

## **BRAVE NEW WORLDS.**

### **Foreign inspirations for Dutch archaeological heritage management**

Project “Internationale vergelijking archeologische wet- en regelgeving” (IVAR),  
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i.o.v. Rijksdienst voor het Cultureel Erfgoed

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## **ANNEXES**

Annex A_Assignment brief	2
Annex B_Literature used	6
Annex C_Interviews, methodology, questionnaire, interviewees	15
Annex D_Country/Region reports	24

## ANNEX A

### **English Description Assignment International comparison European archaeological heritage management systems (postValletta)**

Objective:

In July 2019, the House of Representatives submitted a motion asking the government to evaluate the archaeology section of the Heritage Act and, among other things, to make 'an international comparison so as to be able to learn from other countries'. The objective of this assignment is to investigate how the Dutch approach compares with those in other countries where the Treaty of Valletta has been ratified and what can be learned from these countries. (For maritime cultural heritage the following could also be the judicial basis: the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001)

The assignment

A qualitative study (literature, interviews/discussions), in various phases:

- Phase 1: A study of the literature on the organization of the discipline of archaeology in a number of other European countries and or regions, taking into account the results referred to in the main questions below.

Result of phase 1: Subreport literature study and a proposal for the follow-up study (what countries, what stakeholders, what questions?).

Questions regarding the literature search:

*How is archaeological heritage management organized?*

Seven elements must be addressed:

- Legislation • Who does what?
  - Quality assurance
  - Funding
  - Accessibility of the results, particularly digital accessibility
  - Academic synthesis
  - Participation.
- Phase 2: Interviews with a number of stakeholders in each country, the approach in the various countries being almost the same. The interviews will preferably be held with well-established representatives from umbrella organizations of the government/local authorities, universities (archaeological institutes), archaeological companies, disturbers, museums/depots and archaeological professional groups (incl. the maritime segment) in the countries in question.  
Result of phase 2: Transcriptions and an analysis of the interviews.
  - Phase 3: An analysis of the differences between the various foreign and Dutch archaeological disciplines.  
Result of phase 3: Subreport for discussion, preparation for a discussion meeting at the Cultural Heritage Agency with, among others, a small group of experts who participate in the

Groot Reuvensoverleg (a consultative platform set up by the Stichting Reuven for archaeology in the Netherlands). The meeting itself will be organised by the Cultural Heritage Agency.

Written reflection by three experts from outside the Netherlands on the results of the study.

- Phase 4: Processing feedback and delivering the final result. Result of phase 4: Report

Intended final result:

Report in the English language (indication: not exceeding 40 pages), with the following sections:

- A report on the desk research and the interviews with the key findings for each country based on these activities (strengths and weaknesses and reference points for a comparison with the situation in the Netherlands).
- A description and synthesis of the results.
- A discussion on the results, possibly with the aid of an analytical method, such as a strengths, weaknesses, opportunities and threats analysis (SWOT).
- Conclusions.
- Recommendations.
- An appendix with
  - a. a description, not exceeding two pages, of the archaeological discipline of each country, focusing on the topics in the terms of reference;
  - b. facts and figures from the country in question about the results, with reference to their origin, if available;
  - c. a verbatim report of the interviews.

### **Main question 1:**

*What do those involved think about the sustainable preservation of archaeological sites in situ achieved in their own country in the last 20 years? How can this be explained? Are there figures (percentages) available for: numbers, extent, physical quality and selection? If so, please describe.*

Subquestions bij main question 1:

*Concerning the last twenty years (Valletta): to what extent  
(1) was sustainable preservation of archaeological remains in situ realised?;  
(2) were results of archaeological investigations published and (publicly) available?;*

### **Main question 2:**

*What do those involved think about the scientific progress realized (perceptions of the past)? How can this be explained? Are there figures or overviews, quantitative and/or qualitative or in the form of opinions, to substantiate this? If so, please describe.*

Subquestions bij main question 2:

*Concerning the last twenty years (Valetta): to what extent (3) has archaeological knowledge of the past increased?*

*(4) has archaeological knowledge of the past been disseminated? Including digital access;*

**Main question 3:**

*What do those involved think about the social added value realized (public outreach incl. participation). How can this be explained? Are there figures or overviews, quantitative and/or qualitative or in the form of opinions, to substantiate this? If so, please describe.*

Subquestions bij main question 3:

*Concerning the last twenty years (Valletta): to what extent  
(5) is public access to archaeological heritage or active involvement in the valuation, production and consumption of archaeological heritage organised?  
(6) has capacity/ability building at an (applied) university or CPD level managed to keep adequate pace with the working practice?*

**Main question 4:**

*What recommendations would you personally like to give when it comes to changing or retaining the Dutch system or parts of it. Are there any elements of the Dutch discipline that you consider exemplary? If so, please describe.*

Subquestions bij main question 4:

*In regard to your archaeological heritage management policies and legislation and the goals of the Valletta Convention:  
(7) What are the elements with the best results considering subquestions 1-6?  
(8) What elements need to be improved considering subquestions 1-6?*

**Main question 5:**

*In the coming 5 to 10 years, which opportunities and/or threats regarding archaeological heritage management are on the horizon?*

The offeror is invited to add any questions desired here.

The study will investigate how the systems in five countries work. The offeror is required to select countries, with reasons, from the list below:

- England
- Flanders
- The Brussels Region
- France
- North Rhine-Westphalia
- The Czech Republic
- Sweden
- Ireland
- Denmark

If the offeror is familiar with the situation in another country and deems it relevant for the Dutch situation, the offeror may – with reasons – select this country as one of the five.

Offerors must:

- Have demonstrable knowledge of policy and legislation relating to archaeological heritage management in the Netherlands
- Have an international network
- Be available in the next six months
- Be able to deliver the result prior to 1 November 2020.

Process:

The offer is to include an action plan not exceeding four A4 pages that will detail the price, delivery date and the following:

- Research methods
- Research questions regarding the literature search
- Intended countries and stakeholders (in any case including the European Archaeological Council (EAC))
- The provisional scheduling of the study and interviews.

After completion of phase 1 of the study (literature search), the contracted party will, in consultation with the Cultural Heritage Agency, set out a definitive plan for the subsequent phases.

## ANNEX B Literature used

	Heritage system	Figures	Evaluations	Opinion pieces	Maritime	Total
The United Kingdom	3	3	14	12		32
Sweden	7	1	8	14		30
Denmark	1	2	3	8	3	17
Flanders	5	2	5	1		13
Rhineland	5	4	1	6		16
<b>Total</b>	21	12	31	41	3	108

*Number of references according to each reference category*

### UK / England

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*Evaluation of the heritage system*

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*Other*

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# ANNEX C Interview Methodology, Questionnaire and List of Interviewees

## 1. INTERVIEW METHODOLOGY

A longlist of Interviewees was created with the use of suggestions by key players from the selected countries, as well as choices which were made on the basis of the studied literature accumulated in Phase 1.

A shortlist was then compiled which listed the interviewees' suitability (thereby avoiding interviewing people from the same sector), availability (reachable through mail and/or phone), and willingness to participate. All interviewees were provided/sent a mailed letter (in advance) explaining the project, the aims and methodology. They were not made aware of the names of other interviewees. Permission to record each zoom meeting was asked beforehand and all interviewees kindly granted permission. Each interview lasted between 60-75 minutes.

Each interview was conducted by two senior team members. After the session a 1-2 page summary was written by one team member and checked by another member, as well as reviewed by the remaining two members. Audio and video recordings were stored as consultable resources (for the commissioner only).

## 2. QUESTIONNAIRE

The following questions were systematically covered with all interviewees, except with those from the development sector (commissioning institutions):

### 1. Preservation

- How has in situ preservation in your country changed after the implementation of the Malta Convention?
- What is your opinion on this?

### 2. Scientific progress

- What is your opinion on any knowledge gain that has been realized since 'Malta'?
- What is the role of academia with regard to 'Malta archaeology'?
- How has archaeological knowledge of the past been disseminated since 'Malta'?

### 3. Social added value

- How in your opinion has public outreach and participation with regard to archaeological heritage changed since 'Malta'?
- Has there been enhanced public access, and/or public valuation? Has there been any public involvement in decision making on this subject?

### 4. Strong points & recommendations for NL

- What do you like about your country's (archaeological/heritage management) system?

- What typical (innovative) approaches would you recommend other countries (possibly: The Netherlands) should try to apply?

### 5. Future

- What do you consider major threats & major opportunities for archaeological heritage management in your country for the next 10 years?

### 6. Other issues (when applicable)

- How does any of the above apply to maritime archaeology?
- What is your view on the international cooperation of maritime archaeological heritage management?

## 3. LIST OF INTERVIEWEES

The professional sectors of interviewees can be divided into several (sub)categories.

	interviewee	position	Sector covered							academia	developer
			professional association	government		execution					
				Legislation	supervision	contractors	Museum /outreach	maritime			
UK/ England	Peter Hinton	CEO, CifA	X								
	Timothy Darvill	Professor, Bournemouth University							X		
	Gill Hey	CEO, Oxford Archaeology				X					
	Barney Sloane	Specialist Service Director, Historic England, Chair EAC		X	X	X	X			X	
	Sadie Watson	MOLA project leader, UKRI Fellow				X	X				
	Claire McRae	City Archaeologist York			X						
Sweden	Alexander Gill	Researcher, National Heritage Board RAÄ		X							
	Helena Victor	Head, contract archaeology Dpt, Kalmar Läns Museum				X					
	Mikael Eboskog	Head archaeology dpt, Bohusläns Musuem Udevalla, Chair GRASCA, Chair Museum Archaeologists Assoc.	X			X	X			X	
	Roger Edenmo	Head archaeology, CAB Uppsala			X						
	Ivonne Dutra	Field archaeologist Kalmar Läns Museum, GRASCA PhD				X	X			X	
	Ylva Stenqvist Millde Nina Kalsson	Trafikverket, Stockholm									X

Denmark	Anna Beck	Heritage Dpt, Sydøstdanmark Museum, PhD Aarhus					X		X	
	Thomas Roland	Senior advisor, KUAS		X	X					
	Andres Dobat	prof. Aarhus					X		X	
	Lene Høst Madsen	Director, Skanderborg Museum				X	X			
	Morten Søvsø	Curator, head arch. Dpt Suvestyiske Museer Ribe				X	X			
	Otto Uldum	Head, Arch. Dpt Langelands Museum, Rudkøbing				X		X		
	David Gregory	Maritime archaeologist Conservation Dpt, National Museum of Denmark	X					X		
	Allan Bak Aastrup	Project management Vejdirektoratet								X
Flanders Region	Wim de Clercq	Prof. Ghent University							X	
	Raf Ribbens	Policy officer AOE		X	X					
	Jeroen Vanden Borre	CEO, BAAC Vlaanderen Chair, VONA				X				
	Fien Danniau	Researcher Ghent University					X		X	
	Nele van Holme	Contract archaeologist	X			X				
NRW / Rhineland	Jochen Dodt	Ministry, Senior cultural heritage policy advisor		X						
	Silviane Scharl	Prof. University of Cologne							X	
	Henning Kampmann	CEO of ABS (company), chair VAF (branch organisation)				X				
	Michael Schmauder	Prof. Univ. Bonn, head of conservation Landesmuseum Bonn					X		X	
	Frank Siegmund	Lecturer University of Münster, vice-chair of DGUF	X						X	
	Erich Classen	Director, LVR-ABR			X					
	Oliver Ruben	BPD Europe								X

#### 4. SUMMARY DESCRIPTION OF INTERVIEWEES' POSITIONS

##### United Kingdom / England

- Peter Hinton – Professional association

Peter Hinton is the Chief Executive at ClfA, the leading professional body representing archaeologists working in the UK and overseas. They are an authoritative and effective voice for archaeologists, bringing recognition and respect to the profession. They set archaeological standards, measure

compliance, promote good practice and share knowledge. ClfA is incorporated by Royal Charter, which shows that they work for the public good. Professionals and organisations can be accredited by ClfA, which recognises the professionalism of practitioners, improves their careers and attracts new people to archaeology. Peter Hinton has been involved with ClfA since 1987. Before starting with ClfA, Peter Hinton worked for the Museum of London as a senior manager responsible for post-excavation processes.

- Timothy Darvill - Academia

Timothy Darvill works at Bournemouth University as professor of Archaeology and Director of the Centre for Archaeology and Anthropology. A prehistorian, his main research areas include the Neolithic of northwest Europe and archaeological resource management. With regard to the latter he especially focuses on the role of the tangible and intangible heritage as sources of social capital, cultural enrichment, personal well-being and the social construction of knowledge. Both of the research themes are connected projects that include collaborations with other research institutions and professional and governmental bodies.

- Gill Hey - Contractors

Gill Hey is CEO of Oxford Archaeology where she has worked for over 30 years, mainly managing large fieldwork projects. She has been involved in a number of research projects with community and education elements. She has also undertaken consultancy work and strategic studies, including a study on the effectiveness of archaeological evaluation techniques (published in 2001). She has been CEO since 2013, with over 250 staff working on desk-based assessments, archaeological evaluations and excavations, building investigations and landscape surveys. Her main research interest is in Neolithic and early Bronze Age settlement and landscape and in the origin of farming communities in Britain.

- Barney Sloane – Professional association/ Legislation / Supervision / Contractors / Museum/Outreach / Academia

Barney Sloane is National Specialist Service Director at Historic England. Historic England is a public body that helps people care for, enjoy and celebrate England's historic environment. They work with communities and specialists. Historic England identifies and protects heritage, supports change and provides expertise at a local level. The official name of Historic England is the Historic Buildings and Monuments Commission for England. English Heritage looks after the National Heritage Collection of state-owned historic sites and monuments across England. It also cares for them and opens them to the public under a licence from Historic England. Sloane also chairs the European Archaeological Council (EAC).

- Sadie Watson - Contractors / Museum/Outreach

Sadie Watson is UKRI Future Leaders Fellow and is therefore undertaking a four-year Fellowship 'Measuring, maximising and transforming public benefit from UK Government infrastructure investment in archaeology'. Her fellowship focuses on ensuring that public spending on archaeology for infrastructure projects lead to meaningful and relevant research and genuine community participation. She has been a leading practitioner in field archaeology for two decades and has in-depth knowledge of the profession. From 2018-2019 she worked as a MOLA (Museum of London Archaeology) Project Officer and was responsible for major sites with large field teams. MOLA is an experienced and innovative archaeology and built heritage practice. They provide professional heritage advice and service across the UK and internationally. MOLA offers commercial services and

is designed to help development, infrastructure and construction sector clients to meet their planning process requirements. Sadie Watson is also an elected member of the Council for the Chartered Institute for Archaeologists (CIfA) and Secretary for the CIfA Special Interest Group for field workers.

- Claire MacRae - Supervision

Claire MacRae is the Heritage Project Officer and Archaeologist at City of York Council Archaeological Service. She provides advice on the impact of development on above and below ground heritage assets, strives to raise the quality of archaeological investigation, broaden the dissemination of information, and manages accessible heritage in the City of York. The Archaeology department is part of the Planning and Environmental Management department at City of York Council.

## Sweden

- Alexander Gill - Legislation

Alexander Gill works at the National Heritage Board (RÅA). He works as a researcher in the Department for Cultural Environment. The unit is responsible for work within heritage legislation by means of decisions and recommendations, and promotes the cultural heritage as a resource in other areas of society. He also focusses on development-led archaeology and maritime archaeology.

- Helena Victor - Contractors

Helena Victor is the head of the contract archaeological department at Southeast Kalmar Läns County Museum. She is also a field archaeologist and project manager (including a current archaeological project at Sandy borg). The museum works for the counties of Kalmar and Kronoberg. One of the aims of the archaeological research conducted by the museum is to gain regional archaeological knowledge and to share this with the public. The archaeology department currently has four PhD students.

- Mikael Eboskog – Professional association / Contractors / Museum/Outreach / Academia

Mikael Eboskog is the head of archaeology at Bohusläns Museum in Uldevalla, which is a region to the north of Gothenburg. He is the chairman of GRASCA (graduate school in contract archaeology) and of the Association for Museum Archaeologists. The association collaborates with the CAB's (County Administrative Boards) and the National Heritage Board.

- Roger Edenmo - Supervision

Roger Edenmo is the head of archaeology at the County Administrative Board Uppsala (Länsstyrelsen Uppsala Län). He has been in this position for 10 years.

- Ivonne Dutra – Professional association / Contractors / Museum/Outreach / Academia

Ivonne Dutra is a project manager and field archaeologist at the Southeast Kalmar Läns Museum. She is also a PhD student at GRASCA within the Faculty of Arts and Humanities at the Linnaeus University. Her research is focused on public outreach and contract archaeology.

