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Working Draft

**The Sint Eustatius African Burial Ground Within the
Context of the International Association for Caribbean
Archaeology's (IACA) Code of Ethics**

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on behalf and in comradery with

A Group of Concerned Statians

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Introduction

Thank you for providing a copy of the International Association for Caribbean Archaeology's (IACA) Code of Ethics for our review and guidance. A group of concerned Stadians (GCS) has reviewed this code of ethics and via this document we provide initial feedback.

GCS wishes to initially state that race based slavery and the Transatlantic Slave Trade (TAST) are highly sensitive issues among the descendants of ancestral African and African diasporic populations causing great trauma and harm. A history of colonialism and the institution of slavery dominated the economy and social life of the the Caribbean from the 17th through 19th centuries. The TAST can be considered as a foundation of modern day globalization, with the Caribbean a central player. As the largest forced migration in world history, the TAST involved an estimated 40,000 ships, carrying an average of 80 persons per day for more than 400 years. The TAST began in Europe, stopped in Africa and proceeded to the Caribbean (Americas). Enslaved Africans were purchased along the West Coast of the continent to provide much needed labor for the cultivation of raw materials serving as fuel for colonial development. During the 1700's Sint Eustatius was the largest trading center in the Caribbean and from the 17th century to 1729, the island served as an international slave market (Leslie, 2020).

The title 'descendent' is often not only based in a geographical locale and persons who identify as such do not have to be related genetically. 'Descendent communities' are more cultural, are distributed across the globe and share the ancestral experience of the trauma and harm of enslavement and the TAST. Thus, we define descendant community as stewards who care about how ancestors are being handled. It is a result of this role of stewardship that they are at risk that they are vulnerable to harm (National Trust for Historic Preservation, 2019; Blakey, 2020). GCS is of the belief that descendent communities are subject to and must be empowered by professional ethics with rights that are similar to a version of informed consent over the disposition of ancestral remains and arguably even over the interpretation of histories (Blakey, 2020).

There is a narrative in the story about the life of enslaved persons on Sint Eustatius (Dutch slavery) which includes the idea that slave life was not as bad as other colonies (United States, British, Danish, Portuguese, French, Spanish etc) (McManus, 1966). For example, the Sint Eustatius Centre for Archaeological Research (SECAR) describe how enslaved populations

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on Sint Eustatius' Schotsenhoek plantation had more access to luxury goods than other islands. As a result, it is deduced that perhaps slavery on Sint Eustatius was not as bad as in other places (Stelten, 2013). This 'happy slave' interpretation provides insight into the possible types of stories/narratives that will be told about the ancestors interred at the Sint Eustatius African Burial Ground. GCS is of the belief that in the current social and cultural climate of anti-racism and anti-white supremacy, this 'happy slave' narrative is misleading and not valid. GCS also questions if the archaeological team working on the Sint Eustatius African Burial Ground have any knowledge about the richness of African and African diasporic history and culture. Freedom and non-freedom can not be measured by material history. Rather, being free or being enslaved is a part of one's consciousness and there are no degrees between them, it is either one or the other.

CGS questions the qualifications of the archaeologists based on their lack of historical understanding and their inability to truly engage with the community. There is no excuse for this as there is now even a new rubric of best practices for engaging descendant communities at museums and historic sites entitled Engaging Descendent Communities: The Interpretation of Slavery and Historic Sites. The document states that

this rubric is meant to assist in empowering descendant voices and challenges the public to consider their points of view, which until very recently have been marginalized from the dominant historical narratives offered in classrooms, textbooks, museums, and historic sites. Beyond simply gaining historical information, institutions working respectfully with descendants can forge connections critical to their work (National Trust for Historic Preservation, 2019:1).

Unfortunately, we can not answer our current question about community engagement because we have not seen a protocol or plan. If these documents do exist, we have not been able to review them. Either way, this illustrates how transparency is lacking, a principle violation of any ethical code.

GCS believes that ethical principles serve as a basic justification for evaluation of community interaction. The three basic principles that closely apply to science and research are respect of persons, beneficence and justice.

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Respect for Persons

Respect for persons incorporates at least two ethical convictions, one being that individuals should be treated as autonomous agents, and the second, that persons with diminished autonomy are entitled to protection. The principle of respect for persons thus divides into two separate moral requirements: 1.) the requirement to acknowledge autonomy; and 2.) the requirement to protect those with diminished autonomy. An autonomous person is an individual capable of deliberation about personal goals and of acting under the direction of such deliberation. Respecting autonomy means giving weight to autonomous persons' considered opinions and choices while refraining from obstructing their actions unless they are clearly detrimental to others. To show lack of respect for an autonomous agent is to reject and neglect that person's considered judgments, to deny an individual the freedom to act on those considered judgments, or to withhold information necessary to make a considered judgment, when there are no compelling reasons to do so (Department of Health, Education and Welfare, 1979).

