

Canadian Friends Service Committee (Quakers)

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The following statement was approved by Canadian Yearly Meeting in session on 22nd August 2013

Statement on the Doctrine of Discovery

Background:

The Doctrine of Discovery emanates from a series of Papal Bulls (formal charters from the Pope) and extensions, originating in the 1400s and used as legal and moral justification for colonial powers taking away lands from sovereign Indigenous nations during the European Age of Discovery. Under these Papal Bulls, Christian explorers claimed lands they discovered for their Christian monarchs who could exploit the land, regardless of the original occupiers. (See: www.doctrineofdiscovery.org)

The Doctrine of Discovery is invalidly based on the racial superiority of European and Christian peoples and individuals. It was used to dehumanize, exploit and subjugate Indigenous peoples and dispossess them of their most basic rights. Such ideology leads to practices that continue through modern day laws and policies.

This doctrine of Discovery is in direct contradiction to international law:

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere...

International Convention on the Elimination of All Forms of Racial Discrimination, preamble.

... all doctrines, policies and practices based on advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust

United Nations Declaration of the Rights of Indigenous Peoples preambular paragraph 4

Article 28 of the Declaration affirms Indigenous peoples' right to redress for lands, territories and resources traditionally owned or otherwise occupied or used by them that have been confiscated or otherwise taken without their consent. However, in cases concerning Aboriginal title to land, courts in Canada continue to interpret the law relying on the Doctrine of Discovery. This is as recent as 2012 in *Tsilhqot'in Nation v. British Columbia*, 2012 BCCA 285, para. 166:

European explorers considered that by virtue of the "principle of discovery" they were at liberty to claim territory in North America on behalf of their sovereigns ...While it is difficult to rationalize that view from a modern perspective, the history is clear.

The consequences of past and ongoing violations regarding the taking of Indigenous

lands and resources are visible worldwide, through debilitating impoverishment endured by Indigenous peoples. In Canada, the Royal Commission on Aboriginal Peoples concluded in its 1996 Report: "Without adequate lands and resources, Aboriginal nations ... will be pushed to the edge of economic, cultural and political extinction."

The UN Permanent Forum on Indigenous Issues concluded:

... International human rights law ... demands that States rectify past wrongs caused by such doctrines, including the violation of the land rights of indigenous peoples, through law and policy reform, restitution and other forms of redress for the violation of their land rights ... (para. 7)

... the Permanent Forum emphasized that redefining the relationship between indigenous peoples and the State as an important way to understand the doctrine of discovery and a way to develop a vision of the future for reconciliation, peace and justice. ...

The Permanent Forum encourages the conduct of the processes of reconciliation "in accordance with the principles of justice, democracy, and respect for human rights, equality, non-discrimination, good governance and good faith". (para. 8)¹

Approved Minute by Canadian Yearly Meeting:

Canadian Yearly Meeting of the Religious Society of Friends continues its support of the United Nations Declaration of the Rights of Indigenous Peoples by joining other faith communities, including the World Council of Churches and other Quaker Yearly Meetings, in repudiating the Doctrine of Discovery.

In the contemporary context of justice, reconciliation and international human rights, the doctrine of discovery has no place in determining Indigenous peoples' title and rights. States and courts must not rely on this doctrine to purportedly diminish or extinguish Indigenous peoples' sovereignty and title.

In keeping with Friends' testimonies on Peace, Justice, Equality, Community and Integrity, we:

- ◆ Acknowledge that this doctrine has had and continues to have devastating consequences for Indigenous peoples worldwide, including Aboriginal peoples in Canada.
- ◆ Reject doctrines of superiority as illegal and immoral, and affirm that they can never be a justification for the exploitation and subjugation of Indigenous peoples and the violation of their human rights.
- ◆ Actively encourage the Canadian government, in conjunction with Aboriginal peoples to:

¹ Report on the eleventh session (7 – 18 May 2012), Economic and Social Council, Official Records, Supplement No. 23, United Nations, New York, E/2012/43-E/C.19/2012/13

- ◆examine how Canadian history, laws, practices and policies have relied on the Doctrine of Discovery;
- ◆formally repudiate the Doctrine of Discovery and reinterpret Canadian law in a manner consistent with the United Nations Declaration of the Rights of Indigenous Peoples and other contemporary international human rights standards;
- ◆ensure that the violation of Aboriginal peoples' rights to lands, territories and resources that were taken without their consent are effectively redressed; and
- ◆ensure that the doctrine is not invoked in contemporary court cases or negotiations that should be aimed at the affirmation, protection and restitution of Indigenous peoples' lands, territories and resources, consistent with international human rights standards

The 1996 Final Report of the Royal Commission on Aboriginal Peoples (RCAP) contains 440 recommendations including ones that affirm these actions. Friends are encouraged to explore further how we personally and corporately respond to how “discovery” is ingrained in our culture and way of life. Canadian Yearly Meeting supports the process of building right relationship among peoples in Canada and we ask ourselves what the process of bringing reconciliation and healing means to us and to how we proceed.

We support the ongoing critical work of our Quaker Aboriginal Affairs Committee of Canadian Friends Service Committee to help inform us and address such issues in the name of Canadian Friends