Comission for Archaeological Research and its Role in the Slovene System of Heritage protection

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Abstract

The Commission for Archaeological Research (SKAR), though previously existed in different forms and structure, was re-established in 2009 as a counselling body of the Minister of Culture, who is according to the Cultural Heritage Act (2008) responsible for issuing the permits for any physical intervention into objects designated as cultural heritage. To SKAR (numbering 7 experts from conservation, museum and academic fields in archaeology), according to the Rules on Archaeological Research, all request for reasearces (preventive, academic or other) are obligatory addressed for reviewing: reasons for research, competency of research team, correpondency with conservation plans, conditions and recommendations, other legal and financial aspects. After careful review, SKAR issues recommendations to the Minister for signing the permits. Since its establishment in 2009, SKAR maintains a data base of more than 3000 reviewed research projects applications which is excellent source for following the actual trends, especially in preventive archaeology (more than 95% of proposals fall into this category) in Slovenia.

Keywords: *Commission for archaeolopgical research, Slovenia, archaeologiocal heritage protection, Ministry of Culture, preventive archaeology*

Povzetek

Prenovljena in avtonomna Strokovna komisija za arheološke raziskave (SKAR) je bila imenovana leta 2009 po spremembi Zakona o varstvu kulturne dediščine (2008). Imenovana je kot svetovalno telo ministra za kulturo, ki je na osnovi Zakona o varstvu kulturne dediščine odgovoren za izdajo kulturnovarstvenega soglasja za raziskavo in odstranitev arheološke ostaline oziroma kulturne dediščine. SKAR sestavlja sedem arheologov s konservatorskega, muzejskega in akademske področja, deluje pa na osnovi Pravilnika o arheoloških raziskavah. Pristojna je za obravnavo vlog za vse vrste arheoloških raziskav (tako preventivnih kot akademskih in drugih), pri čemer se vsakokrat opredeljuje do številnih različnih postavk - razlogov za raziskavo, ustreznosti raziskovalne ekipe, usklajenosti projektov s kulturnovarstvenimi akti

ter drugih zakonskih in finančnih vidikov raziskave. Po pregledu in uskladitvi vseh okoliščin poda ministru za kulturo (pozitivno ali negativno) mnenje glede izdaje konkretnega kulturnovarstvenega soglasja. Od ustanovitve leta 2009 do danes je SKAR na osnovi več kot 3000 vlog za izdajo soglasja k raziskavam ustvarila podatkovno bazo načrtovanih arheoloških raziskav, obremenjenosti posameznih območij s posegi v prostor in izvajalcev predhodnih arheoloških raziskav. Taka baza je odličen vir informacij za sledenje in spremljanje razvoja in trendov, še posebej za področje preventivne arheologije v Sloveniji (več kot 95% vlog sodi v to kategorijo).

In 2008 Slovenia introduced major reforms to cultural heritage protection that included changes to the legal status of the various components of cultural heritage, along with major organisational changes to the public service responsible for heritage protection. Archaeology had been the particular focus of these changes since the early 1990s, when large-scale rescue projects were launched in response to motorway construction.[1] It was at this time that the La Valletta Convention was ratified (1999) and implemented. The implementation itself required further changes to the archaeological heritage protection system, which in 2010 or so evolved into what can now be termed 'preventive archaeology'.

The principal legislative changes were made between 2008 and 2013, a period that saw the substantial transformation of the public archaeological service and of preventive work in general. A special role in this process of transformation was given to the Commission for Archaeological Research, which has since proved to be an essential body for archaeological practice (preventive and otherwise) in Slovenia. However, prior to reflecting on the Commission's work, a few words are needed in order to help us better understand the preventive archaeology system in Slovenia.

The most recent Cultural Heritage Protection Act (2008) recognizes three legal protection statuses: a) cultural heritage (*registered*), b) cultural monuments of local importance (*statutorily protected*) and c) cultural monuments of national importance (*statutorily protected*).

