

**ARCHAEOLOGY WITHOUT RESERVE: INDIGENOUS
HERITAGE STEWARDSHIP IN BRITISH COLUMBIA**

by

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ABSTRACT

Archaeology and the stewardship of cultural heritage are inherently political undertakings. Worldwide, archaeology's colonial legacy has produced systems of research and management that fail to recognize or serve Indigenous descendant communities' special rights to and interests in their ancestral heritage. The decolonization of archaeology, and of society, requires a commitment to social engagement and political responsibility that are both professionally and morally just. I investigate the potential for this transformation through the issues of gatekeeping, ethical relativism, control and power imbalances, competing cultural perspectives, and economic inequities. I explore alternative approaches to heritage stewardship taken by British Columbia's First Nations, and find they encourage a more inclusive and equitable alternative to the dominant heritage management system while protecting and sharing a past that continues to influence contemporary Indigenous life. Indigenous heritage stewardship policies endorse postcolonial methods that challenge the status quo and renew archaeology's accountability to its various publics.

Keywords: archaeology; heritage; Indigenous peoples; decolonization

Subject Terms: archaeology—social aspects; archaeology—political aspects; postcolonialism; Indigenous people—antiquities; social justice

For Simon,
for your patience and loving support,
with no questions asked,
with all strings attached.

and

For Charlotte,
thinking about your future
and the kind of world I want for you.

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CHAPTER 1: INDIGENOUS HERITAGE STEWARDSHIP: “A JUST, SUSTAINABLE PARADIGM”?

“The cultural heritage of Aboriginal peoples should be protected, and the terms of protection must be consonant with their needs” (Royal Commission on Aboriginal Peoples [Canada 1996: Vol. 3, Ch. 6, Sec 1.1]).

Throughout North America, the responsibility for the cultural heritage of Indigenous peoples is changing hands, and with it concerns no less fundamental to archaeology than the status of evidence, the nature of objectivity, and the ownership of the past (Denning 2000; Wylie 2002).¹ In an unprecedented era of recognition of Aboriginal rights and interests, the guardianship of archaeological, spiritual, sacred, and other meaningful heritage sites is increasingly being challenged by First Nations themselves as an expression and goal of self-determination. The ability of the archaeological community to adapt heritage research practices and policies to accommodate active pursuit of these interests is vital—in it lies the next great test for archaeology, through which the discipline’s limitations and presumptions can be exposed and the good faith, understanding, and ingenuity of its practitioners measured. The success of this mutual accommodation relies on an understanding of differences between Indigenous and archaeological philosophies of heritage stewardship. This study is intended to gauge the extent and nature of the gulf that separates the two.

“Stewardship of cultural resources or properties is a major concern,” writes Diana Henry of the Saanich Native Heritage Society on southern Vancouver Island, “for our people and other First Nations” (1995: 7). This sentiment can be heard throughout British Columbia as archaeologists and bureaucrats engage—or fail to engage—Native peoples in the

¹ I use the terms *Indigenous*, *Aboriginal* and *Native* (but not *Native American*) interchangeably to refer to all original peoples in North America (Indian, Inuit and Métis) and elsewhere. *Aboriginal peoples*, plural, refers to the political and cultural entities to which *Aboriginal people*, singular, belong (Canada 1996). First Nation means a Canadian Aboriginal nation composed of Indian people (not Inuit or Métis). Usage follows the Royal Commission on Aboriginal Peoples (Canada 1996) and Mihesuah (2005).

management of their own heritage. As a professional archaeologist in British Columbia, I am intimately acquainted with the policies, guidelines, legislation, and agreements that govern Crown management of Aboriginal peoples' history. The lack of accountability—to First Nations, to the wider public, to the integrity of the archaeological record—of the Crown's stewardship model is known to me first hand, and is the subject of ongoing debate among heritage professionals and First Nations governments. My own experiences, as well as the concerns of my colleagues and friends, have compelled me to undertake this examination of heritage stewardship, with a particular focus on how Indigenous practices are changing the face of heritage research, protection, and management in British Columbia.

Because heritage stewardship cannot be neutral (Nicholas 2005: 1), and given that the “practices and results of archaeology bear the marks of its makers” (Wylie 1993: 10; also Trigger 1983), heritage management policies will inevitably reflect culturally defined values and goals. Contemporary archaeology in British Columbia has been shaped by Western values that favour the memorializing of eras past—reflecting the ethos that the accumulation of knowledge is always good—and assuming custody of their traces through prescriptive laws. Heritage policy documents developed, or under development by, British Columbia's First Nations offer a productive counterpoint to customary procedures and galvanize Aboriginal peoples' involvement in their heritage. Formalized protocols should be of special interest to archaeologists and bureaucrats not only as guidelines for compliance, but also (to objective observers) as undiluted expressions of territorial interests, cultural priorities, and strategic planning. Of equal significance is that most policies represent a willingness to engage the colonizing culture in a dialogue about heritage, and many do so using a format—most often a government-issued policy—with which archaeologists and bureaucrats are familiar. The common ground being built by this delicate and localized negotiation of terms surrounding heritage research and governance is, in my opinion, vital to the continued integrity of archaeology in the province and across this country.

Research Objectives and Outcomes

The mutual accommodation of archaeological and Indigenous interests requires practitioners on both sides to overcome significant cultural, intellectual, and procedural obstacles. The main thrust of my study is thus to assist Aboriginal policy-makers to develop effective, respectful, sustainable heritage policies based on an understanding of those currently in use, and to help archaeologists and archaeological bureaucrats appreciate the qualities of Indigenous stewardship and accept them as a reasonable and responsible alternative to their own. My primary objective is to identify the potential means for developing a just, sustainable heritage management paradigm in which (a) the values and interests of First Nations peoples are accounted for, (b) professional heritage personnel and descendant communities can work together in a respectful manner, and (c) personal, community, and disciplinary integrity is not merely maintained but is strengthened. This goal can be achieved by understanding how British Columbia's First Nations people conceive of and act on heritage values, which can be garnered in part through careful analysis of academic, public and "grey" literature, and of protocols that First Nations have developed to contend with heritage management issues. The next step is to compare the culturally defined values and goals of Indigenous heritage policies with those British Columbia's existing system. The observed differences and similarities can then be used to highlight specific changes required to renew the authority and accountability of heritage management in British Columbia and in other environments facing similar challenges.

Briefly, this study aims to:

- 1) Evaluate issues in the philosophy and practice of heritage stewardship;
- 2) Identify strategies of cultural heritage stewardship in British Columbia and elsewhere;
and
- 3) Examine the values, goals, standards, regulatory ideals, and products of Indigenous stewardship practices using specific examples from British Columbia.

The result of this study is a constructive synthesis of heritage stewardship strategies that can be used by First Nation governments—as well as non-Native archaeologists and managers—to more effectively incorporate Indigenous needs and objectives into management plans. As a product, it will identify ways to actively recognize the special rights, interests, and responsibilities that Native peoples have in the realm of cultural heritage (e.g., Anyon 1991; L.T. Smith 2005; Yellowhorn 1996). As a process, it will be part of the greater transformative project of Indigenous research “that is active in pursuit of social and institutional change, that makes space for Indigenous knowledge, and that has a critical view of power relations and inequality” (L.T. Smith 2005: 89). This study’s targeted objectives and pragmatic methods aim to unite theory and practice (Hammersley 2000: 3), where participatory democracy is the essence of both the goal and the method (Greenwood and Levin 2005: 53).

Rationale and Guiding Principles

My approach to the problems of Indigenous peoples and archaeology is rooted in an intense desire to see Canada reach its potential as a socially just nation that acknowledges its roots, its debts, and its strength in differences. As a guiding principle for this thesis, my view of social justice most closely resembles the theoretical orientation espoused by Randall McGuire’s (2008) emancipatory praxis. McGuire’s position is that an inherently political archaeology produces knowledge that has a real effect on real people, and that the politics in question are best explained by Marxist thought. Those seeking to free themselves or others from the exploitation, inequality, and oppression of capitalist social relations have real, not just theoretical recourse (McGuire 2008: 37). His “praxis” stems from the idea that people, in their everyday lives, make the social world, and as such can also subvert and transform it (McGuire 2008: 38).

While not a self-described Marxist, I have found McGuire’s focus on how class is lived by people (McGuire 2008: 49) to be an intriguing way to consider the relationships

between archaeologists, First Nations peoples, businesses, and heritage management bureaucrats. For some time before beginning this thesis, I have been greeted daily by a verse posted above my desk that always seemed to me to be directed at muddled archaeologists, and which summarized the task I would undertake:

Hail, fellow, well met,
All dirty and wet.
Find out, if you can
Who's master, who's man.

Jonathan Swift (2008[1728]), *My Lady's Lamentation and Complaint Against the Dean*

The imperative to determine who was controlling the work we do, and to consider precisely what (or who) is being controlled, has always been prominent in my thinking. Working towards changing the terms of what I see as a fundamentally colonial engagement has been the goal and the method of this thesis. McGuire's emancipatory praxis therefore serves the decolonization project and my work in that it recognizes how archaeology's colonial roots have had a profound effect on Aboriginal peoples' lives, and endorses a practice of archaeology that explicitly aims to improve this situation.

Social Justice, Decolonization, and Archaeology

The idea that archaeologists are part of a social engagement that is necessarily political in nature is one that we as a discipline alternately embrace (e.g., McGuire 2008; Trigger 1983) and emphatically reject (e.g., McGhee 2008). As both an archaeologist and as a citizen, I readily identify with the former camp. I believe that while politics may be a messy additive to our field, we have an obligation to appraise the practical implications of our work, and to situate it in the glaring light of contemporary societal challenges. To this end, I take this opportunity to outline how I expect my thesis to address one of the most pressing problems facing Canada and other nations born of colonialism—social justice for Aboriginal

peoples—and then describe how this can be furthered within the context of decolonizing archaeology and society.

More than just a philosophical or political problem, the concept of *social justice* centres on how to achieve equal benefits for all members of society, at all levels. It looks beyond individual rights and desires to consider “what is just for the social whole” (Capeheart and Milovanovic 2007: 2), and is generally thought to be achieved through “inclusive democratic discourse, meeting needs, attaining equality, and distribution of desert” (Capeheart and Milovanovic 2007: 2; also Miller 1979: 24-29). While no single conception or practice of justice is adequate for all points in history or for all forms of society, in countries like Canada, the United States, and Australia the perpetuation of the structures of colonialist rule remains a clear impediment to it, particularly for Aboriginal peoples (but also for women and ethnic minorities). The process of decolonization, then, is of particular importance to fostering a socially just environment in these and other nations.

Decolonization refers to the means by which colonies gain independence from their colonizers and assume the instruments of government, though in reality it is a “long-term process involving the bureaucratic, cultural, linguistic, and psychological divesting of colonial power” (L.T. Smith 1999: 98). The ability of former colonies to shrug off the patriarchal bonds of colonialist arrangements is an extremely complex problem that requires reassessment of national and provincial institutions, legislation, and hierarchies new and old. These and other aspects of colonial structures are founded in centuries-old concepts of race-based social evolutionary strata (McNiven and Russell 2005: 24—47), and so decolonization would require commitments to honest reflection, reallocation of resources, and political will that are not easily marshalled in fanatical meritocracies like ours. This enormous task is compounded by the obvious problem that those most in need of emancipation are those least able to access the power and resources required to achieve change.

The idea of social justice can help us to understand the scope of the changes required to begin to effect decolonization in a country like Canada. A socially just society is equitable (though not necessarily equal) in *all* senses, not merely those subject to specific legislation (like the workplace, for instance). This suggests that any decolonization will necessarily be the sum of many smaller victories over colonialism, including the decolonization of discrete disciplines, like archaeology, as well as entire modes of thinking, like science. In this light, the inclusion of Aboriginal peoples' perspectives into archaeology is more than just another developmental turn in the meandering progress of archaeological method and theory—it is decolonization in action. Accommodating the practices of Indigenous heritage stewardship is an act of historical restitution, which is “both valid and necessary for Indigenous peoples in the aftermath of colonial repression and exploitation” (Meskell 2005: 76). Indigenous heritage stewardship becomes a viable route toward social justice when archaeologists—the vast majority of whom are people of European descent studying a heritage that is not their own (Bergman and Doershuk 2003; Lippert 1997)—support it in theory and in practice.

Indigenous Heritage Stewardship as Social Justice

The asymmetrical historical relationship between Aboriginal peoples and settler states effectively severed traditional history keeping, and several centuries of Indigenous history have been smothered and distorted by those who have been its colonial custodians.² Archaeologists who question whether they should be responsible for decolonization and the restoration of Indigenous histories should be reminded of the imbalance in the gains made and losses suffered by Native peoples and settler cultures. Not only have archaeology and anthropology been complicit in underwriting many of the stereotypes on which colonialism

² The structure and wickedness of colonial systems are well documented in a huge body of literature; I will not summarize them here. For the history of Indigenous-settler relationships in North America, see Wright (1992) and Miller (1989). General discussions of Aboriginal peoples' histories within the British Columbian setting can be found in Boyd (1990 and 1998), Duff (1964), and Tennant (1990). For a specific but telling account from southwest British Columbia, see Arnett (1999).

thrived (Smith and Jackson 2006: 312), but archaeologists, the state, and heritage industries have all subsequently accrued economic, social, and political capital at the expense of descendant communities (Nicholas and Hollowell 2007: 61). I concur with McGuire that this complicity on the part of archaeologists “may spring from their false beliefs in objectivity combined with a failure to understand the political contexts in which they create knowledge,” (2008: 15) and I encourage a deeper reflection within the discipline. Indigenous peoples might legitimately expect archaeologists—who help perpetuate these inequities but also hold the promise of change—to ally with them in the decolonization of archaeology (Smith and Jackson 2006: 312).

Releasing control over cultural properties of all kinds is central to the decolonizing project, particularly in a time of transition to self-determination (Walker and Ostrove 1995: 14, 27). Indigenous heritage stewardship is an obvious way to turn over the management, or care, of important cultural places to local hands, without necessarily involving a transfer of real estate. Native groups are using a variety of creative means to reaffirm their relationship with the cultural landscape (see Buggey 1999) while trying to reconcile their views of heritage and history with those of a staggeringly impersonal colonial system (Schaepe 2007: 253-254; also Fournier 2003). Tangled in the legislative web that defines being Aboriginal in the 21st century, and confined by the “multiplicity of laws” that prescribe their relation to land and heritage (Thorley 2002: 121), it is no surprise that this cultural reclamation has been difficult for many First Nations to achieve with any speed or consistency (e.g., Fayerman 1991; Palmer 1994).

Archaeologists possess an intimate knowledge of and privileged access to “the system” through which archaeology is controlled, and should be encouraged to lend this expertise to the decolonization project. Though doing so is an individual decision—activist-archaeologists may risk their own economic or professional standing by agitating for social justice—archaeologists trained in the anthropological basics of cultural relativism

must recognize the untenable ethical relativism that perpetuates the colonial structures (see Salmon 1997). Archaeology's accountability to Indigenous peoples should be founded "on a respect for the just claims of others rather than on relativistic ethics" (Salmon 1997: 55). In the right contexts, this use of what Laurajane Smith calls archaeology's "significant resource of power" (L. Smith 2005: 82) can help bring to heritage professionals an awareness of Indigenous heritage concerns, creating the potential to influence a more equitable structure of heritage governance (see McGuire 2008).

Heritage research and management are eminently adaptable as tools of social justice (Atalay 2006b:301). Archaeology claims as a strength its ability to "provide alternative views of the master narrative and to tell histories that might otherwise be silenced" (Atalay 2006b: 301), which would clearly be of benefit to Indigenous peoples worldwide. Many of archaeology's specialized techniques and theories provide a rigour and reliability that meet modern Western expectations of evidence that Aboriginal people are required to provide in treaty and land claims negotiations. In Canada, this capacity is more important than ever in the wake of contemporary Supreme Court decisions like *Delgamuukw v. British Columbia* 3 S.C.R. 1010 (1997) and *Tsilhqot'in Nation v. British Columbia* B.C.S.C. 1700 (2007). The former case confirmed and defined Aboriginal rights and title, then the latter accepted the archaeological record as corroboration of such title; both granted a new credibility to previously unaccepted forms of evidence (e.g., archaeological and oral historical materials).

Archaeologists who choose to support the decolonization of archaeology and society should be warned that this is long-term project that may at times appear to stall. Kimberly Lawson (1997) reminds us that while archaeologists have had the better part of a century to work out their perspectives on legitimate research questions, site significance, and a host of other issues, Native peoples have only very recently been invited into discussions of these aspects of archaeological thought (Lawson 1997: 46; see also Colwell-

Chanthaphonh and Ferguson 2008). Mistaking the caution with which Indigenous people respond to heritage issues for ambivalence to archaeology is itself a colonial hold-over, part of a myth propagated by former colonizers to justify their exclusive control of history (Gnecco and Hernandez 2008: 47-52). It perpetuates an all-knowing archaeologist archetype, denies First Nations' credibility as responsible stewards (Lawson 1997: 46), and overlooks colonialism's enduring impacts on Indigenous histories.

While archaeologists cannot be expected to take on the whole responsibility for correcting the ravages of colonialism, they, like other segments of society, must do what they can to make change. In professional terms, archaeologists are well positioned to tackle the project of challenging scientific colonialism (Nicholas and Hollowell 2007: 62; also McNiven and Russell 2005: 2), and should recognize the resources for such an endeavour are at hand in the heritage policies of First Nations groups. If, as Nicholas and Hollowell suggest, the decolonization of science is the primary ethical challenge facing archaeology (2007: 64), then Indigenous heritage stewardship offers an easy first step toward the "decentering" of archaeologists as its primary producers of knowledge and arbiters of significance.

The Data and Their Collection

The kinds of data required to undertake this analysis of decolonization through Indigenous heritage stewardship relate to the ways in which heritage stewardship is perceived and acted upon by archaeologists, First Nations, and bureaucratic managers. Perspectives on broad heritage issues and on the concept and practice of stewardship are needed as a foundation on which to lay descriptions of how archaeology is currently managed, in British Columbia and around the world. Primary data in the form of specific Indigenous stewardship strategies are required to identify how the form and philosophy of heritage management differs between Native and non-Native peoples and between individual groups.

The bulk of the data used in this study were extracted from the academic, public, and professional literature in the subjects of archaeology, anthropology, resource management, conservation ecology, policy analysis, sociology, political science, and Indigenous studies. An essential source has been the heritage policy documents developed, or under development, by British Columbia's First Nations, by the province of British Columbia, and in some cases, by these two working in concert. All these policy documents constitute a data source that most closely reflects the form of social action under evaluation, namely the stewardship of heritage resources (Peräkylä 2005: 870; also de Certeau 1986). The function of these documents as both specimens and vehicles of culture—they articulate a group's cultural values as well as strive to ensure their perpetuation—provide this thesis with a unique perspective on contemporary heritage issues.

Additional data and personal insights were obtained through a wide-ranging invitation to contribute made in the form of my project website, <http://www.archaeologywithoutreserve.com/>. Launched in April of 2007, this site has acted as a hub for my data gathering, advertised my intended work, and collected feedback on the study. The site also provides an opportunity for other researchers, archaeologists, bureaucrats, and First Nations groups to view and download documents that relate to the decolonization of archaeology and that have informed my thesis. My preliminary data and bibliographic sources have been made available on the site, which will also provide a method of dissemination of the thesis results. As of August 2009, more than 1,100 individual users from Canada, the United States, Great Britain, Australia, the Netherlands, and South Africa have visited the site, many of whom have downloaded PDF documents, provided me with additional articles and papers, and emailed specific feedback about the project.

Considering heritage protocols as cultural constructs has three advantages. First, what one values in the past “has much to say about contemporary values (material and non-material), as well as power relations, diversity, and other key elements of culture in its broad

sense” (Mathers et al. 2005: 181). Relating these “key elements of culture” to heritage priorities is an important aspect of my study. Second, the use of written policy instead of personal testimony or case studies eliminates some of the problems of representation and personal point-of-view, given that policies are generally the result of community consultation and , collaboration and reiterative processes (though I acknowledge that policy authorship will inevitably limit some voices and perspectives). Third, policy documents have an active “life,” and “deserve attention because of their socially organized and conventional properties and because of *the uses they are put to* in their production, circulation and consumption” (Atkinson and Delamont 2005: 823, emphasis added).

The very public and intentional nature of all government policies, serving as they do to broadcast—to outsiders and insiders alike—a nation’s asserted rights and responsibilities, makes them well-suited to a study that seeks to identify national priorities. Because policy and legislation tend towards explicit statements and imperatives, many culture-specific indicators are very clear. Conversely, of course, these documents are of a genre that typically includes enough generalizations to minimize liability and maximize applicability across a broad range of situations, which can obscure underlying values or goals.

The production of these heritage policies for external distribution has meant largely unfettered access to this data source. The sample of heritage stewardship strategies that I address in this study was collected through publicly available sources (e.g., the internet), through prior professional practice in British Columbia and contributions of colleagues, and from the First Nations groups who generously agreed to provide me with their policy documents. I acknowledge that because of the reflexive and adaptive nature of these documents (in particular those of the First Nations), the policies presented in this thesis are subject to review, replacement, and even annulment. Thus, the specific data cited here may become outdated within months or years of the publication of this thesis. Nonetheless, I am confident that the conclusions derived from them will not lose their validity as rapidly.

Modes of Analysis

Reconciling issues of Indigenous heritage stewardship and archaeology can be, to borrow a phrase from Julian Barnes, like trying to ease an oyster into a parking meter (1991: 87). The problem is an unwieldy one—it slips and squishes and spreads out when pressed, it defies the regular shape of the cold, hard slot. Understanding the issues inherent in cultural heritage stewardship and in policy, and then applying these ideas to practical archaeological concerns, can be one way to approach the somewhat messy problems that can arise when we try to appreciate how Indigenous heritage stewardship “fits into” archaeology, or archaeology into heritage stewardship. This thesis takes just such an approach, first by looking broadly at issues of heritage and of stewardship, and then more narrowly at particular examples of the strategies through which the First Nations of British Columbia are reasserting sovereignty over their ancestral objects, places, and landscapes.

While policy analysis lies at the heart of this thesis, my overall process uses the tools of analytic meta-archaeology: what Alison Wylie refers to as a “motley, disunified subfield—or, more accurately, interfield—located at the intersection of archaeology, philosophy, and a growing body of internal historical and sociological research on archaeology” (Wylie 2002:12). In asking questions about the contingencies that shape professional practice, meta-archaeology can make important inroads toward isolating these “so-called external” factors (Wylie 1993: 10) and evaluating them on their own terms.

My commitment to social justice using a critical, ethics-based inquiry rejects the conventions of social science by which “inductively accomplished research is reported deductively” (Richardson 2003: 506). While I take great care to be thorough and rational, I do not claim to adhere to the scientific approach. Here I follow the precedent of feminist practice endorsed by Gero and Conkey (1997), and relate it to an Indigenous archaeology in which “we need to find ways to value the indeterminate, the nuanced, and the specific in new narrative and historical cognitive frames” (1997: 429). I try to avoid the assumption of

scientific authority and “interpretive omnipotence” implied in third-person reporting (Richardson 2003: 507), and as far as possible present my data and my conclusions in plain terms. My belief that language and writing act as vehicles through which we produce the world (de Certeau 1986: 33) informs both my choice of subject matter (heritage policies) and my use of writing as a form inquiry and analysis.

In my examination of Indigenous stewardship strategies, I treat these documents as a form of artifact “embedded within social and ideological systems” where the conditions of their production and of their use reflect on their content (Hodder 2005: 157). In the interest of evaluating the roles that Indigenous stewardship strategies play, I consider the policies not only as tools of heritage research and management, but also as agents of decolonization that endorse the practices of *postcolonial* and *Indigenous* archaeologies. Where Indigenous archaeology is described as archaeology with, for, or by Indigenous peoples (Nicholas 2006: 1660), postcolonial archaeology is another kind of emancipatory practice that aims to overcome colonial inequalities exacerbated by 20th century global capitalism (Lydon and Rivzi 2009: 4; also McGuire 2008). Both work to rectify power imbalances through political and social transformation.

Organization

There are five key dimensions that can be used to make the case that Indigenous heritage stewardship strategies can and must play a vital role in the justice and long-term sustainability of heritage management and research in this province. First, archaeology’s inherently political nature has real implications for the distribution of control and benefits that flow from its practice. Second, an Indigenous stewardship paradigm offers a viable, multi-dimensional alternative to the status quo management structures that currently dominate in British Columbia and elsewhere. Third, the global advancement of Aboriginal rights has unavoidable political implications for local Aboriginal rights to heritage, which in turn pose real challenges to the traditional practice of archaeology. Fourth, contemporary British

Columbian archaeology could benefit greatly from decolonization, and Indigenous policies of heritage stewardship have the capacity to begin this decolonizing project. The fifth dimension of my argument relates to the concepts of social justice that are made explicit in the description of my approach (above), and implicit in their influence throughout the thesis.

I use these five themes to organize the thesis, and to highlight the significance and necessity of a shift towards the Indigenous in the province's heritage research and management practices. The first three themes—the political nature of archaeology, the practice of stewardship, and the attribution of rights to heritage—are the subject of Chapter 2. Chapter 3 covers my fourth theme, the circumstances in British Columbia that require decolonization and the role of policy in initiating this change. In these two chapters I frame some of the general challenges and circumstances around which this thesis is oriented and establish the logic and context for the enactment of Indigenous stewardship strategies in British Columbia.

Chapter 4 is the heart of the work, in which I examine existing Indigenous heritage stewardship policies and protocols. Specific examples of Indigenous strategies in use in British Columbia are introduced, and are discussed in terms of their individual characteristics as well as their broader significance in interacting with the dominant systems of heritage research and management. I examine the various Indigenous stewardship documents using five thematic categories: format; goals; positions on the use and function of heritage; capacity as statements of sovereignty and national identity; and from whence they draw authority and to whom they are accountable.

Chapter 5 extends the discussion of the heritage policies set out the previous chapter by summarizing the kinds of procedures they endorse and some of the characteristics that can contribute to their success and endurance. I examine how the policies' practical requirements encourage the pursuit of Indigenous and postcolonial archaeological practices in the service of decolonization, and how they can help carve out a more meaningful role for

contemporary First Nations communities in the management of heritage places and objects. I then look at some of the implications that these heritage stewardship policies have for archaeology at large, and discuss some practical aspects of how this transformation plays out on the ground in British Columbia.

Chapter 6 concludes the thesis by surveying the challenges and opportunities in this decolonization project, and revisits, in different ways, the five key themes I have used to ground my case for an Indigenized mode of heritage stewardship. I include a general assessment of the major impediments that affect our ability to pursue the decolonization of archaeology, of science, and of society. I conclude by offering my perspective on what will be required of us—as archaeologists, bureaucrats, and citizens—as we travel down the decolonizing path, including some ideas I think might better prepare us to pursue this change.

CHAPTER 2: POLITICS, STEWARDSHIP, AND RIGHTS

“The present wants both to patronize the past by adjudicating on its political acceptability, and also to be flattered by it, to be patted on the back and told to keep up the good work” (Julian Barnes [Flaubert’s Parrot] 1984: 130, cited in Lowenthal 1985: 325).

Why does cultural heritage matter so much? How can it—the term, the concept, the manifestations—affect the lives of people and nations if it is, as we are led to believe, all in the past? Julian Barnes’ perspective hints at the power the past can have over us, and we over it; by extension the role of cultural heritage for linking us to that past is one of great significance to how human histories are written, remembered and expressed in the present. Heritage places and objects act as both a store of our collective memory and a model for our idealized futures. They can summarize our self-image as groups; define and justify, on our terms, the images we have of others; and help to mediate how we maintain or abolish those differences. The preservation of cultural heritage is a critical component of the perpetuation of a shared worldview that forms the very basis of culture. The rights to this heritage and the ethics that determine how we steward its traces are vital aspects of the way that cultural heritage is transmitted from one generation to the next.

The aim of this chapter is to establish the necessity of and context for the stewardship of Indigenous cultural heritage by Indigenous peoples. I begin by exposing the fundamentally political nature of archaeology, and of heritage stewardship. My discussion of the issues relating to control over the process and products of heritage research and management leads into an overview of the kinds of benefits derived from this work and the inequities in the distribution of these benefits. I then consider the practice of stewardship in light of the differences between dominant (Western) norms of stewardship and the Indigenous modes that are gaining prominence. This is followed by a closer look at the

context of global Aboriginal rights and the rights to heritage, including a brief assessment of the kinds of issues that a rights-based argument can present for archaeology.

Cultural Heritage *is* Political

Cultural heritage can be broadly defined as “an individual or group creation of either a tangible or an intangible good which, by virtue of the creation process, customary use, historical event, or simple geographic proximity, becomes an important expression of human cultural life” (Harding 1999: 303). Most writers agree that cultural heritage, while anchored in the past, becomes meaningful mainly through contemporary use (Graham et al. 2000: 2), where it is manipulated “in the interests of the present” (Thorley 2002:113). This position implies that a defining characteristic of cultural heritage is not, as archaeologists believe, the material evidence or past lives, but the choices we make about that matter in the present. These views lie in contrast to the popular assumption that heritage is a now-static product best handled in the past tense, impervious to conditioning by contemporary uses or desires (see, for example, Lowenthal 1985). If cultural heritage is, as Graham et al. (2000: 2) suggest, concerned with the reproduction of meaning, then we are forced to consider how archaeology helps produce this meaning. Further, we need to appreciate that what archaeology determines about the cultures it studies affects the contemporary groups descended from those cultures and the relationships those groups have with each other.

The adaptability of cultural heritage as a mechanism by which political identities are forged and perpetuated is well recognized (e.g., Forsman 1997; Trigger 1983; Yellowhorn 1996). The influence of politics on archaeology, and of archaeology on politics, is based in the unique and reflexive relationship between cultural heritage and issues of sovereignty and identity (which include conflicting views on the balance between heritage preservation and economic development). In the context of contemporary national politics, archaeology’s

susceptibility to manipulation in the interests either of the “public good” or of ethnic distinctiveness remains an intractable issue for archaeologists, Aboriginal peoples, and governments.

Political Archaeologies and Indigenous Peoples

The relationship between politics and archaeological traditions is best described in Trigger’s classic 1983 article summarizing the alternative archaeologies that exist as nationalist, colonialist, and imperialist in character. Trigger’s thesis replaced assumptions that differences in practice resulted from historical accidents with the view that they might be caused by archaeology’s use as a political device. In the interest of substantiating national creation myths, countries like Canada have engaged in a combination of colonialist and imperialist archaeologies through which settler populations are depicted as heroic, but not necessarily cruel conquerors.

To put it in terms of pedigree, archaeology, like many a Western science, has its roots in Europe between the Enlightenment and the end of the golden age of exploration, during the height of the colonial period (ca. AD 1600—1900) (Kehoe 1998; McNiven and Russell 2005; Trigger 1983; Walker and Ostrove 1995). Colonialist archaeology—that which is conducted by the descendants of conquerors on the ancestors of the conquered (McGuire 2008: 7)—has a vested interest in diminishing the colonized culture’s accomplishment, antiquity, and continuity (Trigger 1983: 360). It takes the explicit perspective that without written records of culture change a people lack history. While text-based Western cultures can be studied by the disciplines of economics, history, and political science, so-called primitive, colonized cultures are relegated to the realm of anthropology (Trigger 1980: 673; 1983: 360). This is reflected in the division between “natural history” museums, which house Aboriginal materials, and “history” museums, which explore European histories (Smith and Jackson 2006: 315).

Archaeology's colonialist legacy (Zimmerman 2001; see also Nicholas and Hollowell 2007; Pels 1997) is one in which "long-term entanglements" have separated tribes from their heritage in a most thorough fashion (Daehnke 2007: 270). The colonial context questioned (and continues to question) the legitimacy of Aboriginal peoples' voices and identities—and archaeology has, until very recently, only listened to, and spoken in, the most "legitimate" of voices—scientism, empiricism, materialism. The dubious anthropological legacies of unidirectional progressivism and concepts of cultural "purity" have "led to inappropriate and discriminatory public policy, which has caused suffering and great hardship" (Lawson 1997: 43; also McNiven and Russell 2005). Native peoples have been forced to "aggressively reassert their authenticity and a right to their own past" (Daehnke 2007: 271), resorting to channels seldom necessary to protect non-Native identity (e.g., physical occupations or protracted legal battles). As heritage professionals, it is important to remember that our colonial past is not that distantly past. Indeed, it is not distinct from today's realities, "as the precedents that were set continue to define structures for heritage management practices" (Atalay 2006b: 282).

In Canada, Argentina, Australia, South Africa, Japan, and other states with Indigenous populations, colonialist archaeologies have meant that Native peoples have been dispossessed of the past to create a "National Heritage" more easily digested by guilt-prone settler cultures (Endere 2005; Francis 1991).³ "Indigenous peoples" writes Natasha Lyons, "have suffered at the hands of grand and linear narratives of history produced by colonizers that serve to homogenize difference and make history appear uncontentious and inevitable"

³ It is worth a reminder of some of the mythologizing on which Canada has been built. Daniel Francis' *Imaginary Indian* (1991) sums it up: the glorious "opening up of the west" by the famed Northwest Mounted Police wasn't glorious in isolation—it required a foe, a composite "other" of conflicting qualities against which the NWMP (and Canadian sovereignty) could be favourably compared. Such a people had to be strong enough that their defeat signalled skill and courage, but weak enough to be characterized as infantile, in need of shepherding. They were primitive, creating a useful contrast to Canadian progressiveness, but also capable of creating undeniably sophisticated artwork. They were communal in a time of fiercely independent achievement. By disparaging, distancing and overlooking Natives, making them peripheral in their own land, Euro-Canadians created a myth of landless savages, alternately loafing and violent, a demoralized people waiting on reserves as their cultures quietly died. More than one anthropologist was complicit in supporting all of such stereotypes, and "archaeological research did much to provide these myths with seeming substance" (Trigger 1980: 670).

