RIGO Research en Advies BV
De bewoonde omgeving
www.rigo.nl

Planning Archaeology

A Synthesis of the Thematic Sub-reports

RIGO Research en Advies BV
De bewoonde omgeving
www.rigo.nl

Planning Archaeology

A Synthesis of the Thematic Sub-reports

Commissioned by

The Ministry of Education, Culture and Science

Authors

Geurt Keers

Hans van der Reijden

Hans van Rossum (project leader)

Publication date Dutch original

July 2011

Report number

P18090

RIGO Research en Advies BV· De Ruyterkade 139· 1011 AC Amsterdam
Telefoon 020 522 11 11· Fax 020 627 68 40· E-mail info@rigo.nl·www.rigo.nl

Contents

Summary

The Dutch soil is an invisible treasure chamber of the past. It contains the remains of widely different epochs: from prehistoric settlements and grave fields to Roman bath houses and medieval churches. There are also important maritime archaeological remains, submerged or on (what is now) dry land. All these material remains form a direct link with the Dutch past and enable us to learn more about how the Netherlands developed, and how its people lived in the past.

The primary goal of archaeological heritage management is the preservation and protection of archaeological heritage *in situ*, as a unique and irreplaceable document of the past. Protection is necessary because landscape interventions as well as natural processes continuously threaten the soil archive. In 1992 the Netherlands as a member state of the Council of Europe signed the Malta Convention, which aims to improve the protection of subsurface heritage by its preservation *in situ*, by integration of the soil archive into spatial planning processes at an early stage, and by introducing the principle that those who initiate any disturbance of the subsoil will be held accountable for the costs of any ensuing archaeological research.

In September 2007 the Malta Convention was formally implemented in the Netherlands when parliament approved a new Archaeological Heritage Management Act (*Wet op de archeologische monumentenzorg*, or *Wamz*). This new act followed the Malta Convention in that it stipulated that archaeological heritage management should be an integral part of the spatial planning process, and that the 'disturber' would be held accountable for the costs. The *Wamz* is not based on European regulations, nor does it include any quantitative guidelines.

The Dutch Ministry of Education, Culture and Science commissioned *RIGO Research en Advies* to carry out an evaluation during the first six months of 2011. The main research question was to be whether or not the *Wet op de archeologische monumentenzorg* (*Wamz*) and its associated secondary legislation *Besluit archeologische monumentenzorg* (*Bamz*) were effectively and efficiently improving the protection of archaeological heritage.

The RIGO evaluation included four separate themes: 1) spatial planning; 2) the financial framework; 3) the archaeology sector; and 4) the archaeological infrastructure. The link between archaeological heritage management and spatial planning has resulted in a largely decentralized field, while the liberalization of excavation licences has encouraged the establishment of private excavation companies. To comply with the principle 'the disturber pays' the Dutch government has introduced a system of funding that is project-based.

The *Wet op de archeologische monumentenzorg* has indeed improved the protection of the soil archive, mainly because spatial planning procedures increasingly take archaeology into account. Many new policy instruments for spatial planning are currently being developed, and it is important to ensure that once these new regulations have taken effect archaeology will remain a prominent element in the spatial planning process. The present report will address the effectiveness of the archaeology sector, point out any problems or deficiencies, and will conclude with some recommendations to increase the protection of archaeological heritage.

1 Introduction

In 1992 the Netherlands signed the Malta Convention. The principles outlined in this convention were further developed in the new Dutch archaeology legislation, the *Wet op de archeologische monumentenzorg* (*Wamz*), which took effect on September 1, 2007. The *Wamz* stipulates, among much else, that the interests of archaeological heritage must be considered on a par with others in spatial planning procedures, and that the initiator of a disturbance of the soil archive is financially responsible. The *Wamz* also stipulates that it will be evaluated four years after it has taken effect.

The drafting of the Malta Convention was initialized by the Council of Europe in order to protect the European archaeological heritage against imminent threats such as large-scale landscape interventions, gradual processes of natural degradation and clandestine excavations. The Netherlands were amongst the first nations to sign the convention.
The Malta Convention was implemented as part of the new archaeology legislation *Wet op de archeologische monumentenzorg* (*Wamz*) and its associated secondary legislation (*Bamz*), which in agreement with the Convention made it an integral element of spatial planning procedures by stipulating that these should take archaeological heritage into account. Primary goal was to be *in situ* preservation. Other options were additional protective measures, or excavation (preservation '*ex situ*').
Archaeological excavation used to be the exclusive prerogative of the national government, local councils and universities, but with the establishment of private archaeological companies the national government's role has now become one of maintaining an efficient and adequate system of quality management and a reliable and accessible information system. Such a system enables those who use the soil to be suitably informed beforehand of the location and character of any valuable archaeological remains, and to incorporate this information into their plans.
The Dutch Ministry of Education, Culture and Science commissioned RIGO Research en Advies to carry out an evaluation of the effectiveness of the new legislation in order to assess to what extent the targets set by the legislator have been met. On the basis of this evaluation the Minister will decide whether or not any policy modifications are required.

Evaluation questions

The new legislation's primary goal is to improve the protection of archaeological heritage. The main question posed by the evaluation was therefore: do the *Wamz* and the *Bamz* effectively and efficiently improve the protection of archaeological heritage as a source of collective memory and of historical and scientific study, as the Malta Convention intended?
The legislator further specified this primary goal by introducing four sets of measures: the integration of archaeological heritage into spatial planning regulations; the creation of a specific financial framework; the liberalization of archaeological practice, including a system of internal quality management; and the introduction of a number of archaeological infrastructural measures. These are the four legal and practical 'tools' for achieving the primary goal.

In the evaluation four themes were distinguished, each a relatively autonomous but nonetheless necessary element contributing towards the primary goal: the preservation of the archaeological soil archive.

1. The first theme is **the reality of spatial planning**. To what extent has archaeology become an integral part of the spatial planning process? Relevant here are its quantitative and quali-

tative integration into zoning regulations, environmental impact assessments, provincial planning policy, zones of potential archaeological interest (‘*attentiegebieden*’) etc. The next issue is the effect of increased integration on the soil archive: has the number of sites preserved *in situ* or ‘*ex situ*’ increased, and/or have potentially invasive plans been modified?

