



Themata 5 E-learning Archaeology, the Heritage Handbook





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E-learning Archaeology

the Heritage Handbook

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Commercial archaeology

by Marjolijn Kok & Heleen van Londen

m sco Introduction

One of the first things we may note about commercial archaeology is that in the past few years very little has been written on the subject in major overviews dealing with archaeological heritage management. Books, readers and websites on archaeological heritage management all deal with policy, public involvement, the theory and methods concerning the assessment of archaeological values, and general information. Much less is written on the place of commercial archaeology within archaeological heritage management even though it can be expected that many aspects of commercial archaeology are involved. In this module we will provide a background to which the involvement of commercial archaeology within archaeological heritage management can be analysed. Questions concerning which elements are of relevance for the evaluation of the role of commercial archaeology in archaeological heritage management should be familiar by the end of the module.

> **Animation**

Definition of commercial archaeology

By commercial archaeology, we mean archaeological research that is undertaken by private parties within a market system that works under the European and national legislation concerning archaeological heritage management. This means that private companies that are involved in archaeology in a broad sense, like re-enactment groups, are not discussed, here.

Position of commercial archaeology

The narrowing down of the term commercial archaeology is necessary if we want to discuss this new condition in archaeology in relation to legislation. It is important to realize that on the one hand archaeological heritage is seen as a resource for all and at the other hand commercial companies in many countries make a living out of this common resource.

Product of commercial archaeology

Therefore, it should be clear that this market usually has



or should have different characteristics than other markets which exchange, for example, consumer goods such as televisions. The product of commercial archaeology is archaeological heritage.

m sco Structure of this module

With the introduction of commercial archaeology suddenly academic archaeology no longer takes pride of place. The ivory tower of academia has now been accompanied by the brick towers of commercial archaeology. A major issue is whether the gap between these two can be bridged and if this is wanted. Furthermore, the balance between quality and/or type of archaeological knowledge and public involvement comes to the fore. The perspective we choose to do research from (see module 2) will influence how we deal with and value this aspect.

In this module we will give some insight into the policies involved both at a national and international level. In order to understand the diversity of approaches, the way in which commercial archaeology is implemented in three different countries (England, Germany and the Netherlands) will be presented. The final part of this module will discuss different aspects which are relevant for the assessment and development of commercial archaeology within the process of archaeological heritage management.

→ **LU** Valletta and national policies in relation to commercial archaeology *by Marjolijn Kok & Heleen van Londen*

sco Policy

The conference of Valletta does not make any direct statements about commercial archaeology. It is seen that how people deal with the management of archaeological heritage should be organised at the national or regional level.

> **Animation**

A major consequence of the implementation of the Valletta conference is that the amount of work related to archaeology has increased dramatically. The Conference of Valletta can be implemented in diverse ways. As each country has its own legislation it is not possible to discuss all nations in detail. In this section the main trends will be given of how the different countries deal with commercial archaeology. The level of state involvement can be used to group these main trends. With for example, major governmental involvement in Germany, medium government involvement in the Netherlands and little government involvement in

England These main trends will be used in this module to structure different themes.

In this section the main points of the Conference of Valletta in relation to commercial archaeology will be discussed. And the implications this has for national policies. Relations with other conferences, such as Faro (see module 2) will also be discussed.

sco Different levels of commercial archaeology

> **Animation**

In France all archaeological heritage management is being done by public organisations.

The absence of commercial archaeology does tell a lot about the role archaeological heritage plays within the public domain in France. We will not go into this here as in most northwest European countries some form of commercial archaeology has taken shape. The level of state involvement and self-regulation differs, however, considerably. It is rather the case that with the introduction of commercial archaeology a new general question concerning the quality of archaeological work has emerged.

In the old situations where public organisations and universities conducted the archaeological fieldwork it was somehow assumed that the quality of archaeological work was of a scientific standard. It would have been thought improper to question the basic standard of work of a colleague. Furthermore, although maybe few people outside archaeology would ask for the results of archaeological work in principal they were publicly available; even though outreach towards the general public was mostly limited to museums and regional/city archaeologists.

sco Commercial archaeology in England

> **Animation**

England has a longer history of commercial archaeology than most other European countries.

In 2007/2008 in the UK nearly 7000 people worked in the archaeological field of which just over half work in commercial archaeology (Aitchison and Edwards 2008, 15). 80 percent of the total number of archaeologists worked in England. Most of the employed people worked in commercial archaeology. One of the main national policies concerning archaeology is Planning Policy Guidance 16: Archaeology and planning (PPG 16). This policy is developed in 1990 and explicitly states that the preservation of all archaeological monuments and their setting should be part of the consideration when planning applications are evaluated.



