

Contents

# ARCHAEOLOGICAL HERITAGE MANAGEMENT IN THE NETHERLANDS

Fifty Years State Service for Archaeological  
Investigations

W.J.H. Willems, H. Kars & D.P. Hallewas (eds.)



Van Gorcum  
1997

**ROB**

Rijksdienst voor het  
Oudheidkundig Bodemonderzoek, Amersfoort

# Contents

Preface	1
Archaeological Heritage Management in the Netherlands: Past, Present and Future <i>W. J. H. Willems</i>	3
Nautical Archaeology in the Netherlands: Developments and Cultural Appraisal <i>Th. J. Maarleveld</i>	35
Dreaming of Malta <i>Dré van Marrewijk and Roel Brandt</i>	58
Beyond the Crystal Ball: Predictive Modelling as a Tool in Archaeological Heritage Management and Occupation History <i>J. Deeben, D. P. Hallewas, J. Kolen, and R. Wiemer</i>	76
Dealing with Significance: Concepts, Strategies and Priorities for Archaeological Heritage Management in the Netherlands <i>B. J. Groenewoudt and J. H. F. Bloemers</i>	119
Conservation Science and the Archaeological Property: a Review of Current Research, Needs, and Opportunities <i>H. Kars</i>	173
Aerial Archaeology: an Indispensable Tool in Prospecting, Monitoring and Protecting the Soil Archive in the Netherlands <i>Willy H. Metz</i>	192
Urban Archaeology in the Netherlands: its Position in Modern Archaeological Heritage Management <i>Herbert Sarfatij</i>	217
Terpen: a Shared Responsibility for a Shared Interest <i>H. A. Groenendijk</i>	239
The Hunebedden Working Group: an Administrative-Archaeological Approach <i>R. H. J. Klok</i>	256
Cross-border Cooperation on Archaeological Heritage Management and Research: the Niers-Kendel Project <i>J. Deeben, J.-N. Andrikopoulou-Strack, R. Gerlach, J. Obladen-Kauder, and W. J. H. Willems</i>	282
Archaeological Finds in Depots and Museums: the End of the Line or the Beginning? <i>M. E. Th. de Grooth and H. Stoepker</i>	296
Three Decades of Depot Problems <i>W. A. van Es</i>	316

Documenting the Archaeological Heritage <i>P.A.M. Zoetbrood, M.J.G. Montforts, I.M. Roorda, and R. Wiemer</i>	330
Fifty Years of ROB Excavations: a Short Review <i>J.A. Brongers</i>	346
Abbreviations	358

## Preface

Starting in the 1980s and especially during the last decade, the contexts of Dutch archaeological practice have changed considerably. The growing awareness of the rapid erosion of the archaeological record, increased public concern and support for heritage management, involvement at all levels of government, and the lively debate about the necessary restructuring of Dutch archaeology that arose after signing the Convention of Valletta in 1992, have already led to important changes. New legislation, the introduction of contract archaeology in excavations, the growing recognition of the role of archaeological resource management – and of cultural resource management in general – as an important factor in spatial planning and, last but not least, the changed mission and organisation of the ROB (*Rijksdienst voor het Oudheidkundig Bodemonderzoek* – the Dutch State Service for Archaeological Investigations) will lead to a radical transformation in the immediate future.

At the moment, Dutch archaeology is in a state of transition, and so is the ROB which celebrates its 50th anniversary this year. The institute was founded in 1947 as an excavation service and to maintain a national register, a database of archaeological finds and monuments. It is now changing into a national centre for the management and research of the archaeological heritage. The contributions in this anniversary publication are intended to give an overview of the development and present concerns of archaeological heritage management in the Netherlands in an international context.

Although it covers a wide range of subjects, this publication does not aim to give a complete coverage of all relevant aspects. Some obvious topics are lacking. For example, a translation of the revised Dutch Monuments Act of 1988 has been included but there is no separate chapter on legislation because a new revision will be necessary – which is currently being considered. Aspects of this are discussed in the first and third chapter, but the Minister of State for Cultural Affairs, A. Nuis, has just sent a letter to parliament with an outline for the implementation of 'Malta', as the Convention of Valletta is commonly referred to, in Dutch law. By the time this book will appear in print, discussion of his letter in parliament will hopefully have provided the guidelines for a revision.

Nevertheless, we hope that our anniversary publication, which is the first of its kind in the Netherlands, can also be of use as a handbook for students and colleagues and will provide archaeologists and heritage managers abroad with a clearer picture of Dutch archaeological heritage management. For this reason, it has been published in collaboration with Van Gorcum Publishers and not as an issue of our *Berichten van de Rijksdienst voor het Oudheidkundig Bodemonderzoek*. Most but not all contributions have been written especially for this volume by archaeologists within and outside the ROB and in many cases they are directly inspired by the institute's current policies, concerns and priorities. Obviously, many of these are currently being revised and reformulated as a result of the ROB's changing position.

Although the contents have not actually been subdivided, the editors have



arranged the book into several clusters. The first three chapters are general summaries. The introductory article is concerned with the history, development, current priorities and future aspects of archaeological heritage management in the Netherlands. It is followed by a similar contribution from the viewpoint of archaeology underwater and by an analysis of the impact of the Convention of Valletta.

These introductions are followed by two major contributions on predictive modelling and on dealing with the difficult subject of significance, two subjects which are currently the focal point of archaeological interest, and by three chapters on the role of conservation science, aerial photography and urban archaeology.

The next three articles report on specific projects: the *terpen* (the dwelling mounds along the coast), the protection programme on the megalithic monuments in the northern part of the country, and a joint heritage management programme with our German neighbour-institute, the *Rheinisches Amt für Bodendenkmalpflege* in Bonn. All of these have international aspects, and the last project, especially, has been specifically designed to create a basis for fruitful cross-frontier collaboration in the future. In an age with increasing impact of European policies and regulations at the national level, not only the exchange of information but practical cooperation in the management of archaeological resources will be vitally important.

These are followed by two chapters devoted to the subject of finds and how to deal with them, the management of collections that result from fieldwork – a traditional but still highly relevant concern.

Finally there is a contribution on documentation, with a discussion of ARCHIS, the archaeological database of the Netherlands that is the essential link in the cyclical process of managing the archaeological archives in our soil, and the book is concluded by a brief résumé of excavations by the ROB.

The title of the ROB's policy statement for 1997–2000 published earlier this year, *Geef de toekomst een verleden*, can be translated as 'A future for our past'. Providing this future is the central task of heritage management and the contents of this book are intended to show how this is being done. As directors of the ROB, we would like to thank the contributors, many of whom somehow found time to write despite their very busy daily schedules, and to the editors who had a double task. We are also grateful to Mrs. A. Steendijk and Mrs. M. Alkemade, whose assistance was indispensable in the final editing of the text and to Mr. G.H. Scheepstra, responsible for the illustrations.

Willem J. H. Willems (scientific director) and Henriëtte C.M van der Linden  
(managing director)

Amersfoort, July 1997

# Archaeological Heritage Management in the Netherlands: Past, Present and Future

W.J.H. Willems

As in many other countries, archaeological heritage management in the Netherlands has changed a great deal in the past decade or so. Several aspects of this change are illustrated by the various contributions in this anniversary publication of the State Service for Archaeological Excavations (*Rijksdienst voor het Oudheidkundig Bodemonderzoek* – ROB). These reflect the current concerns of archaeologists within and outside the ROB, and although a sample, they are to some degree representative of the development in the direction and nature of archaeological research that has taken place. This paper is intended as an introduction, to present a short overview of the history and development of Dutch archaeological heritage management and to review some current trends.

In recent policy statements,<sup>1</sup> the management of archaeological resources (*archeologische monumentenzorg, Bodendenkmalpflege*) is described as a cyclical process, based on documentation and registration, followed by the stages of inventarisation, assessing significance, selection, protection/conservation or excavation, interpretation/synthesis and communication, which provide the necessary feedback (fig.1). The stages of this cycle can to some extent also be seen in the development of Dutch heritage management, which took place in three main phases.

In the nineteenth and twentieth centuries up to the beginning of the Second World War, archaeology was developed as a discipline which soon led to documentation, registration and inventarisations of the archaeological heritage.<sup>2</sup> From the second half of the nineteenth century onwards, public concern about the destruction of cultural resources and the need that was felt to monitor this process and to document the material evidence being destroyed<sup>3</sup> gradually led to protective measures and to some involvement at the national level. A second phase starts with the creation of a basic legal framework in 1940, followed by a – rather slow – process of development of a system for the care and protection of archaeological monuments involving legal and other instruments. Perhaps the adoption of a revised Monuments Act (see Appendix) by the Dutch parliament in 1988 is a suitable date for the end of this phase. In any case, as is usual for this type of legislation, the act reflects the established practice of the past rather than current developments.<sup>4</sup> Although the law brought many practical meliorations, it was in fact outdated by the time it was adopted. During the 1980s, major changes took place which transformed thinking about the protection of archaeological monuments into a much more dynamic concept of archaeological heritage management. It is too early yet to be able to decide with hindsight when this phase started, but it is clearly embedded in a development that took place on an international scale and that has transformed thinking about the archaeological heritage on a worldwide scale.<sup>5</sup>

1. ROB 1995, 20-1; ROB 1997.

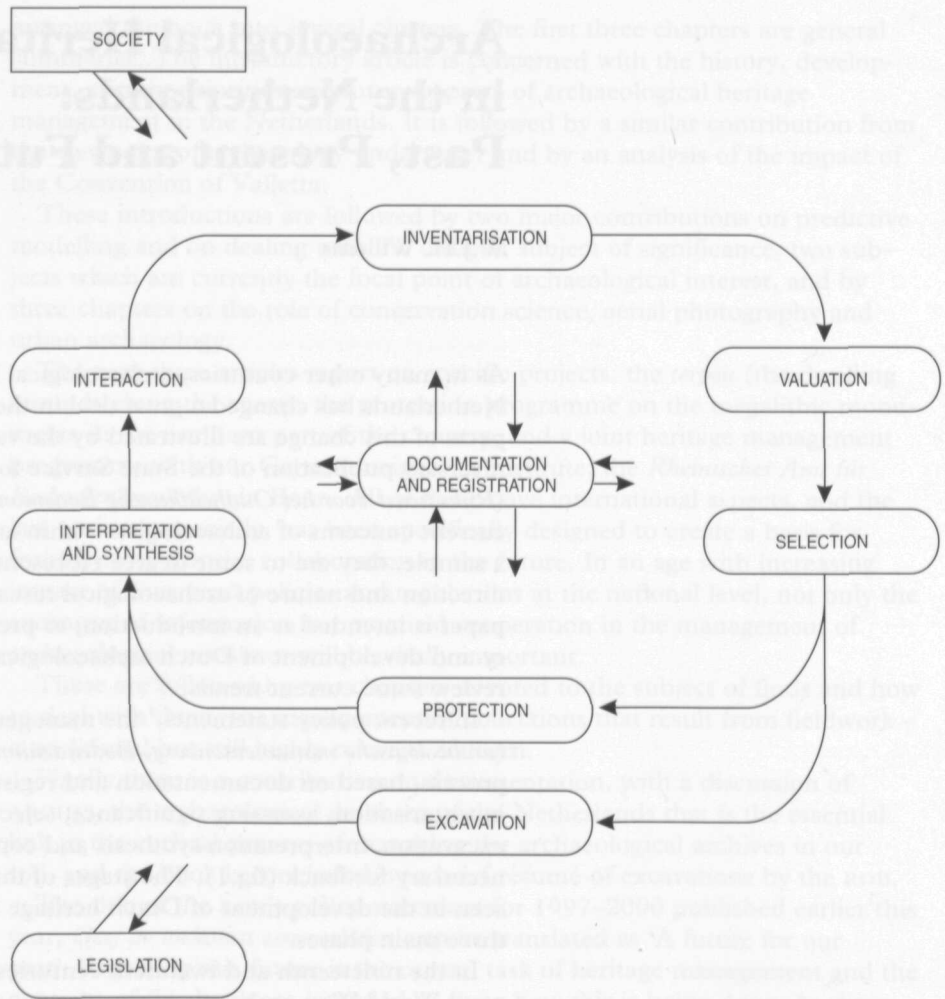
2. Brongers 1973.

