

Management of UCH

National practice in the Netherlands

ADMINISTRATIVE STRUCTURE

In the Netherlands, responsibility for the management of the cultural heritage is shared by national, regional and local government. In principle, this also applies to the management of the underwater cultural heritage, but in practice the situation is somewhat different. Since most of the Netherlands' waters are either outside local and regional borders (the North Sea) or have been designated 'Rijkswateren' (waters that are managed by central government), management of the underwater heritage occurs to a large extent at national level.

LEGISLATION

The first Monuments and Historic Buildings Act (*Monumentenwet*) was introduced in 1961. At that point there was hardly any awareness of the underwater archaeological heritage, so the legislation made no provision for these sites. Although the underwater heritage was not excluded as such (the definition of an archaeological monument applicable then, and indeed still used in the present legislation, includes all man-made objects at least 50 years old that have a scientific value, cultural heritage value or aesthetic value, and this evidently also includes shipwrecks and other phenomena found underwater), but as a result of some crucial powers being given to local authorities, areas outside local boundaries could not be protected. This was remedied in the new Monuments and Historic Buildings Act 1988, which included provisions for areas outside municipal boundaries.

Sites are considered to be of archaeological importance if they are at least 50 years old and are of general interest because of their beauty, their scientific significance or their cultural heritage value. The Monuments and Historic Buildings Act 1988 gives all archaeological sites a basic level of blanket protection. This protection consists of two things:

- a. a banning order on excavation of these sites (excavation is defined as disturbing the soil with the purpose of finding archaeological remains);
- b. an obligation on anyone who makes a chance discovery of artefacts of archaeological interest to report them to the local autho-

