ANCODS 1972–2011
A WELL-TRAVELLED COLLECTION

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A thesis submitted in fulfilment of the requirements for the degree of Masters of Maritime Archaeology

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Photo Cover page: The exhibition showcasing the returned Netherlands ANCODS Collection in the Shipwreck Galleries, Fremantle. Courtesy of the Western Australian Museum.
DECLARATION

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

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ABSTRACT

In Western Australia the shipwrecks of four Dutch United East India Company ships were discovered. They are the wrecks of the ships *Batavia* (1629), *Vergulde Draak* (1656), *Zuiddorp* (1712), and *Zeewijk* (1727).

On 6 November 1972, the Agreement between Australia and the Netherlands Concerning Old Dutch Shipwrecks (ANCODS) was signed, and its associated Committee came into existence. The Committee was given two tasks, which consisted of safeguarding the legal position of the Dutch shipwrecks, and determining the disposition of the recovered artefacts. The Agreement was made official by incorporating it into the *Historic Shipwrecks Act 1976*. As a result of the Agreement the Collection was split into three parts; the largest part would stay in Western Australia, a part was given to the Australian Commonwealth, and another selection was sent to the Netherlands Government. In 2006 it was first announced by the Netherlands Government that the Dutch part of the Collection would be returned to Australia, and the Collection was returned to the Western Australian Museum during two official ceremonies in 2010 and 2011.

The ANCODS Agreement is a unique example of an international bilateral agreement. Its structure and flexibility has allowed the return of the Dutch artefacts to Australia as the legal cultural ‘owner’ (as per the 1972 Agreement) for the purposes of creating a complete collection. The return of the Dutch Collection heightened the Collection’s significance. Not only because it now complies with international codes of ethics and the UNESCO 2001 convention, but also because it is now situated closer to the community which was influenced most by the historical events. The opening of the exhibition in the Western Australian Museum and the media attention in February 2011 supports the constructing of societal memory and identity because it directly involves the local community.

A mutual declaration was signed on 15 September 2010 that declared the ANCODS Committee inactive. The study suggests a successor body should be created to encourage cultural exchanges with the Netherlands and Australia, and to advise on matters related to the material recovered from the Dutch shipwrecks. In this way, the Committee could not only act as an umbrella organisation, “fostering
communication, consultation, and the sharing of resources between Dutch and Australian researchers” (ANCODS File 4/80/3 April 1997, p. 1), but also encourage information exchange between researchers and the general public.

UNESCO specifically promotes bi- and multilateral agreements to protect underwater cultural heritage in its Convention, and in this way ANCODS could set an example for the rest of the world. With an official, academic agreement in place for both countries, it becomes easier to deal with the issue of mutual, shared and common heritage, even in the case of post-colonial relationships. The study of several case studies indicates that this appears to be the most positive way of dealing with cultural, political, legal and social circumstances and the different layers of values that are associated with mutual heritage. This can improve cultural and political relations between two or more countries and their mutual heritage.
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# TABLE OF CONTENTS

Declaration  
Abstract  
Acknowledgements  
Table of contents  
Figures  
Tables  

<table>
<thead>
<tr>
<th>Chapter 1 Introduction</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Statement of Purpose, Problem Orientation and Research Aims</td>
<td>4</td>
</tr>
<tr>
<td>Data Collection, Methodology and Analysis</td>
<td>7</td>
</tr>
<tr>
<td>Significance</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 2 Historical background</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>11</td>
</tr>
<tr>
<td>The Verenigde Oostindische Compagnie</td>
<td>11</td>
</tr>
<tr>
<td>The discovery of the shipwrecks</td>
<td>12</td>
</tr>
<tr>
<td>Vergulde Draak</td>
<td>13</td>
</tr>
<tr>
<td>Batavia</td>
<td>15</td>
</tr>
<tr>
<td>Zuiddorp</td>
<td>19</td>
</tr>
<tr>
<td>Zeewijk</td>
<td>21</td>
</tr>
<tr>
<td>Legislation and the creation of ANCODS</td>
<td>23</td>
</tr>
<tr>
<td>The creation of protective legislation</td>
<td>23</td>
</tr>
<tr>
<td>The 1993 Historic Shipwrecks Amnesty</td>
<td>24</td>
</tr>
<tr>
<td>The creation of the ANCODS Agreement</td>
<td>25</td>
</tr>
<tr>
<td>The ANCODS Committee</td>
<td>26</td>
</tr>
<tr>
<td>The return of the Collection</td>
<td>26</td>
</tr>
</tbody>
</table>
Chapter 3 ANCODS and ethics

Introduction

Agreement between Australia and the Netherlands Conc. Old Dutch Shipwrecks

The Committee’s guiding principles

Current codes of ethics relating to collection management

ICOM Code of Ethics for Museums

Museums Australia Incorporated Code of Ethics 1999

Current codes of ethics directly relating to maritime archaeology

ICOMOS Charter on the Protection and Management of Underwater Cultural Heritage 1996

AIMA Code of Ethics

Advisory Council on Underwater Archaeology Ethics Press Kit

2001 UNESCO Convention on the Protection of Underwater Cultural Heritage

Themes in the codes of ethics

Safeguarding

Sharing expertise and cooperation

Public access

Return and mutuality

Chapter 4 ANCODS and the Dutch Collection

Introduction

Developments during the ANCODS years 1972–2011

Ownership of the Collection

The Australia Dutch joint-research programme

The significance of the Collection

Significance in the Netherlands

The return of the collection

Different views on the return
FIGURES

**Figure 1.** *Finders Coming* based on the Pendal Committee Report 1994.

**Figure 2.** The Western Australian Museum’s Shipwreck Galleries. Courtesy of Denise Kuijlaars.

**Figure 3.** A diver carrying a tusk during the *Vergulde Draak* excavation. Courtesy of the Western Australian Museum.

**Figure 4.** A diver holding an astrolabe from the *Vergulde Draak* shipwreck site. Courtesy of the Western Australian Museum.

**Figure 5.** Diver working on the *Batavia* wreck site. Courtesy of the Western Australian Museum.

**Figure 6.** An anchor of *Batavia* called “Henrietta’s Anchor” after Henrietta Drake-Brockman. Courtesy of the Western Australian Museum.

**Figure 7.** The reef after the excavation of *Batavia*. Courtesy of the Western Australian Museum.

**Figure 8.** An artist impression of the shipwrecking of *Zuiddorp* by Stanley Hewitt. Courtesy of the Western Australian Museum.

**Figure 9.** A diver working on the *Zeewijk* shipwreck site. Courtesy of the Western Australian Museum.

**Figure 10.** The *Scheepvaartmuseum* in Amsterdam, July 2009. Courtesy of Ron van der Marel.

**Figure 11.** The launching of the Netherlands’ and Australian database by Willem Andreae and John Day. Courtesy of David Whitely.

**Figure 12.** The ANCODS Committee during a meeting. From left to right: Jeremy Green, Gerrit Van Der Heide (Netherlands ANCODS member), Geoffrey Bolton, Henk Jan Van Pesch (Netherlands ANCODS member), John Bach, Les Nielson (Australian Commonwealth). Courtesy of the Western Australian Museum.

**Figure 13.** The handover of the pewter plate in the Western Australian Museum’s Shipwreck Galleries. Courtesy of David Whitely.

**Figure 14.** Wendy van Duivenvoorde showing John Day and Willem Andreae the new exhibition. Courtesy of David Whitely.

**Figure 15.** The trumpet and mouthpieces finally reunited. Courtesy of Denise Kuijlaars.
Table 1. The in Chapter 3 discussed Agreement, Codes of Ethics, and UNESCO Convention, in relation to the mentioned themes relating to the research aims.
CHAPTER 1 INTRODUCTION

INTRODUCTION

In Western Australia the shipwrecks of four Dutch United East India Company (Verenigde Oostindische Compagnie or V.O.C.) ships were discovered by local people, and their sites were subsequently archaeologically excavated by the Western Australian Museum. The shipwreck sites of V.O.C. ships Batavia (1629) and Vergulde Draak (1656) were discovered in, that of Zeewijk (1727) in 1968, and finally Zuiddorp (1712) in the year 1969 (Green 1989, Green 1973, McCarthy 1990, and Ingelman-Sundberg 1976). Their associated land sites were however found much earlier (figure 1).

These shipwrecks were discovered prior to enactment of protective legislation (such as the Historic Shipwrecks Act 1976). It is often noted that the need to protect these sites from treasure hunters and uncontrolled salvage activities, started the maritime archaeology profession in Australia, and the beginning of creating the necessary legislation to protect Australia’s heritage (Henderson 1986, p. 2, Van Duivenvoorde 2010 pers. com.). An important result from incorporating new legislation was the 1993 Historic Shipwrecks Amnesty, leading to new archaeological information on historic shipwrecks (Rodrigues 2009, pp. 159–160).

On 6 November 1972, the Agreement between Australia and the Netherlands Concerning Old Dutch Shipwrecks (ANCODS) was signed, and its associated Committee came into existence. The Committee was given two tasks: 1. safeguarding the legal position of the Dutch shipwrecks, and 2. determining the disposition of the recovered artefacts. The Agreement was officially endorsed by its incorporation into the Historic Shipwrecks Act 1976. Australia and the Netherlands have been able to adjust the Agreement as required to accommodate changing views on archaeological sites and collections heritage management (Van Duivenvoorde 2010 pers. com.).

Although the Dutch Government is the present legal successor to the V.O.C, it transferred its right and title to the four wrecked vessels on or off the coast of the State of Western Australia to Australia through the 1972 Agreement (Article 1)
The Agreement clearly recognises the “[…] collective value far outweighs the importance of the individual pieces and in which the relationship of the individual objects within the sample are a major part of its historical value”. It also specifies that “[i]t follows, therefore, that unnecessary splitting of a sample of closely similar objects capable of statistical treatment should be avoided […]” (Historic Shipwrecks Act 1976, p. 36) However, it was decided to split the Collection of thousands of artefacts into three parts. Most of it would stay in Western Australia, a second Collection (consisting of 926 artefacts, 685 of which are coins) was given to the Netherlands Government and sent to the National Maritime Museum in Amsterdam, the Netherlands, and the third part was given to the Australian Commonwealth Government (Bolton 1977, p. 28). The Collection of the Commonwealth Government would later be sent to the Australian National Maritime Museum in Sydney.
The Discoverers

The Western Australian Museum acknowledges the role played by many individuals in the discovery of Australia’s shipwrecks. The oldest of these are the Triel, the Batavia, the Vergulde Draeck, the Zuytdorp and the Zeewijk.

**Triel, wrecked 1622**

Following the Dutch route to the Indies, but far off course, the English East India Company ship Triel was wrecked on rocks that now bear its name. In order to escape blame however, the commander Captain Brockes lied about the location of the wreck. In 1934 historian Ida Lee proved that what was then known as Ritchie’s Reef was the site and the reef was subsequently renamed Triel Rocks. In 1969 using her research, John MacPherson and Eric Christiansen of the Fremantle-based Underwater Explorer’s Club determined the most likely position of the wreck. Led by Christiansen, the team included Naom Harison, Dave Netley and Ellis Alfred (Alan) Robinson. Chris Muhrhann was skipper.

In June 1971 a Museum expedition, sponsored by M.G. Kallis of Gulf Fisheries, surveyed the site, which consists of a number of cannon, anchors, ballast stones and a small scattering of artefacts. A cannon and a few objects are on exhibition in this gallery.

**Batavia, wrecked 1629**

While surveying the Western Australian coast in 1840, the crew of HMS Beagle saw wreckage on the southern end of the Abrohos Group of islands that they assumed had come from the Batavia. They named nearby islands and features accordingly. In the 1950s, using extensive archival research and translations by E.D. Drok, historian Henriette Drake-Brockman deduced that the wreck of the Batavia must lie in the Wallabi Group of Islands further north.

Surveyor Bruce Melrose and journalist-author Hugh Edwards agreed with the theory and Edwards organised a number of searches near Beaccon Island in the early 1960s. Abrohos lobster-fisherman Dave Johnson then advised of an ancient anchor he had often observed from his boat while setting rock lobster pots.

Subsequently on June 4, 1963 Geraldton-based skin divers Max and Graham Cramer together with Greg Allen went to the location and became the first to dive on the Batavia wreck.

The Batavia has proved to be the most valuable – in archaeological terms – of all the Dutch East Indiamen wrecked off this coast. During four seasons of excavation from 1974 – 1976, the Western Australian Museum developed a collection which includes a part of the port-side of the ship aft, a portico destined for Batavia Castle (now Jakarta), navigational equipment, ceramics, guns and silverware for the Emperor Jatandra.

**Vergulde Draeck, wrecked 1656**

After much speculation as to its whereabouts, and a number of claims to have found it, the wreck was accidentally found on April 14, 1963 by a group of spearfishermen, Jim Henderson and his sons Alan and Graeme, John Cowen and Ellis Alfred (Alan) Robinson. Graeme Henderson was the first to see indicators of a wreck—a number bricks and an elephant tusk.

This was the first underwater discovery of a 17th-century Dutch East Indiaman in Australian waters. Its discovery and that of the Batavia later the same year, led to legislation protecting historic shipwrecks in 1964. A major shipwreck excavation was conducted by the Western Australian Museum in 1972, resulting in the recovery of a wide range of objects, including, cannon, ceramics and coin.

**Zuytdorp, wrecked 1712**

In the early months of 1727, Ada Drogo, her sister Lurleen Pepper and their husbands Ernest Drogo and Tom Pepper saw wreckage at the top of cliffs, along the screw slope and on the drying reef platform north of the mouth of the Murchison River. The remains included a carved figure of a woman, glass, coins, breech blocks and other items. Later Tom Pepper, who was the head stockman on Tamala Station, reported the find to authorities.

In 1954 an expedition organized by Dr Phillip Playford and backed by the Western Australian Newspapers, found more relics along the shoreline, including coins. Dated 1711 these coins confirmed the identity of the site.

In 1964 a team of Geraldton divers led by Tom Brady, and including Graham and Max Cramer, dived on the wreck and salvaged several small brass cannon. Later they saw what they described as a huge ‘carpet of silver’. Western Australian Museum staff raised thousands of coins from the site in 1971. This was followed over the years by further in-water recoveries, including a cannon and anchor, coins, glassware, lead ingots and other items. Archaeological excavations and searches for evidence of the survivors and their possible interment with the Aborigines have also resulted.

**Zeewijk, wrecked 1727**

Reismic from a then unidentified survivor’s camp site on Gun Island in the Abrohos group were found in 1840 by surveyor John Stokes of HMS Beagle. In the 1890s, when gunpowder was being mined on Gun Island by Broadhurst, McNeil and Company, a large number of bottles, cooking pots, fishing equipment and other objects was found. The collection was assembled by Florence Constantine Broadhurst and in believing they were from the Batavia he donated his material to the State.

In 1952, during a visit to Geraldton, Lieutenant Commander M.R. Bromell of the Royal Australian Navy learned that fisherman Bill Nevoold had found a cannon on the seabed, and during a subsequent visit Bromell located a cannon on the leeward side of the reef.

In 1968 Hugh Edwards led Max Cramer, Neil McLaughlin and Museum staff Harry Bingham and Dr Colin Jack-Hinston to the seaward side of the reef to find the main wreck site. They are all acknowledged as the finders.

These many finders and researchers were officially recognised and rewarded after an inquiry led by the Hon Phillip Pendall MLA. Max Cramer and Hugh Edwards were recently honoured each with an OAM and inspired by his find. Graeme Henderson was later to become a maritime archaeologist and then founding director of the Maritime Museum.

Figure 1. McCarthy 1994, Finders Coming, based on the Pendal Committee Report.
In 2006 it was publicly announced by then Netherlands Minister of Education, Culture and Science Maria van der Hoeven that the Dutch part of the Collection would be returned to Australia. In 2009 this was officially confirmed by Netherlands Minister of Foreign Affairs Maxime Verhagen during the ANCODS Colloquium. This process was formalised on 15 September 2010, and the Collection was returned during two official ceremonies. The first took place on 9 November 2010 at the Australian National Maritime Museum in Sydney, and the second on 21 February 2011 at the Western Australian Museum in Fremantle where the Dutch part of the Collection was finally reunited with the largest part of the Australian Collection. The Australian National Maritime Museum in Sydney still holds their part of the Collection.

STATEMENT OF PURPOSE, PROBLEM ORIENTATION AND RESEARCH AIMS

The ANCODS Agreement is a unique example of an international bilateral agreement. Its structure and flexibility has allowed the return of the Dutch artefacts to Australia as the legal cultural ‘owner’ (as per the 1972 Agreement) for the purposes of creating a complete collection. Although the Agreement is a unique example of a bilateral agreement on maritime shared cultural heritage, it should be compared to similar cases such as the Avondster (Sri Lanka) and Amsterdam (England) shipwrecks, to assess where the Agreement, Committee, and Collection stand within current mutual heritage practices. Australia was considered the cultural ‘owner’ of the artefacts only after the Dutch gave up rights and title. The conditions and new significance of the reunited VOC archaeological maritime Collection now held in Australia and the reasons for repatriation are of great importance for future research, since they are an example of new practices in underwater cultural heritage. Investigating these aspects will provide information on bilateral cultural heritage relations, and how the value of these relations influences two different cultures that are involved. If it is possible to show how the values of this Collection change as a result, it may be able to set an example on the practice of return as regards archaeological maritime artefact collections.

As mentioned by Wendy Van Duivenvoorde, the division of Dutch shipwreck
artefacts between the two countries was not consistent with modern international standards for archaeological collections (Van Duivenvoorde 2010, pers. com.). It contravened part of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection of Underwater Cultural Heritage of 2001. The UNESCO Convention on the Protection of Underwater Cultural Heritage is an international agreement specifically dedicated to the protection of underwater cultural heritage. Underwater cultural heritage is defined in the Agreement as “All traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least a 100 years… (Art. 1 para. 1 (a)). The UNESCO Convention on the Protection of the Underwater Cultural Heritage, adopted on 2 November 2001 by the UNESCO General Conference, is intended to enable States to effectively protect and preserve their underwater cultural heritage, and entered into force in January 2009 (UNESCO 2011). The Convention sets out basic principles for protecting underwater cultural heritage, it contains provisions for an international cooperation scheme and provides practical guidelines for dealing with such heritage. There are two parts to the 2001 Convention: The main text, which sets out basic principles for the protection of underwater cultural heritage and provides a detailed reporting and coordinating system in order to enable States to undertake such protection, and the Annex, which contains widely recognized and applied practical rules for the treatment and research of underwater cultural heritage (UNESCO Convention 2001, p. 11). The Convention is seen as a benchmark for current practice and proactive protection of underwater cultural heritage.

The 1972 ANCODS Agreement specifically contravenes Rule 33 of the UNESCO Convention, which states:

“the project archives, including any underwater cultural heritage removed and a copy of all supporting documentation shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.”

It should be mentioned that the Netherlands and Australia have yet to ratify the Convention, but that both countries are working hard to make their policies and
operations consistent with the convention (Van Duivenvoorde 2010, pers. com.). However, now the artefacts have been returned to Australia, this gesture can be seen as an important first step in bringing the ANCODS Agreement in line with the current ethics on collections management; in particular its application to underwater cultural heritage. Many countries, even if they have not officially ratified the convention, still follow UNESCO’s guidelines in managing underwater cultural heritage according to its recommendations (Belgium, for example, specifically notes that their archaeological heritage decree will include these guidelines. Demerre and Zeebroek 2010, p. 114).

Museums Australia Incorporated, ICOMOS, ICOM, and national monument/heritage acts address the issue of ethical collections management. Australia and the Netherlands are trying to keep up with these codes of ethics and therefore it is necessary to take another look at the Agreement to see where it stands in relation to these codes of ethics. This topic also touches a different issue, namely that of the future of the Committee. It has been mentioned several times that the basic task of the Committee has been fulfilled now that the Netherlands part of the Collection has been returned and there is no more need to determine the disposition of the recovered artefacts. The matter of the division between two different museums in Australia remains however, including the fact that future excavations may be conducted on the wrecks. The committee has also several times expressed the wish of setting up a joint Australian-Netherlands research team on the wrecks, which would need to be guided (ANCODS File 4/80/3, 06 December 1997, p. 2). Besides all these issues, the main issue remains that:

“The ANCODS Agreement is incorporated into an Act of Parliament, the Historic Shipwrecks Act 1976 which sets out the terms of the agreement between the Netherlands and Australian Governments, the role and responsibilities of the Committee and principles in the treatment of the artefacts and collections. The Agreement is legally binding on both parties and cannot be changed or abolished except by agreement between governments” (ANCODS File 4/80/3, 31 July 1997).

This shows that, the matter is more complicated than simply changing the role of the Committee (no matter in what manner), and that besides cultural ethics, politics are involved as well. To be able to address all the above mentioned issues, the following research aims for this thesis are
1) To compare the guidelines of modern museum and collection councils and other related organisations’ codes of ethics, and place the Agreement within this framework of guidelines.

