

Residential Schools Update 2003

"The United Church of Canada is committed to working to create a new relationship with Aboriginal peoples that starts in confession for past wrongs and, it is the church's hope, ends in the shared joy of walking together in a healed and renewed creation."

-- from The United Church of Canada Brief to the Royal Commission on Aboriginal Peoples, Nov. 1993

January 2003 Update from The Residential Schools Steering Committee

Church/Government Relations

In November 2002, The Anglican Church of Canada and the Government of Canada initialled an agreement that included the establishment of a compensation fund and the basic principles for resolving residential school claims through an alternate dispute resolution process (ADRP). You can find the complete text of this agreement on the Anglican Church Web site: www.anglican.ca.

The Agreement requires ratification by the General Synod of the Anglican Church and each of the 3 Dioceses. As of this date, 13 of the 3 Diocese have ratified the agreement and Jim Boyles tells me that the remaining Diocese will have dealt with the Agreement by February 8, 2003. This would allow the Anglican Church to complete the Agreement process with the Government of Canada by mid-February.

In December 2002, the Presbyterian Church in Canada and the Government of Canada initialled an agreement that follows the same pattern as the Anglican/Government Agreement. The Presbyterian Church hopes to have the process completed by mid-January 2003.

What path is The United Church of Canada following in this process?

On behalf of the Steering Committee, I wrote to Ralph Goodale, the government Minister responsible for Residential Schools and communicated the following:

1. that we would consult within our constituency--primarily with our Native ministry groupings;
2. that the Steering Committee would develop our process with regard to formal negotiations;
3. that the United Church will continue to work with the federal government and claimants to resolve residential school claims wherever and whenever possible; and
4. that the United Church will respond to the government of Canada by mid-February.

Hazelton ADR

The alternate dispute resolution project among 26 survivors of the Edmonton Indian Residential School is entering its most intense phase. For the next two months each of the participants in the project will be involved in a formal interview process. This will involve representatives of Canada and The United Church of Canada together with legal counsel for the participants, the church and Canada. The goal of the interviews will be to obtain as complete a picture as possible of the experience of individual participants in the residential school and of the impact which that experience has had on their lives.

One day has been set aside for each interview.

When the formal interviews have been completed the parties will then enter into negotiation with regard to each of the claims.

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Just as the project began with a formal signing ceremony and a meal together we anticipate that the end of the project will be marked by ceremony as well.

At the formal signing ceremony the Gitksan invited The United Church of Canada to enter into a project dealing with a programmatic response to the loss of language and culture. We have indicated our strong support for such a venture and have offered to meet with the Board of the project to discuss our participation further. We have also asked that local United Church folk--both Aboriginal and non-Aboriginal--be fully involved in this initiative. As a first step toward this end the proposal from the Gitksan was presented and discussed at the last meeting of the Prince Rupert Presbytery.

Currently we have a goal of completing this ADR project by March 31, 2003. However, it will not be surprising if we find that we have to take more time in order to ensure that every stage of the project is done with care, with respect for the participants and with the goal of just resolution of claims.

Assembly of First Nations

Last Year, the Assembly of First Nations established a Residential School Unit with Basil Quewezance as the Director. We have worked closely with him and other members of the Unit to establish a better understanding of the long-term work we can do together. The AFN continues to be concerned about just and effective responses to issues related to language and culture. There is also concern with respect to the intergenerational impact of Indian Residential Schools. It is estimated that there are close to 90,00 First Nations Peoples today who attended Residential Schools. We are also working towards some possible shared initiatives in the area of a helpful memorialization of the history and experience of residential schools.

We have continued to follow the work of the Aboriginal Healing Foundation led by George Erasmus. There original mandate for program spending over five years of \$350 million is rapidly coming to an end and we will be having discussion with the Foundation about what learnings have occurred which could give some direction to our future work.

The next meeting of the Steering Committee will be January 27-28, 2003.

