

# The Valletta Convention: Twenty Years After Benefits, Problems, Challenges



**Edited by Victoria M. van der Haas and  
Peter A.C. Schut**

EAC Occasional Paper No. 9

**The Valletta Convention: Twenty Years After – Benefits, Problems, Challenges**



# The Valletta Convention: Twenty Years After Benefits, Problems, Challenges

Edited by Victoria M. van der Haas and Peter A.C. Schut



Cultural Heritage Agency  
Ministry of Education, Culture and Science



AGJENCIA E  
SHERBIMIT  
ARKEOLOGJIK



## **The Valletta Convention: Twenty Years After – Benefits, Problems, Challenges**

Edited by Victoria M. van der Haas and Peter A.C. Schut

Published by:

Europae Archaeologia Consilium (EAC), Association Internationale sans But Lucratif (AISBL), Siège social

Koning Albert II-laan 19      Avenue Roi Albert II 19

P.O. Box 10      Boîte 10

1210 Brussel      1210 Bruxelles

Belgium      Belgique

[www.e-a-c.org](http://www.e-a-c.org)

In association with:

Aerial Archaeology Research Group

© The individual authors 2014

The opinions expressed in this volume are those of the individual authors, and do not necessarily represent official policy.

ISBN 978-963-9911-49-9

Brought to publication by Archaeolingua, Hungary

Managing editor: Elizabeth Jerem

Copy editing by Victoria van der Haas

Layout and cover design by Gergely Hős

Printed by Aduprint Printing and Publishing Ltd, Hungary

Distribution by Archaeolingua, Hungary

Cover image:

Butrint, Albania (World Heritage) where Greek, Roman, Byzantium and Venetian monumental ruins bring together the Valletta principles for research, restoration, conservation, education and public information

© Alket Islami & Butrint Foundation

## Contents

	Foreword and acknowledgement <i>Katalin Wollák</i>	7
	Foreword <i>Peter Schut</i>	9
1	The Valletta Convention: twenty years after – a convenient time <i>Adrian Olivier</i>	11
2	Origines et objectifs de la Convention de Malte. Son application en France <i>Marc Gauthier</i>	17
3	The origins and aims of the Valletta Convention. Its implementation in France <i>Marc Gauthier</i>	31
4	Research, historic assets and the public – the Valletta Convention and the example of Butrint <i>Brian Ayers</i>	45
5	Archaeology and tourism. The Roman Legionary Trail, an educational and recreational project in the canton of Aargau, Switzerland <i>Thomas Pauli-Gabi</i>	57
6	The convention in action – Poland almost 20 years after the ratification of the Valletta Convention <i>Agnieszka Oniszczyk</i>	63
7	Heritage sites and tourism: two sides of the same coin? <i>George Cassar</i>	69
8	Archaeological work in a development context. Key challenges and legal measures <i>Nicoletta Divari-Valakou</i>	79
9	The pending ratification of the Valletta Treaty by Austria <i>Bernhard Hebert</i>	87
10	Two years of ratification – twenty years of legal implementation: the Valletta Convention in the Spanish case: a fact or fantasy? <i>Alicia Castillo Mena</i>	89
11	Archaeological heritage management in the Republic of Moldova after two decades of the Valletta Convention <i>Sergiu Musteață</i>	99
12	The positive experiences, issues and limited opportunities in the present application of rescue archeology under the Malta Convention in Albania <i>Gjergj Frasheri</i>	105
13	Albanian challenges on the protection of cultural heritage <i>Roland Olli</i>	111
14	Management of archaeological excavations and control in the Czech and Slovak Republic <i>Jan Mařík and Karol Prášek</i>	113
15	Archaeological resources in cultural heritage: a European standard <i>David Bibby</i>	119
16	Relax, don't do it: a future for archaeological monitoring <i>Hans Huisman and Bertil van Os</i>	123

17		Rising to the challenge? Research-based training in contexts of diversification <i>Christopher Prescott</i>	135
18		Valletta and beyond – ideas and practices in Sweden <i>Birgitta Johansen and Mats Mogren</i>	143
19		Malta and its consequences: a mixed blessing <i>Willem J.H. Willems</i>	151
20		The EU and cultural heritage: current approaches and challenges for the future <i>Petar Miladinov</i>	157
21		Europe, Malta and me <i>Leonard de Wit</i>	161
22		Valletta Convention perspectives: an EAC survey <i>Adrian Olivier and Paul Van Lindt</i>	165
		Contributors	177
		Résumés	179



## Foreword and acknowledgement

**Katalin Wollák, Vice-president of EAC  
President of Europae Archaeologiae Consilium 2010-2013**

In recent years, as part of the process of renewing its overall strategy, the Europae Archaeologiae Consilium has examined different aspects of archaeological heritage management through its annual heritage management symposiums. The 12<sup>th</sup> EAC symposium in Ennemy, Belgium (2011), ('Heritage Reinvents Europe'), focussed on the social significance and diversity of cultural heritage and its role in different narratives. The 13<sup>th</sup> EAC symposium held in Paris in 2012 entitled 'Who Cares?' presented the different perspectives on public awareness, participation and protection in Europe's archaeology. The 14<sup>th</sup> EAC symposium was hosted in Albania in March 2013, and in the frame of this symposium the EAC investigated the extent to which the regulatory environment established in most EAC member states over the past 20 years based on the European Convention on the Protection of the Archaeological Heritage actually ensured the efficient protection and management of heritage, and whether the convention is still appropriate in current circumstances.

The relevant Council of Europe's Convention (ETS No. 143) adopted in 1992 in Valletta (Malta), ratified by 42 European countries established a body of new basic legal standards for Europe, aimed at creating firm cooperation between planning policies and heritage management, and the principles of integrated conservation "in order to ensure optimum conservation of archaeological heritage" as sources of scientific and documentary evidence.

In 2002 – three years after the establishment of the Consilium under the auspice of the Council of Europe – and coinciding with the 10-year anniversary of the Convention (ratified at that time by 27 countries), the EAC participated in the seminar organised by the Council of Europe's Steering Committee on the Cultural Heritage. As a result of this, the EAC was asked to assist the CoE in exploring how the provisions of the Valletta Convention have been interpreted in different countries. The EAC undertook a survey on the most important themes in order to establish the different approaches that had been taken to implementation of the convention in different countries, and the answers highlighted some major differences between approaches. The EAC presented the outcome of this work to different professional forums including the Council of Europe. This activity did not only help the EAC to better understand the various heritage management systems in member states but it also served as an excellent starting point for elaborating a new and more sustainable monitoring system of the Council of Europe's heritage related conventions.

We believe that the Valletta Convention remains the core management text for archaeological heritage management prevalent across most European countries. With the organisation of the 14<sup>th</sup> EAC symposium on the occasion of the 20-year anniversary of the convention, we intended to present its relevance to the present day. In addition to this we considered that it would be appropriate to explore some current concerns by looking at the impacts on heritage management of the political, economic, and social changes throughout Europe, and to identify both the benefits and advantages of the Valletta Convention, as well as any problems associated with its implementation and to establish an overview of the challenges resulting from a rapidly changing economic and political environment, and how the heritage sector might be able to help to address these challenges. In the symposium *'The Valletta Convention: Twenty Years After – Challenges for the future. 20th Anniversary of the Valletta Convention: Benefits, Problems, Challenges'*.

After a comprehensive retrospective presentation, the speakers first demonstrated the different ways in which the Convention had been adapted and implemented. The papers touched upon the impacts of Valletta, and the changes of the last two decades. The symposium paid special attention to the question of how the (archaeological) heritage could react to past and present challenges, such as the integration of different heritage related institutions, significant changes in legal framework, the increased demand and expectation for better cooperation and communication towards the different stakeholders in the society and the protracted, direct and indirect impacts of the economic crises and the recession to archaeological heritage management. These issues then led seamlessly into the next subtheme: how to manage the problems resulting from the exponential rise in field archaeology which produced enormous quantities of archaeological material and data, but without proper, adequate societal exploitation. Other papers then examined the possible future developments, presenting the expectations of those countries which are considering signing the convention in the near future, as well as the more negative viewpoint of those countries who think the convention has grown too old, and who are looking at developing a broader approach by connecting the Valletta Convention to the Faro and Florence conventions. There were also presentation by representatives of the European Union and the Council of Europe.

The EAC also organised a Heritage Management Seminar *'In situ preservation: management and presentation'* in the frame of the Annual Meeting to reflect some management priorities of the host country. The Valletta Convention has resulted in changing approaches to physical interventions – moving away from excavation of archaeological remains towards conserving these remains in-situ. In the Butrint Theatre, our Albanian colleagues



provided a venue for the seminar which was extremely appropriate for presenting good examples of managing, monitoring and presentation of archaeological remains in situ. As we considered that this issue is closely related to the implementation and to the achievements of the Convention, four presentations from the seminar have been included in this volume, together with a few additional contributions from countries, which did not provide a presentation. Four papers presented at the symposium have not been added to this volume but the 21 remaining articles properly present the various perspectives.

I would like to express our gratitude to the Archaeological Service Agency of the Ministry of Tourism, Culture, Youth and Sports of Albania, especially to the director of the Agency Roland Olli and his staff and particularly to Albana Hakani for the warm and generous hosting of the whole annual meeting, and for organising such memorable site visits. Adrian Olivier, the former EAC president was not only the initiator of the symposium but he facilitated it with his expert assistance, with Paul Van Lindt he also prepared an on-line questionnaire (the preliminary results of which are presented in this volume. Our Dutch colleagues also played a significant role in the conference, with their inspiring, probably provoking prelude (Leonard de Wit) and concluding remarks (Willem Willems). Last but not least we'd like to thank all the authors for their contributions, and especially Peter Schut for the precise and thorough work of the scientific organising of the symposium and editing this volume, and Victoria van der Haas for the technical and linguistic editorial work, and our publishing house, Archaeolingua, for the continuous reliable labour on our behalf.

I am especially grateful for the challenge that under my three year presidential term we were able to publish five EAC volumes, although the preparation and the performance of this symposium took place during this period, this volume has actually been published under the presidency of Bernard Randoin.

The symposium concluded by outlining the present challenges, especially the need to open up discussion about the accumulated values of heritage to achieve more effective conservation management, and to launch new initiatives to explore how to treat archaeological values as sources of knowledge about Europe's past. The EAC therefore decided to explore these opportunities in the frame of the 15<sup>th</sup> EAC Heritage Management Symposium in 2015.

Budapest, 7<sup>th</sup> November 2013

## Foreword

*Peter Schut*

The Valletta Convention: Twenty years After – Challenges for the future.  
20<sup>th</sup> Anniversary of the Valletta Convention: Benefits, Problems, Challenges.

The title of the 14<sup>th</sup> Heritage Management symposium that was held in Sarande, Albania (21<sup>st</sup>-23<sup>rd</sup> of March 2013) recalls an important turning point in archaeological heritage for many European countries. The Valletta treaty has become such an integrated part that the younger generation of archaeologists can hardly imagine what the pre-Valletta era was like. Not to mention the process that led up to this treaty. Therefore this publication will focus on the past as well as the present and future of the Valletta treaty. The contributions by Marc Gauthier and Adrian Olivier provide an interesting image of the background of the treaty. By better inextricably connecting planning and archaeology with one another, an important foundation has been laid. It is understandable that there are less desired effects within the system which vary in nature in the different countries and require different solutions. Indeed, each country within the framework of its own culture, traditions and laws, provides its own interpretation of the implementation of the convention.

The arrival of commercial archaeology is completely new to some countries. The impact of this is noticeable on many fronts. Changes within the profession, especially the introduction of policy archaeologists and advisors has changed the image. A side effect is that we can also see a development towards a broader education of archaeologists. Now, in a time of economic recession, it is time to evaluate the process and make changes where needed. What works and where is room for improvement? More transparency and more responsible choices that are understandable to the 'outside world' are urgently needed. As a consequence of changing political and economic circumstances in various countries, archaeology is under pressure. Due to economic situation, the preservation in situ of largely unknown archaeological values has become inevitable. This development has serious social consequences for colleagues that have become unemployed whereby knowledge and experience is disappearing. The foundation for the 14<sup>th</sup> Heritage Management Symposium was shaped by an outline written by Adrian Oliver with four main themes:

- The inspiration and implementation of Valletta;
- Issues to improve the professional performance and to achieve greater acceptance;
- Changing circumstances;
- Future Developments

These subjects re-occur in many of the presented contributions. Due to the nature of the articles, this grouping is not adhered to since several articles discuss these various aspects.

That the Valletta archaeology has penetrated all facets of archaeology is further emphasized by the contributions of the symposium's preceding seminar: "In situ preservation: Management and Presentation" organized by Hans Mestdagh and Rolland Olli which seamlessly connected to the symposium. For this reason their contributions have been incorporated in this publication.

After several preliminary contributions, a few articles follow in which reaching a wider public is more or less a central theme. This theme requires a new approach. The archaeology of today consists of more than legislation, planning, excavation and scientific publication. Without an audience the rationale of archaeology in its current form is limited and investment in the support of the public is a prerequisite for the continuation of archaeology in all its facets. We owe it to the public to devote part of our time to public education public and above all to involve them in the archaeological process. The way in which the Butrint Foundation stimulates research in combination with training and the use of incentives for tourist opening of imposing ruins has many similarities with practices used in other countries. The contributions pertaining to the responsible reconstructions, education and tourism are inextricably connected. Education and cultural and historical awareness of the society is at the basis of a much-needed social support and a sense of identity of the inhabitants.

A few articles focus on a specific situation in some of the countries, in particular how the Valletta Convention has been shaped in differing fields. Also through to the contributions from colleagues that did not contribute an article but did contribute at the symposium by sharing their vision we are provided with an impression of the situation in various European countries. Their experiences, challenges and underlying motives provide a special impression of the large variety within the European range with one communal starting point: The Valletta Convention. Investments in archaeological heritage are, despite the economic crisis, considered of great value. The contributions regarding the necessity of monitoring of sites and at the end of the archaeological chain that of archiving, illustrate the broad scope of the Valletta archaeology.

In the final articles emphasis is placed on the sometimes adverse consequences of the implementation of certain aspects of the Valletta convention. It is of the utmost importance that solutions are provided. These contributions shape a prelude for the 15<sup>th</sup> Heritage Management Symposium “Setting the agenda: Giving new meaning to the European archaeological heritage” that will take place in Amersfoort in 2014. Three themes will be central:

- Managing the sources of European history
- Dare to choose
- The spirit of the Faro Convention: embedding archaeology in society

Hopefully the elaboration of these themes will act as an inspiration for the next couple of years.

Finally, the amicable collaboration with Roland Olli and Albana Hakani was extremely stimulating within the organizing of the symposium. Also the Albanian hospitaly and the visit to Butrint were an unforgettable experience for the participants. Adrian Oliver, Réka Virágos and Leonard de Wit were always prepared to contribute to the organization of the symposium. Bernard Randoin and Séan Kirwan took care of the English translation of Marc Gauthier’s article and Marie-Jeanne Ghenne translated all abstracts to French. Victoria van der Haas played a crucial role as co-editor, she made the articles gain in strength. Last but not least I wish to thank all the authors for their time and effort in sharing their knowledge and providing expertise to the symposium and this publication. Their contributions speak for themselves. It has been a pleasure working with all of you.

# 1 | The Valletta Convention: twenty years after – a convenient time

Adrian Olivier

*“Come,” said D’Artagnan, who thought that it was now a convenient time to begin his interrogations*

Alexandre Dumas: Twenty Years After (1845)

**Abstract:** The Valletta Convention was developed and formulated in response to changing approaches to archaeological heritage management that had occurred in the intervening period since the London Convention of 1969. Despite the major achievements of the Valletta Convention, circumstances have continued to change since 1992 and significant new pressures are discussed which require new responses and the evolution of new approaches to heritage management.

## Introduction

The Valletta Convention - The European Convention on the Protection of the Archaeological Heritage (Revised) was adopted on 16 January 1992 in Valletta (Malta) and came into force on 25 May 1995 (Council of Europe Treaty Series no. 143). At the time of writing (July 2013) 42 states have signed and ratified the Convention; three states have signed without ratification, and three states have not signed.

The Valletta Convention specifically reflected the changing approaches to the management of the archaeological heritage that had developed since the London Convention of 1969. In particular, it addressed the changing nature of threats to the archaeological heritage, which increasingly came less from unauthorised excavations, as in the 1960s, and more from the major construction projects carried out all over Europe from 1980 onwards (Willems 2007, 58–60; O’Keefe & Prott 2011, 101–3). The Convention established a body of new basic legal standards for Europe, to be met by national policies for the protection of archaeological assets as sources of scientific and documentary evidence, in line with the then emerging principles of integrated conservation. However, from the outset, it was recognised that the Convention was neither an ideal nor a perfect document, and that it reflected the inevitable compromises made when drafting an international instrument (Willems 2007, 60–3) with the consequences that some areas were weaker than many would have liked (Cleere 1993, 401).

Since 1992, approaches to archaeological heritage management, and indeed heritage management as a whole have continued to develop and evolve and this is reflected in particular by a much more integrative approach which attempts to deal with the whole of the *historic environment* (archaeology, buildings, and landscapes) in a more integrated and seamless fashion. To some extent these changes are reflected in more recent Council of Europe conventions: The Florence Convention (The European Landscape Convention, 2000) which promotes the protection, management

and planning of European landscapes and organises European co-operation on landscape issues, and the Faro Convention (The Framework Convention on the Value of Cultural Heritage for Society, 2005) which presents heritage as a resource for human development, the enhancement of cultural diversity and the promotion of intercultural dialogue, and as part of a model of economic development based on the principles of sustainable use of resources. Nevertheless, after more than 20 years and despite these changes, the Valletta Convention as formulated in 1992 still remains the core management text for archaeological heritage management across Europe.

After 20 years experience of the implementation of the Valletta Convention across most of Europe, and in view of the very significant and far reaching impacts on the management of the cultural heritage which have come about as a result of continuing and fundamental political, economic, and social changes throughout Europe, the Board of the EAC agreed in 2012, echoing the words of D’Artagnan, that it was, indeed, a convenient time to consider and take stock of the current situation.

## Key changes & aspirations (1969–1992)

The key changes that occurred since the formulation of the London Convention and which stimulated the development of the Valletta Convention have been set out clearly by the Council of Europe and others (link 1). These changes, and the aspirations of the Valletta Convention in addressing them are paraphrased and summarised below; these include:

### *The changing definition of the archaeological heritage*

Since the London Convention of 1969, which placed more emphasis on the importance of material culture (i.e. items found during excavations), the scope of what is commonly accepted as the archaeological heritage expanded to include structures, buildings, groups of buildings, developed sites, movable remains,

and monuments of other types, together with their surroundings, whether they are located underground or underwater. Indeed, there is now a much greater appreciation of the wider dimension of heritage and the potential of all traces or relics of the past to shed light on different aspects of humankind's development to further our knowledge of history and the relationship of man and nature.

#### *Archaeological evidence as a source of collective memory*

In the past, an important motive for the excavation of archaeological sites and monuments was the acquisition of material culture, which could then be placed on display in museums and galleries. The Valletta Convention highlighted and moved to centre stage the recognition of the scientific importance of the archaeological heritage in underpinning and informing our understanding of the development of humankind in Europe. The Convention also articulated the growing awareness that the archaeological heritage, as well as being a tool for historical and scientific study, is also an important source of Europe's collective memory and, as such, requires positive protection.

#### *Spatial planning, identification, and legal protection*

Since 1969 there had been an increase in population, living standards, and the number and complexity of development projects, which included major public works (motorways, underground railways, and high-speed trains, re-planning of historic town centres, car parks etc.) and equally significant development of a different nature in the countryside (intensification of agriculture, re-forestation, land consolidation etc.). These activities generated new threats to the discovery and protection of the archaeological heritage. The Valletta Convention established a direct interaction between archaeology and spatial planning so that these threats could be properly addressed. As part of this process, the Valletta Convention emphasised the particular importance to spatial planning of having detailed inventories of archaeological heritage alongside legal measures and systems to regulate the conduct of excavations on public and private land.

#### *Integrated conservation*

The Valletta Convention formally set out the need for an integrated approach to the conservation of the archaeological heritage (including the setting and context of sites), which would be achieved by ensuring that archaeologists and town and spatial planners cooperated throughout the entire planning process.

#### *Funding, dissemination of information, and technical assistance*

The Valletta Convention requires each state party to support archaeological research financially and to promote so-called 'preventive' / 'rescue' archaeology, using public or private funding as appropriate; the costs of this including both the direct archaeological intervention itself and the necessary post-excavation work, including research, archiving, and the preparation of catalogues and reports. The Convention made provision for the dissemination both of the scientific information collected on site and the subsequent specialist reports. It also identified that mutual technical and scientific assistance had to be developed

through exchanges of people in the occupations linked to archaeological heritage conservation.

#### *Public awareness*

Recognising the fundamental importance of public awareness in promulgating the value and protection of the archaeological heritage, the Valletta Convention set out the steps that should be taken to facilitate public access to sites and artefacts.

#### *Illegal circulation of artefacts*

The Valletta Convention makes provision to restrict the illegal circulation of artefacts through co-operation between states, informing each other when a suspect object appears on the market. The Convention concludes that the best way of guarding against trading in items from illegal excavations is to educate the public, showing that removing an item from its context destroys the scientific value of the object itself as well as damaging site from which it came.

#### *A success story*

The formulation and adoption of the Valletta Convention as a considered response to these changes has had a very profound impact on the practice of archaeology and archaeological heritage management (Willems 2007, 58). Although there are clear differences in implementation in different states, there is now for the first time a broadly consistent yet pluralistic framework that sets the core standards for the practice and management of archaeology across the whole of Europe. This framework has been accepted by national governments who now give a much higher prominence to archaeology than was previously the case, and as part of this, archaeology is now firmly integrated everywhere one way or another into spatial planning, and archaeologists are now properly included in the relevant decision making processes. Archaeological work resulting from development has been placed on a much firmer, more structured funding basis than was possible previously. This has led in turn to a significant increase in the volume of archaeological work everywhere, and an equally significant increase in our knowledge and understanding to the past.

Nevertheless, and despite these successes, it is possible to identify some issues, which were included in the Valletta Convention, but where less progress has been made, and these represent 'unfinished business' i.e. where there is still work to do before it could be said that the Valletta Convention has achieved its aims in these areas. There are at least four areas of unfinished business:

- The critical relationship between archaeological fieldwork and research still needs to be addressed by ensuring that all archaeological work, whether proactive (so-called programmed scientific work), or reactive (so-called 'preventive' / 'rescue' work in a development context) is driven from the outset by properly formulated research objectives.
- The Valletta Convention places great emphasis on the provision of adequate training and exchange of information / expertise but in many states and in an international context this often appears under-developed.

- Despite the emphasis that the Valletta Convention places on the importance of archaeological archives, and significant advances that have been made in this field, there is a widespread recognition among professionals that there is a crisis in archaeological archives across much of Europe which relates not only to responsibilities for creating archives but also for their proper care in appropriate storage facilities or depots.
- The dissemination of 'scientific' results through professional publication is now accepted as standard good practice that is widely (although still not universally) followed. Less progress has been made, however, in terms of disseminating the information generated by archaeological work to the wider public, and using this to encourage a greater public awareness and ownership of the values that underpin the need for archaeological work. There appears to be an ever-increasing appetite for heritage media content, but transforming this 'entertainment' or (in the digital age) 'infotainment' into a mechanism that can build public and political support remains a challenge. The need for this has long been identified (Knoop 1993) but achieving success in the same way that has worked so well for the environmental and conservation movements has yet to be realised.

### Challenges for the future: continuing change (1992–2012)

Inevitably, since the drafting of the Valletta Convention, archaeological heritage management has continued to evolve and change as it has had to respond and adapt to changing circumstances.

#### *Integrated heritage management*

Cultural heritage itself has become increasingly complex with the development and addition of many new concepts and areas of practice and expertise to what was once simply thought of as 'archaeology'. Perspectives have now broadened so much that those involved in the processes flowing out of the Valletta Convention talk increasingly of the 'cultural heritage' and not the 'archaeological heritage', and of the 'historic environment' rather than of 'archaeology' and indeed often no longer even consider themselves simply as 'archaeologists'. At the same time, and perhaps directly as a result of the steps first taken as a result of implementing the Valletta Convention, the practice (and management) of archaeology has become increasingly integrated with that of other disciplines – especially – but by no means exclusively – those related to the management of the natural environment, landscape, spatial planning, social values, tourism, education etc. This integration of management practice is also reflected by a growing trend in some states to unify under single national legislation previously separate measures to protect landscapes, archaeological sites and monuments, and historic buildings. This can have significant implications for how archaeological management is practiced in a wider administrative and legal context. As a result of this trend, those who once may have

been content to describe themselves straightforwardly as archaeologists, have had to take on a much wider array of new roles and responsibilities that transcend the boundaries of their original discipline.

#### *Value-led conservation*

The ever-increasing pace of development and change impacting on the historic environment has, over the past decade, forced archaeologists to re-evaluate the basis for management decisions with regard to the material evidence of the past. This has led to a questioning in some quarters of existing 'orthodoxies' and 'core' archaeological values such as the primacy accorded to *in situ* preservation (Willems 2012). There is a growing acceptance that not everything necessarily has the same value and significance (even in strictly academic terms); that not everything can (or should) be protected or conserved (there's simply too much); and that not everything can (or should) be recorded/excavated (there's are insufficient resources). This has led to a subtle shift away from preservation and mitigation as the primary response to development towards a more proactive conservation management approach that is based on a better understanding and articulation of *all* the relevant values (*Evidential, Historic, Aesthetic, Communal* etc.) and how these values can be vulnerable to harm and loss, in order to inform and develop strategies to sustain those values in appropriate ways and in different contexts. In doing this, and in making decisions about the management of the historic environment, there is also a growing acceptance in many quarters that other values and interests need to be considered and taken into account alongside the 'professional' 'expert' 'academic' values of the archaeologist. These will include the values of other relevant sectors, as well of course as other social and cultural values and the local, community, and public values that are so necessary if the public benefit of archaeology, that is so readily claimed but which so often remains unjustified in the minds of others, is to be demonstrated clearly, openly and transparently.

#### *Climate change*

Many of the issues set out above are brought into sharp focus by the impacts of climate change, which demonstrate the changing relationship between heritage/archaeology and other sectors and interests. The discipline of archaeology, with its long temporal perspective (and data) of course has much to contribute to understanding the *nature* of climate change, but the real challenges lie in dealing with the often very significant direct and indirect impacts on the historic environment of measures taken by governments and agencies in response to climate change (eg rising sea levels, coastal erosion, flooding, energy efficiency, and renewable energy. The Valletta Convention of course makes provision for public and private funding of preventive / rescue archaeology and in some specific contexts (eg erection of flood defences) this may still be relevant. However, such measures are of little help in a more generalised context when the 'developer' is mother nature herself, and where the costs of archaeological work might either far outstrip the costs of the parent scheme, or be totally outweighed by the perceived public benefit of other economic and/or public safety objectives. Heritage managers and



archaeologists often struggle to find a satisfactory and practical response to such circumstances with the existing instruments and tools available to them.

#### *Localism and devolution*

In many parts of Europe there is an increasing trend towards deregulation of the planning process (to stimulate growth) coupled with a shift to devolve decision-making further away from national and regional levels to more local communities. In some states, such attempts to simplify procedures and devolve decision-making in this way may combine with reductions in resources for heritage management imposed as a result of the need for fiscal savings (especially in the context of spatial planning) to lessen the level of conservation and protection available for archaeological sites, landscapes, and buildings. In this way, many of the hard-won advances made throughout Europe as a result of the implementation of the Valletta Convention are now at risk. Of course, the engagement of local communities in spatial planning decision-making is, of itself no bad thing, and aligns well with the value-led approach described above. Indeed, the Florence Convention makes specific provision for just this process (Articles 11 & 12). However, the integrated framework for heritage management using the spatial planning process set out by the Valletta Convention is now at risk as a result of the pressures outlined above, and the challenge for heritage managers and archaeologists for the future, will be to develop better ways to engage directly and effectively with the very many different communities of interest in taking decisions that impact on the historic environment.

#### *Role of the third sector*

One of the direct consequences that may be seen to have resulted from the implementation of the Valletta Convention is the significant growth in numbers across Europe of 'professional' archaeologists – mainly involved either directly or indirectly in the process of heritage management. The impacts of this on the nature and shape of a discipline whose origins and early development lie in antiquarianism and scholarship, and which through much of the 20<sup>th</sup> century relied largely on avocational (so-called 'amateur') activity have been profound. However, the current reduction in the 'professional' sector noted above means that the professional infrastructure of archaeology that has developed in many European countries as a direct result of the exigencies of the Valletta Convention (whether public sector, free-market private sector, or a combination of the two) is now under considerable pressure, and the trend of ever-increasing professionalisation may be undergoing a process of reversion or at least partial readjustment to a situation more familiar in the middle years of the 20<sup>th</sup> century prior to the advent of the Valletta Convention. Under these pressures, the capacity of the 'professional' archaeological sector to continue to respond adequately to the demands of development at the same levels as previously may be open to question, and this could result in a diminishment of one of the key underpinning achievements of the Valletta Convention. During the same period, however, in some countries there has also been a significant and very welcome growth in avocational 'community' archaeology. A

key challenge for the future will be to explore how professional practice can be combined with local decision-making in spatial planning (above) and the increased involvement of community archaeology, in a new matrix that will deliver increased public benefit at the same time as supporting integrated value-led conservation. To date, this has only too rarely been a direct outcome of the processes set in motion by the Valletta Convention, but current circumstances pose a very real opportunity (albeit a significant challenge) to create an evolutionary step-change in the practice and management of archaeology in the future.

#### *The digital revolution and public participation*

Significant elements of the Valletta Convention relate to the collection and dissemination of scientific information (Articles 7 & 8), focussing mainly on 'scientific' publication and pooling of information and international research; and the promotion of public awareness (Article 9) in the context of educational programmes and the provision of physical access to the archaeological heritage (especially sites). Although the aspirations embodied by these articles are as relevant today as when they were formulated over twenty years ago, in 1991 it was hardly possible to envisage how the then impending 'digital revolution' would impact on how these objectives could be translated into reality. As well as providing an incredibly powerful scientific tool for the analysis and interpretation of data, digital technologies allow almost instantaneous access to, and transmission of unimaginable volumes of information whether in the form of primary data, secondary sources, or other interpretive material. This has, and continues to alter fundamentally the way in which research is undertaken and information is exchanged, transcending the practical limitations of time and distance that constrained efforts in the early 1990s. As this process continues to accelerate, the traditional boundaries implicit in much of the structure of the Valletta Convention between professional archaeologists, avocational archaeologists, other professions, and the public become increasingly indistinct, and often disappear altogether. Digital technologies will continue to evolve at an increasing and sometimes even alarming rate, influencing practice in ways that cannot yet be imagined. The challenge for archaeologists and heritage managers today is to exploit better the potential of almost unlimited open access to the (virtual) past through digital gateways so that public awareness of the value of the archaeological heritage runs through society at large rather than being restricted by the constraints of physical access to individual sites and monuments. At the same time, archaeologists will need to understand better how this technological revolution is changing and democratising the processes of heritage management and they must be ready to respond perhaps more flexibly than has sometimes been the case hitherto, to the changing public attitudes that this will inevitably bring.

#### *Changing social expectations*

Since the formulation of the Valletta Convention, the Council of Europe itself has embarked upon a sustained process of change, that promotes not just the principles of integrated heritage conservation & management, but which focuses on social and cultural aspects



of heritage coupled with the need for sustainable development. This is reflected in an enlarged cross-disciplinary approach to cultural heritage and the concept of a common European heritage which asserts the principle of every person's right of access to the cultural heritage of his or her choice, while respecting the rights and freedoms of others and protecting cultural diversity (the principles that are now embodied in the Framework Convention on the *Value of Cultural Heritage for Society*). Archaeological heritage management as characterised by the Valletta Convention does not figure specifically in the Faro Convention – nevertheless, the approach of the Faro Convention has far reaching social implications for archaeological heritage management specifically, and for heritage management in general in the wider global context of human rights and democracy. Archaeological heritage managers now require a real understanding of all the different values and facets that are increasingly being brought into play today (summarised above). The practice of heritage management today is generally strongly rooted in the relatively processual approaches of the Valletta Convention and a shift to a much more inclusive social paradigm represents a significant but absolutely necessary challenge if we are to build on the achievements of the Valletta Convention as we adapt to the socio-political realities of the 21<sup>st</sup> century.

### Different circumstances and difficult questions

As noted a number of times above, changing economic circumstances, and in particular in many states the pressures resulting from a protracted period of economic recession, are having a significant impact on the structure and resources of heritage management. This will affect in turn the balance between public and private resources and responsibilities that the Valletta Convention sought to establish. Beyond this, however, the pragmatic economic necessity to achieve savings has, in some states, stimulated more fundamental and far-reaching questions about the objectives, and indeed the very nature of heritage management as it is practiced today.

How do we understand heritage, and what values can be attached to it? In a society that is increasingly diverse and multi-cultural but paradoxically at the same time is more uniform and international, how much and which elements of heritage can and should be conserved? With increasing constraints on resources and funding how can we identify what is most valued, what is significant, and what is important? Who should be responsible for (paying for and) protecting and conserving heritage – should the roles of government, the private sector, voluntary bodies, communities, and owners be reassessed? What is the appropriate balance between legislation, regulation, and other mechanisms for protecting and conserving heritage?

In 1992, the answers to many of these questions were clearer and more certain than they are today, and the Valletta Convention sought to put in place practical mechanisms that would assist states in addressing the undoubted challenges that faced heritage in

the late 20<sup>th</sup> century. During the ensuing 20 years the implementation of the Valletta Convention has achieved considerable advances and successes across much of Europe. Today, however, the world has moved on considerably, and the issues and context of heritage management have changed radically and fundamentally. The challenges now facing heritage management in 2013 are as different from 1992 as the situation in 1992 was different to 1969 (the London Convention). Certainly, these changing circumstances would appear to warrant a reformulation of the Valletta Convention and if the international political and organisational climate of 1992 still pertained today, the Council of Europe would undoubtedly now be discussing the need to develop a revised heritage convention to respond to the challenges of 2013. However, the reality is that such a course of action is unlikely to be considered either practical and possible, or necessary and realistic.

### Implementing the Valletta Convention

The key objectives, and the various provisions to achieve them that are set out in the Valletta Convention are very clear, and it is of course for the individual states that have signed and ratified the Convention to implement these provisions in the context of their own legal structure and policy framework. The Council of Europe, however, continues to exercise an important role in coordinating the various actions required to monitor and implement these provisions. The express purpose of this work is to pool information about the nature and impact of heritage policies in Europe to identify potential problems, to assist states to meet new challenges that may emerge, and to help them work together to find appropriate solutions to address the problems and issues that have been identified. Ultimately this will result in raising the standards of practice that are articulated by the Valletta Convention.

The new Council of Europe Steering Committee for Culture, Heritage and Landscape (CDCPP) will carry on overseeing this important work, assisted by specialist expert groups such as the EAC which has been closely cooperating with the CoE for over ten years in following up the Valletta Convention. The HEREIN information system was conceived by the Council of Europe as an online tool which would comprise an essential element of this on-going process by providing a live database on heritage policies (and their implementation) coupled with a multilingual thesaurus and a variety of other services which would foster transnational cooperation between public actors in the field of heritage and the provision of more widespread and readily accessible information for the general public. This is supported by the European Heritage Network (the HEREIN network) established by the Council of Europe to bring together government departments responsible for cultural heritage as a reference point for government bodies, professionals, research workers and non-governmental organisations active in this field. The work of the HEREIN network will in future be strengthened and supported by the newly formed independent HEREIN Association (HEREIN aisbl).

As a network of state heritage agencies, the EAC considers that it is very well placed – indeed that it is part of its essential role – to assist with and participate in this process by drawing upon its considerable expertise both in heritage management practice and in the implementation of heritage policy in a national and in a pan-European context. In particular EAC members can bring their own perspectives to bear to help identify those elements of the Valletta Convention that may have been less successfully implemented, or which require further analysis and attention if the original objectives of the Convention are to be met in full.

In addition, by virtue of their own position, EAC members are acutely aware of the new approaches to, and the severe pressures on archaeological heritage management that have emerged since 1992, and which will continue to intensify in the near future. To this end, EAC members can advise on those specific areas where the provisions of the Valletta Convention might require possible adjustment, or more practically the EAC can help highlight specific areas of new policy that need to be enhanced or developed under the general framework of the Valletta Convention.

The 2013 EAC Heritage Management Symposium therefore provided an ideal opportunity to contribute to the development of a collective platform, which could help shape and influence the future direction of heritage management policy in Europe. From the outset, it was intended that the Symposium would necessarily include an element of reflection in terms of assessing the overall impact and achievements of the Valletta Convention, whilst at the same time exploring and identifying any shortcomings and problems with its implementation and which provisions might still require further attention. However, it was considered essential that the Symposium would mainly focus on the future in terms of 1) identifying any priorities that *must* be addressed as a matter of urgency (provided that these are accompanied by a compelling case) and 2) pointing the way in terms of understanding the issues

and challenges now facing heritage management, and how and what new heritage management policies may be needed to meet these challenges. In this way, the Symposium was conceived not just as a celebration and necessary review of 20 years of experience of working within the framework of the Valletta Convention, but also that it should be the launchpad for future on-going and wide-ranging discussions about the evolution of heritage management policies in Europe.

## References

- Cleere, H. 1993: Managing the archaeological heritage. *Antiquity* 67, 400–2.
- Council of Europe. 1992: *European Convention on the Protection of the Archaeological Heritage (revised)*. Council of Europe, Strasbourg.
- Council of Europe. 2000: *European Landscape Convention*. Council of Europe, Strasbourg.
- Council of Europe. 2005: *Council of Europe Framework Convention on the Value of Cultural Heritage for Society*. Council of Europe, Strasbourg.
- Knoop, R. 1993: Public awareness and archaeology: a task for the voluntary sector. *Antiquity* 67, 439–45.
- O'Keefe, P.J. & Prott, L.V. (eds) 2011: *Cultural Heritage Conventions and Other Instruments*. Institute of Art and Law, Bülthel Wells.
- Willems, W.J.H. 2007: The work of making Malta: The Council of Europe's archaeology and planning committee 1988–1996. *European Journal of Archaeology* 10/1, 57–71.
- Willems, W.J.H. 2012: Problems with Preservation in situ. *Analecta Praehistorica Leidensia* 43/44, 1–8.

## Link

[http://www.coe.int/t/dg4/cultureheritage/heritage/Archeologie/vallettapres\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/heritage/Archeologie/vallettapres_en.asp)

## 2 | Origines et objectifs de la Convention de Malte. Son application en France

Marc Gauthier

**Résumé:** Issue de trois colloques internationaux « Archéologie et aménagement » (Florence 1984, Strasbourg 1985, Nice 1987) et des travaux du Comité restreint d'experts « Archéologie et aménagement urbain et rural (1985–1992), la Recommandation R 89 (13.04.1989) du Conseil de l'Europe définit les objectifs à atteindre pour améliorer la protection et la mise en valeur du patrimoine archéologique. Elle invite à renouveler entièrement la législation européenne en ce domaine. C'est à partir de ce document, des propositions complémentaires du Comité et des conclusions du colloque de Coïmbra (1990) que sera élaborée La Convention de Malte. Signée le 16 janvier 1992, la Convention est entrée en vigueur en France le 10 janvier 1996. Elle est à l'origine de la loi du 17 janvier 2001 relative à l'archéologie préventive, elle-même fondatrice de l'Institut national de recherches archéologiques préventives, élément majeur du dispositif archéologique français, opérant sous le contrôle de l'État.

### Les origines de la Convention

Tout a commencé il y a près d'un demi-siècle. C'est en effet à cette époque, dans les années 60–70, que l'Europe atteint le sommet d'une période de croissance économique exceptionnelle, nommée en France les Trente Glorieuses. Gloire pour l'économie, désastre pour l'archéologie. Parcs de stationnement souterrain, centres commerciaux, métros, etc. dévastent la mémoire enfouie des villes d'Europe. Les nouvelles lignes de trains à grande vitesse, les remembrements agricoles, les creusements de canaux, etc. bouleversent aussi des campagnes souvent préservées depuis des siècles. Aucune époque n'est à l'abri, depuis la préhistoire la plus ancienne jusqu'aux époques historiques les plus proches de nous.

En quelques années, le sous-sol des villes historiques et de vastes territoires ruraux sont profondément bouleversés. Des strates inviolées disparaissent sous la dent des pelleteuses mécaniques sans le moindre contrôle archéologique digne de ce nom. Henry Cleere rappelle (Cleere 1982), au cours d'un colloque international d'archéologie urbaine, organisé à Tours en 1980, que « dans les années soixante, une véritable folie d'expansion saisit les milieux d'affaires britanniques. [...] De vastes secteurs du centre historique des villes [...] furent soudain rasés et excavés sans que les archéologues puissent faire autre chose qu'un examen superficiel ». On pourrait dresser le même constat en France et dans la plupart des pays d'Europe à cette époque. Par exemple, à Lyon, la capitale des Gaules, entre 1950 et 1970, 17 hectares du cœur de l'agglomération antique furent ainsi détruits sans contrôle (Lasfargues 2009).

C'est pourtant au même moment que le Conseil de l'Europe se dote d'une première Convention pour la protection du patrimoine archéologique (Londres, 6 mai 1969). On aurait pu espérer qu'elle tienne compte de la situation de ces décennies. Il n'en est rien. En effet, elle ignore les destructions en train de se produire et

se donne comme priorités « la protection des fouilles archéologiques », c'est-à-dire la lutte contre les fouilles clandestines, « l'assainissement du marché des objets archéologiques » et « la lutte contre les faux ». On comprend cette obsession de la lutte contre les fouilles clandestines et le trafic des objets d'art lorsque l'on sait que l'inspirateur de la Convention de Londres était Massimo Pallottino, professeur d'étruscologie à Rome. La Recommandation (New Delhi, 5 décembre 1956) de l'UNESCO définissant les principes internationaux à appliquer en matière de fouilles archéologiques s'en tenait aux mêmes principes.

Ce sont donc d'autres chercheurs, confrontés aux destructions massives des gisements archéologiques, qui vont prendre le relais.

Mais, paradoxalement, ces ravages sont à l'origine des plus grands progrès dont ait bénéficié le patrimoine archéologique européen. Les perspectives changent; désormais, l'œuvre d'art livrée par le sol, si admirable soit-elle, cesse d'être la priorité. Ce sont des sites entiers qui doivent être préservés ou, au moins, étudiés avant leur destruction. Les mesures de protection comme les méthodes de recherche doivent s'adapter aux nouvelles menaces que les grands travaux de construction et d'aménagement du territoire font peser sur les centres historiques des villes aussi bien que sur les territoires ruraux.

Sur le terrain, l'archéologue apprendra à passer de la truelle à la pelle mécanique et la législation devra suivre le même chemin.

### La prise de conscience européenne

*Le colloque de Florence « Archéologie et aménagement » (22–25 octobre 1984)*

En novembre 1981, le ministère de la Culture français, conscient du retard pris dans la défense du patrimoine archéologique, décide d'organiser à Tours un colloque

international consacré à ce sujet (Archéologie urbaine, 1982). Communications et débats montrent clairement la volonté des archéologues français d'affronter ces difficultés dans un cadre européen. Ils considèrent comme des exemples à suivre les méthodes expérimentées en Grande-Bretagne et dans les pays du Nord de l'Europe. En particulier avec le travail d'évaluation du potentiel archéologique du sous-sol de Londres réalisé entre 1973 et 1980 et les opérations de sauvetage d'Amsterdam, Oxford ou Lübeck; opérations dont les principes et les résultats convergeaient avec celles menées en France à Tours, Lyon ou Bordeaux, par exemple.

Mais le véritable tournant sera pris quatre ans plus tard, en 1984, lorsque le Conseil de l'Europe et la région de Toscane organisent, à Florence, un colloque « Archéologie et aménagement » (Archéologie et aménagement, 1986). Une vingtaine de pays y participent. Il réunit des archéologues, des aménageurs, des administrateurs et des élus parmi lesquels des membres de l'Assemblée parlementaire du Conseil de l'Europe. A l'issue de quatre jours de débats, de visites de chantiers et de rencontres informelles, cinq priorités d'ordre général en faveur du patrimoine archéologique sont définies. On peut les résumer ainsi:

1. protéger les sites les plus importants, avec la collaboration des aménageurs;
2. interdire la destruction des vestiges archéologiques avant qu'ils n'aient été convenablement étudiés;
3. faire en sorte que les fouilles indispensables soient effectuées dans de bonnes conditions, notamment de planning;
4. s'interroger sur la nécessité ou non de conserver le matériel archéologique sur place ou dans des musées, après la fouille;
5. regrouper toutes les capacités de la discipline archéologique et améliorer les techniques de prospection, de fouille et de conservation, en tenant compte de l'évolution des techniques d'aménagement.

Bien entendu, ces cinq priorités formulées en langage diplomatique semblent bien éloignées d'une application concrète. Aussi, les participants, en majorité archéologues, les accompagnent-ils de propositions beaucoup plus précises. Dans une note complémentaire, ils suggèrent donc au Conseil de l'Europe de mener des études plus approfondies en vue d'organiser d'autres colloques internationaux et de formuler des recommandations aux États membres. Sans que le terme soit employé, c'est une archéologie préventive idéale qui se trouve définie en deux pages à l'issue des journées de Florence. Tous les objectifs à atteindre sont décrits en huit thèmes: inventaire général et prospection, intégration des préoccupations archéologiques dans les procédures d'aménagement, législation, aspects financiers, sensibilisation du public, formation, recherches touchant la conservation des vestiges, échange d'informations entre les États membres.

Pour éviter que cette proclamation ne reste au stade du catalogue de bonnes intentions ou de l'utopie archéologique, plusieurs projets sont envisagés. Il s'agit

de passer du niveau assez abstrait des discussions de Florence à une vision des problèmes à résoudre plus proche des réalités, plus pratique, plus technique. Sur une proposition de la délégation française présentée par le président de la Conférence des directeurs régionaux des Antiquités, l'organisation d'un colloque européen sur le thème de l'archéologie et des grands travaux est acceptée. Elle avait au préalable reçu l'accord de plusieurs représentants des pays présents ainsi que de membres du Conseil de l'Europe. La mise en place d'un Comité restreint d'experts « Archéologie et aménagement urbain et rural » au sein du Conseil est décidée. Enfin, pour s'en tenir à l'essentiel, l'idée de réaliser une étude comparée européenne consacrée à l'archéologie et aux grands travaux est lancée. Elle sera exploitée au cours de ce futur colloque. Elle portera principalement sur les textes juridiques, présentera des études de cas et des exemples d'exploitation scientifique de grandes opérations de sauvetage.

#### *Le Comité restreint d'experts « Archéologie et aménagement urbain et rural » (1985–1992)*

Il est en général composé d'archéologues, mais, parfois aussi, de diplomates en mission peu familiers du domaine archéologique. Autre difficulté: chacun des membres doit recueillir de son ministère de tutelle, après la réunion, la validation des positions qu'il a prises. Il peut être désavoué et sa mission suspendue, d'autant plus qu'un pays peut se montrer plus soucieux de son indépendance que de l'émergence d'une politique européenne contraignante.

La première réunion du Comité a lieu à Strasbourg, les 25 et 26 novembre 1985 (Marc Gauthier, 2009). Dix pays y sont représentés. Ils désignent le Suédois Gustav Trotzig à la présidence de leur groupe. Seule la France a envoyé une délégation de trois membres, les mêmes qu'à Florence. Elle se réduira ensuite à un seul, l'auteur du présent article, jusqu'à la fin des travaux, comme pour les autres pays. Au cours de cette première réunion, les propositions d'enquête et de réflexion présentées par la France, l'année précédente à Florence, doivent être examinées. Elles constituent la base de travail de la réunion. Deux suggestions émises à Florence en 1984 sont reprises: réaliser une étude comparée en Europe sur le thème de l'archéologie et des grands travaux (textes juridiques, études de cas, exploitation scientifique); organiser un colloque international sur ce thème, enrichi par les résultats de l'étude comparée.

A l'issue de la réunion, la décision est prise de lancer l'étude et de préparer le colloque que l'on envisage de tenir en France. Un calendrier précis est arrêté.

On pourrait dire que tout l'avenir du travail engagé à Florence se joue au cours de cette réunion. L'objectif à atteindre au cours des années suivantes est fixé: élaborer de nouveaux instruments réglementaires européens fondés sur un bilan scientifique, administratif et juridique. Ces instruments devraient d'abord consolider l'archéologie de sauvetage, puis accompagner sa mutation en archéologie préventive. Elle devrait ainsi pouvoir adopter les mêmes méthodes de recherche de terrain et de laboratoire que celles de l'archéologie programmée. Plusieurs pays ont ouvert la voie et la France s'y est engagée, par exemple, depuis 1974 dans une opération coordonnée avec des exploitants de carrières dans la vallée de l'Aisne.



Figure 2.1: Bordeaux (Gironde) - Fouilles de l'îlot urbain Saint-Christoly. (1982). Constructions Ier-VIe siècle. Le chantier s'est déroulé entre la mise en place des parois moulées et l'aménagement du sous-sol de la nouvelle construction. On voit les poteaux déjà en place. Marc Gauthier – SRA-DRAC Aquitaine.

### *Le choix de la procédure de révision*

Deux options s'offraient au Comité d'experts. Soit concevoir et rédiger une convention totalement nouvelle, puis la soumettre aux différentes instances du Conseil de l'Europe, après avoir abrogé la Convention de Londres (1969); soit s'en tenir à une révision du texte de 1969, ce qui n'interdisait pas de le compléter et de le remanier profondément. Le Comité d'experts s'est vite décidé pour la seconde solution. Elle évitait en effet la procédure très lourde qui imposait le recours à un texte entièrement nouveau et, surtout, qui ne garantissait pas que ce texte puisse venir un jour à son terme. L'exemple du projet de convention sur le patrimoine subaquatique, élaboré en 1985 et jamais finalisé, montrait l'écueil qu'il convenait d'éviter.

La procédure de révision soutenue par le Comité directeur pour la conservation intégrée du patrimoine et approuvée par le Comité des ministres permit au Comité d'experts de commencer à mettre en forme les idées exprimées depuis 1984, sans attendre la mise au point et l'adoption de la future Recommandation.

### *Le colloque « Archéologie et grands travaux » (4-6 novembre 1987)*

Le colloque se tient en France, à Nice. Il est organisé conjointement par le ministère de la Culture et le Conseil de l'Europe, avec le concours de la ville de Nice (Archéologie et grands travaux 1989). Il doit dresser un bilan de la coopération entre archéologues et aménageurs en Europe. Leurs relations ont en effet considérablement évolué depuis la réunion de Tours, en 1980. Alors que les aménageurs y étaient absents cette année-là, ils sont très présents à Nice. Des architectes, des ingénieurs, des urbanistes, des juristes, des administrateurs, des maîtres d'ouvrage dialoguent avec les archéologues. Chacun découvre l'autre.

19 pays sur les 21 États membres ont répondu à l'enquête sur le droit et la pratique préparée par le Comité d'experts. Un rapport présentant ces résultats a pu être diffusé avant l'ouverture du colloque. L'enquête juridique fait apparaître l'extrême disparité existant en Europe à cette époque. Entre la Norvège où tous les vestiges antérieurs à 1537 sont protégés et la Belgique où n'existe, en 1987, ni législation ni administration spécifiques de l'archéologie, toutes les formules se rencontrent. Un seul point commun: la tendance générale à trouver des solutions contractuelles entre archéologues et aménageurs.

Quant au financement, il résulte directement de cette recherche d'ententes contractuelles. Les aménageurs veulent pouvoir lancer leurs chantiers sans qu'ils soient constamment sous la menace d'une interruption provoquée par une découverte archéologique; de leur côté, les archéologues souhaitent étudier les sites menacés dans des conditions correctes. Pour résoudre cette double difficulté, on commence à s'orienter vers la prise en charge du financement des fouilles préventives



par les aménageurs. En contrepartie, les archéologues garantissent par convention la date de fin de leur intervention. Selon les pays, les solutions diffèrent. En Norvège, en Suède, au Danemark, la réglementation fixe le cadre du financement. En Grande-Bretagne et en France, on doit recourir aux accords négociés. Par exemple, c'est le cas de la très grande fouille de la cour du Louvre et des jardins du Carrousel menée de 1983 à 1990, en plein cœur de Paris (Van Ossel 1999).

Au terme de trois jours de discussions et de communications, tous les participants s'accordent sur les priorités d'ordre pratique et scientifique qui doivent régir le domaine des interventions archéologiques exigées par l'ouverture de grands travaux: 1/ la réalisation d'inventaires et la cartographie des sites archéologiques, selon les exemples donnés par la Grande-Bretagne, la République fédérale d'Allemagne et la Suède; 2/ la possibilité d'évaluer le potentiel archéologique des terrains à aménager; des prospections préalables doivent permettre de fixer avec les aménageurs les calendriers d'intervention des archéologues et de les respecter, de part et d'autre; 3/ la publication de textes scientifiques et de documents à destination du grand public préparés dans la continuité des opérations de fouille; la mise en valeur des découvertes doit bénéficier d'importants moyens.

Avant de se séparer, les participants arrêtent la trame de ce que pourrait être une Recommandation du Conseil de l'Europe, premier stade d'un traité international plus contraignant. On le voit, dès ce moment, l'espoir de parvenir un jour à une directive européenne forte est présent à l'esprit des quelques personnes associées à ce dessein.



Figure 2.2: Chartres (Eure-et-Loir) - Fouilles du parvis de la cathédrale (1991–1993). Bernard Randoin – SRA-DRAC Centre.

### *La Recommandation R(89)5 aux États membres*

Pendant deux ans, le Comité d'experts et ses partenaires vont poursuivre leur travail à Strasbourg, au Conseil de l'Europe. Les 3 et 4 octobre 1988, le texte définitif est mis au point (Recommandation R-89-5...). Il prend acte des évolutions de la recherche archéologique. Il préconise la constitution d'inventaires nationaux et de cartes archéologiques accessibles aux aménageurs, le renforcement ou la création de structures scientifiques et administratives solides, l'accroissement des moyens de l'archéologie préventive, etc. Tous les souhaits exprimés à Nice sont pris en compte, en particulier ceux des chercheurs. L'aspect social n'est pas oublié. Le texte demande que des garanties professionnelles soient assurées aux archéologues employés sur les opérations d'aménagement. En bref, le schéma d'ensemble, comme à Florence, construit une archéologie préventive idéale, d'autant plus facile à faire accepter par le Conseil de l'Europe qu'il doit prendre la forme d'une simple recommandation aux États membres. Libre à chacun d'en tenir compte ou non.

Le 13 avril 1989, le Comité des ministres du Conseil de l'Europe adopte sans modifications la Recommandation R(89)5 relative à « la protection et la mise en valeur du patrimoine archéologique dans le contexte des opérations d'aménagement urbain et rural ». Tout est dit ou presque dans le titre. Grâce à cet acte, l'archéologie peut désormais étendre son droit de cité en Europe, mais les archéologues sont corrélativement invités à élargir leur audience en diffusant leurs résultats auprès du grand public et non pas seulement de la communauté scientifique.

### *Le « texte martyr » de la Convention de Malte (1989–1990)*

Les 12 et 13 juin 1989, les experts du Comité se retrouvent à Strasbourg pour une séance décisive. Il s'agit de passer de l'idéal qui a inspiré leurs travaux depuis 1984 au réalisme qui permettra à la convention de franchir toutes les étapes et parfois les obstacles jusqu'à la signature aussi large que possible du traité européen. Parmi ces étapes, l'avis des services juridiques du

Conseil de l'Europe qui suivent pas à pas l'élaboration du texte et sa recevabilité, l'accord des autorités politiques de chaque pays impliqué dans la rédaction, le vote du Comité des ministres, etc. Et tout cela, sans que les inévitables concessions des archéologues présents à Strasbourg ne trahissent l'esprit du projet initial. Un parcours semé d'embûches...

La délégation française a été chargée de préparer le projet de convention « révisée ». Le texte doit partir du traité originel de 1969, la Convention de Londres, et y intégrer les principaux articles de la Recommandation de 1989. Selon la terminologie en usage à Strasbourg, ce texte servira de « texte martyr », ce qui signifie que son auteur doit être prêt à accepter les modifications que lui imposeront les multiples intervenants scientifiques, juridiques et politiques concernés. Il faut mettre au crédit du Conseil de l'Europe le fait qu'un tel document ait pu être préparé, comme en 1969, par une réflexion archéologique et non pas, d'emblée, par une rédaction due à des responsables politiques ou à des juristes. Il faut souligner que ces derniers sont toujours intervenus pour faciliter l'aboutissement du texte et son succès, plutôt que pour l'entraver.

Si l'accord initial entre les délégations participant au Comité d'experts existait dès l'origine sur les principaux objectifs scientifiques, beaucoup restait à faire sur le plan juridique, ainsi que l'équilibre diplomatique, les aspects économiques, les questions touchant la maîtrise des sols, la fiscalité, la liberté du commerce des œuvres d'art, etc. Car, ne l'oublions pas, la Convention de Malte ne se préoccupe pas seulement de l'archéologie préventive.

Il ne faudra pas moins de six réunions du Comité d'experts, en 1989 et 1990, pour mettre au point le projet de convention. Celui-ci conserve une partie du traité originel de 1969, mais le réforme profondément. Chaque phrase, chaque terme feront l'objet de multiples analyses en fonction des critères les plus divers et en essayant d'imaginer l'interprétation qu'en feront aussi bien les services archéologiques que les aménageurs des divers pays de l'Union européenne.



Figure 2.3: Lyon (Rhône) - Trois embarcations à fond plat datées du milieu du II<sup>e</sup> au début du III<sup>e</sup> siècles de notre ère découvertes en 2002-2003 sur la rive droite de la Saône, avant la construction d'un parc de stationnement souterrain. Grégoire Ayala. © Marc Guyon, Inrap.



A cela s'ajoutera une longue recherche de termes parfaitement équivalents dans les versions anglaise et française de la convention. Sans y parvenir toujours.

A Strasbourg, le 17 octobre 1990, veille du colloque de Coïmbra, le texte mis à jour semble enfin recueillir l'accord général des délégations. Mais on voit poindre un nouveau sujet de discussion hérité de la Convention de Londres: la circulation des objets de fouille. S'y ajoute le fait que le nombre des États concernés s'est accru depuis le début des travaux du Comité; ils sont désormais vingt-huit du fait de l'élargissement du Conseil de l'Europe aux pays de l'Est. Une difficulté que résume en quelques mots le président du groupe d'experts, Gustav Trotzig: il faut distinguer ce qui est réaliste de ce que les archéologues désirent.

### **Le colloque « Sites archéologiques en Europe. Conservation, entretien et mise en valeur » (18-20 octobre 1990)**

Ce dernier colloque se tient au Portugal, à Coïmbra. La présence des vestiges de l'oppidum de Conimbriga et de la cité romaine qui lui a succédé explique ce choix. La conservation et la mise en valeur des ruines antiques, accompagnées d'un musée de site, se trouvent ainsi illustrées par un exemple de terrain. En effet, comme on l'a dit plus haut, le projet de convention ne doit pas s'en tenir à l'archéologie préventive. A Coïmbra, la conservation intégrée du patrimoine archéologique revient au centre des débats (Sites archéologiques...1992).

L'avance prise en ce domaine par les pays du Centre et du Nord de l'Europe semble flagrante: neuf communications sur douze leur sont dues. Au Sud, un exposé retient l'attention. Albiza, en Espagne, une partie d'une nécropole punique menacée par l'extension d'un secteur périurbain pourra être conservée dans un parc archéologique. Exemple intéressant, car il relie archéologie préventive, conservation et mise en valeur. Mais il apparaît comme une exception que l'on voudrait voir se multiplier dans l'avenir. Cette rareté traduit déjà

une situation qui se confirmera au cours des décennies suivantes.

Quoi qu'il en soit, les préoccupations exprimées au cours du colloque seront introduites dans la convention en cours d'achèvement. En effet, pendant les journées de Coïmbra, le Comité d'experts poursuit aussi la relecture du projet, entreprise le 17. Tous les articles doivent être repris, en particulier ceux qui sont susceptibles d'imposer des contraintes aux futurs États signataires. Le texte veut convaincre plutôt que contraindre.

Le 13 février 1991, les experts, peu nombreux cette fois-ci, se retrouvent à Strasbourg. Le service juridique du Conseil de l'Europe a réexaminé le projet de convention corrigé à Coïmbra. Il ne lui a guère apporté de changements, si ce n'est dans la présentation.

Le 10 avril, une quinzaine de pays participent aux échanges et apportent d'assez faibles modifications au document qui leur est soumis. En revanche, de très longues discussions surviennent à propos de « la circulation illicite d'éléments du patrimoine archéologique ». La recherche passe au second plan; le commerce international s'invite au débat. Il s'agit à la fois de rejeter le trafic illégal d'œuvres artistiques et d'éviter que le texte puisse être compris comme un encouragement au commerce licite. Ce qui reviendrait à perdre de vue l'objectif scientifique de la fouille archéologique. On évitera donc une rédaction trop nette en faveur du commerce légal. Le commentaire de l'article 10 déplore que « la valeur marchande de nombreux objets trouvés en Europe [soit] telle que la tentation fait fi des sanctions et des protections ». Avec un certain angélisme, il donne sa préférence à des mesures pédagogiques plutôt que contraignantes à propos du commerce illicite des objets de fouille et plaide pour la coopération internationale afin de le réprimer.

L'ultime examen a lieu, les 25 et 26 juin 1991, devant le Comité directeur du patrimoine culturel du Conseil de l'Europe. Peu d'objections, mais un nouveau débat sur l'achat et la circulation illicites des objets de fouille. Une discussion s'engage sur la distinction entre musées



d'État et musées privés. Certains pays, minoritaires, souhaitent que figure dans l'article 10 la possibilité d'acquérir des œuvres de statut incertain. Finalement, elle sera nettement exclue. Et elle sera à peine évoquée dans le rapport explicatif qui sera publié avec la convention.

Ainsi s'achèvent, le 26 juin 1991, les travaux préparatoires du Comité d'experts. Un Comité de suivi doit lui succéder afin d'évaluer tous les 3 ou 4 ans l'application des dispositions du texte.

#### *La Valette (janvier 1992) La signature de la Convention et ses clauses*

Six mois plus tard, lors de la 3ème Conférence européenne des ministres responsables du patrimoine culturel, quelques-uns des experts et d'importantes délégations de diplomates et d'administrateurs se retrouvent à Malte. Le 16 janvier, la Convention est officiellement ouverte à la signature. Le jour même, les représentants de 20 pays la paraphent. En mars 2013, 42 pays sur un total de 47 États membres et un État associé l'ont ratifiée, ce qui en fait l'un des traités internationaux les mieux adoptés par les pays européens. Trois pays ne l'ont pas encore signée: l'Autriche, l'Islande, le Monténégro. Trois autres l'ont signée, mais non ratifiée: l'Italie, le Luxembourg, Saint-Marin, ce qui interdit son entrée en vigueur dans ces pays.

On trouvera en annexe les références du texte intégral de la Convention et de son rapport explicatif (Convention européenne...1992), mais, pour la commodité du lecteur, on peut résumer ainsi le contenu des six thèmes principaux.

- Identification du patrimoine et mesures de protection. Le texte insiste sur la nécessité des inventaires du patrimoine archéologique, sur la constitution de zones de réserve et sur l'obligation de disposer d'un arsenal juridique adapté.
- Conservation intégrée du patrimoine archéologique. La convention recommande que les archéologues et les aménageurs coordonnent leur action à la fois pour éviter des difficultés économiques, permettre l'étude de ce patrimoine et, si possible, le mettre en valeur.
- Financement de la recherche et conservation archéologique. Le principe d'une aide aux interventions archéologiques apportée par des aménageurs aussi bien publics que privés est préconisé par la convention. L'État ne doit plus être seul pour faire face à ces interventions.
- Collecte et diffusion de l'information scientifique. Seule une double diffusion justifie les efforts faits en faveur de l'archéologie. D'une part, une diffusion scientifique détaillée destinée aux professionnels; d'autre part, une information du public par les moyens les plus divers (brochures, expositions, catalogues, documents audiovisuels, etc.). Cette diffusion doit également contribuer à la sensibilisation du public.
- Prévention de la circulation illicite des éléments du patrimoine archéologique. Autant l'échange d'informations et de documents scientifiques doit être encouragé, autant il convient de réprimer tout ce qui pourrait favoriser le trafic d'objets provenant de fouilles illicites ou détournés de fouilles réglementaires.

- Assistance technique et scientifique mutuelle. Le texte insiste sur l'utilité de la coopération européenne dans cette discipline scientifique qui, par nature, appelle une réflexion dépassant les frontières nationales actuelles.

Vingt ans plus tard, comment considérer la Convention de Malte ? S'agit-il d'un verre à moitié plein ou à moitié vide ? Quelle que soit l'érosion subie par les objectifs optimistes de la Recommandation R(89)5 du fait des limites juridiques et des précautions diplomatiques imposées par le souci d'aboutir, la communauté archéologique a conforté son statut en Europe grâce à ce traité. Y compris dans la définition de sa discipline. Celle-ci met fin à une conception anachronique de la recherche archéologique, beaucoup trop réduite à la fouille et à la découverte du bel objet susceptible d'entrer dans un musée. L'objet devient indissociable de son contexte. Et le rapport explicatif entérine cette conception en affirmant que « la connaissance archéologique est fondée principalement sur l'étude scientifique du patrimoine archéologique et [que] les fouilles sont un dernier ressort dans cette recherche ». Un concept où l'on voit émerger l'idée d'une « mémoire collective européenne à préserver ». Cette volonté peut sembler contradictoire avec les ambitions de l'archéologie préventive européenne dont la convention consacre l'acte de naissance. En réalité, elle se contente d'alerter sur les dérives qui pourraient résulter d'un recours systématique à la fouille préventive au détriment d'une politique de conservation des sites archéologiques.

Désormais, l'archéologie embrasse un vaste champ chronologique, l'histoire de l'humanité, et une ouverture disciplinaire qui en fait une science à part entière. Ce qui a permis aux rédacteurs de la convention d'inclure l'archéologie subaquatique parmi les bénéficiaires de ses dispositions. Une manière de contourner l'obstacle auquel se heurte le projet de convention spécifique bloqué depuis 1985, alors que le pillage des épaves antiques ne cesse de s'accroître. Certes, on pourrait reprocher à la Convention de Malte de choisir trop souvent le registre des vœux plutôt que celui des sanctions. Mais cette stratégie délibérée a évité que tel ou tel pays se sente incriminé par des articles trop accusateurs; le projet s'en serait trouvé paralysé. Malgré ses imperfections, la Convention de Malte a été un outil offert, il y a 20 ans, à chaque pays européen pour mieux étudier et protéger son patrimoine archéologique. Chacun a pu s'en saisir pour l'utiliser dans les limites des possibilités offertes par son propre système scientifique, juridique et politique.

#### **L'application de la Convention de Malte en France**

##### *Une étape fondatrice de l'archéologie préventive: l'Association pour les Fouilles Archéologiques Nationales (AFAN) 1973-2002*

Lorsque, dans le courant des années 60, l'archéologie française s'est trouvée confrontée à la multiplication des fouilles de « sauvetage » provoquées par les bouleversements du sous-sol dus aux grands travaux (cf. supra p. 15), elle ne disposait d'aucun système administratif et financier lui permettant de réagir vite et



Figure 2.4: Pont-sur-Seine (Aube) - Vue aérienne des deux bâtiments néolithiques monumentaux (300 et 900 m<sup>2</sup> de superficie au sol) dans leur enclos. A droite, on observe la trace laissée dans le sol par un premier enclos. 2009. Vincent Desbrosse. © Frédéric Canon, Inrap.

avec des moyens à la hauteur des menaces. L'essentiel de l'activité archéologique consistait alors en fouilles programmées se déroulant l'été, au moment des vacances universitaires. Elles pouvaient recevoir des subventions versées quelques semaines avant le début des chantiers. Les fouilleurs étaient soit des amateurs éclairés bénévoles, soit des chercheurs du C.N.R.S. ou des enseignants et leurs étudiants.

Les fouilles de sauvetage, sans moyens financiers ou presque, ne dépassaient pas, quant à elles, des interventions de quelques jours, au mieux de quelques semaines. Les archéologues du service public que le ministère de Affaires Culturelles et son Bureau des Fouilles et Antiquités commençaient à peine à mettre en place se limitaient à treize agents pour l'ensemble du territoire national en 1964. Le plus souvent, les opérations se réduisaient, en réalité, à de simples contrôles de découvertes fortuites.

L'apparition des grands chantiers d'aménagement et les destructions archéologiques catastrophiques qui l'accompagnent changent tout. Il faut désormais pouvoir intervenir toute l'année, sur des sites de grande ampleur, sans tenir compte du calendrier des vacances universitaires. Ce qui signifie qu'il faut professionnaliser cette activité archéologique et travailler douze mois sur douze. Il faut aussi pouvoir disposer de crédits d'intervention à tout moment, sans être astreint au rythme lent des délégations de crédits – six mois en moyenne – affectés par l'État. Enfin, il faut avoir la liberté de recruter des archéologues sur contrats temporaires dont la durée soit déterminée par celle des grands chantiers de sauvetage, car il serait bien présomptueux de parler déjà d'archéologie préventive.

Pour répondre à ces nouvelles contraintes, méthodologiques, juridiques, financières et surtout sociales, le ministre de la Culture, avec l'agrément du ministre de l'Economie et des Finances, met en place une association-relais de l'État dont les statuts sont déposés le 26 décembre 1973: l'Association pour les Fouilles Archéologiques Nationales (l'AFAN). Elle constituera le bras séculier de l'État jusqu'à la création de l'Institut de recherches archéologiques préventives (INRAP) en 2001. Selon une formule qui eut du succès quelques années plus tard: un « faux nez » de l'État. Cette création met un terme à un système de mise en place des crédits d'urgence inventé pour faire face à l'incapacité de l'administration à réduire les procédures comptables: le versement direct des subventions par le ministère des Affaires Culturelles sur des comptes ouverts au nom personnel de chacun des directeurs régionaux des antiquités; ce qui en faisait des « comptables de fait ». En toute illégalité.

Les difficultés ne sont pas terminées pour autant. De 1980 à 1991, l'AFAN connaît une crise de croissance exponentielle et devient l'employeur principal des archéologues en France. Mais la majorité d'entre eux reste sous contrats temporaires qui peuvent s'enchaîner pendant des années. De 120 heures mensuelles au début jusqu'à des contrats à temps plein à la fin des années 80. Grèves et manifestations se succèdent. Pour tenter de remédier à cette situation et répondre aux revendications de ces « hors-statut », le ministre de la Culture décide de procéder à l'intégration sur dossiers des contractuels employés de manière quasi permanente par l'AFAN. Des vagues de recrutement se succèdent en 1982, 1983, 1985. Des villes commencent

à créer des postes d'archéologues (Archéologie urbaine 1985). Ce qui ne change rien à la situation générale. Car la multiplication des chantiers provoque sans cesse de nouveaux recrutements temporaires. A partir de 1988, l'agitation sociale ne connaît plus de répit. Rapports, propositions de réforme (Goudineau 1990), concertations interministérielles jalonnent la vie de l'AFAN. En février 1992, le Conseil supérieur de la recherche archéologique démissionne. Une réforme du contrôle scientifique de la recherche archéologique est décidée à la suite d'un nouveau rapport (Gauthier 1992). Cette période aboutit à une phase de consolidation marquée par la signature d'une convention-cadre entre l'État et l'AFAN en 1992, la conclusion d'un accord d'entreprise au sein de l'association en 1993 et la publication de nouveaux statuts la même année. L'AFAN, dont le président n'est plus depuis 1991 le sous-directeur de l'archéologie au ministère de la Culture mais une personnalité indépendante, évolue vers une structure d'entreprise complexe qui assume en plus de ses missions archéologiques des fonctions administratives, techniques et sociales. Au cours des années suivantes, elle se consolide et se professionnalise; et continue à s'accroître. Les turbulences reprennent à la fin des années 90. Les troubles sociaux, les débats, les manifestations ne cessent de traduire l'inquiétude des archéologues contractuels. A nouveau, les rapports se succèdent. Parmi eux, une première proposition, en mai 1996 (Gauthier et Méda 1996), de transformation de l'AFAN en établissement public industriel et commercial, sur le modèle du Bureau des recherches géologiques et minières, reste sans suite. Enfin, en novembre 1998, les analyses et les propositions préparées par un professeur d'Université, un conseiller d'État et le maire de Quimper reçoivent l'agrément des autorités politiques (Demoule, Pêcheur, Poignant 1998). Leur rapport fait directement référence à la Convention de Malte. Il prend acte d'un bilan largement positif de l'archéologie préventive en France, en particulier grâce à la création de l'AFAN, mais dénonce les limites de ce système para-administratif. Il préconise la mise en œuvre d'un établissement public de recherche de statut administratif et non pas commercial et trace en quelques pages les grandes lignes d'une réforme portant sur l'archéologie préventive. Dans sa conclusion, il juge les objectifs « compatibles avec les engagements européens de la France. » Ce schéma aboutira, en janvier 2001, à l'adoption d'une loi relative à l'archéologie préventive, organisant son financement et créant un opérateur public: l'Institut national de recherches archéologiques préventives (INRAP) mis en place en 2002. La transformation de l'AFAN en INRAP sera le premier et le plus important signe tangible de l'adoption du traité européen.

### Signature et mise en œuvre de La Convention de Malte

On l'aura compris, la forte implication de la France dans la préparation de la Convention de Malte annonçait une ratification du texte signé le 16 janvier 1992 sans grande difficulté. Ce fut le cas. Ni à l'Assemblée nationale ni au Sénat ne s'élevèrent d'objections sérieuses à cette adoption. Ratifiée par la France le 11 juillet 1995,

la Convention entre en vigueur le 11 janvier 1996. Les difficultés viennent ensuite.

Une loi traduit le dispositif préconisé: la loi du 17 janvier 2001 qui prend pour fondement légal la Convention de Malte, loi modifiée par celle du 1<sup>er</sup> août 2003. En effet, le point fort de la loi de 2001 est immédiatement critiqué. Il s'agit de la création de l'Institut national de recherches archéologiques préventives doté de droits exclusifs, fonctionnant grâce à des subventions de l'État, aux financements des fouilles assurés par les bâtisseurs et par l'instauration d'une redevance due par tous les aménageurs, publics ou privés, projetant d'exécuter des travaux destructeurs de terrains susceptibles de conserver des traces d'activité humaine. Les adversaires de la loi dénoncent « une atteinte à la liberté d'entreprendre » qui « viole la constitution »; et le mode de calcul de cette redevance déclenche la colère des parlementaires. Ils considèrent que cet « impôt », proportionné à l'importance des dommages causés aux vestiges archéologiques pèse de manière très inégale en secteur urbain, où il est accepté, et en secteur rural où il peut atteindre un coût insupportable. En décembre 2002, un amendement réduit la redevance de 25%. De plus, l'explosion du nombre des interventions confiées à l'INRAP lui permet difficilement de tenir le rythme promis aux aménageurs par la loi. Et ceux-ci, du fait du système de financement créé en 2001, ont le sentiment que le dialogue est rompu avec les archéologues: un carcan juridique s'est substitué au climat de confiance élaboré au fil des ans pour leur infliger une image de « casseurs-payeurs ». Un premier rapport (Aubin 2002) avait évoqué les risques contenus dans la loi de 2001; un second (Van der Malière 2003), un an plus tard, développe les critiques qui viennent d'être rappelées.

La réforme d'août 2003, tout en conservant à l'INRAP son statut et son rôle majeur dans la recherche supprime « les droits exclusifs dont [il] bénéficiait, en ouvrant le champ des opérations archéologiques – diagnostics et fouilles – aux services archéologiques des collectivités territoriales ainsi que, concernant les seules fouilles, aux autres opérateurs publics ou privés ». Autrement dit, la réforme répond à une recommandation du rapport Van der Malière: « Il ne faut pas laisser s'accréditer l'idée que l'INRAP est un outil impérialiste et monopolistique ». Mais l'État reste au cœur du dispositif puisque les conservateurs régionaux prescrivent les diagnostics puis les fouilles en définissant les objectifs scientifiques prioritaires à atteindre. Au nom du préfet de Région, ils désignent les responsables et contrôlent le déroulement des programmes de recherche. En fait, malgré l'ouverture à la concurrence entre opérateurs publics et privés agréés, l'État conserve la maîtrise des opérations. D'autant plus que la politique scientifique relève du Conseil national de la recherche archéologique placé sous l'autorité du ministre et que les autorisations délivrées par les préfets de région interviennent après avis scientifique des Commissions interrégionales de la recherche archéologique.

Autre modification: la redevance sert désormais à financer les opérations de diagnostics, tandis que les fouilles sont directement payées par les aménageurs. L'assiette de la redevance destinée à financer les diagnostics réalisés par l'INRAP ou les services de



collectivités et à permettre les études postérieures à la remise des rapports de fouilles est modifiée en août 2004. Elle doit prendre en compte l'importance des aménagements projetés et non pas la totalité de la parcelle dans laquelle ils s'inscrivent, ce qui était fréquemment la source des contestations en milieu rural. La taxe voit aussi sa fonction élargie. Elle doit désormais abonder un Fonds national pour l'archéologie préventive qui permet de prendre en charge des opérations de fouille dont le montant serait disproportionné avec le budget de certains aménageurs (logements sociaux, maisons individuelles, opérations en territoire rural...). Signalons que depuis la refonte de l'arsenal juridique applicable à l'archéologie, l'ensemble des textes jusqu'alors dispersés a été regroupé au sein du Code du Patrimoine (Cornu et Negri 2012).

#### *L'Institut national de recherches archéologiques préventives, 2002–2013*

Finalement, c'est sur cette organisation révisée en 2003 et en 2004 que fonctionne l'INRAP, pour l'instant. Partenaire privilégié de l'État, c'est un établissement public administratif placé sous la double tutelle du ministère chargé de la Culture et du ministère de la Recherche. Autrement dit, un établissement de droit public, financé par des fonds publics et chargé de remplir une mission d'intérêt général, mais disposant d'une certaine autonomie administrative et financière. Institut national de recherche, il réalise la majorité des diagnostics archéologiques et des fouilles en partenariat avec les aménageurs privés et publics: soit près de 2 000 chantiers par an, en France métropolitaine et dans les Départements d'outre-mer, sans oublier des missions à l'étranger. Ses travaux s'étendent à l'exploitation scientifique des résultats, à l'enseignement et à la diffusion des connaissances archéologiques auprès du public. Il a employé 2320 personnes en 2011 et réalisé 1909 diagnostics et 252 fouilles dont une partie sur les grands linéaires.

En dix ans, 700 « Portes ouvertes » sur des chantiers et 600 conférences ont été organisées. 250 expositions ont été coproduites. 42 ouvrages ont été publiés parmi lesquels 37 volumes thématiques de la collection « Archéopages » créée en 2000 par l'INRAP. Un numéro spécial consacré aux « Nouveaux champs de la recherche archéologique » publié en janvier 2012 (Archéopages 2012) n'a pas oublié la dimension européenne; trois articles dus à des chercheurs du Royaume-Uni, de Suisse et d'Espagne font le point sur l'organisation de l'archéologie préventive dans leurs pays respectifs. 9 colloques et une cinquantaine de films ont été réalisés. En juin 2013, pour la quatrième année consécutive, l'INRAP coordonnera les Journées nationales de l'archéologie organisées par le ministère de la Culture et de la Communication.

Le site internet de l'INRAP (<http://www.inrap.fr>) publie en permanence des notes de synthèse et des reportages consacrés à l'actualité de l'archéologie préventive. Et une iconothèque donnant accès à plus de 3000 documents s'enrichit constamment au fil des opérations.

Avec plus de 2 000 chercheurs et collaborateurs techniques en moyenne, il constitue aujourd'hui la plus importante structure de recherche archéologique en Europe.

Dans leur sécheresse, ces chiffres traduisent un profond bouleversement de l'archéologie française. Dans les années 60, l'État avait l'ambition d'assumer toutes les missions de sauvegarde du patrimoine archéologique, y compris de terrain, en développant ses services régionaux. Il y a renoncé, mais a conservé la tutelle des organismes qu'il a successivement créés, l'AFAN, puis l'INRAP, pour faire face aux destructions croissantes de son patrimoine. L'INRAP, à la différence de l'AFAN, a su devenir en une décennie un institut de recherche de premier plan. Ses résultats l'ont fait sortir du cadre strict de l'archéologie préventive et en ont fait un partenaire majeur du C.N.R.S., des universités, des chercheurs du ministère de la Culture et des collectivités territoriales. Les découvertes dues à la maîtrise de l'archéologie préventive renouvellent aujourd'hui 500.000 ans de notre histoire et représentent 90% des nouvelles données acquises en France ces dernières années.

Il faut souligner aussi le développement extrêmement rapide des services archéologiques de collectivités que ces réformes ont favorisé. A titre d'exemple, le Service archéologique d'Aix-en-Provence, créé avec un poste en 1986, dispose en moyenne aujourd'hui d'une trentaine d'archéologues. Au total, ce sont 730 personnes que les collectivités territoriales affectent à l'archéologie préventive.

Bien sûr, tout cela n'est pas à mettre au crédit de la Convention de Malte, on l'a vu. Mais, ces progrès et ces succès auraient-ils été possibles sans elle ?

#### *Inventaire national et conservation*

Comme on vient de le voir, le cœur de la nouvelle législation, facilitée par la Convention de Malte, concerne l'archéologie préventive. Est-ce à dire que rien n'a été fait à propos des autres mesures suggérées par la Convention ? Il serait injuste de l'affirmer. Simplement, aucune mesure aussi spectaculaire que la création de l'INRAP et son financement n'a été prise. Et ceci pour la bonne raison que, dans chaque domaine, des efforts étaient déjà engagés depuis des années. Notamment à Tours (Galinié et Randoin 1979) et à Lyon (Lasfargues 2009).

Une carte archéologique nationale a été lancée dès 1978. En 1990, elle a été dotée d'un budget significatif et chargée de regrouper l'ensemble des sites recensés dans les régions françaises. Un Centre national d'archéologie urbaine a été installé à Tours en 1984, avec mission de réaliser des documents d'évaluation du patrimoine urbain en définissant des zones archéologiquement sensibles. Épaisseur des strates, emplacements des terrains anciennement excavés, hiérarchisation des zones d'intérêt scientifique, etc. doivent figurer sur des cartes de synthèse. Cet outil de gestion est alors conçu pour alerter les aménageurs sur les zones à préserver et celles qui exigeraient une fouille préalable. Dans le souci de protéger certains sites fragiles, un accès public restreint à cette banque de données est prévu lorsqu'elle pourrait fournir des informations susceptibles, par exemple, de faciliter les pillages par détecteurs de métaux. A cet égard, on notera que la France s'est dotée dès le 18 décembre 1989 d'une loi spécifique destinée à contrôler l'usage des détecteurs de métaux et que cette loi inspirée par la Recommandation 921 (1981) du Conseil de l'Europe concorde avec les suggestions de l'article 3iii de la



Figure 2.5: Rennes (Ille-et-Vilaine) - Vue générale de la fouille dans le jardin du cloître du couvent des Jacobins, 2012. Les niveaux les plus récents rencontrés appartiennent à un bâtiment militaire du XXe s. avec quatre grandes cuves. Gaëtan Le Cloirec. © Hervé Paitier, Inrap.

