

**Preliminary Report**  
**Regarding Outstanding Issues Raised by**  
**Survivors of Residential Schools**  
**(DRAFT v.13 July 2021)**  
**Edward G. Sadowski**

**Executive Outline**

**ISSUE: The Indian Residential Schools Settlement Agreement (IRSSA)**

**1. CEP (Common Experience Payment)**

Under the terms of the IRSSA, the CEP was to provide individual financial compensation to every former student for the time that they resided at a recognized Residential School and who were alive as of 30 May 2005, or if you were a former student of the Mohawk Institute IRS, the cut-off date was 05 October 1996. Compensation was based ONLY on the number of school years of residence at a Residential School (\$10,000 for the first school year or part thereof, \$3,000 for each subsequent school year or part thereof). The deadline for submitting a CEP claim was 19 September 2012, unless a school was added under an Article 12 application near or after the deadline. The deadline was then subject to the decision and direction of the Court.<sup>1</sup>

According to the National Administration Committee (NAC) Report to the Supervising Courts of 06 May 2019<sup>2</sup>, the CEP statistics were, as of 31 March 2016:

- 103,326 total CEP applications were received
- 23,927 (23%) CEP applications were rejected
- 79,309 (77%) CEP applications were issued compensation

**RECONSIDERATION**

- 27,793 (27% of total) CEP applicants applied for Reconsideration
- 9,771 (35%) were deemed eligible for at least one additional year of compensation
- 18,022 (65%) were denied additional compensation

**NAC APPEAL**

- 4,675 (4.5% of total) CEP applicants filed for a NAC Appeal
- 1,164 (25%) NAC Appeals were deemed eligible and received compensation for at least one additional year
- 3,511 (75%) NAC Appeals were denied additional compensation

---

<sup>1</sup> 2019-05-06. National Administration Committee. Report to the Supervising Courts Pursuant to the April 18, 2018 Direction and December 21, 2018 Supplemental Direction of Justice Brown and Justice Perell.

<http://residentialschoolsettlement.ca/settlement.html> (Accessed: 2021-07-02)

<sup>2</sup> <http://residentialschoolsettlement.ca/NACReports.html> (Accessed: 2021-07-02)

## COURT APPEAL

- 736 (or 0.7% of total) CEP applicants filed for a Court Appeal
- 13 (2%) Court Appeals were accepted and received compensation for at least one additional year
- 723 (98%) Court Appeals were denied additional compensation

75,443 (73% of total) of the CEP applicants did not seek reconsideration or appeal of their CEP decision. The NAC cited the following possible reasons:

- Applicants were legally incapacitated or died after submitting their CEP applications and their personal representative or estate administrator could not provide any information to corroborate the applicants CEP claim;
- Applicants died without a will and the legal process to appoint an estate administrator was not completed in time to apply for reconsideration or appeal to the NAC; or
- Applicants were incapable of providing any information, because they could not remember details related to their residential school experience as a result of trauma, addictions, diseases, accidents or old age.<sup>3</sup>

However, ATIP records released by the Department of Aboriginal Affairs and Northern Development,

- 30,614 received all of their compensation,
- 8,556 received more compensation than they applied for, and
- 51,188 (or 64.6%) of CEP applicants who did receive compensation received less compensation than they applied for because their residency at a Residential School could not be confirmed.<sup>4</sup>

Missing records, or document gaps, were the primary reason. The onus placed on CEP applicants increased in the reconsideration and appeal processes.

The NAC reported to the Court that there was a surplus of funds from the \$1.9 billion set aside for the CEP (the Designated Amount Fund (DAF)). A 2013 audit of the CEP determined that \$328,879,724.00 remained in the DAF as of 01 October 2012.<sup>5</sup>

---

<sup>3</sup> One anomaly of the IRSSA was that there were two different dates as to when an Eligible CEP Recipient (or their family) was alive in order to be able to apply for compensation. The normal date was 30 May 2005. However, for the Mohawk Institute IRS, that date was 05 October 1996. There were several cases where the Survivors were students at both the Mohawk and Shingwauk IRS. They died between those two dates and they only received compensation for the time that they were at the Mohawk IRS and not while at Shingwauk IRS.

