



POLICY PAPER

*Recognizing and Including  
Indigenous Cultural Heritage in B.C.*



**FIRST PEOPLES'**  
CULTURAL COUNCIL

Prepared by Karen Aird, Gretchen Fox and Angie Bain  
on behalf of First Peoples' Cultural Council

SEPTEMBER 2019

## VISION

Our vision is one where B.C. First Nations languages, arts, culture, and heritage are thriving, accessible and available to the First Nations of British Columbia, and the cultural knowledge expressed through Indigenous languages, cultures and arts is recognized and embraced by all citizens of B.C.

## MISSION

Our mission is to provide leadership for the revitalization of First Nations languages, arts, culture, and heritage in British Columbia.

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## ABBREVIATIONS AND ACRONYMS

Archaeology Branch of B.C.

British Columbia

Heritage B.C. Association (non-government)

Canadian Museums Association

Culturally modified tree

First Peoples' Cultural Council

*Heritage Conservation Act*

Historic Sites and Monuments Board of Canada

Indigenous cultural heritage

Indigenous Heritage Circle

Joint Working Group on First Nations Heritage Conservation

*Native American Graves Protection and Repatriation Act*

Ownership, control, access and possession

Royal B.C. Museum

Truth and Reconciliation Commission of Canada

United Nations Declaration on the Rights of Indigenous Peoples

United Nations Educational, Scientific and Cultural Organization

**ARCH BRANCH**

**B.C.**

**HERITAGE B.C.**

**CMA**

**CMT**

**FPCC**

**HCA**

**HSMBC**

**ICH**

**THE CIRCLE**

**JWGFNHC**

**NAGPRA**

**OCAP**

**RBCM**

**TRC**

**UNDRIP**

**UNESCO**



*First Peoples’ Cultural Council (FPCC) has prepared this paper to address the immediate need to revitalize, manage, and protect Indigenous cultural heritage (ICH) in meaningful and substantive ways.*

The objective of this policy paper is to present a compelling and informed position for supporting an Indigenous-led organization that can address gaps in cultural heritage legislation and policy, and support heritage related initiatives in Indigenous communities to achieve measurable goals. Intended audiences for the paper include provincial and federal governments, heritage professionals and organizations, Knowledge Keepers and Indigenous leaders, Indigenous communities and organizations, non-government organizations, and academics and academic institutions.

This paper is organized in seven sections, beginning with this introduction. The second section describes the current context of Indigenous heritage in B.C.; sections three and four outline why it is important to protect Indigenous heritage and the leading organizations in B.C. and Canada in this effort; section five sets out ten recommen-

dations for safeguarding Indigenous heritage in B.C. and Canada; section six lists references; and the final section, seven, contains three appendices.

**203**

**FIRST NATIONS AND MÉTIS  
COMMUNITIES IN B.C.**

**40+**

**INDIGENOUS NATIONS AND  
CULTURAL GROUPS**



## 2. INDIGENOUS CULTURAL HERITAGE IN CONTEXT

### 2.1 EXCEPTIONAL DIVERSITY

*There are many different Indigenous cultural groups within Canada, each with distinct cultures, traditions, beliefs, practices, languages and ancestral lands. British Columbia (B.C.) is unique within Canada for the diversity of Indigenous Peoples who have made their homes and communities here for thousands of years.*

Within the province, there are 203 Indigenous (First Nations and Métis) communities, belonging to about 40 Indigenous nations and cultural groups.<sup>1</sup> As with all cultural and political groups, Indigenous Peoples are continually engaged in work to identify and define themselves politically, geographically and culturally. This can result in shifting — or renegotiated — understandings of what it means to be part of a cultural group or nation and makes it difficult to establish a fixed number of Indigenous cultural groups or nations.

Among Indigenous Peoples<sup>2</sup> in B.C., there are seven distinct language families, and within

these families, there are 34 different Indigenous languages and at least 93 different dialects (varieties) of those languages.<sup>3</sup> In the context of Canada, Indigenous languages in B.C. make up more than 50% of the approximately 61 languages indigenous to this country.<sup>4</sup>

Indigenous Peoples within B.C. live in exceptionally diverse territories as well, including coastal lands and waters, mountains and grasslands of the interior and boreal forests and rivers in northeast B.C. Waterways have long connected Indigenous Peoples across B.C. These groups have each developed specialized knowledge, harvesting and ecosystem management

<sup>1</sup> In this policy paper, the term Indigenous cultural group describes Indigenous Peoples who define themselves as sharing a common language, geographic territory and cultural knowledge, practices and values. Cultural groups may include one or more Indigenous nations, which is a term that describes Indigenous groups with defined political systems, territories, recognized populations or members, and that engage in formalized relationships with other political entities Muckle, 2014 Younging, 2018.

<sup>2</sup> This policy paper follows the style guidelines of *Elements of Indigenous Style: A Guide for Writing By and About Indigenous Peoples* (Younging, 2018:77), which recommends capitalizing the “p” in Indigenous Peoples. The author describes this as “a deliberate decision that redresses mainstream society’s history of regarding Indigenous Peoples as having no legitimate national identities; governmental, social, spiritual, or religious institution; or collective rights.”

<sup>3</sup> Dunlop, Gessner, Herbert, Parker, & Wadsworth, 2018

<sup>4</sup> Dunlop et al., 2018

practices, ceremonies, art, teachings, social and political structures and languages that reflect their unique, intimate and diverse experiences on the land and with each other.

It is difficult to find a direct translation for cultural heritage in Indigenous languages. The closest translations often relate to the sacred, or to knowing oneself. Indigenous Peoples understand and describe cultural heritage according to their perspectives, traditions and languages. While creating one definition of Indigenous heritage is difficult, generally this would include ideas, experiences, worldviews, objects, forms of expression, practices, knowledge, spirituality, kinship ties, places and land valued by Indigenous Peoples. Each of these concepts is inextricably interconnected, holds intrinsic value to the well-being of Indigenous Peoples and affects all generations.<sup>5</sup>

Just as Canadian governments, organizations and Indigenous communities have different understandings and approaches to Indigenous cultural heritage (ICH), there is also a need to recognize and respect the diversity within and among Indigenous groups when defining and identifying



<sup>5</sup> This definition is from the national Indigenous Heritage Circle website. For a full definition go to <http://indigenousheritage.ca>

<sup>6</sup> Smith & Akagawa, 2009

<sup>7</sup> Bishop, Vicary, Mitchell, & Pearson, 2012



cultural heritage and determining how to safeguard it.<sup>6</sup> It is essential that Indigenous Peoples develop precise definitions and understandings of heritage (particularly living heritage) and their relationships to it. Not doing so risks further reifying imprecise colonial conceptions of heritage.<sup>7</sup>

## 2.2 THREATS, CHALLENGES AND CONSIDERATIONS

*While many people acknowledge and celebrate Canada's rich and diverse cultural heritage, this diversity, as it relates to Indigenous Peoples, is under threat, and has been since contact.*

Colonial policies and practices, such as residential and day schools, the establishment of reserves, displacement of Indigenous land, laws against Indigenous ceremonial practices, gender-based

discrimination, resource extraction, and policies and laws promoting assimilation have led to intergenerational trauma and hardships in maintaining and transmitting cultural knowledge and values to future generations. The decimation of Indigenous populations resulted in the breakdown of knowledge transfer between generations. Results of colonialism continue to impact Indigenous Peoples in all aspects of life, including health and well-being, food security, traditional roles and practices, identity and social structures, language, culture, socio-economic conditions, access to services and equity.<sup>8</sup>

## 2.3 INHERENT HUMAN RIGHT

*Cultural heritage as a continual process of doing, remembering, teaching and learning can be understood as a political act of establishing personhood, nationhood and asserting human rights.*

Controlling the narrative and interpretation of history, values and relationships is a powerful tool in nation-making, and in doing so, it can validate (or deny) human rights. It follows that the right to control, interpret, protect and practice ICH is also a human right.<sup>9</sup> Empowering Indigenous Peoples, through policy and laws, to protect heritage affirms their inherent human rights to identity, community, safety and autonomy.<sup>10</sup>

<sup>8</sup> Haskell & Randall, 2009

<sup>9</sup> UNESCO, 2003; Truth and Reconciliation Commission of Canada, 2015; Silverman & Ruggles, 2007

<sup>10</sup> Silverman & Ruggles, 2007

<sup>11</sup> This includes federal and provincial/territorial governments, universities, museums and archives.

