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## **A balanced approach to the rescuing of archaeological finds from development projects**

### **Report<sup>1</sup>**

Committee on Culture, Science and Education

Rapporteur: Mr Edward O'HARA, United Kingdom

### *Summary*

New economic developments often give rise to confrontation between, on the one hand, those who maintain that the cultural and environmental heritage should not be sacrificed in any way and, on the other hand, those who consider that nothing should stand in the way of development, not just for the private but also for the common good.

At the same time, the ideas that economic development should be responsible and non-intrusive and that progress cannot be achieved without accountability are becoming widespread. The public at large is also becoming increasingly aware of the need to preserve local, national and global heritage and concerns are rising over the preservation of the environment and the need to “save our planet” for future generations.

It is important for international actors to build on the favourable social climate and encourage interest and investment in archaeology, and to emphasise the inescapable fact that, like the environment, the archaeological heritage is a finite and non-renewable resource.

The Council of Europe has always recognised the value of the cultural heritage of all member states. The Parliamentary Assembly has consistently promoted a balanced approach in this matter, meaning that the interests of economic development must be upheld while seeking ways and means to investigate and record archaeological finds and to preserve those which are assessed as being irreplaceable and unique.

This report highlights the importance of the implementation of the Council of Europe's standard-setting instruments on cultural heritage and explores some examples taken from the field of confrontation between large-scale development projects and archaeological finds.

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1. Reference to committee: [Doc. 11617](#) rev., Reference 3487 of 29 September 2008.



<b>Contents</b>	<b>Page</b>
A. Draft recommendation .....	3
B. Explanatory memorandum, by Mr O'Hara, rapporteur .....	5
1. Introduction .....	5
2. What is "rescue archaeology" today? .....	5
2.1. Definition .....	5
2.2. Conflicting interests of developers and archaeologists – Regional challenges and national solutions .....	6
2.3. Evolving approaches .....	6
3. International organisations' involvement in rescue archaeology .....	8
3.1. Council of Europe cultural heritage conventions .....	8
3.2. Priorities for Council of Europe activities .....	9
3.3. Other international organisations .....	9
4. Examples of rescue/preventive archaeology .....	11
4.1. Gold mines at Roşia Montană (Romania) .....	11
4.2. The Olympic sites of Marathon and Markopoulo (Greece) .....	12
4.3. Dam construction projects in Allianoi (Turkey) .....	12
4.4. Discovery of the Byzantine port of Constantinople (Turkey) .....	13
4.5. M3 motorway construction through the Tara Valley (Ireland) .....	13
4.6. Hydroelectric works in the Angara River Basin in Siberia (Russia) .....	14
5. Conclusions .....	14

## A. Draft recommendation<sup>2</sup>

1. The archaeological heritage throughout Europe is under increasing pressure from development projects. This presents considerable challenges to heritage management, but can also provide important opportunities to contribute to our understanding of the past.
2. Recent examples of large-scale operations where development has been confronted with the need to preserve cultural heritage are the mining projects as in Roşia Montană (Romania), dam construction projects in Allianoi (Turkey), the works on the M3 motorway adjacent to the historic Tara Hill (Ireland) or the installations for the Olympic Games in sites such as Marathon and Markopoulo (Greece). There are also many industrial projects on agricultural land throughout Europe.
3. The difficulty of assessing in advance the importance of the archaeological heritage in a particular situation and of modifying development plans in consequence is an economic as well as cultural problem. It can also be a political question. A balance between cultural value and economic gain must be sought and viable methods of funding archaeological projects found. Where preservation *in situ* is not possible or appropriate, alternative means are available to offset this loss of archaeological remains and to contribute to our knowledge of the past. These include scientific excavation, recording, analysis, interpretation and publication. Sometimes, reconstruction elsewhere of recovered remains is possible.
4. Local interests may be more vulnerable to pressure and may need to be balanced and protected in a wider perspective. This is where the national authorities and the international community, including the responsible non-governmental organisations, have a role to play.
5. In contrast to these threats to the existence of archaeological heritage, the public at large is becoming increasingly aware of the need to preserve local, national and global heritage. In parallel with this there are rising concerns over the preservation of the environment and the need to “save our planet” for future generations. The ideas that economic development should be responsible and non-intrusive and that progress cannot be achieved without accountability are becoming widespread. It is important for international actors to build on this favourable social climate and encourage interest and investment in archaeology, and to emphasise the inescapable fact that, like the environment, the archaeological heritage is a finite and non-renewable resource.
6. The Council of Europe has always recognised the value of the cultural heritage of all member states: Article 1 of the Council of Europe’s 1954 Cultural Convention (ETS No. 018) states that “Each Contracting Party shall take appropriate measures to safeguard and to encourage the development of its national contribution to the common cultural heritage of Europe.”
7. The 1992 European Convention on the Protection of the Archaeological Heritage (revised) (Valletta Convention, ETS No. 143) is the European reference in the field: it makes the conservation and enhancement of the archaeological heritage one of the goals of urban and regional planning policies. It is concerned in particular with arrangements for co-operation among archaeologists and town and regional planners to ensure optimum conservation of archaeological heritage.
8. The 1985 Convention for the Protection of the Architectural Heritage of Europe (Granada Convention, ETS No. 121) establishes the principles of European co-ordination of conservation policies and outlines the need for an integrated approach in reconciling the protection of the architectural heritage with the needs of contemporary economic, social and cultural activities.
9. The 2005 Framework Convention on the Value of Cultural Heritage for Society (Faro Convention, CETS No. 199) is based on the idea that knowledge and use of heritage form part of the citizen’s right to participate in cultural life as defined in the Universal Declaration of Human Rights.
10. The Council of Europe’s activities in the area of cultural heritage are guided by several of its general policy orientations as defined, in particular, by the Heads of State and Government at the 2005 Warsaw Third Summit and by the Faro Convention. Emphasis is consequently placed on the opportunities provided by heritage projects for intercultural dialogue and promoting the recognition of the value of cultural heritage for society. The links between cultural and natural heritage have been more closely established and regional co-operation is encouraged.