- Ylva Stenqvist Millde and Nina Kalsson – Developer

Both are cultural heritage specialists (PhD in archaeology) and work at the Swedish Transport Administration (Trafikverket), located in several areas, including Stockholm. Trafikverket is responsible for national planning of infrastructure, including rail, road, sea and air transport, employing c. 9,000. Budget SEK 54 billion (2016) of which SEK 45 billion was financed from appropriations, in addition to fees and income of commissioned work, and loans and subsidies. Trafikverket's own cultural environment strategy aims at clarifying a responsibility to the cultural environment and contributing to a sustainable society. Along with nine other authorities, it is commissioned by national government to develop a guiding strategy for the cultural environment, requiring it to also work the other cultural environment actors. The strategy is to contribute to cultural values by protecting, preserving or developing, with monuments to be included early on in all planning processes.

## Denmark

- Anna Beck (PhD) - Museum/Outreach / Academia

Anna Beck works at the Sydøstdanmark Museum at the cultural heritage department. The aim of the museum is to not only make cultural heritage relevant and inclusive, but also to give it meaning and value. The museum focusses on the municipalities of Køge, Næstved and Vordingborg. The museum collaborates with these municipalities in order to strengthen the local identity and the market within these areas. A total of eight places in these three areas are part of the museum. Anna is currently conducting research on Prehistoric and contemporary archaeology. Her PhD research at Aarhus University focusses on Late Iron Age longhouses as an archaeological phenomenon.

- Thomas Roland – Legislation / Supervision

Thomas Roland is a senior advisor at the Center for Cultural Heritage at the national agency KUAS (The Agency for Culture and Places). The agency provides advice to the Danish minister of culture and is involved in setting and achieving the government's cultural policy goals. The agency is responsible for managing and maintaining state-owned palaces and castles, gardens and cultural properties. Thomas Roland works as a specialist consultant and archaeologist in the department for Monuments and Archaeological Heritage.

- Andres Dobat - Museum/Outreach / Academia

Andres Dobat is an associate professor at Aarhus University within the School of Culture and Society in Højbjerg. He works in the department of Archaeology and Heritage Studies. His research interests are in classical archaeological themes (in the North European Iron Age and Early Medieval Period) and questions relating to archaeological heritage management. His interests include the contribution of non-professionals in archaeology and public engagement with cultural heritage, particularly metal detectorists. Dobat is currently working with colleagues from a number of Danish museums and the Danish Agency for Culture on developing and implementing a user-driven online recording scheme for Danish metal detector finds (Digitale Detektorfund/DIME).

- Lene Høst-Madsen - Contractors / Museum/Outreach

Lene Høst-Madsen is the director at the Skanderborg Museum. Her current research interests are in Modern archaeology, material culture, politics and tourism. She is a member of the EAA workgroup, which focusses on the integration and management of archaeological heritage in the tourism sector. She has also been the chairman of the MMU (Midtjyske Musess Udviklingsråd) since 2017 and the chairman of the Archaeological council at the Agency for Culture and Places (Kulturstyrelsen).

- Morten Søvsvø – Contractors / Museum/Outreach

Morten Søvsvø is a museum curator and head of the archaeology department at the Southwest-Jutland Museum (Sydvestjyske Museer) in Ribe. His research interests include: the Late Iron Age period, Viking Period, the Middle Ages, Renaissance and Modern times. He is a representative of the MED Committee (MED-udvalget), which is an organisation which focusses on encouraging collaboration within municipalities and regions. He is also a committee member of the Museum Committee for Cultural History (Museumsudvalget for Kulturhistorie).

- Otto Uldum - Contractors / Maritime Archaeology

Otto Uldum is the head of the archaeology department at the Langelands Museum in Rudkøbing. The Langelands Museum has to cooperate with four other museums with regard to archaeological research projects. The Museum is responsible for the archaeology of the two islands, including the Danish waters near Fünen.

- David Gregory - Maritime Archaeology

David Gregory has been working as a maritime archaeologist at the Conservation Department of the National Museum of Denmark in Copenhagen for 25 years. He is a senior researcher and expert in sub-marine in-situ preservation. The museum offers specialist services to other regional museums. David Gregory mainly conducts monitoring research focussed on in-situ preservation

- Allan Bak Aastrup - Developer

Allan Bak Aastrup is a project manager at the Vjedirektoratet (The Danish Road Directorate). He focusses on managing land acquisition, archaeology and utilities. He is also responsible for two big projects concerning a tunnel (1,5 km) and a bridge (4 km).

## **Flanders**

- Wim de Clercq - Academia

Wim de Clercq lectures in Historical Archaeology of North-Western Europe at Ghent University and started his career as a field archaeologist directing rescue and preventive operations in the province of East-Flanders in Belgium. His research interest also includes archaeological heritage management policies.

- Raf Ribbens - Legislation / Supervision

Raf Ribbens is a policy officer at the Flemish organisation for Immovable Heritage (Agentschap Onroerend Erfgoed). The AOE is an organisation that belongs to the Flemish government and is responsible for organising and managing immovable heritage in Flanders. They list protected buildings, landscapes and archaeological sites.

- Jeroen Vanden Borre - Contractors

Jeroen Vanden Borre is the president of VONA (Vlaamse Ondernemers in Archeologie). The VONA is an association which provides support to archaeological companies. They currently represent almost 30 members, including large companies and self-employed businesses. Jeroen Vanden Borre is also the owner of his own company (BAAC-Belgium). BAAC is an independent firm for archaeology and historical buildings. The team consists of archaeologists, physical geographers and material specialists.

- Fien Danniau - Museum/Outreach / Academia

Fien Danniau is a researcher and teaching assistant at the History Department (public history) at Ghent University. As a public historian she focuses on collection management, digital storytelling, user interaction and education in digital humanities. She also functions as a go-between for the heritage sector and advises on educational projects.

- Nele Vanholme – Professional association / Contractors

Nele Vanholme is the president of the Flemish Archaeologist Collective (Vlaamse Archeologen Collectief). VLAC aims to unite and represent archaeologists by giving importance to the interest of the archaeologists within the field. They also aim to improve the employment situation of archaeologists by regularly conducting surveys. Finally, VLAC offers online information on archaeological contracts and salaries.

## **North Rhine-Westphalia**

- Jochen Dodt - Legislation

Jochen Dodt works at the Ministry for Regional Identity, Communities and Local Government, Building and Gender Equality of the Land of North Rhine-Westphalia (Ministerium für Heimat, Kommunales, Bau und Gleichstellung des Landes Nordrhein-Westfalen) in Düsseldorf. He is the vice team leader of department of archaeological heritage management and monument protection (Referat 515: Denkmalschutz und Denkmalpflege, Denkmalschutz und Denkmalpflege).

- Silviane Scharl - Academia

Silviane Scharl works at the University of Cologne and is a professor of Late Stone Age history. She works in the department of Prehistory and Early History. Her research focusses on the European Neolithic and Bronze Age. Scharl also collaborates with Erich Classen who works at the Landesverband Rheinland Amt. She involves the heritage management department in her projects and publications.

- Henning Kampmann - Contractors

Henning Kampmann is the director of the Gesellschaft für Archäologische Baugrund-Sanierung mbH (ABS) (the Society for Archaeological Ground Restoration) which is located in Cologne. He is also chair of the Verband Archäologischer Fachfirmen e.V., which is a society for archaeological companies, freelance archaeologists and other companies who work within the archaeology branch.

- Michael Schmauder – Museum/Outreach / Academia

Michael Schmauder is head of the department of Holdings Conservation and Collection Development at the LVR-Landesmuseum for Archaeology, Art and Cultural History in Bonn (Rheinisches Landesmuseum für Archäologie, Kunst- und Kulturgeschichte). The Landesmuseum is the largest museum in the Rhineland Regional Council (LVR) and is sponsored by the Rhineland Regional Council. He is also an Honorary Professor of Pre- and Protohistorical Archaeology in the institute of Archaeology and Cultural Anthropology at the University of Bonn. His specialisation is on Early Medieval Eurasian immigration.

- Frank Siegmund – Professional association / Academia

Franks Siegmund is the chairman of the Deutsche Gesellschaft für Ur- und Frühgeschichte e.V. (Society for Pre- and Early history). The DGUF main interest lies in spreading reliable archaeological knowledge and discussing the preconditions for modern archaeology in research and academia. The DGUF is a society of archaeologists and focusses on the history of Central Europe and other regions around the world which have had an impact on Central Europe. Siegmund is the chief editor of the DGUF publications and often writes for the DGUF newsletter. He is also a professor at the University of Münster.

- Erich Classen - Supervision

Erich Classen is the director of the LVR-State Service for Archaeological Heritage and is responsible for the archaeological heritage management in the Rhineland (Bodendenkmalpflege Rheinland Landschaftsverband Rheinland LVR-ABR). The tasks of the State Service for Archaeological Heritage include to protect, maintain and explore archaeological monuments and to make them accessible to the public. He has an interest in landscape archaeology in western Germany.

- Oliver Ruben - Developer

Oliver Ruben is head of project development at BPD (Bouwfonds Property Development) Immobilienentwicklung GmbH in Düsseldorf. He has been in this position for 20 years and is the head of the department that deals with the acquisition and development of land. Monuments have to be taken into account when development contracts are signed and the values of these monuments have to be evaluated.

Country	Interviewees
United Kingdom	6
Sweden	7
Denmark	8
Flanders	5
NRW / Rhineland	7
<b>Total</b>	<b>33</b>

Table 1 Number of interviewees for each country.



# ANNEX D - Country / region reports

## CONTENTS

<b>1. ENGLAND (UK)</b>	
1.1 Country description	3
1.2 Aggregate answers to key questions in interviews	8
1.3 Points of inspiration – reflection	10
<b>2. SWEDEN</b>	
2.1 Country description	12
2.2 Aggregate answers to key questions in interviews	15
2.3 Points of inspiration – reflection	17
<b>3. DENMARK</b>	
3.1 Country description	19
3.2 Aggregate answers to key questions in interviews	22
3.3 Points of inspiration – reflection	24
<b>4. FLANDERS REGION (BELGIUM)</b>	
4.1 Country description	26
4.2 Aggregate answers to key questions in interviews	30
4.3 Points of inspiration – reflection	33
<b>5. RHINELAND (NRW/GERMANY)</b>	
5.1 Country description	35
5.2 Aggregate answers to key questions in interviews	40
5.3 Points of inspiration – reflection	43

# 1. ENGLAND (UK)

## 1.1 COUNTRY DESCRIPTION

The English archaeological system can be characterised as liberal and open to entrepreneurship at all levels, ranging from archaeological firms to university departments. It is based on deregulation across society and has led to a very dynamic commercial sector. Archaeology was incorporated into the planning system (PPG16) in 1990, which changed the sector fundamentally. The UK has played a key role in drafting the Valletta Treaty, which it ratified in 2000. The implementation (2001) had no impact, because the treaty mirrored the English practice.

Archaeology in England is an unprotected profession, anyone can tender for work. The annually published market surveys show the volatility of the archaeological workforce size.<sup>1</sup> The fact that the system is highly unstable is a prominent downside and caused by the economic decline, which saw steep job losses (Aitchison & Rocks Macqueen 2014).<sup>2</sup> The looming recession due to Covid and Brexit is expected to hit the sector hard according to some, but according to others this may be mitigated by large governmental infrastructural investments, such as the high speed rail links (HS2). Furthermore, academia, which is almost completely separated from development-led practice, will be excluded from EU research funding from 2021 onwards.

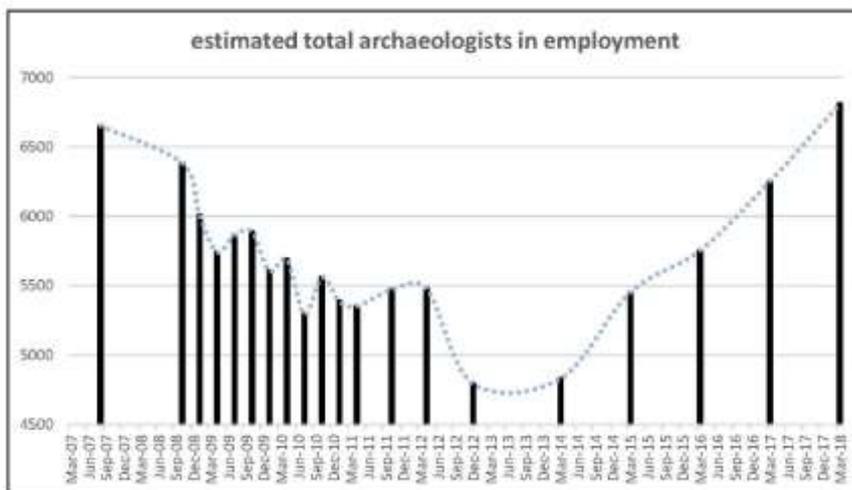


Figure. 1 Estimated number of archaeologists in employment in England (Aitchison 2019, 21). The graph shows a sharp decline related to the banking crisis and following recession and later recovery.

, the Valletta Treaty plays a minor role in the today's debate. Public benefit and public value are increasingly being perceived as the core issues of any future development-led practice in England. Instead of a change in legislation, the archaeological system has been influenced by a number of shifting societal perspectives. Most prevalent have been the changing discourses on 'monetarism' leading to privatisation; 'instrumentalism' (utilitarianism) leading to cultural planning; an increased awareness of sustainability connected to well-being; and lastly, the present-day notion of 'localism' underpinning the importance of local history, culture, and identity through community control (Darvill et al. 2020, 9-10).

<sup>1</sup> survey reports by Aitchison (Landward), prepared for ClfA and FAME.

<sup>2</sup> 30% drop after the recession of 2007-2008.

### 1.1.1 Legal

England, Wales, Northern Ireland and Scotland<sup>3</sup> each have different legal frameworks for developer-led archaeology, but in each case the regimes have been privatised. These frameworks are largely comparable, with the exception of Northern Ireland. The Northern Irish framework is more closely related to that of the Republic of Ireland, which has a state-controlled system. Archaeological contractors in Northern Ireland work under a licence, which is issued by the state and can be revoked when standards fail to meet. Furthermore, individual archaeologists are licensed to excavate. This report will focus on England where there is a limited degree of state intervention in a market that is professionally self-regulated. The only top-down regulations are applied to the historic environment and heritage assets in planning, which together form the framework within which the ‘archaeological marketplace’ functions.

- The English government has laid down its planning policies in the *National Planning Policy Framework* (NPPF 2012), which was revised in 2019, as well as in the *Planning Practice Guide* (PPG), which supports the NPPF and focuses on the promotion of sustainable development.<sup>4</sup> Thus, the heritage assets and the historic environment have gained equal footing alongside other economic, social, and environmental considerations.
- The *Ancient Monuments and Archaeological Areas Act (1979)* is currently in force to consolidate and amend the law relating to ancient monuments. It has also introduced the concept of areas of archaeological importance (AAI’s), city centres of historic significance. Additional regulations can be stipulated for these areas. Only five city centres in England have been designated as AAIs since 2004 (Canterbury, Chester, Exeter, Hereford and York).
- *The Treasure Act (1996)* is a UK Act of Parliament, which defines what objects are classified as treasure and legally obliges the finder to report their find. Ownership of finds lies with the land owner and not the state. The exception is the treasure trove. There is no obligation to report unexpected finds.
- *The National Heritage Act (2002)* extends the powers of the Historic Buildings and Monuments Commission to encompass underwater archaeology within the territorial waters of the United Kingdom.

The protection of England’s archaeological heritage relies heavily on the planning system – administered by local planning authorities – as only 20,000 archaeological monuments across the country are protected as Scheduled Ancient Monuments (a national designation) and as this is a discretionary designation there are many sites of National Importance which are not designated. More than 95% of sites in the historic environment with archaeological interest are protected solely through the planning system. There has been additional protection in a small number of historic towns (including York) since 1979 through their designation as Areas of Archaeological Importance.

The government periodically issues White Papers, detailed proposals for legislation, such as the *Culture White Paper (2016)*,<sup>5</sup> which has a wide-ranging focus on arts and culture and is geared towards the economy’s needs and less towards education (Kourtesi 2016, 4). An emphasis has been put on public digital accessibility with regard to archaeology. The most recent development in this field has been the *Planning for the Future White Paper (August 2020)*, which aims to reform the local planning system and

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<sup>3</sup> A clear statement is made, in Scotland’s Archaeological Strategy Vision 2025 (<http://archaeologystrategy.scot>), of the ultimate goal of archaeology as “helping [people] to tell Scotland’s stories in their global context”, crossing borders.