<sup>4</sup> 2013-02-05. Aboriginal Affairs and Northern Development Canada A-2012-01425; AI-2012-01663; A-2013-00065. CEP statistics as of 25 March 2013.

<sup>5</sup> 2019-05-06. National Administration Committee. Report to the Supervising Courts Pursuant to the April 18, 2018 Direction and December 21, 2018 Supplemental Direction of Justice Brown and Justice Perell. <http://residentialschoolsettlement.ca/NACReports.html> (Accessed: 2021-07-02)

## 2. Regional Administration Committees (RACs)

The RACs were never established. The NAC Report to the Court provides no clear answer and is disingenuous as it excludes information that was found in ATIP records releases.<sup>6</sup>

One possible reason is that there was not enough compensation provided to the law firms that would be members of the RACs to perform their duties, the same legal counsels that were members of the NAC. The NAC Report to the Court (as found in Appendix C) did not include information regarding compensation.

Both NAC and RAC members (who were the same individuals) were to be *“compensated at reasonable hourly rates subject to the maximum monthly operating budget set out in Section 13”* of the IRSSA, except for the representatives for Canada and the Church Entities, who will not be compensated.

The maximum operating budget for the NAC was \$60,000.00 per month distributed among the AFN, the National Consortium, Merchant Law Group, Inuit Representatives, and Independent Council.

Each RAC would only receive \$7,000 per month distributed among three of the four representative councils from the National Consortium, Merchant Law Group, Inuit Representatives, and Independent Council.

Records released in an ATIP request to the Department of Justice provided the following information<sup>7</sup>.

On 17 March 2008, the Federation of Saskatchewan Indian Nations (FSIN) was asking the Department of Justice and Indian Residential Schools Resolution Canada (IRSRC) for a list of NAC and RAC members. Catherine Coughlan replied that, *“The RACs were never constituted and no NAC member seemed to think that they were necessary”*. These NAC members at the time were,

- Allan Farrer, National Consortium,
- Peter Grant, Independent Council,
- Tony Merchant, MLG
- Gilles Gagne, Inuit Organization.

---

<sup>6</sup> 2019-05-06. National Administration Committee. Report to the Supervising Courts Pursuant to the April 18, 2018 Direction and December 21, 2018 Supplemental Direction of Justice Brown and Justice Perell. <http://residentialschoolsettlement.ca/NACReports.html> (Accessed: 2021-07-02)

<sup>7</sup> 2013-03-06 Department of Justice A-2013-00620.

On 30 January 2009, A member [redacted] of the Western RAC was trying to organize a meeting with the other RAC and asked Catherine Coughlan of the Department of Justice for contact information.

*"Hi Catherine. I am on the Western RAC and I would like to organize a meeting. Do you have a list of the RAC rep's and some guidance on who I set this up with or steer me in the right direction? Thanks"*

Coughlin replied,

*"[Redacted] I would speak to Peter Grant about it. None of the RACs ever became operational and they are strictly plaintiff council entities so I have no information to provide. As far as I am aware, plaintiff counsel [sic] were unable to come to a decision as to the membership of the RACs. Catherine"*

On 29 October 2009, Catherine Coughlin replied to an inquiry regarding the current status and membership of the RACs. She replied,

*"At this point the issue of the RACs is unresolved. There was an attempt by the NAC to dissolve the RACs for the simple reason they have never been operational. That attempt was thwarted WHEN WE WERE ADVISED BY Peter Grant that the Western TAC intended to have a meeting. I have no idea whether a meeting was ever convened but I think it unlikely. Since the RACs were never established, there are no members. I understand that [redacted] in Whitehorse was interested in the Western RAC but apart from that information, I have nothing further to offer."*

In the minutes of the NAC meeting of 18 November 2009, the NAC dealt with the issue of reviewing the RACs 18 months after implementation. Gilles advised that there are RACs. There was a reference to circulating a Record of Decision (ROD) regarding the RACs. The rest of the minutes of the meeting are redacted.

