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## **Symposium: Archaeology, Indigenous Land Rights and Settler Societies into the 21st Century**

Ian Lilley

This symposium will consider where archaeological theory and practice are heading in the settler societies of Australia, Canada and New Zealand with the realisation of native title/indigenous land rights. In all three nations, archaeologists have been closely involved with land rights issues in various capacities. There has only been limited opportunity to compare and contrast the relationships between archaeological practice and land rights in each country, however, or indeed between settler societies and other societies with different sorts of histories. Speakers will include indigenous and non-indigenous scholars who will address a variety of conceptual and practical questions.

### ***Maori heritage***

Peter Adds

New right economic and legislative regimes in New Zealand since the late 1980's have steadily eroded what was already marginalised Maori access to and control of their heritage. The Crown is today perceived by Maori to be in breach of the Treaty of Waitangi in failing to protect Maori heritage. This has resulted in a groundswell of Maori opposition to government and other agencies that have administered New Zealand's historical and cultural resources. The response of the New Zealand government following Maori agitation and an enquiry by the Parliamentary Commissioner for the Environment is to convene a ministerial review of land based heritage management. At the time of writing the review is underway.

This paper examines, explains and comments on the processes of Maori heritage marginalisation and describes the role that government and other organisations have played in them. The paper will also describe some of the Maori reaction from the review consultation round as well as some of the solutions that were offered. These will be compared to the outcome of the review.

### ***Trains, planes and automobiles: Iron ore mining and archaeology.***

Elizabeth Bradshaw

In Australia, mining companies and Aboriginal groups traditionally don't see eye to eye. There is a long history of conflict over land use and site disturbance. This paper will examine the role that cultural heritage management, particularly archaeology, can play in reconciling the seemingly disparate needs of mining companies and Aboriginal people.

So how do you create a heritage program which addresses mining companies' access to land, but also meets the Aboriginal Communities' desire for land to be respected from a cultural perspective? Further, can archaeological sites be systematically recorded and preserved as part of this process when it is not always an important part of current Aboriginal aspirations, or at the top of the priority list of mining companies?

This paper will present Hamersley Iron's experiences, which demonstrate that it is possible to meet the goals of all parties. After three decades of development with little reference to the effects on Aboriginal communities or their heritage, in 1996 Hamersley developed a cultural heritage program. This meets full statutory requirements, against a backdrop of national conflict over indigenous rights. It is a proactive, collaborative program managed by heritage professionals, where the cultural needs of Aboriginal groups are given priority over purely archaeological considerations.

The Hamersley experience challenges the perception of many heritage professionals that mining companies and Aboriginal groups cannot achieve mutually beneficial heritage outcomes.

\* Hamersley's Aboriginal relations effort led to the first Native Title Agreement for a major resource project, and the inaugural Australian Reconciliation Award (Industry) awarded by the Australian Reconciliation Council in 1997.

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***Archaeology and native title in Australia; national and local perspectives compared***

Richard Fullagar

Battles for ownership and possession of the Australian landscape are fought not just in legal and political arenas, but at a variety of symbolic levels. Archaeological evidence and knowledge about Australia's past has different uses in these different contexts. Ideas about antiquity of Aboriginal occupation and continuity of culture, derived from archaeology, have had a significant if ambiguous role in the reconfigured nationalisms of the last two decades. We compare and contrast this role with the way archaeology is used in specific land claims, using the case study of one on which we have worked.

Australian Native Title legislation requires proof that particular Aboriginal groups occupied and used the country, continuously from prior to European colonisation through to the present. Archaeological evidence has been compiled to document residence, subsistence, constructions, secular and religious gatherings, rock art, quarrying, exchange and connections with the land, but how successfully can it do this? While the Australian archaeological record generally appears to lack ethnic specificity, certain items of material culture and rock art may provide, in conjunction with ethnography and oral history, direct evidence of land-use by particular Aboriginal groups.

***Old rocks and hard places: Archaeology and land claims/treaty in British Columbia, Canada***

Olga Klimko and Milt Wright

Aboriginal rights and title are complex issues and in British Columbia, Canada they play an important role in land use/development, land claims and treaty negotiations. Recent court rulings have positioned archaeology at the forefront of the argument that seeks to establish title. Those First Nations who can document occupancy would strengthen their argument for the existence of title and a commensurate share of 'crown' resources. Unfortunately, this puts archaeology into an unfamiliar terrain full of politics, vested interests, conflicting expert opinions and unrealistic expectations. Examining court rulings, legislation, First Nations organisations and treaty negotiations, we plan to identify and discuss issues, such as protection and management of heritage resources, confidentiality, consultation, and interpretation, which directly bear upon the practice of archaeology in British Columbia.

***Archaeology, land rights and settler societies: An introduction to the general problem***

Ian Lilley

Over the three decades or so, archaeologists in those nations conventionally described as settler societies, principally Australia, Canada, New Zealand, have been inclined or forced by changing socio-political circumstances to consider how land rights and other facets of indigenous self-determination impinge upon their conceptual and technical approaches to their craft. During the same period, indigenous people in those countries have made known their often sceptical and sometimes hostile views on archaeology. However, there has been little comparative discussion of just what the principal concerns are in the relationship between archaeologists and indigenous people in settler societies in particular, rather than simply between archaeologists and indigenous people generally. There is good reason to argue, though, that while there are clear differences among settler societies in areas critical to the questions at hand, they constitute a special case as a group because while these societies include colonised indigenous people, they themselves remain colonies of the British Crown. The situation in this group thus differs from that in the United States, where similar questions arise but where the larger nation is not a colony. It also differs from the situation obtaining in decolonised countries where expatriate archaeologists continue to work. This paper outlines some of the particularities in question.

