Twenty years after Malta: preventive archaeology in Europe and in Italy

edited by
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Preface

The volume we are presenting represents the end result, chronologically speaking, of the project ACE – Archaeology in Contemporary Europe, funded by the European Commission and officially concluded on 31 October 2012. The last scientific initiative of the ACE project was the conference held in Rome on 19 October 2012, the proceedings of which are published in this volume. The conference was organized by IBC and INRAP with the collaboration of the École Française de Rome and sponsorship of the General Directorate for Antiquities of the Ministry of Cultural Heritage and Activities (MiBAC) and represented an important opportunity for comparing the experiences of different European countries in the field of preventive archaeology and for once again raising the issue of Italy’s failure to ratify the Malta Convention.

The papers presented by foreign speakers well illustrated the effects of applying the principles of “Malta-archaeology” within the different national contexts, while also highlighting that there is still room for improvement and that the problems which persist have been largely accentuated by the present economic situation.

In general, the application of the Malta Convention has resulted everywhere in a decided increase in archaeological excavations and a progressive improvement of techniques and procedures, which in some cases – England, the Netherlands – has favoured an expansion of the economic sector tied to so-called commercial archaeology.

Almost everywhere, moreover, Malta archaeology has led to a better and closer relationship between archaeological activities and land use planning.

The overall situation in Italy was illustrated taking into account both legislative aspects and the difficulties that characterize the present situation as regards the profession, education and training and institutional aspects.

The speakers repeatedly highlighted the uncertainties that still remain as to how the very concept of preventive archaeology should be interpreted. It should be considered first of all as a set of practices aimed at limiting excavation as much as possible and hence as a primary tool for minimizing the disturbance of archaeological deposits: this need is felt today more than ever given the drastic reduction in the available resources for cultural heritage protection and management.

The conference also offered an opportunity to present a survey on the situation of archaeologists in Italy, conducted by IBC for the ACE project; the survey was completed with a video, likewise presented for the first time on 19 October: a sort of investigative documentary produced by IBC, whose featured protagonists are archaeologists at all levels. Entitled Archeologia: una professione in trincea* (“Archaeology: a profession in the trenches”), the video is also our way of thanking those who, despite being in a situation of great hardship, continue to believe in the importance of this profession and its role for all of us.

The conference concluded with a discussion that saw broad participation; the contributions of some of the participants have been included in these proceedings, as they serve to complete the rich array of topics addressed.

Some of these topics have arisen again on subsequent occasions, starting from the ratification of the Malta Convention, which the new Minister of Cultural Heritage and Activities and Tourism has included – for the first time - among the priority

Reference documents

Convention concerning the protection of the world cultural and natural heritage
UNESCO 1972

European Convention on the protection of the archaeological heritage (revised)
Council of Europe 1992

European Convention on the protection of the archaeological heritage - Explanatory Report
Council of Europe 1993

Ruimte voor archeologie - A Synthese van de themaadviesrapportages
(English version of the evaluation report of Dutch archaeology system)
RIGO Research en advies, NL 2011

National Planning Policy Framework (excerpts)
Department for Communities and Local Government, UK 2012

Procedure di verifica preventiva dell’interesse archeologico – Circolare n. 10
Direzione Generale per le Antichità - MiBAC, IT 2012

République Française

Archeologists: professionals in the trenches
Photos by Pierre Buch for the ACE project

Acknowledgements

Photographs captions and credits
objectives for archaeology. This objective was stated in his recent policy lines, illustrated to Parliament on 23 May 2013. On 5 August 2013, a bill calling for ratification of the convention was filed in the Chamber of Deputies by the MPs Costantino, Fratoianni and Giordano.

The volume includes a section with a list of reference documents that are useful for placing the texts more completely into context.

The last section is dedicated to pictures taken by the photographer Pierre Buch for the ACE exhibit “Working in archaeology”. It features a selection illustrating preventive archaeology activities on different European sites.

Maria Pia Guermandi, Kai Salas Rossenbach
Bologna, 8th August 2013

*The video can be viewed on the IBC website: http://ibc.regione.emilia-romagna.it/multimedia/video/archeologia-una-professione-in-trincea
Twenty years after Malta: taking stock
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Abstract
The conference organized by IBC and INRAP to conclude the ACE project aims to take stock of the situation twenty years after the Malta Convention drawn up by the Council of Europe in 1992. The Convention defined, among other things, many of the principles and goals of preventive archaeology and in the countries where it has been applied it has produced an undoubted evolution from not only a legislative and technological standpoint, but also a social and economic one. Italy has never ratified the Convention: its failure to do so is a symptom of the difficulties weighing upon Italian archaeology at every level, starting from the cultural one. That we are lagging behind also emerged clearly from the survey on the condition of archaeologists conducted by IBC for the ACE project. The current situation of economic crisis has negatively impacted the institutional and professional crisis in many European countries and even more so in Italy.

The reasons for a conference
A project of the European Commission aimed at investigating the role of archaeology and the occupational situation of archaeologists in contemporary Europe could not fail to spotlight such an important occasion as the twentieth anniversary of the Malta Convention.

Two decades represent a sufficient period of time for making assessments, in this case especially necessary as the Valletta document addresses some crucial issues within our discipline: from preventive archaeology to the prevention of illegal trafficking of archaeological objects, as well as the need for greater citizen involvement and participation in the process of archaeological research, the Malta Convention underscored, in a very timely manner, some problems that risked compromising the conservation of Europe’s archaeological heritage.

Twenty years later, as attested by the conference presentations as a whole, the Convention’s importance for the overall evolution of archaeological practices - both from a legislative standpoint and in terms of a broader cultural awareness of certain aspects such as, precisely, preventive archaeology - is unanimously recognized, though this has occurred at times and levels which differ from country to country [Stäuble, in this volume].

Besides favouring both legislative and institutional developments and more strictly scientific-technical ones, the Convention also gave rise in many countries to a virtuous cycle that in some cases has led to very substantial growth in economic activities linked to preventive archaeology [Bozóki-Érnsey 2007, Thomas and van den Dries in this volume].

It is therefore no coincidence that we have come to speak of “Malta archaeology” as almost synonymous of preventive archaeology itself.

Whatever the merits of the Malta Convention, in these past decades preventive archaeology has taken on a predominant role also in statistical terms: as far as excavation is concerned, it now largely prevails over research in the strict sense, and if we broaden the
meaning to include rescue archaeology as well, it now accounts for over 90% of total excavation activities, at least in Italy [Vaporizzaione 2011, Pirragna, in this volume].

It is not only a quantitative prevalence, however: the importance of preventive archaeology derives from its role as a point of convergence between archaeological and cultural heritage protection in a broad sense and landscape protection, by virtue of its interaction with land management policies, a topic we know is hotly debated, and not only in Italy [Guermandi 2011].

Talking about preventive archaeology, in Italy above all, also means addressing a pressing social issue, namely, the working conditions of thousands of young (and by now not so young) graduates, a topic we know is hotly debated, and not only in Italy [Guermandi 2011].

What is more, the condition of these young people is further exacerbated by the recent recession in Italy and elsewhere in Europe.
local Superintendencies, which makes it necessary to outsource functions at every level: from storage and safeguarding, to cataloguing, restoration, excavation and promotional activities. Activities carried out by professionals of varying age who have the same qualifications as their fellow archaeologists working within the Ministry of Cultural Heritage and Activities, but are enormously disadvantaged because of their contractual conditions, and not only from an earnings standpoint.

What is more, five years after the start of the crisis, the majority of the Keynesian-inspired programs announced by governments across the continent have either never got off the ground or are suffering too many years of often contradictory and incoherent reforms and, in the case of the majority of the MiBAC, by a dramatic decline in public funding. (from 0.39% of the national budget in 2000 to the current shameful 0.19%), renders the overall situation even more difficult. The lack of resources, which is by now chronic and characterizes all realms of public administration is accompanied, in the case of the MiBAC, by an increasingly evident inability to rethink the functions of our heritage, which go beyond mere exploitation for tourism [Guermandi 2011a, Montanari 2013].

In this context of converging crisis – which is cultural first and foremost – of the two main institutional players involved, the MiBAC and universities, Italian archaeology is itself struggling to get out of a situation characterized by extreme fragmentation within the discipline, on one hand, and self-referential closure, on the other hand [D’Andrea, Gull, in this volume].

The difficulties may be seen on various levels. Starting from the legislative framework, where we lag considerably behind precisely in the realm of preventive archaeology. After enjoying a high level of excellence for years in terms of legislation designed to protect cultural heritage as a whole, we have been losing ground at least since the start of this century and this is inevitably reflected in the system’s operational effectiveness. The failure to ratify the Malta Convention – a document long considered “superfluous” against the backdrop of existing national legislation – represents the most evident symptom.

There is no specific law which governs preventive archaeology per se. Not only, but legislation in this area has been flawed from the outset, since the introduction of article 28 of the Code of Cultural Heritage and Landscape: practically the only legislation in Europe to have restricted preventive archaeology to public works alone. This limitation was only partly - and clumsily - remedied by law 106 of 2011 [Bitelli, in this volume].

Besides being scattered in “omnibus” legislation, or laws with a different focus, such as the Code of Public Contracts, yet another symptom of the scant consideration given to our cultural heritage, provisions regarding preventive archaeology are also marked by persistent ambiguities, which have hindered their effectiveness for years [D’Andrea and Guermandi 2008, Malnati 2011, Bitelli, in this volume].

Circular no 10 issued by the General Directorate in June 2012 [Reference documents, in this volume] is the first comprehensive attempt to overcome the impasses and make up for lost time. Undoubtedly useful from a technical standpoint, the circular seeks in some way to address the basic problem of the limitation to public works by calling for the same procedures to be adopted for private development as well; but the fact that it is merely an internal document inevitably limits its impact.

This aspect is a harsh reminder of where the nub of the problem lies: if the circular cannot take on the role of the guidelines envisaged by law 109 of 2005, it is due not to any intrinsic limits, but rather the lack of a seal of approval from the Ministry of Infrastructure, which has always avoided discussion on this subject, thus highlighting the situation of political irrelevance which Ministry of Cultural Heritage and cultural policies in general have been relegated to in our country for too many years now [Guermandi 2011 and 2013b].

From the standpoint of professional recognition, moreover, the trials and tribulations experienced when it came to drawing up a list of archaeologists, a process that began a few years ago amid many uncertainties, are, I believe, typically Italian; the situation has not yet been entirely resolved, also because of institutional conflicts due both to the shortsighted (to put it euphemistically) attitude of a large part of the academic world and the inability of the MiBAC administration to grasp the evolution of a phenomenon and mediate among different demands.

In this case as well, the formal aspects have laid bare the often dramatic reality of field archaeologists, whose recognition on an institutional, trade union
and even social level represents an objective yet to be reached.

This situation obviously goes back to before the economic crisis struck and is ascribable to many factors. Starting from the university education system [Battistelli et al. 1993], which has not been able to achieve any real innovation in curriculum – except in very limited cases – or synergy with the job world. Symptomatic of this failure is the case of Courses in cultural heritage conservation introduced in the early 1990s, which were intended to be a useful tool for entering the professional realm of cultural heritage, characterized by rosy job prospects, but almost always ended up like simplified arts and literature courses [Cavazzini 2009, La Regina and Valentino 2009, Formazione 2013].

In general, moreover, the universe of public administration – state and local governments together – has shown to be unable to pursue long-term policies either in the cultural or urban and landscape planning sphere, and has limited its action to an increasingly weak and uncertain reshaping of working schemes that are less and less in sync with a social and economic reality which has changed profoundly over the past twenty years.

Finally, if the situation of job insecurity among cultural heritage workers [Bodo et al. 2009], which can no longer be considered a passing phenomenon or side effect, is serious from a social perspective, it has equally serious implications for the quality of protection and scientific research. The lack of regulation by the MiBAC and the economic hard times are leading to increasingly unfavourable pay conditions for archaeology professionals, thus making it impossible to ensure adequate scientific standards.

Inadequate, ambiguous regulations, a lack of guidelines and well-defined policies and institutional failings thus become converging factors that tend to exacerbate the effects of the recession both on social level and from a protection standpoint: the circle closes on a horizon that is far from rosy.

The dimension of the problem is by now such as to force us to redefine our conception of the system from its very foundations: it must first be recognized that Italian archaeology has changed profoundly in the space of a few decades and has been transformed, in practice but not in the academic-institutional perception, from a discipline of preventive archaeology, still too often interpreted rather like planned archaeology, and thus ultimately viewed as an extremely costly way to manage emergencies, which in times of shrinking resources causes increasing conflicts [Fig. 3].

This, in a nutshell, is the picture that also emerges from the IBC survey on Italian archaeology conducted for the ACE project, which underscores just how far behind our country is in this sector of heritage protection. In particular as regards certain aspects of the Convention, where the divergence from our institutional and legislative situation has become increasingly evident over time: suffice it to consider, for example, art. 5 on the integrated conservation of the archaeological heritage.

In Italy, landscape planning continues to be stuck in limbo. Such planning is the principal framework in which preventive archaeology should be placed, and this situation highlights our inability to redesign our cultural policies accordingly and, more in general, to systematically include cultural heritage within a concept of territory that in Italy largely overlaps with the concept of landscape, forming an indivisible whole that should be analyzed and protected as such.
enabling construction work to begin, is extended to restoration work on buildings of documentary and historical value, including demolitions. In this case, therefore, the monitoring by protection bodies risks coming "after the fact", when the damage to the heritage is irreversible.


7. In the past two years, contracts which provide for gross wages of 5/9 euros an hour (or less…) for professional archaeologists and monitoring of excavations for a few dozen cents per linear metre have become the norm, see Stella 2013.

8. Significant (in any sense) examples are the situations with the Naples and Rome metro systems, see Guzzetti 2009 and Bray 2011.

9. In this regard, we thank the Superintendency of Archaeological Heritage in Emilia Romagna and above all the ANA – National Association of Archaeologists for the help they provided, the ANA (www.archeologi.org) has been making a series of data on professional archaeologists available for several years, finally, a word of praise for the General Directorate for Antiquities which has ended the "conspiracy of silence" which had characterized official archaeology since 2011 (see Valorizzazione 2013).

10. Over five years after the entry in force of the latest version of the Code in 2008, not a single region has completed the planning and planning process for the whole of its territory and half of the regions are still practically at the starting point, see Guarnieri 2013b.


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Battistelli, P., M. Bettelli, M. Di Pillo et al. (eds.). 1993. La laura non fa l’archeologo. SAP


The European Valletta Convention of 1992 is a revision of the London Convention of 1969. Both are still very relevant today because of the dramatic increase in illegal excavations, illicit trafficking of cultural property and large infrastructure building projects. UNESCO with its double mandate, on both peace building and heritage conservation, has developed a set of legal instruments in the field of culture, most of which are in line or complementary with the European Valletta Convention. The most relevant for our subject are the:

- 1995 UNIDROIT Convention.
- 1978 Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. Of course, these normative instruments have their limitations, in particular in cases of internal conflicts. The destruction of the Bamyan Buddha statues in Afghanistan in March 2001 demonstrated the imperfections of the above-mentioned conventions and the limitations, in particular in cases of internal conflicts. The destruction of the Bamiyan Buddha statues in Afghanistan, as of the illicit trafficking of cultural property and large infrastructure building projects - not only in Europe but all over the world. UNESCO’s mandate, as the only UN organization with a specific dedication to culture, is worldwide in scope, even if its focus rests primarily upon developing countries and post-disaster and conflict zones. UNESCO has a double mandate, with an emphasis on both peace building and heritage conservation. Its Constitution’s preamble states that “Since wars

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The problems of archaeological remains are enormous, and the institutional and practical cooperation of organizations such as the European Union, UNESCO, INRAP and other regional and national institutions, is urgently needed.

The European Valletta Convention of 1992" is a revision and follow-up of the London Convention of 1969. It has evolved from a treaty geared towards the protection of cultural heritage against illicit trafficking of cultural heritage into one that also seeks to its protection from the infringements posed by new infrastructure and construction works. Both issues are still very relevant – even more relevant today because of the dramatic increase in illegal excavations, as well as of the illicit trafficking of cultural property and large infrastructure building projects - not only in Europe but all over the world. It has evolved from a treaty geared towards the protection of cultural heritage against illicit trafficking of cultural heritage into one that also seeks to its protection from the infringements posed by new infrastructure and construction works. Both issues are still very relevant – even more relevant today because of the dramatic increase in illegal excavations, as well as of the illicit trafficking of cultural property and large infrastructure building projects - not only in Europe but all over the world. UNESCO’s mandate, as the only UN organization with a specific dedication to culture, is worldwide in scope, even if its focus rests primarily upon developing countries and post-disaster and conflict zones. UNESCO has a double mandate, with an emphasis on both peace building and heritage conservation. Its Constitution’s preamble states that “Since wars
begin in the minds of men, it is in the minds of men that the defences of peace must be constructed [...] Article I mandates the organization with “the convention concerning the protection of the world’s heritage of books, works of art and monuments of history and science [...]”. The safeguarding of all aspects of cultural heritage, both tangible and intangible, including archaeological sites, architectural, artistic or cultural value, music, art and traditional crafts, is of particular significance in terms of strengthening cultural identity and a sense of national integrity after periods of civil unrest or armed conflict. Therefore important to develop preventive measures for the safeguarding and preservation of cultural heritage in the world’s most sensitive zones. As you know, UNESCO has developed a set of legal instruments in the field of culture, most of which are in line or at least complementary with the European Valletta Convention.

Conceived in the wake of the devastating effects of the Second World War, and in a context of a heightened awareness to protect heritage in times of war, the Convention for the Protection of Cultural Properties in the Event of Armed Conflict was adopted in The Hague - Netherlands, in 1954. It has since seen the addition of the two Protocols of 1954 and 1999. This international treaty introduced the expression “cultural heritage” as a comprehensive and homogenous category of movable and immovable property worthy of protection due to their unique cultural value. This includes architectural, artistic or historical monuments and centres, archaeological sites, museums, libraries and archives, works of art, manuscripts, books, and other objects of artistic, historical or archaeological interest. In particular, the Second Protocol of 1995 strengthens the application of The Hague Convention, by reinforcing safeguarding measures for cultural heritage in times of peace and war, through, for example, the establishment of inventories alerting of emergency measures in the case of natural or man-made risks.

However, it was obvious that there were not enough means to conserve all the world’s diverse heritages and that a choice had to be made. Therefore, in 1970, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Convention on the Protection of the Cultural and Natural Heritage of the World. This instrument focuses on immovable cultural property “of outstanding universal value” and also introduces the notion of the “heritage of mankind”. At present, 981 cultural, natural or mixed sites from 160 States Parties are presently inscribed on the World Heritage List. It is emphasized that the Convention is the most important instrument to protect property for its unique cultural value, but to recognize the ownership of property. This Convention has become increasingly universal throughout the years and now counts 122 States Parties, including the USA, Canada, Germany, France, Japan and Russia, all large platforms for the antiquities trade. However, this Convention is rather limited in its application, as it fails to incorporate a notion of civil unity, but does not include efficient civil law provisions.

These issues were addressed by the creation of the 1995 UNIDROIT Convention, which entered into force by the 1970 Convention and which is equipped with powerful provisions that allow for the seizing of illicitly trafficked cultural objects. This Convention, however, has only been ratified by a relatively small number of countries, including nations who have developed countries, lobbying against its ratification has been observed on the part of the representatives of the art market.

In 1978, UNESCO set up an Intergovernmental Committee to facilitate State to State cooperation for the return of cultural objects where bi-lateral negotiations proved fruitless. Recently, two cases have been solved through the Committee. After many years of discussion, and with the help of the International Council of Museums, the Makonde Mask was returned, from a private Swiss museum to the National Museum in Tanzania, and the Bogazkoi Sphinx was returned from the Pergamon Museum in Berlin to Turkey. However, the case of the Parthenon friezes, which are presently being housed in the British Museum, while Greece claims them, is still under negotiation and is likely to remain so for quite some time.

Of course, these normative instruments have their limitations, in particular in cases of internal conflict. The destruction of the Bamiyan Buddha statues in Afghanistan in March 2001 left the international community in shock and demonstrated the imperfections of the existing legal frameworks. This most regrettable event is at the origin of the UNESCO Declaration concerning the intentional destruction of cultural heritage, adopted unanimously by the 32nd UNESCO General Conference in 2003. In spite of the fact that its authority remains solely moral, this Declaration is universally recognized in terms of peace and of war.

Safeguarding or preventive excavations are often necessary to prevent the destruction of cultural heritage, and UNESCO has on many occasions had to safeguard heritage, a task for which it created the framework of International Safeguarding Campaigns. The first and most significant Campaign to date was launched on 8 March 1960 by the former Director General Vittorio Veronese to safeguard the temples, tombs and sites in Nubia from the waters of the Aswan High Dam. The safeguarding activities lasted for exactly 20 years, on both the Egyptian and Sudanese sides of the Nile. The Campaign made its entry into the history of mankind through the spectacular shifting of the Abu Simbel and the Philae temple complexes. Vittorio Veronese’s appeal was followed by over 50 countries, which provided substantial contributions, to the creation of archaeological missions from all over the world, which helped to transfer the Nubian monuments to safe places. 26 other Safeguarding Campaigns followed, such as those launched for the Buddhist Temple of Borobudur in Indonesia, the Cultural Triangle in Sri Lanka, and the City of Venice in Italy.

UNESCO also organizes much smaller preventive excavations. One example of such an undertaking took place in the former large Buddhist city of Kharwar in Afghanistan. The Afghan Minister of Culture, Makhdoom Raheen, very concerned about the ongoing looting of the site, asked for UNESCO’s assistance in conducting preventive excavations there. The hope was that the presence of an international team could bring an end to the looting. This would also have provided employment to the villagers and the possibility to create awareness around the protection of the remains of their past. Unfortunately, UNESCO’s efforts were rather unsuccessful in this case. After the Italian team, the first to be sent for the mission, was threatened by the warlord present in the area, and was subsequently forced to end its excavations. A Japanese team, extremely keen to get to the site was sent the following year. However, after three weeks, the situation also proved too dangerous for them, and they were forced to abandon the project. This is very unfortunate, as this site has never been researched and no archaeologist has yet had the opportunity to study or document its structures in
detail. Now they are systematically being destroyed, as looters continue to remove art objects of monetary value. For example, artifacts from this Greco-Buddhist culture, which emerged after the third century BC, originate from what are now several countries in Central Asia: from northern Pakistan and Afghanistan, to southern Uzbekistan and Tajikistan. When items from sites such as Kharwar appear on the art market, it is almost impossible to determine their exact provenance and they become useless for historical research.

Even more, the situations of the looters themselves tend to be severe. In Afghanistan, for example, many extremely poor villagers living in miserable conditions have no other source of income than digging. From their perspective, there is no difference between digging in their earth for antiquities or for potatoes. It is difficult to explain the difference to people enduring such a situation. They are paid very little for the hard and often dangerous digging and are mostly exploited by the chiefs or warlords, who tend to exert total control over the concerned territories.

Another example of illicit excavations, also in Afghanistan, has occurred in the area of the Minaret of Jam, which is the second tallest minaret in the world. In the twelfth and thirteenth centuries, this was the site of an important Muslim city, which has not yet been sufficiently studied. Dug into the slopes next to the minaret are countless holes, created by the illicit excavations undertaken by local villagers. Here, UNESCO’s preventive excavations hired these villagers to work alongside Italian and British archaeological teams in order to safeguard and research these structures. Other positive consequences of this project included providing income to the villagers, generating awareness among them regarding their own cultural heritage, and teaching them about their cultural identity, which the practice looting undoubtedly puts in peril.

A recent example of safeguarding excavations in Afghanistan has also taken place in Mes Ainak. These excavations are not concerned with the protection of cultural objects from looting, but rather with safeguarding the site from mining. This site bears one of the world’s largest copper reserves, and, to complicate things even further, just under the surface lie the remains of one of the most important Buddhist sites of the country, endowed with at least 10 monastic complexes. Exploitation rights have been obtained by the Chinese government, which has proposed a yearly income of a multi-hundred million US dollars to the Afghan government. Important safeguarding excavations with 300 workers have been ongoing for three years, with teams of the French Archaeological Mission to Afghanistan (DAFA) and the Afghan Institute of Archaeology. These missions have revealed important finds of monastic structures, statues and objects. However, only a small portion of this large site has been able to be explored up until now. UNESCO has merely an advisory and advocacy role in this project, where financial interests risk superseding the archaeological and historical value of objects and sites intimately linked to the cultural identity of the Afghan people.

The problems of archaeological remains are enormous, and the institutional and practical cooperation of organizations such as the European Union, UNESCO, INRAP and other regional and national institutions, is urgently needed.

1 See Reference documents, in this volume.

About the author

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Abstract

The paper illustrates the elaborate procedures provided for in current Italian legislation (in particular under arts. 95 and 96 of Legislative Decree 163/2006) in relation to preventive archaeology interventions undertaken before the start-up of public works and public utility projects.

In regard to the preliminary stage, it addresses the much-debated issue of the list of “subjects” (individual persons, legal entities and university departments) that possess the necessary qualifications to draft the preliminary report, based on archival research and surface surveys, as well as the problems arising from the creation of the list itself. As regards the stage of defining and determining the necessary interventions, it describes the procedure to be followed in different circumstances: authorisation of the works, denial of authorisation, or a request for further investigations. The latter may be further broken down into preliminary surveys (core sampling and geognostic and excavation surveys) and open-area excavation. Finally, the author touches on the executive stage of archaeological interventions and the complex simultaneous management of scientific and economic responsibilities.

As is well known, articles 95 and 96 of Legislative Decree 163/2006 and subsequent amendments established rules for the activities tied to preventive archaeology in Italy, at least in respect of public works and public utility projects.

Despite presenting some problematic aspects, these articles, which implement the previous law no. 109 of 25 June 2005, are revolutionary compared to what had been prescribed in our legislation on the subject of archaeology, since they introduce the principle that excavations need not be undertaken as part of a research activity carried out directly by the State - via the Ministry for Cultural Heritage and Activities - or by holders of licenses, but also for the purpose of enabling the execution of public works of a highly diverse nature.

In reality, art. 28 of the Code of Cultural Heritage had provided (albeit not in the section dedicated to archaeology) that superintendents could arrange for sample analysis to be carried out for verification purposes prior to the approval of public works projects. However, the procedure to be followed by public contracting authorities and Superintendencies was not defined until 2005.

Under current legislation, therefore, preventive archaeology procedures are divided into three distinct stages.
The preliminary stage of preventive archaeology

The first article (art. 95) provides for a preliminary report to be drawn up by a “subject” appointed by the commissioning entity based essentially on archival research and surface surveys; the appointee must be a person who has completed a postgraduate specialisation or hold a research doctorate or university departments with at least three tenured professors. The law further calls for lists of the persons and departments meeting these requirements; the General Directorate for Antiquities produced one in 2010 and published it on the website www.archeologiapreventiva.it

Drawing up and managing these lists has entailed a number of problems, the first of which arises from the ambiguity of the wording of the legislation. In fact, though on the one hand the term “subjects” can be easily interpreted as including legal entities, and thus not only individuals but also enterprises, cooperatives etc., the required qualifications (research doctorate or specialisation) must be possessed individually by people. It was thus chosen to produce three separate lists, one for persons, one for legal entities (enterprises) and one for university departments.

All three lists pose complex problems. With respect to the list of individual persons, the only difficulty facing the contracting authority is to verify that they possess the qualifications needed at the time of registration - this is actually not simple and requires a great deal of effort - but in the case of legal entities registration - this is actually not simple and requires a great deal of effort - but in the case of legal entities, verification is clearly not possible.

Who indeed must have a postgraduate specialisation or doctorate? The legal representative? A tenured employee? A member in the case of a tenured employee? A company can always temporarily hire a single individual who has the qualifications to prepare and sign the preliminary report. Initially it was decided to leave it up to the Superintendences for Archaeological Heritage to verify, a posteriori, that the author and signer of the preliminary report was in possession of the necessary qualifications. However, this is hardly a satisfactory solution, so then it was decided to abolish the list of legal entities and work out different solutions for the list of individual persons.

With regard to the list of university departments, finally, though there are fewer problems in identifying those eligible for designation, a doubt arises from the legislative logic arises; in a regulatory provision of its own, the Ministry established that in order to be included in the list and thus draft a preliminary report, university departments had to have at least three tenured professors of archaeology subjects in their staff; we are spontaneously led to wonder why university departments should be required to have a pool of three professors when this report can be produced by a single person who holds a doctorate or a postgraduate specialisation. There seem to be two possibilities: either it is deemed that the report can only be produced by a team in possession of multiple qualifications, in which case single individuals should be ineligible, or else the requirement that departments have three professors is not very consistent.

A reasonable interpretation of the law should lead to the establishment of thresholds of an economic character, above which a report, in view of its complexity, would require teamwork. But this can naturally occur only after the law currently in force has been amended.

The preliminary stage of preventive archaeology

The law provides that, once completed, the preliminary report must be submitted to the Superintendence with jurisdiction over the area concerned, who will have several options: either it can authorise the works, judging that the report suffices to rule out an archaeological impact; it can decide there are sufficient grounds to deny approval; and, finally, it can deem that further investigation is necessary and request implementation of the procedures as per art. 96 of the aforementioned law on public works.

As I have publicly affirmed more than once on any occasion since 2005, I feel that the tools placed at the disposal of the commissioner for archaeology to prepare the preliminary report do not make it easy to choose the two more extreme options. I will not dwell further on this issue, already addressed a number of times, but experience tells me that, as I was right in expecting, the Superintendences for Archaeological Heritage often request implementation of the procedures of art. 96, which provide for an initial phase of intervention with core sampling, excavation surveys and geognostic surveys of various types.

At the end of these preliminary investigations, conducted directly by the Superintendences, also at the expense of the commissioning entity, the Superintendence must make a final decision regarding the public works project. At this point he/she can:

1. having acquired all of the necessary elements, choose to prevent the project from being carried out, without even having to undertake further investigations, and therefore, presumably, place restrictions on the archaeological objects identified, or
2. request an open-area excavation of the archaeological sites, and in such a case:
2a. opt for a total removal, with or without reassembly, of the structural remains;
2b. opt for a partial removal with reburying or preservation of the remains it is intended to leave exposed to view.

If digs are to be carried out, the third stage of preventive archaeology begins. This means excavation at the commissioning entity’s expense under the scientific direction of the Superintendence for Archaeological Heritage.

The final executive stage of archaeological interventions (prior to execution of the works project)

Here there arises a dilemma which historically, i.e. long before this legislation was enacted, not only the ministry of cultural heritage but also individual archaeologists in general has had to confront. Summing up what has been repeatedly affirmed by me and others but never sufficiently recognised, this situation of dichotomy between economic responsibility, in the hands of outside commissioning entities (public, but often also private), and scientific responsibility (borne by the Superintendence) has always created many difficulties.

Apart from some favourable situations due to the presence, within public entities, of management and executive personnel endowed with a great sense of responsibility, whoever commissions the works is interested above all in two factors: rapidity and the greatest cost savings possible. These conditions obviously do not guarantee the quality of archaeological excavation work, left up to the control of Superintendence officials, who are few in number and have few means of coercion vis-à-vis the operators, who are in turn financially conditioned by the commissioning entities.
The consequence of this is an archaeological market characterised by increasingly low tender prices and hence exiguous pay for workers, a factor that certainly does not favour the best firms and the most expert and qualified archaeologists.

The General Directorate for Antiquities thus addressed all matters regarding preventive archaeology - in particular the procedures under art. 96 - in circular no. 10 of 2012 (see Reference documents, in this volume). This circular, directed to the Superintendences for Archaeological Heritage, received the approval of the Higher Council for Cultural Heritage and the General Secretariat and was reviewed and edited based on the indications of the Legislative Office of the Ministry, Paolo Carpentieri in particular. It is the fruit of lengthy work carried out by Service II of my Directorate, under the direction of Angela Maria Ardovino, together with a group of archaeologists, already designated by my predecessor, Stefano De Caro; the group included Daniela Giampaola, Anna Patera, Daniela Locatelli and Monica Salvin, who have since been joined by Fedora Filippi, archaeologist of the Superintendence of Rome and Franco Nicolis from the Archaeological Office of the Province of Trento. The work was then submitted for examination to university professors, members of the Higher Council for Cultural Heritage, the associations representing contractors that carry out archaeological excavation work (ANCE, CNA, Lega delle Cooperative) and the associations of professional archaeologists (CIA and ANA in particular).

I will not dwell on the technical details of the circular, which address all the procedural aspects, seeking answers to the main questions concerning the relationships among commissioning entities, Superintendences (superintendents and archaeology officers), Regional Directorates, the authors of the preliminary report, and archaeological excavation site managers, who, under new Public Works regulations, must have the same qualifications as the authors of the preliminary preventive archaeology reports.

Regarding the latter aspect, it is worth mentioning the problem tied to archaeologists who, despite having led excavation sites on behalf of the Superintendences for many years, never completed either a postgraduate specialisation or research doctorate, as until recently these were not even necessary to participate in competitive exams for the post of archaeology officer.

I will dwell instead on the basic objectives. One is certainly to provide for a greater simplification of the procedures to enable the Superintendences and commissioning entities, under given conditions, to avoid the preliminary report when it is manifestly superfluous, or to combine the first stage (preliminary report) with some procedures typical of the second (core sampling, geognostic surveys, etc.).

The other is much more ambitious: should archaeological digs be necessary, instead of leaving the choice of who will carry them out completely to the commissioning entity, the Superintendence must request an excavation project signed by an archaeologist having the qualifications required by law; the project must contain a cost analysis, time frame, a specification of the necessary competences, a budget percentage of no less than 10% for post-extraction activities, and a preliminary publication, which will be prepared by the Superintendence with the collaboration of the archaeologist appointed as site manager and the archaeologists who have had responsibility for the excavation. The Superintendence may approve the project and give the go-ahead, providing all the strategic guidelines it deems necessary, ask for changes or reject it, if totally inadequate.

The consequences of an approach of this type are evident:
1. the Superintendences will obtain control over the cost levers of excavations and hence over the quality of the work, along with greater responsibility for how the excavations are conducted;
2. despite an increased financial commitment, the commissioning entity will obtain guarantees in terms of costs and - except in the case of particularly important and unexpected finds - will be better assured of the excavation work being completed on time and as planned;
3. archaeologists who are outside the government will obtain formal recognition also of their scientific role, a market no longer governed by the concept of “lowest bid” but rather focused on the quality of excavations and the ability to complete work according to the preset schedule;
4. the preliminary publication of emergency and preventive excavation projects will make it possible to acquire data that might otherwise be lost or “forgotten” in office archives, in which case all of the work carried out by archaeologists to safeguard the heritage that is still preserved and keep a record of it will be in vain.

If the Superintendences are able to use this circular with a sense of opportunity and capacity for judgment and Superintendents assume responsibility as befits their rank and experience, I am certain that the operational guidelines imparted by the Directorate General for Antiquities will be able to provide a basis for a renewal of preventive archaeology in our country.

About the author
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Preventive archaeology in Italy between new challenges and old problems
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Abstract
The paper illustrates the work carried out by IBC within the framework of the ACE project and addresses the same topics as the research on a European level, with a focus on preventive archaeology in Italy. It begins with a summary overview of the relevant legislation, also touching upon some of the unresolved problems connected to the latter, which often have historical and cultural roots. From the 2004 Code of Cultural Heritage and Landscape to the recent circular of the General Directorate for Antiquities, without overlooking the issues raised by the so-called “list” of individuals and entities authorized to conduct surveys to determine the archaeological interest of a site at the preliminary planning stage. Space is also dedicated to the city and landscape planning functions delegated by the Italian State to local governments.

Then follows a brief outline of the reality of professional field archaeologists working in the realm of preventive and rescue archaeology in Italy, characterized by high levels of specialization acquired in an academic setting which clash sharply with the actual job opportunities and working conditions. As clearly emerges from the data and graphs presented, the situation is one of great difficulty - alarming in some respects - due to the lack of jobs, the types of contracts, the low average hourly and yearly pay and the existence of a “gender gap”, as well as early abandonment of the profession. The paper concludes by addressing the thorny issue of the impact of archaeological excavations and the raison d’être of preventive archaeology itself, as well as communication, i.e. how it is presented to society, in particular to the lay public.

This paper summarizes the work of IBC for the ACE project, which centred on a survey on the profession of archaeologist in Italy, and in particular the scenarios opened by the Codice dei beni culturali e del paesaggio (Code of Cultural Heritage and Landscape) of 2004 relating to preventive archaeology. Here the figure of the “professional archaeologist” gained “official” recognition for the first time, archaeology no longer being viewed exclusively in a job context of public or academic institutions.

Four aspects are considered: the legislative framework, vocational education in Italian universities, the actual job opportunities and, finally, issues related to the profession’s relationship with society and the ability of the scientific community to communicate with the general public.

Given the absence of pre-existing studies on this subject and the fact that there are notable differences in the professional realm within our country, we decided to focus our attention on our own region, Emilia-Romagna, when addressing specific issues.

The legislative framework
As regards the regulatory framework, with reference to Article 28 of the Code (2004) and the introduction of the first provisions of law imposing the obligation to conduct preventive archaeological surveys, it should be noted that Italian laws on cultural heritage are influenced by two fundamental aspects.

The first one is of a general nature and is related to the strong emphasis on private property that has arisen due to historical and cultural causes;
this is probably one of the reasons why the law only takes into account the "public" works sector, although recent legislation – Law 106/2011 (barely comprehensible to anyone who is not a law specialist) - broadens preventive archaeology to include so-called "special sectors", which relate to particular projects that are financially supported by private individuals but have a major impact and public utility **." 

Through the recent Circular (n. 10 of 2012, see Reference Documents, in this volume) of the Direzione Generale (General Directorate) certainly clarifies the operating procedures of preventive archaeology, facilitating dialogue among the different stakeholders (Ministry of Cultural Heritage, clients and professional archaeologists)\(^{1}\), one question still remains open, namely, that of the decree which was to set "Guidelines", previously envisaged under Law 109 of 2005 and again by the "Guidelines", previously envisaged under Law 109 of 2005 and again by the Codice degli appalti pubblici (Code of Public Contracts) of 2006 (art. 96, paragraph 6)\(^2\).**

"Ensuring the promptness, efficiency and effectiveness of preventive archaeology procedures" was supposed to be the point of arrival of the joint efforts of the Ministry of Cultural Heritage (MiBAC) and Ministry of Infrastructure and Transport; the fact that no such decree was promulgated is to be attributed to the scant political weight of our Ministry on the national scene.

If one considers the professional archaeologist in light of the Code, it may be noted that the issue is far from being solved from this point of view as well. The IBC investigation showed the chaos created by the introduction of a "list" of those who are qualified and entitled to "collect and process" the data included within a very short time. The Corpo Archeologico Nazionale (in office at that time, Pietro Giovanni Guzzo, and supported by his successors: the project involved setting up a computer system – the CART system – which manages and processes data of archaeological interest\(^3\)."

It should be noted that in the five years since the last amendment (2008) made to the Code, no region has been able to bring the co-planning process to completion, which highlights an objective difficulty, mostly in reaching a political agreement among the different stakeholders.

As regards underground work carried out by individual citizens or private companies, the field of preventive archaeology lies within the framework of city planning operations, which are delegated to the municipalities.

The Emilia-Romagna region - thanks to the close relationship that the Soprintendenza per i beni archeologici (Superintendency for archaeological heritage) has been able to maintain with local institutions since the 80's - enjoys cooperation from local governments in the management and protection of the archaeological heritage.

At a local level, conservation is implemented through a set of rules concerning works projects involving excavation in the field of archaeology which usually corresponds to three different procedures depending on the area’s “potential” (in terms of archaeological resources). Therefore, the administrative formalities and legal authorities in order to be able to proceed with an urban development project may also include submitting the results of archaeological surveys, if requested by the Superintendent\(^4\)."

Since 1995, that is, since shortly after the Malta Convention, IBC\(^5\) and the SBAER have been collaborating in archaeological potential mapping. The idea was conceived by the Superintendent in office at that time, Pietro Giovanni Guzzo, and supported by his successors: the project involved setting up a computer system – the CART system – which manages and processes data of archaeological interest\(^6\)."

Finally, it should be noted that for a certain category of construction projects of particular importance, in Italy - in accordance with European rules - a Valutazione d’Impatto Ambientale (Environmental Impact Assessment) has to be carried out before work can commence. In this case, the Soprintendenza can often intervene and, depending on the case, require that surveys be carried out before commenting on the project’s feasibility.

Unfortunately, it was recently reported (December 2012) that the central government intends to streamline these procedures, thus introducing the model of tacit approval that obliges local governments, including the Soprintendenza, to express an opinion within a very short time (x.b.)
Academic education and job opportunities

Today, this focus proves to be particularly important because the role of preventive archaeology has undergone enormous development both on a methodological level and as regards the evolution of legislation. In Europe and also because in Italy we still have many unresolved problems, starting from issues regarding the working conditions of archaeologists, in a sector – preventive archaeology in Italy - that is extremely vital and can boast competences of a high and extremely high level.

At the same time, another element that emerges clearly is the continuity of the problems in all sectors examined. That is to say, the overall situation of difficulty in Italian preventive archaeology appears to derive from several basic unresolved issues affecting all areas of the discipline.

Starting from the legal framework, which up to a few decades ago saw our country in a position of excellence among European countries, ended with an organization – Soprintendenze – that extended across national territory and was capable of managing the archaeological heritage from all perspectives – protection, conservation, enjoyment – with consistent and mostly satisfactory, if not indeed excellent results. After years of reorganization, reforms and dramatic budget cuts, the Ministry of Cultural Heritage no longer appears able to effectively guarantee the system of protection as a whole, while the legislative framework appears to be outdated in many respects and above all lacks the verification and monitoring systems necessary to ensure implementation.

In the archaeological realm, these difficulties appear glaringly evident: while the Code of Cultural Heritage and Landscape still refers almost exclusively to an archaeology prevalently founded on research and study, preventive and rescue archaeology, which today accounts for 90% of field activities [Fig. 1], is not governed by any specific law and the few recent provisions introduced – which are moreover ambiguous – are part of measures concerning public works or wholly unrelated to our sector.

Our country’s failure to adhere to the Malta Convention of 1992 on the protection of the archaeological heritage is emblematic of the legislative uncertainty and fuzziness of the system of rules. This situation is mirrored by the fact that the very figure of the archaeologist does not yet have a clear legal definition and such ambiguity is directly reflected in the sphere of university training.

The overall offerings of Italian universities are all too diverse, and this variety of courses and teachers is only rarely associated with real methodological innovation or a curriculum geared toward developing the skills that are actually needed in the job world. Despite this, as the data we evaluated demonstrate, Italian archaeologists possess on average a high level of specialization: over 40% of those active in the sector have received post-graduate training, often holding more than one title; 27% of graduates in archaeological disciplines obtained a Ph.D within three years of graduation [Fig. 2].

Italian universities, like the Ministry of Cultural Heritage and Activities (MiBAC), are going through a profound cultural and institutional crisis. An emblematic case in our sector is the courses in Conservazione dei beni culturali (Cultural Heritage Conservation), which exploded in popularity in the 1990s, being viewed as the educational solution for those aspiring to a career in the field of cultural heritage management, precisely at a time when the whole political class – without distinction – was starting to promote cultural heritage as an economic resource that was important for the future of our country. Such courses produced hundreds of graduates, but only a very small percentage found adequate jobs, so that they have together been defined as a social time bomb.