On 21 December 2009, I sent an email to Gilles Gagne asking about the status of the RACs. He replied,

*"The fact is that the RACs have note [sic] been set up by the parties to the IRSSA at the regional level. The NAC has no explanation for this. The NAC has no power to set up the RACs. There does not seem to be a need for them in 27 months Perhaps a local or regional initiative will lead to their creation."*

A Record of Decision regarding the RACs was issued by the NAC on 27 August 2010.<sup>8</sup> It reads in part,

*“ . . . the NAC unanimously agree that by reason of the failure of the three RACs referred to in section 4:12 of the IRSSA to commence or continue in operation following the Implementation date, there is no necessity for any of the RACs to commence or continue in operation after the date of this ROD”.*

Minutes of other NAC meeting dealing with RACs were redacted.

On 10 July 2013, I asked Peter Grant about the status of the RACs. He replied that *“Nobody wished to be on them and it was determined that they were not going to be utilized in the process.”* I responded by asking Grant if the Court approved the change to the IRSSA that the RACs were not established. He did not respond.<sup>9</sup>

### **3. Document Production**

The NAC never created the *policy protocol* document with respect to the implementation of the Approval Orders as required under Section 4:11(12)(d) of the Settlement Agreement; and, that the NAC never produced the *standard operating procedures* document with respect to implementation of the Approval Orders as required under Section 4:11(12)(e) of the Settlement Agreement.<sup>10</sup>

---

<sup>8</sup> Record of Decision (NAC) Record No: 016/C. Appendix D – Records of Decision.

<http://residentialschoolsettlement.ca/NACReports.html> (Accessed: 2021-07-02)

<sup>9</sup> 2013-07-11. Email exchanges between Sadowski and Grant

<sup>10</sup> Department of Justice Canada. A-2014-00813

## **ISSUE: Treaty and Annuity Payments: The Indian Register and Treaty and Annuity Pay Lists**

Under the authority of the Indian Act,

*“The Superintendent General may apply the whole or any part of the annuities and interest moneys of Indian children attending an industrial or boarding school to the maintenance of such school or to the maintenance of the children themselves”.<sup>11</sup>*

Annuity payments are annual payments made to status/Treaty First Nation members (every man, woman and child) such as Treaty money, and royalties received from natural resource extraction on Reserve lands, or compensation for Reserve lands taken for public purposes, such as road, rail, hydro, gas or oil right of ways, for example. Treaty payments, as found in the historic Treaties that were signed such as the Robinson Treaties of 1850 or the so-called numbered Treaties, amount to \$4.00 or \$5.00 per year, depending on the Treaty.

Section 92 of the Indian Act<sup>12</sup> outlines additional powers that the Minister had to control any annuity payments that were made to an Indian and Section 163 shows that the same policy applied to a status/Treaty Indian imprisoned in a penitentiary. This control over the management of Treaty money is considered by Survivors to be a violation of their Treaty rights.

Under the control of the Indian Agent, treaty and annuity payments followed the children wherever they went both to a residential school and also to a sanatorium (if they were transferred there from a residential school for treatment for tuberculosis).

Many residential school children never received their Treaty and Annuity payments, in violation of their Treaty rights. As a result, residential school children subsidized the residential school system and helped to pay for their own burials at a residential school.

**There needs to be a forensic accounting of these monies.** Records that contain this information are the Indian Register<sup>13</sup> along with the Treaty and Annuity Pay Lists.

The Indian Register brought together all of the existing records of persons who were recognized by the federal government as members of an Indian band. It served as the main record of the people registered as Indians under the Indian Act.

---

<sup>11</sup> Section 9(6), The Indian Act. 1920, C.50. In the 1951 Indian Act, the Minister of Indian Affairs could “apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school” The Indian Act. 1951, c.29, s.1.

<sup>12</sup> The Indian Act. 1920, C.50.

<sup>13</sup> <https://www.sac-isc.gc.ca/eng/1100100032463/1572459644986#chp3>

According to Access Genealogy<sup>14</sup>,

*"The Indian Register is the official record identifying all Status Indians in Canada. Status Indians are people who are registered with the federal government as Indians, according to the terms of the Indian Act. Status Indians are also known as Registered Indians. Status Indians have certain rights and benefits that are not available to Non-Status Indians or Métis people. These may include on-reserve housing benefits, education and exemption from federal, provincial and territorial taxes in specific situations.*

*The Indian Register contains the names of all Status Indians. It also has information such as dates of birth, death, marriage and divorce, as well as records of persons transferring from one band (or First Nation community) to another. Indian and Northern Affairs Canada (INAC) is responsible for maintaining the Register.*