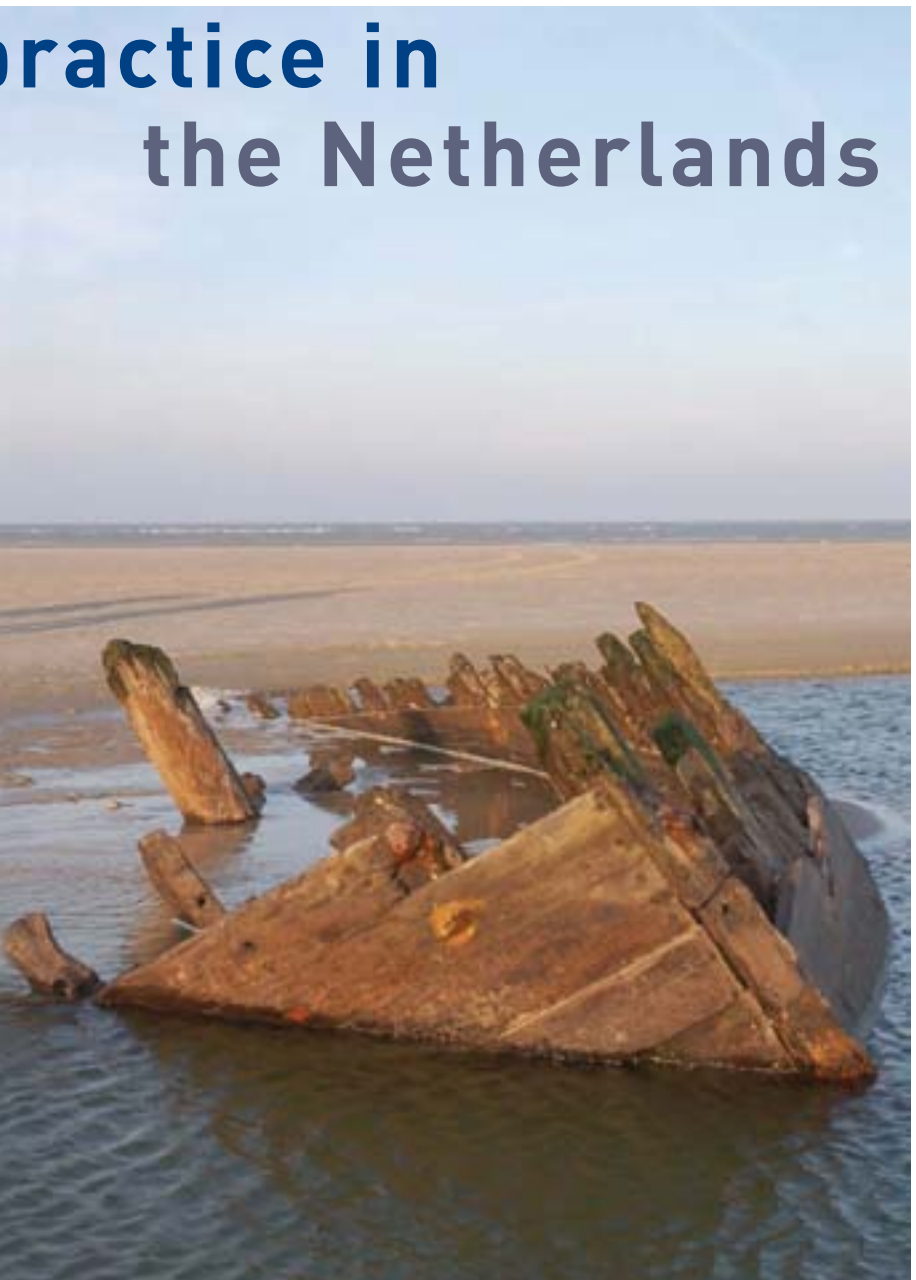


FIGURE 1 Wreck in the tidal zone on the Frisian Island Terschelling. Photo: Martijn Manders, RCE

rities or (outside local boundaries) to the Ministry of Education, Culture and Science within 48 hours.

In addition to these general protection measures, the Minister of Education, Culture and Science has the option of officially designating archaeological sites. The Netherlands has approximately 1800 designated archaeological monuments, six of which are situated underwater. Any activities that may in any way alter these sites require a licence from the Minister. Scientific institutions, public authorities and professional archaeological organisations are eligible for such a licence.

The Minister of Culture pursues an active policy of scheduling archaeological sites. The current policy aims for a list of protected monuments that represents a cross-section of the archaeological values that can be found in or on the Dutch soil.¹ Since underwater sites are currently under-represented on the list, this category will be one of the key focuses of our policy over the coming years.

The Monuments and Historic Buildings Act has full force in Dutch territorial waters. In the contiguous zone its enforcement is limited to the blanket protection. Archaeological sites in this zone cannot be scheduled.



FIGURE 2 Transport of a dug-out canoe to the national repository for ship finds [RCE-Lelystad]. Photo: RCE

The sphere of influence continues on the rest of the Continental shelf. Licences for the exploration of gas and oil fields and the extraction of sand and gravel include a reference to the Monuments and Historic Buildings Act, to allow its provisions to be applied here too.

In 2007 the Monuments and Historic Buildings Act underwent considerable changes as a result of the Valetta Convention. In this connection, not only the Monuments and Historic Buildings Act, but also the Spatial Planning Act (*Wet Ruimtelijke Ordening*) and the Earth Removal Act (*Ontgrondingenwet*, which regulates sand and gravel extraction) have been amended. An assessment of the archaeological importance of the area has to be made at an early stage of planning. Subsequently, every attempt must be made to execute the plan in such a way that disruption to archaeological sites is kept to a minimum. If that is not possible, an archaeological excavation must be carried out to ensure preservation of the archaeological information 'ex situ'. The cost of both the preliminary archaeological work and the conservation measures or excavation should be an integral part of any development project.