Very meaningful data in that sense can be found in a 2007 survey [La Regina and Valentino 2007]: only 4% of graduates in archaeological disciplines find a job in line with their curricula.

Figure 1. Rescue, preventive and research archaeology excavations in Italy in 2011. (MiBAC data 2011)

Figure 2. The education of Italian archaeologists. (ANA survey 2011)
As shown in the diagram, 70% of the archaeologists working in Italy are employed with "atypical" contracts (the percentage rises to 91% in Emilia Romagna), so that it may be worth reflecting on the fact that "atypical" has actually become the "standard" in this sector.

Furthermore, these workers are placed near the bottom of the scale that measures the relationship between level of specialization – which is very high on average, so that it is possible to speak of a "hyper-trained category" – and the salaries earned: over half of archaeologists fall within an income bracket of 5,000 to 15,000 euros a year, only 4% of them earn more than 30,000 euros a year, and the number of "lucky ones" includes public employees [Fig. 5]. Indeed, forty-six percent of the archaeologists in Italy earn a gross income that is less than 10,000 euros per year, a percentage that rises to 60% in Emilia Romagna: truly striking figures, which place them under the poverty threshold established by the National Institute of Statistics in 2012.

The average hourly wage also speaks for itself: as far as the job world is concerned, a first thing to mention is the ambiguities which remain when it comes to establishing the number of cultural heritage professionals. In 2007 the exact figure was deemed to be 39,000 [La Regina and Valentino 2007], while a 2009 study counted 585,000 people latu sensu, but only 27,000 of them were employed in specific jobs, i.e. museums, libraries and similar facilities or activities [Bodo, Cabasino, Quintaldi and Spada 2009]. Lower still was the number reported in 2012: out of 1,390,000 workers generally "gravitating" around the cultural industry in Italy, only 21,000 of them were deemed to be specific cultural heritage professionals [21].

Apart from the elite few who are stably employed in Soprintendenze, universities or local institutions (civic museums above all), by far the majority (68%) of Italian archaeologists practicing today are employed in the private sector [Fig. 3] and face very difficult working conditions, both as regards trade union protection – which is very uncertain for workers who are caught up in the vicious circle of temporary jobs, though their situations vary greatly [Fig. 4] - and in terms of pay.

Most archaeologists in Emilia Romagna earn between 5 and 10 (net) euros per hour; on a national level, minimum hourly wages of 5-6 (gross) euros per hour have been reported, especially when it comes to public contracts, which are usually assigned to the "lowest bidder": this in itself makes it difficult to ensure that adequate levels of scientific quality are maintained. Moreover, higher academic training does not lead to a proportional pay raise.

Only 47.9% of graduates find a job within three years of completing their degree in archaeological disciplines. Among them, 52% are not able to make a living out of their profession. In actual fact, only 17% of archaeologists work year round while 63% of them work less than 6 months per year (ANA Survey 2011).

The case study of Emilia Romagna is a particularly interesting one, since an increase in job opportunities (700 preventive archaeology operations and 450 rescue archaeology operations were performed in 2011) [24] did not lead to any improvement in working conditions, either as far as contract types or pay are concerned.

As if that were not enough, there is a sort of "gender issue" [25] in the archaeology field: on one hand, there is gender parity when it comes to the tasks that have to be performed, even the most physical ones [26]; on the other hand, women - who account for 70% of those employed in the sector – still encounter difficulties in reaching high-responsibility positions (e.g. "site manager") and obtaining better pay conditions when employed in the private sector.

The interviews we organized highlighted the need for broader contractual protection, especially for women, and above all with regard to maternity and family leave for women working on excavation sites. More generally speaking, the statistics show a gender pay gap: one year after finishing university, men who graduated in archaeological disciplines earn an average of €959 per month, while women earn €678/month (the total average pay of both genders is €758/month).
Among those holding degrees in Cultural Heritage Conservation, the gap is even wider: more men (47.7%) than women (39.5%) are working, and the average salary for a man is €1,042 (net) per month, while the average salary for a woman stands at €708/month (total average €808/month)

In light of such data, it is understandable why the number of those leaving the profession increases sharply in the over-35 age group, that is to say, within 10 years of entering the job market and only 4-5 years after completing a post-graduate degree. It is also understandable why a percentage as high as 52% of practicing archaeologists affirm that they need a professional qualification. It is also understandable why a percentage as high as 52% of practicing archaeologists affirm that they need a high professional qualification of cultural heritage workers.

And yet potentially there would be no lack of job opportunities, considering the needs of many of our archaeological sites as regards maintenance, restoration or upgrading. There is also a need for preventive archaeology excavations tied to the start-up of major works projects, which in Italy, like in many other European countries, seem to have become one of the economic stimulus tools chosen by governments seeking a way out of the current recession.

Now seems the right time to introduce a new set of rules: all the players in the archaeological sector in Italy (temporary workers, project workers, self-employed workers, managers of individual firms, members of cooperatives, various contractors, research fellows, as well as museum operators and Ministry employees with permanent contracts) are clamoring for their professional role to be recognized. The recognition of a divergence between the romantic, adventurous image of the archaeologist - which is popular among the general public - and the harsh reality of actual working conditions, as well as the need to clarify ambiguities still persisting in public works regulation as far as preventive archaeology is concerned, recently inspired several initiatives conceived to promote discussion on professional issues: for example, in 2011 a conference titled “The Estates General of Archaeology” was held, with a symbolic reference to the France of the ’89 revolution. Even more significant than that, since it was born of a “grassroots” movement, was the Action Day organized by the Bianchi Bandinelli Association called “L’Italia dei beni culturali: formazione senza lavoro, lavoro senza formazione” (Cultural Heritage in Italy: work without training, training without work. Rome, September 27-29, 2012), which was intended to paint a detailed portrait of the world of temporary jobs gravitating around the cultural heritage sector, the first initiative to address this issue in such an organic manner.

It was one of the most recent and most significant attempts to generate a spontaneous network among the different players in this sector, in the archaeological field; the object was to work for a reliable set of rules defining the profession of archaeologist, so that it would become recognized and regulated like other professions. This has to be the necessary, compulsory step towards an archaeological science of a European dimension.

Unfortunately, here in Italy the current economic crisis has acted like a depressing factor on an already agonizing sector. The Court of Audit observed that public funding of cultural heritage plummeted to 0.19% of the Italian public expenditure; it was 0.34% in 2005 and 0.21% in 2010. Since 2008, when the budget of the Ministry of Cultural Heritage and Activities amounted to 2,037,446,000 euros (data provided by the Ministry) over 600 million euros has been lost. A comparison with other large European states is unforgiving. France’s budget is well over 7 billion euros, five times the Italian budget (1.4 billion); Germany, as of this year, actually increased its budget by 7% (Rizzo 2012).

In Italy, like elsewhere, in archaeology as in other sectors, this historical period seems fated to become a sort of sieve that inexorably separates what is destined to survive from what is not. Notwithstanding this situation in which shadows seem to prevail, archaeology continues to be a highly dynamic sector as far as cultural production is concerned: the principal archaeological sites and monuments and archaeological exhibitions continue to rank among the top visitor attractions.
Therefore, we are probably justified in wondering whether an effective dissemination of information about preventive archaeology could make the difference in this “selection for survival”. (p.p.)

Communication

Among the phases making up an archaeological excavation, from the preliminary surveys to post-excavation publications, an important role is played by “communication”.

The Malta Convention itself, in articles 7, 8 and above all 9, which makes reference to public opinion, dwells upon the importance of disseminating information about the archaeology system to society.

In Italy, where communication regarding post-excavation operations (scientific and educational publications, exhibits, museums, meetings, conferences, etc.) is already scant and often inadequate, communication relating to pre-excavation activities is practically inexistent.

This situation is reflected in circular no. 10 of 2012, which cites only publications of a scientific nature, and omits to address the topic of communication in the preliminary survey phase.

But one of the objectives that should be pursued by the realm of archaeology is the sharing of the information on research on two old houses.

Figure 6. France, St. Denis. The ‘Fabrique de la ville’ combines excavation with the research on two old houses. (Photo: ©Pierre Buch)

Precisely to combat this distorted perception, information should both precede and accompany the work of archaeologists so that citizens develop an awareness of the value of their historical, cultural and, last but not least, touristic heritage.

To prevent archaeology from being perceived in the collective imagination as an activity which causes problems to development, we need to build up (in Italy it would be better to say create) a strong system of communication whereby the public is made aware of the aims and importance of preventive archaeology initiatives before they begin, taking into account education in schools, information in the community and the training of planning department personnel to ensure they are more aware of these kinds of problems.

Also as regards the various highly specialized activities that archaeologists must carry out in fieldwork, they should make an effort so that people get to know them better, explain why they are apparently “slow” in the difficult task of documenting (and not only excavating) what’s been discovered anyway. It is thus evident, on a social level, that there is a close tie between “discovery” and “knowledge”.

The institutional communication channels that the MiBAC relies on are essentially the following:

• The website of the Ministry of Cultural Heritage and Activities.
• The various websites of Regional Directorates and Superintendencies for Archaeological Heritage.
• The respective Facebook pages and Twitter accounts.
• A call center.
• The “Bollettino d’Archeologia on line” (Online Archaeology Bulletin) of the General Directorate for Antiquities.
• “Fasti on line”.
• The portal “Cultura italiana”.

Unfortunately, as noted earlier, in none of these media do we find any mention of the need to inform the public about archaeological excavations beforehand. Moreover, the tools used up to now by the MiBAC are not kept constantly up to date from a technological and communications standpoint, which is an essential requirement in the times we live in. The MiBAC website itself has out-of-date links (including to online magazines that have long disappeared), while the social media/network tools reflect an obsolete approach typical of unidirectional communication.

The French experience suggests some models that appear to be highly effective in terms of communication. The INRAP website represents a clear example of how information about preventive archaeology should be presented. It is an interactive institutional website, full of all kinds of data (archaeological, economic, local and regional) updated in real time, it is in constant dialogue with users and perfectly able to talk to any segment of the public. This result is undoubtedly also tied to the professionals who work on it, specialists in the realm of communication who work in close contact with field archaeologists.

Another exemplary French experience is Saint Denis [Fig. 6], a Paris suburb, where archaeological excavation has been transformed into a veritable socialization initiative aimed at its 87,000 inhabitants, 28% of whom are of foreign nationality or culture. A project called “Archaeology, Territory and Citizenship” was inaugurated in 1998 and in a short time it became, and has remained, an excellent example of how it is possible to get the public involved in archaeology.
The first step was to bring the families of Saint Denis closer to their urban roots and their territory through teaching workshops and by inventing tools for reading the urban space as a historical path that goes from the basilica to the Stade de France. The culmination of these paths is reached in knowledge about the archaeological site, a place of direct recovery of heritage, the Basilica of Saint Denis: an exception according to the ACE standard based on what has been done by other European project partners, the other prepared for the present by the Regional Historic and professional archaeologists and intended to assess the actual reality of private contractors in the excavation market in Italy. Care was taken to analyze the job market through data retrieved from the web or kindly provided at our request. We were able to get a “map” of the social and economic realities of the profession by analyzing data of the Minister per i Beni e le Attività Culturali (MiBAC – Ministry of Cultural Heritage and Activities), universities, associations of archaeologists, trade unions, the Istituto nazionale di statistica (ISTAT – National Institute of Statistics). Some surveys on the presence of a better established conservation system in Emilia Romagna, where there are greater synergies with local institutions and with the town and regional planning system. To counter the present situation, committees like Archeologhe che (r)esistono (Existing/Resisting women archaeologists) have been founded (http://archeologhecheresistono.wordpress.com), retrieved 13 March 2013, founded on 13 February 2011 on the initiative of a group of women, more than one thousand, who walked the streets in Italy and worldwide, to react to a degrading model that was deemed to offend the dignity of women and of the country’s institutions in general. Not coincidentally, a woman archaeologist is (together with a female truck driver, garage collector, electrician and construction site manager) among the protagonists of the Manigoldi Association. A casa non è solo terra. Storie di donne che svolgono (lavoro) maschile. (There’s no going home. Stories of women doing a man’s job), Some Random Thoughts. Almalaurea 2012 data: www.almalaurea.it (retrieved 13 March 2013). Stories from excavations to museum management, from technical investigations to investigations in the present situation, committees like Archeologhe che (r)esistono (Existing/Resisting women archaeologists) have been founded (http://archeologhecheresistono.wordpress.com), retrieved 13 March 2013, founded on 13 February 2011 on the initiative of a group of women, more than one thousand, who walked the streets in Italy and worldwide, to react to a degrading model that was deemed to offend the dignity of women and of the country’s institutions in general. Not coincidentally, a woman archaeologist is (together with a female truck driver, garage collector, electrician and construction site manager) among the protagonists of the Manigoldi Association. A casa non è solo terra. Storie di donne che svolgono (lavoro) maschile. (There’s no going home. Stories of women doing a man’s job), Some Random Thoughts. Almalaurea 2012 data: www.almalaurea.it (retrieved 13 March 2013).
better than cure today in Italy. Some parts of the video were presented during problems within the discipline and of those who practice it those interviewed, would provide, albeit not in a "scientific professionists in the trenches"

We therefore thought of using this highly interesting works project (called VIARCH, arts. 95 and 96 Legislative Decree 163/2006).

At the end of the project (called VIARCH, arts. 95 and 96 Legislative Decree 163/2006).

"Fasti on line" is in any case the best and to the general public, sometimes even while a dig is still in progress.

As far as Italy is concerned, it is clear that the publication obviously does not aim to cover the entire world of research. The project is conducted on a "volunteer" basis and its own serial numbering of the individual boards and its own serial numbering of the individual

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Further reading


Further reading


Abstract

For the conference on development-led or preventive archaeology, that was organised by the ACE-partners from Italy (IBC) and France (INRAP) in October 2012 in Rome, the Dutch participant in the ACE-project was asked to present an evaluation of the situation with the development-led archaeological heritage management system in the Netherlands. Italy is in the process of discussing the best way forward and the organisers of the conference were very much interested to hear and perhaps learn from experiences other countries have with the system they have engineered to suit the new way of working. In my contribution I therefore provide a short report on the current situation in the Netherlands, with a focus on the changes in the heritage management system and the effects we have hitherto witnessed, both the intended ones and the spontaneous developments.

Introduction

In the last two decades, things have changed quite drastically in the way the archaeological heritage management is organized and conducted in the Netherlands. In 1992 the Dutch government signed in Valletta the Council of Europe’s revised European Convention on the Protection of the Archaeological Heritage (Malta Convention) and in 2007 it implemented its principles through a revision of the Monument Act of 1988. This revision in the law added five major new modes of operation to our heritage management system and changed the overall modus operandi of archaeology from rescue-led to development-led. In this paper, I will give a short overview of the main changes in our system and a factual account of the developments that these alterations have so far triggered. This is followed by a short discussion of the results of an evaluation of the revised law and some personal reflections on the achievements through the new approach.

The main changes in the system

A first major change the new law introduced in Dutch archaeology is that, in accordance with the main goal of the Malta Convention, archaeological research is integrated in all planning processes. Nowadays the Monument Act requires local authorities to consider the archaeological remains and values when they establish a new development plan or revise an existing one. In such development plans they can indicate the areas where archaeological remains are expected and research is required. It implies that authorities can demand from private developers that validations and impact assessments are conducted when they apply for a building permit or want to undertake other subsoil interventions. The authorities take the results of such assessments into account when deciding whether a permit is given or not, whether a mitigation process must be carried out or whether the terrain will be protected.

A second change is that the financing of archaeological research is integrated in the legal system. It is not obligatory, but the law offers a provision for local authorities to demand from the one who applies for a building permit to pay for the archaeological researches.

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Third, the Ministry of Education, Culture and Science has fully embraced commercial archaeology. The original Monument Act only allowed the State Service, universities and municipalities to acquire an excavation permit, but as it was expected that this small group of 10 holders of an excavation permit could presumably not manage all forthcoming work that would be generated with the implementation of the Valletta principles, it was made possible from 2001 onwards - by an interim policy - that commercial companies could make use of the excavation licence of the State Service. This was made possible by the revised law and as of 2007 companies can get their own excavation licence.

Whether they indeed comply with these demands in daily practice, is verified by the Inspectorate for Cultural Heritage that was founded in 2001 as part of the redesign of the system. The last major amendment of the system is that an excavation permit is only granted if a company or other organisation can demonstrate that they are able to meet the demands of the Dutch Quality Standard and if they employ sufficient qualified archaeologists. Whether they indeed comply with these demands in daily practice, is verified by the Inspectorate for Cultural Heritage that was founded in 2001 as part of the redesign of the system.

The overall growth stopped in 2009, when we even saw a decline of 10.8 per cent. This was followed by a small recovery of 1 per cent in 2010 [van den Dries, Waugh and Bakker 2010] and another downfall of 4.2 per cent in 2011. In 2012 the decline continued again, but not as strong as in 2009 and 2011. From the registration of projects in the national archaeological information system (Archis), another loss of 1 per cent can be deduced for 2012.

This stagnation was clearly not foreseen, even though it could have been expected that the exponential growth could not have continued for ever. It was also evident that the market-based approach made the archaeological sector much more interwoven and therefore dependent on construction and development activities. Consequently, the more involved archaeology is with the market economy, the heaviest are the effects of the crisis [Aitchison 2009]. It was however not foreseen that the archaeological sector in the Netherlands would experience a less dramatic downturn than many other European countries [Schlanger 2010; van den Dries, Waugh and Bakker 2010]. Another unexpected side-effect is the stagnation of the growth of excavations and the exponential increase of watching briefs. As the latter is a cheaper solution than an excavation, they are increasingly used as an alternative for more expensive digs [Fig. 1].

What was expected, and even wished, is that the liberalisation of the archaeological sector would lead to an increase of the number of organisations with an excavation permit. Many newly founded companies hardly could wait to get a licence and in a few years time a substantial commercial sector developed. In September 2012 a total of 56 organisations had a licence.

An unforeseen side-effect however was that the number of municipalities with a permit would decrease. For them it turned out difficult to compete with companies to acquire fieldwork contracts and to comply with the demands of the permit (for instance on qualified staff, storage facilities and to deliver site reports within two years). Moreover, the municipality in its role as the local authority may have a conflict of interests if it also conducts the research itself. So nowadays, many municipalities either prefer to share a licence with other municipalities or to hire companies to do the fieldwork. Instead of on fieldwork, they increasingly focus on tasks like developing archaeological policies and maps, commissioning and supervising fieldwork, and communicating with the public and other stakeholders.
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An evaluation in short
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we had a total of 415 municipalities in 2012, it means
covered in 2012, versus 37 in 2002 [Willems 2002]. As
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42 municipalities that have their own archaeological
on archaeological heritage management and it can
more expertise to successfully fulfil their new task
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growth of self-employment has surely been amplified
one employee, another 30 per cent two till five. This
growth of self-employment has surely been amplified
by the economic crisis. Many people who have lost
their job or of whom a temporary contract has not
been prolonged start their own small business.
At the level of the local authorities, the second
major share has been seen a substantial
growth as well. Nowadays local authorities require
more expertise to successfully fulfill their new task
on archaeological heritage management and it can
be noticed that they are organizing that. Apart from
42 municipalities that have their own archaeological
department (18 have an excavation licence), there are
15 regional services6. These regional divisions have
been founded by municipalities or provinces to share the
expenses of having archaeological expertise at
their disposal. As a result, 112 municipalities were
covered in 2011 versus 37 in 2002 [Williams 2005]. As
we had a total of 415 municipalities in 2012, it means
that 27 per cent of all our municipalities has now
organised archaeological expertise.
An evaluation in short
When the revision of the Monument Act was accepted by Parliament in December 2006, it demanded that
the effects and effectiveness of the new law would be
evaluated within four years. So, in 2011 the Ministry of
Education, Culture and Science asked an independent
research organisation, RIGO Research en Advies BV,
to carry out this evaluation. The researchers of this
organisation conducted an expert meeting, received 340 questionnaires from professionals
in the archaeological sector [van der Reijden, Keers and van Rossum 2011]. In its final report it concludes that
the law serves its purpose reasonably well, archaeology is well-integrated in the planning
process (87% of all municipalities has integrated archaeology in its development plans and 47% has
an archaeological policy plan), that planners support the disturber-pays principle and that the ratio of
in situ versus ex situ preservation of sites is 20 to 80 (see Reference documents, in this volume).
The report also shows that there are still some important tasks to be completed and some challenges
to take up. The state wants to further withdraw from regulating the quality of the work, but the self-
regulation by the archaeological sector is not working adequately yet. For that reason the Ministry now
considers to replace the licence and the associated assessment cycle the State Service now conducts
every four year, by a periodical quality check through a certification system that is run by the sector itself7.
A second main point of attention is the current
expenditures of archaeological research. They are
considered a problem, especially for little private
disturbers like farmers and citizens who want to build
on a small building, a shed for example. It is argued in the report to organise some financial compensation
for these disturbers. And also to improve the site
prediction models in order to allow local authorities to
be even more selective. It is argued that the
presence of archaeological remains can be predicted
more precisely and adequately, that less fieldwork will be needed.
In conclusion, it does seem that the new system
adds to the goal of the Malta Convention to better
protect the heritage. It is however interesting to notice that - despite the increase of fieldwork - there
has hardly been a rise in the number of legally
protected and scheduled monuments. In 2008 the
Netherlands counted 1395 legally protected national
monuments, in 2011 1411. A study by one of the
archaeological contractors shows that of all 262 sites
they had advised to preserve between September 2007
and May 2011, 38 per cent had indeed been saved
from destruction, but only 0.5 per cent got a legally
protected status [Siboue, Lobbes and Verbruggen 2011].
There is however a huge increase of the amount of
terrains with a recognised archaeological value. These
are sort of protected in a sense that these terrains are
indicated on the development plans of municipalities
and usually are investigated further prior to building
activities. In 2002 we had 8845 of such terrains, in 2007 11159 [Rijksdienst voor het Cultureel Erfgoed 2009], in
2011 around 160008.
Additional reflections
The primary focus of our final evaluation was the functioning of the rules. Not included was to what
extent the revised law and its associated heritage
management system contribute to achieving the main
goal of the underlying convention of the Council of
Europe, that is a better protection of the archaeological
eritage as a source of collective memory and an
instrument for scientific study, because no legal
provisions have been made in our new system to
promote for instance public awareness (article 9).
In an attempt to gain insight in our achievements on
that aspect as well, the author and a colleague
recently assembled some data [van den Dries and van der Linde 2012]. In short, we looked at the degree
the archaeological community produces new knowledge
and disseminates it to the public and whether this
affects the public support for archaeology.

Knowledge production
Regarding the issue of knowledge production, which has provoked debates within and outside
the Dutch archaeological community, we conclude that
currently factual proof is missing that our knowledge
production has diminished since the new way of
working was introduced. We argue that we should make a distinction between research that is intended
to write historic narratives and fieldwork that is
an archaeological policy plan, that planners support the disturber-pays principle and that the ratio of
in situ versus ex situ preservation of sites is 20 to 80 (see Reference documents, in this volume).

1. “Probably over 50% of all these jobs is nowadays provided by the commercial sector. This sector not only consists of 25 excavation companies, but also lots of archaeological consultancies, specialist services, public outreach services and even staffing agencies. In total there were around 125 companies active in Dutch archaeology in 2012.”

2. From our ACE-survey we also deduced that a relative small number of municipalities works for small organisations or is self-employed: Of the 27 companies that answered our questionnaire, 52 per cent has only one employee, 22 per cent two till five. This growth of self-employment has surely been amplified by the economic crisis. Many people who have lost their job or of whom a temporary contract has not been prolonged start their own small business.

3. At the level of the local authorities, the second major share has been seen a substantial growth as well. Nowadays local authorities require more expertise to successfully fulfill their new task on archaeological heritage management and it can be noticed that they are organizing that. Apart from 42 municipalities that have their own archaeological department (18 have an excavation licence), there are 15 regional services. These regional divisions have been founded by municipalities or provinces to share the expenses of having archaeological expertise at their disposal. As a result, 112 municipalities were covered in 2011 versus 37 in 2002. As we had a total of 415 municipalities in 2012, it means that 27 per cent of all our municipalities has now organised archaeological expertise.

4. The primary focus of our final evaluation was the functioning of the rules. Not included was to what extent the revised law and its associated heritage management system contribute to achieving the main goal of the underlying convention of the Council of Europe, that is a better protection of the archaeological heritage as a source of collective memory and an instrument for scientific study, because no legal provisions have been made in our new system to promote for instance public awareness.

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6. Regarding the issue of knowledge production, which has provoked debates within and outside the Dutch archaeological community, we conclude that currently factual proof is missing that our knowledge production has diminished since the new way of working was introduced. We argue that we should make a distinction between research that is intended to write historic narratives and fieldwork that is an archaeological policy plan, that planners support the disturber-pays principle and that the ratio of in situ versus ex situ preservation of sites is 20 to 80. Probably over 50% of all these jobs is nowadays provided by the commercial sector. This sector not only consists of 25 excavation companies, but also lots of archaeological consultancies, specialist services, public outreach services and even staffing agencies. In total there were around 125 companies active in Dutch archaeology in 2012.
measurements are available too. The first quality assessment studies that were carried out shortly after the Dutch Quality Standard had been introduced in 2001 and companies were allowed to carry out fieldwork, demonstrated that there was ample room for improvement [Aten, van den Dries, van den Eynde, de Jager and Roogert 2005; Bazelmans, Brinkkemper, Deeben, van Doesburg, Lauwerier and Zoetbrood 2005]. However, things seem to have improved. In 2008, an evaluation of 85 site reports showed that 67 per cent of the reports was of sufficient or good quality [van den Dries and Zoetbrood 2008]. Ideally, this percentage should be higher, but it could also have been much worse. In the most recent study of the quality of fieldwork, the Dutch Inspectorate concludes that the quality of the projects carried out between 2008 and 2010 was satisfying, but that the quality assurance is still not systematic and well-organised by contractors [Erfgoedinspectie 2010].

Despite all the good news, there is some reason for concern for the future as well. This relates to the fact that it is nowadays often the municipal council - so non-specialists - who decides on the volume, aims and content of archaeological research. It means that academics have lost a large part of their supervision or guardianship over the archaeological fieldwork, that the academics have almost the entire prehistory in their policy plans [van Vuuren 2010]. The result is that knowledge is primarily gained on younger periods [van Vuuren 2010; Theunissen and Deeben 2011: 31].

Another reason for concern is the marginalised role of the universities in fieldwork. As they cannot compete in acquisition with the commercial sector, their share in excavations has decimated to only seven per cent in 2012 [Fig. 2]. Since universities usually provide good quality excavation reports, this is not a good development for the production of archaeological knowledge.

Knowledge dissemination

The fact that we produce all these reports has also introduced a new dimension, i.e. the ever-increasing volume of grey literature. Even if one would like to keep track of all the new research results, it is sometimes impossible because one cannot get hold of them. The Cultural Heritage Agency has to provide access to the site reports, but the State Inspectorate showed in 2010 that only 38 per cent of the reports from 2005-2006 was actually accessible [Erfgoedinspectie 2010].

Moreover, the hundreds of reports that are being produced per annum are clearly not optimally used. A citation analysis shows that till 2009 more than 50 per cent of the site reports were not being cited in any other report or publication. This not only applies to the case with reports on bore hole surveys, but also with excavation reports. Of these only 38 per cent was cited [Helwig 2009].

Another challenge we have to face is that our knowledge dissemination is almost exclusively restricted to site reports. There is a clear downward trend in synthetic studies (articles and monographs) and dissertations. The number of dissertations on Dutch archaeology went from ten in 2000 to three in 2010 [Theunissen and Deeben 2011: 34]. A cause may be that for many years all available research capacity was absorbed by the developer-funded research. It could however also be caused by the decreased staff size at universities and at the Cultural Heritage Agency. Their research and financial capacity has been cut down since the last couple of decades [Koninklijke Nederlandse Akademie van Wetenschappen 2007].

Public outreach

Public outreach adds to the use of archaeological heritage as a source of collective memory. Or put differently, whether these efforts are being consumed and suit the public’s needs. There are some indications that this may not necessarily be the case. In 2010, a survey of (109) members of the public showed that there is a considerable discrepancy in the preferences of the audience and of archaeologists; whereas archaeologists prefer to organise open days (93%), to build small exhibitions on excavations and to write popular books, the public is mostly interested in visiting a theme park or a museum, in watching a documentary (42%) and in participating in an excavation (19%) [Lampe 2010]. The audience is the least interested (12%) in reading a book on archaeology.

This was confirmed by another small survey among 100 inhabitants of The Hague [Wasmus 2010]. Again only a few people were interested in getting information through exhibitions (10%) or publications (11%). It was preferred to get information from local archaeological organizations except two indicated that they consider it a very important task and also 64 per cent of the commercial companies said they disseminate archaeological findings to the public. In fact, it seems that there is more output for the public than scientific output [van den Dries and Kwaast in press].

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Such findings should make us wonder whether we sufficiently listen to the needs and wishes of the public getting nothing in return for the increased archaeological activity. The available data, however, does not give reason for alarm. There is more attention for the public than ever before. In the last twenty years at least 25 companies have specialised in public outreach activities and together with the municipality archaeologists they organise all kinds of activities and they have produced numerous books, leaflets, websites, press releases etc. From the ACE-questionnaire on the profession that we run in 2011, it could also be deduced that there is a lot of attention for public outreach activities. All governmental organizations except two indicated that they consider it a very important task and also 64 per cent of the commercial companies said they disseminate archaeological findings to the public. In fact, it seems that there is more output for the public than scientific output [van den Dries and Kwaast in press].
of the public. In the survey in The Hague, 60 per cent indicated to be satisfied with the information archaeologists provide, but the remaining 40 per cent said that more results should be disseminated to the public [Wasmus 2010]. In the other survey even 64 per cent of the participants said that Dutch archaeologists could present archaeology in a much more pleasant way [Lampe 2010]. They showed quite an interest in doing excavations themselves, but very few opportunities for community archaeology are offered in the Netherlands yet. So, it seems to be clear that we have to apply a more tailor-made and innovative approach and that we have to offer a broader repertoire of engagement opportunities to suit more target groups.

Public support

The final question we looked into for our evaluation in 2012 is whether these public outreach efforts affect the public support for archaeology positively. It is clear that some public groups are not so satisfied with the new heritage management approach, especially not with the money that it costs. This has even been discussed in Parliament on several occasions. Although it is not difficult to counter such complaints since the facts show a different picture [van Donkersgoed 2011], that is not the point here. The point is that all stakeholder complaints reflect genuine feelings which we should take these serious.

Does it mean however that there is little public support for contemporary development-led archaeology in the Netherlands? Again, few factual figures are not yet available.

Conclusion

In this paper I aimed to show how the Dutch archaeological heritage management system has been adapted to the agreements laid down in the Malta Convention. It has been effectively altered in the sense that today our archaeology is fully integrated in the planning processes and almost exclusively development-led. I also wanted to show that in the degree the ultimate objectives of the convention have been pursued, there are various challenges left. Although the Malta-archaeology has led to more public outreach than ever before, we are not performing optimally when it comes to knowledge production and dissemination on the one hand and to our efforts to support and facilitate the public to engage with its heritage on the other. Especially in the present time of economic stagnation and decline, we should be careful not to become exclusively focussed on coping with the daily challenges of the development-led archaeology and forget that the final aim of our activities is to protect the archaeological heritage as an instrument for scientific study and a source of our collective memory of the past.

Acknowledgements

I would like to thank the organisers of the ACE-meeting in Rome to invite me to speak about our experiences with development-led archaeology in the Netherlands. It was very useful to discuss the challenges and drawbacks of development-led archaeology with the Italian, French, British and German colleagues as it was striking to see the many similarities in the effects of development-led archaeology in France, Germany, the United Kingdom and the Netherlands. I am furthermore grateful to have been able to participate in the ACE-project. It enabled my colleagues from the Faculty of Archaeology and myself to gather lots of information on the discussed topic. Therefore I wish to thank the European Commission for supporting this project financially.

1 It has also influenced archaeological work that is conducted abroad [van den Dries, Slappendel and van der Linde 2013], but in this article the focus will be exclusively on the situation within the Netherlands and on the Dutch archaeological heritage system.
2 This article is based on a paper given in Rome on October 19th 2012 at the ACE-symposium “Twenty years after Malta: preventive archaeology in Europe and in Italy”, and it is a compilation of three recent articles [van den Dries 2011; van den Dries, Slappendel and van der Linde 2012; van den Dries and Kwast in press], but in this article the focus will be exclusively on the situation within the Netherlands and on the Dutch archaeological heritage system.
3 For more information on this see Willems and Brandt 2004 and van den Dries and Willems 2007.
4 In 2012 this number was less due to the crisis, but exact figures are not yet available.
5 This figure only includes the organisations that are registered as a member of one of the two Dutch branch organisations.
6 The source of this figure is the website of the association of municipal and regional archaeologists (registered 21 March 2013 from http://www.gemeente-archeologen.nl/4/Leden.html).
7 This was indicated by the Secretary of State, H. Zijlstra.

8. The source of these figures are the annual reports of the Cultural Heritage Agency (see http://www.cultureelerfgoed.nl/sites/default/files/2012%20archeologische%20rijksmonumenten%20en%20krommenie%20zorg%20sector.pdf retrieved 21 March 2013).

9. The source of the last figure is the concept version of the BCGO-report, see Reference documents, in this volume.

10. On an annual basis over 2000 field evaluations are being carried out and around half of these do not lead to further research. These researches are however not useless, they simply make sure no valuable sites are being destroyed.

11. In 2009 it was found that only 14 per cent of the excavations of 2006 and 2008 lasted longer than 40 days (Bazelmans 2011).

12. For instance, Dutch archaeologists are more selective and only one out of every sixteen field inventories leads to an excavation. It can also be argued that the costs of archaeology are less than one per cent of the annual turnover of the building sector and 0.1 per cent of the total turnover of the building and construction industry.

References


The many approaches in German preventive archaeology with a special focus on Saxony: a personal view

Harald Stäuble
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Abstract

Germany is organised in 16 federal states and cultural affairs are under the jurisdiction matter of these federal states. They each have their own archaeological heritage offices with different heritage laws. Accordingly, the protection of archaeological monuments, the prevention and finally the practice of rescue archaeology differ more or less. Irrespective of the dates on which it was signed and ratified, the Malta Convention has but little impact on the practical day-to-day management of archaeological heritage in Germany, where the laws of each federal state are far more decisive. Based on examples dealing with large-scale development-led excavations within Saxony, the author illustrates problems and solutions of the archaeological management of unavoidable destructions enabling to get good, appropriate scientific results.

Figure 1.
The location of Saxony within Germany and Europe.
The aim of this paper is not so much to find out and analyse the many factors which can have an influence on the different ways in which archaeological heritage is managed in Germany, but rather to give a brief overview of the different heritage laws within Germany. I will then focus mainly on the state of the art in preventive archaeology in relation to development-led large-scale projects in the federal state of Saxony [Fig. 1] after the 1990s.

Some basic data on Germany within Europe and Saxony within Germany as mirrored by maps

When comparing the differences among countries as far as heritage management is concerned, we first have to consider their different size. Germany, together with Italy, Great Britain, Romania and Poland, belongs to the medium-sized countries in Europe, with a surface area of almost 360 thousand square kilometres [Fig. 2].

But size alone is not an overriding factor unless combined with population density. Here Germany occupies a noteworthy place together with Great Britain, Italy and Switzerland, as the inhabitants per square kilometre number from 150 to 250 (with almost 400 inhabitants/km², the Netherlands far surpasses all other countries), while most European countries have around 100 inhabitants/km². Among the 13 area states within Germany (i.e. excluding the city-states of Berlin, Hamburg and Bremen, which are comparably small but have high population densities), Saxony ranks somewhere in the middle in terms of size, with an area of almost 20 thousand square kilometres, whereas it is the fourth most densely populated [Fig. 3].

Population density partially reflects the intensity of economic development, which in turn has a large influence on building activities. Thus the intensity of economic development is reflected

![Figure 2. Size and population density of a selection of European states.](image)

![Figure 3. Size and population density of a selection of German federal states.](image)
in most of the invasive activities responsible for the destruction of archaeological heritage, as is explicitly stated in the Explanatory Report to ETS No. 143 of Recommendation No. R (89)5.

The map of all known archaeological monuments to be protected, as well as those which have already been partially excavated in Saxony [Fig. 4], reflects not only the different ‘natural’ distribution of prehistoric activities but also the larger number of building activities around industrial zones: for example, the region south of Leipzig with its coal mines and chemical industry, or the areas around the other large cities of Saxony, such as Dresden and Chemnitz, compared with areas that are mostly under use for farming activities, like Central Saxony north/northwest of Dresden. In regard to the reasons for this different economic growth, one has to consider general historic development and geomorphic and climatic aspects, as well as the specific natural resources. In fact, the factors in play are basically the same as those which were also responsible for the density of prehistoric settlements: the continuous destruction of preceding traces of human beings and activities, starting from the first sedentary communities during the early Neolithic and continuing to the present day. But the map of all the approximately 13,000 known archaeological monuments, including the centres of old villages dating back to around 1200 AD [Göldner and Kreienbrink 2010: 191 f.], also provides a picture of the distribution of archaeological settlements based on topography and soil types: in southern and southwest Saxony, the region of the sandstone mountains of Saxon Switzerland and the Ore Mountains were not settled permanently until the 12th–13th century AD.

The Early Neolithic period, represented by a large number of settlements of the Linear Pottery Culture and the Stroked Pottery Culture dating from the second half of the 6th and first half of the 5th millennium BC, shows a distribution which is closely connected with the three warm, dry regions covered by fertile loess soils [Stäuble 2010b: 28 f., map B1.2; Stäuble 2012b]. Whereas the sandy soils of Upper Lusatia in northeast Saxony show many traces of the Lower Palaeolithic and Mesolithic periods, which were not stably settled until the end of the Neolithic Age, after 3000 BC [Hock 2010: map B1.2]. These examples illustrate what we know about the diverse preferences of pre-, proto- and historic settlements, but in order to avoid falling into the trap of circular reasoning, we should always seek to confirm or correct and refine this knowledge, taking advantage of the opportunities provided by unavoidable large-scale development-led projects, whose layout is random from an archaeological standpoint.

The impact of the Malta Convention on the work within archaeological heritage offices

The reasons for the differences among the archaeological heritage laws in the various federal states of Germany are thus much the same as the reasons for those among other European Union countries. Besides the differences in size and population density, they reflect a mix of socio-historical, political, economic and geographic factors and – last but not least – different mentalities. For this reason, it seems almost impossible to envision a general heritage law for all European countries, as is implied in the “European Convention on the protection of the archaeological heritage” (European Treaty Series...
A selective consideration of the organisation of archaeological heritage and the laws in Germany

When speaking about the many approaches to archaeological management in Germany, it should first be remembered that not only were there two different German states for almost 40 years after the Second World War, but that Germany was and is still a federal state, where cultural affairs are left up to each of the states. For this reason, cultural heritage laws differ significantly. In the German Democratic Republic, before unification, there was a uniform law for all 14 districts dating from 1975, whereas in West Germany the heritage laws of all ten former states were different, though they also dated mostly from the 1970s. After unification in 1990, each of the federal states – which are so-called city-states (Berlin, Hamburg and Bremen) – had its own heritage law. In the federal state of North Rhine-Westphalia, there are actually two separate Archaeological Heritage Offices with two directors, so in total we have to count 17 different approaches to archaeological heritage management.

In Germany, moreover, heritage management is generally divided between two different offices, one dealing with the conservation of built heritage, the other responsible for 'archaeology' (officially for proclaiming the need for protection) and thus also the identification of which archaeological monuments have to be protected or – if they cannot be saved – rescued by excavation undertaken by qualified specialists. Not in every federal state – but in most of them – the inclusion in a “monument list”, “record” or “monument book” (containing an inventory of archaeological monuments) is needed in order to be able to protect or excavate them. In some federal states only monuments which are already known and listed can be assumed or expected to be in a construction or mining area or even monuments which only surface by chance.

Another point I wish to draw attention to here is the “declaration” (official order declaring the objects that have been hidden so long that it is not possible to find out the owner belong to the state).

As regards the financial regulations for rescue archaeology, only in three federal states is there no financial obligation for the developer to fund all or part of rescue excavations. In the laws of eight other federal states, in line with the “polluter pays” principle, the developer can be obliged to contribute funding and in four they are always obliged to. This obligation is generally connected with a provision that the amount to pay must be “within reason.” In one federal state, only archaeological rescue excavations that are state planning projects must be funded by the developer. This means that those on behalf of private led planning projects, must be funded by the state. Here we have to add that very few federal states have a budget large enough to cover all the expenses caused by developer-led rescue excavations. In most of the other federal states this would not be possible, at least as far as large-scale excavations are concerned.

Last but not least there is a difference among regulations as to who is authorized to carry out excavations. Nowadays private firms are allowed to carry out prospectives and excavations in twelve federal states. In some of them, both private firms and the state archaeological heritage offices themselves can do this work and in only few federal states is all development-led archaeology organised by the latter, sometimes also in cooperation with universities. In all cases both planning and quality control are the responsibility of the heritage offices. Likewise, in all cases the documentation goes to the heritage offices, as do most of the finds, which are conserved and/or deposited there. Only in a few cases do the finds from excavations have to be handed over directly to a state museum, as opposed to the archaeological heritage office.

There are some other examples of articles or passages within the heritage laws which are common to all federal states. For example, protection of the surroundings of monuments or...
their context is implemented in each state’s laws. As a rule, archaeological prospection is a task of the archaeological heritage offices and cannot be entrusted to developers. It is generally said that some archaeological heritage laws of the federal states of Germany go beyond the requirements of ETS 143, as they also include not only monuments which are definitely known and marked as monuments but also those which can be expected to materialize with a varying degree of certainty based on scientific arguments.

A short introduction to the archaeological heritage office in the law in Saxony

The Archaeological Heritage Office of Saxony has its headquarters in Dresden with three outposts in East Saxony, in Northwest Saxony and in Middle Saxony. The department responsible for archaeological heritage is one of four departments of the Heritage Office. Alongside it there is an archaeological museum, a department for central services – responsible for the conservation and restoration of finds, the find depot, the administration of archaeological monuments data and the documentation of excavations, as well as for the publications – and an administration department. Within the archaeological heritage department, there are eight professional archaeologists and about one to hundred. As a rule, excavations undertaken by the archaeological heritage office, is likely to be about 100 years old and is today organised in a GIS accessible to all staff. Together with all other information which may be archived archaeological data can be seen and analysed to all staff [Göldner and Kreienbrink 2010: 194 ff.]. The archaeological monument archive is more than 100 years old and is today organised in a GIS accessible to all staff [Göldner and Kreienbrink 2010: 194 ff.]. The archived archaeological data can be seen and analysed together with all other information which may be helpful for evaluating the archaeological potential of the planning area concerned (like topography, soils, water drainage, other geomorphological aspects, old maps). Together with all the planning data this information helps to calculate the time and financial resources necessary for the rescue excavations that will have to precede the building or mining activities. The negotiations are conducted by the responsible archaeologist within the heritage office, which also oversees the planning and control of the excavations and must ensure that archaeological excavations and prospecting are undertaken in a scientific manner – ‘...’ (art. 3b ETS 143) and one that is commensurate.