2. The second theme is **the financial framework**. The central tenet is ‘who disturbs, pays’, but measures have been introduced to mitigate excessive costs. Relevant issues are the actual effectiveness of the financial framework; the distribution of the costs among potential ‘disturbers’, and how they are being defrayed; and the question who have claimed compensation for excessive and/or unexpected costs, and to what extent.
3. The third theme is the liberalization of **the archaeology sector**. After the introduction of archaeology as a relevant component of construction projects the demand for archaeological expertise increased. This in turn has encouraged the growth of a professional archaeological industry, which was made possible by the liberalization of excavation licences and by a growing demand by ‘disturbers’ and local authorities for archaeological expertise. Relevant issues here are the effectiveness of the archaeological research and excavation industry, and the development of an internal system of quality management.
4. With the rapid growth of archaeological production it became increasingly important to reinforce **the archaeological infrastructure**. A relevant issue here is the effect of the new legal measures, specifically with regard to the following components: 1) archaeological registration and documentation infrastructure; 2) archaeological depots, ownership of the contents of which has been transferred to local authorities; 3) the social integration and scientific results of archaeological heritage management; and finally 4) the preservation of the soil archive under conditions of continuous soil degradation, and any measures taken to prevent this.

Reading Instructions

The evaluation results of each of the four themes have been reported in four separate publications, each of which contains an explanation of the followed procedures. The present report presents a synthesis.
The next chapter will describe in general terms the policy instruments applied in the Netherlands, while the final chapter contains the main conclusions and recommendations arising from the evaluation. Finally, an appendix contains the evaluation results in order of the pledges made by various members of government with regard to the evaluation.

The archaeology sector in the Netherlands

Every nation can attune its implementation of the Malta Convention to its own internal situation, with regard to issues such as balancing archaeological interests and spatial planning (Article 5), the 'disturber's' financial responsibility for any necessary archaeological research (Article 6), or communication with the general public (Article 9). The Netherlands also modified its archaeology sector in accordance with the general principles formulated in the Malta Convention. It has done so by largely decentralizing archaeology policy formulation and implementation.

History

The new Archaeological Heritage Management Act (*Wamz*) formalized archaeological practice as it developed between 1992 when the Malta Convention was signed and 2007 when it took effect. Until 1992 the primary function of archaeological heritage management in the Netherlands was a historical one, and it mainly consisted of excavating sites that were being threatened by developments. Excavation licences were limited exclusively to public bodies: governments, universities or other scientific institutions. Most of the research was carried out by the former State Service for Archaeological Research, *Rijksdienst voor het Oudheidkundig Bodemonderzoek* (*ROB*) and by those local councils that had their own archaeology service.
Regarding the development of the archaeology sector after 1992 Willems[1] distinguished two phases, the first of which began with the signing of the Malta Convention in 1992 and ended in 1998. During this period all activities generally proceeded 'in the spirit of Malta' but still within the existing system. Archaeology was introduced as an new element in for example the larger infrastructural projects of *Rijkswaterstaat* (water management) and *Nederlandse Spoorwegen* (railway company), where archaeological research followed the standard trajectory of award, terms & conditions and budget. With regard to administration the expectation was that the provinces would take the lead in archaeological heritage management, together with the ca. 30 larger communities with an historical town centre who had internal archaeological expertise and an excavation licence at their disposal.
The second of Willems' phases began in 1999. It was characterised by a radically changing archaeology sector as a result of the introduction of free and open competition, the liberalization of archaeological excavation practice, and the ongoing decentralization of the sector. Archaeological practice became a component of spatial planning procedures at the local administrative level, while provinces took the lead in developing an archaeology policy. The new Archaeological Heritage Management Act (*Wamz*), which took effect in 2007, in fact confirmed what was already common practice at a provincial level. In cooperation with the former State Service for Archaeological Research the provinces began to develop Archaeological Monument Maps (*AMK*). While the old spatial planning act *(Wro)* was still in effect provinces assessed local

[1] W.J.H. Willems, "Met Malta meer Mans", in *Van contract tot wetenschap, 10 jaar Archol,* Leiden, 2006.

zoning regulations for their impact on archaeology. [2] In the same period the foundations for archaeology as a commercial industry were laid. Private companies were allowed to carry out excavations under the supervision of existing licensees, and employment in the archaeology sector increased dramatically. In order to combat undesirable side-effects of commercialization a system of quality management was developed. Finally, the Act of 2007 formalized the regulated free market that had developed.
The present chapter will present some primary data on the Dutch archaeology sector. A thorough comparison with the situation in other countries is still lacking, but could throw these data into sharper relief.

Administrative organisation

The Netherlands have selected a system in which the responsibilities of municipalities, provinces and the national government are complementary.

- At the national level, the State supplies the expertise and supervision, and issues excavation and modification permits for archaeological national monuments.
- At the provincial level, the provincial authorities incorporate archaeology into their planning policies, and they commission cultural-historical sensitivity maps and manage depots of archaeological finds, which they also own. They also support their municipalities in the local implementation of archaeology policies.
- At the local level, the municipalities have an obligation to act responsibly with regard to archaeology when drafting local policies and imposing conditions on a permit. Municipalities also frequently commission archaeological research, and in some cases have their own excavation licence and/or depot.

Spatial planning

The *Wamz* stipulates that the interests of archaeological heritage should form a standard element in the drafting of planning policies. The *Wamz* formalized the position of archaeology in the National Monuments Acts (*Mw88*), the Spatial Planning Act (*Bro*), the Earth Removal Act (*Ow*), the Environmental Management Act (*Wm*) and the Housing Act (*Ww*).
The *Wamz* makes municipalities responsible for the care of archaeological heritage. They are required to regard the interests of archaeological heritage – potential and actual – in their zoning regulations and project plans, and also when issuing demolition, construction or building permits (nowadays area permits). The local council is authorized to make permits conditional on the applicant's fulfilment of an obligation to present a report detailing the archaeological value of the area that is to be disturbed. On the basis of that report the council will decide how the project should accomodate archaeology: preservation *in situ*, no restrictions, excavation, or archaeological supervision. In certain cases the provinces (earth removal permits, Environmental Impact Assessment – *MER* – procedures) or the national government (national monuments and parts of the Dutch territorial waters), not the local councils, are the proper authorities. Although on paper there is no room for ambiguity, in reality there is often uncertainty as to who are the proper authorities, the local council(s) or the province. This problem needs to be addressed in the future. Finally, the *Wamz* enables provinces to designate certain areas as '*archeologische attentiegebieden*' (zones of potential archaeological interest).

[2] The former ROB followed an active policy of monitoring zoning regulations regarding the extent to which they took archaeological heritage into account.

Primary data on this theme

- The *Monitor van de Erfgoedinspectie* (Heritage Inspection Monitor) reveals that in 2010 47% of all municipalities had an archaeology policy in place.
- In 2010, 37% of these municipalities stated that this policy had been adopted in 2009, while 15% stated that this would happen in 2010.
- The ratio of preservation *in situ* : preservation *ex situ* for sites of high archaeological value for the past four years is estimated at 20 : 80.
- 87% of all municipalities have incorporated archaeology into their recent zoning regulations.
- Archaeology is a constant element in all Environmental Impact Assessment (*MER*) procedures.
- None of the provinces currently avail themselves of the option to designate '*archeologische attentiegebieden*' (zones of potential archaeological interest).
- All provinces and some municipalities have drafted cultural-historical sensitivity maps.

