



CANADIAN
UNITARIAN
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**CANADIAN UNITARIAN COUNCIL
ANNUAL GENERAL MEETING 2023**

NAME OF RESOLUTION: Repudiating the Doctrine of Discovery

Approved at the CUC AGM, May 19, 2023

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BACKGROUND FOR PROPOSAL OF MOTION:

- A. For decades, Canadian Unitarian Universalists (UUs) have been aware of abuses committed against Indigenous Peoples. Beginning in the 1960s, UUs passed resolutions committed to educating ourselves and increasing awareness of the injustices suffered by Indigenous Peoples (see Appendix B).
- B. In 2014, the Canadian Unitarian Council (CUC) and the Unitarian Universalist Ministers of Canada (UUMOC) delivered an in-person expression of commitment to Canada’s Truth and Reconciliation Commission in Edmonton, which stated the following:
- a. “We acknowledge and accept our responsibility for truth-telling, healing and reconciliation, we commit to these specific steps to advance that journey:
 - i. To assemble and promote educational materials for our congregations regarding the history and impact of the Indian Residential School system;
 - ii. To create and promote a new program for congregations about racial equity and intercultural competency;
 - iii. To continue to encourage our congregations and their members to learn more about the richness of Aboriginal spirituality and cultures, working together to advance the struggle for justice for Aboriginal people.”
- C. In 2015, Canadian UUs adopted a resolution that committed the CUC and its member congregations to endorse and act upon the CUC’s Expression of Truth and Reconciliation delivered to the Truth and Reconciliation Commission in 2014.
- D. To fulfill this commitment, a Truth, Healing and Reconciliation Task Force was set up to explore ways of carrying out this mandate. Truth, Healing and Reconciliation Reflection Guides (THRRG) were developed in a multi-age format to educate Unitarian Universalists in Canada about European settlers’ in the colonization of Indigenous peoples and, in particular, the history of the Indian residential schools. The guides were written in consultation with Indigenous



Elders with non-Indigenous people in mind and are presented within a Unitarian Universalist framework. The guides were made available to congregations in 2016 and 2017.

- E. In 2015, the CUC and its member congregations also formally adopted, and agreed to comply with, the principles, norms and standards of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) as a framework for reconciliation. This includes preambular paragraph 4 which states, *“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 ...”*
- F. Truth, Healing and Reconciliation has remained a strategic priority for the CUC and its member congregations, and relationships have been formalized with two Indigenous Elders as teachers and mentors.
- G. The [Truth and Reconciliation Commission of Canada](#) in its final report, stated in Call to Action #49: “We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and terra nullius.”
- H. Assembly of First Nations’ National Chief Perry Bellegarde has stated, *“Advancing reconciliation requires bringing Canadian law and policy into line with international human rights law, which has condemned doctrines of superiority, including discovery and terra nullius, as colonial and racist. Yet the racist assumptions and impacts of these doctrines live on in aspects of Canadian law and policy. They are evident in underlying assumptions that assume First Nations are “claimants” in our own lands and that treat First Nations as somehow lacking sovereignty. The assumptions and impacts of these racist doctrines must be uprooted. The path forward will require Canada to acknowledge the truth of our pre-existing and continuing sovereignty as self-determining peoples.”*



- I. The United Church of Canada, the Unitarian Universalist Association, the Society of Friends (Quakers), Presbyterians, the World Council of Churches and many other faith communities have already repudiated the Doctrine of Discovery.

BE IT RESOLVED that:

1. The Canadian Unitarian Council formally repudiates the Doctrine of Discovery, and urges its member congregations to do the same;
2. CUC will add our name to the list of faith organizations who have already repudiated the Doctrine of Discovery, and this will be communicated to the member congregations;
3. The CUC advocates for legislation to formally enact the repudiation of the Doctrine nationally and within Canadian legal systems;
4. An Action Group be set up immediately to plan the implementation of this repudiation.



Appendix A: Action Plan for Implementation

Action Plan - Repudiation of the Doctrine of Discovery

An Action Plan accompanies each proposed resolution, outlining action steps that might be necessary to implement the resolution. This is to provide delegates with a clear idea of the resources that might be involved, and how much staff and volunteer time needs to be allocated.