Convention de Malte. En février 2011, un nouveau rapport sur ce sujet a été remis au ministre de la Culture. Pour la conservation du patrimoine mobilier et immobilier, la France dispose depuis le 31 décembre 1913 d'un texte fondamental pour la protection des monuments historiques, y compris les vestiges archéologiques. Cette loi peut notamment permettre d'interdire la réalisation d'une opération d'aménagement afin d'imposer la conservation des vestiges subsistant dans les terrains qui seraient excavés. Dans cette éventualité, les terrains peuvent être classés parmi les monuments historiques, y compris en procédure d'urgence. Il appartient aussi au Service des monuments historiques de procéder à la conservation des vestiges architecturaux mis au jour, une fois qu'ils ont été classés. Il est vrai que les conceptions des architectes de ce service ne coïncident pas toujours avec les exigences des archéologues qui les accusent volontiers de reconstituer les vestiges au lieu de s'en tenir à de scrupuleuses restaurations. Le titre provocateur d'un colloque qui réunit les uns et les autres en novembre 1990, « Faut-il restaurer les ruines ? », est évocateur du climat de suspicion qui pouvait alors régner chez les archéologues (Faut-il restaurer. 1991).

La Convention de Malte, après avoir rappelé quelques principes généraux déjà bien ancrés en Europe, plaide pour deux mesures plus novatrices: la modification des plans d'aménagement afin d'éviter l'altération des sites archéologiques y compris par des fouilles préventives et la conservation *in situ* des éléments du patrimoine découverts au cours des travaux préalables à des constructions.

Dès 1992, le rapport explicatif de la Convention avait insisté sur l'intérêt qu'il y aurait à préserver un certain nombre de sites archéologiques plutôt que de les fouiller. En 2002, Gérard Aubin avait souligné à son tour (Aubin 2002) les limites du système mis en place par la loi de janvier 2001 relative à l'archéologie préventive. Il insistait en particulier sur le risque de privilégier la fouille exhaustive au détriment des mesures de conservation. Il constatait que l'archéologie préventive constitue souvent l'unique réponse à un projet d'aménagement et citait les craintes exprimées dès 1966 par André Leroi-Gourhan: « La dilapidation actuelle des sites est telle que dans vingt ans on cherchera peut-être vainement de quoi reconstituer l'économie agraire des Néolithiques ou de la Protohistoire. » Sur ce point, les immenses décapages ont en partie contredit ses prédictions, mais en accélérant la consommation des territoires ruraux, parallèlement à celle du cœur historique des villes. Par un effet pervers du dispositif, la fouille préventive est en effet trop souvent devenue un instrument destiné à libérer les aménageurs de toute contrainte patrimoniale une fois l'opération archéologique achevée. Un mal nécessaire à leurs yeux. La Convention avait bien prévu ce risque en incitant les États à constituer « des zones de réserve archéologiques, même sans vestiges apparents en surface ou sous les eaux, pour la conservation de témoignages matériels à étudier par les générations futures. » (art.2 ii) Force est de constater que son application en France semble pour l'instant souvent anecdotique en archéologie préventive.

On aimerait pouvoir nuancer cette assertion et citer un exemple significatif d'opération préventive suivie de conservation et mise en valeur. Mais, dans le Bilan

de 10 ans de l'INRAP publié en janvier 2012, on cherche en vain un tel exemple. On ne doit pas lui en faire grief. Telle n'est pas la mission première de l'INRAP. La conservation éventuelle des éléments du patrimoine mis au jour figure bien dans ses missions (art.1), mais c'est à l'État que la nouvelle législation française donne la responsabilité de prescrire les mesures nécessaires et de veiller à « la conciliation des exigences respectives de la recherche scientifique, de la conservation du patrimoine et du développement économique et social » (art. 2 de la loi de 2001). On observera que cette formulation transcrit la notion de conservation intégrée du patrimoine archéologique inscrite à l'article 5 de la Convention de Malte.

Cependant, on trouve des contributions de l'INRAP à de vastes programmes de conservation à l'étranger, à Angkor, par exemple (Archéologie sans frontières 2010). Car l'Institut intervient dans des missions de recherche, de sensibilisation et de formation touchant non seulement l'ensemble du Bassin méditerranéen, mais bien au-delà, de l'Afrique du Sud à la Chine, sans oublier l'Amérique du Nord. L'Europe n'est pas absente, par exemple avec le programme « Archéologie dans l'Europe contemporaine: pratiques professionnelles et médiations aux publics » 2007-2013.

Le sort du patrimoine mobilier n'a pas été négligé. Depuis la loi de 1941, à la différence d'autres pays européens, les objets découverts au cours des fouilles ne sont pas considérés comme une propriété de la collectivité. Elle se partage entre l'inventeur des objets et le propriétaire du terrain en cas de découverte fortuite, conformément à l'article 716 du Code civil. Si l'État exécute les fouilles, il se trouve en situation d'inventeur et le partage doit subsister. Des solutions empiriques de renoncement à ses droits, demandés au propriétaire du terrain, peuvent aussi s'appliquer par convention; leur légalité semble contestable. En fin d'opération, les objets, d'une valeur vénale négligeable, sont généralement regroupés dans des dépôts archéologiques gérés par l'État ou les collectivités territoriales, ce qui en facilite l'étude.

L'incitation de la Convention de Malte à prendre des mesures permettant de conserver les témoins de notre « mémoire collective » n'a guère eu de retentissement par rapport à cette situation dans la législation élaborée en 2001. Elle s'est surtout traduite par l'obligation réglementaire de confier à l'établissement public, pour une durée maximale de cinq ans, le mobilier issu des opérations préventives de manière à en permettre l'étude scientifique. On remarquera que ce délai de 5 ans (réduit à deux ans en 2003), garanti aux archéologues, figure déjà dans la convention de l'UNESCO du 5 décembre 1956. En revanche, la réforme envisagée du droit de propriété, sujet éminemment sensible, n'a pas évolué. Lors des débats préalables au vote de la loi de 2001, discutée pendant près d'un an au Parlement, les oppositions très vives sur le thème de « l'atteinte au droit de propriété » l'ont emporté. On en reste donc à la situation antérieure où l'État ne dispose d'aucun droit de propriété sur le mobilier archéologique à moins d'exercer son droit de revendication.

Le sujet n'est pas abandonné pour autant. Un rapport de Jean-Claude Papinot, inspecteur général de l'archéologie et juriste, a démontré la nécessité de sortir de la situation actuelle (Papinot 1998); et en octobre

2012, Aurélie Filippetti, ministre de la Culture et de la Communication, a demandé à la commission chargée d'une nouvelle réforme de l'archéologie préventive d'aborder « la question de l'unité de propriété de ce mobilier – et de son caractère public ». Le débat continue.

### *Mise en valeur*

La politique de mise en valeur des sites archéologiques préconisée par la Convention de Malte, n'est pas une idée neuve en France. Constatons qu'elle se confondait jusqu'à une époque récente avec la conservation des monuments historiques et ne pouvait s'appuyer sur aucune doctrine particulière. La loi de 1913, déjà citée, et celle de 1930 visant plus spécialement « les monuments naturels et les sites de caractère artistique, historique, scientifique, légendaire ou pittoresque » pouvaient s'appliquer pour en assurer la protection juridique. Sans plus. Il faut attendre la fin des années 80 pour que s'engage un programme national de mise en valeur des sites archéologiques. Il part d'un constat: si la grotte de Lascaux, les alignements mégalithiques de Carnac, les monuments antiques d'Arles bénéficient d'une renommée internationale, des dizaines d'autres restent inconnus du public faute de travaux et d'aménagements permettant de lui en faciliter l'accès. Des réflexions sont alors lancées, une méthodologie s'élabore et une vingtaine de sites nationaux, découverts au cours de longues années de fouille, sont sélectionnés par le Conseil supérieur de la recherche archéologique. Ils bénéficieront d'un plan pluriannuel d'investissement.

À côté de ce travail à long terme, de grandes sociétés d'autoroute décident de montrer que leurs travaux peuvent faire progresser nos connaissances sur les périodes les plus anciennes. Ainsi est conçu, à la fin des années 70, « l'Archéodrome », au bord de l'autoroute du Sud, à proximité de Beaune. Sur deux hectares, une dizaine d'édifices sont reconstruits: des maisons néolithiques, des tumulus de l'âge du Bronze, un temple gallo-romain, etc. et surtout une section des remparts édifiés par César pour encercler Alésia, tout proche. Mais, les opérations de sauvetage archéologique menées sur le tracé autoroutier n'atteignaient alors ni la qualité ni l'ampleur de celles menées désormais par l'INRAP, mais les préfiguraient. Cette réussite spectaculaire et bon nombre d'autres, souvent en milieu urbain, trouveront un écho populaire et médiatique sans précédent: Saint-Romain-en-Gal, Glanum, Bliesbrück, etc. seront aménagés et souvent complétés par un musée de site. Une collection destinée à accompagner les visiteurs, *Les guides archéologiques de la France*, créée en 1984 par le ministère de la Culture vient de publier son cinquantième titre. Autre opération de référence, Bibracte, ville gauloise installée sur le Mont-Beuvray, est étudiée par une équipe européenne depuis 1984. Un parcours aménagé offre aux visiteurs la possibilité de découvrir les 138 hectares de l'*oppidum*. Un musée de la civilisation celtique est ouvert sur le site depuis 1995 et une douzaine de pays européens participent aux recherches conduites par le Centre international qui regroupe les compétences d'une trentaine de chercheurs associés.

Cette dimension européenne se retrouve, en Dordogne, à Lascaux. Souvent considérée comme la grotte ornée la plus célèbre du monde, Lascaux a failli perdre



ses fantastiques décors paléolithiques à plusieurs reprises depuis sa découverte en 1940 (Lascaux et la conservation... 2011). C'est son ouverture au public, mal contrôlée, et son succès – jusqu'à 1800 personnes par jour – qui furent à l'origine de cette situation dramatique. Après l'apparition d'algues et de calcite qui risquaient d'entraîner la disparition des peintures et des gravures préhistoriques, André Malraux, ministre des affaires culturelles, décida la fermeture de la grotte au public le 27 avril 1963. La visite publique de Lascaux ne sera plus jamais autorisée. Seuls des scientifiques et des experts en conservation y ont accès. Découvertes ultérieurement, ni la grotte Cosquer ni la grotte Chauvet ni celle de Cussac, toutes trois ornées de décors exceptionnels, ne seront ouvertes au public. Le devoir de les conserver l'emporte sur le souhait de les rendre accessibles au plus grand nombre. Pour compenser cette interdiction est née la politique des fac-similés, inaugurée en 1983 par l'ouverture de celui de Lascaux II. C'est aussi une bonne illustration, avant l'heure, de la volonté exprimée par la Convention de Malte de « faire en sorte que l'ouverture au public des sites archéologiques, notamment les aménagements d'accueil d'un grand nombre de visiteurs, ne porte pas atteinte au caractère archéologique et scientifique de ces sites et de leur environnement » (art.5 v).

Poursuivant cette politique, le Comité scientifique international – Espagne, Italie, Allemagne y participent – mis en place en 2002, à la suite de nouvelles agressions, fongiques et bactériologiques, survenues dans la grotte, a obtenu en 2006 le classement de la totalité de la colline de Lascaux en zone inconstructible et engagé le transfert du fac-similé, des installations d'accueil et des aires de stationnement dans la vallée, au pied de la colline. En octobre 2012, le projet du cabinet norvégien Snohetta a été retenu pour mettre en œuvre ces principes de conservation et de diffusion publique, sous le contrôle du Comité scientifique présidé depuis 2010 par Yves Coppens. Et le même mois, a commencé à Bordeaux la présentation publique d'un fac-similé transportable qui sera exposé ensuite à Chicago, Montréal, Shanghai, etc. L'exemple de Lascaux illustre un paradoxe de cette politique d'ouverture au public des sites archéologiques. Destinée à l'origine à appuyer une prise de conscience de l'intérêt du patrimoine archéologique, elle a failli à Lascaux conduire à la destruction de ce site préhistorique emblématique.

## Conclusion

En 2013, l'organisation de l'archéologie préventive issue de la Convention de Malte reste un sujet de débats en France. C'est ainsi que la nouvelle ministre de la Culture, Aurélie Filippetti, a souhaité que soit dressé le bilan critique du fonctionnement du dispositif d'archéologie préventive, notamment à propos d'un éventuel retour au monopole de l'INRAP. Une commission « d'évaluation scientifique, économique et sociale de l'archéologie préventive » a été mise en place le 5 octobre 2012 en vue d'élaborer un Livre blanc. Parmi les principes devant guider son travail, la ministre a souligné dans

son discours introductif le fait que « personne ne doit imaginer pouvoir réduire l'archéologie préventive à un simple marché de prestations commerciales au sein duquel il ne s'agirait que d'évoquer la formation de prix par la confrontation d'une offre et d'une demande ». Le ton est donné.

Or, depuis 2003, le paysage de l'archéologie préventive en France a profondément évolué. En plus de l'INRAP, 64 services de collectivités territoriales et 24 structures de droit privé ou public sont habilitées à intervenir en archéologie préventive, soit, au total, 89 opérateurs sur le territoire national. Tous ont reçu un agrément interministériel (Culture et Recherche) après un avis du Conseil National de la Recherche Archéologique. En novembre 2012, l'archéologie préventive employait 3142 personnes sur des postes scientifiques, techniques et administratifs, dont 1944 pour le seul INRAP, et 1198 pour les autres intervenants. On imagine aisément la virulence des débats et des protestations que soulèverait l'éviction d'environ 35% des acteurs de l'archéologie préventive si un monopole les excluant des opérations de fouille devait être instauré en faveur de l'INRAP. Parmi la vingtaine de propositions de réforme figurant dans le Livre blanc remis à la ministre de la Culture le 29 mars 2013, on retiendra notamment le souhait d'améliorer le contrôle scientifique des opérations, de renforcer les services régionaux de l'État, de faire de l'objet archéologique un bien commun et de développer une politique de création de réserves archéologiques. Si certaines des mesures préconisées sont retenues et présentées dans le cadre d'une nouvelle loi, on peut s'attendre à de vives discussions. Je souhaiterais terminer en rappelant le rôle déterminant joué par deux acteurs de cette histoire de notre discipline. Tout d'abord Daniel Thérond, alors administrateur de la Division du patrimoine architectural au Conseil de l'Europe. C'est lui qui a su initier les archéologues aux mécanismes parfois complexes de cette assemblée, les ramener à la raison quand il le fallait et qui a porté ce dossier de 1984 à 1992. La lente mutation qui a permis de passer de l'archéologie dominicale du commencement des années 60 à l'archéologie professionnelle du début du XXI<sup>ème</sup> siècle doit beaucoup à l'archéologie préventive. La Convention de Malte est venue épauler cette mutation, lui donner le support juridique européen qui lui manquait.

Le second acteur est Martin Biddle. En novembre 1980, dans sa conférence introductive au colloque d'archéologie urbaine de Tours, il avait défini en quelques mots les objectifs à atteindre pour construire une archéologie urbaine satisfaisante; objectifs également applicables à des territoires ruraux. « Ce qui est nécessaire [...], c'est un cadre législatif adapté, des ressources financières suffisantes, des moyens en hommes qualifiés, la volonté d'agir et, surtout, des stratégies d'intervention, non seulement au niveau de chaque ville, mais aussi au niveau national, voire supranational » (Biddle 1982). Souhaitons que la Convention de Malte ait, au moins en partie, réalisé les espoirs ainsi formulés il y a plus de 30 ans.



## Références

- Cleere, H. 1982: Le patrimoine archéologique urbain en Grande-Bretagne, in *Archéologie urbaine, Actes du colloque international*, Tours, 17–20 novembre 1980, A.F.A.N., Paris, 125–7.
- Lasfargues, J. 2009: Naissance de l'archéologie préventive en Rhône-Alpes, in J.-P. Demoule et Christian Landes (éd.): *La fabrique de l'archéologie en France*, La Découverte, Paris, 178–88.
- Archéologie urbaine. Actes du colloque international*, Tours, 17–20 novembre 1980, A.F.A.N. 1982, Paris.
- Archéologie et aménagement*, Rapport du colloque de Florence, 22–25 octobre 1984, éd. du Conseil de l'Europe, 1986, Strasbourg.
- Gauthier, M. 2009: L'élaboration de la convention de Malte, in J.-P. Demoule et Christian Landes (éd.), *op. cit.*, 227–38.
- Archéologie et grands travaux*, Rapport du colloque de Nice, 4–6 novembre 1987, éd. du Conseil de l'Europe, 1989, Strasbourg.
- Van Ossel, P. dir. 1999: *Les jardins du Carrousel. De la campagne à la ville: la formation d'un espace urbain*, collection Documents d'archéologie française. Série grands travaux, n° 73, éd. Maison des sciences de l'homme, Paris.
- Recommandation R(89)5 relative à la protection et mise en valeur du patrimoine archéologique dans le contexte des opérations d'aménagement urbain et rural, in *Patrimoine culturel européen (volume I). Coopération intergouvernementale: recueil de textes*, éd. du Conseil de l'Europe, 2003, Strasbourg, 243–8.
- Sites archéologiques en Europe – Conservation, entretien et mise en valeur*, éd. du Conseil de l'Europe, 1992, Strasbourg.
- Convention européenne pour la protection du patrimoine archéologique (révisée) et rapport explicatif (La Valette, 16 janvier 1992), in *Patrimoine culturel européen... op. cit.*, 134–53.
- Archéologie urbaine. Chartres, 2–3 octobre 1981*, Les cahiers de la section française de l'Icomos, 1985, Paris.
- Goudineau, C. 1990: *Rapport au Premier Ministre sur l'archéologie nationale. Mai 1990*, Les nouvelles de l'archéologie, supplément de 12 p. au n° 40, éd. Errance, Paris.
- Gauthier, M. 1993: *Le contrôle scientifique de la recherche archéologique en France. Rapport au Ministre d'Etat, Ministre de l'Education nationale et de la Culture*, Les nouvelles de l'archéologie, n° 51, éd. Errance, Paris, 5–34.
- Gauthier, M. et Méda, M. 1996: *L'Association pour les fouilles archéologiques nationales. Rapport au ministre de la Culture*, Les nouvelles de l'archéologie, n° 65, éd. Errance, Paris, 7–29.
- Demoule, J.-P., Pêcheur, B., Poignant, B. 1999: *L'organisation de l'archéologie préventive en France*, La Documentation française, Paris.
- Aubin, G. 2002: *Les implications de la loi française relative à l'archéologie préventive: Conservation, Recherche, Service public*, sur le site du Conseil de l'Europe, [www.coe.int](http://www.coe.int).
- Van der Malière, A., Aubin, G., Preschez, P. 2003: *Rapport sur l'application de la loi du 17 janvier 2001 relative à l'archéologie préventive*, sur le site <[www.archeo-droit.net](http://www.archeo-droit.net)>.
- Cornu, M. et Negri, V. 2012: *Code du patrimoine 2012*, LexisNexis, Paris.
- Nouveaux champs de la recherche archéologique*, Archéopages, Hors série INRAP 10 ans, La Documentation française, 2012, Paris.
- Galinié, H. et Randoin, B. 1979: *Les archives du sol à Tours. Survie et avenir de l'archéologie de la ville*, Tours.
- Lasfargues, J. 2009: Naissance de l'archéologie préventive en Rhône-Alpes, in J.-P. Demoule et Chr. Landes (éd.), *op. cit.*, 178–88.
- Faut-il restaurer les ruines?* 1991: Actes des colloques de la Direction du Patrimoine n° 10, novembre 1990, Picard, Paris.
- Aubin, G. 2002: *op. cit.*
- Archéologie sans frontières 2010*: Archéopages, Hors série, La Documentation française, Paris, 86–97.
- Papinot, J.-C. 1998: *La conservation du mobilier archéologique. Rapport au directeur de l'Architecture et du Patrimoine*, décembre 1998, Paris.
- Lascaux et la conservation en milieu souterrain. Actes du symposium international. Paris, 26 et 27 février 2009*, Documents d'archéologie française n° 105, 2011, Paris.
- Biddle, M. 1982: Vers une archéologie urbaine au service de la société, in *Archéologie urbaine, op. cit.*, 49.



### 3 | The origins and aims of the Valletta Convention. Its implementation in France

Marc Gauthier

**Abstract:** The result of three international colloquia about “Archaeology and planning” (Florence 1984, Strasbourg 1985 and Nice 1987) and of the work of the Restricted expert committee “Archaeology and major public works” (1985–1992), Council of Europe Recommendation R 89 (13.04.1989), sets out the objectives of achieving the improvement of the protection and highlighting of the archaeological heritage. It invites a complete revision of European legislation in this field. The Valletta Convention was written on the basis of this document, completed by additional proposals of the committee and by the conclusions of the Coimbra colloquium (1990). Signed on the 16<sup>th</sup> of January 1992, the Convention was implemented in France on the 10<sup>th</sup> of January 1996. It is the origin of the law on preventive archaeology adopted on the 17<sup>th</sup> of January 2001, which creates the “Institut national de recherches archéologiques préventives”, a major element of the French archaeological organisation operating under the control of the state.

#### The origins of the Convention

Everything started approximately half a century ago. Then, in the 60's or 70's, Europe reached the peak of a period of exceptional economic growth, known in France as the “Thirty Glorious Years” (Les Trente Glorieuses). Glory for the economy, disaster for archaeology. Underground car parks, commercial centres, metros, etc. devastated the buried memory of European towns. The new high speed railway lines, the agricultural land consolidation, the digging of canals etc. also disrupted the countryside which had been preserved for centuries. No chronological period escaped, from the most ancient prehistory to the historical periods closest to us.

Within a few years, the subsoil of historical towns and of vast rural territories had been deeply disrupted. Untouched layers had disappeared under the teeth of mechanical excavators without any real archaeological control. Henry Cleere (Cleere 1982), in the speech he gave in an international colloquium about urban archaeology organised in Tours in 1980, recalled “in the 60's, a real expansion frenzy seized the British business community. [...] Vast sectors of the historical centres of towns [...] were suddenly demolished and excavated and archaeologists could not do anything but a superficial examination”. The same statement could be made for France and most of the other European countries at that time. For example, in Lyon, the former capital of Gaul, between 1950 and 1970, 17 hectares of the heart of the ancient urban area were destroyed without any archaeological control (Lasfargues 2009).

It was in this same period that the Council of Europe equipped itself with a first Convention for the protection of archaeological heritage (London, 6<sup>th</sup> of May 1969). One could have hoped that it would have taken into account the situation in these decades. Not at all. Indeed, it ignored the destruction which was happening and set as a priority “the protection

of archaeological excavations”, which meant fighting against illicit excavations, “the purification of the market of archaeological objects” and the “fight against fakes”. This obsession for fighting against illicit excavations and traffic of archaeological objects can be understood when one knows that the person who inspired the London convention was Massimo Pallottino, professor of Etruscology in Rome. The UNESCO recommendation (New Delhi, 5<sup>th</sup> of December 1956) defining the international principles applicable to archaeological excavations were along the same lines.

Therefore, other researchers faced with the massive destruction of archaeological sites took the lead.

But, paradoxically, these destructions generated the most important advances of which the archaeological heritage has been the beneficiary. The perspectives now changed; no matter how admirable it might be the archaeological object was no longer the priority. Archaeological sites now had to be preserved or at least studied extensively. The protection solution as well as the research methods had to be adapted to the new threats that large scale building projects or country planning cast on the historical centres of towns or on rural landscapes. In the field, the archaeologist would have to learn to switch from trowel to mechanical excavator, legislation would have to follow the same path.

#### European awareness

*The Florence colloquium “Archaeology and planning” (22<sup>nd</sup>–25<sup>th</sup> of October 1984)*

In November 1981, the French ministry of culture, aware of its backwardness in the defence of archaeological heritage, decided to organise in Tours an international colloquium dedicated to this subject (Archéologie

urbaine, 1982). The speeches and discussions showed clearly that French archaeologists were eager to deal with these difficulties in a European context. They considered that the methods developed in Great Britain and in the countries of North-Western Europe were examples to follow. This was particularly the case in regard to the evaluation of the archaeological potential of the subsoil of London undertaken between 1973 and 1980 and the rescue archaeological excavations in Amsterdam, Oxford or Lübeck; both types of projects whose principles converged with those of projects undertaken in Tours, Lyon or Bordeaux, for example.

But the real change of direction was taken four years later, in 1984, when the Council of Europe and the Tuscany region organised in Florence a colloquium on the theme of "Archaeology and planning" (Archaeology and planning, 1986) with the participation of twenty countries. The participants were archaeologists, planners, administrators and elected representatives amongst which were members of the Parliamentary Assembly of the Council of Europe. After four days of discussions, sites visits and informal meetings, five priorities had emerged in favour of the archaeological heritage. They can be summarised as follows:

1. effective protection of important sites, with the collaboration of planners;
2. prevention of the destruction of archaeological evidence (including paleo-environmental elements) before it has been adequately studied;
3. ensuring that, where excavation is necessary, it is carried out in proper conditions, for example by anticipating archaeological investigation in development procedures;
4. consideration of physical conservation of archaeological material, whether in situ, in museums, or not at all, subsequent to excavation and evaluation, alongside other considerations of the environment and land use;
5. consolidation of the discipline of archaeology in all its aspects and improvement of archaeological techniques (prospection, excavation and conservation) taking into account the development of planning techniques.

Of course the formulation of these proposals, in diplomatic language, seemed rather far from a practical application. Therefore, the participants, of whom a majority were archaeologists, completed them with much more precise proposals. In a complementary note, they suggested to the Council of Europe that it undertake more detailed studies to define the subject of further international colloquia and to formulate recommendations to the member states. Without using the term expressly, the two pages written at the end of the Florence meeting define the ideal preventive archaeology. All the objectives to be reached are described under eight themes: general inventory and survey, integration of archaeological approaches in the planning procedures, legislation, financial aspects, public awareness, research in the field of conservation of physical remains, exchange of information between the member states.

To ensure that this proposal would not remain just a catalogue of good intentions or an archaeological

utopia, several solutions were examined. It was now necessary to go from the rather abstract discussions of Florence to a more practical, technical vision of the problems we had to solve.

After the agreement of several representatives of states present and of the members of the Council of Europe, the French delegation, represented by the president of the "Conférence des directeurs régionaux des Antiquités", offered to organise a European colloquium on the theme "Archaeology and major public works". This offer was accepted.

The creation of a restricted Committee of experts on "Archaeology and rural and urban planning" was decided on by the Council. So was a European comparative study of archaeology and large public works. It was intended to be used in the framework of the future colloquium. It would rely mainly on the study of the legal texts and would also present case studies and examples of scientific exploitation of major rescue operations.

#### *The restricted Experts Committee on "Archaeology and rural and urban planning" (1985–1992)*

It was composed mainly of archaeologists but also, in some cases, of diplomats who were not very familiar with the field of archaeology. The positions expressed by each member of the committee had to be validated by his ministry. He could be disowned and his mission suspended, all the more so as some countries may have been more concerned with their independence than with the emergence of a binding European policy.

The first meeting was held in Strasbourg, on the 25<sup>th</sup> and 26<sup>th</sup> of November 1985 (Gauthier 2009). Ten countries were represented and they chose Gustav Trotzig, from Sweden, as Chairman. France was the only country to have sent a delegation of three representatives, the same as those who had been in Florence. As with all the other countries, the French delegation was would later be reduced to a single member, the author of the present paper, for the remainder of the work. The work of the first meeting was to examine the proposals for survey and reflection made by France the previous year. Two of them would be accepted, the comparative study of archaeology and large public works in Europe (legal texts, case studies, scientific exploitation) and the organisation of an international colloquium based on the results of the comparative study.

The group then decided to launch the study and prepare the colloquium which would be held in France and set the agenda.

One could say that the future of the reflection initiated in Florence was decided at this meeting. The goal to be reached within the next years was set: elaborate new European regulation tools based on a scientific, administrative and legal assessment. These tools should first strengthen rescue archaeology and prepare and sustain its transformation to preventive archaeology. Preventive archaeology should be able to adopt the methods of field and laboratory research used in fundamental archaeological research. Several countries had showed the way and France had



Figure 3.1: Bordeaux (Gironde) – Excavations of the urban block of Saint-Christoly. (1982). Urban houses of the 1st to the VI<sup>th</sup> century. The excavations took place between the building of the slurry wall and the construction of the basement for the new construction. The concrete pillars have already been built. Marc Gauthier – SRA-DRAC Aquitaine.

undertaken this, for example, since 1974 in a long term project coordinated with the quarry industries in the Aisne valley.

#### *The choice of the revision procedure*

The Committee of Experts had two options: either write a totally new convention and, after the abrogation of the London Convention (1969), take it through all the procedures of the Council of Europe; or limit the work to a simple revision of the text of 1969, which would not prevent adding to it and reordering it profoundly. The Committee of Experts decided quickly on the latter option. This would avoid the very onerous procedure that a new text would have to go through, without any guarantee that it would be issued at all. The example of the project to prepare a Convention on underwater heritage initiated in 1985 and which was never completed showed the pitfalls which had to be avoided.

The revision procedure supported by the Directing Committee for the integrated conservation of heritage and approved by the Committee of Ministers enabled the Committee of Experts to start formulating the ideas expressed since 1985, without having to wait for the elaboration and adoption of the future Recommendation.

#### *The colloquium "Archaeology and major public works" (4<sup>th</sup>–6<sup>th</sup> of November 1987)*

The colloquium was held in France, in Nice. It was organised by the French Ministry of Culture and by the Council of Europe with the help of the city of Nice (Archéologie et grands travaux 1989). It was supposed to assess the collaboration between archaeologists and planners in Europe. As a matter of fact, their relations had evolved greatly since the meeting in Tours in 1980. Then the planners were totally absent, they were very well represented in Nice. Architects, engineers, town planners, jurists, administrators, builders talked to archaeologists. They discovered each other.

Nineteen of the twenty-one member countries had answered the questionnaire on legal and practical aspects prepared by the Committee of Experts. A document presenting these results had been issued before the opening of the colloquium. The legal survey showed the extreme diversity existing in Europe at that time. All types of systems could be found, between Norway where all remains earlier than 1537 were protected and Belgium which in 1987 had neither legislation nor a public administration relating specifically to archaeology. The only common point was a general tendency to seek contractual arrangement between archaeologists and developers.

The financial resource came directly from the contractual arrangements. The planners and builders



wanted to start their projects without being under the constant threat of an interruption caused by an archaeological discovery; the archaeologists in turn wanted to study the threatened sites in decent conditions. The solution to this double problem was that the builders would pay for the excavations. As a counterpart, the archaeologists would guarantee in the contract the date of the end of their intervention. The solutions differed from country to country. In Norway, Sweden and Denmark the price was set within a legal framework. In Great Britain and in France it was subject to a negotiation between archaeologists and builders. For example, this was the case with the very big excavation in the Louvre and the Carrousel gardens undertaken from 1983 to 1990 in the very heart of Paris (Van Ossel 1999).

After three days of speeches and discussions the participants agreed on practical and scientific priorities which must govern archaeological interventions made necessary by the undertaking of major works:

1. Inventories and mapping of archaeological sites, in accordance with the examples provided by Great Britain, Germany and Sweden;
2. The assessment of the archaeological potential of areas to be developed; field surveys undertaken beforehand should enable archaeologists and builders to work out a common agenda for interventions which should be respected;
3. Publication of scientific texts and documents for a wider public must be prepared soon after the excavations, the making available of knowledge and information about the discoveries must have sufficient resources.



Figure 3.2: Chartres (Eure-et-Loir) – Excavations on the Square of the Cathedral (1991–1993). Bernard Randoin – SRA-DRAC Centre.

Before the meeting closed, the participants set the frame of what could be a Recommendation of the Council of Europe, the first step towards a more binding international treaty. At this stage it can be seen that some of those associated with this aim hoped to attain one day a strong European directive.

#### *Recommendation R(89)5 to the member states*

The Committee of Experts and its partners continued their work in Strasbourg, at the Council of Europe, for two years. The final text (Recommendation R-89-5...) was completed on the 3<sup>rd</sup> and 4<sup>th</sup> of October 1988. It took into account the evolution of archaeological research. It recommended the establishment of national inventories and archaeological maps available to planners, the strengthening or the creation of solid scientific and administrative structures, increasing the resources dedicated to preventive archaeology, etc. All the wishes expressed in Nice were accounted for, especially those of researchers. The social aspect is also mentioned. In summary, the overall scheme, just as in Florence, puts forward an ideal preventive archaeology which is accepted easily by the Council of Europe given that it is meant to be just a recommendation to the member states, which everyone was free to take into account or not.

The Committee of Ministers on the Council of Europe adopted "Recommendation R(89)5 concerning the protection and enhancement of the archaeological heritage in the context of town and country planning operations" on 13<sup>th</sup> of April 1989, without any modification. All is said, or nearly, in the title. This instrument gave archaeology a legitimate place in Europe but archaeologists were correspondingly invited to enlarge their audience by disseminating their results to a broad public, not only to the scientific community.

#### *The "martyr text" of the Valletta Convention (1989–1990)*

The experts of the committee met in Strasbourg on the 12<sup>th</sup> and 13<sup>th</sup> of June 1989 for a decisive session. They

now had to leave the ideal which had inspired their reflections since 1984 for the necessary realism which would allow the convention to successfully go through all the steps and sometimes get past obstacles so as to achieve as many signatures as possible of a European treaty. Among these steps were the official advice of the legal department of the Council of Europe which followed step by step the elaboration of the text and its admissibility, the approval of the political authorities of every country involved in the drafting and the vote of the Committee of Ministers. And all this bearing in mind that the inevitable concessions made by the archaeologists in Strasbourg ought not to betray the spirit of the initial project, a route full of traps.

The French delegation was given the task of preparing the project for the "revised" convention. The text had to be based on the original London Convention of 1969 and include the main articles of the 1989 Recommendation. According to the terminology in use in Strasbourg this text was to serve as a "martyr text" which means that the author should be ready to accept the various modifications made by all the participants involved in the fields of science, law or politics. The fact that such a document could be prepared, like in 1969, by the reflections of archaeologists and not, from the start, by politicians or jurists must be credited to the Council of Europe. It must also be emphasised that politicians and jurists always intervened to facilitate achieving the text and help to its success rather than to hinder it. If initial agreement on the main scientific objectives was found from the outset between the delegations to the Committee of Experts, a lot still had to be done in the legal domain, in regard to the necessary diplomatic balance, on the economic aspects, on all the issues relating to land ownership, the tax system, the free commerce of artistic goods, etc. because, as we must bear in mind, the Valletta Convention does not only deal with preventive archaeology.

No less than six meetings of the Committee of Experts were necessary, in 1989 and 1990, to complete the



Figure 3.3: Lyon (Rhône) – Three flat bottomed river boats dated from the middle of the 2<sup>nd</sup> century or beginning of the 3<sup>rd</sup> century AD discovered in 2002–2003 on the right bank of the river Saône, prior to the construction of an underground car park. Grégoire Ayala. © Marc Guyon, Inrap.



convention project. It preserves part of the original treaty of 1969 but deeply restructured. Each sentence, each word would be examined from various points of view, using a wide range of criteria and trying to imagine how they would be understood and interpreted by both the archaeological services and the planners in the various countries of the European Union. Added to that was the long search, not always successful, for perfectly equivalent terms in both versions in French and in English.

On the 17<sup>th</sup> of October in Strasbourg, just before the Coïmbra colloquium, the text seemed to have received the approval of all the delegations. But a new issue emerged, inherited from the discussion of the London Convention, concerning the circulation of archaeological objects from excavations. Another difficulty came from the increase in the number of countries involved, now twenty-eight as a consequence of the enlargement of the Council of Europe to integrate the countries of Eastern Europe. This difficulty was phrased in a few words by Gustav Trotzig, president of the Experts Committee: "It is necessary to distinguish between what is realistic and what the archaeologists want".

#### **The colloquium "Archaeological sites in Europe: conservation, maintenance and enhancement" (18<sup>th</sup>–20<sup>th</sup> of October 1990)**

This last colloquium was held in Portugal, in Coïmbra. The vicinity of the hill-fort of Conimbriga and the Roman city that took its place explain the choice of this location. The area provides a good example of the conservation and enhancement of ancient ruins along with the provision of an on-site museum. Indeed, as already noted, the convention project did not only deal with preventive archaeology. In Coïmbra the conservation of archaeological heritage became the central issue (*Sites archéologiques en Europe – Conservation, entretien et mise en valeur*, 1992).

In this field, the countries of Central and Northern Europe appeared to be far more advanced: nine of the twelve papers presented came from these countries. One Southern example raised the interest of the audience. In Ibiza, in Spain, part of a Punic necropolis was to be preserved in an archaeological park. This example was interesting because it linked preventive archaeology and conservation and enhancement. But it appeared like an exception which ought to be more frequent in the future. This rarity already betrayed a situation which would be confirmed in the future decades.

However, the concerns expressed during the colloquium would be introduced into the discussion on the convention as it approached finalisation, because, during the colloquium, the members of the Committee of Experts continued their last review of the convention. Indeed, during the days at Coïmbra, the Experts' Committee also pursued the rereading of the project, an undertaking of the 17. All the articles had to be revised and particularly those which are likely to impose constraints on future signatory states. The text aimed to convince rather than to force.

On the 13<sup>th</sup> of February 1991, the experts, fewer in number this time, met in Strasbourg. The legal experts of the Council of Europe had re-examined the convention project as corrected in Coïmbra and had made very few alterations, only in presentation.

On the 10<sup>th</sup> of April, about fifteen countries were represented for another examination and made very little alterations to the document. By contrast, very long discussions had taken place about the illicit circulation of elements of archaeological heritage. Research was pushed to the back, international trade stepped in. The issue was now how to reject illicit traffic of artistic object without appearing to encourage legal trade. This would have been understood like a loss of the scientific scope of archaeological research. It was then decided to avoid a draft too favourable to the legal trade.



In the Explanatory report, the comment on article 10 regrets that “The market value of many objects found in the European context is such that temptation will overcome sanctions and safeguards will be circumvented”. With a degree of other-worldliness it preferred pedagogic to binding measures against illicit trade and advocated for a repression through international cooperation.

The final examination took place on the 25<sup>th</sup> and 26<sup>th</sup> of June 1991, in front of the Steering Committee for Cultural Heritage of the Council of Europe. It raised hardly any objection but a new debate started on illicit purchase and circulation of archaeological objects. A [large?] discussion took place concerning the distinction between state and private museums. Some countries, a minority, wished to include in article 10 the possibility of acquisition of objects of uncertain status. Finally this was rejected and it is hardly mentioned in the explanatory report published with the convention.

The 26<sup>th</sup> of June 1991 marked the end of the work of the Committee of Experts. A Monitoring Committee was supposed to replace it in order to evaluate every 3 or 4 years the implementation of the provisions of the text.

#### *Valletta (January 1992) The signature of the Convention and its clauses*

Six months later, on the occasion of the 3<sup>rd</sup> Conference of European Ministers responsible for the Cultural Heritage, some of the experts and large delegations of diplomats and administrators gathered in Malta. On the 16<sup>th</sup> of January the Convention was officially opened for signature. That same day it was signed by twenty countries. By March 2013 it had been signed by 42 of the 47 member states and one Non-member state, which makes this Convention one of the most widely adopted international treaties. Three countries have not yet signed the Convention: Austria, Iceland and Montenegro. Three other countries have signed but did not ratify it (Italy, Luxembourg and San-Marino), which prevents its entry into force in these countries.

The text of the Convention and the Explanatory Report can be found in the annexes, but for the reader's comfort its content can be summarized in six main themes.

1. Identification of heritage and protection measures. The text stresses the importance of inventories of the archaeological heritage, of the definition of reservation zones and of the obligation to have available a specifically adapted set of legal tools.
2. Integrated conservation of archaeological heritage. The Convention recommends that archaeologists and planners coordinate their actions in order to avoid economic difficulties, allow the study of this heritage and, if possible, enhance it.
3. Financing of archaeological research and conservation. It advocates the principle of financial support of archaeological interventions by public or private builders. The state should not face alone the cost of these interventions.
4. Collection and dissemination of scientific information. The financial effort made by society to study and preserve archaeological heritage make it appropriate that the results be disseminated

in two major directions. On the one hand they should be published in a scientific way for the professional researchers and on the other hand they should be disseminated to a wider public by various means (leaflets, exhibitions, catalogues, by audio-visual media, etc.). This dissemination is also essential to raise public awareness.

5. Prevention of the illicit circulation of elements of the archaeological heritage. If the exchange of information and scientific documents must be encouraged, it is just as important to repress all that could facilitate the traffic of objects coming from illicit excavations or stolen from authorised excavations.
6. Mutual technical and scientific assistance. The document insists on the necessity of a European cooperation in this scientific discipline which, by nature, demands a reflection that transcends the present national frontiers.

Twenty years later, how should we consider the Valletta Convention? Is the glass half-full or half-empty? The legal limitations and the diplomatic precautions taken to ensure success may have worn down the optimistic objectives of recommendation R(89)5 but, owing to this text, the archaeological community has strengthened its status in Europe. And it also has given a definition of the discipline. It has put an end to an anachronistic vision of archaeological research reduced to the excavation and the discovery of beautiful objects waiting to enter museums. The object is now intimately bound to its context. This conception is confirmed by the Explanatory report which states that “archaeological knowledge is based principally on the scientific investigation of the archaeological heritage” and that “excavation is a last resort in the search of that information”. A conception in which one can see the emergence of the idea of a “collective European memory” which has to be preserved. This may seem in contradiction with the ambitions of European preventive archaeology for which the convention constitutes the founding act. In fact it just aims to be a safeguard against a drift towards systematic preventive excavations to the detriment of a policy of conservation of archaeological sites.

From now on, archaeology comprehends the vast chronological field of the history of Mankind and, as a discipline, opens to a large range of interrogations covering almost all the fields of nature and life, which are the signs that it has fully become a science. This also enabled the authors of the convention to include underwater archaeology under its provisions offering a way to bypass the obstacle against which the project of specific convention has been blocked since 1985 while the looting of ancient shipwrecks increases.

Indeed one could criticise the Valletta Convention for choosing too often the register of the wishes rather than that of sanctions. But the strategy adopted avoided a situation where any country would feel brought under attack by too trenchant articles; the project would then have been paralysed. Despite all its imperfections, the Valletta Convention was a tool offered twenty years ago to each European country to improve the study and protection of its archaeological



Figure 3.4: Pont-sur-Seine (Aube) – Aerial view of the two Neolithic monumental constructions (respectively 300 and 900 square meters) inside their fenced enclosures. On the right is the trace of an earlier enclosure. 2009. Vincent Desbrosse. © Frédéric Canon, Inrap.

heritage. Each one of them could seize this tool and use it within the scientific, legal and political boundaries of its own system.

### The implementation of the Valletta Convention in France

*A founding stage for preventive archaeology:  
The « Association pour les Fouilles Archéologiques Nationales » (AFAN) 1973–2002*

When, in the 1960's, French archaeology was confronted with an increasing number of "rescue" excavations generated by the destruction of the subsoil by major works, there was no administrative or financial system that could react quickly and raise the human and financial means to face the threats. The largest proportion of archaeological activity was then regular summer excavations undertaken during the university holidays. They could be financed by grants given just before the excavations started. The field archaeologists were volunteer trained amateurs, professional researchers from the CNRS or university teachers with their students.

Rescue excavations only lasted a few days to a few weeks at the most and did not have any resources. The Ministry of Culture and its "Excavations bureau" was just starting to build a public service for archaeology which, in 1964, only meant thirteen employed persons for the whole country. Most of the time it was only possible to make a few observations on chance finds.

Major development works and the dramatic destruction they caused changed everything. Archaeologists now had to be able to intervene all year round on large scale excavations and could not rely anymore on the university vacations. This activity had to be professionalised in order to function twelve months a year. It also needed a constant financial resource independent of the slow administrative rhythm, six months on average, of the subsidies allocated by the state. And it was also necessary to recruit archaeologists on a temporary basis to match the duration of the large rescue excavations, as it would have been very presumptuous to speak of preventive archaeology at that time.

To try and answer these new methodological, legal, financial and also social constraints, the Ministry of Culture, with the authorisation of the Ministry of Finances, created a non-profit organisation to help the state services face the situation. This organisation, "Association pour les Fouilles Archéologiques Nationales (AFAN)" was created on the 26<sup>th</sup> of December 1973.

It would act as the "operational force" of the state until the creation of the "Institut de recherches archéologiques préventives (INRAP)" in 2001. This creation enabled the Ministry of Culture to bypass the administrative financial procedures and finance the interventions in a much flexible way by depositing money directly in the bank accounts opened by each of the regional directors for antiquities, in a completely totally illegal manner.

But this was not yet the end of all difficulties. From 1980 to 1991, AFAN grew in an exponential way and became the biggest employer for archaeologists. But most of them were still employed on temporary contracts which could follow one another for years. Originally limited to a maximum of 120 hours per month the contracts became full time contracts at the end of the 1980's. To try and solve this situation and answer the social demands, the Ministry of Culture decided to employ, on the basis of their scientific experience, some of the part time employees of AFAN. There were successive recruitment campaigns in 1982, 1983 and 1985. Some city councils also started to create posts for archaeologists (Archéologie urbaine 1985). This did not significantly improve the situation. The increasing number of excavations constantly generated temporary recruitments. From 1988 onwards the social unrest became permanent. The life of AFAN was punctuated by official reports, reform proposals (Goudineau 1990) and negotiations between the concerned ministries. In February 1992, all the members of the Superior Council for Archaeological Research resigned. The reform of the scientific control of archaeological research was decided on after the issue of a new report (Gauthier 1992). This period led to a phase of consolidation of the system marked by the signature of an outline agreement between the State and the AFAN, by the conclusion of a company agreement in 1993 and the publication of the new statutes of the association. Since 1991, the President of AFAN is no longer the director of archaeology of the Ministry but an independent person. AFAN evolved towards a complex company structure which assumed administrative, technical and social functions. During these years AFAN was consolidated, became more professionalised and still grew. The social unrest started again at the end of the 1990's. Social agitation, debates and demonstrations demonstrated the anxiety of contract archaeologists. Again official reports followed one another. Among them was a first proposal, formulated in May 1996 (Gauthier et Méda 1996), to transform AFAN into an industrial and commercial public institution, on the model of the "Bureau de recherches géologiques et minières" which did not succeed.

In the end, in November 1998, the analysis and proposals prepared by a University professor, a State councillor and the Mayor of Quimper were accepted by the political authorities (Demoule, Pêcheur, Poignant 1998). Their report made a clear and direct reference to the Valletta Convention. It acknowledged the very positive assessment that could be made of preventive archaeology in France, in particular due to the creation of AFAN, but denounced the limitations of this "fake" administrative system. It suggested the creation of a public research institution, publicly funded and not commercial, and traced in a few pages the broad lines of a reform of preventive archaeology. In its conclusion it considered that the objectives pursued by French archaeologists were compatible with the European commitments of France. This framework would lead, in January 2001, to the adoption of a law on preventive archaeology which organised its financial resource and created a public operator: l'Institut national de recherches archéologiques préventives (INRAP) officially established in 2002. The transformation of

AFAN into INRAP was the first and most important tangible sign of the adoption of the European treaty.

### The signature and implementation of the Valletta Convention

As one could have guessed, the strong engagement of France in the preparation of the Valletta Convention indicated an easy ratification of the text signed on the 16<sup>th</sup> of January 1992. And so it was. No serious objections were raised in either the National Assembly or the Senate. The Convention was ratified on the 11<sup>th</sup> of July 1995 and came into force on the 11<sup>th</sup> of January 1996. It was then that the difficulties began.

The law of the 21<sup>st</sup> of January 2001, which organises the system on the legal basis of the Valletta Convention, was amended by the law of the 1<sup>st</sup> of August 2003. Indeed the main aspect of the law of 2001 was immediately criticised. It was the creation of INRAP with a monopoly on preventive archaeological interventions, financed by subventions from the State, the price of the excavations paid by the developers and the institution of a tax paid by all developers, public or private, who planned to execute works likely to destroy traces of past human activity. The opponents of this law denounced an "infringement of the freedom of enterprise" which "violates the Constitution", and the way the tax was calculated triggered the anger of members of Parliament. They considered that this tax, proportionate to the damage caused to archaeological remains, placed an unequal burden as between the urban context, where it was accepted, and the rural context where it could reach sums which projects could not bear. In December 2002, an amendment voted through the Parliament reduced the tax to 25% of its original amount. Furthermore INRAP could not cope with the level of interventions it has to make and started building up a waiting list. This was not accepted by the developers who had thought that the law would speed up archaeological interventions and had the impression that there was no possible dialogue with archaeologists. The law had replaced with legal requirements the previous relationship based on mutual confidence, built over the years between archaeologists and developers, the latter now being made to look as if they were just "breakers-payers". A first report (Aubin 2002) had noted some of the potential risks of the Law of 2001, a second one (Van de Malière 2003), a year later, developed the criticisms noted above.

The reform of August 2003 maintained for INRAP a major role in research but abolished the monopoly it had and opened the activity of preventive archaeology – diagnostics and excavations – to the archaeological services of local authorities, and, for excavations only, to other operators, public or private. In other words it conformed to one of the proposals of the Van der Malière report which was to fight against the idea that INRAP was an imperialistic and monopolistic tool.

But the State remains in the centre of the system. The regional curators for archaeology prescribe the diagnostics and the excavations and fix their major scientific goals. They also appoint the person who will be the scientific responsible of the excavations and



control the execution of the programs. In fact, despite the opening to competition between private and public accredited operators, the State keeps the control of the operations. Even more so that the general scientific policy is the responsibility of the Conseil National de la Recherche Archéologique, placed under the authority of the Minister, and that authorisations for archaeological interventions are issued by the Préfet de Région after the scientific advice of the Commissions interrégionales de la Recherche Archéologique.

The reform of 2003 also affected the tax which now only finances the diagnostics, the excavations being paid for by developers. The calculation of the tax dedicated to finance the diagnostics carried out by INRAP or by the archaeological services of local authorities was modified in 2004. It now takes into account the size of the building works and not the size of the property in which they are undertaken which was a very common source of protest, especially in a rural context. The purpose of the tax has also been extended. Part of it now constitutes a national fund for preventive archaeology used to help financially developers faced with expensive excavations the cost of which is not compatible with the cost of the works being undertaken (social housing, individual housing, excavations in small rural communes...). It may be noted that subsequent to the reform of the system, all the legal texts which were scattered in various laws have been brought together in the Heritage Act (Cornu, Négri 2012).

#### *The Institut national de recherches archéologiques préventives (INRAP) 2002–2013*

Finally INRAP functions under this organisation were revised in 2003 and 2004.

A privileged partner of the State, it is an administrative public institution placed under the double administrative control of the Ministry of Culture and the Ministry of Research. In other words, it is a public institution, financed by public money, which has been given a mission of general interest but which also has some administrative and financial autonomy. As a national research institute it carries out the majority of the archaeological diagnostics and of the excavations in partnership with public and private developers, which amounts to approximately 2000 archaeological operations each year in continental France and in the overseas territories. Its missions include scientific exploitation of the results and training and dissemination of archaeology amongst the public. It employed 2320 people in 2011 and carried out 1909 diagnostics and 252 excavations some of which were necessitated by large scale infrastructure works.

Over a ten year period, 700 “open doors days” have been organised on excavations; 600 lectures have been given; it co-organised 250 exhibitions. 42 books have been published, among of which are 37 thematic volumes in the collection “Archéopages” created in 2000. A special volume published in 2012, dedicated to the “New fields of archaeological research”, integrates a European dimension with 3 articles written by researchers from the United Kingdom, Switzerland and Spain describing the organisation of preventive archaeology in their countries. 9 conferences were organised and 5 documentary films were shot. In 2013,

for the fourth year, INRAP coordinated the National days of archaeology organised by the Ministry of Culture and Communication.

The website of INRAP (<http://www.inrap.fr>) constantly publishes synthetic notes and reports on current events in archaeology. It also includes a regularly updated image library where 3000 documents can be downloaded.

With more than 2000 researchers and technical collaborators it is today the biggest archaeological research institution in Europe.

These cold figures betray the deep upheaval of French archaeology. In the 1960's, it was the ambition of the State to assume all the tasks relating to the preservation of the archaeological heritage, even including fieldwork, by developing the regional state services. It soon realised that this was impossible but managed to keep administrative control of the succeeding organisations AFAN and then INRAP, and to cope with the increasing destruction of the heritage. Unlike AFAN, INRAP has become, within a decade, a top-ranking research institute. Through the results obtained it has gone beyond the strict context of preventive archaeology and has become a major partner of the CNRS, the universities, the researchers of the Ministry of Culture and of the local authorities. The discoveries arising from the extensive experience in preventive archaeology renew 500,000 years of our history and represent 90% of the new data collected in France over the last years.

One should also emphasise the very fast development of the archaeological services by the local authorities. As an example, the municipal archaeological service of Aix-en-Provence, created in 1986 with one single post, employs today an average of 30 archaeologists. Over all in the whole country the archaeological services of local authorities employ 730 people.

Of course, as we saw, this is not all due to the Valletta Convention. But would all these advances and all these successes have been possible without the Convention?

#### *National inventory and conservation*

As we already said, the heart of the new French legislation, made easier by the Valletta Convention, is preventive archaeology. But does that mean that nothing has been done towards the implementation of the other articles of the Convention? Such an understanding would be unfair. None of the other measures that were taken were as visible as the creation of INRAP and its financing. On the other hand, in each field, efforts had already been undertaken for years, especially in Tours (Galinié et Randoïn 1979) and in Lyon (Lasfargues 2009).

A national archaeological inventory was started in 1978. In 1990, it was given a significant budget to catalogue all the sites listed in every French region. The “Centre national d'archéologie urbaine” was created in Tours in 1984. Its mission was to produce documents assessing the urban archaeological heritage of some French towns and define sensitive archaeological zones.



Figure 3.5: Rennes (Ille-et-Vilaine) – General view of the excavations in the garden of the cloisters of the “Couvent des Jacobins”, 2012. The latest levels encountered belong to a 20<sup>th</sup> century military construction with four large tanks. Gaëtan Le Cloirec. © Hervé Paitier, Inrap.

Synthetic maps gathered information on the depth of the archaeological deposits, the location of previously destroyed areas and, an evaluation of the importance of the scientific interest of the various zones. This operational tool aimed to alert the developers to the areas which should be preserved and to those which would have to be excavated before any development work. To protect certain fragile sites, access to this database can be restricted when it contains information which could be used by metal detector users. In this respect, France has adopted, on the 18<sup>th</sup> of December 1989, a specific law to control the use of metal detectors. This law is inspired by Recommendation 921 (1981) of the Council of Europe and is in accordance with the provisions of article 3iii of the Valletta Convention. In February 2011 a new report on this issue was handed to the Minister of Culture.

The conservation of moveable and non-moveable heritage is assured in France by the law adopted on the 31<sup>st</sup> of December 1913 concerning the protection of historical monuments which include archaeological remains. By virtue of this law any development work can be forbidden so as to protect archaeological remains. In this case, the remains can be listed on the historical monuments lists, including by way of an emergency procedure. The service in charge of historical monuments is also responsible for the conservation, after they have been listed, of architectural remains discovered in excavations. It is true that the conceptions of the architects who work in the service do not always coincide with the requirements of the archaeologists who sometimes think they reconstruct more than they restore. The provocative title of a colloquium which

gathered both parties in November 1990 “Should ruins be restored?” betrays the climate of suspicion which then ruled amongst the archaeologists (Faut-il restaurer les ruines 1991).

After recalling some general principles, already well anchored in Europe, the Valletta Convention advocates two more innovative measures: the modification of development plans to avoid the alteration of archaeological sites even by preventive excavations and the *in situ* conservation of elements of archaeological heritage discovered during archaeological operations undertaken prior to development works.

As early as 1992, the explanatory report insisted on the importance of preserving a certain number of archaeological sites instead of excavating them. In 2002, Gérard Aubin exposed the limits of the system derived from the law of January 2001 on preventive archaeology. He insisted in particular on the risk of favouring thorough excavation to the detriment of conservation measures. He noted that preventive archaeology is often considered as the only answer to a development project and he quoted the fears expressed as early as 1966 by André Leroi-Gourhan: “The present squandering of sites is such that in twenty years time we will desperately be looking for places to reconstruct the agrarian economy of the Neolithic or of Protohistory”. His predictions have partially been contradicted by the results obtained in large scale excavations but these accelerate the consumption of rural territories along with historical urban centres. A pernicious effect of the system has been that preventive excavation has too often become a tool designed to



free the developers from any heritage constraint once the excavation is over. They feel it is a necessary evil. The Convention had anticipated this risk by suggesting to the States to create “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” (Article 2ii). We must admit that its application in France is, until now, not very common in preventive archaeology.

One would like to balance this assertion and find a significant example of a preventive operation followed by the conservation and enhancement of archaeological remains. But in an assessment of 10 years of activity of the INRAP, published in January 2012, no such example can be found. INRAP cannot be reproached with that because it is not its primary mission. The conservation of the elements of archaeological heritage which have been discovered does in fact form part of its mission but the new French legislation stipulates that the State is responsible for the appropriate measures and for the “conciliation of the requirements of both the scientific research and the social and economic development” (Code du Patrimoine – Livre V – Article L522-1). This formulation transcribes the notion of integrated conservation of the archaeological heritage of the article 5 of the Valletta Convention.

Nevertheless, INRAP participates in large conservation programs abroad such as that in Angkor (Archéologie sans frontières 2010). It also takes part in missions which include research, raising public awareness and training not just in the Mediterranean Basin but beyond from Southern Africa to China and Northern America. In Europe the programme “Archéologie dans l’Europe contemporaine: pratiques professionnelles et médiations aux publics” (2007–2013) is led by INRAP.

Moveable heritage has not been forgotten. Since the law adopted in 1941, unlike other European countries, artefacts discovered during excavations do not belong to the community. In the case of a chance find, they are shared between the discoverer and the land owner, according to article 716 of the Code civil. If excavations are carried out by the State, the State stands in the position of the discoverer. Some solutions have been found to preserve, with the agreement of the land owner, the integrity of collections. At the end of an archaeological excavation the finds with no commercial value are stored in archaeological repositories placed under the custody of the State or of the local authorities where they are easily available for study.

The encouragement of the Valletta Convention to take measures allowing the conservation of the testimonies of our “collective memory” has found very little echo in that respect in the French law of 2001. It was shown mainly in the obligation to give temporary custody of the finds from a preventive excavation to a public institution, for a period of 5 years, for the purposes of scientific study. This period of 5 years (reduced to 2 years in 2003) given to the archaeologists is already mentioned in the UNESCO recommendation of the 5<sup>th</sup> of December 1956. On the other end, the reform of the ownership has not advanced. During the debates which took place in the Parliament before the adoption of the

law in 2001, which lasted for over a year, the very strong opposition based on the theme of the “infringement of the property rights” won the battle. We are then left with the previous situation where the State does not have the exclusive ownership of the archaeological finds unless it uses its right of pre-emption.

The subject is not closed yet. A report written by Jean-Claude Papinot, general inspector for archaeology and jurist, has demonstrated clearly the need to break with the present situation (Papinot 1998) and, in October 2012, Aurélie Filippetti, Minister of Culture and Communication, asked a commission to make proposals for a further reform of preventive archaeology and, among other subjects, to examine “the question of a uniform ownership of the moveable finds and of its public aspect”. The debate still goes on.

### Enhancement

The policy of the enhancement of archaeological sites suggested by the Valletta Convention is not a new idea in France. It was, until recently, merged with the conservation of historical monuments and was not governed by any specific doctrine. The law of 1913, already mentioned, and the law of 1930 concerning more specifically the “natural monuments and the sites with artistic, historic, scientific, legendary or picturesque character” could be used to ensure their legal protection. It was only in the late 1980’s that a national programme for the enhancement of archaeological sites was started. It was based on the observation that if the Lascaux cave, the megalithic alignments of Carnac, the ancient monuments of Arles were widely known on an international level, dozens of other sites remained unknown to the public due to lack of enhancement works which would facilitate their accessibility to the public. After a period of study, a methodology has been elaborated and twenty sites of national importance were selected by the Conseil Supérieur de la Recherche Archéologique. They have been allocated a long term investment scheme.

Besides this long term plan, major motorway societies companies have decided to show that their works could help the advancement of our knowledge of the most ancient periods of our history. At the end of the 1970’s, “Archéodrome” was built along the Southern Motorway, near Beaune. In a park of two hectares, ten buildings were constructed: a Neolithic house, a Bronze Age tumulus, a Gallo-roman temple... and a section of the ramparts erected by Cesar to encircle the nearby hill-fort of Alésia. But the rescue excavations which were then undertaken on the motorway route were far from being as large and efficient as the present preventive archaeology interventions of the INRAP. This spectacular success and some others, often in an urban context, have raised a strong interest in the public and in the media. Other such enhancement programmes followed: Saint-Romain-en-Gal, Glanum, Bliesbrück, etc, often completed by a site museum. A collection of booklets, designed to be used by visitors: *Les guides archéologiques de la France*, was created in 1984 by the Ministry of Culture, the 50<sup>th</sup> volume of this collection has just been issued. Another landmark achievement is the site of Bibracte, a Gaulish town built on the Mont-Beuvray where regular excavations

have been undertaken since 1984. An organised route provides visitors with the possibility to discover the 138 hectares of this *oppidum*. A museum dedicated to Celtic civilisation was opened on the site in 1995 and a dozen European teams take part in the research programmes of the international research centre with a team of around thirty associated researchers.

This European dimension is also found in Dordogne, at Lascaux. Often considered to be the most famous painted cave in the world, Lascaux nearly lost its fantastic Palaeolithic decoration on several occasions since its discovery in 1940 (Lascaux et la conservation... 2011). The badly controlled opening to the public and its popular success – up to 1800 visitors a day – caused this dramatic situation. After the formation of algae and calcite which threatened to destroy the prehistoric paintings and engravings, André Malraux, Minister of Culture, decided to close the cave to the public on the 27<sup>th</sup> of April 1963. Public access to Lascaux will never be allowed. Only scientists and conservation experts can enter the cave. The caves which were discovered more recently, like the Cosquer cave, the Chauvet cave or the Cussac cave (all decorated with exceptional paintings or engravings) will also never be opened to the public. The responsibility of having to preserve them overrules the desire to make them widely accessible. As compensation for a policy of producing facsimiles was developed, starting in 1983 with the inauguration of the facsimile of the Lascaux cave: Lascaux II. It is also a good illustration, a few years in advance, of the idea expressed in the Valletta Convention 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 5v). Following this policy, the International scientific committee for Lascaux (Spain, Italy, Germany), created in 2002 after new bacteriological and fungal outbursts in the cave, has secured, in 2006, the inscription of the entire hill of Lascaux as a area within in which no construction can take place and has initiated the transfer of the facsimile, the car park and the visitor reception facilities in the valley which is at the foot at the foot of the hill. In October 2012, the Norwegian office Snohetta designed a new construction where it will be transferred according to the necessities of conservation and public dissemination, under the control of the Scientific committee chaired by Yves Coppens since 2010. At the same time, a portable facsimile has been presented in Bordeaux, it will then be exhibited in Chicago, Montreal, Shanghai... The example of Lascaux illustrates the paradox of this policy of opening archaeological sites to the public. Originally supposed to help raise public interest in archaeological heritage, at Lascaux it nearly caused the destruction of this emblematic prehistoric site.

## Conclusion

In 2013, the organisation of preventive archaeology as derived from the Valletta Convention is still debated in France. In that context, Aurélie Filippetti, Minister of Culture, has required a critical evaluation of the

functioning of the system, and a possible return to the monopoly of INRAP. A commission assigned the task of this “scientific, economic and social evaluation of preventive archaeology” started work on the 5<sup>th</sup> of October 2012 in order to elaborate a “White Book” on this subject. In her introductory speech, the Minister emphasised the principles which should guide the work of the commission and one of these was that “nobody should envisage reducing archaeology to a simple market for commercial services within which the setting of a price is only a matter of comparing supply and demand”. The tone of the debate has been set.

Since 2003, the scene of preventive archaeology has deeply changed. By the sides of INRAP 64 local authority services and 24 private or public other structures are allowed to work in the field of preventive archaeology, that is to say a total of 89 operators for the whole national territory. All of them have been accredited by the ministers of Culture and Research after the advice of the Conseil National de la Recherche Archéologique. In November 2012, preventive archaeology employed 3142 persons on scientific, technical and administrative functions, 1944 for INRAP and 1198 for the other operators. One can imagine the violence of the reactions if around 35% of the actors of preventive archaeology were excluded if the monopoly of the INRAP was to be re-installed. In the twenty proposals made by the commission in the White Book, delivered to the Minister of Culture on the 29<sup>th</sup> of March 2013, can be stressed the proposal of improving the scientific control of the operations and the strengthening of the regional State services, to consider archaeological artefacts as a public property and to develop the policy of creating archaeological reservations. If some of the proposed dispositions are validated and presented under the frame of a new law, there will be lively debates.

Before I end this paper, I would like to recall the key role played by two actors of this history of our discipline. First of all, Daniel Thérond, then administrator of the architectural heritage division in the Council of Europe. He is the person who succeeded in introducing archaeologists to the sometimes complex mechanisms of this assembly, in bringing them back to reason when necessary and who supported this subject from 1984 to 1992. The slow evolution which took archaeology from a week-end pastime in the 1960's to a professional research discipline in the beginning of the XXI<sup>st</sup> century is largely due to preventive archaeology. The Valletta Convention has backed up this evolution by providing the European legal support which was lacking.

The second person is Martin Biddle. In November 1980, in the introductory speech he gave on the urban archaeology colloquium in Tours, he gave a clear definition of the goals to aim for building a satisfactory urban archaeology, these goals are also valid for rural territories. “What is necessary.. [...], is an adequate legal framework, sufficient financial resources, a qualified personnel, the will to do and above all strategies of intervention not only within each town but also on a national level if not supranational” (Biddle 1982). Let us hope that the Valletta Convention has, at least partially, realised the hopes formulated more than 30 years ago.

## References

- Cleere, H. 1982: Le patrimoine archéologique urbain en Grande-Bretagne, in *Archéologie urbaine, Actes du colloque international*, Tours, 17–20 novembre 1980, A.F.A.N., Paris, 125–7.
- Lasfargues, J. 2009: Naissance de l'archéologie préventive en Rhône-Alpes, in J.-P. Demoule et Christian Landes (éd.): *La fabrique de l'archéologie en France*, La Découverte, Paris, 178–88.
- Archéologie urbaine. Actes du colloque international*, Tours, 17–20 novembre 1980, A.F.A.N. 1982, Paris.
- Archaeology and planning*, Report of the Florence, 22–25 October 1984, Council of Europe, 1986, Strasbourg.
- Gauthier, M. 2009: L'élaboration de la convention de Malte, in J.-P. Demoule et Christian Landes (éd.), *op. cit.*, 227–38.
- Archaeology and major public works*, Report of the Nice colloquy, 4–6 November 1987, Council of Europe, 1989, Strasbourg.
- Van Ossel, P. dir. 1999: *Les jardins du Carrousel. De la campagne à la ville: la formation d'un espace urbain*, collection Documents d'archéologie française. Série grands travaux, n° 73, éd. Maison des sciences de l'homme, Paris.
- Recommandation R(89)5 relative à la protection et mise en valeur du patrimoine archéologique dans le contexte des opérations d'aménagement urbain et rural, in *Patrimoine culturel européen (volume I). Coopération intergouvernementale: recueil de textes*, éd. du Conseil de l'Europe, 2003, Strasbourg, 243–8.
- Sites archéologiques en Europe – Conservation, entretien et mise en valeur*, éd. du Conseil de l'Europe, 1992, Strasbourg.
- Convention européenne pour la protection du patrimoine archéologique (révisée) et rapport explicatif (La Valette, 16 janvier 1992), in *Patrimoine culturel européen...*, *op. cit.*, 134–53.
- Archéologie urbaine. Chartres, 2–3 octobre 1981*, Les cahiers de la section française de l'Icomos, 1985, Paris.
- Goudineau, C. 1990: *Rapport au Premier Ministre sur l'archéologie nationale. Mai 1990*, Les nouvelles de l'archéologie, supplément de 12 p. au n° 40, éd. Errance, Paris.
- Gauthier, M. 1993: *Le contrôle scientifique de la recherche archéologique en France. Rapport au Ministre d'Etat, Ministre de l'Education nationale et de la Culture*, Les nouvelles de l'archéologie, n° 51, éd. Errance, Paris, 5–34.
- Gauthier, M. et Méda, M. 1996: *L'Association pour les fouilles archéologiques nationales. Rapport au ministre de la Culture*, Les nouvelles de l'archéologie, n° 65, éd. Errance, Paris, 7–29.
- Demoule, J.-P., Pêcheur, B., Poignant, B. 1999: *L'organisation de l'archéologie préventive en France*, La Documentation française, Paris.
- Aubin, G. 2002: *Les implications de la loi française relative à l'archéologie préventive: Conservation, Recherche, Service public*, sur le site du Conseil de l'Europe, [www.coe.int](http://www.coe.int).
- Van der Malière, A., Aubin, G., Preschez, P. 2003: *Rapport sur l'application de la loi du 17 janvier 2001 relative à l'archéologie préventive*, sur le site <[www.archeo-droit.net](http://www.archeo-droit.net)>.
- Cornu, M. et Negri, V. 2012: *Code du patrimoine 2012*, LexisNexis, Paris.
- Nouveaux champs de la recherche archéologique*, Archéopages, Hors série Inrap 10 ans, La Documentation française, 2012, Paris.
- Galinié, H. et Randoin, B. 1979: *Les archives du sol à Tours. Survie et avenir de l'archéologie de la ville*, Tours.
- Lasfargues, J. 2009: Naissance de l'archéologie préventive en Rhône-Alpes, in J.-P. Demoule et Chr. Landes (éd.), *op. cit.*, 178–88.
- Faut-il restaurer les ruines?* 1991: Actes des colloques de la Direction du Patrimoine n° 10, novembre 1990, Picard, Paris.
- Archéologie sans frontières 2010*: Archéopages, Hors série, La Documentation française, Paris, 86–97.
- Papinot, J.-C. 1998: *La conservation du mobilier archéologique. Rapport au directeur de l'Architecture et du Patrimoine*, décembre 1998, Paris.
- Lascaux et la conservation en milieu souterrain. Actes du symposium international. Paris, 26 et 27 février 2009*, Documents d'archéologie française n° 105, 2011, Paris.
- Biddle, M. 1982: Vers une archéologie urbaine au service de la société, in *Archéologie urbaine, op. cit.*, 49.





## 4 | Research, historic assets and the public – the Valletta Convention and the example of Butrint

Brian Ayers

**Abstract:** This paper explores the work of the Butrint Foundation, a British charity which has been operating at the World Heritage Site of Butrint in southern Albania since 1993. It sets out a brief history of Butrint, it outlines the involvement of the Foundation and then seeks to explore how the principles set out in the Valletta Convention have been applied by the Foundation as it has sought to foster research, conservation, training and enterprise development, both at the core heritage site of Butrint and within its immediate hinterland. The paper also briefly examines governance at the site, engagement with the local community, and opportunities for economic development of the region utilising the heritage asset that is Butrint as a focus for sustainable inward investment.

### Introduction

Butrint (historically Buthrotum) is a World Heritage Site in southern Albania comprising the ruins of a Hellenistic, Roman and Byzantine city with later evidence of Venetian and Ottoman occupation (Figure 4.1). It stands at the southern end of the Ksamili peninsula which separates the Straits of Corfu to the west from Lake Butrint to the east (Figure 4.2). The city was accessed from the sea by the Vivari channel, a waterway the dimensions of which have fluctuated in the past but is now generally between 125m and 150m in width. South of the channel lies the Vrina plain, an extensive area running into the Pavllas valley which is itself bordered by high ground as it extends to the Greek border.

Archaeological work has identified activity from the palaeolithic period onward, with numerous Bronze Age settlements in the immediate vicinity (notably on Kalivo hill bordering the Vrina plain). The suitability of the site as a good anchorage was noted as early as the 6<sup>th</sup> century BC by the geographer Hecataeus of Miletus who referred to the location as *pelodes limen* ('muddy harbour') (Hansen 2009, 9). By the 5<sup>th</sup> century the acropolis hill had substantial walls, elements of which survive, probably bounding a temple sanctuary. Some two centuries later occupation extended southward from the base of the hill, associated with a religious complex linked to the healing god Asclepius. This too

Figure 4.1: The core site of Butrint from the air. © Butrint Foundation.





Figure 4.2: Location of Butrint. © Butrint Foundation.

Augustus. Thereafter development seems to have been rapid (Figure 4.3), with growth on both sides of the Vivari channel assisted by the construction of a great bridge and aqueduct by the 2<sup>nd</sup> century AD and perhaps earlier.

Remains of both bridge and aqueduct piers survive, the aqueduct bringing water to the city from a source in the Pavllas valley at Xarra. It passed through a colonia which was regularly laid out and for which there is now archaeological evidence for well-ordered houses, industrial activity and mausolea. Within the historic core of the city, its water fed a nymphaeum (largely extant) and from there could be piped to locations such as the forum, newly constructed within and to the east of the Hellenistic agora.

Disaster appears to have hit Butrint in the mid-4<sup>th</sup> century. There is considerable evidence for a significant earthquake which destroyed much of the city (the effects of seismic activity can still be seen in the distorted steps of the - Roman-extended - theatre). Indeed, the results of archaeological work indicate that Butrint was largely abandoned for almost a century before re-occupation in the late Antique/Early Byzantine period. This re-establishment of activity was, at first, ambitious as evidenced by the construction of monuments such as the Triconch Palace (Bowden and Hodges 2011), the great Basilica and the Baptistry. The celebrated mosaic within this last structure was uncovered in 1928 by the Italian archaeologist Luigi Maria Ugolini who recorded his 'gioia della scoperta' ('the joy of discovery') upon its exposure (Mitchell 2008, 15).

was bounded by a substantial temenos wall which included a major south-facing gate, now known as the Tower Gate and again, like the wall, with substantial surviving elements.

The shrine of Asclepius may have owed its origins to healing springs or wells at Butrint and it was supplemented by a temple and by a theatre. The extant structure dates from the first quarter of the 2<sup>nd</sup> century BC and presumably replaced an earlier, perhaps timber, structure. An inscription dating the structure notes that income from offerings provided the necessary resources (work was enabled by 'the sacred money of the god' - Hansen 2009, 27) and the building augmented by an agora or market place and stoas, structures for civil and commercial use.

Although Butrint was clearing growing in the 2<sup>nd</sup> century, it was still considerably smaller than Phoenice, the Hellenistic city some 20km to the north. This hilltop urban settlement at the far end of Lake Butrint was sacked, however, in 167 BC and thereafter never regained its pre-eminence. As Roman influence in the Epirus peninsula increased, so too did the importance of Butrint, assisted by environmental changes whereby water levels relative to the land fell (Bescoby 2013), enabling more extensive use of level land at the foot of the acropolis and on the Vrina plain. By the late Republican period, Butrint was being prepared for colonia status, a situation probably achieved under

The new Byzantine investment at Butrint was nevertheless on a smaller scale than its floruit under the Roman Empire and different in character. The Triconch Palace, constructed for an individual who demonstrated his Christianity through Chi-Rho detailing of the window frames in the building, proved over-ambitious and was never completed. The Great Basilica was augmented by other churches, such as one fashioned out of a former town-house on the Vrina plain, and perhaps by a pilgrimage centre across Lake Butrint where a major Roman villa complex seems to have been converted to a monastery around a further basilica (Hodges 2008, 57–9). While the defences of the city were improved in the 5<sup>th</sup> century, Butrint seems to have declined by the end of the 6<sup>th</sup> century and suffered further calamity in c.800 when excavated evidence from two towers in the western defences implies destruction in an unknown attack.

Thereafter Butrint effectively appears to have ceased to exist as an urban settlement until the early 11<sup>th</sup> century. The ruins of the Triconch Palace were re-inhabited by then, almost certainly by fishermen exploiting the reserves of Lake Butrint and its attendant marshland. Recent excavations in 2013, however, suggest renewed civic investment from c. 1000 with substantial stone-built structures created on a terrace above the old Roman forum (Hodges forthcoming 2013a), probably associated with known refurbishment of the defences.



Figure 4.3: Roman Butrint. © Butrint Foundation.

These in turn were destroyed or abandoned in the 13<sup>th</sup> century, with Butrint at this period moving from the suzerainty of Byzantium to that of the Venetian Despotate of Epirus following the sack of Constantinople by the Fourth Crusade in 1204.

Venetian occupation at Butrint led to the construction of major monuments which still survive, notably the triangular fortress next to the south side of the Vivari channel and the Venetian tower opposite. Watch-towers, refortification of the acropolis, and the probable creation of some form of defensive structure at the mouth of the channel (subsequently 'Ali Pasha's Castle') were all probably linked to two key activities: the control of Venetian-Ottoman trade and the protection of the fisheries of Butrint (Crowson 2007). Venice held Butrint until the end of the 18<sup>th</sup> century (it was temporarily lost to Suleiman the Magnificent in 1537 during the siege of Corfu and was also taken by the Ottomans in 1571 but was recovered on both occasions) when the city passed to French control in 1797 upon the fall of Venice to Napoleon. A year later the French were evicted by the Turks, Butrint coming under the control of Ali Pasha, a provincial and semi-autonomous representative of the Sultan in Istanbul. Ali's creation of an artillery blockhouse at the mouth of the Vivari channel, apparently to confront the British then in occupation of Corfu, was the final constructional activity at a location which, by the beginning of the 19<sup>th</sup> century, had essentially been abandoned.

#### Antiquarian discovery of Butrint and the development of modern archaeological approaches

Napoleonic France and Britain sent agents to Ali Pasha, both of whom (François Pouqueville and William Martin Leake) visited Butrint in 1805 and recorded observations. With the end of the Napoleonic wars, increasing numbers of visitors began to arrive, travellers such as Edward Lear who painted the landscape around Butrint.

Sir Arthur McMurrough Kavanagh, an Irish aristocrat, hunted at Butrint in 1860 (when he photographed a boar killed by the hunt) and again in 1862. However, it was only in the 20<sup>th</sup> century that Butrint as an ancient site began to be appreciated by a wider public, in large part due to the efforts of Luigi Maria Ugolini.

Ugolini led an Italian archaeological mission which initially explored the site of Phoenice. However, he soon switched attention to Butrint, in part inspired by mythological associations amplified when Virgil described Butrint as 'like a Troy in miniature' in the Aeneid. Such a putative lineage had obvious attractions for Fascist Italy, keen to establish a new Roman empire. However, Ugolini was also a fine archaeologist and, in a series of campaigns, he uncovered most of the major monuments visible at the site today. His largest-scale excavations were at the theatre between 1928 and 1931, work which included the discovery of marble statues and heads, amongst which were representations of Augustus, Livia and Agrippa.

The most famous discovery was of the so-called 'Goddess of Butrint' (actually the head of the god Apollo). Ugolini wrote an excited account of its discovery:

During the excavation of the theatre a workman announced from his section that there was 'something rounded.' I leapt into the trench convinced that it was a piece of sculpture and replaced him in the delicate task. It really was a head, and one that appeared to have a perfect profile! I washed the sculpture continuously, the better to see it during the delicate task of extraction and revealed a beautiful head whose fine and delicate marble contrasted with the lead-coloured surrounding mud. "It even has a nose! It even has a nose!" cried one of the Albanians. Our anxious experience was not a delusion, as it was one of the crowning moments of our work: the head of the 'Goddess of Butrint.'



Although Ugolini managed to write a popular book concerning his work at Butrint (Ugolini 1937), he was never able to publish his work fully, dying young of kidney failure in 1936. However, he had prepared his excavations for publication and, moreover, he had also adopted a holistic approach to the site, exploring and surveying the hinterland as well as the core city. His field recording was poor by modern standards but his inclusivity was not; he exercised academic rigour in decision-making before later structures were removed to reveal earlier ones. His work was therefore ground breaking in two ways for later studies of the site: his discoveries established the paradigm of understanding which only recently has begun to be questioned; and his approach foreshadowed contemporary archaeological practice of comprehensive survey, question-led research, synthetic analysis of results and dissemination of information.

The Italian mission ceased working at Butrint in 1940 and renewed archaeological intervention was thereafter undertaken by the Centre for Albanian Archaeology, established in 1948 by the communist government of Enver Hoxha within the Academy of Sciences in Tirana. Hoxha pursued a particularly nationalistic form of communism, one which utilised archaeological sites and archaeological practice to foster national cultural identity. The most famous example of such a link came in 1959 when Albania was visited by Nikita Khrushchev of the Soviet Union. Hoxha took him to both Apollonia (a major Greek and Roman city, formerly on the coast in central Albania) and to Butrint, a visit which was not a success. Hoxha, perhaps in a *post hoc* justification for breaking ties with Soviet Russia in 1960, recorded that Khrushchev

... even criticised our archaeological work as “dead things.” When he visited Butrint he said, “Why do you employ all these forces and funds on such dead things? Leave the Greeks and Romans to their antiquity!” Khrushchev was truly an ignoramus in these things. He called Malinovski [Soviet Defence Minister], who was always near at hand, “Look how marvellous this is”, I heard them whisper, “an ideal base for our submarines could be built here. These old things should be dug up and thrown into the sea; we can tunnel through the mountains to the other side”, and he pointed to the village of Ksamili. “We shall have the most ideal and secure base in the Mediterranean. From here we can paralyse and attack everything.”

(Halliday 1986)



Work under the communist regime was headed by Dhimosten Budina, the first archaeological student to train in Moscow. After 1960 Budina built on earlier surveys of both Ugolini and Albanian colleagues such as Selim Islami and V.D. Blavatski, excavating at Butrint but also, as head of the Saranda office of the Centre for Albanian Archaeology, at other major sites in the region such as Kalivo, Phoenice, Çuka e Aitoit and Antigonea.

Under Budina, a range of activity took place at Butrint. Excavations by Kosta Lako in 1975–76 uncovered monuments between the Great Basilica and the ‘Gymnasium’ (a misnomer) as well as undertaking work at the Triconch Palace in the 1980s. The ‘Gymnasium’ was explored by Budina himself with Dhimetër Çondi while the acropolis was examined by Astrit Nanaj. Unfortunately little was published save for brief assessments although Neritan Ceka (1976) and Gjerak Karaiskaj (1983) both produced studies of the fortifications of Butrint (the latter recently re-published in English - Karaiskaj 2009).