Financial framework

A project initiator's financial responsibility includes the costs of any necessary preliminary research as well as those of eventual excavation, protective measures and/or processing, analysis and publication of the results. In short, the costs of all legal obligations pertaining to archaeology, including the conservation of any finds, must be covered by the 'disturber', a principle which since the Malta Convention was signed in 1992 has been adhered to in the agreements with *Prorail* and *Rijkswaterstaat*, among others.
In other words, the Dutch government chose a system in which funding is directly project-based over other possible solutions, such as a general levy. Direct, project-based funding may in certain cases lead to excessive archaeology-related costs. To compensate for these costs the State has since 1999 made extra funds available, culminating in 2006 in the Regulation Specific Support Excessive Excavation Costs (*Regeling specifieke uitkeringen excessieve opgravingskosten*), which was effective until January 1, 2008. After January 2008 the Compensation Measure Excessive Costs which proceeded from the Secondary Legislation Archaeological Heritage Management (*Besluit archeologische monumentenzorg,* or *Bamz*) took effect.

Primary data on this theme

- Since 2007 municipalities and provinces have received an annual administrative compensation amounting to 6.35 and 2.65 million euro respectively.
- The total of annual archaeology-related costs amounts to ca. 100 million euro.
- Of this total, 10 to 20 million euro are spent on policy development and intervention (administrative costs), while the remaining 80 to 90 million are spent on implementation.
- The annual turnover (revenue) of private companies and municipalities with an excavation licence in 2009 amounted to 70 million euro. These are costs covered by the (public and private) 'disturbers'.
- The general principle 'the disturber pays' enjoys wide support among the major 'disturbers'.
- Some municipalities lack a regulation to compensate for excessive costs.
- During the period 2007-2009 the average number of registered excavations per year was 200. On average three of them involved compensation payments for excessive costs.

The industry and quality management

In 2001 a temporary measure was introduced to enable the development of an archaeological industry, in anticipation of the announced alteration of the law. Private parties were allowed to carry out archaeological activities under the supervision of a licensed party. The first permissions were granted in 2002 (ca. 8), and in 2008 an excavation licence was issued to 23 commercially operating parties.
The industry has adopted the following quality management tools:

1. The development of a Dutch Archaeology Quality Standard (*KNA*) began in 2001 and still continues. It is one of the cornerstones of a quality management system for archaeological research in the Netherlands.
2. Registration of qualified professionals was initiated, but cancelled again in 2010.
3. In 2006 the National Archaeological Research Programme (NoOA) was introduced. It is being used to formulate content-based questions for archaeological research.
4. Excavation firms can on a voluntary basis apply for certification, but few of them have done so.

The State monitors the archaeology sector. In the past this was done by the State Inspectorate for Archaeology (*Rijksinspectie Archeologie*), while an Archaeological Quality Board, installed by the Minister, formulated a quality standard. The current Heritage Inspectorate monitors the fulfilment of legal requirements with regard to archaeological monuments, excavations and finds, while the Cultural Heritage Agency (*Cultural Heritage Agency*) upholds the law on behalf of the Minister by issuing excavation licences, or cancelling them when relevant.

Primary data on this theme

- During the past few years executive tasks have been transferred from authorities to private parties.
- In 2004 total employment in the archaeology industry was estimated at 584 FTE (ca. 648 individuals).
- Since then employment in the private sector has risen to 745 individuals, 195 of whom are employed in an advisory capacity.
- The maximum academic capacity for synthesizing research is 10 FTE (total FTE 44), which significantly lags behind the increased capacity of the archaeology sector as a whole.
- The State employs fewer archaeologists: while in 1995 over 200 archaeologists were state-employed, today fewer than 50 archaeologists are.
- A reverse trend can be observed in municipalities: while in 1991 municipalities employed 41 professionals, in 2008 this number had increased to 247.
- The provincial archaeological capacity is ca. 20 FTE.
- In the Netherlands over 1100 individuals are at present professionally employed in archaeology.

Archaeological infrastructure

The State is responsible for the creation and maintenance of a reliable and accessible information system to enable those involved in activities affecting the soil archive to know in advance where and to what extent valuable archaeological remains can be expected, and to take them into account.
The responsibilities of the Cultural Heritage Agency include operating as a national expertise centre, taking part and advising in research projects, collecting and providing information and keeping the (indicative) Archaeological Monument Maps up to date. A digital information system, ARCHIS, has existed since 1992. Archaeological Monument Maps have been available since 1994, and Archaeological Sensitivity Maps since 1997.
The Monuments and Archaeological Sites Act stipulates that start and completion of all ongoing archaeological research projects must be registered in ARCHIS. The licensee (excavation com-

pany) is also required to submit a standard report to the Cultural Heritage Agency within two years after completion of the project.
The archaeological infrastructure further includes archaeological depots maintained by the State, the provinces and some of the municipalities. These 'public owners' have an obligation to keep and preserve both the finds and the documentation in a responsible manner whilst keeping them accessible.

Primary data on this theme

- In 2002 the national archaeological database ARCHIS contained 58,313 reports of archaeological phenomena in the Netherlands.
- By 2011 this had increased to ca. 80,000 reports of archaeological finds and 13,000 registered zones of archaeological interest, 1400 of which were national archaeological monuments.
- The provinces Groningen, Drenthe and Friesland share one depot while the other provinces each have their own. There are also 30 municipal depots.

Conclusions and recommendations

The preservation of archaeological heritage serves both a social and a scientific purpose, as stated in the first article of the Malta Convention. In the Netherlands these are formalized in the *Wamz* and the *Bamz*. What conclusions may be drawn after the first four years? Do the *Wamz* and the *Bamz* contribute effectively and efficiently to the primary goal?

This chapter will evaluate the conclusions drawn in the four theme reports and will present some recommendations, and it will conclude with a summary in which some answers to this evaluation's primary and secondary questions will be formulated.