February 2003 Update from The Residential Schools Steering Committee

Hazelton ADRP (Alternate Dispute Resolution Process)

During the weeks of January 13 to 17 and January 28 to 31, 10 formal interviews took place in Hazelton, B.C. as a part of the alternate dispute resolution project involving survivors of the Edmonton Indian Residential School, the government of Canada and The United Church of Canada.

While the Framework Agreement entered into by the parties in this ADR provides that the content of these interviews will be confidential it is possible to talk about the process.

Several of the participants requested that their interviews begin and end with a time of prayer. When the presence of the Creator was acknowledged in formal prayer there was a strong sense in each of the interviews that the process of determining a just response to the experiences of individuals in the residential schools system could not be separated from the fact that it was not only the individuals who were impacted but, also, the generations who had gone before these individuals and those yet to come.

Each participant was given as much time as he (thus far all of the participants have been men) needed to tell the story of their lives. These stories included life before going to the residential school, the experience of the residential school itself and life after residential school.

This personal account was followed by a time of questioning by the legal counsels for the participant group, for Canada and for the church. For each participant the one legal counsel from either Canada or the United Church took the lead in the time of questioning. Canada has three lawyers involved in this process and the United Church has one. Our counsel for this phase of the project is Sheryl Pearson from Emery Jamieson in Edmonton. Paul Sharek from the same firm represented the United Church in the negotiation leading up to this phase of the project.

Following the interview a representative from Canada and the representative of the United Church had an opportunity to speak. This is an important time of acknowledging the role that church and government played in the residential schools system of the impact that that system has had on the particular participant and his community. Canada is represented by Paulette Regan and Deanna Sitter and the United Church by Brian Thorpe.

Sixteen more interviews will take place in this project. The next round of interviews is scheduled to begin on February 10.

We are still awaiting word regarding a major meeting involving chiefs of the Gitksan nation to move ahead with a parallel process with the United Church related to the loss of language and culture.

Assembly of First Nations

Late in January, there was a two-day meeting of the Assembly of First Nations Task Force on Residential Schools in Ottawa. Church representatives were invited to participate.

This recently created Task Force is working on several initiatives with respect to the impact and legacy of Indian Residential Schools.

First, they are concerned with the Canadian government's recently announced Alternative Dispute Resolution proposal. They are particularly interested in full protection of the rights of all First Nations

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people who present abuse claims. Issues, including a required complete release from all further claims; and fair and full consideration of aspects of language and culture are extremely important.

Second, they are determined to address the full impact of residential schools on the entire group of some 90,00 persons still alive who attended. They also are also concerned to deal with the intergenerational impact of the schools.

Third, they are actively considering a national project of recording and memorialization with those who attended the schools.

For all three of these, the AFN Task Group has indicated a strong desire to collaborate with the churches and have indicated to the church representatives that this could represent a new and much more positive relationship in the on-going struggle to deal with the impact of the schools and the need for healing and right relations.

Church/Government Relations

The Residential Schools Steering Committee has begun the consultation process referred to in the January Update. To date we have met in Hazelton, Vancouver, and Winnipeg with participants from Native Ministries and Survivor Groups. We have met with members of the Justice & Reconciliation Project Team here at Church House.

It is our intention to develop a “working mandate” to inform the Steering Committee for its future working relationship with the Government of Canada and First Nations. This statement will be ready for the April General Council Executive meeting for discussion and affirmation. A decision on negotiations with the federal government will await the outcome of this meeting of the Executive.

The Presbyterian Church in Canada will sign their formal agreement with the Government of Canada on Thursday, February 13, 2003 in Ottawa.

The Anglican Church of Canada anticipates being in a position to conclude their agreement with the Government of Canada on March 11, 2003.

The United Church of Canada continues to resolve and settle claims in a consistent and timely way. We intend to continue with or without an agreement with the Government of Canada.

Blackwater Appeal

The Blackwater Appeal was heard in Vancouver, January 20-24, 2003. The Appeal Panel has reserved judgment and we expect to receive their decision in late 2003.

Baxter Class Action

There have been a number of “interim” motions before the Court. We will provide a full update in the next issue (March 2003).

