

**COLLABORATIVE RELATIONSHIP PROTOCOL
BETWEEN
THE ANISHINABEK NATION AND
THE ONTARIO ARCHAEOLOGICAL SOCIETY**

A *Collaborative Relationship Protocol* respecting the identification, preservation and return of ancestral remains, sacred sites and sacred artifacts and traditional knowledge of the Anishinabek Nation communities signed on this date on behalf of the Anishinabek Nation and the Ontario Archaeological Society.

**FOR THE
ANISHINABEK
NATION:**



**FOR THE ONTARIO
ARCHAEOLOGICAL
SOCIETY:**



Gary Dokis
Chief Executive Officer
Anishinabek Nation

Alicia Hawkins
President
Ontario Archaeological Society

Signed this 16th day of November, 2018

Ngo Dwe Waangizid Anishinaabe

One Anishinaabe Family

Debenjiged gii'saan anishinaaben akiing giibi dgwon gaadeni mnidoo waadiziwin.

Creator placed the Anishinaabe on the earth along with the gift of spirituality.

Shkode, nibi, aki, noodin, giibi dgosdoonan wii naagdowendmangmaanpii shkagmigaang.

Here on mother earth, there were gifts given to the Anishinaabe to look after; fire, water, earth and wind.

Debenjiged gii miinaan gechtwaa wendaagog Anishinaaben waa naagdoonjin ninda niizhwaaswi kino maadwinan.

The Creator also gave the Anishinaabe seven sacred gifts to guide them. They are:

Zaagidwin, Debwewin, Mnaadendmowin, Nbwaakaawin, Dbaadendiziwin, Gwekwaadziwinmiinwa Aakedhewin.

Love, Truth, Respect, Wisdom, Humility, Honesty and Bravery.

Debenjiged kiimiingona dedbinwe wi naagdowendiwin.

Creator gave us sovereignty to govern ourselves.

Ka mnaadendanaa gaabi zhiwebagmiinwaa nango megwaa ezhwebag, miinwa geyaabi waa ni zhiwebag.

We respect and honour the past, present and future.

1.0 DEFINITIONS

The following definitions are intended for use and applicable only within this protocol.

Anishinabek Nation: Means the political advocacy body for the collective 40 Anishinabek Nation communities across Ontario. The Anishinabek Nation is a party to this relationship protocol for the benefit of its member communities.

Anishinabek Nation Community: Means one of the forty (40) member communities represented by the Anishinabek Nation as listed in the appendix.

Cultural Property: Items having or potentially having an Anishinabek heritage deemed by the respective Anishinabek Nation community to hold cultural, spiritual or historical importance. These may include sacred, cultural or historical items and traditional knowledge that may or may not be associated with burial or burial ceremonies.

Traditional Knowledge: The sacred oral teachings and traditions of the Anishinabek Nation communities. This knowledge may be contained within an item of special significance or held by an Anishinabek Elder. For the purposes of this protocol, items of special significance include traditional knowledge. The recording and storing of traditional knowledge may not be undertaken without the expressed permission of the respective Anishinabek Nation community and in accordance with First Nation Ownership, Control, Access and Possession (OCAP) Principles.

Cultural Sites: Locations having or potentially having Anishinabek heritage deemed by the respective Anishinabek Nation community to hold cultural, spiritual or historical importance. These may include sacred, cultural or historical sites that may or may not include burials.

Third Party Holders/Organizations: Government, developers, private landowners, academic institutions, private collections holders, galleries or museums in possession of sites of special significance or items of special significance and/or Anishinabek ancestral remains.

Engagement: Full, meaningful and respectful dialogue, consultation and accommodation occurring in good faith with the full disclosure of all relevant information.

Return: The repatriation of ancestors or cultural property to their rightful home community.

Capacity Development: The non-monetary commitment for the development of knowledge and skills through information sharing.

2.0 BACKGROUND

2.1 Since its creation in 1949, the Anishinabek Nation has continued to function as the political secretariat and advocate for forty (40) First Nations across the Province of Ontario and is represented by the Grand Council Chief. The Anishinabek Nation receives its mandate from the Grand Council, which consists of the Anishinabek First Nation communities.

2.2 The OAS is a registered charitable organization that promotes the ethical practice of archaeology in the Province of Ontario and beyond.

The OAS aims to:

- I. Bring together individuals interested in the practice, promotion and advancement of archaeology particularly in the Province of Ontario;
- II. Encourage and assist every effort, both individual and collective, which fosters, elevates, and advances archaeology in the fields of learning and culture;
- III. To discourage illegal archaeology, looting and destruction, and to speak out against poor practices and poor management of the record;
- IV. To facilitate the exchange of ideas and information, and to encourage co-operation among all those interested in the study of archaeology;
- V. To publish archaeological findings and using all means to advance our knowledge of the past;
- VI. To broaden the interest in archaeology to all Ontarians and beyond;
- VII. To work with Indigenous Nations to promote inherent rights over their own cultural property.