<sup>4</sup> Before NPPF, the frameworks were laid down in PPG16 (1990) and PPS5 (2010).

<sup>5</sup> <https://www.gov.uk/government/publications/culture-white-paper>

introduces digital technology to speed up the planning process. The reform's impact on archaeology is not clear, but it is causing a heated debate among professional archaeologists. An example of this is the Society of Antiquaries of London manifesto of December 2020, which advocates for several system changes, introduces regional hubs for the improvement of the integration of research, public value, and archives, and encourages collaboration.<sup>6</sup>

	execution	oversight
public sector		
private sector		

*Table 1: Mapping of archaeological development-led work and control onto the public and private domains. In England both are placed in the private sector (firms and self-regulation).*

### 1.1.2 Division of tasks and roles

The implementation of the Valletta Treaty has been the responsibility of the Department of Culture, Media and Sport (DCMS). Most of the archaeological practice is currently developer funded. Historic England is a Non-Departmental Public Body (NDPB)<sup>7</sup> and serves as the Government's official advisor on the historic environment. They advise local planning authorities on the planning of casework across England, but have an additional role in London where they provide a curatorial service for the London borough through the Greater London Archaeological Advisory Service (GLAAS), which maintains the Greater London Historic Environment Record (HER). The government has provided endowments to set up the new English Heritage Trust and The National Trust, who both manage monuments across England.

The role of the government within contract archaeology is limited and commissioning is established through the relationship between the archaeological contractor and the developer. The local planning authorities (LPAs) with archaeological advisory services are responsible for the decision-making process in spatial planning and this creates the preconditions for the work needed to be done. LPAs - often the local councils - make Local Plans that must be consistent with the NPPF. Developers are required by the LPAs "to record and advance understanding of the significance of heritage assets [...] and to make this evidence (and any archive generated) publicly accessible" (MHCLG, 2019: 54-57). LPAs can make use of the *Research Framework system* that helps to identify what is important or significant and provide research questions and objectives, coordinating and focussing the research effort.<sup>8</sup>

The 2007-8 crisis has resulted in an austerity regime causing Historic England's funding to drastically decrease. Simultaneously, the developer-led principle has led Historic England to reconsider their role dramatically. Between 2006 and 2017 the number of archaeologists advising local authorities was

<sup>6</sup> <https://www.sal.org.uk/2020/12/future-of-archaeology-manifesto/>

<sup>7</sup> Cfr. the LVR-ABR in NRW (below, Chapter 5).

<sup>8</sup> <https://historicengland.org.uk/research/support-and-collaboration/research-frameworks-typologies/research-frameworks/>

reduced by 35%. Historic England indicates that the current system must rely on ‘twin pillars’ in order for it to remain successful. This means a central or local government of some degree with a strong professional institute (Trow 2018, 83 cf.). Currently, Historic England is developing future policies in collaboration with the sector and regarding 21st century challenges, archiving, and information access strategies.

Universities are separated from the system. There is a considerable gap between academia and contract archaeology. However, certain universities have established archaeological units “with the explicit aim of bridging the research- and development-led sectors of British archaeology” like the Cambridge Archaeological Unit.

### 1.1.3 Quality arrangements

The quality assurance system in England is voluntary. The professional association, the Chartered Institute for Archaeologists (CifA), develops and maintains the standards (standards & guidance). CifA received governmental recognition for performing these tasks in 2014. CifA carries out political lobbying and operates as a discussion platform.

The standards and guidance are not legally binding; in several places, different standards may apply. Standards relate to methods.<sup>9</sup> Archaeologists can register through CifA. They are addressed on their professional ethics of action (code of ethics). (Post-academic) training is provided by the private sector.<sup>10</sup> The archaeological profession is not protected. An archaeological education is not required when working in development-led practice. Organisations may voluntarily register through CifA, which means that not all archaeological companies are connected to the register.

### 1.1.4 Financial frameworks

The English system is based on developer funding. Numbers regarding the size of the market are provided by yearly market surveys.<sup>11</sup> Research (synthesis) is excluded. Synthetic studies are financed differently (e.g., by government and trusts) as well as community projects (e.g., by the National Heritage Lottery Fund).<sup>12</sup> Various facts and numbers, including expenditure, can be found on the Historic England website, Heritage Counts.<sup>13</sup>

### 1.1.5 Access to results

*Heritage Environmental Records* (HERs) are set up at a county level and it is mandatory to consult them before any development. The HERs should be contacted first and are a primary trusted source for investigative research data and knowledge. Historic England is the access point and a primarily trusted source for national datasets such as the National Heritage List for England and national maritime heritage database. Historic England manages the *Heritage Gateway*, which is a website that provides access to

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<sup>9</sup> This means the standards and guidelines refer to method, not processes, which is the case for the Dutch KNA.

<sup>10</sup> E.g., British Archaeological Jobs and Resources (BAJR): field skills.

<sup>11</sup> 2016-2017 estimate of 197 million pounds of which the majority was spent in England. The 2017-8 estimate increased towards 239 million pounds (annual reports Aitchison/Landward).

<sup>12</sup> “Community heritage” is one of two priorities of the NHLF 2021-2024 strategic funding framework.

[www.heritagefund.org.uk/about/strategic-funding-framework-2019-2024#heading-2](http://www.heritagefund.org.uk/about/strategic-funding-framework-2019-2024#heading-2)

<sup>13</sup> <https://historicengland.org.uk/research/heritage-counts/>

local and national records regarding the historic environment as well as interconnecting the HERs.<sup>14</sup> The Archaeology Data Service (ADS) Library is a national database that makes information available to the general public.<sup>15</sup> It is an accumulation of bibliographic records and e-prints for published and unpublished archaeological documents. The ADS runs OASIS, which offers an online reporting form for practitioners with which they can upload information and reports to the regional HERs.

The government has stated in the previous *Culture White Paper* (2016, 39) that it will invest in the accessibility of the HERs: “We will ask Historic England to work with local authorities to enhance and rationalise national and local heritage records over the next ten years, so that communities and developers have easy access to historic environment records.”<sup>16</sup> Historic England has started the project *Heritage Information Access Strategy (HIAS)*.<sup>17</sup>

### 1.1.6 Academic synthesis

Malta reports (grey reports) are seen as investigations and not research, but the challenge of integrating the findings and initiatives into the academic world and work is well recognised. ‘Research’ is strictly assigned to academic work. The Research Frameworks<sup>18</sup> of the LPA’s are potentially an important collaborative exercise which should help inform the setting of the briefs for development-led archaeological work. Their creation is one of the few exercises which brings archaeologists who work in different contexts within the same region together (academic, contractors, advisors/curators, etc).

The *Rural settlement of Roman Britain* is an online resource - integrated in the ADS Library - which is generally considered to be a very successful example of a synthesis capable of unlocking information from grey literature as well as traditional reports from 1990 onwards.<sup>19</sup> Other synthetic research examples of development-led reports are *The English Landscape and Identities project* (Gosden et al 2019), *Fields of Britannia* (Rippon et al. 2015) and *Building Anglo-Saxon England* (Blair 2018). Although successful, various shortcomings in the developer-led data quality have been reported.<sup>20</sup>

One key opportunity for the future is the adoption of longitudinal research perspectives, which have a possibility of being integrated into the Planning White Paper policy.

### 1.1.7 Public participation

Public value is perceived by many as the main issue of archaeology today and in the future. The UK already has considerable experience with community archaeology projects. There is a shared belief that

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<sup>14</sup> <https://www.heritagegateway.org.uk/gateway/about/default.aspx>

<sup>15</sup> <https://archaeologydataservice.ac.uk/library/>

<sup>16</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510799/D\\_CMS\\_Arts\\_and\\_Culture\\_White\\_Paper\\_Accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/510799/D_CMS_Arts_and_Culture_White_Paper_Accessible_version.pdf)

<sup>17</sup> <https://historicengland.org.uk/research/support-and-collaboration/heritage-information-access-strategy/>

<sup>18</sup> <https://historicengland.org.uk/research/support-and-collaboration/research-frameworks-typologies/research-frameworks/>

<sup>19</sup> <https://archaeologydataservice.ac.uk/archives/view/romangl/index.cfm>

<sup>20</sup> See also above, note 6: *The future of Archaeology in England*, dec. 2020, Ch. 2.

archaeology can make a real contribution to major issues such as climate, environment, identity discussions, mental health, and making local stories.<sup>21</sup>

Participation is at the centre of government policy (Culture White Paper 2016). The UK has a great and very dynamic tradition of public archaeology, illustrated by archaeological TV programmes such as Time Team, amateur archaeology, community archaeology, the attention across all media, specialist education (Masters courses), and the more recent trend of public accountability including the need to demonstrate societal impact.

## 1.2 AGGREGATE ANSWERS TO KEY QUESTIONS IN INTERVIEWS

### 1.2.1 In Situ Preservation

In situ preservation is said to have definitely increased since the introduction of the Valletta Treaty principles (PPG16). During the last decades the policy is considered to have been globally successful. However, there are two aspects that should be considered prior to any development with regard to non-scheduled monuments. Firstly, avoiding or mitigating impact by adapting plans occurs only rarely. There are exceptions such as the Shakespeare's Rose Theatre and a Roman bathhouse in London. The second situation relates to partial site preservation - excluding the exact locations of intervention - and is more common. Sections of sites are retained for future research. Successful preservation is not measured using numbers, but by assessing the quality of previously preserved sites that are encountered again during redevelopment.

The need for preservation in situ becomes apparent when issues related to what is "in the best interest of society" are discussed. This occurs when development is considered at sites that have a conservation history ("modern buildings don't last"). Conservation is considered as option number one (saving developers' money), but it is not always the best solution. The general mind-set among colleagues is focused on excavation and is usually related to the fact that "the public wants to see a dig". Decisions regarding preservation and excavation are based on (national) significance.

York is an exceptional city archaeologically and enjoys additional regulations. York has a policy aim of 95% with regard to in situ preservation and extensive programmes for monitoring waterlogged conditions. The costs are covered by developer funding. The factual information is fed into 3D deposit models.

### 1.2.2 Knowledge gain

Scientific progress has been acknowledged by all interviewees. There has been a gain in knowledge, especially when the last ten years are compared with the previous twenty years. Currently, there is a greater focus on content, although price is still a strong determinant. The professional attitude has matured, leaning more towards significance. Larger projects usually have substantially better funding compared to the swarm of smaller projects. However, there has been a huge amount of gain regarding data, archives and documentation (grey literature). Research is excluded from developer funding, which is perceived as problematic. Solutions lie in tendering, securing quality criteria, skill sets and salaries. Synthetic studies - thematic analyses of commercial work spanning 25 years - have been carried out in a

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<sup>21</sup>[https://www.theheritagealliance.org.uk/wp-content/uploads/2020/09/Heritage-Alliance-AnnualReport\\_2020\\_Online.pdf](https://www.theheritagealliance.org.uk/wp-content/uploads/2020/09/Heritage-Alliance-AnnualReport_2020_Online.pdf)

partnership consisting of companies and universities that provide useful overviews.<sup>22</sup> Data quality issues can be addressed by developing national standards (1) and a consistent approach (2). The latter can be achieved by creating a healthy 'knowledge-based ecology' in which everyone should have the opportunity to use the best knowledge. Historic England researches the reuse of archaeological data sets, especially possibilities for computer learning (AI). The 'knowledge ecology' has life cycles. This leads to better, i.e. more meaningful outcomes and a more suitable way of spending money.

The knowledge gain is shared outside of the archaeological sector. According to one of the interviewees, dissemination mainly has a local impact. Public value is not derived from (scientific) knowledge dissemination, but from storytelling, the excitement of discovering and the joy of co-creation.

### **1.2.3 Social added value**

The UK has been one of the leading countries with regard to participatory practices for quite some time. There are a number of separately funded community projects. A distinction should be made between public benefit and social value. The sum of divergent - sometimes individual - interests (public benefit) constitute public value (social value). It is felt that archaeologists contribute to the economy and society (benefits) and that they should capitalize on these two.

The implementation of the Valletta Treaty principles has led to fewer volunteers being involved with excavations due to the professionalization of the profession. Archaeological research has now become part of the construction industry, which is more difficult for volunteers to access. In addition, archaeologists previously thought that experts have more knowledge than volunteers. The Faro Convention principles have already made an impact on this kind of thinking. There is little co-creation in commercial research.

### **1.2.4 Strong points**

- Competition is equally based on content and price. A set of standards could be considered for tendering, securing quality criteria, skill sets and salaries;
- The knowledge ecology and the role of significance;
- A strong professional organisation (CIfA) with standards and guidelines;
- The possibility for companies to reserve funds (hold back money) for intra-site analysis (cross site and cross research analyses);
- The focus on localism for public value;
- Post-intervention monitoring programmes.

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<sup>22</sup> <https://historicengland.org.uk/whats-new/news/25years-archaeological-discovery/> and the example of Roman rural settlement project (Neil Holbrook/Cotswold Archaeology & Michael Fulford/U of Reading). <https://archaeologydataservice.ac.uk/archives/view/romangl/>. The Roman settlements study cost 1.1 million euros (1/4 government). Researchers worked with the primary data sets, not just reports.

### 1.2.5 Threats and opportunities

- Brexit and Covid could have devastating economic effects. The English system is vulnerable to an economic recession, because of its liberal character. Furthermore, EU funding programmes, such as Horizon 2020, will not be accessible anymore;
- The chance to integrate synthetic research within developer funding;
- Boris Johnson's Planning White Paper could push back archaeology in the planning processes (though archaeology is not specifically mentioned), but it may also help public engagement. Furthermore, opportunities for integrated research frameworks very early on in the process could present themselves, with the possibility of high quality cultural planning;
- Opportunities lie in innovative techniques like digital trench recording (NL papierloze opgraving).

### 1.2.6 Maritime archaeology

No relevant information was collected during this survey with regard to maritime archaeology.

## 1.3 POINTS OF INSPIRATION - REFLECTION

### **[1] Focus on significance**

Systems as well as practitioners need time to mature and find the right focus for significant practice. Tendering is done on content as well as on price. The plan to implement 'regional hubs' (support structure for cross-disciplinary policy and execution at regional level) as suggested by the Society of Antiquaries manifesto is considered by all fundamental for an archaeology that is collaborative, research-led and that delivers public benefit.

### **[2] Charity funding**

Private (charity) funds are increasingly being dedicated to community archaeology, such as the National Heritage Lottery Fund.

### **[3] Collaboration: 'knowledge ecology'**

Archaeological heritage management is increasingly being seen as functioning in a *knowledge ecology*, based on cooperation and interdependencies, and must include universities. There is a general understanding that "archaeological excavation is fundamentally a research process" (Trow 2018, 92).

### **[4] Standards & guidance for hands-on help**

The privately developed ClfA Standards & Guidances, which are based on methods instead of processes, are perceived as a strong and important pillar of the system. ClfA will develop an additional standard for community archaeology.

### **[5] Adding public benefit to the planning permit preconditions**

Local authorities may require specific public benefits to be delivered in the planning process (outreach, school activities, benefits for local residents). Government can push to include public benefits following local requests if this is the case. A policy guidance is currently being developed which aims at capitalizing archaeology's public value potential. The concepts of localism, public value and public benefits are evolved and put into practice.

**[6] *Urban monitoring programmes (York)***

York has additional specific regulations (95% preservation goal). This has led to developer-funded urban monitoring programmes for waterlogged conditions and 3D-modelling up to five years after construction.

**[7] *Special place for public archaeology***

It is not surprising but nevertheless necessary to mention that the presence of a strong awareness for public sides to heritage is pervading much of British society, which has resulted in a lot of attention being paid to 'public archaeology'

## 2. SWEDEN

### 1.1 COUNTRY DESCRIPTION

Archaeology in Sweden is organised at a regional level by 21 county administrative boards (CABs), who derive their authority directly from the national government. The CABs decide when preparatory archaeological investigations are required for developments and select the entity to carry these out, through public tenders based equally on academic research qualifications and costs. What used to be strictly work carried out by museums, similar to how it is currently organised in Denmark, archaeological work in Sweden is now however commissioned, through public tenders, to contracting firms that include archaeological units working commercially within museums.

Sweden is unique in the sense that developers are made to pay not only for surveys and investigations (excavations), but also for post-excavational in-depth scientific and more general public communication. An interesting addition to this is that the country is currently rife with discussions on the aims and goals of archaeological heritage management, to be formulated in terms that transcend the field itself.

