National Research Data Infrastructure in the context of Truth and Reconciliation

White Paper Submitted to NDRIO by the University of Victoria Libraries
December 14, 2020

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The Truth and Reconciliation Commission of Canada (TRC) found that:

> For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as "cultural genocide."[1]

The TRC continues, asserting that:

> Cultural genocide is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next. In its dealing with Aboriginal people, Canada did all these things.[2]

Longstanding policies of cultural genocide in this state have resulted in a significant interruption to the preservation and passage of knowledge within Indigenous communities. This attempted destruction of Indigenous cultures was a central aspect of Canada's colonization efforts. These policies resulted in significant harm inside of communities and have fundamentally impaired the ability to establish and maintain respectful relationships between Indigenous and non-indigenous peoples. Many, if not most Canadians struggle to understand this country's human rights record; many remain woefully unaware of the manufactured inequities experienced by Indigenous peoples. This ignorance enhances durability of structural racism while serving as a preventative mechanism to the full enjoyment of human rights in Canada.

This white paper asserts that Canada's national digital research infrastructure must *at a minimum* embrace a complete and comprehensive project of preservation and revitalization that supports the resurgence of Indigenous cultures. Canada's national digital research infrastructure must firmly, through investment of equitable funding and a significant shift in priority setting, make the unravelling of the systems of genocide still operating in this country the goal and intent.

Reversing Canada's Broken Human Rights Record though Access to Data
The TRC's mandate placed significant weight on bringing records already in existence at church and government archives together in order to reveal new insights into the history, legacy and impact of the residential schools. Bringing this collection together permitted Indigenous researchers and allies to examine the historical record in a comprehensive manner not previously possible. The reports that emerged out of this analysis document widespread and longstanding human rights violations. The continued presence of this historical record at the National Centre for Truth and Reconciliation serves an important ongoing role in learning, understanding and memory-making. Human rights are advanced through access to data.

The importance of data for human rights is similarly articulated by the Canadian Human Rights Commission in their submissions to Government in the pre-inquiry phase of the National Inquiry on Missing and Murdered Indigenous Women and Girls. This report articulates the need to "…identify which domestic and/or international human rights are at play and the governments' relevant obligations to Indigenous women and

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[1] Truth and Reconciliation Commission of Canada (2015) "Honouring the Truth, Reconciliation for the Future: Summary of the Final Report of the Truth and Reconciliation Commission," p. 1

[2] Truth and Reconciliation Commission of Canada (2015) "Honouring the Truth, Reconciliation for the Future: Summary of the Final Report of the Truth and Reconciliation Commission," p. 1

girls'" and "identify the root causes of these gaps, along with their breadth and depth, using agreed upon qualitative and quantitative indicators."[3]

There are other strong examples of human rights being advanced through enhanced access to data. Video footage from the First Nations Caring Society's seminal human rights case on child welfare is now made accessible through APTN. Library and Archives Canada, in response to calls issued from former members of the Royal Commission on Aboriginal Peoples, made the records and footage from that Commission available via LAC's website after sitting inaccessible for many years within their collections. Together, these efforts are increasing access to important collections of historical and current information with the goal of furthering understanding of Canada's past, present and future. Access to data is opening a doorway to a better future. Realizing this future requires careful ongoing monitoring to determine whether progress is being made and as a preventative measure against regression.

The TRC asserts this ongoing need for access to data across many Calls to Action, but in particular, through the call for a National Council for Reconciliation. This Council is intended to "monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years."[4] This Council is intended to have the ability to seek "annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation."[5] The need to support this Call to Action is echoed by the United Nations.[6]

Together, these efforts and Calls to Action point to an important set of necessary principles regarding data in the country:

- Make government held data and information accessible to Indigenous peoples and organizations to ensure the ongoing realization of human rights
- Ensure the appropriate capacity, funding and mechanisms are in place to enable access by Indigenous peoples

The Importance of Collection
Despite a mass of information that exists across the country, there are significant amounts of vitally important knowledge and information falling outside of any robust national preservation strategy.

Here again, major efforts such as the TRC and the MMIWG inquiry point to some efforts made to address the lack of information that existed prior to the outset of those undertakings. Through the statement gathering processes, thousands of hours of never before heard testimony was documented for this first time. These statements directly informed the research and revealed to Canadians the lived experiences of Indigenous peoples. To be clear however, statement gathering processes did not generate new information. Rather, these initiatives were a response to a pressing need to document historical information and knowledge present within communities. Such statement gathering efforts need be seen as an effort to address a persistent deficit of national mechanisms to enable oral histories to be shared, collected, aggregated and reviewed.