## 2.4 MISTRUST AND INEQUALITY

*Heritage protection approaches led by academic theory and methods based on Eurocentric values can eclipse and ultimately be detrimental to Indigenous systems of knowledge by erasing or mischaracterizing Indigenous values and relationships with the past and the land.*

As a consequence, this can reposition Indigenous Peoples as objects open to analysis and consumption, rather than the creators, owners, interpreters and protectors of their own heritage. Limited sharing or outright exclusion of Indigenous histories, inaccurate and narrow interpretation of recorded histories, and failed attempts to commemorate cultural materials, places and histories respectfully have created a legacy of mistrust and inequality between Indigenous Peoples and institutions responsible for managing and interpreting cultural heritage in Canada.<sup>11</sup>





There have been recent efforts by the Government of B.C.'s Heritage Branch<sup>12</sup> and Archaeology Branch (Arch Branch) to build partnerships with Indigenous Peoples. Such efforts are driven in large part by obligations to align with national and international policies, conventions and declarations, such as the Province of B.C.'s 10 Principles for Reconciliation, the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action. These partnerships need to be more than merely trying new ways to integrate Indigenous participation into existing structures. They require an examination and sincere acknowledgment of Indigenous laws and jurisdiction, and of the history of exclusion, disregard, neglect and in some cases violence in the disposition of ancestral remains and cultural objects and lands.

Existing heritage paradigms themselves are often exclusionary of Indigenous concepts of heritage

and history, taking a compartmentalized view of typologies and human/land relationships. This point of view results in heritage protection priorities favouring built heritage — imbued with colonial values and meanings — over ICH, which does not fit within this framework. The codification of such understandings of cultural heritage into Canadian law makes it difficult to advocate for and achieve protection of ICH

## 2.5 LIVING HERITAGE OR INTANGIBLE HERITAGE<sup>13</sup>

*Current heritage laws and policies in B.C. and across Canada focus on the recognition and protection of physical heritage values — most often buildings, monuments and objects.*

While recognized for its value in inspiring the creation of tangible heritage, living heritage does not enjoy similar legal or policy protections.<sup>14</sup> This is an urgent concern for Indigenous Peoples, as much of what is considered invaluable cultural heritage is living. Examples of living heritage include language, stories and oral histories, songs, dance, ceremonies, harvesting knowledge and practices, and cultural transmission.

It is essential to acknowledge that the values placed on living heritage do not exist separately

<sup>12</sup> The Heritage Branch is part of the provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development. This agency is often confused with Heritage B.C., a provincial non-profit organization that provides grants and supports the work of heritage organizations and practitioners in B.C.

<sup>13</sup> According to the United Nations Educational, Scientific and Cultural Organization (UNESCO): An intangible cultural heritage (ICH) is a practice, representation, expression, knowledge, or skill, as well as the instruments, objects, artifacts, and cultural spaces that are considered by UNESCO to be part of a place's cultural heritage.[1] For more information see: <https://ich.unesco.org/en/convention>.

<sup>14</sup> The term "living heritage" was recently adopted by UNESCO (see the ICH site) as an alternative to Intangible heritage. For this report, we will be using the term living heritage instead of intangible heritage.

from the intangible meanings, practices and knowledge that inspired its manufacture; this is what gives it value and motivates its protection. Given its centrality to Indigenous identities, health, language and ways of life, it is crucial that living heritage is afforded appropriate recognition and protection at the provincial, national and international levels. In the case of living heritage, protection could take the form of documentation or explicit promotion of the practice of heritage values (e.g., storytelling or resource harvesting).

## 2.6 PLACE NAMES

*Sitting in between living and tangible heritage are Indigenous place names that have disappeared from official maps but are retained by Indigenous communities.*

Place names have the power to convey histories and teachings, explain environmental and spiritual phenomena, and reflect ownership and responsibility. They tie living heritage — including

traditional knowledge and language — to the land. Threats and challenges related to the revitalization of Indigenous languages directly impact Indigenous Peoples' abilities to protect and promote the use of place names on maps and in other mainstream contexts. There is a need for dedicated provincial- and national-level commitments that allow Indigenous Peoples to document place names and ensure their inclusion on maps and in mainstream use. In B.C. this would involve partnerships between Indigenous groups, communities and the B.C. Geographical Names Office.<sup>15</sup> It would also entail protections and encouragement of intergenerational transmission of cultural heritage values while Indigenous Peoples take part in land-based heritage practices. This work must also recognize and address challenges that arise when places — and place names — have a shared history between multiple Indigenous groups.

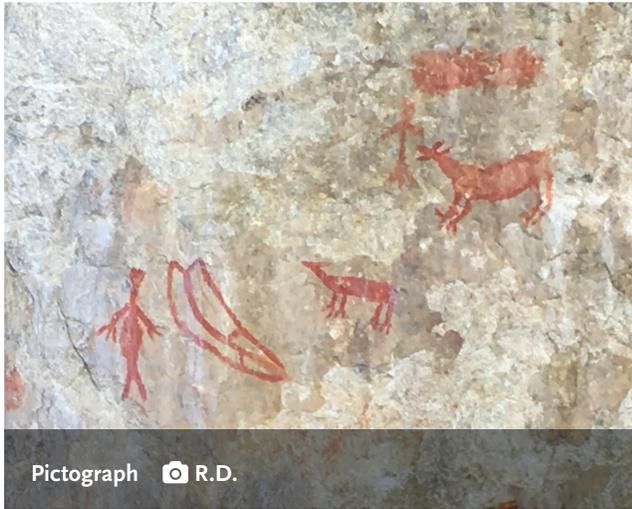
## 2.7 GOVERNMENT SILOS

*While the importance of ICH has been recognized internationally, nationally and provincially, many government organizations and Indigenous nations have extremely divergent understandings of cultural heritage and history.*

Indigenous Peoples are challenged by the reality that ICH — particularly living heritage — does not fit into the distinct colonial categories — or silos — of “property” and “culture,” which means

**LIVING HERITAGE IS AN URGENT CONCERN FOR INDIGENOUS PEOPLES, AS MUCH OF WHAT IS CONSIDERED INVALUABLE CULTURAL HERITAGE IS LIVING.**

<sup>15</sup> The B.C. Geographical Names Information System is managed by the Heritage Branch of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. It currently allows for proposals for new geographical names to be brought forward for consideration. The investigation and consultation process includes a provision for consultation with Indian Band Councils, Tribal Chiefs, or their spokespersons.



Pictograph © R.D.

that Indigenous concerns intersect with multiple government departments.

These government silos, with the stewardship of Indigenous heritage falling under the auspice of several government ministries, have resulted in deep frustration, confusion and challenges. Federal and provincial efforts to date have focused on expanding the definition of heritage and creating a more inclusive space within existing structures by hiring Indigenous staff. However, no single government ministry has taken the lead in Canada or B.C. to work with Indigenous nations to support efforts to identify, protect and revitalize ICH. This has resulted in a system with limited mandate to affect any real change.

In B.C., FPCC is the only mandated Crown corporation with considerable experience in the protection, celebration and revitalization of Indigenous languages, arts and heritage. FPCC's established relationships with Indigenous nations and communities positions it to lead and support this critical work of ICH revitalization and protection.

## 2.8 FUNDING AND CAPACITY BUILDING

*Lack of secure, sufficient funding to support Indigenous heritage work is a significant challenge to ensuring the long-term protection of this heritage.*

This includes funding in all areas of Indigenous heritage work, such as accessing technology for heritage assessment tools; digitization of heritage materials; training Indigenous heritage professionals; engaging with Indigenous and non-Indigenous heritage organizations and governments; cultural revitalization work; educational programming, including land-based education; and funding for consistent management and evaluation of heritage programming and partnerships.<sup>16</sup>

Equally important is the need to build and support the capacity of Indigenous communities and organizations to develop and lead local efforts to identify and protect ICH. Likewise, there is a pressing need to support capacity building and retention of Indigenous professionals (e.g., archivists, curators, archaeologists, strategic planners) working within federal and provincial departments and organizations like the Heritage Branch, Arch Branch, Parks Canada, museums and academic institutions. Partnerships between Indigenous and non-Indigenous groups working on heritage issues require the full and equal participation of all parties, which in turn necessitates appropriate funding and training support for Indigenous partners.

<sup>16</sup> Carmichael et al., 2018; Robbins, 2010; Walsh, Danto, & Sommerfeld, 2018

**FPCC IS THE ONLY MANDATED CROWN CORPORATION WITH CONSIDERABLE EXPERIENCE IN THE PROTECTION, CELEBRATION AND REVITALIZATION OF INDIGENOUS LANGUAGES, ARTS AND HERITAGE.**

## 2.9 STEWARDSHIP AND REPATRIATION

*All cultural groups in Canada, including Indigenous Peoples, have a right to identify their cultural heritage, interpret its meaning and determine its disposition.*

Historically, Indigenous Peoples have had little or no control over decisions made about heritage sites, objects and stories of great importance to them. Most often, Indigenous Peoples receive the least benefit from research conducted on their heritage.<sup>17</sup>

Indigenous Peoples' cultural objects, sites, stories, traditions and even ancestral remains have in the past been considered to be public domain, displayed in museums and studied by academics, considered free for the taking and enjoyment of others. This perpetuates cultural disconnections for Indigenous Peoples. Although there is a movement by many large museums to

<sup>17</sup> Colwell-Chanthaphonh et al., 2010

repatriate sacred artifacts and ancestral remains, there are still tremendous challenges in building more respectful and balanced relationships. To address this challenge, governments, museums and academic institutions will need to develop effective policies and regulations consistent with Indigenous Peoples' rights and in collaboration with Indigenous Peoples, that recognize them as the original stewards of their cultural materials and set out measures and means to protect and manage ICH in accordance with traditional law and protocols.

