

# **BRAVE NEW WORLDS**

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



**Final Report**

R. Knoop, H. van Londen, M. van den Dries, S. Landskroon

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### **Final Report**

Project commissioned by Rijksdienst voor het Cultureel Erfgoed / National Heritage Agency

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## PREFACE

This paper reports on the assignment RCE-MO-JA-IUCN20060190 of September 15, 2020, “Internationale vergelijking archeologische wet- en regelgeving”, executed in accordance with the project proposal (Plan van Aanpak) tendered September 4, 2020, and in compliance with the OCW/RCE Assignment brief of August 3, 2020.

All project phases were completed according to schedule between October 2020 and January 2021

The result consists of two parts, this Final Report and seven annexes:

### Final Report

- Annex A\_Assignment brief
- Annex B\_Literature used
- Annex C\_Interviews, methodology, questionnaire, interviewees
- Annex D\_Country/Region reports
  
- Annex E\_Terugkoppeling Veldraadpleging 7 januari [Dutch]
- Annex F\_Interviewverslagen [Dutch]
- Interview Audio Recordings.

The Final Report and Annexes A through D are publicly available; Annexes E and F, as well as the interview recordings are only at the disposal of the commissioner, falling under the restrictions of the EU General Data Protection Regulation.

We would like to express our gratitude and appreciation first of all to all 33 interviewees for the time and effort they have kindly dedicated towards talking with us, exchanging sometimes candid views, as well as helping us along in both finding additional information and potential new spokespersons. A special thanks should be directed to Wim De Baere, Anders Högberg, Anna Beck, and Erich Classen for sharing their knowledge and networks through which we able to contact the right people in Flanders, Sweden, Denmark, and Rhineland, respectively. Without their support, we would have never reached anyone in the various regions in time nor anyone as authoritative as demanded.

Secondly we owe a great debt of thanks to the six international experts who were kind enough to not only share their reflections on our country/regional reports, but who have also meticulously perused the narratives on their own country, wherever necessary: Dr Katalin Wollák (Budapest), Prof. Cornelius Holtorf (Kalmar), Dr Mike Heyworth (York), Dr Anna Severine Beck (Copenhagen), Dr Erich Classen (Wiehl) and Prof. Marc Jacobs (Brussels).

Finally, a large number of people were kind enough to show interest in our work, before and during the project, which we greatly appreciated. We would especially like to mention the two dozen participants of the GRO field consultation held on Zoom on January 7, 2021. We gratefully acknowledge receiving separate reactions from Annemarie Willems and Roel Lauwerier (both RCE) and Martin Meffert (North Brabant province).

Marjolein de Boer (Academie voor Cultuurmanagement, Nieuwegein) was kind enough to proofread our manuscript for logic and consistency. Linguistic mishaps were keenly detected by Stella Landskroon.

Amsterdam, Januari 31st, 2021

## 1 SAMENVATTING

Deze verkenning werd uitgevoerd in opdracht van de rijksoverheid als gedeeltelijke tenuitvoerlegging van de Kamermotie Beckerman e.a. (2019). Doel is te leren van alternatieve praktijken in het buitenland op het gebied van archeologie die van belang kunnen zijn om knelpunten op te lossen op drie gebieden (Hoofdstuk 2): gemeentelijke uitvoeringscapaciteit, aansluiting van Malta-archeologie bij universitair onderzoek en het publieksbereik. OCW beoogt geen advies maar een inventarisatie van inspirerende voorbeelden.

Uit negen gegeven landen zijn Engeland, Zweden, Denemarken, de Vlaamse Gemeenschap en het Rijnland nader onderzocht (Hoofdstuk 3 en 4). Eerst zijn door middel van bureaustudie de verschillende archeologische zorgstelsels in kaart gebracht qua wetgeving, taakverdeling, kwaliteitszorg, financiering, toegankelijkheid, academische uitwerking en participatie. De stelsels zijn vervolgens in interviews met in totaal 6-7 stakeholders per land beoordeeld op effectiviteit in termen van in situ behoud van vindplaatsen, aansluiting bij de wetenschap en sociaal engagement (van disseminatie tot participatie). Deze beelden zijn extern gecheckt met onafhankelijke experts. De aldus gevalideerde keuze van in elke regio succesvolle elementen, die bovendien in Nederland (vrijwel) ontbreken, is tenslotte gevaloriseerd met een grotere, veldbrede groep van ca. 30 representanten van de archeologie in Nederland.

Er zijn in totaal 39 elementen beschreven (Hoofdstuk 5) die bijzonder zijn: ze werken in de bekeken regio's goed en ze zouden in de Nederlandse situatie bruikbaar kunnen zijn. Dit onderzoek heeft niet in kaart gebracht hoe of onder welke voorwaarden dat laatste het geval zou kunnen zijn. Daarvoor moeten de voorgestelde elementen eerst tot principes herleid worden die op inpasbaarheid in Nederland gewogen moeten worden, alsmede bevraagd op de voorwaarden waaronder ze in hun oorspronkelijke context goed werken.

Wij hebben de gevonden punten geordend (Hoofdstuk 6) naar relevante terreinen van de uitvraag, maar ook naar inzichten uit de eerste fase van ons eigen onderzoek (welke vraagstukken spelen elders?) en vervolgens naar de oogmerken van het Verdrag van Valletta (Malta) zelf. Dat leverde niet drie maar vijf terreinen op.

- Aan **in situ behoud** wordt elders weinig expliciete aandacht gegeven. Wel is er soms sprake van extra inzet op maatregelen in de voorwaardelijke sfeer, b.v. met technologische innovatie (*remote sensing*).
- Overall zijn er wel zorgen over de bijdrage van contractarcheologie aan betekenisvolle **kenniswinst**. Er bestaat een waaier aan remedies, van het regelen van 'betekenisvolheid' in wet of aanbesteding (*significance*), het creëren van kennisecologieën, en uitbreiding van of aanvulling op het 'de verstoorde betaalt'-principe. Van belang lijkt het slechten van muren tussen academia en contractarcheologie.
- Op het gebied van bekendheid van archeologie bij het grotere **publiek** is zich in Zweden en Engeland een paradigmaverandering aan het voltrekken. Keuzes rondom archeologisch worden daar afhankelijk gemaakt van de mate waarin publieke waarde wordt gecreëerd: de betekenis van erfgoed voor de samenleving. Dat sluit aan bij het (nergens met name genoemd) Kaderverdrag van Faro.
- Een bovenlokaal **niveau van uitvoering** voor de archeologie blijkt overal als optimaal te worden ervaren. Enerzijds respecteert dat beter de regionale aard van het archeologische bestand, wat inhoudelijke correctere afwegingen en *handling* mogelijk maakt; anderzijds doet dat meer recht aan het gespecialiseerde karakter van dit kleine vakgebied, dat op te kleine schaal niet volwaardig – in concurrentie – kan opereren.
- De **financiering** van archeologie laat elders en breder spectrum zien dan het Nederlandse. Het antwoord op de vraag wie wat waarvoor betaalt hangt sterk af van landelijke/regionale eigenheden alsmede sociaaleconomische opvattingen. Centraal staat de keuze of het onderwerp van aandacht in of buiten het publieke domein ligt en hoe verantwoordelijkheden toegedeeld moeten worden.

In een korte reflectie (Hoofdstuk 7) onderscheiden wij drie handelingsperspectieven. Het maakt uit of je erfgoedzorg primair ten dienste stelt van het behoud van intrinsieke waarden (Valletta), van strategieën ter versterking van landschapskwaliteiten (Nota Belvedere, Raad van Europa Landschapsconventie) of gemeenschapswaarden (Faro). We wijzen er ook op dat de noodzaak van het gebruik van kennisecologieën, van een breder toepassing van het criterium 'betekenis' en van publieke waarde al door de samenwerkende Europese archeologische overheidslichamen (European Archaeological Council) werd benadrukt.

Het rapport mondt uit in een reeks aanbevelingen (Hoofdstuk 8):

1. Herijk de uitgangspunten en aannames van het Verdrag van Valletta aan recente grote externe ontwikkelingen.
2. Onderzoek workshopgewijs wat de aangegeven leerpunten kunnen betekenen in de Nederlandse situatie(s) en hoe ze optimaal betekenisvol kunnen zijn, op verschillende abstractieniveaus en na een open slijpproces van deze ruwe diamanten.
3. Reken financiële effecten door (een uitwerkingsfonds à la Vlaanderen of Noordrijn-Westfalen zou een verdubbeling van de capaciteit voor synthese-onderzoek betekenen).
4. Onderzoek nieuwe samenhangen en samenwerkingsverbanden, analoog aan het Zweedse R&D programma van de Graduate School in Contract Archaeology (GRASCA).
5. Deel c.q. ontwikkel visies op doel, werking en toekomst van het a.m.z.-systeem, zowel verticaal (verschillende overheden, uitvoerders) als horizontaal (keten).
6. Heroverweeg aspecten van marktwerking tegen de kleine schaal van de vaak hooggespecialiseerde archeologie-sector.

