



National Centre *for*
Truth *and* Reconciliation

UNIVERSITY OF MANITOBA

Archives in Transitional Justice:
The Missing Children and Unmarked Graves of
Canada's Indian Residential School System

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What Happened?

- 150,000 children attended
- 3200 confirmed deaths
- 400 unmarked sites of burial
- 32 % of deaths - unrecorded names
- 23% of deaths - unrecorded gender
- 49% of deaths - unrecorded cause of death
- Cemeteries abandoned

Acknowledgement, Commemoration, Remembrance



The Canadian Residential School System

- The first schools for Indigenous peoples
- The evolving context of Indigenous Education



Dispossession and Colonialism

- Colonization: the process of turning Earth into property
- Cultural and cognitive imperialism



Conceptual Taproots of Indigenous Rights:

- Early European Identity of Indigenous Peoples
- British Anti-slavery Society
- Aborigines Protection Society

Recognizing Indigenous Rights

- UN Declaration of the Rights of Man, 1948
- International Covenants
- *Calder Decision*, 1972
- *Constitution Act*, 1982; Royal Commission on Aboriginal Peoples
- Indian Residential School Settlement Agreement, 2007.

TRUTH INSPIRES
OUR FUTURE.



Recognizing the Rights of the Dispossessed

“archives are not merely the material spaces of the repositories that are the archive, but more abstractly the 'law of what can be said, the system that governs the appearance of statements as unique events...’”
an interrelated universe of power relations determine the position and value of stories.

M. Foucault, *The Archaeology of Knowledge* (trans. A. Sheridan Smith) (New York, Pantheon, 1972), p. 129.



The Modern Jurisprudence of Indigenous Rights

“Rights, like the legal system inside which they are generated, are the product of culture. Being a human creation, rights have historicity. That is to say, legal systems and the concepts by which they operate live in time... Historicity is an inescapable feature of the human condition... The notion of rights itself has a history inside Anglo-western political and constitutional practice...”

P.G. McHugh, *Aboriginal Title: The Modern Jurisprudence of Tribal Land Rights*, Oxford: Oxford University Press, 2011, p. 14.



FRAMEWORKS FOR DECOLONIZATION: UNDRIP

- UNDRIP: recognizes the communal and individual lives, cultures, and histories of Indigenous peoples. Completely devoted to recognition of Indigenous custom.
- touches on virtually all aspects of the communal and individual lives, cultures, and histories of Indigenous peoples.



Preserving Indigenous Custom in the UNDRIP

Article 13 : Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literature

Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures.



Types of Indigenous Rights

Restorative: Joint-Oriented Principles

Normative : UNDRIP