However, not every human being is capable of autonomy and/or self-determination and this is a serious concern on Sint Eustatius. It is not that the descendant community does not have the ability to be autonomous and/or self determined, but that their ability to do so has been hampered by the legacy of race based slavery, continuing colonialism and oppression. As a result, many among the population have become disempowered and either consciously or subconsciously practice non-engagement. It is important to remember that if oppressed and disempowered, the individual becomes demotivated and actively or passively chooses not to express their ideas freely. For example, on Sint Eustatius, people may feel that it makes no sense to protest and just allow the government do what it wants to do. Unfortunately, if an individual freely expresses them selves they may be prone to certain micro-aggressions (bullying, discrimination and harassment). So remaining silent is seen as a potential way to preserve and protect one's self. But ultimately the continuous silence also perpetuates the cycle of disempowerment, trauma and harm (Fanon, 2018; DuBois, 1968; Freire, 1965; Leslie, 2020). As it currently stands, the Sint Eustatius African Burial Ground is generating this cycle of disempowerment, trauma and harm.

Beneficence

GCS believes that research involving the ancestral remains of African and African diasporic populations must also be based on ethical principle of beneficence- that persons are

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treated in an ethical manner not only by respecting their decisions and protecting them from harm, but by also making an effort to secure their well-being. Ethically, beneficence is understood, as an obligation and there are two general rules: (1) do not harm and (2) maximize possible benefits and minimize possible harms. The obligations of beneficence affect both the scientist, descendant community and the public because they extend both to particular research projects and to the entire enterprise of research. In the case of particular projects, the scientist is obliged to give forethought to the maximization of benefits and the reduction of risk that might occur from the research investigation (Department of Health, Education and Welfare, 1979).

Justice

The third ethical principle is justice which includes the idea of who ought to receive the benefits of research and bear its burdens? Justice is, "fairness in distribution" or "what is deserved." An injustice occurs when some benefit to which a person is entitled is denied without good reason or when some burden is imposed unduly. Another way of conceiving the principle of justice is that *equals ought to be treated equally*. However, this statement requires explication. Who is equal and who is unequal? What considerations justify departure from equal distribution? (Department of Health, Education and Welfare, 1979) Are Statians treated fairly under the contract existing with the Dutch metropole? The Sint Eustatius African Burial Ground stands at the crossroads of many of the historical and current issues regarding the island's political status.

Overview of (IACA) Code of Ethics:

1. We do find this document incomplete. We realize that the document was created on January 13, 2021 and is only a draft. As you are probably already aware, it is missing some essential components.
2. Upon a review of the bibliography, we noticed that the authors have not referred to any other protocols that are currently providing ethical guidance globally. The ongoing issues surrounding the burial ground are not only happening on St. Eustatius or in the Caribbean. The issue concerning the excavation of brown and black venerated and sacred spaces has a long and distinct history (Blakey, 2020). Similar to the United States, in the Caribbean the history of Native American populations and African Diasporic populations are at the heart of this ethical concern. The Native American Grave Protection and Repatriation Act could provide some guidance into the future. GCS would be happy to assist with compiling references, but for the time being we will provide you with the websites of existing protocols.

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- NAGPRA <https://www.nps.gov/subjects/nagpra/index.htm>
- UNESCO <http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/unesco-manual-for-activities-directed-at-underwater-cultural-heritage/unesco-manual/general-principles/human-remains-and-venerated-sites/>
- Veletta Treaty <https://www.coe.int/en/web/culture-and-heritage/valletta-convention>
- AAA <https://www.saa.org/career-practice/ethics-in-professional-archaeology>
- World Archeological Conference <https://worldarch.org/code-of-ethics/>

3. Another question relating to the ethics code concerns the relationship between the authors of the IACA code, the members of this standing committee, and those who work for the Statia Burial Ground Project.

- Dr. Felicia J. Fricke is listed as an author of the code of ethics but is also the osteologist at the Sint Eustatius African Burial Ground.
- All of the authors of this code of ethics are professional colleague and some have publications with each other and members of this committee.

GCS questions how this may impact the integrity of this commission? How do we prevent this from causing a conflict of interest?

The St. Eustatius Burial Ground and the (IACA) Code of Ethics:

In section 2, *Human Remains*, IACA states there are ethical issues with the handling of human remains and this primarily center around two areas. 2.1, Stakeholders, Living and Dead and states “The wishes and needs of living stakeholder communities should be prioritized above the concerns of science and academia and that human remains should be handled” with respect.