The next meeting of the Steering Committee will be March 3-4, 2003.

March 2003 Update from The Residential Schools Steering Committee

Baxter Class Action

The Baxter class action was initiated by Charles Baxter Sr., and four other individuals. These plaintiffs are suing on their own behalf and on behalf of all persons who attended Indian Residential Schools in Canada during the period from 1920 to 1996. The claim is also made on behalf of the children and other relatives of persons who attended Indian Residential Schools.

Originally, the plaintiffs sued the federal government and the national bodies of the United, Presbyterian and Anglican Churches as well as the Roman Catholic Diocese of Sault Ste. Marie. The plaintiffs later amended their statement of claim to remove the church organizations as defendants. The federal government has indicated that it will add the church organizations as third parties in the lawsuit, so that the church organizations will continue to be involved as parties in the lawsuit. (The church will become a defendant in this class action because of this step taken by the government of Canada)

The plaintiffs are seeking damages for:

5. physical, emotional, psychological and sexual abuse;
6. loss of language and culture;
7. deprivation of love and guidance from their families;
8. inadequate education;
9. inadequate living conditions.

The total amount of monetary damages claimed is in the range of \$12.5 billion.

Under class action legislation in Ontario, the plaintiffs have to obtain a court order for “certification” of the class of persons on whose behalf the lawsuit is brought. They will have to prove, among other things, that the class action is the preferable procedure for the resolution of the common issues among all members of the class. In this case, there are potentially thousands of persons who would fall within the class action. Many of them have initiated their own lawsuits in different provinces and some of them are opposed to the certification of the class. We expect that the court will hear the application for certification in late 2003.

If the class is certified, the lawsuit will proceed through the usual steps in the legal process with examinations for discovery, exchange of documents and possibly a trial. The United Church remains open to discussing settlement possibilities throughout the process.

In the meantime, there are a number of preliminary motions that are being dealt with by the courts and there are case management conferences held regularly with Mr. Justice Trainor.

Future of the Healing Foundation

A press conference organized by the Indian Residential School Survivors Society, British Columbia. On February 28 in Ottawa, representatives of the Assembly of First Nations, the Congress of Aboriginal Peoples, the National Aboriginal Women’s Association, the Métis National Council, the Inuit Tapiriit Kanatami; and the Anglican, Catholic, and United Churches launched an appeal to the federal government to continue its support for the Aboriginal Healing Foundation.

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They jointly declared that, “To sever this funding now, will create greater harm and risk to survivors, families and communities.” They reminded that, “Community based healing is paramount. The federal government should not squander and dismiss a sound and productive initiative that has been effective.”

This historic event was remarkable in that for the first time it brought together the national organizations of Aboriginal peoples with the churches to deal with key issues affecting survivors of Indian Residential Schools. Along with a joint press conference and direct correspondence with the Prime Minister, they agreed to seek ways to work together to resolve outstanding issues affecting the impact of residential schools. To this end, the United Church, along with the Roman Catholic, Anglican and Presbyterian Churches as well as national indigenous organizations are seeking to send an open letter to the Prime Minister of Canada calling “for the extension of the essential and efficient Aboriginal Healing Foundation (AHF) program.”

Hazelton ADR Update

In February, all but one of the remaining formal interviews in the Hazelton ADR process were concluded. Following the final interview a Gitksan elder led the circle of those who had been involved in the interviews over the past couple of months in a smudging. Following this time of sweet smoke and quiet contemplation we were each asked to say in a sentence or two what the experience of hearing the life stories of those who had survived the residential school system had meant to us. It was good ending to this part of the process.

The next phase of the project will take place in April when Canada, the United Church and the participants--survivors of the Edmonton Indian Residential School--will enter into conversation regarding a just resolution of individual claims against Canada and the church. These discussions will involve issues of financial compensation as well as symbolic and ceremonial ways of recognizing the impact of the residential school system on individuals, families and communities and of seeking new relationships in the midst of that history.

