



To the Members of the Law Society of British Columbia:

The British Columbia Civil Liberties Association (BCCLA) urges you to vote against *Proposed Member Resolution 3 ("Resolution 3")*, which is scheduled for a vote at the Law Society of British Columbia's Annual General Meeting on September 24th, 2024. A copy of Resolution 3 is attached for your reference.

As an organization dedicated to advancing human rights and civil liberties, the BCCLA feels it is necessary to speak on this issue. Our obligation to support the Truth and Reconciliation Commission (TRC) Calls for Action and our commitment to allyship with Indigenous peoples compels us to take a stand. Resolution 3 challenges the disputed facts of a small portion of the Law Society's *Indigenous Intercultural Course (IIC)* and proposes immediate revisions, bypassing meaningful engagement with Indigenous communities.

The BCCLA endorses the comments made by the BC First Nations Justice Council in their response to Resolution 3, which can be found [here]. We wish to add our perspective as a primarily non-Indigenous organization that takes seriously its responsibility to speak against anti-Indigenous discrimination. We are mindful of our organization's historical failure to advance the civil liberties of Indigenous peoples.

In our view, Resolution 3 should be defeated for three primary reasons:

- 1. Resolution 3 fails to respect the Law Society's commitment to engage with Indigenous experts and communities** in matters relating to Indigenous history and culture.
- 2. It inappropriately magnifies and distorts the significance of disputed facts** in the IIC content regarding the burial grounds at the Kamloops Residential School.
- 3. It circumvents the need for thoughtful, culturally sensitive dialogue on a critical issue** of national importance—the tragic history of Canada's Indigenous residential school system.

Resolution 3 Lacks Appropriate Context

Resolution 3 centers on the accuracy of a small portion of the IIC materials without acknowledging the broader context of reconciliation and the vast historical evidence documenting the horrors faced by Indigenous children in the residential school system. It is essential that members of the bar familiarize themselves with *Volume 4 of the TRC Final Report: "Missing Children and Unmarked Burials"*, which provides overwhelming evidence of the atrocities committed against Indigenous children, including the existence of gravesites at residential schools across Canada.

The focus of Resolution 3 on minute details distracts from the larger truth: Indigenous children died at disproportionately high rates in these schools, and many of their bodies remain undiscovered. The disputed facts identified by Resolution 3 are a minor detail when embedded in this undeniable reality of systemic abuse and cultural genocide.

By employing the member resolution process, the proponents of Resolution 3 have inflated the significance of the issue beyond what is warranted. Only four months remain before anticipated revisions to the IIC are scheduled to be made. The proposed resolution creates a false sense of urgency and implies that the Law Society is unwilling or unable to address the issue using its established processes. This approach unnecessarily undermines the Law Society's credibility and commitment to reconciliation.

Resolution 3 Undermines Engagement with Indigenous Communities

It is crucial that materials addressing Canada's treatment of Indigenous peoples be developed with meaningful input from Indigenous communities. The Law Society has committed to an educational curriculum that integrates Indigenous perspectives as part of its reconciliation efforts. Resolution 3 circumvents these processes by using the AGM member resolution platform to compel specific changes to culturally sensitive materials.



By bypassing established procedures for consultation and collaboration with Indigenous communities, Resolution 3 sends the harmful message that Indigenous voices and expertise are not valued. The Law Society's efforts to build trust with Indigenous communities are undermined when changes to culturally significant educational materials are forced through in this manner.

Broader Implications: A Return to Historical Patterns of Indigenous Erasure

Resolution 3 perpetuates harmful patterns of Indigenous erasure and discrimination, which have historically been embedded within the legal profession.

Its implicit message suggests that the Indigenous cultural processes used to create and revise the IIC materials are inadequate and less worthy than processes adopted by the dominant group. Resolution 3 carries the underlying premise that Indigenous people and their contributions are not as worthy as non-Indigenous contributors. It sends the damaging message that the voices of First Nations, Metis, and Inuit people can be ignored and devalued for expediency.

The BCCLA believes that these underlying assumptions must be challenged. We are proud to stand alongside Indigenous peoples and organizations working towards justice and reconciliation, and we believe the Law Society's educational initiatives, like the IIC, are vital to achieving these goals.

Conclusion

In closing, we ask members of the Law Society to vote against *Resolution 3*. This resolution lacks appropriate context, magnifies disputed facts, and undermines the collaborative, respectful engagement required for meaningful reconciliation with Indigenous communities.

The Law Society's Indigenous Intercultural Course is an essential step toward fulfilling the TRC's *Calls to Action*, particularly in educating members of the legal profession about the



history and ongoing impact of the residential school system. It is a tool for fostering greater understanding and enabling lawyers to engage in difficult but necessary conversations.

We encourage you to act in the spirit of reconciliation by rejecting *Resolution 3* and supporting the Law Society's ongoing commitment to Indigenous education and engagement.

Sincerely,

The Board of Directors
British Columbia Civil Liberties Association