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## ARCHAEOLOGY IN NEW ZEALAND



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PUBLIC ARCHAEOLOGY : CHOICES FOR THE 1990's

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The major changes in public archaeology occasioned by the creation of the Department of Conservation are not yet complete. Reviews of the Resources Management, Protected Areas, and QUANGO's legislation promise further upheavals. Public archaeology is in the position of having to come to terms with the Department of Conservation, a reorganised Historic Places Trust, new forms of regional planning, and increased Maori and Government awareness about Treaty of Waitangi issues.

The changes in legislative and administrative arrangements are as follows:

(i) The Historic Places Trust is now serviced by the Department of Conservation, and the Trust is a quasi-independent body within that department.

(ii) The Archaeology Section, previously with the Trust, has become part of the Science and Research Directorate.

(iii) The Department of Conservation has wide responsibilities in relation to historic places, similar to the Trust's. The Conservation Act 1987 has as its long title "an Act to promote the conservation of New Zealand's natural and historic resources and for that purpose to establish a Department of Conservation". Conservation within the Act is defined as "the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public and safeguarding the options of future generations".

(iv) The Conservation Act 1987, in stating that the Act shall be interpreted and administered to give effect to the principles of the Treaty of Waitangi, opens the question of Crown ownership and administration of land and natural and historic resources, particularly as far as Maori artefacts and archaeological sites are concerned.

The Department of Conservation has now been given a major role in managing natural and historic resources and in advocacy to both government and the public about conservation issues. The advantages of this change are:

a) Archaeologists from the beginning thought

archaeological sites should be looked after by a Government Department.

b) At least until the most recent Government "razor gang" forced major budgetary cuts, location within the Department of Conservation was thought to ensure access to greater financial and back-up resources.

c) The conservation public has shown considerable backbone in forcing Government and developers to protect the natural environment and this should be of value to historic resources as well.

While it is gratifying that within the legislation and the Department of Conservation, historic resources are placed on an equal footing with natural resources, it is necessary to ask is this a real partnership, or has the historic fish become part of the conservation shark through being swallowed up?

The majority of these decisions were made without input from the archaeological community at large. As a newly appointed member of the Historic Places Trust Board, I thought it might be useful to record some of my impressions about what is happening and invite further contributions from the NZAA membership about these issues. I emphasise, however, that what follows is a view from the outside. I haven't visited Wellington since 1979!

#### 1. A natural science model for the management of archaeological sites?

Conservationists have a well developed philosophy and methodology for the management of natural resources. It is what I term "a natural science" approach. The changes in legislative and administrative arrangements for the protection of archaeological sites noted above suggest that the archaeologists, in the absence of a well developed philosophy about historical preservation, are likely to be under pressure to adopt a similar approach.

It is necessary to ask, however, to what extent is a natural science model appropriate for the management of archaeological resources and, secondly, does it adequately equip managers of historic resources to face the challenges of the 1990's.

At the New Zealand Historic Places Trust Conference in 1987, Murray Hosking speaking for the Department of Conservation, noted that there was "a common philosophical commitment to protection and conservation in the planning systems, which have been developed to identify and manage

protected natural areas", and continued "these systems, I am sure, can be applied to historic and cultural sites....I am realistic enough to know that the development of such methodology will take time and care, but the wider scientific and management resources of the department can greatly assist the process" (New Zealand Historic Places Trust 1987:27).

The methodology Hosking is talking about takes various guises such as protected natural areas, representative landscapes, the ecosystem approach to land management, land inventory, and finally geographic information systems.

At their least, these approaches use roughly defined landscape or vegetation units, e.g., wetlands or lowland rainforests, to build up inventories of the different ecosystems to be protected and managed.

In general these various approaches are ways of integrating biophysical data such as landforms, soils, water regime, climate, vegetation and other aspects of the biota into a single system of classification. Once the system of classification is decided upon, natural units of land such as river catchments, or artificial units such as local government district boundaries, can be described and compared in terms of their different eco or land systems. In conjunction with landsat data and computer, the approach represents a powerful research, survey and management tool.

At its most extreme, the theoretical basis is that of mathematical ecosystem modelling, reducing contemporary data about incommensurable factors such as rainfall, rock type and plant cover to numerical scores or computer coordinates which can be combined to produce composite maps of these disparate data elements.

Ecosystem approaches are taking an increasingly important place in the framework of resources legislation.

It is interesting to note that the Environment Act 1986 has as an explicit aim that "in the management of natural and physical resources, full and balanced account is taken of the intrinsic value of ecosystems; (and secondly) of values placed by individuals and groups on the quality of the environment".