For example:

- no needless destructive sampling;
- curation, analysis, and reburial practices should be chosen as appropriate for the context;
- in certain cases, it may be important to protect human remains from, view (e.g. screens shielding excavation areas, blurring of published images). (IACA, 2021:3).

In regards to the Sint Eustatius African Burial Ground, since there is no public research plan, it remains unknown what analyses will be used to investigate the skeletal remains. At a town hall meeting on June 21, 2021, the archeologists and project osteologist informed the audience that they plan to conduct ancestral DNA (aDNA) analysis. But sampling for aDNA does require

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sampling and bone destruction. This is especially relevant as these remains are from the 18th century and the condition of the remains unknown, which could influence the results of any DNA analysis (Latham and Miller, 2018). Other concerns relating to this section are the multiple photos of these ancestral remains circulating throughout the media (social and print).

What has become most troubling is that there is no public research plan or protocol for the Sint Eustatius African Burial Ground project. However, a report was submitted to the Sint Eustatius government from SECAR in November 2020 (Van Keulen et al, 2000).

An Archaeological Desk-Based Assessment and Field Investigations for the F.D. Roosevelt Airport on St. Eustatius, Caribbean Netherlands

SECAR archaeological report number 20201001

Date: November 30, 2020

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Within this report SECAR states that:

The reason for this research is that development is going to take place in the area to the west of the helicopter hangar and to the south of the current runway. On the plot of land that is discussed in this research, the removal of sand has already started, however, was halted due to the high archaeological expectancy of the area. The excavated sand will be removed and used for the construction of the roads. Ultimately, the entire hill is to be removed and leveled out with the remaining area (VanKeulen et al, 2020; 1).

This is quite an interesting statement as UNESCO's second rule relating to sacred and venerated sites explicitly states that "heritage should not be seen as an economic resource available to be used in trade or speculation. Upon recovery, it should be treated so as to preserve those

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characteristics - scientific and/or cultural - that give it its unique value for humanity. Heritage should remain in the public domain, though the Convention does not address issues of ownership rights (UNESCO).” This belief is echoed in section 3 of the IACA ethical code, Looting and the Antiquities Market which states that archeologists are to “adhere to disciplinary principles regarding the commercialization of the portable artifacts we study (IACA, 2021:3).” However, within Sint Eustatius, as well as in the greater Caribbean, GCS suggests that this concept be extended to ‘economic development’ or what is often called ‘progress.’

The report from SECAR to government illustrates SECAR’s knowledge of the cemetery’s existence when they state:

if the current expectations are correct, then this would be one of the largest burial grounds for enslaved Africans (and possibly others) ever to have been found in the Caribbean, similar in size to the one found at Newton Plantation in Barbados In history, the oppressed often did not have a voice in history and because of this very little unbiased information about the everyday life of enslaved Africans in the Caribbean and thus on Statia exists. This research can provide more answer to questions about lifeways, socio-economic status, diet, origin and funerary practices. (VanKeulen et al, 2020; 47)

SECAR advice moving forward was:

for the next phase we aim to provide answers to the following research questions: When excavating a burial ground, the human remains will be removed and preserved *ex situ*. In this way, additional research is possible on the human remains. Analyses such as stable isotope analysis, DNA analysis and species analysis of coffin wood will provide insightful information to achieve this goal.

1. What is the extent of the burial ground and what is the period of use?
2. What is the spatial relationship with the surrounding structures, such as the slave village that is listed on the 1781 map?
3. What are the funerary practices and how does this reflect on the same groups in the Caribbean?
4. What is the socio-economic status of the people who are buried here?
5. What are the dietary practices of the people who are buried here?
6. What are the origins of the people who are buried here?
7. What can be said about the lifeways of the people who are buried here?

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8. How does this burial ground compare to other burial grounds in the Caribbean?

(VanKeulen et a, 2020; 47)

We remain unsure if these questions were formulated by SECAR or in conjunction with the community. Unfortunately, no additional options were offered to government by SECAR. GCS believes that there were in fact at least two additional options that could have been included: 1.) analysis *in situ*; and 2.) no action, change plans, and memorialize the site. GCS characterizes this single option of *ex-situ* disingenuous. According to UNESCO, the first rule when dealing with sacred or venerate sites is to protect cultural heritage *in situ* and that preservation should be considered as the first option. This is a core rule. The consideration given to preservation *in situ* is based on the recognition of the importance of the interplay between the site, its story and its context (UNESCO, 2001).