(2007: 34). In *War and Peace*, Leo Tolstoy labelled this tendency *the law of retrospectiveness*, “which makes all the past appear a preparation for the subsequent facts” (Tolstoy 1982: 843 [1869]). As it ages gracelessly, this brand of colonial-imperial archaeology is necessarily giving way new iterations of nationalism born of unique circumstances. The relationship between archaeology and nationalism make nationalist archaeology very attractive to contemporary Indigenous peoples searching for a response to this disenfranchisement from their heritage. In this sense, Indigenous archaeology constitutes a fourth alternative to Trigger’s original set, a kind of anticolonial archaeology (Yellowhorn’s [1996] *Internalist archaeology* is just one possible model).

When considered as a vein of nationalist archaeology, Indigenous peoples’ interest in participating in their cultural heritage can prompt suspicious conjecture regarding responsible uses of the past (e.g., Mason 2006; McGhee 2008; but see Colwell-Chanthaphonh et al.’s [2009] response). Heritage professionals and bureaucrats alike tend to mistake First Nations’ heritage interests as politically expedient strategies in the service of some other motive (see Apland 1993; Clarke 1998: 24, cited in Wylie 2005: 62; Lawson 1997). The smear of “politicking” on Native peoples’ moral claims to their cultural heritage, specifically in cases of repatriation, has become a blot on the record of both academic archaeology and cultural resource management (Yellowhorn 1996: 31). Sensing a threat to traditional archaeological thought, many archaeologists have tried to trump these uses and limit Indigenous access and input with universalist claims of the primacy of pan-human knowledge, which in Western scientific tradition is paramount. Among Indigenous peoples, however, priorities differ: “it is difficult to expect Indian people to sacrifice their beliefs, their last remaining resources, to satisfy the human desire for more knowledge” (Forsman 1997: 109), particularly when they have benefited so little from it.

The questions First Nations people would prefer to ask of heritage—filling in post-contact gaps in oral histories, for example, or identifying territorial associations—tend to

make archaeologists uneasy both due to a lack confidence in oral history and because of the potential for the answers to be used politically. While abuses of the record in the service of nationalism do happen, to manage such transgressions we need to be able to objectively identify “abuse.” Is disagreeing with one’s politics grounds for objection?; “Are the constructions of our own pasts or national identity more acceptable because they are ours?” (Kohl and Fawcett 1995: 5; see also Atalay 2006b: 283). The answer to these not-so-rhetorical questions seems to be *yes*.

While associations between archaeology and nationalism may be almost unavoidable, it is worth emphasizing that this relationship is “not necessarily corrupt or intrinsically suspect” (Kohl and Fawcett 1995: 3). Seen from the perspective of colonized peoples, archaeological sites “may be the only pristine resources remaining from the Aboriginal world that has not been encroached by non-Indians” (Forsman 1997: 109), and thus have special meaning for identity, sovereignty, and sense of place. It is this sovereignty that Indigenous governments, like their state counterparts, are required to uphold, even though some actions required to do so may seem unreasonable from the outside (examples of this range from the unconditional demands for repatriation and reburial of ancient human remains to the blockades and other methods used to draw attention to all manner of issues that have been ignored long enough to reach crisis points). The demands being made by Native peoples in terms of repatriation and professional involvement in heritage can be seen both as acts of identity-building cultural reclamation, *and* as assertions of political control (Nicholas and Andrews 1997: 9). These need not be considered mutually exclusive, but rather they are two sides of the same... spindle whorl.

If Aboriginal peoples have been accused of using heritage expediently to further political goals, the dominant culture should be found guilty, but even more so. Time and again, in negotiations between settler cultures and Indigenous peoples, limited control of cultural heritage has been offered up by the colonizers as a concession, a show of

“goodwill”: “it is far easier, cheaper and apparently equally soothing of tender conscience for non-Native North Americans to support Native rights in the cultural sphere than to render economic and political justice to Native people” (Trigger 1990: 779). Insofar as the archaeology of Aboriginal peoples in colonized countries tends to lack economic advantage (with a few exceptions), handing control of heritage sites and objects back to descendant communities seems less of a compromise than a token, a smokescreen behind which are hidden the less-easily conceded, economically lucrative issues on the table (a “gimme” in negotiation vernacular [e.g., Hoffman and Miller 2008]).

Ownership, Control, and the Politics of Antecedence

In North America and elsewhere, the issue of ownership of cultural heritage spans a great many divides, and carries with it the debilitating baggage of a colonial history not yet set to rights. Most are familiar with the widely recognized conundrum of the just disposition of the stolen artifacts and human remains delivered to heritage institutions since first contact.⁴ Possession of archaeological materials excavated more recently and through less nefarious means is only slightly less contentious than this, despite the comfort archaeologists take in having collected them through “appropriate” government channels. The customary failure on the part of archaeologists (and their overseers, regulatory bureaucrats) to seek permission from associated descendant communities exacerbates the tensions related to the collection and disposition of cultural materials.

Also at issue is custody of the actual sites, and the intellectual property created through contact with these sites and with Aboriginal people themselves, which may include the records of archaeological excavation, the publications deriving from them, and recorded or transcribed oral testimonies. Aboriginal peoples wishing to regain control of their cultural heritage find themselves fighting on two fronts: with governments, who claim sovereignty

⁴ I use the term “stolen” unapologetically. In most cases the institutions that house collections of Indigenous artifacts have no more legitimate claim to them than the original pilferers and grave-robbers who transplanted the materials over the last five centuries.

over landscapes on which cultural histories are written, and archaeologists, who seek to protect access to the material culture that their professional status has traditionally afforded them. The recent characterization of archaeologists and archaeological bureaucrats as “gatekeepers” (Mihesuah 2004; Zimmerman 2008: 76) accurately reflects their traditional preoccupation with restricting access to the material basis of the discipline; the maintenance of this position also underlies much of the earliest heritage protection legislation in North America and elsewhere (Ferris 2003: 158-161; also Burley 1994).

There is no good legal or moral case for Crown ownership or control of archaeological material in Canada, despite claims of underlying title (Asch 1997; Walker and Ostrove 1995; Yellowhorn 1996). Heritage was never ceded to new sovereigns, and ownership of archaeological resources cannot be transferred in any case (Walker and Ostrove 1995: 20). Canada’s alleged underlying title is derived from two concepts popular during the exploration era (ca. AD 1420—1770) that fuelled the engine of colonialism: 1) the “extinguishment through abandonment” rationale drawn from Western private property law, and 2) the progressivist narrative of race-based 19th-century evolutionism (Asch 1997; Forsman 1997; McNiven Russell 2005; and Walker and Ostrove 1995). For centuries, these two ideas justified the scooping up of everything from human burials and their contents to carrying living individuals back to the Old World as curiosities. But it is their embeddedness in contemporary legal frameworks that continues to justify state ownership of Aboriginal cultural heritage (see L. Smith 2005). Re-evaluating heritage ownership using contemporary principles of analysis based on cultural relativism would almost certainly find Crown title to cultural heritage to be legally and morally vacuous (Asch 1997: 269).

Recent developments at the local level in North America suggest that the overall legal trend concerning cultural heritage is in fact moving away from the concept of ownership and towards that of “constituencies of interest” (Ferris 2003: 174). This transformation has helped countries and bureaucracies avoid the costly exercise of responsibility that follows

from assertions of ownership by forfeiting the manifest rights and interests of their citizens to “stakeholder” groups. Crown ownership appears to dissolve only to be replaced by a kind of non-ownership in which each community (as in “business community” or “mining community”) has an equal say. In rendering First Nations communities as just one “constituency,” this overly democratized solution dilutes the voices of First Nations and belittles the unparalleled claim they have to the heritage places and objects within their territories (Atalay 2006b: 299).⁵ Contemporary Australian politics, in contrast, have managed to subvert this false equality, supporting legislation that “effectively prioritizes Indigenous claims over those of all other interested parties” (Meskell 2005: 74). The debate and litigation that preceded this legislative recognition have brought about an environment in which Australian archaeologists now accept this predominant Aboriginal control of heritage as legitimate (McNiven and Russell 2005: 5). That a multiplicity of stakeholders may be acknowledged but not granted equal status is an invaluable step toward reconciling the control over Indigenous heritage.

Modern CRM has brought the concept of ownership of archaeology to the fore in the developed world, and academic archaeology—CRM’s progenitor and the source of its working theories—has been drawn into the debate. Ownership among archaeologists has more to do with control than it does with real estate, particularly control of intellectual products. Access to and interpretation of archaeological materials and sites has long been the hallowed domain of academic archaeologists, and to their offspring CRM they passed on a tradition that privileges archaeologists and leaves First Nations on the periphery (Ferris 2003: 155—156). Involving Indigenous people in decisions about why and how research is conducted on their heritage will oblige archaeologists to release the grip they have on the direction of inquiry and its results—including, most contentiously, interpretation and dissemination of data.

⁵ The St’át’imc people of southwest British Columbia, for example, make explicit their expectation to be treated as “a nation, not an interest group” (St’át’imc Land and Resource Authority 2004: 1).

The reluctance to include Native peoples in the planning and management of their cultural heritage is not the exclusive domain of heritage professionals—the public would also like their leaders to “exercise a little restraint, please” (e.g., King 2008). While treaty-seeking state governments seem eager to begin conceding management of heritage sites at negotiating tables (rather than, as Trigger [1997] points out, more costly or complicated bargaining chips), it seems they find themselves without the full support of either archaeology or the public. The reluctance of the public and their governments to cede this kind of power is one of the great challenges of decolonization, and the positions of the dominant culture and Indigenous peoples have clear parallels in the Marxist struggle between the bourgeoisie and the proletariat (Nicholas 2008b: 4).

A quick look at opinions in Canada, as revealed by Pokotylo’s (2002) and Pokotylo and Guppy’s (1999) public awareness survey projects, gives some indication of the distance between the public and the progressive, just changes to heritage management that we must make. Canadians’ reactions to statements on Aboriginal stewardship are “generally negative,” particularly with regard to access and rights to specific sites and objects (Pokotylo and Guppy 1999: 411). They favour government custody of materials over Aboriginal control of them (about 80%), despite overwhelming misconceptions about the size and depth of the archaeological record (less than 3% have an idea of the number of recorded sites and almost 80% are mistaken about length of human antiquity here) (Pokotylo 2002). They support Aboriginal involvement in archaeology (more than 96%) if it does not involve relinquishing control over sites (even Aboriginal ones), to which only about 20% would agree (Pokotylo 2002: 111). While about 74% of survey respondents recognized archaeology as an issue in Aboriginal land claims, the fact that less than 2% of respondents said stewardship and repatriation were issues indicates a surprising lack of awareness about the relationship with their pasts that Aboriginal people are being denied.

Control of various aspects of archaeology—of the political processes that guide its protection, or of the designs and methods used in its execution—determines who benefits from the practices. The redistribution of control is such a critical aspect of decolonization because it necessarily affects the flow of other benefits of archaeological research and management. *Political benefits* secured by First Nations might include, for instance, the establishment of a legitimate oversight role that allows for monitoring of territory-wide development, or the increased leverage to be gained with the use of archaeological data in land claims negotiations. *Economic benefits*, a pressing issue to First Nations communities that archaeologists often dismiss as profane in the context of heritage (suggesting a certain level of denial of their own gains made from the resource), are addressed in many of these policies and protocols through staffing requirements or management of consulting contracts. The *cultural benefits* derived from reclaiming control over Indigenous histories are earned by Nations whom, through improved communication, are reasserting their places as central repositories for the material and intellectual products of archaeology's study of their ancestor's lives. *Educational benefits* are realized among First Nations members who are introduced, through the provisions of their community policies, to the fields of heritage research and management in a way that opens up potential academic (and subsequent job) options.

Archaeology and Decolonization

The political and historical baggage that archaeology carries makes it, in some ways, the perfect vehicle through which to support decolonization and begin the reclamation of identity and sovereignty. The Indigenous desire to participate in the research and management of their heritage is at least partly in response to the colonization of the body, the intellect, and the spirit (Atalay 2006b: 284). In Canada, these sentiments were solidified in part from reaction to a 1969 White Paper encouraging assimilation, which proposed the elimination of Native status but led instead

to Aboriginal people “defining and asserting themselves at broader levels of collective identity and governance” (Schaepe 2007: 235). Indigenous activism is combining with postmodern and postprocessual thought to produce a whole new range of outlooks (Atalay 2006a; see also Nicholas 2006; Trigger 1990), forcing archaeology as a discipline to consider how to follow through with decolonization.

The idea of working with Indigenous people unnerves some archaeologists (e.g., McGhee 2008), while others embrace these opportunities with optimism and a spirit of discovery (e.g., Lyons 2007). Heritage and cultural professionals are asking themselves how best to proceed with the decolonization effort—and the answers, writes Lyons (2007: 62) can be found in Indigenous communities themselves. Consultation and collaboration with First Nations groups has been a useful starting point, and will necessarily help establish goodwill, but the “real change will only occur through Aboriginal initiatives” (Nicholas 2006: 362). Decolonization first requires “recognition of Indigenous peoples’ rights to protect cultural and intellectual property and to share knowledge on their own terms” (Smith and Jackson 2006: 341), and an abandonment of the near-exclusive control Western science has maintained around the acquisition of knowledge. Equalizing power relations between Indigenous peoples and the social scientists whose fields of study are based on them is an all-encompassing task that should be at the centre of decolonization in general, and of archaeology in particular.

While this equity might be achieved in a number of ways, one obvious path to decolonizing archaeology begins with dissolving the destructive dichotomous classifications that tend to emphasize differences and minimize similarities (arbitrary divisions of “prehistoric” and “historic” eras, for example) (Nicholas 2007c: 276). Another might be a renewed emphasis on the intrinsic values of cultural heritage, while yet other goals may be to establish a place for oral history, or to recognize convergence of the intangible and the tangible under the rubric of cultural heritage (Nicholas 2007c). This latter idea leads to one

particularly contentious aspect of archaeology that might be ameliorated in our effort to move into the postcolonial era: that of cultural-natural divide. The Australian Institutes of Aboriginal Studies' Sites of Significance Committee warns of the "inadvisability of treating aboriginal attitudes towards land and sites as a concern centred only on individual spot localities rather than as complex and interrelated elements of a culturally significant landscape" (Ritchie 1994: 237; also Boyd et al. 2005). While the integration of sites across a region may be problematic for state-based planning, for real estate, or for land claims settlements, for archaeology it is a small enough step with potentially huge rewards. It is up to heritage professionals to begin the reformation of such cognitive tools that can help Indigenous peoples fortify their connection to their cultural heritage.

So how is this decolonization to be accomplished? Can pursuing some of the avenues discussed above be effective enough to facilitate the return of the "repressed other"? Or need we be asking "whether this return can be legitimately accomplished through the tools of traditional historiography" (Windshuttle 1997: 35)? Is the *modus* of Western science in general, and archaeology in particular, "so hopelessly compromised" by imperialism (Windshuttle 1997: 35) that it cannot be used in the new, Indigenized archaeology? Compromised yes, hopeless, no. There remains a good deal to be done using archaeology's unique set of tools, both theoretical and methodological. The adoption and manipulation of these tools by Indigenous peoples (and their allies) in the form of Indigenous archaeology exemplifies the potential for the discipline to adapt and grow to accommodate different kinds of inquiry and the needs of additional publics.

Indigenous Archaeologies

The development, by the late 1990s, of a brand of archaeology being conducted "with, for, and by Indigenous peoples" (Nicholas and Andrews 1997: 3) was one indication that the effects of worldwide Indigenous rights movements were finally being distilled into real change. It represents a major turning point in the decolonization of science, where the

discipline of archaeology began to intersect with “Indigenous values, knowledge, practices, ethics, and sensibilities” (Nicholas 2008a: 1660), and began to acknowledge the special relationship that Indigenous peoples have with their heritage. This newly inaugurated Indigenous archaeology diverged from the traditional goals of Western archaeology in that it sought to (from Nicholas 2008a: 1660):

- 1) make archaeology more representative of, responsible to, and relevant for Indigenous communities;
- 2) redress real and perceived inequalities in the practice of archaeology; and
- 3) inform and broaden the understanding and interpretation of the archaeological record through the incorporation of Aboriginal worldviews, histories, and science.

The variety of approaches to Indigenous archaeologies is as great as the variety of experiences Native peoples have had with the uses and abuses of their heritage, and its theory and practice are “unavoidably pluralistic, contingent, and emergent” (Lyons 2007: 7). This absence of specific parameters by which to circumscribe Indigenous archaeology provides a meaningful contrast “with the preciseness of Western science and philosophy” (Nicholas 2008a: 1660) that Aboriginal people have found so alienating. The spectrum ranges from Indigenous peoples being merely consulted about archaeological research on the terms of non-Native researchers to instances of Native-designed and directed exploration of their own heritage (e.g., Million 2005). Worldwide recognition of Aboriginal rights combined with the explosion of development-related CRM archaeology has been the necessary impetus to get many Aboriginal organizations involved in translating their archaeological values into heritage management plans that supplant the colonial *status quo*.

Two things that are becoming clear as Indigenous archaeology unfolds highlight some of the similarities and differences between Indigenous and non-Indigenous perspectives. First, most Indigenous archaeologies see archaeology as only one part of the cultural resources spectrum (Anyon 1991; Schaepe 2007: 248). Spiritual, traditional use, linguistic, and historical studies are expanding the scope of heritage research and

management, just as anthropology's four-field approach has done for archaeology. In both traditions, "intellectual and material aspects of these cultural practices are nearly impossible to separate and an attempt to do so threatens or undermines the practices themselves" (Smith and Jackson 2006: 312). Second, where archaeology and Indigenous archaeology diverge is on the issue of human remains, a subject so fraught with tension Yellowhorn calls it the "lightening rod" of Indigenous relations with non-Indigenous peoples (1996: 32). Human remains, even very ancient ones, are not the same as other kinds of cultural resources, and their use and disposition should not be subject to the same regulations or negotiations that surround archaeological or even spiritual sites (Lippert 1997: 126; Yellowhorn 1996: 32-35). Interment is not equivalent to relinquishing either the individual or goods, and Native peoples, not the Crown, should hold residual rights to burials (Yellowhorn 1996: 35).¹ Through colonialist reasoning, physical anthropology has had a peerless authority over human remains that has been difficult to forfeit, and remains a significant obstacle in the decolonizing process (see Zimmerman 1996, Thomas 2000, and Owsley and Jantz 2001 on the Kennewick Man controversies; and Goldstein and Kintigh 1990 and commentary on the implications of the Native American Graves Protection and Repatriation Act [NAGPRA]).

It is becoming clear that the new directions in which Indigenous peoples are interested in going with investigations of their heritage are not necessarily new, or contrary to archaeology's primary goals (even where human remains are concerned—see the Stó:lō Nation's heritage policy [2003]). Many Indigenous groups, for example, are supportive of constructing local culture histories, but prefer taxonomies that reflect local terminologies and geographies over antiquated generics (e.g., Archaic, Woodland, Early, Late) (Yellowhorn 2006: 199). Questions about "religion, ethnic identity, gender biases, and worldview" (Trigger 1997: vii; also Ferris 2003: 174) are becoming less postprocessual and more mainstream as archaeology includes the interests of descendant communities and others. These kinds of changes suggest Indigenous archaeology should not be seen as exclusive to Indigenous peoples (Atalay 2006b: 293-294; Million 2005: 50). It has wide relevance outside Indigenous

communities (Atalay 2006b), where postcolonial methodology is wanting in quantity and quality. Indigenous archaeology provides non-Native peoples with a tool by which they may aid in the larger project of decolonization and reclamation of minority rights and identities.

The Practice of Stewardship

“The bulk of all land relations hinges on investments of time, forethought, skill, and faith rather than on investments of cash. As a land-user thinketh, so is he.” (Leopold 1949: 225)

The idea of stewardship as careful and responsible oversight, generally in the interest of long-term sustainability, seems an ideal fit for the accountability expected of archaeologists and assumed by First Nations people during decolonisation. Stewardship’s capacity—compared with “management” or “ownership”—to engage moral reasoning and promote ethical conduct make it an important aspect of the reform of heritage governance. Distinct from “obligation” or “management” or “possession” or even “responsibility,” the depth of meaning of stewardship exceeds others that describe our relationship with the world.

Stewardship’s major elements reflect its substantive moral sway. Richard Worrel and Michael Appleby (2000: 267) settle on five fundamentals of stewardship, which differentiate it from other kinds of approaches to the material world:

- 1) *ethics and good* – emphasis on absolute rather than relative good;
- 2) *values* – intrinsic value of the object of stewardship, beyond significance to humans;
- 3) *scope of moral consideration and community* – scale of responsibilities larger than individuals; interpreting needs of other groups;
- 4) *earth-centred approach* – potentially competing with people-centred views; and
- 5) *dominion* – secular versus religious rationale

Stewardship can be a functional bridge between a sense of responsibility and the call to action, as environmentalists have found in their pioneering work through the 20th century (e.g., Leopold 1949). The stewardship concept relies on ethical and moral principles (rather than legal ones), which guide stewards as they reach decisions on how best to manage,

exploit, or preserve one resource or the world as a whole. The development of an ethic of responsibility is fundamental to the utility of the stewardship concept. The transmission of a cultural ethic to a professional one has resulted in the flourishing of statements and codes pertaining to ethical action in archaeology and anthropology (see Table 1, below).⁶

Archaeologists' role as stewards of and advocates for cultural heritage is first a moral position, though it is reified professionally—through codes of conduct and ethics, for example—and also legally in federal, state, provincial, and territorial jurisdictions where it is defined and abetted by law (Ferris 2003:156). Archaeologists' position as the gatekeepers of heritage stems from their claims to a “distinctly rational” panhuman interest in scientifically derived knowledge, which transcends localized interests (Wylie 2005: 61). This association with science “implicitly situates archaeologists on higher moral ground,” (Ferris 2003: 165) adding a nearly bulletproof veneer to their access and custody of cultural heritage.⁷

Heritage conservation as stewardship seems to be a modern Western ethic, one that has risen in prominence in wealthy, industrialized nations as most of the sites and objects that describe our own histories are destroyed (Thorley 2002:112). This paternalistic stance suggests that “care” of Aboriginal heritage through state-level preservation should be undertaken “for the sake of the Natives,” since they are not able or not willing to, and since having frittered away our own heritage we should not now sit idly by. In this view, choices made by Aboriginal groups to allow the degradation (e.g., *Ahayu:ta* figures of the Zuni⁸ [Ladd 2001]) or ongoing use (e.g., the exchange and sale of artifacts by the Arrernte of Australia [Thorley 2002: 117]) of cultural materials strikes most archaeologists as profane.

⁶ For a review of ethical issues in archaeology, see Colwell-Chanthaphonh and Ferguson (2006), Harding (1999), L.T. Smith (2005), Watkins (2005), Wylie (2003 and 2005), and other contributions to Zimmerman et al. (2003).

⁷ This is an issue not limited to archaeology but common to many researchers of medicine, human health, and human remains. See Paradise and Andrews (1997) for a review of the issues endemic to biohistorical studies.

⁸ The *Ahayu:ta*, also known as the Zuni twin war gods, are considered artifacts by archaeologists but as sacred fetishes by Zuni people. Zuni tradition requires they be left exposed to the elements, conflicting with archaeologists' standard collect-and-preserve mandate.

Competing Modes of Archaeological Stewardship

Western scientific and Indigenous modes of stewardship usually diverge in philosophy and application, though they do share some characteristics. Scientific stewardship—that which is practiced by archaeologists, and forms the basis of many professional codes of ethics—oversees the cultural heritage of “all peoples” for posterity, whereas Indigenous stewardship favours the relationship of a living heritage to contemporary and future people (Smith and Burke 2003: 185).⁹ Both modes are backed by a genuine desire to protect the integrity of the stories from the past, and by a belief in their value. But ask why that integrity should be protected (for respect? for future research?) and what their value is (a family memorial? a potential data source?), and the differences become clear.

Stewardship ideals derived from scientific tradition are foundational to both the Society for American Archaeology (SAA) *Code of Ethics* (1995) and the Canadian Archaeological Association (CAA) *Principles of Ethical Conduct* (1999), in which stewardship is deployed as a synonym for conservation and a reiteration of archaeology’s public-trustee position (Table 1 summarizes stewardship content in some professional organizations).¹⁰ Indigenous peoples and others recognize a familiar colonialism in a “stewardship” that expresses itself as control, making these codes the subject of debate (e.g., Atalay 2006b: 299; Smith and Burke 2003: 193; Wylie 2005). Scientific stewardship supports the imperative of research over individual or community welfare (L.T. Smith 2005: 99), though there is no cause to award archaeologists stewardship based solely on the powers of universalizing (Wylie 2005: 65). Stewardship, as represented in the codes, “privileges a completely different ethical a standpoint than a principle that privileges the survival of Indigenous cultures” (Smith and Burke 2003: 178). This helps archaeologists evade accountability to groups in the present in pursuit of a stewardship that favours future generations (Smith and Burke 2003).

⁹ While seldom explicit in the scientific tradition, both kinds of approach also consider control over publication and dissemination of archaeological data to be stewardship (Smith and Jackson 2006: 329-336).

¹⁰ This is contrasted by the World Archaeological Congress’ (1990) *Code of Ethics*, all eight principles and seven rules of which are oriented around the obligations that members have to Indigenous peoples.

Table 1. Summary of stewardship-related content in codes of selected professional heritage associations

Organization	Document	Tenets Relating to Stewardship
American Anthropological Association	Code of Ethics (1998)	<ul style="list-style-type: none"> • moral obligations to family, religion, community, profession, the scholarly discipline, wider society and culture, the human species, other species, and the environment
Archaeological Institute of America	Code of Professional Standards (2008)	<ul style="list-style-type: none"> • "primary stewards of the archaeological record" • record is "the heritage of all people" • responsibilities to the archaeological record, to the public, to colleagues, to the discipline
Australian Archaeological Association	Code of Ethics (2004)	<ul style="list-style-type: none"> • principles relating to the archaeological record, to Indigenous archaeology, and to conduct • advocate the conservation, curation and preservation of archaeological sites, assemblages, collections and archival records; endeavour to ensure that sites and materials are managed in a manner which conserves their archaeological and cultural heritage values
Australian International Council on Monuments and Sites (ICOMOS)	Burra Charter (1999)	<ul style="list-style-type: none"> • places of cultural significance must be conserved for present and future generations; should be safeguarded and not put at risk or left in a vulnerable state
British Columbia Association of Professional Archaeologists	Code of Ethics (nd)	<ul style="list-style-type: none"> • record is of importance to all people • responsibilities to archaeological record, to the public, to cultural groups, to the discipline, to other archaeologists and to clients
Canadian Archaeological Association	Principles of Ethical Conduct (1999)	<ul style="list-style-type: none"> • stewardship involves having care for and promoting the conservation of the archaeological record • access to knowledge from the past is an essential part of the heritage of everyone
European Association of Archaeologists	Code of Practice (1997)	<ul style="list-style-type: none"> • archaeological record is the heritage of all humankind; archaeology done for the benefit of society as a whole • archaeologists are the interpreters and stewards of that heritage on behalf of their fellow men and women
Institute of Field Archaeologists	Code of conduct (2008)	<ul style="list-style-type: none"> • responsibility for the conservation of the historic environment, for study and enjoyment now and in the future • fuller understanding of our past provided by archaeology is part of society's common heritage and it should be available to everyone.
International Council on Monuments and Sites (ICOMOS)	Ethical Commitment Statement for Members (2002)	<ul style="list-style-type: none"> • conservation is the responsibility and privilege of current generations as well as the privilege and right of future generations • fundamental obligation to advocate the conservation of monuments, sites and places so that their cultural significance is retained as reliable evidence of the past
Register of Professional Archaeologists	Code of Conduct (nd)	<ul style="list-style-type: none"> • privilege of professional practice requires professional morality and professional responsibility, as well as professional competence
Society for American Archaeology	Code of Ethics (1995)	<ul style="list-style-type: none"> • principle no. 1: stewardship <ul style="list-style-type: none"> -responsibility to work for long-term conservation and protection by practicing and promoting stewardship -stewards are both caretakers of and advocates for the archaeological record for the benefit of all people; should use specialized knowledge to promote understanding and support • principle no. 5: intellectual property <ul style="list-style-type: none"> Intellectual property is part of the archaeological record, and should be treated in accord with the principles of stewardship

General trends in contemporary North American archaeology reflect the stewardship role assumed by the state and performed by its archaeologists (ostensibly independent contractors acting on behalf of the state). These tendencies—the insistence of ever-better credentials, archaeologists becoming mediators for development, and increasingly limited public access to archaeological information (Ferris 2003: 160)—effectively erect what economists know as “barriers to entry.” These tactics help to secure one’s position by proclaiming it ever more specialized, and are usually accompanied by trade union membership (with clear parallels to the flourishing of professional registries and associations in archaeology since the 1980s). All have served superbly to cement archaeologists’ privileges while squeezing out alternative stewardship models.

Indigenous interests in heritage may be neglected by the current philosophies of dominant cultures, but their “pre-eminent moral right” to be its custodians is inalienable and timeless (Trigger 1997: xi). Aboriginal peoples have a relationship with the archaeological past that persists despite archaeologists’ ambiguity concerning cultural continuity and sophistication, and this connection engenders “special rights, interests and responsibilities in the conservation, management and development of their heritage” (Yellowhorn 1996: 39; also Ormond Parker 2005; Smith and Jackson 2006: 312; Trigger 1997: xi-xii). Indigenous stewardship may be best ascribed on basis of cultural patrimony, by which historical or traditional continuity (rather than linear descent) forms the basis for custody (Meskell 2002: 291). Where Western historiography favours discontinuities, however, Indigenous peoples are often at pains to prove the cultural succession of archaeological materials. We must not underestimate the success of colonizers and their Enlightenment-era epistemologies in obscuring cultural descent, minimizing ethnic diversity, and fashioning a history that started with the singular accomplishments of Europeans. These imperialist manipulations (to return to Trigger [1983]) have caused a great deal of trouble with Aboriginal people’s access to their past, and continue to complicate the path to equitable stewardship. Recognition of the

significance of cultural patrimony can shift the focus of heritage from the salience of the archaeological record to onto living people, thereby initiating reconciliation (Meskell 2002).

Stewardship, Science, and Management

The relationship between stewardship, science, and resource management is best understood where the three come together under the auspices of the state. The role of government as “steward” of Crown land, and the heritage sites and objects contained therein, is expressed in once-colonial countries through a resource management paradigm. Archaeologists “serve the state by managing archaeology and by assisting in balancing protection with other needs” (Ferris 2003:156)—needs that often play a bigger role in heritage management decisions than does the character of the site itself (Creamer 1990).¹¹ Heritage management in industrialized countries primarily takes the form of facilitating development through regulatory compliance, which has spawned a management culture that acts, on behalf of government, to implement only the reactive aspects of legislation.

Western management systems, dependent on the scientific method and other products of academia, impose non-natural systems on resource use in an effort to quantify the costs and benefits of both exploitation and preservation (Michel and Gayton 2002: 83). “Secular science-based perspectives tend to prevail amongst agency-level professionals”, write Richard Worrel and Michael Appleby (2000: 272), a standpoint that limits what other kinds of input are considered “data,” and also informs policy-making. While managers begin with science, they “go on to look at other criteria, such as jobs, community sustainability, votes and so on” (Michel and Gayton 2002: 84). That is, management also manages for so-called “external” factors that arise mainly from post-colonial global-capitalism.

¹¹ That is, even sites considered “highly significant”—due to age, type or cultural affiliation—by both archaeologists and First Nations are not necessarily protected where greater societal “good” is the goal. Southwest British Columbia’s Gateway projects, for example, are set to destroy hundreds of archaeological sites adjacent to the Fraser River from the city of Langley westward to the river’s mouth in Vancouver and Richmond (Nagel 2008). The benefits of these new roadways—and the potential loss of votes by settler-culture motorists stuck in traffic if they are not built—have been judged by managers to outweigh the advantages of preserving ancient history.

Stewardship differs from management in a few key ways, which are summarized in Table 2. Stewardship promotes responsibility to a wider group of people, including past and future generations, and those contemporary groups with a non-exploitative interest in the resource. In contrast, managers tend to administer the resource with its exploitation in mind, considering how value can best be extracted at the least cost. The implicit permission—indeed, expectation—for stewards to consider interests other than economic ones gives manager-stewards an explicit mandate both to deliver public benefits, and to accept public oversight (Worrel and Appleby 2000: 273). Stewardship makes protection “an integral part of management activity, rather than being something essentially separate” (Worrel and Appleby 2000: 274). Stewardship has an explicitly ethical character that, once consecrated as a permissible mode of oversight, can be a powerful basis from which to challenge other kinds of management (Worrel and Appleby 2000: 266). In adopting the role of steward, a manager can appeal to community and individual interests from a moral ground not immediately accessible to other kinds of administrators. In the right circumstances, this “can be a powerful motivating force,” (Worrel and Appleby 2000: 274) as when stewardship is used interchangeably with sustainable management (while not altogether accurate, this conflation of terms has some benefits in the motivation of ethical behaviour).

Because stewardship is a more inclusive concept than is management, the possibility of conflict is greater when it is invoked (Worrel and Appleby 2000: 266). Nonetheless, the Indigenous notion of heritage as cultural property is at odds with a Western management ethos that purports to pursue unbiased policy with objective methods (Thorley 2002:110). In order to be effective, stewardship of heritage places and objects must be pointedly personal, culturally oriented, and reflect real-world interests, even if they are subjectively expressed. Our own individual experiences watching a rapidly changing world can and does help frame the sense of loss of tangible links to the past in personal terms for “ethnic groups, nations and humanity” (Lipe 1984: 1), which has the potential to make stewardship a meaningful ethic for many. On the other hand, a unilateral declaration of stewardship that embraces its

religious pedigree, and implies ownership rather than oversight, duty as opposed to privilege, may only serve to isolate other interests (Worrel and Appleby 2000; Wylie 2005).