Since 1977, the Reserves Act has provided for "the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character".

The ecosystem or natural science approach does not work well with point data such as archaeological sites, but once a

series of land systems categories have been developed, point data can be added and analysed.

The advantages for archaeologists working in this manner are mostly at the data gathering end of the management spectrum. At present there is no systematic way that the distribution of sites from one region of New Zealand can be compared with another except in terms of density/unit area. Dividing river catchments into eco or land system units and locating archaeological sites within them would allow simultaneous comparison of the environmental and archaeological features of the two catchments. The method also allows systematic sampling and testing of the assumption that the same eco or land system, in different areas, should contain a similar distribution of sites. Australian archaeologist have used this approach to predict the number of sites affected by a pipeline with only limited on-the-ground surveys (Hughes and Sullivan 1984:34-47).

A second advantage is that adoption of such an approach by archaeologists would bring us into line with the probable outcome of the current Resources Management Law Review of the Local and Regional Government Act, the Town and Country Planning Act, Water and Soils Act and the Protected Areas legislation. Planning and resource use decisions are almost certainly to be made at the District and Regional level e.g., by the Auckland Regional Authority Planning Division for Auckland.

Given that the basis of all forms of resource planning is to reduce land use conflicts by spatial separation of incompatible uses, the long term protection of a sample of archaeological sites is likely to be increasingly difficult unless they are located within protected landscapes or natural areas given special value by planners. Then as now, the location of archaeological sites as spots on district plans will be opposed unless they are spectacular and deemed "important". The aim of planning is to develop a "proactive" approach rather than a reactive one that is constantly bogged down in crises and developers' demands.

It might be possible to modify the approach to argue for the preservation of "cultural landscapes" of intrinsic value e.g., the volcanic cones and associated agricultural field and settlement systems in Auckland. This question has been raised in the Protected Areas Legislation Review which noted (p17) "there is no protection category which recognises the existing and sustainable use of such lands, and aims at the same time to maintain their essential character".

A further advantage of the natural science approach is that it is not compatible with systems of site classification

or grading.\* It gives equal value to all land systems and advocates that representative samples of each should be preserved. The Historic Places Trust is currently going through another examination of attitudes towards classification or grading. While most of the debate revolves around buildings, inevitably the question of a single consistent system for both houses and archaeological sites will come up.

There are, however, a number of drawbacks and dangers in dealing with archaeological sites in ways which conform with conservation and planning philosophies and methodologies.

The first and most important of these is the loss of the distinction between the natural and the cultural (or historical) environment. The distribution of archaeological sites is related to historical factors, comparison with contemporary eco or land systems, however leads inevitably to determinative conclusions about New Zealand's human history. In any case are we really comfortable with approaching Maori prehistory in a manner that denies its human cultural qualities?

Secondly, as natural areas are being preserved because of their "intrinsic values", management priorities are likely to result in archaeological and historic sites being further down the list of objectives and finances as they were when many areas were managed with commercial priorities in mind.

The third and final drawback relates to community involvement with archaeological resource management. Data gathering, the generation of information, and decision making about sites would increasingly be of a technocratic-managerial nature with little room for public participation, objection or understanding.

The Historic Places Act 1980, particularly in its archaeological clauses, are at the more manipulative end of the scale as far as public participation and objection procedures are concerned. Shifting the archaeology partly out of the Trust makes decision making even more remote. This consideration introduces the second topic I wish to cover.

## 2. The Historic Places Trust and public participation

A number of participants at the Trust's 1987 Conference stressed the importance of the Trust's Regional Committees and membership in maintaining links with local communities. One speaker (Peter James) suggested it would be a "great tragedy" if New Zealand ended up with an organisation such as the Australian Government's Heritage, instead of an autonomous, financially semi-independent body with public involvement.

In the thirteen years since the passing of the Historic Places Amendment Act 1975, the archaeological fraternity did not integrate itself with the public aspect of Trust affairs. Instead, seeing the Trust solely as a means by which archaeological sites might be preserved, archaeologists looked to the New Zealand Archaeological Association as their community rather than to the Trust's regional committees and public membership. Given the opportunity, the Trust's archaeologists transferred entirely over to the Department of Conservation!

John Daniels at the Trust Conference 1987 foreshadowed the relationship between the Trust and the Department of Conservation. This relationship had two major components:

- (i) Integrated management at the regional level for Trust and Department of Conservation properties, with Conservation being responsible for day to day management.
- (ii) The Trust Board and the Trust committees to have policy and oversight roles for all historic resources within the Department of Conservation/Trust estate.

