

Briefing Note

Title: **Mount Royal Heritage Site Conservation Plan and Indigenous Archaeological Sites**

Date: **November 28, 2016**

Background:

The Mohawks of Kahnawà:ke maintain a strong connection to the island of Montreal, Tiohtia:ke.

The Mohawks of Kahnawà:ke are the same people as the Saint Lawrence Iroquois. The trend in recent developments in the fields of Archaeology, anthropology and history are harmonizing with Mohawk traditional knowledge and history that today's Mohawk people are the same as the Saint Lawrence Iroquois and have not gone extinct.

The Quebec, Conseil du Patrimoine Culturel (Conseil) is developing Conservation plan to aid in the preserving the heritage of the Mount Royal area. In that process, several prehistoric aboriginal archaeological sites have been identified. The potential finds at these sites are important historical and cultural interest to the Mohawks of Kahnawà:ke.

The Crown's duty to consult and accommodate Indigenous people is shared by its agents such as the Conseil.

The Mohawks of Kahnawà:ke have a developed plan on opening a museum in the near future. This facility will allow for the housing and preservation of artifacts.

The Mohawks of Kahnawà:ke have repatriated ancestral human remains to selected sites in Kahnawà:ke. Further repatriation of new human remains would be culturally appropriate.

Points to Consider:

1. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

In November 2010, Canada officially supported the UNDRIP and committed to promoting and protecting the rights of Indigenous people. Articles 11 and 31 of the UNDRIP specify that Indigenous people have the right to practice and revitalize their cultures, this includes archaeological property. Under these situations the State must work in conjunction with Indigenous people to recognize and protect these rights.

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Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

2. Truth and Reconciliation Commission (TRC)

In 2015, the TRC produced an extensive report on Canada's abuse and cultural genocide of Indigenous Peoples through its residential school system. The report exposed horrific details on Indigenous abuse and suffering from church and state. The report defined and identified opportunities of reconciliation.

The Commission defines *reconciliation* as an ongoing process of establishing and maintaining respectful relationships. A critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respectful relationships also requires the revitalization of Indigenous law and legal traditions.

A reconciliation framework is one in which Canada's political and legal systems, educational and religious institutions, the corporate sector and civic society function in ways that are consistent with the principles set out in the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed. Together, Canadians must do more than just *talk* about reconciliation; we must learn how to *practise* reconciliation in our everyday lives—within ourselves and our families, and in our communities, governments, places of worship, schools, and workplaces. To do so constructively, Canadians must remain committed to the ongoing work of establishing and maintaining respectful relationships.

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The full endorsement of the UNDRIP and continued unlocking of truths are significant moves toward reconciliation. The information from the archaeological findings from the Mount Royal area serves both opportunities.

3. Federal Liberal Government position to reconciliation with Indigenous Peoples

In May 2016 officially removed its “objection” status at the United Nations on the UNDRIP. This move marked the Government’s position to fully support the UNDRIP and work on reconciliation with Indigenous people. To work on reconciliation will require involvement with Indigenous people, government and other stakeholders.

Decision:

The Mohawk Council of Kahnawà:ke, Quebec Ministry of Culture and the City of Montreal will develop a relationship based on reconciliation. Sharing of information and the building of partnership, this will lead to a process that will allow for the repatriation of prehistoric ancestral remains and artifacts to the Mohawks of Kahnawà:ke.