Table 2. Comparison of stewardship and management as alternative modes of administration

Management	Stewardship
<ul style="list-style-type: none"> • meets needs of those exploiting/profitting from resource (exclusive) • benefits restricted to those with capital interests • limits oversight to government, information to others often restricted • protection of resource handled/enforced by separate entities • explicitly economic premise, motivated by individual gain • less potential for conflict (due to limited number of parties, restricted information) 	<ul style="list-style-type: none"> • promotes responsibility to past and future generations, and parties with non-economic interests (inclusive) • delivers public benefits • accepts public oversight • protection integrated into planning • explicitly ethical premise, moral motivation, personal terms • potential for greater conflict (due to inclusion of many perspectives, emotional level of discourse)

Resolving the Conflicts

“If we who are most concerned about this problem do not take the lead, we certainly cannot expect less immediately involved segments of society to do so.” (Lipe 1974: 214)

Is there a middle ground between scientific and Indigenous stewardship, between archaeology for the public trust and archaeology for communities that incorporates those aspects of heritage management most valued by First Nations and archaeologists? My sense is yes. While most current examples from British Columbia can be found in the relationships being built between universities and Indigenous communities (e.g., the SFU-SCES partnership in Kamloops, or the Musqueam First Nation-University of British Columbia fieldschools in Vancouver), other kinds of collaboration (e.g., Council of Haida Nations co-management agreement with Parks Canada on Haida Gwaii) and those of smaller scale (e.g., Memorandum of Understanding between the Hul’qumi’num Treaty Group of the Gulf of Georgia and the province’s Archaeology Branch) are having some success.

Archaeology’s first steps towards accommodation of descendant communities have occurred despite a “conflict of values in which the representatives of competing cultures hold

radically differing views of resources definition, ownership, significance and use” (Winter 1980: 124, cited in Watkins 2003a: 130). This characterization presupposes that an Indigenous perspective is fundamentally at odds with an archaeological one, rather than considering more nuanced arguments by which archaeology loses little scholarship and gains a great deal in goodwill and alliance-building (Wylie 2003) by relinquishing what amounts to an *absurdly* small amount of control.

While stewardship of heritage resources has been considered a “gimme” at negotiating tables, and giving First Nations a say in heritage “may seem self-evident and easily resolved,” the state rather than archaeologists is more likely to implement that shift (Ferris 2003: 168). This is not only probable, but desirable: the state’s affirmation of fiduciary responsibility—in the case of Aboriginal peoples, the protection of sovereign interests and rights—is crucial to sharing control of heritage with First Nations (Ferris 2003: 169). While we can anticipate that change will be thrust upon us by governments looking to resolve iniquities with Aboriginal people, archaeologists will still be reluctant to hand over power unless and until they come to truly trust Indigenous modes of stewardship. And our standards for this trust are *impossibly* high (e.g., Bonnicksen et al. 1995). Indigenous stewardship regimes are often vetted more closely and questioned more rigorously than those of most other practicing archaeologists (should they even have articulated one), as Native peoples are forced once again to prove their capacity to act. The differences between Indigenous approaches to heritage research and management and those of traditional archaeology, combined with the heterogeneity of Indigenous people exercising stewardship, are difficult for order-centric archaeologists to embrace. However, given the very few examples of Indigenous-led heritage endeavours that truly vary from archaeologists’ preferences (most do as they do), archaeology’s collective discomfort with power sharing may be short lived.

The greater balance achieved by archaeology’s burgeoning inclusiveness can and is helping to steer us away from the “resource management model,” with its implied goal of

exploitation for profit, and toward a greater valuing of cultural heritage as a legacy, a collective inheritance (Yellowhorn 1996: 42). Archaeologists who do work in good faith with First Nations can be said to represent the emergence of this new “cultural resources *stewardship* paradigm” (Stapp and Longenecker 2005: 176, emphasis added), and such professionals are learning how living communities’ interests fit into archaeology.¹² In turn, Indigenous communities are gaining experience in the strategic manipulation of accepted ideas of management and responsibility to accommodate their needs and goals (e.g., the Squamish Nation of southwest British Columbia’s use of the Land Use Plan format favoured by the provincial government to level the bureaucratic playing field [Rudy Reimer, pers. comm. February 2007]). Heritage professionals are best situated to provide Indigenous governments with the opportunity to take on stewardship duties now, before such changes are brought to the discipline by top-down legislative or judicial means (Watkins 2003a: 133). Fulfilment by descendant communities of the “spirit of cultural preservation regulations rather than the letter of such regulations” (Watkins 2003a: 133) may allow Indigenous stewardship to take shape within or parallel to publicly mandated archaeology.

The advantages of an Indigenous heritage stewardship model are far reaching, spanning a spectrum that may begin with the employment of a single Aboriginal archaeologist and end in the decolonization of some aspects of the discipline. In between, it may provide Aboriginal communities with the opportunity to quietly assert rights over cultural property, and to help instil—in archaeologists and in the public—heritage values that will help shape future interactions (Creamer 1990). Shared stewardship of heritage resources can diffuse the tension between Western “need-to-know” management strategies and the cultural premium put on knowledge by many Aboriginal peoples—where, for example, secrecy

¹² One positive result from the much-maligned NAGPRA legislation has been increased communication and understanding between Native Americans and archaeologists, and both prejudices and defences are dropping as many are now going voluntarily beyond the minimally established requisites of practice (Watkins 2003a: 135).

prevents disclosures about sacred sites, Aboriginal managers would be in a better position to mitigate potential impacts with minimum infringement on rights and values (Creamer 1990).

Further, active stewardship of sacred places and archaeological sites satisfies the Western concept that rights can be achieved and maintained through active use, helping to convince archaeologists, the public and the state that Indigenous people are more than suitable stewards of heritage places and objects. One difficulty here is how to achieve this change of opinion while avoiding potential patronizing aspects of advocating for Indigenous capacity in the third person, or of pushing Western rationalization on Indigenous action. Many Indigenous peoples are interested in practicing their kind of stewardship *regardless* of how archaeologists and the public perceive it. In the long-term interests of the discipline, of public education, and of broader social change, all parties with potential influence over heritage research, management, and legislation ought to be able to appreciate the functionality of Indigenous heritage stewardship.

Aboriginal Rights and the Rights to Heritage

Political struggles over the past are first and foremost ideological.” (McGuire 2008: 235)

Worldwide, the fight for recognition of Aboriginal rights is beginning to come to fruition. Nations are starting to take responsibility for failing Indigenous peoples in colonial contexts, and—often at the behest of the highest courts—are now affirming and protecting a broad spectrum of Aboriginal rights. The judicial and legislative recognition of these rights, a great many of which relate to aspects of cultural heritage, has meant that the momentum gained over the last several decades of Indigenous activism is beginning to be backed by constitutional and legal force. This has led to some progressive developments in the access to, and protection and management of, Aboriginal cultural heritage (and such attendant issues as intellectual property rights), which are seen as a particularly important suite of cultural prerogatives (Creamer 1990; Sillar 2005; Smith and Burke 2007; Thorley 2002).

Here at the turn of the 21st century, states' relationships with First Nations—a precariously balanced load of historical entanglements, stopgap measures, fiduciary evasion, and race-based policy (see Asch 1997)—are being positively influenced by these global and local responses to Indigenous rights. Commitment to this change among First, Second and Third World nations differs according to national priorities but is generally expressed by some mix of historical restitution, acknowledgement of just claims, and recognition of Aboriginal rights.

The United Nations' (UN) work on the rights of Aboriginal peoples provides a good example of the kind of sentiment borne of the global Aboriginal rights movement. In 2002, the United Nations Economic and Social Council's Permanent Forum for Indigenous Issues (UNPFII) called for the recognition of Aboriginal rights and interests in cultural property (Ormond Parker 2005: 129). This was a response to decades—in some cases a century or more—of activism that culminated in the politically tumultuous 1990s, in which Native rights, status, and issues took a prominent role worldwide, and state and international bodies were obliged to redefine their relationships with Indigenous peoples and their heritage (Nicholas and Andrews 1997: 1-2; also McNiven and Russell 2005). The UN's principles and guidelines for the *Protection of the Heritage of Indigenous Peoples* (United Nations 1995), though not legally enforceable, brought to light some of the ethical issues that settler states tended to encounter when managing their interests and those of Indigenous populations.

The much more comprehensive *Declaration on the Rights of Indigenous Peoples* (United Nations 2007), adopted in 2007 after more than 20 years' effort by Indigenous groups working within the UN (United Nations 2009), presents a view of heritage very closely linked to the maintenance of culture.¹³ Articles 12 (the right to maintain and access, in privacy, religious and cultural sites) and 13 (the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems

¹³ Passed in the General Assembly by a vote of 144 to 4 (with 11 abstentions), the Declaration caused discomfort among the industrialized nations with unresolved domestic colonial issues: the four dissenting nations were Canada, the United States, Australia, and New Zealand (UN 2009). These are countries in which land claims, restitution negotiations, and other demands to restore Indigenous rights are a continuing challenge.

and literatures) are most directly pertinent to heritage stewardship. Section 2 of Article 13, along with the more general themes of Section 5 (UN 2007), have great significance for implementing heritage stewardship strategies within national frameworks:

Section 2, Article 13: States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings; and

Section 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

It would be remiss, however, to overstate the practical significance of the Declaration. Although its pedigree carries with it some measure of authority, it lacks legal enforcement under national laws that do not recognize collective rights (Ormond Parker 2005: 131). Many settler governments have difficulty conceding to the “self-determination” theme of the document, and see any compromises on this level as injurious to national sovereignty. Despite Canada’s lack of support for the Declaration, Aboriginal rights in this country are inalienable, *sui generis*, enshrined in the 1982 Constitution, and solidified by the 1997 *Delgamuukw* decision (Ferris 2003: 169; see also Culhane 1998). The determination of Indigenous rights and the rights to heritage on a global scale has helped foster a rights-based case for control over heritage that is emanating from domestic legal environments and influencing the practices of archaeology and heritage management.

In many countries (including Canada) Aboriginal activism, the evolution of professional ethics, and the local efforts of individuals are combining with global rights recognition to enact change from the bottom up. One expression of this is professional heritage organizations’ concern with the special ways in which Aboriginal peoples’ interests should be considered in the course of research and management activities. Table 3 summarizes the content of prominent professional codes of ethics and conduct that reflect this growing awareness of Indigenous peoples’ stake in their own cultural heritage.

Table 3. Summary of content relating to Aboriginal peoples in codes of professional heritage associations

Organization	Document	Tenets Relating to Aboriginal Peoples
Archaeological Institute of America	Code of Professional Standards (2008)	<ul style="list-style-type: none"> • community consultation, respect for local norms • Seek mutually acceptable accommodation with people who claim descent from cultures of the past
Australian Archaeological Association	Code of Ethics (2004)	<ul style="list-style-type: none"> • acknowledge the importance of cultural heritage to Indigenous communities • acknowledge the special importance to Indigenous peoples of ancestral remains and objects and sites associated with such remains; treat such remains with respect • acknowledge Indigenous approaches to the interpretation of cultural heritage and to its conservation • negotiate equitable agreements between archaeologists and the Indigenous communities whose cultural heritage is being investigated
Australian ICOMOS	Burra Charter (1999)	<ul style="list-style-type: none"> • provisions for those for whom a cultural place has special meaning
British Columbia Association of Professional Consulting Archaeologists	Code of Ethics (nd)	<ul style="list-style-type: none"> • recognize that First Nations have an interest in the protection and management of the Aboriginal archaeological record, and its interpretations and presentation • identify First Nations that have an interest in an area; inform them that field work is planned; recognize and make an effort to follow archaeological protocols; policies, and permit systems established by First Nations; respect First Nations protocols governing the investigation; removal, curation and reburial of human remains
Canadian Archaeological Association	Principles of Ethical Conduct (1999)	<ul style="list-style-type: none"> • recognize that the heritage of Aboriginal peoples constitutes the greater part of the Canadian archaeological record • comply with all legislation and local protocols with Aboriginal Peoples
	Principles of Ethical Conduct Pertaining to Aboriginal Peoples (1997)	<ul style="list-style-type: none"> • consultation: recognize the cultural and spiritual links between Aboriginal peoples and the archaeological record; acknowledge a fundamental interest in archaeological record; recognize and respect the role of Aboriginal communities in matters relating to their heritage; negotiate and respect protocols relating to the conduct of archaeological activities • aboriginal Involvement: encourage partnerships with Aboriginal communities; support formal training; support the recruitment of Aboriginal people as professional archaeologists • sacred sites and places: recognize and respect the spiritual bond that exists between Aboriginal peoples and special places and features on the landscape; acknowledge the cultural significance of human remains and associated objects; respect protocols governing the investigation, removal, curation and reburial of human remains and associated objects • communication and interpretation: respect the cultural significance of oral history and traditional knowledge in the interpretation and presentation of the archaeological record; communicate the results of archaeological investigations
Institute of Field Archaeologists	Code of conduct (2008)	<ul style="list-style-type: none"> • take account of the legitimate concerns of groups whose material past may be the subject of archaeological investigation
ICOMOS	Ethical Commitment Statement for Members (2002)	<ul style="list-style-type: none"> • promoting community involvement in conservation processes, through collaborating with people or communities associated with the monument, site or place and recognising, respecting and encouraging the co-existence of diverse cultural values
Register of Professional Archaeologists	Code of Conduct (nd)	<ul style="list-style-type: none"> • be sensitive to, and respect the legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations
Society for American	Code of Ethics (1995)	<ul style="list-style-type: none"> • principle no. 2: accountability

Organization	Document	Tenets Relating to Aboriginal Peoples
Archaeology		-acknowledgment of public accountability and a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved
World Archaeological Congress	First Code of Ethics (1990)	<p>members have obligations to Indigenous peoples and shall acknowledge that:</p> <ul style="list-style-type: none"> • the importance of indigenous cultural heritage to the survival of indigenous cultures • the importance of protecting indigenous cultural heritage to the well-being of indigenous peoples • the special importance of indigenous ancestral human remains • the important relationship between indigenous peoples and their cultural heritage exists irrespective of legal ownership • the indigenous cultural heritage rightfully belongs to the indigenous descendants of that heritage • Indigenous methodologies for interpreting, curating, managing and protecting indigenous cultural heritage • establish equitable partnerships and relationships with indigenous peoples whose cultural heritage is being investigated • seek, whenever possible, representation of indigenous peoples in agencies funding or authorizing research to be certain their view is considered as critically important in setting research standards, questions, priorities and goals <p>rules: members shall:</p> <ul style="list-style-type: none"> • seek to define the indigenous peoples whose cultural heritage is the subject of investigation • negotiate with and obtain the informed consent of representatives authorized by the indigenous peoples whose cultural heritage is the subject of investigation • keep authorised representatives informed during all stages • present results of their work with deference and respect to indigenous peoples • not interfere with and/or remove human remains of indigenous peoples without the express consent of those concerned • not interfere with and/or remove artefacts or objects of special cultural significance without their express consent • recognise their obligation to employ and/or train indigenous peoples
	The Vermillion Accord on Human Remains (1989)	<ul style="list-style-type: none"> • respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful • agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities as well as the legitimate concerns of science and education

Rights-based Arguments: Challenges for Archaeology

The current state of heritage management has been clearly and irreversibly affected by the florescence of influential international statements on Indigenous peoples, their rights and their heritage (e.g., African Commission on Human Rights [African Union 2003]; International Labour Organization Convention 169 [ILO 1989]; UN Declaration [2007]). However, the lack of enforceability of these statements—which they are, after all, not laws—leaves member nations free to interpret and apply them as loosely or as stringently as suits their political situation. The existence of Declarations like the UN's and legal decisions like *Delgamuukw* in the absence of procedural guidelines or enforcement provisions may make their application to heritage stewardship reform difficult, but is no cause to ignore the significance of the messages they impart.

The framing of Indigenous interests in their heritage as a rights-based issue presents a number of specific challenges for archaeology. Sillar (2005: 77-90) identifies eight such topics that are germane to archaeological stewardship worldwide: the colonial origins of archaeology; 19th-century social evolutionary thought; descent and ancestry; assimilation versus continuity; conflict with the nation state; ancestral lands; ownership/copyright; and representation (these are summarized in Table 4, below). This part of our present path toward the decolonization of archaeology raises questions that prod at the tender underbelly of archaeology's colonial foundations: how do we approach ownership of the past? How do we decide what heritage includes? What can we consider as data? And finally, as archaeologists and as citizens we must ask ourselves: How do we overcome our perceptions of Aboriginal rights as frozen in time, reflective of only those customs that we believe represent a genuine, pre-contact lifeway that fulfil our ideas of an "original" culture?

Each of Sillar's (2005) issues presents a whole range of concerns to archaeologists and Aboriginal groups struggling with heritage stewardship issues. The importance and pervasiveness of these issues is evident in many of the discussions in this and the following

chapters, in which they arise as obstacles to peaceable arrangements between Indigenous communities and archaeologists. Only by dealing head-on with the methodological and theoretical questions facing heritage management will archaeologists and Indigenous people both be prepared to negotiate an equitable partnership in the governance of Aboriginal cultural heritage.

Table 4. Problems stemming from rights-based attribution of interest in cultural heritage, and some implications for archaeology (adapted from Sillar 2005: 77-90)

Issue	Problem areas for archaeology	Examples of challenges
Colonial Origins of Archaeology	<ul style="list-style-type: none"> • separation of archaeology, anthropology and history • pre/post contact • oral, textual, and archaeological data 	<ul style="list-style-type: none"> • how to reduce divisiveness of categories? • how to reassert histories that span divisions between “then” and “now”? • how to identify legitimate data sources?
Progressivist (Social Evolutionary) Thought	<ul style="list-style-type: none"> • “advanced/less advanced” assumptions behind documents and collections • <i>terra nullius</i>, land acquisition, and archaeology 	<ul style="list-style-type: none"> • how to use data created/collected within a framework of “primitiveness”? • how to assign onus (e.g., now on descendants to prove “use”)
Descent and Ancestry	<ul style="list-style-type: none"> • proof as essential to rights 	<ul style="list-style-type: none"> • who should have access to ancient remains?
Assimilation and Continuity	<ul style="list-style-type: none"> • proving continuity despite assimilation attempts • loss of identity in “going mainstream” • Aboriginal rights frozen in time 	<ul style="list-style-type: none"> • how to reconnect Aboriginals with their histories? • how to restore Indigenous “credibility” in modern world? • how to extend rights into present?
Conflict with the State	<ul style="list-style-type: none"> • Indigenous collective rights • traditional laws that predate and challenge the state 	<ul style="list-style-type: none"> • how to address ownership debates? • which rules/traditions should guide archaeology?
Ancestral Lands	<ul style="list-style-type: none"> • connection denied between living people and “dark and ancient past” • loss of archaeological credibility for advocating for Indigenous claims to past 	<ul style="list-style-type: none"> • can conservation be achieved without removing control from Aboriginals? • how to overcome political risk of connecting people to land?
Ownership/ Copyright	<ul style="list-style-type: none"> • Western individualistic ideal related to economic gain • different ideas regarding posterity 	<ul style="list-style-type: none"> • how to minimize conflicts between publishing ethic and privacy? • to maintain culture or protecting material culture? Security of sites/objects vs. educational uses
Representation	<ul style="list-style-type: none"> • authority of speakers • academic expertise in the courts 	<ul style="list-style-type: none"> • with whom do archaeologists confer? • how to provide “expertise” about people without speaking <i>for</i> them?

Chapter Summary

In concluding this chapter I suggest we must first step back to look at the whole picture of heritage stewardship and of archaeology's friction with Indigenous peoples. I have addressed three key dimensions—politics, stewardship, and rights—to demonstrate that Indigenous heritage stewardship strategies can and must play a vital role in the justice and long-term sustainability of heritage management and research in this province. First, I established that archaeology's inherently political nature can mean that the distribution of control and benefits that flow from its practice can exacerbate existing inequalities between Indigenous and non-Indigenous peoples. Second, I explored some competing modes of heritage stewardship in order to show that an Indigenous stewardship paradigm offers a just and viable alternative to the status quo management structures. Finally, I described how the global advancement of Aboriginal rights has affected how states and heritage professions are changing the way that they interact with Indigenous peoples, and how the recognition of these rights will necessarily influence archaeology's direction and method of inquiry.

The spectrum of difference in archaeological and Indigenous stewardship practices provides us with some idea of the gulf that Indigenous programs must span in order to gain acceptance as an alternative model for archaeological management. The political nature of archaeology serves to highlight the contentiousness of the seemingly benign concept of heritage stewardship, identifying its flaws as well as its advantages. As a model for Indigenized archaeology, stewardship formulated and expressed as a component of decolonization has the potential to restore meaning and respect to the duty of historical guardianship. In an era where the recognition of Aboriginal rights will necessarily affect how archaeologists and the state will interact with Indigenous peoples, an understanding of the alternative modes of heritage stewardship is essential to envisioning a just, sustainable heritage management paradigm.

CHAPTER 3: WHY AND HOW TO DECOLONIZE ARCHAEOLOGY IN BRITISH COLUMBIA

The province of British Columbia makes an interesting case for the study of Indigenous peoples' developing relationship with heritage management structures because of its unique situation among Canadian jurisdictions. Here, the West was “won” without the formal treaties that were signed with Indigenous peoples in other parts of Canada and the United States, and as such First Nations are still presumed to hold title to the heritage sites and objects of their ancestors (Asch 1997; Walker and Ostrove 1995; Yellowhorn 1996). Unlike the rest of Canada, British Columbia's First Nations are engaged in ongoing treaty negotiations with the provincial and federal governments, in addition to land claims, resource rights and title suits, and individual Aboriginal rights cases. This situation has meant that the political landscape can and does change very rapidly as new precedents are set, and that heritage practitioners and bureaucrats operate reactively to emerging circumstances.

This chapter answers the *why* and the *how* of decolonizing British Columbian archaeology. Though it is widely cited as representing some of the more progressive aspects of Indigenous-friendly archaeology in North America (e.g., Ferris 2003; Nicholas 2003; Watkins 2003b), the status quo reality of the British Columbia experience also deserves attention. In the first half of this chapter I discuss the context of heritage research and management here, describing how policy, legislation, bureaucracy, professional mores, and Aboriginal rights shape the philosophy and practice of heritage stewardship, in order to establish *why* it is we need decolonizing. I then suggest *how* we might get started, exploring the role and capacity of policy—Indigenous heritage stewardship policy in particular—as a tool of decolonization. These two dimensions of my thesis provide the setting for the First Nations' stewardship strategies that are the focus of the remaining chapters.

The British Columbia Context

Canadian heritage protection legislation, lacking at the federal level, is prescribed on a province-by-province basis. Attempts by First Nations to gain access to and control of their heritage are being made at the provincial level through management agreements and treaties, but also at the local level between band governments and individual researchers, organizations, and private enterprises. In Canada it has been these kinds of unscripted localized efforts combined with the evolution of professional ethics that have made the biggest difference in changing the Indigenous involvement in heritage (similar situations exist in the United States [Colwell-Chanthaphonh and Ferguson 2008; Dongoske et al. 2000; L.T. Smith 2005; Stapp and Burney 2002; Zimmerman 2005], Argentina [Endere 2005: 160; also Llosas and Ñancuqueo 2007: 28; Stavenhagen 2002: 30-33], and to a lesser extent Australia [Smith and Burke 2007; Smith and Jackson 2006]).

In heritage, as with most other matters, the relationship between Canadian provinces and descendant communities is heavily influenced by the ongoing legal challenges launched in Supreme Courts at both the federal and provincial levels. Aboriginal rights are being continuously redefined and clarified in the courtrooms, and the implications of these findings radiate ever outwards. The most important of these is the *Delgamuukw v. British Columbia* (1997) decision, which confirmed that Aboriginal title existed prior to colonial occupation and, not having been extinguished, still required the Crown to consult on any potential infringements, including impacts to heritage sites and objects.

The more recent *Tsilhqot'in Nation v. British Columbia* (2007) decision has the potential for even greater significance to heritage research and management, but many years may pass before for its implications to ripple through Indigenous and heritage management communities. In the finding of Aboriginal title in this case, the presiding justice accepted an unprecedented amount of archaeological evidence, which is significant in two ways. First, colonially imposed discontinuities between pre- and post-contact lives are

rejected as a basis for detachment of contemporary Aboriginal peoples from their archaeological sites and objects. Second, the relationship between Aboriginal title and archaeological evidence for land use, forged in the courts, legitimizes the role and the rights that Indigenous peoples have in the stewardship of these places and objects.

British Columbia archaeology, played out on the ground, is a product of a colonial heritage, of balancing values and management decisions, of Aboriginal and non-Native relations, and of government responses to issues of First Nations rights (Lawson 1997: 33; Nicholas 2006: 350; also de Paoli 2000). Since the late 1980s, an intensification of land claims activity, public and legal challenges to development projects, a proliferation of Aboriginal scholars, “capacity building” in communities, and increased employment of community members by consultants have combined to heighten the profile that First Nations peoples have in the business of archaeology. Opportunities for participation and change have multiplied because of these factors. The growth of CRM archaeology during this period has also helped to shape, and been shaped by, trends in cultural heritage law, policy, and practice. These have by no means been restricted to our single-purpose heritage act, but include also the legislative output of the province’s major resource sectors. The handful of industries that constitute British Columbia’s engine of economic development—forestry, oil and gas, agriculture, and tourism—have also had a great impact on the direction that heritage management and First Nations relations have taken. In addition to tailored rules enacted as heritage conservation measures, local-level management agreements, land-use plans, and First Nations’ formalized protocols are reshaping the heritage management landscape from the ground up.

Legislation

Beginning in the 1920s, British Columbia became the first Canadian jurisdiction to pass legislation designed to protect cultural heritage from alteration or removal (Burley 1994: 79). The 1925 *Historic Objects Protection Act*, promoted by a growing body of professional

archaeologists and anthropologists, widened the scope of the 1865 *Indian Graves Ordinance* to include non-burial archaeology. Ostensibly designed to defend the province's patrimony from "illicit" export, the *Protection Act* was effectively used to guarantee professional archaeology's access to its primary resource. The *Archaeological and Historic Sites Protection Act*, enacted in 1960 and amended in 1977, offered little in the way of additional protection of sites or acknowledgement of First Nations' interests in this heritage.

It was not until 1994, in response to a climate of explosive development and the unprecedented recognition Aboriginal rights, that the *Heritage Conservation Act* RSBC 1996 Chap 187 (British Columbia 1996; hereafter HCA or the Act) first addressed Indigenous peoples' association with the heritage sites and objects it sought to protect. Amended in 1996, the HCA and accompanying policy recognized these interests, albeit in as oblique a way as possible. The Act itself includes only a single reference to First Nations, a provision affording these groups the privilege of selecting heritage sites, designated in advance, about which a formal agreement may be made with regards to management and protection (though to date no such agreements have been finalized). In this way, the Crown has been able to bypass issues of rights and title by offering First Nations the opportunity for involvement in heritage without ever specifying what it is about their relationship to the archaeological record might justify such a privilege. The cumulative policies of the Archaeology Branch, the Provincial body charged with overseeing the HCA, have the same effect: a number of policies provide for Branch consultation and Aboriginal groups' input, but overall the documents fail to explicitly recognize the nature of the interest that these groups have in the heritage places and objects in question. The few policies and agreements that do refer to First Nations' interests in heritage, including Section 4 of the Act, are summarized in Table 5.

Table 5. Contemporary heritage statutes, policies and guidelines that relate to British Columbia First Nations' rights and interests in cultural heritage

Statute / Policy / Guideline	Applicable Section	Provisions for First Nations' Involvement
Protocol Agreement with the Ministry of Forests (1994)	3.0 Roles and Responsibilities 3.7 Traditional Use Studies	<ul style="list-style-type: none"> MoF sets standards and administers Traditional Use Studies as a means of meeting its legal obligations as defined by B.C. Court of Appeal's <i>Delgamuukw v. British Columbia</i> (1993) decision MoF's Aboriginal Affairs Branch mediates any conflicts
<i>Heritage Conservation Act</i> RSBC 1996 Chap 187 (British Columbia 1996)	Section 4	<ul style="list-style-type: none"> "The Province may enter into a formal agreement with a first nation with respect to the conservation and protection of heritage sites and heritage objects that represent the cultural heritage of the aboriginal people represented by that first nation" submission of predetermined and finite list of sites exemption from HCA protection in favour of First Nations' independent protective strategy
Cultural Heritage Resource Management in Provincial Forests (1997)	Operational Plan	<ul style="list-style-type: none"> Traditional Use Studies (TUSs) undertaken focus on traditional, ceremonial and sustenance activities of aboriginal groups TUSs assist the Province in meeting its legal obligations as determined in the B.C. Court of Appeal's <i>Delgamuukw v. British Columbia</i> (1993) decision
Heritage Permit Policy (1999)	Review Procedures	<ul style="list-style-type: none"> permit applications are referred to First Nations asserting traditional interest in the proposed study area, request for comment within 15-30 days; written comments that identify concerns over the study methodology are referred to the applicant
Found Human Remains Policy (1999)	Fortuitous Discoveries	<ul style="list-style-type: none"> if a cultural affiliation for the remains can be reasonably determined, the branch will attempt to contact an organization representing that group if remains are determined to be of Aboriginal ancestry, the branch will contact relevant First Nation(s)
Archaeological Resource Management Handbook (2008)	Roles and Responsibilities, Archaeology Branch	<ul style="list-style-type: none"> ensuring that First Nations who could be affected by decisions are given an opportunity to have their concerns considered prior to making decisions
Remote Access to Archaeological Data (RAAD) policy (2008)	Accessing Archaeological Data	<ul style="list-style-type: none"> access to site information is available to First Nation governments
Forest Investment Account funding (nd)	Ineligible Projects	<ul style="list-style-type: none"> studies focusing on First Nations land use, such as traditional use or cultural heritage studies, are not eligible for FIA funding

By the 1990s, more and more damage to archaeological sites was occurring in the context of timber-harvesting operations. Because of this trend, and of the shift toward the formal recognition of Aboriginal rights, the province's forestry oversight apparatus has often found itself at the forefront of British Columbia's changing relationships with its First Nations communities. The 1995 *Forest Practices Code* [RSBC 176/95] was in fact the first piece of legislation to require industry proponents to consult with First Nations about their proposed activities within traditionally asserted territories. Derived from a 1994 Protocol Agreement between the province's Archaeology Branch and the Ministry of Forests, the *Forest Practices Code* was unique in requiring private business to meet the standards for consultation that have otherwise applied only to the Crown. The Code is also responsible for encouraging the practice, now commonplace in British Columbia, of hiring First Nations' community members to assist with the fieldwork in archaeological and traditional use studies.

This legislation was dismantled in 2005 following a lengthy transition to the much-diluted *Forest and Range Practices Act* SBC 2002 C. 69 (FRPA) (British Columbia 2002), in which the proactive sections concerning Indigenous peoples have all been repealed, leaving the FRPA critically reduced in its scope of accountability.¹⁴ However, two aspects of the Ministry of Forests' operations remain noteworthy for the statement they make about First Nations' relationship with archaeology, and highlight parallel deficiencies in the Archaeology Branch policy. First, even a Ministry of Forests pared of its direct consultation requirements maintains a Protection of Aboriginal Rights Policy. The Archaeology Branch, in contrast, fails to similarly articulate a commitment to protecting Indigenous rights in the realm of heritage. Second, the Ministry of Forests houses a permanent Aboriginal Affairs branch to manage its obligations to the province's First Nations. That the director this branch is the official contact

¹⁴ The transition to the new FRPA was one of the British Columbia government's deregulation initiatives, made in the interest of streamlining regulatory processes and focusing on "results and resource protection rather than process and paperwork" (British Columbia 2003). The goals of the *Forest Practices Code* were considered to have been achieved, and the changes focused on self-regulation of industry. The transition's end in 2005 coincided with the province's embarkation on a "New Relationship" with Aboriginal Peoples (British Columbia 2005) and the advent of the Ministry of Aboriginal Relations and Reconciliation, an umbrella ministry intended to corral all First Nations issues but that fails to address the pressing problems of cultural heritage governance.

person for matters archaeological (British Columbia 1996) indicates an awareness on the part of forestry of the rights and interests of First Nations that the Archaeology Branch fails to explicitly acknowledge.

An Ill-fitting Bureaucracy

British Columbia's management of archaeological heritage is mainly achieved within an elaborate bureaucratic system. The Archaeology Branch's formal responsibilities include maintaining the official site registry, developing procedure and policy, and overseeing the permitting system (permits are issued according to Sections 12 or 14, which respectively allow holders to make alterations to or investigate sites). Presumably on the grounds that alteration of archaeological sites or objects could constitute an infringement of Aboriginal rights (Nicholas 2006: 357), the Archaeology Branch routinely "consults" with First Nations over development-related impacts to sites within their territories. The consultative terms of the provincial Archaeology Branch policies formally discharge the responsibilities of government to British Columbia's First Nations, yet it is important to note that they relate to the duty of the Crown and *not* to archaeologists. That is, while the requirement for consultation is often misinterpreted by observers as requiring archaeologists to consult with First Nations groups (e.g., Ferris 2003: 167; Nicholas 2003: 124), it is neither formally required nor actively encouraged by the Archaeology Branch.

The structure and function of the Branch have consistently proven unsatisfactory to the provinces' First Nations and many of its heritage professionals (e.g., Budhwa 2005; Lawson 1997; Schaepe 2007). At a basic level, bureaucracies tend to "promote rigid and hypercautious thinking and behaviour that often bear no resemblance to real (and complex) organizational missions" (James 2005: 58), and the Archaeology Branch is no exception. Not only does it limit its mandate to the identification and mitigation of very specific impacts (Budhwa 2005: 29), but it does so within a "streamlined" regulatory process (Budhwa 2005: 21) through which First Nations concerns are fragmented and easily marginalized.

