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The Preventive Approach to Protecting Archaeological Heritage from the Threats Posed by Development Projects

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***Abstract*—**This article examines the urbanization and reconstruction movements that took place in Japan and Europe throughout the three decades following the end of the Second World War. These developments gave rise to new threats to the foundations of their archaeological heritage, particularly contemporary urban development works and the remarkably rapid expansion of major development projects. Initially, these countries adopted the approach of *rescue archaeology* to protect their heritage. However, this approach failed to safeguard archaeological remains against the threat posed by the expansion of development projects at their expense. Subsequently, Japan developed the strategy of *preventive archaeology*. Having recognized the effectiveness of the Japanese experience in preserving and enhancing archaeological heritage, European countries promptly adopted this strategy, adapting it intelligently to the differences in their administrative and financial systems and the specific characteristics of their archaeological heritage.

***Keywords*—**Development Projects, Japan, European Union, Malta Convention, Preventive Archaeology.

Introduction

Before addressing the concept of *preventive archaeology*, it is necessary to examine the geographical and historical context in which this new strategy first emerged in the Far East of the Asian continent, and then trace the stages through which it reached the European Union and became widely adopted across its member states. This is particularly important given that France was not the inventor of this strategy; rather, it drew inspiration from two principal sources: Japan, which pioneered its development, and the European Union, which established its regulatory framework across the various member states. Several interesting experiences subsequently emerged, including the French experience, which has been examined in detail in previous studies.

1. The Emergence of Preventive Archaeology for the First Time in the World

Japan was the first country in the world to implement *preventive archaeology* in the mid-1950s, following the amendment of the Japanese Cultural Properties Protection Law on June 22, 1954. Under this amendment, the Japanese legislator devoted Chapter Four of the law to protecting undiscovered archaeological remains that might be buried beneath the surface of land designated for contemporary development projects.

The year 1958 represented a decisive turning point in the history of preventive archaeology in Japan and worldwide. The destruction of dozens of archaeological sites, accidentally discovered during the construction of the motorway connecting Nagoya and Kobe, triggered widespread public protests. This prompted the Committee for the Protection of Cultural Properties, the highest authority responsible for the administration and protection of archaeological heritage in Japan, to conduct what may be described as genuine *preventive excavations* for the first time in history. It also required the Japanese Road Administration Authority, as the body responsible for the project, to pay and cover the costs of these preventive excavations. This event marked the emergence of the principle that **the party responsible for causing damage to archaeological heritage must bear the burden of**

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restoring it. The European Union subsequently adopted this principle, formally incorporating it into the revised version of its joint convention on the protection and enhancement of archaeological heritage, issued in 1992.

At the beginning of 1960, the practice of requiring development project owners to finance preventive excavations became widespread. Moreover, preventive archaeology was given a dedicated chapter in Japanese legislation, namely Chapter Six of the Cultural Properties Protection Law, which comprised seventeen articles. In 1964, the aforementioned Committee for the Protection of Cultural Properties began conducting extensive negotiations with the relevant ministries, including the Ministry of Finance and the Ministry of Public Works, with the aim of reaching a joint agreement to establish a clearer framework for preventive archaeology. The negotiations addressed matters such as funding arrangements, the identification of authorities responsible for implementing field interventions, and the organization of preventive archaeology structures and services, alongside other detailed technical procedures. Ultimately, these efforts resulted in granting regional educational committees extensive powers in this field, including issuing permits for preventive excavations, carrying them out, and managing the archaeological discoveries resulting from them.

2. The Concept of Preventive Archaeology

Preventive archaeology was defined by participants at the conference held in Vilnius, Lithuania, under the auspices of the Council of Europe, the highest legislative authority in the European Union today, with the participation of the National Office for Cultural Heritage of Hungary, the Academy of Cultural Heritage of Lithuania (the host country of this scientific event), and the French National Institute for Preventive Archaeological Research (INRAP). The conference took place on December 16, 17, and 18, 2004. The definition adopted was as follows:

“Preventive archaeology is a proactive measure aimed at protecting archaeological heritage from the threats posed by the future expansion of development projects at its expense.”

