

## Chapter 15: Archaeology, Inuit Cultural Materials, Inuit Burial Sites and Human Remains

### Part 15.1 Definitions

#### 15.1.1 In this chapter:

"Federal Agency" means the following agencies of Canada:

- (a) the Department of Indian Affairs and Northern Development;
- (b) Parks Canada Agency;
- (c) the National Archives of Canada; and
- (d) the Canadian Museum of Civilization Corporation;

"Permitting Authority" means:

- (a) the Nunatsiavut Government, in Labrador Inuit Lands and the Inuit Communities;
- (b) Canada, in respect of lands under the control and administration of Canada in the Labrador Inuit Settlement Area; and
- (c) the Province, in respect of all other lands in the Labrador Inuit Settlement Area.

"Private Property" means moveable property to which a Person, other than the Nunatsiavut Government or any agency or subdivision of the Nunatsiavut Government, can demonstrate ownership in Law other than by discovery or through title to or an interest in land;

"Provincial Museum" means the Provincial Museum of Newfoundland and Labrador; and

"Standards" means the standards established under part 15.13.

### Part 15.2 General

#### 15.2.1 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. The Parties therefore recognize that Inuit have an interest in and a role to play in their management, as set out in this chapter.

- 15.2.2 Except as may be provided pursuant to clause 9.2.2(b)(vi), this chapter applies in a National Park, National Park Reserve, National Marine Conservation Area and National Marine Conservation Area Reserve.
- 15.2.3 For greater certainty, Canada shall Consult and provide information to the Province and the Nunatsiavut Government with respect to Archaeological Activity in a National Park, National Park Reserve, National Marine Conservation Area and National Marine Conservation Area Reserve, in accordance with part 9.3.
- 15.2.4 At the request of the Nunatsiavut Government, the Province shall provide assistance to it in the recovery of Archaeological Materials, Inuit Cultural Materials and Archival Records originating in the Labrador Inuit Settlement Area that are held in foreign countries.
- 15.2.5 Nothing in section 15.2.4:
- (a) imposes a financial obligation on the Province; or
  - (b) imposes an obligation to provide assistance if, in the sole discretion of the Province, it is not reasonable to do so.
- 15.2.6 At the request of the Nunatsiavut Government, Canada shall use reasonable efforts to facilitate Nunatsiavut Government access to Archaeological Materials and Inuit Cultural Materials originating in the Labrador Inuit Settlement Area that are held in public and private collections.
- 15.2.7 Canada shall contribute \$5.0 million to the Nunatsiavut Government to assist in the preservation and development of Inuit heritage and Inuit heritage resources. Such contribution is included in the amounts referred to in subsection 23.5.1(a).
- 15.2.8 Canada shall contribute \$10.0 million to a fund to be known as the Hebron Community Commemorative Fund that shall be established by the Nunatsiavut Government. Such contribution is included in the amounts referred to in subsection 23.5.1(a).
- 15.2.9 The Nunatsiavut Government may establish holidays and cultural leave for Inuit employed in Labrador Inuit Lands and the Inuit Communities that shall be accommodated by employers to the same extent that such employers have a duty to accommodate employees under Laws of General Application. Nothing in this section confers any jurisdiction on the Nunatsiavut Government in relation to public holidays established under Laws of General Application. For greater certainty, nothing in this section derogates from a defence or exception available to an employer under Laws of General Application respecting the duty to accommodate.

**Part 15.3 Nunatsiavut Government Jurisdiction**

- 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.
- 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.

- 15.3.5 Notwithstanding section 15.3.4, if there is a Conflict between the criminal law or a Law of General Application in relation to public health or public safety and an Inuit Law under section 15.3.3, the criminal law or the Law of General Application prevails to the extent of the Conflict.

