

Memorial University of Newfoundland

**Heritage Policy Landscapes of Nunatsiavut: Approaching the Development of Historic Resource
Management Policy and Law in Northern Labrador**

by

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**A Dissertation
Submitted to the School of Graduate Studies
In Partial Fulfillment of the Requirements for the
Degree of Doctor of Philosophy**

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St. John's, Newfoundland & Labrador

December 2022

Abstract

As a result of the *Labrador Inuit Land Claims Agreement* (being schedule to SNL 2004, c L-3.1) and the *Nunatsiavut Government Organization Order* (NGSL-2019-07) the Nunatsiavut Government (NG) has the power to develop and implement heritage policy and law. An approach to the development of recommendations for heritage policy and law in the region involving critical use of the Nunatsiavut Government's policy cycle and public engagement is outlined in this dissertation. The research presented here was conducted through the lens of landscape archaeology which can accommodate multiple perspectives, and which can help bridge theoretical and ontological divides. Relevant discussions that took place during annual regional heritage forums from 2010-2018, and during three public engagement tours on heritage that took place between 2017 and 2019 were thematically reviewed using qualitative data analysis software. The results were then compared to the results of a review of international heritage agreements and Canadian provincial and territorial heritage laws. This allowed for the development of recommendations for both legislative and non-legislative policy measures that the NG can consider as it works towards passing its own heritage law, and as it continues to develop related policy in accordance with the *Agreement*, and the *NG Organization Order*. The idea that policy work aimed at effectively managing historic resources has the potential to create societal opportunities beyond the heritage domain was also explored.

Acknowledgements

It is a wonderful thing to have reached the daunting and impossible task of attempting to acknowledge all those who have helped with this work in some significant way. The possibility of missing someone, and the inevitability of the inadequacy of my written expressions of gratitude give me, in the words of Gerry Osmond, serious heartburn. However, the opportunity to make the attempt is rare in my own personal experience, and it gives me great joy to be faced with it now. I can scarcely believe that the time to do so is here.

First I would like to thank the people of Nunatsiavut for welcoming my family and I to your beautiful land. The years I spent living in Nain were amongst the very best in my life and I will be forever grateful for that time, and for the experiences, the friendships and the archaeology. Working for the Nunatsiavut Government provided so many unbelievable opportunities to work with amazing people and to be involved in highly interesting work each day. I am so lucky to have worked in the Department of Culture, Recreation and Tourism (now Language, Culture and Tourism) under or side by side with individuals like Johannes Lampe, Catherine Anderson, Rita Andersen, Jim Lyall, John Jararuse, Louisa Kojak, Toni White, Dave Lough, Derek Kowalchuck, Vicky Allen, William Barbour, Wilson Jararuse, Frances Murphy, Richard Pamak, Sean Lyall, Sheldon Baikie, Ben Ponniuk, and more recently under Belinda Webb with Michelle Davies, Kyle Krotty, Noah Nochasak, Cathy Ford, Brenda Jararuse, Silpa Suarak, Brenda Jararuse and Gordon Obed.

I am deeply grateful to have had the opportunity to have been very much involved in all of Nunatsiavut's heritage forums to date, and to Joan Andersen of Makkovik for coming up with the idea in the first place. I would like to thank all of those who participated in the public engagement tours that formed a key component of the research presented here.

Between 2014 and 2019 Michelle Davies and I worked together within the Nunatsiavut Government's Archaeology/Heritage Office. During that period we became excellent friends and she is a colleague that I will be forever particularly indebted to. I have gained incalculably from our daily conversations and communications about Labrador archaeology and history, theory, life, our PhD projects etc., from countless field trips and conferences, from running pieces of writing and presentations by one another continually for years, from movie, television and book recommendations... the list goes on. I imagine that it would be easy to go through an entire academic life, or a life in general without having the good fortune to make a friendship like this and I am extremely grateful for it. Her husband Kyle Crotty began working in the Archaeology/Heritage Office with us in 2016 and he and I developed a similar relationship during the three fantastic years that we worked together. I am very thankful for our friendship.

Special thanks are due to Dave Lough, former Deputy Minister of the Nunatsiavut Government's Department of Culture, Recreation and Tourism. He was a superb supervisor, encouraging, wise, and always seeming to be available whenever I needed anything, despite what must have been a crushing workload. He played an important role in the development of a partnership between the government and Memorial University that led to the Tradition and Transition Among the Labrador Inuit Research project which stimulated an enormous amount of research relating to Labrador Inuit heritage and culture, including my own. Tom Gordon was the original principal investigator and the kind encouragement I received from him and Dave was no small factor in my decision to take this on. Support from Belinda Webb after she took on the role of Deputy Minister following Dave's retirement was critically important as well. Special thanks are also due to the Tradition and Transition Project Management Committee, to the Social Sciences and Humanities Research Council of Canada, and to Memorial University's Office of

Public Engagement for financial support, and to the Nunatsiavut Secretariat, the Nunatsiavut Government's Executive Council, the Nunatsiavut Government's Research Advisory Committee and Memorial University's Interdisciplinary Committee on Ethics in Human Research for sanctioning the project and guiding the work in various ways.

Over the years in Nunatsiavut I was involved in fieldwork with a great many Nunatsiavummiut, and the interactions on the land had a significant effect on my own perspectives. Some of the people that I am very grateful to in this regard and who I have fond fieldwork memories with include Simon Kohlmeister, Ian Winters, David Wolfrey, George Gear, Johannes Lampe, Tony Wolfrey, Tyler Pamak, Sean Solomon, Wayne and Elsie Jenkins, Rodney Gear, Amos Lidd, Billy Bourbour, Russell Barbour, Antone Harris, Robert Harris, Bennett Barbour, Henry Lyall, William Barbour, Kelly Nochasak, Ches and Joe Webb, Noah Nochasak, Reign Nochasak, Patrick Harris, Errol Andersen, Anthony Saksagiak, James Okkuatsiak, Richard Maggo, Ernie Ford, and many others. I am particularly indebted to David Harris Junior, who played a crucial logistical role in nearly all of the Nain based field trips I took part in. We had many adventures together in Nain and I count him amongst the best people I have ever had the good fortune of crossing paths with in my life. Joe Dicker, currently the AngajukKak (mayor) of Nain is another person my family and I owe a great deal to. When we first arrived in Nain in July of 2008, young, naïve and nervous, he was the person who met us at the dock as we stepped off of the Northern Ranger and into the community for the first time. He brought us to our new home, showed us the ropes, and has been a great friend from day one. Literally. Tabea and John Murphy also need to be thanked here for being so welcoming to our family, taking Jennie and I as well as our children in during our first Christmas in Nain, adopting our children as their own grandchildren and treating us all like family from then on.

Another amazing thing about working for the Nunatsiavut Government was the chance to work with numerous researchers associated with other organizations and institutions on a variety of interesting projects. A few that had a particular impact on me include Dr. William Fitzhugh, Dr. Susan Kaplan, Dr. Genevieve Lemoine, Dr. Patty Way, Dr. Patrick Jolicoeur, Dr. Peter Evans, Dr. Mark Turner, Dr. Andrea Procter, Dr. Adrian Burke, Dr. Jenneth Curtis, Dr. Pierre Desrosiers, Dr. Hans Rollmann, Gerald Penney, Jon Beale and John Higdon.

I am also heavily indebted to my colleagues at Newfoundland and Labrador's Provincial Archaeology Office (PAO). After accepting the position with Nunatsiavut, but before moving to Nain, I spent several months at the PAO where I was mentored and trained by Martha Drake, Delphina Mercer, Dr. John Erwin and Stephen Hull. Regular conversations with each of these highly and uniquely knowledgeable individuals over the years provided critically important guidance in relation to all aspects of government archaeology. John Erwin was also on my comprehensive exams committee and generously provided his time to meet with me on a weekly basis to go over material that was assigned for the topic he was responsible for providing guidance on. This process was enormously beneficial and allowed me to get far more out of those readings than I would have otherwise.

In 2019 I was offered my dream job as Newfoundland and Labrador's Provincial Archaeologist following a competition resulting from Martha's retirement after a long and distinguished career. While the decision to leave Nain was extremely difficult, the employment opportunity was one that can only be expected to come along once in a lifetime. My family and I chose to return to Newfoundland and I accepted the position and as a result I have had the great pleasure of working directly with Delphina, John and Stephen ever since. They have all been great sources of support and encouragement in relation to this project in various ways, and have

been willing to endlessly discuss things like government archaeology, the history of research in the far northeast, and archaeological theory over lunch time walks around the network of trails near the Confederation Building where we work. These conversations are always fun and enlightening and I deeply appreciate them. I am also very thankful for the support of my supervisors Colleen Soulliere and Gerry Osmond within the Government of Newfoundland and Labrador's Department of Tourism, Culture, Arts and Recreation.

One of the wonderful things that my parents provided to my siblings and I was an introduction to music and the opportunity to try to learn to play instruments. This has greatly enriched each of our lives, and I have personally been lucky enough to have had the opportunity to play with various bands over the years. I mention this here because music has long provided me with an escape, and one that I came to especially rely on during some of the more challenging portions of the PhD program. For this reason thanks are due to my bandmates in Nain: Tony Tibbo, Stefan Moores and Mark Noseworthy (the Beardos), and in St. John's: Craig Soper, Sean Churchill and Dwayne Vey (the Gene Rippers).

Lisa Rankin is a person deserving thanks on a level that can never be adequately expressed. She is, beyond any doubt, the perfect academic supervisor and has somehow managed to strike an ideal balance between always being available as a mentor and always providing precisely the optimal amount of independence. Ever thoughtful and encouraging, she has been an absolute joy to study under. Right after I completed my comprehensive exams Lisa made a comment along the lines of "the rest is fun". I took those words to heart and even though any project of this nature is an enormous amount of work, and sometimes an enormous amount of pressure, it is an exciting and rare thing to get to delve so deeply into a subject that one becomes captivated with, and making discoveries on such a path, no matter how modest, is fun

indeed. I would like to thank Dr. Peter Whitridge, Dr. Barry Gaulton, Dr. Oscar Moro-Abadia, Dr. Scott Neilsen, Dr. Mario Blaser, Dr. Shannon Lewis-Simpson, Dr. Andrea Procter and Dr. William Byrne here as well for all of the thoughtful and helpful guidance as my other comprehensive exams committee members and my dissertation examiners. Each of you has made this work stronger.

And finally, there is another list of people to whom I can never adequately express my gratitude. Those on this list include my children Dwayne, Amos, Mahala, Leida, Anthony and baby Kate, my talented and beautiful partner Jennie, my sisters Patty and Janice, my brother Danny, my sister in law Liffey, my brothers in law Pete and Ben, my best friend Stephen and his family (my second family) Lori, Dave and Patience, who have always treated me as their own. And I have saved the last line for my parents, Allan and Joyceanne, to whom I owe my existence and so very much more... thank you for everything.

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List of Acronyms

AA – Archaeology Act (Prince Edward Island)
AIPR – Archaeological Investigation Permit Regulations under the Historic Resources Act (Newfoundland & Labrador)
ASA – Archaeological Sites Act (Northwest Territories)
ASR – Archaeological Sites Regulations under the Archaeological Sites Act (Northwest Territories)
CDO – Community Development Officer
CHA – Cultural Heritage Act (Quebec)
COE – Council of Europe
CPMAH – Charter for the Protection and Management of the Archaeological Heritage
CRM – Cultural Resource Management
CRT – The Nunatsiavut Government’s former Department of Culture, Recreation and Tourism, now Language, Culture and Tourism
ECPAH – European Convention of the Protection of the Archaeological Heritage
GOC – Government of Canada
HCA – Heritage Conservation Act (New Brunswick)
HCAb – Heritage Conservation Act (British Columbia)
HPA – Heritage Property Act (Nova Scotia)
HPAb – Heritage Property Act (Saskatchewan)
HPPA – Heritage Places Protection Act (Prince Edward Island)
HRA – Historic Resources Act (Newfoundland & Labrador)
HRAb – Heritage Resources Act (Manitoba)

HRAc – Historical Resources Act (Alberta)
HRAd – Historic Resources Act (Yukon)
ICH – Intangible Cultural Heritage
LCT – The Nunatsiavut Government’s Department of Language, Culture and Tourism
LIC – Labrador Inuit Constitution
LILCA – Labrador Inuit Land Claims Agreement
NAPSR – Nunavut Archaeological and Palaeontological Sites Regulations under the Nunavut Act
NG – Nunatsiavut Government
NGOO – Nunatsiavut Government Organization Order
NGOA – Nunatsiavut Government Organization Act
NWT – Northwest Territories
OHA – Ontario Heritage Act
PAO – Provincial Archaeology Office
RPA – Regional Planning Authority
SSHRCC – Social Sciences and Humanities Research Council of Canada
TRC – Truth and Reconciliation Commission
UCS – Union of Concerned Scientists
UN – United Nations
UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples
UNESCO – United Nations Educational, Scientific and Cultural Organization

Chapter 1: Introduction

Executive members of the Labrador Inuit Association signed the *Labrador Inuit Land Claims Agreement* (being schedule to SNL 2004, c L-3.1[LILCA]) in Nain along with their federal and provincial government counterparts on the 22nd of January, 2005. The *Agreement* sets out Inuit rights and responsibilities in relation to some 72,520 square kilometers of land and 44,030 square kilometers of ocean known as Nunatsiavut, which in Inuktitut means ‘our beautiful land’ (Figure 1.1). The Agreement was the first modern treaty in the circumpolar world to provide for Inuit self-governance, and it resulted in the establishment of the Nunatsiavut Government (NG) which has jurisdiction to make laws and policies in relation to culture, heritage, language, tourism, education, economic development, health, social development, lands and natural resources, justice and the structure and operations of the government itself. The focus of this project is on the roles and responsibilities that the NG has in relation to the policy domain of heritage, and in particular with its jurisdiction over archaeology.

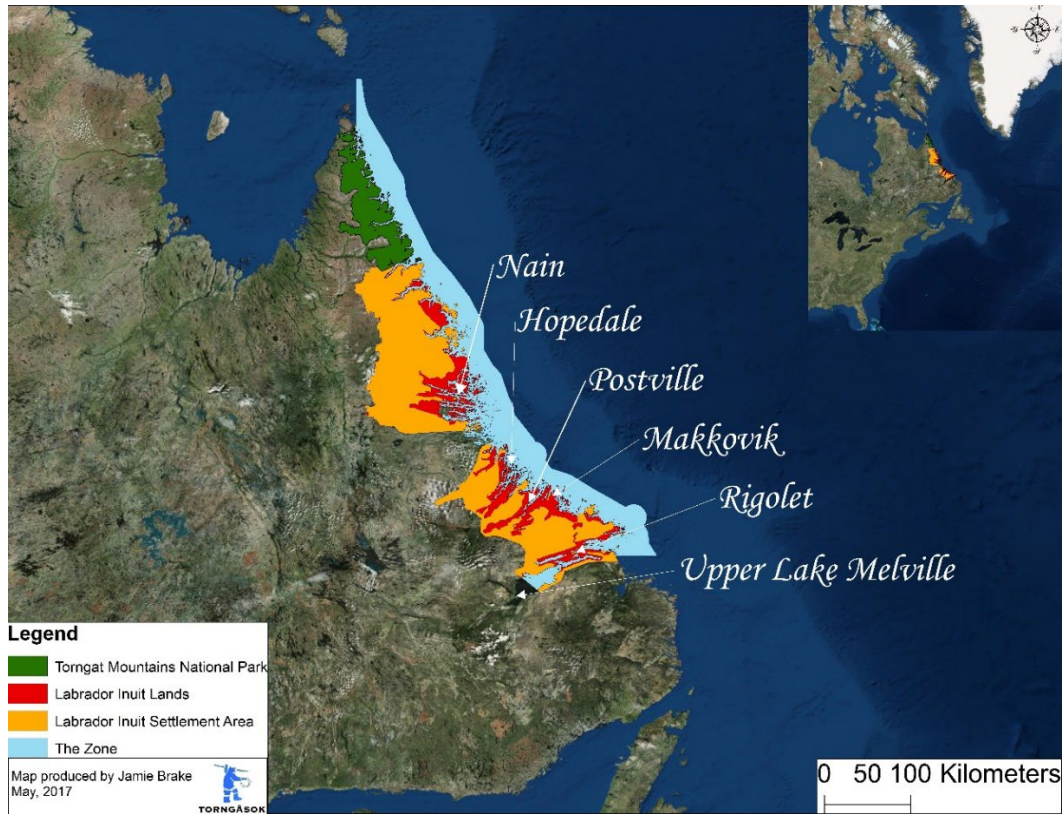


Figure 1.1: Map of Nunatsiavut showing the 5 Labrador Inuit Communities, as well as Upper Lake Melville where a large number of Inuit reside in several communities just outside the land claims region.

Professional archaeological research in northern Labrador over the past 90 years, and particularly since the late 1960s, has provided a wealth of information on the human history of the region. Labrador Inuit began working towards a land claims agreement in the late 1970s and archaeology was significant in that process. On the one hand, Inuit were interested in having control over the management of archaeological resources in the region, and on the other hand, archaeological data provided some of the basic evidence of Inuit land use and occupancy that the Canadian land claims process required (Brice-Bennett 1977).

The importance of archaeology to Labrador Inuit is demonstrated by the presence of a substantial chapter on the subject in LILCA, Chapter 15, which also outlines Inuit jurisdiction over ethnographic materials, Inuit burial sites, human remains, historic buildings and archival

records. Today each of these categories is the responsibility of the NG's Minister of Language Culture, and Tourism, who is supported in this area by civil servants with Nunatsiavut's Archaeology/Heritage Office. The NG's *Organization Order* (NGOO), under the government's *Organization Act* (NGOA) gives the Department of Language, Culture, and Tourism (LCT) a mandate that includes "...establishing and administering policies, programs and services to ensure that the Nunatsiavut Government meets its responsibilities to preserve, protect and manage the historic resources of Nunatsiavut..." (NGOO section 29(d))¹.

Chapter 15 of the LILCA outlines the government's legislative powers in relation to the categories mentioned in the previous paragraph; however, the NG has not yet developed laws under this chapter of the Agreement, though it has developed and implemented a number of heritage related policies. Until Inuit law exists in this area, the Government of Newfoundland and Labrador's *Historic Resources Act* (HRA) is "...read and applied in conjunction with..." the LILCA (HRA section 3.1).

While it is true that there is no shortage of policy critique in the literature, in-depth academic research aimed at supporting the development of archaeological heritage legislation and policy has been rare in Canada. Specific direction to do this work was provided through initial consultations for a multi-year, multi-disciplinary partnership project led by the NG and Memorial University called *Tradition and Transition Among the Labrador Inuit*, and during the 2015 Nunatsiavut Heritage Forum (see Chapter 5). While government archaeologists are often engaged in this kind of research, much of it is done specifically for government and is

¹Until recently the Department of LCT only had the power to implement policy in this area and policy establishment required the approval the Nunatsiavut Executive Council. Recent amendments to the NGOO, which provided the department with the power to independently establish policy in this area, were passed into law during a Nunatsiavut Assembly sitting in 2019.

inaccessible both to the public and to the archaeological community. As such, the Nunatsiavut Government's support for this project has provided a significant opportunity.

This project involves formulating recommendations for the NG in relation to its powers to develop heritage policy and law in Nunatsiavut that reflect the needs and wishes of the people living in the region. This is achieved through a review of relevant archaeology and political science literature, as well as relevant policy and legislation, use of the NG's own policy cycle, and public engagement to ensure that the resulting recommendations are appropriate in this context, and are as useful as possible.

The dissertation is divided into eight chapters. Chapter 2 provides the theoretical context and outlines the conceptual framework that was used throughout the course of the research, involving the use of landscape archaeology combined with a type of community archaeology that is in line with Wylie's (2005) 'Collaborative Stewardship'. Chapter 3 describes the methodology that was employed, which involved the use of the NG's own policy cycle, public engagement and a jurisdictional scan to produce recommendations. The fourth chapter contains an overview of the history of archaeological research and archaeological thought in the Far Northeast, defined here as Labrador, Newfoundland and eastern Quebec. In Chapter 5, the results of a review of heritage forum reports for nearly ten consecutive years are provided, as well as the results of three public engagement tours focusing on heritage that took place in Nunatsiavut between 2017 and 2019. Qualitative data analysis software was used to analyze those reports and the notes that were taken during the engagement tours. Chapter 6 is a review of relevant international texts and of the main heritage laws in every province and territory in Canada. Recommendations based on the combined results of this research are contained in Chapter 7, and the conclusions and final remarks are provided in the last chapter.

Chapter 2: Theoretical Considerations

2.1 Introduction:

With the following chapter my goal is to provide a theoretical context for this project, and to outline my own perspectives and how these have influenced my approach to the work. I begin by focusing on the social context of archaeological research and interpretation, and specifically with the categories developed by Bruce Trigger in the early 1980's to characterize the archaeologies practiced in various nations around the globe. No other archaeologist has provided such a comprehensive overview of the thinking behind our discipline on a global scale.

Before getting into Trigger's categories, some of his other relevant theoretical work should be touched upon here as well, including a paper published in 1980 entitled "Archaeology and the Image of the American Indian". In this document he shows how race-related bias of researchers affected archaeological interpretations throughout the history of the discipline, and continued to do so at the time that his paper was written. A great many others have argued that this continues to be the case. McGhee's (2008) position on the matter is interesting because he argues that this is the case even with 'Indigenous archaeology' specifically, despite the fact that it is sympathetic towards Indigenous groups. It is worth considering the last two sentences of Trigger's 1980 paper with this in mind:

By eliminating the white man's definition of history as studying himself, and of anthropology as the science of allegedly simpler peoples, archaeology may at last transcend some of the false consciousness that is a heritage from America's colonial past. It is our duty to recognize this heritage for what it is, and to overcome it (Trigger 1980:673).

Another paper called “Hyperrelativism, Responsibility and the Social Sciences”, originally published in 1989, is also quite relevant. In this piece he provides an overview of positivism, relativism, and an extreme form of the latter that he dubs ‘hyperrelativism’. He points out that hyperrelativists “...often identify themselves as neo-Marxists... they maintain that ideas always relate to domination and power and that every archaeologist employs data to construct a personal vision of the past which he or she uses to promote their own interests” (2003:124). He expresses considerable concern about these ideas ending the paper by stating that “...we must avoid the trap of extreme relativism, which threatens to be more debilitating to the social sciences than the excesses of positivism ever have been” (2003:131). For Trigger, the archaeological record itself, and ‘...a limited, and carefully nuanced commitment to empiricism’ (2003:128) allow us to get around the pitfalls associated with the belief that any approach is as good as the next.

While Trigger’s 1980 and 1989 papers are relevant and useful here, his 1984 paper provides us with an efficient (though admittedly imperfect) way of understanding the social context of virtually any archaeological project. It is important to mention the fact that Trigger’s categories have been critiqued for being too narrow and having therefore limited our understanding of the history of archaeological thinking. Moro Abadia (2010:227), for example, has made this suggestion arguing that the significance of internationalism has been ignored as a result of Trigger’s categories. He provides three examples to demonstrate this, the first being the fact that archaeologists arranged and took part in international conferences since the late 19th century, which is compelling. The second example is the involvement of archaeologists in 19th century world exhibitions. The problem with the second example is that, while scholars from this region did participate these events, the exhibitions that are highlighted are perhaps the

epitome of expressions of imperialism and colonialism, and as such, provide further support for the utility of Trigger's categories. The third example is the fact that researchers would historically cross international borders to compare collections. However, the fact that they did so says little about the questions they were asking or their interpretations. Moro Abadia (2010:279) also mentions that the development of basic principles and methodologies in archaeology was also international, which is something that Trigger recognized and wrote about as something separate (Trigger 1986). In any case Moro Abadia is likely correct about internationalism having been an important factor in the development of archaeology in Europe in particular. This will be touched upon further below.

An explanation of Trigger's 1984 categories and a discussion of their utility today forms the basis of the first part of this chapter. It begins with a section outlining his original ideas on the subject, followed by two sections on theoretical developments since the early 1980s and up to today. The latter sections provide critical consideration of Trigger's early ideas, discussion of whether or not his categories still apply and whether any new categories of archaeological thought have emerged over the course of the last four decades. This is meant to help provide a context for archaeological thought in and about Nunatsiavut today.

The last part of the chapter deals with more physical aspects of archaeological practice and is focused specifically on Landscape Archaeology. Interaction with landscape is a basic component of all archaeological activity and all archaeological thought. Landscape Archaeology provides us with ways of overcoming problematic intellectual binaries that persistently present stumbling blocks in all stages of research. Here it is considered to be a source of hope for bridging theoretical and social divides both within and beyond the field of archaeology.

Throughout the chapter there is reference to the work of various researchers, generally as examples of different schools of thought, with a particular focus on Canadian archaeologists who have worked on heritage policy related problems, and those whose work has political or policy related implications. A summary of the analysis of historical and contemporary archaeological thought presented in this chapter and a concise description of the theoretical foundation used in this project are presented in the conclusion.

2.2 “The Ultimate Synthesis” & the Social Context of Archaeology:

In 1984 Bruce Trigger published a paper about three broad categories of archaeology into which he placed the kinds of contemporary archaeology being practiced in various countries around the world. He ends the publication stating that understanding the social context of archaeology on a global scale “...is both a point of departure and the ultimate synthesis of such research” (1984:369). His paper stemmed from a recognition that archaeologists operating in different countries are interested in very different kinds of research questions, and that different kinds of interpretations of evidence are considered acceptable in different places. Pointing out that “It is reasonable to conclude that if archaeology is highly relevant to society, society has played an important role in shaping archaeology” (1984:358). He then goes on to discuss and describe “...three different social contexts, each of which produces a different type of archaeology” (1984:358). He calls the three contexts/archaeologies he describes: Nationalist, Colonialist and Imperialist (1984).

Trigger’s Nationalist archaeology is a type largely concerned with the development and promotion of national pride, and it is the category that the archaeologies of most countries fit

into. He provides a number of examples of places where the history of archaeology could be characterized in this way including France, Czechoslovakia, Denmark, Israel, Mexico, China and Germany. He also includes Egypt and Iran, though in these cases he notes that things are less clear cut, involving major differences in focus depending on the leanings of dominant political forces at any given time. He also discusses Germany's imperialistic ambitions and its failure to move beyond nationalistic archaeology, not just because of military defeat in WWII, but also because the race-related ideas that the Nazi party promoted were so naïve, narrow and repulsive that they were not taken up by archaeologists elsewhere in any significant way. China's history of nationalistic archaeology is also interesting both because of the country's size and influence, and because of hostility towards the discipline, towards people involved in it, and towards cultural sites and objects during the Chinese cultural revolution of 1966-1976 (Trigger 1984).

Nationalistic archaeology is important to consider for at least two reasons. First, Trigger suggested that most of the world's archaeologies likely fit into this category at the time he was writing, and I would argue that this is still the case. Secondly, Trigger explains that the main purpose of this type:

“...is to bolster the pride and morale of nations or ethnic groups. It is probably strongest amongst peoples who feel politically threatened, insecure or deprived of their collective rights by more powerful nations or in countries where appeals for national unity are being made to counteract serious divisions along class lines. Nationalistic archaeology tends to emphasize the more recent past... and, in particular, to draw attention to the political and cultural achievements of ancient civilizations or other forms of complex societies. There is also... a tendency to glorify the ‘primitive vigour’ and creativeness of peoples assumed to be national ancestors” (1984:360).

I would argue that most of the archaeology that occurs in Nunatsiavut today could be appropriately placed into Trigger's Nationalist category.

Colonialist archaeology takes place, or took place, in countries with colonial histories, and involves the study of Indigenous heritage by members of settler populations or their descendants. Countries like Canada, the United States, Australia, New Zealand, and Zimbabwe (and many others) are places that were colonized by western European nations and archaeology fitting into the Colonialist category is a part of the history of the discipline in these parts of the world. Trigger describes how colonizing nations venerated their own histories but had little incentive to do the same for the histories of the people they were dispossessing. Negative views of the cultures, histories and achievements of those being displaced were used as validation for the displacement (1984:360-363). Trigger goes as far as to state that “Colonialist archaeology, wherever practiced, served to denigrate native societies and peoples by trying to demonstrate that they had been static in pre-historic times and lacked the initiative to develop on their own” (1984:363).

The earliest archaeology to take place in Labrador, and in what is now Nunatsiavut certainly fits into the Colonialist category. Antiquarian activity by T.G.B. Lloyd, an English geologist who described sites and artifacts he visited on the south coast (Lloyd 1875b) is a good example, as is the work of William Duncan Strong, who served as both ethnographer and archaeologist with the Rawson-MacMillan expedition of 1927-28 (Strong 1930). A close relationship with ethnology is another one of the components of Colonialist archaeology.

Colonialism is a topic of major importance in Canadian society today (Rosenzweig 2020), particularly since the Truth and Reconciliation Commission of Canada released its findings seven years ago (TRC 2015). Ideas relating to ‘decolonization’ are ubiquitous in the archaeological literature here and in other post-colonial contexts, often with emphasis on the colonial roots of archaeology and the need to make disciplinary adjustments to account for this

(Atalay 2006; Rosenzweig 2020). McGhee (2008) describes some of this literature as being problematic because it relies on a 'Paradigm of Aboriginalism' making reference to Rousseau's 'noble savage', ancient Greeks romanticizing about groups of people whose lands they conquered, Said's concept of 'Orientalism', and the requirements of anthropology to identify subjects for study who were 'very different' from anthropologists themselves. McGhee's ideas are discussed further below and I raise this here simply to point out the paradigmatic status of the 'decolonial' movement within and beyond the discipline of archaeology today. This is important as it could be considered a direct reaction to one (and perhaps two) of the categories we are currently exploring, and also because it may be, or may one day be considered to be a category of its own. This is discussed further below.

Trigger's Imperialist archaeology relates to nations which have conquered and colonized other parts of the world, or countries that have had major global influence for other reasons. He discusses three examples in particular: England, Russia and America. When English archaeology took on a scientific character in the mid-19th century, the British Empire was reaching its maximum level of power and influence and already contained more people and more territory than any other political entity in human history. There was a growing and prosperous middle-class, and for a time, there was a sense that England represented the contemporary peak of inevitable advancement amongst human societies. There was great interest in archaeology and Trigger explains that "... archaeology became more than ever the science of progress in prehistoric times" (1984:364). The British people were going through a period of rapid technological and industrial advancement at the time, and they saw what was happening as "...the continuation of what had been going on more slowly throughout human history..." archaeology bolstered the confidence of the British middle class and strengthened their pride in

the leading role that Britain was playing in this process” (1984:364). This resulted in an approach to the study of the past that was global, though it was certainly ethnocentric in nature. As time went on, pessimism began to grow within British society alongside increasing levels of economic and political uncertainty and instability. The inevitability of progress came into question and archaeology began to take on a more nationalistic flavor as pessimism spread.

Imperialistic archaeology basically began overnight “by government decree” (Trigger 1984:365) in the Soviet Union in 1929. At that time archaeologists working in that country were required to conduct their work within a Marxist framework. While there were many benefits and innovations associated with this approach, things were very restricted and questioning this new way of doing things was not an option for Soviet archaeologists (1984). Trigger writes that:

... Marxist archaeologists had to labour under some severe ideological constraints. A belief in psychic unity was reasserted and with it a unilinear scheme of socio-economic formations or stages of development that was loosely derived from Friedrich Engel’s *The origin of the family, private property and the state...* all discussion of diffusion and migration was suppressed in favor of the belief that each ethnic group had evolved spontaneously in its historical homeland from earliest times to the present. Finally, too much concern with typology and chronological detail was likely to be viewed as evidence of lingering anti-Soviet attitudes (Trigger 1984:365 – citing Bulkin et al. 1982:274-6).

Soviet archaeology constitutes a world-oriented form of the discipline for several reasons. First, it had a global perspective - it saw the communist society in which it operated as the pinnacle of social development which other societies in other parts of the world would eventually achieve. Second, it had a significant impact on the archaeology that was practiced in other nations with strong ties to the Soviet Union. And finally, work by its practitioners affected archaeological thought in western democratic societies as well (Trigger 1984:366).

American imperialistic archaeology, according to Trigger, began with Lewis Binford and the ‘New Archaeology’ or Processual archaeology in the second half of the twentieth century. It

is interesting to note that in both the English and the American cases, a nationalistic approach did not occur prior to imperialistic archaeology, instead things went straight from colonialist to imperialist. Trigger states that in the case of the United States, it "... can be seen as the archaeological expression of post-War American imperialism..." (Trigger 1984:366). Perhaps most interestingly, he writes that "...of the three imperialist archaeologies we have examined, the American is the only one that is also explicitly anti-national" (1984:366).

2.3 Archaeology at the end of the 20th Century:

When Trigger was writing his 1984 paper the New Archaeology, rebranded as 'processual archaeology', was still very much in full swing and its global influence was undeniable. But by that point there were certainly dissenters, and post-processual archaeology was already developing in the United Kingdom, and it was gaining traction. The pendulum had begun to swing. In Europe, science and technology studies in the 1970s by researchers like Bruno Latour and Steve Woolgar (see Latour and Woolgar 1979 and Latour 2005 for example) involved the observation of scientists in laboratory settings and demonstrated that 'scientific facts' were not simply pure, quantitative, unbiased measurements and observations. Fact production turned out to be a social process involving discussions, arguments, accidents, mistakes and decisions, all of which were built upon foundations constructed through similar processes. Facts were not simply discovered and reported - they were made. Shanks and Tilley in their landmark book *Reconstructing Archaeology*, originally published in 1987 wrote that "...to suggest procedures could be developed leading to a totally objective view of the past (e.g. Binford 1982) is, as Sartre suggests (1982, p 27), to place oneself in the image of God" (1992:109). They go on to explain that:

There are real past ‘facts’ but the facts that the archaeologist deals in are not these. The facts employed in a study of the past are not independent of their theorization... Following from this we must reject any naïve distinction between the object conceived as concrete hard fact and theories or ideas about it conceived as abstract... there is literally *nothing independent of theory* or propositions to test against” (1992:110-111, emphasis in original).

Back in America, as the twentieth century wore on there were increasing levels of political and economic concern which were very apparent in the mass environmental and social protest movements of the time. North American society was questioning the inevitability of progress and academic minds were questioning just how objective science really was, or could ever really be. Indigenous groups were questioning why archaeologists were able to study the sites and physical remains of their ancestors without their involvement (Armitage and Ashini 1998; Atalay 2006; Ferris 2004; Hood and Baikie 1998). In Canada these sentiments had major implications for society generally as well as a significant impact on the practice of archaeology. In many cases the effect on archaeological thought appears to have been a clear shift towards more nationalistic orientations.

Trigger connects what he calls ‘cataclysmic archaeology’ of the late 20th century to American imperialism stating that it “...has become part of the imperialistic formulation of American anthropology, with a willing audience amongst the insecure middle classes of other western nations. This surely reflects the strength of America’s conception of its international mission, even in the midst of a serious internal crisis” (1984:367-368). Where British imperialist archaeology provided justification for the subjugation of colonized peoples in the late 19th and early 20th centuries through ideas related to social Darwinism, American imperialistic archaeology has provided for justification of hyper-exploitation and environmental destruction based on ideas of the inevitability of a disastrous future that humans are powerless to prevent

(Trigger 1984). According to Trigger, this shift from optimism associated with Binford's New Archaeology, to one of pessimism and cataclysmic archaeology directly reflects common sentiment amongst members of the American middle-class (Trigger 1984).

Shanks and Tilley criticize Trigger's model arguing that "Taken to its logical extreme Trigger's position credits archaeologists with a non-active intelligence in which they are only capable of reflecting the social conditions of their existence rather than challenging them or attempting to change them" (1992:31). It is quite telling however, that they actually turn to an identical approach when they analyze criticisms leveled at their own work from different parts of the world later in the same book. This time they explain that "the geographical shift of opinion is rather intriguing and it may indicate something of significance about the conditions in which critical work takes place and the responses it may engender" (1992:257-258).

Brian Spurling's doctoral research focused on a political science approach to cultural resource management in western Canada and was completed in 1986. The subject matter of his dissertation is quite similar to my own, the differences being the part of the country he was concerned with, and the time period he was working in. His dissertation demonstrates a good understanding of contemporary theoretical debates, and he focuses particularly on what he refers to as 'the erosion of the new archaeology' (1986:465; 473-482). Unfortunately, though prophetically, he suggests Postmodernism as a way forward, or at least as a way of labelling disparate thoughts on, and approaches to archaeology (Spurling 1986:483-493). Whether or not you are a proponent of postmodernism, there is no question that its basic tenets, became fairly ubiquitous in late 20th century archaeology and continue to be in archaeological literature today (Fahlander 2014; Habu et al. 2008; Hutchings and La Salle 2017).

2.4 Pluralism in the 21st Century:

I think it would be fair to say that many archaeologists believe that archaeology has moved away from paradigms and related high-level theoretical debates. The days of processual vs post-processual archaeology have passed and have been replaced by complex pluralistic, bottom-up as opposed to top-down approaches where practice informs theory. The approach I am using here can certainly be characterized in this way.

Gavin Lucas provides a useful review of the concept of paradigm in archaeology, and of how it might continue to be used critically into the future. He begins by pointing out that following the publication of Thomas Kuhn's original work on the subject in 1962, archaeologists understood the term in varying ways, but that today its meaning rarely gets mentioned. Debate around the concept is focused on whether or not the term is useful, not on what it means (Lucas 2017:260). Lucas points out that its use for historiographic purposes has been most common in archaeology (including here), but that it can also be used epistemologically (2017:261). He argues that it would be best to use it in an epistemological way: "Seeing paradigms as the vehicles through which knowledge and ideas move or circulate between data sets – whether internally or externally – is I would suggest, a fruitful way to revive the paradigm concept" (Lucas 2017:267). However, Lucas also acknowledges that this is "... a long way from how the paradigm concept is normally used in archaeology...", and responds to his own point by saying "... but I would suggest that it was never meant to be used in that way either" (Lucas 2017:267). In any case, the concept clearly has been used by most archaeologists as a historiographical tool, which is how I use it here, particularly in Chapter 4. While this is certainly imperfect and results in oversimplification, the summarization and categorization of many years of archaeological thought and activity requires some oversimplification. In addition, while it is true that many

archaeologists have embraced pluralism, the discipline may not have transcended overarching theoretical shifts. Consider, for example, the fact that ‘decolonial’ research within and well beyond the domain of archaeology rests on a foundation that clearly and explicitly represents a dramatic break with previous overarching theoretical positions. This can be (and has been) described as a paradigm shift not unlike those commonly discussed and described at the end of the twentieth century.

Hasok Chang (2012) points out that paradigm shifts involve an abrupt movement away from previous theoretical perspectives that have still had things to offer. He shows that using discarded theories and contemporary theories together can be a fruitful exercise (2012), and he advocates for what he calls “complementary science”, which questions the most basic assumptions scientists hold which can restrict knowledge (2012:296-298). Archaeologists like Hood (2008) have been working from a very similar perspective when explicitly making use of both processual and post-processual approaches when interpreting the archaeological record.

Alison Wylie has also recognized pluralism as characteristic of recent archaeological thought, particularly in Indigenous contexts. She distinguishes between what she calls ‘syncretic’ pluralism and ‘dynamic’ pluralism. The former is far more common and involves consultation, consent and reciprocity, and, as she puts it is “...tolerant but non-interactive, a form of syncretism by which archaeological and indigenous modes of understanding and methodologies co-exist” (2015:195-196). She advocates for the latter, which she says “...are collaborations in which archaeologists develop enough reciprocal (interactional) expertise to appreciate and actively engage the specialist knowledge of their community partners” (2015:198). In this sense I think (and hope) that my project is an example of the kind of work that Wylie promotes; however, I would like to maintain a healthy distance from some of the

other ideas that she associates with dynamic pluralism. In particular, the links she makes (perhaps unconsciously?) between knowledge systems and ethnicity (for example, Wylie 2015:198), the assumed marginality of indigenous groups (2015:206), and what appears to be her ultimate goal "...to mobilize transformative criticism" (2015:207). Problems with equating knowledge systems with ethnic groups should be obvious; not all Indigenous groups are marginal or 'subdominant' (2015:201); and not all archaeologists or Indigenous groups are pushing for the mobilization of transformative criticism. The basic premise that archaeologists must accept that they can learn something from others (Wylie 2015:204), is something that I doubt any serious researcher would disagree with. Even McGhee, whose position is misrepresented by Wylie (compare Wylie 2015:190; 2019:572 to McGhee 1989; 2008), was quite clear on this point in 2008 when he wrote that his paper "...should not be interpreted as questioning the many beneficial archaeological projects that encourage the participation and collaboration of Indigenous people, or that promote the use of archaeological findings and interpretations in Indigenous programs of education and cultural revival" (2008:580). He goes on to call for "...working cooperatively with Indigenous people... engaging them in archaeological research and learning from their genuine knowledge of their societies and the historical processes that have formed them" (McGhee 2008:595).

Chang (2012), writing about the history of scientific thought, also argues for moving beyond syncretic or 'tolerant' pluralism, but in this case he refers to what he calls for as 'interactive pluralism'. He suggests that the simultaneous use of multiple theoretical perspectives gives us a better chance of approaching truth in research. He explains that "Given that we do not know which line of inquiry will ultimately lead to our destination, we should keep multiple lines open, instead of pursuing one line faithfully to its dead end, only then to try a

different one” (Chang 2012:271). For him, tolerant pluralism involves the simple toleration of other perspectives which exist separately from our own. Interactive pluralism on the other hand involves interaction across theoretical divides (Chang 2012:269). This requires acceptance of the existence of other systems of thought that have something to offer. The approach I have taken with this project is not inconsistent with Chang’s interactive pluralism, and certainly recognizes the existence and value of ideas beyond the bounds of archaeology. Government consideration of the ideas presented by various stakeholders is also related to this concept. Archaeologists might present ideas about the value of the archaeological record as a source of information, while an Indigenous group might see archaeological sites as important for other reasons.

Because of its extreme prevalence in North American archaeology and archaeological literature, it is worth delving slightly deeper into Indigenous Archaeology and, in particular, into the three main positions on it that have been taken by various researchers. First, on one side there are scholars like Robert McGhee (2008), Elizabeth Weiss and James Springer (Weiss & Springer 2020; 2021) and Daryl Stump (2013) who have argued that there are serious problems with Indigenous archaeology, and McGhee (2008) in particular has argued that it will ultimately hurt the people it is meant to be supporting. His position is that Indigenous archaeology is fundamentally based on ideas about ‘primitive man’ that were rejected by anthropologists and archaeologists many years ago, and that it requires an acceptance that Indigenous peoples are fundamentally different from other humans and therefore require a special form of archaeology (McGhee 2008). Weiss and Springer (2020; 2021) have attacked the repatriation movement, and America’s Native American Graves Protection and Repatriation Act (NAGPRA) in particular, as being essentially religious in nature and therefore incompatible with the American constitution.

McGhee (2008), Weiss and Springer (2020; 2021) have expressed considerable concern about politics in archaeology and the use of the discipline for explicitly political purposes.

Stump (2013) describes three forms of collaborative archaeology that he calls: the usable past, applied archaeology and hybrid archaeology. For him the latter is the most problematic because of its inconsistent nature: "...because a historian working within the western tradition is obliged to reject accounts or concepts that are incommensurate with their own: if the local conception is incommensurate, then it must be rejected; if it is not incommensurate, then there is no need to create a hybrid archaeology" (Stump 2013:282). Some recent examples of work involving or advocating for hybrid archaeology would include Martindale and Nicholas (2014:436), McNeiven (2016), and Wylie (2019).

Second, at the other end of the spectrum are archaeologists like Hutchings and La Salle (2017), Atalay (2006) and Atalay et al. (2014) who embrace academic activism and the political use of archaeology. Hutchings and La Salle's ideas about "Archaeology as State Heritage Crime" (2017) are a good example and are discussed further below. Sonja Atalay has been a major figure in Indigenous archaeology since the publication of her 2006 paper "Indigenous Archaeology as Decolonizing Practice", and has written extensively on the subject since that time. For these authors, and many others (see Atalay et al. 2014 for example), archaeology has caused great harm to Indigenous communities and to other marginalized groups and it now needs to be fundamentally transformed and to be used to help the marginalized and those it has historically hurt. For proponents of these ideas, all research is unavoidably political so it is important to take sides. Their position is closely related to that described by Trigger as 'hyperrelativism' (1989), and it involves the same extremely high level of interest in power, and the same explicit identification with neo-Marxism.

And third, many North American archaeologists are working somewhere between the two positions just outlined. These researchers adhere to requirements, or suggestions for consent and consultation, many of them recognize the value of collaboration and multiple perspectives, and many have an interest in reciprocity and engagement. Within this large and heterogeneous camp there are varying levels of political commitment and varying levels of adherence to, or concern with, the basic tenets of Indigenous archaeology. Many of these researchers are doing what Stump (2013) refers to as the usable past, or applied archaeology. Some examples include Cipolla et al. (2019:139-140), Rankin (2019), and Brake et al. (2019). Each of these examples involved long term work with Indigenous groups and did not identify perspectives incommensurate with standard archaeology, and as a result do not call for or require the transformation of archaeology. Cippola et al. (2019) suggest that Indigenous groups and archaeologists should discuss changes that are being contemplated for the discipline “...before archaeology slips too far into ontological projects in search of radical difference” (2019:139).

In the next section I will explore whether or not Trigger’s model can continue to be of use in understanding these more recent trends in archaeological thought.

2.5 The Applicability of Trigger’s Model Today:

Since the time of Trigger’s writing there have been many developments in the field of archaeology. One question worth asking is whether or not his model still applies. Decolonial archaeology, for example, is being practiced in many countries around the world today – does it fit into Trigger’s scheme? Have any new categories developed since the mid-1980s?

The answer to the first question seems fairly straightforward: Trigger’s model seems as valid today as it did nearly 40 years ago. His 1984 paper has continued to be cited by

archaeologists working in different parts of the world in recent years (Dent 2012; Habu et al. 2008; Moro Abadia 2010; Supernant and Warrick 2014). Developments in archaeological thought do not appear to have moved radically beyond the bounds of the categories discussed above. However there may, perhaps, be room for discussion and debate on whether or not any new types of archaeology have developed that constitute new categories that could be added to the model.

Subsequent commentary by Trigger himself may be a useful starting point. In 1986 he published a relevant paper on the likelihood of the development of a type of universal archaeology that would apply in any social context. He explains that certain aspects of archaeology, methodology in particular, had long been fairly universal in nature while other aspects, theoretical approaches in particular, were not and were unlikely to ever develop in this way. He wrote that "...a unified world archaeology that will also be an objective, value-free discipline... is a simplistic and erroneous view of the current state and future prospects of archaeology" (1986:1). He ends his paper with a statement and a warning:

...the data of archaeology are not entirely a construction of our own mind, even if their recording and analyses are coloured by our presuppositions (Clarke 1968:15).
Archaeology therefore has a role to play in achieving a more rational understanding of humanity. For it to do so, archaeologists must shun the temptation to ignore such techniques of testing and verifying their interpretations as are available to them (Trigger 1986:15).

These arguments remain relevant and central to much of the theoretical debate amongst archaeologists in recent decades. Ideas about dismantling problematic binaries, like nature vs. culture, place vs. space, sex vs. gender, etc. continue to have major implications for archaeologists today (Rosenzweig 2020).

Trigger's 1986 warning is consistent with the concluding remarks in his highly influential *History of Archaeological Thought* (1989). This landmark monograph, originally published in 1989 (reprinted at least eight times over the next decade), with a second edition published shortly before his death in 2006, constitutes the ultimate synthesis he described in his 1984 paper. In his final chapter he discusses the dangers of taking post-processual critiques of scientific archaeology too far to the point of embracing the use of archaeology to support political causes writing that:

...it may also serve as a guide for future development... by helping people to make more informed choices with respect to public policy. In a world that has become too dangerous for humanity to rely on trial and error, archaeologically derived knowledge may even be important for human survival. If archaeology is to serve that purpose, archaeologists must strive against heavy odds to see the past as it was, not as they wish it to have been" (1989:410-411).

This is quite relevant today considering that 'academic-activism' has been identified as a major trend in North American archaeology at the present time based on a survey of 2019 publications (Rosenzweig 2020). A recent and relatively extreme activist perspective is presented by Hutchings and La Salle who argue forcefully that "archaeology is state heritage crime" and "...[Their] hope is that states and their agents will held accountable for heritage crimes perpetrated against Indigenous peoples, in North America and beyond" (2017:79).

The long-term impact of Trigger's 1984 paper is demonstrated by the fact that a symposium based upon it was organized during the Society for American Archaeology annual conference in 2004. This forum resulted in an edited volume, published in 2008, with contributions from a large number of scholars, including several who have been highly influential thinkers in the field of archaeology, such as Ian Hodder, Susan Atalay, Alison Wylie and Bruce Trigger himself (Habu et al. 2008). Most of the contributing authors wrote about

multivocality as a way to move beyond the three categories in question. Trigger himself noted how his work "...seems to be remembered more for its advocacy of epistemological relativism than for its defense of a limited objectivity" (2008:189).

In terms of new categories that might be added to Trigger's list, decolonial or Indigenous Archaeology may at first glance appear to be something new, largely because it is a reaction against colonial and imperial approaches. Susan Atalay in fact makes a case for this in her contribution in the book discussed above, arguing that Indigenous Archaeology challenges colonialist and imperialism archaeology (2008:31-32), and that it is not nationalist because it "...is not marginal in its applicability, but rather has implications for mainstream archaeological practice globally" (Atalay 2008:30). However, it cannot be denied that what she is describing possesses the key elements of nationalist archaeology, and its application in Indigenous contexts fits precisely with Trigger's discussion of its development being "...strongest amongst peoples who feel politically threatened, insecure or deprived of their collective rights... or in countries where appeals for national unity are being made to counteract serious divisions along class lines" (1984:360). In the contexts where decolonial archaeology is generally practiced, the people it relates to have certainly been politically threatened and deprived of their collective rights. To be clear, nationalist approaches in Indigenous archaeology in Canada and America today are not typically about Canadian or American nationalism, but are instead oriented towards the First Nation, Metis or Inuit group whose history or traditional territory is the subject of relevant research.

Responding to the numerous discussions of multivocality in the 2004 Society for American Archaeology forum, Trigger wrote:

As for multivocality, I believe that the more questions that are asked and the more narratives of the past that are formulated the better. Because of that, I oppose the idea that any specific group should be accorded an exclusive right to control the interpretation of their own past. I also reject, however, the suggestion that all narratives are of equal historical value” (2008:190).

He goes on to argue for the importance of limited objectivity, and interestingly he ends his contribution with a discussion on the United Nations Declaration of Human Rights (2008:192-193). Wylie, in her summary review of all the submissions in the 2008 edited volume makes a case for the democratization of research (Wylie 2008:210).

It is worth noting that decolonial archaeology or Indigenous archaeology is anti-colonial and anti-imperial, like other nationalist approaches. This is in stark contrast to American imperial archaeology which, as noted above, is unique for its anti-nationalist perspective. With this in mind it does appear that there may be another approach to archaeology which falls outside of Trigger’s categories. Whether or not it has actually been achieved is probably debatable, but an archaeology that is neither nationalist, colonialist, nor imperialist is discussed in the work of Alison Wiley (2005). Wiley describes something she calls ‘Collaborative Stewardship’, and it is different from the academic activism described above. It does not necessarily involve political commitment to any particular group (i.e. not nationalist), but it does require recognition that archaeologists are not the only people that the act of archaeology has an impact on. She distances herself from imperialist ideas of the universality of archaeology saying that it should be practiced “...not as a matter of wise management on behalf of an abstract higher interest (that of science and, by extension, society or humanity), but of collaborative, negotiated co-management among local interests, none of which can be presumed, at the outset, to take precedence over others” (2005:17). Her approach is also clearly not colonial as it does not involve taking over control of the past while ignoring the interests of local communities or other stakeholders. Her

approach is in fact explicitly anti-colonial, and it could be said that it is as anti-colonial as ‘de-colonial’ archaeology, the critical difference being a lack of a priori political commitment to particular causes. Instead of political commitment, it involves collaboration. This, I believe, links the potential additional category I am referring to closely to Moro Abadia’s (2010) ideas about the significance of internationalism, especially considering Canada’s current explicit ‘nation to nation’ interaction with Indigenous peoples.

Wiley recognized that her ideas about collaborative stewardship were not new, and there are clearly many archaeologists today who operate using approaches that are not so different from the one Wiley describes, including many Canadian archaeologists. Josh Dent, who wrote his dissertation on Indigenous participation in CRM in Canada, a topic relevant to my own work, used a lens of engagement in his doctoral research (Dent 2016). Likewise, Brendan Griebel, who did his PhD research on the practice of archaeology in the contemporary political context of Nunavut, also used a collaborative or ‘community-based’ approach in his work (Griebel 2013). Archaeologists in Newfoundland & Labrador, like Lisa Rankin have long used community-based, collaborative approaches in their work (Rankin et al. 2019).

Collaborative or community-based archaeological research has been forcefully criticized by La Salle (2010). She argues that it is essentially a way of ensuring that archaeologists continue to have access to data in an exploitative way that, according to her, is analogous to capitalism. She describes attending a presentation delivered by Wylie and a comment made by a colleague at the end of the presentation that matched La Salle’s own thoughts on the matter. The colleague argued that collaboration is inadequate because the issue at stake “...is more than just equality... it is about *sovereignty*” (La Salle 2010:415 emphasis in original). She later firmly states that “...it is the assertion that research can exist independently from our values that

enables marginalization in the first place. By not taking a stand, archaeologists become complicit in this process” (2010:414). Clearly then, in La Salle’s view, if archaeologists do not use their work for political purposes, they are complicit in the marginalization of Indigenous peoples. This argument requires one to accept an extreme position on objectivity: for La Salle, any level of objectivity must be an impossibility, and therefore archaeology is only useful as a political tool.

La Salle takes a postmodern, neo-Marxist stance based on witnessing another presentation, this one by George Nicholas in 2008, who drew parallels between archaeologists and the bourgeoisie on one side, and Indigenous people and the proletariat on the other (2010:405). Quoting Nicholas she explains that Indigenous people can be thought of as the proletariat because of “...their lack of access to the means of production” (2010:405). The problem with this argument is that it assumes two things: one, that archaeology is the only means of producing information about the past and two, that Indigenous people cannot access archaeology.

Wylie more recently categorizes critiques of collaborative approaches in archaeology into three groups including those who argue that it is a general threat to western science, those who argue that attempts at collaboration have not achieved their goals and constitute a continuation of colonial activity, and others whose position might best be characterized as involving the promotion of much more aggressive political activism (Wylie 2019). Unfortunately, in attempting to discredit each of these perspectives she, like La Salle (2010), also adopts a neo-Marxist position and strongly advocates for activism and the use of archaeology for political purposes (Wylie 2019). In describing recent theoretical developments she aligns herself with those who are calling for the transformation of archaeology, and the institutions that allow for it

stating that “...to transform archaeology it is crucial to take an activist stance aimed at transforming the institutions and structural conditions that configure its practice” (Wylie 2019:583). For me, the approach Wylie articulated in 2005 is far more compelling.

An important aspect of Wylie’s (2005) collaborative stewardship is that it does not require or suggest abandoning the pursuit of objectivity. Recognizing that we all have biases, and that achieving objectivity is somewhere between difficult and impossible, does not mean that we should abandon attempts to work towards it. Just as recognizing that collaboration is difficult does not mean that we should give up on that either. These ideas fit well with Moro Abadia’s suggestions for reconnecting archaeologists operating from diverse theoretical standpoints through the recognition that “...science progresses by criticism – that is, by discarding incorrect prejudices and assumptions. In other words, scientists do not move towards a definitive truth, but they move away from error” (Moro Abadia 2017:277).

2.6 Landscape & the Physical Context of Archaeology:

Landscape has been significant to archaeologists since the discipline came into existence and in recent years it has become an important category in archaeological theory. Bruno David and Julian Thomas (2008) provide a useful overview of the history of ‘Landscape Archaeology’. They demonstrate that this particular terminology only began to be used fairly frequently in the mid-1980s (though it was used a decade earlier at least occasionally) using the results of a literature review and text searches for relevant terms. They argue that prior to this archaeologists generally thought of landscape in an ecological, processual sense having to do with human adaptations to particular environments. They suggest that a new focus on cultural aspects of human interactions with landscapes emerged as a result for four things in particular: “(1)

sourcing studies; (2) the rising importance of cultural heritage management and public archaeology; (3) a developing interest in “style”; and (4) Indigenous critiques” (David and Thomas 2008:32).

The most relevant of the influences listed by David and Thomas for our purposes relate to cultural resource management and to Indigenous concerns. They refer to the latter as being the most important influencing factor and explain that the purely ecological approach to landscape could not account for many aspects of Indigenous ways of life and interactions with the environments they lived in. They also provide examples of how criticism from Indigenous groups forced archaeology to pivot towards more social considerations. A direct result was archaeology that involved increasing levels of engagement with Indigenous groups, which in turn resulted in serious consideration of landscape through non-western perspectives (David and Thomas 2008:35).

Cultural resource management is relevant here, not just because it is directly tied to the subject-matter of this dissertation, but because it also resulted in a similar realization to the one produced by Indigenous concerns:

The need for increased protection of archaeological sites was prefaced by new and explicit criteria for the assessment of heritage places as locations of social significance. Hence recognition of the educational, cultural, historical and aesthetic values of archaeological sites and landscapes effectively rendered them significant public places that went beyond their environmental and academic significance (David and Taylor 2008:33).

Such similar realizations in both Indigenous and Western contexts suggests that the divide between the two that many archaeologists perceive may not be so great after all. It would appear that humans in general interact with landscapes in both ecological and social ways. Additional support for this suggestion of a connection here that links Indigenous and non-Indigenous peoples can be found in section 15.2.1 of the LILCA, which contains very similar wording on the

significance of historic resources to that in the passage quoted above. This section is discussed in more detail below.

Today, 'Landscape Archaeology' has an interesting history in this province and has been used in northern Labrador to examine problems as diverse as Maritime Archaic settlement and subsistence (Hood 2008; Hutchings 2011), possible relationships between Maritime Archaic and Pre-Dorset cultures (Hood 2008), initial human colonization efforts in Labrador by pioneering groups in precontact times (Rankin 2022; 2009a; 2009b; Whitridge 2004), impacts of Inuit on the landscapes they occupied (Butler 2011; Roy et al. 2011) and the significance of landscapes that have been shaped by settlement and use by different peoples over thousands of years (Loring and Arendt 2009). Although the history of the discipline is characterized by theoretical debate and paradigm shifts, on a fundamental level the work of the archaeologist involves interaction with landscapes that contain the physical traces of previous human activity, and attempts at understanding how people lived in and interacted with these places in the past.

The concept of cultural landscape can help us overcome obstacles that could significantly hinder a project like this one. For example, it helps us bridge the gap between the past and the present by reminding us that many elements of the past are a part of our lives today (Olsen et al. 2012). This is an important notion when it comes to both archaeology, and to policy work, because the things we do today affect which elements of the past will remain with us into the future. The idea of cultural landscape, by definition, helps us deal with other important and problematic binaries such as tangible versus intangible and the pervasive nature/culture divide which so much of western scientific thought rests upon (Latour 1993; Rössler 2007). As Tim Ingold writes:

I reject the division between inner and outer worlds – respectively of mind and matter, meaning and substance – upon which such a distinction rests. The landscape, I hold, is not a picture in the imagination, surveyed by the mind’s eye; nor however, is it an alien and formless substrate awaiting the imposition of human order. ‘The idea of landscape’, as Meinig writes, ‘runs counter to recognition of any simple binary relationship between man and nature’ (Ingold 1993:154; Meinig 1979b:2).

A landscape approach is quite useful in relation to the development of heritage policy and law because of its bridge-building qualities. One of the reasons for this is because societies contain many and varied perspectives, and if policy work is meant to make things better for any given society, it should involve attempts at building bridges rather than walls between those perspectives.

Peter Whitridge, a faculty member at Memorial University’s Department of Archaeology, provides us with relevant insights based on similar ideas in a frequently cited 2004 article in which he addresses the problematic binary of space and place using examples from Inuit contexts. He writes that:

There is no imaginative place-world wholly apart from quantifiably real landscapes... but neither is there a material world that is not thoroughly invested with significance as a precondition of human thought and action. Neither one nor the other has ontological autonomy or priority (2004:216).

A cartographer employing the most elaborate technoscientific approaches to precisely quantify spatial relationships (e.g., analyzing satellite images) is not less engaged with the locations she manipulates than the native elder who presences a mythic time in telling a story about some of the same locations. Rather, the two are differently engaged in imaginative projects of practically and discursively realizing a complexly textured reality. In each case, the location has been invested with significance, drawn into other networks of meaning, and articulated within the logic of a culturally distinctive way of knowing (Whitridge 2004:217).

Consider the following example which involves making connections across ontological divides within the archaeology community itself. Bryan Hood, who formerly worked for the

Labrador Inuit Association, has relatively recently turned to landscape as a way of bridging the gap between two theoretical paradigms that have dominated archaeological thought since the end of the 20th century: processual and post-processual archaeologies. In a nutshell, the former sees the history of humanity largely through environmental and scientific lenses in which nature restricts cultural possibilities and can be used to explain the past which is understood through scientific techniques and analysis. The latter emphasizes the importance of human culture for explaining the past through the archaeological record and sees limitations to positivist scientific approaches. Hood argues that landscape, which inherently involves a mixture of nature and culture, can be used to reconcile the theoretical, and even the social divide that has developed in archaeology since the 1970s and 1980s (Hood 2008:322-330). He then provides us with examples of how these ideas can be used to further our understanding of northern Labrador's archaeological record. Specifically he provides side by side processual and post-processual narratives about Maritime Archaic and Pre-Dorset history in northern Labrador and in doing so makes valuable contributions to what we know about Labrador history (2008:341-346). Although this example is about making fruitful connections across an ontological divide within the archaeology community, it could be a useful analogy to consider when attempting to address multiple positions in relation to policy that affects a society as a whole.

Hood's approach was inspired by the work of Ingold who introduces us to many useful concepts for looking at the past (Ingold 2000; 1993; 1986). Landscape for Ingold is not nature, land or space. He asks "Is it possible to identify... a series of interlocking cycles, which builds itself into the form of the landscape, and of which the landscape may accordingly be regarded as an embodiment" (1993:193)? He suggests 'temporality', not as history or chronology, but as expressing an essential character of landscape as 'taskscape'. The taskscape is the entire

assemblage of inseparable tasks, each one getting ‘...meaning from its position within an ensemble of tasks...’ (1993:195). He goes on to explain that the taskscape, and its temporality, are social things. This is because when people do their work, or their tasks, they are in fact taking care of each other (1993:196). ‘...The landscape as a whole...’ he writes, ‘...must likewise be understood as the taskscape in its embodied form: a pattern of activities collapsed into an array of features’ (1993:198). The article quoted throughout this paragraph is, in essence, an explanation of what archaeology is: for Ingold it is the study of the “the temporality of the landscape” (1993:201).

Tumbling into the rabbit-hole we encounter Ingold’s ‘dwelling perspective’, according to which “... the landscape is constituted as an enduring record of – and testimony to – the lives and the works of past generations who have dwelt within it, and in so doing, have left there something of themselves” (1993:152). He writes that “it is through dwelling in a landscape, through the incorporation of its features into a pattern of everyday activities, that it becomes home to hunters and gatherers” (1996:116; 2000). This corresponds well with my own thoughts on the matter, as expressed above, and the dwelling perspective correlates with my own experience of living in Nunatsiavut, an Inuit homeland, over the course of more than 10 years, and my realization that it had become my home as well. But there is much more. As Ingold beautifully explains:

...for both the archaeologist and the native dweller, the landscape tells – or rather is – a story. It enfolds the lives and times of predecessors who, over generations, have moved around in it and played their part in its formation. To perceive the landscape is therefore to carry out an act of remembrance, and remembering is not so much a matter of calling up an internal image, stored in the mind, as of engaging perceptually with an environment that is itself pregnant with the past (1993:152-153).

Using the words of Merleau-Ponty, he writes that “the landscape... is not so much the object as ‘the homeland of our thoughts’” (1993:171).

These ideas can help us move past other divisions that have been developing both within and beyond the bounds of the discipline and which are explicit in the debates around Indigenous Archaeology in the literature (see Croes et al. 2010 for example). Some who are engaged in these exchanges have gone so far as to argue that a different form of archaeology is warranted and necessary in Indigenous contexts (Croes et al. 2010; Hutchings & La Salle 2017; McGhee 2008). Some have raised questions about whether non-Indigenous archaeologists can, or should practice archaeology in Indigenous contexts (La Salle and Hutchings 2016), and even whether archaeology should be practiced at all in places traditionally occupied by Indigenous peoples (Martindale and Lyons 2014:430; Supernant & Warrick 2014). These are positions that could present serious obstacles for a project like mine. Ingold's counterargument to the view that his dwelling perspective is not available to archaeologists studying the distant past because they only have artifacts and features to rely on, and not first-hand accounts from living people, can be effectively applied here as well. This is because the arguments relating to a separate Indigenous archaeology are based on the idea that perhaps only those who have traditionally been dwelling in a place can or should have the option of interacting with local historic resources. Ingold states that "...this objection misses the point, which is that the practice of archaeology is itself a form of dwelling. The knowledge born of this practice is thus on par with that which comes from the practical activity of the native dweller and which the anthropologist, through participation, seeks to learn and understand" (1993:152). Ingold's (1993) perspective is consistent with Trigger's (2008) as discussed above. A landscape framework can accommodate many perspectives, including those of Indigenous peoples and those of archaeologists. And as McGhee put it many years ago: "The past is many-faceted; it has the quality of not being diminished through use; and it is large enough to provide for all users" (1989:19). While I agree with McGhee's statement, it

should be noted that the archaeological record itself is diminished in material terms when it is impacted by things like development, erosion or archaeological activity.

Labrador Inuit themselves have clearly articulated the importance that archaeology holds for them in the context of the LILCA, which includes an entire chapter on archaeology, as already mentioned. The opening passage of that chapter, with its list of reasons why archaeological sites and materials are considered to be so important by Inuit, provides us with multiple perspectives on the matter from within Labrador Inuit society:

Archaeological Materials, Archaeological Sites and Inuit Cultural Materials provide a record of Inuit prehistory, history and use and occupancy of the Labrador Inuit Settlement Area over time and are of ethnological, spiritual, cultural, historic, religious and educational importance to Inuit (LILCA section 15.2.1).

