

THE
AGREEMENT
IN BRIEF
2006



THE ANGLICAN CHURCH OF CANADA



The General Synod
of The Anglican Church of Canada
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Where are we?

It's pretty confusing.

For three years now, we, the Anglican Church of Canada, have had an agreement with the federal government covering lawsuits about Indian residential schools that, until not that long ago, threatened our very existence. What that agreement did was limit our liability in those lawsuits to \$25 million. A Settlement Fund was created and we, General Synod and each of the 30 dioceses, agreed to raise \$25 million over five years for the fund – our contribution to settlements paid to former students of the residential schools who could prove they had been physically or sexually abused while they were there. The federal government agreed to pay 70 per cent of compensation to the church's 30 per cent, up to a maximum contribution by the church of \$25 million.

The 2003 agreement was imperfect. The court processes through which people could prove abuse were cumbersome and painful. A process that by-passed the courts was more benign but still too complicated. But the 2003 agreement provided *something* for some former residential schools students, and it

allowed the Anglican Church to survive to continue its work in healing and reconciliation.

We have worked very hard to honor our commitment to raise that money and it has not been easy. But so far, we are on track, and so far, more than \$8 million from the Settlement Fund has been paid to former students of the residential schools that we helped to run.

So what's all this about a new "more favourable" agreement?

More favourable to who?

Is it some kind of a cop-out?

And what does it do to the commitment we have expressed time and again to work towards justice, healing and reconciliation between indigenous and non-indigenous Anglicans.

What becomes of the *old* agreement? And of all the work we have done to honor our commitment to the Settlement Fund?

Are we moving in the right direction?

First things first

The new agreement is definitely more favourable to indigenous people. They no longer have to go through long, painful court proceedings to get compensation for their experiences at Indian residential schools. Instead of having to sue, the new agreement says that each and every former student of an Indian residential school will get what is called a *common experience payment* that amounts to \$10,000 for the first year in a school and \$3,000 for each year after that. The government also promised to pay former students who are elderly an advance of \$8,000 as quickly as possible.

The cumbersome *alternative dispute resolution* process has been replaced by an improved process called an *independent assessment process* for former students who want to pursue claims for sexual and serious physical abuse.

There are other things in the new agreement that we think are very good. One such thing is the establishment of a *truth and reconciliation commission* that will set the public record straight and inform all Canadians about this period in our country's history. It will also allow people who went to Indian residential schools who want to be heard to tell their

stories. The Anglican Church has agreed to be involved in this commission and to help any way it can.

So what happened to bring about this new agreement?

The Anglican Church was not the only church with a hand in the running of Indian residential schools nor was it the only church to subsequently face lawsuits. After we signed our agreement with the federal government in 2003, negotiations between Ottawa and other churches – United, Presbyterian and Roman Catholic – continued. The agreement we signed said that if the government ever reached an accord with another church that gave that church better terms than we had, then we could ask to renegotiate the 2003 agreement with a view to bringing it into line.

That is what happened.

In late 2005, the federal government reached an agreement with the Roman Catholic Church that was different from our own and that gave that church better terms. As it was entitled to do, the Anglican Church then asked the federal government to renegotiate our 2003 agreement to provide us with terms comparable to those the Roman Catholic Church got.

The negotiations took place under a very tight deadline and resulted in a new agreement, which has now been approved by all Anglican dioceses and by the Council of General Synod.

We believe that this new agreement benefits indigenous people. It also benefits the Anglican Church. Not only does it preserve our long-standing and firm commitment to work towards healing and reconciliation, it actually enhances the church's ability to do so by freeing up money and resources that can now go to these crucial tasks.

Bringing our 2003 agreement in line with the agreement with the Roman Catholic Church has meant that the \$25 million we were committed to raising for the Settlement Fund is reduced by about 40 per cent. This reduction applies to both General Synod and each of the dioceses.

Dioceses that have already paid more than that will get a refund.

Furthermore, the government agrees to pay all compensation to former students rather than share those payments with the church based on a 70 per cent / 30 per cent formula. *This means that the money we have committed to the Settlement Fund can and will now be used for healing and reconciliation work.* This, we think, is a very

important part of the new agreement
because it allows us to support the
essential work of healing.

... *and so* ...

Does this mean that all the fundraising that has been going on throughout the church in support of the Settlement Fund can now come to an end?

Not yet.

The new agreement is still an *agreement in principle*. The process for all the bodies that need to give the new agreement their blessing is going to take a while and until that process is complete, we must continue to make payments to the Settlement Fund under the terms of the 2003 agreement. The silver lining here, though, is that these payments are money that will be refunded into our Anglican Fund for Healing and Reconciliation, once the 2006 agreement comes into force – we hope by the end of the year.

A renewed commitment

When we signed our agreement in 2003, Ralph Goodale, who was the federal minister responsible for Indian residential schools resolution said: *“I want to commend the remarkable moral leadership shown by the Anglican church.”*

The church’s moral position today is exactly what it was when these long, painful negotiations began many years ago now. We said in a formal way in 1993 that the Indian residential schools were bad social policy and we apologized for the role we had in running them. We have acknowledged that we have a long, long road ahead of us in repairing the harm done. That was first on our agenda in the early 1990s, it was first on our agenda during the dark days when litigation costs threatened our existence and it is first on our agenda today as we stand on the threshold of new opportunities, new initiatives and a renewed commitment to the tasks of healing and reconciliation which the agreement of 2006 makes possible.



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