

# **Ethical issues in the practice of archaeology in Colombia;**

## **a short discussion**

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### 1. Ethical guidelines and codes of conduct

The topic of ethics in archaeology has been dealt with since long ago. There are even some classic compilations of the matter such as *“Ethical Issues in Archaeology”* edited by Larry J. Zimmerman, Karen D. Vitelli and Julie Hollowell Zimmer (2003, Altamira Press & SAA). The subject has been discussed in international meetings of the WAC (World Archaeological Congress) and the SAA (Society for American Archaeology), as well as in many regional, national and local congresses, seminars, etc. It is possible to state that all professionals that count in the academic world agree with the codes of ethics and that there is no open opposition to them. Even so there is a great deal of concern regarding the actual practice of archaeology everywhere in the world, but especially in those countries where contract archaeology became the dominant mode of professional practice. By far the most frequent problem is that there seems to be an enormous gap between the codes of ethics, that nobody dares to discuss openly, and the real practice where other considerations take the lead and determine how surveys, digs and reports get done, not always in accordance with ethic rules.

Let us examine, in the first place, what has been stated as rules of good practice in archaeology. A survey of published guidelines and codes of conduct reveals that several have been issued since the decade of the 1990s in North America, Australia, New Zealand, Europe and Latin America. Among those bodies that have issued such documents we may cite:

- Society for American Archaeology
- Australian Archaeological Association

- Society for Historical Archaeology (United States)
- New Zealand Archaeological Association
- Register of Professional Archaeologists (United States)
- Archaeological Institute of America
- Canadian Archaeological Association
- European Association of Archaeologists
- Chartered Institute for Archaeologists (Great Britain)
- Sociedade de Arqueologia Brasileira
- Asociación de Arqueólogos Profesionales de la República Argentina
- Asociación Colombiana de Arqueólogos Profesionales
- Egyptian Cultural Heritage Organisation
- World Archaeological Congress
- Australian Association of Consulting Archaeologists
- Colegio Profesional de Arqueólogos del Perú
- Escuela de Arqueología de la Universidad Autónoma de Zacatecas (Mexico)
- Consejo General de los Colegios de Doctores y Licenciados en Filosofía y Letras y en Ciencias (Spain)

There are other codes issued by organisations such as councils or associations of archaeologists in various states of the United States, provinces of Canada, local authorities in Scotland and Sweden and universities throughout North America and Europe. Elsewhere the question of the standards of professional work in archaeology is dealt with by state regulations (Acts, Laws and Decrees) or is not dealt with at all. It is surprising to find that in several countries with a long tradition of archaeological research, codes of conduct have not been issued or, at least, have not been officially published by national institutions or national organisations of archaeologists (e.g. Egypt, Mexico, Greece, France and Italy), even though regional universities or non-governmental organisations may have done so (as in Mexico and Egypt).

## 2. A compilation of common and particular principles and guidelines

Leaving aside questions of emphasis or style it is clear that most regulations and codes have in common a number of basic principles. On the other hand, some of

them have particular statements. We can summarise the set of common principles as follows:

### 2.1. The archaeological record is irreplaceable

It is the responsibility of researchers to protect and promote the archaeological record; in order to obtain the maximum information specialised knowledge shall be applied whenever possible. A further development of this principle is that research should be as less invasive as possible; non-invasive techniques are advisable over invasive work if feasible.

### 2.2. Archaeologists are accountable for their work

The public has the right to supervise the professional work; archaeological heritage should be seen as part of the public domain. Also, the researchers must consult the groups affected by their work, independently of their political, social, religious or economic status. Local communities must be consulted and kept informed about the research done by archaeologists.

### 2.3. Archaeological objects are not commodities

Buying and selling objects destroys the archaeological record. Researchers should discourage this form of trade and should never engage personally in it. This includes not only direct buying or selling but also acting as experts or appraisers for the market of archaeological objects. A further development of this principle asks archaeologists to act in accordance with UNESCO conventions; it is also stated that they should not be involved in projects seeking profit from archaeological heritage.

### 2.4. Education and public dissemination

Archaeologists should seek public support for the archaeological record, promote the use of archaeological methods and communicate archaeological interpretations

of the past. There is a direct responsibility in promoting a widespread understanding of archaeological finds.