Butrint itself was fostered as a tourist attraction under the communist government. It was designated as a cultural heritage site in 1959 and promoted as a way of expressing Albanians as the ‘true Illyrians’. Hoxha even had a quotation mounted on a metal plaque to proclaim:

Perveç kultures Helene e Romake ne kete zone  
ishte zhvilluar edhe lulezonte nje kulture tjeter e  
lashte, kultura Ilire

(‘In addition to Hellenistic and Roman culture,  
another ancient culture flourished in this area,  
Illyrian culture’)

The plaque, dismounted after the fall of communism, was stolen in 2011 and never recovered (Figure 4.4).

The Centre for Albanian Archaeology was transformed into the Institute of Archaeology in 1990 as Albania began to move from its communist legacy. The Institute initiated collaborative projects, at first with Katerina Hadzis of Athens Technical University on the acropolis and, from 1994, with the Butrint Foundation.

### The Butrint Foundation

The Butrint Foundation was established in 1993 by Lord Rothschild and Lord Sainsbury with the help of Richard Hodges, then the Director of the British School at Rome. A British charity, its principal objective was ‘to restore and preserve the Butrint site in southern Albania for the benefit of the public’. From the outset, however, it was recognised that this objective could only be achieved within a philosophy which encompassed research as a basis for increasing understanding. Effective conservation was not possible unless this understanding was present. Furthermore, neither research nor conservation could take place without the adoption of a wholehearted

Figure 4.4: Enver Hoxha’s Illyrian inscription plaque (photo: Brian Ayers).



cooperative approach with Albanian agencies while the development of young Albanian professionals was clearly also a requirement for the future sustainability of actions taken at Butrint. Finally, Butrint lies within an area of Albania with high unemployment and a need for economic development and inward investment. The Foundation therefore sought to foster local communities through programmes of enterprise work and outreach.

The role of the Butrint Foundation was agreed with the Albanian authorities through Memoranda of Understanding. Much of its work prior to 2006 is summarised in a copiously-illustrated book by Richard Hodges (2006) while, more recently, Hodges has also produced a well-considered critique which explores the role of agencies such as the Butrint Foundation within the transitional society and economy of contemporary Albania (Hodges forthcoming 2013b). Here it is only necessary to outline how the work of the Foundation itself was structured around four key areas: research; conservation; training; and community development.

## Research

In line with the spirit of Ugolini, the archaeological research of the Butrint Foundation has adopted a holistic approach. Desk-based methodologies reviewed past interventions both at Butrint and in the surrounding area. This frequently meant tracking down archived material, often in Italy, collating data and, where possible, publishing the results (Hansen 2004). An example of a product of this approach was publication of the notebooks kept by Luigi Cardini, a prehistorian and colleague of Ugolini, working in southern Albania between 1930 and 1939 (Francis 2005). Survey work of the Ksamili peninsula, the Vrina plain, the shores of Lake Butrint, Kalivo hill and the Pavillas valley were all undertaken utilising a range of techniques as appropriate: cartographic regression; air photography; geophysical prospection; and walkover survey. The results of this work have often been startling, revealing evidence for such matters as previous seismic activity, probable cadastral division of the rural landscape and the changing nature of the Vivari channel (publications include Bescoby 2006 and 2013; Bescoby *et al* 2008; Bescoby forthcoming; Chroston and Hounslow 2004).

Review of survey data, together with an assessment of the work of Ugolini and his Albanian successors, then led to targeted excavation. Reflecting the now-understood, if still largely unexplored, diverse nature of settlement, the most extensive work was located in three areas: the Triconch Palace within the historic core of the city; on Vrina plain within the Roman colonia, and at Diaporit, a villa site across Lake Butrint. The Late Roman and Early Byzantine Triconch Palace has been fully published (Bowden and Hodges 2011). Monograph publication of the Vrina plain excavations is due in late 2013 (Greenslade and Hodges forthcoming; a substantial assessment is already in print - Crowson and Gilkes 2007) with that for Diaporit following by 2015 (Bowden forthcoming). A further important excavation uncovered the north-western corner of the Forum

(Hernandez and Çondi 2008; Hernandez forthcoming), work now supplemented by recent excavations undertaken within the Forum by Notre Dame University of the United States (2011 to 2013).

The archaeological excavation programme has been complemented by detailed ceramics and other studies. As a result, further volumes of great significance for sites across the eastern Mediterranean are currently in preparation (Bowden *et al* forthcoming; Reynolds forthcoming; Vroom forthcoming). These major monographs are already supplemented by numerous shorter papers on topics ranging from the establishment of the Roman colonia to osteological and molecular identification of disease (for example Hansen 2011; Kamani 2011; Mutulo *et al* 2012). As well as providing data of regional importance, the research at Butrint has also seen a great shift in understanding of the development of the settlement and its region. This new understanding has been expressed cogently by Hodges in a series of recent papers (such as Hodges 2013 and Hodges forthcoming 2013b), challenging long-held paradigms.

## Conservation

The challenges posed by conservation requirements at Butrint are formidable. These challenges are not confined to the extant visible monuments although these are considerably greater than those encountered on many sites: overgrown and decaying walls, often with 4<sup>th</sup>-century BC elements but standing over 5m in height; a high water table which floods major monuments (notably the baptistery), not only threatening their integrity but also the internationally-important 6<sup>th</sup>-century AD mosaics; and damage from seismic activity such as the recent collapse of part of the acropolis wall. In addition, the ecology of Butrint is rich and diverse but itself threatened: some 25% of the woodland stock has Dutch elm disease; the legacy of the importation of non-indigenous plants in the communist era causes problems with the ecosystem; and recent drainage of the Ramsar-registered wetlands impacts both on the wildfowl of the region and the setting of the World Heritage Site itself.

The response of the Butrint Foundation to these myriad problems has had to be multi-stranded. A fundamental founding principle was to develop conservation practice that not only addressed issues but was directed towards enabling future sustainable management by the Albanian authorities themselves. It was also to be conservation which explored the needs of both the historic and natural resources, devising management solutions that were beneficial to both. As an example, biodiversity was encouraged by programmes of ground maintenance which thinned out the understorey of the woodland, enhancing the ability of sunlight to reach the woodland floor and thereby fostering a diverse range of plants, insects and small mammals. At the same time, the thinning, allied to removal of dead or dying trees, helped to open vistas to and from monuments, improving the visitor experience and directing attention to the fabric.

The requirements of the fabric were assessed through projects which undertook archaeological recording and interpretation of upstanding walls followed by a detailed Condition Survey. This Survey, initially compiled in 2000–01 by Danny Andrews, was subsequently produced by René Rice in a form which listed known past interventions as well as recording the current state of monuments and providing prioritised recommendations for future action. It was constructed as a digital record with its own web presence so that, as works were undertaken or the condition of monuments changed, actions and status could be updated. The Survey was donated to the Albanian Institute of Monuments and the Butrint National Park for future maintenance.

### Training

Programmes of conservation naturally involved training of a local workforce. This was mainly provided by conservation specialists employed by the Butrint Foundation but, in 2011, it was also possible to give Albanian staff heritage conservation training at a Training School at Banffy Castle in Rumania through participation by the Foundation in an EU project specifically devised to enhance conservation skills in south-eastern Europe. Additionally, the Foundation employed its own Albanian Project Officer who helped to oversee conservation work teams and organised the concomitant grounds' maintenance teams. He thereby ensured that initiatives such as the recent clearance, consolidation and conservation of the lakeside wall were undertaken in a manner which enabled effective preservation while providing a new visitor experience and improved biodiversity, all as part of the same project.

Conservation training has only been one aspect of the Butrint Foundation's approach to investment in people as much as in the site. Training of young heritage professionals has also been exceptionally important; its most visible expression an annual Training School at Butrint. Initially organised by the Butrint Foundation and linked to its own excavation programme, in recent years the School has become the responsibility of the Albanian Heritage Foundation (AHF), an NGO established to develop modern approaches to heritage management throughout the country.

The purpose of the Training School was to introduce Albanian students to modern archaeological techniques while, at the same time, promoting contemporary conservation values. The role of Richard Hodges, Scientific Director for the Butrint Foundation but also Professor of Archaeology at the University of East Anglia (UEA) in Norwich, UK, meant that it was possible to develop university-linked programmes whereby Albanian students could spend six months at UEA for specialist teaching and study. It was hoped that alumni of the training project would graduate to fill positions within the Albanian heritage sector and, to a limited extent, this has indeed been the case.

The subsequent work of the AHF has continued to foster the training programme, where possible linking with

overseas students such as those from the American University in Rome, who worked on the training excavation in 2011 (Higgins 2012). Albanian students were further supported when the AHF, encouraged and supported by the Butrint Foundation, published the first book in Albanian of modern archaeological terminology (Hysa and Molla 2009).

### Community Enterprise

The fourth main strand of Butrint Foundation work has been, and remains, community enterprise development. The Foundation realised very early during its work that helping to develop Butrint as a focus for sustainable inward investment was a key requirement, fostering protection of the site and its immediate environment for the long-term through enhanced awareness of the site as a 'place-maker' for economic development but also increasing understanding of the location's fragility. Safeguarding Butrint required both good governance (below, p. 49) and a sense of local stakeholder 'ownership'. Potential stakeholders were numerous: national and regional politicians; local community leaders; business enterprises and individuals; educational establishments at primary, secondary and tertiary level; and residents within Butrint's sub-region.

Politically Butrint won the battle for awareness many years before the advent of the Butrint Foundation. Its essentially iconic status within Albania is assured although whether that status is accompanied by understanding is a moot point (Butrint's theatre appears on an Albanian banknote, labeled as an amphitheatre). At a local level early confusion over the role of the Butrint Foundation has largely been overcome (the role of Lord Rothschild was frequently misunderstood and he was widely represented as 'buying' Butrint) but it was important to use Butrint to help local people where possible. 'Living standards in the villages are low, educational standards poor and employment opportunities minimal' (Butrint Foundation 2007, 13). In such a situation investment by the Foundation has helped a little (such as by providing facilities at the schools in Vrina and Xarre villages for example) but perhaps the wider contribution has been the employment of Albanians from neighbouring settlements, either directly for works such as vegetation management or indirectly through support of craft enterprise.

Such craftwork has been encouraged through the Community Enterprise Development Project (CEDP) established in 2006 and its associated Handicraft Production Programme. This provided materials, organised training workshops and events, established a business accountancy framework and constructed a kasolle or covered retail space for craftspeople at Butrint. CEDP was designed to foster an awareness of the beneficial economic contribution that could be made by tourism at Butrint, providing jobs within traditional local industries. None of it would have been possible without the diligent work of the local Albanian Project Officer, an employee of the Foundation, who works within local communities, identifying where

help is needed, facilitating enterprise and providing day-to-day liaison with the Albanian authorities.

Smirald Kola, the Project Officer, also coordinates access to the site for a range of learners, notably local schoolchildren for whom (through a Schools Programme) learning materials pertinent to Butrint have been created. Allied to promotion of Butrint more generally within local settlements, a resulting survey of local attitudes towards the site, sponsored by the Foundation, found 'that the community at large feels deeply connected to the site and is proud to be part of it ... an improvement from 2006 when the Butrint Foundation was concerned that the community did not feel an attachment to Butrint' (Phelps in prep.). Research by Dana Phelps indicated that almost 90% of the local population had visited Butrint at least once with well over a third visiting three or more times a year. Interestingly, some 50% of the total of local visitors were in the age bracket 29 to 49, encouragingly perhaps the most likely group to promote Butrint positively to others.

### Governance

Butrint was inscribed by UNESCO as a World Heritage Site in 1992, the first site in Albania, just as the country was entering its difficult transition period from a hardline communist state to an emergent democratic one. Management of Butrint in the 1990s was undertaken from Tirana, the Ministry of Culture using institutions such as the Institutes of Archaeology and of Monuments to exploit its potential. As Hodges has noted, 'our Albanian colleagues, trapped in the alarming instability of this transition in 1993–97, hung on desperately to their nationalist training and resisted any methodology which might challenge it' (Hodges, 2013b forthcoming). The period was therefore also difficult for the fledgling Foundation but, with the encouragement of the World Bank and the Getty Grant Program, it was possible to move forward in 1998. A high-level workshop of both Albanian and international participants agreed that Butrint should be protected as an asset of the greatest significance and this in turn led to the creation of a buffer zone around the core heritage site which was added to the UNESCO inscription. Finally, in 1999, the Butrint National Park was established, the first such Park in Albania.

The development of the Park as an organisation after 1999 was not without its difficulties which do not need to be rehearsed here. The Butrint Foundation assisted early progress by producing two iterations of a Management Plan (Martin 2001, subsequently updated) but thereafter resisted detailed involvement in further such Plans, arguing that management planning was a matter for the Albanian authorities themselves, working closely with local communities. The Foundation confined itself to producing discussion documents to assist the Park officers (Ayers unpublished). The lack of progress on such a Plan, however, plus poor definition and delegation of responsibilities to the National Park from central government as well as an under-resourced and ill-structured Park establishment, had negative consequences in 2009 when a major new

road was started, cutting through the buffer zone without prior consultation, survey or mitigation being undertaken. Despite representations from the Butrint Foundation construction forged ahead in 2010 (Butrint Foundation 2011, 23). Subsequently, contrary to a World Bank-sponsored Coastal and Wetlands Management plan, the Ramsar-registered wetlands at Butrint have been newly-drained, not only impacting upon the fragile ecosystem and important birdlife but damaging the setting of the World Heritage Site.

A new Management Plan is now in preparation, the tardy result of urging in a UNESCO report following investigation of the road issue. However, such negative development as the road and wetland drainage at Butrint is a direct result of a weak National Park structure and a continuing over-mighty influence of powerful forces in Tirana. Recently, after considerable lobbying of the Albanian government by the Butrint Foundation and others, the National Park has been enabled to retain its tourism revenues, rather than remitting them to the Finance Ministry. This will clearly encourage the Park to develop its tourist industry; it remains to be seen whether it will also use these revenues to strengthen its own capacity in order to take control of both infrastructural and local development within the area of the National Park. Until this happens, Butrint remains vulnerable indeed.

### Implementing the principles of the Valletta Convention

The Butrint Foundation was established shortly after the signing of the Valletta Convention on the Protection of Archaeological Heritage. The considerable damage inflicted upon heritage assets in Albania from the early 1990s can, in part, be blamed upon the delay in ratification of the Convention by the Albanian government until 2008 although, to be fair, the United Kingdom was also tardy, only ratifying in 2000. The difference between the United Kingdom and Albania, however, is that the former had a functioning heritage protection system while it can be argued that, in essence, Albania did not.

Within this context, the work of the Butrint Foundation, in partnership with Albanian institutions and colleagues, can be explored. The Valletta Convention set out principles for government and articles for government action but nevertheless, the principles are ones against which the role of other organisations can be examined and, accordingly, it is worth considering each of the articles of the Convention against Butrint Foundation activity.

#### Article 1: Definition of archaeological heritage

Such definition was an early problem for the Butrint Foundation. Its archaeologists found themselves operating at a site the physical parameters of which were unknown and the intellectual parameters of which were locked into a paradigm constructed initially to support prevailing Italian political ideology and, subsequently, the needs of an overtly nationalist and isolationist communist state (above, p. 46). The Foundation's approach, as well as noting the

requirements of preservation, study, excavation and research detailed in Paragraphs 1 and 2 of Article 1, also recognises Paragraph 3 which states that 'archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water'.

While it is perhaps a fair assessment that, at the outset of its work in Albania, the Butrint Foundation did not set out a clear definition of its understanding of the archaeological heritage of Butrint, by its actions it did establish that its areas of archaeological interest were broad. Work began with an even split of resources between survey (including archival research such as early work on the Ugolini archive as well as a new theodolite survey and a large-scale geophysical survey) and small-scale interventions, thereby demonstrating that archaeological Butrint was wider in physical terms than the core site, its scientific application was more extensive than simply conducting excavations, and its theoretical approach more encompassing than any previous archaeological intervention.

The Foundation was fortunate in retaining the services of Richard Hodges, one of the foremost thinkers and practitioners of the complex field of historical enquiry linking the classical world to that of the Middle Ages. Research at Butrint under Hodges would not be constrained by outdated constructs such as one that saw an unbroken lineage between Hellenistic (or even 'Illyrian') Butrint and modern Albania. Rather, his approach, and therefore that of the Butrint Foundation, was one whereby archaeology needed to be aware of discontinuities as well as continuities, it needed to explore hinterlands as well as urban centres, and it needed to acknowledge the role of palaeobotanists as much as that of ceramicists. Indeed, the heading of the final chapter of his 2006 book *Eternal Butrint* is perhaps the best definition of the archaeological heritage of Butrint as any: 'Hunter-Gatherer Encampment, Refuge, Polis, Healing Sanctuary, Colony, Municipium, Kastron, Market, Fishery ... World Heritage Site' (Hodges 2006, 203).

#### *Article 2: Protection of archaeological heritage*

While Article 2 is clearly intended for state parties, with its emphasis upon legal instruments of protection, it contains the following sub-paragraphs which are relevant to the work of all archaeologists as they should establish systems for:

- i. the maintenance of an inventory of 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;

The Butrint Foundation has striven to provide all of the above. In particular, sub-paragraph i. has been fulfilled in three ways: firstly through assessment in 1994–96 of conservation needs, including an assessment of the baptistery followed by a workshop on that monument and its mosaics in 1998; secondly by production of a

Condition Survey which was donated to the Albanian authorities (above, p. 48) and thirdly through digitised archives which are now available on the internet (link 1). This archive not only contains an Excavation Archive with context records, finds data, images and documents provided site-by-site but also a Document Archive which contains images from a range of resources such as the Italian Archaeological Mission under Ugolini, the Socialist Archive from communist Albania, and a Venetian and Ottoman Archive.

Sub-paragraph ii. has been achieved through establishment of the World Heritage Site, its buffer zone and the Butrint National Park. The role of the Butrint Foundation in the development of such governance has been outlined above (p. 49).

#### *Article 3: To preserve the archaeological heritage and guarantee the scientific significance of archaeological research work*

Procedures outlined in Article 3 emphasise that 'archaeological excavations and prospecting are undertaken in a scientific manner; that non-destructive methods of investigation are applied wherever possible; and that 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'.

The Butrint Foundation has always sought to work to the highest possible standards and, to that end, frequently employed supervisory staff from British archaeological units which were themselves Registered Archaeological Organisations with the UK Institute of Archaeologists (and thereby subject to the IfA's Code of Conduct). Non-destructive survey has been used extensively by the Foundation, notably in seeking to characterise and map the Roman colonia on the Vrina plain (where excavation was entirely limited and informed by the geophysical survey results) but also, more recently, to explore Venetian settlement in the hinterland of Butrint. Further, its excavations were only left open at the request of the Institute of Monuments and, in such cases, appropriate programmes of conservation and landscaping have been undertaken (year-by-year funding of conservation of mosaics uncovered by the Foundation's excavations is currently on-going).

A further procedure within Article 3 stipulates 'that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons'. All Butrint Foundation interventions, whether for archaeological research or conservation, were subject to detailed applications to, and approval by, the Albanian Institutes of Archaeology and Monuments, with nominated individuals responsible for each project.

#### *Article 4: Measures for the physical protection of the archaeological heritage*

Conservation work and its associated procedures by the Butrint Foundation have already been mentioned. It is perhaps worth noting that recent investment through the Foundation has prevented collapse of the channel-side wall of Ali Pasha's castle (Figure 4.5) and





Figure 4.5: Crack in bastion of Ali Pasha's castle (photo: Brian Ayers).

of the new road through the World Heritage Site, an infrastructure development that post-dated Albanian ratification of the Convention.

#### *Article 6: Financing of archaeological research and conservation*

relates to public financing. Private financing by the Butrint Foundation is self-evident within the context of Butrint.

#### *Article 7: Collection and dissemination of scientific information*

This article has particular relevance for the Butrint Foundation which has sought to make public access to its data a priority. Mention has been made of the online digitised archive (above, p. 50) and, in passing, to publications either directly by the Foundation or by Foundation staff, consultants and associates through other media outlets (notably peer-reviewed academic journals). The Butrint Foundation believes that the track record of publications linked to its work at Butrint (over 150, not counting volumes with more than one paper) makes Butrint easily the best-published archaeological site in the central Mediterranean.

exposed and conserved the lakeside city wall, securing it after major incursion by trees and other plants.

Agreement for storage of archaeological remains recovered as a result of excavations by the Foundation has been secured with the Albanian Institute of Archaeology. The Butrint Foundation paid for, refurbished and installed storage facilities in all areas of the Butrint castle stores.

#### *Article 5: Integrated conservation of archaeological heritage*

Implementation of the provisions of Article 5, namely such matters as reconciliation of archaeology and development plans is not a matter for the Butrint Foundation. However, the Foundation has worked to advise both the Butrint National Park, the Albanian Institute of Archaeology and the Albanian Ministry of Culture on their individual responsibilities within such a framework. It is encouraging that an Archaeological Service Agency was established within the Ministry of Culture in 2008. Staff of the Foundation also worked with the Albanian Heritage Foundation on a project entitled *The Future of Albania's Past (FoAP)*, essentially compilation of an Historic Environment Record for Albania. This digitised record has been donated to the Albanian Institute of Monuments which now has responsibility for its continued maintenance and use as both a mechanism for development control and as an educational resource. It is difficult to remain sanguine about procedures in Albania, however, when subparagraph vii of Article 5 of the Convention stipulates that state parties should 'ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings'. This manifestly did not happen in 2009 ahead

However, despite this success, the Foundation is also well aware that almost all of its published work has been in English. Recognising that Albanian audiences also needed to be addressed, the Foundation has taken steps to address this in a fourfold manner. Firstly its popular but scholarly guides have been published with parallel Albanian and English texts (Crowson 2007; Hansen 2009; Hodges 2008; Mitchell 2008). Secondly, all display panels at Butrint have been produced in Albanian and English. Thirdly, the 'coffee-table' book *Eternal Butrint*, designed for a wide audience, has been translated into Albanian (Hodges 2011). Fourthly, a range of papers designed for an academic audience have been translated by Solinda Kamani and published in Tirana (Kamani 2012).

#### *Article 8*

provides for the facilitation of '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'. This summarises the *raison d'être* of much of the Butrint Foundation's mission while those associated with the Foundation's work are encouraged '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*

which encourages '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', is again part of the Foundation's *raison d'être*,

(above, p. 49) while it also works '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' (as undertaken in the Foundation's onsite display panel provision and its funding of the onsite museum at Butrint).

#### *Article 10: Prevention of illicit circulation of elements of the archaeological heritage*

While the provisions of Article 10 clearly relate most closely to state parties and other public institutions, sub-paragraph i. does charge 'scientific institutions to pool information on any illicit excavations identified'. The Butrint Foundation regards itself as a scientific body and would expect its staff and associates to assist all actions designed to prevent illicit use of the heritage (for instance, it facilitated the return of the stolen statue head of the empress Livia in 2000-Link 2).

The remaining articles, dealing with implementation of the Valletta Convention at state party level, are not relevant to the Butrint Foundation.

## Discussion

The Butrint Foundation went to Butrint with a simple desire to help safeguard the core site for the benefit of the public. As with many apparently straightforward aspirations, reality proved more complex. Part of that increasing complexity grew out of the experience of the Foundation and its associates, both in Albania and as part of developing cultural heritage frameworks. In seeking to help Butrint, the Foundation had also to address the concerns of wider Albanian society.

Archaeologists do more than investigate the past. Through enhancing understanding they provide the wherewithal to help to plan the future. In essence they are change-managers, exploring the processes and products of change in the past in order to inform present preparation for the future. Archaeology as an investigatory discipline in specific locations and landscapes bequeaths to archaeologists the skills of 'place-making' (to use a felicitous phrase of Richard Hodges). Place-making integrates an understanding of cultural heritage into future planning, connecting people and places, working with existing communities and promoting change through a context which is already appreciated. This is the approach which the Foundation sought to adopt at Butrint, influenced by initiatives such as the Spirit of Place principles adopted recently by ICOMOS, the International Council on Monuments and Sites and an advisory body to UNESCO. The principles were drafted, as the 'Norwich Accord', by the Cultural Tourism Committee of ICOMOS-UK. The committee itself subsequently visited Butrint in 2011 and prepared a short report making recommendations for improving the visitor experience at Butrint. The Butrint Foundation has long been aware that sustainable economic development was a prerequisite for the future well-being of Butrint and its environs. It sought and won funding in order to employ a consultant, held a workshop in 2000 to develop ideas and then lobbied tour operators in Saranda (Albania) and Corfu.

It is useful to explore key objectives identified for sustainable development by English Heritage and to identify how far the situation at the site is capable of addressing them. The objectives are as follows (with contributions from Butrint in parentheses):

- A flourishing local economy providing jobs and wealth (Butrint already employs a local workforce with scope for considerable growth as tourist numbers increase. Such growth would improve even further if tourism management measures - such as development of park-and-ride systems from local villages - were adopted)
- Effective local engagement and participation by local people and businesses (improving but still weak)
- A safe and healthy local environment (improving but threatened by unregulated development)
- Basic local amenities of public and green space (good)
- Buildings that can meet different needs over time (fair but need investment)
- Good quality local public services including education and training opportunities (fair but educational and training opportunities largely provided by the Butrint Foundation which is not sustainable in the long-term)
- A diverse, vibrant and creative local culture, encouraging community pride (potentially very good but needs support)
- A sense of place (very good but threatened)

Given the above objectives and the constraints identified, the key to rapid improvement for local people has to be well-managed growth of the tourism industry which is developed in such a way that the benefits of tourism are felt across the local communities. Opportunities for local people to engage commercially with tourists, either through retail or direct employment, need to be fostered. Coherent planning of infrastructure and services needs to be led by the National Park, a local body which itself needs to foster engagement by local people in its own operations. Much of this approach remains alien to Albanian mores but, given an economy that needs tourism dollars, its adoption is necessary if Butrint's spirit of place is to be safeguarded by local people whose own quality of life requires them to have a stake in its wellbeing.

Aside from the need for infrastructural investment and procedural, Butrint has a range of economic problems such as the fact that existing revenue yield is gate income only; most tourists are day-trippers so have limited dwell-time and provide limited spend; most are also on organised tours bussed directly to-and-from the site and thus bringing minimal benefit to local communities; there is no holistic approach to tourist exploitation with other attractions; and, importantly, the economic impact of Butrint upon the wider economy is not calculated.

On the positive side, however, Butrint is at the heart of local communities, is an established source of employment helping to underpin the local economy, is synonymous with local identity and thus contributes to local character and distinctiveness, it could be a focus for community action, and is a proven local

educational resource for people of all ages. Building on these positive attributes, and working to address the infrastructure and economic issues, requires continued investment in research, conservation of both the historic and the natural environment, enterprise development and professional training, improved management of modern pressures (such as the erosive impact of speeding craft on the Vivari channel), greater sensitivity in infrastructure development and wetland management, and an integrated approach to general economic and physical development.

These are substantial requirements when there is a long list of factors endangering cultural heritage and thus hindering sustainable development. These factors include an incomplete legal framework and failure to implement the existing legal framework; poor communication between central and local government; poor management and poor restoration practices; a lack of adequate funding for heritage protection and preservation; a lack of skilled labour (stone and wood workers); and climate change pressures, particularly in coastal margins.

The Butrint Foundation has recently changed its approach at Butrint. It has moved from being a body which promotes initiatives and projects at Butrint, seeking cooperative activity from Albanian entities and individuals and has become a grant-giving body, urging those entities and individuals to propose their own initiatives and projects with financial support from the Foundation. The aim of the Trustees is not to withdraw from Butrint but to build on past achievements, enabling indigenous activity. The Butrint Foundation believes that it has, to the best of its ability, worked to implement the principles of the Valletta Convention at Butrint; it now looks to local people to continue that commitment.

## Resources

As a coda, it is important to record that the work of the Butrint Foundation has only been made possible by the generosity of many individuals and organisations. First and foremost, the input of Lord Rothschild and the Rothschild Foundation, together with Lord Sainsbury and the Linbury Trust, has been critical. Their support since 1993 has provided the core funding for the Foundation upon which all else has been built. Another stalwart supporter has been David Packard and the Packard Humanities Institute (PHI) without whom the bulk of the survey, excavation, research and publication programme would have been impossible. Much of the conservation work has also been supported by PHI together with funding from the Howard and Nancy Marks Fund. PHI supported the training programme for young heritage professionals within Albania and the work of the Albanian Heritage Foundation. The Philanthropic Collaborative, through the kind assistance of Bill Dietel, ensured that the Community Enterprise Development Project was supported. All of these sponsors, together with other individuals such as Jonathan Klein and Malcolm Wiener, have ensured that the work of the Butrint Foundation could go forward and are heartily thanked.

## Acknowledgements

I am most grateful to my colleagues Richard Hodges and Andy Crowson for their very helpful comments on this paper. I am also indebted to Betty Arndt who kindly undertook translation of the Abstract into German.

## References

- Ayers, B. S. unpublished: *Management Plan Discussion Papers 1–3: Statement of Outstanding Universal Value; State of Conservation Report; Periodic Report*.
- Bescoby, D. 2006: 'Detecting Roman land boundaries in aerial photographs using Radon transforms', *Journal of Archaeological Science* 33, 735–43.
- Bescoby, D. 2013: 'Landscape and environmental change' in Hansen et al (eds), *Butrint 4. The Archaeology and Histories of an Ionian Town* (Oxford), 22–30.
- Bescoby, D. forthcoming: 'Roman land organisation of the Butrint hinterland' in Greenslade, S. and Hodges, R. (eds), *Butrint 6. Excavations of the Vrina plain. The Roman and Byzantine Suburb* (Oxford).
- Bescoby, D. et al 2008: 'Saints and Sinners: a tephrochronology for late antique landscape change in Epirus from the eruptive history of Lipari, Aeolian Islands', *Journal of Archaeological Science* 35, 2574–79.
- Bowden, W. forthcoming: *Butrint 8: Diaporit Roman Villa* (Oxford).
- Bowden, W. and Hodges, R. 2011: *Butrint 3: Excavations at the Triconch Palace* (Oxford).
- Bowden, W. et al forthcoming: *Butrint 5: Triconch Palace Finds* (Oxford).
- Butrint Foundation 2007: *Annual Report 2006* (London).
- Butrint Foundation 2011: *Annual Report 2010* (London).
- Ceka, N. 1976: 'Fortifikimi antik i Butrintit', *Monumentet* 12, 27–48.
- Chroston, N. and Hounslow, M. 2004: 'The geophysical survey: the extent and structural layout of the suburbs of Butrint on the Vrina plain' in Hodges, R. et al (eds), *Byzantine Butrint: Excavations and Survey 1994–1999* (Oxford).
- Crowson, A. 2007: *Venetian Butrint* (London/Tirana).
- Crowson, A. and Gilkes, O.J. 2007: 'The archaeology of the Vrina plain: an assessment' in Hansen, I.L. and Hodges, R. (eds), *Roman Butrint. An Assessment* (Oxford), 119–164.
- Francis, K. (ed.) 2005: *Explorations in Albania, 1930–39: The Notebooks of Luigi Cardini, Prehistorian with the Italian Archaeological Mission* (British School at Athens Supplementary Volume no.37).
- Greenslade, S. and Hodges, R. (eds) forthcoming: *Butrint 6. Excavations of the Vrina plain. The Roman and Byzantine Suburb* (Oxford).
- Halliday, A. (ed.) 1986: *The Artful Albanian: the Memoirs of Enver Hoxha* (London).



- Hansen, I.L. 2004: 'Excavating the history of Roman Butrint. The archives of Butrint and the impact of the archaeology of the past', *Ephemeris Dacoromana. Annuario dell'Accademia di Romania* n.s. 12.1, 113–125.
- Hansen, I. L. 2009: *Hellenistic and Roman Butrint* (London/Tirana).
- Hansen, I.L. 2011: 'Between Atticus and Aeneas: the making of a colonial elite at Roman Butrint' in Sweetman, R. J. (ed.), *Roman Colonies in the First Century of their Foundation* (Oxford), 85–100.
- Hernandez, D. forthcoming: *Butrint 7: The Roman Forum* (Oxford).
- Hernandez, D. and Çondi, Dh. 2008: 'The Roman forum at Butrint (Epirus) and its development from Hellenistic to mediaeval times', *Journal of Roman Archaeology* 21, 275–92.
- Higgins, V. 2012: 'More than just a dig', *Current World Archaeology* 52, 57–59.
- Hodges, R. 2006: *Eternal Butrint: A World Heritage Site in Albania* (London).
- Hodges, R. 2008: *The Rise and Fall of Byzantine Butrint* (London/Tirana).
- Hodges, R. 2011: *Butrinti i perjetshem* (Tirana).
- Hodges, R. 2013: 'Excavating away the 'poison': the topographic history of Butrint, ancient Buthrotum' in Hansen et al (eds), *Butrint 4: The Archaeology and Histories of an Ionian Town* (Oxford), 1–21.
- Hodges, R. forthcoming 2013a: 'Postcard from Butrint', *Current World Archaeology*.
- Hodges, R. forthcoming 2013b: 'Escaping Enver Hoxha's shadow. A short history of the Butrint Foundation's project in Albania, 1993–2012', *Public Archaeology*.
- Hysa, V. and Molla, N. 2009: *Praktikat Arkeologjike në Terren* (Tirana).
- Kamani, S. 2011: 'Butrint in the mid-Byzantine period: a new interpretation', *Byzantine and Modern Greek Studies* 35.2, 115–33.
- Kamani, S. (ed.) 2012: *Butrinti në Shekuj* (Tirana).
- Karaiskaj, G. 1983: *Butrinti dhe fortifikimet e tij* (Tirana).
- Karaiskaj, G. 2009: *The Fortifications of Butrint* (London/Tirana).
- Martin, S. 2001: *The Butrint Management Plan 2000–2005* (London).
- Mitchell, J. 2008: *The Butrint Baptistery and its Mosaics* (London/Tirana).
- Mutulo, M.J. et al 2012: 'Osteological and molecular identification of brucellosis in ancient Butrint, Albania', *American Journal of Physical Anthropology* 147.2, 254–56.
- Phelps, D. in prep.: 'The Two-Way Street: Heritage-based community development at Butrint National Park, southern Albania'.
- Reynolds, P. forthcoming: *Butrint 9: The Roman Pottery* (Oxford).
- Ugolini, L. M. 1937: *Butrinto. Il mito di Enea, gli scavi* (Rome).
- Vroom, J. forthcoming: *Butrint 10: The Medieval Pottery* (Oxford).

#### Links

Link 1: <http://butrintarchive.co.uk/default.html>

Link 2: <http://www2.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue10/gilkes.htm>



## The Roman Legionary Trail, an educational and recreational project in the canton of Aargau, Switzerland

Thomas Pauli-Gabi

**Abstract:** Vindonissa was the only legionary camp on Swiss soil. More than 1000 excavations have brought its archaeological legacy to light. Until recently visitors to the site, where over 6000 legionaries once lived and worked, found only rudimentary archaeological and historical information about this important locale. Thankfully that sad state of affairs has become a thing of the past. Ever since its opening in the summer of 2009 the Legionary Trail has treated visitors to a unique educational and recreational experience. Dramatic staging and technological re-creation have brought the legionary camp back to life. Families and school classes delight in game-structured tours and public events; adults enjoy theme-based tours or revel at Roman feasts. Adventurous souls can immerse themselves in the world of the past by spending the night in a detailed reconstruction of legionary contubernia, complete with Roman games and cooking over an open hearth.

*A group of schoolchildren purposely clutching their maps and proudly displaying detective badges pause to deliberate. Where might they find another informant? In the legionary camp's subterranean sewer? Perhaps there, deep underground, they can find the canal cleaner who can give them the definitive clue leading to the infamous murderer of the centurion (Figure 5.1).*

Such a scene has become a daily occurrence along the Legionary Trail at the site of former legionary camp of Vindonissa. Once the group has found the dastardly criminal and has appropriately sentenced him according to Roman custom, the entire class prepares for its overnight stay in the true-to-the-original reconstructed legionary barracks. Dinner is taken around a campfire and afterwards the children immerse themselves in a world of long ago for the night. In the morning they prepare a Roman breakfast over an open hearth fire, experiencing

history first-hand. Having braced themselves for the new day, they set off for the nearby Vindonissa Museum where they can view the archaeological finds from the legionary camp with new eyes.

### Motivation

The site of Vindonissa is situated in the present day town of Windisch in canton of Aargau, Switzerland. Yet despite being located right in the middle of and having given the modern town its name, Vindonissa was virtually unknown to the general public up until a few years ago. Most of the residents were only aware the ruins of the nearby amphitheatre. The canton of Aargau felt it imperative to raise the public's awareness of the relevance and value of this important archaeological soil archive.



Figure 5.1: Game-based tours lead through the ruins of the legionary camp. Here the Roman water canal.  
© Museum Aargau, Legionary Trail.



Figure 5.2: Reconstructed scene at Vindonissa ca. 90 A.D. © Kantonsarchäologie Aargau.

The vision was to create an interesting and educational tourist attraction around the archaeological finds and their history. The goal was to motivate the broader public, especially the younger generation, to dive into the history of Vindonissa and explore it. The strategy was to present the attractions on a personal level so that people would come to cherish Vindonissa's history as their own.

### Historical and archaeological background

In 15 BC Roman legions crossed the Alps and assimilated the Helvetian territory into the Roman Empire. A military camp – Vindonissa – was erected to serve as a staging point to the north. The selected site was situated near a settlement at a strategically important junction of three main rivers: the Aare, the Reuss and the Limmat.

In 9 AD Varus was resoundingly defeated. Rome then changed its politics concerning Germania and enlarged Vindonissa step by step into a legionary camp 10 kilometres south of the Rhine River, the border of the empire (Figure 5.2). Altogether, 3 legions were consecutively stationed at Vindonissa between 14 and 101 A.D. (Hartmann 1986; Speidel 1996; Trumm 2013). Those legions not only played an important role in the conquest of the territories east of the Rhine, but were also instrumental in laying the foundations of the provincial structures in the southern province of Germania Superior. At no other place between Alps and the Rhine River did Rome flex her powerful political muscles in such dominant way. The 6000 legionaries and their officers brought in not only their knowledge of warfare but also introduced their Mediterranean way-of-life and culture to the region. They acted as a 'driving force of Romanisation'. It was at Vindonissa that the oldest amphitheatre and a legionary commander's house, certainly the largest private residence (5000 m<sup>2</sup>) in the territory at that time, were built. A 60-room hospital, the first on Swiss soil, was also operated at Vindonissa.

Due to the results of 100 years of scientific excavations in Vindonissa, an unusually rich insight into Roman life in the province has been gained (Trumm 2010, Trumm 2011). Bath shoes, leather objects and roughly 600 wooden writing tablets represent just some of

the items that have been found. The contents of the writing tablets alone have given us a unique view behind the curtain of time into private life and daily administrative business at a legionary camp. Since 2002 a large construction project has necessitated a campaign of excavations. These have revealed a number of spectacular finds, such as a sundial, a temple to Mercury and a well-preserved kitchen. The Mediterranean construction of the kitchen in the house of a high-ranking officer highlights the cultural importation from the Mediterranean into the region beyond the Alps going on at that time. A large portion of the menus prepared for the officer and his guests was able to be reconstructed from the ashes and carbonized leftovers on the blackened kitchen floor (Pauli-Gabi 2004).

### A new strategy for the cultural heritage of Vindonissa

The Museum of Vindonissa stands out as a pioneering achievement in the history of Swiss archaeology. Ever since its founding in 1912, the best and most significant archaeological finds have found their way to the museum. In contrast, the excavated ruins of the nearby legionary camp suffered a wall-flower existence for the longest time. The portrayal of the great gates, the bathhouse, the amphitheatre and other known sites was limited to information-boards, whose rudimentary texts and sketches were only understandable to experts. Even the Roman water pipe, the only still-functioning Roman construction north of the Alps, was known to very few people. It is hardly surprising that only a few hundred visitors a year took it upon themselves to seek out the various archaeological sites strewn across the modern town.

In 2003, faced with immense historical and cultural significance of the only existing Roman legionary camp on Switzerland on one hand and the nearly non-existent awareness of the public on the other, the government of the canton of Aarau resolved to develop a new strategy for presenting archaeological Vindonissa.

A Vindonissa-professorship was created at the University of Basel and the scientific evaluation of previous Vindonissa excavations was bolstered.



A large plot of undisturbed land, which is known to have key ruins, was bought by the canton to preserve it for future generations. In addition, the canton was able to redefine current building projects to protect two newly discovered ruins. These extraordinarily well-preserved ruins were incorporated into the new Legionary Trail.

In addition to supporting scientific research and the preservation of archaeological sites, the backbone of the new Vindonissa-strategy was to promote history and awareness to the broader public at authentic sites. The target-groups were set as school classes, families and adults from the general public, meaning those that are interested in Roman history, but not necessarily experts. The goal was to convey a historically sound picture of daily life at the Roman legionary and the archaeological finds. Based on that, the canton of Aarau realized the Roman 'Legionary Trail' adventure-park with the help of private donors and sponsors. After a 4-year planning period, the trail opened to the public in the summer of 2009 (Maise/Pauli-Gabi 2013).

### The concept of the Legionary Trail

The distinctive feature of the Legionary Trail is that the visitors are not passive viewers. They are active participants in a dialog between the present and the world as it was 2000 years ago. The basic building blocks of this dialog are the archaeological stations, where certain aspects of the daily life of a Roman legionary or officer can be viewed and considered. Each archaeological station, such the *thermae* or the luxurious kitchen of an officer, is presented in a dramatic visual and audio scene (Figure 5.3). The stations are connected by various topic and game-tours. These tours provide a narrative 'golden thread' and lead the visitors along the legionary trail by audio-guide.

Instead of a typical audio guided tour, which just presents the listener with dry facts, the Legionary Trail

audio-guided tours attempts to give the visitor a sense of time travel. Realistic narrative landscapes are created along the trail through story-telling. Thanks to the audio-guided-tours, the visitor is immersed into vivid possible historical scenarios at each archaeological site. The tours are complemented by activities for school- and adult-groups which present a hands-on experience of history.

### The educational programmes

School-classes and families can experience the Legionary Trail through themed game-tours like 'Becoming Roman'. At the reception desk visitors are given a Roman backpack which contains a map of the area, game cards and a new Roman identity card. All of these materials are needed to solve a riddle presented by the god Neptune. With the help of a multimedia time machine the freshly recruited legionaries are sent by the commander on a mission to save Vindonissa. The new recruits set off to the reconstructed camp gate; step down into the sunken kitchen of an officer's house and even find their way into the very sewer of the city, the *cloaca maxima*. By answering tricky questions presented at the various stations, the recruits can even climb the legionary career ladder! Most of all, the visitors experience a lot of fascinating stories, such as one from a girl in the kitchen surrounded by sweating and swearing cooks - a setting which can be witnessed by looking through a stereoscope and listening to the audio-guide. Along the way the recruits meet many gods. Some are very helpful for solving the puzzle of the oracle. Others, like our very drunken Bacchus in the dumpster, may not be very helpful, but still offer some insight into Roman life.

There are a number of themed tours, both for children and adults alike. So, while a family may be off on a Vindonissa-saving adventure or hot on the trail of criminal, an adult group may be enjoying a trail of

Figure 5.3: The «Officer's Kitchen» Station in the ruins of a large officer's house eines grossen Offiziershauses. © Museum Aargau, Legionary Trail.





Figure 5.4: Preparations for drilling at the legionary camp.  
© Museum Aargau, Legionary Trail.



Figure 5.5: Cooking with a legionary according to ancient recipes.  
© Museum Aargau, Legionary Trail.



Figure 5.6: Sleeping quarters in the *contubernia*, the legionary barracks.  
© Museum Aargau, Legionary Trail.

archaeological discoveries, mentally immersing itself in Roman luxury or learning interesting facts about the women in the legionary camp. Throughout the tours today's Windisch and ancient Vindonissa merge and become a playing field where visitors stroll through history.

One main attraction of the legionary camp is the *contubernia*, a detailed reconstruction of the legionary barracks made of wood and clay. The *contubernia* combine experimental-archaeology and an educational adventure. They serve as examples of ancient construction methods and living conditions for legionaries and officers. The reconstructions are also used for bringing history to life, be it during tours, demonstrations in the kitchen of the centurion, or a place where guests can cook for themselves, eat, exercise and sleep (Figures 5.4–5.6). There are 70 beds in 8 rooms. In addition to the sleeping barracks, the *contubernia* also include workshops/ateliers (*fabrica*), a bread oven and the centurion's house. Both buildings can be used for Roman meals and cultural programmes.

### The marketing

To make an ambitious project like the Legionary Trail successful, it takes not only an interesting concept of history-teaching, but also very clear positioning and an effective marketing strategy.

The thought is that an archaeological site naturally presents a unique selling proposition. In a world of

increasing virtual reality such a site offers authenticity. Each archaeological find is an original and tells true stories of its past – *our* past. Archaeology is per se an adventure in and of itself: past – *real* past worlds are detected and discovered. Archaeology satisfies the growing need for authenticity, knowledge acquisition and emotional experiences. The development of an archaeological park satisfies these needs by offering a focused experience of a clearly defined theme. Ideally it can and/or should be combined with interesting supplemental activities, such as sports or meals.

The concept of today's Legionary Trail and its educational programme was clearly developed from a visitor-oriented perspective. From the very beginning the focus was on the needs of various visitor-segments and their interests.

For example, consider the young public. How can a young public – be it school classes or families – be inspired to walk a 3-hour trail from one ruin to the next with a degree of enthusiasm? The Legionary's Trail's answer was to exploit a game aspect to continually arouse young guests' interest of what is around the next corner. Particular attention was given to the game structure, the dramatic composition and the story-telling to make the entire experience fun and memorable. In addition, "family-Sundays" with bread-baking and Roman craftsmen were introduced. Large public events, such as the opening of the amphitheatre with authentic games, are frequently offered. The focus of educational programmes for adults was significantly easier to achieve. It was decided to concentrate on enriching the knowledge of certain aspects of life in the ancient world through interesting audio-guided-tours in combination with culinary supplemental offerings.

There are also special packages for groups. These range from expert lectures to active role-play programmes such as going through a legionary apprenticeship or a Roman feast with an overnight stay in the reconstructed military barracks afterwards.





Figure 5.7: The "Field Hospital", the newest station on the Legionary Trail, focuses on ancient medical practice and treatment in the Roman army.

For an individual consultation our customer-service team is on hand. Each client receives a customized proposition for his or her stay at the Legionary Trail. In short, our goal is to offer a suitable programme for everyone, be it a school class, a local card club or a company outing.

An important aspect of the marketing strategy is how to get people to keep returning. Windisch is not on the normal beaten tourist track. A conscious effort has to be made to prevent people from just ticking the attraction off of their lists. The Legionary Trail's answer was to offer a variety of audio tours. Visitors may walk the same ground, but with each audio-tour they see different things. This is true for both the children's and the adults' selections. In addition, an overall main theme, such as "Women" or "Medicine" is chosen each year and activities reflecting that theme are presented. As an added touch, different aspects of the same theme are explored at all of the canton's various museum locations – the Legionary Trail, 4 different castles and a 14<sup>th</sup> century abbey. Thus the theme creates helps to create a "corporate identity" in the eye of the public.

Various events take place throughout the season, usually in the form of hands-on ateliers. These are particularly popular with the younger generation. In short a strategy of a constantly changing product is followed; given the wide and ever-expanding palette of workshops, events and tours, a visitor should be able to see something new certainly from season to season and ideally even from week to week within the same season.

Among the museums and archaeological parks in Switzerland, the Legionary Trail with its unique customer-orientated educational programme stands out as a novelty, which makes it particularly attractive to touristic key players. In the course of only a few years – and the season is only from April through October – the Legionary Trail has become well networked with gastronomy, tourism, coach operators and travel organizations. In 2011 the Legionary Trail won the MILESTONE award in the category 'outstanding projects.' This award is the most important prize in the field of tourism in Switzerland and has further helped increase public awareness.

During the 2012 season more than 32'000 visitors found their way to the Legionary Trail, where they immersed themselves in the history of Vindonissa while following the themed-tours, guided-tours or celebrating Roman feasts or Roman festive occasions. In the meantime 3'300 visitors have been welcomed for an authentic Roman overnight-stay.

The 10<sup>th</sup> station of the Legionary Trail was opened at the beginning of the 2013 season. In commemoration of the first hospital on Swiss soil, a Roman army field hospital has been reconstructed on the very spot where Roman physicians bled, operated on and cured patients 2000 years ago (Figure 5.7).

With the Legionary Trail a part of the Vindonissa past has been brought into the present. It will be exciting to watch the Vindonissa of the future grow.

## References

- Hartmann, M. 1986: *Vindonissa, Oppidum, Legionslager, Castrum*, Windisch.
- Maise, C., Pauli-Gabi, Th. 2013: «Werdet Römer» im Legionärspfad Vindonissa, *Archäologie Schweiz*, 36, 30–33.
- Pauli-Gabi, Th. 2004: Ausgrabungen im Gebiet der spätlatènezeitlichen Befestigung von Vindonissa. Ein Vorbericht zu den Ergebnissen der Grabung Römerblick 2002–2004, *ann. GPV*, 13–39.
- Speidel, M.A. 1996: *Die römischen Schreibtafeln von Vindonissa, Lateinische Texte des militärischen Alltags und ihre geschichtliche Bedeutung*, publ. GPV XII, Brugg.
- Trumm, J. 2010: Vindonissa, Stand der Erforschung I, „Vorgeschichte, keltische Zeit und der militärische Komplex,“ *ann. GPV*, 37–53.
- Trumm, J. 2011: Vindonissa, Stand der Forschung II, „Der zivile Komplex,“ *ann. GPV*, 3–22.
- Trumm, J.: *Vindonissa, Historisches Lexikon der Schweiz (HLS)*, <http://www.hls-dhs-dss.ch/textes/d/D12287.php> (27.3.2013).



## 6 | The convention in action – Poland almost 20 years after the ratification of the Valletta Convention

Agnieszka Oniszczyk

**Abstract:** 17 years after Poland ratified the Valletta Convention, almost all its provisions are included in existing acts on heritage protection, road construction and spatial planning. State agencies as well as numerous NGO's carry on various awareness raising activities. Despite the slowdown of economic growth noticeable in Poland, the major infrastructure investments and the EU financed projects follow their schedules, which is why we find the convention still relevant. There are, however, some major issues we have to deal with to ensure sustainable heritage management. We must focus on significant reinforcement of the state heritage protection service and clarifying of the law to facilitate its practical application. In situ protection should be included *expressis verbis* in Polish legal system. On a European level we should work on how to ensure expert assessment of the EU finance tourism projects and how to promote new vision of the archaeological heritage, emphasising its social, cultural and economic dimension.

### Ratification and entry into force on the background of political transformation

Poland, one of signatories of the Valletta convention, ratified it in January 1996 in the period ending the first stage of the democratic transformation of the country. After 1989 a major reform of a local administration model and the administrative and economic government centre took place (Stefaniuk 2009: 673). The next stage of transformations (1998–2003) encompassed a change of administrative division of the country (16 regions instead of 49) and the local and the regional government as well as the correction of central administration. Changes after 2004 were related to Polish membership in the UE (Stefaniuk 2009: 674). In short, the political system reforms in Poland that immediately followed the ratification of the Valletta Convention, formed a framework for further decentralisation and introduction of regional policy (Stefaniuk 2009: 678).

The above mentioned changes, as analysed by authors of *the Report on the Functioning of the Heritage Protection System in Poland After 1989* ordered by the Minister of Culture and National Heritage in 2009, were twofold. Transformation of basic elements of the political, economical and legal system followed a thorough critical analysis. It was well planned and controlled in the process, due to which the overall result, was more than less coherent. Secondary reforms, however, were introduced randomly, in response to the primary ones. Changes of heritage protection system belonged unfortunately to the secondary ones with all the undesirable consequences (Purchla 2009: 7).

### Solid foundation

Secondary or not, over the years we managed to build a solid foundation for a legal framework on heritage protection. Regardless of the ratification of the

convention, according to article 5 of our constitution, passed in 1997, the Republic of Poland "shall safeguard the national heritage and ensure the protection of the natural environment pursuant to the principles of sustainable development." Cultural heritage obviously is a part of the heritage and what is more important it is legally recognised as such (e.g. on Oct. 8<sup>th</sup> 2007 Polish Constitution Court declared financing archaeological research exclusively by an investor according to the "polluters pay" rule unconstitutional on the basis of among others the before mentioned art. 5 of the constitution).

As far as the Valletta Convention is concerned, its provisions were almost without exceptions adopted in existing *Act of 23 July 2003 on the protection and guardianship of monuments* and related ordinances. The act has defined the object, the range and measures for heritage protection as well as the rules of formulating the national programme of integrated conservation of heritage, and financing of archaeological research and conservation. Archaeological context (cultural layers) has been included in the legal definition of an archaeological monument and the structure and the responsibilities of state organs of heritage protection system have been determined.

Issues related to the protection of archaeological heritage are also dealt with in respective acts on spatial planning and motorway construction and related ordinances and regulations.

Moreover, in 2007 in order to assure the implementation of the State's policy concerning the sustainable protection of cultural heritage the Minister of Culture and National Heritage established the National Heritage Board of Poland, an organisation which henceforth gathers and disseminates information on heritage, sets standards for its protection and conservation, and aims to raise the social awareness on cultural heritage of Poland in order to save it for future generations in accordance with the strategy for sustainable development. In executing the goals of the NHBOP:

- includes non invasive methods of archaeological research and in situ protection in its standards,
- is involved in an international cooperation concerning exchange of good practices on the protection of archaeological heritage,
- conducts a funding programme of Minister of Culture and National Heritage for archaeological projects consistent with the convention;
- leads a program of fighting against threats to archaeological heritage and prevention of crimes against archaeological monuments (cooperation with the Police, including the Interpol, the Border Guard, and the Customs Chamber);
- conducts training on archaeological heritage for the above services (about 300 persons since 2007);
- being an expert advisory body and not a part of the heritage protection system itself, offers support to regional heritage officers;
- supervises archaeological research financed by the General Directorate of National Routes and Motorways.

Subsequently to projects and activities regarding “promotion of public awareness”, „prevention of the illicit circulation of elements of the archaeological heritage” and „mutual technical and scientific assistance”, as specified by the convention, undertaken by the Ministry of Culture and National Heritage and the NHBOP the potential of the archaeological heritage is more and more often recognised also by local administration.

All the above means that although Poland has adopted the convention, there are however some, mostly practical issues that is yet to be addressed.

### Relevance and crisis

Signed in 1992, the Valletta Convention was a reaction to negative influence of large scale infrastructure investments in Western Europe on archaeological heritage. Stating general rules of its sustainable protection, financing and quality control of the research, the document was a child of its time. This is why 20 years later the founding states of the convention start to discuss or even doubt its relevance. The situation in Poland, however, also from an economic point of view, seems a little bit different. Having a 20-year delay in major infrastructure developments we find the Malta Convention still relevant. The slowdown of economic growth, still noticeable, does not influence the entire heritage sector. The general scope of interest and activity of state administration and heritage agencies in the protection of archaeological heritage remains the same and major archaeological research preceding large scale investments like motorway construction or UE financed revitalisation projects are conducted according to their schedule. The decreasing number of such research is mostly related to the end of the 2007–2013 financial perspective and closing the research phase in road construction programme. On the other hand, however, there seem to be fewer pre investment excavations financed by developers or private investors. What is important, in times of crisis pressure of the market increases, favouring archaeologists that are the cheapest and the fastest, which in turn has already led to

a significant drop in prices (between the early 2000s and the present rates offered in tenders decreased by one-third) and some ludicrous ideas like 24/7 archaeology suggested by the General Directorate of National Routes and Motorways in one of their recent tenders.

### What is yet to be done?

As is clear from the above there are unsolved issues on various fronts, sometimes not resulting directly from the convention, nevertheless influencing the process of its implementation.

The gravest of all are results of the decentralisation of state heritage administration. Since 1996 regional heritage officers are subordinates of regional governors and their offices are part of the government administration on the regional level (this administration falls directly under the Ministry of Administration and Digitisation). The Secretary of State in the Ministry of Culture and National Heritage, having a function of the General Monuments Protection Officer, can only supervise actions of regional officers and give guidelines, having no actual means of enforcing any pressure when needed. The Secretary of State also acts as the appeal body, whereas the regional governors, being in many cases spokespersons of regional development and investment, act as direct supervisors of heritage administration. Hence regional heritage officers often find themselves on the front line between the current needs of the region and the heritage they are to protect. The decentralisation results have also led to differences of interpretation of the law, even in similar cases. Form and content of administrative documents also vary from region to region.

The need for introduction of a central supervision over state heritage administration with the general office and subordinate regional agencies has been recognised by the State. Exclusion of Regional Monuments Protection Officers and their offices from government administration on a regional level was one of the changes proposed in the National Strategy for the Development of Culture 2004–2013. (Ministerstwo Kultury 2004: 121) It remains a proposal so far, but without any doubt should be considered in the immediate future as there is no possibility of conducting proper heritage management without at least a unified approach to it.

At times even the law itself does not help in achieving this goal. The more so it seems to inherit a lot after command-and-control economy of the previous socio-political system, when nobody cared if people understood the need for heritage protection or its potential because they had to follow the rules anyway. Now, 24 years after the 1989 breakthrough we still have more stick than carrot in heritage regulations.

Moreover, certain vagueness of legal provisions, especially of *the Act on the protection and guardianship of monuments*, makes its execution not effective enough. Due to decentralisation of state heritage administration, each regional office acts according to its own legal interpretations of the monument act or *Criminal Code*. Lack of strong supervision and support results also in general avoidance of legal conflicts demonstrated by regional heritage officers.





Figure 6.1: Wolin, reconstruction of an early medieval village – the Centre of the Slavs and the Vikings. © M. Bugaj 2012, National Heritage Board of Poland.

Another issue, regarding the Polish legal system of heritage protection and management, is that some legal provisions, aimed to protect the heritage, cannot be properly applied due to lack of practical solutions. According to *the Act on the protection and guardianship of monuments* all archaeological objects regardless of the circumstances of discovery belong to the state, however the cost of storage and conservation is to be covered by researchers. And independent researchers sometimes have problems with finding a storage place for their finds because museums, leading commercial excavations themselves, try to control the market by limiting access to their storehouses. Establishing a state financed network of storage infrastructure for archaeological finds thus seems a must.

As for spatial planning, the situation seems quite similar. According to legal regulations each document called the Environmental Impact Assessment – a study prepared for planning purposes of local authorities, must include information on how local development trends influence the heritage. In reality however, authors of such studies focus mostly on natural and geographical aspects of the cultural landscape, leaving heritage protection aside (Jagielska 2010: 5).

### **In situ protection**

Issues regarding the *in situ* protection, being the basis of modern heritage management, require some more attention. It was certainly due to provisions of international conventions that notions of sustainable development and, stemming from it - the *in situ* protection, appeared in the heritage discourse in Poland. As it was already mentioned, in *the Act on the protection and guardianship of monuments* cultural layers are literally mentioned as a part of an archaeological monument. What is more, the Valletta convention emphasises the connection between an

archaeological site and its surroundings. Archaeological heritage serves to study the history of mankind and its relation to the environment. The above has initiated positive changes in the general view of archaeology as being researchers' only, and archaeological monuments as lasting in total isolation from the present world whatsoever. Need for the *in situ* preservation of this heritage for future generations expressed literally in the convention has led or as I may say is still leading to a gradual shift of archaeological priorities, raising the popularity of non-intrusive research methods.

The *in situ* protection, however, is not included in the Polish legal system and respective provisions of the convention usually turn out to be too general to be applied in cases of any legal dispute. When archaeological research is conducted before an investment (a road construction for that matter) and structures of previously unknown significance are discovered, *in situ* conservation is hardly an option. The general practice is to document and remove them in order not to interfere with the project.

Implementing the *in situ* protection and priority of non-intrusive research methods into our legal system, which the NHBOP as a heritage agency considers to be highly desirable, would mean that Regional Monuments Protection Officers were able to stop unnecessary excavations. Unnecessary meaning conducted for purely scientific reasons without any other justification or, worse, preceding the more and more popular so called reconstruction projects with false scientific and educational value that in extreme case lead to total destruction of sites.

### **Reconstructions plague and the European context**

In recent years reconstructions of archaeological sites, such as hillforts and settlements, have become very fashionable in Poland. This increased "reconstruction



Figure 6.2: The “Goths” of Masłomęcz – a local community preserving the archaeological heritage. © Bartłomiej Bartecki 2011, Masłomęckie Stowarzyszenie „Wioska Gotów”, reproduced under license (CC BY-NC-ND 3.0 PL).

movement” results mainly from the opportunity to use EU’s structural funds supporting the development of regional tourism. The main objective of such projects is to create tourist attractions, to raise the attractiveness of a region and boost the tourism. Stimulation of historical consciousness of local communities and creating the need to understand their own past often remains in the background, which means that not all of them meet the standards set by international conventions and doctrinal documents.

Life takes its course and unfortunately it does not change a fact that a place with an amphitheatre, piers for kayaks and a camping at the foot of an early medieval hillfort that can hardly be called a reconstruction, usually becomes a flourishing tourist spot. The above is not only a gloom vision. Such recreational complex, proudly called an open-air museum, is currently under construction in Owidz about 50km south of Gdansk. A similar tourist attraction, at least as far as disregard for historical or rather archaeological truth and heritage is concerned, was built in Trzcinica in southern Poland several years ago. Constructions of metal and plywood imitating a Bronze Age and a medieval village were built directly on a unique archaeological site and attract as many as 51 000 people a year. Reconstructions were, are being or are to be built in many places in Poland, mostly directly on early medieval hillforts, prominent in landscape, thus functioning in social awareness of local communities. Local authorities, museums, sometimes even archaeologists believe it to be the only way to give people the chance to meet history, not realising that what they see usually is a fantasy of archaeologists and architects, their totally subjective vision of the past. Luckily for the heritage this is not always the case and some communities make good use of archaeological potential they have in their disposal, creating Polish best practices in social economy. One of the best examples, by all means worthy of mention, is an open-air museum - the “Centre of the Slavs and the Vikings”,

located in the town of Wolin on a small island on the Dźwina river. (Figure 6.1) It is a reconstruction of an early medieval fortified settlement and a harbour that was originally located on the other side of the river. It existed from 6<sup>th</sup>/7<sup>th</sup> until the 1<sup>st</sup> half of the 12<sup>th</sup> century and flourished thanks to the long distance trade. It is identified with Vineta – a large seaside commercial centre mentioned in the 11<sup>th</sup> century by Adam of Bremen and the stronghold of Jomsborg said to be founded in the 10<sup>th</sup> century by Harald the Bluetooth, the king of the Danes. The site was accompanied by adjacent open villages and burial grounds. The population of this three-kilometre long settlement complex is estimated at 6–8 thousand people. Built with the use of historical techniques and natural materials the reconstruction includes: several dozens of huts, 4 gates with ramparts and fortifications, a wharf and a shipyard where replicas of Viking and Slavic boats could be built. The open-air museum was designed as a centre for practice in traditional crafts (carpentry, laying the roof of thatch, boatbuilding, blacksmithing) and a centre for educational and commercial craftsmanship including: jewellery, amber processing, pottery, weaving, blacksmithing, minting, wood-carving, tar production, leather crafting, horn and bone crafting. At the moment although the reconstruction work is still in progress, the museum already has a rich offer of educational activities. Various experimental archaeology projects and workshops are conducted on a regular basis (pottery firing, construction of a 10<sup>th</sup> century hut for children, construction of a great drum). Every year during the Slavs and the Vikings Festival 1500 people from the entire Baltic Sea region performs original arts and crafts or takes part in an early medieval battle. The festival itself attracts about 40 000 visitors.

A perfect illustration of a small-scale heritage initiative can be found in Masłomęcz – a small village near Hrubieszów in south eastern Poland where since 1977 for 25 years archaeologists excavated relics



of a village and a burial ground of Goths that had lived there between A.D 200–400. In 2002 when the research was officially terminated it turned out that the local community did not want to lose touch with archaeology and live in quiet village that Masłomęcz once was. Inspired by a long-time head of the research, Professor A. Kokowski, a local association was created. (Figure 6.2) Its members, to promote the heritage they perceive as a vital part of their past, recreate the lifestyle the Goths during archaeological fairs, lead education programmes in local schools and promote the region. They managed to find resources for building a gothic homestead and ritual sites (a stone circle, a burial platform) outside the archaeological site. The hut and accompanying buildings are not exact reconstructions, but the fact that they are only stylisation based on scientific research is made clear on their website. Thanks to a successful cooperation of the community with local authorities and a museum in the nearby town of Hrubieszów a construction of an open-air museum in Masłomęcz has started, with the use of EU funds. The “Goths” of Masłomęcz state an example for local communities that begin to recognise the true potential of their archaeological heritage.

As for, the NHBoP, we respond to the reconstruction plague with various awareness raising activities. Nonetheless it is difficult to withstand the visions of prosperity shared by local authorities throughout Poland. We may hope that in some cases, the public seems to somehow distinguish right from wrong as the oldest, most famous and one of the best reconstructions in Poland – a Lusatian culture settlement in Biskupin still has the largest numbers of visitors (181 000 in 2012 compared to 51 000 in Trzcinica). Wishful thinking perhaps. That is why, as we function in a wider European context and the resources come mostly from the EU programmes, we strongly believe that a procedure of evaluation of the UE financed tourism enhancement projects by heritage experts should or even must be introduced as soon as possible.

In more general terms, a real in-depth change be brought by creating a new vision of cultural heritage at the EU-level as is being developed by the Reflection group “EU and cultural heritage” (established by Belgium in 2010) in cooperation with European Commission and other organisations from the broad European culture heritage sector. The aim of this initiative is to prepare the Council of the EU recommendation (based on Article 167.5 of the Lisbon Treaty) concerning a specific approach to cultural heritage. Within this document most prominence should be given to the social and economic benefits related to the cultural heritage and its contribution to the objectives of smart, sustainable and inclusive development as well as cross-sectorial dimension of cultural heritage. The Council of the EU recommendation takes also into consideration such important issues as new models of financing, culture heritage professions, promotion of the European excellence in heritage protection management in the international relations. Poland was chairing the Reflection group “EU and cultural heritage” in 2012 (in 2013 the chairmanship was handed over to Lithuania) and still strongly supports this valuable initiative. The work of the Reflection Group is also supported by EAC, which is highly appreciated.

## Summary

17 years after the ratification of the Valletta Convention we are still on our way towards sustainable heritage management. Undoubtedly we have done a lot, but the Polish heritage protection system is still a mixture of the obsolete and the modern. On the surface (and mostly in writing) everything seems fine, but practice says otherwise. Through a series of reports we have identified the system issues that are to be dealt with. The present situation requires, however, switching to Herb Kelleher’s “doing things” strategy.

On the one hand, our efforts must focus on significant reinforcement of the state heritage protection service and clarifying of the law to ensure its practical application. On the other we -meaning the entire heritage sector- must continue a dialog with the public emphasising social, cultural and economic benefits resulting from the sustainable use of the resources of the archaeological heritage.

## References

- Bartecki, B. 2012: Goths’ Village in Masłomęcz, in R. Chowanec, W. Więckowski (eds): *Archaeological Heritage: Methods of Education and Popularization*, British Archaeological Reports. International Series 2443, 17–24.
- Byszewska, A. 2011: Podróż w czasie. Rekonstrukcja – destrukcja, *Kurier Konserwatorski* 10, 28–32.
- Jagielska, E. (ed.) 2010: *Aktualizacja do Raportu o systemie ochrony dziedzictwa kulturowego w Polsce po roku 1989, pod redakcją Jacka Purchli, 2009*, Warszawa. <http://www.nid.pl/UserFiles/File/Ochrona%20i%20konserwacja%20zabytk%C3%B3w/AKTUALIZACJA%20RAPORTU.pdf> [access on 2013–05–16].
- Kokowski, A. (ed.) 2012: *Gocka duma Masłomęcz: the Gothic pride of Masłomęcz*, Masłomęcz – Hrubieszów – Lublin.
- Ministerstwo Kultury 2004: *Narodowa strategia rozwoju kultury na lata 2004–2013*. [http://bip.mkidn.gov.pl/media/docs/Narodowa\\_Strategia\\_Rozwoju\\_Kultury.pdf](http://bip.mkidn.gov.pl/media/docs/Narodowa_Strategia_Rozwoju_Kultury.pdf) [access on 2013–05–16].
- Purchla, J. (ed) 2008: *Raport na temat funkcjonowania system ochrony dziedzictwa kulturowego w Polsce po roku 1989*, Raport opracowany na zlecenie Ministerstwa Kultury i Dziedzictwa Narodowego jako jeden z Raportów o Stanie Kultury, Kraków. [http://www.kongreskultury.pl/library/File/RaportDziedzictwo/dziedzictwo\\_raport\\_w\\_pelna%281%29.pdf](http://www.kongreskultury.pl/library/File/RaportDziedzictwo/dziedzictwo_raport_w_pelna%281%29.pdf) [access on 2013–05–13].
- Stefaniuk, M., Szreniawski, J. 2009: Główne reformy administracyjne w Polsce w latach 1989–2009, in J. Supernat (ed.): *Między tradycją a przyszłością w nauce prawa administracyjnego. Księga jubileuszowa dedykowana Profesorowi Janowi Bociowi*, Wrocław, 669–83.

### Legal documents

Act of 23 July 2003 on the protection and guardianship of monuments/ Ustawa z dnia 23 lipca 2003 r. o ochronie zabytków i opiece nad zabytkami (Dz.U. 2003 nr 162 poz. 1568, z późn. zmianami)

Act of 27 March 2003 on planning and spatial management / Ustawa z dnia 27 marca 2003 r. o planowaniu przestrzennym i zagospodarowaniu (Dz.U. 2003 nr 80 poz. 717)

Act of 10 April 2003 on detailed rules for the preparation and execution of investments in public roads/ Ustawa z dnia 10 kwietnia 2003 r. o szczególnych zasadach przygotowania i realizacji inwestycji w zakresie dróg publicznych (Dz.U. 2003 nr 80 poz. 721)

Judgment of the Constitutional Court of 8 October 2007, ref. No. K 20/07/ Wyrok Trybunału Konstytucyjnego z dnia 8 października 2007 r. sygn. akt K 20/07 (Dz. U. 2007 nr 192 poz. 1394)



## 7 | Heritage sites and tourism: two sides of the same coin?

*George Cassar*

**Abstract:** In recent years a debate has been unfolding on the relationship between heritage sites and tourism. While it is generally accepted that archaeological and other cultural sites need to be preserved and protected, it is also stressed that these should be sustainably managed, and this requires substantial funding. While the discussion continues, cultural and touristic activities cannot be sidelined as both are realities of strategic importance. Countries with much to offer and several sites to conserve, have embarked on studies and management projects focussing on striking a balance between preserving heritage sites for future generations while concurrently offering them for the cultural enjoyment and education of the present-day visitor, obtaining much needed funds in the process. Malta, an island wealthy in archaeological and other heritage sites, has done no less. The challenge is huge and the management and conservation aspects are thus on the daily agenda.

### Introduction

Societies are complex structures built via human interactions and operate through a shared social heritage and a particular cultural legacy. Each human group can boast of a distinct heritage and a culture peculiar to itself; a reality which has, from many centuries ago, enticed others to visit, experience and write about (authors and travellers such as, Thompson 1940; Slade 1837; Senior 1882). Heritage tourism was thus born, the origins of which go back to antiquity. Though others may have travelled before him to see where history occurred, it is generally accepted that the honour of first 'heritage tourist' should be bestowed on the Greek Herodotus. He travelled around the eastern Mediterranean in the fifth century B.C. to experience landscapes, sites, cities and buildings and comment on the food, the architecture and the history (Museum of the city.com n.d.). One needs only to look, as an example, at the richness of architecture which developed from the earliest organised civilisations and those that followed, to grasp the spread and worth of the heritage which humanity possesses, and this has been recognised and accentuated throughout history (see for e.g., Malizia 1785).

The modern world acknowledges this vast and precious wealth which belongs to all humanity. ICOMOS during its 12<sup>th</sup> General Assembly, which took place in Mexico in October 1999, adopted a Charter that describes the wide spectrum of cultural heritage with which contemporary societies have to deal. Thus:

"Heritage is a broad concept and includes the natural as well as the cultural environment. It encompasses landscapes, historic places, sites and built environments, as well as biodiversity, collections, past and continuing cultural practices, knowledge and living experiences. It records and expresses the long processes of historic development, forming the essence of diverse national, regional, indigenous and local identities and is an integral part of modern life" (ICOMOS 2002, 4).

It stands to reason, therefore, that many nations endeavour to conserve and enhance their heritage for posterity. A by-product of its upkeep and preservation is a predictable urge to visit and explore this cultural wealth by those coming from other cultural

environments. This thus becomes an industry and heritage tourism becomes an important pillar of that country's economy. Of course, with the advantage of deriving funds to enhance further this heritage there are also various pressures which may lead to endangering its stability and value, indeed its very existence.

Though a tiny island in the middle of the Mediterranean, 316 km<sup>2</sup> (121 sq miles), Malta can boast of a vast and rich heritage. Its oldest archaeological sites date back to around 5000 B.C. The country's population is less than half a million persons, and the visitor numbers thus far outstrip the locals as 2012, for example, registered an all-time high with 1,443,973 tourists (The Malta Independent 2013; National Statistics Office 2013).

### Archaeological heritage and tourism – a tricky mix?

When speaking of archaeological heritage sites, one may point out right away that these may be listed under either one of two distinct yet related categories. As Willems (2012) has observed, there are World Heritage archaeological sites and global archaeological heritage sites. Each category has its own specific attributes. Each also faces particular pressures. The author outlines such challenges and hastens to underline that these may sometimes be similar though at other times emerge as diametrically opposed. World Heritage archaeological sites typically face the risk of over-exploitation due to their economic potential and which may lead to their degradation consequent to the exaggerated number of visitors they have to sustain. Other global archaeological sites, to the contrary, may face a different reality, totally contrasting to that experienced by the former – as only a few people would know of their existence these places are relegated to insignificance and utter degradation with little done for their conservation and preservation (Willems 2012).

While the second circumstance is utterly damning for heritage sites, conversely the former group are also very much at risk, this time not because of their anonymity but rather due to their extensive popularity

and their considerable appeal. Having sites which are renowned and widely advertised will create a strong and compelling 'must see' feeling among an ever-growing number of tourists principally belonging to two specific categories. There are, first and foremost the 'hard-core tourists', who join organised tours or groups with the principal aim of obtaining an educational experience from cultural and environmental projects. There are then the no less energetic 'dedicated tourists' whose main objective is to visit protected or cultural areas and to appreciate local natural and cultural history (Pedersen 2002).

Interest in such heritage sites, therefore, transforms these locations into a sort of endangered environment as visitor pressure can easily escalate to precarious levels. UNESCO (n.d. a) lists aspects which are potentially harmful to World Heritage sites, namely: armed conflict and war, earthquakes and other natural disasters, pollution, poaching, uncontrolled urbanization and unchecked tourist development. While all conditions in this list need attention, this paper is concerned with the aspect of tourism.

Carrying capacity issues thus become imperative and would need to be addressed. It is known that numerous historical settlements and towns experience congestion of facilities, traffic, urban land-use, waste management complications and other consequences derived from crowding (University of the Aegean 2002.). The sheer numbers of visitors can, in themselves, become a problem. Large parties can, for example, create a heavy amount of use over a short period of time. Also, the extensive presence of people in concentrated numbers may threaten delicate cultural sites, experienced, for example, in the creation of bottlenecks in the areas where interpretation displays are set up, and in overwhelming exhibitions to the detriment of smaller groups or individuals who may thus be denied full access to those collections (Pederson 2002). It therefore becomes quite obvious that sustainability – though this word may sound as a cliché in today's world due to its use, arguably to the verge of abuse – is in actual fact an objective which urgently needs to be addressed. With sustainability one understands a move towards "increasing the benefits and decreasing the costs of tourism development" (Nordic World Heritage Foundation 1999, 9). This is especially important with regard to delicate heritage areas such as highly frequented archaeological sites, as it has become evident that, while the presence of crowds of visitors every day may be of financial benefit to the area, yet this hardly compensates for the problems which remain in their wake. Such and other threats to the archaeological heritage of humankind are among the concerns of what has become known as the Valletta Convention of January 1992. In this document countries being parties to this Convention were invited to find a balance between the needs of their archaeological heritage and the proposals for future national development promoting a better future. Moreover, this document urged the same parties to conduct educational campaigns so as to increase the awareness of archaeological heritage among their

citizens so as to promote the understanding of the past and of the threats to which this may be subjected (Council of Europe 2002).

While pressure on archaeological and other heritage sites and structures does exist in all countries, and especially so where such places are considered to be of particular importance or repute, this strain becomes more acute in the smaller territories and islands. One factor is related to tourism, as small islands generally suffer of peripherality, isolation, fragility, scarcity of resources and other deficits. In consequence, the constraints caused by weak competitiveness in relation to bigger and richer territories, drive such islands to turn to tourism which they view as a main source of financial support (Stylidis et al 2007). The more these islands strive to get tourists the more the pressure on their territories mounts. And as the saying goes: there is always a price to pay for success. Local cultural heritage can become one of the victims. Malta is one of these islands where such tourist pressures have triggered cultural heritage operators to look closely into the emerging situation and search for remedies so as to keep the situation under control.

### The case of Malta

Malta is the collective name of a group of small islands situated in the middle of the Mediterranean Sea. Malta, at 27 km long and 14.5 km wide, and an area of 246 km<sup>2</sup>, is the largest island of the archipelago; while the sister island of Gozo, at 67 km<sup>2</sup> is second in both size and population numbers. Of the other islands, only Comino, 2.7 km<sup>2</sup>, accommodates a few residents and a hotel which is open for tourists, while the rest of the islets do not offer much space for habitation. The population in 2011 stood at 416,055 inhabitants (National Statistics Office 2012) but continues to rise also through the settlement in the islands of persons who are either returned migrants or who decide to buy a home and enjoy the advantages of a relatively constant mild climate all year round and a tranquil social environment.

The islands are geographically positioned half way between Sicily and North Africa. Various species of fauna and flora, as also human beings, have been living in this archipelago for thousands of years. Indeed the origins of the human presence on the islands can be traced to more than 7000 years back, with Għar Dalam (Figure 7.1) being one of the most representative archaeological sites in this regard (Mifsud & Mifsud



Figure 7.1: The cave of Għar Dalam, where human beings first settled in the island of Malta (Anton Bugeja, MaltaVista.net).



Figure 7.2: The Maltese Islands are literally studded with archaeological sites. This map shows only known Prehistoric sites (courtesy of Midsea Books).

1997; Trump 1990; Fabri 2007). The islands can boast of a large number of archaeological sites (Figure 7.2), some of which attract thousands of visitors annually.

Regarding the archaeological heritage of Malta, one should point out that this includes a number of World Heritage Sites. Those falling within the archaeological sector are megalithic structures, the oldest of which date back to around 4500 B.C. In this group there are the Ġgantija temples on the island of Gozo which consist of two temples notable for their massive structures. Then there are the temples of Hagar Qim and Mnajdra (Stroud 2010), and Tarxien (Pace 2006), which, considering the limited technological resources available to their builders, are classified as unique architectural masterpieces. The last two are Ta' Hagra and Skorba (Trump 1966) complexes, considered to be important examples of how the traditional process of temple-building was passed down in Malta (UNESCO n.d. c). These archaeological sites have been renamed collectively "The Megalithic Temples of Malta" in 1992, a development from the original "Temple of Ġgantija" which was the first site inscribed in 1980 (UNESCO n.d. b). A further archaeological site, inscribed separately in

1980, is Hal Saflieni Hypogeum, situated in Paola (Pace, 2004), a unique monument and the only exemplar of a subterranean structure from the Bronze Age period (UNESCO n.d. d). Apart from this world-recognised cultural heritage, the Maltese archipelago holds numerous other archaeological sites, which dot the two larger islands (Trump & Cilia 2002).

The many cultural heritage attractions – and more so the islands themselves – constitute a pull factor for a large number of visitors annually. The latest full-year figures show that in 2012 an all-time record of more than 1.45 million inbound visitors landed in Malta. Nearly all were departing tourists which meant an increase of 2 per cent over the previous year, and most of these tourists were holiday makers (Malta Independent, 2013). Taking into consideration the smallness of the islands, this large number of tourists undoubtedly creates pressures on the local infrastructure; also that of the cultural heritage sites and museums.

Aware of these numbers, in its Tourism Policy for 2012–2016, Malta has set as its objective to have what has been termed a 'better-quality tourist'. Qualifying this term the Policy explains that by better quality it



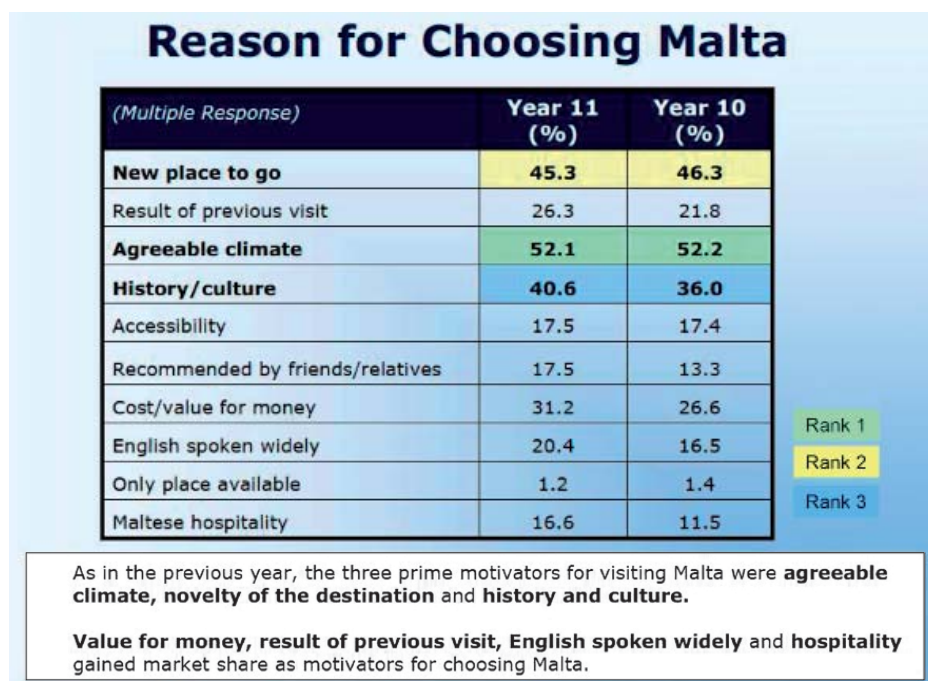


Figure 7.3: Visitors to Malta consider 'History' and 'Culture' as one of the top three pull factors for coming to the island (source Malta Tourism Authority).

is understanding, "a tourist that helps us achieve our sustainable development goals." The tourists that Malta is seeking to attract therefore, would include "A mix of tourists that will make use of the spectrum of the niche offerings and products that our country offers and tourists that will respect Malta's uniquely constructed (from temples to hotels) natural (from marine to terrestrial) and intangible (from local customs to quality labels) heritage" (Ministry for Tourism, Culture and the Environment 2012, pp. 18, 20).

