

Canadian CED Network 2014 Annual General Meeting Resolutions

Resolution 1

Title: Discovery and Terra Nullius

Sponsors: Yvon Poirier (CDÉC de Québec) and Damon Johnson (Aboriginal Council of Winnipeg)

WHEREAS the Royal Commission on Aboriginal Peoples (RCAP), in its report (1996) identified the notions of «discovery» and «terra nullius» as part of a colonial attitude towards aboriginal peoples;

WHEREAS this situation is not recognized by the governments of Canada and the population in general;

WHEREAS previous actions of governments and institutions sought to assimilate and refuse recognition of aboriginal people's rights;

WHEREAS the government of Canada has signed the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS the vast majority of aboriginal peoples have not ceded territory;

AND WHEREAS the CCEDNet Board of directors supports this resolution.

THEREFORE BE IT RESOLVED that CCEDNet ask the Canadian government, and all parties in the House of Commons, to adopt a resolution approving the recommendations of the Royal Commission on Aboriginal Peoples concerning the doctrine of «discovery» and «terra nullius» and negotiate on an equal basis with aboriginal peoples, nation to nation, including land rights and that the federal government educate the Canadian population on these issues.

Explanation

As explained in a speech at the UN on May 18 2012 (excerpt below), First Nations of Canada ask for the recognition of the rights of aboriginal peoples. Articles 28 and 37 of the UN Declaration on the Rights of Indigenous Peoples clearly recognize the rights of aboriginal peoples to negotiate redress, restitution or compensation.

A [speech](#) by at the **National Chief Shawn A-in-chut Atleo** at the UN Permanent Forum on Indigenous Issues in 2012 explains the position of Indigenous peoples of Canada (attached).

Permanent Forum on Indigenous Issues
Eleventh session, New York, 7-18 May 2012
Agenda Item 4(a): Implementation of the UN Declaration of the Rights of Indigenous Peoples
Speaker: National Chief Shawn A-in-chut Atleo

Joint Statement of the
Assembly of First Nations, Chiefs of Ontario, Grand Council of the Crees (Eeyou Istchee)
Amnesty International, Canadian Friends Service Committee (Quakers),
KAIROS: Canadian Ecumenical Justice Initiatives

The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (article 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)

In addressing the medieval “doctrine of discovery”, we wish to begin by highlighting the [UN Declaration on the Rights of Indigenous Peoples](#) (UNDRIP). As a consensus, universal international human rights instrument, the realization of UNDRIP is crucial to the survival, dignity, security and well-being of Indigenous peoples worldwide. UNDRIP unequivocally affirms:

“... 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”

Similar rejection of doctrines of superiority is found in the *International Convention on the Elimination of All Forms of Racial Discrimination* and in the 2001 Durban *Declaration* on racism and racial discrimination. As recently as September 2011, the UN Human Rights Council by consensus “condemned” doctrines of superiority “as incompatible with democracy and transparent and accountable governance”.

As with the discredited notion of “terra nullius”, the doctrine of “discovery” was used to legitimize the colonization of Indigenous peoples in different regions of the world. It was used to dehumanize, exploit and subordinate Indigenous peoples and dispossess them of their most basic rights.

Central to the survival of Indigenous peoples everywhere is the issue of land and resources. Based on such fictitious and racist doctrines as “discovery” and “terra nullius”, European nations were relentless in their determination to seize and control indigenous lands. Papal bulls, such as *Dum Diversas* (1452) and *Romanus Pontifex* (1455) called for non-Christian peoples to be invaded, captured, vanquished, subdued, reduced to perpetual slavery, and to have their possessions and property seized by Christian monarchs. Such ideology led to practices that continue unabated in the form of modern day laws and policies of successor States.

Continue reading the [rest of the speech](#)

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.