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2. Draft recommendation adopted unanimously by the committee on 10 May 2010.

11. The Parliamentary Assembly has made an important contribution to the Council of Europe's work in the area. In 1978, for example, its [Recommendation 848](#) proposed a legally binding instrument on the protection of the underwater cultural heritage; although this was not fully taken on by the Committee of Ministers, elements were included in the Valletta Convention.

12. More recently, the Assembly has adopted several important texts, including [Resolution 1285 \(2002\)](#) on tapping Europe's tourism potential, [Recommendation 1634](#) and [Resolution 1355 \(2003\)](#) on tax incentives for cultural heritage conservation, [Recommendation 1730 \(2005\)](#) on the private management of cultural property, and [Recommendation 1851](#) and [Resolution 1638 \(2008\)](#) on crafts and heritage conservation skills.

13. In the light of the above, the Assembly recommends that the Committee of Ministers encourage member states to:

13.1. sign and ratify, if they have not already done so, the Valletta Convention, the Faro Convention and the Granada Convention;

13.2. integrate the provisions of these conventions in their legislation, in particular the Valletta Convention which contains a detailed description of all the necessary stages of successful heritage preservation;

13.3. exercise extreme vigilance over development projects, as set out in Valletta Convention, and associate private developers in the financing of all stages of research and preservation;

13.4. share practises and experience of their procedures regarding preventive archaeology;

13.5. form networks not only with a view to sharing knowledge and experience, but also of conducting exchanges in the field between multidisciplinary actors in conservation of cultural heritage;

13.6. provide sufficient opportunities for training, including training for archaeologists and also for the teaching of traditional crafts in order for the preservation, restoration and reconstitution of cultural heritage to be conducted sustainably;

13.7. take practical measures to raise public awareness of the value of archaeological heritage, by publishing documentation, using modern technologies to present findings (virtual visits on the Internet, etc.) and by organising wherever possible, public access to sites of interest.

14. The Assembly also calls on the Committee of Ministers to further examine the issue of preventive and rescue archaeology on the basis of case studies and with the involvement of archaeologists, art historians and other relevant specialists, developers, local and national government authorities and non-governmental organisations.

15. Finally, the Assembly recommends that the Committee of Ministers:

15.1. encourage an integrated approach to cultural heritage in its activities, taking into account the interaction between cultural and natural heritage (including landscape) as well as environmental questions;

15.2. consider how the follow-up to the Valletta Convention could be enhanced, in particular with a view to fostering preventive archaeology in those member states where the destruction of heritage continues unhindered and, in so doing, contribute to the preservation of Europe's heritage for future generations;

15.3. ensure that appropriate means are devoted to the follow-up activities of the Valletta Convention, in particular the unique European Heritage Network (HEREIN) database which enables joint work to be organised and good practices to be shared;

15.4. encourage further co-operation with the European Union and UNESCO in the field of archaeological research and specific archaeological projects in member states;

15.5. with respect to the European Union in particular, encourage the pursuance of joint initiatives designed to enhance the protection of the archaeological heritage and facilitate work carried out in the field.

## B. Explanatory memorandum, by Mr O'Hara, rapporteur

### 1. Introduction

1. It has always been the case that pre-existing remains have been uncovered in the course of new development. We have all had the experience of seeing several phases of the history of a site visible in the masonry of the latest structure on it.

2. Large-scale losses of heritage and alterations to elements of cultural identity during the 20th century were due to a number of major socio-economic factors. In the wake of the Second World War, city centres across Europe were rebuilt as the rise in birth rates led to agricultural intensification and the rapid development of housing, with the creation of “suburbias” and new towns, etc. At the same time, infrastructure works were progressively undertaken in response to the rise in population and prosperity, firstly with the construction of motorways, then the distribution of power supplies (pipelines) and at a third stage the building of high-speed railways allowing for greater distances to be covered between home and work. Green-field development – the use of land with no constraints from prior exploitation – and brown-field development involving the use of abandoned or underused industrial and commercial facilities raised many issues related to the previous vocation of land.

3. In contrast to this economic development, recent years have witnessed increased public interest for cultural heritage and a heightened awareness of the value of archaeology for understanding modern civilisation. To this must be added advances in prospecting techniques available to both professionals and amateurs. This phenomenon has been examined in some detail in a previous report of the Parliamentary Assembly on the maritime and fluvial cultural heritage (Doc. 8867) with particular reference to the risk to the underwater heritage from uncontrolled salvors, treasure hunters and sports divers.

4. The Assembly has consistently promoted a balanced approach in this matter, as exemplified by the motion for recommendation presented on 28 May 2008 (Doc. 11617 on a balanced approach to the rescuing of archaeological finds from development projects). The interests of economic development must be upheld while seeking ways and means to investigate and record archaeological finds and to preserve those which are assessed as being irreplaceable and unique.

5. The motion gave rise to a conference held in Paris on 8 December 2008 at which were represented the various interested parties: archaeologists and other professional bodies, developers, public authorities, non-governmental organisations (NGOs) and European and international institutions. Much of the present report and the draft recommendation derives from the proceedings of that conference. The rapporteur would like to thank in particular Mr Adrian Olivier, Strategy Director with English Heritage (the Historic Buildings and Monuments Commission for England), who contributed to the preparation of the outline report.