3. Waterbolk 1981, 245.

4. In fact, a new revision is currently under consideration (see *Future Developments*); it will be necessary when parliament decides to ratify the Convention of Valletta formally, but changes for other reasons are necessary as well.

5. Cleere 1984; 1989; Schiffer & Gumerman 1977.

Figure 1 The management cycle.



#### ORIGINS

The first phase starts at the beginning of the nineteenth century, although there are earlier developments. The earliest conscious effort to preserve archaeological resources in the Netherlands preceded the first development of archaeology as an academic discipline.<sup>6</sup> It dates back to 1734. Only a few years before, the exotic shipworm (*teredo*) had wrought havoc on the wood used in Dutch coastal defences, which led to an urgent need for stone. Local entrepreneurs considered the megalithic tombs (*hunebedden* or 'Huns' beds') in the province of Drenthe a suitable source and the local government had to take action to prevent these from being destroyed. It resulted in the first Dutch ordinance for the protection of a specific category of archaeological monuments.

This first instance of government action on behalf of a category of monuments perceived to be important memorials of the past was followed by a few other ordinances and decrees in later decades. It cannot, however, be considered as the start of a conscious management policy by provincial or national authorities, nor was it the start of a process to create a coherent legal framework, which began only in the late nineteenth century.

6. For an overview, see Brongers 1976a.

The basis for such a policy was created in 1818, with the foundation of the State Museum of Antiquities (*Rijksmuseum van Oudheden*) and the appointment of its first director, C.J.C. Reuvens, to the newly created chair in archaeology at the University of Leiden. As has been noted elsewhere,<sup>7</sup> this was in fact the very first chair in the world to include national, non-classical archaeology as a subject. Although there are no indications that, as in other countries, the development of national archaeology was motivated by strong patriotic or ideological motives,<sup>8</sup> the Dutch situation can be placed in the framework of contemporary developments elsewhere in Europe in the same period, with the emergence of prehistory as a scientific discipline,<sup>9</sup> and a growing interest in national antiquities and their preservation. It is not surprising that in the same period, and by coincidence even in the same year, 1818, a report was published on the condition of antiquities in the province of Drenthe.<sup>10</sup>

Reuvens had a keen interest in prehistory, and one of his important achievements was the start of a documentation system of archaeological sites at the national level. His archaeological map of the Netherlands, the first of its kind, was published posthumously by his successors in 1845 and was followed in later decades by other archaeological atlases.<sup>11</sup> These were published by the State Museum of Antiquities, which was responsible for the documentation of archaeological finds and sites and remained the primary centre of Dutch archaeology for more than a century.

In the course of the nineteenth century, most of the megalithic tombs in Drenthe, the traditional showpieces of Dutch archaeological monuments, were bought by the state or provincial governments in order to safeguard them from further destruction. In addition, various regional organisations originated which were not only actively involved with research but also with aspects of documentation and conservation of archaeological sites. It took, however, until the late nineteenth century before any systematic heritage management was organised at the national level in the Netherlands, triggered by the ongoing destruction of historic buildings.<sup>12</sup>

Although it took even longer before archaeological remains became a serious concern at the state level, further developments of archaeological heritage management started around the turn of the century, when a network of often very active regional societies was more or less complete.<sup>13</sup> An important role at the national level was played by the Dutch Antiquarian Society (*Nederlandse Oudheidkundige Bond*), founded in 1899, which was a driving force for legislation and was concerned with both the archaeological heritage and historic buildings.<sup>14</sup> An example of a regional initiative with larger consequences was the decision, in 1908, to monitor the destruction of the *terpen* in the province of Groningen and to prevent the loss of scientific information: the soil was dug away to be used as fertilizer for the acid soils in the hinterland. In 1920, this led to the foundation of the *Biologisch-Archaeologisch Instituut* in Groningen by A.E. van Giffen, and to intensive research in the northern Netherlands, where prehistoric landscapes were being destroyed because of the reclamation and afforestation of heathlands and moorland reclamations.<sup>15</sup> Van Giffen was also one of the first archaeologists to develop excavation techniques which were not only a major contribution to the technical and methodological development of the discipline. They also allowed the conservation of well-placed sections through otherwise completely excavated structures such as burial mounds, with the explicit intention to save these for future research.<sup>16</sup> During the interval between the two World Wars, the conserva-

7. E.g., Brongers 1973, 10; Van Regteren Altena 1990, 1-2.

8. Van der Waals 1980, 245. On the nationalistic element in, for example, the broadly contemporaneous developments in Scandinavia, see e.g. Moberg 1981, 210.

9. E.g., Daniel & Renfrew 1988; Schnapp 1993.

10. The so-called *Schultesrapport*, produced at the instigation of the governor of the province.

11. Reuvens, Leemans & Janssen 1845. For an overview of the various maps, see Van Es, Sarfatij & Woltering 1988, 210-1 and Zoetbrood *et al.*, this volume.

12. The famous publication by V. de Stuers (*Holland of zijn smalst*) is often considered to have provided the trigger, see Beek *et al.* 1975, although the effect may be overrated and the process was much more gradual (Duparc 1975, 2).

13. Modderman 1955, 5. Most were founded in the 19th or in the beginning of the 20th centuries.

14. E.g., Beek *et al.* 1975, 133 f.

15. Waterbolck 1973, 1981. See also Groenendijk, this volume, on the history and current management policy of the *terpen*.

16. Metz, this volume.



tion and restoration, notably of *tumuli*, was also practised for the first time.<sup>17</sup> In addition, major public works such as the beginning of the drainage of the Zuiderzee were monitored;<sup>18</sup> the work provided an important stimulus for the emerging early medieval archaeology in this period, but did not have the same effect on nautical archaeology.<sup>19</sup> Nevertheless, in 1944 the practice of conserving newly discovered shipwrecks by burying them under suitable waterlogged conditions was first developed.<sup>20</sup>

These and other developments demonstrate that – albeit on a limited scale – some actual steps were taken to preserve the archaeological record although official involvement with the archaeological part of the heritage remained minimal. The government had established a small Culture and Science Department within the Ministry of the Interior by the end of the nineteenth century, later transferred to the Ministry of Education, Science and Culture, and it had announced a Monuments Act in the Queen's speech of 1928. Although nothing came of this before the war, presumably because of the recession and prewar developments, specific regulations for archaeology had evidently been prepared and were rapidly put into force by decree in May 1940, just days after the German invasion of the Netherlands.<sup>21</sup>

#### THE FORMATIVE PERIOD

The decrees of 1940, which established a State Commission for Archaeology and which eventually led to the foundation of the ROB in 1947, mark the beginning of the second phase in the development of heritage management. They have been extensively described in the 25th anniversary issue of the *Berichten van de Rijksdienst voor het Oudheidkundig Bodemonderzoek (BROB)* and need not be repeated here in great detail.<sup>22</sup> The regulations brought some order in the organisation of Dutch archaeology in that they provided the instruments for a national policy which had been lacking in the previous phase when the number of museums, regional societies and, finally, professional institutes, had steadily increased.<sup>23</sup> Although the effect was limited, excavation activities and the deposition of finds were now regulated for the first time.

In 1947, a new start was made with the foundation of the ROB, which was intended as the central state institute to carry out excavations and to document the archaeological heritage of the Netherlands. This documentation was to be the basis for a list of monuments and for provisions for their protection and maintenance, although a Monuments Act was still lacking at that time. It was presented to parliament in 1955, but came into effect only after lengthy discussions in 1961.

As elsewhere in Europe after the war,<sup>24</sup> heritage management initially took the form of rescue archaeology in areas where large-scale destruction had occurred. It continued during the economic boom of the 1950s and 60s, which also allowed substantial increases in financial and other means. Although the development of towns and of new infrastructure in the countryside led to an unprecedented loss of archaeological information, major public works did include conscious efforts to preserve it. From the very start, the ROB was heavily involved with excavations in the many churches that had been destroyed during the war and were being reconstructed.<sup>25</sup> But there were other projects as well, for example the involvement of the ROB with large-scale soil-surveys that started already during the war and which were intended as a basis for land-reallotment schemes, environmental planning,

17. This was not limited to the northern part of the country: see Verwers 1980, 5-10 for an account of the excavation and restoration of Bronze Age barrows in the province of Noord-Brabant in 1935.

18. Braat 1932.

19. Compare Van Regteren Altena 1990, 2-3 on the development of medieval archaeology in the Netherlands and Maarleveld, this volume, on nautical archaeology.

20. Reinders 1986; Van Es, Sarfatij & Woltering 1988, 186-9.

21. Van Es 1972, 17.

22. Van Es 1972; a recent overview in Willems 1992.

23. Van Es 1972, 19.

24. For a short overview, see Cleere 1989, 1-5.

25. Stoeperker 1977, 218-9; Van Regteren Altena 1990, 3.



Figure 2 Rescue excavation of a third-century Germanic settlement at Raalte (o) in 1994. The traditional problem of archaeological heritage management in the postwar decades that has far from disappeared (photo: Lex Broere).



and other. The detailed surveys in the Dutch river area led to the discovery of large numbers of new sites that were published by the archaeologist P.J.R. Modderman in a series of papers published around 1950.<sup>26</sup> The ROB was also involved with the large-scale land reclamation projects in the IJsselmeer, the new polders, where settlements, submerged seadikes and especially many shipwrecks were soon discovered. Eventually, this enterprise developed into the creation of a specialised nautical archaeology department with the local authority, the ROB for the IJsselmeerpolders, which existed from 1954 until 1992.<sup>27</sup> The favourable economic situation also allowed the increase of archaeological institutes at Dutch universities: between 1951 and 1971, four new institutes were established. Although relations between the various professional institutions were far from ideal in the first two decades after the war,<sup>28</sup> it is remarkable that the split between academic archaeology and heritage management that characterises the archaeological communities in many other European countries, did not arise even in this period. On the one hand, the ROB embodied the fundamental unity of research and heritage management and, on the other, university institutes have always taken a substantial part in the necessary rescue excavations by incorporating them in their research. Excavations for purely academic reasons were never excluded, nor were they ever lacking, but heritage management has greatly benefited from the fact that research in the form of what in Germany is sometimes described by the wonderful term *Lustgrabung*, has been very limited in the Netherlands after the war.<sup>29</sup>

Apart from the actions taken at the national level, from 1960 onwards archaeological heritage management was also gradually embedded at the municipal and provincial levels. In 1960, Rotterdam was the first Dutch city with a town archaeologist, six more were appointed in the decade between 1970 and 1980, and since then 25 other Dutch towns have established some sort of municipal archaeological service.<sup>30</sup> In 1982, the ROB published a report inspired by the famous British study *The Erosion of History*, on the rapidly deteriorating condition of archaeological remains in historic Dutch towns.<sup>31</sup> It was used to convince local authorities of the importance of including archaeological investigations in the process of urban development. At the provincial level, a system of provincial archaeologists was introduced between 1966 and 1971, in which Dutch provinces collaborated with the ROB to

State Service

26. Cf., Modderman 1951, 25. See also Louwe Kooijmans 1994, 41.

27. Following the dissolution of this State Service and the creation of the new Province of Flevoland, its various departments have been discontinued or placed elsewhere. See ROB 1992, 7 and 227; see Reinders 1986 and Maarleveld, this volume, for historic developments.