#### 2.1.1 Legal

A legal system has been in place since 1666, which protects monuments and is overseen by the *Riksantikvarie*, currently the National Heritage Board *Riksantikvarieämbete (RAÄ)*. The polluter-pays principle was legally introduced as early as 1942 and was followed by a preservation obligation (1972) of all known monuments. The monuments have been listed since the mid-nineteenth century. The public GIS-database *Fornsök* (formerly FMIS) currently consists of 1.6 million entries.<sup>23</sup>

The archaeological heritage management system is entirely based on the regions, with main decisions residing with the 21 County Administrative Boards (CABs, *Länsstyrelserna*), each of whom have a county archaeologist (*länsantikvarier*). The CABs pre-establish the type of archaeological intervention (preventive or mitigating) that is needed, the institution that needs to carry it out (independent archaeological units at county museums, Swedish History Museum, or commercial firms) and the price. Competition criteria are (1) scientific quality of the project plan including a provision for 'mediation' (public outreach) and (2) price (assessment of costs 'not higher than justified by the circumstances').<sup>24</sup>

Contract archaeology is regulated by the Heritage Conservation Act (1988 only for materials and sites predating 1850 AD and permanently uninhabited today). Archaeological interventions since 1993 are required to be demand driven and should aim at adding relevant knowledge to the already existing body. This has led to an increasing in the presence of PhDs in contractor teams as being an important factor for winning a tender. Only firms can be contractors; any museum wishing to compete should have its archaeological team operate as an independent unit.

The last 20 years have encompassed a long process of trying to reach a sustainable balance between the central (RAÄ) and regional (CABs) power. Archaeological heritage management is increasingly being served for broader societal aims and goals (2014, *Kulturmiljöns mångfald*, "Diversity of the cultural living environment"). Thus, there are always three relevant 'clients' for newly produced knowledge:

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<sup>23</sup> <https://sv.wikipedia.org/wiki/Fornminnesregistret>. The number of listed archaeological monuments/sites is nearly 300,000 (2018): *Kulturmiljöstatistik 2020*, 18, Fig. 1.

<sup>24</sup> Högberg (in print) for a critical historical overview; theses by Wigert 2018 (MA) and Söderström 2018 (PhD) for a meticulous descriptions of all steps in the process.

government (spatial planning), scientific community (research) and the general public. CABs are permitted to demand developers to pay for public involvement.

An older administrative regulation allows CABs to choose between different ambition levels of investigation (*undersökning*): a full excavation of a site that might substantially contribute to the national body of knowledge; a restricted excavation with less potential; or a non-destructive intervention consisting of recording through mapping or photography only.

### 2.1.2 Division of tasks and roles

Developers require permissions and carry costs liabilities for all phases (some exceptions: Wigert 2018, 21). Among the largest developers is the Ministry of Transport, that has its own, detailed and archaeology-friendly heritage policy, and its own team of dedicated archaeologists (15 in 2020).<sup>25</sup>

CABs assess requests, establish the tender price, organize and decide public tenders and appoint interventions for museums or contract firms. They also weigh the (national scientific) interests of the potentially affected sites against the public interest (value) of a developer’s proposed exploitation. CABs have veto rights on municipal decisions.

RAÄ (National Heritage Board) supervises, advises through instructions and can appeal to the CAB decisions – and is therefore responsible for making sure the entire system works properly.<sup>26</sup> State government periodically issues statistical and economical analyses on heritage and (public) investments.<sup>27</sup>

SWEDEN	execution	oversight
Public sector		
Private sector		

*Table 2: Mapping of archaeological development-led work and control onto the public and private domains. The execution of development-led work in Sweden is placed exclusively in the private sector (museums can be involved only through an commercial independent unit). Control lie with the government.*

Universities play a negligible role (for GRASCA, see below), besides educating tomorrow’s archaeologists and providing the infrastructure in which PhDs are facilitated. Synthetic scientific work can be included in the brief. Preliminary research (desk, survey) is open to anyone if and when an assessment on the impact

<sup>25</sup> J. Bergkvist et al., *RAPPORT Regeringsuppdrag: Trafikverkets kulturmiljöstrategi*, 2019. [www.diva-portal.org/smash/get/diva2:1372257/FULLTEXT01.pdf](http://www.diva-portal.org/smash/get/diva2:1372257/FULLTEXT01.pdf). Interview Milde & Karlsson.

<sup>26</sup> RAÄ’s archaeological units have been transferred to the Swedish History Museum as of 2015, because its double function (government agency and outsourcer) was criticised.

<sup>27</sup> 2016 and 2020, by the Swedish Agency for Cultural Policy Analysis (state authority): <https://kulturanalys.se/publikation/kulturmiljostatistik-2020/>.

of the proposed exploitation of the site is adequately substantiated.<sup>28</sup> All other phases are carried out by companies selected by the CABs. These contractors are often major archaeological research institutions.

### 2.1.3 Quality arrangements

No national quality assurance system exists for either process nor product in Swedish development-led archaeology. Monitoring of field work lies with CABs and although their influence is regional, they “find it difficult to carry out quality control and assess the scientific value of the results” (Andersson 2010, 27). CABs assess tender proposals on the basis of their assessment of the qualities of a research plan, given a capped price. Their demands may differ per region. The *Kulturrådets* (Swedish Arts Council: government authority for implementing national cultural policies) issues recommendations and guidelines, but not standards. Therefore, there are no oversights, inspections or sanctions (Andersson 2010, 27).

Good scientific quality (KRF 2007:2) includes the “use of scientific methods to acquire meaningful knowledge of relevance to authorities, research, and the general public; this requires that the result be made available and useful to the varied interested parties”.

### 2.1.4 Financial frameworks

Costs are staggered using multiples of a basic price unit (PBB *prisbasbelopp*: 4-5k€), which are set by the CABs. A CAB is required to publicly tender (Högberg in print) when the estimate of an intervention exceeds 20 PBBs. Otherwise, it is free to use private tendering. All costs lie with the developer. This includes reporting, outreach and archiving.

A financial incentive is provided by making additional costs negotiable between developer and CAB: if a site contains previously unknown and significant archaeological remains; if costs exceed the estimate by more than 15%; if preliminary investigations lead to refusal of a permit and/or the site turns out to not be or to not have been affected by the development. In case the CAB deems the cost increase reasonable and RÅA finds sufficient scientific justification, the state may additionally subsidize.

It is felt that the scale of the ‘archaeology market’ (30-50M euro: Grönwall 2017, 47) is too small to accommodate all 21 county museums, which would mean that county borders would need to be crossed in order to compete. This has resulted in many museums pulling back and it is said to be causing a crisis in the Swedish museum model, because private firms are taking over, even though the required mediation (outreach) competencies of the latter are inferior to those of museums (Staaf 2017, 64).

### 2.1.5 Access to results

The 1,200 yearly investigations in Sweden (Andersson 2010, 26) lead to approximately 150 excavations. All data are stored in the national Fronsök database, which includes 600,000 archaeological sites and monuments and contains up to 1.7M entries. By law, ‘all excavation reports, scientific articles and books, as well as summaries and publications for the general public, shall be made available on-line at the

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<sup>28</sup> We assume the CABs require any follow-up investigation to heed the outcomes of preliminary assessments.

website of the RAA' (Skjllberg 2017) and indeed they are.<sup>29</sup>

### **2.1.6 Academic synthesis**

According to the law, academic-level analysis is covered by the "polluter pays" principle, since "Swedish contract archaeology today is supposed to help build up new and important knowledge and convey it to society outside the heritage sector."<sup>30</sup> Yet only a few syntheses, some on regional level and none at national, have appeared, which has led to a general outcry within the sector. Currently, national guidelines for reporting are being developed to counter this. The gap between academia and contract archaeology is bridged, i.a., by archaeological research school GRASCA at Linnaeus University (2015). By providing research education to MA and PhD students employed by five archaeological companies, it aims at enhancing the impact of contract archaeology in society and extending its market through new products and services.<sup>31</sup>

### **2.1.7 Public participation**

Mediation in the field of archaeology, which includes public outreach, interaction and participatory practices, is currently at the centre of policy development at many levels and places in legislation. The subject generates lively discussions in the working field. As of yet, literature has only mentioned isolated experiments. Public outreach is regulated by law (not: participation).<sup>32</sup>

## **2.2 AGGREGATE ANSWERS TO KEY QUESTIONS IN INTERVIEWS**

### **2.2.1 In Situ Preservation**

Interviewees generally consider in situ preservation as rather successful (some: "70-80%") and as having made continuous progress since the 17<sup>th</sup> century, but with substantial differences between counties. Bureaucracy is felt to mitigate success. Negative: CABs are small and not always deemed competent. The strict regional organization may be a critical success factor for a high level of preservation. The restriction of legal protection given to sites which are currently permanently uninhabited has a negative impact on preservation in city areas. Excavations are concentrated on larger urban areas. The system is not watertight – power and money may lean on balancing interests.

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<sup>29</sup> <https://app.raa.se/open/fornsok/>.

<sup>30</sup> Kulturarvspolitik 2016/17:116, in Högberg in print.

<sup>31</sup> <https://lnu.se/en/education/PhD-studies/archaeology/grasca/>. At the basis is a grant from The Knowledge Foundation (KK-stiftelsen, aimed at economic innovation).

<sup>32</sup> Regulations KRFS 2017: § 29 "Important results from an archaeological excavation shall be communicated by way of a popular science mediation to the public. For any archaeological investigation, a popular science summary must be prepared, if the results are sufficiently relevant to the public. When the CAB finds the research of high public relevance, it may require a popular science publication."

### 2.2.2 Knowledge gain

Substantial scientific progress seems to have been achieved, which may have been due to explicit qualitative requirements in the briefs and have led to a high number of PhDs within contract archaeological players. These are considered “money makers” and crucial for winning tenders. Individual researchers, often employed by the excavation units, produce knowledge which transcends county limits. On the other hand, contract archaeology has led to the fragmentation of regional archaeological knowledge that was previously concentrated in the county museums.

Although falling under the developers’ funding, synthetic work falls short of expectations. Various factors may be of influence to this: a gap between contractors, museums and CABs; CABs lack of steering towards such goals (guidelines, follow up); and the general exclusion of museums from the system. A new research programme within RAÄ is expected to counter this. There has been no evaluation on reporting quality.

Dissemination is generally deemed sufficient, because of the legal provision for it in developers’ briefs. Municipalities are increasingly interested in the return on investment for the citizenry. All in all, these two tendencies (fragmenting of expertise, crisis in the museum model), in tandem with a fast increase in data without contextualization, have underlined the urgency of rethinking the aims and goals of the system as a public good.

### 2.2.3 Social added value

The law (2014) places the responsibility on developers with regard to delivering popular science communications if the CABs consider the content of an investigation to be of significance.<sup>33</sup> In practice this may lead to up to 5-10% of budgets being spent on public outreach if there is enough interest in historic storytelling. However, participatory practices that are centred around the idea of public value are still scarce. This is also because contract archaeology excludes non-professionals. The system assumes a one-way sending. Archaeo-didactics and other new engagement models are currently being developed by GRASCA.

### 2.2.4 Strong points<sup>34</sup>

- The developer-paid system as such: licensed excavations only, public (state) property of archaeological remains of any significance, and a four-century old tradition which has embedded archaeology firmly in the public domain. However, fragmentation of knowledge over numerous non-resident contractors hinders longer-term research engagement and comprehensive insights.
- The regional definition of the system, stable (no job losses to speak of) and based on collaboration, resulting in sustainable bodies of local/regional knowledge and expertise and the possibility for multi-year research agendas embedded in communities. The downside of strong regionalization is a risk of parochialism (knowledge, practices, regulations).

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<sup>33</sup> Förmedling, “mediation” (Dutch: *bemiddeling*). KRFS 2017, p. 9, Art. 29.  
[https://www.kulturradet.se/globalassets/start/om-oss/sa-arbetar-kulturradet/sa-styrs-vi/forfattningssamling/forfattningssamling-dokument/forfattningssamling/riksantikvarieambetet/krfs\\_2017\\_1\\_web.pdf](https://www.kulturradet.se/globalassets/start/om-oss/sa-arbetar-kulturradet/sa-styrs-vi/forfattningssamling/forfattningssamling-dokument/forfattningssamling/riksantikvarieambetet/krfs_2017_1_web.pdf).

<sup>34</sup> Important remark by the Swedish reviewers: “Many of the strong points are directly linked to significant weaknesses. It is difficult to assess whether the strengths can be enjoyed without the weaknesses”.

- Deregulation allowing for private contractors but with CABs firmly in control of decision making, based on a general (though perhaps not unanimous and sometimes fragile since depending on individuals) trust in their integrity and capacity to balance public values and private costs.
- Criterium for tenders: especially the composition and scientific quality of the contracting teams, with PhDs in contractor teams as “money makers” - though costs can in practice be equally important.
- The system works, according to most: nothing vanishes unseen.
- Flexibility: the system is continuously an object of discussion, which is a result of players’ eagerness to learn and develop.
- Financial arrangements: a threshold for public tendering; compensation in cases; state involvement in funding.
- GRASCA: promising initiative for connecting development-led practices to societal/industrial innovation on a higher abstract level.

### 2.2.5 Threats and opportunities

The fact that the heritage field is expanding to other ministries, e.g. when preparing mega infrastructure projects like a new High Speed Railway Line, it is perceived as a threat towards the continuing control of the RAÄ and CABs, who fear to be sidelined.

There is an increasing gap between the CABs who have a monopoly on decision making but whose work is felt by some to lack transparency on the one hand and the museums and contractors who collaborate for knowledge creating on the other.

Collaboration with universities needs to be intensified.

For some, the legal system in which development-led archaeology is embedded, only allowing dissemination and outreach, has negatively affected community participation.

### 2.2.6 Maritime archaeology

Only 2-3 of the 21 county museums are engaged with maritime activities, even though 14 counties have coastlines. The country only has 5 diving teams, with a main team located at the Maritime Museum. It is impossible to build expertise and competence, due to the few regular activities. Some are confident that this area is gaining more attention.

## 2.3 POINTS OF INSPIRATION - REFLECTION

All the points mentioned below are interconnected and the order of presentation is random.

### **[8] Regional scale and level**

Archaeological heritage in Sweden is managed at county level, along strongly decentralised lines, but stopping at municipal level. The fact that county museums carry out most of the tasks, in tandem with the monopolized decision making of the CABs, allows for a deeper understanding of the region.

**[9] *Archaeology as a shared subject***

Swedish policy dealing with archaeological heritage is not compartmentalized at the Ministry of Culture, but horizontally spread over other departments, e.g. *Trafikverket* (Transportation).

**[9bis] *Incentives: excess cost compensation and mitigation bonus***

Costs may be compensated in case of unexpected discoveries and if archaeological remains turn out to be either too valuable or not affected.

**[10] *Knowledge gain through deregulation - sharing counters fragmentation***

In the deregulated Swedish system, key knowledge about a given region is increasingly moving away from museums to private contractors. In order to preserve accessible, relevant regional knowledge and expertise, sharing attitudes are required. On the other hand, the fact that contractors often work in several counties leads to supraregional knowledge, redressing the balance between strictly local knowledge and wider contexts - which is appreciated by many.

**[11] *Developers responsible for synthetic studies***

The law requires developers to not only pay for field investigations but also post-excavational research and further synthetic studies. As a result, contractors compete, i.a., on the academic qualifications of their staff (PhDs).

**[12] *Outreach part of social contract***

Swedish legal provisions are unique in Europe in that they aim at creating conditions for a sustainable, socially relevant archaeological heritage system and practices - however fragile they may yet be (cost aspects often carry the day). The 'Polluter pays' principle covers public value, the general public therefore being an explicit beneficiary of all knowledge creating investigations in addition to academia and planning. The 2014 law allows CABs to demand developers to share the results with the community, in cases for up to a tenth of budgets.

**[13] *Relevance includes social value and knowledge gain***

Central to decision making has become the notion of relevance, in terms of social benefits and well-being, though in practice often still limited to outreach and education. The academic public-private initiative of GRASCA is uniquely set out to broaden this remit, redefining the impact of archaeological investigations in societal terms and innovating the developers' role. Also interesting is the demand that any knowledge increase meets the requirement of being new, i.e. distinctive for the body of scientific knowledge (RAÄ 2012 and Wigert 2018).

**[14] *A culture of consensus***

Finally, we were struck by the eagerness in most provisions we studied and people we heard within the Swedish system to be flexible, self reflecting, and wishing to improve it, through discussions and experiments. This attitude can be put into the perspective of "a generally high level of trust in the state [...] and a widespread motivation to make decisions by consensus avoiding open dissent," (Swedish reviewers) and "the conscious, viable, self-reflective development... resilient enough to adapt to changes" (Wollák).

