

6. Indigenous Reconciliation & Compensation Claims

Key Takeaways:

1. Justification for *Doctrine of Discovery* Rescinding.
2. Perspectives from Algonquin Anishinaabeg Territory, Kitigan Zibi.
3. Perspectives from the Kanien'kéha: ka re. educational sovereignty, other issues.
4. Canadian Party of Quebec recommendations in pursuit of fulfilling its sixth principle.

6.1. Renouncing and Rescinding the Doctrine of Discovery.

The *Doctrine of Discovery* was the legal and moral tool used by European colonizers to justify the takeover of Indigenous lands in the Americas, referred to as *terra nullius* or “territory without a master.” at the time.¹

This series of Papal edicts (“Bulls”), dating back to the 15th century, subjugated the original inhabitants of Turtle Island to forced conversion to Christianity, and allowed future settlers to ignore whatever rights native people claimed upon initial contact.

In Canada, including Quebec, this doctrine came to be embodied in the federal *Indian Act (1876)*, and was executed in large part via the creation of the residential school system. This system, only fully eliminated in the late 1990s, executed horrors all too vivid for its survivors and descendants. Fortunately, via outlets like the *Truth and Reconciliation Commission (TRC)* (June 2008 to December 2015), this previously unknown and untold part of Canadian history has become an integral part of the national conversation:

When you look at the inherent rights we have, the inherent sovereignty of our nations and inherent rights to self-determination, the inherent right to education, health, social development, lands, resources, economics, justice ... that's the inherent rights we have.²

~ Sol Sanderson, a Federation of Sovereign Indigenous Nations senator and former chief

¹ Legal Information Institute. (n.d.). doctrine of discovery.

https://www.law.cornell.edu/wex/doctrine_of_discovery Cornell Law School. Retrieved September 29, 2020.

² Bryan Eneas. (2022, May 12). The Doctrine of Discovery: Its effects are still being felt, but only the Pope can rescind it <https://www.cbc.ca/news/canada/saskatchewan/doctrine-of-discovery-calls-to-rescind-can-it-happen-1.6450029> CBC News Saskatchewan. Retrieved September 28, 2022.

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Although the *Doctrine of Discovery* is intimately linked to the Pope and the Roman Catholic Church, there have also been calls for the newly crowned King Charles III of Great Britain to repeal and denounce it as a gesture of reconciliation. The recent visit of the Reverend Justin Welby, Archbishop of Canterbury, to Saskatchewan has sensitized the Church of England to the issue's importance for Canada's indigenous nations:

How can we dismantle the Doctrine of Discovery in a way so it can never be used again?³

~ Reverend Justin Welby, Archbishop of Canterbury

Indigenous leaders within Canada argue that Queen Elizabeth's recent passing offers the British Crown a historic opportunity to re-examine and reevaluate its own role in the subjugation of native peoples over the centuries, in an attempt to make things right:

Indigenous peoples in particular equate the Monarchy with a long history of colonization and domination. The complex task of reconciliation continues to challenge Canada and, there is no doubt in my mind that a lifetime of service and duty gave her Majesty a unique appreciation of the need to address history's failures and make way for change.⁴

~ The Right Honourable Paul Martin, PC CC KC, former Prime Minister of Canada

Although the Government of Canada formally rejected the *Doctrine of Discovery* and the concept of *terra nullius* (vacant lands) as "racist, scientifically false, legally invalid, morally condemnable and socially unjust."⁵ with the UNDRIP compliant-Bill C-15 passed in 2021, the fact remains that as of this writing, only 11 of 94 TRC *Calls to Action* have been fulfilled.

In his reading of major *Supreme Court of Canada* decisions about legal title over Indigenous peoples and land claims, retired Senator Murray Sinclair, TRC Chairman, believes that "the major act of reconciliation that needs to happen in Canada is reconciling Crown sovereignty and Indigenous sovereignty."⁶

³ Bryan Eneas. (2022, May 12). The Doctrine of Discovery: Its effects are still being felt, but only the Pope can rescind it <https://www.cbc.ca/news/canada/saskatchewan/doctrine-of-discovery-calls-to-rescind-can-it-happen-1.6450029> CBC News Saskatchewan. Retrieved September 28, 2022.

