

FIRST PERSPECTIVES

Heritage Conservation Act or Heritage Destruction Act?

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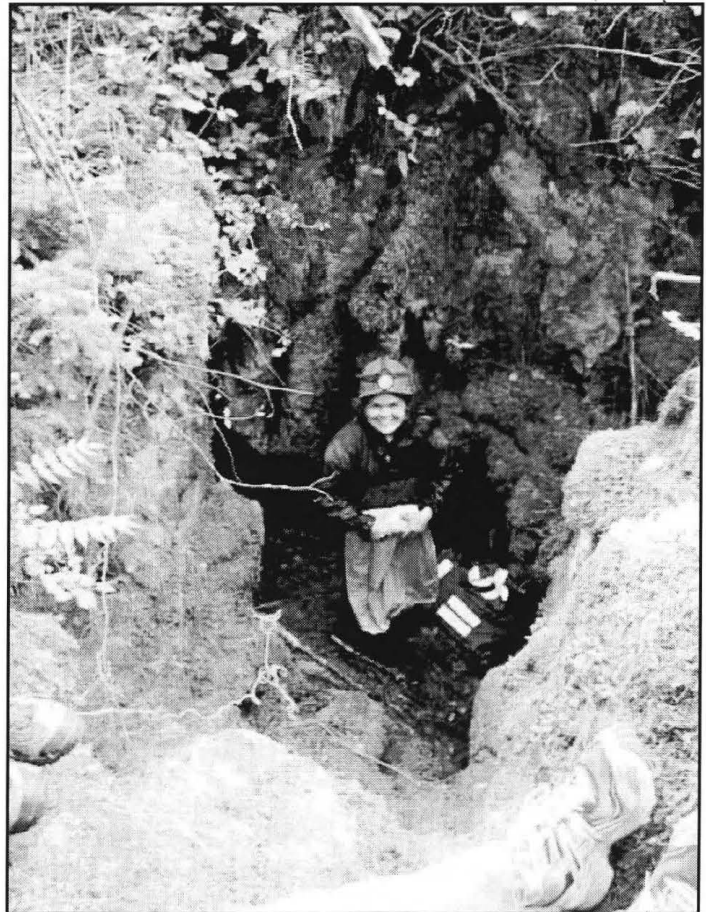
What does conservation really mean to those who implement and work with the British Columbia Heritage Conservation Act?

Mountains of uncertainty are a constant issue with the British Columbia Heritage Conservation Act (HCA) as it relates to Indigenous rights and protection of sacred, culturally significant and archaeological sites. There are many historical and current instances in which the HCA bureaucracy, policy and lack of enforcement did not ensure protection of sacred, cultural and archaeological sites. *Spaet* (Bear) Mountain, Victoria, BC, is but one example of a current dispute in which a difference of values at the root of the issue.

These value differences continue to impose on indigenous rights, as has been imposed by development on *Spaet*, and for all indigenous people. It is a right that is continuously bulldozed over due to financial benefit by individuals or by corporate development interests, by the overall economy, and by various levels of government, including municipalities.

In 2007, how is this allowed to continue? Who has the right to make decisions that horrifically impact indigenous people, cultural connections to the land and environmental health? The degrading of the environment and the resulting impacts from development can and do alter significant cultural and archaeological sites; equally, development does impact socially across cultures in many ways. However, these issues all interconnect. How can one justify economic rights over cultural rights? Overall, what are we all really doing to protect rights, land and resources? Are those in leadership and financial power, uninformed citizens and First Nations, participating in cultural environmental genocide by not doing anything to protect significant, culturally important archaeological sites? There are more questions than answers on these issues.