ORGANISATION OF UNDERWATER HERITAGE MANAGEMENT AT THE NATIONAL LEVEL

The authority responsible for the underwater cultural heritage at a national level is the Ministry of Education, Culture and Science. Its Directorate-General for Culture and Media has a unit for Cultural Heritage, which is responsible for policymaking and the drafting of legislation. Everyday responsibility for heritage management lies with the Dutch Cultural Heritage Agency, however. It is concerned with management of the historic environment as a whole, i.e. archaeology, the built heritage and cultural landscapes. It performs the tasks arising from the Monu-

ments and Historic Buildings Act and national policies, such as the licensing of activities at scheduled sites. But the Agency also acts as a centre of expertise for heritage management (both terrestrial and underwater heritage). In this capacity, the Agency performs research to determine which aspects of our historic environment should be preserved and how this can be done. It also manages a national repository for ship finds.²

The Cultural Heritage Agency has approximately 250 staff, 22 of whom are involved in maritime archaeology (both sites underwater and shipwrecks on land). A considerable proportion of them work on the conservation and management of the maritime artefacts in the national repository for ship finds managed by the Agency. The Agency has four positions for maritime policy officers and one information manager. They work at its central offices in Amersfoort. Their work consists of providing information in support of national legislation and policies, advising on spatial planning projects, enforcing the Monuments and Historic Buildings Act and managing maritime sites of national and international importance. The remaining staff involved in maritime heritage management are located at the offices in Lelystad, where the national repository is also housed.

The agency currently employs five professional divers, but only two of them (one diving researcher and one support diver) actually have diving in their job descriptions. The others may join in diving activities, but not on a regular basis. Additional diving capacity therefore has to be hired in to complement this two-person diving team.

BUDGETS

The Cultural Heritage Agency currently has an annual budget for maritime heritage management of 200,000. Approximately 135,000 of this is intended for underwater research (assessments, surveys, monitoring etc). Since the Agency's own diving capacity is limited, it has to hire in commercial diving capacity.

GIS

One of the tasks of the Cultural Heritage Agency is to keep a national database of all archaeological sites, including underwater sites, to provide all organisations involved in heritage management with information. The system is fully web-based, powered by Java and open GIS-compliant. The data are stored in an Oracle database. Both administrative and spatial information are linked, and can be viewed on map layers. Depending on their

authorisation, users can access specific tables of information. They include research reports (approx. 9000), archaeological observations (approx. 60000) and archaeologically assessed sites (approximately 13,000, about 1800 of which enjoy statutory protection). The GIS also contains many topographical and other layers, including a predictive model layer for the whole of the Netherlands (the IKAW).

In addition to this general GIS, the MACHU GIS will function as a specific GIS for the underwater heritage. It is equipped to store information related to the management of underwater sites, such as management plans and sedimentation and erosion models. Since it contains management information at an international level, it is well suited to support further international cooperation on maritime heritage management and to underpin international (European) maritime policies.

ORGANISATION AT THE REGIONAL AND LOCAL LEVEL

In the new legislation much of the responsibility for the archaeological heritage has been handed over to regional and local authorities. This is because of the way spatial planning is organised in the Netherlands. With the advent of the Valetta Convention, management of archaeology has become more and more integrated into the spatial planning system. As in other countries, archaeological sites have become a permanent feature of the spatial planning process. Spatial planning in the Netherlands mainly takes place at local government level, with regional government playing a supervisory role, to make sure that interests that transcend the local level are also taken into account. In practice, this means that local authorities incorporate archaeological sites and zones where there is a high probability of finding archaeological remains in their local zoning schemes. Anyone who wants to perform activities in these zones must apply for a permit. The local authority has to weigh the interests of the applicant against the archaeological interest. It can either grant the permit, grant it with prior conditions/restrictions or refuse the application. Conditions might include an excavation/watching brief, or regulations concerning the location and dimensions of foundations, to limit the damage caused.

Scheduled sites can be included in local schemes, but all activities at these sites will also need a permit from central government (Minister of Culture/ Cultural Heritage Agency). The situation is the same for the underwater heritage, at least in theory. This is not necessarily

the case in reality, however, for a number of reasons. First of all, local authorities are often unaware that they have underwater cultural heritage for which they are responsible within their boundaries. This situation is however changing, albeit slowly.

