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# Collaborating with Stakeholders

## Introduction

In the first edition of this book, the title of this chapter was “Consulting Stakeholders.” The change to “Collaborating with Stakeholders” for this edition reflects the rapidly changing views of archaeologists in accountability to their many publics. Collaborating is a more comprehensive term, which incorporates everything from notification to full-scale engagement in which stakeholder groups set research agendas, actively interpret results, and sometimes use information from collaborative projects to generate social policy or change relating to their group. Sometimes, archaeologists take an activist role in suggesting possible uses of information and working with a group to implement social change.

This is a far cry from a time when archaeologists sometimes joked that they got into archaeology so they didn’t have to deal with living people. The truth is, some archaeologists still do hope to avoid interaction with members of descendent communities or other stakeholder groups and give any number of reasons or excuses. Times have changed, and a lot of archaeologists now fully understand that the past has many stakeholders who may have as much right to the past as archaeologists, and in the case of descendent communities, even more right to it. In fact, the very phrase “the past” may be seen as nothing more than a convenient, generic reference because some archaeologists now understand that there likely are several pasts, all of them capable of explicating a particular set of material remains an archaeologist might find.

Recognition by archaeologists of the rights of these stakeholders and the complexities of the past has taken decades, with no small amount of contention. Pressure to do so came primarily not only from Indigenous people, but also from other descendent communities, starting with demands for the return of human skeletal remains and sacred objects. As they articulated their concerns and anger, their distrust of archaeology and the pasts it generates became abundantly clear. Out of this came additional demands for consultation with

descendent community members, which in some cases became part of governmental laws and regulations related to protection of cultural heritage. The result was that by the time archaeology entered the twenty-first century, many archaeologists began to consider consultation with stakeholders to be an important and expected part of their work. Although acceptance of the need for consultation became standard practice, what consultation really meant took time to sort out. A move toward collaboration, essentially a more engaged form of consultation, has been the result.

This chapter will explore some core theoretical and practical aspects of collaboration, that is, direct interaction by archaeologists with other stakeholders in jointly negotiated projects. This chapter may not be what you expect. Unlike some aspects of archaeological methods, collaboration cannot be a set of techniques to apply in standard ways or to “typical” situations. It is not intended to be a primer. To provide a “cookbook” for collaboration actually would be irresponsible and misleading because even within the same culture, descendent communities can be extremely diverse. Please heed this warning: *Approaches that work for collaborating with one group may bring disaster with another.*

Still, several underlying epistemological (i.e., “how we know what we know”) issues and some practical matters seem to appear with regularity. The practical considerations discussed here also will include some of the primary consultation and collaboration laws, regulations, or policies in the United States, Canada, and Australia, along with a discussion of how collaboration works (or doesn’t). Throughout, brief examples will illustrate key points.

## What and Who Is an Archaeological Stakeholder?

Stakeholder theory is complex (see Mitchell *et al.* 1997: 854), but most of us have a basic notion of who or what an archaeological stakeholder might be – an individual, group, or agency with an interest or “stake” in some aspect of the archaeological record. In practice, however, there can be substantially greater complexity, as many archaeologists will tell you. There are concerns with possession of, or rights to, some “property” that is contested, property that will be turned over to the winner of the “contest.” Each stakeholder has resources such as tradition, identity, or money to be committed to the contest and what negotiators call *salience*, the level of commitment the stakeholder has in pursuing this issue over other issues, essentially how important an issue is to them relative to other concerns. The archaeological record often has multiple stakeholders, all of them contending for archaeological property, whether for artifacts or for control of the very nature of the past and how stories about it get told. To the contest they bring varied resources and salience that range from low levels where they do little more than announce that they are stakeholders to intense contention that might include strong rhetoric, legal action, or even violence.

Stakeholders are varied, with archaeologists themselves being an important group. Many archaeologists have seen themselves as scientific, and therefore objective, parties to these issues, aloof from the “politics” of the past. By the

early 1980s, however, there was clearly a disciplinary stake in the past as some scholars saw the repatriation issue as a threat to their access to human remains, grave goods, sacred objects, and data generated from them. Levels of salience increased dramatically as did the resources put to the contest, and some archaeologists went so far as to go to court to stake their claims (e.g., the Kennewick skeleton in the United States – for two views of this case, see Chatters 2001; Thomas 2001; see also the discussion in Chapter 3 of this book).

At the same time, archaeologists underestimated the true salience of Indigenous people regarding the past. In the repatriation issue, for example, many archaeologists thought Indigenous people didn't care about human remains and excavations of traditional sites, mostly because they rarely heard Indigenous people complain. What archaeologists failed to realize was that colonized Indigenous people had a lot of problems with greater immediacy that impinged on their cultural – sometimes even their physical – survival (e.g., land title, health issues, and economy) and very few resources. As those issues abated and some groups were able to increase their resources, saliency about protecting their cultural property and traditions sometimes made them extremely vocal stakeholders, with many seeing their very identities at stake in the stories archaeologists told about Indigenous pasts (Zimmerman 2001; for specific statements by Indigenous peoples, see Langford 1983; Forsman 1997: 109; Tsosie 1997: 66, several papers in Layton 1989, but especially Bielawski 1989).

Seeing Indigenous people and archaeologists as primary stakeholders, however, would be a vast oversimplification. Members of other, non-Indigenous, descendent communities also have a stake in pasts they see as being from their ancestors. Sometimes, descendent communities can even be composed of members of ethnic communities that are part of the dominant society. Contested pasts are sometimes violent, as in the case of the destruction of the Babri Mosque in Ayodhya, India (Romey 2004). There are stakeholder groups beyond those who have a direct cultural or genetic affiliation to a particularly contested past. Passions are equally felt, for example, over the long-term Greek demands for the return of Elgin/Parthenon Marbles (*Guardian Unlimited* 2009). There are stakeholder groups such as government agencies or developers who are beyond those with a direct cultural or genetic affiliation to a particularly contested past. Some groups, archaeologists among them, even tend to think of the past as a public heritage where *everyone* has a stake. As cases in point, people from many parts of the world showed great concern about possible damage to archaeological sites from warfare in Iraq and looting of Iraqi museums and sites (Garen 2004) and in early 2011, looting from the Egyptian Museum in Cairo (Elkin 2011).