The text of PPG 16 is clear on what actions should be done and that the final say in matters of conflict is the Secretary of State for National Heritage. But who is to perform most actions and how they should be executed has a highly voluntary appearance. It is suggested that you can use archaeologists who are members of the Institute of Field Archaeology, but it is not compulsory. You can consult English Heritage in conflict situations, but you are not obliged to do so. The whole policy has an atmosphere of if we deal correctly with each other things will work out for the best, both on the side of archaeological heritage and planning.

The latest report on the profession has indicated that only 17 percent of all organisations are members of the Institute of Field Archaeology (Aitchison and Edwards 2008, 38). This number highlights the way in which the policies recommendation may not be part of everyday practice.

sco Commercial archaeology in Germany

> Animation

Germany is a federal republic with 16 autonomous states. Within the framework of national law each state is responsible for the archaeological heritage management in its own region.

This means that between the different states differences occur. These differences have mainly to do with the status and procedures concerning archaeological monuments (Andrikopoulou-Strack 2007, 14). The major part of all archaeological work is carried out by public organizations, but some work is carried out by commercial companies. The involvement of private companies in the process of archaeological heritage management is dealt with haphazardly.

On the one hand there is a guideline on how to carry out archaeological work to a certain standard (www.landesarchaeologn.de/publ/grabungsstandard_april_06.pdf). This is mainly a technical guideline that is quite detailed on how to excavate all kinds of features, but already presupposes archaeological knowledge. Furthermore, the guideline informs us in a few sentences that qualified personal should be part of the team especially on the part of interpretation, drawing and technical overview. Nowhere is stated what is meant by qualified personal, so this qualification has to be assessed in each individual case.

On the other hand, even if all is carried out according to the guidelines it is nowhere stated how this compliance with the guidelines will be tested or controlled.

Individual approaches seem therefore to take the fore.

Archaeological heritage management authorities decide along their own judgement whether and which commercial parties can participate in archaeological fieldwork.

This came clearly to the fore in a Dutch newspaper article when the head of the archaeological heritage management of Sachsen-Anhalt came to the Netherlands to tell about his idea of successful AHM. He said 'We don't have commercial archaeology. Companies are not forbidden, but I just don't give them a permit.' (NRC 18-10-2008, translated from Dutch by the authors).

sco Commercial archaeology in the Netherlands

> Animation

Commercial archaeology has been introduced fairly late into the Netherlands under the influence of the Treaty of Valletta (see module 9) in 2001.

The system is structured around the concepts of a free market with regulations. Although regulations were not compulsory in the beginning practice was soon executed with the intention of following policies that were accepted in 2006. In the Netherlands a quality assurance approach was undertaken which involved both the government and the profession. It was seen that the responsibilities for the archaeological heritage could not be left to planners and archaeologist as they both have a commercial interest. The content of the quality standards concerning archaeological work were, however, left to the profession.

The inspectorate and license providers are part of the social services system. This should ensure an independent body that controls if archaeologists keep up their own standards. Nowadays most excavations are carried out by commercial companies.

All planning proposals have to consider archaeological heritage. Decisions on what should be done exactly are made by the (usually local) authorities. Here a problem arises as local authorities in many cases do not have enough knowledge about archaeological heritage. They are often advised by commercial companies that do not need to conform to specific regulations.

Furthermore the local authorities usually have an interest in spatial developments which are also of importance when deciding on the level of archaeological heritage management. Where problems in the system itself arise it is seen that the archaeological field should try to solve them.

Consensus in a field where people are all trying to earn a living is not as easy as sometimes suggested. The main problems is that you can check if all procedures are done

as requested by law, but the quality of interpretation during fieldwork is more difficult to control.

> sco Exercise

→ **LU** Introduction of market principles in archaeology by Marjolijn Kok & Heleen van Londen

sco Introduction: anxieties and opportunities

Archaeology has been an academic discipline for so long, with great disciplinary and institutional tradition. Most archaeologists working nowadays are schooled in the academic traditions. Commercial archaeology is a relatively new phenomenon within the archaeological world. Only a few decades ago, as others were making initial steps in this direction, it was seen as something unimaginable in some countries. The convention of Valletta, however, has quickened the development of commercial archaeology. These quick developments have led sometimes to hasty decisions, but have also created new openings.

