

## **Aboriginal Land Rights: a Jubilee Challenge Facing Canada**

A call to reflection from leaders of Christian churches on Aboriginal land claims

*When he came to Nazareth, where he had been brought up, he went to the synagogue on the sabbath day, as was his custom. He stood up to read, and the scroll of the prophet Isaiah was given to him. He unrolled the scroll and found the place where it was written:*

*“The Spirit of the Lord is upon me,  
because he has anointed me  
to bring good news to the poor.  
He has sent me to proclaim release to the captives  
and recovery of sight to the blind,  
to let the oppressed go free,  
to proclaim the year of the Lord’s favor.”*  
(Luke 4: 16-19.)

Dear sisters and brothers in Christ,

1. The beginning of a new millennium stirs in all of us that longing for a fresh start, for another chance, which is expressed in a thousand ways in our diverse human traditions. For Christians, the moment is particularly challenging since it marks the two thousandth anniversary of the birth of Jesus into human history. In such moments of openness for redemption and renewal, gratitude for gifts given in the past, as well as sorrow over sins of our past, lead us towards commitment to new endeavours. Many Christians have been expressing their hope for a new beginning by recognizing this period as a contemporary Jubilee, in the spirit of the biblical jubilee renewal proclaimed in the 25<sup>th</sup> chapter of Leviticus.

In Canada, one particular area in our national life cries out for healing and transformation: now is the time for a change in the relationship between the majority society and Aboriginal peoples.

2. It is four years since the Royal Commission on Aboriginal Peoples released its comprehensive report and more than three years since the federal government issued an official response.<sup>1</sup> The Royal Commission's recommendations present Canada with a great challenge and a great hope. The hope—that social, economic and political health is being, and will be, reclaimed by Aboriginal peoples—is inseparable from the report's conclusions about Aboriginal land rights. But in spite of the existence of this charter of hope, the intervening years have witnessed a breakdown in the federal government's land claims process.

3. At present, the entire treaty negotiating process in British Columbia is in danger of collapsing, and Aboriginal organizations increasingly turn to the courts as the only avenue for redress of their historic grievances. Although the Nisga'a nation was finally able to conclude its long-sought treaty with federal and provincial authorities, a backlash against the negotiated agreement has been generated by some political parties and organizations who feel that the settlement was prejudicial to their rights. Official or popular impatience with the labour of coming to terms with Aboriginal rights has led to violence in Ipperwash, Ontario, in Burnt Church, New Brunswick, and to vandalism in other places.

4. Questions of Aboriginal land and resource rights are complex. Their consequences affect the future prospects and the present-day livelihood not only of the Aboriginal people whose ancestral lands are at

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<sup>1</sup> *People to People, Nation to Nation*, Royal Commission on Aboriginal Peoples, 1996. *Gathering Strength*, Department of Indian Affairs and Northern Development, 1997.

stake, but also of many other Canadians who depend on economic patterns that are now in place. But the issue has been before us for decades, its legitimacy affirmed by our highest courts and its seriousness underlined by countless studies. How is it that Canada has come to an impasse, rendering it next to impossible to reach and implement agreements involving the rights of Aboriginal peoples for land and resources?

5. The situation in which Aboriginal people live in this country today shames Canada internationally and gives clear, if mute, witness to a history of injustice. According to the United Nations' Human Development Index, the majority society in Canada benefits from the highest quality-of-life measures of any country in the world. Canadian political leaders often take pride in this evaluation. But by this same UN standard, the social conditions facing Aboriginal people in Canada, taken by themselves, would place that population in sixty-third place among the nations of the world. Suicide rates are six times higher in Aboriginal communities, tuberculosis 25 times higher, and infant mortality rates three times higher than the Canadian average. Although only three per cent of the Canadian population is of Aboriginal descent, 14 per cent of the Canadian prison population is Aboriginal. As the Royal Commission on Aboriginal Peoples showed, this disastrous overall situation is directly related to the lack of an adequate land and resource base for most Aboriginal communities. It is time for all Canadians, with their governments, to act to change this sinful social situation.

6. For people of faith, serious problems in the life of the community always compel us to search for God's light on what justice requires of us. In this millennial year, sometimes called The Great Jubilee Year, many Christians all over the world are recalling a particular teaching from the Hebrew scriptures which was especially precious to our teacher Jesus. That teaching has to do with the biblical Year of Jubilee. It casts a startling, renewing light on the whole question of land and land rights.

