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ARCHAEOLOGY AND THE GLOBAL ECONOMIC CRISIS

**MULTIPLE IMPACTS,
POSSIBLE SOLUTIONS**

Edited by Nathan Schlanger
and Kenneth Aitchison

9. The crisis and changes in cultural heritage legislation in Hungary: cul-de-sac or solution?

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1 Introduction

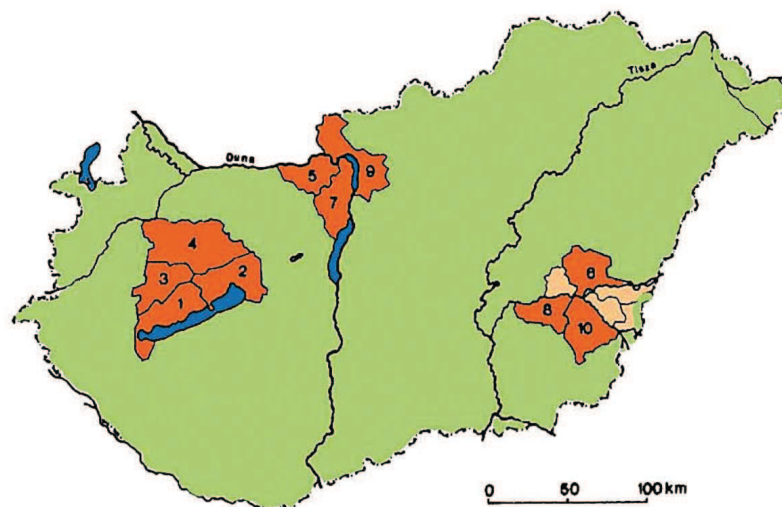
The case presented here is an interpretation of the Hungarian authorities' reaction to the global economic crisis. In 2009, a planned modification of the Hungarian cultural heritage law was supposed to come into force. This modification can be understood as an effort to encourage those investing in development projects, so that they would have to face less difficulties with the archaeological sites that might be lying under their property, less problems with the National Office of Heritage Protection (KÖH) and less trouble from such 'nuisances' as archaeologists.

However, this planned legislative change touches upon the protection of archaeological sites as a whole, and would as a consequence severely weaken existing provisions for preventive and rescue archaeological work. In the following pages, we provide a brief account of the stages of this 'battle', the ensuing threat placed on archaeological heritage, and the inappropriate nature of the help designed for developers. Finally, we outline a possible solution, which has been proposed to the Ministry of Culture.

2 Redefining an archaeological site

The current legal definition of an 'archaeological site' in Hungary (Law of Heritage Protection, 2001/LXIV. 7§, 17) has already been the cause of some legal and financial difficulties insofar as it restricts a 'site' to an area with accurate geographic boundaries which is also listed in the KÖH national database. In this respect, places and complexes of archaeological importance which are as yet

Fig. 1. The areas involved and investigated within the programme 'The Archaeological Topography of Hungary'.



unknown and/or not yet listed on the KÖH database are not treated as sites and therefore fall outside the current legislation and its protective measures.

More recently, in what is seen as reaction to the economic crisis, a new modification of the law has been proposed (edict A308/2008, 23. December 2008). This proposal further aggravates this situation by legally requiring that a 'site', in addition to being listed in the national KÖH database, should also be located and coordinated with land certificates, and included in a publicly available, certified database at municipal level. This regulation seems to be designed to help developers and investors, who would have online access to an authorised database, to evaluate whether or not there are archaeological protection measures to be expected on the land they plan to develop. However, such database requirements are currently met for only a few thousand cases out of the ca. 40.000 sites registered in the volumes of the Hungarian Archaeological Topography! (Fig. 1). Moreover, this number of known sites is only a smaller portion of the estimated total of all sites in Hungary, which may number as many as 200.000 (calculated on an average presence of 1.5 or 2 sites per km² across the 93.000 km² of the country). All these sites – the ca 40.000 known and the ca. 200.000 estimated – would be left out of the picture.