⁴ Alexandra Mae Jones. (2022, September 11). Indigenous leaders call on King Charles III to renounce Doctrine of Discovery. <https://www.ctvnews.ca/canada/indigenous-leaders-call-on-king-charles-iii-to-renounce-doctrine-of-discovery-1.6064497> CTV News.

⁵ Teresa Wright. (2021, June 19). How Canada's UNDRIP bill was strengthened to reject 'racist' doctrine of discovery. <https://www.ctvnews.ca/canada/how-canada-s-undrip-bill-was-strengthened-to-reject-racist-doctrine-of-discovery-1.5477403> *The Canadian Press*.

⁶ Bryan Eneas. (2022, May 12). The Doctrine of Discovery: Its effects are still being felt, but only the Pope can

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In order to seek a better way forward and achieve true reconciliation, Canadians as a whole and Quebecers in particular must come to terms with how residential schools amounted to *cultural genocide* for First Nations, Inuit and Métis peoples. The recent discovery of unmarked gravesites in the *Kamloops Indian Residential School* in British Columbia and elsewhere has sensitised people previously unaware of this untold part of Canadian history.⁷

6.1.1. Quebec and its Residential School System

While mostly associated with the federal government and other provinces, Quebec nevertheless has a history with residential schools. For example, the Cree village of Fort George (Chisasibi) and elsewhere bore witness to abuse, racist school curriculum, and cultural genocide.⁸

According to the TRC, the Quebec section of the *National Inquiry into Murdered and Missing Indigenous Women and Girls (MMIWG)* and Quebec's own Viens Commission, here is a partial list of sites (federal hostels and day schools excluded):

Pre-1948: Fort George (2);
1952: Sept-Îles;
1955: Amos;
1960: Pointe-Bleue;
1962: La Tuque;

Of the last four, three were operated by the Roman Catholic Church, one by the Anglican Church of Canada. Many victims of the "Sixties Scoop" in Quebec, i.e., "the government's legalized trafficking of Canada's Indigenous, Metis and Inuit children across the country, as well as to the United States and the world. From the late 1950s to the 1980s, these children were adopted into non-Indigenous homes on a permanent basis."⁹, passed through these schools.

"The fact that residential schools in Quebec were opened and closed more recently means that there are at least two generations of former residential school students that are still alive today,"¹⁰

rescind it <https://www.cbc.ca/news/canada/saskatchewan/doctrine-of-discovery-calls-to-rescind-can-it-happen-1.6450029> *CBC News Saskatchewan*. Retrieved September 28, 2022.

⁷ Courtney Dickson and Bridgette Watson. (2021, May 29). Remains of 215 children found buried at former B.C. residential school, First Nation says <https://www.cbc.ca/news/canada/british-columbia/tk-eml%C3%BAs-te-secw%C3%A9penc-215-children-former-kamloops-indian-residential-school-1.6043778> *CBC News British Columbia*.

⁸ Jonathan Montpetit and Benjamin Shingler. (2021, July 21). Quebec's residential school system started later than most in Canada — and also has history of abuse. <https://www.cbc.ca/news/canada/montreal/quebec-residential-schools-1.6053558> *CBC News Montreal*.

⁹ Christine Cameron. Opinion. (2018, March 29). The Sixties Scoop tried to extinguish our culture and our spirit. It Failed. <https://www.cbc.ca/news/opinion/sixties-scoop-1.4595402> *CBC News*. Retrieved September 29, 2022.

¹⁰ Reclaiming Power and Place, Volume 2. (2019). A Supplemental Report of the National Inquiry into

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6.2. Report from Algonquin Anishinaabeg Territory

The following is a first-hand account from Danilo Vélasquez, long-time advocate for First Nations and Inuit rights, and Canadian Party of Quebec candidate for Gatineau riding in the 2022 Quebec election.

I drove to Kitigan Zibi to meet with Elder Glenda Stevens at the house of Web MacDougall, another Algonquin Anishinaabe community leader. We discussed my passion for indigenous issues, and my commitment to be their ally in championing their fundamental rights and other important issues:

Running Water: In our meeting and interaction, we spoke about the urgency of clean drinking water and running water for many Kitigan Zibi houses, as well as for other indigenous communities beyond Kitigan Zibi. They stated that no governments to date have given the required importance, priority and urgency to water issues.

Housing: They expressed the need of better housing for many people on reserve.

