

Preventive Archaeology in Austria

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Abstract

This article deals with the structural changes that have taken place in Austria's archaeological heritage management over the last few years. Issues such as the current state of human resources and general tasks of the Federal Monuments Authority's Archaeology Department are covered. Special emphasis is placed on the rise of commercial archaeology, as well as on the "Guidelines for Archaeological Measures" which was introduced in 2010 and strategies for the use of preventive archaeology. The presented data clearly show that the restructuring of archaeological heritage management in Austria since 2010 has shown positive effects. The concentration on core competences, the abandonment of direct excavation activity of the Archaeology Department and the assignment of archaeological personnel to each of the respective state departments has intensified the level of regional supervision and has led to a considerable increase in archaeological measures taking place. Furthermore, the quality of excavation documentations and their data integrity has improved through the introduction of the "Guidelines for Archaeological Measures".

Keywords: *Heritage management, monument protection law, archaeological measures, guidelines, Austria*

Zusammenfassung

Der vorliegende Artikel behandelt die strukturellen Änderungen in der österreichischen Bodendenkmalpflege in den letzten Jahre. Der Personalstand und die generellen Aufgaben der Abteilung für Archäologie des Bundesdenkmalamtes werden ebenfalls behandelt. Das Hauptaugenmerk liegt auf dem Wandel zur kommerziellen Archäologie und den Richtlinien für Archäologische Maßnahmen, die 2010 eingeführt wurden, sowie auf Strategien zur Preventive Archaeology.

Die aktuellen Daten zeigen, dass die Umstrukturierung der archäologischen Bodendenkmalpflege seit 2010 mehrfach positive Effekte hat. Die Konzentration auf die Kernaufgaben, die Aufgabe von Grabungstätigkeit und die Aufteilung des Personals in alle Bundesländer hat die Intensität der

Legal Basis

The main task and therefore core competence in the preservation of monuments of all kinds (historical buildings, archaeological heritage, industrial heritage, historic gardens among others) is the protection and preservation of those objects. This task is defined by law – in the Austrian case especially – by paragraph 1 of the Austrian “Denkmalschutzgesetz”, or Heritage Protection Law (Full title: Bundesgesetz betreffend den Schutz von Denkmalen wegen ihrer geschichtlichen, künstlerischen oder sonstigen kulturellen Bedeutung (Denkmalschutzgesetz - DMSG) StF: BGBl. Nr. 533/1923 (NR: GP I 1513 AB 1703 S. 209.)

Passage 1

This law's provisions concern man-made objects both moveable and immobile, including remains and traces of human handling, artificially built or shaped formations that are of historic, artistic or other cultural significance, if their conservation is of public interest. This significance can concern the object alone or stated because of its relation or position to other objects. Conservation means preservation from destruction, change or export.

Passage 2

Conservation is of public interest, if the monument is, from a national or at least regional (local) point of view, considered a cultural asset. A loss of it is an impairment of the Austrian national treasure as a whole in regard to its adequate quality, variety and diversity and distribution. Whether the preservation contributes to a historical documentation is also of importance.

The most important thing in § 1 of the “Denkmalschutzgesetz” is its lack of a temporal limitation – in contrast to other laws which focus on one or the other time period, and because there is an important link between preservation and historical documentation. Besides the more general regulations like paragraphs 3 and 5 which regulate how to protect, modify or even destroy a monument, paragraphs 8 to 11 deal exclusively with archaeology.

§ 8 states that accidentally found objects or sites must be reported to the authority within one working day, either by the person who discovered it, the landowner, the tenant or the construction manager in charge, in order to prevent destruction, theft, or modification of the object or site.

§ 9 states that after a report has been made, the site has to be left untouched for five working days unless the Bundesdenkmalamt (Federal Monuments Authority, later referred to as “BDA”) or a representative of the BDA lifts this ban or allows work to progress. The site and object are automatically under the protection of this law

from the time of the report up to 6 weeks. During this period the BDA has to decide whether the site is, in fact a monument and what sanction or course of action should be taken. There is no suspensive effect for an appeal in the case of a positive decision. Also, the finder, owner or occupant is obliged to hand over the objects to the BDA for scientific research and documentation for a period of up to two years.

