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Tribal Rights in the Past and Present:

A Study of how Indigenous Groups and the
Archaeological Process may impact each other

Master's thesis in Masterstudie i Arkeologi

Supervisor: Terje Brattli

May 2020



Scar Tree at Neds Corner. Photo: Kenneth Strømsem

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Abstract

The Sami People and Aboriginal People have both faced similar policies of assimilation and suppression by a western nation. Their culture, traditions, language and identity were under threat by the Eurocentric worldviews that existed at the time. The academics in the past often disregarded any respect for the indigenous communities marking them as a primitive version of a European culture. As a result, the Sami People and Aboriginal People would launch protests and fight for their political rights. In Norway the Sami Parliament was established in 1989, ensuring the political rights for the Sami People. In Australia the creation of Registered Aboriginal Parties (RAP) ensured the political rights for the Aboriginal People. Due to the events of the past, the indigenous communities have gained a scepticism towards heritage sciences. In order to determine what can be done to close the gap that exists between indigenous communities and heritage researchers I have included a detailed analytic view of key events in Australia and Norway. In order to emphasise the effects of the gap that exists and what may narrow it two examples have been included. The Neds Corner Project was a collaborative project organised between the Traditional Owners of the area, the Ngingtait People, La Trobe University and Trust for Nature. Although the scepticism was present the outcome proved positive for the stakeholders. The Neiden conflict however, illustrates how heritage research may be the cause of a large-scale conflict. In 1915, human remains were recovered from Neiden by what is considered unethical means in the present. In 2007 the Sami Parliament along with the Russian Orthodox Church demanded the human remains reburied in consecrated earth. When the human remains were reburied, the conflict continued to spark with both Sami People and heritage researchers opposing or approving the outcome. Critical Heritage Studies have presented a model to change the heritage sciences to bridge the gap that exists. The model suits the Neds Corner project and has shown that with proper representation, the removal of Eurocentric views, being open to local communities and proper dialogue it is possibly for the heritage science to coexist with the indigenous communities.

Sammendrag

Det Samiske Folket og Aboriginske Folket har begge vært utsatt for assimilering og undertrykkelser av vestlige nasjoner. Deres kultur, tradisjoner, språk og identitet har vært i fare for å bli utslettet av de Eurosentriske verdenssyn som eksisterte i fortiden. Fortidens akademikere viste lite respekt for urbefolkningene og klassifiserte dem som en primitiv versjon av Europeisk kultur. Som et resultat så begynte det Samiske Folket og Aboriginske Folket å føre protester og kjempe for deres politiske rettigheter. I Norge ble Sametinget etablert i 1989 som sikret politiske rettigheter for det Samiske Folket. I Australia ble det etablert *Registered Aboriginal Parties* (RAP) som sikret politiske rettigheter for det Aboriginske Folket. På grunn av fortidens hendelser har det oppstått en skeptisk holdning fra urbefolkningene mot forskning av kulturminner og kulturarv. For å avgjøre hva som kan gjøres i å få skillet mellom urbefolkninger og forskere til å forsvinne har jeg inkludert en analytisk studie av viktige hendelser i Australia og Norge. For å understreke effekten av skillet som eksisterer og hva som kan gjøres for å minke skillet har to eksempler blitt inkludert. Neds Corner prosjektet var et samarbeid mellom de Tradisjonelle Eierne i området, Ngintait folket, La Trobe University og Trust for Nature. Selv om skeptisismen var til stede under prosjektet beviste det seg at resultatet hadde en positiv effekt for alle som tok del. Neiden konflikten derimot, illustrerer hvordan forskning av kulturminner og kulturarv kan starte en konflikt i større skala. I 1915 hadde menneskelige levninger blitt gravd opp etter hva som anses som uetiske metoder i samtiden. I 2007 krevde Sametinget og den Russisk Ortodokse Kirken at levningene skulle bli gjenbegravd i vigslet jord. I ettertiden av gjenbegravelsen fortsatte konflikten med både Samer og forskere som støttet eller gikk imot resultatet. Critical Heritage Studies har presentert en modell til hvordan man kan forandre forskning av kulturarv og kulturminner for å minke skillet som eksisterer. Modellen passer inn i Neds Corner prosjektet og har bevist at med riktig representasjon, fjerning av de Eurosentriske synspunkter, å være åpen til lokale samfunn og føre en god dialog er det mulig for at forskningen av kulturarv og kulturminner og urbefolkninger å eksistere sammen.

Preface

Writing a thesis is no easy task. The road has been long, filled with a lot of emotions and frustration but the feeling of completing it is indescribable. I would have not made it without the support from my partner, Samantha Kate Windsor, family and friends. Their kind words and assistance made it possible for me to finish my thesis

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Chapter 1. Introduction

This thesis, titled “Tribal Rights in the Past and Present: A Study of how Indigenous Groups and the Archaeological Process may impact each other” will critically examine themes such as the interaction of archaeological work and various indigenous groups. Indigenous groups have considered archaeology and other heritage sciences to suppress their culture due to the Eurocentric views that have essentially been dominating western scholars in the past. The ideologies, economic advantage, superior military power and nationalism resulted in the attempted assimilation of various indigenous groups. As a result, the various indigenous groups have gained a sceptical view of heritage research. Due to events of the past which will be discussed in this thesis, indigenous groups have become more included in the heritage studies and have gained influence over the research. The influence indigenous group have gained have both yielded a positive and negative outcome. In some cases, the indigenous groups have worked together with heritage scientists and given new insight in the interpretations of the heritage materials collected. However, the influence has also in some cases prevented heritage science. The relationship between the indigenous groups and heritage researchers have improved in the present but there is room for further development.

Heritage research that includes indigenous sites, artefacts, traditions, and identity has encountered harsh criticism (Witcomb & Buckley AM, 2003, p. 563). Some believe that in order to fully rid the Eurocentric views and create a more public heritage, the approach have to be rebuilt with new views (Smith, 2012a). In this thesis I have chosen to focus on the Sami People of the Nordic countries and Kola Peninsula with a main focus on Norway and the Aboriginal People of Australia. In order to acknowledge the reasoning of the scepticism and changes in both heritage studies and indigenous political rights I have included a detailed analysis of key events in both Norway and Australia. I have chosen the two indigenous groups based on my personal experience in the field of archaeology. The Sami People was chosen as I am Norwegian myself and have studied their culture and political rights during my education. The Aboriginal People were chosen to be included as I studied archaeology in Australia and have taken part in excavations on indigenous land and have received training in the bureaucratic process of heritage studies in the State of Victoria. Both indigenous groups phased the threat of assimilation policies and restricted rights in their country of origin. The analyse of the scientific history of the relationship between the indigenous groups and archaeologists, state and government aims to give an understanding of why things are like they are at the moment. This chapter will present the various topic questions that will be discussed along with methodology,

relevant indigenous political groups and a short introduction of the examples I have included in the thesis.

1.1 Topic Questions

Main topic question for the thesis

- How have the various indigenous groups interests for archaeological work changed over time?

Minor topic questions for the thesis

- How can various indigenous groups affect the archaeological process?
- what consequences may this have for archaeological work?
- What consequences may archaeological work have for indigenous societies?

1.2 Concept description

Some of the words used in the topic questions may have a wide meaning. In order to avoid confusion, I will present the following concepts and their meaning in this context:

- Interests:
 - Define the past
 - Genetic connections
 - the right to own land
 - Being recognised as an indigenous group
- Archaeological process:
 - Archaeological work where indigenous groups have either stopped or cooperated with archaeologists.
- Archaeological work
 - Restricted to archaeological studies involving indigenous groups.

1.3 Methodology

This thesis will explore the views of Critical Heritage Studies and aim to determine if the outcome of the goals when put into action. I have chosen to divide the thesis into two parts. First, I will present an analysis of the scientific history of heritage research and indigenous political rights from past to present. I will include several key events of both the Sami People and Aboriginal People in order to gain an understanding of the implications that are present in heritage research. I have chosen to include two examples, Neds Corner and Neiden which show what may happen when the various stakeholders cooperate or their interests clash. I aim to

acknowledge why indigenous groups remain sceptical towards the heritage sciences. However, I will also explore what changes archaeology and other heritage sciences has undergone to increase the trust and respect towards indigenous cultures. The final part of this thesis will include a discussion, exploring my results from the analysis and determine where heritage studies and indigenous groups stand today. I aim to remain neutral in my presentations of both parties and will include both positive and negative consequences from both parties.

1.4 Limitations

The thesis has been limited to include the Sami People and Aboriginal People. I have chosen the two indigenous group as they both share a history of attempted assimilation and have gained political rights in the present. I have chosen to include certain key events in the past to highlight the struggle for rights and what they have faced. I have chosen to focus on two examples to highlight my topic questions. The first example, Neds Corner was chosen as I have participated in the project and seen the effects first-hand. The reburial at Neiden was chosen as my second example as it highlights a large-scale conflict in heritage sciences. By researching the examples along with the key events in the past I hope to prove the effects of the changes Critical Heritage Studies seek to apply to heritage science and determine the change of indigenous interests in archaeological work.

1.5 Relevant indigenous political groups

Sametinget

During the Norwegian assimilation policies that reached a peak during the late 19th century to 1950 the Sami was forced away from their cultural lives and beliefs to become Norwegian. The goal of was a total assimilation of the Sami and governmental officials presented the policy to be for their own good (Sárgon, 2007, p. 5) In 1989 the Sami parliament of Norway (Sametinget, Sámediggi) was founded to ensure that they would be able to elect their own officials and their involvement in topics that affect them as a collective group to ensure that a new assimilation policy would take place. The increased political rights of the Sami has given the group right to impact any archaeological work committed on Sami culture.

Registered Aboriginal Party (RAP)

The various indigenous political groups in Australia vary between the states and territories. *Aboriginal Heritage Act 2006* recognises Aboriginal people as a RAP to ensure the protection and management of Aboriginal cultural heritage. For a RAP to be recognised and given jurisdiction in a defined geographical territory they will apply to the Victorian Aboriginal Heritage Council (VAHC) who will make a decision if they have a rightful claim to the territory.

1.6 The Two Cases

1.6.1 Ned's Corner

Ned's Corner Station is the largest property in the state of Victoria. The property has a 30 000 ha nature reserve. It was purchased by Trust for Nature in 2002 to ensure the conservation of the history, fauna and flora in the area. The Ned's Corner archaeological project begun in 2014 and is continuous for 6 years. The project is a cooperation between Trust for Nature, the Ngingtait tribe and La Trobe University. The Ngingtait tribe hope that the archaeological project will provide them with cultural evidence to the territory to become a RAP while La Trobe University hope the archaeological evidence will provide them with data about how the people lived in the area. During my stay at Neds Corner, I shared a conversation with a member of the Ngingtait tribe that was present during the archaeological dig that I was a part of. D. Perry (Personal Communication, August 8. 2016) explained the reasoning of his scepticism through the past experiences with archaeologists his people have had. The past archaeologists had shown little respect for their cultural beliefs and taken away artefacts and human remains without listening to their objections. The indigenous representative og Ngingtait however, hope that his trust is not misplaced and that his tribe and cultural beliefs may co-exist along with archaeologists.

1.6.2 Neiden

In 2011 a DNA study of 1000 different human remains were to be compared to 800 current Norwegian citizens was begun. The study's goal was to map where the various folk groups of Norway had come from. The Sami wanted the human remains of their ancestors to be excluded from the study on the grounds that they were acquired unlawfully in the past. The demand started a large case where both Sami and scientists were fighting for the rights on both ends. Norway is supposed to have a freedom of scientific and academic studies, where political organs cannot meddle in what they can study on and what they cannot. However, Sametinget decided that the human remains of their ancestors should be reburied. After a tedious debate the Sami remains were returned and buried and excused from the study, however several academics and Sami disagreed with the decision.

Chapter 2. Critical Heritage

2.1 What is Critical Heritage?

Critical Heritage Studies use social research methods to determine the relationship between humans and Their tangible and intangible heritage. The research builds on the interaction and definition of the past, but is also affected by mythologies, ideologies, nationalism, romantic ideas or marketing (Schouten, 1995, p. 21). One can qualify heritage as a product of the present and not the past. Emerick (2014, p. 190) highlights the question: Is it possible to align 'practice' with the current themes of critical heritage studies? The question suggests that heritage is affected by identity, place, memory, history and story and is classified as a constant experimental dialogue with the past. By replacing the term product with process and using heritage as a verb and not a noun, the approach to cultural heritage is about 'acting' and not a fixed product. The process is happening in the present and thus has influence over how we understand the past.

The *Authorized Heritage Discourse* (AHD) was the predecessor of Critical Heritage Studies and focused on visually satisfying material objects, sites, places and landscapes (Smith, 2006, p. 29). The AHD argued that current generations need to protect and manage heritage in order that future generations may appreciate them and create a form of common identity established on the grounds of the past. AHD places heritage as fragile material objects that needs care from professionals who are trained in the field. Archaeologists, architects and art historians are some that are considered caretakers of the human past, whose main tasks is to protect the heritage and convey the value of heritage to the public (Smith, 2012b, p. 135). However, the AHD have often neglected certain social classes. Within the national narratives the discourses promote the experience and values of elite social classes, neglecting the input from groups that do not hold the title of expert in their point of view (Smith, 2006, p. 30). AHD thus paves the way for letting the social elite and experts in the West determine what is considered significant heritage based on what is old and beautiful rather than the cultural value it holds, ignoring people, places, artefacts and traditions that are not associated with them (Smith, Shackel, and Campbell, 2011, p.2). Critical Heritage Studies were created as a reaction against the AHD (Smith, Shackel, and Campbell, 2011, p.4). The theory focuses on studying the relationship between people, heritage and power rather than what the image of heritage as aesthetically beautiful (Wells, 2017, para. 5). Heritage is often revered by the social elite and often taken out of context and claimed as a nation's heritage as a foundation for a common

human identity. It is important, however, that the people, places and traditions connected to the heritage are well represented and not forgotten.

Heritage is defined as a process, not a material object, and the effects of the present circumstances impact how heritage is defined (Harvey, 2001, p. 324). In the past archaeology was often dominated by white Western males who would interpret their findings through their personal bias. The Processual archaeological theory highlights how the archaeologist's ethnicity, culture, upbringing, religion will affect the results in the interpretation of the artefact or site. The theory argues that a cultural archaeologist is unable to maintain the scientific criteria to evaluate the results neutrally (Olsen, 1997, p. 47). Willey and Phillips (1953, p. 621) argued that Processual Archaeology was part of the Anthropological science. The anthropological science required to recognise that the artefacts unearthed on an archaeological dig was in fact a result of social behaviour. Processual archaeology was eventually criticised as the theory failed to clarify inconsistency in past human behaviour (Earle & Preucel, 1987, p. 501). The limited view of Processual Archaeology led to that archaeologists sought to create a wider perspective of the past, Post-Processual Archaeology. Post-Processual Archaeology argued that archaeology was subjective, not objective. It is inevitable that the archaeologists would always impose their own bias and opinions when interpreting data. The relativism embraced by the Post-Processual archaeologists emphasised the fact that various groups of people have a different understanding of the world and as a result, multiple interpretations of the past would exist. (Trigger, 2006, p. 447). Expanding on the Post-Processual view of interpretation, Public Archaeology seeks to involve the public in the archaeological science. The museums have often been structured to serve the needs of the academic discipline of archaeology. Museums have eventually turned around and began to cater more for public involvement in the archaeological process (Merriman, 2004, p. 85). Critical Heritage Studies share some views with Post-Processual Archaeology and Public Archaeology in terms of interpretations and more involvement of the public. By opening up for the public involvement and accepting the various interpretations of archaeological data, the archaeological science may move away from the Eurocentric views that has dominated the research in the past.

