

Declaration on the Safeguarding of Indigenous Ancestral Burial Grounds as Sacred Sites and Cultural Landscapes

December 10, 2014
Vancouver, B.C.

We are archaeologists, lawyers, anthropologists, ethnobiologists, ethicists, indigenous community members, students, educators, writers, human rights specialists and scholars of cultural heritage who came together in a focus session on indigenous ancestral burial grounds that was organized as part of an international gathering convened by the *Intellectual Property Issues in Cultural Heritage Project* that took place November 7-9, 2014 on the unceded traditional territory of the Musqueam Nation, Vancouver, British Columbia, Canada.

Sharing a common concern about the safeguarding of indigenous ancestral burial grounds,

Convinced that there are reasons for particular concern over the fate of indigenous ancestral burial grounds in British Columbia, Canada,

Emphasizing that ancestral burial grounds are both the tangible and intangible cultural heritage of indigenous communities as sites of historical and religious importance integral to their traditions and spiritual beliefs as unique cultural landscapes,

Affirming that cemeteries are unique repositories of human history, the resting places of human remains, and witness to the continuity of human life, and that the cultural heritage to which burial sites bear witness must be maintained to ensure the historical record for future generations, such that prohibiting the relocation of inactive cemeteries is an emerging norm,

Confirming protection of cultural heritage as of crucial value for communities and their identities such that its destruction may have adverse consequences on human dignity, human rights and human wellbeing,

Applauding the increasing affirmation by the world community of indigenous rights, the recognition of cultural rights as fundamental human rights, and the specific rights of indigenous communities that are based upon their fundamental rights to control their cultural heritage,

Recalling that international human rights instruments stress the importance of indigenous

communities both defining and stewarding their cultural heritage as practices essential to their cultural survival and identity as peoples with living traditions,

Upholding the human rights principle that States must respect the rights of Indigenous Peoples to their cultural heritage and to maintain and strengthen their spiritual relationships with their ancestral lands,

Affirming ethical guidelines developed by the World Archaeological Congress, the International Society for Ethnobiology, the Canadian Archaeological Association, the American Anthropological Association, and the Society for American Archaeology for guiding interactions with Indigenous Peoples and cultural heritage, including principles of respect, stewardship, consent, partnership, mutuality and do no harm, while recognizing the interconnections between the spiritual, physical, emotional and cognitive dimensions of heritage in diverse cultural traditions,

Avowing that States have a duty not to destroy, damage or alter cultural heritage without the free, prior and informed consent of concerned communities, and are obliged to take measures to safeguard cultural heritage from destruction or damage by third parties,

Reminding the federal government of Canada and the provincial government of British Columbia that Indigenous Peoples possess collective rights recognized and affirmed by the Canadian Constitution and in international human rights law that are indispensable for indigenous existence, well-being and integral development as peoples, and that both governments are obligated to respect these rights,

But, recognizing that the heritage-based rights of First Nations communities in British Columbia have for too long gone unrecognized, been neglected, violated, or ignored.

We hereby declare the following:

First, ancestral burial grounds are both the tangible and intangible cultural heritage of indigenous communities as places of historical and religious value and integral to their traditions and spiritual beliefs as unique cultural landscapes,

Second, human remains, regardless of origin, should receive equal treatment under law,

Third, to the extent that British Columbia Heritage legislation demands physical evidence of ancestral burial practices recognized by archaeologists solely on the basis of evidentiary forms and scientific categories that do not accord with or take into account the oral histories and cultural values of the Indigenous Peoples concerned, it violates fundamental principles of both indigenous rights and cultural rights recognized in Canadian constitutional and international law,

Fourth, the oral histories of Indigenous Peoples as provided by cultural experts are essential primary sources of credible evidence of ancestral burial sites that must be considered alongside scientific evidence of burial practices,

Fifth, there is urgent need for federal, provincial and local authorities to recognize and find legal means to protect ancestral burial grounds, skeletal and other physical remains and funerary

belongings as integral parts of indigenous cultural landscapes interconnected with the health and well-being of indigenous societies,

Sixth, indigenous communities who maintain caretaking responsibilities must be directly involved in all aspects of decision-making regarding indigenous tangible and intangible cultural heritage, including the treatment of indigenous ancestral burial grounds, ancestral remains and funerary belongings,

Seventh, legally and ethically, there are professional, corporate, and political obligations and duties to recognize, assist and support indigenous communities in the care-taking, safeguarding, protection and preservation of ancestral burial grounds, ancestral remains and cultural landscapes, and therefore

We respectfully call upon:

The Federal and Provincial governments of Canada, local governments, local authorities, First Nations leaders, public and private sector stakeholders and civil society to: act immediately in protecting First Nation ancestral burial grounds in British Columbia from destruction, damage, and alteration; develop effective mechanisms that go beyond consultation and directly involve First Nations in British Columbia in the stewardship of their ancestral burial grounds and heritage sites; and uphold the requirement for free, prior and informed consent of First Nations communities in approving any project that has a potential to impact their cultural heritage rights and responsibilities.

The full version with signatories is available at www.sfu.ca/ipinch/resources/declarations/ancestral-burial-grounds