

## Statement on the Doctrine of Discovery

*Updated by the Quaker Aboriginal Affairs Committee of Canadian Friends Service Committee, July 2013*

### **Introduction:**

*The Quaker Aboriginal Affairs Committee of Canadian Friends Service Committee is bringing forward this draft statement before Canadian Yearly Meeting in session August 2013 for consideration of approval as a statement of the Yearly Meeting about the Doctrine of Discovery. Information was circulated to Meetings in April 2013 to give Friends time to consider the statement and prepare their Delegates and other Friends going to CYM with their thoughts. Feedback was received from 10 Monthly Meetings and this has been incorporated in this further draft. There will be a SIG on Monday August 19<sup>th</sup> to discuss in-depth and a minute then forwarded to MfWfB.*

### **Draft Statement:**

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](http://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.

In the past ten years, faith communities including the World Council of Churches, Episcopalians/Anglicans, the United Church of Canada, Unitarians and some Quaker Monthly and Yearly Meetings (from the United States) have denounced the Doctrine of Discovery and have advocated for governments to:

examine how their legal systems and policies are based on this doctrine; and reform these systems and policies to be consistent with international human rights standards.

Canadian Yearly Meeting of the Religious Society of Friends continues its support of the *United Nations Declaration of the Rights of Indigenous Peoples* by repudiating the Doctrine of Discovery.

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."

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.

The UN Permanent Forum on Indigenous Issues concluded:

... International human rights law ... demand 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)<sup>1</sup>

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 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 Right 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 unlawfully taken 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 specifically 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 CFSC to help inform us and address such issues in the name of Canadian Friends.

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<sup>1</sup> 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.