

FINAL REPORT

Interim Board for the National Council for Reconciliation

**Presented to Minister Carolyn Bennett, Crown-Indigenous
Relations and Northern Affairs**

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A. Approach and rationale for proposed model for the National Council for Reconciliation

There have been more than 30 Truth and Reconciliation Commissions established since 1973. This includes commissions established in Australia, South Africa, other African countries and in South America. There have been several entities established to follow up on the recommendations of these commissions. These follow-up entities provided a variety of models for our guidance. The Interim Board has reviewed these models and found that although the models were interesting in their structure and approach, they were not a perfect fit. Very few

established permanent independent, national oversight bodies dedicated to either implementing or reporting on recommendations or the broader progress made on reconciliation.

In light of this research, our consultations, and engagement with various Indigenous and non-Indigenous peoples and organizations, we believe that the structure and model will require a unique model designed specifically for the Canadian context. The model also needs to reflect the intent and purpose, of Calls to Action #53 and #54. This final report contains our proposed model for the National Council for Reconciliation (NCR).

We recommend that the NCR be financially independent and separate from government. We propose a multi-generational institution based in Ottawa, which will:

- monitor, evaluate and report on reconciliation to all governments and Canadian society
- act as a catalyst for innovative thought, dialogue and action

The NCR would be governed by a board of directors and supported by an executive director and staff.

B. Recommendations and analysis

a) Name

Recommendation: That the future board of directors of the NCR undertake a branding exercise, which may include a different name for the NCR.

What we heard during our consultations and what we learned from our research is that there are various organizations that have similar names such as Reconciliation Canada and the National Centre for Truth and Reconciliation. The National Council for Reconciliation as a name may cause confusion for the public. In order for governments, the public and the international community to distinguish between the NCR and other organizations dedicated to reconciliation, it is important the NCR defines a unique brand, which should include a more distinctive name. The new name and branding would need to resonate with First Nations, Inuit and Métis Nation peoples and with Canadians.

b) Vision, mission and principles

Recommendations:

- **That the vision guiding the NCR be two-fold:**
 - **be an independent multi-generational institution that would monitor, evaluate and report on reconciliation to all governments and Canadian society**
 - **be a catalyst for innovative thought, dialogue and action**
- **That the future Board of Directors define the mission statement and principles that would govern the NCR**
- **That First Nation, Inuit and Métis Nation teachings be taken in consideration when developing the principles**

The NCR must be a positive and innovative force for reconciliation. This cannot be achieved if the mandate is restricted to tracking government progress on reconciliation and checking-off boxes. The Canadian and Indigenous agendas appear to be converging and that it will be

important for the NCR to have the stature, mandate and capacity to be a positive and innovative force for reconciliation.

c) **Mandate**

Recommendation: That the mandate of the NCR be:

To advance reconciliation efforts through the development and implementation of a multi-year National Action Plan for Reconciliation, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action. The mandate would be advanced by the following actions:

- **Research**
 - **reconciliation progress across all governments and sectors of Canadian society**
- **Monitor and oversee**
 - **government programs, policies and laws that touch Indigenous peoples**
 - **reconciliation progress across all governments and sectors of Canadian society**
- **Report**
 - **to Parliament and the people of Canada on existing, future and generative (decisive, instrumental and enabling) possibilities to advance reconciliation and progress across all governments and sectors of Canadian society**
- **Advocate and educate**
 - **for reconciliation across all governments and sectors of Canadian society**
- **Initiate**
 - **innovative dialogue, thought and action on reconciliation**
- **Recommend**
 - **approaches on how to promote, prioritize and co-ordinate reconciliation efforts**

It is important that the NCR have a national mandate and participate in international discussions regarding reconciliation. The NCR would function as an ongoing “national mirror” that reports regularly on reconciliation progress. Reporting on progress requires timely and accurate information. The NCR would require the power to access information. The NCR should be an

advocate for those who are voiceless to promote and educate Canadians on reconciliation. Finally, the NCR must play a large, positive and generative role in Canadian society.

d) Structure

Recommendation: That the structure of the NCR be based on the following elements:

- Be directed by an experienced, knowledgeable and independent board of directors (see Membership criteria and selection below).
- Adopt a foundation model (endowment agreement and opportunity to develop other funds).
- Be established initially through an enabling board.
- Be based in Ottawa and be a single-site institution.
- Its operations be independent and not managed through a federal secretariat or through shared services with either the Government of Canada or through other organizations.
- Have a rotation of Elders and/or Wisdom Keepers at the governance level.
- Be a non-political group with members appointed on the merit of their expertise.