The CUC Board proposes the following actions to support the implementation of the repudiation of the Doctrine of Discovery resolution, if approved by delegates at the Annual General Meeting:

RECOMMENDED ACTION	DETAILS	WHO IS RESPONSIBLE	SUGGESTED COMPLETION DATE
<p>For CUC Board and Staff:</p>	<p>Set up a two-year Action Group to plan the enactment of the repudiation of the Doctrine of Discovery, including the following:</p> <ul style="list-style-type: none"> a. Consult with the CUC Elders-in-Residence, Indigenous-led and other organizations on current initiatives and work being undertaken to enact the repudiation of the Doctrine; b. Collaborate with other faith communities and organizations to advocate for national legislation to formally repudiate the Doctrine ; c. Advocate for federal commitment to a policy of restitution and redress; 	<p>Executive Director to convene and oversee</p>	<p>Action Group set up by July 30, 2023</p> <p>First meeting held by September 30, 2023</p> <p>Initial report to CUC Board by December 31, 2023</p> <p>Report to 2024 AGM</p>



RECOMMENDED ACTION	DETAILS	WHO IS RESPONSIBLE	SUGGESTED COMPLETION DATE
	<ul style="list-style-type: none"> d. Gather and share resources for the information of Canadian UU congregations to further educate its members about the continuing effects of the Doctrine of Discovery and colonialism on Indigenous Peoples, Canadian law, and Canadian society; e. Report to the CUC Board by the end of 2023, and to member congregations at the 2024 AGM, on the progress of actions f. Provide any further learnings and a final report to the 2025 AGM. 		
For member congregations	<ul style="list-style-type: none"> 1. Increase knowledge about the continuing effects of the Doctrine of Discovery on Indigenous Peoples and Canadian law and society. 2. Share any resources gathered with CUC staff, the Action Group and CUC member congregations. 3. Collaborate with CUC staff and the Action Group to continue advocating for the enactment of the repudiation of the Doctrine within Canadian society and its legal systems. 		



Appendix B: CUC engagement with reconciliation

This appendix outlines the work that the CUC has engaged in with reconciliation and in commitment to the recommendations of Canada's Truth and Reconciliation Commission.

2018 - 2019

Truth, Healing and Reconciliation Resource Team report to Annual General Meeting

An update was provided on what had been accomplished between 2014 – 2019, including future plans.

2018

Truth, Healing, and Reconciliation Reflection Guide: Introductory Booklet

An introductory booklet was produced to summarize the intent and content of the THRRG, and was promoted at the Parliament of World's Religions conference which took place in 2018 in Toronto.

The goal of the Reflection Guides is to provide processes by which participants can engage what they are experiencing intellectually, emotionally, and spiritually. That way, it can be integrated into their lives and relationships. The Truth, Healing, and Reconciliation Reflection Guides are offered as a way to prepare non- Indigenous people to more fully engage in the journey of truth, healing and reconciliation, and be better informed of some of the realities facing Indigenous peoples in Canada today.

2017

Update on the Canadian Unitarian Council's Truth, Healing and Reconciliation Reflection Guides

- Three of the five THR Reflection Guides are made available in their final form, with plans to pilot the Youth and Lower Elementary guides in the coming months.
- Adult, Young Adult, and Upper Elementary Reflection Guides piloted.



- Congregational facilitator training webinars were held.
- A Truth, Healing, and Reconciliation Reflection stream was held at the 2016 National Conference.
- CUC Board and staff members participated in a three-hour workshop at their biannual meeting.
- The TRC Reading Challenge Roundtable held two online discussions.

2015

CUC Commits to Adopt UN Declaration of the Rights of Indigenous People

Canadian Unitarian Universalists commit to formally adopt and comply with the principles, norms and standards of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) as a framework for reconciliation.

CUC Adopts Resolution on Truth and Reconciliation between Aboriginal and Non-Aboriginal Canadians

“In order to further fulfill the previously approved resolution of 1995, we propose the following actions: The Canadian Unitarian Council (CUC) with its member congregations endorse and act upon the Expression of Truth and Reconciliation, as presented to the Truth and Reconciliation Commission on March 29, 2014.”

2014

Canadian Unitarian Council and Unitarian Universalist Ministers of Canada Deliver An Expression of Truth and Reconciliation to the Truth and Reconciliation Commission

“We acknowledge and accept our responsibility for truth-telling, healing and reconciliation, we commit to these specific steps to advance that journey:

1. To assemble and promote educational materials for our congregations regarding the history and impact of the Indian Residential School system.
2. To create and promote a new program for congregations about racial equity and intercultural competency.



3. To continue to encourage our congregations and their members to learn more about the richness of Aboriginal spirituality and cultures, working together to advance the struggle for justice for Aboriginal people.”