The Jubilee year, coming once in each generation (after seven times seven Sabbath years), was to be a time for the people of God to rediscover the vision given in God's covenant with Israel. Covenant law rests on the truth that all created things belong finally to God, whose command in entrusting all things to us is that *we love our neighbour as ourselves*. Faithfulness to God's covenant includes vigilance in closing the gaps between rich and poor— gaps which grow wider whenever the spirit of covenant weakens. Human history, with its burden of sin, always establishes inequities and injustices. But biblical wisdom insists that through God's mercy it is not inevitable that unjust patterns, once in place, must bind people forever. There is always room for repentance and change.

7. In his first public sermon in Nazareth, Jesus reminded his hearers of this fundamental truth about life in covenant with God. Choosing a text from the book of Isaiah,<sup>2</sup> Jesus symbolically placed the Jubilee proclamation at the heart of his own mission, anointed as he was by the Spirit of the Lord "to bring good news to the poor ... to proclaim the year of the Lord's favor."

8. Why was the biblical Jubilee "good news to the poor", and why was it, as the Leviticus text puts it, a time to "proclaim liberty throughout the land to all its inhabitants"? The Jubilee year mandated a *rest* from the status quo (letting the land in an agrarian society lie fallow), a *restoration* of community (releasing slaves from debt-induced bondage and re-establishing their responsible place in the economic community), and a *renewal* of relationships among people and between people and creation. The concrete means of this renewal was to be the return of agricultural land (the means of livelihood) to those who, in the previous 50 years, had lost their land to more prosperous neighbours. Once in a generation, Jubilee thus challenged every son or daughter of the covenant to return to equal, responsible, free and neighbourly living on land received gratefully as a trust from the land's Creator.

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<sup>2</sup> See Isaiah chapter 61, vs. 1-2, which Luke incorporates into his record (Luke 4: 16-21) of Jesus' sermon.

9. Aboriginal societies also celebrated rituals that remind us of elements of the biblical Jubilee. Perhaps the best known was the *potlatch* celebrated by the Kwakiutl, Nootka, Salish, Haida, Nisga'a, Gitksan and other peoples of the north-west. This ritual was celebrated at important times to redistribute wealth and exemplify social and economic solidarity. In what is today central Canada, Algonquin societies celebrated a feast to which people traveled from great distances. Fur, corn, maple syrup and (later) kettles and tools were given and received. Even dead ancestors were made part of the renewed sharing of life; their bones were unearthed from burial mounds and re-arranged, symbolizing the necessary re-arrangement of status among the living as the celebrating communities responded to their nation's ideal of justice and equality.<sup>3</sup>

10. When we in Canada look through biblical lenses at what most urgently needs to be challenged and changed in our life together, our country's failures in respecting the rights of Aboriginal peoples confront us strongly. Jubilee justice here in this historic moment must include working to establish new, more respectful relationships with the land and its original inhabitants.

11. As Christian churches in Canada we have our own need to pray for conversion and healing in our life with Aboriginal people. Many of our churches arrived in this hemisphere in league with imperial powers that all too often became the conquering foes of Aboriginal peoples. Even those churches which arrived later, or which never held the kind of power and status that more "established" churches took for granted, recognize that the colonial domination of Aboriginal peoples has affected them as well.

For many church people in recent years, the re-examination of Canadian history with a particular focus on the damage done to Aboriginal peoples by European colonialism has involved an unveiling of evil in ourselves and in our institutions for which we were not prepared. The process has been painful and humbling. It has also been a grace, making possible a kind of collective repentance. This has been expressed, for example, in the public apologies offered by the four churches which were historically involved in administering Indian residential schools on behalf of the federal government. We grieve that the churches were aligned with the damaging and misguided assimilationist policies of Canadian governments and Canadian society as a whole.

12. Even while we grieve, we remember that human history is also the location of genuine goodness. Many Christians who both served and discovered God by living among Aboriginal peoples have left a record worthy of gratitude. One encouraging legacy of the long walk of the churches with Aboriginal peoples is the fact that deeply-rooted Christian Aboriginal communities are present throughout the country. The respect in which they are held among the churches, and the growing influence of Aboriginal Christian leaders in the Christian community as a whole, is a sign of hope that healing and reconciliation are becoming a reality in our joint action for change.