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[3] Canadian Human Rights Commission, "Submission By The Canadian Human Rights Commission To The Government Of Canada Pre-Inquiry Design Process" https://www.chrc-ccdp.gc.ca/eng/content/submission-canadian-human-rights-commission-government-canada-pre-inquiry-design-process

[4] Truth and Reconciliation Commission, (2015) "Call to Action # 53"

[5] Truth and Reconciliation Commission, (2015) "Call to Action # 55"

[6] United Nations Human Rights Council "National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Canada"
https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/081/95/PDF/G1808195.pdf?OpenElement

This deficit is mirrored in other efforts to protect Indigenous languages, laws and other knowledges. While Indigenous peoples have long made efforts to protect, preserve and transmit essential information before it is lost, the most persistent barrier is not one of will, but one of support, financing and a comprehensive, sustained national strategy.

The preservation of knowledge must thus necessarily contemplate collection methodologies. The TRC's Principles of Reconciliation reflect this concept offering two salient points:

- The perspectives and understandings of Indigenous Elders and Traditional Knowledge-Keepers about the ethics, concepts, and practices of reconciliation are vital to long-term reconciliation.
- Supporting Indigenous peoples' cultural revitalization and integrating Indigenous knowledge systems, oral histories, laws, protocols, and connections to the land into the reconciliation process are essential.

In assessing the current state of Indigenous legal traditions in Canada, Indigenous legal scholars Hadley Friedland and Val Napoleon write that:

> [T]he ground of Indigenous law is uneven—Indigenous law exists, it has not gone anywhere—and we saw this, but there are also serious gaps where some Indigenous law have been undermined, distorted, or lost. Given this, simply arguing for the recognition of Indigenous law is inadequate because we cannot just assume that there are complete and intact legal orders that can spring to life through recognition. This means that engagement with Indigenous law must move to thoughtful rebuilding, and this generates two questions: (1) What are the terms for this thoughtful rebuilding process with communities? and (2) What are the intellectual processes in each Indigenous society that historically enabled people to deal with and account for change?[7]

It goes without saying that *without* information, any response to a research question – either now or in the future – will be limited. Approaches to protecting that which has not yet been protected must be thoughtful, engaged, and respectful. Such approaches must be fully informed by Indigenous peoples and practices. As such, the *process* of protecting and collecting that knowledge must firmly center within Indigenous approaches and methodologies and place the aspirations and goals of Indigenous peoples at the heart.

Preservation of knowledge
The creation of a national digital research infrastructure must include consideration of how best to preserve knowledge over the long term. Across the country, there are now a number of examples of institutions and programs working hard to preserve vital Indigenous knowledges. From the *FirstVoices* language archive, to countless in-community efforts to major national institutions such as the National Centre for Truth and Reconciliation, a clear pattern of opportunity and challenge emerges.

The relatively recent Library and Archives Canada Indigenous Documentary Heritage plan is providing important funding to nations and communities seeking to protect and preserve a multitude of collections. The University of British Columbia's *Indigitization* initiative is another example of a successful effort to provide support for preservation and digitization. APTN also offers some solutions to communities seeking to preserve video footage.

Oral histories and languages are incredibly important sources of knowledge. The development of all national research strategies must take into consideration the challenges associated with preserving oral histories over the long term – especially as it relates to video collections.

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[7] Hadley Friedland and Val Napoleon, "Gathering the Threads: Indigenous Legal Methodology" 2015 Inaugural Issue of Lakehead Law Journal

Video files, by their very nature, present two particular challenges for long term preservation. The first relates to size, the second relates to the formats videos are recorded in.

In regards to size, video formats are large, and growing larger by the day. The shift from standard definition, to high definition to ultra-high definition has resulted in an ongoing expansion of the size of video files. Preservation infrastructure supporting video footage must necessarily be large to protect even the raw footage captured. Proper storage requires, at a minimum, enterprise level storage which is costly. Such storage is out of scope for many small organizations.

This problem is magnified when we better understand what formats are required for the long-term preservation of video files. Canada's own National Heritage Digitization Strategy – Digital Preservation File Format Recommendations,[8] outlines a number of video formats suitable for long term storage. Formats such as the JPEG 2000 format take already large video files and make them exponentially larger in an effort to ensure stability over the long term.

Organizations such as the National Film Board of Canada have successfully tackled this challenge by acquiring the sophisticated software, staff and processes necessary to ensure the long-term preservation of their collections. This form of active management is beyond the reach of many organizations however.