The cultural archaeologist is important when viewing the main issues that critical heritage highlights. The AHD as discussed earlier reserved the right of studying heritage to the experts, however at the same time neglects the groups that the heritage is connected to. Indigenous groups were often pushed aside in the past and lectured about their own culture when an expert came to study their heritage. Critical Heritage Studies seek to pursue a post-

Western perspective and engage in additional dialogue with the heritage conservation sector (Winter, 2013, p. 533). Critical Heritage is thus essential when moving forward in the establishment of heritage and identity. Various groups should not be lectured by an expert who is applying Western methodology on their heritage, determining what is significant based on what is aesthetically beautiful and old, but rather have the traditions, sites and groups well represented in the process.

The longing for completeness is a major source for inter-ethnic conflicts and violence (Appadurai, 2007, p. 65). By interpreting heritage in a common, broader sense it is possible that the minority feel overshadowed and not represented in their own cultural heritage. The question about universal rights towards minorities have primarily focused on their heritage, language and culture, however they are often also perceived as a threat to the sovereignty of state governments. The main issue is when the state begins to fear that the minority will use the heritage as a tool to establish links with groups of people and ideas that are outside their traditional way of thinking. The result is a paranoia that the minority may eventually attempt to establish their own independent nation. The tension between the groups may eventually result in the attempt to erase certain practices and expressions of a minority's heritage to homogenise the minority culture with the majority culture (Harrison, 2013, pp. 163-164). However, if it is possible to remove this irrational fear of the past but replace it with a broader acceptance and understanding of humanity in all the forms, heritage would no longer be perceived as a threat. Heritage is thus seen as a source of political power (Smith, 2006, p. 52). Western societies are driven with the ideology that the collection of heritage relates to the search for an authentic and unique identity. The collection of heritage material thus includes producing value judgements about objects, and as a result the accumulation of objects generates a form of value-driven hierarchies. The desire for specific rare artefacts has been a status symbol in certain context and societies (Lahn, 1996, p 26). The European approach towards indigenous artefacts can be reflected as a tension between the scientifically controlled interest and an unstable curiosity (Thomas, 1991, p 127). The conflicts that exists in heritage management assists to define public's affiliation with the past.

Critical Heritage Studies seek to correct or improve the conservation practice (Wells, 2017, para. 8). As argued earlier in this chapter, Critical Heritage Studies uses the issues with past methodologies in order to progress to a more reasonable approach to heritage. Critical Heritage Studies aims to highlight a critical perspective of socio-political complications that involve heritage itself, by taking on the controversial issues that are often less acknowledged

by the ones in the conservation sector (Winter, 2013, p. 533). The result would eventually be a better understanding of the interests heritage contains, and act as a positive enabler for the environmental sustainability, economic imbalances, conflict resolution, social unity and the future of urbanization (Winter, 2013, p. 533). It has gained strength through dialogue and the transformation of how heritage is viewed (Witcomb & Buckley, 2013, p.574). Critical Heritage studies seek to tear down the practices of the past in order to create a less disciplined field of study. The groups afflicted by the practices of the past are now given a voice in the field. The outdated Western approach to heritage research where outside experts decide what is significant, while neglecting the factors of traditions, places, people and artefacts associated with the heritage, should be replaced with a more representative approach in order to fully understand the heritage. The result would be that groups such as Indigenous People will regain control of their heritage and will be able to develop an identity based on their traditional heritage rather than what an outside expert tells them.

2.2 Apply critical heritage to the thesis

This thesis will aim to maintain a point of view in line with Critical Heritage Studies. The Aboriginal People of Australia and the Sami People of the Nordic countries and the Kola Peninsula both share a history of having their heritage taken away and lectured back to them by western cultures. However, the politics of archaeology have changed drastically over the past decades giving the Indigenous Groups the right to be involved in research. The following two chapters will analyse the research history of the two Indigenous Groups, highlighting both positive and negative sides of having an indigenous political organization impact the archaeological process. Due to the limitations of this thesis I have selected a series of various events and cases which highlights both the progress and relapse of heritage research.

The Aboriginal People of Australia were suppressed after the arrival of the European fleets. The Europeans viewed them as lesser people and saw it in their right to claim their land for their own. Several violent clashes and the Europeans knowledge of large-scale warfare resulted in the submission of the Aboriginal People. Furthermore, the Aboriginal People eventually became victim of an assimilation policy and had their culture and holy sites desecrated. Artefacts and other cultural heritage objects would often be transported out of the country to be displayed in museums for public curiosity. Archaeologists would research their heritage with a Western bias, taking away their identity in the process. In more recent times the Aboriginal People are better represented in the heritage process. I have chosen to include a case from Ned's Corner in Victoria, Australia which will be discussed further in this thesis that

enlighten the improved relationship between the Aboriginal Australians and archaeological work.

The Sami People of the Nordic countries and Kola Peninsula will be presented mainly focusing on the current situation and past in Norway, however the various Sami Parliaments in relevant countries will be represented. Like the Aboriginal Australians, the Sami People faced an assimilation policy. Sami heritage had been claimed as part of the Norwegian heritage. The current government at the time attempted to rob them of their identity as they were viewed as lesser people similar to Indigenous Australians. In recent times The Sami People in Norway have both clashed and worked together with Norwegian archaeologists. The *Bååstede* project will be discussed in chapter 5 of this thesis. This Project is an example of how the Sami Heritage was returned to the Sami People in an effort to mend the gap that has existed. However, I have also chosen to include the socio-political issue of Neiden in this thesis. Neiden was chosen to be included to highlight the fact that the gap between research and the Sami People still exists and resulted in a large-scale conflict to determine who had the right to the heritage. It is important to mention that the Sami People and researchers were split in the conflict and people from both groups supported different sides. The Neiden case raised several questions about the freedom of science in Norway and how we can maintain it when political groups are given the ability to counter the research.

Critical Heritage Studies attempt to mend the gap between the Indigenous Groups and archaeological research. The Aboriginal People and the Sami People have gained a position that allows them to regain their identity, culture, and traditions. However, several issues have come to light in the involvement of political groups in the research process. The archaeologists and Indigenous groups have both worked together in order to create a heritage and identity for the Indigenous People but they have also clashed with outside researchers due to the fear of the results. This thesis will aim to remain neutral and will highlight issues that have been raised in past and present events in order to determine how to bridge the gap and allow ethical research that is up to scientific standards to run its course.

Chapter 3. An analytic view of the Scientific history of the relationship between the Aboriginal People and archaeologists

3.1 Introduction

The relationship between Aboriginal Australians and archaeologists is a delicate topic due to the historical conflict between European settlers and Aboriginal People in Australia. Archaeologists of the past were free to launch excavations without any consent from the Traditional Owners. Their holy sites, burial places and other important sites were often excavated, and the artefacts recovered were transported to laboratories and museums for further study and display for the public. In 1984 the state of Victoria became the first Australian state to pass a wide-ranging legislation that included local communities in the management process of the local land, protecting the local Aboriginal People. The main purpose of the *Aboriginal and Torres Strait Islander Heritage Protection Acts (1984, s.4)* is the preservation and protection against of destruction and or desecration of land areas and objects in Australia and its surrounding waters that are considered significant to Aboriginal Australians in accordance with their traditions.

The importance of the legislation is exemplified in the case of the disputes surrounding the logging of the Nyah forest located in north-western Victoria. In 1997 the Traditional Owners of the land, the Wadi-Wadi tribe, successfully announced an Emergency Declaration on the forest under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* to prevent the logging from destroying any further cultural heritage sites (Porter 2006, p. 355). The case of the Nyah Forest has been disputed by the logging companies, as the Wadi Wadi people and other Aboriginal Australians supporting the prevention of logging has been questioned based on their perception of the significance of cultural heritage (Porter, 2007, p. 474). As of 2007, no logging has been undertaken and the case is still under dispute (Porter 2006, p. 355). The legislation has given the Traditional Owners a more central role in the development of research, as well as increased power to protect their cultural heritage from outside interference in their geographical jurisdiction. At present, the approach to Australian archaeology has changed as the Aboriginal People's interests has become more central in the process.

3.2 The history of Aboriginal Australians after the European settlers arrived

Due to the arrival of European settlers the Aboriginal Australians were forced to submit and learn to live under their rule. The history of the policies waged against the Aboriginal Australians can be partitioned into four standard periods;

- 1, The first encounter (1788 – 1930)
- 2, Protected status (1860 – 1930)
- 3, Assimilation (1930 – 1970)
- 4, Integration with restricted self-management (1967)

The periods of the dates are a general estimate which varied state-by-state, as each state would apply the various policies at different times (Armitage, 1995, pp. 14-15).

The First Fleet landed in January 1788 in what is now known as New South Wales (Reynolds, 2013, p. 121). The early settlers clashed with the Aboriginal Australians at numerous occasions, beginning a few months after their arrival. One such conflict occurred in July 1791 when Governor Arthur Phillip granted 27 ex-convicts land at Prospect Hill. The ex-convicts were granted muskets and given rights to shoot any Aboriginal Australian they encountered. When the Aboriginal Australians retaliated, the governor dispatched 50 troops to counter them and ordered the forest cleared as they were easily able to hide in it (Hunter, 1793, p. 474). The structural warfare of the Aboriginal Australians differed from European warfare. The warfare in Europe were often driven by political and economical reasons and fought with large armies. In contrast the Aboriginal Australians traditionally waged war by sending a small group of men against another tribe in a small-scale. The Aboriginal Australians lacked the experience and ability to wage war on the same scale and lacked access to firearms as they were less developed in weapon technology as the European settlers. Thus, the battles often resulted in bloody massacres of the Aboriginal Australians (Connor, 2002, pp. 2-3).

In 1838, the Port Phillip Protectorate was established with the main goal to act as a legal guardian to Aboriginal Australians in remote areas. The protectorate was a direct result from the abolition of slavery and attempted to have progressive influence over Aboriginal Australians. The officers employed two main goals; First, they were to protect Aboriginal Australians from the cruelty of settlers. Secondly, they were to assist missionaries in the conversation of Aboriginal Australians from what they considered a pagan religion to Christianity (Lester & Dussart, 2009. p. 66). An investigation of Aboriginal welfare in the state of Victoria in 1858 led to the foundation of The Central Board by the Australian Parliament. When the *Aboriginal Protection Act 1869* (Vic) was enacted The Central Board was replaced by The Victorian Central Board for the Protection of Aborigines. The Central Board's purpose was to watch over the Aboriginal interests and gained almost complete control over Aboriginal People and their lives (Find & Connect, 2009). The new governmental board would take over all the responsibilities to watch over the interests of the Aboriginal people, making Victoria the

first state to enact more broad regulations on their daily lives (Broome, 2005, pp. 130-131). The regulations included topics such as marriage, residence, social life and slavery, utilising Aboriginal employment as a measure. Several Aboriginal Australians were forced to move into missions that were built out of sight and out of town as they did not want them wandering around in towns. The missions have been compared to the Nazi prison camps of World War II with the unfair treatment of them often under a white commandant (Westphalen, 2011, p. 190). The aims of the establishment of the missions was to control the lives of the Aboriginal People, often preventing them from living off the land and placing them in poor living conditions (Westphalen, 2011, p. 191). The Central Board attempted to place the Aboriginal Australians in a place that was out of sight and out of mind of the general public.

The Victorian Central Board of the Protection of Aborigines marked the beginning of an attempted assimilation policy of the Aboriginal Australians. As early as 1914 there are records of mixed-race children that had been effectively removed from their biological Aboriginal Australian parent and placed in Westernised foster care (Petchkovsky, San Roque, Jurra & Butler, 2004, p. 114). The Westernised foster care homes were usually large institutions which roomed numerous mixed-race children with the main goal of having them embrace Western values. The forced removal of children would continue until 1960, and the children who grew up under this regime termed the *Stolen Generation*. During this time period it is expected that as many as in 1 in 3 Torres Strait Islander or Aboriginal Australian children were removed from their homes. In 2008 the Australian Government formally apologised to the victims of the Stolen Generation (Nogrady, 2019, p. 423). The consequences of the Stolen Generation have resulted in that the majority of the Aboriginal People of the victims have struggled with trauma and attempting to reconnect with their lost culture.

In 1967, the Commonwealth passed a referendum that granted Aboriginal Australians the right of citizenship. The referendum was the beginning of the integration of Aboriginal Australians into society (Working with Indigenous Australians, 2017, para. 1). It allowed the Aboriginal Australians to be integrated into systems of care, which includes; education, health and childcare services (Robinson, Mares & Arney, 2017, p. 117). In 2017, there has been political discussions of a new constitutional referendum that will include Aboriginal Australians and Torres Strait Islanders by adding a new clause that will recognise them as first Australians (Mohamed, 2017, p. 22, Kwai, 2019). The goal is to bring the Aboriginal Australians and Torres Strait Islanders closer to the Australian Parliament.

3.3 Evolution of Australian Archaeology

The first white settlers in Australia studied the Aboriginal Australian way of life, customs and culture. The studies were affected by the imperialism that existed in the British Empire. Numerous Aboriginal Australian artefacts were recovered and brought overseas to the British Empire by unethical means.

In May 1770, when Captain James Cook first arrived in Australia, he began to collect several artefacts to bring back to England. Records state that Cook first arrived in Botany Bay, where he collected the first artefacts. One of the items recovered from the area was a wooden shield that is approximately 0.96m long and 0.26m wide with a wooden handle that is located in the British Museum (Attenbrow & Cartwright, 2014, pp. 885-886). The items that were recovered by Captain Cook were considered significant in terms of Aboriginal Australian art and way of life in the past. Today, the artefacts have thus become an influential part of study excursions and research project of Indigenous scholars, elders and artists as they hold a significant part of their material culture (Thomas, 2018, pp. 4-5). Due to the cultural value of the artefacts there have been several debates if the items should be returned to the Traditional Owners of the geographical area they were recovered from. However, the artefacts are still located in Europe.

During the 20th century, Australian archaeology faced several changes in the nature of the science. The Aboriginal People was slowly increasing their rights in Australia which eventually rewarded them with a more prominent position in archaeological studies. During the “Preserving Indigenous Cultures: A new Role for Museums” conference in 1978, Adelaide, The Australian museums were criticised for their presentation and preservation of Indigenous cultures. Indigenous delegations condemned the museums of the UNESCO member states, specifically the Australian museums claiming their colonial collecting practice is unethical. The aftermath of the conference resulted in that the UNESCO refused to authenticate, value or loan any artefact that were believed to have been collected and moved out of a country by unethical means (Vrdoljak, 2006. pp. 223-224). The *Federal Aboriginal and Torres Strait Islanders Heritage Protection Act (1984)* provides various sacred Aboriginal artefacts, human remains and significant sites with protection to ensure their culture are respected. When an artefact collection or site was facing a dispute, it would be up to the Australian National Museum to act as a safekeeper until the dispute is resolved (Ewing, 1990, p. 697). The Indigenous delegation had now achieved more control of the cultural artefacts and sites in Australia.