While the HCA is intended to “encourage and facilitate the protection and conservation of heritage property” (*Heritage Conservation Act* [British Columbia 1996]), the Archaeology Branch principally concerns itself with providing the regulatory mechanisms by which development projects can satisfy due diligence. The primary tools by which this is accomplished are the Archaeological Overview Assessment (AOA) and the Archaeological Impact Assessment (AIA), which represent, respectively, document- and field-based analyses of potential hazards to the archaeological record. While archaeological consultants design research strategies, conduct studies, and recommend courses of action, the “responsibility for final decisions concerning the management of archaeological resources is vested with the [Archaeology] Branch” (British Columbia 1990).

While these assessment processes may help consultants, developers and the Branch meet their obligations under the HCA, they “do not inventory knowledge of past or present land use” (Lawson 1997: 45). At the heart of the problem is that the “current heritage ethics and values” that guide heritage laws and policy “almost exclusively reflect the values and beliefs of Euro-Americans” (Mohs 1994: 202; also Mihesuah 2005: 18; Spector 2000: 134, cited in Watkins 2003b: 280). The failure of the current heritage management system (and to some extent its parent in academic archaeology) to incorporate divergent Native interests and religious concerns is a major issue for British Columbia’s First Nations (Mohs 1994: 202; see also Henry 1995; Schaepe 2007), and stems from basic philosophical differences between Indigenous and Western approaches to heritage and stewardship.

Problem Areas: the Western:Indigenous Divide

The inadequate use of traditional knowledge in favour of Western-based perspectives continues to be a grievance among British Columbia’s First Nations (e.g., Budhwa 2005; Schaepe 2007). Of particular concern are the seemingly artificial differences between “archaeological” and “traditional use” sites that are reified by the Province’s official position that “history” began in 1846, when “prehistory” (and the prehistoric archaeological

record) abruptly ended. The year 1846 saw the signing of the Treaty of Oregon, solidifying Britain's assertion of sovereignty over the territory of British Columbia. It represents the moment when "theoretically, aboriginal rights merged into British common law" (Walker and Ostrove 1995: 17), and a distinct Indigenous way of life is presumed to have morphed into a modern Western one. This finality precludes the possibility of cultural continuity and obscures the potential for an archaeological site to have more than one use—that is, to be cherished by descendant communities as a locus of their ancestors while also being used for ongoing cultural purposes. In the context of development-related mitigations of sites, this creates the possibility of infringement on the ongoing use while the "archaeological" component of a site remains protected (Lawson 1997:45).

The mandate of the *Heritage Conservation Act* and the policies designed to uphold it are unduly restrictive in the eyes of many Aboriginal peoples and archaeologists (e.g., Budhwa 2005; Wickwire 1991), particularly the lack of protection for intangible cultural heritage. In 1994, Mohs reported that only *seven* of the province's estimated 19,000 heritage sites were considered sacred sites (1994: 202, emphasis added). Because many sacred sites lack salient cultural features, they are difficult to identify without some prior knowledge and are infrequently considered in archaeological impact assessments (Mohs 1994: 202).¹⁵ While these sites have "some protection afforded through silence" (Mohs 1994: 200), pace and scale of the intrusion of urban development is swallowing up sacred sites that continually fall beneath the radar of the AOA or AIA processes.

This predilection for physical prominence as a proxy for cultural significance, combined with the subjective mid-19th century beginning of "history," can result in discord about which sites are protected and which are not. For example, while the province automatically and with great conviction protects a handful of stone debitage flakes on the

¹⁵ For a review of the issues relating to sacred sites and heritage research and management, see Buggey (1999: 5-9); Canada (1996: Vol. 2 Ch.3); Carmichael et al. (1994), Gulliford (2000); and Ross (2005). For a British Columbia example, see McLay et al. 2008.

grounds that lithic technology is “prehistoric” (that is, pre-1846), spiritual sites of far greater cultural importance to a community may go unprotected because of the absence of what is essentially ancient trash (e.g., Mitchell 2006: A17). The archaeological “tunnel-vision” through which materiality is the sole acceptable marker of land use (Wickwire 1991: 72) has created a situation where the database of British Columbia’s ancient past is overpopulated by site types that favour the representation of domesticity and subsistence pursuits at the expense of depictions of extra-economic custom and spiritual life. Yet these latter aspects of the archaeological record and kind of existence they reflect—the lives lived—are, according to Whitley (2006), among the most significant dimensions of the archaeological past.

Predicated as it is on materiality and fuelled by a tendency to enforce binary divisions, the provincial heritage bureaucracy fragments Indigenous pasts into the mutually exclusive confines of history, archaeology, and traditional use. To interact with this system, descendant communities are obliged to label sites as one type or the other depending on the type of evidence—textual, material, or oral—they can provide. To many First Nations people, archaeological evidence is only one possible characteristic of heritage places. In the Fraser Valley, for example, “archaeological sites represent *the only point of connection and agreement* between provincial/federal legislation and what the Stó:lō recognize as heritage sites” (Schaepe 2007: 248, emphasis added). Central to this problem is a traditional unwillingness on the part of heritage professionals to accept as data the oral testimony or traditions that might attest to the antiquity or scope of land use by descendant communities (e.g., Cooper 2006; Lawson 1997; Mason 2006).

“Consultation” is a Four-Letter Word

The manner in which First Nations governments are included in the standard archaeological decision-making machine is, to their great disadvantage, usually nearer the end of the process than the beginning. There is no high-level First Nation involvement in the heritage management apparatus (Budhwa 2005: 24), which lacks adequate regulatory

mechanisms to allow First Nations' concerns to be addressed throughout the life of a project (Budhwa 2005: 25). As indicated in Table 5, above, consultation with First Nations groups by the Archaeology Branch is only mandatory in managing found human remains and in considering methodological issues of relating to permit applications. While the former case is a rare event that obviously requires individualized attention, the latter makes up the lion's share of communication between the Branch and the province's First Nations.

Generally speaking, this consultation begins and ends with band offices receiving faxed copies of permit applications—documents that are essentially a *fait accompli* plan of study area concerns and aims—on which they are asked to provide informed comments within a set timeline. Not only is the method of delivery primitive, but it adds considerably to the unilateral barrage of “referral” material (notification by government agencies of planned actions with the potential to infringe on Aboriginal rights) aimed at First Nations by all levels of government and private enterprise. This contributes to the administrative bottleneck that virtually ensures that the 30-day response period set out by the Branch cannot be accommodated. The failure of a Nation to respond to these missives within the designated timeline—which itself is arbitrary—is generally interpreted as “no contest” and results in the issuance of the permit (it was just this chain of events that saw the Branch issue a Section 12 Site Alteration permit for the harvesting of culturally modified trees that instigated the *Kitkatla v. British Columbia* 2 S.C.R. 146, 2002 S.C.C. 31 [Canada 2002] suit).¹⁶ In the event that the receiving office can produce a response within the designated time, their input is limited to comments on the pre-established methodology

¹⁶ The *Kitkatla* case was an appeal to the Supreme Court of Canada that saw the Kitkatla First Nation formally protest the legitimacy of the Province's ownership and control of Indigenous cultural heritage, questioning “whether power to order alteration or even destruction of cultural object is beyond provincial powers when it affects native cultural objects” (Canada 2002). The suit was instigated when the then-Minister responsible for heritage issued a Section 12 site alteration permit allowing for the destruction of culturally modified trees within a forestry cutblock. The court found that while the Minister erred in issuing the permit without appropriate consultation, the original decision confirming British Columbia's authority over cultural sites and objects was upheld. The court answered this challenge to the state's control of Aboriginal heritage by finding that the *Heritage Conservation Act* was worth upholding because of what it did not do: “its efficiency in not countering broader societal needs” was ample reason to uphold the law despite the band's criticisms (Ferris 2003: 170).

only; recommendations and statements regarding other aspects of the proposed projects are not solicited by the Branch.

The minimalism with which the Archaeology Branch pursues its fiduciary duty to British Columbia's First Nations leaves a serious communications void that many heritage professionals feel obliged to fill. Because consultation on heritage matters is most often practiced in the absence of its integral partner, accommodation, communication between the Branch and First Nations frequently manifests as little more than notification of impending impacts to heritage. The government is in this way accused of offloading its consultation-and-accommodation responsibilities onto archaeological contractors (Budhwa 2005: 25), many of whom engage First Nations as one way to try to ease tensions between their development proponent clients and the First Nations in whose territory they wish to work. In this way, archaeologists are often expected to consider other cultural concerns along the way, and more and more frequently are taking on the roles of cultural interpreters, analysts, advocates, and informal spokespeople (Lawson 1997: 33; Nicholas 2008a: 1666). In my own experience, it has not been uncommon that consultation by archaeologists is the first—and often only—way in which local groups get word about proposed developments in their territories. In these cases, practitioners may rotate through a series of hats in an effort to bridge the systemic communication gap responsible for broken dialogue and roles consolidated by necessity rather than design. Because of the wide variation in consultants' experience, ethical stance, and access to compensation, these and other ad hoc extra-archaeological services are unevenly delivered across the province.

Despite this lack of structure, these kinds of low-level consultations between archaeologists, band governments, and tribal councils have, over the past 15 years, yielded a kind of formula followed by consulting archaeologists that has helped sustain this peace. A part of this routine is the nearly ubiquitous practice of archaeological consultants hiring one or more community members to assist with fieldwork projects. What archaeologists may see

as a gesture of goodwill, or the opportunity to glean some local knowledge about their study area, or even an unavoidable obligation, First Nations people see as economic benefit, job training, and the capacity to monitor developments within their territories. Both parties are also apt to consider this kind of involvement as tokenism (de Paoli 2000). Despite these differences in perception, this practice has also become a kind of cultural exchange in which heritage specialists and their First Nations employees each become the gateway through which their respective communities can become informed about the other (Hammond and Kaltenrieder 2008). Though this kind of interaction must not be mistaken for consultation, in many cases it is the only chance local First Nations have to be involved in developments within their territory and the investigation of their heritage. While this informal program has no legislative basis from the point of view of heritage, it is generally accepted by development clients as part of the “cost of doing business.”

From the perspective of First Nations and of those both within and critical of consulting archaeology (e.g., Mayer-Oakes 2000; Robinson 1982; Spurling 1982), the defining relationship in this process is the business one. It is not therefore surprising that the “majority of meaningful dialogue is between the proponent and the archaeological consultant” (Budhwa 2005: 26). The client-contactor relationship, normalized by capitalism and structured by Archaeology Branch policy, seems often to trump any non-economic obligations—moral or otherwise—that archaeologists in academia are free to pursue. Outside of specific memoranda of agreements, the place of First Nations people in these discussions is determined by the individual judgment of the consultants and their proponents and is not mandated by the provincial government.

A recent example from the province’s professional association (the British Columbia Association of Professional Archaeologists [BCAPA]) serves to illustrate that the involvement of First Nations is a business decision left to the discretion of each practitioner or their clients. In its January 2008 *BCAPA Newsletter*, the association describes the current

practices of “the archaeological consulting community” working on oil and gas projects in Treaty 8 territory (which covers the northeast part of the province, and also parts of northern Alberta, Saskatchewan, and portions of the Northwest Territories), in which studies are routinely conducted without involving local First Nations members (BCAPA 2008: 2). This situation is justified, for reasons not explained here or elsewhere, by the stated preferences of the area’s dominant procedural body, the Oil and Gas Commission (BCAPA 2008: 2):

- “The Oil & Gas Commission (OGC) does not consult with First Nations communities on oil and gas projects (with respect to AIAs) which take place on private land unless there is an issue that relates to “hunting, trapping or fishing”;
- Taking First Nation monitors out onto assessments is generally at the discretion of the client, and it is usually a business case that cannot be addressed by the OGC; and
- Private landowners tend to associate archaeology with First Nations people, which may cause negative feelings and misunderstanding.”

The newsletter goes on to acknowledge that First Nations are nonetheless interested in the management of this heritage, and reminds members that “it is also a professional requirement for all members to reasonably engage First Nations in all archaeological assessments” (BCAPA 2008: 2). However, it stops short of recommending a solution to this conundrum and in doing so appears to sanction this contravention of its own code of conduct. In essence, it protects the client and private landowners from “negative feelings and misunderstanding “at the expense of First Nations’ groups’ access to and involvement in the cultural heritage of the region.

Recourse

Collectively, these shortcomings of British Columbia’s heritage management apparatus are a serious burden to the descendant communities whose cultural heritage is at risk. Even once dialogue about change is initiated, the “debate continues within the structures and strictures of colonial authority and law—the state ultimately remains the

arbiter of the level and nature of obligations it owes to First Nations” (Ferris 2003: 171). The 2002 decision *Kitkatla Band v. British Columbia* (Canada 2002) (discussed on page 64) is a fine example of such unilateralism, wherein the First Nation challenged the legitimacy of the Crown’s authority over heritage in a case presented before the Crown’s own courts, which found in the Crown’s favour. This kind of systemic colonial imbalance is prompting more and more First Nations groups to develop and activate parallel systems of laws and protocols that account for interests other than those of settler governments.

Believing, as the people of Kitkatla did, that the Province lacks the legal and moral authority to own and manage Indigenous heritage, many First Nations groups feel they have been left with little choice but to opt out in favour of a domestic solution. This decision has resulted in the recent florescence of band-devised heritage policies, research registries and land codes that are changing the landscape of heritage practice in British Columbia. These Indigenized policies become tools with which Indigenous groups can broadcast their own priorities and goals in a format recognized by both government and heritage practitioners. While such strategies are extra-legal now, current political trends lend them a legitimacy that heritage professionals seem increasingly keen to support. The ability and willingness of First Nations to initiate change on their own terms is a sign to archaeologists, bureaucrats and politicians that the status quo is quickly being overturned in British Columbia.

Tools of the Master: The Role of Policy in Decolonization

It is not surprising, based on the previous discussion, that neither Canadian culture nor any other has developed the expression “As liberating as policy”.¹⁷ It would be unseemly in this discussion of decolonization to overlook the reputation that policy has for confining, polarizing, and stagnating many otherwise dynamic aspects of life. My analysis of British Columbia’s provincial policies found them wanting in precisely these ways. However, the

¹⁷ With apologies to Douglas Adams’ *The Long Dark Tea-Time of the Soul*: “It can hardly be a coincidence that no language on earth has ever produced the expression ‘As pretty as an airport’”(1988: 13).

formal policies issued by First Nations governments to promote responsible heritage stewardship do have a built-in capacity to engage archaeologists, bureaucrats, and development proponents in the emancipatory project of decolonization.

As Indigenous groups in British Columbia and elsewhere transition towards self-determination, their interactions with provincial and federal legislation are often inadequate in meeting their needs and accommodating their rights (Walker and Ostrove 1995: 27; see also Budhwa 2005). Indigenous policy can thus serve to bridge the “fissures” between colonial and Aboriginal governments, in which existing processes are no longer suited to the task (Schaepe 2007: 235). These policies are a new means of mitigating conflicts over how archaeological sites and objects are governed, and are one way that the state can begin to account for First Nations interests and rights (Ferris 2003: 172).

It is precisely in these new situations—where the path of expediency is unclear—that Aldo Leopold (1949) and Alison Wylie (2005) have suggested that a well-articulated ethic can help light the way. The drafting of professional codes of ethical conduct has been tightly knit to the global emergence of the Indigenous rights movement, and it should be no surprise that Indigenous peoples are building ethical conduct into their own policies. In a time when the goals, rules, structure, and accountability of archaeology and of cultural heritage management are rapidly changing, policies imbued with ethical guidance are likely to be more useful than those that rely on prescriptive regulations. Encouraging ethical scrutiny, like the other aspects of policy discussed below, is simply one more trait that makes Indigenous heritage stewardship a key instrument in decolonization.¹⁸

¹⁸ By omitting non-Indigenous archaeology or policy from my discussion here, I do not mean to imply that they are devoid of ethics, or that their practitioners are of loose moral fibre (cf. McGhee 2008). I would, however, argue that ethics do not generally form an explicit part of Euro-Canadian heritage policy; that when expressed are often considered to be flakey and even antiscientific; and that when they are obvious their lineage can be traced directly to positivist-empiricist thought flavoured by 19th-century progressivist racism. The growing number of practitioners who recognize the need for a dialogue on ethics in archaeology is exemplified by the contributors to Hamilakas and Duke (2007) Scarre and Scarre (2006), Vitelli and Colwell-Chanthaphonh (2006), and Zimmerman et al. (2003).

Communication and Action in the Colonial Idiom

There is much debate in the literature of Indigenous archaeology over the wisdom or effectiveness of using the language and tools of colonialism to topple colonial structures (e.g., Atalay 2006b; Lyons 2007; Trigger 1997; White Deer 1997). The title of Audreya Lorde's "The Master's Tools Will Never Dismantle the Master's House" (1981) has become a frequently cited catchphrase to refer to the use of archaeology—among other Western sciences and practices—by oppressed groups seeking to overcome colonial impositions (e.g., Atalay 2006b; Lyons 2007). But the statement fails to convince when brought to bear on questions about how Indigenous heritage stewardship policies operate parallel to those of the dominant culture. Indigenous archaeology and Indigenous-driven heritage priorities have the capacity to bring about change from within, turning policy into a new tool with formidable power (Atalay 2006b: 295). "It is critical" writes Rick Budhwa, "that Aboriginal communities identify their interests in a format that can be readily appreciated, comprehended, and acted upon by policy makers and those empowered as land managers" (2005: 26; see also Daehnke 2007: 251). Indigenous heritage stewardship goals enshrined as policy take on a form that is not only recognized by bureaucratically oriented systems, but is also invested with a near-automatic respect for compliance and authority.

This is not to say that the adoption of contemporary heritage and bureaucratic practices implies a concession on the part of First Nations to the status quo defined by colonial histories. On the contrary, despite superficial similarities, Indigenous groups' development of individualized heritage policy "reflects a conscious manipulation of those values in terms of their own priorities and interests" (Thorley 2002: 110). The leadership of the Squamish Nation of southwest British Columbia, for example, has in the last decade taken advantage of some standard tools of land-use planning to lay out their vision for territorial stewardship, and "have made some substantial land gains as a result of this process" (Rudy Reimer, pers. comm. February 2007). Where "the system" once imposed itself unilaterally on the Squamish people, that Nation's government now seizes the potential

to use bureaucratic tools for their own ends (Rudy Reimer, pers. comm. February 2007; Squamish Nation 2001).

Harnessing the instruments of colonialism to meet the needs of contemporary First Nations people has the potential to change British Columbia archaeology for the better. For example, management policy creates “mutually agreeable conflict resolution processes that foster greater certainty” for Indigenous groups, archaeologists, provincial agencies and developers (Schaepe 2007: 254). First Nations’ control of heritage can also result in a study of archaeology that becomes increasingly inclusive, undermines reflexive biases, accommodates multiple tellings of the past, and, perhaps most immediately, can shift archaeologists’ relationships with Indigenous communities from perceived parasitism to symbiosis (Ferris 2003: 173; see also Lyons 2007). In articulating a view of cultural heritage and custodianship in terms familiar to the dominant culture, Indigenous heritage policy also holds enormous potential to broaden the concept of “heritage” beyond the material and chronological limitations legislated by British Columbia’s *Heritage Conservation Act* (Nicholas 2006: 370; also see Bell and Napoleon 2008).

Expressions of Sovereignty and Identity

Because archaeological sites and objects are widely characterized as resources, and because in the context of nationalism resources become hotly contested, protocols are necessary to dictate a nation’s intentions with regard to their disposition (Lyons 2007: 63; also Tunbridge and Ashworth 1996). Resource-specific policies like those that govern heritage are a manifestation of “competition with the colonial government over resource-related rights and title,” and are one aspect of negotiating power relations (Schaepe 2007: 255). In this sense, Aboriginal heritage policy becomes a mechanism of Indigenous empowerment (Smith and Burke 2007: 250) that announces First Nations groups’ claims and spells out the terms of engagement.

Under the yoke of settler governments' policies, Aboriginal peoples are rarely positioned to make decisions about how archaeological materials should be handled (Thorley 2002: 121), either in the course of academic research or in the face of potentially adverse impacts from development. The lack of meaningful involvement of Indigenous peoples by those who govern is amongst the key problems of the Crown model of stewardship in Canada, which constrains the voices of First Nations people and limits their reach as they go about claiming responsibility for their heritage. The significance of promoting heritage planning in the form of a policy lies in its de facto validation of First Nations as heritage managers, rather than as "collaborators in provincial management schemes" (Nicholas 2006: 367). The heritage policies of the Stó:lō Nation of British Columbia's Fraser Valley, for example, were enacted with the explicit intent of not only participating in, but of "*occupying* the field of heritage resources management within their territory" (Schaepe 2007: 237, emphasis added).

In British Columbia (and elsewhere), the reflexive, community-specific nature of Indigenous heritage stewardship policy is an unparalleled asset to sovereignty-seeking Indigenous governments. In codifying a specific First Nation's values and concerns about heritage, such documents reflect a cultural identity as seen by the people themselves, not just one that has been handed down through generations of archaeologists, anthropologists, and ethnographers. This opportunity for cultural self-definition often produces an unambiguous statement on a peoples' rights to and interest in a national cultural heritage that serves the interests of the community and not the admittedly "disinterested" outsiders that scientists purport to be.

Stewardship as Policy

A key to the potential anti-colonial role of heritage policy as discussed throughout this section is its emphasis on stewardship. In considering Indigenous heritage stewardship itself as policy, unfettered by any additional methods or guidelines, it is easy to see the advantage

of this perspective on caretaking and responsibility. When it is normative, the personal and community accountability engendered by an ethic of Indigenous stewardship might in part reduce the need for regulations and conditions that enforce a more generalized, impersonal view of heritage as just another “resource.” State governments that now handle so-called public interests like heritage “with a mix of compulsion (legislation, regulation), coercion (planning mechanisms), and enticement (incentives)” (Worrel and Appleby 2000: 273) might find that an ethic of stewardship decreases the need for the first two modes of compliance.

While one outcome of stewardship as policy may be the sustainable management of a fragile resource, this is ideally achieved through appeals to individual conscience rather than a kind of coercion that is ultimately unenforceable. A policy informed by a stewardship ethic has the potential to “create, nurture, and enable responsibility in landowners and resource users to manage and protect” (Brown and Mitchell 1996:1, cited in Worrel and Appleby 2000: 269; see also Leopold 1949). Indigenous stewardship as policy has the capacity to shift the focus from systems-based management to an emphasis on individuals’ roles in the protection of heritage values at the same time as it quietly promotes a sustainability agenda.

As a fundamental character of heritage policy, Indigenous stewardship can offer an “alternative to the type of stewardship model endorsed by the Society for American Archaeology and other organizations” (Nicholas 2008a: 1667). Professional codes of ethics and conduct fail to imbue heritage management with personal responsibility, and their unilateralist character can contradict the codes in spirit if not in letter (see, for example, Wylie 2005). Professional codes that are limited in scope to membership or employees have little utility in other spheres that might benefit from them—the realm of heritage bureaucrats or of Indigenous peoples, for example. Stewardship-guided policy—one in which Aboriginal people occupy the role of stewards—is clearly of greater benefit to Aboriginal communities than the codified ethics of archaeologists (Nicholas and Hollowell 2007: 62), who as a profession adhere to a hierarchy that is rather more colonial than less.

Rebalancing Power from the Ground Up

A new heritage policy paradigm has the capacity to tackle the serious imbalances of power between Indigenous people and archaeologists, and between Indigenous governments and bureaucrats. Failure to address the conflict of values between Indigenous notions of heritage as cultural property and the Western ethos of resource management has so far prevented “any real control from flowing to Aboriginal peoples over archaeological research and management” conducted under the authority of the state (Thorley 2002: 111). Policy developed and overseen by First Nations is one mechanism that can “help provide access to and at least some control over the process and products of archaeology” (Nicholas 2008a: 1667), even if legal ownership remains vested in the Crown (see also Nicholas 2006: 370). The expressed imperative to actively involve local communities in archaeological work—a nearly universal trait of Indigenous heritage policies—means that archaeologists can no longer be the sole arbiters of how knowledge from and about archaeological sites is produced and consumed (see Lipe 1974; L. Smith 2005; Watkins 2005; Wylie 1999).

While government agencies and public institutions at all levels have been willing to make concessions in their exclusive control of archaeological materials within the boundaries of federally-designated reserve lands, the implementation of Indigenous policies beyond these borders faces significant hurdles.¹⁹ Such a task requires political will of the sort rarely demonstrated by Western governments that conflate personal entitlements with individual rights and protect them at virtually any cost. The expectation by First Nations governments that the terms of their heritage policies will be respected throughout their traditional territories (not merely those pockets granted to them by settler governments) requires the support of

¹⁹ These instances of concessions of power on the part of settler governments are often made within the context of repatriation and reburial cases, but can also take the form of exemption from regulations. In British Columbia, for example, the Archaeology Branch considers Indian Reserves to be beyond its jurisdiction on the grounds that they are federal, not provincial, Crown land. This means that reserves are essentially unpoliced with regards to heritage: those prospecting for or investigating sites on reserves need not qualify to hold a Heritage Conservation Act permit, as they are mandated to do elsewhere. (In my interpretation of Canada’s and British Columbia’s laws and policies, however, this exemption may not be entirely legitimate in cases where the archaeological investigation is prompted by the *Canadian Environmental Assessment Act* [Canada 1992]).

municipal, provincial, and federal governments, placing “the reconciliation ball fully in the court of the dominant political entity” (Schaepe 2007: 254).

As the state begins to take seriously the need to account for First Nations interests and to share decision making in heritage matters, archaeologists are likely to decline as the primary authorities on the Indigenous past. The significance for heritage of Supreme Court decisions like *Delgamuukw* (Canada 1997), *Tsilhqot’in* (2007), and *Kitkatla Band v. British Columbia* (Canada 2002) is that rights that were not ceded must now be restored on modern terms. The time has come to give Indigenous groups the chance to implement “the spirit of cultural preservation regulations” in advance of constitutional recognition (Watkins 2003a: 133). This means, in part, finding a mutually acceptable means by which to delegate control over heritage places and objects (Ferris 2003: 172; also King 2008). Lending authority and legitimacy to Indigenous heritage stewardship policies is one such channel.

One of the most important elements of all these changes may emerge in the changing relationships between First Nations peoples and archaeologists: “Following the adoption of more direct, regularized interaction and co-management in day-to-day decision-making” (Ferris 2003: 173), these groups will have the opportunity to gain insight into each others’ perspectives, methods, and priorities, and to work cooperatively to formulate and achieve common goals. My thesis aims to help initiate this process of mutual understanding by identifying the character and context of the dominant system of heritage management and of the Indigenous stewardship strategies that seem poised to replace them.

Chapter Summary

The nature of British Columbia’s relatively undefined relationship with its Indigenous population—the near-absence of treaties, the conspicuous omission of First Nations concerns from policy that affects them directly—creates an environment in

which heritage management is undertaken in a reactionary manner that often overlooks fundamental issues of rights and title that are only now being addressed in the courts. British Columbia archaeology—and indeed the province as a whole—stand to gain substantially from the kinds of decolonization measures inherent in Indigenous heritage stewardship policy.

Interactions between archaeologists, heritage bureaucrats, and Indigenous peoples in British Columbia are shaped by ongoing legal challenges, by historical developments in legislation, by the functioning of resource-related industry, by First Nations' increasing involvement in on-the-ground aspects of archaeology, and by the responses of the provincial government to all of these circumstances. The problems that First Nations (and many heritage professionals) find with current systems of heritage research and management stem from this complex set of circumstances, and also reflect concerns specific to the cultural heritage sites in individual territories. Prominent issues in heritage management include a bureaucracy oriented around streamlining regulatory compliance, the failure to take account of Indigenous concerns that should form part of the Crown's fiduciary duty to First Nations, and the shortcomings of colonially derived heritage conservation legislation that fragments and endangers Indigenous pasts. More and more, it is individual archaeologists, bureaucrats, and Aboriginal people whose actions are challenging this system from the ground up.

The decolonizing efforts initiated by these individuals and by Indigenous political forces are supported by the heritage stewardship policies developed by British Columbia's First Nations. In their manipulation of "the master's tools," heritage policies draw on the strengths of familiar formats and pre-existing systems to bridge the gaps between Indigenous and non-Indigenous perspectives. They provide predictable, mutually agreeable processes through which conflict can be addressed and resolved,

and in doing so confirm First Nations peoples as independent heritage managers rather than limiting them to supporting roles in colonial systems. Indigenous policies promote a personal, respectful approach to heritage that draws on individuals' moral capacity and encourages personal responsibility through a new paradigm of stewardship rather than management. These qualities combine to make Indigenous stewardship policy a vehicle of cultural and political self-determination unrivalled in contemporary British Columbia.

CHAPTER 4: INDIGENOUS HERITAGE STEWARDSHIP IN BRITISH COLUMBIA

“Indians must spend what is, even for politicians, an extraordinary amount of their energy in creating, discussing, and communicating a distinct Indian reality, both to each other as well as to non-Indians. This activity may be termed *ideological production*” (Tanner 1983: 34-35).

Aboriginal groups in British Columbia have followed a steep but productive curve in the development of community-specific heritage policies over the last two decades. These domestic strategies of heritage stewardship have been formed in a political milieu ripe with global rights-and-recognition movements that began to bear fruit in the late 1980s and early 1990s (as discussed in the previous chapter). In content and form, these policies bear the marks of their nationalistic roots and their dual—and deeply intertwined—functions of heritage protection and sovereignty reclamation.

The explicit desire of communities to become active and acknowledged custodians of their own territories is an integral part of these stewardship initiatives. The repeated sentiment that “important sites should be protected and managed by [First Nations] and not by the provincial government or big companies” (Squamish Nation 2001: 14) leaves no ambiguity as to the purpose of these statements of stewardship and responsibility. Though every management approach has a different basis and style, each makes creative and strategic use of existing structures and predispositions to accomplish community-specific goals. This kind of manipulation of the “master’s tools” is a critical component of the five strategies addressed in this chapter, making a sound case that “deconstructing the master’s house” may well be accomplished by wielding his tools in inventive and customized ways.

This chapter examines five broad categories into which heritage stewardship initiatives can be divided: (1) land codes and land use laws, (2) land use plans, (3)

memoranda of understanding, (4) formalized heritage policies, and (5) alternative heritage management processes. For each of these groups I provide one or two examples of current Aboriginal policies at use in British Columbia. My discussion considers these heritage strategies in the sense Tanner (1983) uses in the chapter's epigraph, each as the result of the "ideological production" required to create and disseminate "a distinct Indian reality" (1983: 35). The "socially organized and conventional properties" (Atkinson and Delamont 2005: 823) of the heritage policy documents allow me to pursue a thematic synopsis along five general lines: the qualities of the strategy's format—heritage-specific policy vs. land code, for example—are discussed, as are the document's stated goals with respect to cultural heritage, the definition and function of heritage places and objects, statements of national identity and sovereignty, and sources of authority and accountability. Additional analysis of the policies' measures and their promotion of postcolonial or Indigenous archaeologies, as well as the implications of such practices, are presented in Chapter 5.

The Spectrum of Indigenous Heritage Stewardship Strategies in British Columbia

In British Columbia, First Nations' heritage policies exhibit a range of approaches and a commitment to the value of heritage that stands in contrast to the dominant, compliance-based system. The diversity of formats—as values embedded in a land use plan, for example, or as a stand-alone heritage policy—is matched by the unity of purpose behind them as expressions of sovereignty over cultural heritage. Produced mostly by band governments but also tribal councils like the St'át'imc of the mid-Fraser and treaty negotiation organizations like the Gulf of Georgia region's Hul'qumi'num Treaty Group, these policies are widely recognized by archaeologists as a part of the process in this province.

The groupings used here are general and do not constitute an exhaustive inventory; they cannot represent every strategy in use across a province in which the pace of political change ranges between fast and furious. While it might seem ideal to present an exhaustive

catalogue of tactics used by each of British Columbia's 202 federally designated Aboriginal bands, such a record could only ever be partial and ephemeral, and inherently misleading. Two reasons for this are (1) the swiftness with which Indigenous politics are changing in this province, and (2) the diversity of mechanisms that First Nations may use in expressing their heritage-related values and goals. The first point means that new approaches to this problem are being developed every day—some are made publicly available, some are not—and any listing on a band-by-band basis would need constant revision. I am reluctant to produce such a list because the omission of any one Nation from it is likely to be misinterpreted as the lack of a heritage policy (e.g., Golder Associates Ltd. 2003), when instead a policy might exist but have restricted distribution, or exist in September but not in August, or exist only as a prerogative to be communicated directly as needed.

The second problem is one of logistics and interpretation. As the groupings I have chosen to use may indicate, heritage stewardship policy is not always explicitly labelled or structurally isolated from other Aboriginal concerns that revolve around sovereignty and identity. That is, while some groups (e.g., Chehalis Indian Band [2001], Kamloops Indian Band [1997], and Stó:lō Nation [2003]) have overtly titled “heritage policies” that make them easy to enumerate, many more have incorporated their heritage agendas into other media that make producing a catalogue of approaches more challenging. Just a few examples of the variety of forums used by First Nations to address their heritage priorities are:

- generalized stewardship policy (e.g., St'át'imc [St'át'imc Land and Resource Authority 2004], Tseil-Waututh Nation [nd]);
- research-specific protocols (e.g., the Union of British Columbia Indian Chiefs [nd]);
- resource-specific policy (e.g., Ahousaht First Nation's Culturally Modified Tree Guidelines [Ahousaht 1997]);
- consultation guidelines (e.g., Northern Secwepemc te Qelmucw [2003]);
- memoranda of agreement (e.g., Ktunaxa/Kinbasket Tribal Council [2004]); and
- treaties and treaty final agreements (e.g., Tsawwassen First Nation, Canada, and British Columbia [2007], Maa-nulth First Nations [2006

In light of this diversity of approaches and of the pace of change referred to in my first point, itemizing First Nations' policies would clearly be a Sisyphean task, since to initiate this project would be to watch the stone roll back down the hill each time a British Columbia First Nation issued a political document. Because the development of heritage stewardship strategies occurs through this localized, dynamic process in which First Nations governments are actively seeking the paths that best serve their communities, my general analysis cannot possibly capture every individual effort; to attempt to do so would risk misrepresentation and offence at omission. However, I believe that the strategies of most Aboriginal groups who are claiming a role in the process of heritage research and management are represented in the categories and examples I have chosen. I begin my analysis with land codes and land use laws, and follow with land use plans, memoranda of understanding, formalized heritage policies, and alternative heritage management processes.