It has to be remembered that the convention of Valletta does not necessarily imply that commercial archaeology should develop, as the system in France clearly shows. The rise of commercial archaeology is a choice for the market system, and is usually started by archaeologists themselves. The introduction of market principles has led to all kinds of anxieties and opportunities. On the anxiety side, the quality of the archaeological knowledge and related issues are often questioned. On the opportunities side, the impulse into research is stressed. The way in which the market principles are introduced shows a balance between these anxieties and opportunities (see also module 2). A range of aspects related to commercial archaeology and archaeological heritage will be discussed. This will enable reflexive thought about the implementation of commercial archaeology in Europe.

> Exercise

sco Planning and archaeology

The Convention of Valletta is very clear about the fact that archaeology should be part of the planning process (see Article 5). The way in which this involvement takes shape is very informative about how the different participants perceive each other.

> **Animation**

If the approach is legislative participants will mainly focus on what the law requires them to do. Both planners and archaeologists will mainly look at how they can maximize

financial gain. The project management side will have a central place in which contracts and time paths are the only bond between participants. The public is usually left out of the equation which makes this approach deficient in a major part of European legislation. The public, however, is often unaware of their rights, especially at a European level and do not demand to take part.

If the approach is integrative participants want to gain as much qualitative value within the limits of financial possibilities. This means that participants do not just communicate about contracts but also try to solve a planning problem together. It is seen that archaeological heritage can add value to planning projects and at the same time it is seen that planning can help preserve archaeological heritage. This is in line with most archaeological heritage policies. Such approaches are more public oriented as it is thought that the public will benefit from an environment that includes archaeological heritage. Direct public participation is present at a variable scale, but initiatives usually remain with the planners and archaeologists.

sco Issues involving regulation of commercial archaeology

Two main issues can be discerned in the debate concerning the commercialisation of archaeological practices.

The first issue is whether a public resource like archaeological heritage should be part of the commercial market. The second issue is how to manage the quality of archaeological work when commercial interests come into play. These are interrelated issues that have to be dealt with in concurrence.

In relation to the first issue the French government has made a clear decision which bases all archaeological fieldwork in public institutions. Archaeologists are civil servants within this system. It is assumed that the public domain is the best place to organise archaeology. Policy, planning and archaeology are closely connected in this way. In effect all of archaeology becomes part of the state apparatus. Quality control therefore also takes place within this framework. Although at first sight this seems a good way to ensure the quality of archaeology and the public accessibility, the archaeological field can also become a self-referential system which forecloses change or innovation.

This could change the emphasis in the second issue to how a certain quality is reached in general. Furthermore, the influence of politicians on the outcome of archaeological research should be evaluated in a transparent manner. Several countries have decided that commercial companies can get involved in the archaeological heritage sector. This does not mean that companies can do as they choose. There are rules

and regulations that have to be followed. But this is no different than any other sector, for example, a producer of household appliances also has to make sure its products are safe and perform the tasks that are advertised on the box for a certain period of time.

The main issue with archaeology is, however, that quality is not as easy to assess as our work depends on the interpretation of what we excavate. Even if we are committed to produce the best archaeology possible, there will still be discussions during the work about the interpretation of what we see and what should be done. Quality control in archaeology will mainly be about evaluating the procedures followed. Rules and regulations should also ensure that archaeological heritage does not become a commodity in the sense that it can be withheld from the public. The products of archaeological practice should always be accessible to the public. In this archaeology differs from most commercial companies in the sense that what is produced is not of the company but of the general public.

> sco Exercise

→ **LU** The Organization of commercial archaeology by Marjolijn Kok & Heleen van Londen

sco 1 Introduction

One of the first things we may note about commercial archaeology is that in the past few years very little has been written on the subject in major overviews dealing with archaeological heritage management. Books, readers and websites on archaeological heritage management all deal with policy, public involvement, theory and methods concerning the assessment of archaeological values, and general information. Much less is written on the place of commercial archaeology within archaeological heritage management even though it can be expected that many aspects of commercial archaeology are involved. In this module we will provide a background from which the involvement of commercial archaeology within archaeological heritage management can be analysed. Questions concerning which elements are of relevance for the evaluation of the role of commercial archaeology in archaeological heritage management should be familiar at the end of the module.

sco Commercial archaeology

> **Animation**

By commercial archaeology we mean any archaeological research that is undertaken by private parties within a

market system that works under the national and European legislation concerning archaeological heritage management. This means that private companies that are involved in archaeology in a broad sense, like re-enactment groups, are not discussed, here.

A narrowing down of the term 'commercial archaeology' is necessary if we want to discuss this new condition in archaeology in relation to legislation. It is important to realize that on the one hand archaeological heritage is seen as a resource for all and at the other hand commercial companies in many countries make a living out of this common resource.