In 1961 *The Australia Institute of Aboriginal and Torres Strait Islander Studies* (AIATSIS) was commenced and in 1964 the Australian Government passed an Act which resulted in the institute becoming an independent government institution. The AIATSIS is Australia's main primary source of collecting, publishing, and researching the cultures and societies of Aboriginal and Torres Strait Islander peoples (AIATSIS, 2018). The institution started out with mostly men with a westernised point of view studying the indigenous cultures. When Peter John Ucko was appointed the Principal of the institution he was critical towards the methods they had employed in the past. He believed that the AIATSIS was just another case of white men studying black men and sought to change the structure. At the current time the Aboriginal communities were heavily regulated by the Australian Government and various church agencies. In order to increase the quality of the research he would also have to change the approach towards the communities. The new Whitlam government and the succeeding government known as the Liberal regime of Fraser were both positive to the idea of changing the approach, however Ucko would often push their limits. (Layton, 2007, pp. 165-166). Ucko would eventually include the Aboriginal communities more by giving their members more central roles within the institution. He orchestrated a project known as *Before it is too late* (BITL) as a method to preserve the knowledge held by Aboriginal People that were in the process of being forgotten due to the assimilation policy that was enforced. The older generation that held the knowledge was about to disappear. Ucko organised for anthropologists and linguistics to travel most of Australia to commence salvage work in order to preserve the knowledge (Morris, 2017, p. 113). When Ucko resigned from the position as principal for the AIATSIS he demanded that his successor would be of Aboriginal Heritage. Ucko's work assisted the Aboriginal People in preserving their knowledge and laid the foundation for what the AIATSIS stand for today. However, archaeology in Australia still had to be changed.

Lake Mungo is a major archaeological site that contained the discovery of the earliest Indigenous remains in Australia. The tests undertaken on the remains have dated them back to 40 000 – 42 000 years ago. The female remains were discovered in 1968 by Jim Bowler and showed is the earliest ritualistic burial in Australia. The body had been cremated, and bones crushed and is one of the oldest known cremations in the world (Taylor, 2019, p. 28). Upon the discovery of the human remains the archaeologists were unprepared to launch a full excavation. Due to the lack of preparations the archaeologists photographed and logged their findings before packing the human remains in a suitcase and moving it to a laboratory for further testing (Bowler, Jones, Allen & Thorne, 1970, p. 47). The nature of how the remains were moved upset

the Aboriginal community as they viewed it as disrespectful. Due to the lack of awareness that existed in the 1960s the archaeologists were not aware of the significant impact it had on the Indigenous community. The event brought to light the relations between academics in social sciences and colonialism. Upon the return of the remains in 1992 there were still the need for a plan on what would happen with the remains (Gibson, 2015, p. 310). Due to sensitivity of the remains and the constant erosion of the lunette and the lack of a proper keeping place, the remains of the Lake Mungo lady per anno 2020 located in a locked safe and no longer available for further research.

The analyse of the material collected during excavations of Aboriginal sites were driven by Eurocentric views. The material was interpreted by the European frameworks, disregarding the Aboriginal culture as being different. In Adam Smith's model, Four Stages of Man, civilisations were categorised in:

- Stage one, hunter-gatherer societies in the age of barbarism
- Stage two, developing properties and introducing a government in pastoralism
- Stage three, developing agriculture
- Stage four, reaching an age driven by prosperity, manufacturing and trade.

(Harkin, 2005, pp. 433-434). Montesquieu classified the division of cultural history into three stages: savagery, barbarism, civilization. The main difference between savagery and barbarism is that the former is a range of dispersed clans incapable of uniting and the latter has gained the ability to form small nations (Harris, 1968, p. 29). The employment of the Eurocentric views of civilisations, Smith's Four Stages of Man and Montesquieu's classifications resulted in the Aboriginal culture being classified as a primitive version of European culture disregarding any notion that their culture was different. The colonial representation of Aboriginal culture reinforced the representation of the Aboriginal People as primitive compared to themselves (Waitt, 1999, pp. 147-148). The classification of the Aboriginal People as a primate version of European culture emphasised the European view as superior and thus was in their right to assimilate them.

3.4 La Trobe Affair

Archaeological excavations undertaken at the southern part of Tasmania from 1987-1992 sparked a major public debate in what is known as the "La Trobe Affair". The debate raised several questions about the nature of archaeology and the relationship between Aboriginal People and archaeological organizations (Smith, 2004, p. 14). During the month of

July 1995, Mr Rocky Sainty, who worked on behalf of the Tasmanian Aboriginal Land Council which claims to represent the Tasmanian Aboriginal community, filed an application for a writ of prohibition in the Australian Federal Court in Melbourne. The aim of the restriction was to force the Department of Archaeology at La Trobe University to give up six archaeological collections excavated from southern Tasmania, and stored in their Bundoora campus in Melbourne. The assemblages were retrieved from the Southern Forest Archaeological Project sites; Bone Cave, Stone Cave, Pallawa Trounta Rockshelter, Warreen Cave and Warragarra Shelter. During the excavation at Warragarra, Mr Sainty had been present as the Aboriginal consultant. Mr Sainty had participated in excavating the site and sorting materials, and during his time there he had shown no discomfort on how the artefacts and sites were handled. However, he stated that the permits involving the archaeological material was held had expired and it was now time to return the artefacts (Allen & Cosgrove, 1996, pp. 10-11). Another Tasmanian Aboriginal spokesman, Mr Greg Lehman, claimed the reburial of the artefacts was necessary in order to heal the sites (Morell, 1995, p. 1426). After the initial hearing the judge concluded that the case should be tried in the court and thus ordered the artefacts to be moved from La Trobe University to Museum of Victoria until the trial is over. However, the Minister of Parks and Wildlife in Tasmania exercised his power under the Crown and returned the artefacts to Tasmania, ending the court action. The minister claimed he would return the artefacts to the Tasmanian Aboriginal Land Council, however he placed them in storage (Allen & Cosgrove, 1996, pp. 11).

Following the case the media got involved, covering the arguing between archaeologists and the Tasmanian Aboriginal Land Council. Several arguments for keeping the material in Melbourne were raised. The archaeologists wished to complete the analyses, preserving the assemblages for the future. The opposition however, raised questions about the rights of the Tasmanian Aboriginals to reclaim and rebury the artefacts (Allen & Cosgrove, 1996, pp. 11). La Trobe University continued to argue that all the sites in question were excavated under permits issued by Tasmanian Parks and Wildlife Service. The permits were valid for three years in the late 1980s and one year from 1990. The timeframe given was intended to cover both the excavation and the analysis, however the archaeologists working for the Tasmanian Parks and Wildlife Service knew from experience it was impossible to complete the tasks within the timeframe (Allen & Cosgrove, 1996, pp. 12). In 1993, La Trobe University applied for extensions. It was the first time there had been applied for a permit extension by an archaeologists since the Tasmanian Aboriginal Relic Act (1975) was declared as there had never been need for it in the past (Allen & Cosgrove, 1996, pp. 12).

The aftermath of the case is often referred to as the “death of archaeology” (Smith, 2004, p. 1). Professional archaeologists in Tasmania would not get involved in the case and stayed silent on the scientific values of the assemblages. As a result of the scandal many archaeologists decided that they would not be recognised with the title as archaeologists, but rather as cultural resource officers (Allen & Cosgrove, 1996, pp. 14). The results of the case mobilised other Aboriginal Tribes in Australia to become more involved in the archaeological science, changing the methods forever.

3.5 The fight for rights

The Aboriginal people have been in a relentless battle to reclaim their land rights in Australia since the first settlers arrived. Australia was considered a *Terra Nullius*, unowned land by the British, justifying their colonial right to the land and stripped the Aboriginal People of property rights (Banner, 2005, p. 95). After constantly fighting the oppression of their culture for nearly two and a half centuries, there are still ongoing political campaigns to recognise the Aboriginal People as First Australians. During the 20th century, several events and political and social movements took place for Aboriginal rights. In 1921 there was a new organisation formed within the Australian Federation of Women Voters (AFWV), and by late 1920s they had incorporated Aboriginal Rights to their political aims. The white women speaking for the party turned the included not only gender equality, but also race. The notable members of the organisation established what could be considered one of the main sources of activism for Aboriginal rights (Paisley, 1998, p. 67-68).

The timeline between the approved adoption of Assimilation as government policy in 1937 to the passing of the Racial Discrimination Act in 1975 was filled with crucial political events (Troy, Harris, Barwick & Poll, 2018, p. 3). In 1939 the Aboriginal People of the Cummeragunja Mission in New South Wales decided to take action against their unfair treatment and poor living conditions by forming a strike. The Cummeragunja mission was located mostly in the territory of the Yorta Yorta People that had been transferred in the late 19th century to the Maloga Mission North-western Victoria (Lynch, Griggs, Joachim & Walker, 2013, p. 115). The Cummeragunja Mission was about 100 acres big and had been granted to Uncle William Cooper by what he believed was his divine right, creating a small reserve (Broome, 2005, p. 262). The strike at Cummeragunja began at February 4, 1939 when 200 residents left as a protest the tyrannical management of Arthur McQuiggin, and marks the first mass-indigenous strike that would pave the way for further Aboriginal rights in Australia. The following months more residents would leave and settle in Barmah, Shepparton, and

Mooroopna in Victoria The Cummeragunja walk-off marks as one of the first successful Aboriginal large-scale strikes and would eventually lead to that the Yorta Yorta People gaining land rights in the area (Lynch, Griggs, Joachim & Walker, 2013, p. 116).

3.6 Registered Aboriginal Parties

A Registered Aboriginal Party (RAP) is a group that has been legally recognised by the local council and under the *Aboriginal Heritage Act 2006* (VIC) to manage the land in the state of Victoria (Environment and Natural Research Committee, 2012, p. 15). The *Aboriginal Heritage Act* (2006, s. 1) states the four main purposes consist of:

1. To be responsible for the protection of Aboriginal cultural heritage and Aboriginal intangible heritage in the state of Victoria.
2. To give the Traditional Owners the legal status as protectors of their cultural heritage on behalf of Aboriginal people and all other peoples.
3. To support the enduring right to preserve the unique spiritual, cultural, material and economic relationship of Traditional Owners with the land, water and other resources they have a connection under traditional laws and customs.
4. To ensure that Aboriginal cultural heritage are respected and protected as part of the common heritage of all peoples and to the maintainable development and management of land and of the environment.

Before the establishment of the RAP's, the Aboriginal People were in a constant battle with developers and government to preserve their cultural heritage. Under the *Aboriginal Heritage Act* (2006, s. 3), the following objectives have been passed to assist the RAP's in the protection of Aboriginal Cultural heritage:

- a. to recognise, protect and conserve Aboriginal cultural heritage in Victoria in ways that are based on respect for Aboriginal knowledge and cultural and traditional practices;
- b. to recognise Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;
- c. to accord appropriate status to traditional owners, including a preference to appoint traditional owner bodies corporate as registered Aboriginal parties;

- d. to promote the management of Aboriginal cultural heritage as an integral part of land and natural resource management;
- e. to promote public awareness and understanding of Aboriginal cultural heritage in Victoria;
- f. to establish an Aboriginal cultural heritage register to record Aboriginal cultural heritage;
- g. to establish processes for the timely and efficient assessment of activities that have the potential to harm Aboriginal cultural heritage;
- h. to promote the use of agreements that provide for the management and protection of Aboriginal cultural heritage;
- i. to establish mechanisms that enable the resolution of disputes relating to the protection of Aboriginal cultural heritage;
- j. to provide appropriate sanctions and penalties to prevent harm to Aboriginal cultural heritage;

(Aboriginal Heritage Council, 2020). The objectives have given the Aboriginal People in Victoria an opportunity to reclaim their land rights and influence projects that may take place within their legal jurisdiction.

The RAP's have a series of important responsibilities for the geographical area they have been appointed. The RAP's are involved in the following responsibilities:

- Provide the Minister of Aboriginal Affairs, Secretary of the Department of Premier and Cabinet and the Council on Aboriginal areas or objects from their geographical territory.
- Provide the Minister about Aboriginal cultural heritage that is returned or in the process of returning.
- Evaluating permits and land management plans that involve Aboriginal cultural heritage.
- Evaluating agreements and land management agreements that involve Aboriginal cultural heritage
- Applying for temporary and continuing Aboriginal cultural heritage protection declarations
- Provide information regarding Aboriginal cultural heritage

- Make decisions on the need for informal restrictions on Aboriginal cultural heritage to the Victorian Aboriginal Heritage register

(Aboriginal Heritage Council, 2020)

Currently there is 11 RAP's present in the state of Victoria covering approximately 66% of the landmass:

- Barengi Gadjin Land Council Aboriginal Corporation
- Bunurong Land Council Aboriginal Corporation
- Dja Dja Wurrung Clans Aboriginal Corporation
- Eastern Maar Aboriginal Corporation
- First People of the Millewa Mallee Aboriginal Corporation
- Gunaikurnai Land and Waters Aboriginal Corporation
- Gunditj Mirring Traditional Owners Aboriginal Corporation
- Taungurung Land and Waters Council Aboriginal Corporation
- Wathaurung Aboriginal Corporation trading as Wadawurrung
- Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
- Yorta Yorta Nation Aboriginal Corporation

(Aboriginal Heritage Council, 2019)

With the jurisdiction granted from the state of Victoria the RAP's have been given the funding and resources to protect their traditional territories. The RAP's are thus essential in the protection of Aboriginal heritage from destruction. Indigenous rights vary in the different Australian states but Victoria is mentioned as an example of how the Aboriginal People hold land rights.

3.7 Australian Archaeology Today

Australian archaeology is heavily controlled by a series of political legislation and ethical views to ensure the methods of the past are not repeated. Present Australian archaeology can be divided into four types.

- Historical archaeology

- Historical archaeology in Australia focuses on post arrival of the European settlers.
- Aboriginal archaeology
 - The archaeology of Aboriginal cultural history, traditions, and way of life.
- Maritime archaeology
 - Maritime archaeology often focuses on submerged archaeological sites such as shipwrecks and sunken planes. Unfortunately submerged sites are often neglected due to the lack of funding. Maritime archaeology has largely been dependant on recurring annual grant from the Commonwealth and State Government. The limited funding has been a main issue for Marine archaeology as it is not enough to cover the cost to maintain the submerged sites (Staniford, 2016 p. 90).
- Cultural heritage management
 - Cultural heritage management is the commercially driven archaeology of Australia. In order to prevent sites from being destroyed during the constant development of infrastructure a various of state legislations was passed. A *Cultural Heritage Management Plan (CHMP)* assesses the impact proposed industrial activity may have on an Aboriginal cultural heritage site or historical site. It includes what measures is needed before, during and after the project commenced in order to decrease any damage towards the Aboriginal cultural heritage (Aboriginal Victoria, 2019).

