



Themata 5 E-learning Archaeology, the Heritage Handbook





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E-learning Archaeology

the Heritage Handbook

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International convention and legal frameworks

by Arkadiusz Marciniak

msco Introduction

During the latter half of the 20th century, the number of international charters and conventions dealing with the conservation and preservation of cultural heritage was prepared and approved both by world (e.g. UNESCO or ICOMOS) or European (mainly Council of Europe) bodies. The charters and standards provided guiding principles towards defining an appropriate response to particular conservation and heritage issues. The following factors form the basis of most of the documents: comprehensive analysis of the current situation, minimum intervention in the historic fabric, precise documentation, respect for contributions from all periods, maintenance of authenticity and the requirement to take a holistic view of the historic environment.

These conventions and charters had an important effect on education and practice in the domain of protection and management of culture heritage. On the political level, they proved to be important documents for the conservation of cultural property and an indication at the international level of governmental responsibility for the conservation of cultural property. The module presents a systematic overview of these international conventions and regulations that had and remain to have significant impact upon archaeological heritage and its protection and management.

> Animation

The United Nations Educational and Scientific Organisation (UNESCO) has promoted various Conventions and other instruments for the conservation of cultural heritage. Following massive destruction of the cultural heritage in the Second World War, the United Nations decided to prepare a world-wide treaty focusing exclusively on the protection of cultural heritage in the event of armed conflict. The most important, however, was Convention for the Protection of the World Cultural and Natural Heritage (1972) that introduced the concept of World Heritage Sites. The World Heritage Convention is now one of the most ratified international instruments developed through the United Nations system.

International Council on Monuments and Sites (ICOMOS) adopted extremely important the International Charter for the Conservation of Monuments and Sites (the Venice Charter). It was mainly European in scope, but from the moment it was declared, there were its certain adaptations to North American and then Australian attitudes. The Charter became an important modern milestone for the conservation movement. It was certainly a starting point, but it proved to be insufficient. Following the Venice Charter, there's been a proliferation of international conventions and charters that try to remedy or address some of its shortcomings.

The European Cultural Convention was the first document issued by the Council of Europe that stress a significance of culture in Europe. However, one of the most significant Council of Europe's regulations today is Charter for the Protection and Management of the Archaeological Heritage (1990), especially when seen from the archaeological standpoint. The last major achievement of the CoE in this regard was the European Landscape Convention dealing with the protection, management and enhancement of the European landscape (2000).

> sCO Exercise

→ **LU UN and UNESCO conventions** by Arkadiusz Marciniak

sCO The Convention for the Protection of Cultural Property in the Event of Armed Conflict – Introduction

Following massive destruction of the cultural heritage in the Second World War, the United Nations decided to prepare a world-wide treaty focusing exclusively on the protection of cultural heritage in the event of armed conflict. The Convention seeks to ensure that cultural property, both movable and immovable, is safeguarded and respected as the common heritage of humankind. The Convention encourages all signatories to prevent theft and vandalism of cultural property and proposes a distinctive blue and white shield-shaped emblem to identify protected cultural property. This document known as the Convention for the Protection of Cultural Property in the Event of Armed Conflict was adopted at the Hague (Netherlands) in 1954. It is the first and the only universal legal international instrument in the field ever adopted. It provides legal and practical means for the protection of cultural property in the event of armed conflict. The document is accompanied by protocols and regulations for its execution.

**> Animation**

Originally, the Convention was adopted together with the First Protocol. It refers specifically to movables and prohibits the export of cultural property from occupied territories and requires the return of such property to the territory of the state from which it was removed. The Protocol also expressly forbids the appropriation of cultural property as war reparation.