This policy speaks of sustainable development goals, which means that a management strategy will be put in place concerning the tourists that visit the islands. In this way it is hoped tourism creates the least possible harm to the small and highly delicate human, built and natural environments. Due to the restricted spaces and the concentration of cultural heritage sites, the numbers of visitors need to be managed intelligently and proactively so that the negative impact would be a controlled one and the benefits which tourism can and does offer, is used to the best advantage of the local economy which is highly service-based. There lies the subtle balance. As the Maltese Cultural Heritage Act, 2002, states, "The right to access to, and benefit from, the cultural heritage does not belong merely to the present generation. Every generation shall have the duty to protect this heritage and to make it accessible for future generations and for all mankind" (Government of Malta 2002, Ch. 455, article 4 (5)).

Archaeological sites in Malta abound and visitor numbers run into the tens of thousands. In the year 2011, for example, the students and teachers that visited free of charge, when added to the paying visitors, exceeded the one million mark. In 2012 the situation was quite similar with numbers on the rise. These figures reflect the great strides in cultural tourism numbers which Malta has seen in these past five years, with the cultural sites also being visited by the Maltese themselves, many of whom nurture an interest in this segment of their heritage.

From research data compiled by the Malta Tourism Authority (MTA) it emerges that 'History and Culture' is the second largest segment for tourism in Malta. In 2011 this was quantified at around 184,520 tourists or 13.1 per cent of the total inbound visitors with regards to their purpose of visit. For 2011, the MTA figures show that 40.6 per cent of tourists, in a multiple response exercise, considered 'History and Culture' as a prime motivator for choosing Malta (Figure 7.3) and this was 4.6 per cent higher than the percentage for 2010 (Malta Tourism Authority 2011).

Maltese cultural heritage operators have thus a tough mandate to find an acceptable balance between the heavy visitor numbers literally invading sites with restricted areas and the safeguarding of the sites themselves. Places such as the megalithic temples, Roman and Paleo-Christian catacomb complexes, and other archaeology related structures, such as museums and exhibition areas, are places which attract tourists, many of whom come specifically to seek what they consider as a worthy experience.

The Maltese islands can boast of around 30 megalithic temples which vary in size, state of conservation and date of origin (Renwick 2006). This reality makes the island the possessor of the highest concentration of prehistoric structures relative to its minute size. With no other wonders of nature, it can mainly attract higher-quality tourism through its cultural heritage assets and this makes it imperative for Malta to conserve them to the best of its ability; as Linda Eneix of the OTS Foundation has aptly observed, Malta's past is its future (Vella n.d.).

What follows is an examination and discussion on what Malta has been doing to maintain a sensible combination between the tourist attraction and the heritage conservation.

A major initial move in this direction was the reassessment of the existing legislation, upgrading and updating it so as to address more realistically the contemporary requirements and the current issues.



For this purpose, therefore, the State of Malta enacted the Cultural Heritage Act 2002 which came into force in January 2003. It must be said that one motivation for new and more stringent laws, was consequent to an act of cultural vandalism on the megalithic site of Mnajdra in 2001. The legislation set up two new bodies – Heritage Malta and The Superintendence of Cultural Heritage – which replace the aged Museums Department (Renwick 2006).

Laws alone, however, are not enough to conserve and protect archaeological or other heritage sites from damage and destruction. Cases in point are the two sites of Ta' Hagrat (Figure 7.4 a, b) and Skorba which form part of one of Malta's UNESCO World Heritage Sites. After their discovery and excavation, the sites remained closed to the public due to their fragility up till the middle of 2005 and access was only by appointment. This, however, was not deemed to be an ideal situation considering the international importance of these two sites and thus from May of that year both were opened for one and a half hours per week on a regular basis. The result was that visitors increased six-fold by 2006 and it became evident that something needed to be done to manage and minimize the impact of the human intrusion on these delicate sites and preserve the remains, while offering the best possible accessibility to those who went to see them (Zammit et al 2008). To determine what needed to be done Heritage Malta archaeologists carried out a LAC (Limits of Acceptable Change) exercise in an effort to preserve the sites for future generations without excluding access to those of the present.

With the LAC completed four categories of measures were listed: short term, medium term, long term and on-going. Regarding the visitor ambit, in the short term it was decided that such visitors would be kept in safe areas of the site, avoiding dangerous parts such as uneven terrain, and in so doing both the structure itself and the persons on site would be protected. Moreover, keeping visitors away from the megalithic blocks would

prevent direct physical impact caused by persons brushing or scratching the stones. The LAC indicated medium term measures such as the provision of better interpretation on site, which would enhance the visitor experience. As one long term measure connected to visitors, it was thought advisable to 'harden' the resource by installing walkways on both sites where it was deemed appropriate so as to help protect the prehistoric surfaces and possibly extend the areas accessible to the visitor in the process. As an on-going measure, the final report thought wise to advise the fostering of more awareness among the members of the community, so as to increase the appreciation of this cultural heritage. This could be done through activities such as open days, public lectures and seminars, where discussions would take place. In a nutshell, the visitor would be offered adequate interpretation tools while having to follow prearranged routes which would eliminate treading on the prehistoric *torba* – this is the product of the beating of crushed rock and rock dust, after adding water, into a compact and solid surface (Trump & Cilia 2002, 77). The number of visitors was set at no more than 15 at any one time, not more than 45 per day and not more than 90 in one week for each of the sites (Zammit et al 2008). From the feedback on such measures, it has been noted that direct contact with the now fragile *torba* surfaces has thus been drastically slowed down and the vegetation began to grow once again in certain areas where before this had been trampled and destroyed. Visitors are being informed through interpretation panels making them aware of the conservation ambit – as the measures being seen are explained accordingly – and they are also being helped to understand the heritage experience on site through the essential information provided. Thus in these two archaeological sites a balance has been struck between visitor needs and heritage site conservation requirements (Zammit et al 2008). Further to these actions Heritage Malta, which is the state agency responsible for Malta's cultural heritage,

Figure 7.4: a) Ta' Hagrat Temples in the period before 2005, when they were still closed to the public (George Cassar). b) After cleaning and preservation works, Ta' Hagrat Temples as they are presented to the visitor today (courtesy of Midsea Books).

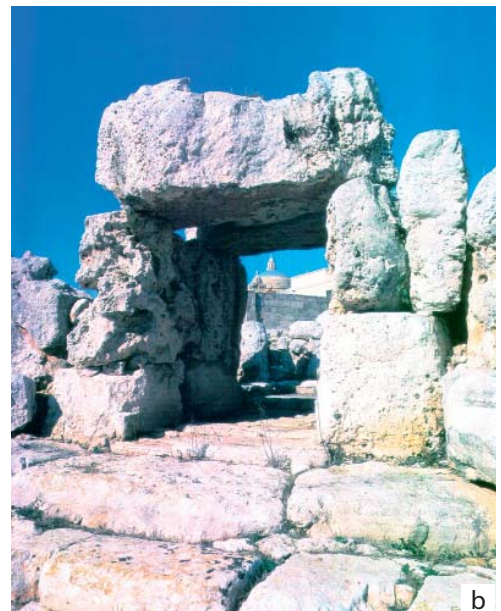




Figure 7.5: The popular archaeological site which incorporates within it Hagar Qim Temples – two views showing the pitted massive stones and one of the trilithon entrances (George Cassar).

drew up a Management Plan for all the temples falling under 'The Megalithic Temples of Malta' UNESCO World Heritage Site. Though the draft plan looks into a variety of aspects, for the purpose of this paper it is more pertinent to concentrate on visitor matters and the sites. Regarding sustainable tourism, the said plan proposes that HM carries out a LAC assessment and then in partnership with the Malta Tourism Authority would use the results to create a better touristic promotion strategy for these sites. Furthermore, the two mentioned state agencies in conjunction with travel agents and tourist guides would then work in synergy to achieve a more sustainable visitor flow to these six archaeological sites (Heritage Malta 2008). Naturally this leads to the next requirement which is the management of these visitors. The draft plan sets a number of actions in this regard. One is the construction of visitor centres – three in all – on the Hagar Qim and Mnajdra site, the Tarxien site and the Ġgantija site. It was proposed that these centres would include a selection of exhibits from amongst the finds unearthed on and around the sites themselves thus helping the visitors to understand the link between the site being visited and the artefacts being presented. For the Ġgantija centre, it was proposed that this would include a comprehensive display of Gozo's prehistory. To make the visitor experience truly comprehensive, it

was suggested that the design, content and activities at these centres should aim at a range of audiences, and especially for children and persons with special needs. And to facilitate access to these sites HM, with the cooperation of the Malta Transport Authority (ADT), would upgrade effective road signage and public transport (Heritage Malta 2008).

The Hagar Qim and Mnajdra (Figures 7.5 a, b) heritage park upgrade is the first such park to be tackled in Malta. It has been thus earmarked to act as the pilot project for six other megalithic sites, and would hence offer an opportunity for the transfer of skills to locally based experts enabling them to work more efficiently on future projects. The heritage park stresses on interpretation facilities aiming at upgrading the educational value of the heritage site which leads to a higher appreciation of the said site. The information panels distributed around the park, aim to educate students and school children but also the general public. This, it is hoped, will foster a higher awareness of the national heritage and a concomitant improvement in the tourism sector (Bianco 2004).

In the same project, financed from the European Regional Development Fund (ERDF) at €3.5 million, both temples were covered by a large overarching tent. The primary purpose for this shelter (Figure 7.6) is the better conservation of these important archaeological

Figure 7.6: The recently finished shelter for the protection and preservation of the Mnajdra Temples; a similar shelter has been constructed for Hagar Qim Temples (George Cassar).





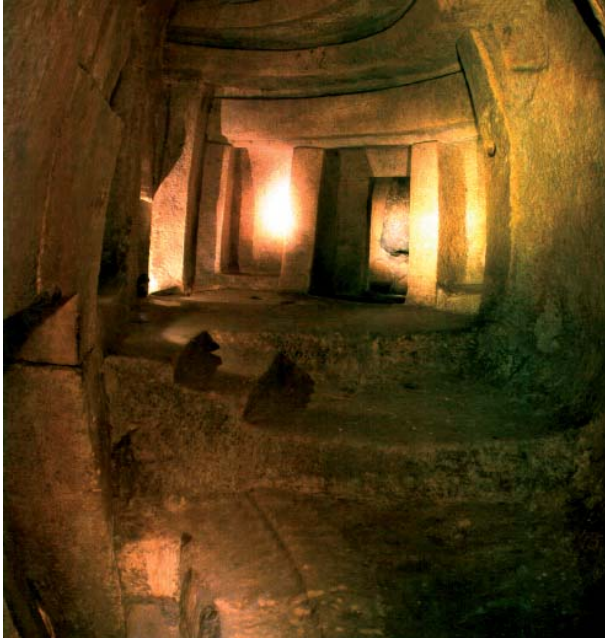


Figure 7.7: The unique Prehistoric hypogeum of Hal Saflieni which reproduces all the features of the above-ground temple construction but carved in stone underground (courtesy of Midsea Books).

sites from the elements which were causing them to deteriorate at an accelerated pace. However, consequential to this intervention, it was realised that the visitor's experience was also enhanced, as now the visitor is protected from sun and rain, besides enjoying a better quality diffused light and improved acoustics within the sheltered ambience (Heritage Malta 2011). Work related to Ġgantija Temples, the only World Heritage site up to now that is found in Gozo, was also recently taken up. This upgrading is aimed to conserve better these precious megalithic temples while at the same time creating a better visitor experience. Walkways were constructed during the year 2011 in both the North Temple and the South Temple, while access to the ramp in the former temple walkway was also improved to make it accessible to wheelchair users. The Ġgantija Temples project, a public-private partnership, was financed by Vodafone Malta Foundation. This synergy helped the state agency to continue its conservation measures for this temple complex but also to upgrade the visitor management of the site while also giving visitors a better service and a higher value for the money paid through the entrance ticket. Thus HM set up an environmental monitoring station that measures exposure to environmental elements and installed a remote security system. At the same time the walkways which were set up give full access to the temples and better all-round visibility while protecting the prehistoric floors. Tourists and other visitors have also a number of interpretation panels which have been incorporated in the railing design while the walkways are equipped with LED lighting for safer visitor movement and to light up the temple structure during the night. Furthermore, visitors have also been regaled with the Vodafone Ġgantija Interactive DVD-ROM. This is the digitised version of the temples site featuring impressive 360 degrees photography. The interactive virtual tour has an audio accompaniment with interpretation material and delivered by archaeology experts for visitors (Heritage Malta 2011; Vodafone 2011).

Another temple site in the World Heritage group is Tarxien. Here too, Maltese archaeologists and cultural heritage operators have intensified interventions to strengthen the preservation of this monument without depriving the visitors from its enjoyment and appreciation. A number of studies began in 2010 and were finalised a year later. One major project connected with the safeguarding of this temple site is the construction of a protective shelter similar to the ones at Haġar Qim and Mnajdra. The LAC assessment studies were also carried out. Special mention goes to a focus group which discussed different forms of access to Tarxien with the cooperation of the National Commission Persons with Disability (KNPD), Inspire (an NGO that provides therapeutic, education and leisure services to persons with disabilities), the Equal Partners Association, the National Parents Society of Persons with Disability, Amputees 4 Amputees and volunteers and specialists from various fields. Besides the installation of environmental monitoring equipment, a new walkway in the area within the temple structure was completed in metal and wood, which replaced a temporary passageway and which increased accessibility to all forms of mobility visitors. Prior to the construction of the walkways, archaeologically monitored excavations under the footprint of the walkway were taken in hand. All work related to visitor accessibility was done under constant expert monitoring so that no damage would be suffered by the archaeological remains (Heritage Malta 2011).

A further Maltese World Heritage site is the Hal Saflieni Hypogeum (Figure 7.7) which is a truly unique underground site but also a very fragile monument. Its microclimate needs to be constantly monitored and kept as stable as possible. Many years have been employed to develop a progressive conservation and management project. Its aim is to give this valuable site a life support system which manages the visitor presence, enable a controlled light regime, and support a system of buffer zones that can protect and stabilise the Hypogeum's fragile internal environment (San Andrea School n.d.; Fexserv 2012). The project is ongoing and has continued to evolve so as to reach a level of protection which is considered appropriate for this exceptional archaeological site (Heritage Malta 2011). It should be underlined that the number of visitors had to be drastically reduced as it was realised that the human presence threatens the stability of the microclimate which needs to be constantly stable.

Malta's cultural heritage is much wider and extensive than the sites mentioned above but this paper focused specifically on the Malta World Heritage sites for reasons of space, and not because other archaeological sites are not considered important or relevant. Cases in point would be Ta' Bistra and St Augustine's Roman and Paleo-Christian catacomb sites which are being conserved through the Archaeotur Project under the EU Italy-Malta Operational Programme 2007–2013 and which has enabled these hypogea to open for visitors.

There are then the Ghajn Tuffieħa Roman Baths which are being restored and made accessible to visitors through EAFRD funds, and St Paul's Paleo-Christian catacombs on which conservation and interpretation works are also being carried out through ERDF funds. And these are only a selected few from among the many cultural heritage sites from different historical eras which Malta embraces within its rich and compact cultural landscape.

### A final reflection

Maltese conservators, cultural heritage operators and all those others who are intimately involved in this sector, as evidenced by what has been discussed above, are striving to reach a rational balance between the needs, safety and respect of the heritage site itself and the rights of the global citizenry to experience, enjoy and admire such sites. Thus, on-site visitor management, the control of contact between the visitors and the artefacts, the reasonable fee charged, the provision of a high-quality experience, effective interpretation services, marketing and promotion of the sites, and educating towards becoming mindful visitors (Timothy and Boyd 2003) are some of the objectives which run through the operations of Maltese cultural heritage workers and professionals. And that should be the underlying motivation and the overarching vision which leads to the preservation of cultural heritage for the present so that it may be enjoyed in the future. Malta is more and more realising through experience that its past also constitutes its future, as its cultural heritage, which once embodied a way of life of its people, is being turned into a rich cultural showcase that can be presented to all those tourists that come to seek it. Yet none of this distracts from looking after the same source that in turn attracts more tourists. As we Maltese say, “*l-ddardarx l-ghajn li trid tixrob minnha*” (do not pollute the source from which you need to drink), and that is exactly how the Maltese aim to make cultural heritage a profitable economic resource. And with more financial resources at hand, even more funds can be employed to conserve and restore the sites, and prepare them for a better visitor experience.

It emerges evermore clearly that cultural heritage and tourism are two sides of the same coin.

### References

- Bianco, L. & Associates 2004: *Project Description Statement: Hagar Qim and Mnajdra Temples Conservation and Interpretation Project*. Malta, [http://www.lino-bianco.com/pds/images/2\\_hagar\\_qim/PDS.pdf](http://www.lino-bianco.com/pds/images/2_hagar_qim/PDS.pdf) (accessed 04/03/2013).
- Council of Europe 2002: *Archaeological Heritage - The Council of Europe initiatives and the Valletta Convention (1992): Tracking down the traces to understand the present*, [http://www.coe.int/t/dg4/cultureheritage/heritage/resources/Publications/Archaeology\\_brochure\\_EN.pdf](http://www.coe.int/t/dg4/cultureheritage/heritage/resources/Publications/Archaeology_brochure_EN.pdf) (accessed 26/02/2013).
- Fabri, N. 2007: *Għar Dalam the Cave, the Museum, and the Garden, Birżebbuga*. Malta.
- Fexserv 2012: Conclusion of conservation studies on the Hypogeum, Malta News, 01/05/2012, <http://gozonews.com/22978/conclusion-of-conservation-studies-on-the-hypogeum/> (accessed 10/06/2013).
- Government of Malta 2002: The Cultural Heritage Act, 2002, [http://www.culturalheritage.gov.mt/filebank/chapt445\[1\]%20Latest%20copy%20as%20at%20September%202010.pdf](http://www.culturalheritage.gov.mt/filebank/chapt445[1]%20Latest%20copy%20as%20at%20September%202010.pdf) (accessed 04/03/2013).
- Heritage Malta 2008: *The Megalithic Temples of Malta World Heritage Site: Draft Management Plan*. Malta.
- Heritage Malta 2011: Open Day at Haġar Qim and Mnajdra, <http://heritagemalta.wordpress.com/2011/10/12/open-day-at-hagar-qim-and-mnajdra/> (accessed 07/03/2013).
- Heritage Malta 2011: *Annual Report 2011*, <http://www.heritagemalta.org/onlineresources/annualreports/pdf/Annual%20Report%202011.pdf> (accessed 03/03/2013).
- ICOMOS 2002: *International Cultural Tourism Charter - Principles and Guidelines for Managing Tourism at Places of Cultural and Heritage Significance*, [http://www.heritagemalta.org/erdf032/documents/o6\\_ICOMOS%20International%20Cultural%20Tourism%20Charter.pdf](http://www.heritagemalta.org/erdf032/documents/o6_ICOMOS%20International%20Cultural%20Tourism%20Charter.pdf) (accessed 16/02/2013).
- Malizia, F. 1785: *Memorie degli architetti antichi e moderni*, Vol. 1. Bassano.
- Malta Independent 2013: Nearly 1.45m tourists in 2012, another record year, 31/01/2013, <http://www.independent.com.mt/mobile/2013-01-31/news/145m-tourists-in-2012-another-record-year-780238848/> (accessed 03/03/2013).
- Malta Tourism Authority 2011: Market Profile Analysis Year 2011, <http://www.mta.com.mt/page.aspx?id=168> (accessed 05/03/2013).
- Mifsud, A. & Mifsud, S. 1997: *Dossier Malta Evidence for the Magdalenian*. Malta.
- Ministry for Tourism, Culture and the Environment 2012: *Tourism Policy of the Maltese Islands 2012/2016*, <https://secure2.gov.mt/tsdu/downloads/tp12-16.pdf> (accessed 17/02/2013).
- Museum of the city.com n.d.: 3,000 years of Cultural Tourism, <http://www.museumofthecity.org/exhibit/3000-years-cultural-tourism> (accessed 08/03/2013).
- National Statistics Office 2012: *Census of the Population and Housing 2011 – Preliminary Report*. NSO, Malta, [http://www.nso.gov.mt/statdoc/document\\_file.aspx?id=3424](http://www.nso.gov.mt/statdoc/document_file.aspx?id=3424) (accessed 03/03/2013).
- National Statistics Office 2013: News Release 022/2013, 31/01/2013, [http://www.nso.gov.mt/statdoc/document\\_file.aspx?id=3520](http://www.nso.gov.mt/statdoc/document_file.aspx?id=3520) (accessed 17/02/2013).
- Nordic World Heritage Foundation 1999: Sustainable Tourism and Cultural Heritage: A Review of Development Assistance and Its Potential to Promote Sustainability, [http://www.nwhf.no/res/222006s9u7c6k6m2j/culture\\_fulltext.pdf](http://www.nwhf.no/res/222006s9u7c6k6m2j/culture_fulltext.pdf) (accessed 01/03/2013).



- Pace, A. 2004: *The Ħal Saflieni Hypogeum, Paola*. Malta.
- Pace, A. 2006: *The Tarxien Temples, Tarxien*. Malta.
- Pedersen, A. 2002: *Managing Tourism at World Heritage Sites: a Practical Manual for World Heritage Site Managers*. Paris.
- Renwick, E. 2006: World Heritage Site Management: Protecting a Site in its landscape, a Maltese case-study, Paper Presented at the Forum UNESCO University and Heritage, 10<sup>th</sup> International Seminar "Cultural Landscapes in the 21<sup>st</sup> Century", Newcastle-upon-Tyne, 11–16/04/2005, <https://communities.uhi.ac.uk/07016781/files/847/3792/UNESCO+paper.pdf> (accessed 29/02/2013).
- San Andrea School n.d.: The Hypogeum, available at <http://www.sanandrea.edu.mt/senior/cyberfair/temples/hypogeum.html> (accessed on 08/03/2013).
- Senior, N.W. 1882: *Conversations and Journals in Egypt and Malta*, Vols. 1 & 2. London.
- Slade, A. 1837: *Turkey, Greece and Malta*, Vols. 1 & 2. London.
- Stroud, K. 2010: *Ħaġar Qim & Mnajdra Prehistoric Temples, Qrendi*. Malta.
- Stylidis, D., Terzidou, M. & Terzidis, K. 2007: Island tourism and its socio-economic impacts, <http://mibes.teilar.gr/proceedings/2007/poster/Stylidis-Terzidis%20M-Terzidis%20K.pdf> (accessed 02/03/2013).
- The Malta Independent 2013: Nearly 1.45m tourists in 2012, another record year, 31/01/2013, <http://www.independent.com.mt/mobile/2013-01-31/news/145m-tourists-in-2012-another-record-year-780238848/> (accessed 17/02/2013).
- Thompson, H. 1940: *Lands and Peoples - The world in color*, Vol. 1. New York & London.
- Timothy, D.J. & Boyd, S.W. 2003: *Heritage tourism*. Essex.
- Trump, D.H. & Cilia, D. 2002: *Malta Prehistory and Temples*. Malta.
- Trump, D.H. 1966: *Skorba*. Oxford.
- Trump, D.H. 1990: *Malta: An archaeological Guide*. Malta.
- UNESCO n.d. (a): World Heritage in Danger, <http://whc.unesco.org/en/158/> (accessed 01/03/2013).
- UNESCO n.d. (b): World Heritage Sites, <http://whc.unesco.org/en/list/#note15> (accessed 02/03/2013).
- UNESCO n.d. (c): Megalithic Temples of Malta, <http://whc.unesco.org/en/list/132> (accessed 02/03/2013).
- UNESCO n.d. (d): Ħal Saflieni Hypogeum, <http://whc.unesco.org/en/list/130> (accessed 03/03/2013).
- University of the Aegean 2002: "Defining, Measuring And Evaluating Carrying Capacity In European Tourism Destinations" B4-3040/2000/294577/Mar/D2 - Material for a Document. Athens, [http://ec.europa.eu/environment/iczm/pdf/tcca\\_material.pdf](http://ec.europa.eu/environment/iczm/pdf/tcca_material.pdf) (accessed 05/03/2013).
- Vella, J. n.d.: A place called Mnajdra, <http://www.searchmalta.com/ezine/mouse/mnajdra.shtml> (accessed 05/03/2013).
- Vodafone 2011: Making History. *Vodafone News*, 23/09/2011, <https://www.vodafone.com.mt/vodafone-news-details/1373> (accessed 08/03/2011).
- Williems, W.J.H. 2012: World Heritage and Global Heritage: the tip of the Iceberg, in A. Castillo (ed.): *Proceedings of the First International Conference on Best Practices in World Heritage: Archaeology Mahon, Minorca, Balearic Islands, Spain 9–13 April 2012*. Madrid, 36–50, [https://portal.ucm.es/c/document\\_library/get\\_file?uuid=9b647ff2-7a17-4d68-b556-a5e4d3f1cf82&groupId=174465](https://portal.ucm.es/c/document_library/get_file?uuid=9b647ff2-7a17-4d68-b556-a5e4d3f1cf82&groupId=174465) (accessed 17/02/2013).
- Zammit, M., Anastasi Vella, A., Galea, A. & Stroud, K. 2008: Setting Limits of Acceptable Change at Ta' Ħaġrat and Skorba, in M. Zammit & J. Mallia (eds): *The Ħaġrat and Skorba Ancient monuments in a modern world*, Heritage Malta, Malta, 111–8.



## 8 | Archaeological work in a development context.

### Key challenges and legal measures

*Nicoletta Divari-Valakou*

**Abstract:** In Greece, during the past 10 years, there has been an intensive archaeological activity, especially in the framework for the realization of Major Infrastructure Works. The Archaeological Service, the State's competent authority, had to stipulate that the necessity for financial development and growth, would not lead to a looser compliance to the existing provisions for the protection of archaeological heritage. Thus, it proceeded to a series of actions in order to facilitate, systematize and precipitate the archaeological works and the works of preservation and enhancement of the monuments as well as to enforce the legal framework. This paper will discuss the above-mentioned series of actions and the main achievements/best practices that have resulted from their implementation.

#### Introduction

It is not a secret that in Greece, as well as in other Mediterranean countries “any excavation, even that of a ten-meter square undertaken to prepare the way for the building of a modest office block in a provincial town, is likely to produce a significant crop of material from a variety of periods, spanning millennia rather than centuries” (Snodgrass 1987, 97). (Figure 8.1)

The Greek's awareness about their past and the respect for the archaeological heritage has been a key issue, even before Greece acquired its status as an independent state (Doris 1985, 27–28; Petrakos 2004, 3–6; Petrakos 2007, 3–6). During the Greek War of Independence (early 19<sup>th</sup> century) the importance of collecting and protecting the antiquities was underlined with relevant decrees and the creation of the first Museum for antiquities on the island of Aigina (Petrakos 1982, 112; Hamilakis and Yalouri 1999, 116–17).

1822	First Decree for the protection of antiquities
1828	First Decree forbidding the export of antiquities
1829	First Archaeological Museum in Aigina
1833	Foundation of the Archaeological Service
1834	First Law On Antiquities
1835	Central Archaeological Museum of Athens
1874	Archaeological Museum of Sparta
1875	Archaeological Museum of Olympia
1893	National Archaeological Museum
1899	Second Law on Antiquities
1932	Third Law on Antiquities
2002	Law on the Protection of Antiquities and Cultural Heritage in General

Table 8.1: Milestones of heritage management in Greece.



The protection of the rich archaeological heritage has been a priority of public policy in Greece since the establishment of the Greek state in 1833 (Table 8.1). The same year the Archaeological Service, the state authority responsible for the scientific discovery, study, use and protection of antiquities was founded (Petrakos 2004, 18).

As early as in 1834, antiquities were protected systematically and were declared by law as “cultural heritage” and “state property” (Law 10/22.5.1834 see Petrakos 1982, 19–20; Doris 1985, 29–30; Hamilakis and Yalouri 1996; Doumas 2001, 75). Museums of major archaeological sites were erected during the 18<sup>th</sup> century such as the Central Archaeological Museum of Athens –1835-, the Archaeological Museum of Sparta –1874-, the Archaeological Museum of Olympia

Figure 8.1: Vases from the Well 68, that collapsed during the construction of the metropolitan railway. Acropolis Station.  
© Hellenic Ministry of Culture and Sports.

–1875– and the National Archaeological Museum in Athens –1893. Moreover, 34 regional museums were constructed in the early years of the 20<sup>th</sup> century (Lagogianni 2013, 1, for regional collections of antiquities as early as in 1836 see Petrakos 2009, 370). The export, trade or exploitation of antiquities for commercial use were met with grave reservation (Hamilakis and Yalouri 1996, 119–120) and required a special permit from the government (Zeppos 1966, 199; Doumas 2001, 76). The aforementioned law was amended in 1899 and in 1932, forming a more specific framework (Law ΒΧΜΣΤ/1899 and Law 5351/1932, see Doris 1985, 29–30), which with various legislative additions (Doris 1895, *passim*; Pantos 2001, *passim*) was in effect until 2002, assuring, among others, the protection of archaeological heritage by rescue excavations in the frame of public or private projects. Law 3028/2002 “On the Protection of Antiquities and Cultural Heritage in general”, which currently forms the basic heritage legislation in Greece, entered into force in 2002.

It is worth noting that since 1975 the protection of cultural heritage is referred in Article 24 of the Greek Constitution.

Until the 1970s the major threats to antiquities in Greece were illicit excavations and smuggling. Of course, development pressure, especially in urban environment, was not negligible and often caused problems between the officials involved with protecting the monuments and the landowners (Mendoní 2004, 187–8, 190).

However, the rapid economic development since then, and especially during the 1990s, has created a new era for the Archaeological Service. The increase of excavations in the framework of major public or private works (roads, airports, railways, factories etc), infrastructures’ construction, building activity, mechanized farming, systematic exploitation of urban land, as well as the funding from E.U. Support Frameworks, the Cohesion Fund, other Initiatives and the European Regional Development Fund have posed a new challenge (Mendoní 2004, 192–3; Mendoní 2006, 27).

In this context, the adoption of the Valletta Convention in 1992 was a milestone in the development of archaeology in Europe and in Greece; especially the adoption of its main issues which, according to W. Willems, ended up in Articles 5, 6, and 9 and “regulate that archaeology should become part of the planning process, that it should be financed through the budget of development schemes, and that its results should be communicated to the public” (Willems 2007, 63).

### Greek Law and the Valletta Convention

Greece ratified the Valletta Convention by law in 2005 (Law 3378/2005). However, the Archaeological Law of 2002 – the basic heritage legislation as already mentioned – has incorporated the general principles and recommendations of the Valletta Convention as well as the principles of the Granada Convention, the recommendations of the Council of Europe and texts by UNESCO, ICOMOS, ICOM, ICCROM and IUNC regarding particular practices and standards.

The key issues of the Archaeological Law, corresponding to the Valletta Convention main provisions, can be summarized as follows:

- The protection and enhancement of archaeological heritage (covering all periods from prehistory to the present), preservation and prevention of destruction, disfigurement or, in general, any kind of direct or indirect damage, through restorations, excavations, conservation, prevention of illegal excavations, theft and illegal export etc, also by controlling building activities and interventions carried out in protected areas (listed archaeological and historical sites according to the National Heritage Archive) and their surroundings or on monuments.
- Strict terms of protection are enforced through a system of zones. No building, quarrying etc. activity is permitted within a level A (absolute) protection zone, while strict regulations apply over building and related activities within a level B (buffer) protection zone.
- The identification, research, recording, documentation and digitisation of records of all monuments by scholarly personnel.
- The improvement of public access and visitor’s facilities.
- The promotion of archaeological heritage.
- The sensitisation and raising awareness of the population.
- The implementation of measures for sustainable development (For the meaning of sustainable development in connection with the protection and presentation of archaeological sites see Doukellis and Mendoní (ed) 2004, *passim* and especially Mendoní 2004, 187–221), so as to reinforce the region and local economy without harming the protected sites and monuments
- The support of proposals and solutions ecologically and culturally sustainable, regarding the significance of the environment and generally the surroundings of the archaeological properties
- The coordination between national and international foundations working on archaeological and cultural heritage in general.

### Actions for the re-enforcement of the Legal Framework

In the last years, besides systematic excavations, restoration and enhancement works on archaeological sites (currently funded by the European Strategic Reference Framework 2007–2013 and public budget), a burst of development activity is observed, connected mainly with the construction of large infrastructure works covering –literally– the entire continental Greek territory, such as the Metropolitan Railway System in Athens and in Thessaloniki, the highway axis of Patras–Athens–Thessaloniki–Evzonon borders – the Egnatia Highway in Thrace and Macedonia, the Ionian Road in Epirus, the Motorway E65 and the restoration of Karla Lake in Central Greece, the Olympia Road and the Moreas Motorway in the Peloponnese, the new Railway network etc. It is obvious that the continually increasing number of rescue excavations being carried out in the framework of the above projects (an area of 280.000m<sup>2</sup> with a budget over € 43 million) is revealing countless monuments and archaeological sites, thus changing





Figure 8.2: Hellenistic building complex and Christian basilica discovered during the excavations for the Patras-Thessaloniki- Eyzonon Highway, Central Greece. © Hellenic Ministry of Culture and Sports.

rapidly the archaeological map of Greece (Mendoní 2013, 15; Divari-Valakou 2013, 2). (Figure 8.2)

Therefore, it is becoming more pertinent, if not more acute, that “the policy of utilizing the material remains of cultural heritage cannot be considered simply as a dimension of regional planning, which in turn is a prerequisite for sustainable planning. The policy of management systems of the monuments and archaeological and historical sites should form an independent component of regional planning. As environmental policy, cultural policy should be a horizontal dimension and as such should be incorporated with other developmental policies” (Mendoní 2004, 191).

The Archaeological Service of the State’s General Secretariat of Culture, accepting this new challenge, had to provide the vehicle where a consensus on good practice concerning archaeological heritage and development could be achieved (WCED 1987, UNESCO 1998, 2000, 2001) and to stipulate that the necessity for development and growth, being a major objective of the Greek State aiming towards the financial recovery, would not lead to a looser compliance with the existing provisions for the protection of archaeological heritage. (Figure 8.3)

Hence, it proceeded to a series of actions in order to facilitate, systematize and precipitate the archaeological investigations and the works of preservation and enhancement of the archaeological heritage, which are in several cases necessary for the realization of Major Infrastructure Projects, by amending and enforcing the existing legal framework.

The Minister of Culture and Tourism (today Ministry of Education, Religious Affairs, Culture and Sports) together with the Minister of Infrastructure, Transport and Networks on Major Public Works (today Ministry of Development, Competitiveness, Infrastructure, Transport and Networks) signed the General Model of Memorandum of Assistance and Cooperation which was legislated with the article no. 43 of the

Law 3905/2010 and the Joint Ministerial Decision 28534/2011 (Official Gazette 527/5.4.2011). In 2012 a similar memorandum concerning large-scale private projects was legislated (Law 4072/2012, “Improvement of business environment - New corporate form - Signs - Real Estate – Regulation of issues considering shipping, ports, fisheries and other provisions”). According to these Memoranda:

- The financing of the archaeological works, including the analytical documentation, the studies and the works of conservation and preservation of the monuments as well as the publication and communication of the research results is part of the project’s budget.
- All the archaeological works are carried out by scientific personnel employed, under the responsibility of the competent State Archaeological Service. The necessary infrastructure is provided by the contractor.
- Archaeological research and necessary conservation works precede the construction of the project.

To the same context belong two regulating circulars of the General Secretary of Culture. The first refers to the “Report of the Analytical Archaeological Documentation within the framework of Major Public Works” (YPPOT/GDAPK/ARCH/A1/F40/94539/4613/4.10.2010) according

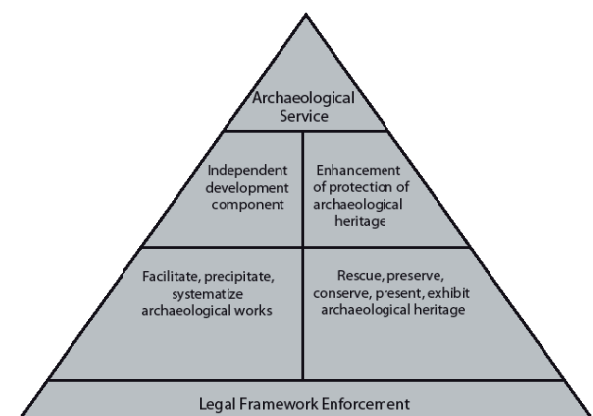


Figure 8.3: Key challenges in the dawn of 21<sup>st</sup> century.

to which the Analytical Archaeological Documentation precedes the construction of the project. This report aims to minimize the interventions in areas of archaeological interest, to keep the time schedules and to control the costs. The second circular entitled "Implementation of archaeological research within the framework of Major Public Works" (YPPOT/GDAPK/ARCH/A1/F40/94537/4612/4.10.2010) determines in detail the proceedings that have to be followed as far as the archaeological research is concerned, according to the Archaeological Law of 2002 and the articles 1–3, 9 and 10 of the General Model of Memorandum of Assistance and Cooperation. For the implementation of archaeological research in other public works, besides those carried out within the framework of Major Public Works, the 3785/22.6.2010 circular of the General Secretary of Culture is applied (See also Law 3840/2010 article no 10, paragraph no. 15). Furthermore Law no 2508/1997 "Sustainable Building Development in Cities and Settlements of the Land", Law 2742/1999 "Regional Planning and Sustainable Development" and Law 4072/2012, "Improvement of business environment - New corporate form - Signs - Real Estate – Regulation of issues considering shipping, ports, fisheries and other provisions" stipulate for the protection of the cultural environment and the integrated conservation of the archaeological heritage at all stages of a town and country planning, environmental and development plans or plans of equivalent effect.

In order to precipitate the works, the General Secretariat of Culture founded the non-independent "Bureau of Co-ordination and supervision of archaeological research and works within the framework of Major Public Works", which operates at a central level (Ministerial Decision YPPOT/DOEPY/TOPYNS/77040/6.8.2010).



The experienced and well-trained scientific and administrative personnel of the Bureau facilitates the Peripheral Services (Ephorates of Antiquities) of the Archaeological Service in the execution of their duties and, through constant monitoring of the works, speeds up the procedures when necessary (according to the YPPOT/GDAPK/ARX/A1/F40/22859/979/14.3.2011 circular of the General Secretary of Culture which regulates the time limit and the administrative procedure in relation to archaeological works in the framework of Major Public Works).

The above measures achieved their goal. A characteristic example is the fact that before the implementation of the new legislative framework the time needed for the archaeological licensing of a Major Infrastructure Work file was 340 days (almost a year), while today it is reduced to 127 days (ca 4 months).

### Current archaeological works: some examples

It is evident that in a developing environment (considering that cultural heritage is part of the "non-renewable resources" (Mendonzi 2004, 188) and its sustainable management is a condition *sine qua non* of development (UNESCO 2011) - the Archaeological Service is forced to devise in a short period of time the right sort of ways of rescuing, protecting, conserving, preserving, presenting, exhibiting, enhancing and managing the archaeological heritage. Inevitably, the dilemma of what and how to preserve and protect arises in every case.

During the past decades, several solutions have been implemented. Not all of them were ideal. However, the experience gained is invaluable.

A common solution, especially in urban areas, is the expropriation of the plots where ancient remains preserved in such a condition that it's worth presenting to the public are uncovered and open-air sites are created (For the criteria used to characterize a cultural site see von Droste et al. (ed) 1995, *passim*, as well as Luengo and Rössler (ed) 2012, *passim*, especially the contributions of M. Rössler, 25–34 and P. Fowler 35–44). This is the case of the stations of the Metropolitan Railway System, the New Acropolis Museum the Megaron Karatza, belonging to the National Bank of Greece in Athens, or the Court Megaron in Thessaloniki where the ancient structures are preserved *in situ*, in open-air sites (Figure 8.4). In the latter case the construction was cancelled. In other cases, where the preservation is considered necessary for scientific and educational purposes, the monuments are preserved in the basement of modern buildings or infrastructures, which can be visited. This is a very common case and it has been implemented in almost every urban centre of Greece. Typical examples are the Islamic Benaki Museum in Athens and the Canada and Anna-Maria str. in Rhodes.

The method of reburial with a protective filling, after analytical documentation and rigorous recording, is

Figure 8.4: Metropolitan Railway Athens. Syntagma Station/ Amalias str. Roman bath.

© Hellenic Ministry of Culture and Sports.





Figure 8.5: The temporary shelter of the Temple of Apollo at Bassae, Peloponnese. © Hellenic Ministry of Culture and Sports.



Figure 8.6: Roman burial chamber, found during the excavations for the construction of Olympia Road, that will be transferred to Ancient Corinth archaeological site for display. © Hellenic Ministry of Culture and Sports.

often applied in urban and rural areas, mainly in cases of modern constructions and linear excavations carried out in the cadre of major infrastructure works, e.g the area of 7.340m<sup>2</sup> excavated in the Peloponnese for the construction of the new Railway line from Corinth to Patras and the area of 29.038 m<sup>2</sup> excavated in Central Greece for the Motorway E65 (for other examples see Divari-Valakou 2013, *passim*). The reburial is also selected as a rescue intervention on monuments that suffer from the physical and chemical action of the environment. A representative example is the reburial of the Arrephorion a 5<sup>th</sup> century BC cult monument on the Athenian Acropolis (Egglezos 2007, 19–23).

The construction of shelters is an alternative solution applied both in urban and rural areas for protecting monuments (for example the shelter covering the Temple of Apollo at Bassae in the Peloponnese, Figure 8.5) excavated sites (for example the shelter over the archaeological site of Eleutherna in Crete) as well as for exhibiting important findings (an indicative example is the shelter constructed on the South slope of the Acropolis in order to host sculptures and significant architectural members).

Another method that is exceptionally applied – strictly in cases of public benefit infrastructures – is the dismantling of ancient structures of notable scientific or educational value and their repositioning in appropriate areas for exhibition (Law 3028/2002 article no 42, paragraph no 1, see also article no 9 paragraph 2.). A characteristic example is the antiquities retrieved from Syntagma station of the Metropolitan of Athens, which were transferred to the University Campus at Zographou. Another example is the burial chamber, dated to the roman period that was excavated near the city of Corinth during the works for the Olympia Road. The chamber will be transferred for showcasing in the archaeological site of Ancient Corinth. (Figure 8.6)

The increase of systematic and rescue excavations followed by a tremendous increase in archaeological findings, the fragmentation of the Greek territory into countless islands and the development of tourism urged the need for new modernized regional museums (Doumas 2001, 77–80). During the two last decades an ambitious cultural programme was carried out. The programme included the erection of new regional

museum buildings, modernization, extension and accessibility upgrade of older ones, the creation of new exhibitions and refurbishment of the existing ones. At the same time there has been a qualitative upgrade of national and regional museums' collection management, an enhancement of presentation of cultural assets, a review of the museums' relationship with the public and their position in society (Lagogianni 2013, 2).

The current works, reflecting the discipline's state of the art, focus on the contemporary holistic interpretation of cultural heritage (thematic character of the exhibitions, diachronic approach, educational programmes etc), aiming at attracting local people, visitors and tourists, meeting the challenge of enhancing the welfare and the development of the local communities (Lagogianni 2013, *passim*). For museums currently under construction see Frisiras 2013, *passim*). Integrated examples, among many others, are the Diachronic Museum of Larissa, the Archaeological Museum of Thebes and the Byzantine Museum of Thrace in Didymoteichon.

Restoration, conservation and enhancement works (more than 500 with a budget of €700 million in total) are carried out throughout the Greek territory, including the numerous islands, as part of the regional/urban policy, within the larger goal of overall sustainable development. Moreover, the works in isolated islands are a constitutional part of the insular development policy, contributing to the well-being of the local communities (Mendonzi 2013, 13–14).

All the interventions are imbued with the spirit of the Venice Charter (1964). They are based on clear theoretical and high scholarly criteria respecting the authenticity and integrity of all cultural goods (indicatively, Lambrinouidakis 2006, 59–62; Bouras 2006, 70–2; Bouras 2007, 2–5) (Figure 8.7). Special scientific interdisciplinary Committees, responsible for planning, directing and supervising the restoration works on major monuments, have been formed in order to ensure that the monuments will be handed to future generations in the best possible condition (Bouras and Zambas 2002; TDPEAE 2006, *passim*).

The effective planning, conservation and management of historical urban landscape on a sustainable basis further enhance the environment and the quality of life in urban areas. For example, besides the actions





Figure 8.7: The Acropolis of Athens after the completion of the restoration period 2000–2010. View from the Pnyx, 2011. © Hellenic Ministry of Culture and Sports.

mentioned previously, such as the archaeological heritage conservation, restoration and presentation in designated archaeological sites and museums, inside metro stations and under other public or private infrastructures, as well as other strategically planned policies related to the urban context and carried out with the cooperation of the Municipality of Athens, the Ministry of Environment, Energy and Climate Change and the private sector (Gatopoulou 2013, *passim*) in Athens extensive urban works have been carried out in the city center improving the city's image and functionality. Areas of relaxation, green spaces, new facilities, and pedestrian walkways were created, older buildings were restored and renovated, and central roads were remodeled in a project aiming at "unifying" the various archaeological sites, highlighting their values and opening them up to the public (YPPOT 2010, 114–24).

Obviously, cultural policy affects directly the country's development model but also influences its financial and social environment. Archaeological heritage is a collective resource, a "living organism" that demands the constant care and protection of everyone: State, citizens and developers. The Archaeological Service as the competent authority charged with the responsibility for the care of archaeological heritage, is also responsible to educate the non-specialists, to "initiate" them so that they can communicate with it. At the same time, the Archaeological Service must retain its scientific and protective character. This is not an easy task. It requires education and effort. It requires a comprehensive management strategy that should reconcile the frequently conflicting needs of conservation and preservation, research, presentation, social access as well as tourist and economic development. This is a key challenge that we have to deal with every day.

## References

- Bouras, Ch. 2006: The Comprehensive Protection of archaeological sites and Monuments in Zafeiropoulou D (ed) *Enhancement and Promotion of Cultural Heritage*, 59–62.
- Bouras, Ch. 2007: Theoretical principles of the Interventions on the Monuments of the Acropolis, in *Acropolis Restoration News*, vol. 7, 2–5.
- Bouras, Ch. and Zambas, K. 2002: *The Works of the Committee for the Preservation of the Acropolis Monuments on the Acropolis of Athens*, Hellenic Ministry of Culture, Athens.
- Divari-Valakou 2013: To ergo ton periferiakon yperesion tis Genikis Grammateias Politismou sto Plaisio kataskeyis Megalon Ergon Ypodomis (The work of Peripheral services of the General Secretariat of Culture in the framework of Major Infrastructure Works), *Paper presented in the daily conference "Actions in the domain of Culture", Athens 21.2.2013*. 9p. (Proceedings available in <http://ep.culture.gr>).
- Doris, E.F. 1985: *To dikaion ton archaiotiton*. (The law of antiquities) Ant. Sakkoulas Publications, Athens.
- Doukellis, P.N. and Mendoni, L.G. (ed) 2004: *Perception and evaluation of cultural landscape: proceedings of an International Symposium Zakynthos, December 1997*, *Meletemata* no 38, National Hellenic Research Foundation, Athens.
- Doumas, Ch. G. 2001: Interpreting the Past in Modern Greece, in N.A. Silberman and E. S. Frerichs (ed) *Archaeology and society in the 21<sup>st</sup> century: the Dead Sea scrolls and other case studies*. Israel Exploration Society, Jerusalem, 76–88.

- von Droste, B., Plachter, H., Rössler, M. (ed) 1995: *Cultural Landscapes of Universal Value*, Gustav Fischer in cooperation with UNESCO, Jena-Stuttgart-New York.
- Egglezos, D.N. 2007: Protective Filling of Ancient Monuments. The case of the Arrephorion on the Athenian Akropolis in *Acropolis Restoration News*, vol. 7, 19–23.
- Fowler, P. 2012: World Heritage and its Cultural Landscapes: challenges in space, time and stewardship. In Luengo, A. and Rössler, M. (ed), 35–44.
- Frisiras, K. 2013: Kataskevi neon Mouseion. (New museums' construction) *Paper presented in the daily conference "Actions in the domain of Culture", Athens 21.2.2013*. (Proceedings available in <http://ep.culture.gr>).
- Gatopoulou, E. 2013: Anavathmisi tou kentrou tis Athinas (Enhancement of the center of Athens) *Paper presented in the daily conference "Actions in the domain of Culture", Athens 21.2.2013* 16p. (Proceedings available in <http://ep.culture.gr>).
- Hamilakis, Y. and Yalouri, E. 1996: Antiquities as symbolic capital in modern Greek society, *Antiquity* 70 (1996), 117–129.
- Hamilakis, Y. and Yalouri, E. 1999: Sacralising the Past. *Archaeological Dialogues* vol. 6 (2), 115–135.
- Lagogianni, M. 2013: Ektheseis kai epanektheseis moyseiakon syllogon (Exhibition and re-exhibitions of museums' collections). *Paper presented in the daily conference "Actions in the domain of Culture", Athens 21.2.2013*. 17p. (Proceedings available in <http://ep.culture.gr>).
- Lambrinoudakis, V. 2006: An Approach to the Concept of Comprehensive Protection of Monuments in Zafeiropoulou D (ed) *Enhancement and Promotion of Cultural Heritage*, 59–62.
- Luengo, A. and Rössler, M. (ed) 2012: *World Heritage Cultural Landscapes*, Ayuntamiento de Elche 2011.
- Mendoní, L. G. 2004: The protection and presentation of Archaeological Sites in connection with sustainable development: The Archaeological Site of Karthaia in P.N. Doukellis and L.G. Mendoní (ed).
- Mendoní, L. 2006: Greeting note in Zafeiropoulou D (ed) *Enhancement and Promotion of Cultural Heritage*, 27–32.
- Mendoní, L. 2013: Enimerosi gia tin poreia ylopoiisis ton draseon tou tomea politismou sto ESPA (Information on the realization of actions on the domain of Culture in the European Strategic Reference Framework), *Paper presented in the daily conference "Actions in the domain of Culture", Athens 21.2.2013*. 19p. (Proceedings available in <http://ep.culture.gr>).
- Pantos, A.P. 2001: *Kodikopoiisi nomothesias gia tin politistiiki klironomia. (codification of the legislation regarding cultural heritage)* Ministry of Culture, Athens.
- Petrakos, V. Ch. 1982: *Dokimion gia tin archaiologiki nomothesia. (An essay on archaeological legislation)* Ministry of Culture, Athens.
- Petrakos, V. Ch. 2004: *I aparchi tis Ellenikis archaiologias kai i idrysi tis Archaiologikes Etaireias. (The beginning of Hellenic Archaeology and the foundation of the Archaeological Society)* Library of the Archaeological Society at Athens no 234, Athens.
- Petrakos, V. Ch. 2007: *O Archaiologikos Syllogos. i proti Akadimia stin eleutheromeni Ellada 1848–1854. (The Archaeological Association: the First Academy in liberated Greece 1848–1854)* Library of the Archaeological Society at Athens no 250, Athens.
- Petrakos, V. Ch. 2009: *I Elleniki Aytapati tou Loudovikou Ross. (The Hellenic illusion of Ludwig Ross)* Athens: Library of the Archaeological Society at Athens no 262.
- Rössler, M. 2012: Outstanding Universal Value and criteria for the inscription of World Heritage Cultural Landscapes, in Luengo, A. and Rössler, M. (ed) 2012, 25–34.
- Snodgrass, A.M. 1987: *An archaeology of Greece: the present state and future scope of a discipline*, University of California Press, Berkeley.
- TDPEAE 2006: To ergo tvon peistimonikon epitropon anastilosis, syntirisis kai anadeiksis mnimeion, (The works of the Scientific Committees for the restoration the conservations and enhancement of monuments) Hellenic Ministry of Culture, TDPEAE, Athens.
- UNESCO 1998: *World Culture Report - Culture, Creativity and Markets*. UNESCO, Paris.
- UNESCO 2000: *Change in Continuity - Concepts and Tools for a Cultural Approach to Development*. UNESCO, Paris.
- UNESCO 2001: *Universal Declaration on Cultural Diversity*. UNESCO, Paris.
- UNESCO 2011: *Recommendation on the Historic Urban Landscape*, UNESCO Paris.
- WCED 1987: *World Commission on Environment and Development. Our Common Future*. Oxford University Press, Oxford.
- Willems, J.H.W. 2007: The Work of Making Malta: The Council of Europe's Archaeology and Planning Committee 1988–1996. *European Journal of Archaeology* Vol. 10 (1), 57–71.
- YPPOT 2010, Athens: Living History, Athens: Hellenic Ministry of Culture and Turism.
- Zeppos, P.I. 1966: Zetemata apo ten ischyousan nomothesian peri ton archaioteton in *Charesterion eis Anastasion K. Orlandon* vol. 3. (Issues arising from the effective legislation on antiquities. Festschrift to Anastasios K. Orlandos) Archaeological Society at Athens, Athens.





## 9 | The pending ratification of the Valletta Treaty by Austria

*Bernhard Hebert*

**Abstract:** Austria has not yet ratified the Valletta convention but is willing to do so in the near future. Nevertheless both the current legislation and the practise of heritage management already fulfil the convention's objectives. The Valletta convention in Austria was and probably is most important as a guideline for heritage managers.

Omitting the other preliminaries in this paper, it seems worth mentioning Austria's long lasting connections to archaeological research in the hosting country. Arnold Schober, from the University of Graz wrote one of the more important books on Albanian archaeology in 1919<sup>1</sup>, almost one century ago.

Now 20 years have passed and Austria has yet to ratify the Valletta convention. Nevertheless some Austrian members shared in the preparations of the convention.<sup>2</sup> As head of the department responsible for Austria's national authority, how does one deal with this fact?

One might wonder why Austria has yet to ratify the Valletta treaty. Unfortunately this question cannot be easily answered. It appears that no one was particularly against the treaty. Austrian archaeologists even pointed out the necessity to ratify the treaty. We could assume that it was due to lack of urgent and important lobbying to get this affair into the higher levels of our government. At the moment, the Austrian Federal Ministry for Education, the Arts and Culture and the Federal Office for the Protection of Monuments are clearly stressing the need for ratification (Figure 9.1). We are confident that Austria will be part of the Valletta community within a short time. From November 2013 through May 2014 Austria will hold the chairmanship of the Committee of Ministers of the Council of Europe. During this period it is customary for chairing countries to ratify treaties. Along with the Valletta treaty, the Council of Europe's Faro Convention is also expected to be ratified. In regard to this process a certain amount of international urgency exists. For example, in the course of the listing of the prehistoric pile dwellings around the Alps as World Heritage Sites, Austria has been – so to say – officially informed on the importance of ratifying the Valletta.

Let us put aside these historical considerations and let us look at how Austria has managed without Valletta

the past 20 years and why Austria now finally sees the need to sign the treaty:

First of all:

- The Valletta Convention did not omit our small country in the Alps, in truth Austria was practically infected by the spirit of Valletta. It became a standard guideline within Austrian archaeology and also strongly influenced the practice of our authority. In a way Valletta was like a school textbook that was widely used for learning without having been approved.

Nowadays it must be stated that the current legislation basically already fulfils the Valletta Convention's objectives. A change in law is not a necessary premise for ratification. However, improvements may be conducted in the future, not only regarding the legal level but also concerning administration and cooperation with other institutions and political entities.

Aside from ratification a few aspects of the convention will need special attention in Austria: e.g. the issues of Art. 2:

- The creation of archaeological reserves is slowly moving on. This is due to the legal situations in which archaeological sites may be protected only through individual administrative processes and only in places where the existence of archaeological remains has been proven. However, it is not necessary that the remains are visible. Here the Austrian definition of a "monument" should be reconsidered. Though, of course, it is also possible at the moment for archaeological sites to be legally protected, a broader concept that comprises whole landscapes (archaeological cultural landscapes) seems desirable.
- Or consider Art. 6: Aspects of integrated conservation (cooperation with regional planning or environmental impact assessments) are already implemented. However, since regional planning is a competence of the states and communities and heritage protection is a federal competence, the approaches and their results vary greatly in the different Austrian regions. (Art. 5) In spatial planning a higher degree of cooperation between administrative entities will be required. Valletta can

<sup>1</sup> C. Praschniker und A. Schober und, Archäologische Forschungen in Albanien und Montenegro, Österreichische Akademie der Wissenschaften, Schriften der Balkankommission. Antiquarische Abt. Heft 8, 1919.

<sup>2</sup> In 1990 Bernhard Hebert and Hans Horcicka participated in the conference in Coimbra/Portugal. Hans Horcicka, former lawyer at the Austrian Federal Office for the Protection of Monuments, then at the Ministry, now retired, shared in the consulting group.



Figure 9.1: Central storage place for archaeological finds of the Austrian Federal Office for the Care of Monuments at Mauerbach near Vienna.

hopefully serve as a basis for this development. Naturally, finding a balance between the “polluter pays principle” and state funding (especially for small, non commercial construction projects) is always problematic and dependant upon a non-expansive public budget. A generally positive development has been made possible by active investments from developers on the one hand and the complete adoption of contract archaeology as well as the standard implementation of archaeology in environmental impact assessments on the other hand. In most cases financing of preventive archaeology is sufficient.

- Art. 4: The problem of storing and maintaining small finds or even determining their ownership still exists. In Austria archaeological finds belong to the finder and the landowner due to the civil law of the 19<sup>th</sup> century. Therefore our authority would not be able to act as Valletta would demand.

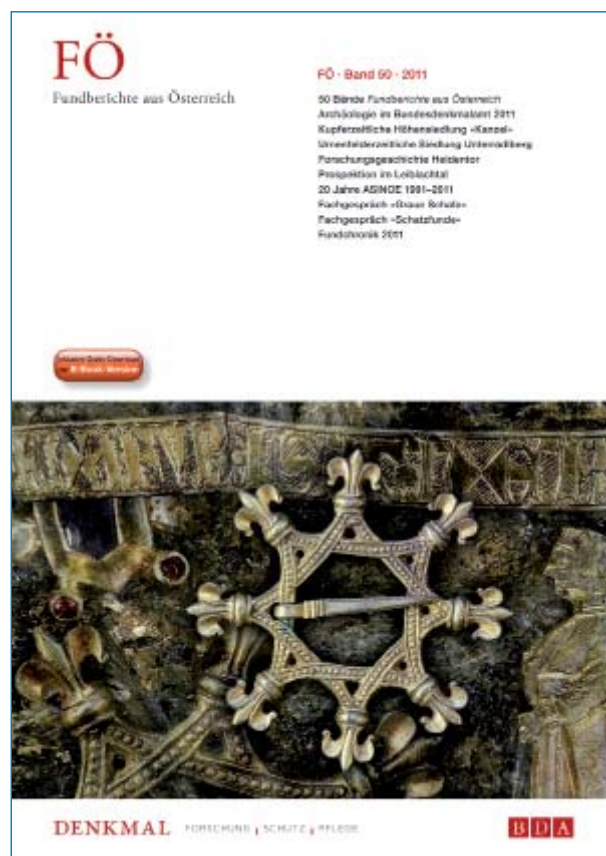
Austria is very near to Valletta standards (Art. 2) regarding its inventory of sites which has been kept for decades. Recently, a new database system has been introduced. Mandatory reporting on finds and excavations is standard practice, with all reports being published in the annual journal “Fundberichte aus Österreich” (Figure 9.2). Here also all aspects of monument protection, heritage management, preventive archaeology, monument research and public relations are summarised for each year.

- Art. 3: Permits for each single excavation or prospection are issued by our Office for the Protection of Monuments. The office’s guidelines established in 2012 are compulsory to all archaeologists.
- Art. 9 and 10: Public awareness and the protection of “moveable monuments” (small finds)

Figure 9.2: Publication of all archaeological reports of Austria under the periodical of the Austrian Federal Office for the Care of Monuments „Fundberichte aus Österreich” (2012).

is of great importance. Here, the Austrian Ministry for Education, the Arts and Culture has published a folder with the title “Kultur der Prävention”. In the course of the Valletta ratification the museums in the country should again be informed about the problems of illicit trade of archaeological finds.

In conclusion: most aspects of the convention are still relevant since they provide a general framework for legal and administrative provisions on a national level. The Valletta convention in Austria was and is probably most important as a guideline for heritage managers, less so for other governmental authorities or excavators in the field.



## 10 | Two years of ratification – twenty years of legal implementation: the Valletta Convention in the Spanish case: a fact or fantasy?

Alicia Castillo Mena

**Abstract:** This text shows an overview of the influence of the Malta Convention in Spain. A legal perspective has been used as a starting point. This legislation analysis tries to show the direct consequences of the Malta application. The concept of archaeological heritage, the profession development and the preventive measures appear as key aspects. Nevertheless, the text concludes that the Malta Convention has had little influence in Spain. The author states that the Convention of London 1969 and other international and national regulations have been the reasons for the application of many Malta principles rather than the Convention itself. Although there are challenges to be solved, the general balance of the last 20 years in archaeological heritage management in Spain is positive. The importance of a joint approach on Cultural Heritage, the need for better training and the recognition of the social perception role to develop adequate participatory processes are considered as key in the future of archaeological management.

### Introduction

The title of the article tries to summarize what the Valletta Convention has implied for Spain. To begin, it needs to be noted that this Convention has been ratified only two years ago, in 2011. Therefore, most of the postulates defended in this text were introduced in the Spanish legislation during the nineties and the first decade of the 21<sup>st</sup> century. But, the practice of Archaeology has not had all desirable results that would have been expected with this legislation, especially regarding some aspects of archaeological management. We have strongly defended (Martínez and Castillo 2007; Querol 2010: chapter 11) the idea of Preventive Archaeology in multiple contexts, and probably, the Valletta Convention is the most important international document promulgating the basic principles of this model of archaeological management.

In 2007, the Council of Europe published a book on the topic of Preventive Archaeology (Bozóky: 2007). Together with my colleague B. Martínez (2007), we wrote general reflections about the state of the normative and Archaeological activity in our country, Spain. The text focussed on the situation in 2005/2006 and many of the adopted measures included in the Valletta Convention were treated in this publication. Today, the proposal to revisit the main aspects of Convention concerning the Spanish case, via EAC, and due to the harsh economic downturn Spain is going through, as well as considering my own research evolution forced me to focus this text on several seminal assumptions:

- More than 90% of archaeological activity has been motivated by the intention to practice “Preventive Archaeology” in Spain. We understand this Preventive Archaeology as the following: *Preventive Archaeology comprises a series of activities aimed at discovering and protecting Archaeological Heritage before any type of incident may affect it. In cases when this is impossible, the aim will be to reduce the impact as much as possible, preventing that the elements are excavated or destroyed. Preventive*

*Archaeology is backed by laws and regulations on the protection of Historical Heritage, the Land and the Environment* (Martínez and Castillo 2007: 187).

- Archaeology still needs a differential treatment concerning Cultural Heritage in some aspects, but it is highly important to combine strategies together with the other values or dimensions of Cultural Heritage in order to improve its treatment.
- Due to the recent financial crisis, like in others countries, the credibility of international and national legislation, the effectiveness of administration, and in general, the socio-political system has been seriously questioned in Spain (repetitions and duplicity of functions, lack of optimization of resources, extended subcontracting policy, commissions, excess of political influence on decisions and measures, etc.). The archaeological management belongs to this context, and certainly, we need to improve it in concordance with the other topics and sociocultural values.
- The following text is a general assessment trying to select the topics the author considers more important concerning the Malta Convention. Nevertheless, there are other possible readings, because twenty years have passed after the Convention was signed and this has been a long period and a very special one in Spain for Archaeological management.

This article tries to show the best of the Valletta Convention and the worst or, I should rather say, the challenges and future initiatives.

### Legal introduction of measures for archaeological heritage and their best consequences

#### Legislation

In late 20<sup>th</sup> century, a modern regulation of Cultural (and archaeological) Heritage came into force in Spain,





*Article 70. Archaeological activities.**1. Paleontological and Archaeological activities are:*

- a) the archaeological excavation, understood as a surface and systematic exploitation without removal, both terrestrial and underwater, aimed at the study and research for the finding of paleontological or historical remains, as well as the geological and environmental components related to them. This includes the observation and the scientific methodology that archaeology recognizes as valid.*
- b) the archaeological survey, understood as the removal of additional lands or not of the prospection, aimed to verify the existence of an archaeological site or recognize its stratigraphy. Any archaeological specimens shall be considered in this section.*
- c) the archaeological excavation, understood as the removal, in underground or underwater media, carried out in order to discover and investigate all sorts of historical and paleontological remains related to the it.*
- d) the study of rock art, understood as the set of tasks of field oriented research, the graphic documentation by means of tracing and any manipulation or contact with the support of the representative motives.*
- e) the work of protection, consolidation, and archaeological restoration, understood as archaeological activities aimed to promote its preservation and consequently, to allow enjoyment and facilitate its growth.*
- f) the handling with aggressive techniques of archaeological materials. ...*

giving great importance to the field experience/work/ in archaeological studies in general and to the publications.

Perhaps, the most important novelty the Malta Convention introduced in the Spanish regional legislation is the inclusion of articles to develop Preventive Archaeology. Truth is, the Spanish state legislation already includes these aspects when it states the importance of the relationship between land planning and Spanish cultural properties (these are the Cultural Interest Properties). More precisely, the Spanish Law shows the needs to develop a special plan or other planning figures to protect the Archaeological Zones that are inscribed as Cultural Interest Properties. The great contribution of regional normative is that it details this topic, and the reference is more direct including other protection categories of minor scales, even strengthening the relation with local authorities and the inclusion of archaeological sites in inventories. See the following example on this issue in a regional legislation (Figure 10.4).

In the same way, the environmental impact assessment has had a very important role in the regional legislations. They assumed these kind of studies for cultural heritage

Figure 10.4: Example of relation between archaeology and land planning in Spanish regional legislation previous to Malta Convention. Source: Law 7/1990, of 3 July, on the Basque Cultural Heritage. Art. 44.

Figure 10.3: Example of archaeological activities definitions in Spanish regional legislation. Source: Law 3/1999 of 10 March 1999, on the Cultural heritage of Aragon. Art. 70.1.

and consequently, for archaeological properties too. But, more than the reference in the Malta Convention, it was the European directive concerning environmental assessment (Council Directive 85/337/EEC of 27 June 1985, today modified by others) promulgated at the same time that our national Cultural Heritage law which had a relevant influence. Unfortunately, this issue is not included in the Spanish Cultural Heritage Law. In 1986, the Spanish government developed the first regulation about environmental assessment. Consequently, most regional laws in Cultural Heritage have included this topic as well as the need to incorporate archaeological properties in the environmental studies.

These “preventive” articles, and others, such as the fact that archaeological properties belong to the public domain (with the recent exception of the immovable properties in Comunidad de Madrid, see below: reflections), or the possibility of the administration intervening in archaeological interventions in cases where estimated necessary (even although there is no absolute certainty of the existence of archaeological properties, only supposition), have provided the adequate background to develop an archaeological management system.

There are other aspects in Spanish legislations about the Valletta Convention. For example: the cases of inventories or measures to control exportation, illegal activities, looting etc. Most of these topics, with some exception (i.e. Law of Archaeological Parks of Castilla la Mancha) are articulated in a wide context in the legislation, and refer to cultural properties, and not just to archaeological heritage. Besides, these subjects appear in different international normative or charts, even older than the Valletta Convention.

Concerning financial aspects, the legal system allows that most archaeological interventions are supported by private capital. They are mainly owners and great enterprises which develop civil works (from highways to office buildings, dwellings, etc.). Nevertheless, the idea of the expenses through private investors could be questioned in many cases of the civil works. In any case, these kinds of infrastructures are maintained by public finance which is transferred to subcontractor services. Besides, there is an important financial

*Law 7/1990, of 3 July, on the Basque Cultural Heritage. Article 44. ...*

*2. In addition to the protection afforded by article 28 to the qualified archeological site (maximum category of protection), archaeological sites inscribed in the General Inventory of Cultural Properties (medium category of protection) should be protected by the territorial and urban plans in the conditions established, in each case, by the Department of Culture and Tourism of the Basque Government, whose favorable report regarding the protection afforded by the above plans will be mandatory under conditions to be determined by regulation.*

mechanism through the so called “1% cultural”, which is referred in the State Law (Article 68) and reproduced by Regional Laws. This is the obligation to allocate at least 1% of the investment in public works contracts to the conservation or enrichment of the Spanish Cultural Heritage. The way to apply this percentage and select the cultural properties which will benefit from it has changed throughout time, but many archaeological sites in Spain have had these aids.

On the other hand, administration supports other kind of archaeological activities, especially inspection works (with its own staff) and the collection of inventories such as archaeological maps/ GIS, etc. in lesser quantity, but equally important, the funding of publications and exhibitions, as well as some kind of archaeological interventions: urgencies, systematic (academic research reasons) or activities related to important works of building restorations (these are cathedrals, palaces, etc.)

However, from the legal valuations of these twenty years, or even more, the following consequences can be drawn from the Spanish case are:

#### *Professionalization of science in the country*

A good example to show this change is the recent creation of an academic degree in Archaeology. The Universidad de Barcelona and Complutense de Madrid already have a first class finishing this degree. Now, archaeology is a recognized profession.

Concerning the importance in the managing of archaeological heritage in general, we can say that the major inclusion of professionals in the stewardship has been an asset. Furthermore, the state and the 17 Regional governments have archaeologists as staff, even in provincial delegations of Culture. More rarely though, archaeologists are found working in municipalities. Some famous Spanish historical ensembles have this type of staff, although still low in numbers, with a steady increased over the years.



Most archaeological parks/museums or interpretation centres etc, have archaeologists included among their personnel too. The number of archaeologists, who work for the administration, is unfortunately unknown. But, we can estimate more than 200. This approximation is based on the following premise: Spain has 50 provinces plus Ceuta and Melilla (Autonomous cities). Almost all of them have a museum, an archaeological site and an administration which tries to control the archaeological work. The regional governments and the state have several archaeologists dedicated to managing or coordination works. It seems reasonable to estimate around 4 people per province.

Nevertheless, more than the number of archaeologists working, we must consider the great change in these years and the access and recognition of the archaeological properties as an important value. Probably in the early 80s, the number of professionals in this public context did not even reach 50 nationwide. A similar valuation could be made with scientific centres and universities. The number of archaeologists has increased considerably.

Then, with minor professional impact, the scientific and administrative sector existed from the beginning of the 20<sup>th</sup> century in our country. The novelty lies on the private organizations of archaeologists: enterprises and companies started in the eighties, as a direct consequence of the legal system. A study showed how the professional archaeology sector has been considerably increased from then onwards: in 2008 the number of recognized companies was 273 and 2.358 professionals worked as archaeologists (Parga 2011: 48). Today, as in other professional sectors in our country, the data has strongly decreased, but unfortunately the studies have not yet shown the exact numbers of professionals. The decrease in interventions has been high in the last years, especially in the regions where the dependence on the building sector was greater (e.g., there were 800 interventions in the Madrid Regional Community in 2006, as opposed to 400 in 2009. o.c: 52). The business sector in Archaeology has been occupied mainly by interventions as consequence of the civil works carried out and the subcontractors with the administrations for several actions, especially for the archaeological diffusion (i.e., exhibitions) and inventories. (Figure 10.5)

This sector is the most fragile during the economic crisis periods, but we could consider this period to be the most innovative for Archaeology in the country in several ways, as will be commented in the following paragraphs.

#### *General knowledge of archaeology in the country and new methodologies to fieldwork*

The compilation of the official inventories of cultural properties is a traditional activity in our country that can be traced along the Modern era. But, the increase and generalization of archaeological maps begun in the 1980s, where several meetings were celebrated (see i.e. VVAA 1993) and the debate still continues in current periods with topics like the use GIS, satellite technics, etc. (i.e, Fernández 2002). As previously commented, an important public funding has been

Figure 10.5: Dates of creation of archaeological companies (by region). Source: Parga 2010: figure 2.





Figure 10.6: Example of archaeological site (Casa Montero, in Madrid) which was discovered by civil works. *The final route of the M-50 motorway at Casa Montero allowed 59% of the documented structures (represented in blue) to be preserved, compared to the 30% that would have survived had the original route been followed.* Source: Casa Montero Team. [http://www.casamontero.org/en/yac\\_conservacion.html](http://www.casamontero.org/en/yac_conservacion.html) (last visit to the website: September 2013).

used to carry out these archaeological inventories and the best consequences have been the creation of areas of protection or control for a wide zone. In general, the situation is very different depending on the region; it is very different for the cases of regions with only one province, like Madrid, than that of other like Andalucía or Castilla León. But, there are more conflictive zones than others. It seems that the north-central part of Spain, together with the natural areas have less problems concerning archaeological destruction than locations such as Barcelona, Valencia and another capital of province. Anyway, the situation is in constant renovation and the use of alternative mechanisms to get information about archaeological registers in the country changes continuously. For example, it is compulsory to include the archaeological researches in the environmental assessment impact when planning the territory. Consequently, administrations, due to this legal mechanism, collect the archaeological information and try to include it in its official Cultural Heritage inventories.

Besides, the new archaeological information has also reached the great quantity of interventions that have been produced in the country in the last decades. This is only theoretically speaking, because access to detailed information about these works (several reports, memories, local publications, etc.) is quite complex. The vast majority of communities have “year” catalogues or other kind of publication that try to show the Archaeological activities in a territory. But, many regional governments have not published them today. As one goes further back in time searching for archaeological reports (eighties and nineties of the 20<sup>th</sup> century) it is more difficult to find information referring to minor archaeological activities which are the most common and numerous ones. Another problem is the delay in publishing the information. For example, the government of Aragon published a CD with the archaeological activities made between 1995 and 2005 in 2007. Other regions are even worse and publish just a few, only the most important archaeological activities. Finally, as we announced, a new way to make Archaeology originated in traditional academic or

scientific centres has been created, because it has been developed jointly with the civil works performed, and they required methods and adaptations to different circumstances. Besides, it has been possible to discover new sites and to answer some problems of archaeological interpretation, such as dating more precisely the different periods, the kind of structures, the spatial configuration, etc. This “new” archaeology has allowed us to solve questions that, at first, archaeologists did not even pose. A good example is the Casa Montero site, a mine in Comunidad de Madrid. This was discovered as a consequence of the construction of a highway (see the following figure and information in English in: Link 1). (Figure 10.6)

#### *Archaeology: closer to Spanish society or, at least, better known*

Despite the difficult times Spanish society is going through presently, it can be said that the public attitude and interest in Archaeology has considerably increased in the last twenty years. In general, all the regional governments have strengthened strategies for cultural Heritage, and consequently have promoted policies to favour Archaeological properties. Unfortunately, the crisis has evidenced the weakness of part of these measures to spread the archaeological values (see further down). Anyway, there are new archaeological sites and interpretation centres prepared for visitors along all the Spanish territory. Some important archaeological museums have renewed their archaeological exhibitions with great investments (Altamira Cave, Alicante, Almería, etc. and soon will inaugurate the permanent exhibition of the National Archaeological Museum), and even new important centres have been opened. Maybe, main examples have been the inauguration of Human Evolution Museum in Burgos (together with another building dedicated to research this topic and Atapuerca archaeological site. See the website: Link 2), or the renovation the Madinat Al-zahra museum, in Córdoba (website: Link 3). Besides these great spaces, there have also been examples of best practices with the new discovery of archaeological sites, as well as minor good examples dealing with protected zones, together with researches or public presentation in complex areas too, like the previous example of Casa Montero in Madrid.

As a general conclusion, it can be said that the last twenty years have been positive for archaeological heritage management. Many regulations, as the one drawn up in Malta, are being implemented, at least in the legal context and sometimes they are also put into practice. But, the reason for this legal implementation has been due to the general Spanish political-administrative context and the evolution of the measures for all cultural properties in general, accompanied by the professionalization of this Science, more than due to

the Malta Convention. The following analysis about some problems in Archaeological management in Spain, allows us to confirm this valuation.

### Critical aspects and challenges: imbalances, the lack of real preventive archaeology and undeveloped professionals

As earlier stated, part of the “evolution” of archaeological management and the application of Valletta principles is directly related to socio-political and economic context in the country before and after the crisis, although the problems have increased with the present critical situation.

An overview shows the territorial imbalances due to several reasons (e.g., concerning topics such as very rich areas or zones very active in construction in relation to monumental sites, etc.) and, obviously the different measures adopted by each regional government. The consequences are the unequal treatment of Cultural Heritage and archaeological properties. This has been reflected even in the legislation.

An example may be the case of the use of metal detectors: the state Law, Aragón and Galicia have not drawn any regulation concerning this topic, but, in Extremadura and Andalucía the use is forbidden. Articulating new specific archaeological heritage categories or measures to protect archaeological areas, as well as the economic value of penalties are other topics which the regional legislation treats differently. From a practical point of view, due to the crisis and irregular management, the archaeological parks have had to close in some regions because they were unprofitable. For example, this has occurred in Castilla la Mancha, where they are looking for alternative forms of public-private partnership and to go back and open these places (see news in regional online newspapers, i.e. Link 4, 31 of August of 2012)

This means that the positive consequences commented previously are irregular, although they are good actions for the entire territory, these depend on the Regional government or local situation, etc.

But, in this generalization, maybe the worst aspect developed in Spain, included in the treaty of the Valletta Convention is Preventive Archaeology. From a legal perspective, the greatest advance is the use of archaeological reserves (Article 4.a. Valletta Convention). Only one Spanish Law has an article about the topic and it refers to the case of the most important archaeological sites (as we have commented previously, the called: Bienes de interés Cultural, Zonas Arqueológicas). This is in the case of Valencia normative. Together with the Law of Castilla León they establish notes that the administration can state reserve areas when they are authorized archaeological activities by the archaeologists (see Figure 10.7).

In spite of the lack of reference to Archaeological reserves in most of the Spanish legislation, there are

cases of protection and consideration of these kinds of areas in all the territories. But, it is not compulsory to consider them by law in most of Regional governments. It is really a symbolic consideration concerning that there is not a real preventive strategy in Spain.

As cited previously (Martínez and Castillo 2007), the concept of Preventive Archaeology implies avoiding the maximum possible excavations and other activities that “destroy” the archaeological sites. Today, the Spanish legislation serves this purpose to stop these kinds of activities, but the practical work done through the years does not show this. Only as a consequence of the economic crisis and the decrease in the construction sector has made stopping the destruction of archaeological heritage possible. The great advances in these twenty years has been the possibility to make compulsory archaeological activities in as many areas, even when the real existence of archaeological properties is unknown or when these interventions might imply a confrontation with other values or social interests such as a road construction. The challenge now is to avoid carrying out so many interventions and to protect more reserve spaces. Of course, there are other challenges too, like the need to spread more of the archaeological results of these “unavoidable” activities, but, we think that the worst is the lack of prevention and consequently, the future options for pursuing and developing a better Archaeology which can offer new readings about the past, concerning the needs of society in the present.

Other important aspect is the weakness of the profession that the crisis has evidenced one more time. We have already treated this issue, especially regarding the private sector, and the close dependence upon the construction sector (see Parga 2010). But it is just one part of the problem. Another issue to be considered, not less important is the (academic) training. It is necessary to increase the contact between countries because probably, different nations have similar problems. It is clear that most students who finish their degree in Archaeology work for the private sector or stewardship, but, the training that they have received is for traditional academic works. Besides learning to “excavate” or history, there are two basic

*Law of Cultural Heritage of Valencia Regional Government (2007)*

*Article 66. Areas of archaeological reserve*

*The Department of Culture, Education and Science may establish areas of archaeological reserve on the sites considered archaeological zones, understanding as such, those parts of the sites considered as appropriate, according to scientific criteria, forbid the current activities in order to reserve the site study for future times. The establishment of areas of archaeological reserve shall be recorded in the General inventory of the Cultural heritage.*

*Law 12/2002, of 11 July, of Cultural Heritage of Castilla y León.*

*Article 55. Authorization of archaeological activities...*

*4. When authorizing archaeological excavations the Administration will determine the areas that can be excavated and may set archaeological reserve zones that will allow to perform further studies...*

Figure 10.7: Legal references to the archaeological reserve areas.

Sources: Law 4/1998, of 11 June, (modified in 2004 and 2007), of the Generalitat Valenciana, on Valencian Cultural Heritage.

Article 66. Law 12/2002, of 11 July, on Cultural Heritage of Castilla y León. Article 55.4.

topics within the training to become archaeologists today: one of them is to know about Cultural Heritage management and the other concerns the fieldwork and new methodologies that the professional requires when confronting a building, town planning or other civil works where the archaeology is an integral part of the programme and execution. Few experts, among lectures and professors, are specialized in the “know how” concerning archaeological activities and cultural heritage in general. This is changing little by little, but it is very slow for the real needs. Finally, students need a second phase in learning when they can start their working life in a company. Several reflections concerning these aspects and other problems of the future of Archaeology in Spain can be found in Almansa coord. 2011.

## Reflections

Concerning the legal perspective, the specific case of the Valletta Convention, the most important influences for the Spanish case were collected previously to the revision, in London 1969. As we have commented, the inclusion of other legal measures and solutions for archaeological heritage integrated in this Convention is more due to the internal situation and influences of other international documents (i.e. inventories, diffusion aspects, exports control, Environmental Impact Assessment EU Directives, etc.). Maybe for these reasons the State ratified the Convention just two years ago. In fact, this ratification has not implied a change in recent legislation, even in the two new regional laws (Madrid and Castilla La Mancha) that have been revised and approved after this ratification by the Spanish government.

In the case of Comunidad de Madrid, some articles are even very conflictive. It is the case of public domain for archaeological properties, which have deleted the reference from unmovable archaeological properties. Probably the regional law has to be changed, at least concerning this aspect (it is unique in Spain), because this principle is legally contradictory with the national law and would generate problems for the owners and the system of archaeological management in general. A committee was created last winter, with the participation of professional archaeologist associations and other civil associations that tried to modify a great part of this law because it is very liberal and little protective with the properties, but the law was finally approved in June of the present year (Link 5).

Despite these problems, Spanish legislation has developed the necessary tools to perform best practices in Cultural Heritage Management. We have other conflictive aspect and obviously, there are topics that can be introduced, like the generalization of reserve areas, and improvement as the reference to participatory process, as well as better regulations of archaeological activities. Many of these issues were addressed in the EAC Symposium of March 2013. But, there is nothing that prevents putting some of these actions into practice today and sometimes, the legislation is too slow and reality works faster into introducing the new and necessary activities.

From a conceptual point of view, a revision of the “position” of archaeological values inside Cultural

Heritage is necessary. I mean, the idea of the archaeological dimension that coincides exactly with archaeology (Castillo and Querol, i.p.). We need more people with training in Archaeology, but who are also specialized in management. Cultural Heritage has a lot of dimensions (academic-scientific, social-emotional and politic-administrative) and we need to know how to mediate between different approaches, so as to protect archaeological values in several ways, not only for the traditional historic-cultural reasons. This is slowly changing, but as in the 1990s, when the Malta Convention was promulgated, it seemed important to differentiate archaeological property from other socio-cultural assets, now, we need to come back to them and make joint treatment strategies.

