

AGENDA ITEM 12

RATIFICATION OF THE VALLETTA CONVENTION

To: Countywide Archaeological Advisory Committee

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A PURPOSE

- 1 To advise the CAAC of the Government's ratification of the European Convention for the Protection of the Archaeological Heritage and review its implications for Buckinghamshire.

B PROPOSED ACTION

- 2 **The Committee is invited to:**

AUTHORISE the Chairman to write to the Secretary of State for Culture Media and Sport to welcome the Government's ratification of the Valletta Convention raising the issues set out below and emphasising the need for adequate support for local government archaeological services to properly implement the Convention's aspirations.

C RESOURCE IMPLICATIONS

- 3 The County Council is currently exploring various options for addressing the need for further resources (see paragraph 11 below).

D SUPPORTING INFORMATION

Introduction (copied from the Council for British Archaeology web site)

- 4 *The European Convention on the Protection of the Archaeological Heritage (Revised)* was signed at Valletta in January 1992 and replaced the 1969 *European Convention for the Protection of the Archaeological Heritage*. It was ratified by the UK Government on 21 September 2000 and came into force on 21 March 2001. It contains provisions for the identification and protection of archaeological heritage, its integrated conservation, the control of excavations, the use of metal detectors and the prevention of illicit circulation of archaeological objects, as well as for dissemination of information.
- 5 The Convention defines the archaeological heritage very broadly (Article 1). It deals with the inventorying and protection of sites and areas, the mandatory reporting of chance finds (all in Article 2) and the control of illicit trade in antiquities (Articles 10 and 11). It promotes high standards for all archaeological work, which should be authorised and should be carried out by suitably qualified people (Article 3). It recommends the creation of

archaeological reserves, and requires the conservation of excavated sites and the safe-keeping of finds (Article 4). It follows closely current British practice (as set out in PPG15 and PPG16 in England and comparable documents in other parts of the UK) for the protection and recording of archaeology during development (Article 5) and contains provisions for the funding for development-led archaeology (again following closely current British practice) and for research (Article 6). Articles 7 and 8 cover the collection and dissemination of information while Article 9 is about the promotion of public awareness and access. Article 12 deals with mutual technical and scientific assistance internationally.

The national context

- 7 The Council for British Archaeology (CBA) proposes in its draft position statement to warmly welcome the ratification of the Convention and to call for more support for amateur archaeology, public participation and archaeological community outreach. To secure this the CBA should provide more funding and better statutory recognition for local government historic environment services and more support for the voluntary sector.
- 8 Certain elements of the voluntary sector of British Archaeology have interpreted Article 3 as a vehicle to introduce legislation which would “effectively outlaw community archaeology as practised in this country.” (An Open Letter to the Government in Defence of Archaeology, reproduced in *Current Archaeology* No. 174).
- 9 English Heritage has prepared a position statement which takes a conciliatory approach to these concerns pointing out the similarities of the Valletta Convention to its predecessor, the 1969 London Convention, which was ratified in 1972. The English Heritage statement concludes:

“The Valletta Convention is a wide-ranging statement setting out high international standards for archaeological work and conservation. It is for each country to apply the Convention within its own legal system. Despite recent concerns, the Convention does not require radical changes to the way in which archaeological sites are protected in this country. It does provide scope for review of the ways in which current legislation and planning guidance might be used to improve standards overall and this needs to be done on the basis of wide consultation. There is also scope for the development of a Code of Conduct to which all those undertaking archaeological work could be invited to subscribe. More generally, the Convention 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. If it is to be effective, though, all parts of the archaeological community will need to use the Convention to aid their work.”

In the light of this statement it seems unlikely that the ratification of the Convention will have a major immediate impact on the conduct of archaeology in Britain. More plausibly, certain issues already highlighted in the previous Government’s “*Power of Place*” Historic Environment Review may be leant further support and impetus by the Convention.

Implications for Buckinghamshire

- 10 The Valletta Convention imposes no new obligations on Buckinghamshire's local authorities but does re-emphasise the need to properly organise and resource existing functions. The main Articles relevant to Buckinghamshire are as follows:

Article 1 emphasises the broad nature of the archaeological heritage defining it to include 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. This is relevant to current discussions about the future remit of this committee and re-emphasises the need to maintain strong links between the County Archaeological Service, the County Museum and Conservation Officers.

Article 2 refers to the need to institute a legal system for the preservation of the archaeological heritage, including an inventory, the designation of protected areas and "archaeological reserves" and the mandatory reporting of chance finds. These provisions cover the maintenance of the Sites and Monuments Record, the Treasure Act and Portable Antiquities Initiative and the role of the planning system in protecting archaeological sites. The current lack of a specific statutory framework for this work is a matter of concern. Also, the protection for certain types of extensive archaeological sites – notably medieval open field systems (see agenda item 9) and historic parks - is still insufficient to protect them from non-development threats.

Article 3 relates to the authorisation and supervision of archaeological investigations. It is this Article which has given rise to the controversy mentioned above. The County Archaeological Service and local planning authorities together have the role of ensuring that archaeological investigations secured through the planning process – this is achieved through applying the professional Standards set by the Institute of Field Archaeologists and requiring that projects are managed by a Member of the Institute. The service has no formal role in relation to non-planning related investigations, although both academic and amateur fieldworkers do usually discuss their proposals with us. A generally accepted Code of Conduct would be helpful in encouraging greater consistency as would greater support for amateur groups – for example through the Local Heritage Initiatives Fund. The use of metal detectors is a special issue since only a minority of enthusiasts operate within a recognisable archaeological framework. The appointment of a Portable Antiquities Liaison Officer should provide a framework for developing a Code of Conduct for responsible metal detecting (perhaps building on the existing scheme in Milton Keynes) but further legislative controls may prove necessary to underpin voluntary schemes.

Article 4 refers to the physical protection of the archaeological heritage both *in-situ* and in storage. The former relates to the local authorities roles as planning authorities, landowners and promoters of wider landscape conservation policies whilst the latter refers to their museum function. Archaeological investigations secured through the planning process generate

large quantities of records and “finds” which place an increasing burden on local authority finances. It is important that developers can be required to make significant contributions to these long term storage costs.

Articles 5 and 6 relate principally to the integration of archaeology into planning process and the funding of related work. This is translated into practice principally through the application of the advice in PPGs 15 and 16 in the Development Plan and Control systems. This is central to the role of the County Archaeological Service.

Article 9 promotes public awareness of the archaeological heritage through education and access. This is an important area for both the Archaeological Service and the Museum and one in which we are developing joint projects. Further resources are required in this area.

11. Many of the current initiatives reported to this Committee will support the implementation of the Valletta Convention. Some of these will require additional resources - particular staff requirements are:

- An Archaeological Planning & Conservation Officer at the County Archaeological Service
- A Portable Antiquities Liaison Officer based at the County Museum
- A Keeper of Archaeology based at the County Museum

E. BACKGROUND PAPERS

European Convention on the Protection of the Archaeological Heritage (Revised)

The Valletta Convention: Draft CBA Position Statement (July, 2001)

The Valletta Convention (English Heritage Position Statement, July 2001)

“Government to outlaw the amateurs?” (Current Archaeology, No. 174, pp.241-3)

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