Efforts such as the Vulnerable Media Lab located at Queen's University are attempting to fill in some of these gaps. As described on their website, the Vulnerable Media Lab:

> …is grounded in the understanding that audio-visual cultural heritage has been unequally cared for and that the cultural practices of women and Indigenous peoples are in particular need of a dedicated archival focus and framework. A key objective of the project is to work with "born digital media" alongside a variety of "obsolete" and "marginal" media, all of which share their own kinds of material vulnerabilities. The researchers aim to develop methods and processes to ensure this media art history is preserved and made available according to culturally specific and ethically driven forms of access, thus engaging in new conversations about cultural heritage.[9]

The work of the Vulnerable Media lab highlights the ongoing precarity of many collections of information. The antidote to this precarity requires a comprehensive approach – funded, targeted and enduring.

Solutions
While funding opportunities through major infrastructure grants such as the Canada Foundation for Innovation provide a solution for some, the complexity of application and high failure rate results in a process that is out of reach for many. A comprehensive national digital research infrastructure strategy should focus on supporting institutions and organizations already managing collections they currently have *in addition to* creating opportunities for programs to further document and preserve Indigenous knowledges, languages and histories.

Grant funded solutions need to be reimagined into a national network of data repositories that steps outside of the current thinking of protecting Indigenous knowledge through a series of ad-hoc projects and towards the realization of a substantive, meaningful and enduring national program of excellence. Such a network could focus on enhancing already successful initiatives, adding capacity where possible. Universities may be important nodes in this network while Indigenous organizations and groups should be actively supported and assisted. Communities should have a range of options to choose from. Priority setting exercises should also firmly rest within the hands of Indigenous peoples.

[8] Beiman, Ern and Vinh-Doyle, William, (2020) National Heritage Digitization Strategy – Digital Preservation File Format Recommendations, Retrived from https://www.canada.ca/en/heritage-information-network/services/digital-preservation/recommendations-file-format.html#a8d
[9] Vulnerable Media Lab (2020), "About the Vulnerable Media Lab," Retrived from http://vulnerablemedialab.ca/about-vml/

Building Sustaining Relationships
Major institutions may play an active role in the realization of such a national network. With the protection and promotion of human rights being the responsibility of all Canadians, the time is ripe for institutions to begin to rethink what they can offer.

Trust, and the establishment of enduring trust-based relationships is at the heart of all efforts to protect Indigenous knowledges across the country. Efforts to ensure the *future* research capacity of Canada must firmly focus on establishing trust-based relationships *today.* An imagined investment in major data centres that will help enhance protection of vulnerable formats and assist in the preservation of complex formats such as video will only succeed if relationships of mutual trust and respect are established and maintained. This humble paper should be but a small drop in consideration of needs afforded to Indigenous peoples in the formulation of a plan.

In the establishment of these respectful relationships, all approaches must clearly affirm the inherent rights of communities to determine access and use. Mechanisms such as data centres or other majority repositories that could assist in the preservation of Indigenous knowledge must be mirrored with sufficient staff, protocols and mechanisms to enable this control. The establishment of an advanced national research infrastructure strategy must take into consideration the people and processes necessary to establish, maintain and effectuate trust.

Understanding that future research will not be possible unless information is protected today is the imperative. Ongoing loss and destruction of Indigenous knowledges is the untenable. Failure to invest strategically in the mechanisms and people necessary to protect Indigenous knowledges fundamentally abrogates the inherent rights of Indigenous peoples to "revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures" as expressed in the United Nations Declaration on the Rights of Indigenous Peoples.

The path of human rights must continue. Let this national research infrastructure strategy be part of the mechanism to "research us back to life."[10]

Access to information by Indigenous peoples to continue to examine the historical and contemporary abrogation of these rights is paramount. The inherent value of Indigenous knowledges, languages, cultures and histories is unquestionable. Our national research programs must address both the need of Indigenous peoples to access data and the corresponding obligation to preserve Indigenous knowledges, cultures, histories and languages.   The time is now to place fundamental importance on protecting Indigenous knowledges.

A final comment
The Truth and Reconciliation Commission states that reconciliation is the establishment and maintenance of mutually respectful relationships. Unbundling this explores establishing respectful relationships with our pasts, our presents, and most importantly, our futures. This must include a profound and fundamental recognition that we have yet to establish a respectful relationship with the land itself.

Any approach to Indigenous knowledge requires a direct acknowledgement of the land. The tie between Indigenous peoples and the land is complex, inexorable and enduring. As such, while beyond the scope of this paper, a national digital research strategy must consider what responsibilities are awakened in regard to the land when seen as the foundation for *all* research in this country.   Reconciliation must firmly focus on renewed vitality and well-being of both people and planet.

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[10] This concept of 'being researched back to life' is shared by Anishinaabe Elder Harry Bone. Elder Bone states that for too long Indigenous peoples have been researched to death – studied, examined and controlled. The offering of being researched back to life highlights the need to change the relationship – to re-examine what is important and to walk forwards in a manner that affirms life. The practices of genocide must end.