In the new legislation to be introduced, there will be a budget exclusively available for preventive archaeological purposes, as a part of the development costs. The existing legal requirement is to spend a minimum of 0.9% of a development's budget on preventive archaeology. This requirement was hitherto applied to the ca. 40.000 KÖH listed sites – if the new legislation is to come into force, it will apply only to the few thousand registered on municipal databases.

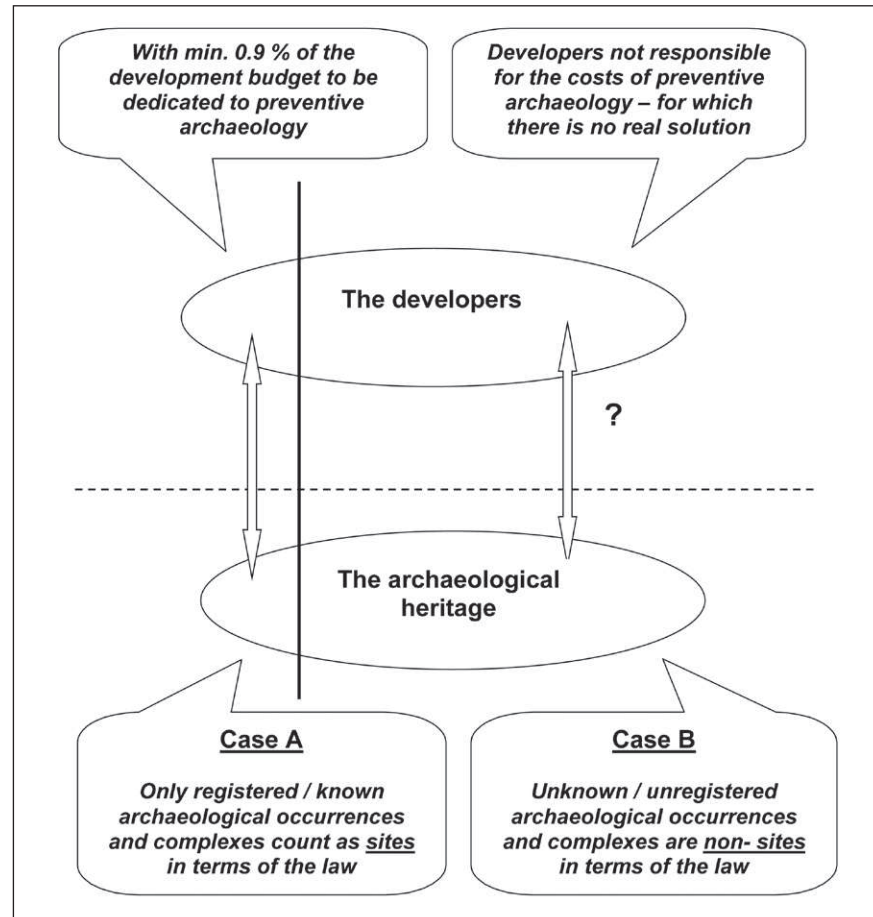
As for the rest, the sites and landscapes as yet unknown, their chances of protection chances are minimal: no state funding will be made available for excavating the vast majority of these archaeological assets, since they fall outside the new legal definition of being a 'site'. The responsibility for such cases will fall to the local museums, but only in the context of rescue – and not preventive – excavations. This distinction is unfortunately relevant, since for rescue excavations there is no secure and recognised budget at all. While the controlling authority KÖH may well force building works to be stopped due to archaeological discoveries, there is no budget for funding their excavation. If institutions like local museums or the KÖH itself do not make available funding to dedicate to potentially large-scale excavations, field work will simply not be carried out. Consequently, the proposed modification of the law implies that we would allow an unknown amount of information about our past to be destroyed, without any benefits to either heritage managers or developers.