#### 2.5. Public nature of the archaeological record

The knowledge of the past is not a matter of private possession. The data should be available to everyone. Keeping data secret is not ethical. This includes allowing the expression of alternative views of the past. The use of public databases, open collections and Internet resources is strongly encouraged.

#### 2.6. The obligation to publish

The results of archaeological research should be made public as soon as possible. They must be published in a way so as to make them accessible to a wide range of publics. Restrictions may apply when publishing information that may endanger sites, such as the location of submarine wrecks or other finds that might be the subject of looting if their exact location is disclosed.

#### 2.7. The obligation to preserve

Archaeologists should work for the preservation of collections, records, and reports. This may include alerting authorities about risks affecting the archaeological record. A further development asks archaeologists to act in accordance with the ICOMOS (International Council on Monuments and Sites) charter of management of archaeological heritage. Prior to the opening of a dig it is necessary to consider how the objects that may come out are to be preserved.

#### 2.8. Training and work quality

Archaeologists must have training, experience and facilities to conduct their work with the highest professional standards. This may include the adequate distribution of tasks among the team members according to their capabilities. A corollary is that archaeologists are obliged to keep abreast of developments in their field so that they may always apply the best techniques available; another one is that projects

should always start with a proper research design. It is not admissible to have poorly trained persons leading projects; apprentices should be closely supervised and assigned responsibilities according to their level and skills.

### 2.9. The rights of indigenous people

Prior to any investigation researchers must a) Define the peoples whose cultural heritage is the subject of investigation. b) Obtain the informed consent of their representatives. c) Ensure that the representatives are kept informed. d) Present the results of their work in a respectful manner. e) Not interfere with human remains of indigenous peoples. f) Not interfere with objects of special cultural significance and g) Employ indigenous peoples as part of their projects.

### 2.10. Compliance with national regulations

Archaeologists must respect and abide by the local national laws and regulations governing the employment of workers, safety conditions, management of sites and collections, permits, documents, temporary exportation of objects, destructive sampling, community relations and publications.

### 2.11. Responsibility with respect to the information

Archaeologists shall not present information that is not exact or in a manner so as to mislead or promote wrong views. They must also give proper credit to the ideas and contributions of others. Finally they must not make statements or give advice on matters with which they are not familiar.

Those eleven basic rules contain a sound and basic declaration of how professional archaeologists should behave in the course of their work. Leaving aside minor differences these guidelines have a universal value and could be applied in every country on Earth. Contract archaeology, however, poses a new series of conditions that require different and more stringent rules. So, let us now take a look at this new framework of professional work.

### 3. Contract archaeology, code of conduct

Most of the codes of conduct issued and the principles they involve, were conceived in the past for the exercise of what we may call basic archaeology; that is a professional research exercise guided by scientific aims and carried out in order to obtain information to be used for academic and educational purposes. Contract archaeology, at least as it is being practised now in Latin America, is another thing; its objectives have to do less with scientific aims than with the need to fulfil a legal obligation. Those legal obligations have been imposed by law in order to protect archaeological sites and finds from destruction when engineering and construction projects might put them at risk. Companies are thus obliged to contract archaeologists to perform surveys before work starts and to accompany the development of such works in case there are accidental finds. Most contract archaeology takes place in road building areas, mines, quarries, oil fields, pipelines, urban developments, electricity networks and other large construction sites. Less effort has been employed in regulating the ethics of contract archaeology; there are only a few examples of codes, as those issued by the following bodies:

- Institute for Archaeology – By-Laws, Code of Conduct; By-Laws, Code of Approved Practice for the Regulation of Contractual Arrangements in Archaeology
- The European Association of Archaeologists – The EAA Principles of Conduct for Archaeologists Involved in Contract Archaeological Work

The principles invoked for contract archaeologists according to these regulations can be synthesised as follows:

- 3.1. They should operate within the legal framework of the country. In this case not only laws concerning labour relations, archaeology and cultural heritage should be taken into account but also those dealing with the environment, community participation and national security.
- 3.2. They should give the best advice to developers and planners. That is to be done even if it means incurring in higher spending.

