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Benchmarks for Archaeology and Heritage Protection 2019 – 2024

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Introduction

During election campaigns, benchmarks are a highly effective instrument to make politicians and political parties aware of archaeology and heritage protection. Before the election date they are asked for statements regarding a set of burning questions. Their answers are widely published and especially made available to voters with an interest in archaeology in order to aid them with their decision in the polling booth. After the election, these self-set benchmarks will help to hold politicians accountable for the actions they promised to take.

Frequently, the positive public perception of archaeology doesn't match the political decision making that affects archaeology. The media love archaeology for its ability to draw audiences, but politicians and investors depict it as a disproportionate bureaucratic obstacle impeding the progress of planning and building. Instead of protecting the archaeological and cultural heritage as an unrenewable resource, many governments do not ratify or fully implement European conventions nor do they adequately prosecute and punish perpetrators.

Election benchmarks ask politicians to make statements regarding sensitive issues; they link the popularity of archaeology with the demands of practical politics. Often, responsible public institutions avoid pinpointing problems, because they feel they have to be loyal towards their respective governments. On the European level, the European Association of Archaeologists (EAA) as an independent organisation unites experts as well as engaged citizens and is therefore able to act as an International Non-Governmental Organisation. On the National level the EAA needs the support of independent organisations. These can help to translate and to implement the election benchmarks within the political arena at national and state level. DGUF, the German Society for Pre- and Protohistory, has the longest experience in this respect: the society has successfully practiced election benchmarking in German archaeology since 2009.

Following the European Year of Cultural Heritage 2018, the European Parliament Elections in May 2019 offer the possibility to raise archaeology and cultural heritage as a core issue within culture politics in Europe. EAA together with its specialist Communities and Committees and partner organisations has selected five topics to be addressed on the European level:

- Protecting Historic Landscapes in Planning Processes
- Integrating Cultural Heritage in EU Common Agricultural Policy
- Preventing Illegal Trade in Antiques
- Facilitating Transnational Mobility
- Open Licensing for Images of Cultural Heritage from Public and Non-profit Institutions

I. Protecting Historic Landscapes in Planning Processes

Archaeological heritage is an integral part of the environment. To EU citizens' quality of life it is equally as critical as other elements of the environment. In the planning process of large infrastructure projects, the European Union (EU) Directives on '[Environmental Impact Assessment](#)' (EIA) play an important role in protecting the historic landscapes of Europe and within it the cultural and archaeological heritage. The EIA Directives act as corner stone of EU legislation in achieving the common societal goal of archaeological heritage protection and management against a background of widely varying local situations and approaches. In 2014, the EIA Directives were amended to link landscape more closely with cultural heritage ([2014/52/EU](#)).

So far EIA has had a major positive impact on European archaeology. It is responsible for the discovery and investigation of large amounts of new archaeological sites and material and – because it is an important EU-wide legal instrument – it prompts comparison of approaches in methods and practice, which suggest that greater harmonisation might be needed as the manner of its implementation in EU Member States differs greatly. Only such a harmonisation will create fair and equal market conditions for economic competition.

Today, a large portion of development-led archaeology in Europe takes place on projects which are subject to EIA. The problem with the EIA Directives from an archaeological perspective is that it currently applies only to major works, like long-distance railway lines and motorways, large airports, large waste disposal and waste water treatment plants (Annex I). Many other projects – not necessarily minor in their impact on the archaeological heritage – fall under a case by case-evaluation or threshold criteria set by member states. Thus, developments like industrial estates, large shopping centres and car parks, railways, transshipment facilities, smaller airfield and runways as well as roads, harbours and port installations (Annex II) only fall under the EIA requirement, if member states set thresholds low enough. Currently, developers and state planning authorities can avoid EIA proceedings for example by splitting up linear projects such as gas pipelines or power lines into 'lots' of less than a particular threshold length. At present, some municipal services even exclude projects, such as housing developments, from EIA sub-threshold screening by setting generous exclusionary thresholds for the entire process. Such practices are likely to damage or eliminate archaeological heritage, but under the current legal framework cannot be effectively addressed.

