

Attachment 1

Draft

Summary Report on Actions Taken by the City of New Westminster Involving Indigenous Peoples
1860-1999

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Summary Report on Actions Taken by the City of New Westminster Involving Indigenous Peoples: 1860-1999

Project Purpose

It is widely accepted that colonization in all forms violates the rights of Indigenous peoples. As a product of colonization New Westminster would have been party to these violations. This work aims to answer the question of **how** the City violated the rights of Indigenous peoples.

This report details findings through the analysis of the City of New Westminster's minutes of Council and Bylaw records from the years 1860 – 1999. It supports the *City of New Westminster's 2019 – 2022 Strategic Plan*¹, particularly the *Reconciliation, Inclusion and Engagement* priority area; primarily responding to two motions passed by Council on April 29, 2019:

THAT the City undertakes research to better understand the historical actions of the City as they relate to First Nations; and

THAT the City provides opportunities for the community to learn the history and legacy of colonialism in New Westminster

The above motions were addressed through a detailed review of historic City actions and an analysis of these actions through the lens of three guiding documents:

1. The Truth and Reconciliation Commission of Canada's Calls to Action² which Council committed to on April 10, 2017³
2. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)^{4,5} which was endorsed by Council as a framework for truth and reconciliation on December 3, 2018 (18 of the 44 UNDRIP Articles interface with the findings of this work).
3. "In Plain Sight Report: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care"⁶, which in itself, is a response to the Articles of UNDRIP.

Outcomes of this work will support present City Council reconciliatory efforts with First Nations holding current or past interests in the New Westminster area. Moreover this work will facilitate educating the

¹ https://www.newwestcity.ca/database/files/library/Strategic_Plan.pdf

² https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf

³ https://www.newwestcity.ca/database/files/library/CNW_DOCS_1025257_v1_Regular_2017_Apr_10_Minutes.pdf

⁴ https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

⁵ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁶ <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Summary-Report.pdf> (p. 12)

community around the history and legacy of colonization in the City. In particular, two of the 16 “Calls to Action”⁷ identified for response by municipal government are addressed through this work - numbers 43 and 57 which respectfully state:

We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation

and

We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including 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.

By nature of the records analysed, there are limitations. Predominantly, the records exclude the voices of Indigenous knowledge keepers and known Indigenous resistance – past and present. This work does not interpret findings beyond clear patterns of City action, nor does it include staff opinion or significant external research beyond City records.

Project Scope and Content

Records Range

This work covers Council minutes from 1860 – 1999 inclusive. These dates were chosen as they define the period between historic record and recent memory. They also align with the establishment of the BC Treaty Commission (1992) and the closure of Canada’s last Residential School (1997).

Record Content

This work analyzes minutes involving decisions related to the City’s historic (and ongoing) relationship with local Indigenous peoples. Records reviewed include, but are not limited to:

1. Motions
2. Bylaws
3. Relevant delegations
4. Relevant communications
5. Other documented outcomes of Council decision-making

This analysis **only** reviewed actions of the City of New Westminster. Other levels of government were historically involved in discriminatory action against Indigenous peoples in New Westminster, especially through the Department of Indian Affairs and local Indian Agent. While Federal and Provincial actions

⁷ <https://www.ubcm.ca/EN/meta/news/news-archive/2015-archive/truth-and-reconciliation-at-the-local-level.html>

are highly relevant to the story of New Westminster, they are outside the scope of the records reviewed in this project.

There were no references to residential schools in New Westminster found in this work – however, the Truth and Reconciliation Commission of Canada⁸ may be considered should this work expand into other records.

Summary of Findings

Both UNDRIP and “In Plain Sight” were used to evaluate City action within the period of study. This evaluation has arrived at a set of “Categories of Action” and “Emergent Narratives” that contravene or support the rights of Indigenous peoples. All actions of Mayor and Council necessitate a need to address Article 4 of UNDRIP, which states,

“Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”⁹

Each First Nation with a current and historic interest in New Westminster is self-governing. Colonization, in all forms, inherently violates this fact. The records analyzed demonstrate that by nature of colonization in this area, Indigenous right to self-determination is violated by existence of the place we now know as New Westminster.

