

Co-operative Management of Archaeological Resources A New Opportunity

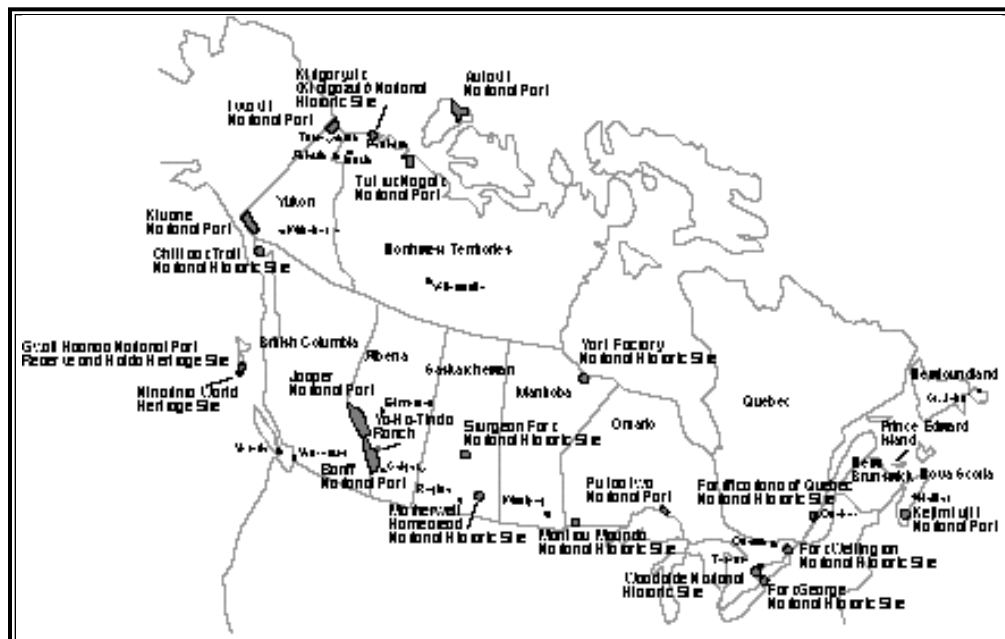
One of the burning issues in Canadian archaeology is the multi-faceted relationships that exist among First Nations, archaeological resource management, and environmental assessment. I would like to briefly outline some issues regarding archaeological resources on non-Treaty lands managed by the Federal Government to complement the paper elsewhere in this issue by Ellen Lee concerning archaeology in the context of land claims. Until passage of the *Canadian Environmental Assessment Act* (CEAA) in 1992, Canada did not have legislation protecting archaeological resources on federal lands, other than mention of four specific kinds of sites in the Indian Act. In many ways, Canada still does not have protective legislation in the strict sense. While CEAA legislation can call for assessment of potential impacts to archaeological, palaeontological, and traditional sites in the absence of a CEAA application, intentional damage to an archaeological site on federal land is not a recognized offence.

Six years ago, an "Archaeological Heritage Protection Act" for Canada was drafted by the Department of Communications and was very near

completion. The draft bill was circulated across the country, and while it had some flaws, it was widely and strongly supported by the professional community. Many archaeologists had lobbied for over two decades to obtain such legislation. The Minister of Communications met with members of the Canadian Archaeological Association, sent a delegate to the national archaeological meetings, and distributed literature nationally announcing the impending completion of the Act.

Any notions of a celebration were short-lived when it became clear that the proposed Act was not in step with contemporary views concerning First Nations¹ heritage, in particular, ownership of their own heritage. At the same time that the United States was preparing and passing the *Native American Grave Protection and Repatriation Act* (NAGPRA), Canada was apparently not ceding ownership to Canadian Native peoples, or at least wanted to consider the broader public benefits and public trust before conceding. The Assembly of First Nations reacted strongly, commissioning studies and circulating a discussion paper entitled *My Grandfather is Not an Artifact*. The Canadian act was never brought to the House.

Location of sites discussed in this issue of CRM.



