

Preventive archaeology: concepts and practices

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In the late 1980s, Europe's economic boom and the spread of large-scale infrastructure works in urban and rural environments provided the incentive to put archaeological issues back in the context of integrated strategies for spatial planning and urban development.

The Revised Convention, signed in Valletta on 16 January 1992, provides a coherent framework for the development of policies to enhance the archaeological heritage.

This convention, which has now been widely ratified, is one of the successes of the Council of Europe's cultural cooperation work.

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Article 3

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

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

All over Europe the requirements of economic development are rapidly destroying many archaeological sites – the character of this destructive activity and the solutions adopted vary among different countries. The papers from sixteen countries: Belgium, Czech Republic, England, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Poland, Romania, Slovenia and Spain together with the European Association of Archaeologists cover the institutional and legislative background, provide statistical data and information on each country's particular strengths and greatest problems in preventive archaeology, compare theory and practice, and explore forms of existing international cooperation, aspects where European-level cooperative activity is most required. Preventive archaeology is more than development-led archaeology, rescue or salvage excavation – it sees the ideal solution as leaving the archaeological heritage intact. Suggestions and priorities are advanced on where future effort should be concentrated, firmly connected to the Council of Europe's monitoring and observation activities on the European Convention on the Protection of the Archaeological Heritage (Revised) Valletta, 1992.



EUROPEAN PREVENTIVE ARCHAEOLOGY

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PAPERS OF THE EPAC MEETING 2004, VILNIUS



CZECH REPUBLIC (excerpts from M. Bureš)

Act No. 20/1987 Coll., on the State Care of Monuments is the most important document for archaeological heritage management because it is the only act which is widely used in practise, not only in archaeology but also in public administration.

Part three of this act is fully devoted to archaeological excavations and finds. Sections 21(1),(2), 22(1),(2) and 23(1) are crucial, as is outlined in following paragraphs. Several other sections, like Section 14, deal with public administrative procedures concerning archaeological as well as other historical heritage.

Sections 35 and 39 define the penalties for different cases of violation of the law concerning archaeological monuments, finds, and excavations.

Act No. 50/1976 Coll., on Town and Country Planning and Building Regulations deals with archaeology only in Section 127 protecting archaeological finds found during construction work. It has only a marginal effect in practice.

Act No. 100/2001 Coll., on Environmental Impact Assessment⁶ (hereinafter EIA) has great potential in preventive archaeology which has not yet been utilized. Archaeological sites and monuments under threat are pinpointed as an integral part of the EIA documentation at different stages but only a few companies authorized to prepare EIA documentation request an assessment from archaeological experts and consultants.

Preventive archaeology?

The term 'prevention' in archaeology has had its own development in the last twenty years or more. In the 1980s, rescue excavations in the Czech Republic (Czechoslovakia at that time) were considered not only as a part of preventive care but even as the aim of prevention. Nowadays it is clearly stated that rescue excavations started by/after the beginning of construction work cannot be considered as preventive archaeology. This idea, however, often repeated at conferences and professional discussions, is not reflected in recent legislation apart from the Malta Convention.

Primary prevention

The aim of primary prevention is to prevent archaeological sites and monuments from becoming threatened through appropriate and competent planning which respects archaeological sites and monuments. All kinds of monument listings are to be used as a tool for primary prevention:

National cultural monuments

Listed sites and monuments

Monument reservations, monument zones

The National Archaeological Record

Secondary prevention

The task of specific prevention is the protection, conservation, and survey of sites and monuments potentially threatened by any kind of human activity (development, agriculture, tourism, land use, etc.). All kinds of nondestructive surveys and excavations planned and executed prior to development can be used to fulfil this task.

Recent practice on preventive archaeology in the Czech Republic can be summarized in the following points:

- The position of primary prevention is very weak.
- No authority or institute is devoted specifically to primary prevention.
- Although there are site and monument records, reservations, zones, and listed monuments, there is no system in their listing.

Some work is done on prevention. Secondary prevention is partially incorporated into the official archaeological heritage management system and executed by public as well as private institutions, although rescue excavations still occupy a major part of the scope of their activities.

ENGLAND (excerpts from R.M. Thomas)

Politically, ideologically and economically, England (and perhaps the United Kingdom as a whole) lies somewhere between the heavily market-driven philosophies of the United States and the more state-centred systems of many European countries. This is relevant for understanding our archaeological arrangements (and many other aspects of life in England today).

Compared to many other European countries, England is also unusual in archaeological terms in two ways in particular. First, there is no general system of state licensing of archaeological excavation work (or other archaeological work) in England.