2) To investigate the possible different future directions the Agreement, the Committee, and the related Collection can take.

3) To assess the background and new significance of the VOC maritime Collection being returned to Australia by the Dutch Government, and to discuss how it relates to international standards for underwater cultural heritage management.

4) To assess the ANCODS Agreement against similar cases in the world and create an overview of the theory, practice and policies that are involved with the maritime archaeological artefact collections classified as mutual heritage.

DATA COLLECTION, METHODOLOGY AND ANALYSIS

As stated by Jennifer Rowley and Frances Slack, literature reviews are important in “supporting the identification of a research topic, question, or hypothesis; and identifying the literature to which the research will make a contribution, and contextualising the research within that literature” (Rowley and Slack 2004, p. 32). It is, thus, essential to conduct a literature review to discuss the ANCODS Agreement’s history and place it in the framework of this research. The second chapter of this thesis details the history and discovery of the Dutch shipwrecks, how ANCODS came into existence and what was agreed upon. The literature review includes the ANCODS Agreement itself (as part of the Historic Shipwreck Act 1976), and documents produced by the ANCODS Committee, such as reports, minutes of meetings and correspondence on file at the Western Australian Museum’s Department of Archaeology Archives. In addition to archival documents related ANCODS, scholarly publications, written by experts in the field are assessed in this chapter.

The third chapter provides a review of all current codes of ethics and practices relevant to the ANCODS Agreement. These ethics and practices are set out by state,
national, and international bodies, focusing on the text of the ANCODS Agreement and the text of the UNESCO Convention, and codes of ethics of Museums Australia Incorporated, the International Committee of Monuments and Sites, and the International Council for Museums. During an internship at the Western Australian Museum informal conversations held with the Committee’s members and other involved persons provided information on views of members of the Committee regarding the ANCODS Collection and aims of this thesis.

In chapter four the issues and developments of the ANCODS Committee of the last 28 years will be discussed, as well as the significance of the Collection. The significance of the Collection while it was in the Netherlands will be compared to the one now returned to the Western Australian Museum’s Shipwreck Galleries (figure 2).

The author attended the return ceremony held in the Western Australian Museum on 21 February 2011. This provides an insight in the future plans for the collections. Informal conversations with committee members and employees of the Western Australian Museum can possibly provide extra information. Roslyn Russell and Kylie Winkworth wrote *Significance 2.0* for the Collections Council of Australia. In
Significance 2.0 it is stated that a significance assessment of a collection involves the following five steps:

1. Analysing an item or collection;
2. Researching its history, provenance and context;
3. Comparison with similar items;
4. Understanding its values by reference to the criteria;
5. And summarising its meaning and values in a statement of significance.

The work that was done in the Western Australian Museum (preparing the start of the exhibition on the returned artefacts, and working on the database) helps in understanding this significance assessment, and creates a better insight in the future plans for the artefacts and see if this new Collection will be keeping up with previously investigated ethics in the future. The meeting on 22 February will provide valuable information as well regarding to future plans on the management of the database and Collection. The future of the committee will be assessed by studying the previously mentioned ANCODS archive files.

To investigate the current theories relating to cultural property claims and similar agreements between countries in chapter five, a qualitative literature review will be conducted, by looking at relevant books and articles on this topic, as well as other agreements themselves. The ANCODS Agreement is unique, because it is the only concurrence relating to underwater cultural heritage with a non-colonial connection. Many other agreements and articles discuss the link between a “Western” and a “third-world” country. This will be taken into account when comparing the ANCODS Agreement to other inter-governmental agreements and research projects.

In chapter six the findings will be discussed in relation to the research aims.

The “Australian” people that have been contacted for this thesis are:

Geoffrey Bolton (Australian ANCODS member)
Jeremy Green (Western Australian Museum)
Michael McCarthy (Western Australian Museum)
Myra Stanbury (Western Australian Museum)
Ross Anderson (Western Australian Museum)
Susan Cox (Western Australian Museum)
Wendy Van Duivenvoorde (Western Australian Museum)

The Dutch people that have been contacted for this thesis are:

Willem Andreae, Ambassador of the Kingdom of the Netherlands
Andrea Otte (Netherlands ANCODS member)
Robert Parthesius (Director Centre for International Heritage Activities)

SIGNIFICANCE

This study is of cultural significance. It is significant because the Agreement is unique, and it is still topical, since the Dutch part of the Collection was just returned in ceremonies at the end of 2010 and beginning of 2011. The returning of the Netherlands ANCODS Collection will have an impact on the role of the Committee. The V.O.C. shipwreck Collection has a significant research potential for two countries, without a colonial link, sharing a mutual history. The Agreement and Committee, therefore, are a great example of collaborative research between countries, sharing information and research techniques.

The research possesses a high social significance as well, because it focuses on heritage of two different countries. The countries work together to safeguard their heritage for the future. The ANCODS Agreement was made up between Australia and the Netherlands, and it should be kept relevant to make sure this will continue in the future appropriate to current standards.

This thesis explores and discusses different angles of the ANCODS Agreement, its Committee, and V.O.C. shipwreck collections. The research addresses the Agreement, Collection and Committee in relation to their past, present, and future.

Note: The use of ship names in this thesis is based on spelling provided by Jaap Bruijn, Femme Gaastra, and Ivo Schöffer’s Dutch-Asiatic Shipping in the 17th and 18th Centuries. This publication offers a uniform spelling as a solution to seventeenth-century sources who spell ship names in various ways. This means that the names Vergulde Draak and Zuiddorp will be used, unless a source is cited that uses a different way of spelling.
CHAPTER 2 HISTORICAL BACKGROUND

INTRODUCTION

This chapter provides the historical background for this thesis. It outlines the initial discovery of the four Dutch V.O.C. shipwrecks on which the Agreement is based, their excavation and the general nature of their archaeological assemblage. As mentioned by Graeme Henderson, the discovery of these wrecks led to enactment of legislation to protect these and other historic shipwrecks in Australia, and to the establishment of the ANCODS Agreement (Henderson 1986, p. 2). It also discusses the issues and events relating to the ANCODS Agreement and the organization of a bi-lateral Committee to oversee its implications.

THE VERENIGDE OOSTINDISCHE COMPAGNIE

The *Verenigde Oostindische Compagnie* (V.O.C.), or Dutch United East India Company, came into existence on 20 March, 1602. Already in the sixteenth century Portuguese ships started sailing towards Asia, in search of its markets (Gaastra 2003, p. 39). Pepper was the most important trading good, but its supply was reduced in 1592 due to the English privateers who became problematic for the Portuguese traders (Gaastra 2003, pp. 14–15). As a consequence, Dutch traders took matters in their own hands (Gaastra 2003, p. 15). The first four Dutch ships sailing to the island of Java in the East Indies (*Mauritius*, *Hollandia*, *Amsterdam* and *Duifje*, more commonly known as *Duyfken*), departed for their journey which would last fourteen months in 1595 (Gaastra 2003, p. 16, Nagtegaal 1996, p. 16). The first contacts were established and on arrival back home it was quickly discovered that trade with the East Indies was a lucrative business. As a result, many more Dutch ships set sail for Java in the following years. For financial benefits several merchants grouped together and formed the so-called *voorcompagnieën*, or joint-stock companies (Gaastra 2003, p. 20, Gelderblom and Jonker 2004, p. 651). In order to strengthen their position in Asia, it was eventually decided by the companies to coordinate their activities, and in 1602 the merchants joined forces to establish the V.O.C. (Nagtegaal 1996, p. 17, Gaastra 2003, pp. 20–21). The leaders of the V.O.C. were represented by
seventeen gentlemen called *Heeren XVII*, which means exactly that; Gentlemen Seventeen. The V.O.C. would grow to become one of the most successful ventures of Dutch history. It is even argued by Oscar Gelderblom and Joost Jonker that the V.O.C. is responsible for the financial revolution of the Amsterdam Capital Market, where private finance took precedence over public finance in the Dutch Republic (Gelderblom and Jonker 2004, p. 641).

The V.O.C. and Dutch primacy in world trade are perfect examples of the rise of capitalism in the seventeenth century. The involvement of the V.O.C. led to a network that improved the V.O.C.’s strategic and commercial position in Asia (Israel 1990, p. 171). Jonathan Israel argues that the V.O.C. manipulated sales and purchases, as well as the movement of commodities, in the advantage of the Dutch (Israel 1990, p. 175). It was believed that if they were able to prevent competition they could dictate purchase prices and control export, including selling prices in Europe. A second objective of the V.O.C. was to keep the import of money from Europe into Asia to a minimum by funding operations in Asia, as well as the purchase of the return cargo, through intra-Asian trade (Parthesius 2010, p. 35).

A fast but risky route from the Cape of Good Hope to Batavia was pointed out by Hendrik Brouwer in 1610, and first tried in 1611 (J.R. Bruijn, F.S. Gaastra and I. Schöffer 1987, p. 70). After leaving the Cape of Good Hope ships would make use of the trade winds to cross 5,000 miles on the Indian Ocean before they turned north to the East Indies (WAM 2011 *Vergulde Draeck*). Ships that sailed too far south trying to catch the Roaring Fourties ended up in the Great Southland or *Terra Australis* (Sigmond and Zuiderbaan 1976, p. 35 and J.R. Bruijn, F.S. Gaastra and I. Schöffer 1987, p. 71). Although one might think this was a sign of poor seamanship, it was more of a miracle that other ships were able to miss the Western Australian coast, when considering navigational tools available to the seventeenth and eighteenth-century navigators (Wagenaar 1998, p. 60, Sigmond and Zuiderbaan 1976, p. 35). The four V.O.C. ships *Batavia* (1629), *Vergulde Draak* (1656), *Zuiddorp* (1712), and *Zeewijk* (1727) were so unfortunate to shipwreck along the Western Australian coast.

**THE DISCOVERY OF THE SHIPWRECKS**

The administration of the V.O.C. has been preserved, which includes
documentation on its general management and official policy, material affairs such as the building and equipment of ships, and it provides information such as equipment lists, inventories, crew lists, instructions, ship’s journals, and correspondence (Gawronksi 1990a, p. 367). From these documents it was known that a number of V.O.C. vessels had wrecked along the Western Australian Coast. Furthermore, the archaeological remains of the Zeewijk survivor camp site and debris of an unknown shipwreck, later identified as Zuiddorp shipwrecks were already located on land in 1840 and 1927, respectively (Van Duivenvoorde 2011, pers. com.).

With the development of S.C.U.B.A. (Self Contained Underwater Breathing Apparatus) shipwreck sites became more accessible, and they quickly became a much sought after resource (Kennedy 1998, p. 30). The word resource is used, because many people searching for shipwrecks were after possible ‘treasure’. The V.O.C. shipwrecks known to have wrecked along the Western Australian Coast would have carried large amounts of specie. Batavia is undoubtedly the best known of the four shipwrecks, but each one is of national and international significance for maritime archaeology and maritime history.

**Vergulde Draak**

A *jacht* of 130 *lasten* (260 tons) and 41.8 meters in length; *Vergulde Draak* was bought in Zaandam and given its name by the Amsterdam chamber of the V.O.C. in 1653 (Van Duivenvoorde *in press* chapter 5).

The ship’s first voyage to the East Indies had been successful, and *Vergulde Draak* left for its second voyage on 4 October 1655, under the command of Pieter Albertsz. Jeremy Green reports that a crew of 193 men were aboard, and that the ship carried a cargo of eight chests of silver coin (worth 78 600 guilders) and trade goods estimated to be worth 106 400 guilders. After the ship had left the Cape of Good Hope, the ship turned too early and struck a reef off the Western Australian Coast North of Yanchep, near Ledge Point, on the morning of 28 April 1656 (WAM 2011 *Vergulde Draeck*). Only 75 crewmembers made it to shore, after the ship broke apart, with few provisions (Green 1973, p. 267). Seven crewmembers were sent off to get help in Batavia. Forty-one days later the jacht *Goede Hoop* and the flute ship *Witte*
Valke left Batavia to look for the surviving crewmembers and cargo. Several other searching expeditions were sent out, but none of them ever found any of the crew members who had stayed behind.

*Vergulde Draak* was discovered on 14 April 1963 by Graeme, Jim, and Alan Henderson, John Cowan and Alan Robinson while spear fishing. The shipwreck’s discovery was immediately published by the *Daily News*, and when silver coins were reported to be found nearly three weeks later ‘gold fever’ broke out. The latter proved to jeopardize the integrity of the archaeological remains. From a legislative point of view, finders’ rights concerning the shipwreck were unclear at this point in time. Cowan and the Henderson family nonetheless, recognised the shipwreck’s potential for the community and offered all their finders rights to the Western Australian Museum (Kennedy 1998, p. 30). The Museum at this point in time was still a natural history museum, but this is said to be the beginning of its commitment to maritime archaeology (Kennedy 1998, p. 30). Some material was raised from the seabed (elephant tusks and ballast bricks), but no detailed records exist from this period as no controlled excavation efforts were made. Reports of people using dynamite on the site to recover coins, made the need for protective legislation and professional intervention apparent to the community (Green 1977, p. 65).

Eventually, *Vergulde Draak* was the first shipwreck to be selected for archaeological excavation in Australia. The excavations of the shipwreck site (figure 3) took place in 1971 and 1972 under the auspices of the Western Australian Museum. The site consists of a complex cave system and artefacts were scattered over an area of 50 metres in length and 40 metres in width. This complicated the excavation, as well as the fact that the site was heavily overgrown (Green 1977, p. 72).

![Figure 3. A diver carrying a tusk during the Vergulde Draak excavation. Courtesy of the Western Australian Museum.](image)
Looters had disturbed the stratigraphy of the site, but still more than 500 ship timbers were found on the site, although the main structure had been scattered (Van Duivenvoorde *in press* chapter 5). Many artefacts were recovered, including beardman jugs, clay pipes, navigational tools (such as an astrolabe, see figure 4), glass bottles, and metal utensils, tools and accessories, and armaments. A relatively large amount of organic material was recovered as well (Green 1977, p. 94). Unexcavated areas were investigated and excavated when the shipwreck site was revisited in 1981 and 1983 (Green 1983, p. 3).

![Figure 4. A diver holding an astrolabe from the *Vergulde Draak* shipwreck site. Courtesy of the Western Australian Museum.](image)

The site is considered to be significant because it provides information about international maritime trade, the difficulties of navigating at the time, and gives an insight in Dutch sailing and life aboard ships in the seventeenth century. *Vergulde Draak*’s shipwrecking led to further expeditions in search of survivors and possibly encouraged the mapping of the little known Western Australian coastline that was hitherto regarded as The Great Southland (Green 1977, p. 49).

**Batavia**

Just like *Vergulde Draak*, *Batavia* sailed for the V.O.C. chamber of Amsterdam. The largest V.O.C. ship afloat, the 600-ton *Batavia* measured 45.3 meters in length,
and 10.2 meters in beam. *Batavia* set sail from Texel on its maiden voyage on 27 October 1628, and the ship wrecked eight months later on a reef in the Houtman Abrolhos Archipelago, about 65 kilometres of the coast of Western Australia (Green 1989, p. 1). It is not the shipwrecking event itself that made *Batavia* famous, but the grisly episode that unfolded afterwards. A group of men aboard the ship had planned a mutiny and intended to overtake the ship during the journey to *Batavia*; the wrecking of *Batavia* provided a new opportunity for the mutineers.

After the crash on the reef, the ship started to break up quickly. After it was found that there was land nearby, as many people as possible were transported to the islands. The commander of *Batavia*, Francisco Pelsaert, went looking for water with the ship’s boat and a small party of 48 while there were still 70 people on the ship (Drake-Brockman 1995, p. 112). After recovering only a small amount, Pelsaert intended to hand the water to the thirsty people on the island, but was stopped by his companions. The water was, by far, not enough, and seeing the angry thirsty people on the island, the other passengers on Pelsaert’s boat were afraid that it would not end well for them if they would go on land (Drake-Brockman 1995, p. 126). Instead of going on land it was decided to continue to Batavia and ask for help for the 198 stranded people left behind (Drake-Brockman 1995, p. 127). Only 33 days later they arrived in Batavia, and Pelsaert had the skipper, Adriaen Jacobsz arrested for negligence, and the high boatswain executed for his outrageous behaviour prior to the shipwrecking of *Batavia* (Drake-Brockman 1995, p. 114). Seven days later Pelsaert was on his way in the jacht *Sardam* to rescue the stranded people who had been left behind at Abrolhos Island. Unfortunately his journey back would take him 63 days and in the meantime, the undermerchant Jeronimus Cornelisz who remained on the islands saw his chance to act on his mutiny plans. A group of mutineers, led by Cornelisz, massacred a group of 125 people consisting of men, women, and children (Green 1989, p. 1). When Pelsaert returned to the islands he arrested the mutineers and set up trials, executing some of them and meanwhile looking for and salvaging some of *Batavia*’s valuable cargo (Drake-Brockman 1995, pp. 117–118).

After the rescue team and remaining survivors had returned to Batavia, the last mutineers were executed. Due to the horrors that happened after the shipwrecking event, *Batavia*’s story became famous and was first published by Jan Jansz in 1647 as *Ongeluckige Voyagie van ‘t Schip Batavia* (the unlucky voyage of the ship
Batavia’s story was recounted several times in the seventeenth and eighteenth centuries by others, such as van Dam (1701) and Valentijn in 1724–1726 (Green 1989, p.1).

Even though earlier attempts had been made to identify the remains of the shipwreck, the correct location was first suggested in the early 1960’s by Henrietta Drake-Brockman, and the shipwreck itself was finally discovered in 1963. Although some artefacts had already been recovered in 1963 (several cannon, astrolabes, coins and ceramics), the first proper archaeological excavation was carried out by the Western Australian Museum in 1972/1973 (Green 1989, p. 1).

Figure 5. A diver working on the Batavia wreck site. Courtesy of the Western Australian Museum.

Conditions on the shipwreck site could be quite rough, and facilities had to be created to enable excavation in a remote area. Four excavation campaigns took place between 1972 and 1976, and much significant remains of the shipwreck were recovered including parts of the ship itself (Green 1989, pp. 11–14, Van Duivenvoorde 2009, p. 61). The artefacts recovered during these seasons were classified by the Western Australian Museum’s Department of Maritime Archaeology in the following categories: Armament and military equipment; navigational instruments; surgeon’s instruments; domestic ceramic material; ships
equipment (bell and anchors, see figure 6); ship’s supplies; personal items (for example seals and ceramics); building materials for the Indies (bricks, portico blocks); trade items (for example specie, manilas and silverware) (Green 1989, pp. 214–217).

Figure 6. An anchor of Batavia called “Henrietta’s Anchor” after Henrietta Drake-Brockman. Courtesy of the Western Australian Museum.

Batavia’s cargo also included various building materials; the most remarkable being a pre-fabricated portico destined for the castle in Batavia. One hundred and thirty-seven shaped sandstone blocks were recovered during the excavation. Research showed that they were destined for the portico of the waterport of Batavia Castle (Weber and Lepper 2005, p. 53). The original portico is on display at the Western Australian Museum—Geraldton, whereas a replica can be seen in the Shipwreck Galleries of the Western Australian Museum in Fremantle. Other iconic objects from the Batavia shipwreck comprise a section of the ship’s hull and a custom-made silver set intended for sale to Indian Moghul ruler Jahangir.

As mentioned by Green, the Batavia shipwreck and its associated artefacts are significant on numerous levels (Green 1989 p. 211). Similar to the significance of Vergulde Draak, Batavia provides information about international maritime trade,
the difficulties of navigating at the time, and gives an insight in Dutch sailing and life aboard ships in the seventeenth and eighteenth centuries. It is also significant because it provides information of technological and scientific developments in ship construction in the seventeenth century (Van Duivenvoorde 2009, p. 68). The Batavia shipwreck and its associated land sites classify as one of Australia’s earliest European heritage sites, and they represent the earliest evidence of European settlement on Australian history. The Batavia shipwreck and its associated survivor camp sites were awarded the highest level of national significance in 2006, when they were placed on the Commonwealth National Heritage List (Commonwealth of Australia Gazette, 6 April, 2006). Batavia’s impact on its environment can still be viewed today (figure 7).

Figure 7. The reef after the excavation of Batavia. Courtesy of the Western Australian Museum.

Zuiddorp

The 1152-ton Zuiddorp was built in Zeeland in 1701, and the ship measured 54.3 metres in length. Under undermerchant Marinus Wijsvliet, Zuiddorp had left the Netherlands on 1 August 1711 with a crew of about 200 to 250 people (Playford 1996, p. 41). Different than the famous story of Batavia, Zuiddorp’s shipwrecking
(figure 8) is surrounded by mystery. No events relating to the wrecking of the ship have been recorded, and nothing is known for sure about the faith of the crew. *Zuiddorp* sailed in a convoy with V.O.C. vessel *Belvliet*, whose journals proved to be an important source of information for the archaeologists researching the site.