One of the most important achievements of the 2008 act was to insert heritage protection within the spatial planning process; this means, in general, that no spatial plans or subsequent development can occur or be adopted without proper consideration of the impact on cultural heritage.[2] If it is deemed necessary in a particular case, preventive archaeological research is conducted in order to properly evaluate heritage content and any area of land containing heritage, at all three major levels of spatial

1 It is in motorway construction that the first new practices and methods of preventive archaeology were developed and implemented on a much larger scale. During the decade of 'motorway archaeology' (ca. 1994–2004), a proper organisational model of preventive procedure and research was developed that influenced the further development of the preventive archaeology system. For more on this model, see Djurić (2003).

2 For the situation and status of preventive archaeology in Slovenia prior to the 2008 act, see Djurić (2007).

planning: the National Spatial Plan (DPN), Municipal Spatial Plans (OPN) and Detailed Municipal Spatial Plans (OPPN).

This process includes a consideration of all existing documents on monument declarations and on registered archaeological sites and heritage, cultural heritage impact studies, and expert opinions and recommendations by the relevant bodies responsible for cultural heritage protection. It is here that preliminary or preventive archaeological research is normally planned and implemented in order to:

- Obtain the information required to evaluate heritage prior to development or to any other physical interventions on the land;
- Prescribe more detailed protection measures;
- Monitor the removal of heritage (e.g. excavations) prior to development.

Another important clause in the 2008 act defines all necessary post-excavation works and analyses on finds and records as an integral part of preventive research; this had not been the case in earlier acts and it has had a major impact on funding. In actual fact, the 2008 act considers all archaeological works to be research aimed at obtaining information about the meaning and significance of heritage, its conditions of preservation and any threats to which heritage may be exposed. Finally, all the costs of preventive research are covered by planners (i.e. the state, municipalities, others) and/or developers (investors).[3]

Another very important legal document was adopted in 2013: the Rules on Archaeological Research (*Pravilnik o arheoloških raziskavah*). These rules, which have the status of an executive document, were required by the 2008 act, but it took almost 5 years for them to be prepared and adopted in their present form. Similar rules did already exist, but were never as detailed as the current version. The annexes to the rules, including an annex on the standards of archaeological fieldwork and associated procedures (Annex 1), which did not exist in earlier versions, are particularly important.

Work on standards began back in 2006 when the Ministry of Culture commissioned a study on standards in field archaeology. The study (Novaković, Grosman, Masaryk, Novšak 2007) was completed in 2007 and served as a basis for discussion and preparation of the final version of the standards and the rules. The current rules are a fairly large document (the legal section contains 29 articles) with 6 annexes (1. Standards of archaeological research, 2. Record of conservation inspection and monitoring, 3. Requirements for the initial technical report, 4. Requirements for the final report, 5. Structure of the site archive, 6. Record of proposal for processing a

3 There are some situations where the 2008 act provides for the funding of preventive research from the state budget, but these cases are very specific (e.g. sampling in the case of the development of non-profit housing, private family houses, etc.) and they account for a small percentage of all preventive works. For this reason we will not present them here in any great detail.

site archive). These rules also define in more detail the tasks and responsibilities of the various entities involved in the process of obtaining permits for research, and the execution and monitoring of that process (quality control).

Any preventive (and academic) research can be conducted only after careful consideration of the 'cultural heritage protection conditions' (Kulturnovarstveni pogoji - KVP). These conditions are official documents issued by authorised conservators from the Institute for the Protection of Cultural Heritage, and they lay down the scientific, expert and technical measures for research. Meeting these conditions is necessary for obtaining a cultural protection permit.

The Registry of Immovable Heritage, established in its present form in 1995 at the Ministry of Culture, is the principal tool for maintaining accurate administrative records of heritage structures, areas and monuments (see the latest regulations on the *Register kulturne dediščine* 2009). By default, any structure or area included in this registry is protected as 'heritage', the lowest level of protection. The registry has been freely available online for many years, allowing anyone to check the status of a certain heritage area or structure, or whether a certain plot of land contains heritage structures.[4]

