

NOTES FOR A CODE OF ETHICS FOR AUSTRALIAN ARCHAEOLOGISTS WORKING WITH ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE

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INTRODUCTION

At the annual conference of the Australian Archaeological Association (AAA), held at the Wilderness Lodge, Burdekin Dam, outside Townsville in December 1990, there were discussions about the adoption of a Code of Ethics for Australian archaeologists working with Aboriginal heritage. At the Annual General Meeting (AGM) of the Association it was decided that a decision on the Code of Ethics would be reached at the 1991 AGM to be held at the annual conference in Canberra. AAA members were presented with some proposals by Aboriginal and Torres Strait Islander people meeting at the AAA conference. These proposals started from the Code of Ethics adopted at the 1990 World Archaeological Congress (WAC) (see report by Johnston and Williams in this issue), and took the form of proposed amendments to that code. These proposals were then discussed at a session open to all participants at the conference. These discussions were conducted with a spirit of goodwill, and a recognition that it was the wish of archaeologists generally to add to knowledge of Aboriginal heritage by the unique methods of archaeology. In this light, a small group who had expressed a wide range of views at the open meeting, discussed the Aboriginal and Torres Strait Islander amendments and made suggestions for alterations within their original spirit.

This document presents the three forms of a Code of Ethics: the WAC 'First Code of Ethics'; the Townsville Aboriginal and Torres Strait Islander amendments; and a consolidated Code incorporating the later alterations to these amendments. It is my proposal, as President of AAA, to put the third of these as a motion at the AGM of the AAA in Canberra on 6 December 1991. This proposed code is substantially that drawn up by the meeting of indigenous people at WAC, incorporating amendments made by Aboriginal and Torres Strait Islander people at the Townsville meeting, with some suggested alterations intended to preserve the spirit of the two documents. I invite comments from as many parties as are interested in the issue. If there are any proposals made before October, I will convene a meeting of the AAA Executive (including the Aboriginal and Torres Strait Islander members elected at the Townsville AGM), in Sydney early in November to draft possible amendments to be put at the AGM. I will also invite David Johnston of the Australian Heritage Commission who has kindly offered, with Shorty O'Neill

of the Townsville Aboriginal and Islander Media Association (one of the Chairs at the Townsville discussions), to co-ordinate consultation among Aboriginal and Torres Strait Islander people.

Members will be aware that there are already codes of ethics that relate to archaeological work in Australia (see Beck and McConnell 1986). One such set of motions was passed at the AAA meeting in Tasmania in 1982 (Allen 1983) and others have been passed from time to time (see AA 23:97-99). As the AAA is not a professional body, it cannot be prescriptive about adherence to any such code. We can, however, adopt a formal code of ethics to guide the research, management and consultancy activities of our members. Members do have to adhere to codes of ethics as a condition of receipt of some grants (eg AIATSIS). Some of the principles and rules are already enshrined in legislation (eg see Ward 1983, for an old summary), especially in recently enacted laws. Others will surely be a result of deliberations already in train for a professional archaeological body which would incorporate all of the different professional archaeologists in Australia: academics, consultants, heritage managers, historical archaeologists, maritime archaeologists, and any other group professionally involved in archaeology.

References

- Allen, J. 1983 *Aborigines and archaeologists in Tasmania*, 1983. **Australian Archaeology** 16:7-10
- Beck, W. and A. McConnell 1986 *The practice of archaeology in Victoria: a proposal for guidelines*. **The Artefact** 11:3-11
- Ward, G. 1983 *Archaeology and legislation in Australia*. In G.E. Connah (ed.) **Australian Field Archaeology. A Guide to Techniques**, pp.18-42. Australian Institute of Aboriginal Studies: Canberra.

1. THE WORLD ARCHAEOLOGICAL CONGRESS FIRST CODE OF ETHICS

In adopting the following Code of Ethics, the World Archaeological Congress recognises that the definition of 'indigenous peoples' (whether minorities or not) needs to be further refined at a future date and that there are many other peoples - minority or otherwise - who

are often similarly disadvantaged. Nevertheless it was decided to adopt the Code at this time in the light of the importance that Council Members ascribed to the problems discussed. Council was congratulated by its Indigenous Representatives 'for its foresight in passing such a momentous document'.