The wreckage of *Zuiddorp* was discovered by Tom Pepper in 1927. The shipwreck site lies about 60 kilometres north of the mouth of the Murchison River (Kennedy 1998, p. 30). Keeping this information to himself for many years, it was not until 1954 that he told befriended geologist Philip Playford about the site and several expeditions followed (McCarthy 2009, p. 3). The landsite was explored as well, and several indications of Aboriginal and European presence were found; indicating that some of the crew possibly made it to land (McCarthy 2009, p. 4). The faith of the survivors is a research topic that is an interest of archaeologists and other researchers, and research is performed even today.

The site of the shipwreck itself is subject to rough weather conditions, which makes diving on the site extremely difficult. In May 1964 Tom Brady led a team of divers on the site, and the team spotted two anchors, several cannon and lead ingots. On a next dive by the team (by then it was 1967), the famous ‘carpet of silver’ was
spotted; a layer of silver coins that, after word started spreading, ignited a lot of looting on the site, even though the Museum already enacted legislation on the V.O.C. sites back in 1964 (McCarthy 2009, p. 6). Brady’s information was made available to the Museum, and the Museum’s involvement on this site began in the seventies. It proved difficult to choose the best strategy and team to excavate the site. Different people with different ideas were involved, including the Dutch government, and the difficulty of the site needed specific strategies to make it diveable. The two main team leaders from the Western Australian Museum were Jeremy Green, and from 1986 onwards, Michael McCarthy, who both performed a lot of research on the site and excavated as much as the conditions would allow (McCarthy 2009, pp. 15–18).

The Zuidorp’s significance is similar to that of Vergulde Draak and Batavia. Artefacts recovered from the ship can be divided in similar categories as well. The fact that Zuidorp’s wrecking history is unknown, as well as the faith of the crew, adds extra significance to its story. If there were indeed survivors who made it to shore, this provides valuable information on shipwreck survivors, their contact with the Aboriginal people, and their shared history.

Zeewijk

The 850-ton ship Zeewijk was built in 1725 at Rammekens, in the Netherlands, and measured 44.2 metres in length. It set sail for Batavia under skipper Jan Steyns with a crew of 212 people but unfortunately wrecked after it ran aground on 9 June 1727 at the Houtman Abrolhos Archipelago. Since the shipwreck was not immediately destroyed, the crew managed to make it ashore on Gun Island, together with the chests of specie (Ingelman-Sundberg 1978, pp. 8–10). On 10 July, eleven of the fittest men and the first mate took off in the longboat of the vessel, trying to get help in Batavia, but they disappeared without a trace (Ingelman-Sundberg 1976, p. 19). Consequently, the remaining crew built a new vessel of the remains of Zeewijk’s wreck and local mangrove timber; the vessel was named Sloepie. The remaining 88 men continued their journey to Batavia on 26 March, and 82 of them would arrive safely in Batavia on 30 April 1728 (Ingelman-Sundberg 1977, p. 226). Here Jan Steyns was prosecuted for losing the Zeewijk and falsifying its records (Ingelman-
Remnants of the survivors’ camp (cannon, coins) were discovered in 1828 by John Stokes of the HMS *Beagle* and in the 1880s and 1890s by the guano mining on the islands (Stanbury 1998, p. 103). Material was donated by Florance Broadhurst, the son of Edward Broadhurst, director of Broadhurst and McNeil phosphate company and registered into the collection of the Western Australian Museum (Stanbury 1998, p. 106).

In 1952 several cannon were recovered from the shipwreck site by Lieutenant Commander M.R. Bromell and Bill Newbold. The shipwreck itself was discovered in 1968 by Hugh Edwards, who led Max Cramer, Neil McLaglan and Harry Bingham (WAM) and Colin Jack-Hinton (WAM) to the site. Several Museum expeditions, excavations and publications followed (figure 9) (Delgado 1997, p. 475).

*Zeewijk* has an additional significance over the other three V.O.C. shipwrecks because of its survivors’ camp. It provides information on the life of shipwreck survivors, and how they managed to survive after the wrecking incident. Not only basic information can be obtained, but the social organisation and hierarchy of the survivors after the shipwrecking provides an interesting historical account (Sigmund and Zuiderbaan 1976, p. 126).

![Figure 9. A diver working on the Zeewijk shipwreck site. Courtesy of the Western Australian Museum.](image-url)
LEGISLATION AND THE CREATION OF ANCODS

The period of time around the discovery of the Dutch shipwrecks has been mentioned by Bolton and Kennedy to be one in which the Australian Government started to formulate and to assert its rights over the territorial sea of Australia, not only against other nations, but also as against the States (Bolton 1977, p. 29; Kennedy 1998, p. 30). The reasons were off-shore oil discoveries and the increasing international interest in the resources on and above continental shelves. This background may reflect some information on the reasons why certain decisions were made regarding to create legislation to protect the shipwrecks.

The creation of protective legislation

As mentioned earlier, it did not take long after the discovery of the shipwrecks before people started visiting the sites and searching for their treasures. The Western Australian Museum, now responsible for the shipwrecks, tried to get legislation to protect them (Kennedy 1998, p. 31). In 1964, the Western Australian Parliament passed an amendment to the already existing Museum Act 1959 (WA), to include protection of all maritime archaeological shipwreck sites before 1900 (Green 1995, p. 35). It placed the sole right of working on historical shipwrecks in the Western Australian Museum (Museum Act 1973, 6 (1)). In this period another focus was the registration of artefacts recovered by the public prior to the enactment of the 1964 legislation. It was decided that those people were allowed to keep their artefacts, as long as the Western Australian Museum was able to fully register them (Bolton 1977, p. 28). A new Museum Act was passed in 1969 to correct some weaknesses, containing the amendments passed in 1964 but with some changes (Green 1995, p. 35). It was, for example, no longer possible to hand a shipwreck finder property (as a reward) in the form of material of the shipwreck (Kennedy 1998, p. 32). In 1973, the Museum Act was again redrafted and also retitled to Maritime Archaeology Act. The most important changes were that it superseded the historic shipwrecks section from the Museum Act 1969, and also acknowledged the ANCODS Agreement (Green 1995, p. 35). By including the ANCODS Agreement, it secured sufficient protection for the four Dutch shipwrecks.

In the same year, the Commonwealth passed its Seas and Submerged Lands Act
1973. These two acts contradicted each other. The foremost person, challenging the Maritime Archaeology Act in court was Alan Robinson. Robinson, one of the discoverers of *Vergulde Draak*, was actively looting the site (this included the use of explosives) and went to court several times, winning more than he lost (Kennedy 1998, p. 34). In the 1977 case Robinson versus the Western Australian Museum, it was ruled that the State Government did not have the jurisdiction to legislate, because this area was under authority of the Commonwealth. As a consequence, the *Maritime Archaeology Act 1973* became invalid (Green 1995, p. 35). *The Historic Shipwrecks Act 1976* was proclaimed in Western Australia after the ruling. In legally defined Commonwealth Waters the *Historic Shipwreck Act 1976* operates, in State Waters the State Act (thus in Western Australia the *Maritime Archaeology Act 1973*) operates (Green 1995, p. 36). The *Historic Shipwrecks Act 1976* applies to all water in Western Australia, up to the low-water mark, but excluding inland waterways and enclosed bays (Green 1995, p. 36).

On the occasion Robinson was found guilty, he had been melting damaged or common coins from *Vergulde Draak* and used the silver to create copies of scarcer coins known to have been on the shipwreck, and selling them to interested people as genuine (Kennedy 1998, p. 34). It does not have to be mentioned that this behaviour is lacking some serious ethics.

**The 1993 Historic Shipwrecks amnesty**

In Part II of the *Historic Shipwrecks Act 1976* shipwrecks in Australian waters, or waters above the continental shelf of Australia, adjacent to the coast of the State; and that are older than 75 years are declared historic shipwrecks (*Historic Shipwrecks Act 1976*, Part II, Section 4A). Worries arose that this “blanket protection” would place certain people in an unfair position, because they now held artefacts of shipwrecks that were protected by law (Rodrigues 2009, p. 154). It was seen as difficult and unfair by the Government to prosecute people holding artefacts based on section 4A without giving them a chance to return their artefacts without being prosecuted. In 1991 it was therefore decided to proceed with an amnesty to solve this problem (Rodrigues 2009, p. 154). The amnesty ran from 1 May to 31 March 1994, and resulted in the declaration of more than 20,000 artefacts (Rodrigues 2009, p. 155).
Even though there were several issues (for example the absence of a database to ensure a unified registration process and the long-term costs of the project), there were some significant results. Many artefacts proved to contribute important information to the archaeological knowledge of the shipwrecks they were associated with, including the four Dutch shipwrecks (Rodrigues 2009, pp. 159–160). One of the most remarkable ‘returns’ was a piece of a bell fragment from the Zuiddorp shipwreck, that fitted together with bell fragments that had been recovered during the excavation process in the early nineteen-seventies (McCarthy 2006, p. 104). It proved that the shipwreck was adjacent to a drying reef, which allowed survivors to get ashore (Rodrigues 2009, p. 160). This information proved an important clue in the faith of the people aboard Zuiddorp (Rodrigues 2009, p. 160). The Historic Shipwrecks amnesty was relevant for the ANCODS Agreement and Committee in this way, because the new items made the Collection more complete and provided new clues.

**The creation of the ANCODS Agreement**

It was in the light of constant law suits, that the Netherlands became involved as the official successor of the V.O.C. The Netherlands already sent out a proposal in 1964, but it was not until the legislation and protection of the shipwrecks became seriously threatened that Australia responded (Kennedy 1998, p. 33). Negotiations took place between the Australian Commonwealth, the Dutch Government, and the Government of Western Australia. The Dutch Government agreed to transfer its title and rights on the four Dutch shipwrecks to Australia. On 6 November, 1972 the Agreement between Australia and the Netherlands Concerning Old Dutch Shipwrecks (ANCODS Agreement) was signed, and the Australia Netherlands Committee on Old Dutch Shipwrecks came into existence. The Committee was given two tasks. The first task consisted of safeguarding the legal position of the Dutch shipwrecks, and the second task was to determine the disposition of the recovered artefacts. The Agreement was made official by incorporating it into the Historic Shipwrecks Act of 1976 (See Appendix A for the full Agreement). It was stated that the material recovered from the shipwrecks would be treated in the conservation laboratory of the Western Australian in Fremantle. After their conservation would be
completed, the artefacts were to be divided by ANCODS in three collections. The largest part of the Collection would stay in Western Australia, a second Collection would go to the Commonwealth (which was then allocated to the Australian National Maritime Museum in Sydney), and a third Collection would go to the Scheepvaartmuseum (National Maritime Museum in Amsterdam, the Netherlands) and at this time the Koninklijke Penningenkabinet in Leiden. When The Koninklijke Penningenkabinet closed down, their part of the Netherlands ANCODS Collection was transferred to the Geldmuseum (Money Museum in Utrecht, the Netherlands) (Bolton 1977, p. 29). Emphasis was placed on ensuring that the Commonwealth and Netherlands Collections would be representative for the artefacts recovered from the shipwrecks.

The ANCODS Committee

The ANCODS Committee was to exist of four members; two Australian and two Dutch members. The first four ANCODS Committee members were (Australia) John P.S. Bach, a maritime history expert from the University of Newcastle, and Geoffrey Bolton, who had served for years as chairman on the Western Australian Museum’s Maritime Archaeological Advisory Committee, and who is an Australian history expert. Dutch members included Gerrit D. van der Heide, a distinguished Maritime Archaeologist from the Netherlands, and P.A. van Buuren, the first secretary at the Netherlands Embassy in Canberra (Bolton 1977, p. 29). To date, the Australian members have always remained the same, but the Dutch members have changed throughout the years. The last Dutch ANCODS members were Andrea Otte, senior policy advisor in maritime heritage and a representative of the Dutch Ministry of Culture, and Eric Strating, Counsellor, Embassy of the Kingdom of the Netherlands (Australian Government on ANCODS, 2011).

The return of the Collection

In 2006 Netherlands Minister of Culture, Maria van der Hoeven first mentioned the idea of returning the Collection during the official celebrations of 400 years of Dutch-Australian relation. It took three years before Minister of Foreign Affairs Maxime Verhagen would make it official by announcing that the Dutch part of the
Collection would be returned to Australia (Media Release 22 January 2009). This process was formalised on 15 September 2010, and the Collection was returned during two official ceremonies. The first ceremony - the official handover of the artefacts to Australia, from Minister to Minister - took place on 9 November 2010 at the Australian National Maritime Museum in Sydney, and then on 21 February 2011 the Dutch ANCODS Collection was physically reunited with the V.O.C. shipwreck Collection; of the Western Australian Museum. The Australian National Maritime Museum in Sydney holds the Commonwealth ANCODS Collection as gazetted in the CMW Gazette No. S 325, 19 December 1983. The idea to return the artefacts, as put forward by Maria van der Hoeven, was not new. It had been mentioned many times before; by the Dutch ANCODS members during meetings, in written conversation, and it was voiced at the ANCODS Colloquium held from 7 to 9 January 1997 (see, for example: ANCODS File 4/80/3; Dutch proposal for consideration of the relocation of the artefacts, and ANCODS Resolutions 1997 <Appendix B>, resolution 1). This process and other ANCODS events will be discussed in more detail in Chapter 4.

A mutual declaration was signed on 15 September 2010 in Lelystad, the Netherlands, to make the repatriation official and to enable the return of the Dutch Collection to Australia (see Appendix C). In this declaration, it is stated that the ANCODS Committee no longer has a task to fulfil and, therefore, will become inactive (Paragraph 2). It is also agreed upon that, in case of the discovery of any new shipwrecks in the future, it might be decided to revive the Committee (Paragraph 3). The Committee itself, however, has in the past expressed its wish to create a joint Australia-Netherlands research team on the shipwrecks, which would need to be guided (ANCODS File 4/80/3, 6 December 1997, p. 2). The Committee’s advice could be used in other situations, such as archaeological research projects relating to the shipwrecks. Therefore, for the future of the archaeological Collection and related research outcomes, it may better if the Committee would remain active.
CHAPTER 3 ANCODS AND ETHICS

INTRODUCTION

In its beginning the discipline of archaeology focused mainly on the collection and classification of artefacts (Chase, Chase and Topsey 2006, p. 20). This goes back to the 1800s, when artefact amassing was mainly carried out by antiquarians and collectors. In this period, even the collection of knowledge and science was perceived differently as it was believed to be a way of increasing comprehension (Chase, Chase and Topsey 2006, p. 20). Nowadays, this belief has evolved and into today’s science of archaeology, which focuses on the collection of knowledge and context, and not just the gathering of artefacts. As stated in the Concise Oxford Dictionary of Archaeology “Operationally, archaeology has come to mean the study of past human societies and their environments through the systematic recovery and analysis of material culture or physical remains” (Darvill 2008, p. 23). It is not the artefacts archaeologists are interested in, but the people associated with them. The distinction between looters and professional archaeologists is not only that the latter possess a relevant degree, but also that they choose to work under a professional code of conduct, namely through a code of ethics. Various organisations have developed general codes of ethics for the professional practice of archaeology, but more specific ones designed for sub-disciplines, like underwater; or maritime, archaeology have been designed as well. The 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage, for example, is often used as referral to a code of practice.

This chapter discusses the ANCODS Agreement and Committee in relation to different codes of ethics in order to place the Agreement in a framework of values. This provides information on where the Agreement and Committee stand in the time they were created, and where they stand now. This discussion may clarify the direction taken by ANCODS within the practice of underwater cultural heritage (UCH) management. The codes of ethics discussed in this chapter are those of Museums Australia Incorporated (1999); the International Council of Museums (ICOM) (2006); International Council on Monuments and Sites (ICOMOS);
Australasian Institute for Maritime Archaeology (AIMA); Advisory Council on Underwater Archaeology; as well as the guidelines of the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage. Needlessly to say, all codes and guidelines of these organisations are relevant. The specific codes and guidelines are considered ‘relevant’ because they are directly related to the ANCODS Agreement, Committee, or Collection in light of the aims of this thesis. This is either because they focus on collection management or maritime archaeological practice. It is not the intention of the author to create the impression that other codes and guidelines are less relevant than the ones discussed below. Quotes are deliberately cited directly from the Codes of Ethics and are not rephrased, to prevent errors in their interpretation.

AGREEMENT BETWEEN AUSTRALIA AND THE NETHERLANDS CONCERNING OLD DUTCH SHIPWRECKS

The Netherlands first approached the Australian Government in 1964. Yet, it took nearly a decade for the Agreement to be drafted and signed by Wim Blokzijl (Head of the Inspection Division, State Property Directorate, Dutch Ministry of Finance) acting on behalf of the State of the Netherlands, and Lloyd Douglas Thomson (Australian Ambassador to the Netherlands), acting on behalf of the Government of the Commonwealth of Australia on 6 November 1972 in the Hague, the Netherlands. The Agreement itself consists of ten articles, and also includes a list of guiding principles specifically created to assist the Committee in its tasks.

The Netherlands Government acts as the legal successor of the V.O.C., but, in this case, transferred “all its right, title and interest in and to wrecked vessels of the V.O.C. lying on or off the coast of the State of Western Australia and in and to any articles thereof to Australia which shall accept such right, title and interest” (first article of the Agreement). This may sound surprising, as the ships were known to have carried so-called “treasure” and the Government of the Netherlands has had an interest in V.O.C. shipwrecks for their financial benefits. In the past, the Government has issued numerous salvage permits and even violated Agreements on Submerged Cultural Heritage- the most recent incident being the salvage of V.O.C. ship Rooswijk in 2005 (Van Duivenvoorde 2006, pp. 15–16). In case of Australia, several
factors probably influenced the decision by the Dutch Government to act differently. The fact that the four vessels wrecked in remote locations, for example, may have been of influence. Their sites are also not easily accessible and warrant challenging diving conditions; both resulting in high expedition costs. Furthermore, the public pressure in Western Australia for legal protection of the shipwrecks may have been of significant influence (Green 1995, p. 35). Plus, the Netherlands already possess a large amount of V.O.C. antiques that were preserved from the Golden Age. All together, and probably because of many other reasons, the Netherlands must have seen the benefits of entering into the ANCODS Agreement, and, maybe even more important, without any financial obligations towards Australia as stated in the third article. “Australia shall make no claim on the Netherlands for reimbursement of any costs incurred in searching for any of the vessels [...] or in recovering any articles from those vessels” (HSA 1976, schedule 1, Article 3).

It is stressed in the ANCODS Agreement that the Netherlands still has a continuing interest “particularly for historical and other cultural purposes” in the articles recovered from any of the vessels (HSA 1976, schedule 1, Article 4). This is an interesting statement, in the light of the second article in which is stated that the Netherlands officially transferred all its rights on the vessels and their artefacts to Australia. The fourth article is also the one in which is stated that a committee will be set up “to determine the disposition and subsequent ownership of the recovered articles between the Netherlands, Australia, and the State of Western Australia”. Again, although from the second article onwards it became clear that the Netherlands does not have legal rights to the artefacts, a committee is created in the fourth article to take care of the disposition. This is remarkable, and seems to indicate that Australia and the Netherlands were really interested in a joint-research programme relating to the shipwrecks and their cultural remains. In articles five and six further details regarding the creating of the Committee and their tasks are discussed, and in article seven is written that “expenditure incurred by the Committee in the performance of its work shall be shared between the two parties represented on the Committee” with the Netherlands paying for one-third and Australia for two-thirds of incurred costs (provided that each party bears the costs of travel by the Committee members, the costs of communications by a party to the Committee shall be borne by the despatching party, and the expenses of transportation of articles distributed in
In accordance with determinations of the Committee shall be borne by the recipients. In case of any disagreements, article eight states that an independent consultant is to assess the issue and his/her report shall be referred to the Committee for reconsideration. The cost, again, would be shared between the two parties as aforementioned. If the parties still cannot come to an agreement, the matter should be referred to the Governments of both parties and settled by negotiation (HSA 1976, schedule 1, Article 9). It should be mentioned though, that such disagreement has never occurred to date (Bolton 2011, pers. com.). Finally, article ten states that the Agreement is to enter into force on the date both parties sign it.

Following the articles, the arrangement setting out the guiding principles is attached in the Agreement. Through these guidelines, the principles and professional ethics underlying the Agreement can be understood.

The Committee’s guiding principles

The responsibility of the Committee is clearly stated at the onset of the principles: It embraces all material recovered from the shipwrecks, whether it is recovered prior to the Agreement or after. The “General Principles” section of the arrangement is divided under subheadings “Representative collections”; “Considerations governing the partition of archaeological collections”; and “Treatment of material recovered”.