Slovenia established the Institute for the Protection of Cultural Heritage (ZVKDS) to protect immovable cultural heritage as a public service. The first such institute dates back to the second half of the 19th century; since then it has gone through a series of statutory and organisational changes, mainly due to the changes to state frameworks and territorial jurisdiction that occurred in the 20th century. Today, the ZVKDS has the status of expert organisation at the Ministry of Culture and is not directly subordinate to the minister. The ministry itself has a Directorate for Cultural Heritage, a purely administrative body responsible for dealing with legislative and administrative heritage protection issues, while all expert work is the autonomous domain of the ZVKDS. The principal tasks of the ZVKDS include:

a) Identifying, evaluating and recording cultural heritage;
b) Drawing up proposals for new structures and areas for the Registry of Immovable Heritage;
c) Compiling conservation plans and restoration projects;
d) Monitoring and/or implementing construction, research and protection work on heritage structures and areas;
e) Monitoring all archaeological research;
f) Advising owners/proprietors of cultural heritage structures, and conducting education and promotion work.

4 In 2013 the register contained 29,446 registered heritage units and monuments (11.18% or 3,295 were archaeological sites, i.e. one registered archaeological site per 6.11 km^2 of land) (Pirkovič 2014, 82).

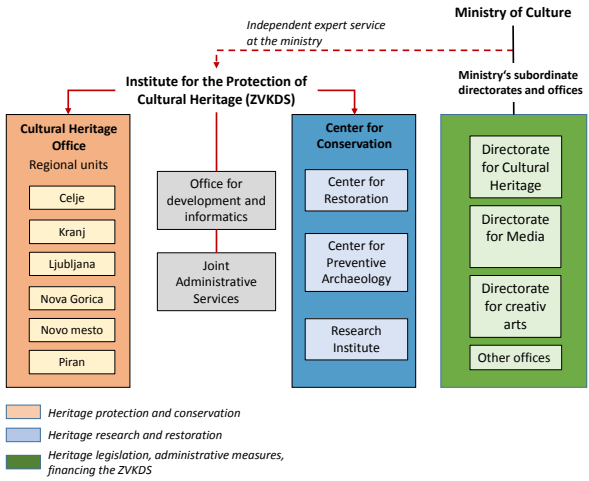

Fig. 1. Structure of the Institute for the Protection of Cultural Heritage (ZVKDS).

The ZVKDS has two major offices: a) the Office for Cultural Heritage, responsible for developing and implementing protection strategies, and for issuing protection recommendations and protection conditions (KVP); b) the Centre for Conservation, responsible for undertaking research and restoration work on heritage structures and areas. The centre itself consists of two units, the Centre for Preventive Archaeology (CPA) and the Centre for Restoration, both acting as expert services with no executive or administrative powers. The CPA's primary task is to carry out preventive research in cases where such research is funded by the state budget (see footnote 1) and preventive research (estimation of archaeological potential) within spatial planning procedures, most frequently in cases of large (mostly publicly funded) infrastructural projects, e.g. motorways, pipelines, power plants, etc.

The archaeological research procedure, from the permit application to submission of the final report, involves several steps; these are outlined below.

When obtaining a building permit, a public or private developer must consult the ZVKDS to ascertain whether the plot of land on which construction is to take place contains any heritage properties or monuments (Fig. 2, Step 1). If there are no registered heritage properties, the developers are free to continue; otherwise they have to apply to the ZVKDS for cultural heritage protection conditions, a document prescribing preventive archaeological research (surveys, test trenches, geophysics, etc.) to enable a precise evaluation of the archaeological potential (Step 2). The Commission for Archaeological Research checks the research application and recommends it to the minister, who issues the permit (Steps 3–5). Depending on the results of the first preventive phase, the ZVKDS decides on further steps; these may range from

allowing the developer to continue the works to requiring full archaeological excavation. If full excavation is required, for example, additional protection conditions (KVP) are issued by the ZVKDS, listing in more detail all the major parameters (area, depth, principal techniques, etc.). Again, the application is discussed by the Commission prior to the permit being granted.

