

Canada's national archives: Sharing Aboriginal history versus keeper of state records

As Canada's national archives, Library and Archives Canada (LAC) has a dual function with regard to its holdings on Aboriginal peoples. It is both a public history institution tasked with making documents relevant to Aboriginal history accessible to the public, and it is the custodian of federal government departmental historical records.

In 2005, LAC issued a "Collection Development Framework," which set out the principles and practices that would guide the institution's acquisitions and preservation of its holdings. The framework made specific commitments regarding materials related to Aboriginal peoples.

LAC recognizes the contributions of Aboriginal peoples to the documentary heritage of Canada, and realizes that, in building its collection of materials, it must take into account the diversity of Aboriginal cultures, the relationship the Government of Canada has with Aboriginal peoples, and the unique needs and realities of Aboriginal communities. The development of a national strategy will be done in consultation and collaboration with Aboriginal communities and organizations, and will respect the ways in which indigenous knowledge and heritage is preserved or ought to be preserved and protected within or outside of Aboriginal communities.¹⁴⁸

Library and Archives Canada has developed various guides and resources related to researching Aboriginal heritage.¹⁴⁹ But a fundamental tension exists between LAC's public education mandate to work collaboratively with Aboriginal peoples to document their cultural and social history versus its legal obligation to serve the state. This tension is most evident where archived documents are relevant to various historical injustices involving Aboriginal peoples. Historical records housed in LAC have been used extensively as evidence by both Aboriginal claimants and Crown defendants in litigation involving residential schools, Treaties, Aboriginal title and rights cases, and land claims.

In the case of documents related to residential schools, the problems associated with LAC's dual function became apparent during the litigation period prior to the Settlement Agreement. During this time, with regard to its public education mandate, LAC produced "Native Residential Schools in Canada: A Selective Bibliography" in 2002, and assisted Aboriginal people, academics, and other researchers who wished to access these holdings.¹⁵⁰ But, because the residential schools litigation put the federal government in the position of being the major defendant in the court cases, the overriding priority for LAC, as the custodian of federal government departmental records, was to meet its legal obligations to the Crown.

Librarian and Archivist Emeritus Dr. Ian Wilson, Canada's former national archivist, described this tension. He explained that, as the residential school litigation intensified,