ARCHAEOLOGY IN NEW ZEALAND

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ARCHAEOLOGICAL HERITAGE MANAGEMENT REFORM IN NEW ZEALAND: WHAT HAPPENED?

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As most readers of this periodical are aware, the recently concluded (1999) review of New Zealand's historic heritage by the former National government produced formal recommendations to end the approximately 25 year tradition of centralised statutory archaeological site protection under the *Historic Places Act* (HPA). Recommendation V of the Ministerial Advisory Committee proposes that statutory archaeological site protection should be integrated into the *Resource Management Act* 1991 (RMA), "and that, when such protection is in place, the current HPA system of regulation of archaeological sites be repealed" (DoC 1998b: 16).

Any future implementation of this and other review recommendations in legislation and policy terms now awaits the action of the new Labour-Alliance Coalition Government. In a still uncertain environment, this paper provides an overview of archaeological heritage reform developments in New Zealand with reference to key sections of relevant statutes where appropriate. The paper also outlines some of the problems confronting the heritage reform process.

In preparing this overview I am conscious that many parties affected by heritage management reform hold a variety of strong opinions on the subject. It is not my intention to advance explicitly any partisan view of my own, or to criticise any other view. Rather, this paper seeks only to highlight, without necessarily resolving, some of the central issues in archaeological heritage reform in contemporary New Zealand as I see them. The paper is based partly on my recently concluded experience as a NZ Historic Places Trust ("Trust") archaeologist since 1996, and partly on research conducted over summer. It is certainly a personal and therefore selective overview concentrating on history

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and process. I also acknowledge that the frequent citation of legislation has resulted in some fairly dense prose in places! I hope nevertheless that the paper will be of some general use in pointing to themes of importance emerging from a frequently complex and confusing change process.

Early Reform and Problems

Archaeological site protection was first recognised in legislation under the *Historic Places Amendment Act* 1975 (the "1975 Act"). This Act defined an archaeological site as any place "associated with human activity more than 100 years ago", including the wreck of any vessel, that could be investigated by archaeological techniques, so as to "provide evidence as to the exploration, occupation, settlement, or development of New Zealand" (s 2). The 1975 Act determined that "it shall not be lawful ... for any person to destroy or damage or modify, or cause to be destroyed or damaged or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site" (s 4 (9F) (1)). On "application", however, the Trust could, "subject to such conditions as it thinks fit to impose, authorise the whole or any part of any archaeological site to be destroyed, damaged or modified" (s 4 (2)). The 1975 Act also directed the Trust to "establish and maintain a register of archaeological sites", and to make arrangements "with such persons and institutions as it thinks fit for the purpose of obtaining the required [registration] information" (s 4 (9G) (1)). Furthermore, except as provided under the 1975 Act, this statute declared that "it shall not be lawful ... for any person or institution to undertake any archaeological investigation which may destroy, damage or modify any archaeological site" (s 4 (9H) 1).

These sections of the 1975 Act provided for a system of comprehensive archaeological site protection to be administered by the Trust. As indicated above, the Trust alone could receive applications and authorise the destruction of any archaeological site. The 1975 Act also provided that the Trust "may conduct a scientific archaeological investigation of any archaeological site or may authorise in writing any person or institution to undertake any such investigation" subject to such conditions as it saw fit to impose (s 4 (9H) 2). While this comprehensive system with its consenting process for site modification is not unknown in heritage law outside of New Zealand, it is uncommon enough for the HPA system to have merited an extended note in an important 1980s review of cultural heritage law (Prott and O'Keefe 1984: 226 [660]).

The fundamentals of centralised archaeological site protection have continued

since 1975 through subsequent amending legislation (ss 44-46 HPA 1980; ss 9-21 HPA 1993). In one small but important change under HPA1993, the definition of an archaeological site has a mandatory cut-off date "before 1900" (s 2 HPA), rather than a shifting date of 100 years ago. Two other changes of note in the HPA reform process merit detailed consideration.