28. Relations were strained, among other things as a consequence of the government's decision in 1950 to make the ROB the only institute entitled to carry out excavations (a situation that in reality never came to be); see for further details Van Es 1972.

29. E.g., Waterbolk 1984, 17. See also note 31.

30. Some of these are still very small and lack an excavation permit. For an overview of towns and archaeology in the Netherlands, see Sarfatij 1990. Recent discussion on the role of archaeology at the municipal level in: Knoop & Jansen 1994.

31. Van Es *et al.* 1982.

establish one archaeologist for every province, with a specific task in heritage management.<sup>32</sup> The system has proved to be quite successful, because it generated cooperation between central and regional authorities. Finally, a structural basis for the management of the underwater heritage was created at the national level by establishing a small unit for underwater archaeology at the Ministry of Welfare, Health and Culture in 1985.<sup>33</sup>

Although official involvement with the archaeological heritage thus developed rapidly in the postwar decades, social and economic developments created an enormous demand that soaked up almost all available finances and manpower. The gradual destruction of major parts of the Dutch landscapes that had taken place during the nineteenth and early twentieth centuries was followed by a new phase of expansion. This time, however, within a context of economic growth and with an organisational infrastructure in place. Even though this structure grew rapidly, it was stretched to its limits in coping with the ever increasing demands on available space for new housing projects, industrial and agricultural activities, roads, *etc.* One of the responses to these circumstances was the development of large-scale settlement research.

On the one hand, this change was part of the general shift of interest from burial archaeology to settlement archaeology after the war.<sup>34</sup> On the other hand, it was a direct response to the increased threat to settlement-sites and the fact that their location could be traced by means of archaeological surveys. Excavations such as those of the Linear Bandceramic settlement at Sittard (z, 1953–56) and the Roman-Period settlement near Wijster (D, 1956–58) set the tone. They were followed by a whole series of similar large-scale excavations that have become the trademark of the ROB, but which were characteristic for Dutch archaeology as a whole. All of these excavations can be characterised as rescue archaeology, but under the influence of leading figures such as Modderman and H.T. Waterbolk, they went hand in hand with other ingredients that became characteristic of Dutch archaeology, such as palaeo-ecological investigations and research into the natural landscape and the relations between sites and landscapes.<sup>35</sup>

It is not surprising that, in view of the enormous challenges that confronted Dutch archaeology, most attention and input of available resources went into rescue archaeology. The Monuments Act of 1961 finally brought the option to protect archaeological monuments by providing a legal basis, but in those days there was in fact very little insight in what protection in practice would or should entail. This understanding developed gradually over the next decades, and in his 1972 overview of the subject, the initiator of Dutch archaeological heritage management, R.H.J. Klok, presented an analysis of the various threats to archaeological monuments, the complicated and tedious administrative processes involved with legal protection and the legal but also other means by which monuments could be preserved.<sup>36</sup> The paper shows how initial efforts led to cooperation with provincial planning departments and other government agencies involved with environmental planning, such as *Staatsbosbeheer* (the State Forestry Service). It cautiously alludes to the possibility that monument protection might be served by more openness to the general public<sup>37</sup> and it goes into such topics as the need for inspection of scheduled monuments and options for their consolidation or restoration.

Nevertheless, in 1972, archaeological monuments were still treated much as a collection of precious coins; they were carefully selected elements and given special status and consideration, but at the same time they were treated as specific entities, with relatively little consideration for context. The 'protec-

32. For the three northern provinces, the provincial archaeologist was attached to the University of Groningen: in itself a curious construction with a specific historical background, but also evidence of the involvement of the university with heritage management. A description of the system as it functioned in the 1970s is given by Van Es 1972, 31.

33. Maarleveld, this volume.

34. Waterbolk 1981, 250; Slofstra 1994, 13.

35. Louwe Kooijmans 1994, 41–2.

36. Klok 1972, esp. 90 ff.

37. In 1971, the ROB had started a series of small guidebooks to archaeological monuments (*Archeologische monumenten in Nederland*) which did not, however, succeed in reaching a large public. The series was discontinued in 1990 and replaced by a variety of other products, such as a now quite popular series with itineraries in various landscapes (*Archeologische Routes in Nederland*), combining archaeological with other information on the natural and cultural landscape.

tion of archaeological monuments' in the early 1970s was a separate issue that was certainly not firmly embedded in the archaeological community, let alone in society at large. As a result, financial and other resources remained quite limited,<sup>38</sup> which is sometimes attributed to the tendency for rescue excavations to swallow up most resources.<sup>39</sup> In reality, resources in general became scarcer due to the rapidly deteriorating economic climate of the 1970s and to a reluctance at the Ministry of Culture to provide even remotely adequate funds for the conservation of archaeological monuments.<sup>40</sup> This does not, however, imply that further developments ceased.

In the early 1970s, the method of systematic archaeological survey was employed for the first time in the Netherlands, rather belatedly when compared to neighbouring countries such as Germany and the United Kingdom, but predictably, with great success.<sup>41</sup> A number of regions were surveyed in great detail in the following two decades, although this never led to a continuing, systematic field survey of the entire country.

In addition to this, the firmly established Dutch research tradition of studying archaeological sites from an ecological perspective and in relation with the surrounding landscape, began to exert its influence in the conservation sector. One result was the start of a series of *Archaeological Maps of the Netherlands 1:100 000* with an 'archaeologically relevant background' consisting of a palaeogeographical reconstruction.<sup>42</sup> This was followed in 1978 by an effort to start the protection of (parts of) archaeological landscapes, with a variety of sites and natural landscapes in a well preserved condition and no direct threat from land use reforms or other destructive measures. Although the initiative led to important new impulses and a new outlook on monument protection,<sup>43</sup> these so-called 'star-monuments' could not, however, be realised because the Monuments Act provided insufficient legal tools to conserve parts of landscapes as archaeological reserves.

Conservation of historic landscapes was not, however, neglected. In this respect, an important decision was taken by the Secretary of State for Culture in 1972. In view of the preparation of the 'third national planning policy statement' by the government (*Derde Nota Ruimtelijke Ordening*), the *Raad voor Natuurbescherming* (Council for Nature Conservation) was asked for advice on how to arrange for the preservation of natural and cultural values in view of the decisions to be taken about the future development of the country. This resulted in a major project in which a group of specialists from various disciplines produced a combination of maps with an inventory and assessment of natural and cultural values in the Dutch landscape.<sup>44</sup> These are not a systematic and complete overview, nor do they provide a fully integrated approach. Nevertheless, it is one of the first attempts to successfully combine input from different disciplines (historical and physical geography, geology, archaeology, architecture) in a product specifically intended to influence major policy decisions in the field of environmental planning. The project as such certainly had its effect,<sup>45</sup> although tangible results in the planning process remained limited.

As a result of all sorts of contacts and cross-connections between formerly relatively isolated disciplines that grew out of projects such as this, and through the traditional connection between archaeology and landscape studies, increasing awareness developed of the need for an integrated conservation policy and of the relation of archaeological monuments to a context provided by historic landscapes and, therefore, of the need to integrate heritage management in planning processes. In the Netherlands, this trend became clearly visible in important papers that were published in the mid-1980s,<sup>46</sup>

38. In a subsequent overview a decade later Klok (1983, 167) concludes that the total input of manpower at that time amounted to 12 persons, including administrative staff.

39. Compare Kristiansen 1992, 57 on the Danish situation. There may be some truth in this, although the notion that all archaeologists would want is to excavate, is a rather primitive misrepresentation that is surely contradicted by the developing 'conservation ethics' since the 1960s (Groenewoudt & Bloemers, this volume).

40. Cf., Klok 1972, 107. This is one aspect that has not changed. At the moment, the national budget still has no provisions specifically intended for the acquisition, restoration or consolidation of archaeological monuments.

41. See Van Regteren Altena 1981 for an account of the first survey from 1972.

42. Cf., Brongers 1976b, 39. The first in the series were the maps published by Brongers 1976 and Stoepker 1977. It is still continued in a modified form. The principles of archaeological cartography in this form were further elaborated by Hallewas in an important and fundamental study published in 1981.

43. Sarfatij 1980.

44. The so-called *Bolwerksgroep* report, published in 1979 by the Ministry of Culture, Recreation and Social Welfare (Ministerie van CRM 1979).

45. Klok 1985, 50.

46. Klok & Vervloet 1983; Waterbolk 1984.



around the same time as similar publications elsewhere in Europe started to appear.<sup>47</sup> Also, through conferences organised by the Council of Europe in Florence (1984) and Nice (1987),<sup>48</sup> an international debate arose on these issues where formerly, as was already observed with some surprise by Henry Cleere in the introduction to his 1984 volume *Approaches to the Archaeological Heritage*, this had been lacking.

#### FUTURE DEVELOPMENTS

It is evident that during the 1970s and especially the early 1980s, developments on the national as well as the international level showed important trends. On the one hand, archaeological monuments, in the sense of movable as well as immovable parts of the 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 future.<sup>49</sup> On the other hand, there was a clear trend to replace the concept of 'care and protection' of monuments with a new approach, the *management* of these archaeological resources, and it was quickly realised that this cannot be done by viewing them in isolation. It has to be done in context: of the natural and the man-made landscape and therefore on a regional scale,<sup>50</sup> of political developments such as the green debate,<sup>51</sup> and of the ongoing environmental planning process.

As mentioned in the introduction, virtually nothing of these trends was reflected in the revised Dutch Monuments Act of 1988 which lacks proper instruments for more dynamic forms of heritage management and leaves very limited room for initiative at the local and especially the provincial level. The law has some important improvements on the previous edition, but it is largely concerned with traditional – and, to be fair, unavoidable – subjects such as rules for legal protection, excavation permits, and the deposition of finds. This is obviously due to the fact that new laws usually confirm ways of thinking that have fully crystallized, and in part it is the result of other existing legislation, for example concerning private ownership of monuments or instruments that would allow forms of protection and conservation of a larger context of monuments. Nevertheless, all this should not hide the fact that the archaeological community at large has not been very receptive to the new ideas.

Although 1988 seems to be an adequate symbolic point in time to end the formative period of Dutch archaeological heritage management, some changes are inevitably slow. To this day, and despite the fact that university archaeology and heritage management have remained integrated in the Netherlands and that there is close cooperation in fieldwork and syntheses of the results of rescue excavations, there is only minimal academic interest in the management of the research base. One exception is the work of the RAAP-foundation, which started in 1985 as an employment project by the University of Amsterdam. It has developed into a research firm that is now largely independent of the university, specialised in prospection and valuation but with a clear commitment to the development of heritage management.<sup>52</sup>

Another fortunate exception to the lack of academic involvement has been the creation, in 1989, of a new national archaeological database and information system connected with a GIS, that was developed in close cooperation between the three major university-departments of archaeology and the ROB.<sup>53</sup> This system, called ARCHIS, has been designed to function both as a research tool and as the documentary basis for an efficient management system.

