

NOTES FROM THE KAMLOOPS UNDERGROUND:

SOME THOUGHTS ON "THE FUTURE MANAGEMENT OF ARCHAEOLOGICAL RESOURCES"¹

by George P. Nicholas and Nola M. Markey

The coming decade is likely to see significant changes in the way that archaeology is done in British Columbia. This will be the result of both internal developments within the discipline, including its relationship with First Nations and other descendant communities, and external factors stemming from provincial and federal politics, public opinion, and global economics. When Bjorn Simonsen invited us to participate in a panel on "The Future Management of Archaeological Resources" at the BC Archaeology Forum, he requested that participants "think outside of the box." This we do in offering a number of observations on the current state of things in the province, and making some guarded predictions concerning possible future developments affecting the management of archaeological resources.

Our starting position is that the current infrastructure for provincially mandated and monitored archaeology is severely under-funded, and that this has had, and will continue to have, significant consequences for archaeological, First Nations, and public interests. It is also our position that First Nations have an inherent interest in the care and management of their ancestral sites; that they must be involved in all discussions that affect provincial heritage legislation; and that their notions of significance and recommendations for the preservation and/or care of these sites may differ from those of non-Aboriginal archaeologists and heritage managers. Finally, we take this opportunity to state that the (dis-)integration of the former Archaeology Branch into the Ministry of *Sustainable Resource Management* (our emphasis) is a worrisome development on several different levels. Archaeological sites are finite and fragile, and any implication that they are sustainable is dangerous. The

term "resource," if it is to be used, must always be done with caution in this context.

The primary issue that Bjorn Simonsen sought to address in this session concerned how the work of archaeologists could be regulated and the resource best managed to ensure optimum protection and management practices that will serve the needs and aspirations of both the discipline and First Nations. More specifically,

- Who should manage the resource, how should permits be issued, who should set standards for archaeological research and field work, and who should care for and manage archaeological collections and data?;

- What should be the future of the province in all of this?; and

- Should government even play a role in these matters, or should archaeologists and/or First Nations assume these responsibilities?

Despite their importance, we found these questions too broad and slippery to discuss with any satisfaction during the time limits imposed. We therefore chose a somewhat different approach to addressing problem areas confronting archaeologists, First Nations, and the public when it comes to doing archaeology and caring for heritage sites in the province. Our remarks are thus organized around four topics: 1) The Context of Archaeology in Post-Delgamuukw Times; 2) The Practice and Regulation of Archaeological Research; 3) The Responsibilities of Doing Archaeology; and 4) The Products of Archaeological Research. The final part of this paper, A Sampler of Some Current First Nations Concerns, identifies issues raised by First Nations individuals who attended the Forum.

The Context of Archaeology in Post-Delgamuukw Times

There have been numerous changes in the social, political, and economic context in which archaeology gets done, especially in the last decade. This leads us to pose several questions for further thought and discussion:

- What specifically sets this decade off from previous ones?;

- What have been or are recent and anticipated changes in legislation?;

- What has happened with the Liberal government?;

- What have been the real results of Delgamuukw?; and

- What role, if any, may such organization as the Union of BC Indian Chiefs and the Assembly of First Nations have?

The First Nations of British Columbia have become increasingly influential and articulate players in heritage issues, both prior to, but especially since Delgamuukw in 1997. As a result, consultation between industry, archaeologists, and First Nations has become an expected part of doing business. How has this been working out? Probably better than some would have expected (but not as well as others perhaps hope). Degree of success aside, there are still issues that are outstanding. For example, when any work is proposed for crown land, First Nations land, and private land, are all stakeholders involved aware that consultation needs to take place? There may also be some degree of resentment concerning the seemingly "special" status of First Nations afforded by Delgamuukw, when it is actually no different than the protocols required when doing urban expansion and the non-Native public is notified and consulted. The "duty to consult" is reflected not only by Delgamuukw but also in such recent court cases as *Haida Nation v. BC Province* and *Weyerhaeuser* (Docket: CA027999), Taku



Figure 1. Lyle Joseph and Murray Jules (both North Thompson Band) participating in RIC courses in Archaeological Inventory Training for Crew Members, Kamloops 2002. (Photo: G. Nicholas)

River Tlingit First Nation v. Ringstad et al. (Docket: CA027488), and Treaty 8 Communities v. BC Province (in progress).