During the excavation, the ZVKDS is obliged to undertake inspection visits to check whether the works comply with the protection conditions (KVP) and are being conducted in accordance with the standards. Once the excavation is complete, the research director nominated in the permit must submit the following to the ministry and the ZVKDS: a) brief information on the results (within 30 days), b) the initial technical report (within 60 days), and c) the final report (within 5 years). These reports are also given to the museum that stores the finds and documentation. The extent and type of post-excavation work on finds and the stratigraphic record (e.g. various analyses of finds, samples, plans) required for completion of the final report are decided by a special *ad hoc* committee comprising experts who did not take part in the research project. This committee issues a special document, the Record of the Proposal for Processing the Site Archive, which lists all the required types and quantities of analyses in the post-processing phase. Once the final report on stratigraphy, finds and samples is completed, it must be reviewed by two independent experts and made public.

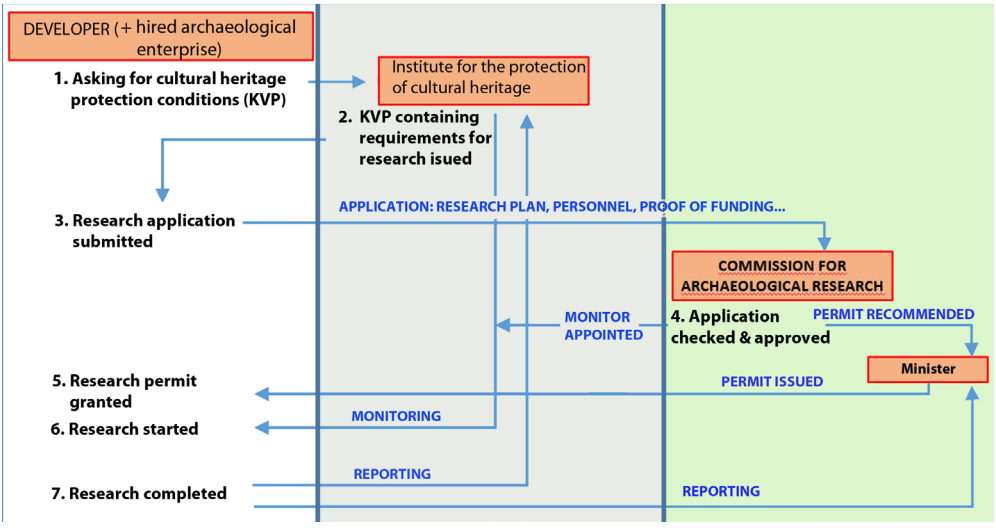

Fig. 2. Flow diagram describing the principal stakeholders and their tasks, and the steps taken in the process of obtaining a research permit and undertaking research.

Commission for Archaeological Research

The Commission for Archaeological Research was established in 2009 by the Ministry of Culture pursuant to the Cultural Heritage Protection Act (2008) and the State Administration Act (2005). The Commission comprises 7 members (5 conservators from the ZVKDS, one from a public museum institution and one from an academic institution). All members are appointed by the minister for the period of 5 years.

The Commission has no executive powers; instead, it has the status of consultant to the minister who, under the Cultural Heritage Protection Act, has exclusive powers to permit any kind of research or physical interventions on structures designated as 'heritage' or as a 'monument' in the national registry. In practice, all applications for research (e.g. preventive, academic, educational, etc.) have to be sent to the Commission, which studies them in detail and consults the minister on whether to issue the research permit. The Commission is fully autonomous in its decisions and is bound only by the regulations defining its work.

The principal tasks of the Commission include:

- Issuing official recommendations to the minister to obtain (or reject) research permits after a detailed examination of the research application submitted by the developer (or archaeological enterprise on its behalf);
- Giving an opinion on the abilities of the project leader (and deputy) nominated in the research application;
- Proposing additional conditions for research (supplements to the existing CHPCs);
- Giving an opinion on the adequacy of works in the site archive (analyses of finds and samples, quality of documentation);
- Giving an opinion on the adequacy of the proposed storage location for the site archive after the completion of research;
- Giving an opinion on proposals for the *in situ* conservation of sites or parts thereof;
- Giving opinions on proposed changes to accepted standards of archaeological research.

In the past 6 years, the Commission has become a crucial element in quality control. Being fully independent of any political or financing bodies of the Ministry of Culture, the ZVKDS or any other public political or administrative body, and made up of highly experienced and trained members that meet around 35 times a year, it has become the leading authority on research planning and implementation, and has had a very positive influence on archaeological practice in Slovenia. In spite of the large volume of work (they process 500 or more research applications per year), the members of the Commission are not paid and their home institutions do not require any compensation for their absence.