The Second Protocol to the Hague Convention was adopted in 1999. It greatly strengthens and clarifies cultural protection by introducing new measures, including the designation of a new category of cultural property. It also establishes an Intergovernmental Committee responsible mainly for supervising the implementation of the Convention and the Second Protocol.

sco Content & aims

Culture property is defined in the Convention as immovable and movable elements of the cultural heritage including monuments of architecture, art or history, archaeological sites, works of art, manuscripts, books and other objects of artistic or archaeological interest, as well as scientific collections of all kinds regardless of their origin or ownership. This definition also includes museums and archives in which this objects are kept.

sco Obligations & implementation

Signatories of the Convention agreed to lessen the consequences of armed conflict for cultural heritage and to take preventive measures for such protection not only in time of hostility but also in time of peace. This culture property needs to be protected in particular by stopping any form of theft, pillage or misappropriation and vandalism. The signatories should also refrain from requisiting movable cultural property. In case of occupation of the given territory, they should support local authorities of the occupied territories in protecting and preserving its cultural property. If proven necessary, they should also get involved in preserving cultural property damaged by military operations.

> Animation

The Convention mentions a variety of measures helping out to achieve these goals. These comprise in particular:

- > obtaining special protection of refuges, monumental structures and other immovable cultural property
- > marking certain important buildings and monuments with a special protective emblem of the Convention
- > setting up special units within the military forces to be responsible for the protection of cultural heritage
- > penalizing violations of the Convention

- > promoting widely the Convention within the general public and target groups such as cultural heritage professionals, the military or law-enforcement agencies.

In time of peace, all signatories are obliged to introduce provisions ensuring observance of the Convention into military regulations and instructions as well as foster the army personal for the culture and cultural property.

The Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the signatories, even if the state of war is not recognized by one or more of them. The Convention will also apply to all cases of partial or total occupation of the territory, even if the occupation meets with no armed resistance.

Signatories of the Convention are obliged to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be achieved immediately upon the importation of the property or at the request of the authorities of that territory. At the same time, each signatory is obliged to return cultural property that has been exported into its territory to the competent authorities of the territory previously occupied. Such property shall never be retained as war reparations. Each signatory which was obliged to prevent any exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned.

As of end of May 2008, 118 countries ratified the Convention including Germany (1967), Latvia (2003), the Netherlands (1958) Poland (1956), Sweden (1985). The UK government has not yet ratified the Convention.

sco International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter) – Introduction

The Venice Charter codifies internationally accepted standards of conservation practice relating to architecture and sites. It sets forth principles of conservation based upon the concept of authenticity and the importance of maintaining the historical and physical context of a site or building. The Venice Charter continues to be the most influential international conservation document. It states that monuments are to be conserved not only as works of art but also as historical evidence. It also sets down the principles of preservation, which relate to restoration of buildings with work from different periods.



The Venice Charter was adopted by International Council on Monuments and Sites (ICOMOS) in 1964. It is a treaty that gives an international framework for the preservation and restoration of ancient buildings. It should be recognized as an important modern milestone for the conservation related issues. It defines the responsibility of nations to safeguard cultural heritage for future generations. It explicitly stresses the importance of historical monuments, respect for original fabric, precise documentation of any intervention, the significance of contributions from all periods to the building's character, and the maintenance of historic buildings for a socially useful purpose.

It pays particular attention to the historic monuments understood as living witnesses of their old traditions. People's relations to these ancient monuments contribute to formation of a common heritage. The common responsibility to safeguard them for future generations is recognized. Its authentic character needs to be preserved. It is essential that the principles guiding the preservation and restoration of ancient buildings should be agreed and be laid down on an international basis. Each country is then responsible for applying the plan within the framework of its own culture and traditions.

sco Content & aims

Historical monuments are defined broadly not only as the single architectural object but also the urban or rural setting in which it was located. This applies not only to monuments of great artistic value but also to more modest works of the past which have acquired cultural significance with the passing of time.

The Charter spells out a need of archaeological excavation as an integral element of preservation and restoration process. Excavations should be carried out in accordance with scientific standards. They are aimed at maintaining preserved elements and taking appropriate measures for the permanent conservation and protection of architectural features and objects. The Charter opposes any reconstruction works in which dismembered parts are not used. The material used for integration should always be recognizable.

sco Obligations & implementation

Signatories of the Charter are obliged to conserve and restore the historical monuments using the best available techniques. As of the end of May 2008, the Charter was agreed on by ICOMOS in 138 states including Germany, Latvia, the Netherlands, Poland, Sweden, and the UK.

