



BRITISH  
COLUMBIA



Canada

**Northern Secwepemc te Qelmucw  
Treaty Negotiations**

---

**AGREEMENT-IN-PRINCIPLE  
NSTQ CULTURE AND HERITAGE  
CHAPTER**

**Public Release Chapter  
February 25, 2004**

This document is tabled for discussion purposes only. It is not necessarily representative of the position any Party may take in Final Agreement negotiations, it contains no admissions and is subject to change. It is without prejudice and will not be tendered or relied upon in any court proceedings.

## NSTQ CULTURE AND HERITAGE CHAPTER

### BACKGROUND

Canada, British Columbia and the Cariboo Tribal Council are engaged in treaty negotiations in the British Columbia Treaty Commission process. Our treaty negotiations include public consultation and internal review of documents jointly drafted by the three Parties.

This document is part of a group of chapters which will form the Agreement-in-Principle and will acquire greater context over time. It has not been finalized.

### OBJECTIVE

The Parties are releasing this document for public information. It is without prejudice to any Party and is subject to change.

For further information on the negotiations, please contact any of the following people:

<b>British Columbia</b>	<b>Canada</b>	<b>Cariboo Tribal Council</b>
Bill Armstrong Communications Coordinator Phone: 250 387-5060 Fax: 250 387-0887 Email: <a href="http://www.gov.ba.ca/tno">www.gov.ba.ca/tno</a>	Katherine Beavis Advisor, Public Information and Consultation Phone: 604 775-5199 Fax: 604 775-7149 Email: <a href="mailto:beavisk@inac.gc.ca">beavisk@inac.gc.ca</a>	Donnella Sellars Executive Assistant Phone: 250 392-7361 Fax: 250 392-6158 Email: <a href="mailto:treatyexecassist@wlake.com">treatyexecassist@wlake.com</a>

Drafting conventions:

Language drafted by: NSTQ  
Proposed deletion: NSTQ {-}  
New drafting: addition

**British Columbia**  
British Columbia (-)  
~~deletion~~

**Canada**  
Canada {-}

## NSTQ CULTURE AND HERITAGE CHAPTER

### Definitions

**“Ancient Human Remains”** means human remains found within NStQ Territory that are of aboriginal ancestry and not of forensic concern.

**“Cultural Sites”** means sites of archaeological, historical, sacred, cultural or ceremonial significance and burial sites but does not include title to Ancient Human Remains.

**“NStQ Archival Record ”** means a record of historical value and includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine-readable record, and any other documentary material, regardless of physical form or characteristics relating to NStQ people or history.

**“NStQ Artifact”** means any object created by, traded to, commissioned by, or given as a gift to a NStQ person or NStQ community, or that originated from a NStQ community or NStQ heritage site and that has past and ongoing importance to NStQ culture or spiritual practices, but does not include any object traded to, commissioned by, or given as a gift to another aboriginal people.

**“NStQ Cultural Materials”** means artifacts and objects or collections of artifacts and objects relating to the history and culture of the NStQ, including but not limited to moveable petroglyphs and pictographs, sacred artifacts, ethnographic objects, archaeological artifacts or objects, or funerary objects.

**“Secwepemcstin”** means the language of the NStQ.

### GENERAL

1. The Parties recognize the integral role of NStQ Cultural Materials, oral history, and Secwepemcstin in the continuation of NStQ culture, values and traditions.
2. An Artifact originally obtained from an NStQ person, an NStQ community, or an NStQ heritage site is presumed, in the

---

Drafting conventions:

Language drafted by:

NStQ

*British Columbia*

Canada

Proposed deletion:

NStQ { }

British Columbia (←)

Canada { }

New drafting:

addition

deletion

absence of proof to the contrary, to be a NStQ artifact.

### LAW-MAKING AUTHORITY

3. The NStQ Government may make Laws applicable on NStQ Lands in respect of:
  - a) the conservation and protection of NStQ Cultural Sites and NStQ Cultural Materials;
  - b) Secwepemcstin, NStQ culture, heritage and NStQ traditional knowledge; and
  - c) Ancient Human Remains found on NStQ Lands.
4. NStQ Laws in respect of the conservation, protection and management of NStQ Cultural Sites and NStQ Cultural Materials on NStQ Lands will offer at least the same level of conservation, protection and management as federal and provincial Laws.
5. In the event of a Conflict between a federal or provincial law and an NStQ law made under Section 3.c) the federal or provincial law will prevail to the extent of the conflict.