Accordingly, preventive archaeology is neither a new scientific specialization within the branches of archaeology, nor a newly developed scientific methodology in archaeological studies. Nor is it an independent institution dedicated to protecting archaeological heritage at either the international or local level. Rather, it is a general theoretical principle underpinning the strategies adopted by states and nations to protect their respective archaeological heritage resources. In other words, it represents **a new intellectual approach to the protection and enhancement of archaeological heritage**.

This approach emerged after the stage of *rescue archaeology*, which has become outdated in light of contemporary developments. Under the rescue approach, archaeologists and the authorities responsible for archaeological heritage intervened only after a disaster had occurred, attempting to salvage whatever remained during the implementation of development projects. Preventive archaeology, by contrast, requires the intervention of the relevant stakeholders and the completion of archaeological assessments before the development project itself begins.

Preventive archaeology pursues a noble objective: establishing a balanced and mutually acceptable solution between, on the one hand, archaeological heritage, regarded as a limited and non-renewable natural resource that faces growing threats and disasters, most of which are primarily caused by human activity, and, on the other hand, the requirements of regional and economic development, which serve not merely private interests but the interests of society as a whole.

3. Stages in the Establishment of Preventive Archaeology within the European Union

The urbanization and reconstruction movements that Europe experienced throughout the three decades following the end of the Second World War in 1945 gave rise to new threats to its archaeological heritage. This time, the source of these threats was neither war itself nor natural disasters, but rather major development and construction works associated with increasing demographic growth, resulting from improved individual incomes and rising living standards across the continent. These developments raised the need to reconsider the relationship between archaeological heritage and the environmental sector, urban planning, regional development, and public works, while also reforming the legal framework governing and regulating these areas, which had proved incapable of keeping pace with the emerging situation.

Against this background, the Council of Europe assigned one of its subsidiary committees, namely the Cultural Committee, in 1963, the task of preparing a detailed report on the state of the protection and enhancement of historic buildings and archaeological sites in light of these changes. The report's introduction presented a

forward-looking perspective worthy of particular attention. It warned that European archaeological heritage was facing a greater threat to its continued existence in the near future than ever before, owing to rising population density in the member states and the expansion of their economic activities. It therefore emphasized the need for these countries to prepare and take the necessary measures to confront the imminent danger before it was too late.

This was followed by the preparation of the London Convention on the Protection of Archaeological Heritage, officially adopted on May 6, 1969. In this context, the Convention may be regarded as a direct response to the recommendation issued by the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the protection of cultural property threatened by public and private development works, dated November 9, 1968.

Subsequently, in 1982, the Committee for the Steering of Urban Policies and Architectural Heritage (CDUP) held a meeting attended by a large number of European Union experts to formulate practical proposals concerning the protection of archaeological remains in various urban development areas. The findings of their reports and technical recommendations were submitted to the Committee of Ministers, which was then the highest executive authority within the Council of Europe, with the aim of distributing them to the governments of the member states and encouraging them to implement their provisions.

In 1989, the Council of Europe issued its first implementing recommendation concerning the protection and enhancement of archaeological heritage located in areas designated for both urban and rural development projects. This recommendation was numbered R (89) 5. Among its principal provisions was the requirement to complete and update archaeological inventories in every member state and make them accessible to urban planners and contractors. It also called for the establishment of scientific, administrative, and technical structures to process files relating to development planning and archaeological heritage, the provision of the necessary legal protection for archaeological discoveries during development and construction operations, and the launch of public awareness programmes to highlight the importance of archaeological heritage and its enhancement as a decisive element in defining the shared cultural and civilizational identity of Europeans, despite their different ethnic backgrounds and languages.

In fact, the Council of Europe's concern for the future of European archaeological heritage did not stop there. It extended to reviewing the aforementioned London Convention on the Protection of Archaeological Heritage and supplementing it with new provisions explicitly and directly addressing preventive archaeology. In 1991, the task of reviewing the Convention was entrusted to one of its subsidiary committees, namely the Cultural Heritage Committee (CC-PAT).