This passage, and the archaeology chapter as a whole are compatible with all the basic tenets of standard archaeological practice and they demonstrate that Labrador Inuit see archaeology as valid, important and useful. This is critical for the present project, considering the fact that Nunatsiavut contains historic resources relating to both Indigenous (including Inuit and non-Inuit) and non-Indigenous peoples who have previously used and occupied the region. The passage also demonstrates the fact that multiple perspectives on the importance of historic resources within a particular cultural landscape can be, and have been, accommodated in Nunatsiavut's most fundamental policy document.

On a practical level, cultural landscape is also a category of heritage that does not currently enjoy legislated protection in Newfoundland and Labrador at the present time and this has been recognized as a significant gap (Erwin 2011a; 2009). This project, and the theoretical framework, can help address this important issue.

2.7 Conclusions:

Trigger's categories provide us with a relatively simple way of situating archaeological thought in its social context, which is helpful for understanding the history of archaeology and the position of our own work within that history. Understanding the social context of archaeology in this way is extremely important because it leads to "...a deeper understanding of why archaeologists ask the questions and seek the kinds of knowledge that they do" (Trigger 1984:368-369). This in turn helps us understand our own biases and how we might attempt to overcome them to try work towards limited objectivity. Recognizing the difficulties or impossibility of objectivity in academic research does not need to result in giving up the attempt to work towards it, nor does this recognition need to result in seeing archaeology as useful only as a political tool.

Alison Wylie's collaborative stewardship, and many related forms of what is often referred to as community archaeology, is a good candidate for a type of archaeology that might exist outside of Trigger's categories and that allows for consideration of multiple perspectives on the past (Wylie 2005). It does not require anti-objectivism or the use of archaeology for political purposes.

Landscape has always been at the heart of archaeological research as it contains the archaeological record that archaeologists (and others) interact with. Landscape and the archaeological record can be seen as important 'constraining influence[s]' (Fawcett et al. 2008:4) on archaeological interpretations which help counteract bias (Wylie 2008). Landscape also appears to be one of the best sources of hope for overcoming conceptual binaries and theoretical divides that characterize thought and behavior within and beyond academia (Hood 2008; Ingold 1993; Whitridge 2004).

The theoretical approach adopted here recognizes four things, the first being the history of social constraints on the formulation of archaeological questions and interpretations. Second, it recognizes the value of a specific type of community archaeology that is not based on political commitment but instead on how multiple perspectives can help us reduce errors and unconscious bias. Third, it acknowledges the difficulty and potential impossibility of objectivity in research and the importance of working towards it anyway. And finally, it accepts the existence of a physical world with real landscapes and an embedded archaeological record containing physical traces of previous human activity which constrain archaeological interpretation in critically important ways.

Chapter 3: Political Context & Methodological Considerations

3.1 Introduction:

The methodological approach to this project will involve two main elements: thoughtful and critical use of the Nunatsiavut Government's policy cycle, and public engagement where appropriate.

The policy cycle is a representation of perceived phases associated with the development, implementation and evaluation of policy. However, in practice the order and the steps depicted on the policy cycle are not always quite as straightforward as this model suggests. Nevertheless, the NG's policy cycle provides a means to discuss the fundamental issues, challenges and opportunities in the development of government policy and legislative measures for the protection of Indigenous and non-Indigenous historic resources in Nunatsiavut in the context of the dissertation. It also ultimately provides the means of producing policy recommendations that relate to each of the heritage areas that the NG has jurisdiction over according to part 15.3 of the LILCA. Public engagement is also a critical methodological component of certain aspects of heritage policy and law development in Nunatsiavut.

3.1.1 The Policy Cycle:

The policy cycle is a framework for understanding the process of policy development, implementation and change. It typically consists of a number of points, or spokes, arranged around a theoretical wheel with each spoke or point representing what is perceived to be an important stage in the policy process. One of its primary uses is for education, for example, the

education of political science students, or civil servants involved in policy work who require guidance, or who are expected to operate in particular ways.

The history of the policy cycle goes back to the earliest days of policy analysis itself – which isn't very far. The beginning of their intertwined histories dates to the 1950s. The first to propose a policy model which involved dividing the process into stages was H.D. Laswell (Jann and Wegrich 2007:43; Laswell 1956). Although the seven stages proposed by Laswell have been the subject of debate, and the order in which he placed some of his stages has been critiqued, his model has had tremendous influence. Linear models like Laswell's were soon linked with David Easton's input-output model of political systems resulting in a cyclical rather than linear conception of the policy process which was no longer seen as having a clear end. As the field of policy analysis developed over the next few decades, models involving stages became a fundamental aspect of associated thought and literature (Jann and Wegrich 2007). In recent years "...the differentiation between *agenda-setting, policy formulation, decision making, implementation, and evaluation* (eventually leading to termination) has become the conventional way to describe the chronology of a policy process" (Jann and Wegrich 2007:43 [emphasis in original]). To this day, the policy cycle is the most commonly used model in public policy related study (2007:45).

Despite its utility and popularity, the policy cycle has not been spared criticism. Until recently, academic literature and debate has generally been concerned with individual parts of the cycle, rather than with the entire framework. However, research relating to the implementation stage in particular has led to critiques of the policy cycle itself. This has largely had to do with the recognition that in real life circumstances it is difficult to separate implementation from other parts of the cycle and the recognition that the policy cycle very rarely

reflects how the policy process works in reality. Another major criticism is that it cannot serve as a theoretical framework because it is missing a key component – it does not explain why the movement occurs from one stage to another around the cycle. It has been argued that the policy cycle involves a top-down approach which means that policy development is largely in the hands of those in power (Jann and Wegrich 2007:55-57; see Paudel 2009 for further discussion on top-down versus bottom-up approaches). These concerns have led to the use of other models, such as the so called ‘garbage can model’, which views decision-making as completely un-systematic, and Kingdon’s (1984) ‘multiple streams’ approach. The latter involves the idea that policy development happens when “...the stream[s] of problem recognition... alternatives... and decision making... come together” (Burstein 1991:330-331).

I agree with Jann and Wegrich’s (2007) assessment of these criticisms and their conclusions that the policy cycle is still an extremely valuable conceptual tool. They argue that its limitations as a theoretical framework are not a great concern since the use of scientific explanatory theory is not the major focus, or purpose, of policy analysis. Furthermore, they point out that:

The cycle framework also fulfills a vital role in structuring the vast amount of literature, the abundance of theoretical concepts, analytical tools and empirical studies, and therefore is not only crucial for teaching purposes (Parsons 1995:80). The framework is also essential as a basic (background) template for assessing and comparing the particular contributions (and omissions) of more recent theories of the policy process... [It has] the crucial role of the perspective in providing a base-line for the ‘communication’ between the diverse approaches in the field (2007:57).

In addition, the policy cycle can be used as a tool for measuring the effectiveness of a given policy, and it can be used as a tool for determining how democratic a policy process is by providing the means to consider who is involved in each of the different stages in the cycle, and

who is not (Jann and Wegrich 2007). I would add to this by pointing out that for this very reason, the policy cycle does not have to be associated with a top-down approach, and it can, in fact, help identify scenarios in which bottom-up approaches (in which policy development starts with those who will be involved in the implementation of actions [Paudel 2009]) are potentially more appropriate.

The NG's policy cycle provides a useful and convenient constraint, and it is, in a sense the only way to proceed as it is the approach prescribed by the government of the region that constitutes the study area for the project. For the purposes of this project, the usefulness of the policy cycle as a tool for structuring and analyzing information and knowledge about the policy process is critical for considering the fundamental issues, challenges and opportunities associated with the development of legislation and policy to protect Indigenous and non-Indigenous historic resources in Nunatsiavut. It also opens doors in relation to questions about who is, or who should be involved in the policy process. These ideas, are the methodological foundations of this dissertation. The first provides us with the means to consider and work towards heritage policy development within the framework of the NG's own policy cycle and in relation to relevant academic literature and policy documents, and the second allows us to assess the potential associated with public engagement in this context.

3.2 Part 1 - The Nunatsiavut Government's Policy Cycle:

The NG's policy cycle is presented and explained in a document called *Developing Good Policy in Nunatsiavut*, which was produced by the Nunatsiavut Secretariat² (NG 2015). The

² The Secretariat of the Executive Council reports to the President. It functions as a government department "Consisting of the President, the Secretary to the Nunatsiavut Executive Council, and the Director of Communications, the Secretariat is a strategic and supportive element of our government" (NG 2017). The

cycle is divided into eight parts: “*Identify the Issue; Analyze the Issue; Identify Options; Decision; Policy Design; Approval; Implementation; Monitoring and Evaluation*”, which are depicted around three central words “*Research, Engagement, Communication*” (Figure 2). The document is an educational tool, meant to introduce Nunatsiavut’s policy landscape and to provide civil servants with basic information on what policy is, and why it is important. Its primary purpose is to provide civil servants with guidance on the process the government would like them to follow when developing policy, and it was developed explicitly in response to requests from government employees for clear direction and guidance in this area. It was written following a policy workshop that was held in Nain, Nunatsiavut’s administrative capital, in February of 2015, which I had the opportunity to participate in. It includes a list of “Twelve features of good policy in Nunatsiavut” (2015:6), policy product templates and tips, as well as explanations and instructions relating to each part of the policy cycle itself (2015).

The remainder of Part 1 of this chapter consists of a critical review of each piece of the government’s policy cycle followed by a discussion of the general conclusions of this critical review.

Nunatsiavut Secretariat established a Division of Policy and Planning in 2015 which developed the NG’s policy cycle.

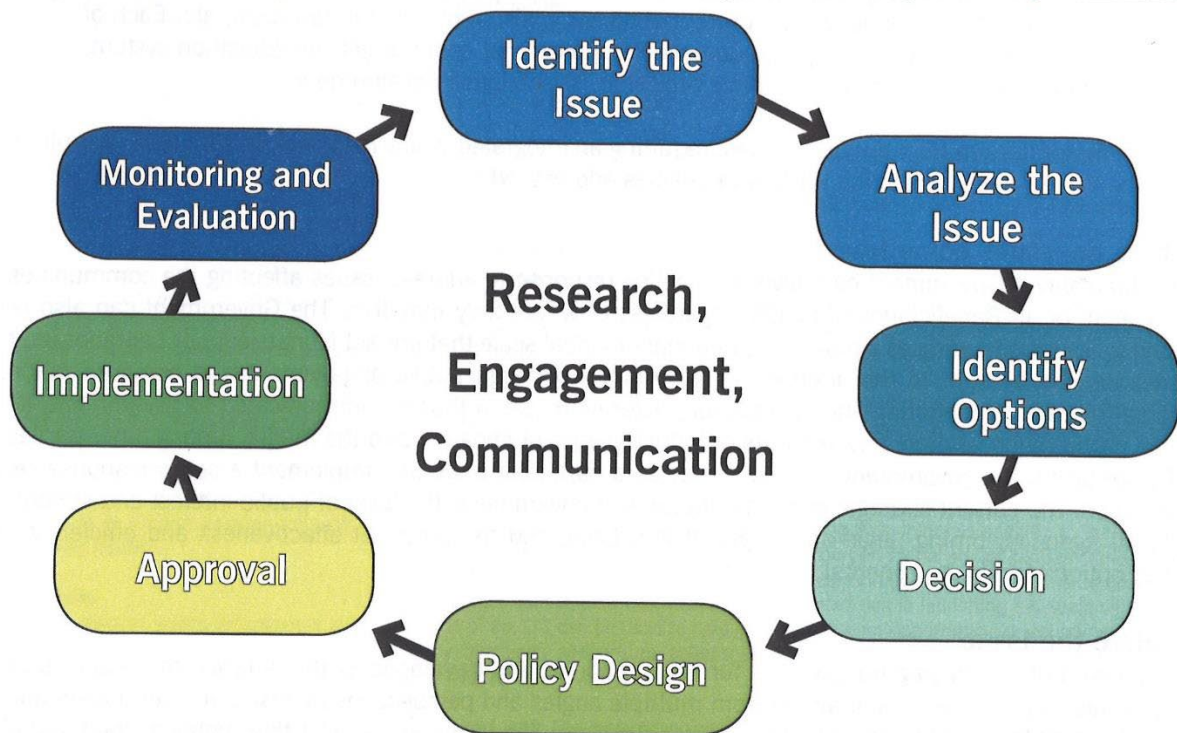


Figure 3.1: The Nunatsiavut Government's Policy Cycle

3.2.1 Identify the Issue:

The NG guidebook's coverage of issue identification focuses mainly on two things: 1) the differences between issues and symptoms of issues; and 2) a concise discussion of where issues come from (2015:4-5). It also includes a very brief, but important reference to *complex issues*, which will be discussed in some detail in Part 2 of this chapter. With regard to complex issues, for the time being it should simply be noted that some issues have implications for multiple policy domains. For example, some things that could be seen as heritage issues can also affect domains like education or health. This is recognized in the NG policy guide, which states that "many symptoms stem from multiple issues, requiring an integrated policy response" (2015:5).

On the topic of issues versus symptoms, the Secretariat cautions against confusion between the two, and it highlights the risks involved with misidentifying issues or allocating resources in attempts to treat symptoms rather than causes. Emphasis is put on the identification of the root causes of issues or problems (2015:5).

The Secretariat begins its discussion concerning the origin of issues by referring to public engagement and how it can lead to government awareness of issues. It provides a list of other ways that issues are identified including "... internal research, monitoring and observation, external research that is communicated to government, external parties such as other governments or industry, advisory boards, and the media, among other parties" (2015:5). As part of the same discussion, it introduces the topic of agenda-setting, and when and how issues end up on the NG's agenda. The sentence that covers this topic includes a list of related constraints including "...the current strategic planning priorities of government, the level of public interest and support, political agendas, timing, legal and financial feasibility, and the potential effectiveness and efficiency of policy options (costs vs. benefits)" (2015:5).

Scholars such as Burstein (1991) have pointed out that issue identification, or creation, is a cultural phenomenon, and it is not necessarily a rational or evidence-based activity. I would go further and point out that it is also an ontological matter, a point I will return to below. It is interesting to note that the manner in which issues are identified is not actually well understood at all. Burstein explains that even things that seem like obvious public issues, such as drunk driving, were not thought about in this way for many years (1991:331). The identification of public issues involves the definition of problems which are seen to be solvable by people, and as highlighted in the NG's policy guidebook, stories about the causes of problems are a critical part of problem definition (NG 2015; Burstein 1991:332).

The development of stories about the causes of problems is also a cultural activity. But who develops these stories? According to Burstein, some groups, like lawyers and archaeologists, for example, routinely generate ideas and develop stories about the causes of the problems they perceive and are concerned with. Because members of these groups are recognized as experts, and because of the ways that they communicate, their stories about the causes of the problems they identify are often seen as valid. These are factors in whether or not an issue makes it onto a government's agenda (1991:332).

The history of the development of archaeology legislation provides an excellent example of problem definition and stories about cause, and it also relates to fundamental issues associated with the development of policy and law to protect historic resources in Nunatsiavut. In the late 1800s American archaeologists began pushing the United States government to put a stop to the destruction of archaeological sites and materials by looters. The government paid attention, and in 1906 the *Act for the Preservation of American Antiquities* (Pub.L. 59–209, 34 Stat. 225, 54 U.S.C. § 320301–320303) was passed which made it illegal for anyone other than professional archaeologists to undertake archaeology on land owned and administered by the government (Ferris 2004:158). Over the next few decades archaeologists were able to define additional problems as public issues which made it onto the government's agenda. The problem of site destruction due to development is an example that is particularly important here. By the late 1960s laws were being passed in America to address this problem, such as the 1966 *National Historic Preservation Act* (Pub.L. 89-665; 54 U.S.C. 300101 et seq.) which required archaeological assessment and mitigation in advance of development (Ferris 2004). In other western nations with colonial histories like Canada and Australia, issues relating to the management of archaeological resources were framed by archaeologists in much the same way.

These also ended up on the agendas of governments which led to comparable legislation being passed in the 1970s and 1980s (Ferris 2004; Smith 2004). Although the passing of laws is beyond the policy stage that we are currently concerned with, I mention this here to highlight an important point. Issues framed in particular ways by archaeologists became public issues, and their ideas were accepted by governments. This has had extremely profound effects on the discipline of archaeology. For example, the vast majority of archaeologists in western nations today are employed in cultural resource management positions, which came into existence because of these issues and the laws that are meant to address them.

But researchers do not by any means have a monopoly on issue generation/identification. As Sir Peter Gluckman, the Prime Minister of New Zealand's Chief Science Advisor correctly points out, "...science is not the only input into policy making" (CBC 2017). This has become very clear to archaeologists working in countries with colonial histories over the past few decades. In Canada and in the United States, for instance, Indigenous peoples have been asserting their rights in relation to archaeology for the last few decades. Some have argued that it isn't right that archaeologists have set the agenda and defined the issues associated with heritage that, from their perspective, belongs to Indigenous peoples. They have been looking at some of the same things that archaeologists have been looking at, but they are identifying different issues, and are framing those issues and the causes of the problems they see very differently from archaeologists. Some of the issues that have been identified/generated from Indigenous perspectives have become public policy issues, and some of these ideas have had, and continue to have, profound impacts on the discipline of archaeology, and have very important implications for heritage policy development in places like Nunatsiavut. There has been a great deal of discussion and debate in the archaeological literature about who gets to

identify the issues and set the agenda, and this has been a major area of concern in relation to debate around what is being referred to as “Indigenous Archaeology” (Croes et al. 2010; McGhee 2008). Archaeology was certainly a matter of public concern in northern Labrador during Labrador Inuit Land Claims negotiations which began in the 1970s, and issues such as who should be regulating archaeological activity, and who owns artifacts were on the table (Hood & Baikie 1998).

These examples also provide an interesting link to the history of the study of agenda-setting, specifically to the fact that some early work in this area suggested that it is the result of groups with less power than other groups working to expose the problem of inequity (Jann and Wegrich 2007:46). The example of ownership and access to archaeological materials is important in this regard, and is an issue we will return to when looking at other stages of the NG’s policy cycle.

Here I would like to briefly return to the point made above about policy-making being an ontological matter as this is particularly relevant in the context of heritage policy development in an Indigenous land claims region. Ontological matters relate to different perspectives on “...what the world is and consists of (Jensen 2016; Paleček & Risjord 2012)” (Brake 2017). The realities that people experience and live with will clearly affect the issues they identify and how these issues are framed (Brake 2017). Burstein writes that issues are “...created by people trying to make sense of their world and deciding how to act” (1991:331). Policy making doesn’t just grow out of ontological or cultural roots – it is a process of reality creation, and of cultural maintenance. In many ways the issue identification stage is the most important (and the most difficult) because the other stages in the process all rest upon it. In a democratic society it is very important for policy makers to be open to different ontological and cultural perspectives at this

stage more than at any other for the very same reason, and because the policy process is meant to have real implications for society.

It is important to note that many of the fundamental issues that were identified by Labrador Inuit during the land claims negotiation process are now on the agenda of government in the context of the LILCA. These issues include title to, and management of archaeological materials, the regulation of archaeological activities, the protection and management of archaeological sites, the designation, protection and management of historically important buildings, the protection of Inuit burial sites, and sites of religious and spiritual significance for Inuit, the protection and potential study of Inuit human remains, and the protection and management of Inuit cultural materials and archival records (LILCA Part 15.3). The fact that these issues have been identified, and that they are on the government's agenda represents a significant opportunity.

3.2.2 Analyze the Issue:

There is considerable overlap between the first two stages of the NG's policy cycle. For example, the explanation for issue analysis provided in the government's Policy Development Guidebook includes the following statement: "Within this step... the Issue needs to be thoroughly defined and all key stakeholders in the process (Deputy Ministers, the Executive Council, the public) need to agree that there is an issue in need of policy response, and [on] the nature of the issue, before your policy will advance" (2015:5). The fact that issue definition is included in the analysis stage, as well as in its own stage is, in my estimation, a very good thing. I say this because inflexibility in problem definition is known to be a potential source of anger and frustration amongst interested parties, and this can promote unhealthy competition between

stakeholders during consultations, if consultation is a part of the process (Lenihan 2012). This is discussed further in Part 2.

The issue analysis section in the NG's policy guidebook also overlaps with the first stage in relation to agenda-setting. The relevant part of the explanation is that there needs to be general agreement that there is a problem that can be addressed through policy before additional steps along the policy cycle can be taken. In other words, political actors need to recognize the issue and be willing to include it on the government's agenda. This is important because even if further steps are taken, if work is done to identify policy options for example, the efforts involved will very likely be a waste of time and resources if the responsible politicians do not see an issue as a priority. Even if an issue makes it onto the government's agenda there is no guarantee that any action will be taken. Dery (2000) provides us with a relevant case study involving issues relating to housing policy in Israel. In this case protesters were able to attain agenda status for their issue (affordable and available housing), but this did not ultimately result in any real policy change. Dery writes that "Apparently, to legitimize an issue is not the same as to legitimize demands" (2000:37).

The list of stakeholders in the policy statement quoted above is also of interest here, since the public is included in the list along with political actors. The general public is seen as a stakeholder, and public perspectives on a given issue are recognized as important factors during the analysis stage. However, the only explicit guidance related to 'consultation and dialogue' (NG 2015:7) in this part of the guide is devoted to the importance of dealing with 'other government departments' (NG 2015:7). This does not mean that the door to public engagement is necessarily closed at this stage, and the guidebook encourages analysts to approach the

Secretariat if there are questions about ‘who to engage or what perspectives to consider’ (2015:7).

In the discussion of the importance of dealing with other departments there is reference to issues that are relevant for multiple departments, and interdepartmental collaboration is suggested for issues that cross the boundaries of traditional policy domains (see Burstein 1991 for detailed discussion on policy domains; NG 2015:7). There is reference to this being particularly important because of ‘...the evolution of modern policy problems...’ (NG 2015:7). Political scientists consider issues that are perceived to relate to what used to be thought of as multiple separate policy domains to be *complex*, and Lenihan (2012) argues that the policy landscape in countries like Canada and the United States is becoming increasingly complex. This new policy landscape and some of the potential implications for heritage policy development in Nunatsiavut will be discussed further in Part 2.

Research is highlighted throughout this section as a key component of analyzing an issue, and a series of questions are included for the analyst’s consideration (2015:5-7). One of the major points being made is that this issue should be considered from various points of view in order to develop as complete an understanding of the problem being faced as possible, and to be able to provide options for policy responses and justification for those options (2015:5).

Evidence is vital at this stage, and according to Bardach (2012:12) the collection of evidence is important for three reasons, each related to development of reasonable predictions associated with potential options:

One purpose is to assess the nature and extent of the problem(s) you are trying to define. A second is to assess the particular features of the concrete policy situation you are engaged in studying... and the third purpose is to assess policies that have been thought, by at least some people, to have worked effectively in situations apparently similar to your own, in other jurisdictions, perhaps, or at other times (2012:12).

As mentioned in the previous section, the evidence that will need to be considered is not limited to scientific evidence, even though many scientists may feel otherwise. This is recognized in the NG's policy guidebook. To paraphrase Sir Peter Gluckman's assertions about the position of science in the 'Post-Truth era', policy making is much more complicated than stating something like the scientific evidence suggests that option 1 will produce result 2, and therefore government must go with option 1. There are many other kinds of evidence that come into play here: evidence relating to values, culture, ontology, politics, and costs, for example, are potentially important factors as well (Gluckman 2017). He writes that "...science does not make policy – it can only inform policy makers in their considerations" (2017), and he cautions that "... we forget that at our peril" (CBC 2017). In defense of archaeologists, we are not the only researchers who have failed to recognize this point. Consider, for example, the title of a recently published consolidation of a large number of natural science projects meant to influence relevant northern decision makers: "Nunavik and Nunatsiavut: From Science to Policy" (Allard and Lemay 2012).

This brings us to another important consideration: the *cost versus the value* of evidence. The collection and analysis of evidence can be an expensive endeavor. Consider the costs associated with doing scientific research, or with public engagement sessions for example (Bardach 2012). Even literature reviews are costly in terms of time and human resources. Bardach (2012) provides us with a list of practical considerations for thinking about costs and values associated with evidence collection. His suggestion is that analysts should contemplate three things when collecting evidence: how likely it is that it will lead to a different decision, how likely it is that the different decision will involve better results than the original preferred option, and are these better results worth the investment (2012:13). He goes on to suggest that

sometimes it can be appropriate to make educated guesses after thinking through a problem, while in other cases huge costs in evidence collection are justified. Standard parts of the process for Bardach are literature reviews, looking for ‘best practices’ in other jurisdictions, using analogies, engaging those likely to criticize your work early, and being careful not to simply accept the definitions of issues and policy options from those being engaged (2012:13-16).

But Bardach doesn’t stop there. In his “Eightfold Path to More Effective Problem Solving” five of Bardach’s eight stages (assemble some evidence, construct the alternatives, select the criteria, project the outcomes and confront the trade-offs) relate directly to analysis compared to two (analyze the issue and identify options) in the NG’s policy cycle (Bardach 2012; NG 2015). There are diverse ways of understanding the policy process and these are two examples. Bardach’s (2012) focus is policy analysis, whereas the NG is providing concise instructions for members of the civil service, and greater emphasis is put on guiding the analyst back to political actors for feedback and decisions throughout the cycle (2015). Bardach’s (2012) work is an extremely useful guide for those actively involved in policy work.

In a 1959 paper largely focusing on policy relating to economics, Charles Lindblom develops an argument that remains relevant for policy analysis today. He compares two different approaches to analysis: the Root approach which he calls ‘Rational-Comprehensive’, and the Branch approach, which he refers to as the ‘Successive Limited Approach’. The former relies heavily on theory and is meant to involve consideration of every possible policy option and every relevant bit of information out there. Most of the literature available at the time focused on the former approach, but Lindblom argued that “It assumes intellectual capacities and sources of information that men simply do not possess, and it is even more absurd as an approach to policy

when the time and money that can be allocated to a policy problem is limited, as is always the case” (1959:80).

Lindblom instead advocates for the Successive Limited Approach, which relies much less on theory, and in which:

“Analysis is drastically limited:

- i) important possible outcomes are neglected.
- ii) Important alternative potential policies are neglected.
- iii) Important affected values are neglected” (1959:81).

He points out that in reality most policy analysis actually involves a successive limited approach even if the aim is for a rational-comprehensive one. Whether an analyst likes it or not, he or she will always neglect things in each of the areas just mentioned, either by accident or by design. Lindblom argues that we are better served by admitting to our limitations up front, understanding that a comprehensive approach is impossible, and if we openly neglect things on purpose. He argues that because policy making does not have a clear beginning and an end and is a continuous process of review and adjustment, changes should be incremental. He also argues that society as a whole will ensure that the interests of various stakeholders will be represented in policy over time as incremental adjustments are made in response to those parties since “every important interest or value has its watchdog... problems neglected at one point in the decision processes become central at another point” (1959:85). Lindblom considers a policy to be a good policy if a diverse group of analysts are supportive of it (1959).

From the perspective advanced by Lindblom (1959), the history of archaeology legislation in countries like Canada, the United States and Australia, and the policy adjustments that have been made as a result of the concerns of Indigenous peoples, are not unexpected. However, if an archaeologist were to run with Lindblom’s ideas and use them to justify ignoring other perspectives, there would likely be negative consequences. This kind of an approach

could, for example, add fuel to anti-expert sentiment we are now experiencing in North America, and as anyone involved in archaeology knows, there are still negative feelings towards archaeologists in some Indigenous communities in countries like Canada, the United States and Australia. But his points about being realistic in terms of approaching policy analysis and the impossibility of true comprehensiveness are quite valid.

In light of the information presented it appears that the NG's 'Analyze the Issue' stage can serve as a helpful guide to civil servants involved in policy work. It recognizes the importance of various perspectives and it is not-unrealistic in its coverage of evidence collection and analysis and includes the statement that "analysis needs to be thorough enough to support the development of specific and actionable policy options" (NG 2015:5), which is completely reasonable. My main criticism of this section of the guidebook itself is how it relates to engagement. In particular, the only explicit guidance relating to engagement relates to dialogue and consultation with other NG departments, and it appears as though public opinions on the issue would be mainly assessed through research. There is no guidance on things like if, when, how and under what circumstances stakeholders outside of government should be engaged. That being said, the public is recognized as a key stakeholder and there is no indication that public engagement could not be involved at the issue analysis stage.

3.2.3 Identify Options, Decision Making, Policy Design & Approval:

The next four stages on the NG's policy cycle are dealt with under one heading here because of the similarities between decision making and approval, because of the overlap between the four stages, and because distinguishing between policy design and decision making is not always possible (Jann and Wegrich 2007:48-51).

Guidance relating to the identification of options in the NG's Policy Development Guidebook reminds civil servants to focus on the issue that is being dealt with, to consider the policy landscape, to present all reasonable options to decision makers and to not leave reasonable options out "...based on assumptions about the ideology of the current government or its political agendas" (NG 2015:7). Costs and benefits of each option are to be presented with supporting evidence and recommendations on preferred options. This information is to be presented to the relevant Deputy Minister in the form of briefing notes or discussion papers for which templates and tips are provided in appendices. The Deputy Minister then brings the briefing note or discussion paper to a Deputy Minister's meeting, or to the relevant Minister, as appropriate (2015:8).

According to the NG's policy cycle the decision stage begins when a briefing note or discussion paper reaches the Deputy Minister. At this point it may be returned to the author to be edited, but when it is finalized the relevant Minister (the Minister of Culture, Recreation and Tourism in the case of archaeology within the NG) will decide to either approve, or to not approve, one of the options discussed in the policy document (2015:8).

As soon as a decision is made we move to the NG's next step which is Policy Design. Interestingly, there is reference in this section to the possibility that the Nunatsiavut Executive Council, or the Minister, may ask for public engagement during the decision stage. If this is the case, the results of that engagement will need to be brought back to the decision makers before the policy design work begins. When it does begin it involves drafting what will eventually become the actual written policy statement, and the guidance provided involves circulation of drafts to various government departments and particularly to anyone within government who

provided advice prior to this step. It is also at this time that planning for implementation should begin (NG 2015).

The approval stage involves the review and approval of the final policy document by the appropriate decision maker or decision making body. For policies that fit within the mandate of a single department, and assuming that department has the authority to establish policy in the area, it will be the relevant Minister, whereas approval for public policies, or those that will affect multiple departments will come from the Executive Council (NG 2015:9).

Scholarly work relating to option identification and decision making has involved the argument that these things involve both collection and analysis of information, but that another fundamental factor comes into play here. Political scientists see these stages as being primarily about *conflict resolution* between various stakeholders (Jann and Wegrich 2007). This is critically important in the context of Nunatsiavut and the protection of Indigenous and non-Indigenous historic resources.

One local example to highlight this point relates to the repatriation and reburial of human remains and burial objects from archaeological sites in Nunatsiavut, which is a fundamentally important issue here. The history of this issue in northern Labrador, and in the context of many other Indigenous communities in Canada, the United States, and Australia has been all about conflict (Bell and Paterson 2009; Ferris 2004; Smith 2004). In northern Labrador the issue nearly reached crisis status in the mid-1990s when Labrador Inuit demanded that the Government of Newfoundland and Labrador return the remains of more than 100 Inuit individuals and associated burial objects to the sites they were taken from two and a half decades before under permits issued by the provincial government. Under the Province's *Historic Resources Act* (RSNL 1990, c H-4), which was the relevant legislation at the time, Human

Remains are explicitly included under the definition of archaeological object, which was in direct conflict with the Inuit perspective – that the remains in question were the remains of their ancestors. To Inuit these remains were not data. But the conflict was deeper than this. At this point Inuit had been involved in land claims negotiations with the Province and Canada for a period of nearly 20 years and despite their interest in being involved in the management of historic resources, and despite specific requests for involvement in this area, this had been repeatedly denied by the Province (Hood and Baikie 1998). When Labrador Inuit demanded repatriation and reburial in this case the Province complied and the potential for very serious conflict around this particular case was basically resolved. This was also an important step towards conflict resolution in relation to Inuit involvement in historic resource management as this was the first time that Labrador Inuit were able to achieve authority over an aspect of their physical heritage (Hood and Baikie 1998).

The issue of repatriation also provides us with a relevant example of the NG's policy cycle in action, and one that relates to the particular steps that we are currently discussing. In 2015 I wrote a discussion paper identifying various options relating to different aspects of this issue and presented it to the Deputy Minister, who brought it forward to the Executive Council. The paper included a series of discussion questions meant to help guide policy development in this area (Brake 2015). One of the questions was whether others outside of Government should be involved in the discussion as well. In responding to this question the Executive Council, and the President in particular, stated that the public would need to be involved in the process and that the questions in the paper would need to be discussed with the public through community consultations. This was because the issue was recognized as being complex, and because the council and the President recognized the potential for conflict in relation to it. It was felt that

public engagement would help decision makers gain a better understanding of public perspectives on the matter to help avoid conflict when decisions are made.

Issues relating to human remains, repatriation and reburial are relevant to the question of fundamental issues, challenges and opportunities in the development of government policy and legislative measures for the protection of Indigenous and non-Indigenous historic resources in Nunatsiavut. The subject of human remains and potential reburial is addressed in the land claims agreement itself in some detail, which, first of all, says something about their importance to Inuit. Relevant provisions require a Permitting Authority that authorizes the removal of human remains from an archaeological site to determine the Cultural Affinity of the remains. If they are Inuit, the remains will be transferred to the NG which is then responsible for determining what to do. If a determination is made that the remains are not Inuit, or if the affiliation cannot be determined, the NG and the Province will jointly determine what to do with human remains found in Labrador Inuit Lands (LIL) or the Inuit Communities. The Province will determine what to do for remains found in the Labrador Inuit Settlement Area outside of Labrador Inuit Lands and the Inuit Communities, and Canada determines what to do with remains found in federally owned and administered lands within Nunatsiavut after consulting with Inuit (LILCA section 15.7.4).

It should be clear that a fundamental distinction in the allocation of responsibility for the protection of historic resources was made in the context of the land claims agreement in relation to Indigenous (specifically Inuit) and non-Indigenous human remains in Nunatsiavut. Responsibility for how to deal with human remains is based on the cultural affiliation of those remains. The implication for future policy development is that the NG's policy on the reburial of human remains will only be relevant for remains that are determined to be Inuit, and in relation

to its shared responsibilities for non-Inuit remains found in Labrador Inuit Lands, the Inuit Communities, and land under the control and administration of Canada within Nunatsiavut.

One of the interesting things about these aspects of the NG's policy cycle is that the first explicit reference to the possibility of public engagement is included in the Policy Design stage and is presented as follows: "In their decision, the Minister or Executive Council may have requested a public engagement strategy to advise the next steps of policy development" (NG 2015:8). If the cycle were followed in a literal way and public engagement was a factor only at the design stage, i.e. after a decision was made to go with a particular option, those being engaged may be frustrated with not having had a role in the steps leading up to the decision (Lenihan 2012). We have already seen that the NG's policy cycle does not necessarily exclude the possibility of engagement at earlier stages, but it does not make specific reference to this possibility, and it does not offer guidance around if, when, how and under what circumstances consultation or engagement should occur. One way to address this, which was highlighted with the repatriation policy example, is for the person or group involved in analysis and option identification to raise these questions in the policy document that is being reviewed at the decision making stage where appropriate.

3.2.4 Implementation:

The Implementation stage of the NG's policy cycle is dealt with very briefly in the government's guidebook. The relevant section explains that at this point the implementation plan is finalized and policy implementation occurs. Associated risks should be addressed and mitigated, and evaluation and monitoring, which are dealt with separately, should begin at this stage. Finally, reference is made to the potential need for gradual implementation of policies that

could be contentious, or policies that involve big changes for government or for members of the public (2015:9).

In a paper published in 1980, Richard Elmore highlights an issue relating to this stage in the policy cycle, and one that has implications for the development of heritage policy in Nunatsiavut. Elmore's paper is about two different approaches to the analysis of implementation - one known as forward mapping, and the other known as backward mapping. The former involves the identification of goals, and then working along "... an increasingly specific set of steps for achieving that objective, and it states an outcome against which success or failure can be measured" (1980:603). Most relevant analysis that had been done prior to 1980 involved forward-mapping, and the policy cycle we are currently considering uses this approach. Elmore points out that there are serious problems associated with forward mapping, the most important of which is:

...its implicit and unquestioned assumption that *policymakers control the organizational, political, and technological processes that affect implementation*. The notion that policymakers exercise – or ought to exercise – some kind of direct and determinant control over policy implementation might be called the “noble lie” of conventional public administration and policy analysis (Elmore 1980:603 [emphasis in original]).

Let's return for a moment to the issue of ownership and access to archaeological materials that was identified and addressed through the land claims process in the context of Nunatsiavut. Having control over, and access to archaeological materials was, and is, a fundamental issue for Inuit, and as a result of Part 15.11 of the LILCA, the NG now has title to archaeological materials found on Labrador Inuit Lands after the effective date of the *Agreement*, shares title and management responsibilities for archaeological materials found in lands under federal control and administration in the settlement area with Canada, and it shares title and management responsibilities for archaeological materials found outside of Labrador Inuit Lands

and lands under federal control and administration in Nunatsiavut with the Province. However, the implementation of the provisions for shared title and management of archaeological materials from the Torngat Mountains National Park, which is under federal control and administration has been highly problematic since the land claims agreement was signed.

Thus far, artifacts that have been collected from the park since the effective date of the agreement have gone to a repository in Nova Scotia. In 2012 the federal government made a unilateral decision to close the repository and move the collections to a repository in central Canada, despite the relevant provisions in land claim agreements. The NG raised this issue with the federal government that same year, and the Government of Canada issued an apology for making the decision without consulting with NG and indicated in 2014 that the repository closure was not imminent, and that the NG would be informed and consulted in relation to any developments relating to the movement of collections or the closure of the repository in Nova Scotia.

A related issue, that is troubling from the NG perspective, is that in 2014 Parks Canada changed its policy on the management of archaeological materials to allow for the donation, exchange or disposal of archaeological materials for the first time in the agency's history (Parks Canada 2014). This new federal policy is a concern as there is a possibility that Canada may unilaterally make a decision to dispose of archaeological material from the Torngat Mountains National Park without considering Part 15.11 of LILCA. The point is that implementation is complicated business, and just because a policy exists, does not mean that its implementation will be as expected. In the example just used, the policy not only exists, it exists within a constitutionally protected treaty, but implementation of the relevant provisions of the treaty can hardly be considered to be anything close to what Inuit negotiators expected when those

provisions were developed. The issue was addressed through a top-down approach in the context of the *Agreement*, but so far, implementation in relation to title and management of archaeological materials from the Torngat Mountains National Park since the effective date of the *Agreement* has not involved input from the NG, which is required under the relevant provisions of the LILCA. High level policy in this area has not yet affected the ground level changes in terms of implementation that Inuit successfully negotiated for. That said, the LILCA provides for constitutionally protected Inuit rights on this matter and if the Federal Government chooses to ignore them, or fails to recognize these rights because of a lack of capacity, it does so at its own legal and financial peril. The NG has just as much of a say as the Government of Canada when it comes to this category of material and unilateral decisions made by the Federal Government can be overturned by Inuit any time they would like to overturn them.

Elmore (1980) advocates what he calls backward mapping, which basically reverses the initial stages of the process. Instead of starting out by developing a goal, the starting point is the implementation stage – the specific societal behaviors and activities that result in the need for policy action. The first step is a description of that behavior, and a goal is only stated after that description has been made (1980). At this point a fairly clear understanding of the desired adjustment at the last stage in the process has been achieved, and from there “...the analysis backs up through the structure of implementing agencies, asking at each level two questions: What is the ability of this unit to affect the behavior that is the target of the policy? And what resources does this unit require in order to have that effect?” (Elmore 1980:604).

Paudel (2009) situates Elmore’s (1980) work within the second generation of implementation studies. The first generation had mainly involved individual case studies, tried to account for implementation failure, and began in the 1970s with the recognition that this was a

distinctive stage in the policy process that should be considered as well. Paudel provides a useful critique of backward mapping, which is in this case referred to as the bottom-up approach, as compared to the top-down approach (instead of the term forward mapping). The main criticism is that it can be seen as anti-democratic since it takes policy development out of the hands of elected officials and gives those implementing the policy a greater role. She also explains that research has shown that the least wealthy members of society and those who have had the least access to education still end up with less access to services even if it is these groups that are the subject of the policy. She sees Elmore's ideas as a useful tool, but argues that he fails to offer explanations or predictions about implementation success or failure (2009:43). During the first and second generations of implementation research, scholars tried to come up with variables to explain failure or success in implementation, but the importance of each of these variables relative to each other was not determined (Meltsner 1972; Paudel 2009). She writes that third generation implementation research, which is still happening, is largely about testing theories, but these researchers have not yet solved the issue of how to determine which variables are most important in a given situation either (Paudel 2009). Although some of the reasons for implementation failure have been identified, there is still a lot to learn about which factors are most influential in different contexts.

Some of the most important points Paudel makes for our purposes relate to the specific context of policy implementation. In her extensive review of the subject she notes that the vast majority of the research relates to, and comes from western nations and that we know far less about the situation in developing countries. We do know that in many ways the policy development process has many similarities in developed and developing nations, but that there are other important factors at play in developing nations as well, including political instability,

the ability people have to participate in the political process, the various particular circumstances in a given place, and in particular poverty (see Dawson 2006 for an interesting discussion of the importance of context in the development of housing policy in Inuit communities; Paudel 2009). Although political instability is not currently a factor in Nunatsiavut, the other items on Paudel's list are. Poverty is a serious issue in the region and it certainly affects who can be engaged in the policy process. For example, individuals who have concerns about access to the basic necessities of life are unlikely to participate in a town-hall meeting on heritage policy.

The implementation research done to date, and in particular the debate about top-down versus bottom-up approaches, and the attempts to combine elements of both during second and third generation studies has led to a common understanding that governance in liberal democracies is not characterized entirely by a hierarchical structure with government at the top pulling all the strings, but is instead more of a horizontal situation with networks of agents influencing various stages of the policy process (Jann and Wegrich 2007). In their review of the history of research on this stage of the policy cycle Jann and Wegrich write that "...policy networks and negotiated modes of coordination between public and private actors are not only (analytically) regarded as a pervasive pattern underlying contemporary policy-making, but are also (normatively) perceived as an effective mode of governance that reflects conditions of modern societies" (2007:53).

3.2.5 Monitoring & Evaluation:

The Nunatsiavut Secretariat explains in its Policy Development Guide that the plan for evaluation that was created during the policy design stage is put into action as part of the implementation of the policy (NG 2015:9). The purpose of this stage is to measure how well a

policy works in relation to the goals identified during the earliest stages (top-down approach), which can require the collection of new evidence. This is meant to ultimately result in better policy through incremental changes as the need for these changes is recognized through monitoring and evaluation over time. Suggestions about building multi-scale evaluation timeframes into the policies themselves to ensure review at regular intervals are included (2015:9).

The explanation of this stage in the NG's guide contains the most detailed discussion of public engagement which makes up about half of the content for this brief section. It points out that the government is involved in continuous public engagement through the public meetings that the Executive Council holds each month in a different Inuit community as well as in Goose Bay and St. John's on a rotating schedule (2015:9). Nunatsiavut's annual heritage forum is not mentioned in the guide, but it constitutes another important, and regular public engagement opportunity that is particularly relevant here since the protection of historic resources within the region has been a significant area of discussion at every one of these forums since the first one, which was held through a grant that I secured in 2009. Decision makers and community members clearly see the forum as being valuable, which is demonstrated by the fact that a budget to hold the forum has been allocated to the Nunatsiavut's Archaeology/Heritage Office which has been able to directly fund the event for the past several years. External funding through grants, such as through the Tradition and Transition Research Partnership project (see Brake and Davies 2018), have provided support for the forum, but it no longer has to rely on external sources.

The case is made in the monitoring and evaluation section of the guide that if the public has concerns about a policy that it will bring those concerns to the attention of the government in

various ways, such as by contacting their elected officials, voicing concerns at meetings, through the media, or through social media. There is recognition that in some cases engagement relating to specific policy initiatives might be necessary as well, and the guide states that the advice of elected officials should guide whether or not this should happen, and if so, how (NG 2015:9).

Because policy development is meant to be about addressing issues, the importance of looking at the overall effectiveness of society's decisions to act, or not to act in particular ways in relation to stated goals has been considered important by researchers studying the policy process since the 1960s. This work has been concerned with both desired outcomes, and the unexpected and often undesirable consequences of policy initiatives. The study of this stage of the policy cycle is a sub-discipline within the field of political science, though it should be mentioned that it does involve the study of all the stages of the policy cycle (Jann and Wegrich 2007). But despite decades of work in this area, "...the general problem of isolating the influence and impact of a specific policy measure on policy outcomes has not been solved" (Jann and Wegrich 2007:54).

However, as already noted, evaluation goes far beyond academic study and government monitoring of its own initiatives. The public plays a major role here, which is recognized in the NG's policy cycle, and the institutions and processes that help keep government in check, like the legal system, and audit systems come into play here as well. Evaluation of policy is a major part of standard politics (Jann and Wegrich 2007).

Those involved in evaluation are vulnerable to a couple of serious things. One is that whoever is evaluating a policy approaches this task with their own values and biases. Pointing fingers in relation to perceived policy failures is often basic political business (Jann and Wegrich 2007). Another important issue that has been raised is "...flawed definition of policy aims and

objectives presents a major obstacle for evaluations. Given then the strong incentive of blame-avoidance, governments are encouraged to avoid the precise definition of goals because otherwise politicians would risk taking the blame for obvious failure” (2007:54). However, this second point can be contested, as other researchers, such as Lenihan (2012), see flexibility in the definition of goals as a major opportunity. This is a position that will be discussed in Part 2 of this chapter.

Evaluation is a key part of the policy process and is ongoing here in Nunatsiavut, as it is elsewhere. Heritage initiatives in Nunatsiavut are scrutinized by, for example, the Executive Council and the Assembly on a regular basis, by the public during events like the region’s annual heritage forum, during public discussions about archaeological projects that the land claims agreement requires before and after fieldwork occurs in the region, through (and by) the media, by auditors, by other levels of government, and by the archaeology community, particularly when staff members present on initiatives during archaeology conferences, or during annual meetings of the Canadian Association of Provincial and Territorial Archaeologists, for example. Others potentially involved in evaluation would include people like consultants, proponents, members of other government departments, conservators, etcetera... the list of those directly involved in the evaluation of heritage related policy in Nunatsiavut is practically endless. As I write, I am keenly aware that these very words will be the subject of intense scrutiny and evaluation. But this is a good thing as it encourages careful policy work and ultimately better initiatives, as long as evaluation is not tainted with problematic biases and hidden agendas.

This brings us to an issue that is fundamental when it comes to the protection of Indigenous versus non-Indigenous historic resources in Nunatsiavut. The NG represents the interests of a particular ethnic group, which does present some challenges in terms of historic

resource management, and the evaluation of policy. According to Chapter 15 of the LILCA, the Nunatsiavut Government has responsibilities³ relating to *all* archaeological sites and materials in the region, *regardless of cultural affiliation*. However, every now and then interested parties will question why the NG is concerned with the protection of non-Indigenous historic resources in the region. This normally comes up in situations where policy action is seen by the interested party as interfering with an initiative of their own. For example, in 2010, a detailed archaeological assessment was being conducted in advance of development associated with a research station and base camp in Saglek Bay, Nunatsiavut. The NG's department of Lands and Natural Resources was largely responsible for that development, and some members of that department saw the archaeological assessment as red tape. They made the argument that because the site being assessed was not an Inuit site (it related to American activity in the area during the cold war) that there was no need to document it in detail before it was impacted by development. The deputy minister of that department forcefully made this case to me via satellite phone moments after I landed at the site following an overnight boat trip from Nain that I had made to save the NG the cost of hiring a consultant to do the work. Fortunately for the historic resources of the region (and for me) the Minister responsible for archaeology, and the Executive Council disagreed with the then deputy minister of lands and natural resources and the assessment was completed, though under some duress (Brake 2011).

The political context of Nunatsiavut does provide opportunities for those frustrated with policy initiatives aimed at protecting historic resources to make problematic arguments about what should and should not be protected based on factors like ethnicity. These kinds of

³ The NG has full responsibility for these things on Labrador Inuit Lands and in the Inuit Communities and it shares responsibilities for Archaeological Sites and Archaeological Materials within the settlement area outside of LIL and the Inuit Communities.

arguments would be much more difficult to make in many other parts of Canada. Fortunately, this has been very rare so far in my experience, and specific provisions within the *Agreement* provide a strong basis for the rejection of arguments like this.

3.2.6 Discussion:

Now that we have discussed each step of the NG's policy cycle we can make some general observations and comments on the fundamental issues, challenges and opportunities in the development of government policy and legislative measures for the protection of Indigenous and non-Indigenous historic resources in Nunatsiavut. Many of these have to do with the potential for differential treatment of Indigenous, especially Inuit-related, and non-Indigenous historic resources. One significant overarching question, which has been touched on, but which should be more thoroughly discussed, is if the NG should only be concerned with, or if it should be primarily concerned with, historic resources relating to Labrador Inuit.

Legislative Measures:

There is a fairly straightforward answer to this question in terms of legislative measures for the protection of historic resources, as mentioned above in the section on the Monitoring and Evaluation step of the NG's policy cycle. Part 15.3 of the LILCA deals with NG jurisdiction in this area and section 15.3.1 states that the NG can make laws in relation to Archaeological Activities⁴, "...the protection, preservation and maintenance of Archaeological Materials...; the protection, retention, preservation and maintenance of Archaeological Materials...; [and] the

⁴ Capitalized words in this section are defined terms in the land claims agreement. It should be noted that the definition of Archaeological Activity includes the provincial government's definition of archaeological investigation, but also includes the following text: "...and any activity that disturbs or may result in the disturbance of an Archaeological Site or Archaeological Material" (LILCA section 1.1.1), which provides significant potential for an increased level of protection of archaeological resources.

designation, identification, preservation and maintenance of historically significant buildings...” in Labrador Inuit Lands and the Inuit Communities. Section 15.3.2 is particularly important in this regard because it provides a critical constraint: “If there is a Conflict between an Inuit Law under section 15.3.1 and a Law of General Application, the Law of General Application prevails to the extent of the Conflict” (LILCA section 15.3.2). The law of general application referred to in section 15.3.2 would in this case be the relevant provincial legislation, which at the present time is the *Historic Resources Act*. What section 15.3.2 means is that Inuit law in the areas just listed *must be at least as stringent as the relevant provincial law*, which in effect means that the NG is responsible for the protection of archaeological resources under its jurisdiction *regardless of cultural affiliation*. If the NG were to develop legislation that did not provide for protection of non-Inuit, or non-Indigenous archaeological resources, there would be a conflict between the Inuit law and the law of general application, the latter would prevail, and the NG would still ultimately be responsible for enforcing the law of the land in LIL and the Inuit Communities. There is a baseline level of protection for these archaeological resources. The NG can choose to raise the level of protection for these things, or for certain kinds of archaeological resources, but it cannot lower the bar below the baseline law of general application. Because the *Historic Resources Act* does not require the protection of historic buildings, it is possible for differential treatment in that area.

The NG can also make laws in several other relevant areas under section 15.3.3 of the LILCA. Specifically it can develop legislation that relates to “the protection or disturbance of Inuit burial sites or sites of religious or spiritual significance to Inuit... the excavation, investigation, preservation, protection, and reburial or other disposition of Inuit human remains... the retention of Inuit Cultural Materials... other than Inuit Cultural Material that is

Private Property... [and] NG records and Archival records..." in LIL and the Inuit Communities (LILCA section 15.3.3). But in these matters, as a result of section 15.3.4 of the *Agreement*, "If there is a conflict between an Inuit law under section 15.3.3 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict" (LILCA section 15.3.4). What this means is that when it comes to each of the categories just mentioned in relation to section 15.3.3, the NG has the option of giving these things extra protection, or of giving them less protection than the relevant federal or provincial laws give them.

So when it comes to the protection of archaeological resources in areas under its jurisdiction, the NG cannot provide less protection for archaeological materials, or archaeological sites than the relevant law of general application provides, which is, in this case, the *Historic Resources Act* (RSNL 1990, c H-4). The exceptions to this are Inuit burial sites and sites of religious and spiritual significance, Inuit human remains, Inuit Cultural Materials (also known as ethnographic materials which are not currently protected under the *Historic Resources Act* RSNL 1990, c H-4), and NG records and Archival Records that relate to Inuit culture, history or affairs. Each of these exceptions relate directly to Labrador Inuit, and were considered important to Inuit in the context of land claims negotiations. It is therefore highly unlikely that they will be neglected in Inuit law in the future.

Non-Legislative Policy Measures:

The sections of the LILCA described immediately above are an important part of the policy landscape of Nunatsiavut, and the heritage policy work that has been done to date has been consistent with the ideas that those provisions are based on. Civil servants using the NG's policy cycle are introduced to Nunatsiavut's policy landscape at the beginning of the

government's guidebook on the subject, and they are directed to familiarize themselves with relevant parts of the *Agreement*, the *Labrador Inuit Constitution* (IL 2005-02), and the *Nunatsiavut Government Organization Order* (NGSL-2019-07) as they begin working within the context of the policy cycle (NG 2015:3). These provisions will continue to influence heritage policy development in the region, and if policy that is inconsistent with the provisions of any of the three fundamentally important documents just mentioned does develop, this should be pointed out during the evaluation and monitoring stage of the policy cycle, at least eventually.

Many of the issues currently being faced in the context of heritage policy development were discussed in relation to the specific steps of the policy cycle described above. But there are many others. As Burstein (1991) explains, issues are often identified by domain specific experts, and this has certainly been the case here. In addition to those discussed above, relevant issues that have been identified by archaeologists that are important in Nunatsiavut would include things like the impacts of climate change on historic resources, specifically the impacts associated with melting permafrost (Kaplan, McCaffrey and Brake 2017), coastal erosion and storm surges (Brake and Davies 2017). Policy analysis has identified gaps in relevant provincial legislation in Newfoundland and Labrador in relation to things like cultural landscapes, underwater archaeology, intangible cultural heritage, the lack of legislative protection for ethnographic sites and materials, and the lack of a legislated requirement for the land use referral process which allows government archaeologists to assess applications for developments that can impact historic resources (Erwin 2009:10, 50, 103). Policy gaps have also been identified in relation to conservation, confidentiality, collections management, and the remains of aircraft (2009:103).

An important factor to consider within Nunatsiavut are historic resources related to other groups that live in Labrador today, including the Innu and members of the NunatuKavut community. Engagement with these groups will no doubt result in the identification of additional issues, and the possibility of future collaborative approaches to heritage management should be seen as a significant opportunity.

The challenges relating to the protection of historic resources in northern Labrador are considerable. A complex jurisdictional scenario presents challenges relating particularly to the implementation stage. The lack of a repository to house archaeological, ethnographic and archival materials within the land claims region is a serious challenge at the present time, though a plan for such a repository is in its final stages. The size of the region and the remoteness of most known archaeological sites presents challenges even if good policies are in place. Issues like poverty have implications relating to the ability of some members of society to participate in the policy process. And then there are considerations relating to the nature of a situation involving an Inuit government with responsibilities for both Inuit and non-Inuit historic resources. Some of these have already been discussed, but there is at least one more possible consideration: the ethnicity of the archaeologists working for Nunatsiavut, some of whom are/were non- Inuit, might be perceived as a challenge, though in my opinion this is not a factor. Each staff member is a civil servant whose role is to serve the people of Nunatsiavut. The ethnicity of the government's employees should be, in the words of former Ethiopian emperor Haile Selassie I, "...of no more significance than the color of [their] eyes" (Selassie 1963). This is a value/bias that I should perhaps be explicit about upfront because it is relevant here. To be honest, perhaps because I lived in the region for so long, my own ethnic background only occurred to me as a possible consideration after much thought. The ethnicity of staff members is

mentioned here only because it is considered to be an issue in some of the relevant literature relating to Indigenous Archaeology (see for example La Salle and Hutchings 2016:168; 171-172). One of the key principles in the *Labrador Inuit Constitution* is directly relevant here also:

1.1.3 (w) the recognition that people other than Labrador Inuit live in Nunatsiavut, that Nunatsiavut is a part of the Canadian federation and that, therefore, Labrador Inuit political, social, cultural and economic institutions must develop policies that embrace pluralism within Nunatsiavut and in dealings with other peoples and their governments (Labrador Inuit Constitution Part 1.1).

The opportunities relating to the development of heritage policy and legislation in the region are enormous. Many of the heritage related issues that are important to Labrador Inuit are outlined in the LILCA and so many of these issues are already on the government's agenda. The power to make laws and to develop policy makes it very possible to address issues related to historic resource protection, like those discussed here. The known policy gaps can be filled, and Labrador Inuit are in control of that process, which is what they strove for and achieved during the land claims negotiation process.

The importance of archaeology is enshrined in the *Agreement* as well as in the *Labrador Inuit Constitution*. The region has a functioning archaeology office and the capacity to do the work that is required; time and resources do not need to be spent convincing the population and the government that archaeology is important. The existence of an archaeology office in Nunatsiavut with three staff members working to protect the historic resources of the region has already significantly increased the capacity for government resource management activity and initiatives in a remote part of the province that must have been challenging for the provincial government to administer in the past.

One particularly exciting aspect of heritage policy work in Nunatsiavut is that it provides opportunities to use archaeology, and the protection of historic resources in particular, to make a

positive difference in the lives of the people served by the NG. In a region with such a small population it is possible to see the kind of difference that policies, programs and services can make as they are implemented.

The development of heritage legislation and policy has the potential to significantly enhance the protection of Indigenous and non-Indigenous historic resources in Nunatsiavut, and there are serious societal benefits associated with the things these resources can tell us about the history of the region. But is there potential to evoke even broader public benefits in domains beyond heritage through the protection of these resources? In Part 2 of this chapter I will elaborate on this discussion with a critical assessment of public engagement and consultation from Indigenous and Labrador Inuit perspectives drawing upon academic research and my own previous experiences in my role as Nunatsiavut Government Archaeologist.

3.3 Part 2 - Public Engagement:

One of the reasons public engagement is so important in a project of this nature is because policy work is generally done to affect positive changes for whichever society is being served. But to date few archaeologists have undertaken in-depth policy research and related studies are rare in publically available Canadian literature. This is surprising considering current debates around Indigenous Archaeology and decolonization, and the fact that scholars on both sides of these debates appear to be genuinely concerned with the potentially negative impacts that particular approaches to archaeology can have on Indigenous societies.

It is worth turning our attention briefly towards decolonization here because there is a huge and growing body of related and relevant literature, both within and beyond archaeology. This literature is relevant because much of it is broadly concerned with policy and with law,

though the related archaeological literature rarely deals specifically with heritage policy or law in any depth or detail. Related statements are often about the fact that decolonization has policy implications⁵ (Lippert et al. 2021:5), or that policies and laws have historically caused harm to Indigenous groups (Ataly et al 2014:12). It also often calls for transformation of archaeology, of institutions or society generally and for “revolutionary change” (Atalay et al. 2014:13).

It is crucial to note that decolonization means different things to different people. Tuck and Yang (2012), for example, have taken issue with its use in a metaphorical way, which seems to be how most archaeologists use it (see Atalay 2006, Atalay et al 2014 and Lippert et al. 2021 for examples). For Tuck and Yang “Decolonizing the Americas means all land is repatriated and all settlers become landless. It is incommensurable with the redistribution of Native land/life as common-wealth” (2012:27). These authors even explicitly take issue with reconciliation (2012:35). Lippert et al (2021) acknowledge that there is disagreement amongst archaeologists about the meaning of the term, but propose “That decolonization refers to the process of deconstructing colonial ideologies that purport the inherent superiority and privilege of Western thought, values, and behavior” (2021:5). Others see it as a perspective that can be used to develop a better understanding of the past (see Beaulieu 2022 for example).

I would like to distance myself from this literature here for several reasons. First, in some cases individual Indigenous archaeologists are developing methodologies (Beaulieu 2022 for example) that I expect they would like other researchers to be aware of, but I also expect that they would probably not appreciate having those ideas and methods appropriated by others. Second, there is a strong activist current running through much of the related literature, which

⁵ In the paper cited here the authors write about their work on internal Society for American Archaeology ethics principles, but they do not discuss society level policy or law beyond recognizing that there are relevant implications associated with UNDRIP.

has already been discussed in Chapter 2. And third, much of what is promoted by proponents of decolonization is ultimately not particularly applicable in a politically autonomous self-governing Indigenous homeland with its own government and the ability to create and enact both policy and law. Labrador Inuit have already effectively decolonized Nunatsiavut.

Returning to in-depth policy studies by archaeologists, a notable example is the work of Brian Spurling, whose PhD research involved a comparable consideration of heritage policy in western Canada in the 1980s. He argues that public participation is extremely important in policy development stating that:

It cannot be overstressed that citizen participation is a vital element in the decision-making process in Canada today. And it is a sad comment on the state of Western Canadian archaeology that this truism has yet to be fully recognized and used (1986:454).

Engagement occupies a very prominent position in the NG's policy cycle, or at least in the way the policy cycle is portrayed. The specific locations of emphasis on public engagement and consultation within the explanations for particular steps of the NG's policy cycle are interesting as these locations are, in a way, inconsistent with the depiction of the policy cycle itself which puts engagement in the very center of the image with all the stages of the policy cycle forming a ring around it. In the government's policy guide (NG 2015), emphasis on engagement mainly relates to engagement with other departments within government, and with political decision makers in particular. The possibility of public engagement is hinted at in the early stages of the cycle, but explicit guidance related to public engagement or consultation is not presented until after the decision stage, and the most detailed guidance is in the policy design and monitoring steps. None of this implies that public engagement and consultation are not important in relation to the NG's policy cycle; it just means that specific guidance relating to these things is conspicuously missing from the guide, which could leave civil servants, decision

makers, and ultimately the public, with questions about if, when and how stakeholders outside of government participate in the policy process.

What is the difference between consultation and public engagement? In 1969, Sherry Arnstein wrote an influential paper called “A Ladder of Citizen Participation” that is relevant here. In it she presents and explains a model of public participation which is depicted as a ladder (Figure 3.2). Most interesting is the position of consultation on her ladder, which has eight rungs on it with increased levels of participation from the bottom to the top. ‘Consultation’ occupies the fourth rung from the bottom, right underneath ‘placation’. The set of rungs it is grouped with is categorized as ‘tokenism’ which sits above ‘nonparticipation’ but below ‘citizen power’.

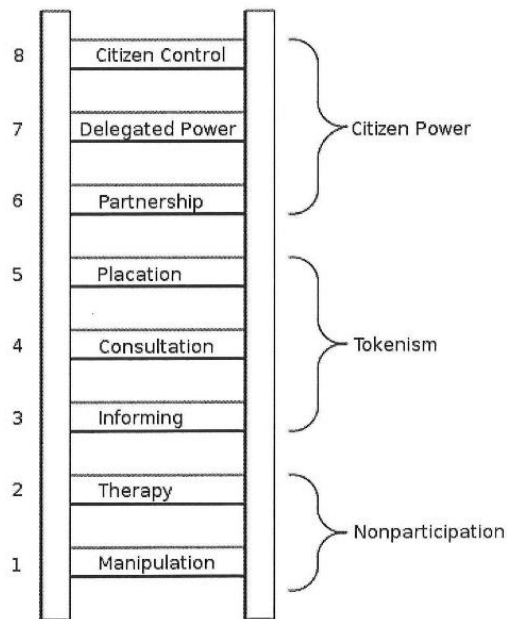


Figure 3.2: The ladder of citizen participation as depicted and described by Arnstein (1969:2).

Arnstein (1969) is not alone in her assessment of where consultation fits on the theoretical ladder. Writing much more recently, and from a Canadian perspective, Don Lenihan (2012) discusses three levels of public involvement in the policy process: consultation,

deliberation, and engagement. In this case consultation constitutes the lowest level of public involvement in the policy process. For Lenihan (2012), public participation using a consultative approach to public policy development is limited to the collection of views on a particular matter. Public engagement, on the other hand, involves participation through the presentation of views, through deliberation on those views, as well as through direct involvement in the implementation of actions (2012:59-71).

But clearly there are costs associated with consultation and engagement, and in some cases those costs can be substantial. Is consultation or engagement with the public required to develop legislation and policy to protect historic resources in Nunatsiavut? As Irvin and Stansbury ask: “Citizen Participation in Decision Making: Is it Worth the Effort?” (2004).

The history of public involvement in the policy process goes back to the 1950s, like the history of policy analysis and the policy cycle itself (Irvin and Stansbury 2004). Its utility is rarely questioned “Dissent is rare: it is difficult to envision anything but positive outcomes from citizens joining in the policy process, collaborating with others and reaching consensus to bring about positive social and environmental change” (2004:55). Irvin and Stansbury, instead of providing a guide for how to effectively involve the public in the policy process, provide a rare look at “...whether to at all” (2004:56). They discuss the advantages and disadvantages of public participation which they summarize in the following two tables (Table 3.1 and Table 3.2). One factor listed as an advantage should be mentioned here because of its connection to the debates about Indigenous Archaeology mentioned above, and to the policy cycle. They state that although things like a more democratic process, and a better educated public are often stated as reasons for involving the public “...the more powerful motivating factor may be the prospect of a more cooperative public” (2004:56).

	Advantages to citizen participants	Advantages to government
Decision process	Education (learn from and inform government representatives) Persuade and enlighten government Gain skills for activist citizenship	Education (learn from and inform citizens) Persuade citizens; build trust and ally anxiety or hostility Build strategic alliances Gain legitimacy of decisions
Outcomes	Break gridlock; achieve outcomes Gain some control over policy process Better policy and implementation decisions	Break gridlock; achieve outcomes Avoid litigation costs Better policy and implementation decisions

Table 3.1: Irvin and Stansbury's advantages of citizen participation (2004:56).

	Disadvantages to citizen participants	Disadvantages to government
Decision process	Time consuming (even dull) Pointless if decision is ignored	Time consuming Costly May backfire, creating more hostility toward government
Outcomes	Worse policy decision if heavily influenced by opposing interest groups	Loss of decision-making control Possibility of bad decision that is politically impossible to ignore Less budget for implementation of actual projects

Table 3.2: Irvin and Stansbury's disadvantages of citizen participation (2004:58).

Irvin and Stansbury (2004) do not conclude that public participation is a waste of time and resources, but instead argue that there are times when it is warranted and times when it is not. They list ideal and non-ideal conditions for participation, and these can be summarized as follows: conditions are ideal for participation when the costs are low and the benefits are high, and the conditions are not-ideal when the costs are high and the benefits are low. Important factors relating to costs include whether or not the public is willing to be involved, how dispersed the population is geographically, whether people can participate without impacting their ability to make a living, and the level of complexity associated with the issue. Important factors relating to benefits include whether or not there is an impasse in relation to an issue, if local people are expressing anger towards government, if similar policies were developed previously without public participation, the size of the population and if community representatives can adequately represent the population, if government representatives are respected by local people, whether or not the issue is of interest to the public, and whether or not public input can actually affect decision-making and implementation (Irvin and Stansbury 2004:60).

