

# *From Vilnius to Ljubljana. Changes in the preventive archaeology in Slovenia*

## *Od Vilnusa do Ljubljane. Spremembe v slovenski preventivni arheologiji*

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**Abstract:** The concept of preventive archaeology was defined in 1992 in the La Valetta Convention, which Slovenia signed in 1996 and ratified and enforced in 1999, though not completely implemented into the national legislation. The then new Cultural Heritage Protection Act, adopted in January 1999, did not comprise the new European standard for the management of the archaeological heritage that put archaeology firmly in the sphere of spatial planning, contracting and public decision-making. In this Act, different concepts of „conservation“, „protection“ and „preservation“, used in the European heritage discussions and legislations in the seventies and eighties, were still covered by the one and only concept of protection – meaning „taking care of monuments“.

Confronted with a major development proposal of the new motorways in the early nineties, the national heritage service in Slovenia demanded that the compulsory Environmental Impact Assessment, implemented in the national legislation by the new Environmental Protection Act only in 1993, should also comprise the assessment of the impact on archaeological heritage. Only on this basis was it possible to prepare a strategy for the archaeological assessment of the territory under development and organize all the necessary activities that followed the assessment phase.

The assessment results opened two very important questions for the archaeological heritage management in Slovenia; firstly, how to improve the long-existing national protected sites inventory used for all planning legislation, which proved to be biased and extremely incomplete, and secondly, how to reconcile the compulsory planning procedure with its strict schedule with the archaeological assessment results in terms of avoiding as much as possible the *ex situ* preservation of newly detected sites.

Due to the monopoly on excavation, which proceeded from the Heritage Protection Acts of 1981 and 1999, the Heritage Service in the Slovenian motorway project functioned partly as a contractor, but mostly as a middleman between the developer and the excavators, outsourcing its executive duties simply because of the size of the work that exceeded its capabilities. The solution adopted showed that in the face of the large-scale development projects, its organizational structure was no longer adequate. It also showed that new forms of organization should be considered and adequate changes made, not only regarding the executive duties, but also the separation of administrative and executive duties. These changes should comprise the following requirements: reorganisation of its structure accepting new organisational concepts, separation of administrative and executive duties concerning archaeological heritage, adoption of the principle of diverting through planning against rescuing through excavation, systematic funding of spatial assessment and standardization of investigation methods and techniques including the question of quality control.

**Izvleček:** Koncept preventivne arheologije je definirala evropska konvencija iz La Valette, ki jo je Slovenija podpisala leta 1996 in ratificirala leta 1999, čeprav ni bila v celoti vključena v nacionalno zakonodajo. V januarju istega leta sprejeti novi Zakon o varstvu kulturne dediščine ni vseboval novega evropskega standarda za upravljanje arheološke dediščine, ki je postavil arheologijo trdno v področje prostorskega planiranja, pogodbenega dela in javnega odločanja. V tem zakonu je samo en in edini pojem „varovanja“, razumljen kot „skrb za spomenike“, zajel različne pojme „konserviranja“, „varovanja“ in „ohranjanja“, ki so bili sicer uporabljani v evropskih diskusijah in zakonodajah v sedemdesetih in osemdesetih letih.

Soočena z velikim razvojnim projektom izgradnje avtocest v zgodnjih devetdesetih letih je državna spomeniška služba zahtevala, naj obvezna Celovita presoja vplivov na okolje, sprejeta v nacionalno zakonodajo z novim Zakonom o varstvu okolja šele leta 1993, vsebuje tudi oceno vpliva na arheološko dediščino. Šele na tej osnovi je bilo mogoče pripraviti strategijo za arheološko presojo prostora za izgradnjo in organizirati vse potrebne aktivnosti, ki so sledile fazi presoje.

Rezultati presoje so sprožili za upravljanje z arheološko dediščino v Sloveniji dve zelo pomembni vprašanji: 1 - kako izboljšati kakovost registra zavarovanih najdišč, uporabljanega za vso plansko dokumentacijo, ki se je izkazal za pristranskega in nepopolnega, in 2 - kako uskladiti obvezno proceduro načrtovanja z njenim striktnim zaporedjem, z rezultati arheološke presoje, da bi se kar najbolj izognili ohranjevanju novoodkritih najdišč *ex situ*.