Under “Representative Collections” a statement relating to the division of the collection can be found: “Although a division would not be warranted by consideration of cash value alone, the historic, educational, scientific and international considerations are such as to make the deposition of representative collections in the museums of the Netherlands and Australia most desirable. The remainder of the material would be held in the Western Australian Museum.” The aforementioned considerations are detailed under “Considerations governing the partition of archaeological collections”. Change of ethics in collection management can be noted from the following sections: “In modern archaeological practice sites are no longer regarded merely as a source of important individual items, but rather as a body of material whose collective value far outweighs the importance of the individual pieces and in which the relationship of the individual objects within the
sample are a major part of its historical value”. It continues later on: “If the decision
is made that the contents of an archaeological site are to be apportioned between two
or more institutions, the first principle to be observed is that the total assemblage
should be capable of reassembly to allow further statistical and scholarly analysis. It
follows, therefore, that unnecessary splitting of a sample of closely similar objects
capable of statistical treatment should be avoided and, where samples are
accommodated in more than one institution, those institutions should contract not to
disperse them further and, moreover, allow samples to be brought together for
analysis and study as required”. The second principle is that “where unique or rare
objects, themselves, form a meaningful assemblage within the whole, this
assemblage should not be split or, if split, perfect replicas be made to complete the
assemblage (...).” The General Principles also contains the section “Treatment of
material recovered” which states that some articles are in need of immediate
conservation and cannot await distribution.

Although they are mentioned in the beginning, the “historic, educational,
scientific and international considerations” are not mentioned specifically for each of
these categories. The general considerations, however, are made clear. The
description (“In modern archaeological practice sites are no longer regarded merely
as a source of important individual items [...])” clearly shows that these
considerations were seen as recent developments within the discipline of archaeology
and collection management. Some sections appear to contradict each other. For
example, it is stated that the collective value far outweighs the importance of the
individual pieces, but the Collection was still split up between Western Australia, the
Australian Commonwealth and the Netherlands. From there, the Collection was split
up even further. Although the Western Australian part or general Collection was
managed in one museum (Western Australian Museum), it was split between the
Shipwreck Galleries and the museum’s branch in Geraldton. The Collection allocated
to the Netherlands Government was split between the Scheepvaartmuseum (figure
10), and the Geldmuseum (this will be discussed in more detail in the “Discussion” of
this chapter). These inconsistencies are probably the result of the Agreement being
made between the two countries under certain conditions; the Netherlands wanted
part of the Collection (as did the Commonwealth and the state of Western Australia),
so guidelines had to be adapted to be consistent with both ethic codes and the wishes
of the three parties involved.

Figure 10. The Scheepvaartmuseum in Amsterdam, July 2009. Courtesy of Ron van der Marel.

The General Principles section is followed by the “Operating Principles” section. This section consists of subheadings “Code of Operation”; “General Aims”; “Statistical Samples”; and “Less common or rare objects”. Under Code of Operation is stated that the Committee will review proposals for distribution made from time to time, and that it can decide to increase or decrease the proposed samples. The General Aims state that the Committee has “the purpose of ensuring that representative series of statistical samples and sufficient examples of the rarer objects will be deposited in the museums of the Netherlands and Australia to convey variety and contents of each shipwreck to both the public and to scholars while, at the same time, ensuring that major projects of scholarly research will not be impeded by overfragmentation of the Collection.” This section thus states that the aim of the committee is to make sure an equal division is made, but that the Collection will not be overfragmented so it will remain suitable for scholars who want to access it for research purposes. Under Statistical Samples is stated that the Committee will ensure that every museum gets a collection similar to that of the other museums. Although many objects were recovered in large quantities, the Collection also includes a significant amount of less common and rare or unique objects. The Committee’s policy on this is written under the last subheading; “Less common or rare objects”. The following is written about the procedure for less common and unique objects:
“Since the relationships of such objects to the whole sample cannot be known until excavation is complete, the distribution of specimens of this nature cannot be considered during the continuing process of recovery. However, at reasonable intervals [...] it should be possible to assemble a representative sample with fair certainty that all duplicates of any rare object present in a particular excavation should have been recovered and their nature taken into consideration during the deliberations of the Committee.” It can be observed from the Operating Principles section that the main principle is that all material is divided equitably and that samples should remain suitable for scholarly research. This is the last written part of the Agreement. A schedule is attached to it in which the four shipwrecks and their approximate locations are stated (See Appendix A).

CURRENT CODES OF ETHICS RELATING TO COLLECTION MANAGEMENT

The category of collection management compromises the ICOM code of ethics for museums, and the Museums Australia Incorporated code of ethics.

ICOM Code of Ethics for Museums

The original name of the code of ethics was *ICOM Code of Professional Ethics*, and it was unanimously adopted by the 15th General Assembly of ICOM in Buenos Aires, Argentina on 4 November 1986. It was later amended by the 20th General Assembly in Barcelona, Spain and retitled to its current name. During the 21st General Assembly in Seoul, Republic of Korea on 8 October 2004 it was revised (ICOM, p. ii).

The ICOM code of ethics was created as a minimum standard for museums, and reflects principles generally accepted by the international museum community. It is also recommended for individual nations and organisations to use this code as a basis (ICOM, p. iv). As mentioned, this code provides the bare minimum, which means higher standards are recommended.

The code itself exists of eight ‘principles’ and includes an introduction and glossary as well. When examining the code of ethics, it becomes clear that a number of these principles and their extensions are directly relevant to the ANCODS
Agreement, Committee and Collection. The first of these is number 2.0, which fully reads:

2.0 “Museums have the duty to acquire, preserve and promote their collections as a contribution to safeguarding the natural, cultural and scientific heritage. Their collections are a significant public inheritance, have a special position in law and are protected by international legislation. Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility and responsible disposal”.

This is a key notion of what the ANCODS Agreement is based on and the reason why it was brought to life. In order to safeguard the heritage it was excavated, conserved and documented by the Western Australian Museum. ANCODS was created to facilitate a process in which two different countries are culturally involved.

The next principles on museum collection and research relevant to this thesis are 3.9 and 3.10. These principles state:

3.9 “Shared Expertise. Members of the museum profession have an obligation to share their knowledge and experience with colleagues, scholars and students in relevant fields. They should respect and acknowledge those from whom they have learned and should pass on such advancements in techniques and experience that may be of benefit to others.”

3.10 “Co-operation Between Museums and Other Institutions”. Museum personnel should acknowledge and endorse the need for co-operation and consultation between institutions with similar interests and collecting practices. This is particularly so with institutes of higher education and certain public utilities where research may generate important collections for which there is no long-term security.”

These two notions relate directly to the creation of ANCODS, where two countries work together because of mutual heritage and share their knowledge on the topic. The principles of number six are similar:

6.0 “Museum collections reflect the cultural and natural heritage of the communities from which they have been derived. As such, they have a character beyond that of ordinary property, which may include strong affinities with national, regional, local, ethic, religious or political identity. It is important that museum policy is responsive to this situation.”

6.1 “Co-operation. Museums should promote the sharing of knowledge, documentation and collections with museums and cultural organisations in the countries and communities of origin. The possibility of developing partnerships with museums in countries or areas that have lost a significant part of their heritage should be explored.”

6.2 “Return of Cultural Property. Museums should be prepared to initiate dialogues for the return of cultural property to a country or people of origin. This should be undertaken in an impartial manner, based on scientific, professional and humanitarian principles as well as applicable local, national, and international legislation, in preference to action at a governmental or political level.”
6.3 “Restitution of Cultural Property. When a country or people of origin seeks the restitution of an object or specimen that can be demonstrated to have been exported or otherwise transferred in violation of the principles of international and national conventions, and shown to be part of that country’s or people’s cultural or natural heritage, the museum concerned should, if legally free to do so, take prompt and responsible steps to co-operate in its return.

Museums Australia Incorporated Code of Ethics 1999

This code of ethics was originally published by the Council of Australian Museum Associations in 1985. The 1985 edition was created because changes occurred in the ethical basis on which museum people made decisions in their professional capacity (Museums Australia Incorporated Code of Ethics 1999, p. 1). On 3 December 1993 the Arts Museums Association of Australia Inc., the Museums Association of Australia Inc., the Museum Educations Association Inc., and the Council of Australian Museums Associations Inc. amalgamated, resulting in Museums Australia Incorporated on 1 January 1994. The 1999 edition was published by Museums Australia Incorporated. Museums Australia is assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body, and by the Department of Communications, Information Technology and the Arts (Museums Australia Incorporated Code of Ethics 1999, p. 1).

The code itself consists of 18 sections, which similar to the ICOM code are divided in subsections. It is a very extensive code, detailing the definitions of a museum to all the personal responsibilities of a museum officer and including even matters like salaries and resignation.

The first relevant section 5.1, which falls under main section five: “Research into collections”. Section 5.1 reads: “Research is one of a museum’s most important functions. Curators should spend as much time as possible documenting and interpreting collections. A clear policy should exist concerning research by curatorial staff and the publication of their findings, which should be disseminated beyond the museum where appropriate”. This notion is relevant, for it refers to one of the main principles in the Agreement, namely that the Collection should stay available for scholarly research.

The next relevant sections are 11.1 and 11.2, which state:

11.1 “Museum officers have the obligation to share their knowledge and experience with their colleagues, and with scholars, students or collectors in relevant fields. They should show their appreciation and respect to those from whom they have learned and should present without
thought of personal gain such advancements in techniques and experience which may be of benefit to others.”

11.2 “Museum officers must share expertise and information relating to research on the collections of the museum, both in dealing with inquiries from the general public and by co-operating wherever appropriate in the dissemination of their knowledge”.

This is similar to section 3 of the ICOM Code of Ethics discussed above.

CURRENT CODES OF ETHICS DIRECTLY RELATING TO MARITIME ARCHAEOLOGY

In the category of ‘maritime archaeology’ belong the International Council on Monuments and Sites (ICOMOS); Australasian Institute for Maritime Archaeology (AIMA); Advisory Council on Underwater Archaeology; as well as the guidelines of the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage.

**ICOMOS Charter on the Protection and Management of Underwater Cultural Heritage 1996**

This charter was ratified by the eleventh ICOMOS General Assembly, held in Sofia, Bulgaria from 5 to 9 October 1996 and focuses on the management of underwater cultural heritage. It should be considered a supplement of the ICOMOS Charter for the Protection and Management of Archaeological Heritage, 1990 (ICOMOS 1996 Charter Introduction). In its introduction is immediately stated that underwater cultural heritage by its very nature is an international resource, since a large part of the underwater cultural heritage is located in an international setting and derives from international trade and communication in which ships and their content are lost at a distance from their origin of destination (ICOMOS 1996 Charter Introduction). This is interesting, because it relates to the international character of the Agreement. Apart from the Introduction, the charter consists of 15 articles, all relating to the managing of underwater cultural heritage. They are not subdivided any further.

Most relevant to the topic of this thesis are (parts of) Articles 13, 14 and 15. The last section of Article 13, on the topic of ‘Curation’, states: “The scientific integrity of the project archive must be assured; deposition in a number of institutions must not preclude reassembly to allow further research.” This notion of scientific integrity
even though the Collection might be broken up between several institutions is one that has a strong presence throughout the Guiding Principles in the Agreement, and becomes clear through the fact that the Netherlands just returned their part of the ANCODS Collection to Australia. Article 14, on the topic of Dissemination, reads:

“Public awareness of the results of investigations and the significance of underwater cultural heritage should be promoted through popular presentation in a range of media. Access to such presentations by a wide audience should not be prejudiced by high charges. Co-operation with local communities and groups is to be encouraged, as is co-operation with communities and groups that are particularly associated with the underwater cultural heritage concerned. It is desirable that investigations proceed with the consent and endorsement of such communities and groups. The investigation team will seek to involve communities and interest groups in investigations to the extent that such involvement is compatible with protection and management. Where practical, the investigation team should provide opportunities for the public to develop archaeological skills through training and education. Collaboration with museums and other institutions is to be encouraged. Provisions for visits, research and reports by collaborating institutions should be made in advance of investigation. [...]”

Article 15, on International cooperation, reads:

“International co-operation is essential for protection and management of UCH and should be promoted in the interests of high standards of investigation and research. International co-operation should be encouraged in order to make effective use of archaeologists and other professionals who are specialised in investigations of UCH. Programmes for exchange of professionals should be considered as a means of disseminating best practice.”

Article 14 and 15 relate to the cooperation between different researchers, not only on a local scale, but on an international level as well.

**AIMA Code of Ethics**

The Australasian Institute for Maritime Archaeology is a non-profit organisation dedicated to the preservation of underwater cultural heritage, and promotion of maritime archaeology conducted in accordance with internationally accepted ethical standards (AIMA n.d.). AIMA is based in Australia but works throughout the entire Australasian region. As stated on AIMA’s website, the organization aims to support and undertake scientific research in the field of maritime archaeology with a defined code of ethics, and publish the results of their work. The Code of Ethics created by AIMA forms an important part of their research. The Code starts with the definition of a maritime archaeologist, followed by Part A and Part B of the ethics. Part A is the actual Code of Ethics, and Part B is the Standard or Research Performance Preamble.
In section A; 1.1-e and 1.1-f it is stated that members have to support and comply with the terms of the ICOMOS Burra Charter as well as the terms of the UNESCO Convention on the Protection of the UCH. This directly widens the scope of the AIMA code, because it involves several other guidelines and ethics. The ICOMOS Burra Charter will be discussed in Chapter Six (because it is related to mutual or shared heritage) and the UNESCO Convention will be discussed below. Section A 2.1-e states that archaeologists should give due respect to colleagues interests in, and right to, information about sites, areas, collections, or date where there is a mutual active or potentially active research concern. This, again, talks about working together and sharing research with colleagues.

In section B; 1.6 is stated that an archaeologist must “determine whether the project is likely to interfere with the program of other scholars and if there is such likelihood, initiate negotiations to minimise such interference”. Section B; 5 states: “Specimens and research records resulting from a project must be deposited or placed under the control of an institution with permanent curatorial facilities.” The last relevant section B; 6 states: “The archaeologist has responsibility for appropriate dissemination of the results of her/his research to the appropriate constituencies with reasonable dispatch.” It is apparent that the relevant sections of B again mention cooperation within the discipline and involved institutions, and that results have to be available to the interested public and researchers. The storage of the Collection is mentioned as well, which plays a big role in the Agreement.

Advisory Council on Underwater Archaeology Ethics Press Kit

The ACUA is an international advisory organisation on issues relating to underwater archaeology, conservation, and submerged cultural resources management. Its goal is to educate scholars, government, sport divers and the general public about underwater archaeology and the preservation of underwater cultural resources (ACUA 2010). That is why ethics form an important part of the ACUA. The ACUA recently developed the ACUA Ethics Press Kit, and published a blog on ethics on their website written by maritime archaeologist Della Scott-Ireton from the Florida Public Archaeology Network (See ACUA A Matter of Ethics 2010). The blog is written for the general public and an excellent example in making the general
public aware of why archaeologists preach the consideration of ethics relating to underwater cultural heritage.

The Ethics Press Kit exists of a Background, a section on Ethics in Underwater Archaeology and the section “Underwater Archaeologists”. The Kit is developed for the general public and discusses ethics that are underlying the work and research strategies of maritime archaeologists. One of the things stressed in the Background section is the importance of the 2001 UNESCO Convention. The importance of cooperation is once again shown in the “Underwater Archaeologists” section: “[Underwater archaeologists] Acquire permits, consult with colleagues, and form partnerships with the stewards and stakeholders of an underwater site – state, federal, public, or private – to conduct projects according to the appropriate legal and community framework”. It is interesting that the word “stakeholders” is used here, since it indicates a wide audience of everyone who has interest in the site.

2001 UNESCO Convention on the Protection of Underwater Cultural Heritage

The United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection of Underwater Cultural Heritage is an international agreement specifically dedicated to the protection of underwater cultural heritage. The Convention, “which recognizes this heritage as part of the cultural heritage of humanity, was designed to guarantee its preservation through a specific protection and cooperation framework among its States Parties” (UNESCO Convention 2001, p. 10). The UNESCO Convention on the Protection of the Underwater Cultural Heritage, adopted on 2 November 2001 by the UNESCO General Conference, is intended to enable States to effectively protect and preserve their underwater cultural heritage, and entered into force in January 2009 (UNESCO 2011). The Convention sets out basic principles for protecting underwater cultural heritage contains provisions for an international cooperation scheme, and it provides practical guidelines for dealing with such heritage. There are two parts to the 2001 Convention: The main text, which identifies basic principles for the protection of underwater cultural heritage and provides a detailed reporting and coordinating system in order to enable States to undertake such protection, and the Annex, which contains widely recognized and applied practical rules for the treatment and research
of underwater cultural heritage (UNESCO Convention 2001, p. 11). The Convention is seen as a benchmark for current practice and proactive protection of underwater cultural heritage. As mentioned by Thijs Maarleveld, basic principles of joint responsibility and joint enjoyment of the past are often challenged by States, individual politicians and private individuals when it comes to managing underwater cultural heritage (Maarleveld 2008, pp. 50–51). The Convention gives the international community specific guidelines and in this way adds to the consistency of managing underwater cultural heritage.

Article six of the Convention directly relates to “Bilateral, regional, or other multilateral agreements”. It encourages entering into bilateral agreements, and has a more informative nature. It consists of three sections, reading:

“1. States Parties are encouraged to enter into bilateral, regional or other multilateral agreements or develop existing agreements, for the preservation of underwater cultural heritage. All such agreements shall be in full conformity with the provisions of this Convention and shall not dilute its universal character. States may, in such agreements, adopt rules and regulations which would ensure better protection of underwater cultural heritage than those adopted in this Convention.

2. The Parties to such bilateral, regional or other multilateral agreements may invite States with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned to join such agreements.

3. This Convention shall not alter the rights and obligations of States Parties regarding the protection of sunken vessels, arising from other bilateral, regional or other multilateral agreements concluded before its adoption, and, in particular, those that are in conformity with the purposes of this Convention.” Rule eight relates to international cooperation as well: “International cooperation in the conduct of activities directed at underwater cultural heritage shall be encouraged in order to further the effective exchange or use of archaeologists and other relevant professionals.”

Rule 33 of the UNESCO Convention, states “the project archives, including any underwater cultural heritage removed and a copy of all supporting documentation shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.” This rule addresses an important
issue. The Agreement was partly created to divide the Collection into three parts, something that contravenes Rule 33. This issue will be discussed below.

THEMES IN THE CODES OF ETHICS

The different codes of ethics, discussed in this chapter have several main “themes” relating to the research aims of this thesis. These main themes seem to be “safeguarding of the heritage”, “sharing expertise” and “cooperation”, the “return of heritage” and “mutuality”, or cases in which the heritage involved concerns mutual or international heritage. In table 1 the discussed codes are depicted, together with these themes. The Y(es) and N(o)’s show if the codes specifically mentions this theme (table 1).

Table 1. The in this chapter discussed Agreement, Codes of Ethics, and UNESCO Convention, in relation to the mentioned themes relating to the research aims.

<table>
<thead>
<tr>
<th>Source</th>
<th>Safeguarding</th>
<th>Sharing</th>
<th>Cooperation</th>
<th>Public Access</th>
<th>Return</th>
<th>Mutuality</th>
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</table>

Safeguarding

The basic idea behind all these codes is the safeguarding of the heritage, as shown in ICOM Codes of Ethics 2.0. This is what influenced the reason behind the creation of the Agreement; to safeguard the four shipwrecks from looters and make sure they would remain a valuable scientific resource. Although not all the discussed codes specifically mention the word “safeguarding”, the idea of safeguarding the involved heritage is clearly discussed in the Codes of Ethics of the discussed organisations (table 1).
Sharing expertise and cooperation

The next theme seems to be that of the sharing of knowledge and expertise with other scholars and institutions, and cooperating with them (ICOM 3.9, 3.10, 6.1.; Museums Australia Inc. 11.1, 11.2.; AIMA A 2.1-e, B 1.6). As shown in Table 1, all institutions discuss this in their ethics (table 1). Some even specifically address international cooperation (ICOMOS 15, UNESCO 8). The Agreement itself is the outcome of cooperation between (international) institutions, working, continuing research in archaeological, historical, and cultural areas (see the Agreement article four, locked down further in articles seven, eight and nine).

Public access

Another topic related to the sharing of knowledge is the disclosure of the collection to the public, and publication of the research (Museums Australia Inc. 5.1, AIMA B 6). All institutions mention it (Table 1). The ‘public’ is described differently through the different codes, from communities with national, regional, local, ethnic, religious or political identity (ICOM 6.0), to “stakeholders” (ACUA) or just “public” (ICOMOS 14). Several (international) efforts have been made by the ANCODS Committee and the researchers to share the knowledge resulting from their research. The most obvious results can be found in the many excavation reports of the Dutch shipwrecks, the museum exhibitions in the Western Australian Museum, Australian National Museum and the Scheepvaartmuseum (prior to the Netherlands returning their part of the Collection). Several other projects include: ‘The Digitisation of Museums’ Collections in the Netherlands’, based on a case study of the digitisation of the Netherlands ANCODS Collection at the Scheepvaartmuseum and Geldmuseum (ANCODS Projects 2010); a comparative geological analysis of samples of the Batavia sandstone with samples from German quarries (Weber and Lepper 2005, p. 53); the re-publication of the 1647 Jansz edition of the Ongeluckige voyagie book by the Koninklijke Bibliotheek (Koninklijke Bibliotheek, Barren Regions n.d.); Batavia Shipwreck: Analyses of Human Skeletal Remains Associated with the Batavia Mutiny of 1629 (WAM 2011 Projects); National Heritage Listing Websites: Cape Inscription/Batavia (ANCODS Projects 2010); The Dendro-Archaeology of Seventeenth-Century Dutch East Indiaman Vergulde Draak (WAM
2011 Projects); and *Batavia* Shipwreck: Study of the *Batavia* Ship's Hull Remains (Van Duivenvoorde *in press*. See ANCODS Projects 2010 for a more extensive list). The aforementioned digitalisation of the collection of the shipwrecks and their associated landing sites deserves special notice. The Western Australian Museum made its entire collection available in an online database, including the Netherlands and Australian National Maritime Museum ANCODS Collection (see WAM ANCODS Database 2011). The Netherlands created an online database as well, but included only the Dutch part of the Collection (see CIE ANCODS Database 2011). Both databases were launched during the opening of the “Well Travelled Artefacts” exhibition in the Western Australian Museum’s Shipwreck Galleries (figure 11). These two databases are an excellent example of reaching out to the public and (international) cooperation, making the entire Collection accessible to interested people everywhere on the planet.