NAGPRA is one result of Native peoples in the Americas working together to gain increased respect and protection for their culture. Focussing on human remains stored in museums, but extending to grave goods and other items of spiritual significance, NAGPRA requires federally funded institutions to catalogue these collections and notify appropriate Native groups of their existence. The museum and the appropriate Native community then negotiate terms for repatriation of items, reburial of human remains, and ongoing access to items for study.

To some archaeologists, the invasion of cultural perspectives was seen as an

infringement of their intellectual freedom to practice a science. Others wondered where it would all end: would First Nations end up claiming ownership of Beringia? For some, Native Peoples, awareness developed of the kinds of arguments that archaeologists put forward in developing knowledge of "prehistory," an awareness that the scientific world did not always jive with their practical or spiritual worlds. For some a common outcry was that they could not ever admit to having originated genetically in northeast Asia. They were not "Chinese" and will never be. Many were also concerned that the dynamic nature of their culture was not appreciated—Native cultures are not frozen in ethnographic time.

At the present time there remains turmoil, but there are signs of resolution. The proceedings and expectations resulting from ongoing application of NAGPRA in the USA have spilled over the border to Canada. Some First Nations believe that mutually acceptable compromises are best negotiated on a case by case basis, rather than in the polarized atmosphere that can result from national legislation, such as NAGPRA. In Canada, resolution of ownership issues is being dealt with productively despite the lack of legislation. Scientists and First Nations are resolving issues over mishandling of human remains and burial goods; good quality medical history information is being obtained from skeletal material that has benefits for modern populations; many burials are being reburied; spiritual awareness has grown immensely in laboratories and field camps; commercial developers recognize gains in developing trust.

The national scene overall in Canada is encouraging. The Canadian Museums Association has recognized the need for better communication, established very successful working groups and conferences, culminating in the Task Force on Museums and First Nations. It is now the case that every major museum, and a number of smaller ones, have established Native advisory groups that not only consult on collections of sacred objects, but that are also involved in basic museum management and profoundly influence research directions.

For some time now, Parks Canada has been a leader in establishing co-operative management agreements with First Nations. In each of these, archaeological knowledge, collections and training have played an important role. Archaeology often provides a link to traditional cultures, and I believe there are good reasons for this: Native peoples relate immediately to their past, as do all cultures. Archaeology provides more than this obvious linkage, however; its multi-disciplinary nature involves other sciences and humanities. It is labour intensive and encourages team work; it

can serve as a training ground for youth and help grant an extended voice to Elders.

CEAA explicitly recognizes the need to have impact assessments undertaken when archaeological sites or Aboriginal traditional use areas are at risk from development. The Department of Canadian Heritage is uniquely placed in government to lend its experience to assisting with appropriate liaisons between First Nations and government agencies in all kinds of national lands: National Parks, Department of National Defence establishments, Department of Transport lands, and so forth.

Many applications of CEAA will require that First Nations be directly involved in managing archaeological resources that are directly related to them. Recent environmental cases in Alberta have witnessed significant interventions by Native people with respect to potential impacts to archaeological and spiritual sites. As a result of an Alberta-Canada harmonization agreement for environmental assessment, the Pine Coulee Reservoir project in southern Alberta required a joint provincial-federal panel to investigate environmental effects of the proposed reservoir. Among its observations and recommendations were several pointed at the demand for greater involvement of Native peoples, at an earlier stage in project planning, even if these kinds of projects are proposed for off-reserve lands.

There are many complicating factors in developing mutually agreed upon policies and practices for protecting and understanding Native cultures of the past and present, and for promoting democratic and humanitarian solutions. To date, most efforts have been a rewarding learning experience for all parties. Archaeological initiatives have both profited from joint efforts and assisted with developing innovative solutions. Future challenges face us indeed. Parks Canada is, with its experience, profile, and mandates of conservation and public appreciation, assisting the nation with proper management of First Nations' cultural heritage.

Note

- ¹ I use the terms "First Nations," "Aboriginal" and "Native" interchangeably. The Assembly of First Nations is the proper term for the largest political group representing most Native people in Canada. Some groups prefer the term "Native," others are more comfortable with "Aboriginal."

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