This is consistent with Lenihan's (2012) discussion of public engagement in his book *Rescuing Policy: the Case for Public Engagement*. He also agrees that it is not always necessary, but that it becomes important in relation to complex issues, which are issues that have implications for multiple policy domains and that can be framed in different ways. He characterizes the changing nature of the policy landscape in western liberal democracies as involving a pattern of increasing recognition of complex issues. He argues that policy-making has historically been a competitive process that has been "...essentially a search for the best ideas" (2012:35). He explains that since the mid-1990s the policy process in countries like the United States and Canada has been characterized by consumer politics, which has involved targeting swing voters and making political promises in exchange for votes to secure election victories. This strategy is about winning, rather than working to address the most important issues that society is facing (2012). He writes that "when it comes to complex issues... this model is increasingly unworkable for two reasons – complex issues don't respond to simple solutions, and finding and implementing complex solutions requires collaboration, not competition" (2012:37).

Lenihan's recommended response to this situation is an increasing level of public engagement in certain circumstances (2012). He explains that new approaches involving different levels of engagement are not required in every situation and he argues for the use of the following two test questions to determine when public engagement is necessary:

- "Is government able to frame its issue in a way that stakeholders will accept, or does the issue need to be reframed?"
- "Is the government able to implement the solutions on its own?" (2012:59).

According to Lenihan (2012), if the answer to one of these questions is ‘no’, some form of public participation is warranted, and if the answer to both test questions is ‘no’, public engagement is needed. If there is disagreement within society, or between the government and the public about how an issue should be framed, it will be difficult to address the issue in a way that satisfies different stakeholders without their involvement. Lenihan writes that “there are different ways to frame the problem, but doing so automatically advantages one side over the other” (2012:47).

There are situations where the government will not be able to implement a solution to a perceived problem on its own “...but stakeholders and citizens won’t assume any real responsibility for the plan unless they have a real say in developing it...” which is Lenihan’s “**Golden Rule of Public Engagement**” (2012:52 [emphasis in original]). He is careful to explain that the idea is not for the government to shirk its responsibilities; it is about recognizing that some policies require the involvement of people outside of government (2012:73). If, for example, the NG would like Nunatsiavummiut (people of Nunatsiavut) to behave in particular ways when they encounter historic resources on the land to ensure the protection of those resources, it is expecting their involvement in terms of the things that people do, or do not do when they encounter such resources.

In relation to the earliest stages of the policy cycle Lenihan (2012) suggests that instead of debating what the issues are, we should map the policy space we are concerned with. This involves not starting out with rigidly defined issues, goals, objectives and solutions, which privileges one perspective. Instead he advocates for using engagement to “...catalogue different views, goals, issues and options around [the issue]; to identify how these things are connected to each other, if at all; and to test the limits of the tensions and opportunities they create” (2012:49).

If this had been done in the early days of the development of archaeology legislation there may have been less tension over the past few decades between Indigenous groups and archaeologists in places like Canada, the United States and Australia. But in any case, there have been such significant changes in Indigenous roles and public understandings that it seems this will need to be constantly revisited.

Lenihan describes three levels of public involvement in the policy process: consultation, deliberation and engagement. Consultation is at the lowest level and involves collection of views on an issue that has usually already been defined. This approach is competitive as it is the only opportunity that participants have to influence decision-makers so each stakeholder has an interest in making their views appear to be the best. In many ways it encourages tactics like the exaggeration of how good or how bad one perspective is, attempts to embarrass the government, or the characterization of the situation as a crisis. These tactics can help a stakeholder ensure that decision makers pay attention to their view (Lenihan 2012; Schneider and Ingram 1993). In short, consultation encourages and "...rewards competitive behavior, and is a winner-take-all proposition" (Lenihan 2012:61). A relevant example would be consultations held by the Government of Newfoundland and Labrador's Public Engagement Division in 2017 regarding proposed changes to the operations of The Rooms, which is an arms-length, crown corporation responsible for the provincial museum, archives and art gallery. Several of the tactics described were used by participants, many stakeholders were not particularly happy with the process, but the government fulfilled its duty to consult with the public on strategic planning and future operations of the corporation, as is required by law (The Rooms Act, section 10 (b); The Rooms Corporation 2017).

A deliberative approach involves public participation when views are collected, and also when deliberations on those views occur. This approach changes the dynamic considerably since a person's view, or opinion, is difficult to argue with, but a person needs to back up that view with evidence⁶ during deliberation. If those involved know that they will be involved in deliberation as well as opinion stating, they are much less likely to make unfounded claims, or to use the tactics discussed above because they will have to explain their views when they are being considered during this stage. Engagement at the level of deliberation promotes dialogue instead of debate. But this approach does involve risk because it may not be possible for government to act on recommended solutions that come out of this kind of deliberation, which can lead to frustration (Lenihan 2012:68-70).

For Lenihan (2012), real public engagement involves public participation in views collection, deliberation on those views, and in the actual implementation of solutions. This considerably mitigates the risk identified in relation to deliberation because if the public must take on some of the responsibility for addressing an issue, it is much more likely that the solutions proposed will be feasible. If participants know that they will be involved in all these stages, they know that they will have to accept some responsibility during implementation which changes the policy process from a competitive one, to a collaborative one (2012:71-75).

3.4 Complex Issues & Concluding Remarks:

Reference to complex issues is found throughout the NG's *Developing Good Policy in Nunatsiavut* guidebook, in relation to several steps on the government's policy cycle, and the

⁶ The evidence being referred to here is not limited to data generated through scientific processes. Values based evidence, for instance, is very important in the political process.

position of engagement is at the very center of the NG's policy cycle. Many of the issues identified by archaeologists as threats to historic resources are, or can be seen, as complex, such as climate change, development and tourism. In each case it is possible to frame associated problems in different ways, and the solutions may not always come down to the actions of government alone.

Although addressing complex issues is a daunting prospect, and has been challenging, it is also very exciting. One of the wonderful things about archaeology is that it can be linked to almost anything, and perhaps its linkages to other areas can make positive societal differences. Nunatsiavut is facing enormous challenges, but perhaps the protection of historic resources can contribute, at least in modest ways, to addressing issues that extend beyond the heritage domain.

To explain, I will briefly return to Lenihan's (2012) ideas about mapping policy space. As discussed above, this would take place during the first step of the policy cycle we have been discussing, and would involve exploring through engagement, issues, views, options and goals around a specific topic, like the protection of historic resources. The idea is to look at all the things such a topic might be connected to, but not to competitively look for a single way to proceed. Instead, multiple goals can be identified, and the possibility that historic resources can be protected in multiple ways, for multiple reasons, arises. If those resources are managed responsibly, they can be used in different ways that can meet the needs and desires of multiple stakeholders. The scenario does not need to privilege a single perspective, and there are likely ways to satisfy goals identified from multiple vantage points.

A few examples are warranted to illustrate the point I am trying to make. Actions aimed at protecting historic resources, or learning from them through professional archaeological activity, can also support the goals of communities interested in tourism-related economic

development based on the archaeological history of surrounding areas. This has already, in fact, been happening around the Labrador Inuit community of Rigolet (Brake, 2013; Fitzhugh et al. 2017; Fleming and Rankin 2017; Jankunis et al. 2016; Jolicoeur et al. 2016; Rankin and Gaulton 2021; Rankin et al. 2022). In 2015, historic resource protection activities provided an opportunity for an Inuit elder to return to her home in Okak Bay for the first time since her family was forced to relocate almost 60 years prior (Brake and Davies 2016). A project started in 2016 is helping families from Hebron cope with the trauma of relocation through a program of archaeological survey, mapping and test excavations in the settlement they were forced to leave in 1959 (Davies 2017). An NAO partnership with Jens Haven Memorial High School in Nain involving the construction of an unmanned aerial vehicle (UAV) provided opportunities for students to learn about archaeology, science and engineering and at the same time it provided the archaeology office with new technology that is helping us document and protect the historic resources of the region (Brake and Davies 2015). A similar project was recently initiated which involves the construction of a remote operated vehicle (ROV – underwater robot). Through this work additional students have learned about science, engineering and archaeology, and the intention is to use the ROV to help the Nunatsiavut Government learn about underwater archaeological resources in the region. The ROV was tested for the first time in Okak Harbour in the fall of 2018 (Brake et al. 2019). This program has the potential to help NG begin to come to terms with the protection of underwater historic resources in northern Labrador. In the fall of 2017 the NAO began a new and on-going community program with the support of the department of Health and Social Development which makes use of archaeological, ethnographic and archival information to build and use Labrador style kayaks on this coast for the first time in more than a generation. Each of these projects involves connections across policy domains and public participation.

Not every issue relating to historic resource management is a complex issue, and therefore not every policy will require public engagement. Some issues can be addressed by government through straightforward regulatory frameworks that will not require engagement. But if there are opportunities to affect positive change for the people we serve through the implementation of policies that allow us to make connections across policy domains, these are opportunities that should be seized. The public is, after all, entirely responsible for the existence of Nunatsiavut's Archaeology/Heritage office, and those working in it are servants of this society.

Public engagement was used in this study to map policy space, as envisioned by Lenihan (2012) and discussed above, and to identify policy issues and options. The results of relevant heritage discussions that took place during Nunatsiavut's annual heritage forums from 2010-2018, and the results of three public engagement tours that took place between 2017 and 2019 are presented in Chapter 5. Qualitative data analysis software (QSR NVivo) was used to organize and present these data allowing a large amount of information to be more easily understood. The results of a review of international heritage agreements and heritage legislation in all of the provinces and territories of Canada are presented in Chapter 6. The data presented in Chapter 5 and 6 are compared and analyzed in Chapter 7 to produce legislative and non-legislative policy recommendations. Before we get there, we first need to understand the specific conditions in which archaeology developed in Newfoundland and Labrador, which is the subject of chapter 4.

Chapter 4: A History of Archaeological Research in the Region

4.1 Introduction:

What follows is a summary of the history of archaeological research in the Far Northeast, defined here as Labrador, Newfoundland and eastern Quebec (Figure 4.1), and a discussion of how the setting and the various and changing methodological practices and theoretical perspectives evidenced within this body of work have impacted our current understanding(s) of cultural history across the area.

The history of research in this region connects us directly with the current state of knowledge of the archaeological record of Nunatsiavut. An understanding of this record is critically important to those who have been tasked with managing it. Understanding is recognized as an essential component of management (GOC 2010:viii) and knowing what the current knowledge gaps are is important for things as basic as calling for impact assessment.

Much can be, and has been, written about the history of European preconceptions and prejudices in northern research. It is certainly very possible to review the history of research activity in the far northeast through this lens and to produce a catalogue of wrongdoings and injustices perpetrated by outsiders. However, depicting Indigenous peoples as the helpless victims of all-powerful researchers can be seen as both Eurocentric and, in at least some cases, inaccurate. I think it would be fair to call it inaccurate in northern Labrador where there is a long history of direct Indigenous involvement in archaeological research and in shaping research agendas. Consider, for example, Stephen Loring's comments at the beginning of a paper presenting archaeological evidence for Inuit sovereignty in the Torngat Mountains produced through collaborative research with Labrador Inuit more than 30 years ago:

Notwithstanding the fact that the Thule Inuit ancestors had preceded the Moravians by at least three hundred years, mid-19th century Eurocentric perceptions had reduced the Inuit to helpless wards from the wilderness, dependent on Moravian management and benevolence:

‘By their [the Moravian's] means the Eskimos have been preserved from extinction, have been civilized, educated, and brought to the knowledge of their Creator and Saviour’ (Gosling 1910: 316).

The Inuit probably told a different story (Loring 1998:54).

Consider the fact that Franz Boas was prevented from collecting Inuit human remains from Baffin Island by local Inuit more than one hundred years earlier. Pöhl (2008:41) explains that “Boas did not dare spoil his relations with them: he was aware of his dependency on the Inuit”.

Brendan Greibel’s comments on this matter are worth quoting at length here as well:

Close contact between archaeologists and Inuit resulted in a shaping of the past through Inuit terms. The ancestry and living patterns of contemporary Inuit people were projected onto material remains, and used as the foundation for their analysis and evaluation. In this way, notes Susan Rowley (2002:264), “Inuit continued to control their own past and its interpretation.” Inuit not only maintained traditional ways of thinking about and engaging with the past (alongside new valuations of archaeology and material culture), but also played a large role in negotiating archaeological contact with the past. Early field crews were predominantly Inuit, an association from which “every aspect of archaeology from discovery to interpretation emerged” (Fitzhugh and Loring 2002:6)” (2013:95-96).

So while it is certainly true that researchers went to the north with their own preconceptions and biases, Inuit were not simply background characters in the history of northern research. Early researchers, particularly in the early 20th century, may not have properly acknowledged Inuit crew members or informants, and some highly problematic things occurred (some of which are discussed below), but Inuit were present and involved and were making decisions of consequence. Inuit played a significant role in developing an understanding of human history in the north.

Another aspect of this story involves the early history of anthropology and archaeology and the beginnings of a move away from scientific racism. Franz Boas, generally considered the

father of anthropology in America, was raised and educated in Germany (Baehre 2008) and initially came to North America because of his interest in the Inuit, and like many of his contemporaries, because of his interest in Inuit origins in particular (2008). His first visit to this continent was to conduct research amongst Baffin Island Inuit, which was alluded to above. Before this visit to Canada he had been influenced by Rudolf Virchow, who had met and studied a group of Labrador Inuit in Germany in 1880. Amongst this group, who were being exhibited for money in Berlin⁷, was a Moravian Inuk from the Labrador community of Hebron named Abraham, his immediate family, another relative, and a non-Christian Inuit family of three from Nachvak Fiord (Baehre 2008:19-22). Abraham was educated, literate, could speak more than one language and could play musical instruments. He was keeping a diary of his experiences in Europe at the time and was corresponding with Missionaries back in Labrador (Taylor 1981). The interaction between these Inuit and Virchow had a profound effect on Virchow's thinking and indirectly on Boas himself, and ultimately on the fields of anthropology and archaeology. It made Virchow realize that there was something wrong with commonly held contemporary European ideas about human 'races'. This realization influenced Boas who in turn later went on to show that race was socially constructed and to demonstrate "...that racial hierarchies were scientifically untenable (Baker 1999:95). As Baehre put it:

In short, Boas now called ethnologists and anthropologists to reconsider their pre-existing biases about non-Europeans, to accept them as fellow human beings, and to pursue scientific objectivity; so too had Virchow... In helping us to understand how and why Boas got there, Virchow's study of the Labrador Inuit in Berlin is pivotal, a discursive linchpin which changed Virchow's understanding, indirectly affecting both Boas' decision to research the Inuit of Baffin Island, and his conceptual shift away from the older physical anthropology towards cultural anthropology (Baehre 2008:26-27).

⁷ The heartbreaking story of this group of Labrador Inuit in Germany, Austria and France is well documented in Taylor (1981) and Rivet (2014). Tragically, all eight of them contracted smallpox in Europe and died before they could return to Labrador.

While Boas was a person of his time and certainly did numerous things that can (and have been) judged harshly by the standards of today (see Pöhl 2008 for example), there is no question that his work represents the beginning of the end of scientific racism (Baker 1999). Research in the north has been described more recently as having been well ahead of the curve in terms of the development of ethical standards in research and in terms of collaboration with local people (Collignon 2016:413). Pioneering archaeologists in Labrador who are discussed in some detail below also have an indirect connection to Boas through individuals who were mentored by him. William Duncan Strong, for example, was heavily influenced by Alfred Kroeber, and both William Fitzhugh and Susan Kaplan knew and were influenced by Frederica De Laguna (Fitzhugh 2013). Both Kroeber and De Laguna were students of Boas.

Archaeologists spend considerable time reflecting on how things come to be the way they are, in terms of both building our understanding of past peoples, and engaging with the history of how we came to build those understandings. However, despite the usefulness of such an exercise (see Trigger 1989 for example), detailed written reflections on the history of archaeology in the part of the world we are presently concerned with have been rare (Fitzhugh and Loring 2002). Although histories of research are a standard part of scholarly text generation in the region, these overviews are generally very brief, forming short portions of works focused on other objectives. Most of the works that have been directly concerned with the history of archaeology in parts of our study area require updating (for example Dekin 1978). There are a few interesting and valuable exceptions, which are discussed below (for example Fitzhugh, Loring and Odess 2002; Hood 1998), but these cover only parts of our study area and although these are not outdated, an updated examination may be beneficial. One important and recent volume which requires specific mention here is Donald Holly's "History in the Making" (2013),

an excellent synthesis of archaeology, anthropology and history in the eastern subarctic. This volume covers the history of archaeological research and thought in some detail; however, it is not the major focus of his work. The history of research is summarized in various parts of the book in ways well suited to the story he is focused on telling, but which do not necessarily make for easy or thorough reference material on our topic. The present chapter will certainly not satisfy the need for a detailed and up to date history of archaeology in the Far Northeast, but it is hoped that it will take us a few steps into that direction.

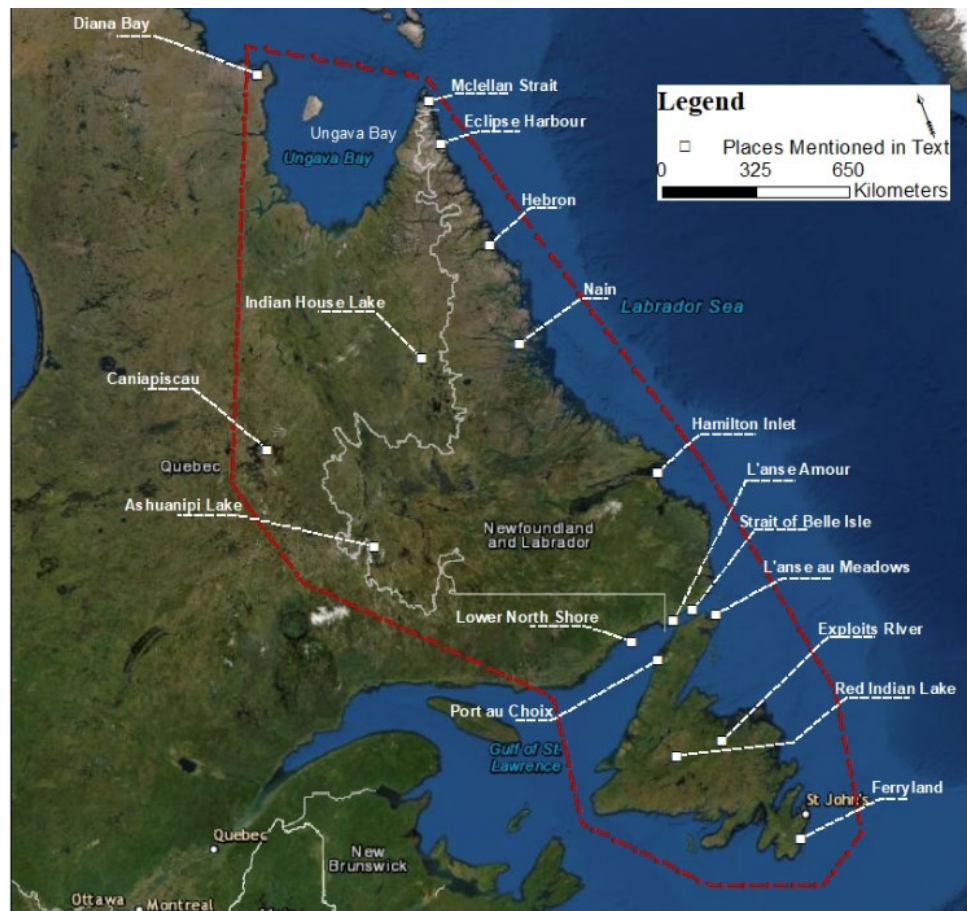


Figure 4.1: Map showing the study area (outlined in red) and places mentioned in the text.

The other major goal of the present chapter is to discuss how the environmental and social setting, the different and changing methods and different points of view throughout the

history of archaeology in the region have affected the way we understand human history here. This chapter will address how new techniques and different perspectives have, over time, dramatically altered our interpretations of the past. Important areas of concern here are social factors within, and outside the discipline that have had significant impacts on how we understand the history of the Far Northeast. This is a subject that Hood (1998) explored with regard to Pre-Inuit archaeology in this region nearly 20 years ago. It is a subject that remains as relevant as ever and one which is applicable to all other cultural periods within (and outside) our study area.

This chapter is divided into two main parts, the first consisting of an overview of the history of archaeological research in the region. The second is a discussion of how the setting and the changing methods and perspectives of the researchers involved have shaped our interpretations of the cultural history of the area. The social factors that have affected these understandings are explored and some thoughts on how such factors could influence archaeology here in the future are outlined. Each of the two main parts are further subdivided into periods based on evolving archaeological methodologies and theoretical paradigm shifts. Other researchers would no doubt divide this history up differently (see for example Plumet (2002) and Martijn (2002) for very different takes on the history of archaeology in northern Quebec); however, these divisions provide a way of categorizing research programs through time. Breaking this history into manageable sections also helps with the discussion of social factors that have influenced, and continue to influence archaeology in the region. The major points and themes presented in the chapter are summarized in concluding remarks.

4.2 Part 1: A Brief History of Archaeology in the Far Northeast

4.2.1 Beginnings:

The earliest documented activities resembling what we now think of as archaeology in our study area go back nearly 150 years to the latter part of the nineteenth century. Any physical traces of these activities are indeed now archaeological themselves. Archaeological activity in Newfoundland and Labrador specifically goes back to the 1870s and is directly linked to early geological efforts in the area. Thomas G.B. Lloyd, an English civil engineer who worked in the region as a geologist for the Anglo-American Telegraph company for three years was the first to do archaeology in Labrador (Loring 1992). On the Island he shares the distinction of “first archaeologist” with Newfoundland born James P. Howley, who worked for the Geological Survey of Newfoundland (Penney 2015). Howley was to become the first curator of the Newfoundland Museum, the establishment of which marks the beginning of government management of Heritage in Newfoundland and Labrador, which was an independent nation at that time (Penney 2015; Erwin 2009:52).

Lloyd published a paper in the *Journal of the Anthropological Institute of Great Britain and Ireland* in 1875 presenting notes he had made relating to archaeological evidence he had encountered on the south coast of Labrador, adjacent to the border with Quebec. In the paper he describes artifacts and archaeological features that he reasoned were related to previous First Nations activity, though he felt it was unlikely that the Montagnais (Innu) living in the general area were responsible for them. He provides details on features believed by local people to have been First Nations graves, but which he argued were dwellings, and on “Indian relics” (1875b:41) including arrow heads and flakes of quartzite and rock crystal. The discussion at the

end of the paper is an account of an actual conversation between Institute members on the notes presented by Lloyd. Amongst his responses to points raised by others is an attempt to address skepticism expressed by one participant about the authenticity of specimens (1875b:44).

Lloyd's work in Newfoundland resulted in the publication of three more papers in the same journal (1876a; 1876b; 1875a). His contributions involved summarization of historical references to the Beothuk, descriptions of 'relics', discussion of aboriginal presence on the Island before the arrival of Europeans and speculations on their origins and fate. It is interesting to note that he cautioned against attributing all artifacts found in Newfoundland to the Beothuk, which later turned out to be a significant problem with Howley's otherwise remarkable accomplishments in this area⁸. Unfortunately, Lloyd passed away not long after publishing his third Beothuk-related article, when he was just 46 years old (Penney 2015:8).

Howley's interest in the Beothuk of Newfoundland was piqued in 1871, a couple of years before Lloyd's arrival, though he does not seem to have engaged in archaeological activity until around 1875. That year, as a member of a geological survey team, he spent time with John Peyton Jr. of Twillingate during a geological expedition to the Bay of Exploits and the Exploits River, who described, in vivid detail, first hand encounters with the Beothuk, as well as shared life experiences with Shawnadithit, the last known member of this group who had lived at his Exploit's Island residence (Penney 2015). Howley was fascinated and wrote these stories down and committed much of the rest of his life to gathering any and all information he could lay his hands on relating to the Beothuk. The culmination of his efforts over a period of more than 40 years was the publication of his famous book *The Beothuks or Red Indians* in 1915. The book

⁸ Though, it must be noted, he did attribute evidence from a burial at Port au Choix to 'Eskimo' rather than First Nations activity (Howley 1915:328; Renouf 2011b:4).

includes valuable archaeological as well as ethnographic information, and remains an invaluable resource and continues to inspire new generations of archaeologists in the Far Northeast (Penney 2015). Gerald Penney wrote: “If I had a vote for the Father of Newfoundland Archaeology, the home-grown candidate would be my favorite having spent so much time reading and re-reading his journals and annual reports” (2015:8).

A few other individuals lacking formal training in archaeology were also active in the region in the late nineteenth to the early twentieth centuries, and have left us with some limited archaeological information that should be briefly mentioned here as well. In 1891 members of the Leslie Lee Expedition, out of Bowdoin College in Maine, travelled up the coast of Labrador and engaged in various types of early scientific work, including some amateur archaeology. They collected human remains from Eskimo Island and dug with little success in Inuit sod houses there as well. They dug extensively in middens and sod houses at the old Inuit village of Avertok in the community of Hopedale, exposing the floor of one house and collecting a wide variety of artifacts (Cilley 189-?). Frank Speck, an ethnographer, visited Beothuk archaeological sites on Beothuk Lake (formerly Red Indian Lake) and the Exploits River in 1914 and described dwelling features and artifacts he found during excavation (Holly 2013; Speck 1922). Geoffrey and Robert Gathorne-Hardy, two cousins, visited Inuit and precontact sites along the coast of Labrador in 1920 and speculated on the cultural affiliation of those who built substantial rectangular boulder dwellings in the area. Geoffrey Gathorne Hardy ruminated about Norse influence and felt that those responsible for building the structures might have been “... a race, largely Eskimoized, but not Eskimo” (Gathorne-Hardy 1922:167)⁹.

⁹ These features have been visited by archaeologists since the Gathorne-Hardys were there and the structures are of Inuit origin and likely date to sometime between 1400 and 1600 AD (Kaplan 1983).

By the early part of the twentieth century professional archaeologists had begun working in the region and although non-professional activity continued to occur, it became generally less important to the history of archaeological research in the Far Northeast by the 1920s. While there is certainly other early non-professional archaeological activity that could be discussed, the forgoing provides an overview of the most widely known and most important for the purposes of this chapter.

4.2.2 Early Professional Archaeology:

Activities undertaken by trained archaeologists began in the early twentieth century in the Far Northeast. The well-known and celebrated American archaeologist Alfred V. Kidder appears to have been the first professional to conduct a survey in the region in 1910 (Fitzhugh 1972; Loring 1992). Unfortunately he did not publish on his activities here, though he did collect artifacts from sites in Newfoundland and the Labrador side of the Strait of Belle Isle that are of potential interest for future researchers (Fitzhugh 1972). He also published a very brief note in 1927 suggesting that archaeologists keep their eyes open to the possibility of finding evidence for pre-glacial human activity in northern parts of North America based on botanical work done by Fernald referring specifically to the Torngat Region of Labrador and the long range mountains of Western Newfoundland (Fernald 1925; Fitzhugh 1972; Kidder 1927).

Although outside of our region of interest, it is impossible to proceed further without making reference to the enormously important Fifth Thule Expedition, a massive interdisciplinary expedition from Greenland to Alaska organized and led by the Greenlandic-Danish researcher-explorer Knud Rasmussen lasting from 1921-24. One of the primary goals of the expedition was to investigate Inuit origins, and a still youthful Therkel Mathiassen was responsible for archaeological investigations (Mathiassen 1927). His work at Naujan constituted

the first archaeological excavation in the Canadian arctic, which together with his work at seven other sites in Repulse Bay, Chesterfield Inlet, Baffin Island, Southampton Island and King William's Island led to the definition of the Thule culture (1927). Mathiassen's other major contribution was his argument that the Thule culture had developed in Alaska and spread into the eastern arctic from there (Fitzhugh and Loring 2002; Mathiassen 1927:194). This is significant as the Thule culture, which is directly ancestral to the historic Inuit culture, was recognized in the Far Northeast not long after.

Another directly relevant development that occurred outside the study area shortly after the Fifth Thule Expedition, but before the publication of its archaeological results, was Canadian (born in New Zealand) anthropologist Diamond Jenness's (1925:435) identification of what he called the "Cape Dorset Culture" (Morrison 2002). His identification was based on the considerably darker patina and older appearance of artifacts found in Hudson Bay that did not fit with Mathiassen's Thule culture, or with more recent ethnographic materials from the arctic. They looked so different that he stated that "...a child could pick them out with certainty" (Jenness 1925:433). He further reasoned that this material represented an older culture based on the fact that amongst the artifacts he attributed to it "...not one shows the mark of a drill: every hole was made by gouging" (435). Mathiassen believed the Thule were the earliest people to occupy the arctic regions from Alaska to Greenland and this question was debated for some time (Fitzhugh and Loring 2002; Morrison 2002).

In 1927 Jenness, who was then head of anthropology at the National Museum of Canada, visited Newfoundland where he did archaeology at several sites in northeastern Newfoundland (Wintemberg 1939). Though the results of this work were modest (he collected just 130 artifacts, as well as Beothuk human remains) he was also surprised to discover material that

seemed to relate to his Cape Dorset culture (Richling 1995). Of particular note was his suggestion that the Beothuk had been influenced by the Dorset (Harp 1964a:8). This was a subject that was of great interest to other researchers in the area in later years, and questions relating to potential contact between different cultural groups continue to stimulate research today (Harp 1964a; Hood 2008; Rankin 2021).

William Duncan Strong, the first professional archaeologist to work on the central and north coasts of Labrador, was familiar with the work of Howley, Mathiassen and Jenness (Hood 1993; 2008; Strong 1930). He came to the region as a member of the Rawson-MacMillan Subarctic Expedition which headquartered at Anaktalak Bay near Nain and stayed for 15 months between 1927 and 1928. This gave Strong two field seasons for archaeology and he made use of his cold season time as well, spending months living and travelling with highly mobile Innu hunter-gathers in the area and documenting their way of life at that time (Leacock and Rothschild 1994; VanStone 1985).

During his time in Labrador, Strong recorded and worked at a number of archaeological sites and made significant contributions to our understanding of the human history of the area. He published an important paper in 1930 which presented data from three archaeological sites in the Hopedale and Nain areas. He attributed the lithic artifacts he discussed to an “Old Stone Culture” which he correctly argued predated both Innu and Inuit occupations of the coast (Strong 1930). Stephen Loring credits him with being the first to demonstrate that the source location of the later named and now well-known stone Ramah chert lay somewhere in Labrador through his documented collecting of archaeological materials (Loring 2002). He did work at some important Inuit sites in the region recovering artifacts that have received attention from recent

archaeologists (Hood 2008), and his journals are filled with leads that would be followed up on by researchers for years to come.

There was also a dark side to the story of Strong's activities in Labrador. He collected from Inuit stone cairn burials like many before and after him, but he was also involved in surreptitious excavations of recent, non-archaeological Inuit graves at the time. It is important not to judge actions in the past by the ethical standards of today; however, his activities at a Christian cemetery at the former community of Zoar were illegal in Strong's time, and he did in fact face legal consequences as a result. These were avoided with a promise to rebury the remains in question and to restore the cemetery to its former condition. The cemetery was restored but the remains were secretly kept and taken back to Chicago where they remained for more than 80 years (Brake 2012; Strong 1928). It is important to remember that Strong was not solely responsible for this, and that colleagues at the Field Museum, where he worked as an assistant curator, had asked him to collect as many Inuit remains as he could (Redman 2012).

While Strong was on the central coast of Labrador another prominent figure in the history of archaeology in North America paid a visit to the study area. William J. Wintemberg conducted surveys and excavations in 1928 along the Quebec North Shore and in Newfoundland in 1929 (Loring 1992; Pintal and Martjin 2002). Unfortunately he never published on the work he did in 1928, though a very brief summary, consisting of a single substantial paragraph, was presented by Harlan Smith in *American Anthropologist* (1929) shortly thereafter. It is clear from Smith's summary that in 1928 in the vicinity of Blanc Sablon and Bradore, Wintemberg found numerous stone tools, native pottery, shell beads, Inuit graves, and ochre covered human remains that he attributed to the Beothuk (Smith 1929).

During his time in Newfoundland in 1929 Wintemberg worked at a number of archaeological sites on the west side of the Great Northern Peninsula, including the unusually large and rich Middle Dorset site at Philip's Garden in Port au Choix. This work was published in considerable detail in *American Antiquity* in 1939 and 1940 along with data collected by Jenness during the latter's 1927 trip. In these reports Wintemberg demonstrated that the Dorset had previously occupied Newfoundland, and that their former presence there had been substantial. Based on the data presented he suggested that most of the northern portions of the Island's coast would once have been populated by the Dorset at some point in the past. He also took note of artifacts which he was unsure about assigning to either the Dorset or Beothuk cultures and he wondered if there may have been a First Nations population predating both (Pintal and Martijn 2002; Wintemberg 1939, 1940), which has since been confirmed (Renouf 2011a). Wintemberg died shortly after his 1940 publication. Jenness wrote his obituary and referred to him as "... the leading authority on Canadian archaeology" (Jenness 1941:66; Pintal and Martijn 2002).

Not long after Wintemberg's visits, the central coast of Labrador hosted Junius Bird, another celebrated archaeologist believed by some to have been an inspiration for the big screen character Indiana Jones (Hull 2012). Bird visited the Moravian mission station of Hopedale in 1933, and then again in 1934 with his new wife Margaret as part of their honeymoon. The newlyweds conducted excavations in the area for about two months at five Inuit sites in and near the community of Hopedale, digging 22 of the 44 sod houses they recorded and excavating at a pace that would be considered excessive by modern standards (Bird 1945). Bird made a couple of significant contributions as a result of this work, including the definition of three Inuit house types dating to different time periods, and he connected the archaeological evidence representing

Inuit occupation to Mathiassen's Thule culture (Bird 1945; Mathiassen 1927; Rankin 2009). He also concluded that the Inuit had likely not been in the area for more than 400 years, and that their occupation of the area had been relatively light (Bird 1945; Hull 2012). In addition to the Inuit material he examined, he also described precontact artifacts, at least one of which he correctly connected to the Dorset culture and some, which were difficult for him to interpret at the time, which we now recognize as belonging to the late precontact First Nations period (Bird 1945; Fitzhugh 1972; Loring 1992). Perhaps worth noting as well is the fact that Bird provides a specific location for the earliest known European site on the central and north coasts of Labrador – the remains of the first attempt by Moravian missionaries at establishing a station in Labrador in 1752 near the present community of Makkovik, which was not officially recorded for another 65 years (Bird 1945:127; Mills and Cary 2000).

In 1935 Douglas Leechman, who worked under Jenness at the National Museum of Canada, undertook archaeological activities at a site with Dorset and Inuit components in McClellan Strait in far northern Labrador. He published on his work eight years later describing Dorset material and features and was able to determine that one of the houses that he dug had originally been used by Dorset and had been disturbed and reoccupied more recently by Inuit (Leechman 1943).

It should also be mentioned that Väinö Tanner, who had once been the Prime Minister of Finland, had undertaken some archaeology in Newfoundland and Labrador during two expeditions that took place in 1937 and 1939. Tanner's interests were broad, covering topics including geography, geology and biology as well as anthropology. He was particularly interested in the Norse presence in the Far Northeast and connected locations he visited with places described in the Vinland sagas (Fitzhugh 1972: 85; Madsen and Appelt 2010).

During this early professional period half of the archaeologists who worked in the region were Canadian (Jenness, Wintemberg and Leechman), and all of these Canadian archaeologists were federal government staff members who worked together at the National Museum (Richling 1995). Most of the others were American archaeologists affiliated with different institutions, the one outlier being Tanner, whose archaeological activity in the region had a minimal impact. The work of Danish researchers involved with the Fifth Thule Expedition beyond the boundaries of our study are significant as well since that work provided information which allowed for interpretation of data from the Far Northeast. At this point there were no local archaeologists yet working in the region and research questions were generally related to culture history over vast geographical areas.

During this period the Anthropological Division at the National Museum of Canada was controlled by bureaucratic geologists who seem not to have been particularly interested in archaeology (Richling 1995). Very limited public money was made available within Canada for this kind of research. At the same time, large amounts of money were being spent by foreign institutions to do archaeology in Canada, and in what was then the Dominion of Newfoundland (which included Labrador). It was during this period that the Canadian government became conscious of the removal of large numbers of archaeological materials from Canada to foreign nations (Richling 1995). It was just after the Fifth Thule expedition that Canada passed legislation requiring permits for scientific activity in the North West Territories (Rowley 2002:263-264). Though there are currently serious gaps in the early history of heritage management in pre-confederation Newfoundland (Erwin 2009), it is clear that similar requirements existed here by the 1930s as Bird indicates that he had acquired permission from the government of Newfoundland (and from Moravian missionaries for the work in Hopedale) to

conduct his work in Labrador (Bird 1945:125). Government regulation of archaeological activity is relevant to the history of the discipline here and has had significant implications regarding our understanding of the past as it later led to standardization in terms of research methodology.

The Second World War broke out shortly after Tanner visited the Far Northeast and archaeological activity ceased in the region for a decade. By the time it began again in 1949 Newfoundland and Labrador had joined the Canadian federation.

4.2.3 A Transitional Period:

Elmer Harp began conducting archaeological fieldwork in Newfoundland in 1949 and was, in many ways, a bridge between the early and recent professional periods. His earliest work in the region was, in terms of methodology and available technology, similar to that of his predecessors. However, he was the first to begin a long-term program of archaeology in the region, and it was during his career that the radiocarbon dating technique was developed, which marked the beginning of a new era in the field of archaeology. He was the first to collect radiocarbon samples in the region and he was able to make significant contributions as a result (Fitzhugh 1972). In my opinion he had a foot in both the early and modern periods of professional archaeology in the region. His excavation style seems to have been something like that of his predecessors in terms of speed. For example, he "...excavated seven and extensively tested thirteen [Dorset] dwelling structures at Phillips Garden..." (Renouf 2011b:8) over the course of three field seasons (2011b). But his pace was slower than Bird's (1945), he was keeping detailed records, and he was eventually able to use modern techniques, such as

radiocarbon dating, that were unavailable to those who came before him (Harp 1964a; Harp and Hughes 1968). Finally, it should be mentioned that by all accounts he was a very special kind of researcher, “a legend in his own time”, held in the highest esteem by those associated with him (Fitzhugh, Loring and Odess 2002:vii).

In 1949 and 1950 Harp worked on Newfoundland’s northeast and northwest coasts and paid particular attention to archaeological sites in the community of Port au Choix that had been previously noted by Howley (1915), and in particular by Wintemberg (1939), as being especially large and rich (Harp 1964a). Initially interested in looking at Beothuk related sites and materials he ended up with much more information relating to Dorset culture which became the focus of most of his work in the area (Harp 1964a).

Harp’s work in those first two years was the subject of his PhD research which was published in 1964 by the National Museum of Canada as “...the first major study of the prehistory of the Island of Newfoundland” (Taylor in Harp 1964a:vii). A major contribution was his connection of Newfoundland Dorset to ancestral roots in the western arctic, disproving theories about it having originated in forested landscapes further south (1964a). He also considered the possibility of contact and cultural influence between the Dorset and Beothuk which had first been suggested by Jenness, and which by this point had been repeated to the point where it had become “...an unquestioned assumption” (Harp 1964a:163). He was able to disprove all previous lines of evidence with one exception – the use of Dorset type harpoon heads by the Beothuk (1964a:169).

Like Wintemberg, Harp also drew attention to non-Dorset materials from archaeological sites in Newfoundland, initially referring to the material as Beothuk while pointing out the issues associated with doing so (1964a:153). He later surveyed portions of the Labrador/Quebec North

Shore side of the Strait of Belle Isle, collected samples for radio-carbon dating and connected archaeological evidence from Newfoundland and Labrador to the Boreal Archaic culture that had recently been outlined (Byers 1959; Fitzhugh 1972; Harp 1964b; Pintal and Martijn 2002). The results of radiocarbon sample processing were published later adding greatly to our knowledge of the long (surprisingly long at the time) First Nations history of the area (Fitzhugh 1972:2; Harp and Hughes 1968).

Another of Harp's major contributions was the fact that he trained, inspired and influenced some of the most important Far Northeast researchers of the generation that followed him, including William Fitzhugh and Priscilla Renouf. The former attended Dartmouth College where Harp worked and had his first exposure to fieldwork with him (Fitzhugh 1972). The latter was not trained by him directly, but had a close relationship with him and followed in his footsteps spending most of her career focused on the enormous Middle Dorset site at Philips Garden, Port au Choix (Renouf 2011a).

One more individual whose efforts fit reasonably well into this transitional period is Jorgen Meldgaard of Denmark. He undertook an interesting journey from North West River to the tip of Newfoundland's northern peninsula in search of Norse sites in 1956. He never published on this work during his lifetime so it had relatively little impact on subsequent activity in the area, though a posthumous publication of relevant journal entries and photographs is interesting and potentially useful for future research (Madsen and Appelt 2010). However, his work, and the major discovery made at L'anse aux Meadows a few years later by Helge and Anne Stein Ingstad of Norway did lead to some fairly serious long term nationalist media controversy over who should be credited with finding the first known archaeological evidence of a Norse presence in North America that threatened to strain relations between the Government of

Canada and the Provincial Government of Newfoundland and Labrador at the time (Madsen and Appelt 2010:46).

4.2.4 Recent Professional Archaeology:

Beginning around 1960 the amount of archaeological activity in the Far Northeast increases exponentially as does the amount of data available on the region's past. At this time, typical archaeology projects involved detailed record keeping, radiocarbon dating became common, and long-term projects were initiated. Fieldwork and reporting standards become much more like they are today. For these reasons, I refer to the period from about 1960 on as the 'recent professional period'. Although it is not possible to cover every project undertaken within the study area over the past 50 years, an attempt will be made to touch upon some of the more significant developments. This section is further divided into two subsections for ease of reference, one for Newfoundland and Labrador and one for eastern Quebec.

Newfoundland and Labrador

The exact moment that modern professional archaeology began to be practiced in Newfoundland and Labrador is, in a way, a matter of opinion. However, around 1960 the amount of activity and the intensity of it greatly increases, and methods become more scientific and modern. Harp's more recent work, and most, if not all of the activity at L'Anse aux Meadows, starting with its discovery in 1960 and continuing into the 1970s, fit into this category (Harp 1984; Harp and Hughes 1968; Wallace 2003). The significance of the latter site is

demonstrated by its designation as a UNESCO world heritage site in 1978, one of the original group of 12 sites to ever receive this designation (UNESCO 2013a).

Three significant events occurred in the Far Northeast that helped usher in a new era in the history of archaeology in the region. The first was the hiring of James Tuck by Memorial University in 1967 – the first archaeologist hired by the university (Renouf 2011b:8). The second was the beginning of William Fitzhugh’s long term research activity in Labrador starting with his PhD related fieldwork in Hamilton Inlet in central Labrador in 1968 (Fitzhugh 1972). These two researchers have had an enormous impact on what we know about the history of the Far Northeast, and most archaeologists working in the region today have some connection to one or both of these two individuals. Finally, increasing government involvement in the regulation of archaeological activities and the management of archaeological resources has been a very important factor in the history of the discipline as well.

James Tuck and Memorial University Related Archaeology in Newfoundland and Labrador

Tuck began work in Port au Choix shortly after starting at Memorial when he was contacted about the accidental discovery of ancient human remains and associated artifacts that had been disturbed as a result of construction activity at a site originally recorded by Harp as Port au Choix-3 (Tuck 1971). This resulted in excavations of a First Nations burial ground which was used between 4000 and 3700 years ago. Limestone bedrock in the area had neutralized soils that, in Newfoundland, are normally very acidic, resulting in excellent organic preservation at the site. Tuck defined the Maritime Archaic Tradition based on his work in this cemetery in 1967 and 1968 (Tuck 1971).

In 1969 Tuck began fieldwork in Saglek Bay, northern Labrador, which continued over the course of three field seasons. This produced valuable information on the culture-history of that area (Tuck 1975a) and a number of students focused on particular aspects of the overall project and went on to play important roles in the history of archaeology in the region (Tuck 1975a). For example, Peter Schledermann (1971) took on the responsibility of excavating Inuit sod house settlements on Rose Island, and Jacob Edson Way conducted a physical anthropological study on human remains from Inuit graves in the area (Way 1978). Callum Thomson later continued work in Saglek Bay excavating Dorset and Thule dwellings on Shuldham Island (1982), conducting surveys (1983) and later writing about Dorset shamanism (1985).

In 1972 Robert McGhee began work at Memorial as a new faculty member and starting that year Tuck and McGhee began working along the Labrador side of the Strait of Belle Isle building upon the work of previous researchers in the area. It was at that time that they discovered the earliest known burial mound in the Americas at L'Anse Amour (McGhee 1976). Based on data recovered during their work in the area Tuck published a paper arguing that there had been First Nations cultural continuity in the area over a period of approximately 8000 years (Tuck 1975b). The MA research of a student working with them in the area supported the argument (Madden 1976). This was quite different from William Fitzhugh's interpretation of central coast data relating to First Nations cultures which he argued represented a series of population extinctions and replacements (Fitzhugh 1972).

New work focusing on Beothuk-related archaeology in Newfoundland was taken up by Memorial University graduate student Paul Carignan under the supervision of Tuck in the early 1970s (Carignan 1973). This built upon preliminary work conducted in the early 1960s initiated

by Helen Devereaux of the University of Toronto that involved surveys of the Exploits River and parts of Beothuk Lake by Garth Taylor who was acting on behalf of Helen Devereaux of the University of Toronto (Carignan 1973; Hull 2015a; Taylor 1964a). The goal of this and later fieldwork by Devereaux herself was to define the Beothuk culture archaeologically (Devereaux 1969; 1970; Hull 2015a). On the suggestion of Devereaux, Carignan studied ancestral Beothuk archaeology at an important site in Bonavista Bay called ‘the Beaches’ that also included Maritime Archaic and Dorset components (Carignan 1973). This site, which had been visited by T.G.B. Lloyd nearly 100 years prior was the focus of Carignan’s masters project which was completed under Tuck’s supervision (1973). The Beaches Complex (1800-800 BP), directly ancestral to the historic Beothuk culture was later defined based on data from this site. The Beaches and a nearby rhyolite quarry at Bloody Bay Cove found by Laurie McLean who later surveyed the area (McLean 1989) have been the subject of nearly continuous archaeological attention since 1989 and along with sites in Port au Choix are the only Precontact sites in the province to have received such long periods of sustained activity (Gerald Penney Associates [GPA] 2011).

In 1980 Jane Sproull-Thomson, who was Curator of the Newfoundland Museum at the time, began another Beothuk project which focused on assessing damage to known sites and determining the level of potential for additional work (Hull 2015a; Sproull-Thomson 1980). Gerald Penney conducted his MA research on the south coast of Newfoundland and defined the Little Passage complex (1984). Ralph Pastore began working for Memorial in the late 1970s and greatly advanced our knowledge of Beothuk history. For example, he was able to demonstrate a connection between the Little Passage Complex and historic Beothuk culture based on work at Boyd’s Cove (Pastore 1998a). Stone tool seriation has provided evidence for the link between

the older Beaches complex and the Little Passage complex (1998b; Figure 4.2). Pastore's students have gone on to make major contributions to our understanding of the prehistory of Newfoundland and Labrador, and to the public dissemination of that knowledge (Government of Newfoundland and Labrador 2013; Hull 2002).

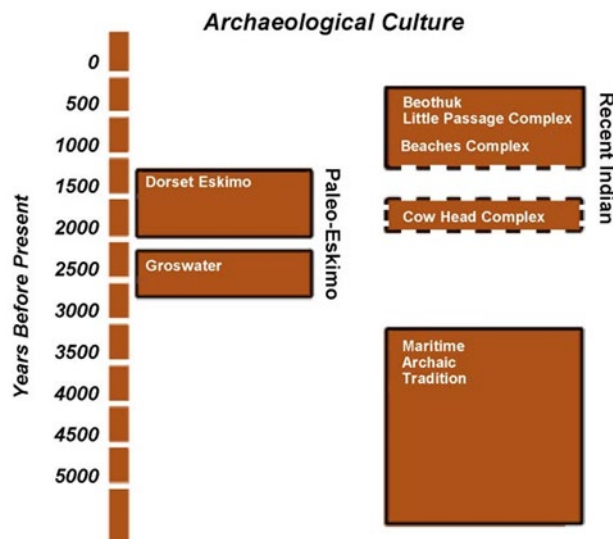


Figure 4.2: Indigenous Cultures of Newfoundland (from Pastore 1998b).

By the 1980s Memorial University's archaeology department was growing steadily and new faculty members were beginning important research programs in the region. Priscilla Renouf, who had worked with Tuck and McGhee as a student in southern Labrador in the 1970s, and who later completed a PhD at Cambridge¹⁰, started working at the university in 1984. That year she began a field program at Port au Choix that was to continue for the rest of her career. Her research built on Harp's previous work there and has enormously enriched our knowledge of Dorset, Groswater (which had been originally recognized during Fitzhugh's early work in Labrador [Fitzhugh1972]), Maritime Archaic, Recent First Nations and European life in the past

¹⁰ She was the last student of Grahame Clarke who was later knighted for his work (Renouf personal communication 2006).

in Newfoundland. Significant archaeological sites at Port au Choix, including the Maritime Archaic burial ground discussed previously, and the huge Middle Dorset site at Philips Garden, as well as others within a more than 8 km² area at Port au Choix have been recognized as a National Historic Site since 1984 (Renouf 2011b:9).

Numerous contributors to Far Northeastern archaeology started their careers at Port au Choix under Renouf's thoughtful and wise direction, including researchers like Patricia Wells (2012), Dominique Lavers (2010), Gregory Beaton (2004), Karen Ryan (1997), Edward Eastaugh (2002), John Erwin (1995), Elaine Anton (2004), and myself (my first field experience was under her direction), to name a few. Scholars have been able to reach interesting conclusions and to make compelling arguments and suggestions regarding many aspects of life throughout precontact history in Newfoundland, Labrador and eastern Quebec in association with Renouf and her work. Subjects that have been addressed include things like Indigenous economic pursuits (Murray 2011; Renouf 2011c; Renouf, Teal and Bell 2011; Stiwich 2011), ceremonial and mortuary behavior (Brown 2011; Wells 2011), exchange and interaction within and between cultures (Anstey and Renouf 2011; Renouf, Teal and Bell 2011; Ryan 2011), and settlement size and change through time (Eastaugh and Taylor 2011; Erwin 2011). Renouf's analysis of Pre-Inuit dwelling features documented at archaeological sites throughout Newfoundland and Labrador remains extremely useful, as do her related conclusions about changes in mobility patterns in those cultures (which decreased through time) and population sizes (which increased over time) based on the architectural evidence (2003).

Our knowledge of European activity in the early historic period was increased greatly through archaeological research at the Basque whaling site of Red Bay in southern Labrador. Tuck led terrestrial archaeology there from the late 1970s to the early 1990s (Tuck 2005), while

Robert Grenier of Parks Canada was in charge of underwater activity focused on the wreck of the 16th century Basque galleon *San Juan* which sunk in Red Bay Harbour in 1565 (Parks Canada 2007). Many of the archaeologists working in Newfoundland and Labrador today were first introduced to archaeology as field workers during the Red Bay project. The site has recently received UNESCO world heritage designation, which is the only other archaeological site besides L'Anse aux Meadows in the Far Northeast to have been recognized in this way (UNESCO 2013b).

Reginald Auger completed a master's degree at Memorial University focused on Pre-Inuit history in Newfoundland (1984) during this time, and he went on to contribute to the understanding of Inuit and European use of southern Labrador through his doctoral research, which was done at the University of Calgary (1989). Auger worked closely with Marianne Stopp while surveying in southern Labrador (Auger and Stopp 1989), who also went on to make numerous significant contributions relating to things like the Inuit use of southern Labrador (Stopp 2002), Labrador First Nations history (Stopp 2008), and late 18th century Labrador history through the publication of highly important historical documents (Stopp 2016; Stopp and Mitchell 2010).

Historical archaeology relating to European history was greatly advanced in Newfoundland by the activities of Peter Pope and his students at Memorial focusing on French historic activities and occupations of Newfoundland since 1996 (Crompton 2012; Memorial University 2005; Pope 2005). Pope also directed a massive community based project called the Newfoundland Archaeological Heritage Outreach Program between 2000 and 2005 which funded nearly 170 student positions and involved archaeology in communities around the province (Memorial University 2005). Early English history has been the focus of long term

research activities begun by Tuck at Ferryland in the mid-1980s, and are continuing today under the direction of Memorial Archaeology faculty member Barry Gaulton, who was trained by Tuck (Gaulton 2006), and in the community of Cupids, Conception Bay under the direction of William Gilbert (Gilbert 2015). Gaulton has been supervising an impressive new generation of historical archaeologists at Memorial since being hired by the university more than a decade ago.

Lisa Rankin and Peter Whitridge joined Memorial University's archaeology department in the early 2000s, and have run long-term projects addressing issues like the nature, extent and duration of Inuit occupations of areas south of Hamilton Inlet on the central coast, and early Inuit occupations of northern Labrador respectively (Rankin 2011; 2009; Whitridge 2006). Rankin led an important multi-year university-community collaborative research effort in partnership with the NunatuKavut Community Council and several other academic researchers (Rankin 2009; Rankin and Crompton 2013). Rankin and Whitridge have both been heavily involved in a multi-year, multi-disciplinary research partnership project that is currently finishing up. Led by Memorial University and the Nunatsiavut Government, it is called "Tradition and Transition Among the Labrador Inuit" and has involved a number of archaeology projects that were developed and carried out based on the interests and needs of the Labrador Inuit communities.

Rankin and Whitridge have supervised graduate students who have contributed greatly to our knowledge of Inuit and First Nations history in Labrador changing our understanding of Inuit use of southern Labrador (Beaudoin 2008; Brandy 2013; Brewster 2005; Cloutier-Gelinas 2010; Jurakic 2007; Kelvin 2011; Murphy 2011), increasing our knowledge of Inuit history in central Labrador (Bohms 2015; Jankunis 2019; Pouliot 2020), conducting pioneering fieldwork in western Labrador (Brake 2009; Neilsen 2016), undertaking detailed studies of an extremely significant Maritime Archaic site in northern Labrador (Hutchings 2011), examining animal-

human interaction in northern Labrador (Elliot 2017; Swinarton 2008), investigating the Middle Dorset occupation of southern Labrador (Wolff 2003), using experimental archaeology to learn more about Thule/early Inuit slate and nephrite use (Higdon 2008), and highlighting the agency of women in the past through the application of gender theory in studies of Labrador Inuit archaeological sites (Davies 2014; Fay 2016; Walley 2018). Scott Neilsen, a former student of Rankin's who wrote his PhD dissertation on the archaeology of Ashuanipi Lake in western Labrador (2016), recently became a faculty member with Memorial's Department of Archaeology. He is the first of the department's faculty members to be based in Labrador, and he is now supervising graduate students of his own.

In the past 15 years there have been several new hires in Memorial University's Archaeology Department. Though most faculty are working outside of the province, Véronique Forbes and Paul Ledger have initiated research at Ferryland and L'Anse aux Meadows (Forbes 2019; Ledger et al. 2019), and Catherine Losier has recently been involved in a community archaeology project in the town of Blackhead on the eastern Avalon (Losier 2022).

William Fitzhugh and Smithsonian Related Archaeology in Labrador

Fitzhugh began work in Hamilton Inlet, central Labrador in 1968 and 1969, and based on that work was able to outline, for the first time, that part of the region's long and complex human history (Fitzhugh 1972; Figure 4.3). He found that the history of the area was characterized by two cultural sequences, one 'Indian' and the other 'Eskimo'. First Nations groups were the first to occupy the area and at the time he found evidence for their presence extending back at least 5000 years. He recovered evidence for northern arctic adapted cultures dated to between 2800

and 2200 BP. Based on the data from the area he argued that the human history of interior parts of the region was characterized by a series of colonizing events, episodes of population growth, stabilizations, extinctions and replacements, stating that these have "... been important in the prehistory of the entire Labrador-Quebec peninsula" (Fitzhugh 1972:185). He explained that things were more stable in coastal environments where resources are more reliable, and therefore cultural change had been faster in the interior (1972). Most of the archaeological cultures he defined during his initial work in Labrador are still used by archaeologists in the area today.

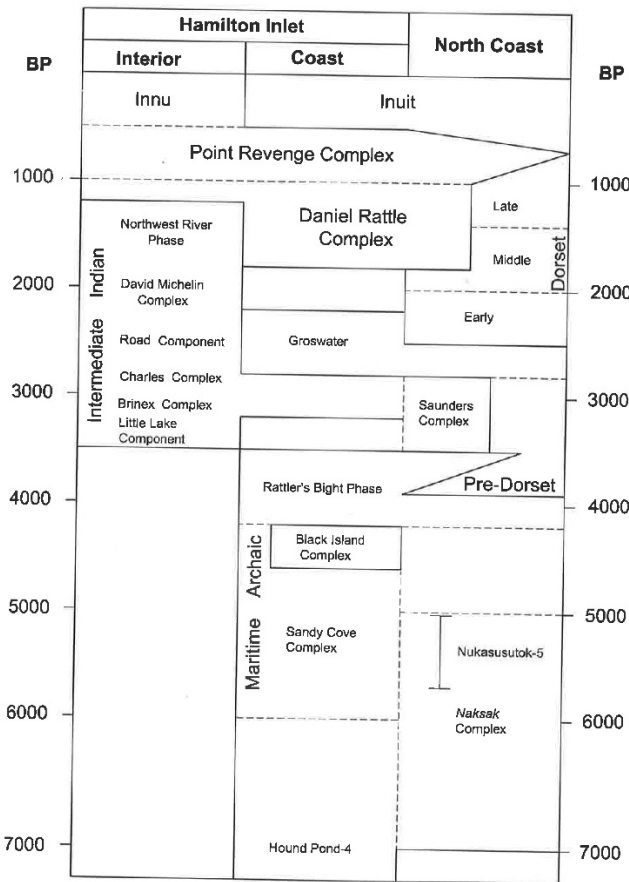


Figure 4.3: Culture history of northern and central Labrador largely based on the work of William Fitzhugh (from Hood 2008:6).

After completing his PhD program Fitzhugh began working for the Smithsonian Institution and continued working intensively in Labrador over the next two decades adding

enormously to what was known about the human occupation of the central and north coasts. In 1977 he joined forces with Richard Jordan of Bryn Mawr College, who had been conducting important work on archaeological problems relating to Inuit history in the Narrows area near the community of Rigolet in Hamilton Inlet, and the two shared the role of principle investigator during the Torngat Archaeology Project which resulted in the registration of more than 300 previously unknown archaeological sites in northern Labrador (Fitzhugh 1980; Hull 2015b). Stephen Hull, with Newfoundland and Labrador's Provincial Archaeology Office, recently wrote that "the sites found during this project have led to several PhD and MA theses and numerous publications. The amount of knowledge gained from this project is almost immeasurable" (2015b).

During this period numerous students embarking on illustrious careers in archaeology took part in expeditions led by Fitzhugh, and later Fitzhugh and Jordan (Fitzhugh et al. 1979). This new generation of archaeologists concentrated on various portions of Labrador's history including Susan Kaplan who focused on Labrador Inuit culture (1983), Stephen Loring who took on Late Precontact First Nations history (1992), Steven Cox who concentrated on the culture-history of Okak Bay and Pre-Inuit archaeology (1978; 1977), Christopher Nagle who studied lithic exchange in prehistory and the Intermediate First Nations Period of the central coast (Nagle 1984; 1978) and Bryan Hood who initially focused on a large and important Maritime Archaic site on Nukasusutok Island near Nain (1981), to name a few.

Several of these researchers are still active in the area today. For example, in a relatively recent monograph, meant to be the first in a series on research relating to Smithsonian activity in Labrador, Hood presents data collected between 1979 and 1994, as well as historical records and an analysis of material collected by Strong, but not previously published. Using sophisticated

theoretical approaches, he considers (among other things) highly interesting questions relating to social boundaries in Precontact period Labrador, mainly focusing on possibly overlapping Pre-Dorset and Maritime Archaic occupations of the Nain area (Hood 2008). Kaplan continues to be active in the region as well (see Kaplan et al. 2016 for example) and her work has provided inspiration and guidance to notable scholars such as James Woollett (Kaplan and Woollett 2000; Woollett 2007) whose work is discussed further below. Fitzhugh himself has been involved in supporting Nunatsiavut Government archaeological fieldwork in the Hamilton Inlet area since 2014 (Jolicoeur et al. 2016).

Government Regulation of Archaeological Activities and Management of Archaeological Resources

Government involvement in archaeology in the province increased during this period. The provincial government of Newfoundland and Labrador established the Historic Resources Division in 1968 which later led to the creation of the Provincial Archaeology Office (PAO), and to standardization of data collection and reporting (Erwin 2009). In 1970, terms and conditions became a standard part of the archaeological permitting process, and in 1985 the Historic Resources Act was passed which resulted in requirements for archaeological assessment in advance of developments that could negatively impact historic resources (Erwin 2009). Some assessments had been required since 1980 as a result of the province's *Environmental Assessment Act* (Sproull-Thomson 1981); however, the number of archaeological assessments vastly increased with the passing of the Historic Resources Act. Since 1985 the cultural resource management (CRM) projects that have been undertaken have added immensely to our understanding of the past, though much of the literature associated with CRM work remains unpublished. That being said, these unpublished reports and documents are available through the

PAO. In addition, the Historic Resources Division published an annual report series between 1980 and 1986, and sporadically in the 1990s, and since 2002 the PAO has published an annual review with submission available to all permit holders.

The Nunatsiavut Government has had an archaeologist on staff since 2006. Today there are three full time staff members with the government's Archaeology/Heritage Office, which regulates archaeological activities and manages archaeological resources on Labrador Inuit owned lands and in the Inuit communities. Like the PAO it is the repository for archaeological records and it has responsibilities relating to the management of archaeological materials to which it has title as a result of the LILCA. Both the PAO and the NAO are actively involved in fieldwork each year and routinely publish on the results of this work (see for example Brake and Davies 2016; Reynolds et al. 2016).

The positive effects of these developments are amply demonstrated by the fact that, prior to adequate government management of historic resources, major industrial developments had enormously negative impacts on the province's archaeological record. Examples would include things like logging and damming activities on Beothuk Lake in Newfoundland (Hull 2015a), and the massive hydro-electric project on the upper Churchill River in Labrador that flooded thousands of square kilometers of land that had been of great historical importance to the Innu, and their predecessors (Armitage and Ashini 1998; Loring 1992).

Eastern Quebec

In 1957, William E. Taylor, who would later become the head of the National Museum of Canada, initiated the first multi-year archaeological research in Far Northeastern Quebec at the

request of Jacques Rousseau, the museum's director at that time. Taylor investigated Thule and Pre-Inuit sites in Ungava Bay and wrote the first detailed archaeological texts on the prehistory of that area (Plumet 2002:189; Taylor 1964). During the course of the work, which lasted three years, he was able to demonstrate that northern Quebec was part of the domain of the Dorset and Pre-Dorset, and that the ancestors of the Dorset in the area had come from the western arctic, as previously hypothesized by Harp (Plumet 2002). In 1964 Taylor wrote about the state of archaeology in Quebec referring to "...monumental ignorance of it based on a ludicrous dearth of fieldwork" (Taylor 1964 quoted in Plumet 2002:189).

In 1966, Thomas Lee conducted archaeology in western Ungava Bay documenting important Pre-Inuit and Inuit sites there. That year he was assisted by Patrick Plumet who initiated his own research the following year. Plumet and Lee became active in northeastern Quebec and northern Labrador archaeology at about the same time that Tuck and Fitzhugh began their work further south. Starting in 1967 Plumet conducted important surveys in eastern Ungava Bay and in northern Labrador between Killinek and Eclipse Harbour. As with Taylor before him, this was partly due to input from Rousseau, who was by this time with Laval University's Centre d'Etudes Nordiques (Plumet 2002). Plumet recorded some of the most significant sites known in northern Labrador at this time including Nunaingok and Avayalik 1. Within a couple of years much of the northern coast of the Quebec portion of the study area had been surveyed and a large number of archaeological sites recorded, including a high concentration of Pre-Inuit sites in western Ungava Bay (Plumet 2002).

Plumet (2002) references this period of archaeological activity as the "Quebec Period". He writes that nationalism was affecting life in Quebec at that time and had important implications for archaeology. One of those was the establishment of the University of Quebec in

1968. Almost immediately courses were being taught on North American archaeology for the first time in the province. During the 1970s several important journals began to publish information on the archaeology of the region including *Recherches Amérindiennes au Québec* and *Études Inuit Studies*. During this period there was also a significant increase in the availability of funding for archaeological research in the area (Plumet 2002:194-196).

Plumet continued work in Ungava Bay in the early 1970s focusing on Pre-Inuit archaeology, and on Dorset dwelling features and settlement systems in particular. This encouraged further work on Dorset longhouse features (Plumet 2002). The significant, and very well-funded, Tuvaaluk project, which began in 1975, focused mainly on the Pre-Inuit occupations of Diana Bay, though it did cover other parts of Ungava Bay. It continued until the end of the decade and produced an enormous amount of information on Pre-Inuit, Thule and Inuit occupations of the area, including data relating to possible Dorset-Thule contact (2002:197-198).

The end of Plumet's 'Quebec Period' corresponds with the end of field activity associated with the Tuvaaluk project and with an increase in CRM related archaeology in the province (Martijn 2002; Plumet 2002). He noted that Inuit of northern Quebec were taking an active role in the practice and regulation of archaeological activity in the region by this point, and he referred to the phase beginning at about 1980 as the 'Inuit Period'. While he was supportive of increasing interest in archaeology, he argued that government policies of the time had a negative impact on archaeology and what was being learned about the region's past (2002:198). He wrote that although a great deal of CRM related projects occurred "from 1980 to the end of the 1990s, so little information has been published that it is difficult to follow the development of archaeology in Arctic Quebec" (2002:199).

Charles Martijn’s response to Plumet’s history is a vivid example of how different perspectives can affect the way we view, interpret and understand the same subject matter (Martijn 2002). Martijn was Quebec’s Provincial Archaeologist at the time he wrote his response (Fitzhugh, Loring and Odess 2002). He listed four main concerns with Plumet’s history including:

“(1) The lack of attention accorded to the cultural and political aspirations of the Inuit communities in Nunavik; (2) the blinkered academic outlook on archaeological heritage; (3) the misinterpretation of Quebec government policy in regard to native prehistory; (4) the wide divergence in outlook between him and his Quebecois colleagues on the matters above” (2002:205).

Martijn continued by criticizing Plumet for not hiring Inuit and for not consulting with Indigenous people about things like ownership of artifacts (2002).