Zaradi monopola nad izkopavanji, ki je izhajal iz Zakonov o varovanju dediščine iz let 1981 in 1999, je spomeniška služba delovala v avtocestnem projektu deloma kot pogodbenca stranka, večinoma pa kot posrednik med investitorjem in izkopavalci. Zaradi prevelikega obsega del je bila primorana svoje izvedbene funkcije prenesti na zunanje izvajalce, kar je pokazalo, da je pri velikih razvojnih projektih njena struktura neustrezna. Pokazala se je zato potreba po razmisleku o novih organizacijskih oblikah ter ločitvi administrativnih od izvedbenih nalog. Te spremembe bi morale upoštevati naslednje zahteve: reorganizacijo strukture Službe s sprejetjem novih organizacijskih konceptov, ločitev administrativnih in izvedbenih nalog, povezanih z arheološko dediščino, sprejetje načela odvratanja skozi načrtovanje proti reševanju z izkopavanji, sistematično financiranje prostorske presoje in standardiziranje raziskovalnih metod in tehnik z nadzorom kakovosti vred.

Vse te zahteve so bile med konservatorji obširno prediskutirane in posledično vključene v novi Zakon o varstvu kulturne dediščine, sprejet leta 2008. Ta zakon postavlja slovenski model preventivne arheologije v tisto kategorijo, v kateri delujejo tržni zakoni samo takrat, kadar je kakovost dela preverljiva. V tem modelu velik del aktivnosti, predvsem vse arheološke pregledne, povezane s

All these requirements were discussed at length among the conservators and subsequently incorporated in the new Cultural Heritage Protection Act adopted in 2008. The latter puts the Slovenian model of preventive archaeology into the category in which market principles operate only when the quality of the work is ascertained. In this model, a large part of activities, above all the archaeological assessing activities, tied to the preparation of the national development plans, are controlled by the State through the new Centre for Preventive Archaeology.

**Keywords:** preventive archaeology, motorways, assessment, heritage management, reorganisation

The European Preventive Archaeology Project (EPAC), born within the European Heritage Network of the Council of Europe (HEREIN), organized a meeting in Vilnius between 16 and 18 December, 2004, with its papers published in 2007 and immediately accessible on the web ([www.coe.int/t/dg4/cultureheritage/heritage/Archeologie/EPreventiveArchwebversion.pdf](http://www.coe.int/t/dg4/cultureheritage/heritage/Archeologie/EPreventiveArchwebversion.pdf)).

The basic idea of the meeting was to provide an overview of the different solutions adopted by different European countries in the face of the destructive activities brought about by the requirements of economic development that were rapidly wiping out many archaeological sites. There was a general consensus at the meeting that the only possible way for reconciling contradictory requirements, namely territorial and economic development, on one hand, and preservation of archaeological heritage, on the other, was through **preventive archaeology**, the concept of which was defined in 1992 in the La Valetta Convention (see Willems 2007).

At the meeting, I had the privilege of presenting the situation in Slovenia (Djurić 2007), then deeply affected by the processes initiated by the construction of the motorway network.

The year 2004 marked ten years of archaeological investigations in the motorways project and by then it became clear to all involved in the archaeological heritage service in Slovenia that a fundamental reform of the service was needed to cope with the large development projects on either a national or a regional scale.

Slovenia signed the La Valetta Convention in 1996 and ratified and enforced in 1999 (5 May / 8 September), though it was not completely implemented into the national legislation. The new Cultural Heritage Protection

pripravo državnih protorskih načrtov, nadzoruje preko novega Centra za preventivno arheologijo država.

**Ključne besede:** preventivna arheologija, avtoceste, upravljanje z dediščino, reorganizacija

Act was actually adopted just a few months earlier, on 28 January 1999, but, strangely enough, did not comprise the new European standard for the **management of the archaeological heritage** that put archaeology firmly in the sphere of spatial planning, contracting and public decision-making. In the new Act, different concepts of „conservation“, „protection“ and „preservation“, used widely (and exactly) in the West European heritage discussions and legislations in the seventies and eighties, were still covered by the concept of **protection** – meaning „taking care of monuments“, deriving from the German concept of *Denkmalpflege* (I will not elaborate on the historical roots for such a decision here). „This is, of course, the oldest form of dealing with the material remains of the past, setting sites, monuments, or objects apart as something special and giving them legal status,“ stated Willem Willems in an overview of the European archaeological resource management, presented to the American professional public in 2010 (Willems 2010, 212–213). Using this concept, the authors of the 1999 Heritage Protection Act in Slovenia (I presume no archaeologist was included though some were consulted) clearly showed that they were not acquainted with the important conceptual shift that took place in the heritage discussions in the West in the last decades of the twentieth century.