#### **Part 15.4 Historically Significant Buildings**

- 15.4.1 The Nunatsiavut Government may, after Consulting the Province, designate buildings in the Labrador Inuit Settlement Area outside Labrador Inuit Lands and the Inuit Communities, other than buildings under the control and administration of Canada, that are of historical significance to Inuit.
- 15.4.2 A building designated under section 15.4.1 shall be declared by the Provincial Minister to be a registered historic site for purposes of Provincial Law.
- 15.4.3 The Provincial Minister shall Consult the Nunatsiavut Government:
- (a) before entering into an agreement for the care or preservation of a building designated under section 15.4.1 or the care or preservation of the site where the building is located; and
  - (b) before consenting to a request to move, destroy, damage, deface, obliterate, alter, add to, mark, interfere with or remove from Newfoundland and Labrador a building designated under section 15.4.1.
- 15.4.4 The Nunatsiavut Government, in the Labrador Inuit Settlement Area outside the Inuit Communities, and each Inuit Community Government within its boundaries, shall be municipal authorities for purposes of easements or covenants referred to in section 30 of the *Historic Resources Act*.

#### **Part 15.5 Consultation with respect to Legislation**

- 15.5.1 Canada and the Province shall Consult the Nunatsiavut Government prior to introducing Legislation affecting Archaeological Materials, Archaeological Activities and Archaeological Sites.
- 15.5.2 The Nunatsiavut Government shall Consult Canada and the Province prior to making an Inuit Law under part 15.3.

#### **Part 15.6 Archaeological Permitting**

- 15.6.1 No Person may carry on an Archaeological Activity unless that Person is a Permit Holder.

- 15.6.2 A Permit Holder may carry out a permitted Archaeological Activity subject to the terms and conditions of the permit and applicable Laws and Bylaws.
- 15.6.3 Upon receipt of an application for a permit to conduct Archaeological Activity in Labrador Inuit Lands or an Inuit Community, the Nunatsiavut Government shall forward a copy of the application as soon as practicable to the Provincial Permitting Authority.
- 15.6.4 Prior to issuing a permit to conduct Archaeological Activity in Labrador Inuit Lands or an Inuit Community, the Nunatsiavut Government shall Consult the Provincial Permitting Authority about the permit application, whether or not a permit should be issued and, if so, the terms and conditions to be attached to it.
- 15.6.5 The Nunatsiavut Government, after the application for a permit to conduct an Archaeological Activity in Labrador Inuit Lands or an Inuit Community has been reviewed by an individual with appropriate qualifications and training, shall within 30 clear days from the date of receiving the application for a permit to conduct an Archaeological Activity in Labrador Inuit Lands or an Inuit Community:
- (a) refuse to issue any permit; or
  - (b) subject to section 15.6.13, issue a permit on any terms and conditions it deems necessary.
- 15.6.6 Upon receipt of an application for a permit to conduct Archaeological Activity outside Labrador Inuit Lands and the Inuit Communities, the Permitting Authority shall forward a copy of the application as soon as practicable to the Nunatsiavut Government.
- 15.6.7 Prior to issuing a permit to conduct Archaeological Activity outside Labrador Inuit Lands and the Inuit Communities, the Permitting Authority shall Consult the Nunatsiavut Government about the permit application, whether or not a permit should be issued and, if so, the terms and conditions to be attached to it. Nothing in this section derogates from the requirements of section 15.6.13.
- 15.6.8 An application for a permit authorizing an Archaeological Activity may be denied where the Permitting Authority reasonably believes the applicant has contravened or failed to comply with a Law governing archaeology or any term or condition of a permit in relation to archaeology in Canada or elsewhere.
- 15.6.9 A Permitting Authority may:
- (a) amend a permit;
  - (b) add terms or conditions to a permit; and
  - (c) cancel a permit if the Permit Holder contravenes a term or condition of the permit or any applicable Law.

