



National Gathering on Unmarked Burials:

Upholding Indigenous Laws
in the Search and Recovery
of Missing Children

Summary Report
March 2023



**Office of the Independent
Special Interlocutor**

for Missing Children and Unmarked
Graves and Burial Sites associated
with Indian Residential Schools



Representing strength, family and healing, bears are the primary element in the Office of the Independent Special Interlocutor's logo. The larger bear represents the parent, family, and community, while the smaller bear symbolizes the children who were stolen and never returned.

The Northern Lights in the night sky are the Spirits of our ancestors dancing. The dancing guides the children to reunite with their ancestors.

The stars depict the connection between the children taken from their communities and the parents left behind, who would stare at the same stars longing to be reunited.

The flowers in the larger bear signify life and the resilience of Indigenous people.

The changing colours in the dotted path illustrate the on-going search for truth, justice and healing.

The three pairs of moccasins honour and acknowledge all First Nations, Inuit and Métis children.

At the first National Gathering on Unmarked Burials in Treaty 6 territory, Regional Chief Gerald Antoine observed that on the back of the larger bear, there is a clear outline of a child's face looking up at the sky. Although this was not intentionally part of the design, it has shown us yet another way that the children's Spirits are speaking to us all.



*“For the child taken,
For the parent left behind.”*

TRC Interim Report, 2012

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Message from Kimberly Murray, the Independent Special Interlocutor

I am honoured and humbled to be the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools. On March 27-29, 2023, Survivors, Indigenous community members and leadership gathered in Toronto, Ontario, the Territory of the Wendat, the Anishnaabeg, the Haudenosaunee, the Chippewa, and the Mississaugas of the Credit. Toronto has always been an important meeting place for Indigenous people from many Nations so it was fitting that the fourth National Gathering on Missing Children and Unmarked Burials was held here.



Kimberly Murray delivering Opening Remarks

My Mandate, as the Independent Special Interlocutor, is to identify existing barriers and recommend a new federal legal framework to “identify, protect, and preserve unmarked burial sites”. This description, however, does not adequately portray the significance of the Sacred work that Survivors and communities are leading to find the missing children and unmarked burials. As I continue learning from Survivors, Indigenous families, and communities, it is apparent that our responsibilities to the children who were never returned home from Indian Residential Schools, Federal Hostels, and other institutions must be understood through Indigenous lenses and upheld through Indigenous laws. At each **Gathering** held to date, Survivors and community members have said that “colonial laws impede us” and that “we need to apply our own laws.” There are serious gaps in federal and provincial legal protections for the burial sites of the children and an urgent need to apply Indigenous laws and protocols to protect and care for the children and the lands where they are buried.

The Truth and Reconciliation Commission of Canada’s (TRC) Final Report includes two chapters on law and the legal system. Chapter Five, “A Denial of Justice”, in the Legacy Volume, examines the colonial legal system. The TRC found that the Canadian legal system “denies Indigenous people the safety and opportunities that most Canadians take for granted” and highlighted that colonial law “did not protect the children and did little to nothing to uphold the rights of children and their parents.” In contrast, Chapter Two, “Indigenous Law: Truth, Reconciliation and Access to Justice”, in the Reconciliation Volume, focuses on the rich content and importance of revitalizing Indigenous laws and legal orders. The TRC said that the Canadian legal system failed to stop or repair the genocidal injustice of Indian Residential Schools, and so, it is only reasonable to suggest that Indigenous people develop and rely on their own laws and legal orders.

Elders and Knowledge Keepers have long addressed harms through ceremonies and peacemaking practices, and by retelling oral histories that reveal how our ancestors restored harmony to families and communities. These practices are the foundation of Indigenous laws.

Indigenous laws have many sources and diverse expressions. Each Nation across Turtle Island has its own laws and legal traditions. Many Elders and Knowledge Keepers continue to carry and protect the laws of their Peoples.

The TRC said that law is essential to finding the truth, but also noted that Canadian law has been used to suppress the truth and foster an atmosphere of secrecy and concealment. The TRC said that Canadian law has been, and continues to be, a significant obstacle to reconciliation, and that reconciliation cannot be achieved until Indigenous Peoples' own protocols and traditions for uncovering the truth are embraced.

This fourth National Gathering provided an important opportunity to learn more about the Indigenous legal principles, practices and teachings that are being implemented to guide the Sacred work of searching for and finding the missing children and unmarked burials. It was a chance to explore diverse approaches, discuss common challenges and continue to amplify the voices that Canadian law has not yet fully listened to. As you will read in this Summary Report, Indigenous laws are uniquely capable of, prepared to, and responsible for meeting the needs of the missing children, protecting the lands on which they are buried, and respecting the Survivors, Indigenous families, and communities doing the Sacred work to find and protect them. Upholding Indigenous laws will lay the foundation to obtain accountability and justice for all the missing children.



Overview and Purpose of the National Gathering

This National Gathering brought together Survivors, Elders, Leaders, Indigenous legal experts and Knowledge Keepers, youth and representatives from many Nations from across Turtle Island to discuss how the diverse laws of Indigenous Nations are guiding the Sacred work of finding the missing children and unmarked burials. Over 420 registrants attended in-person with 2,700 viewers joining by livestream on the **first day** of programming and over 720 viewers on the **final day**. We gathered at the place known in Anishinaabemowin as Giichi Kiiwengiing ("when you go back home to the spirit world"), and in Kanyen'kéhá:ka as tkaronto ("where there are trees standing in the water"). Toronto has been a meeting place for many generations. Canada's largest city is located on the Treaty lands of the Mississaugas of the Credit, Treaty 13 and the Williams Treaties. It is within traditional Anishinaabeg, Chippewa, Haudenosaunee and Wendat territories, and is covered by the Gdoo-Naagininaa (Dish with One Spoon) wampum agreement between Anishinaabe and Haudenosaunee Peoples. This wampum continues to invite those from all territories to recognize their interrelationships and responsibilities upon the land in a spirit of peace, friendship, and respect.



"These are powerful issues that need to be dealt with and very difficult discussions that we need to have. But this needs to be discussed. It will be challenging at times but I am comforted by the guidance of Elders, Knowledge Keepers and Healers here."

- Adam Fiddler, Gathering Co-Chair

"One of the truths of this Gathering, is that we are here to stand beside each other... to call upon the strength of our ancestors and those in the room who can help guide us."

- Kathleen Lickers, Gathering Co-Chair





Birch bark canoe provided by The Canadian Canoe Museum

Anishinaabe legal scholar Dr. John Borrows (Kegedonce) reminded us that we were gathering near a saugeen – a river mouth. He noted that these are sites where many energies are gathered and shared: “mush-aki, strength of the earth, [which] is drawn into fish, birds, insects, animals and humans.” Hohahes Leroy Hill, Haudenosaunee Sub Chief and Faithkeeper, explained the significance of the territory as a gathering place. It was at the lakeshore where a huge tree fell into the water, providing a launching place for canoes:



"Nations from the North, South, East and West gathered here and agreed that this place would be shared territory – no one Nation would own it, but all could gather here to make use of the launch that Creation had provided, and all would share in the land's gifts and responsibilities."

- Hohahes Leroy Hill,
Sub Chief and Faithkeeper, Cayuga Nation



Elder Peter Schuler, Wendy Hill, Kimberly Murray, Hohahes Leory Hill, Mohawk Chief Allan McNaughton and Clifford Summers at the Sacred Fire.

The Gathering included two and-a-half days of discussions, cultural and artistic events, ceremonies, presentations, and storytelling. Over 30 speakers led more than two dozen plenary and breakout sessions. Co-Chairs Adam Fiddler (Anishinaabe, Sandy Lake First Nation) and Kathleen Lickers (Seneca, Six Nations of the Grand River) ensured that we kept our minds focused and our bodies nourished as they guided us through the agenda. Participant Dialogue and Sharing sessions created time for many questions, thoughts, and experiences to be respectfully heard. Knowledge sessions on Anishinaabe, Haudenosaunee, Inuit and Métis laws were offered on both afternoons. These sessions, which were held in Tipis and Tents set up around a Sacred Fire, provided opportunities for participants to learn and share knowledge about four distinct Indigenous legal orders. Elder Peter Schuler led the Anishinaabe teachings, Hohahes Leroy Hill and Wendy Hill led the Haudenosaunee teachings, cultural advocate Piita Irniq led the Inuit teachings, and Dr. Lynn Lavallee led the Métis teachings.

While this was a gathering *about* Indigenous laws, it was also a gathering *of* Indigenous laws. These laws, in the words of Dr. John Borrows, are “things that we do... law is something that families do, communities do, not just something that is done to us.” This National Gathering, like previous National Gatherings, upheld Indigenous laws through protocol, ceremony, songs, dances, and stories. Mohawk Chief Allan MacNaughton (Tehkarihoken) told participants that “this Gathering will be heavy on your minds.” The Haudenosaunee Condolence Ceremony, he explained, is one way to “pick you up and dust you off” in difficult times.

I will take the softest of doe skin and wipe the tears from your eyes so you can see clearly. I will take the softest feather and I will clean your ears so once more you can hear.... [I will] give you a drink of good clear water to clear your throat to help you speak.

- Mohawk Chief Allan McNaughton (Tehkarihoken)

Everyone was encouraged to drink water to help share their words. Cultural helpers made sure that the Sacred Medicines were always available. Participants noted the significance of the tears we shed, which were collected and offered to the Sacred Fire. One participant said, "We need to [learn] how to cry again... let those beautiful tears come down. That's Medicine." Another observed, "We do share our water when we cry. That's natural Medicine and one of the greatest gifts we can give back to the one who created us."



Mohawk Elder, Tom Porter (Sakokweni6nkwas) provided a Keynote Address as well as the Oh6n:ton Karihwat6hkwen (Opening Thanksgiving) before the plenary sessions began each day. Elder Porter's teachings, based on Haudenosaunee laws and his own lived experiences, set a tone of generosity, humour, gratitude and love. He guided us as we took the time to express our gratitude: to the



Creator ("that power that makes the universe we live in"), to the Earth ("our Mother... [who] never threw us away, she never abandoned us, because we are her children"), to Water ("when we drink... we feel hope that there will be life tomorrow"), to plant and animal life ("the kind that grow by themselves... and the Three Sisters that we plant... all kinds of food"), to birds ("made to bring us joy, to keep us from boredom and lonesomeness"), to the four winds of the four seasons, to Brother Sun and Grandmother Moon, to the four Sacred Beings ("the Sky Dwellers... who bring us our teachings when we forget"), and to ourselves: "this conference is a miracle. Everybody who came here, you are a miracle".

Mohawk Elder, Spiritual Leader and Author,
Tom Porter (Sakokweni6nkwas)

Elder Tom Porter described the power and purpose of this fourth National Gathering in his closing words:

With one mind on behalf of our kids who never came home, we send our love, our thank you and our greetings and we pledge that if you fall we will help to pick each other up. Our mind is agreed.

A. Introduction to the Summary Report

This Summary Report conveys the Gathering's key messages and recommendations. Consistent with Indigenous laws and oral history teachings, they are provided in the words of the presenters and participants. The knowledge shared is deep, diverse, and wide-ranging. The Summary highlights several themes and important points. It begins by describing the Gathering's commitments and protocols, which are themselves expressions of Indigenous laws. The Report then reviews some of the fundamental principles of the diverse Indigenous legal orders that exist across Turtle Island. Specifically, it describes how Indigenous laws are inherent, are responsible to land, language, and kinships, and remain practical, practiced, and resilient even through attempts of assimilation and genocide.

The Report highlights how Indigenous laws are being upheld in the Sacred work of searching for the missing children and unmarked burials, including how:

- This Sacred work unites many Indigenous Nations in shared purpose, and how diverse legal orders can work together to advance it;
- Indigenous laws establish specific obligations and practices for the care of children and those who have died, and how these laws are meeting family and community needs in responding to the genocidal harms inflicted on Indigenous Peoples;
- Indigenous leaders, Knowledge Keepers, Elders, Matriarchs and communities are upholding and practicing their laws within, beyond and despite the Canadian legal system;
- Communities are caring for the children's bodies, Spirits, and burial places according to their own laws; and
- The application of Indigenous laws can advance accountability and justice and rebuild responsible relations across societies.