It is expected that this phase of the project could take up to two months.

The next meeting of the Steering Committee: April 29, 2003.

Members of the Steering Committee will be present at the April General Council Executive.

May 2003 Update from The Residential Schools Steering Committee

Hazelton Alternate Dispute Resolution

The alternate dispute resolution project with Gitxsan survivors of the Edmonton Indian Residential School has now entered its final phase. With the completion of the formal interviews and assessments of the claims of each individual Canada, The United Church of Canada and the participants are now in the process of negotiating settlements.

The Framework Agreement for this project anticipates that the assessment of each claim will be based on case law. While this does seem to introduce an objective standard into the process it is important to note interpretation of cases and the weight put on one decision reached by the courts over against another can mean there will be significant differences with regard to the value of a particular claim. The purpose of the negotiation phase is to talk through these differences and, hopefully, arise at a common understanding of what constitutes a just settlement.

More important, we need to constantly remind ourselves in this process that because Canadian case law can only provide a basis for settlements related to physical and sexual abuse we are only dealing with a small segment of justice in relation to the legacy of the residential schools system. Even when dealing with the specifics of one claim it is important not to lose sight of the context of colonization that informed the residential school system and of the resulting damage to nations, communities, and families. In this regard we continue to talk about possibilities for work between the United Church and the Gitxsan nation with respect to addressing the loss of language and culture at the same time as we dealing with individual claims against Canada and the church.

A New Resource: “Toward Justice and Right Relationships: A Beginning”

Toward Justice and Right Relationship: A Beginning explores Canadian history, its impact on Aboriginal peoples, the decision to create residential schools, and involvement of the United Church in these schools. This new resource includes sections on the theologies of truth-telling, lamentation, repentance, and seeking justice, as well as information on how individuals, congregations and communities within The United Church of Canada are being called to forge a new and just relationship with Aboriginal brothers and sisters.

This resource complements the United Church resource published in 2001, which is still available: *Justice and Reconciliation: The Legacy of Indian Residential Schools and the Journey Toward Reconciliation*.

Toward Justice and Right Relationship: A Beginning, complete with leaders guide and video or DVD is now available from United Church Resource Distribution (call 1-800-288-7365 or 416-253-5456.)

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Justice and Reconciliation Fund**

Total Grants Approved 2001, 2002, 2003 \$55,925

2003 \$20,400

1. Maritime Conference Project Funding: Task Group on Aboriginal Relationships & Concerns -- a project by Live Bait Theatre.
2. Pine Tree Healing Circle, c/o Trinity-St. Paul's United Church. Toronto Conference.
3. The Neighbours Project. Wabanaki Nations Cultural Resource Centre -- Tatmagouche Centre. For three years beginning 2002.
4. Saskatchewan Conference. Justice & Reconciliation Event at PCTC.

2002 \$22,125

5. Northern Lights, Trinity United Church, Smith Falls, Ont. Bay of Quinte Conference.
6. The Neighbours Project, Wabanaki Nations Cultural Centre, Burnt Church, NB. First year of three-year funding. Maritime Conference.
7. Nurturing Deep Understanding and Hope. Two: A Gathering. A Right Relationship Project. B.C. Conference. Year 3, request for \$4,000 still to be approved.
8. Selkirk Presbytery Reconciliation Event. Dr. Jessie Saulteaux Resource Centre. Manitoba & N.W. Ontario Conference.
9. Boiling Pot, Melting Pot or Just Lobster Pots. Maritime Conference.
10. Unfolding Blankets. B.C. Conference.

2001 \$13,400

11. Transforming Journeys (Naramata).
12. Project OIKOS (Manitoba & N.W. Ontario).
13. Reconciliation Conference (Five Oaks).
14. B. C. Conference Healing Circle.

** **Please note** that the Justice and Reconciliation Fund is separate from [The Healing Fund](#). The Justice and Reconciliation Projects are funded through the Residential School Steering Committee.

Baxter Class Action Update

In the Baxter class action in Ontario, legal proceedings are still at a very early stage.

