



NEW ZEALAND
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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION NEWSLETTER



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NOTES TOWARDS A PROGRAMME OF EFFECTIVE
POLITICAL ACTION IN THE FIELD OF ANTIQUITIES

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These notes are based on my experience in fostering site protection between 1961 and 1966 in New Zealand, and in conducting an effective campaign in Hawaii in 1968-69 which achieved a reasonably complete set of antiquities laws (McGimsey 1972: 142-43) and established a Foundation for History and the Humanities. These notes were prompted by my reaction to the paper of Park, Sutton and Ward, which in outlining what are certainly "ideal" solutions, leads them to positions which I believe are politically impractical, here or abroad. In Hawaii I was influenced by a booklet given me by a legislator called "The Art of Affecting Legislation". Through thick and thin with the idealistic and highly motivated activist students of 1969, I tried not to depart from its principles, which I believe are appropriate here, even though its details are not. These were:

1. Define your programme accurately, concisely, and put it in writing.
2. Make sure your programme has emotional appeal - in the sense that it stirs the sympathy or excites the imagination of a large segment of the population.
3. Make sure it is rational, easily defined and explained, and able to be defended against other or existing alternatives.
4. Make sure it is practical in the sense that it is within the realm of political reality and can be financed through available government funds.

On this basis we circulated to every member of the legislature a copy of our proposals and saw that they fitted the above criteria. We also solicited the support of all historical and conservation societies, saw they had copies of our proposals, and went to their meetings to explain them. While everyone recognised the proposals were less than ideal, they were clearly far more than a simple modification of the existing act. They were positive in pressing both for a change in legislation and in setting up a governmental agency to deal with the

action required, yet they lay within the realm of the politically practical. We presented our proposals in a simple and plain language, allowing the legal drafting agency of the legislature to translate them into legalese. Finally in the hearings, we were able to supply required back-up data and reference material, and could cite good precedents from all over the world for what we wanted. As well we could show that various alternatives suggested would not or did not work, because they had been tried elsewhere and found wanting.

The proposals of Park, Sutton and Ward seem to me too complex, and too detailed on points of operation which are controversial. They are not all politically feasible. Moreover, their discussions are too rational and they are not sufficiently emotional in their advocacy. For example, one could agree with their points 1 and 4 but what they advocate flies in the face of some basic premises of long standing in the Anglo-Saxon origin of our laws and thus incorporated in the law of the land on this premise (Green 1966: 88). In short, not only do I judge their "consideration" as politically impractical, but I feel it is liable to carry negative emotional appeal, and perhaps even foster hostility from some, and political opposition from others. It may be a guiding principle for us in writing proposals, but in any widely circulated document it must be cloaked in a politically acceptable form.

This is what I would suggest: The prehistoric cultural heritage of New Zealand is a national asset whose preservation, like that of the environment, is the responsibility of every member of the community to foster. As such the rights of the public to enjoy it, the scientist in the community to investigate and interpret it, and public bodies and institutions in the country to preserve and protect it must be given full recognition, especially in cases of conflict with irresponsible individual actions, which however legal, seek to diminish or destroy parts of that heritage. Something like this seems to be more acceptable and still serves the same purpose insofar as a programme designed to do something effective is concerned.

There is also the necessity of making the issue emotional and thus worthy of notice. Here I would introduce statements that only a few people are in fact making money out of the sale of artefacts. I would also note that areas of the coast like Otago and North Cape have become cultural and prehistoric deserts because of uncontrolled fossicking. Such ideas need to be introduced into the argument to lend it force.

The positive key in the Part-Sutton-Ward proposals, on which all else can be hung, would seem to be a Board, or Division, or Department

of Antiquities. This is the kind of proposal politicians and the public can understand, for it creates a known type of agency which remains under the governmental control, and embodies the important concept of "the State as the guardians of the past". Thus I would push this proposal for all it is worth, noting for instance that even Pakistan and other smaller countries to whom we give aid, have separate Departments of Antiquities. I would question why we are so behind Australia, which has an Institute of Aboriginal Studies, while New Zealand has nothing similar. I would suggest that it is only because of a body of dedicated amateurs and professionals, who out of their own time and resources do what every other government in the world accepts as one of the State's primary responsibilities that we have not completely failed. I would also argue that the New Zealand Historic Places Trust as it was conceived, enacted into law, and is presently financially supported by the Government cannot do what is required, much as they might wish to. I would then argue that the Trust should be expanded or the Department of Internal Affairs or some other Department should have an Antiquities Branch charged with:

- (a) investigating, compiling and maintaining a National Registry of all prehistoric sites and features, upgrading a task now carried out on a voluntary basis by the New Zealand Archaeological Association;
- (b) setting up a National Registry of Artefacts - divided into three categories:
 - (i) Artefacts in public institutions - where the institutions are charged with filing duplicate copies of their existing registers with the Antiquities Division. Here one should stress added protection of records this would afford everyone.
 - (ii) Artefacts in private collections - where the Antiquities Division was charged with recording and keeping records on all such objects as part of the condition of their sale. Here one should stress the relation of this provision to the Division's role in licensing dealers below.
 - (iii) Tribal Heirlooms - I fear the Maori side of the question is ignored by the existing proposals. I would advocate the Division being charged with assisting the Maori Council in the setting up of a system of designating objects as National Tribal Heirlooms and Cultural Property. This should include noted carvers, singers, meeting houses, and traditional sites, as well as many valuable portable

artefacts. There is a good precedence for this in Japan. The operation of it should be under the supervision of the Maori Council, assisted by the Antiquities Division.

- (c) Licensing and supervising all regulations concerned with dealers and collectors who buy or sell artefacts. Here I feel it unwise to try to specify the exact rules as Park, Sutton and Ward have done. Rather I would keep the provisions general. If the proposed rules are too specific, it will produce unintentional enemies. Let the Antiquities Division make the operational rules once some general provisions are established and they are charged with administering them.
- (d) Regulating all exports, exchanges, and imports of historic and prehistoric artefacts.

In my view it would be wise to argue that the Antiquities Division should be a small professionally staffed agency attached to some already existing body and guided by a larger and more representative advisory board. This last would discuss general policy and recommend to Government from time to time, sites, objects or collections which should be placed in the category of National Monuments or Cultural Properties enjoying maximum protection. The legwork and documentation would be done by the Antiquities Division. Again I would not try to specify all the means and ways, but only the setting up of an advisory board which is charged with doing these very desirable things.

Finally, once such proposals are agreed on and incorporated in a suitable document, submitting petitions, contacting of every possible organisation with any concern for these proposals, and lobbying for legislation with local politicians and M.P.s, plus much publicity, are all required. Provided the political climate is right, we may just get there, but it is certain to take time.

Science is usually held to be a series of increasingly better approximations for currently existing knowledge. It denies the possibility of ideal, or unique once and for all solutions. So does politics. What we want is not a set of what are thought to be ideal solutions, but a series of practical proposals which are a better approximation to the solution of currently existing problems. These we have some prospect of achieving.