The main objective of the conservation is to secure their maintenance. It is always facilitated by making use of them for some socially useful purpose. It is required to preserve original

setting and no new construction, demolition or modification which would alter the original elements, such as mass and colour, must be allowed. Equally important is to preserve original setting in which it occurs. The moving of all or part of a monument cannot be allowed except where the safeguarding of that monument demands it or where it is justified by national or international interest of paramount importance. Integral architectural elements of the monument such as sculpture, painting or decoration may only be removed from it if this is the sole means of ensuring their preservation.

> Exercise: fill in the blanks

> Animation

An important element of the Charter is the process of restoration. Its aim is to preserve and reveal the aesthetic and historic value of the monument and to retain its authentic character. The restoration in any case must be preceded and followed by an archaeological and historical study of the monument. In all cases, it is required to apply appropriate modern techniques for conservation and construction.

The valid contributions of all periods to the building of a monument must be respected, since unity of style is not the aim of a restoration. Replacements of missing parts must integrate harmoniously with the whole, but at the same time must be distinguishable from the original so that restoration does not falsify the artistic or historic evidence. These additions cannot be allowed except unless they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings.

All signatories are obliged to carefully document the preservation, restoration and excavation works in the form of analytical and critical reports, illustrated with drawings and photographs. This record should be placed in the archives of a public institution and made available to the public. It is recommended that the report should be published.

sco Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property – Introduction

Illicit trade can be defined as the trade in objects illicitly removed from sites or monuments as well as the traffic in objects stolen from their rightful owners such as a private individual or a museum and the illegal export of an object by its rightful owner. An increasing awareness of the threat of

culture property by illicit trade resulted in drafting the special Convention that was adopted by UNESCO in Paris in 1970.

> Exercise: content & aims (match the terms with the proper column)

> **Animation**

The Convention defines cultural property as designated by each state as 'being of importance for archaeology, prehistory, history, literature, art. or science'. In particular the following elements are listed:

- > rare collections and specimens of fauna, flora, minerals and anatomy,
- > historical property,
- > archaeological objects,
- > antiquities more than one hundred years old,
- > ethnological objects of interest,
- > property of artistic interest including pictures, paintings and drawings produced by hand; statuary art and sculpture; original engravings; original artistic assemblages; rare manuscripts and incunabula, old books and documents of special interest; postage and revenue stamps; sound, photographic and cinematographic archives; and articles of furniture.

The Convention specifies that the culture heritage of particular countries is composed of different kinds of cultural property that has been:

- > created by the individual or collective genius of nationals of the state concerned;
- > found within the national territory;
- > acquired by archaeological, ethnological or natural science enterprises;
- > the subject of a freely agreed exchange;
- > received as a gift or purchased legally with the consent of the competent authorities of the country of origin of such property.

sco Obligations & implementation

The signatories of the Convention oppose in principle the illicit import, export and transfer of ownership of cultural property as it causes the considerable impoverishment of the cultural countries of origin of such property.

The signatories are also obliged to set up a national service, where such services do not exist, for the protection of the cultural heritage. This is to fulfil a number of functions such as contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage, establishing and keeping up to date a national inventory of protected property, promoting the development or the

establishment of scientific and technical institutions required to ensure the preservation and presentation of cultural property; organizing the supervision of archaeological excavations to ensure preservation of archaeological property; and publicizing these issues among the general public.

> **Animation**

The implementation of the Convention can be achieved by a number of means, in particular by:

- > preventing museums and similar institutions within their territories from acquiring cultural property originating in another state party which has been illegally exported;
- > prohibiting the import of cultural property stolen from a museum or a religious or secular public monument or similar institution in another state party,
- > upon request of the state party of origin, taking appropriate steps to recover and return any illegally imported cultural property.

As of the end of May 2008, the Convention was ratified by 115 countries including Germany (2007), Poland (1974), Sweden (2003) and accepted by the UK (2002). The Convention has not been ratified by Latvia, the Netherlands.