- 15.6.10 Prior to acting under section 15.6.9,
- (a) the Nunatsiavut Government shall Consult the Permitting Authority; and
  - (b) the federal or Provincial Permitting Authority shall Consult the Nunatsiavut Government.
- 15.6.11 The Nunatsiavut Government shall provide to the Permitting Authority a copy of any permit it issues to authorize Archaeological Activity in Labrador Inuit Lands or an Inuit Community and a copy of any cancellation, amendment or addition to the terms or conditions of any permit it has issued.
- 15.6.12 The Permitting Authority shall provide to the Nunatsiavut Government a copy of any permit the Permitting Authority issues to authorize Archaeological Activity outside Labrador Inuit Lands and the Inuit Communities and a copy of any cancellation, amendment or addition to the terms or conditions of any permit the Permitting Authority has issued.
- 15.6.13 A Permitting Authority shall require that a Permit Holder:
- (a) protect and conserve Archaeological Materials and Archaeological Sites;
  - (b) provide to the Permitting Authority a full and detailed record and report, including a non-technical report, of all Archaeological Activities carried out and all Archaeological Materials and Archaeological Sites found or studied;
  - (c) deliver to the Permitting Authority possession of all Archaeological Materials discovered or recovered, except where the Permitting Authority requires that any Archaeological Material be left in its original or natural position within an Archaeological Site, and all associated records;
  - (d) encourage Inuit participation in the Archaeological Activity;
  - (e) restore any place disturbed during an Archaeological Activity to the condition that existed before the commencement of the Archaeological Activity to the extent that it is reasonably possible to do so;
  - (f) prior to conducting the Archaeological Activity, attend at a location specified by the Nunatsiavut Government in the Inuit Community closest to the site of the Archaeological Activity, to explain and discuss the activities to be carried out;
  - (g) upon completion of the Archaeological Activity, attend at a location specified by the Nunatsiavut Government in the Inuit Community closest to the site of the Archaeological Activity, to explain and discuss the activities completed and to provide an opportunity for residents of the Inuit

- Community to examine any Archaeological Material that has been removed;
- (h) avoid any disturbance of a site known to contain human remains or a site of religious or spiritual significance to Inuit unless explicitly authorized to do so;
  - (i) stop excavation immediately and advise the appropriate Permitting Authority if human remains are discovered during the Archaeological Activity and the Permit Holder is not explicitly authorized to disturb human remains;
  - (j) fulfil the terms and conditions of the permit within a time or times stipulated in it; and
  - (k) comply with section 15.16.1.
- 15.6.14 In the Labrador Inuit Settlement Area outside Labrador Inuit Lands and the Inuit Communities, a Permitting Authority may, with the consent of the Nunatsiavut Government, exempt a Permit Holder, in whole or in part, from the requirements of subsection 15.6.13(f) or 15.6.13(g).
- 15.6.15 A Permit Holder may not enter land to conduct an Archaeological Activity without the permission of the owner or occupant of the land unless expressly authorized to do so by a Permitting Authority under section 15.6.16.
- 15.6.16 A Permitting Authority may authorize a Permit Holder to enter land to conduct an Archaeological Activity without the permission of the owner or occupant of the land if the owner or occupant cannot be located after the Permit Holder has made reasonable efforts to do so or if the owner or occupant refuses entry and:
- (a) the Permitting Authority reasonably believes a Person, other than a Permit Holder, may be undertaking activity that may result in the disturbance of an Archaeological Site or Archaeological Material; or
  - (b) the Permitting Authority believes on reasonable grounds that an emergency exists.
- 15.6.17 For purposes of section 15.6.16, an emergency shall exist if:
- (a) a Person is wilfully ignoring a Law or the terms of a permit in respect of an Archaeological Activity, any Archaeological Material or an Archaeological Site;
  - (b) any Archaeological Material or an Archaeological Site is in immediate danger of being destroyed or being disturbed contrary to a Law or the terms of a permit; or

- (c) the time required to obtain the permission of the owner or occupant of the land would increase the danger of any Archaeological Material or an Archaeological Site being destroyed or disturbed contrary to a Law or the terms of a permit.