## 2. What is “rescue archaeology” today?

### 2.1. Definition

6. At the beginning of the 20th century, archaeological discoveries were largely accidental and, with few exceptions, archaeological research was the realm of academics and informed amateurs. The idea of “rescue archaeology” was developed following the Second World War, at a time when cultural identities were fragile: Europe’s populations needed to assert their ownership of their distant, as well as recent, past. It still mainly consisted in reactive and ad hoc responses lacking proper organisation, driven by the efforts of volunteers.

7. It is a relatively recent concern that pre-existing remains should be, if not preserved *in situ*, then at least recorded and if possible removed and studied. The modern principle of heritage protection is based on what is called “preventive” archaeology, aimed to foresee and avoid destruction rather than undertake rescue or salvage excavation of archaeological sites in development-led archaeology. This notion was originally quite confrontational, but led to the gradual development of more proactive approaches. There has been a progressive recognition of the scale of past destruction and the need to understand the nature and extent of the “historic environment”.

8. In defending archaeological interests, it has been accepted by conservationists that relative values must be established, to help decide what and how much can be preserved in the face of overwhelming challenges that are beyond resources of the state to meet. A “conservation philosophy” was developed, based

on the recognition of the finite nature of archaeological resources. The important notion of preservation *in situ* as the preferred objective for archaeological finds goes hand in hand with the placing of financial responsibility on developers.

## **2.2. Conflicting interests of developers and archaeologists – Regional challenges and national solutions**

9. New developments often give rise to confrontation between, on the one hand, those who maintain that the heritage (both cultural and environmental) should not be sacrificed in any way and, on the other hand, those who consider that nothing should stand in the way of economic development, not just for the private but also for the common good. Local authorities are often caught in the midst of these arguments, as they wish neither to compromise the prospects of economic development in their region, nor to damage the heritage and possible touristic value of sites located in their region.

10. The two aspects likely to lead to conflict between local officials and archaeologists are the issue of delays, and thus the ability to act, and the financing of the costs incurred by developers in accordance with the “polluter pays” principle. Sometimes, the recording, recovery and preservation of the heritage are indeed only possible through resources released through the economic development of the site.

11. Against its will, archaeology is thus drawn into a debate on competition between local areas for which it is not responsible. In many cases, another site free from archaeological restrictions is available not far from the excavation site; the authorities responsible urge investors to come to them, promising that they will not face delays as a result of archaeological constraints. Unless practical solutions are found, archaeology may end up bearing undue responsibility and rather drastic solutions may be suggested to politicians, based on the idea that restrictions should be lifted if excavations cannot be completed by a given deadline, regardless of what may lie beneath.

## **2.3. Evolving approaches**

### *Need for integrated processes and accountability*

12. Over the last thirty years, the cultural heritage, of which archaeology is one of the pillars, has become more and more complex. It involves a growing number of fields and stakeholders, existing concepts are being supplemented by new ones and it is no longer confined to buildings and sites but also includes landscapes and reference is made to cultural diversity and characterisation. This is resulting in an increasingly integrated approach, encompassing physical planning, archaeology and the historical and natural environment. Consideration is also being given to different ways of looking at objects and documentary material. Efforts are being made to incorporate professional activities and volunteer work into a single process, so as to enhance our understanding.

13. Increasing awareness and better understanding of the nature and scale of the historic environment and the integrative role it can play in modern society has led to more pragmatism in decision-making. Archaeological excavations generate new knowledge and understanding, but involve a process of destruction; desired outcomes must be ensured as far as possible. Decisions taken in the name of the cultural heritage need to be explained openly and publicly, in the interests of both this and future generations. Conserving the cultural heritage thus comes down to clearly defining its significance and importance, particularly where there is a possibility of outside intervention.

14. Although these approaches are developing and growing, they are by no means universally accepted across Europe yet. The complex world of the 21st century generates pressure from numerous sources, including agriculture, tourism, the built environment, economic investment and culture industries. Archaeologists must respond to new challenges and new issues. The values of preservation must be explained and defended and related to social and economic values. Value-based, accountable decision-making must reflect the social responsibilities of society at large and not just particular (in this case academic) parts of society. There is a need to demonstrate the cost-benefit and public benefit of archaeological work and how this ties in to shifts in social and ethical responsibilities. Proof must be given that the archaeology has the potential not only to produce specific archaeological outputs as an end in themselves but also to provide positive social outcomes.

15. Our historical environment is a shared resource that is not the sole preserve of professionals: society as a whole can contribute to the preservation and conservation process. The significance of sites must be understood. The change inherent in our evolving society must be managed by clear definitions of the new

heritage values, which include functional, educational, economic, cultural, intrinsic and historical values, that is to say values of importance to the community at large. A broadening of ownership of heritage away from the “expert” and the state to include broader interests and a participative approach should also be pursued.

16. Today the archaeologist’s primary goal is to avoid having to excavate: when large-scale development projects are launched, the aim is to ensure that they do not encroach on archaeological sites. Archaeological reserves must be kept for the future. Much excavation work needs to be done, and it must be borne in mind that archaeology is a scientific as well as a heritage discipline. However, operations must be chosen selectively and excavations should result in the publication of records.

#### *Examples of national preventive archaeology frameworks*

17. Involvement of private partners with state archaeology is often twofold: in most countries, the scale and level of specialisation of the work to be carried out means that private developers may apply to authorised professional companies to conduct excavations. A 2004 comparative study by the French Senate of seven countries with different models of decision making regarding archaeological finds in the context of development projects provides some indications of the differences and similarities of national policies.<sup>3</sup>

18. All the countries studied have adopted the “polluter pays” principle that developers must be responsible for conducting and paying for preventive archaeological research, to a greater or lesser extent. The most advanced system is observed in France, where a contribution is automatically levied on all development projects of over 3 000 square metres where they will have an impact on the subsoil, with a few exceptions such as social housing projects. This fee is centralised and used to cover the cost of archaeological diagnostics.

