

THE UNIVERSITY OF HONG KONG

UNIVERSITY RESEARCH COMMITTEE

Code of Practice for Ethical Vetting of Research Projects Involving Artefacts*1. Aim*

This Code of Practice aims to uphold ethical standards for research on artefacts with a view to promoting responsible, respectful and sustainable study of, as well as preserving against exploitation of, the tangible remains of human history.

2. Definition of Artefacts

Artefacts, for the purpose of ethical vetting, are defined as ‘objects which, on religious or secular grounds, are of importance for archaeology, prehistory, history, literature, art or science’¹. When determining whether or not an object under study is an artefact, researchers can make reference to the list of cultural properties / cultural objects adopted in the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property by the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and in the Convention on Stolen or Illegally Exported Cultural Objects by the International Institute for the Unification of Private Law (UNIDROIT), excerpted at **Annex A**.

3. Guiding Principles

The following guiding principles form the basis of this Code of Practice:

- (i) The highest possible standards should be upheld in preserving artefacts throughout the research process, including but not limited to, excavation, data collection and publication.
- (ii) Researchers should bear in mind the ethical concerns in research on artefacts, including but not limited to the dangers of looting and of illicit trade in antiquities.
- (iii) Researchers should not engage in, or allow their names to be associated with, any activity that has negative impacts on artefacts and is carried out for commercial profit derived directly from or by exploiting the artefacts².
- (iv) It is incumbent upon researchers to uphold ethical standards in their research and seek guidance and approval from their respective university’s research ethics committee as appropriate.

¹ This definition is adapted from those used by the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

² This is adapted from the European Association of Archaeologists’ Code of Practice.

4. Identification

- (i) Researchers should determine whether their research proposals involve the study of artefacts.
- (ii) Researchers should seek the approval of the Human Research Ethics Committee (HREC).

5. Vetting by HREC

The research ethics committee, when vetting the proposals, could make reference to the following criteria:

Stewardship and Discovery

- (i) Where the research involves discovering or excavating artefacts, the research ethics committee is satisfied that the researchers have / will endeavor to limit damage or deterioration to the artefacts being studied and minimise the environmental impact of their actions.
- (ii) The researchers have set out plans for conservation, preservation, and publication of the archaeological records to the satisfaction of the research ethics committee.
- (iii) In considering (i) and (ii), the research ethics committee should refer to the list of best practices at **Annex B**³.

Data Collection

- (iv) Where research involves studying artefacts already excavated or processed, whether by a public or private party, the researchers have exercised due diligence in establishing that the artefacts being studied –
 - (a) are in a public/private collection of their country of origin; or
 - (b) have been in a public / private collection not in their country of origin since before 1970; or
 - (c) have been in a public / private collection not in their country of origin since 1970⁴, and have not been illegally excavated and / or exported from their country of origin,

to the satisfaction of the research ethics committee.

³ The list is excerpted from the Policy on Professional Conduct by the American Schools of Oriental Research as well as the Code of Ethics and Code of Professional Standards by the Archaeological Institute of America.

⁴ This is in line with the requirement of the Archaeological Institute of America. The benchmark of 1970 is to track back to the adoption in that year of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, where the international community agreed on the importance of protecting cultural properties and means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural properties. The said Convention has no retrospective effect.

- (v) The due diligence in (iv) could be indicated by the actions of the researchers such as having checked information and documentation which could be reasonably obtained and consulted accessible agencies / third parties or taken other reasonable steps⁵.

Refrainment from Taking Economic Incentives

- (vi) Researchers undertake that they did not and will not accept gifts, emoluments, sponsorship, or funding from dealers and collectors of artefacts for the research projects⁶.

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Note: In July 2020, the RGC has proposed a set of Code of Practice for all UGC-funded universities' reference in extending the existing ethics approval mechanism to cover research involving artefacts, on the understanding that universities should adapt the Code with reference to their institutional circumstances as appropriate. The University Research Committee approved at its June 17, 2021 meeting to adopt the Code of Practice subject to minor amendments proposed by the Human Research Ethics Committee.

⁵ This method is adopted in the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

⁶ Similar provisions on the prohibition of taking inducements (reasonably construed as bribe) when undertaking work related to cultural objects are promulgated in the Code of Conduct by the Chartered Institute for Archaeologists of the United Kingdom.

List of Cultural Properties / Cultural Objects

This list is adapted from that used by the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

- (i) Property relating to history
- (ii) Products of archaeological excavations or of archaeological discoveries
- (iii) Elements of artistic or historical monuments or archaeological sites which have been dismembered
- (iv) Antiquities more than one hundred years old, such as inscriptions, coins and engraved seals
- (v) Property of artistic interest, such as:
 - (a) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand)
 - (b) original works of statuary art and sculpture in any material
 - (c) original engravings, prints and lithographs
 - (d) original artistic assemblages and montages in any material
- (vi) Articles of furniture more than one hundred years old and old musical instruments
- (vii) Rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections
- (viii) Objects of ethnological interest
- (ix) Archives, including sound, photographic and cinematographic archives

**List of Best Practices for
the Stewardship and Discovery of Artefacts**

This list is adapted from the Policy on Professional Conduct by the American Schools of Oriental Research as well as the Code of Ethics and Code of Professional Standards by the Archaeological Institute of America. Modifications have been made to the original provisions to best suit the context of ethics review of research proposals.

Stewardship

- (i) Researchers should consider appropriate site protection, artefact storage and data management in initial research designs and funding plans; so that approaches and methods that require a minimum of damage to the archaeological record could be chosen and that all archaeological materials, records, and archives are properly and adequately stored and curated.
 - (a) In the case of site excavation, which is an irreversible process, such plans include the protection of sites after the conclusion of research, taking into consideration the natural conditions affecting the site and the demands of multiple uses.
 - (b) In the case of artefact studies, exhibits, and surveys, such plans consider the environment and security of future display and / or storage.
- (ii) Researchers should avoid alteration of archeological heritage and cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.
- (iii) Researchers should not engage in activities that contribute directly or indirectly to the illicit markets for antiquities and to the value of artefacts in such markets through their publication, authentication, or exhibition.

Discovery

- (i) Researchers should support and encourage efforts to document the archaeological heritage through surveys, inventories, display and study of artefacts.
- (ii) Researchers should ensure that all individuals participating in the excavation, survey, study or other research shall be fully qualified to carry out their responsibilities or, in the case of apprentice team members, that they be appropriately supervised.
- (iii) Researchers should develop a research design and include, where relevant, a curation plan for excavated objects and a conservation plan, prior to the start of research, and inform colleagues of their role in the overall project.