A variety of actions taken by Council also infringe upon specific articles in UNDRIP ([Appendix 1](#)). These emergent Categories of Action effectively detail the infringement on the sovereign right of all Indigenous peoples within the context of New Westminster.

Categories of Action

A summary of Categories drawn from this research is as follows:

1. Removal, Displacement and Relocation of Indigenous Peoples

From 1861 - 1914, removal of Indigenous peoples was a priority of Mayor and Council. This action appears to be motivated by a wish to settle, control, and develop public and private lands within City boundaries. The language of removal in the Minutes of Council is telling; whether individuals or groups, Indigenous peoples are repeatedly categorized as a “nuisance”. Whether infringing on private property or identified as a threat to municipal health and sanitation, this terminology is integral to logic of the colonial process of dispossession and displacement.

The removal process itself involves key city bodies such as committees, local police, and boards. By extension of this fact, the removal process also underpins the function and overall development of these bureaucratic structures.

⁸ <https://nctr.ca/map.php>

⁹ https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (p. 4)

The process of removal in New Westminster violates articles 8, 10, 26, and 30 of UNDRIP, which each outline the crucial right Indigenous peoples have to avoid dispossession or loss of control over traditional territories and all resources (social, cultural, environmental, political) within their boundaries.

2. Use, Lease, Purchase and Sale of Reserve Lands

From 1889 - 1957, the minutes show that Mayor and Council sought to obtain reserve lands designated for Indigenous peoples. However, the establishment of these same reserves were originally driven by the City's wish to remove Indigenous peoples from "corporate property"¹⁰.

Reserve use by the City evolves over time, beginning with the lease and eventual purchase of reserve lands from the Department of Indian Affairs. The City then moved to sell these reserve lands to businesses that have been central to the industrial base in New Westminster.

The process of seeking reserve lands in New Westminster violates article 26 of UNDRIP, which identifies a right to any lands used or acquired by Indigenous peoples.

Action taken to control space previously inhabited by Indigenous peoples or reserve lands designated for Indigenous peoples directly benefited the City through sites for infrastructure, business, private property (City tax base), and major industrial operations. Some of these economic "benefits" were seen immediately as they often drove land expropriation, while other "benefits" were cumulative when site activity was tracked over time. In other words the City sought land with a plan in mind, or the City has eventually benefitted as particular lots eventually become a site for City development or income. These "benefits" can be tracked in some detail to 1992 when the last real change or mention of reserves occurs (the rezoning of Poplar Island).

During this process, it should be noted that City employment is both a method and benefit of removal. Namely, local police, City solicitors, and City Engineers conduct dispossession work for the City. As City employees, Mayor and Council also actively orchestrate land expropriation with the Department of Indian Affairs and Indian Agent, through bylaw development and by seeking or responding to local business proposals for the lots or reserves in question.

3. Regulation of Indigenous Peoples

From 1860 – 1993, Council took action to exclude Indigenous peoples from municipal life. The record of regulation of Indigenous peoples by the City of New Westminster demonstrates two major goals: "exclusion from" and "restriction of". Action took the form of municipal legislation, or enacting provincial or federal legislation on a municipal level.

The records demonstrate effort to exclude Indigenous peoples from local labour. This includes barriers to City contracts, racist restrictive covenants in lease clauses (many on reserve lands), and gendered barriers to economic opportunity. In the Minutes of Council record, labour was used to discriminate against Indigenous peoples by way of an unreliable qualifier; in some years, one must work to stay in the City, yet prior and following this statement by Council, Indigenous

¹⁰ Indian Affairs. "Extracts From Commissioner Sproat's Minutes of Decision, June 30, 1879. (RG 10, Volume 7787, File 27153-21 Pt. 1). Library & Archives Canada.

individuals were prevented from working City contracts. Closely tied to this form of economic exclusion is civic exclusion. Action was taken by Council to leverage the Municipal Elections Act to require voters to own fee simple land, and to prioritize British subjects over naturalized Indian residents (and others of Asian heritage).

The record contains evidence that Council took action to execute federal regulations locally. Minutes denote the use of the pass system and instances in which Council penalized individuals through the Indian Act and Indian Liquor Act. Lastly, Council's support for the development of fishing regulations likely altered and restricted fishing practices which have existed since time immemorial.