Healthcare: They expressed their concern with regards to health services and the lack of doctors and nurses in the reserve.

Education: Elder Stevens and Web MacDougall expressed concerns about the lack of certified/qualified teachers at their elementary and high schools. In addition, they expressed concerns about not having a post-secondary institution within a reasonable distance that could eliminate the need for indigenous students to travel over 100 kilometres for post-secondary studies; i.e., in either Gatineau or Ottawa. Or leave the community altogether to pursue post-secondary studies.

Languages: Discussed using as an example the country of Paraguay in South America, where one of the official languages is Guarani.

Guarani is an indigenous language spoken by 80% of the population including non-indigenous people and is one of the country's two official languages, along with Spanish. Paraguay, along with Bolivia and Peru (Aymara) are among the few countries that have an indigenous language as an official language.

We immediately pivoted to the situation in Quebec, and pondered whether the provincial government would be willing to grant one or several indigenous languages official status. The same question of course can be asked of the Government of Canada.

Instead of Premier Legault dictating what language we shall study in and receive services with, he should promote or make indigenous languages official in Quebec.

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At the end of our meeting, Glenda Stevens presented me a traditional indigenous "Ribbon Shirt" that they hope I will wear during the election campaign. They now consider me an ally and hope that I wear the shirt to demonstrate the Party's respect, solidarity and commitment to issues important to the Algonquin Anaisnabe people.

6.3. Bill 96's Likely Effect on the Educational Experience of First Nations People (Case Study: Kanien'kéha: ka)

An often-misunderstood aspect of *Bill 96, An Act respecting French, the official and common language of Québec* is how it will affect the indigenous population. For example, a sizable part of the student bodies in some Châteauguay schools comes from Kahnawake. For most Kanien'kéha: ka, French is their third language - after English and *Kanien'kéha*, a language that they're working hard to revive.

So, in addition to being educated in English and French, the Kanien'kéha: ka faces the burden of ensuring its own linguistic and cultural survival after hundreds of years of systemic colonial repression, arguably worse than what the French Québécois have had to endure in Canada.

Indigenous students feel that the outgoing Legault government is telling them, "Your nation doesn't matter; only the Québécois nation's survival is important. And now you've got some extra hoops to jump through to succeed. Deal with it."

How reasonable is that?

6.3.1. Fighting Back: How First Nations Communities can use their Treaty Rights to help all Quebecers' Gain Access to Educational Freedom

The *Canadian Party of Quebec* believes that First Nations' rights are infringed by Bill 96. For example, regarding education, it fails to apply the *Best Interests of the Child* principle for indigenous children, which normally should be paramount in the enactment of laws:

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

~ *Declaration of the Rights of the Child*, Principle 2, proclaimed by the *United Nations General Assembly* on November 20, 1959.¹¹

¹¹ Declaration of the Rights of the Child (1959). <https://declarationproject.org/?p=192> Declaration Project. Retrieved September 27, 2022.

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Under Section 35 of the *Constitution Act, 1982*¹², as well as the *United Nations Declaration on Indigenous Peoples (UNDRIP)*, adopted by the General Assembly on September 13, 2007¹³, the Aboriginal Peoples in the Province of Quebec and throughout Canada have full, complete autonomy over their education.

This means that applying Bill 96 on Indigenous lands is against international law. So, if a First Nations community wishes to establish a Grade 12 program, or an alternative to CEGEP, it's within their rights to do so. Furthermore, if non-native students attend a school on native lands offering Grade 12, they too are protected under these laws, as the land itself provides *educational safety*.

The Grade 12 option on native territory would primarily serve as a safety net for First Nations students who don't wish to take French language courses at an English CEGEP. It may under some conditions, based on capacity and other factors, be an alternative route to university studies for any Quebec student who opts to pursue a four-year university degree, rather than obtain a DEC followed by a three-year undergraduate degree.

On July 14, 2022, the federal government signed a five-year, \$1.1. billion-dollar education agreement with 22 First Nations communities in Quebec.¹⁴ From an indigenous rights point of view, this funding – renewable in five years time – empowers First Nations to pursue their own curriculum, such as Indigenous language instruction. It also grants these communities a measure of independence from Quebec governments hostile to native concerns, such as the outgoing Legault government.

