

Province Disappoints, First Nations Disengage: No Section 4 Agreement in Sight...

In 2011, *The Midden* (43.3) featured an article on the Joint Working Group on First Nations Heritage Conservation, comprised of members of the First Nations Leadership Council and the Province of British Columbia. Their mandate, described therein (Sayers et al. 2011:11), is

to explore options and provide recommendations for consideration by B.C. First Nations for improvements in policy and legislation that will adequately address First Nation interests with respect to the protection and conservation of our heritage sites, sacred sites and archaeological heritage objects.

A central issue for the Joint Working Group has been implementing section 4 of the *Heritage Conservation Act*, which provides the option for formal agreements between the provincial government and First Nations “with respect to the conservation and protection of heritage sites and heritage objects that represent the cultural heritage of the aboriginal people who are represented by that first nation” (*HCA* section 4[1]). A section 4 agreement would ensure more direct control by First Nations over the management of their heritage

sites.

Such agreements are in line with the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada finally ratified in November 2011. Article 11 of the Declaration specifically recognizes that

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

On November 1, 2012, the Union of B.C. Indian Chiefs (UBCIC) announced that the First Nations Leadership Council and the First Nations representatives who are part of the Joint Working Group would be disengaging from the process of working with the provincial government towards a section 4 agreement (UBCIC 2012). They state that the Province “has been unwilling to place priority status on the advancement of the section 4 pilot project” and, despite recommendations

from various bodies involved, would not be proceeding with a section 4 agreement:

With this decision, the Province is now allowing for the continued desecration of First Nations heritage sites. The Province has been very clear that it has no plan or solutions to deal with issues arising out of the HCA or protecting First Nations sacred/cultural sites.

As Sayers et al. (2011:14) note, this project was “a significant test of the commitments made by the provincial government to recognize Aboriginal Title and Rights and honour both the *New Relationship* and the *United Nations Declaration on the Rights of Indigenous Peoples*. As is the case with many things time will tell...”

A short year and a half later, time has told: the province failed, and First Nations are once again on their own...

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