19. In Denmark, only museum archaeologists (with the assistance of students of archaeology) are authorised to carry out research. All the other countries studied allow excavations to be carried out by private operators, under different conditions. Italy, where the state has retained a monopoly over research, does so through state sub-contracting, whereas the other countries have privatised the market.

20. The United Kingdom provides the most liberal model. It was described in detail at the Conference on Rescue Archaeology organised by the Committee on Culture, Science and Education’s Sub-Committee on the Cultural Heritage in Paris in December 2008. Since the early 1990s, British developers have borne all the costs of archaeological research, from the initial investigations to final archiving after all the various intermediate stages: reports to determine the nature of the resources when the environmental impact study is carried out, mitigation measures, large-scale excavations and all the associated stages of research and analysis, and academic and general-public publications. The archaeology market in the United Kingdom operates contracts worldwide and generates an estimated £100-120 million a year, employs about 4 000 archaeologists and comprises approximately 250 companies, most of them with less than 11 employees mainly carrying out small or medium-sized projects in a localised area (a town or rural area).

21. In France, a national research institute in the field of rescue archaeology, the Institut national de Recherches archéologiques préventives (INRAP) was established in 2002, and currently has nearly 2 000 staff who carry out assessments and conduct excavation work. It is thus the largest French operator, although other public-sector operators may be involved in the assessment process; private operators may be involved in excavations alongside the INRAP and other public-sector operators. There are over 70 accredited operators, three quarters of which are public-sector agencies.

22. The German Archaeological Institute, a federal research institute under the aegis of the foreign ministry, works all over the world in response to invitations and in co-operation with the host countries. More than 100 scientific experts work in the field and at institutes that have archaeological libraries such as Rome, Athens, Istanbul, Madrid, Cairo, Damascus, Sanaa, Amman, Tehran, Beijing and Baghdad (temporarily closed). Foreign researchers and grant holders are invited to the institute in order to help them to access technology and the results of latest research.

23. Consideration of the situation in some countries of eastern and South-Eastern Europe shows that particular attention should be given to the balanced approach advocated in this report.

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3. *Les documents de travail du Sénat, série législation comparée: L’archéologie préventive*, No. LC 138, October 2004. The representative national models of heritage protection policy studied were Denmark, Germany, Italy, the Netherlands, Sweden, the Autonomous Community of Cantabria in Spain and United Kingdom.

24. Romania is an example of a former eastern bloc country which was engaged in the incorporation of relevant European Union *acquis* into its national legislation at the very time that it was addressing the crises and conflicts relating to the Roşia Montană project.

25. “The former Yugoslav Republic of Macedonia” is an interesting example of a country not yet a member of the European Union but which has taken steps to revise its legislation on the protection of the cultural heritage. Its representative at the Paris conference gave an example of the dangers of inadequate controls with regard to the important necropolis at Stobi, which was discovered when plans for a new motorway were presented in 1995.<sup>4</sup>

26. The Russian representation at the conference presented perhaps the most worrying picture of a legislative framework which allows investors to proceed with construction without the need for a permit or even the requirement to inform the public authorities if remains of archaeological interest are discovered. In consequence, the startling statistic was presented that whereas in Switzerland, over 500 000 archaeological monuments have been identified, in a country the size of the Russian Federation only some 200 000 have been identified.

27. An underlying problem common to all European countries is the need for an adequate pool of skills, be they of identification and recovery or the craft skills of restoration and reconstruction. On the one hand, in countries where the archaeological profession/industry is well developed, there may be competition between the public and private sectors. Thus, practitioners from countries where these professions are well developed may be diverted (for instance, through the highly successful private industry in the United Kingdom) to lucrative contracts working in countries which do not have a pool of indigenous expertise.

28. A related problem is the need to provide opportunities for professional development and support services such as specialised facilities for storage and publication. The scale of this can be seen in the figure quoted at the 2008 Paris conference, which shows that the United Kingdom market produces between 100 and 120 million copies of books annually.

### **3. International organisations' involvement in rescue archaeology**

#### **3.1. Council of Europe cultural heritage conventions**

29. Article 1 of the Council of Europe's 1954 European Cultural Convention (ETS No. 18) states that “Each Contracting Party shall take appropriate measures to safeguard and to encourage the development of its national contribution to the common cultural heritage of Europe.” Thus the Council of Europe's commitment dates from the earliest days of its existence.

30. The 1992 European Convention on the Protection of the Archaeological Heritage (revised) (Valletta Convention, ETS No. 143)<sup>5</sup> updates the 1969 London Convention (ETS No. 66). The revised text makes the conservation and enhancement of the archaeological heritage one of the goals of urban and regional planning policies. It is concerned in particular with arrangements to be made for co-operation among archaeologists and town and regional planners in order to ensure optimum conservation of archaeological heritage (Article 5).

31. The Valletta Convention sets out the conditions for sustainable and responsible heritage protection, such as the maintenance of an inventory of the archaeological heritage and the designation of protected monuments and areas (Article 2), the creation of archaeological reserves, even where there are no visible remains on the ground or under water, for the preservation of material evidence to be studied by later generations and the mandatory reporting to the competent authorities by a finder of the chance discovery of elements of the archaeological heritage and making them available for examination.