To further express understanding and commitment to change, an acknowledgement was offered that the principles which Unitarian Universalists affirm were transgressed in the Canadian Indian Residential School system and by government legislation.

1995

CUC Adopts Resolution on First Nations Justice

The resolution contains a commitment to work with Aboriginal peoples in their struggles to achieve justice, particularly in relation to land rights, treaties and ending policies of assimilation and attempted extinguishments of Aboriginal rights. It also encourages congregations to establish contact with Aboriginal communities with a view to learning more about the richness of their heritage, and to work with other groups and Aboriginal communities to advance the struggle for justice, and to provide programs for their members about issues facing Indigenous peoples.

CUC Adopts Resolutions Urging Congregations to Establish Contact with First Nations communities.

- **1972:** Resolution urges each society to establish effective channels of communication with native people organizations at the local and provincial level in order to assist native organizations in making known their points of view to the wider community in whatever manner deemed mutually appropriate.
- **1970:** Resolution urges congregations and communities “to give highest priority to the initiation and/or encouragement of discussion of significant issues at stake to explore together how to create opportunities to become involved in applying the wisdom of the Indian heritage to the most important work of this decade – creating a society in which cultural diversity will be honoured, the environment will be appreciated and protected, and there will again be ‘a place in the sun for all living things’ as there was in this land before the white man arrived.”
- **1968:** resolution notes that “there is a gulf between the native peoples of Canada and the immigrant peoples and the CUC urges its member societies to make a beginning at bridging that gulf themselves, undertaking programs of mutual



discovery through individual and group face-to-face interactions between whites and Indians.”

Appendix C: Reading Background

- Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada. (2022, September 29). [Truth and reconciliation commission of Canada](#). Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada.
- White, P. (2022, August 3). *How the Vatican encouraged the colonization of indigenous lands – and enabled the Crown to keep them*. From [Why Pope Francis faces calls to revoke the Doctrine of Discovery - The Globe and Mail](#)
- *Assembly of First Nations: Dismantling the Doctrine of Discovery*. (2022, January 18).
- McIvor, B. (2022, July 27). [What is the doctrine of Discovery?: Indigenous rights in One Minute](#).
- Eneas, B. (2022, May 12). [The doctrine of Discovery: Its effects are still being felt, but only the pope can rescind it | CBC News](#).
- [Truth & reconciliation action](#). Vancouver Unitarians. (2022, August 31).
- Unitarian Universalist Association, Social Witness Statements, Responsive Resolution. (2020, August 4). [The doctrine of Discovery](#). UUA.org.
- Indigenous Values Initiative, (2022, September 4). [Repudiations by faith communities](#). Doctrine of Discovery.
- United Church of Canada. (n.d.). [Backgrounder and 2012 motion to repudiate the doctrine of discovery](#).

From Bruce McIvor at First People’s Law:

200 Years of Denial: Johnson v. M’Intosh and the Doctrine of Discovery



By Bruce McIvor

March 2, 2023

This week marks the 200th anniversary of the US Supreme Court's 1823 decision [*Johnson v. M'Intosh*](#). In the decision, Chief Justice Marshall relied on the racist [doctrine of discovery](#) as the basis for European nations' asserted sovereignty over Indigenous Peoples' lands upon 'discovering' them.

The doctrine was imported into Canadian law through the [*St. Catherine's Milling*](#) decision and the Supreme Court of Canada continues to rely on it as the basis for the Crown's asserted sovereignty over Indigenous Peoples' lands across the country.

Indigenous Peoples around the world continue to call on governments and courts to repudiate the doctrine.

We thought it would be useful to provide a list of resources for anyone wanting to learn more about the doctrine of discovery and support Indigenous Peoples' calls to reject it.

It is not a comprehensive list. We would welcome any feedback or recommendations. You can also read it [on our website](#).

Videos

Here is a [video introduction](#) to the doctrine created by Anna Socha with audio from a [podcast interview](#) I did with the [Globe and Mail](#).

