

Protecting Indigenous Burial Sites in Canada

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Abstract

This paper was originally written for Dr. David Chariandy, English 209: Race, Borders, Empire. The assignment asked students to provide a clear thesis (argument) on a film or book-length text from the course, and exhibit your own independent research on relevant social or literary issues. The paper uses MLA citation style.

Since European contact with North America, Indigenous peoples and their identities have continuously been attacked and threatened. Sacred burial practices have been a part of Indigenous cultures for hundreds of years. Leanne Simpson's book, *Islands of Decolonial Love: Stories and Songs*, is used to demonstrate how traditional cultural practices interconnect with the health and well-being of Indigenous peoples. This interconnection is severed by colonizers and settlers who destroy sacred burial sites. The Canadian government fails to protect sacred burial sites even after messages of reconciliation. Locating and protecting sacred burial sites would be key to reconnect Indigenous peoples to their ancestral grounds.

Prior to the colonization of Canada, Indigenous groups had been living on the land and creating a distinct identity for themselves. Since European contact, many elements of Indigenous culture were threatened and put under attack. Traditional burial practices are one element of their cultures that has not been respected by colonizers and settlers. Leanne Simpson highlights how traditional cultural practices interconnect with the health and well-being of Indigenous peoples in her book, *Islands of Decolonial Love: Stories and Songs*. Even after messages of reconciliation, the Canadian government fails to protect sacred burial sites and the cultural heritage of Indigenous peoples.

Every culture has practices to honor the dead and bring closure to the living. For Indigenous peoples, burials were an important ritual to pass their loved ones on to the spirit world (Blair). A common ritual involved burying the dead, often with personal belongings, and leaving a mound of dirt as an ancestor monument (Blair). These monuments gave a landmark for the living to revisit and were a clear marker of burial grounds. Indigenous sacred sites "are as necessary to Indigenous religions as human-made places of worship are to other religions

traditions” (Bakht & Collins). Since Indigenous peoples had inhabited North America long before confederation, it is impossible to know just how many burial sites there are. Some of the tested remains have been dated back approximately 1000-1500 years using radiocarbon-dating (McCue). Connection to a long history of ancestors and the land is important to maintain a sense of identity and place. After confederation, the Canadian government made many efforts to strip away Indigenous cultural identity. The Ts'elxwéyeqw (Ch-ihl-kway-uhk) Tribe, located in Chilliwack, B.C., shifted their traditional customs and assimilated to the Eurocentric funeral practices of using church cemeteries to lay the deceased to rest (McCue). This shift left out the spiritual rituals previously used to help pass ancestors to the spirit world. The European customs that were forced onto Indigenous peoples shifted their relationship to spirituality and religion. The long history of rituals and traditions surrounding deaths were stripped in an attack on Indigenous identity and religious freedoms.

With Indigenous funeral rituals being practiced and respected for thousands of years before colonization, it makes up a key part of traditional Indigenous culture and spirituality. Efforts to protect ancient burial grounds today make strides to respect Indigenous peoples' relation to the land and ancestors. In an interview with Duncan McCue at CBC, Ts'elxwéyeqw Chief David Jimmie stated that there is “a feeling of connection, relating directly back to [their] ancestors” on ancient burial sites. This is a contrast to the character of the story *Caged*, from Leanne Simpson's *Islands of Decolonial Love*, who “lived with the pain of disconnection” (97). If her character had the opportunity to reunite with her cultural heritage, maybe this feeling of disconnect would not have been so strong. Severing the connection between tangible and intangible cultural heritage would have negative repercussions on the well-being of Indigenous peoples in Canada. With ancestral burial grounds being “integral to their traditions and spiritual beliefs as unique cultural landscapes,” these should be protected and preserved at all cost (Anderson, et al.). In Leanne Simpson's book, she speaks of “the land giving up truths” to the people who inhabit it (91). Ancestral burial grounds hold truths of ancestors and a spiritual connection to the land. Knowingly destroying or building over ancestral burial grounds violates the truth they hold for Indigenous peoples.