Private citizens can have a stake, particularly when it comes to artifacts. In several countries, the United States most notably, artifacts found on privately held land usually are considered to be the landowner's property (the rare exception being human remains). Even antiquities dealers, collectors, and looters are stakeholders, some making their living directly from acquisition and sales of antiquities. However, public moneys from citizen-paid taxes pay for most archaeological research, and government required-and-paid-for cultural and heritage resources management activities make up the vast majority of all

archaeology in several countries. Thus, project managers and government agencies comprise a significant group of stakeholders who make demands about how the archaeology gets done and what happens to materials recovered. Museums and other educational organizations also may have concerns about what happens to archaeological artifacts, especially in their interpretations and presentation. Land developers become stakeholders when heritage sites get in the way of their projects, or in some cases, when archaeological sites may be seen as a positive that increases heritage tourism. Assessing the salience of each stakeholder group can be a serious challenge!

Unfortunately, the very notion of archaeological stakeholders may conjure up a contest that will have winners and losers. For example, the media, some archaeologists, and a few Indigenous people have presented the repatriation issue as some kind of “us versus them,” “archaeologists versus Indigenous,” or “science versus religion” contest in which one group loses. That has been a very limiting and unfortunate way of seeing what and who stakeholders are (Zimmerman 2008a: 189–90). For archaeologists, that certainly is worthy of another warning: *Stakeholder groups don't always have to compete and actually can share agendas or form alliances to their mutual benefit.*

Stakeholders to the past can be many and varied in agenda, resources, and salience, attributes that must be considered when archaeologists interact with them. Simple, general guidelines for collaboration with stakeholders don't work, so all interaction with stakeholders needs to be carefully planned, but remain flexible enough to handle the idiosyncrasies of each group.

### **Collaboration Comes in Many Forms**

Just as the stakeholders and their interests in the past are many and varied, so too are viewpoints about what collaboration means. *Respect* is the humblest form of collaboration, but it is necessary for any other kind of collaboration to succeed. Simply put, respect is recognition that some other group has a stake that may be more important than your own. Respect generates honesty and openness in communication, taking care not to denigrate the feelings of the other group's members. Respect does not imply complete acquiescence to another stakeholder's demands. Since early in the repatriation issue, some archaeologists have claimed that demands for return of ancestral remains were “just identity politics,” a way to disparage Indigenous views. Interestingly, for many Indigenous people, respect happens to be a core value, which was often raised in repatriation discussions. So powerful was respect as a concept that when the World Archaeological Congress (1989) adopted the Vermillion Accord on Human Remains, the word was prominent in each of the agreement's six simple clauses. More than anything, the accord was a recognition of the legitimacy of the other stakeholders' positions.

Respect really is only a foundation for working with stakeholders. *Consultation* can take a variety of forms, but essentially one stakeholder declares intent that it is planning an activity that may have an impact on other stakeholders and somehow wishes to engage with them about the activity. *Notification* is a common form, but should only be thought of as a step in consultation, which involves telling the other stakeholders what is happening. Unfortunately, in the

early days of cultural heritage management, this often meant doing nothing more than that, with the archaeologist, developer, or government agency holding all the power. Often it meant “flyering” or putting up flyers that announced a meeting about the plans, often just to tell the others what was happening, listening to complaints, and going ahead with the activity. Flyering usually generates little but ill-will between stakeholder groups.

With growing recognition of Indigenous rights, legal requirements for consultation were often required. For example, in the United States, the federal government and some state governments have determined that interaction with American Indian tribes should be on a government-to-government basis in recognition of their sovereignty. When Zimmerman and a colleague won a contract with the National Park Service to study cultural affiliation issues associated with Effigy Mounds National Monument, before they could talk with any tribal member, they were required to get permission from each government of tribes that might have a link to the mounds. That they would request permission came as a surprise to the tribes who were used to government intervention without notice. None had any protocol for handling research requests. Only one tribe expressed concern about the project, so an American Indian archaeologist on the team worked with them to develop an approach. Consultation like this might be thought of as *informed consent* in which they were required to explain their project and get permission to work further with the tribe.

Assuming stakeholders agree to work together, *negotiation* follows as mutual discussion and arrangement of the terms of interaction between stakeholders. One product of negotiation may be *compromise*, which may be necessary if groups cannot agree on terms. Unfortunately, compromise is often described as having to “give up something to get something,” but sometimes, there really can be “win-win” situations that don’t require groups to cede anything to others. More than anything else, negotiation is an ongoing process that stakeholders use to clarify their own desires and agendas, and then communicate them to another stakeholder group. The simple truth is that people don’t always know exactly what they want, and they may have trouble communicating with a group whose epistemology and jargon seem utterly foreign. For example, in discussing how to identify sacred sites as Traditional Cultural Properties (TCPs) with Ojibwe and Dakota people in the state of Minnesota, the authors have both been told something like, “You archaeologists don’t understand what Indians mean by sacred. How can you put boundaries around a sacred place?” Our task was to explain why we carefully needed to identify the boundaries of a TCP so that it could be protected from development (for US federal guidelines concerning TCPs, see Parker and King 1990; for further discussion, see King 2003). In their exasperation, we have heard archaeologist colleagues say something like, “You have to understand that even though you say everything is sacred, we can’t put a boundary around the whole world!” After a lengthy discussion we began to understand that some places were not for us to know about, but that they might be generally identified. Sites might be capable of being located within relatively limited boundaries so that when ground disturbance was being planned, developers and cultural resource managers should know they needed to consult with the tribes.

When first negotiated, this approach took about 5 hours of discussion and has been renegotiated several times since, with recognition that more time will be needed. This was just a first step in a much broader project to protect sacred sites in Minnesota that has now gone on for a decade. In the meantime, sites have been damaged or destroyed, anger has flared, and still more meetings have taken place, but both the archaeological and American Indian communities in the state respect each other enough to keep talking. These are just two of the stakeholder groups, but there have also been meetings that included cultural heritage managers, developers, and government officials.

Negotiation, needless to say, can be complicated. Achieving a finished, mutually agreed upon product is actually rare and not always important, but the process itself is profoundly so. Sometimes these products might be a *Memorandum of Understanding* (MOU), in which people concur that they understand elements of a project in a particular way, or a *Memorandum of Agreement* (MOA) in which they agree, as if it were a contract, to particular obligations or rights for each party to the MOU.

