
Unit 6 - Engaging Aboriginal Communities in Archaeology

Introduction

Archaeology in Ontario is of particular interest and relevance to Aboriginal peoples, as it documents their heritage in the absence of or in addition to written records.

Taking steps to engage Aboriginal communities in the archaeological fieldwork process and considering their interests both respects their connection to Ontario's rich heritage and enhances the value of the archaeological data gathered. A consultant archaeologist's engagement with Aboriginal communities is aimed at informing the decisions consultants make during the course of fieldwork, and at sharing the results of archaeological activities and findings with those communities.

The *Standards and Guidelines for Consultant Archaeologists* provides guidance and direction on Aboriginal engagement in the archaeological fieldwork process, and this unit provides an overview and summary for that engagement.

The Crown (which includes provincial ministries) also has a formal duty to consult First Nations where its actions may adversely affect an established or asserted Aboriginal or treaty right, as protected under section 35 of the *Constitution Act, 1982*. The nature, scope and application of the Crown's duty operates outside of the day-to-day engagement that consultants conduct with Aboriginal communities for specific sites and properties. That engagement does **not** replace or serve as a proxy for the Province's duty to consult.

Further information is available from the Ontario Secretariat for Aboriginal Affairs.

Developing an Aboriginal Engagement Approach

Engagement of Aboriginal communities is most effective when it is planned for and incorporated into day-to-day fieldwork activities. It includes two-way communication with Aboriginal communities on the fieldwork progress and findings.

A planned approach considers:

1. Who to engage
2. How to engage
3. When to engage

4. Incorporating input in to fieldwork decisions/reporting
5. Reporting back to the community

Who to Engage

It is important to engage with Aboriginal communities that can speak to the cultural heritage for an area, and with individuals from those communities who speak on behalf of the collective rights of their members. Often, more than one community may have an interest. To be effective, engagement must involve all relevant, interested communities.

When trying to identify all relevant, interested Aboriginal communities to engage with, the consultant should consider factors such as:

- the geographic location of the fieldwork project or archaeological site in terms of proximity to Aboriginal communities or if the locale is within a traditional territorial region of interest as defined by an Aboriginal community.
- the potential or confirmed cultural affiliation of the archaeological resources
- whether Aboriginal consultation bodies are already established for the region
- any previous expressions of interest by Aboriginal peoples or communities

There are web-based resources that may provide information to help identify relevant, interested communities. For example, the Chiefs of Ontario website at www.chiefs-of-ontario.org provides a map of First Nation communities in Ontario. Government web pages of interest include <http://www.aboriginalaffairs.osaa.gov.on.ca/> and <http://www.aboriginalcanada.gc.ca/>. Other resources that may be of interest include www.metisnation.org and www.ofifc.org. Many individual Aboriginal communities also have web pages or information identifying the extent of their traditional territorial interests.

How to Engage

Successful engagement is meaningful, respectful and tailored to the specific interests of the relevant Aboriginal communities. Therefore, it will go beyond the typical land development process of public notification (e.g., mailing a form letter or issuing a general public notice). Engagement is best achieved by direct contact, and may include:

- Sharing information with Aboriginal communities about an planned archaeological project (e.g. making presentations, providing reports and other information)

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- Seeking Aboriginal communities' input throughout background research and fieldwork stages, interpreting findings, and in preparing the reports for projects where engagement has taken place.
 - Developing protocols with individual Aboriginal communities to ensure regularized engagement
 - Addressing Aboriginal concerns when making fieldwork decisions and recommendations.

When to Engage

The *Standards and Guidelines for Consultant Archaeologists* outlines where engagement of Aboriginal communities must (Standards) and may (Guidelines) occur during specific fieldwork Stages, as outlined below.

Standards

Situations where engagement must occur includes:

All stages

If at any time fieldwork uncovers human remains, fieldwork must cease immediately and the discovery reported to the appropriate authorities, as required under the Coroner's Act and Cemeteries Act. The Cemeteries Act also sets out a process for addressing Aboriginal human remains that includes the Cemeteries Registrar asking the appropriate First Nation to represent the deceased in developing a disposition agreement with the landowner. For further information, see *The Discovery of Human Remains – Best Practices*

When a consultant intends to propose fieldwork for Aboriginal archaeological resources that would follow an alternate strategy to that set out in the *Standards and Guidelines for Consultant Archaeologists*, the consultant will engage relevant and interested Aboriginal communities to review the justification for that alternate strategy, and incorporate any feedback received, prior to reviewing the proposal with the Ministry.