When the Convention of Malta refers to integrated conservation (Art.5), it focuses on the relationship with planning, environmental impact and conservation in situ together with the public visit. Today, we need to broaden this approach and include the relationship with other cultural and social subjects, such as the referred importance to the role of archaeology in places that are conserved for other values beside monumental or natural and the relation with the inhabitants, the economic aspects and general strategies, not only the territorial planning, but also touristic, industrial, educative, etc. Ultimately, it is necessary to consider all these other topics to reach the trans-disciplinary treatment of archaeological management.

As referred previously, training in archaeological heritage management is very important. And, of course, it is necessary to increase the contacts and international interchanges in this area too.

The other reflection that I would like to note is about social perception and the real benefits of Archaeology for people. Public Archaeology tries to work along this line, but it is clear that the feeling and interest of the majority of the people concerning archaeological heritage is unknown. The lack of social perception studies is accentuated with Preventive Archaeology actions. However, it should be noted that this is the main reason generated by Archaeological activities in all Europe, but it tends to be unsocial or unattractive and it generates conflicts of interests. On the other hand, part of the success in the diffusion and compression, the role of Archaeology in the present goes together with the social perceptions. Participatory process is absolutely necessary, but, previously, we must better know what the real importance Archaeology implies today for the society. Only if we understand this, could we elaborate compromised strategies to collaborate with the people and improve the ordinary valuations of archaeological properties. This is a process of feedback between experts and laic people, at the same level of information transfer. (Figure 10.8)

As expressed in the introduction, this is not an exhaustive work about the Spanish reality in Archaeological Heritage; it is only an assessment trying to review the most important principles that the Malta Convention could have introduced in the Spanish case. I have not referred to the first article of the Convention, in relation to archaeological heritage as *a source of the European collective memory*, because the Cultural Heritage Spanish legislation does not address specifically this aspect and certainly, the practice has been the different European investments and political





Figure 10.8: Civil movement for the protection of urban archaeological site: San Esteban, in Murcia. This site was endangered for civil works (construction of a parking). This fact is mobilizing the population from 2009. The regional and local government looked for solutions to protect and recover part of the archaeological site. Source: the website of the citizen platform. <http://abrazasanesteban.blogspot.com.es/> (last visit to the website: September of 2013).

actions that have determined a major or minor interest for the past in this way.

From a practical perspective, I have a positive image about the change which occurred in the last twenty to twenty five years concerning archaeological heritage management in Spain, even with the cited imbalances, because they are not especially relevant, since the ideal and perfect model of archaeological management is false... Outside our frontiers, cultural properties are managed in different ways and, of course, not always better or worse than in Spain. Consequently, assuming that there are several models or manners, not just one, to manage archaeological heritage, in our country, the key is to have one of them. This is the great achievement. Besides, if you know the rules of the management game, you can construct and adapt your work to it. And this is the hope, to continue improving in the future and solving the problems we have described. The revision of the Malta Convention works as a good proposal in this way.

### Basic Spanish references

- Almansa, J. (Ed.) 2011: *El futuro de la arqueología en España*. JAS Arqueología. Madrid.
- Amado, X., Barreiro, D., Criado, F. and Martínez C. 2002: *Especificaciones para una gestión integral del Impacto desde la Arqueología del Paisaje*, *Trabajos en Arqueología del Paisaje* (TAPA). 26, 161.
- Ballart, J. 1997: *El Patrimonio Histórico y arqueológico: valor y uso*. Ariel Patrimonio. Barcelona, Spain.

- Bermudez, J. 2003: *El derecho de propiedad: límites derivados de la protección arqueológica*, Editorial Montecorvo, S.A., Madrid, Spain.
- Bozóky-Ernyey, K. (ed.) 2007: *European Preventive Archaeology. Papers of the EPAC meeting 2004*, Vilnius. National Office of Cultural Heritage, Hungary. Council of Europe, Directorate of Culture and Cultural and Natural Heritage, 220.
- Castillo, A. and Querol, M.A. (i.p.) 2013: *Archaeological dimension of World Heritage: from prevention to social implications*. In Castillo, A. (Ed). *Archaeological dimension of World Heritage: from prevention to social implications. Multidisciplinary perspectives in Archaeological Heritage Management Series*. Ed. Springer. USA.
- Cerdeño, M., Castillo, A. y Sagardoy, T. 2005: *La evaluación del impacto ambiental y su repercusión sobre el patrimonio arqueológico en España*. *Trabajos de prehistoria*, Vol. 62, Nº 2, 25–40.
- Council of Europe 1969: *European Convention on the Protection of the Archaeological Heritage*. London, U.K.
- Council of Europe 1992: *European Convention on the Protection of the Archaeological Heritage (revised)*. Valletta, Malta.
- Fernández, S. 2002: ARQUEOS: The Information System of the Andalusian Archaeological Heritage. In L. García and D. Wheatley (Coord.) *Mapping the future of the past managing the spatial dimension of the european archaeological resource*. Universidad de Sevilla, Secretariado de Publicaciones: 27–36.

- Hernández, F. 2010: *Los Museos Arqueológicos y su museografía*. Ed. Trea, Madrid. Spain, 333.
- Mariné, M. 1996: La convención de Malta: Hacia una arqueología europea. *Complutun Extra* 6 (II), 273–282.
- Martínez Díaz, B. and Castillo, A. 2007: Preventive Archaeology in Spain In Bozóky-Ernyey, K (ed): 187–208.
- Parga-Dans, E. 2010: Commercial archaeology in Spain: its growth, development, and the impact of the global economic crisis. In N. Schlanger and K. Aitchison (ed) *Archaeology and the global economic crisis multiple impacts, possible solutions* Edited by Culture Lab Editions, Belgium.
- Querol, M. A. 2010: *Manual de gestión de Patrimonio Cultural*. Akal. Madrid.
- Querol, M. A. and Martínez, B. 1996: La gestión del Patrimonio Arqueológico en España, Alianza Universidad.
- Rodríguez, I. 2004: *La Arqueología Urbana en España*. Ariel Patrimonio, Spain.
- Rodríguez, I. 2012: Indiana Jones sin futuro. La la lucha contra el expolio del patrimonio arqueológico. *JAS Arqueología*. Madrid, 443, Spain.
- VVAA 1992: *Jornadas Internacionales de Arqueología de Intervención (San Sebastian, 1991)*, Gobierno Vasco, Bilbao, Spain.
- VVAA 1993: *Inventarios y Cartas Arqueológicas. Actas del Homenaje A Blas Taracena*, Soria, Junta de Castilla y Leon, Consejería de Cultura y Turismo, 1993.
- Spanish Journals or publication series:  
*Patrimonio Cultural y Derecho*  
*Boletín del Instituto Andaluz de Patrimonio Histórico Complutum*  
*e-rph. Revista electrónica de Patrimonio Histórico*.  
*Revista de Arqueología de Ponent*  
*Trabajos de Prehistoria*  
*Trabajos de Arqueología y Patrimonio, TAPA*
- Basic legislation on Cultural Heritage in Spain:  
 Ley 16/1985, de 25 de Junio, del Patrimonio Histórico Español. (BOE, 29/06/1985).
- Ley 14/2007, de 26 de noviembre, del Patrimonio Histórico de Andalucía (BOJA, 19/12/2007)
- Ley 3/1999, de 10 de marzo, del Patrimonio Cultural Aragonés. (BOA, 29/03/1999)
- Ley 1/2001, de 6 de marzo, de Patrimonio Cultural del Principado de Asturias. (BOPA, 30/03/2001)
- Ley 12/1998, de 21 de diciembre, del Patrimonio Histórico de las Illes Balears. (BOCAIB, 29/12/1998)
- Ley 4/1999, de 15 de marzo, de Patrimonio Histórico de Canarias. (BOC, 24/03/1999)
- Ley 11/1998, de 13 de octubre, de Patrimonio Cultural de Cantabria. (BOC, 02/12/1998)
- Ley 12/2002, de 11 de julio, de Patrimonio Cultural de Castilla y León (BOCyL, 19/07/2002)
- Ley 4/2001, de 10 de mayo de 2001, de Parques Arqueológicos de Castilla-La Mancha. (DOCM, 18/05/2001)
- Ley 4/2013, de 16 de mayo, de Patrimonio Cultural de Castilla-La Mancha. DOCM, 24/05/2013)
- Ley 9/1993, de 30 de septiembre, del Patrimonio Cultural Catalán. (DOGC, 11/10/1993)
- Ley 2/1999, de 29 de marzo, del Patrimonio Histórico y Cultural de Extremadura. (DOE, 22/05/1999)
- Ley 8/1995, de 30 de octubre, del Patrimonio Cultural de Galicia. (DOG, 08/11/1995)
- Ley 3/2013, de 18 de junio, de Patrimonio Histórico de la Comunidad de Madrid. (BOCM, 19/06/2013)
- Ley 4/2007, de 16 de marzo, de Patrimonio Cultural de la Comunidad Autónoma de la Región de Murcia (BORM, 12/04/2007)
- Ley Foral 14/2005, de 22 de noviembre, del Patrimonio Cultural de Navarra (BON, 25/11/2005)
- Ley 7/2004, de 18 de octubre, de Patrimonio Cultural, Histórico y Artístico de La Rioja. (BOR, 23/10/2004)
- Ley 4/1998, de 11 de junio, del Patrimonio Cultural Valenciano (DOCV, 18/06/1998)
- Ley 7/1990, de 3 de julio, de Patrimonio Cultural Vasco. (BOPV, 16/08/1990)
- [Links](#)  
 Link 1: <http://www.casamontero.org/en/index.html>  
 Link 2: <http://www.museoevolucionhumana.com/~museoevo/en>  
 Link 3: <http://www.museosdeandalucia.es/culturaydeporte/museos/CAMA/?lng=en>  
 Link 4: <http://www.latribunadetoledo.es>  
 Link 5: [http://ccaa.elpais.com/ccaa/2013/04/13/madrid/1365878278\\_225111.html](http://ccaa.elpais.com/ccaa/2013/04/13/madrid/1365878278_225111.html)





## 11 | Archaeological heritage management in the Republic of Moldova after two decades of the Valletta Convention

*Sergiu Musteață*

**Abstract:** The Republic of Moldova is among one of the 45 countries who signed the Valletta Convention and one of 42 countries that have ratified the treaty. The Republic of Moldova signed the Valletta Convention in 1998 and it was ratified in 2001, but entered into force just in November 2002. The special law on archaeological preservation in the Republic of Moldova was voted by Parliament in September 2010 and entered into force in March 2011. From one point of view we can see how long the process of signing the ratification and entry into force of this European Convention took. From another point of view we can see how long and difficult the process of lobbying for our own law on archaeological heritage preservation took. But, having passed all barriers it is important to remember that the International and European Conventions on archaeological research and preservation practices are influenced by the legal and management changes in our country. In this paper the author discusses the steps which have been taken after the Republic of Moldova signed the Valletta Convention for improving its own system of heritage management and the content of the recent approved law on archaeological heritage preservation.

### Introduction

The debates on archaeological heritage research, preservation and management have increased in recent years as an effect of International and European Conventions and Charters. Among these documents is the Valletta Convention (The revised European Convention on the Protection of the Archaeological Heritage, 1992). After two decades of the Valletta Convention (Malta, 1992) it is time for a large evaluation of its implementation as it was discussed a few years ago (Willems 1998; Willems 2007). All countries have a rich archaeological past, but they have different systems of the cultural heritage preservation, from regional autonomy to federal control. The Valletta Convention of 1998, entered into force in 2002, but Moldova's own law on archaeological preservation was voted by Parliament only in September 2010 and came into force in March 2011. So, only after these recent legislative changes a frame for archaeological heritage management and preservation was created in Moldova.

### The history of heritage management developments

The Republic of Moldova became independent in August 1991. The first Law on cultural heritage preservation was approved in 1993. The law on the preservation of monuments is very general and it was poorly developed in relation to archaeological heritage. The most difficult problem was not the content of the law, but the inefficiency of the state bodies to implement it. Preservation and use of the national cultural heritage in the Republic of Moldova are the responsibility of state bodies. Parliaments are responsible for approving laws and strategies

of preservations and implementing those laws by efficient tools or mechanisms. Therefore, the Ministry of Culture is the official national body responsible for registering, monitoring, preservation, conservation and restoration of archaeological sites and historic monuments. But, the Department of Cultural Heritage under the Ministry of Culture responsible for cultural heritage is very small and inefficient. It was established as a consultative body in 1992, the Archaeological Commission which unfortunately met just once a year to discuss recommendations for new archaeological excavations authorizations.

During the last two decades the Republic of Moldova has signed many international treaties, of which 10 International and European Conventions on cultural heritage. But, signing the Valletta Convention did not change the situation in the field of cultural heritage preservation in Moldova. So, after a decade of our Independence a group of scholars from the Academy of Science of Moldova initiated a new project on cultural heritage preservation. This project was not supported by the Government.

In 2005 a group of archaeologists prepared a first law project on archaeological heritage preservation, which was discussed for five years in various circles - civil, academic, and even political. In 2009, the National Association of Young Historians of Moldova, as part of Advocacy project, took the initiative to update and promote the draft law project by involving its initial authors and other domestic and foreign archaeologists, managing to propose to the Ministry of Culture an updated version in line with contemporary requirements. This project received important feedback and support from colleagues in the United States, Germany, Romania and elsewhere. The Law on

Archaeological Heritage Preservation was adopted by the Parliament of the Republic of Moldova on 17 September 2010 and enacted by Presidential Decree on 24 November 2010. The Law entered into force three months after its publication in the Official Gazette (*Monitorul Oficial*) of 3 December 2010. Therefore, from 3 March 2011, the Republic of Moldova has had a new preservation frame for its archaeological heritage. This Law is the first of its kind in the legislation of Moldova and was elaborated according to the principles of the European and international conventions signed in recent years by the republic. The Law on archaeological heritage preservation opens new perspectives for Moldovan society to improve the situation in the field, and to fight black archaeology and illegal trafficking of antiquities. With this Law the Republic of Moldova aligns itself with other European countries and honours, in first of all, its commitments taken with the signature of Valletta Convention, and second, other European and International field Conventions.

### Moldovan law vs. Valletta Convention

The Law on Archaeological Heritage Preservation of the Republic of Moldova contains 48 articles grouped into 11 chapters. The Law itself was developed based on many issues: own experience, experts' recommendations, and of course the Valletta Convention (1992) and ICOMOS Charter (1990). Some good practices were taken in account as well, such as those from Romania, USA, Ukraine, etc.

In articles 1 and 2 from Chapter I *General Provisions*, the objectives of the document are stated and a series of notions are described, such as: archaeological heritage, general juridical regime of archaeological discoveries and research, archaeological survey, preventive archaeology, archaeological excavations and oversight, systematic archaeological research, rescue archaeology, archaeological expertise, archaeological discovery, chance archaeological discoveries, archaeological treasure/hoards, areas with archaeological potential, areas with known and investigated archaeological heritage, areas with accidentally highlighted archaeological heritage, archaeological sites declared areas of national interest, zones with archaeological heritage remains, archaeological heritage protection zone, database of archaeological sites, institution of archaeological records, sponsor of archaeological research, professional archaeologist, authorization for archaeological research. It appears to be a very technical chapter, but it is a very important one as it defines the array of notions characteristic to the field used further in the Law and which had been interpreted in different ways by legislators and by public institutions. To give an example in this context: at point s) of art. 2, the Law establishes clearly the protection area of archaeological sites as being an area with a special protection regime around an archaeological site with a width varying between 50 to 200m, depending on the type and importance of the objective. Also, archaeological heritage discovered by chance (p. 8, art. 5) is delimited within a radius of 50m, with a temporary protection regime over all the archaeology, which cannot last for more than 12 months; a research programme will be set out and a future protection regime established (p. 9,

art. 5). So, the 1<sup>st</sup> chapter corresponds mostly to the recommendation of art. 1 of the Valletta Convention, which points to the elements and content of the archaeological heritage.

The second chapter (art. 3–11) is devoted to the system and mechanisms of the archaeological heritage preservation: State, Parliament, Government, Ministry of Culture, National Archaeological Agency, Local Public Administrations, Academy of Science of Moldova, Central Public Authorities, Physical and Juridical persons, etc. A novelty of the Law is structural in nature and refers to the establishment of the National Archaeological Agency (NAA) under the Ministry of Culture as a public, specialised institution that deals with policies for the protection and valorisation of archaeological heritage. Since the Law entered into force the NAA became the key body in the field of the protection of archaeological heritage, but because of political and financial issues the agency was founded just in 2012, not in 2011 as it was requested by the law. The Law provides that all construction and other projects which presume interventions in the soil of areas with archaeological heritage should be approved by the Ministry of Culture based on the NAA's expertise (p. 7, art. 5). The Law obliges each person who discovers archaeological materials accidentally or the administrator of the terrain where the discovery was made to announce the fact to the local public administration within 48 hours and to transmit the discovered archaeological goods. Also, the local public authority is obliged to ensure the protection of the discovery and to inform the Ministry of Culture officially, within 24 hours (p. 2, art. 4). Concerning the juridical regime for the discovered treasures, the Law obliges the discoverer to transmit material to the possession of the state within 72 hours from the moment of discovery (art. 11) with the right to receive compensation provided by the Civil Code of the Republic of Moldova (art. 327).

The mechanisms for the protection of archaeological heritage include the procedure for completing archaeological work in an area with archaeological heritage; the area can only be developed after the issue of a certificate of completion of archaeological work from the Ministry of Culture based on a proposal of the NAA. The Law establishes the need to elaborate and receive approval by the Ministry of Culture of all norms, standards and archaeological procedures which will be at the core of activities of archaeological institutions. Another innovation of the Law is the notion "Archaeological cadastre" as part of the cadastre of all immovable goods of the Republic of Moldova, aiming at the creation of a state recording system for archaeological sites and areas with archaeological heritage (art. 7).

Another field, of particular relevance for market economies, is the right of ownership of the archaeological heritage. The legislation of the Republic of Moldova establishes, as in many other European countries, the supreme right of the state over the archaeological heritage, regardless of the form of ownership of the terrain in which it was recovered or where it is located (p. 1, art. 8). Also, the Law stipulates the right to dispose of terrain with immovable archaeological heritage held as private property by the owner of the terrain under strict respect for the present Law (p. 7, art. 8). Terrain with archaeological heritage held in public ownership

cannot be alienated but can be given over to use. In the case of terrain with archaeological heritage held in private ownership, it can be sold with prior notice to the Ministry of Culture, as the state has priority right in the sale-purchase process and the buyer has to be informed of the responsibilities to protect the archaeological heritage (art. 9).

At the end of article 8 the Law highlights another aspect, equally important, of the state recording the entire movable and immovable archaeological heritage. This provision is developed at point r) of art.12 which obliges the Ministry of Culture to record and monitor private collections of archaeological goods. We hope that these legal provisions will be at the core of the elaboration of a viable mechanism for combating illegal archaeology and illicit trafficking of antiquities (Musteață 2010).

The Law provides a series of obligations for those who carry out archaeological work, such as respecting the 12-month research term in the case of chance discoveries (p. 9, art. 5), respecting archaeological norms, standards and procedures, etc. Although the Law stipulates that the restoration of the terrain to its initial condition is a financial responsibility of the sponsor of the archaeological research (p. 3, art. 10), which does not mean that the archaeologists are freed from the obligation to bring the investigated terrain back in order. As we can see, the 2<sup>nd</sup> chapter of the Moldovan Law contains many aspects from the Valletta Convention on measures of archaeological heritage management, such as identification, preservation, conservation of sites.

Chapter III is dedicated to the responsibilities of local and central public authorities and organisations working in the field of archaeological heritage preservation. The responsibilities of the Ministry of Culture, National Archaeological Commission, and National Archaeological Agency in the field of archaeological heritage preservation are specified in detail and the contents of some important documents constitute this management field – National archaeological repertoire, National archaeological register and the Register of archaeologists of the Republic of Moldova. The Ministry of Culture is directly responsible through its subordinate institutions and bodies for the protection of the archaeological heritage, starting with the elaboration of policies, strategies, and national programmes and ending with the coordination of yearly programmes, issue of authorisations for archaeological excavations, etc. (art. 12). The National Archaeological Commission is a consultative body of the Ministry of Culture which represents the scientific authority in this field and aims at the elaboration of recommendations, expertise, notices etc., and the attestation of specialists for inclusion in the Registry of archaeologists (art. 13). The National Archaeological Agency is a public autonomous institution with the status of a juridical person and a separate budget, subordinated to the Ministry of Culture, which aims at the realisation of state policy in the field of the protection and valorisation of the archaeological heritage. Actually, the NAA is the executive body for national policies in the field of archaeology (art. 14). The National archaeological repertoire comprises the list of all known archaeological sites on the territory of the Republic of Moldova, including those which have been destroyed or have disappeared, while

the National archaeological register comprises the list of all existing archaeological sites of national and international importance, included in the Register of monuments of the Republic of Moldova protected by the state. At the end of Chapter III the Law defines the components of the Register of archaeologists of the Republic of Moldova, which consists of three categories of archaeologists – professional, specialist and debutant, attested by the National Archaeological Commission. So, the 3<sup>rd</sup> chapter as previous one developed some aspect recommended by Valletta Convention concerning registering sites or creating efficient management structures.

Comparatively with other national laws on archaeological heritage field, Moldovan law is establishing an administrative frame of responsibilities local public administration. So, Chapter IV presents the attributes of local public administration (LPA) in the field of archaeological heritage preservation. Details are established regarding the cooperation of the LPA with public institutions and bodies with responsibilities in the field of the protection of archaeological heritage, with physical and juridical persons, and regarding the funding of archaeological research leading to completion in terrain where public works are carried out and for which they are the main commissioners. The mayor, as the main representative of an LPA, is obliged to issue the suspension of building authorisation and cessation of any work if archaeological remains are discovered and to announce within 48 hours to the authorised institutions of the Ministry of Culture about the discovery, etc. (art. 19). This is a good frame, but I am not sure if it will be efficient, because in most of the cases LPA have poor budgets and do not pay so much attention to archaeological heritage. In this case, the Government has to establish an efficient partnership between central and local public administration in this area. Otherwise, art. 6 of the Valletta Convention on financial support of archaeological research and conservation will be just a declaration.

A very positive and optimistic part of the law is dedicated to NGOs sector, which is according to European and democratic principles of development. Chapter V encourages the cooperation of state bodies with NGOs and non-profit foundations. In the four articles of this chapter, a series of provisions are established for the Parliament, Government, Ministry of Culture and civil associations encouraging, supporting, and participating in the processes of elaboration and implementation of policies for the protection and valorisation of the archaeological heritage of the Republic of Moldova. With these provisions the law tries to encourage the active involvement of civil society in this field.

Chapter VI gives details of the priority interests for sustainable development of archaeological areas, financial support for archaeological research, conservation, restoration, etc. The Law obliges the local public authorities of the territories where there are areas of priority archaeological interest to take administrative and technical measures for their protection and valorisation, for the elaboration of urban development documentation, and for the organisation of their special protection (art. 24–26).

Based on art. 7 of the Valletta Convention Moldovan Law developed Chapter VII which describes the





Figure 11.1: Site excavation, Late Medieval Fortress, Soroca, 16-17<sup>th</sup> century, Republic of Moldova (photo: Sergiu Musteata).

principles, norms and mechanisms for the research, conservation and restoration of archaeological heritage. The Law establishes the obligations of the institutions responsible for the protection of archaeological heritage to inspect and systematically monitor the condition of the archaeological heritage (art. 32). The Law obliges the protection institutions to coordinate projects impacting underground and underwater with the NAA for the identification of the presence or absence of archaeological remains and to provide, on a case by case basis, for the financial means for the safeguard of the archaeological remains at risk of destruction (p. 2, art. 29).

As it is required by art. 10 of the Valletta Convention to enforce the activities on preventing and fighting illegal trafficking, the Chapter VIII establishes the rules and legal regime for the temporary export and import of archaeological goods. Art. 36 forbids the definitive export of archaeological remains. The customs authorities should be alert to the tentative smuggling of archaeological goods, and the police should check thoroughly the activity of antiquities shops and the trade in antiquities. The Law allows the temporary export of movable archaeological goods for restoration, expert archaeological analysis and the establishment of good relations between the cultural and historical institutions of various countries (p. 2, art. 36). In return the state takes responsibility for the protection of the archaeological goods that are temporarily imported into the territory of the Republic of Moldova (art. 38).

Chapter IX is devoted to financial issues, like the content of art. 6 of the Valletta Convention. The chapter establishes the funding modalities for the activity of archaeological heritage preservation and lists state funding, funding from physical and juridical persons, funding from the revenues and donations of the organisations that promote a project for the protection of archaeological heritage, and funding from other legal sources. In the case of building projects that have an effect either below ground or below water, the organisation that initiates the project is in charge of funding the research (art. 40). The Law allows the booking and the rental of archaeological sites, the payment resulting from the contract going to a special bank account of the NAA which will be used for the protection, conservation and restoration

of archaeological sites (art. 43). The Law returns to an old idea of the creation of a fund for extraordinary intervention for the salvation of archaeological sites, the amount being established bi-annually by the Government from the state budget at the proposal of the Ministry of Culture (art. 44). This urges local public authorities to provide the required amounts in their yearly budgets to fund or co-fund the works of recording, researching, valorising, safeguarding, protecting and restoring the archaeological sites situated on their administrative territories (art. 45). Although there is no clear mechanism, the Law stipulates that the state will give facilities to physical and juridical persons that produce or buy at home or abroad raw materials and equipment necessary for the recording, researching, valorising, safeguarding, protecting, conserving and restoring of archaeological sites (art. 46).

Chapter X sets out those contraventions of archaeological heritage preservation which should be penalised according to the Civil, Contravention and Criminal Codes of the Republic of Moldova. Giving consideration to the fact that this Law is organic, it provides only a list of situations when physical or juridical persons are prosecuted and have civil, contravention and penal responsibility. For this reason, the Law raised criticisms from among the specialists. The Ministry of Culture has the obligation, along with other state institutions, to make proposals to the Parliament to modify the Contravention Code, the Civil Code and the Criminal Code, which should specify the measure for each punishment presented at p. 1 art. 47 in the Law on Archaeological Heritage Preservation. Anyway, the present Law stipulates a few situations which were lacking previously from the Moldovan legislation, such as the prohibition of unauthorised use of metal detectors and other detection equipment in areas with archaeological heritage; trade and unauthorised possession of illegal metal detectors and other detection equipment; failure to present to the authorised bodies for scrutiny new building projects that can affect the archaeological heritage, etc. So, the interdiction on using metal detector, like it is in Romanian legislation, is just a first step in preventing black archaeology. But, for efficient fighting this



Figure 11.2: Site excavation, Late Medieval Fortress, Soroca, 16-17<sup>th</sup> century, Republic of Moldova (photo: Sergiu Musteata).

Figure 11.3: Late Medieval Fortress, Soroca, 16-17<sup>th</sup> century, Republic of Moldova (photo: Sergiu Musteata).



phenomena the Government has to develop a special program in which should be involved many other state bodies, including Ministry of Internal Affairs and General Prosecutor.

The last chapter, Chapter XI, contains the final dispositions addressed to the Government and Ministry of Culture, which should, within three months after the entrance into force of this Law, found the National Archaeological Agency and write a list of norms in the field. It also establishes the terms of entrance into force of this Law – three months after publication in the Monitorul Oficial al Republicii Moldova (Official Gazette of the Republic of Moldova). Further, the Ministry of Culture is required, within three months from the entrance into force of the Law, to present to the Government for approval the Regulation regarding the organisation and activity of the National Archaeological Agency and to approve a series of normative acts: Regulation on the organisation and activity of the National Archaeological Commission; Regulation on archaeological research and expertise; Regulation of the National Archaeological Repertoire; Regulation regarding the National Archaeological Registry; Regulation of the Archaeological Cadastre; Regulation regarding the recording and classification of the archaeological heritage; Regulation on Register of archaeologists of the Republic of Moldova; the Register of Archaeologists of the Republic of Moldova; Deontological code of archaeologists of the Republic of Moldova and creation of the National Archaeological Commission (art. 48).

Since the Moldovan Law has been put into force, the Government established a new Archaeological Commission, founded the National Archaeological Agency, and approved the frame of few important conditions: An Archaeologists Register; Archaeological Inventory Register; Archaeological research and expertise in the Republic of Moldova. The law includes other important documents as well such as: An Archaeological Cadastre, on the declaring and recording of archaeological heritage.

## Conclusion

In conclusion, the Moldovan Law on Archaeological Heritage Preservation offers optimistic future developments in the field of management and preservation. But, for long term development, the Government, and first of all the National Archaeological Agency has to prepare a National Strategy and Action Plan in the field of archaeological heritage preservation. I think the Valletta Convention has an important role for improving the Moldovan legal framework and building new and hope efficient administrative structures responsible for archaeological heritage management. Therefore, for the next couple of years the Government has to do many things, requested by new law, such as National archaeological repertoire, National archaeological register, Archaeological cadastre, update Register of monuments of the Republic of Moldova, improve partnership between central and local public administration, develop partnerships between public-private and between State bodies and NGOs partnerships, develop public archaeology, increase financial support of archaeological research and conservation, combat the looting of antiquities and establish efficient control on the use of metal detectors, etc. For implementing these issues the Republic of Moldova needs a set of penal measures according to the Civil, Contravention and Criminal Codes. The Ministry of Culture has to work closely and efficiently with the Ministry of Internal Affairs and with the General Prosecutor.

Another important aspect is international partnerships in the area of cultural heritage preservation. The Moldovan Government, in general, and Ministry of Culture, in special, has to be more active on the European and International levels and develop partnership programs, because through sharing experiences it will be possible to implement durable and efficient preservation policies. Moldovan cultural heritage is not so well known outside the country. For example

Moldova does not have any cultural or archaeological sites nominated for the World Heritage List. Moldova is not member of the Europea Archaeologiae Consilium (EAC) yet. To correct this issue the Government has to be more active in developing cultural marketing activities among various projects inside and outside the country. The Ministry of Foreign Affairs, Moldovan diplomatic institutions and Moldovan Diasporas have to take active part in these activities.

As part of cooperation, programs have to have an educational component, because initial and long-term education has to be part of the cultural policies. Moldova until today does not have any courses on conservation and restoration fields at University level. So, lack of experts in these areas is a big problem for the preservation of cultural sites.

As we can see, the Law is very important and was expected for a long time, but for it be effective implementation tools and efficient penalties/fines are required. Otherwise, we risk repeating the situation with the Law on the protection of monuments of 1993, when the law was not implemented and situation of the heritage preservation decreased. Hence, for implementing all legislative requirements, the Government still has a lot of work to do before the law becomes an effective cultural policy. The law provides the legal framework which has to be supported by strategies and pragmatic action plans.

## Acknowledgements

This research is part of the Project “Current trends in archaeological heritage preservation: the national and the international perspectives”, supported by CNCS –UEFISCDI, PN-II-ID-PCE-2011-3-0610. Institute of Archaeology of the Romanian Academy, Iasi branch, Romania.

## References

### Legislation

- Decree on the enactment of the Law on Archaeological Heritage Preservation, Interim President of the Republic of Moldova Mihai Ghimpu, No. 642-V, 24 November 2010. In: Monitorul Oficial al Republicii Moldova (Official Gazette), No. 235–240, Year XVII (376–3773), 3 December 2010, Art. 737, p. 8.
- Law on Archaeological Heritage Preservation (no. 218 from 17 September 2010). In: Monitorul Oficial al Republicii Moldova (Official Gazette), No. 235–240, Year XVII (376–3773), 3 December 2010, Art. 738, p. 8–17.

### Literature

- Bloemers, T., Kars, H., v. d. Valk, A., Wijnen, M. (eds) 2010: *The Cultural Landscape & Heritage Paradox. Protection and Development of the Dutch Archaeological-Historical Landscape and its European Dimension*. Amsterdam.
- Cleere, H. (ed.) 2005: *Archaeological Heritage Management in the World*. London: Routledge.

- Coles, B., Olivier, A. 2001: *The Heritage Management of Wetlands in Europe*. Europea Archaeologiae Consilium.
- Council of Europe 2011: *Guidance on the development of legislation and administration systems in the field of Cultural Heritage*, 2<sup>nd</sup> edition, Council of Europe Publishing, Strasbourg/ *Orientation pour le développement de législations et de systèmes de gestion du patrimoine culturel*, 2eme edition, Council of Europe Publishing, Strasbourg.
- Fairclough, G., Rippon, St. (eds) 2002: *Europe's Cultural Landscape: archaeologists and the management of change*. Europea Archaeologiae Consilium.
- Kristiansen, K. 2008: Do we need the 'archaeology of Europe'? In: *Archaeological Dialogues* 15, 5–25.
- Musteață, S. 2010: Archaeological Heritage management and looting antiquities in the Republic of Moldova. In: Christophor Machat, Michael Petzet, John Ziesemer (eds), *Heritage at Risk, ICOMOS World Report 2008–2010 on Monuments and Sites in Danger*, Berlin, Hendrik Bäßer Verlag, 121–123.
- Pickard, R. 2002: *European Cultural Heritage (Volume II): A Review of Policy and Practice*, Council of Europe Publishing.
- Oberlander 1996: Oberländer-Târnoveanu, Irina. Statistical View of the Archaeological Sites Database, in *Interfacing the Past. Computer Applications and Quantitative Methods in Archaeology CAA95*, Alalecta Praehistorica Leidensia 28, edited by Hans Kamermans and Kelly Fennema, University of Leiden. 47–50.
- Oberlander 2002: Oberländer-Târnoveanu Irina, *Digital Archiving in Archaeology. Speaking about the Past to the Future*, in Cultură și civilizație la Dunărea de Jos, XIX, Vladimir Dumitrescu - 100 de ani de la naștere. Călărași. 199–230.
- Oberlander 2004: Oberländer-Târnoveanu Irina, *Access to Romanian Archaeological Archives*, ADS Newsletter Online, issue 15, Spring 2004, <http://ads.ahds.ac.uk/newsletter/issue15/romanian.html>.
- Oberlander, Matei 2009: Oberländer-Târnoveanu, Irina, Matei, Dan. *Standarde și recomandări în documentarea bunurilor culturale*, București. <http://www.cimec.ro/Biblioteca-Digitala/Biblioteca.html>.
- Willems, W.J.H. 1998: Archaeology and Heritage Management in Europe: Trends and Developments. In: *European Journal of Archaeology* 1 (3), 293–311.
- Willems, W.J.H. 2007: The work of making Malta: the Council of Europe's Archaeology and Planning Committee 1986–1996. *European Journal of Archaeology* 10 (1), 57–71.
- Willems, W.J.H., Dries, M.H.v.d. (eds) 2007: *Quality Management in Archaeology*, Oxford.



## 12 | The positive experiences, issues and limited opportunities in the present application of rescue archeology under the Malta Convention in Albania

*Gjergj Frasheri*

**Abstract:** The replacement of state property with private property in Albania (Law no. 7501, dated 19.07.1991), was not accompanied by governmental reforms for the protection of the archaeological property. The Albanian state ratified the Valletta Convention (1992) in February 2008, i.e. 16 years later. This delay caused the greatest damage of archaeological heritage in Albanian history. With the establishment of the Archaeological Service Agency (ASA, May 2008) under the guidelines of Valletta Convention, the management of rescue archeology in Albania changed positively in terms of the technical, organizational and legal aspect. But still the Malta Convention guidelines in Albania have not yet been actualized in necessary reforming the structures for the protection of archaeological heritage, primarily the reform of their state institutions.

The territories inhabited by the Albanians historically retain a well-known archaeological heritage. The natural, geographic and climatic conditions of Albania enabled the inhabitants to live here since the earliest history of humanity to the present day. They were citizens of the Pelasgian and Illyrian state formations in the Balkans, and the greatest empires in world history, such as the Hellenistic, Roman, Byzantine and Ottoman Empires. Contrary to this archaeological richness, the Albanian state was established a relatively short time ago- only one hundred years ago and consequently it has a limited experience in state protection of the archaeological heritage, including rescue archaeology.

Archaeology in the Republic of Albania was established after the Second World War in the first period of dictatorship of Enver Hoxha (1944 to 1960) (Frasheri 2012a). For the first time in the history of the country, a state scientific institution was established for its archaeological heritage, as well as a protective legislation on a centralized basis for the entire country. Propagation media of Albania's historic values has also started, operating in all the social and cultural environments of the population. Furthermore a qualified staff of archaeologists was trained. Coming from Western and Eastern European schools, these Albanian archaeologists conducted a number of excavations throughout Albania in a short period until the end of the 50s, and successfully established four archaeological museums in Tirana, Butrint, Durres and Apollonia (Gjipali 1998).

During the second period of the dictatorship of Enver Hoxha (1960–1985) and his follower Ramiz Alia (1985–1990), the Albanian Classical Archaeological School was established, mainly with the contribution of the local archaeologists. The Section of Archaeology under the Institute of History and Linguistics, and later the Center of Archaeological Research (1976) under the Academy of Sciences of Albania (1972) operated as a centrally State-run institution throughout the country,

with archaeological museums in other cities, such as in Shkodër, Korçë, Vlorë, Gjirokastër and Fier.

The 60s-80s marked a period for the Albanian archaeology known as the Illyrians' genesis, or better of the Albanians' ethno genesis - the focusing on the fundamental problems of its history, in tracking the axis of the historic identity -. The results of this period, both on the field excavations and on their scientific generalization, were presented in the First and the Second Assembly of Illyrian Studies (1972 and 1985) in Tirana (Korkuti 1998; Ceka 1998). With the establishment of the Institute of the Cultural Monuments in 1965, a close cooperation and coordination in the protection and rescue of archaeological parks and underground was created (Frasheri 1987). At that time limited construction activity in Albania played a protective role, conditioned by the state centrally planned economy. One of the classic examples of rescue archaeology in Albania at this time is the creation of the Kukës Lake for the construction of the Fierza Hydro-power Plant. The lake flooded the old Kukës town together with several pre-historic, ancient and medieval settlements, in which archaeological excavations were carried out before the flooding (1968–1976). Despite the lack of Albania's direct contact with Western Europe, due to its strict political isolation, the results which were obtained in the protection and rescue of the archaeological heritage satisfactorily fulfilled the goals of the standards of the London Convention of 1969 right up to the end of the 80s. One of the most prominent examples is the project Kruja Castle (1974–1982), which is an example of the combination of rescue archeology for essential construction needs for the building of the National Museum of Scanderbeg, together with the scientific archaeological excavation including conservations and restoration for touristic purposes. This project was presented in the International Conference "The Preventive measures during excavation and site protection", organized by ICCROM (Rome) in Ghent of Belgium (November 1985) (Frasheri 1986).

\* \* \*

At the time of the approval of the Valletta Convention in Malta on 16<sup>th</sup> January 1992, essential political, economic and social changes were taking place in Albania. The state lost the political centralism of the dictatorship. The country embarked on the path of a pluralistic society with private property. Unfortunately, this positive change of the political-social system brought to Albania negative phenomena for the fate of archaeology and the monuments of culture, such as a private building boom outside State control.

In this new political reality in Albania, the replacement of state property with private property of land (Law no. 7501, dated 19.07.1991) was not preceded by any legal provision and was not accompanied by governmental reforms for the protection of cultural heritage and archaeological sites. Consequently such a law, that distributed only private properties and did not protect the cultural heritage, resulted in an epidemic of damages to the archaeological richness throughout the country, as never before in its history. Interesting is the fact, that despite the radical political change of the year 1991, the state-run archaeological and monuments institutions, which were created and adapted for the legislation of the dictatorship period, have not been affected structurally till this day. So, the state-run institutions such as the Institute of the Cultural Monuments and the Archaeological Institute, as protectors of the archaeological heritage already have lost their legal and social basis. After 1991, these state-run institutions lost their function for protection and rescue of the archaeological property. Instead, the Institute of Cultural Monuments officially turned into the primary organization responsible for the damages of monuments, archaeological sites and the subsoil in the last two decades. Between the years 1992 and 2008, no institution or technical organizational structure was set up in Albania to help the rescue archaeology.

As explained above, with the political and social changes, the archaeological heritage lost the state control and protection they had enjoyed. Land privatization required a new social and legal approach for cultural heritage protection. In parallel, the new legal executive and technical-organizational structures were required to cope with the aggressiveness of private activity. It was precisely the Valletta Convention that offered solutions for protecting and rescuing the national archaeological heritage from the onslaught of the private property. The fact is that the Albanian government disregarded the Valletta Convention that could have been the neutralizer of this virus for the salvation of archeology.

Most of the European countries have ratified the Valletta Treaty long ago. They were concerned with the rescue of the archaeological heritage and established relevant state and private structures for archaeological rescue. The Albanian state ratified the Malta Convention (1992) in 2008, i.e. 16 years later. Why not in due time, what caused this delay? Let me submit my conclusion: When the Malta Agreement was finalized in January 1992 I was working at the University of Bonn in Germany, with the support of the "Alexander von Humboldt"

Foundation. From my colleagues of Rheinisches Amt für Bodendenkmalpflege of Bonn, I witnessed this significant event to rescue the archaeological material from the aggressiveness of construction activity. During that time in Albania, the first government started to come out of political pluralism;

Therefore, the favorable conditions for adopting the European guidelines on the protection and rescue of cultural heritage were created in Albania.

However, Albania did not show any interest in the Malta Convention. Some months later, in July 1992, four German and Dutch scientists (historians and archaeologists) sent a confidential letter to the Prime Minister of Albania, drawing his attention to the current values of Malta Convention for the rescue of archaeological wealth for the future.

They took the courage to present this letter to him, with regard that the Prime Minister of Albania had been a cultural heritage specialist for more than 30 years. However, their attempt was not successful. The only reason for this seems to be, that in the political program of the government the protection of private land was much more important than the protection of archaeological heritage. The result of this is that the Convention was recognized by Albania only after 16 years later. This unjustifiable delay caused by the country's politics and governance, brought about the greatest damage to the Albanian archaeological heritage in its history. Consequently, archeology in Albania nowadays faces dilemmas during the orientation of its survival; in search for financial, legal and scientific approaches.

Despite the values that are set out in the Valletta Treaty for the rescue archaeology, Albania witnessed a number of negative developments during the period 1992–2008 in the protection of archaeological heritage (Fraseri 2012a):

1. Since 1992, the state has lost control over the looting of works of art and archaeological artifacts from museums (let us recall as an example: the theft of the Epitaph of Gllavinica from the National Museum in Tirana), a phenomenon that has reached epidemic proportions today.
2. The archaeological heritage received its greatest shock since the enactment of the famous law 7501 in 1991, which caused a Construction Boom in historical city centers and archaeological sites. We have to say, that the majority of the building pits in the archaeological zones, was dug without any kind of archaeological excavation, even without the presence of an archaeologist - that is without documentation of the archaeological substance. The most significant example is the immense damage of the archaeological underground site of the famous ancient city of Durrës, which still continues to get damaged after the year 2008 (nowadays after 22 years) (Fraseri 2012b).
3. Archaeology in Albania has witnessed intensive damages over the last two decades, on one hand due to the lack of state funds, and on the other because of a legally weak state. After 1991,



Figure 12.1: Albania, Durrës, part of the antique city centre, buildings between 2000–2012 without archaeological documentation (Gj. Frasheri, March 2012).



Figure 12.2: Albania, Durrës, excavations in the roman Amphitheatre without protection concept (Gj. Frasheri, March 2012).

the state left the whole financial responsibility to the archaeological excavation, conservations and archiving of archaeological artifacts to the newly emerged Albanian building “investor”. The Albanian state did not take into consideration the fact, that Albania’s investors raised their entrepreneurship in 1991 from the Zero financial quotas, coming from a past divested from property. Still today, the Albanian Investor is in an embryonic financial stage and has very limited technical-organizational capacities to undertake the financing and rescue of the archaeology on his private property. On the other hand, it is still not taken into account that the Albanian private “investor” is still lacking the mentality to accept the legal obligation to finance the archaeological excavation. Under these circumstances, instead of limiting private constructions in the environments - rich in archaeological underground - the state and governmental officials support them through “compromises” between the state official and the investor, to the detriment of the archaeological property. An example of which is the mass constructions in the city of Durrës, conducted between the years 2000–2010, construction pits were opened up to 6–7 m depth, in which no rescue excavation whatsoever has been performed (Figure 12.1).



4. Damages to the archaeological heritage in Albania over these past two decades has also been caused incurred by a new phenomenon after the hermetic prohibition of foreign schools to excavate in Albania during the decades of dictatorship. Namely the flow of simultaneous excavations of foreign archaeologists and archaeological schools, such as the Greek, American, French, English, Italian, German, Austrian, Polish, Spanish ones and so on. After a long period of political isolation, the invasion of requests from international schools of archaeology was quite natural. Today the archaeological activity in Albania depends on the funds of the foreign expeditions. By exploiting the country’s low economic level, the lack of legal control, the corruption of the domestic state officials, but also in the name of employing the domestic archaeologists for their team, the foreign archaeologists and institutions are making incessant archaeological discoveries throughout Albania. During this time, innumerable archaeological sites have been discovered, much more than their maintenance and conservation possibilities warrant. The majority of these excavations are simply for educational purposes for the students, or simply for foreign archaeologists to write articles on findings in Albania. Unfortunately, such excavations have been carried out in the heart of rare archaeological sites of national and international value. Among the many examples, we should mention the unnecessary excavations in the amphitheater of Durrës (Figure 12.2), or those in the ancient center of the Lower Lezha town (Figure 12.3) or recently at the Theatre of Apollonia (Frasheri 2013) (Figure 12.4), etc. The Institutions responsible for implementing the Convention of Malta in Albania nowadays still do not have any power or willingness to prevent or stop this unnecessary activity, the opening of these incurable wounds

Figure 12.3: Albania, Lezha, antique lower town, excavations without conservation concept (Gj. Frasheri, April 2009).





Figure 12.4: Albania, Archaeological park of Apollonia, antique theatre, damage of archaeological substance caused from excavations without conservation concept (Gj. Frasheri, January 2013).

on the archaeological heritage. Under the current economic and political conditions in Albania these kinds of excavations have to be stopped.

5. Damages to the archaeological heritage due to the failure to implement the guidelines of the Valletta Convention have unfortunately also been caused by certain donor projects of the Delegation of the European Union to Albania, but for which we should also not forget to express our gratitude for their funding and scope to the country's prosperity. An example is the Project which is titled: "Supervision of the restoration works in the historical heritage sites in Albania", which is related to the revitalization of the historic centers of the Albanian cities, Berat (Frasheri 2012c), Elbasan (Frasheri 2012d), Shkodër and Korçë. An underestimation of the supervisory work of the rescue archaeology brought about a number of damages to the archaeological substance of the Roman infrastructure in the fortress of Elbasan, which even failed to be documented. The same goes for the situation of the remains of the Byzantine Basilica on the Via Egnatia of Elbasan, which still after seven years of lingering works, is not being conserved and not open to visitors.

We take the opportunity to call to the attention of UNESCO, that in any case, the lack of its control on the national institutions for the rescue archaeology of monuments under its protection has caused irreversible damage, such as the lack of professional supervision to the infrastructure works within the Castle of Berat in 2011–2012, etc which may serve as an example.

6. Archaeology in Albania received another shock in two last decades from the lack of documentation of archaeological substance during excavations, before their disappearance or after having been damaged. This has happened not only to the artifacts that were damaged or stolen

by the treasure hunters, looters and traffickers. Scientific documentation of excavations and processing of their results is often not carried out, not only by archaeologists in the country's institutions, but also even by foreign institutions operating in Albania with their own funding. Such archaeologists, in the absence of state control, are often satisfied with exploration alone and do not have a need for documentation of the results, not even for protection of the archaeological substance through *in-situ*-conservation.

\* \* \*

With the establishment of the Archaeological Service Agency (ASA) in May 2008 at the Ministry of Culture (MTCYS) in Tirana, under the guidelines of the Valletta Convention, the management of rescue archaeology in Albania changed for the better in terms of technical, organizational and legal aspects. Particular achievements are:

- a) Raising awareness of Albanian investors regarding their legal obligation to finance rescue archaeology.
- b) Within a few years successful rescue excavations have been carried out by private firms, which demonstrate an up to date professional level and capacity to cope with huge excavations. One of the most professional and successful rescue excavations of Albania was carried out in the ancient city centre of Durrës in 2010, at the former "Lulishtja 1 Maj" city-garden. The 5.000 m<sup>2</sup> large area was excavated in only 4 months by the Albanian company "AKeR", which was founded in 2009 as a branch of the German company "Stadt- und Landschaftsarchäologie". During the excavation they explored a well-preserved roman town quarter with streets, living rooms and craft shops, alongside remains of the Illyrian-Hellenistic town, as well as early



Figure 12.5: Albania, Durrës, Lulishtja “1 Maj”, Remains of a roman and byzantine town quarter (1<sup>st</sup> century B.C.-6<sup>th</sup> century A.D.) (Gj. Frasheri, September 2010).

Christian buildings and tomb stones of the Byzantine period. It is being researched with the most modern technological equipment such as digital measurement and 3-D-Laserscanning. This excavation marks the beginning of a new era in the rescue archeology of Albania, in accordance with the Valletta Convention and the modern European excavation and documentation directives (Figure 12.5).

- c) A positive step is the training of ASA's structures in determining archaeological potential through surveys, drillings, soundings, etc., in different regions of the country. As well, the gaining of positive experience of ASA in the coordination, harmonization of, and control over the excavations *in situ* by private entities;
- d) The means of ASA to extend the effectiveness of the Valletta Convention by limiting the countless so-called “scientific” excavations carried out by universities, local and foreign expeditions. And to limit the carelessness after an excavation, where archaeological material is disposed of on the site without care, maintenance and conservation of any kind, leading to its degradation;
- e) The taking of responsibility by ASA for documenting the damage currently caused in Albania by illegal and clandestine archaeological work for trafficking purposes;
- f) In effort for finding a theoretical concept and practical solution under the current conditions for rescuing archaeological findings, which are found in piles just outside the city known as “Archaeological Garbage”. This has been happening for the last two decades. It is about the soil being excavated without archaeological control and which is discarded on the outskirts of cities after 1991. The issues, such as the identification and documentation of the location and origin of the archaeological material; take preventive measures to stop the pillaging of artifacts as well as the program for systematic research to collect objects from archaeological piles for archival purposes need to be addressed.

After two decades, the standards of the Malta Convention have not yet given rise in Albania to necessary reforms to the structures for the protection of archaeological heritage and cultural monuments. The first priority must be a reform of state institutions in these fields, institutions, which have lost the legal and social basis they had during the period of the dictatorship and which since 1991 have not been efficient in protecting the archaeological heritage. Plans for a realist reform, in line with the current political, economic conditions and above all with the current mentality and social problems of the citizens and investors of this country, have been put on the table by the specialists (Frasheri 2010; id. 2011). But, unfortunately in Albania, everything still depends on the political interest of the groups of politicians and government officials.

## References

- Ceka, N. 1998: Pesëdhjet vjet studime për qytetet ilire. *Iliria* XXIII, 1–2, 121.
- Gjipali, I. 1998: Nga muzeu arkeologjik-etnografik tek muzetë e profiluar arkeologjik. *Iliria* XXIII, 1–2, 214.
- Frasheri, Gj. 1986: Archaeological conservation in the castle of Kruja (Conference organized by ICCROM-Rome in Ghent of Belgium 6–8 November 1985), in International Centre for the Study of the Preservation and the Restoration of Cultural Property: *Preventive measures during excavation and site protection*, Rome, 181–201.
- Frasheri, Gj. 1987: Disa dukuri në konservimin e mjediseve arkeologjike (with french summary: Quelques aspects dans la conservation des milieux archeologiques). *Monumentet* 1/1987, 85–108.
- Frasheri, Gj. 2010: Reformë për shpëtim apo burgim të monumenteve. *Gazeta "Shqip"* 6 May 2010, 14–15.
- Frasheri, Gj. 2011: Krimet në trashëgimi, Ceka e Baçe lajnë duart si Ponc Pilati. *"Gazeta Shqiptare"* 13 December 2011, 20–21.
- Frasheri, Gj. 2012a: Rezultatet arkeologjike në Shqipëri gjatë 100-vjetëve të shtetit shqiptar (1912–2012). *"Gazeta Shqiptare"* 25 November 2012 (first part), 24–25 and 2 December 2012 (second part), 22–23.
- Frasheri, Gj. 2012b: Fotot e Skandalit, si janë masakruar ndërtesat elitare perandorake. *"Gazeta Shqiptare"* 29 March 2012, 22–23.
- Frasheri, Gj. 2012c: Dëme të reja të trashëgimisë kulturore në Berat. *Gazeta "Panorama"* 20 April 2012, 1, 20–21.
- Frasheri, Gj. 2012d: Ceka-Baçe, dëshmi e dëmeve në ruajtjen e monumenteve. *"Gazeta Shqiptare"* 25 January 2012, 24–25.
- Frasheri, Gj. 2013: Apolonia, një nekrologji në Ditën e Trashëgimisë (intervistë nga Dhurata Hamzai). *Gazeta "Shqiptarja.com"* 23 April 2013, 20–21.
- Korkuti, M. 1998: Pesëdhjet vjet studime për qytetet ilire. *Iliria* XXIII, 1–2, 29.



## 13 | Albanian challenges on the protection of cultural heritage

Roland Olli

**Abstract:** Development and implementation of the Valletta treaty made conservation of archaeological sites *in situ* a main issue. The execution of preservation *in situ* projects sparked a series of research projects and pilots. This resulted in a good overview of degradation processes and a range of monitoring techniques and guidelines. New chances lie in the growing general availability of useful digital data. Problems, however, lie in lack of information on the speed of degradation processes, strong technocratic approaches, lack of funding and unclear goals. For the future a better focus is needed in order to give monitoring an accepted and useful role in the preservation of archaeological sites.

### Albania and international conventions on the protection of cultural heritage

The Valletta Convention was adopted by the Albanian Government by Law Nr. 9806 dated 17.9.2007 (revised). Consequently all the public and private institutions that operate in the field of cultural heritage were obliged by Law to follow the convention requirements. Today, the Valletta Convention is an integral part of the Albanian Legislation on Cultural Heritage.

The UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage was ratified by Albania with the Law Nr.10 027, dated 11.12.2008.

### The implementation of the international conventions: achievements, challenges and objectives

In order to make the conventions applicable on-site it was necessary to adopt not only the Albanian existing legislation but also the institutional system.

In this sense, among other organisational changes, a new institution was created: the Archaeological Service Agency (ASA), dealing especially with preventive archaeology.

The Archaeological Service Agency is a public central institution established by the Council of Ministers Decree Nr. 724, Date 21.05.2008 based on Law Nr. 9048 date 07.04.2003 "On Cultural Heritage (revised)", depending on the minister responsible for the cultural heritage, created to conduct archaeological excavations and cultural studies in the areas which are affected by construction works of any kind, or by the plans for the territory regulation.

The mission of the Archaeological Service Agency is the administration of rescue excavation in the whole territory of Albania and protection and study of all archaeological finds that arise during agricultural work, construction, engineering or building construction works and to take proper measures for the salvation of these values; defining and guaranteeing the archaeological excavation criteria, reorganization

of archaeological heritage for museum purposes, managing, protecting and enriching the archaeological funds with movable and immovable objects.

The establishment by the Council of Ministers Decree Nr. 725, Date 21.05.2008 of National Council of Archaeology (NCA) the highest archaeological decision - making authority in the country, was another action taken in the light of facilitating the implementation of the Valletta provisions in all the territory.

In January 2009, NCA approved, after considerable input from the Archaeological Service Agency a very important Regulation focused on:

- Criteria of exercising the archaeologist profession
- Criteria of excavation, documentation and archiving of data and archaeological materials
- Criteria and administrative procedures for obtaining license to exercise the profession of archaeologist from individuals and private entities.

Based on the changes to the cultural heritage legislation, NCA has approved 8 archaeological licenses for private companies as well as for 14 individuals.

Within five years of its existence ASA was faced with a broad number of issues in all Albanian territory. It managed to join and actively participate in the European Association of Archaeologists (EAA) and European Archaeological Council (EAC).

Also, very soon bridges of cooperation were created, through seminars and staff training, with the National Institute of Preventive Archaeology Research (INRAP) in France and the UNESCO International Centre for Underwater Archaeology in Zadar, Croatia.

The positive experience of INRAP in the field of preventive archaeology and of the successful French legislation in the cultural heritage had influenced the selection of this partner in terms of the long-term interest.

Part of the success achieved during these years is the close cooperation between ASA and Directorate of Cultural Heritage (Ministry of Tourism Culture Youth

and Sports) and the specialized public institutions of the cultural heritage system, as the Institute of Archaeology (Centre for Albanological Studies), the Institute of Cultural Monuments, the Regional Directorates of the National Culture, and the Offices of Administration and Coordination of Archaeological Parks.

On the frame of this collaboration, ASA has participated in the definition of the protected archaeological areas (urban and rural) through the utilization of modern technologies, accompanied with their administration regulations. This has been necessary step in order to increase the protection of cultural heritage.

During these years ASA has realised successfully as the following:

- Intensive archaeological surveys of the 49 main infrastructure projects
- Archaeological test pits of 41 construction projects
- Rescue archaeological excavations of 4 construction projects
- Archaeological supervision of 44 construction projects

It is obvious that the implementation of the Valletta Convention and the preventive archaeology in Albania met serious problems, difficulties and challenges.

Reformation of the heritage institutional system is still under revision for a very long time. As a consequence, very often, this leads to an overlaying of competences and to difficulties in terms of dialogue and institutional exchange between the main institutions of Cultural Heritage in the country.

The application of preventive archaeology in Albania, as a brand new concept, had a considerable impact in the field of construction and urban planning. Very often difficulties are met in terms of control and monitoring of the urban and rural development as potential risks affecting archaeological heritage.

The distribution of these projects around the country, and the deadlines to be met, require detailed programming work and well trained staff. ASA's field experience has revealed the necessity for a digital archaeological map of the whole territory of the country, where archaeological sites and monuments of culture are included in order to insure better planning distribution and tracking of projects, and thus permitting more effective recognition and protection of cultural and archaeological heritage. Creating such a map would no doubt require extensive involvement of other institutions and experts in the field, because it will not be only used in the preventive archaeology, but in all specialized institutions, especially following the law of cultural inheritance by strengthening it in terms of heritage protection.

The main objectives of our agency, which represents the only preventive archaeology institution in Albania are:

- to continue with its daily work in the field linked with intensive archaeological supervision in cases of major infrastructure works under way in the country;
- archaeological surveys, excavations and supervision of new infrastructure projects;

- supervision of the private licensed companies in archaeology, in cases when they are authorized by the National Council of Archaeology to conduct rescue archaeology excavations;
- revising of archaeological zoning and their administration regulations, etc.

In the framework of the changes and improvements of the Law for The Cultural Heritage that have been organized from the Ministry of Tourism, Culture, Youth and Sports, ASA has given an essential contribution that will continue also even in the future discussions.

This will be based on the experience accumulated so far and its partnership with the European homologues (EAC - European Archaeological Council; EAA - European Association of Archaeology; INRAP - The National Institute for Research and Preventive Archaeology, France, and other partners).

These changes and improvements among the others are foreseeing the application of "archaeology tax" for almost every new construction<sup>1</sup> in the revised law for cultural heritage and also in the law on urban planning. Another step, based on the experience of ASA, is the reviewing of the structure and increasing staff of ASA, consisting on the reinforcement of its structure with terrain archaeologists to ensure a more efficient control and protection of the territory. The most appraisable alternative is to put the archaeologists of the Regional Directorates of National Culture under administrative responsibility of ASA.

Another important issue is the approval by the Council of Ministers of two decrees related to:

- the Reference Tariffs of the archaeological services offered by ASA or private licensed subjects.
- the legal procedures for mobile casual archaeological finds, their deposition and the reward of the individuals that respect legal procedures for casual archaeological finds.

The Archaeological Service Agency will continue to provide a qualified and dedicated contribution on the protection of archaeological heritage in cooperation with other specialized institutions in this field.

In cooperation with the local government, NGO-s and also through increasing the awareness of the public opinion for this common asset believing that the Valletta Convention will still be relevant to Albania and Albanians.

We are optimistic to keep up the right to come into a cultural heritage managed at better standards, protected, shared and enjoyed at its best even there are still different matters to be fulfilled and/or improved.

<sup>1</sup> Specification and details will be included on the new law.

## 14 | Management of archaeological excavations and control in the Czech and Slovak Republic

*Jan Mařík and Karol Prášek*

**Abstract:** On January 1<sup>st</sup>, 1993 former Czechoslovakia split up into two new independent states – the Czech and Slovak Republic. As far as archaeological heritage care is concerned, at the beginning both states stood at the same starting point. Performance of archaeological excavations was regulated by the same law and professional supervision over archaeological field work was conducted by scientific institutions established by the state – Institutes of Archaeology of the Academy of Sciences. While in the Czech Republic, this system has been maintained with only small changes, a completely new structure of the Monuments Boards has been established in the Slovak Republic with state officials serving as supervision authorities. This paper will concentrate on a comparison of both systems and attempt to draw perspectives for further development.

### Introduction

When political representation of Czechoslovakia was preparing to split up the federation into two separate states in the course of 1992 the politicians probably did not anticipate that they were standing at the beginning of an experiment that would, in its consequence, enable observing the development of archaeological heritage care in two independent states. As far as law-making processes, authority structure of the state monument care and economic conditions are concerned, both states stood then at the same starting point. In the year of 1987 a law regarding the state monuments care entered into force in Czechoslovakia that adjusted and defined the conditions for not only archaeological field work being conducted but also for handling archaeological finds. This legal norm included a series of modern elements that were in accordance with the future European Convention on the Protection of the Archaeological Heritage (Revised) (below Valletta Convention). Negative aspects of the 1987 law became evident only after the year 1989 in consequence of transformation of the political system in the Czechoslovakia. Introduction of market economy, emergence of a series of private companies, starting of very intensive building activities and last but not least also change of state administration approach toward science funding in the field of archaeology had caused a series of new situations not taken into consideration in the relatively new law that were, however, not completely excluded in the law. The Valletta Convention was incorporated in the legal system of the Czech Republic in the year 2000 and in 2001 in Slovakia. While a new monument care law was brought into force in Slovakia in the same year, in Czech Republic only minimum adjustments of the already outdated law have been made. Several attempts to implement crucial legal changes or to pass a new law has been completely unsuccessful so far.

In the following text, the authors would like to illustrate on several cases how both states have come to terms with various obligations emerging from the Valletta Convention in the last decades. The most significant

variances are apparent mainly in different development in the legal environments applied in both states. Thus, we may observe the extent of impacts of legislative transformations on archaeological heritage care.

### Archaeological heritage and its evidence (Valletta Convention Article 2: i–ii)

Currently, 1309 archaeological sites and eight archaeological reserves are protected in the Czech Republic (Tomášek 2011). In the Slovak Republic, altogether 418 archaeological sites are protected; however, no archaeological reserve has been proclaimed so far.

With respect to the fact that more than three quarters of archaeological sites were proclaimed prior to the year 1958 and archaeological reserves were established between the years 1961 and 1966, it seems quite clear that the ratification of the Valletta Convention in the Czech Republic did not have any significant influence on preservation and protection of archaeological heritage. More significantly, evidence and protection of archaeological heritage has been influenced by implementation of electronic information systems that were launched in the course of 1990s. In the Czech Republic, two similar projects were initiated.

- First, a List of Archaeological Sites in the Czech Republic was created at the National Heritage Institute in the years 1995–2003 (Krušinová 2002, 2004). This project was originally aimed at obtaining digital maps of archaeological sites in the Czech Republic and creating information system with assured continuous data updating. Currently, the List of Archaeological sites records more than 30 000 archaeological sites identified in the Czech Republic.
- Second, project catalogues reports on results of archaeological field works that are obligatory delivered to archives of the Institute of Archaeology of the Academy of Sciences





Figure 14.1: Evidence of archaeological sites in the Czech Republic (List of Archaeological Sites in the Czech Republic, Archaeological database of Bohemia).

of the Czech Republic, Prague (Kuna 1994, 1997). Currently, the archive keeps almost 90 000 records of archaeological field works. Data from both information systems are generally accessible through internet portal: (Link 1).

In the year 2012, a new project named Archaeological Map of the Czech Republic was launched by the Institute of Archaeology of the ASCR aiming at revision and integration of all available archaeological information systems and their representation in GIS environment. Initiation of this information portal operation is scheduled in the year 2015 (for more information on this project, cf. Link 2).

In the Slovak Republic, administration of archaeological sites list is mentioned in the law and this duty is imposed on the Institute of Archaeology of the Slovak Academy of Sciences. Project CEANS (Centrálne evidencie archeologických nálezísk Slovenska – Central Evidence of Archaeological Sites of Slovakia in English) began already in the year 1992 (Bujna et al. 1993); however, until today collection, revision and geo-reference of the obtained data is still on-going. Currently, the project CEANS contains more than 20 000 records of archaeological sites in the Slovak Republic.

### Licensing and supervision (Valletta Convention Article 3: i)

Systems of releasing licences for conducting archaeological research have been implemented in both countries. Licences that can be obtained by legal entities as well as natural persons are issued by Ministries of Culture of both countries. While in Slovakia the licence cannot be released until all conditions required by the law are met. In the Czech Republic the licence releasing is furthermore conditioned by consent of the Academy of Sciences of the Czech Republic. In case of the licence release the bearer

must furthermore enter into an agreement with the Academy of Sciences who not only specifies conditions of archaeological field work performance but also conducts scientific supervision over other activities of the licensed organizations.

One of the main conditions required for a licence release represents securing of specialised personnel. In the Czech Republic, individuals guaranteeing the required specialized standards must document his/her university education in the field of archaeology and at minimum two years of practice in the field. In the case of Slovakia, applicants must meet not only the requirements prescribed by the law but also pass an exam before a specialized committee who grants the so-called personal ability certificate. Currently, 110 organisations licensed to conduct archaeological field works are active in the Czech Republic (Link 3 – in Czech) and 34 in Slovakia (Link 4 – in Slovak).

Control mechanisms in both countries concentrate mainly on surveillance of results of archaeological field works. In both countries, the licensed organisations are obligatory to deliver reports to Institutes of Archaeology of the Academies of Sciences. In the year 2010, a distinct committee supervising the quality of excavation reports was established by the Monuments Board of the Slovak Republic.

In the Czech Republic, audits targeting the quality of excavation reports are conducted only in certain selected (usually problematic) cases. Total absence of basic evidence and related possible audits of on-going archaeological field works have led in the Czech Republic to creation of the Internet Database of Field Works administered by the Institute of Archaeology of the Academy of Sciences of the CR, Prague and by the Institute of Archaeology of the Academy of Sciences of the CR, Brno, where all interferences (constructions, mines etc.) in areas with archaeological finds and related field works are registered. Approximately 9 000 records are yearly inputted in this database.

### Non-destructive methods of investigation (Valletta Convention Article 3: i-b)

If we want to determine whether the adoption of the Valletta Convention in the Czech Republic has influenced non-destructive methods application in archaeological field work we have to relate mainly on data included in the Archaeological database of Bohemia (for more information on this issue, cf. link 5.) where individual methods applied during the archaeological field work are recorded. Even though application of non-destructive methods is highly recommended in methodological instructions issued by the Monuments Board of the Slovak Republic as a first phase of archaeological investigation individual cases are not recorded.

Three most common types of non-destructive methods are determined in Table 14.1. A rather low number of occurrences of aerial photographic prospection and geophysical survey in 1980s was mainly caused by restricted accessibility of the above-mentioned methods. Until the year 1989, the application of aerial photography was significantly limited by various political-military reasons and possibilities of geophysical survey were restricted by a rather reduced accessibility to high-quality equipment. In 1990s, a significant decrease in number of surface collections can be observed. This phenomenon can probably be caused by a distinct increase in building activities conducted mainly in urban centres that bound considerable capacity of archaeologists; moreover, the environment of urban centres is not suitable for application of non-destructive methods. Thus, we may assume that mainly three reasons – economic and political changes associated with the Communism collapse and increasingly accessible technological equipment, were of crucial importance for spreading of the non-destructive methods application.

### Use of Metal Detectors (Valletta Convention Article 3: iii)

Czech and Slovak Republics as well as other European countries have had to deal with broad spread of illegal use of metal detectors. At the beginning of 1990s, a significant increase in number of metal detectors spread in private sphere occurred. This technology has been made more accessible to the general public mainly due to boundaries opening following the collapse of Communism. According to unofficial estimations, more than 20 000 metal detectors have been sold in the Czech Republic (Mařík 2013) and a similar number of sold instruments has also been estimated for the Slovak Republic.

Purposeful searching for archaeological finds beyond official archaeological field work was clearly forbidden and already issued in the law in 1987; however, metal detectors were not explicitly mentioned in this law. Slovak monuments law from the year 2001 was more-or-less phrased in the same spirit. In the year 2011 the issue of illegal searching for archaeological finds while using metal detectors was also incorporated in the Slovak penal code.

Penalties and punishments that can be imposed for the illegal metal detector prospection are in both states more-or-less the same. In the Czech Republic, penalties for natural persons can reach up to approximately 80 000 € and concealment of valuable archaeological finds may be punished by a fine up to eight years of prison. According to the Slovak code, pecuniary penalty may reach up to one million € and custodial sentence up to ten years of prison.

However, in spite of severe penalties, legal adjustments have had minimum impacts in practice. With respect to the number of metal detector users we may assume that yearly tens of thousands of archaeological finds are found while the owner (state) has obtained only tens of objects. Low efficiency of legal standards can be also corroborated by number of recourses for illegal prospection that, in both lands, does not exceed twenty cases per annum.

### Funding of archaeological research (Valletta Convention Article 6: i)

Collapse of the Communism in the year 1989 represented a significant change in funding and structure of archaeological research. As a consequence of significant increase in building activities long-term and extensive archaeological field works conducted on several selected sites were substituted by rescue excavations. The principle “the polluter pays” was already embodied in the 1987 law that imposed the obligation to pay for archaeological field work expenses on builders. The only exception represented constructions not related to the builders’ business activities. In this case, the archaeological field work expenses were paid by organisations conducting the works. In the 1990s when building activities had increased several times, a serious problem arose for none of the licensed organisations had enough funds for this type of research. This situation resulted in a state of affairs when the choice of research methods was often subordinated to financial and not professional considerations. As far as legal forms or types of construction intentions are concerned, the disproportion in approach to builders was solved in Slovakia by a new monument care law in the year 2001

Table 14.1: Georeferenced points of analysed info-layers (excavation reports archive, published sites). According to Elena Blažová – Matej Ruttkay (<http://www.cevnad.sav.sk/pics/celkova300.jpg>).

	1980–1984	1985–1989	1990–1994	1995–1999	2000–2004	2005–2009
<b>Surface survey</b>	1752	2637	953	987	1127	1120
<b>Geophysical survey</b>	7	26	40	87	147	54
<b>Aerial survey</b>	4	2	10	56	79	35



Figure 14.2: Georeferenced points of analysed info-layers (excavation reports archive, published sites). According to Elena Blažová – Matej Ruttkay (<http://www.cevnad.sav.sk/pics/celkova300.jpg>).

when the principle “the polluter pays” was implemented without any exceptions. Simultaneously, the law also permitted compensations of archaeological field work expenses from state funds on the basis of the builders’ requests.

The Ministry of Culture of the Czech Republic established a special fund from which it was possible to cover part of the archaeological field work expenses for the licensed organisations. Even though the Ministry of Culture puts approximately € 120 000 into this fund yearly. The necessary amount of money is estimated at € 600 000.

## Conclusion

On the basis of several of the above-mentioned cases it is possible to demonstrate that in the course of more than two decades of independent development both countries have had to deal with a series of similar problems. Since the constitution of the Valletta Convention, no archaeological reserves have been declared in any of the states and number of archaeological cultural monuments has been extremely low. What lies behind this situation cannot be unequivocally determined. One of the possible reasons may lay in the fact that proprietor rights are significantly more respected nowadays than before the year 1989 which has resulted in monument declaration processes dragging on for several years. Moreover, transition from scientifically oriented research to preventive archaeology may represent another explanation. The Majority of new archaeological sites determined in the last twenty years were identified only when a new construction project had been permitted on the spot.

Other points of contact between both countries may also be observed in the selected methods of archaeological sites evidence. Creation of electronic evidence systems began in both states in the first half of 1990s. While in Slovakia the system administration was enacted by law to the Institute of Archaeology of the Slovak Academy of Sciences, database systems (List of Archaeological Sites in the Czech Republic, Archaeological database of Bohemia) in the Czech Republic were created as parts of scientific projects. Their creation was, in fact, funded by the state in the form of several supported grant projects; however, the

projects’ originators were forced to find funding of the systems’ further running in their institutions (Institute of Archaeology of the ASCR and National Heritage Institute). With two decades hindsight, it seems that the Czech approach has been more successful for both database systems are accessible for professional as well as non-professional public. On the other hand, the Slovak system CEANS still faces with the data collection. Another similarity, however, in this case unenviable, can be also found in the approach of both countries toward illegal prospection conducted by metal detectors. Even though this activity is bar none prohibited by the law and rather high penalties are imposed; in fact, this law is not effective at all. Thus, situation in both countries can be, without a hyperbole, described as alarming.

The last question left to reply is whether the Valletta Convention implementation has impacted in any way the archaeological heritage care in both countries. The above-mentioned cases clearly show that either regional laws or international conventions do not have, in fact, such a significant impact on archaeological heritage care practice as, perhaps, their authors would probably like. More significantly, social and economic changes that occurred in both countries after the collapse of Communism as well as better accessibility of advanced technologies (metal detectors, information systems) have belonged, without any doubts, among the crucial factors. However, to say that the Valletta Convention has remained a completely aimless document would be too strong simplification. Particularly, its articles are frequently used as important arguments in solving the archaeological finds protection cases as well as in formulating long-term concepts of archaeological heritage care. Thus, it seems that long-term asserting the Valletta Convention lies mainly in hands of individual people working in the field of archaeological heritage care – preservationists, archaeologists or responsible officers, and educators educating the incoming generations of specialists.

## References

- Bujna, J., Kuzma, I., Jenis, J. 1993: Centrálna evidencia archeologických nálezísk na Slovensku – projekt systému [Central Evidence of Archaeological Sites of Slovakia – The project of system]. *Slovenská Archeológia* 41, 1993, 367–390.



- Krušinová, L. 2002: The Czech Republic, in Fairclough, G. & Rippon, St. (eds): *Europe's Cultural Landscape: archaeologists and the management of change*, EAC Occasional Paper No. 2, 182–185.
- Krušinová, L. 2004: The Official List of Archaeological Sites in the Czech Republic – an information system of archaeological sites in the CR, in Fischer-Ausserer, K., W. Börner, M. Goriany and L. Karlhuber-Vöckl (eds) *Enter the Past. The E-way into the four Dimensions of Cultural Heritage*. CAA 2003. *Computer Applications and Quantitative Methods in Archaeology*, BAR International Series 1227, 194–200.
- Kuna, M. 1994: The State Archaeological Database. *Památky archeologické, Supplementa* 1, 221–228.
- Kuna, M. 1997: Archeologická databáze Čech [Archaeological Database of Bohemia], in: Macháček, J. (ed.), *Počítačová podpora v archeologii*, Brno, 105–111.
- Mařík, J. 2013: Amateurs and professionals archaeologists: Legal models for their cooperation in the Czech Republic, in Lagerlöf (ed.): *Who cares? Perspectives on Public Awareness, Participation and Protection in Archaeological Heritage Management*, EAC Occasional Paper No. 8, 105–108.
- Tomášek, M. 2011: Slovanské hradiště v Mikulčicích z pohledu ochrany archeologického památkového fondu Moravy [The fortified settlement in Kordiovský, E., Synek, F. (eds): Mikulčice from the point of view of the archaeological monument protection in Moravia], in *Národní kulturní památka v Mikulčicích a kostel Sv. Markéty Antiochijské v Kopčanech: Památka světové hodnoty na seznamu světového kulturního dědictví UNESCO*, Hodonín, 8–11.

#### Links

- Link 1: [http://twist.up.npu.cz/tms/arch\\_public/index.php?client\\_type=map\\_resize&Project=TMS\\_ARCH\\_PUBLIC&client\\_lang=cz\\_win&strange\\_opener=o](http://twist.up.npu.cz/tms/arch_public/index.php?client_type=map_resize&Project=TMS_ARCH_PUBLIC&client_lang=cz_win&strange_opener=o)
- Link 2: <http://www.arup.cas.cz/?p=18738&lang=en>
- Link 3: <http://www.mkcr.cz/assets/kulturni-dedictvi/pamatkovy-fond/archeologie/Tabulka-OOPAV-zakl--udaje-WEB-01.xls>
- Link 4: <http://www.pamiatky.sk/Content/zoznam-archo-pravnicke-osoby-4.7.2012.pdf>
- Link 5: <http://www.arup.cas.cz/?cat=328&lang=en>



## 15 | Archaeological resources in cultural heritage: a European standard

David Bibby

**Abstract:** The 2007 EAC-Symposium in Metz highlighted the fact that most of the member countries shared many common issues in archaeological archiving. There was unanimous agreement that the development of best practice guidance and an overarching standard for European archaeological archives is a desirable goal. To this end the EAC working party on archaeological archives was formed with the initial aim of producing this standard and guidance. Out of the EAC working party on archaeological archives has grown the ARCHES project. ARCHES is a two year project jointly funded by the European Commission. This short paper is a mid-term progress report.



*This project has been funded with support from the European Commission.*

*This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*

This year we have come almost full circle since the 2007 EAC-Symposium in Metz, the theme of which was “Archaeological Archives - in continuity with the monitoring of the Valletta Convention undertaken by EAC”. Whilst increasing archaeological awareness and activity across Europe and generally improving standards in archaeology are good things, they lead to an increase in the volume of archaeological archives and make them more heterogeneous thereby exponentiating the problems of conservation, long term storage, administration, access, the special difficulties concerning digital data - the list could go on – as well as the problem of finding the necessary resources to maintain these archives.

In Metz it became clear that the problems were almost universal amongst the participants of that symposium. The EAC responded by forming a working group “archaeological archives” to analyze the problems and work toward solutions.<sup>1</sup>

At its first meeting in October 2007 the working group swiftly came to the conclusion that archaeological archiving must not and cannot be treated separately from other parts of the archaeological process – especially those active processes such as excavation, survey and field walking which actually produce potential archive-material. The first task was therefore to find a suitable, simple, operational definition to encompass both the processes and the archive which results from those processes as a foundation for further work:

Archaeological archives are all moveable remains/ heritage, data and documentation from any archaeological observation or intervention.

During 2008 the working party met quarterly, dealing with such issues as:

- The provision of good access to archaeological archives.
- Setting up and sustaining digital archive standards.
- Procedures for selection and retention.
- Storage and standards of conservation.
- Legal issues and responsibilities for the conservation and curation of the archive.
- Maintaining good curatorial practice in order that archaeological artefacts and collections can be best protected, preserved, displayed, accessed and circulated within Europe in accordance with the Treaty of Valletta<sup>2</sup>, especially the Valletta Articles 2, 4 and 8 which call for each actor to:
  - maintain an inventory of its archaeological heritage

<sup>1</sup> Members of the EAC working group archaeological Archives at the time of writing: Ann Degraeve (Chair), Ministère de la Région de Bruxelles-Capitale, B; David Bibby (Deputy Chair, Lead Party Manager ARCHES), Landesamt für Denkmalpflege Baden-Württemberg im Regierungspräsidium Stuttgart, D; Martin Kuna, Archeologický ústav AV ČR, Praha, i.v.v., CZ; Guus Lange, Rijksdienst het Cultureel Erfgoed, NL; Sólborg Una Pálsdóttir, Archaeological Heritage Agency, IS; Bettina Stoll-Tucker, Landesamt für Denkmalpflege und Archäologie Sachsen-Anhalt, D.  
External Partner: Kathy Perrin, GB.  
Consultants: Catherine Hardmann, ADS, GB, Sascha Schmidt, VS-Consulting, D.  
Adviser: Adrian Olivier, GB.

<sup>2</sup> European Convention on the Protection of the Archaeological Heritage, Valletta, 16.I.1992, Art. 2, 4, 8



- implement measures for the physical protection of the archaeological heritage, making provision, as circumstances demand
- implement measures for the conservation and maintenance of archaeological heritage and for appropriate storage places for archaeological remains which have been removed from their original location
- facilitate the national and international exchange of elements of the archaeological heritage for professional scientific purposes while taking appropriate protection steps to ensure that such circulation in no way prejudices the cultural and scientific value of those elements
- promote the pooling of information on archaeological research and excavations in progress and to contribute to the organization of international research programmes

With these topics in mind, by mid 2009 a plan had been mapped out to produce a definitive 'standard for the compilation, preparation and deposition of archaeological archives', thereby producing a 'best practice guidance for the compilation, preparation and deposition of archaeological archives' for adoption by the EAC. A successful project-bid in 2011 happily led to the co-financing of the project, now known as ARCHES (Archaeological Resources in Cultural Heritage: a European Standard), by the Education, Audiovisual and Culture Executive Agency (EACEA) of the European Union under the Culture 2007–2013 scheme. Lead partner is the Landesamt für Denkmalpflege Baden-Württemberg. The two year ARCHES project, which is mid-term at the time of writing, kicked off in Esslingen, Baden-Württemberg in June 2012 and will run until the end of May 2014.

The Project is organized in Work Packages:

1. Project management and coordination (Baden-Württemberg)
2. Core Standard Production (English Heritage)
3. Organisation of Survey/Workshops (Archaeological Heritage Agency, Iceland)
4. Bibliography (Sachsen Anhalt)
5. Applied Standard Production (Archeologický ústav AVCR Praha, v.v.i)
6. Dissemination (Brussels Capital Region)
7. Sustainability measures (Rijksdienst voor het Cultureel Erfgoed)

The composition of the EAC working group "archaeological archives" and the ARCHES-project is almost identical. Sweden (Riksantikvarieämbetet) has joined ARCHES to add extra capacity to all work packages as and when needed. The Swiss associate partner ARCHEOCONCEPT has participated in the ARCHES project since its inception.

Whilst Work Package 1 is purely administrative, Work Package 2, the "core standard", as the name suggests, is at the root or core of the project. It is a high level succinct document containing the basic "what's" of archaeological archiving rather than the "whys", "how's" and "who's". The core standard sets out in a brief and concise manner what comprises an archaeological archive, the principles underlying responsibility for its creation as well as general requirements for maintenance and curation. The document is designed

to be a monitoring standard. Its statements are not up for challenge. They are standards to be followed by those involved in archaeological archiving. It deals with:

- Definitions
- Composition (of the Archive)
- Principles (of Archiving)
- Responsibilities
- Standards

The "whys", "how's" and "who's" corresponding to the "what's" of the core standard are dealt with in the "applied standards" (WP5). An example of how the core and applied standards work together might be: The core standard states that 'the material archive must be stored in conditions conducive to the long-term survival of each object and the provision of continuing accessibility in the future.' The applied standards might say that Iron Objects must be stored at a temperature of 15° to 24°C and below 35% RH. Another example might be: The core standard states: 'a piece of archaeological work has not been completed until the archive has been successfully transferred to a recognized repository and is fully accessible for consultation. It is in the interests of all parties to transfer completed archives to recognized repositories as quickly as possible. Copyright, license and/or ownership of all archaeological material and records must be transferred to the repository that curates the archive in perpetuity, in order to ensure long-term access and rights to future analysis and reproduction'. The applied standards describe who is responsible for ensuring that that responsibility is met, what constitutes a recognized repository and the specific national/regional requirements of ownership/copyright.