It should be noted that the legal change discussed here also seems to infringe two European conventions that have been duly signed and brought into force in Hungary: the European Convention for the Protection of the Archaeological Heritage (Malta, 1992) and the European Landscape Convention (Florence, 2000). Such a precedent of endangering cultural heritage protection in a European Union country could certainly also weaken European legislations on cultural heritage in general.

As already indicated, this new regulation was apparently intended to favour developers and developments in Hungary in times of economic crisis. In practice, however, it is likely to have unwelcome effects also in that respect. Whenever archaeological remains come to light in the course of construction works, the archaeological authorities can stop the building activity in order to protect these

sites – even if they would not count as ‘sites’ in legal terms – for periods of time which could extend to several months. Such added uncertainties and delays clearly make it difficult for developers to plan ahead. At another level, a locally available database open to the public will not be consulted only by developers – looters would also quite easily find there the exact locations of the sites they wish to rob.

Fig. 2. The state of preventive archaeology, according to the proposed legislation 2009.



On the whole, then, this proposed legal redefinition of the ‘site’ would represent the worst possible outcome not only for archaeology and heritage protection, but also for the developers themselves. This is why we consider this planned modification to be more of a cul-de-sac in the global crisis than a possible solution.

3 Some possible solutions

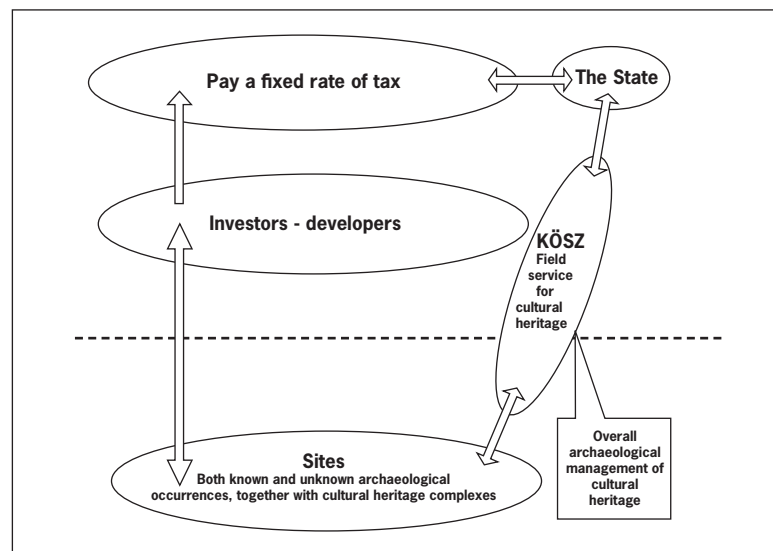
This leads to the question: is there a solution to be found? We believe there is a way to proceed, which would be beneficial for both developers and for archaeological heritage protection, and which would be equally appropriate in the short term while the crisis is ongoing, and also for the longer term.

1. To begin with, reliance should be placed on the newly founded Field Service for Cultural Heritage (KÖSZ), a national institution responsible for the coordination of all preventive archaeological work in the country. The crucial element here is a *diagnostic phase*: a unified and obligatory phase of evaluation and survey, including trial trenching, which would precede all major building and infrastruc-

ture works. This diagnostic phase would be followed, when considered necessary, by the excavation and documentation of sites using identical or coordinated country-wide protocols for archaeological, geological and specialist (zooarchaeological, anthropological, biochemical etc) interventions. Preliminary studies and results would have to be approved by two reviewers from independent scientific institutions, such as the Academy of Sciences.

2. Next, some legitimate questions arise regarding the 0.9% of development budgets which is to be spent on archaeological activities when a site is endangered or destroyed by construction. This percentage is in many cases not fair to developers, and cannot always be justified. In some instances the cost of archaeology can be much higher, up to 4 or 5% of the total development costs, and it cannot in all honesty be expected of the 'unlucky' investors who happen to have a site on their land to pay this. Here again archaeologists and heritage managers need to realise that undertaking preliminary diagnosis and trial trenching in order to detect unknown sites is essential, also in order to help developers and authorities in their planning decisions, and to avoid opening up huge surfaces with uncertain outcomes. This could in any case help reduce the real costs of any excavations that might be needed.