Data

No archaeological research in Slovenia has been permitted since 2010 without proper examination by the Commission; in that time more than 3,400 research applications have been processed. Since its establishment, the Commission has kept complete minutes of its meetings and a complete archive of materials supporting research applications; that archive has become an invaluable resource for understanding developments in preventive archaeology in Slovenia. Statistical analyses can be conducted using the Commission's data, detailed searches conducted for past projects, and project permits cross-referenced with reports, etc. The potential of this archive is still far from exhausted and will only increase in the future with the electronic submission of research applications.

We will only focus here on data that illustrates a few of the general trends in Slovenian archaeology in recent years, the types and amount of work involved, and the principal subjects included in preventive archaeology practice. Requirements for preventive research are emerging continuously throughout the country, and such pressure for timely preventive research can only be met by the Commission if it convenes frequently. Some 100,000 man/hours were spent on Commission work by the seven members between 2010 and 2015.

2010	38 sessions	621 applications
2011	31 sessions	596 applications
2012	34 sessions	574 applications
2013	35 sessions	498 applications
2014	35 sessions	588 applications
2015	33 sessions	523 applications
2010–2015	**206 sessions**	**3,400 applications**

Fig. 3. Commission sessions 2010–2015 and the applications processed.

The greatest development pressure (and hence the greatest demand for preventive research) is in central Slovenia in and around the capital, Ljubljana. Fig. 5 shows the amount of preventive research conducted per regional unit of the ZVKDS. It is important to note that each regional unit has one or two archaeologists/conservators charged with monitoring development proposals in their respective regions on a daily basis, and with preparing and issuing the cultural heritage protection conditions required by developers.

Fig. 4. Regional units of the ZVKDS and the size of their territories. On average, each regional unit has one to two archaeologists/conservators.

Regional unit	**2012**	**2013**	**2014**	**2015**
Celje	35	27	31	30
Kranj	28	23	23	26
Ljubljana	**231**	**198**	**188**	**191**
Maribor	46	38	49	43
Nova Gorica	32	39	43	29
Novo Mesto	78	69	81	79
Piran	30	36	36	38
TOTAL	**480**	**430**	**451**	**436**
TOTAL 2012–2015	**1,797**			

Fig. 5. Distribution of preventive research in regional units.

Most preventive archaeological research (nearly 62% in 2014 and 2015) is carried out in relation to three types of development: residential buildings, business buildings and areas, and municipal infrastructure.

Development structure	2014–2015
Research	25
Restoration of monuments	44
Squares, parks	17
Business buildings/areas	**143**
Residential buildings	**258**
Farm buildings	70
Simple buildings	106
Municipal infrastructure	**213**
Roads, railways, parking places	76
Farmland	17
Other	22

Fig. 6. Types of development project requiring preventive research (2014–2015).

Fig. 7 shows the ratio between the seven major types of method used and areas covered. Three types account for the bulk of the areas worked on: machine trenching, intensive surface surveys and research during construction work. The last-mentioned should not be confused with simple archaeological monitoring of construction work, since it does include archaeological fieldwork and checking of the deposits. It could be considered a means of archaeological testing during construction works, guided by archaeologists in the course of this research.

One can see the increasing ratio of machine trenching, which has recently proved to be the best method for sampling and is increasingly being prescribed by conservators in their protection conditions. There has been clear positive feedback from the comparisons of sampling and testing results in the last few years. We can also see that purely academic research accounts for a very small proportion. This is not directly connected with the increase in preventive research in the last decade, but with a decrease in funding of academic projects and the abolition of academic research by regional and local museums, which today are increasingly engaged in preventive practice.

Type of research	Spatial plans (ha)		Construction works (ha)		Academic research (ha)	
	2014	2015	2014	2015	2014	2015
Extensive surveys	8.6	37	3	2.1	1	5.7
Intensive surveys	40	4.3	4.1	8		0.3
Trenches	3.1	2.8	2.6	3.2		
Machine trenches	46.1	497.5	14.5	10		
Research during construction	3	9.5	33.1	19.4		
Excavations	2	16.6	3.6	1.2	0.1	2.8
Geophysics	1.5	2.4	3.4	10.6		

Fig. 7. Types of research and areas covered.