Negotiation is the key tool in developing a closer collaboration or *partnership* in which groups of stakeholders work as a team working to achieve a mutually agreed goal. Partnerships imply a level of equality in the relationship in which research agendas, methods, and goals are developed together and understood in the same way. Ways to solve disagreements, which can be common enough, may be part of discussions. Sometimes the partnership can be formalized in a contract or MOU, but often, if people have developed a level of respect and trust, partnership can remain informal.

The idea in a partnership is to work in ways that will benefit everyone as much as possible. For archaeologists, this may mean working with other stakeholders in an alliance to protect sites, and more and more often, it is a way to supplement our knowledge by understanding what people know about their past and what it means to them (Figure 1.1). As many archaeologists have



**Figure 1.1.** Working with Ojibwe elders and youths to build a Mide (teaching) lodge, Ft. Snelling, Minnesota, 2003.



discovered, respectfully developed partnerships provide access to places and information that once were protected from outsiders. For nonarchaeologist stakeholders, archaeological tools can be put to answering questions about their pasts that their oral tradition or historical records might not do, and many find that archaeology offers powerful tools.

Archaeologists come to collaboration with relatively little experience, especially when it comes to partnerships. Mostly, this is because the discipline began as a colonial tool where it was in a position of power and could do what it wanted as an extension of government. As decolonization began, the source of power shifted as archaeology became scientific, accompanied by a belief that everyone understood the importance of science for humanity. In spite of its scientific colonialism, archaeology has had a history relevant to the issue that can be helpful in understanding the discipline's present views of collaboration.

Archaeological experience with other stakeholders has been relatively limited until recent decades, particularly as Indigenous stakeholders turned increasing resources and salience to concerns about repatriation. Still, archaeologists have actually had more experience with stakeholders than might be imagined. For the most part, we have not been so foolish as to think that stakeholders know nothing of their own pasts, and we have sometimes sought out their knowledge to answer our questions. However, our connections to some stakeholders have been more accidental than anything else. Because there are no simple formulae for working with stakeholder groups, personal and professional experiences in learning how to collaborate can be instructional.

Many archaeologists have actually used stakeholders as workers on projects, and some stakeholders have become rather skilled archaeological field technicians. Even in the days of antiquarianism, scholars often used members of local communities to assist with excavation as Carter did at the excavation of Tutankhamun (Orr 2002) or Heinrich Schliemann's use of 200 workers at Troy (Traill 1997). Even though they receive bare mention in field notes or reports, locals usually provided the heavy labor, but some facilitated interaction with political entities, translated, and handled day-to-day operations. This has been common practice in a lot of places.

The discipline's first collaborations were accidental, but in recent years, many archaeologists have understood the need to consider concerns of other stakeholders and the need to work more closely with them. By the mid-1950s, an interdisciplinary effort to promote ethnohistory appeared, developed mostly by scholars of American Indian history and anthropology who recognized that history was being written from a western point of view, relying mostly on printed documents. Growing out of their research on American Indian land claims cases, they decided that Indian views needed to be incorporated so as to dissipate a one-sided, Eurocolonial past (for an explanation and history of the approach, see Axtell 1982; for an example of a good, relatively recent application, see Helm 2000). Ethnohistory tries to understand human behavior through a mix of written documents, oral tradition, and material culture, and

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it is now being applied comparatively in many places in the world. However, the research questions and methods are mostly those of the scholars, not the people whose past is being studied.

Archaeologists have concluded, following notions of uniformitarianism, that to understand the past, we often need to look to the present. Archaeologists began to seek analogies between the behaviors of living peoples and those of people from the past. This became something of a specialty in archaeology by the mid-1960s, often labeled *ethnoarchaeology*, pioneered by Gould (1968, 1971) in Australia, Yellen (1977) among the !Kung San in Africa, and others. In essence, archaeologists do ethnology of living peoples, often making observations about material culture, site formation, and meaning based on their observations and discussions with the groups they study. For an excellent overview of the approach as it is now used, and for a wide range of applications worldwide, see David and Kramer's (2001) *Ethnoarchaeology in Action*. As with ethnohistory, however, research designs are mostly those of the scholars who may study elements of a culture that are of little importance to the culture being studied, and in that sense excluding stakeholders from core elements of the research process.

Ethnohistory and ethnoarchaeology have proven to be fruitful approaches for *archaeology*, but from the perspective of stakeholders being studied, the center of gravity for the scholarship still resides with the archaeologists, not the stakeholders. In that sense, many stakeholders still see such approaches as just another version of scientific colonialism. Nevertheless, these approaches recognize that stakeholders do know something about their own pasts, and in that sense show respect for the knowledge stakeholders possess.

Another trend was the growth of cultural heritage management (CHM) or cultural resources management (CRM). (North American archaeologists tend to use CRM, while most other places use CHM, a term that is actually more inclusive in terms of activities.) As part of colonialism, archaeologists had been involved in archaeological "salvage," but from the mid-1960s onward, archaeologists and historians began to understand that rapid economic development was responsible for destroying numerous important sites at an alarming rate. Many worked to influence governments to do what they could to protect sites – essentially to "save" the past – as a public heritage. In many cases, but especially in the United States, the idea of what was or was not significant enough to save was problematic at best. Because public laws were needed, the approach incorporated a "bottom-up" strategy in which local groups defined what they felt was important to them, then sought state and federal approval for their selections. In the United States, under the National Historic Preservation Act, sites were to be nominated to the National Register of Historic Places. The problem was that even though local knowledge and concern was important, to do the necessary National Register inventory or nomination of sites required professionals, which essentially left the power where it had been. As well – and frankly – CRM/CHM funds have driven archaeological research ever since, and archaeologists and their supporters have constantly had to defend the value of the work to taxpayers. Certainly, sites and information have been protected. Repatriation and reburial issues, which paralleled the growth of CRM/CHM,



however, seemed to be one step backward, and two very slow and short steps forward.