![Figure 11. The launching of the Netherlands’ and Australian database by Willem Andreea and John Day. Courtesy of David Whitely.](image)

On several occasions the Committee has pleaded for a joint-research committee or group, which becomes apparent in, for example, the 1997 recommendation (see Appendix B) and communications between ANCODS members Bolton and Reinders in 1997 (ANCODS File 4/80/3, 6 December 1997, p. 2). Unfortunately, this was never endorsed by the Australia and Netherlands Governments, claiming that it is too much trouble to change this in the Agreement, and that it costs too much money (ANCODS File 4/80/3, July 1997, pp. 1–2).
Return and mutuality

The topic of return and restitution is touched upon by the ICOM Code. Surprisingly, only a few codes mention the manner in which artefacts of a particular collection should be kept together (table 1). Article 13 of the ICOMOS charter mentions the fact that scientific integrity of the project archive must be assured, and that deposition in a number of institutions “must not preclude reassembly to allow further research”. This is where the Agreement fits best, it was split up, but research on the artefacts continued and in 2010/2011 the Dutch part of the Collection was returned and it is now complete again. The Guiding Principles in the Agreement itself mention this as well. The Collection that went to the Netherlands was further divided between the Scheepvaartmuseum and the Geldmuseum. There were more than 900 coins (reales de a ocho and divisions) that the Scheepvaartmuseum did not display, which were sent to the Rijkspenningen Kabinet and after its closure to the Geldmuseum. The box of coins was first opened, after being in the museum’s collection for 25 years, when Walter Bloom, the curator of the numismatic collection of the Western Australian Museum, visited the Geldmuseum to meet with Andrea Otte (Dutch ANCODS members) and Christel Schollaardt (Collections Manager Geldmuseum) (ANCODS File 4/80/6, 19 November 2008, p. 1). It is questionable whether any research opportunity and public outreach could have eventuated out of these coins. This matter will be further discussed in Chapter 4.

The most appropriate statement regarding the splitting up of collections is the one in the UNESCO Convention (rule 33), which obviously stands in contrast with how the Agreement split up the Collection. The Australia Government has yet to ratify this Convention, although it is used as a bench mark in the managing of underwater cultural heritage. Nonetheless, the Convention is the only institution who does have a section regarding bilateral Agreements, in which it is stated in the third section that the Convention shall not alter rights and obligations regarding the protection of sunken vessels, arising from bilateral agreements concluded before its adoption. This could possibly relate to the ANCODS Agreement and Collection. It should be kept in mind that the splitting up of collections is obviously not recommended. ICOMOS and AIMA mention heritage as being international and also international cooperation.
When comparing modern-day ethics to the 1972 Agreement, it is striking how advanced the ethics woven into the Agreement are. In the period when shipwreck legislation was still new and challenged every day, two countries worked together to protect and perform research on their shared heritage. The splitting up of the Collection would be something that today is not recommended, but it was probably seen as acceptable at the time. Now the Dutch Collection has returned to Australia it complies with modern-day ethics, and the Agreement thus sets an excellent example in the realms of underwater cultural heritage management.
CHAPTER 4 ANCODS AND THE DUTCH COLLECTION

INTRODUCTION

The ANCODS Agreement resulted in the appointment of a Committee to determine the disposition and subsequent ownership of the recovered articles between the Netherlands, Australia (Commonwealth) and the State of Western Australia. The largest part of the Collection stayed in the Western Australian Museum, and the Committee tried to evenly divide two smaller Collections between the Netherlands and Commonwealth Governments. The return of the Dutch artefacts to Australia in 2010 received extensive media attention, and should be considered an important step into the management of mutual or shared cultural heritage (Chapter 5). This chapter discusses the developments of the last 28 years and highlight issues the Committee had to deal with, focusing on discussions around the return of the Dutch Collection and the establishment of a research committee. The latter is important as it is directly related to the future of the ANCODS Committee (see also chapter 6). These issues and developments played a role in the final return of the collection and provide an insight in the ideas and ethics of the Committee. The importance of the return of the Collection, the significance of the Collection while in the Netherlands, and its implication upon its return will are assessed in this chapter.

DEVELOPMENTS DURING THE ANCODS YEARS 1972–2011

The Committee met about every four or five years, depending on different factors, for example if there was an urgent matter that had to be dealt with (Bolton 2011, pers. com.). The Western Australian Museum is assisted by the Maritime Archaeology Advisory Committee (MAAC). It is the task of the MAAC to advise on the historic significance of shipwrecks, their protection under current legislation, and the daily operations and implementation of State and Commonwealth legislation. The MAAC members also advise on issues related to the ANCODS Agreement and past ANCODS Committee meetings (ANCODS File 4/80/3 25 November 1991, p. 3).

During the early ANCODS meetings (figure 12), the members mainly discussed
issues involving ownership. The Netherlands members, for example, requested a declaration under subsection 20(2) of the *Historic Shipwrecks Act 1976*, vesting ownership of the relics allocated to the Netherlands in 1985. Other issues the Committee members addressed included the physical location of archaeological material. The Australian Commonwealth received a sub-collection, but the Committee members believed it was undesirable for it to remain in indefinite storage. This collection was eventually accessioned into the collection of the Australian National Maritime Museum, but, prior to this solution, the Committee members explored different exhibition ideas put forward by interested parties, such as the Museum of Australia (ANCODS File 4/80/3 18-20 September 1985, p. 2). The transfer to the Australian National Maritime Museum was officially signed on 22 August 1991 (ANCODS File 4/80/3 22 August 1991, p. 1).

In addition to ownership and location issues, other issues were discussed or dealt with when the need arose. New ideas, for example, such as broadening ANCODS’ involvement, were considered on occasion. During the meeting on 15 May 1974,
W.D.L. Ride, then Director of the Western Australian Museum, presented a paper on the Western Australian Museum’s cooperation with Indonesia (ANCODS File 4/80/3 15 May 1974). Ride pointed it out as “an unravelling V.O.C. story” relating to Jeremy Green’s research in the Netherlands and Ian Crawford’s endeavours in Indonesia. In the Netherlands Green had been involved the reconstruction of a seventeenth-century V.O.C. vessel. Part of Crawford’s trip to Indonesia had been to commence a research effort into early contacts between Aboriginal Australia and Indonesian fishing expeditions, and the increasing Australian involvement providing scientific, cultural, and educational assistance in Indonesia (ANCODS File 4/80/3, 15 May 1974, p. 1). The Committee was informed about opportunities of trilateral involvement including the Indonesians in maritime archaeology projects. The possibility of including other types of vessels under the protection of the ANCODS Agreement was brought up on the tenth meeting of the Committee (23–25 November 1991). Michael McCarthy of the Western Australian Museum detailed the importance to protect the Dutch World War II flying boat wrecks at Broome, but the Committee noted that these flying boats were not under its ambit. Even still, it was noted that the Committee urged any appropriate measures that would be able to protect the sites (ANCODS File 4/80/3, 25 November 1991, p. 7). The Broome World War II flying boats, being post-1900 sites in state coastal waters, were provided with interim protection pending further assessment, and more recently permanently registered on the Heritage Council of Western Australia’s Register of Heritage Places as Place 04859. This is the highest level of protection in Western Australia (Ross Anderson 2011, pers. com.)

Ownership of the Collection

In 1991, the Netherlands ANCODS Committee members first discussed the possibilities to relocate the Dutch artefacts, and the idea of “ownership” of these artefacts began to change. The committee members proposed to consider in its entirety the findings from Batavia, Vergulde Draak, Zeewijk and Zuiddorp and their associated land sites. They add that the Collection should stay together. Dutch archaeological conduct generally prescribes the holding together of artefacts as a standard practice. The Dutch committee members, therefore, advised that the four
Collections should be considered one and indivisible, and no new findings were to be allocated to either party. The material was to remain in Australia and to be controlled by the Western Australian Museum (ANCODS File 4/80/3 Dutch Proposal 25 November 1991, p. 1.).

This proposal came with two conditions which the Dutch considered to be of great importance, namely the guarantee that the Collection would be freely accessible and opportunities for responsible scientific research would remain open. It is interesting that the Commonwealth Collection was officially signed over to the Australian National Maritime Museum in August 1991, while the Netherlands proposed to allocate their part of the Collection to the Western Australian Museum only three months later. The assigning of the Commonwealth Collection to the Australian National Maritime Museum possibly urged the Dutch to take action.

The Dutch proposal led to confusion. On 28 February 1992 John L. Bannister, then Director of the Western Australian Museum, wrote in a letter to Wayne Cassidy, then secretary of the ANCODS Committee, that he understood that the Dutch representatives discussed “the idea of repatriation of material to Australia as well as the re-allocation of material into four collections, and that the question of repatriation (raised as a result of changes in archaeological and museological theory) was a matter with considerable implications for the future operation of the Committee”. He also wrote that those changes referred to “those who attempt to keep archaeological collections together as far as possible” (ANCODS File 4/80/3 28 February 1992, p. 1).

On 3 June 1992, a letter was sent out by Neil Smail, Assistant Secretary of the Australian Cultural Heritage Branch to the Western Australian Museum, Museums Associations of Australia, the Australian Historical Association, the Australian Academy of the Humanities and the Australian Archaeological Association (ANCODS File 4/80/3 3 June 1992). His letter states that the essence of the Dutch proposal was “that the material should be grouped into four collections, each collection relating to one shipwreck, and each allocated to one museum which could lend items for display” and “to this end the Dutch authorities appear willing to repatriate material now held in the Netherlands to Australia”. Smail asked the addressed institutions for advice on this matter. The reactions to this letter vary, and are interesting because they provide a way of looking at the current “state of mind”
of the different institutions.

Jeremy Green from the Western Australian Museum responded that he was unsure of the exact nature of the proposal, as written in Smail’s letter. He also wrote that according to his conversation with Dutch ANCODS Committee Reinder Reinders, two issues were raised in the Netherlands. Firstly Dutch museum curators rendered it inappropriate—this was an ongoing concern—to have a small sample Collection from Australia, which should be repatriated because it would be more relevant in Australia. Secondly, the Ministry was seeking advice on the possibility of having a complete collection as a result of the aforementioned concerns. Green believed that the Ministry’s intent would be strongly rejected by the curatorial staff in the Netherlands. He also voiced his concerns about transferring the responsibility of managing the Collection to an organisation that had not taken part in the archaeological process, and that the proposal conflicted with internationally-accepted principles. The valuable contribution of the establishment of the ANCODS Agreement was that the Collections should not be broken up and that the majority of the Collection should reside in Western Australia where it could be properly curated, conserved and researched. Green did provide a suggestion for a solution; that the responsibility for and the material itself should remain in Western Australia, and all material should be considered a loan. A sub-committee should be set up within the ANCODS structure to establish a planned loan arrangement for material suitable for exhibition. The exhibition should then be produced in consultation with the parties and it should attempt to promote the maritime archaeological process. Green felt that ANCODS, in the past, was like an auction where the parties were trying to get the best deal (ANCODS File 4/80/3 29 June 1992, p. 2).

In a reply from the president of the Australian Archaeological Association, written by Ian Lilley, it is argued that the integrity of the Collections is paramount. Lilley wrote “as the sites and most of the researchers working on them are here, it is appropriate for all the Collections to be permanently housed here”. He did suggest that the Collections could be rotated through suitable Dutch and Commonwealth institutions (ANCODS File 4/80/3 Lilley to Smail, 1992, p. 1).

A reply stronger in nature derived from Derek John Mulvaney, then secretary of the Australian Academy of Humanities. In this letter it was written that Mulvaney was unaware what was meant with changes in museological and archaeological
theory but that the implications of these suggestions would mean that all the advantages would lie in the Netherlands, while Australia would lose what he saw as significant cultural heritage. He also discussed the monetary side of the situation, and concluded that it would not make sense to release such material to the Netherlands unless considerable costs were reimbursed as the Australian taxpayer invested a lot of money in this research. To attach value to his arguments, he mentioned the Amsterdam shipwreck, near Hastings, where the British Government would release any territorial claims to the wreck provided Holland paid all the costs for its recovery and removal. He clearly recognised the Collection as Australian and important Australian heritage, because Mulvaney further wrote that it may be argued that the Dutch shipwrecks have considerable historical and social associational significance for Australia. This significance is further explained in the following paragraph:

“(…) the events relating to the Batavia wreck are a major occurrence in Australia’s early European history. The Zuytdorp wreck may have provided the continent with its first European residents; there are even hints of contacts with the Aboriginal population. As the Batavia is now exhibited in a gallery constructed to the highest international standards, there cannot be a case for its transfer. The same may be claimed for relics from the Zuytdorp, because of its associations and possible future discoveries relating to survivors on the mainland. In these days of loans for international exhibitions, it is hard to argue a case for the total transfer of ownership of any collection, as a major representative collection could be assembled for a travelling exhibition” (ANCODS File 4/80/3, 26 August 1992, p. 2).

This is a strong “no” to division into four collections owned by different institutions, and arguments are those of cultural significance, economic, and ethical nature.

A different answer was sent by Gavin Fry, acting director of the Australian National Maritime Museum. Fry wrote that the suggestion was a welcome one that would receive the support of the Australian National Maritime Museum. He stated that in supporting the proposal the museum would like to ensure that the material would be available for loan and display at the National Maritime Museum, and he further noted that the museum at this stage was not in the position to accept custodianship of material from one of the shipwrecks (ANCODS File 4/80/3, 7 July 1992, p. 2). This reaction, the only “yes” to the proposal of all the replies to Smail’s letter, makes sense since the museum was not in the position of housing an entire collection, but could benefit from loans of other museums. Ethical matters seemed to be of no concern to Fry.

The issue was resolved in 1993 when it was decided by the ANCODS Committee
that the existing locations of the finds would remain unchanged for the time being. The finds would be organised into four collections, each based on one shipwreck and associated land site, but the reconsideration of the allocation of artefacts would not happen until the excavations would be complete (ANCODS File 4/80/3, March 1993). In a letter from Graeme Henderson, then interim director of the Western Australian Museum, to Kay Daniels, assistant secretary of the Commonwealth Heritage and Industry Development, it is suggested that the Dutch should be asked whether they intend to return their Collection to Australia (ANCODS File 4/80/3, 15 July 1993, p. 1). In 1996, the director of the Cultural Heritage Department in the Netherlands, then Cees van ‘t Veen, confirmed that his ministry had asked the involved museum to consider a possible return of the artefacts to Australia (ANCODS File 4/80/3, 17 October 1996, p. 1).

*The Australia Dutch joint-research programme*

Another product of the ANCODS Committee meetings was the idea of an Australia Dutch joint-research programme, first proposed by Jeremy Green in 1989. The ANCODS Collections are a unique opportunity to study aspects of V.O.C. artefacts that are not widely accessible for scholars. Furthermore, the ANCODS Agreement had anticipated the possibility of the scholarly study of the Collection (ANCODS File 4/80/3, 23 November 1989, p. 2). The proposed joint-research programme envisioned the study and reconstruction of the *Batavia* ship and the excavation of V.O.C. vessel *Amsterdam* (shipwrecked in England). Support was to be obtained from relevant ministries. The Committee was asked to endorse the proposal, and be the coordinating organisation for the three-year programme, which was to be reviewed at the end of this time period. Exchange of information between the institutions of the two countries was a key point, including the provision of facilities for individuals to study at the Western Australian Museum.

The initiative for a study programme was brought up again during the Australia-Dutch Colloquium on Maritime History and Maritime Archaeology held at the Western Australian Museum (15–17 January 1997). Furthermore, the future of the ANCODS Committee was discussed at the Colloquium. It was believed the tasks of the Committee were nearing completion, and time had come to decide whether it
should be disbanded or that its role and functions should be modified to serve the needs of maritime history and archaeology (ANCODS File 4/80/3 April 1997, p. 1). It was agreed upon that the Committee should not be disbanded, but that its role and functions should be expanded so that it would act as an umbrella organisation “fostering communication, consultation, and the sharing of resources between Dutch and Australian researchers” (ANCODS File 4/80/3 April 1997, p. 1). Andrea Otte, Netherlands ANCODS member, mentioned that the ANCODS Committee could possibly be involved in handling bilateral relations between the Netherlands and Australia, although she believes in that situation the ANCODS members probably had to be representatives of the Governments’ heritage authorities (Andrea Otte 2011, pers. com.). Two resolutions resulted from the 1997 Colloquium. 1. The ANCODS Collection should remain under the administration of the Western Australian Museum, which would be responsible for administering the location, movements and loan of the Collection. 2. The research role of the ANCODS Committee should be expanded to encompass the concept of a joint Australian and Netherlands scholarly research effort, and to examine its future aims and role (see Appendix B for the ANCODS Colloquium Recommendations and Resolutions).

The Heritage Branch of the Department of Communications and the Arts was not taken with these two resolutions. Assistant Secretary Dawn Casey of the Heritage Branch stressed that the “Agreement is legally binding on both parties and cannot be changed or abolished except by agreement between government”. The Heritage Branch had sought legal advice which outlined that “research and consultation on the form proposed does not fall within the legal scope of the committee as currently constituted, except insofar as this may assist in the eventual allocation of collections”. Furthermore, “widening ANCODS’ charter would require policy decisions by both Governments, and consequential amendment of the Historic Shipwrecks Act 1976, necessarily a lengthy process involving formal government to government negotiations and agreement. The recent history of negotiations does not hold hope of a rapid response”. Casey advises that Dutch academic authorities could work together with the recently-established Australian Centre of Excellence in Maritime Archaeology. Other issues were the restricted resources, and additional Commonwealth funding (ANCODS File 4/80/3, July 1997, pp. 2–3). An official
change was, thus, not an option because the lack of financial resources and the complicated process of changing the Agreement, but, as stated, a research programme could be developed alongside the ANCODS umbrella without the constraints of formal agreements (ANCODS File 4/80/3, July 1997, p. 3).

Disappointing for the Committee members, it did not stop them from exploring the options of a joint-research programme. In the Netherlands, for example Reinder Reinders organised a meeting to discuss possibilities of the programme with experts in the fields of maritime history and archaeology (ANCODS File 4/80/3, 6 December 1997, p. 1). This group endorsed the two resolutions of the Colloquium. They were of the opinion that the Netherlands should not lay claim to the physical transfer of artefacts and supported the Australian authorities’ request that the material allocated to the Netherlands should be returned to Western Australia. For the ANCODS Committee to act as an umbrella organisation for researchers, it would be advisable to appoint two or three additional members to ensure its continuity (ANCODS File 4/80/3, 6 December 1997, p. 2). Bolton responded positive to Reinders’ suggestion, stating that the responsibilities of the ANCODS Committee should be extended to include the promotion of scholarly research and cultural expertise in the field of mutual heritage. As an alternative outcome, in the case that the Australian government cannot be persuaded, Bolton suggested that the Committee functions remain the same, but that a “separate body should be set up for future research and cultural purposes, possibly under the aegis of the learned Academies” (ANCODS File 4/80/3, 13 January 1998, p. 1). Bach, on the other hand, believed the Committee should be restricted to its existing duties and be wound up once the duties were complete. He did agree with Bolton and Reinders, however, on the need for an organisation to carry out the research activities between the two countries (ANCODS File 4/80/4, 9 March 1998, p. 1).

Plans for a joint-research programme continued to exist, but the Committee was disappointed when the Dutch Ministry of Culture declared in 1998 that it would not support the activities of the working group. It was believed, as affirmed by Willem Mörzer Bruyns, director of the Scheepvaartmuseum, that a working group could only survive when linked to some kind of formal body—the ANCODS Committee being well-suited to fulfil this job (ANCODS File 4/80/4, 3 August 1998, p. 1). The committee members were advised to contact the Dutch GEO committee, which
worked on the development of a policy on shared mutual heritage (see also Chapter 5, page 69). The latter opposed the idea, believing they could fulfil the job.