Ter afsluiting geven wij in overweging te zoeken, geïnspireerd door vele voorbeelden in het buitenland, naar een nieuw evenwicht én verbinding tussen de drie belangrijkste domeinen waarin archeologie speelt: ruimtelijke ordening, wetenschap en samenleving.

## 2 RESEARCH ASSIGNMENT

### 2.1 BACKGROUND

On July 2, 2019 Dutch Parliament (Tweede Kamer) carried a motion<sup>1</sup> for the government to address some key difficulties experienced by the Council for Culture and the Heritage Inspectorate in the field of archaeological heritage as regulated by the Heritage Act (Erfgoedwet 2016). The issues consisted of:<sup>2</sup>

- limited capacity at municipal level for carrying out their archaeological tasks;
- pressure on the quality of archaeological investigations carried out by contracting companies;
- low visibility of archaeology for the general public.

The motion prompted the minister to engage the archaeological sector and stakeholders with the upcoming evaluation of the Heritage Act, thereby taking these shortcomings into account, and to conduct an **international comparisons with the incentive of learning from alternative approaches**.

The present investigation has been commissioned by the Ministry of Education, Culture and Science in partial response to the July 2019 motion, after a restricted tender over the summer of 2020.<sup>3</sup>

### 2.2 FINDING INSPIRATIONS ABROAD

In its assignment brief, the commissioning authority requested for a qualitative study to be carried out in search of practices in other countries from which the Dutch system might learn. This aim was further elaborated on during the tendering process as ‘finding points of inspiration abroad that might be used to alleviate issues in the domestic state of affairs.’

The assignment instructions (Annex A) were to cover the status quo of archaeological heritage management in five different regions in Central and North-western Europe, which needed to be selected from a longlist of nine. The study had to balance a description of the systems in each region with assessments by a broad range of national stakeholders, focussing on the impact of the Council of Europe’s Convention on the Protection of the Archaeological Heritage (Valletta, Malta 1992). Among the main objectives of ‘Valletta’, signed and implemented in all EU countries, are: preservation in situ, knowledge gain, and public benefits. The ways in which they are being reached vary, in specific financial arrangements and in the manner of integrating archaeology in planning policies. In the brief, the choice of the selected regions and the selection of interviewees for each country was to be argued on the basis of desk research. The qualitative assessments were to be supported by reference to relevant facts and figures, if present and feasible.

The following key issues needed to be addressed per country/region, aggregated from the responses from individual respondents:

1. What has been realized with regard to sustainable in situ preservation of archaeological sites during the last 20 years (plus - available - publication of investigations)?
2. What has been realized in terms of
  - a. scientific progress (knowledge of the past, including dissemination and digital access)?
  - b. social added value (from public outreach to participation)?

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<sup>1</sup> Motion Beckerman c.s., No. KST32820293 Kenmerk 32820, nr. 293.

[www.tweedekamer.nl/kamerstukken/detail?id=2019Z13576&did=2019D27877](http://www.tweedekamer.nl/kamerstukken/detail?id=2019Z13576&did=2019D27877).

<sup>2</sup> “Knelpunten...: 1. Gemeenten die hun taken nu niet goed of niet goed genoeg (kunnen) uitvoeren...; 2. Het onder druk staan van de kwaliteit van archeologisch onderzoek bij bedrijven; 3. Te grote onzichtbaarheid van archeologie bij een breed publiek...

Verzoekt de regering de Erfgoedwet .. te evalueren ... en een internationale vergelijking te maken om te leren van andere landen”.

<sup>3</sup> We changed the original title “Internationale vergelijking archeologische wet- en regelgeving” into “Internationale vergelijking Archeoregimes” (IVAR) to cover the practices that are included; later on we changed the title to “Inventarisatie Archeoregimes” (IVAR) to avoid framing the assignment as a comparative study.

Furthermore, the brief requirements also included the collecting of insights into backgrounds and possible reasons for explaining any success (or the lack of it) in the various areas.

Lastly, opinions of individual stakeholders in each region needed to be aggregated in order to create a general assessment of the archaeology arrangements in place. Weighing what works best in each case - in terms of effectiveness in attaining the Valletta goals - would then allow for the identification of exemplary elements that might inspire modifications to the Dutch system.

### **2.3 OPERATIONALISATION INTO SUBQUESTIONS**

The research design was aimed at obtaining an impression of elements and factors that worked well according to our spokespersons. In the research design we both simplified and modified the inquiry structure, and used it for the interviews with spokespersons in Phase 2 (Ch. 4.2).

1. a. What are the results of in situ preservation and how are the results made publicly available?  
b. What is the optimal geographical level for decision making and intervention (Council of Europe's European Landscape Convention 2000)?
2. a. What knowledge gain has been realized?  
b. What is the nature and extent of the relations between contract archaeology and academia?
3. a. What dissemination, outreach and participation have been realized?  
b. What is the optimal geographical level for public engagement (Council of Europe Framework Convention on the Value of Cultural Heritage for Society, 2005)?
4. a. What elements in your own system are exemplary?  
b. Which of those would you recommend for the NL to adopt?
5. What are major opportunities and threats to the present system in your country ?

For the full text of the original question structure, see the Assignment Brief (Annex A).



### 3 METHOD

The investigation consisted of a qualitative, multiple case study covering: a desk study, interviews, and analysis. These have been checked through validation and valorisation. The activities were spread out over the following five different phases.

1. Brief descriptions of the governance of each country's archaeological heritage management system, based on desk research of literature from or about the five researched countries (see Annex A); at least the following seven aspects needed to be covered:
  - a. Legislation / legal
  - b. Who does what? / division of tasks and roles
  - c. Quality assurance / arrangements
  - d. Funding / financial framework
  - e. (Digital) accessibility of results / access to results
  - f. Academic synthesis
  - g. (Public) participation.

The results of the desk research provided the grounds with which to argue the choices of the countries and would provide a selection of interviewees for the next phase.

2. Analytical assessments, per region, of
  - a. the outcome and impact of the various national archaeological heritage governance systems;
  - b. strong, unique and/or key effective elements in each system with regard to the attainment of the Valletta goals.Both assessments are based on opinions gathered during a series of semi-structured 1:1 interviews with 6-7 stakeholders in each country, and (evenly) distributed over government, academia, contractors, planners, museums and archaeological professional groups.
3. Validation of the results of the previous two phases by three experts from outside the Netherlands (correctness, completeness).
4. Identification of learning points, i.e., a selection of the elements either mentioned above (2b) or observed by the researchers as having inspirational potential for the Dutch archaeological heritage management system.
5. Valorisation of the results of the previous stage by discussing the outcomes of the previous phase with a representative group of stakeholders in the Dutch archaeological field ("What might conceivably work?" – the question was *not* "How?").

Only a rough reference framework was supplied at the start of the investigation for the current obstacles encountered in the Dutch archaeological heritage management system. The team operated with the understanding that relying on the expertise of its members would be sufficient for analysing and assessing Dutch contract archaeology. This meant that the team's criteria for selecting elements that might successfully address issues in the Dutch system had to remain vague.

Therefore, our overall working hypothesis was to **explore which factors or elements seem to work well in the relevant foreign systems and for furthering the main Valletta objectives, and might be worth considering for adoption at home.** For a more detailed discussion, see below, Chapter 6.3.

The brief explicitly mentions the following points to be beyond the scope of this assignment:

- a full evaluation of the archaeological sections of the Dutch Heritage Act (2016);
- a comprehensive study of the differences in implementation of 'Valletta' between the five countries under investigation;
- a study and assessment of the strong and weak aspects of the Dutch system.

During the tendering process, the commissioner stipulated that the investigation be confined to an inventory of legal regimes along with impressions of how these work in practice, thereby providing a choice of inspirational ideas, and thus refrain from giving an advice. This report therefore describes possible options that work well abroad and that might be interesting for Dutch policy makers to refer to. The report is not a policy blueprint – it's about options for the what, not the how.

## 4 EXECUTION

In this chapter an account is given of the undertakings of each consecutive step in the research process and the choices which were made. The collected data can be found in Annex D, containing objectified country descriptions to which general system assessments for each country are added aggregated from stakeholder interviews.

### 4.1 PHASE 1: DESK-BASED INVENTORY

The project started October 1, 2020. During the first month the team collected and studied literature from and concerning preselected five countries, chosen from the given longlist of nine (Table 1). The result was a draft Country Report that was discussed with the commissioner.

<b>England</b>	<b>Flanders</b>	Brussels Region
France	<b>Nord Rhein Westphalia</b>	Czech Republic
<b>Sweden</b>	Ireland	<b>Denmark</b>

**Table 1.** Longlist of country / regions options. In bold the shortlisted ones.

The criteria for selecting the five countries/regions were that, while not diverging too much in 'regime style', together they present:

1. broad differences in terms of dealing with the past in a cultural sense;
2. different regime designs with regard to the public/private domain in terms of execution and of regulation (inspection, oversight);

The diagram below offers a quick overview of the public or private allocation of roles and responsibilities regarding the execution and oversight of developer funded work per country, pointing to either a (controlled) market or a government-led system. In each country/region description (Annex D), the diagram is added to illustrate typical basic arrangements.