When settlers knowingly or unknowingly disrupt sacred burial sites and discover them, issues arise. According to N. Bakht and L. Collins, the “settlement and development on Indigenous sacred sites has failed to respect Indigenous religious freedom and has perpetuated a contemporary form of persecution against Indigenous peoples in Canada.” By knowingly or unknowingly allowing the destruction of sacred sites, Canadian government institutions violate their promises of reconciliation and religious freedoms. Indigenous beliefs “merit a level of protection equal to that enjoyed by other faith groups in Canada” (Bakht & Collins). Identifying the locations of sacred burial sites and making it public

could stop people from accidentally disrupting and disrespecting them. Duncan McCue at CBC reported a story about a family trying to build a home in Chilliwack when they found burial mounds on their property. After the discovery, their development was halted and has not been able to restart since it would destroy the historical site. Chief David Jimmie, of the Ts'elxwéyeqw Tribe, says that “many of the ancient burial mounds disappeared under human settlements” so when they found some that were intact, they needed to be protected and the burial sites could not be disturbed (McCue).

When finding burial grounds on a property, private owners can report them to authorities or contact local Indigenous communities to reconnect them. Unfortunately, homeowners risk losing their property in order to honor the burial sites because if found, there are some legislations in place that can stop the site from being disturbed. Since the reporting of potential ancestral burial sites can lead to negative repercussions for homeowners, some people may avoid reporting them. Simpson writes in one of her stories that a settler “blocked the creek and now [they] can’t hear [their] ancestors talking” to them (45). This is what is at stake when burial sites are destroyed and built over. If homeowners knowingly disrupt burial sites on their property or fail to get burial mounds investigated, they disregard the importance and sacredness of these sites. Archeological sites do not come up on land title documents so some property owners will not know that they are building on sacred sites until it is too late and damage has already been done (McCue). To protect unknowing property owners and buyers, including the fact that certain locations are of archeological importance would help guide people on whether they will be violating sacred sites when building.

In the story “Jiibay or Aandizooke”, some settlers live in a house built on top of a burial ground and they do some construction for a new deck (Simpson 67). While excavating, the settlers uncover a skull. Finding human skeletal remains typically leads to investigations of course, so the ancestors' remains had to be removed and studied. Instead of being given back to local Indigenous communities to reconnect them, they are put into a cardboard box in a basement and concealed with “an orange tarp from Canadian Tire” (Simpson 69). In this story, the voice starts by narrating in third person, but then switches to first person when the skull comes out of the ground. The bones become the narrator's own as they are taken away from their burial ground. The connection to ancestors runs so deep that when the remains are displaced, the living feel lost and disconnected as well. There is an emphasis on the fact that the Canadian Tire tarp is what covers the remains once unearthed because it is repeated twice in the story. Settlers built on top of the burial grounds and in doing so, concealed the sacred site from those who would want to identify it. Then, after the bones were uncovered, a symbol of colonization embodied in the Canadian Tire tarp still disconnects the ancestral remains from where they should be. Canadian Tire is a proudly Canadian company, so the fact that their brand is what stays with the

bones and conceals them is a reminder that the effects of colonization remain and still have a grasp on Indigenous identity. The tight hold that Canada continues to have over Indigenous peoples governance is symbolized by the Canadian Tire tarp. Eurocentric ideologies are continuously forced onto Indigenous peoples to strip away their traditional culture and heritage.

Protecting cultural heritage is a way that Canada can help preserve Indigenous history and identity. In Canada, there are protections in place for cemeteries with tombstones and monuments marking them. When it comes to Indigenous burial sites, “Ontario is the only province that refers specifically to Aboriginal burial grounds in its legislation” concerning cemetery protection (Blair). With no other province even mentioning how Indigenous burial sites may need unique and more comprehensive protections, there is a blatant disregard to their importance. In Ontario, the Cemeteries Act “serves to constrain, not prohibit, scientific research without consent” (Ferris). This means that partnerships can be made with Indigenous communities to study ancestral remains, and everything done to burial sites needs to be consensual. If federal, provincial and local governments recognized ancestral burial grounds as integral parts of Indigenous culture and identity, then maybe we would see them stepping up to provide clearer protections just as they have done for Eurocentric burial sites. Human remains, regardless of origin, should receive equal treatment under law to protect their integral part in identity and history.

There are no federal laws focused on protecting Indigenous burial grounds specifically. Each province has differing legislation when it comes to Indigenous heritage conservation, so depending on the province, there may be more or less protections in place for Indigenous sacred sites (Blair). In British Columbia for example, under the Heritage Conservation Act, “it is illegal to damage, desecrate or alter a burial place that has historical or archaeological value or remove human remains or any heritage object from a burial place that has historical or archaeological value unless authorized by permit” (Blair). The issue with this is that these sacred sites need to be identified first, then reconnected to Indigenous communities so that nobody unknowingly destroys them. If landowners do not report the fact that they have accidentally built on lands of historical value, then the legislation cannot be enforced. More collaboration with Indigenous communities is how meaningful legislation can be made so that it is realistically enforceable and preservation can be the priority.