Starting in the late 1960s, but mostly in the 1980s, issues surrounding repatriation and reburial brought archaeologists face-to-face with the fact that archaeologists were also stakeholders, not just aloof observers. When Indigenous people began to demand the return of remains and sacred objects, many archaeologists felt threatened, believing that their “investments” in collections and their access to certain information would be restricted, going so far as to contend that Indigenous claims violated their academic freedom to conduct research on anything they chose to – for a good example of this, see Mulvaney (1991) and Bowdler’s (1992) response. Some went so far as to claim that archaeology was the only valid way to know the past and that the past would be “lost” with repatriation (e.g., see Meighan 1985). Initially, local, state, and provincial governments responded to the demands, but by 1989, the first national laws started appearing in the United States. The *National Museum of the American Indian Act* (1989) covered remains in the Smithsonian Institution and the *Native American Graves Protection and Repatriation Act* (1990), commonly known as NAGPRA, required inventory of all human remains, grave goods, and sacred objects, notification to possible genetic or cultural descendants, and repatriation where possible for all federal agencies and any organization that received federal funds or permits (almost all university or government museums and archaeological research facilities). Important in the law was a demand that these agencies also consult with tribes whenever construction projects might disturb graves; consultation also appeared in a number of other laws relating to religious freedom and environmental protection.

In Australia, Canada, and elsewhere, the demands of Indigenous people for return of ancestral remains were no less powerful, but there was perhaps less movement toward passage of sweeping legislation. In the early 1970s in Australia, there was an outcry over the treatment of the remains of Truganini, who was unfortunately labeled the “last Tasmanian.” By 1974, the Advisory Committee for Prehistory and Human Biology of the Australian Institute of Aboriginal Studies (now the Australian Institute for Aboriginal and Torres Strait Islander Studies or AIATSIS) had advised that Truganini’s remains be reburied. Her remains were cremated and her ashes scattered in 1976. By 1984, Victoria amended its *Archaeological and Aboriginal Relics Preservation Act* so that remains could be returned to communities. In 1984, the *Federal Aboriginal and Torres Strait Islander Protection Act* was passed with a special section (Victorian Provisions Part IIA – now *The Aboriginal and Torres Strait Islander Protection Amendment Act 1987*). Because the Victorians wouldn’t recognize ownership, Tasmania soon followed, also in 1984, not in their heritage legislation, but in the *Museums (Aboriginal Remains) Act*, which allows return of remains in the museum (J. Balme, personal communication, June 3, 2003). By 1987, AIATSIS had drafted a policy that recognized Aboriginal ownership of remains but also suggested that the remains were a valuable source of information about the past. Federal law recognizes Aboriginal ownership pre-1778 and that Aboriginal councils should control such materials (see Sinclair 2003 for a summary). The *Commonwealth Native Title Act* (1993) has caused the commonwealth and states to look

at questions of title in law that may have implications for archaeology or cultural property, although not specifically about them. All State and Territory Government departments responsible for Acts protecting Aboriginal sites have policies that require consent from Aboriginal communities before permits for excavation are given. Consent is also required before any permits are given for destruction/ collection or other disturbance of Aboriginal sites associated with development (J. Balme, personal communication, June 3, 2003). However, some feel that these measures are not specific enough to demand reburial or consultation, and the system seems to operate mostly on the basis of moral grounds and political pressure (C. Smith, personal communication, May 30, 2003; Colley 2002).

Canada's path is similar to that of the United States, although with no encompassing national law. Some early confrontations, such as that in 1976–1977 over the Grimsby burial ground (Kenyon 1982), were well publicized, but there never has been law or policy beyond that of the provinces. The *Ontario Cemeteries Act* (1990), for example, notes that disposition of human remains is to be negotiated between the landowner and a designated representative for the deceased, usually from the First Nation nearest the discovery; the archaeologist has no direct role. Alberta has a *First Nations Sacred Ceremonial Objects Repatriation Act* limited to the Alberta Museum, but questions about the ability of First Nations communities to file claims with other institutions remain (Ferris 2003). Parks Canada (2009) has published an excellent summary of the way federal and provincial laws interact regarding archaeological heritage. Hanna (2003) provides an excellent summary of Canada's path in the repatriation issues. As with Australia, moral grounds and political pressure are the primary reasons for consultation in most cases.

Although legislation has been variable, the sense of professional obligation to work with stakeholders, especially on matters of repatriation, has grown, and to a degree, has been made part of professional ethics codes. Efforts to develop professional ethics codes started in the late 1960s with an attempt to ask the Society for American Archaeology (SAA) for a policy to guide its members on such matters (Johnson 1973), but there was no real push until the 1980s. The SAA tried to push through what was essentially an antirepatriation policy in 1982, which was resisted by Native Americans and some members (Zimmerman 1989a). Four years later the SAA did pass a policy, which since that time has guided its responses to NAGPRA, the Kennewick Case, and most recently debates of the NAGPRA regulations concerning repatriation of cultural unidentifiable human remains and funerary objects (Lawler 2010). The policy “encourages close and effective communication between scholars engaged in the study of human remains and the communities that may have biological or cultural affinities to those remains” (Society for American Archaeology n.d. a). No policy demanded professional consultation with stakeholders until the World Archaeological Congress (WAC), following on the Vermillion Accord on Human Remains, enacted its First Code of Ethics (Members' Obligations to Indigenous Peoples) in 1990 (Zimmerman and Bruguier 1994). The WAC code clearly states that the ownership of cultural materials and information about Indigenous peoples rests with Indigenous people themselves and that WAC

members are obligated to engage those whose heritage is being studied and at all stages of an investigation. The Canadian Archaeological Association (2002) and the Australian Archaeological Association (2004) have passed similar codes. The Register of Professional Archaeologists (n.d., then the Society of Professional Archaeologists) in the United States stated in its Code of Conduct notes that its members should “be sensitive to, and respect the legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations.” The SAA was slower to develop ethical principles and has never made interaction with Indigenous peoples a primary focus. Adopted in 1996, the SAA (n.d. b) Principles of Archaeological Ethics acknowledge accountability to the public and “a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s).” Worth noting is that one group of archaeologists is making a determined effort to change the SAA principles, asking the organization explicitly to recognize the need for consultation, reciprocity, and partnership; collaborative stewardship; research practice and integrity; public engagement and responsiveness; and to consider the global contexts of local collaborations (Archaeology, Collaboration and Ethics 2010).

The problem with these ethical codes is that they tell what you are obliged to do, but provide little guidance as to how to do them. That’s where things get difficult. The problems start at fundamental levels, even in terms of differences between how the past is known to archaeologists and stakeholders.