WORLD ARCHAEOLOGICAL CONGRESS FIRST CODE OF ETHICS

(Members' obligations to indigenous peoples)

Principles to Abide by:

Members agree that they have obligations to indigenous peoples and that they shall abide by the following principles:

1. To acknowledge the importance of indigenous cultural heritage, including sites, places, objects, artefacts, human remains, to the survival of indigenous cultures.
2. To acknowledge the importance of protecting indigenous cultural heritage to the well-being of indigenous people.
3. To acknowledge the special importance of indigenous ancestral human remains, and sites containing and/or associated with such remains, to the indigenous people.
4. To acknowledge that the important relationship between indigenous peoples and their cultural heritage exists irrespective of legal ownership.
5. To acknowledge that the indigenous cultural heritage rightfully belongs to the indigenous descendants of that heritage.
6. To acknowledge and recognise indigenous methodologies for interpreting, curating, managing and protecting indigenous cultural heritage.
7. To establish equitable partnerships and relationships between members and indigenous peoples whose cultural heritage is being investigated.
8. To see, whenever possible, representation of indigenous people in agencies funding or authorising research to be certain their view is considered as critically important in setting research standards, questions, priorities and goals.

Rules to Adhere to:

Members agree that they will adhere to the following rules prior to, during and after their investigations:

1. Prior to conducting any investigation and/or examination, members shall with rigorous endeavour seek to define the indigenous peoples

whose cultural heritage is the subject of investigation.

2. Members shall negotiate with and obtain the informed consent of representatives authorised by the indigenous people whose cultural heritage is the subject of investigation.
3. Members shall ensure that the authorised representatives of the indigenous peoples whose culture is being investigated are kept informed during all stages of the investigation.
4. Members shall ensure that the results of their work are presented with deference and respect to the identified indigenous peoples.
5. Members shall not interfere with and/or remove human remains of indigenous peoples without the express consent of those concerned.
6. Members shall not interfere with and/or remove artefacts or objects of special cultural significance, as defined by associated indigenous peoples without their express consent.
7. Members shall recognise their obligation to employ and/or train indigenous peoples in proper techniques as part of their projects, and utilise indigenous peoples to monitor the projects.

Barquisimeto, Venezuela, September 1990.

2. AMENDMENTS PROPOSED BY THE ABORIGINAL AND TORRES STRAIT ISLANDER MEETING IN TOWNSVILLE, DECEMBER 1990

MINUTES OF MEETING 5/12/90

CODE OF ETHICS – refer attachment [Section 1 The WAC Code of Ethics]

Discussion resumed centered around the 'Code of Ethics'.

It was agreed by the meeting that each 'Principle' and 'Rule' be addressed and any alterations made at that time.

Principles to Abide by:

Principles numbered 1 to 6 were discussed and no major concerns were raised.

Discussion around principle 7 was based on concern with the term 'equitable'. It was agreed that principle number 7 should be altered to read:

'To establish contractual arrangements between archaeologists, anthropologists and communities.'

Principle number 8 was amended to read:

'To see, at all times, representations of indigenous people in agencies funding or authorising research to be certain their view is considered as critically important in setting research standards, questions, priorities and goals.'

Rules to Adhere to:

All rules were discussed and amended in some form. Following are the amended rules after discussion with the conference participants.

1. Prior to conducting any investigation and/or examination, members shall define and ratify all the indigenous peoples whose cultural heritage is the subject of investigation. If no such indigenous people are found the site should be left alone and declared significant.
2. Members shall negotiate with and obtain the informed consent of representatives authorised by all the indigenous people whose cultural heritage is the subject of investigation.
3. Members shall ensure that the authorised representatives of all the indigenous peoples whose culture is being investigated are kept informed during all stages of the investigation and are able to renegotiate or terminate particular development of that site.
4. Members shall ensure that all results of their work are presented and handed over for ownership to all the identified indigenous peoples.
5. Members shall not interfere with and/or remove human remains of indigenous peoples without the written consent of all those concerned.
6. Members shall not interfere with and/or remove artefacts or objects of any cultural significance, as defined by all associated indigenous peoples without their written consent.
7. Members shall employ and train indigenous peoples in proper technique as part of their projects, and utilise indigenous peoples to monitor the projects. The meeting further agreed that further rules should be added to the 'Code of Ethics'. Following are those rules as agreed by the members of the conference.
8. All publications to be produced in either simple legible English and where possible in language for those particular communities.
9. Members of the Australian Archaeological Association that don't comply with these principles and rules will result in being struck from the register.