47. See, for example, contributions in Lambrick 1985.

48. Council of Europe 1987 and 1989.

49. Lipe 1984, 1-2.

50. Groenewoudt & Bloemers, this volume.

51. Macinnes & Wickham-Jones 1992.

52. Bloemers, van Pelt & Perk 1990.

53. Roorda & Wiemer 1992; Zoetbrood *et al.*, this volume.

An important new development is the use of this system in the production of a variety of archaeological maps by the ROB. Some of these are in the tradition that was started in 1845 and have developed into a combination of palaeogeographical landscape reconstruction and archaeological information. Others are simple representations of scheduled and protected monuments, to be used for legal and planning processes. The official Archaeological Monuments Maps (AMK – *Archeologische Monumenten Kaarten*) developed by the ROB in cooperation with the provinces, are the most important product in this category. A third type of map are predictive maps and policy guidance maps.<sup>54</sup> This involves the production of a succession of maps containing different kinds of information, to be combined for various purposes or to be used by themselves. In fact, the variety of products has grown so rapidly that it has been found necessary to devise an unambiguous terminology for them.<sup>55</sup> Essentially, these maps are predictive spatial models of the distribution and quality of the surviving archaeological record in a specific region or even nationwide. They are intended as tools in the planning process and to facilitate policy decisions at all levels. In turn, these maps can be combined with information on other aspects of cultural landscapes into integrated historic landscape assessment maps.

The production of these kinds of maps still has many methodological problems, but they are an essential element in a proactive heritage policy and for the successful integration of archaeological heritage management in the process of environmental planning and spatial development. In April 1997, the ROB completed the first generation of the nationwide (*Indicatieve Kaart van Archeologische Waarden* (IKAW – Indicative Map of Archaeological Values) at a scale of 1:50 000.<sup>56</sup> In 1996, in a joint pilot project involving close cooperation between several public and private institutes, the first historic landscape assessment map for a specific region, the so-called *Groene Hart Kaart*, was produced which can be considered the first serious attempt to an integrated approach with constituent elements from archaeology, historic architecture, historical geography, and man-made nature.<sup>57</sup> Although the results of this work are not unambiguous and further methodology and implication studies comparable to, for example, the Historic Landscape Project of English Heritage,<sup>58</sup> will be necessary, the work on the *Groene Hart Kaart* has pointed the way. Several Dutch provinces have started a project to develop integrated historic landscape assessment maps which – in the future – are to be used in the management of cultural landscapes. Hopefully, these initiatives will be followed by all provinces and, eventually, by a national policy in this field.

That a new proactive approach and integration of archaeological heritage management in the ongoing environmental planning process is necessary, was underlined in 1994 with the publication of a study on the degradation of archaeological values in the Dutch soil between 1950 and 1990.<sup>59</sup> The conclusion was that almost exactly one-third of the archaeological values still present in 1950, had disappeared in 1990 (fig. 3). This study was one of a series of reports that followed the restructuring and formal policy change of the ROB which, after preliminary discussions, was started in 1992 and in some ways is still an ongoing process.

Part of this development is connected with the implementation of the Convention of Malta in the Netherlands. The convention, which resulted from the activities of the Council of Europe in the 1980s, was signed by the Dutch government at Malta in January 1992. Although it has not yet been ratified by

54. Deeben, Hallewas, Kolen & Wiemer, this volume.

55. Eerden & Rensink 1996.

56. Deeben, Hallewas, Kolen & Wiemer, this volume.

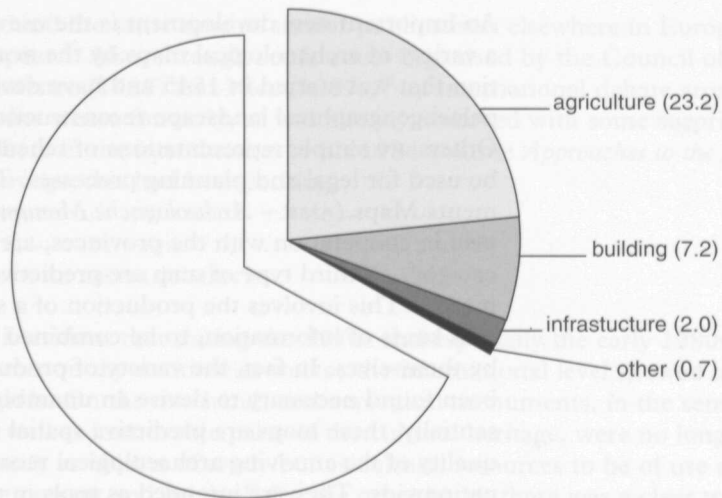
57. Borger & Vesters 1996.

58. Olivier 1994, 8-10.

59. Groenewoudt, Hallewas & Zoetbrood, 1994.



Figure 3 The degradation of archaeological values in the Dutch subsoil since 1950 and its main causes. The category 'other' encompasses mining and forestry. The diagram does not show losses of archaeological information from before 1950.



parliament, its content and purpose have been an important impetus for change in the existing order of Dutch archaeology because it is evident that the existing system is not capable of coping with the demands made by the convention.<sup>60</sup>

Obviously, the existing Monuments Act will need to be changed to implement articles 5 and 6 of the convention, which are concerned with the integrated conservation of the archaeological heritage and the financing of archaeological research and conservation. But it has been realised that the the 'archaeological infrastructure' will also need to be changed in order to make new legal tools effective. For example, the now thirty-year-old system of provincial archaeologists outlined above will soon be abolished. Integration of the national and provincial levels is as vital as ever, but Dutch provinces need to develop their own, regional policies in complementary cooperation with that of the state. The centralised system whereby the ROB processed all information on planning projects and was responsible for taking the actions necessary, has resulted in an increasing number of projects being submitted for evaluation. Work has been accumulating to such an extent that the system can no longer function properly at the national level. Most of this work can be done more efficiently at regional and local levels, with the ROB functioning as a national research and administrative centre. Although developments that are highly susceptible to the political and economic tides are difficult to predict, in the near future all provinces will presumably have their own archaeological service and a further increase in the number of town archaeologists may be expected.

As with similar institutions elsewhere in Europe, attention at the ROB is increasingly focused, for example, on fundamental research in the field of conservation,<sup>61</sup> or on providing planners with ideas and concepts that will allow them to incorporate the visible remains as well as parts of buried landscapes in environmental planning.<sup>62</sup> Of special importance is the development of instruments for quality control in all sorts of archaeological work in order to facilitate the much more professionalised and businesslike archaeological process envisaged for the future. Although a truly commercial archaeology will probably not be allowed to develop in the Netherlands and – as in other countries – private companies have so far been regarded with suspicion,<sup>63</sup> there will be more room for private initiative in the future. In 1997, a feasibility study has been started to determine if an independent firm can be esta-

60. See also Van Marrewijk & Brandt, this volume.

61. Kars, this volume.

62. See, for example, Eerden, Huisman & Visser 1997; Van Marrewijk & Brandt, this volume.

63. See, for example the discussions in Verband der Landesarchäologen in der Bundesrepublik Deutschland 1994.

blished which can take over most of the excavations now still conducted by the ROB and provide these and other services to other levels of government that may want to use them. For the Netherlands, with a Monuments Act that explicitly rules out the possibility to excavate for any organisation except the ROB, universities and municipal archaeological services, this is an important step.

In any case, it will necessitate the establishing of recognised standards for archaeological work, including norms and specifications as one element of a system of quality control. The development of such standards has started and will involve a process of consultation at the national level. Although this will probably be quite complicated, this is one area where international comparison and consultation is badly needed. Only as far as methods for valuation are concerned, does there seem to be an international debate.<sup>64</sup> An especially thorny problem is selection. Obviously, administrative decisions concerning the archaeological heritage will always be influenced by political, financial and other constraints. New legislation will, however, put increased demands to society at large on behalf of the archaeological heritage and this requires a new approach to the problem of selection with respect to archaeological content. As elsewhere in Europe,<sup>65</sup> it is essential to replace 'black box' decisions and it is necessary to find an approach that will meet two demands.

On the one hand, a framework for selection must be provided within which recommendations for protection or excavation can be made in such a way that these recommendations make sense with respect to archaeological content. This requires very extensive consultation and implies the need to identify research achievements which will provide reference points for decisions involving selection. This work has only just begun and needs to be developed further, with syntheses that are the basis for further research as well as guidelines for management recommendations.<sup>66</sup> A second important demand is that the framework and procedures must make sense from a legal, administrative and economic point of view. This means that they need to be transparent, coherent and understandable, and that criteria should preferably be unambiguous. Finding an adequate answer to these demands will be one of the major challenges in the near future, one that will involve specific research and require considerable effort from the archaeological community.

At the moment, it is difficult to predict what role the universities and the ROB as a research centre will play in more traditional forms of archaeological research. For the moment, the ROB has chosen a limited number of clearly specified research projects, in which the institute's resources for analysis and synthesis of rescue excavations will be used. Unfortunately, however, Dutch university institutes have suffered severe cutbacks in funding and staffing in the 1990s. In view of the fact that a successful heritage management policy and the legal changes that are now being prepared will inevitably also lead to a substantial increase in unavoidable excavations, this poses a serious threat to Dutch archaeology. After all, with masses of new data being generated, the need will grow to convert this information into relevant knowledge about the past by critical analyses and syntheses. At the same time, this knowledge is vital feedback into the heritage management cycle (fig. 1), in order to make relevant choices for the future.

One solution to this problem may be found in the system that is now contemplated to implement the financial paragraph of the Malta Convention. This may be done not only – or only partially – by burdening developers with the costs of archaeological activities necessitated by their schemes. In addition, a fund may be created which will cover part of these costs, especially

64. Groenewoudt 1994; Groenewoudt & Bloemers, this volume.

65. Recent and quite clear statements about this in Olivier 1996 for England and Horn 1995 for Germany.

66. A first general overview of the quality of available archaeological information has just been published in Groenewoudt & Lauwerier 1997.

those of excavations. The technicalities of how to generate the money for this fund and how to distribute it, are complicated. However, it will lift excessive burdens from individual developers and thereby prevent inequality of justice. On the other hand, a suitable mechanism of distributing financial support may stimulate research that is truly relevant, especially when it can be used not only to fund excavations but also to provide resources for the research necessary to use this for gaining knowledge about the past.

If such a system were indeed adopted, this would further change the structure of Dutch archaeology. Other organisational and structural changes will affect the management of the underwater and nautical heritage,<sup>67</sup> which has become firmly embedded in the ROB since 1992, and the involvement of the general public. Private enterprise has already moved into this field, and the recently privatised State Museum of Antiquities has plans to develop into a national information centre.

Although the next decade will surely see a further decentralisation and, hopefully, broader political and public support, some scepticism about current policies remains. A critical debate has arisen, which ranges from concerns about the future of academic archaeology,<sup>68</sup> to fundamental criticism on the strategy of creating archaeological reserves.<sup>69</sup> New concepts such as 'sustainable development' and 'cultural biography of landscapes' are introduced,<sup>70</sup> while at the same time there are doubts about the effectiveness of conservation strategies in a densely populated country such as the Netherlands. This is a complicated task, especially in the highly urbanised western part of the country and some problems may only be soluble in the context of an integrated planning process at a European scale. Nevertheless, developments over the past decades, both nationally and internationally, have led to different and hopefully better perspectives on how to manage the archaeological heritage. If the analysis of the historical development presented here proves to have been more or less correct in the years to come, we have only just crossed the threshold to a new phase. The challenge will be nothing less than to prevent the twenty-first century witnessing the almost complete erasure of the archaeological record in the Netherlands.