Secondly, the knowledge and expertise needed to manage the underwater cultural heritage is lacking most of the time. To be clear: this

expertise is very scarce within the Netherlands anyway (see numbers given above), which makes it hard to come by. One concern is that, although it is possible to take university courses in maritime archaeology, no fully-fledged study programme exists. So, at least in the short and medium term, we will be dependent on people from other countries, or people who studied abroad, to fill this gap.

Thirdly, a large proportion of Dutch waters are the responsibility of central government, including the North Sea, or they are a shared responsibility of central and local/regional authorities. This is true of 'Rijkswateren' (National Waters), which include all major rivers, the Wadden Sea and the tidal inlets in the southwest Netherlands. In these areas, there may be some doubt as to who is responsible for managing the archaeological heritage

COOPERATION WITH OTHER STAKEHOLDERS

The major stakeholder in the underwater cultural heritage is Rijkswaterstaat (the Directorate-General for Public Works and Water Management), the agency of the Ministry of Public Works and Water Management that is responsible for managing Dutch waters, including the seabed. Management of the underwater cultural heritage in or on the seabed is considered a shared responsibility of the Cultural Heritage Agency and *Rijkswaterstaat*.³ Their collaboration is based on a 2007 agreement which regulates information-sharing between the two organisations. This has led to the creation of the MACHU GIS. Other stakeholders include the Ministry of Defence, particularly in the case of World War I and World War II wrecks (both ships and aircraft), although they will also offer material assistance for the management of other underwater cultural heritage on an ad hoc basis.

The Cultural Heritage Agency, as a centre of expertise, has a role in generating new knowledge that benefits archaeological heritage management. In this role it cooperates with other centres of expertise, including Deltares (the Dutch Institute for Delta Technology) and the University of Wageningen. For maritime heritage, new knowledge might for example relate to degradation processes in different materials or combinations of materials (e.g. iron and wood), or predictive modelling of sedimentation-erosion processes in the seabed.

Apart from cooperating with other institutions, the Agency maintains close contacts with avocational wreck divers, especially those who are members of the LWAOW (the Dutch Society of Avocational Underwater Archaeologists). This group is of the utmost importance to heritage management underwater. They are the eyes and ears of the professional heritage managers, and they report many new wreck locations.

They are also often the first to notice if wreck locations are endangered by natural processes or human activities, and report their findings to the Agency.



FIGURE 3 Salvage operation of a World War II airplane by staff members of the Dutch Royal Navy and Royal Air Force. Photo: RCE



FIGURE 4 Briefing of avocational divers of the LWAOW during a course. Photo: Martijn Manders RCE

MALTA PRACTICE

Archaeological heritage management in the Netherlands has changed radically under the influence of the Valletta Convention, which the Netherlands signed in 1992. In 2007 the Valetta Convention was ratified and implemented in Dutch law (under the Archaeological Heritage Management Act, or *Wet op de Archeologische Monumentenzorg*). However, actual legal implementation was preceded by a long period during which the influence of its principles were already being increasingly felt. One major change was the introduction of market forces in development-led archaeology in 2001. This resulted in the establishment of a wide range of private archaeology agencies, specialising in consultation, excavation, conservation of artefacts and dendrochronology, for example.

Malta has largely been implemented through the existing spatial planning system. Planning permits, needed to construct buildings and other structures, dig trenches, build roads etc., can now also stipulate that an archaeolo-

gical assessment must be carried out. If the licensing authority feels it is necessary, it can also attach conditions to the permit, requiring archaeological excavations, watching briefs or measures to ensure the preservation of the site in situ, for example.

In the Dutch spatial planning system it is local government (the municipality) that issues planning permits. This means that, with the implementation of Malta, local authorities have been given a very important role in archaeological heritage management.