Stage 3 Assessing the Cultural Heritage Value or Interest of an Aboriginal Archaeological Site

When assessing the cultural heritage value or interest of an archaeological site that is known or appears to have sacred or spiritual import, or is associated with traditional land uses, geographic features of

cultural heritage interest or Aboriginal oral histories, the consultant will seek input from the relevant Aboriginal communities.

Stage 3 Determining Excavation or Preservation for Aboriginal Archaeological Sites of Cultural Heritage Value or Interest

The decision to protect or excavate an archaeological site is usually made by the proponent and approval authority, based on input from the consultant archaeologist. This decision will also be informed by input from relevant and interested Aboriginal communities when considering the following classes of Aboriginal archaeological site of cultural heritage value or interest:

- Sites determined to have sacred or spiritual manifestations reflected in the archaeological record (e.g., evidence of offerings, ritual practices, use of sacred objects, etc.)
- Large Woodland Aboriginal villages
- Other Aboriginal archaeological sites (e.g., large lithic scatters or quarries, Aboriginal occupied nineteenth century domestic sites) where removal of topsoil by mechanical stripping is contemplated
- Undisturbed Aboriginal archaeological sites
- Any sites previously identified by an Aboriginal community as being of interest

Guidelines

Situations where engagement may occur include:

Background Study

When evaluating archaeological potential in Stage 1 and survey coverage in Stage 2, research information sources in local Aboriginal communities (e.g. for information on traditional use areas, sacred and other sites) as available and relevant to the property should be incorporated into potential determinations.

Stage 1: Evaluation of Archaeological Potential

When making recommendations to exempt areas meeting the criteria for low archaeological potential from further assessment, the consultant may wish to engage with Aboriginal communities to ensure there are no unaddressed Aboriginal cultural heritage interests.

Stage 2: Property Assessment

When determining archaeological sites requiring Stage 3, relevant Aboriginal communities may have an interest in the evaluation of all Aboriginal archaeological sites found during Stage 2. The consultant may wish to engage with Aboriginal communities to ensure there are no unaddressed Aboriginal cultural heritage interests connected with the land surveyed or sites identified.

Stage 3 Determining Excavation or Preservation for Aboriginal Sites of Cultural Heritage Value or Interest

For Aboriginal archaeological sites of cultural heritage value or interest other than those identified in the Standards, the consultant may wish to review the decision to excavate or preserve with the relevant, interested Aboriginal communities.

Incorporating Input

When Aboriginal communities have been engaged in the archaeological fieldwork process, their interests or concerns usually can be addressed within the framework of these standards and guidelines, and can include:

- Making adjustments to fieldwork processes or strategies (e.g. extending Stage 2 property survey to low potential lands; increasing the amount of hand excavation before or instead of topsoil stripping)
- Incorporating Aboriginal ceremonies into the fieldwork process
- Working with Aboriginal monitors of the archaeological fieldwork
- Working with a community to determine the long-term disposition of collections
- Developing a viable protection and avoidance strategy for an Aboriginal archaeological site

Filing Project Reports

While project reports are publicly accessible through the provincial archaeological report register, consultants may also wish to provide copies directly to Aboriginal communities. When Aboriginal communities have been engaged in the fieldwork process, the licensee should ensure that any private or sensitive information obtained from that engagement is not included in the report, or is reported separately, either in an appended report or in the report cover letter.

When archaeological fieldwork includes engagement of Aboriginal communities, the consultant's report package must include a report on the engagement process, outlining and giving reasons for:

1. Who was engaged and the basis for that selection
2. How they were engaged
3. When they were engaged
4. Strategies used to incorporate input

Process for reporting results of engagement to the community

Reporting Back to the Community

All parties involved should agree to a clear and transparent process for reporting back to the Aboriginal community, before, during and after the archaeological fieldwork process.

Related units:

- *The Discovery of Human Remains – Best Practices*
- *Standards and Guidelines for Archaeological Fieldwork: Background Study*
- *Standards and Guidelines for Archaeological Fieldwork: Stage 1*
- *Standards and Guidelines for Archaeological Fieldwork: Stage 2*
- *Standards and Guidelines for Archaeological Fieldwork: Stage 3*
- *Project Report Package and Report Template*
- *Project Reports and Maps: Stage 3*