In this lawsuit, the plaintiffs are suing the federal government on their own behalf and on behalf of all persons who attended Indian residential schools in Canada, and the members of their families (e.g., spouses, parents, children, grandchildren). The claims are made for physical, sexual and psychological abuse, forcible confinement, and loss of language and culture. The plaintiffs are seeking compensation in the multi-billion dollar range. The federal government has added a number of church organizations as defendants in the lawsuit, claiming contribution and indemnity from the church organizations for any liability that the court may impose on the government.

The next step in this class action lawsuit is for the plaintiffs to apply to the court to have the class "certified." The plaintiffs will be seeking court approval for the lawsuit to be continued on behalf of a particular class of persons: all persons who attended Indian residential schools in Canada and their families. If the court certifies the class and a trial is eventually held, the findings of liability and the awards of compensation will be made at the trial for all those persons included in the class. Some persons who attended residential schools and who have started separate lawsuits in other provinces have indicated that they oppose certification of the class. They have stated that they would prefer to have their case dealt with on an individual lawsuit basis.

It is uncertain whether the court will approve the certification of the class. We expect that the application for certification will be heard in late 2003. In the meantime, there has been a number of case conferences held at which a judge has provided directions to the parties for ongoing procedural matters in the lawsuit.

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Leadership Change in the Department of Indian Residential Schools Resolution Canada

In April, the Federal Government announced that Jack Stagg, Deputy Minister for Indian Residential Schools Resolution Canada was being moved to become Deputy Minister for Veterans Affairs. Mr. Stagg had been the first Deputy for Residential Schools; and in that role had played a key role in government negotiations with the churches during the past two years. His Successor is Mario Y. Dion.

Mr. Dion is a former Associate Deputy Minister of the Department of Justice. He was responsible for Civil Law and Corporate Management for the Department. He took an active role in work on official languages, mentoring, the Justice Open Youth Network and visible minorities.

He has been with the Public Service since 1980 working for Corrections Canada, the Privy Council Office and several assignments with the Department of Justice.

Mr. Dion had his first meeting with United Church Officers in May to familiarize himself with the particular concerns the United Church has about an accelerated and fair response to legitimate abuse claims as well as meeting the long terms issues of language and culture loss; so important to First Nations peoples.

It seems likely that with this significant change of leadership, it will take some time for the department to completely resume its varied responsibilities.

Hon. Ralph Goodale continues as the Minister Responsible for Indian Residential Schools Resolution Canada; as well as the Minister of Public Works and Government Services.

If you have any questions, concerns, hopes or suggestions with regard to the United Church response to Residential Schools please e-mail Brian Thorpe at the General Council Office. You may also reach him by telephone at 416-231-7680.

The next meeting of the Steering Committee will be June 16-17, 2003.

October 2003 Update from The Residential Schools Steering Committee

General Council Executive

A number of issues will be coming before the General Council Executive in November related to the work of the Residential Schools Steering Committee. They include:

The *Building Towards Right Relations* document that was introduced at [General Council 38](#) this past August. This document describes our vision for reconciliation with Aboriginal peoples and proposes six principles that should guide our decision-making process in addressing the legacy of residential schools.

- A report on the initial legal position taken by the United Church on the Baxter Class Action lawsuit. The Executive will consider whether to endorse or change the position taken in court in September.
- A report from the Steering Committee on the status of negotiations with Canada about the government's Alternative Dispute Resolution process.
- The motion from the General Council extending the Healing Fund.
- The notice of motion from the General Council regarding United Church participation in a public inquiry on aboriginal issues.

Hazelton ADR

During the first week of September representatives of Canada and of The United Church of Canada met in Hazelton with the three remaining participants in the Hazelton alternate dispute resolution process who had not yet reached settlement agreements with the church and Canada. With the help of a settlement judge we were able to come to an agreement with these survivors of the Edmonton Indian Residential Schools.