	Execution	Oversight
public sector		
private sector		

3. differences in awareness of the relevance of scale for engaging with archaeological heritage
4. a broad range of different archaeological soil types, from waterlogged to Pleistocene.

More specifically, the preselected regions showed promising and interesting characteristics with regard to the Dutch archaeological heritage management situation:

**England:** strong deregulation with a long tradition of commercial archaeology; the past as a common good; interesting experiments in synthetic research; front-runner in public archaeology.

**Sweden and Denmark:** decentralized at regional level; museums as main actors; strong public tradition with regard to cultural heritage. Additionally, Denmark is unique in the total absence of a market in this field.

**Flanders:** important neighbour with a partly similar archaeological record; Valletta principles only recently adopted into national legislation following Dutch examples; mix of French (étatist) system and Dutch liberal elements; among the first Council of Europe member states to have signed the Faro Framework Convention (2005) and the only one to do so on this project's long list.

**Rhineland:** important neighbour with a partly similar archaeological record; mixed system; quite different legal arrangements; supposedly strong role for science in non-university institutions.

The studied literature was evenly selected from various types of sources, ranging from descriptions of the archaeological heritage systems and statistical analyses to evaluative publications and opinion articles in order to balance out the more formal sources. The distribution is shown in Table 2 (for full titles see Annex B). The country descriptions in the *Compendium of Cultural Policies and Trends*, the DISCO studies funded by the EC (2008, 2014), half a dozen relevant Occasional EAC Papers on specific issues across Europe (public aspects, 20 years Malta, relation to 'Faro', choices) and specialised papers on contract archaeology in general were very useful.

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

**Table 2.** Quantitative and qualitative distribution of literature studied in Phase 1.

Research during Phase 1 has resulted in descriptive Country profiles, which are the first sections of each of the five chapters in Annex D. Among the outcomes were the following key insights.

- **English and Swedish archaeology appear to be more reflective.** The high number of sources for England and Sweden covering evaluations and opinions seemed to reflect a stronger tradition of critical discussions with regard to heritage governance systems.
- **Country choice:** most assumptions were well argued, though some needed minor modification. The Federal State of North Rhine Westphalia turned out to harbour three (slightly) different regimes; the commissioner agreed to narrow down the research and analysis, and to focus on the *Landschaftsverein* (regional cooperative public body) of Rhineland, one of three at intermediate governmental level in NRW and similar in size (12,500 km<sup>2</sup>, 10M inhabitants) to Flanders (13,500 km<sup>2</sup>, 6.6M inhabitants).

- **SWOT:** the brief mentioned the usage of SWOT analyses for the selected countries. We chose not to use this form of analysis, because SWOTs are known to be mostly used as brainstorm tools within strategic planning including a well-defined goal. Our multiple case studies showed that the Valletta Convention's main aims appeared to not be equally shared by all. Instead, we carried out quick scans to look for success factors.
- **Maritime archaeology** has appeared as a small but highly specialized subbranch in all regions and, wherever a polluter is unknown, effectively far removed from the workings of any Valletta Convention principle. The commissioner agreed to not press on with this particular point any further in the next phases, though wished to remain informed.
- A number of **wide-ranging discussions** were identified in the five countries which reflect existing concerns in the Netherlands. These have been mapped in Chapter 6, along with the Valletta aims and the Dutch parliamentary concerns, against concrete findings.
- Dutch concerns regarding the success of **in situ preservation policies** were not found to be mirrored by similar preoccupations abroad. They may be, however, part and parcel of other arrangements (e.g., planning), thus remaining invisible.

## 4.2 PHASE 2: INTERVIEWS

A total of 32 interviews were conducted in November and December with spokespersons who were identified and selected from the previous phases. They were evenly distributed over 9 sectors in each country (Table 3) and cover a number of roles and positions (see Annex C).

COUNTRY (no. of interviewees)	Sectors covered							
	professional association	government		execution			academia	developers
		legis-lation	super- vision	contractors	museum/ outreach	maritime		
UK/England (6)	1	1	2	3	2		2	
Sweden (6)	1	1	1	3	2		2	1
Denmark (8)	1	1	1	3	4	2	3	1
Flanders (5)	1	1	1	2	1		2	
NRW Rheinland (7)	1	1	1	1	1		3	1
(32)	5	5	6	12	10	2	12	3

**Table 3.** Distribution of interviewees, per country. Some cover more than one sector.

It was not always easy to find the most relevant candidates. The staff of GRASCA in Sweden (Graduate School in Contract Archaeology, Kalmar) directed us to key respondents in the country. A Danish PhD, part of GRASCA but employed at a key museum in Denmark, similarly pointed out key Danish respondents. Personal and more general networks were used to identify and contact appropriate spokespersons in England. Flanders was covered by means of sister companies of easily accessible larger Dutch archaeological contractors; a possible bias towards contractors was countered in various ways, i.a. by inviting an additional, non-involved reviewer from Flemish academia for the next stage. NRW was more challenging with regard to getting connected to representative spokespersons. This was perhaps due to the style, aims or methods of this project not being easily translated into the terms which are relevant to the realities in NRW. In the end, staff of the Landschaftsverband Rheinland-Amt für Bodendenkmalpflege Rheinland (LVR-ABR) generously opened up its network.

#### 4.2.1 Discussion

Almost all of the sectors which were required in the assignment brief were covered by the selected interviewees. The exceptions were maritime archaeology and developers.

- **Maritime**

Denmark was the only country for which we succeeded in talking to qualified spokespersons for underwater archaeology. A number of non-expert Swedish and English interviewees were however also able to shed some light on this sector in their countries. No specific NRW literature or spokespersons on this subject were. In Flanders, maritime archaeology resides under the same government agency AOE as its terrestrial counterpart, but conservation issues are handled by the Flanders Maritime Institute (VLIZ). There is little maritime archaeological activity in the rivers in Flanders (dredging is license-free) and thus there is a limited heritage management responsibility within the context of the Heritage Act.

- **Developers**

It was surprising to find it nearly impossible to timely connect to developers. The reason that was most frequently given was “not interested”, which was perhaps caused by not communicating the purpose and context of our investigation clearly enough. The project’s mission was frequently understood as a quantitative assessment of performances and deliverables rather than an opportunity to share experiences, positions and opinions. Representatives of the Danish and the Swedish ministries of transport were heard after some persistence - both among the larger development parties there. The only fully commercial party that was interviewed, with no public ties, turned out to be the area developing firm BPD Immobilienentwicklung GmbH from Düsseldorf.

- **Sector representation and possible biases**

Conducting interviews is part and parcel of qualitative research. The represented sectors and number of interviews may also influence the outcomes. There is a bias in the distribution of sectors with regard to execution and academia (Table 3). Given the restricted research period and the assignment constraint of focussing on finding elements that in practice work well in each country’s system, we welcomed hearing experiences from the execution of development-led work. Moreover, the prominence given in the interview design to scientific progress has resulted in a relatively high number of interviews regarding academia.

The interviews were conducted online, on the basis of previously emailed explanations of the aims and the context of the investigation, plus a summary of the main questions (Annex C). The language used during the interviews was English, in addition to Dutch (Flemish interviewees) and occasionally German. Each interview was held with a single interviewee and with two of our team, and lasted approximately an hour. Consent was obtained beforehand to record the interviews, of which written reports were made in Dutch (roughly 2 pages for each interview). Written and audio reports of the interviews were shared with our commissioner only, respecting confidentiality and following EU privacy regulations.

#### 4.2.2 Results and reflection

We frequently noted differences between the opinions of spokespersons for each country, and between those opinions and our country descriptions based on literature. Precisely aligning the designed, executed and perceived realities is beyond the scope of this project. The commissioner agreed that it would be sufficient to use the country descriptions and the stakeholder assessments as a general background in order to better appreciate the potential inspirational points for the Dutch archaeological heritage regime.

General observation made during the interviews are as follows:

1. The archaeological heritage management and protection ‘systems’ appear to be **fluid, not static** in all countries studied. For example, many interviewees felt that it too early to assess the legal situation in Flanders which was only recently implemented (2016), whereas in Sweden and England the word ‘maturation’ was mentioned and indicates an awareness of evolving processes. Three conclusions can be drawn.
  - The country descriptions which we have constructed on the basis of literature often seem to capture a slightly older stage of the system than the present one;
  - Put in a longer time perspective, also the current situations are to be considered moving targets.
  - The legal design of a country’s archaeological heritage protection/management system may diverge from its execution (realisation) and working (practice). There was no room, within this project’s restrictions, for triangulation (cross reference).
2. Awareness of the significance and/or aims of the **Valletta Convention** varies greatly. For an analysis, see below, Ch. 6 *passim*.
3. Overall, the **public sides** to archaeology, or the awareness of their potential significance, appeared to be just incipient. The subject has only just started to be connected to legal provisions and as a way forward towards social sustainability in England and Sweden, and to a lesser degree in Flanders. There may be a bias here: our own preoccupations and our choice of interlocutors, who were mostly found at the heart of the archaeological field. We expected the sector to be much more aware of the social dimension of heritage given the importance of the Faro Convention (2005), which places heritage squarely in a social dimension, and the growing academic interest in redefining ‘heritage’ in societal terms.<sup>4</sup>
4. Our questions regarding each system’s **strong points** were not always understood. We were confronted in our conversations with a prevailing critical attitude of many interviewees towards the system they were working in. Longer interviews would perhaps have created more room for positive reflection. Possibly, interviewees may have had a low awareness of comparable systems elsewhere.
5. **Aggregating** individual opinions into a single assessment in the country reports was carried out if possible without doing injustice to the occasional differences between speakers. In some cases we kept minority opinions visible.