However, extensive surveys are still an important part of preventive research conducted in response to changes in national spatial plans brought about by large-scale development. The principle researcher here is the Centre for Preventive Archaeology (a unit of the ZVKDS), which primarily works on preventive projects associated with changes to various spatial plans.

2010	2011	2012	2013
600 ha	725 ha	718 ha	247 ha

Fig. 8. Areas of extensive surveys in response to changes to national spatial plans.

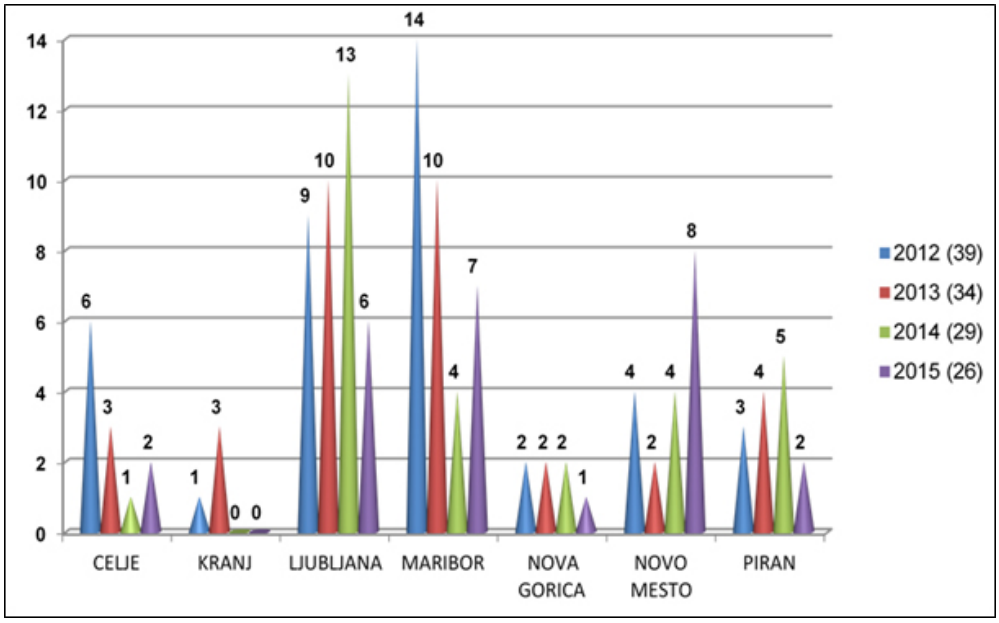

Fig. 9. Regional distribution of preventive research projects carried out in response to changes in spatial plans (national, municipal and detailed municipal plans).

Under the preventive archaeology system in Slovenia, one particular measure is conducted if an owner would like to construct a building without a complete building permit on a plot of land registered as containing cultural heritage. In such cases, 'substitute' research in the vicinity of the land is normally prescribed. If this research proves negative, the owners can continue the process of legalising their construction. Applications for 'substitute' archaeological research are also subject to the Commission's consideration.

Legalisation of construction	2012	2013	2014	2015
Celje	2	0	1	1
Kranj	1	3	2	3
Ljubljana	24	16	23	13
Maribor	0	1	1	1
Nova gorica	1	1	0	0
Novo mesto	12	20	19	12
Piran	1	1	1	1

Fig. 10: 'Substitute' research applications in individual regions.