§ 10 provides for the ownership of finds. In contrast to other European states, the Austrian law does not follow the “Schatzregal”, or treasure trove principle, but divides ownership equally between the finder and the landowner (thus following §§ 399 and 400 of the “Allgemeine bürgerliche Gesetzbuch” or General Civil Code).

Searches via alteration of the surface or under water (excavation) and other searches on site with the purpose of the finding and examination of moveable or immobile monuments under the surface can only be conducted with a license granted by the BDA as stated in § 11. Such a license can only be issued to persons who have an appropriate university degree and only for a specific project or excavation. These licenses can be issued with restrictions, stipulations, and special regulations.

On completion of the permitted excavation an extensive report including all necessary drawings, plans, pictures and other documentation, must be submitted to the BDA. § 11 also prohibits the use of metal detectors on properties under protection. An exception is made for use only during a licensed excavation.

Structure of the Department of Archaeology of the Bundesdenkmalamt

Since 2010 a significant structural change took place in the Department of Archaeology of the Bundesdenkmalamt and therefore also in the archaeological preservation of monuments. Up until then the focus of the staff was excavation work, but since then this has changed to heritage management in a broader sense. The department focuses on their core competences like preservation of the archaeological heritage, better use of regulations by the authority, quality control and consulting services for construction companies and owners. It also offers support and supervision nationwide. Therefore structural adaptations were necessary. For the first time, there is one staff member responsible for these duties in every province. Excavations were outsourced to the commercial sector like private excavation companies and obligatory “Guidelines for archaeological measures” were established as well. These changes were concluded at the end of 2012 and have been evaluated since then.

The Department of Archaeology has 16 staff members. These include the head of the department, two administrative personnel, one person responsible for publications, two for research on archaeological sites and one archaeologist for each of the nine provinces, only Lower Austria has two. Associated with the BDA's Conservation

and Restoration Department is one person who works on the conservation of archaeological finds. The so called “Gebietsbetreuerinnen” or area manager, are located in their assigned provinces. They are the first person to contact for all parties: archaeologists, collectors, builders, land owners, and finders. They are responsible for the preparations of the licenses, applications for financial aid, supervision of excavations and all other archaeological measures, evaluations of reports and documentation as well as all problems which might arise.

Stock of monuments

As of 2010 19.550 known sites were recorded in our database. Based on this data – the entry of which is not yet being finished, we can act on the assumption of an archaeological landscape that includes up to 100 000 to 200 000 sites – depending on the mathematical model. About 37 % are in Lower Austria, followed by Upper Austria with 18 % and Styria with 17 %. This special situation of Lower Austria is determined by the historically developed tradition of archaeological research from the 19th century onwards on the one hand and on the other hand, it is the largest province in Austria.

By the end of 2012, **36.955** monuments were protected – archaeological and architectural. Lower Austria with 10.229 monuments has approximately one third of the whole stock of monuments listed. Concerning the archaeological monuments that are protected, those figures differ: only 2 % of all monuments are archaeological – in 2010 only 798. This is – at least in part – because of the legal regulations for protection. Archaeological sites usually concern plots of land rather than buildings and since the scientific probability of containing an archaeological monument/site has to be proven for each plot of land during the legal procedures, those processes are usually much more complicated. Also, the loss of many monuments owned by the Church or a regional authority, that were under protection by law via § 2a, is significant. This can be, at least partly, compensated by the registration of archaeologically potential sites in spatial plans in all provinces. Still, protecting archaeological monuments is one of the important tasks for the future for our department.

In addition to planning, financing, consulting and supervising, another important task is the coordination of Environmental Impacts Assessments (EIAs) – Umweltverträglichkeitsprüfung (UVP) – in reference to cultural heritage and especially archaeological heritage. Austria has – as many other countries do – legislation and policies in place which have the effect of ensuring that archaeological and cultural heritage assessment is part of the planning process that precedes all major building or infrastructure developments. But only known sites are protected and it is the national heritage department’s responsibility to undertake a preliminary desktop evaluation in

order to establish whether any known site may be affected by a development project. Our database provides a basis for government experts in expertise for these assessment processes and for the definition of the course of action to be taken, such as geophysical surveys, test excavations or full excavations. However, since the regulations that apply to the discovery of unknown sites during building work are very stringent, including the potential for substantial costs to the developers, more detailed evaluations are often recommended before the project has begun.