In Saxony planning offices and developers are not allowed to organise or decide on excavations or to assign private archaeological firms to excavate and preserve monuments which lie outside the planning limits – the expenses for archaeological excavations, preservation of the finds and documentation of the features” (§14 of the Saxony Heritage Law of March 1993). The office is therefore generally involved in all planning policies at different stages of the development schemes and more often than not well before the projects start. Of course in practice it may happen that on the result of which depends slightly late, so that prompt reaction and flexibility are required, but in most cases it is nonetheless still possible to organize rescue excavations beforehand in a satisfactory manner – some punishable exceptions excluded.

In cases where it is necessary to rescue archaeological monuments which are known or can be assumed – based on archaeological evidence and research – to be threatened by a building (or mining) project, the responsible archaeologist first has to check the surrounding archaeological inventory. In Saxony the archaeological monument archive is more than 100 years old and is today organised in a GIS accessible to all staff [Göldner and Kreienbrink 2010: 194 ff.]. The archived archaeological data can be seen and analysed together with all other information which may be helpful for evaluating the archaeological potential of the planning area concerned (like topography, soils, water drainage, other geomorphological aspects, old maps). Together with all the planning data this information helps to calculate the time and financial resources necessary for the rescue excavations that will have to precede the building or mining activities. The negotiations are conducted by the responsible archaeologist within the heritage office, which also oversees the planning and control of the excavations and must ensure that archaeological excavations and prospecting are undertaken in a scientific manner – ‘...’ (art. 3b ETS 143) and one that is commensurate.

The entities responsible for large-scale public or private building projects or projects for open-cast mining of raw materials and other resources can be obliged to turn to monuments which lie outside the planning limits – the expenses for archaeological excavations, preservation of the finds and documentation of the features” (§14 of the Saxony Heritage Law of March 1993).

Preventive archaeology in large-scale projects for German railway projects, pipelines and open-cast lignite mines in Germany

The reason why I have chosen to talk about these three categories of development-led archaeology (linear projects such as motorways and railroads and pipelines or large surface projects, such as lignite(open-cast mining areas) is not so much because they are the only ones to cause large-scale destruction – other building projects, such as airports, industrial areas and even land-use plans for new settlement districts are equal and sometimes exceed them [Bianquart, Malrain, Stäuble and Vannoeverkerke 2011] – but because I am in charge of such large-scale projects, which extend beyond the scope of regional archaeology. The advantage of this organisational role is obvious both for archaeologists and planners on the one hand it ensures that planners of large-scale construction projects, which already work on a global basis, always have their clients nearby. But this does not mean that in respect to excavations in Saxony there is no cooperation with other institutions like universities, be they based in Saxony itself or in other federal states or even in other countries. Generally these cooperation initiatives do not relate directly and immediately to development-led rescue excavations. That is why the ratio between development-led projects and strictly scientific ones, which are organised by institutions other than the archaeological heritage office, is likely to be one to hundred. As a rule, excavations undertaken by the heritage office in Saxony are organised in such a way that only the leader and technical assistant are professional archaeologists, whereas the excavators are workers trained in archaeology ‘only’ through long-time practice and experience. Nonetheless, many students work at excavation sites on behalf of the heritage office part-time during the course of study and full-time during vacations.

It would be very useful to apply similar methods in the case of development-led projects which cross borders not only between different regions or federal states of the same country but also between different European countries. Even if such cross-border cooperation among federal states or European countries is officially not yet sufficiently feasible, there is at least the possibility of personal connections and changes of opinion. Today a series of contacts have already been attempted, some of them successfully. Joint working groups and networks both within Germany and across its borders are becoming more frequent – as, for example, in the
case of the European-funded ACE project [Bofinger and Krause 2012; this publication] or the annual EAA (European Association of Archaeologists) conferences [e.g. Blancquaer, Malrain, Stauble and Vanmoerkerke 2011].

The planning and building of motorways in Europe date back to the early 20th century. The first nine-kilometre stretch near Berlin was finished in 1921, and less than 100 years later the network in Germany has increased in length to about 12,000 km. This makes it the third longest motorway network in the world after those of the USA and China and it is definitely the longest and probably the densest network in Europe[6].

Most of the motorways in Germany have been built with no or very little archaeological screening. While before 1945 about 350 km of motorways were built in Saxony and some excavations were carried out, after World War II actually almost none of about 70 km new motorways have been even checked archaeologically [Stauble 2010a: 75 ff., figs 7-8]. Since 1990 about 120 km of new stretches of motorway have been built and a large part of the existing motorways have been enlarged to meet present-day standards. They have been inspected over their entire length, meaning a total area examined of about 1500 hectares. While only ten archaeological monuments were previously known to exist along the route, a total of 70 new sites have been discovered and excavated within a total area of 114 hectares – just to mention the figures, without considering the chronological and functional diversity of archaeological sites and their quality!

A similar picture emerges when one looks at the results of railroad projects. In Saxony, however, the railroad network was already very dense, so that only a few new lines have been built since 1990. Most of the activities have thus been limited to repair work, without large intrusions into the soil and thus without endangering hidden archaeological monuments.

All of Europe is criss-crossed by subterranean supply circuits, from local drainage systems to a worldwide network of gas and other supply pipelines [Stauble 2012: 15, fig.1.3]. With its central geographical position within Europe, Germany is severely affected by a great spectrum and a large number of pipeline connections. They cut across the country randomly, impacting different landscapes even more extensively than the transport network does, as their routing is not limited by preconditions as is the case with traffic routes. By analysing them in equal manner – that is, over their complete distance – we are able to make comparisons and gain a much better understanding of the relationship between prehistoric settlements and the landscape and all its attributes, from climatic zones to topography and soil distribution. Since 1990 we have had the duty and also the opportunity in Saxony to study a series of such pipelines extending over a length of about 370 km and affecting an area of about 762 hectares [Stauble 2010a: 80 ff.]. The number of prehistoric settlement traces is quite high, 188, but ‘only’ about 56 hectares had to be excavated before destruction. This is explained by the fact that many pipelines affect a strip only about 15 m wide and even large pipelines with a width of 30 m are only half or even a third as wide as motorways.

The main difference between the large areas cut through landscapes by motorways or other major roads and the areas crossed by pipelines is – apart from their dimension – the fact that the areas where roads are built remain sealed off. Most of the areas disturbed by pipelines are re-cultivated after the cables and pipes have been laid. But even if the balance is favourable for pipelines insofar as the protection of nature is concerned, as regards the protection of archaeological sites there is no difference between roads and pipelines in terms of level of destruction.

The same applies for large lignite open-cast mining areas. The balance is favourable for them as well, in that the pits are or will be filled with water – as in many cases in Saxony – or will be refilled and restored to cultivation, even though this will only happen over a very long term. Germany has the highest lignite extraction rate (tons/year) in Europe according to the 2011 report of the Federal Association of Lignite Producing Companies (DEBRIV) [Fig. 6].

Figure 6. Lignite mines in Europe according to the 2011 report of the Federal Association for Lignite Mining. (DEBRIV)

Figure 7. Lignite mines in Germany according to the 2011 report of the Federal Association for Lignite Mining. (DEBRIV)
If we look at the distribution of lignite, which can be profitably extracted, we see that it is unequally distributed throughout the country. Of the three large mining regions in Germany, two are located in Saxony. At the end of the 19th century, with a large number of mainly small mines, it was only after 1950 that these areas were regularly included among the focal concerns of the archaeological heritage offices and larger rescue excavations could be organised (Černá 1987; Koschuck 1996). A good example of early large-scale excavations in lignite mining areas is a student initiative of the University of Cologne which began with first some working groups and then resulted in scientific projects from the second half of the 1960s onwards (Schwellnus 1987); it later came to be known as the “Aldenhoven Project”. In East Germany, in the Lusatian lignite open-cast mining region, an area of about 610 km² was devastated in the period between World War II and 1986. Apart from some sporadic examinations in the 19th and early 20th centuries it was not until the 1970s that it was decided to establish a working group on “archaeology in lignite coal mining areas”, which was actually not formed until the 1980s (Wetzel 1987). Moreover, as it was badly staffed and always underfinanced, only about 10% of the already known archaeological monuments, mostly “those that were considered well-preserved and showed scientific potential” were excavated and documented (Wetzel 1987: 51). The same can be said about the lignite mines of Central Germany, where only a very few early investigations led to excavations, which were organised in cooperation with universities as early as the 1930s (Herklots 1987, Stäuble 2010a).

At the moment there are only three active lignite mines in Saxony at any one time, two in Upper Lusatia in the Northeast of Saxony and one in Northwest Saxony, south of Leipzig (Stäuble, Steinmann and de Vries 2011: 28, fig. 3). In Lusatia two teams of archaeologists with a different number of employees excavate and document on a year-round basis all the archaeological traces which face destruction (Liebmann 2012). The same applies for the lignite region in NW Saxony even if there is and will be only one active lignite mine at any one time, as one mine will be closed while another one will be opened over the next two years (Stäuble 2012b). Up to now a total of about 1,700 square kilometres of the surface of Saxony has been devastated. Of this about 1,200 square kilometres will be or have already been recultivated: a good thing for the inhabitants and for nature but useless as far as archaeological monuments are concerned. South of Leipzig, for instance, more than 50% of the landscape has been destroyed by lignite coal mining over approximately the last 100 years (Fig. 8). It is a pity that over 90% of this area was destroyed without it ever being known how many archaeological monuments were lost. Only recent excavations (beginning after 1989) in the three open-cast lignite mines of Zwenkau, Schleenhain and Peres – all of which were already more than half devastated – can give us an approximate idea of how much archaeological material there must have been (Stäuble 2010a, Cladders, Stäuble, Tischendorf and Wolfram 2012).

The scientific potential of preventive archaeology on behalf of large-scale projects

One of the most important insights gained from development-led archaeological excavations prompted by linear projects and lignite mining is that our knowledge about prehistoric settlements and the organisation and usage of space can never be definitely or finally confirmed to be true, even if it is qualitatively good. It is almost banal to say that a thorough analysis of these large-scale projects increases the formerly known number of monuments by up to five and even ten times on average (Stäuble, Steinmann and de Vries 2011: 33, 41). That is, however dense the list of monuments is, we have to accept that our knowledge about prehistoric (and even historic) development always changes in relation to new research and within new contextual frameworks, be they of an archaeological nature or a result of changing research paradigms. It is important that we understand that we cannot enlarge our horizon of knowledge unless we are willing and prepared always to question all our former assumptions. Analysing or excavating only sites known beforehand to lie within the boundaries of such kinds of building projects or failing to survey and analyse areas where there are no known monuments or no good arguments for the existence of prehistoric settlements creates a danger of circular reasoning. But unfortunately this exactly is more often than not the case, as many archaeologists decide by habit or are limited by laws and financial regulations to surveying and excavating only sites included in declared monuments lists.

Our aim should always be to contradict known facts or existing models, not because of youthful protest, but in order to either disprove or reinforce the known facts or former hypotheses. Thoroughly supervised large-scale projects are thus a very useful corrective for our state of knowledge. That means that knowledge gained through archaeological surveys carried out wherever soil is disturbed can be very
useful in scientific argumentation, be it with positive or negative results. Because in this case the evidence of absence (at least based on what we are able to recognise nowadays after thousands of years of agriculture) is definitely as important as the evidence of presence!

This is all the more true when we are talking about projects that generally cannot be avoided and more often than not cannot even be made to bypass known archaeological monuments. But even if this were possible, we would always have to keep in mind that shifting the trajectory of a pipeline because of a known archaeological site means nothing else than potentially affecting other as yet unknown sites. These could turn out to be even better preserved and thus of higher scientific quality [Fig. 9] [Stäuble 2012: 69 ff.]. This is in fact the main problem with the so-called soft or non-intrusive prospecting methods: the better an archaeological site is preserved, the less likely it is to be recognized by non-intrusive methods. The reasons for this can be different, because difficult soils impede geophysical surveys, or because massive covering soils, different forms of cultivation or woods impede aerial archaeology, or because LIDAR scans are not useful when erosion has flattened all elevation differences or when dealing with flat areas like in the Leipzig region, or because not all settlement areas and features have the same density of finds and thus field walking brings no good results.

But there are also other reasons which can impede the application of these prospecting methods. One of the most important is that the layout of the final trajectory of a linear project is often changed only a ‘short’ time before the building itself starts. By then of course there is generally not enough time to try out many different methods. As predictive archaeology can only be as good as the results of all these methods, this means that one cannot fully rely on them when having to decide whether or not to excavate a certain area that is going to be destroyed anyway. In these cases the financial support would be better concentrated on scientific excavations of all the settlements actually encountered in the affected area. But if we are talking about unavoidable large-scale development-led projects, preventive archaeology is mostly concentrated on saving by excavating and learning through discoveries made by chance or through random sampling which is inherent to the trajectory!

Conclusions

This paper should not be understood as an argument for large-scale development-led building or mining projects, of which there are definitely more than are really necessary and which not only endanger but also destroy at least part of an archaeological monument. When judging which building projects or which part of them we need to supervise archaeologically, rather than relying solely on predictive archaeology, we should be open to new and unexpected information. This can be gained only by going beyond the known facts or predictions. For this reason we should look at these development-led construction or mining projects not from the regular heritage protection perspective but from another point of view: we have to take up the task and analyse as much as possible – if not everything. Doing so is a unique chance to gain a better understanding of the whole archaeology across different landscapes, a chance which is not possible any other way. It is through the ‘unexpected’ results that our knowledge and understanding of prehistoric and early historic settlement increases, not only testing and excavating known sites. This is important not only for further academic progress but also because such new knowledge contributes substantially to saving other archaeological monuments or the remaining parts of them.

For this reason, it seems illogical to hemoan a substantial “loss of monuments” when speaking about archaeological excavations tied to development projects [Darwill and Fulton 1998: 133 ff.] when previously unknown prehistoric settlements are discovered exactly because of these projects – again, this only applies in cases where the construction of a traffic network or supply network is inevitable. According to Recommendation No. R (89) 5, referenced in the revised ETS 143 and accompanying explanatory report - which states that “The scale of such operations poses a peculiar threat to the discovery and protection of the archaeological heritage” - it is more their protection that is threatened than their discovery.

Some other guidelines in the Malta Convention of 1992 could sometimes be risky. For example, it is no doubt important, generally, to ask for an “inventory of archaeological monuments” (ETS 143, 1990, Art. 2, i), as long as we are not constrained by politics or economics to consider this list finite once it is established and that only the monuments already included in the list should be preserved or excavated.

That it be made mandatory to report a chance discovery and make it available for examination (ETS 143, 1992, Art. 2, iii) is a welcome provision as we have seen that – if managed correctly – chance discoveries account for more than 80% of the total! The “creation of archaeological reserves” (ETS 143, 1992, Art. 2, ii), whenever possible, is to be welcomed, as long as other archaeological sites outside these areas are not neglected. “Non-destructive methods” should be applied “wherever possible” (ETS 143, 1992, Art. 3, 1 b), but the decision has to be based on archaeological considerations.
Whereas insofar as regards development-led rescue projects – which are being addressed here – one cannot and should not rely only on such methods, as experience has shown that in some areas non-destructive prospection methods very often fail for one reason or another. In this sense it is also true that “Excavation is now but one link in the chain of scientific activities that make up archaeological research” (Explanatory report on the revised Convention, 1992), but this refers explicitly to general archaeological research and should not be true for rescue excavations, which should always be the last means and the only way to save all possible traces before they are destroyed by building or mining activities.

Therefore, apart from inevitable development-led archaeological excavations, the main aim should be to avoid other additional destructions caused by excavations. For this reason, it would be better to overcome or at least attenuate the division between archaeological academia and heritage offices and ensure cooperation among all archaeological institutions, something that – as in Saxony – sometimes luckily succeeds. With regard to the other articles of the Convention, which are so important – one cannot and should not rely only on such rescue projects – which are being addressed here – not by following a lowest common


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References


1 All size and population data used were drawn from the ESRI 2010 European Basemap by using ArcGIS 9.3.

2 All data for this graph were drawn from the homepage of the German Committee for Heritage Protection and via the links (retrieved 12 February 2013 from http://www.dnk.de/Recht_Gesetz/n2364).

4 In Saxony there is only one University in Leipzig with a section for Pre- and Early Historic Archaeology.

5 The so called networks organised within the German Association of Antiquaries.


7 Data for this graph were drawn from the homepage of the German Committee for Heritage Protection.

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Conservation and transformation: challenges of an Italian experience

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Abstract
On the occasion of a major public works project for the construction of the 250-km-long Autostrada Tirrenica (Tyrrhenian motorway), compliance with legislation on preventive archaeology provided an opportunity to study a vast area with different landscape and historical/archaeological features. The work involved a first data gathering phase (cartographic, aerial photography, bibliographic and archive data, followed by a field reconnaissance phase. The final phase consisted in an integrated data analysis using a GIS program and resulted in the identification of around seventy areas at risk. Particular attention was then focused on publishing the results of the work online.

The experience of the University of Rome "for Vergata" involved solely graduate professionals and holders of specialized degrees and/or PhDs, avoiding any confusion between field training for students and the actual world of work, where there is a need for professionals capable of autonomously dealing with the problems that arise over time.

In the spirit of the Malta Convention, the work was undertaken not only with an eye to protecting archaeological heritage, but also with the firm intention to avoid excavating the sites identified as much as possible and leave archaeological deposits intact for future generations.

I apologize if some of the things I will try to illustrate about the work carried out for the Autostrada Tirrenica (Tyrrhenian motorway) may appear obvious. In fact, none of the individual aspects dealt with in our work is a novelty in itself; however, the systematization and integration of information, cartographic positioning of old data and organization of all the available information into a coherent whole consummator prior to the final drafting of the project seemed an important objective to achieve.

It is a shared opinion that the main purpose of a preventive archaeology study should be to avoid a short circuit (a highly frequent occurrence in a country like our own, which has buried remains scattered throughout it) between new projects and the unexpected discovery of buried remains: a conflict which, as everyone knows, always undermines both development projects and the correct protection of heritage.

In the case of new projects, avoiding downturns and changes as much as possible while work is in progress is clearly an objective. Such eventualities represent not only a (pointless) economic burden, but may also (and it often occurs) impact the quality of the final drafting of the project seemed an important objective to achieve.

With regard to protection, the situation has been rather confused in the past 15 years. Even after 2005, when the topic of preventive archaeology acquired growing relevance thanks to new legislation on public procurement. An important act, which however only represented one phase, not the conclusion, of a process that still needs to be perfected and fully implemented. In these years, in fact, despite gaining attention and popularity, preventive archaeology has been interpreted and construed differently by the many players who operate in the cultural heritage sector.
• as a chance to try out particular technologies,
• as an opportunity to use resources (otherwise impossible to procure) to dig as much as possible,
• as an opportunity to train new archaeologists; thereby creating, however, a dangerous area of ambiguity between the use of professionals and the use of students in projects clearly not conceived for educational purposes (I will come back to this point later),
• and also all of these things and still others, added and mixed together.

In this somewhat confused situation, therefore, how was it decided to address such an important subject as the study for the Tyrrhenian motorway?

The route we were supposed to analyze (about 250 kilometres long) [Fig. 1] involved very different situations in terms of geology, soil characteristics, hydrography and vegetation; but they also differed in terms of landscape stratification, the residual archaeological contexts of settlement systems that had succeeded one another over time, their continuity and density, and the processes of survival, conservation and abandonment/reuse which determined them. All differences that were a cause of much concern on the one hand, but on the other hand very useful for bringing into focus an objective that was apparently limited but in fact ambitious: that of identifying, for this kind of project, a minimum common denominator to be offered for discussion and for drawing up guidelines, something that a special committee operating within the General Directorate for Antiquities and the Ministry for Cultural Heritage was working on.

But there is also another issue it seemed important to focus on, all the more so as it had been ignored in the experiences of Italian preventive archaeology in recent years.

An issue that was addressed in a UNESCO recommendation of 1956, picked up again by the Franceschini Commission in 1960, and also touched upon, albeit briefly, in the Malta Convention of twenty years ago: the need to dig as little as possible in order to preserve archaeological sites for study by future generations.

From this perspective, therefore, it seemed imperative to try to limit, as much as possible, the consumption of archaeological deposits, sediments, contexts and areas as of yet unexcavated, i.e. to try to disturb stratified archaeological sites as little as possible. And to this end, ‘systematizing’ the immense wealth of existing information and working to make it coherent, consultable and interpretable seemed like a good starting point.

Our work was thus organized in successive phases [Fig. 2]:

1. we began by gathering together the basic maps [Fig. 5], which were entered into a GIS set up so that each category of information to be input could be consistent with the others and overlaid and consulted on the same base map. Then, in addition to a satellite base, we also prepared all the regional technical maps after joining them together.

2. To the basic maps we added specific maps, such as geological [Fig. 4], pedological [Fig. 5] or land use [Fig. 6] maps, useful for drawing up a “terrain legibility map”, which is important for evaluating the presence of archaeological remains, above all those detected through surveys.

3. Particular attention was focused on historical cartographic data, of which Italian Military Geographic Institute (IGM) maps are by now a standard source. These included 1:50,000 maps with full coverage and 1:25,000 maps with partial coverage [Fig. 7a-b], also analyzed for a survey of particularly interesting place names.

Figure 1. Project layout (Livorno-Civitavecchia) based on satellite images, Microsoft Bing Maps.
4. Another important aspect of the study regarded aerial photographs [Fig. 8a-b]. A total of 949 individual frames were acquired and mosaiced, 649 of them obtained via IGM flights (89 before and 560 after 1954). In particular, we concentrated on photographs from the two available series providing total coverage (1954 and 1994); frames from the numerous partial flights between 1954 and 1994 were also mosaiced, georeferenced and used for comparison. We performed a targeted grayscale analysis on the aerial photographs in order to find all of the “anomalous” traces; then we proceeded, by process of elimination, to select the ones that were useful for identifying buried remains or particular natural morphologies useful for planning the widening of the roadway [Fig. 9].

5. Analyzing and organizing all the bibliographic data were perhaps the most challenging tasks, due to the approximation as to the location of published information, the imprecision of published layouts, the fact that the scales were sometimes too high, imprecise or missing altogether, etc. At the mapping stage these problems forced us to distinguish between remains whose position could be determined with precision (a minority) and those that were georeferenced with greater approximation. For this reason, particular attention was focused during the survey on checking areas for which published data were already available and in some cases it

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![Figure 2. Sequence of work phases.](image2)

![Figure 3. Index map of regional technical maps: Tuscany sheets in pink, Lazio sheets in pale blue.](image3)

![Figure 4. Geological maps.](image4)

![Figure 5. Pedological maps.](image5)

![Figure 6. Land use maps.](image6)
Figure 7a. Photo mosaic of IGM full coverage maps (1:50,000) created between 1879 and 1895.

Figure 7b. Detail of map showing Orbetello area with place names of particular interest highlighted.

Figure 8a. Mosaic of IGM aerial photographs of project area, dating from 1954.

Figure 8b. Mosaic of IGM aerial photographs of project area, dating from 1994.

Figure 9. Selection of anomalous traces (natural and/or anthropic).
was possible to recognize already identified remains and better specify their position. In conclusion, all published data (not every publication!) were catalogued and mapped [Fig. 10].

6. To all the data thus far input to the GIS we added the information stored in the archives of the Superintendencies and mapped - albeit not systematically - the areas subject to constraints, which we gained knowledge of directly from officials or occasionally by examining various kinds of documents. We also added the information drawn from sources of a general character, such as the so-called “risk map”.

7. After entering all the data into the GIS system, we conducted a survey on the strips of land flanking the present roadway of the Via Aurelia and the larger areas where the project envisaged lay-bys or motorway interchanges. Surface reconnaissance was conducted between December 2009 and October 2010; these provided for systematic coverage of about 410 linear kilometres, which led to the identification of 55 areas of clay fragments: new ones corresponding to anomalous traces identified by examining aerial photographs or ones associated with information already derived from the analysis of bibliographic data [Fig. 11]. Each area was positioned inside the respective reconnaissance units - whose perimeter was defined based on the legibility of the terrain - so as to try to distinguish an absence of traces from an absence of data [Fig. 12].

8. The most important step in the entire ‘diagnostic’ process consisted in an integrated data analysis that enabled us to define areas which, given the convergence of data obtained through the different methods of investigation used, showed a strong risk of an impact on possible buried remains [Figs. 14a-c].

9. All of the work described thus far, as noted at the beginning, revolved around the objective of excavating as little as possible while assuring diagnoses that enabled the impact on buried remains to be avoided as much as possible. But besides this we were aware, from the very start, of the need to publish more data, in the fastest, most inexpensive and complete manner, and to assure that the data were disseminated and made accessible as widely as possible. These objectives were pursued by exploiting the possibilities offered by Web-GIS technologies. In other words, we set up an Arcgis server-based Web system which made it possible both to publish specific parts or the whole of research data on the Web and to share various packages of information online, offering the option of acquiring or exchanging individual layers [Fig. 15].

The Web-GIS is operating at the address http://gis.uniroma2.it/home (retrieved 28 March 2013), though further implementations are pending, and it provides for a distinction to be made between “sensitive data”, which will be available only to particular categories of users, and data accessible to everyone.

To conclude: the work illustrated here lasted about fifteen months and was carried out by university graduates, holders of specialized degrees and PhDs. Two IT experts worked for two months and two photo-interpreters for about three months; ten archaeologists were employed full time for the entire duration of the project. I would like to note that all personnel were hired with a standard professional services contract awarded through a public tendering procedure. No students were employed in this research, but our
Figure 11. The new sites (55) identified through the survey along the route of the via Aurelia.

Figure 12. Detail of a reconnaissance unit corresponding to that of the “terrain legibility map” used during reconnaissance.

Figure 13a. Detail of the integrated analysis on Pescia Romana area (information based on: bibliographic sources, aerial photographs, constraints, surveys).

Figure 13b. Detail of the integrated analysis on Orbetello area (information based on: bibliographic sources, aerial photographs, constraints, surveys).
Figure 14a. The risk areas (73) identified along the route.

Figure 14b. Detail of a risk area in the territory of Orbetello.
experience will certainly be transmitted to many students. I am highlighting this aspect because the hiring of students is a murky and highly debated subject of preventive archaeology. Valletta has therefore brought many benefits in England.

This paper considers the arrangements for development-led archaeology in England today. It outlines the present arrangements for development-led archaeology in England and the application of Malta Convention principles in England since 1990 has been successful, and the extent to which those arrangements have, in the twenty years or so since Valletta, been successful, and the extent to which there is currently room for improvement in them. This paper deals with England only. The situations in Wales and in Scotland are broadly similar, but with differences of detail (both between each of those countries and England, and between each other). In Northern Ireland, the fourth ‘home country’ of the United Kingdom, the situation is different again [see papers in Hunter and Ralston 2006a]. Overall, these differences between the various parts of the United Kingdom are gradually increasing, as the devolved governments of Wales, Scotland and Northern Ireland develop and implement their own approaches to the management of their archaeological heritage.

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Development-led archaeology in England today
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Abstract
This paper considers the arrangements for development-led archaeology and the application of Malta Convention principles in England. This country has a strong tradition of private property, and has adopted strongly free-market policies in recent years. The architectural arrangements are accordingly quite highly commercialised. Valletta principles have been implemented through a succession of government policy documents on land-use planning. The most recent of these have emphasized the need for development-led work to advance knowledge and understanding of the past. The key organizations involved include local planning authorities and their archaeological advisers (‘curators’), companies which carry out archaeological work under commercial contracts with developers (‘contractors’) and archaeological consultants, who provide professional advice to developers and negotiate with archaeological ‘curators’ and ‘contractors’. Most development-led work is secured through the land-use planning system. All planning applications are screened for archaeological issues. Further work is carried out if needed, often as a condition of planning permission. The result of the application of Valletta principles in England since 1990 has been huge increases in the amount of archaeological work being carried out, the amount of money being spent on this, the level of archaeological employment, and the amount of archaeological information being generated.

Valletta has therefore brought many benefits in England. Second, it considers the extent to which those arrangements have, in the twenty years or so since Valletta, been successful, and the extent to which there is currently room for improvement in them.

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To understand the current arrangements for development-led archaeology in England, it is important to understand certain long-standing characteristics of English society, and some particular current circumstances in the country.

First, there has always been a strong emphasis on private property rights in England. This influences the approach to archaeological heritage protection and management in a number of ways. Broadly linked to this is a strongly ‘free market’ economic model (the ‘Anglo-Saxon’ model), which has been prevalent in the United Kingdom since about 1979 (the year in which Margaret Thatcher became Prime Minister). This model prevailed under the Labour governments of 1997 to 2010 as well as under the Conservative ones of 1979 to 1997, and it continues under the present Conservative-Liberal Democrat coalition government which came to power in 2010. Almost every aspect of life in the United Kingdom has been influenced by the dominance of this model in recent years.

The United Kingdom has, of course, been badly affected by the economic crisis of 2008 onwards. Partly in response to this, and partly as a result of underlying political convictions, the present government has embraced certain views, broad strategies and policies which may affect the operation of development-led archaeology in the future. First, there is desire to reduce the amount of regulation to which the private sector (and others) are subject. This includes a strong emphasis on trying to harmonise laws, regulations and policies on land-use planning and the control of development. The government believes that this will stimulate economic growth.

Linked to this is the government’s desire to promote economic growth, as a solution to the economic crisis. New development (such as increased house-building, for example) is seen as a means of achieving this growth, and government is therefore keen to stimulate new construction work.

Finally, another strand of the government’s strategy for attempting to remedy present economic difficulties is significant cuts in public expenditure. This is having a substantial impact both on national heritage agencies (such as English Heritage, which saw a 32% cut in its budget in 2010) and on local authorities. Since, as will be seen shortly, much of the work of implementing the Valletta Convention on development-led archaeology is carried out by local authorities (which are responsible for most land-use planning and development decisions in England) these cuts in expenditure will have a substantial impact on this area of archaeological activity.

Against this background of general social, political and economic conditions, some of the characteristics of the arrangements for archaeology in England may be examined.

One of the first and most important points to note is that there is no general system of licensing for archaeological excavation in England. Except on protected monuments (that is, monuments which have been ‘scheduled’ under the relevant legislation, the Ancient Monuments and Archaeological Areas Act 1979: see below), anyone can in general carry out archaeological investigations, as long as they have permission from the owner of the land (or are themselves the owner, of course). In this respect, the situation in England is very different to that in many other European countries. This lack of a licensing system, which seems not to be fully in line with the Valletta Convention, may well be attributable to the English reluctance to interfere with private property rights. It may also reflect the long tradition of ‘amateur’ archaeology in England. The two are of course connected. Some important early excavations were carried out by large landowners on their own estates (for example by General Pitt-Rivers, often regarded as the founder of scientific archaeology in England [Bowden 1991]).

A second important point (and a consequence of the ‘free market’ economic orientation of the United Kingdom in recent decades) is that the system for development-led commercial archaeological work in England is highly commercialised and competitive [Hunter and Ralston 2008b, Lawson 2000]. In this respect, again, the United Kingdom is different from some other countries; certainly, if one thinks in terms of a spectrum from fully state-provided to fully commercialised archaeological arrangements, England is very much at the ‘commercial’ end of that spectrum [Thomas 2002, Demoule 2002].

It is well-recognised that competitive commercial systems (especially ones which are doing something that is in the public interest, rather than on behalf of a private ‘customer’) require proper oversight and regulation by independent authorities. In England, regulation of commercial archaeological work has been carried out mainly by local authorities, through the land-use planning system. Unfortunately, cuts in public expenditure mean that some local authorities are losing archaeological staff, which could make proper regulation more difficult to achieve in some cases [EA, ALGAR and IHBC 2012].

A related point, which is something of an aside in relation to development-led archaeology, but with some implications in this area, is that almost all portable antiquities belong to the landowner on whose property they are found, and not to the state. In addition, there is no legal requirement for members of the public to report chance archaeological discoveries which they make. (The exception is items which are classed as ‘treasure’ ‘treasure’ principally means objects made of gold or silver, although some other categories of discovery are legally classed as treasure as well) [Saville 2006].

A final point to mention is that, since around the year 2000, the concept of a unified ‘historic environment’ (which includes buried and underwater archaeological remains, monuments, buildings, landscape and townscapes) has been much promoted in England (e.g. Historic Environment Review Steering Group 2000). There is an aim that the treatment of these should, as far as possible, be integrated and uniform. The term ‘historic environment’ is now widely found in the literature and professional vocabulary in England (for example, the local authority databases formerly known as ‘Sites and Monuments Records’ are now generally referred to as ‘Historic Environment Records’). The term historic environment should be taken in this broad, but not limited to, archaeological remains and monuments.

Key legal and policy instruments

A small number of statutory regulations and statements of government policy have been extremely important in shaping development-led archaeology in England. These can be briefly described.

Environmental assessment regulations

The European Union Directive on environmental assessment (EEC 85/337, as amended) was implemented in the United Kingdom by making statutory regulations under a variety of different Acts of Parliament. Most new development in England (such as housing, factories, shopping centres) is authorised through the Town and Country Planning Acts, with most planning permissions being granted by local authorities. Other types of project, such as highways, pipelines and so on, are authorised by other procedures, under different Acts of Parliament. Each such Act now has its own environmental assessment regulations. The first such regulation in the United Kingdom were introduced in 1988.

Currently, most Environmental Impact Assessments (EIAs) are carried out under the Town and Country Planning (Assessment of Environmental Effects) Regulations 2011. The references to cultural
heritage, the archaeological and architectural heritage and landscape in the Directive and in the UK regulations have been extremely important for development-led archaeology in England. The need to include archaeological and cultural heritage in EIAs has resulted in a large demand for professional archaeological services, as has the need to implement the protective measures specified in the Environmental Statement (such as excavation in advance of the construction work) when the development takes place [Ralph and Thomas 1993, Darvill and Russell 2002: 37-41].

Planning Policy Guidance Note 16 (PPG 16), Archaeology and Planning [DoE 1990]

While the basic framework for the planning system in England is contained in Acts of Parliament and associated statutory regulations, much of the detail of government planning policy is contained in circulars, guidance notes and statements of various kinds, issued by government Ministers from time to time. ‘PPG 16’ as it was known, published in 1990, was a parallel document, PPG 15, which dealt mainly with an important change of philosophy (see below). PPS 5 was accompanied by a ‘Practice Guide’ which contained more detail on how the new policy should be implemented [DCLG, EH and DCMS 2010].

National Planning Policy Framework (NPPF) [DCLG 2012 and Reference documents, in this volume]

The coalition government which came to power in 2010 believed that the complexity of the planning system was holding back development and economic growth. As a result, all the existing PPSs (including PPS 5) should be distilled into a single document, to make the planning system quicker and simpler to understand. This ‘National Planning Policy Framework’ was published in 2012. It is based around a presumption in favour of sustainable development: it has a section devoted to the historic environment (Section 12) which condenses the contents of PPS 5 into a few pages, whilst retaining the central messages of PPS 5 largely intact. There is also a number of helpful references to the historic environment in other sections of the document. Development which does not meet the requirements of the NPPF (including the requirements relating to the historic environment) is regarded as not being sustainable development, meaning that it should not be given planning permission.

The various regulations and policies just described are supported by a large volume of guidance and other documents, produced by English Heritage, the Institute for Archaeologists (see below) and other bodies.

Finally, a brief account should also be given of the Ancient Monuments and Archaeological Areas [Breeze 2006]. These are a main piece of archaeological legislation for England. The requirement which it contains to obtain a ‘scheduled monument consent’ for damaging works affecting a ‘scheduled’ (i.e. protected) monument is the basis for development-led archaeological work on scheduled monuments. The Act also created a wide range of other provisions for the protection and management of ancient monuments and archaeological remains [Breeze 2006].

A change of philosophy

Although PPS 5 and its replacement, the NPPF, retained many of the key principles of PPG 16, they also contained a significant, and beneficial, change in underlying philosophy. The basis for the state-funded ‘rescue’ archaeology of the 1970s and 1980s had been a notion of ‘preservation by record’ – if archaeological remains could not be preserved in situ, they could be excavated and recorded, and thus ‘preserved’ in that sense; there would be a report and an archive available for future study, even though the physical remains themselves had been destroyed. This concept of ‘preservation by record’ was carried into PPG 16 and even – though the idea was refined by many people to be rather problematic – it became deeply embedded in the outlook of many of those implementing PPG 16. The aim was clear: if remains could not be preserved, a ‘record’ should be made of them. This process of recording tended to be seen as an objective and technical exercise, which could be the subject of a written specification against which competing organisations could bid to do the work (with the assumption being that the organisation offering the lowest price would be likely to win the contract for the work). Wider interpretation of the significance of what was ‘recorded’ was often seen as being beyond the scope of these ‘recording’ exercises.

This approach was clearly problematic in a variety of ways. Not least, it implied that the primary purpose of development-led archaeology under PPG 16 was to create a record, thus putting the emphasis very much on the production of technical reports and archives. This gave little recognition to the issue of whether any
wider public benefit was being obtained from this work [Thomas 2009].

Thus there were concerns about the sometimes ‘mechanical’ nature of PPG 16 archaeology, and about the lack of direct public benefit from this activity. This led to new ideas and approaches being incorporated into PPS 5, which stated that one of the Government’s objectives for planning for the historic environment was:

“to contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence of the historic environment and to make this publicly available, particularly where a heritage asset is to be lost.”

In other words, the objective now was to provide a public benefit, in the form of new knowledge and understanding, rather than simply an archive and a technical report. The requirement that development-led work should advance ‘knowledge and understanding’ was repeated in NPPF. This is a major change from PPG 16. The full implications of this change have yet to be worked through. However, it does open up the possibility that competition should be on the basis of who can ‘record’ deposits most cheaply [Thomas 2009].

Development-led archaeology in England since 1945

Some ‘rescue archaeology’ was carried out, with state funding, on defence sites during the Second World War. After the end of the war, the Government continued to undertake or provide funding for this activity, on sites threatened by post-war reconstruction and other forms of economic growth. Initially, this work was often carried by itinerant teams and was usually only available for large-scale, permanent work on sites with a high percentage of deposits. The Government began to establish free-standing organisations (sometimes with charitable status). They had a monopoly of this work in their area [Lawson 2006, Thomas 2006].

In parallel with this development, the Government was encouraging (and funding) local authorities to establish ‘Sites and Monuments Records’ - records of all the sites, monuments and finds in a particular area - and to employ professional archaeological staff. This network of local authority archaeologists was to prove central after the publication of PPG 16 [Fraser and Newman 2006].

The late 1980s saw some of the first ‘developer-funding’ for archaeological work, especially in London. This funding was mainly on a voluntary basis, and was usually only available for large-scale, commercial developments. The same period also saw the first attempts to use the local authority land-use planning system and policies as a way of protecting archaeological sites from development, and for making developers (rather than the state) responsible for ensuring the excavation of sites which were to be destroyed by development [Timms 1985].

1990 saw the publication of PPG 16. This rapidly transformed the archaeological scene in England. There was a great increase in the amount of archaeological work taking place in England, this work began to be organised on a commercial (and competitive) basis, the subject became far more professionalised, and new roles and relationships emerged. Existing state-funded ‘units’ began to undertake commercial work, and many new companies were formed to take advantage of the increase in archaeological activity. As outlined above, PPG 16 was replaced by PPS 5 in 2010, and PPS itself was replaced by NPPF in 2012. The economic crisis of 2008 had a fairly significant impact on the archaeological profession in England, with some organisations having to make considerable numbers of staff redundant, whilst a large volume of development-led archaeological work being carried out in England annually [Atchison 2010].

The organisation of archaeology in England

This is a complex topic, and what follows is simply a summary of the most important points. More detailed information can be found elsewhere [Hunter and Ralston 2006a, 2006b, and in the web-sites of organisations referred to below].

The Department of Culture, Media and Sport (DCMS) is the central government department responsible for ‘heritage protection’. It has a wide range of responsibilities, including broadcasting, the press and sport. DCMS does not employ any archaeological staff itself, but receives archaeological advice from English Heritage (EH). Central government funding for EH is also provided by DCMS – EH is ‘sponsored’ by DCMS.

EH is an independent statutory public body which advises DCMS on heritage protection, and carries out a wide range of functions relating to archaeology, ancient monuments and historic buildings and areas. EH is the ‘lead body’ for the historic environment in England.

Some other Government departments and agencies have their own archaeologists and heritage environment specialists. Examples include the Ministry of Defence (which manages large amounts of land as military training areas, these include many important archaeological sites and monuments) and Natural England, the ‘natural environment’ equivalent of English Heritage.

Local authorities play a key role, especially in development-led archaeology [Baker and Smith 2006]. This is because local authorities are also responsible for the vast majority of decisions about land-use planning and new development. The structure of local government in England varies significantly between different types of arrangements in different areas. In terms of archaeological arrangements, however, the fundamental principle is that every local authority should either maintain, or have access to, two essential things: a Historic Environment Record (HER - a database of archaeological sites, monument and finds for its area) and expert advice provided by a professional archaeological advisor. There are at least about 80 HERs in England, all with professional staff. Some HERs cover just one local authority, while others serve a group of authorities in an area such as county. Giving advice on development-led archaeology is a major part of the local authority archaeological function, but they may also advise on archaeology and agriculture (including agri-environment schemes: financial support for farmers who farm in an environmentally sensitive way), carry out public outreach activities and so forth. More information about HERs, and on-line access to some of them, is available on the Heritage Gateway web-site (http://www.heritagewaygateway.org.uk/gateway), retrieved 6 March 2013.

There is an Association of Local Government Archaeological Officers (ALGAO) which represents the interests of archaeologists in local government. ALGAO helps to shape policy, comments on proposed new legislation affecting archaeology and so on. Local government archaeological officers are often referred to as ‘curators’, because their role is to care for, or curate, the archaeological resource. ‘Curator’ in this sense is quite distinct from the role of museum curator (confusing though this is).

Development-led archaeological work is usually carried out by archaeological ‘contractors’ - organisations operating on a commercial basis, working for developers (who are clients) in line with an archaeological specification provided by the...
local authority. The arrangements are commercial and competitive: the local authority tells the developer what is required, and the developer will then negotiate with more archaeological contractors, and offer the work to an organisation of the developer’s choice. Cost is obviously an important factor in the choice of organisation, but other things (such as reliability, or an existing working relationship) may also influence the developer when choosing an archaeological contractor for a particular project [Lawson 2006: 208].

There is a very large number of organisations now offering archaeological services commercially in England: one estimate is that there are over 400 [Lawson 2006: 205]. They vary greatly in size, from just a few staff up to 150 or more. The size of organisations also fluctuates, depending on how much work they have (which in turn depends partly on the state of the economy). There is a variety of models of organisation: some contractors are charitable (not-for-profit) bodies, others are run by limited companies. Some are sections of larger commercial organisations, such as planning, engineering or environmental companies. Collectively, the archaeological contractors in England are very skilled and capable, and offer a wide range of archaeological and heritage services. Marine archaeology, historic building recording, conservation plans and environmental impact assessments are just some of the services provided by these organisations. Some of them undertake work abroad, as well as in England.