The culture history of northern Quebec, largely based on the work of researchers described above, is illustrated in Figure 4.4.

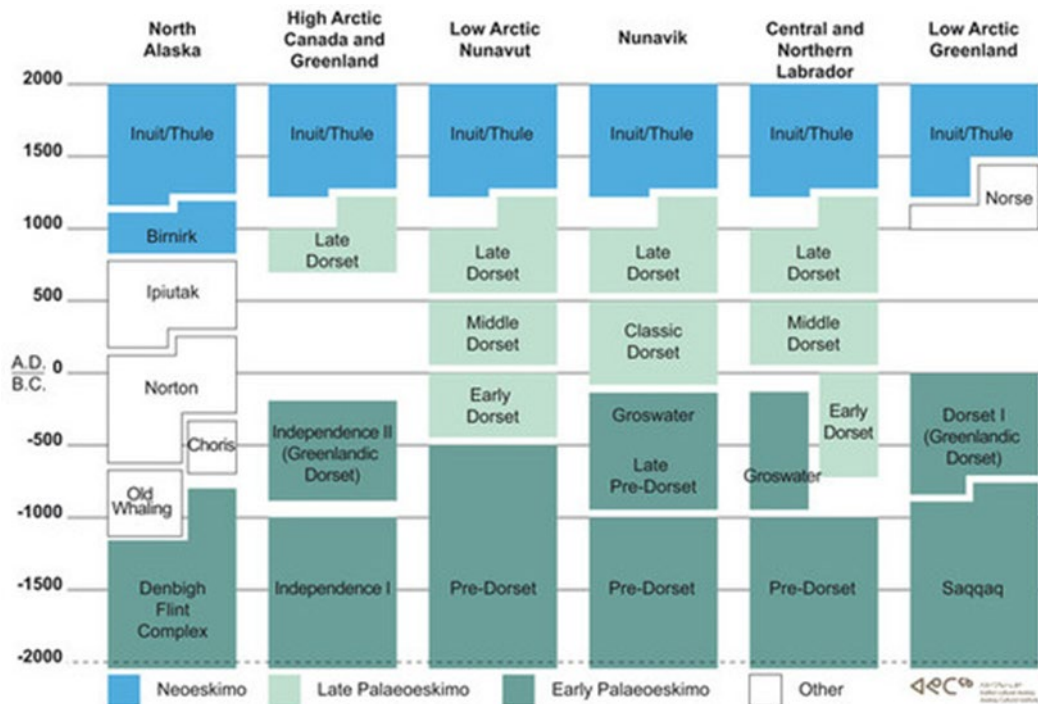


Figure 4.4: The cultural history of northern Quebec in relation to other regions (from Avataq Cultural Institute 2015).

South of Ungava Bay, deep in the Quebec interior, a lengthy program of archaeological research was also occurring during the late 1960s and 1970s. Gilles Samson summarizes the results of those efforts in a 1978 article published in *Arctic Anthropology*. By that point enough information had been gathered to develop a preliminary culture-history of the area extending back approximately 3800 years (Samson 1978). Throughout that period the area had been intermittently occupied by a series of First Nations groups whose main economic focus there was the exploitation of the region's caribou herds. Samson outlines the human history of the area as beginning during late Maritime Archaic times (undated early components may be as old as between 7000 and 4000 BP, and late Maritime Archaic components there date to between about 4300 and 3800 BP), being reoccupied later by Intermediate Period First Nations groups (related sites there dating to about 3000 BP), later still by Late Precontact First Nations groups (approximately 2300 – 600 BP in the area) and finally by historic Innu groups who were there between about AD 1839 and 1945 (Samson 1978). All these occupations are represented in the archaeological record of adjacent Labrador and have cultural connections to the south and west in the interior of the Labrador-Quebec peninsula (Loring 1992).

In the 1970s major hydroelectricity development and associated requirements for archaeological assessment and mitigation resulted in an increase in archaeological activity in the interior regions of central Quebec (Loring 1992). Much of that activity is outside of the study area, except for the Caniapiscau area. Recent period archaeology began there in 1976 and continued until the area was flooded in 1982. By that time more than 300 archaeological sites had been recorded in the area and of those 89 had Precontact components. The evidence tells us that First Nations peoples began using the area nearly 4000 years ago, though data for the period

from 4000-2200 BP are scant. There is a gap in the culture-history sequence from about 2200-1600 BP after which the area seems to have been more heavily occupied by Late Precontact First Nations groups whose use of the land has left traces of resource extraction activities as well as the remains of small and large camps (Loring 1992). Most dwellings used seem to have been small tipi type structures but late Precontact and historic features interpreted as longhouses have been found as well (Denton 1989; Loring 1992). Artifacts recovered, including Ramah chert from northern Labrador, and native ceramics, attest to a wide geographical network of social connections during the Late Precontact Period (Denton 1989; Loring 1992; McCaffrey 2011).

The Quebec north shore between Blanc Sablon near the border with Labrador and La Tabatiere is also relevant to this research. Archaeology began in the area with surveys in the Riviere-Saint-Paul area by Charles Martijn (1974) and the efforts of René Levesque (1976) around Blanc-Sablon and Brador. This work showed that the area was rich in archaeological resources and that both areas were culturally similar to the Newfoundland and Labrador sides of the straits with similar cultures represented during similar time periods (Pintal and Martijn 2002).

Between 1983 and 1990 Jean-Yves Pintal lead a detailed archaeological study of the area involving systematic surveys and excavations. During the course of the project approximately 200 archaeological sites were recorded and about 10% of those were excavated allowing for the development of a fairly detailed and secure culture-history (Figure 4.5). As was previously known for the Labrador side of the border, humans arrived in the area between 8000 and 9000 years ago. A thousand or so years later these early Archaic people developed a way of life dependent on marine resources, along with their neighbors, that left traces that archaeologists refer to as the Maritime Archaic Tradition. This tradition persisted for millennia in the area, as it did in Newfoundland and Labrador, but after about 5000 years ago new people seem to have

been moving into the area from the west as well, and starting about 3500 BP, during the Intermediate Period, new groups, probably descending from both Maritime Archaic and more recent arrivals, were making a living in new and varied ways. A thousand years later Late Precontact First Nations groups were using the area and their connection to Newfoundland and Labrador, as demonstrated through lithic raw material usage, intensifies through time. Groswater groups began using the Lower North Shore at about 2800 BP followed by the Dorset who were there until around 1200 years ago, as was the case in Newfoundland. Following the disappearance of the Dorset, the Late Precontact Period First Nations groups along the Lower North Shore begin using lithic raw materials mostly derived from Newfoundland and Labrador (Pintal 2002;1998).

William Fitzhugh began working along the Quebec Lower North Shore in 2001 and has mainly focused on Inuit archaeology in the area, though this work has also produced significant data relating to Precontact cultures as well. This work has helped show how far south the Inuit were living as early as the sixteenth and seventeenth centuries (Fitzhugh 2015).

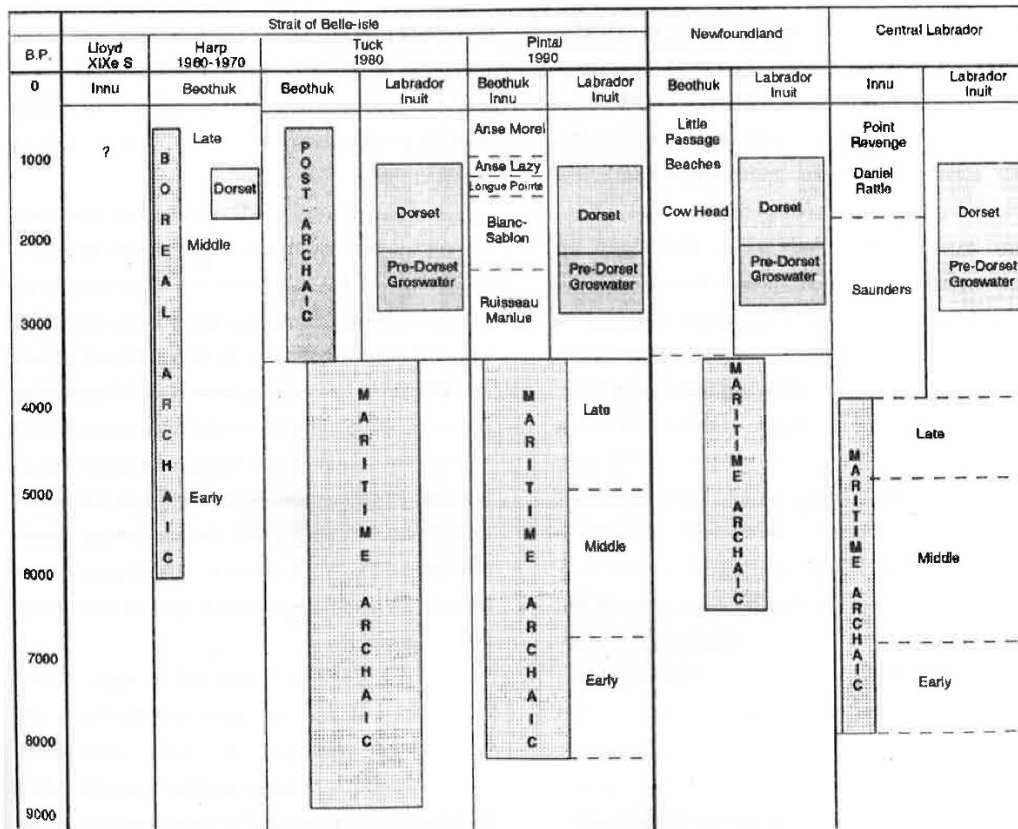


Figure 4.5: Culture history of the Strait of Belle Isle and adjacent regions (from Pintal and Martijn 2002:223).

4.3 Part 2: Evolving Methods and Changing Perspectives in the Far Northeast

Now that a rough sketch of our discipline’s Far Northeastern history has been drafted, I would like to begin to consider how the setting, the evolution of methodology and archaeological thought have affected our understanding(s) of the human history of the area. In doing so I will also touch on what Hood (1998) refers to as the “social organization of research” (1998:6) to point out that relationships both within and outside the discipline have had, and continue to have serious implications for our understandings of the past. The organization of this part of the

chapter follows the same general arrangement as Part 1 beginning with the earliest archaeological activity in the region, and working our way towards the present.

4.3.1 Pioneering Activities:

In the late nineteenth century Lloyd and Howley realized that the region contained an archaeological record and documented it. Howley's main mission was to "preserve from oblivion" (Howley 1915:v) all the information he could relating to the Beothuk. It is clear from the works of both writers that they were interested in the origins of the Beothuk, and in Lloyd's case, he was also interested in the identity of the 'unknown people' (1875b:42) who were responsible for the artifacts he found on the Labrador side of the Strait of Belle Isle. Both men made use of historical records in their coverage of the Beothuk, and Howley collected oral history as well. However, the individuals were limited by what Bruce Trigger referred to as "the impasse of antiquarianism" (1989:70-72), or the difficulties antiquarians had in understanding prehistoric cultural remains (1989:72). Historical records and oral history helped shed some light on the Beothuk of Newfoundland, but for the earlier periods for which no documentary evidence or oral traditions were available it was very difficult to move beyond descriptions of artifacts and features, and to make suggestions about what those who had left them were doing at the locations where they were found. Nonetheless, both Howley and Lloyd were able to make important contributions and to begin to interpret the region's archaeological history (Howley 1915; Lloyd 1875a; 1975b).

4.3.2 *Early Professionals and Culture History:*

Things advanced considerably during the early professional period despite the fact that activity was modest. Those who were active were involved in archeology over wide geographical areas and were able to compare archaeological materials from the Far Northeast to those now known from adjacent regions and other parts of North America. Inuit and First Nations origins continued to be major questions for archaeologists in the area, and culture-history was the major theoretical perspective employed throughout this period and beyond. It is interesting to note that A.V. Kidder was one of the major contributors to the early development of culture history in America (Trigger 1989) and was the first to be active in the Far Northeast, though his work here was not published and had little impact (Fitzhugh 1972).

Developments outside the region had serious implications for those working within it, such as Mathiassen's and Jenness's definition of the Thule and Dorset cultures respectively. It was at this time that Dorset culture was recognized in the archaeological record throughout coastal regions of the study area, suggestions about early First Nations cultures were being made based on evidence from the coast of Labrador and from Newfoundland, and the first archaeological information on Inuit culture in the area became available which provided some information on house forms, the timing of the Inuit arrival in the area, the influence of Europeans and recognition of the connection to the Thule culture.

The culture history paradigm did result in some important methodological and technical changes in archaeology in Europe and in North America, including important advances relating to "...stratigraphy, seriation, classification and learning more about how people lived in the past" (Trigger 1989:196). Although much of the early professional work in the Far Northeast was

quite preliminary, some of these advances, especially relating to classification, are evident in the work of the early researchers here. The recognition of Dorset culture would be one example. Bird (1945) was the first to make extensive use of detailed site and feature plans, and he and Leechman (1943) were able to recognize superimposed features at sites they worked at through relatively careful excavation and attention to stratigraphy, though neither published soil profiles.

Strong's collection of human remains, including those from recent burials, should be put into context here as well. There was, at the time, a sense of urgency amongst many scholars related to the belief that Indigenous peoples in places like North America were disappearing and their cultures needed to be documented and physical examples of different racial groups needed to be preserved (Redman 2012). Strong received a letter from a colleague at the Field Museum while he was in Labrador which began "Just a note to say how pleased I am that you have 20 Eskimo skeletons! I hope you will bring back as many as you can because you know how empty those Cabinets are at the Eskimo end..." (Letter from Henry Field quoted in Redman 2012:87).

Hood (1998) explains that what he calls the 'social organization of research' has significantly impacted our understanding of the past in the eastern arctic. He points out that prior to 1970 archaeology in that area was almost entirely conducted by foreign researchers, particularly those from the United States and Denmark (1998:15). The Danes working in the eastern Arctic were influenced by German thought, particularly by what is known as the *Kulturkreis* school, which suggested that a culture developed in one location and then spread from the origin point in all directions (Holly 2013:6; Hood 1998:15). Thus, cultural change was often explained as a result of diffusion or through movements of human populations (Hood 1998:15). These ideas were at play in the Far Northeast as researchers tried to understand the Dorset and Thule cultures and the relationship between them.

The social organization of research played a role in the archaeological activity that was underway in the Far Northeast in these early days as well, though in this area Canadian archaeologists were key figures. Diamond Jenness in particular, clearly played a prominent role during this period and his ideas and relationships had significant impacts on the early stages of culture history development in the study area (Richling 1995:9).

During the Transitional Professional Period the culture history paradigm continued to dominate after a research hiatus of about 15 years between Junius Bird's and Elmer Harp's work. Methodological practices became more refined, though the pace of excavation was still much quicker than today. Harp was the first to publish soil profiles and to discuss stratigraphy in detail in his work (1964a; 1964b). This allowed him to discuss relative ages of cultural materials from the sites he worked at before radiocarbon dating in the area (Harp 1964a; 1964b). He also noted that site elevation and geological uplift seemed to have relevance to the archaeology of the Straits region, but with the available information at the time he was unable to make sense of it and stated that "...evidence concerning uplifted shoreline features in southern Labrador is not at all helpful" (1964b:246).

Radiocarbon dating was, of course, the major technological innovation of the time, one that profoundly changed the discipline of archaeology and our understanding of human history, including that of the Far Northeast. Harp was the first to make use of the technique in the study area. His radiocarbon dates provided chronological information on human antiquity in the Far Northeast, and allowed him to connect this human history with that of adjacent regions to the west, and in particular to early and late phases of the Boreal Archaic culture that had been proposed by Byers (Byers 1959; Harp and Hughes 1968).

The remote setting of the Far Northeast limited the amount of research activity that occurred in the region for many years. This impacted what was known about the history of the region in that it was not until the early 1970s that a basic outline of the region's long and complex prehistory had been worked out (Fitzhugh 1972; Tuck 1975a, 1975b). Cultural chronologies, "...the main product.." of cultural-historical archaeology (Trigger 1989:195) were developed later in the Far Northeast than in other parts of the continent as a result of this remoteness. With the exception of Meldgaard's sojourn¹¹, which remained unpublished until just a few years ago, Harp's work was the only archaeological activity in the region for nearly a decade. Nevertheless, Harp's contribution was significant. Furthermore, it was Harp who introduced William Fitzhugh to the region through fieldwork at Port au Choix (Fitzhugh personal communication 2016). Fitzhugh states that his "...decision to work in Hamilton Inlet grew largely out of discussions with Elmer Harp and Dr. Junius Bird..." (Fitzhugh 1972:viii).

4.3.3 Cultural Ecology and the Environmental Setting:

Fitzhugh's Hamilton Inlet project marks an important turning point in the history of archaeological thought in the region and the first attempt at explaining archaeological change over time. Fitzhugh used a cultural ecology approach that involved building an understanding of the environment at different times in the past and connecting environmental changes with changes in human cultures represented in the archeological record (1972). This perspective was heavily influenced by the work of Julian Steward (1955).

¹¹ Because it was unpublished, Meldgaard's fieldwork in the region had little influence here. His idea about 'the forest smell' associated with Dorset culture did have an influence but has already been covered in Part 1. His theoretical leanings were similar to those of his Danish colleagues and interested readers can refer to Hood (1998) for further detail.

Fitzhugh's approach relied on new technologies and methodologies, especially the use of radiocarbon dating, pollen analysis, ice-core climate change data, past marine limits and geological uplift to reconstruct paleoenvironments (considering things like geography, vegetation and climate) which he then compared to human history and economic adaptations in the region (Fitzhugh 1972; Figure 4.6). Radiocarbon dating of archaeological sites at various elevations in Hamilton inlet, as well as dates on marine shells in modern terrestrial environments that were once below sea level contributed substantially to our understanding of the past. The land in Hamilton Inlet has been rising over millennia, and continues to rise in relation to sea level. As a result he was able to demonstrate that archaeological sites could be tentatively dated based on their elevation above sea level, with the oldest sites at the highest elevations and the more recent sites closer to modern shorelines (Fitzhugh 1972).

PERIOD	CLIMATE	DATE	INTERIOR	COAST
VIII	Little Ice Age Colder oscillations Forest retreat	1900	SESACIT PHASE	IVUKTOKE PHASE
		1500	POINT REVENGE COMPLEX	
VII	Second northern forest maximum Continued warm Forest moves north	1000		
VI	Cool episode but not cold Sharp warming trend Dry	500	NORTH WEST RIVER PHASE	
		AD		
V	Prolonged cold and wet	-0-	DAVID MICHELIN COMPLEX	GROSWATER DORSET PHASE
		BC		
IV	Cooling continues Wetter	500	ROAD COMPONENT	
			CHARLES COMPLEX	
III	Gradual cooling Wet Cooling begins Widespread forest retreat	1000	BRINEX COMPLEX	
		1500	LITTLE LAKE COMPONENT	
II	Maximum northern extension of forest Oscillations Generally warm Cooling Warm and dry	2000	RATTLERS BIGHT PHASE	
		2500	SANDY COVE COMPLEX	

Figure 4.6: Central Labrador cultural history compared with climate change through time (from Fitzhugh 1972:189).

As Hood notes, culture history was (and continues to be) a major goal in the Far Northeast where there are still areas where little archaeological work has been conducted (2002). Culture history and culture ecology merged, Hood writes “When Elmer Harp’s offspring entered the picture in the late 1960s...” (2002:241). This new way of doing things had ties to processual archaeology, or the ‘New’ archaeology of the same period associated with a more scientific, quantitative, and ‘objective’ approach, and the use of newly available technologies (such as radiocarbon dating) and more rigorous methodologies (such as new techniques for analyzing the spatial distributions of artifacts) (2002:241-242), though it was eventually challenged for its environmental determinism.

4.3.4 Questioning the Discipline:

Hood (2002:242) laments that environmental determinism is the aspect of processual archaeology that has had the greatest and most persistent impact in eastern arctic archaeology, and it has clearly had a lasting impact in our study area as well (Cox 1977; Fitzhugh 1972; Tuck 1975a; Tuck and Pastore 1985). That said, it was not long before researchers began to realize that there were some significant problems with the archaeology of the Far Northeast and they began to question many of the assumptions that practitioners were operating under.

In the 1970s it was determined that radiocarbon dates on sea mammal bones, which had been commonly used for dating archaeological sites, were subject to the marine reservoir effect, producing dates that were significantly older than they should be (Hood 1998; Tuck and McGhee 1975). This had implications for the culture history of the region and has resulted in long term and still unresolved debates about things like whether or not Dorset and Thule cultures

overlapped in time and if members of each group ever came into face to face contact. For example, Robert Park has repeatedly argued that there is no evidence for Dorset and Thule temporal overlap or contact, largely based on radiocarbon dates, many of which he sees as of no use due to the marine reservoir effect (Park 1993; 2000). Prior to his work, overlap and contact had long been assumed and had rarely been questioned (Park 1993). Fitzhugh, in a paper based on work at Staffe Island in far northern Labrador, subsequently argued based on several lines of evidence, including radiocarbon dates, that the two cultures did overlap in time in this region, and that "...Dorset-Thule contacts must have been a factor in local Dorset-Thule succession" (1994:259). Plumet also argued that evidence from Diana Island in Ungava Bay indicates temporal overlap (1994; 2002). Rankin, in a more recent review of the available information on the Thule/Inuit occupation of Labrador, referencing problematic radiocarbon dates, argues that there is, as yet, no archaeological evidence for overlap (2009:30).

Another issue that was raised was the use of racial, or ethnic typologies in classifying archaeological cultures based on normative theory (Schindler 1985). Schindler took specific issue with Fitzhugh's work "...singling out studies utilizing the Indian/Eskimo dichotomy as especially flawed" (Fitzhugh 1987:141). She argued that categorizing archaeological cultures into ethnic groups based on ethnography and the direct historical approach is problematic, and that doing so does not provide explanations for things like variation or change in the past (Schindler 1985). Although her paper was immediately, and sharply, criticized by a large number of scholars from a variety of institutions and anthropological backgrounds (see comments at the end of her article), it did inspire Fitzhugh to write a paper documenting the historic use of concepts of ethnicity in explorations of Labrador's archaeological record (Fitzhugh 1987). In the paper he argues that, in general, ideas relating to ethnicity have been

useful in understanding the archaeological record in Labrador, and points out that situations where this had been problematic (such as with determining the ethnicity of former sod house occupants in southern Labrador at the time) were rare in Labrador (1987:143). Schindler's critique likely motivated Loring to clearly and carefully define what he meant by 'ethnicity' in his dissertation on the Late Precontact First Nations cultures of Labrador (Loring 1992:28-29).

Increasingly archaeologists looked beyond climate and environment to explain culture change, turning instead to social relationships between peoples and things such as interaction or boundary maintenance to account for phenomena observed in the archaeological record. For example, in Newfoundland Renouf questioned Tuck and Pastore's (1985) highly influential hypothesis that the Indigenous occupation of the island was characterized by a series of population extinctions related to natural resource unpredictability and limitations (Renouf 1999). Renouf interprets the archaeological record differently and presents the case that aboriginal peoples did not die out in difficult times and that their adaptations involved maintaining ties with people elsewhere (such as Labrador or eastern Quebec). She argues, based on archaeological evidence, that there was regular interaction across the Strait of Belle Isle, and when things were tough in Newfoundland people would have drawn upon those relationships and moved when necessary (1999).

On the Quebec Lower North Shore Pintal (1998) attributes changes during the Late Precontact First Nations period, and particularly increases in the use of materials from Newfoundland and Labrador, to the disappearance of the Dorset in the area after about 1200 BP.

In recent years theoretical perspectives have become increasingly varied and sophisticated in the Far Northeast. One of the more recent approaches that has gained traction is landscape archaeology, influenced by the ideas of Tim Ingold (1986; 1993). Renouf and others

have applied it to help build an understanding of the long human history represented in the archaeological record at Port au Choix, developing ideas around how different cultural groups imbued the landscapes there "...with layers of meaning that comprised each landscape's life history... Precontact peoples were aware of landscape life histories thereby linking them through time in a process that continues to this very day" (Renouf 2011d:294). Woollett (2007) used a historical ecology approach to investigate landscape histories and Inuit culture change through time in Okak Bay and Hamilton Inlet. Bryan Hood used landscape as a bridge between processual and post-processual archaeologies in Labrador and innovatively provides two different interpretations of Maritime Archaic and Pre-Dorset social boundary maintenance in northern Labrador, one based on an "ecological narrative" (2008:344), and the other based on a "social and ideological landscape narrative" (2008:344-346).

A powerful example of how changing theoretical perspectives and methodological approaches can impact our understanding of the past has to do with the adoption of large multi-family semi-permanent winter dwellings by Labrador Inuit in the 18th century. These are generally referred to by archaeologists in the region as "communal houses" and the period to which they belong is often referred to as the "communal house phase", terminology originally borrowed from elsewhere in the eastern Arctic and applied to Labrador by Schledermann (Jankunis 2019:46; Rankin 2009:31-24; Schledermann 1971). When this was first noted by Bird in the early 20th century he suggested that it was related to contact with Europeans, which was often dangerous at the time, and, in his view, resulted in groups of Inuit banding together in large houses for protection (Bird 1945:179; Kaplan 1997:181-182).

In the 1970s Schledermann argued that the use of these large dwellings was a result of deteriorating climate which decreased access to resources (Kaplan 1997; Schledermann 1976;

1971). Jordan, who had been working in the Narrows area near Rigolet in central Labrador, disagreed with Schledermann's interpretation and argued, making use of historical records that had recently been presented by Garth Taylor (1974), that it had to do with access to European goods. His argument was that some skilled Inuit hunters, especially those engaged in whaling, were able to capitalize on trade with Europeans which led to wealth accumulation by "household heads" (Jordan 1978:184). Other less successful people could access some of this accumulated wealth by associating closely, i.e. living with, these "important hunter-traders" (Jordan 1978:184; Rankin 2009).

After some debate, Jordan's model was generally accepted amongst archaeologists in the region, which Rankin points out "...was perhaps to be expected in an era when post-processual and other archaeologies were attempting to re-introduce human agency into archaeological explanation after the environmental excesses of the 1960s and 1970s" (Rankin 2009:32). However, Jordan's ideas were eventually called into question as well. In the early 1990s Barnett Richling questioned Jordan's interpretation pointing out, based on ethnographic data, that European trade goods may not have been privately owned by individuals in traditional Inuit society and would have been shared and distributed beyond the household (Kaplan 1997; Richling 1993).

More recently, researchers have approached the communal house phase with more methodological and theoretical sophistication and have argued that the adoption and use of this kind of dwelling seems to be the result of a complex combination of factors related to both the environment, and cultural responses to an increasing European presence (Jankunis 2019; Kaplan and Woollett 2000; Rankin 2009). This was based on multiple lines of evidence including "...archaeological, ethnohistorical, and high resolution climate data..." (Kaplan and Woollett

2000:351). Environmental information for the time period in question came from measuring the amount of sea salt in ice cap cores from Baffin Island, from local tree ring analysis and from studies of oxygen isotopes in ice cores taken from glaciers at various locations (2000:353-354). These data showed that communal houses were being used at a time when environmental conditions were favorable. The archaeological record indicates that people were doing well economically at the time; however Kaplan and Woollett make a compelling case based on historical records that this was a period of social stress for Inuit due to the increased European presence on the coast, and particularly due to the efforts of Moravian missionaries who were deliberately undermining certain aspects of Inuit culture. The communal house, they argue, was a way of resisting this external influence and expressing “Inuitness” (2000:357).

I would like to make two final points on Kaplan and Woollett’s understanding of the communal house phase before moving on. First, I would like to point out that Rankin refers to their work as “Perhaps the most comprehensive recent statements on this issue are found in analyses by Kaplan and Woollett... in what might be considered a masterful post-processual style” (Rankin 2009a:33). Second, the note they end on – that what some archaeologists see as evidence of prosperity and achievement could also be seen as evidence of deep cultural duress (Kaplan and Woollett 2000:357) – is an excellent example of how different perspectives can impact our understanding of the past.

4.3.5 The Social Context of Archaeology in the Far Northeast:

Finally, it is once again important to return to Hood’s ideas about the social organization of research, and to consider our “social setting” and the impact that these things have had, and

continue to have on our understanding of the past in the Far Northeast. In relation to the former, it has already been mentioned that social connections within the discipline of archaeology have shaped the directions of archaeological research, and the kinds of questions that have been asked. Hood points out that “Arctic fieldwork was perhaps marked by heavier dependence upon apprenticeship to an experienced researcher than was the case in the south, resulting in “mentored” research circles which functioned as strong enculturation units” (1998:21). He points to the circles of researchers associated with scholars like Fitzhugh, Tuck, Renouf and Plumet, and in the Far Northeast similar situations can be observed early on in the history of archaeology, for example in the relationships that Jenness had with others working in the area in the 1920s and 1930s. They can be observed in the region today, for example amongst those now being trained at Memorial University.

The way that we understand that past as archaeologists relates to our archaeological upbringing, the relationships that we maintain with other researchers, and the individuals we choose to align ourselves with in terms of theory and methodology. And here I am not referring to just those people we have met and have interacted with in person. For example, demonstrating an understanding of the careers of our archaeological elders is an important rite of passage. A relationship with these elders, in terms of familiarity with their work, is valuable in archaeology, as is probably the case in many disciplines.

The social setting of our study area has also affected what we know about the past and serious changes to the way that archaeology is practiced have resulted from influences outside of the discipline. It has not just been archaeologists who have been raising serious questions about the practice of archaeology and our understanding of the past in the Far Northeast. Archaeological research has provided information that has serious implications for those whose

history is being studied, and over the past 50 years or so local interests have had increasing influence on archaeology. This kind of research can have political implications and has been used, for example, to support land claims in the Far Northeast in Labrador (Fitzhugh 1977; Jordan 1977; Loring 1992; Rankin and Crompton 2013), and Quebec (Plumet 2002).

On the island of Newfoundland, archaeological data have thus far not helped the Mi'kmaq in their pursuit of a land claim, though, work that they requested did add to our knowledge of the past. Mi'kmaq in the Conne River area requested and provided funding for archaeological work on the south coast to help in their land claims process (Penney 1984). However, evidence for a Mi'kmaq presence prior to the arrival of Europeans has not been found and the Government of Canada and the Government of Newfoundland and Labrador have been unwilling to negotiate a claim largely because of this (Higgins 2008). The south coast work added significantly to our understanding of the past since the area had not received much archaeological attention before and the Little Passage Complex was defined as a direct result (Penney 1984).

In Labrador and Quebec Indigenous groups began to push for greater control over lands that they had traditionally used and occupied, and for involvement in the management of cultural resources in and on those lands in the late 1970s (Armitage and Ashini 1998; Hood and Baikie 1998; Martijn 2002; Plumet 2002;). Archaeological information became a key component of supporting evidence for the original formal statement of claim documents (for example Brice-Bennett 1977; Fitzhugh 1977; Jordan 1977). Many Indigenous people expressed concern about the removal of artifacts, and particularly about the removal of human remains and burial objects from archaeological sites and burial contexts. Often these sorts of activities had occurred without any kind of consultation and many people felt that they should at least be aware of

archaeological activities occurring on their lands (Armitage and Ashini 1998; Hood and Baikie 1998).

In 1998 anthropologist Peter Armitage coauthored a paper with Daniel Ashini, of Labrador's Innu Nation, about how archaeologists and the Innu of Labrador and eastern Quebec could develop mutually beneficial working relationships. They argued that provincial legislation did not recognize Innu rights, like ownership of artifacts, but that it was good in some ways because it helped protect sites. The possibility of the Innu issuing permits for archaeology was considered (which it actually began doing in 1992 [Hood & Baikie 1998:11]), and they pointed out that the Innu could help archaeologists in terms of finding and interpreting archaeological resources. It was also noted that archaeology could help create jobs for people in the Innu communities (Armitage and Ashini 1998).

Bryan Hood and Gary Baikie (with the Labrador Inuit Association) published an article at the same time discussing the impact that the discovery of an economically significant mineral deposit between the Inuit community of Nain and the Innu community of Natuashish was having on Indigenous populations in the area. They focus in particular on how this was impacting the management of historic resources in the area (Hood and Baikie 1998). They too refer to the removal of cultural materials and Inuit human remains from the region without consultation, and write about the importance of these elements of heritage to Labrador Inuit (1998). They do point out that archaeologists did provide information for the original land use and occupancy study which officially initiated the land claims negotiation process (Fitzhugh 1977; Hood & Baikie 1998:11; Jordan 1977).

Hood and Baikie (1998) explain that Labrador Inuit had been working towards a land claims agreement for twenty years at that point and had tried repeatedly to be involved in the

management of archaeological resources in the region, including management of Inuit sites, and had been consistently denied any role by the provincial government up to that point. In the early 1990s, the Innu and the Inuit of Labrador developed a research process that archaeologists working within their respective territories were expected to follow. This process included “...acquiring community consent, filing copies of research proposals, hiring local people, not disturbing burials, providing photographs and understandable reports...” (1998:11)¹².

Community archaeology projects began to be conducted in the area at this time as a direct result of these developments (1998:11). Hood and Baikie point out that Indigenous groups were not consulted in relation to the development of the relevant provincial legislation that protects archaeological resources (the Historic Resources Act) (1998:12). There were certainly tense times during this period, but there are also good examples from this period of collaborative work between archaeologists and Indigenous communities in Labrador, such as work at Hebron and at Eclipse Harbour in northern Labrador that was jointly proposed and conducted by the Torngâsok Cultural Centre and the Smithsonian Institution (Hood and Baikie 1998:11; Loring 1998; Loring and Arendt 2009).

In the mid-1990s, tensions came to a head and some dramatic changes occurred. At this time the LIA requested that the remains of more than 100 Inuit individuals removed from burials on Rose Island and Upernavik Island in Saglek Bay be returned for reburial. The provincial government and Memorial University complied and a reburial took place in August of 1995 (Hood and Baikie 1998:13; MacLeese 1998). Hood and Baikie write that “...the reburial was both a spiritual issue and an important political statement. For the first time Inuit were able to

¹² Some of these requirements were later incorporated into the Labrador Inuit Land Claims Agreement and are therefore legally binding today.

assert control over an element of their cultural heritage” (Hood and Baikie 1998:13). At about the same time the provincial government began referring archaeology permit applications to Indigenous groups for review (Hood and Baikie 1998).

The Voisey’s Bay nickel discovery led to direct Inuit and Innu involvement in related archaeological assessments for the first time and also resulted in a fast-track negotiation process for the Inuit land claim (Hood and Baikie 1998) which ultimately resulted in the signing of the Labrador Inuit Land Claims Agreement (LILCA) in 2005. The Agreement provides for Inuit self-government and it has had, and will continue to have, major implications relating to our understanding of the past in the region. It is, in fact, one of the most significant events in relation to the recent history of archaeology in Newfoundland and Labrador, affecting things like permitting, title to artifacts and even the kinds of questions researchers are asking. For example, the Nunatsiavut Government (Nunatsiavut is the Inuit name for the Land claims region which means ‘our beautiful land’) is now the Permitting Authority for archaeological activities on Labrador Inuit Lands and within the Labrador Inuit Communities. The Nunatsiavut Government has title to archaeological materials found in those areas after the effective date of the agreement (LILCA Part 15.11). An example of the effect that the *Agreement* appears to be having on the kinds of questions researchers are asking is the fact that of the permits issued within the first ten years of the Nunatsiavut Government’s existence, excluding assessments, cruise ships visits and general surveys, well over 90% of archaeology research applications thus far have focused on Inuit history in Labrador. It should be stressed that this is by no means a requirement (NAO 2016).

The Inuit of northern Quebec have since signed a land claims agreement as well, and like the LILCA it deals extensively with archaeology and is significant in the history of archaeology

in the region in a similar way (NILCA 2006). Early in this chapter we saw how Inuit involvement has been affecting archaeology in northern Quebec since the 1970s (Martijn 2002; Plumet 2002). The Innu of Quebec and Labrador continue to work towards land claims agreements which no doubt will also greatly affect what we know about the past.

A few other projects need to be touched on to show how the relationships between Indigenous groups and archaeologists are currently affecting, and will almost certainly continue to affect, what we know about the past in a major way. Over the course of the last decade large scale projects involving cooperative research partnerships between Indigenous communities and archaeologists in the region have received substantial multi-year funding. One project entitled “Understanding the Past to Build the Future”, funded by the Social Sciences and Humanities Research Council of Canada (SSHRC) over a period of five years added enormously to what we know about the Inuit occupation of southern Labrador (Gaulton & Rankin 2018; Rankin & Gaulton 2021). Another SSHRC funded multi-year, multi-disciplinary partnership project that is currently wrapping up called “Tradition and Transition Among the Labrador Inuit” is adding significantly to what is known about the culture history of central and northern Labrador. Research questions associated with both projects either came directly from partner Indigenous groups, or were developed collaboratively. The Innu are also directly involved in archaeological projects being conducted at places like Sheshatshiu (Jenkinson and Neilsen 2015) and Kamastastin Lake (Jenkinson and Ashini 2015).

It must be noted that it is not just Indigenous communities that have an interest in archaeology. Major community projects were occurring in non-Indigenous communities in Newfoundland (Gaulton and Hawkins 2015; Memorial University 2005) and along the Quebec

Lower North Shore since the 1990s (Pintal 1998). These interests have also had, and will continue to have, significant impacts on our understanding of the past.

Finally, it may be worth noting that archaeologists in the region continue to work in new social contexts and family archaeology projects are now being conducted in the region for the first time¹³ (Brake and Brake 2017; 2016; Davies 2017; 2016). It will be interesting to see how different perspectives at this scale affect what we know about the history of the region.

4.4 Conclusions:

In the preceding pages I have presented a summary of the history of archaeological research in the Far Northeast, and based on that history I have explored how the environmental setting, together with changing methodological and theoretical perspectives, have altered our views and understandings of human history in the area. Archaeological activity began in the region in the latter half of the nineteenth century and progressed relatively slowly, but fairly steadily, until the middle of the twentieth century. Research activities intensified exponentially in the 1960s and by the 1970s the complex culture history of many parts of the Far Northeast had been outlined. Archaeology became increasingly scientific at that time as new methods and techniques were (and are) rapidly being developed. Government regulation of archaeological activities and of the impacts that non-archaeological activities can have on historic resources have been a major factor in this history, particularly since the late 1960s.

¹³ Archaeologists have certainly looked at particular families through the archaeological record in the past in the far northeast; however, tracing a contemporary family's history back through the archaeological record in partnership with the family, or as an actual member of the family in question, is, as far as I know, a new development.

In the 1970s and 1980s serious questions were being asked about the practice of archaeology in the area both from within and outside the discipline. This has ultimately resulted in increasing sophistication in terms of both methodological and theoretical approaches, and in the development of strong working relationships between archaeologists and communities throughout the region. It has also led to recognition of some of the limitations of this kind of work – our views of the past are in many ways subjective. The impact that the interests of Indigenous groups, local communities and local researchers have had, and will continue to have on our understanding of the past cannot be overstated. Particular attention was paid to relationships between Indigenous communities and archaeologists in the region to provide a powerful example of how partnerships can drive research. Relevant laws reflect relationships that the public has with archaeology. The Labrador Inuit Land Claims Agreement, for example, provides title to archaeological materials found in Labrador Inuit Lands after the effective date of the agreement, and requires archaeologists working in the region to hold public meetings to discuss and explain projects both before and after fieldwork, which are direct results of the push by Labrador Inuit for greater involvement in research and management of historic resources in the region.

It should also now be clear that, as with our understanding of culture history, the way we understand the history of archaeology itself depends greatly on our perspective. Our understanding of things as seemingly clear cut as the history of research is profoundly affected by our relationships with other people whether they are archaeologists or not. The histories of northern Quebec archaeology written by Plumet (2002) and Martijn (2002) are excellent examples of this.

The history of archaeological research deserves much more in-depth attention than the scope of this chapter allows. Throughout this history the Far Northeast has been the study area of some of the most brilliant minds in North American archaeology. The caliber of the researchers, the accomplishments to date, and the fact that so many of these researchers have returned repeatedly, are a testament to the lasting interest and value of the archaeological record of the Far Northeast. There remains much to do, and indeed, there is so much more to learn.

Now that we have established the research context, and the social context of archaeological thought and activity in the Far Northeast, it is time to turn our attention to Labrador Inuit perspectives on historic resource management in Nunatsiavut.

Chapter 5: Labrador Inuit Perspectives

5.1 Introduction:

At this point the importance of engagement in Nunatsiavut in relation to policy development must be highlighted. Perhaps the best demonstration of this is presented as one of the founding principles of the Labrador Inuit Constitution:

The Labrador Inuit Constitution and Labrador Inuit political, social, cultural and economic institutions under the Labrador Inuit Constitution are founded on the following principles:...

(q) the belief that decision making by Labrador Inuit political, social, cultural and economic institutions should promote participation by Labrador Inuit individuals and organizations, seek cooperation and consensus, and consider dissenting opinions, the views of minorities and the possible consequences of the decision for all Inuit of Labrador... (LIC section 1.1.3).

The importance of the founding principles cannot be overstated as: “The will of the Inuit of Labrador as expressed in the Labrador Inuit Constitution is the supreme authority of all Labrador Inuit political, social, cultural and economic institutions established by or under the authority of the Labrador Inuit Constitution” (LIC section 1.1.2).

Ideas about heritage policy from Labrador Inuit themselves are presented in this chapter and are the result of a review of reports on Nunatsiavut’s annual heritage forums, a policy discussion tour of Nunatsiavut that took place in 2017 with Dr. Mark Turner, and two public engagement tours that took place in 2018 and 2019. The review of the heritage forum reports and the 2017 tour can be thought of as policy space mapping exercises as discussed by Lenihan (2012). The 2017 tour was designed as a way to learn about what heritage means to local people and why it is important to them. The second and third tours were undertaken to give participants an opportunity to identify heritage-related issues, and to identify options for how these might be

addressed by the Nunatsiavut Government (NG). These activities correspond with the first three pieces of NG's policy cycle: 'identify the issue'; 'analyze the issue' and 'identify options'. The conversations we had were in some ways informed by the jurisdictional scan which is presented in Chapter 6, though comments about issues and possible responses identified by archaeologists were kept to a minimum to avoid influencing local perspectives. Academic or professional archaeological perspectives were typically discussed only when participants asked specifically about that kind of information.

Qualitative data analysis software, in this case QSR NVivo, was used to thematically code statements made by participants and that were recorded in reports and field notes. This was an effective way of organizing a large amount of information and allowed for straightforward display of relevant data. This in turn makes it much easier to process and understand what was said by local people in the context of the annual heritage forums and public engagement sessions that took place over a period of more than 10 years. Themes were created based on documented statements rather than being pre-defined, and statements about heritage were coded by community, context (forum or engagement session), year, and theme. If a statement had clear connections to more than one theme it was coded to more than one. For example, a statement about recording pre-contact burials so that they could be preserved would be coded to a theme called 'Cemeteries and Graves', as well as to a theme called 'Archaeology'. The number of coded statements associated with each theme provides clues about which issues were considered to be most important to participants. The software also allows a researcher to quickly review all of the statements associated with a particular theme, which is quite useful for analyzing available data.

The chapter is divided into four main sections, the first devoted to the heritage forums and the second to the 2017 policy discussion tour. The remaining two sections deal with the two public engagement tours respectively. Graphs showing discussion themes associated with each gathering, as well as the number of statements coded to each theme, are included at the end of each section to summarize relevant results of heritage forum report reviews and public engagement sessions. A few concluding remarks are found at the end of the chapter.

5.2 Nunatsiavut's Annual Heritage Forum:

The first Nunatsiavut Heritage Forum was held in 2010 in the community of Nain following a suggestion made by Joan Andersen, curator of the White Elephant museum in Makkovik. At the time there were two pressing issues being faced by the NG's Department of Culture, Recreation and Tourism (CRT, now Language, Culture and Tourism – LCT). The first related to the discovery of the former Moravian Mission Museum collection in a dilapidated and boarded up manse on the Moravian mission property in Nain. The old museum had been destroyed by fire about 10 years earlier, but most of the collection was saved at the time (Smart & Lambert 2000). Artifacts that had formerly been housed in the museum were subsequently moved around and at some point they were transferred to the old manse, which was something no contemporary TCR staff were aware of. This led to questions about what should be done with this particular collection, but it also led to more general questions about the management of artifacts, particularly in light of the fact that the NG has title to Archaeological Material collected from Labrador Inuit Lands and the Inuit Communities following the Effective Date of the LILCA.

A second issue involved the destruction of another more recently built Moravian manse in Nain by fire in 2009. This building contained an archives and the charred remains of more than 100 pages of original handwritten historic documents were found scattered over the snow covered ground after the fire had been extinguished by the local fire brigade. TCR staff and the same Moravian missionary recovered these scattered and partially burnt pages, but it was clear that quite a lot of archival material had been lost. The loss of this building raised legitimate concerns about the possibility of structural fires in the community of Hopedale where a largely intact Moravian mission complex, which includes an active church and a substantial museum, are located.

While corresponding about these matters with Joan Andersen, she suggested that what was needed was a heritage forum so that people from all five Inuit Communities¹⁴ as well as the Upper Lake Melville communities could discuss heritage related issues being faced in each area. It would provide an opportunity for people involved in heritage-related work to learn from one another and to set priorities for the coming year. Based on that suggestion I submitted a funding application for such a forum to the Tasiujatsoak Trust, which provides financial support for culture related projects through royalties from the Voisey's Bay nickel mine. In November of 2009 I received a letter from the Trust stating that the application had been successful and that the full amount of funding that had been requested had been approved. Planning began immediately and Nunatsiavut's first heritage forum was held in early February of 2010. It turned out to be quite successful:

Clearly defined heritage related issues in each Labrador Inuit Community were discussed, priorities and goals were set... it provided an educational opportunity for the participants as well as interested members of the public, and it was very helpful for building closer

¹⁴ Capital letters are used in this chapter for defined terms from the LILCA.

relationships between the people who are directly involved in dealing with heritage related issues throughout Nunatsiavut (Brake 2010:9).

The first forum resulted in the identification of a series of community-specific priorities and goals, as well as three general goals that were applicable to the whole of Nunatsiavut. One of these goals was to hold a regional heritage forum on an annual basis in a different Inuit Community each year. When this goal was suggested by a participant it received unanimous and enthusiastic support from all delegates and the call for an annual forum was repeated throughout the original conference. This recommendation came to fruition and the forum was held each year until 2019/2020 when it was delayed so that it could be held following the grand opening of the new Illusuak Cultural Centre in Nain; it was subsequently cancelled because of the Covid-19 pandemic. Nunatsiavut's annual heritage forum has become the NG's primary mechanism for public engagement on heritage issues. It has also provided opportunities to celebrate the unique and interesting history of each community as the forum moves along the coast each year.

Starting with the second forum, which took place in Hopedale in 2011, a coordinator was hired to help with planning and preparing for the event, and to co-write, or write a report on the conference. Reports are available for every forum and these are important sources of information on the heritage related concerns and aspirations of members of the Labrador Inuit Communities. Several of the reports contain a series of priorities or recommendations for the Nunatsiavut Government which have provided important guidance and direction for decision makers. After 2010 most forums had a specific theme that was related to the contemporary concerns and interests of members of the host community. Summaries of the main relevant results of the forums are presented in the following pages.

First Heritage Forum: Nain, February 3-4, 2010

The report on Nunatsiavut's first heritage forum contains a table with community specific heritage-related recommendations, as well as three general recommendations applicable to the entire region.

Community Specific Recommendations:

Rigolet: To protect and properly store important original archival records in the community, and to digitally scan relevant archival records (Brake 2010).

Postville: To protect archaeological sites in the area that had not yet been recorded, and to create records for sites in the area that were previously documented through land use and occupancy studies (Brake 2010).

Makkovik: To make use of heritage resources to promote local tourism, and to develop a brochure in partnership with NG for this purpose (Brake 2010).

Hopedale: To protect and preserve historically important mission buildings in the community, and to raise the necessary funding to be able to do so (Brake 2010).

Nain: To designate and maintain historically important buildings in the community, to apply for designation through the Heritage Foundation and to apply for restoration funding (Brake 2010).

General Recommendations:

- 1) To establish a "Heritage Coordinator" position in the region (Brake 2010:8);
- 2) To hold a Nunatsiavut Heritage Forum on an annual basis (Brake 2010:8);

- 3) To nurture connections that had been made during the forum and to ensure that groups, agencies and individuals involved in heritage-related work stayed in contact throughout the year (Brake 2010:8).

A summary of heritage-related statements made by participants during Nunatsiavut’s first heritage forum is presented in Figure 5.1:

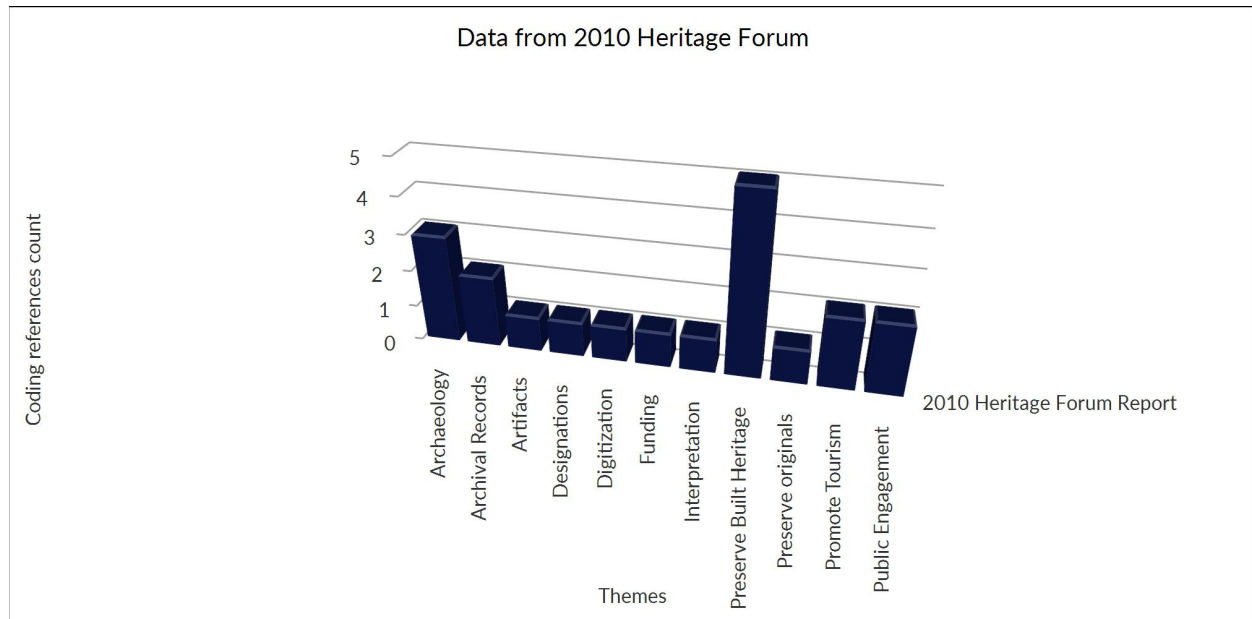


Figure 5.1: Number of relevant coded statements associated with heritage-related themes from Nunatsiavut's first heritage forum.

Second Heritage Forum: Hopedale, May 2-4, 2011

Theme: “Built Heritage”

The report on Nunatsiavut’s second annual heritage forum also contains a clear list of heritage related recommendations associated with each of the Inuit Communities and Upper Lake Melville. The recommendations resulting from the 2011 forum are presented below.

Nain: To restore the Moravian church foundation, to develop a five year heritage plan, to keep church elders informed, to find suitable space for the old Mission Museum collection, to meet with AngajukKoks regarding community heritage (Beale & Brake 2012a).

Hopedale: To repair the historic Moravian church floor, to increase heritage-related human resource capacity in the community, to maintain grave sites, to increase accessibility of information through a website and brochures, to increase security for the mission buildings, to find new purposes for the space in those buildings, and to have the mission buildings designated as registered heritage structures by the Heritage Foundation (Beale & Brake 2012a).

Rigolet: To identify funding to help preserve language (Rigolet dialect of Inuktitut in particular), to complete the local boardwalk, to do repairs to the church and the seniors building, to increase local heritage-related human resource capacity, to document local stories and oral history, and to make use of heritage resources to generate tourism through the cruise ship industry (Beale & Brake 2012a).

Makkovik: To increase interaction between heritage committees and Inuit Community Governments, to work towards municipal heritage designations, to see Makkovik and Postville work together to document the former community of Aillik, and to support and encourage craft work and the preservation of relevant local knowledge through a pattern library (Beale & Brake 2012a).

Postville: Not represented during the 2011 forum

Upper Lake Melville: To increase access and centralization of information through a library in central Labrador, to encourage and support heritage related local businesses (Beale & Brake 2012a).

A thematic summary of statements made by participants during the 2011 forum and that are captured in the report is presented in Figure 5.2:

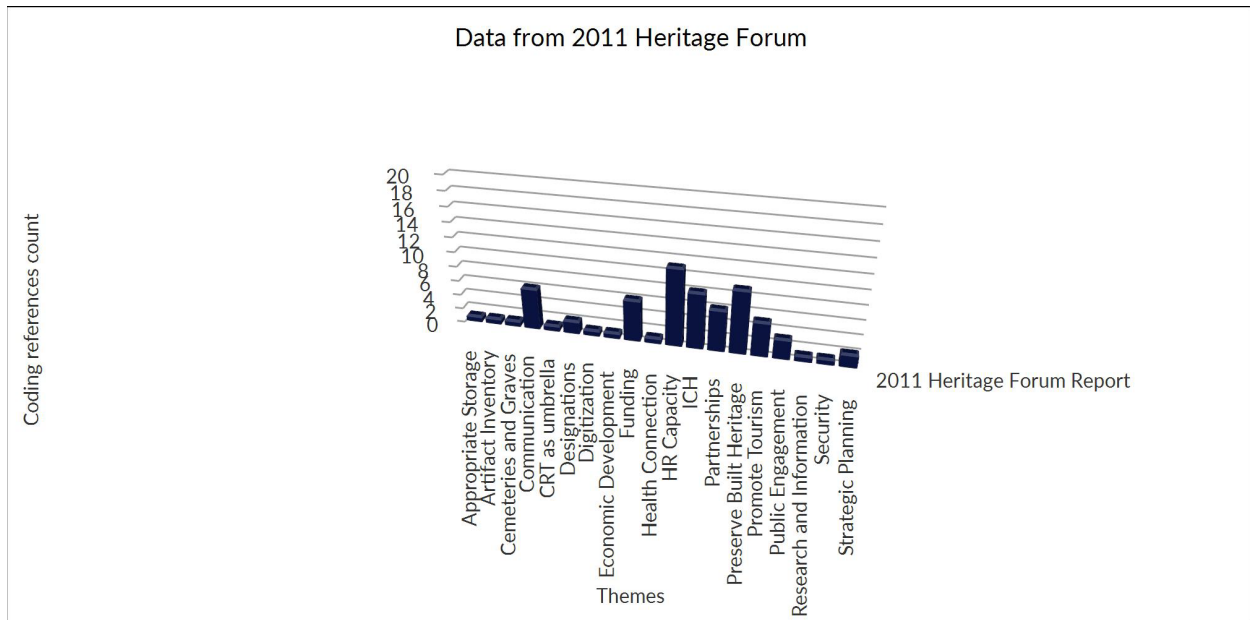


Figure 5.2: Number of relevant coded statements associated with heritage-related themes from Nunatsiavut's second heritage forum.

Third Heritage Forum: Makkovik, May 7-10, 2012

Theme: “Best Practices Through Partnerships”

The report on the 2012 forum also contains clear and relevant lists of action items and other priorities which are provided below.

Main action items:

- 1) Development of document to provide guidance on acquiring heritage related funding (Beale and Brake 2012b:32);
- 2) Increasing communication between groups and individuals involved in heritage work throughout the year (Beale and Brake 2012b:32).

Other priorities:

- 1) Learning more about NG space for managing archival records (Beale and Brake 2012b:33);
- 2) Creating inventories of archival material, digitizing that material and developing policy around accessioning archival records (Beale and Brake 2012b:33);
- 3) Considering new uses for historic buildings (Beale and Brake 2012b:33);
- 4) Increasing use of Inuktitut (Beale and Brake 2012b:33-34) ;
- 5) Having participants share information with community members through local radio (Beale and Brake 2012b:34);
- 6) To develop a genealogy database (Beale and Brake 2012b:34);
- 7) To ensure political leaders participate in Heritage Forums and related meetings (Beale & Brake 2012b:33-34).

A thematic summary of the main relevant points made by participants during the 2012 forum is presented in Figure 5.3:

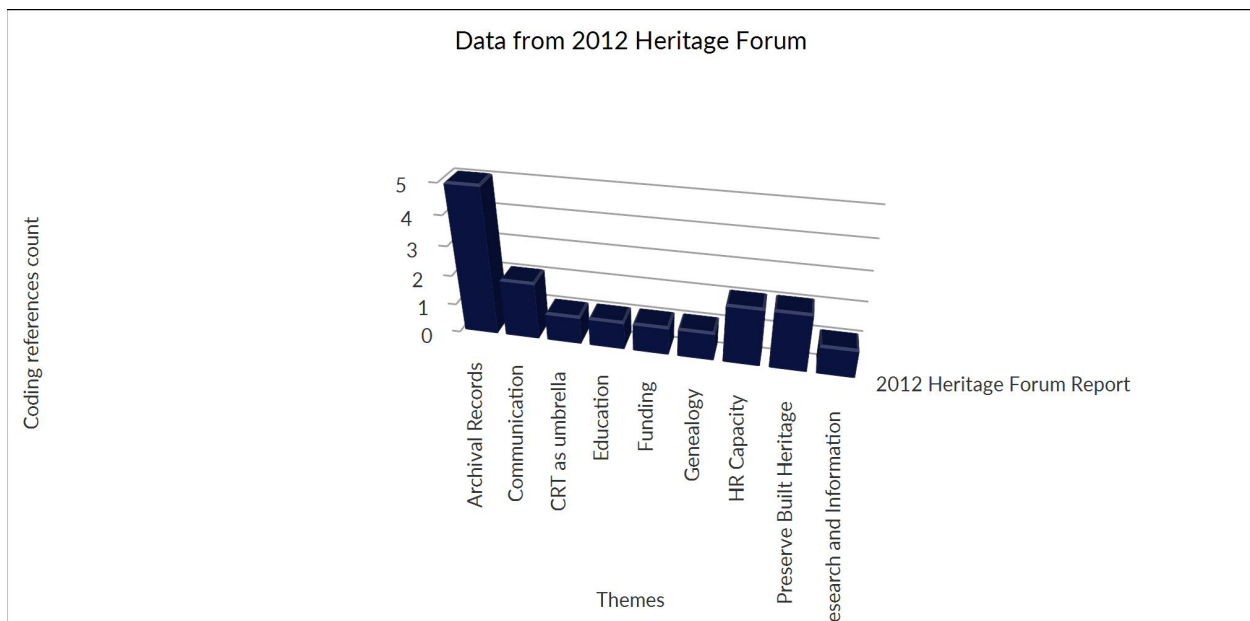


Figure 5.3: Number of relevant coded statements associated with heritage-related discussion themes from Nunatsiavut's third heritage forum.

Fourth Heritage Forum: Rigolet, June 3rd – 6th, 2013

Theme: No specific theme was identified for the 2013 heritage forum.

Towards the end of the 2013 forum, participants were asked to think about the events of the week and to consider what the most important parts of it were for them. Participant reflection on the most important aspects of presentations and discussions during the conference resulted in discussions of four key themes:

- “1) Heritage as a driver for economic development.
- 2) Build local champions for heritage.
- 3) Work in partnership between heritage interests.
- 4) There are always more opportunities to learn about heritage” (Beale 2013:27).

These themes are presented under the heading “Contributions to a Nunatsiavut Heritage Strategy”, as framed by the Deputy Minister of Culture, Recreation and Tourism during the forum (Beale 2013:27). This is significant since there had not previously been any official and explicit strategic planning activity conducted by the NG’s Department of LCT (formerly known as CRT), and possibly not within any of the government’s other departments. An important aspect of the 2013 forum was that it was the first one to engage with the local school. This was considered highly successful and was done during all subsequent heritage forums.

A summary of heritage-related statements made by participants during the 2013 forum is presented in Figure 5.4:

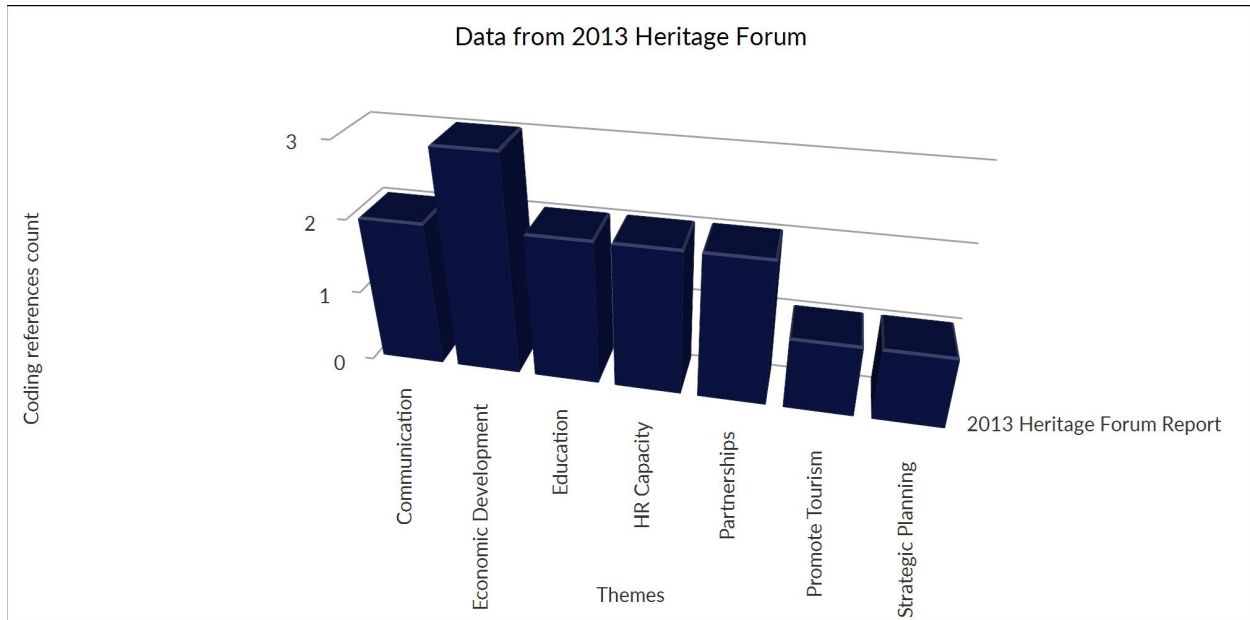


Figure 5.4: Number of relevant coded statements associated with heritage-related discussion themes from Nunatsiavut's fourth heritage forum.

Fifth Heritage Forum: Nain, June 2-5, 2014

Theme: Sustaining Traditions, Planning Transitions.

Main outcomes:

Direction and action items provided by forum delegates were organized into four categories in the final report including: “(1) ideas or thoughts about heritage opportunities and challenges in Nunatsiavut today; (2) ideas for future projects, specifically arising out of this year’s forum; (3) ideas to improve upcoming forums; and (4) ideas for the continuation of the forum more generally” (Mills 2014:27).

The most important outcomes from a policy perspective were listed under the first two headings and most relate directly to communication and the importance of keeping communication and momentum going between forums. Several bullet points also relate to using

heritage to stimulate economic development, and others have to do with the importance of education and mentoring younger generations. Digitization, ‘virtual repatriation’, and travelling exhibits were also highlighted, as was the need for “a web-based communication tool” where forum reports and other resources would be made available to the public (Mills 2014:27-28).

Some interesting points can be found under the second two headings which provide information on the development of the forum itself, and in particular ideas about the organization of the forum by a standing committee in partnership with local host committees. The latter would change annually depending on which community the forum would be held in (Mills 2014:28-29).

Another very important aspect of Nunatsiavut’s 5th Heritage Forum has to do with a partnership that was developing between NG, Memorial University and a number of other interested institutions and individuals. Memorial University and NG signed a Memorandum of Understanding in February of 2014 which outlined ways that both institutions would work together to achieve mutually beneficial goals related to research, capacity building and policy development, particularly in relation to culture. An important manifestation of these ideas was the Tradition & Transition Research Partnership, which received initial development funding in 2014. Nunatsiavut’s 2014 heritage forum theme was directly related to this project, and the forum allowed for crucially important engagement and project evaluation between partnership researchers and communities for the next 5 plus years. The principle investigator of the project at the time, Dr. Tom Gordon, was a member of the forum organizing committee in 2014, and his presentation during the forum provided an introduction to the Tradition & Transition Research Partnership to participants.

One notable aspect of the final report on the 2014 forum is that it is the first to contain a message from the NG’s Minister of Culture, Recreation and Tourism, something which all future forum reports included. This demonstrates clear recognition of the importance of heritage, and of the forum itself by elected leaders within Nunatsiavut.

A summary of heritage-related statements made by participants during the 2013 forum is presented in Figure 5.5:

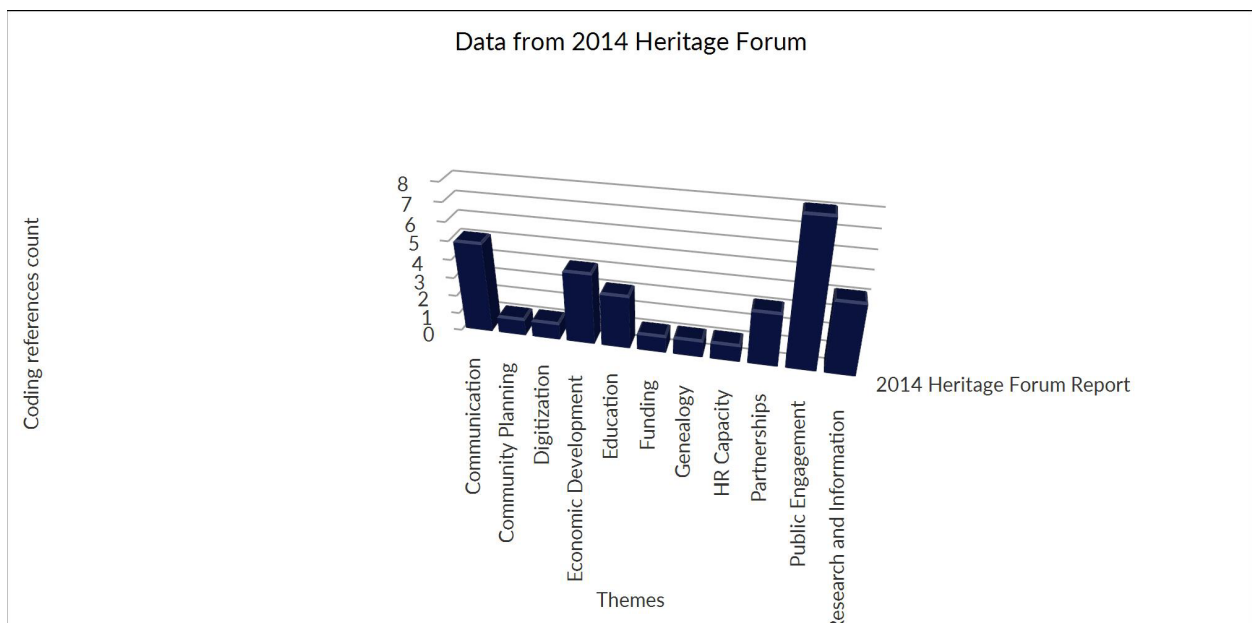


Figure 5.5: Number of relevant coded statements associated with heritage-related discussion themes from Nunatsiavut's fifth heritage forum.

