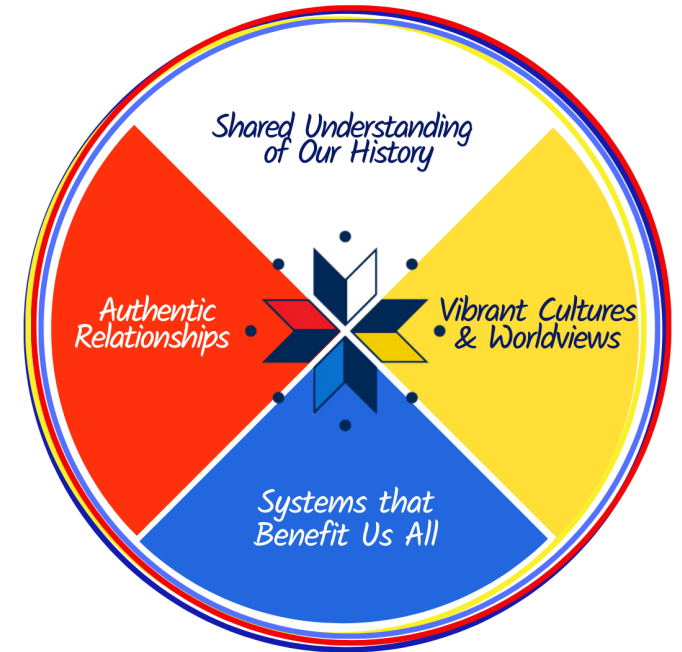




What can you do in the justice sector?

Vibrant Cultures and Worldviews:

- Embed Indigenous knowledge into your ongoing education (e.g., reading books, attending events, courses, job/school training etc.)
- Speak/try to speak an Indigenous language. Translate your documents
- Create physical and/or digital spaces within the justice system that correctly notes the Treaty Territory, displays Indigenous art
- Dedicate spaces for ceremony and spiritual wellness
- Has your organization committed to implementing UNDRIP?
- Fund, implement, or take part in Indigenous-led restorative justice programming

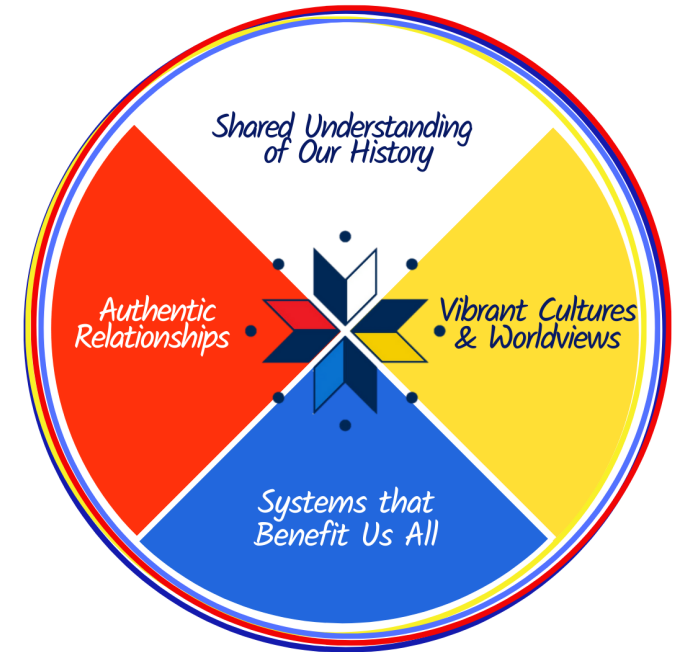




What can you do in the justice sector?