### 3. DENMARK

#### 3.1 COUNTRY DESCRIPTION

Archaeology in Denmark is an exclusive state affair. Museums play a key role in the system and carry a regional responsibility for development-led interventions with the tasks of collecting, registering, preserving, researching and outreach. These are defined by the law as primary actions for the museums and are referred to as 'the five columns'.<sup>35</sup> The archaeological workforce is relatively small compared to other countries (Aitchison et al 2014).<sup>36</sup> Denmark has special legislation for marine archaeology. The Valletta Treaty is not at the forefront of the present discourse. The system has proven stable in the long run, but has also received critique and questioning regarding its relevance - particularly from politicians and developers, according to a national audit report (see below).

##### 3.1.1 Legal

The Consolidated Museum's Law of 2001 brought in the 'Polluter Pays' principle and Denmark ratified Valletta in 2006. Regional decentralisation of archaeological practice by museums goes back to earlier legislation (1958) as does the protection of listed sites (1937 for registered sites and after 1969 also for unregistered sites). The Museum Act is the leading legal framework for archaeological heritage management. This law shapes the system. The treatment of cultural heritage as well as natural heritage and art, is laid down by law in quite a detailed manner, referring to standards which are evaluated and enforced by the *Agency of Culture and Palaces* (Slots- og Kulturstyrelsen, SLKS - formerly Kulturarvsstyrelsen, KUAS). Part 8 of the Museum Act focuses on integration in spatial planning. As a result, museums are involved in the creation and modification of spatial plans through cooperation with the local municipalities.

Denmark's system is entirely public, i.e. there are no private archaeological businesses and thus no competition in the execution of archaeological work. On the contrary, the legislation (the main objective) deliberately focuses on cooperation. The latest amendment of The Museums Act (Consolidated Act on Museums) dates from 2013 and concerns *National Strategies*, aimed at enforcing scientific progress and significance.

	execution	oversight
public sector		
private sector		

Table 3: Mapping of archaeological development-led work and control onto the public and private domains. Both the execution of development-led work and oversight in Denmark are government controlled.

<sup>35</sup> In Danish: "indsamling, registrering, bevaring, forskning og formidling"

<sup>36</sup> Discovering the archaeologists of Europe project. A total number of 453 Danish archaeologists were listed in the survey of 2014.

All finds (land and water soils) belong to the state unless there is a rightful owner. There is an obligation to report (Minister). An ancient regulation, which dates back to the 17th century, is the *treasure trove* arrangement that allows for finders' fees. Members of the public are invited to collect (metal) finds and bring these to the archaeological museums.

### **3.1.2 Division of tasks and roles**

The implementation of the Valletta Treaty is the responsibility of the Ministry of Culture. National policy implementation for archaeology is done by SLKS. Its tasks are defined by the Museum Act, the Consolidated Listed Buildings and the Urban Environment Act no. 1088. A selection of 27 regional museums have been appointed to carry out archaeological research (reduced from almost double that number, as 42 museums were felt as too fragmented). They are responsible for the archaeological heritage management of the region and are the centre for the aggregation of research, outreach, conservation and archiving. Some regions, especially those with important urban areas, are served by multiple (smaller) museums. These museums are either state-owned or state-funded. Archaeological experts at SLKS select sites that need to be investigated on the basis of the National Strategies after the museum submits a proposal. The gain of new knowledge is the main criterion for excavation. The approval of plans and budget, control and supervision are nationally regulated. A project can only be launched when the budget has been allocated by the developer.

A recent (2018) critical report by the National Chamber of Accounts highlighted archaeology as being too expensive, finding the burden for developers unbalanced, along with SLKS not working transparently enough leading to a lack of equality in the agency's decisions.<sup>37</sup>

A special provision has been made for maritime archaeology. A central research centre was housed at the National Museum of Denmark until 2003 (Nationalmuseets Marinarkæologiske Forskningscenter, near Roskilde). Now, five museums are in charge of maritime archaeology including the Viking Ship Museum in Roskilde, which is concerned with most of the development-led projects. The regime has been internationally evaluated in 2012. The critical capacity for this decentralized infrastructure is insufficient, but the regime also has advantages. Planning is organised at a local level. Museums interact with municipalities to make in situ preservation successful.

Archaeological excavations can cause delays from the developers' point of view. Time is the main issue, because prices are fixed. If contractors are commissioned, any delay will give them a reason to demand open ended financial compensation. A developer is only meant to pay the 'necessary costs'. Scientific research is excluded from contracting, but outreach is included. The archaeological stories are appreciated and used for PR by the museums.

Two universities and the National Museum also - but very rarely - carry out excavations, and do so in cooperation with the archaeological museums. These usually fall outside the funding of the 'Polluter Pays Principle'. They are so-called research excavations versus rescue excavations. Universities fall outside of the system. They are responsible for education, but cooperation is sought after in search of synergy.

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<sup>37</sup> Rigsrevisionens beretning om arkæologiske undersøgelser afgivet til Folketinget med Statsrevisorernes bemærkninger <https://www.rigsrevisionen.dk/media/2104796/sr1417.pdf> (National Audit Office's report on archaeological investigations [...]).

### 3.1.3 Quality arrangements

Quality is defined as scientific quality. The minister has audited the museums (financially) and can fine organisations which have fallen short. The *National Strategies* serve as guidelines and are legally anchored (Art. 27) as quality and reference frameworks. Only selected sites are brought under the 'Polluter Pays' principle on the basis of their significance. These are places which can offer new insights, thus preventing unnecessary repetition of already existing knowledge. The National Strategies also contain criteria for valuation and research methods, developed by the field (museums, universities and SLKS). The first parts were published in 2014, the last in 2019. This guideline forms the basis for the agreements between the museums and SLKS with regard to the work that needs to be carried out. It has had a positive impact on the quality of archaeological implementation, information for the developer and for politics. Between peers it has led to expert groups (CoP) who are approachable for questions. Adjustments are scheduled every 3-5 years.

Only academically trained archaeologists are allowed to work in the system. The professional association *Foreningen af Fagarkaeologer* (FaF) has approximately 200 members (in 2014). PhD's are recommended for leading large projects. Execution of archaeological work is done by the museums. There is no registration because the organisations are public services.

Attempts by cross-CAB intervision networks using research coordinators and controllers as quality assurance were carried out but deemed successful (Andersson et al. 2010, 26). The network itself is up and running.

### 3.1.4 Financial frameworks

Museums decide when archaeological research is needed. The basic preliminary research (desk research and small-scale additional field research) is a free service for developers. This also applies to more intensive preliminary investigations related to building plans smaller than 5,000m<sup>2</sup> outside urban centres, working as a threshold value. The valuation is legally binding. Investigation becomes mandatory if archaeological material is found and deemed significant - first by the museum and then by SLKS.

Archaeological competent authorities (museums) may inspect the construction site and halt the work. The museums prepare the planning on a regional level. SLKS acts as the competent authority for the plans (meeting quality standards) and the budget (reasonableness) on a national level. Plans for excavation are always related to the National Strategies but other arguments can also be relevant, e.g., the research strategy of the museum. Though museums should not make a profit, they are required to be financially robust. The museums then carry out the research themselves. SLKS has to cover the costs if an accepted building plan does yield important archaeological information after having been deselected. SLKS also provides a compensation provision in the event of disproportionately high costs. In addition, SLKS pays if there is no initiator, for example in case of erosion, agriculture or forestry. Scientific synthesis is not included in the financing of the Polluter Pays principle.

### 3.1.5 Access to results

Denmark has a central register, the *Central Register of Cultural History (DK: fund og fortidsminder)*.<sup>38</sup> Here sites are registered and publicly accessible, but offer little information besides excavation reports. Some museums participate in a shared self-developed database for finds and documentation, called MUD (*Museernes Udgravnings Data*).<sup>39</sup> This database is only accessible to museums - not even to universities. It is a voluntary database shared between some local museums - not all museums use it. The archaeological parts of the official heritage database SARA, launched two years ago, is not fully functional yet, leading the museums to still use MUD.

### 3.1.6 Academic synthesis

Museums are obliged to publish in peer reviewed journals and deliver monographs every five years in order to keep the state funding.

### 3.1.7 Public participation

Museums organise outreach activities besides their natural role of creating exhibitions. There is a longstanding and strong tradition in Danish archaeology to include interested volunteers in the daily excavation work, but since the 'professionalisation' of the excavation work with the Museum Act of 2001 due to the developer-pays principle, the time and space for inclusion has decreased. Engagement is rare and depends on individual museum initiatives.

## 3.2 AGGREGATE ANSWERS TO KEY QUESTIONS IN INTERVIEWS

### 3.2.1 In Situ Preservation

All interviewees share the assessment that in situ preservation is not very successful as the main aim of legislation. This acknowledgement is not a political issue, because archaeology is perceived as a relatively unimportant sector and SLKS could benefit from a stronger position. No figures are available since the success rates have not been measured. "Malta" is absent in heritage management thinking. Compared to some other countries, Denmark is small with a strong and dynamic economy, which has resulted in a shortage of building space and therefore a lack of archaeology. The arguments given include the fact that developers are unwilling to move to another location, mostly because excavating is cheaper than any plan change. A difference is mentioned between rural areas where archaeology is straightforward and cheap, complex urban areas where excavation is expensive, and complex inner cities with towering real estate prices. The high costs of excavation in urban areas with complex stratigraphies, such as Ribe, serve as an incentive to look elsewhere. But in Copenhagen every square metre is ridiculously expensive, which means that it makes no sense to look elsewhere. Secondly, archaeological preservation is insufficiently linked to the early phases of rural planning and therefore the heritage managers are not included in the process early enough. Furthermore, the institutional memory is sometimes failing. It may occur that previously collected information leading to the preservation of sites was lost when the area is put up for

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<sup>38</sup> <http://www.kulturarv.dk/fundogfortidsminder/>

<sup>39</sup> <http://www.udgravningsdata.dk/>

redevelopment after roughly 20 years. All in all, the most significant archaeological sites under threat of construction are excavated instead of preserved in situ.

Solutions are sought after by SLKS, choosing to add the existence of archaeological sites to land registers in order to include them early on in the process (NL *kadaster*). This means that the buyer immediately knows that there is an archaeological site on the property when it is bought, before planning construction. The situation seems worse for maritime archaeology. There are constraints related to transferring the results of state-of-the-art research into monitoring regulations.

### 3.2.2 Knowledge gain

Scientific research is not covered by developer funding and this situation is perceived as problematic by all interviewees. Scientific progress was evaluated in 2009, resulting in the adoption of the *National Strategies*, improving the situation according to some, but this opinion is not shared by all. Archaeological practice under the Museum Act creates heaps of data, archives and mostly synthesis on a regional level. Museums use their own budget to invest in in-depth research and PhD's. The budget is acquired through commercial overheads, additional subsidies from SLKS, the municipalities and support from large commercial companies like Carlsberg. The high status of PhDs is instrumental to the museum's success. The museums are audited every five years by SLKS on their scientific delivery. There is a shared perceived lack of national synthesis, illustrating that the National Strategies still need to gain influence in practice.

Museums cooperate with universities in some instances, but according to some it is not enough. Progress is acknowledged on the basis of innovative techniques such as Remote Sensing, the use of the natural sciences and the sheer number of excavated sites, which allow for a broader basis of understanding.

Specialists located at various museums will support a team from elsewhere if necessary, which is the result of a cooperation principle.

According to our sources, knowledge dissemination is essential to the museum practice and is mostly focussed on specific sites. Basic outreach publication is covered by developer funding. The Danish general public has genuinely been interested in archaeology for decades, especially the Viking past is actively appropriated.

### 3.2.3 Social added value

Citizen science projects are rare. During the interviews one example, the *e-scape project*, was mentioned.<sup>40</sup> Although a number of the interviewees are calling for a change with regard to public engagement, archaeological work is generally not accessible. Museums do collaborate with volunteers, but this includes different activities not related to archaeology. The exception is hobby metal detecting. A network (DIME) of hobbyists are brought together through a digital platform.<sup>41</sup> They work with the incentives of the treasure trove arrangement, which can lead to sizable rewards. Museums spend a reasonable amount of their time analysing, conserving and archiving these finds.

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<sup>40</sup> <https://www.museumskanderborg.dk/escape>

<sup>41</sup> [www.metaldetektorfund.dk](http://www.metaldetektorfund.dk)

### 3.2.4 Strong points

- The Museum Law is perceived as very strong, promoting the importance of significance;
- The regional level of organisation, fostering synthesis and quality control of all heritage management aspects, is greatly valued. The system is relatively cheap, whilst archaeologists are well-paid;
- Cooperating instead of competing;
- A hobby metal detectors' network;
- Treasure trove arrangement.

### 3.2.5 Threats and opportunities

- There is a possibility for archaeology to be included within a broader societal context in the future. A citizen science practice already exists in fields such as biology. More should be done with regard to public engagement and openness of archaeological databases.
- The developer funds can only be used for basic fieldwork reporting, resulting in a backlog of data that needs to be synthesised. Experts look to Sweden where scientific research is brought under the 'polluter pays principle'. The Danish system is focused on reporting, resulting in an archaeology with focus on collecting data (to report) and not interpreting them (as in analysing data).
- The positions of SLKS and the National Museum are weakened by decentralisation and political pressures, which has led to a bias towards regions and an unbalanced system. This is especially difficult for maritime archaeology. An evaluation may change this. Also, it is thought that overall digitisation may question the effectiveness of the regional organisation.
- There is a wish to better integrate universities in the system.

### 3.2.6 Maritime archaeology

The decentralisation from the national museum in Copenhagen is causing, according to several interviewees, unnecessary knowledge fragmentation and a dispersion of capacity with regard to maritime archaeology.

## 3.3 POINTS OF INSPIRATION - REFLECTION

In addition to some outstanding positive elements in the Danish archaeological regime, we also noted some criticisms. Several interviewees feel that the system of legal arrangements for protecting heritage and fostering interest (academic, social) is less than adequate. Furthermore, although specific legislation and task divisions regarding maritime and underwater archaeology are in place, the infrastructure is insufficient, with no university chairs left. Finally, state agency SLKS needs to better advocate the interests of the heritage sector.<sup>42</sup>

### **[15] Strict regional scale**

The region is the focal point for archaeological heritage management and research. This scale ensures a high degree of continuity and stability, the work is done by regional experts, which prevents

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<sup>42</sup> Many still fear that the recent criticism by the Chamber of Audits (2018) will not come without consequences.

fragmentation and data incomparability, as well as a steady stream of required synthetic research - although felt by some to be not enough. This higher level, regional approach avoids the creation of repetitive knowledge ('significant'), even though the actual planning is dealt with on a next lower, municipal level.

**[16] Professionalisation through consolidating**

Developers are content with a larger regional scale (number of archaeologically tasked museums 27, reduced from 42), which has led to larger museum organizations that are more capable of dealing with larger (government) development units in infrastructure.

**[17] Cooperation as a basis**

The cooperation between parties is explicitly required by law. Specialised museum staff share their expertise outside their museums region by participating in other teams. Cooperation is valued as a success factor as opposed to the competition of commercialised systems elsewhere. Stakeholders maintain that this strategy suits the size of the sector while doing justice to the wide range of specialties (e.g. underwater) that characterise archaeological practice.

**[18] Scientific quality prime concern**

Development-led work is always deployed on the basis of content, not on price; it is concerned with content and expertise. PhDs are valued in this system, where practitioners can pursue academic careers in the museums. Quality checks are carried out through audits (financial and scientific).

**[18bis] Archaeological assets included in land register**

If they are known, the existence of archaeological sites is (to be) recorded in land registers as a procedural assurance to owners and planners.

**[19] (Aerial) remote sensing techniques innovations**

**[20] Basic public outreach secured**

Secured by legal provisions, the system promotes and realizes a very basic public benefit in dissemination programmes of museums, placing it under mandatory developer funding. Larger outreach projects or events are usually paid for by the museum itself. Museal network DIME integrates metal detectorists. There is an as yet underused potential for public outreach in museums combining contract archaeology with exhibition making.

**[21] Prioritising significance**

The National Strategies are developed to enhance significance and designed to prevent the creation of repetitive information - this potential has not, reportedly, fully matured yet.

**[22] Special financial arrangements**

Surveys of smaller projects are a free-of-cost service. Museums establish a capped budget, to be centrally approved. SLKS provides funding in cases of natural erosion, excess costs, and chance finds at deselected sites.

## 4. FLANDERS REGION (Belgium)

### 4.1 COUNTRY DESCRIPTION

Archaeology in the Flanders Region is currently mostly development-led. Belgium signed the Valletta Treaty in 2002 and implemented it in its legislation in June 2016. The ‘polluter pays’-principle has been applied and there is a private sector of 28 archaeological companies which conducts most (ca. 90%) archaeological investigations (2017).<sup>43</sup> Only formally licensed archaeologists (nearly 250 in 2019)<sup>44</sup> are allowed to carry out *archeologienota*'s (desk-based research), inventories, site assessments and excavations. The total annual costs for development-led archaeology is estimated at around 30 million euros.