#### 4.3 PHASE 3: EXTERNAL REVIEWS

In December 2020 three independent experts reviewed the country reports, which now also included both the results of the interviews held in Phase 2 as well as our own selection of elements of potential interest for the Dutch archaeology system.<sup>5</sup> For each of the three sections we asked the reviewers to reflect on the representation of the country systems (validation); to reflect on the assessments of the various results expressed in the aggregated interview reports; and to check the credibility of the selected inspirational points while indicating possible omissions.

The reviewers’ main reflections, in addition to a number of factual corrections and useful suggestions which were welcomed, were as follows:

- “Many of the strong points listed are directly related to significant weaknesses. It is difficult to assess whether the strengths can be enjoyed without the weaknesses”.
- There is appreciation for the ‘polder model’ within Dutch cultural heritage management.
- In other instances, reviewers were not able to pinpoint any potentially ‘inspiring elements’, because they lacked sufficient understanding of current issues in Dutch archaeology. Nevertheless, they claim that “For any revision of the Dutch system, there first needs to be a political and professional consensus on what the national aims ought to be”.

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<sup>4</sup> See [www.Heritage-futures.org](http://www.Heritage-futures.org) *passim*; Florjanowicz, P. (ed.), *When Valletta meets Faro. The reality of European archaeology in the 21st century* (EAC Occasional Paper 11 ), Budapest 2016; Renes, J., et al., *Character Sketches. National Heritage and Spatial Development Research Agenda*, Amersfoort: RCE 2014; [www.netwerkerfgoedenruimte.nl/system/files/Charactersketsches\\_060214.pdf](http://www.netwerkerfgoedenruimte.nl/system/files/Charactersketsches_060214.pdf).

<sup>5</sup> Dr Mike Heyworth, former CBA director, York (UK); Profs. Cornelius Holtorf (UNESCO chair Linnaeus University Sweden); Dr Katalin Wollák, National Centre of Cultural Heritage Management, Budapest (H), former EAC chair.

The reviewers' detailed feedback was instrumental to updating the draft country reports. To a varying degree, the reviewers also indicated that they did not always feel confident assessing the descriptions of countries they were not quite familiar with. Therefore, we decided to ask three other individual country experts to review the reports on Flanders, NRW and Denmark.<sup>6</sup> We were equally happy to be able to incorporate their feedback into our system descriptions and to also aggregate assessments of those systems by our interviewees if relevant.

#### 4.4 PHASE 4: FIELD CONSULTATION

The results of Phases 1-3 (*IVAR Draft Interim Report of January 4, 2021*) were shared with approximately 25 representatives of Dutch archaeological stakeholder organisations (Groot Reuvens Overleg) along with expert civil servants for this dossier, and discussed during a moderated online meeting on January 7, 2021. A written report was made available shortly afterwards.

In addition to factually democratizing the process, the aim of involving the archaeological working field representatives was to gauge preferences which might help our commissioners in prioritizing the 30-odd inspirational points of the country analyses of the previous phases (see below, Ch. 5). Furthermore, the consultation allowed for ideas to be shared on what the prioritization of the points could look like. The inspirational points were arranged according to the problem areas established in the Assignment Brief: in situ preservation, knowledge gain, social added value, and geographical scale (below, adopted in Ch. 6). In addition to providing detailed feedback on the process and the listed findings, the consultation also highlighted some general points:

- Rethinking **the role of the government** in Valletta archaeology would be beneficial: Why would funding have to solely depend on the 'Polluter Pays' principle, and why wouldn't the significance of archaeology transcend the sector?
- With regard to the 'Polluter Pays' principle: What are the arguments for or against broadening it **to also include synthetical research and public involvement?**
- **Cooperation between academia and contract archaeology**, in whatever form, is felt to be both necessary and highly desirable, as an essential condition for creating (more) significance and also providing "oxygen to the profession".

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<sup>6</sup> Prof. Marc Jacobs, VUBrussels and Univ. of Antwerp (B); Dr Erich Classen, head of LVL-ARB, Köln (D); Dr Anna Beck, Museum Sydøstdanmark, Vordingborg (DK).



## 5 FINDINGS

### 5.1 GENERAL

The observations made above along with a description of the investigation process can be summarized as follows, in addition to points already noted (evolving character of ‘archaeoregimes’ as well as their maturation, sometime to a considerable degree):

- In some countries, the aims and objectives of ‘Valletta’ only play a limited role, either mentally or in practice, though they may have been internalized as a default.
- Given substantial differences, any ‘comparisons’ of governance tradition and societal values between countries and regions should be avoided.
- There are several comparable struggles across the countries studied, such as tensions with regard to the balance between public and private (funding, domain), and open and closed (government culture). For further analysis see below, Ch. 6.

### 5.2 PER COUNTRY / REGION

The following 39 inspirational elements were identified and are arranged below according to country (see Annex D, every third section of each country chapter). Criteria for selection were that interviewees indicated that a certain element works well in their country and/or has recommended to consider it for adoption, and that the element is missing in the Dutch system or else is substantially different.

#### UK / England

1. *Focus on significance*  
Tendering now occurs on both content and price. A next step is the idea of ‘regional hubs’ which aims at an archaeological that is collaborative, research-led, and delivers public benefit.
2. *Charity funding*  
Private (charity) funds support ‘community archaeology’, such as from the National Heritage Lottery Fund.
3. *Collaboration: ‘knowledge ecology’*  
Archaeological heritage management operates in a *knowledge ecology*, based on cooperation and interdependencies, including universities.
4. *Standards & guidance for hands-on help*  
ClfA Standards & Guidances based on methods are crucial to the system (will soon also be applied to community archaeology).
5. *Adding public benefit to the planning permit preconditions*  
Local authorities may require specific public benefits to be delivered during the planning process.
6. *Urban monitoring programmes (York)*  
York has specific archaeological heritage management goals and tools, including a ‘95% preservation’ of heritage and a developer-funded urban monitoring obligation up to five years after construction.
7. *Special place for public archaeology*  
There is an overall strong awareness of the public sides to heritage.

## Sweden

- 8. *Regional scale and level***  
All archaeological heritage is managed at county level.
- 9. *Archaeology as a shared subject***  
Other departments than the Ministry of Culture, as developers, adopt archaeological heritage policies (e.g., Trafikverket Transportation).
- 9bis. *Incentives: excess cost compensation and mitigation bonus***  
Costs may be compensated in case of unexpected discoveries and if archaeological remains turn out to be either too valuable or not affected.
- 10. *Knowledge gain through deregulation - sharing counters fragmentation***  
Non-local/regional contractors may bring new knowledge; fragmentation following deregulation is countered by paying more attention to sharing knowledge and expertise.
- 11. *Developers responsible for synthetic studies***  
The 'Polluter Pays' principle covers post-excavational research, allowing contractors to (also) compete on academic staff qualifications (PhDs).
- 12. *Outreach part of social contract***  
There is a legal principle aimed at a sustainable, socially relevant archaeological heritage system, with three equal beneficiaries: planning, academia and society. Developers can be required to fund outreach.
- 13. *Relevance includes social value and knowledge gain***  
Relevance of archaeological research is increasingly redefined in terms of both being distinctive and of social benefits and well-being, while knowledge gain is measured qualitatively. The extent of the social dimension is a subject of innovative academic research (GRASCA).
- 14. *A culture of consensus***  
There exists a nation-wide wish to cooperate towards improvement through reflection, discussion and experiment, based on a high level of trust in the state.

## Denmark

- 15. *Strict regional scale***  
Continuity and stability at (selected) county museum scale; work being executed by regional experts prevents both fragmentation and the creation of repetitive knowledge.
- 16. *Professionalisation through consolidating***  
Recent consolidation into larger museum organizations with archaeological responsibilities that are able to cope with larger (government) development units in infrastructure.
- 17. *Cooperation as a basis***  
Internal and external cooperation required by law (sharing specialised expertise), which fits the scale of the sector while doing justice to the wide range of specialities typical of archaeology.
- 18. *Scientific quality prime concern***  
Development-led work commissioned on the basis of content, not price, which has led to an appreciation of PhDs in the museums. Quality assurance through ex-post audits.
- 18bis. *Archaeological assets included in land register***
- 19. *Remote sensing techniques innovations***
- 20. *Basic public outreach secured***  
Dissemination programmes are mandatory for museums. There exists a museal 'DIME' network for metal detectorists.
- 21. *Prioritising significance***  
National Strategies are in place to enhance significance, aimed at preventing the creation of repetitive information.

**22. *Special financial arrangements***

Smaller projects are free-of-cost for developers; larger projects are provided with capped budgets. Government funds cases of natural erosion, excess costs, and chance finds at deselected sites.