Archaeological consultants (a role which did not exist before PPG 16) also play an important part in development-led archaeology, by giving professional advice to developers. On behalf of the developer, they will negotiate with local authority archaeological officers over the requirements that are to be imposed on a development. They will also negotiate with archaeological contractors, and help with the process of selecting and appointing a particular contractor. Finally, once the work is in progress, consultants will monitor the work, liaising with the contractor, developer and local authority as required and help to resolve any problems which arise in the course of the work [Colcutt 2006].

Summary of key roles in development-led archaeology: curators, consultants, contractors, clients

The various roles in development-led archaeology in England can now be briefly summarised. Local authority archaeologists (‘curators’) review planning applications, and define the archaeological requirements for particular developments. Archaeological consultants advise the developer, and negotiate with the local authority and archaeological contractors over those requirements and how they can be met. Archaeological contractors carry out the work, as defined by the local authority, under contract to the developer. The developer (the ‘client’), of course, is paying for the work. It is important to note, though, that those costs may well get passed on to the public in one way or another, for example through slightly higher property prices. In the end, archaeological costs are a cost for society as a whole, and this is true whether the cost is met from general taxation or by building it into the costs of particular developments.

Other organisations

There is a wide range of other archaeological organisations in England. These include learned societies, specialist groups, local ‘voluntary sector’ organisations, university archaeology departments and more. The National Trust, which cares for a huge estate of historic buildings and important landscapes throughout England, also deserves mention for the scale and scope of its archaeological work. Three organisations are particularly relevant to the theme of this paper [Hunter and Ralston 2006b; see also the web-sites of these organisations].

They are as follows.

The Institute for Archaeologists (IFA, formerly the Institute of Field Archaeologists) is the professional institute for archaeologists in the United Kingdom. Membership of the Institute is not compulsory for archaeological practitioners, but there is an expectation that any archaeologist in a reasonably senior role in development-led archaeology should be a member. The Institute exists to define and enforce professional standards: it has a Code of Conduct, publishes standards and guidance on various matters, and can undertake disciplinary investigations into claims of professional misconduct by IFA members. In addition, IFA offers a range of services to its members. It also has a Registered Archaeological Organisations scheme, which seeks to promote high standards in organisations as a whole, as well as on the part of individual professionals.

The Federation of Archaeological Managers and Employers (FAME) is a ‘trade association’ for commercial archaeology organisations. It seeks to represent the interests of archaeological contractors.

The Council for British Archaeology is an independent body, which provides an independent voice for archaeology. It has a strong base in the voluntary sector, and undertakes a wide range of activities, including supporting the Young Archaeologists Club. It has an important advocacy role, pressing the case for archaeology with politicians, civil servants and other relevant parties.

The process of development-led archaeology

Most new development in England requires planning permission, which is normally granted by a local authority. Each local authority has to prepare a ‘development plan’ for its area, saying what kinds of new development will be allowed and where it will take place. Planning applications for individual developments are then decided in accordance with the development plan and national policy (the NPPF).

The process of development-led archaeology follows a number of stages [Darvill and Russell 2002]. The local authority archaeologist (LAA) examines all planning applications submitted in their area, and checks them against the local Historic Environment Record (HER). If it seems a particular development might have an archaeological impact, the LAA will often ask for a ‘Desk based assessment’ (DBA). This reviews existing information. If the DBA shows archaeological potential, the LAA may ask for a ‘field evaluation’ - e.g. geophysical survey or evaluation trenching. The results of the DBA and the field evaluation are taken into account when deciding on the planning application.

If the DBA and field evaluation do show that there are archaeological remains present, there is a number of possible responses in terms of the decision on the planning application:

• to refuse planning permission completely. It is very rare indeed for this to be done purely for archaeological reasons;
• to grant planning permission subject to the remains being preserved (e.g. underneath a new building, or in open space within a development);
• to grant planning permission subject to archaeological investigation before (or during) the development;
• to grant planning permission subject to some combination of preservation and investigation.

Such archaeological requirements are usually secured by a condition attached to the planning...
Development-led archaeology in England: the results

The impact of the Valletta principles contained in PPG 16 (and PPG 15), PPS 5 and NPPF has been huge. There has been an enormous increase in the number of archaeological investigations being carried out in England since 1990. This work includes desk-based assessments, field evaluations (often by trial trenching), geophysical and other surveys, building surveys, environmental impact assessments, and full excavations in advance of development [Darvill and Russell 2002]. Overall, it seems likely that more than 50,000 development-led investigations were carried out in England between 1990 and 2010 [Tim Darvill, pers. comm.]. Work has taken place in pretty well every part of the country, including areas which had previously seen little or no investigation.

A number of university-based projects have begun to tackle this issue. An early attempt was a new synthesis of the prehistory of Britain and Ireland [Bradley 2007]. More recently, a number of projects have been put in place. One, based at the University of Reading, is looking at Roman rural settlement [University of Reading n.d.]. Another, by Professor John Blair (The Queen’s College, Oxford), is examining Anglo-Saxon settlement and landscape [John Blair, pers. comm.]. Finally, a major project at the University of Oxford, funded by the European Research Council, is looking at the English landscape, 5500 BC to 1086 AD, drawing on a wide range of sources including the results of development-led archaeology [University of Oxford n.d.]. All these projects will help to distil the results of numerous individual development-led investigations, producing new knowledge, understanding and models, those can then be used to inform our approaches to development-led work in the future. There is, of course, great scope to do more of this kind of work, and this is a priority for the future.

Malta in England: the successes

Malta Convention in England in respect of development-led archaeology has been a great success. The archaeological implications of every new development are considered before a decision on the planning application is made. If development proceeds, important remains may be preserved and, where this is not possible, they will be properly investigated before they are destroyed.

The resources available for development-led archaeological work have increased hugely as a result of Malta policies. As outlined above, this has resulted in a huge accumulation of new knowledge about the past. It has also resulted in much archaeological employment, and in the creation of a highly skilled and professional commercial archaeological sector. The best contractors are able to carry out very large-
A great deal of very good archaeological work has been done, much new archaeological knowledge has been acquired, and a strong and highly skilled profession has been created. There are some areas of concern. The record of publication is not as good as it should be; there may be problems with standards of work in some cases; there is a serious shortage of museum space in which to store the archives from development-led work; and there is a pressing need for wider synthesis of development-led results.

The most important current need is to demonstrate that there is real public benefit from undertaking development-led archaeology and that there is a pressing need to carry out wider synthesis of this mass of material. Some examples of major synthesis projects which are already in progress have been discussed above, and this is certainly an area in which more could, and should be done.

The need for synthesis is part of a more general imperative, which is to ensure that all the effort and expense of development-led archaeology produces demonstrable public benefit (for example, new knowledge, new syntheses and information for the general public, especially perhaps about the archaeology of their local areas) in proportion to the costs of this work. Development-led archaeology exists because politicians have accepted that it is in the public interest. Clear public benefit is essential if political support for this activity is to be maintained.

Conclusions
The conclusions of this review of the application of the Malta Convention can be briefly summarised.

• The approaches of the Malta Convention have transformed development-led archaeology in England.
• A great deal of very good archaeological work has been done, much new archaeological knowledge has been acquired, and a strong and highly skilled profession has been created.
• There are some areas of concern. The record of publication is not as good as it should be; there may be problems with standards of work in some cases; there is a serious shortage of museum space in which to store the archives from development-led work; and there is a pressing need for wider synthesis of development-led results.
• The most important current need is to demonstrate that there is real public benefit from undertaking development-led archaeology and that there is a pressing need to carry out wider synthesis of this mass of material. Some examples of major synthesis projects which are already in progress have been discussed above, and this is certainly an area in which more could, and should be done.
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Abstract
In its heyday, Italian archaeology enjoyed a long period of world pre-eminence, including in the field of protection, thanks to a 1939 law on cultural heritage. In the meantime, many things have changed and the spirit of leadership contained in the legislation today brings more disadvantages than advantages. One of these involves an “ethical” dimension of adhering to pedagogical values belonging to Crocean idealism, no longer viable in a postmodern society. In complex societies, combining different ethical values unfortunately often results in self-referential closure -a sort of scholarly tribalism- and the methodological anarchy of Italian archaeology is representative of this. Chaos and anarchy produce vast suffering in the discipline, its “pathos”, a suffering not only of people (professionals, ministry officials, planners, contractors and technical offices), but also of archaeological heritage, the protection of which sees continuous defeat in the theatre of urban/regional planning. Ratification of the Malta Convention by the Italian government and the proposal of legislation in line with European archaeology (which integrates the principle of “the polluter pays” in a vision of a compliance-driven or development-led archaeology) are essential requirements for a field which must recover lost ground by formulating a new and successful approach to the discipline.
In this paper I will attempt to briefly outline the terms of a realignment of Italian archaeology with European archaeology, in a scenario of a greater sharing of objectives and tools that can frankly be seen today in the contrast among different realities on the old continent.

With the aim of better clarifying the problem, I prefer to start off from the initial assumption, which can be summed up just in a few points, largely at the basis of the "Malta Convention":

1) An archaeological deposit is a non-renewable resource. This is a conception of archaeological sources which recognizes the unique character of an archaeological deposit as a source of knowledge. Beyond the generic proclamations about it being an unreparable experiment (not to mention the clichés based on abuse of the adjective "cautious" and its various derivatives and synonyms[1]), the notion of non-renewability is fully articulated only within a rigorous methodological framework. This is an approach that derives from illustrious ancestors and one I recently sought to reformulate in the questions of method raised by contemporary archaeology[2]. It is in my opinion an unavoidable step, considering that even the most advanced, up-to-date and qualified archaeological work will nonetheless be behind in relation to the issues raised by development.

2) Archaeological excavation is for all practical purposes a consumption of soil. This affirmation closely derives from the first. Especially when archaeology claims, in its manuals, that it investigates not objects but relationships among objects, it is evident to anyone that since an archaeological deposit is not objects but relationships among objects, it is an archaeological deposit as a source of knowledge. Ninety-five percent of archaeological knowledge today derives not from research excavations but rather from field work "of another kind." This means that what has been said up to now makes no sense unless placed in the context not so much of the building industry, but rather the more complex context of land development. Development, that is, crosses the route of archaeology as a soil disturbing factor, a veritable form of "pollution" for this reason developers are thus called upon to "pay" according to the principle enshrined in Rio de Janeiro in 1992[3]. In reality these costs are thoroughly derived from the costs of the project's execution, which usually leads to the perception of a tighter relationship between archaeology and the construction industry. However, this is only a partial aspect of the problem, though developers are thus called upon to "pay" according to the principle enshrined in Rio de Janeiro in 1992. Proof of this is the inclusion of archaeology professions prevalently in the national building industry regulations. This is an evident understimation of all aspects not directly connected with the execution of a project, but tied instead to planning and supervision. This reflects also a substantial lack of understanding of the real meaning of so-called "post-Malta archaeology".

3) The transformation of a deposit into documentation results in an irreversible loss of information content. This notion, too, derives from the previous one and can be conceptualized by applying communication theory to archaeological research. In this case, simplifying, we have a sender (the sociocultural context of the past), means of communication (be it a stratified deposit or historical landscapes and a recipient, first the community of archaeologists and then, downstream, the society they are an expression of. This theoretical framework easily explains the reasons why the loss of information content is intimately tied to the very nature of archaeology investigating the past in any form. Naturally, the more destructive the method of investigation, the more pressing a problem the deterioration of the message will be. Since the "archaeological peat", to remain within the realm of documentation (to quote the expression used on a number of occasions by Andrea Carandini) will always result in a lightening that sooner or later may appear excessive.

4) The objective of 21st century archaeology must be to save deposits. Bearing in mind the first three aspects, the fourth is obvious. By maximizing the amount of information extracted per surveyed unit (a sort of "engine efficiency" of research) it is possible to increase archaeological knowledge and respond to the "hunger for knowledge", which, though essentially licit, was stigmatized by O. Olsen in his "Archaeological Research in Its Own Right": "...the archaeological "peat", to remain within the realm of thermodynamics...."

5) An "ecosustainable" archaeology must be based on the "polluter pays" principle. In order to be understood, this affirmation requires additional information. Ninety-five percent of archaeological knowledge today derives not from research excavations but rather from field work "of another kind." This means that what has been said up to now makes no sense unless placed in the context not so much of the building industry, but rather the more complex context of land development. Development, that is, crosses the route of archaeology as a soil disturbing factor, a veritable form of "pollution" for this reason developers are thus called upon to "pay" according to the principle enshrined in Rio de Janeiro in 1992. In reality these costs are thoroughly derived from the costs of the project's execution, which usually leads to the perception of a tighter relationship between archaeology and the construction industry. However, this is only a partial aspect of the problem, though developers are thus called upon to "pay" according to the principle enshrined in Rio de Janeiro in 1992. Proof of this is the inclusion of archaeology professions prevalently in the national building industry regulations. This is an evident understimation of all aspects not directly connected with the execution of a project, but tied instead to planning and supervision. This reflects also a substantial lack of understanding of the real meaning of so-called "post-Malta archaeology".

6) The prevalent model thus becomes "compliance-driven" archaeology. This is the final result of a process whereby archaeology has gone from being a pure research activity to a set of professional competences at the service of a community purpose: the collective memory of our European tradition. The predomination of the "archaeological location" of the "archaeological location" of the "archaeological location" of the "archaeological location" being considered a catastrophe or distortion of the nature of our discipline, it should be conceived as a great opportunity for innovating archaeology by more fully integrating it with the needs of society. No branch of knowledge is justifiable unless there is a socially perceptible need. And the more resources committed to its theoretical and practical development, the more perceptible the benefits for society must be. When compliance entails allocating a part (which can sometimes be sizable) of public works budgets for professional archaeology services, archaeology will in turn be obliged to develop methods, strategies and proposals for intervention that respond to the needs for which resources have been made available rather than serving merely to satisfy research interests that are all too often tied to individual idiosyncrasies.

The reference to "balkanization" will have seemed overly polemical to many. However, one of the basic ingredients of this phenomenon is precisely the abundance of good manners on all sides. The metaphor aims precisely to emphasize this, acknowledging the substantial good faith of the disputants. Which does not justify the final chaos but does help to explain it, an essential element for a "Camp David" in our discipline.

Epic

Italian preventive archaeology has a good amount of "something" surrounding it. All of Italian archaeology until quite recently, moreover, has a self-congratulatory attitude, which despite being by now wholly inappropriate, is the expression of deep-seated DNA, a sort of archaéologie profonde, which represents the most traditionalist part of our discipline. The predomination of classical archaeology, as well as the prevalence within the latter of the "latter-day" current as the "silent majority" attests to the truth of an affirmation of Anna Maria Sestieri: "The strength of the vision that Italian archaeology traditionally has..."
of itself constitutes a formidable bulwark against any substantial change”.  

In order to live on this self-congratulation it is indispensable to believe and make others believe you are the first and best and that is in fact what happens in the legal system in our country, a phenomenon that obviously extends to preventive archaeology. In 2005, following the approval of the first law introducing an assessment procedure that would be incorporated the following year into articles 95 and 96 of the Code of public procurement, an extremely acute observer (who long remained alone) defined it as “a practice already broadly in use”. This opinion actually reflects a real situation, which in the 1980s and above all 1990s led to self-structuring of a system that was in some way able to ensure emergency management. In fact, developers were persuaded to fund archaeological excavations in accordance with a principle that clearly drew inspiration from that of the polluter pays, - just so projects could be carried out. In this climate, the regulatory system, already called into question with the “acute observer” mentioned above, calling into question the validity of such an obsolete legislative tool. Nevertheless, in the constant state of emergency declared it as “a practice already broadly in use”.

It should be stressed, as we shall see further below, that this operation did not represent a real preventive undertaking, but was rather a major attempt to rationalize the existing practice, which we find neatly summed up in article 28 of the Code for Cultural Heritage. The “epic” idea that early preventive archaeology developed for itself with the high-speed rail project is at the basis of the substantial yet unresolved ambiguity as to the purposes of this particular approach to the discipline.  

Ethics  
Part of the ambiguity that weighs on preventive archaeology in our country has its roots in the thought of Benedetto Croce influencing the discipline in its homegrown form. The pervasiveness of the idealist culture is a notorious fact and the pre-eminence, still today, of a historical-artistic approach to archaeological sciences is likewise there for everyone to see.

The Croce’s monument to archaeology is law no. 1089, a Fascist-inspired encapsulation of all legislation preceding Italian Unification. It is moreover a rationalization of principles that were already very clear in the legal system of the Kingdom, so that the same law could be applied for the sixty years of its life with the regulation of 1913, and even the subsequent “rinnovaturre” (remixes) of the Consolidation Act and the Code for Cultural Heritage (to use the apt expression by Giovanni Franco) continued to be implemented through legislation that had reached the milestone of one century of life. Only now is the reorganization undertaken by the new General Director, Luigi Maltinti, the “acute observer” mentioned above, calling into question the validity of such an obsolete legislative tool. Nevertheless, in the constant state of emergency that has characterized Italian politics for two decades it is very unlikely that tools will be found to update it in ordinary legislation.

The legislative framework of pre-Republican Italy was clearly the expression of an educational mission based on the relationship with antiquity, which served to define and make inexplicable the need to preserve the remnants of the past. This ideological approach saw the Good (shown by historical fact) and Beautiful (manifested by artistic fact) as instruments for moral and cultural improvement and as such manifestations were mostly situated in the past its almost inevitable corollary was more or less explicit forms of classicism: the golden age of these manifestations was inevitably in the past and was determined a substantial identity both to design the present (and future) in general and to conceiving any sort of intervention on land that would not be at least mediocre. The bureaucratic structure of the authorities in charge of protection up to 1975 clearly reflects this ideology: the department of Antiquities and Fine Arts was subordinate to the Ministry of Education, since the relationship with antiquity was a tool for promoting adherence to values selected by the governing class, also for the purpose of maintaining the status quo, values that found full and universal expression in school curricula.

This approach was substantially maintained in Republican Italy: the Gentile reform and Bottai law, whose Croce’s spirit was enshrined in article 9 of the Constitution, survived intact despite the fall of the Fascist regime, assuring authoritarian and paternalistic forms of social stability in Italy during post-war reconstruction.

Between the end of the 1960s and beginning of the 1970s, the social changes occurring as a result of the economic boom and subsequent growth of the middle class rendered this cultural paradigm inadequate. Under the blows of contestation, the traditional educational system, already called into question with this approach, was swiftly modified middle school five years earlier, definitively plunged into crisis. It relied with a sort of passive resistance, but this is not the right place to discuss the deleterious results. In this climate, the world of what was by now more suitably considered as “cultural heritage”, thanks also to the sometimes visionary work of the Francheschi Commission, was duly separated to create the Ministry of Cultural Heritage between 1974 and 1975.

The stone seemed cast, a sort of crossing of the Rubicon, but despite the novelty of intentions this only occurred to a minimal degree. It is difficult to reconstruct the cultural movements underlying a choice that over the decades has led to paralysis. The “patrimonial” notion of heritage which is one of the pillars of Italian protection probably had a considerable influence: it offered a pretext to seek refuge in the idea of “conservation for the sake of conservation”. This led to a singular short circuit based on which – since the idealist assumption whereby the preservation of relics of the past had a value in itself had been superseded, but that such relics were to be preserved was nonetheless enshrined even in the constitution – the only possible horizon remained the purity with conservation.

It may appear to be an ungenerous judgment vis-à-vis the highest heritage cultural authorities in our country and it certainly is if we look not at the structure but at the people. However, the present situation simply reflects the absence of a cultural project in Italy in the past 40 years. What is more, the very name, Ministry of Culture rather than of Italian, is the expression of an “unspoken” and “unsolved” in our country. Having not found an abandoned Croce’s thought, not only the Ministry, but Italian archaeology as a whole has lost its way, being left with no points of reference. The only obstinate view remains that of conservation “because it’s right”, which ends up leading to an archaeology practiced essentially for ethical reasons, so that beyond this ethicistic approach Italian archaeology does not make any sense. Though the medical profession, above all, is founded on a choice of a moral type, the treatment of suffering, health care based exclusively on an ethical
imperative would not be conceivable in a modern society. Similarly, archaeology that goes beyond the dimension of pure academic research cannot be based exclusively on preservation, but rather requires a professional organization that has nothing to do with the system of values conveyed until now.

Ethnic

One of the consequences of a strictly ethical vision of the discipline is its balkanization. Ethos, which still prevents a true methodological consensus from being reached in a field that is by now over a century old, also extends to preventive archaeology, which has undergone various permutations according to the different schools of thought. Indeed, it is highly probable that there is not even a common dimension of pure academic research cannot be based exclusively on preservation, but rather requires a professional organization that has nothing to do with the system of values conveyed until now.

Pathos

The final paradox of this comedy of errors is that not only archaeology but also the whole constellation of stakeholders who have dealings with this new profession, still in the process of being structured, are experiencing a phase of perennial distress. The “system” of Italian preventive archaeology ends up being a “lose-lose system”, seeing that none of the parties involved can or wants to claim a role as “winner”. The developers themselves and even the building contractors, considered, often quite rightly, the “bad and ugly” of the situation, feel penalized. It must be said that this is in fact not being seen as an economic return - not so much in terms of image as in terms of operational efficiency - on their spending in professional archaeology services to some extent provides grounds for complaints which at first glance might seem rather unjustified, if not outright hypocritical.

Legislation on preventive archaeology is of fairly recent date and the indulgence of legislators, who chose to make the entry into force of articles 95 and 96 subordinate to that of the Regulations (which means spring 2011) has not helped to boost awareness of the innovations. The legislation is also incompatible with the institutional decrees of the Cultural Heritage-Infrastructure Ministries, needed to align the preventive archaeology procedures of the two ministries. The lack of a decree is not insubstantial, as many interventions have faced circulars of the Directorate General for Antiquities and Archaeological Heritage (which means spring 2011).

As a protection is reduced to an emergency intervention in which the resources scraped with difficulty from the budget are in any case insufficient to assure an adequate level of operation. Planning interventions made undependably necessary by a construction project is no more preventive archaeology than planning surgical interventions is preventive medicine. Moreover, this approach to the problem absolutely fails to take into account an updated methodological framework which identifies any consumption of soil as problematic, including that caused by infrastructures. That is to say, it does not meet the imperative of an “ecology of archaeology”, just as clearing inhabitants from an urban neighbourhood due to the pollution generated by real estate development does not meet any ecological requirement, tout court.

Outside the planning framework, preventive archaeology thus does not really make any sense, and it is into this field that we need to try to bring the competences of our discipline in the spirit of arts. 5 and 6 of the Malta Convention 14ACCEPTED would have a significant impact precisely on the professional status of archaeologists, because it is one thing to be included within a construction realm, but quite another to be included in land development planning, of which construction is a subset (this problem is reflected in the maelstrom of theories and principles of an “ecology of archaeology”, just as clearing inhabitants from an urban neighbourhood due to the pollution generated by real estate development does not meet any ecological requirement, tout court.

What is the sustainable degree of technology in the intervention here made by archaeology, the disarming reply remains “the earth is opaque”. No diagnostic methods are infallible, but if in the field of health care - health being undoubtedly a more precious asset than any archaeological deposit - the possibility of uncertainty is admitted (so that suitable tools have been adopted to manage the margins of this uncertainty), it is not understandable why such a risk is not envisaged by our system of archaeological protection, which still clings to the authoritarian practices sanctioned by the “winner”, the developers themselves and even the building contractors, considered, often quite rightly, the “bad and ugly” of the situation, feel penalized. It must be said that this is in fact not being seen as an economic return - not so much in terms of image as in terms of operational efficiency - on their spending in professional archaeology services to some extent provides grounds for complaints which at first glance might seem rather unjustified, if not outright hypocritical.

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Moreover, the protection offices are not ready to implement the new procedure and this is more the result of a lack of comprehension than a lack of consensus as to the real nature of preventive archaeology. At different points in the procedure, the developers are required to submit "carte del rischio" (risk maps), not more precisely specified and already precarious from a lexical standpoint, given that the notion of "archaeological risk" does not yet have a universal definition. A map of something no one knows the meaning of ends up being rather pointless and hence an incomprehensible item of expenditure.

Moreover, the system’s evolution has left the update of training programs dangerously behind: since professionals are not systematically trained in their own role and the role played by the services they are responsible for, they have training which ends up being somewhat of a "do-it-yourself" nature, by slashing prices, run the risk of supplying a product that is impervious to novelty. Consequently, in the field it tends to be transformed into a mental stance which is often called "professional exhaustion".

As in the case of professionals, inspectors and official of Acquedotto Pugliese, the Apulia water supply company, remarked with an annoyed, recriminatory tone.

Obviously, in this situation of uncertainty the sole victor is an unregulated market where professionals, run the risk of supplying a product that is below a minimum acceptable standard. Since professionals are not systematically trained in their own role and the role played by the services they are responsible for, they have training which ends up being somewhat of a "do-it-yourself" nature, and thereby reinforcing the short circuit we tried to break a few paragraphs above.

The protection offices themselves do not have a linear function. This impression is all the more dangerous as it affects young people who undertake training by helping to develop a harmful image of the profession that they are taking up for ethical reasons and thereby reinforcing the short circuit we tried to break a few paragraphs above.

The planning world also suffers because of this situation, since the archaeological component is usually integrated into projects in an unsatisfactory manner. All too often the final result, also in cases in which the aspects tied to monumental archaeological artifacts are preponderant, is that the different components end up being irreparably juxtaposed. The scant dialogue between the different sectors and the result is the tangible reflection of the insufficient dialogue between professional realities and this is not due to individual shortcomings but rather the absence in archaeology as a whole of a specific awareness of its objectives and above all its function within society.

But naturally, I am rather sorry to say, those who suffer most are the professionals: this is for a number of reasons, some of them of a short-term nature and some of a structural nature. Leaving aside the ones tied to transitory situations, professionals who lack specific training geared toward the complexity of the function they are called on to perform also lack a recognized role to reflect the fact that they are operating on common heritage whose preservation is guaranteed by the Constitution itself. We have arrived at a point where people write, above all in the periodical press, that "the archaeologist does not exist", no doubt alluding to its non-existence in a period in where a demand exists is not taught in university courses.

Professionals are worried about the possibility of losing their current role to another player on the scene of operations. Certainly, regulated professions, which up to now have often taken over, in a hardly dignified manner, the functions that should be restricted to archaeologists, have not helped in this respect. Indeed, they have often worked in opposition, either because they do not or pretend not to understand the enormous potential intrinsic to the competencies tied specifically to archaeology.

Sticking to the bellicose image of the substitue, these are the old forms of attack. But what are the new ones? Paradoxically, among the first obstacles to the establishment of preventive archaeology as a specific branch of archaeology we find educational bodies, namely, universities. In fact it is as if, overtaken by the tunnel of an obsolete archaeology which sees archaeology: moreover, given the general confusion and the fact that the dispute over the inclusion of contractors in the MiBAC list slowed down the implementation (still incomplete today) of the provisions contained in the "supplementary" list or "De Caro circular". These are small victories in a situation that is going or should be going in a completely different direction, but they are very dangerous if we consider that the dispute over the inclusion of contractors in the MiBAC list slowed down the implementation (still incomplete today) of the list itself.

And it must be said, and will not be said enough, that archaeologists themselves, taken individually, fear this modernization, perhaps because they know not how or do not want to bring themselves up to date: they are afraid of losing their present role, they fear the generalization of post-graduate studies as a qualifying title, they are unable to break out of the tunnel of an obsolete archaeology which sees excavation as practically the only available option and, alas, it is a shame to say, when the first version of the Law that was later incorporated into the Consolidation Act was passed in 2005, they believed that "laws in Italy are not applied anyway."
What solutions?

It is necessary to identify a package of measures that enable the system to be transformed into a win-win system, where archaeology fits into the normal dynamics of community life in a constructive manner.

The first essential step is to draw up guidelines that clearly define objectives and strategies of an archaeological activity at the service of the community. In particular, a universal definition must be given of when to intervene (to be able to establish a framework of certainties that is not subject to the idiosyncrasies of the official in charge of the procedure), how to intervene (to be able to construct a methodological framework that is suited to the purposes of this type of archaeological activity) and what to produce as the final result (to be able to assess the work of professionals on the basis of clear, transparent parameters).

Another point, largely unpopular, is the establishment of a sort of qualifying “licence”. The lack of a public certification system in effect limits the freedom of professionals because it leaves the boundaries of the profession itself vague. Resistance to the creation of an authorization regime is concealed behind the excuse that it is impossible to establish professional registers, and this feeds the ambiguity of the creation of an authorization regime is concealed behind the excuse that it is impossible to establish professional registers, and this feeds the ambiguity of the creation of an authorization regime.

Once limits have been placed on professional activity, training requirements can be automatically or almost automatically defined. It is clear that no current training framework objectively provides the skills required for these tasks. A complete overhaul of the whole system of university programmes is thus necessary.

The advantages of this set of measures can be summed up as greater procedural clarity (since the guidelines can cover all aspects of a procedure from an administrative, technical and scientific viewpoint) and a simplification of the authorization procedure itself, as those in possession of qualifications can work in the field without further restrictions, subject to compliance with the guidelines and thus planning that is evaluated on the basis of standards and approved accordingly.

But one of the most important consequences is to save archaeological deposits, since given the objectively substantial costs of properly implemented “compliance-driven” archaeology, the professional will have a key role in minimizing recourse to costly archaeological excavation already at the pre-planning stage.

Firstly, the fact that the document is duly prepared in a dispassionate and the objectives of interventions are defined on the basis of guidelines will enormously simplify the work of officials, who could reacquaint the scientific role they now occupy only on paper.

Finally, the role of universities would also undergo renewal, since the existence of a professional body of archaeologists will make it necessary to assure a permanent training activity, in which the university can exploit its consolidated know-how, and the provision of specialist services (photointerpretation, geophysical analysis, etc.) which, instead of being kept locked up in a drawer, can be sold and billed to professionals. And it should not be forgotten that a credible professional prospect would mean restoring the value, in the training market, of courses which, all too often, provide (without any response from the job market, are experiencing a period of substantial, comprehensible crisis.

2. See Reference documents, in this volume.
3. For example in the singular expression “cautious unearthing” used in some would-be preventive archaeology projects.
4. Guli 2011, which I refer the reader to for the relevant bibliography. On the relationship between Topolski’s thinking on the subject of historical sources and archaeological evidence at the end of 2009, in particular 216-238 (with the relevant bibliography here as well). See Olsen 1980.
6. European Convention on the protection of the archaeological heritage (revised), La Valletta 16/1/1992, art. 1 par. 1. “The aim of this (revised) Convention is to protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study”. It is interesting to compare this with the London Convention of 1969, which (art. 1) thus defines the architectural heritage: “all remains and objects, or any other traces of human existence, which bear witness to epochs and civilisations for which excavations or discoveries are the main source or one of the main sources of scientific information shall be considered as archaeological objects” (CETS no. 066, European Council, 1969). Also interesting is the affirmation in the preamble, not repeated in the 1992 treaty: “Affirming that the archaeological heritage is essential to a knowledge of the history of civilisations” (thus suggesting a document in which the scientific and social aspect of archaeology is dominant, whereas its social function is totally or nearly absent).
7. See Willems and van der Duijn 2007, back cover.
13. Finally, the role of universities would also undergo renewal, since the existence of a professional body of archaeologists will make it necessary to assure a permanent training activity, in which the university can exploit its consolidated know-how, and the provision of specialist services (photointerpretation, geophysical analysis, etc.) which, instead of being locked up in a drawer, can be sold and billed to professionals. And it should not be forgotten that a credible professional prospect would mean restoring the value, in the training market, of courses which, all too often, provide (without any response from the job market, are experiencing a period of substantial, comprehensible crisis.
resources for an appropriate scientific study to be made of the site and for its findings to be published;

b. to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings;

c. to make provision, when elements of the archaeological heritage have been found during development work, for their conservation in situ when feasible;

d. to make provision in the budget relating to these schemes in the same way as to any necessary related archaeological resources, as appropriate, the total costs of any necessary related archaeological operations;

e. to take suitable measures to ensure that provision is made in the budget relating to these schemes in the same way as to the impact studies necessitated by the planning process and the resulting decisions to ensure that the opening of archaeological sites to the public, especially any structural arrangements necessary for the reception of large numbers of visitors, does not adversely affect the archaeological and scientific character of such sites and their surroundings.

Article 6. Each Party undertakes:

i. to arrange for public financial support for archaeological research from national, regional and local authorities in accordance with their respective competence;

ii. to increase the material resources for rescue archaeology

a. by taking suitable measures to ensure that provision is made in major public or private sector development schemes for covering, from public sector or private sector resources, as appropriate, the total costs of any necessary related archaeological operations;

b. by making provision in the budget relating to these schemes in the same way as for the impact studies necessitated by the planning process and the resulting decisions to ensure that provision is made, when elements of the archaeological heritage have been found during development work, for their conservation in situ when feasible;

c. to ensure that the opening of archaeological sites to the public, especially any structural arrangements necessary for the reception of large numbers of visitors, does not adversely affect the archaeological and scientific character of such sites and their surroundings.

References


About the author

Paolo Güll, PhD in Medieval Archaeology at the University of Provence (France), is researcher in Archaeological Methodology at the University of Salento (Lecce - Italy) and Associate researcher in the CNRS. He is member of the Board of the ANA (National Association of archaeologists).

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Preventive archaeology offers many insights: from the evaluation of the archeological methodology and the trend to greater professionalization, to the scientific quality of the procedure. While legislative innovations have forced archaeologists to the core content review of the discipline, many archaeologists appear to have remained impervious to change. Mindset and behaviors are just nicked by rules assigning to archaeological evidence a different social significance between collective rights of common interest and those individual or private enterprise. The contribution of the classical tradition in the preventive archaeology has proved useless. The worst contributions come from the various ministerial committees, an indication of a lack of knowledge of international methodological debate and experiments carried out in this area. The contribution of Italian archaeology is limited to a review of obviousness and a useless list of symbols and scales in a framework devoid of standards and best practices. The prevalence of a classical tradition and art history has produced an offset specification and, at the same time, affected negatively on the training of young archaeologists. In absence of any form of organized and standardized collection of data, preventive archaeology becomes an inefficient procedure limited to the specific intervention; it loses any potential interest for the purposes of a more methodological experimentation overall. The future of archaeology and especially preventive archaeology will be increasingly influenced by the ability to build new models of collaborative research based on open standards and the development of a mentality which shares with the “public archaeology” a new attention to the social role of the archaeologist. Make it accessible and usable.

Introduction

The subject of preventive archaeology or - as it should more correctly be called - archaeological impact assessment, offers numerous points to reflect on, often closely intertwined. The first, and perhaps the most relevant, consists in the updating of the discipline of archaeology itself, which must reckon with the trend toward a greater emphasis on the profession. This new orientation entails reviewing competences and knowledge requirements in light of the legislation governing activities in this particular realm of public procurement, which in turn will result in greater specialization in the university and post-graduate training of individuals qualified to draw up a “VIARCH” (Archaeological Impact Assessment). Further in the background we find aspects tied to the scientific and/or technical quality of the preventive archaeology process, which the legislative framework and training programs seem at least partly to overlook, albeit for different reasons. 

Those who do research tend to identify with the narrow group they belong to, ignoring or even scorning kindred disciplines. However, most of the important subjects we study today do not follow the historical boundaries between disciplines and to move forward we have to look beyond our own narrow viewpoint. Gigerenzen 2009: 78

Preventive archaeology, open data and common heritage

Andrea D’Andrea

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Abstract

Preventive archaeology offers many insights: from the evaluation of the archeological methodology and the trend to greater professionalization, to the scientific quality of the procedure. While legislative innovations have forced archaeologists to the core content review of the discipline, many archaeologists appear to have remained impervious to change. Mindset and behaviors are just nicked by rules assigning to archaeological evidence a different social significance between collective rights of common interest and those individual or private enterprise. The contribution of the classical tradition in the preventive archaeology has proved useless. The worst contributions come from the various ministerial committees, an indication of a lack of knowledge of international methodological debate and experiments carried out in this area. The contribution of Italian archaeology is limited to a review of obviousness and a useless list of symbols and scales in a framework devoid of standards and best practices. The prevalence of a classical tradition and art history has produced an offset specification and, at the same time, affected negatively on the training of young archaeologists. In absence of any form of organized and standardized collection of data, preventive archaeology becomes an inefficient procedure limited to the specific intervention; it loses any potential interest for the purposes of a more methodological experimentation overall. The future of archaeology and especially preventive archaeology will be increasingly influenced by the ability to build new models of collaborative research based on open standards and the development of a mentality which shares with the “public archaeology” a new attention to the social role of the archaeologist. Make it accessible and usable.

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While legislative innovations oblige archaeologists to progressively rethink the contents of the discipline and orient their competences towards interdisciplinary horizons, the Ministry for Cultural Heritage and Activities (MiBAC, Ministry of Cultural Heritage and Activities) seems impervious to change. Mentalities, behaviours and ways of acting have not been minimally affected by the introduction of legislative and methodological artifacts that call upon for institutional purposes to protect and safeguard the archaeological heritage. The most contradictory aspect implicit in Brogiolo’s view [Brogiolo 2009] has suggested considering preventive archaeology as an autonomous, planned activity of the Superintendences aimed at reducing the impact of emergency archaeology. Considering that about 90% of emergency excavations remain unpublished, only through systematic research initiatives can we gain better knowledge of a territory and carry out a more effective activity of protection today. In Brogiolo’s view [Brogiolo 2009], preventive archaeology becomes an archaeological survey technique able to bring to light all the relationships between man and his surroundings and the palimpsests conceived in the stratified environment. Brogiolo is not thinking of the experiences of the Archaeological Map of Italy or subsequent forms Italian [7], but rather of a different approach with a vision “...to be constructed through new mentalities (on everyone’s part) and local experimentation” [Brogiolo 2009]. As we await this vision we must acknowledge an even more bitter circumstance that negatively distinguishes part of the discipline. As in other fields of knowledge, the distinction between pure and applied research is evident in the histories of individual researchers, which are intertwined with academic and professional ones. However, we can say that the positions are reversed in the case of archaeology in recent years only applied research has been capable of achieving a theoretical advance, whereas pure research appears to have retreated into itself, focusing on solving individual cases. The numerous contributions coming from information technology, statistics, human geography, geophysics and geology attest that the largest methodological progress has taken place in applied research, whereas academic research has remained in the context of interdisciplinary and professional contamination. Using a metaphor we could say that traditional archaeology limits itself to re-proposing, for each clinical case, the same approach based on the patient’s medical history, analysis of the symptoms, clinical tests and definition of the therapy; at the end of the day, a paper is published on the individual subject of study. Applied archaeology, on the other hand, tries out new forms of analysis and investigation and thus of patient therapy and treatment, perhaps also undertaking broad-ranging “epidemiological” studies in order to develop forms of non-invasive, “early” diagnosis. The penetration of Hodder-inspired relativism in part of the Italian archaeology has been a damaging event, above all if we consider the need to provide a professional and technical approach to the discipline. To this aspect we may add that the prevalence of a classicist and strongly historical-artistic tradition has produced a retrogression in the discipline; this has influenced, in a wholly negative manner, the training of young archaeologists, who lack any technological-specialist knowledge. The separation between academic and field research, between those who consider archaeology an “aristocratic” mission and those who, in contrast, consider it a profession, has produced formidable paradoxes. One of these paradoxes is the information on the results of the two ministerial commissions[8] charged with the task of developing and drawing up the “information system of the Italian archaeological heritage”, as if, given the miniscule character of the evaluations and thus internal use of the information, it were not necessary to assure broad publicity and dissemination among the practitioners and the public. To get information about the Carandini commission’s conclusions, one has to buy the book by Carandini himself (Carandini 2011). The High Council for Cultural Heritage from 2009 to 2012, a disheartening example of the continuous conflicts of interest pervading our country in numerous areas of public administration “...that the work of the two commissions was, I would dare say, pointless from day one can be gathered from paragraph 7 of art. 96 which reads: “For interventions subject to the procedure as per the present article, the regional director responsible for the territory [...] on a proposal from the sector superintendent, [...] draws up a specific agreement with the contracting authority [...]. The agreement also defines the forms of documentation and disclosure of the results of the investigation, via computerization of the collected data, production of scientific and educational publications, virtual reconstructions aimed at a functional understanding of ancient complexes, and exhibits and exhibitions aimed at disseminating and publicizing the investigations carried out.” [...]. Those working in the field are confronted daily with rules and documentation, research and excavation requirements while under the oftentimes sceptical scrutiny of surveyors, engineers, architects and contractors concerned about speeding up work and reducing excavation costs. In the absence of any organized form of data
collection and recording, preventive archaeology becomes lame and ineffectual, its value is limited to the specific intervention it has been requested for and is therefore of little interest for the purposes of broader methodological experimentation. Due to the lack of standard rules and procedures, preventive archaeology is practiced in many very different ways by those involved.

Under the pretension of bringing archaeology back under a more moderate constitutional principle has been transformed into a constraint giving ministry officials – often with the complicit backing of universities – the power of supervision and oversight of the entire archaeological heritage without any possibility for debate.

Overturning the conservative and self-referential approach of Italian archaeology seems an arduous task, but not an impossible one. Growing awareness of the public as the guardian of the archaeological heritage. This movement does not represent a majority in our country but over time it will lend impetus toward radical change; signs of this change can already be seen in the dissemination of books or objects and works of art. The digital data represent a new paradigm, fuelled by a vaster cultural phenomenon that will be examined in the next section and whose fulcrum lies in European Community open data strategies.

The imperative is not only an archaeological one. It is fuelled by a vaster cultural phenomenon that will be examined in the next section and whose fulcrum lies in European Community open data strategies.

Open Data and Preventive archaeology

“A fundamental characteristic of our age is the rising tide of data – global, diverse, valuable and complex. In the realm of science, this is both an opportunity and a challenge. This is the open data situation [document titled “Riding the wave”11], which focuses on the topic of scientific data. The report highlights the impact that the creation of digital infrastructures will have on science by enabling researchers belonging to different domains to work together on the same data and develop new visions without being deprived of rights and guarantees. Data use, re-use and integration will contribute to enhancing research in terms of productivity and efficacy, while collaborative research infrastructures will have the task of making stakeholders aware of the importance of storing and sharing data efficiently.”

The orientations of the new Community strategy defined by Horizon 2020 are not based exclusively on making the most of human capital; the plan aims to define new funding schemes for putting digital information online, as this represents an opportunity in terms both of digital data maintenance and storage and the creation of new market opportunities for creative cultural enterprises.

