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The aim of *Southern African Field Archaeology* is to communicate basic data to professional archaeologists and the public.

Manuscripts of original research undertaken in southern Africa will be considered for publication. These may include reports of current research projects, site reports, rock art panels, rescue excavations, contract projects, reviews, notes and comments. Students are encouraged to submit short reports on projects. *Southern African Field Archaeology* also welcomes general information on archaeological matters such as reports on workshops and conferences.

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Cover illustration:

Engraving of a rhinoceros in the Limpopo-Shashi Confluence area, p. 17.

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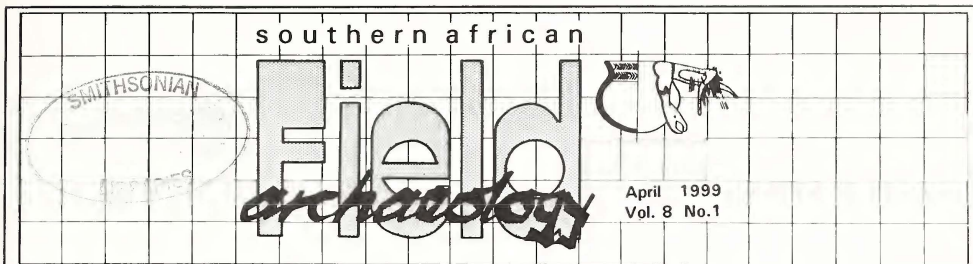
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OPINIONS

THE DEAD AS SYMBOLS, OR DEAD SYMBOLS?

The dead are not at issue here. It is the disposition of the living towards the dead that concerns us (Morris 1996:79).

It is ironic that at a time when archaeology is starting to break into the public sphere through various outreach and educational programmes, the discipline is also beginning to face serious problems which may effect the future of archaeology in a substantial way. I specifically refer to the problem of sensitive remains.

For years now we have been aware of the constraints archaeologists are working under in countries such as the United States of America, Canada and Australia with regard to ceremonial and traditional sites. Most of the problems revolve around sensitive remains (human and ceremonial objects) and sites (sacred and ceremonial sites). For many years Native Americans have demanded that human remains and other sacred objects in public and private collections be returned to them. The opposition of these communities to the excavation of prehistoric burial sites has had a great impact on archaeology and led to the passage of the Native American Grave Protection Repatriation Act of 1990.

This act established two requirements. In short it means that all federal agencies and museums which receive federal funds must compile an inventory of all their holdings of Native American human remains and associated funerary objects. A list of funerary objects not found in the graves, called "objects of cultural patrimony", must also be compiled. Where possible cultural affiliation of collections and objects must be established and in the case of human remains, lineal descendants with living Native Americans. The groups in question must then be notified and the material offered to them for repatriation. A group who disagrees with the institutional identifications can still request material for repatriation

The second requirement protects all Native American graves and other cultural objects found on federal and

tribal land. It requires archaeologists working on federal and tribal land to first consult with local groups concerning the treatment of all remains. It was hoped that this will discourage illegal trafficking in archaeological material. However, it is clear from many recent articles in the media that this is not the case.

In South Africa most archaeology departments house large collections of human remains. What should happen to these remains and are we ready and prepared to deal with these important issues? These remains contain different value contexts which should be negotiated between academics and the public. On the one hand there is no doubt that these bones are important study materials, but on the other, also contain social and cultural values.

Sensitive remains, human remains in particular, have been discussed at previous SA3 conferences, but little has come from these rather casual discussions. A workshop on sensitive collections under the auspices of the South African Museums Association took place at the South African Museum during 1996. The workshop, attended by 25 participants was convened by Dr Graham Avery and facilitated by Dr A. Galla of the University of Canberra. Although a wide range of issues were addressed during the workshop, "discussions revolved around ethics rather than policy", and which included the following issue:

develop a professional framework for South African circumstances within which the heritage sector can negotiate more widely on issues of sensitive collections and foster an atmosphere for open, constructive and responsible inter-cultural co-operation with valid stakeholders that will lead to negotiated partnerships rather than conflict (my emphasis).

Space does not allow for an in depth discussions on efficient policies and frameworks to deal with sensitive remains. However, a few remarks should be made concerning the "valid stakeholders".

With reference to Stone Age remains, one may ask who are the "valid stakeholders"? Are people who claim that they are "Khoisan chiefs" of some long gone ethnic group, be regarded as "valid stakeholders"? And can these people lay claims to sensitive remains?

Prof Alan Morris remarks, "No living South African can attest a cultural affinity with these people as their beliefs and way of life are long gone, but a few have a shared genetic origin. But does sharing a portion of genetic make-up mean that living people can claim the full heritage of the past?" (1996:79).

It is interesting to note that the 'Khoisan chiefs' who suddenly emerged as valid stakeholders after the recent discovery of the Kouga mummified San remains, do not recognize archaeological facts, data and information collected over the past 30 years through scientific research (including radiocarbon dating), concerning the Khoi and San. Nor would they have been interested if the Kouga find represented only 'bare bones' (pers. comm.). How do we negotiate any realistic "partnerships" with such attitudes?

Whatever happens in the future regarding sensitive remains (i.e., Khoi and San), archaeologists must negotiate from a position of strength, because:

1. All information about the early histories of these indigenous peoples of southern Africa have been provided by archaeologists who at all times have followed a high ethical and moral approach in studying past life ways in southern Africa. Unfortunately, many of the descendants of the peoples we study, display very little or no interest in archaeology. They are not interested in sensitive remains *per se* but rather the socio-political and financial implications and benefits they may have.

2. There is no clause in the Heritage Act of 1999 which prohibits any archaeologist with a valid permit from exhuming human remains, or which requires re-burial. At best, local communities/stakeholders may be invited to make inputs regarding the finds, but they have no veto rights.

3. Our situation is different from those of other countries and we should resolve our problems among all 'local stakeholders', rather than involve outside role players unfamiliar with local sentiments.

4. Unlike North America and Australia, few people are living on 'tribal land' in South Africa or have any evidence of the existence of such 'tribal land' in the past (LSA). In other words, few, if any claims can be made on grounds of direct lineage.

5. The NAGPRA of 1990 deals only with sites on federal and tribal land. However, most of the archaeological sites (LSA) in South Africa are situated on private land and permission to work on these sites rests with the owner, although the material belongs to and is protected by the State.

Whatever the arguments are, we are facing the problem of sensitive remains which must be resolved to the satisfaction of all concerned. I hope that the outcome of the negotiations do not harm an already fragile discipline or force archaeologists underground.

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Reference

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