The Summary Report concludes by outlining some of the recommendations that speakers and participants shared for how Canadian legal frameworks, institutions and entities can change to uphold Indigenous laws in the search and recovery of the missing children and unmarked burials.

At this National Gathering much knowledge and many perspectives were shared. While this diversity is reflected in this Summary Report, it does not provide a full or authoritative expression of any Indigenous legal order. As well, in accordance with Indigenous protocols to protect the Sacredness of discussions at the Sacred Fire and in the Tipis and Tents, teachings shared at these locations are not contained in this Summary.

B. Commitments and Protocols

The Sacred Fire

At every National Gathering, a Sacred Fire is lit on the first morning, and is tended to by Fire Keepers for the duration of the Gathering. The Sacred Fire at this Gathering, in the centre of four Tipis and Tents, was located on the grounds of Osgoode Hall. This was the first time in colonial history that a Sacred Fire was situated on these grounds, which is the location of the Law Society of Ontario and the Ontario Court of Appeal. The placement of the Tipis and Tents on these grounds was intentional and provided a reminder of Indigenous Peoples' resistance to the Canadian State and its legal systems efforts to suppress Indigenous laws and legal orders.

People gathered in the early morning rain as Elder Peter Schuler lit the Sacred Fire, without a match and according to the ways of the ancestors, with flint and stone. Sub Chief and Faithkeeper Hohahes Leroy Hill led a tobacco burning ceremony and the ashes collected from the three previous National Gatherings were added to the Sacred Fire. Hohahes acknowledged the presence of the children and the ancestors, who are, in Haudenosaunee teachings, only a leaf's thickness away. He gave thanks for our safe journeys and asked all to remember those who could not gather with us in person.



Indigenous Laws Teaching Tipis on the grounds of Osgoode Hall



Tobacco and Cedar Medicine at the Sacred Fire

Welcomes

At the Opening Dinner, Sub Chief and Faithkeeper Hohahes Leroy Hill and elected Chief Mark Hill of Six Nations of the Grand River provided words of welcome. The All Nations Drum of Toronto Council Fire invited Survivors to sit around the Drum for an Honour Song. Oneida Nation Bear Clan singer Andrew Thomas (Taohyagedo) then offered a water-drum song. The evening ended with performances by the Six Nations Women Singers and the Haudenosaunee Traditional Dancers.

Hohahes Leroy Hill explained how we must respect and take care of what Creation has provided for the next generation and the ones coming after. He said we are invited to gather, to share in the gifts of creation, but we must never take them over.



"This room is filled with so much that we need to teach our next seven generations... [and] in order to do this work we need to do it together."

- Elected Chief Mark Hill,
Six Nations of the Grand River



Six Nations Women Singers

Lighting the Quilliq

Inuit Elder Monica Ittusardjuat lit the Quilliq for this National Gathering. Traditionally used to bring light and warmth to families in long arctic nights, a large soapstone, cotton-wick, animal fat quilliq could melt snow, boil tea, and strengthen the ice of igloos. The Quilliq is used to open ceremonies, because as Monica explained, “it creates that welcoming atmosphere.”



The Empty Chair

The Empty Chair and Sacred items placed beside and around it, gave focus to our shared purpose. Haudenosaunee educator Wendy Hill spoke to the importance of the Empty Chair and the Spirit Plate that was prepared and offered. Wendy said that “It helps us to accept that they’re not here anymore but also to acknowledge [their presence] and invite them to sit and eat.” The Chair, Spirit Plate and water cup are small, she said, to suit the children for whom they are offered:

In everything you do you have to be mindful... [to] hope that those children who didn't get to come home will be comfortable to come sit with us... to be with us as we try to find some justice and some solutions about how to go forward.

- Wendy Hill, Traditional Healer, Cayuga Nation

Learning Together and Listening to the Unheard

As many acknowledged, we gathered to share, support, and speak the truth. Métis presenter and Survivor Louis Gardner, from Île-à-la-Crosse, explained that he spoke “on behalf of my grandkids and everybody’s grandkids. My Survivors, my parents, my grandparents, all my Survivors have allowed me to... talk on their behalf.”

Participants recognized that the Indian Residential School System attacked and damaged the connections between Elders and youth. These connections are essential to learning, upholding, and passing on Indigenous laws. While the need to re-establish and strengthen these connections takes ongoing time and effort, this Gathering provided opportunities for this crucial intergenerational sharing. One Anishinaabe youth participant said:

I am so grateful that we are able to bridge the reconnection with our Elders that they took away from us because that was an integral part of our societies – Elders teaching youth, Elders teaching, youth leading. That’s a very powerful connection that they took from us. I am grateful to see the Elders in the room, to see the youth and Elders hugging out in the halls. This is what we need. It is going to take a lot of time, work, bravery, and resilience.

Inuk youth Stephanie Nirlungayuk spoke directly to these teachers and teachings: “I want the Survivors and Elders here to know that your stories and your courage have been so beautiful to witness. It is so essential for more youth to hear your stories because your courage is so inspiring”.



Indigenous youth being honoured at the Welcome Dinner

C. Fundamental Principles

The laws of Indigenous Peoples across Turtle Island are as diverse as their cultures, languages, and territories. The Gathering, while respecting and expressing this diversity, also conveyed some shared fundamental principles.

Indigenous Laws are Inherent

What does it mean to say that Indigenous laws are inherent? As many speakers stated, Indigenous laws are Sacred. They are founded in Creation. They emerge from and return to original agreements with Creator. And, as long as there are grasses growing, waters flowing and Indigenous Peoples living on their territories, they cannot be extinguished. Nêhîyaw Elder Fred Campion spoke of “the higher power we call Creation. Our connection to our mother [is] interrelated and interconnected throughout our existence”.

These fundamental principles are expressed in diverse ways by Nations across Turtle Island. Ga Na Elder Keith Chiefmoon (Onistaya Kopi) shared some Blackfoot teachings that are contained in Ih kii tsii ka miks (the seven stars of the Big Dipper). These teachings are available to all who have learned to look up and read them. Scott Fox, youth from Ga Na, Blood Tribe, Blackfoot Confederacy in Standoff Alberta, also shared Blackfoot teachings. He explained:

We inherited those from Creator... our sacred way of singing, our ceremonies [such as] the sweat lodge, the all-night smoke, our circle camp, this is the substance of our Sacred law... when Creator gave us those Sacred laws it was a forever agreement.

Ih kii tsii ka miks – 7 stars, big dipper 7 – Sacred Gifts-creation stories Teachings



Elder Pauline Shirt, from Saddle Lake Cree Nation and the Grandmother-in-Residence at Kâpapâmahchakwêw (Wandering Spirit) School in Toronto, which she co-founded with her late husband Vern Harper, said that in Nêhîyaw and Anishinaabe teachings:



"Our Grandmas are always there listening to us. Semaâ [Stêmow/tobacco] is how we connect with her... Those 13 Moon teachings... they're here. We can give them to people... it's so important for each and every one of us as teachers to teach to help our people. This is our way of life."

-Elder Pauline Shirt,
Saddle Lake Cree Nation

Several speakers described the inherent connection between Indigenous laws and Indigenous lands. Revitalizing laws cannot happen without strengthening relationships to territories. Elder Peter Schuler spoke of these ways of being, which, as Mohawk Chief Tehkarihoken recognized, require a different concept and practice of "land possession and ownership" from the "lines and borders" that colonial legal orders draw. Elder Peter Schuler said:

Most importantly, [we need] to reconnect to the rest of Creation. To get away from this idea that was put upon us that we should be above the rest of Creation.... We are a part. We are not separate. We should never have been separated. ... when you go [to the land] you'll get healed by your relatives. If you're having a hard time, go sit by a tree, go listen to the birds.

Dr. John Borrows emphasized that this reconnection is essential to revitalizing Indigenous laws. He used the example of a river to make this point:

Legal functions are found in our lands... Zaagi'idiwin (Love; one of the Seven Mishoomis/ Nookomis (Grandfather/Grandmother) Teachings) is about creating the conditions of life for others to be able to flourish. And we learn that from the river. Our law is written in the earth. That is our archive.



Upholding laws that are defined by relationships rather than “lines and borders” does not mean that Indigenous Nations do not have well-established, diverse, and direct ways of enacting legal authorities and responsibilities to and on specific territories. Elder Fred Campion said, “you cannot have true sovereignty unless you have land... this is our land, this is where our sovereignty is.” Blackfoot youth, Scott Fox, explained how this relates to ownership, treaties, and non-Indigenous assertions of jurisdiction:

If I wanted to transfer my Tipi to someone like Kimberly Murray, along with the Tipi would go the paint and the songs to the Tipi, once Kim has the Tipi and songs she can rightfully say this is her lodge... If the settlers actually do own our land they would have our paints – they would have our songs. If Trudeau owned my territory, he could sing to you our songs, use our paints, and perform our ceremonies but he can't, therefore we haven't transferred away any of our territory, every inch of our land is still ours because we hold onto those Sacred elements that Creator gifted to us.

As Scott pointed out, “hold[ing] onto” the gifts that Creator/Creation gives is at the heart of what it means to uphold Indigenous laws. Dr. John Borrows cautioned that guides like the Blackfoot Ih kii tsii ka miks Teachings or the Mishoomis/Nokoomis Teachings can become abstract notions unless they are given meaning through continual correlation and practice.

Indigenous Laws are Responsible

Principles of Indigenous laws take shape in and are nurtured by ongoing legal responsibilities. These are upheld through the distinctive principles, processes, and authorities that every Nation has developed over time.



"We have our own standards, principles, criteria, authority, measures, signposts, and guideposts. We have our own indicia for measuring how to regulate our affairs and how to resolve our disputes... These things have been passed down to us and can be revitalized in ways that are contemporary, living, and relevant... Our challenge is to see our languages, our songs, our stories, our relationship to the natural world and reason in relationship to them and feel in relationship to them so that we can... make them live. We make them live by giving them application."

- Dr. John Borrows, Loveland Chair in Indigenous Law at the University of Toronto Law School, Chippewa of the Nawash First Nation

The Gathering focused on three main areas of Indigenous legal responsibility: land, language, and kinship. All are important for Indigenous laws to lead the Sacred work of finding the missing children and unmarked burials.

To Land

Indigenous laws have their basis in the land. Those upholding Indigenous laws have legal responsibilities or obligations to the lands upon which their lives and laws are based. Speakers shared how these responsibilities are fulfilled in day-to-day actions, as well as how they inform responsibilities to the children whose bodies and Spirits are in and on the land.

Elder Pauline Shirt encouraged us to remember Niigani-gichigami (Lake Ontario), just a few street blocks away from Toronto's busy downtown core. Honouring her, she stressed, is honouring water and life itself:

... Miigwetch to our dear Grandmother whom we always forget... Go visit her, she is so lonely for us. I always carry this little water cup. It's up to us to talk about her but also to talk about the water... say that to your grandchildren and say that to yourself. Without water there is no life.

In his presentation "Upholding Indigenous Laws through Medicines", Anishinaabe educator Beedahbin ("Dawn Comes") Peltier spoke of how people live out legal relations and responsibilities in the care of traditional plants and Medicines. In his teachings, these laws are active, intentional, adaptable, reciprocal, and forward-looking:

... We don't have the word for wild.... Nothing was wild. It was all tended to through family and kinship and the Anishinaabe are given this great responsibility... to use our intellect to assess this balancing system.... We need to survive because we have a responsibility... we need to engage with aki [land].

Kanien'keha:ka Kahnistensera (Mohawk Mother) Kahentinetha spoke strongly about how Kaianere'kó:wa, "the law of Creation", requires all Indigenous Nations to take up their distinct responsibilities, both to the land and to those living upon it:

... We have all been placed on a certain part of Turtle Island and we are supposed to work on that particular part... to do what we are supposed to do – that is to take care of it. We are the caretakers.... We see what is happening to our Mother, how she is being violated and raped. And now we are looking at what is happening to our children – we can never let this happen again. Never.