- 3.3. They should understand the structure roles and responsibilities of the companies, the projects and the public administration.
- 3.4. They should avoid conflicts of interest between giving advice in a regulatory capacity and undertaking work in a contract capacity. Both types of roles involve compromises that might imply unsolvable contradictions.
- 3.5. They should not offer to undertake contract work for which they are not suitably equipped or experienced; even if it means rejecting attractive sums of money.
- 3.6. They should maintain adequate project control systems. Those systems must take into account the whole range of activities involved in the engineering or architectural work, not only the archaeological component.
- 3.7. They should adhere to recognised professional standards as well as to law and to ethical standards, such as the codes of ethics to which we have referred.
- 3.8. They should ensure that results are completed and made available. It is not acceptable either to leave work unfinished or to keep results unavailable to those interested in them.
- 3.9. They should ensure that archaeological information is not suppressed for commercial reasons. Such conflicts may arise when a find is made and it constitutes an obstacle for the continuation of a construction project.
- 3.10. They should maintain the academic coherence of archaeology; especially in the face of a tendency towards fragmentation under a contract system.
- 3.11. Those involved in managing should be conscious of their responsibilities towards pay conditions, regulations of employment and training, so as to ensure the welfare of the people working in the project.
- 3.12. They should demonstrate, to developers and to the public the benefits of support for archaeological work. This involves a careful labour of public relations.

- 3.13. They should promote the application of the codes, and the means to make them work effectively, especially the systems of regulation.
- 3.14. The primary responsibility is to safeguard the archaeological resource and to seek preservation *in situ* as the first option. Only when it is imperative to remove finds should this be done.
- 3.15. They shall not risk any archaeological resource for commercial reward. It is important to keep in mind that archaeological objects are, in the first place, part of the cultural heritage.
- 3.16. They must ensure that those sponsoring or commissioning work understand their responsibility for the processing and analysis of the data and finds, scientific analysis, dissemination of the results, security of the archive and conservation and storage of the finds, together with the financial provision.
- 3.17. In the conduct of work, they shall not offer or accept bribes.
- 3.18. They must ensure that all potential contractors consider the same brief and are provided with the same information. In large scale projects only adequate communication can ensure the protection of finds.
- 3.19. Those monitoring archaeological work should draw to the attention of a contractor, his client and other parties those aspects of work that conflict with the brief.
- 3.20. They should ensure that an archive consisting of project records and cultural material in an accessible form is deposited in a safe repository for future reference.
- 3.21. They must ensure that all parties are aware of the unpredictable nature of buried archaeological evidence and should seek to make appropriate contingency arrangements.
- 3.22. They will execute the contract faithfully and conscientiously. The failure to do so might result in the permanent loss of valuable archaeological and historical information.



- 3.23. They must respect confidentiality, but should allow access to primary archaeological records within a reasonable time. There is no valid reason why cultural heritage should be kept secret.

#### 4. Contract Archaeology in Latin America and Colombia, the harsh reality

It would not be an exaggeration to state that the history of archaeology in most countries of Latin America can be divided in two periods: before and after the introduction of contract archaeology. It is not relevant for the purpose of this discussion to analyse the situation before contract archaeology, so we will focus on the present day situation:

- 4.1. There is a boom all over Latin America of contract archaeology. This phenomenon arises from the promulgation of laws and regulations aimed at reducing the environmental impact of large scale projects. Archaeology has been inserted as part of the factors considered in this impact. Therefore, every large project involving soil removal, drilling and excavation must comply with an environmental study that includes archaeology.
- 4.2. There has been an abrupt change in the rules and roles of the actors involved in archaeology. One of the most shocking things is that there is no academic body involved in the process; archaeologists usually appear as private individuals offering their work capacity to companies who hire them to perform a job under corporate rules. In a few cases universities or academic non-governmental organisations carry out contract archaeology projects, but this tends to be uncommon. The State appears as a regulating body that issues licenses, receives reports and grants permissions for the intervention. Local communities are marginally considered as receptors of some sort of dissemination of the results. No ample scope policies have been designed.
- 4.3. The volume of archaeological work being carried out is very large. At any given time many small and medium scale projects are being done in all regions of the country. While government bodies might have some sort of record of these projects, they have no means of effectively supervising their execution.