3.0 PURPOSE AND CONTEXT

3.1 The Anishinabek Nation and the Ontario Archaeological Society (OAS) (herein collectively referred to as “the parties”) are committed to the identification, preservation and return of ancestors, cultural property and cultural sites to Anishinabek Nation communities. The parties agree to the principles outlined in the United Nations Declaration on the Rights of Indigenous Peoples, specifically Article 12 (2) which states:

States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

3.2 The parties agree on the ownership, jurisdiction and control that Anishinabek Nation communities maintain over their ancestors, cultural property and cultural sites. Therefore, the parties seek to enter into a collaborative relationship for the purpose of identifying, preserving and returning Anishinabek ancestors, cultural property and cultural sites.

3.3 The Anishinabek Nation seeks the free, prior and informed consent concerning the discovery and management of cultural sites having potential for Anishinabek Nation heritage as well as the return of cultural property and ancestors to their rightful home communities. The Anishinabek Nation seeks to build relationships with knowledgeable and influential organizations to support the advocacy efforts of its member communities concerning archaeological discovery, returns, initiatives and priorities in the field of archaeology. To this end, the Anishinabek Nation has been mandated by Grand Council Assembly Resolution #2017-12 to enter into a relationship protocol with the OAS.

3.4 Nothing in this protocol will be construed so as to abrogate or derogate from the jurisdiction of the Anishinabek Nation communities nor from the treaty and Aboriginal rights of the Anishinabek Nation communities recognized and affirmed by section 35 of the *Constitution Act, 1982*.

4.0 PRINCIPLES:

This protocol endeavors to develop and strengthen a relationship between Anishinabek Nation communities and the OAS membership. Therefore, the parties agree to the following principles:

I. Collaboration

This protocol endeavors to provide an environment that encourages reconciliation of the Anishinabek Nation communities through the recognition of ownership of ancestors, cultural property and cultural sites.

The implementation of this protocol will involve Anishinabek Nation communities in archaeology in a more meaningful way through capacity development, meaningful dialogue with third party holders and organizations, and partnerships in the field of archaeology.

In the interest of information sharing and capacity development, the parties may endeavor to engage in partnerships and activities such as workshops and other initiatives where the sharing of best practices, industry standards and guidelines are the focus. Information management must comply with First Nation OCAP Principles.

Further to this, the parties may engage in discussion on cultural values and traditions as relevant to the working relationship. The Anishinabek Nation recognizes the value in sharing its cultural heritage and history with the OAS in the interest of developing an appreciation that will foster the working relationship.

The parties will work together to generate adequate funding for long-term care of Indigenous cultural properties.

A schedule of regular events where potential for collaboration exists has been included by both parties for reference.

Where possible and appropriate, the parties endeavor to exchange information related to the discovery of sites of special significance, items of special significance and ancestral remains pertaining to Anishinabek Nation communities.

Where a dispute exists, the parties may employ a mediator to resolve outstanding issues to a mutually agreeable conclusion.

II. Early Notification

The OAS membership endeavors to take every reasonable effort to obtain the early free, prior and informed consent of Anishinabek Nation communities where it has knowledge of the existence of cultural sites, cultural property or ancestors having potential for Anishinabek heritage prior to taking steps in the investigation or management of cultural sites, properties or ancestors.

III: Return

The parties commit to the establishment of returns processes where Anishinabek Nation communities express an interest in having ancestors and cultural property returned from OAS member-held collections.

The Anishinabek Nation and the OAS endeavor to work collaboratively on the identification, preservation and return of Anishinabek ancestors, cultural property and cultural sites. The OAS endeavors to encourage its members to notify the respective Anishinabek Nations of previously known and recently discovered cultural sites and be forthcoming of ancestors and cultural property within their possession.

IV. Advocacy

Where appropriate, the OAS endeavors to advocate for the protection of cultural sites and the return of cultural property from third party holders and organizations.

Where the discovery of Anishinabek cultural sites and/or cultural property and ancestors have occurred, the OAS endeavors to advocate to third party holders and organizations for engagement with respective Anishinabek Nation communities.

The OAS endeavors to advocate to the Ontario Provincial Government to promote the initiatives and jurisdiction of Anishinabek Nation communities in the field of archaeology.

5.0 ENFORCEMENT AND TERMINATION

5.1 This collaborative protocol is a statement of intent and is not intended and does not create legally binding obligations on either party. This protocol does not expire but may be terminated in writing by either the Anishinabek Nation or the Ontario Archaeological Society.

6.0 SCOPE

6.1 Reference and use of this protocol beyond that of collaborative relationship development between the Anishinabek Nation and the OAS in the field of archaeology is not intended. Use of this protocol for legal purpose is beyond the scope of the agreement.

7.0 EVOLUTION

7.1 This protocol shall remain open to evolution through correction, revision, amendment, addition and expansion of concept and terms at the discretion of and as agreed upon by the both the Anishinabek Nation and the Ontario Archaeological Society.

APPENDIX

- ANGCA Resolution #2017-12
- Ontario Archaeological Society Ethical Principles (Code of Ethics)
- United Nations Declaration on the Rights of Indigenous Peoples
- List of Anishinabek Nation Communities
- Anishinaabe Ch-Naaknigewin (The Great Law)
- Schedule of Regular Events
- First Nations Ownership, Control, Access and Possession Principles