To Language

“Our power lies in the language and the land.”

- Jordyn Burnouf, Nehiyaw Iskwew, member of Black Lake First Nation who grew up in Île-à-la-Crosse

Many presenters and participants spoke of how Indigenous languages express and sustain Indigenous laws. Youth panelist, Scott Fox talked about how learning Blackfoot “showed me the beautiful way we relate to each other and relate to the land.” Elder Peter Schuler noted that the law’s intergenerational, relational commitments are embedded in Anishinaabemowin:



Jordyn Burnouf with Métis Elder and Survivor of Île-à-la-Crosse Residential Boarding School, Emilien Janvier

“The word for great-grandparents/ancestors, aanikoobijiganag, is also the word for great-grandchildren... there’s seven generations represented, and you are in the middle. Whatever happened to your great-grandparents affects you. Whatever happens to you is going to affect your great-grandchildren. Because you’re in the middle, you have an opportunity to change what happened to your great-grandparents. You can try to fix that, you can try to mitigate it so that it doesn’t get past you, so that it doesn’t affect future generations.”

- Elder Peter Schuler, Mississaugas of the Credit



A participant from Keeseekoose First Nation spoke of how the original promises upon which Indigenous laws are founded, and the practices that uphold them, need to be kept alive in Indigenous languages:

“The inherent rights that we have are not from some government policy. They are given to us in a spiritual process from the Creator. We are given our ceremonies, our pipes, our directions.... If we don’t hold onto our language, we are not going to have our ceremonies.”

To Kinships

As with land and language, Indigenous laws depend upon, flow through, and uphold kinships. Many speakers voiced the responsibility of nourishing kinship relations, which go beyond colonial definitions of family. Youth panelist, Scott Fox, learned this from an Elder which brought him a profound and intimate awareness of how Blackfoot law embraces children:

Kimiksistohkanaokosinnooni ("in reality we are all parents of the children")... [I asked] "why is it I become a parent when someone is brought into our community?" And he said "That's why, because they were born, now you have the obligation and the responsibility to look out for them as though they are your child." And then it hit me - That's why my grandparents were my parents, and aunts and uncles were my parents, everyone older than me looked out for me like I was their son... Each child belongs to the community.

For Anishinaabe lawyer Sara Mainville, this belonging, and these laws, require "a heart-centered approach... we are teaching our children about unconditional love... law is meant to be a guide and a helper."

Many speakers agreed that youth are essential to sustaining Indigenous laws. As one Indigenous youth said, "We want to continue the work that the Elders have started ...to learn, to help, and to heal. It's us youth who will have to keep our culture, our language, and our traditions alive."

Every Child Matters

In an orchard, where apples grew
under the ground a secret no one knew.
They hid them beneath so they did not have to explain
why hundreds of children were left with no name.
Under the earth they waited for a time,
when the world was ready to change their mind.
Grief and sadness ran through our home and native land,
a tragic loss, too hard to understand.
All over the country more children they recover,
thousands have been found and we know that they suffered.
So when you stop to remember on reconciliation day, send up
a prayer that hate will go away.

- Poem written and shared by Nevaeh Pine,
Garden River First Nation youth

Elder Tom Porter noted the significance of this responsibility:

The biggest weight of the world is on your shoulders... your decisions will determine whether your children and grandchildren will be a Mohawk, an Ojibway, a Seneca, a Lakota, an Inuk... it's your responsibility to make sure your children speak their Native language, it's up to you to make sure they know how to do a ceremony.

While this is a heavy burden, the Older Ones, the ancestors, and Creator are giving youth the strength they need to carry it. Elder Fred Champion said, "I feel that the spirit of our families and ancestors are still with us, particularly when we need that support spiritually." Elder Tom Porter shared a dream vision in which the blankets and shawls of his Nation's Chiefs and Clan Mothers were lying on the ground. The Creator told him:

You will notice that under ever blanket and every shawl, there will be something growing. It's the kids and our grandkids. And they will wear those blankets and those shawls. And when that happens... the power [Creator gave us] to turn that ship around from extinction... [Creator will give] those kids seven times that power.

For his part, Elder Tom Porter told the youth at the Gathering, "I'll be right with you until the day I die."

Many explained how their commitments to sustain Indigenous laws are nurtured in their own lives. The truths and stories shared by Survivors, Elders and kin relations are important sources of this strength. Inuk Elder Dr. Levinia Brown reminded participants that the knowledge which upholds laws and withstands colonial violence is often conveyed in quiet, everyday ways:

The utuuqaaq and arnaaquasaq ("old folks") – they were our guides because they were gentle, they were listened to. I remember my grandpa and grandma – they were so gentle that we weren't scared of them, as little kids, we went to them when they said qaaigitt ("come")... Grandmothers would sit us beside them, give us tea and biscuits. The grandfathers would tell the little children to sit on their laps... they would be telling stories. Those stories are very important to the little ones as we grow. That is how we remember what happened in the past, from the stories we heard from the grandparents.

Elder Pauline Shirt pointed out, "everybody has a Creation story... Learn your creation story, give it to your teachers, your children, your grandchildren". Dr. John Borrows highlighted the role of stories in communicating not just knowledge itself, but ways in which knowledge is nourished. Learning laws through stories he said, "respects the agency of the people... because they then have the responsibility to think through [those stories, they are] not just told what to do. You're cultivating the moral, spiritual, intellectual fire that's there in people."

Participants recognized that the Indian Residential School System has interrupted the intergenerational transfer of knowledge. One participant said, "my responsibilities to my own grandchildren were impacted by the [Institutions], the governments, the anti-potlatch law. ... We know we need to learn our history, where we come from, who we are and where we are going."

Despite deliberate attempts by the Canadian government to eliminate the intergenerational transfer of knowledge, Elders, Knowledge Keepers and Survivors continued to share their histories and knowledge through stories. One participant remembered:

Growing up, I didn't understand why I was told stories all the time. I had to sit and be quiet and listen to the same stories over and over again. These stories were told to me because my great-grandparents, great-great-grandparents, my mother, and my father are all residential school Survivors. The Sixties Scoop Survivors, the boarding school Survivors and the mission school Survivors all ensured that our culture would stay alive.

Inuit youth panelist, Stephanie Nirlungayuk, acknowledged that these stories include hard truths that must be shared. At the same time, she indicated that there is positive guidance to draw from Indigenous histories and legal principles:



"Sharing our history we do not only need to focus on the traumatic experiences. Our IQ [Inuit Qaujimajatuqangit] principles have always led us, they have brought us healing, they have brought us guidance and... our love. Our resiliency and love have got us this far. Our IQ principles have always led us. These are the kinds of teachings that need to be wrapped around our youth – so that our youth are not continuing to walk around lost for something that they so deeply deserve to know. If we do not continue to tell the real truth to our youth they will continue to be lost.... our Elders continuing to tell our stories and teach our language and our culture and our societal values that is what is going to spark our healing for our future generations."

- Stephanie Nirlungayuk, Inuk youth





"I will work hard and with passion to give voice to my generation and generations to come, to educate and learn with love and compassion. These are the core values that have been installed within me by my mother... the Seven Sacred Teachings [and the] teachings of my Inuk side."

- Caramello Swan, Inuk-Anishinaabe youth

Inuit Qaujimagatuqangit Principles

- **Inuuqatigiitsiarniq:** Respecting others, relationships and caring for people.
- **Tunnganarniq:** Fostering good spirits by being open, welcoming and inclusive.
- **Pijitsirniq:** Serving and providing for family and/or community.
- **Aajiiqatigiinni:** Decision making through discussion and consensus.
- **Pilimmaksarniq/Pijariuqsarniq:** Development of skills through observation, mentoring, practice, and effort.
- **Piliriqatigiinni/Ikajuqtigiinni:** Working together for a common cause.
- **Qanuqtuurniq:** Being innovative and resourceful.
- **Avatittinnik Kamatsiarniq:** Respect and care for the land, animals and the environment.

- [Inuit nuatqatigiittiarniagut](#) (Inuit Societal Values), Government of Nunavut

The knowledge passed down through kinship systems is Sacred and needs to be cared for by those receiving it. Haisla youth Meghan Metz emphasized the importance of continuing to take care of this knowledge:

There is a lot of power in sharing stories and sharing your truth... I am grateful to be here to be learning from our Elders, Knowledge Keepers, and Survivors, it's important that we carry their stories forward for them.

Dr. John Borrows reminded the Gathering of how precious and meaningful this work is:

This is our opportunity to live what some people were not able to live... the honour that we have is fleeting... These laws, these teachings, gives us opportunities to be responsible to one another. And responsible to Creation.

Elders, Knowledge Keepers, parents, youth, and kin relations – the generations now living, learning, and teaching their Indigenous laws – are, as Elder Peter Schuler said, “chang[ing] future generations... [by] learning language, by learning what our ancestors knew and by passing those things down to make a change for the better.”

Indigenous Laws are Resilient

"li'ka'ki'maan. Don't give up. I want to acknowledge all Survivors that are here. The Canadian government has done everything to annihilate us... They did what they did, but the thing is we are still here – we are still here to stay. They have trouble accepting that."

- Elder Keith Chiefmoon, Survivor

Indigenous laws have continuing force and application. They are durable and they are enduring, and they are not static. Indigenous laws emerge from the natural laws of Creation, which are not changed or controlled by humans. However, this does not mean that Indigenous legal practices are frozen. As Kanien'keha:ka Kahnistensera (Mohawk Mother) Kwetii explained, Kaianere'kó:wa (Great Law or Great Good Path) "evolves with time... it evolves with different circumstances... no one can take that away from you. [Our original law] all comes from Creation."

The Indian Residential School System tried to destroy Indigenous Peoples' connections with their lands, languages, and kinships. Like colonial violence more generally, it sought to destroy the relationships, responsibilities, institutions, and practices that characterize Indigenous laws. Youth panelist, Stephanie Nirlungayuk, illustrated how this violence has reverberated through her own family's story:

Grandma lost one son and four grandchildren to suicide... My grandma may not have suffered extensive abuse in her time away, but she was stripped of many years of opportunity in her community where she was loved and so deeply needed.

Stephanie said that despite the direct and intergenerational harm experienced, her Grandma still "walks through life with so much love and forgiveness."

Michelle Leclair emphasized that "when we're talking about intergenerational harm, we're not just talking about individuals". The impacts have been felt across whole communities. Due to the resilience and resistance of Indigenous Peoples, however, Indigenous cultures, values and identities have survived. The Gathering loudly amplified how colonial attempts to eradicate Indigenous Peoples have failed.

"We came so close to extinction, like a canoe six inches from Niagara Falls. Creator inspired the resurgence that we're seeing today... the [Akwesasne] Freedom School was born... Survival schools, Immersion schools, knowledge schools...kids started to sing, and our Longhouse, that was almost empty, is filled up with capacity today... And because of that we're still here today. Because of our stubborn grandmothers and stubborn grandfathers who refused to give up."

- Elder Tom Porter

Blackfoot youth Scott Fox provided a personal account of this resilience in the transmission of language. Language nourishes laws and flows through kinships, in particular between grandparents and grandchildren.

Scott connected the resilience and efforts of his Elders to what is happening today, and how this will influence the future:

A lot of [the strength of this movement] rests on the youth because in 20-30-40-50 years, we can recount this and we can say [that] as young people we stood with our Elders, we cried with them, and we let them know their suffering was not meaningless, that our people didn't get whipped and beaten, and some children never left those [institutions], that it was all for something. [We can say] that the resiliency they handed to us – they handed trauma to us – but they handed us Medicine. The Medicine is also inside of us.

While Indigenous laws live within oral traditions, several speakers addressed the role of written laws in maintaining them. For Dr. John Borrows, “capturing [law] in writing may only be a faint echo of what you’re trying to do... but that faint echo can help because it reminds us... to pull ourselves along in accordance with [the teaching]”. He said that Indigenous Peoples have always created tangible reminders “to recall law-as-action”, such as in wampum, in dish with one spoon, and in many other forms.