Spatial planning

The *Wamz* and the *Bamz* reflect an explicit choice to include archaeology in the formal set of spatial planning tools.
Zoning regulation procedures stipulates that the interests of archaeology must be considered prior to any soil disturbance. New or revised zoning regulations incorporate archaeology, as do permit application procedures, and in time archaeology will be an element of all zoning regulations.
The position of archaeology was also entrenched in the Environment Act. Environmental Impact Assessments (*MER*) take the interests of archaeology into account as part of the decision procedure, but in recent ones archaeology is only one of several elements to be considered.
Earth removal regulations may include stipulations with regard to archaeology. Most provincial regulations do, but four do not include them (yet).
Provinces have the option to designate '*archeologische attentiegebieden*'(zones of potential archaeological interest). For zones with a very high chance of valuable archaeology provinces can make it mandatory on their municipalities to draft a zoning regulation. None of the provinces have done so, however, because in their opinion the option disagrees with current relations between administrative levels. All provinces have drafted cultural-historical sensitivity maps, incorporate the interests of archaeology into their provincial planning policies and support and draft agreements with municipalities on their policy formation processes.
Municipalities can to some extent make their own decisions with regard to the protection of their soil archive. In reality municipalities increasingly base their decisions on a pre-arranged policy formation framework, which includes a local archaeological sensitivity map and a policy map. At present many municipalities do not have such a framework in place, but with assistance from the province more and more of them do.
Embedding archaeology in spatial planning procedures has over the years increased the amount of information on the soil archive. The number of (detailed) sensitivity maps is growing, and preliminary investigations in connection with earth removal activities also yield more information.
In certain situations it is not clear whether the province or the municipality is the proper authority, particularly when zones of archaeological potential straddle municipal boundaries. According to the new Spatial Planning Act *(Wro)* resolving this situation is mainly a municipal responsibility, but provinces often coordinate and facilitate. Supralocal issues can be resolved in various ways. Some municipalities draft their supralocal policies in close cooperation with their province (Gelderland, Drenthe, Friesland); others do so jointly with neighbouring municipalities, while yet others have hardly any supralocal policy in place. The field is still developing, and it is too early to determine whether or not the present policy tools suffice.

The *Wamz* and the *Bamz* explicitly made archaeology an element in the set of formal spatial planning tools. These are currently changing. The new *Wro* has been in effect for some time, and recently the Crisis and Recovery Act (*Crisis- and herstelwet*) and the General Decrees Act Environmental Law (*Wabo*) took effect as well. Rules and regulations are changing and will continue to do so in the future (Legislative Framework Environmental Law). It is important to ensure that new or revised regulations will also safeguard the interests of archaeology.
Embedding archaeology in spatial planning procedures seems to have a positive effect on the protection of the soil archive. Preservation *in situ* appears to have become more common, and consolidating zoning regulations in particular include regulations that encourage it. Now that new and revised plans increasingly consider the interests of archaeology the protection of archaeological heritage is becoming more secure. However, the fact that a considerable number of municipalities have not yet developed an archaeology policy framework suggests that there is still room for improvement.
Protection *in situ* or other accommodative measures are not always implemented; often preservation *ex situ* is preferred. There are several reasons for this. Firstly, archaeology is not the only element in a decision whether or not to proceed with earth removal activities. The environment, infrastructure and landscape values are also being considered, as are the financial aspects of preservation *in situ* and the availability of alternative project locations. Secondly, the factor archaeology is introduced at a relatively late stage of the planning process, for example when plots have already been acquired and plans have almost been finalized. Thirdly, the free market system provides few stimuli to select preservation *in situ*.
By incorporating the *Wamz* in the spatial planning process archaeological interests can be considered when project development is still at an early stage. This is already the case in zoning regulation procedure and *structuurvisies* (a descriptive document outlining long-term spatial policy). The interests of archaeology are also being considered in the early stages of large-scale projects, something which is again made possible by embedding archaeology into spatial procedures. Policy instruments that allow this already exist: rural zoning regulations, *structuurvisies* and Environmental Impact Assessment (*MER*)-procedures all include the option to select alternative project locations.
Preservation *in situ* of valuable archaeological remains by selecting an alternative location for landscape modification or by modifying a plan is the ideal, but it requires that several alternative locations are available. The choice is not simply a local matter but is to some extent determined already at an earlier stage, by restrictive urbanisation policies at higher, provincial administrative levels. The advantages of re-development of urban areas and the protection of nature and the environment already play an important part in the development of these policies, and archaeology ought to be another element in the decision process regarding the location of building activities.
Spatial planning instruments focus mainly on earth removal activities in connection with construction projects, which poses some limitations because it renders them less suitable to prevent gradual degradation. Furthermore, the law also allows so-called *vrijwaringsoppervlakten*, areas below a certain size that are exempt from the usual restrictions and procedures of zoning regulations or earth removal regulations. Thus, areas smaller than 100m^2 are exempt and larger plots can be, provided there is sufficient reason to do so. It is moreover permitted to raise the vertical exemption limits beyond which soil disturbance is normally not allowed, and municipalities and provinces who are entitled to grant such (motivated) exemptions often do so. This potentially increases the risk of damage to the soil archive to a greater extent than the legislator may have intended.

Recommendations

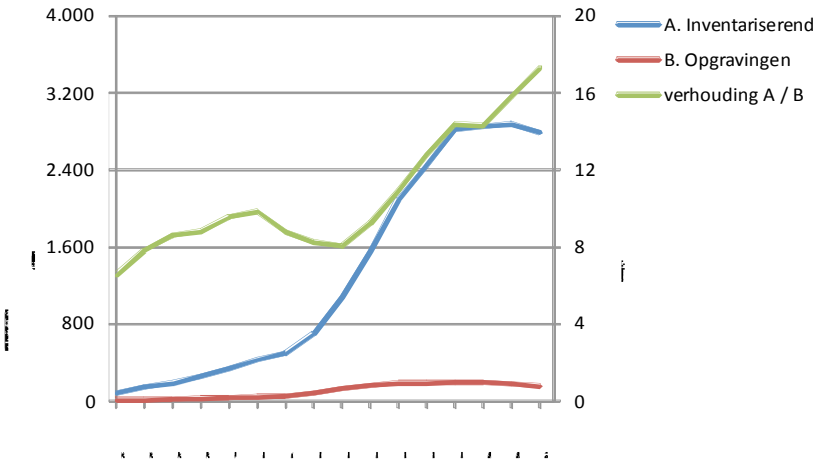
Much progress has been made in the last few years in embedding archaeology in spatial planning procedures. The new *Wro* and the *Wabo* have introduced changes in these procedures, including an obligation to safeguard the interests of archaeology. The following recommendations suggest ways to speed up and improve this process:

- Not all municipalities have yet developed or are using an archaeology policy, sensitivity maps and policy maps, although the number of municipalities that do have some form of archaeology policy grows every year. Additional measures are therefore not urgently required.
- It is important that the Heritage Inspectorate continues to monitor the situation in the municipalities in the near future, and that it keeps track of those municipalities that are still lacking an archaeology policy.
- The provinces and their associated supportive institutions facilitate the municipalities in the formulation of their archaeology policies. This facilitating and supporting role proves to be successful, and it is important that it be continued in the near future. Encouraging municipalities to draft sensitivity maps in particular should be a standard component of provincial policy programmes.
- As a result of decentralization the responsibility for archaeology policies largely rests with the municipalities. An adequate information system is therefore essential to remedy any lack of local expertise. Several programmes to achieve this are already in place, initiated by the Cultural Heritage Agency (*RCE*), the Dutch Municipalities Association (*VNG*) and the Assembly of Municipal Archaeologists (*Covent van Gemeentearcheologen*). It is advisable that these programmes be continued.
- Policies with regard to inter-municipal archaeology require specific attention. In some cases there is uncertainty as to who is/are the proper authority or authorities: the province, or the (jointly operating) municipalities.
- Furthermore, a shared information desk (i.e. website) should be developed to provide municipalities with up to date information on spatial planning in relation to archaeology: models of plans, jurisprudence, and the practical consequences of any alterations of the law. It would be particularly helpful if information on protective measures with regard to the soil archive were available in situations where no project plans or concrete soil disturbance are involved.