Sixth Heritage Forum: Hopedale, October 25th -29th, 2015

Theme: Celebrating Heritage through Community Connections

Main Outcomes:

Several policy issues were identified during discussions and are presented at the end of the report on the 2015 forum in a section entitled ‘Policy directions for the Nunatsiavut

Government’ (Procter 2015:43). Three areas in particular were highlighted: Language, heritage and genealogy, and in all three cases the development of legislation was specifically recommended. The following statement was made in relation to Heritage policy and law:

- “Review heritage policy and legislation in other jurisdictions, and consult with Nunatsiavummiut” (2015:43).

Another important aspect of the 2015 forum is that the Tradition & Transition Research Partnership had been provided with 7.4 million dollars in research funds by this point, and the forum itself received significant financial support from the project for the first time that year. Dr. Tom Gordon presented an overview of the partnership, and a number of projects that were developing through the partnership were discussed, including the present study.

In the Minister’s message at the beginning of the report on the forum, then Minister Sean Lyall made the following statement: “The Nunatsiavut Heritage Forum has become one of the most important tools for the advancement of culture and heritage of Labrador Inuit” (Procter 2015:3).

A summary of heritage-related statements made by participants during the 2015 forum is presented in Figure 5.6:

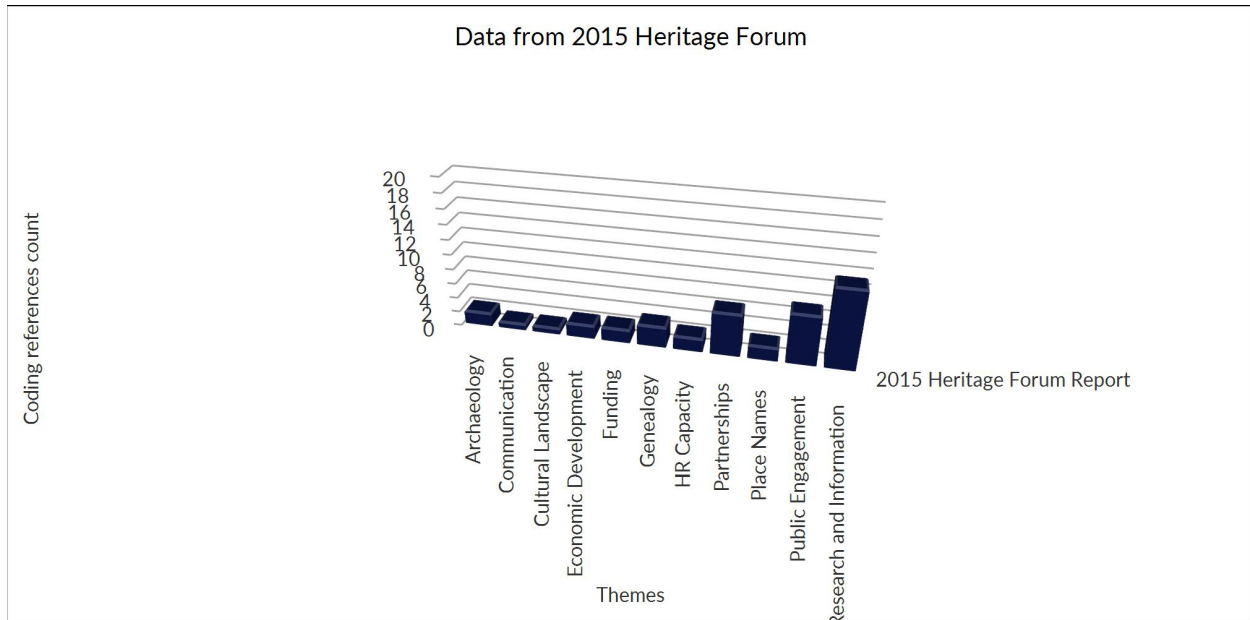


Figure 5.6: Number of relevant coded statements associated with heritage-related discussion themes from Nunatsiavut's sixth heritage forum.

Seventh Heritage Forum: Makkovik and Postville, June 12th – 16th, 2016

Theme: No specific theme in 2016

Main Outcomes:

No concise list of specific policy directions relating to heritage appears in the final report on the 2016 heritage forum. The main outcomes of the forum that year relate to a major increase in heritage-related research activity in Nunatsiavut fueled largely by the Tradition & Transition Research Partnership. More than 30 research projects with support from the partnership that were either underway or that were in development were listed in Tom Gordon's partnership update presentation. Many of the participants at the forum discussed projects included on these lists during their own presentations (Procter 2016).

Another important aspect of the 2016 forum was the 'AngajukKâ Discussion Circle'. Each Inuit Community is represented in Nunatsiavut's Assembly by an AngajukKak, or major,

and in 2016 three AngajukKat representing Makkovik, Nain and Hopedale participated in a discussion of heritage related matters that were occurring in each town as well as things that they would like to see happen. This resulted in some general discussion, and a number of the topics that came up are relevant here:

- 1) The possibility of using a heritage structure in Nain as a repository for archaeological, ethnographic and archival materials (Procter 2016:10, 31);
- 2) Progress on the Illusuak Cultural Centre was discussed (Procter 2016:10, 31);
- 3) Having research done on heritage structures (Procter 2016:21-22);
- 4) Having cemeteries maintained, and researched and having graves marked (Procter 2016:9, 10, 31);
- 5) Having designated heritage areas to protect special places and to educate the public about local history – two places in the Makkovik area were talked about in particular as being worthy of designation (Ford’s Bight and Graveyard Point). The Moravian Woods in Makkovik had already received municipal designation. The need for Nunatsiavut to have its own designation program, rather than relying on provincial or municipal designations was highlighted (Procter 2016:32);
- 6) Nain’s Angajukak talked about including a process for referring land use applications to Nunatsiavut’s Archaeology/Heritage Office in the new municipal plan for that community, and there was discussion of the other four Inuit Communities doing the same (Procter 2016:31-33);
- 7) Plans in Postville for a craft shop/interpretation centre, as well as the importance of establishing a heritage society were also discussed by a delegate from that community, who also expressed an interest in seeing more archaeological work in that area (Procter 2016:7)

One other discussion that is relevant here constituted the last session that took place in Makkovik, prior to the mini-forum that was held in Postville on June 15th. The session was instigated by the Deputy Minister of Nunatsiavut’s Department of Culture, Recreation and Tourism and involved the creation of a list of ‘people, places and things’ that could be considered for receiving heritage designation through the Nunatsiavut Government (Procter 2016:36-38). The lists generated through that discussion were lengthy and span three pages in

the report, though they were considered very preliminary, and it was acknowledged that it was not clear how these people, places and things should be celebrated, or who should take the lead on this issue. Some forum participants did suggest that the NG’s Heritage Division should take the lead on heritage designations (Procter 2016).

A summary of the main topics of discussion during the 2016 heritage forum is presented in Figure 5.7.

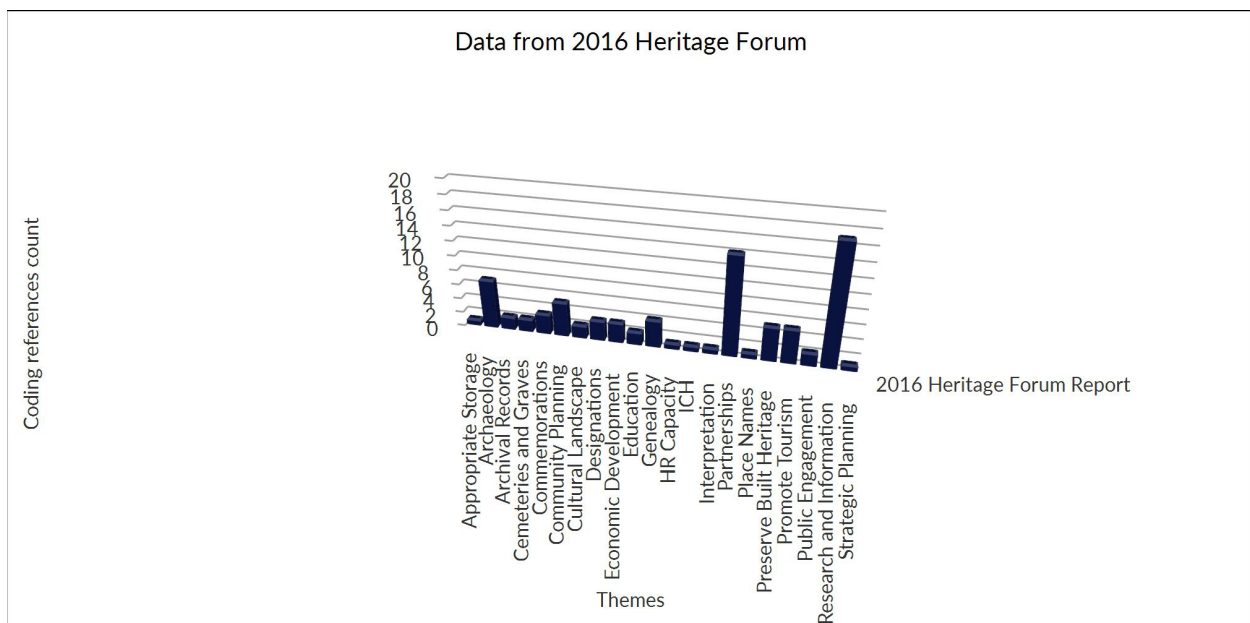


Figure 5.7: Thematic summary of discussions during Nunatsiavut's 7th annual heritage forum, held in Makkovik in 2016.

Eight Heritage Forum: Rigolet May 29th - June 2nd, 2017

Theme: Preserving Heritage, Promoting Tourism

Major Relevant Outcomes:

The success of the heritage forum as a means of stimulating research in Nunatsiavut relating to the specific needs and the interests of the Inuit Communities is clearly evident in the

2017 report. By this point most suggestions for the gathering that appear in previous reports had been addressed in some way, including suggestions about language, food, involvement of elders, involvement of a local committee for organization of the forum etc. Many of the participants were connected to projects that were being supported by the Tradition & Transition Research Partnership and there was a general sense of hope and optimism relating to heritage.

The report does not include a list of specific policy recommendations, but a section covering a session on Heritage and Tourism, tied directly to the conference theme, includes the most relevant information. During that session I presented on the development of heritage policy and law in Nunatsiavut, discussed complex issues, and addressed the Nunatsiavut Government's policy cycle and public engagement. Nunatsiavut's Archaeology Office Initiatives that crossed policy domains were touched on as examples of how heritage can be used to enrich the lives of local people. The Kayak Revival Program, which was brand new that year, and the Okak Bay archaeology project were talked about in particular. Michelle Davies discussed Nunatsiavut's policy on cruise ship visits and archaeological resources that had been in place since 2009. Jill Larkham, Michelle Davies and I talked about the use of heritage to generate tourism, and how historic resources are protected in the context of increasing tourism activity (Procter 2017:30-33). The session was very well received and participants provided considerable encouragement on the projects and programs that were discussed.

Remarks on the closing session of the forum also refer to the general feeling of optimism that prevailed during the Rigolet forum:

There was unanimous support for the importance of the Forum, and for the opportunity to spend time with other decision-makers, community leaders, researchers, program staff, and heritage organization directors to discuss, learn, experience, collaborate, and to build working relationships (Procter 2017:52).

Many Participants felt that the network that is created at the Forum helps them to develop relevant programs and policy in their field, to successfully apply for funding and to know that they have colleagues that they can rely on for help and support (Procter 2017:52).

A summary of relevant heritage-related statements made by participants during the 2017

Forum is presented in Figure 5.8.

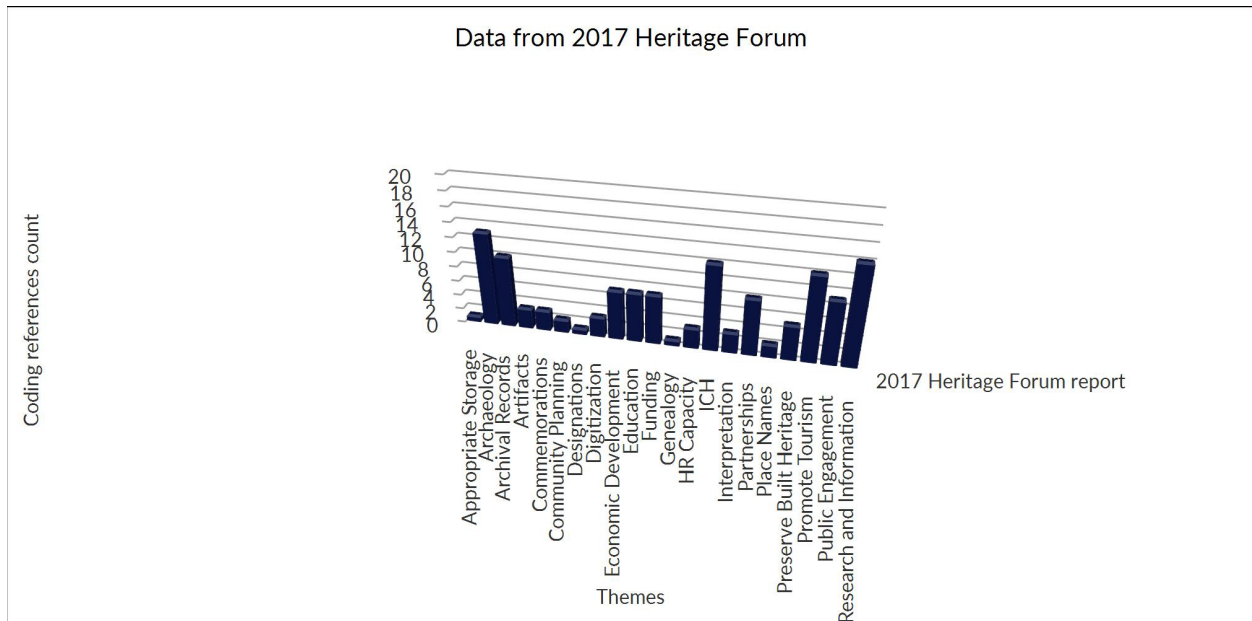


Figure 5.8: Number of participant statements made in relation to heritage-related themes during the eighth annual heritage forum, held in Rigolet in 2017.

Ninth Heritage Forum: Hopedale, June 25th - 28th, 2018

Theme: UKâlaKatigennik Unikkausinginnik Hopedalimit: Sharing the Stories of Hopedale

Major Relevant Outcomes:

The final report on the ninth annual Nunatsiavut Heritage Forum contains a number of specific and important policy recommendations. It is also notable because of frank and tense discussions during a session on the 100 year anniversary of the closure of the community of

Okak, north of Nain. There had certainly been tense moments and difficult discussions during previous forums, but the 2018 conference stands out in my own memory in this regard.

Relevant policy recommendations that appear in the final report include:

- 1) That the NG's department of CRT support the development of heritage policy in the region, and that it support the Heritage Forum in particular (Procter 2018:42);
- 2) That NG provide more heritage programming in each of the Inuit Communities through both the Department of CRT and the Department of Health and Social Development (Procter 2018:42);
- 3) That NG 'Create a proper data / information management strategy' (Procter 2018:42);
- 4) Continue the Inuktitut place names work that had begun a couple of years earlier through the NG archaeology office, and do so with local people and heritage societies (Procter 2018:43);
- 5) That NG develop its own commemorations program (Procter 2018:42-44).

During a session on the 100 year anniversary of the closure of the community of Okak following the devastating impacts of the Spanish flu pandemic of 1918-1919, serious concern was raised by an individual working with Inuit Tapiriit Kanatami who was originally from Nunatsiavut. Her points were about commemorating the anniversary and how it was important that '...descendants of Okak families guide any research and events', and a number of participants indicated that they agreed (Procter 2018:30). She also questioned whether MUN or NG "...had decision-making control over [related] research" (2018:30). A delegate from Nain also questioned "...why discussions about the anniversary were just starting now, when it was already halfway through 2018" (2018:30). Also of concern was the fact that NG decision makers, who had been present for the first day of the forum had gone home by this point and were not available to respond to these questions. The situation was particularly intense for me

personally as I had been tasked with giving an overview of things that the NG had been doing in relation to Okak. During planning committee meetings leading up the conference, members of the committee were of the opinion that the forum was an ideal place to engage with Labrador Inuit about how to commemorate this important anniversary. One of the reasons for this was because most, if not all, Labrador Inuit descend from people who had a direct connection to Okak at some point in its history. The concerns raised during the forum led to a temporary halt of commemoration planning until a committee made up of descendants of Okak families was struck to guide those efforts. These difficult conversations highlighted the importance and sensitivity of heritage commemorations in Nunatsiavut, the importance of engagement in relation to those, and the expectation for decision makers to be available for participation in these kinds of conversations.

A thematic summary of discussions documented in the report on the 2018 Nunatsiavut Heritage Forum is presented in Figure 5.9.

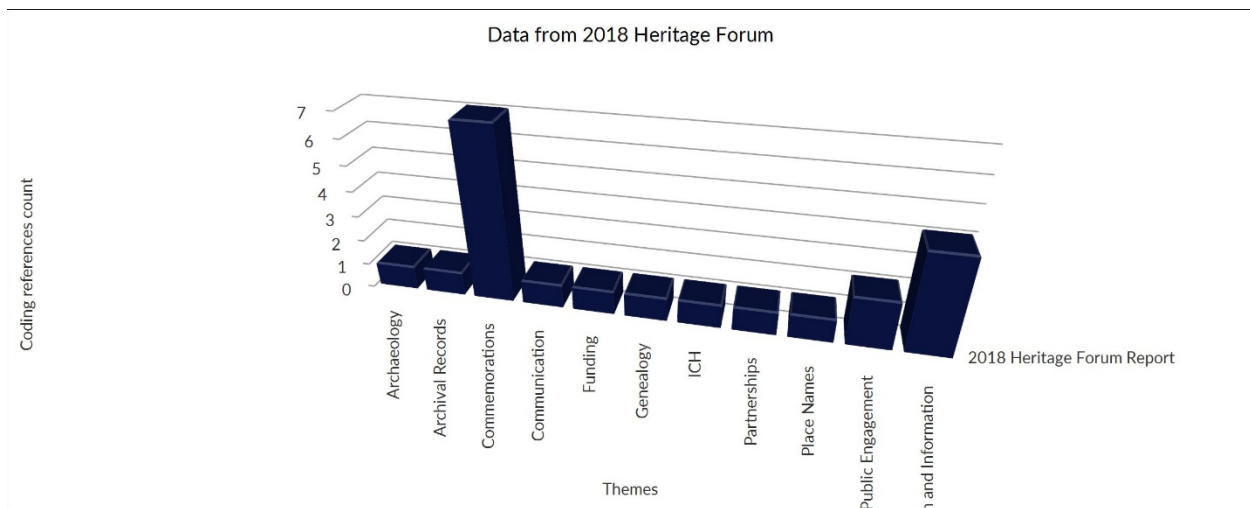


Figure 5.9: Thematically coded participant statements clearly show that heritage commemoration, research and information, and public engagement were important themes during the 2018 forum.

Heritage Forum Summary

The reports on Nunatsiavut's Heritage Forum provide valuable information on Labrador Inuit ideas about heritage, as well as specific options, priorities and recommendations largely aimed at government decision makers. Many of the recommendations made by forum participants have produced results, such as in increased levels of relevant communication, in the evolution of the forum itself, and in relation to research and specific projects that were shaped by or that were the direct result of the forum. Recommendations from the forums have also been important factors in relation to the development of government programs like NG's place names and Kayak revival programs, and in relation to things like significant increases in heritage-related human resource capacity within Nunatsiavut's civil service. Decision makers have explicitly recognized the importance of the forum for guiding relevant NG action. The overview presented above provides important information on the heritage policy landscapes of Nunatsiavut, as well as on some of the most important heritage-related issues identified by Labrador Inuit between 2010 and 2018.

5.3 Part 2: Policy Discussion Tour 2017

In February, March, July and August of 2017, Dr. Mark Turner and I visited all five Labrador Inuit Communities as well as North West River, Goose Bay and St. John's to discuss heritage, archives and media with the people of Nunatsiavut as well as those with close ties to it. Dr. Turner, in his role as Manager of Audio-Visual Archives & Media Literacy for the OKâlaKatiget Society (local television and radio station) and the Nunatsiavut Government, was mainly interested in archival records and access to archival records, while my own focus was on

archaeology. Both of us were interested in policy development and in local thoughts on heritage and its uses in contemporary life. This initial engagement tour was funded by the Tradition & Transition Research Partnership and it provided an excellent opportunity to have broad discussions about heritage and to begin to ‘map policy space’ as described by Lenihan (2012). During the tour we learned something about differences between communities regarding ideas on heritage that relate to the individuals who took part in the discussions as well as contemporary circumstances and histories of each settlement. The thoughts that participants shared with us are not static and will change over time if they have not already.

The 2017 tour had three main objectives: to fulfil a commitment Dr. Turner had made to hold community discussions relating to archives and media work on the north coast, to engage with local people about opportunities associated with the Tradition & Transition Research Partnership, and most relevant here: “...to assist Jamie Brake in the development of research questions he can use for the purposes of his doctoral research and the eventual development of heritage policy” (Turner 2017:1). Public meetings were held in each town, targeted meetings were held with policy makers and individuals directly involved in heritage work, and we also attempted to engage youth through discussions in the schools along the coast. The results of the discussions in each community are summarized below.

Rigolet:

Heritage discussions in Rigolet took place on February 13th and were held at Northern Lights Academy (the local school), and at the Lord Strathcona Manor, a reconstruction of a historic building with public space, a museum exhibit and government offices. Our first session was with high school students and we started out with a 15 minute episode of Labradorimuit from 1990 called ‘the Archaeology Show’ (Tuglavina et al. 1990). In that particular episode the

hosts speak to local people and to professional archaeologists about archaeology and if it should be considered valuable for Labrador Inuit or not. The episode was made at an interesting time, roughly in the middle of the three decade long negotiations that resulted in the Labrador Inuit Land Claims Agreement. We used it during a number of our discussions along the coast as a way of starting conversations about archaeology and heritage, what has or has not changed since 1990 and what should be happening in the future. The two main points that students made during this first session were that it would be useful to document oral tradition about historic sites in the region, and that it is important to learn about sites through archaeology. The latter point was made with reference to the importance of being on the land.

The second meeting with junior high school students followed the same format and resulting suggestions included statements about the importance of protecting artifacts, and of ensuring that people have access to heritage structures. In this case, the main heritage structure that was discussed was the Net Loft, a 19th century Hudson's Bay Company building in Rigolet that is a provincially recognized structure which is popular with both local people and tourists. The building contains museum exhibits and has been used as an archaeology lab in recent years in association with the Double Mer Point Archaeology Project (Rankin 2019; 2014). The junior high students also spoke about the importance of learning about history on the land through site visits, and they spoke about the importance of documenting local traditions, such as boat building. Students emphasized the importance of making use of archaeological sites and artifacts, heritage buildings, artifacts and traditional knowledge to educate local people (Turner 2017).

The public meeting was held at the Lord Strathcona Manor on the evening of the 13th. In this case we followed a public talk by Memorial University Archaeology graduate student

Vincent Jankunis who was speaking about his recent work at the nearby Double Mer Point site which was done under the supervision of Dr. Lisa Rankin, the principle investigator of a multi-year project at the site involving multiple graduate students (Jankunis 2019). For this reason we felt there was no need to begin with the Labradorimuit archaeology episode and simply had a discussion after the Double Mer Point talk. It was clear that there was great interest in archaeology and in what was being learned from recent excavations near the community, as well as from surveys being conducted by Nunatsiavut's Archaeology Office in partnership with the community and with Dr. William Fitzhugh, director of the Arctic Studies Centre at the Smithsonian Institution. The main interest for participants in the public meeting was in the use of archaeology as a way of promoting tourism (Turner 2017). There was discussion of reconstructing Inuit sod houses at or near the Double Mer Point site and of building trapper's tilts near the community that tourists could visit and spend a night in. One participant, who is directly involved in heritage work, was particularly interested in geocaching, and in having more sites recorded in the area so that geocaches containing site interpretation could be hidden at some of these sites and found by tourists. The importance of learning about history while being on the land was emphasized again, as was the importance of capturing local stories by interviewing elders. Following the meeting, Dr. Turner and I noted that local archaeology projects and the 'My Word Story Telling and Digital Media Lab' (Town of Rigolet 2017) seemed to have been considered valuable and had stimulated local thinking on how heritage might be used in Rigolet.

Makkovik:

The following day (February 14th) Turner and I went to Makkovik where two meetings were held. The first was with students in the local school, and the second was a public meeting held at the recently completed Community Centre.

At JC Erhardt school we spoke to 26 students and 3 teachers and started the conversation with the Labradorimuit archaeology episode. Ensuing discussion from students relating to archaeology was largely about how important it is for archaeologists and other researchers involved in heritage work to communicate with local people about their work. It was suggested that the best ways to communicate would be through community presentations and radio interviews. Other parts of the conversation had less to do with archaeology and were more about access to information in documentary or audio format on things like genealogy, spirituality, local plants, local stories and language. Students also expressed an interest in having more opportunities to work at the local White Elephant Museum (Turner 2017).

The public session took place in the community hall which is housed within Makkovik's new community centre on the evening of the 14th. Just two people came to this meeting, though both are directly involved in heritage related work. Makkovik has a long history of community archaeology going back to the late 1990s; there are quite a few people in the community with field experience and there is a lot of knowledge about archaeology in the community. Two Labrador Inuit individuals who participated in fieldwork near Makkovik went on to complete degrees in archaeology at Memorial, including Lena Onalik who went on to become the first Nunatsiavut Government Archaeologist. Some of the discussion was about Loring and Rosenmeier's work in the Adlavik Islands (2003, 2001), and about Henry Carey's work at Ford's Bight (2009, 2004) in more recent years. Participants talked about how much value there was in

involving local students in projects like this. During the discussion there was a strong emphasis on the use of archaeology and heritage for educating local people, rather than for attracting visitors, in stark contrast to what we heard in Rigolet. Other points that participants made were about bringing in experts to help with interpretation for local exhibits, paths, heritage structures etc, and about the importance of maintaining cemeteries and graves in the area (Turner 2017).

Postville:

We held two meetings in Postville on the 15th of February. The first was held with Nunatsiavut Government officials at the local government office building, and the second was a public meeting held in the new community centre. Unfortunately there was no opportunity for a session at the local school due to a scheduling conflict with anti-bullying day events. The discussions we did have in Postville were very informative and shed light on a very different historical relationship with heritage.

During the first meeting we met with a local elected official and two civil servants. No film was used to initiate this discussion because of the size of the group, and because we knew the participants. Education was a major focus during this conversation as well, and recent work on a new Labrador Society and Culture text book for junior high school students was talked about as having been very useful and important. More work like this was seen as being necessary to educate people of all ages, and the need for information on Inuit history and culture was emphasized. Participants raised concern about what they saw as a developing ‘pan-Nunatsiavut identity’, which incorporated Moravian history. This was raised as a problem because Postville is not a Moravian community and so participants did not identify with the

Moravian history or traditions associated with three of the five contemporary Labrador Inuit settlements (Turner 2017).

There was also a very interesting discussion of how the people of Postville had previously been discouraged from learning about the distant past by the Pentecostal church. One participant pointed out how he had been taught in school that the world is only a few thousand years old and that archaeology was a hoax (Turner 2017). The community is also relatively young, having grown up in the mid-twentieth century around a church built by a Pentecostal pastor near the site of an historic trading post. There was just one standing house at this location at the time the church was constructed (Ames 1977:210). People living in nearby seasonal settlements began moving in during the next few years. As a result there are no heritage buildings and, as already mentioned, local people had not been encouraged to learn anything about the deep history of the area. Archaeologist Stephen Loring once told me about serious tension with the Pentecostal pastor when a highly important Groswater Pre-Inuit site was discovered in the community when the original church was being moved to make way for a new one (personal communication 2012).

One participant in our heritage discussion talked about ‘Top Shelf Objects’, which were objects of historical significance for individuals, or families, that were kept on top shelves in homes, but that were generally not talked about because the past was considered unimportant. Heritage was apparently something that was thought of personally or individually and was not considered collectively at the community level until very recently. This information helped us understand why Postville is the only Labrador Inuit community that does not have a historical society or local museum.

Two areas of interest that were pointed out to us during the meeting were the preservation of the former seasonal community of Aillik, between Postville and Makkovik, and cultural mapping in Kaipokak Bay. Aillik was also mentioned by residents of Makkovik.

A public meeting was held in the new community centre which was attended by ten people including six people from Postville, a provincial court judge, a visiting biologist and two graduate students. In this case we started the meeting showing a film called “Reverend Hettasch: Labrador in the ‘60s”, which actually includes interesting historic footage going back to the 1920s. Much of the conversation that ensued was about heritage objects and materials that exist outside of the community and about the desire to have them back. Archaeological material from the Postville Pentecostal site was talked about, as well as archival records like relevant Hudson’s Bay Company records. Participants also wanted to voice some concern with the new Illusuak Cultural Centre which was being constructed in Nain, and how some participants felt that it would not meet Postville’s needs. Other points that were made were about the importance of recording the stories of elders, and of ‘securing artifacts’ by doing archaeology at sites near to community (Turner 2017).

Nain:

One public meeting was held in the Nunatsiavut Government Administration Building in Nain on the 16th of February which was attended by six community members (excluding the author). We had hoped to meet with local students at Jens Haven Memorial High School; however, a scheduling issue at the school resulted in our meeting being cancelled. The meeting began with the Hettasch film that we had used in Postville earlier. This went over very well in Nain where participants recognized family members and familiar places in the historic footage.

The main point made by those in attendance during the discussion that followed was the importance of establishing a facility where artifacts and archival records could be appropriately kept. This was interesting because the Illusuak Cultural Centre was underway by this point but it was well known that it would not be a place where objects of historic significance could be kept – other than things on exhibit. Other points that were made included a suggestion to work with the church about relocating three cannons that were supposedly buried near the church flagpole in the 1980s (if the church considered this to be appropriate), finding out what happened to a skin kayak that was made in Nain in the mid-twentieth century, and finding out who owns the kayak in the Labrador Interpretation Centre in North West River.

Hopedale:

We visited Hopedale on August 9th and 10th and conducted a public meeting on the first evening and a targeted meeting with a key individual involved in heritage work the following day.

The public meeting was attended by nine people, although eight of the participants were archaeology graduate students, and one post-doctoral fellow, who were in the community for the summer doing excavations and other archaeological work under the supervision of Memorial University archaeologist Lisa Rankin. The local individual was quite vocal and engaged throughout the session and the discussion did provide an opportunity to hear from a group of people from outside of the region who have an interest in the subject matter.

We started the public meeting by showing the Labradorimiut archaeology episode, which led to some fairly lively discussion about ‘community archaeology’. One group of archaeology students was working in Hopedale itself, while another was working on a site just outside of the

community, and a couple of the students said that, in their view, there was less local interest in the work outside of the community. They also raised this because their understanding was that the community had asked for work within Hopedale, as opposed to outside of it. They raised questions about why this shift had occurred¹⁵. They also asked whether the Nunatsiavut Government has a working definition of the term ‘community archaeology’, which it does not. A couple of the students suggested that because there is no clear definition it is possible for some researchers “...to misrepresent their work as community archaeology” (Turner 2017:13). The students involved in the work outside of the community and the local individual did not share this concern and the person from the community suggested that the Hopedale Inuit Community Government could help community members visit the out of town excavation site.

The group talked about how an updated version of the Labradorimiut episode could be quite useful for both local people and archaeologists interested in working in Nunatsiavut. Suggestions about a possible new short film on archaeology included using it to provide information on what happens to artifacts that are collected by archaeologists and information on community archaeology. One of the students also suggested that it might be useful to include discussion about the value of leaving artifacts in place.

The final point made during the discussion was by the local participant who said it would be good if lists of archaeology projects undertaken near Labrador Inuit communities could be made available in local museums or other heritage spaces (Turner 2017:13).

¹⁵ A change in focus to a site outside of the community was the result of the discovery that the site within Hopedale had been almost completely destroyed by construction activity over the years. It also had to do with local interest in having Hopedale added to Canada’s tentative list for world heritage, which some of the students seemed to be unaware of.

The second meeting in Hopedale, which was with an individual heavily involved in heritage work in the community, focused on the need for an inventory of the Hopedale Moravian Mission library. Related discussions about this had actually started weeks earlier, and a commitment was made during the August meeting to start the much needed work the following September. This project has since been completed (Turner 2017).

Upper Lake Melville:

Public meetings were held in both North West River and Goose Bay, but unfortunately turnout was low in the area despite advertising through various forms of media. No one came to the meeting in North West River, and in Goose Bay we had two participants.

Both of the individuals who came to the Goose Bay meeting were on the Them Days Archives board of directors. As a result of this, the discussion focused specifically on archival matters. One part of the conversation that is relevant here was about 39 bankers boxes of archival material that are currently being stored by Them Days under the understanding that they will be returned to the Nunatsiavut Government as soon as appropriate space becomes available on the coast. This was a bit of a sensitive issue because Them Days was under the impression that the boxes would go to Nain as soon as the Illusuak Cultural Centre was completed; however, the cultural centre does not contain storage space for heritage materials of any kind. Compounding the issue is the fact that the Nunatsiavut Government does not actually own these records. They actually belong to the Moravian Church; however, the government took responsibility for their safekeeping after a catastrophic fire in Nain in 2005 destroyed much related material, and the government apparently committed to doing so over the long term, since the Moravian church is not in a position to be able to properly store this material here in the

province. This is relevant because it has implications for the Nunatsiavut Government’s plans to establish appropriate storage space on the coast for archaeological, ethnographic and archival material.

2017 Discussion Tour Summary

The results of the 2017 policy discussion tour are summarized in Figure 5.10 which shows that archaeology, archival records, intangible cultural heritage, research/information, artifacts and interpretation were highly important topics of discussion during the 2017 public engagement tour. Other themes with fairly high numbers of coded references include education, the promotion of tourism, public engagement, communication and digitization. It should be noted that the research interests of Turner and I have skewed the scores for archaeology and archival records upwards; however, these topics are identified in section 15.3 of LILCA and hearing what local people have to say about them is critical for the development of heritage policy and law in Nunatsiavut. Options associated with all relevant themes will be discussed and examined in chapter 7.

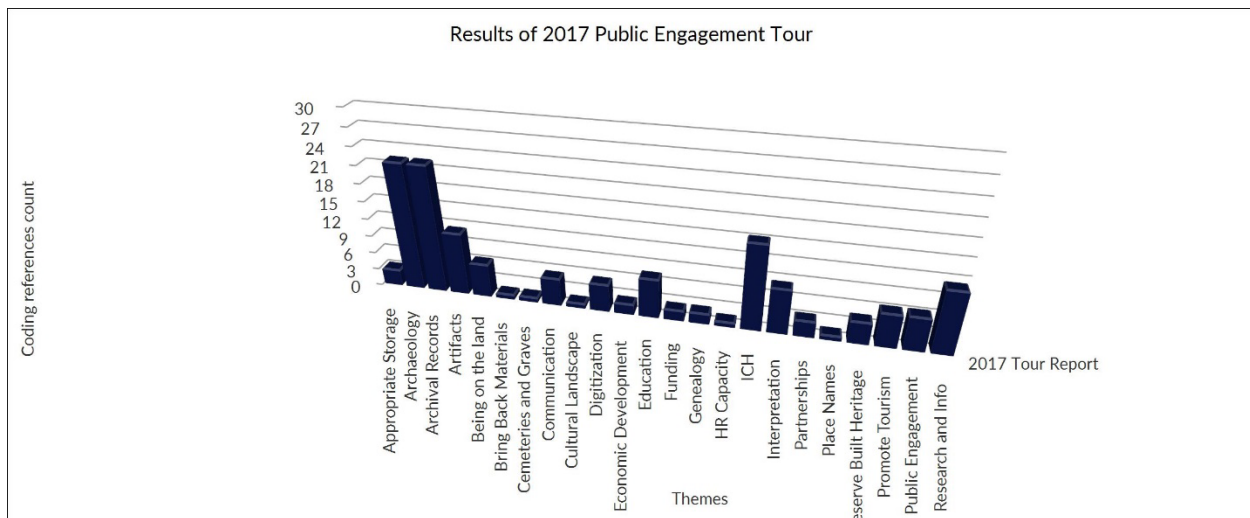


Figure 5.10: Thematic summary of discussions during the 2017 policy discussion tour.

5.4 Part 3: Public Engagement Tour 2018

The second public engagement tour took place during the fall of 2018 and received financial support through the Tradition & Transition Research Partnership. Mark Turner accompanied me on the trip which also provided him with an opportunity to engage with local people about the development of archives related policy. My own work focused on the other heritage related topics listed in part 15.3 of LILCA.

The main goals of this tour were to build on the previous broad heritage discussions, and to attempt to document what local people see as the most important issues relating to heritage, and where possible, to identify potential options for addressing these issues. These goals correspond with the ‘issue identification’, ‘issue analysis’ and ‘identify options’ spokes of the NG’s policy cycle. Brochures were developed and circulated in the Inuit Communities and in Upper Lake Melville to give people information on the project and its goals, and meetings were advertised via radio, through social media, using posters in each community, and with the help of NG Community Liaison Officers (see Appendix 1). Radio interviews were also done through the OK Society, the CBC and VOXM. We also made a habit of reaching out to heritage societies, Inuit Community Governments, local schools and key individuals involved in heritage related work in each community prior to each town visit.

A form was developed to help guide discussion, and as a way of approaching the subject matter as systematically as we could. The form we used was loosely based on one that was successfully used by the Canadian Museum of History to seek guidance from Indigenous groups and provincial and territorial archaeology offices during a Climate Change workshop in 2018 (see Appendix 2). The form used for the present project gave participants the opportunity to

identify heritage related issues that were most important to them, to talk about what is currently being done to address each issue as well as what they thought should be done. The second part of the form lists each of the heritage-related areas that NG has the power to make laws on, taken directly from Part 15.3 of LILCA, and was meant to result in targeted discussion about each of these topics. This was followed by sections intended to provide for the identification of policy issues that may be better to address through non-legislative measures. The final section on the form was meant to capture any other ideas a participant had that may not have fit neatly into the previous sections. Summaries of the results of the discussions in each community are presented in the following pages.

Postville:

Nunatsiavut's smallest community was visited on September 8th, 2018. Acting on advice from the local Community Liaison Officer, we organized a catered meal during the main public meeting, which was held at the new community centre. This worked well and a group of 20 people attended the session, including 16 adults and 4 children. While not everyone present was particularly interested in the subject matter, a number of community leaders and individuals involved in heritage-related work were highly engaged and provided valuable input.

An issue that was identified by a number of participants in Postville was the loss of orally transmitted information with the passing of elders. The importance of interviewing elders was highlighted, and there was particular emphasis on the importance of documenting customary law, especially through interviews. Another issue that some people pointed out was that Postville has received much less attention from archaeologists than other Labrador Inuit communities. It was suggested that artifacts collected from the area by archaeologists should be brought back to

Labrador and that there should be a place to display them in the community. The documentation of burial sites was considered important, as was the involvement of local people in archaeological fieldwork in the area. An historic settlement between Postville and Makkovik named Aillik was referred to as being of particular importance and as a place that should be visited and documented by archaeologists. The importance of creating opportunities for local people, especially young people, to learn more about archaeology was raised, and it was suggested that this would inspire young people to get involved in heritage work.

A need for more funding opportunities was identified as an issue, and participants felt that the NG should have its own heritage funding program that the Labrador Inuit communities could apply to. Some people stated that there is currently no interpretation of local history in Postville and that this could be addressed through panels placed around the community, as well as through a local exhibit. It was pointed out that Postville is not a Moravian community and that the NG needs to be conscious of the fact that each community has a unique history.

The importance of preserving Inuit Cultural Materials, and a lack of access to archival records relating to Postville were also noted as issues requiring attention. An option that was suggested by participants and discussed was the possibility of the creation of a committee that could support the development of policy around Inuit Cultural Material and access to locally relevant Archival Records.

Rigolet:

A public meeting was held in Rigolet's Lord Strathcona Manor on the evening of September 6th which was attended by six local people. In this case the participants were highly engaged and the discussion was quite useful and informative.

As in Postville, the first issue raised and the one considered to be the most urgent was the documentation of traditional knowledge and oral history from elders. Concern about artifacts from Labrador being kept elsewhere, and the need to have appropriate space to keep artifacts on the north coast were also brought up. The importance of preserving historic buildings was raised and the loss of heritage structures in other communities in northern Labrador was referenced as a problem. The need for more archaeological activity in the area, including surveys to identify previously undocumented sites was raised. The deterioration and loss of cemeteries and grave sites was identified as an important issue. A lack of NG funding programs for heritage was mentioned. One participant also talked about how local people were told by elders in the past not to disturb old living sites and not to touch artifacts, and that doing so could bring bad luck, while today archaeologists can do these things. He expressed his own interest in being able to find old things and to make discoveries.

A series of options relating directly to each of the identified issues were identified by participants and discussed during the Rigolet meeting. It was felt that the NG's Department of CRT (now LCT) should be routinely documenting traditional knowledge and oral history through interviews with elders. It was stated that Nunatsiavut needs a repository for artifacts and heritage materials that it is responsible for, and that it should help each of the Inuit Communities develop local space for exhibits where artifacts can be displayed. There was discussion of the possibility of establishing a heritage board that could then set up subcommittees on things like built heritage, commemorations and designations. It was suggested that subcommittees should have representatives from local heritage groups. Participants felt that NG should develop an

inventory of grave sites and cemeteries¹⁶, and that in some cases the NG should maintain these sites, or at least some of them. There was also interest in the development of NG funding programs to support heritage-related projects.

During discussion about the importance of additional archaeological fieldwork in the vicinity of Rigolet, several people talked about how this would help the community benefit from increased levels of tourism that they expect to be associated with the new Mealy Mountains National Park. There was discussion by participants about how much more accessible Rigolet is compared to the other communities of Nunatsiavut and about how more survey and excavation could help to draw visitors who would then have new opportunities to learn about local history and to visit local sites, like Double Mer Point. They felt that archaeological sites in the area could be developed with this in mind.

Hopedale:

Meetings were held with members of the Hopedale Inuit Community Government, with a representative of the Agvituk Historical Society, now called Agvituk Sivumuak Society, and a public meeting was held at the new community centre. While the number of people who attended each meeting was low, the participants were quite interested and the discussions were useful. We were encouraged by the fact that key people involved in heritage work in the community took part in the discussions.

¹⁶ The NG has an inventory of burial sites and sites of religious and spiritual significance within its archaeological sites database, but there are certainly many graves sites and cemeteries that have not yet been documented and that are therefore not currently included in that inventory.

The most important issue relating to archaeology for Hopedale community members was the impact of construction and other types of development on archaeological sites. Local experience in archaeological assessment and mitigation, as well as knowledge that an important Inuit whaling settlement pre-dating the arrival of Europeans in this part of Labrador had been largely, if not completely, destroyed by development in the community over several decades, were probably contributing factors to the thoughts local people had on this. Looting was highlighted as an issue, as was enforcement of legislation meant to protect historic resources. Another very specific issue that was raised was the movement of soil containing cultural material from one part of the community to another, potentially creating false archaeological sites.

The loss of traditional knowledge and oral history was mentioned, similar to the other communities, as was concern about artifacts leaving the community and the lack of appropriate space to store artifacts locally. This was interesting because Hopedale does have a museum which contains archaeological material, Inuit Cultural Material and significant archival records. Concerns about fire and security at the local museum were major factors in relation to this issue. A lack of awareness of what is being done in terms of both archaeological activity and management of archaeological resources was discussed as something that needs to be addressed. Reference to the fact that Nunatsiavut does not have access to information legislation was mentioned as being part of the problem. Finally, a lack of funding for heritage-related work, and challenges associated with maintaining historic buildings were raised.

Participants in the Hopedale discussions provided a relatively high number of options for addressing the identified issues, several of which demonstrate a very high level of understanding of current historic resource management practices. It was suggested that archaeological surveys should be undertaken near the community on a regular basis, and that they should be informed

by local people who have encountered sites. It was stated that burial sites and human remains should be protected. Making it a legal requirement for proposed development activities within communities to be reviewed by Nunatsiavut's Archaeology Office was seen as important. Participants felt that artifacts should stay in the region, that historic buildings should be maintained throughout Nunatsiavut and in Hopedale in particular and that the NG should support the maintenance of historic buildings. There was discussion of Hopedale's Adaptive Re-Use Plan¹⁷ that had been developed several years before, and participants said that it is now time to implement that plan. It was stated that the government should maintain burial sites, and that perhaps municipalities should be informed about the locations of known archaeological sites within their boundaries, and during related discussion, the possibility of NG producing archaeological potential mapping for the Inuit Communities was seen as a good idea. One participant said that NG should provide guidance to local people on how to report looting or unauthorized archaeological activity that is damaging archaeological sites. When ideas about a committee that had been suggested in Postville and Rigolet were mentioned they were supported by participants in Hopedale. In relation to Inuit Cultural Materials, one person stated that their management should be left entirely up to the communities themselves rather than NG, which is interesting because things in that category can be owned by municipalities, by individuals, by the NG, by businesses etc.

Goose Bay:

A public meeting was held in Goose Bay on September 12th at the Labrador Friendship Centre. Two elders attended the meeting, both originally from the north coast.

¹⁷ The "Hopedale Moravian Mission Adaptive Reuse Master Plan" was developed by Ekistics Planning & Design in 2013 and can be found at: [Hopedale-Moravian-Mission-Report.pdf \(nunatsiavut.com\)](http://Hopedale-Moravian-Mission-Report.pdf(nunatsiavut.com)).

The main issues identified during this public meeting were a concern about too much of an emphasis on Moravian history, rather than Inuit history, and the need to develop sites that represent important events in Inuit history. There was a definite emphasis on sites where tragic things had occurred, and this was at least partly influenced by the 100 year anniversary of the closure of the former community of Okak. It was stated that it is “Important to honour our past”.

Options for addressing the identified issues included the reconstruction of Inuit sod houses, “rather than Moravian buildings”. The importance of documenting, maintaining and interpreting cemeteries and grave sites was highlighted. The designation of historically significant buildings and the commemoration of individuals who had done important things were raised. Participants also agreed with the idea suggested in other communities that NG should have its own heritage funding program. Finally, participants stated that it was important to preserve archival materials relating to Inuit history and to make them accessible.

North West River:

A public meeting was held the evening of September 12th at the municipal council chambers which was reasonably well attended with six local people present. In this case most of the participants were directly involved in heritage-related work and as a result the discussion was direct and informative.

In this case the upkeep of burial sites was at the top of the list of issues, and this time there was specific discussion of Inuit burials that exist outside of the Labrador Inuit Settlement Area. According to people in attendance there are quite a few historic Inuit burials in the area around the western end of Lake Melville, many of which have not been documented. The need to document intangible cultural heritage was seen as extremely important, and during this

meeting the history of trapping in the areas was highlighted along with the documentation of individual trap lines. The importance of teaching young people about heritage in school was raised also.

In terms of options, participants stated that there should be an effort by NG to document Inuit burials in the Upper Lake Melville area, even though they are outside of the land claims area. Following that there should be discussions about how they might be maintained, and which, if any, should be deliberately preserved. In any case, participants felt strongly that they should at least be documented. Those in attendance talked about including far more heritage-related information in school curricula, and that interviews with knowledge holders could be used to create materials for education. Additional support from NG for documenting oral history and traditional knowledge was something people thought was important. Participants also talked about the need to document former communities where people once lived through map biography-type work that could eventually be used to inform archaeological surveys. It was suggested that NG's Heritage Program Coordinator could visit the area to record local stories and place names, as well as to record map biographies with local people. It was also suggested that the documentation of intangible cultural heritage should be addressed in policy, and that a regional heritage committee or board could provide direction in that work. The importance of bringing artifacts back and keeping them in local communities was raised, as was the idea that NG should have the ability to designate historically important things, and in this case important landmarks were specifically referred to as being important to designate. Making decisions about designations by committee or through a board, and having a funding program to support such designations was suggested. With regard to Inuit Cultural Materials, participants said that they should be kept in the communities, and that parameters for acquiring and maintaining them need

to be developed. Those in attendance felt that if Inuit Cultural Material were to be addressed in legislation it would be important to work with local museums to develop any relevant law.

Nain:

While turnout in Nain was low during this engagement tour, with only a single participant turning up for each public meeting, this was not considered to be too much of a problem since the author lived in the community at the time and was in continuous contact with local residents, government staff and people involved in heritage work. As a result there were other opportunities to hear from people about issues and opportunities. The single participant of the first public meeting also stated that, in their opinion, engagement was better with one to two people at a time.

Two public meetings took place on September 5th in the main boardroom of the NG's Administration building. Somewhat surprisingly, the first issue raised was enforcement of laws (and policies) protecting historic resources. They pointed out that Nunatsiavut is huge and with limited financial and human resources, enforcement has to be challenging. Another issue that was raised was policy on the excavation of human remains¹⁸. Another surprising issue that was raised was a lack of awareness of what is being done in terms of archaeology in the area. This was surprising because informing the public of what is happening is a major component of any archaeology project in the region, and public discussions of any fieldwork are actually required before and after any fieldwork takes place. In addition to this, the Nunatsiavut Archaeology & Heritage office is the repository for information on all archaeological activity that occurs in

¹⁸ Policy on excavation, repatriation and reburial of human remains is not dealt with in detail in this study because this topic was the subject of separate research and another consultation tour. The results of that work and the resulting recommendations are already with the Nunatsiavut Government (Brake 2016).

Nunatsiavut. These efforts, and information on how to access relevant documents, clearly do not reach everyone. One final issue that was raised was that local communities should be involved in planning new excavations. This was also an interesting comment considering the fact that most archaeological research in Nunatsiavut is community oriented and local communities are involved in developing research plans.

Options that were identified by participants of the public meetings in Nain were that the NG should develop stricter rules for tourists visiting the region to protect archaeological sites from activity relating to tourism. It was stated that Inuit human remains and burial sites need to be protected. Participants raised the importance of documenting the history of archaeological activity at sites in the region and of preserving archaeological records, artifacts and sites themselves. The importance of making information on the history of the region locally accessible was discussed, and kiosks were suggested as a way of doing so.

Makkovik:

A public meeting was held in Makkovik's community hall on September 9th, and four local people attended. In this case most of the participants were involved in heritage-related work and the discussion was direct and useful.

The first issue identified during this tour by community members in Makkovik was a lack of a tourism market. Another was the importance of recording oral history. Participants talked about heritage-related information that NG has that many local people are not aware of. There was discussion of artifacts being stolen from museums and heritage buildings along the coast – in this case the reference was to situations in other communities, and the loss of valuable archival records in Hopedale in particular. A final issue was that the school was seen as not being

connected to local heritage work, and that it was difficult to engage local youth when it comes to history.

Options that were identified for consideration included descriptions of local initiatives to collect stories and to record oral history in the community. The discussion on these points was interesting because participants spoke mainly about what the community could do, rather than what NG could do. Specific things that people raised as being important to record were traditional values, and customary law. Part of the conversation was about how the local school should help promote an understanding of heritage.

In specific relation to archaeology, participants stated and agreed that ‘there was no need to re-invent the wheel’, and no particular concerns were raised. One point was raised by an individual with experience in law enforcement, and had to do with prosecutions under municipal law. This person pointed out that if heritage-related bylaws were passed, municipalities would be responsible for hiring prosecutors, which could be a burden. Another point that was raised relating to archaeology was that NG needs to develop appropriate space to store artifacts.

Participants suggested that heritage buildings in Nunatsiavut should be used to help address the region’s housing crisis. The historic buildings in Hopedale were mentioned as examples of structures that could be renovated and used to help address a serious need. People at the meeting felt that there should be policy on preserving historic buildings, but that making use of them to address issues relating to housing should be considered a priority.

It was suggested that Inuit Cultural Materials should be dealt with in policy, not law. Participants stated that burial sites, headstones and archaeological sites should be inventoried and protected. Archives were talked about as being important, and it was stated that archival records

should be digitized, and interestingly, that NG should hire an archivist and that doing so should be considered a priority. There was discussion of local capacity building and how some communities, Rigolet, in particular, have already done amazing work in this regard. Finally, it was suggested that NG should provide access to accurate genealogical information for local people.

2018 Public Engagement Tour Summary:

Figure 5.11 provides a thematic summary of the main results of the 2018 public engagement tour. Archaeology, intangible cultural heritage, cemeteries and graves, artifacts and archival records have the most coded references respectively. A regional heritage board or committee structure, research/access to information, education and built heritage also received relatively high numbers of coding references. This is fairly consistent with the results of the 2017 tour, though archival records and interpretation received lower scores in 2018, while references to cemeteries and graves went up significantly. This is interesting in light of the fact that by this point archaeological activity involving ground penetrating radar had been conducted in an early Moravian cemetery in Hopedale at the request of the community to document historic burials there (Lear 2019)¹⁹. The high number of references to intangible cultural heritage (15) is exactly the same for both years. In 2018 there is an increase in the number of themes with coding references going from a total of 23 to 28.

¹⁹ This work was supported by the Tradition & Transition Research Partnership, and similar work took place in Nain in 2019 (Lear 2020, 2019).

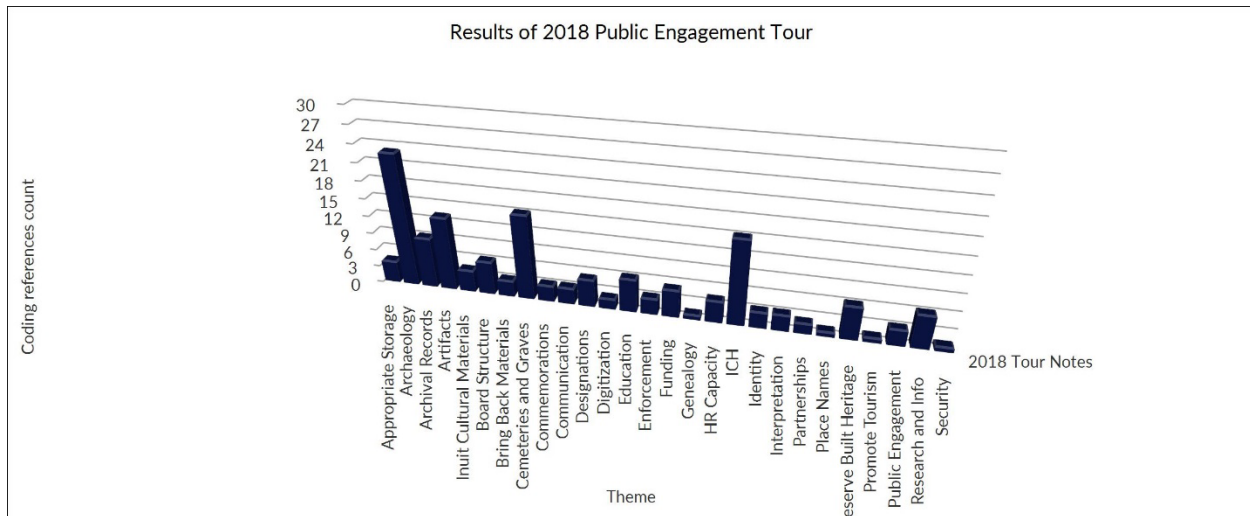


Figure 5.11: Thematic summary of discussions during the 2018 public engagement tour.

5.5 Part 4: Public Engagement Tour 2019

The final public engagement tour took place between late March and early August of 2019. Community visits were originally scheduled to take place between March 26th and April 10th, starting in Goose Bay and ending in Nain. Once again, Mark Turner accompanied me during the tour to provide support for my project and to collect data for his own work on archival records that relate to Nunatsiavut. In this case arrangements were made with local schools, wherever possible, and public meetings were set up in each town. The sessions were advertised using social media, radio, through physical posters, and with the help of local Community Liaison Officers. This time I also published an article on the project in Labrador Life magazine, which is commonly available, including in public buildings and on all Provincial Airlines flights in Labrador (Brake 2019). The article was aimed at a general audience and included discussion of the goals of the project as well as methods and the expected timeframe for the last engagement tour. A catered meal was arranged for all public meetings because we had previously had such a positive experience doing this in Postville during the last tour.

The major challenge for the final tour turned out to be weather. The weather was fine for the Goose Bay, North West River and Rigolet visits; however, the weather came down on the morning of April 4th, the day we were supposed to leave Rigolet, preventing all air traffic to and from Rigolet for four days. This meant that we were unable to reach Postville or Makkovik for the scheduled engagement sessions. When a travel window opened on the 8th of April we opted to split up so that Dr. Turner could conduct a re-scheduled session in Makkovik, while I went on to Hopedale in time for the originally scheduled session on the 9th. The weather came down again later that day and kept each of us grounded again until the 11th, preventing us from reaching Nain for engagement sessions scheduled for the 10th. Postville was the most complicated community to reach because there is just one flight to the community each day, and because there are very limited options for accommodations.

The delays caused by weather ultimately forced us to postpone the engagement sessions in Postville and Nain. Trips to Postville were scheduled on two additional occasions in the spring and summer of 2019, both of which had to be cancelled due to inclement weather. A third attempt for a trip to Postville was scheduled for the winter of 2020; however those plans were dashed as a result of the Covid-19 pandemic, which affected travel to Nunatsiavut for research throughout the following year, effectively preventing the final visit to Postville. A final engagement session was held in Nain in mid-August, just before my family and I permanently relocated to St. John's where I had accepted a new position with Newfoundland & Labrador's Provincial Archaeology Office.

Goose Bay:

The first stop on this final tour was in Happy Valley Goose Bay, where a public meeting was held at the Labrador Friendship Centre on the 26th of March. A targeted meeting was held with the Editor of Them Days Magazine on the 28th of March, and later that day an individual meeting was held with a member of the public who was unable to make it to the Friendship Centre on the 26th.

The importance of protecting and maintaining cemeteries and graves was reiterated during the meetings in Goose Bay. Erecting new fences, cutting back vegetation and exposing markers that are being obscured by vegetation and soil were all mentioned. It was suggested that fences should be put up and maintained at the cemeteries in the former communities of Hebron, Okak and Zoar. When I talked about the Ground Penetrating Radar work that had recently been done in Hopedale and Nain (Lear 2020, 2019) there was great interest, and participants said that this kind of work should be done in all of the Inuit Communities. There was also discussion of making use of archival records as a way of learning more about cemeteries, particularly Moravian cemeteries.

Also connected to archaeology was a concern about looting in the former community of Hebron, where one of the participants was originally from. They mentioned that objects had been removed from the church there and from the other remaining standing structures over the years. There were suggestions about ensuring local involvement in archaeology projects, especially those north of Nain. This was to ensure that local people know what is happening, and that archaeologists get to learn from local people about the land and the sites that they are interested in. There was also significant interest in using archaeological projects as an opportunity for Inuit to return to their home communities, the home communities of their

ancestors, or to places that are important to them. Participants said that this did not have to happen in the form of paid positions associated with a project, rather the suggestion was to think about archaeology projects as bringing potential opportunities for people to travel to important places with archaeologists who are going there anyway.

One other point that was made that relates specifically to archaeology was about the need to document former settlements through traditional knowledge and oral history. There was also a desire to learn about who lived in which structures in former communities like Okak.

There was great interest in archival records in Inuktitut, and Kinatuinamut Illengajuk (to whom it may concern), an Inuktitut and English newspaper published in Nain from 1972 - 2003, was one publication that participants were particularly excited about. The idea that it might soon be possible to have access to digital copies of this newspaper was something that participants felt was wonderful. One person said that it would be good if NG could hire an archivist and even better if there could be one in each community, especially if they were local people.

One participant suggested that heritage buildings could be fixed up and made into rooming houses, and that this would help with homelessness. Another felt the same way and said that 'new ideas need old buildings'. Another did not feel that this should be done with Moravian structures, and instead felt that they should be torn down. This individual said that Moravians had treated Inuit poorly, historically, and felt that structures related to that history should not be preserved. This person was quite upset about how NG had put money into preserving and restoring the Hebron church.

The collection of oral history was something that all of the participants felt was important, though one person pointed out that it is not always that simple to collect it. This

individual is directly involved in oral history collection on a regular basis and pointed out some of the associated challenges: sometimes knowledge holders are just not interested in being recorded, and sometimes there is ‘oral history burnout’.

North West River:

A public meeting was held in the North West River Community Council Chambers on the evening of March 27th. It was relatively well attended with ten participants, two of whom drove all the way from Goose Bay to take part.

Related directly to archaeology was a lengthy discussion on the importance of documenting former settlements in the Lake Mellville and Rigolet areas, and to do so through both map-biographies and archaeology. One participant actually brought in a map they had created of Mulligan, near North West River that was informed by people with long connections to that settlement. There was consensus amongst participants that similar work should be done for all of the former settlements in the area, and that this should be done soon before knowledge holders are gone. Other participants talked about locally known homestead sites in Double Mer, between Rigolet and North West River, which are very important to many of the families that continue to live in the area. It was pointed out that local people know exactly where these sites are, and where former house features are located within them, though they have never been documented by archaeologists.

Cemeteries were a major topic of discussion as well, and particularly the fact that only the cemeteries within North West River and Goose Bay are being maintained in any way. Even major cemeteries, like the one in Mulligan, are not being maintained and participants stated that this is something that really needs to be addressed. When I mentioned the GPR work that had

been recently done in Hopedale and Nain people were interested and felt it might be of use in the North West River cemetery, and in a cemetery on Goudie Hill, which is also in the area.

One suggestion for addressing both the documentation of former settlements, and cemetery maintenance was that it should be done through a combination of NG sending people down to help who would support local people with that kind of work, and work that was done entirely by local people.

There was some discussion about place names and of the importance of continuing related work in the area. Participants asked specifically if the Heritage Program Coordinator would be coming to the community to document place names and former community sites through conversations with local people.

For some participants, the most important, and the most urgent heritage-related matter was the intangible, and the documentation of things like the Mulligan settlement, as well as traditional skills, like how to clean seal skins, how to make black bottom boots, how to sharpen an ulu etc. It was stated that these kinds of things need to be video recorded and that doing so is very urgent. One participant talked about wishing that they had questioned a number of people about these things while they were still living. It was suggested that the Heritage Program Coordinator come to North West River very soon to start doing video recordings with knowledge holders.

When talking about one of the previously documented points on discussions of a heritage board and/or committees, one participant felt that it was hard to get people to join a committee, and that things will only happen if NG is committed.

Participants felt that an NG heritage funding program would be useful and that it could be used for things like cleaning up cemeteries, like the ones outside of current communities, such as one at Old House Brook, at North West Island or at the many cemetery sites in the Rigolet area.

There was agreement amongst those in attendance that it would be a good idea to have an archivist in each of the communities, and that NG should support the collection of genealogical information and provide access to information to people looking for information on their own family histories.

There was a concern raised about archival records and how photos had been collected from North West River by NG or Parks Canada over the past couple of years and that local people did not know what happened to them. I was asked to raise this with officials who were connected with that work. Participants felt it was important to ensure that anything they lend to the government in situations like this must be taken care of and owners need to know where things are and what is happening.

One final point that was made during the session was about prioritization of issues that need to be addressed. For this person, the documentation of oral history was the top priority and it is something that needs to start now²⁰.

Rigolet:

Public Meeting:

²⁰ The NG's Heritage Program Coordinator did subsequently travel to North West River to collect place names data and to begin working towards documenting oral history with local people in the area. This work took place in early July of 2019.

Dr. Turner and I travelled to Rigolet on April 3rd, and a public meeting was held from 6-9 pm that evening at the Lord Strathcona Manor. This session was well attended with 13 participants and much of the discussion built upon what was said during the last public engagement tour. A meeting was also held at the local school on April 4th that was attended by 23 people including the teachers. Because of the number of people involved in each session the results of each meeting are presented under separate headings below.

The first topic that participants spoke about was artifacts. One person mentioned the need for funding to be able to bring artifacts back to the community. Others discussed 3D replicas of artifacts, and some felt they might be suitable if it was difficult to keep originals in the community. An archaeology graduate student had recently produced several 3D replicas of artifacts from the nearby Snooks Cove site (See reference to Sherret in Fleming & Rankin 2017), which some of the people at the session had seen and felt were quite useful²¹. Others said that many people in the community had not yet seen the existing replicas, but were quite interested. There was some talk about having original artifacts and replicas side by side in an exhibit and to have visitors try to tell which was which.

One matter that was highlighted during the discussion, was the fact that there is currently no local committee overseeing loans of artifacts. Some of the artifacts on display in the Strathcona Manor are Archaeological Material as defined in LILCA and are on loan to the community from the NG. The local heritage committee that had arranged the loans was not active at the time of the 2019 engagement session, and so there was a significant relevant local capacity gap. In this context participants talked about how NG should consider the establishment

²¹ The replicas were based on artifacts selected by local people, and the replicas were subsequently donated to the community to be displayed.

of a board or committee that could address a perceived split between the regional government and the Inuit Community Governments in relation to the administration of limited heritage-related financial and human resources. The idea that such a board could establish standing committees on things like heritage structures, archives, commemorations, designations and collections was something that all participants were supportive of, and people in attendance felt that such a board should be independent and arms-length from Government. One participant went so far as to say that if NG could do only one thing, it should be to establish this kind of a regional heritage board/standing committee structure. It was suggested that such a board could then carry on with public engagement on heritage issues and such a structure could help alleviate current pressure on municipal governments.

People in attendance reiterated their interest in the development of an NG heritage funding program. Funding for culture and heritage is available through the Tasijujatsoak Trust and through community trusts; however, people felt that it was important for NG itself to directly support heritage through its own funding program.

Access to locally relevant archival records, including church records, Hudson's Bay Company Records and military records was highlighted, as was the loss of church records as a result of a fire in a heritage building in Cartwright in Southern Labrador.