The environmental movement, which started in the sixties, resulted in the green debate and the recognition that the world's natural and cultural resources were in danger. This became the basis for the birth of archaeological heritage or „resource“ management in the modern sense, and archaeological monuments, in the sense of „movable as well as immovable parts“ of cultural heritage, were no longer seen primarily as objects of study, but as cultural resources to be of use and benefit in the present and the future. The concept of „**care and protection of monuments**“ has been

replaced by the **management** of archaeological resources, which cannot be achieved by considering them in isolation; it has to be done in the context of their landscapes and therefore on a regional scale, but also in the context of the planning process. These debates made it increasingly clear that „rescue“ or „salvage“ excavations were, in fact, the result of failing to plug archaeology into the decision-making in the land-use planning process. It was this development that has led to the adoption of the above-mentioned Convention of Malta in 1992, in which this principle was embedded (Willems 2001, 85).

It is possible to ascertain, going through the articles published in the eighties and early nineties in the Slovenian professional journals (mainly in *Varstvo spomenikov*), that Slovenian archaeologists responsible for archaeological heritage management in that period simply did not detect the conceptual shift leading to the La Valletta Convention. The only exception was an article written by the then young archaeologist Marko Stokin (1993), who discussed the European Community legislation on environmental impact assessment and its consequences for the management of archaeological heritage; the article passed by more or less unobserved. It is therefore not surprising that we see the Slovenian ratification of the La Valletta Convention desired and backed not by archaeologists, but by an art historian occupying top position in the heritage protection service. It is also clear that no conceptual or theoretical debate (deserving such label) existed among archaeologists-conservators, who were primarily occupied with political, legal, administrative and technical issues (e.g. Curk 1995).

In the „pure-research“ sector of that time, on the other hand, in which archaeology was always understood as an activity of discovering and interpreting material remains from the past, methods and techniques that had been developed in the archaeological assessment projects abroad (mostly of British origin) were largely tested, adopted, adapted and subsequently developed (*Arheo* journal). This had almost no impact on the conservators field activities, largely dominated by so-called protective excavations (known otherwise as rescue excavations). This fact alone shows that a gap existed between the academic research, on one side, and the heritage protection and management, on the other.

Confronted with a major development proposal of the new motorways in the early nineties, the national heri-

tage service demanded that the compulsory **Environmental Impact Assessment (EIA)**, implemented in the national legislation by the new Environmental Protection Act only in 1993 (in EU in 1985), should also comprise the assessment of the impact on archaeological heritage. Only on this basis was it possible to prepare a strategy for the archaeological assessment of the territory under development and organize all the necessary activities that followed the assessment phase.

The strategy was worked out by a group of archaeologists familiar with the assessing techniques and procedures (i.e. not from the heritage service) and acknowledged by a newly formed coordinative body known as the Archaeological Group for Slovenian Motorways (*Skupina za arheologijo na avtocestah Slovenije – SAAS*), composed mainly of conservators from the then independent seven regional heritage protection institutes.

The initial scepticism, present among the conservators, over the success of the assessment techniques used on the territory that was considered, in terms of archaeological remains, very well-known, was swept away by a great number of newly detected sites. In connection with this, three points need to be stressed; firstly, the motorways were planned so as to avoid all known archaeological sites, secondly, only the territory where construction works were planned was to be assessed and thirdly, the assessment process was aimed only at verifying the presence/absence of archaeological sites. The assessment results opened two very important questions for the archaeological heritage management:

1 - how to improve the long-existing national protected sites inventory (so-called **Heritage Register** at the Ministry of Culture /now Ministry of Education, Science, Culture and Sport) used for all planning legislation, which proved to be biased and extremely incomplete, and  
2 - how to reconcile the compulsory planning procedure with its strict schedule with the archaeological assessment results obtained through the EIA in terms of avoiding as much as possible the *ex situ* preservation (to use politically correct terminology) of newly detected sites.

In my opinion, the answer to the first question was and still is simple enough: there should exist a long-term proactive strategy for archaeological assessment of the more or less endangered parts of the national territory related to the inventarisation (and not only registration) of sites

and their evaluation in the context of the landscape and the on-going land-use planning process. For now, such a strategy is non-existent.