The final applied standards will be informed by the results of WP 3, Survey/Workshops, a two-pronged approach consisting of an online policy survey and hands on country/state/language one-day workshops organized by the members of ARCHES and the Swiss partners in their respective countries.

The analysis of the surveys and workshop results will explore present practices and identify existent successful strategies that can be adopted and included in the recommendations as well as identifying areas where strategies are lacking or so varied that there is need for new guidance.

The applied standards set out recommendations as a guide to best practice in archaeological archiving in Europe encompassing:

- Creation of the record to a consistent standard, which ensures the security and comparability of archaeological information, facilitating research.
- Selection of material for retention, which would ensure the compilation of an archive that is entirely relevant representative and in accordance with local, regional and national research agendas.
- Compilation of archive material to an agreed standard that ensures the accessibility and longevity of the archaeological record.
- Curation requirements for all classes of archaeological material, whether in the temporary care of research organisations or in permanent repositories.
- Strategies and policies for the compilation, transfer and curation of digital material.

The present “Information Age” makes policies for the compilation, transfer and curation of digital material especially relevant as witnessed by such agencies as the Archaeological Data Service in the UK, EDNA in the Netherlands, the CIDOC-CRM working group on archaeological archives, the IANUS project of the German Archaeological Institute, the Commission on Archaeology and Information Systems of the Association of State Archaeologists in Germany, the HEREIN project of the Council of Europe and not least the ARCHES project of the Europae Archaeologiae Consilium.

The Dissemination of the combined core standard/best practice manual will be in the form of a hard copy in English – an EAC publication - with web-based translations into the languages of the ARCHES members including national/state specifics concerning roles, responsibilities and practices of archaeological archiving

ARCHES will not finish there. Under the auspices of the EAC it should establish itself as a central platform for archaeological archiving matters in Europe. A further element in the process is the establishment of a pan European bibliography of publications on archaeological archiving matters (Work Package 4) housed on the ARCHES WIKI developed in Work Package 6 in cooperation with ADS in York (<http://archaeologydataservice.ac.uk/arches/Wiki.jsp>)

A draft business case for sustainability (Work Package 7) has been prepared. It takes a preliminary look at ways and means of:

- Maintaining the currency of the European archaeological archiving standard and best practice manual into the future, keeping it up to date and relevant
- Ensuring it reaches, is adopted by, and is used by all parts of the archaeological sector throughout partner countries and states in Europe
- Ensuring that European archaeological archiving standard and guidance is referred to and used wherever archaeology is taught and archaeologists are trained throughout our partner countries and states in Europe
- Promoting the adoption, adaptation and use of the European archaeological archiving standard and best practice manual in other parts of the European Union.

In future, ARCHES and the EAC working party on archaeological archives should continue to evolve and merge into a centre for European archaeological archives under the auspices of the EAC. The ARCHES WIKI will remain in place beyond the 24 months of the actual ARCHES project with forums on archaeological archiving, an expanding bibliography, links to places of archiving interest and a facility for publication of news or longer articles appertaining to archives as well as a platform for exchanges on archaeological archiving in general.





## 16 | Relax, don't do it: a future for archaeological monitoring

Hans Huisman and Bertil van Os

**Abstract:** Development and implementation of the Valletta treaty made conservation of archaeological sites *in situ* a main issue. The execution of preservation *in situ* projects sparked a series of research projects and pilots. This resulted in a good overview of degradation processes and a range of monitoring techniques and guidelines. New chances lie in the growing general availability of useful digital data. Problems, however, lie in lack of information on the speed of degradation processes, strong technocratic approaches, lack of funding and unclear goals. For the future a better focus is needed in order to give monitoring an accepted and useful role in the preservation of archaeological sites.

### Introduction

The preparation and signing of the Malta convention/Valletta treaty in the late 1980s and early 1990s sparked the emergence of a new field of study: The focus on protection *in situ* created a demand for knowledge on degradation processes. Moreover, techniques were needed that could be used to determine whether or not archaeological sites were actively degrading, i.e. for monitoring of archaeological sites: A scientific base for preservation *in situ* as it were. A series of initiatives and projects were started that focussed on this new field of research and development, that had a strong foundation in science: Specialist and techniques from earth sciences, environmental sciences, (micro)biology and material sciences provided important contributions for many of the preservation *in situ* projects of the last two decades. Now, some 20 years after the signing of the treaty, is a good moment to evaluate the achievements of this research and development effort; to see what knowledge has been gained and gathered and what kind of techniques have been developed and applied. To contemplate how these knowledge and techniques are used today to assess and monitor archaeological sites today. And to critically evaluate whether we are on the right track or need to rethink or adapt current practices in order to promote and support the protection of archaeological sites *in situ* in the future. In this paper I will give an overview of the development of degradation research and monitoring in archaeology in the last two decades. I will discuss the achievements, but also give a critical evaluation of the present situation - based mostly on personal perception and experience. I will finish with a proposal to rethink the way we deal with archaeological degradation and monitoring for future preservation *in situ* initiatives.

### Looking back: developments in the last two decades

The realization that a scientific basis was needed for implementing the preservation *in situ* adagium in the Malta convention/Valletta treaty sparked a series of diverse research projects, pilot projects and other initiatives. Soon, those involved were provided

with means of communication on the subject: A conference on "Preserving Archaeological Remains in Situ" (or "PARIS") in 1996 was followed by such in 2001 (Nixon 2004), 2006 (Kars & van Heeringen 2008) and 2011 (Gregory & Matthiesen 2012). That the first issue of the journal "Conservation and Management of Archaeological Sites" came out just a few years after the signing of the Valletta treaty (1995), may have been a coincidence: The treaty is not mentioned in the foreword of the first issue (Price 1995) and the focus of the journal is not so much European but rather global. Still, this journal in combination with the PARIS conferences have formed an important means for international communication about degradation and monitoring issues. In addition, many scientific publications also found their way in journals with a more general focus in the fields of archaeology, archaeological science, conservation and natural sciences.

The project and initiatives from the last two decades can be classified into three groups according to their aim: (1) degradation research (2) monitoring sites and burial environment and (3) standardization, decision making and dissemination. Funding for most of these initiatives was provided by government bodies (national level) or EU-programmes (larger, international consortia).

#### 1. Degradation research

A series of research projects aimed at elucidating degradation processes, and the effects of burial conditions. Many of these projects had a scientific, fundamental approach and focussed on a specific type or class of archaeological materials. E.g. research was done on the degradation of metals (Wagner et al. 1997; Tylecote 1979; Neff et al. 2005; Saheb et al. 2012), bone (Kars en Kars 2002; Jans 2005), waterlogged wood (Klaassen 2005; Klaassen et al. 2008; Huisman en Klaassen 2005b; Huisman et al. 2008a) and glass (Huisman et al 2008b).

#### 2. Monitoring sites and burial environment

Others developed methods and techniques to assess and monitor sites and the burial environment. In a series of pilot projects the knowledge was applied and

techniques tested during assessments, monitoring and - in some cases - physical protection of archaeological sites (both terrestrial and submerged). These projects were more applied, but often still technology-heavy (Cederlund 2004; Jones & Bell 2012; van Heeringen en Theunissen 2001, 2002; van Heeringen et al. 2004a,b; Hollesen et al. 2012; Huisman et al. 2008b; Jans et al. 2004; Matthiessen et al. 2008; Richards 2012; Smit et al. 2005; Tjéllden et al. 2012 - to name just a few). The emphasis of most of these studies was on the degradation of (organic remains in) wetlands sites. Monitoring of sites threatened otherwise, e.g. physical degradation through erosion or induced by agricultural land use was far less common.

### 3. Standardization, decision making and dissemination

The third group (standardization, decision making and dissemination) has become more and more important in the last decade. Overviews of knowledge on degradation processes and the impact of the burial environment have appeared for national (e.g. Kars & Smit 2003; Huisman et al. 2011) and international (e.g. Huisman 2009) audiences. Guidelines and support for decision - making for archaeological monitoring have appeared in several countries, e.g. Norway (Anonymous s.a) and the Netherlands (Smit et al. 2006).

### The present situation

After this development of several decades, we are now at a stage that we can look back to evaluate the results of these efforts: It is clear that a large step forward has been made. There is a general overview of degradation processes and their relation to the burial environment. A range of techniques for assessing and monitoring the burial environment are available for use in preservation initiatives. And guidelines, best practices and reports from pilot projects help in the design and execution of new assessment and monitoring projects on archaeological sites. For the future, new chances lie in application of the growing amounts of general available useful digital data like groundwater levels, groundwater- and surface water chemistry, satellite images, sonar, precipitation and LIDAR that are collected for other purposes (e.g. Björdal et al. 2012; Huisman & Mauro 2013; ). Several problems can also be identified, however:

#### (1) Fast and furious?

We have very little notion of the speed of decay processes. This makes it difficult to distinguish between acute degradation that would destroy archaeological remains within a generation and processes that are so slow that they should be regarded as part of the normal (taphonomical) development of an archaeological site. In addition, if the effects of degradation processes are apparent, it is still not known whether they are still active or not.

#### (2) It's not rocket science!

Many published assessment and monitoring techniques rely heavily on complex and costly non-archaeological specialist knowledge, technology and expertise. As a result, many archaeologist struggle to understand the methods and outcome - let alone see the applicability.

Wider implementation would be greatly simplified by replacing technology - heavy practices with low-tech observations wherever possible.

#### (3) Where is the money?

Monitoring of archaeological sites is difficult to finance. The main reason for this is that the responsibility of mitigating degradation is not part of the Malta convention. Landowners or developers are only responsible for an archaeological site if their plans will damage it. If no such plans exist, no one is responsible for monitoring or mitigating measures and funds are difficult to find. This is also the case if development plans are adapted in order to evade damage to a site, following the spirit of the Malta convention.

Even if sites are monitored, in many cases no funds are available to take mitigating measures. As a result, if monitoring shows that action should be taken, the funds are lacking and no party is responsible.

The paradox arises that sites that are under severe threat from degradation processes, e.g. induced by intensive farming, would benefit from the execution of damaging development plans: Only this would release funds for *ex situ* (or, if appropriate *in situ*) protection.

#### (4) Missing the goal

The focus on knowledge and technology obscures the actual goal of degradation and mitigation studies. Reports and publications often present masses of data and complex graphs. These results, however, are often not or not well applied to the implications for site(s) preservation. As a result, it is often unclear what the purpose is of monitoring projects, which parameters are critical and what measures should be taken when thresholds values are exceeded.

These problems are potentially serious shortcomings in the present practice of monitoring and degradation research. They may be so serious that successful application of monitoring to preserve archaeological remains *in situ* is threatened. In our experience, many archaeologists tend to view archaeological monitoring as an expensive hobby that produces unintelligible results that have no application in archaeological heritage management. Changes are needed in order to counter this, as we remain convinced that archaeological monitoring can be a useful component of preservation *in situ* initiatives as envisaged in the Malta convention.

In the Netherlands, a shift is starting to become clear: on the one hand there is growing interest in and demand for monitoring and mitigating studies by the government. On the other hand, the Cultural Heritage Agency (RCE) is attempting to focus daily practice of degradation research and monitoring to make it applicable for preservation *in situ*.

### The future of monitoring

In order to counter the problems identified in the previous chapter, we want to use the present chapter to review the basis of archaeological monitoring, and use that for future policies. First we need to define what archaeological monitoring is. Then we need to determine why and when archaeological monitoring is needed - and possible - and when monitoring is not an

Figure 16.1: Diagram of the process of evaluation, selection and in situ preservation of an archaeological site; based on Huisman 2009, fig. 91.

option. In order to decide whether or not monitoring can be useful, three issues need to be addressed: why, what and when (in the sense of “under what circumstances”). And likewise of course why not, what not and when not:

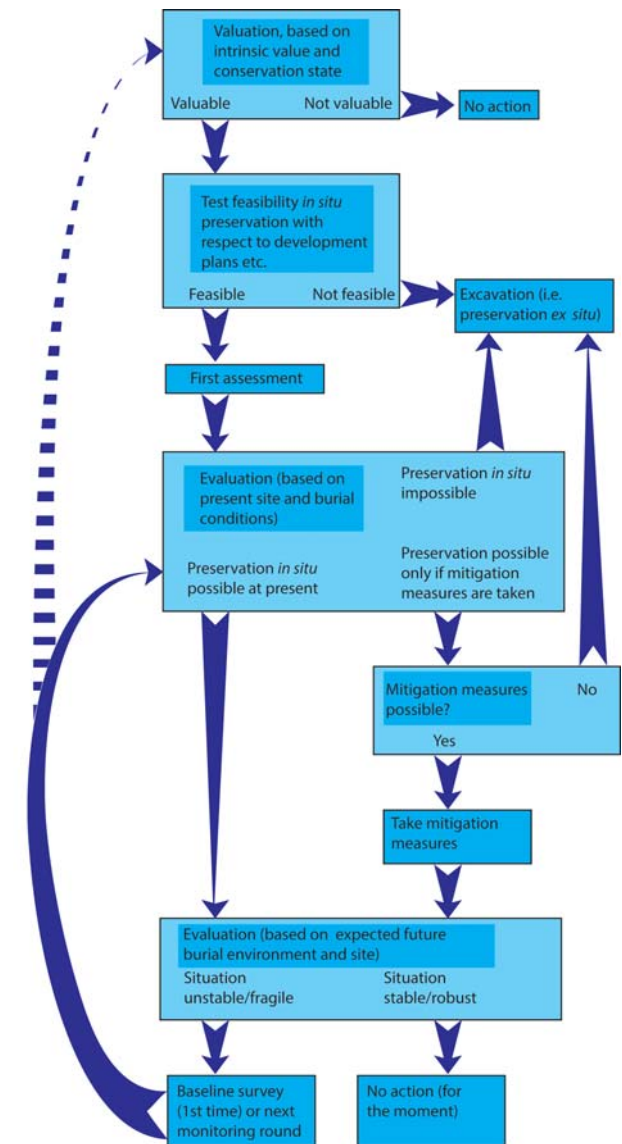
### (1) Definitions

Archaeological monitoring can be defined as repeat observations of archaeological remains and/or burial environment in order to identify threats to the preservation of archaeological sites, and follow the degradation processes through time. The first round of observations is referred to as baseline measurement, as it is meant as the basis with which to compare later measurements. Observations may be as far as apart as several years (e.g. quality of botanical remains) and as close as several hours (automatic monitoring of groundwater levels using data loggers). Degradation of archaeological remains is often implicitly regarded as those processes that damage or transform archaeological remains. From the definitions of the Malta convention a more to-the-point definition can be given: In Huisman (2009) the approach is taken that archaeological sites are most valuable to our cultural heritage in terms of the information they contain about people's lives in the past. This means that artefacts and other remains are not important *per se*, but act primarily as carriers of archaeological information. It also means that processes that alter, transform or partially break down archaeological remains should be regarded as degradation processes *only* if archaeological information is lost in the process. Degradation processes should therefore always be studied from the viewpoint of the (potential) loss of information. Logically, the same should be true for assessment, monitoring and *in situ* preservation of archaeological sites.

### (2) Why and why not?

Archaeological monitoring is a key aspect for archaeological site management. It comes into play at specific moments in the process of preservation. As stated in Huisman et al. (2009), this process requires a series of fundamental steps (see also Figure 16.1): The process of preservation starts with the discovery or identification of an archaeological site. The second step is to gather archaeological and soil scientific (pedological) data by means of a field study. These data is then used to assess the physical and scientific quality of the archaeological remains. The third step involves evaluating the site and deciding whether the quality of the site is large enough to warrant preservation. If this is the case, as a fourth step a selection procedure needs to follow: the initial assessment. This step requires knowledge of the burial environment and on active degradation processes. The information derived from this assessment can then be used to choose:

1. Preservation *in situ* is feasible without further action if no relevant degradation processes are active or foreseeable under unchanging conditions



2. If degradation processes are active but the burial environment is so unstable or liable to change that they may start soon, preservation *in situ* should be accompanied by a monitoring programme. If changes occur in the burial environment, new decisions will have to be made.
3. If serious degradation occurs, measures should be taken to stop these processes. Monitoring may be necessary, depending on the burial environment and measures taken
4. If serious degradation occurs and there is no feasible option to stop it, preservation *ex situ* is the only remaining option.

This “first assessment” is often seen part of a baseline measurement. However, strictly speaking they are two different steps: Whether monitoring is necessary and feasible is based on the first assessment results. The baseline measurement is the first round of measurements within this scheme. (At the stage of field study (second step), relevant data for the initial assessment can be gathered without much extra effort - van Os et al. (2012) - but this is rarely done in practice.) This sequence of decision shows that monitoring plays a role first and foremost on sites with active



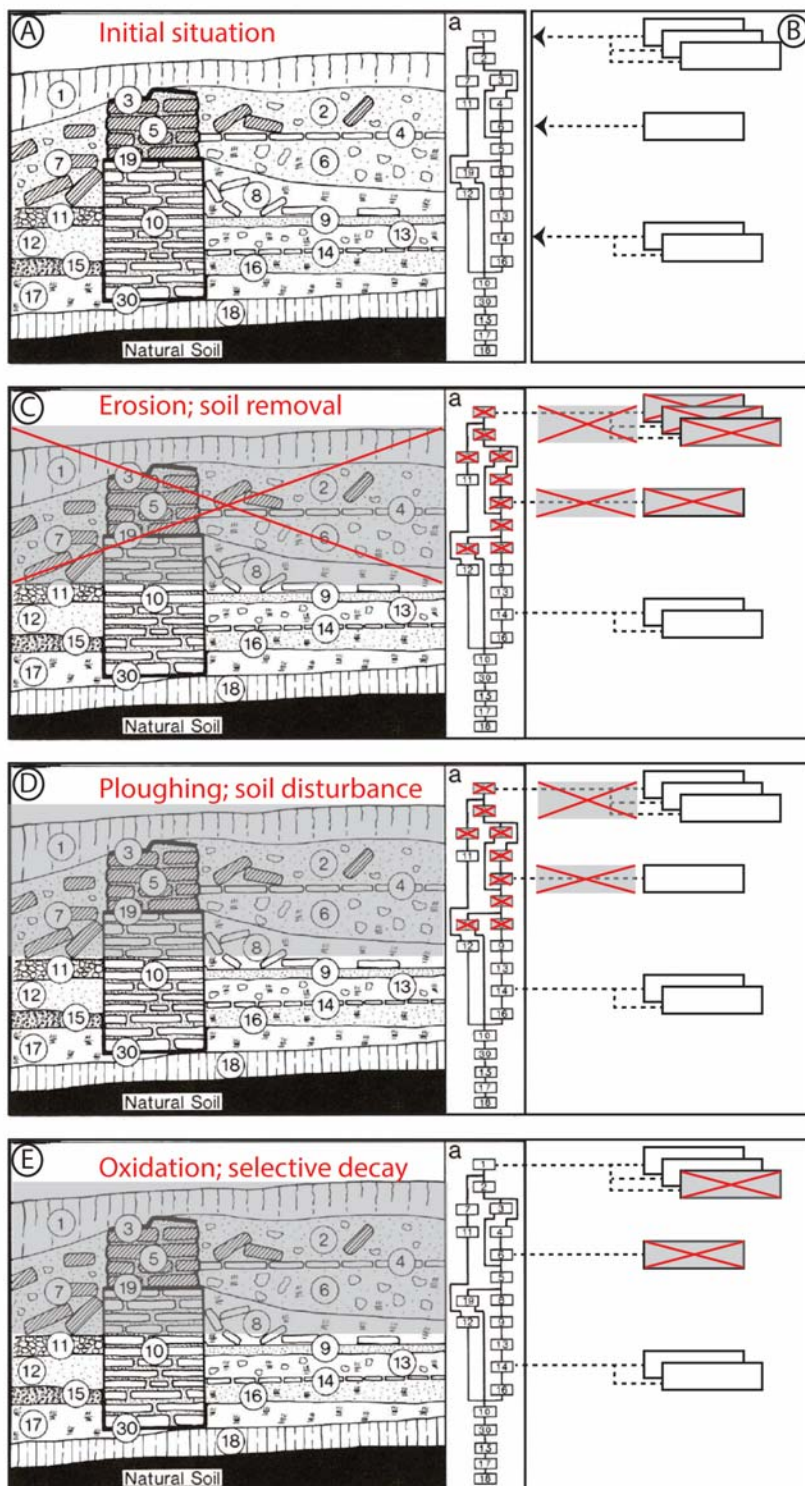


Figure 16.2: Schematic representation of the information content structure of a hypothetical archaeological site, showing the relation between soil features, stratigraphy and artefacts.

A: Hypthetical profile showing a sequence of soil features (including a brick wall). On the right is a Harris-matrix, showing the stratigraphical relations between the various features. From Harris (1989), reproduced with authors' permission.

B: Addendum to the Harris matrix, representing various objects (artefacts, ecofacts etc.) and their relation to the soil features and each other.

C, D, E: The various ways that specific types of degradation processes may affect this hypothetical site. In one case (erosion), all features objects and relations are lost. In another case (mixing), the features are lost. Objects are still present, but the relations between features and each other are lost. In a third case (oxidation), only a specific groups of objects is lost (e.g. organic remains).

preservation *in situ* when the burial conditions are unstable or liable to change. Jim Williams (2013) in his review of monitoring projects in the UK presents three reasons under which monitoring is feasible on an archaeological site (paraphrased):

1. To test whether the burial environment is stable
2. To keep a tab on changes in the burial environment
3. For scientific research and development of monitoring techniques

These reasons can be matched to the schema above: (1) is first assessment; (2) is base line measurement and following measurement round (3) is more scientific in

nature finds its relevancy in the necessity for product development in order to properly execute the Malta convention.

In practice, it is in fact more relevant to determine under what conditions archaeological monitoring is *not* feasible:

1. The reason for monitoring in the Malta-convention framework is preservation *in situ*. If monitoring shows that degradation processes are active, it is expected that measures are taken to counter these processes. This implies that monitoring is not feasible if there is no possibility to take such measures. E.g. if monitoring an archaeological site



underneath a building shows active degradation processes, it is highly unlikely that the building will be evacuated and torn down in order to make a rescue excavation possible. Except in the case of research and development projects, monitoring degrading archaeological sites without options for mitigation will only show the (quick or gradual) decline of the site; is a complex and expensive way of becoming depressed.

2. If we define degradation as loss of archaeological information, it follows that only those processes are relevant that result in loss of archaeological information. Monitoring therefore is only relevant if the processes or conditions monitored have potential effect on the archaeological information content of artefacts and/or sites. This implies that monitoring plans should take into account (1) the types of archaeological remains expected to be present in the archaeological site under consideration (2) the degradation processes that lead to loss of archaeological information and (3) to what extent the burial environment promotes these processes.
3. A large variety of processes can occur in archaeological sites, depending on the types of archaeological remains present, human activities, the burial environment and changes therein. Some processes go extremely fast, while others take a long time to have any noticeable effect. The assumption is that if degradation processes occur, mitigating measures can be taken. This implies that if processes occur too quickly, time is too short to implement measures before all is lost, monitoring is useless. The other end of the scale is processes that are too slow, not causing any measureable effect on archaeological remains within a human generation. Their mitigation will have no urgency, making monitoring irrelevant. If we assume that at least 2 years are needed to identify active degradation processes and instigate mitigation processes and (more or less arbitrarily) define a generation as 50 years, a "monitoring window" can be defined in which monitoring is only and urgent for degradation process that have a measurable effect on archaeological information content within a period of 2 – 50 years.

### (3) When?

The list mentioned above puts constraints on the conditions under which monitoring would be feasible. Some theoretical considerations may be needed: In order to find out which degradation processes are relevant for the decay of a site it is important to identify which archaeological information is present and would seriously impede the sites' importance if lost. This is depicted in Figure 16.2 which shows several types of information present and how various degradation processes may affect them. In Figure 16.2A, an archaeological site is envisaged by a profile, in which a series of soil features (or layers) can be recognized. The interrelations between these features are shown as a so called Harris matrix (Harris 1989). Multiple material types occur within the features (Figure 16.2B). The total information content of the site can be envisaged as the combination of feature properties, object properties and relative and

absolute spatial relations between different features, between different objects and between features and objects. Degradation processes may affect sites in several ways. Figure 16.2C shows what happens during erosion of a site: all features and objects are lost, as are their spatial relations. Figure 16.2D shows what happens due to tillage, bioturbation or other mixing processes: Objects are not necessarily lost, but most of the spatial relations between the artefacts are. But not all: artefact scatters still provide some relevant and useful archaeological information. Figure 16.2E shows the effect of decay processes on specific types of objects, e.g. the decay of organic remains due to drainage of wetlands. Some types of objects are lost whereas the features, other artefacts and spatial relations are undamaged.

Focussing on degrading objects, the loss of material may occur in many ways. Each type of material has its own potential decay and transformation processes. Their occurrence and speed depends on the burial environment. Since degradation equals loss of information, decay and transformation processes should be confronted with potential loss of information in order to determine whether they would classify as degradation processes. Including time in the equation introduces a way of classifying the severity or urgency – and therefore relevancy – of these processes:

In Figure 16.3, the potential archaeological information of a hypothetical copper alloy artefact is shown, using an artefact-biographical approach. A whole list of properties and potential archaeological information can be identified; some from a classical archaeological toolbox, some from the field of archaeological science. Degradation – in this case corrosion processes – affect firstly the information stored at the surface of the artefacts. Therefore, one of the first types of information that is lost is evidence for use wear and decoration features, as this are restricted to the very surface of the artefact. Progressive corrosion results in the transformation of more metal into corrosion products. However as long as a core of uncorroded metal remains, it can be sampled and analysed to study manufacturing processes, e.g. based on chemical composition and microstructure. That makes these information sources much more robust. Even if no metal core is left, some aspects of the artefact can still be studied, including typology; that is based on the general shape of the object and are not affected by corrosion. This example shows that some types of information may disappear during degradation at various stages and that some are too robust and not affected at all. Interestingly, there is a large period during which corrosion progresses, but no information is lost. In addition, in most cases degradation processes are not linear with time but begin fast and after development of stable burial conditions the rate decreases (see below).

In Figure 16.4, a similar approach is taken for a hypothetical wooden object. In this case, it is assumed that the wood has been buried in waterlogged conditions since burial, but that a recent drop in the water table has resulted in drying-out of the wood. During the waterlogged period, the wood has been subject to decay by erosion bacteria (Klaassen 2005; Klaassen et al. 2008; Huisman & Klaassen 2005). This resulted in a significant loss of wood mass. However, since the structure and surface of the wood is retained

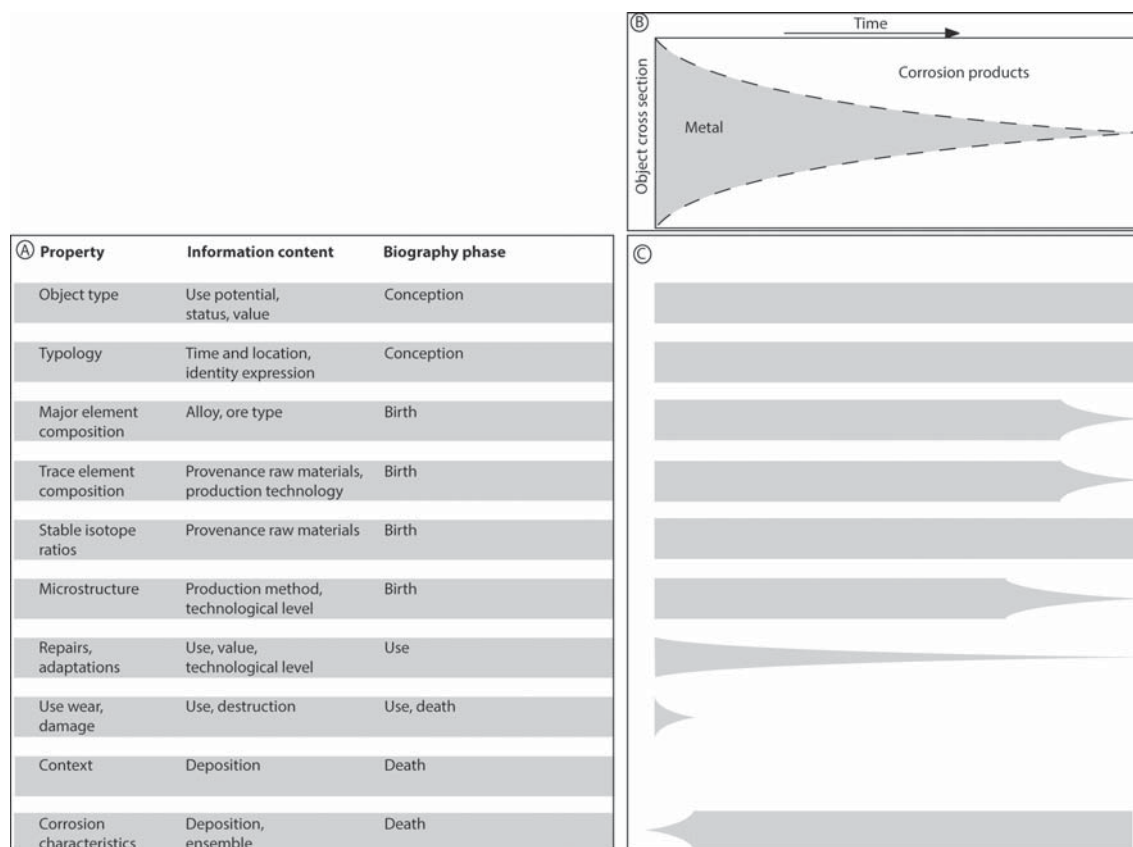


Figure 16.3: Schematic representation of the physical progress of degradation of a non-ferro metal object through time, coupled with the resulting loss of information content. A: Overview of the various properties of the an archaeological artefact, and the archaeological information linked to these properties. B: Schematic progress of degradation that results in the transformation of metal into corrosion products along a frontier that moves into the artefact. C: Scheme to demonstrate at what moment during progressive corrosion each of the properties - and linked archaeological information - is lost. Due to variations in the impact of degradation on these properties through time, the loss of information through time shows variable patterns.

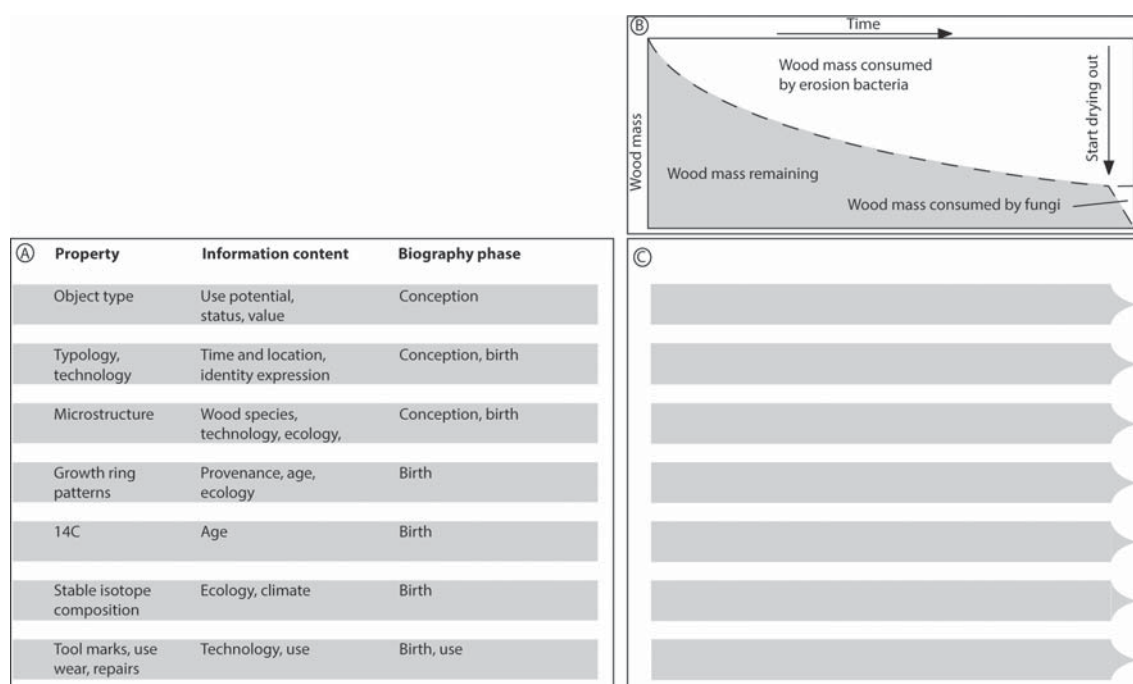


Figure 16.4: Schematic representation like in figure 3 of a wooden object was in waterlogged conditions since burial until recently. The decay processes under such conditions (by erosion bacteria) results in loss of wood mass, but no information is lost. A recent change in the burial environment has resulted in drying out, and therefore fungal decay. This resulted in quick degradation and destruction of the total wood mass and structure, resulting in a quick drop in information value to (almost) zero.

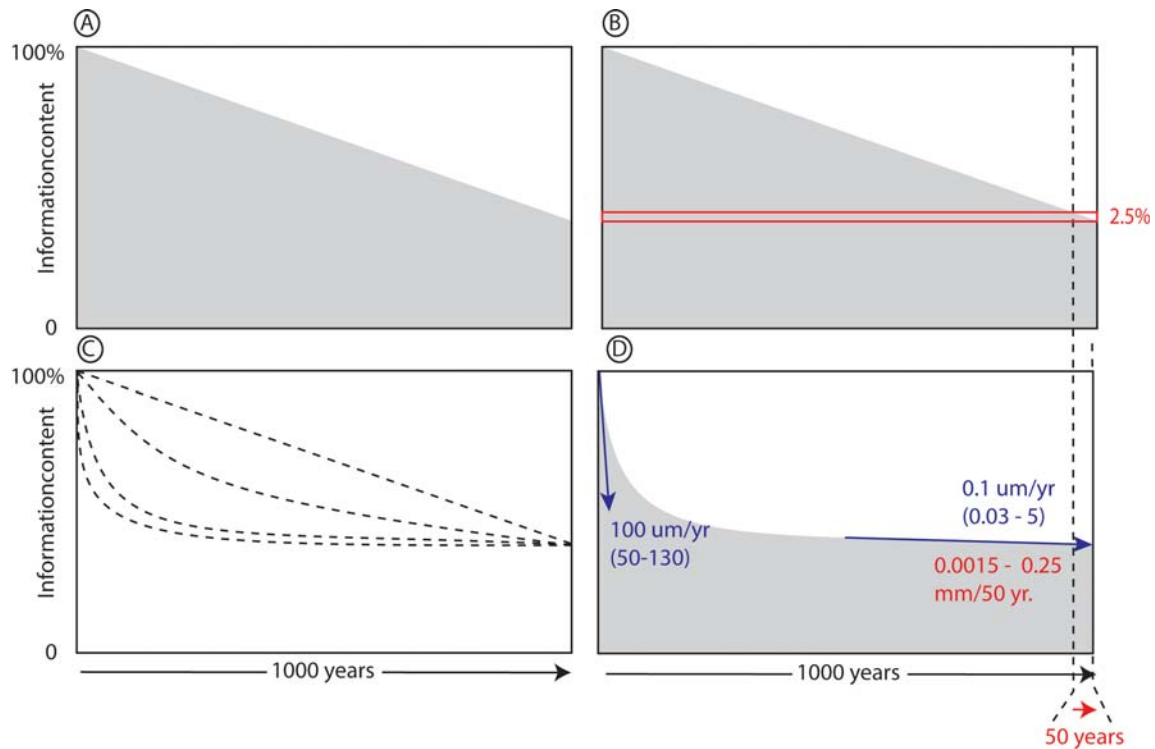


Figure 16.5: Schematic representations of the speed of decay of a hypothetical metal artefact. A: Constant decay rate of an artefact, losing half its information value in a period of 1000 years. B: During a 50 year monitoring window, there would theoretically be a 2.5% loss. In practice, such losses are impossible to measure. C: In practice, decay rates are probably not constant, but start fast immediately after burial and then slow down. They may follow any of the dashed functions. D: Based on corrosion velocities based on Neff et al. (2007) and Matthiesen et al. (2007), the progression from high corrosion velocity just after burial to extremely slow values after centuries seems to follow a logarithmic decay function.

during this type of degradation, loss of information does not occur (Huisman 2009). After drying out, fungal decay resulted in quick and thorough breakdown of the remaining wood and wood structure equalling complete loss of archaeological information, within a few decades.

If we look at decay rates that are derived from archaeological remains, we encounter a conundrum. Object that have been buried for a long period of time in an unchanging environment can only have survived for this long if the decay rates were very slow. For example, if a roman artefact would take 2000 years to totally decay this would theoretical mean a maximum information loss of  $100\% / 2000 = 0.05\%$  per year, i.e. 2.5 % in 50 years. Effectively, this means that the change is undetectable within the 2–50 years monitoring window. Reversing the argument, assuming that 20 % change in information content would be measurable within 50 years (which is a massive assumption), this demonstrates that in an unchanging environment, decay processes would be impossible to detect in sites older than c. 250 years. That means that monitoring is only relevant if the burial environment has changed relatively recently so that quicker degradation processes are active and have measurable results within the 2–50 yrs “monitoring window”.

However, we have still (too?) little knowledge on the actual velocity of degradation processes. Moreover, as mentioned earlier, many of the processes are non-linear; i.e. their velocity changes through time. A good example of this is the corrosion of iron objects under aerobic conditions. Decay velocity may be expressed

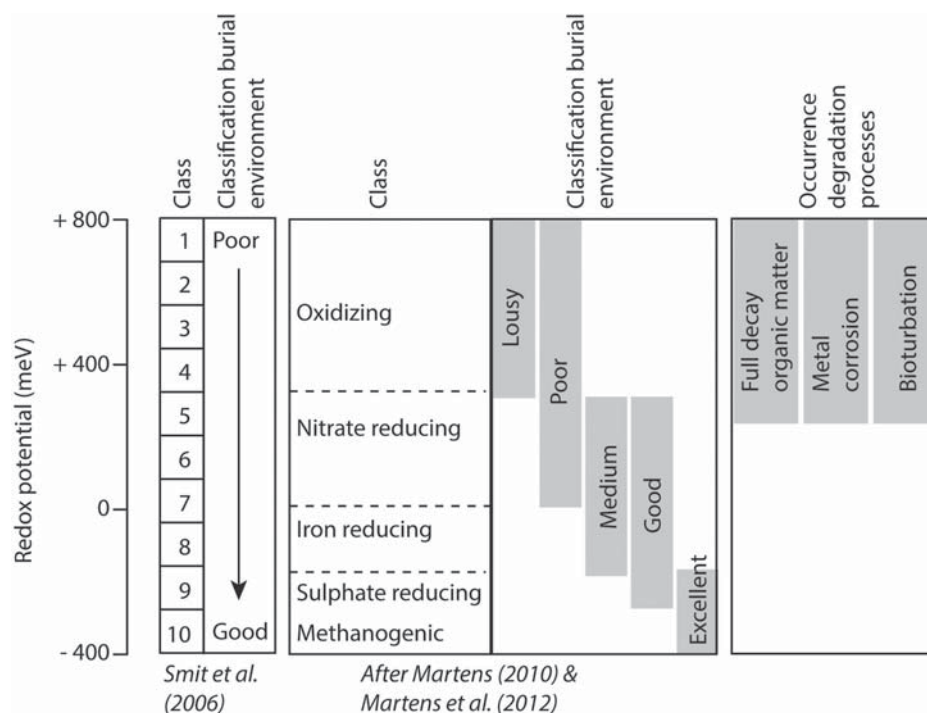
as the increase thickness of the corroded layer per unit of time (envisaged as a starting at the surface of an artefact and progressing inward). If this velocity is determined on freshly burial of fresh objects, the velocity lies in the order of magnitude of 50–130 micron/year. However, measurements on the corrosion layer thickness of medieval archaeological artefact gives velocities of c. 0.03–5 micron/year (Neff et al. 2007; Matthiesen et al. 2007). This indicates that corrosion starts at fast pace, but slows down quickly, due to the formation of protecting patinas. Therefore, the change in metal corrosion rate can best be described through a logarithmic decay function (Figure 16.5). This also demonstrates that monitoring changes in metal corrosion to apply preservation *in situ* is of little use if the burial environment was (and is) stable.

Does this reasoning invalidate monitoring of archaeological remains? Not really; it only shows that monitoring is irrelevant on most sites where conditions remained constants since burial. It rather does emphasize that monitoring is especially relevant for those sites where the burial environment has changed in the recent past, such as shallow sites in recently drained wetlands: Here, one can expect measurable and severe degradation processes, which make mitigating measures and monitoring relevant and urgent in many cases.

#### (4) How?

As mentioned above, many methods have been developed and applied in the last decades for monitoring of archaeological sites. However, there

Figure 16.6: Classification of redox potential in classes according to Smit et al. (2006) and Martens (2010) and Martens et al. (2012). The correlation between redox state and decay processes is shown on the right.



seems to be a tendency to prefer complex techniques that require specialists to perform and interpret, over simple observations that archaeologists can do themselves. Techniques to determine oxygen content and redox conditions may serve as an example:

The availability of oxygen is one of the most important factors that determined which degradation processes occur in which materials and at which rate. Availability of ample oxygen results in (1) rapid decay of organic materials to the point of total destruction through enabling optimal living conditions for fungi and meso-fauna and (2) in a lesser extent the corrosion of metals, especially iron objects. Moreover, it promotes bioturbation and may lead under specific conditions to acidification. Under permanently waterlogged conditions, the little oxygen that may be dissolved in the water is quickly consumed, resulting in an

essentially oxygen-free, reducing environment that provides good preservation conditions for organic materials, metals, etc. as degrading fungi and meso-fauna cannot cope with oxygen-starved conditions.

Measurements of the oxygen concentration in the soil are extremely difficult to execute without getting the analysis disturbed by oxygen from the air introduced with the measuring device. As a proxy, redox state analyses have been introduced; essentially a measurement of chemical potential of the soil/water system that gives a measure of the chemical properties of the burial environment. For archaeological monitoring, probes are used that can be pressed into the soil to the relevant to do the measurements; a single measurement or a time-series using data logger equipment. The measured parameter – redox potential – gives a measure of the chemical

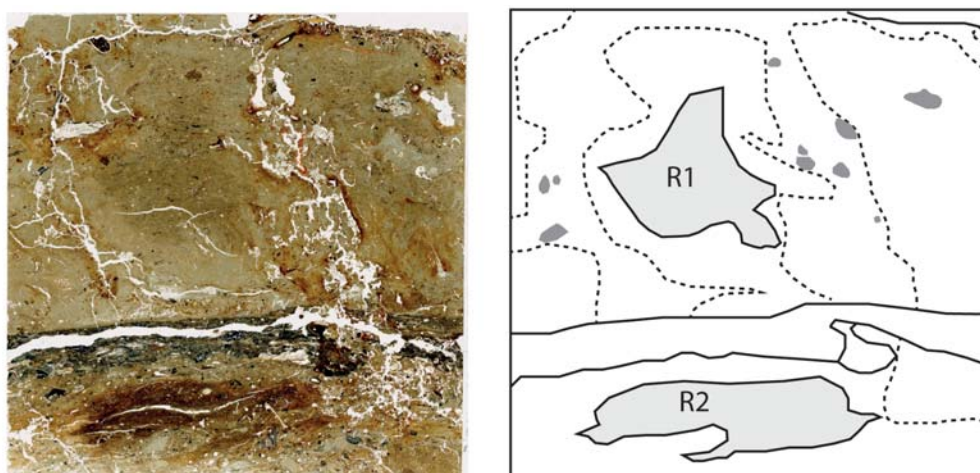


Figure 16.7: Thin section (A) and sketch (B) from De Zuidert (UNESCO World Heritage Site Schokland). This 8 x 8 cm sample shows zones with iron-reducing conditions in the massive clayey and organic groundmass (R1 and R2) but oxygenated conditions – with evidence for oxidation processes – in clay immediately next to fissures. The high variability of a c. 8 x 8 cm sample shows that the redox-boundaries may be complex environments. What values a redox probe would give here is anyone's guess.



environment. Grosso modo, positive values indicate an environment with oxygen and negative without. In more detail, distinctions can be made between so-called oxygenated, nitrate reducing, iron reducing, manganese reducing, and sulphate reducing and methanogenic environments. In several systems for monitoring, the aggressiveness of the burial environment is directly linked to the redox condition: In Smit et al. (2006), redox potential is divided into classes from 10 (Good) to 1 (Poor). In Martens (2010) and Martens et al. (2012), the redox environments are translated into preservation classes Excellent, Good, Medium, Poor and Lousy (Martens 2010); see Figure 16.6. There are several types of problems related to the use of redox probes:

One type of problem has to do with the reliability of the method; Probes are considered to be unreliable methods for determining the redox environment (because of non-equilibrium conditions and slow reaction kinetics; Sigg, 2000). Moreover, soils are inhomogeneous and may show small-scale variations in redox conditions (see e.g. Figure 16.7) that may affect measurement. On a more technical level, many analyses in the past were later found to be unreliable because the method used changed the redox environment around the probe (Huisman & Mauro 2013, p.36).

A second type of problem is that the parameter has been over-classified, at least in the systems described by Martens (2010), Martens et al. (2012) and Smit (2006); see Figure 16.6. Oxygen availability determines whether or not specific processes occur. Below a certain threshold there is no degradation. Above it there is. In effect, therefore, two classes are relevant for archaeology: oxygenated where degrading fungi and meso-fauna can thrive or non-oxygenated where they cannot. In marine environments a further subdivision

may be made to identify the field of sulphidic iron corrosion. There is no archaeological relevance in further subdivisions within the reducing conditions, nor in making a subdivision in the oxygenated conditions.

A third type of problem has to do with the lack of necessity of using redox probes: The difference between oxygenated and reducing conditions can easily be observed on the basis of soil colour and smell. Blue-grey colours in clay and sand and brown colours in peat are typical for (iron-) reducing conditions whereas yellowish, orange and reddish tints in clays and sands and black colours in peat are typical for oxygenated conditions. Moreover, sulphur reducing soils horizons tend to have a typical "rotten-egg" smell (see also van Os et al. 2012 and Anonymous s.a.). Stable boundaries between reducing and oxygenated horizons may be marked by a (thin) rust coloured band. Recording of soil colour and depth of redox boundary can be done as part of profile recording or – more likely when monitoring – on basis of augerings or cores (see Figure 16.8).

The example of the application of redox-measurements shows that it is important to keep focus when monitoring archaeological sites. It is important to counter the apparent tendency to value numerical data and technology-heavy techniques above (simple) field observations. See van Os et al (2012) for a more elaborate discussion on this subject.

## Implications

The above discussion does not devalue the potential role of archaeological monitoring within the execution of the preservation-in-situ adagium that follows from

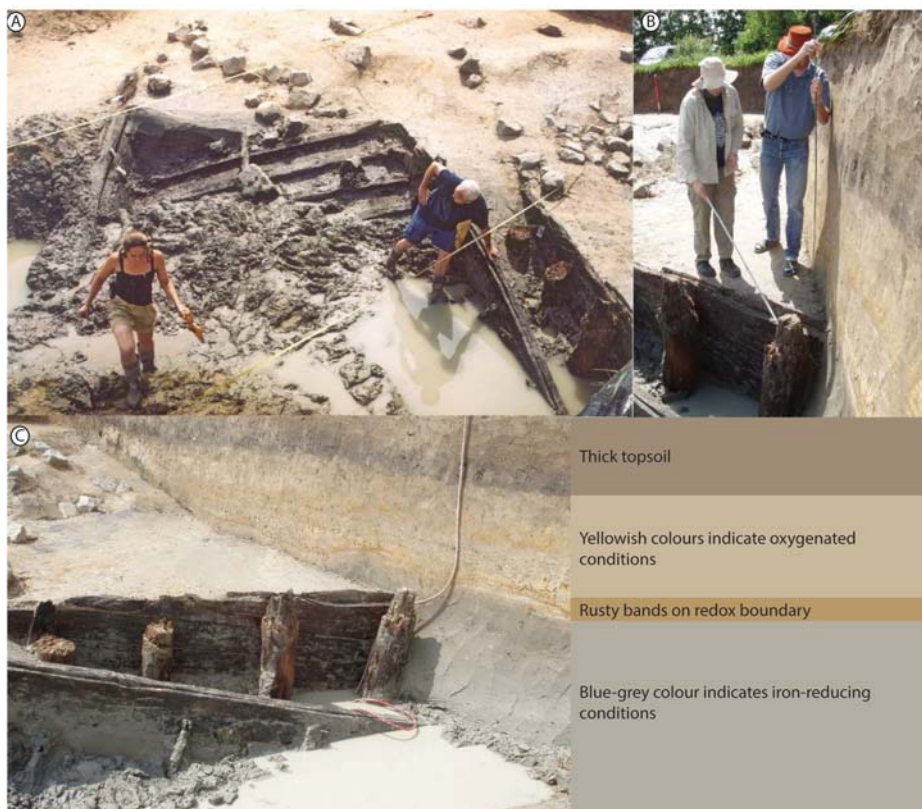


Figure 16.8: Unnecessary use of redox probes and (attempted) oxygen measurements by the first author and others in 2004. Roman river revetment and ship (De Meern 4) in 2004.

A: The ship and revetment (lower right). Wood and (iron) nails are well preserved in the iron-reducing (blue-grey) clay; in the yellow-brown oxidized zone (upper half of the picture) no wood has survived and the nails are corroded.

B: Installing the measurement equipment on the revetment plateau.

C: Revetment plateau with soil profile and interpretations. The profile shows a clear distinction in a blue-grey (iron – reducing) zone, a yellow-brown oxidized zone and rusty staining on the boundary – indicating that these conditions have been stable for decades or more, making the measurements superfluous.

the Malta convention. However, it does show that it is necessary to focus on several key issues:

1 Relevancy:

- a. Restrict monitoring to sites where it is possible to act on its outcome
- b. Restrict monitor to those decay and transformation processes that affect archaeological information content (i.e. degradation processes *sensu strictu*)
- c. Restrict monitor to degradation processes that cause observable changes the archaeological information content on relevant timescales

2 Simplicity:

- a. Do not overvalue methods that are technology-heavy or have numerical output over simple observations or qualitative results.
- b. Observations and techniques that can be performed and interpreted by non-specialists (i.e. archaeologists) are to be preferred.

In the Netherlands, new initiatives are being taken to address these points. Plan is to work in new and future projects on preservation *in situ* and monitoring according to the issues listed above. As much as possible we will endeavour to work following an approach that couples low-tech observations, best estimates of decay rates and archaeological site information to make a good and efficient prediction on the effects of decay on archaeological remains. Decisions on protection and mitigation will be taken on the basis of these predictions. Monitoring for preservation purposes is only considered appropriate if (1) decay processes occur on a relevant and measurable time scale and (2) if mitigating measures can be taken or – alternatively – a rescue excavation can be done to preserve the archaeological remains *ex situ* if the results from the monitoring require this. E.g. for the UNESCO world heritage site Schokland this approach has led to the decision to cut back on the applied techniques. Moreover, *status quo ante*, c. 15 years of monitoring will be terminated on three out of the four monitoring locations.

## References

- Anonymous, s.a.: The monitoring manual, Procedures and guidelines for the monitoring, recording and preservation/management of urban archaeological deposits, Riksantikvaren & Norsk Institutt for Kulturminneforskning, s.l., 80.
- Björdal, C.G., Gregory, D., Manders, M., Al-Hamdani, Z., Appelqvist, Ch., Haverhand, J. & Dencker, J. 2012: Strategies for tprotection of wooden underwater cultural heritage in the Baltic sea against marine borers. The EU project "Wreckprotect", *Conservation and Management of Archaeological Sites* 14, 201–214.
- Cederlund, C.O. (ed.) 2004: *Final report of the MOSS project*, National Board of Antiquities, Helsinki.
- Corfield, M., Hinton, P., Nixon, T. & Pollard, M. 1998: *Preserving archaeological remains in situ: proceedings of the conference of 1<sup>st</sup>–3<sup>rd</sup> April, 1996*, MoLAS, London.
- Gregory, D. & Matthiesen, H. 2012: The 4<sup>th</sup> International Conference on Preserving Aarchaeological Remains *In Situ* (PARIS4): 23–26 May 2011, the National Museum of Denmark, Copenhagen, *Conservation and Management of Archaeological Sites* 14, 1–6.
- Harris, E. 1989: *Principles of archaeological stratigraphy 2<sup>nd</sup> edition*, Academic Press, London.
- van Heeringen, R.M. & Theunissen, E.M. 2001: *Kwaliteitsbepalend onderzoek ten behoeve van duurzaam behoud van neolithische terreinen in West-Friesland en de kop van Noord-Holland*, Nederlandse Archeologische Rapporten (NAR) 21, ROB, Amersfoort.
- van Heeringen, R.M. & Theunissen, E.M. 2002: *Dessication of the Archaeological Landscape at Voorne-Putten*, Nederlandse Archeologische Rapporten (NAR) 25, ROB, Amersfoort.
- van Heeringen, R.M. & Theunissen, E.M. 2004a: *Archaeology in the future. Baseline measurement of the physical quality of the archaeological monument at Broekpolder*, Nederlandse Archeologische Rapporten (NAR) 27, ROB, Amersfoort.
- van Heeringen, R.M., Mauro, G. & Smit, A. 2004b: *A pilot study on the monitoring of the physical quality of three Archaeological sites at the UNESCO World Heritage Site at Schokland, Province of Flevoland, The Netherlands*, Nederlandse Archeologische Rapporten (NAR) 26, ROB, Amersfoort.
- Hollesen, J., Bruun Jenssen, J., Matthiesen, H., Elberling, B., Lange, H. & Meldgaard, M. 2012: The future preservation of a permanently frozen kitchen midden in Western Greenland, *Conservation and Management of Archaeological Sites* 14, 159–168.
- Huisman, D.J. & Klaassen, R.K.W.M. 2005: Variations in wood degradation in in three roman oak ships from the Netherlands, in P. Hoffmann, K. Strætkvern, J.A. Spriggs & D. Gregory (ed.): *Proceedings of the 9<sup>th</sup> ICOM-WOAM conference, Copenhagen, 2004*, ICOM-WOAM, Bremerhaven, 145–69.
- Huisman, D.J. & Mauro, G. 2013: Schokland UNESCO World Heritage Site 3<sup>rd</sup> monitoring round, Rapportage Archeologische Monumentenzorg (RAM) 207, Cultural Heritage Agency, Amersfoort, 120.
- Huisman, D.J., Manders, M.R., Kretschmar, E., Klaassen, R.K.W.M. & Lamersdorf, N. 2008a: Burial conditions and wood degradation on archaeological sites in the Netherlands, *International Biodeterioration & Biodegradation* 61, 33–44.
- Huisman, D.J., Pols, S., Joosten, I., van Os, B.J.H. & Smit, A. 2008b: Degradation processes in colourless Roman glass: cases from the Bocholtz burial, *Journal of Archaeological Science* 35, 398–411.
- Huisman, D.J. 2009: *Degradation of archaeological remains*, SdU Uitgevers b.v. Den Haag.

- Huisman, D.J., Bouwmeester, J., de Lange, G., van der Linden, Th., Mauro, G., Ngan – Tillard, D., Groenendijk, M., de Ridder, T., van Rooijen, C., Roorda, I., Schmutzart, D. & Stoevelaar, R. 2011: De invloed van bouwwerkzaamheden op archeologische vindplaatsen, Rijksdienst voor het Cultureel Erfgoed, Amersfoort ([www.cultureelerfgoed.nl/bouwen-en-archeologie](http://www.cultureelerfgoed.nl/bouwen-en-archeologie)).
- Jans, M.M.E. 2005: *Histological Characterisation of Diagenetic Alteration of Archaeological Bone* (PhD-thesis), VU-IGBA, Amsterdam.
- Jans, M.M.E., Nielsen-Marsh, C.M., Smith, C.I., Collins, M.J. & Kars, H. 2004: Characterisation of microbial attack on archaeological bone, *Journal of Archaeological Science* 31, 87–95.
- Jones, L. & Bell, M. 2012: *In situ* preservation of wetland heritage: Hydrological and chemical change in the burial environment of the Somerset levels, UK, *Conservation and Management of Archaeological Sites* 14, 115–125.
- Kars, H. & van Heeringen, R.M. (ed.) 2008: *Preserving archaeological remains in situ - Proceedings of the 3<sup>rd</sup> conference 7–9 December 2006, Amsterdam, VU Universiteit Amsterdam*.
- Kars, E.A.K. & Kars, H. 2002: *The Degradation of Bone as an Indicator in the Deterioration of the European Archaeological Property. Final Report, Project ENV4-CT98-0712*, internal report European Commission, Brussels, 297.
- Kars, H. & Smit, A. 2003: Handleiding fysiek behoud archeologisch erfgoed, Degradatiemechanismen in sporen en materialen. Monitoring van de conditie van het bodemarchief, Amsterdam, Geoarchaeological and Bioarchaeological studies.
- Klaassen, R.K.W.M., Eaton, R.A. & Lamersdorf, N. 2008: Bacterial wood decay: survey and results of EU project BACPOLES, *Journal of Biodeterioration and Biodegradation* 61 (1), 1–2.
- Klaassen, R.K.W.M. (ed.) 2005: *Preserving cultural heritage by preventing bacterial decay of wood in foundation piles and archaeological sites, Final report BACPOLES-project (EVK4-CT-2001-00043)*, SHR, Wageningen.
- Lauwerier, R.C.G.M., Müller, A. & Smal, D.E. (ed.) 2011: *Merovingers in een villa*, Rapportage Archeologische Monumentenzorg 189, Rijksdienst voor het Cultureel Erfgoed, Amersfoort.
- Martens, V.V. 2010: Environmental monitoring of archaeological deposits, In: Trow, S., Holyoak, V. & Byrnes, E., *Heritage management of farmed and forested landscapes in Europe*, EAC occasional paper no. 4, EAC, Brussels, 75–82.
- Martens, V.V., Amundsen, C.-A., Bergersen, O. 2012: Research on conservation state and preservation conditions in unsaturated archaeological deposits in Oslo, *Conservation and Management of Archaeological Sites* 14, 72–84.
- Matthiesen, H. 2008: Detailed chemical analyses of groundwater as a tool for monitoring urban archaeological deposits: results from Bryggen in Bergen, *Journal of Archaeological Science* 35, 1378–88.
- Nixon, T. 2004: *Preserving Archaeological Remains In Situ? Proceedings of the 2<sup>nd</sup> conference 12–14 September 2001*. Museum of London Archaeology service.
- Os, B.J.H. van, de Kort, J.W., Huisman, D.J. 2013: A qualitative approach for assessment of the burial environment by interpreting soil characteristics. A necessity for archaeological monitoring, *Conservation and Management of Archaeological Sites* 14, 333–340.
- Price, N.S. 1995: Foreword, *Conservation and Management of Archaeological Sites* 1, 3–4.
- Richards, V. 2012: *In situ* preservation and monitoring of the James Matthews shipwreck site, *Conservation and Management of Archaeological Sites* 14, 169–181.
- Saheb, M., Neff, D., Foy, E., Gallien, J.-P. & Dillman, Ph. 2012: An analytical methodology for the study of the corrosion of ferrous archaeological remains in soil, *Conservation and Management of Archaeological Sites* 14, 16–28.
- Smit, A., Beeker, A. & van Heeringen, R.M. 2005: *Ontwikkeling van instrumenten om de pH en redoxpotentiaal in de onverzadigde zone van de bodem te meten; eindrapport*. IGBA Rapport 2005-5, 24.
- Smit, A., van Heeringen, R.M. & Theunissen, E.M. 2006: *Archaeological Monitoring Standard, Guidelines for the non-destructive recording of the physical quality of archaeological sites and monuments, Nederlandse Archeologische Rapporten (NAR) 33*, Rijksdienst voor Archeologie, Cultuurlandschap en Monumenten, Amersfoort, 107.
- Tjéldén, A.K.E., Kristiansen, S.M. & Botfeldt, K.B. 2012: Preservation status and priorities for *in situ* monitoring of the weapon sacrifice in Illerup Ådal, Denmark, *Conservation and Management of Archaeological Sites* 14, 150–158.
- Wagner D. Kropp, M., Abelskamp-Boos, K.A.N., Dakoronia, F., Earl, N., Ferguson, C., Kars, H. & Fischer, W.R. 1997: *Soil archive classification of European excavation sites in terms of impacts of conservability of archaeological heritage. Final report, EC Project EV5V-CT94-0516*, Iserlohn/Brussel.





## 17 | Rising to the challenge? Research-based training in contexts of diversification

Christopher Prescott

**Abstract:** The last twenty years has seen a transformation of the role and context of training in archaeology. From traditionally training a few research specialists geared towards academic careers within largely national frameworks, contemporary training should ideally meet the needs of highly diverse, trans-national labour markets largely outside university faculties, team-based research outside university faculties, the ambitions of a diverse student body, and the needs of an expanding heritage management sector. Not only are the tasks allotted newly trained archaeologists increasingly diversified, the societal context is evolving. Mention here could be made of factors like demographic trends, political agendas, globalization and the changing role of the nation state, bureaucratization, technology and the potential of modern research, privatization and pressure on the humanities in today's economic and political climate. In this situation, training is drawn between various and sometimes conflicting interests in instrumental (and often superficial) competences versus in-depth disciplinary competence.

The context of archaeological practice, research and training – the sociology of archaeological knowledge production – has changed considerably in the course of the last decade or two. In all probability the pace of transformation will continue and accelerate. Two important trans-European processes that have affected central pillars of the archaeological heritage sector illustrate some of the formal realignments taking place in the organizational structure and labour market, which in turn affect competence requirements and training. The *Bologna* process was initiated around the turn of the century with the aim of creating a common European region of higher education – as of 2010 labelled the *European Higher Education Area*. Based on a three-tiered cycle (BA, MA and PhD), the reform was ostensibly concerned with education structure and mobility, impacting degree designations, program lengths, point accreditation, program description etc. However, my experience is that the ensuing regimentation and bureaucratization has also impacted training content and quality. In a few regions of Europe, where higher education has been more vocational than academic, the reform has expanded the time allotted for a degree, but generally (i.e. in areas with a more or less Humboldtian University philosophy) the reform has furthered trends towards reduced program and degree lengths, formalized and regimented programs, and standardized competences – in general undermining the academic ideals that have permeated most European University before the spread of New Public Management ideals (Lorenz 2006).

The other process is the *Valletta convention* (“The European convention on the protection of the archaeological heritage” 1992) that commits signatories throughout Europe to inventory, manage and protect archaeological heritage. Apart from emphasizing material heritage as a source of future research, professional archaeologists are to be allotted an expert role in policy decisions. It may seem a paradox that the main sector of employment for archaeologists

(heritage management) requires increased and varied competences, while the education system increasingly adheres to policies of standardizing and reducing training quality. The Valletta convention also symbolizes the organizational shift towards heritage management and an emphasis on preservation.

The formal European-scale processes affecting heritage and education are in several ways symptomatic of the evolving context of archaeological training. This context is permeated with both greater heterogeneity and stricter regimentation. There is an expanding labour market, particularly in the many facets of management, with more complex requirements in regard to skills and academic competences. There is the potential for and evolving practices of greater mobility, European collaboration and internationalization. There is a larger but more composite student body that is handled through a more rigid and bureaucratic educational framework. In this picture it might seem a detail that archaeology's traditional interface with the sciences is rapidly being transformed and strengthened in light of the advances made in especially laboratorial sciences. However, the disciplinary fields of archaeo-science are impacting theoretical, methodological, empirical and interpretative facets of the discipline to an extent that archaeological training, outreach and interpretation is put to a significant test, and the increasing level of collaboration will conceivably transform the discipline of archaeology – and the knowledge input archaeology will be able to provide the broader heritage sector with.

Below I outline some of the developments that I believe generate challenges to concepts of and practices in archaeological training (Prescott 2008, 2013a, b). This discussion is largely based on personal experiences as a teacher in archaeology in Norway since the 1980s. Though extracted from this Norwegian experience

(where i.a. the present economic recession has had little impact compared to the rest of Europe), I believe these points are relevant in a wider European context.

### Organizational transitions, a short history

When I was a student in Norway in the first half of the 1980s, there was a virtually seamless connection between heritage management, rescue excavations, research, training and museum tasks. And indeed, this interconnectivity was mirrored in the organization: University museums (or their equivalent) were entrusted with all tasks. Though formal training was sometimes lacking, and this was a disadvantage in many respects, this system also provided tremendous advantages in the hands-on, mentored, real-life training experiences for the handful of students enrolled in archaeology programs.

Two contemporaneous processes driven by the unfolding ideology and practices of what is now called New Public Management were initiated around 1990, and have continued to accelerate since: the formalization and bureaucratization of academic training and professionalization, bureaucratization and expansion of heritage management.

Initially, the professionalization of the museum and heritage management sides of the archaeological equation engendered a segmentation and distillation of the organization entrusted with rescue archaeology, management, administration and decision making, i.e. organizational specialization, implementation of a system of checks-and-balances, but also increasing bureaucratization. Especially the latter created an expansion of career possibilities outside the more traditional trajectory of an academic profession.

Bureaucratization was accompanied by a general expansion of the size and number of tasks in the field of archaeological heritage and management. Expansion of the labour market and bureaucracy was further driven by increased construction and development (particularly of infrastructure), general affluence, broader public awareness of cultural

history within “post-industrial” society, and stronger government regulation and political involvement as heritage values gained more recognition. Finally, the archaeological methods to identify archaeological heritage, for example large-scale topsoil removal and non-destructive survey methods, has increased the inventory of cultural heritage sites and objects. For archaeology, this professionalization meant an at times problematic uncoupling of heritage management from training and academic research. Both the overarching management rational as well as the split from academic archaeology posed challenges concerning the production and imbedding of knowledge within the museums and agencies that evolved and were charged with handling rescue excavations and heritage management (Glørstad and Kallhovd 2013).

There have been various economic and organizational models for handling heritage management in Europe, often represented as a scale from private to public. In Norway all sides of heritage management remained within the public sector, other places such management could be tied to a degree of outsourcing, and (semi-)commercial undertakings. All economic and organizational models lead to a set of problems concerning the integration of research and competence maintenance with heritage management and the interface to society at large (not the least academia) in many countries (e.g. Fitzpatrick 2012; Giligny 2013; Glørstad and Kallhovd 2013).

Concurrently, training up to the PhD-level, and to a degree basic research, has also moved from a hands-on, in part mentor based system to specialized academic professional teaching machinery – not the least bound up with developments leading up to and from the Bologna-process. In Norway there has been an expansion of staff in the academic University sector as well, however mainly as temporary grant positions (PhD and post docs). Access to tenured positions has probably slightly decreased, whilst access to research money has remained moderately stable.

In sum, the heritage management sector has become increasingly severed from students and university faculty involved in academic teaching, training and

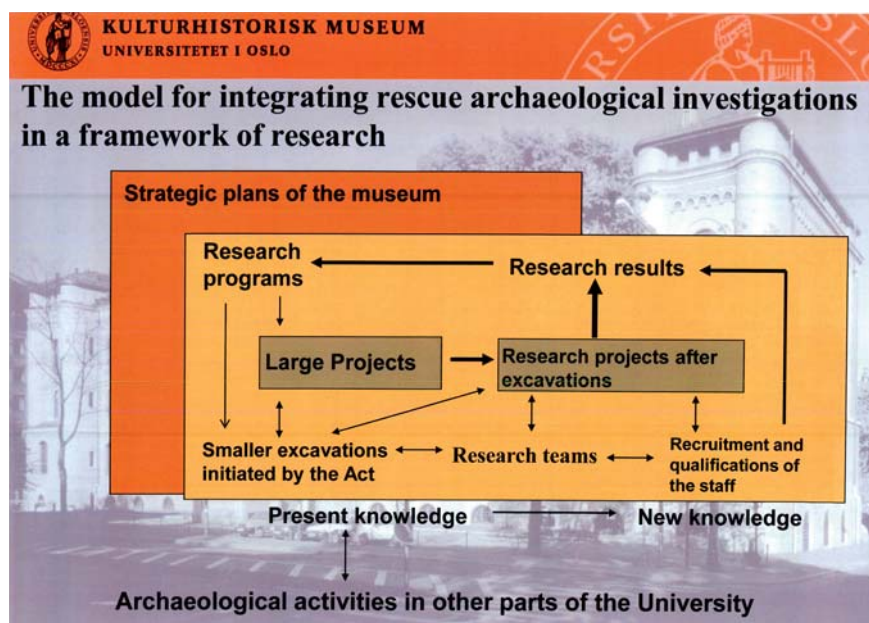


Figure 17.1: Glørstad and Kallhovd's (2013) model describing the integration of development-led excavations in the research strategies at the Museum of Cultural History, University of Oslo. Development-led projects are the engine for producing new data, giving rise to new research project. Knowledge and results lead to the adjustment of plans for knowledge production, impacting future management projects. For the academic research and training institutions at the university it is imperative to develop a response to the model's flow line down to "Archaeological activities in other parts of the museum" (figure from Glørstad and Kallhovd 2013, reprinted with permission from the authors).

research. On the other hand, the academic sector is cut off from the tremendous resources, source materials and fundamental research involved in archaeological heritage management. The situation generates challenges in designing training programs to supply a growing and more diverse labour market (Prescott 2008, 2013b).

The process leading to professionalization, management specialization and expansion in the heritage sector has generated a shift in where the growing heritage resources are allocated, and where fundamental research and data collection is carried out. Employment outside traditional academic institutions has been in heritage sectors, i.e. in management and administration. It started to increase significantly in the 1980s, and has continued to do so since. Traditional “tenured” positions at museums and university departments have remained at the same level or fallen. The integration between heritage management and academia has suffered, and the hands-on training previously a mainstay of archaeological socialization, as well as the symbiotic relationship between students’ research for thesis requirements and archaeological management, has been hampered. So though the amount of resources allocated to archaeology has continuously grown, the effectiveness of *knowledge production* may conceivably have dropped.

Developments in the heritage management sector thus pose two sets of problems: producing knowledge within the management system, and creating interfaces for knowledge production and training between heritage management and academic institutions. This is recently addressed by Håkon Glørstad and Karl Kallhovd in a series of articles (e.g. Glørstad and Kallhovd 2013). They have developed a model to address the goals and organization of knowledge production in the heritage sector, particularly development driven archaeological investigations. The model is summed up in figure 17.1, and much of the rest of this article is concerned with how their model impacts the lower part of their diagram, “Archaeological activities in other parts of the museum”.

### Meeting the requirements of the labour markets

Within the traditional academic paradigm the fundamental goal of training was to develop researchers and public servants with a specialist competence embedded in a generalist matrix. Within archaeology this philosophy dictated that professional archaeologists understood the process of research (and preferably conducted some research themselves) no matter where they were employed. Here, the rationale for heritage management was the production of knowledge, and management was based on and directed towards research-generated knowledge. Outreach directed towards university students and the public was, at least nominally, based on disseminating research results. And indeed, even those involved in management, excavations, policy- and decision-making who did not actively publish themselves, were essentially required to have had research experience in the course of their training. Hands-on experience with the whole procedure of research was regarded as

a prerequisite to facilitate the research-based goals of heritage management.

The research-related principles that have underpinned university programs in archaeology from their inception remain important today. However, the best strategies and practices for implementing research-based training and meeting the demands of an evolving labour market in a meaningful fashion has become increasingly complicated. This is partly due to the above discussed split between training and heritage management, but also the restructurations of university education, what programs can be offered and the type of competences in demand from students and their future employers. The total set of specialist skills that the archaeological labour market requires (within science, administration, jurisprudence, outreach, excavation, conservation and political science) in combination with archaeology, has expanded. At the same time, as society has become more complex, emphasis on more vocational skills is dynamically evolving within virtually all fields that interface with archaeological heritage work. This demand for specialist vocational skills increases with the compartmentalization driven by professionalization within the archaeological heritage sector. Ideally, there is also a call for generalist insights to facilitate communication, collaboration and synthesis over the borders of the various subfields, to better be able to contextualize one’s own contribution, and as an employee to be able to continuously respond and adjust to dynamic competence requirements in society and from employers. As a university teacher I often feel that the end result is pressure to replace critical research competence with vocational skills directed towards management, public relations, pedagogy, conservation, design, information technologies, field practices etc.

Even within the universities’ traditional area of strength, research training, the tensions between generalist competences, cross-disciplinary training and specialization have significantly increased. First of all, publication and archaeological knowledge has exponentially expanded and are instantly accessible around the globe (Dincauze 2000:4) – ironically it is increasingly difficult for anyone to stay abreast with even limited sub-fields of archaeology. Add to this archaeology’s inherent “borrower discipline” nature, there is a need for robust insights into other disciplines. If philosophy, sociology and social anthropology were the rage during post-processual periods, natural sciences have in the last five years had a massive impact, but there isn’t a broad co-related grasp of these disciplines in humanities. 55 years after Snow’s (1959) address about the two cultures, most humanist academics still lack the basic insights necessary to independently access and evaluate theories, data and methods from the sciences. A need to understand concepts, methods and theories from a host of sciences does not supplant older humanist insights, but largely comes in addition. All the while, the time allotted to conduct a BA, MA or even a PhD has generally shrunk, at least in countries with university systems that professed to be more or less inspired by Enlightenment ideals.

The tensions outlined above are well known (Dincauze 2000; Lorenz 2006; for Norway Prescott 2008, 2013b).



However, with the streamlining of education in the wake of the Bologna process and expansion of the heritage sector, professionalization of management and organizational bifurcation between research-based training and heritage management, I would contend that tensions are exacerbated.

### Academic ambitions and vocational qualifications

An increasingly rigid educational structure, a labour market geared towards heritage management and expanding administration generate an increasing pressure to tailor courses and training to provide vocational skills for development-driven field investigation competences, museums and bureaucracy. This pressure is amplified by the evolution of Northern Europe's public universities from small elite institutions to institutions of mass education. These modern university institutions have not only expanded, but encompass student bodies possessing highly varied ambitions and qualifications.

In this situation, I would still maintain that the fundamental base of and goals for all archaeological heritage management, the largest sector of employment for archaeologists, arises from or revolves around research based knowledge. Despite the pressure towards vocational training, the most important skill hopefully instilled in a candidate after three, five or eight years of training is the capacity to formulate knowledge, critical perspectives and be able present these in written or spoken forms. It therefore remains necessary that the fundamental base of archaeological education from BA-level to PhD remains academic and research oriented. This will not only contribute to the link between heritage practices and the knowledge related *raison d'être* of the sector, but will allow candidates to better adapt to meet the demands of a dynamic labour market, their own unfolding ambitions and the evolution of archaeological insights.

Working with archaeological heritage demands solid competence in the core of archaeology, i.e. cultural history, materials, methods, discipline history and theory. The expansion of the heritage field also requires more critical research concerning heritage and heritage management, and (self-) critical research-based training. In conclusion the development of academic courses and programs in archaeology, and increasingly also critical heritage studies, is essential if bureaucratic rationales and political abuses are not to dominate the field, if knowledge production and dissemination is to remain at the heart of heritage management, and also if the most ambitious students will find it worth their while to develop their careers in the fields of archaeological heritage.

### The return to science

Though critical research remains the pillar of academic education there are important archaeological skills related to fieldwork, analysis and conservation. Here, training usually means lower teacher: student ratios, more supervision and expensive practical courses in archives, the field or labs. With a higher degree of course standardization and financial incentives,

humanities with field- and laboratory components will be under constant pressure to reduce these components to balance budgets. Not only is this a problem for archaeology in itself, but poses a problem for one of the most accelerating trends in archaeology: the return to science.

Within most national archaeology traditions there have been institutions or researcher communities that have been involved in basal research (i.e. not just applications or contract tasks) on the interface between archaeology, science and technology. In Scandinavia, there is an especially long tradition of collaboration with geo-sciences and ecological disciplines (Trigger 2006:132). During the era where post-modern (post-processual) ideas were influential in archaeology the orientation towards sciences was scaled back and a humanist orientation was emphasized instead. This was partially coupled with a sceptical view of what was perceived as the ontology and epistemology of the sciences. Though the critique of determinist and objectivist thinking and restricted ontology was warranted, some babies were tossed out with the bathwater. In the course of the last five years there has been a resurgence of methods and results from the sciences back into archaeology. This is to some extent tied to a rejuvenated interest in traditional collaboration with soil sciences, zoology, paleobotany and chemical analysis. Perhaps more significant, laboratory disciplines, particularly molecular biology, like stable isotope analyses and aDNA, have rapidly attained an exceedingly central role in contemporary archaeology. Furthermore, the chronological mainstay of archaeology during the last 50 years, radiocarbon, is increasingly refined, whilst results are enhanced through mathematics (e.g., Bayesian modelling of statistics) (e.g. Bronk Ramsey 2009). Under fortunate circumstances, the accuracy in calculating ages allows us to endeavour to write more genuine histories about the unfolding of events in prehistory (e.g. Bayliss et al. 2007). Questions previously relegated to theoretical models, speculation or study through proxies, like migration processes, biological kinship, individual biographies and nutrition, are now being illuminated by rich data (Prescott 2013b). The sciences enhance our potential to address humanist themes – anthropology and history – in an increasingly qualified manner, while indirectly challenging some pet theoretical assumptions that have dominated in archaeology.

Results from the sciences are flooding archaeology faster than we can integrate them into interpretations and data embedded narratives. From a theoretically and sociologically determined scepticism of the sciences, there is now a trend towards scientific results being readily incorporated, but sometimes without being sufficiently theorized and critiqued? There is perhaps still a tendency among humanistically trained archaeologists to fall back on old perceptions of sciences, i.e. science as a source of objective data, instead of exercising the critical reflections, theoretical qualifications and interpretative arguments that we take for granted when working with more familiar archaeological materials and theoretical interpretations. This has led to premature adoption of poorly understood or evaluated results and techniques, and the subsequent round of "spectacular claims and attendant rebuttal" (Dincauze 2000:3) – a well known



history in archaeology, as radiocarbon is an illustration of in this regard (Aitken 1990:99).

Of course, poorly grounded cross disciplinary work runs the risk of multiplying the unknowns of archaeology with the uncertainties of science (to paraphrase Sahlins 1974:51; see also Dincauze 2000:497ff). Genuine integration of results and methods from sciences and archaeology stresses the need for insights into the concepts, language and traditions of these two disciplinary fields. The need for cross-disciplinary collaboration therefore sets a premium on knowledge of the principles and concepts of the involved science – an obligation especially pronounced for archaeologists. It seems clear that developments in the immediate future will require most archaeologists to possess a minimum of science competence, and that in terms of training universities should expand the science courses on offer for humanists.

The science revolution we are in the midst of also stresses the need for forefront research and training facilities. This translates into expensive investments in faculty, staff and equipment. In today's economic climate, and the prevalent New Public Management ideology in Europe (temporary projects with practical goals and predictable results), long term commitments to invest and maintain this infrastructure will be rare. There is no blueprint solution, but this situation again signals a need to develop the interface between heritage management, academic research and university training facilities with the goal of pooling material and intellectual resources in archaeology. The outcome would hopefully be to create more influential political entities, and further the development of research and training programs that are essential to the common goal of knowledge production and dissemination.

### Demography and narratives, outreach and students

The final issue I will raise in this article concerns the rapidly changing socio-demographic context of archaeology and archaeological heritage. This theme impacts student recruitment, outreach and politics – and archaeology's narratives.

The social background of students and academics was a major concern in the post-war era. Democratizing education and knowledge has been viewed as a tool for creating prosperity and social equality, and most governments have pursued policies of equal opportunity and access to higher education and academic positions for all groups in society. These policies can hardly be viewed as anything but an academic and social success. A new challenge in this regard, and of major importance for archaeology and cultural heritage, is related to a far-reaching demographic shift that began in the 1960s-70s and has escalated since – the growing influx of non-European individuals and communities.

It is difficult, and in the present context of limited value, to decipher precise immigration statistics, as demography is a dynamic and complicated field. There are also strong political agendas tied to simply defining the categories to be measured. Still, there is moderately coherent trend, even if it cannot be measured with precision. In Oslo, the capital of Norway, large-scale

non-European immigration was initiated in the early 1970s with the influx of a relatively small group of Pakistani labour immigrants. Since then migration to Oslo and Norway has increased, as is the case for the rest of the affluent parts of Northern Europe. According to the City of Oslo's statistics, of a population of 600,000 in 2011, 160,484 were immigrants or children of immigrant parents. 117,000 of these were from, or had parents from, Asia or Africa. The most numerous groups from Asia and Africa have backgrounds from Pakistan, Turkey, Somalia, Iraq and Vietnam. According to revised prognoses from the government's statistic office, Statistics Norway (who have traditionally generated prognoses on the conservative side), 24% of the Norway's population will have an immigrant background in 2040, whilst Oslo is predicted to have an immigrant population between 40% and 56%.

The most important target group for public outreach and recruitment to university programs are of course children and youth of the school age. Since the 1970s the demographic make-up of the student body in the public schools of Oslo has become increasingly diversified. The student category classified as "minority language speakers" (i.e. students who do not have a Scandinavian language as their mother tongue) has increased from 29% to 40 % in 12 years, from 1999 to 2011. 7% of the capital's schools have a student body without pupils of Norwegian descent, while in 43 % of the schools ethnic Norwegians are a minority.

The point with the above is not an immigration debate, a discussion of statistics or the definition of statistical categories. The above is meant to demonstrate that there are significant groups of young people who will grow up in Norway with a diverse cultural background. They will have significant references to a diverse set of non-Nordic countries, but at the same time have their primary identities and affiliations to Oslo and Norway. They will live in and increasingly shape the city in the years to come. This will not primarily happen due to segregated parallel societies (though these do occur) or assimilation into a static Nordic society (that probably never has occurred) – but by the participation of people with diverse experiences and goals in the labour market, networks, cultural life and political institutions. For archaeological research, university training and the heritage sector this raises a number of issues.

First of all, knowledge is produced and heritage is managed for the benefit of society at large. For our publically financed sector that receives its mandate by producing and disseminating knowledge about the past, there are obligations to generate archaeological heritage narratives and practices that are experienced as socially, ethnically or culturally inclusive. To succeed in this respect archaeological narratives told should be experienced as relevant to a range of groups in the present, while remaining academically honest. Apart from this ethically grounded rationale for targeting heritage practices for a broad suite of social groups, there are more pragmatic considerations. Archaeology and heritage management are dependent on political support to pass sustainable legislation and allocate sufficient funding. Immigrant groups with political clout are becoming more influential, and policy makers with an immigrant background are becoming more widespread. If research and heritage management are

to retain the necessary political and public support to insure legislation and funding, it will become critical to ascertain that also these groups are not indifferent to, or indeed feel excluded from, heritage activities and narratives.