To understand that there can be different ways of knowing the past may be difficult for archaeologists who are intensely focused on knowing the past through material remains and their contexts. Any other way seems less powerful, and most archaeologists are fully aware of the problems associated with oral history, written documentation, and lore. Archaeology as a science is a well-buttressed worldview for archaeology’s practitioners. If archaeology can be called a profession, then knowing the past the way we do, through excavation, analysis, and scientific interpretation, is what we profess. The problem is that most nonarchaeologists don’t know the past this way.

## Differing Ways of Knowing the Past

For many people, the past is a “received” wisdom, given to them by elders, religious and political leaders, kinspeople, or other knowledgeable authorities. This wisdom is laden with meaning that supports personal and cultural identity. Knowledge that contradicts it, no matter the source, is viewed skeptically at best and threatening and heretical at worst. Archaeologists must understand this to interact successfully with stakeholders. For some stakeholders, especially Indigenous people, the matter is critical, which Deloria’s (1995) stunning attack on archaeology makes abundantly clear. For them to accept contradictory, archaeologically derived information, they must reject their own pasts and thus reject their own identity. Their version of their past is “true.” This poses a problem for archaeologists who actually seek validity, not truth.

True or valid?

Validity and truth are difficult, closely related concepts, too loosely used by most archaeologists, and most stakeholders use the terms almost interchangeably.

Validity is authority based on arguments, proofs, and assertions, or something that is well founded, in accordance with known “facts,” and agreeing with a standard. In other words, it follows rules outlined from the start. Scientists assess validity, not truth. Truth is a function of belief and is absolute. Most stakeholders are seekers of truth, not validity. Archaeological validity will have meaning and utility only insofar as it coincides with their truths (for a more complete discussion, see Zimmerman 2008b: 57–60). Both groups have ways of knowing that provide valid answers to questions, but scientists should understand that truth is ever elusive, and by definition, scientists suppose that they can only reach an approximation of a truth. In other words, archaeologists never “prove” anything, only that some explanations of the past are more or less feasible than others.

How can there be different versions of the same past?

What this means is that there can literally be different pasts, that is, several true versions that account for the same set of events and material remains. People string together a selection of “facts” that provide meaning or explanation (cf., Davidson 1995: 3). This should not be too difficult to understand. Witnesses to an event often differ in accounts of the event because of their perceptive abilities, their locations, intervening factors, their culturally determined biases (for want of a better word), and even how questions are asked (Loftus 1996). An important cultural bias involves how people understand and perceive time and the past. In brief, not all people see time as archaeologists do (for discussions with numerous examples, see Zimmerman 1987, 1989b; for elaboration on the very complex nature of time and its impacts on perceptions of the “Other,” see Fabian 1983.) Archaeologists, as part of a western, literate tradition, have their perceptions of time patterned by the written word; that is, for them, time operates in a linear sequence: A leads to B leads to C, and so forth. This is especially true for sciences that demand linearity so that others can replicate experimental models. Oral tradition is usually a set of stories that contain information about a people’s origin, movements, interactions with the world around them, and, as much as anything else, teachings to help people live their lives. Thus, they are usually not historical documents, though they may contain historical elements. Oral tradition peoples tend to see time in a more circular, cyclical, or spiral way. The key is not chronology but regularity of events. For literate people, the emphasis is on the past and future, with the present being only a fleeting moment. They seek precedents from the past that will influence events in the future (e.g., consider the common statement that one who is ignorant of the past need not hope to make the future great, or as archaeologists sometimes claim, they are saving the past for the future). For oral tradition people, the present receives the emphasis. The constancy of events is crucial and important. This does not mean that oral people don’t understand the notion of calendrical time; rather, they emphasize a different aspect of the passage of time. Similarly, literate people also understand cyclical time. They can see the regularities of nature but don’t emphasize them except in the most general ways. For a more complete description, see Ong (1982).

For archaeology, an emphasis on linear time produces a past that is compartmentalized into chronologies using periods, phases, traditions, and other linguistic labels. Archaeological approaches demand detailed attention to the passage of time. Oral tradition peoples, including most Indigenous peoples, tend to emphasize the present. With a cyclical view of time, the past, present, and future are essentially the same in terms of the important events. Nature is unchanging, though the actors and minor elements may differ slightly. Cycles that have been completed form the past, but the past and future are always “out there,” not distant, but imminent.

These differences are often crucial when archaeologists communicate with Indigenous stakeholders. Archaeologists consider the past to be lost unless archaeology gets done, whereas oral tradition peoples consider the past always to be present, often alive, but on another plane. If archaeologists say the past is lost, it is like saying that the people themselves have no past, and thus, no present (or future). Like the past, they too are gone. For Indigenous people, often threatened with extinction or assimilation, this is a powerful message (for a more complete discussion, see Zimmerman 1989b).

For most Indigenous people, and also for other stakeholders, information about the past is contained in oral tradition. Most archaeologists are very suspicious of oral tradition as an accurate representation of a people’s past (for a discussion of issues, see Mason 2000, 2006). Still, with a proper understanding of how oral tradition forms and of its limits, it can potentially provide useful chronological information (see Echo-Hawk 2000).

To gain a more complete understanding of an event or history, the best approach may be to gather a wide range of accounts and determine where overlap occurs. The points of overlap may be a closer approximation of the truth than any single account might offer. In other words, rather than relying solely on archaeological methods, understanding how a people “processes,” that is, constructs, utilizes, and values its own past may provide insights beyond those offered by analysis of artifacts or documents. To acquire these insights should be enough of a reason to collaborate with stakeholders, but showing respect for stakeholders’ versions of their past may actually allow greater access to sources of information outsiders can’t usually get and places where archaeologists often are not allowed.

Showing respect for stakeholders and pasts they claim as their own, as noted earlier, is perhaps the key element in successful collaboration. After all, if as an archaeologist you view the past as a public heritage, the past is at least as much a heritage of any stakeholder as it is yours. This requires a certain amount of humility. You need at least to recognize that if you openly advocate as some have (cf., Mason 1997: 3) that archaeology’s job is to challenge their view of the past, any hope for good relations with stakeholders is probably lost.

On the other hand, if you happen to believe that a particular group has a greater stake in a past than you do, then stakeholders probably are due substantial deference. The simplest rule is one of the oldest: Act toward them as you would like them to act toward you. What this means at very least is that

**General Thoughts  
about How to  
Consult with  
Stakeholders**

you must communicate with them about what you are doing and, if possible, you might work toward developing partnerships with them.

