Plans to auction an ancient artifact found decades ago at a midden site near Fulford Harbour have raised concerns about the increasing privatization and commercial sale of First Nations heritage.

"This is a difficult situation," said Robert Morales of the Hul'qumi'num Treaty Group. "It shows the continuing conflict between the two cultures that carry on far beyond archeology." In a letter to the Minister of Sustainable Resource Management, George Abbott, Morales asked that authorities take the matter seriously and treat it as an offence committed under contemporary law. "We argue that the minister has the legislative authority to seize the artifact from West Coast Estates Ltd., prevent its commercial sale by public auction, and deposit the artifact in the Royal B.C. Museum in Victoria."

The "seated human figure bowl" is a 50-centimetre-high sandstone figure estimated to be over 2,000 years old. It will be auctioned on April 30 in Vancouver. Valued at between $18,000 and $25,000, the object was discovered in a gravel pit by a Salt Spring resident more than 40 years ago. Legislation created in the 1960s prevented the removal of such artifacts and ordered the Crown to seize all items collected without a permit. In 1971, the Crown-owned property was declared an official archeological site and labelled DeRu-044.

Morales admitted the issue is complicated by the amount of time that has passed since the item's discovery, but said the decision may prove significant considering the number of artifacts thought held by private collectors in the province and throughout the world. "West Coast Estates Ltd. cannot claim the sale of the archeological heritage object is the innocent product of 'ancient losses' as advanced," he wrote. "It is the commercial sale of an illegally collected artifact removed from a provincially protected site under contemporary law."

Morales expressed concern artifacts held in private collections limited First Nations' access to the items and made it difficult for them to assert control over objects that belonged to their ancestors. He said stricter legislation regarding the sale of the artifacts was an important step towards keeping a large part of First Nations' heritage and culture intact. "Through the work we are doing, we hope we can repatriate the items back," he said. "We are now working at trying to put together a feasibility study for a museum where these items can come back and go into a controlled environment."

Ted Pappas, an auctioneer from West Coast Estates, realized determining the rightful owners of the bowl was a "tricky situation" and claimed the auction was the best way of finding a new home for the bowl. "Knowing who to give it to is a murky area because we don't know who the rightful owner is," he said. "I suggest anyone interested in acquiring the bowl step up and let it be known."

Pappas said members of the Semiahmoo First Nation in White Rock have expressed an interest and are prepared to make a bid. Pappas discovered the bowl when its owner, Ken Stevens, brought it to an antiques road show in Chemainus. He said the owner deserved some credit for being in the right place at the right time. Finding the bowl, he said, was comparable to winning the lottery.

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