

# Foreword

## Honourable Senator Murray Sinclair Senate of Canada

### I. Introduction & Indigenous Worldview of Relationship to Animals

It is said among the Ojibway that ‘in the beginning before the beginning’, Anishinaabe was weak and lost and unable to come to terms with their existence; finding the daily challenges of life difficult to manage and suffering from inner turmoil and sicknesses they did not know how to cure. They mistreated each other, bickered constantly, saw all outsiders as threats, and were even unable to feed themselves properly.

It is said that at that time the animal beings of Creation, who had been observing all of this, called a Great Council to discuss one question: ‘What shall we do to help Anishinaabe?’ They agreed on one thing at the outset: something must be done, for if Anishinaabe failed to survive and thrive, then all of Creation was threatened, including them. After long discussion, it is said that one by one, each of the Animal leaders stepped forward to announce its commitment to help Anishinaabe and what they would do.

The Bear stated that because he walked constantly in the woods, he would protect Anishinaabe from outside attack. He further announced that because he spent so much time among the plants, he knew where all the medicines were and he would show them to Anishinaabe and help him learn how to use them for healing. The deer and other hoofed creatures offered themselves as a source of food for Anishinaabe to consume in times of hunger. The Eagle promised to fly over Anishinaabe’s territory each morning to see how he was doing and watch over him. One by one, each of the animal beings of Creation committed to do what was within his ability to do to keep Anishinaabe alive.

That teaching was repeated over many millennia and generation after generation of children understood its importance: that we are all related,

not just you and I, but you and I and all life forms of Creation. As living things, we are connected to each other. We depend upon one another. Everything we do has an effect on other life forms and on our world. That is why we use the term '*nii-konasiitook*', all of my relations, when addressing each other.

Indigenous peoples as a hunter-gatherer societies were always careful to respect the natural life cycles of the animals with which they shared the earth. Efforts were made not to overfish, over-hunt or over-harvest. Every part of the animal was used and there were celebrations and ceremonies of appreciation for the taking and use of the animal. This has been the attitude in many Indigenous traditions. It is one of stewardship and respect.

Most of those beliefs were taken or withheld from the several generations of Indigenous children who were placed in Residential Schools. In addition, the demeaning treatment of Indigenous cultures as inferior, paganistic, and shameful, drove many Indigenous children away from them even if they did not attend Residential schools. Their loss of pride stopped them from wanting to know on a massive scale.

But now, those teachings are enjoying a revival that far exceeds the pace of loss, limited only by the low numbers of those who know. Yet the depth of belief and commitment to them is strong and is embraced by many the world over who sense the wrong-headedness of ignoring the beauty of life in all its forms.

## **II. Animals and the Law in 42<sup>nd</sup> Session of Parliament**

Canada is a country where several legal systems operate simultaneously. Canadian laws regarding animals are based on Euro-centric legal concepts that view them as property, objects that can be bought, sold, killed and sold for profit, experimented on, used as entertainment or even created. The relationship is that of superiority and ownership rather than interdependence and interconnectedness. In such a system, animals are not beings, for beings have rights, and animals have no rights.

In considering natural law, Indigenous traditional knowledge and scientific evidence, we know that animals are sentient beings with social

systems, complex means of communication, and emotions, yet they are legally marginalized and vulnerable to maltreatment and exploitation.

When I was appointed to the Senate, I accepted the role with the goal to advance the work of reconciliation through the law. During the 42<sup>nd</sup> session of Parliament, there was an exciting and emerging development in the alliance between Indigenous rights and values, environmental protection and animal welfare.

I had the honour to take over sponsorship of Bill S-203 *an Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins)* after the original sponsor Senator Wilfred Moore retired. This was an opportunity to look at reconciliation with the natural world.

With the help of many respected academics, scientists, human rights advocates, Indigenous groups, the legal community and stakeholders, legislative and regulatory gaps in animal welfare and the law were addressed. Other legislation followed S-203's introduction and legislative influences. Bill S-238, called for a ban on shark fin importation and exportation and Bill C-84, addressed legislative amendments related to bestiality and animal fighting. All of these Bills have now become part of the law of Canada and publicly focus the thinking of the public and the courts on the fact that maybe—just maybe—animals have rights too. This is quite a significant development because, other than laws relating to the prevention of overhunting and extinction, animal related legislation has changed little since cruelty offences were enacted in the *Criminal Code of Canada* in 1892.<sup>1</sup>

As the world's population continues to grow we must consider what the impact is on the environment and the natural world. A 2019 Global Assessment Report on Biodiversity and Ecosystems Services states that:

our world is losing biodiversity, and fast. ...[U]p to one million species could face extinction in the near future due to human influence on the natural world. Such a collapse in biodiversity would wreak havoc on the interconnected ecosystems of the planet, putting human communities at risk by compromising

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1. House of Commons, "Legislative Summary of Bill C-84: An Act to amend the Criminal Code (bestiality and animal fighting)" by Julian Walker (Legal and Social Affairs Division) Legislative Summary, 42-1, No 42-1-C84-E (28 December 2018).

food sources, fouling clean water and air, and eroding natural defenses against extreme weather such as hurricanes and floods.<sup>2</sup>

### III. Conclusion

We are at a critical time where the inter-related goals of environmental protection, Indigenous rights and animal welfare can help to combat climate change, mass extinction and cultural loss in Canada and beyond.

Overpopulation forces us to rethink how land is shared and how to protect limited natural habitats. It is time to seek and establish appropriate policy and laws based on current knowledge for the future. The following articles challenge us to relate and bring about change in our relationship with birds, fish and other animals. Respect and reconciliation between humans and animals is as much for our welfare, as it is for theirs.

So bear in mind why we are here. We are here to take care of our universe, to take care of our land, to take care of the people and to take care of all that is part of this Creation. So *n'gwamazin*: Be strong and steadfast in your beliefs. Take care of all of our relations and be mindful that reconciliation includes our relationship with animals.

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2. Maddie Burakoff, "One Million Species at Risk of Extinction, Threatening Human Communities Around the World, U.N. Report Warns" (6 May 2019), online: *Smithsonian* <[www.smithsonianmag.com/science-nature/one-million-species-risk-extinction-threatening-human-communities-around-world-un-report-warns-180972114/](http://www.smithsonianmag.com/science-nature/one-million-species-risk-extinction-threatening-human-communities-around-world-un-report-warns-180972114/)>.