## **Flanders Region**

**23. *Academic synthesis fund***

Government created an annual €1 million for synthetical studies on condition that contractors and academia collaborate.

**24. *Innovative remote sensing***

Substantial use is made of innovative aerial photography and remote sensing techniques.

**25. *Intermunicipal collaboration***

Immovable heritage management and engagement are consolidated at intermunicipal, regional scale (IOEDs).

**26. *Government fund for outreach (in preparation)***

Plans exist for government funding of public engagement, analogous to academic synthesis fund.

**27. *Ensembles kept together***

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

**28. *Collaborative attitude***

There is a strong commitment and wish to collaborate within the sector with all stakeholders.

**29. *Open Access data***

Open access is provided to centralized investigation reports and data. Periodically, data on the system and knowledge gain in open access are monitored.

**30. *Transparency for developers***

There are uniform threshold values for mandatory archaeological investigations; cost indication are based on desk research (*archeologienota*).

**31. *Excess costs compensation for natural persons***

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

**32. *Inclusion of metal detector volunteers***

A licensing system is in place for metal detectorists.

**33. *Process towards professionalism***

Individual archaeologists welcome the extension of tasks and responsibilities under Valletta principles (project design and management, negotiating, advocating).

## **Rhineland**

**34. *The notion of balance***

Principles of fairness and proportionality (*zumutbarkeit, verhältnismässigkeit*) protect both natural persons from undue taxation and developers against excess costs (to be proved by developer).

**35. *Institutional and larger private funding bodies***

State (yearly program) and *Amt LVR* fund synthetical research (PhDs) and Ecolabs at university. The private brown coal industry and state co-fund synthetical research.

**36. *Separation of powers* (in connection with #39)**

Advice, execution and outreach are done by regional non-departmental public bodies (LVR-ABR and *Landesmuseum*), based on *Fachlichkeit*. Decision making is done by state, regional and municipal authorities.

**37. *Importance of a culture of collaboration***

There is a trend towards closer collaboration between the various players, both in a practical manner and in terms of funding.

**38. Licensing of metal detectorists**

Metal detector volunteers can obtain an annual license, restricted to a predefined area within a certain municipality.

**39. Regional organisational level (in connection with #36)**

The key player is the regional LVR-ABR, organized at the level of the *Landschaftsverband*: an independent expert body offering a wide range of services to administration, developers, and contractors.

### 5.3 REMARKS

- **The other way around**

The interviewees and expert reviewers appreciated the following elements of the Dutch system:

- The PAN (Portable Antiquities Netherlands) programme, a government sponsored academic interface for metal detectorists: acknowledges and supports detectorists and documents finds.
- The ArcheoHotspots, a private initiative consisting of platforms for low threshold, freely accessible, in-person conversation and interaction on local archaeological finds by the general public.
- Concentration of academic archaeologies in larger academic centres (Leiden).
- The detailed, broadly accepted and working quality assurance system for the execution of archaeological investigations.

One review team strongly recommended to bridge an apparent gap between academic and contract-based archaeology on new terms. "It would be of benefit for the Netherlands to develop a system that recognises the strengths and possibilities on both sides encouraging close collaboration, mutual empowerment and joint visions about meeting the needs of society, not the least in the context of the UN's Agenda 2030."

- **Commentary**

These 39 points of inspiration are rather diverse in character. What is needed is a more precise classification to gain a deeper understanding and one which takes contexts into account and places the elements in a more abstract perspective. Furthermore, these elements should be aligned with the logic of Valletta, current heritage discourses in Europe, and current preoccupations in Dutch policy. This will be discussed below, in Chapter 6.

## 6 RESULTS

### 6.1 MAPPING

The elements identified above have been mapped below in Table 4 according to three sets of almost similar criteria: first of all against the Valletta principles (first column), then against topics from current international discourses - based on a selection of literary sources and interviews (Phase 1, Annex B) - and finally against the three issues from the Parliamentary motion (2019) that gave rise to this investigation. The horizontal axis is straightforward as it sums up, per country and for each subject, the inspirational items we have selected.

The three left-hand columns serve as the scope to map the inspiration points, thereby assigning the findings to the proper domain. As indicated above, for an element in the regional systems studied to qualify as 'of inspiration', it had to meet these three criteria:

- successful in its own system, according to stakeholders and experts (i),
- lacking in or else being different from the Netherlands system (ii), and
- having an arguably inspirational potential for the Dutch situation (iii).

priority areas of attention according to:			inspirational elements in archaeology systems in:				
Valletta principles	Phase 1: current inter-national discourse	Dutch Parliamentary Motion 2019	England	Sweden	Denmark	Flanders	Rhineland
in situ preservation	innovative technologies						
scientific progress	significance/knowledge gain	limited contribution to science by contract archaeology					
dissemination and access	outreach / participation/ adding social value	low public visibility					
integration into planning	best geographical scale for AHM	insufficient municipal capacities					
(developer) funding	competition v. cooperation						

**Table 4.** Method of mapping inspirational elements from five regions studied onto significant higher-order areas of attention (Valletta, Analysis Phase 1, Dutch Parliament).

Assigning the chosen elements to the several subject areas, and doing so per country (Table 5), allows for overviewing different solutions to similar issues and measures. The last category, Additional Elements, was not easy to allocate. It contains elements that are either conditional to or concomitant with a specific system. We discuss below on a higher level of abstraction all five subject areas as well as the 'conditional' field (horizontal).

Valletta principles	Current international discourse	Parliamentary motion 2019	England	Sweden	Denmark	Flanders	Rhineland
preservation in situ	innovative technologies		6 urban monitoring programmes + preservation goal 95%		19 remote sensing techniques innovation 18bis archaeology in land registers	24 innovative remote sensing	
scientific progress	scientific knowledge gain	limited contribution to science by contract archaeology	3 cooperation and idea of a 'knowledge ecology' 1 focus on significance 1 tendering done on content and price 4 Standards & Guidances: broader than Dutch KNA processes (best practices)	11 synthetic studies paid by developer 11 tendering done on both of price and content; PhDs competitive assets 13 R&D bridging gap academia and contract archaeology (GRASCA) 13 (significant) knowledge gain among main aims of national policy	21 National Strategies prioritising significance 15 regional scale to avoid repetitive knowledge (National Strategies) 17 cooperation and sharing of expertise 18 scientific quality key; quality assurance through audits	23 government fund for synthesis 27 Ensembles kept together	37 importance of a culture of collaboration 35 structural co-operation regional council with academia (Ecolabs)
dissemination and access	outreach / participation/ adding social value	low public visibility	5 public benefit part of planning permit preconditions (optional)	12 outreach part of social contract (Polluter Pays) 13 social benefits of archaeology to be used as competitive factor (GRASCA)	20 basic public outreach secured by law (Polluter Pays) 20 Museal platform DIME for metal detectorists	29 Open Access data accessible to the public 32 inclusion of metal detectorists 26 government fund for outreach (to come)	38 licensing of metal detectorists
integration into planning	best geographical scale for AHM	insufficient municipal capacities	1 'regional hubs' a tool for creating significance	8 archaeology managed at regional level 10 Knowledge gain through deregulation - sharing counters fragmentation	15 Strict regional scale 16 professionalisation through consolidation	25 Intermunicipal collaboration	39 regional organisational level
(developer) funding	competition v. cooperation		2 charity funding (National Heritage Lottery Fund) for community archaeology	12 developers may pay for scientific synthesis and (basic) social value 9bis compensation, bonuses as incentive	22 special financial arrangements (erosion, threshold, excess costs, chance finds) 18 scientific quality prime concern	30 transparency for developers 31 excess costs compensation for national persons	35 institutional and larger private funding bodies (PhDs, Ecolabs) 34 balance: protection of citizens against unlawful taxation, developers against excess costs
ADDITIONAL POINTS CONDITIONAL			7 special place for heritage in national awareness	14 culture of consensus 9 archaeology in policy of other ministries (developers)		28 strong sense of a shared responsibility 33 process towards professionalism	37 importance of a culture of collaboration 36 separation of powers (+ <i>Fachlichkeit</i> )

**Table 5:** Mapping of the selected points of inspiration against problem areas (three left-hand columns) per country (five right-hand columns). Each item is numbered, referring to the section in the country description where full context and meaning are given (Annex D).

### 6.1.1 In situ preservation

In situ preservation, to be realized through planning, lies at the heart of the Valletta Convention. We found it is not widely discussed, perhaps because - at least in theory - it is the default option and most CoE member states have implemented this core principle long ago. In the Netherlands, however, the effectiveness of this policy is still a matter of interest.<sup>7</sup> It is periodically evaluated, in particular with regard to non-registered sites that come up during the first phases of investigation in contract archaeology. We have not come across this kind of governmental feedback or formal reflection elsewhere during our investigations.<sup>8</sup> However, many of our interviewees did mention successes of preservation of non registered sites. Some also expressed doubts about in situ preservation being the best available option (England).