Although archaeology is now part of the Department of Conservation, the fact that the Trust Board remains responsible for decisions regarding archaeological sites means that the separation of functions discussed above is to some extent a reality. The question is whether the Trust, as presently constituted, has the required expertise at the decision making levels, and particularly on the committees and the Board.

The difficulties of maintaining a real relationship with the Historic Places Trust are sufficiently great as to support an argument that the legislative provisions and administrative machinery for the protection of archaeological sites should be shifted entirely to the Conservation Act and the Department of Conservation, were it not for other considerations.

These other considerations are firstly, that separation of functions along the lines achieved for archaeology, with the Department of Conservation being responsible for management and the Historic Places Trust responsible for policy and final decisions on permits and authorities, is in line with Government thinking. It parallels the arrangements already made for the relationship between the Parliamentary Commissioner for the Environment and the Ministry for the Environment on the one hand, and the Department of Conservation, on the other, particularly as regards the auditing of environmental impact statements. It is interesting to note that in Australia court actions are in progress making the point that it is a denial of natural justice for the same government agency to be responsible for

all levels of impact assessment i.e., the management of resources, the gathering of information about impacts, and arbitration between the needs of development and the needs of the environment. Until recently, the Historic Places Trust was in just this position.

The second consideration is that the Trust's committees do provide for community involvement whereas internal departmental decision making does not.

The final consideration, one that will be expanded on below, raises questions equally about the Historic Places Trust, the Department of Conservation and the archaeological community. The question is whether these (at present) predominantly pakeha institutions can modify their aspirations, organisation and methods sufficiently to give effect to the principles of the Treaty of Waitangi as the legislation demands?

### 3. The Treaty of Waitangi and archaeological sites

The negotiations surrounding the Te Maori exhibition changed the New Zealand world as far as Maori carvings are concerned. Hamish Keith noted:

"regardless of legal ownership or physical possession, no work could be included unless its spiritual owners, the people from whom it came - agreed" (quoted in Mead 1986:15).

These negotiations allowed Maori people who had lost the connection with their art through disruption of culture to "regain the lost portion". It looks likely that the concept of spiritual ownership of artefacts will be extended to actual ownership of newly found objects. In the review of the Antiquities Act 1975 the clause which stated that any artefact found anywhere in New Zealand "is hereby declared as deemed to be prima facie the property of the Crown" (Clause 11) is likely to be overturned. Ownership will probably be vested with Maori authorities on the grounds that Article 2 of the Treaty of Waitangi provided for continuing Maori Rangatiratanga of taonga not voluntarily given up of sale. "Found" in this case includes excavated materials.

While archaeologists will have to work hard to get any representation on committees which decide the fate of Maori antiquities, it is not hard to see that the conceptual shifts behind this legislative change are also applicable to archaeological sites.

In answer to the question "to what extent are the Maori people the sole guardians and heirs of New Zealand's pre-European



archaeological and artistic heritage?", the Department of Internal Affairs in 1974 was able to reply "while artefacts are of special significance to the Maori people, they are part of the cultural heritage of all New Zealanders". Since 1975, this argument has been increasingly challenged. It has been argued that the Historic Places Trust, in the manner of its operation, should recognise the Rangatiratanga of Maori people in respect of their cultural heritage.

At the 1987 Conference of the Historic Places Trust, the Maori Advisory Committee noted that it was increasingly dealing with archaeological and traditional sites and added

"The committee wanted greater liason with the Archaeology Committee so that Maori groups would know what was happening to sites in their area and could become part of the decision-making process. The wish was expressed that the HPT Act be amended so that traditional sites would have the same status as archaeological sites, and so that Maori groups would be able to have input through the Maori Advisory Committee" (New Zealand Historic Places Trust 1987:60).

Traditional sites, under the Historic Places Act, have little real protection and while the Maori Advisory Committee noted that some Maori groups preferred to protect traditional sites within Maori reserves under the provisions of the Maori Affairs Act, there is in fact no practicable alternative at present to that latter course.

In an editorial entitled "Sacred Sites" in the Listener (30 January 1988) David Young argued that the term "traditional" devalued not merely that which is historical but also that which is tapu and has mana. Echoing the thoughts of the Maori Advisory Committee, he continued "every tribe has such treasures, but even today they may not wish to expose them to the scrutiny of an Historic Places Trust Committee, let alone the public".

