

In accordance with the principles of the Vermillion Accord and the First Code of Ethics on members obligations to indigenous peoples, the World Archaeological Congress believes that all archival information (e.g. catalogues, historical records and related material) about museum collections should be in the public domain.

Recommendations:

- c) ensure that information and archives of UK holdings of human remains are placed in the public domain;
- d) ensure that access to collections is normally available.

6. CARE, TREATMENT AND REPATRIATION OF HUMAN REMAINS

6.1. WAC is guided by the Vermillion Accord and its First Code of Ethics regarding the care, treatment and disposition of human remains. The legitimate concerns of science and education are recognised as are the legitimate concerns of communities for the proper disposition of their ancestors.

6.2. The First Code of Ethics acknowledges that the indigenous cultural heritage (including human remains) rightfully belongs to the indigenous descendants of that heritage. WAC acknowledges the right of communities to determine disposition, and that repatriation of human remains to communities is one appropriate outcome. However, the Vermillion Accord makes it clear that WAC considers mutual respect for the legitimate concerns of science and the legitimate concerns of communities the key factor in enabling acceptable agreements to be reached and honoured.

6.3. WAC Council recently (1999) adopted the following resolution concerning the remains of the Khoi-San woman Sarah Bartmann:

WAC supports the Indigenous peoples of South Africa in their endeavours to repatriate the remains of Sarah Bartmann from the Musee de l'Homme in Paris, France to South Africa.

WAC Council also made the following statement in 1999:

WAC welcomes the Australian Federal and State Governments' cultural ministers' decision to recognise indigenous ownership of ancestral remains and sacred/secret items currently held in Federal and State

institutions, and strongly encourages both Federal and State governments to ensure that the repatriation of ancestral remains and sacred/secret items occurs in accordance with an appropriate time frame and the cultural protocols and expectations of the relevant indigenous communities.

Recommendations

In light of its adopted policies and resolutions, WAC urges this Committee to:

- e) take the Vermillion Accord (see above) and WAC's First Code of Ethics (see Attachment 1), as the basis of a Statement of Principles regarding the care and safe-keeping of human remains, recognising that these have been developed through discussion between archaeologists and indigenous peoples and have already been adopted by several international archaeological organisations.
- f) recognise that as the indigenous cultural heritage often includes not only human remains but also other funerary material, normally both should be included within any proposed legislative change regarding indigenous human remains.
- g) develop a Statement of Principles regarding the handling of requests for return of indigenous human remains on the basis that indigenous people have the right to determine their disposition.
- h) ensure that museums have no legal impediment to the repatriation of human remains (and funerary goods), by allowing the de-accessioning of material, or by any other means.

Attachment 1

WAC First Code of Ethics

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 peoples.
3. To acknowledge the special importance of indigenous ancestral human remains, and sites containing and/or associated with such remains, to indigenous peoples.
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 seek, whenever possible, representation of indigenous peoples 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 peoples 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.

The new Code should not be taken in isolation; it was seen by Council as following on from WAC's adoption of the Vermillion Accord passed in 1989 at the South Dakota Inter-Congress.