For the past decade, archaeology has been very much forestry-driven archaeology. However, recent downward economic trends have demonstrated how fragile that market is. On the other hand, mining and other forms of resource extraction, as well as urban expansion, in the province are increasing, all of which will require archaeological involvement. Meeting the needs associated with these trends is complicated by challenges to, or changes in, existing cultural and natural resource legislation influenced by the provincial government's pro-business agenda.

In terms of long-term trends, the involvement of First Nations in heritage legislation and management will continue to increase. It would thus be useful for interested and involved parties to review the potential of cooperative or interactive strategies, such as co-stewardship models, that may prove useful for this province. Two examples of a move towards this model at the local level are, the Tmixw Archaeology Department of the Nicola Tribal Association and Highland Valley Copper Mining Corporation, and also one between the Haida Nation and Parks Canada for Haida Gwaii. Both cases, however, are the result of either so-called "crisis-based co-management" or land

claims, and not because First Nations were sought as partners in management.

Recommended Readings

BC Provincial Consultation Guidelines for First Nations 2002; BC Treaty Commission; Burley et al. 1994; Byrne et al. 1984; Delgamuukw 1997; Ferris 2000; First Peoples' Organization; Gwaii Haanas Agreement 1993; Klimko et al. 1998; Klimko and Wright 2000; Lilley 2000; Pokotylo 2002; Press et al. 1995; Stapp and Burney 2002; Yellowhorn 1997, 1999.

The Practice and Regulation of Archaeological Research

What many of us here are most concerned about are two factors that influence how we go about doing archaeology: 1) changes at different levels of government, and 2) the role of First Nations in such matters.

In principle, the transfer to First Nations organizations of specific responsibilities is overdue and necessary. However, we strongly suspect that move by the province to move some responsibilities to First Nations will be done not because of progressive thinking, but more likely the result of the trend towards privatization of responsibilities once housed in government for economic reasons. This isn't just about archaeology for First Nations, but also many other federal and provincial responsibilities (e.g., Bill C-61,

the proposed federal initiative that would impose a new governance act upon on all bands in Canada without proper consultation).

What are the practical considerations of transferring responsibilities to First Nations? In practice, it will be difficult and contentious unless adequate, long-term funding and other resources are available (and such funding from the federal government was recommended by the Royal Commission on Aboriginal Peoplesⁱⁱ). If First Nations are expected to assume more responsibility in stewardship of heritage protection (and the practice of CRM), how many communities in BC are prepared to do so? For many Aboriginal communities, this will require yet another new portfolio for already overburdened band administrators. Does the First Nation have the expertise of archaeological work and evaluation of this work being done in its territory? How are the archaeological collections and data accessed? Before discussing any of these issues, we first need to ask if First Nations actually want to assume this responsibility. And if they already have such mechanisms in place, then we need to inquire what problems have emerged to date under First Nations' management compared to those under the Archaeology Branch?

There is likely to be increasing instances of, or need for, multi-First Nation management projects, especially for lands that fall within shared areas or overlapping claims area. Such projects may require new types of protocols to be developed between those nations that will involve both cultural and natural resources. There are also concerns to discuss relating to archaeological fieldwork and assessment standards, including designing and implementing collaborative research designs, the requests of First Nations regarding qualifications of archaeologists wishing to work on their lands, and the degree of overall satisfaction with the RISC (formerly RIC) program of the Resource Information Standards Committee.ⁱⁱⁱ

Finally, the continuing lack of consultation by the provincial government with both the archaeological community and First Nations in matters of cultural and natural resource management can only have a detrimental effect on the process of doing archaeology, and the degree of

protection given to heritage sites in the future. The trickle-down method of communication that takes place is a constant source of frustration,^{iv} especially concerning expected changes to the Heritage Conservation Act in the near future. This continuing trend by government ministries not to seek input from all involved parties is especially irksome to, and disrespectful of First Nations, whose ancestral remains comprise most of the archaeological record.

Recommended Readings

BC Provincial Consultation Policy 2002; Environmental Assessment Act 1996; Forest Practices Code of British Columbia Act 1996; Forest and Range Practices Act of British Columbia (Bill 74); Heritage Conservation Act 1996; Markey 2001; Mihesuah 2000; Royal Commission on Aboriginal Peoples 1996.

The Responsibility of Doing Archaeology

There are four areas of responsibility that we briefly comment on here: 1) Community Relations; 2) Education and Training Needs; 3) Ethics; and 4) Communication.