Desecration of Aboriginal land was present in the time of the arrival of the first settlers up until recent times. This has occurred as recently as September 2002, when a site of the Ngarrindjeri People containing what is referred to as *Two old people* was desecrated as the graves were unearthed. The site was discovered by the Alexandrina Council as part of the re-development of the Goolwa Wharf precinct in Southern Australia (Roberts et al. 2010, pp. 126-127) Due to the unfortunate process of how the grave was discovered posed a threat to the Alexandrina Council as the Ngarrindjeri People could prosecute the council. The Ngarrindjeri People however, chose not to prosecute the council under the *Aboriginal Heritage ACT 1988* (SA) even as the events had reignited some old disputes. The prosecution may have resulted in archaeologists launching projects in order to determine the authenticity of the Ngarrindjeri traditions and claim to the area (Hemming & Trevorrow, 2005, p. 234). In the following month there were intense negotiations between the Alexandrina Council and the Ngarrindjeri people.

The Ngarrindjeri people sought to introduce members of the council to their way of caring for country, their stories, and their ancestors by working out an agreement. The *Kungun Ngarrindjeri Yunnan Agreement* was signed by both parties on October 8, 2002 and served to rebuild the trust and recognised them as Traditional Owners of the Goolwa area (Bell, 2008, p. 20). They now have legal power to take part in the archaeological process to ensure that their interests are protected.

Critical Heritage studies raises several questions about how cultural heritage management is introduced in the present. Australian society often chose to place more emphasis the distant past culture of the Aboriginal People while neglecting the current generation that is present (Witcom & Buckley AM, 2013, p. 570-571). The main issue that raises is that the present Aboriginal generation often is overlooked by their communities and restriction of their cultural practices are restricted in order the preserve their cultural heritage. The majority of people are currently living in cities and heritage sites that are located within their limits are threatened by the rapid development (Winter, 2013, p. 535). With the rapid expansion of cities the archaeologists and cultural heritage advisors are often asked the questions: Is the site significant? Why should we preserve this site and hinder further development?

3.8 Results

The Aboriginal People remain sceptical to archaeological work. The past treatment of their culture is a main issue that still lingers in the present. The lack of respect and representation for their cultural heritage, and the centuries of oppression by the white community have resulted in that several tribal societies remaining sceptical towards heritage work and in some cases, wish to prevent archaeological work. The early archaeological work in Australia mainly took away their cultural heritage to display it in museum. The several cases mentioned earlier have shown that even though numerous events of the past have upset the Aboriginal community, some have begun to focus more on mending the gap. The Goolwa Wharf precinct show that even though the Alexandrina Council neglected to follow proper procedure in order to preserve to human remains found during the development, the local Aboriginal community chose to rather mend the relationship instead of igniting it.

It is important to remember that the cultural heritage sites do not overshadow the current generation and they are still represented. In the present the Aboriginal community is well represented through gaining more land rights and are included in the various projects across Australia. RAP's now serve as an important political organ in order to prevent the past from

repeating. With the current representation and legislations enacted the gap between archaeologists and Aboriginal people have started to mend and has come a long way in order to have both the scientific value and the cultural heritage respected.

Chapter 4. Neds Corner

4.1 Introduction

Neds Corner is a vast territory located in the north western part of the state of Victoria, Australia. It borders the Murray River to the north. The property is approximately 30 000 hectares at present and is owned by the Trust for Nature organisation (Landcare Australia, 2018, para. 2). Prior the arrival of the European settlers the property was home to the Ngintait People and the other members of the first people of Millewa Mallee. The property contains copious amounts of cultural heritage sites including ancestral burials, scar trees, shields, other artefacts, oven mounds, fireplaces, stone tool artefacts and shell middens (Trust for Nature, 2017a, para. 2). The Trust for Nature organisation (2018, p. 2) published a brochure giving a minor summary from the first arrival of the European settlers to the present. The property was first settled by Europeans in 1849, when Edward Meade Bagot was given a pastoral lease to run an agricultural farm. Bagot began by running a cattle farm on the property, however he soon switched to sheep as he could easily transport the wool from the property using riverboats on the Murray River. The property has been passed through several owners before being purchased by the Trust for Nature organisation in 2002. Presently, the property is used for conservation projects by Trust for Nature and archaeological excavations by La Trobe University with the consent and involvement of the Traditional Owners of the area.

4.2 Ngintait and the First Peoples of Millewa Mallee

The Ngintait Tribe were primarily located on the southern bank of the Murray River, north of the rural town of Paringa and west of the rural city of Mildura, Victoria. Their territory covered parts of the Neds Corner property in Victoria and Salt Creek River in New South Wales (Clark & Ryan, 2008, p. 41). In the past the Ngintait Tribe has been referred to by a series of various names; Nutaka, Inteck, Merri and Nutchka (Tindale & Jones, 1974, pp. 262-297). The Ngintait Tribe spoke a dialect of Yuyu which belonged to the Lower Murray Languages (Berndt, Berndt & Stanton, 1993, p. 305). Due to the fact that the Ngintait Tribe shared a language with the other Lower Murray Tribes in the area their identity has been questioned. There are two scenarios that result in the sharing of a language: inheritance from a common ancestor or through cultural contact (Koch, Hercus & Kelly, 2018, p. 165). Koch, Hercus & Kelly (2018, p. 165) highlights their doubt that the Ngintait had their own individual identity in a moiety system shared with the surrounding tribal societies.

“A tribe formerly occupying the country on both sides of the Murray River, below Salt Creek about Ned's Corner Station. I have no exact information about the social organization, but I believe the tribe had no dual division and was organized into local totemic clans...” (Brown, 1918, pp. 247-248).

The allegations the Ngintait have faced of not being recognised as an individual culture but rather a part of a larger tribal community with local totemic clans have impacted the descendants of the tribe. In present times there is only a family of nine people who claim heritage to the Ngintait Tribe. The former spokesperson and former chairman of *The Lower Darling Rivers Indigenous Nations* and member of the Ngintait, Mr Darren Perry explained how the clans in the area were scattered and forced to join the surrounding clans during the 1840s guerrilla warfare (Parliament of Victoria, Environment and Natural Resource Committee, June 4, 2012, p. 182). Over time, three RAP applications have been submitted to gain rights to the Ngintait country, none that were successful. Mr Perry argued that the right of the land should be the Traditional Owners that commit to research projects, even as it may not fully determine who the correct people for the country is (Parliament of Victoria, Environment and Natural Resource Committee, June 4, 2012, p. 180). The Ngintait Tribe supported the collaboration project between Trust for Nature and La Trobe University to commit to the research in the area in a hope to legitimatise their claim to the land and rebuild the Ngintait identity. However due to past events, Perry remained sceptical towards the researchers, but was willing to support the project if it remains ethical (D. Perry, personal communication, August 8. 2016).

The first peoples of Millewa Mallee corporation (FPMMAC) is a collaboration between the Latji Latji, Nyeri Nyeri and Ngintait Traditional Owners (Federation of Victorian Traditional Owners Corporations, 2018a, para. 1). The FPMMAC launched an application to become a RAP under the *Aboriginal Heritage ACT* (2006) in January 2016 for a territory in the north western corner of Victoria which was divided into Zone 1 and Zone 2, however the application was declined on December 4, 2017 on the grounds that Zone 2 overlapped with the territory of the Barenji Gadjin Land Council RAP (Victorian Aboriginal Heritage Council, 2017, p. 1). In 2018 the Victorian Aboriginal Heritage Council approved the FPMMAC claim to zone 1 of their RAP application (Federation of Victorian Traditional Owners Corporation, 2018a). The map (Federation of Victorian Traditional Owners Corporations, 2018b) display that Zone 1 border the Murray River to the north, the border between South Australia and Victoria to the west, parts of the Murray Sunset National Park to the south, the Calder Highway

to the east, including Mildura and a part in the north east. The approval as a RAP granted the FPMMAC, Traditional Owner rights in the zone 1 area and is one step closer to reclaiming their heritage and identity.

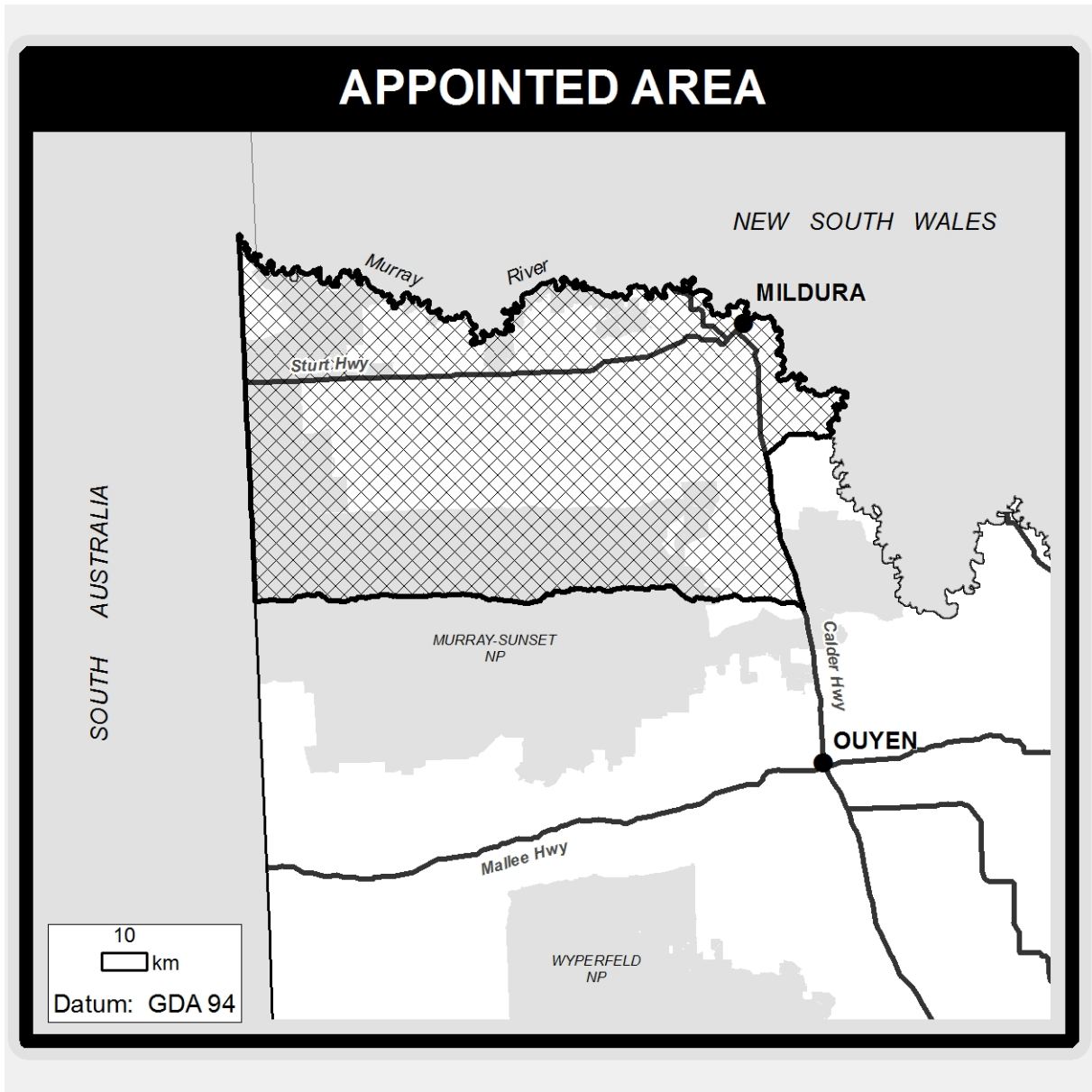


Figure 1: Appointed area for the FPMMAC. Reprinted from federation of victorian traditional owner corporations, 2018.

4.3 La Trobe University

The archaeological department at La Trobe University launched a major archaeological project in the surrounding terrain of Neds Corner Station. In 2008, La Trobe University and Trust for Nature entered a 5-year long contract allowing the university to access the property and the facilities. The area was used as a field school for archaeology students undertaking the Archaeology Honours program. Following the legislations in the State of Victoria, the project

was required to work with a RAP in the area. As there was no RAP at the time, Trust for Nature worked with the Heritage Services Branch of Aboriginal Affairs Victoria and invited representatives of the Indigenous community to partake in the project (Cosgrove, Frankel & Thomas, 2013, p. 48). In 2013 an extension of the contract from 2013-2020 was proposed in order to launch a new research project. The new field project investigated the rich palaeoecological and cultural landscape of the area with the aim to develop knowledge about the people who occupied the area, the foraging strategies and social networks that existed (Garvey, 2013, p. 119). In January 2014, the area was excavated as part of a new survey led by Dr Jillian Garvey. The excavation uncovered the evidence of a shell midden adjunct to the Murray River that is believed to have been used by the Aboriginal People (La Trobe University, 2014, para. 6). The site was originally believed to yield evidence of human activity in the area dating back to 40 000 years like Lake Mungo (La Trobe University, 2014, para. 2). However, per anno 2016 the documented research suggests that there is no human activity dated further than 15 000 BP in the area but further research may provide evidence of older sites (Garvey, 2017, p. 99). The project aimed to provide the local Traditional Owner Groups in the area, Ngintait, Latchi Latchi, and Nyeri Nyeri with assistance of formally register archaeological sites that assisted in the RAP application for the area (Garvey, 2013, p. 119). As of April 12, 2020 the state of Victoria extended the stage 3 restriction that was set to end April 13, 2020 due to the worldwide outbreak of the disease: Covid-19, restricting the amount of work that may be completed in the project (Victorian Government, 2020, para. 2). The project was set to complete in 2020, however due to government regulations and uncertainty around the current outbreak of Covid-19 the final results of the project may thus be pushed back.

4.4 Trust for Nature

Trust for Nature is a non-profit charitable organisation and one of Australia's oldest conservation organisations. The *Victorian Conservation Trust Act 1972* (VIC) established the Trust for Nature organisation in 1972 and made it possible for the public to donate land or financial aid in order to preserve the fauna and flora of Victoria. The organisations main goal is focused on areas where the native flora and fauna thrive for the benefit of future generations. Currently the Trust for Nature organisations hold more than 40 properties covering approximately 35 000 hectares which has been converted to conservations reserves (Trust for Nature, 2017b).

Neds Corner Station is the largest conservation property in Victoria and as launched numerous conservation projects in the area. The projects involve restoring the land to bring

back the local fauna and flora. Due to donations from private groups or financial support from the government, Trust for Nature have successfully:

- Treated 20 000 rabbit warrens.
- 1 000 km of rabbit bait-lines planted.
- Monthly fox control of the entire property.
- Removal of cropping from 1 200 hectares.
- Planted over 20 000 trees and shrubs.
- Direct seeding of trees and shrubs.
- Established a 500 hectare large herbivore and predator enclosure.
- Irrigation systems for more than 500 hectares of wetlands.

As a result the Trust for Nature have turned around the ecological health of Neds Corner Station (Trust for Nature, 2017c). The successful conservation projects completed by the Trust for Nature organisation has mobilised the public to join in protecting endangered species and ensured the return of different flora and wildlife that has not been spotted in the area for some time (Trust for Nature, 2017d).

