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Feedback on the National Heritage Board's Public Consultation on Legislative Proposals Relating To Archaeology

General

1 The NHB's efforts are to be welcomed as legislation dealing with archaeology is long overdue. The details of the proposed legislation are, unfortunately, rather sketchy and general, and no draft bill has been afforded to the public. As such, our comments will also necessarily be general and may alter when the draft legislation is revealed.

Approach

2 In its current form, the proposed legislation needs to go farther, as it is currently largely reactive in nature. Provisions dealing with reporting and ownership of archaeological finds and regulating archaeological activities are required only after some prior archaeological or exploratory activity has occurred. More can and should be done to engender a more proactive approach to archaeology in Singapore.

3 We propose that the intended legislature mandate compulsory heritage impact assessments (including archaeological components) for designated sites. These include sites where no previous excavations have been conducted or sites involving demolition, reconstruction, or excavation, as well as sites with no previous subterranean activity. Coupled with this requirement must be the necessary power of the state to issue injunctions or stop-work orders for such sites where investigations are being carried out. State authorities must also be empowered to enter these premises for investigation and protection purposes without the need to obtain a warrant.

4 Mandatory heritage impact assessments should also feature on the checklist for the preparation of the Masterplan (which is revised every 5 years). Currently, there is no process for planning authorities (in this case, the URA) to take heritage and archaeological value and potential into consideration in their zoning and development planning. The proposed education of developers and industry players (para 19) is certainly laudable but action must begin higher upstream with the planning process. Planning authorities should first be made aware of the importance of archaeology in Singapore so that it features significantly in their planning considerations.

Nomenclature

5 Throughout the proposal, a difference is drawn to ‘terrestrial’ and ‘maritime’ archaeology and artefacts. We propose that the term ‘maritime’ be replaced by ‘underwater’ as there are areas which are terrestrial but yet lay underwater (eg in an artificial lagoon or swamp) and cannot be referred to as ‘maritime’.

6 Paragraphs 7 & 8 of the consultation document refers to the definition of ‘archaeological artefacts’. This definition includes objects that are ‘fully or partially buried or submerged within Singapore’. Does this omit objects that are ‘unburied’, such as an ancient burial headstone discovered in a forest or a previously buried object that had at some time been unearthed and left standing in some abandoned plot? This definition needs to be tightened up to include such objects, which, in our view, are of significant heritage value.

7 The proposed definition under paragraph 8 does not appear to take into account immovable objects. Non-moveable ‘objects’ such as archaeological features (eg Fort Tanjong Katong) should be separately defined in the proposed legislation and placed under the protection or state authorities. This is especially crucial when such artefacts are found on private property, and the owners may remove or destroy such immovable artefacts.

8 We are also of the view that the definition of what constitutes an archaeological artefact should not be tied to the coming into force of the legislation (para 8(4)(ii)) as it will provide a loophole to allow holders of such artefacts (even looters) to claim that the artefact had been acquired or recovered before this legislation came into force.

9 Paragraphs 13–15 deal with archaeological discoveries in ‘designated’ sites). We see two problems here. First, what process will NHB undertake to designate a site as one of high archaeological importance, significance or potential? Will NHB undertake an island-wide baseline study before such designation occurs, or has such a study already been completed? If so, will this study be made public for stakeholders and members of the public to comment or augment the findings? Second, what happens to archaeological finds in sites that are not ‘designated’? Surely, such finds ought also to be reported and protected.

Interactions with Existing Legislation

10 Paragraph 5 of the consultation document proposes amendments to the Merchant Shipping Act 1995 and the Port of Singapore Authority Act (Cap 236) to ensure that ‘wrecks found or brought within Singapore’s territorial waters are reported’. This is certainly necessary and we propose that these additional measures also apply to state authorities responsible for land reclamation and dredging. Amendments will thus also be required for legislation such as the Foreshores Act 1920 and the Maritime and Port of Authority of Singapore Act 1996.

Commercial Archaeology?

11 Paragraphs 20-23 of the consultation document makes reference to permits for the conduct of archaeology. Does this suggest that commercial archaeology – ie the conduct of archaeological digs, documentation etc by private companies or organisations – will be allowed under the new legislation? If so, we propose that some kind of certification process be put in place to ensure that such companies and organisations have the requisite training and expertise in the proper conduct of archaeological excavations, artefact recovery, documentation and storage.

12 A process and a national register of recovered artefacts should also be created and maintained by NHB. All finds and discoveries from ‘permitted’ archaeological excavations will need to be logged with this register.

13 We believe that the costs of conducting archaeological excavations should be borne by the state or state agencies commissioning these excavations. If it were otherwise, private landowners and developers would be reluctant to undertake these excavations at their own expense.

Amnesty

14 Paragraph 19 of the consultation document talks about a 3-year moratorium on enforcement while the public and stakeholders are being educated. NHB should consider using this moratorium period to offer an amnesty to all persons possessing looted artefacts or artefacts of questionable provenance to surrender them to the state.

Conclusion

This feedback is based purely on the brief public consultation document. ICOMOS Singapore will be happy to provide further feedback when concretized changes have been made to the law and policy on archaeology in Singapore.



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