Community Relations

Good community relations between various interest groups in BC are one means to avoid the types of problems that sometimes arise in archaeology, especially in the area of sensitive sites, human burials, and the public's bewilderment at how their tax dollars are being spent. While each of us have a role in this, we have come to depend on the Archaeology Branch to coordinate between First Nations organizations, archaeological consultants, academic institutions, schools, and the public. They have also had an important role as a source of information and education. We hope that their involvement in this area will expand.^v We also hope that those First Nations who come to share such responsibilities with the provincial government will recognize and assume a similar role in this area.

Education and Training Needs, Opportunities, and Concerns

There has been a significant increase in education and training opportunities for archaeology throughout the province.

Some are government-initiated training programs, such as the RIC/RISC training modules (Figure 1); others are coming from colleges and universities, such as the series of CRM courses offered through the University of Victoria; some are opportunities provided to First Nations individuals by trained Aboriginal archaeologists; and others still are the result of requests from First Nations and non-Aboriginal organizations.

Academic institutions have an important role to play in the future management of archaeological resources. To a degree, universities have been tardy in addressing the need for students trained to do consulting archaeology, now the primary employer of archaeologists. Our own institution, Simon Fraser University, is only now implementing a stream in cultural resource management. Nonetheless, these are positive signs. Academic programs tailored for the coming generation of British Columbian archaeologists must include not only the usual courses in archaeological theory and methods, but also courses in ethics, First Nations issues, applied anthropology, and business administration. Recommendations to universities and colleges from consulting archaeologists and First Nations as to what skills are required to address current and future needs are clearly important.

The RISC modules provide another type of opportunity for First Nations members and others to gain basic archaeology skills, albeit very limited ones. We know a number of First Nations individuals that have certificates not only for RISC, but also have five or six other programs certificates, making them very qualified for a variety of positions.

It is important to note that sometimes First Nations and other organizations, including non-Aboriginal ones, assume that a RISC certificate or completion of a university field school qualifies that individual to conduct or evaluate archaeological field projects. One former student of Nicholas', who has taken various archaeology courses and completed the SCES-SFU Archaeology Field School, has been pressured by her band to conduct an archaeology survey on her reserve, but recognized that she was not yet qualified to do so. We know of other First Nations individuals who were required by their band to take the RISC

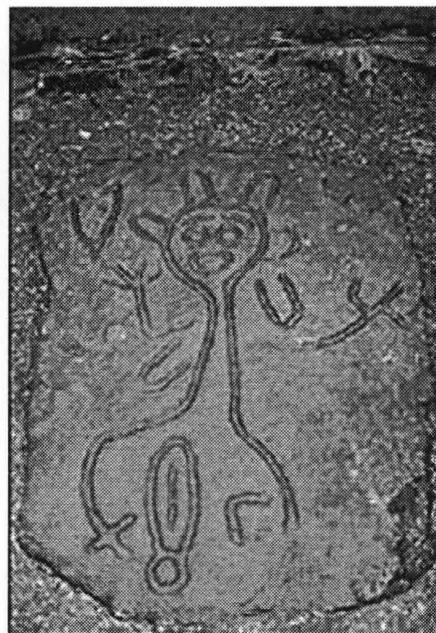


Figure 2. One of the 10 petroglyphs of the Snuneymuxw Nation now protected by the Canadian Intellectual Property Office. (Photograph used with the permission of the Snuneymuxw Nation)

course, but had no interest in archaeology and subsequently proved ineffective in the field.^{vi} There are several shortcomings with the RISC program that need to be addressed in the future, including the non-existent RIC II module.

Ethics

In recent years there has been growing awareness of ethical issues in archaeology and anthropology. This is reflected by the increasing willingness to identify and discuss the types of moral or professional dilemmas that we are or may be confronted in the field with, and by the drafting of ethical codes for many professional organizations. Since discussions of ethics are often linked to situations caused by conflicting interests and cross-cultural misunderstandings, they are likely to remain a frequent topic in archaeological resource management.

There is also a Dark Side of heritage management in BC. Many of us are aware of poor management decisions, misguided efforts at political correctness, the removal of archaeological materials from crown land and reserves without permits, double-standards set by First Nations, consulting archaeologists doing inadequate drive-by or fly-by assessments, and both private landowners and First Nations individuals

deliberately destroying archaeological sites. Disturbing examples, to be sure, but part of the reality of heritage management. Not all people value the past, and this is something we need to recognize. Nonetheless, it is only by willing to recognize and openly discuss these travesties that we can collectively seek the means to prevent them from occurring.