Individual countries implemented national regulations in this field. Particularly well this is developed in the UK and is by the Dealing in Cultural Objects (Offences) Act 2003. The Act is intended to provide for an offence of acquiring, disposing of, importing or exporting tainted cultural objects as well as agreeing or arranging to do so.

Other countries keep registers of looted object. E.g. the Land of Saxony-Anhalt maintains a list called 'Beutekunst' (looted art) of more than 1000 missing paintings and books believed confiscated by the US or the Soviet Union.

sco Convention Concerning the Protection of the World Cultural and Natural Heritage (The World Heritage Convention) – Introduction

The Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention) was adopted by the General Conference of UNESCO in 1972. It was prepared in the context of growing internationalisation accompanied by the belief that people share universal values that can be shared worldwide. It aims to identify, protect, and preserve the world cultural and natural heritage. The Convention advocates an approach that unites the protection of both cultural and natural heritage by recognizing that nature and culture are complementary. In particular, cultural identity is arguably strongly related to the natural environment in which it develops. However, the Convention is not intended to protect all properties of significant interest, importance or value, but rather a select list of the most

outstanding of these as perceived from an international viewpoint.

sco Content & aims

Cultural heritage is defined as monuments, groups of buildings, and sites with historical, aesthetic, archaeological, or anthropological value. Natural heritage covers outstanding physical, biological and geological formations, habitats of threatened species and areas with scientific, conservation or aesthetic value. While fully respecting the sovereignty of the states on whose territory the cultural and natural heritage is situated, the Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate. Hence, the Convention defines cultural heritage from a clearly internationalist and universal position. The concept of common heritage is believed to belong to the entire world. At the same time, such universalistic perspective was explicitly set to contrast and contradict national heritage and histories. Elements of common heritage of the universal value need to be preserved as 'part of the world heritage of mankind as a whole'. The Convention then aims at identifying the world heritage of universal value and then inscribe it on the World Heritage List.

In order to achieve all specified goals, the Convention established an Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called 'the World Heritage Committee' and precisely defined its opus operandi.

sco Obligations & implementation

All signatories of the Convention are obliged to ensure the identification, protection, conservation, presentation, and transmission to future generations of their cultural and natural heritage. By adhering to the Convention, they pledge to conserve not only the World Heritage Sites situated within their territories, but also to improve the protection of their national heritage as a whole.

The Convention also recognizes that the protection of common cultural and natural heritage is an international responsibility. While the sovereignty of individual signatory nations is respected, the Convention spreads the burden of responsibility for the shared inheritance.

> Animation

These obligations of each signatory can be met by

- > adopting appropriate legal solutions securing efficient protection of the cultural and natural heritage
- > integrating the protection policies into comprehensive planning programmes

- > creating appropriate institutions aiming at protecting and conserving the culture and natural heritage
- > taking the appropriate scientific, technical, administrative and financial measures in this regard

sco Culture Heritage List

The World Heritage Committee major aim is to establish, keep up to date and publish the World Heritage List, that is a list of properties forming part of the cultural heritage and natural heritage of outstanding universal value.

These World Heritage Sites are nominated by signatory states themselves. The decision to inscribe them on the World Heritage List is then made on the basis of independent evaluations made by the International Council on Monuments and Sites (ICOMOS), the World Conservation Union (IUCN) as well as recommendations from the Bureau of the Committee. New sites are inscribed each year by the World Heritage Committee. The Committee is also authorised to monitor the World Heritage Sites conservation status, upkeep a List of World Heritage in Danger and determine the use of the World Heritage Fund.

The World heritage List includes today 851 properties forming part of the cultural and natural heritage. These include 660 cultural, 166 natural and 25 mixed properties in 141 countries. As of the end of May 2008, the Charter was ratified by 185 states including Germany (1976), Latvia (1995), Poland (1976), Sweden (1985), and the UK (1984). The Netherlands accepted the Convention in 1992.

- > Analyze the scheme below and place the photos in proper columns. Next try to fit correct names to pictures.
- > Exercise
- > sco Exercise

→ LU European Conventions by Arkadiusz Marciniak

sco The European Cultural Convention – Introduction

The European Cultural Convention was the first document stressing a significance of culture in Europe in the context of the continent integration. Culture was arguably at the heart of all relations between people in general and between European nations in particular. A lack of knowledge or appreciation of another's culture can result in a number of unwanted consequences as proved by events during and after the Second World War. The Convention was signed by members of the Council of Europe in Paris in 1954.