The Commission is also charged with approving budget-funded preventive research projects (sampling and testing projects only, excavations excluded). According to the 2008 Cultural Heritage Protection Act and its subsequent amendments, the budget funding of sampling and testing projects is possible only in a few cases:

a) when preparing spatial development plans that form the basis for the granting of permits for development, where no prior preventive research has been carried out
b) when constructing an individual house or extension thereto for own use (residential), or when developing land for non-profit or 'social' housing
c) when maintaining or renewing residential buildings for own use, or when housing is declared a public asset, in areas designated as areas of settlement heritage
d) when developing or renewing public areas and areas of agricultural and architectural heritage

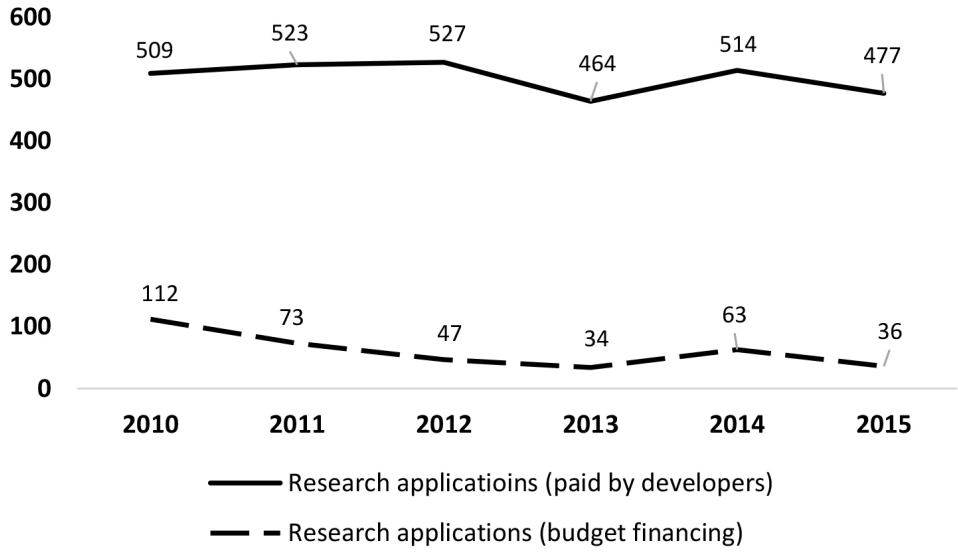

Fig. 11. Developer- and state/public-funded projects (2010–2015).

Slovenian legislation and other executive acts on preventive archaeology do not list the types or legal statuses of organisations permitted to carry out archaeological research. The Rules on Archaeological Research require project leaders and expert teams to supply proof of qualifications and references, and enterprises to supply proof of certain capacities (e.g. proper storage locations, etc.) and of good standing in terms of reports submitted on time, etc. Foreign archaeologists and teams are also permitted to conduct preventive research but they have to submit the reports (and all other official documents and records) in Slovene language. Selection of the research organisation (enterprise) depends first on the legal status of the developer or investor. Public investors (e.g. municipalities, the state, public enterprises) have to comply with the Public Procurement Act, which precisely defines the selection procedures and criteria, while a private investor has a more or less free hand in choosing which enterprise will be given the job. This system allows a market in archaeological services to develop in which public and private organisations compete.

	2012	2013	2014	2015
Private enterprises (limited companies)	10	8	9	9
Private (sole traders)	8	11	9	8
Private enterprises (non-limited companies)	1	1	1	0
Private researchers	0	0	1	0
Private (other)	2	4	1	1
Public (museums)	8	9	8	7
Public (Centre for Preventive Archaeology)	1	1	1	1
Public (universities)	2	2	2	2
Public (Academy of Arts and Sciences)	0	1	1	1
Consortia (mixed)	0	1	0	0
No data	0	0	3	0
Total number of research organisations	**32**	**38**	**36**	**29**

Fig. 12. Number of research organisations active in preventive archaeology.