Question to topic I:

How does your party position itself in the conflict of interests between protecting the EU historic landscape in planning processes through the EIA and the development of infrastructure and built environment in the EU?

- a) We will extend EU EIA Directives (2014/52/EU, 2011/92/EU) to projects currently falling outside of these because of type or scale which – under application of the precautionary principle – might damage known or suspected cultural heritage? We will restrict the capacity to use exclusionary thresholds to remove Annex II projects from sub-threshold EIA screening.
- b) We will further introduce the requirement for a preliminary examination of the potential effects of any minor (Annex II) projects subject to sub-threshold EIA screening on the archaeological resource in line with the principles set out in Art. 6C of the European Landscape Convention.
- c) We prefer the EU EIA Directives to stay as they are.
- d) (Possibility to write a more detailed answer, max. 500 words)

II. Integrating Cultural Heritage in EU Common Agricultural Policy

The rural landscapes we see today are the result of centuries of interaction between agricultural production and physical geography. Landscape diversity and changeability depend on numerous factors such as changing demand for, and pricing of, food products, technological development, changing forms of land-use and animal husbandry and, last but not least, individual and/or collective choices throughout history in response to these factors. The stone walls, avenues, ditches, vineyards and other elements we appreciate today as cultural heritage are remnants of earlier phases of still ongoing human impact on the landscape.

Farming, forestry and other rural land-uses account for 84% of the area of the European Union. They have great impact on the landscape and the archaeological and cultural heritage features contained within it. The Common Agricultural Policy (CAP) is a major steering force in this process. The effects have been very obvious in some cases, less visible in others, but invariably significant. At the same time, the European Union policy on agriculture and rural development, and the Treaty provisions for the CAP, can also present solutions and mitigation measures for the problems. Archaeologists involved in policy and heritage management are long since aware of this, see for instance the [EAC non-paper](#), [EAC n 4](#) or the [Dutch heritage-CAP brochure](#).

Taking care of natural landscape values and biodiversity is already widely acknowledged; taking care of the historic environment is much less evident. A broad and integrated definition of the term 'landscape' explicitly recognising the dual nature of landscape as being both natural and cultural as well as the fact that these aspects are indivisible is needed. The European Union, in the 2014 amendment of its EIA Directive acknowledged this when it noted that for the protection and promotion of cultural heritage comprising urban historical sites and landscapes, which are an integral part of the cultural diversity of the Union, it should commit itself to respecting and promoting in accordance with Article 167(4) TFEU, the definitions and principles developed in relevant Council of Europe Conventions.

Recognising the possible impact of the CAP on cultural heritage [the historic environment] should be evident. In order to be consistent with other Union policies and commitments providing tools to avoid, mitigate or ameliorate those possible impacts and to incentivise and remunerate farmers for the production of landscape qualities that are being regarded as public goods can be the next step, and fully accords with the existing objectives of enhancing the environmental and climate performance of the CAP.

It is worth noting that the issues outlined above, and the steps proposed have also been recognised within the UK and will be included in the domestic successor to the CAP (see [Agriculture Bill](#)).

Question to topic II:

Which of the statements below coincides with your party's plans?

- a) We will propose an amendment to CAP that uses a wider, more holistic, definition of landscape that includes cultural heritage and archaeological features.
- b) We will demand that recommended measures in the CAP should be tested to verify if they are 'historic environment' proof.
- c) We find the EU Common Agricultural Policy satisfactory as it is.
- d) (Possibility to write a more detailed answer, max. 500 words)

III. Preventing Illicit Trade in Antiques

Over the years, UNESCO, Interpol, a number of other international agencies as well as the EU, have published several documents aiming for the reduction of the illegal trade of antiquities & art in what is a lucrative market worldwide. Furthermore, many EU Member States also have strict legislations and even joined forces to fight the illegal activities (from national police to a special unit in Interpol). However, the threats still exists and every year thousands of artefacts are recovered from attempted transactions or within raids in the moment of looting.

This is not only a matter of goods being transported or sold on European territory or by European nationals from conflict areas or undeveloped regions, but also within our borders, where a continuous looting of our archaeological heritage is being observed. It is also worth noting, that these illegal practices shed a dark light on the legal collecting and trading of art, which is an important European tradition in keeping and creating our common culture.