On the other hand, we found that outside of the Netherlands much attention is given to innovative techniques which have created better preconditions for in situ preservation. At home, the need for innovative (aerial) remote sensing techniques has now been prioritised by the Heritage Agency, thereby acknowledging the existence of a considerable backlog.<sup>9</sup>

Our field consultation group (Phase 4) expressed appreciation of several governments' willingness to invest in innovative, non-destructive survey techniques with the purpose of in situ preservation (Denmark and Flanders). Also standing out is the existence of monitoring programmes, including 3D modelling, in archaeologically sensitive urban areas (England), placing the cost of long-term monitoring under developer funding. Arguably, these practices have the potential to improve the success rate of in situ preservation, at least in a sustainable sense.

### 6.1.2 Knowledge gain

The extent to which developer funded archaeology contributes to scientific progress is a highly topical subject, though in various ways. What should be covered by "Developer Pays" funding?<sup>10</sup> And is there sufficient value in the result of what is in fact covered? In all investigated regions - regardless of the system design - this is explicitly reflected on and acted upon, resulting in various approaches and toolkits. The following arguments have been observed:

- the need to focus on significance, preventing repetition;
- the need to cooperate, creating a 'knowledge ecology' and bridging the gap between contract archaeology and academia;
- the need to tender on content as much as on price and use (e.g., with contractors employing PhDs as a competitive advantage);
- finding the appropriate administrative level for the archaeological heritage management process, and for output to be relevant for - but not dictated by - municipal planning;
- bringing synthesis under developer-funding;
- creating additional and structural resources for synthesis and innovation.

Many within the Dutch archaeological profession have experienced the added value of contract archaeology to scientific progress as being limited, which is something that is in line with one of the main points of the Parliamentary Motion that has brought about this very survey.<sup>11</sup> Successful strategies listed in all five countries offer practical ways to tackle this problem, some of which are explicitly recommended, like the Graduate School in Contract Archaeology (GRASCA) or the choice for the region as the best executive level for archaeology (see below).

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<sup>7</sup> Carried out for the Netherlands by RAAP Archaeological Consultancy, leading to the establishment of (full/partial) in situ preservation between 31.9 (2007) and 23.2 (2017) percent. [www.cultureelerfgoed.nl/publicaties/publicaties/2020/01/01/behoud-in-situ-archeologie-voor-de-toekomst](http://www.cultureelerfgoed.nl/publicaties/publicaties/2020/01/01/behoud-in-situ-archeologie-voor-de-toekomst).

<sup>8</sup> With the exception of Flanders Region, where, however, a much higher level of private land owning prevents this objective to be realized as effectively.

<sup>9</sup> Rensink et al., in prep. (2021), *Archeologische prospectie vanuit de lucht. Beeldmateriaal en toepassing van remote sensing in de Nederlandse archeologie (landbodems)*, RCE report. In combination with a web viewer.

<sup>10</sup> The Valletta Convention Art. 6 seems to leave no doubt, but is interpreted in varying ways. See further below, Ch.6.1.5.

<sup>11</sup> Knoop, R., et al., *Graven naar verbetering. Evaluatie van het nieuwe kwaliteitssysteem archeologie*, Utrecht: SIRM 2020.

### 6.1.3 Dissemination/societal value

An important observation must be made here. As remarked above and in contrast to the Netherlands, across the countries studied the Valletta Convention as such does not often seem to constitute the most important point of reference in current thinking (anymore), while in Rhineland it never even was. The leading perspective, exemplified well in England and Sweden, is taken by a broader societal discourse on democratisation and localism, placing public value centre stage. Seen from a Dutch perspective, this may well be considered a paradigm shift since in the Netherlands system, archaeological heritage (assets) itself is the focal point. In England and Sweden articulating public value is (being) made conditional to and even a prerequisite for any archaeological work.<sup>12</sup> By contract, public benefits must there be made explicit and investigations must be proven significant before they can be carried out. These English and Swedish approaches lean more towards the principles of the Faro Framework Convention (on the role of heritage for society), without however explicitly referring to it.<sup>13</sup>

Looking at the inspiration points gathered in this category, some practices clearly go much further than just public dissemination (Article 9 of the Valletta Convention). Examples are the role of archaeology in the social domain in terms of benefits, participation, decision making and the translation of exactly this in some legal frameworks (England, Sweden). The difference between 'outreach' and 'public value' is to be considered fundamental. Should it be adopted, this new notion will impact the Dutch system at the level of its guiding principles - which is precisely what our reviewers observed (see above Ch. 4.3).

With regard to outreach, (basic) dissemination has in Sweden and Denmark been placed under developer funding. In many countries participation is mainly developed through allowing (by regulating) hobby metal detecting.<sup>14</sup>

To sum up our inventory of inspiring practices regarding the social benefits and value in the archaeoregimes studied:

#### Valetta Article 9

- Dissemination is brought under the "Polluter Pays" principle (Sweden, Denmark);
- can be demanded by local authorities (England);
- or is shortly to be receive (tendered) central funding (Flanders).

#### Faro Framework Convention (Ch. 7.2)

- Social awareness/inclusion is enhanced by systemic outreach to include metal detectorists.

### 6.1.4 Administrative level and the landscape scale

The integration of archaeological heritage management into spatial planning requires fixing entry points at the administrative levels. In Denmark and Sweden, even though the integration into planning takes place at the municipal level, control of the archaeological process is given to regional authorities. In the Rhineland and Flanders intermunicipal networks are effective or expected to be so. In England, there is a strong voice advocating the introduction of 'regional hubs'. Some of the interviewees recommend managing archaeology at the regional level, for various reasons. The region facilitates consolidation by:

- Focussing on regional synthetical studies, using the landscape scale for a deeper understanding;
- Ensuring integrity of archaeological remains, holding together data, information and knowledge, preventing knowledge dispersion and fragmentation;
- Operating on a scale that fits the capacity (size of workforce), competence and specialisations of the profession (sharing knowledge and combining expertise);
- Steering towards significance and quality.

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<sup>12</sup> E.g., Belford 2020, Trow 2018, and <https://www.sal.org.uk/2020/12/future-of-archaeology-manifesto/> (UK) and Arnberg & Gruber 2014, (Sweden). Essential is the 2010 Southport Report ([www.archaeologists.net/sites/default/files/SouthportreportA4.pdf](http://www.archaeologists.net/sites/default/files/SouthportreportA4.pdf)), 3.1.2.

<sup>13</sup> Belgium excepted, none of the countries here surveyed yet signed it ([www.coe.int/en/web/conventions/full-list/-/conventions/treaty/199/signatures?p\\_auth=dg2WfyCT](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/199/signatures?p_auth=dg2WfyCT)).

<sup>14</sup> See [www.helsinki.fi/en/networks/european-public-finds-recording-network/for-metal-detectorists](http://www.helsinki.fi/en/networks/european-public-finds-recording-network/for-metal-detectorists) For all EU member state metal detection regulations.



In Denmark, moving maritime archaeology downward from a central scale to a regional one is experienced as unsuccessful by some of the interviewees. Arguments similar to the ones listed above also apply here why a higher level is more appropriate. For maritime archaeology, the optimal scale is national, i.e. one step up in relation to land-based archaeology, and it automatically leads to also stressing the importance of international cooperation in this field (e.g., Flanders-NL).

### 6.1.5 Funding

Funding under Valletta, dealt with in Article 6 of the Convention text, is often reduced to cover developer funding of rescue archaeology only. Yet the article is broader on two accounts. It addresses both in situ preservation and rescue archaeology and, secondly, it underlines a general role of government in funding (in the first paragraph). Developer funding is found in the second paragraph. Government is responsible for the financial regime as such to cover all necessary expenses to meet the Valletta principles.

With regard to in situ preservation, some of the regions studied are found to prioritize certain urban areas (England) and/or to invest in innovative techniques (Flanders, Denmark) and monitoring programmes (England). In the various regions, the financial regimes differ greatly. The following normative considerations are found to be of relevance to the choices underlying these regimes:

- A. **[polluter pays]** defining the boundaries of what is covered by developer funding (whether or not to include synthetic study, outreach etc., sometimes with compensations);
- B. **[public good]** government funding in its own right, in surplus of developer-funding, to contribute to the creation of significance (continuous funds for synthetic study, PhD programmes, specialised infrastructure such as university Eco-labs and guidance);
- C. **[safety net]** government funding wherever developer funding does not apply (natural erosion, excess intervention costs NRW; sometimes compensation);
- D. **[charity]** funding by third parties (e.g. foundations) to target specific areas (participation, PhDs).

In the Dutch archaeology regime, funding is almost exclusively dependent on the 'Polluter Pays' principle. At the same time, the Dutch system is seen struggling with apparent issues interfering with the policy aims of creating both scientific progress and public visibility. A combination of the above considerations translated into practical approaches might benefit the Dutch situation.

## 6.2 OTHER CONSIDERATIONS

We are left with a handful of observations of a more general nature, that defy being easily grouped under the headings just discussed. These are to do with 'national' characteristics, or better perhaps underlying cultural traditions and attitudes. They regard the nature of the relation between citizens and the state (Sweden), or between society and the past (England, NRW though at different positions of the spectrum). Both are key in understanding the choices made and solutions found in the respective areas for issues common to all: place of archaeology in planning, how to address needs for citizen engagement, how to assure sufficient and sustainable funding both for interventions and maintenance.