The regulation of Indigenous peoples by Council contravenes **article 2, 3, 5, 21, 22, and 44** of UNDRIP, which broadly identify the right to equality, self-determination, participation in local life, and the right to be free of discrimination on the basis of all aspects of identity.

4. Management of Indigenous Bodies

From 1861 – 1922, the records show action was taken by the City to manage Indigenous bodies in the name of public health. Individuals were “managed” in the name of viral control. Additionally, instances of unclear or suspicious circumstances of death exist in the record.

In the health management process, there is a documented attitude in the bureaucratic structure that categorizes Indigenous peoples as a group separate from other residents. Narratives of Indigenous peoples as a “nuisance” or “financial burden” also repeat in the records. Over time, the management of Indigenous bodies becomes a formalized responsibility of particular organizational bodies of the City; Special Committees, the Board of Health, local police, and City Solicitors are crucial in executing management orders for Council. This fact is significant as the management of Indigenous bodies is a critical part of the formation of responsibilities of the wider civic structure in New Westminster.

Action taken by Council to direct or neglect the management of Indigenous bodies conflicts with **articles 12, 21, 23, and 24** of UNDRIP, which all touch upon the right of Indigenous peoples to maintain agency over their own health and care, during both life and in regard to human remains.

The management of Indigenous bodies also aligns with the problematic nature of the colonial healthcare system identified in the recent “In Plain Sight Report: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care”¹¹ 2020 report. In particular, New Westminster's history of segregated healthcare facilities (Poplar Island quarantine hospital), low standards of care, and a general lack of bodily autonomy amongst Indigenous peoples align with this report's findings.

5. Engagement With Indigenous Peoples

From 1865 - 1999, the records show that the City's engagement with Indigenous peoples has followed two general paths: 1) response to local lands and resources, and 2) in celebration, ceremony, and commemoration. From the 1980s, Mayor and Council have been engaged in a learning process about claims related to lands in New Westminster and have taken the initiative

¹¹ <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Summary-Report.pdf> (p. 12)

to express a wish for municipalities to play a distinct role in the treaty process in British Columbia. When assessing claims specific to New Westminster, the City's response is complex. Although an awareness of particular claims are received by the City, no response leading to significant progress in each claim is evident within the range of this analysis. Some financial support is provided by Council to local Indigenous organizations.

When reviewing the City's record of celebration, ceremony, and commemoration, significant effort has been taken to memorialize the problematic colonial history of the City through material heritage. Historically, little effort is given to developing material heritage with and for local First Nations or Indigenous peoples with a connection to New Westminster. Beginning in the 1960s, the record demonstrates a slow shift to some celebration and commemoration of Indigenous peoples. It is important to note the content of celebration also shifts when considering a colonial lens or bias, and any potential significance to Indigenous individuals. Moreover, in later years, some engagement by Mayor and Council may be deemed as inappropriate despite the year in which it occurred.

The record of action for engagement is relevant to **articles 11, 15, and 28** of UNDRIP, which outline the right to maintain cultural traditions, public education about Indigenous traditions and topics, and the right to appropriate redress to dispossessed lands and waters.

6. General Impacts of Colonization

From 1860 – 1987, and beyond, the record of minutes and bylaws in New Westminster provide some evidence of other, wider impacts of colonization. Despite working with a biased colonial record set, these impacts present in obvious form when considering wide sweeping physical and social change in the area. Four foundational bylaws about the development of the railway, City Wards system, survey of lands, clearing of City lands, and prioritization of settler religions in New Westminster set the tone for the “new” colony.

The Minutes of Council provide evidence of serious environmental change to the forests, lands, rivers, and streams in the area and a longstanding goal of the City to encourage settlement, especially by British subjects. Moreover, this goal includes a push to gain access and control over local lands and waters, especially along the city's foreshore.

The record of these impacts conflict with **articles 24 and 25** of UNDRIP.

Emergent Narratives

When considering the overall record set in its entirety, lasting narratives emerge from the story of New Westminster and action taken involving Indigenous peoples:

1. The infringement on the rights of Indigenous peoples in New Westminster built many of the municipal structures we still know today. In other words, the removal, management, regulation of Indigenous peoples and First Nations provided a tangible avenue for the formation and growth of various municipal structures.
 - a. Special committees, boards, local police, and City Solicitors are the key components of this process – along with City Council itself.