Public bodies produce, collect or hold a wealth of information, ranging from archived statistical, economic or environmental data to collections of books or objects and works of art. The digital revolution has significantly increased the value of this resource because it becomes a raw material for innovative products or services based on the data. The economic importance of opening data resources, including public data, is now amply recognized, the data become part of the production process, just like capital and labour. According to the Digital Britain Final Report12, data represent “an innovation currency [...] the [field] of the knowledge economy [...].” It is estimated that the opening up of public sector information will generate total revenues of € 40 billion a year for the 27 countries of the EU. Besides fueling innovation and creativity, open data will help citizens to monitor public spending more directly, thus strengthening participatory democracy and promoting transparency, sustainable and more efficient forms of governance.13 The increases in the use of this resource will help in increasing awareness about the value of a mass of data. The new directive aims to catalyze a change of culture in the public sector by creating a favourable environment for added-value applications.14 A policy initiative approved in 2011 should lead to the adoption, in the short term, of a new directive capable of concretely stimulating economic growth and employment in the Euro area, and unlocking the economic potential of government-owned data.15 The new directive aims to catalyze a change of culture in the public sector by creating a favourable environment for added-value applications.16 A policy initiative approved in 2011 should lead to the adoption, in the short term, of a new directive capable of concretely stimulating economic growth and employment in the Euro area, and unlocking the economic potential of government-owned data.17 The new directive aims to catalyze a change of culture in the public sector by creating a favourable environment for added-value applications.  

Riding the wave

The importance of open data had been recognized in 2009 by the European Community, which issued Directive 2003/98/EC,18 intended to facilitate re-use of public sector information (PSI) by harmonizing the basic conditions for their re-use and eliminating the main obstacles to their use in the internal market. Based on the objective outlined in the Horizon 2020, namely, that of transforming Europe “into an intelligent, sustainable and inclusive economy, offering high levels of employment, productivity and social cohesion”, the Communication “Towards an amendment of directive 2003/98/EC with the entry of data until now excluded to catalyze a change of culture in the public sector by creating a favourable environment for added-value applications.”

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By unlocking data also in the realm of museums and archives, Community policies will be moving in the direction of limitless navigation, they will succeed in bringing about a change in the mentality of archaeologists in the short term, opening new research frontiers for real collaboration in the direction also advocated by Brogiolo [Brogiolo 2009].

The role of archaeologists in Italy has long consisted in carrying out tasks which relate exclusively to State functions and they have been precluded the possibility of undertaking an autonomous profession. The State alone has the power to authorize access to historical-artistic assets and their study and use, at the same time it is the only institution with authority to access objects and this generates a situation of unjustified privilege. This organizational and management model has fallen into crisis for different reasons and is presently undergoing thorough revision.

Given a public that is broader or more demanding than only ten years ago, freelance archaeologists are being offered new professional opportunities in areas ranging from cultural tourism to education and local spatial planning as part of administrative decentralization. Archaeologists' awareness about the importance of their profession is in contrast with the limitations placed on their practice by current and local spatial planning as part of administrative areas ranging from cultural tourism to education. The role of archaeologists in Italy has long remained unexplored and limited, at best, to State functions and they have been precluded the possibility of undertaking an autonomous profession. The role of archaeologists in Italy has long remained unexplored and limited, at best, to State functions and they have been precluded the possibility of undertaking an autonomous profession. The role of archaeologists in Italy has long remained unexplored and limited, at best, to State functions and they have been precluded the possibility of undertaking an autonomous profession. The role of archaeologists in Italy has long remained unexplored and limited, at best, to State functions and they have been precluded the possibility of undertaking an autonomous profession.
correlated to the type of presence.

2. multidimensionality, so it is necessary to investigate different aspects of a territory, even if it is specific. This implies that the aspects to be investigated cannot be limited only to a determination of presence-absence, but must also include other associated dimensions (environmental, social, cultural, etc.) and the correct understanding of the phenomenon (visibility/ non-visibility).

3. environmental and/or cultural conditioning, where the variables may depend on landscape and consequent man-environment interactions. This complicates the process of learning about archaeology and makes it essential to choose a method beforehand based on a territorial type of approach, in the case of sites on high ground or flatlands, hydrological, morphological, ecological and/or cultural factors influence human development and hence the traces of man’s presence.

Screening would enable the data to be processed using selected statistical inference techniques capable of recognizing possible patterns and/or trends in the examined sample. This could be easily achieved even if we acknowledge severalmethodological limitations that cannot be overcome: first, the analysis cannot be extended to the whole population, but only to that part that cannot be overcome: first, the analysis cannot

This could be easily achieved even if we acknowledge several methodological limitations that cannot be overcome: first, the analysis cannot be extended to the whole population, but only to that part that

The precondition for a transformation is a change in the mentality of ministry officials, who prevent access to the data, and an exchange of data, methods, intuitions, competences and knowledge. The precondition for a transformation is a change in the mentality of ministry officials, who prevent access to the data, and an exchange of data, methods, intuitions, competences and knowledge.

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1. On this point see what is stated in paragraph 2.2. of Circular no 10 issued on 15.6.2012 by the General Directorate for Antiquities: http://www.archeologia.beniculturali.it/getFile.pl?idfile=12144 (retrieved 1 March 2013).

2. In particular, two commissions: the first for the creation of the Archaeological system of Italian cities and their territories. (Ministerial Decree of 24 January 2007 and Ministerial Decree of 18 October 2007); the second for the development and drafting of a project for the creation of a territorial information system on Italian archaeological heritage (Ministerial Decree 22 December 2009).

3. Among international experiences we shall mention the Archaeology Data Service: http://archaeologydataservice.ac.uk/ (retrieved 1 March 2013).

4. That is, for excavation activities, “individuals in possession of specific experience and professional abilities competent with the intervention”.

5. In this point, see also Paolo Guli’s contribution, in this volume.

6. Minister Ruggero Bonghi with a Royal Decree in 1875. In 1923, thanks to the efforts of Giuseppe Lugli, the project took the name Forma Italiae, becoming one of the main scientific achievements in one system. The fourth paradigm, interdisciplinarity and competences and were frequently carried out with the support and contribution of universities, also in terms of institutionalization.

The absence of reference study cases, ex-post analyses of preliminary assessments and a systematic comparison of data from the research conducted for the purpose of archaeological impact assessments today makes it necessary to create a public coordinating body comparable to the other institutions established to oversee health care and public education. A first objective of this coordinating entity could be to define European standards for systematic and semantic interoperability and provide an imperative toward the creation of research or cloud computing infrastructures.

The next plan of the European Commission envisages the possibility of presenting projects for the creation of
cultural industries, and its objective lies in the retrieval and commercialization of the huge wealth of digital data acquired over recent years. For more about the concept of cultural industries and their potential in terms of resources and growth see: European Commission, cultural industries and their potential in terms of resources acquired over recent years. For more about the concept of cultural industries, and its objective lies in the retrieval and commercialization of the huge wealth of digital data.

26 The literature on this subject is by now abundant and it is not possible to refer to all contributions. It is useful to see even very recent contributions introducing projects by explaining the usefulness of GIS in archaeology and how the application of these tools can improve research.

27 In the medical realm there is a Higher Institute of Health, which, as the technical-scientific body of the Italian national health system, performs functions related to research, experimentation, control, consultancy, documentation and public health training.

28 These topics are addressed more broadly in D'Andrea, in press.

References


About the author

Andrea D’Andrea was involved as archaeologist, GIS analyst, 3D digital surveyor in several archaeological projects at major archaeological sites in Italy (Cuma, Fossa, Alba Fucens, Pompei and Porteicagnano) and abroad (Cyprus, Egypt, Ethiopia, Jordan, Turkey, Saudi Arabia, Yemen) since 1990. From 2002 to 2011 he has been Professor at the Università degli Studi di Napoli L’Orientale, Faculty of Arts: "Information Technology Methodology Applied within Archaeological Research". Since 2010 he is the director of the project "Virtual reconstruction by means of 3D laser scanner of the solar temple of Niuserre at Abu Ghurab (Egypt)" funded by the Italian Ministry for Foreign Affairs. He is author of several scientific papers on the archaeological methodology dandrea@unior.it

Preventive archaeology in France, review and point of view

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Abstract

The field of archaeology in France has undergone dramatic change in the past three decades. Preventive archaeology has been defined and implemented as an archaeological research specific to the detection and study of those archaeological remains threatened by development works. This paper is trying to give a brief outline of the current situation of preventive archaeology in France and beyond to make a short assessment more than ten years since the creation of the French national institute for preventive archaeological research. The authors discuss the positive and negative aspects of the current system, as elements of an evaluation particularly important in the context of a new revision of the heritage law in 2014.

The field of archaeology in France has undergone dramatic change in the past three decades. Naturally the engines of change have been numerous but the following are among the most significant: France’s enactment in January 1996 of the European Convention on the protection of the archaeological heritage (Malta, 1992); the Heritage Law of 2001 and its 2003 amendment; the emergence and the upsurge, since the 1970s, of preventive archaeology. Replacing the concept of rescue archaeology, preventive archaeology has been defined as an archaeological research specific to the detection and study of those archaeological remains threatened by development works. This paper is trying to give a brief outline of the current situation of preventive archaeology in France and beyond to make a short assessment more than ten years since the creation of the French national institute for preventive archaeological research.

Archaeological stakeholders of preventive archaeology

The Ministry of Culture and Communication

The management of archaeological heritage at the national level is under the responsibility of the Ministry of Culture and Communication. Its Division of Archaeology, within the ministry's Department of Cultural Heritage, is in charge of archaeology-related issues. Its primary mission is:

- to design policies for the inventory, study, protection, conservation and transmission of archaeological heritage, and as such, to develop regulations and monitor the implementation of laws relating to the protection of archaeological heritage;
- to contribute to the definition and the implementation of research policies coordinated by the Department of Cultural Heritage;
- to ensure the application of heritage protection measures in the context of land-use planning and development;
- to participate in state-led scientific and technical monitoring efforts over the course of archaeological research operations.

The Regional Archaeological Services (SRA) of the Ministry of Culture, under the authority of regional curators, is in charge of heritage management at the regional level. An integral part of the Regional...
The French National Institute for Preventive Archaeological Research (INRAP) was created in 2002, in accordance with the preventive archaeology section of the Heritage Act, the INRAP is a public research institution under the joint tutelage of the Ministry of Culture and Communication, primarily curators, engineers and research technicians recruited through a competitive examination.

The INRAP employs 1,863 people, 335 of whom hold permanent positions.

Local Authorities
A number of local communities (cities, counties…) have created their own archaeological service. Around 700 archaeologists are working in local authorities services.

The Private Sector
There are 19 accredited operators of preventive archaeology in France, all of which are legal entities governed by private law. 14 of the above are either corporations or limited liability companies, 4 are associations under the law of 1901, and 1 is a natural person. Altogether, the private sector employs 517 individuals, including 300 archaeologists. Company reports do not indicate the nature of employee contracts.

A process with many stakeholders with different objectives
Preventive archaeology combines, in a legal framework, four actors whose goals and expectations are different: the state, archaeologists, developers and citizens.

Developers generally live archaeology as an additional constraint, in addition to many other (environmental constraints, various standards, etc.). For developers, archaeology is often synonymous with additional costs and delays, and not of scientific discoveries and / or cultural heritage preservation.

However, we should nuanced some extreme points of view. Indeed, the cost of preventive archaeology is minimal at the national level: about 1% of the cost of public works and 0.01% of GDP [Demoule 2011]. Furthermore, this cost is carried on sales prices, mortgage tolls, train tickets or rental income in the case of buildings.

The problem of delays is crucial, and it is the one most often put forward by developers. We must recognize that the administrative procedures impose sometimes significant delays that the developer must incorporate in its own schedule.

Several developers have also widely used the positive image of archaeology for enhancing the image of their own works, either before or after construction.

Figure 1. Proportion of archaeologists by structure.
respondents answered consider archaeology as useful or very useful.

The goal of archaeologists is to excavate and study the archaeological sites that are later destroyed: it is the “preservation by study”. Beyond the requirements of technical expertise and ethics which apply to him, the archaeologist is obliged to disseminate the results, to the scientific community as to citizens. Indeed, a research whose results may not be widely disseminated can be considered useless and the amount energy and money used on this activity would have been better spent elsewhere. Nevertheless, principles often face operational and economic reality: if the means to excavate and prepare the excavation report exist, funds are lacking for research and publications (only 7% of the budget of INRAP).

10 years of preventive archaeology activities at INRAP: 2002-2012

Ten years of operations
From 2002 to 2011, INRAP’s archaeologists have conducted 16,578 evaluations on 112,241 hectares and 2,237 excavations in metropolitan France and overseas. This intense activity of “preservation by study” of the archaeological heritage affected by land planning has led to a large number of remarkable discoveries and a significant renewal of the knowledge of the past, from the Palaeolithic period to the first half the twentieth century [Fig. 2].

Ten years of research
In ten years, INRAP spent 134,762 days of work in the scientific exploitation of the results of archaeological operations and the deployment of a scientific policy was accompanied by a methodological monitoring and an harmonization of practices. A documentation management policy was implemented to make the research results available to the scientific community. A scientific programme defines axes embracing all periods from the Palaeolithic to the modern period.

Ten years of public outreach activities
Public outreach has been developed in a very broad spectrum. To present the excavations, 700 archaeological sites were open to the public and 600 conferences were held. Forty-two books were published for the general public: 250 exhibitions were co-produced in partnership with local authorities and developers. Ten long and medium-length documentaries, ten short films and thirty animated films were produced. The website offers more than one hundred twenty photoreports, twelve thematic dossiers, nine atlas and an iconotheque providing access to 2300 free downloadable documents, attracting 100,000 visitors per month. INRAP organised nine colloquia in partnership with major institutions. Finally, the institute organises the National Days of Archaeology, with more than 90,000 participants in 2012.

Ten years after: a critical review
What conclusions can we draw twelve years after the law on preventive archaeology and ten years after its amendment?

It is possible to identify some very positive aspects as:

- the archaeological heritage is now protected by a clear and strong legislation;
- the number of archaeologists has increased very significantly;
- the discoveries have multiplied. Preventive archaeology now constitutes the largest source of archaeological data in France. The increase of knowledge is therefore considerable;

Figure 2. France, Marquion. Excavations by Inrap on the Seine-North Europe waterway. Topography recording of the site. (Photo: ©Pierre Buch)
increase citizen interest for archaeology.

However, there are several negative points indicated by the revised law: it is important to recall here that the revision of the law in 2003 aimed to reduce costs and shorten delays (it is also possible that for some parliamentarians, the ambition, certainly hidden, was to restrict archaeology in order to liberate the development projects of this constraint).

It is difficult to get statistics about response time of the operators. It has to be underlined that deadlines are highly circumscribed by law, and that developers can call on State to force the operator to accept deadlines, sometimes to the detriment of the quality of archaeological interventions.

Delays are part of the excavations contracts. We can therefore conclude that the problem of delays is not significant.

However, delays can cause problems for developers in the evaluation phase, as was seen during the years 2006-2009. But it is difficult to blame operators (INRAP and local authorities) for these problems because the funding of these operations was based on the tax for preventive archaeology which was miscalculated by the State and therefore did not allow the implementation of the necessary means to achieve the operations requested by the State.

Has the introduction of competition between operators lowered the cost of archaeology? One can imagine that it is the fact, if we consider each excavation individually (however, the data, if it exists, is not released). But this lowering seems to take place individually (however, the data, if it exists, is not released). But this lowering seems to take place individually (however, the data, if it exists, is not released). But this lowering seems to take place individually (however, the data, if it exists, is not released). But this lowering seems to take place individually (however, the data, if it exists, is not released). But this lowering seems to take place individually (however, the data, if it exists, is not released). But this lowering seems to take place individually (however, the data, if it exists, is not released).

Looking for the best price being the main objective of the developer (who does not buy a scientific activity but the right to build on a land), a severe competition develops between operators which can lead to lower scientific standards. The State is supposed to guarantee the scientific control, but the services concerned (SRA regional archaeological services) are weakened and can not, on their own terms, ensure optimal control.

The overall cost of archaeology has not decreased since 2003: on the contrary, it has strongly increased. For example, the budget INRAP increased from € 102 million in 2004 to € 168 million in 2012.

By adding local authorities and private operators we can estimate an overall budget of the French preventive archaeology around € 250 million. For us, archaeologists it is obviously a good trend. But some questions can be asked here with a bit of provocation.

The first concerns the scientific exploitation of these excavations.

We can see that if the first analysis of excavation is funded by developers, synthetic studies and publications must find other financial support: the law considers that the obligations of the developer stop at the delivery of the excavation report. Despite these difficulties, INRAP published 1724 scientific articles and books from 2006 to 2010, but this amount remains below what would be needed with the normal exploitation of the results (data are not available for other operators but their publication level seems very low). However, if the archaeological operations are not exploited scientifically, the question of their legitimacy may eventually arise. This could also lead to not consider preventive archaeology as a scientific discipline, but only as a technical act. Find a financing system adapted to scientific requirements must be one of the future priorities.

The issue of accumulation of data must also be raised as archaeological operations produce massive amounts of data (inventories, lists of structures, drawings, photographs, etc.). At present, these data are not or lightly managed and access is difficult or impossible. Dissemination to the scientific community should be organised and managed according to international criteria for a rational access to documentation.

It should also be raised the issue of archaeologists themselves. The professionalization of archaeology, in the past 20 years has led to the virtual disappearance of the associative sector. However, it will be necessary to restore their role as guardians of the heritage through their territorial coverage.

Since the opening of excavations to competition, the developer, who chooses the operator, favours usually the price criterion. This is logical because the developer does not buy a scientific act but the possibility to build. Severe competition therefore operates on quotes, and the risk is primarily that operations are carried out according to minimum scientific criteria (although the scientific monitoring by the State must curb these temptations), but also that work conditions of archaeologists degrade (lack of job security, non-compliance with hygiene and safety standards, etc.).

Finally, archaeology as a business is now subject to market fluctuations and the archaeologists are paying the consequences of this uncertainty. Thus, in many European countries the crisis of 2008 led to the immediate loss of thousands of archaeologist positions and related skills.

Conclusions

As we have seen, preventive archaeology is now completely accepted in the whole process of preservation and study of cultural heritage in France. Ten years after the law on preventive archaeology, the sector has grown quickly but is not completely stabilised. Thus, the upsurge of commercial archaeology in 2003 (as a result of the modification of the law) has not led to any improvement of the whole system: prices are not lower, it is almost impossible for the State to achieve a perfect level of quality control, the public sector is suffering from this market competition and the archaeologists are working in more precarious conditions.

If we add to this the financial crisis that Europe has undergone these past years, the situation is tense.

The whole French archaeological sector is now waiting for a new improvement of the heritage law (awaited for 2014), hoping that the archaeological scientific activities will be in the centre of the new system. This is clearly the only guarantee, together with a strong control of the State, that should permit to promote archaeology as a general public interest activity and to reinforce our links with citizens.

1 Some figures for Inrap for 2012: 29 exhibitions attracted 664,245 visitors, 955 archaeological sites open to the public, 19,764 visitors, 7,851 press articles, 1,099,468 visits on www.inrap.fr website.


Further reading

About the authors

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Twenty years after Malta

Michel Gras

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Abstract

Based on an analysis of the French experience, and of the INRAP in particular, it may be affirmed that preventive archaeology has a fundamental importance for society: it offers the only possibility of reconciling “progress” and “protection”, in the interest of both. The practice of preventive archaeology, which must absolutely be recognized as having a highly scientific role, has drawn attention to the discussion surrounding so-called “programmed”, or planned archaeology, its objectives and specific characteristics, as well as to the issue of “excavation sites” which are useful for training future archaeologists. The problem of publishing the results of field surveys remains open, and this is a problem that affects archaeology in general, not only preventive archaeology.

Again in France, where an INRAP field archaeologist can be considered for all practical purposes a government employee, there is the problem of defining the role of an archaeologist in such a way as to fully respect his/her rights as a worker, in view of the demanding nature of the job itself. The hard-earned “victory” of preventive archaeology in Europe and its inclusion within the normal administrative procedures of contracting entities must also be taken as an example in the practices of “international” archaeology, so as to transcend the policy - unfortunately sometimes still alive - of a “colonial” type of archaeology and ensure total respect for the host countries.

The preventive dimension of archaeology is to the advantage both of the protection of heritage and archaeology itself. Its development, starting from the nineteen-seventies, has in fact made it possible to abandon the desperate practice of emergency archaeology and foster a new way of doing archaeology, a new way of conceiving archaeology and its relationship with society.

The comparison frequently made with medicine is not irrelevant. We know what urgencies are, we know what prevention is. But there’s more: preventive archaeology obliges us to set out a policy framework upstream and asks us above all to convince those whose initiatives have an impact on the territory to involve archaeologists in the planning of a project from the very start, or rather, before the start. It is not asking too much: those who have done so, private and public players alike, have been able to verify the usefulness of this strategy and the lower cost, in terms of both time and money, during execution of the work.

Northern Europe was a pioneer in this direction. For its own part, France had an opportunity to have a law approved in 2001 (no. 44 of 17 January), though it was partly scaled down in 2003 (law no. 707 of 1 August), and to create a new public body: the Institut National de recherches archéologiques préventives, INRAP. This process, to tell the truth, was not the result of a pondered strategic choice, but rather a way to solve a problem - also a social one - which arose due to the anomalous growth of a cooperative-type association, the AFAN (Association nationale pour les fouilles archéologiques en France), set up by the government in 1973 to manage digs. The AFAN should have been reformed at least
twenty years earlier. However, all this would not have been possible without the vision of some French archaeologists (in particular those gravitating around the figure of the great prehistorian Leroi-Gourhan), and the efforts of the unions, which could not tolerate the growth of a mass of temporary workers exploited by the State without getting anything in return. This story is therefore an exceptional one, in the sense that it cannot be used as a precedent, and every country must find its own way to move forward. But it should not be forgotten that the French experience is the result of a greater capacity for administrative management, even though, in my opinion, the result was very positive.

Indeed, with INRAP, French archaeology made a qualitative leap such as had not occurred since the introduction of the Carcopino law of 27 September 1941, which was validated in 1945 (an ordinance issued on 13 September), with the creation of the Directions des antiquités préhistoriques et historiques, based on the model of the Italian local Superintendencies created in 1907 (law no. 386 of 27 June) and confirmed by law no. 1039 of 1939 (Bottai law). So it was that all regions of the French territory finally came under control. But the growth of the Directions (today Services régionaux de l’archéologie, SRA) had to respect the Directions régionales des affaires culturelles, DRAC was slow, too slow, despite a favourable economic situation. However, it was a political decision. Certainly the presence of a strong National Centre for Scientific Research (CNRS) in the field alongside the State authorities made it possible to go further. But from the 1960s onward, the beginning of major infrastructural works intervention. The photographs of sites are deceiving. Same machines, same clothes, same hard hats. In our cities, archaeologists hide digging sites (and that is a mistake) to protect those who excavate, just like construction sites are hidden. But there is also a second reason for the confusion: practitioners of preventive archaeology pass from one site to another and thus do not appear like “scholars”, who most of the times excavate for a month or two before returning to their university or research centre. Thus the accusations fly: so many excavations and no publications. Now, when we look at the situation more closely, it’s not exactly like that. Certainly, preventive archaeology suffers from a lack of publications, because time for study is lacking, but the same situation occurs in planned archaeology! Archaeology has a structural problem with its publications. I shall not touch upon the argument here, as it would deserve a lot of time and space. But preventive archaeology

The quality of preventive interventions is no doubt comparable to that of non-preventive, or so-called “programmed” or planned archaeology (let us, I would add, have the magnanimity to graduate, when the case arises, the excavator of the planned excavation into the excavator of a scientific intervention, too often ignored and thus devalued). Those who work in a hurry, under the pressure of a calendar, must make fast choices, indeed very fast ones. Now - it is once again like in medicine or surgery - intervening in a hurry results in a very high risk of a misinterpretation, often fuelled by those who have failed to understand or, worse, have not understood. However, the scientific nature of preventive archaeology appears at first sight to be like a public works intervention. The photographs of sites are deceiving. Same machines, same clothes, same hard hats. In our cities, archaeologists hide digging sites (and that is a mistake) to protect those who excavate, just like construction sites are hidden. But there is also a second reason for the confusion: practitioners of preventive archaeology pass from one site to another and thus do not appear like “scholars”, who most of the times excavate for a month or two before returning to their university or research centre. Thus the accusations fly: so many excavations and no publications. Now, when we look at the situation more closely, it’s not exactly like that. Certainly, preventive archaeology suffers from a lack of publications, because time for study is lacking, but the same situation occurs in planned archaeology! Archaeology has a structural problem with its publications. I shall not touch upon the argument here, as it would deserve a lot of time and space. But preventive archaeology

has invented a more modern, scientific method of communication, which planned archaeology is beginning to use. Databases, videos, use of the internet and the many tools that graduate, when the case arises, the excavator of the planned excavation into the excavator of a scientific intervention, too often ignored and thus devalued). Those who work in a hurry, under the pressure of a calendar, must make fast choices, indeed very fast ones. Now - it is once again like in medicine or surgery - intervening in a hurry results in a very high risk of a misinterpretation, often fuelled by those who have failed to understand or, worse, have not understood. However, the scientific nature of preventive archaeology appears at first sight to be like a public works intervention. The photographs of sites are deceiving. Same machines, same clothes, same hard hats. In our cities, archaeologists hide digging sites (and that is a mistake) to protect those who excavate, just like construction sites are hidden. But there is also a second reason for the confusion: practitioners of preventive archaeology pass from one site to another and thus do not appear like “scholars”, who most of the times excavate for a month or two before returning to their university or research centre. Thus the accusations fly: so many excavations and no publications. Now, when we look at the situation more closely, it’s not exactly like that. Certainly, preventive archaeology suffers from a lack of publications, because time for study is lacking, but the same situation occurs in planned archaeology! Archaeology has a structural problem with its publications. I shall not touch upon the argument here, as it would deserve a lot of time and space. But preventive archaeology

1 Preventive archaeology is a fully scientific archaeology and should be considered as such. The quality of preventive interventions is no doubt comparable to that of non-preventive, or so-called “programmed” or planned archaeology (let us, I would add, have the magnanimity to graduate, when the case arises, the excavator of the planned excavation into the excavator of a scientific intervention, too often ignored and thus devalued). Those who work in a hurry, under the pressure of a calendar, must make fast choices, indeed very fast ones. Now - it is once again like in medicine or surgery - intervening in a hurry results in a very high risk of a misinterpretation, often fuelled by those who have failed to understand or, worse, have not understood. However, the scientific nature of preventive archaeology appears at first sight to be like a public works intervention. The photographs of sites are deceiving. Same machines, same clothes, same hard hats. In our cities, archaeologists hide digging sites (and that is a mistake) to protect those who excavate, just like construction sites are hidden. But there is also a second reason for the confusion: practitioners of preventive archaeology pass from one site to another and thus do not appear like “scholars”, who most of the times excavate for a month or two before returning to their university or research centre. Thus the accusations fly: so many excavations and no publications. Now, when we look at the situation more closely, it’s not exactly like that. Certainly, preventive archaeology suffers from a lack of publications, because time for study is lacking, but the same situation occurs in planned archaeology! Archaeology has a structural problem with its publications. I shall not touch upon the argument here, as it would deserve a lot of time and space. But preventive archaeology

2 Preventive archaeology obliges us to rethink planned archaeology. Given a situation where more than 80% of new data originate from preventive archaeology, we need to ask ourselves what traditional planned archaeology is (or has become) and what it should be. Because preventive archaeology is also planned. Indeed, preventive archaeology is all about planning. Moreover, the crisis precludes the funding of a by now “second” archaeology (planned archaeology, once the only form) if it does not rapidly redefine its objectives and use methods. I find, in fact, the supposed planned archaeology makes sense on national territory only where it involves a permanent field laboratory with a very innovative approach, which tries out new tools and/or methods. France had such an ambition in PinVercet near Paris (revolving around the figure of the great prehistorian Leroi-Gourhan), in Lattes near Montpellier, on Mont Beyravry (ancient Bilaurac) and in a few other places. These are excavations with permanent infrastructures, and the ambition of excavating a site completely or almost completely and not just carrying out a few trials. Planned excavations do not deserve to be multiplied: they must bring together various research centres, on both a national and international level. Countries should be aware that exploring an old system which sees countries of the north undertaking excavation campaigns in countries of the south and never the other way around. Legacy of a time that was, when excavation was a part, as a close Italian friend of mine says, of “intelligent holidays”. Worth reflecting on.
4 Archéologie divided among various ministries in many European countries, must “bewack together” the administrative and scientific framework and first of all it must take into consideration the possibility of using the “mobility” of personnel. As we all know, the dialogue among the different ministries of a same government can at times seem more complicated than alternation between political parties. It is very curious, but that is the case. Dual ministerial supervision over a public entity often works badly even without conflict. In the 1970s, French archaeology tried to get an interministral commission, but the attempt failed. Given such a situation, the response must be scientific and it is called “mobility”: among universities, CNR / CNRS, superintendencies of various types, INRAP or equivalent bodies, etc. Mobility means the personal growth of individuals who renew themselves every ten years for example so as to avoid the all too famous crisis of fifty-year-olds, completely worn out fifteen years before retirement age. We must not forget that preventive archaeology is very physically demanding and we cannot ask a fifty-year-old archaeologist to spend 10 months a year digging, in the rain and sunshine, and whether it is hot or cold. The social dimension must be remembered, also to prevent waste at all levels.

5 In France there is presently deep reflection on how to improve the law of 2003 on preventive archaeology in light of ten years of application. The Ministre de la Culture et de la Communication has asked a commission (headed by Dominique Garcia, vice-president of the Conseil National de la Recherche Archéologique (CNRA), of which the minister is president) - to draft a livre blanc sur l’archéologie préventive to prepare for the reform. It is an opportunity - one not to be missed - to overcome certain conflicts of the past (between State and private entities) and further the growth of a tool that some politicians but which no one would remember anymore today. But as the saying goes, you can’t go back, either for better or for worse.

6 Archéologie has a vocation to make a high-level contribution to multidisciplinary research on territories: with geographers, geologists, ecologists, physicists, chemists, biologists, archaeology and history must help those in charge of central, regional and local authorities and institutions to make their territories grow by conducting more and more research that will benefit those territories. Preventive archaeology in particular has a natural capacity to work on different scales, in terms of both space and time: it will have a great future ahead of it if it succeeds in demonstrating the pertinence of its analyses and the importance of its contribution for both heritage and landscape, two faces of the same coin finally reunited. A challenge.

Abstract

This paper illustrates the specific characteristics of archaeological research conducted by foreign institutes in Rome and their contribution to the development of preventive archaeology in Italy.

Today, archaeology is regularly practiced in no fewer than 13 of the 22 foreign organizations associated in the International Union of Institutes of Archaeology, History and Art History in Rome. The authors provide a historical account of the activity of foreign institutes on Italian territory in relation to national and international social political events. From the foundation, in 1829, of the Institute for Archaeological Correspondence - in which international researchers present in Rome were called upon to document archaeological discoveries and disseminate them, by correspondence precisely, to the public across Europe - to its conversion into a national institution in 1871 as a result of French-German tensions, and the progressive ejection of foreign researchers during the Fascist era. It was not until the post-World War II period that a rebirth occurred in international exchange, leading to the foundation of new institutes, a flourishing of scientific publications and the launching of long-term research projects, as well as emergency excavation connected to rapid urban expansion; the role of foreign institutes was moreover fundamental for introducing and disseminating more recent archaeological excavation and investigation techniques not yet used in Italy at that time. Still today, foreign institutes in Rome carry out yearly archaeological missions not only in Italy but also in North Africa and the Balkans and provide libraries, laboratories and funding for thematic research projects involving both foreign and Italian researchers.

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Though preventive archaeology interventions represent but a small part of their many different activities, these institutes continue to take an active part in the more general ongoing international debate on the practice of archaeology today.

Introduction

Rome enjoys a unique situation in respect of archaeological heritage. Indeed, it is one of cities with the highest density of archaeological sites in the world, so much so that the construction of urban infrastructures is often considerably delayed. The problems encountered during construction of Metro Line C are a good example. Another particularity of the city of Rome is the presence of foreign research institutes, likewise very numerous. There are 22 foreign institutes in Rome, associated in the International Union of Institutes of Archaeology, History and Art History in Rome, together with Italian and Vatican research institutes, which makes the city an especially important strategic hub of study and research in human sciences [Annuariu 2011]. The knowledge and study of the Italian archaeological heritage is one of the main objectives; another is to make the most of the sources preserved in the Vatican Archive and by religious congregations. In the past, through these institutes, European countries were able to train historians and archaeologists through field work. This Italian experience was then passed on upon their return and left its mark on the scientific world across a large part of the countries of origin. Foreign institutes also contributed to the creation of a veritable international network and to the general debate on the evolution of archaeological practices.

Archaeological research in foreign institutes in Rome

Stéphane Bourdin, Elisa Nicoud

École française de Rome (France)
which have been investigated in particular by the advent and development of preventive archaeology
Here we wish to go over the specific characteristics of the archaeological activities of foreign institutes in Rome, seeking to analyze their contribution to the general realm of preventive archaeology, in particular but not only in the twenty years after the Malta Convention

Missions of foreign institutes in Rome
To better understand what is at stake in the research conducted today by foreign institutes in Rome, it is necessary not only to describe their genesis, but also to present them. Briefly, many foreign institutes are not the only elements of the scientific system used in Italy by different countries, a system that includes universities, research bodies such as the Spanish CSIC and the French CNRS or INRAP. Some museums and institutions often collaborate with foreign institutes in Rome, within the framework of joint scientific projects. The International Association for Classical Archaeology brings together 35 research institutions, including the International Association for Classical Archaeology, ten Italian institutes, two Vatican City institutes and twenty-one European institutes, plus the American Academy in Rome [Ward-Perkins 1977; Billig, Nylander, Vian and Guasco 1996]. All institutes host researchers and scholarship holders for periods of varying length and have permanent research staff, which brings the total number of active researchers to about one hundred.

The points of interest of the institutes certainly do not reside in archaeological research alone. Most of them devote themselves to historical studies, but some foreign research in social sciences, art history or numismatics. Some institutes, like the Académie française de Rome or the Real Academia de España en Roma, exclusively take in resident artists while others, like the American Academy in Rome or the Istituto Svizzero in Bologna, are open to all foreign researchers and provide hospitality to both artists and researchers. Few research institutes are dedicated solely to archaeology. Germany has four institutes in Rome, one specialized in art history, the Bibliotheca Hertziana, two in historical research and one in archaeology, the Deutsches Archäologisches Institut. France, with four institutes, distinguishes between research for publication, which archaeology can represent an important, but not exclusive, component of research activity, as at the Escuela española de Historia y arqueologia en Roma, which officially embraces archaeology as one of its two lines of research.

Archaeology is thus regularly practiced by the institutes of 13 countries: Austria, Belgium, Denmark, Germany, Finland, France, Norway, the Netherlands, the United States, Spain, Switzerland, and in Rome, such as Eduard Gerhard, August Kestner, Theodor Panofka, Carlo Fea, Bertel Thorvaldsen, Antonio Nibby, Albert de Luynes and the Duke of Blacas [Andreae 1992]. The aim of the association, housed in Palazzo Caffarelli, premises of the Prussian embassy on the Capitoline Hill, was to document archaeological discoveries and disseminate them among the well-educated throughout Europe. This was achieved through correspondence - hence the name of the Institute - with divisions in Berlin, Paris or London, and regular publications such as the Bulletin of the Institute for Archaeological Correspondence.

The focus on the importance of studying archaeological discoveries, such as the sanctuaries of Largo Argentina at the beginning of the 20th century [Cimino and Nota Santi 1998]. However, the birth of Italian state conservation and research institutions, with the creation of the Directorate General of Museums and archaeological digs, entrusted to Giuseppe Fiorelli in 1875, the Notizie degli Scavi di antiquità the following year and the Regional Technical Departments for the Conservation of Monuments, predecessors of the Superintendencies, in 1891, was accompanied by a progressive exclusion of foreign researchers [De Caro, Guzzo and Castiglione Morelli 1999], further reinforced under Fascist rule. The institutes’ excavation activities thus moved, above all to North Africa [Merlin 1931]. It was not until after the end of World War II, in a climate of international cooperation, that the archaeological activities of foreign institutes on Italian soil enjoyed a renaissance.

Archaeological activity resumes in the post-World War II period
The situation changed completely after the Second World War, resulting in the foundation of new institutes, those of Switzerland, Norway and Denmark, and above all a desire to revive the humanistic cultural tradition of the scientific exchange. In May 1945, in the spirit of the Institute for Archaeological Correspondence, a group of scientists including Erik Sjöqvist, John Ward-Perkins, Massimo Pallottino, Jacques Heurgon and members of the International Association of Classical Archaeology (IAIC), which was entrusted with managing the German libraries housed in Rome in the post-war period until 1953 [Pallottino 1992]. The Association aimed to further the dissemination of knowledge and the new discoveries of Italy, then undergoing
reconstruction. To this end, starting from 1946 the AIAC published the *Fasti Archeologici*, which every year presented information about digs, restoration and museums with the aid of correspondents abroad and members of the foreign institutes, who also had the task of reviewing collected data. This bulletin was suspended in 1987 for financial reasons, but revived in 2000 with the Internet site *Fasti OnLine*. In February 1946, the International Union of Institutes of Archaeology, History and Art History in Rome was created in the same spirit by representatives of foreign and Italian institutes [Ward-Perkins 1977].

In this context of international cooperation, the foreign institutes launched large-scale, long-term planned excavations, such as those of the American Academy in Cosia in Tuscany [Brown and Lawrence 1951; Brown, Richardson and Richardson 1960; Brown 1980; Brown, Richardson and Richardson 1993; Bruno and Scott 1993] or in the Regia in Rome [Brown 1935], the excavations of the *École française* in Bolsena (Lazio) [Goudineau 1968; Balland 1969; Massa-Pairault and Failier 1979; Gros 1981, Hallier, Humbert and Pomey 1982; Barret 1985, Santrot and Santrot 1995], in Meyruei Hyblaea in Sicily [Vallet and Villard 1964; Vallet and Villard 1966; Vallet, Villard and Auberson 1976; Vallet, Villard and Auberson 1983; Gras, Tréziny and Brize 2004, Gras 2006] or on the Palatine Hill [Villedieu 2007], where 18,000 m² of the Vigna Barberini area was brought to light, the Belgian excavations at Alba Fucens (Abruzzo) [Mertens and De Ruyt 1969], Herdonia (Puglia) [De Ruyt and Mertens 1995] at Artena (Lazio) [Delsaux and Lambrechts 1983; Lambrechts 1989; Lambrechts 1996], and German excavations at Siris (Basilicata) [Neutsch 1968] or Carthage (Tunisia) [Rakob 1989], as well as Swedish excavations at San Giovaneale [Boëthius, Fries, Gjerstad, Gren, Poulsen, Welin and Wetter 1960] or Acquarossa (Lazio) [Ostern and Pallottino 1974]. Some institutes later conducted digs together as the “Northern Europe” institutes, including excavations at Ficana (Lazio) from 1975 to 1980 [Scrinari 1981], then at La Goustra [Moltesen and Brandt 1994] and Lacus Iuturnae in the Roman Forum, starting from 1982 [Steinby and Aronen 1989]. Still today, Nordic excavations continue at the villa of Santa Maria by Lake Nemi (Lazio) [Brandt, Leander Touati and Zahle 2000].

**Preventive interventions and other archaeological practices of foreign institutes in Rome**

In addition to planned digs, emergency excavations began in the post-World War II period. In 1971, UNESCO launched an international campaign to safeguard and enhance the site of Carthage, a victim of destructions caused by the rapid development of the modern city of Tunis. Several Rome-based institutes took part in the preventive excavations. French excavations led by Serge Lancel focused on the hill of Byrsa, presumed site of the city’s acropolis [Lancel 1979]. German excavations directed by Friedrich Rakob regarded the Punic occupation from the eighth century onward. In Italy, too, urban expansion caused emergency excavations to multiply. So it was that foreign archaeologists took responsibility for interventions at the request of Superintendences. For example, from 1970 to 1974, the *École française de Rome* intervened at Megara Hyblaea in Sicily prior to the expansion of a cement plant. Mireille Cébeillac-Gervasoni and Michel Gras conducted five excavation missions in the area of the Greek necropolis [Gras et al. 2004]. The site, known from the end of the 19th century, was threatened by the construction of a refinery and shopping centre, which prompted the Superintendence to ask the *École française* to study the entire area. In 1975, J. Scheid, member of the *École française*, carried out several emergency surveys and digs in the Arval Sanctuary (*Santuario degli Arvali*) south of Rome, in the Magliana neighbourhood, as the site was threatened by development projects [Broise and Scheid 1987]. The aim of the emergency intervention was to conduct a survey of visible buildings and

**Figure 1.** Viterbo, Musarna. Excavations of the *École française de Rome*: general view of the market. (2001, EFR/V. Jolivet)
analyze the stratigraphy of the site, six metres deep. Two further preventive excavations were necessary for the calendrum of the Roman baths. The École française also carried out a major emergency excavation on the Orte–Civitavecchia highway in 1981 (Broise and Jolivet 2000). There had been a chance discovery at Asinello, three kilometres from Viterbo, of an ancient octagonal building destined to be destroyed. The excavation made it possible to reroute the highway and thus save ancient remains dating from the first century BC. The excavations of the Etruscan–Roman site of Musarna similarly began in a rescue context [Fig. 1]. In 1982 large trenches revealed abundant remains and a mosaic fragment with an Etruscan inscription. After an emergency intervention, the École française carried out twenty planned missions at Musarna, until 2003 [Broise, Jolivet and Catali 2004]; these brought to light part of the necropolis [Rebillard 2009], several temples, a market and a domus, as well as ample portions of the fortification.

In general, the foreign institutes in Rome have excavated and still excavate through yearly missions organized in the framework of thematic research projects. The digging sites cover a broad period, from the Paleolithic to the end of the Middle Ages and are also located outside Italy, in North Africa and the Balkans (see cefr.revues.org). The results are disseminated through scientific publications and now and then exhibits, such as the one on Swedish excavations and research in the province of Viterbo (Scavi e ricerche svedesi nel Viterbese), at the Etruscan Museum of Viterbo inaugurated in 1986.

Since the Malta Convention, the relationship between institutes and Superintendencies has stabilized where preventive archaeology is concerned and the role of foreign institutes in archaeological research in Italy has changed little. Planned multi-year excavations continue and emergency interventions occasionally precede urban construction projects, above all in Rome. The École française has intervened twenty times or so and occasionally carried out preventive excavations on the Pincian Hill [Fig. 2], from 1990 to 2005, on behalf of two French institutions, the Convent of the Trinità dei Monti and Villa Medici [Broise and Jolivet 2009]. These excavations, carried out before the installation of sanitary facilities or piping, brought to light the Domus Pinciana, an imperial loggia, renovated after Alaric’s sack and abandoned after the fall of the Western Roman Empire. After a pipe broke in 2004, the Pontifical Commission of Sacred Archaeology requested a preventive intervention in the Catacombs of Santi Pietro e Marcellino, previously studied by Jean Guyon [Guyon 1987]; it was entrusted to Dominique Castex (CNRS), who collaborated with the École française de Rome and the Institut national de recherches archéologiques préventives [Castex and Blanchard in press]. This led to the discovery of new rooms in sector X and the proposal of a complete archaeothanatological analysis of 315 depositions, likely to be indicative of a major epidemiological event.