The Convention is aimed at helping governments provide the conditions facilitating cultural life rather than stressing

Europe's culture reputation and superiority. It recognises the intangible heritage of 'language, literature and civilisation'. An early educational task was to undo the nationalist appropriation and distortion of history. It was intended to help recognizing by Europeans of their common cultural heritage. This is a pragmatic and anti-doctrinal approach. Implementation of the Convention means that among the European organisations, cultural policy is dealt with solely by the Council of Europe. From the outset, it was believed to be open all European states willing to adhere to it. The Convention's authors recognised that the political division of Europe did not destroy its cultural unity. The boundary of this cultural identity was never defined, and like its essence was left to emerge through practice.

sco Content & aims

The purpose of the Convention is to develop mutual understanding among the peoples of Europe and reciprocal appreciation of their cultural diversity. It is a prerequisite condition to safeguard European culture, to promote national contributions to Europe's common cultural heritage respecting the same fundamental values and to encourage in particular the study of the languages, history and civilisation of all signatories. In particular, it recognized language as a critical pathways for mutual understanding.

> Animation

The Convention is then explicitly set to foster promotion of national contributions to Europe's common heritage by encouraging to study of the languages, history and civilization of all the signatories. Recognition of the richness of national cultures and their contribution to the common heritage will serve better understanding of various people and nations across Europe.

The Convention explicitly encourages integration activities in promoting cultural activities of European interest. Co-operation was its very important aim. In particular, the Convention promotes the mobility of people and cultural objects, in order to boost the understanding of other countries' culture and heritage.

The Convention is also concerned with the protection and preservation of the European heritage as a contribution to the European identity. It can be seen as the first attempt to build up a policy of common action designed to protect and encourage the development of European culture. Satisfactory completion of the Convention will create the conditions for full participation in democratic life, introduce a European dimension to standards, policy and practice as well as encourage respect for cultural diversity while developing shared values.

sco Obligations & implementation

Signatories of the Convention are obliged to implement these goals by a number of measures aim to

> Animation

- > protect and to encourage the development of its national contribution to the common cultural heritage of Europe
- > support studies of history and civilisation
- > promote culture values in their own countries
- > support studies of history and civilisation
- > support culture exchange
- > promote mobility and exchange for mutual understanding through targeted projects, in particular for students and young people.

As of the end of May 2008, the Convention was ratified by 49 states including Germany (1955), Latvia (1992), the Netherlands (1956) Poland (1989), Sweden (1958), and the UK (1955).

sco The European Convention on the Protection of the Archaeological Heritage – Introduction

The Convention was prepared to complete the principles set forth in the European Convention for the Protection of the Archaeological Heritage from 1969, as a result of considerable changes in planning policies in European countries. It was adopted by the Council of Europe in Valetta, Malta in 1992.

> Animation

The Convention was prepared after acknowledging that the European archaeological heritage is seriously threatened with deterioration because of the increasing number of major planning schemes, natural risks, clandestine or unscientific excavations and insufficient public awareness. These conditions require introducing appropriate administrative and scientific supervision procedures. They are also required that the protection of archaeological heritage be an intrinsic element of town and country planning and cultural development policies. The Convention makes it clear that responsibility for the protection of the archaeological heritage should rest not only with the state directly concerned but with all European countries. This is to reduce the risk of deterioration and promote conservation by encouraging exchanges of experts and the comparison of experiences.

The Valletta Convention sets out high international standards for archaeological work and conservation. It provides an excellent vehicle to raise awareness of the significance of our archaeological heritage to modern society, and the need to protect it adequately and to resource this work. The Convention established new legal standards for Europe

to be met by national policies for the protection of archaeological assets as sources of scientific and documentary evidence along with the principles of integrated conservation.

The Convention makes the conservation and enhancement of the archaeological heritage one of the goals of urban and regional planning policies. In particular, it encourages systematic co-operation between archaeologists and town and regional planners in order to ensure the most efficient conservation of archaeological heritage.