Here, the norms are not uniform, neither are the solutions dealing with the suspected sources of the objects. Generally sources are thought to be individuals illegally using metal detectors to retrieve finds, or people acting as part of organised crime networks for illegal acquisition and trafficking of artefacts. It also has to do with the different legal conceptions regarding artefact ownership and other regulations, for example on the property of land; the actual scenario does not help to fight the problem at its source. Moreover, it affects other [EU policies](#) that aim to give the public access to land as part of citizens' participation rights.

The situation is being complicated by the ambiguous concept of archaeological resources as commodities within a global market. The interest of private collectors opens a strictly regulated market that makes most operations dark and favours the illicit acquisition of archaeological resources in many ways from direct looting, to theft or more elaborated fraudulent strategies. Moreover, free ports have become allies in the process, building stores to hide 'undeclared' goods. Also, illegal trade of forgeries and counterfeits of archaeological objects is growing.

Overall, while legislation apparently covers everything, loopholes are appearing that allow the problems to continue and make lawsuits ineffective in many cases. Law enforcement agencies usually lack administrative capacity and other resources to protect archaeological artefacts from the risks of crime and to build strong cases against suspects or around objects.

Questions to topic III:

Please indicate which of these statements would best suit your party's plan of action:

III.1 Ownership

- a) We support the recognition of archaeology as a common good, taking the necessary action to discourage private ownership of archaeological objects within the EU whatever their origin might be.
- b) We support developing common EU legal framework regarding a stronger regulation and stricter control of privately owned archaeological objects (data collection, status control, conservation standards etc.).
- c) We support private ownership of archaeological objects within the current legal frame of each particular EU Member State.
- d) (Possibility to write a more detailed answer, max. 500 words)

III.2 Metal detecting

Within the parliamentary period 2019-2024 we will try to harmonise EU legislation concerning metal detecting on archaeological sites and/or targeting archaeological artefacts in the following way:

- a) We support regulating metal detecting on archaeological sites. Metal detectors for the purpose of retrieving archaeological artefacts should be executed exclusively by professional archaeologists and only when a special licence has been issued by the competent authority of the particular EU Member State.
- b) We support local authorities in general to prohibit metal detection without a special licence issued by competent authorities of the particular EU Member State.
- c) We support allowing metal detection without any special licence.
- d) (Possibility to write a more detailed answer, max. 500 words)

III.3 Practical implementation

- a) We will harmonise and empower at a national level the related law enforcement and other agencies (e.g. the police, customs, airport security departments, etc.), prosecutorial institutions and courts. We will provide more resources (incl. training and experience exchange) for the prevention, investigation, prosecution and conviction of offenders with regard to the illegal obtainment and trafficking of archaeological and other cultural objects, as well as the production and sale of forgeries and illicit trade.
- b) We will reinforce the functions of an existing EU agency or agencies aiming to coordinate the prevention, investigation, prosecution and conviction of offenders regarding illegal obtainment and trafficking of archaeological and other cultural objects, as well as the production and sale of forgeries.
- c) We will support research and outreach on heritage crimes' topics to improve the prevention and combating of illegal obtainment and trafficking of archaeological and other cultural objects as well as production and sale of forgeries.
- d) (Possibility to write a more detailed answer, max. 500 words)

IV. Facilitating Transnational Mobility

The freedom of movement of persons is one of the fundamental four freedoms of EU citizens since the Treaty of Rome, with the freedom of movement of workers having an even longer history within the European Union and its predecessors. In archaeology, over the last few decades, this fundamental freedom has become increasingly more important due to the change in the provision of archaeology. Until c. 1990, archaeological services were mostly provided by states through their heritage agencies under a 'national patrimony' model of archaeological heritage management. This work was mostly funded by the state through general tax revenue allowing long-term strategic planning of staffing levels required for the delivery of services. This system required little transnational mobility an exception being the Higher Education sector.