Mountains such as *Spaet* continue to be significant to the Salish people. It is a value that continues on through the generations with varying rights and practices to the various families, individuals and nations within Salish peoples. These practices are significant to the connection we have to the land as indigenous people. The stories and practices are passed down to individuals within a family for many reasons, one being to protect the ancestral and cultural connection to the land. This is a right often held by families or individuals and not always common knowledge to the entire community, including Chiefs and Councils. This knowledge equally needs to be protected by families, individuals and nations. In the past it has been protected but as development is moving like an asphalt ice age over significant cultural and



Cheryl Bryce showing the entrance of cave, sacred site, May 2006.

archaeological sites, we need to find ways to protect these rights and cultural knowledge. This is not knowledge of practices one will find in a university course, a book or in the memory banks of "experts" or "professionals". It is within the living indigenous people.

Lack of conservation and protection within the current Heritage Conservation Act, including policies and enforcement, does not even consider, let alone acknowledge or respect, indigenous rights. Obviously, the HCA was not created by and for indigenous people. It makes one wonder why it was created. In my view, it was not created to protect sacred, cultural and archaeological sites for indigenous people. It appears to be more of a professional or

scholarly protection that expires after completion of an individual's assumptions, opinions, thesis or dissertation. The end result for these individuals is they become "experts" of a culture they don't live or practice within. Beyond the scholarly practice or position, there are those who make a business out of the First Nations' history and ancestors: this includes archaeology firms and consultants.

It is unfortunate that a site is in need of an impact assessment at all but it is business interests that keep archaeology firms operating and consultants employed. I am not saying all firms exist to profit from a cultural genocide in the same way. However, there is no stopping degradation from happening. There are some groups that don't even realize to what level they are participating in the issue. Although we need jobs that reward money these days to participate in the mainstream economy it is unfortunate that money and economics prevail over human and indigenous rights. I see a great need to implement indigenous policies that address the ethical practices of archaeologists, "experts" and professionals. The review of ethical practices needs to include Indigenous people. Further, Indigenous protocols need to be implemented and honoured.

Division in values and indifferences in current process are at the core of various conflicts between indigenous people, politicians, professionals, corporations, developers and bureaucrats. Which rights prevail in these disputes – indigenous rights or a financially privileged individual's rights? Who gets to make these decisions? There is so much uncertainty and lack of acknowledgment and respect for indigenous rights with the current HCA and the policies that bureaucrats at the British Columbia Archaeology Branch follow and invoke. Often this benefits developers and denies indigenous perspectives to the detriment of rights, the land, the environment and archaeologically significant areas.

I do not see the issues at hand related to the HCA as being outdated legislation. It is legislation that was not created by Indigenous people nor was it meaningfully inclusive of us in the decision making process; as such, it does not adequately reflect political will to protect indigenous sites or rights. To acknowledge the HCA as outdated is to accept what colonialism has imposed onto indigenous people. Therefore, it does not reflect the indigenous rights and cultural practices of living indigenous peoples. It is more than an issue of outdated colonial law; it is full disregard for indigenous rights, culturally sacred sites and archaeological sites.



Figure 2. Cheryl showing desecrated cave, sacred site, November 15, 2007 (Photograph by Rick Stiebel).

The frustration is continuing to rise as the issues are not being resolved. We all know what is wrong. We indigenous people know our inherent rights. It is time the various levels of government, corporations, developers and the overall general public acknowledge our indigenous rights and authority in implementing them. The HCA needs revision by indigenous people from all backgrounds and roles within the various nations in BC. It is there that the roles of people are practiced and the cultural values are lived. Political support to assist in implementing changes to the HCA is needed. It is something that should never be lowered in numbers to one or two individuals or a few politicians to decide the fate of culture, rights and environment. There are more aspects to discuss and many important solutions that have and continue to be put forward on the issues of the HCA policy and enforcement. Once solutions are formulated in solidarity they can then be implemented and upheld. This would improve the standards of practice by which HCA protects archaeology and development is conducted in British Columbia.

As of May 2007, there is no confirmation to the state of the *Spaet* cave. Who will officially answer this question and if it is damaged or destroyed who will take responsibility?

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