The work of this committee resulted in what is now known as the *European Convention (Revised) on the Protection of the Archaeological Heritage*, adopted the following year, in 1992, and remaining in force to this day. It was approved in the city of Valletta, on the island of Malta, during the Third European Conference of Ministers Responsible for Cultural Heritage, held on January 16 and 17, 1992. Articles 5 and 6 of this Convention incorporated the fundamental principles underlying preventive archaeology.

In addition to developing a new unified European vision for the protection and valorisation of archaeological heritage, an initiative launched by the Committee of Ministers and implemented by the Council for Cultural Cooperation of the Council of Europe, known as the European Archaeology Plan, a set of technical measures et practical procedures was established to preserve archaeological heritage in the countries of the Union.

These practical measures were subsequently confirmed and endorsed by the recommendations of the conference held in Vilnius, Lithuania, in 2004, under the auspices of the Council of Europe. On this occasion, a major and promising project was launched to promote and disseminate the principles of Preventive Archaeology throughout the European Union, entitled the European Preventive Archaeology Project, commonly abbreviated as (EPAC). This project is regarded as a symbolic milestone marking the end of the validity of the Rescue Archaeology approach and its gradual replacement by what is now known as Preventive Archaeology, one of the major developments of the twenty-first century (21st) in the field of protecting and valorising archaeological heritage.

4. The Role of the Council of Europe in Disseminating the Strategy across the Countries of the Union

Since its establishment on 5 May 1949, the Council of Europe has sought to unite the countries and peoples of the European continent around shared human values, in an attempt to overcome the bitterness left by the two World Wars (1914 and 1939) and prevent similar conflicts from occurring in the future. Its objectives have included upholding the principles of democracy, respecting individual freedoms, promoting human rights, ensuring the supremacy of the rule of law, and strengthening the cultural rights of European societies, as

stipulated in the provisions of Article 1 of its founding Statute.

In order to overcome the various manifestations of divergence and difference among the peoples and states of the continent, which were regarded as the principal cause of the outbreak of the two World Wars in the previous century, the Council focused on the principle of a shared history and heritage, both ancient and modern, among the various European nationalities and peoples. It worked to promote and enhance this principle by assigning the Committee of Ministers and the Parliamentary Assembly the task of developing and translating it into practical measures. This was particularly evident in the development and harmonisation of policies for the preservation and valorisation of cultural heritage among European governments. To this end, several conventions were adopted, one of the most significant of which concerned the protection of unclassified archaeological heritage against the encroachment of development projects. The Council also worked to strengthen institutional cooperation and encourage the regular exchange of successful experiences and expertise in promoting the protection and valorisation of archaeological heritage in the countries of the Union.

Most of its specialised conventions and recurring recommendations have emphasised that “archaeological heritage is a limited, non-renewable natural resource and an essential element in understanding the past of human civilisations”. They have also affirmed that “the moral responsibility for protecting European archaeological heritage exposed to the risk of deterioration and destruction rests equally with the state directly concerned and with European societies collectively”.

Accordingly, the efforts undertaken by the aforementioned Steering Committee for Urban Policies and Architectural Heritage to establish the foundations of Preventive Archaeology, and subsequently endorsed by the Malta Convention of 1992 and the recommendation addressed by the European Parliament to the governments of the European Union in 2008 concerning the adoption of the principles of Preventive Archaeology in all Union countries, were not isolated developments. Rather, they represented the culmination of a long process of research and effort aimed at establishing effective mechanisms to protect archaeological heritage, which constitutes a shared bond among European peoples, against various human-induced and natural threats. Within the European vision for preserving and valorising its rich archaeological heritage, Preventive Archaeology emerged as a means of protecting one particular component of that heritage: unclassified archaeological remains that are not recorded on archaeological maps, but which may potentially be discovered beneath the surface of lands that appear to be devoid of archaeological remains and are designated for development projects.

5. The Most Prominent Pioneering Experiences of the Strategy within the European Union

Comparative studies conducted to evaluate the various mechanisms adopted by the governments of European Union countries in applying the principles of Preventive Archaeology within their territories confirm that this strategy is characterised by considerable flexibility, enabling it to adapt to the different administrative, financial, and political systems adopted around the world. This is demonstrated by the valuable study prepared by the French Senate (SENAT) in 2010 on the legislative framework governing the Preventive Archaeology strategy in seven (07) leading experiences within the European Union, as well as by the findings of the European conference evaluating the implementation of this strategy throughout the European continent during the period 1999–2004, held in the city of Vilnius.