[The Walrus, "Discovery: The Lawful Conquest of Indigenous People Through Magic | Harry Laforme | Walrus Talks" \(7 May 2014\), online \(video\): YouTube <<https://www.youtube.com/watch?v=9HC1pCLNpco>>.](#)

[7GenFund, "Dismantling the Doctrine of Discovery - Professor Robert J. Miller" \(20 April 2013\), online \(video\): YouTube <<https://www.youtube.com/watch?v=0qO6JoqcrqQ>>.](#)



[TonaTierra, “North American Caucus Statement on the Doctrine of Discovery” \(8 May 2012\), online \(video\): YouTube <https://www.youtube.com/watch?v=2p4j--YEiaM>.](https://www.youtube.com/watch?v=2p4j--YEiaM)

[The Anglican Church of Canada, “Doctrine of Discovery: Stolen lands, Strong Hearts” \(11 April 2019\), online \(video\): YouTube <https://www.youtube.com/watch?v=mQwkB1hn5E8>.](https://www.youtube.com/watch?v=mQwkB1hn5E8)

Podcasts

[Should the Pope reverse a 500-year-old Church law on his trip to Canada? - The Globe and Mail](#)

Posts

[What is the Doctrine of Discovery? | Bruce Mclvor | First Peoples Law LLP](#)

[Residential Schools and Reconciliation: A Canada Day Proposal | Bruce Mclvor | First Peoples Law LLP](#)

[Robert J. Miller, “The Ten Legal Dimensions of the Doctrine of Discovery: The International Law of Colonialism” \(26 September 2022\), online \(blog\): Doctrine of Discovery <https://doctrineofdiscovery.org/the-doctrine-of-discovery-the-international-law-of-colonialism/>.](https://doctrineofdiscovery.org/the-doctrine-of-discovery-the-international-law-of-colonialism/)

[North American Indigenous Peoples Caucus, “North American Indigenous Peoples Caucus Statement” \(8 May 2012\), online \(blog\): UNPFIP Network <http://unpfip.blogspot.com/2012/05/north-american-caucus-statement-on.html>.](http://unpfip.blogspot.com/2012/05/north-american-caucus-statement-on.html)

Articles

John Borrows, “The Durability of Terra Nullius: Tsilhqot’in Nation v British Columbia” (2015) 48:3 *UBC L Rev* 701

[Karen Drake, “The Impact of St Catherine's Milling” \(2018\) *Osgoode Digital Commons Articles & Book Chapters* 2682.](#)



Kent McNeil, “The Doctrine of Discovery Reconsidered: Reflecting on Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies, by Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, and Reconciling Sovereignties: Aboriginal Nations and Canada, by Felix Hoehn” (2016) 53:2 *Osgoode Hall Law Journal* 699.

Kent McNeil, “The Source, Nature, and Content of the Crown’s Underlying Title to Aboriginal Title Lands” (2018) 96:2 *Canadian Bar Review* 273, 2018 CanLIIDocs 176.

Robert J. Miller, “The Doctrine of Discovery: The International Law of Colonialism” (2019) 5:1 *The Indigenous Peoples’ Journal of Law, Culture & Resistance* 35 (eScholarship).

Robert J. Miller, “The International Law of Colonialism: A Comparative Analysis” in Symposium: The Future of International Law in Indigenous Affairs: The Doctrine of Discovery, the United Nations, and the Organization of American States (Symposium: *Lewis & Clark Law Review*, 2011) 847.

Books

Peter P. D’Errico, *Federal Anti-Indian Law: The Legal Entrapment of Indigenous Peoples* (Westport: Praeger, 2022).

Kent McNeil, *Flawed Precedent: The St. Catherine’s Case and Aboriginal Title* (Vancouver: UBC Press, 2019).

Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford: Oxford University Press, 2010).

Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of their Lands* (Oxford: Oxford University Press, 2007)

Reports

The Final Report of the Truth and Reconciliation Commission of Canada: Canada’s Residential Schools: Reconciliation, vol 6 (Toronto: James Lorimer & Company Ltd.,



2015)

Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking Back, vol 1 (Ottawa: The Commission, 1996).

Truth and Reconciliation Commission of Canada Calls to Action, 45-47 and 49 (2015).

Court cases

Johnson & Graham's Lessee v. McIntosh, 21 U.S. 543 (1823)

St. Catherine's Milling and Lumber Company v. The Queen (1888), 14 App. Cas. 46 (P.C.)

R. v. White and Bob, 1964 CanLII 452 (BC CA)

Calder et al. v. Attorney-General of British Columbia, 1973 SCR 313

Guerin v. The Queen, 2 SCR 335

R. v. Sparrow, 1 SCR 1075

R. v. Van der Peet, 2 SCR 507

Mitchell v. M.N.R., 1 SCR 911

Tsilhqot'in Nation v. British Columbia, 2014 SCC 44

Thomas and Saik'uz First Nation v Rio Tinto Alcan Inc., 2022 BCSC 15

Legislation

United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14