

REPORT ON PARKS CANADA'S INDIGENOUS ENGAGEMENT SESSIONS



6/26/2019

Reflections and Recommendations
from the Indigenous Heritage Circle



IHC • CPA

Indigenous Heritage Circle
Cercle du patrimoine autochtone

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Cover image:
Head–Smashed–in–Buffalo Jump World Heritage Site. Credit: Indigenous Heritage Circle

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The Indigenous Council of Advisors:

- Dr. Eldon Yellowhorn
- Elder Doreen Bergum
- Mr. Tim Bernard
- Dr. Sarah Pashagumskum
- Dr. James Igloliorte



IHC members who participated in the sessions:

- Karen Aird, President
- Madeleine Redfern, Director
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INTRODUCTION

About this Report

This report summarizes the Indigenous Heritage Circle (IHC) perspectives on two engagement sessions hosted by Parks Canada in Calgary, Alberta, and Gatineau, Quebec, in October and November 2018 and puts forward a set of recommendations for Parks Canada to consider as it continues conversations about advancing its work with Indigenous Peoples on cultural heritage. The report includes 23 recommendations directed at Parks Canada. The recommendations are intended to encourage Parks Canada to continue collaborations and partnerships with Indigenous Peoples, and to be more proactive in working with other federal agencies and governments on Indigenous cultural heritage issues of shared interest.

Indigenous Heritage Circle

Founded in early 2016, the Indigenous Heritage Circle (IHC) is unique in Canada as an inclusive, Indigenous-designed and -led cultural heritage organization dedicated to the advancement of Indigenous heritage for Métis, Inuit and First Nations caretakers, communities, nations and organizations. Through multiple channels for dialogue and learning, it aims to provide a trusted and inclusive space for sharing information, ideas and issues related to Indigenous cultural places, landscapes, narratives, languages, practices, legal traditions, protocols and collections. The organization operates solely with volunteers and a part-time administrator.

Indigenous Cultural Heritage

The IHC acknowledges the difficulty in finding a clear translation for the expression 'cultural heritage' in Indigenous languages. The closest versions often relate to the sacred, or to knowing one's self. The IHC believes that Indigenous Peoples understand and describe cultural heritage according to their laws, perspectives, traditions, and protocols and languages.

For the IHC, Indigenous heritage includes ideas, experiences, worldviews, objects, forms of expressions, practices, knowledge, spirituality, kinship ties, places and lands valued by Indigenous Peoples with each of these concepts being inextricably interconnected with each other.



IHC and Parks Canada

The IHC's vision and work were brought to the attention of Parks Canada through multiple channels, but especially through an IHC presentation to the House of Commons' Standing Committee on Environmental and Sustainable Development (ENVI) in 2017. The presentation represented the beginning of a deeper conversation between the organizations. The report issued by the Committee titled *Preserving Canada's Heritage: The Foundation for Tomorrow* included recommendations relevant to the IHC's mandate as a national Indigenous heritage organization that seeks to give a stronger voice to the concerns, ideas, and energy of Indigenous communities and knowledge-holders.

In July 2018 the IHC and Parks Canada senior managers met to discuss ideas that the agency was considering to address the federal government's intentions to build a better relationship with Indigenous Peoples and address the recommendations of the Truth and Reconciliation Commission. Following these conversations, the IHC was invited by Parks Canada to help the agency develop its approach for national engagements. With advice from an Indigenous Council of Advisors appointed specifically for the engagement program and involvement by the IHC, Park Canada planned and delivered two national Indigenous cultural heritage engagement sessions (one in Calgary, Alberta, and the other in Gatineau, Quebec). In spring 2019, Parks Canada issued the *Report on Gatherings on Indigenous Cultural Heritage* (hereafter cited as the *Report on Gatherings*.)

Purpose of the Parks Canada Engagement Sessions

In its report about the engagement gatherings, Parks Canada identified five objectives for the engagement work.

