

**Submission to the
Standing Committee on Indigenous and Northern Affairs
House of Commons**

**Study on Bill C-15:
An Act respecting the United Nations
Declaration on the Rights of Indigenous Peoples**

March 15, 2021

Faith in the Declaration Coalition

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

The Reconciliation Journey Compels Faith Communities to Support Bill C-15

Summary:

The undersigned, members of the *Faith in the Declaration* coalition, fully support Bill C-15 and urge all Members of Parliament 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*.

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 rights 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 people living in these lands now called Canada. The *Declaration* is a critical part of this action because of its strong provisions for Indigenous self-determination.

Basis of our work

Quoting National Indigenous Anglican Archbishop Mark MacDonald, we believe that

Respect for human societies and cultures is an articulation of faith and hope: God is present in creation and in history (Acts 17:26). Indigenous Elders say the Word of God is seeking, at all times and in all places, to become living and real. The Word is embodied in a trajectory of hope, justice, and peace in creation and history. We see this embodiment, particularly in this day, in the rights of Indigenous peoples, which critically intersect with the well-being of the planet's ecosystems. This has become a prophetic encounter with the will and way of the ruler of the ages. Canadian churches can find that the prophetic and political articulation of Indigenous rights is essential to the Christian faith.²

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

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 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.

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. Specifically, here in Canada, in over a decade since the adoption of the *Declaration* by the General Assembly, there have been pockets of important work on implementation accomplished mainly by Indigenous peoples. Foremost was Romeo Saganash's Private Member's Bill C-262. It was a great disappointment 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*. Bill C-15 cannot be allowed to suffer a similar fate.

The work of 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.³

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 *UN Declaration* will be seen as attempts to limit true reconciliation.

³ Truth and Reconciliation Commission of Canada, *What We Have Learned: Principles of Truth and Reconciliation* (Ottawa: Truth and Reconciliation Commission of Canada, 2015), 113.

Call to Action #48 of the Truth and Reconciliation Commission specifically summons faith communities to embrace and support the *Declaration*, both internally and publicly. It reads:

We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:

- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
- ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practice, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
- iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
- iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.

Canadian faith communities take this Call to Action seriously.⁴ When Indigenous peoples' human rights are affirmed and promoted, we all win. In our view, the *Declaration* is a good news story. Bill C-15 is vitally important to Indigenous and non-Indigenous people in Canada. It is evident to our faith communities that Canada needs the national legislative and implementation framework that C-15 provides.

Bill C-15

Faith bodies have been actively championing the *Declaration* for years, and have repeatedly called on the government to introduce federal 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-15.⁵

⁴ 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.

⁵ [Ecumenical Leaders to The Honourable David Lametti, Minister of Justice and Attorney General of Canada, January 21, 2021.](#)

As peoples of faith, we recognize the systemic injustice that we have been a part of 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.

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.”⁶ We cannot afford inaction.

We have observed with great appreciation, public discussions that refer to the *Declaration* and C-15 as key elements of a *reset* in the relationships between Indigenous peoples and the Canadian state. 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.

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. 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, 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.

With respect to the action that C-15 provides for: we fully expect that the design and implementation process will honour the right to free, prior, and informed consent, as articulated in the *Declaration*.

The needed relationships of trust required for a meaningful consultative action plan will take time and care to develop. At the same time, as we note the three-year timeline for the action plan, we join others in encouraging resolute action.

We acknowledge that no one piece of legislation encapsulates everything that must be done to implement justice for Indigenous peoples. The *Faith in the Declaration* coalition anticipates the robust consultations that will take place with rights holders, title holders, and stakeholders as the Plan of Action referred to in Bill C-15 is developed—and we will encourage progress on specific initiatives as soon as possible.

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 C-15 is a critical step in formally affirming the *Declaration* an interpretive lens on pertinent laws of Canada, and

⁶ *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.

particularly s. 35 of *The Constitution Act, 1982*.⁷ Indigenous self-determination, as honoured in the *Declaration*, is essential to decolonization and must never be provisional or aspirational.

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 embark on it together—settlers, faith communities and Indigenous peoples walking forward.

This Brief is endorsed by:

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⁷ Section 35 (1) reads as follows: “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”