Trust for Nature has worked closely with the heritage management of the area. The property is considered culturally important to the Ngintait, Latchi Latchi, and Nyeri Nyeri tribes and allowed the groups to partake and contribute knowledge to the ongoing management prior their recognition as a RAP (Trust for Nature, 2017a). The organisation worked closely with the La Trobe University and the Traditional Owners in order to discover new cultural heritage sites and manage the known cultural heritage sites (Cosgrove, Frankel & Thomas, 2013, p. 48). Trust for Nature continue to convey the knowledge of the cultural heritage in the area along the FPMMAC to the general public. Representatives of the Traditional Owners are invited for public ceremonies at the property to ensure the trust is maintained (Meddemmen, 2019).

4.5 Results

The collaboration project between the Ngintait and the FPMMAC, La Trobe University and Trust for Nature has yielded a positive outcome. The heritage projects at Neds Corner Station assisted the Ngintait and the FPMMAC to have their RAP application for Zone 1 accepted. Gaining the status as a RAP marks their recognition and claim to the area giving them exclusive rights in the heritage management process. As a result the Ngintait and FPMMAC feel formally recognised and have begun the next step in reclaiming their lost cultural heritage and identity. The La Trobe University has been able to collect valuable data on the human

activity in an area with little archaeological data. Given the permission to run a field school at the property has been a valuable asset for the archaeological students as they are able to experience fieldwork in the real world. New archaeological heritage sites have been discovered and is now incorporated in the heritage management for the FPMMAC and Trust for Nature and is considered an asset for the heritage and identity of the Traditional Owners of the area. The Trust for Nature organisation has successfully launched several conservation projects on the property. With the assistance of FPMMAC and La Trobe University they have spread the awareness of the cultural heritage that exists in the area and continue to work with conveying the knowledge to the public. The outcome of the project has produced a positive outcome for all parties partaking.

Chapter 5. An analytic view of the Scientific history of the relationship between the Sami People and archaeologists

5.1 Introduction

Alike the Aboriginal People in Australia, the Sami People in the Nordic countries and Kola Peninsula have maintained a scepticism towards archaeologists based on past events. The Sami People faced several similar issues as the Aboriginal People. Scandinavian archaeologists in the past was within their right to collect Sami artefacts and launch excavations with little respect for their cultural heritage. The artefacts recovered were subject to laboratory tests and study and put on display in museums for the public. In 1989 the Sami People of Norway gained political rights with the passing of *Sameloven* (the Sami Act) which included them in the management process of northern Norway (Sameloven 1989). The main purpose of the Sami Act is the preservation and protection of their culture and cultural heritage in Norway. The Sami Act protects land areas, archaeological sites and artefacts that are considered significant to the Sami People in agreement to their traditions from the destruction or desecration as a result from the development of infrastructure or exploitation of natural resources in the area. Prior the enactment of the Sami Act, the development of a hydropower plant in the Alta river caused a drastic political conflict in Norway. The conflict began in 1968 when a proposal was presented to dam the river near the village of Masi (Nilsen, 2008, p. 80). A major consequence of the damming of the river would result in several significant Sami land areas and part of the village being submerged in water. Protests towards the project began as early as 1970 through local and national meetings and petitions. The project was set to continue, and the protests increased. People began hunger strikes and civil disobedience in order to prevent the construction which resulted in a massive police intervention orchestrated by the government (Andersen & Midttun, 1985, p. 325). The police intervention resulted in several arrests of citizens charged with violating the laws of rioting for the first time since World War II. In 1982 the opposition ceased as a result of the supreme court ruling in favour of the government and the plant was completed in 1987. Post the establishment of the Sami Parliament the Sami People would have had the political rights necessary in order to protect their land areas from damaging developments. Due to the events of the past the Sami are heavily involved in archaeological projects which includes their cultural heritage. The approach to Sami archaeology has thus been majorly influenced by the Sami People.

5.2 History of the Sami in Norway

From the iron age and up to the early medieval age the Sami had close economic, social and religious contacts with the surrounding people. The trade was often fair and the Sami had access to necessary goods and culturally praised objects in exchange for pelts. Over a period, the two cultures would develop a dependency of each other and was strengthened and maintained through social and religious attachments (Hansen & Olsen, 2004, p. 151). In early medieval times the relationship with the Sami changed as the local elite began to lose their power. The Scandinavian kingdoms attempted to claim Finnmark and the began to demand a tribute from the Sami population and at one point they would have to pay tribute to three kingdoms (Hansen & Olsen, 2004, pp. 152-153). The sudden change in the relationship between the Sami People and surrounding kingdoms would result in centuries of oppression of the Sami.

After Norway gained independence in 1814 the country was affected by nationalistic views. Norway was in the process of finding their identity as what is Norwegian. The nationalistic views would soon affect the Sami population and the government would enforce an assimilation policy. The Assimilation policy can be divided into four phases as described by the historian Henry Minde;

- Transition phase (ca. 1850-1870)
- Consolidation phase (ca. 1870-1905)
- Culmination phase (ca. 1905-1950)
- Liquidation phase (ca. 1950-1980)

The phases are divided on the premises of the assimilation policy is based on the events that caused the policy, what group of people was in focus and what measures was used at the time (Minde, 2005, p.7).

The first phase of the assimilation policy, the transition phase started with the creation of *Finnfondet* (the Lapp fund) in 1851. The fund would provide economical support to schools to ensure the assimilation of the younger Sami generation (Persen, 2008, p. 44). To qualify for economic support from *Finnfondet*, the area had be considered a transition district. Transition districts were Sami territories where it was deemed possible to replace the Sami language with the Norwegian language for the entire Sami population in the area. Karasjokk, Kautokeino and Tana in northern Norway were not considered a transition district as they were deemed a lost cause by the government (Bjørklund, 1985, p. 262). The fund was used to reward teachers that were effective in teaching the Sami children Norwegian. The assimilation policy was

introduced in the cultural sector and is described as “With the school as a battlefield and the teachers as the frontline infantry” (Niemi, 1997, p.268).

Towards the end of the 1860s the Norwegian government began to restrict the assimilation policy. In 1868 the Norwegian government extended Finnefondet to also include the Kven People in the assimilation process and in 1870 the assimilation policy entered the consolidation phase. In 1880 the directory of Tromsø Stift created new instructions for the teachers in the transition districts. The instruction ordered that every Sami and Kven child were to learn to speak, read and write Norwegian and all previous notions that included the teachings of their mother tongue was abolished (Minde, 2005, p. 9). Teachers were required to document their results in order to increase their pay, and several teachers became economical dependant on the reward for their assimilation. The assimilation policy in schools reached new heights in 1898 when *Wexelsenplakaten* was enforced (Zachariasen, 2012, p. 27). The new instruction for the school prevented any teachers with Sami or Kven background from teaching in mixed language schools, the use of Sami and Kven language were to be minimal and teachers interpreted the instruction as they would have to prevent the use of the students mother tongue in the recess (Minde, 2005, p.9). The Kven People is a minority in Norway that emigrated from Sweden and Finland in the eighteenth and nineteenth century. During the consolidation phase several place names in Sami territory was replaced with *Norwegianized* name in order to give the impression of Norwegian settlements and history in the area (Iversen, 2008). The consolidation phase resulted in a serious change in the lives of the Sami People.

During the culmination phase in 1905 the Norwegian government introduced several measures over a short period of time in order to ensure the assimilation of the Sami People. Schools were considered a main source to assimilate the younger generation and the government implemented the following measures;

- Several boarding schools were constructed in Finnmark, aiming to isolate Sami children from their cultural environment.
- Courses thought in Sami and Finnish were terminated in Tromsø and tuition scholarships for students with Sami or Kven background were abolished.
- Teachers with a Sami or Kven background were prohibited from working at schools and replaced by teachers with Norwegian background.
- The teaching methods were redesigned to focus on assimilation. The teachers would attend conventions to discuss on how to assimilate the students most effectively and the project was spearheaded by the superintendent.

The State tightened their grip on the assimilation of the Sami. In 1902 the state founded the first county Director of Schools in Finnmark to carry out the new goal for the region (Minde, 2003, p. 129). During the interwar period in Europe, two new perspectives of the Sami blossomed;

- The Sami People were lesser than the Norwegian people
- The Sami culture would face a downfall

Both perspectives along with security policy consultations would play a central role in the proposal for an assimilation policy to be enforced. Towards the end of the interwar period the viewpoints softened, however after World War II they rebloomed and was enforced (Andresen, 2016, p. 406).

The Liquidation phase marked the ending of the assimilation policy. Wexelsenplakaten slowly being abolished in the 1950s and 1960s in some areas and a time of reconciliation began (Minde, 2005, pp. 10-12). In the 1950s the Norwegian Labour Party and current prime minister Einar Gerhardsen sought to re-organize the pain caused by the assimilation policy. New plans were created by a cooperation between the government and a Sami committee in order to restore the Sami culture. The plan was presented to the national authorities, however there was still a long way to go (Minde, 2001, pp. 77-78). In 1967 the Norwegian Government decided that the learning of the Sami and Kven languages was now considered a Sami right. The Sami People slowly regained their rights and in 1989 the Sami Parliament was founded. In contrast to other governments in the world, the Norwegian government have never officially accepted the legal responsibility for the assimilation policies enforced (Pulk & Idivuoma, 2016).

5.3 Sami archaeology of the past

Sami archaeology in the past was heavily affected by the view of the Sami culture as being lesser and the assimilation policy waged towards them. During the 17th and 18th century the Sami People practiced an indigenous type of shamanism. The rituals were driven by hunting and animal ceremonialism and was deemed pagan by the churches of Norway and Sweden. During the witch hunts practiced at the time, several *noaidi drums* (drums belonging to the spiritual leader) were collected by priests, missionaries and other church representatives. The use of the magic drums to call spirits for fortune telling, prophecies and divination to affect their future in a positive way were heavily frowned upon by the church and viewed satanic practices (Joy, 2011, p. 118). The noaidi drums were often taken and spread around the world. During the present the question about ownership is highlighted. (Thorell, 2018, p.35). The practices museums of the world commence are based on methodologies. The museums of

northern Europe have a cosmopolitan point of view which highlights how the heritage values are universal and thus belong to all governments and inhabitants. Museums in southern Europe, however, share a more patriotic view that the heritage values belong to the country where it was found. (Thorell, 2019, P. 76). The question regarding ownership of the Sami heritage comes down to whom can claim it, the local Sami People, or the government. The local Sami People believe that they were wrongfully acquired and thus do not accept the fact that governments or international organisations have claimed ownership. As mentioned previously the people in possession of the noadi drums claim that their cultural value should be shared with the world and thus have a right to keep them. The disagreement about the noadi drums ownership is a key factor to why several Sami People remain skeptical towards archaeological studies as they want them returned to their cultural owners.

Research performed on Sami ethnicity and cultural heritage is regulated by the Sami Parliament. Norway has enforced a freedom of research in the various scientific fields. The aim for freedom of research is to be left alone from the interference of political authorities and is heavily dependent on the collaboration between the universities, the research council and the people involved with commercial interests (Gilhus, 2002, p. 1235). The debate on the Sami People's ethnicity as a minority in Norway and their legitimacy as an indigenous group have gained focus by political groups and is considered professional crimes by several archaeologists. When a study is undertaken it is important that it meets the criteria of scientific arguments, however it seems as the criteria is not needed for the "first Norwegians". As a result, the Sami People gains a de facto claim to the title in a historical context due to the taboo the topic contains (Schanke & Olsen, 1983, pp. 135-136). It is important to know that not all the Sami share the belief and do not have a fear of the past, however when prominent figures have gained political authority to interfere it may have consequences for the archaeological science. The archaeological science was thus believed to be dependent on that political groups do not meddle in what topics can be researched in order to properly understand the cultural history.

5.4 The Various Sami Parliaments of Scandinavia

The Sami People of the Nordic countries and Kola Peninsula has attempted to position themselves better in the political process in their country of origin in order to increase their influence on matters that affect them. The Nordic countries have officially recognised the creation of a Sami Parliament, however the Russian government has still not officially recognised the Kola Sámi Assembly. The creation of the Sami Parliaments has given the Sami

People an identity and political rights to ensure that their cultural heritage, language, land and way of living is respected (Gaski, 2008, p. 219). Per anno the Sami Parliaments are involved in a series of projects affecting their cultural heritage.

5.4.1 Sami Parliament of Norway

The creation of the Sami Parliament of Norway was a result from the acknowledgement of the assimilation policy Norway enforced. As a minority in Norway the Sami were not able to affect the political process due to the lack of getting a majority of a vote (Sametinget a, n.d). In 1964 the Norwegian Sami Council was established to address matters that included the Sami. The council was appointed by state authorities and the Sami People still lacked the rights to affect the political process. The council was replaced by the Sami Parliament when *Sameloven* (the Sámi Act) was passed June 24, 1987 and enforced February 24, 1989 (Sameloven 1989). During the first assembly October 9, 1989, King Olav V opened the session. The jurisdiction of the Sami Parliament of Norway was strengthened during the ILO convention nr 169, section 13 when the protection of the Sami was extended to include the physical and economical foundation to protect their territory and culture. The natural resources of Finnmark must be exploited in an environmentally friendly way that will not affect the Sami way of life or their cultural heritage (Hedlund, 2018, p.17). The department of culture in the Sami Parliament of Norway focuses on the protection and convey the Sami culture to the public (Sametinget b, n.d). The Sami parliament of Norway thus have the ability to affect archaeological work that is affecting their cultural heritage.

5.4.2 Sami Parliament of Sweden

In 1982, Sweden arranged an official investigation under the name of *Samerättsutredningen* (the Sami Rights Investigation). The main motive for the investigation was to fully recognise the Sami as an indigenous group and in 1989 the investigation was completed. The Sami Parliament of Sweden was established in Kiruna on January 1, 1993 and the first session was held on August 26, 1993 (Sametinget, 2019). The King of Sweden, Carl XVI Gustaf was present and opened the first session. The Sami was given rights to participate in political matters and was thus able to vote their own elected candidates. Unlike the Sami Parliament in Norway, only political Sami parties is authorized be elected. Due to being more open, the Sami Parliament in Norway is more included to matters of state than the Sami Parliament of Sweden. As a result, The Sami Parliament of Norway contain more political power and has a more prominent position (Stranden, 2015). The Sami Parliament of Sweden however differs from Norway and Sweden as it has a formal status and mandate (Henriksen,

2008, p. 34). In 2014 the previous *Kulturminneslagen* (Cultural Heritage Law) was succeeded by *Kulturmilölagen* (Cultural Environmental Law). The new law does not mention Sami cultural heritage specifically in contrast to *Lov om Kulturminner* (Cultural Heritage Act) in Norway (Pinto-Guillaume, 2017, p. 235).