The meeting agreed that this 'draft copy in principle' will be presented to the AAA meeting on Thursday, however it will remain as a 'draft copy in principle' until the

document has been discussed and agreed to by the various community groups.

3. PROPOSED CODE OF ETHICS TO BE PUT AT THE ANNUAL GENERAL MEETING OF THE AUSTRALIAN ARCHAEOLOGICAL ASSOCIATION IN CANBERRA, DECEMBER 1991.

This text incorporates changes to the amendments proposed by the Townsville Aboriginal meeting as bold text, with omitted words indicated by three dots (...).

CODE OF ETHICS OF THE AUSTRALIAN ARCHAEOLOGICAL ASSOCIATION

(Members' obligations to **Australian Aboriginal and Torres Strait Islander** people)

Australian archaeologists work in many different situations where they need to interact appropriately with the indigenous people (eg Cyprus, Jordan, Papua New Guinea, Thailand, Vanuatu). The Australian Archaeological Association believes that these principles and rules should apply in all such situations just as much as they do within Australia.

Principles to Abide by:

Members agree that they have obligations to indigenous peoples and that they shall abide by the following principles:

1. To acknowledge the importance of indigenous cultural heritage, including sites, places, objects, artefacts, human remains, to the survival of indigenous cultures.
2. To acknowledge the importance of protecting indigenous cultural heritage to the well-being of indigenous people.
3. To acknowledge the special importance of indigenous ancestral human remains, and sites containing and/or associated with such remains, to the indigenous people.
4. To acknowledge that the important relationship between indigenous peoples and their cultural heritage exists irrespective of legal ownership.
5. To acknowledge that the indigenous cultural heritage rightfully belongs to the indigenous descendants of that heritage **except items given or sold without force to non-indigenous people or institutions by the appropriate indigenous people.**
6. To acknowledge and recognise indigenous methodologies for interpreting, curating, managing and protecting indigenous cultural heritage.

7. To establish contractual arrangements between archaeologists... and **representatives authorised by indigenous communities whose cultural heritage is being investigated.**
8. To see, at all times, representation of indigenous people in agencies funding or authorising research to be certain their view is considered as **critically important in setting research standards, questions, priorities and goals.**

Rules to Adhere to:

Members agree that they will adhere to the following rules prior to, during and after their investigations:

1. Prior to conducting any investigation and/or examination, members shall define ... the indigenous peoples whose cultural heritage is the subject of investigation. ... **We do not recognise that there are any circumstances where there is no community of concern.**
2. Members shall negotiate with and obtain the informed consent of representatives authorised by ... the indigenous people whose cultural heritage is the subject of investigation.
3. Members shall ensure that the authorised representatives of ... the indigenous peoples whose culture is being investigated are kept informed during all stages of the investigation and are able to renegotiate or terminate **the archaeological work being conducted at that site.**
4. Members shall ensure that all **published materials** resulting from their work are presented

and handed over for ownership to the **representatives of ... the identified indigenous peoples.**

5. Members shall not interfere with and/or remove human remains of indigenous peoples without the written consent of **representatives authorised by the indigenous people whose cultural heritage is the object of investigation.**
6. Members shall not interfere with and/or remove artefacts or objects of any cultural significance, as defined by all associated indigenous peoples **whose cultural heritage is the object of investigation** without the written consent of **their authorised representatives.**
7. Members shall employ and train indigenous peoples in proper technique as part of their projects, and **involve** indigenous peoples in monitoring the projects.
8. All **research shall result in written reports** produced in simple legible english and where possible in language for those particular communities.
9. In joining the Australian Archaeological Association **members agree to accept** these principles and rules

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THE WORLD ARCHAEOLOGICAL CONGRESS (WAC) AND THE WAC FIRST CODE OF ETHICS

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The World Archaeological Congress (WAC) and its genesis should be well-known to members of the AAA through articles published by Jack Golson (1986, 1988) in this journal. As readers of AA are no doubt aware, WAC is a new organisation which provides an international forum for discussion about archaeological research and practice, and the management of archaeological heritage. It has a central academic role and aims to place universal issues in a comparative perspective. At present WAC has over 700 members from more than 65 countries.

As well as having a major concern with academic study and research, WAC confronts the issue that archaeologists do not work in social and political isolation. It provides a forum for discussion on historical, social and political issues in archeology and aims to make archaeological studies relevant to the wider community. As well as its academic interests it is particularly concerned with the following themes:

- * education about the past
- * archaeology and indigenous peoples