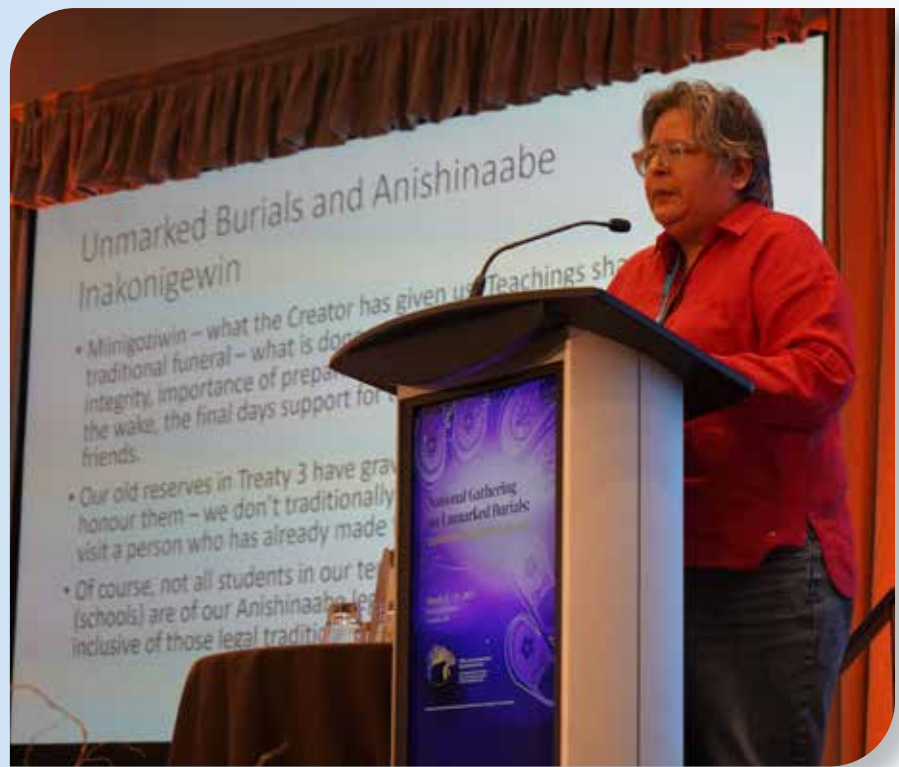


"My grandfather didn't teach his children [their] language out of love, because every time he spoke his language he was beaten. He prevented his kids from [having] that same experience, so he withheld that. My mom did learn the language through her grandparents, and the language I am able to use today I didn't get from my parents, it was from my grandparents."

- Scott Fox, Blackfoot youth



Anishinaabe lawyer Sara Mainville echoed this idea. She spoke about how Inakonigewin (law) and Miinigoziwin (constitutionalism – “what the Creator gave us”) can be supported by written resources: “the Law exists in oral tradition and relationships... the role of written law is to provide a guide to act within our teachings”. And for Kanien’keha:ka Kahnistensera Kwetiio, people may learn from written versions of Kaianere’kó:wa even though it was never meant to be frozen in words on a page.



Anishnaabe lawyer, Sara Mainville, former Chief of Couchiching First Nation, JFK Law

MIINIGOZIWIN

TRADITIONAL LAW MAKING

IZHICHIGEWIN

This is our way of doing things. It is the sacred law teachings of living within law towards Mino Bimaadziwin





INAKONIGEWIN

The Written Law "Guides the Way" as it is written in English and can be revised to guide the way in a more effective manner



ONAKONIGAAWIN

This is the process within the oral tradition of learning as an infant through the welcoming ceremony towards the various rites of passage, the cycle of life - to the superior knowledge of the Anishinaabe way and living within our way of life.



Slide from Sara Mainville's presentation describing legal terms in Anishinaabemowin



“Be strong as you continue to tell the truth... continue to fight for justice... not just for those who came home, [and for those] who didn’t come home, but for our children here today and for those still to come.”

- Margaret Froh,
President of the Métis Nation of Ontario

D. This Sacred Work Unites Us

"Our Mind is Agreed."

- Elder Tom Porter

Elder Fred Champion told the Gathering that upholding Indigenous laws requires "true sovereignty". Sovereignty is practiced both as self-governing Nations and as interrelated Survivors, families, and communities:

For us to go back and understand how to live by those laws means... we have to look for, and do our research, and our visiting and our talking about those relationships that we have been given from time immemorial on how to be interconnected.

Speakers shared some of the ways in which Indigenous laws are founded and upheld in land, language, and kinship. These diversities mean that distinct principles, practices, and approaches will be followed as searches, recoveries, commemorations and related work progress within and among different territories and communities. At the same time, the Gathering articulated and represented the unity that fulfilling this Sacred work requires. Sara Mainville noted that "each community has its own ways, its own protocols and we honour those... seeing the commonality but also the diversity, we should honour both."

Strong relationships, which is a principle of many Indigenous laws, continue to grow.

Haudenosaunee artist and Survivor Gary Miller explained this is happening even in the context of Survivors' experiences in the Indian Residential School System:



"No matter where I go in Ontario, I run into friends that I went to the Mush Hole [Mohawk Institute] with and we all have that same story. It's a nightmare. But it also taught us about brotherhood in the love of one another without exception. So as the Mush Hole was trying to kill the Indian in the child, we became brothers, brothers of different Nations from across not only Ontario, but Canada. From Tk'emlúps to Akwesasne to Nova Scotia."

- Gary Miller, Mohawk Institute Survivor



Discussions highlighted three main ways in which Indigenous Nations are fostering unity, both within and across communities, in the work of finding and caring for the bodies and Spirits of the missing children.

First, unity requires **solidarity**, even when challenges and positions may



Flower Beading

seem different. Speakers from Île-à-la-Crosse, for example, called for support as they struggle for recognition, respect, and compensation from federal and provincial governments. Métis Survivor Louis Gardiner said, “if there’s anything I can ask from the Gathering, it’s... support us in our fight. I think it’s very important. We can go a long way united.” Michelle Leclair, Vice President of the Métis Nation of Saskatchewan, emphasized the close relations and shared experiences of Métis and First Nations communities, as well as the injustices that have resulted from the disunity that colonialism has engineered:



Michelle Leclair, Métis Nation Saskatchewan

First Nations and Métis people went to those Indian Residential Schools together. Our First Nations and Métis communities are very close together, and we’re family in Saskatchewan. And part of our family isn’t being recognized. Many of those graves that have been found in Saskatchewan belong to our people... our kids are being forgotten. They’re being found, but they aren’t being acknowledged.

Second, unity develops through Indigenous legal processes that encourage **interdependence and shared decision-making**. Sara Mainville’s presentation showed how Anishinaabe Izhichigewin (“our way of doing things”) is reflected in Grand Council Treaty 3’s Health Law: “We want to make sure that everyone is included because everyone has a gift, and those gifts may be necessary to making these hard decisions.”

Similarly, Dr. John Borrows highlighted how consensus-building practices are at the heart of Anishinaabe law and spoke of the possibilities that emerge when we follow Debwewin (truth) in the revitalization of Indigenous laws both within and across Nations:

The measure [of our truths] is much greater than a judge or a legislator or a lawyer or anyone else that might be officially regarded as being an agent of the law... Creation [is] a Council of different gifts.... Everyone will have space to see themselves in those legal traditions that have been passed to us in different ways...[in considering diverse perspectives] we're trying to find harmonics, resonance by understanding something from different angles...[By] joining those people with good will from every walk of life, we will find a way. Inawendig manidoo. We are all related.

Third, Nations express unity by **sharing experiences and resources**. As Wendy Hill observed, “when we have something common in mind and we work together we can find solutions.” Elected Chief Mark Hill described the work of the Survivors’ Secretariat in overseeing the process of searching the 600-acre grounds of the Mohawk Institute, which took Indigenous children from many Indigenous Nations. Elected Chief Mark Hill explained that “in order to do this work we need to do it together... I have a duty and a true honour to try to bring people together. We are willing to share things we learned and we want to learn from others doing this work.”

While the specific laws and approaches of diverse Indigenous Nations may differ, participants emphasized the shared purpose of this Sacred work. Scott Fox said, “All of you here in this room are reminding me that you care about sending off our kids in our Sacred way. You being here gives me strength and courage.”

“We Indigenous people gathered here have a responsibility... We are ever united. Look what we can do together. We have done a lot of work together for ourselves, for our past, for our future. That’s what we have done to take back what we lost at the residential schools. By working together, we can bring about a better result for many people... Let us stand and journey together to build a better world, a better life, with trust, honesty, and determination. We all have a duty and responsibility to build a better world for our children, our grandchildren, and their grandchildren. We are grieving with you, we are sad with you, we are with you all the way.”

- Piita Irniq, Inuk Survivor



E. Obligations to the Children

Every Indigenous Nation has distinct laws, principles, and practices to recognize and care for those who pass into the Spirit World. These laws, principles, and practices are founded in worldviews, values, and knowledge that pre-existed the colonial violence perpetrated by those operating the Indian Residential School System. They inform Nations' legal obligations to the children who died at these colonial institutions.

Honouring Life's First and Last Stages

Speakers described how Indigenous laws embrace all of life's stages, from before birth to after death. Mohawk speaker Doug George-Kanentiio said:

When we are given the three Sacred breaths of life at the beginning of our time on this earth, we have duties and obligations, and at conclusion of our time on earth, we are instructed that the physical body, once the three Sacred breaths have left, has to return, in our mourning ceremony, to the embrace of Mother Earth. This physical transition has to take place in accordance with the traditional rituals and natural laws.

Indigenous laws recognize children's legal standing, legal needs, and legal authority. From before an Anishinaabe abinooji (child) is born, Sara Mainville said, "they have 100% agency. They make the decision to come to those parents... that Spirit decided to visit us." She explained that Welcoming Ceremonies connect these new arrivals from the Spirit World to Mother Earth. Cree lawyer Eleanor Sunchild, KC, and representatives from Onion Lake Cree Nation, spoke of Ohpikawaskuk (child raising), and the gifts of a child's decision to bring their "clear, perfect Spirit" to Earth:

Before we were born, we made a commitment. Our Spirit made a commitment with the Creator. The Elder said we pick our parents... The [Creator] gives love, kindness, respect, honesty, truth, wisdom, kindness, caring, and sharing all those gifts... When we made that commitment the Creator asked, 'Will you promise me one thing before I fulfill the request? Will you share these gifts? You share them with all of your family and friends.' When babies are born they are closest to their Creator.

Kanien'keha:ka Kahnistensera Kahentinetha explained that women have particular legal obligations towards both children and the land:

The women are the progenitors of the soil. We bring the children onto our Mother Earth. And we have duties and responsibilities to take care of our Mother and to take care of our children. So each one of us is born to do that and we have no choice but to take care of our Mother and to take care of our children.

Recognizing all of life's cycles includes obligations to ancestors and those who have died. Empty Chairs, Spirit Plates and offerings of food and tobacco, for example, are protocols that uphold obligations to feed relations in the Spirit World. Wendy Hill said that:

*When someone dies, we put a chair at the table and every meal we fix a meal for them...
That food is a sign of love and a sign of acknowledgement, and it is the least that we can do.
[The obligation of] the ones living is to try and remember the ones who have passed on.*

Sara Mainville spoke of the Four Day Journey that Anishinaabeg take at the end of their physical lives, and the bundle of seven helpers (Medicines) that "are all they need and all we should give." She noted that:

Our tradition isn't to have a place to visit people who have already taken that Four Day Journey, but we do have a place where those physical bodies are buried and we honour them and respect them and don't mean to disturb them.

Scott Fox shared some of the death and burial ceremonies that are the "distinct way [Blackfoot] honour the people who left us." Scott says that "[i]n our territory we have a place where nobody lives. That is the resting place of our people." Richard (Pakak) Picco told the Gathering how Inuit traditional burials pay particular attention to the needs of men, women and the very young, "If a baby was being buried they'd be buried with bone games... they'd be wrapped in seal skin to keep their Spirit with their body until they were ready to move on." He also related how he is part of a group in Iqaluit pushing back against non-Inuit burial practices, which are both culturally and environmentally inappropriate:



The cemetery in Iqaluit is located in a bog... they didn't listen to our traditional knowledge... so our people are being buried in muck... we're trying to bury our people traditionally... in stone cairns. We're trying to open a traditional cemetery so that our people won't be buried in muck and swamps.