## 2.10 INTELLECTUAL PROPERTIES AND APPROPRIATION

*Indigenous tourism in B.C. and Canada is a growing business and cultural sector, and there is a high demand by visitors to learn more about Indigenous Peoples' cultures, traditions and histories.*



Basaltic Point © T.B.

Communities are asking about how to balance the protection of Indigenous intellectual and cultural properties and materials with a desire to share knowledge for research and tourism purposes in culturally appropriate and responsible ways.

## 2.11 ORAL AND WRITTEN RECORDED HISTORIES

*Oral and written records are held in memory institutions outside and inside of Canada, collected from Indigenous nations, communities and families by generations of academics, researchers, scientists, linguists and other contact agents.*

Much of this material remains in the custody of non-Indigenous people and institutions who may be unaware of its value, unable to make it known to the community whose past is at issue, or may be using it for financial gain or prestige. Limited accession information originally accompanying these records has often perpetuated an incomplete or imprecise understanding of the oral and written records. For many Indigenous communities, this loss of information can be comparable to the removal of ceremonial articles and human remains. Material held in foreign archives has the potential to fill some of the gaps in communities' self-knowledge that resulted from residential schooling. Bringing oral and written records home will add context and voices to help with revitalization, research, history and re-contextualizing community perspectives.



To begin this process, whether by traditional research or major copying projects, Indigenous communities will need to take many steps. It may begin with deciding to research a matter, to searching for information in and beyond the community, to identifying and getting access to remote collections, to making decisions about what to copy, to reviewing obligations arising



**THE CURRENT CLIMATE CHANGE RISK ASSESSMENT MODEL CREATED BY THE B.C. GOVERNMENT HAS NOT BEEN SUCCESSFUL FOR ASSESSING INDIGENOUS CULTURAL HERITAGE AND CLIMATE CHANGE.**

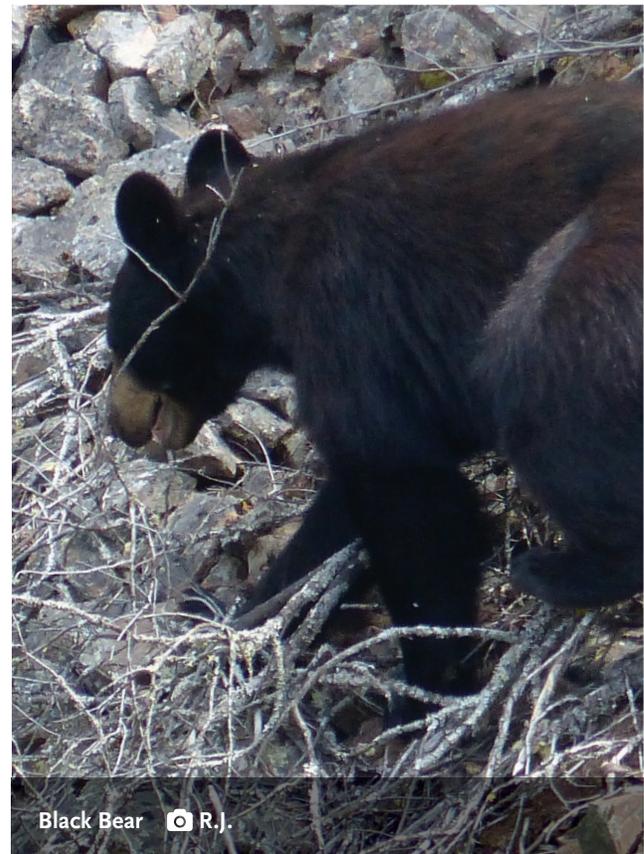
heritage.<sup>20</sup> Additionally, there is limited to no empirical research data to understand the state of cultural heritage places, Indigenous and non-Indigenous, and impacts from climate change. This lack of data has made it difficult to develop adaptive measures and approaches to safeguard these sensitive areas. Additionally, the current climate change risk assessment model created by the B.C. government has not been successful for assessing Indigenous cultural heritage and climate change.

from community protocols, and then to disseminating what has been learned. This work is very costly and time consuming, and requires specific skills and expertise, in addition to technologies and infrastructure.<sup>18</sup>

## **2.12 CLIMATE CHANGE, URBANIZATION AND RESOURCE DEVELOPMENT**

*New threats against ICH continue to escalate and compound previous effects.*

Climate change, the rapid expansion of resource development, and urbanization,<sup>19</sup> coupled with provincial and federal policies ill-equipped to provide any lasting recognition or protection to ICH, increase the urgency for creating robust policies and programs for the protection of cultural



<sup>18</sup> Indigenous Heritage Circle, n.d.

<sup>19</sup> Chisa, K. and Hoskins, R., 2015. The context in Chisa and Hoskins 2015 is South Africa, but holds up for Canada, too.

<sup>20</sup> Assembly of First Nations, 2016; Deranger & Muxlow, 2016



Arrowhead, Keatley Creek Archaeological Site  K.A.

### 3. WHY INDIGENOUS CULTURAL HERITAGE MATTERS

*Cultural heritage is more than just celebrating and protecting built heritage. It is all the aspects of a community’s past and present that it considers valuable and desires to share with future generations.*

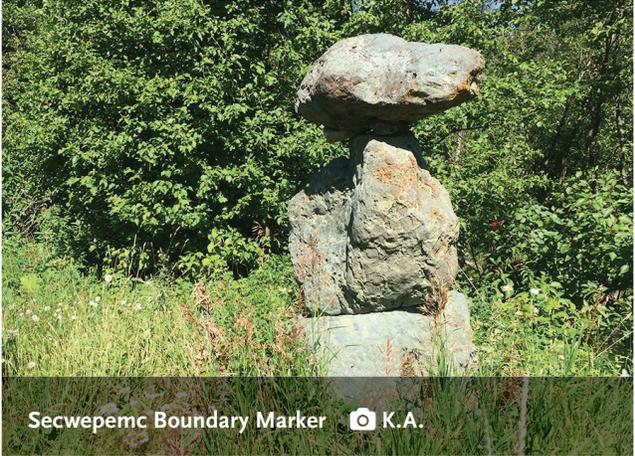
In this context, Indigenous cultural heritage (ICH) matters because it is a footprint of the past, reminding us who we are, what we have done and how we might improve upon our work. A critical part of rebuilding Indigenous cultures and nations requires that Indigenous Peoples reclaim their voices, choose how the past is documented, described, understood, managed and shared. Set out below are some of the reasons why ICH matters.

#### 3.1 IDENTITY AND SOCIAL COHESION

*Identities are formed in practice through ongoing interactions with others, with the land, with the past and with visions of the future.<sup>21</sup>*

As an expression of cultural identity, heritage is also constructed through practice, in the

ways that groups of people create and curate tangible places, and in the living meanings, values, memories and activities ascribed to them. Heritage provides the building blocks used in the production of identities; and likewise, the ways that people express their identities reaffirm the meanings and values of their heritage. Through this concurrent process of identity and heritage formation, Indigenous Peoples are responding and adapting to changes in the world and transmitting knowledge to future generations. In this way, living heritage is simultaneously historic and



Secwepemc Boundary Marker  K.A.