The future of the Committee and the need for a working committee were addressed again via personal communication in 2001 and during the 2002 ANCODS meeting, but nothing eventuated from this. On 12 May 2003, ANCODS members Bolton, Bach and Van der Heide received a Western Australian Museum medal for their valuable advice and work on the ANCODS Committee. After the Netherlands Government publicly announced, in 2006, its intention to return the Netherlands ANCODS Collection to Australia, the future of the ANCODS Committee was put up for discussion once more (see Ministry of Education, Culture and Science, 14 September 2010, Press Release). From the 2009 ANCODS meeting report is known that Bolton intended to retire after the upcoming congregation. He anticipated no further business for the members of the ANCODS Committee, but before the Department of Foreign Affairs was approached to initiate winding up the Treaty, it would be advisable to create a successor body to encourage cultural exchanges with the Netherlands and Australia, and to advise on matters related to the material recovered from the Dutch shipwrecks (ANCODS File 4/80/6, 11 March 2009, p. 2). During their 2009 meeting, the members agreed that the ANCODS Agreement would remain a treaty and the Committee should continue to exist (ANCODS File 2009.0015.SG, p. 5). On 15 September 2010 a mutual declaration was signed by the Governments of Australia and the Netherlands (see Appendix C), in which Paragraph 2 states: “The Netherlands will forego the allocation of any articles of the four known wrecked V.O.C. vessels (Batavia, Vergulde Draeck, Zuytdorp and Zeewijck) to be recovered in the future. Therefore, the ANCODS Committee no longer has a task to fulfil and it thus becomes inactive as of the date of signature of this Mutual Declaration”. To date, no official advisory committee or working group has been established to support a joint Australia-Netherlands research programme.

THE SIGNIFICANCE OF THE COLLECTION

“Significance defines the meanings and values of an item or collection through research and analysis, and by assessment through a standard set of criteria” (Russell and Winkworth 2009, p. 10). In 2001 the first edition of Significance was published
by the Collections Council of Australia. It is a guide for assessing the significance of collections in defining an adaptable method for determining significance across all collections in Australia. In 2009, it was updated as *Significance 2.0*. In this edition, guiding statements can be found, which are directly applicable to the ANCODS Collection, especially the Dutch (now repatriated) section. It is stated that significance is not an absolute state, but relative, contingent and dynamic. Views on significance depend upon perspective and change over time (Russell and Winkworth 2009, p. vii). One guiding statement outlines that in assessing significance, power is vested in constructing societal memory and identity; involved communities and alternative views should be dealt with. Another one deals with understanding, respecting and documenting context (Russell and Winkworth 2009, p. vii). Events, activities, phenomena, places, relationships, people, organisations, and functions shape collection materials and change their significance. When a significance assessment is performed, different factors can be of influence; historic, artistic, scientific/research potential and social or spiritual significance. The degree of significance may be assessed by looking at provenance, rarity, condition or completeness and the interpretive capacity context (Russell and Winkworth 2009, p. 10). *Significance 2.0* recommends keeping items in their place of use, and understanding their context within it. In relation to wider social and historical movements and events, it broadens understanding of their significance context (Russell and Winkworth 2009, p. 34). The Netherlands returned their part of the ANCODS Collection because it complies with modern-day collection standards, as discussed in Chapter 3. The repatriation of the Collection influenced and enhanced its significance as well.

**Significance in the Netherlands**

Significance is relative, contingent and dynamic, and views on it change over time. On discovery of the four shipwrecks, the Netherlands immediately recognised their scholarly significance, as well as the significance of the artefacts, resulting in the ANCODS Agreement and, thus, the transfer of part of this Collection to the Netherlands. The first years after establishing the Agreement were the busiest period for the Committee, making sure that the Netherlands and Commonwealth would
receive equally representative Collections (Bolton 2011, pers. com.).

Before the arrival of the official ANCODS material, the Scheepvaartmuseum was already in possession of a coin from Vergulde Draak. This particular coin can be viewed on the Dutch online Maritiem Digitaal (digital maritime) database (Inventory number A4074). It came into possession of the museum before the ANCODS Agreement came into existence, so it is not part of the official ANCODS Collection and, for that reason, was not repatriated to Australia. Then, the Geldmuseum is in possession of two coins from the Zuiddorp shipwreck, which the museum acquired through a coin dealer in 1972, and probably derives from early salvage activities on the site (ANCODS File 4/80/6, November 2008, p.1). This is not the only material that is not an official part of the ANCODS Collection (although the Agreement places all the material from the ships under the Agreement and Committee). A loose frame timber from Batavia (BAT 6112) was given to the Netherlands Bataviawerf, to be incorporated in the reconstruction of a late seventeenth-century Dutch V.O.C. vessel named Batavia (Aryan Klein 2011, pers. com.). In Australia material outside of the official Collection can be found as well. The South Australian Maritime Museum in Port Adelaide has some glass onion bottles from Zeewijk on display, as well as silver pieces of eight, and a tusk and cannonball from Vergulde Draak. The material is on loan from the South Australian Museum and Royal Geographical Society of South Australia. It is not known how these artefacts came into the custody of the latter institutions.

The Netherlands ANCODS Collection was not on permanent display in Dutch museums, which means the significance for the Dutch general public was probably limited (Andrea Otte 2011, pers. com.). As mentioned in Chapter 3, the 900 plus coins sent to the Geldmuseum were maintained in an unopened shipping box opened for the first time in 2008. In addition, four schellingen and four dubeltjes were sent to the museum. The arrival of these eight coins was confirmed in a letter in 1986. They are presumably still in custody of the former Rijksdienst Verspreide Kunstvoorwerpen (now the Instituut Collectie Nederland), the institution in charge of these kinds of State acquisitions, as they were never received at the Geldmuseum (ANCODS File 4/80/6, November 2008, p. 1). The eight coins have not been relocated to date and should be considered “missing.” They may therefore never return to Australia.
The historic and scholarly significance of this Collection is obvious. Based on the provenance, rarity, condition/completeness and interpretive aspects of Australia’s V.O.C. shipwreck collection, a number of conclusions can be drawn. Besides the ANCODS Collection, the Netherlands already possess a large amount of V.O.C. material (Parthesius 2011, pers. com., or Gawronksi 1990a, 1996, or Werkspoor n.d.). A large part of this does not derive from shipwrecks but from terrestrial archaeological excavations or from a historic context (having been in museum or private collections since the seventeenth and eighteenth centuries). These items are unique because they derive from shipwrecks. However, material from other V.O.C. shipwrecks can be found in Dutch museums (most of the V.O.C. artefacts in museum collections that derive from V.O.C. shipwrecks are not the results of an archaeological excavation, but of commercial salvage). So, what makes them special? Provenance is a noteworthy rationale. These artefacts tell the story of seventeenth- and eighteenth-century Dutch sailors on their way to Batavia sailing in uncharted waters. Some of them relate to a story of survival, while others relate to historic events full of horrors. The Batavia story, for example, is famous, and it has fascinated the public for years (Van Duivenvoorde 2009, p. 59).

Between 1985 and 1995, a replica of a seventeenth-century vessel, named Batavia was built in Lelystad, the Netherlands (Bataviawerf 2006, p. 13). It has been argued by various scholars that, from a scholarly standpoint, the newly-constructed ship should not be considered a replica of Batavia, because it represents late seventeenth-century shipbuilding techniques, nor were the archaeological remains of the ship used for a project that is regarded as “experimental archaeology” (Vos 1991, p. 54). Nonetheless, this project has raised the public profile and, thus, added to the significance of the V.O.C. shipwrecks in Australia. Together these projects tell an interesting story.

Other factors like the condition, completeness and interpretive capacity of the ANCODS Collection and its archaeological data change this. It was agreed upon by the ANCODS Committee that the largest bulk of the material and the rarest items were to stay in the Western Australian Museum. This indicates that the Netherlands and Commonwealth received a small Collection that was rather ‘general’ in nature (although replica’s of some of the iconic items were made and added to these Collections). In an e-mail from Christel Schollaardt of the Geldmuseum is written
that most of the coins were of mediocre quality (ANCODS File 4/80/6, November 2008, p. 1). Numismatic Bloom did not have the time during his visit to the Geldmuseum to have a thorough look at the collection, but he does affirm that most of them are of a lower grade, although he located two that were “quite nice” (one of them is registered under WAM number GT 6329).

Taking these aspects into consideration, the context and completeness of the Collection, when it resided in the Netherlands, did not give it more significance. There was a division in the archaeological context (with the rest of the Collection in Australia) and the material was not on display.

THE RETURN OF THE COLLECTION

Different views on the return

After the official announcement to return the Collection to Australia, the Dutch Ministry of Culture appointed the Centre for International Heritage Activities to facilitate the Ministry with the organisation of this repatriation in cooperation with the Netherlands embassy in Canberra, Australia, and the Western Australian Museum. The Centre for International Heritage Activities designed and created an online platform where all the artefacts would be put on “electronic” display. This should not be seen as an absolute state, but as a relative, contingent and dynamic significance because the “return” and artefacts have differing values for different people.

First of all, Netherlands Ambassador Willem Andreae, mentions that he does not see it as a return or restitution, but more as a “transfer” or “handover” (Andreae 2011, pers.com.). Andreae believes the word “return” implicates something is given back that the other party has a right to. In this case, the Netherlands handed the Collection over so it is in one place and easily accessible to researchers, not simply because it belongs to Australia. As ambassador, Andreae has a political view on the significance of the return of the Collection. According to Andreae, the return of the Collection has an archaeological as well as a political significance. With the return, the Netherlands and Australia underline an excellent working relationship. The Netherlands and Australia have a common goal in preserving the Collection and its
associated archaeological data, and increasing the familiarity and knowledge of the common public with this Collection. Andreae also notes the significance of the Collection in general as “priceless and irreplaceable” (Andreae 2011, pers. com.). The return, thus, adds a political aspect, while the Collection may enhance the significance of the official relationship between (Western) Australia and the Netherlands. Robert Parthesius, director of the Centre for International Heritage Activities and actively involved with the ANCODS Collection and Committee since the late nineteen-eighties, agrees that the handover from a Dutch point of view has a political character, as Parthesius mentions that one of the reasons that the Collection was returned to Australia is politics (Parthesius 2011, pers. com.).

Bolton mentioned to the author that the ANCODS Collection is significant because it involves an important and interesting part of Australia’s history. It is a period of the first European contact with Australia, also in the perspective of Aboriginal Australians who may have experienced this contact themselves. Some of these families claim to have Dutch ancestry. As Bolton states, even if this might not be true, it is part of cultural imagination and this plays an important role. Bolton believes that most Australians consider the beginning of history, the period when convicts arrived at the continent, but through time the period of first contact with Europeans will gradually become more well-known. It is clear that Bolton views the significance of the Collection as having a historic and societal nature. He believes that the general public outside of Western Australia is not aware of this special Collection, and that a travelling exhibition of the ANCODS Collection would be a way to inform the rest of the Australians about this part of their history (Bolton 2011, pers. com.). Parthesius agrees with Bolton; the ANCODS Collection refers to a significant period in Australia’s history, as does Otte, who mentions it symbolises early contact between Europe and Australia (Parthesius 2011, pers. com. & Otte 2011, pers. com.). The Collection and its story are unique to Australia, while the story of the V.O.C. is already told in the Netherlands through other shipwrecks, artefacts and archives.
The return itself

The return of the Collection was a shared effort between the Australia and Netherlands governments, supported by several organisations in both countries. The Netherlands ANCODS Collection was officially handed over to the Australian Government on 9 November 2010 at the Australian National Maritime Museum in Sydney. Willem Andreae presented the artefacts to Senator the Honorary Don Farrell, Parliamentary Secretary for Sustainability, Environment, Water, Population and Communities. After this ceremony the Collection was transported to Western Australia. Here, a private media briefing was arranged on 20 February 2011, followed by the official opening of the exhibition “Well-Travelled Artefacts” on 21 February 2011. During this ceremony, a pewter plate was handed over to the Western Australian Minister for Culture and the Arts John Day by Willem Andreae (figure 13). It symbolized the transfer to Western Australia.

Figure 13. The handover of the pewter plate in the Western Australian Museum’s Shipwreck Galleries. Courtesy of David Whitely.

The exhibition, “Well-Travelled Artefacts” was organised in the Shipwreck Galleries of the Western Australian Museum, showcasing the returned artefacts and telling the story of their final voyage. After the handover Western Australian Museum curator Wendy van Duivenvoorde showed Willem Andreae and John Day some of the returned artefacts now displayed in the exhibition (figure 14).
An example of one of the stories of the final voyage of an artefact is that of the mouthpiece of a trumpet. In a grave from the land site, a brass garland from a natural trumpet was found, including an inscription from its maker; Conraet Droschel (Stanbury 1998, p. 108). The trumpet plays a significant role unravelling the identity of shipwreck survivors on Beacon Island. From the *Batavia* shipwreck parts of a trumpet bow, yard tubing and four mouthpieces were recovered (Stanbury 1998, p. 108). One of these mouthpieces was sent to the Netherlands, but has now been returned to Western Australia. It is showcased together with the trumpet and other mouthpieces (Figure 15).
The retuned mouthpiece (BAT 3222) is the only trumpet mouthpiece that fits with the yard sections (Van Duivenvoorde 2011, pers. com.). Finally, the assemblage of the trumpet is almost complete again, except for one mouthpiece remaining in the Australian National Maritime Museum (ANMM 00046302). As mentioned by Parthesius; the Collection tells a story, the more complete the Collection, the more complete its story (Parthesius 2011, pers. com.).

The Western Australian Museum also worked on an online database, in which all the ANCODS artefacts from the original three Collections can be found. A special booklet has been designed by the Western Australian Museum and the Centre for International Heritage Activities for visitors of the exhibition, in which the story of the four V.O.C. shipwrecks, the ANCODS Agreement, and the final voyage of the Dutch Collection is explained.

**Significance of the returned Collection**

The historical and scholarly significance of the Netherlands Collection did change after it was returned to the Western Australian Museum. Because the Collection is reunited with the Western Australian part of the Collection, it is more complete than it was before. It is easier for scholars to access the entire Collection, but it is more significant because the context becomes more apparent as is shown in the example of the trumpet. Otte refers to the Collection as have an important scholarly significance, with a significant research potential (Otte 2011, pers. com.). In Western Australia the Collection is close to the shipwrecking location of the four ships and in the same place where all archaeological excavation and conservation archives are housed. This is not only important because it complies with international codes of ethics and the UNESCO 2001 convention, but also because it is now closer to the community that the historical events influenced the most. With the opening of the exhibition and all the media attention, the Collection supports the construction of societal memory and identity because it directly involves the local community.

As aforementioned, events, activities, phenomena, places, relationships, people, organisations, and functions, all shape Collection materials and their significance. The process of the Collection first being sent to the Netherlands and then being returned to Western Australia has increased its significance because of all the media
and political attention that it attracted, and people being able to see more of the Collection.

To conclude, as Netherlands Ambassador Willem Andreae said: “the Netherlands was already in possession of V.O.C. material and the ANCODS material was never put on display there, so in Western Australia the Collection is more in place than in the Netherlands” (Andreae 2011, pers.com.).
CHAPTER 5 MUTUAL (MARITIME) HERITAGE: THEORY, PRACTICE AND POLICY

INTRODUCTION

When discussing heritage that involves more than one country, it is important to understand the difference between the terms “mutual”, “shared” and “common”. These terms are often used at will, and to underline the difference Alex Van Stipriaan defined these terms in a paper. The term “mutual heritage” presupposes at least two parties involved whose perspectives on the particular heritage do not have to be the same, but whose claims are considered to be on equal footing, by all parties concerned. The term “shared heritage” presupposes that all parties involved have a share in this particular heritage, but not necessarily the same type of share, nor equal parts. “Common heritage” actually presupposes a community who has a specific culture and its heritages in common (van Stipriaan 2006, p. 3). Van Stipriaan’s definitions indicate that the term “mutual heritage” would be the most appropriate term to use in relation to the ANCODS Agreement.

This chapter discusses different organisations, conventions and guidelines dealing with mutual heritage, followed by an exposition of two case studies comparing the circumstances and management schemes of V.O.C. shipwrecks *Avondster* (1659) and *Amsterdam* (1747) to the ANCODS Agreement.

PROTECTION AND ISSUES OF SHARED, MUTUAL AND COMMON HERITAGE

One of the important implications of the UNESCO 2001 Convention on the Protection of Underwater Cultural Heritage is that it attracts attention to the underwater cultural heritage. It provides every country with a basic framework for the protection of their underwater cultural heritage (Parthesius 2009, p. 44). Cultural heritage is not always placed in the country of origin itself. It may be associated with national patrimony, which could be problematic because the term “national patrimony” may involve an “intangible” element. In this case, the term cultural patrimony refers to that part of a national, tribal or other society’s culture which is
fundamental to a society’s identity (Spitz 2010, p. 16). As a result, this could be problematic or lead to legal disputes when a government decides to put a claim for repatriation or ownership on heritage located in territory outside of their own. Mutual, shared or common heritage and the issue of repatriation can also be closely associated with post-colonial heritage. To deal with issues like this, several organisations designed specific guidelines or committees to handle this or guide parties involved in a (legal) dispute.

The ICOMOS Burra Charter was created as a guide for managing and conserving places of cultural significance and is considered an ongoing responsibility (Burra Charter 1999, p. 1). In article 13 of the Burra Charter is written: “Co-existence of cultural values should be recognised, respected and encouraged, especially in cases where they conflict” (Burra Charter 1999, p. 5). A specific section of the Burra Charter is dedicated to co-existence; the Code on the Ethics of Co-Existence in Conserving Significant Places. It is significant in the managing of mutual, common, or shared heritage because it emphasises the acknowledgement of values and rights to the cultural heritage of all associated cultural groups (Burra Charter 1999, p. 20). Post-colonial heritage may be a sensitive subject and the charter may help managing the heritage in a professional way and avoiding conflict. In addition to the right of access to heritage information, the charter also gives each cultural party the entitlement to any decision-making processes affecting significant places (Burra Charter 1999, p. 21). Custodianship is discussed in Article 6:

“In identifying places of significance to it, a cultural group assumes some custodial responsibility towards those places” (Burra Charter 1999, p. 21).

The Ethical Practice section explains the practitioner’s actions more detailed. Topics like the approach, access, and the decision-making process are explained in more detail, for example in Article 8; 10; and 12;

[The practitioner shall]

Article 8. “adopt a co-ordinated multi-disciplinary approach to ensure an open attitude to cultural diversity and the availability of all necessary professional skills;”

Article 10. “enable each cultural group to gain access to pertinent information and facilitate the exchange of information among groups;”

Article 12. “apply a decision-making process which is appropriate to the principles of this Code; This will include: co-responsibility among cultural groups for the assessment and management of the cultural significance of the place; accepted dispute settlement practices at each stage at which they are required; and adequate time to confer with all parties, including the least outspoken, and may require the amendment of existing procedures in conservation practice” (Burra Charter 1999, p. 21).
One of ICOMOS’ Scientific Committees deals specifically with the issue of shared heritage; the International Committee on Shared Built Heritage. Its main objective is the promotion of an integrated approach to conservation (ICOMOS Shared Built Heritage Committee 2009).

Then, UNESCO approaches heritage from a worldwide perspective. A specific UNESCO committee deals with issues relating to mutual, common, or shared heritage as well as illicit appropriation of cultural property; the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRPC). Issues handled by this committee include returning cultural properties in post-colonial situations and famous cases, such as the Parthenon marbles (more commonly known as the “Elgin marbles”) (ICPRPC Secretariat Report Sixteenth Session, July 2010). Even though it mostly deals with stolen or illicit heritage, it does address issues such as ownership claims of heritage in other countries. For example, in Recommendation number three from the ICPRPC’s sixteenth session (21 to 23 September 2010) it can be read:

“Recalling the importance for States which claim ownership of certain cultural objects to have a clear and precise legislation to provide a basis for an action to recover the object if it is found in another country” (ICPRPC Recommendations Sixteenth Session, September 2010).

A recent volume of UNESCO’s international journal, Museum International (2010, no. 245–246), specially devoted to shared heritage in conflict and consensus, aimed to urge further thinking in this area and lead to a review of conservation practices that would reflect the multicultural dimensions of the world and the need to preserve its diversity (Vinson 2010, pp. 4–5). An example of a current project is the Promoting Understanding of Shared Heritage (PUSH), a trilateral initiative between three different academic institutions from Palestine, Israel and Jordan (Ya’ari 2010, p. 9). It is an effort to “harmonize the region’s cultural and natural heritage by developing cross-border partnerships among academics, professionals and community members, resulting in tangible benefits at the national and regional levels”. The participating parties’ countries have a background of conflict and war, quite different than for example Australia and the Netherlands. Still, as the title of the project suggests, the approach is just as relevant to multidisciplinary teams of experts developing new approaches and tools for heritage management, bridging possible
cultural and political differences (Ya’ari 2010, p. 9).

Specific mention should be made of European projects involved in mutual, shared, or common heritage through the Euro-Mediterranean Partnership (Euro-Med) Mutual Heritage Programme, and the Council of Europe, which initiates projects on shared heritage cities and cultural crossroads (Spitz 2010, p. 44). Euro-Med’s Mutual Heritage Program, for example, assesses nineteenth- and twentieth-century heritage as the product of inter-cultural exchanges and the sharing of technical knowhow during that period (Euro-Med n.d.).