1. Develop a deeper understanding of Indigenous perspectives on cultural heritage;
2. Understand how Parks Canada can better acknowledge Indigenous peoples and their histories, heritage values and memory practices in Parks Canada's history and commemoration policies and programs;
3. Understand where Indigenous peoples may wish to assume leadership in these areas;
4. Establish respectful practices of engagement with Indigenous peoples as an example for future Parks Canada initiatives; and



5. Identify individuals interested in advancing and contributing to Parks Canada's initiatives, and build and maintain relationships with these Indigenous cultural heritage practitioners and organizations.

Design and Delivery of the Engagement Sessions

The two gatherings brought together 66 Indigenous participants from organizations and cultures from across Canada and 33 government representatives. Parks Canada staff, the Indigenous Heritage Circle and the Council of Advisors suggested possible participants. Most Indigenous participants held positions related to cultural heritage including Elders, Executive Directors, and heritage representatives from a nation or band. (A full list of attendees is included in the *Report*.)

Each session included:

- presentations from Parks Canada staff and Indigenous partners about projects and issues related to Indigenous cultural heritage
- small group discussions
- question & answer periods

Specific topics were used to help frame discussions to address concerns specific to Parks Canada priorities, but the organizers also opened up conversations to any topics that were of concern to participants or that staff thought needed more examination.

IHC OBSERVATIONS AND RECOMMENDATIONS

The IHC report on the engagement sessions is organized around a range of themes we heard in our discussion groups that also provide a framework for our recommendations to Parks Canada about Indigenous heritage obligations and issues related to its mandate. The recommendations are limited to areas that Parks Canada would consider to be relevant to “cultural heritage” and “history”. For the IHC and Indigenous Peoples, heritage ‘culture’, ‘nature’ and ‘human well-being’ are interconnected.

Theme One: Stories of Canada

Discussion: Parks Canada aims to share more inclusive stories of heritage places in the Parks Canada system, with a particular focus on Indigenous voices. As part of this



effort, the agency is engaging with Indigenous partners to hear their priorities, needs, and community wishes for sharing priority stories and themes.

Recommendation 1:

In addition to on-going and new initiatives within Parks Canada related to interpretation and commemoration, the agency more formally recognize and respect the diversity and legal traditions *within and among* Indigenous groups related to culture, traditions, beliefs, practices, laws, languages, and ancestral lands.

Recommendation 2:

Parks Canada should expand its work with local Indigenous Peoples to identify gaps and needs for research and storytelling related to lands managed by Parks Canada and for other programs, such as the cost-sharing program. The agency should also develop a new cost-sharing program targeted to Indigenous Peoples designing and conducting their own research programs related to Parks Canada places and commemorations.

Recommendation 3:

Parks Canada should consider support the research and writing of an authentic account of Parks Canada's history with Indigenous Peoples that is produced in collaboration with Indigenous Peoples.

Theme Two: Collections Consolidation

Discussion: There are 31 million historical and archaeological objects under the care of Parks Canada. The IHC supports Parks Canada's work on building a new purpose-built facility in the National Capital Region and understands the advantages of consolidation in a central location providing a program is in place to improve access to holdings and repatriation efforts.

Recommendation 4:

The IHC recommends that funding, similar to the program of the Royal British Columbia Museum, be made available to support Indigenous Peoples in the repatriation of their tangible and intangible cultural heritage and ancestral remains. In addition, the development of a domestic and international online catalog of objects and ancestral remains currently held by Parks Canada, in collaboration with Indigenous Peoples, would be highly valuable to many Indigenous communities and would



demonstrate real transparency and sharing. Such a catalog should be respectful of Indigenous legal traditions concerning access to and uses of such material.¹

Theme Three: Historic Sites and Monument Board of Canada

Discussion: Call to Action 79 of the *Truth and Reconciliation Commission of Canada* has called for permanent First Nations, Inuit and Métis representation on the Historic Sites and Monuments Board of Canada (HSMBC).² This was not the first call for such representation; Chief Carl M. Lewis of the National Indian Council of Canada asked for this in 1963. Chief Lewis' 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.

The IHC is supportive of more Indigenous representation on the HSMBC, but we are also interested in exploring options that would strengthen Indigenous voices in decision making and development of policies and procedures of the HSMBC and recommendations to the Minister. The current process does not allow for appeals, deliberations are conducted behind closed doors, and Ministerial decisions are delivered irregularly with very little explanation about the rationale for the decision.