#### REFERENCES

- Beek, M. *et al.*, 1975: *Victor de Stuers. Holland op zijn smalst: ingeleid en toegelicht door een werkgroep van het Kunsthistorisch Instituut der Universiteit van Amsterdam*, Bussum 1975.
- Bloemers, J.H.F., C.W. van Pelt & F.A. Perk 1990: *Cultuurhistorie en milieu in 2015. Op weg naar een landschap zonder verleden?*, Amsterdam.
- Borger, G.J. & P.H.C. Vesters 1996: *Cultuurhistorie in het Groene Hart, een overzicht en een waarderingskaart*, Amsterdam.
- Braat, W.C., 1932: De archeologie van de Wieringermeer, *OML* 13, 15-58.
- Brongers, J.A., 1973: *1833. Reuven in Drenthe. Een bijdrage tot de geschiedenis van de Nederlandse archeologie in de eerste helft van de negentiende eeuw*, Bussum (Nederlandse Oudheden, 4).
- Brongers, J.A., 1976a: Material for a History of Dutch Archaeology up to 1922, *BROB* 26, 7-62.
- Brongers, J.A., 1976b: *Air Photography and Celtic Field Research in the Netherlands*, Amersfoort (Nederlandse Oudheden, 6).

67. Maarleveld, this volume.

68. E.g., Roebroeks 1993.

69. Kolen 1995.

70. Among others, Groenewoudt & Bloemers, this volume; Kolen 1995.



- Cleere, H. (ed.) 1984: *Approaches to the Archaeological Heritage*, Cambridge (New Directions in Archaeology).
- Cleere, H., 1989: Introduction: the Rationale of Archaeological Heritage Management, in: H. Cleere (ed.), *Archaeological Heritage Management in the Modern World*, London, 1-19.
- Council of Europe 1987 : *Archaeology and Planning. Report of the Florence Colloquy*, Strasbourg (Architectural Heritage Reports and Studies, 5).
- Council of Europe 1989: *Archaeology and Major Public Works. Report of the Nice Colloquy*, Strasbourg (Architectural Heritage Reports and Studies, 12).
- Daniel, G., & C. Renfrew 1988: *The Idea of Prehistory*, Edinburgh.
- Duparc, F.J., 1975: *Een eeuw strijd voor Nederlands cultureel erfgoed*, 's-Gravenhage.
- Eerden, M., M. Huisman & H. Visser (red.) 1997: *Archeologisch erfgoed goed beheerd; behoud, inrichting en beheer in het landelijk gebied*, Den Haag (CRM -reeks, 9).
- Eerden, M., & E. Rensink 1996: *Van verwachtingskaart tot beleidskaart: terminologie en toepasbaarheid van archeologische kaarten*, Amersfoort/Amsterdam.
- Es, W.A. van, 1972: The Origins and Development of the ROB for Archaeological Investigations in the Netherlands, *BROB* 22, 1972, 17-71.
- Es, W.A. van, J.M. Poldermans, H. Sarfatij & J. Sparreboom 1982: *Het bodemarchief bedreigd. Archeologie en planologie in de binnensteden van Nederland*, Amersfoort/'s-Gravenhage.
- Es, W.A. van, H. Sarfatij & P.J. Woltering (red.) 1988: *Archeologie in Nederland. De rijkdom van het bodemarchief*, Amsterdam/Amersfoort.
- Groenewoudt, B.J., 1994: *Prospectie, waardering en selectie van archeologische vindplaatsen: een beleidsgerichte verkenning van middelen en mogelijkheden*, Amersfoort (Nederlandse Archeologische Rapporten, 17).
- Groenewoudt, B.J., D.P. Hallewas & P.A.M. Zoetbrood 1994: *De degradatie van de archeologische betekenis van de Nederlandse bodem*, Amersfoort (Interne Rapporten ROB, 8).
- Groenewoudt, B.J., & R.C.G.M. Lauwerier 1997: *Kennisatlas, stand van kennis en kennisleemten; een snelle inventarisatie*, Amersfoort (Interne Rapporten ROB, 33).
- Hallewas, D.P., 1981: Archaeological Cartography between Marsdiep and IJ, *BROB* 31, 219-72.
- Horn, H.G., 1995: Einleitende Bemerkungen zum Versuch einer Standortbestimmung der brandenburgischen und nordrhein-westfälischen Bodendenkmalpflege, in: H. Koschik (Hrsg.), *Situation und Perspektiven archäologischer Denkmalpflege in Brandenburg und Nordrhein-Westfalen*, Köln/Bonn. (Materialien zur Bodendenkmalpflege im Rheinland, 4) 11-5.
- Klok, R.H.J., 1972: Twenty-Five Years ROB: Ten Years of Protection of Monuments, *BROB* 22, 81-118.
- Klok, R.H.J., 1983: Voorlopige evaluatie 20 jaar archeologische monumentenzorg, *Heemschut* 60, 164-7.
- Klok, R.H.J., 1985: Archeologie en ruimtelijke consequenties, in: Geoplan, *Archeologie en ruimtelijke ordening*, Amsterdam, 41-62.
- Klok, R.H.J., & J.A.J. Vervloet 1983: Pleidooi voor de bescherming van cultuurhistorische of historisch-landschappelijke structuren, *BKNOB* 82, 2-21.
- Knoop, R.R., & C.A.C. Jansen (red.) 1994: *De plaats van de gemeentelijke archeologie binnen het archeologische vakgebied*, Leiden (Archeologisch Informatie Cahier, 7).

- Kolen, J., 1995: Recreating (in) Nature, Visiting History. Second Thoughts on Landscape Reserves and their Role in the Preservation and Experience of the Historic Environment, *Archaeological Dialogues* 2, 127-59.
- Kristiansen, K., 1992: From Romanticism, through Antiquarianism, to a Historical View of Nature: the Case of Denmark, in: L. Macinnes & C.R. Wickham-Jones (eds.), *All Natural Things: Archaeology and the Green Debate*, Oxford (Oxbow Monograph, 21), 52-64.
- Lambrick, G. (ed.) 1985: *Archaeology and Nature Conservation*, Oxford.
- Lipe, W.D., 1984: Value and Meaning in Cultural Resources, in: H. Cleere (ed.), *Approaches to the Archaeological Heritage*, Cambridge (New Directions in Archaeology).
- Louwe Kooijmans, L.P., 1994: Another Participant's View on Dutch Archaeology in Postwar Times, *Archaeological Dialogues* 1, 38-45.
- Macinnes, L., & C.R. Wickham-Jones 1992: *All Natural Things. Archaeology and the Green Debate*, Oxford (Oxbow Monograph, 21).
- Ministerie van CRM 1979: *Natuurwaarden en Cultuurwaarden in het landelijk gebied. Een inventarisatie*, 's-Gravenhage.
- Moberg, C.-A., 1981: From Artefacts to Timetables to Maps (to Mankind?): Regional Traditions in Archaeological Research in Scandinavia, *World Archaeology* 13, 209-21.
- Modderman, P.J.R., 1951: Het oudheidkundig onderzoek van de oude woongronden in het Land van Maas en Waal, *OML* 32, 25-61.
- Modderman, P.J.R., 1955: *De belangstelling voor de vaderlandse archeologie*, Groningen/Djakarta, (Openbare les RU Utrecht).
- Olivier, A.C.H., 1994: *Archaeology Review 1993-94*, London.
- Olivier, A., 1996: *Frameworks for our Past. A Review of Research Frameworks, Strategies and Perceptions*, London.
- Regteren Altena, J.F. van, 1981: Preface, in: G.F. IJzereef, *Bronze Age Animal Bones from Bovenkarspel. The Excavations at Het Valkje*, Amersfoort, 7-12 (Nederlandse Oudheden, 10).
- Regteren Altena, H.H. van, 1990: On the Growth of Young Medieval Archaeology: a Recollection, in: J.C. Besteman, J.M. Bos & H.A. Heidinga (eds.), *Medieval Archaeology in the Netherlands*, Assen, 1-7.
- Reinders, R., 1986: Scheepsarcheologie in Nederland, in: *Verantwoord onder water*, Amsterdam, 15-40.
- Reuvs, C.J.C., C. Leemans & L.J.F. Janssen 1845: *Romeinsche, Germaansche of Gallische oudheden gevonden in Nederland, België en een gedeelte der aangrenzende landen*, Leiden.
- Rijksdienst voor het Oudheidkundig Bodemonderzoek (ROB), 1992: *Jaarverslag*, Amersfoort.
- ROB, 1995: *Het Verleden Zeker. Naar een meer effectieve archeologische monumentenzorg in Nederland*, Amersfoort.
- ROB, 1997: *Geef de toekomst een verleden. Beleidsplan 1997-2000*, Amersfoort.
- Roebroeks, W., 1993: Naar een politieke discussie in de Nederlandse archeologie, in: R. Knoop (red.), *Archeologie, maatschappij en ethiek*, Leiden, 39-42 (Archeologisch Informatie Cahier, 5).
- Roorda, I., & R. Wiemer 1992: The ARCHIS Project: Towards a New National Archaeological Record in the Netherlands, in: C.U. Larsen (ed.), *Sites and Monuments. National Archaeological Records*, København, 117-22.
- Sarfati, H., 1980: De Alblasserwaard-Vijfherenlanden: een archeologisch ster-gebied, *Nederlands Archiefblad* 84, 456-81.
- Sarfati, H., 1990: *Verborgene steden. Stadsarcheologie in Nederland*, Amsterdam.
- Schiffer, M.B., & G.J. Gumerman (eds.) 1977: *Conservation Archaeology. A Guide for Cultural Resource Management Studies*, New York.



- Schnapp, A., 1993: *La Conquête du Passé: aux origines de l'archéologie*, Paris.
- Slofstra, J., 1994: Recent Developments in Dutch Archaeology. A Scientific-Historical Outline, *Archaeological Dialogues* 1, 9-33.
- Stoepker, H., 1977: Medieval Parish Churches in Northeastern North Brabant and Limburg, 1, *BROB* 27, 217-36.
- Verband der Landesarchäologen in der Bundesrepublik Deutschland (Hrsg.) 1994: *Archäologische Denkmalpflege und Grabungsfirmer*, Stuttgart.
- Verwers, W.J.H., 1980: *Goirle, grafheuveld op de Rechte Heide*, Bussum, etc. (Archeologische monumenten in Nederland, 8).
- Waals, J.D. van der, 1980: Oudheid en grootheid. Archeologie en nationalisme, in: M. Chamalaun & H.T. Waterbolk (red.), *Voltooid verleden tijd?*, Amsterdam, 245-56.
- Waterbolk, H.T., 1973: A.E. van Giffen 1884-1973, *Palaeohistoria* 15, 7-34.
- Waterbolk, H.T., 1981: Archaeology in the Netherlands: Delta Archaeology, *World Archaeology* 13, 240-54.
- Waterbolk, H.T., 1984: *Archeologie en landschap*, Haarlem (zevende Kroon-voordracht).
- Willems, W.J.H., 1992: Archäologie in den Niederlanden und der Rijksdienst voor het Oudheidkundig Bodemonderzoek/L'archéologie aux Pays-Bas et le Rijksdienst voor het Oudheidkundig Bodemonderzoek, in: *Spuren-sicherung. Archäologische Denkmalpflege in der Euregio Maas-Rhein*, Mainz, 295-315.