Concern was expressed about recent changes to ferry services for the North Coast and about how this might negatively affect tourism-related economic activity in the community, much of which is closely tied to heritage. Development of geo-caching in a way that relates to historic land use was discussed as something that might attract tourists, and providing supports to local tour boat operators was mentioned.

Other points made during the public meeting were to reiterate the importance of documenting oral history, and the importance of working to document customary law in particular. The latter was recognized as being very relevant and useful in relation to wildlife management as well.

School Meeting:

An engagement session was held with junior high and high school students at Northern Lights Academy which was attended by 23 participants, including 2 teachers. Students made several points relating directly to archaeology during the meeting. The first of those was about the importance of access to artifacts, though there were different opinions about whether replicas would be sufficient or if original artifacts should be locally available. The importance of protecting and maintaining graves and cemeteries within and outside of the community was raised and discussed. Students also said that they would like to see archaeological fieldwork happen at some of the family homestead sites in the region.

The importance of documenting oral history was highlighted by the students, and characters from local stories, like Mother Bucksaw and Smoker, were specifically referred to as being important to record. It was somewhat surprising to learn that related results from Rigolet's 'My Word' stories project were apparently not being used in the school at this time, and many students seemed to be unfamiliar with it. Access to oral history and traditional knowledge was something that the students said was very important to them. At the time it was clear that Them Days magazine was the most important resource for the school and for the students for accessing heritage related information. There was interest in access to other heritage related material as

well, and a database and an online catalogue were suggested as ways of increasing access to other kinds of information.

Students said that it was important to preserve historic buildings and they referenced maintaining the local church in particular. Some of the participants thought that it was too bad that the old community hall had recently been torn down.

Other points made during the school meeting were about the importance of documenting local traditional music and dance, more stories and books for children with local content, and more youth involvement in heritage-related events. The establishment of a local daycare to free up teenagers from having to babysit, as well as food and prize incentives were suggested as ways of getting more youth involved. There was also some discussion of school heritage fairs which are currently only for students in grade 8. People felt that other grades should have heritage fairs too and that artifact replicas and access to additional information and other heritage materials would enrich heritage fair projects for students.

Makkovik:

A public meeting was held in Makkovik on the 8th of April, which was attended by four local people. Notes from the last engagement tour were reviewed with participants to determine if they accurately reflected previous discussions, and as a jumping off point for continuing the conversation and identifying important issues and options.

During the previous session participants had talked about a lack of access to a tourism market. One participant during the final tour suggested that this was because there was no Community Tourism Development Officer (CDO). The CDO position already exists, but

according to the participant, it depends entirely on renewal funding, and it would be better if it was salaried. There was some discussion of how some kinds of tourism, like cruise ship visits, seem to bring in less money to the community than others, like guided fishing trips. There was a suggestion that bed and breakfast businesses should be regulated.

There was discussion of the importance of documenting oral history, and one participant felt that indexing recorded interviews according to the name of the interviewee was crucial. Another participant said that there should be a travel budget to support the collection of oral histories and traditional knowledge. Them Days was seen as an important resource for documenting oral history, and potentially for documenting and researching customary law. There was some discussion about access to Them Days issues, and about indexing them, as apparently the available index for the magazine only goes back so far. Uncle Jim Andersen, an important historical figure in Makkovik well known for his photography and videography over a period of approximately 50 years, was referred to as having been ‘a repository unto himself’.

Related to archaeology, participants talked about protecting and maintaining cemeteries and graves in the area. Participants felt that there should be a budget to allow for this, and one participant felt that a position should be created by NG for someone who would do this kind of work. A desire to have local cemeteries mapped was also expressed. The archaeological work that Stephen Loring and Leah Rosenmeier had done in the Makkovik area from 1999-2003 (Loring 2004; Loring and Rosenmeier 2000) was talked about in a very positive way especially because they hired local students, and because they came back in winter to do presentations on the work they had done.

There was no clear consensus during this meeting on whether heritage buildings should be used for housing in Makkovik, though they were seen as important.

Participants suggested that each Labrador Inuit Community should have a dedicated heritage resource person, and that NG should hire an archivist and ensure it had space for archival records.

Hopedale:

A public engagement session was held in Hopedale at the NG legislative building on the evening of the 9th of April. This session was relatively well attended with eight participants, despite a spring snow storm.

The format of the discussion was similar to other public meetings during the final tour with a review of notes from the previous tour to verify their accuracy and to stimulate discussion relating to the identification of issues and options. Several points were made in relation to archaeology. One was a suggestion to raise awareness of local historic resources by pointing out the locations of archaeological sites to the communities. When I mentioned the possibility of archaeological potential mapping this was seen as something that would be quite helpful. People felt that the locations of sites where archaeological activity was occurring would be good to have as well, such as Avertok in particular²². One participant talked about how it is good when archaeologists involve local people in their work and take them to sites in the area. This led to some discussion of the MUN-led archaeological activity in the community and how there were many benefits associated with it. One of the students involved in that work attended the meeting and talked about how this work had been a positive influence, and how it led to consideration of a career in heritage. The fact that the recent work had gotten many local people involved and interested in heritage was discussed and was considered to be a really good thing for Hopedale.

²² This was interesting because there is an interpretation panel for Avertok at the site itself, within the community of Hopedale that includes a site plan.

There was even a suggestion that NG should consider hiring additional archaeologists, one person stated specifically that NG should consider hiring one for each community. The Tradition & Transition project was talked about as having produced a lot of good results so far for Hopedale.

There were some questions raised about whether or not NG has heritage funding, and it was suggested that the government should have its own dedicated heritage funding program. Some participants were critical of the Tasiujatsoak Trust for not funding projects in Hopedale that were connected to Moravian history. They stated that this was confusing because the NG had recently been supporting the restoration of Moravian built heritage in Hebron, and had been doing so for many years.

There was some discussion of heritage in the local school in the past couple of years, which was considered very good. Participants talked about the new Labrador Society and Culture text book and curriculum that had been developed very recently with a focus on local history. This was considered to be an excellent resource. There was also some discussion of recent connections between the Nunatsiavut Archaeology & Heritage office and the local school related to the construction of a model traditional Inuit sod house. The office had connected with the school, suggested the project and provided resource material for it. Students in Hopedale then made a model sod house that was used in school and has since been incorporated into the Illusuak Cultural Centre's permanent exhibit. This was seen as excellent also. A teacher in Hopedale had recently received an award for using Google Glasses to allow people to tour the Hopedale Moravian Mission complex from anywhere, and there were plans to document other heritage places within the community that could be virtually visited in the same way.

Participants spoke about the importance of Inuktitut place names in the area, and were happy with the work that NG had done thus far on this front. The renaming of places in recent years using English names was something that bothered some people in Hopedale greatly.

In relation to built heritage, participants felt that using heritage structures to address housing issues in the community was something worth considering. The fact that the Inuit Community Government puts some money towards maintaining the mission complex buildings was mentioned and was talked about as being a good thing.

One participant talked about heritage and tourism as going hand in hand. This sparked conversation about a local tourism committee that might be able to help out with local heritage issues because most of the places this committee highlights for tourists are heritage sites.

At the end of the meeting, one person who attended went out of their way to make a point of saying that they thought we were doing a really great job with public engagement.

Nain:

The final public engagement session of the 2019 tour was held in Nain on the 12th of August with six participants in attendance. As in the other communities, the notes from the previous tour were reviewed to see what people thought about points that had previously been made, for verification and to stimulate discussion.

The first topic that participants wanted to talk about was built heritage and how there should be a clear and consistent approach to managing historic buildings. Some participants felt that a heritage board or committee structure would be a good way to approach this. One participant pointed out that some of this type of work needs to be done by the communities

themselves. Another stated that funding for built heritage should only be for short term work and not for long term maintenance.

The next topic that was of significant interest to those present was cemeteries and graves and what responsibility NG might have for them. One individual felt that cemeteries within communities should be maintained by the communities themselves, but that burials outside of communities and in remote areas, like Okak and Rose Island in particular, should be dealt with by NG. One person suggested that NG could do engagement sessions on which burials to maintain, while another reiterated that the line could be whether a grave is within a community or not. Participants suggested that it is important to continue to inventory burial sites in the region.

Another topic of discussion related to human resource capacity and cemetery maintenance. One participant pointed out that some communities, like Hopedale, have staff that do cemetery maintenance work routinely, while others, like Nain, do not. In some communities there is a close relationship between the Inuit Community Government and the church, while in others there is not. They talked about the implications this has for how much work ends up being done to take care of older cemeteries. Participants indicated that they felt that it was important that funding should be available for projects relating to Moravian history, and that the door should not be closed to projects because of a focus on an aspect of history that not everyone is interested in. Another participant mentioned the possibility of partnering with outside agencies like the Conservation Corps for help with things like cemetery maintenance.

One participant felt that it might be beneficial for NG to create archaeological site maps to raise awareness amongst local people and as a way of providing easier access to information. They also felt that it would be important to display site locations in appropriate ways that would

not put sites at risk. When reviewing the note on enforcement that had come from the previous session in Nain, one person in attendance talked about how it might be much more effective to educate the public about the importance of protecting archaeological sites and how to do so.

There was some discussion of Inuit Cultural Materials and one participants felt that this was an area where a regional heritage board might be really useful. Creating digital collections of archival records and maintaining only the digital versions along with relevant metadata was suggested as a good way to deal with that category of material.

The board structure was raised again by participants when the conversation turned to heritage designations. People in attendance talked about how this kind of thing is often left to volunteers who can get overwhelmed, and that a regional heritage board would be a good way to address this.

One of the participants talked about how it could be difficult to address Intangible Cultural Heritage in policy. The example the participant used was how a First Nations musician had recently included Inuit throat singing in a recording that was nominated for an award at the Indigenous Music Awards. This upset many Inuit artists who considered throat singing by a non-Inuk to be cultural appropriation and subsequent calls for a boycott of the 2019 Indigenous Music Awards made national news. The individual made it clear that they felt that policy around Intangible Cultural Heritage would need to be flexible. Another person in attendance suggested that it could be as simple as ‘NG recognizes the importance of protecting Intangible Cultural Heritage’.

From there the conversation turned back to archaeology, and interestingly, the impact that climate change is expected to have on historic resources was raised for the first time. One of the

participants, who was directly involved in heritage-related work as a professional, raised this and suggested that this might affect policy around excavation, and in particular around the excavation of graves that could be in danger of coastal erosion. Another participant felt that graves should not be excavated because of erosion, and that this sort of deterioration should be allowed to take its course. There was additional discussion of climate change with one person expressing surprise that it had not been raised by other participants, and what this might mean for the archaeological heritage of the region. A suggestion was made about how negative impacts of climate change on archaeological resources might be addressed that involved engaging local people to help identify sites or areas where things like erosion are known to be happening. This led to some discussion about training and data collection which could give local people the tools they need to help provide the NG with information it needs to determine where limited financial and human resources should be focused.

2019 Public Engagement Tour Summary

The results of the 2019 public engagement tour are summarized in Figure 5.12 which shows that archaeology, intangible cultural heritage, cemeteries and graves, research/information, and education received the highest coding scores. Human resource capacity, funding, public engagement, partnerships, and the preservation of built heritage follow with the next highest relative scores. The number of themes with coded references was consistent from 2018-2019 with 28 in both cases, though the list of themes identified during each tour is slightly different. The 2019 tour also produced a higher total number of coded references than previous tours, which likely relates to the stage of the research.

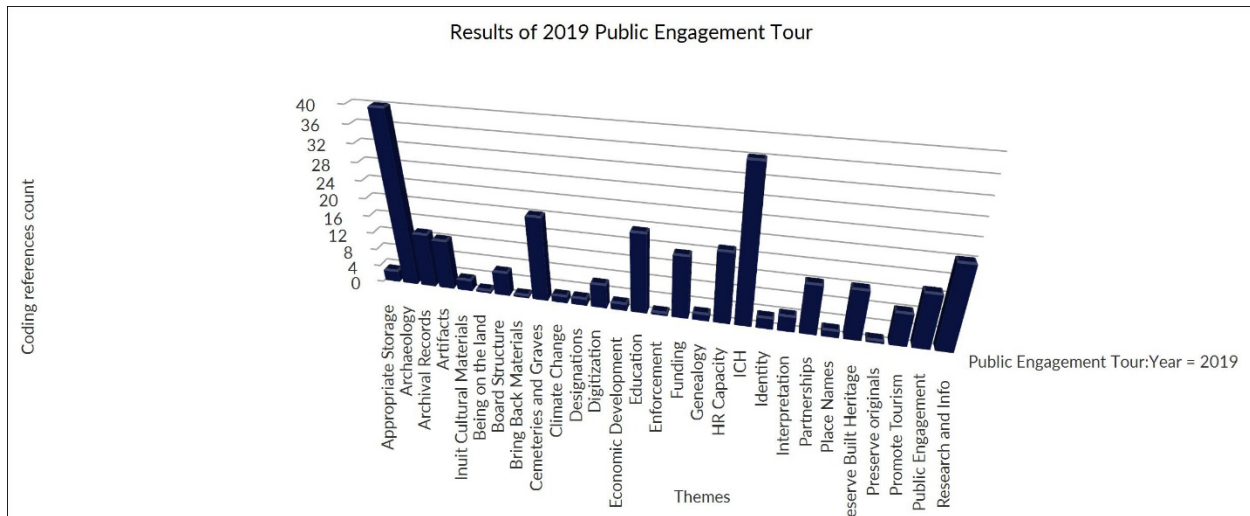


Figure 5.12: Thematic summary of discussions during the 2019 public engagement tour.

5.6 Conclusions:

The results of Nunatsiavut’s annual heritage forums for nine consecutive years from 2010-2018, and the results of three public engagement tours that took place from 2017-2019 and that focused specifically on the development of heritage policy and law in the region, were presented in this chapter. Heritage forum reports, a report on the 2017 tour, and field notes on the 2018 and 2019 tours were summarized in prose in the pages above. These documents were also mined for statements relating to heritage issues and options using QSR NVivo. Relevant statements were coded thematically using categories created based on my interpretation of the things that participants said during the forums and the public engagement sessions. This methodology has allowed a large number of statements made by a large number of people over a period of more than ten years to be organized and more easily understood. The data presented in this chapter are valuable for policy development and can be further analyzed to identify relevant policy options that are consistent with the wishes of the people of Nunatsiavut. The statements made in relation to each theme will be examined more deeply alongside the results of a

jurisdictional scan of relevant heritage legislation in the final chapter to produce a series of recommendations. The jurisdictional scan is the subject of the next chapter.

Chapter 6: Jurisdictional Scan

6.1 Introduction:

One way to work towards developing recommendations on heritage legislation in Nunatsiavut is to consider the contents of comparable laws from other relevant jurisdictions. The existence of such laws in all developed nations and of relevant international conventions and agreements, as well the existence of relevant provincial, state and territorial statutes makes such a task appear quite daunting. The magnitude of the matter is demonstrated by UNESCO's Database of Cultural Heritage Laws which contains well over 3000 pieces of legislation from nearly 200 countries as of May, 2021 (en.unesco.org). However, there are important differences in traditions of historic resource management in different parts of the world, which require an analyst to approach any attempt at direct comparison of differing legal contexts with great care.

Carmen (2015) highlights three key distinctions as follows:

- Differences between legal and regulatory systems;
- Differences in the nature of the material record of the past between one territory and another; and;
- Differences in the traditions and historical development of archaeology between one territory and another (2015:57).

Carmen does point out that the heritage laws in various nations are similar in that they are the primary means of addressing and protecting historic resources, and because they "...serve to legitimize that preservation" (2015:52). However, the major focus in his examination of different national systems is "...the remarkably diverse set of forms..." (2015:53), which are, in essence, meant to accomplish the same thing.

The differences across jurisdictions highlighted by Carmen can be used to limit the scope of a jurisdictional scan, preventing the analyst from undertaking an otherwise endless exercise.

Lindblom's (1959) points that no policy work can ever be truly comprehensive and his

arguments for the use of a “successive-limited approach” are relevant here as well (see chapter 3). The Canadian context is distinct, even from that of our closest national allies. Public vs private ownership of archaeological materials, for example, is a fundamental difference between how things are done in countries like the United Kingdom, the United States and Australia as compared to Canada (Carmen 2015). This difference is one that stands out to Carmen as one of the most significant (2015).

Another major difference has to do with countries which have colonial histories versus those that do not. Carmen states that “such differences will make any direct comparisons of UK and U.S. laws rather meaningless, since they are grounded in very different historical circumstances, are driven by very different political and cultural imperatives, and concern very different categories of person” (2015:58). While I might have serious concerns with the creation of different ‘categories of person’, there is no question that countries with colonial histories have developed very different heritage legislation from those that do not.

Canadian provincial and territorial heritage laws will be the subject of the jurisdictional scan presented here because of the significant differences between nations outlined in the previous paragraphs, and because archaeological heritage is generally protected at the provincial and territorial level in Canada, rather than by federal law. Erwin (2009), working in Newfoundland and Labrador also states that “...it can be generally concluded that the utility of comparing National and Provincial heritage legislation is limited by differences in the scope, goals and the jurisdictional intent of each” (2009:79). That being said, a few international conventions and agreements will be briefly considered to identify important principals, or themes, that have been used in developing heritage policy and law around the world, and in Newfoundland & Labrador in particular.

6.2 Methodological Approach to the Jurisdictional Scan:

It is important to begin with consideration of Newfoundland & Labrador's Historic Resources Act, the province's key piece of heritage law for two main reasons:

- 1) it is the law of general application that applies in Nunatsiavut in the absence of Inuit law, and since it prevails in the event of a conflict with Inuit law in relation to the matters outlined in 15.3.1 of LILCA;
- 2) because a relatively recent review of the Historic Resources Act conducted by John Erwin between 2009 and 2011 provides us with useful information as well as a useful methodological approach.

The combination of a solid background in both archaeology and policy analysis is quite rare, and Erwin possesses a high level of expertise in both areas. He holds a PhD in archaeology, his doctoral research focused on Dorset history here in Newfoundland, and he worked for a number of years for the Government of Newfoundland & Labrador as a senior policy analyst. In 2009 he was contracted by the province to "...identify Best Practices in cultural resource management as a necessary step towards developing new legislation that is to be designed in accordance with the Department's 2008-2011 strategic plan (GNL 2008) to preserve and safeguard the province's tangible and intangible cultural heritage" (Erwin 2009:6).

Erwin's methodology began with the documentation of a series of issues identified by government officials directly involved in heritage management. This was followed by a review of international and national documents on heritage preservation that resulted in the identification of 21 'Key Principles' for heritage management, referred to as best practices in the context of the report (Erwin 2009:37-42). These issues and principles were then used to compare 12 national and provincial heritage laws against the Historic Resources Act to "...assess the state

of our present legislation by providing a benchmark from which to identify the strengths and weaknesses of our current principles, policies and practices” (Erwin 2009:64). Through engagement with heritage managers, a jurisdictional scan, and the identification and analysis of international heritage principles Erwin identified 24 “key heritage issues” as follows:

Policy Concerns	Operational Measures
Aircraft Wreckage	Access to Information
Archaeology Sites (Land)	Advisory Bodies
Archaeology Sites (Underwater)	Assessments (Impact)
Conservation Policy	Documentation / Archival Policies
Collections Policy	Integrated Conservation
Ethnographic Sites	Enforcement / Appeals / Stop Work Orders
Historic Sites / Buildings	Export of Historic Resources
Human Burial Provisions	Monitoring / Maintenance of Resources
Intangible Cultural Heritage	Permitting Regulations
Cultural Landscapes	Presentation Policy
Palaeontology Sites	Registration / Designation of Heritage Places
Sustainability of Resources	Right of Entry

Table 6.1: Erwin's key heritage issues (2009:74).

These 24 key issues were used by Erwin to compare the Historic Resources Act with heritage laws in 7 Canadian provinces and with national legislation in 4 other countries. The issues and principles documented and identified by Erwin are useful to consider while reviewing current provincial and territorial laws across Canada, especially considering the fact that the major goal of this chapter is the identification of key themes in heritage laws throughout the country.

The approach taken here was inspired by Erwin’s work and involves the review of four highly relevant international agreements, and the subsequent review of provincial and territorial heritage laws across Canada to identify major themes within each piece of legislation. In the

final chapter of this dissertation, the themes identified here will be compared with those identified by the people of Nunatsiavut to produce a series of recommendations.

6.3 International Agreements:

There are a number of international agreements and conventions that are related to the historical development of heritage legislation in Newfoundland & Labrador and that provide some global context for many of the themes that are represented in provincial and territorial laws in Canada. Some of these agreement address important issues that have been recognized more recently, such as Indigenous rights, cultural landscapes and climate change. A few particularly relevant examples are briefly discussed below, and a thematic summary is presented in Table 6.2.

European Convention on the Protection of the Archaeological Heritage (ECPAH)

The original version of this agreement was signed in 1969, and an updated version was signed in 1992 and is commonly referred to as the Malta Convention or the Valetta convention. It is included here and covered in some detail as it is the most thorough international agreement specifically dedicated to archaeology.

The 1992 revised version of the convention recognizes the importance of archaeology as a means of understanding human history and is concerned about archaeological heritage "... being threatened with deterioration because of the increasing number of major planning schemes, natural risks, clandestine or unscientific excavations and insufficient public awareness" (ECPAH 1992:1). An interesting aspect of the agreement is an emphasis on cooperation between states to protect archaeological resources. One of the ways of doing this involves "... encouraging exchanges of experts and the comparison of experiences" (ECPAH 1992:2).

The convention is 4 pages in length and is divided into 16 articles, the first of which defines archaeological heritage as any physical evidence of past human activity. The next three articles deal with identifying and protecting archaeological resources and require signatories to create legal requirements for states to identify and inventory archaeological resources, to designate important sites for their protection, to establish “archaeological reserves... for the preservation of material evidence to be studied by later generations” (ECPAH 1992:2), and to make it a legal requirement to report accidental discoveries of archaeological resources (ECPAH article 2).

Article 3 requires parties to establish legally binding permitting and oversight systems to ensure that archaeological activity is conducted scientifically by qualified personnel, and to prevent “illicit” digging and loss of heritage (ECPAH article 3). This article also makes reference to regulating the use of detection tools like metal detectors (ECPAH article 3iii). Article 4 mentions the creation of archaeological reserves, as mentioned above, as well as ensuring that suitable storage space is made available for collections.

The next section deals with Integrated Conservation and contains a single article. Integrated conservation, in this context, is about the need for planners and archaeologists to work closely together to ensure that archaeological resources are properly considered and appropriately protected, preferably in situ, in the context of town planning. Another important consideration that is included is ensuring that public access to archaeological sites does not result in negative impacts on those sites (ECPAH article 5).

The next section covers considerations relating to the costs associated with protecting archaeological resources. It requires state parties to ensure that public funds are available for the protection of archaeological heritage at all three levels of government within each state, and it

emphasizes the need to increase the available funds for salvage archaeology and emergency situations (ECPAH article 6).

The next section contains two articles and is concerned with the gathering and sharing of information. State parties are to conduct surveys, and to keep site information and inventories up to date. Parties are also expected to ensure that the results of archaeological activities are published regularly and in a timely fashion (ECPAH article 7). They are also expected to share information with other state parties and to encourage research involving collaboration across national borders (ECPAH article 8).

Article 9 is included under a section devoted to public awareness. This section states that parties will work to promote public awareness of the importance of archaeological resources as well as the various things that are known to be threats to these resources. Parties are also meant to encourage public access to archaeological heritage, and particularly to significant sites and to displays of artifacts (ECPAH article 9).

Two articles are included within a section on preventing illegal artifact collection and trade by sharing information, through education and cooperation, and by adopting appropriate policy measures (ECPAH articles 10 and 11).

Article 12 is included under a section entitled “Mutual technical and scientific assistance” and requires parties to provide assistance to one another through “...exchanges of experts in matters concerning the archaeological heritage... and exchanges of specialists in the preservation of archaeological heritage, including those responsible for further training” (ECPAH article 12). This article is quoted because of its recognized utility amongst European heritage managers, and because the exchange of experts is not something that I recall encountering in reviewing

Canadian legislation and policy documents. The remaining provisions of the ECPAH are administrative in nature.

Key themes in the revised ECPAH include: education, identification, inventory, duty to report, municipal role, documentation, assessment, conservation, access, preservation, permitting, interpretation, cooperation, presentation, integrated conservation, qualifications and cost.

Charter for the Protection and Management of the Archaeological Heritage (CPMAH)

The CPMAH was approved at Lausanne, Switzerland, in 1990 during the International Council on Monuments and Sites' (ICOMOS) 9th annual assembly. It contains an introduction and nine articles. The introduction explains the importance of archaeological heritage and includes the following text:

It is widely recognised that a knowledge and understanding of the origins and development of human societies is of fundamental importance to humanity in identifying its cultural and social roots. The archaeological heritage constitutes the basic record of past human activities. Its protection and proper management is therefore essential to enable archaeologists and other scholars to study and interpret it on behalf of and for the benefit of present and future generations (www.icomos.org).

The first article defines archaeological heritage, and the second outlines “integrated protection policies”, which involve ensuring that planning for the protection of archaeological resources is a part of general land use and development planning. Policies relating to education, environmental protection and culture should also include considerations for archaeology at all levels of governance. The importance of local involvement, particularly in Indigenous communities is highlighted as well. Reference is also made to the importance of having the

ability to establish archaeological reserves, and although the term is not used, the reserves could be thought about as cultural landscapes (CPMAH article 1 & 2).

The third article addresses economic aspects of protecting archaeology. The charter states that because of the importance of archaeology to all people, it is important that all nations protect archaeological resources by law, and that adequate financial resources are made available to effectively do so. Historic resources are to be protected from damage or destruction by law, with any allowance for damage or destruction being the subject of formal review by an appropriate authority. In cases where damage or destruction is allowed it is crucial that sites are studied and documented fully first. Appropriate enforcement mechanisms are to be included in legislation. Professional archaeological assessment and mitigation are to constitute critical aspects of development projects by law, and the costs should be part of the cost of development (CPMAH article 3).

Article 4 discusses the importance of archaeological survey, and how it is a basic and fundamental aspect of effective protection of historic resources. Creating, maintaining and continuously updating inventories of historic resources is also discussed as another critical aspect of protecting and managing archaeological heritage (CPMAH article 4). Article 5 addresses archaeological investigations and states that in-situ preservation should always be the goal. In cases where more destructive investigation is called for, low impact approaches are recommended, and excavation is suggested to be used only after careful contemplation, and in cases where sites are under threat. Work is always to be done by professionals to internationally accepted standards, and providing detailed reports to appropriate authorities is a requirement (CPMAH article 5).

Article 6 is about conservation and maintenance, and includes a statement that collections, records and documentation relating to archaeological heritage are to be cared for and managed in an enduring way. The involvement of local people in heritage management is important, especially in Indigenous contexts. Because the resources to maintain sites will always be limited it is necessary to ensure that important sites representing the range of historic resources in a region are selected for maintenance (CPMAH article 6).

The importance of presenting information to the public is discussed in article 7 which explains the importance of societies learning about their histories. Interpretation should be regularly updated as new information becomes available. Reconstructions should not negatively impact existing archaeological sites, but can be useful for both interpretation and research purposes (CPMAH article 7).

Article 8 is concerned with archaeological activity being conducted by professionals, and it states that all nations should do all they can to ensure that adequate numbers of qualified archaeologists are trained and available. The importance of professional development is discussed in relation to continuous developments in the discipline (CPMAH article 8).

The last article deals with cooperation across national borders for the protection of archaeological heritage because of its importance for all people. The importance of international and regional conferences and gatherings is discussed, along with exchanges of qualified employees "...as a means of raising standards of archaeological heritage management" (CPMAH article 9).

The main themes in the CPMAH include: integrated conservation, financial considerations, protection, preservation, permitting, maintenance, prioritization, enforcement,

assessment, mitigation, survey, inventory, municipal role, engagement, investigation, documentation, presentation, reconstruction, qualifications, cultural landscape, cooperation.

The Pocantico Call to Action on Climate Impacts and Cultural Heritage

While the Pocantico calls to action do not constitute an agreement between states, they do represent an effort by international heritage intellectuals and professionals to influence governments at all levels around the world, as well as individuals and organizations, to take specific action to respond to climate change-related threats to heritage. These calls to action were written by a group of representatives of international, national and local heritage organizations in 2015 following an international conference on climate change and heritage (UCS 2015).

The calls to action begin with supporting communities in protecting heritage that is important to them, and intangible cultural heritage is mentioned as something to be considered for protection. The next call to action ensures that heritage is considered in relation to any policy work relating to climate change within all levels of government around the world. The sharing of relevant information, data and expertise is considered to be crucial for understanding which heritage resources are at risk, how best to respond, and to consider which threatened heritage resources should receive attention. Collaboration is considered to be an essential aspect of addressing this problem. Engaging the public, as well as elected officials about the importance of heritage, and raising awareness about climate change-related threats are also included in the calls to action. The document also notes that both the costs of action, and the costs of inaction need to be carefully considered by decision-makers, heritage professionals and members of different societies (UCS 2015).

Key themes include: engagement, protection, cooperation, municipal role, integrated conservation, identification, assessment, prioritization, climate change, education and cost.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The UNDRIP was adopted in 2007 and was ratified at that time by 144 countries after approximately 25 years of discussion and consideration. It is perhaps worth noting that Canada, the United States, New Zealand and Australia did not sign the declaration at the time. Each of these four countries, which have comparable colonial histories, had concerns with certain articles in the declaration relating to sovereignty and resource development. Canada signed the declaration nearly a decade later, in May of 2016 (Arctic Institute 2016), and in 2021 the current Liberal government passed the UNDRIP Act which includes the following two stated purposes:

- a) affirm UNDRIP as a universal international human rights instrument with application in Canadian law; and
- b) provide a framework for the government of Canada (the GoC) to implement the Declaration that will essentially make the articles of UNDRIP legally binding within the country (UNDRIP Act, section 4).

UNDRIP contains several provisions that are of direct relevance to archaeology and they are brief enough that they can be quoted here in their entirety. The first directly relevant section is Article 11, which states:

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12 is also directly relevant and states:

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Finally, Article 31 also contains relevant text and states that:

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

The main themes of the most directly relevant articles in the UNDRIP include access to, maintenance, protection, control of and development of historic and intangible cultural resources, as well as repatriation of human remains and ceremonial objects. The powers and responsibilities that Labrador Inuit have in relation to heritage according to chapter 15 of the LILCA are consistent with these UNDRIP articles.

UNESCO and Cultural Landscape

The United Nations Educational, Scientific and Cultural Organization (UNESCO) was established following the end WWII, and its main purpose was, and continues to be, world peace (UN 1947). Throughout WWII, the bloodiest conflict in human history, the allied forces believed that education was the best hope for avoiding similar wars in the future. UNESCO's constitution begins with the statement "...that since wars begin in the minds of men, it is in the

minds of men that the defenses of peace must be constructed” (UN 1947:276). Canada was a founding member and our federal government’s website quotes the same line (adding ‘and women’ after each reference to men) and continues saying that “...this vision guides all of UNESCO’s activities since its creation in 1946” (GOC 2021).

UNESCO’s 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, is “...the most universal international legal instrument in heritage conservation” (Rössler 2007:333). The most important themes in the convention were identified by Erwin as follows: “Identification; Assessment; Preservation; Conservation; Restoration; Documentation; Investigation; Presentation [and] Cooperation” (Erwin 2009:20). Notably, the convention also includes the cultural landscape concept in its first article, which defines the term “cultural heritage” in the context of the convention. Three headings are included in Article 1 as things that are considered cultural heritage: “monuments...groups of buildings [and] sites” (UNESCO 1972: Article 1). In this context sites are defined as “works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view” (1972: Article 1).

In 1992 UNESCO began to recognize and protect cultural landscapes on a global scale for the first time and defined cultural landscapes as follows:

...cultural properties [which] represent the "combined works of nature and of man" designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal (UNESCO 2008:85).

At the same time, the international organization also identified three categories of cultural landscape which Rössler describes as “...one of the most important evolutions in the history of

the 1972 UNESCO [World Heritage Convention], namely, the interaction between culture and nature and the development of the cultural landscape categories” (Rössler 2007:333). The three categories in question include landscapes that were deliberately planned and created by humans, those that developed without planning and which are said to have “organically evolved” (UNESCO 2008:86), and finally, those that are recognized “by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent” (UNESCO 2008:86). Cultural Landscapes fitting into the third category are referred to as “Associative Cultural Landscapes” (UNESCO 2008:86).

UNESCO’s categories provide ways to conceptualize, recognize and potentially protect cultural landscapes, and there is nothing in Nunatsiavut’s policy landscape that would preclude the use of these categories.

Selected International Text Summary:

The international agreements outlined above are important sources of information for understanding international thought on managing historic resources. A focus on the protection, study, documentation and interpretation of historic resources for the good of all people characterizes all of the texts discussed above. These documents have been, and continue to be, highly influential in many countries and are of considerable importance here in Canada today. Key themes were identified and listed for each text and these are presented together in Table 6.2. A total of 29 themes were identified in the international context which will be compared to those presented in Chapter 5, as well as those found in Canadian Provincial and Territorial heritage laws. Protection, assessment, identification, documentation, cooperation, presentation, integrated conservation and financial considerations are important recurring themes in the selected international texts that have been reviewed here.

Theme	Document
Education	ECPAH, Pocantico
Identification	ECPAH, Pocantico, UNESCO
Documentation	ECPAH, UNESCO, CPMAH
Assessment	ECPAH, Pocantico, UNESCO, CPMAH
Conservation	ECPAH, CPMAH, Pocantico, UNESCO
Preservation/Protection	ECPAH, Pocantico, UNDRIP, UNESCO, CPMAH
Interpretation	ECPAH
Cooperation	ECPAH, UNESCO, CPMAH, Pocantico
Presentation	ECPAH, UNESCO, CPMAH
Integrated conservation	ECPAH, Pocantico, CPMAH
Qualifications	ECPAH, CPMAH
Financial Considerations	ECPAH, Pocantico, CPMAH
Engagement	Pocantico, CPMAH
Prioritization	Pocantico, CPMAH
Access	ECPAH, UNDRIP
Maintenance	UNDRIP, CPMAH
Control	UNDRIP
ICH	UNDRIP, Pocantico
Repatriation	UNDRIP
Cultural Landscapes	UNESCO, CPMAH, ECPAH
Conservation	ECPAH, UNESCO
Restoration	UNESCO
Investigation	UNESCO, CPMAH
Enforcement	CPMAH
Mitigation	ECPAH, CPMAH
Inventory	ECPAH, CPMAH
Survey	CPMAH
Reconstruction	CPMAH
Climate Change	Pocantico
Duty to Report	ECPAH
Municipal Role	ECPAH, CPMAH, Pocantico
Permitting	ECPAH, CPMAH

Table 6.2: Themes identified from selected international heritage texts.

6.4 Provincial and Territorial Law:

The remainder of this chapter consists of a review of Canadian provincial and territorial heritage legislation. In each case, the most important heritage laws are reviewed and key themes are identified at the end of each section. The presence and absence of each key theme in each jurisdiction is graphed at the national scale at the end of the chapter to provide a sense of the relative importance of each theme in heritage laws across the country. This will allow for

comparison with the key themes from community engagement sessions and heritage forums in the next chapter.

Newfoundland & Labrador:

Historic resources²³ in Newfoundland & Labrador are protected under the *Historic Resources Act* (HRA), which was originally passed in 1985 and amended several times between then and 2019. It is broken down into five parts which follow the short title and definitions of key terms.

The heading for Part 1 is “Administration” and the rights and responsibilities of Labrador Inuit are referred to directly under section 3.1, which states that “This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act*” (HRA section 3.1). It goes on to say that in the event of a conflict between LILCA and the HRA, it is the LILCA that prevails. This section is obviously of critical importance to the present study, as has been explained in Chapter 3.

According to the HRA: “The minister is responsible for the: (a) protection and preservation; (b) coordination of the orderly development; (c) study and interpretation; and (d) promotion and appreciation of the historic resources and palaeontological resources of the province” (HRA section 4).

Part 2 covers historic resources and the first section under this part makes a legal requirement to hold a valid permit to conduct archaeological activity, including survey work. A person who disturbs a site a site under a permit issued under the HRA is required to restore the site to the extent possible, and they are required to submit any objects collected under the permit

²³ Palaeontological resources are covered in the HRA, and in the heritage laws of a number of other Canadian jurisdictions, but they are not considered in the present review as they are not referenced in the LILCA.

to the minister (HRA section 8). A permit does not give the person holding it the right to enter private property without permission (HRA section 9).

Section 10 makes it mandatory for anyone who discovers an artifact, or artifacts, to immediately notify the minister, and artifacts can only be moved or disturbed under permit. Section 11 provides for automatic Crown title to artifacts, and makes it illegal to buy, sell or dispose of artifacts, or to take them out of Newfoundland and Labrador for any of those purposes (HRA sections 10 & 11).

The minister may permit the inspection of land that is owned or occupied, the completion of archaeological surveys, or the inspection of any historic resources at such a location. If entry is refused the minister can seek an order from a judge allowing a survey or inspection (HRA section 12).

Section 13 provides for historic resources impact assessment any time that the minister believes that any activity could have a negative impact on historic resources. The minister is also able to prevent a municipality from allowing development, or can stop an activity that is occurring within a municipality and keep it from going ahead until an impact assessment and any required mitigation has been completed (HRA section 13). The next section gives the government the ability to designate historic resources as provincial cultural properties, which gives them an added level of protection, as ministerial approval is required for any alteration of a provincial cultural property (HRA section 14).

Part 3 allows the minister to designate provincial historic sites, and to acquire them by buying them or through expropriation (HRA sections 16 & 16.2). The minister can also designate provincial cultural resources, which can be people, sites, cultural traditions or events, which brings some intangible cultural heritage elements into the fold to a degree (HRA section

17). Provincial historic sites and tangible provincial cultural resources receive additional protection under section 18, which makes it illegal to move or damage artifacts, structures or other historic resources without written permission to do so from the minister. The minister is also required to maintain a registry of all provincial historic sites and provincial cultural resources (HRA section 15).

Part IV of the HRA provides for the Heritage Foundation of Newfoundland and Labrador. The purposes of the foundation relate exclusively to built heritage and are listed in the Act as follows:

(a) to stimulate an understanding of and an appreciation for the architectural heritage of the province; (b) to support and contribute to the preservation, maintenance and restoration of buildings and other structures of architectural or historical significance in the province; and (c) to contribute to the increase and diffusion of knowledge about the architectural heritage of the province (HRA section 20).

The foundation also has the power to designate heritage buildings and districts, to issue grants for the preservation of historical buildings to enter into agreements or to establish easements on heritage properties, and to set up committees (HRA section 21). The remainder of Part IV lays out things like Heritage Foundation membership, financial considerations, reporting and the development of regulations relating to grants and designations (HRA sections 22-29).

Part V of the Act includes general provisions, the most important of which for our purposes include temporary stop orders, designation of employees, building code exemptions, offense and penalties for contravention of the Act, and regulations. The minister, or a designated employee may issue temporary stop orders in cases where an activity is occurring that will likely have a negative impact on historic resources. The purpose of the order is to allow for time to salvage historic resources, or to come up with options to preserve historic resources that are at risk (HRA section 31). Section 33.1 allows the minister to designate government employees to

do things that are required to protect historic resources, “in addition to employees of the department responsible for the implementation and administration of this Act...” (HRA section 33.1). The minister can make provincial historic sites exempt from building codes outlined in other laws according to section 32 of the HRA.

Penalties for contravention of heritage legislation in Newfoundland & Labrador include fines of up to \$50,000.00, and jail time for up to one year, and it is important to note that each day that the law is broken is treated as a separate offense. In addition, in cases where there is a conviction, the minister can require the person convicted to pay the costs associated with restoring the impacted site (HRA section 35).

Section 33 lists regulations that the government can make under the Act, and the most important regulations for our purposes are the *Archaeological Investigation Permit Regulations under the Act* (AIPR). These regulations provide definitions of key terms, and much more specific information on archaeological permitting than the Act itself. For example, the regulations state specifically that archaeological survey, excavation and impact assessment can only be conducted under a valid permit (AIPR section 3). They outline relevant qualifications, which include a post-graduate degree in archaeology, a minimum of 24 weeks of supervised field training, at least 6 weeks of lab or curatorial experience, as well as proof of completion of a project similar to the one being described in a permit application (AIPR section 4). The minister can, with the recommendation of an independent panel of archaeologists, consider a person with equivalent experience to be qualified to hold a permit (AIPR section 4). The regulations outline reporting requirements and deadlines, as well as responsibilities for collections. It is interesting to note that the regulations require a permit holder to work with a qualified conservator, and to

have the conservator examine any materials collected and conserve any artifacts that require conservation (AIPR section 17).

Key themes in Newfoundland & Labrador heritage legislation include: protection, preservation, maintenance, restoration, cooperation, development, interpretation, repository, built heritage, promotion and appreciation, education, permitting, documentation, identification, inventory, board or committee involvement, assessment, cost, mitigation, designation, investigation/study, commemoration, duty to report discovery, enforcement, qualifications, and artifact conservation under permit.

Nova Scotia:

Special Places Protection Act (SPPA):

Nova Scotia's primary heritage law is the *Special Places Protection Act*, originally passed in 1989 and updated in 1990, 1994, 1995, 2004, 2005 and 2010. Its purpose is to "...Provide for the Preservation, Regulation and Study of Archaeological and Historical Remains, and Palaeontological and Ecological Sites" (SPPA section 2a). The Act provides for the establishment of a special places advisory committee and the roles and responsibilities of the committee. It provides for the designation of special places and the termination of such designations. It provides for the regulation of research activity through a permitting system which requires anyone involved in such activity to hold a permit, to be qualified, to submit records and artifacts to the Province. It allows for stop orders in cases where development or other activity threatens special places, although reference to impact assessment is conspicuously absent. The Act provides for the development of regulations, and interestingly there are regulations specifically for archaeological resource impact assessment at the Debert

Archaeological site (www.novascotia.ca). Finally, penalties are outlined for contravention of the Act.

The main heritage principals or themes in Nova Scotia's *Special Places Protection Act* include: preservation, maintenance, qualifications, designation, promotion & appreciation, permitting, inventory, investigation/study, mitigation, interpretation, documentation, board or committee involvement, conservation, cooperation, repository, presentation, and enforcement.

Heritage Property Act (HPA)

Another relevant law in Nova Scotia is the *Heritage Property Act (HPA)*, the stated purpose of which is "...the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use" (HPA section 2). Like the SPPA, the HPA provides for the establishment of an Advisory Council which can provide relevant advice to the minister. The act requires the establishment and maintenance of a registry of provincial heritage properties, and lays out how such properties are registered, as well as how and under what circumstances they can be de-registered. It covers plaquing of historic properties as well as requirements for prior approval for alteration or demolition. The act contains similar provisions for municipal contexts allowing for the establishment of municipal advisory committees and registries, the use of signs or plaques, and outlining similar requirements for approval for alteration or demolition. The act also contains lengthy sections allowing municipalities to establish heritage conservation districts and associated requirements for a conservation plan and by-law, as well as designation of a municipal employee as a heritage officer who "...shall be responsible for the administration of

the conservation plan and conservation by-law...” (HPA section 19g). The act allows for the development of agreements respectively between the minister and a provincial heritage property owner, and between a municipal council and a municipal heritage property owner. It also allows financial support for heritage property owners through the provincial or municipal governments. Finally, the act outlines penalties for contravention, and provides for the development of regulations.

One point worth mentioning about the Heritage Property Act is that cultural landscapes are specifically referred to in the act as a type of heritage property that can be designated and conserved under the act. The term itself is defined using wording that is consistent with that used in the UNESCO definition.

The main themes in the HPA include: designation, identification, inventory, permitting, conservation, financial support, preservation, protection and rehabilitation, board or committee involvement, municipal role, built heritage and cultural landscapes.

New Brunswick:

New Brunswick’s archaeological and palaeontological heritage resources are protected under the province’s *Heritage Conservation Act* (HCA), which came into effect in February, 2010. It is a relatively lengthy piece of legislation at more than 50 pages. It does not contain an explicit purpose, but it deals with archaeological resources, heritage places and buildings.

The HCA begins with definitions and by addressing conflicts with municipal laws (HCA sections 1 & 4). It provides for Crown title to heritage objects and agreements on heritage objects between the Crown and individuals or Indigenous groups (HCA sections 5 & 7). It addresses the reburial of human remains removed from burial sites, and it requires that anyone

who finds heritage objects or sites to promptly report the discovery to the minister (HCA sections 8 & 9). It also covers prohibitions related to archaeological sites and burial grounds (HCA section 11).

The HCA provides for a permitting system for archaeological activity, as well as a permitting system for site alteration (HCA sections 12-18). Provisions allowing for historic resource impact assessments are included in relation to site alteration permits (HCA section 19). The act also has specific provisions for amateur archaeological permits, differentiating those from permits held by professionals (HCA sections 24-27). This makes it clear that being qualified is a principle that is considered important for professional archaeological activities. A minimum requirement of a master's degree in archaeology is specified on a frequently asked questions page on the Government of New Brunswick's website; however, specific minimum requirements do not appear in the act or in regulations under the act (GNB 2022).

The HCA contains provisions allowing for the designation of provincial heritage places, outlining the process involved and for repealing designations (HCA sections 28-37). It also provides for protection of heritage places through a requirement for a permit for any changes to the character defining elements of a designated place (HCA sections 38-39). Heritage impact assessments can be required in the context of any changes to provincial historic places as well (HCA section 40). The HCA also allows the minister to designate local heritage places in unincorporated areas (HCA section 45).

The act contains quite a few provisions relating to municipal heritage, many of them dealing with heritage boards which prepare reports and make recommendations on municipal heritage conservation areas and related by-laws and policies (HCA 46-54). Similar to Nova Scotia, the act allows a municipal council to appoint a heritage officer to assist heritage boards

(HCA section 54). Provisions dealing with municipal heritage by-laws state that they can be passed to allow for the conservation of archaeological sites, cultural landscapes, heritage buildings, and natural environments (HCA section 55). If a municipal heritage area is established, development can only occur within the designated area under a municipal heritage permit (HCA section 63). The act also allows for the designation of local heritage places within municipalities. (HCA section 68).

The HCA contains nine pages on provisions relating to enforcement, which outline inspections of sites or various activities that can impact heritage sites (HCA sections 74-92). Inspections can include survey, studies, excavations and examinations conducted by agents appointed under the act, and they can also include inspections of the activities of permit holders to ensure compliance with the act and relevant municipal by-laws (HCA section 74). Provisions stating that no one can obstruct an inspector carrying out work under the relevant sections of the act, and that no one can willingly make false statements under the act are included (HCA sections 81-82). Orders to cease activities that are impacting the province's heritage, as well as temporary orders are included, and offenses and penalties are covered as well (HCA sections 83-84).

The next part of the act contains general provisions and begins with a section stating that the HCA does not derogate from Indigenous or treaty rights (HCA section 93). There is a section on access to information which states that the minister can withhold information relating to archaeological sites and burial sites if the release of that information could result in increased risk to the site (HCA section 99). A list of regulations that can be passed under the act is also included in this part (HCA section 101).

Key themes in the HCA include: identification, designation, permitting, qualifications, protection, maintenance, assessment, board or committee involvement, municipal role, cooperation, conservation, repository, cultural landscape, built heritage, enforcement and access to information.

Prince Edward Island

Archaeology Act (AA):

Prince Edward Island's (PEI) most relevant law for the present study is the province's *Archaeology Act (AA)*. This act begins with definitions which are followed by a section clearly defining what the law applies to, and in the case of archaeology, it applies to sites and objects that are at least 150 years old (AA section 1(2)(a)). It also applies to human remains that are not covered by the PEI's *Coroners Act* (AA section 1(2)(b)). This is followed by a provision stating that in the event of a conflict with another law, the AA prevails (AA section 1(3)). According to the act the minister has responsibility for its administration and has the power to establish programs and policies for: "(a) the protection and preservation; (b) the coordination of orderly development; (c) the study and interpretation; and (d) the promotion of appreciation, of archaeological, and palaeontological, objects and sites in the province" (AA section 2(1) & 2(2)). Amongst the programs that the minister can develop are tax incentives to encourage the conservation of archaeological sites and objects (AA section 2(4)). The minister may also establish an advisory panel which can support the minister in the administration of the act by providing advice (AA section 2(5)).

The act requires the establishment of a register, or list, of archaeological sites (AA section 3), and the minister also has the power to designate "protected archaeological sites",

which constitute a special category in PEI. Sites that are not included in this category can be given protected status temporarily if there is "...an imminent threat..." to such a site (AA section 4). The minister can issue a stop work order if a site is threatened by any activity that could cause damage or destruction, and it is interesting to note that a stop work order and temporary protected site status can each only be ordered a single time at any site (AA section 5). The act also provides for archaeological impact statements if an activity threatens historic resources (AA section 5(3)).

The act provides for archaeological permitting and the duties of a permit holder (AA section 7). Any work at a protected archaeological site also requires a 'work permit', which can be refused if the work will "...detract from..." the archaeological significance of the site (AA section 8 (3)(a)).

Anyone who discovers archaeological objects is required to immediately report the find to the minister (AA section 10), and the Crown has property in such objects, as well as human remains according to the act (AA section 11). The AA requires that accidental discoveries of human remains are reported to the police (AA section 14(2)). Similar to the situation in Newfoundland & Labrador, artifacts cannot be sold, bought, disposed of or brought out of the province to be disposed of, bought or sold (AA section 12). The provincial museum is named as PEI's official repository in the act (AA section 13).

The AA specifies that the province does not owe any compensation to property owners who are affected by orders or actions taken under the act (AA section 15). Finally, the AA outlines penalties for contravention of the act (AA section 16), and the AA allows for the development of various regulations relating to the topics outlined in the previous paragraphs (AA section 17).

Heritage Places Protection Act:

Another directly relevant piece of legislation in PEI is the Heritage Places Protection Act (HPPA) which provides for ministerial responsibility for “the preservation; the study and interpretation; the promotion of understanding and appreciation of Prince Edward Island’s Heritage Places” (HPPA section 2 (2)). The act allows for the establishment of an inventory of such places (HPPA section 2(2)) and requires the establishment of an advisory board (HPPA section 3).

The HPPA provides for the management of heritage places, and this requires the establishment and maintenance of a register of heritage structures, buildings or lands, in addition to the inventory mentioned above (HPPA section 4). The minister may designate any of the places on the register, which provides for protection from demolition and alteration, and it also allows for ‘Inducements for Heritage Conservation’ (HPPA section 6). The latter allows the government to support owners through grant programs, education or expert advice, tax incentives and agreements between the owner or municipalities and the government to support conservation (HPPA section 6). The minister may also support the interpretation of heritage places using plaques or signs, if the owner agrees, or through educational materials (HPA section 7).

In the case of designated heritage places the minister may order a heritage impact statement if a proposed development may impact a heritage place, before any permit for development can be approved (HPPA section 8(2)). The HPPA allows the provincial government to delegate powers under the act to municipalities in cases where they have established a heritage plan (HPPA section 9). Heritage places that are within a municipal

heritage area may be given tax exemptions by a municipality (HPPA section 9(3)), but the act is clear that no property owner is entitled to compensation based on an impact on property value as a result of actions taken under the act (HPPA section 12). With ministerial approval, heritage organizations can acquire easements on a property that has any heritage significance (HPA section 10). The minister may also order a property owner to restore a heritage property that is deteriorating or that has suffered damage (HPPA section 13). Finally, the act outlines the penalties for contravention of the act (which includes fines of up to \$20,000.00 for individuals, and fines of up to \$100,000.00 for corporations), and it provides for the establishment of regulations (HPPA section 14).

Key themes in PEI heritage law include: protection, preservation, maintenance, development, study/interpretation, promotion of appreciation, access to information, cooperation, repository, financial considerations, board or committee involvement, inventory, designation, duty to report discovery, enforcement, municipal role, permitting, identification, repository, built heritage, education, artifact conservation under permit, qualifications, assessment and mitigation.

Quebec:

Quebec is unique in the Canadian context because of its civil law tradition as opposed to the English common law tradition in all other provinces and territories in the country. Quebec and Ontario are also the only provinces that do not provide for automatic Provincial Crown title for archaeological materials under their respective jurisdictions (Denhez 1999).

The most important law in Quebec in relation to archaeological heritage is the *Cultural Heritage Act (CHA)*, which is one of the newer heritage laws in Canada having been passed in 2011. It is a lengthy piece of legislation at 50 pages. Because northern Quebec and northern

Labrador do share somewhat similar historical and environmental contexts, a few sections of the CHA are considered relevant here.

The purpose of the CHA, as stated in the opening provision is: "...to promote... the knowledge, protection, enhancement and transmission of cultural heritage, which is a reflection of society's identity" (CHA section 1). The act requires the creation and maintenance of heritage registers and inventories, and provides for the designation of elements of cultural heritage, including sites, ICH, historic persons and events. The act also provides for the designation and protection of heritage cultural landscapes, defined as follows:

...a land area recognized by a community for its remarkable landscape features, which are the result of the interaction of natural and human factors and are worth conserving and, if applicable, enhancing because of their historical or emblematic interest, or their value as a source of identity (CHA section 2).

Such a designation requires an application from all municipalities, counties or communities that the landscape touches, which includes boundaries and a 'landscape diagnosis' outlining the significance of the area as well as results of relevant consultations with local citizens. The application also has to include a charter that all applicants must adopt, that outlines principles and commitments that will protect the cultural landscape. If the applicants are successful at this stage they will be directed to develop a conservation plan that will outline specific measures for protecting the cultural landscape. If the governing council is satisfied with the plan, the responsible minister may designate the cultural landscape, though it should be noted that the applicants must report on the conservation plan and its implementation at five year intervals, and the designation can be revoked if the plan is not being properly implemented (CHA sections 17-25).

The regulation of archaeological activity is covered in Chapter III, Division VI, which states that a permit is required for surveys or excavations and that only a qualified person may

hold a permit. The Act includes requirements for a permit holder to submit annual reports on field activity, and it also addresses confidentiality of reports (CHA, section 73[2]). The Act also requires anyone who finds an archaeological site or property to report the find(s) to the Minister “...without delay” (CHA, section 74). Chapter III, Division VII of the CHA is also relevant as it allows for mitigation of negative impacts on archaeological sites, and for impact assessment through Ministerial orders. Division X provides for the creation of a Provincial heritage council known as the “Conseil du patrimoine culturel du Québec”, which provides advice to the government in relation to heritage (CHA).

Chapter IV provides for municipal powers relating to heritage for the same things that are discussed and described in Chapter III in relation to Provincial powers: identification, inventory, designation, permitting, conservation, assessment and mitigation. Passages about cultural landscapes in Chapter III cover the roles and responsibilities of municipalities and are not repeated in Chapter IV. Chapter IV also provides for the creation of Local Heritage Councils, that provide advice relating to matters covered in the chapter at the municipal level.

The rights and responsibilities that can be delegated to municipalities under Chapter IV can also be delegated to the Kativik Regional Government²⁴, and to Native communities as recognized under the provincial *Cree-Naskapi Act* or the Federal *Indian Act*. Notably, the Kativik Regional Government does not need to submit bylaws to the relevant provincial Minister for approval for those bylaws to come into force (CHA section 118). Prior Ministerial approval is required in all other cases.

²⁴ The Kativik Regional Government was established in 1978 as a result of the James Bay and Northern Quebec Agreement. It provides public services to the Inuit communities in Nunavik, which is the recognized Inuit homeland in Northern Quebec (www.krg.ca).

Chapter V is relevant as it deals with transferring responsibility for heritage to the municipal level and preventing the duplication of protection measures for heritage. This can even extend to calls for assessment as outlined in provision 150. Quebec is quite different from other provinces in Canada in this regard. In the other provinces and territories municipalities can pass bylaws for heritage protection; however, ultimate responsibility for heritage protection and management is maintained by the provincial or territorial government.

Chapter VII outlines inspections and investigations, relating to matters dealt with in Chapters I, III and V, and activities consistent with archaeological assessments in other provinces can be conducted under the provisions of this chapter.

Finally, ‘Penalties and Remedies’ are provided for in chapter V, which is divided into three parts, the first containing provisions relating to all areas, the second relating to heritage that is protected by the government or the minister, and the third to heritage that is protected by municipalities.

Key themes in Quebec heritage legislation include: education, protection, maintenance, inventory, designation, cultural landscape, permitting, cooperation, municipal role, access to information, identification, assessment, board or committee involvement, financial considerations, conservation, qualifications, artifact conservation under permit, duty to report discovery, mitigation, investigation, promotion & appreciation, and enforcement.

Ontario:

Archaeological resources in Ontario are protected and regulated under the *Ontario Heritage Act (OHA)*. As in Quebec, provincial law in Ontario does not provide for automatic

crown title to archaeological objects. These are the only two jurisdictions where this is the case, and as mentioned above, this is an important difference with significant implications.

The OHA was originally passed in 1990 and has been amended numerous times over the years, most recently in 2019. The Act is nearly 80 pages in length and is broken down into 7 parts, the first of which provides the Minister with responsibility for the act, authority over the development of policies and programs to protect provincial heritage, and the ability to hire employees to support the minister in the administration of the act.

Part II describes the Ontario Heritage Trust (OHT), its makeup, and its powers and responsibilities. The roles of the OHT are listed in section 7 as follows:

- “(a) to advise and make recommendations to the Minister on any matter relating to the conservation, protection and preservation of the heritage of Ontario;
- (b) to receive, acquire and hold property in trust for the people of Ontario;
- (c) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;
- (d) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic, natural and scenic interest;
- (e) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation” (OHA 1990:5).

It is notable that the agency and all of its properties, investments and business activities are exempt from taxation (see section 15). The Trust is also required to keep a register, or inventory, of properties with heritage value.

Part III identifies the Conservation Review Board, which deals with objections to historic site designations, as well as objections relating to archaeological licensing. This part also allows the Minister to establish standards and guideline to help protect designated historic properties.

Part IV deals with the “Conservation of Property of Cultural Heritage Value or Interest”, and provides for municipal heritage councils, as well as municipal designations. The Act requires municipalities to keep registries of properties that have received heritage designation, or

that have heritage value or interest. The processes for designation by municipality, for objection to designation, and for the repeal of a bylaw for designation are outlined in Part IV. The Minister can also designate heritage properties and the process for doing so is presented in Part IV. An important aspect of designation by either a municipality, or by the Minister, is that development on designated properties requires consent of the relevant authority.

There is a general section at the end of Part IV that contains a couple of relevant provisions. The first allows the Minister to issue stop orders when it is believed that the development will negatively impact heritage resources, and stop orders can be issued whether properties have been designated or not. The second provides for assessment of a property that is subject to a stop order and determination of what should be done to preserve its heritage value.

Part V of the OHA provides for the municipal designation of Heritage Conservation Districts. Municipalities have the ability to conduct studies of areas to consider whether or not they should be preserved as heritage districts, and they have the ability to designate heritage conservation study areas and restrict development for a limited period of time while the significance of the area is considered. Municipalities are required to develop a formal plan for heritage conservation districts, and development within these areas is restricted and requires specific permits.

Part VI of the Act is the most relevant for our purposes, and deals with the conservation of archaeological resources. The majority of this part of the act deals with archaeological licenses, which are required in order for a person to conduct archaeological fieldwork. Interestingly, prescribed marine archaeological sites are given automatic buffers of 500 meters and diving is not permitted inside these buffers without a license. The same does not apply with terrestrial archaeological sites. In all cases, removal of artifacts or alterations of sites are not

permitted without a license. A license can only be issued to individuals who are ‘competent to conduct archaeological fieldwork in a responsible manner’ (OHA, section 48(8)(a)), who have complied with the OHA previously, and whose proposed methods comply with the OHA.

The License regulations are relevant here and provide for three different types of licenses, one for professional archaeologists, one for “applied research” and another for avocational archaeology (Ontario Regulation 8/06). The types of activity permitted under avocational licenses are limited to survey, exploration and monitoring, while an applied research license allows for assessment, and a professional license allows for any type of archaeological activity including excavation (Ontario Regulation 8/06, sections 12, 9 & 6). Different qualifications are required for each class (Ontario Regulation 8/06). Underwater archaeology in Ontario has a different licensing process involving the application of the OHA in conjunction with labour regulations administered by a different department (Pitul 2019:31-32).

Part VI includes provisions for the appointment of inspectors and for inspections to ensure that licensees are complying with the OHA. A process for the designation of significant archaeological sites is outlined in this part, including requirements for posting public notices and how any arising conflicts are to be addressed. The revocation of designations made under this part of the Act are covered.

Permits for excavation at designated sites, or alterations of designated sites are required under this part of the Act as well. Lengthy sections on how conflicts related to permits, or refusal to issue permits are included. Section 62 provides the Minister with the power to issue a stop order after consulting with the OHT in situations where development is expected to negatively impact significant archaeological resources. It is interesting to note that section 62(2) states that the person affected by the stop order is entitled to compensation for ‘personal or

business damages' resulting from the order, and where no agreement was reached between the Minister and the person affected.

Part VI allows the Minister to require archaeological license holders to submit reports on their work, and can also require "...a person, organization or corporation..."(OHA section 65(2)) to provide any information on all archaeological sites that it has information on in the province of Ontario. The Minister is also required to maintain a register of all reports submitted under this part of the act, and can exclude precise archaeological site locations from this register.

It is also important to note that artifacts, whether found by a license holder, or by a non-license holder, can be "...held in Trust for the people of Ontario" (OHA sections 66(1) and 66(2)) at the Minister's discretion. When artifacts are found by non-licensees the Minister can seize artifacts and have them placed in a public institution. Because of the stark contrast with most other jurisdictions in Canada, it is important to note that artifacts are not automatically held in trust and that this is something the Minister must consider for each artifact.

Part VII contains general provisions, and a few of them are relevant here, including sections on offenses and penalties. Anyone damaging a site in contravention of the OHA, or who has provided false information, or who otherwise contravenes the Act or regulations can be fined up to \$50,000.00 or imprisoned for up to a year. Section 69 (5.1) also allows a municipality, or the Minister to recover costs associated with the restoration of a site from the property owner. Finally, section 70 allows numerous kinds of regulations to be established under the act. Relevant regulations include ones dealing with archaeological license applications, different types of archaeology licenses and the qualifications requirements associated with each. Regulations defining key archaeology-related terms are provided for, as are regulations naming designated archaeological sites and designated historic sites. Regulations on marine

archaeological sites have been developed which identify sites, and which require specific sized buffer zones around them. There are regulations on grants for heritage societies and for museums, as well as regulations that identify public bodies, and others that identify criteria for historic site designation and for heritage value.

Key themes in Ontario's heritage legislation include: licensing, board or committee involvement, conservation, protection, preservation, cooperation, maintenance, reconstruction, restoration, inventory, access to information, designation, enforcement, municipal role, qualifications, promotion & appreciation, assessment, mitigation, underwater archaeology & built heritage.

Manitoba:

Historic resources are protected in the Province of Manitoba under *The Heritage Resources Act* (HRAb), which came into force in 1986. It is divided into 5 parts. Part 1 of the HRAb deals with the designation of heritage sites. Sites can be designated if they are of significance in relation to either human or natural history. It is interesting to note that sites that have no historical significance can also be designated under the act because of "...proximity to, and for the protection or enhancement" (HRAb section 3) of a designated site nearby.

Part II covers the protection of sites and it contains several archaeology-specific provisions. Historic resource impact assessments are dealt with in this part, and these can be called for by the minister when development threatens heritage resources whether sites have been designated or not. In cases where an assessment is called for and completed, the minister can approve the work, require mitigation, or issue a heritage permit allowing the work to proceed with stipulations. Development in such cases cannot proceed without a heritage permit, though it

should be noted that the minister can issue such a permit allowing development without requiring an assessment where the minister "...deems it advisable to do so" (HRAb section 13(2)).

Owners or those leasing heritage sites may be required by the minister to take certain actions to preserve and maintain such sites, and grants may be provided for assistance. The government can appoint members of the civil service as inspectors to conduct surveys or studies under the act, and inspectors may also conduct investigations related to suspected contravention of the act. Where the minister believes that someone is contravening the act, he or she can issue a stop work order, and if a person does not comply with the order, the minister may apply to a judge for an order allowing the minister to enter the property and remove people and tools involved in a breach, or to compel the person in contravention of the act to do work that the minister deems necessary to address a breach. The minister may also then recover any costs associated with addressing a breach from the person responsible (HRAb sections 15-17).

Part II also allows for the placement and maintenance of markers to commemorate heritage sites, whether designated or not. Owners of heritage sites may sell those sites, but they are required to inform whoever is purchasing such a site of its status, and are also required to inform the minister of the sale (HRAb: sections 19-20). Heritage covenants may be entered into to protect significant heritage resources, or in cases where there is potential for significant heritage resources (HRAb section 21). The minister may acquire or dispose of heritage sites under this part of the act, and the minister is required to "maintain a register of all heritage sites in the province", and this list is to be available to the public (HRAb section 23).

Part III of the act allows municipalities to designate heritage sites by bylaw, and it gives municipalities many of the same powers and responsibilities in relation to municipal heritage sites that the minister has under Part II. Section 40 allows the minister to provide support to

municipalities for activity under Part III through grants. One other relevant power under this part of the Act relating to the protection of heritage sites is that a municipality can establish "...a municipal heritage committee to advise the municipality on any matter relating to this Act" (HRAb section 34(1)(d)).

Part IV of the Act covers artifacts (heritage objects) and human remains. The HRAb provides for automatic Crown title to artifacts and human remains, though in the case of artifacts, people who find artifacts, or the owners of land where artifacts are found, can maintain custody of heritage objects. It is possible for the minister to exclude Crown lands by regulation allowing the title for heritage objects found on excluded lands to not automatically rest with the Crown. There is a requirement to report finds, and it is a breach of the Act to damage or destroy heritage objects or human remains. It is also against the law to search for or to excavate to look for heritage objects or human remains without a permit issued under this part of the Act, and such permits and the applications for them can be subject to government regulations (HRAb Part IV).

There are some significant differences between Manitoba and Newfoundland and Labrador with regard to artifacts. In Manitoba, the minister can waive ownership of, or dispose of heritage objects, things which are difficult to impossible in Newfoundland and Labrador under the HRA. This leads to several provisions about the minister entering into agreements with owners of heritage objects in Manitoba, having to do with the protection of, restoration of, or even display of heritage objects with owners, or with museums or other institutions, or with other jurisdictions. It should be noted that the export of heritage objects cannot legally happen without a heritage permit in Manitoba. The minister may also enter into agreements with property owners in cases where there are sites or suspected sites of historical significance on private land, and when these resources are threatened. These agreements can include provisions relating to

survey, study and protection of heritage resources. Finally, Part IV requires the minister to maintain a public representative list of heritage objects found in Manitoba.