- Pakak Picco, Inuk youth

Indigenous laws may respond to non-natural deaths in particular ways. Specific approaches and protocols are designed to meet particular needs when such tragedies occur. Elder Tom Porter spoke about how the Haudenosaunee approach the tragic deaths of loved ones and community members:

If it's a natural death... it is the belief of our Elders that that person who is ready to cross over [to the Spirit World] is given seven times the power that they normally have in day to day in order to cross over... but if somebody dies and it's not natural, it is the belief of our Elders and the practice of our Elders that that Spirit cannot travel to the next world. It gets stuck where the tragedy took place... you have to go over there with the food and the Sacred tobacco to where the [death] took place so you can go and release that Spirit from that tragedy and they can go on.

Participants shared these brief overviews of how different Indigenous Nations recognize distinct legal obligations towards children and those who have died. In many cases, meeting these obligations depends upon knowing who died, how they died, and where they are located. Different communities may follow distinct protocols. Specific ceremonies may be conducted by specific relations. Those who have died may be laid to rest in particular ways, in particular locations, with specific Medicines and possessions to assist their journeys to the Spirit World. The genocide that included the Indian Residential School System undermined these protocols and made it impossible to meet these needs and obligations when the children died. These immense and continuing disruptions have had a profound effect on the well-being of the children and their living relations. Yet, despite the ongoing challenges posed by non-Indigenous laws and institutions, Survivors, Indigenous families and communities are continuing to uphold Indigenous laws as they search for, recover and care for the bodies and Spirits of the children who are not yet home.

Meeting the Needs of the Children who Were Never Returned Home

Many at the Gathering spoke passionately about the children who died outside the embrace of their families, their cultures, and their laws. Several speakers offered insights on how different Indigenous Nations may respond to the needs of the children. Cree Elder Fred Campion said:

The children [are] stuck in those places because they didn't have the opportunity to live or to have a connection to... knowing their own tradition and culture... [T]hey were innocent in their birth and they are innocent in their death... [P]eople in the communities [must] reach out to those that have been given the responsibility of carrying some of the ceremonies... Each community can do a feast,... family members can bring protocol... [they can] call out [the children's] names and have them feasted and taken home.... In all our Nations we have been given those kinds of responsibilities and gifts to do that.

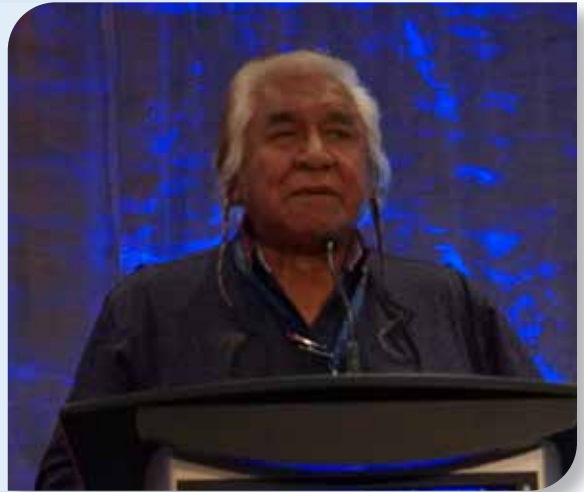
"We had a distinct way to honour the people who left us. There were ceremonies, there were songs. And for our children in unmarked burials, they have yet to receive this. There is a place in our heart that aches because we have not yet sent them off in our Sacred way."

- Scott Fox, Blackfoot youth

Elder Keith Chiefmoon shared a Blackfoot approach to the burials in his territory:

"We have a ceremony and we acknowledge all the names that were there and, in our tradition, we tell them to go on their journey and we call them by their name... we don't know how those children lost their lives, so sometimes we think that they're still here. So that's why we have the ceremony that sends them on their journey."

- Elder Keith Chiefmoon,
Kainai Nation and Blackfoot Confederacy



The Survivors, Indigenous families, and communities that are searching for and recovering the names and burials of the missing children are practicing Indigenous legal principles in facilitating their journeys. Elder Tom Porter said:

Those children whose graves are not found yet are stuck there. Because it is tragic what happened to them. That's why it's important to find where they are. And then each Nation has to consult with their oldest Elders, the ones that still know the history and the original teachings of the Creator... to consult on how to handle that.... And that's when our young will be free. And that's when we can begin our work to make sure the next generations will never be lost again.



Upholding Cree Law in the Search and Protection of Unmarked Burials in Onion Lake Cree Nation

Community-led processes are actively guided by Indigenous laws. Cree lawyer Eleanor Sunchild, KC, Council member Bernadine Harper, and Elder Rose Watchmaker shared how Onion Lake Cree Nation is applying Cree laws to care for the children buried at their Nation who were never returned home from Indian Residential School.

Onion Lake Cree Nation, which straddles the Alberta-Saskatchewan border in Treaty 6 territory, had two Indian Residential Schools on its territory: St. Barnabas was operated by the Anglican Church from 1892 to 1943, and St. Anthony was operated by the Catholic Church from 1894 to 1974. Both institutions were relocated within the community after fires, and there are at least four separate sites where unmarked burials may be located.

Bernadine Harper described Onion Lake Cree Nation's approach to beginning the search:

When we started this process we had our own community Elders, our Lodge Keepers, our Ceremony Keepers and we went to them. We also had an Elders' Council and we turned to them for guidance, support, and direction. We had several meetings and we explained what was going to happen and they said their prayers. They had their Lodges to make sure that we're doing the right thing... that means no shortcuts... the Elders told us to slow down, this has never been done before. We have to abide by the supreme laws we were born with. As First Nation people we all belong to Turtle Island. We were all born with gifts, ceremonies, and protocols. That's what they wanted us to follow.

Bernadine explained how Elders provided the care, patience, and knowledge to apply Cree laws to the unprecedented and uncertain work of finding and caring for generations of missing children. Oral histories and Survivor memories helped identify locations to search. Elders related the ways in which Cree laws respond to the children's physical, spiritual and social needs, including those of their families and communities. This approach also helped address the complex technical and logistical decisions that community leaders had to make:

There were [children from] about ten surrounding First Nations communities that [were] brought...to those schools ...it's a huge process and that's where the Elders told us to slow down...there were prayers and ceremonies that had to be done in order for us to continue.... The Elders told us to slow down and not to go into this GPR thing [right away]. They told us to let them rest... that's why our communities stopped for a whole year and a half. We had to make sure that we do things according to protocol so that there's no consequences that would fall on our children, grandchildren or [later] generations.

Specific protocols apply to meet the needs and obligations identified by community Elders. Bernadine spoke of pakitinâsowin (offering ceremonies). These were conducted before anyone was allowed onto the search sites:

There were children buried [there] so they had to honour and respect the ones that didn't make it home. They sang those four songs. After they sang then that's when the Elders gave that go ahead to move forward.

The needs of living relatives, searchers, and Survivors are also upheld within the Nation's Indigenous laws. After each day of the ground search, a team of community members helped people with their emotions, painful memories, and trauma. Elder Rose Watchmaker said, "there's still a lot of pain out there that hasn't been shared by some of the people that went to school there. They keep it very well hidden and most have gone on without ever telling their stories." Cree legal processes provide spaces for truths to be heard and held in ceremony.

Onion Lake Cree Nation's search process is not just about finding the locations of unmarked graves. Speakers shared how Cree laws include rights of passage for every stage of a person's life journey. Many of these were never provided for the missing children. This remains an obligation that the community must meet. Bernadine said:

... *Parents missed out on giving the knowledge to their children. Missed out on giving the rights of passage. [Children] were deprived of the right to a proper funeral.... Now we have to do the ceremonies for the unmarked graves. The four days of lighting the Sacred Fire. In death the ceremony songs are sung to help the Spirit cross over.*

Also discussed was if and how to repatriate children who have been buried outside their own communities. Bernadine explained how community Elders interpreted Cree laws on this point:

... *Once there's a burial, we have to leave it there but we can do ceremonies of calling the Spirit of the children that died at the schools. We can call their Spirits and send them back home.*



Cree lawyer Eleanor Sunchild, KC, Council member Bernadine Harper and Elder Rose Watchmaker present on Onion Lake Cree Nation's community-led search process

Each Nation has its own principles to guide search processes and help families and communities work through difficult decisions, including how to best honour, respect, and bring dignity to the missing children.

Some children may never be identified or physically found. Some speakers and participants at the Gathering identified Survivors' recollections of the horrific reality that those entrusted with the children's care used furnaces and incinerators to dispose of children and babies' bodies at Indian Residential Schools. Elder Fred Campion remembers his grandmother telling him how "in the morning or at night [she would] hear a baby crying and the next morning there is no baby." Another Survivor shared:

People speak about babies, born in those schools. People that went there spoke about hearing babies in the nighttime, morning, evening. And back then they had furnaces...with wood. And we hear stories that there was a baby. You would hear a baby crying for about a few minutes, but then stop. So those are issues that we still need to deal with... [W]hen we speak about issues during the time of the residential school era, we're speaking about Spirits – the Spirit of the children. In our language, when we speak, it always has to do with the Spirit... For me, they're speaking: those children that were buried a long time ago; even those that were burned – the babies.

Meeting legal responsibilities to these children, and their families, requires uncovering the truth. These truths must be heard. Elder Fred Campion told us, "I want to acknowledge my grandmother and be her voice." Another participant spoke of the continuing connection between the missing children and the land: "The land is Sacred... If we're going to talk about truth, we have to talk about those [children] who never had an opportunity to be buried."

There are protocols and practices to recognize and uphold legal responsibilities even in these most painful of circumstances. Elder Fred Campion spoke of the solace that Cree ceremonies offer:



Our way, our ceremony, was a saving grace for me. I know when we ask the Creator and the Grandfathers and Grandmothers about how to reach out to those little ones, the Creator knows each and every one of the children that are born. We're known by the Creator... When those children go home, they'll be going home in full knowledge to that Spirit World.

Elder Fred Campion, Drift Pile Cree Nation

Anishinaabe artist Michelle Derosier illustrated how Indigenous laws help intergenerational Survivors carry – and release – such burdens in her short film “A Boy and His Loss.” She spoke of the individual and collective experiences that inspired her to create the film:



"After the 215 [unmarked burials recovered at Kamloops Indian Residential School] was when my mother told me about my Shoomis, my grandfather... in the Kenora Residential School. I didn't know about what he witnessed, my Shoomis. As we're all sort of learning, and how that impacted my life. I didn't know until after the 215 the story about him seeing them bury a baby in a butter box... Sometimes I think that's me, that that's all of us. That we've all been carrying that weight."

- Michelle Derosier, Anishinaabe from Migisi Sahgaigan First Nation



Participant at the National Gathering

F. Upholding Indigenous Laws Within, Beyond, and Despite the Canadian Legal System

The laws of Indigenous Nations and the laws of settler societies have always been distinct. This distinction was recognized in the earliest Treaties and was intended to be respected. However, Canadian laws, historically and today, have been imposed on Indigenous Nations and impacted the ability of Nations to meet needs, uphold obligations and respond when laws are broken. This reality informed discussions about (re)establishing right relations between Indigenous and non-Indigenous laws, as well as holding Canadian institutions to account for their unfulfilled commitments. Scott Fox described, in reference to the Numbered Treaties, how colonialism has been defined by the structures and processes by which non-Indigenous governments have undermined, broken, and attempted to extinguish Treaty promises made and the Indigenous Peoples they were made with. However, as Sacred and “unbreakable commitments”, these Treaty promises must be remembered, asserted, and upheld through the exercise of Indigenous laws.