*As early as 1850, the colonial government in British North America began to keep and maintain records to identify individual Indians and the bands to which they belonged. These records helped agents of the Crown to determine which people were eligible for treaty and interest benefits under specific treaties.*

*Between 1850 and 1951, government agents continued to maintain lists of the names of Indians who were members of a band. In 1951, changes to the Indian Act included a change to create an Indian Register.*

These records contain the Pay-lists for the distribution of Treaty, Annuity and Interest monies to every status First Nation and Inuit man, woman, and child. These records would provide very valuable information regarding who may have attended a residential school. A list could be created of all children of school age who died (that is when their payments stopped) which would help to identify who they were.

Because of the sensitivity of personal information in the Indian Register, proper protocols will need to be established before this work begins, if the Department of Justice allows it to occur.

---

<sup>14</sup> <https://accessgenealogy.com/native/indian-register.htm>

## **ISSUE: Lost and Missing Children: The Indian Register, Treaty and Annuity Pay Lists, and Records held by the Department of Justice**

Residential school children helped to pay for their own burials. Indian Affairs' policy was that Canada would not pay funeral expenses when a pupil died while being enrolled in a residential school. As guardians, the money was kept and used either by the Principal of an IRS run by a Church entity or, in the case of a federally run IRS, the Department of Indian Affairs. The annuity money trail ended there, either with the Church entity or Indian Affairs.

The Indian Register and Treaty and Annuity Pay Lists are records that contain information that may allow Indigenous people to help identify lost and missing children and children who died at a residential school. Any annual payments would have ceased once the individual died.

Furthermore, the issue of TB deaths and IRS students being sent to sanatoriums and Federal Indian Hospitals for treatment is an issue. Many of these children never returned home. The policy to use Form No. 414 was created in April 1935, so using this method would exclude all events prior to this implementation date. The Quarterly Returns and the Form No. 414 records that do exist, exist only for different periods and it will not be possible to cross reference them.

The Department of Justice has records that have not been accessed by researchers. A major challenge is the Department of Justice. They have records that reference residential schools, records that have not yet been released. Specifically, one INAC IRS file contains a reference to Justice File No. D5411-Delamas Father Vol.1: Justice Law Enforcement and Legal Matters - Criminal Offences and Violent Crimes- Delmas Father (Oct/28/33 to Jan/21/91).<sup>15</sup> This record was provided to RCAP and contains documents regarding child abuse and deaths of residential school students in Saskatchewan and Alberta.

## **ISSUE: IAP Civil Litigation Process and Criminal Sanctions**

The IAP Final Report addresses some of these issues in Chapter 3.<sup>16</sup>

---

<sup>15</sup> Milloy\_RCAP\_INAC\_IRS\_Files\_Inventory

<sup>16</sup> 2021-02-12. Independent Assessment Process. Final Report. Independent Assessment Process Oversight Committee 2021. . <http://www.iap-pei.ca/information-eng.php?act=2021-03-11-eng.php> (Accessed: 2021-03-02)



## **ISSUE: The Genocide Convention - International and Canadian Law**

The Government of Canada has not fully ratified the Genocide Convention despite its promises and declarations.

In the 1940s, the Contracting Parties of the newly formed United Nations Organization (U.N.) were in the final stages of deliberating the drafting of the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). On 09 December 1948, the General Assembly of the United Nations adopted the Convention. It is important to note that the Genocide Convention was created at the same time as the U.N. was deliberating many other issues, among them the drafting of the Universal Declaration of Human Rights. On 10 December 1948, the General Assembly of the United Nations adopted the Declaration. These two documents must be looked at together in order to understand why certain decisions were made by Canada and other countries to remove any reference to "Cultural Genocide" from the Genocide Convention.