While it is understood that HSMBC designations do not offer legislative protection, recognition of national historical value can be a powerful tool to encourage other forms of protection and interpretation. The IHC also acknowledges that the HSMBC is continuing work on cultural landscapes (which has been on-going since the 1990s) as a form of "historical place" in its deliberations, as seen through older and recent designations such as the Fall Caribou Crossing NHSC in Nunavut and Saoyú-?ehdacho NHSC in the Northwest Territories. Through the framework of cultural landscapes, the HSMBC and Parks Canada have an opportunity to commemorate intangible heritage values related to geographic areas within traditional Indigenous territories in collaboration with Indigenous Peoples.

¹ For more information reciprocal research, collaborations and respect for Indigenous laws on access to collections, see the community engagement page of the Simon Fraser University iPinch Project at www.sfu.ca/ipinch/.

² Bill C-374, acting on Call to Action 79, has passed readings in the House of Commons and Senate but the outcome of the bill is still unknown as of 12 June 2019.



Recommendation 5:

The HSMBC, Parks Canada and the Minister of the Environment and Climate Change should explore a wide range of options concerning advice on commemorations and other forms of formal recognition of historic places, events and persons. A qualified circle of Indigenous experts may be needed to advise the HSMBC on a case-by-case basis, including on nominations that are of shared Indigenous and non-Indigenous interest.

Theme Four: Indigenous World Heritage

Discussion: In 2018, Canada updated its World Heritage Tentative List through an innovative, public consultation process. This process specifically solicited the opinions of Indigenous communities, resulting in Tentative List additions that included areas of Indigenous cultural significance such as Wanuskewin Heritage Park, Stein Valley Nlaka'pamux Heritage Park, Qajartalik and Sirmilik National Park, among others. It is acknowledged that the process of having a site successfully inscribed on the World Heritage List can take upwards of a decade, and can cost host communities as much as half a million dollars to compile a nomination dossier for UNESCO.

Recommendation 6:

Financial support and ministerial assistance should be provided to host communities to assure that the cost of formally nominating these sites does not negatively impact other cultural initiatives within communities. Further, the Canadian Commission for UNESCO should develop a process that, while acknowledging the designated Outstanding Universal Value identifiers of Natural World Heritage Sites (such as the Canadian Rocky Mountain Parks and Nahanni National Park), also recognizes and protects a broader range of values important to Indigenous communities.

Recommendation 7:

Canada has been the focus of international attention with reports that Wood Bison National Park World Heritage Site could be added to the List of World Heritage in Danger because its conservation is under threat. The IHC calls for continued and sustained efforts, in partnership with local Indigenous communities, to develop effective strategies that mitigate these concerns.



Theme Five: Intangible Heritage

Discussion: Current heritage laws and policies across Canada focus on the recognition and protection of physical property – most often buildings, monuments and objects – and the scientific knowledge inherent in archaeological sites. Intangible heritage does not enjoy similar legal or policy protections, especially in the colonial context where responsibilities for culture, art and education are divided among so many jurisdictional and administrative silos.

Values placed on tangible heritage by Indigenous Peoples do not exist separately from the intangible meanings, practices and knowledge that inspired its manufacture; this is what gives heritage its value and motivates its protection. Given its centrality to Indigenous identities, health, language, and ways of life, it is crucial that intangible cultural heritage be afforded appropriate recognition and protection. Protection could take the form of documentation or explicit promotion of the practice of heritage values (e.g., storytelling or resource harvesting).

As of 2018, 178 States have ratified the UNESCO Intangible Cultural Heritage Convention, which has been in force since 2006. Canada has not ratified this Convention and has not introduced specific federal legislation regarding the protection of Intangible Cultural Heritage (ICH). Many ideas surrounding the concepts of ICH directly correlate with Indigenous beliefs, including the centrality of language, cultural practices and spiritual beliefs to understandings of individual and collective identity. Canada has agreed to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and now is the time to reflect on and reconsider the *2003 UNESCO Convention on Intangible Heritage*.

