

Submission to
The Pre-Study of the Standing Committee on Aboriginal Peoples of
The Senate of Canada
On Bill C-15: An Act respecting the United Nations Declaration on the
Rights of Indigenous Peoples

May, 2021

Reconciliation Delayed is Reconciliation Denied:
Why Faith Communities Support Bill C-15

Faith in the Declaration Coalition

<https://www.faithinthedeclaration.ca/>

Summary:

The undersigned, members of the Faith in the Declaration coalition, fully support Bill C-15 and urge all Senators to adopt it in a non-partisan manner.

Faith in the Declaration is a coalition of Canadian faith houses and organizations working together to support the implementation of the *UN Declaration on the Rights of Indigenous Peoples*.

Basis of our work

It is not new for faith communities to bear witness to Indigenous peoples' human rights. Long journeys of accompaniment and solidarity¹ with Indigenous communities have taught us the gift of relationship, revealed the profound resilience of Indigenous peoples and cultures, and confronted us with the damages wrought by denial of Indigenous peoples' right to self-determination. These relationships have compelled us to acknowledge and lament the destructive role faith communities played in support of colonial structures of oppression. In this journey we have come to know that decolonization and reconciliation require urgent action by all.

Using reconciliation as a frame for renewed relationships between settler and Indigenous peoples is rooted in several New Testament texts (Matt 5:24; Rom 5:10; Cor 5:18; Eph 2:16.) The TRC additionally recognized that,

*Reconciliation between Aboriginal and non-Aboriginal Canadians, from an Aboriginal perspective, also requires reconciliation with the natural world. If human beings resolve problems between themselves but continue to destroy the natural world, then reconciliation remains incomplete.*²

The best efforts among Christian communities over the years attempt to operate on all these holistic levels, while also pointing out our need to develop long term strategies for justice, restitution, and decolonization. As peoples of faith, we recognize the systemic injustice of which we have been a part, and we are committed to change. We are committed to the deconstruction and transformation of the power structures that have oppressed and continue to oppress Indigenous peoples.

As one Indigenous Christian leader and guide to our work has pointed out, "Canadian churches can find that the prophetic and political articulation of Indigenous rights is essential to the Christian faith."³ Participants in the *Faith in the Declaration* coalition see both the *Declaration*

¹ See the work of Canadian churches in the 1970s supporting Indigenous rights during the struggle over the Mackenzie Valley Pipeline, as well as the 1987 statement, "A New Covenant: Towards the Constitutional Recognition and Protection of Aboriginal Self-Government in Canada;" [reaffirmed in 2007](#).

² Truth and Reconciliation Commission of Canada, *Canada's Residential Schools, Reconciliation*, [Vol. 6, pg. 13.](#))

³ The Most Rev. Mark MacDonald, National Indigenous Archbishop, Anglican Church of Canada, introduction to Truth and Reconciliation Commission of Canada: *Calls to Action / United Nations Declaration on the Rights of Indigenous Peoples: A Resource for Churches*, 3.

and Bill C-15 as key elements of a reset in the relationships between Indigenous peoples and the Canadian state.⁴

The Declaration

Indigenous peoples developed the *Declaration* at the UN because they did not have access to justice in their domestic contexts. This became the most discussed human rights instrument in the history of the UN. We honour the Indigenous leaders from these lands who played a significant role in the development of the text, and in negotiation of its passage. Indigenous peoples did this work to ensure that changes would occur on the ground.

Reconciliation

For faith communities, the work of the Truth and Reconciliation Commission (TRC) is critically important to how we understand reconciliation, and our respective responsibilities in righting relationships between Indigenous and settler peoples.

*... “reconciliation” is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior.*⁵

Faith communities followed the progress of the Commission and joined in its journey. We recognize that the Indian Residential School System was part of the destructive forces of colonization in Canada in the past 150+ years. The exemplary work of the TRC informed us—and challenged us—to move forward together. We come to this work with determination, as well as humility, noting that our memberships encompass Indigenous as well as settler communities who are embracing the difficult and beautiful work of reconciliation on the ground every day.

We note in Call to Actions #43 and #48 that the *United Nations Declaration of the Rights of Indigenous Peoples* is “the framework” for reconciliation. It can also be described as “the Blueprint,” or, in the words of former UN Secretary-General Ban Ki-moon, the “roadmap” for reconciliation.

The TRC very skillfully wove the *Declaration* throughout their work. Sixteen of the 94 Calls to Action refer specifically to the *Declaration*. Any attempts to undermine the *Declaration* will be seen as attempts to limit true reconciliation, especially Call to Action #48, which specifically summons faith communities to embrace and support the *Declaration*, both internally and publicly.

4 The Report of the Royal Commission on Aboriginal Peoples (1996), the TRC (2015) and the Final Report of the MMIWG (2019) Inquiry all indicate the urgency of such a reset.

5 Truth and Reconciliation Commission of Canada, *What We Have Learned: Principles of Truth and Reconciliation* (Ottawa: Truth and Reconciliation Commission of Canada, 2015), 113.