<sup>21</sup> Holland & Lave, 2001

contemporary and always linked to identity formation, expression and transmission.<sup>22</sup>

Colonial policies forcibly disconnected Indigenous Peoples from their lands, communities, languages and other cultural practices, threatening both cultural heritage and identities. Heritage values and practices must be protected, as they are integral to Indigenous identities and social cohesion. Recognizing the reciprocal, mutually constitutive relationship between heritage and identity is also key to understanding the strong and direct links between identity, health and well-being, language, knowledge transmission, legal traditions and cultural landscapes.<sup>23</sup>

### 3.2 HEALTH AND WELL-BEING

*Links between Indigenous Peoples' cultural knowledge, practices and places and their health and well-being are well-established.*<sup>24</sup>

Indigenous identities and social structures — and consequently health and well-being — are intricately tied to laws, harvesting practices, stories, songs, ceremonies and memories associated with specific places on the land. When those connections are strained or broken, Indigenous Peoples are likely to experience poor physical, mental and emotional health. In short, Indigenous health and well-being is predicated on continued access to and control over those elements of tangible and living heritage that support and maintain



strong connections between people and the land. It is through these reciprocal caring relationships between people and the land that good health is nurtured, and heritage is safeguarded.<sup>25</sup>

Maintaining cultural heritage goes hand in hand with securing Indigenous peoples' abilities to continue to engage in activities that reproduce and affirm cultural identities, social groups and specialized practices. A number of circumstances at different scales are challenging the relationships between heritage and health today. At the local level, land-based cultural teachings and practices (including local foodways) can be hindered by land access issues, as well as language loss, which is intricately tied to heritage knowledge and meanings. At the national level, Indigenous Peoples in Canada are not yet legally recognized as owners or decision-makers of their own cultural

<sup>22</sup> Smith & Akagawa, 2009; Pawlowska-Mainville, 2014; Omoro, 2015; Kingsley, Munro-Harrison, Jenkins, & Thorpe, 2018; Basso, 1996

<sup>23</sup> Pawlowska-Mainville, 2014

<sup>24</sup> Walsh et al., 2018; Vance, McGaw, Winther, & Rayner, 2016; Kingsley et al., 2018; Big-Canoe & Richmond, 2014; Isbister-Bear, Hatala, & Sjoblom, 2017; Boksa, Joober, & Kirmayer, 2015; Bishop et al., 2012; Durie, 2006; Pomeroy & Tapuke, 2016

<sup>25</sup> Bishop et al., 2012

heritage, resulting in uncertainty for the future of that heritage, and relatedly, Indigenous health and well-being. At the global scale, climate change is altering the ways that people are able to protect and engage with heritage and heritage-based activities — and teach their children to do so. This will have direct negative impacts on the maintenance of cultural heritage, and Indigenous health and well-being.<sup>26</sup>

### 3.3 MAINTAINING CONNECTIONS TO THE LAND

*Indigenous heritage is, quite literally, anchored to the land.*<sup>27</sup>

Indigenous Peoples have special (sometimes even familial) relationships with the land itself, as well as with the animals and spiritual beings found there.<sup>28</sup> Being present on the land, behaving and interacting in appropriate ways, according to teachings, is central to safeguarding these relationships and transmitting land-based knowledge and laws.

Land-based practices and knowledge that inform cultural heritage values include fire regimes, resource harvesting, travel and trail-making, occupation, storytelling, singing and dancing, making and enjoying art, birth and burial practices, puberty and gender-specific ceremonies, and ecosystem management, as well as accessing medicines and visiting and trading with other groups. These activities take place in culturally prescribed ways, at certain times of the year, in

particular locations, and are informed by generations of on-the-ground observations and informed decision-making.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has begun to recognize the tangible and living heritage value of landscapes co-created by people and nature and infused with cultural histories, practices and meanings as *cultural landscapes*.<sup>29</sup> Recognition and protection of cultural landscapes is an essential step in the protection of ICH, as well as the continued health and integrity of the land. A recent example of such a cultural landscape recognized by UNESCO is the Pimachiowin Aki cultural landscape, created and maintained by the Anishinaabe people in Manitoba and Ontario. It was inscribed as a UNESCO World Heritage Site in 2018.<sup>30</sup>



<sup>26</sup> Salmon et al., 2018

<sup>27</sup> Pawlowska-Mainville, 2014; Andrews & Buggey, 2008

<sup>28</sup> Harrison, 2010

<sup>29</sup> UNESCO, n.d.

<sup>30</sup> Parks Canada, 2018

**THE TRUTH AND RECONCILIATION COMMISSION CALLS ON THE GOVERNMENT TO “ACKNOWLEDGE THAT ABORIGINAL RIGHTS INCLUDE ABORIGINAL LANGUAGE RIGHTS.”**

Knowing one’s heritage language is a human right. This has been affirmed by the United Nations Declaration on the Rights of Indigenous Peoples, to which Canada is a signatory.<sup>31</sup> Likewise, the Truth and Reconciliation Commission calls on the government to “acknowledge that Aboriginal rights include Aboriginal language rights.”<sup>32</sup> There are calls for Indigenous languages to be formally recognized as official languages of Canada, at provincial and federal levels, with opportunities to learn them available in publicly funded schools.

### 3.4 LANGUAGE EMBEDDED THROUGHOUT

*When trying to define cultural heritage, it is clear that language is embedded within every description of ICH.*

Indigenous languages and grammatical structures are critical to understanding ICH. Cultural heritage and language form an inseparable relationship, as does Indigenous heritage and art. When one part of the whole is affected, the entire delicate balance impacts the health and well-being of a society and people. When the right to learn and teach an Indigenous language is denied, there are generational impacts on families, communities and cultural heritage more broadly.



Culture Camp 2019 © A.A.

<sup>31</sup> United Nations, 2008

<sup>32</sup> Truth and Reconciliation Commission of Canada, 2015



## 4. LEGISLATION AND POLICIES

*Since the 1970s, a number of legislative bodies and policy organizations (Indigenous, provincial, federal and international) have recognized the multiple threats facing Indigenous Peoples and their cultural heritage, and have crafted legislation, policies and calls to action to address these threats, with varying success.*

In Canada, jurisdiction over Indigenous cultural artifacts and sites falls under various provincial/territorial and federal regulatory regimes.<sup>33</sup> Currently, there is no comprehensive national legislation and protocol in place that can sufficiently address these issues. In B.C., the *Heritage Conservation Act* (HCA), which is overseen by the Archaeology Branch (Arch Branch), automatically protects sites dated pre-1846, but that protection is limited and can include the excavation and removal of cultural objects as part of the protection measures. In addition to that, the Heritage Branch could

designate post-1846 sites for protection. The last provincial designation was the McAbee Fossil Bed in 2011.<sup>34</sup> Of particular concern is the lack of legislation or other legal mechanisms for safeguarding Indigenous cultural heritage (ICH) as living heritage, and that promote its protection and recognition as vital to Indigenous futures.

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<sup>33</sup> See First Nations, the *Heritage Conservation Act*, and the Ethics of Heritage Stewardship (Klassen, 2013) for a summary of the historical development of heritage legislation affecting British Columbia.

<sup>34</sup> There is currently a pilot project with the Stó:lō Nation to test Section 4 Agreements under the HCA as a protective measure for archaeological sites in B.C.

## 4.1 PROVINCIAL OVERSIGHT: ARCHAEOLOGY BRANCH OF B.C.

*The Arch Branch is the primary department responsible for recording and making decisions about the management of heritage sites in the province.*

This responsibility, to provide protective measures and monitoring of the HCA, can be shared with the Heritage Branch for provincial historic sites (post-1846).

As of December 14, 2018, the B.C. Archaeological Site Inventory included 43,121 archaeological sites, including standard site types, along with culturally modified trees pre-contact trails and other traditional use sites like clam gardens. It does not include heritage places that are post-1846 or are considered living with no physical evidence.

Arch Branch keeps individual site records for recorded heritage sites but has not conducted a comprehensive investigation of the state of all archaeological sites and historic places in the province. Further, Arch Branch does not have a province-wide mandate to support the ongoing monitoring and caretaking of documented archaeological sites protected under the HCA. Arch Branch relies on updates from other government agencies, consultants and the informed public for monitoring, compliance and enforcement.

Indigenous communities are well aware of cultural heritage being impacted or destroyed at an excessive rate over the last 65 years, since the resource sector and populations have expanded. The most common impacts to heritage result from



illegal activities (e.g., looting, vandalism and theft); urbanization and infrastructure development; physical resource extraction; climate change, severe weather events and ecological/geological events; pollution; biological resource use modification (e.g., fishing, farming and hunting); local construction affecting the physical fabric of a heritage place (e.g., erosion and vibration); tourism; invasive species; and management and institutional factors (e.g., management planning, funding and legal frameworks). In particular, development pressures have resulted in a significant loss of cultural landscapes, ancestral burial places (e.g., Grace Island and Site C Dam) and traditional activity areas.

The absence of living cultural heritage sites on the provincial registry, the arbitrary timeframe within which places or artifacts are considered for inclusion and the lack of meaningful Indigenous participation in the administration of the HCA are significant shortcomings of provincial heritage policy. The First Nations Leadership Council has noted the increasing threats to ICH, and the inadequacy of the HCA to protect this heritage, asserting that “significant reform is needed in current legislation and policies to ensure the protection and conservation of First Nations heritage sites, cultural property and human remains.”<sup>35</sup>

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<sup>35</sup> The First Nations Leadership Council, 2011

## 4.2 NATIONAL AND INTERNATIONAL POLICIES AND CONVENTIONS

### 4.2.1 THE MATAATUA DECLARATION ON CULTURAL AND INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS PEOPLES<sup>36</sup>

A decade before the 2003 United Nations Educational, Scientific and Cultural Organization Convention for the Safeguarding of the Intangible Cultural Heritage, the Mataatua tribes of Aotearoa, New Zealand, convened an international gathering of Indigenous Peoples to discuss shared experiences of dispossession and threats to their cultural heritage and intellectual property. The declaration that followed from this meeting asserted that the right to control, protect and nurture ICH rests with Indigenous Peoples and that it is a matter of human rights. Signatories called on national and international states and other bodies to provide recognition and support to Indigenous Peoples in this work. Declarations like this have laid the groundwork for those that have followed.