Land Codes and Land Use Laws

Developed under the auspices of the federal *First Nation Land Management Act* [R.S. 1999] (Canada 1999), Land Codes and Land Use Laws are intended to replace the land management provisions of the *Indian Act* R.S. 1985, C. I-5 (Canada 1985). The Land Codes establish the general framework by which the Nation wishes its reserve lands to be governed, and allows for the subsequent enactment of more specific Land Laws that manage particular issues in the community (e.g., development bylaws, noise regulation). The *First Nation Land Management Act* is one component of Aboriginal self-government, though it is concerned only with the transfer of control over reserve lands from the federal government to individual First Nations. It is not considered a treaty, and does not affect the constitutional or Aboriginal rights of participating bands, though in ceding day-to-day control over reserve lands it does reduce the fiduciary duty of the federal government (First Nations Land Management Resource Centre 2007: 6). Across Canada, 21 First Nations now operate under their own Land Codes, 12 of which are located in British Columbia (Indian and

Northern Affairs Canada 2009). For the purposes of this discussion the Land Code of the Tsawout First Nation (of the Fraser Valley) (Tsawout First Nation 2005) and the Land Use Law of the Westbank First Nation (of the Okanagan region) (Westbank First Nation 2007) are used as examples of how heritage stewardship can be addressed within this medium.

Format

Land Codes and Laws enacted by First Nations are detailed descriptions of the goals and policies by which communities, having voted to ratify them, wish their reserve lands to be managed. Because they are unique to the First Nations that draft them, they are not uniform in content with regard to heritage or any other aspect of planning. They are, however, drafted in the conventional format and language of Western law making, making them readily accessible and easily interpreted by non-Native users.

Many Land Codes specify the care of heritage sites and objects in particular as the subject of future community consultation and legislation, providing a community endorsement of the kinds of Land Laws desirable to members. The Tsawout First Nation Land Code (2005), for instance, describes the “setting aside, protection and regulation of heritage sites, cultural sites, traditional sites, spiritual sites” (Tsawout First Nation 2005: 12) as a specific example of possible legislation. The Tsawout Code also designates a Land Management Committee responsible for overseeing any proposed development of these kinds of sites (2005: 14), and requires the consultation of the community before enacting Land Laws that may affect heritage, cultural, traditional, and spiritual areas (2005: 16).

While a Nation’s capacity to control on-reserve heritage is implicit in the Code’s permission to pass Land Use Laws, few bands have yet to enact laws governing heritage. The Westbank First Nation’s Land Use Law (2007-01, Schedule “A” – Land Use Plan [Westbank First Nation 2007]) is one example of a local statute born of a Land Code that governs archaeological and other cultural sites and objects, and is subject to the Westbank

First Nation Constitution. Westbank's Law enshrines community priorities and uses them to direct future planning.

Goals

Westbank's Land Use Law contains a number of Land Use Policies that briefly state the Nation's intentions with respect to varied aspects of community life, and archaeology is among these policy areas. The Guiding Principles of the Law include the "responsibility to protect the land and her resources for future generations," and has among its goals the preservation of "archaeological/cultural areas, sites and features" (Westbank First Nation 2007: 3). As "an important link to the past" deserving of protection and commemoration (2007: 5), Westbank First Nation commits to a level of stewardship comparable to that of the Province, with one key difference. According to the law, inventory and impact assessments will be conducted prior to *any* proposed ground disturbance within the reserve. This is an important contrast to the Archaeology Branch's adherence to of various iterations of predictive modelling, the use and reliability of which have been a contentious issue to many First Nations people (Nicholas 2006: 360-361).

Use/Function of Heritage

Archaeological sites are considered by Westbank Law to be "Culturally Sensitive Areas," for which special planning provisions are made. While these areas are not limited to archaeological sites and objects—religious spaces and burial grounds are given as examples—the clause requires that their identification and investigation be made part of an archaeological assessment by a qualified professional. This extension of the concept of heritage has two implications. First, it requires a subversion of the *Heritage Conservation Act* convention that sites are defined by their material constituents and pre-1846 origins. Second, it compels archaeologists to broaden their investigations to include site types that have

generally been considered “traditional use” and therefore non-archaeological, obliging them to don the hats of ethnography and anthropology in the course of their assessments.

Sovereignty, National Identity, and Accountability

As a strategy for Indigenous heritage stewardship, Land Codes and Land Use Laws have the advantages of being explicit statements of sovereignty issued by self-governing Nations. They do not, however, have jurisdiction over the vast areas that make up First Nations’ traditional territories; they uphold the spirit of the *Indian Act* and are applicable only within the boundaries of federal reserve lands. There they integrate heritage issues at the community government level with other concerns fundamental to their peoples’ well-being (e.g., housing, environment, economy), promoting heritage management from the “just-in-case” mandate of the provincial model to a certainty deserving of front-end planning. However, the manner in which heritage inspection and management are to be carried out remains at the level of generalities. Land Codes and Laws are only the starting point by which priorities are voiced; discharging their directives means detailed methods must be arranged, in another medium, so that heritage professionals can readily act on them.

Land Use Plans

Land use plans are being drafted by a number of Aboriginal organizations as a way to integrate all of a First Nations’ interests in its territory into a single document expressed in the vernacular of the planning bureaucracy. Different from Land Codes and Laws in that they are generated outside of the framework of the *Indian Act*, land use plans are loosely comparable to the provincial government’s Land and Resource Management Plans (LRMPs). Land use plans address management concerns across the whole of a nation’s territory, not just within reserve boundaries, but often exclude densely populated urban areas. First Nations’ land use plans are the product of intensive community consultation, and reflect a cohesive long-term vision for stewardship of traditional territories. The plans deal

with “broad land allocation and resource management direction” and address cultural heritage concerns as a whole, but do not contain site-specific information that may breach confidentiality of collective knowledge (Squamish Nation 2001: 3). The land use plans of the Squamish Nation (2001) of southwest British Columbia and of the St’át’imc (St’át’imc Land and Resource Authority 2004, hereafter St’át’imc 2004) of the lower Fraser River area will serve as examples throughout this section as I examine the capacity of these plans as vehicles of heritage stewardship.

Format

The similarities in format of Indigenous land use plans to those of the provincial government are no coincidence. Speaking for the Squamish Nation, archaeologist Rudy Reimer reports that issuing the document was partly “to beat the Province to the punch with their LRMP, and start a process that we can gain more management and control over our territory” (Rudy Reimer, pers. comm. February 2007). By producing a strategy voiced in the policy-oriented format “of the master,” the Squamish and other nations greatly increase the chances that their plans will favourably influence the Crown’s planning process. More than just statements of intent or interest, these land use plans put lines on maps and provide concrete management direction that can be clearly understood and followed by non-Native personnel. The inclusion of all aspects of community and cultural life—from heritage and habitat protection to economic development to “wild spirit places” (Squamish Nation 2001)—under a single management initiative serves to emphasize to outsiders the holistic vision and inclusiveness with which these Nations expect their territories to be governed.

Goals

The ultimate goal of land use plans is to ensure a Nation’s continuing relationship with the land through sustainable planning (St’át’imc 2004: 3). The particular goals of the plans are derived from the values of the communities themselves, which advocate for the

protection of heritage “for all generations” (St’át’imc 2004: 4). The aim to protect the cultural heritage rather than drawing knowledge from it is a unique aspect of Indigenous stewardship programs, in which the intrinsic value of heritage is the basis for preservation (e.g., Squamish Nation 2001: 10; St’át’imc 2004: 4). Land use plans often seek to achieve this protection by mandating that heritage inventories—systematic archaeological, traditional use, and land occupancy studies—be conducted in the following phases (e.g., Squamish Nation 2001: 55).

This is illustrative of the intent of land use plans to identify future initiatives through which overarching goals—e.g., heritage preservation—can be achieved. Many objectives laid out in the land use plans are left to future policy endeavours, or to the cumulative effects of numerous other strategies. For example, the plans aim to identify specific sites with special cultural values through subsequent planning exercises at a more appropriate scale (Squamish Nation 2001: 13). It is this recognition of rules and regulatory processes in need of amendment that is at the heart of land use plans, which are enacted with the intent of establishing a new framework in which to proceed with policy reform.

One noteworthy goal of Indigenous land use plans relates to their application beyond the boundaries of reserve communities, and therefore the attempt to involve wider society in achieving a Nation’s objectives. One theme in the Squamish Nation plan, for example, is the need to teach non-Squamish “about the importance of Squamish Nation archaeological and cultural sites, and the importance of protecting them” (Squamish Nation 2001: 14). The use of informative plaques is cited as one way in which this might be achieved.

Use/Function of Heritage

The middle- and long-term planning role of this stewardship strategy often requires a nation to articulate the kinds of uses or functions they see for their heritage. Where the dominant management model usually seeks to commemorate heritage in the past tense, for First Nations these heritage sites and objects function as links “from the past to the present

and into the future” (St’át’imc 2004: 4). Sites, traditional place names, and the stories that connect them serve to remind the people about “their place in the universe and who they are” (Squamish Nation 2001: 14). In this capacity, the explicit and exclusive use of traditional place names is also posited as one way to raise a nation’s profile among the non-Native occupants of their territories (Squamish Nation 2001: 14), powerful mnemonic device that serves to emphasize cultural and residential continuity.

Another function attributed to heritage places and objects in these land use plans is that achieved through the compilation of heritage data. The Squamish Nation, for example, aims to collate archaeological data for their own use (2001: 13) rather than as a contribution to province-wide databases or to prospecting archaeologists or developers. Through systematic archaeological, traditional use and land occupancy studies, the Squamish hope their cultural heritage can be used to “reflect a comprehensive statement on the nation’s history to be used for education, treaty negotiations, etc.” (Squamish Nation 2001: 55). This use of heritage as a resource for achieving alternative and varied goals is a good indicator of the flexibility with which Nations are willing to wield their own history, and stands in opposition to the static, knowledge-bearing function favoured in the dominant system.

Sovereignty and National Identity

As documents that integrate the concerns of a Nation and connect those concerns directly to their land base, land use plans are inherently assertions of sovereignty and national identity. Most contain a statement at the outset describing a nation’s character (e.g., language, society), its territory and the resources therein, and an explicit proclamation of title, rights, and ownership (“the land is ours” [St’át’imc 2004: 1]). Squamish Nation’s statement includes details of the current status of the land and its people, including the enduring impact of Euro-Canadian culture and the illegality of settler government’s control over traditional lands (e.g., Squamish Nation 2001: 4). A land use plan is well suited to expressing distinctive

title, as it addresses the broadest concerns a First Nation has over the management of all its territory, not just federally designated reserves or specific heritage sites.

First Nations are particularly emphatic that their role and authority are incomparable to other potential stakeholders (St'át'imc 2004: 1). Land use plans are an active iteration of this inherent right to control one's territory and resources, best seen as "exercise of governance" over traditional lands (Squamish Nation 2001: 5). First Nations' assertion of authority through land planning takes place within the legal context of the Canadian constitution and the courts' decisions confirming title, and the St'át'imc for one believe that dominant culture's respect for land use plans is one of the "key steps necessary to accommodate St'át'imc Title and Rights" (2004: 25).

Authority and Accountability

The reflexive and collective process of Indigenous land use planning means a heightened level of accountability relative to dominant-culture governance. The exhaustive community consultation that guides the development of land use policy is evident throughout these documents, which frequently include verbatim excerpts of the vision and concerns of members who have contributed to the process (e.g., Squamish 2001). Land use plans that are produced by collective decision-making emphasize a built-in responsibility to communities, to governing councils, and to future generations (St'át'imc 2004: 6).

Indigenous stewardship values are clearly expressed through land use plans in which Nations acknowledge their role as caretakers of heritage "inseparably connected" to the land (St'át'imc 2004: 4). Land use plans advertise an assumption of responsibility for "taking care of... ancestral footprints" (St'át'imc 2004: 4) that is a clear indicator of the level of personal, rather than fiduciary, duty that Nations expect to take with regard to heritage management. This expectation subverts the dominant system's approach to land planning in which government is expected to produce, oversee and enforce plans with little or no participation from the public.

Under territory-wide land use plans, settler governments, private corporations, and the public also become accountable to First Nations' governance systems: "St'át'imc law regarding territorial lands and resources will be followed by *all users* of our territory" (St'át'imc 2004: 1; emphasis added).²⁰ Indigenous land use plans challenge the status quo concept of responsible land use by extending its definition and by shifting its burden of proof. Referred to in the St'át'imc plan as "the precautionary principle," this subversion of the status quo puts the onus on development proponents to show that their use of the land can occur without impact (or with an acceptable level of impact) to the people or to the environment (St'át'imc 2004: 9). This subtle difference between the two kinds of approach not only puts community land values ahead of those of other users, but should also help transfer some of the real financial and operational burden of land and heritage protection off the shoulders of First Nations and onto those who advocate potentially destructive activities.

Memoranda of Understanding

Some First Nations have chosen to engage the provincial government directly and politically over the management of archaeological places and objects, and the resulting Memoranda of Understanding (MOU) challenge the Province to uphold its own heritage legislation. Originating under Section 20 of the *Heritage Conservation Act* (HCA), MOUs are non-binding agreements between the ministry responsible for heritage and individual First Nations, and are designed to address Aboriginal interests and build a shared decision-making role for First Nations within the existing heritage conservation system rather than as an alternative to it. The measures are intended to encourage both signatories to explore and exploit the management tools already available in the HCA, in order to maximize its effectiveness for heritage protection in the period prior to treaty implementation.

²⁰ In the case of the St'át'imc, the nation's laws governing land use "will be enforced through the St'át'imc Chiefs Council in St'át'imc territory" (2004: 8), though it is not made clear how such enforcement will proceed. In general, tactics of negative publicity and "blackballing" are common, if not openly endorsed, methods of handling non-compliance, but do not in most cases constitute official governmental procedure.

While the terms of these MOUs overlook many aspects of the contemporary archaeological management system that are of greatest concern to First Nations (e.g., jurisdiction, definitions of heritage), their commitment to improving communication and clarifying parties' roles in the CRM process are their primary assets. The incorporation of First Nations' rights and interests into the Province's heritage permitting procedures is the focus of these agreements, while more fundamental changes to archaeological practice—integrating Indigenous cultural values, for example—are left to future initiatives for which the MOUs provide a formal framework. The MOUs that the provincial Archaeology Branch has signed with the Hul'qumi'num Treaty Group (HTG) (HTG 2007) of the Gulf of Georgia area and the Ktunaxa Nation (represented by the Ktunaxa/Kinbasket Tribal Council, or KKTC) (KKTC 2004) of the Kootenay region of the southeast will serve as examples in the following discussion.

Format

MOUs are documents of limited scope and powers, and as agreements between parties historically at odds with each other, are particularly conservative in their language, outlook and potential for change. The MOU format fosters the use of muted language, where the emotional and nationalistic rhetoric of unilaterally issued statements is stripped away and replaced with a tone and structure rooted in legal writings. The MOU bears the marks of a settler government still in negotiation over rights and title, including a hyper-awareness of liability and court-defined rights issues (e.g., KKTC 2004: 3). As such, these documents avoid any wording or language that might be misinterpreted as a concession: the MOU is not intended, for example, to "create, amend, define, affirm, recognize, abrogate or derogate from" any Aboriginal rights or assertion of jurisdiction and authority by First Nations parties (HTG 2007: 3; KKTC 2004: 6;), or to "constitute any admission of fact or liability" (KKTC 2004: 6). This guarded stance on the part of the government signatory is one of the primary

disadvantages of this format of heritage stewardship strategy, in which ongoing negotiations in other forums—the treaty table, for instance—tend to limit gains made in this one.

This generalized sense of protectionism is affirmed in the MOUs' insistence that any developments in this process will adhere to legislation already in existence and will “utilize existing management processes to the greatest extent possible... and reflect an incremental, adaptive management approach” (KKTC 2004: 3-4). The Ktunaxa Nation MOU, for example, which aims to refine the process in which heritage permit applications are issued, includes a sample outline of the new review procedure that bears a close resemblance to the one already in place (in which First Nations are given the opportunity to comment on permit applications prior to the Branch's decision on issuance). The proposed process widens the scope of this consultation only minimally: the Branch agrees to advise the applying archaeologist to contact the Ktunaxa directly, and the Ktunaxa's comments may reflect *any* concerns it has with the permit application, rather than only those related to the study's methodology (KKTC 2004: 9).

The limitations of the MOU format means that it is best used in conjunction with a suite of other targeted methods or as a stopgap while more enduring, encompassing solutions of self-government are realized. Many Aboriginal groups, who, like the Ktunaxa Nation, have signed these kinds of MOUs, have been concurrently negotiating treaties and other agreements at the provincial and federal levels. Many also are pursuing other governance projects in support of the MOUs and as an assertion of self-determination, in the same way that the HTG has endeavoured to develop a heritage policy by which their member Nations' heritage-related decisions should be guided (HTG 2007: 7).

Goals

The principal goals of the archaeology MOUs reflect the major administrative issues that First Nations experience while interacting with the Province's heritage management apparatus. The desire on the part of First Nations to improve communications with the

Archaeology Branch and with the archaeologists that undertake CRM in their territories is a means, not an end. Clearer, more regularized interaction between the parties can lead to a shared understanding of the resource and the process, which can help structure a more cooperative relationship for the management of heritage places and objects (KKTC 2004: 2). An effective MOU can serve as a forum in which to discuss issues, coordinate activities, and provide opportunities for shared responsibility and sharing information, all of which help to carve out a “greater role in and influence over” heritage management by First Nations (KKTC 2004: 3).

Clarifying roles, procedures, and expectations on the part of both the Branch and First Nations heightens the potential of an MOU to achieve secondary heritage stewardship goals. The agreements can establish a pre-treaty framework to help protect sites until self-governing First Nations are better able to formulate strategies. In the interim, the contents of these MOUs and any data or agreements they produce can serve to “inform and expedite” treaty negotiations (KKTC 2004: 1). This includes learning to cooperate on enforcement of the HCA, developing archaeological potential models that are more satisfactory to First Nations than those currently being employed by government and contracting archaeologists, and finding ways to more effectively involve other government ministries in heritage awareness and regulatory compliance (HTG 2007: 3-4). The MOUs also identify the need to expand the understanding of these issues beyond government and into the public at large, where education and awareness of heritage, and of HCA obligations, penalties, and procedures are important subsidiary goals (HTG 2007: 3).

The Ktunaxa MOU provides a concrete example of the way in which First Nations aim to carve out their role in the management of heritage. The MOU sets the parameters for an Archaeological Resources Management Committee composed of two members of the Nation and two employees of the British Columbia Archaeology Branch, who will work together to coordinate the collection and exchange of information relating to heritage in

Ktunaxa territory. This committee will, according to the MOU, strive to establish a more satisfactory system to review permit applications and to propose new ways to identify, protect and mitigate threats and to enforce compliance. Another significant goal of the committee is to review the potential for amendments to current legislation, procedure, and policy that can reinvigorate the heritage management system and render it more accountable to First Nations and to the province as a whole (KKTC 2004: 4-5).

Perhaps the most detailed major objective of the MOUs, and the one the Province seems most willing to be explicit about, is a clarification and expansion of First Nations' roles in the process by which heritage inspection and investigation permits are issued and overseen by the Branch. In the Ktunaxa and HTG MOUs, the Branch agrees to continue the well-established practice of providing archaeologists' permit applications to the First Nations for review, but endeavours to open up some aspects of the process. For example, the Branch agrees to use its position to encourage direct communication between applying archaeologists and First Nations, as well as providing the Nations with non-permit documents that relate to the projects at hand (e.g., non-invasive overview assessment and field reconnaissance reports), neither of which have previously formed part of Branch policy. As for the applications, the MOUs expand the range of acceptable feedback—until now limited to comments on proposed project methodologies—to include observations and criticisms of the “project scope, methodology, results and recommendations” (HTG 2007: 6), encompassing “any concerns it may have regarding the application” (KKTC 2004: 9).

The overarching goal of MOUs—to hold the Province accountable to their own HCA—is deserving of further examination. Many directives on which the parties agree in the HTG and KKTC MOUs are aspects of legislation and policy to which they should *already* be adhering. Comprehensive permit reviews and permit oversight, general enforcement of the Act, assisting with compliance of public and private entities, and mitigation of impacts to sites are all part of the Branch's current responsibilities to the archaeological record *regardless of*

geographic location. The reiteration of these points within these MOUs, then, raises questions about the role and heritage of First Nations who have not signed similar agreements. Does the lack of newly minted MOUs allow the Branch to continue to shirk their obligations with respect to other Nations? Are the archaeological sites in the territories of those groups who have entered into MOUs more assured of protection, and the groups themselves more entitled to involvement, than the heritage and groups without MOUs? In my personal experience, MOU signatory First Nations are shown a higher level of attentiveness by Branch personnel than those who are not, with extra care being taken to meet policy and legal obligations to those groups.²¹ These questions have serious implications beyond perceived double standards—they address the risk posed by these kinds of agreements to achieving equity across the field of heritage management.

Use/Function of Heritage

The conservative, legislative style of MOUs precludes much in the way of discussion about the uses or functions attributed to heritage places and objects by the signatories. The MOU's primary aims of more open communication and a more explicit version of the permit review and oversight processes are not predicated on establishing any value for or attribution of heritage, but are dedicated to holding the government accountable to its own legislation. Such documents are the progeny of legal and policy writing that leaves little room for nationalistic or philosophical thoughts on the role of heritage (if indeed a term as broad as "heritage" were permitted to be used over that of "archaeology," which it is not). Aboriginal signatories to MOUs have often expressed these views in other venues devoted largely to these issues, such heritage policy, land use plans, community vision statements, or papers like the HTG's *Respecting the Ancestors* (McLay et al. 2008).

²¹ I have also encountered, on more than one occasion, the Branch treading so carefully as to err inappropriately on the side of caution by mistakenly including in their MOU process permits for archaeological work outside of HTG's formally defined traditional territory. In these instances Branch officers copied what should be privileged information concerning archaeologists, their clients, and other First Nations to the HTG and its six constituent Nations, before being called off by the HTG themselves. The lack of respect shown to non-MOU Nations as MOUs signatories are handled with kid gloves suggests the Branch is currently operating in a reactive environment where consistency of intent and action pose a serious challenge.

Statement of Sovereignty and National Identity

As a government-to-government agreement, the MOU is one heritage stewardship strategy that requires the Province to recognize the national interest that Aboriginal groups have in their heritage. The rapport between the Province and First Nations in this pre-treaty era is being carefully forged, and the “management of archaeological resources is an important component of this broader relationship” (KKTC 2004: 1). The willingness of the Province to acknowledge First Nations’ individual interests in heritage is inherent in these documents despite the standard caveat that the MOUs do not “abrogate or derogate, acknowledge or deny” any assertion of jurisdiction or authority over heritage by the HTG (HTG 2007: 3). Likewise, the Ktunaxa’s agreement with the terms of the MOU “does not mean that it accepts British Columbia’s assertion of jurisdiction or authority respecting the management of archaeological resources (KKTC 2004: 6), though the adherence to existing legislation and policy clearly suggests some level of acceptance. Both examples show the MOU format as carefully crafted compromise between parties dedicated to making due with what they already have.

The HTG MOU carves out a special role for the group to identify and protect its cultural values and Aboriginal rights. Rather than broadcasting these prescriptively in the MOU itself, the HTG agrees to provide its own “statement on the cultural significance of archaeological heritage sites,” on a case-by-case basis, as well as to “assess potential impacts to aboriginal rights or interests, and provide recommendations on how to avoid or mitigate any potential infringement of rights or interests” where needed (HTG 2007: 6). This task is made considerably easier by the fact that the HTG have devoted considerable time and effort to exploring and working to articulate the various dimensions of their cultural heritage as an expression of their worldview and identity (see, for example, McLay et al. 2008), as have the Stó:lō, the Musqueam, and other First Nations. These statements and recommendations amount to a convincing assertion of national interest, in which the HTG

will be given the opportunity to regularly express how the Province's use and management of HTG heritage affects its member's nationhood and cultural identity.

Authority and Accountability

The terms of the MOU derive their legitimacy from the Canadian Constitution and the British Columbia *Heritage Conservation Act* (1996). Aboriginal and treaty rights are recognized and affirmed in Section 35(1) of *Constitution Act, 1982* (1982), and the provincial government must uphold it, along with its own legislation. The parties are, in the broadest terms, accountable to all Canadians to maintain their responsibilities under the MOU.

Beyond legal responsibilities, the Branch and the signatory First Nations are agreeing to a mutual accountability in which each is responsible for individual aspects of the MOU. The Branch remains liable for procedural rigour "in furtherance of the objects of the *Act*" (HTG 2007: 6), but also agrees to numerous additional tasks (such as copying non-permit reports and management directives to Aboriginal groups and encouraging archaeologists to work with them). The Branch agrees to consider the views of the First Nation signatories when making decisions about management and enforcement, and thus become accountable to these groups for the outcome of their decisions. The Aboriginal parties, for their part, consent to keep communication open with regard to the development of any other protocols or agreements with other government agencies, or the acquisition of information germane to the management and protection of archaeological sites and objects. The resulting MOUs thus have a strong sense of cooperation, shared responsibility, and mutual accountability that improves the tenor and prospects of provincial-Aboriginal relations.

Despite all this geniality, it is important to remember that an MOU may describe or encourage "processes that may form a component of consultation," even if the MOU itself "may not wholly satisfy the Crown's legal obligation to consult" (KKTC 2004: 6). The Province, through its individual agencies, remains responsible not just for upholding the laws but also interpreting the nuances of the right-based decisions of cases such as *Delgamuukw*

v. British Columbia (1997). For the liability-minded, the management of British Columbia's Indigenous archaeology is fraught with potential infringements of Aboriginal rights—the lack of protection of a site's ongoing use as a locus of cultural importance, for example, or the extra-territorial curation of artifacts. The clear status of an MOU as one possible safeguard of those rights is meaningful not just to the First Nations, but to a provincial government whose responsibilities are sometimes troublingly vague.

Formalized Indigenous Heritage Policies

First Nations heritage policies are “living documents” (Stó:lō Nation 2003: 1) that dictate, according to the vision and values of individual communities, the terms under which archaeological fieldwork, assessment, and curation should take place. By effectively merging action and philosophy into policy statements (Schaepe 2007: 250), such policies can better serve a community's interests than more generalized land use plans or provincial policies. Based on respect and derived from traditional teachings (Stó:lō Nation 2003: 5), policies encourage a mode of management in which local cultural values gain prominence over the needs of development proponents (shíshálh Nation nd: 3), and in which conflicts with, and impacts to, heritage must be both minimized and justified (Stó:lō Nation 2003: 6).

In scope, heritage policies differ from land management plans in that they encompass a Nation's entire traditional territory, not just reserve lands. Developed explicitly for wide public distribution, heritage policies are an important avenue by which First Nations can broadcast their cultural priorities and management preferences to users of their territories. Their prolific use of local terms and concepts in Aboriginal languages is an important statement of cultural autonomy and the distinctiveness of each First Nation's relationship with their own heritage. In this section, examples are drawn from the heritage policies of the Stó:lō Nation (2003) of the Fraser Valley and the shíshálh Nation (nd) of the Sunshine Coast.

Format

First Nations' heritage-specific policies represent a stewardship strategy that most closely aligns Aboriginal interests and goals with the mechanisms of the dominant heritage management system. In format, heritage policies share many of the provincial government's standardized policy and permitting processes, and many impose requirements that are "in accordance with the standards established and maintained" by the Archaeology Branch (shíshálh Nation nd: 5; Stó:lō Nation 2003: 30). Like the Branch's system, most policies go hand-in-hand with a heritage investigation permit for which archaeologists are expected to apply, in addition to the one issued by the Province. As with the dominant system, this permitting requirement allows First Nations' heritage managers to track development compliance, as well as to collect both positive and negative archaeological data on different parts of the territory. To this end, the Stó:lō permit also includes a "Heritage Investigation Project Summary Form," in which archaeologists are expected to communicate the results of their studies directly to the Stó:lō Resource and Research Management Centre (SRRMC) in terms that are most easily assimilated into existing databases (see Stó:lō Nation 2003: 34).

Formalized heritage policies dictate the terms and applicability of different types of heritage investigations recognized—or not recognized, in the case of shíshálh Nation's dismissal of potential-based overview assessments (shíshálh Nation nd: 4)—by a community. The policy-and-permit format imposes minimum standards for fieldwork that differ from the triage-based methods of the Archaeology Branch and Forest Districts²², which use *low*, *moderate* and *high* archaeological potential maps to determine the requisite field practices. Both the shíshálh Nation's and the Stó:lō policies require all proposed developments to be subject to some level of archaeological assessment, regardless of the

²² As per the Protocol Agreement (1994) between the Archaeology Branch and the Ministry of Forests (MoF), the decision of when and where archaeological work is warranted for forestry-related development falls to the district manager of a Forest Region, not an archaeological professional. It is fairly standard for MoF managers to permit proposed developments in areas of low to "moderate-high" archaeological potential (based on predictive overviews) with no archaeological assessments. In these regions only those projects in "high" potential zones are subject to archaeological investigations.

pre-determined “potential” for heritage sites or objects. In addition, they identify a range of site types known in the territory, and outline what is required of heritage professionals as they investigate each of the types (shíshálh Nation nd: 4-5; Stó:lō Nation 2003: 9). The policies provide clear management options based on different site types faced with different potential impacts, but are not so prescriptive as to pre-empt decisions needed on a case-by-case basis. Indeed, the written policy serves as a guideline for investigators whose proposed methodologies and recommendations are to be vetted by the First Nation’s archaeologist(s) as part of the process. An example from the Stó:lō policy in Table 6, below, shows that this preference for certain management measures is also accompanied by secondary choices, and comments that allow for even greater flexibility.

Goals

The primary aim of Indigenous heritage policies is the management of local heritage in a way that reflects community values, “for the purpose of preserving and protecting our heritage for the betterment of the [First] Nation, and to ensure that our traditions and way of life lives on” (shíshálh Nation nd: 3). The protection of heritage, according to these documents, goes hand-in-hand with religious freedom and the well-being of the spiritual world (Stó:lō Nation 2003: 2). The maintenance of “healthy relations” between contemporary people and past and future ancestors assures a cultural continuity on which Aboriginal people rely to anchor their histories and to advance cultural revival (Stó:lō Nation 2003: 3). The policies thus endeavour to manage heritage places and objects in a way that is appropriate to the site type and its cultural value, and to ensure that decisions about this non-renewable resource is ethically and culturally appropriate (e.g., the maintenance of confidentiality regarding certain spiritual places).

Table 6. A framework of management measures for Stó:lō heritage sites from the Stó:lō Heritage Policy Manual (reproduced from Stó:lō Nation 2003: 13, Table 1)

Site Type	Preferred Management Measure	Secondary Option(s)	Comments
<i>sxwóxwiyám; xaxa; sxwó:yxwey</i>	avoidance / no impact	n/a	
<i>stl'áleqem</i>	avoidance / no impact	minimize impact and mitigate impact (to area)	refer to environmental assessment process; enhance the natural qualities of the area if possible / applicable
ceremonial regalia	avoidance / no impact	options potentially available per consultation with and approval of the Stó:lō Nation / Tribal Council	exception - spirit poles are not to be disturbed or moved as a means of avoiding impact
burial / cemetery	avoidance / no impact	options potentially available per consultation with and approval of the Stó:lō Nation / Tribal Council	burials <i>may</i> be recovered and reburied under some circumstances
material culture	avoidance / no impact	minimize impact and mitigate impact (to area)	
traditional activities	enhancement / avoidance / no impact	minimize impact and mitigate impact (to area)	maintain or enhance the traditional use activity potential of the area
Named place	avoidance / no impact	minimize impact and mitigate impact (to area)	refer to environmental assessment process; enhance the natural qualities of the area if possible / applicable

Note: *sxwóxwiyám* are oral histories that describe the distant past, (origins); *xaxa* are spiritually potent sites; *sxwó:yxwey* are the mask, dance, and regalia places integral to traditional culture (Stó:lō Nation 2003: 8).

The policies seek to ensure that all proposed land uses in a given territory are planned to minimize conflict with any heritage site or object (shíshálh Nation nd: 3; Stó:lō Nation 2003: 6), and encourage proactive planning in concert with First Nations cultural advisors, archaeologists, or land-management databases. Despite these precautions, it is possible that development proponents will find themselves confronted with “no-go zones” of the sort that the Archaeology Branch rarely, if ever, imposes. The shíshálh Nation, for instance, “will not allow certain heritage properties to be impacted regardless of the needs of proponents,” and these include graves, sacred places, house sites, battle sites, fish traps, and art (shíshálh Nation nd: 3).

Reducing conflicts between development and heritage, according to the policies, also extends to the disposition of artifacts encountered in the course of investigative or mitigative pursuits. Controlling artifact collection in order to maintain site integrity is an objective of the

Stó:lō policy, and is particularly encouraged in the case of objects from which no further information can be extracted beyond that which was recorded in the field (e.g., common lithic debitage that has been measured, counted, photographed) (Stó:lō Nation 2003: 23).

Replacing heritage objects in their location of discovery can also fulfil the Indigenous stewardship model wherein goods should be left *in situ* (to disintegrate or to remain where the ancestors intended them to be (e.g., Million 2005), and also has the practical benefit of reducing pressure on overcrowded repositories. In addition, the shíshálh policy requires that all heritage objects remain within the Nation's traditional territory, which amounts to the repatriation not only of newly identified artifacts but also those older acquisitions taken without permission (shíshálh Nation nd: 4).