32. The convention also provides guidelines for the funding of excavation and research work and publication of research findings. It also deals with public access, in particular to archaeological sites, and educational actions to be undertaken to develop public awareness of the value of the archaeological heritage. It constitutes an institutional framework for pan-European co-operation on the archaeological heritage, entailing a systematic exchange of experience and experts among the parties.

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4. The rapporteur visited the site of Stobi in October 2003 during a meeting of the Sub-Committee on the Cultural Heritage.

5. At 1 April 2010, the Valletta Convention counted 38 ratifications (including the Holy See). States who had not ratified at this date were Austria, Belgium, Bosnia and Herzegovina, Iceland, Italy, Luxembourg, Montenegro, the Russian Federation, San Marino and Spain.

33. Article 6 of the convention requests that suitable measures are taken to ensure that provision is made in major public or private development schemes for covering, from public sector or private sector resources, as appropriate, the total costs of any necessary related archaeological operations. Provision should be made in the budget relating to these schemes in the same way as for the impact studies necessitated by environmental and regional planning precautions, for preliminary archaeological study and prospecting, for a scientific summary record as well as for the full publication and recording of the findings.

34. Another related text, the 1985 Convention for the Protection of the Architectural Heritage of Europe (Granada Convention, ETS No. 121) encourages the reinforcement and promotion of policies for the conservation and enhancement of Europe's heritage, laying great emphasis on the need for European solidarity with regard to heritage conservation. In its Articles 17, 18 and 19, the convention establishes the principles of European co-ordination of conservation policies, including exchanges of information, European exchanges of specialists, consultations regarding the thrust of the policies to be implemented and "mutual technical assistance in the form of exchanges of experience and of experts in the conservation of the architectural heritage." It outlines the need for an integrated approach in reconciling the protection of the architectural heritage with the needs of contemporary economic, social and cultural activities. This convention counted 40 ratifications at 1 April 2010.

35. The 2005 Framework Convention on the Value of Cultural Heritage for Society (Faro Convention, CETS No. 199) will enter into force with 10 ratifications (which presently stand at eight). The framework convention reflects a shift from the question "How and by what procedure can we preserve the heritage?" to the question "Why should we enhance its value, and for whom?" It is based on the idea that knowledge and use of heritage form part of the citizen's right to participate in cultural life as defined in the Universal Declaration of Human Rights.

36. The text presents heritage both as a resource for human development, the enhancement of cultural diversity and the promotion of intercultural dialogue, and as part of an economic development model based on the principles of sustainable resource use. In this respect it falls within the scope of the Council of Europe's priorities as set by the 3rd Summit of Heads of State and Government in May 2005.

### **3.2. Priorities for Council of Europe activities**

37. Current priorities for the Council of Europe's activities in the area of cultural heritage are guided by several of its general policy orientations as defined, in particular, by the 3rd Summit and by the Faro Framework Convention. Emphasis is consequently placed on the opportunities provided by heritage projects for intercultural dialogue and promoting the recognition of the value of cultural heritage for society. The links between cultural and natural heritage have been more closely established and regional co-operation is encouraged.

38. In 2008, the Steering Committee on Cultural Heritage was enlarged to become the Steering Committee for Cultural Heritage and Landscape (CDPATEP). One of its main functions is to carry out the follow-up to the Valletta and Granada conventions in the spirit of the Faro Framework Convention. The European Heritage Network (HEREIN) created by the CDPATEP provides extensive online resources of information on sites and projects, as well as a network of national correspondents. Contracting parties are invited to take part in the network and are asked how they implement recommendations. A European Preventive Archaeology Project (EPAC) launched in the framework of HEREIN, after an initial conference in 2004 in Vilnius, did not receive the financial support necessary for the continuation of the project.

39. Mechanisms to follow through and measure the impacts of the different conventions and declarations on actual practice require further development and consolidation. There is a consensus that they work and have achieved a lot, but at present this is difficult to demonstrate. The HEREIN Phase 3 project is in the process of being updated, which should address this problem and ultimately lead to the development of simple but useful cultural heritage and historic environment indicators.

### **3.3. Other international organisations**

#### *UNESCO*

40. UNESCO has international standard-setting instruments in this area: the 1972 Convention concerning the Protection of the Cultural and Natural Heritage, the 2001 Convention on the Protection of Underwater Cultural Heritage, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

41. The World Heritage Committee and its secretariat, as well as the UNESCO World Heritage Centre, are concerned about numerous infrastructure projects with impacts on the outstanding universal value of properties and their integrity; development projects form the highest percentage of threats to world heritage. An example of the dialogue engaged in this area is that with mining industry executives, who have undertaken to refrain from carrying out extraction work at World Heritage sites. The “no mining in World Heritage sites pledge” of 2003 was a successful example of a proactive approach.

42. The 185 states parties to the 1972 convention can propose sites for inscription on the World Heritage List. More than 800 sites have now been inscribed. UNESCO encourages states parties to nominate sites, but cannot force governments to nominate sites or include them on the national tentative list.

#### *European Union*

43. Participants in the 2008 Conference on Rescue Archaeology expressed the view that the instruments drawn up by the Council of Europe in the form of conventions should be transposed into the European Union, in particular the Valletta Convention. The Council of Europe’s *acquis* should therefore be taken into account when the various member states make use of the European Commission’s structural funds. It was also stated that many stakeholders did not even know that mechanisms exist. It was the responsibility of international collaborators on heritage projects to make the various players aware that the different existing mechanisms could often be applied, including for projects with an impact on the archaeological heritage (for instance, in the case of Roşia Montană, set out below).