### 4.2.2 2003 CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE<sup>37</sup>

This 2003 UN convention recognizes that Indigenous Peoples' heritage is often living, and therefore not adequately protected by heritage laws and policies focused on tangible heritage

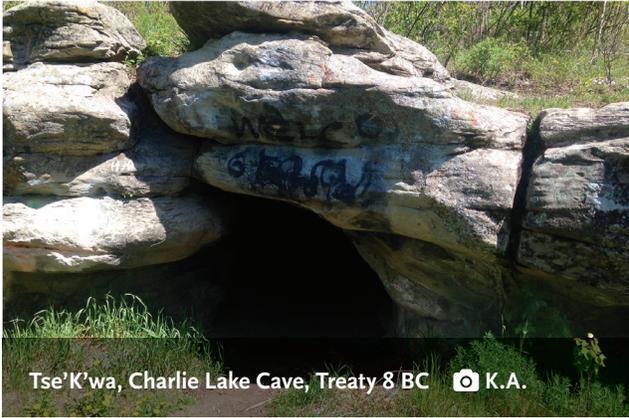
sites, like architecture and artifacts. The convention was drafted in response to this shortcoming and the growing threats to living heritage around the world. Although Indigenous heritage is rarely mentioned in the articles of the convention, many of the calls to action can easily be extended to Indigenous Peoples and their heritage. Articles 1 and 15 are particularly strong in their call for the protection of living cultural heritage, and states' responsibilities to work with the creators/owners of the heritage to ensure its protection. As of May 2019, Canada has not agreed to support the convention.<sup>38</sup>



<sup>36</sup> The Mataatua Declaration, 1993

<sup>37</sup> UNESCO, 2003

<sup>38</sup> Pocius, 2014



### 4.2.3 UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES<sup>39</sup>

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly in 2007. Canada issued support for the declaration in 2010, with a stronger statement of unqualified support for UNDRIP in 2016. Canada has committed to a national action plan to implement the UNDRIP. As of the publication of this policy paper, Bill C-262 is before the Canadian Senate. Bill C-262 calls for federal law to be in line with UNDRIP. In February 2019, the Government of B.C. committed to introducing legislation that would ensure that provincial law reflects UNDRIP. The principles espoused in UNDRIP articles state unequivocally that Indigenous Peoples have the (protected) rights to self-determination and autonomy.

Article 31 (1) and (2) are particularly focused on the right of Indigenous Peoples to protect, enact and control their cultural heritage. The article provides a valuable description of the scope of

Indigenous heritage. It states that “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 artistic expressions.”<sup>40</sup>

## 4.3 TRUTH AND RECONCILIATION COMMISSION OF CANADA: CALLS TO ACTION<sup>41</sup>

*The Truth and Reconciliation Commission (TRC) was convened by the Government of Canada in 2008 to carry out a mandate of the Indian Residential Schools Settlement Agreement.*

The objective of the TRC was to document the impacts of residential schools on Indigenous Peoples, their families and communities. In 2015, the TRC released 94 Calls to Action in order to address the past and continuing impacts of residential schools. Many of these Calls to Action

<sup>39</sup> UN General Assembly, 2007

<sup>40</sup> UN General Assembly, 2007

<sup>41</sup> Truth and Reconciliation Commission of Canada, 2015

relate to Indigenous culture and languages. In particular, Call to Action #79 has helped provide a clear impetus and path forward for the area of heritage commemoration. This call states: “We call on the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration.”

This makes it clear that it is no longer acceptable for the identification and protection of the stories, images, places and landscapes of Canada’s heritage to exclude, obscure or disregard the voices, histories, languages and cultures of Indigenous Peoples. The Canadian Archaeological Society has adopted and endorsed the TRC Calls to Action and UNDRIP, including an acknowledgment that Indigenous Peoples are the owners of their cultural heritage.<sup>42</sup>

#### **4.3.1 PRESERVING CANADA’S HERITAGE: THE FOUNDATION FOR TOMORROW: REPORTING TO THE STANDING COMMITTEE ON ENVIRONMENTAL AND SUSTAINABLE DEVELOPMENT<sup>43</sup>**

In October 2017, the Standing Committee on Environmental and Sustainable Development (ENVI) heard testimony from experts in ICH about the inadequacy of current Canadian heritage policy, and the urgent need to amend heritage policy to include the participation of Indigenous Peoples, and the protection of their heritage — particularly living cultural heritage. As a result of this testimony, the committee produced a report, *Preserving Canada’s Heritage: The Foundation for Tomorrow*, containing 17 recom-

mendations to improve heritage conservation in Canada, including federal heritage legislation, strengthened federal heritage policies, financial measures, and integrating Indigenous perspectives. In particular, recommendations 15, 16 and 17 identified areas for improvement with regards to the heritage of Indigenous Peoples.

The committee also recommended that federal departments, including Parks Canada and the Historic Sites and Monuments Board of Canada (HSMBC) work with Indigenous Peoples to identify and designate ICH sites. In 2018, Parks Canada, in collaboration with the Indigenous Heritage Circle, a non-profit Indigenous-led and designed organization established in 2016, undertook research and engagement to inform the response to the report, which included the two Indigenous Gatherings on Cultural Heritage in Gatineau and Calgary during November 2018.

**WE CALL ON THE FEDERAL GOVERNMENT, IN COLLABORATION WITH SURVIVORS, ABORIGINAL ORGANIZATIONS, AND THE ARTS COMMUNITY, TO DEVELOP A RECONCILIATION FRAMEWORK FOR CANADIAN HERITAGE AND COMMEMORATION.**

<sup>42</sup> Canadian Archaeological Association, n.d.

<sup>43</sup> Schulte, 2017

### 4.3.2 HISTORIC SITES AND MONUMENTS BOARD OF CANADA<sup>44</sup>

Call to Action 79 of the TRC calls for permanent First Nations, Inuit and Métis representation on the HSMBC. This was not the first call for such representation, with Chief Carl M. Lewis of the National Indian Council of Canada suggesting this to the Minister of the Interior in 1963. This suggestion was ignored, as it was felt that Indigenous appointees could not give “objective and sound historical advice,” which was identified as the role of the HSMBC.

Private Member’s Bill C-374 was introduced in 2017 and, acting on TRC Call to Action 79, proposes changes to the *Historic Sites and Monuments Act* to include Indigenous representation at the board level.<sup>45</sup> Bill C-374 has passed its third reading in the House of Commons and its first reading in the Senate. As the legislative process of a bill resets with a federal election, it is hoped that this bill can have its second and third readings in the Senate and receive Royal Assent before the October 2019 federal election.

The HSMBC has started to integrate the concept of cultural landscapes into their commemorative process, as seen through the designations of Beausoleil Island in Ontario and Saoyú-ᓖehdacho in the Northwest Territories as national historic sites. Through the continued framework of cultural landscapes, it will be essential for the HSMBC and Parks Canada to understand the living aspects of Indigenous significance as they relate to geographic areas and take these into

consideration when federally commemorating sites. While it is understood that HSMBC designations do not offer federal legislative protection, the national historic site label has the potential to be a powerful tool to encourage other forms of legislative protection from provincial and municipal authorities, and their integration of the cultural landscape framework can help further assure that culturally significant sites are preserved.

### 4.3.3 BILL C-391: AN ACT RESPECTING A NATIONAL STRATEGY FOR THE REPATRIATION OF INDIGENOUS REMAINS AND CULTURAL PROPERTY

Bill C-391 was introduced as a private member’s bill in the House of Commons in 2018. This bill calls for the creation of a national strategy to “enable the return of Indigenous human remains and cultural property to the Indigenous peoples of Canada” and presents five action steps to achieve these ends.<sup>46</sup> The House of Commons passed Bill C-391 in February 2019 after three readings, at which time it was taken up by the Senate. At the time of this policy paper, Bill C-391 has passed a first reading in the Senate. If this bill comes into force, it has the potential to foster meaningful partnerships between Indigenous Peoples and Canadian heritage institutions through repatriation projects.

<sup>44</sup> This section on the HSMBC is from an Indigenous Heritage Circle unpublished report on the national Parks Canada Engagement Sessions (this section was authored by PhD candidate and the Circle’s Board Director Cody Groat).