5.4.3 Sami Parliament of Finland

The Sami Parliament is considered the supreme political body of the Sami People in Finland. It was founded in 1996 after the *Act on the Sámi Parliament (1995)* was passed. The act came into force January 1, 1995 and gave the Sami Parliament authority over their cultural heritage. The predecessor of the Sami Parliament of Finland was the Sami Delegation which was founded under a proclamation in 1973 and was active until 1995 (Samediggi, n.d). Due to being considered self-governmental the Sami Parliament is an impartial legal entity, however it does not have any authority to make decisions binding the state government or local county administrations functions under the Ministry of Justice (Samediggi, n.d). The regulations enforced on the Sami Delegation of Finland specify them to only be involved in observing the rights of the Sami and promote the cultural, economic and social matters that involves the Sami. They can then get involved in the decisions of the authorities by making proposals and present statements in matters relating to the Sami Home Area, language and cultural heritage (Müller-Wille, 1979, p. 68). Per Anno he Sami Parliament maintain a cultural heritage branch that handles matters involving the Sami cultural heritage.

5.4.4 Sami Parliament of Russia

In 2008 a group of Sami representatives attempted to establish the Kola Sámi Assembly that would be an elected Sami assembly based on the Sami Parliament models that exists in the other Nordic countries. The first Congress of the Russian Sami took place on the December 14, 2008 (Artieva, 2014). The delegations for the First Congress were to be elected at various Sami gatherings in Russia. However, the organisers for the election were criticised as several Sami dissatisfied with the information given prior the election, resulting in a lower turnout (Berg-Nordlie, 2011, p. 66). The assembly's main goal was to demand establishment of a Russian Sámi Parliament and the local Sámi would be given the power to vote their own representatives. The Russian Federation suggested that the representatives were to be picked by Russian officials, however the congress did not accept the terms (Berg-Nordlie, 2011, pp. 67-68). As a result, the Russian government have not recognised the authority of The Kola Sámi Assembly. Several attempts to create a unified political organ between the Sami and the Russian government have failed as the Sami wish to represent themselves.

The Sami politics of Norway, Sweden, Finland and Russia diverge from one another. Each of the different Sami Parliaments share the same goal to protect the Sami interests, however they do not share the same level of political influence. The Sami Parliament in Sweden is run by the Swedish parliament and must thus comply with their decisions. In contrast the Sami Parliament of Norway have more freedom to affect the political process involving them and are thus in a much better position when protecting their interests. The various Sami Parliaments often cooperate in order to protect their cultural heritage

5.5 Sami Cultural Heritage Management

In 2001 the Sami Parliament gained the responsibility as administrative authority for Sami cultural heritage sites in Norway. The responsibility includes any sites that contain traces of Sami use such as turf huts, firepits, housing, storehouses, sites of ritualistic sacrifices, holy mountains and lakes, senna gras places and oral stories and joik that is connected to certain geographical areas. Sami cultural heritage sites that are from 1917 or older are automatically protected under *Kulturminneloven* (Norwegian cultural heritage act) 1979 s. 5 (Riksantikvaren, 2019). The Sami Parliament aims to manage and make the Sami heritage sites more visible for the public on the foundation of their own history. Proper management of the Sami cultural heritage sites and the dissemination of the knowledge is a key factor in order to pass on the Sami culture to the future generations. In order to reach their goals the Sami Parliament have included

- the registration of Sami cultural heritage sites through fieldwork.
- documenting Sami history and traditions.
- cooperation with central regional and local authorities and developers.
- distributing funds for maintaining sites.

(Sametinget c, n.d). The responsibility the Sami Parliament has gained for their own cultural heritage have began to mend the gap between the Sami People and archaeologists.

5.6 Bååstede project

The *Bååstede* project was part of an agreement between *Norsk Folkemuseum* (The Norwegian Public Museum) and *Kulturhistorisk Museum* (Museum of Cultural History) in Norway and the Sami museums to return the Sami artefacts. The project was part of the Return agreement for Sami museum material that was signed at the Sami Parliament on June 19, 2012 and the museums were committed to return the Sami assemblage. The agreement included 2000 Sami

artefacts to be returned, however the museums would keep a similar amount of Sami artefacts for study and display (Pareli, Mikkelsen, Olli & Storsul, 2012, p. 6). The Bååstede report (2012) primary focus was on the repatriation process for the Sami, However it underlines that the communication of the Sami history is not only restricted to the Sami museums, but by museums in Norway (Grini, 2019, p. 169). The appearance of Sami museums would strengthen their identity, cultural pride and ensure safety for their cultural heritage (Rebni 2019, p. 10) Sami Parliament decided that the following museums would claim the artefacts;

- Varanger Museum in east Finnmark
- Riddo Duottar Museat in west Finnmark
- Museum for Northern Peoples in Manndalen, Troms
- Várdobáiki in Evenes, Troms
- Árran Julevsámi Centre in Tysfjord, Nordland
- Saemien Sijte, southern Sami and cultural centre in Snåsa, Trøndelag.

With the Sami People in control of their own museums, they were able to focus on the dissemination of Sami history and culture for the public and themselves. The exhibitions marks how the Sami has reclaimed their history, culture and the way they are represented from the public (Olsen, 2016, p. 17-18). The Sami assembly contained a total of 4300 artefacts and had been in the possession of the Norwegian Public Museum and the Museum of Cultural History since 1951. By the end of the agreement 1639 Sami artefacts were returned to the Sami museums. The Sami officials were satisfied with the number of artefacts returned and during the *Kulturens Hjemkomst* (The Return of Culture) conference in October, 2019, the Bååstede project was officially ended (Gaup, n.d). The artefacts that still remain in the Norwegian Public Museum care will not be less prioritised in the dissemination and study of the Sami history.

5.7 Sami archaeology today

The relationship between the Sami People and archaeologists have had remarkable progress due to the repatriations committed by the government over the past decades. The political authority given to the Sami Parliament have left them more in control over what Sami sites are excavated and where the assemblages are transported. Archaeology in Norway is heavily controlled by state authorities and legislations such as *Kulturminneloven* (1979) to ensure that the protection of archaeological material and the practices from the past is not repeated. The repatriation movement for human remains to Indigenous People have proven to be highly successful in certain parts of the world. The success promotes a sense of active group ethnic

identity (Ucko, 2001, p. 230). A majority of Sami were displeased with the portrayal of Sami of the Sami People in most museums and wished to take control over their cultural heritage (Webb, 2013, p. 171). In Scandinavia, a number of Sami institutions have emerged interested in safeguarding the Sami heritage and displaying it for the public in their way. The Sami adapted the museum method to suit their own purposes. Western museums would construct the narratives around the artefacts displayed. The Sami museums however, displayed the artefacts as secondary to the narratives they wanted to share (Webb, 2013, p. 178). The Sami Parliament are actively take part in heritage research and use their authority in order to treat the archaeological assemblages collected in their best interest. The storage and treatment of Sami human remains are expected to comply with their interests. However the Sami Parliament has yet to make a final decision regarding the disposition of the human remains held in Scandinavia (Ucko, 2001, p. 231). Viewing the progress that the Sami People and heritage researchers have made regardless of conflicts shows that the relationship may improve further.

5.8 Results

In the present several members of the Sami remain sceptical towards the archaeological science based on the events of the past. The neglect for their cultural heritage and assimilation caused by the governments have caused the Sami People to attempt to prevent certain archaeological studies to be initiated. The early archaeological work in Norway was heavily influenced by the assimilation and saw it as their right to take their cultural heritage to be displayed as part of the Norwegian heritage. As a result from several cases from the past have made the Sami Parliament sceptical towards archaeological studies that focuses on who was here first. However, the gap between the Sami People and archaeologists have begun to mend as a result from projects such as Bååstede. The Sami People and Parliament wish to be more in control of their cultural heritage and ensure that it is displayed and disseminated properly.

Chapter 6. Neiden

6.1 Introduction

Research involving human remains raises a series of ethical difficulties. For research projects the remains can yield valuable scientific data while it is also important to acknowledge them as individuals that were once alive and need to be treated with proper respect. During a national project that sought to compare DNA from 1000 skeletal remains that were held at the University of Oslo with 800 present Norwegian citizens sparked an intense conflict (Thunold, 2011). The project sought to include 94 Sami remains that were stored at the university and had been collected through unethical means for today's standard (Sørmoen, 2013, p. 12). In the early nineteenth-century the human remains were collected with the legal permission from the Norwegian Authorities as the Sami were considered racially inferior at the time (Nielsen, 2018, p. 10) The remains were demanded by various stakeholders to be excluded from the project due to the nature of how they were acquired. Following the demand, the conflict created a substantial dispute involving various stakeholders including Sami politicians, Skolt Sami, other Sami, Non-Sami, and researchers (Svestad, 2019, p.35). Representatives from the Sami communities and researchers both supported and opposed the dispute.

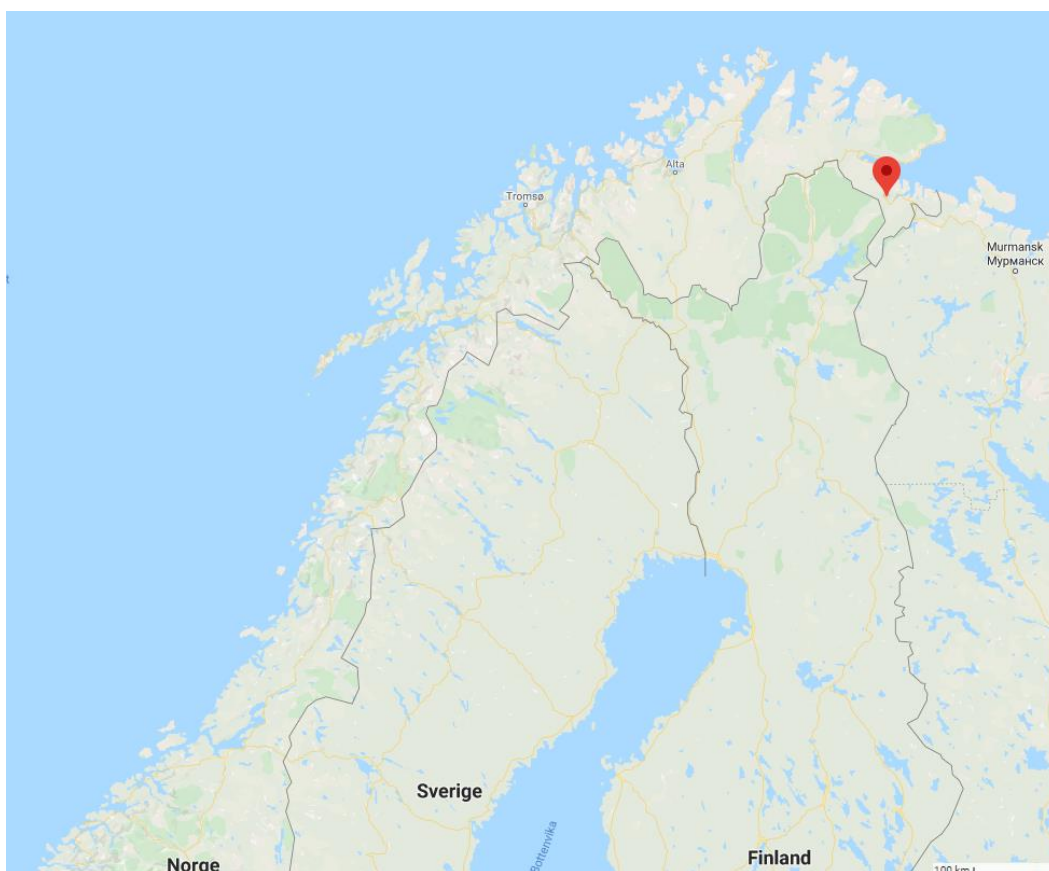


Figure 2: Map showing the location of Neiden: Reprinted from Google Maps (2020). Copyright by Google 2020.

6.2 Skolt Sami

The Skolt Sami is a Sami ethnic group indigenous to the borderland between Finland, Norway, and Russia in the Petsamo and Paatsjoki region. The Skolt Sami is part of the Uralic language family and together with the Inari, Akkala, Kildin and Ter Sami groups they make up the eastern branch of the Sami (Miestamo & Koponen, 2015, p. 353). The regions were described as in the process of disintegration when annexed by Finland resulting in the Skolt Sami being subjected to an odd mixture of integration, discrimination, and segregation policies (Nyyssönen, 2009, p. 45). In 1920, Soviet Russia and Finland signed the Treaty of Tartu that granted Finland the Petsamo region (Stadius, 2016, p. 140). In 1944, the Soviet Union regained control of the Petsamo region. This resulted in the Finnish Skolt Sami living in the region being moved to the Inari municipality in Finland (Miestamo & Koponen, 2015, p. 353). Per anno there are between 1000-1250 Skolt Sami left. The evacuation of the Finnish Skolt Sami has left Finland with most of the Skolt Sami population, approximately 700 Skolt Sami living in the Inari Region (Hoppu, 2015, p. 77). In Russia there is an estimated 400 Skolt Sami and in Norway the population is estimated to be 150 (Kvittingen, 2016).

The borders between Finland, Norway and Russia separated the Skolt Sami and their traditional nomadic lifestyle as they were no longer able to move freely across their traditional territory. These new restrictions and separation resulted in different treatments and adaptations of the Skolt Sami and their lifestyle between the three countries. The Skolt Sami had been depicted negatively in Finnish literature. They were often described worse than the other Sami communities and referred to as lazy, less intelligent, primitive, and their way of life as suffering from defects (Nyyssönen, 2009, p. 46). Due to the poor reputation they had gained, the Skolt Sami often suffered discrimination from not only from the Finnish people but also other Sami communities. In the village of Nellim in the Inari region the Skolt Sami often found themselves as the lowest social rank among the various ethnic groups in the area (Hoppu, 2015, p. 79). In Norway, the Skolt Sami are mainly situated at Neiden in Varanger County and have mostly been integrated into the Norwegian lifestyle (Rantakeisu, 2015, p. 18).

Between the sixteenth- and eighteenth- centuries the eastern Sami adapted the Christian Orthodox beliefs into their lifestyle whilst not entirely abandoning their traditional religion (Porsanger, 2004, p. 108). The Russian Orthodox Church had approached the Sami by using their native language in order to increase their power and influence over them (Porsanger, 2004, p. 122). Presently the Skolt Sami are still influenced by these Russian Orthodox beliefs and it plays an important part in the lifestyle of many.

6.3 The Human Remains

Most of the collections of indigenous human remains that exist were collected unethically due to the colonialist, ethnocentric and racial attitudes which existed during the nineteenth-century and early twentieth-century. The gathering of the human remains was frequently performed through unethical methods such as the looting of cemeteries (Svestad, 2013, p. 195). As a result, the various Indigenous Groups have developed a strong scepticism towards research on their ancestral human remains. In the early nineteenth-century, Johan Brun attempted to gain permission to excavate the Skolt Sami cemetery in Neiden, promising to only excavate the oldest graves. The request was quickly declined and an old Skolt Sami cursed Brun as a result (Norendal, 2018, p. 14). Around the same time another Skolt Sami, Andre Jacobi, had discovered human remains on his property. Jacobi approached Brun and offered him a deal of 5 NOK per human remains excavated. Brun accepted the offer and excavated 94 human remains which were packed in burlap bags and transported south (Lieungh, 2011). The human remains reached Professor Kristian Emil Schreiner at the Institute for Anatomy at the University of Oslo. Schreiner organised a trade involving Sami remains and has created a collection at the university consisting of human remains from Tysfjord, Varanger and Folda. Notably, the church had only protested the acquisition in Neiden (Andersen, 2015, p. 27). Schreiner aimed to use the human remains to study racial biology and population movements of the Sami. Ending in 1945, the practice of racial biology sought to determine differences between the various human races, often viewing some as lesser beings. Although the initial purpose for the collection of Sami remains had ended, the Sami remains can still provide valuable information (Larsen, 2012). The Sami remains from Neiden that were kept at the University of Oslo were originally planned to take part in the recent national DNA study. These were the remains which eventually sparked a massive conflict because of the way the assemblage was acquired.