The first change concerns an enhanced recognition of Maori interests. The 1975 Act directed that no scientific archaeological investigation was to be carried out except with "the concurrence of such Maori association within the meaning of the Maori Welfare Act 1962 as the Trust considers appropriate" (s 4 (9H) 2). This requirement for "concurrence" to investigation was expanded under s 46 (2) HPA 1980 to also recognise a Maori Land Advisory Committee, or "tribal authority or any other Maori authority as the Trust considers appropriate". Under s 18 (3) HPA 1993 it is the Maori Heritage Council of the Trust (MHC, the Trust's statutory Maori advisory body; see Part IV HPA 1993) who shall determine when Maori "consent" for investigation may be appropriate. This consent must be received from "such iwi authority or other body" as the MHC "considers appropriate". Of particular significance, HPA 1993 also requires for the first time that an application to modify, damage or destroy an archaeological site shall include an assessment of Maori values (s 11 (2) (c)) and a statement on consultation with tangata whenua (s 11 (2) (d)). A general authority application (s 12) and any application to modify, damage or destroy a registered archaeological wahi tapu area must be referred to the MHC as well (ss 14 (3) and 33 (1) (b) HPA 1993).

An equally significant change concerns the lineage and integration of the 1975 provision for the Trust to establish and maintain a selective "archaeological site register" (for places of significance). In the 1975 Act this provision was inserted between the new sections (9F and 9H) concerning "protection of archaeological sites" and "scientific investigation of archaeological sites". In the HPA 1980, the part of the Act headed "Archaeological sites" begins with a section (43) providing that a "register of archaeological sites" shall be maintained by the Trust (following the text otherwise of the 1975 Act). Provisions for "scientific investigation" (s 44) and "protection" (s 46) of archaeological sites follow. Under Part II of the HPA 1993, however, archaeological site registration is integrated into a "generic" historic place or area approach as Allen (1999: 24) puts it, which subsumes "all categories of land-based heritage" (ibid.). Under Part I of the HPA 1993 the archaeological provisions stand alone and without any clear linkage of process or proximity to the registration provisions. Similarly, a range of linkages between historic place or area registration and

local authority RMA processes under HPA 1993 (see ss 22 (2) (c), 24 (3) (b) (iii), 25 (2) (b) (ii), 28 (1) (e), 31 (4) and (5), 33 (2), 34-35, Second Schedule) is not replicated in the archaeological provisions. Under HPA 1993 the Trust is required in one place only to advise the appropriate local authority of a decision on an archaeological application pursuant to section 14 (s 14 (9) HPA 1993).

The usefulness of registration or other selective systems for archaeological heritage management has been debated (Allen 1999: chapter 4). Nevertheless, the point to note here is that the association of archaeological site protection with a system expressly for site identification and assessment in the legal texts of 1975 and 1980, however problematic, ended with the HPA 1993. Under s 11 (2) (c) HPA 1993, an application to modify, damage or destroy an archaeological site has to include only an individual assessment of archaeological and any other relevant values (including Maori values as noted above), effectively on a case by case basis. There is no linkage in Part I HPA 1993 to a Trust (or any other) responsibility for systematic site identification and assessment. The HPA 1993 provides still that as a "general function" the Trust shall "identify, record, investigate, assess, register, protect, and conserve" historic places (s 39 (a)). For reasons about to be discussed, this "function" is to all intents and purposes unachievable for the Trust in any meaningful archaeological sense.

An external development affecting the servicing and eventual administration of the HPA should be noted also. In 1987, the then Labour Government established a new Department of Conservation (DoC) with a brief to manage "for conservation purposes" all "natural and historic resources" held under the *Conservation Act* 1987, and to advocate and promote the benefit of the conservation of "natural and historic resources generally" (s 6 (a), (b) & (c) *Conservation Act* 1987). In the following year the archaeologists employed by the Trust transferred to DoC along with the central New Zealand Archaeological Association (NZAA) site record file (the only national database of recorded archaeological sites). This transfer created the unusual situation of a statutory archaeological authority (the Trust) without archaeological staff or resources. Between 1988 and 1993 DoC archaeologists serviced by formal agreement with the Trust the statutory archaeological requirements of the HPA 1980 (including recommendations and advice on site protection and registration processes). The HPA 1993 also declared that "This Act is administered in the Department of Conservation". However, in the year in which the HPA 1993 became law, DoC determined to withdraw its archaeological services to the

Trust, and therefore its operational sponsorship of historic resource management in general. This left the statutory authority to provide for its own archaeological needs, whether for assessment, advice, or site identification, through a Crown payment to be secured by negotiation with DoC (chronology and analysis based on ongoing research, especially DoC and Trust reports to Parliament, and DoC Science and Research Internal reports).

