

**Date Reviewed**

October 2020

**Course**

[Social Studies 7](#)

**Topic**

Archaeology and the Law

**Big Idea**

Religious and cultural practices that emerged during this period have endured and continue to influence people.

**Essential Question**

How should we resolve competing claims of ownership over artifacts and cultural sites?

**Learning Standards****Content:**

*Students are expected to know the following:*

- anthropological origins of humans

**Curricular Competencies**

*Students are expected to be able to do the following:*

- Assess the significance of people, places, events, or developments at particular times and places

**Core Competencies**

[Communication](#) - I can describe the steps I would take if I discovered an artifact.

[Thinking](#) - What factors would I consider when making a judgement about how archaeologists work with First Nations?

[Personal and Social](#) - I can explain why it is important to protect archaeology sites and involve First Peoples in archaeological research.

**First People's Principles of Learning**

- Learning recognizes the role of indigenous knowledge.
- Learning involves recognizing that some knowledge is sacred and only shared with permission and/or in certain situations.

## Introduction

- Set up the following scenario: “Imagine you are on a hike and you find a flint arrowhead. What would you do? Keep it? Sell it on eBay? Turn it over to a local museum? Any other ideas?”
- Use students’ responses to introduce the idea that archaeologists face particular ethical and legal issues because of their work related to ancient artifacts.
- Point out that artifacts were once belongings—an artifact belonged to someone and may have great significance for their original owner’s descendants.

## Pre-Assessment

- Journal: If you were an archeologist, how could you meet your desire to study artifacts to learn about the past, as well as your desire to be respectful of the interests of the original owner’s descendants?

## Interactive Learning Activities

### Part 1: Why is it important to protect archaeological sites?

- Explain that protecting archeological sites is not only the right thing to do; it’s the law. All archeological sites in B.C. are protected under the [Heritage Conservation Act](#). Whether they are on public or private land and whether or not the landowner knows about them, they cannot be altered.
- Archaeological investigations are frequently the subject of newspaper and magazine articles. Provide students with at least one current article about an archaeological investigation in British Columbia. For example: [Kamloops homebuilder in legal battle after unearthing artifacts](#)
- Have students read an article about an archaeological investigation and work with a partner to complete the Article Summary Template.

### Part 2: What should you do if you find an artifact?

- Explain that every year in B.C. archaeological artifacts and sites are discovered by people out hiking, digging in their garden, doing home renovations, or developing property. If someone finds an artifact, they should:
  - Leave it in place
  - Take photos
  - Record the exact location (drop a pin on Google maps with your phone)
  - Call the [B.C. Archaeology Branch](#), the local museum, and the local First Nation
- Have students work in small groups to create a brochure to show the steps to take if a person finds an artifact. Help students locate the contact information for their local museum and First Nation.

### Part 3: What should you do if you find a mummy?

- Use a [Think-Pair-Share](#) strategy to ask students to describe their cultural traditions when someone dies. Is there a burial or cremation? Is there a special place where the remains are laid to rest? Is there a ceremony?
- Set up a scenario: “Imagine you are an archeologist and you find a human mummy that is hundreds of years old. What would you do? Who would you contact about your find?”
- Show the 3-minute CBC video clip [Secrets From the Ice - Found Alone](#)
- Set up a [Fishbowl Discussion](#). Ask: Should the human desire to honour the dead take

precedence over the human desire to learn about the past? Why or why not? Should ancient human remains be treated as artifacts to be studied or as relatives to be honoured?

- Students in the inner circle discuss while students in the outer circle observe and provide feedback. Questions for outer circle include:
  - *What did you observe during the discussion?*
  - *What is one thing you heard that you agree with?*
  - *What is one thing you heard that you disagree with?*
- Provide students with the handout “The Story of Kwäday Dän Ts’inchj” and a copy of the Article Summary Template. Have them read the article and work together in pairs to complete the summary.
- Using a [Think-Pair-Share](#) strategy ask: How did the discovery of Kwäday Dän Ts’inchj confirm the oral histories of the Champagne and Aishihik First Nations regarding their traditional territories?