“MUTUAL HERITAGE” IN THE NETHERLANDS

General mutual heritage in the Netherlands

When looking at international cultural policies, basic policy for the Netherlands is that the approaches should comply as much as possible with the policies that are deployed towards heritage within the Netherlands territory (Maarleveld 2006, p. 182). Since 2000, common cultural heritage has been a priority of the Netherlands international culture policy (Ministry of Foreign Affairs 2009, Common Cultural Heritage Policy Framework 2009–2012, p. 1). International agreements relating to mutual or common cultural heritage can also be created on a municipality level. An example of this is the agreement between the cities of Amsterdam in the Netherlands and Paramaribo in Surinam. It was decided that the mutual agreement between the two cities would not be prolonged, when it was due for renewal in 2010, because Désiré Delano Bouterse had been elected as Surinam’s president. Bouterse is wanted in the Netherlands for criminal activities which complicated the continuation of the agreement (Notitie “Samenwerking Suriname Amsterdam, hoe nu verder?” 2011, p. 6).

The Netherlands adopted a special policy regarding their common cultural heritage; the “Common Cultural Heritage Policy Framework 2009–2010”. It was designed by a special committee; the GEO committee. The policy focuses on eight priority countries; Brazil, Ghana, India, Indonesia, the Russian Federation, South Africa, Sri Lanka and Surinam. In this policy, common cultural heritage is extensively defined as:
“(…) relics of a past that the Netherlands has shared with others: buildings and engineering constructions, archives, underwater wrecks and museum exhibits, and intangible heritage. They include heritage in other countries dating from the era of the Dutch East and West India Companies and from Dutch colonialism in Asia, Africa, and South America, as well as heritage deriving from a period of intensive cultural relations such as between the Netherlands and Russia. The term may also include artefacts (including archives) commissioned in other countries and built or supplied by Dutch people. Finally, it includes heritage in the Netherlands of other countries which have had a particular strong (reciprocal) influence on Dutch culture. (p. 1)”

Two million euro a year is made available to the collaborative projects in these countries. The aims of these projects are to help strengthen the cultural identity; magnify their symbolic significance and create spin-off effects; impact other sectors such as employment, tourism and education; ensure the future preservation of heritage (p.2). Half of the money is made available to the relevant embassies, and the other half is added to the budget of the Netherlands’ three cultural heritage agencies: the National Archives, the National Service for Archaeology, Cultural Landscapes and Built Heritage, and the Netherlands Institute for Cultural Heritage. The Ministries of Foreign Affairs and of Education, Culture and Science finalised agreements of collaboration with the eight priority countries. This was done in accordance with existing Memoranda Of Understandings (MOUs) and pending intergovernmental agreements, and forms the basis for country-specific, multi-year programmes for common cultural heritage. The results of these efforts will be made available through a common cultural heritage database, developed by the Centre for International Heritage Activities and managed by the Netherlands Institute for Heritage (Ministry of Foreign Affairs 2009, Common Cultural Heritage Policy Framework 2009–2012, p. 5).

Even though Australia is not one of the priority countries, the Australia-Netherlands Heritage Contact Group was established in 2010 to enhance co-operation, share information and develop synergy among mutual heritage activities in Australia and the Netherlands (Deciana Speckmann 2011, pers. com.). The Netherlands and Australia embassies support the day-to-day activities, whilst the group is supported by the stakeholders; people and organisations who are actively involved in promoting Dutch-Australian heritage. The group has no budget of its own, but as a facilitator it can explore opportunities to attract funding (Speckmann 2011, pers. com.).
After the handover of the Netherlands ANCODS Collection in Sydney in November 2009, a meeting was held to exchange views on the group and cultural activities planned up to 2016, when the 1616 landing of Dirk Hartogh in Western Australia will be commemorated. The Dutch embassy in Canberra engaged the Centre for International Heritage Activities to create an overview of past and ongoing mutual heritage activities and their stakeholders in an online platform. The format of this information platform will be based on the similar databases created for the eight priority countries, and accessible and amendable by all groups and stakeholders involved (Speckmann 2011, pers. com.). As a result, a meeting was organised in Perth after the opening of the new exhibition in Fremantle in February 2011, to discuss the plan with all stakeholders and to collect information for the online database. Subsequently, the Centre for International Heritage Activities organised similar meetings in Canberra, Sydney, Brisbane, Adelaide, Hobart and Melbourne.

**Maritime mutual heritage in the Netherlands**

The Common Cultural Heritage Policy Framework 2009-2012 specifically includes the term underwater wrecks. The Netherlands has had a troubled and complicated standing when it comes to maritime mutual heritage. With maritime commerce having played an important role in its history, Dutch maritime heritage can be found all over the world (Parthesius 2009, p. 36). As mentioned in Chapter 2, the Netherlands Government is the official successor of the V.O.C., which has led to some claims from the Netherlands regarding the cargo of vessels in other countries’ territory by the Ministry of Finance (Maarleveld 2006, p. 184). Even Ambassador Andreae was once sent out to claim a shipwreck discovered in Iceland when it was believed a V.O.C. shipwreck (Andreae 2011, pers. com.). The V.O.C. shipwrecks have been a much-sought-after resource, leading to discussions about ownership (Maarleveld 2006, p. 184). The Netherlands Government has been known to negotiate deals with salvagers on many occasions, which has led to worldwide criticism, examples are the case of V.O.C. shipwrecks Geldermalsen en Rooswijk (Parthesius 2009, p. 37; Van Duivenvoorde 2006, p. 15). In theory, good policy should lead to good practice. As a solution, Maarleveld has pleaded for more
coherence and greater consistency between national (Netherlands) and international policies (Maarleveld 2006, p. 182). As aforementioned, the creation of the UNESCO Convention on Underwater Cultural Heritage has set an example; it has a strong influence on national practices.

The Dutch colonial past is not forgotten. Cultural heritage relating to this past is often viewed as only leading to disputes on moral, intellectual or financial ownership, and often perceived as painful (Maarleveld 2006, p. 183). Nonetheless, with the recent focus on mutual heritage, a new project was created involving mutual maritime heritage. This “Towards A New Age Partnership” (TANAP) project focuses on priority countries and looks at accessibility of the V.O.C. archives via electronic means in those countries where the Company was based (Maarleveld 2006, p. 183). In 2006, Memoranda of Understandings were signed with former Dutch colonies South-Africa, Sri Lanka and Surinam. The best possible scenario of a collaboration effort concerning mutual heritage would be a V.O.C. shipwreck discovered outside Dutch territorial waters, similar to the ANCODS project. To date, this has happened in Sri Lanka, South Africa and Argentina (Maarleveld 2006, p. 183). The difference with the ANCODS project is, however, that neither Sri Lanka, South Africa, nor Argentina recognises the Dutch ownership claim to these shipwrecks, which makes it a sensitive issue (Maarleveld 2006, p. 183).

**CASE STUDIES**

Cooperation relating to excavation and research on V.O.C. shipwrecks in other countries’ territories has more often been a problem than not. This has to do with cooperation with salvagers and the Dutch ownership claims (Maarleveld 2006, p. 183).

An example is that of V.O.C. ships *Nassau* and *Middelburg*, which sank in the Malacca Straits, Malaysia in 1606 (Maarleveld 2006, p. 184). These were discovered in 1963, and were stripped from the ceramic cargo between 1995 and 1997; the excavation process receiving much international criticism. The Netherlands government offered assistance, but also put an ownership claim on the cargo. The Malaysian government was planning on displaying the ceramics in their National Museum and were offended by this action. Cooperation had been the goal of the
Dutch diplomats, but by claiming ownership they only created a dispute (Maarleveld 2006, p. 184). A more successful case of cooperation in the case of mutual heritage is the wreck of V.O.C. vessel *Avondster*, located in Sri Lanka.

In 1992 a joint programme of Sri Lankan institutions and the Western Australian Museum organised the training of a group of archaeology students in the techniques of maritime archaeology (Devendra 2002, p. 370). Many shipwrecks were found during years that the programme was active. Only two of the V.O.C. shipwreck sites in Galle Harbour have been positively identified: those of *Avondster* (1659) and *Hercules* (1661) (Devendra, Abeyratne and De Silva, pp. 43–44). Others have been identified tentatively, including *Dolfijn* (1661), *Geinwens* (1776), and *Barbestijn* (1735), and some are known to have shipwrecked, but have yet to be found, such as *Molen* (1658), *Vlissingen* (1665–1666), and *Landsman* (1679) (Devendra 2002, p. 375).

The shipwreck of the *Avondster* was selected for excavation because it was in the best state of preservation and held the most promise (Devendra 2002, p. 375). Furthermore, the mechanical conditions on the shipwreck site had become problematic when Galle Harbour developments were slowly causing scouring in the site and exposed its remains (Parthesius 2009, p. 46). At this time, the Sri Lankan Archaeology Department and the Central Cultural Fund were setting up a Mutual Heritage Centre, focusing on mutual heritage of their colonial past (Devendra 2002, p. 375). In addition to *Avondster*’s excavation, the Centre commenced a study of all the Dutch ships known to have wrecked in Sri Lankan waters and investigate their actions during Dutch colonial rule. Because a long-term investigation was planned on the site, a three-year agreement was signed in 2001 between the Central Cultural Fund and the Amsterdam Historical Museum (Devendra, Abeyratne and De Silva 2006, p. 45). The following three priorities were targeted in the agreement: the completion of the training of the Sri Lankan archaeologists, the completion of the conservation laboratory and diving station, as well as the completion of equipping of the diving unit on site (Devendra, Abeyratne and De Silva 2006, p. 45). The bilateral work as a result of the bilateral agreement was considered “largely successful” because the main aims of the project were achieved (Devendra, Abeyratne and De Silva 2006, p. 45).

The Netherlands Government again needed to officially deal with the “ownership
issue”. At commencement of the project, the Dutch government handed ownership of the shipwreck over to Sri Lanka. This gesture had little value for the Sri Lankan Government, as the latter considered the shipwrecks in its territorial waters as its own, and, therefore, would not recognise a Dutch ownership claim (Maarleveld 2006, p. 183; Parthesius 2009, p. 47). Unlike the ANCODS Agreement, this Agreement between Sri Lanka and the Netherlands did not include a section that dealt with the recovered artefacts nor their disposition (Andrea Otte 2011, pers. com.).

A second significant example of collaboration is that of V.O.C. shipwreck *Amsterdam*, which ran ashore in January 1749 near Hastings on the south coast of England (Gawronski 1990a, p. 363; Gawronski 1990b, p. 53). The ship itself sank six meters into the sand at the beach front. Easily accessible, *Amsterdam* was discovered in 1969 after which salvagers removed most artefacts from the shipwreck site (Gawronski 1990a, p. 364; Gawronski 1990b, p. 55). This attracted attention of the press and general public, which resulted in the involvement of British archaeologist Peter Marsden (Gawronski 1990a, p. 364). Marsden supervised a survey of the shipwreck, and consequently a joint English-Dutch programme undertook the historical study of *Amsterdam*. The ship’s hull was found intact below the sediments which established its significance. Soon after, in 1975, the *Stichting VOC Schip Amsterdam* (Foundation V.O.C. Ship Amsterdam) was established under supervision of (then) Ministry of Culture and the Municipality of Amsterdam (Gawronski 1990b, p. 56). Foundation V.O.C. Ship *Amsterdam* was a private foundation, and it planned to totally raise the shipwreck and relocate the remains to Amsterdam, where it would be conserved in a purpose-built museum (Gawronski 1990b, p. 56). Funds were raised by the foundation, but the plans never eventuated. Instead, the shipwreck was excavated using conventional archaeological methods in 1984, 1985 and 1986 (Gawronski 1990a, p. 364). In 1993 new plans were made by the organisation to move the wreck of the ship to Amsterdam, this time to exhibit it in an enormous water tank (*VOC Stichting Amsterdam* n.d.). Nothing came of this plan.

The shipwreck becomes visible during low tide a few days per year. In 2002, it became apparent during this “surfacing period” that large parts of the shipwreck were covered with sand and a substantial amount of the ship’s timber had been lost.
Although no official agreement between two parties appears to have been signed, a privately funded foundation has made international cooperation possible. As mentioned in chapter 4, Mulvaney refers to Amsterdam in his letter to Smail, and points out that almost all excavation and recovery costs were paid for by this foundation (ANCODS File 4/80/3, 26 August 1992, p. 2).

**MUTUAL HERITAGE AND THE CASE STUDIES**

Mutual, shared and common heritage appear to attract a lot of attention and focus in recent years, especially in cases of post-colonial heritage, but it can also contain an illicit element. The Netherlands, for example, created a specific policy to deal with its mutual heritage. To deal with these issues in a more specific way, organisations like ICOMOS and UNESCO have created guidelines, and specific committees have been created as well to provide guidance in these matters.

From case studies it appears that post-colonial maritime heritage and ownership claims nonetheless can easily complicate the (equitably) sharing of the heritage. The author was unable to acquire an official copy of the bilateral agreement between the Central Cultural Fund and the Amsterdam Historical Museum. Unlike the ANCODS Agreement, that is accessible for the general public because it is included in the Historic Shipwrecks Act 1976, the official agreement between Sri Lanka and the Netherlands is not available through any publicly available resources. However it is apparent that the Netherlands Government provided money to set up the projects, which probably played an important role in the Agreement. Money was an important factor in the case of the Amsterdam shipwreck as well. Amsterdam has been ruled a “protected shipwreck” by the English Government, which means that a licence from English Heritage is required to be allowed to work on it. Although speculative, the fact that Stichting VOC Schip Amsterdam would pay English Heritage to become the owner of the shipwreck (in case that it actually would be transferred to Amsterdam), is probably the only reason English Heritage would allow so. It would appear to become a complicated situation if a shipwreck protected by the English Government would be “taken back” to the Netherlands. Money opens many doors, but from these cases it can be viewed that official involvements seem to have contributed to a smoother running of mutual heritage projects. This can be either through an
agreement (ANCODS Agreement, *Avondster*) or a foundation backed by some sort of official involvement, like the case of the *Amsterdam* shipwreck where the Ministry of Culture and Municipality of Amsterdam were involved.
CHAPTER 6 DISCUSSION

ANCODS, ethics and mutual heritage

This research focused on heritage. It was a feeling of shared heritage that ensured the ANCODS Agreement came into existence. If Australia or the Netherlands only had been interested in the monetary value of Vergulde Draak, Batavia, Zuiddorp, and Zeewijk, their heritage significance would have been lost today, the Collection would not have been on display for the public and accessible to researchers in the way it is today. As stated in the ICOMOS 1996 Charter On the Protection and Management of Underwater Cultural Heritage; Underwater Cultural Heritage by its very character is an international resource, since most designated sites are located in an international setting and resulted from international trade and communication in which ships and their content were lost away from their origin or destination (ICOMOS 1996 Charter Introduction).

This often proves difficult to deal with, especially when more than one country views an archaeological site or sites as their cultural “patrimony”. As was discussed in chapter five, this often leads to ownership claims and might complicate the matter, especially when it concerns post-colonial heritage. This complicated side of heritage has been recognised by the international community in recent years and, as a result, international organisations and committees have created codes of ethics, and guidelines to deal with this type of heritage (ICOMOS and UNESCO for example). From Table 1 becomes clear that the ANCODS Agreement is consistent with modern day codes of ethics, and that the current topics of return and mutual or international heritage are already discussed in some of them (Table 1, p.42). Maritime cultural heritage is more complex as different countries have different policies regarding their underwater cultural heritage. International policies and cooperation are needed to deal with this issue (Maarleveld 2006, p. 182). The 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage is an important asset in this, and even though it might not (yet) be ratified by several countries (including Australia and the Netherlands), it is affecting the underwater cultural heritage policies of many countries and its influence should not be underestimated (Maarleveld 2006, p. 187).

Even though guidelines are in place, which encourage management of mutual
heritage, cultural heritage remains a complicated matter, especially in sensitive (post-colonial) situations in relation to underwater cultural heritage. Ownership and money appear to be the major issues in these matters, often showing some questionable ethics. Examples of this are numerous, for example the discussed cases of the Geldermalsen, Rooswijk, Nassau and Middelburg shipwrecks.

The case studies

It has become apparent, that the cases in which the Dutch government took a more holistic approach often had a better outcome. This involves a combined multicultural, legal and political perspective in combination with an official agreement or even a foundation that handles these various values in an equal matter for the associated parties. Successful cases are for example the discussed Avondster and Amsterdam shipwrecks. This is not only the case for the Netherlands government, but for many more. Nonetheless the Netherlands are a country in which seafaring and trade have always played a major role, and that now have to deal with many (often post-colonial) situations involving mutual, shared or common heritage. This made the Netherlands a good case study for this thesis. Although Avondster and Amsterdam are successful cases, they are still dealt with in a different way than the four Dutch shipwrecks for which the ANCODS Agreement was created. The main difference between them is the executing organisation behind them.

The Avondster and ANCODS shipwrecks were dealt with through an official agreement between two countries, while Amsterdam was dealt with through a private foundation. An official agreement between two countries is carefully negotiated so that both countries’ interests and benefits in the project are represented. In these two cases research played a big part of this. The major difference between the Avondster and the ANCODS project is that Avondster has a post-colonial background, whilst ANCODS does not. Because of this Sri Lanka is one of the Netherlands’ priority countries in their Common Cultural Heritage Policy Framework 2009–2010. This might possibly be the reason that the Netherlands invested a large amount of money in the project, which was used to complete the training of Sri Lankan archaeologist in the methods of underwater archaeology and for the completion of the conservation laboratory and diving station, as well as the completion of equipping of the diving
The Amsterdam project was funded through Stichting VOC Schip Amsterdam. Even though it was established under supervision of (then) Ministry of Culture and the Municipality of Amsterdam, it remains a private foundation. The foundation performed scholarly archaeological research, and published their results. Some of their plans (to raise the shipwreck and transport it to the Netherlands), however, seem to indicate that the party benefitting the most from this arrangement would have been the Netherlands. The amount of money the Netherlands presented to England was probably the reason England would have agreed to this (if the plans were to have been carried out). This manner of underwater cultural heritage management would not be possible for countries that do not have the funds to undertake projects like this. If the shipwreck remains indeed would be transferred to the Netherlands, the term “mutual” heritage is maybe not the best fit here. “Shared heritage” would possibly be more appropriate since the heritage does not appear to be shared in the same way nor in equal parts, as is the case in “mutual heritage” (van Stipriaan 2006, p. 3).

The best example of a case where a bilateral agreement involving mutual heritage has worked out well for all parties involved is the ANCODS Agreement, Committee and Collection. Australia’s efforts to create the necessary protection and legislation after the discovery of the V.O.C shipwrecks have safeguarded this heritage for the future. The bilateral Agreement between Australia and the Netherlands specifically included collection ethics. When compared in Chapter 3 to modern ethical standards, it becomes clear that the ANCODS Agreement complies with most of these standards, especially compared to safeguarding the Collection and sharing knowledge with not only other professionals, but with the general public as well.

An interesting fact is that the Netherlands in the agreement officially lost its title to artefacts from the ships, but still received part of the Collection. This is not in line with modern codes of ethics. It was rectified when it was decided that the Dutch part of the Collection had to be returned to Australia. This was done to complete the Collection; so it would be closer to its original location; and the largest part of the Collection is now under the roof of the museum that has taken part in the archaeological and conservation process. All the research and knowledge relating to the four Dutch shipwrecks is at the same place.
The return of the Netherlands’ Collection

The return of the Netherlands’ Collection heightened the Collection’s significance, as discussed in chapter five. Not only because it now complies with international codes of ethics and the UNESCO 2001 convention, but also because it is now situated closer to the community which was influenced most by the historical events. The opening of the exhibition in the Western Australian Museum, and the media attention supports the constructing of societal memory and identity because it directly involves the local community.

The Netherlands’ Collection has now been returned to the Western Australian Museum, and the process of reuniting the collection now needs to be finished. It has become apparent that material of Vergulde Draak, Batavia, Zeewijk and Zuiddorp still is dispersed over several institutions or remains in custodianship of private individuals. The largest Collection outside that of the Western Australian Museum dwells in the Australian National Maritime Museum. With only local research performed in South Australia a number of artefacts were located in the South Australian Maritime Museum, which were on loan from other institutions, such as the Royal Geographical Society of South Australia Inc. and the South Australian Museum. During the amnesty held from 1 May 1993 to 31 March 1994, material from the four shipwrecks appeared, and some of it proved to have major consequences for the archaeological research, such as the bell fragment of the Zuiddorp shipwreck (Rodrigues 2009, p. 160). If it is not possible to put all the material together, it would be advisable to collect as much information from the institutions and private individuals to ensure that at least all the information relating to the four shipwrecks will be reunited.