13. Ecumenical advocacy for change in Canada's policies has been one way in which the churches have joined with Aboriginal leaders to propose particular changes that seemed urgently needed. In the mid-1970s the churches established Project North to assist the Aboriginal nations of the Northwest Territories to achieve just land settlements before massive oil and gas projects took place in their traditional territories. This work continues in the solidarity efforts of the Aboriginal Rights Coalition, which actively supports the land claims struggles of nations like the Innu, Gitksan and Lubicon, to name a few.

14. In 1987, nine Canadian church leaders signed *A New Covenant*,<sup>4</sup> an historic letter calling for "new

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<sup>3</sup> *Indigenous Perspectives of Jubilee* by Menno Wiebe. Aboriginal Rights Coalition. Undated.

<sup>4</sup> *A New Covenant*, 5 February 1987.

beginnings" with Aboriginal peoples, specifically through constitutional recognition and protection of Aboriginal self-government. As that letter put it, the constitutional negotiations of the late 1980s were "a time to rectify historical injustices and to recognize the rights of Aboriginal peoples in the Canadian Constitution. It is a time to establish a new covenant with the first peoples and nations of Canada."

15. Today, in 2000, guided by advice coming from Aboriginal communities, we repeat our call for a new covenant. The focus of our joint message at this new moment is to invite the people of our churches, and indeed all Canadians who care about the common good, to support a fundamental goal of the Royal Commission on Aboriginal Peoples: the provision of an adequate land base for First Nations, with sufficient resources for sustaining viable economies.

16. Our analysis of the status of land negotiations in Canada today leads us to conclude, sadly, that the present system works for no one. Important studies have pointed to the inappropriateness of a policy of extinguishment,<sup>5</sup> yet government negotiators still seem bound to it. The deficiencies of the comprehensive claims policy<sup>6</sup> are such that almost all hope of negotiating treaties has been lost. The Indian Claims Commission's efforts to address specific claims is so slow and unsatisfying that hope for settlement has almost evaporated. Even the Commissioners themselves threaten to resign.

17. The primary responsibility for the liberation and healing of Aboriginal communities rests, of course, on Aboriginal shoulders. Nevertheless, every citizen of Canada inherits a share of responsibility in this great matter. One aspect of the work to be done is the construction of a just and solid public-policy platform on which Aboriginal peoples can stand as they build a dramatically better future for their communities.

A new beginning for land and treaty rights negotiations is needed in Canada. We are aware that expert opinion has been brought to bear on the question of how to proceed, and that government officials have agreed to terms suggested by Aboriginal people for an independent claims tribunal. What we hope to encourage, through this letter and in other ways, is the growth of a generous sense of moral urgency within the hearts of Canadians. The difficult and delicate work of negotiating new treaties, adjusting specific claims, and changing entrenched economic patterns needs to be borne forward on a great river of public concern and shared, respectful vision. We pray for that river to rise in our land.

18. Our religious traditions suggest to us that in this whole matter we are walking on sacred ground and coming into contact with God's transforming vision for human community. In the bible, the restoration of peaceful possession of land to those who have been oppressed is understood as a fundamental dimension of God's redemptive plan. In the beginning, as Genesis sees it, land was simply for everyone. After human sin begins to warp the picture we read of wars for land, and the hoarding of land by the powerful who can choose to enforce inequality. A homeland for people recovering from slavery and oppression is the joy envisaged in the great story of the Exodus. Many of the most challenging laws in the books of Exodus, Leviticus and Deuteronomy—laws against taking interest on a loan, laws insisting on the non-collection of debts in certain circumstances, the Jubilee legislation itself—were clearly aimed at

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<sup>5</sup> The federal government's comprehensive land claims policy requires Aboriginal peoples to exchange Aboriginal rights and title for treaty rights. Aboriginal people object to this because they believe it asks them to extinguish their Aboriginal title and, by so doing, to extinguish their Aboriginal identity. *The Fact on Claims*, Indian Claims Commission, 1999.

<sup>6</sup> Comprehensive claims arise when an Aboriginal community asserts Aboriginal Rights and title to land in areas where no land surrender treaties were made. Most of these claims are in B.C. Others are in Newfoundland, parts of Atlantic Canada, Quebec and the Yukon. *Ibid.*

keeping poorer families in possession of their ancestral land.