In Albania in 2008, the École française, in collaboration with the French Ministry of Foreign Affairs and some Albanese institutions, including the Centre of Preventive Archaeology of Albania, undertook a preventive excavation in Lezha, which brought to light a medieval cemetery and a chapel [Nallbani and Buchet 2008]; this research fit into the larger framework of a program of study on the population and territories of the Western Balkans from the fourth to the eleventh century.

Another aspect of the activity of foreign institutes in Italy regards the introduction or dissemination of survey techniques and strategies as of yet little used. In the 1960s, continuing the work of Thomas Ashby, the British School developed several programs of territorial exploration and analysis, founded on surveys such as the South Etruria Survey, begun by John Ward-Perkins in the 1960s in the area of Veii and Capena (Ward-Perkins 1961; Jones 1962; Kahane, Threipland and Ward-Perkins 1968). They covered about 1,000 km² and located over 2,000 sites. The
results of the surveys are now being reassessed as part of a more ambitious undertaking, the Tiber Valley Project, which is based on new dating, mapping and data recording technologies. This type of multi-scale survey was recently also carried out by the Dutch Institute (Koninklijk Nederlands Instituut Rome, www.knir.nl, retrieved 14 March 2013) for its project Regional Pathways to Complexity in Apulia, Sibaritide, Calabria and in the Pontine area [Attema, Burgers and Van Leusen 2010]. Using magnetic prospecting, British archaeologists were able to reconstruct the overall plan of the temple of Faliri in southern Etruria [Keay, Millett, Poppy, Robinson, Taylor and Terrenato 2000]. Furthermore, the British School at Rome offers survey, geophysics and GIS services. For this purpose it has a specialized laboratory, the Camomile (www.bsr.ac.uk, retrieved 14 March 2013).

Reflections on heritage conservation and the future of archaeology as a discipline

The practice of archaeology in foreign institutes in Rome may seem more limited today than at the time they were created in the 19th century or after the Second World War since they also dedicate themselves to research in history, art history and social sciences. The number of new and ongoing excavations is limited and they are set within the framework of broader topics of interest, such as the long-term evolution of territories, which represents, for example, the main focus of the British School’s Portus Project. The institutes also act as a platform of means, providing researchers access to libraries, funding and occasionally laboratories. They support and launch the projects of researchers from their country of origin, involving Italian researchers as well.

This presentation of the history and activity of foreign institutes, albeit partial and selective, shows their structuring role in archaeology as a discipline and in disseminating new archaeological and methodological techniques. Various foreign institutes also offer reflections on heritage conservation. The British School dedicates an entire line of research to this subject and the École française often organizes scientific meetings on the same topic. For example, in 2013 it held a meeting to address the problem of preserving coastal sites of the eastern Adriatic, in collaboration with the ANR project Atlas informatif de l’Adriatique antique.

Since the Malta Convention, preventive archaeological interventions have become a small part of the institutes’ numerous activities and they are always integrated within broader research programs, thus allowing more opportunity provided by data originating from preventive archaeology generally a bit neglected due to cost considerations. They contribute to general reflections on the practice of archaeology, and therefore preventive archaeology. The fact that the École française hosted the European conference on which this book is based illustrates its participation. Large-scale studies such as the report of the École française [Braemer and Angevin 2011] on archaeology in the Mediterranean Basin suggest possible orientations and contribute to the general debate on the nature and future of the discipline in particular in Italy and in the Mediterranean.

References


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Reference documents


The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session, 

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction, 

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world, 

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated, 

Recalling that the Constitution of the Organization provides that it will maintain, increase, and diffuse knowledge, by assuring the conservation and protection of the world’s heritage, and recommending to the nations concerned the necessary international conventions, 

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong, 

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole, 

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto, 

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods, 

Having decided, at its sixteenth session, that this question should be made the subject of an international convention, 

Adopts this sixteenth day of November 1972 this Convention.

I. Definition of the Cultural and Natural Heritage

Article 1

For the purposes of this Convention, the following shall be considered as “cultural heritage”:

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.
Article 2
For the purposes of this Convention, the following shall be considered as “natural heritage”:
1. natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
2. geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
3. natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3
It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. National Protection and International Protection of the Cultural and Natural Heritage

Article 4
Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all in its power to make such an identification, conservation, presentation and transmission possible.

Article 5
To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country:
1. to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
2. to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
3. to develop scientific and technical studies and research work on the cultural and natural heritage, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 6
1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights as provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.
2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation, presentation and transmission of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.
3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7
For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage

Article 8
1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called “the World Heritage Committee”, is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.
2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.
3. A representative of the International Centre for the Study of the Preservation and the Rehabilitation of the Works of Art (ICCROM), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9
1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they were elected until the end of its third subsequent ordinary session.
2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected, and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.

Article 10
States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 11
1. The World Heritage Committee shall adopt its Rules of Procedure.
2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

Article 12
The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 13
1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.
2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of
6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.

7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may draw on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.

8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat headed by the Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and have the responsibility for the implementation of its decisions.

IV. Fund for the Protection of the World Cultural and Natural Heritage

Article 15

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.

2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.

3. The resources of the Fund shall consist of:
   1. compulsory and voluntary contributions made by States Parties to this Convention;
   2. contributions, gifts or requests which may be made by:
      1. other States;
      2. the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;
      3. public or private bodies or individuals;
      4. any interest due on the resources of the Fund;
      5. funds raised by collections and receipts from events organized for the benefit of the Fund.

4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have defined on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.
Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly every two years to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the regular budget of the United Nations Educational, Scientific and Cultural Organization.

2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of deposit of its instrument of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite voluntary contributions for the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. Conditions and Arrangements for International Assistance

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural or natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the reports which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by expert reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Committee may take the following forms:

1. studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;

2. provisions of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;

3. training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

4. supply of equipment which the State concerned does not possess or is not in a position to acquire;

5. low-interest or interest-free loans which might be repayable on a long-term basis;

6. the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.
VI. Educational Programmes

Article 27
1. The States Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.
2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.

Article 28
States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. Reports

Article 29
1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.
2. These reports shall be brought to the attention of the World Heritage Committee.
3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. Final Clauses

Article 30
This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

Article 31
1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.
2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32
1. This Convention shall be open to accession by all States members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.
2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33
This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34
The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:
1. with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States parties which are not federal States;
2. with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35
1. Each State Party to this Convention may denounce the Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36
The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organ which are referred to in Articles 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37
1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.
2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 38
In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

Preamble

The member States of the Council of Europe and the other States party to the European Cultural Convention signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose, in particular, of safeguarding and realising the ideals and principles which are their common heritage,

Having regard to the European Cultural Convention signed in Paris on 19 December 1954, in particular Articles 1 and 5 thereof,

Having regard to the European Convention for the Protection of the Architectural Heritage of Europe signed in Granada on 3 October 1985,

Having regard to the European Convention on Offences relating to Cultural Property signed in Delphi on 23 June 1985,

Having regard to the recommendations of the Parliamentary Assembly relating to archaeology and in particular Recommendations 848 (1978), 921 (1981) and 1072 (1988),

Having regard to Recommendation No. R (89) 5 concerning the protection and enhancement of the archaeological heritage in the context of town and country planning operations;

Recalling that the archaeological heritage is essential to a knowledge of the history of mankind,

Acknowledging that the European archaeological heritage, which provides evidence of ancient history, is seriously threatened with deterioration because of the increasing number of major planning schemes, natural risks, clandestine or unscientific excavations and insufficient public awareness;

Affirming that it is important to institute, where they do not yet exist, appropriate administrative and scientific supervision procedures, and that the need to protect the archaeological heritage should be reflected in town and country planning and cultural development policies;

Stressing that responsibility for the protection of the archaeological heritage should rest not only with the State directly concerned but with all European countries, the aim being to reduce the risk of deterioration and promote conservation by encouraging exchanges of experts and the comparison of experiences;

Noting the necessity to complete the principles set forth in the European Convention for the Protection of the Archaeological Heritage signed in London on 6 May 1969, as a result of evolution of planning policies in European countries,

Have agreed as follows:

Definition of the archaeological heritage

Article 1

1  The aim of this (revised) Convention is to protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study

2  To this end shall be considered to be elements of the archaeological heritage all remains and objects and any other traces of mankind from past epochs:

i  the preservation and study of which help to retrace the history of mankind and its relation with the natural environment;

ii  for which excavations or discoveries and other methods of research into mankind and the related environment are the main sources of information; and

iii  which are located in any area within the jurisdiction of the Parties.

3  The archaeological heritage shall include structures,
Identification of the heritage and measures for protection

Article 2
Each Party undertakes to institute, by means appropriate to the State in question, a legal system for the protection of the archaeological heritage, making provision for:

i. the maintenance of an inventory of its archaeological heritage and the designation of protected monuments and areas;

ii. the creation of archaeological reserves, even where there are no visible remains on the ground or under water, for the preservation of material evidence to be studied by later generations;

iii. the mandatory reporting to the competent authorities of findspots of elements of the archaeological heritage, making provision for:

- the acquisition or protection by other appropriate means by the authorities of areas intended to constitute archaeological reserves;
- for the conservation and maintenance of the archaeological heritage, preferably in situ;
- for appropriate storage places for archaeological remains which have been removed from their original location.

Integrated conservation of the archaeological heritage

Article 3
To preserve the archaeological heritage and guarantee the scientific significance of archaeological research work, each Party undertakes:

i. to apply procedures for the authorisation and supervision of excavation and other archaeological activities in such a way as:

- a. to prevent any illicit excavation or removal of elements of the archaeological heritage;
- b. to ensure that archaeological excavations and prospecting are undertaken in a scientific manner and provided that:
  - non-destructive methods of investigation are applied wherever possible;
  - the elements of the archaeological heritage are not uncovered or left exposed during or after excavation without provision being made for their proper preservation, conservation and management;
- ii. to ensure that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons;
- iii. to subject to specific prior authorisation, whenever foreseen by the domestic law of the State, the use of metal detectors and any other detection equipment or process for archaeological investigation.

Article 4
Each Party undertakes to implement measures for the physical protection of the archaeological heritage, making provision, as circumstances demand:

i. for the acquisition or protection by other appropriate means by the authorities of areas intended to constitute archaeological reserves;

ii. for the conservation and maintenance of the archaeological heritage, preferably in situ;

iii. for appropriate storage places for archaeological remains which have been removed from their original location.

Financing of archaeological research and conservation

Article 5
Each Party undertakes:

i. to seek to reconcile and combine the respective requirements of archaeology and development plans by ensuring that archaeologists participate:

- a. in planning policies designed to ensure well-balanced strategies for the protection, conservation and enhancement of sites of archaeological interest;
- b. in the various stages of development schemes;

ii. to ensure that archaeologists, town and regional planners systematically consult one another in order to permit:

- a. the modification of development plans likely to have adverse effects on the archaeological heritage;
- b. the allocation of sufficient time and resources for an appropriate scientific study to be made of the site and for its findings to be published;
- ii. to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings;

iv. to make provision, when elements of the archaeological heritage have been found during development work, for their conservation in situ when feasible;

v. to ensure that the opening of archaeological sites to the public, especially any structural arrangements necessary for the reception of large numbers of visitors, does not adversely affect the archaeological and scientific character of such sites and their surroundings.

Collection and dissemination of scientific information

Article 6
Each Party undertakes:

i. to arrange for public financial support for archaeological research from national, regional and local authorities in accordance with their respective competencies;

ii. to increase the material resources for rescue archaeology:

- a. by taking suitable measures to ensure that provision is made in major public or private development schemes for covering, from public sector or private sector resources, as appropriate, the total costs of any necessary related archaeological operations;
- b. by making provision in the budget relating to these schemes in the same way as for the impact studies necessitated by environmental and regional planning precautions, for preliminary archaeological study and prospecting, for a scientific summary record as well as for the full publication and recording of the findings.

Promotion of public awareness

Article 7
For the purpose of facilitating the study of, and dissemination of knowledge about, archaeological discoveries, each Party undertakes:

i. to make or bring up to date surveys, inventories and maps of archaeological sites in the areas within its jurisdiction;

ii. to take all practical measures to ensure the drafting, following archaeological operations, of a publishable scientific summary record before the necessary comprehensive publication of specialised studies.

Article 8
Each Party undertakes:

i. to facilitate the national and international exchange of elements of the archaeological heritage for professional scientific purposes while taking appropriate steps to ensure that such circulation in no way prejudices the cultural and scientific value of those elements;

ii. to promote the pooling of information on archaeological research and excavations in progress and to contribute to the organisation of international research programmes.

Article 9
Each Party undertakes:

i. to conduct educational actions with a view to rousing and developing an awareness in public opinion of the value of the archaeological heritage for understanding the past and of the threats to this heritage;

ii. to promote public access to important elements of its archaeological heritage, especially sites, and encourage the display to the public of suitable selections of archaeological objects.
Prevention of the illicit circulation of elements of the archaeological heritage

Article 10
Each Party undertakes:

i to arrange for the relevant public authorities and for scientific institutions to pool information on any illicit excavations identified;

ii to inform the competent authorities in the State of origin which is a Party to this Convention of any offers suspected of coming from illicit excavations or unlawfully from official excavations, and to provide the necessary details thereof;

iii to take such steps as are necessary to ensure that museums and similar institutions whose acquisition policy is under State control do not acquire elements of the archaeological heritage suspected of coming from uncontrolled finds or illicit excavations or unlawfully from official excavations;

iv as regards museums and similar institutions located in the territory of a Party but the acquisition policy of which is not under State control:

a to convey to them the text of this (revised) Convention;

b to spare no effort to ensure respect by the said museums and institutions for the principles set out in paragraph 1 above;

c to restrict, as far as possible, by education, information, vigilance and co-operation, the transfer of elements of the archaeological heritage obtained from uncontrolled finds or illicit excavations or unlawfully from official excavations;

Control of the application of the (revised) Convention

Article 13
For the purposes of this (revised) Convention, a committee of experts, set up by the Committee of Ministers of the Council of Europe pursuant to Article 17 of the Statute of the Council of Europe, shall monitor the application of the (revised) Convention and in particular:

i report periodically to the Committee of Ministers of the Council of Europe on the situation of archaeological heritage protection policies in the States Parties to the (revised) Convention and on the implementation of the principles embodied in the (revised) Convention;

ii propose measures to the Committee of Ministers of the Council of Europe for the implementation of the (revised) Convention’s provisions, including multilateral activities, revision or amendment of the (revised) Convention and informing public opinion about the purpose of the (revised) Convention;

iii make recommendations to the Committee of Ministers of the Council of Europe regarding invitations to States which are not members of the Council of Europe to accede to this (revised) Convention.

Mutual technical and scientific assistance

Article 12
The Parties undertake:

i to afford mutual technical and scientific assistance through the pooling of experience and exchanges of experts in matters concerning the archaeological heritage;

ii to encourage, under the relevant national legislation or international agreements binding them, exchanges of specialists in the preservation of the archaeological heritage, including those responsible for further training.

Final clauses

Article 14
1 This (revised) Convention shall be open for signature by the member States of the Council of Europe and the other States party to the European Cultural Convention. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 No State party to the European Convention on the Protection of the Archaeological Heritage, signed in London on 6 May 1969, may deposit its instrument of ratification, acceptance or approval unless it has already denounced the said Convention or denounces it simultaneously.

3 This (revised) Convention shall enter into force six months after the date on which four States, including at least three member States of the Council of Europe, have expressed their consent to be bound by the (revised) Convention in accordance with the provisions of the preceding paragraphs.

4 Whenever, in application of the preceding two paragraphs, the denunciation of the Convention of 6 May 1969 would not become effective simultaneously with the entry into force of this (revised) Convention, a Contracting State may, when depositing its instrument of ratification, acceptance or approval, declare that it will continue to apply the Convention of 6 May 1969 until the entry into force of this (revised) Convention.

5 In respect of any signatory State which subsequently expresses its consent to be bound by it, the (revised) Convention shall enter into force six months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 15
1 After the entry into force of this (revised) Convention, the Committee of Ministers of the Council of Europe may invite any other State not a member of the Council and the European Economic Community to accede to this (revised) Convention by a decision taken by the majority provided for in Article 20 d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2 In respect of any acceding State or, should it accede, the European Economic Community, the (revised) Convention shall enter into force six months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 16
1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this (revised) Convention shall apply.

2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this (revised) Convention to any other territory specified in the declaration. In respect of such territory the (revised) Convention shall enter into force six months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective six months after the date of receipt of such notification by the Secretary General.
Article 17
1 Any Party may at any time denounced this (revised) Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2 Such denunciation shall become effective six months following the date of receipt of such notification by the Secretary General.

Article 18
The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the other States party to the European Cultural Convention and any State or the Economic Community which has acceded or has been invited to accede to this (revised) Convention of:
   i any signature;
   ii the deposit of any instrument of ratification, acceptance, approval or accession;
   iii any date of entry into force of this (revised) Convention in accordance with Articles 14, 15 and 16;
   iv any other act, notification or communication relating to this (revised) Convention.
In witness whereof the undersigned, being duly authorised thereto, have signed this revised Convention.

Done at Valletta, this 16th day of January 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, the other States party are: Austria, Belgium, Cyprus, Denmark, France, Germany, Greece, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Portugal, Spain, Sweden, Switzerland, United Kingdom, Bulgaria, Holy See, North and Yugoslavia.

b. Recommendation No. R (89) 5
While, in the 1960s, clandestine excavation was seen as the major threat to the archaeological heritage, in the 1980s, it was large-scale construction projects. With increasing populations and ever higher standards of living, development projects grew in number and complexity: major public works (motorways, underground railways and high-speed trains, replanning of old town centres, car parks, etc.) or physical planning schemes (reafforestation, land consolidation, etc.) or physical planning schemes (reafforestation, land consolidation, etc.). The scale of such operations poses a peculiar threat to the discovery and protection of the archaeological heritage. A complex web of law and legislation is involved: specific legislation on archaeological materials, more general legislation on the cultural heritage, legislation on the environment, town planning, public works, building permits, etc.

The recommendation adopted by the Committee of Ministers of the Council of Europe drew on practice that had evolved over recent years to advocate: the formation of archaeological inventories and data banks which would be communicated by archaeological heritage managers to developers, the creation of administrative structures capable of handling development projects, archaeological data, the adoption of legal and administrative measures necessary for archaeological data to be taken into account as a matter of course in the town and country planning process; the promotion of specified new working conditions in the context of major development operations, the education of the public in the value of the archaeological heritage as a major element of the European cultural identity.

c. Revision of the Convention
The Council of Europe Select Committee of Experts on Archaeology and Planning, at its meeting in October 1988, considered that, since the opening of the Convention for signature in 1969, the problems of safeguarding and enhancing the archaeological heritage had changed considerably in Europe; the Convention’s contents should therefore be revised in order to make the text more coherent and comprehensive. A study of the Convention produced as a result of that meeting spoke of major changes in the scientific and economic context of archaeology. In particular, there has been a major switch from concentration on excavation to the utilisation of a wide range of techniques - geophysical prospecting, the processing of satellite pictures, laboratory analysis - in studying the past life of mankind. Excavation is now but one link in the chain of scientific activities that make up archaeological research. Furthermore, there is an increasing demand by members of the public to have access to their past. This is a demand for an identity and a fundamental right of peoples. It can only be met by archaeologists - who can interpret the data and assist the public in gaining access to its heritage.

The proposal to draw up a revised Convention and denounced the 1969 Convention was endorsed by the Steering Committee for Integrated Conservation of the Historic
B. Commentary on the articles of the revised Convention

Preamble

The preamble does much more than assist in interpretation of the revised Convention. It places the revised Convention in the framework of activities of the Council of Europe concerning the cultural heritage since the European Cultural Convention came into force. The Parliamentary Assembly has for example adopted recommendations on the under-water cultural heritage, the use of metal detectors, the circulation of works of art.

The preamble also emphasises the problems facing the conservation of the archaeological heritage in areas where large-scale development projects are endemic. Such projects, whether they concern the redevelopment of built-up areas or the use of clear land, often have a severe impact on the archaeological heritage where, as the preamble states, "is essential to a knowledge of the history of mankind"

Finally, the preamble stresses the necessity for joint action by European States.

Article 1

The stated aim of the revised Convention emphasises the scientific importance of the archaeological heritage. In years gone by, archaeologists and their research were not protected, but were used as raw material, objects, to be placed in museums and art galleries. Even today, there are many who regard this heritage as a source of commercial gain. States must be vigilant to prevent digging of this type, leading as it does to destruction of context.

Thus, the aim of the revised Convention is consistent with the Charter for the Protection and Management of the Archaeological Heritage which, whether on the territory of a Council of Monuments and Sites (hereinafter referred to as the "Council of Monuments and Sites") or elsewhere, is based on the scientific knowledge that is principled on the scientific investigation and on the protection of the archaeological heritage. This is fundamental and must be kept in mind in all investigations.

The revised Convention commences with a general definition. The basic notion of the definition was contained in the 1969 Convention. That in the revised Convention has been refined. The phrase 'elements of the archaeological heritage' is used to emphasise that it is not just objects that are important. Any evidence, whatever of nature, that can throw light on the past of mankind is important. If that evidence meets the criteria set out in paragraph 2, then it is an element of the archaeological heritage. There are three criteria: first, there must be something in evidence, a trace, which can throw light on past human existence; second, that something must be capable of enhancing our knowledge of the history of mankind and its relation with the natural environment; thirdly, it must be something that is mainly ascertained through investigation of an archaeological nature or daily life. Paragraph 3 gives examples of the type of things included in the archaeological heritage. It must be stressed that this list is not exhaustive, but illustrative only.

The list moreover covers a wide range of elements, including for instance burial sites as well as urban walls.

The paragraph also emphasises that the context in which these things are found is as important as part of the archaeological heritage. The things themselves must not be removed from their context often lose their entire scientific value. Moreover, in archaeological investigation traces are often as important as objects and the definition. For example, all that is left of a wooden structure may be a discreet indicator. In this sense, the archaeological investigator can learn much information from this. The precise nature of archaeological investigation is not spelled out in the revised Convention. One should be surveys and there are various non-destructive techniques and sampling processes available before proceeding to excavation.

The list of elements set out in paragraph 5 states that these archaeological elements are either situated on land or under water. This must be qualified by stating that it is not just objects that are important, as the "Council of Monuments and Sites" paragraph states. At least one element from past human existence must be located within the area of a State's jurisdiction for the revised Convention to apply. The paragraph further stating what is inherent in any international convention. Here, it emphasises that the actual area of State jurisdiction determines the extent of the protection of the archaeological heritage.

The paragraph recognises that there are many possibilities. Territorially, the area can be considerably smaller than the area of the country, or may even be contiguous by the sea. The conventions both to the continental shelf, the exclusive economic zone or a cultural protection zone. Among the members of the Council of Europe only a few States restrict their jurisdiction over shipwrecks, for example, to the territorial sea, while others extend it to their continental shelf. The revised Convention recognises these differences without indicating a preference for one or the other.

Article 2

The primary requirement of this article is that States shall ensure that absolutely nothing is done to impair the protection of the heritage. All States members of the Council of Europe do in fact have systems of some sort in place, although there are considerable variations in both the nature and extent of the protection afforded. The article also sets out certain provisions that should appear in this legislation. The first is a double provision requiring the use of an inventory recording the archaeological heritage and, in conjunction with Article 4, sub-paragraph i, requires States to the revised Convention to provide scientific evidence. Excavations made solely for the purpose of finding precious metals or objects with a market value should never be allowed. Article 3 grants States permission to proceed to excavation, but only under very strict conditions. The provision has nothing to do with ownership. The finder of a chance discovery must report it to the named authorities. The provision has nothing to do with ownership. Any excavation must be subjected to severe scrutiny in the light of scientific objectives. The finder of a chance discovery must report it to the named authorities. The provision has nothing to do with ownership. All finders are required to do is make the discovery known in the prescribed manner and make it available for examination.

This would then allow the find to be recorded in the inventory already mentioned and its scientific value to be examined. If the inventory already mentioned and its scientific value to be examined. If the inventory has been found, the information about the find must be recorded in the inventory. Further, the inventory must be available for the benefit of the archaeological heritage. The revised Convention requires States party to the revised Convention to provide scientific evidence. Excavations made solely for the purpose of finding precious metals or objects with a market value should never be allowed. Article 3 grants States permission to proceed to excavation, but only under very strict conditions. The provision has nothing to do with ownership. The finder of a chance discovery must report it to the named authorities. The provision has nothing to do with ownership. Any excavation must be subjected to severe scrutiny in the light of scientific objectives. The finder of a chance discovery must report it to the named authorities. The provision has nothing to do with ownership. All finders are required to do is make the discovery known in the prescribed manner and make it available for examination.

The first is a double provision requiring the use of an inventory recording the archaeological heritage and, in addition, the designation of protected monuments and areas. Both are essential elements of the planning process, as they enable projects to take the archaeological heritage into account. The inventory has much to recommend it. Once objects have been found, their inclusion in an inventory is an important means of preserving their true value, and it gives the precise condition of the object to be monitored or desired. In the event of the object being damaged, it allows the physical condition of the object to be recorded and facilitated recovery. The designation of protected monuments and areas is useful when one does not know the exact situation. The inventory is the most valuable asset of a State, however, may only require mandatory reporting of finds of precious materials or on already lined sites.

Article 3

Article 3, paragraph 1, requires States to the revised Convention to provide scientific evidence. The conduct of archaeological activities, whether on public or private land. World-wide it is common for States to require a person intending to engage in such activities to obtain a permit. The permit contains various conditions controlling the activities envisaged. In the case of this Convention it is sought to limit any damage to the archaeological heritage. The revised Convention provides scientific evidence. Excavations made solely for the purpose of finding precious metals or objects with a market value should never be allowed. Article 3 grants States permission to proceed to excavation, but only under very strict conditions. The provision has nothing to do with ownership. The finder of a chance discovery must report it to the named authorities. The provision has nothing to do with ownership. Any excavation must be subjected to severe scrutiny in the light of scientific objectives. The finder of a chance discovery must report it to the named authorities. The provision has nothing to do with ownership. All finders are required to do is make the discovery known in the prescribed manner and make it available for examination.

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Archaeological reserves are areas of land subject to certain restrictions in order to preserve the archaeological heritage contained within the borders. The UNESCO Recommendation concerning the Preservation of Cultural Property endangered by Total Destruction, agreed upon in 1956 provides that (Article 24.3) "Archaeological reserves should be zoned and, if necessary, immovable property purchased, to permit thorough excavation or the preserving of the ruins found at the site". Article 2 of the revised Convention is aimed at preserving the heritage in order that it is not possible to be available for later generations. It should be read in conjunction with Article 4, sub-paragraph i. The creation of reserves is not the only means of preservation. Normally, it means that operations which disturb the soil cannot proceed without the prior consent of the appropriate authorities. Any excavation must be subjected to severe scrutiny in the light of scientific objectives. The finder of a chance discovery must report it to the named authorities. The provision has nothing to do with ownership. All finders are required to do is make the discovery known in the prescribed manner and make it available for examination.
Article 4

Whereas Articles 2 and 3, paragraph 1, deal with the setting up of legal and administrative systems to enable the establishment of archaeological reserves as well as the conservation and management of reserves and objects, Article 4 imposes on States the obligation to actually take the physical measures necessary to ensure the qualifying phrase “as circumstances demand” is used, this article obliges States to allocate resources, both physical and human, to the tasks specified. States are required to ensure that public authorities are aware of the desirability of raising archaeological archetypal character of those sites and their surroundings. Whatever arrangements are adopted for public access, they have to take account of that character.

Constructions should not be obtrusive on the landscape nor alter the physical conditions of the site, as by changing water runoff, wind patterns, sunlight dispersion, etc.

Article 5

This article deals with the provision of financial support for archaeological activities and research. This article specifies that excavation should be carried out in conjunction with Article 4.

The necessity of having up-to-date surveys, inventories and maps of archaeological sites, as required by Article 7, has already been illustrated under Article 5. It is impossible to launch land preventive administration. Excavation of an archaeological site implies, as the Icomos Charter states “the necessity of making a selection of evidence to be documented and preserved at the cost of losing other information and possibly even the total destruction of the monument”. The site can never be put back together in its totality. As excavation should only be for a scientific purpose, there is then an obligation on the part of the developer to disseminate the information obtained from the excavation.

The distribution of information is also crucial to achieving other objectives stated in this Convention, for example, public education under Article 15.

Normally, the information is made available through publication of results. This may not take place till long after the archaeological operation itself is over. As there are many specialists whose work has to be co-ordinated and whose combined findings have to be analysed. The article recommends that States should require States to take “all practical measures” to ensure the publication of, firstly, a tentative synthesis, or preliminary report, of the archaeological operation, and, secondly, a final, comprehensive study. The first would reveal what was
determined during the operation, the second would be a comparative analysis of the results of the operation.

Article 8

This article deals with the dissemination of information resulting from work on the archaeological heritage. The first paragraph states that freedom of access to essential elements of the archaeological heritage which States are obliged to facilitate. It may be essential for many purposes. Objects are used to trace human prehistory and to understand the evolution of cultures.

For this reason, exchanges between archaeologists and historians and information about scientific research are thus essential to the science of archaeology. It is up to States to ensure that all are placed in the way of exchanges, whether national or international. States, under this article, are also required to work positively to establish a climate conducive to exchanges by, for example, establishing bilateral arrangements and procedures facilitating the process.

The second aspect of dissemination is on the part of States to promote the pooling of information on archaeological research and excavations in progress. Discoveries in one State will often be relevant to research in other States. Similarly, the requirement of Article 8, paragraph i – the organisation of international programmes - will facilitate an integrated approach to the problems of States, and of the general public, to the protection of the archaeological heritage. For example, certain caves containing prehistoric rock art have been found in recent years, and it is clear that humidity level and causes bacterial growth leading to decay of the paintings. Where access has to be denied, alternative methods of presenting the site should be investigated by, for example, full-scale replicas or interpretative displays.

Article 10

This article contains a number of obligations that States, on becoming Parties to the revised Convention, would undertake in order to prevent the illicit removal of elements of the archaeological heritage. The article indicates that by "illicit circulation", in this context, is meant dealing in objects coming from illicit excavations or unlawfully from official excavations. The former are excavations which have not been authorised in accordance with the procedures required to be put in place under Article 8, paragraph i: official excavations are those which are conducted by a government or governmental authority, or by an institution established and the creations of past civilisations brought to light. They are as they are. It is through this work that history is interpreted, minimised or expanded any such interpretation of the past. The second paragraph of Article 12 deals with desirable expansion of exchanges of persons in the various occupations and trades involved in the conservation of the archaeological heritage. It refers specifically to those responsible for training in the various occupational sectors. This has been emphasised in the Icomos Charter: "High academic standards in all cultural fields should be an important objective and aim of training institutions which have not adopted a policy on this matter to reconsider their stand."

During the drafting stage of the revised Convention, certain delegates noted that, in practice, it could arise that museums acquired unlawfully excavated objects in order to prevent them from destruction. It was also accepted that the article, as contained in Article 10, would not be applied proactively.

Article 11

The basic legal and practical problems involved in preventing unlawful trade in objects of the cultural heritage are closely related to the scope of a convention dealing basically with treatments of sites and archaeological investigation. Consequently, the Convention, in Article 11, states that nothing in this Convention is intended to be restricted by co-operation between States in informing each other of what is occurring and notifying when a suspect object appears on the market. Against this background, Article 10 requires States to arrange for pooling of information on illicit excavations.
Summary Ruimte voor archeologie

The Dutch soil is an irreplaceable chamber of the past. It contains the remains of widely different epochs from prehistoric settlements and grave fields to Roman bath houses and medieval churches. There are also important maritime archaeological remains, submerged or on (what is now) dry land. All these material remains form a direct link with the Dutch past and enable us to learn more about how the Netherlands developed, and how its people lived in the past.

The primary goal of archaeological heritage management is the preservation and protection of archaeological heritage in situ, as a unique and irreplaceable document of the past. Protection is necessary because landscape interventions as well as natural processes continuously threaten the soil archive. In 1992 the Netherlands as a member state of the Council of Europe signed the Malta Convention, which aims to improve the protection of subsurface heritage by its preservation in situ, by integration of the soil archive into spatial planning processes at an early stage, and by introducing the principle that those who initiate any disturbance of the subsoil will be held accountable for the costs of any ensuing archaeological research.

In September 2007 the Malta Convention was formally implemented in the Netherlands when parliament approved a new Archaeological Heritage Management Act (Wet op de archeologische monumentenzorg, or Wamz). This new act followed the Malta Convention in that it stipulated that archaeological heritage management should be an integral part of the spatial planning process, and that the ‘disturber’ would be held accountable for the costs. The Wamz is not based on European regulations, nor does it include any quantitative guidelines.

The Dutch Ministry of Education, Culture and Science commissioned RIGO Research en Advies to carry out an evaluation during the first six months of 2011. The main research question was to be whether or not the Wet op de archeologische monumentenzorg (Wamz) and its associated secondary legislation Besluit archeologische monumentenzorg (Bamz) were effectively and efficiently improving the protection of archaeological heritage.

1 Introduction

In 1992 the Netherlands signed the Malta Convention. The principles outlined in this convention were further developed in the new Dutch archaeology legislation, the Wet op de archeologische monumentenzorg (Wamz), which took effect on September 1, 2007. The Wamz stipulates, among much else, that the interests of archaeological heritage must be considered on a par with others in spatial planning procedures, and that the initiator of a disturbance of the soil archive is financially responsible. The Wamz also stipulates that it will be evaluated four years after it has taken effect.

The drafting of the Malta Convention was initialized by the Council of Europe in order to protect the European archaeological heritage against imminent threats such as large-scale landscape interventions, gradual processes
of natural degradation and clandestine excavations. The Netherlands were amongst the first nations to sign the convention.

The Maltese Convention was implemented as part of the new archaeological legislation ‘Wet op de Archeologische Monumentenzorg’. In the first phase of this legislation (1982–1992), which in agreement with the Convention made it an integral element of spatial planning procedures by stipulating that these should take archaeological heritage into account. Primary goal was ‘to be in situ preservation. Other options were additional protective measures, or excavation (preservation ‘ex situ’). Archaeological excavation used to be the exclusive prerogative of the national government, local councils and sometimes private individuals. The role of private archaeological companies in the national government’s role has now become more significant, albeit facilitated within appropriate legislative frameworks. Archaeological excavation is now one of maintaining an efficient and adequate system of quality management and a reliable and accessible information system. Such a system enables those who use the soil to be suitably informed beforehand of the location and character of any valuable archaeological remains, and to incorporate this information into their plans. The Dutch Ministry of Education, Culture and Science commissioned RIGO Research en Advies to carry out an evaluation in 1996 of the effects of the Maltese Convention. The evaluation was carried out by the former State Service for Archaeological Research, ROB (water management), Rijksdienst voor het Oudheidkundig Monumentschap (railway company), where archaeological research led to the creation of a national computerized system of quality management and a reliable and accessible information system. Such a system enables those who use the soil to be suitably informed beforehand of the location and character of any valuable archaeological remains, and to incorporate this information into their plans. The Dutch Ministry of Education, Culture and Science commissioned RIGO Research en Advies to carry out an evaluation in 1996 of the effects of the Maltese Convention. The evaluation was carried out by the former State Service for Archaeological Research.

Reading Instructions

The evaluation results of each of the four themes have been reported in four separate publications, each of which contains an explanation of the followed procedures. The last chapter will discuss in general terms the policy instruments applied in the Netherlands, while the final chapter contains the main conclusions and recommendations arising from the evaluation. Finally, an appendix gives an overview of the evaluation results in order of the pledges made by various members of government with regard to the evaluation.

The archaeology sector in the Netherlands

Every nation can attune its implementation of the Maltese Convention to its own internal situation, with regard to issues such as balancing archaeological interests and spatial planning (Article 5), the ‘disturb’ or ‘financial responsibility for any necessary archaeological research (Article 6), or communication with the general public (Article 9). The Netherlands also modified its archaeology sector in accordance with the general principles formulated in the Maltese Convention. The new Archaeological Heritage Management Act (Wamz), which took effect in 2007, in fact confirmed what was already common practice at the provincial level. In cooperation with the former State Service for Archaeological Research the provinces began to develop Archaeological Monument Maps (AMM). While the old spatial planning act (Wij) was still in effect provinces assessed local zoning regulations for their impact on archaeology. In the same period the foundations for archaeology as a commercial industry were laid. Private companies were allowed to carry out archaeological studies and legal excavations; the award and employment in the archaeology sector increased dramatically. In 2009, on account of the commoditization a system of quality management was developed. Finally, the Act of 2007 formalized the regulated free market that had developed.

The next chapter will present some primary data on the development of the archaeology sector. A thorough comparison with the situation in other countries is still lacking, but could throw these data into sharper relief.

Administrative organisation

The Netherlands have selected a system in which the responsibilities of municipalities, provinces and the national government are complementary.

• At the national level, the State supplies the expertise and implements the regulations for commercialization permits for archaeological national monuments.

• At the provincial level, the provincial authorities incorporate the archaeological policies, and they commission cultural-historical sensitivity maps and manage deposits of archaeological finds, which they also own. They also support the responsibilities in the local implementation of archaeology policies.
• At the local level, the municipalities have an obligation to act responsibly with regard to archaeology when drafting local policies and imposing conditions on a permit. Municipalities also frequently commission archaeological research, and in some cases have their own excavation licence and/or depot.

Spatial planning

The Wamz stipulates that the interests of archaeological heritage should form a standard element in the drafting of planning policies. The Wamz formalized the position of archaeology in the National Monuments Acts (MvWF), the Spatial Planning Act (Bep), the Earth Removal Act (Ow), the Environmental Management Act (Wm) and the Housing Act (Ww).

The Wamz makes municipalities responsible for the care of archaeological heritage. There are questions to regard the interests of archaeological heritage – potential and actual – in their zoning regulations and project plans, and also when issuing demolition, construction or building permits (nowadays area permits). The local council is authorized to make permits conditional on the applicant’s fulfilment of an obligation to present a report detailing the archaeological value of the area that is to be disturbed. On the basis of that report the council will decide how the project should accommodate archaeology – preservation in situ, no restrictions, excavation, or archaeological supervision. In certain cases the provinces (earth removal permits, Environmental Impact Assessment (MvWF) procedures) or the national government (national monuments and parts of the Dutch territorial waters), not the local councils, are the proper authorities. Although on paper there is no room for ambiguity, in reality there is often uncertainty as to who are the proper authorities, the responsible party. This problem needs to be addressed in the future. Finally, the Wamz enables provinces to designate ‘archaeologische attestgebieden’ (zones of potential archaeological interest).

All provinces and some municipalities have drafted cultural-historical sensitivity maps.

Financial framework

A project initiator’s financial responsibility includes the costs of any necessary preliminary research as well as those of eventual excavation, protective measures and/or processing, analysis and publication of the results. In short, the costs of all legal obligations pertaining to archaeology, including the conservation of any finds, must be covered by the ‘disturber’, a principle which since the Malta Convention was signed in 1992 has been adhered to in the agreements with Prorail and Rijkswaterstaat, among others.

In other words, the Dutch government chose a system in which funding is directly project-based over other possible solutions, such as a general levy. Direct, project-based funding may in certain cases lead to excessive archaeology-related costs. To compensate for these costs the state has since 1999 made extra funds available, culminating in 2006 in the Regulation Specific Support Excessive Excavation Costs (Regeling specifieke uitkering excessive opgravingskosten) which became effective until January 1, 2008. After January 2008 the Compensation Measure Excessive Excavation Costs which preceded from the Secondary Legislation Archaeological Heritage Management (Staatsblad archelogische monumenten- of DAA) took effect.

Primary data on this theme

• The Monitor van de Erfgoedinpectie (Heritage Inspection Monitor) reveals that in 2010 47% of all municipalities had an archaeology policy in place.

• In 2010, 37% of these municipalities stated that this policy had been adopted in 2009, while 15% stated that this would happen in 2010.

• The ratio of preservation in situ : preservation ex situ for sites of high archaeological value for the past four years is estimated at 20 : 80.

• 87% of all municipalities have incorporated archaeology into their recent zoning regulations.

• Archaeology is a constant element in all Environmental Impact Assessment (MvWF) procedures.

• None of the provinces currently avail themselves of the option to designate ‘archeologische attestgebieden’ (zones of potential archaeological interest).

• All provinces and some municipalities have drafted cultural-historical sensitivity maps.

The industry and quality management

In 2002 the development of a Dutch Archaeology Quality Standard (nowoa) was introduced. It is being used to formulate content-based questions for archaeological research.

• The development of a Dutch Archaeology Quality Standard (NOW) began in 2001 and still continues. It is one of the cornerstones of a quality management system for archaeological research in the Netherlands.

• The State employs fewer archaeologists: while in 1995 over 200 archaeologists were state-employed, today fewer than 50 archaeologists are.

• A reverse trend can be observed in municipalities: while in 1991 municipalities employed 41 professionals, in 2008 this number had increased to 247.

• The provincial archaeological capacity is ca. 20 FTE. In the Netherlands over 1000 individuals are at present professionally employed in archaeology.

Archaeological infrastructure

The State is responsible for the creation and maintenance of a reliable and accessible information system to enable those involved in activities affecting the soil archive to know in advance where and to what extent valuable archaeological remains can be expected, and to take them into account.

The responsibilities of the Cultural Heritage Agency include operating as a national expertise center, taking part and advising in research projects, collecting and providing information and keeping the (indicative) Archaeological Monument Maps up to date. A digital information system, ARCHIS, has existed since 1992. Archaeological Monument development and implementation (administrative costs), while the remaining 80 to 90 million are spent on implementation.

• The annual turnover (revenue) of private companies and municipalities with an excavation licence in 2009 amounted to 70 million euro. These are costs covered by the (public and private) ‘disturbers’.

• The general principle ‘the disturber pays’ enjoys wide support among the major ‘disturbers’.

• Some municipalities lack a regulation to compensate for excessive costs.

• During the period 2007-2009 the average number of registered excavations per year was 200. On average three of them involved compensation payments for excessive costs.

The industry has adopted the following quality management tools:

1. The development of a Dutch Archaeology Quality Standard (DVA) began in 2001 and still continues. It is one of the cornerstones of a quality management system for archaeological research in the Netherlands.

2. Registration of qualified professionals was initiated, but cancelled again in 2010.

3. In 2006 the National Archaeological Research Programme (NoOA) was introduced. It is being used to formulate content-based questions for archaeological research.

4. Excavation firms can on a voluntary basis apply for certification, but few of them have done so. The State monitors the archaeology sector. In the past this was done by the State Inspectorate for Archaeology (Rijksinspectie Archeologie), while an Archaeological Quality Board, installed by the Minister, formulated a quality standard. The current Heritage Inspectorate monitors the fulfilment of legal requirements with regard to archaeological monuments, excavations and finds, while the Cultural Heritage Agency (Cultural Heritage Agency) uphold the law on behalf of the Minister by issuing excavation licences, or cancelling them when relevant.

Primary data on this theme

• During the past few years extended tasks have been transferred from authorities to private parties.

• In 2004 total employment in the archaeology industry was estimated at 584 FTE (ca. 468 individuals).

• Since then employment in the private sector has risen to 745 individuals, 15% of whom are employed in an advisory capacity.