Building trust  
takes time

How can you develop partnerships? The simplest approach is to ask them *how* they wish for you to work with them. This surprisingly straightforward approach can work very well, but in a few cases, groups may be suspicious when you are so open. Don't be surprised if stakeholders react this way. Some have never had the opportunity to develop a partnership with a group of which they are fundamentally suspicious. Asking descendent communities "how?" is more than sending them a flyer or letter informing them of your work. If you inform appropriate community leaders that you plan on doing work that may be of interest to them, then hear nothing back from them, you should not assume that everything is okay. If groups don't have research protocols for work with outsiders, they may not know how to respond, but even if they do, they may need time to develop community consensus before getting back to you. You may need to make a personal contact or travel to visit the community.

You must allow time to build trust, and this cannot be overstressed! We are very much aware that many cultural heritage/cultural resources management projects are under real time constraints, which rarely allows adequate time for trust-building. Many archaeologists do complain that gaining trust or building relationships just takes too long. The problem is most difficult when an archaeologist is an unknown commodity. Branam found this out on her Minnesota TCP project. Because she was new to Minnesota, nobody knew who she was or whether she could be trusted. Zimmerman, on the other hand, has been involved in successful collaborations in Minnesota and has built a reputation as trustworthy. Indigenous communication networks – what many American Indians refer to as the "moccasin telegraph" – are often very effective. If someone doesn't know Zimmerman's work, they can find out quickly enough. Since Branam was new to the issues in Minnesota, she had to work from other previous relationships that were built between anthropologists and Indigenous communities. Sometimes, her professional relationships with Zimmerman, for example, opened doors. At other times, representing the "state" or other state agencies, closed doors. However, these relationships – good or bad – only influence the current relationship to a degree. As Branam works on more projects, she will develop a similar reputation that will reduce suspicion. Still, age and reputation only go so far, and some level of mistrust may always be there.

You can't build a solid trust if you act out of fear or just because of a legal or ethical requirement to consult. Partnerships work best if the partners genuinely believe the arrangements to be of mutual benefit. Our experience has been that once trust is built and the stakeholders see that you are treating them as equals and have a genuine interest in them, they tend to open up to you. Access increases dramatically once they understand that you truly respect their rights and concerns. They begin to understand that archaeology offers a powerful set of tools and ways of seeing the past that they could put to good use.



Archaeologists have access to tools that can facilitate collaboration. In particular, bringing ethnographers into the consultation process early can be effective. The problem is that most archaeologists, even if they were trained as anthropologists, have received almost no training on how to collaborate with stakeholders, even other scientific specialists in related disciplines. If there is a well-trained ethnographer already working with a descendent community or other stakeholder group, bring them into the conversation. They may be able to contribute valuable insight and advice and make initial introductions. If there are no ethnographers already working with the group, adding one to a project team may still be beneficial, providing useful observations about problems that may impede collaboration or ways to facilitate it. Certainly archaeology students should take a class in ethnographic methods if at all possible, and archaeologists who begin collaborative projects should look at several excellent volumes that discuss the role of ethnography in archaeology (e.g., see Breglia 2006; Edgeworth 2006; Castañeda and Matthews 2008).

Use ethnography

With partnerships and trust, many problems can be solved readily. However, there are a number of specific issues to consider as you work toward partnership. The first, and perhaps most insidious, is that archaeological consultation almost always involves groups with different levels of power.

**Specific Issues and Concerns**

Archaeological consultation, especially during negotiations, is rarely a meeting of equals (cf., Watkins and Ferguson 2005). The status and power of each party determine the effectiveness of their consultation. For the most part, it is fair to say that with most stakeholder groups, archaeologists will come to negotiations with the most power. Archaeologists are usually members of the dominant society and have research money to spend. If stakeholders are Indigenous, this is especially the case. Where the stakeholder is part of a dominant society group, controls funding, or is of a higher status than most academics, the relationships change. Even when there is differential power or status, roles can shift during negotiations. Legal demands for consultation, especially with Indigenous people, may well have altered the power relationships in some countries. In the United States, American Indians have substantially more say in what happens on their lands.

Differential power levels

Be aware of the differences and understand that stakeholders probably have less to gain from us than we from them. That alone should help to generate humility in dealing with stakeholders.

Part of the complexity of the past derives from the fact that the past is multivoical. Not just groups of stakeholders, but individuals within a group might have a particular perspective or make a claim to a past. When you deal with stakeholders, the most difficult problems relate to claims made by multiple groups or individuals. Are some claims less legitimate than others? What if there are equally compelling cases to be made for more than one group? These matters

Competing claims

can put an archaeologist into difficult situations. Where the stakeholder group is small, as in the case with some Indigenous groups, there may be few problems. If a stakeholder group is large, however, it may have competing factions. For example, one might have thought that Orser's (Singleton and Orser 2003: 146–9) work on early nineteenth-century rural life in Ballykilcline in County Roscommon, Ireland, just preceding the Irish Potato Famine, would be relatively free of controversy, but exactly the opposite was true. The Potato Famine caused one of the major diasporas in human history, with immigrants leaving Ireland for many places. As Orser's work developed, he had not only to contend with concerns of local residents descended from families who stayed in Ireland, but also with descendants of immigrant families, especially in North America. The latter often saw themselves as emotionally attached to the site, even though they had never visited Ireland. They wanted a say in Orser's work.

Whose versions of the past should have priority? Competing interests are not uncommon, and by siding with one group over another, you may shut yourself off from valuable information. Even within a relatively small group of American Indians within the metropolitan Minneapolis-Saint Paul, Minnesota area, the Minnesota Historical Society (MHS) has to deal with contention between two groups who make claim to the past of their tribe. MHS tries to stay neutral but tends to fall back on the legal recognition by the federal government of one group and not the other. Still, certain programs within MHS go out of their way to treat the concerns of the other group respectfully and work with them on the interpretation of one MHS historic site near the unrecognized group's primary residence.

Anthropologists and archaeologists have a tendency to categorize a large descendent population as having one voice and ask how do "*the Dakota*" or "*the Crow*" interpret this particular site, event, or experience with the land, but as realized in Orser's Irish work there is no single representative voice. Usually issues are vastly more complicated as Branam discovered.