The yearly negotiation process for the funding of statutory archaeology has left the Trust struggling to fulfil its core regulatory responsibilities ever since 1993. In some cases it has simply been unable to do so. This is acknowledged in the Trust's annual report for the year ended 30 June 1996 (NZHPT 1996). The report notes (p. 16) that for the year concerned, "the Trust did not undertake any statutory action" under the sections of the HPA relating to offences against the provisions for archaeological site protection. It observes tersely: "Although the Trust's status as a non-Crown entity obliges it to initiate legal actions itself, it is not resourced to do so" (ibid.).

During my own time at the Trust (1996-1999) these resourcing problems continued unabated. No more, and for most of the time, less than four full time archaeological staff were expected to maintain a national statutory operation under the HPA 1993 with primitive information management technology, and without direct "in-house" access to the central NZAA site record file. Excluding the occasional demands of registration and the less occasional requests for archaeological advice, the Trust's statutory archaeology workload at this time included:

- the processing of over 100 authority applications a year (ss 11, 12 and 18)
- investigation where necessary (ss 13, 15, 18)
- applications for review of conditions (s 16)
- consent to and consideration of archaeological services associated with an authority decision (s 17)
- defence of appeals to the Environment Court against archaeological decisions (s 20), and
- the investigation of offences against the archaeological provisions (Part V).

For much of 1998 and 1999 Trust staff had to deal also with the burden of services to the ministerial review, or internal restructuring. This situation led to ongoing operational delays, while it left little time for "discretionary" archaeological monitoring and site visits, public education, advocacy, policy development (other than de facto operational policy), or the identification and promotion of non-regulatory approaches to site protection. It also generated unrelentingly heavy staff workloads, and therefore widespread staff and client dissatisfaction.

Recent Developments in the Archaeological Heritage Reform Process

In 1996 the Parliamentary Commissioner for the Environment (PCE) released a public report on "historic and cultural heritage management in New Zealand". The Office of the PCE had received complaints from affected parties over the effectiveness of responsible agencies and legislation in the care and protection of cultural heritage. In response the PCE initiated a comprehensive review of heritage management in New Zealand. Of the analysis and recommendations of the PCE report, the following points are pertinent to archaeological heritage.

1. The HPA authority provisions "as currently defined … are inadequate in comparison to RMA consent processes in respect of local decision-making, consultation, independent assessment and systematic enforcement" (PCE 1996: 99, No. 35; see also PCE 1996: 85, 5.5.2). On the last point the report notes that the Trust "is limited in its ability to monitor and enforce the HPA authority provisions at a local level" (PCE 1996: 85), agreeing with the Trust's sentiments cited above in its annual report for the same year.

2. "The Trust is largely required to consider applications for [archaeological] authorities on a case by case basis but without the benefit of a comprehensive overview of their significance in the national context" (PCE 1996: 63, 4.5). Further to this point, the HPA emphasis "on discrete archaeological sites ignores the wider context of sites and the cumulative effects of development projects" (PCE 1996: 85, 5.5.2).

3. Of recorded archaeological sites only a small percentage are on the HPA register, "and the selection of sites for registration has not been the result of any systematic assessment" (PCE 1996: 63, 4.5).

4. The HPA processes do not give Maori values priority where archaeological sites of significance to tangata whenua are concerned (PCE 1996: 59, 4.4.2, 85).

5. A "modern" archaeological consent process is required, including appropriate consultation, tangata whenua involvement, "local decision making, site visits, independent assessments, monitoring and enforcement" (PCE 1996: 85, 5.5.2).

6. Territorial authorities could administer HPA archaeological provisions, "or alternatively the provisions could be transferred to the RMA which is the primary resource management statute in New Zealand" (PCE 1996: 86).

These concerns and suggestions are behind Recommendation 16 of the PCE report to the Minister for the Environment [responsible for the RMA] to consult with the responsible heritage minister "on the desirability of placing the archaeological site authority provisions of the HPA within the RMA" (PCE 1996: 99).

The PCE report also raised concerns over the "arbitrary and inconsistent" exclusion of the NZAA site-recording scheme from Public Good Science Funding (PGSF) consideration (1996: 84-85), as well as the larger issue of the use and future of the file generated by the scheme. The report noted that at present DoC maintains the central file (by agreement with NZAA). The PCE observed bluntly that "if as a matter of policy DoC will not act on or provide interpretation of information on the File relating to all off-estate records, its justification for continuing to maintain the whole File must be less strong" (PCE 1996: 84).