The answer to the second question seems more difficult. For many different reasons, the prevailing opinions in Europe today are that rescue excavations should be the last resort and that, through the planning process, it should be possible to avoid as much excavation as possible. The on-going European debate on *to dig or not to dig* and *The role of the archaeological excavation in the 21<sup>st</sup> century* (Archaeological Dialogues 2011) is mainly a reaction to the drastic increase in the number of excavations in the last decades and their poor achievements in terms of publishing the results.

The Slovenian motorway project was defined entirely **prior to** the archaeological assessment, whereby it was clear from the beginning that all the newly detected sites had to be excavated in full. It became apparent that the assessment results should have been entered into the planning process at a much earlier stage.

In view of this, the answer to the second question is quite obvious – the results (possibly archaeologically evaluated) should enter the spatial planning process as early as possible. This, however, does not at all mean that the need for excavations will be avoided completely.

The rescue excavations of the motorway project, on the 170 new sites, took place between 1995 and 2008. They initially engaged almost all the public institutions responsible for archaeology, which were slowly substituted by newly formed private companies, a phenomenon known not only in Slovenia, but all over Europe. Due to the monopoly on excavation, which proceeded from the Heritage Protection Acts of 1981 and 1999, the Heritage Service functioned partly as a contractor, but mostly as a middleman between the developer and the excavators, outsourcing its executive duties simply because of the size of the work that exceeded its capabilities.

The solution that the heritage service adopted in this case showed that in the face of the large scale development projects, its organizational structure was no longer adequate. **It also showed that new forms of organization should be considered and adequate changes made**, not only regarding the executive duties, but also the separation of administrative and executive duties.

Another aspect of the monopoly status of the heritage service regarding rescue excavations in the eighties, nineties and later was its failure to adequately publish the results of the excavations or to publish them at all, with the argument of inadequate funding. The publishing effectiveness and arguments were very much the same with archaeologists from the private sector engaged in the rescue excavations. Such a situation, however, made it impossible to control the quality of the work done, which was inspected by appointed supervisors only once or twice during the fieldwork phase.

All archaeological investigations required a compulsory permit, which was issued by the acting minister and which named a supervisor. The permit did not, however, in any way regulate the conclusion of the investigation, which was understood exclusively as field research. This omission can only be understood when viewed from the historic perspective. The permits were introduced for academic excavations only, in which the research-driven motive guaranteed the quality of the execution and the publication of the results. In the absence of this motive – and the first rescue excavations in principle had no such motive – the quality of the execution and the publishing of the results depended solely on private decisions. The same situation was also discernible in contract archaeology.

There were as yet no thorough analyses of the quality of the past rescue excavations performed, wherefore I use my personal experience in publishing the motorway excavation reports to state that the quality of the investigations differs enormously between archaeologists regardless of their professional background. **This opens the question of quality control**, something rather new in Slovenian preventive archaeology.

The last issue I would like to discuss briefly in this context is the question of site archives. In practice, site archives produced by the rescue excavations from the eighties onwards were accumulated for the most part in the Institute for the Protection of Cultural Heritage, following a long and deeply-rooted conviction that a site archive belongs to the excavator. These archives are waiting there to be published and moved to the appropriate museums, though the general impression is that nobody cares much about them.

The site archives produced in the motorway project followed the same pattern, with some museums refusing to accept them because of the lack of available storing fa-

cilities. But since their publishing is progressing, they are also being transferred to the appropriate museums.

We may say that the unexpected quantity of the new site archives simply threw new light on an old problem that was never confronted adequately. The experiences accumulated in the motorway project (which were similar to those in other European countries) led me to express, in my Vilnius presentation, the urgent need for a major change in the national archaeological Heritage Service.

This change should comprise the following requirements:

- reorganisation of its structure accepting new organisational concepts,
- separation of administrative and executive duties concerning archaeological heritage,
- adoption of the principle of diverting through planning against rescuing through excavation,
- systematic funding of spatial assessment and
- standardization of investigation methods and techniques including the question of quality assurance.