Rebuilding Responsible Relations

In his speech at the Gathering's Opening Dinner, then Minister of Justice and Attorney General of Canada, David Lametti, spoke of the government's “responsibility to rethink our approach to justice” and its obligation to ensure that Indigenous laws are upheld. This obligation is explicitly set out in TRC Calls to Action 42 and 50 and the federal *Declaration on the Rights of Indigenous Peoples Act*, which came into force on June 21, 2021. Minister Lametti acknowledged that these obligations are not new, but they have yet to be fully upheld. Referencing the TRC's work on the missing children and unmarked burials, he told the Gathering that Canada “heard, but we didn't listen. And we didn't act.”



Honourable David Lametti, Minister of Justice and Attorney General of Canada

Minister Lametti affirmed his personal commitment to a changed approach. He shared that he keeps one white baby moccasin in his office. The moccasin was presented to him by Federation of Sovereign Indigenous Nations Chief Bobby Cameron in 2022, to remember Survivors of Indian Residential Schools and the innocent children who were never returned home. Minister Lametti told us that Chief Cameron is holding the other moccasin, and that he will only provide it when the federal government meets its commitments of justice to Indigenous Peoples.

Speakers raised several ways in which non-Indigenous institutions (federal, provincial and municipal governments, churches and others) can and must support Survivors, Indigenous families and communities in doing the Sacred work of recovering the children. They include active remembrance and commemoration of those who died. One participant called for the establishment of a memorial:

Like what they have for Vietnam veterans in Washington, DC, for the ones who gave up their lives in those schools. But also, all the Survivors. To be honoured or remembered in some way, because we need to teach what happened.

Remembering Joey Commanda, the “last victim” of the Mohawk Institute



The Gathering amplified calls for non-Indigenous governments to do more to commemorate the children who were never returned home from Indian Residential School. One of these children was Joey

Commanda. Joey died in September 1968 when he was struck by a commuter train in Toronto trying to escape the Mohawk Institute and return home to Pikwakanagan First Nation.

Survivor Doug George-Kanentiio, Joey’s friend, shared his story. Joey and his older brother Rocky had been taken from their Algonquin community in 1967 and sent almost 500 kilometres away to the Mohawk Institute, where they were stripped naked, fumigated and given numbers along with prison-style uniforms. Like others at the institution, they endured violent punishments, malnutrition and psychological abuse. The brothers tried to return home several times, and eventually escaped together. Rocky was caught by the police and put in jail, but Joey continued following the train tracks towards home. He had travelled over 100 kilometres when he fell and was fatally struck by a train while attempting to cross tracks in Toronto’s west end. He was 13 years old.

Joey’s relatives fought for his death to be investigated. A Coroner’s Inquest heard about the systemic patterns of physical abuse and inhumane treatment at the Mohawk Institute. The Institute was closed in 1970, and no one was ever held accountable for Joey’s death.

Doug is among many who have been advocating for Joey’s life – and the lessons of his tragic death – to be appropriately commemorated. In 2021, Joey’s sister Loretta Nadeau organized a three-day memorial walk from the site of the Mohawk Institute to the site where Joey died, followed by a vehicle convoy. Loretta, Doug and hundreds of Joey’s relatives, community members and supporters, together walked the last of the 450 km journey back to Pikwakanagan.

The voices of those who remember Joey are beginning to be heard. At the Gathering’s Opening Dinner, the Deputy Mayor of Toronto, Jennifer McKelvie, announced the City of Toronto’s intention to rename the bridge near where Joey died in his honour. The Joseph Commanda Bridge will memorialize this young man’s desperation, courage, and tragic death at the hands of a genocidal system. This commemoration is also a testament to the dedication of those who love Joey, and all who remember and honour the children who were never returned home from Indian Residential School.

While the recognitions of non-Indigenous governments represent progress, participants also pointed to the significant work that must be done to rebuild trust and well-being. Reconciliation is not a given, and there is an ever-present risk of it being used to distort or deny what the Canadian state, through its laws and institutions, did to Indigenous Peoples. In the stark words of one participant:

I have a difficulty with the whole concept of reconciliation. Because the word for me assumes that you have two parties that have a dispute, disagreement. But I can't see where that has happened in our case. What I do see is the genocide, that we still feel the effects of... we were meant to be wiped off the face of the Earth.

There are many ways that governments and other non-Indigenous entities must nurture truth before expecting reconciliation. For Inuit leader Jack Anawak, this means fulfilling promises to “recognize each of the Indigenous groups as Nations.” For him, “reconciliation has to be total. Total recognition of our language, recognition of...attempted genocide.”

Others offered tangible examples. For one, the continuing lack of disclosure from the institutions responsible for Indian Residential Schools has profound consequences for Indigenous people’s ability to uphold their own legal obligations, both to the missing children and to their relations. Participants spoke strongly of the continuing responsibility of churches to provide needed information. One Survivor said:

The only time that [truth and reconciliation] will really come to be is when the churches come forward and admit as to where our children are buried... One of [the boys in my community who never came home] is [my mother-in-law's] brother. She's now 86 winters. I hope, I pray that the church comes forward and tells us where they buried that child – because they know – so my mother-in-law can leave this world in peace knowing that her brother was found.

In Doug George-Kanentiio’s view, Canadian laws must do more to prevent and repair the desecration of Indigenous bodies, Spirits, and burial sites. As he showed in his presentation, there is both evidence and an ongoing risk that access to unmarked burials associated with Indian Residential Schools will be denied and/or disturbed by non-Indigenous people and institutions. The reasons for this pattern lie deep within the history of colonialism’s denigration of Indigenous lands and knowledge systems. In Doug’s words, “the history of Indian Residential Schools starts with the initial stereotypes of colonizers... that Indigenous Peoples could not be sophisticated.” This denigration is physically evident in the stolen bodies, burial artifacts and other sacred possessions that remain held in non-Indigenous institutions on Turtle Island. From his experience in helping to catalogue almost a million items for Nations to repatriate from American museums, Doug called upon Canadian laws to fully support the essential work of locating, protecting and, perhaps most importantly, respecting Indigenous authority over these Sacred bodies, Spirits and spaces.

Doug underlined a fundamental truth about rebalancing relations between Indigenous and non-Indigenous laws: while state (i.e. federal or provincial) legislation can ensure the conditions necessary for Indigenous authorities to operate, state laws themselves cannot – and should not – try do the work for which only Indigenous authorities are responsible. It is up to Indigenous people, following Indigenous laws, to meet the needs and obligations of this Sacred work. This is especially true in regard to caring for the bodies and Spirits of the children, as well as the lands that hold them.

"The kids have to return to us. The remains have to come back to us... then we can effect the greater part of our reconciliation: not reconciliation with the Canadian people or the federal government, but reconciliation with the Spirits of the children who were stolen from the embrace of Mother Earth."

- Doug George-Kanentiio, Mohawks of Akwesasne



While state governments cannot take on Indigenous legal responsibilities, they are responsible for the harms that their colonial laws, actions, and agents have caused. As one participant pointed out:

To uphold justice for the Indian Residential School children who were murdered in these institutions, Canada [needs to] have those individuals held accountable. These individuals are still alive, and the laws and the policies created by the Canadian government hide their crimes and in order for us to have justice, these people need to face justice with Canadian laws.

The harms and wrongs relating to the children who were never returned home from Indian Residential Schools can be seen, assessed, and repaired through both Canadian and Indigenous legal frameworks.



Justice and Reparations for the Missing Children

Koren Lightning-Earle (Blue Thunderbird Woman, Samson Cree Nation) and Dr. Hadley Friedland from the Wahkohtowin Law and Governance Lodge at the University of Alberta, facilitated an interactive session on justice and accountability for the missing children. Working in small groups, participants from diverse Nations generated responses to the question “what do you see for justice and reparations for missing children?” Ideas emerged across six thematic categories:

1. Truth Telling

Truth – deep, complete, and comprehensive – is an essential prerequisite of justice, reparations and, eventually, reconciliation. Participants emphasized the importance of widespread public education. This needs to include school curricula and a truly national education and healing plan. Truth is rooted in listening to Survivors.

2. Pathways to Truth

How do those leading this Sacred work find the truths we need and follow the truths that we find? Truths about who the missing children are and where they are located must be determined through the integration of scientific evidence, written records, and oral histories. As one participant said, *“through oral history we knew the children disappeared, and written history is how we are investigating it.”* These pathways all run through community-led research and consultations that respect distinctive Indigenous laws, approaches, and decisions. All the unmarked graves must be identified. All the children must be found.

3. Evergreen Funding

This Sacred work cannot be sustained through funding that is constrained by time limits and government-imposed conditions. Participants called for core funding to be provided by the federal government to support the investigations and healing, and stressed that these investigations must be accountable to Indigenous authorities and laws. While those who have lost relations may never be made whole, governments should also provide families and communities with material compensation, both financially and through the return of lands.

4. Cultural Pathways to Healing

Indigenous healing must be led by Indigenous knowledge, experts, and laws. Healing includes ceremonies, intergenerational reconnections, land-based activities, access to Indigenous counsellors and health professionals, and opportunities to relearn and tell family histories that embrace, uphold, and commemorate our missing children.

5. Respecting Natural Laws

Participants chose to use “natural laws” instead of “Indigenous laws” to recognize the teachings of Elders that locate the source and authority of law in the land. Natural laws include natural consequences that, depending on the circumstances, can be harsh but are never arbitrary. Indigenous Nations and authorities are responsible for making decisions and controlling processes according to their own distinctive laws and legal relationships with territory, with kin and with other beings. Non-Indigenous governments and people are responsible for understanding, accepting, and following these laws as they may apply to them.

6. Accountability and Acknowledgment of the Truth

Participants discussed how accountability for the harm and legacy of the Indian Residential School System may happen through Indigenous, Canadian, and international laws. Under all these legal frameworks, what happened to the children is deeply wrong and unlawful. Participants called upon the federal government to admit its responsibility for genocide and to criminally charge and prosecute all individuals responsible. This may include seeking the arrest and extradition of those who are no longer in Canada. Organizations must also be held accountable. Participants wondered if international legal institutions, such as the International Criminal Court, or international human rights tools could be used to pursue accountability for governments or churches who refuse to accept responsibility.

Accountability and Canadian Law

"If we are talking about upholding our law, we have to remind Canada to uphold their own law... If they are expecting us to uphold our laws, we are going to hold them accountable to uphold their own... there's a lot of reckoning, a lot of accountability."

- Participant

The Gathering heard from Survivors, leaders, Elders and Matriarchs who, in asserting their own laws and upholding their own legal obligations regarding this Sacred work, are demanding that Canadians live up to theirs. These demands are being made in public discourse, political negotiations, and court actions.

Accountability is emerging through the persistence of Survivors who are not letting truths – their own and those who can no longer speak – be silenced. Survivor Piita Irniq powerfully stated that this is not just a matter for Indigenous people; it is a core part of Canadian history and Canadian laws. He said “Canadians have a right to know, and Canadians have a duty to know what happened to us at Indian Residential School... it is not only Indigenous history, it is Canadian history.” He recounted his own experience:

I was kidnapped in broad daylight, right in front of my parents... This was the beginning of leaving behind my language, my culture, my Inuit spirituality, my shamanism and the practices we were used to for healing, for special relationships with animals, land, our past and our future. We were to be assimilated into the qallunaat [white] world, to think like a European. The losses we experienced were to be permanent. The impact on all of us... was traumatic.

Piita also shared the story of a family whose daughter was never returned home from Residential School:

[Her mother] waited and went to meet the plane like others. She never showed up. Nuns never told them what happened. They don't know where she is to this day, where she is buried. This happened in 1960-62. The Roman Catholic Church and the government have to be held accountable.

This Gathering heard many such remembrances of loss, resilience and hope. Some of these were conveyed through song, cinema, and visual art. Mohawk/Cayuga artist Gary Miller expressed his unflinching account of eleven years at the Mohawk Institute in a powerful exhibit of paintings and sketches that told the truths of his and other children's experiences of abuse there. Gary noted:

Indian Residential Schools in Canada were one of the techniques of Settler colonial genocide. Here 'education' was used as a political weapon to destroy Indigenous children's identities and Spirits. It was one of several weapons used by Settler society for the purposes of population replacement and seizing Indigenous lands, territories, and resources. One way to destroy national groups is to take their children away to total institutions and disrupt their inner development through violence.

