

Doctrine of Discovery and Terra Nullius Forum

Q&A Transcript

November 20, 2022

Comment 1: The papal bulls that were mentioned earlier that were the basis of the Doctrine of Discovery (DoD) and Terra Nullius, it's my understanding that they were never actually repudiated by the Roman Catholic Church; they have been superseded by other edicts. Others agreed that it is very unclear as to what the Catholic Church may have actually repudiated.

Comment 2: regarding progress made with respect to recognizing Indigenous title

Comment 3: We have made some progress and the Supreme Court of Canada and section 35 of the Constitution are leading the way.

The City of Vancouver has adopted the TRC calls to action and are consulting with Coast Salish Nations. So that is encouraging.

Comment 4: One of the things I think about in terms of property is how our European concept of property is different from Indigenous ideas about property, inheritance: what can be owned and what can't be owned, what is communally owned, what is individually owned. All of these things deserve some examination.

Comment 5: I just wanted to check if I read correctly in the previous slide that several countries have repudiated the Doctrine of Discovery, and I'd like to know how many of them, and what's the impact after they've done that. Secondly, I think Canada has very often followed the steps of the US and am wondering if it is still true that we are following their steps or if we are moving quite differently and are even ahead of them.

Comment 6: As far as I know, no country has repudiated the Doctrine of Discovery. As people have been saying, it would be a bold step and have many implications. But also, there are many fine minds that are working on this to try to figure out what it would mean and how we would make progress towards that. I am speaking in particular about Jody Wilson-Raybould when she was attorney general, she had gathered people together, they had come up with a plan, but it came to nothing. It's very much in the beginning stages. The UUA repudiated the DoD in 2012 and many Canadian organizations also did. You can check the UCV website to see the [list of religious organizations](#) that have repudiated the Doctrine of Discovery.

Comment 7: Thank you for the excellent presentation. I think that it was very well put together. I think that this is an important step and an important conversation that we are having. And it is very profound because Terra Nullius is based on the concept that no one lived here or that no one that mattered lived here and the Doctrine of Discovery was the justifying narrative for the

acquisition of land. And I really like what Karl said also about Indigenous People who never had the concept of land ownership that many non-indigenous people have had. The land is part of what makes Indigenous people whole, part of their survival and part of the passing on from generation to generation, that you learn from the land. It is totally different from the concept that most of us grew up with. And we do need to recognize that this also strikes at the heart of these assumptions that we make and for that reason, a real rejection of the Doctrine of Discovery isn't going to be an easy thing. I think that it's important to talk about it because it introduces into the public consciousness that this is not okay and that we need to go a different route totally in terms of our relationship both with land and with Indigenous People. And, should anyone really own land? I think it poses that question. Or should we live and steward the land.

Comment 8: Thank you, I was going to say some of those things too. My one thought was how they have now gotten the judicial level to agree about dismantling the Doctrine of Discovery and now they still have two more levels to have to work on and I think that's going to be even harder because one thing that wasn't discussed here was the whole idea of capitalism. The whole point of this was to take land that was not theirs, the explorers, the settlers, and the government. And now, it's industry that's on that side too which makes the battle even bigger. Like David versus Goliath. I've been hanging out with some Tahltan elders for the last week and it's just exhausting to hear them saying we gotta put down Shell and then there's Fortune Minerals and another minerals project, and then there's a mine and they said, you know, we are not really against each individual mine, we understand where they are all coming from, but we are just so angry at the government. The government just keeps giving out permission for exploration and for drilling and not listening to us. They say it's consultation, but there is no idea of consent and so you get to the point where you turn blue in the face and then they still go through with the mine even though everybody has said NO. I think that this is going to be way more complicated than just that this is just a bad idea that the (Catholic) Church did. I think that it's gone way beyond that now.

Comment 9: Thank you very much for a fascinating presentation, really interesting. Personally, this is a light that has been shone into a corner that I didn't know even existed. As a white male, as an immigrant, as an ancestor of both British and French colonizers, I am only at the very beginning of my understanding that my thinking is based on assumptions that have taken hundreds of years to take hold, but are very firmly in place. So my question is, what can we do individually, what can we do as a community? We have a lot of power; we have a lot of privilege. How do we uncolonize? How do we grow in a good way?

Comment 10: Very good questions. One of the things that we are hoping is that UCV will pass a motion at a general meeting repudiating the Doctrine of Discovery and then we can take that to the CUC and get them to repudiate it too. And then go beyond that and start talking to our local government, to our provincial government, to our federal government. Realistically, they are not going to say "Oh, that's a great idea, let's do it", but I think that we can be part of a wave that will eventually have some impact. We can only do what we can do.

Comment 11: Has the CUC made any kind of statement whatsoever regarding the Doctrine of Discovery and Terra Nullius?

Comment 12: No

Comment 13: You mentioned taking it to the CUC – has the CUC made any official statement whatsoever re DoD and Terra Nullius? Do you know why not?

Comment 14: When we started talking about this, we approached the CUC and they said that they were working on something like this too, and so it's on their minds to do it. I don't know why they didn't do it when the UUA did it. But, let's look to the future.

Comment 15: I have a guess about the CUC. They want it to come from churches rather than as a top-down sort of thing. It is definitely something that we could do by example to get other churches to do this and the movement can come from the ground up. The other thing that I wanted to say is about the children's story (Henry David Thoreau) that we heard today gave us some idea about what was lost when settlers came and what the land was like before colonizers came. We call it wilderness, but they call it home.

Comment 16: I don't want the repudiation of the Doctrine of Discovery to displace something maybe a little larger and a little more important. Justice Marshal, in the US, as we heard, made his decision, and he used the Doctrine of Discovery to excuse it, but he would have made the same decision if the Doctrine of Discovery hadn't existed. The source of everything wasn't the Doctrine of Discovery, it was colonial banality. Those two bulls that make up the Doctrine of Discovery were made to avail the things that European power and authority as well as American power and authority were going to do anyway. And people availed themselves (of that) - if we repudiate the Doctrine of Discovery, the problem is still there with us. That is probably a distinction without a difference.

Comment 17: We are talking about repudiation because Indigenous People have asked for this in the TRC Calls to Action and we want to honour that. But, you are right, what we really want is a Doctrine of Reconciliation.

Comment 18: The majority of Canadian land is Crown land, so when we are looking at the repudiation of the Doctrine of Discovery and Reconciliation, I think one of the things to keep in mind is that the majority of the land, whether you are Indigenous or non indigenous, it's largely land that we would all like to see used in a way that is for the benefit of all, and it's not just for a few people or to be privately held. In terms of moving forward, that to me is an encouraging part of the discussion that we have something to work on that we share with Indigenous People and could look at it from that angle and that might be helpful.

Comment 19: First, I would really like to say that I see hope because when the Doctrine of Discovery happened, the people who came here thought that they (Indigenous People) were not (people). Now, we know that they were human and so that's a truth that we now recognize. The second thing is that I lived in Australia with the Aborigines, and they still don't have the constitutional right entrenched in their Constitution, so at least we have the right (Chapter 35) in the Canadian Constitution. That doesn't mean that the government is passing laws to repudiate it, but we need to push. But, we have a start, so we cannot sit and just pray, well we can pray too, but we need to act and we need to push. But I think that we have a start, so I feel very hopeful.

Comment 20: I also want to make space for people who might disagree or might have concerns and maybe don't feel comfortable speaking, and so please feel free to speak to anyone of us because we really want to be inclusive and hear everybody. Thank you so much for coming and there will be more of these!