In these observations and recommendations, the PCE report clearly signalled to government that the latest Historic Places enactment, then just three years old, was substantially deficient in the identification, protection and assessment of heritage. As the PCE saw it, "the consideration of archaeological and cultural values should occur along with other resource management issues to enable integrated resource management" (1996: 85, 5.5.2).

The Historic Heritage Management Review ("heritage review") that followed was initiated by the government's consideration of the PCE report, and its agreement under the Ngai Tahu settlement to formally review heritage legislation and management processes (DoC 1998a: 20-21;1998b: 5). In general the heritage review recommendations as reported in 1998 did not stray significantly from the PCE recommendations. Recommendation 1 of the PCE report (1996: 93) to the Prime Minister called for the establishment of a "portfolio for historic and cultural heritage", with "specific responsibility for the administration of a revised Historic Places Act". This was echoed in the heritage

review recommendation (15) for the establishment of a Ministry of Culture and Heritage (DoC 1998b: 25). PCE concerns over Maori heritage were recognised in the review recommendation (14) for "a distinct [national] Maori heritage agency" (DoC 1998b: 23).

With respect to archaeological regulation, the heritage review report followed the PCE in noting

- community frustration" over the centralised HPA process
- Maori criticisms that the current system gives "scientific archaeological values priority over Maori heritage values", and
- the separation of Maori from decision making over "sites of significance to them" (DoC 1998b: 16-17, No. 10).

The PCE recommendation for ministerial consultation over the desirability of transferring the archaeological provisions to the RMA was expanded into Recommendation V of the heritage review report that "statutory [HPA] protection of archaeological heritage" be integrated into the RMA, followed by the repeal of the HPA provisions (DoC 1998b: 16, No. 10). The report suggested that five RMA amendments would accomplish this (DoC 1998b: 36-37, 3.3). The Minister for Conservation endorsed his committee's proposition that the RMA "should be the regulatory tool for historic heritage" (DoC 1998b: 5).

In 1999 the recommendations of the heritage review were carried over into a Resource Management Amendment Bill (RMAB). Among other purposes the RMAB "introduces provisions as a result of the Historic Heritage Management Review", including the "transfer" of archaeological site regulation under the HPA 1993 to the RMA. This is addressed by at least two separate mechanisms. The more comprehensive of these is described in Clause 5 (3) of the RMAB. This provides that "modification, damage, destruction, or invasive investigation" of an archaeological site shall be regulated by local authority planning rules restricting the use of land under an amended section 9 of the RMA. This mechanism follows a direct suggestion of the heritage review report (DoC 1998b: 37, 3.3.ii). Under this provision, modification of an archaeological site (whether for scientific investigation or commercial development) on land where section 9 applied is regulated and controlled in accordance with an Act whose purpose is to "promote the sustainable management of natural and

physical resources" (s 5 (1) RMA 1991)). Depending on the nature of the plan, this could require a local consent process, although other land-use approaches to sustainable management are also conceivable.

A further and more targeted mechanism concerns land "designated" by a requiring authority for some public work or purpose (such as road construction). Clause 61 (s 176A) (2A) of the RMAB provides that an "outline plan must be submitted to the territorial authority" if the proposed activity is likely to result in archaeological site modification, damage or destruction. In that case the outline plan shall note the location of the affected site, extent of any impact, and detail any methods "to record and report" information from the affected site (Clause 61 (s 176A) (2B)). There is no express encouragement or direction in this Clause for the avoidance or mitigation otherwise of any adverse effects. This Clause is an innovation of the RMAB; the heritage review committee did not recommend it.

As a further indication of the course mapped out by the previous National government, the RMAB seeks effectively to strip the Trust of any national statutory status – and not just for archaeological site regulation. In the RMAB provisions for registration the Trust remains the Registrar of a statutory register of historic places and areas (since the relevant sections of Part II of the HPA are not amended), while it loses its statutory right of notification (under Clause 37 of the RMAB) where a RMA resource consent application "affects any [registered] historic place, historic area, wahi tapu, or wahi tapu area" (as provided under s 93 (1) (c) (ii), RMA; see Second Schedule, HPA 1993). Even the DoC heritage review report (1998b: 19) argued that the Trust should retain its affected party status under the RMA pending the introduction of a new system for registration. The direction that local authorities shall "have regard to" a "relevant entry in the Historic Places Register" (ss 61 (2) (a) (ii) (a) and 66 (2) (c) (ii), RMA, Second Schedule, HPA 1993) is also repealed under the RMAB (Clauses 23 and 25).