#### 4.1.1 Legal framework

The basis for archaeological heritage management is the Flanders Immovable Heritage Act (*Onroerenderfgoeddecreet 2013*), which came into force in 2016. It formalized the transition from rescue-archaeology (with curative, central decision making) to a preventive (development-led) approach. Decision making is split: it can be done either at Regional level by the Flemish Heritage Agency (Agentschap Onroerend Erfgoed, AOE) or by registered local or regional ‘heritage cells’. The Act requires developers to make an archaeological impact assessment (*archeologienota*), which serves as the condition for acquiring a building or development permit. These can only be made by registered archaeologists. The assessment should contain the results of a physical survey and an estimate on the costs and duration of an intervention. The advice either includes the granting of a licence, with or without further investigation (either test pits or an extensive excavation), or entails modified development plans and preserving the archaeological assets in situ. The decision lies with AOE or a local/regional registered heritage service (e.g., Intercommunal Immovable Heritage Service).

Exceptions to the regulatory system are designated “areas without archaeology” (GGA), where no permit is required. When accidental finds are encountered in areas with no expected archaeology, investigations are conducted and financed by the agency (AOE).

Ownership of (excavation) finds lies with the owner of the land. The concept of ‘archaeological ensemble’ regulates the storage and assessment of the results of archaeological fieldwork, consisting of finds, samples and all combined documentation. It implies owners are obliged to store and preserve the finds as an ensemble or they can hand it over to a licensed repository (15 across Flanders). In practice, most owners hand over the finds to repositories because few wish to be responsible for preservation and storage issues.

AOE issues yearly monitors (on the effectiveness of the system and on knowledge gain) relying on many data and indicators. The first full report on the new system showed that in 2019 some 3,000 archaeology assessments had been conducted, of which roughly a third did not require an investigation.<sup>45</sup> In 112 cases an excavation was required. Preservation in situ was recommended in 21 cases (0,7%).

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<sup>43</sup> Vona 2017, Het onroerenderfgoeddecreet inzake archeologie: een evaluatie vanuit de sector ([http://www.archeonet.be/images/Evaluatie\\_erfgoeddecreet\\_VONA.pdf](http://www.archeonet.be/images/Evaluatie_erfgoeddecreet_VONA.pdf)).

<sup>44</sup> Ribbens and De Groote, 2020 (<https://www.vlaanderen.be/publicaties/evaluatie-archeologie-2019-evaluatie-van-het-onroerenderfgoeddecreet-hoofdstuk-archeologie-voor-het-werkjaar-2019>).

<sup>45</sup> Ribbens and De Groote, 2020 (<https://www.vlaanderen.be/publicaties/evaluatie-archeologie-2019-evaluatie-van-het-onroerenderfgoeddecreet-hoofdstuk-archeologie-voor-het-werkjaar-2019>).

	execution	oversight
public sector		
private sector		

Table 4: Mapping of archaeological development-led work and control onto the public and private domains. In Flanders, the execution of development-led work is carried out by the private sector; oversight remains government controlled.

#### 4.1.2 Division of tasks and roles

The Immovable Heritage Agency AOE is the central governmental body which owns and maintains the standards for fieldwork and metal detecting, as well as licensing them. It can approve both *archeologienota's* and reports on archaeological investigation (*akteneming*). It also monitors the effectiveness of the regulations by means of annual reports.

The government's Planning Department's inspectorate checks for compliance with heritage rules (i.e. the permit criteria) with developers and builders.

Registered archaeologists (*erkende archeologen*) are essential in the process of archaeological investigation (ca. 250 in total in 2019). They are contracted by developers to write an *archeologienota*. They are recognized by AOE and registered in an open database. Companies can register if they employ licensed archaeologists who have at least three years of work experience. Professional interests of archaeologists are represented by VLAC (Vlaams Archeologencollectief, [www.vlac.be](http://www.vlac.be): 186 members).

Archaeological companies are united under VONA ([www.vona.be](http://www.vona.be)). All 28 (with in total 300 staff members) are members of VONA.

Approximately 25 municipalities are registered with AOE as a 'licensed authority'. They employ their own archaeologists and are allowed to accept impact assessments for planning permits in their municipality. Increasingly they have been formulating their own local archaeology policy (Bourgeois 2017, 5)<sup>46</sup>. Approximately 175 (c. 60%) municipalities (2017) are working together in official joint ventures on archaeological heritage management (intercommunal immovable heritage service, 'Intergemeentelijke Onroerenderfgoeddienst' or IOED).

It has been made possible for metal detectorists and archaeologists to be licensed as 'erkende metaaldetector' since 2015, which is regulated through the *Code van Goede Praktijk*. The licences (2019: 3,798) allow for field investigations (up to 30 cm deep) with permission of the land owner, off scheduled and investigated sites. There is a reporting obligation.<sup>47</sup> Since 2017 there is also an opportunity to upload

<sup>46</sup> <https://www.vlaamsparlament.be/parlementaire-documenten/parlementaire-initiatieven/1203697>

<sup>47</sup> <https://www.vlaanderen.be/publicaties/metaaldetectie-en-magneetvisserij-in-vlaanderen>

data on finds from metal detecting to a private sector online platform, MEDEA.<sup>48</sup> This is an inspiring collaboration project, co-funded by the agency.

Dealing with archaeology is generally considered as a burden by developers. They would welcome more transparency with regard to the reasons given for additional investigation where research agendas are lacking (VONA 2017, 1).

#### **4.1.3 Quality arrangements**

Standards have been provided by a legal Code of Best Practice since 2013 (*Code Goede Praktijk*, CGP), now v. 4 (2019).<sup>49</sup> An increasing number of local authorities are formulating additional local/regional archaeology policies (using thematic research foci and exemption rules).

#### **4.1.4 Financial frameworks**

The Polluter-Pays principle, which has also shifted the burden from public to private in the impact assessment stage, is mitigated by compensating up to 40% of the costs of excavations for natural persons (not developers, farmers, governmental organisations). Although it has been broadened to include impact assessment costs, it is currently restricted to fieldwork (coring, test pits) and does not cover desk-based assessments.

A yearly regular fund at the minister's cabinet level of €1M has been in place since 2018 and includes subsidies (max 90%, max 200k€) for integrated, synthetical studies in the field of development-led archaeology. It aims at stimulating collaboration between government bodies, contractors and academia.<sup>50</sup>

#### **4.1.5 Access to results**

All *archeologienota's* are accessible online through the Archeologieportaal (<https://loket.onroerendergoed.be/>) and provide the means to verify if there have been earlier assessments of any given area. It also contains all excavation reports, which need to be handed in within two years after fieldwork activities, and the digital registrations of metal detector finds.

#### **4.1.6 Academic synthesis**

The three Flemish universities with an archaeology department (Gent, Leuven, Brussel) have a research focus on methodologies, synthetical and in-depth material studies. They play only a small part in development-led archaeological fieldwork. One (Leuven) has what they call a 'spin-off', a commercial

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<sup>48</sup> <https://medea-cms.weopendata.com/>, a collaboration between VUB, metal detectorists, Hostories and AOE.

<sup>49</sup> [www.onroerendergoed.be/de-code-van-goede-praktijk](http://www.onroerendergoed.be/de-code-van-goede-praktijk)

<sup>50</sup> <https://www.onroerendergoed.be/projectsubsidies-voor-synthese-onderzoek>

company which competes for development-led projects. They all conduct some excavations for scientific research.

In the past two years syntheses of excavations and inventories (desk-based research) have been encouraged by means of the funding scheme mentioned above (1M€ annually). This formal policy (included in the Decreet) is coordinated and supervised by the agency AOE. All archaeologists are allowed to propose projects for synthesis research, which need to be conducted in collaboration with multiple parties (e.g., universities). A jury selects proposals (5-6 a year). First results of the subsidy scheme for synthesis of excavations and inventories are due soon. Universities participate in collaboration projects with the private sector for such synthesis studies.

#### **4.1.7 Public participation**

VONA (2017, 6-7) finds a lack of public support for archaeology, because there is limited translation of research results (and syntheses) for society to use. This is also expressed by the minister president (Bourgeois 2017), and supported by a recent evaluation report on public engagement in archaeology (Danniau et al. 2020), which was commissioned by AOE.<sup>51</sup> Public outreach appeared limited and public participation not included in development-led projects. Public engagement mostly depends on a few individuals and local/regional heritage services. There seems to be a lack of funding and specialised (private sector) experts. Moreover, little attention is paid to public archaeology in the running curricula of universities. The report by Danniau et al. refers to initiatives in the Netherlands as inspirational examples (like the National Days of Archaeology and the ArcheoHotspots).

In the domain of movable and intangible heritage, Flanders is much more active in heritage participation. This work is inspired by the Faro Convention, and conducted by the NGO called 'FARO' (Steunpunt voor het roerend en immaterieel cultureel-erfgoed, <https://faro.be/>). FARO's activities do not include archaeology (immovable heritage).

#### **4.1.8 Maritime archaeology**

The governmental agency AOE is the national authority for maritime heritage (*'varend erfgoed'*). Flanders takes care of finds in rivers. The finds located below the high water mark along the North Sea coast are the jurisdiction of the Federal Government. The main threat in rivers is dredging, but no permit is required for dredging and therefore no requirement for archaeological research either.

The platform of the Flanders Marine Institute (VLIZ) collaborates with the agency with regard to maritime conservation issues and historical studies on fisheries.<sup>52</sup>

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<sup>51</sup> <https://oar.onroenderfgoed.be/publicaties/OAOE/155/OAOE155-001.pdf>

<sup>52</sup> <https://www.vliz.be/en/search-institutes?module=institute&insid=11937>

## 4.2 AGGREGATED ANSWERS TO KEY QUESTIONS IN THE INTERVIEWS

### 4.2.1 In situ preservation

The law regarding immovable heritage (Onroerenderfgoeddecreet 2013) in Flanders, cf. the Explanatory Memorandum (Memorie van Toelichting), explicitly mentions in situ preservation. However, all interviewees agree that practice is different. In situ preservation encompasses less than 1% of all preventive and inventory work. Most interviewees indicate the reason for this is the lack of legal instruments with which archaeological investigations are enforced. If an area has already been declared as being 'fit for building purposes', hardly anything can prevent it. This is related to the fact that most land in Flanders is private property.

There is also little discussion within the sector on selection criteria for in situ preservation. Furthermore, once 'preserved in situ' little active management is directed towards preserved sites, which in fact may still be disturbed later on if there is a high amount of interest from developers, or when the sites 'are forgotten'.

Some interviewees indicated that the system is not organised in a way that encourages preservation in situ: "there is no interest among clients (developers), there are no financial means, people lack expertise and there is no political support to change it". On the other hand, there is a huge increase in the number of archaeological investigations and excavations and thus of the rate of preservation 'ex situ' (by record).

### 4.2.2 Scientific progress

Scientific progress has primarily consisted of a huge gain of data with regard to site locations across the country as well as individual sites. This is due to the huge increase of inventories and site assessments (vooronderzoeken en 'site waarderungen'). Only a few clusters of sites existed on the map prior to 2016, which were linked to interests of academics. Investigations initiated by planning projects have currently uncovered clusters of sites and finds all over Flanders. This has also been stimulated by the increase in excavations. Numbers have gone up from 30 to around 300 on an annual basis. It has resulted in a much greater knowledge on what kind of archaeology exists.

Amongst the interviewees there is a general discontent regarding the quality of reports (also on excavations), because no external quality check exists and there is a 'race to the bottom' due to price competition. They are satisfied with the opportunity of a funding scheme for syntheses of excavations and inventories, of which the first results are due soon. It will provide knowledge gain and boost the pleasure and work of archaeologists in the development-led practice. It also allows for collaborations between the private sector and universities.

Scientific benefit is also related to the mandatory depositing of finds, documents and samples, which need to be kept together as an 'ensemble' in repositories (which have a registered and formal status). The repository of reports in the *archeologieportaal* is considered by some as a 'blackbox'; they are easily accessible for archaeologists, but they are difficult to find or to make sense of for non-specialists.

#### 4.2.3 Social added value

In Flanders, there is considerable public interest in archaeology, exemplified i.a. by the National Days of Archaeology, which have worked well according to the interviewees. Professionals are also willing to organize activities. However, all interviewees indicated there is little public outreach other than open days and even less active participation as it is not included as an obligatory element in the Immovable Heritage Act. There is no funding for public engagement within development-led projects while there does not seem to be political support for any (financial) add-ons for developers to encourage public benefit, since archaeology is generally felt to be very costly as it is. The minister president did recently initiate a funding scheme for public engagement similar to the one funding research syntheses. It is currently 'under construction' and no further details are known yet.

Several interviewees indicate a lack of time for public engagement and outreach activities due to high work pressure. Moreover, there is little expertise (no companies, organisations or individuals specialised in this) regarding this subject, which is not taught at universities. This may change since proposals for syntheses subsidy mentioned above must include a paragraph on public outreach (knock-out criterium).

There is little collaboration with organisations implementing the participation principles of the Faro Convention in the domain of movable heritage. There seems to be a rather strict separation in Flanders between work related to the Faro Convention-principles (the Convention has not been signed yet) and the Valletta Treaty (Malta). This seems to relate to the fact that movable and immovable heritage are safeguarded by different governmental departments. However, some interviewees indicate that public engagement is slowly being integrated into archaeology in some places, as well as in work related to regional heritage departments (IOEDs, see above, 4.1.2). In this context, work in the province of Limburg was mentioned where archaeology has been integrated in landscape development. The work of museums and volunteer work have been mentioned as good examples of community collaborations. An example can be found with regard to World War I, where archaeological initiatives are combined with citizen science projects on aerial photography. These projects are conducted in collaboration with universities.

#### 4.2.4 Strong points

The system is still young (2016) and continuously adapting. The Netherlands is often used as an example and comparison.

Interviewees were pleased with the system of PvM's, *Programma van Maatregelen*, similar to the Dutch project outlines (PvE), commissioned by local authorities. Archaeologists as decision makers in required investigations supposedly do a better job than local authorities (like in the Netherlands), due to potentially conflicting interests at a local political level.

The fact that the role of archaeologists has been enhanced was mentioned several times. Under the new regime, they have more tasks and responsibilities, pushing them, i.a., towards more professionalism in dealing with the non-archaeological context. The interviewees appreciate the fact that archaeologists are in charge of making decisions about research content based on their expertise.

All welcome the additional, structural financing of synthetic research at Flemish Community level, which is expected to boost knowledge production and public outreach, while inspiring for archaeologists working in the development-led practice.

One interviewee praised the quality of Flanders specialist work (like in France), as its holistic approach keeps tight connections between archaeological structures and finds, and since the market is not

fragmented by external specialists being commissioned for every single find category. In this context the Flanders new online database was proudly highlighted, with reference collections for ceramics and stone ('Flemish Pottery and Stone Reference system'), funded by the national research foundation FWOV.

One interviewee noticed that a much wider array of methods and techniques for inventories and site evaluations is used in Flanders in comparison to the Netherlands, such as aerial photography and remote sensing.

#### **4.2.5 Threats & Opportunities**

##### Threats:

- sustainable political support: questions are being raised - increasingly - by national and local government, parliament, and stakeholders (developers) alike, whether all archaeological investigations are worth the effort and costs;
- most interviewees doubted that all reports on inventories and evaluations provide a sufficient basis for fundamental and innovative knowledge gain and societal relevance;
- even though funding of synthetic research is now incorporated in the Immovable Heritage Act, it will remain dependent on lasting political support in the long run;
- a race to the bottom with regard to project costs and reports is felt, which is jeopardizing the work quality.

##### Opportunities:

- a check on the quality of final excavation reports; it was suggested there could be a semi permanent (2-3 years) focus group consisting of people representing universities, the private sector and the authorities (of all levels) to discuss the quality of reports;
- disseminating new findings for public benefit; there is a huge interest in archaeology (and engagement) among the wider public and archaeologists have a strong commitment and inspiring, 'infectious' passion with regard to this heritage domain; it is considered a perfect topic for connecting to other public interests (landscape, environments, active outdoor leisure) and as family activity;
- there is more room for collaboration at a regional level to integrate archaeology in landscape development;
- using digital technology (virtual reality) could be used to visualize archaeology better and add to public experience;
- an improved relationship between Government and the national agency (Agentschap Onroerend Erfgoed).

#### **4.2.6 Maritime archaeology**

All interviewees have indicated that maritime and underwater archaeology hardly exist in Flanders and no one elaborated further on this aspect of heritage management. Some interviewees were in favour of increasing collaborations with the Netherlands (as is done with the two Navies).