Branam's initial research with TCPs in Minnesota had multiple competing stakeholders and claims. She was instructed to start with the Ojibwe and the Dakota, two large descendent populations. There are seven federally recognized Ojibwe communities and four Dakota communities, all with related but separate identities and histories. Minnesota Indian Affairs Council often acts as a facilitator between the Indian communities and the state. However, this Council does not have members from each of the communities on it, so some communities feel disenfranchised. Branam and her team began working with the Dakota groups. Besides the four federally recognized Dakota communities and one nonfederally recognized Dakota community, there are also several Dakota communities residing just outside the state, all with interests in how TCPs are identified, recorded, and preserved. Within each of these communities there are individuals who hold political power and individuals who hold cultural knowledge. They are not always the same, nor do they always have the same goals or stakes. There are some individuals who have a history with working with archaeologists and anthropologists – the "go to" people for archaeological consultation – but these are not the only voices within a community. Seeking out other voices may offend the "go to" people. Talking only

with the “go to” individuals may silence others. Then there are the state agents, each with different objectives. They may have different opinions on how relationships should be negotiated with descendent communities and which individuals within the descendent communities hold cultural knowledge. Even with Branam’s team of two ethnographers and two cultural resource management postgraduate students, there were conflicting claims on which type of knowledge (ethnographic, historic, archaeological) should be privileged in these negotiations. Where does one begin? Add the seven Ojibwe groups, and the problems start to seem overwhelming!

There are no easy answers to the dilemma of competing claims. The best advice is to treat all claimants respectfully, openly, and honestly, and you will usually succeed in being able to maintain communications. In Branam’s situation, she and her team decided to begin by reaching out to all groups within one of the descendent populations and many different individuals within the groups. That way, on an individual level, people could decide to work with the project or not, but because of competing claims and fractured group politics, this meant the team spent more time meeting with individuals one-on-one. It also meant that some individuals refused to work with the project. We had to respect this decision and realized that those we didn’t talk to also had an impact on our findings.

In such complex situations, to the best of your ability, try not to get involved with inter-/intragroup politics. Try to let the groups work out problems themselves. Sometimes you can’t stay in the middle, so if you decide that you must accept one claim over another, be prepared to deal with the consequences.

Informed consent is letting people know the nature of your work, how it will be accomplished, what its results might be, and how those results might be used, and then asking permission to carry out your research with them. Archaeology is usually not seen to be as dangerous as some medical or psychological research, but as discussed above, the past can have powerful influences on people. Therefore, you should feel obligated to obtain informed consent and, in some cases, you may have legal requirements to do so imposed by law or regulation. Some universities or agencies have institutional review boards to examine your research plan and methods for acquiring consent.

Informed consent

But how does one know if people really understand what you are doing and its implications? Do you even understand the implications of your research for their lives? There are no easy answers to these questions, partly because you don’t know what you might find and how people will react to it. If you happen to find something that contradicts their view of their past, how can you begin to know its possible impacts? Again, you must act from respect and humility.

If you value the people and their pasts, then you will have no wish to bring them harm. Certainly, most archaeologists would say that they would not want their work to bring harm to anyone and that it would be unlikely to do so. But how do they know for sure? For example, with repatriation, many archaeologists assumed for generations that Indigenous people didn’t care what happened to the remains of ancestors, when exactly the opposite was true.

Likewise, claiming that one is an objective scientist and that the results of research are not one's problem simply will not do. A better approach might be to assume that one's research will bring harm and then work with the stakeholders to be certain that harm never comes.

When pasts  
conflict

Developing a partnership and trust is only a beginning. A wise person would realize that problems will always surface. One of the most difficult problems will occur when the past you construct as an archaeologist is substantially different from the past in which the stakeholder believes and has an investment in identity. In fact, this problem is almost inevitable. The best approach is to make the stakeholder aware of the limitations of your findings from the start; after all, we usually deal with fragmentary evidence. Our stories are hypotheses, not truths. Realizing this, as part of collaboration, before research starts, negotiate what is to happen when just such a conflict arises. Are you to be limited in what you say? To whom can you release your findings? Would they rather you not publish your findings at all? For most scholars, any one of these may seem to be a violation of your academic freedom, but remember that you have asked permission to study the past of these people. If you choose to go against their wishes, you will certainly alienate them, and do archaeology no useful service. However, if you have discussed what will happen up front, there may be no problem at all.

One of the best approaches from the start is to make clear that the past is complicated and that the story told by archaeology is but one version. You can say that their story is important to you (and hopefully it really is) and true for them, and that the story archaeology tells is one hypothesis, not the only story.

What do you do if  
things go wrong?

Working with partners is difficult, even in the best of situations. You need to be ready to accept the fact that things will happen. "If" things go wrong isn't the issue, but "when!" The truth is, however, there is no real way to be fully prepared for it. If you have established trust relationships, kept communications open, and negotiated what will happen when conflicts arise, you have a better chance of limiting damage. Sometimes, despite your best efforts, people get angry or hurt. If possible, do try to see if you can work past the problem. Often tempers cool when partners – including the archaeologists – realize how much they have to lose by terminating a relationship. If you honestly have done your best on a project to communicate with partners and something still has blocked the relationship from growing, the best advice is to apologize for your role in the dispute and move on. This advice should sound familiar because it applies to everything from friendships to marriage to business partnerships. True collaboration with partners is a learning and growing experience for all parties involved. We all will make mistakes. When we realize we have done so, we have found it best to acknowledge the mistake, try to correct it, and move on.

Branam recalls one of the first times she brought archaeology field school students to the Crow reservation to meet a political stakeholder. Branam had known this person for a long time and felt that her students would greatly

benefit from his perspective. The whole meeting went terribly wrong. During the meeting, Branam realized that she had miscommunicated the project objectives and that the way the meeting began put this person on the defensive. The experience for everyone was negative, yet everyone learned from it, especially Branam. Understanding the power differential of the parties involved, she was able to set up future meetings that empowered Crow political stakeholders as teachers and field-schoolers as students. Although this initial experience was negative, Branam continued to work to build a relationship with this particular stakeholder and other additional stakeholders. The relationships built, informed by this first meeting, has led to collaborative working partnerships between students, archaeologists, and Crow political stakeholders.

