

## NZAA CODE OF ETHICS

In 1997 the Association agreed to take over certain functions of the now disbanded Institute of New Zealand Archaeologists. These functions related in part to ethics, standards, and best practice guidelines, all of which were areas in which the Association already had a keen interest. To further the intention to work actively in this area, a network of members and others, linked by email, was established in 1998. There are currently 65 people involved in the professional-interests network and participation is open to anyone working professionally or with an interest in these matters. Feedback was sought on the idea of establishing a framework of codes of ethics and best practice guidelines to guide professional work in New Zealand. It is recognised that there is only a tiny group here in New Zealand and that it should not try to reinvent the wheel but should modify existing overseas codes and standards. There was strong support from network participants for endorsing amended versions of the Society of American Archaeology's Principles of Archaeological Ethics, Code of Ethics, and Standards of Research. It is stressed that the codes and guidelines are hortatory and non-enforceable but experience suggests that, even so, will not be without effect. The wording of the codes is not set in concrete and changes will be made as they are found necessary.

At a meeting on 16 January 1999, the Association Council agreed to put in place a framework of codes of ethics and standards for the practice of professional archaeology in New Zealand. The framework consists of three parts: codes of ethics, charters, and best practice guidelines. The codes of ethics part consists of an amended version of the Society of American Archaeology's Principles of Archaeological Ethics, Code of Ethics, and Standards of Research. These are reproduced below.

Council also agreed to provisionally endorse:

- The Burra Charter (1979, revised 1981 & 1988), Australian ICOMOS Charter for the Conservation of Places of Cultural Significance.
- The Charter for the Protection and Management of the Archaeological Heritage (1990), International Committee on Archaeological Heritage Management.
- ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value 1993.

Council also endorsed the Parliamentary Commissioner for the Environment's best practice guidelines for local authorities as the minimum standard for local body work in historic heritage.

Council confirmed that none of the codes, charters, or guidelines are enforceable and any force they might have would depend on the desire of practitioners to maintain a professional reputation and standing. Council believes that best practice guidelines are currently the most important area and hopes to encourage the development of appropriate documents as soon as possible.

### NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

#### PRINCIPLES OF ARCHAEOLOGICAL ETHICS

The Principles of Archaeological Ethics was adopted by the Society for American Archaeology in 1996. It was endorsed, in the revised form below, by the Council of the New Zealand Archaeological Association on 16 January 1999 to provide guidance for those working professionally in archaeology in New Zealand.

##### **Principle No. 1: Stewardship**

The archaeological record, that is, in situ archaeological material and sites, archaeological collections, records and reports, is irreplaceable. It is the responsibility of all archaeologists to work for the long-term conservation and protection of the archaeological record by practising and promoting stewardship of the archaeological record. Stewards are both caretakers of and advocates for the archaeological record. In the interests of stewardship, archaeologists should use and advocate use of the archaeological record for the benefit of all people; as they investigate and interpret the record, they should use the specialised knowledge they gain to promote public understanding and support for its long-term preservation.

##### **Principle No. 2: Accountability**

Responsible archaeological research, including all levels of professional activity, requires an acknowledgment of public accountability and a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved.

##### **Principle No. 3: Commercialisation**

The commercialisation of archaeological objects - their use as commodities to be exploited for personal enjoyment or profit - results in the destruction of archaeological sites and of contextual information that is essential to understanding the archaeological record. Wherever possible, archaeologists should discourage, and should themselves avoid, activities that promote the use of archaeological objects as items of commerce, both within and between nations. Archaeologists should encourage the curation of archaeological collections in public institutions, or other places where they are readily available for scientific study, public interpretation, and display.

##### **Principle No. 4: Public Education and Outreach**

Archaeologists should reach out to, and participate in cooperative efforts with, others interested in the archaeological record with the aim of improving the preservation, protection, and interpretation of the record. In particular, archaeologists should undertake to: (1) enlist public support for the stewardship of the

archaeological record; (2) explain and promote the use of archaeological methods and techniques in understanding human behaviour and culture; and (3) communicate archaeological interpretations of the past. Many publics exist for archaeology including students and teachers; Maori and other ethnic, religious, and cultural groups who find in the archaeological record important aspects of their cultural heritage; lawmakers and government officials; reporters, journalists, and others involved in the media; and the general public. Archaeologists who are unable to undertake public education and outreach directly should encourage and support the efforts of others in these activities.

#### **Principle No. 5: Intellectual Property**

Intellectual property, as contained in the knowledge and documents created through the study of archaeological resources, is part of the archaeological record. As such it should be treated in accord with the principles of stewardship rather than as a matter of personal possession. If there is a compelling reason, and no legal restrictions or strong countervailing interests, a researcher may have primary access to original materials and documents for a limited and reasonable time, after which these materials and documents should be made available to others.

#### **Principle No. 6: Public Reporting and Publication**

Within a reasonable time, the knowledge archaeologists gain from investigation of the archaeological record must be presented in accessible form (through publication or other means) to as wide a range of interested publics as possible. The documents and materials on which publication and other forms of public reporting are based should be deposited in a suitable place for permanent safekeeping. An interest in preserving and protecting in situ archaeological sites must be taken into account when publishing and distributing information about their nature and location.