Through the recognition that heritage can be spread across large territories populated by other non-Native users as well as overlapping with other First Nations, Indigenous heritage policies are intentional outward expressions of a community's preferences for heritage management. The Stó:lō, for example, are adamant that their heritage policy be made public so that others will understand and respect both the document and the community that produced it, with the intent of creating "a better and healthier way of life" for all the occupants and users of the territory (Stó:lō Nation 2003: 2). This kind of transparency has the potential to create goodwill between people and groups who often find themselves at odds with each other, or even with the *idea* of each other.²³ The policies are generally clear about a Nations' willingness to cooperate with government agencies and business organizations, and to engage in sharing protocols with neighbouring First Nations groups (e.g., Stó:lō Nation 2003: 2). The Stó:lō further emphasize that their policy and permitting system does not infringe on or negate the policies and permits of other First Nations that share an interest in their territorial heritage (Stó:lō Nation 2003: 21).

²³ I reiterate the statement from the *BCAPA Newsletter* concerning the involvement of First Nations in Oil and Gas related assessments, introduced in Chapter 4: "Private landowners tend to associate archaeology with First Nations people, which may cause negative feelings and misunderstanding" (BCAPA 2008:2).

Use/Function of Heritage

Community-specific heritage policies provide an ideal forum in which a First Nation can articulate its perspectives on how heritage can function in the contemporary world. Heritage sites and objects are seen as forming a special link between the past, present, and future, and constitute parts of a family tree that “connects past and future generations” (Stó:lō Nation 2003: 1). As such, cultural heritage is integral to First Nations’ desires to reclaim their histories and “document the continuity of occupation and intensive utilization” of traditional territories (shíshálh Nation nd: 1). For the shíshálh Nation, heritage properties are said to have been used by the ancestors to navigate *tems swiya* (“our world”), and reflect the Nation’s history on the land (shíshálh Nation nd: 1). The position that “the graves of our ancestors document the truth” (shíshálh Nation nd: 3) suggests the important role that archaeology, and other forms of heritage, can have in re-establishing Aboriginal histories that have been systematically smothered in the Canadian setting.

The ability of heritage sites and objects to contribute to a fuller picture of a people’s history is not merely an academic exercise or even historical restitution. Knowing one’s history, and therefore identity, “is knowing how to behave properly in today’s world, considering the ancestors past and those yet unborn” (Stó:lō Nation 2003: 6). The moral guidance that comes from being a part of a living history is an invaluable asset to those faced with the insidious social, economic, and political inequities that characterize relations between Aboriginal peoples and non-Native Canadians. From the perspective of the Stó:lō, heritage is an invaluable asset unmatched by other resources: “Our heritage—including our land, resources, people and ancestors—is ultimately all that we are” (Stó:lō Nation 2003: 2).

Those aspects of heritage most directly connected with the origin stories of Indigenous peoples have an especially important function. Transformation events, associated with the time when the world was changing from its original, chaotic state to one in which humans began to thrive in comfort, “created places that prove our direct link” to the

creator (Stó:lō Nation 2003: 2). The transformed ancestors, “still living with and amongst us” (Stó:lō Nation 2003: 1), are a source of spiritual and cultural continuity infused with “the living spirit of our ancestors” (Stó:lō Nation 2003: 1). This function of heritage reflects a worldview where the usual Western dichotomies between natural and cultural environment, natural and supernatural worlds, and the unidirectional progress of time (past/present/future) are absent.

Ultimately, the utility of heritage to descendant communities must be translated through policy into modern management terms in order to positively influence the heritage management process. The cultural value of heritage places and objects can be useful in “identifying the parameters” of management plans including appropriate investigative depth and mitigative measures (Stó:lō Nation 2003: 12). In terms of British Columbia’s Archaeological Impact Assessment Guidelines (British Columbia 2008), this is referred to as “ethnic significance” and is just one of a suite of ratings by which a heritage site is evaluated (the others are scientific, public and economic significance). For the Stó:lō, all heritage has inherent cultural value, and while not all vestiges of heritage are of equal significance to them, they are always deserving of respect (Stó:lō Nation 2003: 12). Differences in cultural value reflect variation in the relationship that existed, or continues to exist, between an object and the object’s owner (Stó:lō Nation 2003: 12). Both the Stó:lō and shíshálh Nation policies make clear that the value or significance of a particular site or object can only be determined by the community, and that such appraisals must be done on a case-by-case basis.

Statement of Sovereignty and National Identity

The formulation of a domestic heritage policy is an unambiguous statement of sovereignty over the heritage sites and objects within one’s traditional territory. Both the Stó:lō and shíshálh Nation heritage policies are prefaced by geographic and cultural summaries that plainly outline the peoples’ place in the world, and their long histories in these settings. The Stó:lō’s tenet that “knowing your history is tied to knowing your identity” (Stó:lō Nation 2003: 6) is an important reminder to Stó:lō and non-Stó:lō alike that what is

protected in these policies is more than just the sum of the artifacts and features of heritage sites, but the complete cultural landscapes in which a Nation's distinctiveness is vested. This scale also means that the "rights and responsibilities to the pre-contact past generally exist at an inter-community, or 'national' level" (Stó:lō Nation 2003: 4). For the shíshálh, this means that they have "the primary jurisdiction to manage, protect and preserve the history of the shíshálh Nation" through the protection of heritage across their traditional territory (shíshálh Nation nd: 3).

The heritage sites within a Nation's geographic sphere are seen as the result of a long and intensive occupation through which the entire territories have been utilized "since time immemorial" (shíshálh Nation nd: 1; also Stó:lō Nation 2003: 1). The "historical, cultural, social, spiritual, economic and political connection" that First Nations have with their territories (shíshálh Nation nd: 3) are the source of the sovereignty they claim over the land and the heritage places and objects within it. The permitting system that accompanies these heritage policies, therefore, is required by heritage investigators regardless of the terms of "settler governments" that may have other requirements, or lack thereof (shíshálh Nation nd: 3). For the shíshálh, this jurisdiction extends to moveable "heritage properties" that have historically been curated at central heritage repositories, but that according to their heritage policy are no longer permitted to leave shíshálh territory (shíshálh Nation nd: 4).

While these expressions of sovereignty are sometimes in conflict with those of the provincial or federal governments, for organizations like the Stó:lō it is critical that they are "*not* to be construed as a statement of title exclusive of other First Nations' interests" (Stó:lō Nation 2003: 21, emphasis original). The Stó:lō Nation, through their policy, "recognizes and accepts the shared heritage interests" of the other Halkomelem-speaking people of the region. In doing so, the Stó:lō commit to engaging these groups in developing protocols in which sovereignty over heritage can be shared (Stó:lō Nation 2003: 2).

Authority and Accountability

Those First Nations that have drafted heritage-specific policies have done so out of a sense of obligation found wanting in the rules of settler governments. The Stó:lō claim that “we have to look after everything that belongs to us” (Stó:lō Nation 2003 cover) is a statement of custodianship grounded in the principle that heritage properties belong to those who made them (shíshálh Nation nd: 1). As such, the maker of heritage places and objects, and their descendants, are best able to determine how they should be treated (shíshálh Nation nd: 1). Like the Stó:lō, the shíshálh are unequivocal about this authority: “it is the responsibility of the shíshálh to manage our history for our ancestors, our descendants and our nation” (shíshálh Nation nd: 1). This claim to stewardship on behalf of both past and future generations suggests an ethical accountability for maintaining the connections across time. The Stó:lō policy emphasizes the responsibility for considering “the way our actions will affect these resources” in light of the role of heritage places and objects as generational bridges (Stó:lō Nation 2003: 1). Taking care of what the ancestors have taught contemporary people, and remembering obligations to future generations, are at the heart of Indigenous heritage policies (Stó:lō Nation 2003: 5).

A related source of the accountability expressed in these documents is the reliance on elders to help articulate key definitions and concepts, including, in the case of the Stó:lō, exactly what constitutes “respect” (Schaepe 2007: 250). Stó:lō policy makers relied heavily on interviews and discussions with elders to identify the kinds of heritage sites in their territories, and just what their traditional knowledge had to say about the stewardship of these places. The resulting policy statements are each linked directly to these traditional teachings. The principle that “artifacts belong to those who made them,” for instance, leads intuitively to the policy that the Stó:lō “maintain ownership of and jurisdiction over all Stó:lō heritage sites” (Stó:lō Nation 2003: 4). The building of Stó:lō heritage policy around this and four other guiding principles drawn from Stó:lō teachings and expressed by elders (respect all things, take care of everything our grandparents showed us/remember future generations,

take only what you need, and know your history) (Stó:lō Nation 2003:4-6) lend the document an ancestral authority unmatched by the impersonal and distant concept of “the Crown”.

The extension of this influence over non-Native users of traditional territories is the intent of the permitting systems that commonly accompany heritage policies. Non-shíshálh, according to that Nation’s policy, also “have a responsibility as guests within our territory to treat our heritage with respect and manage it according to the traditions of the shíshálh” (shíshálh Nation nd: 3). The archaeological permitting system gives the Nations direct oversight over heritage investigation and management, and the terms and conditions of permitting allow for specific control over heritage sites and objects (shíshálh Nation nd: 5). Archaeologists or other heritage professionals engaging in work within the traditional territories of these Nations are responsible for obtaining and adhering to the heritage permit, the conditions of which will be overseen directly by the Nations’ staff archaeologist(s) (Stó:lō Nation 2003: 20). Beyond the paperwork and planning, representatives from the Nations have the authority, under the terms of the permit, to inspect heritage projects at any time to ensure compliance (shíshálh Nation nd: 5; Stó:lō Nation 2003: 30).

The mandate of Indigenous heritage policies places the responsibility for enforcement in the hands of the Nation’s government. The shíshálh maintain that “it is the primary responsibility of the shíshálh Nation to enforce all protection measures relating to our heritage,” including mitigation and/or compensation for unavoidable impacts (shíshálh Nation nd: 3) (though as with a parallel statement in the St’át’imc land use plan, it is unclear how such implementation would occur). The authority of government in maintaining the policy is thorough: any exceptions to the shíshálh heritage policy or their related *tems swiya* Museum policy can be made only by Council Resolution, not left to the discretion of staff archaeologist (shíshálh Nation nd: 4). For the Stó:lō, the Stó:lō Resource and Research Management Centre oversees the policy on behalf of Council. Contraventions to their policy may result in a penalty on the record of the heritage professional responsible, and/or a ban on the

issuance of future permits to that individual (Stó:lō Nation 2003: 20). Drawing on the existing authority of the Crown over archaeological materials, disturbance to material culture sites or objects in Stó:lō territory may also “result in investigation by the RCMP and punishment under existing law” (Stó:lō Nation 2003: 15).

One final aspect of the authority of Indigenous heritage policy reflects the interconnectedness of material and spiritual worlds that often characterizes Native perspectives. Such perspectives are seldom emphasized in documents that, like heritage policies, tend to mimic many of the concrete and even anti-spiritual tones of mainstream bureaucratic regulations. The Stó:lō policy, for instance, suggests that one repercussion for a lack of respect with regards to heritage sites and objects is that an object’s life force (*shxwelí*) or the maker’s spirit will “bother you” (Stó:lō Nation 2003: 5). Such consequences may include spiritual visitations or illness, or even death.

The Office of the Wet’suwet’en’s Alternative Heritage Management Process

First Nations groups frustrated by the ineffectiveness of trying to have their traditional cultural information recognized by the field of heritage management are beginning to take the initiative to adapt the current system to fit their vision and values (Budhwa 2005: 27). They have opted to do so by designing non-legislated alternatives to the Province’s impact assessment procedure, and essentially marketing them to resource-extractors in their territories with an interest in maintaining goodwill and respectful relations. These alternative processes uphold most aspects of the *Heritage Conservation Act* and attendant policies, and ultimately comply with them all, but inject an Indigenous presence and perspective at critical junctures in the management routine. By cooperatively adjusting the roles and sequences of the typical course of a heritage management project, First Nations become positioned at the centre of the process, with a heightened decision-making and stewardship function.

Throughout the following section, the alternative model of heritage management adopted by the Office of the Wet’suwet’en (OW) from northwestern British Columbia will

provide the primary example of this stewardship strategy. Given the relative prominence of its dissemination, and the dearth of any other formal publications relating to other Aboriginal groups' efforts, Budhwa's [2005] *Canadian Journal of Archaeology* article on the Wet'suwet'en process is cited often and exclusively as the source for this discussion of the OW process. The OW's Lands and Resources Department (OWLRD) devised and implemented this system to overcome some of the primary problems with the Province's status quo management procedures (e.g., the lack of high-level First Nation involvement and a regulatory process "streamlined" in favour of development proponents [Budhwa 2005: 21-25]). Based on the Nation's Wet'suwet'en Territorial Stewardship Plan, the Wet'suwet'en model of management represents a novel and effective way that an Aboriginal group can assume greater control over their heritage resources with a minimum of financial risk or administrative burden.

Format

In essence, the OW's alternative process is a mild subversion of the system endorsed by the Archaeology Branch and practiced by most consultants in British Columbia. It is predicated on the importance of articulating a First Nation's interests in a format that is easy for policy makers and land use managers to understand and act on (Budhwa 2005: 23). Having identified gaps in the existing process, the OW was determined to fill them using the means currently at their disposal. This required adapting the Province's existing policies and procedures to accommodate the OW early enough in the process to ensure that their input was meaningful.

The OW's process allows the Nation's Land and Resources Department to guide the procedure from the point at which an archaeological assessment is deemed necessary through the final recommendations about how cultural heritage is to be managed. Having obtained agreements from locally operating resource extractors that the OWLRD will be hired for archaeological work, the OWLRD then contract consultants to perform the required

assessments. Consultants are provided with technical and cultural data by the OWLRD, which maintains communication with the consultant and tracks the outcome of the fieldwork. The consultant and the OWLRD then submit separate statements summarizing their recommendations, both of which are included in the final archaeological impact assessment (AIA) report. This process makes OWLRD “a conduit between the licensee (proponent) and the archaeological consultant” (Budhwa 2005: 30), gaining the benefit of direct communication with both parties.

The decisions taken and recommendations made by the OWLRD are in part based on the information contained in the Nation’s own Wet’suwet’en Territorial Stewardship Plan (WTSP). The WTSP is a decision-making tool composed of a Cultural Heritage Database (which describes site-specific buffering and management preferences) and a Traditional Ecological Knowledge and Wisdom (TEKW) matrix (which assigns relative cultural values to various ecological associations across the traditional territory) (Budhwa 2005: 28). It allows users to “plug in” geographical data pertaining to proposed developments and extract pertinent cultural, ecological, and management information. These integrated databases provide both the archaeologists and the OWLRD with the site-specific technical and cultural information required to make independent, informed management decisions.

Goals

The primary goal of the Wet’suwet’en process is to put context-specific resource management in the hands of the OW, granting the descendant communities the prerogative of prioritizing their heritage sites, objects and landscapes according to cultural importance (Budhwa 2005: 37). The process carves out for the Wet’suwet’en a meaningful stewardship role grounded in trust, respect and open dialogue that makes room for First Nations’ traditional knowledge and interpretations (Budhwa 2005: 34-35). The projected result of these changes is a heritage management system with greater accountability to First Nations

people, who move from the periphery to the centre of the fieldwork, reporting, and recommendation-making aspects of CRM practice.

By documenting the OW's interests at an early stage in process, this customized management approach aims to give priority to First Nations' perspectives on the significance and management of their own heritage. Understanding what is culturally important to First Nations is essential for the industries, government, and archaeological consulting agencies (Budhwa 2005: 33) who are engaged in the management of a heritage not their own. This reorganized process also gives the OW a platform from which to convey the idea that a First Nations' worldview "is not easily compartmentalized into micro-manageable components" favoured by Western management practices (Budhwa 2005: 38). With an emphasis on the OW's ability to contribute independently to the analysis of a heritage management situation, one goal of the alternative process is to provide the Nation with a forum in which their management preferences are not conflated with those of their archaeological contractors, bureaucrats, or development proponents.

Another objective of the Wet'suwet'en process is to provide greater certainty regarding the location and character of archaeological and other heritage sites that may be unknown to the Archaeology Branch and consultants. This, in turn, can help assure all parties that stewardship measures are properly tailored to situation and guided by culturally appropriate choices (Budhwa 2005: 36). This includes, for example, the definition of buffer zones around sites (Budhwa 2005: 28) that take into account not only the potential physical impacts of proposed developments but that also reflect the significance or sensitivity of particular heritage sites. The process aims to balance the need for this kind of site-specific accounting with the benefits of standardizing some management practices, which can help ensure consistency and reduce potential procedural ambiguities.

An important objective of the Wet'suwet'en management process considers the practical advantages of involvement in heritage management and regulatory compliance.

That the community stands to benefit economically from the process is not an insignificant factor in their development of this model. Not only is there direct financial gain to be made as the primary contractor for impact assessment projects, but the attendant potential of building management skills within the community may have significant returns (Budhwa 2005: 36). The concept of “capacity building” has, in the context of resource management, often been used dismissively to allude to short-term gains that dwindle with the conclusion of a project. Nonetheless, claiming a share of the benefits derived from participation in management processes remains an important objective of economically depressed First Nations, for whom on-the-job skills training can rarely be acquired without leaving the community.

Use/Function of Heritage

The prominent role of the Wet’suwet’en in their alternative stewardship process is grounded in the belief that cultural heritage sites are a record of the Nation’s “intimate knowledge of, and connection to, their territories” (Budhwa 2005: 24). This relationship between the people and the heritage places across their territory informs the Wet’suwet’en Territorial Stewardship Plan, which then helps to provide clear direction on the specific ecological and cultural values inherent in particular locations (Budhwa 2005: 34). Using the information of the WTSP, the OW is able to collate historical and ethnographic details that help identify the overall ethnic or cultural significance of potential study areas (Budhwa 2005: 31). These become reflections of site values that form the basis of the OW’s decisions and recommendations for the management of heritage places and objects.

While the OW considers all cultural heritage resources in their territory to hold high cultural value regardless of their protection status under the *Heritage Conservation Act*, this does not translate to uniformly high significance (Budhwa 2005: 32). One benefit of the OW’s process is the ability of the Nation to encourage the use of more culturally appropriate definitions of significance, which are scaled according to information derived from traditional use studies and the WTSP (Budhwa 2005: 31). This process is designed not to preserve all

heritage (an unrealistic goal that serves only to exacerbate tensions between land users), but to afford effective protection to those sites of primary importance to the community (Budhwa 2005: 29). The ability and willingness of the OW to triage cultural heritage places and objects for preservation ensures a more responsive system that privileges culturally specific solutions to heritage management.

Statement of Sovereignty and National Identity

The Wet'suwet'en alternative management process is the product of a First Nation government negotiating the terms of resource use within its territory, and thus constitutes an important act of sovereignty over national heritage. Convinced that the Province's status quo "policies and procedures were simply not working for them" (Budhwa 2005: 29), the Wet'suwet'en seized the opportunity to adapt the standard process to better suit their needs as a Nation. The new process allows the OW to wield resource information in a way that favours their cultural interests over those of settler governments and the land uses sanctioned by them.

The Wet'suwet'en's direct participation in the precedent-setting *Delgamuukw* case has important implications for how the OW conceives of their history and the protection of their territory. The *Delgamuukw* decision has helped to validate Wet'suwet'en histories in the eyes of the dominant culture (Budhwa 2005: 32), which gives the OW greater standing as the primary decision-making entity in matters of their national cultural heritage. As such, they regularly recommend that all trail and camp locations substantiated in their histories should be afforded blanket designation as heritage sites, regardless of their age relative to British Columbia's arbitrary cut-off date for "the end of prehistory" (i.e., 1846) (Budhwa 2005: 32). Based on legal recognition of inalienable Aboriginal rights, this authoritative stance is a clear iteration of the interrelatedness of national identity and sovereignty over cultural heritage.

The prominence of the OW's role in the heritage management process creates a kind of hybrid system in which management goals and consultative obligations are both

addressed, reducing the need for auxiliary political consultation and attendant issues. Because it is the Nation that is responsible for initiating and submitting the archaeological work, “consultation is inherent in the process” (Budhwa 2005: 31). The Wet’suwet’en scheme favours a kind of direct negotiation with forest licensees that the court- and policy-mandated versions of consultation do not always encourage, which can allow for more give-and-take than when the two entities act through a provincial government proxy.

On the ground, the close contact and front-end input with which the OWLRD interacts with the development proponent provides the Wet’suwet’en another opportunity to promote national and cultural identity in the form of personal, and immediate connection to the land. Following the standard practice of including descendant communities’ members of archaeological field crews, the OWLRD can use their position to assign members with hereditary ties to the land under assessment (Budhwa 2005: 31). This not only helps foster a kind of familial stewardship that cultivates cultural sovereignty, but also serves to both facilitate and control the flow of pertinent cultural information from the Nation to other users of the territory.

Authority and Accountability

The OW heritage management process derives its authority from the traditional governance structure of the Wet’suwet’en people, in which House-level groups (akin to clans) form autonomous collectives that hold jurisdiction over specific territories (Budhwa 2005: 21-22). The description of each House group as a partnership between people and territory (Budhwa 2005: 23) speaks volumes about the ethic of stewardship inherent in this structure, in which hereditary chiefs are entrusted with the task of maintaining a sustainable balance between land and people. Within this traditional organization, the caretaking of the territory is “considered to be a responsibility rather than a right” (Budhwa 2005: 22). Facilitated by the contemporary tools of the TEKW matrix and cultural resource database,

the realization of house-level planning "reflects the prerogative of the Wet'suwet'en Chiefs as stewards or caretakers of the territories" (Budhwa 2005: 28).

The spirit of the OW process is best seen as a cooperative approach that encourages independence, fostering a kind of "two solitudes" situation in which neither the traditional integrity of the Nation nor the professional independence of consulting archaeologists is compromised. Both groups are responsible for reaching their own conclusions, yet are expected to do so by incorporating the specialized contributions of the other. The OW is obliged to provide technical and traditional information regarding the location and appropriate stewardship expectations of cultural heritage places and objects, while the archaeologists bring their unique set of analytical skills to bear on gauging the kind and degree of impacts to which material culture might be subjected. Joint ventures with stand-alone archaeological consultancies lends the OWLRD "credibility and some degree of objectivity" (Budhwa 2005: 31) not often attributed to Aboriginal groups that require developers to use their "in-house" services. That the final reports contain separate sections detailing both the consultant's recommendations and First Nation concerns further enhances the perception and reality of accountability and independence (Budhwa 2005: 31).

The involvement of the OW from the outset of development projects means the efficiency of the status quo system—in which the "streamlined" procedure is interrupted to allow First Nation's input at discrete intervals—is greatly improved and the accountability of its actors heightened. When sufficient consultation and accommodation can be negotiated directly between the First Nation and project proponents, potential infringements of Aboriginal rights can be minimized in a way that offers culturally-specific rather than letter-of-the-law solutions (Budhwa 2005: 36-37). An assuredly unintentional result of this is that, having been bypassed by the proactive management model, the Crown is relieved of a degree of administrative and legislative burden (Budhwa 2005: 34) that, arguably, is often executed poorly in an atmosphere of human and financial resource shortfalls.

Chapter Summary

In their pursuit of greater relevance, equity of benefits, and accountability, the kinds of internalist policies described in this chapter offer a number of credible alternatives for the future stewardship of this province's cultural heritage. Indigenous heritage stewardship offers a more responsive, personal, and inclusive kind of heritage management that prioritizes the needs and values of communities, and in doing so addresses some of the more persistent grievances against the current system. The characterization of these policies as evolving documents replaces the inflexibility of a provincial model that fails to respond to the reality that "as communities grow and change, so their needs and practices change" (Squamish Nation 2001: 9). As "interim products" the documents are subject to ongoing community processes, the accommodation of additional scientific or traditional data, and planning milestones (St'át'imc 2003: 1). This endows the strategies with an adaptability that structurally rigid legislation lacks, and suggests that as a genre, these stewardship programs have the potential for long-term application that will enhance their appeal and effectiveness.

The ability and willingness of First Nations to take up the mantle of stewardship of their own heritage signals the beginning of a new era in British Columbia archaeology. The reframing of archaeological habits, in which First Nations are favoured as the rightful stewards of their cultural heritage, is encouraged by Indigenous stewardship programs that promote a level of benefit-sharing that has for too long escaped archaeological practice. The consequence of this redistribution of benefits to descendant communities cannot be overstated in the case for the decolonization of archaeology, science, and society, and will be discussed in greater detail in the following chapter. Put to work in this decolonizing project, the Indigenous heritage stewardship strategies described here illustrate the enormous reserve of ingenuity and determination that contemporary Aboriginal communities can exploit as they negotiate with Canadian society to determine the terms of a more equitable, decolonized future.

CHAPTER 5: THE PRACTICES OF INDIGENOUS HERITAGE STEWARDSHIP

“We don’t need more laws in Canada. We need a new relationship” (Aboriginal Rights Coalition representative to the Royal Commission on Aboriginal Peoples [Canada 1996: Vol. 1, Part 3, Chapter 6, Section 1.1]).

Indigenous perspectives and policies encourage decolonizing practices that are changing the archaeological process and the political landscape in British Columbia (Nicholas 2006: 351). Undertaken in the interest of restoring balance between Native peoples and their histories, their territories, and their relationships with settler societies, the stewardship of Indigenous heritage by descendant communities is both a means and an end of sovereignty. In British Columbia, First Nations—both those engaged in and those abstaining from treaty negotiations—are pursuing formal strategies on cultural heritage as one expression of the autonomy they seek. Indigenous heritage stewardship in action has the capacity to influence archaeological practice in this province, channelling its strengths into use as a tool for positive social change. Like all such change, however, it is and will continue to be challenged by structural, philosophical, and professional rigidity and conservatism.

This chapter focuses on the potential influence of Indigenous stewardship strategies on the status quo. Here I briefly review and compare the contents of Chapter 4 in order to gauge how Indigenous strategies function as measures governing heritage research and management (compared with each other and with the dominant system). I then consider their capacity as tools of decolonization, exploring the kinds of postcolonial methods endorsed by the strategies. This is followed by an evaluation of the implications of these new positions for archaeology as a discipline. I also consider the on-the-ground aspects of Indigenizing

archaeology in British Columbia, exploring the challenges to how the real work gets done, in the lives of archaeologists and First Nations people.

Indigenous Stewardship as Heritage Management

The descriptions of heritage stewardship strategies in the previous chapter gives some indication of the kinds of differences that distinguish Indigenous practices from mainstream ones, as well as those aspects of each Indigenous approach that are modelled on parts of the existing paradigm. I have summarized this spectrum of characteristics in Table 7, below, using the same five categories around which I organized my discussion of each strategy in Chapter 4: 1) the format; 2) the goals; 3) the use/function of heritage they endorse; 4) their capacity as statements of sovereignty; and 5) their sources of authority and accountability.

In terms of *format* (column 1, Table 7), the Indigenous strategies often bear a close resemblance to the plans, agreements, policies, and processes of the dominant culture, a likeness that makes these documents most accessible to non-Native users and more compatible with dominant planning tools. Beyond this superficial similarity, the Indigenous strategies generally present a more effective integration of philosophy and action, often including concrete and specific recommendations—backed by a principled rationale—for courses of action with respect to specific kinds of heritage management situations. In terms of the *goals* (column 2), these strategies aim to achieve a more pivotal role for First Nations and more culturally appropriate treatment of heritage places and objects. They are centred on a less ambiguous, more intrinsic protection of heritage than that endorsed by the dominant model (e.g., no favouring of ancient over recent history, no reliance on predictive “potential” models to triage potential survey areas).

Table 7. Comparative summary of five Indigenous heritage stewardship strategies in use in British Columbia

Strategy	Format	Goals	Use/Function of Heritage	Statement of Sovereignty and National Identity	Authority and Accountability
Land Codes & Land Use Laws	<ul style="list-style-type: none"> replace land management provisions of <i>Indian Act</i> conventional format of Western legislation codes provide framework to enact laws later 	<ul style="list-style-type: none"> protect and commemorate subject <i>all</i> potential disturbances to equal consideration (no predictive modelling / triage by archaeological potential) 	<ul style="list-style-type: none"> "links to the past" archaeological sites one kind of "culturally sensitive area" no material / chronological restrictions 	<ul style="list-style-type: none"> explicit statements of self-government work within spirit of <i>Indian Act</i> integrate CH²⁴ with other national concerns 	<ul style="list-style-type: none"> apply to reserve only implementation remains at level of generalities; requires additional directives require community ratification
Land Use Plans	<ul style="list-style-type: none"> conventional format of planning bureaucracy comparable to LRMPs²⁵ cohesive long-term vision provide concrete management direction 	<ul style="list-style-type: none"> ensure sustainable land use "for all generations" protect CH identify regulatory processes needing amendment educate non-FN²⁶ users 	<ul style="list-style-type: none"> CH has intrinsic value links past, present & future remind of place in universe collated data as statement on history no material / chronological restrictions 	<ul style="list-style-type: none"> explicit statement of sovereignty over CH integrate heritage with other national concerns link national concerns to land base exercise in governance 	<ul style="list-style-type: none"> apply to whole traditional territory reflexive process accountable to community caretaking of CH a personal duty apply to non-FN users
Memoranda of Understanding	<ul style="list-style-type: none"> direct political engagement with BC pre-treaty framework conservative scope limited by concurrent negotiations best in conjunction with other heritage strategies 	<ul style="list-style-type: none"> maximize effectiveness & build awareness of HCA share decision-making improve communication clarify roles in CRM process incorporate FN rights & interests in practices 	<ul style="list-style-type: none"> aims are independent of CH values/attributes CH function covered in other fora material / chronological restrictions 	<ul style="list-style-type: none"> government-to-government negotiation Province recognizes FN interests FNs determine cultural significance of CH, potential rights infringements 	<ul style="list-style-type: none"> apply to whole traditional territory hold accountable to HCA terms are those of Canadian constitution and HCA mutual accountability may not meet Crown's consulting obligations

²⁴ CH = Cultural heritage

²⁵ LRMP = Land and Resource Management Plans, one of the provincial government's land planning tools

²⁶ FN = First Nation

Strategy	Format	Goals	Use/Function of Heritage	Statement of Sovereignty and National Identity	Authority and Accountability
Formalized Heritage Policies	<ul style="list-style-type: none"> • merge action and philosophy into policy • based in traditional teachings, respect • mimic provincial policy-and-permit system, maintain those standards 	<ul style="list-style-type: none"> • <i>all</i> potential disturbances equal (no predictive modelling / triage by archaeological potential) • protect to ensure continuity, spiritual well-being • culturally- and site-specific treatment of different site types • minimize land use conflict • control artifact collection • foster awareness/ goodwill with other users 	<ul style="list-style-type: none"> • CH as family tree links past, present, future • reclaim/reflect histories • document continuity and territorial use • identity building • moral guidance • direct links to Creator • all CH valuable, respected, but value linked to CH's owner • community-determined value used to determine appropriate management • no material / chronological restrictions 	<ul style="list-style-type: none"> • explicit statement of sovereignty over CH: responsibility at national level; sovereignty derived from historic/cultural/ social/ spiritual/ economic/political connection to territory • use of local Aboriginal terms and concepts • geographic/cultural/ historical summaries • histories linked directly to identity • permitting allows oversight independent of Province • jurisdiction not exclusive of other FNs 	<ul style="list-style-type: none"> • apply to whole traditional territory • CH belongs to its maker(s), they and descendants responsible for care • Ethical accountability: managing for ancestors and descendants • Ancestral authority: CH info/policy values derived from elders • non-FN users accountable via permitting • compliance enforcement measures
Alternative Heritage Management Process	<ul style="list-style-type: none"> • adaptation of current system • positions FNs at centre of process • low risk/burden • roles changed via agreements with developers • incorporates FN's CH and ecological values, land plans 	<ul style="list-style-type: none"> • context- and culturally-specific resource management • prioritizes FN decision-making role via early involvement • independence of FNs and archaeologists • increased confidence re: site location and character • practical/economic benefit sharing 	<ul style="list-style-type: none"> • record of knowledge of/ connection to territory • all sites high value, scaled individually from collated data • site preservation triaged by cultural importance • may be material / chronological restrictions 	<ul style="list-style-type: none"> • explicit statement of sovereignty over CH, validated in oral history • FN government negotiates terms of resource use directly with developers • FN control favours nation's interests over settler government • consultation needs reduced by FN government's role • hereditary ties to land recognized in fieldwork 	<ul style="list-style-type: none"> • apply to whole traditional territory • authority derived from traditional governance structure • caretaking a responsibility, not right • FN and archaeologists are independent (yet cooperate) • FN involvement from outset minimizes consultation, infringement

The five strategies all exhibit a marked agreement on the *use and function of Aboriginal heritage* (column 3) as links between past, present, and future generations, which serve the dual purpose of documenting continuity of territorial use and helping with the reclamation of Aboriginal histories and identities. The stewardship plans all make explicit *statements of sovereignty and national identity* (column 4), and most prescribe unmediated control and oversight of heritage within a territory. The MOU format, as an agreement with the provincial government to make the most of the existing heritage legislation and policy, favours instead an exacting level of parity in the parties' rights and responsibilities. Some differences can be seen in the *sources of authority and accountability* (column 5) on which the stewardship strategies rely, but all emphasize an unequivocal responsibility of and to their communities, and most widen the notion of community to include generations past and future, as well as extending the duty of care to non-Native users of traditional territories.

Indigenous Stewardship as Decolonizing Measure

In this section, I look at the ways these stewardship strategies can act as instruments of decolonization. I consider how the heritage plans reflect and sanction the practices of postcolonial archaeology (Nicholas and Hollowell 2007; Preucel and Cipolla 2008) and Indigenous archaeology (Nicholas 2008a). Using this approach, I identify those aspects of the stewardship strategies that represent a real break from the colonial pedigree responsible for much of the animosity that can characterize archaeologist-First Nations relations. I aim to show that the policies developed by British Columbia's Indigenous peoples encourage pragmatic and effective solutions to the most grievous problems of status quo archaeology.