These settlements brought to a close the negotiation phase of the project. Three of the participants in the project have been named to work with the United Church and Canada on commemoration events. Such events will not only recognize the importance of the process which has been undertaken over the past couple of years to resolve claims in manner less adversarial than that experienced in traditional litigation but also will be an important step in the public acknowledgement of the impact of the residential schools system on individuals, communities and nations.

The challenge for The United Church of Canada will be to see the final steps in this particular dispute resolution project as not an ending but rather as the beginning of a long journey toward the building of new relationships--relationships based on trust and respect--between the United Church and aboriginal peoples both within and outside the church.

The Justice and Reconciliation Fund

The journey to the September 2003 *Restoring Right Relationships* event of the Toronto Pine Tree Healing Circle began in the spring of 2001 when Hal Llewellyn, Minister of Trinity St. Paul's United Church (TSP) asked Grafton Antone, Staff of the Toronto Urban Native Ministry to speak to the church. The dialogue centered on the 'Healing' needed for Aboriginal and non-Aboriginal people of Canada to walk together. This was especially important for TSP situated in a large concentration of Aboriginal people in the surrounding area of Bloor, Dufferin, and Yonge Streets.

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The dialogue that ensued from that invitation culminated in the two-day healing circle of the September 2003 at the Six Nations reserve in Brantford. Aboriginal participants shared stories of the pain of attending and living out the legacy of residential schools, while non-Aboriginals shared the shock and pain of learning that their country and church participated in such an abusive system. The circle created a space where many shared their commitment to exploring the tools of reconciliation and right relationships, and hopes that this dialogue will continue.

The two-day healing circle was funded by the Justice and Reconciliation Fund. Set up in 2000 by The United Church of Canada's Residential School Steering Committee, the fund supports initiatives of healing and dialogue around Residential schools and other related justice and rights issues that First Nations encounter. Since its creation the fund has worked with 10 communities across the country-to date, \$55,925 has been disbursed.

In October 2003, three new projects were approved for funding including the Canadian Society of Reconciliation in Edmonton, a Justice and Reconciliation Project from Toronto Conference, and a Treaty-as-Covenant initiative by Saskatchewan Conference.

For further information on the Justice and Reconciliation Fund, contact:

James Scott

Tel: 416-231-7680

Staff Change

As of August 31, 2003 the Rev. David Iverson left the position of General Council Officer: Residential Schools Steering Committee to return to pastoral ministry in Kingston. David had a significant impact in shaping the United Church's response to the legacy of the residential schools and his passion and expertise will be greatly missed.

The Reverend James Scott has been appointed to the position as of September 1. Jamie has a background in restorative justice, peacemaking, and conflict resolution.

Brian Thorpe continues as Senior Advisor to the Residential Schools Steering Committee and David MacDonald remains the Special Advisor.

To communicate questions, concerns, or hopes with regard to the United Church response to residential schools please contact James Scott or Brian Thorpe.

James Scott

Tel: 416-231-7680

Brian Thorpe

Tel: 416-231-7680

November/December 2003 Residential Schools Steering Committee Update

General Council Executive

At the fall meeting of the General Council Executive (GCE) the Residential Schools Steering Committee brought to the court several key issues related to the church's response to the legacy of residential schools.

Six Principles:

The first of these involved a report, "Building Toward Right Relationships", that contained a set of six principles developed over the past year by the committee to guide the church in its relations with government regarding shared liability for abuses in the residential schools system. As the principles have evolved, it has become increasingly important to the committee that the principles should undergird all our work and all of the church's responses to its role in the residential schools system.

The report of the Steering Committee was sent to a sessional committee which recommended that the Executive adopt and affirm the six principles. The Executive also agreed to receive the report as a working document.

The six principles adopted by the Executive commit the church to:

- frame its response to the legacy of residential schools by a commitment to challenge the ideology of racism and an acknowledgement of the church's role in colonization;
- insure that its response is comprehensive and one which addresses loss of language, culture and spirituality as well as sexual and physical abuse;
- insure that any agreements between church and government which affect the rights of survivors or aboriginal people in general include the participation of aboriginal people in process leading to such agreements;
- acknowledge that the impact of the residential schools system has been communal as well as individual and that it has been intergenerational;
- include a recognition of the need for healing in both aboriginal and non-aboriginal communities;
- insure that the goal of right relations remains uppermost in our thoughts, words and actions.