#### **Principle No. 7: Records and Preservation**

Archaeologists should work actively for the preservation of, and long term access to, archaeological collections, records, and reports. To this end, they should encourage colleagues, students, and others to make responsible use of collections, records, and reports in their research as one means of preserving the in situ archaeological record, and of increasing the care and attention given to that portion of the archaeological record which has been removed and incorporated into archaeological collections, records, and reports.

#### **Principle No. 8: Training and Resources**

Given the destructive nature of most archaeological investigations, archaeologists must ensure that they have adequate training, experience, facilities, and other support necessary to conduct any program of research they initiate in a manner consistent with the foregoing principles and contemporary standards of professional practice.

#### **Principle No. 9: Cultural Sensitivity**

Archaeological resources have heritage values to different groups in society and a multiplicity of legitimate interests needs to be recognised in their management. People have different views of the past and archaeologists need to be sensitive to these views and take care that their interpretations are as free as possible from unexamined cultural biases.

### **CODE OF ETHICS**

The Code of Ethics and Standards of Research Performance were adopted by the Society of Professional Archaeologists (U.S.A.) in 1976. It was endorsed, in the revised form below, by the Council of the New Zealand Archaeological Association on 16 January 1999 to provide guidance for those working professionally in archaeology in New Zealand.

#### **PREAMBLE**

Archaeology provides an approach to the study of human history through the scientific investigation and interpretation of the archaeological record. A finite, non-renewable, generally fragile resource, the archaeological record is comprised of all the material evidence of past human behaviour.

Society has a claim on the information about the human past which can be derived from the study of the archaeological record. Society, therefore, must depend upon the profession of archaeology to ensure that archaeologists:

- (a) conduct their studies scientifically so that accurate new information about the past will be acquired;
- (b) disseminate the results of their studies;
- (c) help to conserve the archaeological record; and
- (d) use archaeological resources appropriately in their research.

These objectives will be promoted by the promulgation of a code of professional ethics and codes of professional standards for the practice of archaeology. The promulgation of such codes, and the identification and unification of those who subscribe to them, will:

- (1) strengthen the identification of archaeology as a profession and of qualified archaeologists as professionals;

- (2) encourage high standards in the training and further education of archaeologists;
- (3) require high standards of performance from practising professional archaeologists;
- (4) communicate to the public the importance of proper practice of archaeology; and
- (5) assist governmental and other organisations using archaeologists in the course of their activities to identify those properly qualified for the purpose.

## CODE OF ETHICS

The privilege of professional practice requires professional ethics and professional responsibility, as well as professional competence, on the part of each practitioner.

### I. The Archaeologist's Responsibility to the Public

1.1 An archaeologist shall:

- (a) Recognise a commitment to represent archaeology and its research results to the public in a responsible manner;
- (b) Actively support conservation of the archaeological resource base;
- (c) Be sensitive to, and respect the legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations and actively consult with them when archaeological work is proposed;
- (d) Avoid and discourage exaggerated, misleading, or un-warranted statements about archaeological matters that might induce others to engage in unethical or illegal activity.
- (e) Continue their professional development throughout their career beyond their formal training, to retain and develop their currency in their chosen areas of expertise.

1.2 An archaeologist shall not:

- (a) Engage in any illegal or unethical conduct involving archaeological matters or knowingly permit the use of his/her name in support of any illegal or unethical activity involving archaeological matters;
- (b) Give a professional opinion, make a public report, or give legal testimony involving archaeological matters without being as thoroughly informed as might reasonably be expected;
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation about archaeological matters;
- (d) Undertake any research that affects the archaeological resource base for which he/she is not qualified.

### II. The Archaeologist's Responsibility to his/her Colleagues:

2.1 An archaeologist shall:

- (a) Give appropriate credit for work done by others;
- (b) Stay informed and knowledgeable about developments in his/her field or fields of specialisation;
- (c) Accurately, and without undue delay, prepare and properly disseminate a description of research done and its results;
- (d) Communicate and co-operate with colleagues having common professional interests;
- (e) Give due respect to colleagues' interests in, and rights to, information about sites, areas, collections, or data where there is a mutual active or potentially active research concern;
- (f) Know and comply with all laws applicable to his/her archaeological research, as well as with any relevant procedures promulgated by duly constituted professional organisations;
- (g) If employed to review the work of colleagues, promptly advise them of that fact and provide reasonable opportunity for them to consider and respond to any adverse findings;
- (g) Give less-qualified co-workers on a project every reasonable opportunity to gain skills and experience and shall negotiate adequate and appropriate remuneration for such work with regard to the skills of the co-worker and requirements for the job.

2.2 An archaeologist shall not:

- (a) Falsely or maliciously attempt to injure the reputation of another archaeologist;
- (b) Commit plagiarism in oral or written communication;
- (c) Undertake research that affects the archaeological resource base unless reasonably prompt, appropriate analysis and reporting can be expected;
- (d) Refuse a reasonable request from a qualified colleague for research data;
- (e) Knowingly compete with another for employment to the detriment of professional standards.

