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

Raymond Frogner, Head of Archives, NCTR
ALA-ICA Conference, Mexico City, November 28, 2017
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
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.

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...”

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: Joinet-Orentlicher Principles

Normative: UNDRIP