Second, there is no general state ownership of antiquities in England. Apart from some limited provisions relating mainly to 'treasure' – precious metal artefacts and associated items – all antiquities belong to the owner of the land on which they are found. We have also had a commercial system of development-led archaeology in England since 1990

The central government organisation which has the main responsibility for archaeology in England is English Heritage. This is a statutory body – set up by an Act of Parliament. It is legally an independent body, but it receives about 80% of its annual budget from the Department of Culture, Media and Sport (our Ministry of Culture), and it is answerable to that Ministry.

The screenshot shows the English Heritage website homepage. At the top right, there are links for Accessibility, Contact Us, Login / Register, and My Basket. The main navigation bar includes the English Heritage logo and menu items: HOME, PROFESSIONAL, and ABOUT US. A search bar is located to the right of the navigation bar. Below the navigation bar is a secondary menu with items: DAYS OUT, DISCOVER THE PAST, CARING FOR HERITAGE, EDUCATION, YOUR PROPERTY, BOOK & BUY, and MEMBERSHIP & SUPPORT US. The main content area features a large banner for the Festival of History, with a background image of a young boy in a historical hat. The banner text reads "FESTIVAL OF HISTORY" and "2000 years of history in one weekend ». Below the banner are four buttons: Festival of History, New at Dover Castle, Portico, and Heritage Angels. To the right of the banner is a section titled "LET'S GO!" with the text "Select a region to start exploring or search for a day out near you." and a map of England divided into regions. Below the map is a search bar with the text "Property, Town or Postcode" and a "GO" button.

English Heritage has a wide range of archaeological functions. It recommends monuments for legal protection and gives advice on applications for permission to do things (such as new building) which would affect protected monuments. The actual legal protection and the permissions are given by the Department of Culture, Media and Sport.

English Heritage has a budget for archaeological work. It's about £5M (about 7 million euros) annually at the moment. Some of this is used for 'preventive' archaeology. In the past – as I'll explain below – this was the main purpose of this budget. Now, more of it is used for strategic projects for the management and conservation of the archaeological heritage, and for things such as training. English Heritage also carries out archaeological work itself. It has a number of teams of excavators, geophysical surveyors, field surveyors, archaeological scientists, aerial photographers and others who carry out projects, and who can also give advice to others about, for instance, scientific techniques.

Planning Policy Guidance Note 16 (PPG 16) was published in 1990 and replaced the former system where the state paid for development-led archaeology. It revolves around five key principles:

-Archaeological remains are a valuable resource

- Archaeology is a 'material planning consideration' – something the local authority should take into account when making decisions about new development

-The archaeological implications of development should be properly assessed before decision is taken.

-There is a presumption that important remains should be preserved *in situ*.

- Provision should be made (in effect, by the developer) for recording remains which are threatened by development and which cannot be preserved *in situ*.

Strengths of development-led archaeology in England

it is fully embedded in/integrated into the general planning system. This makes it quite effective in terms of protecting the archaeological heritage. Every planning application (application for permission to do new development) in England (and there are about 500 000 a year) is reviewed by a professional archaeologist for its possible archaeological effects. Where possible effects are identified, further investigation is done (at the expense of the developer). If significant remains are identified, these are either preserved intact, or are excavated (again, at the expense of the developer).

One result of this – and I think it is a considerable strength – is that there is now a very thriving commercial sector. The largest commercial organisations have staffs of 200 or more, an annual turnover of several million pounds, and work throughout the United Kingdom and, increasingly I think, abroad (although mainly outside the EU, I suspect). These organisations are very well-equipped and are highly skilled in such matters as GIS, digital recording systems and so on. Much exciting and innovative work is being done by some of these organisations. They are also efficient at doing very large-scale excavations and publishing the results quite promptly.

FINLAND (excerpts from MARIANNE SCHAUMAN-LÖNNQVIST)

The concept of 'preventive archaeology' is unknown in Finnish archaeology. Excavating is always looked upon as a destructive procedure and the National Board of Antiquities aims to preserve as much of the archaeological heritage as possible by limiting 'unnecessary' excavations.

PREVENTIVE ARCHAEOLOGY IN FRANCE (JEAN-PAUL DEMOULE)

Preventive archaeology in France is organised by the Law of 17 January 2001, modified in 2003 and 2004, which constitutes the application to French law of the European Convention on the Protection of the Archaeological Heritage of Valletta (Malta) in 1992, ratified by France in 1994.