Canadian faith communities take this Call to Action seriously.⁶ That is why on May 4, 2021, we organized a webinar in which more than 1000 participants heard the three former Commissioners of the TRC (including former Senator, the Hon. Murray Sinclair) speak publicly about their views on Bill C-15 and its role in the reconciliation journey.⁷

Bill C-15

Faith bodies have been actively championing the *Declaration* for years and have repeatedly called on the government to introduce implementation legislation. This past January, national leaders of many churches in Canada, including several that ran residential schools, wrote to the leaders of all political parties to urge non-partisan support for Bill C-15.⁸

This Bill creates a legislative framework to ensure that Canada does indeed implement the *Declaration*, and not just talk about it. The TRC concluded, “a refusal to respect the rights and remedies in the Declaration will serve to further aggravate the legacy of residential schools and will constitute a barrier to progress towards reconciliation.”⁹

Bill C-15 offers Canada a crucial opportunity to move from the colonial framework that dispossessed Indigenous peoples; a framework that continues to cause extensive harm and injustice. Bill C-15 offers us an opportunity to become a nation state that acknowledges the harm, atones for the causes, and takes necessary steps toward change. And thus, Bill C-15 provides the federal government with a framework to create the paradigm shift required for a reset; a framework to build trusted working relationships with Indigenous nations and communities that are essential for the path away from colonization.

Faith in the Declaration members have noted two hesitations among those as yet unsure of their support of this Bill in its current form: that the Declaration affirm Indigenous peoples’ right to free, prior and informed consent (FPIC), and that consultation on the Bill should be deeper and more prolonged.

We envision that the process of development of the “Action Plan” (as called for in the legislation) will develop further clarity, in each specific instance, of how the *Declaration* can be implemented in Canadian law and practice. *Faith in the Declaration* members remain committed to on-going solidarity with Indigenous partners in monitoring the development of the Action Plan. FPIC is not created in the *Declaration*, it is already well established in international law and also domestic

⁶ Seven Canadian churches and religious organizations signed an ecumenical statement expressing their commitment to the Declaration at a news conference on Parliament Hill March 30, 2016. Catholic organizations released their own statement on March 19, 2016 and many other faith communities presented statements concerning Call to Action #48.

⁷ <https://fb.watch/5ilNmeeBk6/>

⁸ [Ecumenical Leaders to The Honourable David Lametti](#), Minister of Justice and Attorney General of Canada, January 21, 2021.

⁹ Honouring the Truth, Reconciling for the Future: summary of the final report of the Truth and Reconciliation Commission of Canada (Ottawa: Truth and Reconciliation Commission of Canada, 2015), 137.

practice. Therefore, hesitancy in moving ahead in passing Bill C-15 is unhelpful and could be damaging.

Instead, we join in the demand that the design and implementation processes for arriving at the requisite Action Plan honour the full meaning of the right to FIPC, as articulated in the *Declaration*. Here is an opportunity to build the needed relationships of trust required with rights-holders towards a meaningful consultative and cooperative action plan, taking the time and care to develop these well. We note significant monies in the recent federal budget designated for this work of development of the action plan—and join others in encouraging resolute consultative and cooperative action.

In over a decade since the adoption of the *Declaration* by the UN General Assembly, there have been only pockets of important work on implementation – and those have been accomplished mainly by Indigenous peoples. Foremost was Romeo Saganash’s Private Member’s Bill C-262. Senators should be aware of how great a disappointment it was that this important legislation, though passed by the House of Commons in 2018, died on the Senate order paper on June 21, 2019—*National Indigenous Peoples Day!*

In this minority Parliament, with the possibility of an autumn election, and the rising of Parliament for the summer recess planned for June 23rd, Bill C-15 cannot be allowed to suffer a similar fate. If this legislation was to fail yet a second time, it would be even more difficult to garner faith that the necessary political will ever exist to make the *Declaration* a reality in this land.

Summary

We cannot afford inaction. When Indigenous peoples’ human rights are affirmed and promoted, we all win. The *Declaration* is a good news story. Bill C-15 is vitally important to Indigenous and non-Indigenous people.

As Bill C-15 comes into force, and the action plan does its work, *Faith in the Declaration*—in integral relationship with Indigenous partners—will be looking for clear evidence of a meaningful reset. We are confident that Bill C-15 is a critical step in formally affirming the *Declaration* as an interpretive lens on pertinent laws of Canada, and particularly s. 35 of *The Constitution Act, 1982*. Indigenous self-determination, as affirmed in the *Declaration*, is essential to decolonization.

Faith in the Declaration will continue to walk with Indigenous peoples as we collaborate to build a more just future. Obtaining Royal Assent for Bill C-15 is a necessary step forward, but far from the end of our journey. This journey becomes more authentic as we are walking forward together.

This brief is endorsed by:

The Anglican Church of Canada
The Anglican Council of Indigenous Peoples
Canadian Baptist Ministries
Canadian Baptists of Western Canada
Canadian Friends Service Committee
Christian Reformed Churches in Canada
Citizens for Public Justice
Evangelical Lutheran Church in Canada
Global Catholic Climate Movement - Canada
Jesuits of Canada / Jésuites du Canada
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