### CULTURAL SITES

6. Before Final Agreement the Parties will negotiate and attempt to reach agreement on a list of identified NStQ Cultural Sites that they agree are located on federal or provincial Crown land within NStQ Territory.
7. Before Final Agreement the Parties will negotiate and attempt to reach an agreement on the management of NStQ Cultural Sites listed as above.
8. On the Effective Date, the NStQ will own, manage and have law-making authority in relation to NStQ Cultural Sites on NStQ Lands.
9. Nothing in the Final Agreement will limit the NStQ from negotiating agreements with third parties for the management of NStQ Cultural Sites.
10. Before Final Agreement the NStQ and British Columbia will

Drafting conventions:

Language drafted by:	NStQ	<b>British Columbia</b>	<b>Canada</b>
Proposed deletion:	NStQ { }	British Columbia (←)	Canada { }
New drafting:	<u>addition</u>	deletion	

negotiate and attempt to reach agreement outside treaty on the identification, protection, interpretation and presentation of NStQ Cultural Sites, or NStQ Cultural Materials, in provincial parks and protected areas within the NStQ Territory.

11. If a national park is established within NStQ Territory, Canada and NStQ will negotiate and attempt to reach agreement on the identification, protection, interpretation and presentation of NStQ Cultural Sites, or NStQ Cultural Materials, in that national park.
12. NStQ may develop processes, comparable to British Columbia processes, to manage Cultural Sites on NStQ Lands in order to preserve NStQ and other heritage values associated with those sites from proposed land and resource activities that may affect those sites.
13. Before Final Agreement the parties will negotiate and attempt to reach agreement regarding public access to Cultural Sites on NStQ lands.

#### **NSTQ CULTURAL MATERIALS AND NSTQ ARCHIVAL RECORDS**

14. At the request of NStQ, Canada and British Columbia will endeavour to identify potential NStQ Cultural Materials held in the Canadian Museum of Civilization or Royal BC Museum collections.
15. The Final Agreement will set out provisions for the sharing of, or transfer to NStQ of NStQ Cultural Materials, if any, in the permanent collection of the Royal British Columbia Museum or the Canadian Museum of Civilization.
16. The NStQ will resolve any competing claims with other First Nations and will provide Canada and British Columbia with written confirmation of the settlement of the dispute prior to further negotiations of the sharing or transfer of NStQ cultural materials.
17. At the request of the NStQ, Canada and BC will use reasonable efforts to provide information to facilitate the NStQ access to NStQ Cultural Materials and Ancient Human Remains of NStQ ancestry that are held in other collections.

---

Drafting conventions:

Language drafted by:

NStQ

**British Columbia**

**Canada**

Proposed deletion:

NStQ { }

British Columbia (←)

Canada { }

New drafting:

addition

deletion

## ANCIENT HUMAN REMAINS

18. To ensure that Ancient Human Remains of NStQ ancestry are treated respectfully, by the Final Agreement British Columbia or Canada and NStQ may negotiate and attempt to reach agreement on the process and protocols that will be followed by B.C. or Canada during the period that Ancient Human Remains of NStQ ancestry are in the possession or under the control of B.C. or Canada.
19. Subject to federal and provincial laws and policies, any Ancient Human Remains of NStQ ancestry and any associated burial objects or any burial objects of NStQ origin removed from NStQ Cultural Sites and in the possession or under the control of Canada or British Columbia, will be returned to NStQ upon its request.
20. Subject to federal and provincial laws and policies, if after the Effective Date of the Final Agreement, any Ancient Human Remains of NStQ ancestry and associated burial objects or any burial objects of NStQ origin come into the possession or under the control of British Columbia or Canada, British Columbia or Canada will, at the request of NStQ, transfer the Ancient Human Remains of NStQ ancestry to NStQ.

## PLACE NAMES

21. NStQ and British Columbia will negotiate and attempt to reach agreement on a list of key geographic features, set out in the Final Agreement, to be named or renamed in Secwepemcstin, in accordance with provincial policy.
22. After the Effective Date, NStQ may propose that British Columbia name or rename other geographic features with Secwepemcstin names, and British Columbia will consider those proposals in accordance with provincial laws and policy.

## OTHER MATTERS

23. Prior to Final Agreement the Parties may negotiate and attempt to reach agreement on interim protection measures for specific NStQ Cultural Sites on proposed NStQ Lands.
24. Prior to Final Agreement BC and NStQ may negotiate and

---

Drafting conventions:

Language drafted by:

NStQ

**British Columbia**

**Canada**

Proposed deletion:

NStQ { }

British Columbia (←)

Canada { }

New drafting:

addition

~~deletion~~

attempt to reach agreement on protection measures for  
specific NStQ Cultural Sites on provincial crown lands.

Outstanding Issues for Chapter:

1. Import and export of NStQ Cultural Materials
2. Intellectual Property including NStQ intellectual property.
3. Heritage Trust
4. Roles and responsibilities for management of Heritage and Cultural Sites on NStQ Territory, including Parks and Protected Areas
5. Purchase options for properties containing significant cultural resources
6. Require further discussion of NStQ Artifacts and Cultural Material definition
7. Genetic resources

---

Drafting conventions:

Language drafted by: NStQ  
Proposed deletion: NStQ {→}  
New drafting: addition

**British Columbia**  
British Columbia (←)  
~~deletion~~

**Canada**  
Canada {→}