



NEW ZEALAND  
ARCHAEOLOGICAL  
ASSOCIATION

## ARCHAEOLOGY IN NEW ZEALAND



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**ARCHAEOLOGY AND INDIGENOUS RIGHTS:  
THE WORLD ARCHAEOLOGICAL CONGRESS' CODE OF ETHICS  
FROM AN ARCHAEOLOGIST'S POINT OF VIEW**

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The World Archaeological Congress is a relatively new international organisation, established in 1987 to provide a world-wide forum. Its primary concerns are not only the promotion and publication of archaeology in all regions of the world, but also a number of public-oriented non-academic topics:

- education about the past;
- archaeology and indigenous people;
- the ethics of archaeological enquiry;
- the protection of sites and objects of the past;
- the effects of archaeology on host communities;
- the ownership, conservation and exploitation of the archaeological heritage.

WAC holds international congresses every three years, which include not only a variety of academic subjects, but also sessions on particular topics, such as sacred sites. The first main congress, WAC 1, was held in Southampton in 1987, and WAC 2 in Venezuela last September. In between the main congresses, intercongresses are held, addressing specific topics. An intercongress, at Vermillion, South Dakota, in 1989, was concerned with 'Archaeological ethics and the treatment of the dead'. This was held in association with American Indians Against Desecration and the International Indian Treaty Council, groups dedicated to action in relation to the large numbers of collections of Indian bones held in museums around the world without the consent of the Indian group involved and against their wishes. As a result of this, the Vermillion Accord (see below) was adopted by the Plenary Session of the intercongress, and a trip to Wounded Knee afterwards to rebury some Seminole bones that were in the University of South Dakota collections was a positive gesture in support of such action. True, the Seminole live in Florida, not South Dakota, as those familiar with North America will have noted. The Sioux had offered to receive the bones on behalf of the Seminole, because the Seminole do not have any land remaining in their control where the bones could be buried.

WAC recognises that the reburial issue is only one of a number of ethical issues, but is one that has caused confrontations in a number of countries, and the attitude that indigenous bones are primarily of scientific importance is still widespread in universities and museums. The Vermillion Accord is intended to foster mutual respect and cooperation between archaeologists and indigenous peoples. There was very positive response to this intercongress and the communication it set in motion or to which it added its voice. Many museums and universities have since recognised that their policies and practices have caused distress, and they have either returned bones to the relevant indigenous people, or begun to negotiate about their retention for scientific purposes.

New Zealand archaeologists are in general more sensitive to this issue than many colleagues overseas, having been required by the Historic Places Act, since 1976, to consult with the relevant Maori authority before archaeological excavations take place. This means that discussions are usually held, prior to excavation, as to what procedures will be followed should human bones be discovered during investigations. There is also a public body, the Historic Places Trust, that is responsible for ensuring that this is done. NZAA has always required its members to comply with the Historic Places Act and most members have on-going and constructive working relationships with the local Maori communities in areas where they carry out fieldwork.

In contrast to the Vermillion Accord, the First Code of Ethics ('members' obligations to indigenous peoples' - see below) is one-sided; it is a set of rules expressing what indigenous people expect of archaeologists. In fact, this Code of Ethics had a large Maori input. The chairman of the group that drafted the code for WAC was Hirini Matunga, a graduate in Anthropology from Otago and a planner with responsibility for Maori matters with the Auckland Regional Council. Also, the original draft was written by the Maori delegation to WAC 2. This draft was discussed and revised by the other indigenous people who attended WAC 2 and then presented to the WAC Executive Committee and Council. The Code was drafted at the request, in 1989, of the Executive Committee of WAC, which consists of two elected members from each of 17 regions of the world, plus eight appointed indigenous peoples' representatives. Following the Vermillion Accord, it had been apparent that the wider ethical issues needed to be addressed as well. It is referred to as a First Code because WAC recognises that it applies mainly to situations of ethnic minorities in countries that have been colonised, and that there are many other situations as well that require ethical consideration. It is also obvious that there is a need to provide more explicitly for the kind of mutual respect and constructive cooperation that is expressed in the Vermillion Accord. Archaeologists have a legitimate right to practise their profession, provided that this is ethically done.

The Code of Ethics was very well received by WAC and was adopted by the Council, which is its policy-making body, consisting of representatives from all countries participating in a WAC congress, plus the WAC Executive. Now some of the WAC members have taken the initiative to raise the subject with their national and regional archaeological organisations, in order to discuss the issues there and to seek constructive and cooperative solutions.

I understand that the Australian Archaeological Association discussed this at their recent conference, and it was generally agreed that such a code of ethics is needed in Australia. However, they are interested in drawing up their own code that is specifically aimed at the Australian situation. There was an aboriginal delegation at the AAA conference and in order to give them an official input at executive level, it was decided to modify the AAA council structure to allow for the election of two specifically aboriginal members. The aboriginal people at that conference agreed to ensure that at least one of their people with archaeological interests, in each state, would join the AAA and then among them two would be elected to the Council.

This ensures that the aboriginal representatives are ones who have a genuine interest in archaeology and agree to abide by the rules of the organisation, and that the input at the executive level is not a token voice

selected by the archaeologists. This kind of solution might be worth considering in the New Zealand context, where a large proportion of the Maori community is tolerant or in support of archaeology, but NZAA has very little Maori input. There are a handful of Maori archaeologists who make an important contribution, but the vast majority of Maori people interested in their heritage have little opportunity to be involved in NZAA. The fact that ten of them were prepared to pay their own fares to Venezuela in order to make contacts in an international context is indicative of a growing concern among Maori people about the control of their own heritage. I believe New Zealand archaeologists should consider taking the initiative in expressing their equal concern regarding the archaeological heritage and find a way for NZAA to interact and cooperate more effectively with the Maori people. Working towards a code of ethics might be a good place to start.

To this end, I have written to our President, asking if it would be possible for the subject of a code of ethics for New Zealand archaeologists to be put on the agenda for the AGM, or perhaps it even warrants a special discussion session as part of the Conference. My reason for publishing these remarks and the texts of the Vermillion Accord and First Code of Ethics of WAC is to enable members to do some discussing in advance.

#### THE VERMILLION ACCORD

Adopted by the Plenary Session, September 1989, WAC Intercongress at Vermillion, South Dakota, 'Archaeological ethics and the treatment of the dead'.

1. Respect for the mortal remains of the dead shall be accorded to all irrespective of origin, race, religion, nationality, custom and tradition.
2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.
3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.
4. Respect for the scientific research value of skeletal, mummified, and other remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.
5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.
6. The express recognition that the concerns of various ethnic groups, as well as those of science, are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.

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## FIRST CODE OF ETHICS

(Members' obligations to indigenous peoples)

Adopted by the Council of the World Archaeological Congress, 6 September 1990, Barquisimeto, Venezuela.

### Preamble

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'.

### 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, provide for, 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 seek, 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 the 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 the 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 investigations.
4. Members shall ensure that the results of their work are with deference and respect presented to the identified indigenous peoples.
5. Members shall not interfere with and/or remove any remains of the indigenous peoples without their express consent.
6. Members shall not interfere with and/or remove any artefacts or objects of special cultural significance as defined by the 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.