This law is based on two principles:

the developer pays for preventive archaeology ('the polluter pays'),

- most of this activity is entrusted to an institute of public research, the *Institut National de Recherches Archeologiques Preventives* (INRAP), under the double supervision of the Ministry of Culture and the Ministry of Research.

INRAP's budget is approximately 130 million euros, i.e., 0.1% of the total budget for construction and public works in France, or two euros per year per French person.

L'Institut national de recherches archéologiques préventives



According to the law, diagnostic evaluations are a public monopoly, shared between INRAP (about 95%) and the archaeological services of towns and *departements* that desire it.

This public monopoly is intended, according to the words of the Minister of Culture, to guarantee the objectivity of the evaluations, in other words, to avoid the situation of private enterprises, under pressure from the developers, specialising in finding nothing! Evaluations are financed by a tax paid by all developers, whether or not there is an archaeological site on their land.

This tax should theoretically bring in between 60 and 80 million euros per year, but it is not, as yet, completely finalised in its application. A third of this tax is intended for a fund to help small developers pay the cost of fullfledged excavations, when required.

In France, the great majority of diagnostic evaluations are carried out by mechanically excavating trenches over an area of between 5% and 10% of the total surface, which constitutes a minimum statistical threshold. Aerial photographs and diverse other non-intrusive techniques are used, but only in specific cases. Prehistoric sites in particular are likely to be uncovered only through such systematic trenching.



General perspectives

In this form, the French system, which is certainly not yet fully finalised, expresses well the wish for a strong control by the state, considered to represent the community of citizens. It also expresses the idea that the developer is not a simple 'client', but that he must pay as a 'polluter' insofar as he impairs national heritage and that he should repair this damage. It also considers that the notion of 'ethical code', popular in the tradition of the Anglo-Saxon liberal economy, has no meaning in a country of Latin culture where the only valid consideration is the written law.

But the French system also expresses the idea that the scientific conduct of an excavation cannot be compared with the building of a bridge, which is subject to predefined standards and whose quality can be controlled afterwards.

five points should be borne in mind:

1. On 2 April 2003, the European Commission rejected the complaints by the General Department of Competition directed against the Law of 17 January 2001 (original). This analysis joins that of the French Conseil Constitutionnel (decision of 16 January 2001) and also that of the French Conseil d'Etat (decision of 30 April 2003) and even that of the French Conseil National de la Concurrence (decision of 13 March 2002). The state is thus authorised, if it wishes, to set up a public monopoly of preventive archaeology. From this point of view, other European countries that already have such a monopoly are authorised to keep it.

2. More generally, having been at the origin of the privatisation of network public services (telecommunications, energy, transport), the European Commission recognises in a recent *Green Paper on Services of General Interest* that the question of services of general interest largely remains to be treated within the European Union and that it is part of political power to guarantee the general interest 'where the market fails'.

3. Is preventive archaeology governed by market rules? Or, in other words, is the developer a 'customer' of archaeology? Although it is certain that the developer is obliged by the public power, following 'the polluter pays' principle ('casseur=payeur' in French, or 'Verursacherprinzip' in German) to pay for preventive archaeological excavations before each development, is he directly interested in the scientific quality of the excavations and their results? Or is he not simply paying a form of tax, with the state having as it a duty to control directly (by carrying out the excavations itself) or indirectly (by a public establishment or other authorised organ) the scientific quality of these excavations and their good exploitation and restoration?

4. Is there an economic reality from such a market of preventive archaeology?

5. When all is said and done, as the Brussels Commission affirms, it is the general interest that is in question. Our general interest orders that our archaeological heritage, according to the Malta Convention, should be preserved. If it cannot be preserved integrally (conservation of the site *in situ*), then it should be by a quality-controlled preventive excavation. By maintaining the public monopoly of the evaluations, the French government has clearly signified that it wants to guarantee their 'objectivity'.

By submitting the possible opening of preventive excavations to private enterprises, the state has nonetheless provided itself with a number of safeguards. Therefore, whatever system is adopted, the quality of the scientific results obtained will be the criterion of the quality of the system.

Thus, as much for France as for Europe, the application of the law, at least in the domain of preventive archaeology, seems to be clearly subordinated to political and cultural choices, if not those of society. For the specialist of the history of human societies, in the end this observation is reassuring.

SLOVENIA – (excerpts from Bojan Djurić)

For the implementation of preventive archaeology principles, the spatial/
environmental legislation

(Environment Protection Act – 2004, Spatial Planning Act – 2003, Construction of
Buildings Act – 2004)

and the spatial legislation at the state, regional, and local levels

(Spatial Development Strategy of Slovenia – 2004, Spatial Order for Slovenia – 2004,
Spatial Order for Communities, state/communal location plan)

are of crucial importance.