Of a different kind are observations of a discipline coming of age as a true profession in society (Flanders); and of a profession, in NRW, under pressure and resorting both to its discipline (*Fachlichkeit*) and, increasingly, its *esprit de corps* in a perhaps all too demanding society.

We did not consider the political nature of the social economic contexts in the various regions whose archaeological management systems were investigated. Even minor scrutiny may well yield useful insights into reasons and causes for differences in the design and characteristics of the various 'archaeoregimes'.<sup>15</sup>

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<sup>15</sup> See Willems, W. and Dries, M. van den (2007), 'The origins and development of quality assurance in archaeology', in *Quality Management in Archaeology* (idem, eds.), Oxford: Oxbow Books, 1–12. 'Do we need the 'archaeology of Europe'?', 15(01), 2008; 'Contract archaeology in Europe: an experiment in diversity', in *World Archaeology* 41/4 (2009) 641–648.

## 7 REFLECTIONS

### 7.1 VALLETTA AIMS OF SCIENTIFIC PROGRESS AND PUBLIC VISIBILITY

The five categories (in situ preservation, knowledge gain, societal value, administrative and governance level, funding) that structure the framework adopted for presenting the list of inspirational elements above are interrelated and are all relevant for a proper working of any system.

Prioritising with an eye to enhancing the Dutch reality can therefore best be done between listed items per category, not between categories. When it comes to choosing, the question arises which assessment frame could be relevant besides the Valletta Convention, as additional ways of thinking and acting have since come to fruition. Such broadening of heritage perspectives leads us to becoming more aware of our own implicit preferences (7.2). In addition, the innovative phrasing of the aims of archaeological heritage management as proposed by the European Archaeology Council (EAC) points into the same direction (7.3). Following this, if a gap is to be bridged between contract archaeology and academia, then the needs and restraints of archaeology as currently pursued at universities are also to be considered (7.4). Finally, the issue of scale has to be addressed both as a crucial determinant in the relation between archaeology and landscape and as a success factor for realizing goals (7.5).

### 7.2 PERSPECTIVES ON HERITAGE: ETHOS AND ACTION<sup>16</sup>

Because actions and preferences are often implicitly guided by leading perspectives, some reflection may be relevant on such perspectives relating to broader societal discourses. We identify below three dominant modes of archaeological thinking. These are not to be seen as consecutive phases but rather as frames rooted in certain periods. The discourse then shows a certain time depth in which the meaning of concepts like ownership, stewardship and benefits are moulded. 'Weaving strands' are shared by communities and networks worldwide, and all three modes are coexisting. Especially the last perspective influences the current debate on heritage values.<sup>17</sup>

- **[Intrinsic value]** The focus in this mode of thinking is on the protection and study of material remains that are of value, leading to tracing, mapping, listing and investigating archaeological sites on the basis of expert knowledge (Valletta Convention).
- **[Value relating to identity and memory]** The focus is on (spatial) identity and meaning of places, leading to heritage narratives in which expert and local knowledge may be combined.<sup>18</sup> Arguments of identity creation and spatial quality often form a strategy for in situ preservation in environmental planning (Dutch Belvedere Memorandum, European Landscape Convention).
- **[Value for society]** the focus is on the ways in which 'heritage' contributes to societal challenges, leading to participatory strategies for achieving well-being, sustainability and economic growth (Faro Framework Convention,<sup>19</sup> European Heritage Strategy for the 21st Century<sup>20</sup>). Heritage itself is not a given but the outcome of societal processes.

The above modes may easily function as bubbles or echo chambers. During our investigation it became apparent that the Valletta Convention thinking mode is not as self-evident a reference abroad as it is in the Netherlands. Instead a broader mix of values was encountered, at places focussing more on the value for society (Ch. 6.1.3). We have noticed in some countries a gradual shift between bubbles, often from the first two towards the third.

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<sup>16</sup> Dutch *handelingsperspectief* is hard to render in English. We thank Dr. Michiel Schwarz for his comments.

<sup>17</sup> Universal, European, and the Human rights perspectives, respectively, see Van Londen et al., 2019, 'Heritage Management. The Natural and Cultural Divide,' *Ex Novo* 4, 3-12. Janssen et al., 2017, *Heritage as sector, factor and vector: conceptualizing the shifting relationship between heritage management and spatial planning*, European Planning Studies. Holtorf, C. (2007). 'Can you hear me at the back? Archaeology, communication and society', *European Journal of Archaeology*, 10(2-3), 149-165. doi:10.1177/1461957108095982

<sup>18</sup> For instance through the concept of the 'biography of landscape' (Kolen et al. 2015, *Landscape Biographies. Geographical, Historical and Archaeological Perspectives on the Production and Transmission of Landscapes*. Amsterdam: Amsterdam University Press); Bloemers T., et al., 2010, *The cultural landscape and heritage paradox*, Amsterdam University Press; and that of 'memory places' (Nora, *Les Lieux de Mémoire* (7 volumes, 1984-1992)).

<sup>19</sup> <https://www.coe.int/en/web/culture-and-heritage/faro-convention>

<sup>20</sup> <https://www.coe.int/en/web/culture-and-heritage/strategy-21>

### 7.3 VISTAS FROM THE EUROPEAN ARCHAEOLOGICAL COUNCIL (EAC)

Several of the more abstract notions listed above as inspirational points (Ch. 5) can be identified elsewhere, too. They reflect what is already an accepted way forward in European archaeological heritage management as advocated by the European Archaeological Council (EAC), and recognised by the Netherlands.<sup>21</sup> EAC helps to support all membership countries to:<sup>22</sup>

- work with research frameworks as part of a wider knowledge ecology;
- understand and apply a broad notion of significance, preventing less meaningful repetition;
- prioritise public benefit (also) in developer funded projects.

The above notions are therefore not entirely new to the Netherlands, but they still need further consideration and implementation.

### 7.4 A NEED FOR BALANCE IN THE WIDER SECTOR

In all five countries/areas considered, the archaeological sector has considerably grown since the implementation of the Valletta Convention and is still evolving, not only in relation to its workforce, but even more so regarding its diversifying practice. Three separate subsectors can be discerned, consisting of typical actors, beneficiaries, and stakeholders, and each with more or less separate funding systems (Sweden leading the way):

- archaeology in academia, serving scientific progress and education;
- government and planning, serving both in situ and ex situ preservation;
- public archaeology, serving society's involvement in various processes of identification.

Though functioning to a high degree independently from each other, the three subsectors are logically intertwined, while it is apparent there need be a minimum of balance between them for the sector to properly function as a whole.

Implementing the principles of the Valletta Convention has created a completely new industry, in the subsector of government and planning. This newcomer has drawn sometimes attention, in mind-sets and funding, away from the other subsectors, academia and society. Such disparity is exacerbated by a simultaneous process of universities reducing their archaeology department capacity, and/or focussing on education, thus growing increasingly detached from developer funded practice. Intentions to bridge the gap between contract archaeology and academia (above, 6.1.2) will be hampered by a lacking research capacity at universities and international orientation of research programmes.

Regarding public archaeology, funding of archaeological services and products for members (and communities) of the public through public bodies and charities is still in its infancy but holds great promise.<sup>23</sup>

In order to deliver scientific progress and public visibility, the balance between the three needs redressing. In the Dutch system, the interconnection between them has not been part of the design of Malta archaeology. Its absence may be part of the inherent problem underlying current concerns in Dutch archaeology.

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<sup>21</sup> <https://www.europae-archaeologiae-consilium.org/>, the "Amersfoort agenda", EAC paper 10.

<sup>22</sup> Paraphrased in this way by EAC chair, Barney Sloane, during interview.

<sup>23</sup> Dries, M.H. van den, K.H.J. Boom & S.J. van der Linde (2015), 'Exploring archaeology's social values for present day society' in: C.C. Bakels & H. Kamermans (ed.), *Analecta Prehistorica Leidensia* 45, 221-234.

## 7.5 ISSUES OF SCALE

In all regions studied we found 'archaeology' to be carried out by a relatively small professional community. The fact that at the same time it is a highly specialized profession leads to a dilemma in market situations. When supply is scarce in a field of a common good, it is often more reasonable to collaborate than to compete. Choosing a higher geographical level for the execution of required work than the municipal one will therefore be more conducive to results that meet the demands of all three beneficiaries: planning, science and society. This would explain the trend we noticed throughout our investigation towards larger, intermunicipal or regional, organizational units (DK, NRW, Eng, Flanders).

A similar mechanism can be seen in maritime archaeology. The yet much higher constraints of specialisation, costs and small scale of the workforce there lead to consolidation on national (Sweden, DK) and even international levels (Flanders, NL).

## 8 RECOMMENDATIONS

The learning points identified thus far need some work before they can be applied to specific situations in Dutch archaeology and bring out their potential and practicability. Since such operationalisation falls outside the scope of this investigation, we limit ourselves here to suggest a handful of procedural steps that might be useful in that respect (8.1). Next, we propose one such exercise in more detail (8.2). Finally (8.3) we have attempted to comprehensively answer the key issue of this assignment.