6.4. Recommendations

The *Canadian Party of Quebec's* sixth principle includes reconciliation with indigenous peoples, and it's one that it doesn't take lightly. The Party is only beginning what it knows will be a long journey of discovery for itself and its members as it navigates through this understandably complex and often painful subject with the help of Canada's original peoples.

Nevertheless, as a party of action in all areas that it chooses to tackle, **CaPQ** offers the following recommendations in good faith:

¹² Government of Canada. (2021, May 13). INAN - Section 35 of the Constitution Act 1982 - Background - Jan 28, 2021. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/inan-jan-28-2021/inan-section-35-constitution-act-1982-background-jan-28-2021.html> INAN - Standing Committee on Indigenous and Northern Affairs – Jan 28, 2021.

¹³ United Nations Declaration on Indigenous Peoples. 2007. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf United Nations.

¹⁴ Tom Fennario. (2022, July 14). New agreement gives education 'self-determination' to First Nation communities in Quebec. <https://www.aptnnews.ca/national-news/new-agreement-gives-education-self-determination-to-first-nation-communities-in-quebec/> APTN National News.

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- A full and unconditional repudiation and rescinding of the *Doctrine of Discovery* by Pope Francis – with agreement from King Charles III of Great Britain - as an ultimate act of reconciliation between Indigenous peoples, European nations, and their descendants in the Americas; meaningful restitution by the Roman Catholic Church to residential school survivors and their families, following Pope Francis' formal apology to the First Peoples of Turtle Island on **July 25, 2022**.
- A fully revamped Inuit justice system in Nunavik, mostly controlled by the Inuit themselves in order to overcome large incarceration rates and a provincial system ill-fitted to address their needs. This new system must be “based on reconciliation, the rapid resolution of conflicts and the role of the whole community in restoring social harmony.”¹⁵
- Full pursuit of compensation claims for the Inuit, Cree, and other First Nations with *Revenue Quebec*, in order to ensure that indigenous peoples, their survivors and/or their descendants receive what’s owed to them via various treaties, agreements, and class-action lawsuit settlements.
- Mandatory teaching of Quebec’s residential school history as part of Quebec’s provincial school curriculum.
- **Kanien’kéha: ka:** Based on a **July 27, 2022** meeting between Canadian Party of Quebec officials and Grand Chief Kahsennenhawe Sky-Deer of Kahnawake, the Party fully backs the following proposals:
 - Calling for the full exemption from Quebec's *French Language Charter* for all First Nations within the province not party to the James Bay and Northern Quebec Agreement (1975) or the Northeastern Quebec Agreement (1978);
 - The full implementation of a Grade 12 program at *Kahnawake Survival School*, based on Kanien’kehá:ka values, the expansion of Kanien'kéha language teaching, and specific cultural needs;
 - Call for *Government of Canada* and private (philanthropic) funding to ensure the successful construction, completion and operation of a Kahnawake Museum and Cultural Centre;
 - More outreach opportunities between Kanien’kehá:ka youth and their francophone, anglophone and ethnic minority counterparts in Montreal and throughout Quebec.
- **Algonquin Anishinaabeg of Kitigan Zibi:** Based on Mr. Vélasquez’s meetings:

An immediate investigation and pursuit of clean water access for the Kitigan

¹⁵ Daniel Leblanc. (2022, March 9). Nunavik's courts are struggling to deliver justice to Inuit populations. <https://www.cbc.ca/news/canada/montreal/nunavik-justice-system-inuit-1.6340656> CBC Montreal.

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Zibi community by the federal and Quebec governments;

A clear timetable for building houses for Anaisnabe families currently lacking adequate housing on reserve. The *Government of Canada* is allocating \$401 million to Quebec for fiscal years 2019-20 through 2023-24 to address homelessness, including Indigenous homelessness. Time to act;

A fully funded, targeted program to train young Algonquin Anishinaabeg students to become health practitioners, with the goal of returning to serve in a medical clinic setting on reserve;

Re. Education, the pursuit of hybrid-style programs with Heritage College, the University of Ottawa, Université de Québec, etc. to allow Anishinaabeg students to reduce commuting time for advanced studies. This necessarily requires an upgrade in Internet connectivity speed and bandwidth – ideally from a new or existing Government of Quebec program;

Finally, immediate *Quebec associate language status* for all indigenous languages currently spoken within provincial territory today, with the goal of becoming official languages of Quebec by 2030.