## APPENDIX

### THE ACT PROVIDING FOR THE PRESERVATION OF MONUMENTS AND HISTORIC BUILDINGS OF HISTORIC AND ARTISTIC IMPORTANCE (MONUMENTS AND HISTORIC BUILDINGS ACT)

We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that it is desirable to establish new provisions for the preservation of architectural and archeological monuments and to involve local and authorities in this to a greater extent;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

#### CHAPTER I GENERAL PROVISIONS

##### Section 1

For the purposes of this act and the provisions based upon it, the following definitions shall apply:

- a Our Minister: Our Minister of Health, Welfare and Cultural Affairs;
- b Monuments:
  - 1 All objects constructed at least fifty years ago which are of public interest because of their beauty, scientific significance or cultural and historic value;
  - 2 Sites which are of public interest because of the presence of the objects referred to under 1;
- c Archeological monuments: monuments referred to in b under 2;
- d Protected monuments: immovable monuments recorded in the registers established by this act;
- e Religious monuments: immovable monuments which are the property of a particular denomination, congregation, parish or church organisation and which are used exclusively or mainly for worship;
- f Town and village conservation areas: groups of immovable objects which are of public interest because of their beauty, their spatial and structural relationship or their cultural and historical value and which include at least one monument;
- g Protected town and village conservation areas: town and village conservation areas which have been designated as such by Our Minister of Housing, Physical Planning and the Environment under the provisions of Section 35 of this act, from the date of publication of such designation in the Government Gazette;
- h Archeological activities: activities involving excavation and intended to locate or examine monuments;
- i Monuments and Historic Buildings Council: the Monuments and Historic Buildings Council referred to in Section 50.

##### Section 2

- 1 The destination of the monument shall be taken into account in the implementation of this act.
- 2 No decision under the provisions of this act shall be taken on a religious monument without consultation with the owner.

CHAPTER II PROTECTED MONUMENTS

§ 1 Designation

Section 3

- 1 Our Minister may, either at the request of interested parties or of his own accord, designate monuments as protected monuments.
- 2 Before Our Minister takes a decision, he shall request the advice of the municipal council in the municipality in which the monument is located. In the event of the monument being located outside a built-up area as referred to in Section 8 of the Road Traffic Act (Bulletin of Acts, Orders and Decrees 1935, 554) he shall also consult the Provincial Executive.
- 3 Our Minister shall notify by registered letter the parties registered in the land register as owners or as the holders of any other rights, the registered mortgagees and the party applying for designation, in the event of an such an application, of the request for advice referred to in subsection 2.
- 4 The Burgomaster and Aldermen shall provide the interested parties referred to in subsection 3 with the opportunity to attend and conduct consultations as referred to in subsection 2 either in person or through an authorised representative.
- 5 The Municipal Council shall produce a recommendation within five months of the request for advice referred to in subsection 2 having been submitted; in the case of the Provincial Executive, this period shall be four months.
- 6 Having heard the Monuments and Historic Buildings Council, Our Minister shall arrive at a decision within ten months of the request for advice having been submitted and in the event of designation having been requested, within ten months of having received such a request.

Section 4

- 1 Our Minister shall notify the Municipal Council and the Provincial Executive of his decision. In the event of a designation, the Burgomaster and Aldermen shall make this decision open to public inspection at the municipal secretariat. The Burgomaster shall announce such an inspection in the customary manner.
- 2 Our Minister shall notify those parties registered in the land register as owners or as the holders of any other rights, the registered mortgagees and the party applying for designation, in the event of such an application, of his decision. In the event that designation is to take place, the parties shall be notified by registered letter.

Section 5

From the date on which the notification referred to in Section 3, subsection 3 has taken place until such time as the entering into the register as referred to in Section 6 or Section 7 has taken place or until it has been established that the monument is not to be entered in one of these registers, Sections 11 to 3 (inclusive) shall apply by analogy.

Section 6

- 1 Our Minister shall keep a register of protected monuments for each municipality. He shall enter in the register each monument he has designated provided no appeal against such designation has been filed or provided such an appeal has been rejected.

- 2 Our Minister shall send a copy of the entry in the register to the Provincial Executive, the Burgomaster and Aldermen, the mortgage registry, the land registry and the ships' mortgage register.
- 3 The copy sent to the Burgomaster and Aldermen shall be open to public inspection at the municipal secretariat. Any person who so wishes shall be supplied with copies at his own expense.
- 4 The copy sent to the mortgage registry shall be entered in the public registers. The mortgage registry shall record the designation as a protected monument of the site concerned in accordance with regulations issued by Our Minister of Housing, Physical Planning and the Environment.

#### Section 7

- 1 If a monument is not located within the boundaries of a municipality, Section 3, subsections 2 to 6 (inclusive), Section 4, subsection 1 and Section 6 shall not be applicable.
- 2 Before taking a decision relating to a monument as referred to in subsection 1, Our Minister shall consult the Monuments and Historic Buildings Council.
- 3 Our Minister shall take a decision on a request for designation within five months of such a request having been received.
- 4 Our Minister shall keep a national register of the monuments referred to in subsection 1 and designated by him, provided no appeal against such designation has been filed or provided such an appeal has been rejected. A copy of the registration shall be sent to the body which manages the area in question, to the mortgage registry, the land registry and the ships' mortgage registry, and if the monument is located within the boundaries of a province, to the Provincial Executive. Section 6, subsection 4 shall apply by analogy.

#### Section 8

- 1 Our Minister is authorised to make changes in the register by virtue of his office or at the request of parties with an interest in the matter. Sections 3 to 7 (inclusive) shall apply by analogy.
- 2 If, in the opinion of Our Minister, such a change is insignificant or if it is the removal from the register of a monument which no longer exists, Section 3 shall not apply by analogy.

#### Section 9

- 1 The mortgage registry, the land registry and the ships' mortgage registry shall notify Our Minister within fourteen days of any change in the person or body in whose name a protected monument is registered in the land registry or of any change in its description. Our Minister shall enter such amendments in the register.
- 2 Our Minister shall notify the Provincial Executive and the Burgomaster and Aldermen of such amendments.

#### Section 10

If the copies of the register do not correspond with the register or with each other, only those monuments referred to on the copy entered in the public registers shall qualify as protected monuments.



§ 2 Permits for alteration, demolition or removal

Section 11

- 1 It is prohibited to damage or destroy a protected monument.
- 2 It is prohibited without a written permit or contrary to the stipulations of a written permit:
  - a to demolish, disturb, move or in any way change a protected monument;
  - b to restore, use or allow a protected monument to be used in such a way as to mar its appearance or to endanger it in any way.

Section 12

- 1 An application for a permit as referred to in Section 11 shall be submitted in writing to the Burgomaster and Aldermen. It shall be accompanied by the information they require.
- 2 If the applicant has not submitted the required information, the Burgomaster and Aldermen shall, within one month of the receipt of the application, grant the applicant fourteen days to supply the required information.
- 3 If the provisions of subsection 2 have been applied and the applicant has not supplied the required information within the period of fourteen days referred to in that subsection, the application shall be considered inadmissible from the first day after the fourteen-day period.
- 4 If the provisions of subsection 2 have been applied and, in the opinion of the Burgomaster and Aldermen, the applicant has not supplied sufficient information as referred to in subsection 2, they shall declare the application inadmissible within fourteen days of the day on which the information was received.
- 5 If the provisions of subsection 2 have been applied and, in the opinion of the Burgomaster and Aldermen, the applicant has supplied the required information referred to in subsection 2, the application is admissible and the period referred to in Section 16, subsection 3 or Section 17, subsection 3 shall commence the day after the day on which the applicant submitted the information in question.
- 6 If the provisions of subsection 2 have not been applied, the application shall be considered admissible.
- 7 If the provisions of subsection 4 have not been applied, the application is admissible and the period referred to in Section 16, subsection 3 or Section 17, subsection 3 shall commence the day after the day on which the applicant has submitted the required information referred to in subsection 2.
- 8 If the application is admissible, the Burgomaster and Aldermen shall make it open to public inspection at the municipal secretariat. Should the application contain information which it is justifiable not to disclose on the grounds of business confidentiality, or should it be possible to deduce such information from an application, the Burgomaster and Aldermen may grant a written request from the applicant that such information should not be made public. The Burgomaster shall give notification of such an inspection in the customary manner and of the possibility of lodging an objection with the Burgomaster and Aldermen within fourteen days. If Section 17, subsection 1 is applicable, the Burgomaster and Aldermen shall immediately forward to our Minister any objections received within the specified period.



### Section 13

- 1 Contrary to the provisions of Section 12, subsection 1, an application for a permit relating to a monument as referred to in Section 7, subsection 1 shall be submitted to Our Minister. The information required by Our Minister shall accompany such an application.
- 2 Section 12, subsections 2 to 7 (inclusive) shall apply by analogy.

### Section 14

- 1 The Burgomaster and Aldermen shall decide in the matter of an application as referred to in Section 12, subsection 1 unless it relates to:
  - a an archeological monument;
  - b a monument which is being used by Our Minister of Defence and which also has a military destination.
- 2 In those cases where this is not decided by the Burgomaster and Aldermen, it shall be decided by Our Minister.

### Section 15

- 1 The Municipal Council shall pass a bylaw regulating at least the consulting of a commission for the preservation of monuments to advise the Burgomaster and Aldermen on applications for permits as referred to in Section 11.
- 2 Our Minister shall be notified without delay of the establishment of such a bylaw. It shall enter into force two months after such notification unless Our Minister has proposed before such date that it be suspended.
- 3 The provisions of subsections 1 and 2 shall apply by analogy to amendments to and the rescision of the bylaw.

### Section 16

- 1 In cases where the Burgomaster and Aldermen decide on an application for a permit, they shall immediately send a copy of the application to the Director of the Department for the Preservation of Monuments and Historic Buildings and, if the protected monument is situated outside a built-up area as referred to in Section 8 of the Road Traffic Act, to the Provincial Executive.
- 2 Our Minister and the Provincial Executive shall produce a written recommendation on the application within three months of the copy having been sent.
- 3 The Burgomaster and Aldermen shall come to a decision within three months of having received the last of the recommendations referred to in subsection 2, and in any event within six months of the date on which the application was submitted.
- 4 The Burgomaster and Aldermen shall notify the applicant of their decision in writing within the period referred to in subsection 3. If, in their opinion, there are valid grounds for extending this period, they may extend it for six months at the most, provided they notify the applicant of this within the period referred to in subsection 3.
- 5 If the Burgomaster and Aldermen fail to comply with the provisions of subsection 3 or 4, it shall be assumed that the permit has been issued.
- 6 Issuing a permit under the provisions of subsection 5 shall be considered a Ministerial Order as referred to in the Administrative Decisions Appeals Act (Bulletin of Acts, Orders and Decrees 1975, 284).
- 7 The Burgomaster and Aldermen shall immediately send a copy of their

decision to Our Minister, to the Provincial Executive and to any parties who have lodged objections.

- 8 A permit shall not come into force for thirty days from the date on which it was issued or was granted by law. If during that period an appeal is filed under the provisions of the Administrative Decisions Appeals Act, the permit shall not enter into force until the appeal has been settled, unless it is decided on the grounds of Section 107 of the Council of State Act (Bulletin of Acts, Orders and Decrees 1986, 670) to lift the suspension of the application in question. If such an appeal has been filed, the Chairman of the Judicial Division of the Council of State shall notify the permit-holder and the competent authority immediately.

#### Section 17

- 1 In cases where Our Minister decides on an application for a permit, the Burgomaster and Aldermen shall pass on the application to him directly after it has been received. At the same time, they shall send a copy to the Provincial Executive and notify the applicant in writing of the date on which the application was passed on.
- 2 The Burgomaster and Aldermen, and, if the protected monument in question is situated outside a built up area as referred to in Section 8 of the Road Traffic Act, the Provincial Executive, shall advise Our Minister on the application within three months of its having been sent on.
- 3 Our Minister shall come to a decision within three months of having received the last advice referred to in subsection 2 and in any event within six months of the application having been submitted.
- 4 Section 16, subsections 4 and 5 shall apply by analogy. Section 16, subsections 6 and 8 shall apply.
- 5 Our Minister shall immediately send a copy of his decision to the Burgomaster and Aldermen, the Provincial Executive and to those parties who have lodged objections.