<sup>45</sup> Aldag, 2017

<sup>46</sup> Casey, 2018



## 5. NATIONAL AND PROVINCIAL INITIATIVES

*Advocating for the recognition and protection of Indigenous cultural heritage (ICH) has been undertaken at the international, national, provincial and regional levels, but there has been no government agency, federally or provincially, that has taken on a key role supporting the protection and advancement of ICH.*

### 5.1 NATIONAL INITIATIVES

The 1994 Task Force on Museums and First Peoples, jointly organized by the Assembly of First Nations and the Canadian Museums Association (CMA), conducted consultations over two years to identify ways to better represent Indigenous Peoples' history and culture in memory institutions. The task force findings stressed the importance of cultural objects to Indigenous Peoples and the need for increased involvement of Indigenous Peoples in the interpretation of their heritage. The task force recommended that the desire and authority for Indigenous Peoples to speak for themselves concerning their heritage be recognized.<sup>47,48</sup> The recommendations of the task force influenced the development of more

inclusive contemporary museum policies, but the definition of ICH required further refining. Many of the task force's recommendations remain relevant today but have yet to be implemented under the CMA. More recently, the CMA has revisited the task force's report and hired a director to address reconciliation and relevant Truth and Reconciliation Commission (TRC) recommendations.



<sup>47</sup> AFN & CMA, 1994

<sup>48</sup> The task force also concluded that the definition of Indigenous Cultural Heritage needed further refining.

Heritage B.C., a non-profit and non-governmental organization, known provincially for their work around built heritage, has been re-examining the organization's role in the protection of heritage and broadening their definition of heritage.<sup>49</sup> In 2018-19, Heritage B.C. undertook a series of province-wide roundtables addressing topics ranging from the definition of heritage to its impact on the economy and the environment.<sup>50</sup> These roundtables did not exclusively focus on Indigenous heritage, although it was part of the discussion. The final report for the project has not yet been released.

The more recent influx of cultural heritage initiatives and studies in Indigenous communities have been in response to resource development and a demand to address potential impacts during an environmental assessment process. Some Indigenous nations and communities have developed heritage departments with associated policies, processes and protocols to address limitations for the protection of ICH in legislation and in practice. In addition to legal and political



Cedar Basket by Mandy Brown © K.A.

barriers, these departments experience tremendous demands from companies and governments and are burdened by a lack of funding, training, capacity/staff, technology, infrastructure and the need to engage at multiple levels due to the siloed approach to heritage.

Indigenous-led, community-based approaches to cultural heritage work is the only solution to these challenges. Organizations like the Indigenous Heritage Circle and the FPCC have taken the lead on addressing the gaps, but like communities, these organizations are chronically under-resourced, understaffed and lack the capacity and funding to engage fully with the issues.

**INDIGENOUS-LED,  
COMMUNITY-BASED  
APPROACHES TO CULTURAL  
HERITAGE WORK IS THE  
ONLY SOLUTION TO THESE  
CHALLENGES.**

<sup>49</sup> Heritage BC, 2016

<sup>50</sup> Heritage BC, 2018



Centre of the Universe, Secwepemc Territory © R.J.

## 6. LEADING EFFORTS TO PROTECT INDIGENOUS CULTURAL HERITAGE

*Indigenous ownership over ICH will not be realized without secure and sufficient funding for provincial organizations like FPCC and national organizations.*

### 6.1 PROVINCIAL AND NATIONAL INDIGENOUS ORGANIZATIONS

The **Indigenous Heritage Circle** (the Circle) advocates for the voice of Inuit, First Nations and Métis people on all matters relating to Indigenous heritage. Through dialogue and learning, the Circle aims to serve as a trusted and inclusive organization that facilitates sharing of information, ideas and issues related to Indigenous cultural places, landscapes, narratives, languages, practices, arts, objects, and laws and protocols. The Circle supports actions and policies consistent with the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's Calls to Action, and the laws and protocols of Indigenous Peoples. Its primary focus is on Canadian issues and initiatives, but it is also committed to supporting Indigenous cultural heritage (ICH) internationally. The Circle's concept of heritage is rooted in Indig-



enous realities that link the living and tangible and the natural and cultural. To date, this volunteer-run organization has not received sustainable funding; thus, it cannot build the capacity to meet its mandate.

The **First Nations Leadership Council**, composed of representatives from the B.C. Assembly of First Nations, the First Nations Summit, and the Union of B.C. Indian Chiefs, passed resolutions to work together with the Province of B.C. on heritage in 2007. This resulted

in the inception of the Joint Working Group on First Nations Heritage Conservation (JWGFNHC.)

In 2011, the JWGFNHC drafted the First Nations Heritage Conservation Action Plan to “explore options and provide recommendations to improve the protection, management and conservation of First Nations cultural and heritage sites, in the spirit of the *New Relationship and the Transformative Change Accord*.<sup>51</sup> Much of this work has focused on advocacy for the recognition, management and protection of heritage sites, rather than on the broader issues of ICH.

**First Peoples’ Cultural Council (FPCC)** is an Indigenous-governed Crown agency that provides leadership for revitalizing Indigenous languages, arts and heritage in B.C. It was established in 1990 through provincial legislation (*First Peoples’ Heritage, Language and Culture Act*). FPCC’s vision is that Indigenous languages, arts and heritage in B.C. are thriving and that the unique cultural knowledge expressed through each is recognized and embraced by the general B.C. population.



Smudging at Culture Camp © A.A.

Over the years since its inception, FPCC has successfully partnered with and distributed funding to B.C. Indigenous communities for language, arts and culture projects. Its stakeholders are the 203 Indigenous communities throughout the province. Unfortunately, FPCC’s heritage program has received limited funding to date, which prevents FPCC from being able to adequately support programs to identify, protect and revitalize ICH in B.C.

## 6.2 RESURGENCE OF INDIGENOUS LEGAL TRADITIONS

Indigenous legal orders, such as the Covenant Chain and the Two Row Wampum, have always existed and been an effective means of maintaining social order, resolving conflicts and building relationships amongst Indigenous nations, and later between Indigenous Peoples and the Crown.<sup>52</sup> The application of living ICH, in the form of oral histories and stories, is considered critical to understanding and articulating Indigenous legal principles. Through the process of storytelling, Indigenous legal traditions are transmitted and interpreted.<sup>53</sup> In the last few years, there has been a movement in academic legal and Indigenous communities to document and articulate Indigenous legal traditions to preserve knowledge and worldviews, help communities work through contemporary challenges, build sovereignty and strengthen identities.

<sup>51</sup> The First Nations Leadership Council, 2011

<sup>52</sup> Coyle, 2017it follows the required format for Knowledge Synthesis Reports.\n\nThe suppression of Indigenous legal orders was an integral part of the colonial project to assimilate Indigenous peoples, a project exemplified by Canada’s now notorious experiment with Indian Residential Schools. Long marginalized by the Canadian state, the importance of Aboriginal peoples’ own legal systems has recently been recognized by the Supreme Court of Canada, by academics (including prominent Indigenous scholars

<sup>53</sup> Napoleon & Friedland, 2016



There remains a gap in research related to understanding connections between Indigenous legal traditions, protocols and practices related to sacred objects and ceremonies, such as ceremonies for ancestral remains. With programs such as the newly established Indigenous law program at the University of Victoria, and the potential development of community research grants through FPCC, there will be opportunities to advance this significant work.

### 6.3 INITIATIVES TO DECOLONIZE MUSEUMS AND ARCHIVES

In the last few years, some of the larger museums and archives in Canada and elsewhere have begun to develop mechanisms to decolonize or Indigenous their institutions and address human rights issues specific to the repatriation of ancestral remains.

In the United States, the *Native American Graves Protection and Repatriation Act* (NAGPRA),

enacted in 1990, reaffirms Indigenous peoples as the owners of their ancestral remains and associated items, and mandates that federally funded institutions currently in possession of heritage items work with Native American Tribes to facilitate their repatriation. Further, the law criminalizes the stealing and possession of grave items related to Indigenous Peoples.<sup>54</sup> NAGPRA was recently enforced in the FBI's seizure of thousands of artifacts on private land in Indiana.<sup>55</sup>

In 2006, Indigenous and non-Indigenous archivists, librarians, museum curators, historians and anthropologists from the United States and Canada identified best professional practices for culturally responsive care and use of American Indian archival material held by non-tribal organizations. A draft Protocols for Native American Archival Materials was developed, but the Society for American Archivists did not endorse it until August 2018.<sup>56</sup>

Another collaboration between the Canadian Council of Archives, the Association of Canadian Archivists, Association des archivists du Québec, Library and Archives Canada, and the Council of Provincial and Territorial Archivists established the Truth and Reconciliation Task Force in June 2016. This task force was mandated to develop, in collaboration with Indigenous Peoples, a national framework for reconciliation awareness and action for the Canadian archival community. The national archival framework for reconciliation awareness and action is now completed with hopes that it will provide a voice to Indigenous cultural memory keepers within

<sup>54</sup> NAGPRA, 1990

<sup>55</sup> Weisberger, 2019

<sup>56</sup> First Archivists Circle, 2007

Canadian archival discourse and pedagogy and that Indigenous communities are given a greater role in the respectful management of archival materials pertaining to their communities and their histories.