#### Part 4: How do archaeologists work with First Peoples?

- Explain that indigenous communities have been researched by Western researchers extensively. Historically, such research has not benefitted the community itself. Instead, the research has been used for the benefit of the researchers and Western society as a whole. To ensure that research benefits the Indigenous communities, those communities have put in place protocols that must be addressed and followed by the research community.
- Point out that the majority of archaeological sites in Canada involve the heritage of the First Nations and Inuit peoples. Therefore, the Canadian Archaeological Association has developed [principles](#) to guide their relationship with First Peoples. For example, archeologists should acknowledge the interest that First Peoples have in the preservation of artifacts and sites related to their ancestors. Archeologists also have an obligation to involve First Peoples in archeological research.
- Have students divide a piece of paper into four sections and in each section draw a picture or symbol of one of the Canadian Archaeological Association’s principles for working with First Peoples. Then trade with a partner and label the principle for each image.
- Provide students with the handout “Researching Kwäday Dän Ts’inchj” and a copy of the Article Summary Template. Have them read the article and work together in pairs to complete the summary.
- Using a [Think-Pair-Share](#) strategy ask: Why was it important for scientists to work with the First Nations to recover and study Kwäday Dän Ts’inchj’s remains? (Encourage students to realize that these remains are not just a mummy or bones but the remains of an ancestor—a relative of people alive today.) What can we learn from how these archaeologists and First Nations worked together?

#### Post-Assessment

- [Exit Ticket](#):
  - Know--What did I learn about archaeology and the law?
  - Do--What should I do if I find an artifact?
  - Understand--Why is it important to protect archaeological sites and involve First Peoples in archaeological research?

## Extension Activities

- Have students apply First Peoples perspectives and knowledge, other ways of knowing, and local knowledge as sources of information by providing students with a variety of articles such as the two below that show how archaeological evidence supports First Peoples oral histories:

[Archeological findings confirm oral history of Lake Babine First Nation in northern B.C.](#)

[Lucky find gives archeologists glimpse into early hunting technology in Yukon](#)

## Additional References

British Columbia. “Report Finding an Archaeological Artifact or Human Remains.” [n.d.].  
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/report-a-find>

CBC. 2019. “B.C. Strengthens Protections of Heritage, Archeological Sites with Updated Law.” 6 March.

<https://www.cbc.ca/news/canada/british-columbia/b-c-strengthens-protections-of-heritage-archeological-sites-with-updated-law-1.5046365>

Champagne and Aishihik First Nations. 2019. “Kwäday Dän Ts’inchj: Long Ago Person Found.”  
[https://cafn.ca/wp-content/uploads/2015/04/Kwaday\\_Dan\\_Tsinchi\\_Newsletter\\_March\\_2009.pdf](https://cafn.ca/wp-content/uploads/2015/04/Kwaday_Dan_Tsinchi_Newsletter_March_2009.pdf)

CTV. 2017. “14,000-year-old Village Unearthed on B.C. Island by UVic Student.” 7 April.  
<https://vancouverisland.ctvnews.ca/14-000-year-old-village-unearthed-on-b-c-island-by-uvic-student-1.3358511>

Glavin, Terry. 2018. “What Makes the Ice Age Footprints Found in B.C. so Remarkable.” *Macleans*. 4 April.

<https://www.macleans.ca/society/north-americas-oldest-human-footprints-are-in-b-c-and-older-than-anyone-thought/>

Hebda, Richard J., Grier, Shiela and Mackie, Alexander. 2011. “Teachings from Long Ago Person Found.” *Royal BC Museum*.

[https://issuu.com/royalbcmuseum/docs/kdt\\_highlights](https://issuu.com/royalbcmuseum/docs/kdt_highlights)

Katz, Brigit. 2017. “Found: One of the Oldest North American Settlements.” *Smithsonian Magazine*. 5 April.

<https://www.smithsonianmag.com/smart-news/one-oldest-north-american-settlements-found-180962750/>

Library of Congress. 2020. “Protection of Indigenous Heritage: Canada.” 24 July.

<https://www.loc.gov/law/help/indigenous-heritage/canada.php>

Lorinic, John. 2018. “How Indigenous Communities are Denied their Archaeological Heritage.” *The Walrus*. 8 January.