**Part 15.7 Human Remains**

15.7.1 A Permitting Authority shall treat human remains that are removed from an Archaeological Site in accordance with this chapter.

15.7.2 If a Permitting Authority determines that human remains may be removed from an Archaeological Site, the Permitting Authority shall determine whether the cultural affiliation of the human remains:

- (a) is Inuit;
- (b) is not Inuit; or
- (c) cannot be determined

and shall notify the other Permitting Authorities, in writing, of the results of its determination.

15.7.3 If a Permitting Authority acting under section 15.7.2 determines that human remains removed from an Archaeological Site are Inuit, it shall transfer possession of them to the Nunatsiavut Government unless, after Consulting the Nunatsiavut Government, they are returned to the Archaeological Site from which they came.

15.7.4 If a Permitting Authority acting under section 15.7.2 determines that human remains removed from an Archaeological Site are not Inuit or if it cannot determine the cultural affiliation of the human remains and they are not returned to the Archaeological Site from which they came:

- (a) the Nunatsiavut Government and the Province shall jointly determine how to deal with human remains that were removed from an Archaeological Site in Labrador Inuit Lands or an Inuit Community;
- (b) the Province shall determine how to deal with human remains that were removed from an Archaeological Site in the Labrador Inuit Settlement Area outside Labrador Inuit Lands and the Inuit Communities;
- (c) Canada, after Consulting the Nunatsiavut Government, shall determine how to deal with human remains that were removed from an Archaeological Site in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve; and

- (d) Canada shall determine how to deal with human remains that were removed from an Archaeological Site in any other lands under the control and administration of Canada.
- 15.7.5 If a Permitting Authority disagrees with a determination under section 15.7.2, the issue shall not be referred to arbitration under chapter 21 but may be referred for a final decision to a qualified individual appointed jointly by the relevant Permitting Authorities.
- 15.7.6 If the Permitting Authorities cannot agree on the appointment referred to in section 15.7.5 within 30 clear days from the start of discussions, the chairperson of the Dispute Resolution Board shall, upon the request of a Permitting Authority, make the appointment.
- 15.7.7 The individual appointed under section 15.7.5 or 15.7.6 shall decide whether the cultural affiliation of the human remains:
  - (a) is Inuit;
  - (b) is not Inuit; or
  - (c) cannot be determined.
- 15.7.8 The decision referred to in section 15.7.7 is binding on the Permitting Authorities and is not subject to any appeal or review.

**Part 15.8 Inuit Burial Sites, Human Remains and Sites of Religious or Spiritual Significance in the Labrador Inuit Settlement Area Outside Labrador Inuit Lands and the Inuit Communities**

- 15.8.1 This part applies to the Labrador Inuit Settlement Area outside Labrador Inuit Lands and the Inuit Communities.
- 15.8.2 Inuit burial sites and sites of religious or spiritual significance to Inuit shall be identified by Inuit and a list identifying such sites shall be provided to Canada and the Province by the Effective Date. The list shall not be definitive and may be amended or supplemented by the Nunatsiavut Government which shall then provide the list, as amended or supplemented, to Canada and the Province.
- 15.8.3 The Minister shall Consult the Nunatsiavut Government prior to issuing a permit authorizing a disturbance of a site identified in the list referred to in section 15.8.2 or that the Minister has reason to believe is an Inuit burial site or a site of religious or spiritual significance to Inuit. The Consultation shall be for the purpose of attempting to reach agreement on whether the site may be disturbed and if so on what terms and conditions. If agreement is not reached, the Minister shall give the Nunatsiavut Government the reasons, in writing, for the Minister's decision to authorize disturbance of the site.