The draft Convention prepared in 1947 by the Committee of international and criminal law experts, maintained that there were three different means of genocide: the physical, the biological, and the cultural<sup>17</sup>:

### **Article I**

*(Protected Groups)*

*I. The purpose of this Convention is to prevent the destruction of racial, national, linguistic, religious or political groups of human beings.*

*(Acts qualified as Genocide)*

*II. In this Convention, the word "genocide" means a criminal act directed against any one of the aforesaid groups of human beings, with the purpose of destroying it in whole or in part, or of preventing its preservation or development.*

*Such acts consist of:*

- 1. Causing the death of members of a group or injuring their health or physical integrity by:*
  - (a) group massacres or individual executions; or*
  - (b) subjection to conditions of life which, by lack of proper housing, clothing, food, hygiene and medical care, or excessive work or physical exertion are likely to result in the debilitation or death of the individuals; or*
  - (c) mutilations and biological experiments imposed for other than curative purposes; or*

---

<sup>17</sup> United Nations. UNGA - A/AC.10/42, A/AC.10/42/Rev.1, A/AC.10/42/Add.1

- (d) deprivation of all means of livelihood, by confiscation of property, looting, curtailment of work, denial of housing and of supplies otherwise available to the other inhabitants of the territory concerned.
- 2. Restricting births by:
  - (a) sterilization and or compulsory abortion; or
  - (b) segregation of the sexes; or
  - (c) obstacles to marriage.
- 3. Destroying the specific characteristics of the group by:
  - (a) forced transfer of children to another human group; or
  - (b) forced and systematic exile of individuals representing the culture of a group; or
  - (c) of the use of the national language even in private intercourse; or
  - (d) systematic destruction of books printed in the national language or of religious works or prohibition of new publications; or
  - (e) systematic destruction of historical or religious monuments or their diversion to alien uses, destruction or dispersion of documents and objects of historical, artistic, or religious value and of objects used in religious worship.

The Committee submitted a special notation regarding the article dealing with Cultural Genocide - Article 1, II, 3(a). The international experts all agreed that the *"Forced transfer of children to another human group"* should be covered by the Convention on Genocide. The Committee commented that,

*The separation of children from their parents results in forcing upon the former at an impressionable and receptive age a culture and mentality different from their parents'. This process tends to bring about the disappearance of the group as a cultural unit in a relatively short time.*<sup>18</sup>

Canada did not support the inclusion of 'cultural genocide' in the Genocide Convention and is still opposed to the inclusion of any reference to "Cultural Genocide". Instead of making reservations to the Convention, the legislation passed by Parliament only includes two out of the five provisions of Genocide.

On 27 July 1948, the Rt. Hon. Louis St. Laurent, Secretary of State for External Affairs sent a message, typed by Mr. Lester B. Pearson<sup>19</sup>, to the Canadian Delegation (ECOSOC) in Geneva regarding Canada's official position on the Draft Declaration,

---

<sup>18</sup> United Nations. ECOSOC - E/447

<sup>19</sup> Lester B. Pearson was ambassador to the UNITED STATES (1944-1946); almost became the first Secretary-General of the UNITED NATIONS in 1945; Secretary of State for External Affairs (September 1948-June 1957); President of the United Nations General Assembly (1952); awarded the Nobel Peace Prize (1957); and Prime Minister of CANADA (1963-1968).

*You should support or initiate any move for the deletion of Article three on "Cultural" Genocide. If this move not successful, you should vote against Article three and if necessary, against the Convention.*

*You will find support in United States point of view expressed on page 88 of document E/794. You should refer also to resolution 96(1) of the Assembly on December 11, 1946 defining genocide which it should be regarded, excludes "Cultural" Genocide from the terms of reference given by the General Assembly to ECOSOC. The matters dealt with by Article three are more properly relevant to the protection of minorities.<sup>20</sup>*

On 25 October 1948, Article II was adopted by the Committee, 28 votes to 6, with 5 abstentions. *"Forcibly transferring children of the group to another group"* was added as point 5 to the text of Article II as sub-section (e),<sup>21</sup>

## **Article II**

*In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group.*

On 09 December 1948, the U.N. General Assembly discussed and debated the various proposed amendments submitted by various delegations before the call of the vote. Resolution 260 A (III) on Genocide was adopted by the General Assembly.<sup>22</sup> Canada signed the Genocide Convention on 28 November 1949. The Genocide Convention came into force on 12 January 1951.