Therefore, it should be clear that this market usually has or should have different characteristics than other markets which exchange, for example, consumer goods such as televisions. The product of commercial archaeology is archaeological heritage.

sco Organizing archaeological heritage management within a commercial environment

Archaeological heritage is a public resource and it is generally viewed that all people in one way or another should have access to this heritage. The commercialization of archaeology means that suddenly there is money to be made within archaeology, an area that before was only costing money. Purely personal financial gain can now become a reason to excavate. As archaeological knowledge was previous the only goal of excavations, shifts within the field can be seen. Indeed, where excavations take place is more often led by environmental developments than academic questions.

Excavators now generally take part in a diversity of projects, which are no longer confined to one specific field of expertise. All these aspects can be viewed in a negative or positive manner and how things are regulated tell us much about how we feel about these developments. We will now view some of the aspects of the organisation of commercial archaeology and indicate the pitfalls and opportunities available. This should enable you to make more informed choices – as the consequences of these choices will become more clear.

sco Code of Conduct

> **Animation**

The field of professional archaeologists have felt it necessary to call into being a code of conduct. This code of conduct should prevent the misuse of archaeology. Besides the code of conduct as presented by the European Association of Archaeologist several national codes of conducts exist. Codes of conduct are made on initiative of the archaeologists themselves. The legislative force of the

codes are limited to non-existent. Although most codes of conducts have good intentions, their usefulness in legal terms can be questioned. For example, in England it is advised that you hire someone who is a member of IFA and therefore has accepted the code of conduct, but it is not compulsory. Furthermore, the consequences of not exactly following the code of conduct are often absent.

The main aim is to raise the standard of professional craftsmanship in the discipline. The introduction of commercial companies in archaeology has made the need for a code of conduct feasible. Before that time it was usually thought that the academic training of archaeologists and their position in largely public institutions in itself would be enough. The influence of the commercialisation on the production of codes of conduct comes most strongly to the fore in the code of conduct of the English 'Institute of Field Archaeologists' (IFA). The document is entitled 'Code of approved practice for the regulation of contractual arrangements in field archaeology.'

And as the basis of most codes of conduct are so general, archaeologists with bad intentions will feel no scrupulous about signing a document they do not value in itself. We should, therefore, ask ourselves if codes of conducts are the best way to improve the quality of archaeological work. If we view codes of conducts as documents that help us to discuss certain problems that have come to the fore with the introduction of commercial archaeology, they may have more influence.

sco Embedding commercial archaeology in policy and planning

Not only archaeological heritage but also commercial companies become dependent on unstable factors. At a high level European treaties like the Valletta convention provide the framework for how archaeology should be managed. At the national level, however, this can be dealt with in a variety of ways and even within countries local governments may differ considerably.

As most archaeological excavations nowadays are carried out during changes in the environment it is important that archaeology is part of the planning policies. Good examples are PPG 16 in England or the Nota Belvedere in the Netherlands. At the more local level specific policies should be developed that deal with the heritage of a region and how people should deal with this heritage. Among the main participants are, namely, not the policy-makers or archaeologists themselves, but the environmental development companies who usually need to shape their plans according to the

present archaeology that remains in situ or pay for the archaeological work needed. They should be held accountable for what happens to the landscape and its archaeological heritage. Commercial archaeology can and should be regulated by laws and legal documents. Laws, regulations and policies are a very clear tool for environmental development companies. Our job as archaeologists is to try to make it clear to the landscape developers that heritage is not just a liability, but can also be an enhancement of their projects. In such a context archaeological companies can flourish as their product becomes interesting for the party that is paying. The challenge for archaeological companies is, therefore, to make good quality products that can be of use also to other participants in the process of archaeological heritage management.

sco Research framework.

If commercial companies need to make good quality products that are appealing to other parties it can be very helpful to have a research framework not just for a specific excavation but for a region or larger geographical entity. In the Netherlands (a small country) the national research agenda (www.noaa.nl) is meant to provide a research framework that can be applied in commercial and academic archaeology. The research agenda is made by archaeologists from both fields and is structured along periods and themes.

Not only the knowledge available and the questions following from this are assessed, but also the areas of interest for which there is no or insufficient data. It is a web-based publications so that changes can be made when archaeological knowledge and questions change. The effectiveness of such a research agenda on the quality of the products produced has to be evaluated in the future. But it could be a useful tool to improve the quality of especially small-scale projects that would otherwise have little to no added value in the sense that they contribute to knowledge about the past. The success of the research agenda is also dependent on its implementation in daily practice. At this level the influence of the policy-makers is of importance. And the first signs indicate that they do take this aspect into consideration as local research agendas are developed which do fit into the national research agenda. The National Research Organisations explicitly asks for an embeddedness in the national research agenda for applications for a major new project that focusses on the study and publication of old excavations.

sco Fieldwork, post excavation work and publication

> Animation

Fieldwork, post-excavation work and publication are the important pillars on which the production of archaeologi-

cal knowledge is based. In academic archaeology most time and money is devoted to post-excavation work and publication – especially as syntheses and overviews are major subjects in academic writing.