There remains one delicate issue to consider, which in many ways underlies the entire issue of consultation: Who owns the past?

## Owning the Past

If one concurs with many archaeologists that archaeological sites are a public heritage and that archaeologists are its primary stewards, then the information archaeologists generate from archaeological research is also “owned” by no single group. Given this view, there is no real reason to work with stakeholders.

Many archaeologists now question these views. Given the opportunity to critique the Society for American Archaeology’s proposed ethical principles, Zimmerman (1995: 65) openly criticized the idea of archaeologists as the primary stewards of the past, noting that such a position was self-declared and open to question from nonarchaeologists with legitimate interests in the past. Asch (1997: 271) examined assumptions of underlying title in Canada and concluded that it is “the First Nations – not Canada and/or the provinces – that are presumed to have ownership and jurisdiction over at least the cultural property that comes from their own cultures and from their own history.” Issues of cultural and intellectual property are complicated. At the heart may be differing interpretations of traditional cultural notions of property and those of English common law. But there is also common sense. Why should archaeological rights to the past take precedence over those of the people whose ancestors lived that past and whose traditions revere and sustain it over millennia? Such an opinion seems foolish. Archaeologists in the United States believed that human remains were a public heritage, but with NAGPRA discovered that failure to pay attention to contention over such matters could result in the imposition of law that substantially changed relationships with Native Americans.

Archaeological practice is changing rapidly in terms of archaeologists’ views toward descendent communities, especially toward Indigenous peoples and ownership of the past. Articles 11, 12, and 31 of the United Nations Declaration on the Rights of Indigenous Peoples (United Nations 2007) clearly acknowledge the right of Indigenous peoples to control properties and other matters related to their own heritage. Even after years of resisting doing so, Canada, New Zealand, Australia, and the United States have either signed or plan to sign the

## Where to from Here?

declaration. Although this will not necessarily change behaviors related to the practice of archaeology, over the long-term, it may have an impact on attitudes.

The trend toward an Indigenous archaeology (Nicholas 2008), where Indigenous people either do their own archaeology or collaborate closely with non-Indigenous archaeologists, has seen dramatic growth in the past decade. Although epistemological issues remain (Colwell-Chanthaphonh *et al.* 2010), more Indigenous people are training as archaeologists, which is bound to change archaeological practice (Nicholas 2010). Archaeologists and Indigenous people also are turning their attention toward intellectual property, such as ownership of traditional knowledge, images of artifacts, and archaeological interpretations. A large, multiyear, international project called Intellectual Property Issues in Cultural Heritage, funded by the Canadian government, has sponsored and is analyzing the results of multiple case studies, which can be examined on the project's extensive web site (<http://www.sfu.ca/ipinch/>).

No matter the complex history of archaeology's relationships with stakeholders, doesn't it come down to a simple question? Wouldn't it be better to understand that working with stakeholders is actually a reasonable interpretation of what a public heritage is and what accountability to our publics actually means? As Stapp and Burney (2002: 123) note, "It's the legal thing to do, it's a good thing to do, and it's the right thing to do." Perhaps it is also the smart thing to learn how to do well.

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## Further Reading

There probably are a thousand pieces of advice to give on how to deal with stakeholders. You can gain many tips from reading good ethnographic field methods volumes such as *The Ethnographer's Toolkit* series (Schensul and LeCompte 1999). You might also pay attention to the detailed ethics codes of groups such as the American Anthropological Association (<http://www.aaanet.org/cmtes/ethics/Ethics-Resources.cfm>) and Society of American Archaeology (<http://www.saa.org/AbouttheSociety/PrinciplesofArchaeologicalEthics/tabid/203/Default.aspx>). For archaeology, the number of examples of



good partnerships between stakeholders and archaeologists is growing. Some have been collected into volumes that will be worth reading. In them you will see that successful work with stakeholders can be fruitful, though sometimes difficult.

Among the best volumes is a collection of case studies from Canada, *At a Crossroads: Archaeology and First Peoples in Canada* (Nicholas and Andrews 1997). Twenty papers detail a range of projects from dealing with uses of traditional knowledge to how to present Indigenous history in museums. The paper by Thomas Andrews and John Zoe (a Dogrib tribal member) on archaeology and Dogrib cultural landscapes is a discussion of almost ideal partnership, where both the Dogrib and archaeology worked to profound mutual benefit. Also from Canada, Neal Putt (1991) provides simple but compelling stories from the Ojibwe, Cree, and Metis of Manitoba in a volume *Place where the Spirit Lives: Stories for the Archaeology and History of Manitoba* that combines archaeology and First Peoples stories. For Australia, *Archaeologists and Aborigines Working Together* (Davidson et al. 1995) has 19 brief case studies, many of them emphasizing connections to place. Also of interest is the number of interviews with Aborigines in the volumes and that many papers are jointly authored by archaeologists and Aborigines. *After Captain Cook: The Archaeology of the Recent Indigenous Past in Australia* (Harrison and Williamson 2002) is primarily historical archaeology with many of the papers combining Indigenous knowledge and archaeological method. In the United States, there are numerous case studies, but the best collection is a series of papers reprinted from the Working Together column (<http://www.saa.org/AbouttheSociety/Publications/TheSAAArchaeologicalRecord/tabid/64/Default.aspx>) of the Society for American Archaeology Bulletin (now *The Archaeological Record*) entitled *Working Together: Native Americans and Archaeologists* (Dongoske et al. 2000). Left Coast Press and the World Archaeological Congress sponsor a growing “Indigenous Archaeologies” series. *Indigenous Archaeology: American Indian Values and Scientific Practice* by Joe Watkins (2001), a Choctaw archaeologist, has become a key resource. Another useful book is *Tribal Cultural Resource Management: The Full Circle of Stewardship* (Stapp & Burney 2002), which explores a wide range of issues regarding tribal control of archaeological and historical resources, with an excellent chapter on consultation. Recent efforts to train archaeology field school students to work effectively as Indigenous archaeologists are discussed in 12 essays in *Collaborating at the Trowel’s Edge: Teaching and Learning in Indigenous Archaeology* (Silliman 2008). Anishinaabe archaeologist Sonya Atalay (2012) discusses community based participatory research in *Community-Based Archaeology: Research with, by, and for Indigenous and Local Communities*, discussing successful community based projects in Turkey and with American Indians.

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