Financial framework

The expansion of the archaeology sector was made possible by the implementation of the principle ‘the disturber pays’. This could potentially have been achieved in several ways; however, the Netherlands have opted for a system of strictly project-based funding. In combination with the relatively low exemption limit, this has the disadvantage that (small) project initiators – and thereby indirectly the final users of the completed project – may be facing excessively high costs. At the time this option was preferred because it was thought to stimulate preservation *in situ*. This has not been the case, however, and the fairness of the system is affected by it.
One of the main points of critique aimed at the current financial system is that it takes neither the project initiator’s financial capacity nor the nature of the disturbance into account. Smaller project initiators in particular are therefore often confronted with exceptionally high costs. Larger project initiators tend to be better equipped to cope with the problem, not only because their financial capacity is usually greater but also because they can often settle the necessary investments through the project revenue.
This sense of injustice with regard to the distribution of the costs is compounded by two factors: (a) although project initiators are required to pay, in many of the project stages they have no say; and (b) the costs for which the ‘disturber’ is accountable have been defined in very broad terms: they cover everything from legal fees and preliminary investigation to excavation and storage. While individual ‘disturbers’ thus fund the entire project, they hardly profit from it.
The possibility that this problem might arise was discounted for when the principle ‘the disturber pays’ was first being elaborated. It is the reason why the idea of exclusively project-based funding was to be accompanied by compensation measures for excessive costs. However, precisely this component of the current system functions inadequately. The national compensation measures are little known and poorly accessible, and their future is uncertain. Municipali-

ties and provinces often lack them altogether and the existing ones vary widely, leading to great uncertainty among the 'disturbers' as to what to expect, while in many cases they are expected to pay in advance. The law stipulates that the amount of compensation private individuals are entitled to should be determined in court. For small project initiators, however, such a procedure is completely out of proportion, while larger project initiators often depend on good relations with the involved municipalities and provinces at the project planning stages, and fear that legal procedures may disrupt these relations.



The current system greatly stimulates archaeological field research, which leads to higher costs. If the relevancy of all field research were beyond doubt this would be money well spent (distribution issues aside). It has been stated on several occasions, however, that although most field research is useful, some of it is not. Furthermore, the barrage of field research projects has not led to synthesizing studies which might increase our knowledge or result in more detailed sensitivity maps. In theory, an increase in detail and reliability might in time reduce the need for further field research – thereby lowering the costs – since areas of potentially high archaeological value could be avoided, while field research could be dispensed with in areas of very low expected value. As was mentioned before, however, this is not (yet) the case.
Although the archaeology sector is increasingly efficient, there are as yet no indications that the current system leads to cost reduction, or that it stimulates innovation. In fact, because all funding is strictly project-based there is hardly a budget for other types of research or related activities.

Recommendations

- It is advisable that municipalities and provinces introduce improved, transparent and uniform compensation measures for excessive costs which account for the diversity of project initiators in terms of financial capacity and type. Possibly the State should stand surety to a greater extent than it does at present.
- Archaeological field research must result in greater knowledge and more detailed sensitivity maps. This is essential if the present system is to be sustained in the long term and in order to keep the costs under control. It requires a collective and sustained effort by private companies (practical experience), the scientific community (synthesizing research, improved modelling) and authorities (integration of new knowledge into policies). Formally, the responsible parties for the sensitivity maps and for any compensation measures for excessive costs are primarily the municipalities. However, they should receive constant support, also in terms of capacity, from provinces and the Dutch Municipalities Association *VNG* in order to be able to adequately fulfil their obligations.

The implementation of these modifications is urgent. At present project initiators still largely support the principle 'the disturber pays', in part because they can recharge the costs to the final users through the project revenue. As the current economic recession makes this a less viable option project initiators might become less willing to comply.

Industry and quality management

The clients in this industry are mainly government institutions, while private individuals operate as clients particularly in small-scale projects. In both categories, however, the archaeological industry in several respects falls short.

On the supply side the archaeological industry is highly diverse, with a mix of public and private suppliers. Beside the Cultural Heritage Agency there are 27 private companies, 24 municipalities and 5 universities with an excavation licence. In addition there are archaeological advisors, who at present are not bound to any quality standards.

Archaeologists in public service and those in private companies have opposite interests. The fact that municipalities can operate both as clients and as suppliers demands a sensitive approach, and all parties involved agree that it is important to separate these roles and obligations, as is done in for example the municipality of The Hague.

The diversity of interests among the suppliers is illustrated by the fact that several business interest organisations exist side by side, and that attempts to develop a shared professional register have so far been unsuccessful.

The *Wamz* intended to combine a licensing system with a self-regulating quality management system. The licensing system would regulate who would be qualified to carry out excavations, and what standards archaeological activities, or at least the licensees themselves should conform to.

The parties concerned would largely be responsible themselves for safeguarding the quality of archaeological research, and there were to be three tools to achieve this:

1. a widely accepted quality standard for archaeological products and processes;
2. a system of certification for excavating organisations;
3. a professional register for all individuals employed in the archaeology sector, which would record their education, training and professional experience.

Of these three quality management tools only one, the quality standard for archaeological products and processes, has been developed. This Dutch Archaeology Quality Standard (*KNA*) is widely accepted and regularly updated.

The *KNA* applies specifically to archaeological field research. Those employed in this sector have expressed their specific concern regarding advisory activities with respect to preliminary investigation, selection, and drafting and monitoring project design briefs (*Programma van Eisen*). Often the quality of these forms of policy support is not guaranteed as the persons or companies involved lack formal qualifications, and the client-supplier relation may be hampered by a lack of expertise and experience in the latter.

The quality of organisations cannot be not guaranteed because of the absence of a certification system. The lack of a professional register to monitor the qualifications of persons employed in the archaeology sector is somewhat remedied by the fact that the Cultural Heritage Agency evaluates all personnel involved when processing a licence application. This means that supervision and intervention in the archaeology sector have become exclusively the province of the State, but these activities are hampered by a lack of sufficient capacity. Since a new series of licence applications will have to be processed from January 1, 2013 onwards, this is cause for concern. Any independent industry needs to develop and maintain an effective quality management system.