<https://thewalrus.ca/how-indigenous-communities-are-denied-their-archaeological-heritage/>

Parks Canada. 2017. "Archeology and the Law." 1 April.  
<https://www.pc.gc.ca/en/culture/arch/page4/doc2>

Parks Canada. 2017. "What to do When Something is Discovered." 3 March.  
[https://www.pc.gc.ca/en/docs/r/pfa-fap/sec7/decouv\\_discov1](https://www.pc.gc.ca/en/docs/r/pfa-fap/sec7/decouv_discov1)

**Materials and Resources** (see next pages)

## The Story of Kwäday Dän Ts'inchj

Read the following excerpt from the article [“Kwäday Dän Ts'inchj opens window to the past”](#), *The Yukon News*, January 25, 2018. Then complete the Article Summary Template.

Sometime in August, a long time ago, perhaps 160 to 300 years ago (we can't be sure of the precise date), a young Chilkat Tlingit man, possibly of the Dakl'aweidi clan, headed to the interior from what is now coastal Alaska, probably from the village of Klukwan, near modern-day Haines.

He was wearing a gopher-skin robe, definitely a product from, and suited to, the interior. The robe had been repaired with sinew of the blue whale. He wore a woven fibre hat. He carried some tools, and some dried sockeye salmon to chew upon when he became hungry. Perhaps he was planning on a quick trip to his destination, one of the villages that populated the Tatshenshini River at the time.

Evidence tells us that he had spent the previous year feasting on land mammals, suggesting that he had been in the interior, rather than at the coast. Is it possible that he was returning to the interior, probably to the village of Nùghàyk, or Alseck, after a short visit on the coast? He was around 18 years old, healthy, and physically fit. He would have been accustomed to travelling through the landscape of the coastal mountains.

He climbed the mountains to Mineral Lakes and then crossed the Samuel Glacier. Two days after he departed on his journey, in an ice-filled pass near the highest point between saltwater and the Tatshenshini River, he perished in the most remote northwest corner of what is known today as British Columbia. There is no evidence that it was a violent death; perhaps he became trapped in one of the sudden storms that were known to descend upon these mountains quickly and unexpectedly.

His body became buried in ice and snow and remained there for centuries, but global warming melted back enough ice and snow that three hunters hiking through the area in 1999 came upon the remains of the young man. This heralded the beginning of 17 years of collaborative work, intended to learn who he was, where he came from, and to give his remains the respectful treatment that tradition dictated.

## Article Summary Template

Title of article	
Name of newspaper or magazine	
Date of article	
Who?	
What?	
When?	
Where?	
Why?	
Other interesting facts	
Opinions expressed in article	

## Researching Kwäday Dän Ts'inchí

Read this excerpt from ["Kwaday Dan Ts'inchí teaches us how to work together"](#), *The Yukon News*, March 20, 2009. Then complete a Venn diagram to show the roles and responsibilities of the government of B.C. and the First Nations in this archaeological research.

Kwaday Dan Ts'inchí, which, translated from the Southern Tutchone language, means "long ago man, found," was discovered by three British Columbia men during a hunting trip in August of 1999. Sensing they had discovered something unusual, they abandoned their hunting plans, hiked out of the mountains and drove to Whitehorse, where they reported the find.

What ensued has become one of the most interesting journeys of historical discovery and co-operation that ever happened in this part of Canada. Because of the location of the find, the ensuing rediscovery of this man became a negotiated collaboration between the government of British Columbia and the Champagne and Aishihik First Nations, on whose traditional territory the find was made.

The project became a blend of traditional values and modern science. Rather than claiming ownership of the find, the First Nation shouldered the responsibility for the stewardship of this remarkable discovery. Over the next few years, they embarked upon a widespread program of consultation and information sharing.

The community and the elders were consulted to determine the most appropriate and respectful way in which to treat this ancient ancestor. For the First Nation, this became a ground-breaking partnership with the provincial government, in which it assumed an important role in the determination of Kwaday Dan Ts'inchí's fate.

The First Nation has the responsibility for ceremonies and the final disposition of the remains. As well, they direct the interpretation of the who, what, where and when of this individual, and take the lead on land-based site monitoring and artifact reproductions.

Kwaday Dan Ts'inchí was found with a number of artifacts and pieces of clothing, one of which was a gopher skin robe. One of the projects undertaken by the First Nation was a replication of the ancient robe by a group of community elders.

The British Columbia government, in the form of archaeologists, took on the responsibility for the respectful scientific investigation of the remains. They were responsible for the temporary care of the remains, seeking scientific proposals, and negotiating research agreements, tracking the samples and providing conservation treatment for the artifacts that were recovered.

The result appears to have been both productive and rewarding for all involved.