

Declaration Act Action Plan Team

Via Email Only: declaration@gov.bc.ca

Re: Joint Working Group on First Nations Heritage Conservation Submission on Heritage Section of the Declaration Act Action Plan.

To Whom It May Concern,

The Joint Working Group on First Nations Heritage Conservation (JWGFNHC) has reviewed and is submitting proposed amendments to the Heritage section of the Declaration Act Action Plan (Action Plan).

In 2007 under the New Relationship, the First Nations Leadership Council (FNLC) in partnership with the Province created the JWGFNHC. First Nations representatives and Provincial representatives comprise the membership of the working group. The purpose of the JWGFNHC is to identify BC First Nations' issues and concerns, develop options and make recommendations in the spirit of the New Relationship and Transformative Change Accord to: 1) Create a meaningful role for First Nations in provincial heritage conservation 2) Improve the protection and conservation of First Nations heritage sites, cultural property, and human remains; and 3) Provide for the protection of sacred and spiritual sites or areas.

Current First Nations representatives include: Dr. Judith Sayers, President - Nuu-chah-nulth Tribal Council, Robert Phillips – First Nations Leadership Council, Murray Browne - Lawyer, Woodward & Co., and Dr. Dave Schaepe - Director, Stó:lō Research and Resource Management Centre.

It is the JWGFNHC's perspective that these amendments create concrete actions that center BC First Nations in decision making processes on their cultural heritage.

Sincerely,

Dr. Judith Sayers, Co-Chair, Joint Working Group on First Nations Heritage Conservation

Judith Sayers

Joint Working Group on First Nations Heritage Conservation Amendments

Action Item	JWGFNHC Changes	Changed Wording
4.23 Co-develop a policy framework to support First Nations repatriating cultural belongings.	<ul style="list-style-type: none"> • First Nations must define “cultural belongings” to which BC will agree. • Include in the wording an agreement on terms, processes, funding and information sharing with museums. 	4.23 Co-develop a policy framework with First Nations to support First Nations repatriating cultural belongings. Such a policy framework will include agreement on terms, processes, funding and information sharing with museums.
4.24 Reset the relationship between the Royal BC Museum and First Nations in B.C. by ensuring that Indigenous voices are prioritized and inform the development of narratives, exhibitions and learning programs at the Collections and Research Building and new museum in order to advance public understanding of Indigenous history, rights, cultures, languages and the negative impacts of Indigenous-specific racism.	<ul style="list-style-type: none"> • Change the end to read “end the impacts of Indigenous-specific racism. 	4.24 Reset the relationship between the Royal BC Museum and First Nations in B.C. by ensuring that Indigenous voices are prioritized and inform the development of narratives, exhibitions and learning programs at the Collections and Research Building and new museum in order to advance public understanding of Indigenous history, rights, cultures, languages and end the impacts of Indigenous-specific racism. First Nations will play a major role in the museum including membership on the board, committees, and other important roles.

<p>4.25 Engage First Nations across B.C. in a dialogue on the Heritage Conservation Act to ensure consistency with the UN Declaration and the protection of Indigenous heritage sites and objects, including an enhanced role for First Nations in decision-making.</p>	<ul style="list-style-type: none"> • Wording needs to be stronger and needs to speak to gov't commitment to align HCA with UNDRIP. • Process must also involve the JWGFNHC in dialogue, collaboration, co-crafting. • Also need to move away from dialogue and into action 	<p>4.25 Through the Joint Working Group on First Nations Heritage Conservation, engage First Nations across B.C. as a first step to aligning the Heritage Conservation Act with the UN Declaration on the Rights of Indigenous Peoples while also opening pathways for First Nations decision-making regarding the protection of heritage sites, objects, and cultural heritage. BC shall provide funding for First Nations participation in the process. First Nations' Free, Prior and Informed Consent must be given for all amendments to the HCA.</p>
<p>4.26 Reflect Indigenous peoples' histories and cultures in provincial parks and wilderness areas through re-naming parks and associated geographic features using Indigenous languages.</p>	<ul style="list-style-type: none"> • Renaming should extend to places beyond parks. The BC Gazette, BC Lands and the Provincial Toponymist should also be involved 	<p>4.26 In partnership with First Nations and collaborating with the BC Gazette, BC Lands, and the Provincial Toponymist, begin renaming key geographic features using Indigenous languages.</p>
<p style="text-align: center;">Additional Changes</p>		

<p>New Actions:</p> <ol style="list-style-type: none"> 1) Implement decision making agreements under Section 4 of the Heritage Conservation Act and Sections 6 and 7 of the Declaration Act that recognize First Nations jurisdiction over their cultural heritage including sacred sites, cultural sites and heritage. 2) In agreement with First Nations, develop policies and explore mechanisms to protect sacred sites, including the development of a fund for First Nations restitution and purchase of sacred sites. 	<p>Changes to Goals and Outcomes:</p> <ul style="list-style-type: none"> • First Nations decision making must be highlighted and woven into each Cultural Heritage action. Changes to both the Goals and Outcomes must reflect this change as well. • First Nations must have the ability to define “cultural belongings” and have the Province accept those definitions. • Reference in the goals and outcomes must include that First Nations must also exercise control in the areas of forestry, resource development, and lands to adequately protect sites that are both tangible and intangible. • First Nations must be able to hold property in their name and have tax exempt status for sacred/cultural sites. • In accordance with article 8 of UNDRIP, mechanisms must be developed with the Free, Prior and Informed Consent of First Nations that will protect their culture so it will not be destroyed or their integrity as distinct peoples or of their cultural values. • Any development, desecration, destruction, or disturbance of a sacred/burial site must have the Free, Prior and Informed Consent of the First Nation whose lands are in question. First Nations must also agree to appropriate compensation and reparation
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