6.4 The Project

The exhibition *Skjeletter i skapet* (Skeletons in the closet) was part of a national research project that explored the human remains that were in the possession of the University of Oslo (Lange, 2018, p. 177). Along with the Sami human remains mentioned earlier, the collection consisted of several other Sami remains and non-Sami human remains collected from all over Norway (Vogt, 2018). The project aimed to compare DNA samples taken from both the human remains in their possession and 800 present-day Norwegians in order to map the migration of the Sami and determine where they came from (Haug & Thunold, 2011, 28:26). The methods used to extract DNA samples from ancient bones is destructive by nature. Although the use of

dental drills has proven effective, the heat generated during the procedure may contaminate the remaining DNA in the bone (Matisoo-Smith & Horsburgh, 2012, p. 66). In the past the process was more destructive to bone because at least 25 grams had to be extracted. Because of innovations in the technology, only 10 milligrams will suffice for an analysis (Vogt, 2018). The DNA sample can yield important data that can be used in determining the kinship of who is buried and the migration patterns of the ancestors.

There are currently ongoing discussions on the ethics of using indigenous ancestral remains. Numerous people believe it is unethical to perform research on human remains that were obtained through unethical methods. There is still a fear of the collected data being used for racial biology. During an interview professor Egil Utsi stated “This type of research cannot be compared to the research of the past as the project will remain neutral and aims to only use the data to map the migration patterns and understand where the Sami came from” (Thunold, 2011). The human remains for Neiden which were originally part the project were later excluded from the research as a result of scepticism from the Sami Parliament.

6.5 The Reburial

In 2008, a working group which included representatives from the Russian Orthodox Church, University of Oslo and the Sami Parliament concluded that the Sami remains from Neiden were to be reburied (Holland & Sommerseth, 2013, p. 31). Prior to their reburial, several limited samples were taken from the Sami remains to be stored at the university for future research. These samples were not to be included in the current National DNA project (Svestad, 2013, p. 201). The 94 Sami remains were transported to Neiden in 2011 and upon arrival all were placed in an individual crate for reburial. The reburial ceremony took place on the September 25, 2011 in Neiden led by Archbishop Gabriel from the Orthodox church in France. The 94 Sami remains were placed in concentrated earth and the ceremony was viewed as a respectful event despite the opposing opinions (Kjølberg, 2014, p. 29).

6.6 The Conflict

The conflict about the human remains in the Neiden conflict caused several organisations and individuals to speak out about right or wrong. The following paragraphs include a series of key groups and individuals that support or oppose what happened in order to highlight both sides of the Neiden conflict:

- The Russian Orthodox congregation in Neiden played a key role in the reburial of the Sami remains. As mentioned earlier, the Skolt Sami were traditionally Orthodox Christian and the Russian Orthodox congregation holds a strong influence in the region.

The congregation pushed for the return of the Sami remains on the grounds of their unethical collection in the early 19th century and gained support from the Sami Parliament. The combination of religion and initiative from the Sami and church was a major factor in the decision of reburying the remains (Fossheim, 2019, pp. 62-63).

- Since 1998 the Sami Parliament has maintained the right to decide who may use, or study Sami human remains (Harlin, 2008, p. 198). The Sami President during the Neiden conflict, Sami President Egil Olli, strongly opposed the project, believing that the outcome of the study would be either used for political reasons or to prove that the Sami are not Sami after all (Haug & Thunold, 2011, 38:03). The Sami People values knowledge about kinship, however when Sami president Olli was asked in an interview about research on kinship he stated: “It is important not to mix the cards” (Thunold, 2011). Due to past racial biology studies in Norway the Sami Parliament feared that the outcome would eventually cause new issues for their Indigenous rights in Finnmark and voted to rebury the human remains.
- The Sami Parliament and the Russian Orthodox congregation gained support from some scientists during the conflict. Goldstein (2013, p. 226) argues that there are three ethical principles that should be followed: human remains should be handled in a dignified and respectful manner; the descendants should have authority to determine the disposition of the human remains; due to the significance of human remains and the scientific value of the past contained within, they should be preserved when possible. Following the ethical principles, it was within the Sami Parliaments right to rebury the human remains. Norway has since changed the scientific approach towards the Sami People, however the question of repatriation does not have a correct answer (Goldstein, 2013, p. 227). The reburial of the human remains should thus be viewed as an act of decolonisation rather than an act of political involvement in research.
- Several scientists were also in strong opposition to the reburial of the Sami remains. The question of reburial raised several issues of political involvement in research in Norway. Svestad (2013, p. 196) argues that access to human remains is a key factor for the discovery of the truth. The principle of science and academic freedom was under attack by the Sami Parliament as a political organisation preventing research. In an interview, Svestad argues that the reburial was a sign of disrespect for the human remains as it happened for the wrong reasons. However, Committing to the research on the Sami remains would have been more respectful as we would know more about the human

remains themselves and yield more heritage value for the Skolt Sami (Haug & Thunold, 2011, 36:59).

- Several Skolt Sami in Neiden also opposed the reburial. Several descendants of the human remains have stated that they wanted the reburial to be postponed. The statement was made on the grounds that they believe the research could have produced valuable knowledge about their identity (Haug & Thunold, 2011, 31:52). The association for Skolt-/Eastern Sami in Neiden argue that the Sami Parliament ignored them in order to prevent the research. The Sami Parliament has been accused by the Skolt Sami Association of attempting to remove the Sami minorities and create a unified Sami Culture (Jarva, 2018, p. 7). The interference of the Sami Parliament in the conflict of Neiden has thus been viewed negatively by several Skolt Sami.

As seen in the descriptions above the conflict gained both support and opposition from organisations and individuals from various backgrounds. The example of Neiden illustrates the complexity of heritage issues that are raised in the present. There is not just one individual or a single Sami's interest that is raised in the conflict. It does highlight the importance of discussions, debates and the various voices in the conflict of repatriation and reburial (Ojala, 2012, p. 181).

6.7 The Aftermath

The Reburial at Neiden is still currently disputed. Svestad (2013, p. 215) argues that the politicization of the Neiden conflict and the reburial became mixed up with not only the wrongs done towards the Neiden Sami, but the wrongs done to the whole Sami community. The symbolic value of the reburial can be argued to devalue the Sami's past making it more about the loss, victimization and degradation hiding behind healing the past. Svestad has been criticized for his stand in the dispute. Goldstein (2013, p. 225) argues that Svestad has missed the point in the repatriation of the Sami remains, mentioning that repatriation is not about the people in the past, but about the people in the present. The return of human remains and sacred objects is not a simple process and is often connected with politics and ethnic identity. The motivation of the request for repatriations can be viewed as problematic, however they are not less valid. It is important that the research on the past does not act too quickly and move past the worldviews of the humans that once lived. The humans of the past deserve concern, care and respect (Karlsson, 2013, p. 230).

Chapter 7. Discussion

7.1 Introduction

The Sami People and the Aboriginal People share a similar story of suppression, assimilation and having their cultural heritage taken away from them by western nations. The archaeological work conducted in the past was driven by the Eurocentric views that existed at the time. As a result, the various indigenous groups have developed a strong scepticism towards heritage sciences. In Norway and Australia, the indigenous groups have increased their position in relation to heritage sciences. Several acts of parliament, legislations, and indigenous political rights protects their cultural heritage from unethical studies and have left them more in control. The heritage sciences have abolished the more discriminatory sciences such as racial biology as there was no longer a place for them and is now driven by ethics and a more profound respect for the indigenous groups. As the heritage sciences presents themselves trustworthy and the inclusion of indigenous groups, the scepticism has begun to phase out. However, the decline of the scepticism has encountered several setbacks and as a result it is still present today.

7.2 Critical Heritage Studies Today

Critical heritage studies were built on the beliefs that the heritage science needs to change. The studies acknowledge that heritage studies have come a long way although more can be done. In order to bridge the gap that exists, critical heritage studies have made the following steps:

- An opening up to a wider range of intellectual traditions. The social sciences – sociology, anthropology, political science amongst others – need to be drawn on to provide theoretical insights and techniques to study ‘heritage’.
- Accordingly, to explore new methods of enquiry that challenge the established conventions of positivism and quantitative analysis by including and encouraging the collection of ‘data’ from a wider range of sources in novel and imaginative ways,
- The integration of heritage and museum studies with studies of memory, public history, community, tourism, planning and development.
- The development of international multidisciplinary networks and dialogues to work towards the development of collaborative research and policy projects.

- Democratising heritage by consciously rejecting elite cultural narratives and embracing the heritage insights of people, communities and cultures that have traditionally been marginalised in formulating heritage policy.
- Making critical heritage studies truly international through the synergy of taking seriously diverse non-Western cultural heritage traditions.
- Increasing dialogue and debate between researchers, practitioners and communities.
- The creation of new international heritage networks that draw on the emerging and eclectic critique of heritage that has given rise to Critical Heritage Studies.

(Smith, 2012a). The steps are believed to create a more trustworthy heritage science in the eyes of non-western cultures. In order to implement the steps, heritage studies would have to be fully torn down and remade to create a more open heritage science. The new improved heritage studies would contain a better understanding of the interests in heritage, and act as a progressive enabler for the environmental sustainability, economic imbalances, conflict resolution, social unity and the future of urbanization (Winter, 2013, p. 533). The goals are ambitious and may prove difficult to implement. However, it may work if executed properly as seen in the example of Neds Corner that will be discussed further in this chapter.

7.3 The Scepticism

As discussed throughout this thesis, the Aboriginal People and the Sami People still maintain sceptical towards archaeological work and other heritage sciences. The scepticism finds its roots in the events of the past and the Eurocentric worldview dominating the academics. Several actions have been carried out in an attempt to abolish the scepticism in Australia and Norway. In chapter 3 and 5 of this thesis I focus on the indigenous battle for rights and the results. The Sami Parliament and RAP has become more influential and in control in terms of cultural heritage. However, in Australia, Aboriginal activists continue to seek more influence over the discipline as they remain sceptical despite the attempts made by scholars to meet Aboriginal demands by the Australian discipline (Smith, 2000, p. 313). Similarly in Norway, the Sami political party, *Norske Samers Riksforbund* (NSR) remain sceptical. The NSR wishes for the Sami Parliament to remain in control of and end any genetic research executed on Sami remains that are deemed unethical (Pulk, 2008). The scepticism may thus prevent important heritage work to be carried out as is showed in the case of the reburial at Neiden. The scientific knowledge the human remains held will eventually be lost forever as a result of the reburial. Heritage research has improved greatly and the Eurocentric views are being phased out.

However, due to the continuing presence of the scepticism from indigenous communities it is important that heritage research uphold their ethical standards and continue to remain trustworthy.

7.4 Neiden

The reburial at Neiden illustrates the complexity of indigenous heritage studies. The methods of the past have been deemed unethical by the standards of the present. The excavation in Neiden and the treatment of the Sami remains in the early 20th century has been viewed as dehumanising and discriminating towards the Sami heritage. The results of colonisation and viewing the Sami People as lesser humans have gained a lot criticism in the past decades. The Sami Parliament wished for repatriations for the human remains that were taken to the University of Oslo, however, several Skolt Sami raised their concerns as they believed the research could give more knowledge about their identity and where they came from. The Sami Parliament still chose to rebury the Sami remains and the knowledge they hold will eventually be lost. Viewing the case from the opposing Skolt Sami's point of view one can ask: was it ethical to deny the descendants in the village their right to learn more? It is important to include the reasoning of the Sami Parliament in the case. The Sami had been victim to assimilation in Norway and dehumanised by various policies enforced. The case of Neiden could be viewed as a victory for the whole Sami community in reclaiming their heritage and asserting control over what was viewed as stolen from them. Questions were also raised regarding if it was ethically correct to hold a Russian Orthodox Christian ceremony for the reburial. Several of the Sami remains reburied were dated back before Neiden adapted the Russian Orthodox faith (Kjølberg, 2014, p. 62). However, it is impossible to determine the faith of the unidentified Sami remains and the reburial hold more of a symbolic value that they are put back. It is difficult to determine who was in the right or wrong in the case of Neiden. Neiden highlights the complexity of indigenous heritage issues that are still present. Svestad (Haug & Thunold, 2011, 36:59) argues that we should not fear the results from research but always remain critical to them as it is the nature of science. Researchers and indigenous groups must find common ground in order to prevent further conflicts. The remains hold valuable data and is thus an important source of knowledge when it comes to understanding the past.

7.5 Neds Corner

In contrast to what happened in the Neiden conflict, Neds Corner illustrates how indigenous groups, public organisations and archaeological work can work together in order to create a positive outcome. The project at Neds Corner aimed to gather knowledge about the

ancient Aboriginal tribal societies that existed along the Murray River, however in order to follow the ethical standards that has become a part of present archaeology the Indigenous People of the area were required to be included. At the beginning of the project, the representant of the Ngintait was hesitant towards launching an archaeological excavation due to the events of the past. However, they agreed to take part in the project but remained sceptical. During my stay at Neds Corner, D. Perry (Personal communication, August 10, 2016) explained that at some point in the excavation at Neds Corner in 2015 a human fingerbone was discovered. Prior the excavation, the La Trobe University archaeology department had agreed that any human remains that were to be uncovered were to be reburied by the Aboriginal People. D. Perry described how the section of the site where the bone was discovered was immediately shut down and the Aboriginal Elders were summoned, and the bone reburied. The Ngintait and FPMMAC were pleased that the contract had been honoured and the archaeologists present were trustworthy. The relationship between the Traditional Owners of Neds Corner and the archaeologists at La Trobe University has improved as the project continued. The scepticism did remain throughout the excavation, however the positive outcome for all parties involved have proved that there is no longer any need to dwell on the past relationships. Although some may not carry the same amount of ethics and respect when developing or excavating indigenous areas, the Neds Corner project display that it is possible for the various groups that hold interest in an area may work together.

7.6 Stakeholders, Issues and what can be done?

The case of Neds Corner proves that the Neiden case is in no way a front figure for the involvement of indigenous groups in the heritage science. The Neiden case illustrates an outcome of the consequences when various stakeholder groups have different interests in a heritage project that clash. In contrast, Neds Corner illustrates the outcome when the interests of the various stakeholders can coexist. Several questions can be raised around the question of heritage, identity, and stakeholders in the process of a project:

- Which parties' rights take priority?
- Is it possible to find a common ground?
- How can heritage studies change?

The first question, "Which parties' rights take priority?" is a complex issue. A large-scale heritage project will often involve several stakeholders with various interests that will clash. If a conflict should rise around a project it is crucial that every stakeholder is well represented,

and their voices are heard. If one group gain the sensation of being left out the system has failed. It is naturally impossible to please every stakeholder in such a case. The outcome in such an event may contribute to bridge the gap or widen it as some stakeholders may get the sensation of unfair treatment.