Second, the political use of purportedly archaeologically generated narratives has been acknowledged for sometime (e.g. Trigger 2006; Østigård 2001). In contemporary Norway, archaeology is on occasion referred to in simplistic terms to either bolster anti- or pro-migrationist positions. An extreme version of the former revolves around ideas of a primeval indigenous population (with early post-glacial roots) threatened by globalization and migration – inaccurate concepts that are projected in campaigns to morally bolster anti-migrationist positions. Alternatively, “pro-migrationists” argue that diffusion and migration has been a constant feature, and there is no genuine indigenous culture. Most archaeologists are aware of the complex nature of prehistoric European demographics (e.g. Haak et al. 2010) and the intricate history of identity, ethnicity and culture production. Most of us would probably also argue that history and prehistory cannot be used to substantiate political policies in the present, that the historical depth of a genetic history in a given place should not entail inclusion or exclusion from contemporary rights or responsibilities in one’s community.

Third, it is important that training programs and employers recruit from the broadest base of intellectual resources in the population in order to be able to compete for the most qualified students and staff members. A further concern in this regard is to ensure a maximal interface towards society at large.

And finally, actively engaging more contemporary social groups, with their diverse experiences and expectations will conceivably enrich the analytical and interpretative perspectives in archaeology and the heritage sector, and enhance policy-making. It seems obvious that the valuable revival of migration perspectives in Northern European archaeology is in part related to contemporary experiences.

### Premises and narratives

Involving the new immigrant groups in archaeology and heritage management can be tied to general programs concerned with education and employment opportunities. Problems are also tied to attitudes in some immigrant communities that place a premium on education, but that does not prioritize academic disciplines like archaeology (Leirvik 2012). To a large extent equal opportunity efforts and the socio-ideological attitudes in some immigrant communities are beyond what archaeology and heritage organizations alone can expect to influence. However, I believe that the narratives (and their underlying premises) we project towards the public, and how we actively attempt to engage various groups, are also important. These are issues and practices that we can address.

In Norway, as in many European countries, heritage management is aimed at managing material remains as the basis for research and a way for the public to experience a heritage that is sold in as theirs. It is

usually grounded to a goal of generating identity. Though toned down in recent years, in Norway identity is still pretty much projected as associations between populations, culture and landscape. In Norway it is clearly related to the project of building a nation state after independence from Sweden in 1905. Since the 1970s it has also been tied to the country’s major minority, the Sámi, and their political struggle to attain recognition of indigenous rights. Until the 1980s the national and ethnic identity paradigms were moderately unproblematic, as Norway was ethnically homogeneous. In 2013 it is more problematic.

As indicated above, this situation is dramatically changing with influx of substantial numbers of people from Asia and Africa. The new groups, who indisputably only have two-three generations of history in this part of the world, will probably not be engaged by the identity paradigm handed down from a more ethnically homogeneous Norway. A response found in some museums has been to create exhibits and activities centred on homeland ethnicities. There are as many problems with this strategy as the traditional national identity premise. First of all, it is academically slightly dishonest, as it does not communicate the essential research oriented problems concerning ethnicity, but simply reproduces the concept of primeval or ascribed ethnic and cultural identity. Second, it does not genuinely promote engagement in Scandinavia’s cultural heritage, which these groups are now a genuine part of. Finally, it does not authentically address the needs and experiences of a population that is growing up in a globalized world – whether their ancestors stem from Punjab or Oslo.

Two recent surveys commissioned by cultural museums in Oslo were aimed at investigating immigrants attitudes to the museums (*Kunnskap om – medvirkning av – formidling for mangfoldige museumsbrukere/Knowledge about - participation by – public outreach to multifaceted museum goers*, 2010 and *Innvandrerers bruk av museer – En undersøkelse/Immigrants’ use of museums – a survey*, 2011). Use of museums and similar cultural activities was strikingly low among people with a background from the Middle East and Africa compared to groups with a European background. The validity of the quantitative data in these surveys is questionable; however some of the responses in the qualitative interviews merit attention. In discussing their attitudes to museums and other outreach activities associated with archaeological heritage, the responders reiterate several general problems in generating interest for heritage displays, museums and activities; museums and their subject matter are perceived as stodgy, there is a preference for displays of forefront learning technology, competition from other forms of entertainment and information is stiff, youth experience a lack of time because of other duties and little encouragement from home. Finally, and important in the present discussion, they experience the narratives and interpretations as irrelevant.

The representativity of the material from the above surveys is dubious, but still begs some reflections. It is no surprise if someone who is a second generation immigrant from Africa or Asia experiences a narrative about the co-evolution of the Norwegian landscape, people and culture to be of marginal interest. However, several respondents also expressed frustration at being pigeonholed into stereotype roles, i.e. the target

group for exhibitions and narratives referring to what is perceived as their indigenous culture, or that they are expected to be interested in exhibitions about immigrant groups or politically motivated discourse that refrains from genuine critical explorations. Instead, some of those interviewed maintained they were born and raised in Oslo, that Oslo was their point of reference, that they were familiar with several cultural expressions and that they would appreciate narratives that put their experiences and contributions as multi-background citizens into a cultural or historical perspective.

It would not surprise me if many a young person of Norwegian descent growing up in this multicultural city in a part of the world heavily subjected to the influences of globalization and global migration, would also experience the national narrative directed at them as irrelevant.

The traditional identity discourse that is part of the rationale for the national heritage legislation (Prescott 2013a), and which Sámi-archaeology is even more steeped in, produces a concurrent theme disseminated towards the public. It is not only at odds with the younger population's experiences, but also at odds with the evolving academic archaeological discourse. Data coming forth from the sciences, the change in interpretative climate that is more willing to see the dynamics of migration, religion, ethnicity, gender, acculturation, domination etc., and contemporary experience have driven a stronger understanding of the historicity of prehistory. This academic discourse is - perhaps ironically - probably more relevant for Northern Europe's younger population than the identity paradigm at the heart of national, indigenous and politically motivated immigrant narratives.

### Back to training and heritage...

I have written numerous articles arguing the importance of the transformation of mid-third millennium Scandinavia. This transformation was dramatic and was the regional expression of a realignment of Northern and Western Europe's historical trajectory. In my opinion this dramatic transformation was driven by external forces and in part the result of migration. Furthermore, it is difficult to judge the moral advantages of "before and after". The lessons I feel I've learnt, and tried to disseminate, provide no answers concerning policy today. Though made to be politically relevant in - or through - contemporary discourse, such analyses and interpretations cannot bolster inclusion or exclusion to rights or from responsibilities, nor can they validate contemporary policies concerning migration, ethnicity, religion or cultural practices. Such interpretations cannot be used to argue that the outcome of history is benevolent. However, stories like third millennium transformations, and for that matter for example the spread of agriculture, Bronze Age wars, Roman expansion, Iron Age migrations, Viking colonization or Hanseatic trade networks, let us see our own age in a deep historical perspective. Such perspectives that arise from this example might prove useful in the contemporary discourse, but primarily it will help to generate archaeological heritage narratives that are both more honest and relevant - and hopefully engaging in contemporary society.

Archaeological data constrains and drives our interpretations, but diametrically opposed interpretations can often be based on the same data, and both interpretations are equally valid. Still, if archaeological research seldom substantiates a single interpretative approach, it will rule out many flawed ideas. In every step of our research and educational endeavours we bring theoretical positions and values. These are both involved in generating interpretations and narratives, but they are also critically appraised through research's engagement with materials, data and analysis. At the heart of our inquiries and narratives, our teaching and our dissemination, there are choices about which story to give priority. In my opinion the narratives driven by ethnic and national identity paradigms are neither true nor relevant - nor are they longer engaging. The evolving dynamic picture of prehistory - with strife, migration, acculturation, diffusion, innovation, domination and resistance - is a more accurate of history. It generates more relevant lessons and is probably more engaging in a globalized world in the throes of accelerated change - change that even affects small cities on the northern periphery of Europe.

Narratives, analyses and interpretations are at the heart of the impact and relevance of teaching and outreach, and also therefore heritage management and research. If the interpretations we teach and narratives we disseminate are not perceived as relevant and do not engage, then we will not recruit the brightest minds, we will not secure political support and we will not generate the funding necessary for research, training and management. The key to continuing research of the past, to disseminating an understanding of the past and to protect monuments, sites and objects from the past might, ironically, rest on taking the present seriously.

### In summary...

Above I've outlined some of the challenges in producing knowledge and training archaeologists as resources are progressively shifted from academic to heritage archaeology, some disadvantages in the professionalization and bureaucratization of both heritage management and university programs, issues in developing programs that are relevant to research, a labour market that sometimes sets a premium on vocational skills, and the ongoing science revolution in archaeology. If archaeology manages to productively respond to these developments, I genuinely believe the discipline will emerge more relevant, more competent, more productive and better able to compete for the most astute students. I believe this to be especially true if we take the lesson prehistory can teach seriously and use them to communicate with a culturally and socially diverse public.

## References

- Aitken, M.J. 1990: *Science-based dating in Archaeology*. Longman, Essex.
- Bayliss, A., C.B. Ramsey, J. v.d. Plicht & A. Whittle 2007: Bradshaw and Bayes: Towards a Timetable for the Neolithic. *Cambridge Archaeological Journal* 17:1, 1–28.
- Bronk-Ramsey, C. 2009: Bayesian analysis of radiocarbon dates. *Radiocarbon* 51/1, 337–360.
- Butzer, K.W. 1982: *Archaeology as human ecology*. Cambridge University Press, Cambridge.
- Dincauze, D.F. 2000: *Environmental archaeology. Principles and practice*. CUP, Cambridge.
- Fitzpatrick, A. 2012: Development-led archaeology in the United Kingdom: A view from AD 2010. In Bradley, R., C. Haselgrove, M. Vander Linden and L. Webley (eds), *Development-led Archaeology in North-West Europe*. Oxbow books, Oxford.
- Giligny, F. 2013: Heritage management from science to commodification. In Biehl, P. and C. Prescott (eds), *Heritage in the context of globalization. Europe and the Americas*. Springer Press, New York, 29–33.
- Glørstad, H. and Kallhovd, K. 2013: The allure of bureaucracy: Cultural heritage management and the universities in Norway. In Biehl, P. and C. Prescott (eds), *Heritage in the context of globalization. Europe and the Americas*. Springer Press, New York, 19–28.
- Leirvik, M.S. 2012: Å ta kunsthistorie eller statsvitenskap er en luksus ikke alle kan unne seg – Kan utdanningsatferd forstås ut fra ulike kapitalformer i etniske nettverk? *Tidsskrift for samfunnsforskning* 2, 190–216.
- Lorenz, C. 2006: Will the universities survive the European integration? Higher education policies in the EU and in the Netherlands before and after the Bologna declaration. *Sociologia Internationalis* 44/1, 123–153.
- Østigaard, T. 2001: *Norge uten nordmenn. En antinasjonalistisk arkeologi*. Spartacus, Oslo.
- Prescott, C. 2008: Oslo Archaeology, 10 years past and prospects for the future. In Chilidis, K., J. Lund and C. Prescott (eds), *Facets of Archaeology. Essays in Honour of Lotte Hedeager on her 60<sup>th</sup> Birthday*. Unipub/Oslo Academic Press, Oslo, 37–46.
- Prescott, C. 2013a: Heritage and the new immigrant minorities: A catalyst of relevance for contemporary archaeology? In Biehl, P. & C. Prescott (eds), *Heritage in the context of Globalization. Europe and the Americas*. Springer, New York, 59–66.
- Prescott, C. 2013b: Utfordrer archaeo-science norsk arkeologi?. *Primitive tider* 2013 (15), 47–58.
- Sahlins, M. 1974: *Stone Age Economics*. Tavistock Publications, London.
- Snow, C.P. 1959: *The two cultures and the scientific revolution*. The Rede lecture. CUP, Cambridge.
- Trigger, B.G. 2006: *A history of archaeological thought*. Second edition. Cambridge University Press, Cambridge.
- Internet sites**
- Innvandrerens bruk av museer – En undersøkelse*, august 2011 [http://www.oslomuseum.no/index.php?option=com\\_content&view=article&id=151&Itemid=265](http://www.oslomuseum.no/index.php?option=com_content&view=article&id=151&Itemid=265)
- Kunnskap om – medvirkning av – formidling for mangfoldige museumsbrukere* <http://www.khm.uio.no/rapporter/brukerundersokelse.pdf>
- Oslo Kommune. *Innvandring 2011* <http://www.utviklings-og-kompetanseetaten.oslo.kommune.no/oslostatistikken/innvandring/>
- Statistics Norway <http://www.ssb.no/forskning/artikler/2012/3/133156036932.html>



**Abstract:** The implementation of the Valletta Convention in Sweden was unproblematic, Swedish legislation and practice was already at hand in 1992. Now, two decades later, perhaps the convention – a child of its time – has grown old? Compared to the Faro and Florence conventions, it aims at systems and regulations more than relations, ideas and visions. And there are also unwanted consequences: integration of contract archaeology into spatial planning opened for commercialization, professionalization has led to expert ruling and obstacles for those who want to engage and interact in and through archaeology. Has it become a way of legitimizing archaeologists rather than enlarging on relations to the past? Our paper explores how national and regional levels of heritage management has dealt with this and tried to explore possibilities beyond Valletta.

## Introduction

The scope of this paper is that it is now time to revise The Valletta convention (The European Convention for the Protection of the Archaeological Heritage, 1992, which replaced and updated the original London Convention of 1969). The discussion in this paper is focussed on outlining the negative consequences and presenting the arguments for revising. The benefits of the convention are thus briefly outlined, however obvious and important to hold on to if revising the convention. We investigate trends and ideas at the time of the conventions birth that might have influenced its creators. Based on experiences from the national and regional level we try to present an alternative to certain wordings and paragraphs in the convention, inspired also by later conventions such as The European Landscape Convention and The Convention on the Values of Cultural Heritage for Society.

Some of our readers might think it is too early to begin forwarding a revision before all countries have ratified this convention. But in Sweden we are now facing negative consequences of the way archaeology has developed during the latest decades. Of course this convention is only one part in an explanation and perhaps not even the most important force in this development, but it offers good intellectual resistance and helps make the general picture clearer.

So, today archaeology is often seen as something to be paid for by developers and developers only. And archaeological work and posts at local and regional museums are commonly financed by this kind of money. These museums were founded in the second half of the 19<sup>th</sup> century on archaeological and antiquarian societies and with state financing antiquarians at these museums since the 1920's. These events have been both rapid and accepted without much pondering or debate.

## Background – organization and distribution of responsibilities in Swedish archaeological heritage management

In Sweden two different types of authorities represent the state, one on the national level and 21 on the regional – the Swedish National Heritage Board (SNHB) and the County Administrative Boards (CAB).

The regional authorities make all decisions concerning the act on ancient monuments and decide how state funding is going to be spent on single monuments. It is responsible for the implementation of the national cultural heritage legislation (as well as the goals of the cultural policy) on the regional level and has superintendence of the cultural heritage management in the county. The CAB gives advice and information to developers and to the public.

It is the CAB who is the focal point of contract archaeology. It issues permits concerning the protection, or – where the common good in the form of development is deemed more important than the preservation – the removal of archaeological remains through contract archaeological investigation and documentation.

The national authority is responsible for overviews and advice. The law should be administered in the same way by the 21 CABs. Collecting statistics, analyzing and interpreting the data, communication with the CABs and the investigating bodies on the general situation through reports, seminars and conferences is therefore important. Another important tool is when courts refer complaints on decisions made by the CAB to SNHB for expert opinions. These ways of working means in some respect educating and evaluating the County Administrative Boards. It is more of an instructive role. But it also calls for knowledge of and respect for the practical restraints at the regional level.

You could also describe the position of the National Heritage Board from another perspective. The national authority has two roles that need to be balanced – *upholding* the Heritage Conservation Act and *exploring*

the limits of the Act. How does the law at a given time relate to changing conditions in archaeology, heritage management and society? Most laws need reoccurring revisions or else they will be outdated sooner than later. But sometimes even the fundamentals need revising. It is also pivotal keeping the purpose of the law living in relation to the interpretation of it in specific cases. One example is that excavations are supposed to be cost efficient. But however cheap an excavation is it will be too expensive if it does not bring something of value to society – so price has to be matched to qualities like knowledge and experiences. Another example is analyzing and interpreting an excavation need to take in consideration the current goals of culture policy. The tools that the SNHB uses for this purpose are statements, guidelines and programmes. This is more of a reflecting and discussing role as it is difficult to instruct on questions concerning quality.

The SNHB informs the government on the current strands when asked to, or on its own initiative when necessary.

### State of the art – ancient monuments and archaeology in Sweden today

In general the situation is fairly good, and most provisions in the convention are fulfilled.

The SNHB runs “The Archaeological Sites and Monuments database”. It provides information about ancient and historical remains located on both land and under water from the Early Stone Age to the 20<sup>th</sup> century AD. It contains information on more than 1.7 million remains in nearly 600 000 places. Out of these (at the end of the year 2012) 276 970 were protected monuments and sites (one site can consist of one or several hundreds of remains, like graves). In 2012 the growth was 2578 new protected monuments and sites (SNHB homepage, Fornsök) through inventories, excavations, the public reporting etc.

The law is being revised from time to time. From 2014 new paragraphs in “The heritage Conservation Acts” come into force, on delineating and defining what is and what is not a protected ancient monument. This is a development sought for by the SNHB. And the government has confirmed the current praxis of the developer paying for some of the conveying of results. This is a praxis the SNHB has supported for a long time.

Ancient monuments and archaeology are part of spatial planning. There are organisations at both the national and regional levels for the handling of ancient monuments and archaeology. Most archaeological firms and institutions meet high standards. The staff has proper education and are experienced. The scientific standard is guaranteed through staff with high academic standards (many are PhDs). Contract archaeology is often in the research front. The publications meet high standards, they analyze and interpret. All excavations are reported and the pace of publication from recent excavations is high, produced at the time stipulated by the CAB. The public interest is substantial. Displays of exhibitions and at on-

going excavations attract visitors, sometimes in large numbers. New ways of interacting with the public not least through internet are developed.

Contract archaeology has developed rapidly the latest 20 years. It is highly professional, cost efficient and at the same time meets high academic standards and are capable of popularizing the excavations and results. The benefits of open competition are obvious.

And yet there is a feeling of uncertainty – that quality may be compromised and resources spent in the wrong way. Does society (taxpayers and companies alike) get full value for money? And do we as professionals take the responsibility towards heritage and history in the best possible way? To let archaeological firms and institutions compete does cost money that comes from the bids they win, which is inevitable, this is the way it works. But this money could perhaps in some cases be better used? Best intentions, smartest methods, best practices etc are perhaps not enough if the system as a whole is based on the wrong assumptions. What if too much effort is placed on purchasing through open bidding, to little time spent on follow ups of ongoing excavations (discussing options and possibilities between CAB and field archaeologists) and taking care of the results? And perhaps the wrong questions are asked and ancient monuments are removed that ought to have been preserved? You can argue these are only normal concerns, we humans tend to worry for no reason – how to stay good and get even better?

In Sweden we have put much effort into standardization of process steps and precise procedures, but the down side of such measures is that they can lead to industrialisation of history and culture and to dehumanization, if not questioned now and then.

### Benefits in general of the existing convention

One problem with conventions is that we tend to focus only on the benefits because conventions as such are believed to be something good. We are per se well disposed towards them as tokens of a civilized world. We do fully share these feelings, but do not hesitate to declare that intellectual and critical approaches are still needed.

To prove this we start by outlining *some* of the benefits. There are several general pros to this way of thinking and organizing and of the Valletta convention. These benefits are well known and not contested so we will not go into too much detail, just to prove our good intentions and positive feelings towards the convention:

- integration of ancient monuments and archaeology in to spatial planning,
- legal system for the protection of archaeological heritage,
- inventory of archaeological heritage,
- designation of protected monuments and areas,
- mandatory reporting of discoveries,
- procedures for authorisation and supervision of excavations,

- qualified, specially authorised persons allowed to excavate,
- excavations undertaken in an scientific manner,
- specific prior authorisation of metal detecting,
- proper preservation, conservation and management,
- prevention of illicit circulation.

This can be compared to the London convention of 1969 where the threats to archaeological heritage came from unauthorised excavations instead of major construction projects as in the 1992 convention. This first archaeological convention also established a body of basic legal standards.

### A child of its time?

Everything we do is tainted by the times we live in. Usually most of us are unable to catch even the smallest glimpse of these conditions. But in retrospect many of us are able to see the ways of thinking and doing, both how others thought and the thoughts we ourselves had. One is then prone to feel superior and to follow an evolutionary trail – we have reached a higher level and understand more. The challenge is however to understand the influence of the reigning paradigm without judging. Bearing this in mind we will try to investigate what could have affected the way the Valletta convention was executed.

One can search for influences inside archaeology and heritage management and one can search for them in other academic disciplines, in society – social, economic etc. conditions. Science history or history of sciences is a discipline(s) devoted to this study (Gustafsson 2001).

In 1936 Charles Chaplin classic film “Modern Times” reached the cinemas. The film evolves around the struggle for survival in a harsh world, where money is rated higher than dignity, happiness and security. Machines have replaced humans and humans are treated like machines. Chaplin’s iconic little tramp is employed in a factory on an assembly line where he screws nuts at an ever-increasing rate. In one of the most famous scenes he runs amok, clinging to the gigantic cogwheel of the machine with spanners in his hands, and throws the factory into chaos.

To some degree this film classic must have been inspired by Henry Ford’s successful car factories. Ford developed the first assembly line in 1913 and revolutionized the manufacturing process of the T-Ford. Ford could lower the prizes and raise the salaries. At the same time as he was making a superior product he was making a profit. The roots of this way of thinking can in its turn be found in scientific management, or Taylorism. This was a theory of management that analyzed and synthesized workflows. Its main objective was improving economic efficiency, especially labour productivity. These include for example rationality, empiricism; standardization of best practices; the transformation of craft production into mass production; and knowledge transfer from workers into tools, processes, and documentation. It is about systems and regulations. And of course this way of thinking and doing would not have been possible before the era of the modern industrialized society.

Today’s counterparts and buzz words are lean production and New Public Management. Since the 1980s, governments aiming to modernize and make the public sector more effective have introduced market orientation. This was believed to lead to greater cost-efficiency through markets, managers and measurement. Competition between public agencies and private firms and economic incentives was imperative. Purchasing of goods and services at the lowest cost was supposed to be achieved through companies bidding the lowest price.

Anyone familiar with archaeology in general and specially contract archaeology must by now recall the vocabulary. The Valletta convention is a child of these ways of thinking and organizing. This has obviously both its pros and cons. We do acknowledge that connecting the Valletta convention to this is exaggerated. But sometimes it is necessary to exaggerate to be able to see what is *not* good in something that is considered good without any further consideration.

### Comparing conventions

Since the Valletta convention was launched in 1992 the European Council has forwarded other conventions concerning the cultural heritage. It is of interest comparing them to the Valletta, bearing in mind the scopes of these conventions are of course not identical to the Valletta, and we do not think they can or ought to replace the Valletta.

Article 1 – 1. The aim of the Valletta convention is – “to protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study.”

Compare this to Article 1 c in the Faro convention:

“Emphasise that the conservation of cultural heritage and its sustainable use have human development and quality of life as their goal”

The difference between being a source and an instrument and having an ulterior goal which means you are an agent in yourself is considerable. And the use of the phrase “a European collective memory” is not unproblematic in an increasingly globalized world with poor people and refugees knocking on the door. Does not archaeology in particular tell us about connections, influences and intermingling of goods and people over large areas? What about northern Africa and Egypt or the Middle East or even Persia, where does Europe begin and end? The borders of the European Council might be properly defined according to today’s political realities, but these borders are irrelevant to most of archaeology. The objectives of EAC speak of European archaeological heritage, but the members are confined to the Council of Europe’s member states. The reasons for this might be practical, but the inclusion of at least the countries around all the Mediterranean Sea could certainly be argued for. And what about those without a European collective memory are they just uninteresting or are they the unwanted? Our point is that if you want to use that

phrase today you have to be much more explicit with what your intentions are and what your motives are. Already in 1954 the European Cultural Convention was talking of the national contribution to the common cultural heritage of Europe which is a more open way of expressing it. We believe that *any* categorization in between the individual and mankind in its entirety *can* be problematic.

In the Florence Convention – article 5 – landscapes are seen as

“an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;”

Sharing is an active verb referring to agents interacting. Diversity stresses a composite nature with possibilities for agents to contribute. This convention places people at the very heart of landscape, and the level of public involvement in decisions is as important as the public awareness. This is a more up to date way of expressing it, making it open and not excluding.

The preamble of the Faro convention recognise “that every person has a right to engage with the cultural heritage of their choice, while respecting the rights and freedoms of others...” and further states “the need to involve everyone in society in the ongoing process of defining and managing cultural heritage;” This convention places the human being in focus – interaction is central: between people and between people and places through time. In article 9 of the Valletta – on promotion of public awareness – people are instead passive: in need of education, rousing and developing. Access is to be promoted, but to important elements and suitable selections – and implied is “by the professionals”. And in article 5 v – on integrated conservation – reception of large numbers of visitors must not adversely affect the sites. This certainly is a real threat, the problem is that you get the feeling that this is more important than the rights of the people, as these come later in the text. Also articles 7 and 10 have an expert point of view as has the convention in general; protecting archaeological heritage from its inheritors. And why call it the convention on archaeological heritage instead of ancient monuments and sites or ancient/abandoned heritage? Archaeology is the discipline with its practitioners the archaeologists. Heritage and ancient monuments can be studied by other professions and used by anyone. So whose rights are being protected?

The Faro Convention is explicitly “intended to underpin existing Council of Europe instruments on more specific aspects of cultural heritage.” (Directorate of Culture, Culture and Natural Heritage). But is that a realistic mission considering the different points of departure?

Since 1992 the digital era has led to profound changes in the accessibility to information and services. But even more important are the changes we are just beginning to grasp, between who is a content provider and who is a user, and the demand of the public for support and cooperation from the professionals.

In Valletta the heritage is at risk and needs protection, and it is a resource for someone and something else. It has an expert perspective – promoting public awareness, instead of taking care of public awareness. In Faro heritage and in Florence landscapes first and foremost are valuable assets that should be available to everyone. This short survey sums up to the differences between systems and regulations versus ideas, visions and relations, and not least people versus experts.

## Consequences

Lean productions and New Public Managements ways of thinking and organizing is however contested and criticized by researchers who instead focus on citizenship, public agencies co-creating public value with citizens and how democratic authorization, legitimacy and trust are generated. This Public value theory also promises to deliver something that the market-based model has failed to deliver – real accountability of public services to users. The ideas of simple ways of measuring are contested – public value can be identified and assessed through a democratic process engaging both service providers and service users through the establishment of forums within which providers and users set priorities and develop strategies. Public services are core-welfare or public goods that meet basic human needs – basic standards of living or quality of life in a decent society – which cannot be purchased in the free market or simply reduced to financial profit and loss.

One of the main objectives of the Valletta was the integration of the archaeological heritage into spatial (town and country) planning. This turned archaeological heritage into a part of the construction works. Article 6, 2 a, does not say that the commissioner of a building should pay, but it seems to have influenced this practice in many countries. When archaeology was incorporated into the building process it also became logical to treat it financially in the same way as the rest of the construction and let the commissioner purchase it. Or as in Sweden, the CAB purchases on behalf of the commissioner after a process of bidding. The downside of this was that archaeology was turned in to a commodity in the same category as other commodities without further concern about its purpose and character. Contract archaeology was treated instrumentally and industrially, reduced to collecting data and “objective” documentation. It was commercialized and not treated as a humanistic discipline in need of reflexion, analysis and interpretation. An instrumental approach to knowledge and the hazards of “objective” documentation and lack of scientific approach will eventually lead to reports of low quality, insufficient analysis and interpretation and in the end uninteresting results for researchers and public alike.

There are other risks. Competition is a common and a pretty successful way of securing quality in science and in society. However, most types of competition demands for competitors and a market with regulating mechanisms. In Sweden it can be debated



if a functioning contract archaeology market exists at all times and in all parts of the country. There is not enough money in the system to support a market with competent firms and institutions placing bids whenever called for. Still the different actors have to pretend this market does exist.

Today there is a changed approach to knowledge, at least in Sweden. The Valletta article 6, 2b and 7, 2 carry an old spirit of objective documentation and research executed later by proper researchers whereas we today are trying to see an archaeological excavation as a research process governed by goals, hypothesis and methods. The results are made up by basic documentation as well as a scientific interpretation and communication with target groups. The Valletta article 6 b is however only on financing of preliminary archaeological study.

### National experiences beyond the Valletta

What then are the Swedish experiences that make it possible to outline viable options? The Government states that an archaeological excavation is part of a research process. Scientific analysis and interpretation is part of a process supposed to contribute to the general knowledge of history. The CAB can demand that the developer takes responsibility and pays for actions concerning the presentation and spreading of the results.

To achieve this, the SNHB has worked with the “hardware” as well as the “software”. The former means statements (including expanding the concept of reporting), guidelines and education as well as statistics collection and follow ups and evaluations. The latter is about discussing the concept of quality through conferences and research and development projects. One important direction has been launching the programme “Important stories. Direction for action programme for contract archaeology” and forwarding its concretisation through regional strategies at the 21 CABs. Now it is the CABs who is responsible for the next step (see below).

In some aspects this programme is an archaeological interpretation and outcome of the Operation Heritage project that took place in Sweden 2001–2003. It included national, regional and local authorities as well as the public (The final report – “Putting people first”). Today citizens and politicians demand important results, participation and accessibility. Contract archaeology is supposed to be more communicative and fulfil societies demand on information, knowledge and importance. Achieving this demands for a displacement of focus from interdisciplinary results to a broader societal mission. The action programme is about purpose and direction for archaeology at the regional level. The goal is to contribute to a democratic and sustainable society and to human development and quality of life. Scientific quality is a means to reach this goal. Heritage management, research and the public alike shall have the opportunity to participate and use the results.

The regional programs are supposed to dwell on questions as: What do we want to achieve through contract archaeology? How do we make the content interesting? Are there perspectives that need to be developed? A broad perspective on the role of archaeology in society, on the writing of history and the effects on society is demanded. It is important to ransack which research perspectives are allowed and which are not since archaeological results and historical knowledge also depend on proceedings in the present society.

In Sweden the focus on documentation of data has been both contested and complemented with users and knowledge. Reaching out to target groups has become essential to meaningful contract archaeology. The art of reporting shall have a broad scope from single data to a speech at an international conference. Reporting is to be treated as a means making the results from an excavation useful. It is challenging finding a balance between the cost for field work and the results and products that are generated through an excavation.

These programs are expected to question the purpose as well as to be a learning process opening up for alternatives. It is not a fixed document; working with it is just as important as having it.

### Regional experiences beyond the Valletta

Each of the 21 county administrative boards has got the assignment to write such an action program for contract archaeology. The task is not to create a survey of the current state of knowledge about the archaeology of the region, even though we all need such surveys desperately.

It is aiming at giving objectives and directions for the contract archaeology – in short to try to explain what is the use of it all – and may be seen as an attempt to formulate a smoother functionality between contract archaeology and the society at large. We are striving to map the interfaces, the existing and the wanted, and to make contract archaeology relevant and understandable to everyone concerned.

Because we all work relatively independently in our own counties, the action programs emerging will be differing from each other. This is not necessarily negative. We all have specific backgrounds and ditto needs, we have very differing environments in our large country, and we have very differing situations regarding land development. We do try to coordinate the work supra-regionally, but this coordination will probably not go beyond direction and framework

We have been given a greater emphasis on communicating with children and young people so schools are of course being put up on the contract-archaeological agenda. The diverse groups that can be tentatively called ‘the un-integrated’ are targets for integration – that is we must reach groups that earlier

were outside our radar, some of them of free will – and we will perhaps never reach them – but some have been excluded due to a limiting background. They can be reached. The migrant populations of our modern world are just one out of many excluded groups. For their benefit we must convey a message of place, not roots. The word heritage itself can pose a problem. We are also trying to link up with the great wide world beyond our shores. We want to believe that Swedish heritage is their concern, and vice versa.

Among the most important keywords of the policy four stand out: participation, diversity, democracy and sustainability.

1. Participation means that the cultural heritage is for everyone to take part of, and that it is our responsibility to create the means for everyone to do so, regardless of background or other prerequisites.
2. Diversity means that we must affirm variety in an increasingly globalizing world, and avoid any kind of claims to a specific heritage. The rule must be that cultural heritage belongs to humanity and that the national authorities are just custodians of it.
3. All this is of course linked to the keyword democracy. Everyone in a democratic society has the right to participate and to develop her or his form of relationship to the material heritage, and finally all this must be sustainable, ecologically, economically and socially – but there is also something called cultural sustainability
4. Cultural sustainability can be several things. It can be a good life built on humanist perspectives. It can be the anchoring of the archaeological record in the present – which can create a diachronic understanding of our environment. It can be the cautious change that we nowadays endorse, meaning that the cultural heritage should be populated, should be lived in. And of course it can mean full accessibility to the cultural heritage.

Free accessibility to the archaeological heritage, physical as well as intellectual and existential, will strengthen public space and can become an instrument for building an inclusive society. Such free accessibility, where everyone can participate and – more important – understand and relate to the cultural heritage, could become a societal mastic building an inclusive society.

Let us find out how the conventions of the Council of Europe relates to our everyday work with contract archaeology at the regional level in Sweden. We think it is fair to say that the Valletta convention is fully implemented in the day to day practice in our country. Everyone works according to its intentions so no one standing in the current trench or issuing the relevant permits gives the Valletta convention much thought at all.

It is probably also fair to say that the landscape convention from Florence poses a problem with its low compatibility with the existing heritage conservation act, but this is mostly due to the difficulty in integrating of the object-oriented heritage conservation act, the

holistic environmental code, and the very practice-oriented forestry act and planning and building act of our national legislation.

Faro is most interesting in the context of our work with the action programme. The intentions of the Faro convention and of the action programmes for contract archaeology overlap to such a degree that one is inclined to state that Swedish authorities now are trying to implement Faro at the regional level when the national parliament yet has to ratify the convention, which of course is an interesting situation.

### Rewriting the convention

As said before – in this text we have not studied all of the articles of the convention but instead focussed on the fundamentals and overarching goals.

The full name of the convention is the first thing in need of revising – The European Convention on the Protection of the Archaeological Heritage. An alternate heading could be the European Convention on Protection *and Sustainable Use of*

- Ancient Monuments and Sites
- or
- the Remains of the Past through Archaeology.

Or why not simply The European Convention on Sustainable Use of Archaeology stressing how the tool (archaeology) is useful and should be used. This can be compared to the European Regional/Spatial Planning Charter from 1983 where the dimension, character, operation and objectives of planning are established.

An alternative to article 1.1 “protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study.” could be inspired by the Faro and Florence conventions

- recognise the diversity of the shared remains of the past made accessible through archaeology,
- recognise their value for remembrance, understanding, identity, cohesion and creativity,
- as an essential component of an inclusive European community,
- based on sustainable use and historical and scientific study of the archaeological heritage.

And perhaps in a new convention it could be underlined that this heritage can contribute to democracy and to quality of life through multiple stories of human ways of living and through people interacting with the past, places and people. New paragraphs, stressing concrete public participation and involvement in different stages – in inventories, in decision making concerning ancient monuments and sites and in excavation and reporting, need to be added.

In the convention it should in general be stressed:

- The monuments and sites as parts of a historical and contemporary landscape.
- Analysis, interpretation and research process.
- And finally stressing the reporting and communication with target groups wherever possible.

### Benefits from a revised convention

The new action programs in Sweden are trying to create dynamic contract archaeology – beyond the Valletta. They encourage the archaeologists to develop new methods and to think new thoughts. They also encourage them to question – in short to use the most humanist of all words: Why?

Revising the existing convention in this direction would make it compatible with the Faro and Florence conventions, something it is not today. If the threats in the 1960s came from unauthorised excavations and in the 1980s from major constructions works the threats of today come from an uninterested public and a political abuse. This ought to be addressed. This would facilitate the process of converting archaeology and heritage management from a modern industrialized society way of thinking to a post-modern society way of thinking. And this, in its turn, would make it possible to develop new methods and think new thoughts listening to and taking into account course of events in the world around, thereby making society open to the endowments of the physical remains of the past and of archaeology.

A revision of the convention could also be a part of the development of public management. The public sector generates a wide range of beneficial outcomes, in the case of heritage management and archaeology; social

and cultural values as well as political and democratic value by encouraging debate, participation and engagement amongst citizens. Public value theory also places the emphasis on users, staff and management working together to identify needs and develop strategies for improvement. If, in the quest of good governance, public participation and involvement is important, then archeology has the potential to be a useful instrument.

### References

- Gustafsson, A. 2001: *Arkeologihistoria som historia och som arkeologi. Studier i arkeologins egenhistoria*. Institutionen för arkeologi, Göteborgs Universitet, Gotarc Series B. Archaeological Theses 17.
- Operation Heritage, 2004: *Putting People First. Operation Heritage Policy Statement*. Stockholm.
- Riksantikvarieämbetet homepage. <http://www.raa.se/lagar-och-stod/kml-kulturminneslagen/fornminnen-2-kap/vagledning-om-uppdragsarkeologi/>
- Riksantikvarieämbetet, 2012: *Angelägna berättelser. Inriktningsdokument för handlingsprogram inom uppdragsarkeologin*. Stockholm.





**Abstract:** The Valletta Convention has drastically changed archaeology and its role in society. Nevertheless, its almost universal adoption by European countries has not only had positive consequences. The paper discusses a number of different developments, some foreseen, some unforeseen, that have had positive as well as negative consequences and some, such as commercialization, that can be said to have had both. This is also true of the concept of 'preservation in situ' that is examined at length because it has become a dogma and the holy grail of preventive archaeology. While recognizing its value the paper shows how the concept has also become an instrument that favors simplistic CRM archaeology and hampers innovation of archaeological research in Europe. When the concept is 'exported' to developing countries, recent experiences show that its dangers are even more apparent.

As was already pointed out by Geoff Wainwright in his address to the inaugural meeting of the EAC in 1999 (Wainwright 2000), the Valletta convention has changed archaeology and its role in society in some very drastic ways. The European Convention on the Protection of the Archaeological Heritage defines a standard for the way in which states should manage their archaeological resources and provides a frame of reference with global impact. The Valletta Convention has moved archaeology from being only an academic discipline firmly in the world of spatial planning and public decision making.

When I went to Strasbourg in 1988 to represent the Netherlands in an expert meeting of the Council of Europe, I could not have foreseen that I was going to be involved in a process that would dominate two decades of my professional life. That meeting was the first in a series of committee meetings between 1988 and 1991 (Willems 2007, 2008). The committee had been convened by the Council of Europe to prepare a revision of the Convention of London of 1969. It was felt that this convention, which had not been ratified by many countries, was ineffective and unsuited to face the challenges of archaeology in the 1980s.

Our profession had become aware that its source material was rapidly disappearing while only a tiny fraction of the information could be recorded by rescue excavation. The urgent need for a different approach became apparent. An approach that required communication with society at large and that recognized we had to be involved in spatial planning and in the political and socio-economic decision making, instead of just reacting to its consequences. At international conferences such as in Florence in 1984 and in Nice in 1987 (Council of Europe 1987, 1989), an international debate arose on these issues.

This then led to the initiative of the Council to put the issue on the political agenda and the Committee of Ministers decided that a revision of the existing convention would be the best way forward, and that is what started the process in 1988. For further details, I refer to the contribution of prof. M. Gautier (this

volume). The main issues were those that ended up in Articles 5, 6, and 9 of the convention that regulate that archaeology should become part of the planning process, that it should be financed through the budget of development schemes, and that its results should be communicated to the public. There is however no need to discuss these further. In the present context I will look at some of the consequences of the Valletta convention.

### Consequences of the Convention: the good, the bad, and the ugly

In my opinion one of the most obvious differences that the treaty has brought about, is the increase in the level of public awareness and interest. The public benefit of archaeology has become a central theme, and the willingness of its practitioners to open up to the public and increasingly to consciously involve that public as stakeholders in their work, has greatly improved. In part, this is no doubt also a result of improved technical means and the effect of drastically changed communication patterns through cable television, the internet, visualisation techniques, and recent inventions such as smartphones and other gadgets. But the basic change has come through the fact that the strongly increased cost of archaeology and the expenditure of public funds can only be legitimized by demonstrating its public benefit. Therefore communication with the public has gained enormously in importance, and although it is by no means the only aspect of the public benefit need, it is one that was foreseen as is evident from the commentary on the Convention (Council of Europe 1993).

Another consequence that was foreseen at the time was commercialization. Archaeological resources as well as their management have economic values that may benefit society, and it was clear from the outset that commercialization already present in the USA, the UK and some of the German states would need political decisions at state level to reject it, incorporate it, or regulate it in some other way. I will return to commercialization below and I will count it as neither

good nor bad. But it definitely has some uncomfortable aspects that are an ugly contribution to the changes in archaeology.

A related aspect, but one that was unforeseen, is the diminished role of hobby archaeologists in archaeological practice. Increased regulation and professionalization and vested commercial interests have led to a decrease of the opportunities for these stakeholders to participate in archaeology. Especially in a time when participatory forms of heritage management and community archaeology are gaining in importance, the decimation of voluntary archaeology in the past two decades as a more or less involuntary and I think mostly unintended consequence of implementing the Valletta treaty is surely one of the more negative changes. It may be that this development is partly due to a more general trend in society where increased individualization has led to a decline in all sorts of voluntary organizations (Myklebust 2001, Tully 2007, van de Rijdt 2011). But nevertheless there is a clear link to the implementation of Valletta.

Another unforeseen and in my opinion decidedly negative consequence is the bureaucratization of archaeology. Like commercialization, I will come back to this below, but it is clear that the increased impact of archaeological resource management in development has led to a far more bureaucratic system for policy, supervision, and also for doing work in the field. Although I have nothing against bureaucracies as such, I qualify this as a negative consequence. They are unavoidable and necessary but they are self-serving organisms that increase the distance between policy and practice and often stand in the way of good research instead of stimulating it.

As everybody hoped, the implementation of the Valletta convention in national legislation has led to a very substantial increase in archaeological research, but also to an even more substantial increase in archaeological work that should be research but isn't. There is a problem here, because a lot of work is done that is either sloppy and unsatisfactory or irrelevant, more of the same, rife with plagiarism or otherwise superfluous and done only for legal reasons or commercial profit. That is why I have classified this as an ugly change. I certainly do not agree with assertions that commercial research as such brings little or no relevant results. Indeed it can be demonstrated that a lot of very good research is being done in a commercial context and I can see nothing inherently wrong with compliance driven research. But at the same time it can also be demonstrated that a lot of money is spent on archaeological investigation that produces nothing relevant. That in itself poses a serious risk and it is not difficult to imagine why that should be so, especially not in times when public spending has come under increasing scrutiny and government budgets are being trimmed. It is, however, exceedingly difficult to put a stop to and inspectors or other civil servants often shy away from being taken to court.

On a more positive note, archaeological research as well as practice have become much better integrated with planning science and other spatial sciences (for example: Fairclough & Rippon 2002). Urban and

rural landscapes are being studied by a variety of disciplines that have achieved at least some measure of integration. Also, programmes have been initiated in various countries to link the conservation and development of the landscape, and the areas of land-use planning and heritage policy have become intertwined to a much larger extent than ever before. In my own country, programmes such as Belvedere and the Protection and Development of the Archaeological-Historical Landscape have made an important contribution (Bloemers, Kars, Van der Valk & Wijnen 2010). In any case, we have seen major advances in both the internal integration of cultural historic disciplines like archaeology, historical geography and architectural history, and their external integration with other relevant disciplines from the social sciences. In retrospect, it is actually a bit strange to notice that this development was the result, rather than the cause of the integration of the practice of archaeological resource management in land-use planning.

Finally, one more positive consequence of the Valletta Convention should be mentioned because it is clear that the whole process at the Council of Europe and its aftermath, such as the European Plan for Archaeology launched in 1992, were of major influence in getting European archaeology organised (Willems 2013). Of course here too, external circumstances provided a trigger as well, in this case the fall of the Iron Curtain. That led to expansion of the Council of Europe and to initiatives such as the creation of the EAA and in its footsteps came the EAC. That history has been documented in the very first EAC publication (Willems 2000).

The Valletta Convention was in part a response to the massive infrastructure developments that had caused the destruction of archaeological remains at an unprecedented scale that the rescue archaeology of the 1970s and 80s had been unable to cope with. In that situation, there were essentially two approaches that were not mutually exclusive. One was to try and organize the rescue archaeology in such a way that maximum knowledge about the culture history of an area was obtained by large scale and innovative research projects (Willems 1997). The other was to try by surveying, predictive modeling, regional inventories and other such means to obtain advance knowledge about archaeological sites so that they could be avoided and preserved in situ.

The thoughts behind this were clear enough. A substantial part of the soil archive was being destroyed with no option to prevent that from happening, so the attitude was that the need for consumption of archaeological sites for research purposes was more than satisfied anyway, and it was best to preserve sites in situ as archives for future consumption by academic research and occasionally for public enjoyment when there were suitable visual aspects. Preservation in situ became enshrined in the Valletta Convention. In my view the most reasonable approach to this was voiced by Bill Lipe (1996) in his conclusion to a paper in which he poses that preservation is only a means, not an end: *In sum, what should drive archaeological preservation is the social benefit that archaeology can provide to society over the long run. That benefit is primarily the contribution*

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Borehole survey	-	-	2231	233	2556	2261	2318	2100	2093
Watching brief	177	242	214	246	249	279	296	354	426
Trial pits/trenches	232	323	410	420	500	503	540	481	465
Excavations	194	193	187	194	204	200	148	179	174

Table 19.1: The number and type of archaeological projects in the Netherlands from 2004–2011 (source: Erfgoedinspectie 2012, 15), supplemented with data from 2012 (source: Archis).

*of knowledge about the past derived from systematic study of the archaeological record. In situ preservation of archaeological resources is a tool for optimizing that benefit. (.....)*

*Long-term, frugal consumption of the archaeological record by well-justified research—both problem-oriented and mitigation-driven—must be an accepted and integrated part of the preservation program. If the research doesn't get done, or if it gets done and we don't learn anything from it, or if only scholars learn from it and the public is shut out, then preservation will have been in vain, because its goals will have not been achieved.*

What has happened, however, is that what is considered in this quote as a tool, has in practice become an end, a purpose by itself. It has become a dominant ideology (cf. also Willems 2012, from which what follows was derived) and I believe there are two main causes for this that I have already mentioned above: one is bureaucratization, the other commercialization.

### Valletta and *in situ* preservation: a mixed blessing

Archaeological sites, or remains, or resources are also cultural heritage. And when archaeological resources are defined as heritage, it is clear that we are dealing with ascribed values, with conflicting interests, with local, national or international importance and therefore with governmental and administrative concerns and hence with a need for regulation. Until the 1970s archaeology was still largely an academic pursuit, and the specialized bureaucracies dealing with archaeological heritage management were mostly still in their infancies. When they began to grow, they were initially - and in some countries they are still - run by people with academic attitudes and training. By contrast archaeological heritage management today is usually part of a much larger bureaucracy within organizations such as quango's or state services and ministries of culture, or tourism, or national parks or combinations of that which have much larger and sometimes very different core purposes, who have senior staff with management and not academic qualifications, and who almost universally believe that the pursuit of knowledge is something that has no place in their organization because that is what

universities are for. As a policy, preservation *in situ* suits them well: it is respectable; internationally everybody else does it; as a rule it doesn't cost much money and if it does there are so-called mitigation strategies. And last but not least it is of course a source of considerable bureaucratic power.

The other reason is commercialization. Table 19.1 presents a table with the various types of archaeological work over the past eight years in The Netherlands. It was derived from the 2011 Annual Report of the Dutch Heritage Inspectorate (Erfgoedinspectie 2012), but the country and dates are in fact not important in this context, because the same can be found all around the globe. What is relevant is that the first three lines all indicate evaluation work and only the fourth indicates excavations. It is clear that only about 5–6 percent of all archaeological work involves excavation. Table 19.2 shows that about one third of these excavations are actually just a very short affair of a few days, usually just one. This is typical, and apparently in all western countries that have commercial archaeology, it is primarily evaluation work that gets done. It is much more in demand by the bureaucracy and it is much less risky as a business. No company that is honest and works according to normal standards and ethical principles, can exist from only excavation as a business, let alone make an acceptable profit. They can, however, do real well on evaluation work and consultancy.

If you are starting to wonder where all this is leading: I am just saying that this is how the system works. Everybody does surveys and other evaluation work and what is supposed to be a cyclical process whereby some sites are then excavated and generate new knowledge, does in fact most of the time stop with some test pits or trial trenches and lots of site avoidance or preservation *in situ* (Figure 19.1). The result is that fewer and fewer proper excavations get done, that we therefore learn less about the past and that the social role of archaeology diminishes where its negative economic impact increases. We simply have less stories to tell and of course the public has no interest in shovel testing.

In a recent Dutch report (Schute, Lobbes and Verbruggen 2011) it was concluded on the basis of

Table 19.2: The duration of excavations in the Netherlands from 2004–2011 (source: Erfgoedinspectie 2012, 15), supplemented with data from 2012 (source: Archis).

	2004	2005	2006	2007	2008	2009	2010	2011	2012
1-5 days	54	58	63	60	58	59	38	59	64
6-10 days	23	23	29	38	43	37	30	29	36
11-30 days	41	69	55	57	71	63	47	52	48
more than 30 days	38	39	34	37	29	40	31	37	26
unknown	38	4	6	2	3	1	2	2	-
total excavations	194	193	187	194	204	200	148	179	174





Figure 19.1: a) A labour intensive academic research excavation of a burial mound in Apeldoorn. b) A labour extensive commercial excavation of a settlement in Barneveld, the Netherlands. (photos: municipality of Apeldoorn and H. Woudenberg).

a selected sample that - of the selection of sites that have been evaluated as ‘worth preserving’ - 38% is then actually preserved in situ. It is difficult to interpret that figure, because it is unknown how many sites were not considered valuable enough (‘worth preserving’) and it is also unclear if the percentage is representative for the Netherlands in general. However the same study indicates that in practice virtually none of these sites are subsequently protected legally or subjected to actual preservation measures, though a small part (almost 9%) receives protection from destruction through the spatial planning system. For the remainder (30%) development plans have been adapted or abandoned. The other 60% was excavated in some form or examined under a watching brief. These may not be representative figures but at least they give some indication of the situation in a densely populated country with a high development pressure.

What is achieved by this preservation in situ policy is no doubt that less excavation work is necessary so the development becomes cheaper, and substantial numbers of sites remain in situ. By itself that is of course what the policy aims to do, though in most cases it is totally uncertain what will happen to the sites involved. In addition to this lack of legal or planning protection, there is still little research being done that could underpin the assumption that preservation in situ would actually be the best solution in the increasingly polluted environment of today. There are groups such as around the Paris meetings, where PARIS stands for “preserving archaeological remains in situ” (Kars & Van Heeringen 2008). This type of science-based research is of course very useful (Huisman 2009), but also quite expensive and for the moment its results remain limited because of the complexity of degradation processes. The ongoing process of climate change probably dwarfs anything that can be done through technical preservation measures and so does the intensification of agriculture.

Also, as mentioned above, it gets increasingly common in the practice of heritage management to define all sorts of damaging impacts that are allowed to take place on preserved sites as part of mitigation strategies. There are sites that are allowed to be built over, or partially excavated sites of which the remaining portions are

“preserved in situ” in awful conditions by administrative decision, just to reach a compromise and with virtually no chance of survival until a very hypothetical future research excavation. Even in the western countries discussed so far, that is quite unlikely to ever happen. There still are a very few pure research institutions left, but their capacity is infinitely small compared to the size of the problem, and they also serve political goals as is evident from their connection to Ministries of Foreign Affairs such as the *Deutsches Archäologisches Institut* and the *Écoles françaises* in various parts of the world. University based academics are in fierce competition over scarce grants and increasingly need to publish in peer reviewed journals and in the English language, or perish. The contribution they can make is also very limited.

To be fair, it should also be acknowledged that the system does have at least one real benefit because at the regional level our knowledge about the landscape and its uses in the past, does on average increase and we get much better ideas on its habitation and other uses (Van den Dries 2011).

There is the obvious truth that where the gains for society are more appealing, there will be more political and public support for preservation policies. As has long been recognized, subsurface archaeological sites can best be preserved through the careful management of change in landscapes (Fairclough and Rippon 2002, Lozny 2008, Bloemers a.o. 2010). This creates added values that may be perceived as compensation for and legitimization of the cost of preserving land containing archaeological resources. But in the end, it remains of course the visible landscape that is perceived as valuable or enjoyable, and so even within that framework it is necessary to provide historical and other context about places to illustrate their relevance and justify why they should be preserved. Buried archaeological sites lack associative values of visible sites, but they have to be regarded as an asset, not a burden.

This is a point that has recently been put forward most explicitly by Spennemann (2011), who rightly points out that the cost of historic preservation is incurred *today*, in the here and now, so its benefits should be clear today. He warns against the “preserving the past for the future” phraseology so widely used by heritage organizations as justification for preservation



policies. Indeed, heritage is all about ascribed values and archaeological resources become archaeological heritage through the values we attach to them. There is no way to predict what values will be held by future generations so essentially, according to Spennemann, we are preserving the past for ourselves. That fits well with earlier statements such as by Tunbridge and Ashworth (1996) who concluded that “the present selects an inheritance from an imagined past for current use and decides what should be passed on as useful to an imagined future”.

So in order to be relevant for the world of today, archaeological heritage can contribute in various ways to the economic and social well being of present day nations or communities, it can be “a driver of development” (Gottfried & Hidalgo Sánchez 2012), a source of income through tourism and it can be used to provide identity and a sense of rootedness. None of these is without problems and risks, and much attention is nowadays paid to develop best practices and standards to help overcome unwanted effects and consequences. But in the end, in order to actually be useful and relevant today, all this needs to be based on research. No matter whether we ‘discover’ the past or ‘create’ it, and no matter if we do this through scientific research or by more collaborative means involving stakeholder communities, we do need to investigate so that we can have the stories needed for interpretation.

An important conclusion from this - in my opinion - is that the trend in which heritage management agencies or bureaucracies are taking less responsibility for bringing research to fruition and make sure the public enjoys its benefits, should be reversed. That is especially relevant because the contribution that academic archaeology can make in the bulk of development-driven archaeological research, is severely limited for quantitative reasons and the constraints under which academic research works.

## Beyond Europe

That point is even more true in third world countries, where academic archaeology is usually even smaller in absolute terms and may be limited to just a few people at the national level. In a recent paper, MacEachern (2010) has outlined what can happen in such a situation when western companies start large scale projects. International organizations such as UNESCO, the World Bank, the European Development Bank, or major international businesses like Exxon and Rio Tinto, have developed standards on how to manage cultural heritage and they have ethical policies to deal with the impact of development on cultural resources. For international companies such as Rio Tinto, good cultural resource management (CRM) policies have become sound business principles and part of their risk management strategies, so compliance is not an issue. Most companies are used to taking responsibility for cultural heritage, an outstanding example is Rio Tinto’s recent cultural heritage guide (Bradshaw 2011), but it appears that the way in which this is done determines if it is any use.

MacEachern has been dealing with Exxon in Central Africa, and worked on a pipeline project in Chad

and Cameroon. In his paper he comments on the archaeological heritage management strategy that was mirrored after western practices. This implied that, for example, senior local academics not used to tenders and contract work were excluded because they could not respond adequately. Apart from such mostly unintended consequences, the western (in this case North American) model of CRM programs was used, which meant that site avoidance and mitigation of construction impacts on cultural heritage were the primary goals. Excavation for research purposes - to learn something about the cultural history of an area - or for training purposes, were seen as both an illegitimate use of client funds and an unacceptable act of destruction of archaeological resources. However, the idea that site avoidance and preservation are the only valid strategies in CRM work is, in MacEachern’s view, based upon assumptions about archaeological work that are not realistic in a third world and particularly a Central African context.

Unlike in western countries, it cannot be assumed that resources exist to support research archaeology in a context separate from that of development-led heritage management work. Even to assume this will be possible in the future, is unfounded. Another circumstance that is very different from the situation in western contexts is the fact that after the conclusion of a CRM program it may well be totally impossible to get access to particular areas or particular classes of sites. And in cases where it would be possible to undertake any follow up research, that is still rather unlikely to ever happen because resources are normally lacking. Even worse is the presumption that the primarily commercial relationship between contractor and client should not take into account ‘extraneous’ issues like the development of national archaeological capabilities and the investigation of culture history in different parts of the world. This makes sense in the western world where the developer does not want to pay for things that belong to the responsibility of the state. But elsewhere it is not just shortsighted, it is worse than that. Not taking these opportunities into account goes against principles codified in World Bank directives on cultural heritage protection in bank-assisted projects (MacEachern 2010, 357). Using such opportunities of infrastructure development, capacity building and investigation of culture history are in fact seen by the bank as legitimate objectives. The same attitude is also evident from other examples, such as the cultural policy of Rio Tinto. In that policy (see Bradshaw 2011, 16) it is stated explicitly that “cultural heritage management for Rio Tinto businesses is broader than just managing the impacts of ground disturbance”.

In general, it would therefore seem to be a bad idea to export European notions of preservation in situ and site avoidance and mitigation procedures that are embedded in the Valletta Convention. Instead, it would be much more useful if in third world contexts capacity building and taking advantage of properly resourced research opportunities *as a rule* take precedence over maintaining principles. In addition, while in many situations it may be unavoidable to employ western methods and staff, care should be taken not to transplant the complete *modus operandi*. If we don’t use the opportunity when it presents itself, we will

lose not just the information about the past and what it can be used for, but also the sites, the fabric, will be lost and possibly even the rare chance to properly train and educate local colleagues. Especially if the work is done in a collaborative setting, much can be learned from both sides.

To conclude, it is evident that of course in some particular situations and especially in densely populated European countries, preservation in situ sometimes is a useful strategy. In non western countries that may occasionally also be the case. After all we are dealing with a non renewable resource that is limited, and sometimes local populations do not wish resources that they value - as heritage or in other ways - to be touched. But often preservation in situ is either misused by uncritical application in situations where research and other objectives might have been better served by proper investigation, or it is consciously misused to prevent additional costs and investment. As an ethical principle that has universal application it is therefore questionable and in need of serious reconsideration, as a bureaucratic policy it has serious negative aspects that need to be considered, and as a dogma of archaeological resource management, it is highly dubious and may even be counterproductive. We should be very cautious in exporting Valletta.

## References

- Bloemers, T., Kars, H., van der Valk, A. & Wijnen, M. (ed.) 2010: *The Cultural Landscape and Heritage Paradox. Protection and development of the Dutch Archaeological-Historical Landscape and its European Dimension*. Amsterdam.
- Bradshaw, E. (ed) 2011: *Why cultural heritage matters. A resource guide for integrating cultural heritage management into Communities work at Rio Tinto*. Melbourne/London.
- Council of Europe 1987: *Archaeology and planning. Report of the Florence Colloquy*. Architectural Heritage Reports and Studies 5, Strasbourg.
- Council of Europe 1989: *Archaeology and major public works. Report of the Nice Colloquy*. Architectural Heritage Reports and Studies 12, Strasbourg.
- Council of Europe 1992: *European Convention on the Protection of the Archaeological Heritage (Revised)*. European Treaty Series 143, Strasbourg.
- Erfgoedinspectie 2012: *Verslag van het toezicht in 2011*. Den Haag.
- Fairclough, G. & S. Rippon (ed.) 2002: *Europe's Cultural Landscape: archaeologists and the management of change*. EAC Occasional Paper 2, Brussels.
- Gottfried, C. & S. Hidalgo Sánchez (ed.) 2012: *Heritage, a driver of development. Proceedings of the 17<sup>th</sup> ICOMOS General Assembly Symposium*. Paris.
- Huisman, D.J. 2009: *Degradation of Archaeological Remains*, Den Haag.
- Kars, H. & R.M. van Heeringen (ed.) 2008: *Preserving archaeological remains in situ. Proceedings of the 3<sup>rd</sup> conference 7–9 December 2006, Amsterdam*, Geoarchaeological and Bioarchaeological Studies 10, Amsterdam.
- Lipe, W.D. 1996: In Defense of Digging: Archeological Preservation as a Means, Not an End. *CRM Cultural Resource Management* 19.7, 23–27.
- Lozny, L.R. (ed.) 2008: *Landscapes Under Pressure. Theory and Practice of Cultural Heritage Research and Preservation*. New York.
- MacEachern, S. 2010: Seeing like an oil company's CHM programme. Exxon and archaeology on the Chad Export Project, *Journal of Social Archaeology* 10, 347–366.
- Myklebust, D. (ed.) 2001: *First European Conference on Voluntary Organisations in the field of cultural heritage*, Oslo.
- Schute, I.A., Lobbes, M.E. & Verbruggen, M. 2011: *Wie wat bewaard die heeft wat*. Amsterdam (RAAP Rapport 2525).
- Spennemann, D.H.R. 2011: Beyond "Preserving the Past for the Future": Contemporary Relevance and Historic Preservation, *CRM: The Journal of Heritage Stewardship* 8, 7–22.
- Tully, G. 2007: Community archaeology: general methods and standards of practice. *Public Archaeology* 56.3, 155–187.
- Tunbridge, J. E. & Ashworth, G.J. 1996: *Dissonant Heritage: The Management of the Past as a Resource in Conflict*. New York.
- Van den Dries, M. 2011: The good, the bad and the ugly? Evaluating three models of implementing the Valletta Convention, *World Archaeology* 43(4), 594–604.
- Van de Rijdt, T. 2011: Malta en de rol van vrijwilligers in de archeologie [5]: Belangenbehartiging bij ruimtelijk beleid. *Westerheem* 60.5, 210–218.
- Wainwright, G. 2000: A future for European Archaeology, in W.J.H. Willems (ed.): *Challenges for European Archaeology*, Zoetermeer, 53–56.
- Willems, W.J.H. 1997: Archaeological Heritage Management in the Netherlands: Past, Present and Future, in: W.J.H. Willems, H. Kars & D.P. Hallewas (ed.), *Archaeological Heritage Management in the Netherlands*, Amersfoort, 3–17.
- Willems, W.J.H. 2007: The work of making Malta: the Council of Europe's archaeology and planning committee 1988–1996, *European Journal of Archaeology* 10.1, 57–71.
- Willems, W.J.H. 2008: Sur la genèse de la convention de Malte, *Archéopages*, hors série, février 2008 [Festschrift J.-P. Demoule], 135–139.
- Willems, W.J.H. 2012: Problems with preservation in situ, *Analecta Praehistorica Leidensia* 43/44, 1–8.
- Willems, W.J.H. 2013: On the Organization of European Archaeology, in: S. Bergerbrant & S. Sabatini (ed.), *Counterpoint: Essays in Archaeology and Heritage Studies in Honour of Professor Kristian Kristiansen*, BAR S2508, Oxford, 17–20.

## 20 | The EU and cultural heritage: current approaches and challenges for the future

*Petar Miladinov*

**Abstract:** According to article 167 of the Treaty on the Functioning of the European Union (EU), the EU has a supporting, but nonetheless very important role to play: it focusses on how best to assist national and local authorities and complement the Member States' actions. Therefore, the EU actively supports cultural heritage either as part of the European Agenda for Culture or through various funds and programmes. But more importantly, the European Commission proposes for the new financial period a significant increase in the budget devoted to the cultural and creative sectors.

Despite that the EU does not have direct decision making power. Some EU policies can have a direct or indirect impact on the cultural heritage sector. Therefore, DG Education and Culture and the European Heritage Legal Forum (EHLF) established a mechanism for the permanent monitoring of the EU legislation and for the provision of information on the relevant EU services about the potential negative effects on cultural heritage.

### Introduction

The EU considers several issues as cross-cutting principles of heritage policies. Cultural heritage is of great value to society. Its significance will keep growing in the 21<sup>st</sup> century. While cultural heritage is an important part of our identity building, its role as a motor of economic and social development strategies is being more and more recognised by local and regional authorities in Europe. Today it is a determining factor influencing citizens' quality of life and their choice of living environment.

### The wider context - new trends stemming from a new perception on cultural heritage

Cultural heritage policies in European countries are following new trends stemming from a new vision. The most important elements to consider are:

- extending the scope of heritage -today it does not only deal with monuments and sites, but also archives, museums and collections, as well as traditions and customs, natural and cultural landscape;
- the temporal scope of heritage is also expanding to include the symbols of 20<sup>th</sup> century history.

It is therefore important to better understand the economic value of heritage, as well as to promote cross-sectorial and transversal capabilities in heritage management.

There is also an urgent need to strengthen the cooperation in this field at all level of governance.

### EU 2020 Strategy and cultural heritage

Some of our activities are linked with the necessity to confirm the role of culture and cultural heritage in the

EU 2020 Strategy. Europe 2020 is a bold strategy with ambitious targets to put Europe back on a long-term growth path. It aims at tapping into Europe's potential for innovation to achieve smart, sustainable and inclusive growth. Culture and cultural heritage, as well as the cultural and creative industries have a clear role to play in at least four of the EU 2020 flagship initiatives:

- the innovation union
- the digital agenda
- an industrial policy for the globalisation era
- and an agenda for new skills and new jobs

One could say that it contributes to Europe's competitive potential by attracting people from all over the world to visit cities, heritage sites and museums, but also by helping to make Europe an even more attractive place to work and live and set up new businesses.

### Cultural heritage actions in European Union programmes and activities

Never before has cultural heritage been dealt with so prominently in an EU-treaty as in the Lisbon Treaty. As said in Article 3.3. "(...) The Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced". Therefore, most EU programmes and policies deal with the topic of cultural heritage.

In this regard, according to article 167 of the Treaty on the Functioning of the European Union (EU), the EU has a supporting, but nonetheless very important role to play: its focus is on how best to assist national and local authorities and complement the Member States' actions. Therefore, the EU actively supports cultural heritage either as part of the European Agenda for Culture or through various funds and programmes.

Our funding activities are usually rather well known, and I'll come to them in a moment. Our policy work, on the other hand, is much less publicised so I'll start with illustrating it.

In 2007 the *European Agenda for Culture* was adopted by the Council (Link 1). This document sets a framework – endorsed by all Member States – for European cooperation on culture, including of course cultural heritage. The Agenda sees a role for cultural heritage in all three of its strategic objectives:

- promoting cultural diversity and intercultural dialogue;
- making the most of culture as a catalyst for creativity, growth and jobs;
- and developing culture's role in international relations.

#### Expert groups

This Agenda in fact is the framework in which national experts and culture civil society are looking at some core heritage issues. The *Council Work Plan on Culture 2011–2013* includes a specific priority on “cultural heritage including mobility of collections” (Link 2). In the field of collections, expert group examined ways to simplify the process of lending and borrowing of works of art and worked together on the prevention of illicit trafficking of cultural goods (Link 3).

- The experts from the Open Method of Coordination (OMC) working group identified policies and good practices of public arts and cultural institutions to promote better access to and wider participation in culture and cultural heritage, including by disadvantaged groups and groups experiencing poverty and social exclusion (Link 4).
- The experts from the OMC working group of cultural and creative industries (CCIs) produced a policy handbook in which they identify, compare and model good practices on how to foster the potential of culture and cultural heritage for local and regional economy.
- Experts also examine the spill-over effects of the CCIs on the wider economy, particularly in terms of innovation, and the potential for making better use of EU support programmes to foster these effects (Link 5).

#### Stimulating programmes

For a number of years, the European Commission has been a major contributor to cultural heritage projects. In terms of financial support, the *EU Culture programme* has since 2007 invested €32 million in 108 cultural heritage projects promoting cooperation and networking among cultural operators, facilitating mobility of professionals and the circulation of works. The European Commission is also active through awareness-raising actions:

- The *European Heritage Days* are of major importance in this respect. Thanks to this joint action of the European Commission and the Council of Europe, millions of people in 50 countries discover and celebrate every year Europe's heritage.

- Over time, the *EU Prize for Cultural Heritage* or the “*Europa Nostra*” awards has acquired a great reputation in promoting excellence in conservation skills and practices and encouraging cross-border exchanges in the heritage sector.
- Another EU flagship action – the *European Capital of Culture initiative* – (two European cities hold this title each year) is seen as an opportunity by many European cities to invest in their local heritage and revamp their image, thereby attracting visitors, stimulating growth and jobs, and improving quality of life for their citizens.
- The most recent European Commission initiative in this field is the *European Heritage Label* whose main aim is to increase the EU citizen's understanding of the building of Europe and of the diverse cultural heritage.

Our aim is to develop synergies between the above mentioned actions and others in this field in view of their potential to engage people with their heritage and to exchange knowledge and contribute to mutual understanding.

#### Financial instruments

In addition, through the support by other EU financial instruments, many projects in the cultural heritage field have been funded. *Cohesion Policy* for 2007–13 aims at mobilising culture, cultural heritage and creativity for regional development and job creation. Cultural heritage has an important role to play in European social and economic policy and there are many possibilities for financing under the instruments of the Cohesion Policy. Between 2007 and 2013, planned EU expenditure for culture under Cohesion policy amounts to more than EUR 6 billion representing 1.7% of the total budget. EUR 3 billion is allocated for the protection and preservation of cultural heritage, EUR 2.2 billion for the development of cultural infrastructure, and EUR 775 million to support cultural services.

In the framework of the 7<sup>th</sup> *Framework programme for research and innovation* a great number of research project have been financed. In addition, the Commission encourages Member States to “develop a common strategic research agenda establishing medium to long-term research needs and objectives in the area of preservation and use of cultural heritage in the context of global change”. The process of the Joint Programming Initiative (JPI) “*Cultural heritage and global challenge, new challenge for Europe*” aims to improve the interdisciplinary cooperation between sciences, art and humanities for the benefit of citizens. It is foreseen that the JPI organises joint work programmes and future calls for proposals for cultural heritage research, whether appropriate, in coordination with the EC.

These are just a few of the initiatives, supported by the European Union in the cultural heritage field. We published at the beginning of this year a Mapping of Cultural Heritage actions in European Union policies, programmes and activities (Link 6). It includes information about several recent policy documents and more on-going initiatives supported by the European Union in the field of cultural heritage.



## Cultural heritage in the next financial perspective 2014–2020

But more importantly the European Commission is even more ambitious in its support for the next financial perspective 2014–2020. For this new financial period, the Commission proposes an increase in the budget devoted to the cultural and creative sectors. A substantial portion of the future «Creative Europe» programme is expected to be granted to heritage projects.

With regard to Cohesion Policy and its investment priorities, the challenge is to further integrate the cultural and creative sectors into regional and local development strategies. This in line with the newly coined concept of “smart specialisation” so as to bring about the emergence of “creative ecosystems” throughout the EU, i.e. via the development of a creative environment that promotes traditional cultural assets (cultural heritage, touristic destinations, dynamic cultural institutions and services). Thus stimulating the development of creative businesses and supports spill-over effects into the local existing industries and local development.

The “protection, promotion and development of cultural heritage” has been included as part of the thematic objective for protecting the environment and promoting resource efficiency. We have been successful in our efforts as best exemplified by the “Elements for a Common Strategic Framework 2014 to 2020” (Link 7), adopted by the Commission on 14 March 2012 - which illustrates the many opportunities for the cultural heritage in the context of cohesion policy. Through the Cohesion Policy, there will also be the possibility to develop innovative financial instruments to co-finance investments in a number of areas, including investments in the cultural and creative sectors, in conjunction with the financial instrument that is proposed under the Creative Europe, Horizon 2020 and COSME programmes as a way to give leverage to private investment in this field.

### *The need for strengthening the cooperation in the field of cultural heritage*

As already mentioned, when addressing the topic of cultural heritage, the EU does not have direct decision making power. However, some EU policies can have a direct or indirect impact on cultural heritage sector. Therefore, to maintain its position as a sector which could contribute considerably to the prosperity and well-being of the European Union, a coherent common vision/strategic approach on heritage and its added value at EU level is needed. This common vision is needed in order to enhance the coherence between different EU policies and to achieve a better synergy between the specific activities at EU level.

Therefore, in order to obtain the necessary recognition of the importance of cultural heritage

in the different EU policies, it is essential for us to reinforce our cooperation not only with the public heritage authorities, but also with professional and civil society organizations. We thus very much welcome the invitation to participate in the today’s 14<sup>th</sup> EAC heritage management symposium. We hope that this is only the first step in our future cooperation in favour especially of archaeological heritage.

In this regard, we also welcome the creation of the Reflection group on cultural heritage as a follow up of the Bruges conference in 2010 (Link 8), which includes representatives of the national and regional heritage administrations. We also welcome the efforts of the sector to structure itself through the creation of the European Heritage Alliance 3.3. (Link 9). The next step is for these networks to increase their cooperation and work with us to promote the untapped potential of Europe’s cultural heritage.

Finally, a substantial part of our work is devoted to the analysis of the potential direct or indirect impact of the other EU policies on cultural heritage. The European Commission works to ensure that the protection and promotion of cultural heritage is given due consideration in other sectors such as regional planning, agriculture, economy, research, environment, etc. Therefore, we highly appreciate our very fruitful cooperation with European Heritage Legal Forum and their detailed analysis of EU legislation and its potential impact on cultural heritage. We look forward to continuing this cooperation.

## Conclusion

Because of all these challenges, it is of crucial importance to make the necessary efforts to introduce and to better link cultural heritage policy with the other policies areas at European level, and also at national level. Their integration will contribute to find the most appropriate way to use the contemporary developments for the protection of the cultural heritage and vice versa – how to promote its potential as a resource for sustainable development. We ought not to forget that the preservation of cultural heritage is our common responsibility. That is why, it is also very important to reinforce the close collaboration between European Commission and the national authorities, as well as with the international professional organisations. One of the crucial challenges for all of us today, relevant to cultural heritage protection, is to obtain the support of all actors – inhabitants, specialists, businesses and the civil society organisations. If we want to embrace the future and aspire towards a more sustainable growth, we need to know our past and use our assets in the field of culture effectively. Cultural heritage is the link with our past: by really knowing (protecting and promoting) our past we shape our future together.

## References/Links

Link 1: [http://ec.europa.eu/culture/our-policy-development/european-agenda\\_en.htm](http://ec.europa.eu/culture/our-policy-development/european-agenda_en.htm)

Link 2: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42010Y1202\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42010Y1202(01):EN:NOT)

Link 3: [http://ec.europa.eu/culture/our-policy-development/documents/omc-report-mobility-of-collections\\_en.pdf](http://ec.europa.eu/culture/our-policy-development/documents/omc-report-mobility-of-collections_en.pdf)

Link 4: <http://ec.europa.eu/culture/our-policy-development/documents/201212access-to-culture-omc-report.pdf>

Link 5: <http://ec.europa.eu/culture/our-policy-development/documents/policy-handbook.pdf>

Link 6: [http://ec.europa.eu/culture/our-policy-development/cultural-heritage/mapping-of-actions\\_en.htm](http://ec.europa.eu/culture/our-policy-development/cultural-heritage/mapping-of-actions_en.htm)

Link 7: [http://ec.europa.eu/regional\\_policy/sources/docoffic/working/strategic\\_framework/csf\\_part1\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/working/strategic_framework/csf_part1_en.pdf)

Link 8: <http://heritageconference.rwo.be/language/en-US/English/Hoofdmenu/Home>

Link 9: <http://www.europeanheritagealliance.eu/about/>

**Abstract:** Fifteen years ago the author entered the world of archaeological heritage management as a legal advisor and heritage manager. Since then, a not inconsiderable proportion of his working life has been dominated by the Valletta Convention. In this article the author reflects on the meaning of the treaty for archaeology in the Netherlands and Europe, the struggle to enshrine the principles of the Convention and ensure all those involved complied with them.

Recently a wide-ranging evaluation of the Dutch legislation used to implement the convention was conducted. This was followed by a debate in the Dutch parliament. Although the general conclusion was positive – the legal system which had been introduced seemed to be working – a number of important findings should be noted. The parliamentary debate highlighted the weakness in the system. Clever use of an international obligation has allowed the top-down introduction via legislation of a system of archaeological heritage management that enjoys little public support. The values of a small group have been imposed on farmers and developers who have no interest in them. A dislike of archaeology is almost inherent in a system that we have introduced in so many European countries.

We therefore need to pay more attention to a third group (besides developers and archaeologists) a group of which the author considers himself part of. This is the large group of people who are interested in history, which read about it and visit places where they can experience history. These people are generally well-educated and often have influential jobs in the public and private sectors. Such people are the key to the improvements that could be made at national level, and also through European collaboration.

## Two scenes from the mid-1990s

### Scene 1

Let's go back to 1995. I was 35, a trained lawyer and civil servant, and working at the Dutch Ministry of Spatial Planning and the Environment in The Hague. There, I was responsible for the implementation of European directives in Dutch law, including the rules for nature conservation and environmental impact assessment. One day, I found an unusual letter in my in-tray, which had been passed on to me to deal with. It was a letter from the State Secretary for Culture to the Minister of Housing, Spatial Planning and the Environment. The State Secretary for Culture was seeking help with the implementation of a convention designed to afford Europe's archaeological heritage better protection. This was of course the illustrious Valletta Convention, which we generally refer to in the Netherlands simply as 'Malta'. And thus began my journey through the wonderful world of archaeology.

Before it reached my in-tray, the letter had been all around the ministry. It seemed no one really knew what to do with such an exotic treaty, and this equally exotic request for help. Although I had more than a passing interest in history even then, I wasn't able to take the subject of archaeology in the Netherlands entirely seriously.

After I had read the convention and made a brief analysis of its implications, I came to the conclusion that, for it to be implemented, the Spatial Planning Act and other legislation would need to be amended.

What must be understood is that the Spatial Planning Act is a big deal in the Netherlands. In that densely-populated low-lying country on the North Sea the battle for the little space available has to be conducted in an orderly manner. Every square metre has its designated purpose, everything is planned and thought out. It seemed to me a fairly absurd idea, and politically unthinkable, to amend the sacred Spatial Planning Act over such a trivial matter. That was my advice, and for some time the subject disappeared from view, and from my thoughts.

### Scene 2

At the same time in 1995, in the picturesque provincial town of Amersfoort in central Netherlands, the director of the State Service for Archaeology was worried. This flamboyant *bon-viveur*, and ardent champion of European archaeology, realised that things could not continue as they were. Under his inspiring leadership, his organisation had shown that, unbeknown to most of us, much of our buried history was getting lost in the dynamics of modern life. Amidst the unprecedented economic dynamism of the post-war period, which included the intensification of agriculture, a lot of our important archaeological resource had disappeared like melting snow. There were too few people who regarded this as a problem. His organisation could not cope with the situation alone, and was focusing its energies – with far too few resources – on excavating what would

otherwise be lost. The backlog in the analysis and reporting of these excavations just grew and grew. It was proving particularly difficult to influence the processes that were destroying these sources of knowledge about our past. The European convention that had been signed about three years earlier, partly thanks to the efforts of our amiable director, had had barely any impact in the Netherlands. Willem Willems hoped that collaborating with the Ministry of Spatial Planning would help. He was convinced that the letter sent by the State Secretary for Culture would cause a breakthrough. He was not easily frustrated, but now it really was time something happened.

Two years after my first encounter with the Valletta Convention, my career took a surprising turn. I successfully applied for a job as heritage manager at the State Service for Archaeology in Amersfoort. This job allowed me to work on many aspects of archaeological heritage management and, in particular – for ten years – the implementation of the convention I had previously been so scornful about.

### Archaeologists and developers

I chose 1995 as the starting point for this paper. It was the year I first encountered archaeological heritage management. But that is not the only reason. During that year the Netherlands witnessed a situation that had occurred in many European countries at some point in time, and may arise again in the future. I would like to describe the situation as follows: I shall refer to two groups of people and I apologize for any generalizations I am about to make.

The first was a relatively small group of professionals – archaeologists – who had their own ethical standards. They knew that buried under the ground lies a lot of information about our past and they were aware that important sources of knowledge about our history were disappearing. These professionals – as can be expected – were sharply divided about how to turn the tide, and particularly about who should be in control of archaeology. They were not good at making choices, and even worse at making choices that enjoyed the support of the entire profession. Everything is important, after all. Of course, this meant that choices were often made for them, but they were able to make the best of things, thanks to a large dose of pragmatism and passion.

A far more influential group of people was those with their finger on the button of spatial developments: real estate agents and property developers, planners designing new residential areas, infrastructure and industrial sites etc. Their primary focus was getting projects off the ground in the simplest way possible. They wanted a clean process with a minimum of fuss. Investments had to yield profits. Often they were not averse to taking archaeological interests into account, provided they were offered a predictable process, and their investments were not put at risk.

In 1995, these two groups met occasionally in the Netherlands. They did business on an ad hoc basis. In many projects, archaeological resources were quietly

destroyed and the authorities showed little sense of urgency in championing archaeological interests. Politicians had no interest in the matter at all.

### Implementation of the Valletta Convention

In a situation like this, the drafting and signing of an international convention like the one agreed in Valletta was a civilised act and something of an achievement. It can be the crowbar that gets things moving. And a crowbar proved to be just what was needed in the Netherlands and in many other countries. As far as I can see, the Valletta Convention is the most influential of the four Council of Europe heritage conventions. It gave archaeology just enough weight to ensure it couldn't be blown away. However, this was not enough to ensure that the convention was implemented quickly.

I will spare you the details of the things we have all done and experienced in the process of implementation. It took a great deal of creativity and stamina to champion a small subject that enjoyed little public support in a world of real estate and spatial planning. This will also be familiar to many civil servants and heritage managers all over Europe.

In 2007 we finally succeeded in putting in place statutory measures that would allow us to implement the convention. Fortunately, legal developments in the years before had been such that this was mainly a matter of consolidating a system that had gradually emerged over time. What seemed impossible in 1995 was finally achieved in 2007. The Spatial Planning Act was amended for the sake of archaeology. Local authorities would have to seriously consider possible archaeological values when drawing up their zoning plans. And when issuing earth removal permits and conducting environmental impact assessments. Furthermore, after some heated debate, market forces were introduced, together with a system of quality assurance and centralised data supply.

### Evaluation

A wide-ranging evaluation of the legislation used to implement the convention was conducted in 2011. An English translation of the evaluation report is available on the EAC website.

Every year, some 4000 archaeological field evaluations and 200 excavations are performed in the Netherlands. This is at least five times as many as in the 1990s. Mandatory archaeological reports are published; finds are recorded, conserved and taken to repositories. Documentation on investigations and finds is available online.

We have also established that in 30% of cases where evidence of an important archaeological site has been found (in a field evaluation), preservation *in situ* has been achieved. In other words, the initial plans were adjusted or scrapped entirely. Archaeology is actually taken into account when physical interventions take place. The changes to the archaeological system have led to excavations and to preservation *in situ* of



archaeological heritage that would otherwise have been destroyed.

This has been an indisputable success, and it is all thanks to the Valletta Convention. We have succeeded in better protecting the sources of our knowledge of history. Similar developments have occurred elsewhere in Europe. The convention is doing its job.