The Convention sets guidelines for the funding of excavation and other archaeological work as well as publication of their results. It also advocates a need for public access, in particular to archaeological sites, and educational actions aimed at developing public awareness of the value of the archaeological heritage.

Generally speaking, the Convention sets foundations for pan-European co-operation on the archaeological heritage, including a systematic exchange of experience and experts among the signatory states. Since it was signed, archaeology became a part of construction industry across Europe.

sco Content & aims

The Convention offers much broader definition of archaeological heritage than previously. It is understood as a source of the European collective memory and as an instrument for historical and scientific study. The archaeological heritage includes not only buildings and sites on the ground but also all remains and objects and any other traces of human activities in the ground and under water. In particular, it includes structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water. It offers also an holistic understanding of the cultural and historic environment stressing its complex character rather than individual elements.

sco Obligations & implementation

The signatories are obliged to implement efficient measures for recognizing and protecting the archaeological heritage. This includes in particular efficient legal systems. It could include three major elements such as (1) the maintenance of an inventory of its archaeological heritage, (2) the creation of archaeological reserves, and (3) the mandatory reporting of all discoveries to the competent authorities.

> Animation

The signatory states are obliged to maintain an inventory of archaeological heritage along with the designation of

protected monuments and areas. The Convention also introduces the mandatory reporting of chance finds and the control of illicit trade in antiquities. The Convention recommends the creation of archaeological reserves. It also requires the conservation of excavated sites and the safe-keeping of finds.

Archaeological heritage protection needs to become an intrinsic element of the development plans at the regional and national levels. Hence, it is required that archaeologists participate in planning policies as well as in development projects at all stages in order to secure implementation of the best solutions for the protection, conservation and management of the archaeological heritage. Archaeological heritage concerns need to be taken in serious consideration during planning and implementation of the construction projects of different scale.

The Convention promotes also high standards for all archaeological work, which should be authorised and should be carried out by qualified staff. It is required that appropriate research techniques and conservation measures are adopted in this endeavour. In particular, it stresses the desirability of using non-destructive techniques. The excavations are to be carried out only by a qualified personnel.

Material substance recovered during excavations needs to undertake appropriate preservation, conservation and then management. This involves in particular provision of appropriate storage facilities for archaeological remains possessed during excavations as well as the conservation and maintenance of the archaeological heritage in situ, whenever possible.

The Convention made it clear that appropriate financing of archaeological research from national, regional and local authorities is required to secure efficient protection and management of the archaeological heritage. In particular, the total costs of any necessary archaeological research are to be covered from public and/or private sector resources, as appropriate. The financing should include not only excavations but also preliminary archaeological survey and prospection prior to the commencement of the construction works. The financing also applies for the full publication and recording of the findings.

The Convention strongly promotes the collection, publication and dissemination of information to promote the public awareness and access at the national and international levels. It is also required the archaeological heritage and its resources are made available to the general public to facilitate better understanding of the past and the threats to this heritage. All authorities are also obliged to

promote public access to elements of archaeological heritage, in particular sites, and encourage to display to the public the most important archaeological sites. In return, archaeologists involved in rescue archaeological operations are obliged to properly analyse and publish of all recovered findings. They should also encourage and facilitate the national and international exchange of elements of the archaeological heritage for professional scientific purposes as well as to promote the information on archaeological research and excavations in progress and to contribute to the organisation of international research programmes.

The Convention made it very clear that no illicit excavations are allowed as well any sale and distribution of archaeological findings is illegal. Furthermore, it is required to take necessary steps to ensure that museums and similar institutions whose acquisition policy, in particular those that are under state control, do not acquire elements of the archaeological heritage suspected of coming from uncontrolled finds or illicit excavations. The Convention refers also to the control of illicit trade in antiquities as well as encourage international technical and scientific co-operation. As of the end of May 2008, the Convention was ratified by 37 countries including Germany (2003), Latvia (2003), the Netherlands (2007), Poland (1996), Sweden (1995) and the UK (2000).

