

Indigenous Data Sovereignty:

Records of Residential School Experience



National Centre for
Truth and Reconciliation
UNIVERSITY OF MANITOBA

Centre national pour la
vérité et la réconciliation
UNIVERSITÉ DU MANITOBA



*Cowessess First Nation Gravesite - photo by author,
2022.06.25*

What is Indigenous Data Sovereignty (IDS)?

5/16/2022



IDS refers to the right of Indigenous peoples to govern the collection, ownership, and use of data about Indigenous communities, peoples, lands, and resources.

“When considering the knowledge and skills needed to support strong First Nations’ information governance, we start with the question, ‘What is your relationship to this information?’” – First Nations Information Governance Centre

Three important details for the IDS of residential school records:

1. Data sovereignty is a recent concept still evolving
 - Originally the domain of private corporations and government
 - Not well established in the academy (ie Tri-Council Policy Statement)
2. Data sovereignty asserts control within a particular jurisdiction
 - In a colonial context we deal with opposing legal orders. How can we apply IDS within a legal plurality?
3. What authority within a community claims data sovereignty?



Colonial Sovereignty – Colonial Archives

3

Colonial Data Sovereignty

Sovereignty's Alchemy – John Borrows

The Legal Parameters of Colonial Sovereignty

Royal Proclamation, 1763

BC Lands Acquisition Act, 1861

Indian Advancement Act, 1891

Assertion of Colonial Sovereignty created Colonial Archives

Enshrining cultural, legal and spiritual authority





Colonial Sovereignty: Colonial Common Law, Records, and Indigenous Identity

4

- *Calder et al. v. Attorney-General of British Columbia*, 1973 CanLII 4 (SCC), [1973] SCR 313
 - nine colonial proclamations and four land ordinances

- *R. Edward Gosnell v. Min. of Lands (B.C.) and A.G. (Canada)*, SCC Case file 3238 (1912).
 - Attempted pre-emption of land the McKenna-McBride Commission assigned to the Malahat Peoples. Based on the Provincial Archivist's knowledge of documentary procedure.

- *Cowichan Petition*, 1909
 - First Indigenous claim to rights and title based entirely on Common Law language and practice

Sovereignty: Legal Pluralism and Reconciliation

5

Legal Pluralism: a situation where two or more legal systems coexist in the same social field. – Val Napoleon

Across what legal pluralist divide is reconciliation imagined and desired.

Reconciliation:

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
Article 27: recognizes that Canadian law must give effect to Indigenous peoples' law.

What are the mechanisms by which disagreement is considered and provisionally settled – Jeremy Weber

Survivor Inquiries and the Struggle for Identity

6

- **2020 Logged:** 166 individual profiles
- **2020 Completed:** 210 individual profiles

- **2021 Logged:** 460 individual profiles
- **2021 Completed:** 134 individual profiles

- **2022 Logged:** 401 individual profiles
 - NEW in November 2022:** 35 individual profiles
- **2022 Completed:** 239 individual profiles

Note: Receipt of Survivor/Third Party inquiries throughout 2019 & 2020 remained consistent with an increase in 2021 of approximately 175% (individual profiles).



Collection Development

Dispersed Sources: Authorities – Conceptual Understanding

7

Diversity of Sources:

- 104 religious repositories:
 - Sisters of Charity of Halifax
 - Presbyterian Church in Canada
 - United Church General Council
 - Les Oblats de Marie Immaculée du Manitoba / Oblates of Manitoba
- 47 Government Repositories
 - Provincial and Federal

Each possesses an archival report commenting on the records in the repository.

Each possesses their own policies and procedures for managing their records.



MOA: Missionary Oblates of Mary Immaculate OMI Lacombe Canada/NCTR

3.7 To recognize that all of the Oblates records that document the administration and operation of residential schools shall be made publicly open for discovery, access, reference and use with exception of a selection of records from the subset of records known as personnel files. Discovery, access, reference and use of a select portion of this subset of Oblate records shall be articulated in a separate agreement.

5.5 Ensure all Records received from the Oblates are appropriately managed for purposes of discovery, access, use, and preservation in such a manner that the NCTR Archives are recognized as the principal repository for OMI Lacombe Canada Records which document the history of the administration and operations of residential schools.

Collection Development

Difficulties of Collection Development: Dispersed Sources: Location

9

Oblate records (Grandin Province):

- Provincial Archives of Alberta
- Société historique de Saint-Boniface
- Royal BC Museum (archives)
- Roman Catholic Archdiocese of Vancouver
- RC Diocese of Kamloops
- Provincial Archives of Saskatchewan
- Roman Catholic Archdiocese of Keewatin-The Pas
- General Administrative Archives – Rome, Italy
- Deschâtelets Archives, Québec





Recommendations

1. Indigenous Research Council and Cultural Commons

Benefits:

- a. *Accounts for :*
- b. *Cultural Heritage:* Common not private property
 - Copyright
 - Licensing
- c. *Rights and Social Values:*
 - Mechanism for personal law





Recommendations

2. NCTR Research Repositories

Benefits:

a. Storage Capacity

Lost files

a. IT Security

23 Researchers

b. Cost



Home

[+ New](#) [Page details](#) [Analytics](#)

Conversations

Documents

Notebook

Pages

Site contents

Recycle bin

Edit

News

[+ Add](#)

Keep your team updated with news on your team site

From the site home page you'll be able to quickly author a news post - a status update, trip report, or...

[Add News](#)

Quick links

- [Learn about a team site](#)
- [Learn how to add a page](#)

[...](#) > [Research](#) > [School](#) > **Site A** [See all](#)[+ New](#) [...](#) [All Documents](#) [🔍](#)

| Name | Modi |
|----------------------|-------|
| Archives | Febru |
| Cartography | Febru |
| GPR | Febru |
| Historical Materials | Febru |
| Jurisdiction | Febru |
| Oral History | Febru |
| Photography | Febru |

Activity



The new Six Nations of ...d Council group is ready

Welcome to the Six Nations of the Grand River Elected Council group. Use the group to share ideas, files.



Six Nations of the Grand River...
Sent January 26



Recommendations

3. Local Community Colleges

Benefits:

- a. Location*

- b. Resources*

- c. Local Houses of Memory (Not Archives)*





Recommendations

14

4. NCTR Data Management Workshops

Benefits:

- a. Cost – free (funded by a Canada Foundation for Innovation Grant)
- b. Independent research
- c. Self-determined Research Agenda



Recommendations

5. Redraft the NCTR Act

Article 2. “The Purpose of this Act is to set out the Access and Privacy Laws that apply to Centre records.”

Article 3. “accessible...in accordance with access and privacy legislation.”

Article 4 (1) “FIPPA Applies to all Centre Records.”

Article 4 (2) “For certainty, records are not exempt from FIPPA.”

Article 7(1) Proactive Disclosure

Trust Deed: after legislation

Administration Agreement: in accordance with legislation

Benefits:

- a. Recognize Indigenous law
- b. Highlight Indigenous Perspectives to Knowledge
- c. Special Interlocutor and relevant Legislation



Fin



National Centre *for*
Truth *and* Reconciliation

UNIVERSITY OF MANITOBA

Centre national *pour* la
vérité *et* la réconciliation

UNIVERSITÉ DU MANITOBA