- 15.8.4 If the Minister has reason to believe that a site contains Inuit human remains or is of spiritual or religious significance to Inuit and may be threatened by an Archaeological Activity, the Minister, after Consulting the Nunatsiavut Government, may cancel or amend the terms or conditions of the permit authorizing the Archaeological Activity. The Consultation shall be for the purpose of attempting to reach agreement on the cancellation or amendment of the terms or conditions. If agreement is not reached, the Minister shall give the Nunatsiavut Government written reasons for the decision.
- 15.8.5 A Consultation referred to in section 15.8.3 or 15.8.4 may be terminated by the Minister 30 clear days from the date it is initiated if the Consultation has failed to result in agreement.
- 15.8.6 If Canada or the Province determines that Inuit human remains must be removed from an Inuit burial site, the Nunatsiavut Government shall determine the reburial or other disposition of the Inuit human remains once removed from the Inuit burial site but, if the Nunatsiavut Government wishes to bury or otherwise dispose of the Inuit remains in a National Park, National Park Reserve, National Marine Conservation Area or National Marine Conservation Area Reserve, Canada and the Nunatsiavut Government must jointly agree.
- 15.8.7 A disagreement as to whether a burial site contained in the list provided under section 15.8.2 is an Inuit burial site shall not be referred to arbitration under chapter 21 but may be referred for a final decision to a qualified individual appointed jointly by the relevant Permitting Authorities.
- 15.8.8 If the relevant Permitting Authorities cannot agree on the appointment referred to in section 15.8.7 within 30 clear days from the start of discussions, the chairperson of the Dispute Resolution Board shall, upon the request of a Permitting Authority, make the appointment.
- 15.8.9 The individual appointed under section 15.8.7 or 15.8.8 shall decide whether the burial site is an Inuit burial site.
- 15.8.10 The decision referred to in section 15.8.9 is binding on the Parties and is not subject to any appeal or review.

## **Part 15.9 Emergency Provisions**

- 15.9.1 If a Permitting Authority believes on reasonable grounds that an emergency exists, it may act without first Consulting the other Permitting Authority in accordance with section 15.6.4, 15.6.7, 15.6.10, 15.8.3 or 15.8.4 but as soon as practicable thereafter shall inform the other Permitting Authority of, and provide the reasons for, the action. For purposes of this section, an emergency shall exist if:

- (a) there is an unplanned critical situation that has the potential to result in the destruction of or significant injury or damage to Archaeological Material or an Archaeological Site; and
- (b) the time required to Consult would exacerbate the potential for such destruction or damage.

**Part 15.10 Contracting and Employment**

15.10.1 Archaeological Activities shall be considered work, economic activities and opportunities for business and employment for purposes of parts 7.8, 7.9 and 7.10.

**Part 15.11 Title to Archaeological Material**

15.11.1 In this part, “Archaeological Material” does not include human remains.

15.11.2 The title to all Archaeological Material found in Labrador Inuit Lands after the Effective Date is vested in the Nunatsiavut Government.

15.11.3 The Nunatsiavut Government shall not sell or alienate Archaeological Material referred to in section 15.11.2, or lend that Archaeological Material for longer than renewable five year periods.

15.11.4 The title to and management of all Archaeological Material found on lands under the control and administration of Canada after the Effective Date is vested jointly in the Nunatsiavut Government and Canada.

15.11.5 With respect to Archaeological Material referred to in section 15.11.4, neither the Nunatsiavut Government nor Canada, without the prior written agreement of the other, shall:

- (a) sell, alienate, lend or dispose of possession of, that Archaeological Material;
- (b) seek or submit to sever or partition title to that Archaeological Material; or
- (c) make use of that Archaeological Material so as to cause a physical alteration to it or to diminish its integrity or value.

15.11.6 The title to and management of all Archaeological Material found in the Labrador Inuit Settlement Area outside Labrador Inuit Lands after the Effective Date, other than on lands under the control and administration of Canada, is vested jointly in the Nunatsiavut Government and the Province.