### 8.1 PROCESS: STEPS

#### #1\_Review points of departure

In the five regions examined, we found that the ways of dealing with archaeological assets are evolving. In some cases they are transforming into new societal engagements (UK) and finding a new balance between the three main beneficiaries: planning/government, academia, public (S). It might be fruitful for the Netherlands to check the assumptions underlying the 1992 Valletta Convention's ways of thinking and the context in which they made sense at the time. There is, e.g., a growing general awareness that in situ preservation of archaeological assets is of limited value for both science (the craving for knowledge) and society (the wish to enjoy). General external general factors may even be more important for having an impact on the validity of the 1992 assumptions, such as:

- waning trust in self-purifying capacities of markets;
- growing push-back against decentralisation and/or privatisation of public tasks.

#### #2\_Dare to experiment (From What To How)

We identified thirty-odd promising elements abroad which could be inspirational for larger issue areas at home. The harvest is rather diverse in levels of abstraction and in applicability. For some a new formulation of the Dutch Heritage Act's main articles would be needed, while for others action taken up by the sector itself might suffice, or else arrangements at lower levels of government would do the job. Others still might be addressed by measures executed by cultural funds and (national) research councils.

The elements were not further processed to fit, in shape, size or place, the Dutch system. This was a deliberate choice and respected the boundaries which were set between the *What* and the *How* in our assignment. It would be beneficial to uncover – through a workshop with all involved or any form of open participatory process – what principles are embodied by these elements and how the latter could best be polished to fit a Dutch context. That context should be sharply defined in terms of issues, first.

We have suggested below (Ch. 8.2, Table 6) how inspiring elements might be distributed over conceptual, organisational and instrumental areas. Elements in the latter category may need less time and effort for implementation than those in the first two, whereas conceptual changes may require a longer gestation period. We would advise to freely experiment with the mapping of inspirational elements onto different executive levels.

#### #3\_Calculate financial consequences

Several aspects of the Dutch archaeological process are currently not covered by the 'Polluter Pays' principle: synthetical research and outreach. We found that in most foreign regions direct and structural funding measures are in place to mitigate loss, especially with regard to academic research. Measures allegedly "supplying oxygen" range from relatively modest and precise (Flanders: €1M/y) to more substantial and general (NRW: €4M/y), with support regarding specialized research (university Ecolabs), strict supralocal synthetical research tenders (Flanders) or PhD positions across the system (NRW) or in specific areas (Rhineland lignite mining). If a similar financial arrangement is applied to Dutch archaeology proportional to Flanders and NRW, it would amount to c. €2,5M/y. This would double the current academic research capacity for national archaeology.

In order to forge sustainable bonds between academia and contract archaeology, earlier projects (*Odyssee, Oogst van Malta*) should be examined for learning points. The Flemish mixed-staff precondition for synthesis tenders (contractors, academics) seems promising, too. The Danish solution of advance research budgeting (museums) and subsequent auditing may work best in a government-led system/sector.

#### #4\_Design cohesion

The earning capacity of contract archaeology itself could be enhanced by broadening its market remit following Research & Development analogous to the Swedish GRASCA program - jointly funded by contracting industry and national innovation council. Considering archaeology as a dynamic tool, not a steady state flow process, would stimulate progress, maturation and a constant process of reflection. The point is not so much to replicate the GRASCA example in the Netherlands as rather to address the question on what kind of connections between society, academia and planning are best suited to a sustainable future of Dutch immovable heritage practices. Archaeology, and perhaps more generally cultural/natural heritage management and engagement, then becomes a public concern and not confined, as it sometimes seems to be, to the field of execution. One is reminded of health, which makes itself felt as a private matter, but (in Europe) sits squarely in the public domain.

#### #5\_Share visions

Decisive for the perception of successful systems by those concerned in the regions we studied, was the presence of what we might call vertical (hierarchy) and horizontal (chain) alignments. Vertical alignment occurs when all concerned in the executive branch, decision makers, and individual workers<sup>24</sup> in the field and industry, as well as the three beneficiary groups (above, Ch. 7.4) agree on some key points. These regard expectations and aspirations about the working and the purpose of the 'heritage arrangements' that are in place, as well as the directions they are moving towards, including remaining relevant in a 21<sup>st</sup>-century sense. Key issues would entail making the choice dependent on wider, shared perspectives (not every asset might need to be preserved, not even ex situ); and being able to service all three beneficiary groups in a balanced manner, thereby acknowledging them as forming the industry's constituency *together*. Horizontal alignments (chain) occur when visions converge, e.g. on the extent and boundaries of the playing field, or on the nature and conditions of knowledge gain as a systems objective.

#### #6\_Rethink scale and market logic

The present Dutch archaeology system is based on a regulated competitive market, decentralized but with central, at arm's length control and data/finds retrieval. We repeatedly found in the studied regions that the small, highly specialised archaeology sector does not always meet the challenge of organizational pushbacks from much larger industries, nor the demands of a sufficient labour force to be able to fully compete. In order to be equal to developers, who sometimes have twenty times the manpower of the entire archaeology sector combined, integration into higher-level units would be the answer. To offer highly specialized expert work where it is needed, a collaboration between competitors is inevitable. Bringing into practice (e.g. in *PvEs* / assignment briefs) the principles of keeping local ensembles together and of having expert research done on them from ensemble perspectives, would foster such collaborations.

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<sup>24</sup> An important intangible benefit of any system is the joy that is experienced by the people who work in and with it. We all too often forget when we evaluate systems that we also need to consider the human aspects and what a system does to them, their language, and the quality of life.

## 8.2 EXAMPLE: RANKING ACCORDING TO LEVEL OF INTERVENTION

The inspirational elements suggested above might be roughly grouped under three headings (Table 6), when analysed according to their notional/practical level:

- conceptual notions (knowledge ecology, significance, social value, funding regimes)
- modes of organisation (administrative level, cooperation), and
- practical instrumentation (technical innovation, policy guidance).

	Conceptual notions	Organisational measures	Instrumental solutions
Sustainable preservation		6 urban monitoring programmes + preservation goal 95%	19, 14 (aerial) remote sensing techniques innovation: innovative remote sensing
Scientific Significance	3, 17, 37 cooperation, collaboration and idea of a 'knowledge ecology' (sharing)  21 focus on significance  18 Scientific quality key	11 Synthetic studies paid by developer  13 R&D bridging gap academia and contract archaeology (GRASCA)  27 Ensembles kept together 15 regional scale to avoid repetitive knowledge	1, 11 tendering done on content and price; PhDs competitive assets  23 government and charity fund for synthesis / outreach  4 broad Standards & Guidances 18 quality assurance through audits
Engaging society	5, 12, 20 public benefit in planning permit 13 social benefits as competitive factor (GRASCA)		20, 32, 38 embracing metal detectorists  29 Open Access data accessible to public  26 Government fund for outreach
Executive scale	16 professionalisation through consolidation	1, 8, 10, 15, 25, 39 archaeology managed at regional level (18bis archaeology in land registers)	
Funding	30 transparency for developers  34 Balance: protection of citizens against unlawful taxation, developers against excess costs	(9bis incentives and bonuses?)	22, 31 government special financial arrangements 12 developers pay synthesis, social value 9bis incentives and bonuses 2 Charity funding 35 Institutional /larger private funding bodies (PhDs, Ecolabs)

**Table 6.** An example of what the next step could be by arranging the inspirational elements of archaeological heritage practices in S, DK, NRW, Fl, and Eng according to notional/practical level.

### 8.3 ANSWERING THE ASSIGNMENT QUESTION

What can be learned from alternative approaches abroad with regard to:

1. limited capacity at municipal level for carrying out their archaeological tasks;
2. pressure on the quality of archaeological investigations carried out by contracting companies;
3. a low visibility of archaeology for the general public?

The five foreign regions which were examined all show different ways of dealing with archaeological heritage, even though they are all aligned with Valletta principles. The three Dutch key issues which have been indicated above were also found to be points of discussion elsewhere. In more general terms they can be rephrased as: the proper competence level of execution and control (1), place of contract archaeology in our knowledge societies (2), and an on-going quest for significance (3). Diverging national traditions and characteristics put these issues into different perspectives. Among the foreign alternative examples are several that are particularly instructive and inspirational for the Dutch practice. Practical engagement with these alternative solutions in the Dutch context may prove beneficial (Ch. 6-7). Quick wins can be made, e.g., by providing some structural funds for synthetic research and fostering cooperation in specialized fields.

More sustainable solutions, however, will only be found if the 'archaeoregime' which has evolved during the last few decades in the Netherlands is critically reviewed in a specific way: How and where can we strengthen the bonds tying together the three subsectors in which archaeology plays a significant role: planning, research and society? Planning processes are to become inclusive of society's engagement with and scientific research of archaeological heritage. Ideally, societal significance making is the engine for heritage-aware decision making in planning informed by engaged academic research. Brave new worlds indeed may be expected to become within reach when, in line with the European Heritage Strategy for the 21<sup>st</sup> Century,<sup>25</sup> we would be successful in tying the domains of knowledge, society and development also in archaeology.

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<sup>25</sup> <https://www.coe.int/en/web/culture-and-heritage/strategy-21#>.



## Colophon

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