***Rock art, ethnicity and native title***

Jo McDonald

This paper discusses the theoretical issues involved in using rock art in the mediation of a native title claim. The intellectual framework used is information exchange theory. Given the precepts of this theory, the expected parameters of variability in a rock art assemblage are considered, based on language group information, presence of group boundaries, environment and broader cultural affiliations. The area of interest is in the western desert social and cultural bloc. The types of expectations for art demonstrating ethnicity in this social and environmental context are evinced. An example of this approach used in a specific native title claim is discussed.

***Mythology versus science? Archaeology and the human history of Australia***

Tim Murray

In Australia, Aboriginal accounts of origins and Dreamtime events have been clearly distinguished from "professional" discourse by archaeologists about related matters. Sometimes this conventional distinction between mythos and logos has been represented as simply being the product of "different ways of telling", which might then be followed by an argument for the virtues of polyvocality. On other occasions the distinction is interpreted in more adversarial terms, of a clash between the project of science and the values of indigenous knowledge, of a disempowerment of mythos and the empowerment of logos. Adversarial interpretations have fed directly into critiques of the authority of science and into the project of decolonising Australian archaeology, and have the greatest popularity.

Through the analysis of a case study (the King River Valley, Tasmania) I will explore the roles that traditional stories of origin and events, and the newer narratives deriving from archaeological research, play in Aboriginal communities in Tasmania, and in the broader Australian community. Although I will survey the use historians make of archaeological research, the sharpest contrast will be drawn between the divergent approaches taken by archaeologists to the task of developing a narrative history of Australia which convincingly articulates archaeological data with more conventional ethnographic and historical data bases.

***Indigenous land rights, education, and archaeology in Canada: Postmodern/postcolonial perspectives by a non-Canadian white guy***

George Nicholas

Worldwide, indigenous archaeology is reshaping the character of the discipline. This is not an easy transition in many cases, as different protocols must be created and new relationships defined. The result, however, will be an appreciable broadening of the field of archaeology, both in terms of theoretical perspectives and practical applications. This is true in Canada where archaeology is now recognised by many aboriginal people as an important tool in pursuing land claims and in restoring cultural vitality. The identification and dating of prehistoric archaeological sites has become particularly important in "verifying" aboriginal claims to territory because oral tradition is viewed by many as having little credibility in court. This paper examines some of the larger issues relating to the very slow process of settling land claims and the actual or potential role that archaeology may have therein - from its acceptance as a valuable tool by some aboriginal communities to its rejection by others. Archaeological education programmes for Native communities are also discussed as representing an important means by which these people can achieve greater equity at the bargaining table. Finally, that aboriginal peoples in Canada and elsewhere may use archaeology in unforeseen ways is viewed as a strength of the discipline.

***The archaeological colonisation of the southern San***

Frans Prins

Although southern San communities have experienced tremendous socio-cultural change during the last 100 years or so, many of their members have strong emotional ties with rock art and other sites and regards them as part of their cultural and intellectual property. They often regard the activities of researchers and heritage managers as a form of colonial domination, still contributing towards the process of dispossession, alienation and ethnocide. These feelings are borne out by the fact that there is seldom any reference to the potential role of southern San communities in any rock art research or management projects implemented in recent years. The present state of affairs in South Africa is clearly out of line with developments elsewhere in the world (especially Australia and the U.S.A), and with reference to the United Nations affirmation of the special rights of indigenous minorities. That South Africa has recognised the cultural rights of its indigenous minorities in the constitution makes it all the more important to accommodate southern San communities in cultural heritage projects. The potential implications of such a policy, possible suggestions, and problem areas are outlined in the rest of this paper.

***The non-use of archaeology in Chamorro land rights: A comparison with Aboriginal Australia***

Paul Rainbird

The Chamorro people of Guam have the longest history of colonial encounter in the Pacific islands. From 1668 Spain held a colony on Guam and in 1898 control was ceded to the USA. The US has held Guam as a territory that provides the Chamorro people with only token US citizenship. The US interest in Guam is confined to

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strategic military purposes and military establishments take up 33% of the island. In recent years a small but vociferous group of Chamorro people has emerged to challenge for their rights to be restored. Group trespasses on military land has led to the opening of some previously restricted areas to the public. Also, some measures are being taken to return military land to the people who have been dispossessed. The emergence of land rights issues has also led to a revival in Chamorro culture including language and body ornament. In comparison with Australia, the major distinction in these issues of indigenous rights is the non-use of archaeology as a tool to draw attention to the long-term Chamorro use of the land. This paper explores this difference and the implications for archaeology in relation to Chamorro land rights in the future.

***The importance of cultural integrity and management in archaeological research***

Michael Williams

There is a continuing discussion in Australia over the contribution of archaeology to indigenous people's aspirations for independence and recognition of land rights. Indigenous concerns exist about how research is conducted and what power they have in this research. In particular there is concern about research transgressing spiritual and other cultural bounds and there is suspicion of the capacity of non-indigenous researchers to understand this.

This paper proposes to examine the historical backdrop to these dilemmas for researchers and indigenous communities. It proposes also to look at those occasions where those concerns have been carefully addressed, indigenous people seem comfortable with research activities and researchers are confident that they can continue such activities. It also analyses the argument that archaeological inquiry and the aspirations of indigenous peoples regarding self-management, self-determination and establishment of security and continuity of association with land are two separate visions that can be complementary and complemented.

The above issues will be woven into a case study of a project which shows that archaeological fieldwork and the professional practice of archaeologists can be managed in a way that also meets the needs of an indigenous community in Australia.