In B.C., the provincial government allocated \$2 million towards repatriation efforts in 2016. Through this funding, the Royal B.C. Museum (RBCM) hired two repatriation specialists/experts and awarded grants to Indigenous communities who wanted to bring home their cultural treasures and ancestors from the RBCM and other museums in Canada and overseas. In addition to offering expertise, grants and beginning the process of repatriating Indigenous collections at the RBCM, the museum worked with the Haida Gwaii Museum to develop an Indigenous Repatriation Handbook.<sup>57</sup> Similar efforts are being led by key staff at the Museum of History (formerly Civilization) in Gatineau, Quebec, with the development of an Indigenous framework strategy, which includes approaches to modifying all of the museum's policies and programs to be more inclusive and transparent for Indigenous Peoples.



Looking internationally, New Zealand actively seeks the return of human remains taken from the country during its colonial period through the *Protected Objects Act of 1975*, which regulates the export of protected New Zealand objects, provides for the return of unlawfully exported or stolen, protected, or foreign items, and records the ownership and controls the sales of ngā taonga tūturu, a term that refers to items relating to Māori culture, history or society.<sup>58</sup> In 1992, the *Museum of New Zealand Te Papa Tongarewa Act of 1992* was created to protect, preserve and explore Indigenous heritage in New Zealand.<sup>59</sup> Through its Karanga Aotearoa Repatriation Programme, Te Papa has been able to recover Māori remains from over forty museums around the world.<sup>60</sup>

**FIRST PEOPLES' CULTURAL COUNCIL IS THE ONLY ORGANIZATION IN B.C. MANDATED TO SUPPORT THE REVITALIZATION OF ICH**

<sup>57</sup> Collison, Bell, & Neel, 2019

<sup>58</sup> Protected Objects Act, 1975

<sup>59</sup> Museum of New Zealand Te Papa Tongarewa Act, 1992

<sup>60</sup> Knowles, 2017



Making a drum © A.A.

## 7. CONCLUSION: TIME FOR CHANGE IS NOW

*Given the demonstrated urgent need to recognize and protect Indigenous heritage, this paper calls for the sustainable funding and support of an oversight organization to carry out this important and complex work in B.C. and Canada.*

There is a broad consensus among international and Indigenous organizations that Indigenous Peoples must lead the work of protecting their heritage.<sup>61</sup>

Aside from the Heritage and Archaeology Branches in B.C., which primarily focus on administering the HCA, First Peoples' Cultural Council is the only organization in B.C. mandated to support the revitalization of ICH. FPCC's professional staff carry out a number of successful programs related to heritage and are ideally positioned and uniquely qualified to lead efforts to recognize, protect and revitalize Indigenous cultural heritage (ICH) in B.C. FPCC requires substantive, secure and multi-year funding to support and sustain the organization's mandate. Only through such funding and support will FPCC have the means to meaningfully address the action items listed in the recommendations below.<sup>62</sup>

### 7.1 RECOMMENDATIONS FOR SUPPORTING ICH

The recommendations below reflect the assertion that Indigenous Peoples are the owners of their heritage and that they must lead the work of managing, sharing and revitalizing it. These recommendations are categorized according to specific topics and accompanied by action steps to be taken at local, provincial, federal and international levels by Indigenous Peoples and their partner organizations.



Dinosaur track in Treaty 8 territory of NE BC © D.B.

<sup>61</sup> Barlindhaug, 2013; Romero Manrique, Corral, & Guimarães Pereira, 2018; Dore, 2018; International Labour Organization (ILO), 1989; UN General Assembly, 2007

<sup>62</sup> It is important to note that the Indigenous Heritage Circle (the Circle) does not receive any funding and is a volunteer organization. In addition to FPCC, the Circle requires the same funding and support at a national level from Canada.

## 1. INDIGENOUS LEADERSHIP AND CONTROL

*Now is the time for Canada and its provinces and territories to reaffirm Indigenous Peoples as the owners/stewards and managers of their cultural heritage.*

The principles of ownership, control, access and possession must be abided by and respected throughout this process, which should be led and implemented by Indigenous Peoples and organizations.

Supporting Indigenous leadership and control over ICH will also support progress toward nation-to-nation relationship building. The recommendations set out in this paper cannot be successfully implemented without the direct involvement and leadership of an Indigenous organization to ensure a proactive approach based in cultural knowledge and respect.

## 2. SUSTAINABLE, COMPREHENSIVE AND IMMEDIATE FUNDING

*Sustainable, comprehensive and immediate funding is desperately needed to safeguard this fragile and vital part of Canada's history.*

Indigenous ownership over ICH will not be realized without secure and sufficient funding for provincial organizations like FPCC and national organizations like Indigenous Heritage Circle. Funding must reflect the cost of what is needed to implement initiatives to safeguard, recover, restore and revitalize ICH in consideration of impacts and other factors. Funding should be based on the needs of the Indigenous Peoples and desired outcomes. A detailed study will be needed to assess these needs and goals. Funding for ICH could support:

- a. Programs and grants to build capacity, support skills development in Indigenous heritage professionals and support infrastructure development for the caretaking of cultural objects and documents.
- b. Training programs for Indigenous people interested in heritage work. This could be done in partnership with universities and colleges, or museums through courses and internships. This could expand one day into certificate or degree programs in Indigenous Heritage Management. Options for community-based training programs in heritage work should also be pursued.
- c. Exchange programs where Indigenous heritage professionals can learn about international best practices and share approaches and methods with international Indigenous organizations and institutions doing ground-breaking work to protect and revitalize ICH.

- d. Mentorship programs partnering experienced Indigenous heritage professionals with those junior in the field. Partnerships could be with a museum, university or other well-resourced institution on this project.
- e. Awards or campaigns to recognize and celebrate leaders in ICH work. This could attract more Indigenous people to the field by putting a public face on Indigenous people leading heritage protection work and normalize and publicize Indigenous leadership in heritage work to wider publics.
- f. A comprehensive communications strategy for delivering clear messaging to communities, institutions, governments and industry regarding ICH.

### 3. CONNECTIONS BETWEEN PEOPLE AND THE LAND

*Recognizing that meaningful, enduring connections between Indigenous people and their lands are central to health and well-being, community life and cultural futures, funding measures should be established to support and strengthen these connections.*



Funding for such programs could include:

- a. Establishment and support of partnerships with B.C. school districts, family culture camps and youth summer camps to promote opportunities for cultural transmission.
- b. Reintroduction of land-based activities and teachings connecting Elders and youth. Significant work in re-establishing connections between Indigenous youth, the land and cultural heritage is forging relationships with Elders who hold the key to knowledge transmission.<sup>63</sup>
- c. Reintroduction of Indigenous cultural practices into protected areas.
- d. Integration of ICH management with protected areas management.

<sup>63</sup> Isbister-Bear et al., 2017; Hatala, 2008

- e. Development of new integrated approaches to the establishment and management of protected areas.
- f. Development of digital resources that promote learning about and caring for the land. Resources could include apps highlighting oral histories and legends, photos and videos of landscapes and species, place names, and other teachings.
- g. Development of land-based cultural education programs that are similar to those of the Dechinta Institute in the Northwest Territories.<sup>64</sup>

#### 4. INDIGENOUS CULTURAL HERITAGE EDUCATION PROGRAMS

*Most cultural heritage education falls under the domain of K–12 education and involves the occasional school tour of museums, presentations by Indigenous speakers and/or short tutorials on making Indigenous arts.*

Investments and collaborative planning with Indigenous Peoples and organizations are needed to ensure that effective school educational programs are in place. This could include:



- a. Opportunities for land-based language and culture immersion programs.
- b. Teacher training that supports cultural competency and support for language.
- c. Programs to support cultural heritage infrastructure within Indigenous organizations.
- d. Development and delivery of curricula around ICH within public schools, government agencies and industry.
- e. Support for the writing and telling of Indigenous history by Indigenous Peoples.

<sup>64</sup> Dechinta Centre for Research and Learning, n.d.

## 5. INFRASTRUCTURE AND CAPACITY

*Many Indigenous nations and communities have little or no infrastructure for preserving, sharing, housing or showcasing their cultural heritage materials.*

Infrastructure development and capacity building at the community level must be supported, avoiding top-heavy, multi-level approaches. Funding for community infrastructure and capacity initiatives could support:

- a. The continuation of existing partnerships between heritage institutions (such as the Canadian Museum of History) and Indigenous communities where young Indigenous scholars and heritage professionals receive training and support.
- b. Development of federal and provincial policies that include Indigenous communities in funding cycles for heritage infrastructure and program support.
- c. Continuing education grants for Indigenous heritage professionals.

