

MLCA & KLCC: submitted by Ellen Gabriel, November 9, 2016

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Publique

By Kontinohstats -Mohawk Language Custodians Association and  
the Kanehsatà:ke Language and Cultural Center,  
Kanehsatà:ke Kanien'kehá:ka Territory

Memoire on Protection of Indigenous Cultural Heritage for the  
conservation of the Mount Royal

Conservation Plan on the Protection of Cultural Heritage at Mount Royal, Montreal  
and the protection of Kanien'kehá:ka cultural heritage

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## **Explanation of interest in the preservation of Mount Royal**

The Kanehsatà:ke Language and Cultural Center (KLCC) and the Mohawk Language Custodians Association (MLCA) are charged with a mission to involving the preservation, promotion and protection of Kanien'kehá:ka (Mohawk) language culture and history. Our community is located 60 km north west of Montreal across the river from Hudson. Kanehsatà:ke is oldest of the seven Kanien'kehá:ka communities in existence.

We consider Tiotià:ke - Montreal as part of our ancestral homeland in which our ancestors lived and worked the land based upon the 'corn culture' and Kaianera'sherakó:wa – the Great Law of Peace which we practice still today.

Some anthropologists like Roland Tremblay erroneously claim that Montreal was the home of the disappeared "St. Lawrence Iroquois". However, we strongly disagree with this and state that this is part of the fabrications of history to further dispossess Indigenous peoples from their lands and cultural artifacts . The Kanien'kehá:ka are all descendants of the peoples who lived in Tiotià:ke (Montreal island) during the time of Jacques Cartier's first visit to this area.

Kanehsatakehró:non (people of Kanehsatà:ke) speak the same language and practice the same culture, customs and system of governance as those who lived in Tiotià:ke during first contact with Europeans. Hence, we appreciate this opportunity to express our interest in this discussion with the City of Montreal on the preservation of artifacts and preservation of Mount Royal on this part of our ancestral homeland. Consequently, the protection of places and artifacts on our traditional territory is of great importance to us.

Like so many centuries ago, Montreal remains a meeting place where many other Indigenous peoples came to meet in order to trade and share their knowledge. We understand that recently, many artifacts have been found during the construction of updating Montreal's infrastructure. Consequently, we are intensely interested in the discovery of all artifacts and how they are being safeguarded. Therefore, as custodians of our culture our interest is profound since it is our duty and obligation to protect, and to ensure our peoples have access to our ancestral artifacts, some of which may have spiritual significance.

## **Concerns regarding the conservation plans**

KLCC offers our willingness to share our knowledge and oral history of this area and welcomes this opportunity to have our inclusion in the process of conservation. It is incumbent upon us as the First Peoples of this land, to inform you that the conservation plans must respect and acknowledge the collective rights of the Kanien'kehá:ka of Kanehsatà:ke to the conservation plans upon our traditional land and all our cultural artifacts found on it.

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Today, there are very few signifiers that Montreal is Kanien'kehá:ka territory. Besides the Hochelaga rock at McGill University, there are no indicators acknowledging the territory of the First Peoples of this land. This is worrisome as it is an indication of the persistence of colonial amnesia and propaganda perpetuated by the settler state to bury the existence of the Indigenous peoples of this land.

Therefore we hope that this public discussion will begin 'on the right foot' through an equal partnership to begin with the Kanien'kehá:ka peoples. We have many ideas and thoughts on the protection of our cultural heritage and hope that they will be respected and validated by the city of Montreal and the government of Quebec. Profound thought accompanied by positive action must be taken using a framework for reconciliation, such as using the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This includes respect for the principle of **Free Prior and Informed Consent** before any activity is undertaken.

As well, Indigenous symbols/signifiers are vital to this process to bring about a greater understanding and awareness of the Indigenous peoples of this land. And so we also urge all public institutions; inclusive of educational institutions, public organizations and public spaces on the island of Montreal to also participate in the changes needed for reconciliation.

Reconciliation is an ongoing process<sup>1</sup> which requires the education of the public of the colonial history of Canada. It also includes restitution for the damages done to the pillars of Indigenous identity such as our languages, culture and customs.

As **Supreme Court Justice, Beverly McLachlin**, stated that *"Reconciliation is founded on an ideal of equality and mutual respect"*<sup>2</sup> and these qualities are sorely needed to fight the institutionalized racism embedded in public institutions. The Supreme Court of Canada has also stated that 'reconciliation' is an ongoing process' and learning from the past requires an acknowledgement of the imperial legacy and history of Canada. Reconciling our past will require patience, knowledge and sincerity; and it must reflect the origins of the people of this area to allow an era of peace to emerge.