Finding ways to legally protect sacred sites of Indigenous peoples poses challenges because so much of their history is based in oral traditions. In Eurocentric legal practices, papers and signatures make laws legally binding. Traditional Indigenous practices oppose this because oral histories and stories are at the core of their cultures. In modern legislation, there needs to be a compromise to give oral histories more validity and include “oral traditions as credible evidence toward the need for site protection” (Koehn). When it comes to

the research of Indigenous history, “oral histories of Indigenous peoples... are essential primary sources of credible evidence of ancestral burial sites that must be considered alongside scientific evidence of burial practices” (Anderson, et al.). Listening to these oral histories and truths is how the government can work in collaboration with Indigenous groups to honor their cultural identity. There has been a history of “spoken up words drowned in ambush” by colonizers discrediting Indigenous oral truths (Simpson 21). To move forward in honoring Indigenous histories and seeing the full picture of why sacred burial sites are so important and require protections, it is time for settlers to listen.

The first step in protecting sacred burial sites is locating where they are. For many Indigenous communities, this is a priority to secure the lands of cultural significance to them. Archeologists collaborating with Indigenous groups would encourage the incorporation of oral histories and give a different perspective in the research of burial sites (Wadsworth). Just like in Simpson’s story, “Jiibay or Aandizooke”, many burial grounds have been raided by settler archaeologists for their remains and artifacts. Repeatedly, these findings have been put on display in museums without the consent of local Indigenous communities (Blair). This is utterly violating for Indigenous communities' identity, culture and spirituality. It is also incredibly ironic considering the fact that Canada had previously criminalized spiritual practices and aspects of Indigenous identity, but now they want to put all of these cultural elements on display for the enjoyment of settlers (Bakht & Collins). In other cases, remains and artifacts have been scientifically tested on, often with little consultation of Indigenous communities (Blair). It is clear that Indigenous peoples have an interest in their own cultural heritage, so they should be given a key role in governing how archaeologists are allowed to work around sacred burial sites.

For archeologists, there are guidelines in place deeming what is and is not a source of scientific data. In Saskatchewan for example, they have a Heritage Property Act that states “all buried human skeletal material not found in a recognized cemetery is the property of the Crown” (Blair). Sacred Indigenous burial grounds are not in marked cemeteries and there are likely many burial sites that have not been identified yet. This means that any ancestral remains from sacred burial sites are automatically considered as the government's property. For Indigenous communities, these artifacts are more than physical property and represent a spiritual connection. Under this Act, if the remains predate 1700, they are sent “to the Minister of Heritage for reinterment following scientific examination or any use for research or educational purposes that the Minister shall decide” (Blair). This Act leaves all of the power to the Minister of Heritage to decide what happens to the skeletal remains without the need to consult any Indigenous groups. The only time Indigenous groups are to be considered under this Act is if the findings post-date 1700, then “it is to be made available to the nearest Indian Band Council, but only after scientific examination or any use for

research or educational purposes that the Minister shall decide” (Blair). Again, the Minister of Heritage gets to govern what happens to the remains before finally reconnecting them to local Indigenous groups. By then, the remains have already been removed and mistreated. Indigenous peoples being left out of these decisions suppresses their identity and disrespects their heritage. In science and archeology, placing an importance on Indigenous knowledge would allow for more meaningful research that could benefit Indigenous communities (Wadsworth). Prioritizing preservation rather than removal and documentation would be more sustainable and leave these sites on for future generations to connect with.

As the Canadian Government continues to strive for reconciliation, Indigenous autonomy should be a priority. Locating sacred burial sites and spiritual grounds will reconnect and strengthen a bond between Indigenous peoples and their cultural heritage. These lands could then be given clearer protections from destruction and development. Making space for oral histories in all levels of government would support Indigenous truths. Collaboration and consultation need to occur so that Indigenous peoples do not get left out of decisions that concern them. Allowing Indigenous communities autonomy to define their own cultural heritage and identity is a step towards decolonizing. Until legislation is set in to effectively protect traditional sacred burial sites, Canada continues to threaten Indigenous cultural heritage and identity.

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