Accountability requires listening, hearing and acknowledging these truths, which Survivors have so courageously kept and communicated. These truths are now being shared by younger generations. Haisla youth representative Meghan Metz, for example, called out the crimes of Reverend George Raley, one of the Church operatives in Haisla territory during the time of the Indian Residential School System. She described his disparagement and manipulation of her people's legal obligations and identities, which he used to steal and then sell their Sacred possessions:

He told our people that if they wanted to be accepted into heaven that they wouldn't be accepted with their Indian names that they had, and if they still looked at the treasures that our people had. So he pressured our people to burn all of their belongings that they had. Masks, bentwood boxes, any carved possessions. He would take them from people or people would bring them to him out of this fear that he was putting in their hearts and in their minds. While he was saying these things and pressuring them to give away these belongings, he himself was taking them outright and selling them to museums.

Meghan noted that the Museum of Anthropology at the University of British Columbia still maintains the "[Raley Collection](#)", which consists of hundreds of possessions taken from the Nations where he interacted. While he is no longer alive to face justice, his crimes continue to have tangible consequences, which must not be forgotten or allowed to continue.

When other methods of restoring right relations fail or are not available, Indigenous law-keepers are demanding accountability in and through Canadian courts. The Gathering heard about two active cases involved in the colonial legal system. One concerning the protection of Indigenous bodies, Spirits and lands, and the other about the recognition and compensation for Indian Residential School harms.

Kahentinetha and Kwetiio are two Kanien'keha:ka Kahnistensera (Mohawk Mothers) who, as members of the Women's Council Fire, defend and uphold the Constitution of the Rotinohsonni Confederacy and its clan-based consensual decision-making system. Under Kaianere'kó:wa (Great Way or Great Good Path, sometimes called the Great Law of Peace), they are responsible for caring for thequenondah (two mountains/mount royal) in present-day Montreal, including the bodies and Spirits of past, present and future children. The Kanien'keha:ka Kahnistensera, together with members of the Rotiskenrakehte (Men's Fire), went to Quebec Superior Court to obtain a court order to pause McGill University's redevelopment of the Royal Victoria Hospital. This hospital, built on the grounds of a pre-colonial Iroquoian village, was the site of a psychiatric institute that conducted non-consensual medical experiments on patients, including Indigenous children, in



Kwetiio, Kanien'keha:ka Kahnistensera (Mohawk Mother)

the 1950s and 1960s. It is believed that some of these children were sent there from Indian Residential Schools and Federal Hostels, and some were never returned to their homes. As explained:

Canadian law and what it stands for...is full of secrecy... [L]aws should be framed by us. This is our land. Turtle Island is our land. Let's get on it with it – let's get on with what we are supposed to do.

In October 2022, the Kanien'keha:ka Kahnistensera successfully stopped the development from proceeding until a proper plan to protect the bodies and Spirits of anyone who may have been buried in unmarked graves on the hospital grounds was put in place.

Kwetiio spoke of the legal obligations that the Kanien'keha:ka Kahnistensera are seeking to uphold. These encompass land, people and Treaties:

The earth is our Mother. The only way we could [protect it] is using our original laws... In our ways, we have the Teioháte, the Two Row Wampum... The onkwehonwe had our original way which was Kaianere'kó:wa. These two paths, these two peoples were to live in harmony with each other so long as they stayed in their own path... we were never to interfere in each other's business, never to interfere in each other's cultures and the way we conduct ourselves. The Kanien'keha:ka Kahnistensera take this very seriously – it is our duty that we are born with as Kahnistensera under Kaianere'kó:wa... is to take care of Ratiksa'okón:'a, the children – the past, present and the faces to come.

In another province and a different context, Survivors and relations of those Métis who were forced to attend Île-à-la-Crosse Residential Boarding School in Saskatchewan are asserting their truths, identities, and obligations as they continue to fight for recognition and compensation from federal and provincial governments. Jordyn Burnouf, speaking on behalf of Survivors who have filed a class action lawsuit, said that core issues of accountability have been obscured by federal and provincial governments who “have been passing things back and forth” saying “you're responsible for this school, you're responsible for that school”. The governments are further trying to deny responsibility by stating that “this school is older than Canada or Saskatchewan”. Jordyn noted both the depth of the harm and the strength of Survivors:

That harm goes back seven generations.... We don't even have the history to follow our lineage and our history... [but] with your help and with these big loud voices from our Elders and Survivors, we're seeing a shift.



Kahentinetha, Kanien'keha:ka Kahnistensera (Mohawk Mother)

This shift is moving to include Métis legal rights and obligations to land:

There is so much more that we have to do. We opened up with 'we want compensation – we want acknowledgement'. Our Survivors said 'what about the land?' ... the energy sector is one of the biggest things that is displacing us from our land. And that is harming our people. [Compensation] is a bare minimum... when we sat with [Crown-Indigenous Relations Minister Marc] Miller last year, we had the opportunity to tell him about the disconnection and displacement of human lives from their culture and from their language that is tied to land. If Canada and the provinces had to answer for that, this whole country would be flipped upside down. Us seeing our power and understanding that... It is not an ask. It is an inherent right.

The impact of governments' failure to meaningfully recognize and compensate Île-à-la-Crosse Survivors is only getting worse. Survivor Emilien Janvier raised the human cost that comes from "fighting all our lives":

Recognize us, we are people and compensate us and say you are sorry...We would like to get acknowledged that we are people. We want to move on in life. It's a dark chapter in our lives. We want to put that to rest and go to bed without having to think of what happened.



"We [Métis] lost our language, our culture, our identity. And all we are asking for is we want recognition. Our Survivors want closure... no child should be left behind; no Survivor should be left behind."

- Louis Gardiner, Survivor of Île-à-la-Crosse Residential Boarding School

Advancing justice and accountability through Canadian courts and institutions is essential. At the same time, participants recognized that these avenues are limited, and will never be the means through which Indigenous laws, needs, and obligations are fulfilled. Speakers conveyed this in diverse ways.

Sara Mainville remarked that the “law’s role in Canadian society has been oppressive and controlling. We don’t want to bring those features into our own law”. Kwetiio, speaking from her own experience in Canadian courtrooms, said that:

These provincial and federal courts are not made for us... Their system was made to kill us and to take our Mother. Creation must fix this. Our ways, our original ways, like Kaianere’kó:wa need to fix this... Indigenous law has no place within Canadian law.

Elder Keith Chiefmoon spoke of the Ga Na experience following the public announcements of deaths of children at Indian Residential Schools, contrasting the failure of Canadian law with the upholding of Blackfoot legal obligations:

It’s totally unacceptable [that] parents were never notified [about their children dying]... it flips back to who’s entitled [to be notified under] the legislation. At that particular time it appears...they didn’t consider us Blackfoot as people... There was legislation that was there. Why wasn’t anybody notified? On the flip side of that, when we were notified that we had [unmarked burials] on our reserve, we acknowledged that we had to do a ceremony to acknowledge those who had passed on.

Reconciliation through Indigenous Laws

Speakers noted that accountability and legal processes that accord with Indigenous laws will, ultimately, advance reconciliation. Cree Elder Fred Champion suggested that inclusion offers a way forward:

I’m hoping [discussions at this Gathering] will be shared with the non-native people especially the governments and the churches that have perpetrated these acts, to have them involved in the process because I’m sure they also feel awful about what’s being discovered, and the guilt and the shame. We need to help all people who have been affected in this country to move forward. Otherwise we’re going to be stuck.



This message was heard through many forms of truth-telling. Omushkego-Cree artist and speaker Michael Etherington shared his powerful song [*Bring the Children Home*](#). Like Elder Fred Champion, he expressed the hope that its message might be widely heard: “I want not just our community, but Canadians to find their hearts too.”

Artistic Performance: “Bring the Children Home” Produced and written by Michael Etherington

Accountability and justice cannot be delegated, diluted, or circumvented. Speakers and participants called on governments, churches, and all Canadians to meaningfully support Indigenous laws in leading this Sacred work. This means listening. This means learning. This means getting out of the way. It also means responding to the needs and obligations that Indigenous laws prescribe.

Participants at the Gathering articulated the importance of this need, which is owed to the children of the past, present, and future. Kahentinetha said:

There is a lot at stake and our children are watching us... they see that nothing is being put right and they are waiting for us to do something. What are we going to do? Talk about it? We have to assert ourselves and not be confined to Canadian laws.

Some at the Gathering also shared how their Indigenous laws continue to offer opportunities for the individuals and entities responsible for the harms of the Indian Residential School System to seek and earn forgiveness. One participant set out the challenge that all of us are facing. In his view, Indigenous and non-Indigenous people have two distinct but related responsibilities:

[Indian Residential Schools tried to] take the Indian from the child. Now we do the opposite. Put the Indian back in the child.... Our responsibility [is] to our children and grandchildren, great-grandchildren, but also the people that came here and shared a land with us. Their responsibility [is] to spare no expense, to spare no effort, to spare nothing so that we can put the Indian back in the child.

While neither a given nor a guarantee, forgiveness is a principle in many Indigenous legal orders. Speakers and participants discussed how it can be applied even in these most difficult circumstances. Elder Keith Chiefmoon stated, “in our teachings and our Creation stories, there’s a component of forgiveness... it’s not easy. I was traumatized... but one of the Sacred gifts that the Creator bestowed on us included forgiveness.” Another participant described this in a Nêhîyaw (Cree) context:

I know many times, it’s difficult to forgive. In our language, we call it Pônêyhtamowin. We have 44 ways of being. In various times in my life I have called them commandments or laws. But it’s a way to live that we’re told from Manitou. And it’s really simple things. The first one is sâkihitowin, love one another. And I think if you know one, and you can practice it through your whole being, you will know all the others. Pônêyhtamowin is one of them.





Participants at the Gathering



G. Our Laws, Our Leadership

Haudenosaunee educator Wendy Hill powerfully summed up both the pain and the purpose that drives Indigenous legal responsibilities to take on this Sacred work:



"We've all been affected. Think of those who didn't get to go home – they didn't get to have a family. They didn't get to be part of all these important things... We've been in sadness and grief a long time... it's time to use that to stand up, speak our truth, go forward in a good way – in the way we know."

- Wendy Hill, Traditional Healer,
Cayuga Nation

The destruction that the Indian Residential School System attempted has instead strengthened this resolve and the laws that are guiding it. Inuit leader and Survivor Piita Irniq stated:

We feel for others, because we actively hold to our values of connectedness and empathy. We would never want to see others in the future be overwhelmed, intimidated, devalued, isolated or abused in any way. Never, ever, ever again... out of great pain there are lessons for all of us. Out of our suffering there comes insight, compassion for others and a deep resolve to move forward; treating other people with greater awareness and kindness. Out of our frustration and isolation comes a desire to acknowledge and confront rather than avoid what is obvious, and continuing to suffer in silence. Out of a deeply-held Inuit belief in survival and always moving forward comes a genuine wish to reach out and help each other progress. Out of our marginalizing experience, comes a profound need to connect to others, to reaffirm our own identity while respecting diversity. Out of our pain, comes sensitivity to others who have suffered.

Participants and speakers discussed ways, both general and specific, through which Survivors, Indigenous families, and communities are upholding and practicing their laws. This begins, as Dr. John Borrows noted, with the intention and determination to do the hard, shared work of rebuilding and living our laws: "We make law together... this makes us agents of law, architects of law, not objects of law." He encouraged us to find purpose from the "staggering hurt, pain and loss" of the Indian Residential School System. He said:

So many people have come and passed before their time. How am I going to honour them? ...By using our voices, speaking our measures of sound. Loving one another. Being easy on one another. Being honest. Being direct. Filling up that heart with strength.

Youth representative, Diandre Thomas-Hart, reminded the Gathering that: “This work is complicated. We have to go back to those basic teachings that we share.”