- 15.11.7 With respect to Archaeological Material referred to in section 15.11.6, neither the Nunatsiavut Government nor the Province, without the prior written agreement of the other, shall:
- (a) sell, alienate, lend or dispose of possession of, that Archaeological Material;
  - (b) seek or submit to sever or partition title to that Archaeological Material; or
  - (c) make use of that Archaeological Material so as to cause a physical alteration to it or to diminish its integrity or value.

15.11.8 Any act or instrument contrary to sections 15.11.3, 15.11.5 or 15.11.7 is void and of no effect.

**Part 15.12 Transfers from Federal Agencies**

15.12.1 The Canadian Museum of Civilization Corporation shall transfer to the Nunatsiavut Government, without condition, all its legal interests in, and possession of, the Archaeological Material set out in schedule 15-A:

- (a) as soon as practicable following a request by the Nunatsiavut Government;
- (b) if there is no request by the Nunatsiavut Government, five years after the Effective Date; or
- (c) by any other date agreed to by the Canadian Museum of Civilization Corporation and the Nunatsiavut Government.

15.12.2 The transfer under section 15.12.1 of the legal interests in, and possession of, the Archaeological Material set out in schedule 15-A is deemed to occur when the Archaeological Material arrives at a location for delivery designated in writing by the Nunatsiavut Government.

15.12.3 If the Nunatsiavut Government does not designate a location for delivery, the Canadian Museum of Civilization Corporation shall deliver the Archaeological Material set out in schedule 15-A to the address for the Nunatsiavut Government set out in section 2.20.8.

15.12.4 The Canadian Museum of Civilization Corporation:

- (a) shall continue to hold the Archaeological Material set out in schedule 15-A under the same terms and conditions as they are held on the Effective Date, until they are delivered to the Nunatsiavut Government;
- (b) shall not be liable for any loss or damage to the Archaeological Material set out in schedule 15-A unless the loss or damage results from dishonesty,

gross negligence, or malicious or wilful misconduct of its employees or agents; and

- (c) shall determine the transportation arrangements for, and transport, the Archaeological Material set out in schedule 15-A in accordance with the prevailing practices of the Canadian Museum of Civilization Corporation for transportation of Archaeological Material to museums.

**Part 15.13 Standards**

15.13.1 The Nunatsiavut Government, Canada and the Province shall negotiate for the purpose of concluding an agreement on the standards for the safekeeping of Archaeological Materials and Inuit Cultural Materials. If an agreement cannot be reached within 90 clear days from the start of negotiations or longer period agreed to by the Parties, the matter shall be referred to dispute resolution under chapter 21.

15.13.2 An Arbitration Panel established to arbitrate a Dispute under section 15.13.1 shall:

- (a) appoint a specialist who has expertise in the matter or matters under Dispute to assist the Panel in establishing the standards; and
- (b) establish the standards.

15.13.3 The Standards may be reviewed from time to time and amended by written agreement of the Parties.

**Part 15.14 Improperly Obtained Materials in Possession of the Provincial Museum**

15.14.1 Subject to the Standards, any Inuit Cultural Material that has been obtained in an improper manner and is in the custody or under the control of the Provincial Museum shall be transferred to the Nunatsiavut Government.

15.14.2 A Dispute concerning whether the Inuit Cultural Material referred to in section 15.14.1 was obtained in an improper manner shall be referred to arbitration under chapter 21.

**Part 15.15 Management and Loans of Archaeological Materials and Inuit Cultural Materials**

15.15.1 The Province and the Nunatsiavut Government shall use best efforts to maximize the amount of Archaeological Material and Inuit Cultural Material that is kept, maintained, stored or displayed in the Labrador Inuit Settlement Area whether recovered before or after the Effective Date.