----- sco Case study Poland

sco The European Landscape Convention – Introduction

The European Landscape Convention is a major international treaty dealing with the protection, management and enhancement of the European landscape. It established the general legal principles to be used for adopting national landscape policies and then set up international co-operation in these matters. It was adopted by the Council of Europe in Florence in 2000. The Convention can be regarded as complementary to the UNESCO Convention from 1972.

The Convention was developed from a need of preserving the quality of landscape. Recent global economic changes resulting in dynamic development in agriculture, industry, town planning, transport, infrastructure, tourism, recreation has led in many cases to the destruction of landscape. At the same time, that landscape is believed to directly define quality of social and individual life as well as serves to strengthen the European identity. It has also a considerable significance for social, cultural, environmental and ecological spheres. As such,

landscape is recognized as common local and European heritage.

sco Content & aims

The Convention applies to all parts of Europe and is confined to both the cultural and natural components of landscape. Its policies and measures must cover all forms of landscape (urban and rural, whether terrestrial, aquatic or marine). Landscape is defined here as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. It is important to note here that landscape is regarded as an issue of perception as well as physical senses of the world.

The Convention does apply to all kind of landscape, even those without great value and not only to its most outstanding parts. As such it marks a significant departure from the World Heritage Convention focused exclusively on historic monuments. There is a need to balance between preserving the natural and cultural heritage as a reflection of European identity and diversity. In the preamble one reads that the signatories are to 'achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment'.

> Animation

The Convention seeks to balance between protection, management and planning of a landscape. At the same time, it is not intended to freeze the landscape but rather to accomplish it changing nature. Landscape is changing and will continue to change through natural processes and human action. In particular, the Convention aims to:

- > promote protection of landscape in Europe
- > ensure the protection, management and planning of European landscapes
- > organize European co-operation on landscape issues
- > to encourage local, national, and international bodies to recognize the value and importance of landscape and to take this into consideration in a decision making process

sco Obligations & implementation

Both the public and authorities are responsible for what happens to landscape and how it is protected and managed. These bodies need to make aware that landscapes and their quality are deteriorating as a result of a range of factors. Hence, landscape needs to become a major part political issue, in particular at local and regional level, and cannot be kept concealed into the narrow domain of specialists. Landscape is the concern of all. Implemented measures and policies need to take into account particular nature of local landscape, no universal measures are being proposed.

> **Animation**

The signatories are obliged to protect, manage and plan landscape according to the intention of the Convention. This involves:

- > recognizing landscapes in law
- > increasing awareness among the civil society, private organizations, and public authorities of the value of landscapes
- > promoting the public involvement in decision making and actions concerning landscapes
- > developing a holistic approach to the landscape and principles for sustainable management
- > promoting international exchange of information and knowledge on all matters covered by the provisions of the Convention
- > setting up the tasks and measures for each administrative level as regards protection, management and landscape planning
- > integrating landscape into the spatial and time-planning policies as well as cultural, environmental, agricultural, social and economic policies
- > increasing awareness among the public, private organizations and authorities of the value, role of landscapes
- > promoting training for specialists in landscape appraisal and operations, training programmes in this field, etc.
- > carrying out research and studies in order to identify landscape and recognize their characteristics and the dynamics
- > applying modern techniques to recognize the landscape characteristics such as GIS, computerized mapping, etc.
- > assessing value of particular landscapes taking into consideration interest of numerous stakeholders
- > encouraging international co-operation

The Convention is open for signature to any member state of the CoE and is applicable indefinitely. As of the end of May 2008, the Convention was ratified by 29 countries including Latvia (2007), the Netherlands (2005), Poland (2004), and the UK (2006). The implementation of the Convention is currently being prepared by the Ministry of Culture of Sweden. The Convention has not yet been signed and ratified by Germany.

sco The Florence convention and archaeology

Landscape approach is at core of archaeology today. It is defined in the Convention in a similar way than in archaeology as it tackles its understanding change through time, significance of human action as well as spatial patterning and relationship. It is very important that the Convention cover all kinds of landscape rather than most elaborated elements.