Officially, ANCODS encompasses all the material of the four V.O.C. shipwrecks, including that recovered prior to the existence of the committee. It has been noted during this research, that some material acquired through salvaging prior to the official excavation resides in museums and other locations, and some other materials are still lost. This is an issue that still should ideally be dealt with in the future. It has also become apparent that researchers at the Western Australian Museum still consider the research relating to the four shipwrecks as unfinished and ongoing, and the same applies to their related survival camps (Van Duivenvoorde
The future of the Committee

This leads to the issue of the future of the ANCODS Committee. Although the Committee and several other people involved, tried to arrange a future for the Committee after the return of the Dutch part of the Collection, a mutual declaration was signed on 15 September 2010 that declared the committee as inactive until possible new shipwrecks are discovered in Western Australia (see appendix C for the mutual declaration). During the research it appeared that there are more reasons than just the discovery of more Dutch shipwrecks why the committee should remain active. It is true, as has been suggested, that the major tasks of the committee have been fulfilled; the Netherlands returned their part of the Collection, so it now resides in one country: Australia. Even though the National Maritime Museum will not be receiving any further artefacts, the Collection is still divided between two different institutions, of which only one institution was actively involved in the research and conservation of the four V.O.C. shipwrecks. In fact, when the Netherlands Collection was to be sent back, part of the Australian National Maritime Museum’s Collection was still in storage at the Western Australian Museum. Around the time of the return of the Netherlands Collection a request was made by the Australian National Maritime Museum whether the material could be transferred to the Museum in Sydney (Van Duivenvoorde 2011, pers. com.). This does not mean that the Australian National Maritime Museum is not concerned with context or ethics. To the contrary, the Australian National Maritime Museum has established itself as an institution highly concerned with underwater cultural heritage legislation, and national and international charters, conventions, and guidelines relating to best-practice in maritime archaeological collection management.

As suggested by ANOCDS Committee members on several occasions, it would be advisable to create a successor body to encourage cultural exchanges with the Netherlands and Australia, and to advise on matters related to the material recovered from the Dutch shipwrecks (ANCODS File 4/80/6 11 March 2009, p. 2). This could also include recommendations and involvement in organising shared and travelling exhibitions. In this way, the Committee could not only act as an umbrella
organisation, “fostering communication, consultation, and the sharing of resources between Dutch and Australian researchers” (ANCODS File 4/80/3 April 1997, p.1), but also between researchers and the general public.

Organisations and persons opposing this idea mentioned that other organisations, like the Netherlands committee arranging the mutual heritage policy, or the Australian Centre for Excellence in Maritime Archaeology are already in place to take on this task. However, it should be remembered that it has also been mentioned by researchers that it was believed necessary for the research group to be attached to some sort of formal body in order to survive (ANCODS File 4/80/4 3 August 1998, p. 1).

An argument used to oppose the idea of expanding the committee’s responsibilities was widening ANCODS’ charter, which would require policy decisions by both Governments, and consequential amendment of the Historic Shipwrecks Act 1976. This would result in a lengthy process of formal government to government negotiations and agreement (ANCODS File 4/80/3, July 1997, p. 2 and 3). The Historic Shipwrecks Act 1976 is currently under revision and this could be taken as a chance to officially change it without too much trouble. Resources are likely to be the most problematic issue, but possibly programmes involved with the Dutch Mutual Cultural Heritage Policy may become involved with ANCODS in the future. Other organisations, such as the Australia-Netherlands Heritage Contact Group should be considered. Resources were a problem in Australia during the 1990s, however Australia has undergone a significant economical growth and limited resources should therefore not be an excuse (Van Duivenvoorde 2011, pers.com.).

UNESCO specifically promotes bi- and multilateral agreements to protect underwater cultural heritage in its Convention, and in this way ANCODS could set an example for the rest of the world. As showed above, many different issues such as future research and “lost” artefacts still need to be dealt with. Therefore it is recommended that the future of the ANCODS Committee will once more be discussed. New members from academic institutions in Australia and the Netherlands can renew the Committee. Several institutions might be interested in involvement and possibly support with the economic side of the Committee and a joint Australia-Netherlands research programme. Besides this, ANCODS sets an amazing example of twenty-first century management of mutual underwater cultural heritage. With an
official, academic agreement in place for both countries, it becomes easier to deal with the issue of mutual, shared and common heritage, even in the case of post-colonial relationships. It appears to be the most positive way of dealing with cultural, political, legal and social circumstances and the different layers of values that are associated with mutual heritage. This can improve cultural and political relations between two or more countries and their mutual heritage.

**Conclusion**

To reassess the first aim of this research, which was “to compare the guidelines of modern museum and collection councils and other related organisations' codes of ethics, and place the Agreement within this framework of guidelines”, it becomes apparent that the Agreement lives up to most modern standards. The return of the Netherlands Collection counteracted one of the prior major issues with the Agreement in relation to modern codes of ethics. Now the Collection is no longer split up in three parts, and the major part of the Collection resides in the Western Australian Museum’s Shipwreck Galleries. A smaller part of the Collection can be found in the Australian National Maritime Museum however, thus the Collection is still split up. When investigating the themes in the researched codes of ethics that relate to the research aims of this thesis, it became apparent that the Agreement fits all of the modern ethics discussed, and is a leading example on terms of mutual heritage and international cooperation.

The second aim guiding this research was “to investigate the possible different future directions which the Agreement, the Committee, and the related Collection can take”. The role of the Committee has changed since one part of the Collection has been reunited with the largest part of the Collection. The Collection now resides in one country, with the exception of loose artefacts acquired by museums prior to the enactment of the Agreement. It has become clear, nonetheless, that several tasks are still remaining. Even though other committees or centres have been appointed as possible institutions to take on these tasks, it would be unfortunate to let the bilateral relations that have been established regarding this mutual heritage diminish. The major issues against continuing the Committee seem to be of a bureaucratic nature; it takes time, costs money, and it involves changing legislation. The opportunity
presents itself, however, to do that now, while the *Historic Shipwrecks Act 1976* is undergoing changes. Not only archaeological, but political relationships as well, would benefit from this.

When analyzing the third aim; “to assess the background and new significance of the VOC maritime Collection being returned to Australia by the Dutch Government and to discuss how it relates to international standards for underwater cultural heritage management” it falls into place that this has had some major consequences. The Agreement is now not only in compliance with modern codes of ethics, but the Collection’s significance changed because different parts of the same item were reunited. Furthermore, the knowledge and larger part of the Collection at present remain in one building, close to their original environment and community influenced most. It sets an excellent example for current international standards of international heritage management. The codes of ethics it complies with have been discussed through the second aim, and the changes in the Collection since it has been returned, indicate how much underwater cultural heritage can benefit from complying with these guidelines and standards.

Finally, the fourth aim was “to assess the ANCODS Agreement against similar cases in the world and create an overview of the theory, practice and policies that are involved with the maritime archaeological artefact collections classified as mutual heritage”. The discussed cases show that an official agreement between two or more countries appears to be an ideal solution for handling mutual underwater cultural heritage. Even in difficult situations, both parties will be able to negotiate the best deal for their national and cultural perspectives, which culminates in the best possible result for their political relationship but, most important, for the involved heritage.
APPENDIX A. THE ANCODS AGREEMENT

HISTORIC SHIPWRECKS ACT 1976 - SCHEDULE 1—AGREEMENT BETWEEN THE NETHERLANDS AND AUSTRALIA CONCERNING OLD DUTCH SHIPWRECKS

Section 3
THE UNDERSIGNED:
1. MR WIM BLOKZIJL, resident of The Hague, Head of the Inspection Division of the State Property Directorate of the Ministry of Finance, acting on behalf of the State of the Netherlands, hereinafter referred to as “The Netherlands”.
2. DR LLOYD DOUGLAS THOMSON, M.V.O., Australian Ambassador to the Netherlands, acting on behalf of the Government of the Commonwealth of Australia, hereinafter referred to as “Australia”:

HAVING REGARD TO THE FACT:
A. That vessels that belonged to the Dutch “VEREENIGDE OOSTINDISCHE COMPAGNIE” known as the V.O.C., hereinafter referred to as “the V.O.C.”, were wrecked on or off the coast of Western Australia;
B. That the Netherlands, by virtue of article 247 of the 1798 Constitution of the Batavian Republic, is the present legal successor to the V.O.C.:

AGREE AS FOLLOWS:

Article 1: The Netherlands, as successor to the property and assets of the V.O.C., transfers all its right, title and interest in and to wrecked vessels of the V.O.C. lying on or off the coast of the State of Western Australia and in and to any articles thereof to Australia which shall accept such right, title and interest.

Article 2: For the purpose of this Agreement, the expression “articles” means any part of vessels as referred to in article 1, that have become or have been detached or removed therefrom, as well as the fittings, goods and other property, wherever situated, that were installed or carried on those vessels.

Article 3: Australia shall make no claim on the Netherlands for reimbursement of any costs incurred in searching for any of the vessels referred to in article 1 of this Agreement or in recovering any articles from those vessels.
Article 4: Australia recognizes that the Netherlands has a continuing interest, particularly for historical and other cultural purposes, in articles recovered from any of the vessels referred to in article 1 of this Agreement. Accordingly Australia shall set up a Committee to determine the disposition and subsequent ownership of the recovered articles between the Netherlands, Australia and the State of Western Australia.

Article 5: The Committee referred to in article 4 of this Agreement shall be set up within 90 days after the entry into force of the Agreement and shall comprise two persons nominated by the Netherlands and two persons nominated by Australia. These persons shall have the scientific and cultural expertise appropriate for the discharge of their functions.

Article 6: The Committee shall determine the disposition of the recovered articles in accordance with the principles which have been agreed upon by Australia and the Netherlands and are set out in the Arrangement signed by Australia and the Netherlands and attached to this document.

Article 7: Expenditure incurred by the Committee in the performance of its work shall be shared between the two Parties represented on the Committee, the share to be borne by the Netherlands being one third and that by Australia two thirds provided that—

(I) each Party shall bear the costs of travel by the Committee members nominated by it,

(II) the costs of communications by a party to the Committee shall be borne by the despatching Party, and

(III) the expenses of transportation of articles distributed in accordance with determinations of the Committee shall be borne by the recipients of the articles.

Article 8: If the members of the Committee referred to in article 4 of this Agreement cannot come to an agreement on the disposition of particular articles, Australia and the Netherlands shall appoint an independent consultant to report on the matter in issue and the report shall be referred to the Committee for re-consideration of the matter. The cost of the report shall be shared between the two Parties represented on the Committee, the share to be borne by the Netherlands being one third and that by Australia two thirds.

Article 9: If, on considering the consultant’s report on a matter, the members of
the Committee cannot come to an agreement on the disposition of the recovered articles, the matter will be referred to the Government of the Kingdom of the Netherlands and the Government of the Commonwealth of Australia, which will settle the matter by negotiation.

Article 10: This Agreement shall enter into force on the date of the signatures of both Parties.

DONE at The Hague this sixth day of November in the year One thousand nine hundred and seventy-two in two originals in the English language.

ARRANGEMENT SETTING OUT THE GUIDING PRINCIPLES FOR THE COMMITTEE TO DETERMINE THE DISPOSITION OF MATERIAL FROM THE SHIPWRECKS OF DUTCH EAST INDIA COMPANY VESSELS OFF THE COAST OF WESTERN AUSTRALIA

THE COMMITTEE

Responsibility
The Committee’s responsibility will embrace all material recovered from the wrecks—whether recovered before or after the coming into operation of the Western Australian Museum Act in December 1964 which contains provisions for vesting in the Museum title to the wrecks of the Batavia, the Gilt Dragon, the Zuytdorp and Zeewyk.

Conduct of Business
The Committee is small enough to meet if occasion demands but most of its work could be done by correspondence.

General Principles

Representative collections
The cost of recovery (including treatment) is likely to exceed by far the intrinsic or antiquarian sale-value of material recovered. The Government of Western Australia is spending considerable sums on this work ($92,000 in the last financial year) and estimates that the total cost will be $2,000,000 or more. Although a division would not be warranted by consideration of cash value alone, the historic, educational, scientific and international considerations are such as to make the deposition of representative collections in the museums of the Netherlands and Australia most desirable. The remainder of the material would be held in the Western Australian
Museum.

**Considerations governing the partition of archaeological collections**

In modern archaeological practice sites are no longer regarded merely as a source of important individual items, but rather as a body of material whose collective value far outweighs the importance of the individual pieces and in which the relationship of the individual objects within the sample are a major part of its historical value. Accordingly, the sharing of material from an archaeological site is best regarded as the accommodation in several localities of a corporate entity rather than its division into parts.

If the decision is made that the contents of an archaeological site are to be apportioned between two or more institutions, the first principle to be observed is that the total assemblage should be capable of reassembly to allow further statistical and scholarly analysis. It follows, therefore, that unnecessary splitting of a sample of closely similar objects capable of statistical treatment should be avoided and, where samples are accommodated in more than one institution, those institutions should contract not to disperse them further and, moreover, to agree to allow samples to be brought together for analysis and study as required. The second principle is that where unique or rare objects, themselves, form a meaningful assemblage within the whole, this assemblage should not be split or, if split, perfect replicas be made to complete the assemblage. As in the case of the division of statistical samples an agreement should be made between the recipients to reconstitute the original assemblage if it is required for scholarly research.

**Treatment of material recovered**

The contents of the ancient shipwrecks of the Dutch East India Company include abundant statistical samples such as coin, bricks, objects of pottery, elephant tusks, and so on. There are also many articles which are less abundant but which are duplicated many times over. Many of these are ship fittings such as cannon, anchors, cannon balls, etc. There are also other articles which are relatively rare, or even unique, in the deposits (e.g. articles possessed by crew members, or passengers, such as barber’s instruments, navigational instruments, ornaments, etc.). Most articles are fragmentary and in need of immediate chemical conservation and stabilization in the laboratory as soon as they are recovered. This treatment cannot await distribution.

**Operating Principles**
**Code of Operation**

The Committee will operate by reviewing proposals for distribution made, from time to time, by the Director of the Western Australian Museum; it could decide that the proposed samples be increased or decreased in content in the light of the total material collected and other factors.

**General aims**

In its deliberations the Committee will have, as its general aim, the purpose of ensuring that representative series of statistical samples and sufficient examples of the rarer objects will be deposited in the museums of the Netherlands and Australia to convey the variety and contents of each wreck to both the public and to scholars while, at the same time, ensuring that major projects of scholarly research will not be impeded by overfragmentation of the collection. Dispersal in this way, among separate repositories will also help to ensure the permanent safety of representative material in the event of the destruction of any one repository.

**Statistical samples**

Most material so far recovered from the vessels are samples capable of statistical treatment.

A representative collection of the contents of each statistical sample should be made available to a museum of the Netherlands Government and a museum of the Commonwealth Government. Thus, in the case of coin, for example, both the Netherlands and Commonwealth Governments would receive as complete a series as possible representing the mintings and values contained within each of the wrecks. These will provide their museums with ample material of this class of objects for display purposes and sufficient to enable a scholar to make the initial qualitative studies which would possibly lead him to a more detailed statistical treatment of the bulk sample retained in the Western Australian Museum.

**Less common or rare objects**

In order to ensure that both the Netherlands and Commonwealth Governments acquire, in due course, representative collections of the less common and even unique objects, the following procedure will be adopted. Since the relationships of such objects to the whole sample cannot be known until excavation is complete, the distribution of specimens of this nature cannot be considered during the continuing process of recovery. However, at reasonable intervals (of say two or three years) it
should be possible to assemble a representative sample with fair certainty that all
duplicates of any rare object present in a particular excavation should have been
recovered and their nature taken into consideration during the deliberations of the
Committee.

THE HAGUE,

6th November, 1972
APPENDIX B. THE ANCODS COLLOQUIUM
RECOMMENDATIONS AND SOLUTIONS

ANCODS 1997 RECOMMENDATIONS

1. It is recommended that the ANCODS should include a new schedule in the bilateral Agreement, acknowledging the need for research and dissemination of information relating to the collection and sites covered by the Agreement. This would encourage joint research projects on this material between scholars and research workers in the Netherlands and Australia.

2. That, as a priority, research and field-work are required to fully investigate the land sites associated with the VOC wrecks. It is suggested that the *Batavia* site should be investigated first. The programme would include a remote sensing project on the island, close to the site, to determine if there are occupation areas and grave sites. Archaeological excavation of these sites would then take place. Comparative studies of the skeletal material from these sites, and sites in Europe and elsewhere, would help to identify the individuals, aspects of their health and the manner of their deaths on the islands.

3. It is recommended that archaeological and research reports be published relating to this work, together with full excavation reports; and publications for the general public, of all the sites, be encouraged.

4. Acknowledging the interests of both the Western Australian Maritime Museum and a number of Netherlands research institutes in the Asian region, it is suggested that, in the long term, this committee could foster trilateral research programmes. For example, the Western Australian Maritime Museum has a maritime archaeological programme in Galle – an ex-Dutch colonial port where a number of important VOC ships have been discovered. In addition, the Netherlands is interested in Galle from the historical point of view. A combination of these two programmes with the Sri Lankan authorities would be extremely beneficial. Other projects can also be identified.
5. It is recommended that conservation of the collection be given a high priority and, in particular, techniques be investigated to help treat some of the more difficult and complex material.

6. That the original objectives of the Agreement be maintained – that the collections should not be fragmented and that the material should be available for scholarly research.

ANCODS RESOLUTIONS

Resolution 1.
In the practice of modern archaeology, it is generally accepted that the collections should remain within their original context. It is suggested that the ANCODS should promote the concept that the whole ANCODS collection should remain under the administration of the Western Australian Maritime Museum, which should administer the location, movements and loan of the collection.

Resolution 2.
That the research role of ANCODS, as originally outlined in the Agreement, be expanded to encompass the concept of a joint Australian and Netherlands scientific research (JANSR), which would include education, dissemination of information, scientific research projects and community access. The ANCODS Committee should also examine the future role and aims of ANCODS.
APPENDIX C THE MUTUAL DECLARATION FOR THE RETURN OF THE ARTEFACTS

MUTUAL DECLARATION

BY

THE MINISTRY OF EDUCATION, CULTURE AND SCIENCE OF THE NETHERLANDS
AND

THE DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS OF AUSTRALIA

ON

THE 1972 AGREEMENT BETWEEN THE NETHERLANDS AND AUSTRALIA CONCERNING OLD DUTCH SHIPWRECKS

The Ministry of Education, Culture and Science of the Netherlands and the Department of the Environment, Water, Heritage and the Arts of Australia (the Signatories),

Taking into consideration,

- that on 6 November 1972, the Agreement between the Netherlands and Australia concerning old Dutch shipwrecks (hereinafter referred to as "the Agreement") was signed in The Hague, which specifies the disposition of recovered articles from wrecked vessels of the Dutch "VERENIGDE OOSTINDISCHE COMPAGNIE" (hereinafter referred to as "the V.O.C.") lying on or off the coast of the State of Western Australia (hereinafter referred to as "the ANCODS Collection");
- that the Committee established under Article 4 of the Agreement (hereinafter "the ANCODS Committee") has agreed that an agreed portion of those articles have been returned to the Netherlands in accordance with the Agreement; and
- that since the Agreement was signed in 1972, the views on how to manage archaeological collections have developed and that it is currently commonly found to be preferable to keep such collections intact in one location, preferably close to the original site;

declarer the following:

Paragraph 1
Articles of wrecked vessels of the V.O.C. that have been returned to the Netherlands over the last four decades on the basis of Article 4 of the Agreement will be transferred to Australia. The Netherlands declares that Article 1 of the Agreement applies in respect of these articles.

Paragraph 2
The Netherlands will forego the allocation of any articles of the four known wrecked V.O.C. vessels (Batavia, Guldentheeck, Zytdorp and Zeeuwick) to be recovered in the future. Therefore, the ANCODS Committee no longer has a task to fulfil and it thus becomes inactive as of the date of signature of this Mutual Declaration.

Paragraph 3
If a wrecked vessel of the V.O.C. other than the vessels mentioned in Paragraph 2 is to be discovered in the future, the authorities of the Netherlands and Australia may decide to revive the ANCODS Committee to evaluate the newly created situation.

Paragraph 4
Australia will ensure that the ANCODS Collection remains accessible to the Netherlands, its institutions and its authorities through the loan of the Collection, or part thereof.
Paragraph 5
The ANCODS Collection will be digitally accessible online to Dutch and Australian scientists, museums, other interested parties and the general public. The digitalized Dutch part of the Collection will be made available to Australia. The digitalized Australian part of the Collection will be made available to the Netherlands.

Paragraph 6
The Department of the Environment, Water, Heritage and the Arts of Australia will ensure the guardianship and maintenance of the digital ANCODS Collection.

Signed in duplicate in Lelystad on 15 September 2010 in the English language.

For the Department of the Environment, Water, Heritage and the Arts of Australia
H.E. Ms Lydia Elisabeth Morton
Australian Ambassador to the Netherlands

For the Ministry of Education, Culture and Science of the Netherlands
Ms Judith van Kranendonk
Director-General of Culture and Media
ANCODS File 4/80/3–4/80/6

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