These recommendations with regard to quality management are not a call for a policy change but rather an appeal to finally and with more commitment implement the forms of internal quality management that were agreed upon, and to avoid the mistakes of the past.

Recommendations

- The status of archaeological professionals should be formalized in a public professional register, which records the professional qualifications of persons involved in archaeological research and especially also advice. It is advisable to coordinate the criteria for entry into the register with those currently specified in the *KNA*. The *CCvD Archeologie* (Central College of Archaeology Experts), for example, could explore how a professional register might be successfully introduced. One of the reasons why previous attempt failed is that several standards for professional qualification were used side by side. Furthermore, charging fees for registration or certification is redundant since the State already registers or certifies free of charge in the context of processing licence applications.
- It is advisable to make certification of licensed companies and institutions mandatory. Systematic and regular quality checks are in the interest of the industry as a whole and of the individual companies. Certification should be based on the assessment standard (*BRL*) contained in the *KNA*. Licensing authorities could stimulate certification by using less stringent criteria for certified companies and by making certification financially attractive (legal fees). Ultimately certification may even replace licensing altogether.
- As internal quality regulation by the industry itself progresses the role of the State as supervisor and licensing authority can be expected to become less active and more distant.
- Internal quality management should be stimulated and formalized by authorities in their role as public commissioning body of archaeological research, by for example exclusively contracting certified companies and advisors; the *KNA* assessment criteria do not allow making certification or registration obligatory.
- The role of the *CCvD Archeologie* with regard to the content aspects of quality management is an important one, and it is advisable to strengthen its position, since it represents all parties.

Archaeological infrastructure

The archaeological infrastructure (registration, storage, scientific analysis, communication with the general public) has become more robust, but attention has largely been focussed on the follow-up of excavation. There is as yet little expertise or infrastructure with regard to preservation *in situ*.

Adequate documentation of archaeological data has become a necessary precondition to make archaeological heritage an integral element of spatial planning procedures. Supplying field research data for entry into the Central Archaeological Database *ARCHIS* is mandatory. This information is used to develop and improve expertise-based products such as the *erfgoedmonitor* (a set of criteria and instruments to regularly monitor heritage), the *erfgoedbalans* (periodical heritage inventory), sensitivity maps and monument maps. The obligation to report archaeological events is one of the conditions of an excavation permit. However, a registration of archaeological research results in itself provides no information as to the actual effect of the research or advice.

Archaeological companies make adequate use of the topographical information contained in *ARCHIS*. A weakness of the database in the eyes of some users, however, is the variable quality of the data and the fact that the system is felt to be not very user-friendly. The data suppliers correctly regard reporting their results as a legal obligation but make little use themselves of the recorded data. Reporting archaeological finds seems to be a mere administrative activity, over which the database manager has little control. The *KNA's* specification that primary research data should be digitally stored in the so-called e-depot is being implemented, and most parties involved consider it to be a valuable initative, but much still needs to be done.

Material objects found during excavation are yet another archaeological 'product'. It is the responsibility of the objects' owners that these objects and any associated documentation are carefully and responsibly stored. Legal ownership of archaeological finds rests with the province in

which they were found, or with the municipality if it has its own archaeological depot. Any objects found outside the jurisdiction of any municipality are owned by the State. Maritime archaeological finds, such as shipwrecks, are preserved by the state depot in Lelystad. The *Wamz* evaluation deals only briefly with underwater archaeological research, although archaeological heritage management in this particular sector is far from adequate: archaeology is overlooked in planning procedures involving submerged areas, a commercial archaeological industry for underwater archaeological research has barely developed, and there is much uncertainty regarding who is responsible for storage and conservation of maritime archaeological finds.

The ten provincial and thirty municipal depots are currently undergoing great changes. Premises are being adapted to the new requirements, and under the supervision of *SIKB*, project 'Harmonisation Presentations Standards Deposition' ('*Harmonisatie van aanleveringseisen deponeren*'), depots, excavation firms and software developers are jointly trying to reach agreement on uniform standards for the selection and deposition of archaeological finds. One aspect of this process is to harmonize the terminology and codes, which will enhance the efficiency of find presentation and processing. Other aspects are the proposed introduction of a digital data exchange system and, at a later stage, the specification of conservation standards.

In its explanatory memorandum the *Wamz* acknowledges the need for a scientific and social folow-up of archaeological field research, but it does not provide a legal and financial framework. The main attempt to remedy this has so far been the research programme '*Oogst van Malta*' (Malta Harvest). This *NWO* programme (Netherlands Organisation for Scientific Research) ran from 2002 to 2008 and was a test case before establishing a more permanent framework to facilitate the integration of standard field reports into scientific syntheses and the presentation of research results to the general public. Another illustration of how commercial and academic archaeology might operate in tandem is the Odyssee programme, which aims to make the information from archaeological excavations available to the scientific community.

There are few data on the effects on society of archaeological heritage management, but all parties involved agree that public interest for archaeology is growing. Excavation companies, depot owners, amateur archaeologists and relevant authorities are all highly motivated to accommodate public interest by jointly organising Open House days, Open Depot days, exhibits and publications.

The *Wamz* also lacks any legal provisions for soil archive management. Since preservation *in situ* is an important goal of archaeological heritage management, the development of a suitable set of measures to monitor the soil archive – similar to those that are required for preservation *ex situ* in depots – is imperative. However, so far very few studies into of the effects of gradual soil degradation have been carried out, and zones of archaeological interest are not being monitored. No tools or techniques are available to remedy actual cases of degradation, although the agreement between *Rijkswaterstaat* (*RWS*) and the Cultural Heritage Agency states that the soil archive must be monitored after completion of infrastructural projects.

Amateur archaeologists play an important role in field research by contributing local archaeological and historical expertise and experience, and by pointing out deficiencies in local policies and implementation. The contribution of volunteers to rescue excavations has become less, as the rise of professional archaeology has made cases of imminent destruction of the soil archive less common. Amateur archaeologists advocate a continuation of their ability to carry out research independently while observing current standards. The *Archeologische Werkgemeenschap voor Nederland* (Dutch Association of Amateur Archaeologist, or *AWN*) states that the various authorities should create suitable conditions to facilitate amateur archaeology.

Recommendations

- The contents of ARCHIS need to be expanded and qualitatively improved and to become more detailed. By creating a link between the current flow of information and site selection processes the effects of archaeological field research – including preservation *in situ* – will become more apparent, which would improve archaeological quality management. Including company-related data in order to monitor the developments in the industry is also an

option worth exploring. Digital data exchange between excavators, depots and others needs to be expanded following the *SIKB* guidelines.