Part V includes general provisions, the most relevant for our purposes deal with the establishment of the Manitoba Heritage Council, which provides advice to the minister on any situations relating to the Act, and provisions for offense and penalties. Individuals who contravene the act can be fined up to \$5000.00 while corporations contravening the Act can be fined up to \$50,000.00. A person convicted of contravention of the Act may also be required to cover the costs associated with the restoration of damaged heritage resources. Part V also allows for education relating to heritage resources, and for the development of regulations for designation or revoking designations for heritage sites, for forms referred to in the Act, for excluding Crown Lands as mentioned on the previous page, for fees associated with applications, and for designating heritage objects (HRAb Part V).

Key themes in Manitoba heritage legislation include: designation, assessment, mitigation, preservation, cooperation, maintenance, financial considerations, investigation/study, enforcement, duty to report discovery, access to information, repository, municipal role, commemoration, board or committee involvement, permitting, qualifications, enforcement & education.

Saskatchewan:

Saskatchewan's primary piece of heritage law is the *Heritage Property Act* (HPAb), the expressed purpose of which is to "...provide for the preservation, interpretation and development of certain aspects of heritage property in Saskatchewan, to provide for the continuance of the

Saskatchewan Heritage Foundation, and to provide for the naming of geographic features” (HPAb preamble).

The HPAb is divided into six parts, the first of which is the short title and definitions. The definition of Heritage Property is worth mentioning here as it includes archaeological objects, properties (including buildings) with heritage value and sites that may contain any of the above. Part II lays out the powers and responsibilities of the minister in a lengthy list which includes the ability to acquire and dispose of heritage property, though it should be noted that the sale of archaeological objects is specifically prohibited under the Act. The minister can exhibit and display heritage property, collect fees, classify and inventory heritage property, establish a register, appoint a registrar, provide or support educational programs, provide grants and other financial support, enter into agreements, and provide authorizations for work done under the Act. Of particular note is that the minister can issue temporary stop orders, and can restrict access to heritage property or relevant records and information to protect heritage (HPAb Part II).

Part II also provides for the establishment of Saskatchewan’s Heritage Foundation and the Review Board. The purpose of the foundation is to acquire and protect heritage property for the “enjoyment and benefit” of the people of the province, to support others acquiring and protecting heritage property for the people of the province, to increase the understanding, including public understanding, of Saskatchewan’s heritage, to provide the minister with recommendations and advice, and to fulfill any other duties resulting from regulations under the Act. The Review Board exists to consider objections to heritage designations and to consider plans to change or to destroy heritage properties or plans for de-designation of heritage properties, to receive public input and to provide reports and recommendations.

Part III provides for the designation of heritage properties by municipalities by bylaw. This Part of the Act requires municipalities to maintain a register of heritage properties that they designate, and it allows for the creation of municipal heritage advisory committees. These committees help municipal councils with the administration of the Act at this level.

Municipalities in Saskatchewan have a number of other related powers, including the ability to provide financial assistance to heritage property owners and to budget for such financial assistance and for heritage conservation in general. Municipal councils can develop criteria for designation, enter into agreements, and deny permits that would result in negative impacts on properties that may be considered for designation for up to 60 days. They can obtain easements and covenants, obtain municipal heritage property or dispose of it, and they can provide interpretation through panels, plaques or other installations. Municipalities can conduct inspections to ensure that the Act is being adhered to. A mayor can also issue a temporary stop order when development is expected to have a negative impact on a heritage property.

A fairly unique power (in the Canadian context) that municipalities have relates to designated heritage properties that fall into disrepair. In this kind of situation a municipal council can order the owner to make specific repairs. If the owner does not comply with the order within a specified time the council can complete the repairs and the council then has an interest in the property in the amount spent on the repairs plus interest. The council can then recover the costs either when the property is sold, or if the owner pays the council the amount spent on repairs plus interest (HPAb section 31).

Part IV covers the designation of heritage properties at the provincial level. This part contains similar provisions to the previous one, including the minister's powers to designate and de-designate, and it outlines the process for resolving associated disputes. Section 51 covers

heritage properties that fall into disrepair and includes basically the same provisions as Section 31, discussed above, though in this case the provisions apply to provincially designated properties.

Section 58 includes a list of additional things that the minister can do by order in relation to Provincial Heritage Properties including issuing research permits with terms and conditions, and developing terms and conditions on public access for Crown owned Provincial Heritage Properties. Provisions under this section also allow the minister to appoint officers to ensure that the Act is properly administered, and she or he can also delegate responsibilities associated with the Act. The minister can also enter into easements or covenants to protect heritage properties under Section 59.

Part V covers the inspection of heritage properties and discusses access to land including private property to conduct surveys or excavations, to record or examine lands for the purposes of study, to do work relating to preservation or development at designated sites, or to examine sites that the minister may want to consider for designation. Permission of a property owner is required for entry; however, if permission is refused a court order can be sought to allow entry.

Impact assessments and mitigation are provided for under Part V and can be called for in advance of any activity or operation that is likely to result in changes or damages to a heritage property. The minister can also require a municipality to suspend or to not issue a permit allowing for an activity or operation that could impact a heritage property until an assessment and any associated requirements have been completed (HPAb Part V).

Special sites are identified under Part V and include "...any pictograph, petroglyph, human skeletal material, burial object, burial place or mound, boulder effigy or medicine wheel"

(HPAb section 64). Special sites cannot be defaced or destroyed, and can only be removed, altered or excavated under permit (HPAb section 64).

Part V provides for automatic Crown title to archaeological objects, as well as human remains that are found outside of a known cemetery in the Province. Human remains that pre-date 1700 A.D. are to be reburied following scientific study or use for educational purposes, as the minister decides. In the case of “Amerindian skeletal material postdating 1700 AD...”, remains are to be provided to the First Nations group that is closest to the site where the remains were found after any studies or use for educational purposes has been completed, as the minister may decide (HPAb section 65).

The minister is required to keep a register of archaeological objects found within the Province under Part V of the Act. Individuals who found such objects prior to the effective date of the Act may submit an application to have those objects registered. While individuals can own registered objects, they are specifically prohibited from selling, buying or trading those objects, from taking them out of the Province, or from disposing of those objects without having the minister’s explicit, written permission (HPAb section 66.2).

Provisions on permits are also included in this part of the Act, and they prohibit surveying, collecting, excavation and anything else that could disturb archaeological resources without a valid permit. Permit holders are required to submit resulting records and objects with specified time frames. The minister can refuse to issue a permit, or can cancel a permit, based on a lack of competency, or based on failure to comply with the Act or regulations under the Act²⁵.

²⁵ The Government of Saskatchewan has developed two types of permit applications for archaeology: avocational and professional. Permits for avocational archaeology can be issued to individuals who do not have a graduate degree in archaeology, though the only activities that can be permitted are surveys and surface collection. Professional permits, which can allow for any kind of standard archaeological practice, are only issued to individuals holding a masters or PhD in archaeology (GOC 2022).

When a permit is issued, permission from the land owner is still required to enter private property (HPA section 67). Part V also requires anyone who finds an archaeological or palaeontological site to report the discovery to the minister within 15 days, and the minister “...shall provide suitable recognition...” to the person (HPAb section 71).

Part VI of the HPA covers geographical names within the province, and also includes some general provisions. There are several relevant sections in this part, including a special power that the minister has to make properties exempt from designation in situations where such a designation would prevent development that would be highly important to the people of Saskatchewan. The powers of peace officers are outlined and include the ability to seize objects that are held in contravention of the Act, as well as any tools or other things used in contravention of the Act. Penalties for contravention include fines (up to \$250,000.00 for corporations, and up to \$5000.00 for individuals), and individuals can also receive prison sentences of up to 6 months (HPA, sections 72-73). Finally, section 79 lists various regulations that the government can make under the Act. The broadness of associated powers are summarized in the last provision under this section which states that regulations can be passed on anything considered “...necessary or advisable to carry out the intent and purpose of this Act” (HPA section 79 (e)).

Key themes in Saskatchewan heritage law include: preservation, maintenance, interpretation, development, board or committee involvement, cooperation, place names, duty to report discovery, inventory, repository, education, financial considerations, municipal role, permitting, enforcement, access to information, designation, promotion and appreciation, conservation, built heritage, qualifications, assessment and mitigation.

Alberta:

The primary piece of heritage legislation in the province of Alberta is the *Historical Resources Act* (HRAc). Originally passed in 2000, and with significant changes in 2019, it is divided into three main parts. One of the interesting things about the Act is that the remaining parts of the law are Parts 1, 3 and 5 as Part 2 and Part 4 were repealed in 2019.

Part 1 follows a series of definitions for key terms and begins by outlining the responsibilities of the Minister in relation to the Act. These include: “a) the co-ordination of the orderly development, b) the preservation, c) the study and interpretation, d) the promotion of appreciation of Alberta’s Historic Resources” (HRAc section 2). Section 3 allows the Minister to appoint staff to administer the Act, and the Minister may acquire the services of experts when necessary to provide relevant advice. The Minister is also able to acquire and dispose of heritage property, catalogue and preserve any historic resources that have been acquired, and can display heritage property, support or supply related educational programming, provide training and advice, as well as “...do or authorize to be done all other things that are incidental to or conducive to the attainment of the purposes and objects of this Act” (HRAc section 6(1)(g)). It is notable that the Minister can sell or dispose of archaeological material, but only “...to a museum, educational institution or a non-profit incorporated organization” under specific conditions and only “...if the Minister considers it to be in the public interest” (Dispositions Regulation under HRAc section 6(1)).

Part 1 provides the Minister with the power to establish committees and to make grants and regulations. It also provides for the Provincial Museum of Alberta and the Provincial Archives of Alberta, and it allows the Minister to maintain and display heritage objects and art,

to receive loans of collections, to conduct studies and publish the results, to run educational programming, to provide advice and financial support, and to enter into agreements and run museums that the Minister has been given responsibility for (HRAc section 9).

Part 3 covers historic resource management. It begins with a list of ministerial powers which include: historic resource protection, designation, interpretation, education, developing research programs, keeping records, engaging in archaeological activities, entering into agreements relating to archaeological activities, and cooperating with third parties to support relevant programs (HRAc section 16). The Minister can also establish a committee called the “Historic Sites Coordinating Committee”, which is specifically meant to connect different government departments to ensure that the protection of heritage is considered in relation to government activity (HRAc, section 17). The Minister can approve or change place names, with some exceptions as described in section 18 of the Act.

Historic resources and heritage areas can be designated at the provincial level by the Minister, or at the municipal level by a council. Written permission from the appropriate authority is required to disturb a designated heritage resource through development, repair or other activity. The Minister can also order designated heritage resource owners to undertake particular repairs, somewhat like in Saskatchewan, though the HRAc is not explicit on who bears the burden of cost for such repairs. There are provisions which provide for compensation as a result of municipal designation, or as a result of the administration of the Act generally. Part 3 also provides for conditions or covenants that a land owner can enter into with a municipal council, the Minister, or even an organization with Ministerial approval. Conditions or covenants are to be registered, they continue to be associated with a property after sale, and they can be enforced.

Section 30, under Part 3 provides for archaeological permitting and makes it illegal for anyone to excavate for archaeological purposes without a valid permit. The Minister can attach conditions to a permit, and can exempt a person from the requirement to hold a permit. Several mandatory permit conditions are listed under section 30(4), and include requirements for reporting, restoring a site to its original condition to the extent possible after excavation, and delivering archaeological objects to a repository specified by the Minister. Other conditions can be applied, as specified in the regulations, or by the Minister. Minimum qualifications for a permit holder are covered in regulations and include the completion of a post-graduate archaeology or anthropology degree, 24 weeks of supervised field training and 6 weeks of supervised lab training (APRPR).

The Act requires anyone who incidentally discovers a historic resource to report the discovery to the Minister (HRAc section 31). The HRAc also provides for automatic Crown title to archaeological resources (HRAc section 32).

Assessments and inspections are dealt with under section 37, which covers Right of Entry. In Alberta if an activity could have an impact on a Provincial Historic Resource or potential Provincial Historic Resource, the Minister can grant access to land, including private property for the purpose of assessment or inspection. Furthermore, if an activity could impact any historic resource the Minister can require the person responsible for the development to have an assessment completed, as well as a report and any mitigation that is considered necessary. The Minister can also order a municipality to hold back permission for any activity until an assessment and any required mitigation is completed if an activity could impact historic resources (HRAc section 37).

Part 5 contains general provisions including three that are relevant here. Temporary stop orders can be issued by the Minister in cases where an activity could impact historic resources that could qualify for designation. If it turns out that a site in question does qualify for designation then the order can be kept in place for an unspecified amount of time to allow for mitigation and the exploration of ways that site destruction could be prevented (HRAc section 49).

Section 50 allows the Minister to provide compensation to a person who has been negatively impacted as a result of actions taken under the Act, except in relation to municipal designations, which have their own provisions for compensation in the Act under Part 3. Section 51 allows for building code exemptions for designated historic resources, and section 52 covers offense and penalties. Contravention of the Act can result in fines of up to \$50,000.00 and prison sentences of up to one year. If a designated historic resource is impacted in contravention of the Act the Minister can restore it and the costs can be recovered from the person responsible for impacting the resource. In cases where a resource cannot be restored the Crown can acquire damages from the person responsible for impacts to the resource (HRAc section 52).

Key themes in Alberta's heritage legislation include: orderly development, preservation, maintenance, study/interpretation, promotion of appreciation, inventory, education, repository, financial considerations, board or committee involvement, access to information, archives, designation, cooperation, place names, built heritage, duty to report discovery, permitting, qualifications, identification, assessment, mitigation, enforcement and restoration.

British Columbia (BC):

BC's historic resources are protected under the *Heritage Conservation Act* (HCAb), the explicit purpose of which is to: "...encourage and facilitate the protection and conservation of heritage property in British Columbia" (HCAb section 2). The Act is divided into four parts.

Part 1 contains definitions of key terms, the purpose of the Act, provisions for provincial heritage registers, and important references to the First Nations Treaty rights. The minister can enter into agreements with First Nations for the protection of heritage that relates to Indigenous history, and section 8 states that neither the Act nor any agreement arising from it affect treaty rights of Indigenous groups. According to section 3, the minister is required to establish a register, or registers, containing records relating to heritage sites, buildings, properties and objects that are designated, recognized or protected under the Act. Section 6 states that the HCAb prevails in situations where there is a conflict with another act. Authority for the development of heritage policies is provided for in section 7. Part 1 ends with an acknowledgement that Indigenous groups with treaties can make their own heritage laws according to their final agreements which can supersede several specific sections of the Act (HCAb section 8.1).

Part 2 covers heritage conservation and contains four divisions. Division 1 provides for heritage designations, and both sites and objects can be designated as having Provincial heritage significance. Even land that has no heritage value can be designated if it will help conserve historic resources near or adjacent to it. Designations can apply to a single site, part of a site, or multiple sites, and can involve associated policies aimed at supporting the protection of the designated site or object and can include financial support. A designation can also limit the

types of developments and activities that can happen within a designated area. Section 10 outlines the process for designation as well as for objections to proposed designations. Section 11 covers compensation in situations where a designation results in a lower market value for a property. In cases like this the owner is entitled to compensation for an amount reflecting the loss in market value (HCAb section 11).

Under section 11.1 the Government of BC may designate a piece of Crown land containing historic resources as a Provincial heritage property. This designation also applies to any heritage objects from the site that have been accessioned. Furthermore, the government can also pass a regulation that will allow any part of the Province's *Park Act* to apply to the property (HCAb section 11.1).

Division 2 of Part 2 provides for archaeological permitting and makes it illegal to conduct an archaeological activity, to interfere with designated sites or objects, or dig to look for historic resources without a permit. An interesting aspect of this part of the Act is that it specifies a cutoff date for when things are legally considered to be archaeological: 1846 (section 12.1(2)(d)). The significance of this date is that it "...represent[s] the beginning of settlement in what is now the Province of BC under a colonial administration" (WESPAC 2019:2).

Section 12.1(4) refers to consultation with First Nations "whose sites or heritage objects would be affected" (HCAb section 12.1(4)) and allows for the determination of boundaries for sites protected through permit requirements, and it also allows for the possibility of making a site or object exempt from permit requirements "...if the minister considers that the site or object lacks sufficient heritage value to justify its conservation" (HCAb section 12.1(4)(b)).

The minister may order inspections or investigations of sites if there is a risk to historic resources, or if an area may contain historic resources. If a threat to historic resources relates to

development, the proponent is generally expected to cover the costs of an inspection. If a person's property is damaged in the course of an inspection or investigation they may be entitled to compensation from the Government of BC (HCAb sections 12.2 & 12.3).

The remainder of Division 2 provides for ministerial powers to issue, amend or cancel permits, as well as the ability to attach terms, conditions and other requirements. Minimum qualifications are not presented in the Act itself, though it does mention that both the person applying for a permit and the permit holder are considerations in reviewing a permit application (HCAb, sections 12(4)(4)(c) & (d)). Minimum qualifications are policy matters that are outlined on the government's website and vary depending on the type of activity involved (GBC 1996). Division 3 allows a person to enter land to conduct a heritage inspection, though they must make reasonable efforts to contact the owner first, and be able to show that they have been authorized to undertake the inspection upon request. However, entering a building is not allowed without permission from the owner or a person occupying the building. Authorized officials administering or enforcing the Act can enter buildings other than dwellings without permission. A judge can issue a warrant allowing a person conducting an assessment to enter a building, including a dwelling when necessary (HCAb section 15). Section 16 provides the minister with the authority to issue a stop work order if activity threatens historic resources.

Division 4 under Part 2 contains general provisions, most of which are relevant here. Many cover ministerial powers under the Act, which include promoting heritage value of historic resources, conserving, managing, acquiring or disposing of property with heritage value, entering into agreements, providing public education and stimulating interest in heritage through exhibits or other action, receiving money through donations or other means, undertaking or supporting research relating to heritage, providing services, advice and financial support, and creating and

maintaining inventories of heritage objects and sites. The minister may delegate powers and responsibilities under section 20.1.

The minister can order the owner of a heritage property that has deteriorated, or that has been damaged to “...preserve the property at the expense of the government” (HCAb section 21(1)). In cases where the damage is the result of “...being unreasonably neglected by the owner...” the minister can order the owner to undertake preservation measures, but under these circumstances the costs may be covered by the owner, or by both the government and the owner (HCAb 21(2)). Section 22 allows the minister to set up committees to provide advice relating to matters addressed in the Act.

Part 3 of the HCA was repealed in 2003 and Part 4 contains additional general provisions. Included in Part 4 are provisions which cover requirements to register notices on land titles for heritage status, including on Treaty lands (HCAb sections 32 & 32.1). An interesting section in Part 4 provides civil options for addressing contraventions of the HCA (section 34). Enforcement options in this section include injunctions to keep a person from contravening the Act, as well as compliance and restoration orders (HCAb section 34).

Section 36 covers offenses and penalties, and outlines different fines ranging from \$2000.00 to \$1,000,000.00 and jail time ranging from 6 months to 2 years. The stiffest penalties are associated with damaging things like archaeological sites, objects, burials and Indigenous rock art sites. Things like damaging interpretive panels or signs, or failing to cooperate with an inspector come with smaller fines and shorter prison sentences (HCAb section 36). Finally, section 37 provides the minister with the authority to make various regulations under the Act.

The major themes in British Columbia’s heritage law are: protection, maintenance, conservation, promotion & appreciation, access to information, inventory, built heritage,

permitting, enforcement, repository, cooperation, municipal role, designation, financial considerations, assessment, mitigation, education, and board or committee involvement.

Northwest Territories:

The relevant legislation in the Northwest Territories (NWT) is the *Archaeological Sites Act* (ASA), and the *Archaeological Sites Regulations* (ASR) under the ASA, both of which came into effect in 2014. The ASA is a very brief document at just four pages in length, and it contains just four relevant provisions. The first states that the ASA prevails in conflicts with other laws (ASA section 2), and the second gives a peace officer the power to seize documents or objects taken in contravention of the Act or regulations, and may do so without a warrant. The officer must then report the seizure to a judge who can declare that the object is to be surrendered to the Government of the NWT (ASA section 4). The third relevant provision provides for penalties for contravention of the law which include fines up to \$1000.00 and prison terms of up to one year, and can include both (ASA section 5). The last relevant section gives the government the authority to pass regulations (ASA section 6).

The ASR under the ASA begin with definitions of key terms, and the definition of “archaeological artifact” is particularly interesting because it specifies a minimum age for these materials: 50 years (ASR section 1). The same definition also says that “... an unbroken chain of possession cannot be demonstrated” (ASR section 1). This is consistent with other Canadian jurisdictions, though the NWT’s ASR is a bit more explicit with respect to the chain of possession.

Section 3 states that artifacts collected after 2001 cannot be sold, and that only the Prince of Wales Northern Heritage Centre (PWNHC), an organization or individual who has entered

into an agreement with the PWNHC, or a person who collected the artifacts under a valid permit may be in possession of artifacts (ASR section 3).

Archaeological surveys and excavations cannot be undertaken without a permit issued under the ASR (sections 4-5). The regulations provide for two types of permits: Class 1 and Class 2, the former only allows for survey work, while the latter allows for excavation and for the collection of artifacts (ASR sections 4-5).

Sections 6-7 outline the processes for applying for each type of permit, and timeframes for Ministerial decisions on whether or not to issue a permit. Permit applications have to outline the qualifications of the applicant and part of the decision on whether or not to issue a permit is based on whether "...the applicant has demonstrated the expertise in archaeology necessary to conduct the project(ASR section 7(2)(a)). Contravention of the ASR, or the terms and conditions of a permit, even a permit for work in a different country, can be used to justify refusal to issue a permit (ASR section 8).

Section 11 requires that a person must restore a site to the extent that is possible after they have completed an excavation. Section 12 outlines reporting requirements for permit holders, and section 13 identifies the PWNHC as the territorial repository for artifacts collected under permit (ASR sections 11-13).

The main themes in the NWT's heritage legislation include: preservation, enforcement, repository, permitting qualifications, cooperation, artifact conservation under permit, and restoration.

Yukon:

Heritage resources in the Yukon are protected under the *Historic Resources Act* (HRAd), which was originally passed in 2002 and amended in 2009 & 2012. The Act begins with an explicit statement of purpose: "... to promote appreciation of the Yukon's historic resources and to provide for the protection and preservation, the orderly development, and the study and interpretation of those resources" (HRAd section 1). Section 1(2) states that in cases where there is a conflict between the Act and a land claims agreement, the latter prevails. This is followed by definitions of key terms, which are in turn followed by a few specific statements relating to the Indigenous rights of the Gwich'in First Nation and the relationship between the HRAd and the group's land claims agreement.

The remainder of the Act is divided into seven parts, the first of which provides for the creation of the Yukon Heritage Resources Board and the Yukon Historic Resources Appeal Board. The former provides advice to the Minister about matters covered by the Act, and the latter provides advice to the Minister on things like objections to designations, or on financial and educational programs at the Minister's request (HRAd sections 4-7).

Part 2 gives the Minister the authority to provide educational and financial programming, and to publish information on the Yukon's historic resources (HRAd section 8). Included in this part of the Act is a statement about intangible cultural heritage which reads "The Minister may... promote the recording and preservation of traditional languages, beliefs, and histories, legends, and cultural knowledge of Yukon Indian People" (HRAd section 8(d)).

Part 2 also provides for historic resources agreements for the protection of historic resources, which are, in this case, binding covenants affecting owners and future owners of lands that are the subjects of such agreements (HRAd section 9). The Minister can also enter into

agreements with other jurisdictions and can receive gifts and donations for work relating to the Act (HRAd sections 10 & 12). Section 11 establishes the Yukon Heritage Fund which any donations or financial gifts are to be put into. Section 13 allows the Minister to support owners of historic sites through grants, tax relief or loans, or by providing services or expertise for site preservation, restoration or promotion. The Minister can also require maintenance or restoration work and can support such work in the same ways (HRAd section 29). Section 14 allows for site commemoration by way of plaques or other monuments.

Historic site designations are covered under Part 3 of the Act, which includes reference to the nature/culture binary. According to the Act, sites that are significant in relation to the cultural or to the natural history of the Yukon can be eligible for designation (HRAd section 15). As in some other Canadian jurisdictions, sites that have no historic significance can still be designated if doing so will help to protect a historic site that is nearby (HRAd section 16). Most of the remainder of Part 3 deals with the process for designation, for objecting to designations and for revoking designations (HRAd sections 17-23). The final provision in this part of the Act requires the Minister to maintain a publically accessible inventory of designated sites with associated information (HRAd section 24).

Part 4 deals with the protection of historic sites and makes it illegal to alter a designated site, or a site that is slated for designation without a permit issued by the Minister. In areas where the Minister considers it likely that historic resources are present, he or she can issue a temporary stop work order and require the owner of the site or a tenant to submit information on any plans and/or to have an impact assessment conducted (HRAd sections 26-27).

Section 31 of the Act allows the Minister to have a delegate enter property for the purposes of inspection and seizure to enforce the HRAd. This normally requires the consent of

the person occupying the property; however, a warrant can be acquired from a judge if consent is not provided. If the Minister believes a person is in contravention of this part of the Act, the Minister can order the person to correct the situation, and if they fail to comply with the order the Minister can acquire permission from a judge to enter the property in question and to take actions that are necessary to correct the situation (HRAd sections 31-32).

A person who owns a designated site, or a site that is slated for designation, and who decides to sell the site, must notify both the Minister and the person purchasing the property of the site before the transaction is complete (HRAd section 35).

Part 5 of the Act provides for heritage designations by municipal councils and provides these councils with basically the same heritage designation related powers and responsibilities that the Minister has for the territory generally (HRAd sections 37-60). Two interesting provisions that do not show up elsewhere in the Act have to do with access to information, which a municipal council can restrict to protect sites under section 54, and a clear statement at the end of Part 5 that the municipal powers outlined in this part do not replace the Minister's powers, and that they are additional powers instead (HRAd section 60).

Part 6 covers historic objects and human remains and begins with additional definitions, including definitions for the terms 'archaeological object', 'historic object', 'human remains', and 'ethnographic object' (HRAd section 61). Section 62 makes it illegal to look for, or to dig up artifacts or human remains without a permit. Sections 63 and 64 make it illegal to damage or disturb these objects, or to take them out of the territory, other than through the terms and conditions of a permit. Section 66 provides the territorial government with automatic title to artifacts found after the effective date of the Act, and anyone in possession of an artifact found after the effective date is "...deemed to be holding the object in Trust for the Government of

Yukon...” (HRAd section 66(5)). The Minister can require the person to give the artifact to the Minister at any point (HRAd section 66 (5)(c)). Artifacts found within Indigenous land claims areas after the effective date of the Act belong to the Indigenous group whose territory the object was found in (HRAd section 66(9)). Ethnographic materials are also owned by the First Nation in whose territory the materials were found (HRAd section 66(1)). The Minister is required to maintain an inventory of historic objects that are considered significant, along with related information about things like where the objects were found and who found them (HRAd section 68).

The ownership of human remains found after the effective date of the Act is covered in sections 69 and 70, and non-Indigenous human remains found outside of Indigenous-owned land are owned by the government. First Nations human remains found on Indigenous-owned lands belong to the group in whose territory the remains were found. Responsibility for First Nations remains that are found outside of Indigenous-owned lands is shared between the government and the relevant First Nation if the remains are found on public land (HRAd sections 69 & 70). Anyone finding historic objects must immediately report the find to the Minister, and if found within a land claims area, to the relevant First Nation as well (HRAd section 71).

Part 7 of the Act contains general provisions, a few of which are relevant for our purposes. The Minister is given the authority to delegate responsibility under section 81. Section 83 provides the authority to pass regulations, the most relevant here being the *Yukon Archaeological Sites Regulation* (YASR). This regulation makes it illegal to look for, or to excavate archaeological sites without a permit, and the regulation establishes two types of archaeology permits. Class 1 permits allow for survey and recording without disturbing a site only, while a class 2 permit allows for excavation and collection of artifacts. The regulation also

outlines the process for applying for permits (qualifications and compliance to the Act, the YASR and previous terms and conditions of permits are key), reporting requirements, and a statement that any artifacts collected under permit must be "...submitted to the Minister on or before March 31st of the year following the year for which the permit was issued" (YASR section 12).

Section 84 of the Act makes it illegal to sell or to trade a historic object in the Yukon that originated in another part of Canada if doing so would be illegal in the jurisdiction that the object came from. The final section outlines offense and penalty and the consequences for contravention of the Act include fines for a maximum of \$50,000.00 for individuals, or prison for up to 6 months. Fines of up to \$1,000,000.00 can be issued to corporations. In addition, if the contravention involved damage or destruction of a historic resource, the responsible party could be additionally charged for the cost of restoring the resource (HRAd section 85).

Key themes in heritage management under Yukon law include: built heritage, promotion of appreciation, protection, orderly development, study/interpretation, board or committee involvement, designation, education, repository, financial considerations, ICH, restoration, maintenance, commemoration, cooperation, inventory, permitting, artifact conservation under permit, duty to report discovery, assessment, enforcement, municipal role, mitigation, ethnographic material, access to information, identification and qualifications.

Nunavut:

Nunavut's heritage legislation is the *Nunavut Archaeological and Palaeontological Sites Regulations* (NAPSR) established under the *Nunavut Act*. Nunavut's heritage policy landscape reflects a historical connection with the Northwest Territories. The regulations contain 17

provisions and provide protection for historic resources, as well as for permitting processes for archaeological activities.

Provision 1 in the NAPSR provides key definitions, and the definition of the term ‘archaeological artifact’ is of interest because it uses very similar wording to that present in the NWT’s heritage law. In both cases an object needs to be at least 50 years old, and the Nunavut regulations include a statement that “...an unbroken chain of possession or regular pattern of usage cannot be demonstrated...”, which is also quite similar to the corresponding definition in the NWT’s Act.

Section 1 also defines 2 different types of permits: Class 1 and Class 2. Just like in the NWT and similar to the situation in the Yukon, a Class 1 permit only allows for surveying and recording without site disturbance. A Class 2 permit allows for these activities as well as activities that can disturb a site, including excavation and artifact collection (NAPSR section 1).

Section 3 makes it illegal to be in possession of artifacts or to sell them. While the sale of artifacts is not permitted under any circumstances, the possession of artifacts is legal under a class 2 permit, or in cases where they are being kept in a place that has been designated as a repository by the Inuit Heritage Trust, in cases where the artifacts were found under permit on Inuit owned land, or in a place designated as a repository by a designated agency as per the Nunavut Land Claims Agreement (NAPSR sections 3 &15). Artifacts collected under a class 2 permit have to be submitted to the Minister by March 31st of the year after the year the permit was issued for (NAPSR section 15).

Sections 4 and 5 make it illegal to look for sites without a permit, or to excavate or disturb sites, or to collect artifacts without a permit. Sections 8-10 outline the process for applying for each class of permit. Qualifications, the project plan and the applicant’s track

record for compliance with the regulations are significant factors in the decision on whether or not a permit is issued. As in the NWT, even failure to comply with terms and conditions of an archaeology permit in another country disqualifies a person from being eligible to hold a permit in Nunavut, unless the situation has been corrected (NAPSR sections 4-10). Section 13 requires a permit holder who has excavated a site to restore it to the extent possible, and section 14 outlines reporting requirements (NAPSR 13 & 14).

Key themes in Nunavut's heritage law include: protection, permitting, qualifications, cooperation, repository, artifact conservation under permit, and enforcement.

Provincial and Territorial Legislation Summary:

The results of the review of provincial and territorial heritage laws in Canada are presented in Table 6.3 and Figure 6.1. In this case, simple presence or absence of text relating to each theme is used to compare jurisdictions, rather than numbers of coded references. This is because in this context themes are either addressed in law, or they are not. The decision on whether or not they should be addressed has already been made in each jurisdiction.

The results show significant overlap and generally consistent approaches to heritage management across the country. Protection, permitting or licensing, qualifications, cooperation, inventory, enforcement and board or committee involvement are common to all jurisdictions in the country. These are followed closely by maintenance, designation, assessment, mitigation, repository, municipal involvement and access to information, which are addressed in nearly all provinces and territories. There is also considerable overlap with the themes identified in international texts where protection, assessment, identification, documentation, cultural landscape, municipal involvement, cooperation, presentation, integrated conservation and

financial considerations were important recurring themes. The number of themes noted in selected international texts and in provincial and territorial laws turned out to be the same with 32 in both cases.

Theme	Number of jurisdictions where theme is addressed in heritage law	Jurisdictions
Protection/Preservation	13	All
Maintenance	12	NL, ON, MB, YK, NS, NB, PEI, SK, AB, YU, NU, QU
Restoration	6	NL, NS, ON, AB, NWT, YK
Orderly Development	5	NL, PEI, SK, AB, YK
Built Heritage	9	NL, NS, NB, PEI, ON, SK, AB, BC, YK
Promotion of Appreciation	9	NL, PEI, AB, YK, BC, ON, QU, NS, SK
Education	8	PEI, QU, MB, BC, YK, NL, SK, AB
Permitting/Licensing	13	All
Identification	7	NL, NS, NB, PEI, QU, AB, YK
Inventory	13	All
Assessment	10	NL, NB, PEI, QU, ON, MB, SK, AB, BC, YK
Cost	8	NL, PE, QU, MB, SK, AB, BC, YK
Mitigation	10	NL, QU, BC, YK, MB, NS, PEI, ON, SK, YK
Designation	11	NL, NS, NB, PE, QU, ON, MB, SK, AB, BC, YK
Commemoration	3	NL, MB, YK
Enforcement	13	All
Qualification	13	All
Artifact Conservation	8	BC, NB, NL, NV, NWT, PE, QU, YK,
Investigation/Study/Interpretation	8	NS, NL, PE, QU, MB, AB, YK, SK
Conservation	6	NS, NB, QU, ON, SK, BC
Reconstruction	1	ON
Underwater Archaeology	1	ON
Place Names	2	SK, AB
Cooperation	13	All
Board/Committee	13	All
Cultural Landscape	3	NS, NBM QU
Access to Information	10	NB, QU, SK, AB, BC, MB, NL, ON, PEI, YK
Repository	11	AB, NB, NL, NS, NV, NWT, PE, SK, YK, BC, MB
ICH	1	YK
Ethnographic Material	1	YK
Duty to Report	8	AB, MB, NB, NL, PE, QU, SK, YK
Municipal Role	11	BC, AB, NL, NS, MB, YK, ON, QU, SK, NB, PE

Table 6.3: Themes identified in Canadian provincial and territorial heritage laws.

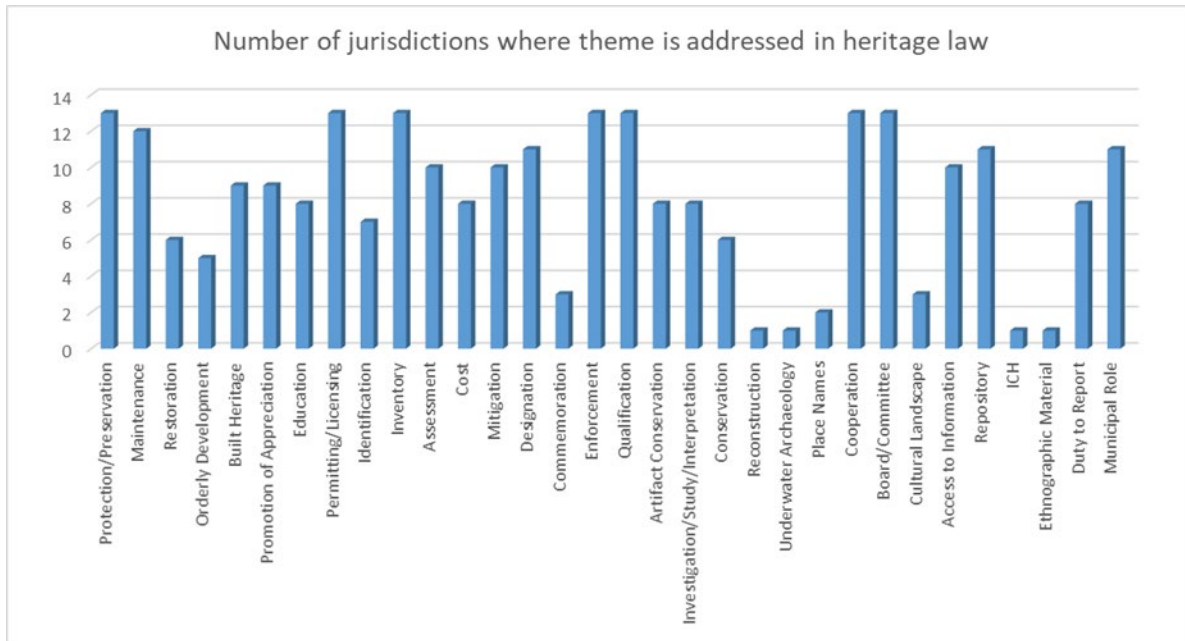


Figure 6.1: Summary of themes identified in Canadian provincial and territorial heritage laws.

6.5 Conclusion:

This chapter began with an overview of important commonalities and differences between the heritage policy landscapes of various jurisdictions around the world and honed in on the situation in Newfoundland and Labrador in particular. Fundamental differences between heritage management regimes were used to narrow the scope of a jurisdictional scan that could otherwise be an endless exercise with questionable value. A review of the Province's *Historic Resources Act* conducted by Erwin about ten years ago provided a useful methodological approach involving the identification of key themes in heritage management through a jurisdictional scan and consultations with heritage managers. This was followed by a review of relevant international agreements, and a review of the main heritage laws in every provincial and territorial jurisdiction of Canada. Each of the international and Canadian provincial and territorial texts were analyzed to identify major heritage-related themes. These themes were

listed for each document that was reviewed, and summaries were provided at the end of each section. The results were also summarized in Table 6.2, Table 6.3 and Figure 6.1.

This review shows approaches to heritage management that are generally consistent across Canada, and that are largely consistent with relevant international agreements. The results can now be compared to data presented in Chapter 5 to produce a series of recommendations that are the subject of the final chapter.

Chapter 7: Recommendations

7.1 Introduction:

At this point various aspects of Nunatsiavut's policy landscapes have been explored. The history of archaeology in the Far Northeast has been considered, as well as the history of archaeological thought that has shaped and characterized research activity over the years. The NG's heritage-related powers and responsibilities have been examined in detail, along with the government's own policy cycle, relevant international heritage agreements and Canadian provincial and territorial laws. Each of these explorations has provided a better understanding of the context and the significance of the development of heritage policy and law in Nunatsiavut.

Perhaps most importantly, a close look has been taken at what local people have had to say about these matters during nearly ten consecutive years of regional heritage forums, and during three public engagement tours, two of which were conducted specifically for this project. The work began with the idea that policy should reflect the needs and wishes of the society it serves, and this idea remains key in the approaching culmination of the effort. All that remains to be done now is to combine the results of public engagement, heritage forum reviews, and the jurisdictional scan to produce recommendations.

Returning to Nunatsiavut's policy cycle momentarily, it should be re-stated that the recommendations presented in this chapter, and the information presented in the previous chapters, relate to the first three spokes on that theoretical wheel – *identify the issue, analyze the issue & identify options* (NG 2015). This is necessarily as far as this work goes and the choices about what to do with these recommendations rest with Nunatsiavut's decision makers.

In Chapter 2 I attempted to expose and understand my own particular biases and to articulate the theoretical perspective I adopted and made use of throughout the course of this

study. As discussed in that chapter, my theoretical position involves recognition of how the social context of archaeology has affected all aspects of the practice, recognition of the challenges associated with objectivity and the importance of working towards it in spite of the difficulty, belief in a real world that constrains archaeological interpretation, and recognition of the value of non-political community archaeology as a means of reducing bias and error.

The recommendations that follow are informed by both Inuit and western traditions and are the result of consideration of years of conversations with local people, an understanding of historical archaeological thought and the related history of legal protection of historic resources in comparable contexts. Archaeologists have spent much time and spilt much ink in deconstructing problematic binaries in recent years, such as nature vs culture, space vs. place, past vs present, and have, at least in some cases, made connections across theoretical divides based on the destruction of these binaries and other similar concepts. However, at the same time, many archaeologists have embraced an Indigenous vs non-Indigenous dichotomy (Rosenzweig 2020). Landscape archaeology, and particularly Ingold's dwelling perspective, provide a means of addressing this binary. In Chapter 2, Ingold's argument that the practice of archaeology "is a form of dwelling" (1993:152) allowing one who is practicing archaeology to develop an understanding of a context that is "... on par with that which comes from the practical activity of the native dweller" is presented (1993:152). In addition, it should be born in mind that the conversations with local people that are discussed in this thesis took place while I was literally dwelling in Nunatsiavut. I lived in the region for more than a quarter of my life, raised children there, my partner is from Labrador and has Inuit ancestry, as do our children. In fact, no one in our immediate family lived in any other single community for as long as we lived in Nain. For us Nunatsiavut is home. We know its landscapes, they have become a part of us, and traces of

our lives, however faint, can be found there and will remain for years to come. Many of its people are our friends, and many are *our family*. Describing these relationships in dichotomous terms would be inaccurate, and this case serves as just one more example in an endless list which show the inadequacies of describing the world, and especially its people, in such a way.

In a similar vein of thought, after centuries of contact between Inuit and Europeans, Nunatsiavut's institutions have developed out of an intertwined history. The LILCA is, in a way, a powerful, and perhaps the ultimate example in this context. Clearly the result of Inuit actions, culture and history, the Agreement is also very clearly related to western political and legal tradition. This project, which stems directly from the Agreement is, in a sense, one product of this history, and of this relationship. Founding principle x in the *Labrador Inuit Constitution* is explicit in relation to this:

“1.1.3 The Labrador Inuit Constitution and Labrador Inuit political, social, cultural and economic institutions under the Labrador Inuit Constitution are founded on the following principles:

... (x) the recognition that the Inuit of Labrador have experienced change, new ideas and new technologies which we have integrated into our culture and way of life and, therefore, Labrador Inuit political, social, cultural and economic institutions must maintain and develop policies and ideas that address innovation and the adaptation of new ideas and technologies in ways that are appropriate to Labrador Inuit needs, values and aspirations” (Labrador Inuit Constitution Part 1.1).

The approach taken here is aligned with the type of community archaeology described in Chapter 2 and connected with Wylie's (2005) 'Collaborative Stewardship' which I believe exists outside of Trigger's colonialist, nationalist and imperialist categories. It recognizes that archaeology is relevant and important to people other than archaeologists and that it should involve "...collaborative, negotiated co-management among local interests, none of which can be presumed, at the outset, to take precedence over others" (2005:17). It does not involve

political commitment or activism, and I believe it is very much in line with the text and the spirit of the LILCA and the *Labrador Inuit Constitution*.

The information collected through heritage forum reports, public engagement sessions and the jurisdictional scan which was presented in the two previous chapters is further examined and compared in the following pages to produce recommendations. This chapter is divided into two main parts, the first focusing on legislative policy measures, and the second on non-legislative policy measures. The themes identified in the last two chapters are compared and considered under individual sub-sections. Recommendations are presented at the end of each sub-section.

7.2 Legislative Matters:

The NG's main legislative powers in relation to heritage are outlined in Part 15.3 of the LILCA, and the relevant sections from this part of the Agreement are covered in detail in Chapter 3. At this point it may be worth repeating that section 15.3.2 ensures that a baseline level of historic resource protection exists in Inuit law covering Archaeological Activities²⁶, the maintenance and preservation of Archaeological Sites on lands under the control and administration of NG, the maintenance and protection of Archaeological Materials found in the Inuit Communities or Labrador Inuit Lands after the effective date of the Agreement, and the identification, maintenance, preservation and designation of historically significant buildings. In these cases, the baseline is the Province's *Historic Resources Act*. This is an important constraint that has implications for some of the recommendations presented below.

²⁶ Terms that are defined in the LILCA are capitalized throughout this document.

Figure 6.1 and Table 6.3 provide us with a view of the basic anatomy of the main heritage laws in the provinces and territories of Canada. This is a useful starting point for considering potential building blocks for relevant Inuit law. The thematic components of existing provincial and territorial laws are considered below in relation to the international agreements discussed in Chapter 6 and in relation to the needs and wishes of Labrador Inuit as presented in Chapter 5.

Theme 1: Protection/Preservation

This theme encompasses the primary purpose of existing heritage laws across the country and around the world (Carmen 2015:52). It is also the basis for several other themes which provide the means and the mechanisms for historic resource protection. According to international agreements and provincial and territorial laws, historic resources are protected and preserved primarily in the following specific ways: identification and inventory, permitting processes, assessment, mitigation and enforcement. That being said, nearly every theme that has been identified in the previous two chapters relates directly or indirectly to the ultimate goal of protecting and preserving historic resources. Protection and Preservation is presented as a key theme in Chapter 6. It is so pervasive in the information forming the basis of Chapter 5, and as the actual foundation for the entire project, which stems from Part 15.3 of LILCA, that its overarching importance cannot be overstated.

Recommendation: that consideration be given to including a statement of purpose at the beginning of Inuit heritage legislation and that the statement of purpose contain explicit reference to protection and preservation of historic resources as a primary goal of the law. If such a statement is included, it must be consistent with Part 15.3 of LILCA.

Theme 2: Maintenance

This theme relates primarily to two things: the maintenance of records (whether archaeological, historical or archival); and the maintenance of artifacts, sites and structures. Relevant discussion is present in international agreements and Canadian law, as well as in heritage forum and public engagement session documentation. In the international documents covered in Chapter 6, the importance of permanently maintaining archaeological records, such as site and artifact inventories is discussed, as well as important and representative sites. Indigenous rights to maintain both historic resources and ICH are covered in UNDRIP.

Maintenance is explicitly addressed in the main heritage laws in all but one of the Canadian provincial and territorial jurisdictions. These laws include references to maintaining inventories of historic resources, and the maintenance of sites, buildings and properties, as well as commemorative markers and heritage-related notices. The main comments relating to this theme from Labrador Inuit relate to maintaining graves and cemeteries, digital archival records and historically significant buildings, with the vast majority of comments relating to burial sites and cemeteries.

Part 15.15 of the LILCA contains considerable detail on the maintenance of archaeological records, which is also a critical aspect of maintaining sites themselves. However, the LILCA says little about the maintenance of archival records or historically significant buildings beyond providing NG with the power to address these matters in law. Part 15.3 also provides the NG with the power to make laws that involve the maintenance of Archaeological Sites, Archaeological Materials, and Inuit Cultural Materials under its jurisdiction.

Recommendations: 1) consider including text in Inuit heritage law stating that archaeological, archival and historical records collected or owned by NG are perpetually maintained; 2) consider including reference in heritage law to opportunities for financial support for maintenance to owners of designated heritage structures. Options could include tax incentives, grants and/or loans. Support could come with conditions relating to the preservation of historic character outlined in written agreements which would run with the property; 3) consider developing criteria in regulations for determining which sites should be selected for active maintenance, particularly with burial sites and cemeteries; 4) consider including text in heritage law stating that NG owned archaeological materials will be maintained permanently in a way that will not result in deterioration or loss, something which is conspicuously missing from Part 15.11 of LILCA.

Theme 3: Restoration

In the relevant provincial and territorial heritage laws in six Canadian jurisdictions, restoration is discussed in relation to archaeological sites, which permit holders are often required to restore to original condition, as much as possible, after archaeological activities are completed. It is also discussed in relation to built heritage as something that government can support through financial incentives, legal requirements, or through expertise or services. There is also significant discussion of restoration in relation to enforcement, which is further discussed under that particular theme below.

Restoration was occasionally mentioned in relation to built heritage during heritage forums and public engagement sessions, but half of those few comments were from people who were expressing concern about the cost of restoring the large multi-purpose Moravian structure

at Hebron. It did not emerge as a key theme during public engagement sessions, though it was mentioned in relation to funding. Specifically, need to raise funds to restore historically important buildings was identified. The restoration of archaeological sites by permit holders following archaeological activity is covered in section 15.6.13 (e) of the LILCA.

Recommendation: consider including text in Inuit heritage law that provides opportunities to support heritage property owners with restoration work through grants, loans, tax incentives, expertise and or services.

Theme 4: Orderly Development

Orderly development is specifically mentioned in five Canadian provincial heritage laws, and it relates to proper consideration of historic resources during the planning stages of development projects. Other themes discussed below, such as assessment and mitigation, are related to orderly development, though the present theme can be thought of as being related more to the earlier planning stages of development.

In the provincial heritage laws where it is mentioned, orderly development appears either in a list of ministerial responsibilities, or as a part of the overall purpose of the law. It is not defined in these laws, and because it can be interpreted in different ways, its connection to other provisions in these laws is somewhat ambiguous. It did not specifically come up during public engagement sessions or heritage forums. It does appear in the international texts that were considered in Chapter 6 in relation to ‘integrated conservation’, which Erwin defined as “The inclusion of conservation heritage policies in the public planning process as a means of implementation” (2009:8).

Recommendation: consider including reference to orderly development or integrated conservation in Inuit heritage law as either part of the main purpose of the law, or as one of the minister’s primary responsibilities. If it is included in this way, a clear definition should be included in the legislation as well.

Theme 5: Built Heritage

Most Canadian provincial and territorial jurisdictions address built heritage in a significant way in the heritage laws that were reviewed for this project. Built heritage was also one of the key topics of discussion during heritage forums over the years and during the public engagement sessions discussed in Chapter 5. In fact, with more than 50 coded references to built heritage, it can be considered one of the top ten most important heritage related themes for Labrador Inuit.

In the heritage laws that were reviewed for this project, built heritage is often addressed through provisions on designation, registries or inventories, research and interpretation, as well as preservation and maintenance through financial incentives, services and expertise, as discussed above. Especially important is the role of heritage boards or advisory committees in relation to built heritage that is identified in these laws. All of these things were raised by Labrador Inuit during heritage forums and public engagement sessions, as was consideration of new uses for heritage structures.

Recommendations: 1) consider including text in Inuit heritage law that addresses “the designation, identification, preservation and maintenance of historically significant buildings” (LILCA section 15.3.1(d)). This text should specifically involve: a) the establishment of a registry for built heritage; b) the development of criteria for the designation of historically

significant buildings either directly in primary heritage law, or in regulations under the law; c) the delegation of responsibility for developing criteria for designation, for recommending structures for designation, and for maintaining a registry to a regional heritage board or committee which is established under Inuit heritage law (see Theme 25 below); d) consider including text in Inuit heritage law similar to section 32 of NL's HRA which allows the minister to provide building code exemptions for heritage structures or properties, and consider making use of section 32 of the HRA in the meantime.

Theme 6: Promotion of Appreciation

Reference to the promotion of appreciation of historic resources is present in the heritage laws of five provinces and one territory in Canada. In all six of these cases it is included as a key ministerial responsibility, and in Nova Scotia as one of the purposes of the law. It was not explicitly raised by Labrador Inuit during heritage forums or public engagement sessions, though it is related to ideas that were raised about the importance of encouraging youth, tourists and developers to develop interest in, to learn about, and to appropriately consider heritage. It is also directly related to one of the Minister of the Department of Language, Culture and Tourism's (LCT) key responsibilities: "...preserving, **presenting** and managing the historic resources of Nunatsiavut" (NGOO, section 30(c) [emphasis added]). It comes up in the international agreements reviewed here in relation to presentation as well. The appreciation of historic resources is also implicit in section 15.2.1 of the LILCA which outlines the importance of Archaeological Sites, Archaeological Materials and Inuit Cultural Materials.

Recommendation: consider including reference to developing and fostering an appreciation for heritage and historic resources as either a key ministerial responsibility, or as part of the purpose of an Inuit heritage law.

Theme 7: Education

Education is a theme that is addressed in most of the international agreements reviewed here, as well as in the heritage laws of eight Canadian provinces and territories. It also emerged as a key theme during five heritage forums and all three public engagement tours. In some cases, the use of historic resources as sources of information to educate the public is emphasized, while in others the importance of educating the public as a means of protecting historic resources is highlighted. Education is considered in relation to appropriate qualifications to conduct archaeological activities, and in others it is listed as a key ministerial or advisory board/committee responsibility.

It came up in very similar ways during heritage discussions with Nunatsiavummiut, though there was an emphasis on educating young people in particular. It appears in section 15.2.1 of LILCA as part of the reason that historic resources are considered important to Inuit. The promotion of education is also present in section 30(c) of NG's 2019 *Organization Order* as one of the Minister of LCT's responsibilities in relation to historic resources.

Recommendations: 1) consider including wording in Inuit heritage law identifying the development and implementation of relevant educational programming specifically as a ministerial responsibility; 2) consider including text stating that a heritage advisory board or committee can provide advice to the minister in relation to educational programming.

Theme 8: Permitting/Licensing

Permitting/licensing to regulate archaeological activity is covered in every relevant text reviewed for this project, and is an essential element in heritage legislation in every jurisdiction across Canada, and in the LILCA itself. The constraint that is outlined in section 15.3.2 of LILCA requires that any provisions in Inuit heritage law relating to archaeological permitting must be at least as stringent as those in Newfoundland & Labrador's HRA. At the present time, permits for archaeological activity are issued by both the Department of Lands and Natural Resources, and by the Department of LCT, which is redundant and unnecessary. The Department of LCT legally bears the responsibility for regulating archaeological activity and for managing historic resources (NGOO, Part 7), and it is the department that actually does this work.

It is noteworthy that Labrador Inuit did not raise permitting/licensing during public engagement sessions or during heritage forums. This is despite the fact that permitting was typically directly referred to in relation to powers that the NG has under LILCA at the beginning of public sessions. One way to interpret this is that there may not be major concerns with permitting in Nunatsiavut at the present time, unlike the situation in the 1990s (Hood and Baikie 1998). The situation today could be a result of the thorough treatment of permitting in the LILCA itself.

Recommendations: 1) consider amending the *Labrador Inuit Lands Act* to remove Part 2 Division 3 from that Act and to instead include similar text in Inuit heritage legislation that will be administered by the Department of LCT; 2) consider including text in Inuit heritage law that allows for the development of regulations on permitting that cover such things as qualifications and artifact conservation in some detail (see Themes 17 and 18 below).

Theme 9: Identification

It is necessary to know what historic resources exist in order to be able to protect them. For this reason, identification emerges as an important theme in international agreements, and in Canadian provincial and territorial heritage laws. In international agreements signatories are meant to create laws that include requirements for identifying and inventorying archaeological resources. In jurisdictions across Canada, the identification of historic resources is sometimes listed as a ministerial responsibility, and it is sometimes listed as part of the overall purpose of heritage laws.

Archaeological sites are identified through surveys and by accidental discoveries. Interest in archaeological surveys in the region was raised by Nunatsiavummiut during heritage forums over the years, and during the 2017 and 2018 public engagement tours. Records for sites, features and artifacts must be submitted to regulatory agencies with qualified staff and be permanently maintained, otherwise knowledge of the fact that these resources were identified will be lost. Part 15.6 and Part 15.16 of the LILCA include relevant text requiring the submission of archaeological records by Permit Holders and permanent maintenance of those records by Permitting Authorities.

Recommendation: 1) consider including text in Inuit heritage law stating that the identification of historic resources is one of the purposes of the law, or that this is one of the minister's key responsibilities.

Theme 10: Inventory

Inventory is one of the most important themes identified in the jurisdictional scan. It is prominent in international heritage agreements and is one of just seven themes that constitute

important components of key heritage laws of every province and territory in Canada²⁷.

Inventories of archaeological sites and artifacts are specifically referenced in Part 15.16 of the LILCA, where Permitting Authorities were required to provide the NG with "...a copy of their respective inventories..." (LILCA, section 15.16.3), and where all three Permitting Authorities are required to maintain archaeological records, to regularly update those records and to share information back and forth. They were also occasionally mentioned by Labrador Inuit during heritage discussions in relation to archaeological sites, built heritage and artifacts. Inventories are recognized as a basic and essential tool for historic resource management across Canada and internationally.

In most Canadian provinces and territories there is a legal requirement for a minister or a provincial or territorial government to maintain an inventory of historic resources. This is consistent with international agreements like the ECPAH and the CMPAH which suggest that maintaining historic resource inventories is fundamental to effective historic resource management and that they should be created and maintained. It is also consistent with the requirements for Permitting Authorities in the Labrador Inuit Settlement Area to maintain archaeological records, as mentioned above.

Recommendations: 1) consider including text in Inuit heritage law that outlines requirements for the NG to create and maintain inventories of archaeological sites, artifacts, historically significant buildings and NG owned Inuit Cultural Materials; 2) consider including text indicating that the establishment and maintenance of these inventories is one of the Minister of LCT's primary duties; 3) consider including text indicating that Nunatsiavut's

²⁷ Explicit reference to inventories or registries are present in all but two Canadian jurisdictions, and inventories are implicit in those two exceptions. In both cases permit holders are required to submit records to regulatory bodies for each archaeological site visited, and regulators are clearly meant to maintain those site records.

Archaeology/Heritage Office assists the Minister of LCT in relation to the creation and maintenance of these inventories.

Theme 11: Assessment

Assessment refers to assessing the impacts that development or natural processes are likely to have on historic resources. Most Canadian provincial and territorial heritage laws contain provisions relating to assessment, which typically allow for a legally binding requirement for assessment in advance of development that is likely to negatively impact historic resources. The referral of development applications to regulatory offices is fundamental to the assessment process and is not always required by law. Erwin (2011a) identifies the lack of a legal basis for land use referrals as one of the most important gaps in Newfoundland and Labrador (2011a:99; 103).

International agreements stress the importance of ensuring that there are requirements for assessment (ECPAH, CPMAH, UNESCO & Pocantico), and this was a theme that was identified by Labrador Inuit in Hopedale in 2018. Because section 13 of the NL's HRA deals with assessment, because the act is to be read in conjunction with the LILCA according to section 3.1 of the HRA, and because of sections 15.2.1 and 15.3.1 of the LILCA, the NG is already obligated to call for archaeological assessments when development is likely to negatively impact archaeological sites, though it currently has to rely on provincial law to do so.

Recommendations: 1) include text providing the Minister, or delegate, with the power to call for historic resource assessment when development, other human activity or natural processes are likely to negatively impact historic resources; 2) include wording that will ensure that all applications for development in Nunatsiavut will be referred to the appropriate

archaeology/heritage office; 3) include text that will ensure that applications for development within the 5 Inuit Communities are referred to Nunatsiavut's Archaeology/Heritage Office.

Theme 12: Cost

This theme comes up in three ways in international agreements and in Canadian heritage laws. First, in international agreements it is used to ensure that states have financial resources available for salvaging threatened archaeological sites. Second, it comes up in international agreements and provincial and territorial laws to ensure that archaeological assessment and mitigation costs are included in the cost of development, which normally means that proponents are required to cover the cost of assessment and mitigation. And finally, cost comes up in relation to penalties for contravention of heritage laws. Generally, these penalties involve governments recovering costs for restoration or mitigation from parties who have damaged historic resources, or who have neglected heritage resources under their care. Cost, and more specifically 'funding', was raised repeatedly by Labrador Inuit during heritage forums and public engagement sessions. Many people felt that the NG should have its own heritage funding program that local people and agencies could avail of for various projects relating to archaeology, intangible cultural heritage, Inuit Cultural Materials and historically important buildings.

Recommendations: 1) include text in heritage law that requires proponents to cover the cost of assessment and mitigation that are required as a result of development applications; 2) include text allowing NG to recover the costs associated with the restoration or salvage of archaeological resources from parties responsible for damage or threats to those resources through activities undertaken in contravention of Inuit heritage law; 3) consider including text in

heritage law allowing the NG to recover costs for restoration work on designated historically significant buildings that is required as a result of neglect by an owner, or damage caused by an owner; 4) consider including text providing for an NG heritage funding program that would support work involving archaeology, ICH, the preservation and maintenance of Inuit Cultural Materials and the preservation and maintenance of historically important sites and buildings. Money acquired through heritage-related cost recovery, donations or fines should be invested in heritage and could help to support an NG heritage funding program.

Theme 13: Mitigation

Mitigation involves activity done in an attempt to reduce or prevent negative impacts on historic resources, or to salvage historic resources if they would otherwise be damaged or destroyed. This theme is directly referenced in the CPMAH and the ECPAH, as well as in nearly half of the key Canadian provincial and territorial laws that were examined during this project. Mitigation was also raised by Labrador Inuit during a public engagement session in Hopedale in 2018, in relation to development, and in 2019 in Nain in relation to the impacts of climate change on historic resources. Without direct reference to mitigation in heritage legislation, historic resources are vulnerable to both human and non-human threats. Section 15.2.1 and Part 15.3 of the LILCA, and sections 3.1 and 13 of NL's HRA provide the NG with an obligation to require mitigation in cases where development is likely to negatively impact historic resources. The NG has an opportunity to rely on its own law to mitigate negative impacts to historic resources, rather than continuing to rely on provincial law in relation to this.

Recommendations: 1) include text in Inuit heritage law that allows NG to require proponents to mitigate any expected negative impacts on historic resources; 2) consider

including text in Inuit heritage law providing for NG mitigation of significant historic resources that are threatened by climate change or by natural processes.

Theme 14: Designation

Designation refers to assigning special, legally recognized status to specific historic resources, such as historically significant buildings, archaeological sites, cultural landscapes, events, traditions or people. In international agreements the designation of significant sites so that they can be protected, as well as the designation of archaeologically important landscapes as ‘reserves’ is discussed (ECPAH). In many jurisdictions, including in the Canadian context, archaeological sites are automatically protected by law whether they have been designated or not. This is the case in NL, and in Nunatsiavut by default because of section 15.3.2 of the LILCA. Text relating to designation is present in key heritage laws in all but 2 Canadian provincial and territorial jurisdictions.

Designation also emerged as an important theme during a number of heritage forums and during the 2018 and 2019 public engagement tours. In these contexts, designation of important places near communities, archaeological sites, heritage buildings, and in relation to important people were raised. The NG having its own designation program was considered important by Labrador Inuit, and having decisions relating to designation made by a heritage board or committee was also raised repeatedly.

Recommendations: 1) consider including text in Inuit heritage law that provides the NG with the power to designate important sites, areas, buildings and people; 2) consider making reference to the use of an NG heritage funding program to support the designation of important sites, areas, buildings and people; 3) consider developing criteria for sites, areas, buildings and

people that should be considered for designation in regulations; 4) consider ensuring that decisions on designations, or recommendations on designations to the Minister, are made by a regional heritage committee or board that is established through Inuit heritage legislation.

Theme 15: Commemoration

Commemoration refers to actively celebrating a historically important place, building, event, tradition or person. This theme emerged during both the 2018 and 2019 public engagement tours, but it came up most dramatically during the 2018 heritage forum when it was identified as the single most important theme of that gathering. At that time participants expressed concern with the NG's efforts to commemorate the 100 year anniversary of the closure of Okak as a result of the Spanish flu pandemic. The idea that commemoration work should be led by a heritage board or committee was also repeatedly raised by Labrador Inuit over the years.

Text relating to commemoration is also present in key heritage acts in two Canadian provinces and one territory. In these cases, there is reference to commemoration through plaques and monuments. In Newfoundland and Labrador, the HRA includes the words "...or in another suitable manner mark or otherwise commemorate" following mention of commemoration with a sign or plaque. This has allowed for things like research and documentation for the purpose of commemoration.

Recommendations: 1) consider including text in Inuit heritage law that provides a basis for NG programs to commemorate important places, buildings, events, traditions and people; 2) consider ensuring that text allows for flexibility so that commemoration can be done in various ways, such as through plaques or monuments, through research and report preparation, through events etc.; 3) consider having a regional heritage board or committee either make decisions

relating to which things should be commemorated, or provide recommendations on which things to commemorate to the Minister on an annual basis, or at other regular intervals. Such a committee should work with Labrador Inuit to determine what should be commemorated.

Theme 16: Enforcement

Key heritage laws in every Canadian province and territory include provisions for enforcement, which is consistent with international thought and agreements on the matter. Enforcement was also raised by Labrador Inuit during public engagement sessions. International agreements recognize the need for enforcement provisions in heritage law and the Council of Europe's Guidance on the Development of Legislation and Administrative Systems in the Field of Cultural Heritage states:

Implementation of legal protection would ideally be possible without legal sanctions. This ideal should be pursued as far as possible by information and public enhancement of the archaeological heritage. Educational measures should be envisaged as well as public access and even participation... However, the legislation should provide for proper penal and economic sanctions for breaches of the legal protection (COE 2011:77).

Canadian provincial and territorial laws deal with enforcement through fines, jail time, recovering costs for restoration from parties responsible for damage or neglect, stop work orders, seizure of illegally acquired historic resources, and seizure of tools and equipment used in contravention of relevant law. According to the Council of Europe "Fines should be set at a level that would outweigh the possible economic benefit that could be obtained by breaking the law" (2011:78). In some Canadian jurisdictions there are different penalties for individuals and corporations, the latter involving significantly higher financial sanctions.

In all but one of the Canadian provinces and territories, peace officers, designated officials, inspectors or employees are identified as having particular roles in relation to

enforcement. These roles range from things like inspections to seizures of unlawfully obtained objects or equipment used in contravention of the relevant heritage law.

Enforcement emerged as a theme during heritage discussions in Nunatsiavut in 2011, 2018 and 2019. In 2011 it came up in relation to security, with theft of artifacts being a concern. In 2018 enforcement of Inuit heritage policy and law was raised as a concern, as was clear identification of those responsible for enforcement. In 2019 avoidance of a heavy-handed approach was encouraged along with the suggestion of the use of education as an important alternative.

Recommendations: 1) consider including enforcement provisions which outline both fines and prison sentences for contravention of Inuit heritage law, to be used as a last resort; 2) consider higher fines for corporations; 3) consider including provisions allowing seizure of illegally obtained objects, as well as equipment used in contravention of Inuit heritage law; 4) consider each day of contravention to be a separate offense; 5) consider recovering costs for site restoration from those responsible for damage; 6) consider including provisions allowing for site inspections to determine whether the law has been broken and to collect relevant evidence; 7) consider making reference in legislation to focusing on education on the importance of historic resources and the laws that protect them to try to avoid having to make use of enforcement provisions.

Theme 17: Qualifications

Ensuring that those engaged in archaeological activity have appropriate qualifications is a key principle in international agreements and in all 13 provincial and territorial jurisdictions in Canada. While not identified as a key theme during heritage discussions in Nunatisavut,

appropriate qualifications are referenced in section 15.6.5 in the LILCA. In that section the NG's responsibility to respond to archaeological permit applications only after they have "been reviewed by an individual with appropriate qualifications and training" is referenced (LILCA section 15.6.5). Furthermore, section 15.3.2 of the LILCA requires Inuit law to be at least as stringent as relevant provincial law in relation to archaeological activities and the protection of historic resources. As such, archaeological permits in Nunatsiavut can only be issued to individuals who meet the criteria outlined in NL's *Archaeological Investigation Permit Regulations*, or who meet criteria in Inuit law that are at least as stringent.