44. European Community funds are used at the regional level or, in the case of decentralised governance structures such as Germany, at the level of the *Länder*. However, common principles to encourage member states to take decisions on the base of a common utilisation of these funds are lacking and could be usefully developed. Principles along the lines of the Aarhus Convention and European Union Directive 2003/4/EC, which provide for public consultations with communities and civil society organisations when development projects might have an impact on the environment and the quality of life, could be transposed to apply to those which impact cultural heritage.

45. The Council of Europe and the European Commission organise jointly the annual “European Heritage Days”, an initiative launched by the Council of Europe in 1991, putting new cultural assets on view and opening up historical buildings normally closed to the public. The cultural events highlight local skills and traditions, architecture and works of art, but the broader aim is to bring citizens together in harmony even though there are differences in cultures and languages. The Heritage Days are not specifically linked to archaeology, but are instrumental in demonstrating the value of heritage protection and the possibly profitable outcomes for towns and regions.

#### *International non-governmental organisations*

46. The European Association of Archaeologists (EEA) was founded in 1994. Its membership is open to all archaeology professionals in Europe. The association has over a thousand members from some 40 countries. It facilitates and participates in numerous international projects and awards an annual European Heritage Prize. The EEA holds an annual conference, publishes the *European Journal of Archaeology* and awards the biennial European Archaeological Heritage Prize to deserving individuals or institutions. It brings together archaeologists by adopting good practices for implementation throughout the archaeological community.

47. The EEA’s Code of Practice reiterates that archaeology is the study and interpretation of the archaeological heritage for the benefit of society as a whole and states that “archaeologists are the interpreters and stewards of that heritage on behalf of their fellow men and women”. This conception of their profession shows that archaeologists have a role to play that goes beyond the sectional interests of the scientific community or other groups and imposes on them a certain responsibility on behalf of the profession as a whole. It has drawn up a set of “Principles of Conduct for archaeologists involved in contract archaeological work”.

48. ICOMOS, the International Council on Monuments and Sites, is an international non-governmental organisation set up in 1964 after the signing of the International Charter on the Conservation and Restoration of Monuments and Sites (the Venice Charter). It has a scientific committee, the International Committee on Archaeological Heritage Management (ICAHM), founded in 1990. Its membership, totalling nearly 8 000 people from more than 100 countries, includes town planners, archaeologists, restorers, art historians and heritage managers. Its tasks include bringing together specialists in protection and conservation, enhancing the heritage, providing a forum for discussion and an international information-sharing network, and developing information programmes.

49. ICOMOS provides opinions to UNESCO, especially on management issues and on identifying sites that belong to the world heritage. There are 115 national committees, whose membership includes associations, companies and private individuals working at the national level to promote ICOMOS' more general objectives. ICOMOS has around 15 international scientific committees, whose members are experts in highly specialised areas, such as earth architecture, wood constructions or murals, or in more general aspects. A committee on the interpretation of archaeological sites was recently set up.

50. Europa Nostra, founded in 1963, represents some 250 non-governmental organisations, 150 associate organisations and 1 500 individual members from more than 50 countries who are fully committed to safeguarding Europe's cultural heritage and landscapes. It proposes an extensive network for dialogue and debate and leads powerful campaigns against threats to vulnerable heritage buildings, sites and landscapes. It has consistently lobbied throughout Europe for sustainable policies and high-quality standards with regard to heritage.

#### 4. Examples of rescue/preventive archaeology

51. The following examples are representative of the many and diverse challenges facing the protection of the archaeological heritage when confronted with large-scale public works or potentially high-profit development projects. They are selected mainly by the criterion that they have been presented to the Committee on Culture, Science and Education in oral or written reports in the recent past.

##### 4.1. Gold mines at Roşia Montană (Romania)<sup>6</sup>

52. At the Roşia Montană site in Romania, the study and recovery or preservation of the ancient mining heritage was originally financed by the company wishing to extract further gold from the site using modern mining methods. This project provides another example, not only of the collision of economic and sociocultural values but also of archaeological achievements made possible only through funding released from the associated commercial enterprise.

53. The programme established a blueprint for new approaches to rescue archaeology in Romania and tested European standards of methodology. It also had to reflect changes in Romanian legislation on protection of the archaeological heritage, mines and environmental protection, giving rise, *inter alia*, to the first studies on the environmental impact of archaeological research. The programme paved the way for a new, modern approach to rescue archaeology in Romania: this was the first time an industrial development project had to comply with an archaeological discharge procedure in respect of sites containing remains. It also gave rise to the country's first archaeological heritage management plan. The fees, paid by the mining company in accordance with the "polluter-pays" principle established by the Valletta Convention, were used to build a modern museum on the history of mining at Roşia Montană and in surrounding areas. A series of publications on research findings relating to the area were also produced.

54. Archaeological management also focused on another strategic aspect: recording all data in accordance with the highest standards and best practices. To this end a database was developed, a geographical information system (GIS) set up and digital photo archives, including aerial and satellite images created.

55. Emphasis was placed on dissemination of the research according to a three-pronged communication strategy: communication with the public at the European, national and local levels, with help from the media; professional communication with museums and national and international learned societies, including the organisation of exhibitions and a co-ordinated publication schedule; and communication with the investor, so as to ensure that the mining plan preserved rare or important items for future research. Thanks to the discoveries made from the study of numerous remains, a responsible policy was developed in conjunction with the mining company in relation to the area's heritage.

56. Despite the very positive experiences of this project, the modern mining exploitation was strongly opposed by NGOs and members of the public after it was launched, and has now been stalled, mainly for environmental impact reasons (stocking of mud containing cyanide) and social (displacement of populations, project qualified as non-sustainable), as well as the loss of some of the archaeological remains studied and present in the area around the project's open-cast mines.