Recommendation 8:

The IHC recommends that Parks Canada and the Department of Canadian Heritage work with Indigenous Peoples and organizations to formally recognize and protect intangible heritage. Parks Canada also should go further in respecting Indigenous legal traditions in its management of intellectual property, sites and initiatives.

Recommendation 9:

The IHC recommends that Parks Canada, likely in collaboration with other federal departments and agencies, prepare a report that can be considered by Indigenous Peoples about: the current standing of the 2003 Convention; why the Convention was not signed by Canada in the past; how it is currently being advanced by UNESCO and



its signatory states; the potential challenges and opportunities it may offer if Canada was to join the Convention; and its future potential and process for ratification by the Canada.

Recommendation 10:

As part of this process, the IHC calls for a national dialogue (possibly hosted by the IHC) relating to the *2003 UNESCO Convention on Intangible Heritage*, alongside other Canadian stakeholders who have expressed interest in its ratification, such as folklorists in the Atlantic provinces.

Theme Six: Climate Change (Protecting Cultural Resources)

Discussion: Climate change is a serious and immediate concern to the protection of cultural heritage as noted in the 2017 *Minister's Round Table Let's Talk Parks Canada*. Indigenous cultural heritage is linked to the land and impacts affect Indigenous Peoples' abilities to engage in essential practices, transmit knowledge, stories and other intangible heritage to future generations, and can impact health, identity, and social cohesion. These issues are particularly acute today because Indigenous Peoples have fewer options for adapting to environmental change due to the loss of access and ownership of so much of their land and waters. Concrete steps to address the impacts of climate change and promote resiliency strategies should be part of all future programs and funding.

Recommendation 11:

The IHC recommends that Parks Canada formalize initiatives to inventory Indigenous Cultural Heritage facing imminent threats related to climate change (e.g., heritage at risk of damage or destruction due to flooding, erosion, fires, temperature change), and plan responses.

Recommendation 12:

As part of this process, the IHC recommends that Parks Canada in collaboration with other federal agencies with expertise in environmental change, conduct a risk assessment of places of Indigenous cultural heritage value, whether recognized through its own programs or through Indigenous Peoples themselves, and develop a long-term collaborative and comprehensive strategy, led by a committee of experts including Indigenous Knowledge Keepers, leaders, Indigenous organizations, governments, scientists and environmental groups/people, to manage and monitor the effects of climate change.



Recommendation 13:

The IHC recommends conduct research through Stories of Canada about how Indigenous Peoples coped with significant environmental changes in the past, and how this might help Indigenous communities and their neighbours plan climate change responses today.

Theme Seven: Ethical Space and Indigenous Led Research

Discussion: Opportunities, incentives and support for ethical spaces, such as yearly roundtable dialogues, Indigenous-led research on the status of Indigenous Cultural Heritage, and methods to assess, monitor and protect Indigenous cultural heritage in a manner consistent with Indigenous law and research ethics, are needed.

Recommendation 14:

The IHC recommends that Parks Canada establish a special program to support scholarships and internships for Indigenous students and early-career professionals to conduct and present research on Indigenous cultural heritage related to Parks Canada programs and collections.

Recommendation 15:

A working group should be set up within Parks Canada to monitor and review Indigenous heritage work, and research on Indigenous heritage to ensure that staff, consultants and suppliers are following the principles, laws, and protocols of the groups whose heritage is involved.

Theme Eight: Commemoration

Discussion: 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 have been negatively impacted by colonialism.

Recommendation 16:

The IHC recommends specific funding for Indigenous-led initiatives to commemorate and interpret Indigenous cultural heritage. Such funding should be broadly distributed according to each Indigenous Nation's current capacity and needs. For example, there is a need for Indigenous communities to work internally in the form of committees or



working groups to decide how they want to commemorate sites of trauma, such as residential schools, and how the process of commemoration should unfold.

Recommendation 17:

Changes to the process of identifying places for inclusion in the Canadian Register of Historic Place should be done in collaboration with an Indigenous organization and in a manner that benefits Indigenous communities and is consistent with Indigenous laws and expectations about intellectual property, sacred places, and other sensitive matters.