Communication

One of the most fundamental responsibilities that we have in doing archaeology is to communicate to the public what we do and why we are doing it. Related to this is the need to share our results to the community in a meaningful fashion, and this applies especially to First Nations communities. Archaeologists and anthropologists have had a long history of taking without giving, and such behaviour is no longer acceptable.

Communication can also be expanded or improved between the practitioners of archaeology and their clients. There are currently a number of important venues for interaction, including this Forum, as well as such organizations as the Archaeological Society of British Columbia (ASBC), British Columbia Association of Practicing Consulting Archaeologists (BCAPCA), and the Canadian Archaeological Association (CAA). The development of a First Nations archaeological organization would be a valuable addition. But such organizations only work through the efforts of its members, and we strongly encourage that you join or support such organizations.

There is also much room for improvement between the Archaeology Branch and the archaeological community. The Branch needs to be more involved and communicative than it has been. Until recently, for example, its representatives have been conspicuously absent at archaeology meetings. We hope that the good attendance represented at the recent Archaeology Forum in Nanaimo reflects a change in management, and not simply the fact that the meeting took place on Vancouver Island.

Recommended Readings

Bender and Smith 2000; Jameson 1997; Kuhn 2002; Nicholas and Andrews 1997; Pokotylo 2002; Rosenwag 1997; Vitelli 1996; Wylie 1997.

The Products of Archaeological Research

Our last set of comments concerns the products of archaeological research, namely issues of access and ownership or control.

Information Access

Most archaeology being done in the province today is by consulting archaeologists. This is fortunate given the significant reduction in funding in recent decades for academic-oriented archaeology. However, most of the research results of these projects resides only in the notorious "gray literature" of contract reports. This is a serious issue in contemporary archaeology that needs to be addressed, not just in BC, but everywhere. All of us doing archaeology have a responsibility to publish our results, and to do so in a timely fashion. We also have a responsibility to make this information available to descendant communities and to the public that funds much of this work. We suggest that eventually these responsibilities apply to First Nations-based organizations.^{vii}

Material Property and Intellectual Property Rights Concerns

A topic that will prove important in the coming decade is who controls the products of archaeological investigations. If developments in ethnobotany and other disciplines are any indication, then the descendants of the people responsible for the archaeological record are likely to be concerned about the appropriation, misuse, and loss of control of knowledge, and the loss of access to its product. The emergence of intellectual property rights (IPR) in archaeology is something that will affect us all.

Appropriation and commodification of cultural knowledge and property affect the cultural identity and integrity of contemporary Indigenous societies. In BC, artifacts, sites, and rock art images representing the material culture and knowledge of past people appear in books, t-shirts, postcards, and other media, but seldom with permission or proper attribution.

Indigenous communities may also be

affected by the degree of control that researchers have in disseminating information derived from archaeological sites. To gain control, or at least greater equity, in accessing archaeological knowledge of their own past, some Aboriginal groups have developed local protocols as the basis for research agreements between the communities and outside investigators. For example, the Kamloops Indian Band has a protocol and permitting system that are now required for all archaeological research on the Reserve, which include provisions that a) all artifacts, data, maps, and other material generated by the project be submitted to the Band within a stipulated time frame; and b) efforts made to jointly publish the results of the project, with joint copyright held by Permittee and the Band.

Other forms of intellectual property protection are likely to be employed as well. The Snuneymuxw Nation of BC has recently registered 10 petroglyphs (Figure 2) with the Canadian Intellectual Property Office to prevent them from being copied and reproduced by anyone for any commercial purpose^{viii}. Patents may also prove an important option when it comes to controlling and/or marketing information derived through analysis of ancient DNA, such as could conceivably be obtained from Kwāday dān Ts'inchī.

Recommended Readings

Battiste and Henderson 2000; Clavir 2002; Friedlaender 1996; International Journal of Cultural Property; Janke 1998; Nicholas and Bannister 2002.

A Sampler of Some Current First Nations Concerns

Prior to and following the 2002 BC Archaeology Forum, First Nations individuals raised a number of concerns about the process of archaeology in BC. This section identifies some of these issues, as well as several derived from subsequent conversations with various individuals. Our purpose here is to present items that were identified to us. While we cannot verify the accuracy of all statements below, at the very least they present the personal perspectives of some First Nations individuals.