### III. The Archaeologist's Responsibility to Employers and Clients

3.1 An archaeologist shall:

- (a) respect the interests of his/her employer or client, so far as is consistent with the public welfare and this Code and Standards;
- (b) Refuse to comply with any request or demand of an employer or client which conflicts with this Code and Standards;
- (c) Recommend to employers or clients the employment of other archaeologists or other expert consultants upon encountering archaeological problems beyond his/her own competence;
- (d) Exercise reasonable care to prevent his/her employees, colleagues, associates and others whose services are utilised by him/her from revealing or using confidential information. Confidential information means information of a non-archaeological nature gained in the course of employment which the employer or client has requested be held inviolate, or the disclosure of which would be embarrassing or would be likely to be detrimental to the employer or client. Information ceases to be confidential when the employer or client so indicates or when such information becomes publicly known;
- (e) Behave ethically and in the interest of the client in recommending the employment of other professionals.

3.2 An archaeologist shall not:

- (a) Reveal confidential information, unless required by law;
- (b) Use confidential information to the disadvantage of the client or employer;
- (c) Use confidential information for the advantage of himself/herself or a third person, unless the client consents after full disclosure;
- (d) Recommend or participate in any research which does not comply with the requirements of the Standards of Research Performance;
- (e) Claim to be an archaeological consultant of any kind unless she/he can act as an independent and unbiased adviser and has suitable qualifications and experience.

### STANDARDS OF RESEARCH PERFORMANCE

The research archaeologist has a responsibility to attempt to design and conduct projects that will add to our understanding of past cultures and/or that will develop better theories, methods or techniques for interpreting the archaeological record, while causing minimal attrition of the archaeological resource base. In the conduct of a research project, the following minimum standards should be followed:

I. The archaeologist has a responsibility to prepare adequately for any research project, whether or not in the field. The archaeologist must:

- 1.1 Assess the adequacy of his/her qualifications for the demands of the project, and minimise inadequacies by acquiring additional expertise, by bringing in associates with the needed qualifications, or by modifying the scope of the project;
- 1.2 Inform himself/herself of relevant previous research;
- 1.3 Develop a scientific plan of research which specifies the archaeological objectives of the project, takes into account previous relevant research, employs a suitable methodology, and provides for an appropriate use of the resource base (whether such base consists of an excavation site or of specimens) consistent with the objectives of the project;
- 1.4 Ensure the availability of adequate staff and support facilities to carry the project to completion, and of adequate curatorial facilities for specimens and records;

1.5 Comply with all legal requirements, including, without limitation, obtaining all necessary governmental permits and necessary permission from landowners or other persons;

1.6 Determine whether the project is likely to interfere with the programme or projects of other scholars and if there is such a likelihood, initiate negotiations to minimise such interference.

II. In conducting research, the archaeologist must follow his/her scientific plan of research, except to the extent that unforeseen circumstances warrant its modification.

III. Procedures for field survey or excavation must meet the following minimal standards:

3.1 If specimens are collected, a system for identifying and recording their provenances must be maintained.

3.2 Uncollected entities such as environmental or cultural features, depositional strata, and the like, must be fully and accurately recorded by appropriate means, and their location recorded.

3.3 The methods employed in data collection must be fully and accurately described. Significant stratigraphic and/or associational relationships among artefacts, other specimens and cultural and environmental features must also be fully and accurately recorded.

3.4 All records should be intelligible to other archaeologists. If terms lacking commonly held referents are used, they should be clearly defined.

3.5 Insofar as possible, the interests of other researchers should be considered. For example, upper levels of a site should be scientifically excavated and recorded whenever feasible, even if the focus of the project is on underlying levels.

IV. During accessioning, analysis and storage of specimens and records in the laboratory, the archaeologist must take precautions to ensure that correlations between the specimens and the field records are maintained, so that provenance, contextual relationships and the like are not confused or obscured.

V. Specimens and research records resulting from a project must be deposited at an institution with permanent curatorial facilities.

VI. The archaeologist has responsibility for appropriate dissemination of the results of his/her research to the appropriate constituencies with reasonable dispatch.

6.1 Results viewed as significant contributions to substantive knowledge of the past or to advancements in theory, method or technique should be disseminated to colleagues and other interested persons by appropriate means, such as publications reports at professional meetings, or letters to colleagues.

6.2 Requests from qualified colleagues for information on research results ordinarily should be honoured, if consistent with the researcher's prior rights to publication and with his/her other professional responsibilities.

6.3 Failure to complete a full scholarly report within 10 years after completion of a field project shall be construed as a waiver of an archaeologist's right of primacy with respect to analysis and publication of the data. Upon expiration of such 10 year period, or at such earlier time as the archaeologist shall determine not to publish the results, such data should be made fully accessible for analysis and publication to other archaeologists.

6.4 While contractual obligations in reporting must be respected, archaeologists should not enter into a contract which prohibits the archaeologist from including his or her own interpretations or conclusions in contractual reports, or from a continuing right to use the data after completion of the project.

6.5 Archaeologists have an obligation to accede to reasonable requests for information from the news media.