19. The biblical authors knew well how difficult it is to maintain a fair, peaceful, covenant-like sharing of land in a world twisted by greed and by habits of domination. Many texts in the prophetic writings, in the psalms, and in the historical books of the bible show how keen was this awareness.<sup>7</sup> Psalm 37, for example, illustrates the struggle of faith to believe that God will overcome the very obvious forces opposed to God's plan for the peaceful sharing of the earth.

Jesus brought Psalm 37 into the centre of his own proclamation of how God will heal the human community: "Blessed are the meek, for they will inherit the earth"-(words from Psalm 37) are part of Jesus' most famous sermon.<sup>8</sup> It helps to recall that the Hebrew word translated here as "meek" also means "oppressed".

20. In the mysterious logic of biblical prophecy, it is clear that the earth waits with longing for God's justice to flourish among people. For the prophets, injustice, violence and the refusal of neighbourly love cause the land to wither and to lose fertility.<sup>9</sup> There is a connection, established in the dynamic of creation, between justice being restored to "the poor of the land", and the healing of the land itself. (To use modern words: social justice and environmental recovery are two dimensions of one process.)

21. The recognition and just implementation of Aboriginal land rights in Canada will be a difficult achievement. Nevertheless, it is a goal overflowing with promise. The struggle to achieve it has the potential to correct old, unjust distortions in the very structure of our country. It has the potential to rebuild confidence, responsibility, vision and zeal among Aboriginal peoples, transforming for young Aboriginals their sense of what the future holds for them. The diversity among Aboriginal peoples, and the variety of situations they will inherit, could stimulate new, innovative patterns of economic and human development—perhaps far more sustainable, far more attentive to the earth and to human community than are the currently dominant economic and technological patterns that have all of us in their grip.

22. To share in such a great effort, all Canadians will have to banish from their hearts racism, indifference, hopelessness and self-absorption. In summoning Canada's Christians to embrace the cause of Aboriginal land rights, we are at the same time calling on God to convert our hearts, and to plant in our soil that justice, love and neighbourliness that will redeem the human future.

23. The Canadian Ecumenical Jubilee Initiative (a coalition of 30 church-related organizations, now beginning its third year of public education for justice) is promoting a petition to the Prime Minister

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<sup>7</sup> Two famous prophetic texts on this point are Isaiah 5:8-10 and Micah 2: 1-2. A dramatic example of how the land of poorer people is taken away when God's covenant is ignored is the story of Naboth's vineyard in the time of King Ahab and Queen Jezebel in 1 Kings 21. For an example of the opposite movement—the canceling of debts and return of lands at a time of repentance and reform--see Nehemiah 5: 1-13.

<sup>8</sup> Matthew 5:5

<sup>9</sup> An early hint of this conviction comes in the Genesis (4: 1-12) story of Cain, which predicts that "the ground will no longer yield its strength" to the one who has spilled a brother's blood. In the story of the flood in Noah's time, the text laments that "the earth was corrupt in God's sight, and the earth was filled with violence...for all flesh had corrupted its ways upon the earth." (Gen. 6:11) The prophets and psalms meditate often on how "the earth lies polluted under its inhabitants, for they have...broken the everlasting covenant" (Is. 24: 4-5), but that when God restores justice, then "our land will yield its increase" (Psalm 85:12). God "will answer the heavens, and they will answer the earth, and the earth shall answer the grain, the wine, and the oil, and they shall answer Jezreel, and I will sow him for myself in the land." (Hosea 2: 22-23)

calling for action on a renewed process for recognizing Aboriginal claims and inherent rights. As church leaders, we fully support that petition.

We call upon congregations, schools and other church bodies to study this cause and take it up.

We invite everyone to take advantage of Jubilee Initiative resource materials in examining the issues involved.

We encourage church members, when studying the issues, to engage others, especially Aboriginal people, in dialogue.

24. Finally, we invite everyone to pray with us that the One who dwells with humankind, the One who “will wipe every tear from their eyes”, will bless the efforts of everyone who contributes to this great and many-leveled search for a just reconciliation of the rights of all who live in this land. May our human efforts be drawn by God’s mercy into the energy of the divine promise in which we are invited to place our trust for a more blessed future: “See, I am making all things new.” (Rev. 21: 5)

*This call to reflection was released on September 25, 2000 in Ottawa, Canada*