Thus it behooves us as the Indigenous peoples of this island to ensure that our cultural heritage is reflected, protected and safe guarded for present and future generations. Our goal is to work collaboratively with the City of Montreal and the government of Quebec in the preservation of our ancestral cultural artifacts and that our traditional customs are included in the process. This would include traditional ceremonies for any artifacts with spiritual significance discovered

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<sup>1</sup> Supreme Court of Canada,

<sup>2</sup> Remarks of the Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada at the Canadian Club of Ottawa, Ontario February 5, 2013

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during construction. It is also important that a public acknowledgement by government be given to respect the Indigenous peoples of this territory.

In keeping within this era of reconciliation started by the Truth and Reconciliation's Final Report and its 'Call to Action', **Prime Minister of Canada, Justin Trudeau** stated that *"No relationship is more important to our government and to Canada than the one with Indigenous peoples"*. Consequently, the responsibility of reconciliation falls upon all Crown actors which include the provinces, territories and the municipalities.

In keeping with the United Nations Declaration on the Rights of Indigenous Peoples which is the most comprehensive international human rights tool for the protection and promotion of Indigenous Peoples' human rights; we respectfully state our intention to be part of a process of protection of Indigenous artifacts and the conservation of Mount Royal.

Protection of our cultural heritage is part of our right to self-determination. As the United Nations Declaration on the Rights of Indigenous Peoples affirms in Article 3, that:

*"Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."*

Canada has based its sovereignty on doctrines of superiority which have been condemned by the United Nations. The UN Declaration (UNDRIP) further states in its preamble paragraph

*"Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,"*

Hence, as rights holders of any and all cultural objects found on the island of Montreal, we hope that our suggestions and comments will be met with an openness that allows all parties to benefit and bring hope to strengthening the relationship between Indigenous peoples and Canadians alike.

## **Suggestions or comments on how to improve the proposed conservation plans**

We respectfully submit these recommendations to reflect the spirit of reconciliation to foster a greater respect and understanding of the Kanien'kehá:ka nation, as well as, in accordance with the UN Declaration on the Rights of Indigenous peoples and other international covenants and instruments, we assert that:

- Kanehsatà:ke and other Kanien'kehá:ka communities will **lend** the province of Quebec; its institutions as well as other state institutions, located in other parts of Canada, our Haudenosaunee artifacts taken from archeological digs on our traditional territory, before during and after these public consultations;
- That the use of our cultural artifacts will utilize the UNDRIP principle of Free Prior and Informed Consent by any and all government institutions to the Kanien'kehá:ka peoples;
- Repatriation regarding our ancestral human remains: Full disclosure of all Indigenous human remains, funerary objects, and any/all Indigenous cultural objects
- Kanehsatà:ke and other Indigenous communities require guarantees that discovering Indigenous human remains, funerary objects and other Indigenous cultural objects will be immediately disclosed to the Indigenous community or communities directly affected, through their Cultural Centers and further, that:
  - Quebec develop legislation and policies that compel individuals, municipalities, developers, parks personnel and government officials to fully inform all levels of government, including Indigenous leadership and Traditional Knowledge keepers.
  - Co-Develop vigorous enforcement mechanisms through legislation and/or policy, with severe penalties to municipalities, park personnel, developers and others who contravene the legislation and/or policy.
  - Full disclosure is immediately enforced, as in the case of remains being found at the Turcot Interchange construction or on the ancient Hochelaga site, May 2016.
- Name changes to certain street names, bridges or public buildings agreeable to Indigenous peoples
- Names of Mount Royal areas be given Kanien'kehá:ka names
- Kanien'kehá:ka communities be given control access and possession of any artifacts discovered during construction on the island of Montreal
- Kanien'kehá:ka communities be given control, access and possession of any artifacts discovered and currently housed by a museum or government institution

- That there be a public recognition of Kanien'kehá:ka territory
- The process of free prior and informed consent of the Kanien'kehá:ka nation be respected in any and all matters that seriously affects our cultural heritage

We would like to thank the Audiences Publique for the time and opportunity given to us in order to provide our perspective on the conservation plans for Mount Royal.

With respect

Ellen Gabriel

On behalf of the Kontinohstats - Mohawk Language Custodians Association and the  
Kanehsatà:ke Language and Cultural Center