The second question, “Is it possible to find common ground?” is an important matter to include in order to create a mutual trust and respect between the various stakeholders. In some cases, it is impossible to find a common ground for the heritage project. Certain stakeholders may refuse to budge which will create complications in the process. If the stakeholders refuse to meet each other halfway it may prove difficult to maintain the mutual trust and respect between the stakeholders. The main issue will be that stakeholders believe themselves exclusive in the right of the heritage in question. During the Neiden conflict, several stakeholders respectfully opposed the final verdict on the reburial. Several Skolt Sami believed that the research projected may have given them valuable information about their identity (Haug & Thunold, 2011, 31:52). The aftermath of the Neiden conflict resulted in several criticisms, raising questions about if the wrongs done towards the Skolt Sami was mixed up with the wrongs done towards the entire Sami community (Svestad, 2013, p. 215). Criticisms were given from both sides during the conflict. However, the Neiden conflict illustrates how a large-scale conflict may result in a setback in bridging the gap that exists.

The third question, “How can heritage studies change?” is perhaps the primary question to ask. By employing the model by Smith (2012a) presented earlier in this chapter, heritage studies can be built on a mutual understanding. The mutual understanding would result in wider understanding of cultural heritage. However, employing the model may be an ambitious task. Archaeology and heritage studies have undergone some major changes as discussed earlier. The Post-Processual Archaeology acknowledges the subjectivism that exists in the interpretation of archaeological material. Hodder (1985, pp. 2-3) argues that the interpreters’ own culture, worldview, religion and background affects the interpretations of the material. The presence of subjectivism in material will thus affect how the past is interpreted and the requirement for local and indigenous representatives may be necessary in order to get a profound understanding of the past.

7.7 What Consequences may Archaeological Work have for Indigenous Societies?

Archaeological work may have an increased positive effect on indigenous communities if the model proposed by Smith (2012a) is employed. By opening the archaeological science

for the indigenous communities, the effects may be a more profound understanding of their heritage and identity. However, the scepticism that exists may result in indigenous communities feeling threatened by the research. During the Neiden conflict, the former Sami President, Egil Olli (Haug & Thunold, 2011, 38:02) asked: “What the results will be used for? Political gain or to prove that the Sami are not Sami?”. The statement illustrates how the scepticism and fear of results may be connected to the former methods of heritage research. Nevertheless, archaeological research and heritage sciences has come a long way in moving past the former Eurocentric views. Consequently, the archaeological work may change former beliefs of culture and traditions in the indigenous communities rather than taking away their rights. If the indigenous communities are included, they may ensure that the interpretations of the archaeological material is within their beliefs and culture, thus removing the archaeologists subjectivism. As a result the indigenous community will gain a wider understanding of their cultural heritage and identity.

7.8 How can Indigenous Communities Affect Heritage Research?

In the present the Sami Parliament in Norway and the various RAP in Victoria, Australia hold influence over the cultural heritage science revolving around their native cultural heritage. The indigenous communities have been given an opportunity to protect and care for their own heritage. If they believe that their interest is neglected they may ensure that the project meets the ethical responsibilities or abolish it. The influence of the indigenous communities may give a more detailed insight into their culture and traditions which could yield valuable knowledge in terms of interpretation of archaeological material discarding a pure Eurocentric point of view. Opening the heritage science will thus result in various interpretations of the data. The effects of indigenous communities in heritage research may be either positive or negative for the research. The project may face several obstacles and conflicts due to the lack of proper communication with the local communities. However, if proper dialogue and representation is implemented it may yield valuable new knowledge in terms of interpretation.

7.9 Internal Affairs in Indigenous Politics

Appadurai (2007, p. 65) argued that the minorities feel overshadowed when a nation create a more common heritage. The creation of a common heritage does not only apply for nations themselves but may also internally of the indigenous communities. Like Appadurai’s statement, Jarva (2018, p. 7) accuses the Sami Parliament for attempting to create a united heritage internally. The creation of a common heritage may eventually result in the disappearance of the Sami minorities. As a result, the Sami People may face a form of internal assimilation. Perhaps

the most obvious example of immigration in the United States of America. To begin with the British Americans sought to purify the qualities of their British heritage and change it into their own American identity (Foster, 1999 p. 257). The United States of America would eventually receive a large migration from European countries. The various ethnic identities would eventually be downplayed and thus make them a part of the American identity (Devos & Mohamed, 2014, p. 740). As shown in the creation of the American identity, when a nation creates a common heritage for their people the minorities are absorbed. This may also be the case in the creation of a common Sami identity. If they all are gathered under the same identity the minority Sami communities such as the Skolt Sami may eventually disappear and only the Sami People as one is left.

On the December 12, 2019 I met with a representative of the Kalarie People of the Lachlan River, New South Wales during a trip to Melbourne, Australia. J. Keefe (Personal communication, December 12, 2019) explained some internal issues the Aboriginal People are facing. Tribal politics is made up by a large amount of different tribal nations, many having a conflict of interest. J. Keefe described how cultural heritage sites reaching over different territories may result in an internal disagreement between the Aboriginal Communities. The various tribes may find it difficult to agree on various topics regarding the site. As a result a conflict will rise in the management of the site as there will be a disagreement over expending economic support to the site. J. Keefe believe that in order for the Aboriginal Community to properly reclaim their heritage, the internal disputes must end, and the various Aboriginal Communities must be lenient towards each other and find a common ground. She explains it is often the Elders of the tribe that remain in the old ways and believe that if the younger generations are allowed to give an input, they will be able to move forward with the tribal politics.

The views of J. Keefe of the tribal elders are similar to the views of Critical Heritage Studies. The elders have to be more open to the new views that have emerged in the younger generations. However, this may be easier said than done. If we look at the AHD as described in chapter two of this thesis, Heritage studies were similarly locked in their old ways. The AHD was dominated by the Eurocentric views like the elders as J. Keefe describes are locked in their old views. The result of the disputes could cause major delays and economic consequences. Changing the views could prove problematic as it would mean creating a more common heritage for the Aboriginal People. As a result it could possibly mean that the various minority groups are absorbed into the common heritage and lost. However, if the various tribes could

find a common ground and be more lenient towards one another while maintaining their independent identity the indigenous politics could move forward more united.

7.10 How has the Indigenous Interest in Archaeological Work changed?

The indigenous interests in archaeological work has changed over time. In the past the various indigenous communities were threatened by the Eurocentric views that dominated heritage sciences at the time. Simultaneously, the various indigenous communities such as the Sami People and Aboriginal People were facing assimilation and suppression. Their major interests in the past involved gaining the political rights needed to protect their heritage and identity and ensure the survival of their cultural heritage, language, and traditions. If the Sami People and Aboriginal People did not attempt to fight back in the form of rioting, protests, and armed conflicts their cultural heritage and identity may have been successfully absorbed into the Eurocentric views. In the present, the Sami People and Aboriginal People no longer have to fight for the survival of their own cultural heritage but reclaim and rebuild it how they deem appropriate. Having received influence over the heritage science in form of the Sami Parliament and RAP they have been given the opportunity to manage research commenced on their identity, cultural heritage, and traditions. Both the Sami People and Aboriginal People are built up by multiple minorities and it is important that their interests are safeguarded. The Sami Parliament often acts in what is believed to be in the best interest of the Sami community but in some cases minorities may feel overshadowed. It is thus important that the minorities are heard so that their interests are also protected. The indigenous communities share the interest of reclaiming their identity, cultural heritage and land rights but it is important to highlight that internally they are different.

7.11 How can we mend the Gap?

The gap can be bridged when mutual trust and respect between the various stakeholders are established. The model presented by Smith (2012a) may prove difficult to implement fully into heritage sciences but as shown in the example of Neds Corner it may be possible. Neds Corner was made possibly by the mutual trust established between the stakeholders. Although the scepticism was still present during the project the results yielded positive. The following steps were present at Neds Corner:

- The local Traditional Owners were well represented and was present during the excavation
- Respectful and honest treatment of human remains discovered

- Increased dialogue between researchers, practitioners and communities
- The absence of elite cultural narratives and embracement of the heritage insight of people, communities and cultures.

The outcome of Neds Corner show that the steps proposed by Critical Heritage Studies may work in practice. In contrast the Neiden conflict has proven that without a proper understanding and dialogue between the stakeholders the gap will remain and perhaps widen. Employing the views of Critical Heritage Studies would result in a wider understanding of cultural heritage and abolish the Eurocentric views once and for all. The mutual respect will thus be a result of the model employed and organising heritage research in the future will be more accepted from the stakeholders.

Chapter 8. Conclusion

The topic of heritage studies is complex. Following the path of heritage studies has gone the science will still be characterized with disputes between researchers and indigenous groups. The disputes may find root in the different opinion regarding ethics. The Sami People and Aboriginal People are both protected by a series of legislations and acts of parliament today, granting the important rights in terms of their own cultural heritage. However, it is important that archaeological work and heritage sciences may continue as it is an important source of knowledge for the understanding of the past. The assimilation of the Sami People and Aboriginal People in the past along with the Eurocentric attitude of the academics of the past has resulted in an increased scepticism towards the heritage sciences of the present. As a result, several representatives may be opposed towards heritage sciences and create obstacles in the research leaving gaps in the knowledge. By viewing various examples of where the interests of indigenous communities and heritage researchers have either clashed or cooperated it may be possible to determine guidelines to avoid further conflicts to arise. It is important that the guidelines developed is not one sided towards the scientists and their approach towards the indigenous groups. The indigenous groups must accept the fact that there are other interests than their own in heritage sciences.

8.1 Further Study

This thesis has been limited to the Sami People mainly located in Norway and Aboriginal People in Australia. In order to fully determine the effects of Critical Heritage Studies and determining the relationship between indigenous groups and heritage sciences further study is needed. I propose the following steps:

- Expanding beyond the Sami People and Aboriginal People. In order to gain a detailed view of the various relationships between indigenous groups and heritage sciences in the world other indigenous groups must be included.
- Study the results of projects similar to Neds Corner. Are the effects the same?
- Study the results of other conflicts, especially if the steps proposed by Critical Heritage Studies was present.
- Research the results of events that took place in Norway and Australia that is not mentioned in this thesis.

Expanding the research will ensure that we gain insight in the status of the effects of the Critical Heritage Studies' model and the relationship between various stakeholders on an international

scale. It may thus strengthen the theory that employing the model will yield positive results and possibly ensure that the gap between the various indigenous groups and heritage researchers are narrowed.

8.2 Conclusion

Both the Sami People and Aboriginal People had to fight for their rights. Both faced similar assimilation policies and had their culture, identity, language, and identity threatened by the Eurocentric views which dominated at the time. The Norwegian government passed several acts and legislation in 1905 over a short period of time in order to ensure the assimilation of the Sami People. Likewise, the Australian government attempted the assimilation of Australian Aboriginals. Children were taken from their parents and forced to assimilate through the use of boarding schools. In Australia, the Aboriginal People were often placed in ministries. If the assimilation had been successful the trace of their culture and traditions would eventually be lost with time.

The archaeologists and heritage researchers of the past were often driven by the Eurocentric views that existed at the time. The indigenous culture was shown little respect and the views of western archaeologists were often used in the interpretations. As a result of the Eurocentric views, Smith's Four Stages of Man and Montesquieu's classifications the Aboriginal culture was classified as a primitive version of European culture. The notion of the Aboriginal culture as its own unique culture was completely disregarded. Thus archaeologists saw it within their right to claim their cultural heritage. The archaeologists would often use questionable methods. During Brun's retrieval of human remains in Neiden little respect was shown for the local community. As a result of the practices of the past, the relationship between indigenous communities and heritage researchers remain damaged in the present.

The assimilation policy waged in Australia and Norway along with the Eurocentric views that dominated heritage sciences in the past has damaged the relationship between the indigenous groups and heritage researchers. Both the Sami People and Aboriginal People were close to lose their cultural heritage, traditions, language, and identity. The indigenous rights movements were a reaction towards the assimilation and the foundation for regaining their land rights. The establishment of the Sami Parliament and RAP have shown to be effective in regaining their identity, traditions, and cultural heritage. However, it has also proven to be an obstacle for heritage sciences. Critical Heritage Studies seeks to mend the distrust that exists in

the present. By fully rebuilding the approach of heritage sciences it is possible for the interests of both indigenous groups and heritage researchers to coexist.

The indigenous interests in archaeology and heritage sciences has changed. In the past the Sami People and Aboriginal People shared a major interest in safeguarding their cultural heritage. In order to prevent losing their cultural heritage they arranged riots and protests in order to gain a proper representation and political rights. In the present, both indigenous groups have changed the interest in cultural heritage from survival to reclamation. They both aim to ensure that their cultural heritage is presented in terms with their own identity and traditions and not by the Eurocentric views. The Sami People and Aboriginal People are both made up by a variety of minorities internally. The interests of the minority may clash sometimes and it is thus important that the minorities are well represented in order to ensure that voices are heard.

The Neiden conflict is a proof that the gap still exists. The conflict is based on both internal and external clashes of interests. The reburial was both supported and opposed by representatives from the Sami People and heritage researchers. As a result, the several Skolt Sami felt overshadowed by the decision of the Sami Parliament feeling that their interests were not considered. However, the Sami Parliament believed they were acting in the best interest of the Sami People. The example of Neiden highlights the complexity involved in heritage studies. It is not a single individual's interests that are involved but several. The Neiden conflict emphasizes the importance of heritage studies and the interests of the stakeholders. If there was no distrust between the Sami People and heritage researchers the outcome of the conflict may have been different, leaving the stakeholders more satisfied.

Critical Heritage Studies builds on the views of Post-Processual Archaeology and Public Archaeology. By acknowledging that archaeology is subjective, not objective makes the interpreter conscious that their ethnicity, background, political view, culture, beliefs, and religion will affect their interpretation. Public Archaeology argues that the museums and the science need to cater more for the public and not only focus on the academics. By engaging the publics appeal to archaeological science, it is possible gain various interpretations from local communities. Critical Heritage Studies have adopted these views and aims to put them into action in their proposed plan for changing heritage sciences.

The project at Neds Corner is proof that the steps proposed by Critical Heritage Studies have a positive outcome for the stakeholders. Although the scepticism towards heritage sciences

was present at the site from the Ngintait representative, the archaeologists present proved themselves trustworthy in the end. The outcome of the project favoured each stakeholders interest in the end. As a result, mutual respect was established between the heritage workers and the local indigenous groups. In contrast to the Neiden conflict it illustrates the importance of proper dialogue between heritage workers, indigenous groups, local communities, and other stakeholder to ensure the interests are properly acknowledged. Opening up the project and letting the stakeholders be present and take part in the interpretations will yield valuable knowledge. The honesty and respectful treatment of the human remains discovered at Neds Corner resulted in the gap narrowing and trust was built. As a result, future heritage projects that may take place in the area will be more welcome as the trust has been established and the scepticism may have diminished. However, it is important not to breach the trust in future heritage projects as it will set back the relationship between heritage researchers and indigenous groups.

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