In the current situation there are further uncertainties over the administration of any national statutory heritage provisions, complicated by a spread of responsibilities across government agencies. Following the recommendations of the PCE and heritage review reports cited above, the Crown's operational responsibilities for the Trust have passed from DoC to a new Ministry for Culture and Heritage (MCH) established on 1 September 1999. In this situation the continuation of DoC's policy and administrative role for the core statutory work of the Trust seems uncertain. A post-election briefing paper to the

responsible Coalition Government Minister (for Arts, Culture and Heritage) notes that a new "Historic Places Trust Bill" is "required" to reform governance of the Trust "in accordance with existing Cabinet decisions regarding the status, roles and functions of the Trust" (MCH 1999: 3.37). The briefing paper also anticipates that "this Ministry will be closely involved" in the incorporation of the heritage review amendments, while it notes that the "lead agency" for the RMAB "is the Ministry for the Environment" (MCH 1999: 3.36).

The recommendations of the heritage review and their outcome in the RMAB have had a mixed reception. In independent submissions the Trust and the NZAA have raised concerns over the process and timing of the transfer of archaeological provisions, as well as the loss of any statutory role for the Trust with respect to the register of historic places at least. The NZAA submission in particular raises concerns over the proposed regulation of site modification as sustainable land use and for the future regulation of scientific archaeological excavation (or "investigation") under a local jurisdiction. However, both organisations otherwise continue to support in principle the amendment of the RMA to effectively regulate archaeological site modification in New Zealand. Of particular note, the Trust and NZAA have not to this point in time proposed any explicit archaeological role for a future HPA beyond raising concerns about the local regulation of archaeological excavation, and of the Trust's role for registration.

The heritage review and RMAB are both largely, of course, the product of the former National Government. It seems reasonable to assume that the new Labour-Alliance Coalition Government will want to revisit the process to some degree. Following the reading of the RMAB in Parliament in 1999, Labour spokesperson for Conservation Jill Pettis raised concerns over the "loss of protection for historic heritage and archaeological sites" under the RMAB provisions. Pettis noted that "archaeological provisions ... including checks and balances seem to have 'fallen off the back of the truck' during the transfer of regulation" (Pettis 15 July 1999). The MCH ministerial briefing paper observes that the amendments recommended by the review "would place a greater onus on local authorities with respect to the protection of historic heritage". The paper adds: "These amendments may become contentious as local authorities have indicated that they are not yet in a sufficient state of readiness to assume the proposed responsibilities" (MCH 1999: 3.36).

It may well be that the coalition government will also heed the proposal of the NZAA (n.d.) for the convening of a working party "charged with the

responsibility of creating an effective system of archaeological heritage management that builds on current Territorial Authority processes" before facilitating the further passage of the RMAB.

The Future of New Zealand Archaeological Management

This review has noted the lineage of certain systemic problems and reform processes that are relevant to the future direction of heritage reform. In their current expression, the most significant problems for archaeological management are summarised and discussed further below.

1. Inadequate appraisal of the role of central regulation.

The most important reason for the failure of the HPA 1993 archaeological provisions is the under-funding and isolation of the Trust's statutory archaeology responsibilities, rather than the inherent nature of centralised regulation per se. The inevitable service deficiencies resulting from under-resourcing and both statutory and operational isolation may have compromised any fair appraisal of the efficacy of, or future for, central archaeological provisions. This is of special concern for the implementation of consenting mechanisms appropriate to the regulation of scientific archaeological investigation (Barber 1998).

2. Deficiencies in site inventory and assessment.

Beyond the Conservation Estate, comprehensive site identification, assessment and prediction processes are insufficiently recognised and integrated under the HPA 1993, inconsistently developed at the national level, and in general, inadequately funded by any national statutory agency. Furthermore, the review committee did not address the problem of archaeological inventory and assessment beyond Recommendation VII that "current restrictions" on PGSF eligibility of site survey work "be reviewed" (1998b 17). (This simply repeats the earlier recommendation of the PCE as cited above.) Only a small number of local authorities have funded archaeological site survey or heritage inventory projects in the 1990s. Often little is known of Maori cultural values for areas or sites with special meaning to tangata whenua. Allied to this problem, no agency appears to have published or even promoted a comprehensive, national field-based assessment of destruction patterns or rates of loss for New Zealand archaeological sites. Systems for comprehensive inventory, assessment, prior notification, and the measurement of cumulative effects are critical for site protection purposes and the reduction of consent and appeal costs.