Four Canadian jurisdictions (Ontario, Yukon, the Northwest Territories and Nunavut) include provisions for different types, or classes, of archaeological investigation permits. In these jurisdictions a permit that allows for things like survey, but not for excavation or collection may be issued to individuals who have less relevant education, training and experience than those who are considered qualified to hold permits allowing for excavation and collecting. This is not the case in Newfoundland & Labrador or most other jurisdictions in Canada.

Recommendation: consider listing appropriate qualifications for holding an archaeology permit either in Inuit heritage law, or in regulations under Inuit heritage law. These criteria must be at least as stringent as those listed in NL's *Archaeological Investigation Permit Regulations* for the reasons listed above.

Theme 18: Artifact Conservation

While all heritage laws in Canada, and in many other parts of the world, say something about the care of artifacts, this theme relates specifically to requirements for the assessment and/or treatment of artifacts either by a professional conservator, or through methods considered

to be appropriate by professional conservators. International agreements make reference to the importance of conserving artifacts and collections so that they are available for study and enjoyment in the future. Most Canadian provinces and territories include provisions requiring permit holders to have collections assessed by professional conservators and treated where necessary. In some cases, there are also requirements to have plans for the conservation of artifacts as part of the permitting process. The Archaeological Permit Regulations in NL require a permit holder to engage a conservator before applying for a permit, and to have collections assessed and treated when necessary by a qualified conservator. Because of section 15.6.2 of LILCA, similar provisions in Inuit heritage law or regulations under such law should be considered mandatory.

Artifact conservation did come up during a public engagement session in Nunatsiavut in 2018 when the importance of being able to care for artifacts within the region was raised.

Recommendations: 1) include provisions either in Inuit heritage law, or in regulations under heritage law, that require a permit holder to have any artifacts that are collected under permit assessed by a conservator and treated when necessary. Alternatively, a permit holder could receive training or guidance from a conservator and then assess and treat artifacts themselves; 2) consider including provisions requiring the development of a conservation plan for artifacts as part of the permitting process.

Theme 19: Investigation, Study & Interpretation

Investigation, study and interpretation could have been treated as separate themes in this section; however, in many cases references to each are closely intertwined in single passages in relevant laws, and therefore it makes sense to consider them together. This is a key theme that

relates to the basic purpose of all of the international agreements as well as the heritage laws across Canada, and it figured prominently during heritage discussions in Nunatsiavut over the years.

While this theme is implicit in all major heritage laws in Canadian provinces and territories, there is explicit reference to it in eight of these jurisdictions. In all cases it is included in relation to either a stated basic purpose of the law, or in relation to one of the primary ministerial responsibilities in relation to heritage.

Interpretation was a major topic of discussion during heritage discussions in Nunatsiavut, and it emerged as a key theme during the 2017 heritage discussion tour. In most cases local people talked about the importance of being able to interpret history and heritage in each of the Inuit communities in appropriate spaces, and through things like interpretation panels at sites. The importance of having information and artifacts available for interpretation was also raised.

Recommendation: consider including reference to investigation, study and interpretation in Inuit heritage law as part of an explicit statement of purpose of the law, or as a primary ministerial responsibility.

Theme 20: Conservation

While the terms conservation, preservation and protection are often used interchangeably, the theme being discussed here relates specifically to the conservation of sites and areas, as opposed to objects. It is also closely related to the cultural landscape theme which is discussed further below. Conservation, as defined here, figures prominently in international agreements and six Canadian provincial heritage laws contain specifically relevant provisions. In international agreements the creation of archaeological ‘reserves’ where historic resources are

preserved in place is discussed. In the relevant Canadian provincial laws the designation of conservation areas or districts is outlined, and in several cases references to the development of plans to ensure that these areas are properly protected are included, which are sometimes based on the advice of heritage boards or committees.

This theme also came up during heritage forums and public engagement sessions in Nunatsiavut in three main ways. First, the importance of protecting archaeological sites was clearly seen as important. Second, burial sites and cemeteries in particular were repeatedly mentioned as places that should receive special attention and protection. And finally, in 2019, understanding which archaeologically sensitive areas were at risk due to climate change was raised. It should also be mentioned that the Land Use Plan for LISA describes a Heritage Area Designation, as a particular category of land, and it lists relevant criteria for such a designation including "...sites with great archaeological significance, or communities that are no longer permanent settlements but have historic, spiritual, and/or cultural significance to Inuit" (RPA 2012:56). The plan also includes "Heritage Communities" and "Heritage Homesteads and Camping/Tenting Areas within LIL" as sub-categories under the Heritage Area Designation (RPA 2012:57). Only certain developments can be permitted in places where this designation has been applied, according to the plan, and for Heritage Homesteads and Camping areas the plan states that "A separation buffer of 500 metres shall be applied around these sites so that they can continue to be used for camping and tenting sites" (RPA 2012:57).

Recommendations: 1) consider ensuring that Inuit heritage law includes an explicit statement about the conservation of sites and areas of archaeological importance; 2) consider identifying criteria (possibly in regulations) to be used to identify areas for designation where special conservation measures might be employed, taking the criteria listed in the Land Use Plan

for LISA into account; 3) consider making reference to the development of conservation plans for particular sites and areas where special conservation measures will be undertaken.

Theme 21: Reconstruction

Reconstruction, as defined here, involves the complete, or near complete, re-creation of a heritage site, feature or property, as opposed to restoration which involves repairing a damaged, but partially, or largely intact site, feature or property. Reconstruction is mentioned in one of the international agreements that was reviewed here (CPMAH), and in the main heritage law in the province of Ontario. In the CPMAH reconstruction is mentioned as being useful for both research and interpretation, but that reconstructions should not harm archaeological resources. In Ontario reconstruction is referred to in relation to the main responsibilities and powers of the Ontario Heritage Trust.

Reconstruction was also mentioned during the 2017 heritage discussion tour in Nunatsiavut in relation to the reconstruction of the Lord Strathcona Manor in Rigolet, and the reconstruction of Inuit sod houses near the same community based on archaeological data from the Double Mer Point site.

Recommendation: consider including text in Inuit heritage law allowing for reconstruction of archaeological features, sites or historically important buildings for interpretation, study, or tourism, incorporating the advice of a heritage board or committee, while ensuring that reconstruction does not negatively impact historic resources.

Theme 22: Underwater Archaeology

Erwin identified underwater archaeology as an important gap in NL's heritage management system during his review of relevant legislation (Erwin 2009:83-85). NL and a number of other Canadian provincial and territorial jurisdictions include lands covered in water in their definitions of archaeological sites or activities, but only Ontario includes any specific text that deals with underwater historic resources beyond including them in broad definitions. Ontario has developed regulations for marine archaeology that include special protection measures (500 meter buffers) for designated sites, as well as a separate licensing process (OHA section 48 & section 70; Marine Archaeological Sites Regulation under the OHA). At this point only three sites have been designated under the relevant regulations in Ontario.

Several international agreements have been developed specifically on underwater archaeological resources such as the ICOMOS Charter on Underwater Cultural Heritage (1996) and UNESCO's Convention for the Protection of Underwater Cultural Heritage (2001). These agreements require state protection of underwater historic resources, which are often better preserved than similar resources on land.

The protection of underwater historic resources did not come up during heritage discussions in Nunatsiavut, and Chapter 15 of the LILCA is silent on this matter. Furthermore, chapters 5 and 6 of LILCA, which cover water management and ocean management respectively, are also silent in relation to historic resources. However, these chapters do state that responsibility for the management of these areas lies with Canada and the Province, though the NG has to be consulted in relation to development and decisions and may provide advice in some contexts, and Inuit continue to enjoy traditional use rights. For these reasons NG

management of underwater historic resources is a challenge, and may not be considered a priority at the present time.

Recommendation: in consultation with the Province and Canada, consider including broad text in definitions for Archaeological Sites and Archaeological Activities in Inuit heritage law that would include underwater sites and activities.

Theme 23: Place Names

Text relating to place names is present in the main heritage laws of Alberta and Saskatchewan, and chapter 16 of the LILCA outlines Inuit rights and responsibilities relating to place names. This theme did come up during heritage forums and public engagement sessions in Nunatsiavut and is clearly something that is important to Labrador Inuit. Reference to place names was not present in the international agreements that were reviewed here.

An important gap in relation to place names in Nunatsiavut is the fact that no department is currently identified as having responsibility for chapter 16 of the LILCA (NGOO 2019). Despite this, the Department of LCT has implemented programs and projects related to place names and has a budget for this work.

Recommendation: 1) consider amending the *Nunatsiavut Government Organization Order* to clearly identify the Department of LCT as the NG department responsible for Chapter 16 of the LILCA; 2) consider including reference in Inuit heritage law to place names as a matter that a regional heritage committee or board can provide advice to the Minister of LCT on.

Theme 24: Cooperation

Cooperation was identified as a major theme in the international agreements reviewed here, and in the major heritage laws of every Canadian province and territory. ‘Partnership’ was also identified as one of the top five most important themes for local people in a review of heritage forum reports and documentation of public engagement sessions in Nunatsiavut.

In international agreements cooperation between states for the protection of historic resources is highlighted, and one important means of cooperating is exchanges of experts and of expertise. In Canadian provincial and territorial heritage law cooperation is usually discussed in relation to agreements between governments, or between governments and agencies, people or entities that can be entered into to protect, or to study and interpret historic resources.

During heritage forums and engagement sessions local people talked a great deal about the importance of partnerships in order to reach heritage-related goals. The theme of the 2012 heritage forum, “Best Practices through Partnerships” was based around cooperation. Numerous partnerships developed through heritage forums over the years, and from 2014 on the Tradition & Transition Research Partnership, stimulated a significant amount of relevant research and activity, and was a major topic during subsequent heritage forums.

Recommendation: consider including text in Inuit heritage law that provides a basis for the NG and the Inuit Community Governments to enter into agreements with other governments, with agencies, corporations, or individuals for the protection, study, orderly development, promotion of appreciation, and/or interpretation of historic resources.

Theme 25: Board or Committee Structure

The main heritage laws of every provincial and territorial jurisdiction in Canada provide for the establishment of heritage boards, committees, or councils. In many cases these boards operate at the provincial or territorial level, and in some cases municipal boards are also referred to. These boards typically provide advice to the responsible minister on various matters that are outlined in relevant legislation such as designations, commemorations, heritage programming, ICH and education.

Establishing a regional heritage committee was something that was raised repeatedly by heritage discussion participants, particularly during the 2018 and 2019 tours. With 12 coded references, the board or committee structure was identified as an important theme based on the results of the discussions during both of those engagement tours. Local people talked about how such a committee could provide advice on things like built heritage, designations, ICH, commemorations, administering a heritage funding program (if one were to be created), and on acquiring, preserving and presenting Inuit Cultural Material. One suggestion was for a regional heritage board to establish sub-committees tasked with providing advice on specific heritage matters.

Recommendation: consider including text in Inuit heritage law that provides for the establishment of a regional heritage board that will be tasked with providing advice to the Minister of LCT on built heritage, designations, commemorations, the documentation of ICH, place names, the administration of any NG heritage funding programs that may be established, and acquiring, preserving and presenting Inuit cultural material.

Theme 26: Cultural Landscape

This theme figures prominently in the international agreements that were reviewed for this study, and relevant text is included in the primary heritage laws of three Canadian provinces. The lack of reference to cultural landscape in NL's HRA was identified as one of the six most important issues with existing legislation during Erwin's review of this province's heritage law (Erwin 2011, 2009). He notes that addressing cultural landscape in law is "...a more recent development in heritage management" (Erwin 2009:10), which accounts for the lack of explicit reference to it in the heritage laws in many Canadian jurisdictions. Cultural landscape was also discussed during the 2015 and 2016 heritage forums, as well as during the 2017 public engagement tour.

Recommendations: 1) consider including a definition of cultural landscape in Inuit heritage law (Erwin 2011:108), which is consistent with UNESCO's definition; 2) consider including provisions for the protection of significant cultural landscapes in Inuit heritage law; 3) consider developing a clear process for nomination and designation of cultural landscapes in regulations²⁸ (Erwin 2011:108); 4) consider including advice from a regional heritage board as part of the process for designating cultural landscapes.

Theme 27: Access to Information

Access to information in this context relates to the importance of public access to information for educational and research purposes, and to the importance of restricting access to sensitive information to keep historic resources safe. The locations of archaeological sites are

²⁸ Quebec's *Cultural Heritage Act* contains relevant provisions and would be a good source of information for developing a process for recognition, designation and management of cultural landscapes (Erwin 2011:107; CHA). The UNESCO documents that were reviewed in Chapter 6 are also important sources of relevant information.

typically considered to be sensitive and provisions to ensure that site locations are kept confidential are common in heritage laws and in relevant international agreements. Some Canadian provinces and territories include provisions about keeping site locations confidential in heritage law, while others include them in specific access to information and privacy laws. Nunatsiavut does not currently have access to information law, but section 15.16.5 of the LILCA states that: "...each Party shall treat and use records of each Archaeological Site in the Labrador Inuit Settlement Area in a manner that will protect, preserve and maintain the Archaeological Site to which the records relate including, as appropriate, by keeping the records confidential".

Access to information emerged as an important theme during heritage discussions in Nunatsiavut, and particularly during the three public engagement tours²⁹. Most of the relevant coded statements relate to interest in access to locally relevant digitized historical and archival records. Establishing local digital media hubs where local people can access information was an important discussion topic during these tours.

Recommendations: 1) consider including text in Inuit heritage law that specifies that archaeological site locations will be kept confidential to protect sites; 2) consider including text in Inuit heritage law that makes it clear that non-sensitive information will be accessible to the public.

Theme 28: Repository

Long term care of collections of moveable historic resources is a basic and fundamental aspect of heritage management. Ensuring that appropriate storage space is available for

²⁹ Note that access to information was coded as a 'child' theme under the parent theme of 'research and information'. For this reason, the coded references for access to information are displayed under research and information in Chapter 5 in Figures 5.10, 5.11 & 5.12.

collections is explicitly mentioned in two international agreements reviewed here (ECPAH, CPMAH). The main heritage laws in all but two Canadian jurisdictions make some kind of explicit reference to a provincial or territorial repository, or include provisions that ensure that appropriate storage for archaeological materials are in place with regard to objects collected under permit.

Having appropriate storage space in northern Labrador is a long-standing issue for local people who have been expressing concern about the export of cultural material for decades. Provisions relating to title of archaeological material in Chapter 15 of the LILCA have put the NG in a position where it has control over archaeological material collected from lands under its jurisdiction after the effective date of the Agreement; however, at the present time there is still no appropriate repository in the region. This issue was raised during the 2011, 2016 and 2017 heritage forums, as well as during all three public engagement tours. Many of the points that local people made about artifacts during heritage discussions also had to do with a strong desire to see them kept in Nunatsiavut. In 2017 and 2018 the ‘artifacts’ theme was among the four most important themes identified for the public engagement tours for those years based on the number of coded references. For all of these reasons, ensuring that Nunatsiavut has appropriate storage space for collections of archaeological materials, Inuit cultural materials and any physical archival records owned by the NG should be considered a priority.

Recommendations: 1) consider including text in Inuit heritage law that ensures that NG owned collections are kept in appropriate space within Nunatsiavut; 2) when a regional repository has been established, consider naming it as the official repository for archaeological material in Inuit heritage law; 3) the NG should consider including text in Inuit heritage law indicating that it may support the development of appropriate spaces for the storage, display and

maintenance of archaeological material and Inuit cultural material in the Inuit Communities with funding and expertise, in a way that is consistent with section 15.15.1 of the LILCA.

Theme 29: Intangible Cultural Heritage (ICH)

This theme is explicitly mentioned in two of the international documents reviewed here (Pocantico and UNDRIP). While it is beyond the scope of the present study, UNESCO registered the *Convention for the Safeguarding of the Intangible Cultural Heritage* in 2003, and a general assembly of state parties established under the convention meets on the subject every second year. At the present time, ICH is only explicitly referenced in a single Canadian jurisdiction's main heritage law. Section 8d of the Yukon's HRAAd states that "The Minister may... promote the recording and preservation of traditional languages, beliefs, and histories, legends, and cultural knowledge of Yukon Indian People".

Erwin identified ICH as something that has been recognized as worthy of preservation for well over 100 years, and as something which has re-emerged in the past few decades as an important trend in heritage thought and management (Erwin 2009:91-92). He points out issues with 19th century salvage anthropology and its failure to adequately recognize change within culture as a significant problem, and that this has since been addressed in documents like the UNESCO convention (Erwin 91-92). He refers to ICH as "...the most significant challenge in the development cultural resource management in the history of its practice" (2009:91), and also as one of the top 6 most important heritage issues for NL during his review of provincial legislation (2011:111-114).

This theme was also one of the most important for Labrador Inuit during heritage forums and public engagement sessions, and in fact, it was one of the top three most important themes

identified through engagement with Labrador Inuit on heritage, with 89 coded references. During heritage discussions Nunatsiavummiut talked about specific ICH projects, and consistently stated that the NG should be routinely documenting ICH. There was also a steady insistence that the documentation of ICH in Nunatsiavut is an urgent matter. Some participants added that this was the most important heritage-related issue for them. Others recognized the difficulty of protecting it through legislation because of the changing nature of culture; however, they felt that its importance, and the importance of documenting it should be recognized in law.

Recommendations: 1) consider including a clear definition of ICH in Inuit heritage law that is consistent with UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage³⁰; 2) consider making the documentation of, and the promotion of appreciation of, ICH a ministerial responsibility under Inuit heritage law, allowing for relevant programming; 3) consider including reference in Inuit heritage law to the creation of an inventory of ICH that the Minister of LCT is responsible for maintaining; 4) consider including reference to advice from a regional heritage board to the minister on the documentation and safeguarding of ICH.

Theme 30: Ethnographic Material

Ethnographic material is synonymous with Inuit Cultural Material which is defined in the LILCA as "...any object from the Labrador Inuit Settlement Area, other than Archaeological Material, that is made, modified or used by humans and collected and documented for the

³⁰ Regarding NG jurisdiction over ICH, Part 17.8 of the LILCA gives the NG the power to "... make laws in relation to Inuit culture and Inuktitut in Labrador Inuit Lands and the Inuit Communities, including: (a) laws to preserve, promote and develop Inuit spiritual beliefs, Inuit sacred knowledge and Inuit sacred sites; (b) subject to chapter 15, laws to preserve, promote and develop Inuit cultural heritage; and (c) laws to preserve, promote and develop Inuit traditional knowledge" (LILCA section 17.8.1).

interpretation and descriptive study of human culture and that is of cultural importance to Inuit or of value for the information it may give about contemporary, post-contact or pre-contact Inuit, but does not include Archival Records” (LILCA section 1.1.1). Ethnographic material was not identified as a theme in the International documents that were reviewed for this study, and only one Canadian jurisdiction outside of Nunatsiavut makes reference to it in heritage legislation. In the Yukon ‘Ethnographic Material’ is defined in the HRAd, and if this kind of material is found within the territory of a First Nations territory, then it is owned by that First Nation. Erwin identified a lack of reference to ethnographic sites (where ethnographic material can be found) in NL heritage law as an important issue during his review (2009:85-86).

Section 15.3.3 states that “The Nunatsiavut Government may make laws in relation to: (c) the retention, preservation and maintenance of: (i) Inuit Cultural Materials in Labrador Inuit Lands and the Inuit Communities, other than Inuit Cultural Material that is Private Property...”. Ethnographic material did come up a number of times during the 2018 and 2019 heritage discussion tours. The main comments participants made during relevant conversations were suggestions to incorporate advice from heritage advisory committees when making decisions about the acquisition, management and use of ethnographic material by NG, and that the NG should do its best to keep ethnographic material in the region. There were also a few comments about the importance of respecting the fact that not all ethnographic material is owned by, or will be owned by NG, and that many will be owned by Individuals, communities or organizations.

Recommendations: 1) consider including reference in Inuit heritage law to seeking advice from a regional heritage board about the acquisition, maintenance and use of ethnographic material; 2) consider including text that provides for automatic NG title to Inuit Cultural Material at sites that are less than 50 years old and that are not privately owned; 3) consider including

definitions for Archaeological Material and for Archaeological Sites in Inuit heritage law that are consistent with the definitions for these terms in the LILCA and that include a minimum age of 50 years for material or sites to be considered archaeological; 4) consider defining Ethnographic Sites in Inuit heritage law as sites that are less than 50 years old, that are no longer in active use, and that contain Inuit Cultural Material.

Theme 31: Duty to Report

A legal requirement to report accidental discoveries of historic resources is mentioned in international agreements reviewed here (ECPAH, CPMAH), and in the main heritage laws of most Canadian provinces and territories. Because of section 15.3.2 of the LILCA, and the fact that NL's HRA includes a duty to report provision, NG is bound to require this either through NL's HRA, or through its own law.

Recommendation: 1) include a duty to report accidental discoveries of historic resources in Inuit Heritage Law.

Theme 32: Municipal Role

A clear municipal role in historic resource management was referenced in three of the international documents reviewed here. In the ECPAH, ensuring that financial resources are available at all levels of government, including local, is a requirement for parties to the convention. The Pocantico calls to action are meant to stimulate activity from all levels of government in responding to threats to heritage from climate change. The CPMAH also states that planning for protection of archaeological resources should be incorporated into planning at all levels of government. The Council of Europe also recommends that municipalities play a role

in protecting historic resources in guidelines for developing heritage law stating that “It is also advisable to involve the municipality with responsibility for land use planning and the control of development from an early stage” (COE 2011:66).

The main heritage laws in nearly every Canadian province and territory contain provisions outlining municipal involvement in heritage management. In many cases there is text that provides municipalities with the ability to designate important sites, buildings, districts or landscapes at the local level through bylaws. In cases where municipal designations are possible, there are normally requirements for the establishment and maintenance of an inventory of things that have been designated. In some cases, the ability to establish municipal advisory committees, funding programs and heritage officers are provided for. Municipalities can generally enter into agreements with owners of designated sites or buildings, and occasionally municipalities can support heritage property owners through funding programs or expertise. Commemorations through plaques or monuments, as well as interpretation are often things that municipalities can do. In some jurisdictions municipalities are involved with enforcement and can conduct inspections, issue stop orders and recover costs associated with restoration from those responsible for damage. In the province of Saskatchewan, a municipality can order a property owner to make repairs to a heritage property, and if the owner fails to do so, the municipality can do the repairs and recover the costs from the owner. Municipalities can also often acquire and dispose of heritage property, and provide tax relief to owners. In most Canadian jurisdictions the provincial or territorial government is the final authority in relation to heritage, though in Quebec responsibility can be delegated to a municipality under certain circumstances.

Roles of municipal governments in Nunatsiavut came up a number of times during heritage discussions with Labrador Inuit as well. The current lack of local designation programs

was identified as an issue, though it should be noted that Newfoundland and Labrador's *Municipalities Act* does allow municipal governments to designate heritage areas, which can be structures, sites, areas or lands, and it provides for the establishment of municipal heritage advisory committees. The Inuit Communities are considered municipalities under that piece of legislation. Local people also pointed out during the 2014, 2016 and 2017 heritage forums that heritage should be a consideration in community planning. By 2016, Nain's Inuit Community Government has already included provisions in its town plan to ensure that applications for development within the community would be referred to Nunatsiavut's Archaeology/Heritage Office, and discussed this during the 2016 heritage forum as something other communities might like to consider.

Recommendations: 1) consider including text in Inuit heritage law describing specific municipal roles in heritage management including: a) municipal designations of heritage sites, buildings, districts or landscapes, and the establishment and maintenance of an associated inventory; b) ensuring that applications for development involving significant ground disturbance are referred to Nunatsiavut's Archaeology/Heritage Office in municipal plans; c) providing for the establishment of municipal heritage committees; d) allowing for agreements between municipalities and heritage property owners relating to the protection, preservation and interpretation of those properties; e) providing for municipal commemorations of people, places or events of significance; f) providing for enforcement through inspection, stop work orders and cost recovery for restoration from those responsible for damage in coordination with NG; g) the appointment of municipal heritage officers to support municipalities in heritage management; and h) providing for the ability of the Inuit Community Governments to acquire or dispose of heritage properties, Inuit Cultural Material and Archival Records; 2) consider including text

indicating that the management of archaeological resources in the Inuit Communities is under NG jurisdiction as per section 15.1.1 (a) of the LILCA, and that the NG and the ICG's will work closely together to effectively manage historic resources within the Inuit Communities.

7.3 Policy Matters:

Non-legislative measures that the NG can consider to promote the protection, preservation and appreciation of Nunatsiavut's historic resources is the subject of the remainder of this chapter. In the remaining pages, themes that were identified through engagement with Nunatsiavummiut, but that have not normally been dealt with in law in other jurisdictions are discussed, as well as themes that should be considered in both law and in non-legally binding policy.

Theme 1: Identification

This theme relates to the identification of historic resources so that they can be protected and managed, and so that an appreciation of them can be promoted. The NG needs to know what historic resources it has in order to be able to properly manage them, particularly now that they are being threatened by various climate-related factors in addition to development. Coverage of this theme in International agreements and Canadian provincial and territorial heritage laws has already been summarized above, and it is important to note that the identification of historic resources was raised repeatedly by local people during heritage forums and during public engagement sessions. It was raised during the very first heritage forum by the Postville delegation, and requests for surveys near all of the Inuit Communities were made over the years, as well as during heritage discussions in North West River. Participants in both Hopedale and

North West River suggested that there should be annual survey work in areas under NG jurisdiction in their respective regions that is informed by interviews with local people. It is quite clear that Nunatsiavummiut are interested in ongoing archaeological surveys by the NG and visiting researchers.

The other means of identifying historic resources is through reports of accidental discoveries, which has also been covered above. In my own experience, Nunatsiavummiut have been very interested in reporting accidental discoveries of historic resources to the NG's Archaeology/Heritage office.

Recommendations: 1) the NG should continue to routinely conduct archaeological surveys throughout Nunatsiavut each field season that are informed by local knowledge and archaeological expertise, and this work should focus on areas that are threatened by development, climate change or unauthorized activity; 2) the NG should encourage visiting researchers and archaeological consultants to conduct surveys in the region in general, and through requests for proposals and contracts when warranted; 3) the NG should consider requesting that permit holders visit sites or areas with high archaeological potential that are near proposed study areas to document historic resources in places that might not otherwise be visited for prolonged periods where appropriate.

Theme 2: Assessment

Assessment is one of the basic keys to historic resource management, and it relates directly to NG's responsibilities for historic resource management outlined in Part 15.2 and Part 15.3 of LILCA, as well as section 29 and 30 (c) of NG's 2019 *Organization Order*. The importance of assessment is recognized in international agreements, in Canadian heritage

legislation, and it was raised by local people during heritage discussions in relation to both development projects and climate change.

In addition to the legislative measures discussed above, the NG should do what it can to ensure that historic resources are considered during the early stages of planning for development at both the regional and community levels. Assessing the expected impacts of climate change on historic resources in Nunatsiavut and developing appropriate mitigation measures should also be routine in the region. The NG should also consider the likelihood of the presence of historic resources in areas that have not been surveyed through archaeological potential mapping projects.

Recommendations: 1) consider historic resources during the early stages of planning for community and regional development through communication between developers, the Inuit Community Governments and NG's Archaeology/Heritage office; 2) the NG should conduct predictive modeling projects as a way of developing an understanding of the expected impacts of climate change and development on historic resources; 3) NG should develop criteria for prioritizing which sites to salvage with limited financial resources in advance of destruction by climate change related factors through public engagement and engagement with experts in archaeological heritage management; 4) NG should conduct excavations, or have consultants conduct mitigation under contract at significant sites that have been prioritized and that are threatened by climate change or natural processes; 5) NG should conduct archaeological potential mapping, beginning with the areas in and near the Inuit Communities, as part of the process of assessing and managing historic resources in the region. Archaeological potential mapping should be updated regularly as new information becomes available, and should be treated in a way that does not put historic resources at risk as per section 15.16.5 of the LILCA.

Theme 3: Commemoration

The importance of commemoration to Labrador Inuit was discussed in Chapter 5 and in the present chapter in the legislative section above. Policy measures aimed at ensuring that the NG commemorates people, places, events and traditions that are important to Labrador Inuit could include implementing research projects that produce reports or publications, as well as commemorative events such as celebrations, ceremonies, gatherings or conferences. Public engagement should be employed to understand what should be commemorated, and heritage forum reports are good sources of information on people, places, things, events and traditions that Nunatsiavummiut have already suggested as being worthy of commemoration.

Recommendations: 1) establish a commemorations program that is consistent with relevant text in Inuit heritage law; 2) base a new commemorations program on advice from a regional heritage board in a way that is consistent with Inuit heritage law; 3) ensure that public engagement is used to inform the design of commemorations programming, and that it continues to be used to identify places, buildings, events, traditions and people that are worthy of commemoration, particularly through Nunatsiavut's annual heritage forum; 4) ensure that a budget is available for commemoration.

Theme 4: Interpretation

Local interpretation, particularly through panels and exhibits was something that was raised by community members during the 2010, 2016 and 2017 heritage forums, and during all three public engagement tours. Web-based interpretation, and geocaching were also identified as potential options for interpretation. It was brought up by participants in all five Inuit

Communities over the years, and the use of artifacts for interpretation was consistently discussed. In some cases, local interpretation was talked about in relation to the Illusuk Cultural Centre and how it is important for the NG to provide some level of interpretation in each community, rather than just in Nain. Independent initiatives being undertaken by communities were also talked about, such as work towards a new interpretation centre in Postville, and a partnership between Makkovik and Postville to install interpretive panels at Aillik, an important site between both communities. The use of interpretation to encourage tourism was a prominent topic in some communities. The importance of local facilities for interpretation was a prominent topic of conversation during the 2017 tour in particular.

The NG has supported Inuit Communities with interpretation in the past through loans of artifacts, by supplying relevant information, by providing expertise to help with the development of interpretive panels, and through advice about appropriate storage space and funding opportunities.

Recommendations: 1) the NG should continue to support local interpretation work through loans of artifacts, as per Part 15 and section 15.11.3 of the LILCA; 2) NG should support the development of appropriate local spaces for storage, display and interpretation of artifacts through advice and expertise, and through a regional heritage funding program; 3) NG should continue to support local interpretation by providing relevant information and expertise upon request.

Theme 5: Place Names

Place names were raised by local people during the 2015 heritage forum, and were the subject of presentations and conversations during the 2016, 2017 and 2018 heritage forums as

well. NG's Department of LCT initiated place names work as a result of relevant discussions at heritage forums. Place names were also brought up by participants during all three public engagement tours. While the number of coding references was not high for this theme, it was consistently brought up and consistently identified as an important matter when it was raised by local people.

In some cases, there was concern about the use of incorrect place names, particularly on maps and in GPS data. In other cases, it was raised as an important cultural element worthy of being documented and passed on to younger generations. There was also a general awareness of the NG's powers in relation to place names, and during one public engagement session in 2019 local people commented on being happy with the work that NG has been doing on this. The NG's Archaeology/Heritage Office has had a budget for place names work for a number of years and has issued contracts aimed at collecting Inuktitut place names from historical documents, and has more recently begun collecting contemporary Inuktitut place names from Labrador Inuit.

Recommendations: 1) the Department of LCT should continue to collect Inuktitut place names. The next logical step in this work would be to continue to collect contemporary place names in the Inuit Communities; 2) the NG should consider ensuring that an adequate budget for place names related work is available allowing the government to continue with the implementation of chapter 16 of the LILCA; 3) consider developing clear policy through public engagement on access to place names data collected by the NG and on whether or not there

should be any restrictions on access to the NG's place names database³¹; 4) consider developing a list of any place names the NG would like to officially adopt or change, based on advice from a regional heritage board if one is established, and informed by public engagement. Short lists of proposed new official place names or name changes should be developed on an annual basis or at regular multi-year intervals; 5) ensure that consultation with the Newfoundland and Labrador Geographic Names Board occurs and consider collaborating with the Geographical Names Board of Canada on lists developed in relation to recommendation 4, as per Part 16.3 of LILCA.

Theme 6: Cooperation

With 57 coded references to 'partnership', the cooperation theme is one of the top five identified during the review of heritage forum reports and the results of public engagement tours in Nunatsiavut. It was even the official theme for the entire 2012 heritage forum: "Best Practices through Partnerships". Conversations ten years ago during the 2011 heritage forum focused on partnership between Nunatsiavut's then Department of Culture, Recreation and Tourism (CRT) and the Government of Newfoundland and Labrador's then Department of Tourism, Culture and Recreation. Interdepartmental partnership between NG's Department of CRT and NG's Department of Health and Social Development, where there is sometimes significant overlap in programming, was also discussed that year. Cooperation between Inuit Community Governments and local church committees and with local heritage committees were discussed

³¹ The question of access to place names data was outside the scope of this study; however, it should be noted that there have traditionally been some local reservations about making all place names collected by NG automatically publicly available. In some cases, this had to do with the expectation that this information would be used by other parties prior to local decisions on things like correct spelling of historic or contemporary names. In other cases, it had to do disagreement about which place name is 'correct'. In both cases there was a feeling that place names data should not all be automatically public. This is a matter that should be discussed publicly and explicitly with the aim of developing a clear position on access to the NG's place names database.

over the years, as was collaboration between communities on particular research projects, such as proposed work by the communities of Makkovik and Postville on documenting the history of the former settlement at Aillik.

Conversations about cooperation between NG and the Inuit Communities to protect and present heritage were common during both heritage forums and public engagement sessions, as were discussions of connecting heritage resources with community members. Partnership and cooperation were major themes associated with the Tradition and Transition Research Partnership project, which began with a partnership between NG's Department of CRT and Memorial University. Numerous collaborative archaeology and other heritage related projects were done under the Tradition and Transition umbrella, including the present one. Local people have also commented on how heritage forums have resulted in numerous partnerships that have helped participants and communities in various ways.

The NG's Archaeology/Heritage Office has an excellent working relationship with the Provincial Archaeology Office (PAO). The current and former NG Archaeologists have even received training through the PAO when starting out in their roles. There is very regular communication between both offices, which has been extremely helpful for both parties. The NG's Archaeology/Heritage Office has also cooperated with other archaeology offices across the country through involvement in the Canadian Association of Provincial and Territorial Archaeologists, and the Atlantic Provinces Archaeological Regulators Group over the years.

References to cooperation in international agreements and in Canadian provincial and territorial heritage laws have already been summarized in the legislative matters section above; however, it is worth reiterating that cooperation was shown to be highly important in both

contexts. Nearly all of the international agreements and nearly all of the major heritage laws of the Canadian provinces and territories contain explicit reference to this theme.

Recommendations: 1) continue to foster relationships between NG and the ICG's, local heritage groups, church committees, Memorial University, the Government of Newfoundland and Labrador's Department of Tourism, Culture, Arts and Recreation, and between different NG departments through heritage forums and regular communication; 2) consider short term exchanges of expertise involving staff from Nunatsiavut's Archaeology/Heritage Office, the PAO and other archaeology offices in the Atlantic provinces as outlined in international agreements; 3) consider reaffirming the memorandum of understanding between NG's Department of LCT and Memorial University on culture-related research that was signed in 2014, along with specific goals associated with this relationship; 4) ensure that the heritage forum continues to spark and foster cooperation between various parties interested in Nunatsiavut's rich history, culture and heritage.

Theme 7: Access to Information

Access to community specific archival and historical records, as well as information on the archaeological history of the region was commonly raised by local people during public engagement sessions in Nunatsiavut. In addition to these kinds of records, Nunatsiavummiut also expressed that access to the results of research projects and to documented oral history and oral traditions were very important to them as well.

During the public engagement tours there were regular conversations about how people would like to access these kinds of information, and most people felt that accessing digitized information through local media hubs (dedicated computers) in the Inuit Communities would be

an excellent way to go, or to have web-based access to information (Turner 2021; 2018). The latter option was often considered to be a challenge because of internet speeds and connectivity issues along the north coast of Labrador. Local people made community specific suggestions about potential locations for media hubs, such as in schools or NG buildings. Access to information was a major focus of Mark Turner's research over the past few years in Nunatsiavut, and he has provided a considerable amount of policy advice on this topic to the NG already. His work on this subject is ongoing.

Recommendations: 1) continue to work on the development of local digital media hubs and web based digital media access; 2) continue to engage with the NG's Research Advisory Committee to ensure that research deliverables are easily available to local people through media hubs and web-based access points; 3) ensure that the results of oral history and traditional knowledge collection are accessible to local people through digital media hubs and web-based access points; 4) the NG should continue in its efforts to digitize historical documents and archival records that relate to Nunatsiavut and that have previously been inaccessible in northern Labrador.

Theme 8: Repository

The importance of having a safe and appropriate place in Nunatsiavut to keep collections of Archaeological Material, Inuit Cultural Material and Archival Records that are owned by the NG has been expressed by Labrador Inuit for many years, and is supported by explicit references in international agreements and in the vast majority of heritage laws in the provinces and territories of Canada that have already been summarized. The importance of being able to keep artifacts in the region is also supported by the provisions for title to Archaeological Material in

chapter 15 of the LILCA, which was one of the results of decades of negotiations. Ensuring that a local repository becomes a reality is part of a long process that Labrador Inuit began to work towards long ago.

Recommendations: 1) ensure that work towards establishing a regional repository in Nunatsiavut continues, and that local people are regularly informed about the status of progress; 2) making use of a heritage structure to serve as a regional repository would be a way of implementing the recommendation presented below, in policy theme 15, on NG acquiring and using heritage structures; 3) ensure that NG supports the Inuit Communities in developing appropriate spaces where Archaeological Material and Inuit Cultural Material can be stored, displayed and maintained as per section 15.15.1 of the LILCA, through expertise and funding.

Theme 9: Intangible Cultural Heritage (ICH)

The importance of ICH to Nunatsiavummiut as evinced by heritage forum and public engagement session discussions was outlined above, along with a summary of reference to it in international agreements and in Canadian provincial and territorial heritage law. What remains to be articulated now is that local people have clearly and consistently stated that ICH is one of the three most important heritage related issues in the region, and that the documentation of it should be considered urgent. The NG has initiated numerous ICH related projects based on heritage forum discussions over the years, and the documentation of ICH was a major aspect of the original job description for the NG's Heritage Program Coordinator position. Projects undertaken through that position include Nunatsiavut's Place Names Project and the Nunatsiavut Stories Project.

The Kajak Revival Project, run through the NG's Department of LCT, and particularly the interviews conducted with individuals with memories of kayak use and construction is another example. The Inuksuit Project, which resulted from the very first heritage forum, and the Inuit Games Project are additional examples. Before the establishment of the NG, the Torngâsok Cultural Centre was routinely documenting ICH through interviews with local people. Some of the discussions during heritage forums and public engagement sessions were about ICH work being done by the ICGs, by other NG departments, and through collaborations between university researchers and community members. Numerous archaeology projects in Nunatsiavut today are being informed by ICH.

Recommendations: 1) the NG's Department of LCT should continue to develop and implement ICH-related projects and programs, and it should ensure that human resources for doing so are available; 2) engagement during heritage forums should continue to be used as a way to determine priorities for ICH-related work; 3) the NG should provide support for ICH work being done by the ICGs, or by local people through advice, training where possible, and funding; 4) a reference list of all NG ICH projects, or NG supported ICH projects should be maintained, updated regularly, and be publically accessible; 4) the results of ICH projects should be easily accessible to the people of Nunatsiavut through community media hubs or web-based access points.

Theme 10: Ethnographic Sites & Inuit Cultural Material

Sites that are less than 50 years old in Nunatsiavut, and throughout the province, are routinely recorded by archaeologists as 'Ethnographic Sites' and records for them are maintained in the archaeological sites inventories of the NG and the province. These sites contain

information on land use, but do not currently have any special protection under the law in the way that archaeological sites do. Erwin identified the lack of reference to ethnographic sites and materials in provincial law and in written policy as an issue during his review, and pointed out that these sites ‘become’ archaeological when they are more than 50 years old (Erwin 2009). He also suggests monitoring ethnographic sites in the archaeological sites inventory to ensure that they are registered as archaeological at the appropriate time (Erwin 2009:86). During the 2018 public engagement tour Nunatsiavummiut talked about the importance of preserving Inuit Cultural Material, and of ensuring that these materials are kept in Nunatsiavut.

Recommendations: 1) the NG’s Archaeology/Heritage Office should regularly (at least annually) check the archaeological sites inventory for ethnographic sites that are now more than 50 years old and register any that are as archaeological sites; 2) provide guidance to archaeological permit holders on the documentation of ethnographic sites in written guidelines; 3) if a regional heritage board is established, consideration should be given to having the board deliberate on criteria for accepting Inuit Cultural Material that members of the public would like to donate to the NG. Consideration should also be given to whether or not there are any particular types of Inuit Cultural Material that the NG would like to seek out in order to acquire.

Theme 11: Heritage Forums/Public Engagement

With 55 coded references, the public engagement/heritage forums theme is within the top six identified through discussions with the people of Nunatsiavut. It is quite clear that public engagement in relation to heritage is very important to local people, and a mechanism for doing so already exists in the region’s annual heritage forum. The importance of the forum has also clearly been recognized by elected officials:

The Nunatsiavut Heritage Forum has become one of the most important tools for the advancement of culture and heritage of Labrador Inuit... The Forum most importantly is part of a process of engagement with communities to advance key priorities and to set direction for real action. (Sean Lyall, Minister of Culture, Recreation and Tourism in Procter 2015:3)

The Annual Heritage Forum is a key opportunity for the staff of the Department of Culture, Recreation and Tourism (CRT) to get out into communities annually to hear from our Beneficiaries as to what is important around culture and heritage. The conversations and presentations that occur during the Forum enables CRT to take what they heard and implement it into the work of the department (Jim Lyall, Minister of Culture, Recreation and Tourism, in Procter 2017:4).

It should also be noted that participants in forums as well as people who took part in public engagement sessions for this project have expressed their desire to see elected officials and civil servants attend the forum and to make it a priority.

Recommendation: ensure that Nunatsiavut's annual heritage forum continues to be held and organized by the Department of LCT in partnership with host communities, and that it continues to be used to engage with Labrador Inuit to set priorities for the future, to report on the results of previous work, and to develop projects and partnerships.

Theme 12: Communication

The importance of communication was raised by local people during heritage forums in 2011, 2012, 2013, 2014, 2015, and 2018, as well as during the 2017 and 2018 public engagement tours. In 2014, keeping communication going throughout each year was described as the key message of that year's forum in the resulting report. Different suggestions for good ways to communicate were suggested over the years, including things like online discussion platforms, social media, community presentations by people involved in heritage work, and interviews on local radio. The development of a communications plan, or a communications strategy was also raised during several forums.

Though it still requires attention, progress has been made in relation to this theme through social media (the Facebook heritage forum group in particular), fairly regular community presentations, radio interviews, local publications and public engagement. Working closely with host communities during the organization of the heritage forum, and sharing responsibility for communication with the host committee and forum delegates has also helped. A communications strategy has not yet been developed, and this is an issue that will likely require continuous thought and effort.

Recommendations: 1) the NG's Department of LCT should develop a clear written plan or strategy on communication about heritage, seeking input from a regional heritage board, if one is established, as well as input from local heritage organizations and ICGs; 2) continue to make use of social media, in person presentations, radio interviews and local publications as means of communication; 3) ensure that responsibility for communication is shared by various groups and individuals involved in heritage work, such as with heritage forum host committees, community delegates and researchers.

Theme 13: Research and Information

Research and information was one of the top three themes identified during the review of heritage forum reports and during public engagement tours on developing heritage policy and law. Conversations related to this theme occurred during seven heritage forums and during the 2018 and 2019 public engagement tours. Research and information were raised by local people during heritage forums prior to 2014, but from that year on many of the discussions associated with this theme related to the Tradition and Transition Partnership, and to specific projects associated with the partnership. In some cases, conversations were about what projects needed

to be done, in other cases the results of relevant research were discussed, and in others reports on progress were provided. Most of the relevant projects involved both university researchers and community members, and discussions were led by the latter as often as the former. Indeed, in a number of cases the community members involved were university researchers themselves. Relevant heritage-related research and local access to the results are clearly of great importance to Nunatsiavummiut.

Recommendations: 1) the NG's Department of LCT should continue to welcome, encourage and facilitate heritage related research in Nunatsiavut; 2) The Department of LCT should continue to use public engagement, and the heritage forum in particular, to guide research priorities and design; 3) The Department of LCT should ensure that the results of research projects are accessible to local people, as discussed above, and the results of relevant research should help to inform policy in the region in various domains as it is developed.

Theme 14: Cemeteries and Graves

Discussion of cemeteries and graves by Nunatsiavummiut was a little different from related references in provincial and territorial law. The latter often define human remains as archaeological objects, and sometimes include provisions for title and for reburial. Relevant discussions in Nunatsiavut often focused on documenting these sites, and on maintenance and upkeep of burial sites and cemeteries. In some cases, community projects, particularly summer work by Inuit Community Governments or by church committees involving the upkeep of cemeteries in communities was talked about. In other cases, a desire to see undocumented cemeteries and burial sites outside of communities recorded, and to see at least some sites marked and maintained. There was also some discussion of interpretation at cemeteries, and of

funding for documenting cemeteries and cleaning them up. One 2019 participant suggested that engagement sessions should be held to determine which burial sites should be considered important and maintained. Another pointed out that many cemeteries are already being maintained by communities or local groups, and that maybe that is how it should continue to be done.

Section 15.3.3 (a) and Part 15.8. of the LILCA provide the NG with the power to create law relating to "...the protection or disturbance of Inuit burial sites or sites of religious or spiritual significance to Inuit in Labrador Inuit Lands and the Inuit Communities", and to create an inventory of Inuit burial sites and sites of religious or spiritual significance within LISA outside of LIL and the Inuit Communities. The NG also has the right to continue to update this list. This list was originally created by Bryan Hood for the LIA in 1997, and it now forms part of the NG's archaeological sites inventory (Hood 1997). Extra requirements for consultation are triggered if the relevant provincial or federal minister is considering issuing a permit allowing the disturbance of a site on the List. The NG also has rights related to "...the reburial or other disposition" of human remains if their removal from a site on the list is authorized by the relevant provincial or federal minister (LILCA section 15.8.6).

It is also worth noting that at the present time the PAO does not register or manage cemeteries that are actively in use, or that are being maintained by a community or organization. Cemeteries that are no longer being used or maintained are recorded and registered as archaeological sites and are taken into account when activity is proposed that could impact historic resources.

Recommendations: 1) the NG's Archaeology/Heritage Office should continue to create and maintain records for burial sites and cemeteries, and should continue to update the

archaeological sites inventory with relevant records as they are received from permit holders, or from members of the public who accidentally discover such sites or who forward relevant information to the office; 2) consider adopting a clear policy stating that the NG will not become involved in maintaining cemeteries that are in use or that are being actively maintained by ICGs, heritage committees or other groups; 3) the NG should continue to manage and protect burial sites and cemeteries through the referral and assessment processes described above, and through research aimed at understanding other relevant threats such as climate change; 4) the NG should consider developing criteria for designating burial sites or cemeteries for maintenance, monitoring or interpretation, and in doing so it should consider previous related work it has undertaken in places like Hebron and Zoar. These criteria could be included in regulations as described above under legislative theme 14.

Theme 15: Built Heritage

A summary of reference to built heritage in law, and of local thoughts and discussions on it has already been provided, along with recommendations for addressing it in Inuit legislation. The desire of Nunatsiavummiut to see historically important buildings preserved in the region could be partly addressed in non-legislative policy. Marc Denhez, a planning lawyer who has written extensively on built heritage and community planning, has argued compellingly for the preservation of built heritage in Canada not just because of the historical significance of the buildings involved, but “...for the elementary reason that it cost less to do it that way than it cost to start over” (2017 interview with The Coast; Denhez 1997). In a northern region where the cost of materials and of construction is considerably higher than it is in southern parts of the country, this principal would appear to be even more applicable. Considering that the NG itself

requires considerable space in the Inuit Communities for its offices, operations and programming, as well as for accommodations, adopting a policy of re-using existing structures, rather than building from scratch could result in cost-savings, in addition to the preservation of older structures for historical reasons in line with the wishes of local people. Making use of an existing heritage structure in Nain for a regional repository would be an example of this approach, if it is indeed taken.

Recommendation: the NG should consider adopting a policy of making use of existing older buildings in Nunatsiavut for offices, operations, programming and accommodations as an alternative to building new structures, whenever possible.

Theme 16: Tourism and Historic Resources

The use of historic resources to stimulate tourism has been, and continues to be a major topic of discussion in Nunatsiavut. The Inuit Communities of Rigolet and Hopedale have been the most active on this front to date, encouraging archaeological surveys and excavations in their respective areas, in part as a means of attracting tourists for economic development purposes (Rankin et al. 2022). Conversations on the development of various types of visitor experiences relating to heritage, ensuring that heritage is a major consideration in tourism planning, and ensuring that tourism activity does not negatively impact archaeological sites, particularly remote sites, have all been raised by local people over the years. Interpretation in local facilities and along walking trails, and even the reconstruction of archaeological features based on data collected through systematic excavation are ideas that have been included in municipal planning in the Inuit Communities.

Recommendations: 1) the NG should continue to support the use of historic resources for tourism development throughout the region, relying especially on requests from ICGs, local heritage committees, and on advice from a regional heritage board; 2) the NG should ensure that its Archaeology/Heritage office is involved in the development of regional tourism plans or regional tourism strategies from an early stage; 3) ensure that tourism-related visits to archaeological sites on Labrador Inuit Lands that have not been developed for tourism, such as those undertaken by adventure cruises, continue to take place under permits issued by the NG to qualified archaeologists.

Theme 17: Being on the Land

One final theme that emerged during conversations about heritage on the north Coast, which was quite different from anything discussed in Canadian heritage law, was the use of archaeological fieldwork as a means of getting local people out on the land. This was raised repeatedly during the 2017 heritage discussion tour in particular, and it was also raised by local people during the 2019 tour. Some participants spoke about their own experiences with visiting active archaeological sites, and seeing elders and youth brought to sites and about how significant this was for those who had had the opportunity. This has been an important aspect of numerous archaeology projects in recent years, including during projects like those undertaken by Rankin in Rigolet and Hopedale (Rankin 2019; Rankin et al. 2022), by Davies (2017; 2016) in Hebron, during fieldwork conducted by NG's Archaeology/Heritage Office (Brake 2019; Brake and Davies 2018), and earlier by researchers like Stephen Loring and Leah Rosenmeier (2003; 2001) and Henry Cary (2009; 2004).

Recommendation: the NG should continue to do its best to provide, and to encourage opportunities for local people to be on the land and to visit archaeological sites through any archaeological field activity that is conducted in Nunatsiavut.

7.4 Conclusion:

The legislative and non-legislative policy recommendations presented in this chapter provide clear direction for NG decision makers based on the needs and wishes of Labrador Inuit, on relevant international agreements and on the major heritage laws of the provinces and territories of Canada. The NG now has an opportunity to consider these recommendations in relation to its powers under Parts 15.3 and 17.8 of the LILCA and under Part 7 of the NG's *Organization Order*. The information presented in this chapter, and throughout this document, can be used as a foundation for developing heritage law in Nunatsiavut, to help justify policy positions that the NG might decide to take, and as a basis for further consideration and deliberation on certain themes that may be controversial for political or financial reasons.

It is interesting to note that there was very little tension between the wishes of Nunatsiavummiut and the western agreements and laws that were considered here. Many of the same themes were represented in both conversations with local people and in heritage legislation and agreements. The lack of tension is very evident when one considers some of the things that were not raised by participants. For example, the total lack of reference to archaeological permitting by local people during heritage forums and public engagement sessions is in stark contrast to the major concern expressed by Inuit about this matter in the 1990s (Hood & Baikie 1998; Tuglavina et al. 1990). As mentioned above, this is despite the fact that the NG's powers

in relation to permitting were raised by Dr. Turner or I at the outset of nearly all meetings in providing an explanation of the purpose of the research. The only times that permitting was even mentioned as a potential issue during engagement sessions was when it was raised by visiting court circuit personnel in one case, and during a session in St. John's by a university academic with no connection whatsoever with Nunatsiavut. In other words, when tensions arose in relation to this matter, they came from the west rather than the north.

That said, there was occasional tension within the region, which will need to be kept in mind as policy and research programs continue to develop in Nunatsiavut. In several cases there were concerns about Moravian history, some participants strongly identifying with it and in favor of supporting research relating to it, with others simply not identifying with it and in some cases being strongly opposed to related research or financial expenditures on anything related to it. The Pentecostal church discouraged interest in archaeology and in Inuit history in one community for many years, which has resulted in an interest in these things that began to develop more recently than in the other Inuit Communities. There was also tension related to the commemoration of an important anniversary during one heritage forum, though this had little to do with western vs Inuit approaches to heritage.

Flexibility is perhaps the key to addressing tensions like these. For example, ensuring that the door remains open to community members who identify with their Moravian heritage, as well as to those who are not at all interested in Moravian history in Labrador would not exclude those on either side of that particular fence. The recommendations presented above allow for flexibility in relation to matters like this. They also recognize existing policy constraints, such as the fact that the LILCA states that archaeological activities can only be conducted under permit, and as a result of section 15.3.2 of the LILCA a permit holder must be a qualified archaeologist.

Of particular note is the fact that interactions between archaeologists and communities clearly had a significant influence on the community discussions described here. Work that took place near the community of Makkovik two decades ago is still being talked about in that community. The impact of more recent archaeological work in Rigolet, Hopedale, Nain and Hebron was very clear during the discussions throughout the region. The conversations outlined above demonstrate the importance of ongoing community contact with archaeology.

The information gleaned from heritage forums and public engagement sessions is useful beyond the recommendations provided here. The results of the work provide a concise record of local thought on heritage over the years, as well as a record of many of Nunatsiavut's heritage-related accomplishments. Nunatsiavummiut can use these results in considering how satisfied they are with actions taken by decision makers and when deciding which way to vote in future elections. Politicians in turn might consider positions based on local ideas presented here as part of their platforms. Archaeologists and other researchers might find inspiration and research questions amongst these data. The NG, local people and researchers might build upon the methods employed during this project to develop new ways of engaging. Qualitative data analyses, like those used here, could be used routinely to process and better understand the results of continuing heritage-related discussions, which can inform relevant policy development in an ongoing way.

Chapter 8: Conclusions

Heritage law is the basis for the vast majority of archaeological field activity around the world, and it provides a framework within which all archaeological research occurs. Even in the case of academic research, which many believe exists beyond the bounds of legal requirements, fieldwork is in fact subjected to the same heritage laws that are applied to those practicing cultural resource management. Indeed, even those who are simply writing about human history based on archaeological information without setting foot in the field are making use of the work of those who have, and whose activities and proposals were the subject of review by regulators and a significant portion of whose legacy is based on records maintained by government agencies. Without heritage law the vast majority of archaeological activity, and essentially all of that associated with CRM, would occur very rarely at best, and standardized records would almost certainly not be created or perpetually maintained. A great deal is owed to the legal frameworks for heritage protection that exist in all nations (Carmen 2015) and which have undeniably resulted in the creation of a vast global database of archaeological information that has allowed us to learn more about human history than was ever imagined possible only a century ago.

Despite the importance of heritage law, academic studies on this topic have been rare in Canada. Recent publications that address heritage policy in this country have often been critiques of current regulatory systems, some quite radical in nature, but they have rarely provided any concrete suggestions to address perceived weaknesses. To be sure, studies of heritage policy and law have frequently been conducted by civil servants as part of the business of government; however, most of this work is not publically available and some of it constitutes a different shade of grey literature that is protected by cabinet confidentiality. The NG's support

for the present work has thus provided a special opportunity to look closely at Nunatsiavut's unique circumstances and to provide relevant information, analysis and recommendations.

Engagement and consensus are integral aspects of political life within Labrador Inuit society, as demonstrated in the founding principles of the *Labrador Inuit Constitution*:

...the belief that decision making by Labrador Inuit political, social, cultural and economic institutions should promote participation by Labrador Inuit individuals and organizations, seek cooperation and consensus, and consider dissenting opinions, the views of minorities and the possible consequences of the decision for all Inuit of Labrador (LIC section 1.1.3 (q)).

Clearly heritage policy and law in Nunatsiavut should involve engagement with local people, careful consideration of policy options, cooperation, and attempts to reach consensus. These ideas were fundamental to the research presented here.

In Chapter 2 of this dissertation I presented the theoretical approach which guided this project which allowed for transparency, and which helped me understand my own background leanings and biases. In a nutshell, the approach taken recognizes a physical archaeological record which provides evidence of the past and critically important constraints for interpreting the past. It recognizes that archaeology can be used by any human society to learn about human history and that it is no more or less suitable for particular human groups. It is based on the idea that objectivity is extremely difficult, and probably impossible to achieve; however, we should do our best to work towards it anyway. Archaeology, if done as objectively as possible to reveal "the past as it was, not as [archaeologists] wish it to have been" (Trigger 1989:411), can serve societies very well. Landscape archaeology was used as a bridge across theoretical divides allowing key lessons of both processual and post-processual archaeology to inform the design and implementation of this work, as well as the interpretation of the results.

Chapter 3 explained the methodological approach and provided the political context, or political landscape, of Nunatsiavut today, explaining the NG's current opportunity for heritage policy and law and the processes it has established to address such matters. Chapter 4 is an overview of the history of archaeological thought and archaeological research in the 'Far Northeast', which is essentially an overview of the region's archaeological landscape, an essential ingredient for developing appropriate local policy and law. Chapter 5 presented the results of relevant conversations that took place with Nunatsiavummiut over the course of nearly ten years, as well as the results of targeted discussions that occurred during public engagement tours. These results were analyzed thematically using QSR NVivo which allowed a large amount of information to be more easily understood and interpreted. In Chapter 6 relevant international heritage agreements were discussed alongside the major provincial and territorial laws of Canada to understand the purpose, anatomy and main themes of these documents. And finally, Chapter 7 combined the results of chapters 5 and 6 to produce specific legislative and non-legislative policy recommendations relating to the themes that had been identified in those chapters. The recommendations in Chapter 7 were the primary goal of this research.

Before leaving this topic, we might borrow once more from Erwin (2009) a means of evaluating the effectiveness of any given piece of legislation. The method he used involved developing a list of key principles, or themes, that are often addressed in various jurisdictions, and then comparing individual laws with this list based on the presence or absence of each theme. Using this method Erwin was able to demonstrate that, despite its deficiencies, NL's HRA was amongst the best heritage laws in Canada as of 2009 (Erwin 2009:80-82). If all of the recommendations from the legislative section of Chapter 7 are used by the NG to create Inuit heritage law, that law would address all of the themes identified during public engagement

sessions, heritage forums, international agreements and Canadian provincial and territorial heritage laws, and as such, would be the only heritage law in the country to address all of these themes. In other words, if all the recommendations are followed, Nunatsiavut would have the best heritage law in the country based on Erwin's method of evaluation, which would be used in this case to consider whether themes identified by Nunatsiavummiut and through the jurisdictional scan have been addressed.

Considering the importance of heritage law for archaeologists, and indeed for all members of the societies that possess them, it is surprising that publically accessible academic studies of this nature are rare, at least in Canada. The methodology employed here, specifically the use of qualitative data analysis software, and thematic analysis generally, can be used for future research in two important ways. First, it can be used to help understand the present situation in any given context. It can allow an analyst to understand existing policy landscapes, as well as the circumstances and processes that led to their development. And second, if public engagement is considered to be an important aspect of future development of heritage policy and law, these methods can be used to more easily understand and process the results of a large number of conversations and statements made during engagement sessions, and to understand the makeup and content of other relevant pieces of legislation. As argued here, this can help to ensure that measures employed to protect, preserve and promote an appreciation for heritage are in line with, and based upon, the wishes of the society that these measures are for.

Heritage professionals, and archaeologists in particular, also have important roles to play in relation to all of this, something that has been recognized in Nunatsiavut from the beginning (see section 15.6.5 of the LILCA for example). Archaeologists do not need to turn every member of the public into a practicing member of the discipline, to provide everyone with the

tools to find artifacts and sites, or to assume that everyone is in possession of valid information on all archaeological timeframes, but they can and they should *provide expertise*. Archaeologists have something to offer. They have a responsibility to create the best records they can, to identify threats to the archaeological record, to develop methods of addressing them, to identify research gaps, problems and questions, and to work towards a better understanding of human history that is not based on a political agenda. They also have a responsibility to try to understand their place in the history of the discipline, to express the importance and the value of it to their peers and to the public, to understand when and why archaeology has been used to promote dangerous, though sometimes well-meaning, ideologies, and to avoid doing the same at all cost. Arthur Ray's words, written in relation to expert witness testimony, are relevant here:

In the face of all these challenges, it is clear that historical experts have to be guided by the highest ethical and professional standards to maintain their integrity and avoid becoming merely advocates who do 'courtroom history' (Ray 2003:273).

Laypeople have relevant responsibilities as well. If heritage is something that matters to them, they should endeavor to continue to learn about it, to engage with it and to be aware of management frameworks that are in place where they live. If they recognize issues with those frameworks they should express their concerns, and if they see opportunities to make use of heritage for the good of their communities they should express those ideas as well. If they have research questions and goals they can put them forward and work with researchers, or become researchers and explore these questions themselves. Community members and experts alike should do their best to ensure that there are opportunities to engage with resource managers and decision makers about the issues and opportunities that matter to them. Doing so will help ensure that the policy landscapes of Nunatsiavut develop in ways that promote responsible, effective and appropriate historic resource management and heritage-related research activity.

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Appendix 1: Brochure used prior to the 2018 public engagement tour

Background

This spring and fall, Nunatsiavut Government, Department of Culture Recreation & Tourism staff will engage the public on heritage policy & law. The goal is to develop Recommendations for decision makers on archaeology and heritage related issues. The work is being supported by the Tradition & Transition Among the Labrador Inuit Research Partnership.

This Guide

This guide is meant to provide you with some basic information regarding the terms of reference for these consultations.



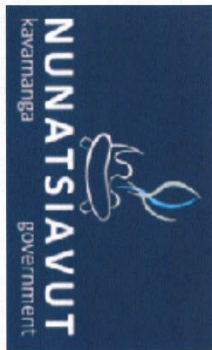
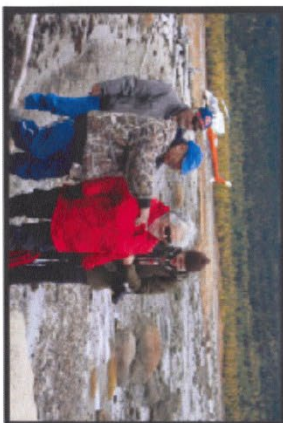
Contact

For further information about these consultations, to set up a meeting or to express your ideas, please contact Jamie Brake at (709) 922-2942 ext. 240 or via email at jamie_brake@nunatsiavut.com

DEVELOPING HERITAGE POLICY & LAW IN NUNATSIAVUT

Quick Reference Guide

June 2018



What Does the Labrador Inuit Land Claims Agreement Say?

Part 15.3 Nunatsiavut Government Jurisdiction

15.3.1 - 15.3.2

15.3.1 The Nunatsiavut Government may make laws in relation to:

- (a) Archaeological Activities in Labrador Inuit Lands and the Inuit Communities;
- (b) the protection, preservation and maintenance of Archaeological Sites in Labrador Inuit Lands and the Inuit Communities;
- (c) the protection, retention, preservation and maintenance of Archaeological Materials found in Labrador Inuit Lands and the Inuit Communities after the Effective Date; and
- (d) the designation, identification, preservation and maintenance of historically significant buildings, including the establishment of a registry of historically significant buildings, in Labrador Inuit Lands and the Inuit Communities other than buildings under the control and administration of Canada.

15.3.2 If there is a Conflict between an Inuit Law under section 15.3.1 and a Law of General Application, the Law of General Application prevails to the extent of the Conflict.

What Does the Labrador Inuit Land Claims Agreement Say?

Part 15.3 Nunatsiavut Government Jurisdiction

15.3.3 - 15.3.4

15.3.3 The Nunatsiavut Government may make laws in relation to:

- (a) the protection or disturbance of Inuit burial sites or sites of religious or spiritual significance to Inuit in Labrador Inuit Lands and the Inuit Communities;
- (b) the excavation, investigation, preservation, protection, and reburial or other disposition of Inuit human remains found in Labrador Inuit Lands and the Inuit Communities; and
- (c) the retention, preservation and maintenance of:

- (i) Inuit Cultural Materials in Labrador Inuit Lands and the Inuit Communities, other than Inuit Cultural Material that is Private Property; and
- (ii) Nunatsiavut Government records and Archival Records in Labrador Inuit Lands and the Inuit Communities that are in Inuktitut or that relate to the history, culture or affairs of Inuit, other than public records of Canada and the Province or Archival Records that are Private Property.

15.3.4 If there is a Conflict between an Inuit Law under section 15.3.3 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict.

Organization Order

Functions of Department of Culture, Recreation and Tourism

The Department of Culture, Recreation and Tourism shall have the following duties and perform the following functions:

- (a) administering the cultural and linguistic affairs of the Inuit and the Nunatsiavut Government, including policies, programs and services for the preservation, use and development of Inuktitut and for the protection and management of archaeological and historic resources.

Appendix 2: Form used during the 2018 public engagement tour

Heritage Policy and Law Public Engagement Session	Date: _____
Name: Organization: Email: Telephone:	
Part 1: Information Collection (10-15 minutes for each item): 1) List 5 issues affecting Archaeology and Heritage in Nunatsiavut (10-15 minutes): 2) What is currently being done about each of the issues listed above (10-15 minutes): 3) What do you think should be done about each of the items on your list (10-15 minutes):	

Part 2: Brainstorming about Inuit Heritage Law (5 minutes for each item):

Chapter 15 of the Labrador Inuit Land Claims Agreement gives the NG the ability to develop laws on the following:

- a) Archaeological activities
- b) Protection, preservation and maintenance of Archaeological Sites
- c) Protection, retention, preservation and maintenance of Archaeological Materials
- d) Designation, identification, preservation and maintenance of historically significant buildings
- e) Protection or disturbance of Inuit burial sites or sites of religious or spiritual significance
- f) Excavation, investigation, preservation, protection and reburial or other disposition of Inuit human remains
- g) The retention, preservation and maintenance of Inuit Cultural Materials
- h) The retention, preservation and maintenance of NG records and archival Records

What is most important in relation to:

- a)

b)

c)

d)

e)

f)

g)

h)

Part 3: Brainstorming about heritage policy (5 minutes for each item):

What other heritage-related matters should be addressed by the Nunatsiavut Government?

1)

2)

3)

How should these issues be addressed?

1)

2)

3)

What did we miss?