2. From the onset of colonization, Indigenous peoples have been treated as separate from City Council's vision of New Westminster.
 - a. Significant effort has been put into the removal, displacement, and relocation of Indigenous peoples from New Westminster – from lands designated as reserves, and lands previously inhabited by First Nations.
 - b. Indigenous peoples are repeatedly cited as a “nuisance” to city development, sanitation, and civility. This pattern was identified by tracking how the term “nuisance” was used across the Minutes of Council and New Westminster Health Bylaw of 1869:
 - i. Indigenous peoples are often defined as a “nuisance” (when, on or near private property, experience poor living conditions, are ill, or use alcohol or drugs).¹²
3. The City characterizes Indigenous peoples and First Nations as a homogenous group.
 - In the record, there are no or few accurate instances of distinguishing First Nations.
 - i. This is evident in the assignment of reserves to no First Nation in particular and,
 - ii. By a general use of pan-indigenous language by Council (long-term use of the term “Indian” in all affairs with Indigenous peoples).
4. Indigenous peoples are categorized as an administrative and financial burden. Neither the municipality nor Provincial Government will claim they are liable in matters of:
 - a. Treatment or death due to illness
 - b. Compensation for the destruction of homes and belongings
 - c. Legal proceedings
5. The City worked to retain its colonial image and function.
 - a. Long-term effort has been put into accessing and controlling local lands and waters, with an intended use for the benefit of the City, for the benefit of European settlers and businesses, and in the image of European settlers.
 - i. This effort was intentional and calculated, with Council repeatedly acknowledging the economic value and potential of local lands and waters from the onset of colonization to the development of the foreshore and eventual purchase of all Indian Reserves.
 - b. Little action was done to act upon land claims and concerns of First Nations within the time frame of this analysis.
 - i. In fact, Aboriginal Rights to local lands, including reserves, were repeatedly questioned in the Minutes of Council. Moreover, Council's 1999 request for treaty lands to become a part of the municipality illustrates a longstanding priority of lands to serve the City.
 - c. The majority of the City's energy to commemorate individuals has been for colonial figures and stories, while very little has been done to appropriately acknowledge or celebrate Indigenous peoples or their material heritage across the cityscape.
 - d. Very few instances of Indigenous resistance to removal are recorded in the record set.

¹² Note from researcher: The term “nuisance” is otherwise seen in the record set when citing concerns of white property owners, business owners, and in regard to environmental concern (infringement on or near property, infrastructural issues, animal waste, pollution or noxious smells). In other words, “nuisance” is only applied to people when the people are Indigenous.

Conclusion and Next Steps

This work has identified how the City of New Westminster has infringed upon the rights of Indigenous peoples by displacing them from their lands and regulating their people. Reconciling these acts may take many forms but educating the community around these histories will actively facilitate meaningful reconciliation. It can foster resident confidence in the City's Reconciliation process as actions arising from this report will have context and foundation.

First Nations should have the opportunity to participate in the next steps of this work through guidance, information sharing or active programming. Therefore, the next priority should be for the City of New Westminster to share this information with First Nations and request an opportunity to engage with them on how it should be used to educate the community and create positive change for Indigenous peoples and residents of the City.

Appendix 1 - UNDRIP Articles of Interest

UNDRIP Articles of Interest	
Article	Description
4	Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
2	Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
3	Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
5	Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
8	<p>1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.</p> <p>2. States shall provide effective mechanisms for prevention of, and redress for:</p> <p>(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;</p> <p>(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;</p> <p>(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;</p> <p>(d) Any form of forced assimilation or integration;</p> <p>(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.</p>
10	Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
11	<p>1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.</p> <p>2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.</p>
12	Indigenous individuals have the right to practice their traditions, access to cultural sites, human remains, and control over ceremonial objects.

15	<p>1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.</p> <p>2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.</p>
26	<p>1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</p> <p>2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.</p> <p>3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.</p>
21	<p>1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.</p> <p>2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.</p>
22	<p>1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.</p> <p>2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.</p>
23	<p>Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.</p>
24	<p>1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.</p> <p>2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.</p>
25	<p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.</p>
28	<p>1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.</p>

	2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
30	1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned. 2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.
44	All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.