GCS also has questions surrounding what will be done with the human remains after the scientific studies are completed. Again, because there is no publically available proposed plan, protocol or budget, these questions remain unanswered. We also question the transparency on how the decision was made to excavate the cemetery and the degree of stakeholder involvement in the approval to excavate this burial ground

Section 4, *Curating and Archiving*, states that archeologists should take “into consideration that most projects include fieldwork, and that this most likely will yield physical materials, it is important to take into account what happens to these materials at the end of a project. Point 4.1 specifically states that there must be consensus among the scientists, community and the public about the “finances of the post-excavation processing, the storage location of excavated materials, the transfer (and formatting) of digital documentation, and agreement on finds/samples being taken abroad for further analysis. As to points 4.2-4.4, we also remain unsure because during this entire process there has been no transparency, plan, protocol or budget made publically available (IACA, 2021:4).

Section 6, *Public Engagement*, states that engagement is “a key aspect of archaeological research. It is a two-way process, aiming to generate mutual benefit through genuine dialogue, participation, and equitable collaborations. The funding for and evaluation of public engagement within archaeology should be planned in parallel with the research project (IACA, 2021:5).” Sections 5.1 -5-4 provide some examples of how this public engagement should be approached.

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In regards to the burial ground on St. Eustatius we have seen no plan for community engagement.

Conclusion

With the absence of a community engagement GCS questions if the project assumes the neutrality and objectivity of the value free scientists. There has been little attempt on the part of the research team to participate in actual civic engagement among descendants as well as the general public. This work goes beyond a simple top down communication plan. GCS equates this type of engagement as a sort of false ‘civic’ engagement which includes inclusivity talk, without sufficient empowerment of, or accountability to the descendant community and the public. As a result, it seems as if the administration discerns the right of scientists, and other scholars, to control the narratives of other people (Blakey, 2020), in this case Statians. This is inevitably why, in recent months, protest has mounted. The descendent community consists of African Caribbean and other African diasporic people. As an ethnic group, Statians, and the larger descendent community have been denied a human right to choose their autonomy and self-determination (to freely determine their political status and freely pursue their economic, social and cultural development) (United Nations Universal Declaration of Human Rights, 1948; Leslie, 2020). A community engagement strategy must be an essential part any scientific plan as well as protocol. To our understanding, this plan, protocol, as well as a budget do not exist, or, have not been made publically available.

BIBLIOGRAPHY

Blakey, ML (2020) Archaeology Under the Blinding Light of Race. Current Anthropology, (61)22.

Department of Health, Education and Welfare (1979) Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects Research. Accessed July 26, 2021. <https://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/read-the-belmont-report/index.html>

DuBois, WEB (1968) The Souls of Black Folks. New York, Johnson Reprint Company.

Fanon, Fanon (1965) The Wretched of the Earth. New York. Grove Press.

Freire P, Ramos MD, Cacedo DP, Shore I (2018) Pedagogy of the Oppressed. New York. Bloomsbury.

****Do not cite without permission of the author****

Latham, K. E., & Miller, J. J. (2018). DNA recovery and analysis from skeletal material in modern forensic contexts. *Forensic sciences research*, 4(1), 51–59.

<https://doi.org/10.1080/20961790.2018.1515594>

Leslie, TE (2020) Eight Years on Statia: Race, Coloniality and Development. Soest, NL. Boekscout.

McMannus(1966) A History of Negro Slavery in New York. Syracuse, N.Y.: Syracuse University Press

National Trust for Historic Preservation (2019) Engaging Descendent Communities: The Interpretation of Slavery and Historic Sites <https://forum.savingplaces.org/blogs/special-contributor/2019/01/10/new-rubric-for-engaging-descendant-communities>
Accessed July 27, 2021.

Stelten, R., 2013. Archaeological excavations at Schotsenhoek plantation, St. Eustatius, Caribbean Netherlands. An early- to mid-eighteenth-century slave village at a sugar plantation on the Caribbean's 'Historic Gem'. St. Eustatius Center for Archaeological Research report. <https://www.dcbd.nl/document/archaeological-excavations-schotsenhoek-plantation-st-eustatius-caribbean-netherlands> Downloaded on February 18, 2020

UNESCO (1948) United Nations Universal Declaration of Human Rights. Accessed on July 26, 2021. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
UNESCO Human Remains and Venerated Sites. Accessed on July 26, 2021. <http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/unesco-manual-for-activities-directed-at-underwater-cultural-heritage/unesco-manual/general-principles/human-remains-and-venerated-sites/>
venerated remains

VanKeulen, F, R. Stelten, A Hinton. (2020) An Archaeological Desk-Based Assessment and Field Investigations for the F.D. Roosevelt Airport on St. Eustatius, Caribbean Netherlands. Accessed on July 26, 2021. <https://secar.org/wp-content/uploads/2020/12/Van-Keulen-et-al.-2020-An-Archaeological-Desk-Based-Assessment-and-Field-Investigations-for-the-F.D.-Roosevelt-Airport-on-St-Eustatius-Caribbean-Netherlands.pdf>