All these requirements were discussed at length among the conservators and, during the preparation of the new Cultural Heritage Protection Act adopted in 2008, suggestions proceeding from these discussions were presented to its authors. If we look at the solutions finally integrated in the new Act, we see that the **first and second** requirements, namely reorganisation and separation of duties, were integrated in Articles 83 to 85. These made possible the creation, within the Conservation Centre, of the new Centre for Preventive Archaeology (CPA) entrusted with the executive duties of chiefly assessing character and separated from the conservation duties of studying, interpreting and evaluating archaeological heritage. At the same time, Articles 3 and 33 allowed archaeological investigations to be conducted by all authorised persons. The **third** requirement was integrated in Articles 73 to 80 regarding the heritage protection in development plans, especially in Article 80. The **fourth** requirement was integrated in Article 34 that defined the financing of the preliminary investigation, while the **fifth** requirement was left to be formulated in the dependant executive act of this legislation, namely the Regulations for Archaeological Investigation, now in its final phase of preparation.

In the latter, three main issues will be regulated:

- **who** may conduct archaeological investigation, defining the formal education and experience needed for

different kinds of investigation, related to the **Register of Qualified Providers** curated by the Ministry of Education, Science, Culture and Sport (no licensing is as yet possible in Slovenia),

- **how** the investigation should be carried out, defining its standards and requirements as well as supervision of the field work,
- **when** an investigation project has to be concluded, defining its time schedule and quality control of the investigation reports through peer-review system and
- **how** the investigation archive should be organised, prepared and stored.

As seen above, the Slovenian archaeological heritage management model experienced quite important changes in the last years. Preventive archaeology, understood as an important part of the archaeological heritage management cycle, is by now backed by the adequately modified legislation and new organisational structure of the public service for the protection of immovable heritage. We may say that, through these changes, it moved from the so-called „socialist model“ as defined by Kristian Kristiansen (2009) in the direction of the so-called “capitalist model”. The main difference between the two models is the way in which the archaeological work is perceived – either as **research** on behalf of the State or as a **service** that can be bought and sold. Willem Willems showed this difference in a diagram (Figure 1) in which another aspect was considered, namely the wish of the State to control the quality of the archaeological work. Slovenian model enters into the first category, in which market principles operate only when the quality of the work is ascertained. It could also be illustrated by another diagram (Figure 2) by Willems showing the triangular relationship between authority, developer and archaeological contractor, where the main issue is the way in which knowledge about the past is acquired. In addition, in the Slovenian model, a large part of these activities, above all the archaeological assessing activities, tied to the preparation of the national development plans, are controlled by the State through the new Centre for Preventive Archaeology.

The changes described are still quite fresh and need a lot of fine tuning and adaptations to come to life completely. One only hopes that in the volatile political environment in Slovenia conjugated with the actual economic situation in Europe these changes would not suffer harmful alterations.

Is archaeological work considered to be a service?

YES	NO	
Germany (partial) Ireland Netherlands Sweden <b>Slovenia</b>	Austria France Germany (partial) Greece	YES
Canada United Kingdom USA		NO

Does the state want to control the quality of archaeological work?

Figure 1. The organisational principles of archaeological resource management systems (after Willems, Van den Dries 2007).

Slika 1. Načela organiziranosti sistemov upravljanja z arheološko dediščino (po Willems, Van den Dries 2007).

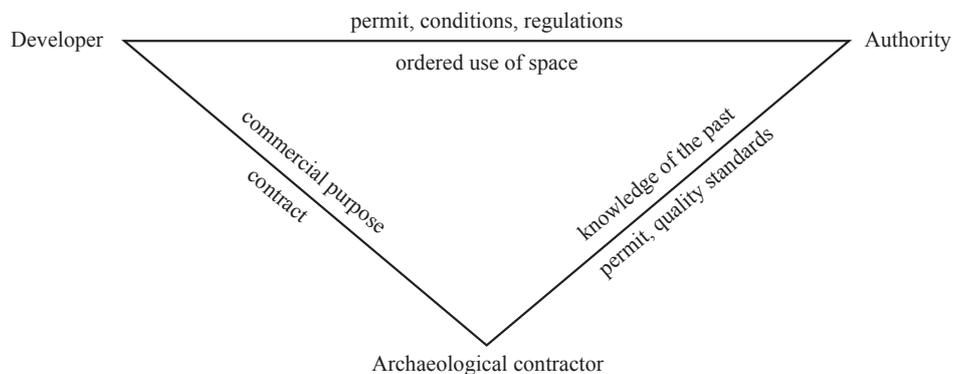


Figure 2. Diagram showing triangular relationship between authority, developer and archaeological contractor (after Willems, Van den Dries 2007)

Slika 2. Grafično prikazan odnos med državo, investitorjem in arheološkim izvajalcem (po Willems, Van den Dries 2007).

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