While there will never be a single definition of the way that Indigenous peoples and their decolonizing allies practice archaeology, the contributors to recent compilations by Atalay (2006c), Liebmann and Rivzi (2008), Smith and Wobst (2005a), and Nicholas (2006; 2008a) and Nicholas and Hollowell (2007), have all identified variations of Indigenous and postcolonial archaeologies. Postcolonial archaeology, as distinguished from Indigenous

archaeology, describes a set of practices that challenges the inequalities caused not just by “classic” European imperialism but also those perpetuated by growth of 20th-century global capitalism (Lydon and Rivzi 2009: 4). Like McGuire’s (2008) emancipatory praxis of archaeology, postcolonialism is concerned with the political dimensions of archaeology in the present, and aims to rectify the imbalances through political and social transformation. The primary challenges of postcolonial archaeology are, according to Nicholas and Hollowell, (1) to rectify the lack of standing of alternative worldviews, and (2) to bring rebalance the power wielded over the past and the benefits of our interactions with that past (2007: 63-64). To this end, the authors identify six broad approaches to postcolonial archaeology that can effect a more equitable practice (Nicholas and Hollowell 2007: 68-72):

Community-based archaeology – requires negotiation of terms, censoring is minimized when research designed in consultation with community;

Applied anthropology – integrates subfields with goal of benefiting community;

Indigenous archaeology – recognizes alternative histories can help transform the “consciousness and identity of once-colonized peoples” (2007: 70);

Feminist epistemologies – endorsing other ways of knowing, feminist ethics are “cut from the same cloth” as post colonial ethics (2007: 71) ;

Marxist archaeology – power relations and emancipation as theory and method; and

Ethics-based approaches – pragmatism, virtue, moral integrity; hybrid methods help erase boundaries between expert and laypeople.²⁷

Each of these approaches or strategies is represented to some extent in the range of Indigenous stewardship plans presented in Chapter 4, and their intended effects closely mirror the descriptions above. The strategies all begin and end with a community-based archaeology that derives its values and authority from community members themselves, and that aims to maximize the participation of and advantages to members of descendant communities. The policies generally embrace an applied anthropological approach that focuses on the continuity between archaeological heritage and contemporary cultural

²⁷ Colwell-Chanthaphonh’s and Ferguson’s (2006) virtue ethics is one recent example of an ethics-based approach, proposed as a mode of conduct based on trust and trustworthiness. Virtue ethics focus on character and relationships and are encouraged by moral motivation, moral wisdom, moral education, and the role of emotion in moral life (2006: 118).

practices, where archaeological protection is consonant with religious freedom, spiritual integrity, and the advancement of cultural revival (Stó:lō Nation 2003). Indigenous archaeological practices are an important component of policies that encourage the construction of Indigenous histories through a greater reliance on non-empirical data and alternative methods of assessment, classification, and curation (Indigenous archaeologies are discussed in greater detail below). Likewise, feminist epistemologies, such as those described by Conkey (2005) and Gero and Conkey (1997), have clearly influenced Indigenous heritage policies' commitment to exploring other ways of knowing.

The obvious favouring, though perhaps not conscious, of Marxist or critical archaeological practices and ethics-based approaches in each of the Indigenous stewardship strategies are indicative of the direct, political nature of policies that aim to shift the frame of reference on its colonial foundations. Generally emancipatory in philosophy and method, most of the Indigenous heritage stewardship strategies endorse reflexive, culturally, and ethically appropriate behaviours that encourage a reconsideration of the colonially-derived systemic biases that structure the business of archaeology in British Columbia. The very genesis of heritage policies as an act of governance over the sovereign heritage properties of a nation is indicative of the Marxist commitment to balancing power relations as “both an epistemology and a means for social change” (Nicholas and Hollowell 2007: 71).²⁸ Together, the Marxist and ethics-based aspects of these heritage policies are a potent force with which First Nations can begin to effect real, day-to-day transformations in the roles played in archaeological research and management (see Churchill's [1983] edited volume).

²⁸ While Marx focused on the alienation relating to labour relations, the emancipatory nature of Marxist philosophy recognizes that power imbalances and alienation can arise from social relations around race, gender, sexuality, ethnicity, and religion, and “is most often associated with minorities, women, the poor, the unemployed, gays, and other groups who have limited power to bring about changes in society” (McGuire 2008:4; see Burke 1999; Leone and Potter 1999; Ludlow Collective 2001; and McGuire and Paynter 1991 for examples of Marxist applications in archaeology). The power of Marxist explanation and action has been reinvigorated and broadened in recent years by the alienation of many groups in the wake of “fast capitalism,” the brand of economic tyranny that has made “market principles the dominant ethic for all social relations” (McGuire 2008: 6).

One subset of postcolonial archaeological practice, Indigenous archaeology, describes a suite of methods that, used singly or in combination, overlap in purpose and design with those of postcolonial archaeology. Formal recognition of Indigenous archaeology is helping to build professional awareness of both the cohesiveness and diversity of archaeology done by, with, and for Indigenous peoples (see Nicholas 2008a; the development of Indigenous archaeology is discussed in Chapter 2). Informed by local (internalist values), Indigenous archaeology recognizes that material culture reflects only limited elements of the past, and encourages a broadening of the way that archaeologists conceive of the Indigenous past and its relationship to living people. As defined by Nicholas (2008a: 1666), the methodologies of Indigenous archaeology may include:

- Ethical and culturally appropriate behaviour
- Shift in the frame of reference
- Reflexive approaches
- Research ethics
- Concern with benefit sharing
- Concern with community participation
- Flexibility of community involvement
- Respect to traditional custodians
- Recognition of scientific subjectivity
- Absence of Western dichotomy/linearity
- More reliance on non-empirical sources
- More reliance on ethnographic/ethnoarchaeological methods
- Preference for non-invasive methods / onsite reburial of goods
- Use of toponymy
- Use of alternative classification/curation systems
- Use of appropriate terminology

Examples of the expression of these methods and those of postcolonial archaeology in Indigenous heritage strategies are summarized in Table 8. The table uses specifics from the policies of the Hul'qumi'num Treaty Group (HTG) and those of the Wet'suwet'en, shíshálh, Squamish, Stó:lō, St'át'imc, Westbank, and Ktunaxa peoples to show how Indigenous heritage stewardship both borrows and diverges from mainstream archaeological practice. The table also shows, in the structure of the left columns and their permeable boundary, one way in which these two archaeologies can relate to each other.

Table 8. How British Columbia's Indigenous heritage stewardship strategies endorse the practices of Indigenous and postcolonial archaeologies

Practices of Postcolonial and Indigenous Archaeology		Examples from Indigenous Heritage Stewardship Policies
Post-colonial	Indigenous	
Community-based archaeology	Concern with benefit sharing	<ul style="list-style-type: none"> members as managers, decision-makers (OW²⁹, Squamish³⁰, KKTC³¹) compiling data to build own histories, negotiation (Squamish) raise visibility of nation / heritage (HTG³², OW, Squamish, Stó:lō³³) economic benefits from nation's control (OW, St'át'imc³⁴) approval if uses are consistent with nation's interests (St'át'imc) site destruction should offer some benefit (HTG) sharing information with Province, users a priority (HTG, KKTC)
	Concern with community participation	<ul style="list-style-type: none"> need for greater awareness of sites by members about "their places in the universe," especially youth (Squamish) heritage policy to guide member nation's decisions (HTG) members on Archaeological Resource Management Committee (KKTC) nation to participate in BC policy reviews (KKTC) members to be retained for fieldwork (OW, shíshálh³⁵, Stó:lō)
	Respect to traditional custodians	<ul style="list-style-type: none"> honour connection to land and ancestors through stewardship (Squamish, St'át'imc, Stó:lō, Westbank³⁶) responsibility to future generations (shíshálh, Squamish, St'át'imc, Stó:lō) primary jurisdiction with owners/owners' descendants (shíshálh, Stó:lō) non-Natives have responsibility too (shíshálh, Stó:lō)
Applied anthropology	4-field approach	<ul style="list-style-type: none"> recognize relationship between health and culture (Westbank) ecological, social, cultural, and economic cohesion (St'át'imc) TUS and archaeology inform each other (OW) heritage protection relates religious freedom/ spiritual integrity (Stó:lō) continuity between old & new cultural traditions, cultural revival (Stó:lō)
Indigenous archaeology, feminist epistemologies	Recognition of scientific subjectivity	<ul style="list-style-type: none"> inconsistency of overview assessments (Squamish) overview assessments not recognized (shíshálh) scientific/technical and local info integrated (OW, St'át'imc) need to develop new archaeological potential model (HTG)
	Use of non-empirical sources	<ul style="list-style-type: none"> language, tradition, legend, spirituality, use linked (Squamish) importance of intangible evidence (Squamish, Stó:lō) traditional & scientific knowledge to be balanced (OW, St'át'imc)
	Ethnographic/ethnoarchaeological methods	<ul style="list-style-type: none"> archaeology in concert with TUS³⁷ and LUOS³⁸ (Squamish) gathering knowledge of community (Squamish, St'át'imc) ethnographic data for determining significance, recommendations (OW)
	Preference for non-invasive methods	<ul style="list-style-type: none"> avoidance as preferred option (HTG, Westbank) developments to be redesigned to minimize damage (HTG) focus on what to leave, not take (St'át'imc, Stó:lō) mitigation/compensation required if can't avoid (shíshálh, Stó:lō) some site types non-negotiable vis-à-vis impacts (shíshálh) "disturbance" of sensitive spiritual sites extended to include visiting/recording/discussing location (Stó:lō)

²⁹ Office of the Wet'suwet'en alternative heritage management process (Budhwa 2005)

³⁰ Squamish Nation Land Use Plan (Squamish Nation 2001)

³¹ Ktunaxa Nation's Memoranda of Understanding with B.C.'s Archaeology Branch (KKTC 2004)

³² Hul'qumi'num Treaty Group's Memoranda of Understanding with B.C.'s Archaeology Branch (HTG 2007)

³³ Stó:lō Nation's Heritage Policy Manual (Stó:lō Nation 2003)

³⁴ St'át'imc Land Use Plan (St'át'imc 2004)

³⁵ shíshálh Nation's Heritage Policy (shíshálh Nation nd)

³⁶ Westbank First Nation Land Use Law 2007-01 (Westbank First Nation 2007)

³⁷ Traditional Use Studies

³⁸ Land Use and Occupancy Studies

Practices of Postcolonial and Indigenous Archaeology		Examples from Indigenous Heritage Stewardship Policies
Post-colonial	Indigenous	
Indigenous archaeology, feminist epistemologies	Use of toponymy	<ul style="list-style-type: none"> place names mark history (Squamish); reflect oral history (Stó:lō) territorial locales associated with cultural/ecological values (OW)
	Alternative classification/curation systems	<ul style="list-style-type: none"> oral tradition sites as important as historical (Squamish) TUS and archaeological sites as continuum, no arbitrary pre/historic division (OW, Squamish, Stó:lō); include TUS in heritage permitting requirements (Squamish, Stó:lō) material culture divided into pre-/post-contact from 1782³⁹ (Stó:lō) heritage includes land features, stories, legends (St'át'imc); "transformer species," contemporary activity areas (Stó:lō); spiritual sites, names and traditions (shíshálh) spiritual and material inseparable heritage is all intangible / tangible aspects (Stó:lō) heritage curated in territory, in trust for owners (shíshálh, Stó:lō) preference for re-interment/replacement of artifacts (Stó:lō) artifacts to be kept with others from same sites (Stó:lō) high cultural/ethnic value ≠ high significance (OW, Stó:lō)
	Appropriate terminology	<ul style="list-style-type: none"> "culturally sensitive areas" (Westbank) "heritage property" (shíshálh) "ancient" (St'át'imc) or "precontact" (Stó:lō), not <i>prehistoric</i> "ancestor's monuments," not <i>archaeological sites</i> (HTG) "material culture objects and sites," not <i>archaeological</i> (Stó:lō) "heritage resources" in relation to resource management (Stó:lō), "heritage resource studies," not <i>archaeological assessments</i> local language terms (HTG, shíshálh, Squamish, St'át'imc, Stó:lō)
	Internalist - informed by local values	<ul style="list-style-type: none"> extensive community consultation in policy development, based on community priorities (Squamish, Stó:lō, Westbank) sites hold cultural meaning (Squamish), connections to past & future (Stó:lō), connection to territory (OW) (vs. knowledge) planning based on local knowledge and values (OW, St'át'imc), customary laws (HTG, OW, shíshálh), continuity (shíshálh) nation to determine site significance (HTG, OW, shíshálh, Stó:lō), significance based on TUS data (OW) guiding principles linked to policy statements (Stó:lō) lineage determines ownership of past (OW, shíshálh, Stó:lō)
Ethics-based approaches	Ethically- and culturally-appropriate behaviour	<ul style="list-style-type: none"> level of confidentiality determined by nation (Squamish, Stó:lō) treatment of sites, traditions, based on respect (HTG, OW, Squamish, St'át'imc, Stó:lō), customary law (HTG, OW), ownership (OW, shíshálh, Stó:lō) "precautionary principle"⁴⁰ shifts burden of proof (St'át'imc) mandatory repatriation of artifacts (shíshálh) consider how actions affect cultural heritage (Stó:lō) use of/referral to cultural advisors (Stó:lō) specific treatments of found human remains (Stó:lō)⁴¹ possible requirement of <i>temelh</i> (ochre) as protection (Stó:lō) stewardship measures tailored to specific sites (OW) assign appropriate staff (e.g., with hereditary ties to area) (OW)

³⁹ In 1782, a smallpox epidemic swept through the Fraser Valley, killing an estimated two-thirds of the Stó:lō people in just weeks (Carlson 1997: 28). Though there was likely no face-to-face interaction with Europeans until Simon Fraser came overland in 1808, the coming of their disease represents a significant enough event to be considered "contact."

⁴⁰ In this context, the principle holds that the onus is on the development proponent to prove the non-destructive nature of their proposed projects, rather than on the nation to prove foreseen impacts (St'át'imc 2004).

⁴¹ In the case of the Stó:lō, scientific analyses of human remains are not ruled out a priori, and are even endorsed under specific conditions outlined in the policy manual (Stó:lō 2003).

Practices of Postcolonial and Indigenous Archaeology		Examples from Indigenous Heritage Stewardship Policies
Post-colonial	Indigenous	
Ethics-based approaches	Reflexive approaches	<ul style="list-style-type: none"> community consultation process (Squamish, Westbank) ongoing input and review of policy (Squamish, St'át'imc, Stó:lō) heritage management to advance cultural revival (Stó:lō)
	Research ethics	<ul style="list-style-type: none"> information collected should contribute to nation's goals (Squamish) heritage includes intellectual property concerns (Stó:lō) FN and consultants provide parallel, but independent, conclusions (OW)
Critical and Marxist archaeologies	Shift in frame of reference	<ul style="list-style-type: none"> government-to-government relationship (HTG, KKTC) "a nation, not an interest group" (St'át'imc) rights and responsibilities at "inter-community" (nation) level (Stó:lō) rejection of Province's authority over heritage (KKTC, shíshálh) FN guides Province's management process (OW, Squamish) negotiation with proponents, not provincial middleman (OW) other needs not to be compromised by economic ones (shíshálh, St'át'imc) onus on others to consult and accommodate (HTG, St'át'imc) priorities derived from, benefit community (OW, Squamish, St'át'imc, Stó:lō) policy as a response to intrusion of settlers, land alienation, dependency (shíshálh, Squamish, Stó:lō) renegotiate relations to meet nation's needs (OW, Squamish) potential to revise HCA⁴² via section 4 agreement (Squamish)⁴³ nation's permission separate from HCA permit (shíshálh, Squamish, St'át'imc), Branch consent (OW, Squamish) FN permit requirements (shíshálh, St'át'imc, Stó:lō) affirm jurisdiction, enforcement (shíshálh, St'át'imc, Stó:lō) customary law applies to all users (shíshálh, St'át'imc, Stó:lō) provide education to non-Natives (OW, Squamish, Stó:lō)

In my arrangement of the characteristics of *postcolonial* and *Indigenous* archaeologies in the leftmost columns of Table 8, I am attempting to show how the methodologies subsumed under these two categories have some interchangeable theoretical and practical characteristics that can be linked to real professional perspectives and practices (a permeability approximated by the dashed dividing line). Community-based archaeology (Table 8, p. 120), for example, can be thought of as one route to a postcolonial archaeology that features benefit sharing (engaging descendant communities in the economic and cultural advantages of archaeology), community participation (Aboriginal membership on committees and field crews), and respect to traditional custodians (archaeologists and non-Native users concede jurisdiction to descendants). All these tactics are explicit and integral parts of the Indigenous stewardship policies developed by British

⁴² British Columbia's Heritage Conservation Act [RSBC 1996]

⁴³ Section 4 of the Heritage Conservation Act states that "The Province may enter into a formal agreement with a first nation with respect to the conservation and protection of heritage sites and heritage objects that represent the cultural heritage of the aboriginal people who are represented by that first nation" (Heritage Conservation Act 1996). To date, no First Nation has entered into such as agreement.

Columbia's First Nations, regardless of whether or not they are internally categorized as aspects of postcolonial or Indigenous archaeologies.

Indigenous archaeology itself, along with the closely allied feminist epistemologies (Nicholas 2008a: 1660, 1666), can be considered one aspect of postcolonial archaeology but also as an independent but parallel concept, existing both within a postcolonial practice and alongside it as its own set of methodologies. This somewhat fluid relationship explains the large number of methods I have associated with Indigenous archaeology and the use of feminist epistemologies when considered as traits of a postcolonial practice (in the first two columns of Table 8, p. 120—122). These eight methodological considerations—recognition of scientific subjectivity, use of non-empirical sources, increased use of ethnographic and ethnoarchaeological methods, non-invasive preferences, toponymy, alternate classification/curation systems, appropriate terminology, and internalist values—all work to widen the heritage lens to see beyond the focus on material evidence and dogged empirical positivism, allowing for a new understanding of Indigenous pasts. This satisfies one chief goal of postcolonial archaeology: rectifying the lack of standing ascribed to alternative worldviews (Nicholas and Hollowell 2007: 63-64).

The ethics-based approaches and the use of critical and Marxist archaeologies (Table 8, p. 122) both address the other aim of postcolonial practice, which is to bring balance to the power wielded over the past and the potential benefits accrued from our interactions with that past (Nicholas and Hollowell 2007: 64). The ethically and culturally appropriate behaviours endorsed by the policies (such as maintaining confidentiality, consulting with the most suitable or qualified community members, or adhering to a community's wishes and standards with respect to treatment of the dead) should be seen as a declaration of the special relationship that First Nations have with this ancient material culture, and of the rights of these communities to determine the terms of their handling. Reflexive practices that include ongoing policy review and input, and the expectation that

heritage studies should in some way contribute to a nation's goals, help to shape a heritage program that is inherently more accountable and meaningful to local communities.

The shifting of archaeology's frame of reference through the use of critical and Marxist archaeologies represents one of the more crucial transformations that Indigenous stewardship encourages of its practitioners (Table 8, p. 122, bottom row). The Indigenous strategies, even those produced in conjunction with the settler government (i.e., MOUs), are resolute in their position that First Nations governments represent national, not "special," interests, and that these nations have an inalienable authority over, and a non-negotiable responsibility to care for, the traces of their pasts. Many of the plans' standpoints and provisions (policies as a response to illegal intrusions and alienation, nations' permission and authority distinct from those of settler governments, the application of customary law to all, not just Native, land users) are clear signals that First Nations, despite their historical estrangement from power and from mainstream society, are reasserting an authority over land and history that has never been extinguished. Conditions like these have a double-edged emancipatory role of publicly broadcasting the reinstatement of rights and responsibilities to dominant society and government, as well as reinvigorating the community with a renewed awareness of their entitlement to ownership and control of the cultural past.

The Implications of Indigenous Heritage Stewardship for Archaeology

Though the "agendas and designs of postcolonial archaeological practice are situational and will depend on context" (Nicholas and Hollowell 2007: 73), the florescence of and support for the methods described above virtually ensures that their regular use will have some influence the path of contemporary mainstream archaeology. A great deal of the reticence on the part of archaeologists to relinquish some degree of control over "their" work stems from concerns about how this inclusion of alternative perspectives and values will corrupt archaeology's authority to talk about the past (e.g., McGhee 2008). Many of these

objections suggest that archaeologists are labouring under an illusion about how effective the current apparatus is at ensuring objectivity and eliminating biases brought on by “so-called” external factors (Gumerman 1982: 65; Wylie 2003). The reluctance to accept non-empirical data sources, for example (such as oral histories [see Mason 2006; McGhee 2008: 580]), assumes a priori the superior reliability of all material data over all non-material data, despite what we know about the importance of context and control for all data collection. On the other hand, classificatory or interpretive changes (such as reconsidering the hard-and-fast boundary between British Columbia’s “prehistory” and “history,” or relying more heavily on ethnographic analogy) seem to have parallels in the history of archaeology and anthropology that may mean they are more readily accepted (see Lightfoot 1995).

In a general sense, we might expect archaeology to develop into a more inclusive discipline as a result of these influences (Ferris 2003: 173; Nicholas 2007b). Archaeologists will surely find ways, as they always have, to absorb, manipulate, and interpret new kinds of data in new combinations so as to capitalize on the strengths of each source (see, for example, Budhwa’s [2002] thesis combining oral historical, geological, and material culture data to look at a peoples’ reactions to catastrophic natural phenomena⁴⁴). Not only will the creative, skilled use of data we once considered auxiliary allow Native historians a role in the production of archaeological knowledge, but it can also encourage closer, more fruitful, and more rewarding relationships with other disciplines whose methods or data can help bridge the material and intangible. Increased inclusiveness also means that archaeology’s willingness to accommodate multiple tellings of the past will serve to broaden the potential audience and increase its relevance to those audiences (Ferris 2003: 173-175).

While this discussion of inclusivity centres on the recognition of a role for Aboriginal peoples’ perspectives, the utility of feminist and Marxist theories to Indigenous stewardship

⁴⁴ Budhwa’s (2002) work is one example in which Indigenous histories are given greater credence when they are seen to corroborate scientific evidence or text-based histories. However, construing oral histories as hypotheses amenable to testing using the scientific method carries with it its own set of pitfalls. For an interesting discussion of oral and other evidence in conflict and agreement, see Cooper’s (2006) article on truth and truthfulness in archaeology.

suggests that an Indigenized archaeology may also be more welcoming of other stifled voices (much in the same way that Indigenous communities have historically sheltered other populations beset by war, epidemics, or discrimination). Neal Ferris (2003: 174) observes that while unnerving to some, such multivocality is quite consistent with postprocessual and postmodern theoretical directions in archaeology (e.g., Hodder 1985; Shanks and Tilley 1987). Now, some years beyond postprocessualism's often extreme early incarnations as an antidote to the positivist fervor of the 1970s and 1980s, many of its basic tenets—normative and social—have found a good home in mainstream archaeology.⁴⁵

Likewise, today's atmosphere of competing Western and Indigenous ideologies has produced a tension that has been quite productive for many heritage practitioners (Nicholas 2008a: 1666), where mutual respect is shown through negotiation of mutual compromise that creates new kinds of stories about the past. Some of these stories may be difficult to tell (Conkey and Spector 1984), and all interpretations should not be given equal value (Cooper 2006), but the process by which archaeology is beginning to consider other perspectives is nonetheless a welcome development. The critical and dynamic process of working to accommodate an equal partner naturally undermines the reflexive biases (Ferris 2003: 173) of both "sides" and clears a space for novel thought and experimental action, or what Willie Ermine (1995) calls "ethical space." It is not too indulgent to believe that before long, aspects of Indigenized archaeology will be found to benefit not only Indigenous people, but to all archaeologists, historians, and to other unrepresented or historically oppressed minorities.

If British Columbia's heritage professionals take up the call for change and begin adhering to heritage stewardship policies (as would be expected from a professional group often found at the forefront of Canadian archaeology), they would find a number of practical and conceptual changes that could affect the day-to-day business of doing archaeology, but

⁴⁵ While the work of Hodder, Shanks, and Tilley can be seen as extreme, so too (one can argue) was that of some of the headlining processualists (e.g., Watson, LeBlanc, and Redman's [1971] *Explanation in Archeology: An Explicitly Scientific Approach*).

which are not necessarily at odds with the traditional goals and values of the discipline. The elimination of the arbitrary 1846 cut-off for prehistory would not be missed; its absence would merely offer Aboriginal history the same respect and protection afforded without question to Euro-Canadian or Asian-Canadian art, architecture, heirlooms, and cemeteries. The protection of sites with little or no material evidence on the grounds that Indigenous knowledge attributes them special consideration should cause no problems; archaeologists already know there is more to the spectrum of ancient lifeways than the domestic and resource-processing sites favoured by the methods of contemporary archaeological resource management. Including sites that represent creative, spiritual, or social aspects of ancient life has the potential to inject “some much needed heart and soul” into an archaeology “mired in systems, process, and disembodied external constraints” (Meskell 2002: 280).

The most labourious adjustment requested of archaeologists through First Nations’ stewardship plans is a commitment to communication—meaningful, respectful communication, early and often, as rightful stewards and not as special interest groups or stakeholders. Including First Nations in the dialogues we have as archaeologists, bureaucrats, businessmen, and politicians means opening the floor to debate, challenging the inevitability that perpetuates the status quo. Given the opportunity to voice their opinions and influence decisions about what is, no matter how it gets rationalized, more their heritage than ours (as archaeologists’ pasts generally lie elsewhere, primarily in Europe), First Nations peoples may find no need to impose the kinds of rigid and even radical policies that opponents of Indigenized archaeology fear are coming. The vast majority of the stewardship policies considered in this thesis advocate improved communication as a fundamental aspect of the government of heritage. The importance to First Nations peoples of being included in setting the agenda for how their ancestral lands are managed far outweighs the mild inconvenience of building more effective channels by which these plans are communicated. Considering the ethical minefield of contemporary heritage management, sharing the responsibility for deciding the fate of non-renewable heritage could be a very

good thing, perhaps best seen as a partnership to undertake cooperative planning at the same time as sharing the moral burdens of stewardship.

How the Real Work is Done

Incorporating Indigenous stewardship practices into the archaeological *habitus*—the modes of thought and behaviour in the discipline—requires more than issuing a policy that endorses them. While policy and legislation may set the stage for bridging knowledge systems, the real work happens on the ground, at the level of individuals and small groups (Michel and Gayton 2002: 88). In British Columbia it is individual archaeologists who decide how and when to involve First Nations, individual politicians who decide when and how much consultation they will engage in, and individual bureaucrats who work for one kind of policy or another (Watkins 2003a: 138).⁴⁶ Current modes of doing archaeology, both those advocated by the Province and by First Nations, have evolved out of attempts by individuals to find balance in local situations (Angelbeck 2006; see also Endere 2005). In British Columbia, the context of Aboriginal rights and reconciliation, regulation of permitting, and the development of solutions to archaeological concerns outside of the research realm have all contributed to archaeology's new and progressive forms, “not reference to hermeneutic, post-structural or post-modern theorists” that populate the internal literature (Angelbeck 2006: 1). Where archaeology has moved to accommodate Indigenous interests, it has done so largely as a necessary capitulation to growing Indigenous political power rather than as a result of any conscious disciplinary choices about the future (Trigger 1997: viii). With an awareness that “archaeologists constitute a far less important political constituency than do Native people” (Trigger 1997: viii), a little humility might be in order among heritage

⁴⁶ Equally important is what archaeologists, politicians and bureaucrats do not do (Mohs 1994: 206)—inaction on issues of Indigenous rights and interests reflects a narrow and dangerous view of the significance of Aboriginal rights in Canada. Consider Perth: in the 2006 decision *Bennell v. State of Western Australia and Others* FCA 1243 (Australia 2006), Australia's federal court affirmed the Noongar peoples' status as traditional owners of Perth, making this the first successful Native Title claim over a capital city. Canadians—heritage professionals and laypeople—who object to Native people “owning” archaeological sites might well consider the repercussions of a similar decision regarding, for example, Aboriginal title in Vancouver.

professionals. The methods of this new archaeology will be collaborative, sometimes experimental, but a genuine working effort to make the products of archaeology more meaningful for more people.

The rise of cultural resource management as the primary vehicle for archaeological investigations in British Columbia (and other regions) has meant that the majority of working archaeologists here have been brought into regular contact with First Nations people for more than 15 years (and some much, much longer). Despite the prominence in scholarly literature of local theorists like George Nicholas and Eldon Yellowhorn, “the vast majority of applied work towards decolonization” has occurred in the context of the CRM business (Lyons 2007: 64).⁴⁷ It has been CRM archaeologists who have taken on the ground-level consultation with descendant communities, trying to fill the gaps left by delinquent or uninformed development proponents, municipal authorities, and various provincial agencies. While this kind of consultation has not replaced the contact that First Nations rightly expect from governments looking to avoid rights infringements (nor should it), it has nonetheless helped prepare some common ground from which to launch an earnest campaign to more fully involve Aboriginal people in heritage management.

One important implication of this regularized contact between consulting archaeologists and First Nations communities has been an awareness, on the level of individual Aboriginal people and archaeologists, of the nature of the conflict of values between the Indigenous and archaeology communities (Watkins 2003a: 130). On the part of archaeologists, this recognition that British Columbia’s First Nations have a legitimate, if not solely archaeological interest in the care and dispensation of their heritage has led to a number of localized efforts to promote more inclusive and sustainable practices (Angelbeck

⁴⁷ This situation has been somewhat muted due to the significant dearth of published material from CRM archaeologists, which continues to perpetuate the CRM-academic divide (Lyons 2007; see also Lipe 1974; Pokotylo 1982).

2006; Barney and Klassen 2008).⁴⁸ In this way, archaeologists are now in a position to advocate for these issues on a wider stage, as allies in the struggle for political and legislative reform. First Nations people, in turn, are in many cases beginning to temper their traditional (and well-placed) suspicion of colonially-bred archaeology as a result of their interactions with practitioners who are genuinely sensitive to their needs. The result of this mutual understanding is the tentative building of alliances through which archaeologists can help First Nations assume greater control over their heritage, and First Nations peoples can help archaeologists protect the material substance of their discipline.

The rapid and thorough saturation of the archaeology field by CRM-related projects can be seen at the root of the development of Indigenous heritage policies, and the ubiquity of CRM archaeologists has aided in the practical dissemination of knowledge about these policies. That is, while First Nations tried to meet the threat of development-related impacts to heritage by making public their interests in and sovereignty over an ancestral heritage, the reach of attendant policies was not initially very wide. Lacking the resources and breadth of authority of settler governments, Indigenous governments' heritage policies have relied on voluntary, conscientious action by individual practitioners. How, for example, might an archaeologist know that "written authorization from the St'át'imc Chiefs Council or its designate is required before St'át'imc land or resources are allocated, extracted, affected or used," (St'át'imc 2004) if they had not the individual prescience to track down and read the St'át'imc land use plan? Where the structural limitations on First Nations have constrained their ability to advertise their sovereignty, the size and cohesiveness of British Columbia's archaeological community and its professional and lay organizations (such as the British Columbia Association of Professional Archaeologists and the Archaeological Society of British Columbia) have done a good deal to spread the word of the policy requirements of specific First Nations. Obviously, more can be done.

⁴⁸ Examples of such efforts include my own work with the Sliammon First Nation on Texada Island [Hammond 2008], as well as Simon Fraser University's ongoing archaeology and stewardship fieldschool partnership with that nation, led by Dr. Dana Lepofsky and Dr. John Welch.

The governance of heritage in British Columbia remains a state-controlled affair designed to accommodate specific development proposals in the short term (Mohs 1994). Officers in the Archaeology Branch use the meagre resources at their disposal to handle emergent situations in order of priority, and lack the regulatory freedom or resources to pursue long-range planning or more meaningful inclusion of First Nations. Because of this, it is individual First Nations people and archaeologists who continue to work for change by acting it out on a daily basis, sustained in many cases by little more than goodwill, optimism, and determination.

In spite of the positive attributes of the Indigenous stewardship strategies and my general confidence in the archaeologists and First Nations undertaking this work, it bears repeating that the challenges that continue to face Aboriginal peoples and organizations in all aspects of life and governance are also felt in this realm of heritage stewardship. Deficiencies in funding, cooperation, education, or organization can each have an impact on how closely a Nation or archaeologists can adhere to the values and priorities of a strategic heritage stewardship plan, either on or off federal reserve lands. The consequences of this are occasional and notable disconnects between what these documents prescribe and what actually happens on the ground—in terms of site protection, for example—which serve to remind us that the application of these kinds of policies is still in its infancy. While most often it is the non-Native users of a First Nations' territory who contravene a Nation's wishes, the communities themselves may also find it necessary—in the interest of economics, public health and safety, or merely convenience—to bend or breach the terms of domestic policy. In such cases, while it may be difficult for archaeologists to understand or condone these choices, we must be reminded that acceptance of Aboriginal cultural and political prerogatives is an integral part of the decolonization effort.

Chapter Summary

The dual role of Indigenous heritage stewardship strategies as management tools and as measures of decolonization has real implications for how archaeology is conducted and conceived of by Indigenous peoples, archaeologists, and settler governments. The work of researching, managing, and governing Indigenous cultural heritage is shaped by an intricate balance of ideals and realities that reflect ongoing negotiations amongst those party to heritage governance. Far from static, British Columbia's heritage environment is evolving from its colonial roots to reflect a more inclusive and dynamic kind of social contract concerned with rebalancing Indigenous and non-Indigenous rights and interests.

As mechanisms for heritage management, Indigenous heritage stewardship strategies are remarkably compatible with the existing planning tools of the dominant system. They exhibit a more thorough integration of philosophy and action than the provincial status quo, favouring a more intrinsic valuation of heritage and providing concrete recommendations for its administration. In promoting a more central role for First Nations in the control of their own heritage, these strategies draw on the authority of, and engender a responsibility to, the communities from which they originate. On the whole, they form explicit endorsements of national sovereignty and identity through a perspective that emphasizes cultural and territorial continuity.