• The maximum capacity for synthesizing research is 10 FTE (total FTE 44), which significantly lags behind the increased capacity of the archaeology sector as a whole.

• The State employs fewer archaeologists: while in 1995 over 200 archaeologists were state-employed, today fewer than 50 archaeologists are.

• A reverse trend can be observed in municipalities: while in 1991 municipalities employed 41 professionals, in 2008 this number had increased to 247.

• The provincial archaeological capacity is ca. 20 FTE.

• In the Netherlands over 1000 individuals are at present professionally employed in archaeology.

All provinces and some municipalities have drafted cultural-historical sensitivity maps.
Maps have been available since 1994, and Archaeological Sensitivity Maps since 1997. The Monuments and Archaeological Sites Act stipulates that start and completion of all ongoing archaeological research projects must be registered in ARCHIS. The province is also required to submit a standard report to the Cultural Heritage Agency within two years of the completion of the project. The archaeological infrastructure further includes archaeological data maintained by the state, the provinces and some of the municipalities. These ‘public owners’ have an obligation to keep and preserve both the finds and the documentation in a responsible manner whilst keeping them accessible.

Primary data on this theme

• In 2002 the national archaeological database ARCHIS contained 58,313 reports of archaeological phenomena in the Netherlands. By 2011 this had increased to ca. 80,000 reports of archaeological finds and 13,000 registered zones of archaeological interest, 1400 of which were national monuments.

• The provinces Groningen, Drente and Friesland share one depot while the other provinces each have their own. There are also 30 municipal depots.

Conclusions and recommendations

The preservation of archaeological heritage serves both a social and a scientific purpose, as stated in the first article of the Malta Convention. In the Netherlands these are formalized in the Wamz and the Bamz. What conclusions may be drawn after the first four years? Do the Wamz and the Bamz contribute effectively and efficiently to the spatial planning process? What conclusions may be drawn after the first four years? Do the Wamz and the Bamz contribute effectively and efficiently to the spatial planning process?

The Wamz and the Bamz reflect an explicit choice to include archaeology in the formal set of spatial planning tools. The provinces have the option to designate ‘archeologische attentiegebieden’ (archaeology protection areas). For zones with a very high change of valuable archaeological assets, the provinces may consider that a considerable number of municipalities have not yet developed an archaeology policy. The framework suggests that there is still room for improvement.

Protection in situ or other accommodative measures are not always implemented, often preservation ex situ is preferred. There are several reasons for this. Firstly, archaeology is not the only element in a decision; whether or not to proceed with earth removal activities. The environment, infrastructure and landscape values are also being considered. Secondly, legislation in the Netherlands stipulates that areas below a certain size that are exempt from the usual restrictions and procedures of zoning regulations or earth-removal regulations. Thus, areas smaller than 100m² are exempt and larger plots can be provided, if there is sufficient reason to do so. It is important to keep in mind that spatial planning procedures all include the option to select alternative project locations.

Recommendations

Much progress has been made in the last few years in embedding archaeology in spatial planning processes. The new Wro and the Wamz have introduced changes in these procedures, including an obligation to safeguard the interests of archaeology. For new and revised plans increasingly consider the interests of archaeology. The following recommendations suggest ways to speed up and improve this process:

• Not all municipalities have yet developed or are using an archaeology policy, sensitivity maps and policy maps, although the number of municipalities that do have forms of archaeology policy grows every year. Additional measures are therefore not urgently required.

• The provinces and their associated institutional frameworks of their architectural policies. This facilitates the supporting and recommending them to be continued in the near future. Encouraging municipalities to develop archaeology policies largely rests with the municipalities. An additional institutional framework is therefore essential to remedy any lack of local expertise. Several programmes to achieve an important part in the development of these policies, and archaeology ought to be another element in the decision process regarding the location of building activities.

Spatial planning instruments focus mainly on earth removal activities in connection with construction projects, which are somewhat limited because they are only suitable to prevent gradual degradation. Furthermore, the law only permits the exemption of areas below a certain size that are exempt from the usual restrictions and procedures of zoning regulations or earth-removal regulations. Thus, areas smaller than 100m² are exempt and larger plots can be provided, if there is sufficient reason to do so. It is important to keep in mind that spatial planning procedures all include the option to select alternative project locations.

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this are already in place, initiated by the Cultural Heritage Agency (RCE), the Dutch Municipalities Association (VNG) and the Assembly of Municipal Archaeologists (Covent van Gemeentearcheologen). It is advisable that these programmes be continued.

- Policies with regard to inter-municipal archaeology require specific attention. In some cases there is uncertainty as to who is/are the proper authority or authorities: the province, or the (jointly operating) municipalities.
- Furthermore, a shared information desk (i.e. website) should be developed to provide municipalities with up to date information in relation to archaeology: models of plans, jurisprudence, and the practical consequences of any alterations of the law. It would be particularly helpful if information on protective measures with regard to the soil archive were available in situations where no project plans or concrete soil disturbance are involved.

Financial framework

The expansion of the archaeology sector was made possible by the implementation of the principle ‘the disturber pays’. This could potentially have been achieved in several ways: however, the Netherlands have opted for a system of strictly project-based funding. In combination with the relatively low exemption limit, this has the disadvantage that (small) project initiators – and thereby indirectly the final users of the completed project – may be facing excessively high costs. At the time this option was preferred because it was thought to stimulate preservation in situ. This has not been the case, however, and the fairness of the system is affected by it.

One of the main points of critique aimed at the current financial system is that it takes neither the project initiator’s financial capacity nor the nature of the disturbance into account. Smaller project initiators in particular are therefore often confronted with exceptionally high costs. Larger project initiators tend to be better equipped to cope with the problem, not only because their financial capacity is usually greater but also because they can often settle the necessary investments through the project revenue. This sense of injustice with regard to the distribution of the costs is compounded by two factors:

- although project initiators are required to pay, in many of the project stages they have no say; and
- the costs for which the ‘disturber’ is accountable have been defined in very broad terms: they cover everything from legal fees and preliminary investigations to excavation and storage. While individual ‘disturbers’ thus fund the entire project, they hardly profit from it. The possibility that this problem might arise was discounted for when the principle ‘the disturber pays’ was first being elaborated. It is the reason why the idea of exclusively project-based funding was to be accompanied by compensation measures for excessive costs. However, precisely this component of the current system functions inadequately. The national compensation measures are little known and poorly accessible, and their future is uncertain. Municipalities and provinces often lack them altogether, and the existing ones vary widely, leading to great uncertainty among project initiators as to what to expect, while in many cases they are expected to pay in advance. The law stipulates that the amount of compensation private individuals are entitled to should be determined in court. For small project initiators, however, such a procedure is completely out of proportion, while larger project initiators often depend on good relations with the involved municipalities and provinces at the project planning stages, and fear that legal procedures may disrupt these relations.

The current system greatly stimulates archaeological field research, which leads to higher costs. If the relevancy of all field research were beyond doubt this would be money well spent (distribution issues aside). It has been stated on several occasions, however, that although most field research is useful, some of it is not. Furthermore, the barrage of field research projects has not led to synthesizing studies which might increase our knowledge or lead to more detailed sensitivity maps. In theory, an increase in detail and reliability might in time reduce the need for further field research – thereby lowering the costs – since areas of potentially high archaeological value could be avoided, while field research could be dispensed with in areas of very low expected value. As was mentioned before, however, this is not (yet) the case. Although this approach is increasingly efficient, there are as yet no indications that the current system leads to cost reduction, or that it stimulates innovation. In fact, because all funding is strictly project-based there is hardly a budget for other types of research or related activities.

- it is advisable that municipalities and provinces introduce improved, transparent and uniform compensation measures for excessive costs which account for the diversity of project initiators in terms of financial capacity and type. Possibly the State should stand surety to a greater extent than it does at present.
- Archaeological field research must result in greater knowledge and more detailed sensitivity maps. This is essential if the present system is to be sustained in the long term and in order to keep the costs under control. It requires a collective and sustained effort by funding bodies (practical experience), the scientific community (synthesizing research, improved modelling) and authorities (integration of new knowledge into the Dutch Formal Requirements for parties for the sensitivity maps and for any compensation measures for excessive costs). Moreover, the Netherlands have opted for a system of strictly project-based funding. In combination with the relatively low exemption limit, this has the disadvantage that (small) project initiators – and thereby indirectly the final users of the completed project – may be facing excessively high costs. At the time this option was preferred because it was thought to stimulate preservation in situ. This has not been the case, however, and the fairness of the system is affected by it.

The implementation of these modifications is urgent. At present project initiators still largely support the principle ‘the disturber pays’, in part because they can recharge the costs to the final users through the project revenue. As the current economic recession makes this a less viable option project initiators might become less willing to comply.

Industry and quality management

The clients in this industry are mainly government institutions, while private individuals operate as clients particularly in small-scale projects. In both categories however, the archaeological industry in several respects falls short.

- On the supply side the archaeological industry is highly diverse, with a mix of public and private suppliers. Besides the Cultural Heritage Agency there are 37 private companies, 24 municipalities and 5 universities with an excavation licence. In addition there are archaeological advisors, who, at present are not bound to any quality standard.
- Archaeologists in public service and those in private companies have opposite interests. The fact that municipalities can operate both as clients and as suppliers demands a sensitive approach, and all parties involved agree that it is important to separate these roles and obligations, as is done in for example the municipality of The Hague. The diversity of interests among the suppliers is illustrated by the fact that several business interest organisations exist side by side, and that attempts to develop a shared professional register have so far been unsuccessful.
The Wamz intended to combine a licensing system with a self-regulating quality management system. The licensing system would regulate who would be qualified to carry out excavations, and what standards archaeological activities, or at least the licensees themselves should conform to.

The parties concerned would largely be responsible for themselves and would also be involved in the implementation of the archaeological research, and there were to be three tools to achieve this:

1. a widely accepted standard for archaeological products and processes,
2. a system of certification for excavating organisations,
3. a professional register for all individuals employed in the archaeology sector, which would record their education, training, and professional qualifications.

Of these three quality management tools only one, the quality standard for archaeological products and processes, has been developed. This Dutch Archaeology Quality Standard (KNA) is widely accepted and regularly updated.

It applies specifically to archaeological field research. Often the quality of these forms of policy support is not guaranteed because of the absence of a certification system. The lack of a professional register to monitor the qualifications of persons employed in the archaeology sector is a major problem. For instance, the Cultural Heritage Agencies (KNA) have expressed concern about the follow-up of excavation. There is as yet little awareness of the steps that supervision and intervention in the archaeology sector have become exclusively the responsibility of the individual companies.

As internal quality regulation by the industry itself is an important one, and it is advisable to coordinate the criteria for entry into the register with those currently in existence. In the context of processing licence applications, it is advisable to make certification of licensed companies and institutions mandatory. Systematic and regular quality checks are in the interest of the industry as a whole and of the individual companies. Certification should be based on the assessment standard (KNA) contained in the KNA. Licensing authorities could stimulate certification by using less stringent criteria for certified companies and by making certification financially attractive (legal fees).

The role of the KNA Archeologie with regard to the content of the quality management is an important one, and it is advisable to strengthen its position, as it represents all parties.

Archaeological infrastructure

The archaeological infrastructure (registration, storage, and scientific analysis, communication with the general public) has become more robust, but attention has largely been focused on the follow-up of excavation. There is as yet little expertise or infrastructure with regard to preservation in situ.

Adéquate documentation of archaeological data has become a necessary pre condition to make archaeological heritage an integral element of spatial planning procedures. Supplying field research data for entry into the Central Archaeological Database (ARCHIS) is mandatory. This information is used to prepare advice on the selection of projects, for the construction of new buildings, the registration of a heritage inventory, sensitivity maps and monument maps. The archaeological field research data is one of the conditions of an excavation permit. However, a registration of archaeological research results in itself provides no incentive for research or advice. Funding or regulations for archaeological companies make use of the tax system or a permanent framework to stimulate certification. A weakness of the database is the eyes of some users, however, is the variability in the quality of the database. It is felt to be not very user-friendly. The data suppliers currently do not regard reporting their results as a legal obligation but make little use themselves of the recorded data. Reporting archaeological finds seems to be a more administrative activity, over which the database manager has little control.

Certification or registration obligatory. The KNA specification that primary research data should be digitally stored in the so-called e-depot is being implemented, and companies are able to be satisfied to a certain extent, but they still need to be made aware of the importance of the data. Each national initiative, but much still needs to be done. More or less systematic and formalized in a public professional register, which records the education, training, and formal qualifications, and the client-supplier relation may be harmonized by a lack of expertise and experience in the latter.

The status of archaeological professionals should be formalized in a public professional register, which records the professional qualifications of persons involved in the field of professional expertise-led production, such as the erfgoedleveranciers (a set of criteria and instruments to register archaeologists, experts in the field of underwater archaeological heritage, sensitivity maps and monument maps. The archaeological field research is one of the conditions of an excavation permit. However, a registration of archaeological research results in itself provides no incentive for research or advice. Funding or regulations for archaeological companies make use of the tax system or a permanent framework to stimulate certification. A weakness of the database is the eyes of some users, however, is the variability in the quality of the database. It is felt to be not very user-friendly. The data suppliers currently do not regard reporting their results as a legal obligation but make little use themselves of the recorded data. Reporting archaeological finds seems to be a more administrative activity, over which the database manager has little control.

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Summary

The primary question addressed by the evaluation is: Do the Wamz and the Ramz effectively contribute to the improvement of the protection of archaeological heritage as a source of collective memory and as a basis for historical and scientific studies, as the Malta Convention intended?

Secondary questions:
1) Is the protection of archaeological heritage sufficiently guaranteed and does it aim for preservation and preservation in situ?
2) Is the present funding system of archaeological heritage management effective and efficient?
3) Has self-regulation through free competition improved the quality of the research?
4) Is the archaeological information infrastructure properly equipped to fulfill its task?

The archaeological information infrastructure still centres around the collection of data and objects derived from excavation, but is ill-equipped to access data on the soil archive itself. Also, the gradual degradation of the soil archive is (too) little attention. In the recent past some programmes to stimulate synthesizing research have been successfully implemented, but funding for them is always temporary and relying on existing public interest for archaeology is still rare.

Final conclusion

As a result of the recent changes in the archaeology sector, archaeological heritage that in the old situation would have been destroyed has been excavated or preserved in situ. In the past four years this has amounted to ca. 200 registered excavations on average per year, against only a few dozen until the 1980s. Clearly archaeological activity has intensified and the field has become professionalized. The guidelines formulated by the Wamz with regard to a sources collective archaeological activities and registration, conservation and depot exchange of finds are being observed.

In the spirit of Malta the main purpose of integrating archaeology into the spatial planning process is preservation in situ, as this leaves open the possibility of future archaeological research using new questions and research designs.

Landscape modifications take archaeology into account, but do not need to more archaeologically valuable sites being preserved, both below and above ground. Preservation, however, is not the ultimate goal. Archaeological information is necessary for the protection of the soil archive. Whether these funds are being used efficiently for archaeology is still rare.

As a result of the recent changes in the archaeology sector, archaeological heritage which in the old situation would have been destroyed has been excavated or preserved in situ. In the spirit of Malta the main purpose of integrating archaeology into the spatial planning process is preservation in situ, as this leaves open the possibility of future archaeological research using new questions and research designs.

Appendix

Pledges

Following the implementation of the Act several members of government, in consultation with parliament and the senate and responding to various advisory bodies, have formulated their expectations and made certain pledges with regard to the outcome of the announced evaluation.

1) That in the coming period the Cultural Heritage Regulator and the Ramz is to have increased cooperation to ensure the equality of opportunities and a broadening of the range of services is necessary to increase social and economic cohesion.

Outcome of the evaluation:

As a result of the recent changes in the archaeology sector, archaeological heritage which in the old situation would have been destroyed has been excavated or preserved in situ. In the spirit of Malta the main purpose of integrating archaeology into the spatial planning process is preservation in situ, as this leaves open the possibility of future archaeological research using new questions and research designs.

In some cases, as when municipalities combine a role as policy makers and as a source of information, there is a need for a source of information, as this leaves open the possibility of future archaeological research using new questions and research designs.

In the preceding period the Compensation Measure Excessive Costs has been used very little because of ignorance of
its existence, technical difficulties and the lack of such a provision in some municipalities and provinces, and the effect of the Compensation Measure in its present form on the archaeology policy of provinces and municipalities has been limited.

There are several causes:

1. The measure is little known.
2. Its constitutional nature.
3. The contents of the measure and its criteria are not clear.
4. Spatial planning policy in compliance with Malta is lacking at a local level, which has not yet been implemented, or because it is impossible to do so at the current stage of local development.
5. Access to the measure is limited (only municipalities and provinces are entitled to apply).
6. Local provisions for excessive costs are lacking (an application to that is a condition for being able to qualify for the Compensation Measure Excessive Costs).
7. The measure covers a limited area (it only applies in excavation situations).

This leads to the recommendation that there is need of an improved, more transparent and more accessible financial framework which includes costs for the protection of archaeological monuments. Further, the measure is insufficiently flexible.

In the interest of archaeological heritage management a municipalities must weigh the effect of the measure on their own decision-making. To that end the inspectorate must offer advice. The measure is not sufficiently flexible yet, which has lead to an insufficient framework and in the result a lack of use of the measure.

In the current situation, the measure is insufficiently used. The Inspectorate has received very few applications for the measure to date, which has lead to an insufficient framework for the measure.

Outcome of the Evaluation

The Heritage Inspectorate acknowledges the fact that the monitoring process still needs much to be desired, as the required element of the intended quality management system (company certification, a professional register) are still lacking at a local level (either because it has not yet been developed, or with provincial support for these municipalities they are quick to catch up on).

The decision to uphold Article 38a flows from the desire to make the integration process of archaeology into municipal zoning regulations a gradual one. Once the Wzms became effective zoning regulations could no longer be modified or adopted without taking archaeological heritage and archaeologically sensitive areas into account. A general obligation for all municipalities and provinces to render all zoning regulations ‘archaeology-friendly’ within a specified time limit would have created an unacceptable administrative and financial burden.

The decision to uphold Article 38a shows that municipalities and provinces increasingly consider the interests of archaeology when formulating new policies and with respect to the legal requirements of spatial planning, as was to be expected. The implementation process shows gradual progress.

(…) in hoeverre de toevallige financiële situatie van gemeente of provincie voor een foutief, maar rechtmatig voor-archeologie-thema rapport oplevert voor onevenwichtige kosten (Wetgeringsoverweeg Wamz 19-12-2006) [Summary: What is the effect of the financial situation of municipalities or provinces on their willingness to allow compensation for excessive costs?]

Provinces and municipalities have introduced various provisions to compensate project initiators for excessive costs. Some municipalities only have a financial framework in small ‘disturbers’, while other municipalities and provinces have not (yet) made any provisions for the Compensation Measure Excessive Costs. The measure has been used very little for reasons such as ignorance of its existence and technical difficulties. There seems to be no significant correlation with a municipality’s or province’s financial situation.

evaluation the Minister will include the question ‘Do the compensation measures and regulations in excess of European legislation.

The Dutch system of archaeological heritage management is not based on European legislation. There are no European quantitative guidelines, and therefore by definition no national laws and regulations which exceed those. The Netherlands signed the Malta Convention in 1990 as a member state of the Council of Europe. Signing the Convention was an implicit declaration of intent which each member state can develop in its own fashion. The Netherlands chose to make its municipalities primarily responsible for the local implementation of its archaeology policy. If the conditions posed by a municipality in the course of its incorporation of archaeology into planning and development turn out to be unfavourable and unrealistic in individual cases, the municipality may at its discretion offer to reconsider or even modify the conditions. This is what some municipalities have done. With respect to a possible cost reduction for the measure in the framework of an industry in connection with prescribed architectural research, the RIGO evaluation recommends:

‘It is advisable to use sensitivity maps which are as detailed as possible, and which require the provinces to provide the basis of the results of archaeological field research. Decisions with regard to the re-drafting of the regulatory framework for archaeological field research should be formally based on these maps, by including reference to them in municipal regulations or an umbrella zoning regulation. Ultimately this will likely lead to a reduction in the number of field research projects and associated costs.

2. The former ROB followed an active policy of monitoring zoning regulations regarding the extent to which they took archaeological heritage into account.

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Commissioned by Ministerie van OCW
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Achieving sustainable development

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

Introduction

1. The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.

3. This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.

4. This Framework should be read in conjunction with the Government’s planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.

5. This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant.

Achieving sustainable development

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defines sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable
Development Strategy Securing the Future set out five ‘guiding principles of sustainable development: living within the planet’s environmental limits, ensuring a strong, healthy and just society, achieving a sustainable economy, promoting good governance, and using sound science responsibly.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of the sustainable development in England means in practice for the planning system.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation, and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities that meet the aspirations of people and the needs of the community’s needs and support its health, social mobility and the community’s needs and support its health, social mobility and opportunities for all, including (but not limited to):
  - encouraging the use of renewable resources (for example, changing to low carbon energy), promoting energy efficiency, and reducing waste, pollution, and mitigate and adapt to climate change
  - encouraging the use of renewable resources, including conversion of existing buildings, and protecting and enhancing the countryside and supporting thriving rural communities

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment, and, as part of this, helping to improve biodiversity, use natural resources prudently, reduce waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth must be achieved in a way that enhances well-being; economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The presumption in favour of sustainable development

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

13. The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
  - specific policies in this Framework indicate development should be restricted.

For decision-taking this means:

- appraising development proposals that accord with the development plan without delay, and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
  - specific policies in this Framework taken as a whole indicate development should be restricted.

15. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

16. The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhood plans:

- develop plans that support the strategic development needs identified by the National Planning Policy Framework, including plans for housing and economic development;
- plan positively to support local development, shaping and directing development in their area that is outside the strategic intentions of the Local Plan, and
- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their communities, by connecting local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including historic buildings, existing infrastructure, and encourage the use of renewable resources (for example, by the development of renewable energy);
11. Consider and enhance the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:

• protecting and enhancing valued landscapes, geological conservation interests and soils,
• recognising the wider benefits of ecosystem services;
• minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks and safeguarding areas that are more resilient to current and future pressures;
• preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
• remediating and mitigating deprecated, degraded, derelict, contaminated and unstable land, where appropriate.

110. In preparing plans to meet development needs, the aim should be to minimise pollution and stress where relevant to the local and natural environment. Plans should allocate land with the least environmental or amenity impact for development, where consistent with other policies in this Framework.

111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) and any land that can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).

• conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
• actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be sustainable;
• take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

113. Local planning authorities should set criteria based on principles against which proposals for any development or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctive sites should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to the importance and the contribution that they make to wider ecological networks.

114. Local planning authorities should:
• set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure, and
• maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

115. Great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where they are administratively they are in the public interest. Consideration of such applications should include an assessment of:
• the need for the development, including in terms of any national context or amenity, and the impact of permitting it, or refusing it, upon the local economy;
• the cost, and of scope for, developing elsewhere outside the designated area, or meeting the need for it in some other, more appropriate and environmentally positive way;
• any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

117. To minimise impacts on biodiversity and geodiversity, planning policies should:
• plan for biodiversity at a landscape-scale across local authority boundaries;
• identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites, for biodiversity, wildlife corridors and stepping stones that connect and include areas identified by local partnerships for habitat restoration or creation,
• promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plans;
• aim to prevent harm to geological conservation interests; and
• where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas; and include an assessment of any adverse effects on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted, and where adverse effects on the site’s notified special interest features is likely, an exception should only be made where the site or the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the network of Sites of Special Scientific Interest;
• development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
• opportunities to incorporate biodiversity in and around developments should be encouraged;
• planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development, in that location clearly outweigh the loss; and
• the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites;
  - sites identified, or required, as compulsory measures for adverse effects on European sites protected under the Habitats Directive, or potential Special Protection Areas, or potential Special Areas of Conservation, or Ramsar sites.

119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, permitted or determined.

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that the new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential...
121. Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation,
- after remediation, as a minimum, land should not be suitable for being classified as contaminated land under Part IA of the Environmental Protection Act 1990, and
- adequate site investigation information, prepared by a competent person, is presented.

122. In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and that there is an appropriate control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some level of disturbance to the natural environment arising from that remediation; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

124. Planning policies should sustain compliance with and contribution towards EULC objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from local individual sources of pollution. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and natural conservation.

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets, most at risk through neglect, decay or other threats. In doing so, they should give due consideration to the potential of an irreplaceable resource and conserve them in a manner supportive of their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of heritage development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not demeaned through inappropriate designation. The level of detail should be proportionate to the significance of the area, and the available information. The desirability of bringing a site on which development is proposed into a conservation area should be comprehensively assessed and, where necessary, a field evaluation.

128. Local planning authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

129. Local planning authorities should identify and assess the significance of any heritage asset which has been designated as a Scheduled Monument, protected wreck site, battlefield, battle zone, listed building, park or garden and World Heritage Site. The significance of a scheduled monument, protected wreck site, battlefield, battle zone, listed building, park or garden and World Heritage Site should not be taken into account in any determination.

130. Where there is evidence of deliberate neglect of or damage to a heritage asset the determined state of the heritage asset should not be taken into account in any determination.

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Where there is evidence of deliberate neglect of or damage to a heritage asset the determined state of the heritage asset should not be taken into account in any determination.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should not permit loss of historic environment to the character of a place.

134. Local planning authorities should not permit loss of significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites to enhance or better realise their significance. Proposals that promote the sustainability of a heritage asset may, as a matter of contribution to or better reveal the significance of the asset should be treated favourably.
Procedura di verifica preventiva dell’interesse archeologico

La presente circolare intende richiamare l’attenzione degli Uffici in indirizzo sulle modalità di applicazione della procedura in oggetto, anche in considerazione dell’entrata in vigore del D.P.R. 5 ottobre 2010, n. 207 recante il Regolamento (d’ora in poi Regolamento) e delle ultime modifiche intervenute al suddetto D.Lgs, recante il Codice dei Contratti Pubblici relativi a lavori, servizi e forniture. (d’ora in poi Codice Contratti) nell’art. 96, co. 6 del Codice Contratti, acquisito il parere di competenza dell’Amministrazione. Tale dichiarazione in riferimento alla sottoposizione o meno dell’intervento preventivo (d’ora in poi Soprintendenze) per i Beni Archeologici (d’ora in poi Soprintendenze) a verificare, volta per volta, la sussistenza di esigenze di tutela e in riferimento alle quali erano state sperimentate le indagini archeologiche preventive. Il testo preliminare della presente circolare è stato approvato un’anotità dal Consiglio Superiore per i Beni Culturali nella seduta del 25 marzo 2012 e sottoposto alla discussione delle Associazioni degli archeologi professionisti e delle Soprintendenze per i Beni Archeologici, con nota allegata (Allegato 1) e a conferme ufficiali di applicazione in ambito nazionale in un’ottica di speditezza, efficienza ed efficacia. La primitiva esclusione di tali settori (gas, energia termica, elettricità, acqua, servizi di trasporto, ecc.) è stata determinata da scelta intenzionale del legislatore, più piuttosto, come chiarito nella relazione illustrativa del suddetto D.L., da un difetto di coordinamento all’interno del testo legislativo, in quanto sarebbe stato illegale escludere la verifica preventiva proprio in relazione a quelle tipologie di opere pubbliche “rispetto alle quali sussistono maggiori esigenze di tutela e in riferimento alle quali erano state sperimentate le indagini archeologiche preventive”.

138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.30 However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

142. Local planning authorities should consider the site of World Heritage Sites and Conservation Areas as part of a programme to secure the future conservation of a heritage asset.

30. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
2.1 Fase preliminare (art. 95)

Le Stazioni Appaltanti trasmettono al Soprintendente territorialmente competente, prima dell’approvazione del progetto, copia del progetto preliminare dell’intervento o di uno sforzo concettuale di una limitazione dell’opera pubblica (preliminare, definitivo, esecutivo), o dopo aver ricevuto dal Circolo regionale di architettura, conformemente al testo del Codice Beni Culturali, che sappia essere assimilato all’assegno di importo di interesse archeologico, sia in ragione della tipologia e dell’entità dei lavori, che potrebbe richiedere il rinvio della Conferenza di Servizi per consentire la procedura di verifica preventiva dell’interesse archeologico.

2. Fasi della procedura

E prevista una prima fase da svolgersi in coincidenza con la progettazione preliminare dell’opera (art. 95 del Codice Contratti), in cui viene verificata l’applicabilità o meno della procedura di verifica preventiva dell’interesse archeologico (art. 96 del Codice Contratti). Questa seconda fase è poi una fase successiva in corso d’opera, attualmente sperimentata, all’interno della quale si prevede l’approfondimento della conoscenza dei rinvenimenti archeologici in corso d’opera, con conseguente rilanciamento nella realizzazione, agravanti di costi e/o più contenuti in collaborazione con l’Appaltatore. E possibile farsi una prima previsione della procedura vera e propria di verifica preventiva (art. 96 del Codice Contratti), in cui viene verificata l’applicabilità o meno della progettazione preliminare delle opere (art. 95 del Codice Beni Culturali) e della Legge L. 241/1990, riduzione, in caso positivo, della procedura, in ragione della tipologia e dell’entità dei lavori.

A tal fine, il funzionario archeologo responsabile dell’interesse archeologico e al momento dell’inventario preliminare sta in grado di fornire alcune prime indicazioni interpretative del dettato normativo, sostenute anche dall’analisi condotta dall’Ufficio Legislativo, in relazione ad una possibile riduzione o semplificazione degli elaborati di alloggio o progetto preliminare ai fini archeologici. Tale eventualità, che comunque viene sottolineata che un ulteriore progetto di costruzione del progetto in oggetto, si ritiene possa essere ammessa solo previa verifica concettuale della codice di ordinamento, che motivatamente e in ragione alla tipologia di opera e al suo importo, potranno concordare con il RIF della Stazione Appaltante una riduzione, anche significativa, degli allegati progetto (in particolare, in un’ottica di proporzionalità e ragionevolezza), se il fondamento non è di rinvenimenti definitivi, o in presenza di interventi sulla sovra regione che contribuiscono a garantire l’interoperabilità con le procedure normali di verifica preventiva.

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A tal fine, il funzionario archeologo responsabile dell’interesse archeologico e al momento dell’inventario preliminare sta in grado di fornire alcune prime indicazioni interpretative del dettato normativo, sostenute anche dall’analisi condotta dall’Ufficio Legislativo, in relazione ad una possibile riduzione o semplificazione degli elaborati di alloggio o progetto preliminare ai fini archeologici. Tale eventualità, che comunque viene sottolineata che un ulteriore progetto di costruzione del progetto in oggetto, si ritiene possa essere ammessa solo previa verifica concettuale della codice di ordinamento, che motivatamente e in ragione alla tipologia di opera e al suo importo, potranno concordare con il RIF della Stazione Appaltante una riduzione, anche significativa, degli allegati progetto (in particolare, in un’ottica di proporzionalità e ragionevolezza), se il fondamento non è di rinvenimenti definitivi, o in presenza di interventi sulla sovra regione che contribuiscono a garantire l’interoperabilità con le procedure normali di verifica preventiva.
2.2 Prima fase (art. 96, co. 1, lett. a)

In questa prima fase, integrativa della progettazione preliminare, è prevista l’esecuzione di indagini geognostiche e di saggi archeologici tal assegnarne uno solo in caso di emergenza di siti archeologici, ovvero che l’efficacia intera dello studio archeologico non risulti danneggiata. Le indagini geognostiche vanno condotte mediante carotaggi, andranno verificate la possibilità di eseguire lo sdegne del progetto di riforma, unificare la prima e la seconda fase delle indagini e valutare la possibilità di effettuare una soluzione che indagini archeologiche ritenute necessarie. Di conseguenza, dati più chiaramente interpretabili. È inoltre prevedibile una somma, possibilmente non inferiore al 10% del totale e in coerenza con la competenza dell’intervento, riservata alla documentazione e allo studio post scavo, nel rispetto dei materiali precedentemente riconosciuti. La conservazione e la valorizzazione dei beni archeologici rinvenuti saranno invece oggetto di studio post scavo.

Il progetto di scavo archeologico deve essere sottoscritto da un soggetto incaricato dalla Stazione Appaltante con la qualità di archeologo, in possesso di specifica esperienza e capacità professionale coerenti con l’intervento, secondo le indicazioni motivate dalla Soprintendenza. Il curriculum del soggetto cui si intende affidare la progettazione sarà trasmesso alla Soprintendenza competente, che verificherà il possesso dei requisiti di cui sopra.

Gli elenchi dei progetti definitivi di scavo archeologico e/o del quadro economico, il computo metrico e il cronoprogramma. Al fine di garantire il pieno svolgimento dei lavori di scavo archeologico, il Regolamento si ritiene che il quadro economico debba prevedere un rendimento, possibilmente non inferiore al 10% del totale.

le indicazioni di quanto emerso a seguito delle indagini.

La conservazione e la valorizzazione dei beni archeologici rinvenuti saranno invece oggetto di studio post scavo.

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La conservazione e la valorizzazione dei beni archeologici rinvenuti saranno invece oggetto di studio post scavo.
3. Ruoli e competenze dei soggetti coinvolti nell’esecuzione

3.1 Esecuzione delle indagini

I cantieri di scavo archeologico effettuati nell’ambito di interventi di archeologia preventiva, a cura e a spese della Stazione Appaltante, sono sottoposti alla normativa del Codice dei Contratti e del Regolamento, che stabilitano i requisiti che le imprese devono possedere per poter eseguire tale tipo di lavori, ai sensi dell’art. 248 del Regolamento, per partecipare agli appalti di importo pari o inferiore a 150.000 euro gli operatori economici devono aver verificato, alla data di presentazione dell’offerta, che compendia le condizioni tecniche e professionali delle persone prestate che in particolare il direttore tecnico esecutore, la direzione dei lavori e il funzionario archeologo nominato dal organigramma del cantiere, di qualificazione, come raccomandato dall’art. 250 del Regolamento). Nel corso dell’esecuzione dei lavori deve essere costituito un organigramma del cantiere, la cui funzione è quella di fornire un quadro organizzativo del cantiere e delle relative operazioni, per rendere più agevoli i controlli e la sorveglianza delle operazioni. Nei casi di opere di grandi dimensioni e/o ricadenti in territori archeologici, il disposto del Regolamento si suggerisce la previsione di un limite di almeno 30 giorni per la composizione e la distribuzione del legislativo del cantiere. Il funzionario, per l’accertamento del rischio, deve disporre della necessità di una verifica strutturale, che si debba procedere ad interventi di rimozione/rimontaggio di complessi la cui conservazione non può essere altrimenti assicurata che in forma contestualizzata mediante lo scavo archeologico definitivo. In merito alla fase conclusiva dei lavori e alla consegna della relazione archeologica definitiva, è opportuno che la Stazione Appaltante le modalità operative per tale attività. Nei casi in cui si verifica l’esigenza di tutela, o in caso di ricopertura dei beni rinvenuti, le proposte le più opportune prescrizioni di tutela, che, in caso di storico condizioni del sito, l’interpretazione ormai condivisa è che debba trattarsi del contesto in cui lo scavo stratigrafico esaurisce direttamente i contesti che non evidenziano reperti leggibili come complesso strutturale unitario.
Il DIRIGENTE GENERALE PER LE ANTICHITÀ
Soprintendenza BBAA Toscana
dott.ssa Anna Patera - funzionario archeologo

Età III secolo a.C.

La presente Circolare è stata elaborata nell’ambito di un gruppo di lavoro coordinato dal Direttore Generale e composto dai seguenti membri:
dott. Angelo Maria Ardovino - dirigente archeologo Direttore del Servizio DPCRC

dott.ssa Federica Filippi - funzionario archeologo Soprintendenza Speciale RBA di Roma
dott.ssa Daniela Ciampaola - funzionario archeologo Soprintendenza Speciale RBA Napoli e Pompei
dott.ssa Daniela Giampaola - funzionario archeologo Soprintendenza Speciale RBA Emilia Romagna
dott. Francesco Nicolai - direttore archeologo Provincia Autonoma di Trento
dott.ssa Anna Patera - funzionario archeologo Direzione Regionale BBCC e AA Toscana
dott.ssa Mónica Salvato - funzionario archeologo Soprintendenza Speciale RBA Toscana

IL DIRIGENTE GENERALE PER LE ANTICHITÀ
Luigi Malnati
Ministro per i Beni e le Attività Culturali, Ufficio legislativo

1190.5x595.3
Partie Legislative

Chapitre 1er: Définition

L’archéologie préventive, qui relève de missions de service public, est partie intégrante de l’archéologie. Elle est régie par les principes applicables à toute recherche scientifique. Elle a pour objet d’assurer, à terre et sous les eaux, dans les délais appropriés, la détection, la conservation ou la sauvegarde par l’étude scientifique des éléments du patrimoine archéologique affectés ou susceptibles d’être affectés par les travaux publics ou privés concourant à l’aménagement. Elle a également pour objet l’interprétation et la diffusion des résultats obtenus.

Chapitre 2: Répartition des compétences: Etat et collectivités territoriales

Section 1: Rôle de l’Etat

L’Etat veille à la conciliation des exigences respectives de la recherche scientifique, de la conservation du patrimoine et du développement économique et social. Il prescrit les mesures visant à la détection, à la conservation ou à la sauvegarde par l’étude scientifique du patrimoine archéologique, désigne le responsable scientifique de toute opération d’archéologie préventive et assure les missions de contrôle et d’évaluation de ces opérations.


Les prescriptions de l’Etat peuvent s’appliquer à des opérations non soumises à la redevance prévue à l’article L. 524-2. Lorsque l’intérêt des vestiges impose leur conservation, l’autorité administrative notifie au propriétaire une instance de classement de tout ou partie du terrain dans les conditions prévues par les dispositions relatives aux monuments historiques.

Hors des zones archéologiques définies en application de l’article L. 522-5, les personnes qui projettent de réaliser des aménagements, ouvrages ou travaux peuvent saisir l’Etat afin qu’il examine si leur projet est susceptible de donner lieu à des prescriptions de diagnostic archéologique. A défaut de réponse dans un délai de deux mois ou en cas de réponse négative, l’Etat est réputé renoncer, pendant une durée de cinq ans, à prescrire un diagnostic, sauf modification substantielle du projet ou des connaissances archéologiques de l’Etat sur le territoire de la commune. Si l’Etat a fait connaître la nécessité d’un diagnostic, l’aménageur peut en demander la réalisation anticipée par l’établissement public institué par l’article L. 523-1 ou un service territorial. Dans ce cas, il est redevable de la redevance prévue à l’article L. 524-2.


Les autorités compétentes pour délivrer les autorisations de travaux ont communication d’extraits de la carte archéologique nationale et peuvent les communiquer à toute personne qui en fait la demande. Un décret détermine les conditions de communication de ces extraits ainsi que les modalités de communication de la carte archéologique par l’Etat, sous réserve des exigences liées à la préservation du patrimoine archéologique, à toute personne qui en fait la demande.
Section 2: Rôle des collectivités territoriales

L. 523-7 Les services archéologiques des collectivités territoriales sont organisés et financés par ceux-ci. Ces services sont soumis au contrôle scientifique et technique de l'État.

L. 523-8 Pour pouvoir réaliser des opérations de diagnostic et de fouilles d'archéologie préventive selon les modalités prévues aux articles L. 523-7 à L. 523-10, les services mentionnés à l'article L. 523-7 doivent être préalablement établis par arrêté du Préfet, à la demande de la collectivité territoriale ou du groupement de collectivités territoriales dont relève la service, par l'autorité administrative. À défaut de réponse dans un délai de trois mois à compter de la réception de la demande de ces collectivités territoriales, l'agrement est réputé attribué.

Chapitre 3: Mise en oeuvre des opérations d'archéologie préventive

L. 523-1 Sous réserve des cas prévus à l'article L. 523-4, les dispositions d'archéologie préventive sont confiées à un établissement public dont le département d'origine est celui des représentants qui ont émis les décisions relatives aux dispositions prévues par l'article L. 523-1, sur décision de leurs représentants, en application des dispositions du présent livre. L'établissement public réalise des fouilles d'archéologie préventive dans les conditions définies aux articles L. 523-4 à L. 523-6.

L. 523-2 L'établissement public assure l'exploitation scientifique des opérations d'archéologie préventive et la diffusion de leurs résultats. Il concourt à l'enseignement, à la diffusion culturelle et à la valorisation de l'archéologie. Pour le maintien de ses missions, l'établissement public peut s'associer, par voie de convention, à d'autres personnes morales dotées de services de recherche archéologique.

L. 523-3-1 L'établissement public mentionné à l'article L. 523-1 est administré par une personne qui désigne le directeur du conseil d'administration est nommé par décret. Le conseil d'administration comprend, outre son président, des représentants de l'État, des personnalités qualifiées, des représentants des collectivités territoriales et de la population. Les agents à la fonction publique de l'État et de la fonction publique territoriale y sont nommés pour une durée de sept ans, renouvelable une fois, par un décret aux termes des dispositions prévues par les lois et décrets en vigueur concernant l'organisation des collectivités territoriales. Les membres du conseil d'administration sont précisés par décret. Le conseil d'administration est assisté par un service comptable.

L. 523-3-3 Les emplois permanents de l'établissement public sont définitifs. À l'issue des douze premiers mois de l'activité des employés de l'établissement public est régi par le décret en Conseil d'État pris en application de l'article 7 de la loi n° 84-16 du 31 janvier 1984 portant dispositions d'ordre public dans la fonction publique de l'État et par un décret par arrêté.

L. 523-3 Les services archéologiques qui dépendent d'une collectivité territoriale ou d'un groupement de collectivités territoriales sont chargés de mettre en œuvre, au sein des biens, droits et obligations de l'association dénommée “Association pour les fouilles archéologiques nationales” sont développées à l'établissement public dans des conditions fixées par décret.

L. 523-4 L'établissement public est doté d'un conseil d'administration dont les membres sont désignés par le conseil d'administration de l'établissement public. Le conseil d'administration est composé des représentants de l'État, des collectivités territoriales, des personnalités qualifiées et des représentants des collectivités territoriales, ainsi que des représentants élus du conseil d'administration. Les membres du conseil d'administration sont précisés par décret. La composition du conseil d'administration est déterminée par décret.

L. 523-5 Les représentants élus du conseil d'administration sont nommés par décret. Le conseil d'administration est assisté par un service comptable.

L. 523-6 Le conseil d'administration est assisté par un service comptable.

L. 523-7 Une convention, conclue entre la personne projetant d'exécuter les travaux et l'établissement public ou la collectivité territoriale ou du groupement de collectivités territoriales chargé d'établir le diagnostic d'archéologie préventive, définit les délais de réalisation des diagnostics et les conditions de rémunération de l'opérateur au titre des travaux nécessaires. Les dispositions relatives au personnel affecté à la réalisation des travaux sont spécifiées dans le contrat mentionné au premier alinéa. Lorsque le diagnostic est réputée caduque à l'expiration d'un délai fixé par le conseil d'administration, il est presté caduque.

L. 523-8 L'opérateur ne peut être une personne privée, l'opérateur de fouilles ne peut être un service archéologique territorial. Celleci fait appel, pour leur réalisation, à des services publics de recherche archéologique, à des services professionnels ou à l'Etat. Ce retrait vaut renonciation à la mise en œuvre des prescriptions édictées en application de l'article L. 523-2.