Of course we are not immune to the economic crisis. Construction of homes, commercial premises and infrastructure has declined, causing the archaeology market to shrink, too. Archaeologists are losing their jobs and excavation companies are going bankrupt. There is fierce competition between these companies, particularly on price, which is putting the quality of the work under pressure.

The evaluation produced a number of recommendations, which were translated into an official position submitted to parliament by the State Secretary for Culture. Parliament debated the matter in 2012. It is interesting to consider what happens in a debate like this. After all, it is not every day that Members of Parliament talk about archaeology.

In the run-up to the debate, MPs are approached by lobbyists, and this is reflected in the debate itself. The two groups I distinguished earlier – archaeologists and developers – come back into focus. And what do we find? The ‘developers’ have got their lobbying all sorted out. Farmers find archaeological investigations inconvenient, and farmers’ associations represent their interests. The same applies to construction companies, property developers and companies that extract sand and gravel. There are many critical questions, and examples of entirely superfluous costly archaeological investigations are presented. This, of course, causes doubt in the hearts of the MPs.

On the other side we have the archaeologists who – as usual – are hopelessly divided and only support certain interests. The greater interest, as so beautifully expressed in Article 1 of the convention, has no voice in the Dutch parliament. Strangely enough, the actual aim, the reason behind this entire system, is never discussed.

It should therefore come as no surprise to learn that the parliamentary debate was entirely dominated by the criticism that unnecessary archaeological investigations are so often instigated at other people’s expense. And this perfectly highlights the weakness in the system that we have introduced in so many European countries. Clever use of an international obligation has allowed the top-down introduction via legislation of a system of archaeological heritage management that enjoys little public support. The values of a small group have been imposed on farmers and developers who have no interest in them. You don’t need to be a clairvoyant to realise that this is bound to cause friction for many years to come. A dislike of archaeology is almost inherent in a system that means developers must pay for something that brings them no benefit.

In the end, the debate turned out reasonably well. Thanks to the sensible attitude of the State Secretary responsible, we managed to channel the criticism and

regain the initiative. It was rather like a Houdini act. The main thing is that we were able to get together with interest groups and define a common goal. Both sides want to prevent expensive archaeological investigations that add little or nothing to our knowledge of the past. Of course we will occasionally differ over the need for research, but we are still agreed on the principle of preventing unnecessary archaeological investigations. The system of archaeological heritage management can do better in this respect. This will ultimately be in the interests of archaeology. The core of our task is to arrive at a system in which rigorous but sensible choices are made as regards what is to be preserved, what must be excavated and what it is acceptable to lose. Archaeologists of Europe, I call upon you: dare to make choices.

This can be achieved by making knowledge more accessible. The Cultural Heritage Agency of the Netherlands has been given the task of producing a new archaeological knowledge map of the Netherlands which connects and provides access to data that are relevant for archaeological choices (but do not only concern archaeology). Data on activities that disturb the soil are particularly relevant. We will also make sure local authorities are well informed about the choices they can make. Careful selection is essential. This could ultimately result in a situation where the government demands fewer archaeological investigations. The balance could turn out favourably for archaeology if we succeed in improving the quality of the archaeological research that is performed, and ensure that it responds better to the demand for knowledge. A national research agenda has proved a useful tool in this respect.

The parliamentary debate focused much less on another remark made in the evaluation report. It pointed out that archaeology is now better protected, but that this is not the ultimate goal. Archaeological values must also actually be used as sources of our collective memory and as resources for historical and scientific study. This is where public support for archaeological heritage management can be found, and this is our challenge for the future.

### The third group

The way of caring for archaeology that developers and archaeologists – guided by legislation – have devised is not enough. We can now introduce a third group for which we do not need to look any further; myself (author of this paper).

I belong to a large group of people who are interested in history, people who enjoy reading about it and visiting places where they can experience history. They do not study the original sources, but they are keen to know how things turned out as they did. These people are generally well-educated and often have influential jobs in the public and private sectors.

Archaeology is their blind spot. In 1995 I was among the 10% best-informed people when it came to archaeology. In the 1980s I had read C.W. Ceram’s ‘Gods, Graves and Scholars’. I knew about Schliemann, Evans and Carter and I knew something of the archaeology of Utrecht, where I lived at the time. I can illustrate this



fact with a very interesting picture (Figure 21.1). This is the cover of a 1994 edition of the Bulletin of the Dutch Archaeological Association (established in 1899). This is an excavation of an early Christian church in the *castellum* in Utrecht. The municipal archaeologist believed that the church was founded by Willebrod, but other archaeologists disputed this. The cyclist looking on is me. I was just taking a look in the excavation pit when the photograph happened to be taken from the first gallery of the Dom Tower (Figure 21.2).

This is a remarkable picture because it shows me standing there looking at the past and also – though I did not know it at the time – at my own future. Now, so many years and so many archaeologists later, I am essentially the same. My interest in history is stronger than ever. But I am not all that enthusiastic about archaeological research itself. Visiting the site of an excavation is not what gets me excited. I would rather hear a good story about how things used to be. What has changed, of course, is that I now know how important archaeology is for our knowledge of history. And I have been doing my best to protect these sources for many years.

In this connection, I would like to quote the famous Dutch philosopher Johan Cruijff: ‘you don’t see it until you get it’. It is vital that more people ‘get’ the value of archaeological research, and most of those people will come from this third group.

## Conclusion

It is now time to return to the Valletta Convention. It has allowed inspiring successes to be achieved all over Europe. I think that more people have come to realise the importance of archaeology. And governments have passed laws in the interests of archaeology, reducing the likelihood that important archaeological values will be lost.

But it is also time to think about the next steps. We should consider the pioneers involved in ‘the making of’ the convention. With ideals and persistence they set about protecting the sources of our past. We need that kind of passion again today in order to move forward. And the debate should not only be conducted by archaeologists. They are simply not influential enough.

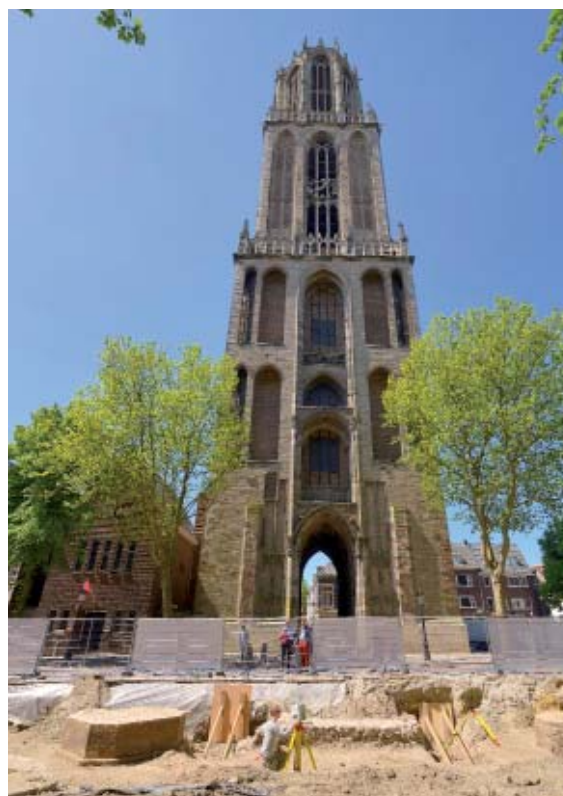
Figure 21.2: Construction being conducted on the cathedral square in Utrecht for an archaeological visitor’s center. Domplein, Utrecht, the Netherlands. Erfgoedfoto.nl – R.J. Stover.

Figure 21.1: This picture shows me looking at the construction on the Domplein Utrecht, the Netherlands. Cover KNOB bulletin – Leonard de Wit.

Their values are not the cure for everything, and I have given up all hope that they will ever agree on anything. We will have to consider what the convention has brought us. What new insights all those efforts have given us into our common past. How we can bring more quality to the system and what would be the best strategy to excite that large group of people with an interest in the past. Let us seize the initiative again and come up with an action programme for improvements.

## References

- Keers, G., Van der Reijden, H., Van Rossum, H. 2011: *Ruimte voor archeologie: Themaveldrapportages evaluatie Wet op de archeologische monumentenzorg*; Rigo Research en Advies B.V. rapportnummer 18090, Amsterdam.
- Van der Reijden, H., Keers, G., Van Rossum, H. 2011: *Ruimte voor archeologie: Synthese van de themaveldrapportages*; Rigo Research en Advies B.V. rapportnummer 18090, Amsterdam.
- Callebout, D., Mařík J., Maříková-Kubková, J. (ed.) 2013: *Heritage Reinvents Europe: Proceedings of the International Conference, Ennemy, Belgium, 17<sup>th</sup>–19<sup>th</sup> March 2011*. EAC Occasional Paper no.7.
- Lagerlöf, A. (ed.) 2013: *Who cares? Perspectives on Public Awareness, Participation and Protection in Archaeological Heritage Management: Proceedings of the International Conference, Paris, France, 15<sup>th</sup>–17<sup>th</sup> March 2012*. EAC Occasional Paper no. 8.



**Abstract:** During 2012/13 the EAC conducted a short survey of its members perspectives with regard to the implementation of the Valletta Convention. The preliminary and summary results of that survey are presented here together with some general observations. A more detailed analysis of the results of the survey will be published on the EAC website in due course.

## Introduction

As noted elsewhere in this volume [REFERENCE], the EAC considers that a key element of its role is to contribute actively to the on-going evolution of heritage management in Europe. It does this by exercising a so-called 'observatory' function to help understand how heritage management principles and standards are implemented in practice on a European scale. The context of heritage conventions (and other international instruments) in general, and the Valletta Convention specifically, provides a firm foundation from which these management principles and standards can be defined and explored. This flexible and non-binding 'soft' approach to monitoring standards (rather than more rigid compliance monitoring) is therefore best taken forward, not by the centralised efforts of institutions such as the Council of Europe, but rather by the heritage sector itself – national authorities, associations, networks of professionals, and other experts working cooperatively with the supra-national institutions. In this way, the EAC, alongside other partners (eg the HEREIN aisbl) can apply its particular expertise in heritage management practice to help understand how the Valletta Convention is implemented in different states. EAC members are well-placed to identify where the implementation of the Valletta Convention might require further support, and where the EAC can use the perspectives of its members to highlight specific areas of new policy that need attention if the principles espoused by the Convention are to be successfully translated into good practice.

The successful application of this observatory function requires the collection of *consistent* information that is as objective as possible, measurable, and comparable (ie 'closed' or statistical data), alongside supplementary information that includes subjective value judgements which can provide added meaning, depth, and breadth (ie 'open' questions). Once data and information that is susceptible to rigorous examination has been compiled, it must then be subjected to informed analysis by those with the relevant experience and expertise to identify any trends and / or issues, and to draw appropriate conclusions and make any necessary recommendations for further action. In this way, the reflexive process outlined above acts not just as an observatory, but also as a 'laboratory' – providing a platform for debate & exchange of ideas about heritage management in a European context from historical & 21<sup>st</sup> century perspectives and which ultimately will also

contribute to the establishment of better and more effective dialogues between a broad spectrum of stakeholders & civil society.

It was always envisaged by the Council of Europe that thematic surveys would stand alongside the main national policy database (HEREIN), to provide a parallel source of information to support specific initiatives that could be taken forward by the Council of Europe and partner organisations. Since its foundation, the EAC has undertaken a number of surveys to collect and analyse information from its members on different topics to inform internal discussion, the development of pan-European approaches to heritage management, and to underpin EAC policy statements. Indeed, the original survey carried out by the EAC on the 10<sup>th</sup> Anniversary of the Valletta Convention paved the way for, and stimulated the Council of Europe to develop its own approaches to monitoring and observation of its heritage conventions.

As part of this process, in 2012 the EAC Board formulated a short questionnaire for its members about the implementation of the Valletta Convention, in order to supplement the individual contributions that would be made at the 2013 Heritage Management Symposium (The Valletta Convention: Twenty Years After – Challenges for the future. 20<sup>th</sup> Anniversary of the Valletta Convention: Benefits, Problems, Challenges). The objective of this questionnaire was to conduct a rapid survey of EAC members' *perspectives* about the Valletta Convention; it specifically was *not* intended to record the official and formal view of States that have signed and ratified the Convention (either directly, or through their relevant ministries or government departments represented at the EAC). The survey was, however, designed to be complementary to the official information contained in the national reports of the HEREIN policy grid. The questionnaire was originally distributed (in document format) to the 28 representatives of the EAC member organisations; however, it soon proved possible to use simple web-based software to make the survey available digitally and to collect data online. This necessitated some minor modifications to some of the questions to permit logic relationships between questions and to make better use of (closed) multiple-choice questions. An added advantage was the greater flexibility that the system allowed in the collection and collation of responses at national, regional, and local levels.



## The survey

The survey (reprinted in full in the Appendix) comprises an introductory group of questions (that identify the respondents, their organisation and their specific position and role in that organisation) and four short sections comprising a total of 11 main questions in all (some questions have supplementary and/or multiple choice sub-questions to elicit further information relevant to the parent question). The first section (two questions) is intended to establish an overview of how the state in question adopted the Valletta Convention and whether any serious difficulties were encountered in its implementation. The second section (two questions) sets out to identify any key achievements and successes that might have resulted from the implementation of the Valletta Convention since its adoption. The third section (four questions) is intended to identify any future needs and requirements for heritage management in the context of the Valletta Convention that still require further work. The fourth and final section (three questions) explores whether the (then) current economic situation was having an impact on heritage management, and if so what that impact was; it also seeks to establish whether the Valletta Convention remains relevant for heritage management.

Questions marked with \* are compulsory. It should be noted that the online version of the survey is significantly more convenient to complete than the paper document because the sub-questions are all 'nested' and remain invisible unless triggered by the relevant response to the parent question.

## General observations and limitations

At the time of writing (August 2013), 34 responses have been received including a number of multiples

responses from federal states or states where the legal responsibility for heritage management is held and exercised at a level below that of the nation (eg Belgium, Germany, United Kingdom etc) (Figure 22.1). For the purpose of this survey, where the legal responsibilities for heritage management lie at this level, these 'federal' or other 'national' components of signatory states are treated as individual states. Although the geographical coverage of the responses is extensive, and includes all parts of Europe, a small number of states have still not responded, and inevitably this restricts to a certain extent the usefulness of the results, and for the time being limits the confident identification of common trends and patterns. Efforts are now being made to obtain as complete a coverage as will be practicable, before completing the final the analysis of the results which it is anticipated will occur during the winter of 2013.

Despite the care taken to formulate questions that were sufficiently 'closed' to allow the answers to be amenable to direct comparison, many responses proved quite variable and inconsistent. In many cases a great deal of information and detail was included in the free text comments, and whilst this helped to qualify the 'closed' answers given for individual states, the language and terminology employed in the free-text comments was inevitably different from respondent to respondent, and resulted in sometimes quite significant inconsistencies between answers to the same question. At the same time the level of detail included by respondents also varied quite considerably. In some instances there was little or no supplementary detail provided to the closed questions, making it difficult or impossible to identify underlying cause or effect; in other cases, so much additional detail was provided in the free text comment that it proved hard to unravel the full meaning and implication of the answer and to assign that information to the relevant parts of the

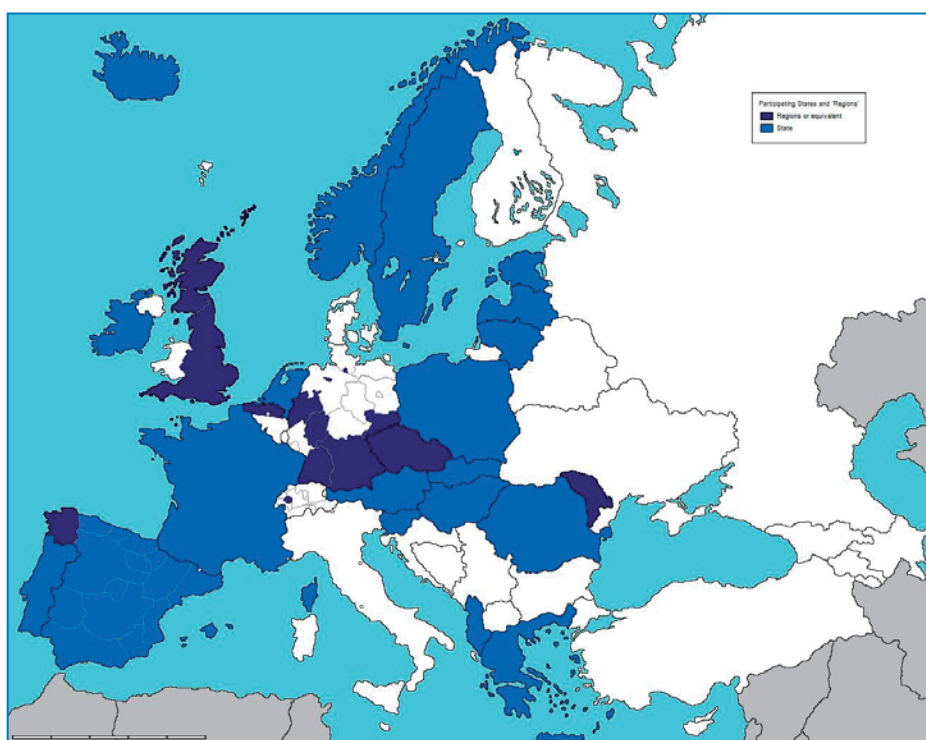


Figure 22.1: Distribution of survey respondents (at August 2013).



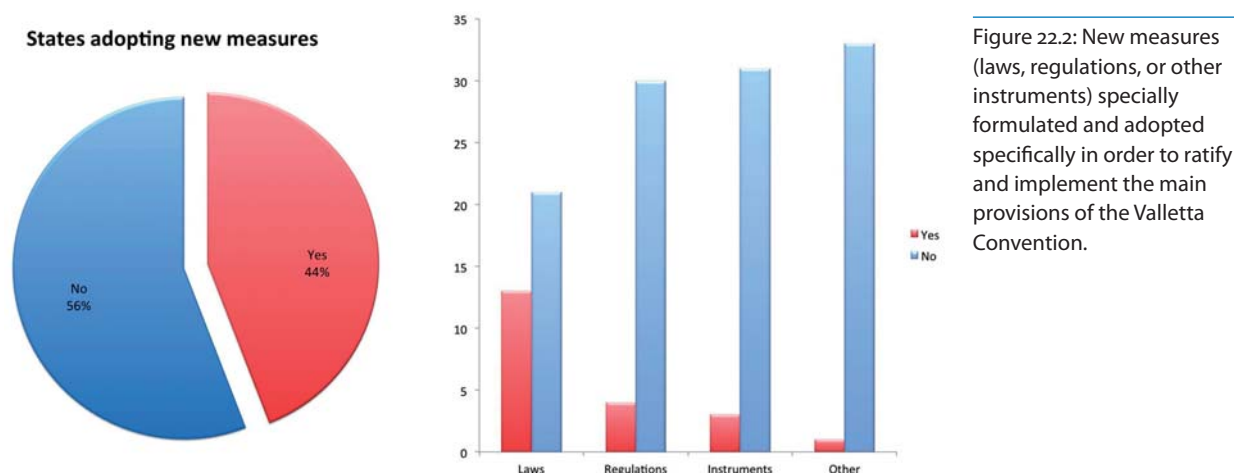


Figure 22.2: New measures (laws, regulations, or other instruments) specially formulated and adopted specifically in order to ratify and implement the main provisions of the Valletta Convention.

survey. This means that the level of detail provided by different respondents was inconsistent – ranging from summary data at one extreme to extremely full and thoughtful responses at the other. Consequently there has been a need to reformat some of the answers to ensure both a consistent (and comparable) use of terminology and in addition, to make sure that where appropriate, the answers are properly articulated with the correct questions and sub-questions – this is particularly germane when trying to associate relevant elements of free text responses with specific articles of the Valletta Convention.

As noted above, it was felt by the EAC Board that there were significant advantages to be accrued from carrying out a relatively rapid and informal survey of EAC members and representatives. This would certainly capitalise on the very considerable experience and expertise of EAC members to record real-world and practical perspectives about the implementation of the Valletta Convention rather than the more mediated, moderated (and perhaps necessarily more considered) official view of Governments when compiling such information. However, a disadvantage of not formally soliciting official state responses to the survey is that there was considerable variation between the EAC respondents in terms of both their levels of seniority and responsibility, and indeed in the nature and function of the organisation they represented. Respondents to the survey therefore exercised different responsibilities variously as Directors, or senior or middle-level managers in, for example, the Administration, Legal/International Department, Research Department etc of Ministries or Government (and indeed also non-Government) Agencies. The result, again, is that there is considerable variation in the nature of the answers to the survey that further exacerbates, to some extent, the underlying inconsistency that is already inherent in such exercises.

Many (but not all) of these inconsistencies can be mediated by a judicious process of categorising and classifying the free text responses, and assigning the data to the appropriate questions and sub-questions – whilst of course at all times retaining and remaining faithful to the essential information that has been provided by respondents. This process of mediation is inevitably quite complex and time-consuming, and is

still underway at the time of writing (as is the process of incorporating late responses into the main data grid). All of these issues are the inevitable consequence of trying to record and examine *perspectives* rather than simply capturing raw statistical data (which is much more amenable to direct comparison and analysis). Nevertheless from the breadth and range of responses already received, it is clear that it is possible to identify some general patterns and trends that have been revealed by the survey, and from this to draw some preliminary, albeit tentative, conclusions.

### Preliminary results

At this stage comments are restricted to the 'closed' (Yes / No) questions. Because the process of mediation described above has not yet been completed, the EAC Board did not consider it appropriate to identify answers from individual countries in this paper (before respondents have validated the final analysis in advance of the publication of the full report). The results presented here therefore only comprise the totals and percentages of respondents answering 'Yes' or 'No' to the relevant questions. The full report will also explore all the underlying information provided by respondents which will help to qualify and explain the figures in more detail, as well as assist in identifying any possible regional or more local trends related to geographical or perhaps to structural (legal / political / administrative) factors.

### New measures (Figure 22.2)

Responses show that 15 states (44%) have adopted new measures (eg laws, regulations, or other instruments) that were specially formulated and adopted specifically in order to ratify and implement the main provisions of the Valletta Convention; conversely, in 19 states (56%) the existing heritage legislation was already considered to be sufficiently aligned with the provisions of the Valletta Convention to be fit for purpose to implement the Convention. Where new measures have been adopted, the majority (in 13 states) enacted new legislation, and the use of other new measures (including non-statutory regulations and instruments) is much more restricted. In a political climate (in some parts of Europe) where

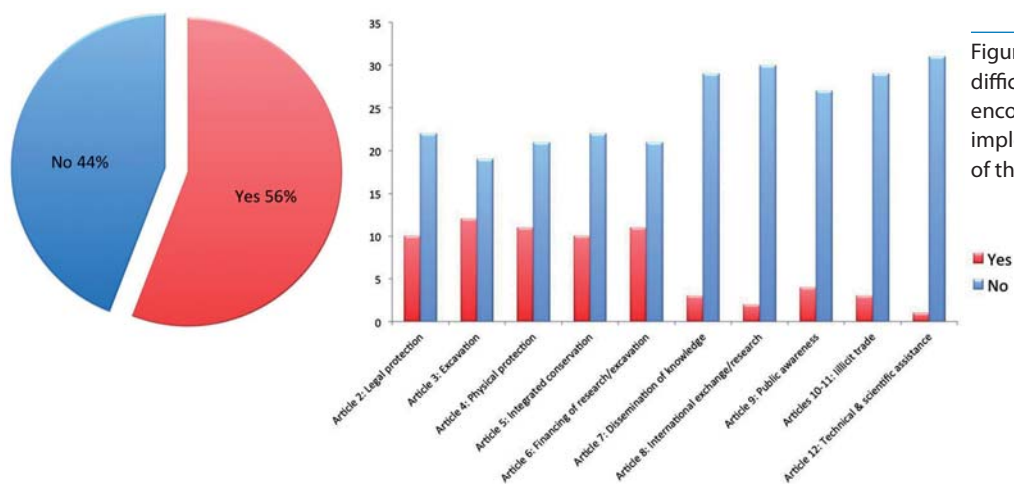


Figure 22.3: Serious problems, difficulties, or challenges encountered during the implementation of the Valletta Convention.

Figure 22.4: Successful implementation of the Valletta Convention.

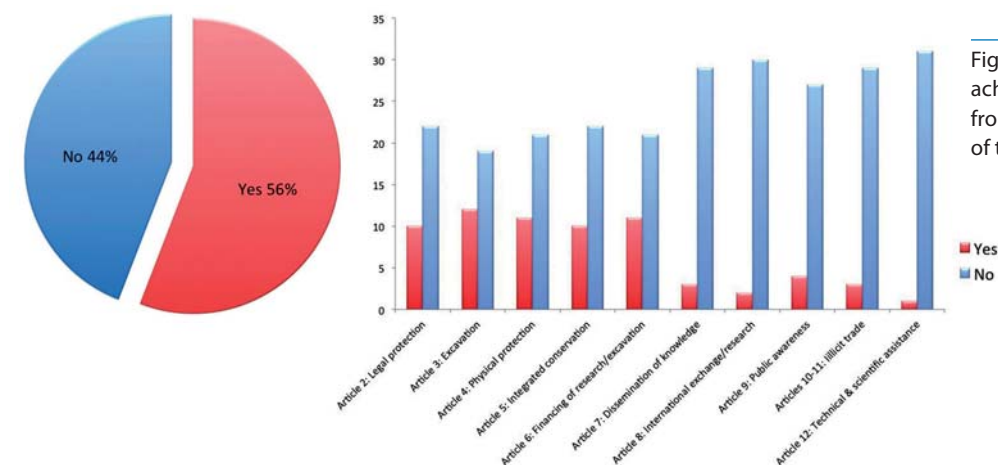
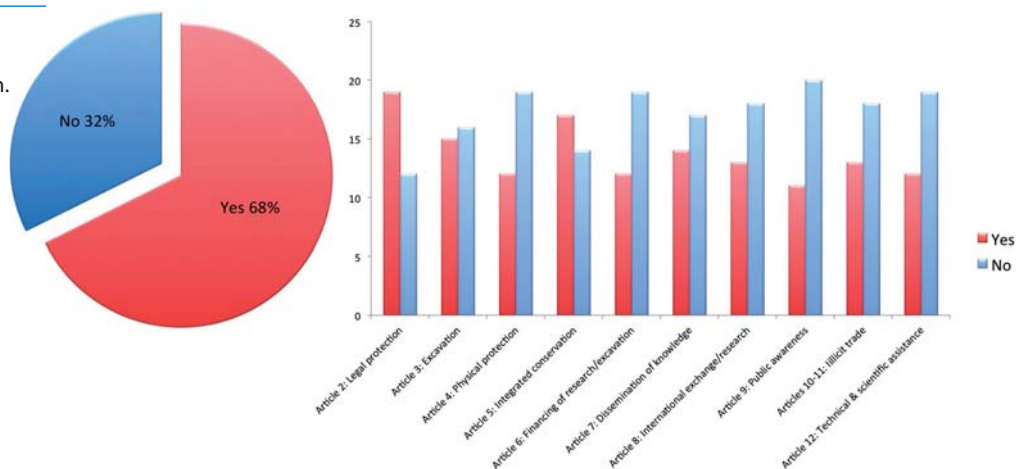
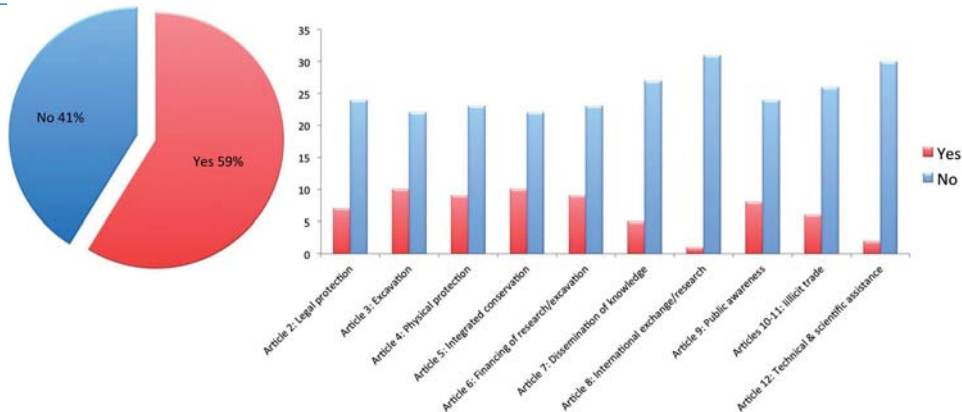


Figure 22.5: Significant achievements resulting from implementation of the Valletta Convention.

Figure 22.6: Provisions of the Valletta Convention that require further attention or action before they can be implemented fully.



there is a noticeable shift towards deregulation, it is interesting to speculate whether states will continue to be as reliant on new legislation as in the past two decades when meeting the exigencies of heritage management in the future.

### Problems (Figure 22.3)

In a small majority of 19 states respondents recorded that serious problems, difficulties, or challenges had been encountered during the implementation of the Valletta Convention, although a significant number (15 states) apparently did not encounter any such difficulties. In the context of the specific articles of the convention it is clear that the difficulties experienced related more to Articles 2–6, concerned mainly with the practical application of measures taken to protect and conserve the archaeological heritage and with the financing of necessary archaeological work (including excavation). Fewer problems appear to have been encountered with the implementation of Articles 7–12, concerned mainly with the less tangible aspects of protection and conservation (Knowledge, research, public awareness etc). Despite significant advances in these latter areas that have been made over the past 20 years, there is still real concern in some quarters that much more remains to be done if these particular aspirations of the Valletta Convention are to be achieved. In the absence of strong evidence to the contrary, it is therefore to some extent rather surprising that these areas are *not* considered by respondents to have presented any difficulties in implementation. It may therefore be legitimate to consider whether the lack of difficulties encountered here could possibly relate to a lower priority generally being accorded to the implementation of these articles than was given to Articles 2–6. It is hoped that it will be possible to explore this issue further in the course of the more detailed analysis.

### Successful implementation (Figure 22.4)

The overall figure recorded by respondents for the successful implementation of articles of the Valletta Convention is quite high (in 23 states). However, the breakdown by specific article suggests a slightly less optimistic picture. It is clear that in a small majority of states, most of the articles of the convention are considered not to have been successfully implemented (although of course this does not take into account partial implementation where more work on specific topics might need to be done to achieve successful implementation of *all* the elements of each article). The number of ‘Yes’ and ‘No’ responses are broadly consistent (with only minor variation) across all the articles, however, it is worth noting that the number of respondents recording less than successful implementation of Articles 7–12 (in 17–20 states) reinforces the possibility that there may be hidden difficulties related to implementation in these areas.

### Significant achievements (Figure 22.5)

A small majority of respondents (in 19 states) have recorded significant achievements as a result of the implementation of the Valletta Convention and given the widespread public rhetoric about the value of the Convention it is perhaps a little surprising that as many as 15 respondents consider there to have been no significant achievements resulting from the convention in their state. This may of course relate to no more than the existence in some states of perfectly adequate mechanisms to protect and conserve the archaeological heritage prior to the adoption of the Convention. Achievements recorded focus mainly on Articles 2–5; and the shift to integrated conservation is highlighted in 16 states (although *not* in another 16 states). The apparent lack of consideration of the changes in financing (Article 6) as an achievement is perhaps surprising given the fundamental changes that have occurred over the past two decades in this area – especially in view of the exponential increase in resources for archaeological work that have resulted from this; this perhaps may reflect no more than disquiet in some quarters about the nature of so-called ‘commercial’ archaeology despite some of the advantages that have accrued from it. The generally low level of achievements recorded for Articles 7–12 is, in view of the remarks above, less surprising.

### Further attention (Figure 22.6)

A small majority of respondents (in 20 states) considered that the provisions of the Valletta Convention required further attention or action before they could be implemented fully, and this figure accords relatively well with the views about the successful implementation of the provisions of the Convention. Nevertheless, it should be noted that with regard to the individual articles of the Convention, there was a fairly consistent majority of respondents that considered that no further work was needed in their state. Where such a need was identified, rather surprisingly, attention appears to focus on Articles 2–6 rather than those articles where it has been supposed (above) that more work is needed (Articles 7–12). This does however coincide with those articles where the most difficulties were encountered during implementation (above). Despite the maturity and (now) longevity of the Valletta Convention, it is clear that there is still quite a strong perception in some quarters that significant work yet remains to be done in order to achieve full implementation.

### General steps (Figure 22.7)

In a similar vein, respondents in 17 states considered that some further general steps or actions were required to implement the Valletta Convention, whilst in 16 states respondents regarded this as unnecessary. The full analysis and report will explore in more detail those areas which were identified in some states as requiring further action – either with regard to the implementation of specific articles of the convention (above) or more generally. It will also consider whether there may be any underlying geographical or structural pattern to these responses.

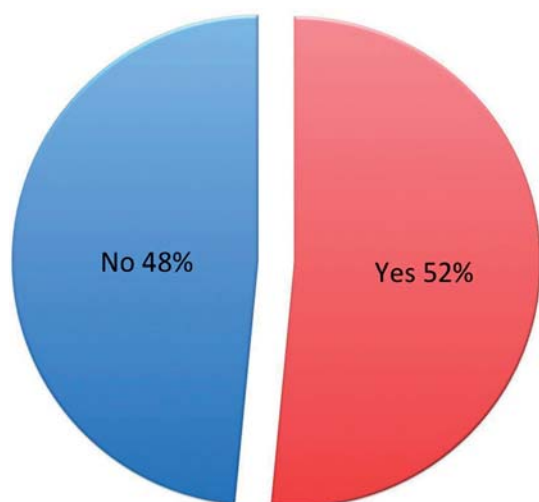


Figure 22.7: Further general steps / actions required to implement the Valletta Convention

sizeable minority (in 12 states) did identify such issues, and further, in at least 10 states respondents felt that some of these issues needed to be addressed with some urgency (in the short term), leaving little doubt that in some states at least heritage management is still evolving and facing significant challenges. The final report will explore the nature of the issues that have been highlighted by respondents.

#### Economic / political situation (Figure 22.9)

It is not surprising that in 24 states respondents indicated that heritage management was suffering from the impact of the economic situation at the time of the survey, although respondents in 9 states recorded that this had yet to have an effect. In 8 states respondents signalled that rather than the economic situation, other external factors were having a serious impact on heritage management. The form and nature of all these impacts will be explored in more detail in the final report.

#### Other issues (Figure 22.8)

The majority of respondents (in 21 states) considered that there were no other key cultural heritage issues not already incorporated in the provisions of the Valletta Convention that still needed to be addressed in the short-term and medium-term future. However, a

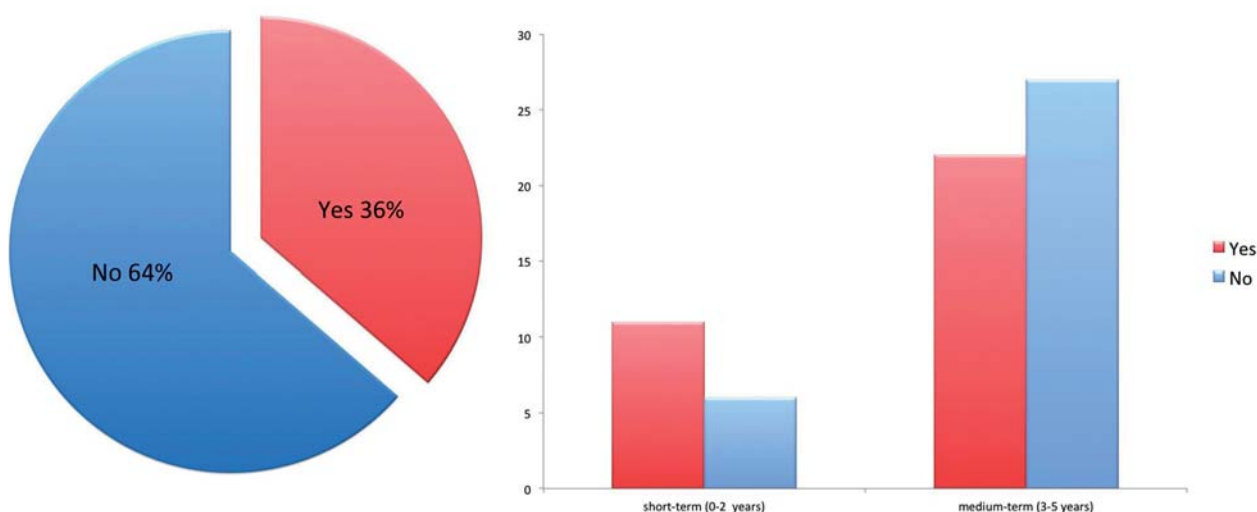


Figure 22.8: Other key cultural heritage issues that are not already incorporated in the provisions of the Valletta Convention that must be addressed in the short-term and medium-term future.

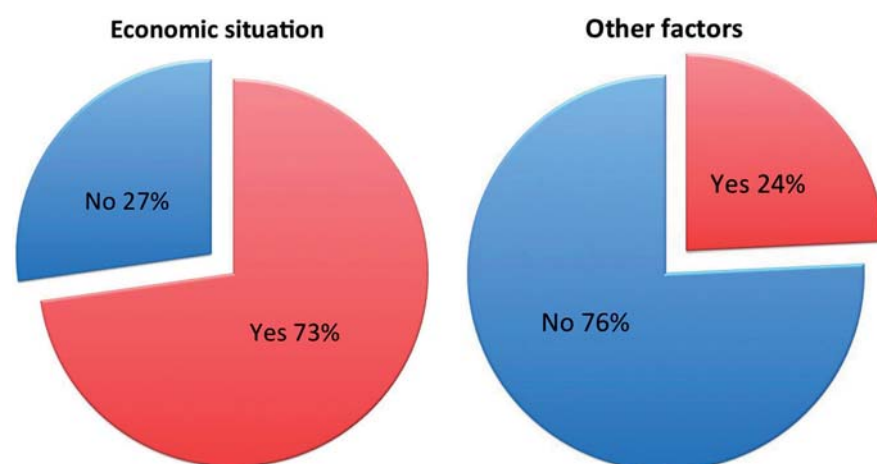


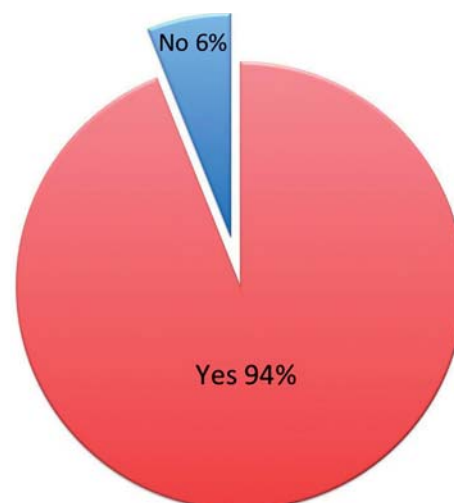
Figure 22.9: Impact of the economic situation and / or other factors on heritage management.



Figure 22.10: Relevance of the Valletta Convention to heritage management.

## Relevance

The overwhelming majority of respondents (in 31 states) affirmed that even after 20 years, the Valletta Convention remained relevant to heritage management – although as a global instrument, rather than through the application of individual articles. This more generalised perspective of the convention is reinforced by the relatively high number of respondents who either did not address issues related to specific articles of the convention in other questions or recorded negative responses.



## Conclusion

Despite some of the problems that have been noted during the course of the survey related to the implementation of the Valletta Convention, the fact that it is still almost universally regarded as relevant to heritage management today is testament both to the foresight and skills of the group of experts that drafted the convention, and to the efforts of the Council of Europe in supporting and sustaining such an effective mechanism over two decades. The results of this survey support the view that the Valletta Convention has not only changed the face of heritage management across Europe during the past 20 years, but that through the flexible and intelligent application of its core principles, it will undoubtedly continue to exercise a positive influence in safeguarding and conserving Europe's collective archaeological heritage.

Please choose **only one** of the following:

- ☐ Senior level
- ☐ Middle level
- ☐ Junior level
- ☐ Other

**Make a comment on your choice here:**

### Position within the organisation

Choose one of the following answers and provide any additional information about your position and/or job title in the comment box \*

Please choose **only one** of the following:

- ☐ Management
- ☐ Communication Department
- ☐ International Relations Department
- ☐ Legal Department
- ☐ Research Department
- ☐ Other

Make a comment on your choice here:

**Email address \***

**Any additional information, observations, or comment?**

## Appendix: Valletta Convention Perspectives Survey

### IDENTIFICATION OF THE PARTICIPANT

Questions to establish the identity and role of the respondent in the context of the implementation of the Valletta Convention.

**Surname \***

**First name \***

**State \***

*Region, Land, Country, Canton etc*

If heritage competencies are decentralised, i.e. exercised below national level please specify the name of your Region, Land, Country, Canton, Autonomous Region etc

*Name of Organisation \**

### Role within the organisation

Choose one of the following answers and provide any additional information about your role in the comment box \*

### ADOPTION AND IMPLEMENTATION OF THE VALLETTA CONVENTION

Questions 1–2 are intended to establish an overview of how your state adopted the Valletta Convention and whether any serious difficulties were encountered in its implementation.

#### 1. How has your state implemented the Valletta Convention in practice?

List the key measures (laws, regulations, or other instruments) that were already in existence prior to ratification that were used to implement the main provisions of the Valletta Convention

Law(s)	
Regulation(s)	
Instrument(s)	
Other	

Were any new measures (laws, regulations, or other instruments) specially formulated and adopted specifically in order to ratify and implement the main provisions of the Valletta Convention? \*

Please choose **only one** of the following:

- ☐ Yes  
☐ No

**If Yes, what were they?**

Law(s)	
Regulation(s)	
Instrument(s)	
Other	

**2. Were any serious problems, difficulties, or challenges encountered during the implementation of any of the articles of the Valletta Convention? \***

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, indicate below which Articles this applies to:

**Article 2: Legal protection of the archaeological heritage**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, Provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 2 of the Valletta Convention  
 Please write your answer here:

**Article 3: Procedures for archaeological excavation**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 3 of the Valletta Convention  
 Please write your answer here:

**Article 4: Physical protection of the archaeological heritage**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 4 of the Valletta Convention  
 Please write your answer here:

**Article 5: Integrated conservation of the archaeological heritage**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 5 of the Valletta Convention  
 Please write your answer here:

**Article 6: Financing of archaeological research and excavation**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 6 of the Valletta Convention  
 Please write your answer here:

**Article 7: Dissemination of knowledge**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 7 of the Valletta Convention  
 Please write your answer here:

**Article 8: International exchange and research**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 8 of the Valletta Convention  
 Please write your answer here:

**Article 9: Promotion of public awareness**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 9 of the Valletta Convention  
 Please write your answer here:

**Articles 10–11: Prevention of illicit trade**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Articles 10–11 of the Valletta Convention  
 Please write your answer here:

**Article 12: Mutual technical and scientific assistance**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes provide a brief summary of any serious problems, difficulties, or challenges encountered during the implementation of Article 12 of the Valletta Convention  
 Please write your answer here:

**ACHIEVEMENTS AND SUCCESSES OF THE VALLETTA CONVENTION**

Questions 3–4 explore any key achievements and successes which might have resulted from the implementation of the Valletta Convention

### 3. Have any of the Articles of the Valletta Convention been successfully implemented? \*

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, indicate below which Articles this applies to

#### Article 2: Legal protection of the archaeological heritage

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, Provide a brief summary of the reasons why the implementation of Article 2 of the Valletta Convention is considered to have been a success.

Please write your answer here:

#### Article 3: Procedures for archaeological excavation

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Article 3 of the Valletta Convention is considered to have been a success

Please write your answer here:

#### Article 4: Physical protection of the archaeological heritage

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Article 4 of the Valletta Convention is considered to have been a success

Please write your answer here:

#### Article 5: Integrated conservation of the archaeological heritage

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Article 5 of the Valletta Convention is considered to have been a success

Please write your answer here:

#### Article 6: Financing of archaeological research and excavation

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Article 6 of the Valletta Convention is considered to have been a success

Please write your answer here:

#### Article 7: Dissemination of knowledge

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Article 7 of the Valletta Convention is considered to have been a success

Please write your answer here:

#### Article 8: International exchange and research

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Article 8 of the Valletta Convention is considered to have been a success

Please write your answer here:

#### Article 9: Promotion of public awareness

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Article 9 of the Valletta Convention is considered to have been a success

Please write your answer here:

#### Articles 10–11: Prevention of illicit trade

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why the implementation of Articles 10–11 of the Valletta Convention are considered to have been a success

Please write your answer here:

#### Article 12: Mutual technical and scientific assistance

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes provide a brief summary of the reasons why the implementation of Article 12 of the Valletta Convention is considered to have been a success

Please write your answer here:

### 4. Have there been any significant achievements that have resulted from the implementation of the Valletta Convention? \*

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, indicate below which Articles this applies to

#### Article 2: Legal protection of the archaeological heritage

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 2 of the Valletta Convention

Please write your answer here:

#### Article 3: Procedures for archaeological excavation

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 3 of the Valletta Convention

Please write your answer here:

**Article 4: Physical protection of the archaeological heritage**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 4 of the Valletta Convention

Please write your answer here:

**Article 5: Integrated conservation of the archaeological heritage**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 5 of the Valletta Convention

Please write your answer here:

**Article 6: Financing of archaeological research and excavation**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 6 of the Valletta Convention

Please write your answer here:

**Article 7: Dissemination of knowledge**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 7 of the Valletta Convention

Please write your answer here:

**Article 8: International exchange and research**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 8 of the Valletta Convention

Please write your answer here:

**Article 9: Promotion of public awareness**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Article 9 of the Valletta Convention

Please write your answer here:

**Articles 10–11: Prevention of illicit trade**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are the main achievements / best practice that has resulted from Articles 10–11 of the Valletta Convention

Please write your answer here:

**Article 12: Mutual technical and scientific assistance**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes what are the main achievements / best practice that has resulted from Article 12 of the Valletta Convention

Please write your answer here:

**FUTURE NEEDS AND REQUIREMENTS**

Questions 5–8 are intended to identify any future needs and requirements for heritage management in the context of the Valletta Convention

**5. Do any of the individual provisions of the Valletta Convention require further attention or action before they can be implemented fully? \***Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, indicate below which Articles this applies to

**Article 2: Legal protection of the archaeological heritage**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 2 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done

Please write your answer here:

**Article 3: Procedures for archaeological excavation**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 3 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done

Please write your answer here:

**Article 4: Physical protection of the archaeological heritage**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 4 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done

Please write your answer here:

**Article 5: Integrated conservation of the archaeological heritage**Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 5 of the Valletta Convention still requires further



attention or action before it can be considered to be fully implemented and what still needs to be done  
Please write your answer here:

**Article 6: Financing of archaeological research and excavation**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 6 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done  
Please write your answer here:

**Article 7: Dissemination of knowledge**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 7 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done  
Please write your answer here:

**Article 8: International exchange and research**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 8 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done  
Please write your answer here:

**Article 9: Promotion of public awareness**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Article 9 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done  
Please write your answer here:

**Articles 10–11: Prevention of illicit trade**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of the reasons why Articles 10–11 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done  
Please write your answer here:

**Article 12: Mutual technical and scientific assistance**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes provide a brief summary of the reasons why Article 12 of the Valletta Convention still requires further attention or action before it can be considered to be fully implemented and what still needs to be done  
Please write your answer here:

**6. Are any further general steps / actions required in your state to implement the Valletta Convention \***

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief summary of any general steps / actions that might be required in order to implement the Valletta Convention fully  
Please write your answer here:

**7. Are there any key cultural heritage issues which are not already incorporated in the provisions of the Valletta Convention (eg landscape approach) that you consider MUST be addressed in the immediate short-term (0–2 years) and medium-term (3–5 years) future? \***

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are they? List any issues that MUST be addressed, and for each, explain briefly why it has been selected

Please write your answer(s) here:

Short-term  
(0–2 years)

Medium-term  
(3–5 years)

**8. Are there any OTHER key cultural heritage issues which are not already incorporated in the provisions of the Valletta Convention that you consider it would be USEFUL (but not essential) to address in the immediate short-term (0–2 years) and medium-term (3–5 years) future? \***

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, what are they? List any issues that it would be USEFUL to address, and for each, explain briefly why it has been selected

Please write your answer(s) here:

Short-term  
(0–2 years)

Medium-term  
(3–5 years)

**CURRENT CONTEXT AND RELEVANCE**

Questions 9–11 explore the impacts of the current economic situation on heritage management, and the continuing relevance of the Valletta convention

**9. Has the current economic situation (eg growth, stasis, recession, crisis etc) and the attendant societal problems affected heritage management in your state? \***

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If, Yes, give a few brief examples of the impacts of the current economic situation on heritage management  
Please write your answer here:

**10. Have any other circumstances other than those mention in Question 9 affected heritage management in your state? \***

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, summarise these circumstances briefly and give some examples of the impacts that they have had on heritage management

Please write your answer here:

**11. Does the Valletta Convention still remain relevant to heritage management in your state? \***

Please choose **only one** of the following:

- ☐ Yes  
☐ No

**If No, provide a brief explanation of the reasons why the Valletta Convention is no longer considered relevant**

Please write your answer here:

**If Yes, as a global instrument, or only through individual articles**

Provide any additional observations in the comment box \*

Please choose **only one** of the following:

- ☐ Global Instrument  
☐ Individual Articles

Make a comment on your choice here:

If the Valletta Convention is only considered relevant in terms of individual articles, indicate below which Articles this applies to

**Article 2: Legal protection of the archaeological heritage**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 2 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Article 3: Procedures for archaeological excavation**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 3 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Article 4: Physical protection of the archaeological heritage**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 4 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Article 5: Integrated conservation of the archaeological heritage**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 5 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Article 6: Financing of archaeological research and excavation**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 6 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Article 7: Dissemination of knowledge**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 7 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Article 8: International exchange and research**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 8 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Article 9: Promotion of public awareness**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Article 9 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

**Articles 10–11: Prevention of illicit trade**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes, provide a brief explanation of why Articles 10–11 of the Valletta Convention are still relevant, and to whom

Please write your answer here:

**Article 12: Mutual technical and scientific assistance**

Please choose **only one** of the following:

- ☐ Yes  
☐ No

If Yes provide a brief explanation of why Article 12 of the Valletta Convention is still relevant, and to whom

Please write your answer here:

## Contributors

### **Brian AYERS**

School of History  
University of East Anglia  
Norwich  
NR4 7TJ Great-Britain  
b.ayers@uea.ac.uk

### **David BIBBY**

Archäologische Denkmalpflege:  
Zentrale Fachdienste und Restaurierungswerkstatt - digitale  
Archäologie - Landesamt für Denkmalpflege Baden-Württemberg  
im Regierungspräsidium Stuttgart  
Berliner Str. 12  
73728 Esslingen am Neckar, Germany  
david.bibby@rps.bwl.de

### **George CASSAR**

Institute for Tourism, Travel and Culture  
University of Malta  
Msida MSD 2080 Malta  
george.cassar@um.edu.mt

### **Alicia CASTILLO MENA**

Departamento de Prehistoria,  
Universidad Complutense de Madrid  
Avd. Profesor Aranguren s/n.  
Ciudad Universitaria  
28040 Madrid, Spain  
Alicia.castillo@ghis.ucm.es

### **Nicoletta DIVARI-VALAKOU**

Hellenic Ministry of Culture and Sports  
Bouboulinas 20-22  
10682 Athens, Greece  
nvalakou@culture.gr

### **Gjergj FRASHERI**

Stadt- und Landschaftsarchäologie,  
Ehrenfelsstraße 27, 10318 Berlin, Germany  
stadtarchaeologie@t-online.de

### **Marc GAUTHIER**

Inspecteur général honoraire de l'archéologie  
22, rue de l'Étape  
64210 Bidart, France  
marcgilles.gauthier@wanadoo.fr

### **Victoria VAN DER HAAS**

Reuvenplaats 3  
2311 BE Leiden, The Netherlands  
v.m.van.der.haas@arch.leidenuniv.nl

### **Bernhard HEBERT**

Abteilung für Archäologie,  
Bundesdenkmalamt, Hofburg – Säulenhof,  
10210 Wien, Austria  
Bernhard.hebert@bda.at

### **Hans HUISMAN**

Cultural Heritage Agency of The Netherlands,  
P.O. Box 1600, 3800 BP, Amersfoort, The Netherlands  
h.huisman@cultureelerfgoed.nl

### **Birgitta JOHANSEN**

National Heritage Board,  
Box 5405, 114 84 Stockholm, Sweden  
Birgitta.johansen@raa.se

### **Paul VAN LINDT**

Eversemsesteenweg 42  
1852 Grimbergen, Belgium  
paul.vanlindt@rwo.vlaanderen.be

### **Jan MARIK**

Institute of Archaeology  
of the Academy of Sciences of the Czech Republic  
Letenská 4, 118 01 Praha 1., Czech Republic  
marik@arup.cas.cz

### **Petar MILADINOV**

Bulgarian Ministry of Culture  
17, "Al. Stamboliiski" Blvd.  
Sofia, Bulgaria  
peter.miladinov@gmail.com

### **Mats MOGREN**

County Administrative Board Skåne,  
Kungsgatan 13  
205 15 Malmö, Sweden  
mats.mogren@lansstyrelsen.se

### **Sergiu MUSTEAȚĂ**

History Department, "Ion Creanga" State University 1,  
Ion Creanga str., main building, of. 407  
Chisinau, 2069, Republic of Moldova  
Sergiu.musteata@yahoo.com

### **Adrian OLIVIER**

Institute of Archaeology, University College London  
England  
adrian.olivier@btinternet.com

### **Roland OLLI**

Tirana - Albania  
roland\_olli@yahoo.com

### **Agnieszka ONISZCZUK**

National Heritage Board of Poland,  
ul. Kopernika 36/40,  
00-924 Warszawa, Poland  
aoniszczuk@nid.pl

### **Bertil VAN OS**

Cultural Heritage Agency of The Netherlands,  
P.O. Box 1600, 3800 BP, Amersfoort, The Netherlands  
b.van.os@cultureelerfgoed.nl

### **Thomas PAULI-GABI**

Museum Aargau Schloss Wildegg  
5103 Wildegg, Switzerland  
Thomas.pauli@ag.ch

### **Christopher PRESCOTT**

Department of Archaeology,  
Conservation and History, University of Oslo  
P.b. 1019 Blindern, NO-0315 Oslo, Norway  
christopher.prescott@iakh.uio.no

### **Bernard RANDOIN**

Ministère de la Culture et de la Communication  
Direction générale des patrimoines  
Sous-direction de l'archéologie  
182 rue Saint-Honoré  
75033 Paris cedex 01, France  
Bernard.randoin@culture.gouv.fr

### **Peter SCHUT**

c/o Cultural Heritage Agency of The Netherlands,  
P.O. Box 1600, 3800 BP, Amersfoort, The Netherlands  
pschut@planet.nl

### **Willem WILLEMS**

Faculty of Archaeology  
P.O. Box 9515, 2300 RA Leiden, The Netherlands  
w.j.h.willems@arch.leidenuniv.nl

### **Leonard DE WIT**

Cultural Heritage Agency of The Netherlands,  
P.O. Box 1600, 3800 BP, Amersfoort, The Netherlands  
l.de.wit@cultureelerfgoed.nl





### 1 | The Valletta Convention: twenty years after – a convenient time

*Adrian Olivier*

La convention de la Valette a été conçue et énoncée en réponse à la mutation des procédés en matière de gestion du patrimoine archéologique qui s'est produite au cours de la période écoulée depuis la convention de Londres en 1969. Malgré les résultats importants dus à la convention de la Valette, les conjonctures ont continué à évoluer depuis 1992. De nouvelles pressions significatives sont examinées, elles requièrent des réponses neuves et l'évolution de nouvelles démarches en faveur de la gestion du patrimoine archéologique.

### 2 – 3 | Origines et objectifs de la Convention de Malte. Son application en France

*Marc Gauthier*

Issue de trois colloques internationaux « Archéologie et aménagement » (Florence 1984, Strasbourg 1985, Nice 1987) et des travaux du Comité restreint d'experts « Archéologie et aménagement urbain et rural (1985-1992), la Recommandation R 89 (13.04.1989) du Conseil de l'Europe définit les objectifs à atteindre pour améliorer la protection et la mise en valeur du patrimoine archéologique. Elle invite à renouveler entièrement la législation européenne en ce domaine. C'est à partir de ce document, des propositions complémentaires du Comité et des conclusions du colloque de Coïmbra (1990) que sera élaborée La Convention de Malte. Signée le 16 janvier 1992, la Convention est entrée en vigueur en France le 10 janvier 1996. Elle est à l'origine de la loi du 17 janvier 2001 relative à l'archéologie préventive, elle-même fondatrice de l'Institut national de recherches archéologiques préventives, élément majeur du dispositif archéologique français, opérant sous le contrôle de l'État.

### 4 | Research, historic assets and the public – the Valletta Convention and the example of Butrint

*Brian Ayers*

Cet article présente le travail de la Butrint Foundation, une organisation caritative britannique qui œuvre depuis 1993 sur le site du patrimoine mondial de Butrint au sud de l'Albanie. Il aborde une brève histoire de Butrint, il esquisse l'implication de la Fondation et examine comment les principes de la convention de la Valette ont été appliqués par la Fondation de même qu'elle a cherché à encourager la recherche, la conservation, la formation et le développement de l'entreprise à la fois au cœur du site patrimonial de Butrint et dans son immédiat arrière-pays. L'article décrit aussi l'administration du site, l'engagement avec les communautés locales et les opportunités pour le développement économique de la région utilisant l'atout patrimonial de Butrint comme centre d'intérêt pour un investissement intrinsèque durable.

### 5 | Archaeology and tourism. The Roman Legionary Trail, an educational and recreational project in the canton of Aargau, Switzerland

*Thomas Pauli-Gabi*

Vindonissa fut le seul camp légionnaire romain sur le territoire suisse. Plus de 1000 fouilles ont mis au jour son patrimoine archéologique. Jusqu'à récemment les visiteurs du site, où plus de 6000 légionnaires ont à la fois vécu et travaillé, trouvaient des informations archéologiques et historiques rudimentaires. Heureusement ce triste état de fait appartient au passé. Depuis son ouverture en été 2009, le sentier légionnaire a offert aux visiteurs une expérience éducative et récréative unique. Des mises en scènes théâtrales et des créations technologiques ont rendu la vie au camp. Familles et écoles se réjouissent lors de visites ludiques structurées et d'événements publics ; les adultes aiment des visites thématiques et se divertissent aux fêtes romaines. Des âmes aventureuses peuvent se plonger dans le monde du passé en passant une nuit dans une reconstruction minutieuse d'une contubernia légionnaire, avec des jeux romains et en cuisinant dans un feu ouvert.

### 6 | The convention in action – Poland almost 20 years after the ratification of the Valletta Convention

*Agnieszka Oniszczo*

Dix-sept-ans après que la Pologne ait ratifié la convention de la Valette, presque tous ses termes sont inclus dans les documents existants sur la protection du patrimoine, constructions de routes et aménagement du territoire. Les agences de l'état aussi bien que les nombreuses ONG exercent une sensibilisation variée en augmentant les activités. Malgré le ralentissement de la croissance économique sensible en Pologne, des investissements infrastructurels majeurs et des projets financés par l'UE poursuivent leur calendrier, c'est pourquoi nous trouvons la convention encore pertinente. Il y a, cependant, certains problèmes primordiaux dont nous avons à traiter afin d'assurer une gestion durable du patrimoine. Nous devons nous concentrer sur un renforcement significatif d'un service de protection du patrimoine de l'état et clarifier la loi afin de faciliter son application pratique. La protection in situ devrait être intégrée expressis verbis dans le système juridique polonais. Au niveau européen nous devrions travailler sur la façon d'assurer l'évaluation experte des projets de l'UE concernant les moyens financiers accordés au tourisme, sur la façon aussi de promouvoir une nouvelle vision du patrimoine archéologique, en mettant en évidence ses dimensions sociale, culturelle et économique.

## 7 | Heritage sites and tourism: two sides of the same coin?

*George Cassar*

Depuis ces dernières années, la question de la relation entre les sites patrimoniaux et le tourisme est débattue. Il est généralement admis que les sites archéologiques et culturels appellent à être préservés et protégés, soulignons aussi que ceux-ci doivent être gérés en termes de durabilité et que cela requiert des fonds substantiels. Tandis que la discussion se poursuit, les activités culturelles et touristiques ne peuvent être délaissées car les deux sont des réalités d'une importance stratégique. Des pays qui ont beaucoup à offrir et plusieurs sites à conserver, ont entrepris des études et des projets de gestion axés sur le maintien d'un équilibre entre la préservation des sites patrimoniaux pour les générations futures en les ouvrant simultanément au visiteur d'aujourd'hui pour son divertissement culturel et son éducation, obtenant plus de fonds nécessaires dans le processus. Malte, une île riche en sites archéologiques et autres, n'a pas fait moins. Le défi est immense. La gestion et les aspects de conservation figurent donc dans les préoccupations quotidiennes.

## 8 | Archaeological work in a development context. Key challenges and legal measures

*Nicoletta Divari-Valakou*

En Grèce, au cours des 10 dernières années, il y a eu une activité archéologique intensive, en particulier dans le cadre de la réalisation de grands travaux d'infrastructure. Le Service Archéologique, l'autorité compétente de l'Etat, devait préciser que la nécessité pour le développement financier et la croissance, ne conduirait pas à une application plus lâche des dispositions existantes pour la protection du patrimoine archéologique. Ainsi, il a procédé à une série d'actions en vue de faciliter, de systématiser et de précipiter les travaux archéologiques et les travaux de conservation et d'amélioration des monuments ainsi que de faire respecter le cadre juridique. Cet article va discuter de la série d'actions susmentionnée et les principales réalisations/les meilleures pratiques qui ont résulté de leur implémentation.

## 9 | The pending ratification of the Valletta Treaty by Austria

*Bernhard Hebert*

L'Autriche n'a pas encore ratifié la convention de la Valette mais souhaite le faire bientôt. Néanmoins, à la fois la législation actuelle et la mise en pratique de la gestion patrimoniale, répondent déjà aux objectifs de la convention.

En Autriche, la convention de la Valette était et est probablement plus importante en tant que réglementation pour les gestionnaires du patrimoine eux-mêmes.

## 10 | Two years of ratification – twenty years of legal implementation: the Valletta Convention in the Spanish case: a fact or fantasy?

*Alicia Castillo Mena*

Ce texte offre un aperçu de l'influence de la convention de Malte en Espagne, selon une perspective juridique comme point de départ. Cette analyse de la juridiction tente de dévoiler les conséquences directes de l'application de la convention de Malte. Le concept du patrimoine archéologique, le développement de la profession et les mesures préventives se révèlent comme des aspects clé. Néanmoins, l'article conclut que la convention de Malte a eu peu d'influence en Espagne. L'auteur affirme que la convention de Londres de 1969 et autres réglementations internationales et nationale et ont été les causes de nombreux principes plutôt que la convention elle-même. Bien qu'il y ait des défis à résoudre, l'équilibre général de ces 20 dernières années est positif en matière de patrimoine archéologique en Espagne. L'importance d'une approche commune à propos du patrimoine culturel, la nécessité d'une meilleure formation et la reconnaissance du rôle de la perception sociale afin de développer des processus participatifs adéquats sont considérés comme essentiels pour l'avenir de la gestion archéologique.

## 11 | Archaeological heritage management in the Republic of Moldova after two decades of the Valletta Convention

*Sergiu Musteață*

La République de Moldavie est parmi les 45 pays signataires et les 42 pays ratifiant de la convention de la Malte. La République de Moldavie a signé la convention de Malte en 1998 et l'a ratifiée en 2001. Elle est entrée en vigueur depuis novembre 2002. La loi sur la préservation de l'archéologie fut votée par le Parlement en septembre 2010 et entrée en vigueur à partir de mars 2011.

Ainsi, de ce point de vue nous pouvons nous rendre compte combien de temps il a fallu de la signature, à la ratification et à l'entrée en vigueur de cette convention. D'un autre point de vue, combien fut longue et difficile la procédure d'admission d'une loi propre sur la préservation d'un patrimoine archéologique. Mais ces obstacles étant franchis il est important de se souvenir que les conventions internationales et européennes sur la recherche archéologique et les pratiques de préservation ont influencé les changements juridiques et de gestion dans notre pays.

Dans cet article, l'auteur relate les étapes parcourues après que la République de Moldavie ait signé la convention de la Valette pour améliorer son propre système de gestion du patrimoine archéologique et le contenu de la loi approuvée récemment sur la préservation du patrimoine archéologique.

## 12 | The positive experiences, issues and limited opportunities in the present application of rescue archeology under the Malta Convention in Albania

**Gjergj Frasheri**

En Albanie (loi n°7501, datée du 19.07.1991), la substitution, des biens publics vers le privé n'a pas été suivie de réformes gouvernementales concernant la protection de la propriété archéologique. L'Etat albanais a ratifié la convention de La Valette (1992) en février 2008, i.e. 16 ans plus tard. Ce retard a occasionné les plus importants dommages au patrimoine archéologique de l'histoire albanaise. Avec la fondation de l'Agence du Service archéologique (ASA, mai 2008), en accord avec les lignes directrices de la convention de la Valette, la gestion de l'archéologie préventive en Albanie a positivement changé en termes d'aspects techniques, organisationnels et légaux. Mais les lignes directrices de la convention de Malte n'ont pas encore été intégrées dans une réforme indispensable des structures pour la protection du patrimoine archéologique, principalement la réforme de leurs institutions étatiques.

## 14 | Management of archaeological excavations and control in the Czech and Slovak Republic

**Jan Mařík and Karol Prášek**

Le 1er janvier 1993 l'ex-Tchécoslovaquie est divisée en deux nouveaux Etats indépendants - les Républiques tchèque et slovaque. Les deux états en étaient au même point en ce qui concerne la protection du patrimoine archéologique.

Le résultat des fouilles archéologiques étaient régi par la même loi et le contrôle professionnel du travail de terrain était assuré par des institutions scientifiques fixées par l'Etat - Instituts de l'Académie des Sciences. Alors qu'en République tchèque, ce système a été maintenu avec quelques modifications, une toute nouvelle structure des commissions Monuments a été créée en République slovaque avec des représentants de l'Etat agissant en tant qu'autorités de contrôle.

Cet article se concentre sur la comparaison des deux systèmes et tente de tracer des perspectives d'évolution.

## 15 | Archaeological resources in cultural heritage: a European standard

**David Bibby**

Le symposium de l'EAC à Metz en 2007 a mis en évidence le fait que la plupart des pays membres partageaient de nombreux problèmes dans l'archivage archéologique. Il a été unanimement décidé de la nécessité de réaliser un guide de bonnes pratiques et un standard général pour les archives archéologiques européennes. A cette fin, un groupe de travail concernant les archives archéologiques fut créé au sein de l'EAC avec comme objectif initial la production de ce standard et du guide. De ce groupe de travail est issu le projet ARCHES qui s'étale sur deux ans et qui est conjointement financé par la Commission européenne. Cette contribution est un rapport d'avancement à mi-terme du projet.

## 16 | Relax, don't do it: a future for archaeological monitoring

**Hans Huisman and Bertil van Os**

Le développement et la mise en œuvre de la convention de La Valette ont considéré la conservation in situ comme essentielle. L'exécution de la préservation in situ a donné naissance à une série de projets de recherches pilotes. Ce qui a permis d'obtenir une bonne vue d'ensemble des processus de dégradation ainsi qu'une série de techniques de surveillance et de directives, grâce à la disponibilité croissante de données numériques.

Des problèmes résident, cependant, dans le manque d'informations sur la précipitation des processus de dégradations, manque de fonds, approches technologiques lourdes et objectifs confus.

A l'avenir, une meilleure mise au point est nécessaire de manière à assurer un rôle acceptable et utile à la préservation des sites archéologiques.

## 17 | Rising to the challenge? Research-based training in contexts of diversification

**Christopher Prescott**

Les vingt dernières années ont connu une transformation du rôle et de la formation archéologiques. Quelques chercheurs spécialisés, issus de la formation traditionnelle, se sont tournés vers des carrières académiques, pour une grande part dans des cadres nationaux. La formation contemporaine devrait idéalement rencontrer les besoins très diversifiés, le marché du travail transnational et une équipe de recherche ancrée en grande partie en dehors des facultés universitaires, les ambitions des divers étudiants et les besoins d'une gestion patrimoniale en expansion. Non seulement les tâches récemment assignées aux archéologues sont de plus en plus diversifiées mais le contexte sociétal se développe aussi.

Il faut mentionner des facteurs tels que les tendances démographiques, les programmes politiques, la globalisation et l'évolution de l'état nation, la bureaucratisation, la technologie et le potentiel de la recherche moderne, la privatisation et la pression sur les sciences humaines dans le climat économique et politiques actuels.

Dans cette situation la formation est parfois partagée entre divers conflits d'intérêts dans des compétences productives (souvent superficielles) au regard de compétences approfondies de la matière.

## 18 | Valletta and beyond – ideas and practices in Sweden

**Birgitta Johansen and Mats Mogren**

La mise en œuvre de la convention de la Valette en Suède s'est accomplie sans problème, la législation suédoise et la pratique étaient déjà en cours en 1992. Maintenant, deux décennies plus tard, la convention – enfant de son époque – a-t-elle peut-être vieilli ? Comparée aux conventions de Faro et de Florence, elle vise plutôt des systèmes et des réglementations que des relations, des idées et des visions. Cela génère des conséquences

indésirables : intégration d'une archéologie de contrat, ouverture à la commercialisation, en aménagement du territoire, professionnalisation qui conduit à l'hégémonie des experts qui fait barrage à ceux qui veulent s'engager et interagir dans et à travers l'archéologie.

## 19 | Malta and its consequences: a mixed blessing

*Willem J.H. Willems*

La convention de la Valette a changé de manière drastique le visage de l'archéologie et son rôle dans la société. Néanmoins son adoption presque générale par les pays européens n'a pas eu uniquement des conséquences positives. L'article examine un certain nombre de cas, certains prévus, d'autres inattendus, ce qui a engendré des conséquences positives aussi bien que négatives, telle que la commercialisation. On peut dire qu'on a connu les deux. C'est aussi vrai à propos du concept de préservation in

situ qui est jaugé dans la durée car il est devenu le « saint graal » de l'archéologie préventive. Tout en reconnaissant la valeur de la convention, cet article expose comment le concept est aussi devenu un instrument qui favorise la simpliste CRM archéologie et entrave l'innovation de la recherche archéologique en Europe. Lorsque le concept est « exporté » vers les pays en développement, les expériences récentes montrent que les dangers sont encore plus patents.

## 20 | The EU and cultural heritage: current approaches and challenges for the future

*Petar Miladinov*

En vertu de l'article 167 du Traité sur le fonctionnement de l'Union européenne (UE), l'UE dispose d'un soutien, mais possède néanmoins un très grand rôle à jouer : sa priorité est de savoir assister au mieux les autorités nationales et locales et de compléter les actions des états membres. Par conséquent, l'Union européenne épaula activement le patrimoine culturel soit dans le cadre de l'agenda européen pour la Culture soit par le biais de divers fonds et programmes. Plus important encore, la Commission européenne propose pour le nouvel exercice financier une augmentation significative du budget consacré aux secteurs culturel et créatif.

Même si l'UE ne possède pas un pouvoir décisionnel direct, certaines mesures peuvent avoir un impact direct ou indirect sur le secteur du patrimoine culturel. Ainsi la Direction générale de l'Éducation et de la Culture et l'European Heritage Legal Forum (EHLF) ont mis en place un mécanisme de surveillance permanente de la législation de l'UE ainsi qu'une clause d'information sur les services spécifiques de l'UE concernant les effets potentiellement négatifs sur le patrimoine culturel.

## 21 | Europe, Malta and me

*Leonard de Wit*

Il y a quinze ans, l'auteur entrait dans le monde du patrimoine archéologique comme Conseiller juridique et Directeur du patrimoine. Depuis lors, une part non négligeable de sa vie professionnelle a été régentée par la convention de la Valette. Dans cet article, l'auteur réfléchit sur la signification du traité pour l'archéologie aux Pays-Bas et en Europe, sur la lutte pour intégrer les principes de la convention en s'assurant que tous les acteurs s'y conforment.

Récemment une large évaluation de la législation néerlandaise en usage a été menée afin de mettre en œuvre la convention. Elle fut suivie d'un débat au parlement néerlandais. Bien que les conclusions générales furent positives - le système légal qui avait été introduit semblait fonctionner - un nombre important de résultats devaient être constatés. Le débat parlementaire a mis en évidence la faiblesse du système. L'utilisation intelligente d'une obligation internationale permettait le contrôle par le haut via la législation d'un système de gestion du patrimoine qui touchait peu le public. Les valeurs d'un petit nombre ont été imposées aux agriculteurs et aux aménageurs qui n'éprouvent aucun intérêt pour elles.

Une désaffection pour l'archéologie est presque inhérente au système que nous avons introduit dans tant de pays européens.

Nous devons, par conséquent, accorder plus d'attention à un troisième groupe (outre les aménageurs et les archéologues) et l'auteur se considère lui-même comme appartenant à ce groupe. C'est la grande partie du public qui est intéressé par l'histoire, qui lit à son sujet et visite les lieux où ils peuvent découvrir l'histoire. Ces personnes sont généralement instruites et occupent souvent une position influente dans les secteurs public et privé. Ces personnes détiennent donc les clefs afin d'améliorer ce qui pourrait être réalisé au niveau national mais aussi au travers d'une collaboration européenne.

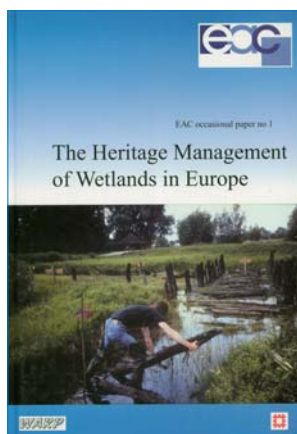
## 22 | Valletta Convention perspectives: an EAC survey

*Adrian Olivier and Paul Van Lindt*

Au cours de 2012/13 l'EAC a mené une courte enquête auprès de ses Membres au sujet de la mise en œuvre de la convention de la Valette.

Les résultats préliminaires et sommaires de cette enquête sont présentés ici accompagnés de certaines remarques générales. Une analyse plus détaillée des résultats de l'enquête sera publiée, en temps voulu, sur le site internet de l'EAC.





### EAC Occasional Paper No. 1

#### **The Heritage Management of Wetlands in Europe**

*Edited by Byrony Coles and Adrian Olivier*

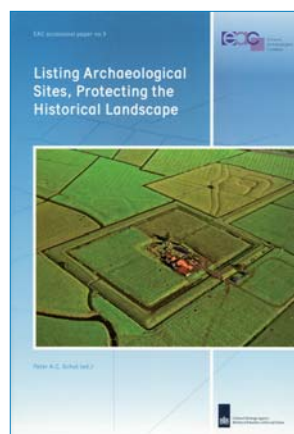
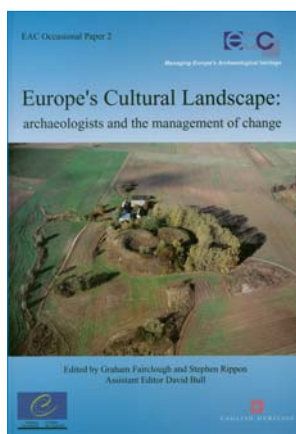
In November 1999, at the inaugural meeting of the Europae Archaeologiae Consilium, a symposium was held on the Archaeological Heritage Management of Wetlands in Europe. In the discussion, delegates emphasized the urgent need to forge much closer links with nature conservation interests, and especially with the international Ramsar Convention on Wetlands. This volume brings the two aspects together through papers on concepts and legislation relating to archaeology and nature conservation in Wetlands, and with papers presenting regional reviews, case studies and related topics. The volume concludes with an overview and recommendations for future action, and a response by the EAC setting out a broad strategy for the heritage management of wetlands in Europe.

### EAC Occasional Paper No. 2

#### **Europe's Cultural Landscape: archaeologists and the management of change**

*Edited by Graham Fairclough and Stephen Rippon*

The second Europae Archaeologiae Consilium Symposium (March 2001, Strasbourg) was devoted to landscape management in recognition of the new European Landscape Convention (Council of Europe, 2000). Arising from the Symposium, this book highlights the important archaeological and historical depth of the European landscape sometimes overlooked by decision-makers in comparison to ecological and aesthetic aspects. It describes opportunities and obstacles that affect the landscape's sustainable management, and shows how heritage managers can support the Convention by helping to understand and promote landscape as a core element of Europe's common heritage. A key message is that archaeologists need to take account of the growing democratic interest in the landscape, and to work alongside other disciplines in pan-European landscape projects.



### EAC Occasional Paper No. 3

#### **Listing Archaeological Sites, Protecting the Historical Landscape**

*Edited by Peter A. C. Schut*

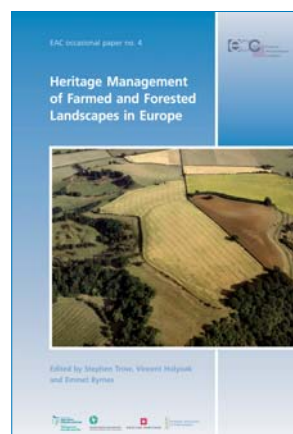
In March 2008 the Ninth Symposium of the Europae Archaeologiae Consilium was held in Târgoviste, Romania, and was devoted to the topic of the listing of archaeological sites and its role in protecting the archaeological landscape. This collection of papers presents an overview of the developments, emphases and current approaches to the topic in the different participating European countries. Keywords are legislation, GIS, implementation and historical landscape. Implementation is illustrated by some examples which show how listing can be used to protect valuable cultural landscapes.

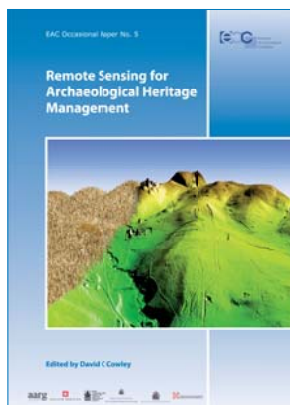
### EAC Occasional Paper No. 4

#### **Heritage Management of Farmed and Forested Landscapes in Europe**

*Edited by Stephen Trow, Vincent Holyoak and Emmet Byrnes*

Some 40 per cent of Europe is farmed and 47 per cent forested. The future of the majority of Europe's archaeological sites therefore depends on rural land uses that lie outside the spatial planning and development control systems of its various nation states. This volume, produced by the European Association of Archaeologists (EAA) and Europae Archaeologiae Consilium (EAC) Joint Working Group on Farming, Forestry and Rural Land Management, examines the challenges posed by agriculture, forestry and other rural land uses in terms of the long-term conservation of Europe's archaeological sites and the management of its historic landscapes. Profusely illustrated and with contributions from no fewer than 13 different European countries, the volume will be essential reading for anyone concerned with contemporary heritage management, policy-making and legislation.



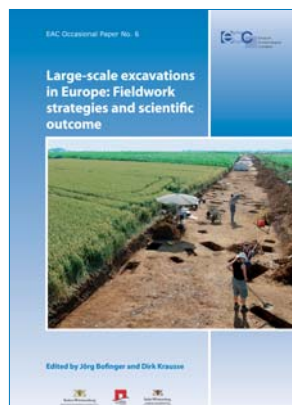


## EAC Occasional Paper No. 5

### Remote Sensing for Archaeological Heritage Management

*Edited by David C Cowley*

Remote sensing is one of the main foundations of archaeological data, underpinning knowledge and understanding of the historic environment. The volume, arising from a symposium organised by the Europae Archaeologiae Consilium (EAC) and the Aerial Archaeology Research Group (AARG), provides up to date expert statements on the methodologies, achievements and potential of remote sensing with a particular focus on archaeological heritage management. Well-established approaches and techniques are set alongside new technologies and data-sources, with discussion covering relative merits and applicability, and the need for integrated approaches to understanding and managing the landscape.

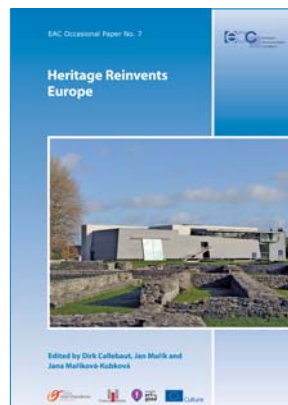


## EAC Occasional Paper No. 6

### Large-scale excavations in Europe: Fieldwork strategies and scientific outcome

*Edited by Jörg Bofinger and Dirk Krausse*

During the last decades, the number of large-scale excavations has increased significantly. This kind of fieldwork offers not only new data, finds and additional archaeological sites, but also gives new insights into the interpretation of archaeological landscapes as a whole. New patterns concerning human "offsite activities", e.g. field systems, or types of sites which were previously underrepresented, can only be detected by large-scale excavations. Linear projects especially, such as pipelines and motorways, offer the possibility to extrapolate and propose models of land use and environment on the regional and macro-regional scale.

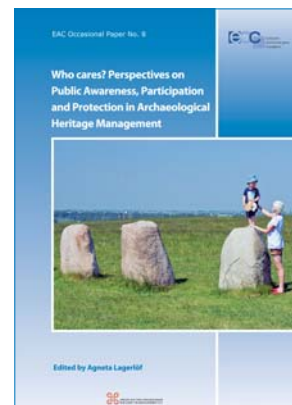


## EAC Occasional Paper No. 7

### Heritage Reinvents Europe

*Edited by Dirk Callebaut, Jan Mařík and Jana Maříková-Kubková*

Unity in Diversity, the motto of the European Union, has, since World War II, seldom been as relevant as it is today. In these difficult economic times Europe is more and more confronted with the phenomenon that citizens openly stand up for the defence of their national and regional interests. This has put enormous pressure on the process of European integration and the concept of a shared European identity based on the cultures of individual EU member states. Thus, understanding the diversity of European cultural heritage and its presentation to the broadest audience represents a challenge that can be answered by diversified group of scientists, including archaeologists, historians, culturologists, museologists etc. By choosing "Heritage reinvents Europe" as the theme for the 12th EAC colloquium that was held between the 17th–19th March 2011, in the Provincial Heritage Centre in Ennemy, Belgium, the board of the Europae Archaeologiae Consilium made its contribution to the understanding of the key concept of a shared European identity.



## EAC Occasional Paper No. 8

### Who cares? Perspectives on Public Awareness, Participation and Protection in Archaeological Heritage Management

*Edited by Agneta Lagerlöf*

The increasing numbers of reports on tampering with ancient monuments and archaeological materials may reflect more acts of plunder. But it could also reflect a higher incidence of reporting of such acts to competent authorities or a combination of them both. A third solution is of course that acts of plunder are currently deemed more newsworthy than before in our part of the world. And if this is the case, we must ask why has this become important now, and also, how does this influence our understanding of what is happening? The complexity of this problem and the ethical issues it raises require us to examine our view of the archaeological source material and archaeology as a profession in relation to society at large. An international conference took place in Paris 2012 with participants from different European countries. The purpose of the conference was to discuss the kind of measures that need to be taken and what the societal consequences of these may be.