3. Absence of professional responsibility and quality control for archaeological practice.

At present there are no statutory or self-regulating professional mechanisms for the monitoring of archaeological work, except for the targeted HPA 1993 provisions for the Trust to approve persons servicing archaeological authority conditions (s 17), or to consider an application for archaeological excavation (s 18 (2) and (4)). Otherwise the Trust can only reject or request more information on an assessment submitted as part of an authority application (see ss 11 (2) (c), 11 (3) & 14 (4) HPA 1993). It has no power to monitor archaeological work carried out in the preparation of an application, or to impose quality control procedures over archaeological practice in general. Along with local authorities the Trust must nevertheless deal periodically with the outcome, and sometimes the cost, of inadequate archaeological assessment and investigation. Local authorities without in-house archaeological expertise may be even more vulnerable to this problem. The issue of professionalism in archaeology is under consideration by NZAA Council at present.

4. Local authority concerns over cost and access to archaeological information and expertise.

Local authorities submitting to the heritage review supported "closer coordination" between HPA and RMA processes. However, a division of opinion emerged among those authorities over the processing of archaeological consents at a local level, "largely related to the extra financial burden that would be incurred" (DoC 1998c: 25). Interestingly (and not surprisingly)"there was a clear mandate" among the authorities concerned "for a publicly accessible, centralised, coordinated national [heritage] database with standard criteria being applied across the country" (ibid.). Specific concerns for the devolution of regulatory functions "to regional or local levels" included lack of finance and "in-house heritage expertise" (DoC 1998c: 25). In 1996 the PCE also noted that an effective transfer of the HPA archaeology provisions was limited by lack of knowledge and experience in local authorities, and "the lack of experienced archaeologists working at Council level" (PCE 1996: 86, 5.5.2).

I do not wish to conclude this paper with a litany of problems. While the difficulties for advancing the reform process as noted above are not insubstantial, they are not insurmountable either. Like most archaeologists in New Zealand I am pleased that archaeological resource management issues are being taken seriously at a national level, and debated vigorously. Proposals for local community and especially Maori management of heritage recognise the reality that "legislation can only operate effectively when the communities that

exist within New Zealand society are taken into account" (Allen 1999: 67). Neither are the negative dualist pronouncements of the PCE and DoC heritage review documents on Maori views of "western" archaeology (which assume a dichotomy of "scientific" and "Maori cultural" values) representative of all Maori. Some tangata whenua groups at least believe that scientific archaeological investigations, data and partnerships are a critical component of a unitary and comprehensive modern kaitiakitanga (e.g. Barber and Delaney 1998; NZHPT 1998).

It is encouraging also that the NZAA is taking an active role, and emerging as a critical player in the reform process and outcome. The history and nature of the relationships established between our association and national bodies, local authorities and tangata whenua have much to offer the agencies seeking to manage heritage reform. NZAA's current concern for practice standards and professionalism in archaeology is especially timely. The national site-recording scheme also remains the best hope to achieve a comprehensive resource management inventory, and to support informed predictive approaches. Recently NZAA received a Lottery Board grant to upgrade existing site records. This work is being carried out in cooperation with tangata whenua and local authorities. Whether heritage is to be managed at local or national levels, the effectiveness of any system will depend substantially upon existing knowledge and informed prior advice – and therefore in general, upon the accuracy and availability of the NZAA file.

Finally, it is instructive to note that heritage reform processes in New Zealand are tracking or following important developments internationally (e.g. Hunter and Ralston 1993; Hutt et al. 1999; Kirch 1999; Knudson and Keel 1995). The following observations on the current situation in the United States seem particularly appropriate:

> *The distinction between historic preservation laws, archeological laws, environmental laws, and other laws is already starting to blur. The objective of all these laws is resource protection, and over time, this single objective may be dealt with in a more comprehensive, cohesive fashion. (Miller 1999: 31).*

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