While the sources of Indigenous laws may be inherent and enduring, applying them takes time, effort, and dedication. Anishinaabe lawyer Sara Mainville explained how Treaty 3 communities used traditional knowledge and decision-making to meet contemporary needs when creating a health law:

We have everything we need to make a Lodge, which is a law... all the right people coming together to make a decision, and then the hunter/gatherer/warrior phases to make sure you have all the plans in place to make a law and then have a celebration after the law is made [to ensure] everybody's of one mind and can stand behind it...

Traditional Decision Making

The full context is completely understood by everyone impacted (360 degrees by sharing and caring)

Community Knowledge is brought to bear on matter

Solutions are considered through consensus-decision making with protocols, helpers, ceremony

Community Direction – all of one mind



Sara Mainville smainville@jfkllaw.ca



Slide from Sara Mainville's presentation depicting the Treaty 3 Health Law Decision-Making Wheel

Sara suggested that “a similar process [can be followed] when we’re having these discussions and making these hard decisions about what to do [about missing children and unmarked burials]”. She also noted the importance of taking all the time necessary to build the laws that will lead this work in a good way:

It takes us a long time to do things. Because one of the first things our Elders tell us is to be careful. Those constant personal interactions, those constant discussions are really important. Doing things in the right way is really important.

Participants also raised the importance that forensic and repatriation work be Indigenous-led:

Where's the Sacred law about this whole process? This will not be determined by a mandate or a timeline or the amount of money... This is our process. This should be our process... let the years come until the day that we are satisfied to find what we are looking for that is rightfully ours.

Another said simply, "I'm glad that GPR will be part of the search[es] but I also want ceremonies."

Kwetiio, voicing the feeling of many at the Gathering, strongly urged Nations to use Indigenous laws and authority to further both this Sacred work and the overall efforts of decolonizing our minds, relations, and lands:

You are always conducting yourself for those faces to come. You remember your attachment to the Earth and what it gives you and what you need to do to fight for it. Stop asking and do your duty. Stop asking for scraps. Do your duties, use your original ways... [they] never went away. We are still here. We just have to [assert] ourselves... we have to be in uncomfortable places to get [this work] done.

The effective application of Indigenous laws also depends on Indigenous determinations of the truths and decision-making. One participant emphasized:

Our Elders are not advisors in our process, our Elders are decision-makers. Our Elders, they know the Oral History. There is no legal system or any government that is going to come into our community and tell us we're lying.... Truth-telling has to come from our people.



H. Recommendations and Next Steps

This Gathering focused on the fundamental principles, strengths, and capacities of Indigenous laws to lead the Sacred work of recovering the missing children and unmarked burials. At the same time, speakers and participants also shared their recommendations for how Canadian laws and institutions can support communities.

Survivor, Doug George-Kanentiio, identified ways in which Canada's legal frameworks must respond to the ongoing risk to Indigenous bodies, Spirits and the lands holding the children who were never returned home from Indian Residential Schools. Doug pointed to the US [Native American Graves Protection and Repatriation Act](#) ("NAGPRA") as an example of both the value and limitation of state legislation to ensure the protection of Sacred items, places, and people. While recognizing the essential role that federal laws can have in minimizing the desecration of Indigenous lands, heritage and ancestors, Doug criticized NAGPRA's loopholes (it only applies to institutions that receive US Federal Government funds and exempts the Smithsonian, which holds the largest collection of Sacred items) and the lack of direct accountability to Indigenous Peoples. He recommended that Canada, with the guidance of a broad committee of Indigenous leaders, enact a much stronger law to ensure that whenever potential burials of Indigenous persons are located, they are reported, that appropriate Indigenous authorities assume jurisdiction and that governments compensate landowners for any loss or disruption of property:

Legislation [must] apply to every individual, every corporation, museum, centre of study and university, that they have to meet with us as a priority to establish procedures for the return and [protection] of our human remains. That law has to have teeth, it has to have power... so that when a human remain is encountered, it will be a legal requirement for them to contact an [Indigenous Nation or organization] who will then formally initiate a search... and that the government will provide compensation for homeowners, businesses or any entity who fears their property might be disrupted. People don't report findings because there is a fiscal threat to their well-being. National legislation in Canada has to address this.

"That's what we've told government: give us the tools. We want to heal ourselves. All we need are the tools... Our people have said that, our Elders. We need to heal ourselves. We know our people best. We know our kids."

- Survivor Louis Gardiner



Non-Indigenous governments and church entities must also do more to fully acknowledge the harm of the Indian Residential School System. As Métis speaker Michelle Leclair said, “Reconciliation cannot happen until every single school...and the harm that every single student experienced, has been acknowledged.” This requires more than words and performative gestures:

What comes with apologies? ...An opportunity to fix the mess that they left behind... We need to come up with legacy plans in our communities where the schools were. We need to present that [to the churches] and say, ‘you made the mess, we’ll fix it, because we know how’, you give us the money... It needs to happen before we lose our Survivors, before we lose our children, before we lose our languages and our cultures.

Some participants focused on the importance of education as an essential component of upholding Indigenous laws and rebuilding relations. The knowledge that Canadians have about the harms of the Indian Residential School System is still unacceptably uneven. As one youth participant said, “it breaks my heart to this very day that there are still people out there that don’t even know that the schools existed... or who thought they were good.” Education in this regard is important for both Indigenous and non-Indigenous people but needs to be approached in distinct ways. Métis Survivor Louis Gardiner pointed out that “my grandkids still ask me, ‘what is residential school?’ We need to find better ways to tell our stories in the K-12 [school] system. How do we tell our two year-olds?”

This Gathering also highlighted how important Indigenous youth are to the rebuilding of cultures, languages, and laws. In the words of one participant, youth must be comprehensively supported in this healing and reclamation work:

We need to give our youth, who are powerful and strong, resources to heal from the intergenerational trauma that stems from the residential schools. They need to have land-based healing and have the resources to revitalize their language, culture, singing, and dancing to reclaim their identities as Nations. They need funding to engage with communities, whose children were placed in our communities, and institutions that occupied their territories to learn their protocols for burials of the kidnapped children whose bodies remain in those territories... We can use our traditions and our culture to heal from Indian Residential Schools.



Michelle Derosier and Michael Etherington, in their discussions on healing, and commemoration through storytelling, worked on recommendations for change at the legal, environmental, social, and cultural levels. They included:

- Reframing the way we use language (for example, from “truth and reconciliation” to “truth and reinstatement” to reflect that Indigenous people did nothing to cause these wrongs);
- Funding and supporting Indigenous-led festivals and gatherings;
- Applying and upholding Indigenous governance systems;
- Identifying and responding to acts of environmental racism and the denigration of inherent and Treaty rights;
- Funding Indigenous youth to promote healing through the arts in and with their own visions and spiritualities; and
- Ensuring that Indigenous artists can have viable careers.

Indigenous laws, protocols, and leaders made it possible for participants to gather and to bring their minds together as one. The knowledge that was shared at this Gathering was hopeful, inspiring, heartfelt but also very emotional. The Elders recognized this, and guided participants in caring for themselves as they continue to protect the bodies, Spirits and Sacred sites of the missing children in unmarked graves. This Summary shares and seeks to nurture this knowledge, wisdom, and truth. As was done at both the start and end of the National Gathering, it is fitting to conclude this report with the Haudenosaunee Condolence Ceremony. In the words of Elder Tom Porter:

In your village or community as in mine, we have lost our relatives, and we have to grieve them and mourn them. Sometimes when you carry that there are tears in your eye and grief in your mind and it gets heavy. Sometimes things get confused because the dust of death is on your mind.... In the big beautiful blue sky, I brush your ears and remove the dust of death from your ears. So tomorrow when you open your door you will hear the voices of your brothers and sisters again.... From the very beautiful blue sky we take the soft tear – like a beautiful deer’s cotton – so I will take this and wipe the tears from your eyes... From the beautiful blue sky, I will take the beautiful blue water and you will drink it and it will dislodge that grief and sadness, and now tomorrow when you open the door of your house you will be able to talk without crying and you will be able to eat the food and it will go down. And you will have life.



I. Resources

Indigenous Law Research Bodies

The Indigenous Law Research Unit, based at the University of Victoria, has been doing Indigenous legal research and revitalization work for over a decade. This site features the work of community-led partnerships, teaching and learning resources, and links to videos on important topics on Indigenous law.

<https://ilru.ca/>

The Wahkohtowin Law and Governance Lodge, based out of the University of Alberta, conducts research and partners with communities to revitalize Indigenous laws and governance. This site has articles and resources on many legal orders and areas of law. Co-founded by Koren Lightning-Earle and Hadley Friedland.

<https://www.ualberta.ca/wahkohtowin/index.html>

The Indigenous Legal Orders Institute at the University of Windsor promotes the revitalization and dissemination of diverse Indigenous legal orders through relationship building, collaboration and re-development using Indigenous and other creative research methods. The work of the Institute is based in the Seven Mooshomis/Nookomis Teachings.

<https://www.uwindsor.ca/law/Indigenous-Legal-Orders-Institute>



J. Glossary of Select Words and Phrases

Some of the most powerful knowledge that was shared at the Gathering was communicated in the speaker's Indigenous language. While most of these have been translated into English, translation can only approximate their full meaning. Language holds law, and Indigenous languages are the richest, deepest and safest ways for Indigenous laws to live. Below are a few of the many significant words and phrases that relate to this Sacred work. Spellings and translations may vary across communities.

Anishinaabemowin

Aanikoobijiganag (great-grandparents; ancestors; great-grandchildren)

Abinooji ("child")

Debwewin ("a measure of sound"; Truth; one of the Seven Mishoomis/Nookomis Teachings)

Giichi Kiiwengiing ("when you go back home to the spirit world")

Inakonigewin ("guides the way"; agreement; law)

Inawendig manidoo ("we are all related")

Izhichigewin ("our way of doing things... the Sacred law teachings of living within law towards Mino Bimaadiziwin")

Manaaji'idiwin ("to go easy on each other"; Respect; one of the Seven Mishoomis/Nookomis Teachings)

Miinigoziwin ("what the Creator gave us". Constitutionalism)

Mino Bimaadiziwin ("the way of a good life")

Mishoomis ("grandfather")

Nookomis ("grandmother")

Odenang ("the heart of the community"; village)

Zaagi'idiwin ("Love"; one of the Seven Mishoomis/Nookomis Teachings)

Zoongidewin ("courage"; one of the Seven Mishoomis/Nookomis Teachings)

Blackfoot

Aakokaa'tsin ("many lodges camped in a circle"; Circle Camp/Sundance)

li'ka'ki'maan ("don't give up")

Innaihtsiyi ("forever agreement"; Treaty)

kano'tsisissin ("the all night smoke"; Ceremony)

Kimiksistohkanaokosinnooni ("in reality we are all parents of the children")

Omahksspatsiko ("Big Sandhills"; the Sacred place where people go after they die)

Staamiika'kimaat ("try hard"; "persevere to hold onto your life force". Told to warriors going into battle and used by Scott Fox to address participants at the Gathering)

Sstsiysskaan ("sweat lodge")

Inuktitut

Inuit Qaujimagatuqangit ("that which Inuit have always known to be true"; Inuit societal values and practices; Inuit traditional knowledge)

Qaaigitt ("come"; how grandparents would beckon children)

Utuuqaaq and Arnaaquasaq ("grandfather" and "grandmother"; "old folks")

Mohawk

Kaianere'kó:wa, ("the law of Creation" or "Great Law or Great Good Path")

Kanien'keha:ka Kahnistensera ("Mohawk Mothers")

Ratiksa'okón:a ("Children")

Rotiskenrakehte ("Men's Fire")

Teioháte (the Two Row Wampum)

Nêhiyawmowin (Plains Cree)

Ohpikawaskuk ("raising your children")

Pakitinâsowin ("offering ceremony")

Pônêyihtamowin ("forgiveness")

Sâkihitowin ("love one another")

Wâhkôtowin ("kinship"; responsibilities within relationships; often used to denote Cree law)



**Office of the Independent
Special Interlocutor**

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Graves and Burial Sites associated
with Indian Residential Schools

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