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6. The site was the object of a study visit by the rapporteur from 11 to 15 July 2004 (see Assembly Doc. 10384, information report presented on 21 December 2004 by the General Rapporteur for the Cultural Heritage).

#### **4.2. The Olympic sites of Marathon and Markopoulo (Greece)**

57. The construction crews preparing for the 2004 Olympic Games in Athens unearthed many ancient buildings and artefacts. Despite time-consuming efforts to preserve these antiquities, archaeologists feared the loss and destruction of heritage due to the tight schedule of the works.

58. At the centre of the conflict was the rowing and canoeing centre being built at Schinias, 18 miles north-east of Athens. This beachfront land is identified by many historians as the site where a Persian expeditionary force landed in 490 bc and subsequently engaged in battle with an Athenian army on the adjacent plain of Marathon, a battle regarded as one of the most significant in Greek history. The Greek Ministry of Culture declared the site clear for construction on the basis of geophysical studies which suggested that the area had been a lagoon at the time of the battle. Despite strong objections from historians and archaeologists worldwide, the work proceeded until it struck the remains of a 4 500-year-old Bronze Age village. The remains of two of the three houses discovered were relocated, and construction of the centre continued. The rapporteur is not aware of any recorded evidence of discoveries which would indicate that the works encroached on the battle site.

59. The Olympic construction works unearthed thousands of other structures and artefacts that might otherwise have remained hidden. The construction of the equestrian centre at Markopoulo revealed the remains of a temple to Aphrodite. This site is interesting for the opportunity it offered for co-operation between the archaeologists and the builders, possibly because of the open nature of an equestrian site.

60. Archaeologists made more than 30 000 finds during the expansion of the Athens metro, infrastructural works associated with the Olympics. The opportunity was taken to display these in ticket halls underground, sometimes in proximity to where they were found and even in representations of their stratification on discovery.

61. An aqueduct dating from the Hadrianic period was found in the middle of the Olympic village. The organisers decided to make it the visual centrepiece of the village rather than destroy or rebuild it.

62. These various excavations impacted on the schedule of the building works and fuelled a popular concern that Greece's history was getting in the way of Greece's modern progress. In the event, the concern was shown to be unfounded.

#### **4.3. Dam construction projects in Allianoi (Turkey)<sup>7</sup>**

63. The outstandingly well-preserved 2nd century ad Roman thermal baths and *asklepieion* (medical treatment centre), discovered in the 1990s during routine surveys carried out in view of the construction of the Yortanlı Dam, was due to be flooded following the finalisation of the dam construction in summer 2007.

64. Europa Nostra and ICOMOS repeatedly intervened in favour of the conservation of this outstanding site, through its support to the many local campaigns. The concerted actions of local campaigners and the international conservation community were successful in postponing the planned flooding of the site.

65. On completion of the dam construction, the strong farmers' lobby for irrigation water was strengthened by recent drought in the area, putting extra pressure on the government to proceed with the activation of the dam.

66. Following the 2007 elections in Turkey, a major reshuffling took place at the ministries and in parliament. Europa Nostra raised the issue with the new president, Mr Abdullah Gül, and with the newly appointed minister for culture, Mr Ertugrul Günay, requesting that priority be given to the proper excavation and documentation of the site, followed by adequate conservation measures. In parallel, the local citizens "Allianoi Initiative" undertook numerous protests.

67. The date for activating the dam was continuously being postponed, whilst throughout 2008 the remains of the site were covered with a "protective" clay coating. There is considerable expert opinion that this recourse will be inadequate to protect the remains if the dam is filled.

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7. See Assembly Doc. 9301, "Cultural aspects of the Ilisu Dam Project, Turkey", information report presented in January 2002 by the General Rapporteur for the Cultural Heritage, Mrs Štěpová).

68. Due to the urgency of the situation and the lengthiness of domestic legal procedures, the Alliano Initiative brought the case before the European Court of Human Rights in February 2008. This is the first application submitted to the Court regarding the preservation of cultural heritage; in July 2008 the Court decided to take this up.

#### **4.4. Discovery of the Byzantine port of Constantinople (Turkey)<sup>8</sup>**

69. In 2004, during construction work on a much-needed new subway tunnel beneath the Bosphorus Strait linking Istanbul's Asian and European shores, archaeologists discovered the lost Byzantine port of Theodosius. The port was built at the end of the 4th century by Emperor Theodosius I when Istanbul (Constantinople) was the capital of the eastern Roman Empire. Excavations in the Yenikapi district of Istanbul have uncovered more than 30 Byzantine naval craft dating from the 7th to the 11th centuries, as well as the timbers of thousand-year-old jetties and docks and the remnants of a prehistoric human settlement.

70. The finds are the first examples of shipbuilding using the beginnings of the "skeleton approach" to constructing a vessel's hull, marking revolutionary progress in techniques, allowing for the speedy communication of new shipbuilding ideas that could be transmitted on paper. The change is heralded as the beginning of engineering and thus of major importance for our knowledge and understanding of world history.

71. Despite the huge pressure to complete the tunnel to alleviate Istanbul's acute traffic problems, the Turkish authorities have decided to put archaeology ahead of the urgently needed transit project, thus delaying the development plans by up to four years at considerable cost to the entire project. Initially, the area was to be part of the train and metro station, but when the ancient remains were found, they were declared off-limits and plans for the station were changed so as to leave the historic monuments intact.

72. Turkish archaeologists are consulting with ship museums in Denmark, Sweden, Germany, Holland, Spain and the United Kingdom about the creation of a new local museum. The decisions have not yet been taken as to the ships and artefacts to be placed in the museum or on its location. On completion of excavation work, documentation, conservation and reconstruction of the ships will continue. One proposal is to incorporate some of the nautical relics into exhibition spaces inside the train and metro station complex.