### 4.3 POINTS OF INSPIRATION AND REFLECTION

The system and practices regarding archaeology in Flanders have consistently been reported in relation to those in the Netherlands. We have found seven points that are inspiring for the Dutch approach:

**[23] *Academic synthesis fund***

Academic syntheses of excavations and inventories (desk-based research) have been encouraged by means of a funding scheme (€1 million annually) since 2019. This is a formal policy (included in the Immoveable Heritage Act), coordinated and supervised by the National Agency. All archaeologists can propose projects, which need to be conducted in collaboration with multiple parties: both from (local) government and academia. Most archaeologists (in particular of the private sector) welcome this for its knowledge gain potential and boosting the pleasure and work of archaeologists in the development-led practice (“oxygen”). It also allows for the private sector and universities to collaborate.

**[24] *Innovative remote sensing***

Increasing use of innovative aerial photography and remote sensing techniques.

**[25] *Intermunicipal collaboration***

Immoveable heritage management and engagement are being consolidated at intermunicipal, regional scale (IOEDs)

**[26] *Financial support for public benefit (to come)***

The Minister is preparing a proposal for a funding scheme for public engagement. This scheme will be similar to the one created for synthetic research and will also be coordinated by the National Agency (on the basis of annual calls for projects).

**[27] *Ensembles kept together***

Finds and documentation are inseparable in storage and during elaboration processes, the latter reflecting best practices from France, where high significance is related to context.

**[28] *Collaborative attitude***

Strong commitment and collaboration within the sector and with all stakeholders with the aim to improve the system and its results (co-creation or ‘polder-model’).

**[29] *Open Access data***

Focus on storing data (reports) in a centralised system, which is easily accessible (for professionals). Most archaeologists are pleased with this portal; academics are more critical. Flanders also structurally gathers (monitoring) data on the workings of the system and a separate one on knowledge gain. It publishes the data annually in open access reports.

**[30] *Transparency for developers***

Threshold values for mandatory archaeological investigation (and thus most exemption rules on the extent and depth of soil disturbing activities) are the same across Flanders. This implies permit requirements are transparent for developers, with no differences between regions. Developers are also provided with an indication of the costs of soil disturbing archaeological investigations as a result of the desk-based research (*archeologienota*).

**[31] *Excess costs compensation for national persons***

Natural persons are compensated up to 40% for bearing costs under the Polluter-Pays principle.

**[32] Inclusion of metal detector volunteers**

The Flanders system creates room for 'erkende metaaldetector' (acknowledged metal detectorists). This can be an archaeologist but also a layperson, a natural person with a hobby in metal detecting. They can obtain a licence from the national agency AOE on the basis of the rules and criteria defined in the *Code van Goede Praktijk* for archaeologists. In 2019 there were nearly 3,800 people with this type of permit, allowed to investigate (up to 30 cm deep - if permitted by the land owner). Overall, 'collaboration' (inclusion) with metal detectorists is said to work well.

**[33] Process towards professionalism**

Several interviewees mentioned that the new ways of working, following the Valletta Treaty principles, have led to an increase in the knowhow and skills of archaeologists, enriching their jobs. They no longer feel as if they are just doing work in the field; their horizon has widened and it has enhanced their recognition as professionals. They have more tasks and responsibilities (e.g., as project designer, project manager, negotiator, etc.) and they need to publicly justify their choices. They enjoy guiding project developers in the process of taking care of archaeology.

## 5. RHINELAND, part of North Rhine-Westphalia (NRW)

### 5.1 COUNTRY DESCRIPTION

Archaeology in the *Bundesrepublik* is a diverse subject. It has been relegated to the exclusive jurisdiction of each of the 16 *Länder*, a number of which include strong profiles that inform cultural policies to a high degree. In many states it is above all traditions that inform the relationship between government, citizen and development. The Valletta Treaty and its principles are far removed from the minds of those dealing with archaeological assets on a daily basis with regard to policy and practice.

Rhineland is the richest and most populous of all federal states and one of the areas with the highest development pressures in terms of population growth and spatial demand for industrial development and infrastructure. It is also the area that saw the most destruction during WW2, with the exception of Berlin. As a result, there is high pressure on the soil (lignite mining and urbanisation) while the way of engaging with the past is dualistic: both nostalgic (a strong preservationist ethos for the built environment) and forward-looking (modernist, no-nonsense entrepreneurialism).

Rhenish archaeology is dominated by public institutions and dealt with through a somewhat legalistic approach, which may also be the case for many other federal states. Although a quango acting at arm's length of the state legislature, the communal agency (LVR-ABR, hence: *Amt*) has an independent advisory position with regard to archaeology, but with binding power in planning decisions.<sup>53</sup> The merits of the system (character, aims, output) are not the subject of broad discussions in literature.

#### 5.1.1 Legal Frameworks

Defined as culture, heritage management in Germany is *Ländersache*, i.e. a subject relegated from federal to *Länder* level. This has resulted in 16 quite distinct legal and practical archaeological regimes. North Rhine-Westphalia even has different regimes in three autonomous regions (*Landschaftsverbände*)<sup>54</sup> in this respect. Here we will focus on one, Rhineland, in addition to Westphalia and Cologne. The Valletta Convention hardly plays a role in daily practice – it was signed at federal level.

Each *Land* has its own Heritage Act (*Denkmalschutzgesetz*). In NRW this law has been in force since 1980, but overhauled several times afterwards. In 2011 a legal battle in NRW ensued after the courts' rulings, which had to do with the "polluter pays" principle being unconstitutional ("heritage care is a public task"). It has since been mended. Decision-making power lies solely with the monument authorities in the cities

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<sup>53</sup> Two characteristics stand out: (1) In federal states, heritage management and protection comprise two organisational systems, the *Denkmalschutzbehörde* (authority level) and the *Denkmalamt* (heritage office/ agency level), which have different responsibilities. (2) On the agency level, a *Denkmalamt* can be a combined entity, covering built heritage (monuments), archaeological heritage, and museum(s), in any combination. In Rhineland, within the organization of the LVR, the so-called *Kulturdienste* division covers (among other sectors) immovable heritage (built monuments / *Denkmal*: LVR-Amt für Denkmalpflege im Rheinland; archaeological heritage / *Bodendenkmal*: LVR-Amt für Bodendenkmalpflege im Rheinland/LVR-ABR).  
[www.lvr.de/media/wwwlvrde/kultur/service\\_2/Kopie\\_von\\_20201015pd\\_-\\_Organigramm\\_Dezerat\\_9.pdf](http://www.lvr.de/media/wwwlvrde/kultur/service_2/Kopie_von_20201015pd_-_Organigramm_Dezerat_9.pdf)

<sup>54</sup> Regional Councils, or authorities, are public bodies at intermediate level between *Land* and *Kreis*. Rhineland Regional Council LVR operates as a local authority with around 19,000 employees (schools, clinics, museums, cultural institutions, welfare and health services). LVR is a member organization consisting of 13 cities and 2 districts plus the StädteRegion Aachen.

and municipalities, at district level, or else the federal state.<sup>55</sup> Yet all decisions are to be taken in consultation and liaising with the heritage management office (*Denkmalfachamt, LVR-ABR*, here: *Amt*). The LVR-ABR<sup>56</sup> is thus central to all the content of the workings in the field of immobile heritage. There is one such *Amt* for each of the two *Landschaftsverbände* (and the city of Köln) in NRW, which itself is a cooperation between municipalities according to public law. These three *Ämter* offer high levels of professional services and advice (*Fachlichkeit*) at regional level. They also carry out a considerable amount of the prospective and excavation work.

The archaeological paragraphs in the NRW Heritage Act (Davydov/Rind 2014) are based on the principle of identification and legal protection (*Schutz*) regarding anything that meets monument criteria. There is no need for listing.<sup>57</sup> In order to be able to develop, planners are held to respect and protect any archaeological substance or else to seek a permit for securing data through excavation and archiving of finds and documentation. This kind of ex situ preservation of data (*Sekundärquellensicherung*) mitigates the loss of the original. It can be done by any qualified archaeologist proposing a scientific brief, but preferably by the *Amt*. Private contractors are allowed to be involved when no special expertise is required for an intervention or it is not included in any research framework, on the condition that the contractors deliver the same quality of work as the *Amt* – to the latter's discretion. The financial burden for the developer depends at which stage of the planning process prospections turn out to be necessary. The developer has to prove by means of comparative figures of investment costs, profit expectations and archaeology costs that the burden would exceed fairness and proportionally (*zumutbar* and *verhältnismässig*). For the excess costs, or rather in the execution of the excess work, the *Amt* will then be involved.

Finds are the property of the landowner if they are considered to be below a threshold of scientific value set by the *Amt*, but otherwise belong to the state if they are above said threshold (*Schatzregal*).

The system works differently for large-scale developments in the brown coal fields (lignite mining). There, contractual agreements between the state and the mining company is said to hinder the proper implementation of the legal requirements.<sup>58</sup> In the Brown Coal area, only a fraction ('6%') of the archaeological remains have allegedly been observed before disappearing (Heun 2009).

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<sup>55</sup> Three tiers - municipal, district and state: *Untere Denkmalbehörden der Städte und Gemeinden, obere Denkmalbehörden der Kreise und Bezirksregierungen* and *oberste Denkmalbehörde ist das Ministerium für Heimat, Kommunales, Bau und Gleichstellung des Landes NRW*, respectively.

<sup>56</sup> Full name: *Landschaftsverband Rheinland-Amt für Bodendenkmalpflege im Rheinland*, abbreviated LVR-ABR.

<sup>57</sup> NRW heritage law recognizes anything as a protected monument that meets criteria without it having to be listed (*konstitutiv* in addition to *deklaratorisch*), thus forming a "presumed archaeological monument".

<sup>58</sup> Dating from 1995: [https://dguf.de/ausgaben-jan-2020-ff/archive/58-dguf-newsletter-vom-03-09-2020#\\_Toc50025024](https://dguf.de/ausgaben-jan-2020-ff/archive/58-dguf-newsletter-vom-03-09-2020#_Toc50025024)

	execution	oversight
public sector		
private sector		

Table 5: Mapping of archaeological development-led work and control onto the public and private domains. The public sector both carries out and controls development-led investigations in NWR/Rheinland; the latter can also be done by the private sector.

### 5.1.2 Division of tasks and roles

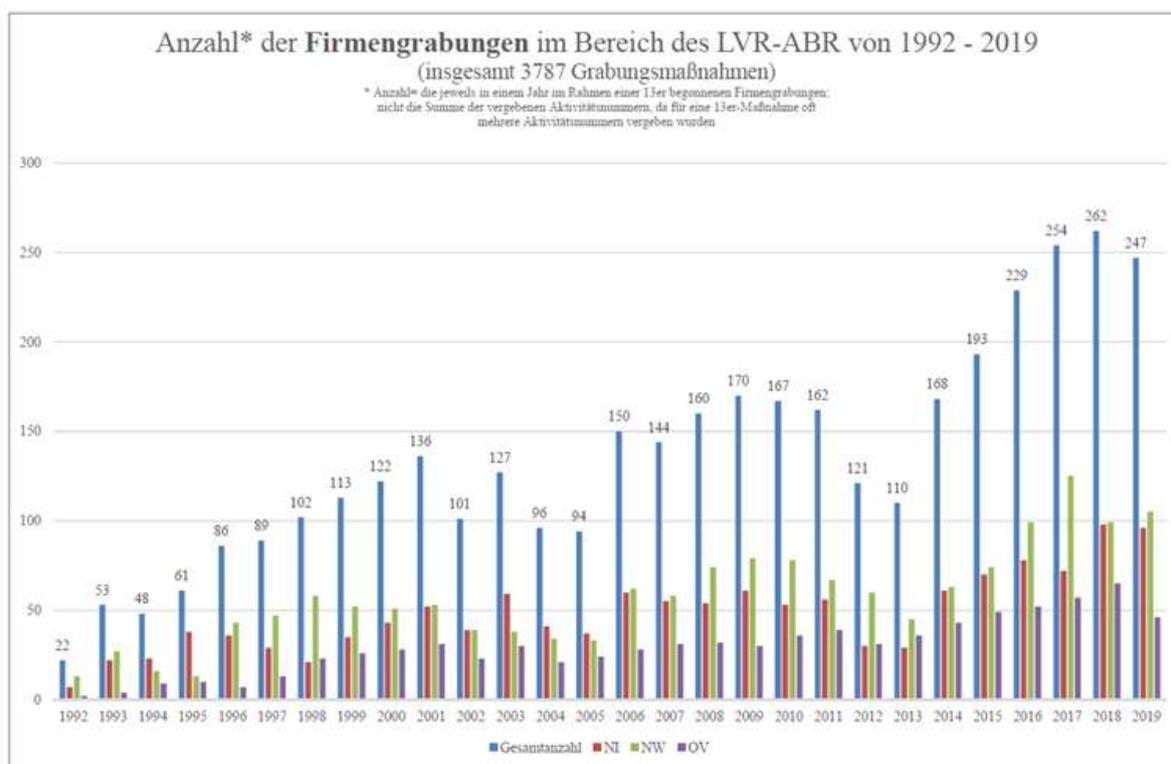


Figure 2. Number of third-party (commercial firms) excavations (Firmengrabungen) since 1992. Source: LVR-ABR.

In Rhineland, the LVR-ABR supports the Ministry's policies and provisions in a *fachlich* manner, as a technical expert, at arm's length of executive power.<sup>59</sup> Furthermore, it advises on and co-approves regional and municipal policies; carries out investigations and some research, shares insights and results, and develops methodologies. It supervises third-party advice on preservation issues and may also execute

<sup>59</sup> Cfr. Historic England, above (Ch. 1), a Non-Departmental Public Body, a strictly advising body.

these. Finally, it manages government budgets and advocates the public interest of archaeology in planning procedures. LVR-ABR employs 135 staff and has three field branches (overhead costs €11M/y). Recently, the *Land* government proposed a new Heritage Act which AVL-ABR feared would curb its independence.<sup>60</sup>

NRW, which includes the Rhineland, has one of the highest numbers of fully employed archaeologists (436 in 2014)<sup>61</sup> in the country. Individual archaeologists are organized nationwide in, i.a., the national DGUF, which has an important critical and advocacy function within the system. It has sharply criticized the archaeology in NRW as *Geschichts-Entsorgungs-Industrie*, an “industry disposing of history”.<sup>62</sup>

A fifth of all German archaeological contracting firms are based in NRW, including the fast growing regional branch organization VAF.<sup>63</sup> The turnover of archaeological contract work is estimated at €100M (2020), or roughly 1% of all development expenses in the *Land*. There are a large number of academic archaeological institutions in the Bonn-Cologne region, with which there are various degrees of cooperation in the field of *Landesarchäologie*.<sup>64</sup>

A special place is reserved for approximately 350 licensed metal detectorists (*Sondengänger*) and numerous other legally recognized volunteers. The detectorists can obtain a license, from regional heritage authorities, under conditions of time and space: for a year (can be prolonged) and for a specified area within a single municipality.<sup>65</sup>

The one interviewee from developers’ side expressed satisfaction with archaeologists keeping time agreements and operating against reasonable costs. Responsibility for a public side of archaeology is restricted to carrying the costs for investigations stipulated by the *Amt (Fachleute)*, which keeps these in balance with the developer’s interest (*ausgewogene Interessenausgleich*). The general public is kept away from excavations out of fear for looters.

### 5.1.3 Quality arrangements

Quality assurance is based on a brief (100 p) set of guidelines issued by the *Amt*.<sup>66</sup> Its main purpose is to standardize data gathering and recording. It is the core of any excavation license the *Amt* issues along with a scientific *Konzept* (specs of aims and goals). The law only requires for the excavation team leader to have an academic qualification (*vorgebildete Fachkräfte*). The system works without formal inspections or sanctions, though any of four *Amt* inspectors (2 scientific and 2 technical) are expected to weekly visit sites (Siegmond and Scherzler 2014, 172). In general, we noted that contractors’ work is considered to be of the same level of quality as that of the *Amt*’s and occasionally it is even considered superior to it because of its innovative solutions.

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<sup>60</sup> Kunow and Classen in Classen and Trier 2019, 16. Comprehensively:

<https://archaeologik.blogspot.com/2020/07/novellierung-des-denkmalschutzgesetzes.html>

<sup>61</sup> Siegmund and Scherzler 2014, 163; DISCO 2014, 36-37. The number is one eighth of the FRG total (2,802).

<sup>62</sup> Siegmund and Scherzler 2014, 176.

<sup>63</sup> <http://www.verband-archaeologischer-fachfirmen.de/>; 18 members.