- 15.15.2 Nothing in section 15.15.1 shall be construed so as to impose on the Province or the Nunatsiavut Government:
- (a) a duty to carry out, encourage, promote or authorize Archaeological Activity or the recovery of Archaeological Materials and Inuit Cultural Materials;
  - (b) a financial obligation; or
  - (c) an obligation to provide assistance to any Person,
- if, in its sole discretion, it is not reasonable to do so.
- 15.15.3 Subject to section 15.15.6, the Nunatsiavut Government and the Provincial Museum shall comply with the Standards in relation to any Archaeological Material or Inuit Cultural Material that is in its possession.
- 15.15.4 If the Nunatsiavut Government does not meet the Standards in relation to any Archaeological Material or Inuit Cultural Material transferred or loaned to the Nunatsiavut Government, the Government that transferred or loaned the material may take back possession of the material until the Nunatsiavut Government meets the Standards.
- 15.15.5 If there is a Dispute about whether the Nunatsiavut Government or the Provincial Museum meets or is complying with the Standards, the Dispute shall be resolved under chapter 21.
- 15.15.6 A Government lending or transferring Archaeological Material or Inuit Cultural Material to another Government may waive the application of any or all of the Standards.
- 15.15.7 The Nunatsiavut Government may request a loan of Archaeological Material or Inuit Cultural Material from the Provincial Museum or a Federal Agency and the request shall not be refused unless:
- (a) the Nunatsiavut Government is unable to maintain the material in accordance with the Standards;
  - (b) the Provincial Museum or the Federal Agency currently requires the material for its own active display or research or on account of the unique characteristics of the material or to maintain the integrity of its collection;
  - (c) the condition of the material prohibits its movement;
  - (d) the material is currently on loan to another party;
  - (e) ownership of the material is under dispute; or

- (f) the Provincial Museum or the Federal Agency is unable to loan the material because of some term or condition of its original acquisition from a non-governmental source.
- 15.15.8 Unless the Provincial Museum or the Federal Agency agrees otherwise, no loan shall take place under section 15.15.7 until the Standards are established.
- 15.15.9 When complying with a request under section 15.15.7, the Provincial Museum or the Federal Agency may establish reasonable terms and conditions for:
- (a) the transportation of the material;
  - (b) the duration or termination of the loan; and
  - (c) the protection and presentation of the material, if the Standards have not been established.
- 15.15.10 If the Nunatsiavut Government requests a loan under section 15.15.7 but the material is currently on loan to another Person, the Nunatsiavut Government shall have priority over others to obtain possession of the material once it is returned to the Provincial Museum or the Federal Agency.
- 15.15.11 If the Provincial Museum or a Federal Agency requests a loan of Archaeological Material or Inuit Cultural Material from the Nunatsiavut Government, the Nunatsiavut Government shall not unreasonably deny the request.
- 15.15.12 The Nunatsiavut Government shall not unreasonably deny requests by another Person for loans of Archaeological Material and Inuit Cultural Material in the possession of the Nunatsiavut Government. It shall not be unreasonable for the Nunatsiavut Government to deny requests for loans where the borrower is not subject to a similar obligation to make loans to another Person.
- 15.15.13 When complying with a request under section 15.15.11 or 15.15.12, the Nunatsiavut Government may establish reasonable terms or conditions for the protection, presentation or transportation of the material and, subject to section 15.11.3, the duration or termination of possession.
- 15.15.14 The Nunatsiavut Government shall provide reasonable access to all Archaeological Material and Inuit Cultural Material in its possession, commensurate with public and scientific interest.
- 15.15.15 The Provincial Museum or a Federal Agency shall not unreasonably deny requests to provide Inuit with access to any Archaeological Material and Inuit Cultural Material in its collection that is not displayed in the Labrador Inuit Settlement Area.
- 15.15.16 Liability and costs associated with loans of Archaeological Material and Inuit Cultural Material under this part shall be borne by the borrower.

15.15.17 When the Nunatsiavut Government and another Person request a loan of the same Archaeological Material or Inuit Cultural Material from a Federal Agency for the same or an overlapping time period and the Archaeological Material or Inuit Cultural Material is in the possession of the Federal Agency and is available for loan, the Nunatsiavut Government shall have priority over all other Persons to obtain possession of the Archaeological Material or Inuit Cultural Material.