On 18 March 1952, the Cabinet recommends and agrees that Parliament be asked to approve the Genocide Convention *"without reservations"*.<sup>23</sup>

On 09 May 1952, the House of Commons Standing Committee on External Affairs unanimously approved and adopted the Genocide Convention and instructed the Chair to report the results to the House of Commons.<sup>24</sup>

---

<sup>20</sup> Department of External Affairs Files

<sup>21</sup> United Nations. A/C.6/245

<sup>22</sup> United Nations. General Assembly - A/PV.178, A/PV.179

<sup>23</sup> Privy Council Office Canada - Record of Cabinet Decisions No. 164, Document No. 87-52, File No. U-40-6 and C-20-3

<sup>24</sup> 1952-05-09. House of Commons. Sixth Session - Twenty-first Parliament, 1952. Standing Committee on External Affairs. Minutes of Proceedings and Evidence No. 9. Convention on the Prevention and Punishment of the Crime of Genocide.

During the discussions and consideration of the Convention Articles by the Committee, the Department of Justice provided contradictory answers to the members of the Committee regarding the ratification and implementation of the Genocide Convention in Canada.

While the Genocide Convention's intent started out to make states responsible under international law, it ended up becoming an individual state's responsibility to prosecute the crime of Genocide under national jurisdiction.

The Federal Government's response regarding if the crime of Genocide was covered by the Criminal Code of Canada or other legislation was both yes and no.

- **Yes.** The Criminal Code covered murder, manslaughter, kidnapping, imprisonment, and abduction. *"It is in our statutes"*, according to Mr. J. Lesage, M.P. and Parliamentary Assistant to the Secretary of State for External Affairs. Lesage based his argument on a 03 June 1949 letter from the Deputy Minister of Justice, F. P. Varcoe that no legislation is required by Canada *"at this time"*.
- **No.** *"Legislation to implement those articles [Articles II and III] would presumably have to take the form that the article takes"*, according to Mr. A. J. MacLeod, Senior Advisory Counsel, Department of Justice.

On 03 September 1952, Canada deposits its instrument of ratification of the Genocide Convention with the Secretary-General of the United Nations.

On 11 June 1970, Royal Assent was given to Criminal Code Amendments dealing with Genocide (Sections 318-320). Only two out of the five acts of Genocide as found in the Convention are included,

#### Hate Propaganda

318. (1) Every one who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) In this section, "genocide" means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,

(a) killing members of the group; or

(b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

(3) No proceeding for an offence under this section shall be instituted without the consent of the Attorney General.

(4) In this section, "identifiable group" means any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation.<sup>25</sup>

---

<sup>25</sup> Canada. R.S., 1985, C-46, s.318; 2004, c.14, s.I

On 17 July 1998, the Rome Statute of the International Criminal Court is adopted by the General Assembly. It was ratified on 01 July 2002.

On 29 June 2000, the Crimes Against Humanity and War Crimes Act (CAHWCA) receives Royal Assent, ostensibly satisfying the requirements of the Rome Statute of the International Criminal Court. The Act excludes all international crimes, including Genocide committed in Canada prior to 17 July 1998.

Canada made reservations to the Convention by other means. They were and have always been opposed to the inclusion of any reference to 'cultural genocide'. They never implemented the Genocide Convention and adopt it into Canadian law. It is only a myth that they ever did.

According to Mr. Lesage, in his testimony at the House of Commons Standing Committee on External Affairs in 1952,<sup>26</sup>

*One of the grounds of complaint to the International Court of Justice could be that the laws prohibiting genocide in a country have not been passed or that the law in the country does not provide for the crime of genocide.*

Furthermore, Lesage stated that *"The individuals at the head of the state would commit the act of genocide."*

The Sovereign, represented by the Governor-General of Canada (and the Prime Minister/Department of Justice), is liable for the commission of crimes in Canada. While a case can be brought against Canada before the International Court of Justice, the ICJ can only make a declaratory judgement only. One other remedy is to complain the UN General Assembly.

If Canada did not satisfy the requirements of the Rome Statute to adopt the Genocide Convention into Canadian law, then is the legislation that Canada enacted in the Criminal Code invalid?

Edward G. Sadowski  
13 July 2021

---

<sup>26</sup> 1952-05-09. House of Commons. Sixth Session - Twenty-first Parliament, 1952. Standing Committee on External Affairs. Minutes of Proceedings and Evidence No. 9. Convention on the Prevention and Punishment of the Crime of Genocide.