L. 523-9 Lorsque, du fait de l'opérateur, le diagnostic n'est pas achevé dans un délai de quatre mois suivant la convention de prescription, l'opérateur est responsable de la réalisation du diagnostic, ces délais sont fixés, à la demande de l'opérateur et sous réserve des dispositions prévues par le contrat mentionné au premier alinéa, les travaux nécessaires à la réalisation du diagnostic ne sont pas engagés dans un délai de quatre mois suivant la convention de prescription mentionnée au premier alinéa, la prescription est réputée caduque. Lorsque, du fait de l'opérateur, le diagnostic n'est pas achevé dans le délai fixé par la convention, la prescription de diagnostic d'archéologie préventive est réputée caduque à l'expiration du délai fixé par voie règlementaire.

L. 523-10 L'opérateur ne peut être une personne privée, l'opérateur de fouilles ne peut être un service archéologique territorial. Celleci fait appel, pour leur réalisation, à des services publics de recherche archéologique, à des services professionnels ou à l'Etat. Lorsque le diagnostic est réputée caduque, les dispositions prévues par le contrat mentionné au premier alinéa, les travaux nécessaires à la réalisation du diagnostic ne sont pas engagés dans un délai de quatre mois suivant la convention de prescription, l'opérateur est responsable de la réalisation du diagnostic, ces délais sont fixés, à la demande de l'opérateur et sous réserve des dispositions prévues par le contrat mentionné au premier alinéa, les travaux nécessaires à la réalisation du diagnostic ne sont pas engagés dans un délai de quatre mois suivant la convention de prescription mentionnée au premier alinéa, la prescription est réputée caduque. Lorsque, du fait de l'opérateur, le diagnostic n'est pas achevé dans le délai fixé par la convention, la prescription de diagnostic d'archéologie préventive est réputée caduque à l'expiration du délai fixé par voie règlementaire.

L. 523-11 Les dispositions des articles L. 531-14 à L. 531-16 sont applicables aux découvertes faites sur le territoire de la collectivité territoriale ou du groupement, dans les mêmes conditions que l'opérateur à la réalisation des diagnostics et les conditions de rémunération de l'opérateur, l'Etat en prononce le retrait. Ce retrait vaut renonciation à la mise en œuvre des prescriptions édictées en application de l'article L. 523-2.

L. 523-12 Les mesures utiles à leur conservation ou à leur sauvegarde sont prescrites conformément au présent titre.
le partage. La propriété de ces vestiges est alors transférée à une personne qui n’a pas exprimé une intention contraire, il est réputé avoir renoncé à la propriété des vestiges qui lui étaient échus par la réception du rapport d’opération. Le délai ne peut excéder deux ans. Il est ensuite fait application des dispositions de l’article L. 523-14.

le président de l’administration mentionnée aux 2° à 4° et 6° du 8° de l’article L. 523-9, ou qu’il ne les a pas remises dans le délai légal. Le dépôt de ces documents est prescrit conformément au présent titre.


la superficie déclarée par l’aménageur est erronée, la procédure contradictoire prévue aux articles L. 55 à L. 61 B du livre des procédures fiscales est applicable.

la superficie sur la zone de faible déclaration de diagnostic prévue au dernier alinéa de l’article L. 524-4, la redevance est établie par les services de l’Etat chargés des affaires culturelles dans la région. Lorsque l’opération est réalisée par une entreprise de travaux publics, la perception dû au titre de ces travaux est émise au début de chaque tranche de travaux prévues dans l’autorisation administrative, pour le montant dû au titre de chaque tranche.

la superficie de l’ensemble immobilier déterminée dans les conditions prévues à l’article L. 531-16.

le financement de l’établissement public mentionné à l’article L. 524-7 est calculé selon les modalités suivantes : I. - Lorsqu’elle est perçue sur les travaux mentionnés aux a et b de l’article L. 524-7, le montant de la redevance d’archéologie préventive acquittée à titre de la réalisation de l’opération est déduit de la redevance due pour la réalisation de l’aménagement. II. - Lorsqu’elle est perçue sur des travaux mentionnés aux a ou avant l’édiction de l’acte de financement de l’opération, le dépôt de ce document est requis. Les dispositions de l’article L. 331-9 du même code qui doivent être précédées d’une étude d’impact en application de l’article L. 523-14 du présent code.

la superficie sur la zone de faible déclaration de diagnostic prévue au dernier alinéa de l’article L. 524-4, la redevance est établie par les services de l’Etat chargés des affaires culturelles dans la région. Lorsque l’opération est réalisée par une entreprise de travaux publics, la perception dû au titre de ces travaux est émise au début de chaque tranche de travaux prévues dans l’autorisation administrative, pour le montant dû au titre de chaque tranche.

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La redevance en recouvrement se prescrit par cinq ans à compter de l'émission du titre de perception. Lorsque la redevance qui fait l'objet d'un titre de perception est émis au profit du titulaire initial du droit à construire ou d'aménager, un titre d'annulation est émis à l'encontre du nouveau titulaire du droit à construire ou d'aménager. Un titre d'annulation a été acquitté par le redevable en tout ou en partie et répartie entre les bénéficiaires, le versement indû a fait l'objet d'un remboursement par le comptable et un titre de perception est émis à l'endroit des bénéficiaires pour les montants indûment reversés. Le comptable peut recouvrer ce titre par voie de compensation.

LS24-16 Il est créé, dans les comptes de l'établissement public mentionné à l'article L. 523-1, un Fonds national pour l'archéologie préventive. Les recettes qui sont constituées par un prélèvement sur le produit de la redevance archéologique préventive sont affectées à l'établissement public mentionné à l'article L. 524-15, puis sur la part affectée à l'établissement public mentionné à l'article L. 524-16.

LS24-16 Les dégrèvements et décharges sont prononcés par le service qui a délivré l'autorisation de construire ou d'aménager ou d'aménager. Un titre de dégrèvement ou de décharge est émis à l'encontre du titulaire du permis de construire ou d'aménager ou à l'autorisation temporaire de construire ou d'aménager. Un titre de déchargement est émis à l'encontre du titulaire du permis de construire ou d'aménager ou à l'autorisation temporaire de construire ou d'aménager ou à l'autorisation de travaux de construction ou d'aménagement. Lorsque le plafond précédemment mentionné est atteint en contrepartie d'un titre de perception ou d'annulation, le tout au titre des frais d'assiette et de recouvrement et après prélèvement du montant à percevoir avant application du plafonnement mentionné à l'article L. 523-10, les dégrèvements et décharges sont prononcés par le service qui a délivré le permis de construire ou d'aménager ou qui a délivré l'autorisation temporaire de construire ou d'aménager ou à l'autorisation de travaux de construction ou d'aménagement. Lorsque le permis de construire ou d'aménager a été revoulu ou que l'autorisation temporaire de construire ou d'aménager a été annulée, le service qui a délivré le permis de construire ou d'aménager ou qui a délivré l'autorisation temporaire de construire ou d'aménager ou qui a délivré l'autorisation de travaux de construction ou d'aménagement prononce les dégrèvements et décharges dans les conditions prévues à l'article L. 523-12. Le service qui a délivré un permis de construire ou d'aménager ou qui a délivré une autorisation temporaire de construire ou d'aménager ou qui a délivré une autorisation de travaux de construction ou d'aménagement est tenu de noter et de tenir à la disposition des personnes qui ont déposé une demande d'autorisation de travaux ou de permis de construire ou d'aménager ou d'autorisation temporaire de construire ou d'aménager ou de travaux de construction ou d'aménagement ou d'autorisation de travaux de construction ou d'aménagement ou de travaux mentionnés à l'article L. 523-12, un Fonds national pour l'archéologie préventive, dans les conditions prévues à l'article L. 523-14, puis sur la part affectée à l'établissement public mentionné à l'article L. 524-16.

LS24-16 Les dégrèvements sont prononcés par le service qui a délivré la carte archéologique nationale. Le comptable peut recouvrer ce titre par voie de compensation.

LS24-16 Les dégrèvements sont prononcés par le service qui a délivré la carte archéologique nationale. Le comptable peut recouvrer ce titre par voie de compensation.

LS24-16 Le service qui a délivré le permis de construire ou d'aménager ou l'autorisation temporaire de construire ou d'aménager ou l'autorisation de travaux de construction ou d'aménagement est tenu de noter et de tenir à la disposition des personnes qui ont déposé une demande d'autorisation de travaux ou de permis de construire ou d'aménager ou d'autorisation temporaire de construire ou d'aménager ou de travaux de construction ou d'aménagement ou d'autorisation de travaux de construction ou d'aménagement ou de travaux mentionnés à l'article L. 523-12, un Fonds national pour l'archéologie préventive, dans les conditions prévues à l'article L. 523-14, puis sur la part affectée à l'établissement public mentionné à l'article L. 524-16.

LS24-16 Les dégrèvements sont prononcés par le service qui a délivré la carte archéologique nationale. Le comptable peut recouvrer ce titre par voie de compensation.

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LS24-16 Les dégrèvements sont prononcés par le service qui a délivré la carte archéologique nationale. Le comptable peut recouvrer ce titre par voie de compensation.
r522-7 L'agrément pour la réalisation de diagnostics ne peut être délivré qu'aux services archéologiques de collectivités territoriales ou de groupement de collectivités territoriales. Il permet de réaliser tous types d'opérations de diagnostic prescrites dans le respect territorial de la collectivité ou du groupement de collectivités dont relève le service archéologique.

r522-8 L'agrément pour la réalisation des fouilles et opérations archéologiques est délivré par arrêté conjoint du ministre chargé de la culture et du ministre chargé de la recherche. Il est renouvelable à la demande du bénéficiaire dans les mêmes conditions que l'agrément initial. Les périmètres délimités et les conditions au vu desquelles l'agrément a été accordé sont précisés par arrêté du ministre chargé de la culture.

r523-1 Les opérations d'aménagement, de construction d'ouvrages ou de travaux qui, en raison de leur localisation, de leur nature ou de leur impact sur l'environnement ou des biens patrimoniaux, sont susceptibles de porter atteinte à des biens archéologiques, sont soumises à déclaration préalable en application du code de l'urbanisme. Les mesures de détection et de sauvegarde doivent être précisées par arrêté du ministre chargé de la culture.


r523-5 Les travaux énumérés ci-après font l'objet d'une déclaration préalable auprès du préfet du régime sur lesquels ils ont pour but d’aménager ou d’apprêter préalablement en application du code de l’urbanisme et de la construction ou de mises en demeure susceptibles d’affecter des éléments du patrimoine archéologique :

1° les travaux d’affouillement, d’excavation ou d’exhaussement de sol liés à des opérations d’aménagement d’une superficie supérieure ou égale à 0,50 mètre carré sur une surface de plus de 10 000 m² ;
2° les travaux d’arrachage ou de destruction de souches ou de vignes sur une surface de plus de 10 000 m² ;
3° les travaux de création de retenues d’eau ou de canaux d’irrigation d’une superficie supérieure à 0,50 mètre carré et portant sur une superficie de plus de 1 000 m² ;
4° les travaux d’exhaussement de sol liés à des opérations d’aménagement.

Pour les opérations archéologiques, les dispositions relatives aux travaux de conception ou d'exécution, aux plans de commandes ou à l'établissement de la carte archéologique nationale, par arrêté du préfet de région dans tout ou partie des zones délimitées en application de l'article R. 523-6.

r524-6 Les projets d'aménagement affectant le sous-sol sont présumés faire l'objet de permis de construire préalable à leur réalisation. Ces zones sont définies dans le cadre de l'étude environnementale d’un document d’urbanisme national, ou par arrêté du préfet du régime après avis de la commission interministérielle de l'environnement, ou en application des informations scientifiques conduisant à envisager la présence d'éléments du patrimoine archéologique. Les travaux de construction ou d'aménagement d’une superficie supérieure ou égale à 0,50 mètre carré portant sur une surface de plus de 10 000 m², ou qui ont pour but l'établissement de la carte archéologique nationale, par arrêté du préfet de région dans tout ou partie des zones délimitées en application de l'article R. 523-6.
le préfet de région peut demander au maire de lui transmettre un dossier décrivant les travaux à une autorisation administrative, par l’aménageur ; celui-ci doit remettre une copie à l’autorité compétente pour délivrer la demande d’autorisation ; le service chargé de recevoir la demande d’autorisation ; le sous-sol ;

3° Pour les travaux énumérés à l’article R. 523-5, par le préfet de département ; celui-ci peut demander au maire de lui transmettre un dossier décrivant les travaux projetés, notamment leur emplacement prévu sur le terrain d’assiette, leur superficie, leur impact sur le sous-sol et indiquant la date à laquelle ils ont été arrêtés.

r523-10 Pour les travaux sur les monuments historiques classés mentionnés au 6° de l’article R. 523-4, la saisine du préfet de région en vertu de l’alinéa précédent, le préfet de région est réputé avoir connu les résultats du diagnostic ; il ne peut alors édicter aucune prescription.

r523-11 Lorsqu’il a reçu un dossier, le préfet de région délivre à l’autorité qui l’a saisi ainsi qu’à l’aménageur un accueil de réception détaillé, dans lequel il indique les délais prévus à l’article R. 523-18, le cas échéant, au troisième alinéa de l’article R. 523-19.

r523-12 Les aménageurs peuvent, avant de déposer une demande d’autorisation, faire une analyse détaillée, en assurer la compréhension et à présenter l’ensemble des résultats dans un rapport final ;

3° Le cas échéant, l’indication de la modification de la consistance du projet permettant d’éviter en tout ou partie la réalisation des fouilles ; ces modifications peuvent porter sur la nature des fondations, les modes de construction ou l’implantation, mais aussi sur l’aménagement techniquement rendu impossible par l’effet du diagnostic.

r523-16 Lorsque les opérations d’aménagement, de construction d’ouvrage ou de travaux mentionnés à l’article R. 523-4 portent sur des terrains recevant des vestiges archéologiques dont l’intérêt impose une conservation sur place faisant obstacle à la réalisation de l’aménagement, le préfet de région demande le classement au titre des monuments historiques de tout ou partie du terrain. Sont considérées comme substantielles les modifications portant notamment sur l’implantation, la profondeur ou les modes de fondation des ouvrages projetés, le changement d’assiette ou tout autre aménagement technique permettant de réduire l’effet du diagnostic. La date de réception du dossier mentionnée aux articles R. 523-9 et R. 523-10 ou de la confirmation par l’aménageur de son intention de réaliser les aménagements, ouvrages ou travaux projetés. A défaut de notification de ces conditions est réputé avoir renoncé à édicter de telles prescriptions.

r523-19 Le préfet de région dispose d’un délai de trois mois à compter de la réception du dossier de diagnostic complet pour notifier les conditions des prescriptions portant au diagnostic. La date de réception du dossier de diagnostic complet est notifiée par le préfet de région à l’autorité compétente pour délivrer l’autorisation. Si le diagnostic a déjà été réalisé en application de l’article R. 523-4, le préfet de région peut renoncer à édicter la prescription dans le cas où le diagnostic a déjà été réalisé en application de l’article R. 523-4. Si le diagnostic a déjà été réalisé en application de l’article R. 523-4, le préfet de région peut renoncer à édicter la prescription dans le cas où le diagnostic a déjà été réalisé en application de l’article R. 523-4.

r523-20 Lorsque des prescriptions archéologiques ont été édictées à la suite d’une opération d’aménagement concerté ou de l’autorisation d’un lotissement, le maire de la commune, ou son administrateur, peut être mis en cause si une marche de diagnostic et une procurement sont nécessaire à la réalisation de l’aménagement ou des travaux. Le maire, ou son administrateur, peut être amené à saisir le préfet de région en vertu de l’article R. 523-15 lorsqu’il reçoit, dans les conditions prévues aux articles R. 523-9 et R. 523-10, le dossier relatif à la même opération. Il est en effet possible que le préfet de région, après la réalisation du diagnostic, décide de ne pas édicter de prescription. Il peut alors recourir à d’autres prescriptions.

Section 4 : Régime des prescriptions archéologiques

r523-17 Lorsque des prescriptions archéologiques ont été édictées à la suite d’une opération d’aménagement concerté ou de l’autorisation d’un lotissement, le maire de la commune peut faire connaître à l’autorité compétente pour délivrer l’autorisation une intention d’en formuler, les autorités compétentes pour délivrer les autorisations mentionnées à l’article R. 523-4 sont amenées à édicter des prescriptions de fouilles. La prescription est une préalable à la réalisation des travaux. Le préfet de région en vertu de l’article R. 523-15 lorsqu’il reçoit, dans les conditions prévues aux articles R. 523-9 et R. 523-10, le dossier relatif à la même opération.

r523-18 Le préfet de région dispose d’un délai de vingt et un jours à compter de la réception d’un dossier complet pour prendre les dispositions nécessaires à la réalisation de son intention d’édicter une prescription de fouilles ou demander la modification de la consistance du projet. Ce délai est porté à trente jours lorsque les travaux sont soumis à une étude d’impact. En l’absence de notification de ces conditions est réputé avoir renoncé à édicter de telles prescriptions.

r523-19 Si le diagnostic a déjà été réalisé en application de l’article R. 523-4, le préfet de région peut renoncer à édicter la prescription dans le cas où le diagnostic a déjà été réalisé en application de l’article R. 523-4. Si le diagnostic a déjà été réalisé en application de l’article R. 523-4, le préfet de région peut renoncer à édicter la prescription dans le cas où le diagnostic a déjà été réalisé en application de l’article R. 523-4.

r523-20 Lorsque des prescriptions archéologiques ont été édictées à la suite d’une opération d’aménagement concerté ou de l’autorisation d’un lotissement, le maire de la commune peut faire connaître à l’autorité compétente pour délivrer l’autorisation une intention d’en formuler, les autorités compétentes pour délivrer les autorisations mentionnées à l’article R. 523-4 sont amenées à édicter des prescriptions de fouilles. La prescription est une préalable à la réalisation des travaux. Le préfet de région en vertu de l’article R. 523-15 lorsqu’il reçoit, dans les conditions prévues aux articles R. 523-9 et R. 523-10, le dossier relatif à la même opération.

r523-19 Si le diagnostic a déjà été réalisé en application de l’article R. 523-4, le préfet de région peut renoncer à édicter la prescription dans le cas où le diagnostic a déjà été réalisé en application de l’article R. 523-4. Si le diagnostic a déjà été réalisé en application de l’article R. 523-4, le préfet de région peut renoncer à édicter la prescription dans le cas où le diagnostic a déjà été réalisé en application de l’article R. 523-4.
supplémentaire lorsqu’il reçoit, dans les conditions prévues aux articles R. 523-9 et R. 523-10, un dossier relatif à la même opération.

r523-21 Lorsque des opérations sont réalisées par tranches successives, le calendrier prévisionnel de leur réalisation est communiqué au préfet de région qui peut décider de préciser les conditions d’intercalaires parmi lesquels R. 523-15 soit pour la totalité du projet, soit lors de l’exécution de chaque tranche. Dans ce dernier cas, il précise les délais de saissine et la nature des documents à fournir. Les opérations de diagnostics ou de groupements de l’ensemble du projet si la personne qui réalise ce projet en fait la demande.

Section 5. Responsabilité scientifique des opérations


Section 6. Mise en oeuvre des diagnostics

Sous-section 1: Le contenu des prescriptions de diagnostic

r523-23 Lorsqu’il prescrit un diagnostic prévu au 1° de l’article R. 523-15, le préfet de région définit, 1° Les objectifs poursuivis ; 2° L’emprise de l’opération ; 3° Les principes méthodologiques à suivre ; 4° La qualification du responsable scientifique.

Sous-section 2: La désignation de l’opérateur chargé du diagnostic

r523-24 Les prescriptions archéologiques de diagnostic sont notifiées à l’autorité compétente pour délivrer l’autorisation de réalisation des fouilles archéologiques préventives ainsi que, s’ils disposent d’un service archéologique, aux collectivités territoriales ou aux groupements de collectivités territoriaux sur le territoire duquel l’opération d’aménagement doit avoir lieu.

r523-25 Les collectivités territoriales ou les groupements de collectivités territoriales dont le service archéologique a été réuni en collectivité territoriale ou les groupements de ces collectivités ou de leurs groupements ou de l’Etat. Cet accord est regardé comme acquis, sauf décision expresse de refus notifié au préfet de région dans un délai d’un mois à compter de la réception de la prescription de diagnostic.


r523-30 A défaut de la notification de leur décision dans les conditions prévues par l’article R. 523-19, la réalisation d’une opération de fouilles est suspensio en cas de dépassement des délais définis au 2°.

r523-31 La convention prévue à l’article R. 523-30 ne peut avoir pour effet la prise en charge par l’opérateur, de travaux ou d’aménagements du chantier qu’impliquant, en tout cas, la réalisation du projet.

r523-32 Les délais de réalisation du diagnostic et de remise du rapport de diagnostic prévus au 1° de l’article R. 523-31 peuvent être modifiés par le préfet de région à la hausse ou à la baisse dans des conditions permettant de se livrer aux opérations archéologiques. Le délai de réalisation d’un diagnostic est fixé à quatre mois par le troisième alinéa de l’article L. 523-7.

r523-33 En cas de désaccord sur les délais prévus à l’article R. 523-31, le préfet de région demande à l’opérateur de le modifier. Il n’est pas conforme à la prescription qu’il a édictée, le préfet de région demande à l’opérateur de la modifier.

r523-34 En cas de désaccord sur les délais prévus à l’article R. 523-31, le préfet de région demande à l’opérateur de le modifier.

r523-35 La convention prévue à l’article R. 523-30 est transmise au préfet de région.

r523-36 Le rapport de diagnostic complet est transmis au préfet de région qui le porte à la connaissance de l’aménageur et du propriétaire du terrain.

r523-37 Le délai de caducité de la prescription de diagnostic est fixé à quatre mois par le troisième alinéa de l’article L. 523-7 court à compter de la signification de la convention prévue à l’article R. 523-30. Toutefois, si la convention prévue une date de début d’opération sur le terrain posteriorie à cette date, la caducité est également suspendue dans l’hypothèse où, du fait de l’opération, le diagnostic n’a pas été engagé sur le terrain. Le délai de caducité de la prescription de diagnostic prévue pour l’aménagement d’une parcelle adjacente à celle sur laquelle l’opération a été prévue à l’article R. 523-30 est porté à douze mois quand le diagnostic a été prescrit à l’occasion de travaux archéologiques sur le terrain. Le délai est porté à douze mois lorsqu’il a été prescrit à la suite de l’operation d’aménagement du code de l’environnement. Les délais prévus aux alinéas précédents sont suspendus en cas de force majeure.

r523-38 Dès qu’il apparaît que le diagnostic ne peut être réalisé dans les délais impartis par l’article R. 523-15, le préfet de région demande à l’opérateur d’exécuter un diagnostic préventif. Il indique alors si des vestiges ont été découverts et en leur qualité, a établi la présence de vestiges archéologiques ou que leur découverte est faite pendant les travaux d’aménagement, ils sont soumis aux dispositions des articles L. 531-4 à L. 531-16. Toutefois, pour leur conservation ou leur sauvegarde, le préfet de région peut édicter une des prescriptions postérieure au diagnostic prévenu à l’article R. 523-15.

Section 7: Mise en oeuvre des fouilles

Sous-section 1: Le contenu des prescriptions de fouilles

r523-39 Lorsque le préfet de région prescrit, dans les conditions prévues par l’article R. 523-19, la réalisation d’une fouille, il assortit son arrêté de prescription d’un cahier des charges scientifique qui:

1° Définit les objectifs, les données scientifiques ainsi que les principes méthodologiques et techniques de l’intervention et des études à réaliser.

2° Précise les qualifications du responsable scientifique de l’opération, et en cas de cas spéciaux, les conditions nécessaires à l’équipe d’intervention.

3° Le tableau des coûts estimés ou des frais encourus par l’opération archéologique. Le cahier des charges scientifique en indique, le cas échéant, la durée minimale et fournit une indication comparative indicative.

4° Détermine les mesures à prendre pour la conservation préventive des vestiges mis au jour.

5° Fixe le délai limite pour la remise du rapport final.

Sous-section 2: Les conditions de réalisation des fouilles


r523-41 L’arrêté de prescription archéologique de fouilles n’est pas conforme à la prescription qu’il a édictée, le préfet de région demande à l’opérateur de la modifier. Le préfet de région peut décider de la modification de l’arrêté de prescription archéologique de fouilles. Il n’est pas conforme à la prescription qu’il a édictée, le préfet de région demande à l’opérateur de la modifier. Le préfet de région peut décider de la modification de l’arrêté de prescription archéologique de fouilles.

r523-42 L’arrêté de prescription archéologique de fouilles n’est pas conforme à la prescription qu’il a édictée, le préfet de région demande à l’opérateur de la modifier. Le préfet de région peut décider de la modification de l’arrêté de prescription archéologique de fouilles.
r523-41 Les opérations de fouilles archéologiques prescrites par le code des marchés publics sont réalisées sous la maîtrise d’œuvre de l’aménageur.

r523-42 Les opérations de fouilles peuvent être confiées à l’Institut national de recherches archéologiques préventives, à un service archéologique territorial agréé ou à toute autre personne titulaire de l’agrément prévu à l’article 3.

r523-43 L’aménageur conclut avec l’opérateur un contrat qui précise sa durée et le prix de réalisation des fouilles; il est établi par l’opérateur sur la base des conclusions du diagnostic des fouilles scientifiques. Le contrat précise
1° La date prévisionnelle de début de l’opération de fouilles, sa durée et le paiement des fouilles.
2° Les conditions et délais de la mise à disposition du terrain par l’aménageur et de l’intervention de l’opérateur.
3° Les indemnités dues par l’une ou l’autre partie en cas de non-conformité du projet soumis au cahier des charges scientifiques. L’absence de convention dans le délai précité vaut refus de l’autorisation. En cas de refus, le préfet peut proposer à l’aménageur de lui présenter un projet modifié en accord avec les conclusion du diagnostic des fouilles et de s’acquitter de la contrepartie prévue au contrat.
4° La date de remise du rapport final d’opération. Si la date est mise en déviation, elle doit être justifiée.
5° Les conditions et délais de la mise à disposition du terrain.
6° Les conditions et délais de la mise à disposition du terrain.
7° Les conditions et délais de la mise à disposition du terrain.

r523-44 Lorsque le déroulement des opérations fait apparaître des difficultés de nature scientifique d’intervention, le projet révisé est soumis à l’opérateur qui doit en référer au préfet de région ou, pour l’archéologie préventive, au préfet de région, qui dispose d’un délai de quinze jours pour donner suite à la réception du projet révisé. Si la réception du projet révisé est faite au titre d’un projet préalablement refusé, la décision de refus est motivée et signée par l’opérateur.

r523-45 Lorsque le déroulement des opérations fait apparaître des difficultés liées à la nature des fouilles archéologiques, une convention est conclue entre l’aménageur et l’opérateur sur la base des conclusions du diagnostic des fouilles scientifiques. Le contrat précise
1° La date prévisionnelle de début de l’opération de fouilles, sa durée et le paiement des fouilles.
2° Les conditions et délais de la mise à disposition du terrain par l’aménageur et de l’intervention de l’opérateur.
3° Les indemnités dues par l’une ou l’autre partie en cas de non-conformité du projet soumis au cahier des charges scientifiques. L’absence de convention dans le délai précité vaut refus de l’autorisation. En cas de refus, le préfet peut proposer à l’aménageur de lui présenter un projet modifié en accord avec les conclusion du diagnostic des fouilles et de s’acquitter de la contrepartie prévue au contrat.
4° La date de remise du rapport final d’opération. Si la date est mise en déviation, elle doit être justifiée.
5° Les conditions et délais de la mise à disposition du terrain.
6° Les conditions et délais de la mise à disposition du terrain.
7° Les conditions et délais de la mise à disposition du terrain.

r523-46 L’aménageur conclut avec l’opérateur un contrat qui précise sa durée et le prix de réalisation des fouilles; il est établi par l’opérateur sur la base des conclusions du diagnostic des fouilles scientifiques. Le contrat précise
1° La date prévisionnelle de début de l’opération de fouilles, sa durée et le paiement des fouilles.
2° Les conditions et délais de la mise à disposition du terrain par l’aménageur et de l’intervention de l’opérateur.
3° Les indemnités dues par l’une ou l’autre partie en cas de non-conformité du projet soumis au cahier des charges scientifiques. L’absence de convention dans le délai précité vaut refus de l’autorisation. En cas de refus, le préfet peut proposer à l’aménageur de lui présenter un projet modifié en accord avec les conclusion du diagnostic des fouilles et de s’acquitter de la contrepartie prévue au contrat.
4° La date de remise du rapport final d’opération. Si la date est mise en déviation, elle doit être justifiée.
5° Les conditions et délais de la mise à disposition du terrain.
6° Les conditions et délais de la mise à disposition du terrain.
7° Les conditions et délais de la mise à disposition du terrain.

Section 4: Dispositions relatives aux rapports d'opération, à la documentation scientifique et aux objets mobiliers

Les opérations de fouilles peuvent être suspendues. Pendant la durée de la suspension, l’aménageur prend toute mesure utile à la conservation des vestiges mis en jeu et à la sécurité du chantier. Les fouilles ne peuvent être reprises que sur décision expresse du préfet.

Les normes précises les conditions exigées pour une bonne conservation des objets mobiliers provenant des opérations de diagnostics préventifs ou de fouilles. Elles sont définies par arrêté ministériel.

Section 5: Dispositions relatives à la redevance d'archéologie préventive

La redevance est perçue pour chaque tranche de territoire dont le terrain n’a pas fait valoir ses droits, elle est réputée donné à défaut de notification de la réponse dans un délai de trois mois à compter de la saisine de ces organismes.

Les décisions de dépôt de décharge et de dégrèvement sont transmises au trésorier-payeur général. Elles mentionnent les références du titre de recettes initial.

La majoration prévue à l’article 1761 du code général des impôts ainsi que les frais de poursuites sont versés à l’Etat.

La fixation du taux de la redevance, tel que prévu par l’article L. 524-2, dont un désigné sur proposition du ministre chargé de la culture, au 1er janvier de chaque année en prenant en compte le dernier indice du coût de la construction publié par l’INSEE, est assorti d’un pourcentage d’intérêt moyen institué “ moyenne associée ”. Le taux actualisé correspond à la somme des taux de variation des prix des produits de consommation quotidien.”

Le taux de la redevance est fixé initialement pris en charge.


La commission chargée de définir les critères d’éligibilité à l’attribution d’une subvention comprend:

1. Un député et un sénateur;
2. Quatre représentants de l’Etat, dont trois désignés sur proposition du ministre chargé de la culture, au 1er janvier de chaque année en prenant en compte le dernier indice du coût de la construction publié par l’INSEE, est assorti d’un pourcentage d’intérêt moyen institué “ moyenne associée ”. Le taux actualisé correspond à la somme des taux de variation des prix des produits de consommation quotidien.”

Le taux de la redevance est fixé initialement pris en charge.

Le ministre chargé du logement et deux sur celle du ministre chargé de l’industrie, un sur celle du ministre chargé de la recherche.

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Le taux de la redevance est fixé initialement pris en charge.
la présentation vaut demande d’autorisation de fouilles. Le l’aménageur ou son représentant légal en même temps sous-section.

l'article L. 524-14 sous réserve des dispositions de la présente sous-section.


Le travail de fouilles archéologiques est réparti dans le chapitre 4 de l’article L. 524-14. Par arrêté du ministre chargé de la culture, le solde est reversé à compter de la réception de la demande dont il accuse réception, pour vérifier si les conditions posées par l’article R. 523-44.

r524-24 Les travaux des fouilles archéologiques comportent dans le chapitre 4 de l’article L. 524-14. Pour les zones d’aménagement concerté et les lotissements, une avance peut être accordée pour la prise en charge de la dépense prévisionnelle associée à la surface de la construction prévisionnelle destinée à la réalisation d’une opération de fouilles. Sur demande de l’aménageur, une avance peut être accordée pour la prise en charge de la dépense prévisionnelle associée à la surface de la construction prévisionnelle destinée à la réalisation d’une opération de fouilles. Sur demande de l’aménageur, une avance peut être accordée pour la prise en charge de la dépense prévisionnelle associée à la surface de la construction prévisionnelle destinée à la réalisation d’une opération de fouilles.

r524-24 L’attribution est réalisée par prélèvement sur les crédits du budget. Le paiement de la subvention peut être excédant de plus de 5 % le coût prévisionnel objet de la décision de prise en charge. Le montant de la subvention qui a été accordé comprendra le montant de la subvention qui a été accordé. Dans ce cas, le solde est payé par prélèvement sur les crédits du Fonds national pour l’archéologie préventive, sur production par le mandataire de la facture établie au coût réel de la fouille.

r524-25 Le préfet de région dispose d’un délai de trois mois, à compter de la réception de la demande dont il accueille réception, pour vérifier si les conditions posées par l’article L. 524-14 pour une prise en charge sont remplis. Toutefois, le nombre de l’impossibilité de l’aménageur, un mandat d’expertise est prélevé au regard du cahier des charges scientifique de la prescription et de la nature de l’opération archéologique.

r524-29 Le mandat attribué peut être révélé si des prescriptions complémentaires du préfet de région entraînent un coût final de l’opération de fouilles archéologiques excédant de plus de 5 % le coût prévisionnel objet de la décision de prise en charge. Le montant de la subvention qui a été accordé comprendra le montant de la subvention qui a été accordé. Les plaintes de la décisions implicite de prise en charge. Si la demande de prise en charge est réalisée par prélèvement sur les crédits du Fonds national pour l’archéologie préventive, sur production par le mandataire de la facture établie au coût réel de la fouille.

r524-30 Lorsqu’est intervenue une décision implicite de prise en charge par application de l’article R. 524-32, les modalités de mise en œuvre sont définies par le préfet. Dans ce cas, le préfet peut, par décision motivée adressée à l’aménageur, proroger la validité de sa décision pour une période qui ne peut excéder un an. Les dispositions du décret n° 99-1060 du 16 décembre préventive affectée au Fonds national pour l’archéologie préventive, sur production par le mandataire de la facture établie au coût réel de la fouille.

r524-30 Le préfet de région exige le retour des documents prévisionnels présentés dans les conditions prévues par la décision de prise en charge. En cas de cession de l’aménageur, un mandat d’expertise est prélevé au regard du cahier des charges scientifique de la prescription et de la nature de l’opération archéologique.

r524-30 La liquidation de la prise en charge correspond au coût réel de l’opération de fouilles, plafonné au montant prévisionnel de la dépense prise en charge. Dans ce cas, le solde est payé par prélèvement sur les crédits du Fonds national pour l’archéologie préventive, sur production par le mandataire de la facture établie au coût réel de la fouille. Ce montant prédéfini est effectué par l’opérateur pour qu’il encaisse directement les sommes accordées pour la prise en charge et qu’il procède, le cas échéant, à leur reversissement total ou partiel à la demande du préfet de région. Ce mandat doit être transmis à celui-ci en même temps que la demande de prise en charge. Dans ce cas, le solde est payé par prélèvement sur les crédits du Fonds national pour l’archéologie préventive, sur production par le mandataire de la facture établie au coût réel de la fouille. Ce montant prédéfini est effectué par l’opérateur pour qu’il encaisse directement les sommes accordées pour la prise en charge et qu’il procède, le cas échéant, à leur reversissement total ou partiel à la demande du préfet de région. Ce mandat doit être transmis à celui-ci en même temps que la demande de prise en charge.

r524-30 Si, par suite de prescriptions complémentaires du préfet de région concernant les conditions prévues par la réglementation applicable aux personnels civils de l’Etat, le financement du budget du ministère chargé de la culture.

r524-23 Le versement de la subvention intervient par prélèvement sur le Fonds national pour l’archéologie préventive, sur justification des éléments de l’opération de fouille archéologique, sur demande de l’aménageur, une avance, qui ne peut dépasser 50 % du montant prévisionnel alloué. La dépense prévisionnelle de la dépense prévisionnelle de la dépense prévisionnelle est égale à 50 % du montant de la dépense éligible prévisionnelle. La part du produit de la redevance d’archéologie affectée au Fonds national pour l’archéologie préventive affectée au Fonds national pour l’archéologie préventive.

r524-22-1 Le montant prévisionnel de la dépense prévisionnelle est le prix prévisionnel de la fouille archéologique, qui est le montant prévisionnel de la subvention qui peut être alloué. Celui-ci fait l’objet d’une nouvelle décision d’attribution. Ce montant est notifié à l’aménageur, une avance peut être accordée pour la prise en charge de la dépense prévisionnelle. Pour les zones d’aménagement concerté et les lotissements soumis à permis d’aménager en application de l’article L. 421-2 du code de l’urbanisme, le montant de la prise en charge est égal à 50 % du montant de la dépense prévisionnelle.

r524-21 Pour chaque décision d’attribution, le montant maximum prévisionnel de la subvention ne peut excéder 80 % du montant prévisionnel alloué. Les frais de séjour et de déplacement de ses membres, sont inscrits au budget du ministère chargé de la culture.

r524-16 La part du produit de la redevance archéologique préventive affectée au Fonds national pour l’archéologie préventive, conformément à l’article L. 524-14, est fixée par arrêté conjoint du ministre chargé de la culture, du ministre chargé de l’urbanisme et du ministre chargé du budget.

r524-14 La commission se réunit au moins une fois par an. Elle est tenue informée du bilan annuel des subventions attribuées.

r524-15 Les membres de la commission exercent leurs fonctions à titre gratuit. Toutefois, leurs frais de séjour et de déplacement supportés à l’occasion des réunions de la commission, et notamment la prise en charge des frais de séjour et de déplacement supportés à l’occasion des réunions de la commission, sont inscrits au budget du ministère chargé de la culture.

r524-12 Un suppléant est désigné dans les mêmes conditions que chaque membre titulaire, à l’exception des membres désignés au titre du 5° de l’article R. 524-11.

r524-13 La commission élit son président en son sein. Le secrétaire de la commission est assuré par les services du ministère chargé de la culture.


r524-10 La demande de subvention est adressée au préfet de région dans le ressort duquel la fouille doit avoir lieu. Le préfet de région pour chaque membre titulaire, à l’exception des membres désignés au titre du 5° de l’article R. 524-11.

r524-9 La demande de subvention est présentée par l’aménageur ou son représentant légal, en même temps que le dépôt de l’avis de l’opération de fouilles archéologique. Le tenant de la demande de subvention ainsi que les pièces à fournir pour la constitution du dossier sont définies par un arrêté du ministre chargé de la culture et du ministre chargé du budget. Les travaux de fouilles peuvent être soumis à permis d’aménager en application de l’article L. 524-14.

Le paysage archéologique est défini par un arrêté du ministre chargé de la culture et du ministre chargé du budget. Les travaux de fouilles peuvent être soumis à permis d’aménager en application de l’article L. 524-14.

Le paysage archéologique est défini par un arrêté du ministre chargé de la culture et du ministre chargé du budget. Les travaux de fouilles peuvent être soumis à permis d’aménager en application de l’article L. 524-14.
Archaeologists: professionals in the trenches
Photos by Pierre Buch for the ACE project

Greece, Thessaloniki. At night. General view on the 16th Ephorate’s excavations during construction works at the metro station. (Photo: ©Pierre Buch)
France, Marquion. Excavations by INRAP on the Seine-North Europe waterway. Mechanical excavators: effective tools for large-scale preventive archaeology. (Photo: ©Pierre Buch)

France, Bourlon. Excavations by INRAP on the Seine-North Europe waterway. Excavating a medieval burial as a part of a preventive archaeology operation on the line of a new waterway. (Photo: ©Pierre Buch)
Greece, Thessaloniki. General view on the 16th Ephorate’s excavations at Syntrivani Square during construction works at the metro station. (Photo: ©Pierre Buch)

Italy, Naples, Piazza Municipio. Excavations during metro constructions works. (Photo: ©Pierre Buch)
Italy, Naples, Piazza Municipio. Excavations during metro constructions works. Roman thermal baths. (Photo: ©Pierre Buch)

Belgium, Kruibeke-Bazel. Archaeological excavations require collaboration between professionals from different disciplines. (Photo: ©Pierre Buch)

France, Marquion. Excavations by INRAP on the Seine-North Europe waterway. The pickaxe, the shovel, the trowel: traditional tools continue to accompany the archaeologist’s daily life and work. (Photo: ©Pierre Buch)
Greece, Thessaloniki. General view on the 16th Ephorate’s excavations at Syntrivani Square during construction works at the metro station: discovery of late Roman graves.
(Photo: ©Pierre Buch)

Italy, Naples, Piazza Municipio. From ground to paper: drawing of a paved street. Metro construction works.
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France, Marquion. Geophysical survey of a Gallo-Roman villa’s extension. (Photo: ©Pierre Buch)
Greece, Thessaloniki, Vasilika. Searching for traces at an archaeological site: field walking; Vasilika Survey Project. (Photo: ©Pierre Buch)

Greece, Thessaloniki. Topographic survey at an archaeological site in the Anthemus Valley; Vasilika Survey Project. (Photo: ©Pierre Buch)
United Kingdom, Hungate. Archaeological finds... of any kind.
(Photograph: ©Pierre Buch)

United Kingdom, York, University of York, archaeology laboratory.
A record sheet for skeleton has been left for completion after lunch.
(Photograph: ©Pierre Buch)
France, Saint-Denis (Paris). The excavations produce a vast mass of archaeological finds: storage could become a problem. (Photo: ©Pierre Buch)

Italy, Naples. Storage of archaeological finds from excavations during metro constructions works. (Photo: ©Pierre Buch)
Germany, Manching, kelten römer museum. The end of field research: the museum, a window to a remote past. (Photo: ©Pierre Buch)

Italy, Pompeii, lupanar (brothel). Archaeological heritage and tourism: the dangerous liaisons. (Photo: ©Pierre Buch)
Greece, Thessaloniki, the arch of Galerius. Archaeological monuments and city life. (Photo: ©Pierre Buch)

Greece, Thessaloniki, the Palace of Galerius. Looking at the ruins: inhabitants are confronted with the archaeological remains in the heart of their city. (Photo: ©Pierre Buch)
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Back cover:
France, Marquion. Excavations by INRAP on the Seine-North Europe waterway.
(Photo: ©Pierre Buch)
Twenty years after the adoption of the European Convention on the protection of the archaeological heritage (Malta Convention), the role of preventive archaeology has been increasing in terms of methodological, scientific, economic and social developments.

The volume contains the Proceedings of the Conference on preventive archaeology held in Rome, the 19th of October 2012. The Conference was organized by IBC and INRAP, in the framework of the ACE project – “Archaeology in Contemporary Europe. Professional Practices and Public Outreach” to take stock of the situation twenty years after the Malta Convention in 1992.

The Conference represented an important opportunity for comparing the experiences of different European countries in the field of preventive archaeology and for once again raising the issue of Italy’s failure to ratify the Malta Convention.

The papers well illustrate the effects of applying the principles of “Malta-archaeology” within the different national contexts, while also highlighting that there is still room for improvement and that the problems which persist have been largely accentuated by the present economic situation.

The last section of the volume is dedicated to pictures taken by the photographer Pierre Buch for the ACE exhibit “Working in archaeology”.

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