- 4.4. The number of professionals working is consequently, also very large. In Colombia the ICANH (Colombian Institute of Anthropology and History) estimates that there are around 500 people regularly executing contract projects and that there is demand for at least 500 more, while there not that many well trained professionals. As a result of this shortage of archaeologists it is usual to find that a single archaeologist may hold, at any given time, seven or eight intervention licenses throughout the country, even though it is impossible for him to attend personally more than one or two simultaneously.
- 4.5. There are large sums of money being paid for archaeological work. Usually civil engineering, oil and mining companies provide large financial resources for this type of work. There is not even an approximate estimate of the volume of these resources and no control whatsoever of how and where they are being invested.
- 4.6. While the government bodies require the presentation of project designs to grant the licenses for archaeological work, the whole process obeys only the needs of the companies that sponsor the contracts. In no country of Latin America contract archaeology projects are organised around research aims, priorities or guidelines of scientific nature.
- 4.7. Even though, in a purely administrative level, most formal requirements are met, the reality is that the whole process is of a very poor quality. It is usual to find that project designs are made by cutting and pasting from previous ones, processing and analysis of information is not rigorous and final reports lack real archaeological interpretations. There are, of course, exceptions, but most contract projects contribute nothing towards the advancement of science and knowledge.
- 4.8. Key aspects of the projects are decided by the contracting companies, not by the archaeologists. Such things as the duration of the project and the field work, extension and limits of the areas explored, the financing of scientific analysis and recommendations about the management of the finds are decided ultimately by the directors of the sponsoring companies. This intervention extends even to very delicate matters like the decision of whether a historical or archaeological site should be protected or not.

- 4.9. The results of the projects are largely unknown. In Colombia the only obligation of the contractor is to deposit a copy of his final report in the library of the ICANH. That single copy is all that remains; there are many cases in which copies have been lost and there is, consequently, no way to access the information. Publications are scarce and, when they are actually produced it is only a long time after the project is finished.
- 4.10. The work demand in contract archaeology has attracted people who have no training in the field. It is usual to find anthropologists who received only one or two basic courses in archaeology leading projects. This means that projects are being handled by untrained personnel and there is no guarantee whatsoever that finds and contexts are adequately registered and preserved.
- 4.11. Some archaeologists have taken advantage of this situation to form consulting companies. As entrepreneurs they usually practise all the conducts of capitalist managers; newly graduated professionals or even advanced students are hired for very low wages; there is a strict control of work productivity and it is expected that young professionals be available for work wherever needed, at short notice. These new companies are making good use of the net of contacts and friendships formed by their leaders in order to acquire as many contracts as possible. We are in the face of something hitherto unknown; powerful archaeological capitalists who are controlling a good share of work in the Latin American countries.
- 4.12. No real provisions to safeguard, preserve and protect archaeological sites and finds are being made. Contract projects are limited to recording the finds and producing some sort of recommendations, but the actual preservation is not usually included in the project. It remains as a problem at the will of the contracting company.
- 4.13. The fate of archaeological materials is uncertain. Rules in vigour define that final reports must provide recommendations as to how to manage the finds, and that the State bodies have the final word about their fate. However, depending on what is found and where the sites are located different things can occur. It is known that in cases in which the finds are attractive (i.e. complete objects) they are kept at the will of the contracting company directors and end up decorating their offices or their houses. Even, non-attractive finds, such as collections of potsherds

seldom find their way to public repositories where they can be accessed by interested researchers.

- 4.14. Local communities have little or no participation in the contract projects. Since most of the work is carried out in lands owned or controlled by the contracting companies there is, on the part of the communities, usually no negotiation or agreement about the work to be done, no compilation of oral tradition, no supervision of the work, no involvement in the interpretation of results and no intervention in the management of the materials recovered. Education and dissemination are mostly limited to a few conferences delivered at public schools or to the company workers.
- 4.15. As a result of the long term process of contract archaeology a curious situation has developed. There is a non-declared, but effective, divorce between professionals who participate in contract archaeology and those who don't. Contract archaeologists are regarded in the academic environment as second-class professionals and they seldom show up at academic events. Traditional archaeologists, on the other hand, are doing very little work, partly because there is scarce financing for basic archaeology and partly because field conditions, especially in Colombia, are difficult (i.e. matters of security).