With the Council of Europe [Valetta Convention](#), the polluter-pays-principle was introduced into archaeology. As a consequence, next to state services, private companies now play an important role in archaeology. This links jobs in archaeology directly to the volatile construction sector with its economic cycles of boom and bust. This makes long-term strategic planning of staffing levels difficult and has increased the need for transnational mobility of archaeological labour.

While transnational mobility of labour is already ongoing on considerable scale and with both positive and also negative effects (cf. [Aitchison 2009](#), 24-28; [Aitchison et al. 2014](#), 33-35; both are reports from EU-funded projects), there are still considerable obstacles to free mobility of archaeological labour within the EU. Some barriers are due to individuals' – mainly language – skills, others are due to differing state resp. national licensing and qualification systems (Aitchison 2009, 26-27). Such policy-related barriers particularly affect highly qualified workers and often forces them back into lower positions. This makes career planning in archaeology difficult on the individual level, but also has negative effects on the capability of attracting highly-skilled, experienced workers across EU borders in times of increased demand.

The major problems for archaeology concerning the transnational mobility of labour are:

- Continuing lack of a primary degree in archaeology in some European countries.
- Differences in the legal definition of an archaeologist or the lack of a legal status.
- Different ways in organising field archaeology, especially excavations, impede mobility and distort competition among archaeological heritage management services.
- Different licensing systems in (and even within different federal states of) EU Member States – despite all referring to the European Convention on the Protection of the Archaeological Heritage ([CETS 143](#), Art. 3 revised) – for highly qualified staff and services offered by private enterprises.

In some EU Member States aspirant archaeologists cannot obtain qualifications enabling them to work in others. This indicates that there is a significant need to undertake suitable steps to improve the facilitation of transnational mobility of labour in European archaeology.

Question to topic IV:

Please indicate which of the following statements is supported by your party's policies:

- a) We will introduce a primary degree in Archaeology under the Bologna-System.
- b) We will introduce a legal definition of 'archaeologist' applicable across the EU.
- c) We will standardise archaeological heritage management and licensing systems to foster transnational competition especially in the provision of excavation services in a privatised free market economy for archaeological heritage management.
- d) We seek national autonomy in cultural heritage matters and oppose standardisation of laws, policies and practices in archaeological heritage management.
- e) (Possibility to write a more detailed answer, max. 500 words)

V. Open licensing for Images of Cultural Heritage from Public and Non-profit Institutions

Archaeologists, art historians, historians and others need images, drawings and plans of archaeological objects, excavations and sites for their scientific work and publishing. From 2020 onwards, the EU aims for all scientific publications to be open access. In many cases the scientists are at the same time the authors resp. creators of the images or have acquired the right to publish from commissioned photographers or illustrators, which allows them to publish open access. However, often the objects depicted in the photos and illustrations are owned by public or non-profit institutions like museums, collections and archives. Currently, these public collections follow very different policies regarding the use of images of cultural heritage in their care: some grant upon request simple and free of cost the use of images, others are extremely restrictive and can ask for very high fees. Sometimes the fees demanded for online publications are by far higher than the actual costs of (re-)production in printed publications. At the same time, personal and administrative effort within these institutions easily exceeds the revenues gained through the fees. Altogether this restrictive practice is in conflict with the EU's intention of open scientific publishing.

Question to topic V:

What does your party plan to do in the next legislative period regarding user rights of images of objects, historical records and sites which are owned by public or non-profit collections, archives and museums?

- a) The current practice is legally and ethically correct and constructive: whoever wants to make or use such pictures, must request permission from the institutions and inform them of reason and purpose. The institutions decide for themselves and at their own responsibility about their property and this – therefore extends to the granting or denying of such permissions. This prevents also improper use of such images. We won't change anything within actual legislation and practice.
- b) A free licensing of images of objects, historical records and plans in public or non-profit collections, such as CC BY, has to be granted on request for scientific open access publishing. It is possible to demand fees for demonstrably connected costs. We will start an initiative to harmonise legislation and practise in this way over all EU countries.
- c) A free licensing of images of objects, historical records and plans in public or non-profit collections, such as CC BY, should be granted as a principle and for free for scientific open access publishing. We will start an initiative to harmonise legislation and practise in this way over all EU countries.
- d) (Possibility to write a more detailed answer, max. 500 words)