- The archaeological depots are *ex situ* sources of our collective memory and a basis for historical and other scientific research, but at present they are being (too) little used as such. Accessibility to the public and availability of the information to the scientific community need to be improved. This would be a further step towards improving communication with the general public – a so far rather neglected aspect of the Malta Treaty (Article 9) in the Dutch situation – and it would form a follow-up to the research programme *Oogst van Malta*. Informing the general public and project initiators ('disturbers') is necessary to increase social support for archaeology, and it is advisable that provinces and municipalities take the lead in this, together with the archaeology sector.
- Steps must be taken to prevent gradual degradation of sites, an issue that requires more study. Funding of preventive measures is problematic, since there are no 'disturbers' who might be held financially responsible. The process of developing a monitoring regime for the soil archive could include the results of the agreement between the Cultural Heritage Agency and *RWS*.
- The involvement of local amateur-archaeologists, adequate supervision of them and using their expertise of local archaeology are in the interest of the archaeology sector. The responsibility for any necessary training and supervision lies jointly with the authorities and the excavation companies.
- The position of maritime archaeology within the present system needs to be clarified.

Summary

The primary question addressed by the evaluation is:
Do the Wamz *and the* Bamz *effectively and efficiently contribute to the improvement of the protection of archaeological heritage as a source of collective memory and a basis for historical and scientific studies, as the Malta Convention intended?*

Secondary questions:

1) *Is the protection of archaeological heritage sufficiently guaranteed and does it aim for prevention and preservation* in situ*?*

By linking archaeological heritage management to spatial planning procedures the *Wamz* aims to improve the protection of the soil archive. Archaeology and spatial planning are gradually and at several levels becoming integrated, with reasonable success. The protection of archaeological zones has improved, and preservation *in situ* of important archaeological sites has become more common, in part because archaeologically sensitive areas are being avoided. If development projects in these areas do proceed the result is often preservation in *ex situ* (i.e. excavation), rather than *in situ*.
Although the implementation process seems to be proceeding satisfactorily it is far from complete. Small municipalities in particular still lack an archaeology policy and/or archaeological sensitivity maps. This requires sustained attention. Furthermore, it is important to ensure that the data produced by archaeological research ultimately result in more detailed sensitivity maps, so that unnecessary preventative measures are avoided.

2) *Is the present funding system of archaeological heritage management effective and efficient?*

The principle 'the disturber pays' as the basis for funding archaeological research is effective to the extent that it generates sufficient funds to carry out necessary archaeological research in cases where the soil is being disturbed. Whether these funds are being used efficiently depends on the relevancy and quality of the research.

For some – smaller – 'disturbers' the obligation to finance archaeological research is an excessive burden. The present absence of clear and unambiguous provisions to prevent excessive costs at a local level is a serious problem.

3) *Has self-regulation through free competition improved the quality of the archaeological industry?*

The archaeological industry is tightly regulated on the basis of a licensing system. With the exception of the establishment of the *KNA* the effects of self-regulation are limited. Although the industry has thus developed a shared quality standard, without certification and a professional register quality management is inadequate, and compliance with the quality standard is being insufficiently monitored.

4) *Is the archaeological information infrastructure properly equipped to fulfil its tasks?*

The current archaeological information infrastructure still centres around the collection of data and objects derived from excavations but is ill equipped to collect data on the soil archive itself. Also, the gradual degradation of the soil archive receives (too) little attention. In the recent past some programmes to stimulate synthesizing research have been successfully implemented, but funding for them is always temporary. Finally, capitalizing upon existing public interest for archaeology is still rare.

Final conclusion

As a result of the recent changes in the archaeology sector, archaeological heritage that in the old situation would have been destroyed has been excavated or preserved *in situ.* In the past four years this has amounted to ca. 200 registered excavations on average per year, against only a few dozen until the 1980's. Clearly archaeological activity has intensified and the field has become professionalized. The guidelines formulated by the *Wamz* with regard to registration of archaeological activities and registration, conservation and depot storage of finds are being observed.

In the spirit of Malta the main purpose of integrating archaeology into the spatial planning process is preservation *in situ*, as this leaves open the possibility of future archaeological research using new questions and research methods.

Landscape modifications take archaeology into account, which leads to more archaeologically valuable sites being preserved, both below and above ground. Preservation, however, is not the ultimate goal. Archaeological information must also be available and accessible as a source of collective memory and as a basis for historical and scientific studies. The continuity of public support for archaeological heritage management depends on it, and this should therefore be our task for the future.

Appendix

Appe lix
Pledg

Following th mentation of the Act several members of government, in consultation with parliament ar enate and responding to various advisory bodies, have formulated their expectations an certain pledges with regard to the outcome of the announced evaluation.

- *"(...) Zoals ik in het overleg met uw Kamer heb aangegeven zal de evaluatie in ieder geval antwoord moeten geven op de vraag hoe effectief de nieuwe wettelijke stelsel is. Daarbij zal vooral worden bezien of gemeenten and provincies het archeologische belang serieus oppakken met name in het kader van de ruimtelijke ordening, of het uitgangspunt van gelijke concurrentieverhoudingen tussen overheidsorganisaties and particuliere ondernemingen in voldoende mate wordt gerespecteerd en of de excessieve kostenregeling een zinvolle bijdrage levert aan het archeologiebeleid van provincies en gemeenten. " (TK, 17-02-2007). **

*[Summary: The Minister states that the evaluation should consider the effectiveness of the new legislation, and specifically: 1. whether municipalities and provinces sufficiently include archaeology in their spatial planning; 2. whether competition between government organisations and private companies is free and fair; and 3. whether the Compensation Measure Excessive Costs positively contributes to the archaeology policies of provinces and municipalities.]

Outcome of the evaluation:
As a result of the recent changes in the archaeology sector archaeological heritage which in the old situation would have been destroyed has been excavated or preserved *in situ.* In the spirit of Malta spatial planning policies are being regarded as preventive, with preservation *in situ* as the ultimate goal. Archaeological research is increasingly being professionalized – the onset of which process precedes the *Wamz* – so that the quality of excavation reports and find processing (registration and conservation) has improved relative to the previous situation.
The results of the evaluation show that municipalities and provinces increasingly take archaeology into account when formulating new policies and with respect to the legal requirements of spatial planning, as was to be expected.
In some cases, as when municipalities combine a role as performer of archaeological research with that of client, the ideal of a fair competition between government institutions and private companies comes under pressure. Such municipalities must still comply with the services directive, which states that while projects with a budget below € 200, 000 are not subject to competitive tender, those above that limit are. Not all municipalities are equally successful in separating these roles, and the market itself is sometimes less transparent than could be desired. There are also examples, however, of municipalities that manage to keep these roles strictly apart, such as The Hague.
In the preceding period the Compensation Measure Excessive Costs has been used very little because of ignorance of its existence, technical difficulties and the lack of such a provision in some municipalities and provinces, and the effect of the Compensation Measure in its present form on the archaeology policies of provinces and municipalities has been limited.
There are several causes:

- The measure is little known;
- Its continuation is uncertain;
- The contents of the measure and its criteria are not clear;

- Spatial planning policy in compliance with Malta is lacking at a local level (either because it has not yet been implemented, or because it is impossible to do so at the current stage in the planning process);
- Access to the measure is limited (only municipalities and provinces can invoke it);
- Local provisions for excessive costs are lacking (an application to those is a condition for being able to qualify for the Compensation Measure Excessive Costs);
- The measure covers a limited area (it only applies in excavation situations).