#### Section 18

With respect to a religious monument, the Burgomaster and Aldermen and Our Minister shall not take any decision under the provisions of Section 16 or Section 17 other than in agreement with the owner, insofar as decisions which are of vital significance to worship in the monument are concerned.

#### Section 19

- 1 The Burgomaster and Aldermen and Our Minister may subject a permit to conditions which are in the interest of the preservation of monuments.
- 2 A permit may be subject to a time limit.

#### Section 20

- 1 The Burgomaster and Aldermen and, in the case of monuments which are not situated within a municipality, Our Minister, shall keep a public register which shall record the following:
  - a permits issued under the provisions of Section 16, subsection 3 or Section 17, subsection 3;
  - b permits which may be assumed to have been issued under the provisions of Section 16, subsection 5 or Section 17, subsection 4.
- 2 The register referred to in subsection 1 shall also record:
  - a the date of the permit;
  - b the number of the permit;

- c the location of the monument to which the permit relates as well as the important details from the land register;
  - d the nature of the work.
- 3 The information referred to in subsection 2 shall be recorded within one week of the date on which:
- a a permit as referred to in subsection 1a has been issued;
  - b a permit as referred to in subsection 1b may be assumed to have been issued.

#### Section 21

- 1 The permit may be withdrawn by the party which issued it if:
- a it becomes apparent that the permit was issued on the basis of incorrect or incomplete information;
  - b it becomes apparent that the permit-holder is not adhering to the stipulations of Section 19, subsection 1;
  - c the circumstances of the permit-holder have changed to such an extent that the interests of the monument should be put first.
- 2 The permit-holder shall be notified of the impending withdrawal and shall be provided with the opportunity to have a say. Reasons shall be provided for the decision to withdraw the permit. A copy shall be sent to Our Minister or to the Burgomaster and Aldermen and the Provincial Executive.

#### § 3 Compensation for the outcome of an application for a permit

#### Section 22

- 1 Insofar as it is apparent that the applicant for a permit as referred to in Section 11 is suffering losses as a result of the rejection of the application or as a result of the conditions attached to the permit, which losses he cannot reasonably be expected to bear in their entirety, Our Minister may, subject to the provisions of subsection 2, having heard the Compensation Assessment Committee, award him, at his request, a reasonable amount of compensation.
- 2 If the decision on the application for a permit has been taken by the Burgomaster and Aldermen contrary to the advice of Our Minister, the Municipal Council, having heard the Compensation Assessment Committee in the matter of the compensation referred to in subsection 1, shall decide against the municipality. Section 23 to Section 29, subsection 2, first sentence (inclusive) shall apply by analogy, provided the Municipal Council acts on behalf of Our Minister. Section 7, subsection 2 of the Administrative Decisions Appeals Act shall in any event not apply.

#### Section 23

- 1 Our Minister shall establish a Compensation Assessment Committee for the purposes of advising on one or more requests for compensation.
- 2 The Compensation Assessment Committee shall consist of one or more members.
- 3 Members of the Compensation Assessment Committee shall not be officials employed by the Ministry or by a service, company or organisation which is the responsibility of Our Minister.
- 4 For the purposes of this chapter, an official as referred to in subsection 3 shall be taken to be any person whose employment is covered by an employment contract drawn up in accordance with civil law.

Section 24

- 1 Our Minister shall send any request for compensation as well as all documents relating to the case to the Compensation Assessment Committee within fourteen days of having received it.
- 2 Our Minister shall provide any cooperation requested by the Compensation Assessment Committee.

Section 25

- 1 The Compensation Assessment Committee shall provide the applicant or his authorised representative with the opportunity to elaborate on his request for compensation at a public meeting.
- 2 The Compensation Assessment Commission may call officials employed by the Ministry or a service, company or organisation which is the responsibility of Our Minister to appear at such a public meeting in order to provide information.
- 3 Should the Compensation Assessment Committee wish to conduct an on-site examination, it shall notify the applicant and Our Minister beforehand as to when it wishes to do so.

Section 26

The Compensation Assessment Committee shall advise Our Minister within three months of the request for compensation having been submitted. It shall send a copy of its recommendation to the applicant at the same time.

Section 27

- 1 Our Minister shall provide the applicant with the opportunity to voice his opinion on the recommendation either in writing or orally in the presence of the Compensation Assessment Committee.
- 2 The Compensation Assessment Committee shall, if so requested, provide Our Minister with further details on its recommendation and its comments on the applicant's view of its recommendation.

Section 28

The applicant shall not be charged for the expenses of the Compensation Assessment Committee.

Section 29

- 1 Our Minister shall come to a decision within two months of having received the recommendation of the Compensation Assessment Committee. If his decision is contrary to the recommendation of the Compensation Assessment Committee, he shall provide reasons for this.
- 2 There are no other forms of appeal than those provided for in the Administrative Decisions Appeals Act. Sections 11 and 12 of this act shall not be applicable.

§ 4 Coercive measures

Section 30

- 1 Our Minister may, insofar as he is the authority issuing the permit, if necessary with the help of the police, prevent actions which contravene a prohibition as referred to in Section 11 or conditions as referred to in Section 19.



- 2 Except in urgent cases, this shall take place only after the offender has received a written warning.

#### Section 31

- 1 Our Minister may, insofar as he is the authority issuing the permit, restore the protected monument to its former condition as far as possible at the expense of the party who is acting in contravention of a prohibition as referred to in Section 11 or conditions as referred to in Section 19.
- 2 The offender shall be notified in writing of a decision to invoke subsection 1.
- 3 Except in urgent cases, subsection 1 shall not be invoked unless the decision referred to in subsection 2 has become irrevocable.

#### Section 32

The rightful claimants of a protected monument shall be obliged to tolerate the execution of the work which Our Minister has ordered to be carried out under the provisions of Sections 30 and 31. If necessary, the work shall be carried out with the help of the police.

#### Section 33

- 1 Our Minister may collect the costs owing under the provisions of Section 31 by means of a writ.
- 2 The writ shall be served and executed at the debtor's expense in the manner prescribed in the Code of Civil Procedure for court rulings and notarised documents.
- 3 Within thirty days of the writ having been served, an appeal against it may be made by issuing a summons to the State. Such an appeal shall cause the execution of the writ to be suspended.

### CHAPTER III GRANTS

#### Section 34

- 1 Our Minister may provide a government grant for the restoration and upkeep of protected monuments.
- 2 Regulations shall be established by an Order in Council with respect to applications for, the awarding of and accounting for grants as referred to in subsection 1 and for the manner in which provincial and municipal authorities are to be involved in this.
- 3 The grant shall consist of either a fixed annual amount or a percentage of the costs which are to be determined by Our Minister.
- 4 An Order in Council as referred to in subsection 2 shall not enter into force until two months after the date of publication in the Government Gazette. Both houses of the States General shall be notified immediately of such publication.

### CHAPTER IV TOWN AND VILLAGE CONSERVATION AREAS

#### Section 35

- 1 Having heard the Municipal Council, the Provincial Executive, the National Physical Planning Commission and the Monuments and Historic Buildings Council, Our Minister and Our Minister for Housing, Physical Plan-

ning and the Environment can designate town and village areas as town and village conservation areas and withdraw such designation.

- 2 Our Minister shall send the proposal for designation or the withdrawal thereof simultaneously to the Municipal Council, the Provincial Executive, the National Physical Planning Commission and the Monuments and Historic Buildings Council. The Municipal Council shall make a recommendation through the Provincial Executive within six months, the Provincial Executive within nine months and the National Physical Planning Commission and the Monuments and Historic Buildings Council within twelve months of the proposal having been sent.
- 3 Our Minister and Our Minister of Housing, Physical Planning and the Environment shall decide on designation or the withdrawal thereof within sixteen months of the proposal having been sent.
- 4 Our Minister shall publish notification of designation or the withdrawal thereof in the Government Gazette and he shall notify the Municipal Council, the Provincial Executive, the National Physical Planning Commission and the Monuments and Historic Buildings Council. He shall also publish notification of the designation or withdrawal thereof in the appropriate daily newspapers.

#### Section 36

- 1 The Municipal Council shall draw up local plans as referred to in the Town and Country Planning Act (Bulletin of Acts, Orders and Decrees 1985, 626) for the purpose of protecting a town or village conservation area. In the event of the designation of a town or village conservation area, a time limit can be set for this.
- 2 In the event of the designation of a town or village conservation area, the question of whether existing local plans may be considered as protective within the meaning of the previous subsection shall be determined.

#### Section 37

- 1 In town and village conservation areas it is prohibited to demolish buildings either entirely or partially without a written permit (demolition permit) from the Burgomaster and Aldermen or in contravention of such a permit.
- 2 A demolition permit is not required for demolition on the grounds of an order from the Burgomaster and Aldermen.
- 3 Sections 21 to 23 (inclusive) of the Urban and Village Renewal Act (Bulletin of Acts, Orders and Decrees 1984, 406) shall apply.

#### Section 38

The Municipal Council can file an appeal with the Crown against a decision taken under Section 35 within two months of the date of publication of the notification of designation or the withdrawal thereof in the Government Gazette.

### CHAPTER V EXCAVATIONS AND FINDS

#### Section 39

- 1 It is prohibited to carry out excavations without a written permit from Our Minister.

- 2 The permit can be issued to a government service, an establishment for university education or a municipality.
- 3 The permit shall be refused if:
  - a there are grounds for assuming that the applicant is not qualified to carry out excavations;
  - b it may be reasonably expected that the applicant is not capable of carrying out excavations;
  - c the applicant is a municipality which does not have a repository suitable for archeological finds as referred to in Section 44.
- 4 Our Minister may attach conditions to a permit.
- 5 The permit shall be issued for a particular excavation or for a particular site and for a certain time or until further notice.
- 6 Our Minister can withdraw a permit if the permit-holder is carrying out the excavations in an incompetent manner, if he is not complying with the conditions of the permit or is in any other way making improper use of the permit.

#### Section 40

- 1 An application for a permit as referred to in Section 39 shall be submitted in writing to Our Minister.
- 2 Having heard the Monuments and Historic Buildings Council, Our Minister shall come to a decision within six months of receiving the application. This period may be extended once for a maximum of three months.

#### Section 41

The permit-holder shall notify the Director of the National Archeological Field Survey Service of the commencement and termination of an excavation.

#### Section 42

Our Minister may determine that the rightful claimant of a site shall tolerate a government authority or establishment as referred to in Section 39, subsection 2 entering a site in the interests of archeological examination, taking measurements there or carrying out excavations. Insofar as the rightful claimant suffers any loss through this, he shall be compensated by the State. The court in whose jurisdiction the site or the largest part thereof is situated shall be notified of legal claims for the compensation of such loss.

#### Section 43

- 1 Movable monuments which are found during excavations and of which no-one can prove title to ownership shall be the property of the State.
- 2 Contrary to the provisions of subsection 1, movable monuments which have been found during legal excavations by a municipality and of which no-one can prove title to ownership shall be the property of the municipality.
- 3 The owner of the land on which the movable monuments have been found shall receive an amount equal to half the value of those monuments from their owner.
- 4 The court referred to in Section 42 shall be notified of legal claims in the matter of compensation.