Archaeology On Reserve (Not in Treaty Negotiations)

One issue of concern raised by many First Nations bands is that Indian Northern Affairs Canada (INAC) does not provide funding for any archaeological work if on-reserve development is required. This then requires bands with limited funds to make very difficult decisions about their ancestral sites; they must either pay for archaeological work with funds that had been meant for other purposes, or to do without it.

Many bands also have to raise funds for reburial and repatriation or share the costs between the province and museums as there is no funding provided for this through INAC. There may be not enough reserve land for the reburials, or access to lands from which skeletal remains were removed are now private lands. In addition, there are often significant costs relating to reburial, including transporting Elders to the [new] site to perform the ceremonies. One individual suggested that museums see repatriation as a means to alleviate their storage problems due to funding cuts.

Some individuals raised the issue of permit issuance for archaeology done on reserves. In those instances where a permit is not required, such as when the Archaeology Branch defers to the local First Nation, there is concern about the monitoring or evaluation of the work. Many bands in the province have established or are working towards a heritage policy, members of one First Nations archaeology department commented to us that standards under these policies vary substantially.

Archaeology Off Reserve

Off Reserve archaeology has long been a major area of interest and concern by First Nations. If archaeology work is required in their homelands not settled by treaty, they want to choose the archaeologists who will do that work. Some bands have also criticized the policy of awarding contracts to the cheapest bidder, which has raised concerns by them about the quality of work and the lack of adequate consultation. In the latter case, we have been informed that this has resulted in traditional sites known to the band not being identified by the archaeologists.

The protection of sacred sites is an important problem. These are sites considered very important in Aboriginal world view (e.g., transformation rocks), but which often lack an associated archaeological record. Sacred sites are not defined under the current Heritage Conservation Act. Thus, in those instances where such sites have been protected from logging, it has been a result of their proximity to water, and not their cultural or religious values.

One particularly contentious issue is



Figure 3. Bark-stripped birch (CMT), Vanderhoof Forest District. (Photo: G. Nicholas)

that of culturally modified trees (CMTs) (Figure 3). Three areas of concern have been raised by First Nations. These are: 1) questions about the protection, or lack thereof, offered by the 1846 date in the Heritage Conservation Act; 2) the definition and maintenance of adequate buffer zones around identified CMTs; and 3) apparent inconsistencies in the protection of CMTs between forestry regions in the province.

A number of other issues have been raised by First Nations individuals and organizations, including concerns over: 1) private land owners currently escape archaeological costs; 2) the growing need for co-management or stewardship of heritage sites between industry and bands,

especially for crown lands; 3) the lack of implementation of the Heritage Conservation Act in municipal jurisdictions when development takes place; 4) determinations of site significance in the absence of band consultation; and 5) the possibility of an archaeology license system (see Ian Franck, this issue).

As we noted at the beginning of this section, the issues identified in this section were raised by First Nations participants at the Forum, or by other individuals afterwards. We have not added our own commentary to this section.

Concluding Remarks

In this paper we have offered some thoughts and observations as the basis for discussion and further exploration. In doing so, we have chosen not to talk about those elements of current archaeology in the province that are working well, and instead focus on areas of current or future concern. If some of our comments are critical of various organizations, they are meant so in a constructive way. Finally, in supporting greater First Nations' involvement in heritage management and assessment, we want to make it clear that we advocate greater equity here, not political correctness.

Acknowledgements

This paper was originally presented at the 2002 BC Archaeology Forum. We thank the Snuneymuxw First Nation, the traditional stewards of this land, for being such gracious hosts, and also the many chiefs, elders, and community members of that and other Nations who have contributed to the maturation of archaeology in British Columbia. We thank Catherine Carlson for comments on this paper, and acknowledge the Tmixw Archaeology Department, Nicola Tribal Association, for contributing to some of the ideas expressed here. Additional information was provided by Karen Lovisa Church and Barney Edgars (Council of the Haida Nation), Jack Foster (Archaeology Branch), Lorraine Littlefield, Anthropologist (Snuneymuxw Nation), Gerry Manson (Snuneymuxw Nation), Elroy White (Heiltsuk Nation), and several individuals who requested anonymity. Any errors of omission or commission are our own. Hay ceep qa; Mi-gwetch! Thank you.