+ ACT ON CULTURAL HERITAGE PROTECTION 2008.

In spite of the Valletta Convention having been ratified, preventive archaeology is primarily understood

(1) as a fieldwork-research activity in non-archaeological conditions (salvage and rescue excavations) and

(2) As a prevention activity in the sense of diverting developer interventions on known sites (a scale of three protection regimes is used for three different degrees of site protection).

The general attitude towards the protection of archaeological heritage in the service is not proactive but passive.

Today 'preventive' archaeology covers more than 90% of all field archaeology activities and is understood almost exclusively in the sense of archaeological excavation. Salvage and rescue excavations were undertaken mainly by the museums until the mid-1980s, when the newly established service for the protection of cultural heritage took over the responsibility.

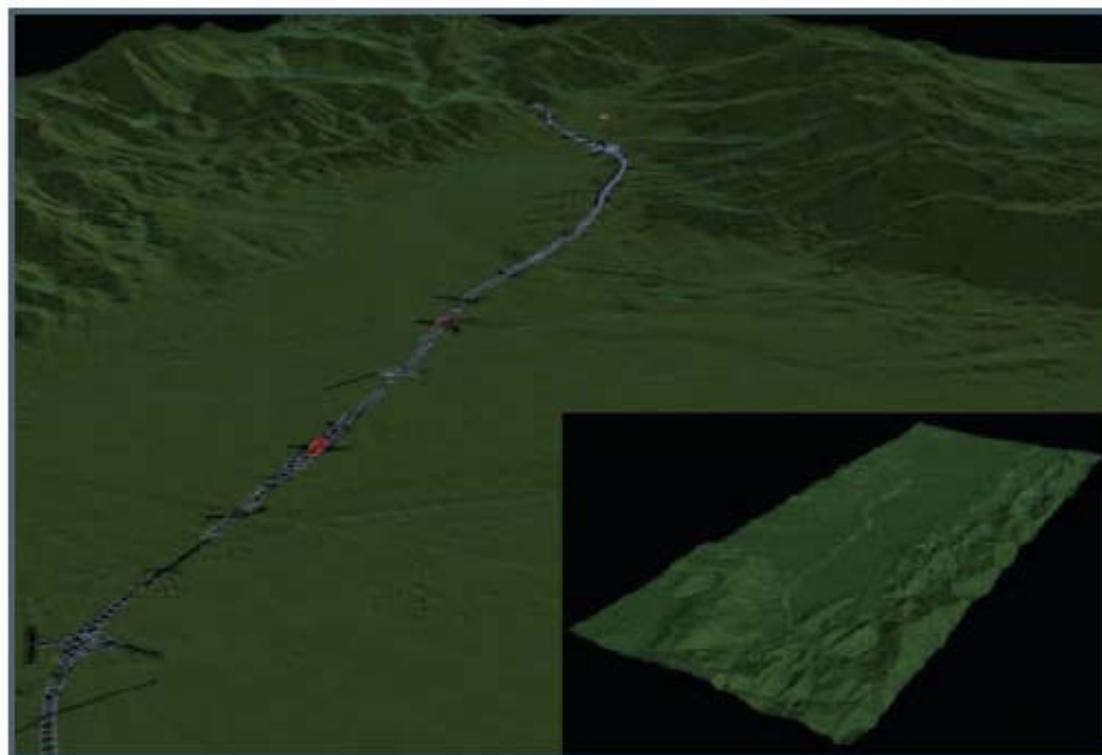
Today the duties of the service comprise:

On known archaeological sites (2 158), registered in the Heritage Information and Documentation Centre, diversion through protection regimes, salvage excavation prior to construction intervention, watching briefs and rescue excavation during construction, site scheduling and the formation of reserves and parks.