#### Section 44

- 1 Our Minister can designate a building or part thereof as a repository for archeological finds if they fulfil the requirements he considers necessary

for storing movable monuments in a responsible manner.

- 2 Our Minister may withdraw a decision as referred to in subsection 1.

#### Section 45

- 1 Having heard the Monuments and Historic Buildings Council, Our Minister shall assign movable monuments which are the property of the State and which have been found during excavations to repositories for archaeological finds. From the time such objects are handed over to a repository for archeological finds they shall be the property of the owner of the repository.
- 2 Conditions may be attached in the interests of the preservation of monuments to the assignment as referred to in subsection 1.

#### Section 46

If so requested, the excavator shall be given access to movable monuments found during an excavation for which, under the provisions of this act, he was authorised or such monuments shall be made available to him temporarily for scientific research.

#### Section 47

- 1 Any person who finds, other than during an excavation, a thing which he may reasonably expect to be a monument is bound to report the find within three days.
- 2 The matter shall be reported to the Burgomaster of the municipality in which the find was made, or, if the find was made outside the boundary of a municipality, to Our Minister.
- 3 The Burgomaster shall inform the Director of the National Archeological Field Survey Service of such a report immediately.

#### Section 48

The rightful claimants of a movable monument as referred to in Section 47 are bound to keep the monument available or to make it available for scientific research for six months from the date of the report referred to in the previous section.

#### Section 49

- 1 Having heard the Monuments and Historic Buildings Council, Our Minister can, for the purposes of scientific research, issue instructions with respect to the carrying out of work during which a thing as referred to in Section 47 has been found, or he can order such work to stop entirely or in part either for a certain length of time or indefinitely.
- 2 Loss incurred through a measure as referred to in subsection 1 shall be compensated by the State. The court under whose the find has been made shall be notified of such legal action for compensation.

### CHAPTER VI THE MONUMENTS AND HISTORIC BUILDINGS COUNCIL

#### Section 50

- 1 There is a Monuments and Historic Buildings Council which shall advise Our Minister either on request or of its own accord on matters which relate to monuments and historic buildings or to town and village conservation areas.



- 2 This Council shall furthermore carry out the activities with which it has been charged by law, by Royal Decree or by Our Minister.

#### Section 51

- 1 The Monuments and Historic Buildings Council shall consist of between twenty and forty members.
- 2 The chairman and other members shall be appointed by Royal Decree and discharged on the recommendation of Our Minister.
- 3 The members of the Monuments and Historic Buildings Council shall be appointed for a period to be determined by Royal Decree; membership shall end on attaining the age of seventy.
- 4 The Monuments and Historic Buildings Council shall appoint a deputy chairman from among its members.

#### Section 52

The Monuments and Historic Buildings Council shall consist of the following five sections:

- Section I The National Archeological Field Survey Commission;
- Section II The National Historic Monuments Commission;
- Section III The National Commission for Museums;
- Section IV The National Commission for the Description of Monuments and Historic Buildings;
- Section v The National Commission for the Protection of Monuments against Disasters and War Damage.

#### Section 53

- 1 The Monuments and Historic Buildings Council shall have a secretariat.
- 2 The secretary of the Monuments and Historic Buildings Council shall be appointed and dismissed by Our Minister.

#### Section 54

- 1 The Monuments and Historic Buildings Council shall, with the approval of Our Minister, establish regulations on its working methods.
- 2 The Monuments and Historic Buildings Council may set up commissions which include people who are not members of the Monuments and Historic Buildings Council.

#### Section 55

- 1 The members of the Monuments and Historic Buildings Council and its commissions may be awarded an attendance fee by Our Minister.
- 2 The members of the Monuments and Historic Buildings Council and its commissions shall be compensated for travel and accommodation expenses in accordance with what has been determined in this respect for civil servants.

### CHAPTER VII PENALTIES

#### Section 56

- 1 Any person who wilfully contravenes Section 11 in conjunction with Section 37, subsection 1, or a measure taken on the grounds of Section 49, subsection 1 shall be penalised with a prison sentence of one year at the most or a category five fine.

- 2 Any person who wilfully contravenes Section 39, subsection 1 or Section 47, subsection 1 shall be penalised with a prison sentence of one year at the most or a category five fine.
- 3 The offences are crimes.

Section 57

- 1 Any person who contravenes Section 11, Section 37, subsection 1 or a measure taken on the grounds of Section 49, subsection 1, shall be penalised with a maximum of six months' detention or a category five fine.
- 2 Any person who contravenes either Section 39, subsection 1 or Section 47, subsection 1 shall be penalised with a maximum of six months' detention of a category five fine.
- 3 The offences are misdemeanours.

Section 58

- 1 Our Minister or Burgomaster and Aldermen can designate people who are charged with supervising adherence to the provisions of or pursuant to this act.
- 2 The investigation of the indictable offences referred to in Sections 56 and 57 shall be carried out by the people designated in article 141 of the Code of Criminal Procedure, as well as by the officials designated by Our Minister or by the Burgomaster and Aldermen as such, in accordance with the officials designated by Our Minister of Justice who are charged with the supervision referred to in subsection 1.
- 3 The officials referred to in subsections 1 and 2 shall at all times have access to all protected monuments insofar as this is reasonably required for the carrying out of their duties. If necessary they shall gain access with the help of the police. They are authorised to be accompanied by people charged by Our Minister with carrying out the work which he has instructed under the provisions of Section 31.
- 4 Written authorisation from the Public Prosecutor is required to enter a building without the occupant's permission.
- 5 Any person who enters a building without the occupant's permission shall draw up a written report of the event under oath or affirmation of office. The report shall be sent to the Public Prosecutor no later than four days after the day on which the event has taken place. A copy of the report shall be handed to or posted to the occupant within the same period of time.

CHAPTER VIII TRANSITIONAL AND FINAL PROVISIONS

Section 59

- 1 As long as a municipal bylaw as referred to in Section 15 has not entered into force, Our Minister shall decide on applications for a permit as referred to in Section 11.
- 2 Sections 17 to 21 (inclusive) shall apply to a decision on an application.

Section 60

The Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200) is rescinded.

Section 61

- 1 Decisions taken on the grounds of Sections 9, 14, 17, 20, 22, subsection 2,

- 23, subsection 1, 25, subsection 1 or 31, subsection 1 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200) shall be considered as decisions as referred to in respectively Sections 3, subsection 4, 11, 30, 31, 35, 39, subsection 1, 42, 49 or 58, subsection 1 of this act.
- 2 If an appeal can still be filed or has been filed against decisions taken on the grounds of those sections of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961,200) referred to in subsection 1, then such appeals shall be dealt with with due regard to Sections 26 and 27 of that act.

#### Section 62

- 1 Notifications which have been sent under the provisions of Section 8 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Order and Decrees 1961, 200) shall be dealt with with due regard to Sections 8 and 9 of that act.
- 2 Applications for permits as referred to in Section 14 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200), which were submitted before the present act came into force, shall be dealt with in accordance with Section 15 of the former act.

#### Section 63

- 1 The register, the recording and the entry referred to in Section 10 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200) shall apply respectively as the register, the recording and the entry referred to in Section 6 of this act.
- 2 The writ for the collection of costs owing under the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200) as referred to in Section 19 of that act shall apply as a writ for the collection of the costs owing under the present act as referred to in Section 33.

#### Section 64

Decision taken under the provisions of Section 23, subsection 2 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Order and Decrees 1961, 200) shall remain valid after the rescision of the act. Section 61, subsection 2 of this act shall apply by analogy.

#### Article 65

- 1 The Monuments Council referred to in Section 3, subsection 1 and the five sections referred to in Section 5 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees, 1961, 200) shall apply respectively as the Monuments and Historic Buildings Council referred to in Section 50, subsection 1 and the five sections referred to in Section 52 of the present act.
- 2 The appointments under the provisions of Section 4 of the Dutch Monument and Historic Buildings Act shall apply as appointments referred to in Section 51 of the present act.
- 3 Regulations issued under the provisions of Section 6 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200) shall apply as regulations as referred to Section 54, subsection 1 of the present act.

Section 66

The Cultural Heritage Preservation Act (Bulletin of Acts, Orders and Decrees 1984, 49) shall be amended as follows:

Section 1 (d) shall be replaced by:

- d The Commission: the National Commission for Museums referred to in Section 52 of the Monuments and Historic Buildings Act 1988 (Bulletin of Acts, Orders and Decrees 638).

Section 67

The Town and Country Planning Act (Bulletin of Acts, Orders and Decrees 1985, 626) shall be amended as follows:

- A Section 28, subsection 2, second sentence shall read: Before taking a decision they shall consult the Provincial Committee on Town and Country Planning.
- B Section 28, subsection 5, second sentence shall be scrapped.
- C Section 37, subsection 8 shall be scrapped.
- D Section 40, subsection 2(b) shall read: b Before taking a decision the Provincial Executive shall consult the Provincial Committee on Town and Country Planning;
- E Section 46, subsection 6 shall read: 6 The withholding referred to in subsection 5 shall continue until an irrevocable decision has been taken on a local plan to be established or revised which complies with the provisions of Section 36 of the Monuments and Historic Buildings Act.

Section 68

The Housing Act (Bulletin of Acts, Orders and Decrees 1964, 222) 1) shall be amended as follows:

- 6 The withholding referred to in subsection 5 shall continue until an irrevocable decision has been taken on a local plan to be established or revised which complies with the provisions of Section 36 of the Monuments and Historic Buildings Act.

Section 69

Sections 13 to 18 (inclusive) and footnote 3 of annex 2 of the Act of 22 December 1983 Containing Regulations on the Financial Consequences for Provinces and Municipalities of Government Policy in the Matter of Government Grants to Provinces and Municipalities (Bulletin of Acts, Orders and Decrees 649) shall be scrapped.

Section 70

The Income Tax Act 1964 (Bulletin of Acts, Orders and Decrees)2) shall be amended as follows:

In Section 42a, subsection 7, second sentence 'Section 10 of the Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200)' shall be replaced by 'Section 6 of the Monuments and Historic Buildings Act 1988 (Bulletin of Acts, Orders and Decrees 638)'.

Section 71

The Act Concerning the Taxation of Legal Transactions (Bulletin of Acts, Orders and Decrees 1970, 611)1) shall be amended as follows:

In Section 15, subsection 1(p) 'Dutch Monument and Historic Buildings Act (Bulletin of Acts, Orders and Decrees 1961, 200)' shall be replaced by 'The



Monuments and Historic Buildings Act 1988 (Bulletin of Acts, Orders and Decrees 638)'.  
Bulletin of Acts, Orders and Decrees

Section 72

This act shall enter into force at a time to be determined by Royal Decree.  
Bulletin of Acts, Orders and Decrees 1988

Section 73

This act may be cited as the Monuments and Historic Buildings Act with reference to the year of the Bulletin of Acts, Orders and Decrees in which it will be published.  
The Town and Country Planning Act 1990 shall be amended as follows

We order and command that this act shall be published in the Bulletin of Acts, Orders and Decrees, and that all ministerial departments, authorities, bodies and officials whom it may concern shall diligently implement it.  
Section 26 subsection 2 shall be amended as follows

Done at The Hague, 23 December 1988  
Bulletin of Acts, Orders and Decrees

Beatrix

The Minister of Welfare, Health and Cultural Affairs,  
L.C. Brinkman

The Minister of Housing, Physical Planning and the Environment  
E.H.T.M. Nijpels

Published 30 December 1988  
Section 26

The Minister of Justice  
F. Korthals Altes