

Department of Culture, Language, Elders and Youth
Culture and Heritage Program (Archaeology)
Human Remains Policy

1. Preamble:

- a) Whereas the federal government, pursuant to subsection 51(1) of the *Nunavut Act*, has made the Nunavut Archaeological and Palaeontological Site Regulations;
- b) And whereas those regulations require application for a permit to investigate an archaeological site, in writing, to the designated agency;
- c) And whereas "designated agency" is defined in Article 33 of the Nunavut Land Claims Agreement (NLCA), to refer to the government agencies and departments *or their successors* described in Schedule 33-1 to the NLCA;
- d) And whereas Schedule 33-1 refers to the Prince of Wales Northern Heritage Centre as the only designated agency for the Government of the Northwest Territories;
- e) And whereas the Government of Nunavut through the Department of Culture, Language, Elders and Youth is the successor to the Prince of Wales Northern Heritage Centre in the Nunavut Settlement Area;
- f) And whereas the Department requires a policy for determining its response to an application for a permit where the investigation or analysis of the archaeological site involves human remains or associated grave goods,

The following policy shall apply to those applications.

2. Statement of Policy

The Government of Nunavut will ensure that any archaeological investigation or analysis of human remains or associated grave goods will be conducted in a manner that is sensitive to Nunavummiut values, ethical and scientific principles, and which complies with all applicable laws, codes of conduct, and conventions.

3. Principles

This policy is based on the following principle:

Decisions concerning the study of human remains in Nunavut must appropriately balance scientific and educational importance with:

- respect for the dead, and
- the spiritual and cultural interests and views of Inuit as described in Article 33 of the Nunavut Land Claims Agreement.

4. Scope

This Policy applies to all departments, agencies and employees of the Government of Nunavut.

5. Definitions

- a) **Human remains** are defined as skeletal, cremated or any other traces of human bodies within the context of recognized cemeteries, marked or unmarked graves, and marked or unmarked surface or subsurface locations.
- b) **Grave goods** are defined as any objects or specimens directly associated with gravesites, cemeteries, or human remains.

6. Authority and Accountability

(i) General

This policy is issued under the authority of the Executive Council with the authority to make exceptions and approve revisions to this Policy.

(a) Minister

The Minister of Culture, Language, Elders and Youth is accountable to the Executive Council for the implementation of this Policy

(b) Deputy Minister

The Deputy Minister of Culture, Language, Elders and Youth is accountable to the Minister and responsible to the Minister for the implementation of this Policy

(c) Assistant Deputy Minister

The Assistant Deputy Minister of Culture, Language, Elders and Youth is accountable to the Deputy Minister and responsible to the Deputy Minister for the implementation of this Policy

(d) Director of Culture and Heritage

The Director of Culture and Heritage of Culture, Language, Elders and Youth is accountable to the Assistant Deputy Minister and responsible to the Assistant Deputy Minister for the implementation of this Policy and the approval or rejection of applications based on the recommendations made by the Chief Archaeologist.

(ii) Authority and Accountability of the Chief Archaeologist

The Chief Archaeologist will:

- a) review all applications involving requests for permission to excavate, collect or analyze human remains or associated grave goods for scientific purposes;

- b) consult, as required, with specialists concerning the ethical and scientific merits of the application;
- c) consult, as required, with specialists concerning any legal issues associated with the application;
- d) consult with the Inuit Heritage Trust;
- e) based on the above, recommend to the Director, Culture and Heritage whether the application(s) should be approved or rejected;
- f) with respect to human remains encountered unexpectedly, provide appropriate interim information, assistance or referrals, as well as a written report to the Director of Culture and Heritage, outlining the discovery and interim assistance provided, and recommending appropriate GN action with respect to the remains.

7. Powers and Duties Respecting Human Remains

- a) The excavation of human remains will be permitted only under exceptional circumstances.
- b) Consultation with community and Land Claim authorities will be conducted before excavation or collection of human remains will be permitted.
- c) Where human remains are encountered during the course of an archaeological field project, excavation of that part of the site must stop immediately. The location of the remains must be recorded and the remains reburied as closely as possible to their original state.
- d) Where human remains are encountered during the course of a land use operation or project, the project or operation must stop immediately. In law, the owner of the project or operation is responsible to ensure that the appropriate authorities are contacted, including the RCMP, Office of the Chief Coroner, and the Department of Culture, Language, Elders and Youth. The Department of Culture, Language, Elders and Youth will provide appropriate assistance and advice to the owner in determining the correct course of action.
- e) Unless the required review and written report conclude otherwise, a location where human remains are found shall be treated as an archaeological site. Conduct at that site shall comply with the laws, conventions, and penalties applicable to human remains and to archaeological sites.

8. Prerogative of Executive Council

Nothing in this Policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action outside the provisions of this Policy.

Original signed by: **Paul Okalik**
Premier and Chairman of the Executive Council