**Part 15.16 Archaeological Records**

15.16.1 A Permit Holder carrying out an Archaeological Activity in Labrador Inuit Lands or an Inuit Community shall provide duplicate originals of required reports, forms and records to each of the Nunatsiavut Government and the Province, and a Permit Holder carrying out an Archaeological Activity outside Labrador Inuit Lands and the Inuit Communities shall provide duplicate original copies of required reports, forms and records to the Nunatsiavut Government.

15.16.2 Each Permitting Authority shall maintain:

- (a) all records in existence on the Effective Date of Archaeological Activities, Archaeological Materials and Archaeological Sites; and
- (b) the reports, forms and records referred to in section 15.16.1 and subsections 15.6.13(b) and 15.6.13(c).

15.16.3 Canada and the Province shall provide the Nunatsiavut Government with a copy of their respective inventories for Archaeological Materials and Archaeological Sites, including:

- (a) Archaeological Site record forms for known Archaeological Sites; and
- (b) all Archaeological Site inventory maps showing the location of known Archaeological Sites.

15.16.4 Canada and the Provincial Museum shall provide the Nunatsiavut Government with a catalogue of the Archaeological Material owned or possessed by the relevant Government, upon request by the Nunatsiavut Government.

15.16.5 Without restricting subsections 15.6.13(f) and 15.6.13(g), 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.

15.16.6 Each Government, upon the request of another Government, shall provide copies of any reports in its possession concerning any Archaeological Activities, Archaeological Materials or Archaeological Sites that the requesting Government does not possess.

15.16.7 Governments shall update the information to be provided to each other under this part on a regular basis.

15.16.8 On the Effective Date, Canada and the Provincial Museum shall provide the Nunatsiavut Government with a list of the Inuit Cultural Material owned and controlled by them.

**Part 15.17 Archival Records**

15.17.1 If the Nunatsiavut Government requests from a Federal Agency:

- (a) the loan of original Archival Records that are created or held by Canada for exhibition; or
- (b) copies of such Archival Records for research or study purposes,

the request shall be treated on at least as favourable a basis as similar requests from other institutions.

15.17.2 Part 15.12 does not apply to Archival Records held by Canada.

15.17.3 If the Nunatsiavut Government requests from the Provincial Archives of Newfoundland and Labrador:

- (a) the loan of original Archival Records that are owned and controlled by the Provincial Archives of Newfoundland and Labrador for exhibition; or
- (b) copies of such Archival Records for research or study purposes,

the request shall be treated on at least as favourable a basis as similar requests from other institutions.

**Schedule 15-A: Archaeological Material to Be Transferred from the Canadian Museum of Civilization to the Nunatsiavut Government**

<b>CATALOGUE NO.</b>	<b>DESCRIPTION</b>	<b>QTY</b>	<b>ACCESSION NO.</b>
IX-A: 34	bone knife	1	148
HaCh-1:1	string of tiny coloured seed beads (2300 in quantity).	1	1260
HaCh-1:2	parts of metal spoons	4	1260
HaCh-1:3	fragments of metal pendants	5	1260
HaCh-1:4	metal beads	41	1260
HaCh-1:5	toy soapstone vessel	1	1260
HaCh-1:6	bird-bone beads	3	1260
HaCh-1:7	ornamental wood pin	1	1260
HaCh-1:8	wooden buttons	7	1260
HaCh-1:9	scrap of hide	1	1260
HaCh-1:10	scrap of seal hair	1	1260
HaCh-1:11	pieces of metal ornaments	5	1260
HaCh-1:12	pieces worked wood	4	1260
HaCh-1:13	metal band (two pieces)	1	1260
HaCh-1:14	parts of wooden dishes	1	1260
HaCh-1:15	soapstone lamp	1	1260
		Total	78