In addition to these major building developments, small scale ones are also covered. Through federal state law all Austrian provinces enable the BDA to give a statement for the land development plan and therefore also for the zoning process. We deal with eight different federal and state laws – Vienna is an exemption – but all of them state that find spots or sites or zones have to be indicated and a different symbol is used to identify monuments. These state laws enable the BDA in various forms to participate in application hearings for construction projects and therefore early in the building process in order to protect known sites and to ensure proper excavation in cases where preservation is not possible.

Guidelines

Since the restructuring of the department in 2010 the “Guidelines for archaeological measures” were implemented and are now an integral part of the license granting permission for an archaeological measure in Austria.¹ Originally, those guidelines were associated with German and especially Bavarian examples, but very soon it became clear that they had to be adapted to fit Austrian circumstances and modern techniques in excavation. A working group under the leadership of the BDA was established and brought together members of the Universities, museums, various research facilities and commercial excavation companies. In addition, 12 special sub-groups were formed – such as for anthropology, depot, long-term archiving, legal matters, prospection, mining archaeology and various others. On January 1st 2012 the guidelines came into effect – and as of January 1st 2016 in their fourth version that was the result of extensive evaluation and qualification. These guidelines are a milestone for quality assurance for archaeological measures in Austria. Acceptance of these guidelines is very high in Austria and they are implemented nationwide. A significant increase in the quality of documentation can be seen. Up until 2009, a report had to be submitted to the BDA for long-term archiving, but via the guidelines – and therefore as an obligatory part of the licence – the complete documentation has to be

1 <http://www.bda.at/documents/262104480.pdf>.

submitted. This obligation increases the workload for the staff, but safety of data (e.g. the results of excavations) can be ensured via long-term archiving.

Austrian law divides the ownership of finds in equal parts between the land owner and the finder – the second one now being in most cases the employer of the archaeological excavation companies. This scenario covers almost 100% of the archaeological measures in Austria and thus creates a new problem relating to the ownership of finds and their storage, but in most cases, the owners could be convinced to transfer the finds to public institutions for archiving and storage.

Development of archaeological measures

Between 2000 and 2004 only a small increase in archaeological measures can be noted – from 119 in 2000 to 138 in 2004. In 2005, 146 measures took place and until 2008 not much more happened. In 2009, when – for the first time – the commercial archaeology was introduced on a regular basis, a significant increase to 311 measures can be noted. Between 2008 and 2011 a further increase of 150 % to 536 archaeological measures was recorded. Partly responsible for this is the installation of a “Gebietsbetreuer” or area managers in the provinces of Vorarlberg and Styria in 2011. Also of importance is much better inter-departmental communication within the BDA and for the first time the implementation of one responsible person – “Gebietsbetreuer” in each province. Most of the measures take place in Lower Austria – in fact, half of them do. The main reason for this is not research-based excavations but rather rescue excavations due to increased construction and related environmental impact assessments (UVP). Most of these are for the construction of wind turbines, infrastructure development, and large scale gravel pits.

Preventive archaeology in Austria is mostly done in relation with the EIAs or the land development plans and zoning process in all provinces. All major building and development projects are subject to an EIA. Obligations for the project’s plan for multi-phase realisation are as follows: the first stage is a thorough research of the archives; based on these results, zones – where archaeological sites can be expected – are defined. The Archaeology Department of the BDA is consulted and gives expertise on those evaluations. The zones are then subject to surveys, geophysical prospecting where needed, and then excavation before the construction/building process can start. Examples over the last ten years include major road construction projects such as the A5 motorway link between Vienna and the Czech Republic in Lower Austria (see in Hofer 2006; Preinfalk, et al. 2015), highways S7 in Burgenland and Styria, S35 and S36 in Styria (see Fuchs & Mirsch 2011; Fuchs 2013), or S1 (Vienna “Aussening”) in Lower Austria, Südgürtel Graz (see Fuchs 2016), as well as new