<sup>64</sup> Verein archäologischer Institutionen KölnBonn ([www.ai.uni-bonn.de/vari-1](http://www.ai.uni-bonn.de/vari-1))

<sup>65</sup> [bodendenkmalpflege.lvr.de/de/bodendenkmal/private\\_suche/sondengaengerei\\_und\\_archaeologie.html](http://bodendenkmalpflege.lvr.de/de/bodendenkmal/private_suche/sondengaengerei_und_archaeologie.html)

<sup>66</sup> *Prospektions- und Grabungsrichtlinien für archäologische Maßnahmen* (2019).

[https://bodendenkmalpflege.lvr.de/de/service/grabungsrichtlinien/grabungsrichtlinien\\_1.htm](https://bodendenkmalpflege.lvr.de/de/service/grabungsrichtlinien/grabungsrichtlinien_1.htm) |

#### 5.1.4 Financial frameworks

The “polluter pays” principle has been put firmly in place in Rhineland after a legal change in 2013. This does not include post-excavational research and synthetic studies, which causes many interviewees to express concern. The excavation costs, the expected extension and duration of the intervention are negotiated between developer and qualified contractor. In rare cases, the *Amt* acts as contractor, in which case the developer has to pay in advance. In cases of excess costs, to be argued for by the developer, the *Amt* will step in for the excess part (execution and/or funding). This situation applies often, e.g., when the developer is a private individual with no expectation of profit - the LVR-ABR then carries out the investigation or - when planning mitigation proves impossible - excavation from the very beginning.

The large-scale re-introduction, after 2013, of the “polluter pays” principle has not influenced the long-term trend of NRW government cutting its archaeological expenditures (current level is 25% of mid ‘90s).

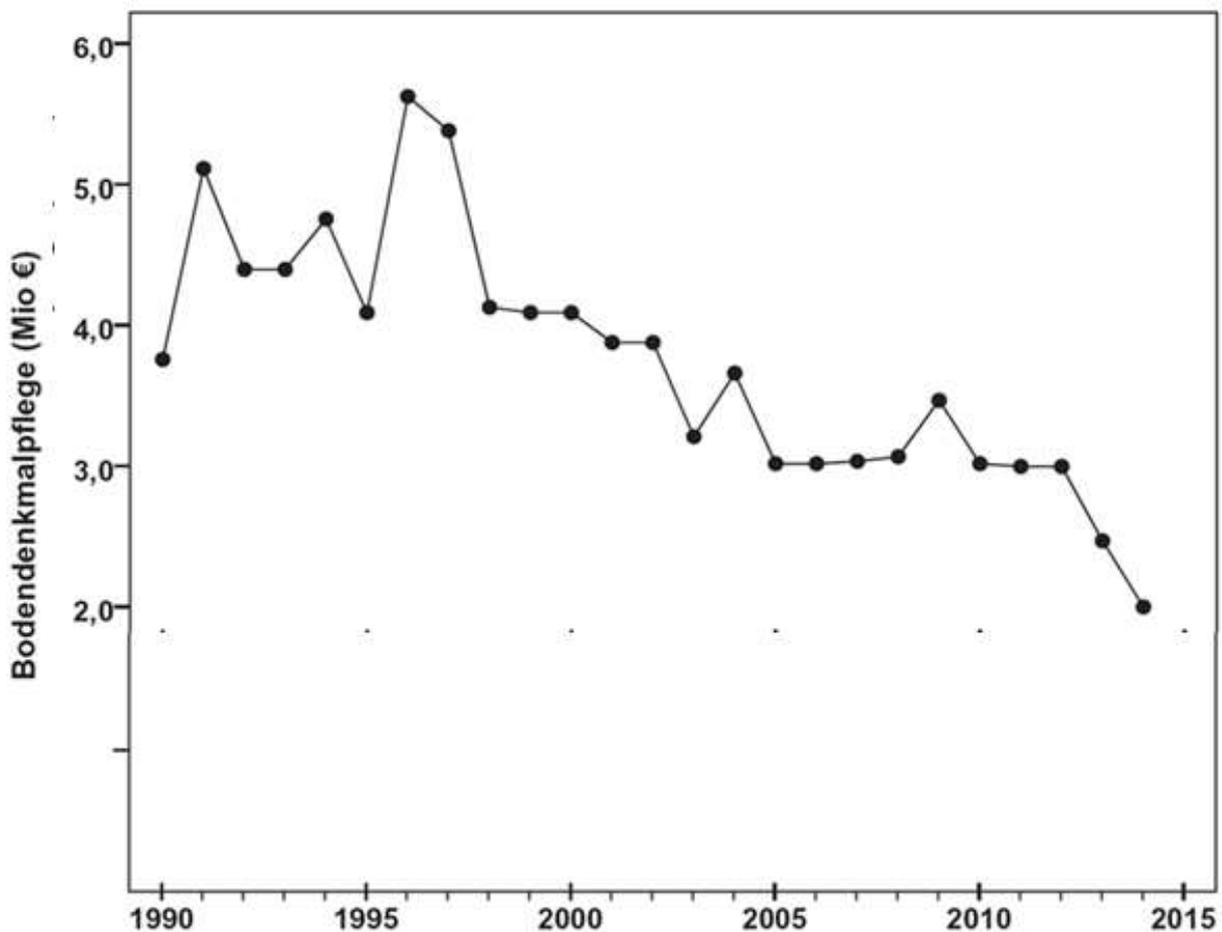


Figure 4. Development of NRW subsidies for archaeology (€, millions), 1990-2014. This does not include lower government level contributions. Source: after Siegmund and Scherzler 2014, 159); data cited from the then Ministerium für Bauen, Wohnen, Stadtentwicklung und Verkehr.

### 5.1.5 Access to results

There is a general discomfort about the low visibility and usability of the results of archaeological heritage management activities in Rhineland. The central register BODEON is a web-based, digital archive of built monumental and archaeological heritage; for privacy reasons it is not publicly accessible.<sup>67</sup> Field reports are not always present or known (grey literature).

### 5.1.6 Academic synthesis

Many have decried an absence of synthetic studies, whereby the state subsidies for research have mostly gone towards scientific specialized works and PhD programmes. Synthetic studies for the Rhineland can only be found, if at all, in the series of LVR publications.<sup>68</sup> DGUF, among others, is critically following this trend.<sup>69</sup> Academic research is rarely driven by *Landesarchäologie* (regional archaeology).

### 5.1.7 Public participation

Outreach is minimal, with little literature found (but see 5.2.3). An interesting exception seems to have been provided by a recent adoption project. The project involved parts of a Roman underground aqueduct being removed for the construction of a highway bypass and it was handed over to public and private parties for long-term exhibition and other public exploitation purposes (Vollmer-König 2019)<sup>70</sup>. In fact, we are led to believe that this type of societal re-use of archaeological hardware goes back to a decades-old practice that has little to do with new, public insights in heritage management.

## 5.2 AGGREGATE ANSWERS TO KEY QUESTIONS IN INTERVIEWS

### 5.2.1 In situ preservation

In situ preservation is rarely successful in Rhineland archaeology - the *Amt* estimates that it is realized in some 1% of cases (3-5 per year in 300-450 archaeology sensitive cases of 2000-2500 plans put before it). Only a minority of those who are interested are aware of the finite nature of the archaeological record, which has led to a low support for preservation. Many consider the *Sekundärquellsicherung* (ex situ preservation) a worthy goal in itself. Economic interests are said to prevail, making excavation cheaper than plan adjustment, in particular in metropolitan centres (preservation in Cologne: nil; brown coal areas: at most 5%). On the other hand, developers in Cologne are said to not be averse to investing in better visibility of the city's Roman past.

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<sup>67</sup> [https://denkmalpflege.lvr.de/de/wissen/denkmaelerarchiv/denkmaelerarchiv\\_1.html#](https://denkmalpflege.lvr.de/de/wissen/denkmaelerarchiv/denkmaelerarchiv_1.html#)

<sup>68</sup> [https://bodendenkmalpflege.lvr.de/de/aktuelles/publikationen/publikationen\\_2.html#](https://bodendenkmalpflege.lvr.de/de/aktuelles/publikationen/publikationen_2.html#)

<sup>69</sup> <https://books.ub.uni-heidelberg.de/propylaeum/series/info/archquell>

<sup>70</sup> Vollmer-König, M., "Zur 'Adoption' freigegeben: die römische Eifelwasserleitung von Hürth-Hermülheim", in Classen and Trier 2019, 230-232.

The preference of rescue excavations instead of preservation is also explained by some due to the fierce opposition in society against a very rigid preservationist culture of built heritage administrations (*Denkmalpflege*). This has a special place in post-War Germany given the previous near-total destruction of the historic built environment in the *Ruhrgebiet*. A further factor that has made the *Bodendenkmalpflege* more easily go along with spatial development lies with the potential knowledge benefits which can be acquired through investigation, excavation and research.

New technologies (LIDAR, satellite, geophysics) have reportedly been of great help to planological prevention.

### 5.2.2 Knowledge gain

The past few decades have seen a significant increase in knowledge. This has particularly been realized in the scientific subdisciplines and with the sunken landscapes below the large lignite mining areas. The *Amt* officially partners with Cologne University, through ecolabs and grant schemes, actually of €175k, for analysis and synthesis. The *Amt* used to receive funding for 2-3 PhD candidates in the yearly NRW *Denkmalförderungsprogramm*,<sup>71</sup> since 2018, it employs 4 PhD candidates every two years as assistant researchers in its own office (fixed budget items). Additional funding for PhD candidates is given by the private Brown Coal Foundation concerning topics with relation to the [Rhenish lignite mining area](#), which is then matched by the *Land*. The Brown Coal Foundation employs its own scientific advisory board

It is generally felt this knowledge subsystem functions well and that its success depends on good network relationships of all concerned in the area (open-mindedness, accessibility).

Specialized archaeological data and knowledge has not regularly been shared with a wider audience, but a public portal KuLaDig ([www.kuladig.de](http://www.kuladig.de)) is currently being constructed. The state has a yearly c. €4M Preservation and Maintenance fund in its *Denkmalpflegeprogramm*, which is executed by or redistributed to local levels through the institutions of the *Landschaftsverbände*.

The lack of developer funding for research is said to be compensated, in addition to funds from the national Research Council (DFG),<sup>72</sup> by private donors such as Thyssen Stiftung, Gerda Henkel Stiftung and the Brown Coal Foundation mentioned above.

It was reported that PhDs are too expensive for contracting firms to employ - most staff are MAs. Contractors have no connection to academia other than facilitating interns.

### 5.2.3 Social added value

Involvement of the broad public in Rhenish archaeology is considered by most as meriting much more attention. What is being done is carried out by the *Amt* itself through support of round 500 volunteers (with the aim of “ensuring high-quality results in voluntary work”) and metal detectorists (both semi-official), in addition to organizing a host of guided tours and co-creating presentations in museums. Active participation of citizens in (daily) archaeological work diminished with the further professionalization of

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<sup>71</sup> [https://www.mhkgb.nrw/sites/default/files/media/document/file/ProgrammaufrufDFP\\_2021\\_14-8-20.pdf](https://www.mhkgb.nrw/sites/default/files/media/document/file/ProgrammaufrufDFP_2021_14-8-20.pdf)

<sup>72</sup> [https://bodendenkmalpflege.lvr.de/de/projekte/brandbestattungen\\_am\\_niederrhein/brandbestattungen\\_am\\_niederrhein\\_1.html](https://bodendenkmalpflege.lvr.de/de/projekte/brandbestattungen_am_niederrhein/brandbestattungen_am_niederrhein_1.html).

the discipline. Ideas in line with 'Faro' are not widely entertained, the Convention itself is largely unknown.

In instances where there is public interest in archaeology, it is highly localized. Some have said that the notion of *Heimat* plays a particularly strong part. In addition to this, interviewees have pointed to a deep top-down tradition in NRW/Germany. Local community development is being fostered by the *Land*, but through entirely different departments.

Some interviewees have expressed to have high regards for the Dutch PAN-system;<sup>73</sup> whilst others have mentioned the Dutch "ArcheoHotspots" (public archaeological encounter spaces)<sup>74</sup> as a benchmark in public archaeology.

#### 5.2.4 Strong points

##### Social

- The good working relations in NRW between all actors are reported as highly appreciated - as compared to other German *Länder* and/or previous situations.
- Rhineland has an open, egalitarian and collaborative culture: here, "We are seeing eye to eye".
- A regional support base enhanced by the idea of *Heimat* (but see below).

##### Organizational

- *Ämter* as independent, mostly advising, professional knowledge bodies. They are at an arm's length from the Ministry, in a context which heavily relies on the status of the discipline and the professional seriousness of its practitioners (*Fachlichkeit*). The downside of this is a not very high awareness of the need for public engagement and advocacy.
- University professors enjoy a great deal of freedom with regard to choosing subjects for research and social responsibilities (such as activities of Uni Köln in the field of *Landesarchäologie*).
- *Amt* - university multi level cooperation

##### Financial

- Direct and regular state funding for research, exhibitions and other non-excavation activities (€ 4 M/y for the whole NRW, PhDs including ecolabs at UniKöln (€175k/y), used by the *Landesmuseen* and the *Ämter*, with the Ministry co-ordinating).
- Two decades of private funding from Brown Coal firms for yearly several PhDs.

#### 5.2.5 Threats and opportunities

- New legislation, or new feelings in society, is felt by some to possibly have a negative impact on heritage (both *Denkmalpflege* and *Bodendenkmalpflege*); countered by a growing "Heimat" awareness, from which the heritage industry may profit (see above).
- Climate change may lead to a large scale replanting of forests with little regard for the archaeological remains that have always been well protected in these specific places.

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<sup>73</sup> Portable Antiquities in the Netherlands (<https://portable-antiquities.nl/pan/#/public>), fashioned after the highly successful UKs Portable Antiquities Scheme.

<sup>74</sup> [www.archeohotspots.nl](http://www.archeohotspots.nl)

- Demographic growth and economic exploitation in NRW has not slowed down - thereby increasing planning pressure.
- Digitization (also in the wake of Corona) may ease administrative procedures.
- The self-image of the archaeological profession dealing with the territory's heritage (*Landesarchäologie*) is not particularly strong. Its prestige in academia is not as great as other archaeologies. There is a persistent fear that, e.g., the political climate may become (much) less inclined towards archaeology, which would make society and developers more averse to fund excavations.

In short, we have noted a sense of alarm with several spokespersons and across the literature we studied. Many have mentioned that “archaeology in NRW has already lost much”, i.e. a feeling that many assets have unnecessarily been lost, and is threatened both by economic developments and political and cultural pushbacks.

### 5.3 POINTS OF INSPIRATION AND REFLECTION

#### **[34] A notion of balance**

Private citizens are protected by law against undue (unlawful) taxation, which could occur when all funding for securing heritage assets would be resting with them. This notion (elsewhere: safety valve against excessive costs) may be part of a post-war legal system heavily leaning on a renewed social contract between citizens and the state, typical of its time. These principles of fairness and proportionality (*zumutbarkeit, verhältnismässigkeit*) are also used in establishing relief in case of excess costs of archaeological interventions for developers.

#### **[35] Institutional and larger private funding bodies**

State government (yearly program) and the regional *Amt LVR* (two year contracts) pay for syncretical research (PhDs), including Ecolabs at university. The private Rhenish lignite mining (brown coal exploitation) industry RWE, a world player, pays for post-excavation research through its charitable fund, matched by *Land* funding.

#### **[36] Separation of powers**

The *Ämter* and the *Landesmuseen* are semi-autonomous institutions at regional level and based on *Fachlichkeit*. Such separation of policy and advice (at higher administrative levels) and of these and execution (at lower levels) may lead to fragmentation but, if operated in an open and shared way, may also foster enhancement of knowledge.

#### **[37] Importance of a culture of collaboration**

According to many, Rhenish archaeology is characterized by a high degree of institutionalised, close collaboration between the *Ämter*, museums and academia, both in a practical manner and in funding terms, which is highly appreciated by most concerned (developers wish archaeologists above all to keep agreements on time). One factor explaining this may be a gradual waning of older hierarchies all over the German professional middle class. Such a generational shift may contribute to more open, cross-silo connections not experienced earlier.

#### **[38] Licensing of metal detectorists**

Members of the public wishing to actively engage in the archaeological heritage through metal detecting are allowed by regional authorities to do so on the basis of an annual license, restricted to a predefined area within a certain municipality.

#### **[39] Regional organisational level**

The key player in archaeological heritage management LVR-ABR is organized at the regional level of the

*Landschaftverband*, as an expert body providing advice, services and control for administration, developers, and contractors on its own level as well as on the other ones.