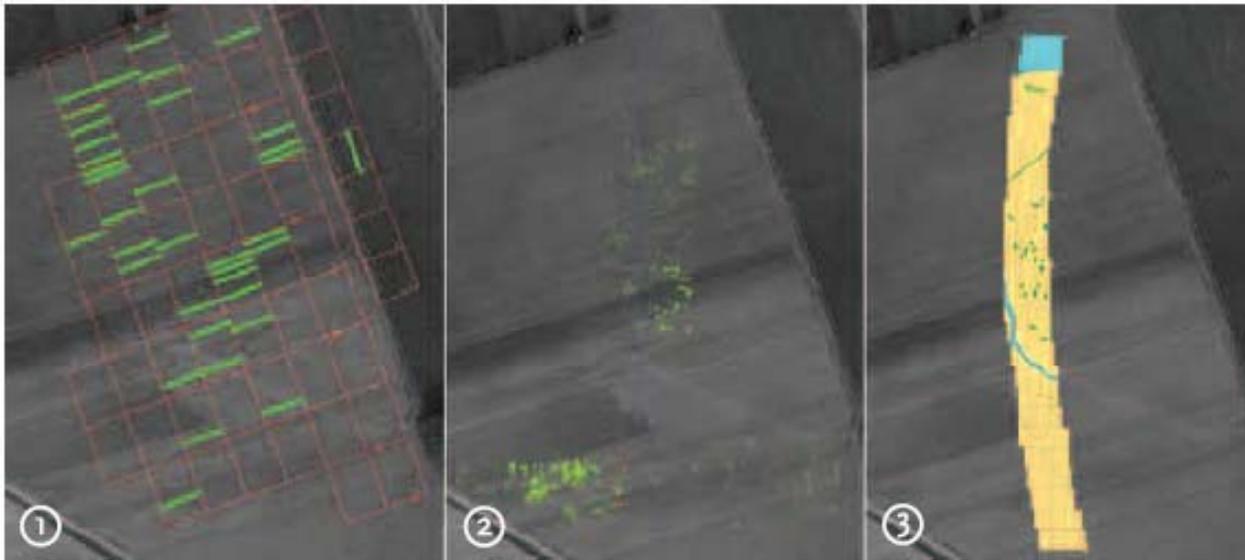
In the planning process the service has administrative duties (conditions and concordances to planning permission), documentation duties (updating site and monument records), and executive duties (excavations, surveys, watching briefs).



terenski pregled, Nova tabla 1998



pregledano območje na trasi ac Arja vas – Vransko



Rogoza, rezultati ekstenzivnega (1) in intenzivnega (2) pregleda ter izkopavanj (3)



Prekmurje, arheološka krajina

Prva faza

MOPE	<ul style="list-style-type: none"> definiranje odseka avtoceste ocena vpliva gradnje avtocest na okolje 	<p>1. načelo</p> <p>Nobeno znano arheološko najdišče ne sme biti poškodovano ali uničeno.</p>
MK URSKD	<ul style="list-style-type: none"> elementi za oceno vpliva gradnje avtocest na okolje 	<p>banke podatkov</p> <ul style="list-style-type: none"> INDOK-ZRKD ARKAS
Definiran odsek avtoceste osnutek lokacijskega načrta		

Druga faza

MK URSKD	SAAS	<p>2. načelo</p> <p>Celotno območje uničenja je potencialno arheološko najdišče.</p>
Pogodba 1 DARS	<p>Ekstenzivni pregled</p> <p>10 odstotni vzorec</p> <ul style="list-style-type: none"> aerofotografija čas 	
Definirana potencialna arheološka najdišča in strukture		

MK
URSKD

Pogoda 2
DARS - investitor

Definirani elementi intrasite pregleda in nove pogodbe

Tretja faza

SAAS formira komisije specialistov za potencialna arheološka najdišča	<p>Intenzivni pregled</p> <ul style="list-style-type: none"> totalni površinski pregled geofizikalne tehnike aerofotografija testni jarki 	<p>3. načelo</p> <p>Vsa identificirana najdišča in strukture je treba raziskati na način sistematičnih izkopavanja.</p>
Definirana arheološka najdišča in strukture		

MK
Območne enote z VKDS

Pogodba 3
DARS - investitor

Definiran obseg arheoloških del / izkopavanja in elementi nove pogodbe

Četrta faza

MK Območne enote z VKDS in druge ustanove ali privatna podjetja	Izkopavanja	Komisije specialistov za arheološka najdišča Odgovorni konzervator
Dovoljenje za začetek gradbenih del		
MK Območne enote z VKDS	Kontrola zemeljskih del v fazi gradnje	
Formiranje arhiva najdišča		
MK Območne enote z VKDS	Pogodba 4 DARS - investitor	
Komisija specialistov ugotovi strokovni potencial arhivov najdišč in definira elemente za njihovo obdelavo.		

Peta faza

Obdelava arhiva najdišča in priprava publikacije

Šesta faza

financira MK	Objava <ul style="list-style-type: none"> strokovni uredniki za vsako najdišče 	Arhivi najdišč oddani v pristojne muzeje
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