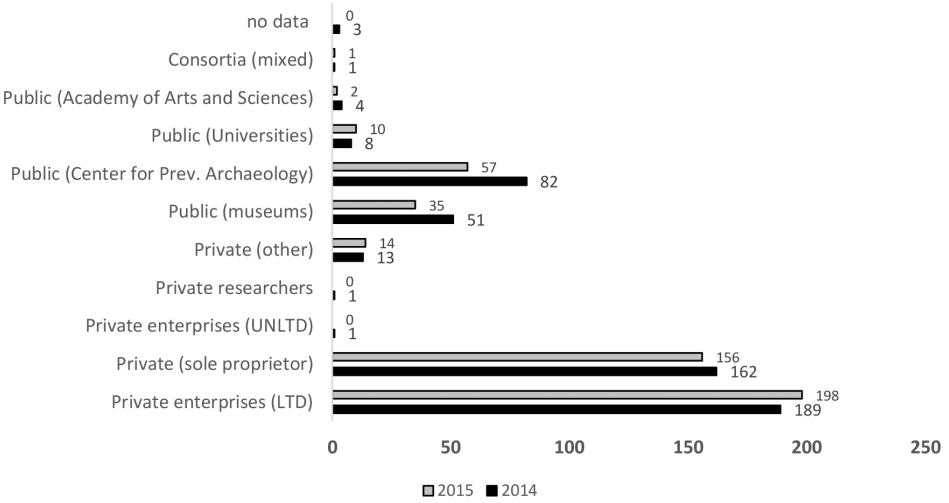

Fig. 13. Number of research projects by legal status of the research organisation.

Figs. 12 and 13 show that, in terms of the number of projects, private organisations play a dominant role (around 75% of all projects in 2014–2015) in the preventive archaeology market, although the share taken by these organisations in terms of the overall budget spent on preventive research is probably lower: the rough estimate is 60–65%.[5] For more information on this aspect of preventive archaeology, see M. Novšak's text in this volume.

Conclusion

The way the Commission was established, its status defined and its tasks delegated was largely dependent on the administrative system and administrative tradition in Slovenia. For this reason, an organisation of this sort cannot easily be 'transplanted' to other countries. However, experience demonstrates that a properly autonomous body of experts within the archaeological heritage protection system and within (academic) research can play an important role in the overall system of quality management, especially in systems where most of the preventive work is subject to market competition.

There is one further very important aspect that should be noted: in a small national framework such as the one in which archaeology operates in Slovenia, it is often very difficult to establish properly professional relationships between practitioners

5 More precise financial estimates are not possible from the data available to SKAR.

in the field. Around 15 public institutions and between 20 and 25 private enterprises employing 250 to 300 archaeological professionals of various levels and profiles can hardly be considered a system in which one could expect purely professional relationships. The number of people active in the field of archaeology is simply too small, they all studied under the same professors and have worked together on many occasions; to conceive of a level of professionalism seen in larger countries is impossible. Nevertheless, the Commission has succeeded in imposing, through its practice and integrity, a much higher level of professionalism in Slovenian archaeology than ever before. However, it should be considered more as a case of good practice, as a great deal of its authority and integrity stems from the overarching system of preventive archaeology, which enforces a fairly coherent division of tasks and responsibilities between stakeholders. Once such a formal system is established, it inevitably increases the level of professionalism, even within very small national frameworks. This is not to say that everything works flawlessly. Indeed, there are many important issues we have not considered here: a lack of efficient control over prices for archaeological work (i.e. predatory pricing), considerable deficiencies in the inspection and monitoring of archaeological works, a lack of highly trained and experienced archaeologists/conservators, who are crucial for prescribing the types and other important parameters of preventive research, the rather low quality of research reports, and so on. However, the basis for future improvements in these areas appears to be very sound.

The system of preventive archaeology as fully established in the last 10 to 15 years has had very positive effects at many levels. Twenty-five years ago, the number of archaeological research and rescue projects was ten times smaller than it is today, and archaeology was considered more of a 'boutique' discipline than an important service for the understanding, protection and promotion of heritage; still less was it seen as having a role to play in sustainable development and improving quality of life. The situation is very much better today, with archaeology, through preventive practice, becoming an everyday element of the professional lives of many people, from spatial planning administrators and mayors of small municipalities, to the thousands of developers and individuals engaged in construction. However, it remains the case that when comparing the costs and benefits of preventive archaeology on the one hand and investments and potential income on the other, archaeology is seen by many as an obstacle, an unnecessary cost and something that slows down development. While it would be unwise to ignore the existence of such widely shared public views, the same could be said of revenues and taxes: no one likes them, but we all know why there are needed. There are many ways of challenging such opinions. One way is surely to take preventive archaeology very seriously and to demonstrate that behind it all lies a carefully considered and well-organised system of decision-making, control and presentation regarding all major aspects of archaeological research – and one that clearly adds value to public life.

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