railroad lines, for example in Lower Austria between Vienna and Sankt Pölten (see Blesl 2006), or the so called “Koralmbahn” linking Graz and Klagenfurt in Styria (see Fuchs 2011; 2014; 2015; Wilding 2015) and Carinthia (excavations are ongoing and therefore not yet published). Results of these large-scale and long-term excavations are similar in nature to the Slovenian motorway excavations which revealed clusters of new settlements and their burial sites from prehistoric to early medieval times that were unknown before. The process of preventive archaeology in combination with EIAs has not only become a very important factor in Austrian archaeological business but also in research, since many of the sites are the only ones excavated employing modern methods and which offer prime material for research, which can be often funded via obligations from EIAs – as shown above with the published examples. A relatively new field for preventive archaeology in combination with EIAs is energy management, whose importance increased rapidly in the last 5 years: construction of large wind turbine ‘farms’ in the lowlands, but also a very important new source for archaeological sites on mountain ranges, namely photovoltaic farms and hydroelectric power plants in Styria and Tyrol.

Land development plans provide a wide variety of possibilities for preventive archaeology via the aforementioned eight different state laws. The example from Styria shows that the Bundesdenkmalamt can determine different kinds of sites – the known and protected site or monument with all its implications, a known but not protected site, and a potential site. For the first category, all implications of the Denkmalschutzgesetz are clear – changing or modifying only with explicit permission of the Bundesdenkmalamt. The other two categories are marked with a symbol on the plots of affected land. Authorities are obliged to invite the Bundesdenkmalamt to give a statement before a building permission can be granted. Thus, the Bundesdenkmalamt can evaluate the specific situation and negotiate the necessary measures in order to either protect the archaeological structure or – if the extent of the site is not yet clear – to act accordingly and begin preventive archaeological measures via a survey, or an excavation in the respective area. Similar regulations are in effect in all other provinces.

Conclusion

The presented data clearly shows that the restructuring of archaeological heritage management in Austria since 2010 has shown positive effects. The concentration on core competences, the abandonment of directly-involved excavation activity of the Bundesdenkmalamt’s personnel and the assignment of archaeological personnel to each of the respective state departments has intensified the level of regional

supervision and has led to a considerable increase in archaeological measures taking place. Furthermore, the quality of excavation documentation and their data integrity has improved through the introduction of the “Guidelines for Archaeological Measures”.

All these large-scale archaeological projects in preventive archaeology would not have been possible without the structural changes in the Department of Archaeology and the reorganization of the department. As well, only via the “Guidelines for Archaeological Measures” has a certain standard in archaeological methods and documentation been secured. The results of the BDA’s monitoring clearly show an increase in the quality and quantity of archaeological projects. The application of the Guidelines is in effect throughout the whole federal territory, and not only for major projects but also for very small-scale, short-term digs or surveys – both in rescue/preventive and research/scientific archaeology. Preventive archaeology thus at least offers a comparable quality in documentation as a scientific archaeological measure does.

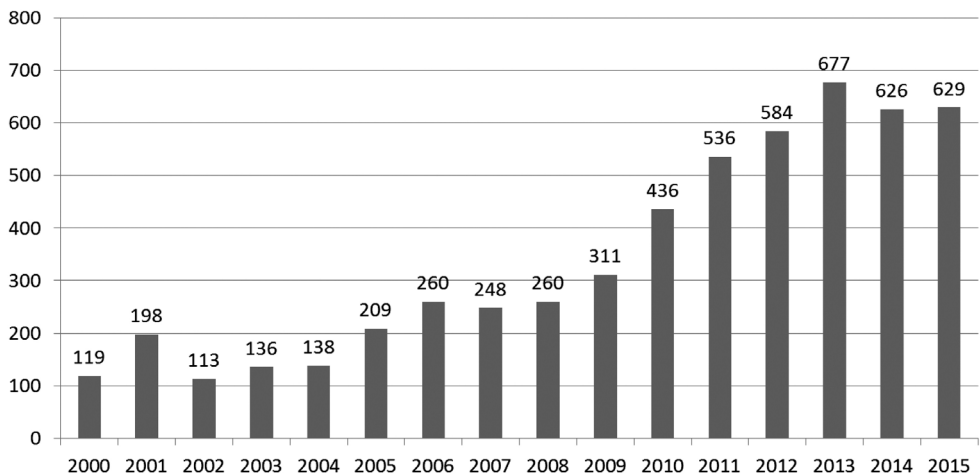


Fig. 1: Number of archaeological measures in Austria, Copyright Bundesdenkmalamt.

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