## 5. A few questions and problems to think about

It is quite clear then that there is a wide gap between ethical guidelines and the actual practice of contract archaeology in most of Latin America, something that might be especially acute in Colombia. We can then, ask ourselves the following vital questions:

- 5.1. Is the absence of codes of conduct in several countries a factor influencing the behaviour of archaeologists? If that is so, the corollary to that question would be that issuing those codes would greatly alleviate the situation. Does it look like this last statement is feasible? In other words; if we put down in writing what is ethic would that automatically change real behaviour?

- 5.2. Given the fact that contract archaeology has grown without any type of governmental regulation; would it be feasible to revert this tendency and achieve a new type of ethical work environment? In the light of this question, and taking into account the very weak nature of State institutions and the tremendous power of contracting companies; wouldn't it be better to ask ourselves if such a radical government intervention is at all possible?
- 5.3. In this environment, that we can characterise as driven by the forces of market, there are people who are benefitting largely from the situation. Can we really expect those people to quit their profits in order to embrace a code of ethics? Would capitalist archaeologists be ready to give up part of their profits to pay fair wages, reduce the number of contracts being done simultaneously, etc.?
- 5.4. If we were to change the scheme of contract archaeology in order to turn it into an ethical, organised and scientifically sound programme; could we offer work opportunities at the level at which they exist nowadays? If not, that is if a huge reduction in contract work posts happened, how would we handle this critical situation?
- 5.5. Should we just accept that this is the shape of things to come and that we cannot really change much? Maybe we will have to come to terms with the fact that market forces in this scenery, as in many others, are just too powerful. Can we, then, devise some sort of remedial programme that might restore ethical conduct, at least in part? And how do we start to work on such programme?

6. Internet links for codes of ethics in archaeology

All consulted on February 5<sup>th</sup>, 2016.

<http://www.saa.org/AbouttheSociety/PrinciplesofArchaeologicalEthics/tabid/203/Default.aspx>

<http://www.australianarchaeologicalassociation.com.au/about/code-of-ethics/>

<https://sha.org/about-us/ethics-statement/>

[http://nzarchaeology.org/electpublications/NZAA%20Constitution%20July%202013%20\(1\).pdf](http://nzarchaeology.org/electpublications/NZAA%20Constitution%20July%202013%20(1).pdf)

<http://rpanet.org/?page=CodesandStandards>

[https://www.archaeological.org/sites/default/files/files/Code%20of%20Ethics%20\(2016\).pdf](https://www.archaeological.org/sites/default/files/files/Code%20of%20Ethics%20(2016).pdf)

<http://canadianarchaeology.com/caa/about/ethics>

[http://www.e-a-a.org/EAA\\_Code\\_of\\_Practice.pdf](http://www.e-a-a.org/EAA_Code_of_Practice.pdf)

<http://www.archaeologists.net/codes/ifa>

[http://www.sabnet.com.br/conteudo/view?ID\\_CONTEUDO=618](http://www.sabnet.com.br/conteudo/view?ID_CONTEUDO=618)

[http://www.acarp.net/afiliaciones/codigo\\_de\\_etica.html](http://www.acarp.net/afiliaciones/codigo_de_etica.html)

[http://museosdesantafe.com.ar/?page\\_id=1448](http://museosdesantafe.com.ar/?page_id=1448)

[http://www.concernedhistorians.org/content\\_files/file/et/70.pdf](http://www.concernedhistorians.org/content_files/file/et/70.pdf)

<http://e-a-a.org/princond.htm>

[http://ehlt.flinders.edu.au/wac/site/about\\_ethi.php](http://ehlt.flinders.edu.au/wac/site/about_ethi.php)

<http://www.aacai.com.au/about-aacai/code-of-ethics/>

<https://es.scribd.com/doc/286999178/Codigo-de-etica-Arqueologia>

<http://remarq.ning.com/forum/topics/codigo-de-etica-del>

<http://www.consejogeneralcdl.es/codigo-deontologico-de-la-profesion-de-arqueologo/>