Besides the spatial planning process, the procedures for environmental impact assessments and sand/gravel extraction also have a certain level of protection of archaeological values embedded in them. Both can be applied to the Continental Shelf, making it possible to apply the principles of the Valetta Convention beyond Dutch territorial waters.

UNDER WATER

Eight years after the introduction of privatisation in archaeology, the archaeological market has expanded enormously. However, under-

water archaeology has lagged behind. Until approximately two years ago there was not a single private agency for underwater archaeology in the Netherlands, but since then two commercial companies have been granted an excavation licence for archaeological work underwater. There is also a company specialising in surveying techniques for maritime archaeology. Although this is a promising start, the situation is still not ideal. The field suffers from a lack of experienced maritime archaeologists, who are very hard to come by. People have to be trained on the job (but by whom?), and to build up a reasonable amount of experience takes several years. The developing market will therefore not be mature for at least a number of years and in the meantime remains very vulnerable indeed. One further threat, not only to the successful privatisation of maritime archaeology, but also to underwater archaeology in a broader sense, lies in the fact that underwater archaeology training and research have not yet been embedded in any of the archaeology degree programmes on offer in the Netherlands.

FIGURE 5
 Inside view of
 the national
 repository of
 ship finds
 (RCE-Lelystad).
 Photo: RCE



QUALITY SYSTEM

To make sure that the quality of archaeological work does not suffer due to commercial interests, a quality system has been established. The basis for this system is the *Kwaliteitsnorm Nederlandse Archeologie* (the Dutch Archaeology Quality Standard), a set of standards defined by the archaeological field itself, which has resulted in their broad acceptance. The standard consists of requirements that individuals involved in the archaeological work and the archaeological work itself must meet. The Cultural Heritage Inspectorate has a supervisory role. The quality system has a legal basis due to the fact that an excavation licence is granted only to companies and institutes that meet the requirements.

Organisations can also lose their excavation licence if they do not work according to the quality standard.

UNESCO CONVENTION

The Netherlands has not signed the UNESCO Convention for the Protection of Underwater Cultural Heritage 2001. The reason lies not in the principles behind it, but in the possible conflict between the Convention and the International Law of the Sea (UNCLOS). Like other UNESCO member states, the Netherlands has not committed itself politically to the Annex of the Convention, which sets out rules inspired by the ICOMOS Charter of 1996.⁴ Officially, the Dutch government is still considering the possibility of acceding to and implementing the Convention.

PUBLIC AWARENESS

The underwater cultural heritage features regularly in Cultural Heritage Agency publications, which are targeted at all stakeholders in the field of heritage management. Maritime researchers and policy workers at the Agency also contribute to other national and international publications and seminars.

In 2007 the Agency, together with the Dutch Society of Avocational Underwater Archaeologists, published a summary of recent underwater archaeology discoveries in the Netherlands. The publication, called *De Maritieme Bundel*, details 63 new underwater sites, and hopefully will be the first of many. The Cultural Heritage Agency website does not have a separate section on maritime archaeology, as it is seen as an integral part of archaeology as a whole. There are several items on the maritime activities of the Agency and maritime projects in which it is involved.

NOTES

¹ *Beleidsregel aanwijzing Beschermde monumenten 2009*, 18 december 2008 (WJZ/82097 - 8235).

² Under the Monuments and Historic Buildings Act, archaeological finds from excavations within provincial boundaries become the property of the province in question (and in some cases the municipality concerned). An exception is made for maritime finds. The Minister of Education, Culture and Science can decide to assign maritime finds to the national repository for ship finds, if they come from outside provincial boundaries (territorial waters), or if a ship find is of national

or international interest or would require expert care that is available only at the national repository.

³ *Convenant RWS en RACM 2007, Samenwerkingsovereenkomst tussen Rijkswaterstaat en de Rijksdienst voor Archeologie, Cultuurlandschap en Monumenten betreffende archeologisch onderzoek en het aantreffen van vondsten bij werken.*

⁴ ICOMOS: International Council on Monuments and Sites.

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