Commercial archaeology is concerned with excavations at specific locals which are determined by environmental developments. The focus tends to be on the fieldwork part and post-excavation work and publications are often reduced to a minimum. This is partly due to the fact that the developer, who pays for the archaeological work, has his main interest located in the freeing of the place of development of any archaeological remains and obliging to meet the requirements made by the law.

Post-excavation work and publication, therefore, in most cases goes no further than the requirements made by law. If quality systems are in use, they tend to focus on the fieldwork as this is thought easier to regulate than the post-excavation work and publication, which is seen as more interpretative. A good example of this is the Dutch quality system for archaeology the KNA (www.erfgoedinspectie.nl/archeologie). All archaeologists, academics included, need to work within the framework of the KNA when they want to excavate. The KNA focusses on the procedural aspects of fieldwork. When you are not involved with fieldwork no rules and regulations apply.

This skewedness in attention can only be overcome as policies concerning archaeological heritage management consider the products wanted in more detail. But also the archaeologists themselves should convince the developers that they can benefit from investing a bit more in post-excavation work and publication. As large parts of the public are interested in archaeology, quality products, could be used in advertising and marketing. But last and not least, archaeological companies should not short-sell their own business. Cost-reduction is often seen as the only way to get a contract. It should be made obvious that quality comes at a cost and this cost lies in both fieldwork and post-excavation work.

sco Management skills

With the introduction of commercial archaeology, the management of the archaeological process, projects and people has become more important. Before commercial organisation, all management within archaeology affected only archaeologists who were mainly employed in universities or public institutions. The organisations of this profession were not a priority, as they were embedded in larger organisations. The number of people professionally involved with archaeology was also relatively small.

Commercial archaeology is both a consequence of and a influence on the enlargement of the archaeological profession. Nowadays, in countries like the United Kingdom and the Netherlands, a majority of archaeologists is employed in commercial companies. With this commercialisation contract archaeology came into being. This requires the introduction of cost-estimates, personnel-management, and project management.

Most developers work with a tight schedule and budgets and archaeology has to fit into this. To be successful as a commercial company, archaeologists have to learn to speak the same language as the developers and manage their projects more tightly. Uncertainties have to be estimated and contracts have to be feasible for both parties. These aspect of management are often seen as a constraint on intellectual freedom and bad for archaeology in general. This is, however, not necessary the case, as contracts never speak about the archaeological content of a publication. It is more an issue that now, we have to do what we say we are doing and someone else is watching what we are doing. And when plans are changed others have to be informed and often participate in the decisions being made.

Archaeologists could see this as an opportunity to make their work more transparent. This will enhance archaeological knowledge, as it becomes more easy to follow what others did. Of course schooling is needed in developing these management skills of people within the archaeological field.

sco Separation of responsibilities

> Animation

With all the many aspects concerned with commercial archaeology it becomes clear that the responsibilities of the different parties and the way they deal with these responsibilities is crucial for the success of the process of archaeological heritage management. Not only do these responsibilities need to be separated and clear-cut there must also be a institution that can enforce good conduct. Developers have to follow rules and regulations which are made by the authorities when altering the environment. It is necessary that clear policies concerning archaeological heritage are present otherwise the developers do not know what is expected and are not bound to do things that are not necessarily in their own interest. The developers are thus responsible for contracting parties that are capable of doing the job well.

Archaeological companies are responsible for doing the job well and producing the right endproducts, such as publications and preserving the artefacts taken out of the ground. An independent institution should be responsible for assessing

the quality of the archaeological work, preferably both fieldwork and post-fieldwork. This institution should also issue or retract certificates concerning the ability of a company to perform archaeological work. This cannot be a peer-reviewed system as people working for different companies can have ulterior motives. Developers then can take their responsibility by hiring certified companies. The strenght of the system depends on good policy-makers and enforcers. Here the public may also take a role, either through elections or following environmental developments in their area. Most countries in the European Union and the European Union itself have specific procedures and governmental or juridical bodies where the public can make a case concerning the environmental developments in their area. As the convention of Faro indicates all parties should take responsibility for archaeological heritage.

> sco Exercise

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