## 6. SPECIFIC FUNDING FOR REPATRIATION PROGRAMS

*There is a need for continued support and funding for partnerships between Indigenous organizations and communities, and museums and archives to assist in the repatriation of ancestral remains, cultural objects, documents, archives, photos, videos and audio recordings. Funding for this work could support:*

- a. The development and operation of community-based archival facilities.
- b. Repatriation committees and efforts in communities, including the efforts to research and collect cultural materials and ancestral remains.
- c. Training and mentorship for Indigenous archivists, historians and museum professionals.
- d. Established programs and partnerships.
- e. Grant writers and fundraisers to help ensure sustainable funding, and to seek out new opportunities.
- f. Projects to ensure that important and sensitive items related to residential schools are included in repatriation programs.

## 7. ADDRESSING LAWS AND POLICIES

*Existing provincial heritage laws and policies should be reviewed and revised to ensure the inclusion of Indigenous Peoples in heritage management, and the recognition and protection of ICH.*

New Indigenous legal traditions/laws should be advanced to support Indigenous Peoples' inherent right to cultural heritage resources. Specifically, in collaboration with Indigenous Peoples, this could include:



- a. Revision of heritage legislation to acknowledge and recognize Indigenous Peoples as the stewards of their heritage and remove any delineation of 1846 as a date that determines what is archaeological and historic.
- b. Revision of heritage laws and policies so that their language is not exclusionary and is open to Indigenous concepts of heritage recognition and protection and living heritage.
- c. Introduction of new legislation establishing Canada's legal responsibility to support ICH with guaranteed funding sufficient to successfully implement and maintain heritage revitalization initiatives. Such funding must be protected from shifting political priorities.
- d. Funding to support the research and articulation of Indigenous legal traditions related to cultural heritage and the development of Indigenous laws and policies.
- e. Ensuring that professional organizations working in cultural heritage management have policies that recognize Indigenous Peoples as the owners/stewards, protectors and decision-makers of their cultural heritage.
- f. Development of and support for community-based monitoring and enforcement programs, such as territorial patrols, to ensure the protection of recognized ICH sites and values.

## 8. ADDRESS CLIMATE CHANGE THROUGH HERITAGE PLANNING

*Climate change poses an immediate and serious threat to Indigenous communities and their cultural heritage.*

Changes on the landscape effect Indigenous Peoples' abilities to engage in important practices and to transmit knowledge, stories and other living heritage to future generations. Landscape changes also impact health, identity and social cohesion. Concrete steps to address these impacts and to promote resiliency strategies could include:

- a. Formalized initiatives to inventory ICH facing imminent threats related to climate change (e.g., heritage at risk of damage or destruction due to flooding, erosion, fires, temperature change), and to plan responses.
- b. A RISK assessment based on Indigenous value systems and development of a comprehensive long-term collaborative strategy to manage and monitor the effects of climate change on ICH, led by a committee of experts including Indigenous Knowledge Keepers, leaders, Indigenous organizations, governments, scientists and environmental groups/people.
- c. Research about how Indigenous Peoples coped with major environmental changes in the past, and how this might help Indigenous communities and their neighbours plan climate change responses today.

## 9. COMMEMORATE AND INTERPRET

*Public commemoration and interpretation of places associated with Indigenous heritage values and events are a meaningful way to acknowledge Indigenous Peoples' long — and continuing — presence on the land, and to acknowledge the ways that Indigenous places, cultural practices and knowledge are negatively impacted by colonialism.*

Funding for Indigenous-led initiatives to commemorate and interpret ICH could support:

- a. Work with the Heritage Branch, B.C. Parks, Parks Canada and other provincial and federal agencies to review and revise signage along roadsides, trails, parks, and other publicly trafficked areas to reflect Indigenous stories, histories and values, and to acknowledge past attempts at erasure of these histories and values.

- b. Development of opportunities for Indigenous people to recognize and reconnect their cultural heritage with the land in urban areas.
- c. Projects that commemorate and interpret Indigenous heritage in urban areas. This could serve as a counterpoint to colonial stories and histories that dominate heritage narratives in cities.
- d. Indigenous place names projects, such as public monuments, markers, signage and maps. These projects would assert and affirm continued Indigenous presence on the land and promote the use of Indigenous languages.
- e. Projects to commemorate and interpret ICH as it relates to residential school experiences.
- f. Development of learning opportunities such as online atlases, cultural landscapes apps and teaching tools to support the understanding and interpretation of ICH.

## 10. CONTINUED RESEARCH AND MONITORING

*There is a need for opportunities, incentives and support for continued Indigenous-led research on the status of ICH and development of agreed-upon methods for assessing and monitoring the ongoing status of Indigenous heritage.*

Funding for this recommendation could support:

- a. Scholarships and internships supporting Indigenous students and early-career professionals to conduct and present research on ICH.
- b. Partnerships — new and continuing — with museums, archives and universities where Indigenous heritage professionals are integral parts of curatorial teams.
- c. A working group on best practices in Indigenous research methods.
- d. A working group to monitor and review Indigenous heritage work, and research on Indigenous heritage to ensure that it follows the principles, laws and protocols of the groups whose heritage is involved.
- e. Indigenous archives and repositories, specifically data management programs and technologies.

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## APPENDIX: INDIGENOUS CULTURAL HERITAGE PROTECTION IN ACTION

*Indigenous Peoples throughout B.C. and Canada are undertaking various projects and actions to reclaim, protect and nurture their cultural heritage.*

Governments and organizations should look to these communities and people as leaders and mentors in developing the types of programs and projects that situate Indigenous cultural heritage (ICH) protection, revitalization and celebration firmly in the contemporary world while grounding them in historical experiences and culture.

### A FEW EXAMPLES OF ICH PROTECTION IN ACTION ARE:

- On Hałtzaqv territory near Bella Bella, Jess Housty is leading a family and community-based food sovereignty movement to revitalize traditional knowledge and practices around foodways through the cultivation of gardens and wild plant harvesting and processing. This work protects heritage while also celebrating the connections between food, identity, health, social cohesion, protocols and obligations and knowledge transmission.<sup>65</sup>
- Takaya Tours is a canoe and kayak tourism company owned by Tsleil-Waututh First Nation. They run boat tours in and around Burrard Inlet where Tsleil-Waututh guides teach visitors about Coast Salish heritage. This business strengthens and protects heritage by positioning Tsleil-Waututh people as experts in interpreting and sharing the values and meanings associated with their tangible and living heritage.<sup>66</sup>

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<sup>65</sup> Gill, 2018

<sup>66</sup> Takaya Tours, n.d.



Secpememc trail in grasslands  A.A

- Indigenous educator Noelle Pepin from the Nisga'a Nation teaches binary computer code to youth in Prince George using traditional beading techniques. This project, called Beaded Tweets, is also helping to revitalize beading practice and associated cultural teachings and meanings.<sup>67</sup> Similarly, Indigenous teachers from the Ts'msyen Nation are using traditional cedar basket-making in mathematics lessons.<sup>68</sup> Both of these educational initiatives promote and position Indigenous heritage as a valuable framework for teaching and learning.
- Simpcw and Tsq'escen' First Nations have asserted their right to make decisions about the interpretation and management of a remote cave recently identified by staff from the B.C. Ministry of Environment and Climate Change. These communities claim that the cave is not a discovery but is part of their cultural heritage and has been long known to Secwépemc people. They are now working with the province to determine how to proceed with management of this cave as a heritage site.<sup>69</sup>
- Treaty 8 Tribal Association has developed the Cultural Employment Strategy, which is “designed to support the Treaty 8 First Nations’ use of existing cultural knowledge and skills to generate sustainable employment income and business development...by creatively exploring new employment and business opportunities.” The association also developed and administers the Tse’K’wa Cultural Heritage Centre project, which interprets Tse’K’wa (the Charlie Lake Cave archaeological site — 10,500 years old) in the context of Indigenous heritage, and strongly encourages visitors to follow protocols and respect Indigenous control over the site.<sup>70</sup>
- The Cowichan Tribes, in partnership with B.C. School District 79, the University of Victoria and other partners, have created the Commemorating Ye’yumnuts Project, which presents Indigenous-curated information about this 2,000-year-old settlement area. Through storytelling, mapping, oral histories, management activities and the inclusion of Hul’qumi’num language, the Cowichan Tribes are asserting their right to protect and manage this cultural landscape as part of their heritage.<sup>71</sup>

<sup>67</sup> Pepin, 2017

<sup>68</sup> Bellrichard, 2018

<sup>69</sup> 100 Mile Free Press, 2019

<sup>70</sup> See: Treaty 8 Tribal Association, n.d.-a; Treaty 8 Tribal Association, n.d.-b

<sup>71</sup> See: MacLaurin, 2018



*“Sustainable, comprehensive and immediate funding is desperately needed to safeguard this fragile and vital part of Canada’s history.”*

— Karen Aird



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