Theme Nine: Law and Policy

Discussion: Since the 1970s, many 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, formal jurisdiction over Indigenous cultural artifacts and sites that are not located on formally identified Indigenous lands falls under various provincial/territorial and federal regulatory regimes. Currently, there is no comprehensive national legislation and protocol in place that can sufficiently address these issues.

Recommendation 18:

The IHC recommends that any law reform concerning Indigenous heritage must be done in collaboration with affected Indigenous peoples in a manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Indigenous legal traditions, Treaties and Section 35 of the *Constitution Act 1982*.

Recommendation 19:

The IHC recommends that Parks Canada support the development and passage of federal laws and policies to protect Indigenous cultural heritage, as understood, desired and articulated by Indigenous Peoples and in a manner consistent with their legal traditions. An immediate concern is Treasury Board's Policy on the Management of Real Property. It should be revised to require custodian departments of federal heritage properties to protect the commemorative integrity of buildings and landscapes. Furthermore, the policy should explicitly include the identification and protection of Indigenous heritage values associated with whole properties, not only buildings.



Theme Ten: Funding and Capacity Building

Discussion: Sustainable, comprehensive, and immediate funding is desperately needed to safeguard this fragile and vital part of Canada's history. Indigenous control and stewardship over Indigenous Cultural Heritage will not be realized without secure and sufficient funding for Indigenous heritage organizations like the Indigenous Heritage Circle. Funding must reflect the cost of what is needed to implement initiatives to safeguard, recover, restore, and revitalize Indigenous cultural heritage in consideration of impacts and other factors. Funding should be based on the needs of the Indigenous Peoples and desired outcomes.

Recommendation 20:

The IHC recommends that Parks Canada examine options for:

- Programs and grants to build capacity and support skills development for Indigenous heritage professionals and student, and support infrastructure development for the caretaking of cultural objects and intellectual property.
- Awards or campaigns to recognize and celebrate leaders in Indigenous cultural heritage 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 broader public.

Recommendation 21:

In addition, the IHC recommends that an independent, Indigenous-led organization and initiative be engaged and supported through an endowment or other means to support Indigenous communities in their work on the protection of cultural heritage, to address recommendations set out in the ENVI report and to build a path to reconciliation consistent with the calls to action of the TRC.

Theme Eleven: Stewardship

Discussion: The IHC emphasizes that Indigenous Peoples are the stewards of their cultural heritage and that Indigenous communities already have laws, protocols and programs in place to identify places of cultural significance, including those purportedly owned by other governments and by private bodies. The challenge is the



lack of an effective mechanism to identify and communicate heritage values outwards to governments and non-Indigenous groups. Indigenous heritage values of federal properties affect the management and disposition of properties, as well as the ability of Indigenous communities to care and use places of Indigenous heritage value.

Recommendation 22:

The IHC recommends that grants be provided, perhaps through a third part Indigenous organization, to support Indigenous Peoples revitalization of laws and practices concerning the stewardship and control of Indigenous cultural heritage and in identifying, understanding, and managing their heritage.

GOING FORWARD

In Canada, as in other colonial nations, the voice of Indigenous cultural heritage in the narratives of colonialism has been systematically ignored or relegated to an accessory in Canadian history and commemoration. There is a dire need for an inclusive attitude and approach to heritage, which celebrates Indigenous heritage as central to Canada's historic narrative. Conversations at the two Parks Canada engagement sessions shone a bright light on the diversity of experiences, perspectives, histories and cultures that are representative of Indigenous Peoples and why these are so valuable to the future identify of Indigenous communities and to Canadians as a whole. The IHC commends Parks Canada for beginning this dialogue and hopes that the 23 recommendations presented in this report will provide a framework for addressing the impacts of colonial laws, policies, programs and management regimes that silenced Indigenous histories and languages, ignored the role of knowledge-keepers, suppressed Indigenous laws and protocols, and isolated Indigenous Peoples from lands that sustain them. For the IHC, the stories and wisdom shared during these sessions will assist and guide our continued effort to have Indigenous cultural heritage given equitable support, funding and voice in Canada.