In their capacity as tools of decolonization, the Indigenous stewardship strategies stress the special relationship that Aboriginal peoples have with their pasts, and serve to advertise this connection to both community members and non-Native users of traditional territories. The policies embrace a suite of practices specific to Indigenous and Post-colonial archaeologies that include community-based archaeology, applied anthropology, feminist epistemologies, Marxist and critical archaeologies, and ethics-based approaches. These methods serve the decolonizing

goals of rebalancing power relations while also increasing the scope of “heritage” concepts to offer new ways through which to understand Aboriginal pasts.

The Indigenization of British Columbia’s heritage governance structures can result in a more inclusive kind of archaeology with greater relevance to more people, particularly those descended from the archaeological cultures under consideration. The proven ability of archaeologists to include and adapt new kinds of data and perspectives bodes well for the discipline’s capacity to maximize productivity in the new space created by an Indigenous heritage stewardship paradigm, in which tension and compromise are positive attributes of a new partnership. The importance of individuals and small groups in this revolution means that closer working relationships between Indigenous peoples and archaeologists can foster a mutual awareness with the potential to bridge cultural differences. These and other implications of the adoption of Indigenous perspectives into heritage management are predicated on the commitment of all parties to improved communication, the one essential aspect of a more equitable model that foregrounds all others.

CHAPTER 6: PRACTICING ARCHAEOLOGY WITHOUT RESERVE

“Right at this moment, it’s obvious where both groups are; we’re contemplating the void between ourselves, looking for common ground” (White Deer 1997:38).

“I believe we can do something different. We want to do something different. We are sick and tired of being your conscience—absolutely sick and tired of it!! We’d like nothing more than to go around and dance and feel good about ourselves. But, by God, we have too many real things to be concerned about” (George Erasmus, former National Chief of the Assembly of First Nations, 1989, cited in McMaster and Martin 1992: 9).

The potential for Indigenous heritage stewardship policy to contribute to the decolonization of archaeology, and ultimately of society, is substantial. Many of the stewardship policies and processes enacted by First Nations have achieved a level of recognition that virtually ensures the cooperation of archaeologists or development proponents, in spite of the reluctance of settler governments to ascribe most of these measures any formal authority (the obvious exception being those MOUs to which they are signatories). Although cultural heritage and title issues are being negotiated at treaty tables, in land claim cases, and in the courts, “major issues regarding ownership of and access to cultural and intellectual property have yet to be seriously engaged” (Nicholas 2008a: 1668). This means that while progress has been made over the past two decades, the real work of decolonization is just getting underway.

Throughout these concluding thoughts I touch on the five key dimensions I initially laid out to establish the necessity and utility of an Indigenized mode of stewardship: (1) issues of politicized archaeology, (2) the nature of stewardship, (3) the implications of Aboriginal rights and the rights to heritage, (4) the context of British Columbia archaeology

and the capacity of Indigenous heritage stewardship strategies to aid in its decolonization, and (5) the ideal of social justice that should underlie the whole project. On this journey I have found that many of the issues that stand between Indigenous stewardship and archaeology, and Indigenous peoples and archaeologists, also describe the inherent problems that Canadian society as a whole faces in trying to accommodate Aboriginal peoples. Should we be so fortunate as to initiate the decolonization of our small realm of archaeology, and begin to see some redistribution of control and benefits, then we will be starting down the wider road towards social justice for Canada.

I begin my concluding discussion by examining some fundamental issues concerning the generalizations and essentializing required to produce a thesis like this one, which may lie in the background but that have important connotations and so must be addressed directly. I follow this by exploring the role of Indigenous heritage stewardship in the budding project of decolonisation, in order to establish it as a development worth the support of archaeologists, bureaucrats, and the public. I then summarize some of the biggest challenges we face in overcoming our colonial pasts—gatekeeping, ethical relativism, public attitudes, control and power imbalances, competing cultural perspectives, and economic inequities—and discuss some ways they might be handled. Finally, I identify some ideas that I think have the potential to build the stable basis on which to craft a more just, sustainable model of heritage stewardship.

On Aboriginalism, Essentialism, and Generalizations

It would be disingenuous, even impossible, to pretend that a thesis that tackles the gulf between Indigenous and archaeological perspectives could be presented without generalizing. The dangers of chronic and baseless generalizations are easy to understand: they artificially compress the true range of variation within what is summarily presented as “one side,” creating one-dimensional composites that stand in opposition to each other (e.g., Colwell-Chanthaphonh et al.’s [2009] “strawman” analogy). This essentializing of either the

Indigenous or archaeologist is not only misleading as to the real complexity of the situation, it can be patronizing and even libelous. In the context of a thesis oriented around issues of decolonization, I am acutely aware that to essentialize is to risk perpetuation of the colonial structures and stereotypes of which I am so critical. In light of this, I offer some thoughts on how these issues affect the soundness of my approach and of my findings.

First, generalizing works both ways: reducing either Indigenous peoples or archaeologists to homogeneous lists of traits can be equally fraudulent. While it is frequently noted that not all Aboriginal peoples feel protective of their cultural heritage, or are active in the pursuit of decolonization, or envision the world in a holistic manner, neither is it true that archaeologists are all materially-biased, empirically-driven, compartmentalizing fiends. I concur with McGhee (2008: 590) that such simplistic dichotomies only serve to obscure interesting differences within—as well as between—these two groups, and have tried to use such dualism only to describe positions that are indisputably situated on either side of well-recognized social, political, and economic divides.

One of the great dangers that stems from generalization with respect to Indigenous peoples is what McGhee (2008) condemns as the paradigm of “Aboriginal essentialism.” This implies an “exceptionalism” based on the attribution of special characteristics to Aboriginal peoples that non-Aboriginals are assumed to lack, and that serve to naturalize Indigenous peoples' heritage stewardship skills—e.g., a unique understanding of the natural and supernatural worlds, a non-linear view of history, or a partiality to oral historical data. These and other traits have certainly appeared throughout this thesis as I worked to tease apart the differences in Indigenous and Western modes of stewardship, historiography, and heritage governance. I defend the very real effect these differences have in reducing the appeal and accountability that the dominant system of heritage research and management has to Indigenous peoples, even if they are not views shared by all members of either group. I have made no claims to represent all possible positions, but in offering individual examples

(of management precedents, for example, or of Indigenous policies) I hope I have indicated the kind of variation that can be expected from, as well as between, both “sides” in this story.

The mistake that McGhee (2008) and others seem to make, and a particularly important issue in this thesis, is the conspicuous oversight of the historical and contemporary situations in which the vast majority of Canada’s Indigenous peoples find themselves, and the role that social scientists—archaeologists among them—have played in crafting and perpetuating the two-tiered, race-based system that is so problematic. Critiques of the “dubious” discourse of Aboriginalism (McGhee 2008: 580) are themselves predicated on the concept of an “authentic” Indigenous character, and focus on whether or not Aboriginal peoples’ unique and abiding relationship with history or the land can be proven empirically and historically (McGhee 2008: 579, 590). What McGhee, other archaeologists, and many Canadians seem to overlook is the abundance of proof of the damages and injustices of our colonial past, and the real bearing these have on the geographic, economic and intellectual apartheid that dominates Aboriginal peoples’ existence within the Canadian setting. In asking why Indigenous people should be permitted to “assume rights over their history that are not assumed by or available to non-Aboriginals,” (2008: 51) McGhee appears to repudiate the rights-based revolution driving decolonization worldwide. In doing so, he also answers his own question: Aboriginal people should have access to, and control of, their history as reparation for the historical atrocities that have separated them from it, not because they possess a suite of stereotypical traits that may make them “better” stewards. The decolonization of archaeology, and of society, is not a job interview; it is social justice.

The prickly issue of authenticity requires some additional attention here. The focus of this thesis has been the legislative and political context in which heritage is regulated and accessed. In considering the legal structure and policy directives that both Indigenous and mainstream entities use to govern heritage, I have asked myself if, in light of the issues discussed above, I am looking at strawmen or at reality (Colwell-Chanthaphonh et al. 2009).

Could I hope to find in these heritage stewardship documents the "real" voice of First Nations people, and to isolate an authentic impression of Aboriginality? No. And yes. On one hand, this investigation has been limited to practical policy goals using readily available data and the limited tools of the social sciences. It was not my intention to plumb the cultural depths to uncover some mythic essence of Indigeneity (nor, for reasons discussed above, should I need to). On the other hand, I have no reservations about the "genuine" nature of the values expressed in heritage policy. These documents, and the contemporary political and regulatory systems in which they were designed to function, are as much a part of today's Aboriginal cultures as the more easily recognized "traditional" structures:

"Aboriginal people, like other contemporary people, are constantly reworking their institutions to cope with new circumstances... It is not the needless reproduction of outmoded practices that makes a vigorous tradition, but a strong connection with the living past" (Canada 1996: v.2, Ch. 3, Sec 1.2).

Ultimately, I have approached this thesis as an anthropologist and as a critical consumer of culture. I have been alert to the possibility that in addition to unwarranted stereotypes, individual voices and agendas can influence cultural products—in the context of this thesis, heritage policy documents. I do not, however, subscribe to the view that either influence negates the value of these products or the sincerity of the perspectives expressed therein. In writing this thesis, I have accepted as fundamental that this world is, after all, created by people in the course of living it, and it should not be so surprising when their voices can be heard over the generalized cacophony. I am convinced, and am striving to impart, that while there is a fine balance between the risks of generalizing and of giving voice to individuals (who may or may not be representative), navigating this line is the only real way to understand our world. Using this kind of approach to the issues of Indigenizing archaeology has helped ground this thesis in the real-world connotations of both the problems we currently face and the solutions with which we hope to address them. In this way, I hope to translate an understanding of the individual's role in the creation of our social reality into an appreciation of—and belief in—the emancipatory potential of our deeds.

Indigenous Heritage Stewardship's Contribution to Decolonization

Indigenous stewardship policy has a unique, if unexpected, capacity to promote the Indigenization, and ultimately decolonization, of archaeology and of broader heritage research and management systems. In light of the special significance that cultural heritage has in the spheres of national politics and identity, and considering the nature of the roles and responsibilities assumed through stewardship (Chapter 2), Indigenous heritage policy can be a particularly fruitful route to a postcolonial archaeology. The global Indigenous rights revolution has forced a shift in perceptions of how Indigenous heritage is controlled, accessed, and interpreted, which in turn have substantial implications for archaeology's approach to Aboriginal cultural heritage (Chapter 2). In British Columbia, where Aboriginal rights and title are the subject of ongoing negotiation, the business of heritage research and management is often central among the challenges of decolonization (Chapter 3). The formal heritage strategies adopted and adapted by British Columbia's First Nations are a good example of how Aboriginal groups can use policy to begin to distance themselves and their heritage from an awkwardly neo-colonial model of Crown ownership and capitalist-oriented resource exploitation (Chapters 3 and 4). These stewardship strategies provide an effective alternative to Western practices of management while also offering practical measures through which the decolonization of archaeology can be initiated (Chapters 4 and 5).

This decolonising process will necessarily vary from community to community, but strategies generally converge on the following kinds of changes (from Nicholas 2007c: 276):

- emphasizing emic values and oral history;
- recognizing the convergence of tangible and intangible cultural heritage;
- dissolving arbitrary divisions between “prehistoric” and “historic eras”; and
- equalizing power relations (in authority, jurisdiction, control, communication).

In Chapter 5, I showed that the heritage stewardship strategies of British Columbia's First Nations work explicitly toward achieving these goals (see Table 8). Emic (i.e., internal or

normative) values are favoured by policies that pursue planning based on local knowledge and customary laws (e.g., Budhwa 2005; HTG 2007; McLay et al. 2008; shíshálh Nation nd; St'át'imc 2004), or that address the intellectual property issues inherent in cultural heritage (e.g., Stó:lō Nation 2003). The use of oral history as a data source germane to archaeological prospection and interpretation is encouraged explicitly in the policies of the Squamish Nation (2001), St'át'imc (2004), Stó:lō Nation (2003) and the Wet'suwet'en (Budhwa 2005), and implicitly in the shíshálh Nation (nd) policy document. In these same policies, plus those of the HTG (2007) and Westbank people (2007), as in many Indigenous contexts, there is may be little or no distinction made between tangible and intangible heritage, affirming that culture does not recognize the restrictive qualifications placed on it by the *Heritage Conservation Act* or materially-biased archaeologists. Likewise, the traditional and arbitrary division between the “prehistory” of Indigenous British Columbia and the “history” that begins with settler cultures is dismissed by the shíshálh Nation (nd), Squamish Nation (2001), St'át'imc (2004), and Wet'suwet'en (Budhwa 2005) stewardship strategies, which consider ancient and recent history as part of a continuum marked by all manner of change, of which contact with Europeans is just one episode (Lightfoot 1995). The Stó:lō Nation (2003) for example, replace British Columbia's pan-provincial 1846 divider with a more locally meaningful date of 1782 to distinguish the pre- and post contact eras (see footnote on p. 121).

The decolonizing goal of equalizing power relations is a somewhat more complex task than pursuing the tactics discussed above, though it is at the heart of all the heritage stewardship strategies examined in this thesis. Many of the practices of Indigenous and postcolonial archaeologies outlined in Table 8—benefit sharing, community participation, internalist influences, and an emphasis on ethically and culturally appropriate behaviours—work implicitly to redress archaeology's colonialist legacy. Strategies of Indigenous stewardship that focus on opening up the business of archaeology to the influences of Indigenous peoples—and other descendant communities (e.g., African Americans, Asian

Canadians)—have a cumulative effect of decentering the role of archaeologists as the sole arbiters of the discipline’s goals and products. This recognition of the special relationship that Indigenous peoples have with the archaeological record—a cornerstone of many of the stewardship strategies—is a critical step in a process of decolonization that requires some control be ceded by parties of the dominant culture so it can be assumed by Aboriginal custodians (McGuire 2008: xii).

Those aspects of an emancipatory archaeology (McGuire 1992; 2008) that focus on shifting the frame of reference from heritage professionals to members of descendant communities prioritize the needs and values of First Nations people (see Table 8, p. 122, “Critical and Marxist Archaeologies,” bottom row). Practices that favour Indigenous jurisdiction rather than scientific imperatives are inherently anticolonial (Nicholas and Hollowell 2007), as are those that recognize a descendant community’s capacity and right to negotiate directly with the archaeologists and development proponents whose work affects their heritage. The potential for Indigenous stewardship strategies to rebalance contemporary power relations is exemplified by the kinds of changes the policies endorse in areas of communication and respective responsibilities. For example, the St’át’imc (2004) policy moves the burden of proving a site is at risk of adverse impact to the development proponents and the Archaeology Branch, replacing the often defensive, reactionary response of Native groups with one of front-end oversight. This kind of shift in the responsibility to protect can effectively alter a balance of power that has until now placed the onus on First Nations people to defend their culture and territory from the “givens” of a colonial-capitalist ethos of modern development.

I introduced the situation of inequity in the distribution of archaeology’s benefits in Chapter 1, and discussed it further in the context of heritage and stewardship (Chapter 2). It is essential to the decolonization effort that archaeologists and heritage bureaucrats are made aware of this lopsided allotment of gains and are given the opportunity to work to

rectify it. As these Indigenous stewardship plans seek to rebalance a wide variety of advantages associated with heritage research and management, they offer heritage professionals a community-approved route to benefit-sharing.

Indigenous heritage stewardship strategies have a rightful and formidable place in the arsenal of decolonizing methods available to First Nations peoples and their allies. Canada's Royal Commission on Aboriginal Peoples recognizes that fully involving Indigenous groups in heritage planning is one practical way to arrest and counter the damage of colonial imbalances (Canada 1996: Vol. 3, Ch. 6: 1.1), and individualized stewardship policies offer a solid example of how this involvement can begin. The policies manage to balance many of the values and goals of traditional archaeology (e.g., site protection, culture-historical pursuits) with the needs of the contemporary communities that view these sites and objects as the legacy of their ancestors. They offer archaeologists, bureaucrats, and businesses a chance to engage in a kind of archaeology freed from accusations of curiosity-seeking and self-interest, and provide an opportunity to shape a social craft that benefits all participants.

Overcoming Colonialism

The challenges facing First Nations and archaeologists working toward decolonization are varied and severe. In a general sense, many of the problems standing in the way of an ethic of equitable heritage management relate to aspects of our sociological make-up that we would prefer to deny—racism, gatekeeping, identity politics, and the assumptions of superiority on the basis of culture (Deloria 1992; Mihesuah 2004; Rigney 2003; L.T. Smith 1999)—and that are fundamental societal, not just archaeological, issues. This set of problems informs most of the objections that archaeologists and bureaucrats have to the sharing of power over a cultural heritage that is clearly not theirs. The implementation of Indigenous heritage stewardship strategies in the service of decolonization means recognizing and working for the elimination of the major barriers that are preventing

the real flow of power over cultural heritage. Two of these closely related obstacles—issues of control and issues of competing cultural perspectives on power and wealth—are addressed in the following section.

Barrier 1: Control

The unwillingness of archaeologists to relinquish control over the material basis of their profession is a well-recognized impediment to the Indigenization of archaeology (see, for example, Atalay 2006a; Ferris 2003; Nicholas 2007a; Watkins 2003b). The so-called gatekeeping that positions archaeologists as the only capable mediators of material culture is deeply rooted in the profession's colonial origins and its legacy of Enlightenment-era thought, and is so ingrained in the apparatus that indoctrination in subsequent generations of professionals has been unconscious and even unavoidable (see Chapter 2). The perception of archaeologists as the sole finders and keepers of ancient knowledge has meant that the interests of Indigenous people have usually been unquestioningly categorized as peripheral and their perspectives dismissed as unqualified and unacceptably tainted by bias.

The outlook worsens in light of the requirements for confidentiality that many Indigenous groups include in their heritage stewardship strategies (e.g., Squamish Nation 2001; Stó:lō Nation 2003; see also Ritchie 1994: 241), perceived as a threat to the near-holy covenant of academic or professional freedom. This has led to a situation in which Aboriginal peoples are required, time and again, to validate their interests and the methods by which they aim to pursue these interests (see, e.g., Deloria 1992; Mihesuah 2004; L.T. Smith 1999). The inclusion of such justifications in most of the heritage policies discussed here reflects an awareness of this problem on the part of First Nations, if not capitulation to it (e.g., the shíshálh Nation [nd]; Squamish Nation [2001]; and St'át'imc [2004]; policies).

The idea that archaeologists are naturally entitled to control heritage and First Nations are not is endemic in wider Canadian society, as Pokotylo (2002) and Pokotylo and Guppy (1999) found in their surveys on heritage issues. Reflecting the conservatism of the

profession, the Canadian public expressed a reluctance to surrender control or ownership of Aboriginal heritage to First Nations peoples (Pokotylo 2002: 111-112). Public attitudes towards Aboriginal rights and interests are lagging behind even those of archaeologists, and governments, creating a “potentially divisive gap” that will make decolonizing changes to the status quo even more problematic (Pokotylo 2002: 123). This presents a major obstacle as publicly accountable agencies struggle to “find common ground in management of the archaeological record in a multicultural context” (Pokotylo and Guppy 1999: 414).

Barrier 2: Competing Cultural Perspectives on Power and Wealth

Disagreements over the dispensation of heritage places and objects can be attributed to fundamental schisms in how Indigenous and dominant cultures view heritage, law, resources, and power (Lawson 1997; Watkins 2003a; also Chapter 2). Contrasting views of power will prove an especially contentious issue in the decolonizing process, as settler and Indigenous governments focus on the “fissure points” that mark the intersections of “competing cultural landscapes and land-use practices” (Schaepe 2007: 251; also McGuire 2008). In British Columbia, these kinds of issues can be exacerbated by the ongoing land claims and treaty negotiations that often set the background against which the day-to-day business of archaeology takes place (Klimko and Wright 2000). Aboriginal rights cases that have been decided at the Supreme Court level (most notably *Delgamuukw v. British Columbia* [1997], but the effects of the more recent *Tsilhqot’in Nation v. British Columbia* [2007] case will soon trickle down to everyday decisions) further confound the situation by calling for a level of recognition of rights and title to which the structures and strictures of mainstream society have not yet adapted. The Stó:lō Nation’s heritage policy (2003), for example, informs a management plan that links specific policies with mapped cultural heritage and allows them to be overlaid onto development plans (Schaepe 2007: 250). This process instantly identifies conflicts but cannot mitigate them without the

willingness of the dominant culture to reconsider deeply ingrained concepts and priorities regarding property rights and land use.

As one of the more substantial barriers to decolonization, contrasting views of the sources of power are evident in most of the First Nations' policies considered in this thesis. The Province's power is derived from its control over the transformation of resources into wealth in a commercial marketplace (Schaepe 2007: 253), and its citizens' access to this potential wealth is protected as if a fundamental human right. Indigenous people, in contrast, locate their authority in the landscape itself, a view of power as ancestral and free from attempted manipulation (Schaepe 2007: 253; e.g., St'át'imc 2004, shíshálh Nation nd). This cognitive dissonance has very real implications for the transfer of control from between groups who dispute the essential basis of authority and accountability.

The relationship between power and money needs no elaboration in this context. Suffice it to say that Indigenous peoples' struggles to equalize power relations are thoroughly bound to economic issues that prevent their equitable involvement in most aspects of Canadian society. In terms of decolonizing archaeology, the lack of direct funding to First Nations to support their role in the care and management of their heritage is a crucial problem (Mohs 1994: 205; Watkins 2003b; see also Lipe 1974). There is no question that "paying attention to cultural resources is an expensive proposition, both in terms of finances and personnel" (Daehnke 2007: 264), and Aboriginal groups' access to these funds is limited by their discordant triangular relationship with federal and provincial agencies that spend inordinate amounts of energy and resources passing the buck rather than giving it out.

The incongruity of Indigenous and non-Indigenous approaches to heritage and the generation of wealth and power means that while archaeological bureaucrats and capitalist land users justify their heritage-management budgets as part of the "cost of doing business," Native peoples who do not wish to profit from the exploitation or incidental destruction of their

heritage lack the finances to protect them.⁴⁹ The flow of federal and provincial funding to Indigenous groups conspicuously favours situations that hold the potential for profiteering, considering these transfers as conditional investments rather than fiduciary duty.⁵⁰ Paired with the reality that First Nations will not recover their expenses through projected profits as will the developers, one consequence of this insufficient financial support is that many First Nations require land users to pay an administrative fee to cover the costs involved in assessing the impacts of their proposed development projects on heritage (e.g., shíshálh Nation nd; Stó:lō Nation 2003). These charges follow a fee-for-service model standardized following the withdrawal, in the early 1980s, of government services and their substitution with archaeological consulting, and so should hardly be unexpected. The project of decolonization again stalls when developers and archaeologists balk at these fees, commonly perceived as a cash grab, failing to understand them as a response to the inequity inherent in colonialist relations. Again, overcoming these kinds of differences will require a depth of introspection and reassessment of entitlements that Western capitalist society will find distasteful and even unfair, and thus represent another impediment to decolonization.

It is critical to realize that all these obstacles represent more than simply the downside to a theoretical argument about the potential of decolonization. Issues of power imbalances and competing cultural perspectives should remind us that the “colonial past is not distinct from today’s realities and practices,” and that the effects of those past practices, should not, cannot, be ignored by placing them “in a historical context that serves to excuse them” (Atalay 2006b: 281-282). We must dispense with the idea that Indigenous people are just another stakeholder in the capitalist game, no more or less entitled to control than any other player (such as is implied in the Society for American Archaeology ethics statements

⁴⁹ Here I address specifically the case of site impacts in the course of externally initiated development; issues relating to First Nations’ choices to sacrifice their heritage sites in the name of critical domestic economic development or infrastructure projects (as discussed above) are theirs to grapple with.

⁵⁰ Consider the Department of Indian and Northern Affairs’ March 2009 announcement of a \$165 million allocation for safe water treatment infrastructure on Canada’s blighted Indian reserves (INAC 2009; Martin 2009). The funds were dispensed preferentially to those communities where clean water might contribute to economic growth, rather than made available to all reserves as a matter of public health and safety.

[Atalay 2006b: 299], for instance, and made explicit by McGhee [2008]). The primacy of First Nations as stewards of their own heritage must be acknowledged on the basis of historical realities, Indigenous rights, and the constitutional context of modern Canadian society. The ethical relativism with which archaeologists and bureaucrats have until now justified exclusive control over the heritage of another people does serious violence to the principles of cultural relativism that we espouse and encourage in others as a mode of just thought in a modern, multicultural world (see Salmon 1997: 47).

The “crisis of representation” that Natasha Lyons (2007) has identified in anthropology and archaeology is more than just an awareness that we need to allow other perspectives to influence our work. Archaeologists and bureaucrats who are unsure of how best to accommodate Indigenous viewpoints are beginning to find that the “answers are emanating from Indigenous communities themselves” (Lyons 2007: 62). The development and dissemination of domestic heritage stewardship policies are excellent examples of the ways in which we can expect Aboriginal people to respond to the inequities of a system from which they have for so long been excluded. For our part, archaeologists must be accountable to descendant communities and to the archaeological record, both of which can best be addressed by incorporating Aboriginal perspectives into the care of, research on and administration of cultural heritage. “We have the responsibility,” writes George Nicholas, “not to limit ourselves to any one approach, scale of analysis, or, indeed, interpretation” (2007a: iv), echoing David Clarke’s (1973) treatise on the burdens born by archaeologists. The potential to advance the project of decolonization depends on our willingness to accept these responsibilities and to meet our new obligations with rigour and humility.

A User’s Guide to Decolonizing Archaeology

Through domestic heritage stewardship strategies, Indigenous peoples in British Columbia and elsewhere are taking the initiative to carve out a meaningful role for themselves in the management of their heritage, and to render it more equitable and

respectful in the process. The substantial challenges faced by First Nations and archaeologists alike in the pursuit of decolonization, and the differences in what is at stake for each group, are not likely to be reconciled quickly or easily. For Indigenous people, assuming a role of any consequence—one with greater decision-making powers, for example (e.g., Squamish Nation 2001: 15, 17)—is going to require a good deal more work and consciousness-raising than issuing a Land Use Plan or Heritage Policy. The colonial strategy of subsuming all of Indigenous history under the banner of archaeology has been disastrously effective “as a way of circumscribing and containing Indigenous interests” (Smith and Wobst 2005b: 8). British Columbia’s *Heritage Conservation Act* (1997) and attendant policies, among other similar mechanisms, have perpetuated this exclusion; Indigenous heritage stewardship strategies work to reverse it.

The depth of the changes required to begin to undo the damage of colonialism means that research by, for or with Indigenous people is often seen as “political and disruptive even when the strategies employed are pacifist” (L.T. Smith 2005: 91). The political nature of this work—real or perceived—is believed to threaten the stability of a system that is somehow natural or predestined. Those of us who benefit from such structures have found it easy, and soothing, to assume our works and the agendas that guide them are “beyond politics” (Smith and Burke 2003: 191). If anything, this thesis has shown there is no such state. The project of decolonizing one small corner of the world—archaeology and the management of heritage—requires a more self-conscious and informed appraisal of politics, history, and the constitution of a just society than we have heretofore allowed ourselves (Trigger 1997: xii).

The advice of Indigenous and archaeological theorists on this subject is for an unequivocal recognition that archaeology is inherently political, and that Indigenous demands are not going to go away (Forsman 1997: 110; also McGuire 2008; Meskell 2002). Heritage professionals trained in the traditions of anthropology need to begin to work through this

paradigm shift as anthropologists, aware that archaeology is a social endeavour with real implications for real people (McGuire 1992; Wickwire 1991). Becoming advocates for a politically responsible, engaged craft (McGuire 2008; Meskell 2002; White Deer 1997) could represent the fundamental turning point for archaeologists and First Nations alike as they search for ways to build a more ethical archaeology.

We might begin this work by welcoming a shift “in which archaeologists consider it normal and essential to be directly informed by and learn from the experiences of the Indigenous men and women who will be affected by or expected to benefit from their actions” (Smith and Wobst 2005: 7). The new set of standards and responsibilities that archaeologists and Aboriginal peoples are beginning to acknowledge include an exchange of ideas that contribute to social justice rather than to isolated academic needs centred on amassing knowledge (Trigger 1997: xii). Indigenous peoples, according to White Deer (1997), have accepted both the validity of science and the utility of its applications in telling stories of the ancient past. In the interest of balance, archaeology must reciprocate and “allow for sacred considerations to influence its practices” (White Deer 1997: 43). This does not entail, as conservatives may claim, that the rigour of archaeology be forsaken to accommodate entirely different modes of thought. Scientific archaeology based on “legitimate, well-defined research designs” can continue to be an asset when developed in the context of good working relationships with First Nations (Stapp and Longenecker 2005: 180).

Just as one need not be a scientist to appreciate and apply the fruits of science, or to be a woman to benefit from feminist epistemologies, the methods and products of Indigenous archaeology and Indigenous stewardship are not limited to Indigenous practitioners (and, for clarity, not all Indigenous archaeologists are doing Indigenous archaeology) (Atalay 2006b: 293-294; also Nicholas 2008a: 1660). Western archaeologists and heritage bureaucrats are encouraged to support, initiate, and participate in Indigenous stewardship initiatives, and to integrate its results into their own perspectives. By *sharing*,

rather than *imposing*, the knowledge and skills that have made them adept interpreters of the past, archaeologists can “contribute to the development of Aboriginal archaeology by reviewing and critiquing Aboriginal archaeological theory and method” (Million 2005: 51). It is helpful, and not at all patronizing, to recognize that “the process of writing one’s own history is an exceedingly difficult process, especially for peoples who have long been denied the means to do so” (Nicholas 2005: 96; cf. McGhee 2008: 590). The cooperation of non-Native archaeologists in the support and dissemination of Indigenous heritage stewardship strategies can be one part of the solution to this problem.

Heritage professionals looking for a way to stop empowering the state and interrupt the reproduction of the status quo (Wobst and Smith 2003: 212) should consider supporting the heritage stewardship policies issued by First Nations as one way to vote with their trowels. Consultation provisions to which British Columbia’s government adheres have, despite the rhetoric of treaty-making, “remained only nominal with little true power sharing” (Nicholas 2008a: 1664). Filling this void with local Indigenous heritage stewardship protocols gives First Nations and archaeologists a chance to lay the foundation for a just, sustainable mode of heritage oversight on which to model legislative reform.

A Resolution

Outlining a viable prototype for this change seems a challenge of epic proportions, but the inclusion of Indigenous perspectives and control must surely be at the heart of the new vision. Throughout this thesis I have found that “the rigidity and finality of overly zealous legal protections are not well-suited to a good whose value is intimately connected with something as fluid as culture” (Harding 1999: 353). With what then can we replace the existing model of compulsion, coercion, and inducements (Worrel and Appleby 2000: 273)? How do we get from questions of intrinsic and instrumental value of cultural heritage to the legal obligation to protect it (Harding 1999: 341-351)? And finally, what do we protect?

Sarah Harding (1999) argues that we need a “set of standards that captures the significance of cultural objects and fosters discussion between cultures”, but she warns against using rights-based arguments that can polarize parties (1999: 345). Colwell-Chanthaphonh and Ferguson (2006) champion a “virtue ethics” approach that considers relationships, trust, character and moral motivation as an alternative to more rule-based systems of ethical guidelines. Applied to archaeology, this example of an ethics-based approach proposes a mode of conduct to recognize the unique relationship that Indigenous people have in the heritage in question. Though it focuses on the interpersonal aspects of Indigenous-archaeologist relations rather than institutional precepts, it relies on a consensus about Aboriginal rights that has yet to saturate the discipline despite substantial legal recognition.

In the context of Indigenous peoples’ stake in their own archaeological heritage, a rights-based rationale tempered with a conviction of the intrinsic value of heritage and an expectation of virtue—that is, of trust, trustworthiness and moral accountability—may begin to approximate a solution. If the goal of contemporary archaeological management is *sustainable* stewardship, as it should rightly be no matter what one’s politics, we must start to consider how best to impart an ethic of sustainability and other good practices to those responsible for the care of cultural heritage places and objects (see, for example, Dowdall and Parrish 2003). Fundamental to this undertaking must be an effort to create and nurture responsibility in land users and managers so as to preclude the need for narrow and prescriptive regulations (Leopold 1949; Worrel and Appleby 2000). Indigenous heritage stewardship policies present an ideal basis on which we can begin to develop this ethic of a sustainable, personal and respectful approach to cultural heritage.

In my opening chapter, I likened the problem of reconciling issues of Indigenous heritage stewardship with the interests and goals of archaeology to the difficulty of trying to slip an oyster, slippery and malleable, into the coin slot on a parking meter, solid and

angular. My intention was never to force a fit where it did not belong, or carry the metaphor any further than to say this was a difficult problem to approach. Mutual accommodation of Indigenous and non-Indigenous peoples—for that is what this is all about, in the end—*must* be mutual, it must be based on respect and not sameness, personal gain, or utility, and it requires that we stop forcing each other into frameworks that do not reflect reality. Unlike the oyster and the parking meter, I have found that Indigenous stewardship and archaeology can be quite compatible, though they are simply not likely to fit neatly one inside the other. Nor should they have to.

The underlying drive for social justice that has informed this thesis (and indeed my professional development) represents more than the desire that we all “get along”. It means—and this is where the real effort comes in—that we consider the needs and aspirations of other groups as seriously as we do our own, until we can envision and enact a degree of equity that befits Canada’s reputation as a just and progressive nation. The job of archaeologists, and of the bureaucrats and legislators who support them, is to aim for this level of justice within the parameters of our discipline, to begin decolonizing our practice where we can, and to recognize that our work has meaning beyond the confines of our laboratories, our offices, our classrooms, and our publishing houses. Our task will also continue to be the quest for broader and deeper knowledge and understanding of humanity, past and present—a goal that is readily supported within an Indigenized archaeology. Heritage professionals must come to accept the fact that archaeology cannot help but be political, and that part of our responsibility is therefore to become engaged in a socially responsible way. This engagement should be based on a respectful exchange, rather than an imposition, of ideas. It should be based on a recognition of the rights that people have to their heritage, on the intrinsic value of such heritage, and on an expectation of integrity and virtue among those to whom we entrust this heritage. And it should begin now.

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