Fig. 3. A proposition by the authors for possible changes in Hungarian preventive archaeology.



3. **Following this line**, we also argue that financial means for preventive archaeology should not derive exclusively from those developers who happen to have hit a site on their land. Rather than this highly inappropriate and unjust method, we propose that all developers, prior to each major construction project, should pay the state a calibrated amount, similar to a tax (Fig. 3). This amount, to be calculated by the Ministry of Economics using a range of indicators, could replace the currently required 0.9%, but could well be less than that. This suggested method is fair and transparent; developers are free after paying and also free of having to bargain with KÖSZ regarding what should be excavated, to what extent and for how long.

The suggested tax-like fee, compulsory for each developer, goes into a budget whose size determines the scale of preventive archaeological operations that can be undertaken in a given year. Much as we all yearn to excavate every bit of threatened heritage, choices and priorities will have to be made. For example, regions like the Carpathian Basin have been a crossroads for people and cultures for many

millennia, and this region is likely to be very rich in sites and landscapes of historic importance. Therefore, we shall have to start learning about extracting the maximum information from a limited scale of preventive excavations, and also about being selective. This selection does not refer to archaeological features or periods as such: it is rather about deciding which parts of the site need to be fully excavated, and which parts can be simply quickly recorded and documented, following adequate methodology and protocols. Deliberate planning and sampling strategies should be developed, together with ethical codes and professional standards, across all fields of heritage research and protection.

4. Finally, another problem to tackle is the fact that the budgets of preventive archaeology are currently limited to the phases of excavation and finds-storage only. No funding or instructions are available concerning the ways and means by which these finds should be subsequently processed and integrated with the potentially huge amount of information generated, so as to turn the whole effort into a scientifically valuable and publicly demonstrable contribution to cultural heritage. While it might be problematic to raise such an issue in the middle of an economic crisis, we should remember that the state has to take responsibility in this matter, by ensuring a budgetary line for the conservation of the finds, for their scientific study and publication, and for their popularisation in magazines and museum exhibitions. A positive example is the Archaeological Park at the M3 motorway, which, with the financial help and participation of motorway funders, serves the general public by displaying some of the major results of these motorway excavations (Fig. 4).

Fig. 4. The M3 Archaeopark, Polgár, North Eastern Hungary.



4 Conclusions

As we have attempted to demonstrate in this paper, the global economic crisis has had negative consequences for Hungarian archaeology, and some measures will have to be taken urgently to save the country's cultural heritage. These

measures need not however be necessarily restricted to decisions coming from the economic planning and legislative side. KÖSZ too, as the country's field service for cultural heritage, has to constantly improve its activities by developing a more unified and comprehensive set of protocols for diagnostics and excavations, and also by setting professional standards of storage and documentation for all archaeological finds. We need to keep this objective firmly in mind and without any compromises: our aim is to ensure that all archaeological features, distributions of finds or protected areas, should not be destroyed forever or become mere scatterings of objects or items of information, but rather be studied and understood together so as to become a genuine component of our cultural heritage – that of Hungary, of course, but equally importantly that of Europe as a whole. This objective gives us archaeologists ample scope and incentive for thinking and for acting – before it is too late.

Postscript

In June-July 2010, the new Hungarian government passed a law which removed all rights to undertake excavations from the KÖSZ, the Field Service for Cultural Heritage, and transferred them back to county museums (i. e. 19 museums across the country and the Budapest Historical Museum), with whom they had rested prior to the establishment of KÖSZ in 2007. The intention is to enable the museums in question to achieve a more favourable financial position. In the light of these developments, the proposals formulated here may cease to be relevant, though the authors still consider them to represent the best way forward for Hungarian archaeology, which could be revived in the future.