George Nicholas, Associate Professor of Archaeology, SFU, and SCE-SFU Archaeology Program Director, has conducted archaeological research in the Interior Plateau for the last 12 years. He has published extensively on Indigenous peoples and archaeology, prehistoric human ecology, and wetlands archaeology.

Nola Markey is a member of the O-Chi-Chak-Ko-Sipi First Nation (Saulteaux) and is currently in the PhD program in Archaeology at SFU, working on the interpretation and integration of oral history into archaeology. Her MA thesis (SFU, Anthropology) is "Gathering Dust": An Analysis of Traditional Use Studies Conducted within Aboriginal Communities in British Columbia (2002).

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End Notes

- i Invited presentation, 2002 BC Archaeology Forum, Nanaimo. October 26th, 2002. Our title is taken from Fyodor Dostoyevsky's (1864) book, in which he depicts characters of sometimes contradictory impulses.
- ii "In keeping with its fiduciary obligation to protect traditional Aboriginal activities on provincial Crown lands, the federal government should actively promote Aboriginal involvement in provincial forest management and planning. As with the model forest program, this would include bearing part of the costs" (RCAP 1996:641).
- iii The RISC program is now being revised, with the plan to combine the Archaeology Inventory Training and CMT Recording modules into a single short course (Tom Rankin, personal communication 2003).
- iv This is not limited to heritage issues, but has also occurred in the realms of health care and education.
- v There is substantial room for improvement; for example, the Archaeology Branch Web site (<http://srmwww.gov.bc.ca/arch>) should provide more timely updates on proposed or implemented policy changes and other issues of note. The excellent Web site maintained by the BCAPCA (www.bcapca.bc.com) would also be an important venue for summaries of, or discussions on changes to legislation that affect the process of doing archaeology.
- vi In one such situation in which Markey was involved, the problem was immediately rectified by replacing that person on the team.
- vii We do, however, recognize that there are special considerations since Aboriginal communities may consider the results of archaeology done on their ancestral sites to be their intellectual property.
- viii Participants in the 2002 Archaeology Forum field trip discovered that one of these petroglyphs had been recently vandalized.

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step.

I should stress that the suggestion that we expand association membership to include those other than consultants is not shared unanimously by the current membership. I do know, however, that there are often problems between consultants and First Nations, consultants and government, and consultants and the academic community, which more times than not, are simply a result of bad communication. An inclusive association embodying all these groups with decision making arrived at by caucus could greatly increase our ability to remedy these problems.

There are many things I feel we could work towards as a larger association, the first being a Professional Archaeology Act to regulate our members with true accountability. Within this act I would suggest that we move away from the permitting system as it now exists and implement a licensing system. Permits should be reserved for true site investigations, however, I believe archaeology at the inspection level could be more easily conducted under annual professional license although only if it is strictly enforced by a code of conduct and standards embodied in a professional act. I believe that removing the need for government to deal with hundreds of permits every year would free government archaeologists to deal with the enforcement of the Heritage Conservation Act and allow for more effective and consistent attention towards archaeological inspection referrals.

A larger association incorporating a broader base of membership will have the ability to more effectively lobby for amendments to the Heritage Conservation Act, currently under review, and perhaps lay the groundwork for a Professional Archaeology Act. It would allow us to tackle more effectively the issue of site significance which currently fails to address sites of spiritual value to First Nations, not to mention many sites of historic significance. I do not suggest that a new system of site significance can be easily attained, however, if we do not work together as a group to develop it,

we will once again be dissatisfied with the results. A broader-based group of professionals, technicians, and students representing not only the field of archaeology but that of history, anthropology, aboriginal studies, resource management, among others could offer well-integrated professional development programs as well as participate in important multi-disciplinary projects as members of the same association bound by the same ethical standards, bylaws, and practices.

I believe that archaeological resource management is at a watershed stage from which we either continue to drag each other down with conflicting agendas or come together as an inclusive association, that, in partnership with government, could develop truly meaningful standards of practice and accountability for those involved in archaeological resource management, while ensuring effective and appropriate respect and protection for archaeological resources. I believe that we all have the underlying desire to protect archaeological resources even if that desire is to different ends. But with this shared underlying principle we should be able to work together towards a brighter future for archaeological resource management in British Columbia.

Ian Franck is president of Equinox Research and Consulting Ltd. in New Westminster and Equinox Research and Consulting International Inc. in Concrete Washington. He is also employed as a Project Archaeologist for Stó:lō Nation, and is the past President of the BC Association of Professional Consulting Archaeologists.