The NCR needs to perform its work independently of governments and be a multi-generational, enduring, national institution. It should have the ability to advocate for institutional change in a systemic and sustainable way. Reconciliation is a long-term process and there is a need to build an institution that will sustain this effort over several generations.

e) **Membership**

Recommendation: that the board of directors of the NCR:

- **Have no less than 9 members and no more than 13 members**
- **Over time, in considering applications, the board make best efforts to ensure its members represent a balance between Indigenous and other Canadians, with Indigenous members holding a majority of the positions on the board. The board also select members to ensure balanced representation from First Nation, Metis Nation and Inuit peoples, urban/remote/rural, gender, youth and the various geographic regions of Canada**
- **Have 1 member be nominated by the Assembly of First Nations (AFN).**
- **Have 1 member be nominated by the Inuit Tapiriit Kanatami (ITK).**
- **Have 1 member be nominated by the Métis National Council (MNC).**
- **Have 6 members from the public at large, via an application process and/or through board invitation.**
- **Vote on individual nominations that come from the nominating organization (the National Indigenous Organizations and other Indigenous and non-Indigenous organizations). If approved by a 2/3 majority vote, the nomination be accepted.**
- **Have members appointed for a 5-year staggered term and serve for a maximum of 2 terms.**
- **Have members who demonstrate:**
 - **knowledge and experience working on Indigenous issues or programs**
 - **knowledge and experience in specific fields of interest related to the NCR's mandate**

Board members should be selected for their strong leadership skills. Reconciliation involves all of Canadian society, Indigenous and non-Indigenous Canadians. Therefore, a broad representation of Canadian society on the board of directors will help move the reconciliation agenda forward and promote reconciliation efforts in all aspects of Canadian society.

f) Funding for the National Council

An annual funding agreement will be required for the initial set-up of the Council and to fund the administrative and operational costs for the first five years of operation. An endowment fund would also need to be established to ensure continuity for the institution.

Administrative and operational 5-year contribution agreement

Recommendations:

- **That the Government of Canada enter into a 5-year contribution agreement at an annual amount that ponders the administration and operational budget requirements as determined by the NCR Board of Directors**
- **That at the end of 5 years, the annual administration and operational financial contribution will end and the budgetary requirements of the NCR will be met from the net annual returns (less management fees and inflation) of the National Reconciliation Endowment Fund**
- **That the NCR will not be restricted from seeking funding from the Government of Canada and other sources.**

The NCR will only be effective if it is independent, objective and confident in its ongoing source of funding. This is achieved through the establishment of a National Reconciliation Endowment Fund that will maintain and grow the principal amount for the foreseeable future and will provide ongoing operational funds after the first 5 years from its net interest earned.

Creation of a National Reconciliation Endowment Fund

Recommendations:

- **That a National Reconciliation Endowment Fund in the amount of 1 billion dollars be established that will be paid over 5 years in equal instalments**
- **That the NCR establish and manage the fund with the support of professional expertise provided by financial consultants, investment advisors and portfolio managers**
- **That the federal government work closely with the NCR to develop an agreement to establish the fund that provides the NCR with the necessary autonomy to achieve its goals of capital protection, income, growth and inflation protection**
- **That the NCR have the ability to create a separate fund that will enable individual donors to contribute and receive a charitable receipt**
- **That the NCR secure an income tax exemption through a specific tax agreement with the Government of Canada for revenue generated by endowment.**

The NCR at a level that will ensure its multi-generational, long-term sustainability and independence from governments sends a strong message to all Canadians that the Government of Canada is committed to reconciliation in the long term. Our research has shown that the proposed amount is in line with contributions from the Government of Canada related to residential schools and reconciliation. The Aboriginal Healing Foundation endowment of \$350 million was established 20 years ago in response to the legacy of residential schools. The future value of \$350 million today, invested at an average rate of return of 5.5% for a balanced portfolio would be just above \$1 billion. Our research has demonstrated that this amount is prudent and justifiable.

While Call to Action 54 recommends the creation of a trust, we believe this structure is not necessary to ensure the capital is properly managed. The NCR would be held publicly accountable for the National Reconciliation Endowment Fund by reporting on the fund's performance and an accounting of its expenditures in the annual report to Parliament. The establishment of a trust would add an unnecessary layer to the legal structure that would require its own separate governance and could hinder efficient operations of the NCR.

We recommend the creation of a separate fund for individual donors (persons and organizations) to contribute and receive charitable receipts. This will ensure donors who wish to contribute financially can do so and support the work of the NCR. Finally, having the income generated by the Fund as tax exempt will have a significant effect in ensuring the financial stability of the NCR. According to our research, one avenue to achieve this is by demonstrating to the Government of Canada that the NCR is a "public body performing as function of government" for the purposes of s. 149(1)(c) of the *Income Tax Act*.

g) Reporting

Recommendations:

- **That a formal reporting mechanism be set out in the legislation, which will ensure that the board of directors submits an annual report to the Minister of Crown-Indigenous Relations and Northern Affairs on the state of reconciliation in Canada**
- **That the Minister table the report in parliament on any of the first 15 days on which the house is sitting after the Minister receives the NCR's annual report**
- **That consistent with Call to Action 56, the Prime Minister formally respond to the NCR's annual report by issuing an annual "State of Indigenous Peoples" report, which will outline the Government of Canada's plans for advancing the cause of Reconciliation**