This leads to the recommendation that there is need of an improved, transparent provision for compensation of excessive costs that sufficiently accounts for the diversity of 'disturbers', in terms of financial capacity and type.

- *De kan-bepaling in art. 38:de minister betrekt in de evaluatie van de Wet op de archaeologische monumentenzorg de vraag in hoeverre gemeenten invulling hebben gegeven aan hun verantwoordelijkheid om regels te kunnen vaststellen ter bescherming van (verwachte) archaeologische waarden. (Behandeling TK Wijziging van de Monumentenwet 1988 i. v. m. onder meer beperking van de ministeriële adviesplicht bij aanvragen om een monumentenvergunning. NB in het kort: beperking adviesplicht).* *

*[Summary (text of the Article 38 *kan* clause): in the *wabz* evaluation the Minister will include the question to what extent municipalities have made use of the option to introduce regulations for the protection of (expected) archaeological heritage.]

Outcome of the Evaluation

1. In the interest of archaeological heritage management a municipal council **may** choose to issue certain ordinances which include:
    a. regulations with respect to certain standards preliminary field research should adhere to; or
    b. guidelines as to when the Mayor and Alderman may refrain from carrying out or ordering archaeological field research.
2. In case an ordinance as mentioned in section 1 above pertains to an area for which an Article 38 zoning regulation applies, the ordinance remains effective to the extent that it is not in conflict with the zoning regulation.
3. Section 3. 4 of the *Algemene wet bestuursrecht* (General Act Administrative Law) pertains to the preparation of an ordinance as mentioned in section 1 above.[3]

Within this framework municipalities can decide on how best to protect the municipal soil archive in their local situation. Decision processes at present increasingly take place within the accepted policy framework, which includes consulting the local archaeological sensitivity map and policy plan. In slightly less than half of the municipalities – mainly the smaller ones – such a framework has not yet been developed, but with provincial support for these municipalities they are quickly catching up.

The decision to uphold Article 38a flows from the desire to make the integration process of archaeology into municipal zoning regulations a gradual one. Once the *Wamz* became effective zoning regulations could no longer be modified or adopted without taking archaeological heritage and archaeologically sensitive areas into account. A general obligation, however, for all Dutch municipalities to render all zoning regulations 'archaeology-friendly' within a specified time limit would have created an unacceptable administrative and financial burden.

The results of the evaluation show that municipalities and provinces increasingly consider the interests of archaeology when formulating new policies and with respect to the legal require-

[3] Article 38 1988 National Monuments Acts

ments of spatial planning, as was to be expected. The implementation process shows gradual progress.

- *(...) in hoeverre de toevallige financiële situatie van gemeente of provincie meeweegt bij het al dan niet toekennen van compensatie voor excessieve kosten (Wetgevingsoverleg Wamz EK 19-12-2006). **

*[Summary: What is the effect of the financial situation of municipalities or provinces on their willingness to allow compensation for excessive costs?]

Provinces and municipalities have introduced various provisions to compensate project initiators for excessive costs. Some municipalities only have a provision for small 'disturbers', while other municipalities and provinces have not (yet) made any arrangements. So far the Compensation Measure Excessive Costs has been used very little for reasons such as ignorance of its existence and technical difficulties. There seems to be no significant correlation with a municipality's or province's financial situation.

- *Evalueren van toezicht en handhaving in de archaeologiesector (brief Verkenning bestuurlijke boete, Vergaderjaar 2007-2008, Kamerstuk 29259 nr. 36). **

*[Summary: a reference to the need to evaluate supervision and intervention in the archaeology sector]

Outcome of the evaluation
The Heritage Inspectorate acknowledges the fact that the monitoring process still leaves much to be desired, as certain elements of the intended quality management system (company certification, a professional register) are still lacking, which has left the State solely responsible for supervision and intervention.
As a result of recent government budget cuts there is insufficient capacity (at present two to three FTE) to implement a system of direct, nation-wide supervision. The Heritage Inspectorate is therefore exploring the possibility to delegate direct supervision to the municipalities, with the Heritage Inspectorate acting as secondary supervisor.
Besides decentralization another solution to be considered is to increase the responsibility of private parties for quality supervision, which is what the legislator originally intended. One option would be to introduce company certification based on the *KNA* guidelines, which would allow the Inspectorate to limit itself to supervising the system as a whole. These recommendations with regard to quality management are not a call for policy change but rather an appeal to finally and with more commitment implement the forms of internal quality management (professional register, company certification) that were agreed upon, based on a clear standard and while avoiding unsuitable financial constructions such as free licensing and personnel evaluation by the Cultural Heritage Agency.

- *Verzoek van de Tweede Kamer aan de regering om voor 1 juli 2011 met voorstellen te komen die leiden tot een forse reductie van de kosten voor archeologisch onderzoek door de nationale kop te verwijderen (32500 XIII 86 Motie van de leden Snijder-Hazelhoff and Koopmans)**

*[Summary: A request by two members of parliament for government proposals to significantly reduce the costs of archaeological research by removing any laws and regulations in excess of European legislation]

The Dutch system of archaeological heritage management is not based on European legislation. There are no European quantitative guidelines, and therefore by definition no national laws and

regulations which exceed those. The Netherlands signed the Malta Convention in 1992 as a member state of the Council of Europe. Signing the Convention was an implicit declaration of intent which each member state can develop in its own fashion. The Netherlands chose to make its municipalities primarily responsible for the local implementation of its archaeology policy. If the conditions posed by a municipality in the course of its incorporation of archaeology into planning and development turn out to be unfair and unreasonable in individual cases, the municipality may at its own discretion offer compensation or even modify the conditions. This is what some municipalities have done. With respect to a possible cost reduction for the agrarian and construction industries in connection with prescribed archaeological research, the RIGO evaluation recommends:

"It is advisable to use sensitivity maps which are as detailed as possible, and to update them regularly on the basis of the results of archaeological field research. Decisions with regard to the necessity of initiating archaeological field research should be formally based on these maps, by including references to them in zoning regulations or an umbrella zoning regulation. Ultimately this will likely lead to a reduction in the number of field research projects and associated costs."