In some states of Australia, sacred site legislation, although controversial, was established prior to the legislative protection of archaeological sites. Special agencies, which have in some cases been able to protect sites and guarantee confidentiality of site information, have been set up. Whether the Historic Places Trust could fulfil this role depends on its ability to alter the Trust board and committee structure to reflect Rangatiratanga and Partnership with Maori communities in terms of equal status and parallel structures, as the Maori Advisory Committee has more recently requested.

The Maori Advisory Committee in its discussions has suggested that Maori communities be given legal recognition as kaitiaki (guardians) of natural and historic resources. Secondly it has argued that the concept of a "Maori site" should encompass all prehistoric sites whether archaeological or traditional, and that Maori values be given equal importance with scientific significance in terms of management decisions.

The value of the archaeological sections of the Historic Places Act are that they protect sites on private land without forcing Crown resumption or compensation, and secondly developers who damage archaeological sites may be required to pay for their investigation.

The protection of waahi tapu and wai tapu on private lands is not so much a legal problem (The High Court has overruled Planning Tribunal decisions that limited the meaning of Maori Ancestral land to areas owned by Maori people) as a political one. In the wake of the Waitangi Tribunal report on the Muriwhenua Fishing Claim, possible Maori claims to privately held lands are a political hot potato. Yet legislative protection of significant waahi tapu located on Crown or private lands is necessary. Furthermore the legislation should follow the archaeological model. The archaeological sections of the Historic Places Act have been far more effective in getting Crown Authorities, regional planners, developers and private land owners to protect sites than have other sections of the HP Act, or as would have been the case had we tried to get relevant sections written into laws such as the Forestry or Town and Country Planning Act. We should now try to get sections making further provision for waahi tapu and archaeological sites written into the resource management laws currently under review.

The market approach of the current government, however, makes it likely that, even if the archaeological sections of the Historic Places Act are not weakened in the forthcoming review, the Minister will be unsympathetic to restrictions on uses of private land holdings which conform with the designated land use. The way around these political issues might be to allow a degree of compensation through rating relief or tax concessions for areas of land in private holdings unable to be developed because significant waahi tapu or archaeological sites are located on them. The aim is to encourage land use compatible with the protection of sites rather than taking land out of production. This problem is common to conservation laws. Greater public involvement through negotiations, voluntary covenants, and objection and appeal procedures and using the heavy hand of the law in the last, rather than the first instance are ways around this problem. Archaeologists, given the small number of staff, and limited funds fear such arrangements might bog them down in time-consuming hearings and

paper work taking them away from protecting sites. The procedures discussed above are a common part of most planning exercises. Locating a Maori planner and an archaeologist/conservation planner at each regional planning department might be the way to go. The revision of the Town and Country Planning Act will be of importance here if we have some input.

The Maori community and the archaeologists share common ground, we both believe that archaeological sites are important and have value beyond their economic use. This is a good starting point.

#### 4. The future?

Rather than worrying that everything is changing it would be more useful if the archaeological community could fix their gaze on which of the possible outcomes is the most useful and work towards achieving it.

It is the Historic Places Trust, (which already has Pakeha and some Maori community involvement) and not the Department of Conservation, which has the potential to transform itself into a forum wherein Maori and European interests in historic sites and buildings might be represented. My thoughts about the form such a transformation could take include a Maori Secretariate (similar to that in the Ministry for the Environment but with a staff archaeologist) dealing with waahi tapu, sites and buildings, and, secondly, regional and local Maori community representation on the Trust Board and committees, particularly a Maori sites committee, which in some culturally appropriate manner parallels the existing committee structure of the NZHPT. Partnership between the Maori and European communities could occur at the level of the Trust Board, on all committees where interests intersect, and through involvement in a single organisation - The Historic Places Trust. It is a tall order. Changes of such magnitude would require the wholehearted involvement of the archaeologists in Trust affairs together with a commitment to community participation in decision making, things they have avoided up until now! The second task is to modify our own philosophy and procedures so that they are integrated with those of the Department of Conservation while at the same time emphasising the special nature and requirements of historic resources in New Zealand.

As far as Treaty of Waitangi issues are concerned, the conservationists and the Department of Conservation are going through the same agonies as the archaeologists and the Historic Places Trust. The changes in train are necessary and too long delayed. They should be assisted.

At first glance the outcome of the changes in legislation

and administrative organisation for the protection of archaeological sites looks messy. There is no clear division of organisation between the Department of Conservation and the Historic Places Trust. As archaeologists we have ended up still working with the Trust, with new dangers from the conservationists, free marketeering government ministers, treasury budget cuts, and Treaty of Waitangi issues. I have tried to show that not everything is bleak if we have the will and the vision to become an active part of the process of change rather than innocent bystanders in danger of being hit by a runaway truck.

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