Indigenous peoples, Canadians and governments believe it is important to ensure on-going oversight and accountability on implementing the CTAs. The production of a national annual report by the NCR and instituting a publicly available formal response by the Government of Canada will inspire others to take action to advance reconciliation. Indigenous groups and Canadians expect the annual report to include standards and best practices with measurable outcomes on governments' actions and also on other sectors of Canadian society, when available. Governments and Canadians need to know that reconciliation is on-going. Finally, in the spirit of reconciliation, the annual reports should be published in different Indigenous languages when appropriate and be available in formats accessible to all Canadians.

h) Legislation

Recommendations:

- **That the NCR be set up through enabling legislation**
- **That the transitional committee work with Canada's legislative drafters, in consultation with the Assembly of First Nations, the Inuit Tapiriit Kanatami and the Métis National Council, to co-draft the legislation**
- **That the legislation be tabled in parliament as soon as possible**

Indigenous peoples and Canadians believe that creating the NCR through legislation would ensure its legitimacy and allow it to deliver on its mandate. It would help ensure that all affected parties, including governments, civil society, industry and universities, would respond to the annual report that will be delivered in Parliament.

Indigenous peoples and Canadians want the NCR to have the power to access information. This is consistent with Call to Action 53, which mandates the NCR as an oversight body. The NCR can only fulfill this oversight mandate if it has adequate and timely data and information. Lack of data and information will cripple the NCR's attempts to monitor and oversee the progress on reconciliation. The interim board is hopeful that such data and information will be willingly provided to the NCR. In the event that there is an unwillingness to share data and information, the legislation should provide subpoena powers to the NCR.

C. Implementation

Transitional committee

As indicated in our interim report, the interim board believes it is important that a transitional committee be set up to continue the work proposed in the interim and final reports. During our tenure, we have heard from various organizations and community members that we need to move forward with speed and maintain the momentum to establish the NCR. The transitional committee would:

- provide advice and leadership on the co-development of legislation
- develop engagement and consultation activities
- help support setting up the permanent board

We propose that 3 members from the interim board, plus one additional person appointed by government, form the transitional committee.

Co-Drafting the legislation

A draft bill for Canada's consideration is attached in an annex to this final report. We have recommended that Canada's legislative drafters work with the transitional committee, in consultation with the three national indigenous organizations, to co-draft the final legislation to be approved by cabinet and tabled in parliament.

Communications

A strategic communications plan be developed to ensure continued support from the public and other interested parties to reconciliation for the period until the legislation is passed and the NCR is established. The strategic communications plan could include the development of key messages for various targeted audiences regarding the next steps to be taken toward the establishment of the NCR. We also recommend that the web-platform be maintained.

Conclusion: A message of hope

The interim board proposes a two-pronged approach to the mandate for the National Council for Reconciliation. In the first instance, we look to reconciliation as the repair work needed to address the social problems that plague many Indigenous communities and individuals, arising out of our complicated past. This is the oversight mandate called for by the Truth and Reconciliation Commission. But repair work is not enough to achieve reconciliation. The interim board proposes a second element for the National Council for Reconciliation: a focus on hope. We propose the council become a generative force with a mission to plant seeds of hope in Canada.

Reconciliation for Indigenous peoples means the restoration of lost lands, economies, cultures, families, dignity and respect. The interim board believes that reconciliation is a goal worth striving for, and that we begin by acknowledging our difficult histories. We must ask what all Canadians, including Indigenous people, can do to achieve reconciliation.

We believe that hope is the first step in reconciliation. We believe hope is the basic building block upon which reconciliation must lay its foundation. We must plant and nurture seeds of hope in Indigenous communities and in the greater Canadian public. Hope gives us the belief that all action matters, no matter how small and no matter by whom. With trust, Canadians and Indigenous peoples can work together on building a new future, a better future. It all begins with hope.

Will we get to reconciliation? What will it look like? Canada is already taking its first tentative steps on the reconciliation path. But all Canadians need hope to walk that path. We believe the National Council for Reconciliation can and should play a major role in planting and nurturing that hope.

Outreach and engagement

Although the interim board has obtained stakeholders' views on the mandate of the NCR and other related considerations, the transitional committee should undertake follow-up engagement actions with the various National Indigenous Organizations during the summer and with specific groups whose voices have not yet been sufficiently heard:

- Indigenous Elders and youth
- other Indigenous groups
- Residential School Survivors
- new Canadians
- industry and business organisations
- other groups

Enabling board

An enabling board may be required to replace the transitional committee. The purpose of the enabling board would be to facilitate the establishment of the NCR and its board.