Systems that Benefit Us All:

- Ensure your staff understands how racism in Saskatchewan shapes the current realities facing First Nations, Métis, and Inuit peoples
- Take anti-racism training
- Learn the MMIWG Calls to Justice
- Advocate, facilitate, or fund alternatives to imprisonment
- Advocate, facilitate criminal code changes to ensure fair and equitable justice for Indigenous people
- Ensure your organization has functional, transparent policies and processes to deal with hate and/or discrimination

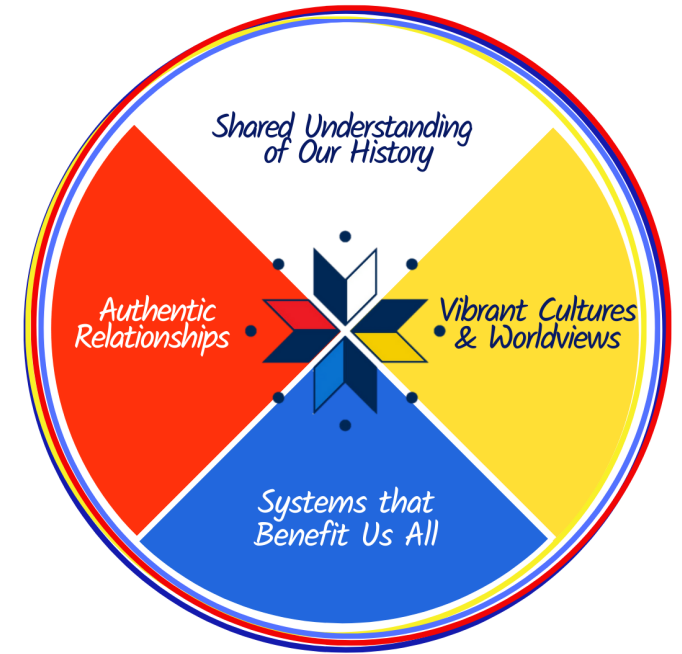




What can you do in the justice sector?

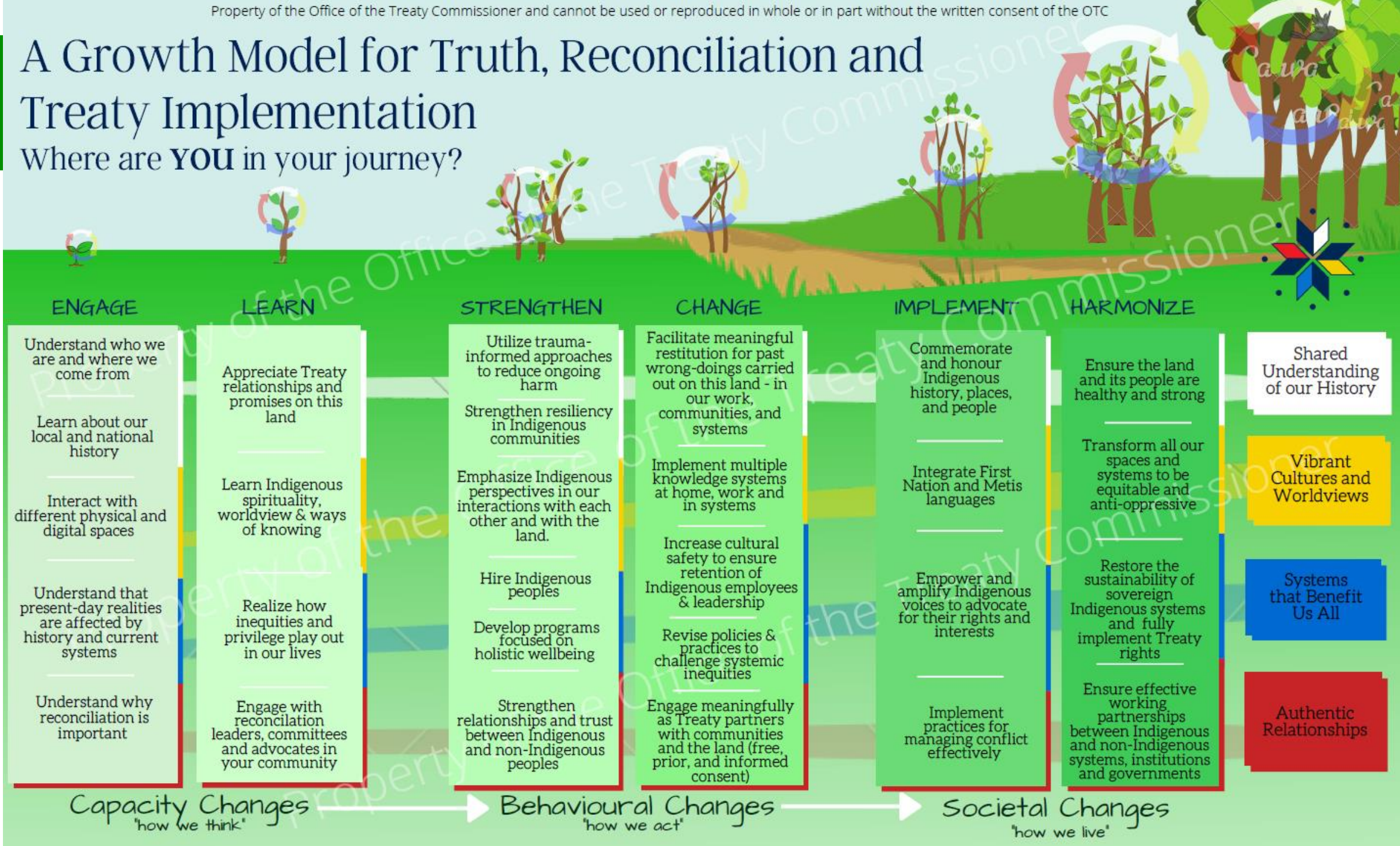
Authentic Relationships:

- Develop a working definition of truth and reconciliation for your organization/the justice sector
- Include Elders and Survivors at the core of your reconciliation work
- Design, or use resources (toolkits) on how to engage authentically with Indigenous people
- Honour Indigenous sovereignty in the justice sector and work in partnership with Indigenous people to create equitable outcomes



A Growth Model for Truth, Reconciliation and Treaty Implementation

Where are **YOU** in your journey?





Questions?

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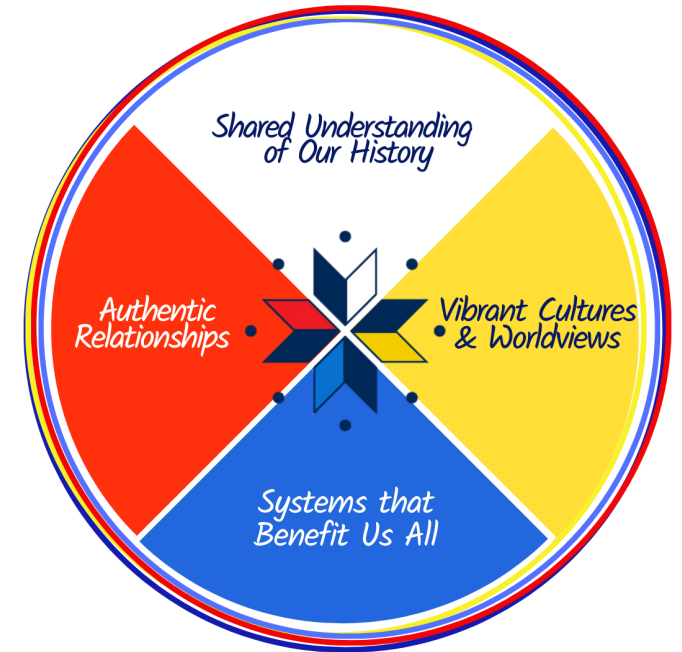
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INITIAL LESSONS

- As the Law Society is beginning the Reconciliation Mapping Exercise, a few initial reflections and lessons are emerging:
 1. *The benefit of a structured process:* it is beneficial to have guidance and support for reflecting on reconciliation, bringing a wider and more diverse perspective to the elements and means of reconciliation efforts;
 2. *The need for preparation and time:* preparing for the exercise has helped to drive thinking and commitment to how to approach reconciliation efforts as an organization and ensure time to drive participation and energy for the exercise from all corners of the organization; and
 3. *The importance of information sharing:* a key part of the process is reflecting on existing efforts and what has been done so far – this encourages exchange that helps advance sharing of information and conversations and learning in new ways across the organization.



FOR MORE INFORMATION / FEEDBACK

- OFFICE OF THE TREATY COMMISSIONER
 - http://www.otc.ca/pages/evaluating_reconciliation
- LAW SOCIETY OF SASKATCHEWAN
 - <https://www.lawsociety.sk.ca/initiatives/truth-and-reconciliation>
- PROVIDE FEEDBACK ON TODAY'S SESSION
 - <https://www.surveymonkey.com/r/XQPV9WK>