Baxter Class Action:

The six principles remained before the Executive and the Sessional Committee when they reviewed the decisions taken by the Steering Committee related to the Baxter class action. When required by the court in September to take a position on whether or not the church would defend in this case, the Steering Committee was faced with a difficult choice between defending in a situation in which many of the claims are related to matters for which we have already accepted our share of responsibility and have apologized or choosing not to defend and, thus, not have a voice in the court process.

The Steering Committee indicated to the courts that we would be defending. In so doing the committee was clear that the important matter of how the church defended itself would be guided by the six principles found in "Building Toward Right Relationships." The Executive affirmed the actions taken by the Steering Committee and mandated that "any further legal decisions and actions be guided by the six principles."

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Aboriginal Healing Foundation:

The Executive authorized that a letter be sent to the Government of Canada expressing our support for a renewal of the Aboriginal Healing Fund.

Public Inquiry:

In response to a motion from Maritime Conference the Executive decided to send a letter urging the government to act on the seven year old recommendation of the Royal Commission on Aboriginal Peoples that a public inquiry into residential schools be held.

In addition, the GCE directed the Steering Committee to establish a task group “in consultation with the All Native Circle Conference, B.C. Native Ministries and aboriginal communities not so represented to bring a proposal for the process of truth-telling to the April 2004 meeting of the General Council Executive.” This also addressed a notice of motion from General Council 38 calling for the church to initiate the equivalent of a public inquiry (only governments can initiate public inquiries).

New Government Dispute Resolution Process

On November 6, 2003, the Hon. Ralph Goodale, minister responsible for the Office of Indian Residential Schools Resolution Canada, announced a new dispute resolution process intended to provide a “user-friendly” alternative to litigation for claims related to sexual or physical abuse and wrongful confinement against Canada and church organizations.

The development of this process has been underway for over a year and has included consultations with church organizations and Aboriginal members through a Working Caucus.

As a result of pressure from survivors and church organizations, the government made significant changes to the timing and scope of the release which participants in the process are required to sign. The release was moved from the beginning to the end of the adjudication process and now “expressly excludes” issues of language and culture. This means that should such issues become compensable in the courts at some time in the future those who have gone through the dispute resolution process will not be prevented from seeking redress in relation to loss of language and culture.

Recently the government hired and trained over thirty adjudicators who will have the authority to resolve claims brought before them through this settlement process. They will operate independent of government under a secretariat headed by Chief Adjudicator, Ted Hughes.

While the United Church does not have a formal agreement with the federal government related to our involvement in such dispute resolution processes, the Steering Committee has consistently indicated to both government and survivors our church’s commitment to be present in any processes related to a United Church related school and that we intend to take responsibility for our share of any arbitrated settlements related to such schools.

UCC Training:

With this responsibility in mind a two day training event was held November 24-25 at PCTC in Fort Qu’Appelle Saskatchewan for 25 people who will represent the United Church at either individual or group dispute resolution hearings. Representatives came from the four western Conferences and from the ANCC and included the Moderator, the General Secretary and three former Moderators.

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While the United Church has committed itself to participate fully in both court litigation and the government adjudication option, we recognize the need to continue to explore more effective and reconciliatory processes for resolving the legacy of the residential school system.

Blackwater Appeal

On December 10, 2003, the B.C. Court of Appeal released its decision with respect to the Blackwater case. The United Church of Canada immediately issued a press release outlining its response to the court's judgment.

Contacting Us

If you have any questions, concerns, hopes or suggestions with regard to the United Church response to Residential Schools, please contact Jamie Scott, Brian Thorpe or David MacDonald.

James Scott

Tel: 416-231-7680

Brian Thorpe

Tel: 416-231-7680

David MacDonald