Archaeological components of landscape has not been satisfactorily recognized by European and international policy to date and landscape was a domain of geographers, conservationists and landscape architects.

Hence, the major contribution of the Convention onto archaeological practice is by recognizing an idea of omnipresence of landscape in everyday life and that landscape is a cultural construct that can be comprehended and understood in a number of different ways.

> **Animation**

Potential role of archaeologists in implementation of the Convention is as follows:

- > to define the archaeological significance of cultural landscape
- > to explain landscape through long-term change and narrative as a foundation for the sustainable protection and management and stress that landscape is not a static 'frozen' phenomenon
- > to recognize human interaction in and with landscape
- > to make people aware that the past landscape has survived in the form of material culture as heritage

Landscape policies need to incorporate these different standpoints and not be treated as a single domain of any discipline that is involved in landscape related issues. The Convention offers then one tool for incorporating archaeological views and practice into other fields and practitioners.

- > sco Exercise
- > sco Exercise
- > sco Exercise

msco References

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Documents available for download

- 1954 Hague
- 1954 Paris
- 1964 Venice
- 1970 Paris
- 1972 Paris
- 1992 Valetta
- 2000 Florence



LU Case study International Charter for the Protection and Management of the Archaeological Heritage (Lausanne Charter) by *Arkadiusz Klimowicz*

sco Introduction

The Charter for the Protection and Management of the Archaeological Heritage was approved by the International Council on Monuments and Sites (ICOMOS) in 1990 in Lausanne (Switzerland). It is therefore commonly referred to as the Lausanne Charter. The charter is an open agreement that concerns various aspects of modern management of archaeological heritage. It comprises basic rules and recommendations concerning: integrated protection policies, legislation, proper maintenance of monuments and their presentation and reconstruction. An unquestionable advantage of the Lausanne Charter is that it includes modern principles of management of the archaeological heritage within the framework of an open formula, which is ready for possible completion and legislative implementation on the regional and national level.

sco Contents and aims

The Charter was prepared by the non-government organisation for the protection of the world's cultural heritage. As a non-treaty document, it proclaims a common approach to the management of the archaeological heritage. The Charter includes specific rules which enable present and future generations to study and interpret archaeological heritage resources. It adopts the overriding principle that the gathering of information about archaeological heritage should not destroy any more archaeological evidence than is necessary for protection or scientific objectives. Particular regulations of the Charter promote an interdisciplinary character of scientific investigations, based upon cooperation between authorities, enterprise and the general public.

sco Obligations and implementation

The authors of the Lausanne Charter stress the need for proper legislation that secures effective protection of archaeological sites against destruction, especially in the context of uncontrolled economic development and related building investments. The Charter therefore sets out the responsibility of public authorities and legislators regarding the protection and management of archaeological heritage (as is appropriate to the needs, history and tradition of each country and region). At the same time, the Charter lays down the principle that archaeological heritage cannot be restricted to any individual person or nation, but it is the heritage of all humanity.

Due to the non-renewable nature of the cultural resource represented by archaeological heritage, the Charter recommends the implementation of integrated protection policies in order to minimise possible destruction. The integrated nature of the protection of archaeological heritage involves the integration of land management policies at various levels (international, national, regional and local) into a whole, with acknowledgement of environmental protection and cultural and educational needs. Active participation by the general public must be an indispensable element of such policies, and it must be based upon access to knowledge and information about the archaeological heritage resources. Furthermore, the Charter stresses the role of the active involvement and cooperation of local communities as a factor which promotes the proper maintenance of archaeological heritage.

A basic tool in the protection and management of the archaeological heritage is a proper survey of its resources. This must be based upon the examination of the nature and spatial extent of the resource. The Lausanne Charter lays down principles of professional compilation for inventorying processes. These principles imply gathered information will be updated.

Regarding archaeological investigation, the Charter for the Protection and the Management of the Archaeological Heritage encourages the application of all kinds of non-destructive methods and research techniques. The necessity for excavation is thus limited to exceptional cases of direct threat to the monument. As there is a need to develop qualifications for professionals in the field of the heritage protection, extended programmes of international cooperation are encouraged.

> sco Test

