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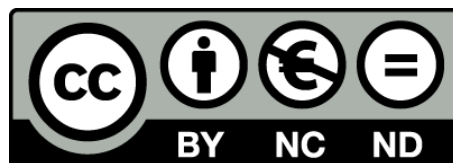
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WAC, Ethics, Enforcement, and Rights

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Abstract

How could we use the meeting at Stanford as an opportunity to develop a WAC general code of ethics and yet break away from proscriptive statements that tend to be hierarchical and linear, especially considering those attending the meeting did not all necessarily agree on what such a code should be trying to achieve or have any clear idea of what form/s it might take. Moreover, fundamental differences existed in our understandings of basic concepts, such as social justice and the roles of archaeology in society, which underlie any approach we might take. These tensions led to an agreement that our work should focus on developing a conceptual process, supported by documents and tools for thinking about ethics. While Sean feels this is on the right track, he raises practical concerns that WAC might need to take a more proactive stance, providing mechanisms, processes and resources for the mediation and resolution of ethical disputes that will meet the needs of disenfranchised peoples who may turn to WAC seeking redress for injustices.

Keywords

Ethics

In preparing for the Stanford WAC ethics committee meeting Julie Hollowell and I corresponded regularly, reviewing and discussing a range of ethics-related documents prepared by archaeological, anthropological, Indigenous and other organisations. All had strengths and weaknesses. Some had overt biases, some more subtle. Some were just plain bizarre. Virtually all were hierarchical and linear. In thinking about how to develop WAC's ethics documents we did not want to simply reinvent what had come before. Both of us saw this as an opportunity to do something special. But how could we break away from proscriptive statements and use this as an opportunity to form new relationships with those who engage with archaeology?

A few years ago I worked on a committee to review and update the Australian Archaeological Association Inc.'s (AAA) Code of Ethics. The original document was adopted in 1990 and closely followed WAC's First Code of Ethics and, like it, was almost exclusively focused on Indigenous heritage issues. AAA members wanted the code updated, citing concerns that many members did not only work on issues of Indigenous heritage, and, more importantly, that things had changed in the 15 years that had elapsed since the original code was adopted. At least in Australia, Aboriginal and Torres Strait Islander communities routinely control archaeological investigations, often through engaging archaeologists themselves, and most state government heritage legislation require extensive consultation with Indigenous owners. In effect, the changes driven by Indigenous people in the 1980s in Australia appeared to be guiding the broadening of these principles to all of the people and communities involved in archaeology. I see a similar trajectory with WAC and it seems

obvious to me that any WAC ethical statements will be heavily informed by Indigenous voices which will infuse WAC's collective thinking in this area.

When we got together at Stanford it became clear that we did not all necessarily agree on what a WAC general code of ethics should be trying to achieve or have any clear idea of what form/s it might take. Some of us took as a starting point WAC's primary role as setting and enforcing ethical standards as a means of promoting social justice in the world. Others felt that WAC should not get involved in punitive enforcement, preferring an emphasis on promoting discussion and public education about ethical issues. It is clear to me that WAC has always engaged in both courses of action simultaneously—enforcing standpoints by endorsing certain parties while dressing down others, particularly nation states, but also sponsoring continuing dialogues about difficult issues in the past and present, particularly through congresses and inter-congresses. Many emphasised the process of encouraging thinking through ethics, rather than codifying outcome-based check lists which tended to be ahistorical.

There were also more fundamental challenges for us to come to grips with. There was a very real concern about the lack of agreement on basic concepts underlying our approach, including the concept of social justice central to WAC's self-envisaging. Could methods for promoting social justice involve attempting to alter another society? How could we reconcile such actions with a commitment to respect other ways of knowing the world? The points made by Alejandro Haber and Makoto Tomii showed that these differences were not simply concepts lost in translation, but fundamental differences in our understandings of the roles of archaeology in society.

The only way forward was to acknowledge and work with the tensions between our different approaches. Fundamental to this was a commitment to try and arrive at an understanding of the historical relationships that structure the ways in which individuals, groups, and communities articulate with archaeology. We also recognised every person's right to develop and use their own past and to have a past that is meaningful. In short, we were in agreement that our work should focus on developing a conceptual process, supported by documents and tools for thinking about ethics.

While I think that we are on the right track in working on 'thinking' process documents, there is also a practical side that needs to be kept in mind. Codes of ethics of various professional and non-professional organisations provide some of the few avenues available for Indigenous and other disenfranchised peoples to seek redress for actions perceived to be detrimental to communities. A few of us at the meeting shared the view that enforcing ethics might well be seen as WAC's primary role. We all agreed that WAC members should be accountable for the consequences of their work. Doesn't it follow that we need processes for reviewing complaints against members and mechanisms for punishing them for misconduct?

I share the genuine concern expressed by others that enforcement of principles articulated in codes of ethics is a very difficult task. For some time I have helped assess complaints of ethical misconduct for both the Australian Archaeological Association Inc. and the Australian Association of Consulting Archaeologists Inc. Most complaints against members of both organisations are made by Indigenous people about archaeologists working in their countries. In only one case (not involving Indigenous issues) was there a clear resolution, with a member censured for their behaviour. In virtually every case no decision could be reached owing to a

lack of information. Needless to say, a no-result outcome is extremely unsatisfactory to all parties involved, particularly Indigenous communities, many of whom see holding people to professional standards as a last option when other legal mechanisms of redress fail.

Future discussions will need to consider WAC's position on these issues carefully: Is it enough for WAC to promote discussion and public education about ethics? Or will WAC need to take a more proactive stance, providing mechanisms, processes and resources for the mediation and resolution of ethical disputes? Any future WAC ethics documents that do not consider the latter may well ultimately fail the needs of the most disenfranchised people in our global community. Whatever forms the final ethics documents take, they must provide practical measures to support archaeologists throughout the world and benefit their regional communities.