

'A'lhut tu tet Sulhween - Respecting the Ancestors:

Report of the Hul'qumi'num Heritage Law Case Study

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REPORT SUMMARY

As a case study of the Project for the Repatriation and Protection of First Nation Cultural Heritage In Canada, this report examines Central Coast Salish Hul'qumi'num customary laws about the protection of their archaeological heritage in British Columbia. The research is based primarily on interviews with Hul'qumi'num Elders and knowledgeable community members. The main research goals were to: 1) define Hul'qumi'num customary laws about their archaeological heritage; 2) identify perceived problems in respect for Hul'qumi'num heritage laws; and 3) recommend directions to reform Canadian law to address Hul'qumi'num interests in the protection of their archaeological heritage.

This report provides a narrative rather than an analysis of Hul'qumi'num Elders and community members' cultural perceptions, customary laws and concerns about the protection of their archaeological heritage. It reveals that protection of Hul'qumi'num people's archaeological heritage is integral to their distinctive cultural identity. Archaeological heritage is valued for its relation to 'people', rather than as 'objects' of material value. Archaeological sites are perceived not as abstract scientific resources, but as the 'cemeteries' of family Ancestors. From a Hul'qumi'num perspective, the Living have obligations to care for the remains of their deceased Ancestors, who remain fundamental figures within extended families. Disturbance of ancient human remains and their belongings are seen as disruptive to the continuity of relations between the Living and the Ancestors. The deceased remains and belongings are believed to possess powers dangerous to the Living, thus Hul'qumi'num culture maintains strict customary laws associated with the treatment of the deceased Ancestors and their belongings.

In this study, we interpret three primary customary laws that Hul'qumi'num people associate with the protection of their archaeological heritage: 1) Only persons with the inherited right and ritual knowledge may care for the remains of the deceased Ancestors and their belongings; 2) It is prohibited to physically disturb any land containing ancient human remains and their belongings; 3) It is prescribed that persons avoid physical contact with the spirits of the deceased, their skeletal remains, belongings, and burial grounds. These customary laws are based upon maintaining principles of respect and reciprocity of relations between the Living and the Ancestors. To contravene these

customary laws and upset the balance between the Dead and the Living worlds is understood in Hul'qumi'num culture to bear mortal consequences for the Living, whether through retribution by poor fortune, illness, paralysis or death.

Today, Hul'qumi'num people have many concerns for the protection of their archaeological heritage, including increasing land development, lack of enforcement of provincial laws, lack of a meaningful role for their First Nation governments in provincial heritage management, the growth of the antiquities market, and the internal needs for youth education and community capacity. Most notably, however, there is a common perception among Hul'qumi'num people that the general public of British Columbia does not value their archaeological heritage as an important part of Canadian heritage. In defining Hul'qumi'num customary laws associated with their archaeological heritage and identifying preliminary legal options to address Hul'qumi'num interests, this case study offers directions for improving Canadian heritage laws. By expressing the words, perceptions and beliefs shared by Hul'qumi'num Elders and community members about their archaeological heritage, it is hoped that this report can provide greater public awareness of the need to recognize of Hul'qumi'num culture and history as an appreciated part of Canadian heritage.