#### **4.5. M3 motorway construction through the Tara Valley (Ireland)**

73. The Hill of Tara located near the River Boyne is an archaeological complex that runs between Navan and Dunshaughlin in County Meath, Leinster, Ireland. It is of multilayered significance in the history of Ireland. It contains a number of ancient monuments and, according to tradition, was the seat of the High King of Ireland. At one time, it was a capital offence to make a fire within sight of Tara. A grave was found near the hill that is supposedly that of King Lóegaire, said to be the last pagan king of Ireland. During the rebellion of 1798, United Irishmen formed a camp on the hill but were attacked and defeated by British troops on 26 May 1798 and the Lia Fáil was moved to mark the graves of the 400 rebels who died on the hill that day. In 1843, the Irish Member of Parliament Daniel O'Connell hosted a peaceful political demonstration on the Hill of Tara in favour of repeal of the Act of Union which drew over 750 000 people, which indicates the enduring importance of the Hill of Tara.

74. The new M3 motorway under construction passes through the Tara-Skryne Valley, as did the previous N3 road. Protesters argued that since the Tara Discovery programme started in 1992, the Hill of Tara was just the central complex of a wider landscape. An alternative route approximately 6 km west of the Hill of Tara was claimed to be a straighter, cheaper and less destructive alternative. On Sunday 23 September 2007, over 1 500 people met on the hill of Tara to take part in a human sculpture representing a harp and spelling out the words "Save Tara Valley" as a call for the re-routing of the M3 motorway away from Tara valley.

75. The Hill of Tara was included in the World Monuments Fund's 2008 Watch List of the 100 Most Endangered Sites in the world. The Tara Skryne Valley, one of the most archaeologically rich areas in the country, was officially designated as a Landscape Conservation Area and the Hill of Tara was nominated as a UNESCO World Heritage Site on Ireland's shortlist at the end of 2009. Plans for a new national monuments act would mean that road developments would not take place in areas rich with archaeology.

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8. The Committee on Culture, Science and Education visited the excavations in May 2010.

#### **4.6. Hydroelectric works in the Angara River Basin in Siberia (Russia)**

76. The Russian participants in the 2008 Paris conference reported on a critical situation in the Krasnoyarsk region of Siberia. Its outcome was not clear at the time of publication of this report.

77. In the 1970s, the Soviet authorities decided to build a hydroelectric power plant in the Angara River Basin, which would have submerged hundreds of archaeological sites without any salvage work being undertaken. Fortunately, at the time, the project did not come to fruition, but was revived in 2000 by an aluminium production company, planning to flood an even larger area between 2010 and 2012.

78. Some 163 known archaeological sites exist in the Krasnoyarsk region and 42 in the Irkutsk region. Located near the banks of the river, these would inevitably be flooded by the project. Excavations in the Irkutsk region alone would cost 5 billion roubles, but construction work began before any archaeological assessment had been undertaken. In 2008, the Russian Academy of Sciences found 152 million roubles for archaeological excavations in the Krasnoyarsk region, meaning that approximately 80% of the remains could realistically be salvaged.

79. At the time of the conference, the date for submersion was approaching and no funding had been found for excavations or for the preservation and protection of the riverbanks, and the investor refused to finance excavations on the banks on the grounds that under Russian law the dam would be government property after completion.

### **5. Conclusions**

80. The destruction of archaeological deposits by development has continued and accelerated since the end of the Second World War. The archaeological heritage throughout Europe is thus under increasing pressure from development, which presents considerable challenges to heritage management in all countries, but can also provide important opportunities to contribute to our understanding of the past and make a positive contribution to social values. The archaeological heritage is a finite and non-renewable resource and its preservation *in situ* should always be the first aim for important archaeological remains which are threatened by development. Where this is neither possible nor appropriate, the loss of archaeological remains can be off-set by scientific excavation, analysis, and publications of the results for the public benefit by making a contribution to our knowledge and understanding of the past.

81. Problems common to all member states are addressed with diverse success and interest, despite the increase in public awareness of the value of cultural heritage, including archaeological finds. Failure to demonstrate adequately this value can lead to the abandonment of projects through a lack of immediate "economic added value", and competition between regions and the threat of relocation of development projects dissuade authorities from supporting heritage protection projects. Dialogue is a key element concerning spatial planning and archaeological legislation is all important. When archaeological values have been fully accepted as an integral part of these processes, the damaging effects of excavations will be mitigated. There needs to be early and open consultation and co-operation, focusing on reducing the risks on both the development and archaeology sides.

82. The provision of adequate training for archaeologists is another requirement for the successful protection of the archaeological heritage, including practical training and continuing professional development, career structures and opportunities, and exchange.

83. Most of these challenges could be successfully addressed by fuller implementation by contracting parties of the Valletta Convention on the Protection of the Archaeological Heritage, once member states have ratified the convention. Publication and dissemination of information and good practices would be facilitated by the enhancement of the HEREIN project.

84. In addition, the issue of preventive archaeology needs to be examined on the basis of case studies and comparative experience and with the involvement of all the interested parties including archaeologists, art historians and other relevant specialists, developers, NGOs and local as well as national government authorities. In this way, attention can also be drawn to the real problems that exist and high-level solutions offered.

85. In the future, if the present increase in efforts to protect sites and monuments continues, the managing and processing of scientific research and the storage of objects and the results of excavations will become ever more complex. Public access to discoveries and archives, especially in states where there have been a large number of archaeological excavations, must be ensured.

86. Finally, it will be crucial to address new developments and changes in this field, especially those resulting from natural phenomena such as climate change.