The successful implementation of this strategy depends on the existence of political will and the organisation of joint efforts among the various sectors and departments involved in putting it into practice. This can be clearly inferred from the pioneering examples discussed below, despite the numerous technical and practical differences separating them at various levels. These examples include the experiences of the United Kingdom, which has withdrawn from the European Union; Germany, renowned for its consistent rigour and seriousness; Italy, home to one of the oldest schools in the world in the field of archaeological heritage protection and valorisation; France; and the Nordic countries, particularly Denmark, the Netherlands, and Sweden.

6. Prospects for Preventive Archaeology within the European Union

The institutions of the European Union have adopted specific mechanisms to closely monitor the implementation of Preventive Archaeology in the various countries of the Union. A high-level international conference has been devoted to this purpose and is regularly held every three years to assess progress throughout the preceding three-year period. Among its most notable editions, in addition to the aforementioned first edition held in 2004, was the conference entitled “Archaeology and the Global Economic Crisis: Impacts and Possible Solutions”, held in Italy in 2010. It was organised by the European Association of Archaeologists (EAA), the French National Institute for

Preventive Archaeological Research, and the technical team overseeing the Archaeology in Contemporary Europe project.

Another edition was held in Vilnius, Lithuania, for the second time in 2016. It was organised with the participation of the European Association of Archaeologists, the French National Institute for Preventive Archaeological Research, the University of Ljubljana, and the Faculty of Arts. Its proceedings took place from 31 August to 4 September 2016.

Furthermore, the European conference entitled “Twenty Years after the Malta Convention in Italy and Europe” was held in Italy on 19 October 2012. Europeans themselves regard this convention as the source from which Preventive Archaeology first emerged in this wider European context, as previously mentioned. The conference was organised by the Italian Institute for Cultural and Natural Heritage (IBC) and the French National Institute for Preventive Archaeological Research, as on previous occasions, in cooperation with the longstanding French School of Archaeology in Italy (founded in 1875) and the Italian Ministry of Cultural Heritage. The European Commission undertook to finance the event as an integral part of the mechanisms adopted to implement and support its ambitious European project entitled “Archaeology in Contemporary Europe: Professional Practices and Public Awareness (2007–2013)”.

The organisation of such scientific events with this degree of precision and rigour, both in terms of their structure and the depth of their discussions, as well as the regular updating of their content in response to changing local, regional, and even global circumstances—such as the economic crisis that recently affected countries around the world—provides clear evidence of the prominent position occupied by the Preventive Archaeology Strategy among the priorities of the European Union institutions since its official adoption at the end of the previous century (1999). It also demonstrates the Union's determination to give this strategy the attention it deserves and to promote it both in the present and in the future, in view of its positive contribution to reconciling, on the one hand, the protection of buried archaeological heritage threatened by the encroachment of development projects and, on the other, the facilitation of procedures for implementing development and planning projects under highly favourable conditions.

Conclusion

The foregoing makes it clear that Preventive Archaeology is a new approach that emerged in the second half of the previous century (20th), replacing Rescue Archaeology because the latter proved incapable of curbing the repeated encroachments of development projects on lands containing unclassified archaeological remains that had not previously undergone investigation or assessment.

This approach originated entirely in Japan. Western societies did not recognise its importance for preserving archaeological heritage threatened by the expansion of contemporary development projects until the late 1970s. They subsequently sought to make up for this delay as quickly as possible by assigning the Council of Europe the task of laying its foundations and imposing its principles on European governments within the shortest possible timeframe. This was particularly the case after they became convinced that it was an extremely flexible strategy, capable of adapting to all the financial, administrative, and political systems known throughout the world to date. Its purpose was to achieve a dual objective: on the one hand, to protect unclassified archaeological heritage from the threat posed by the encroachment of development projects and, on the other, to avoid delays in implementing those projects on the grounds of such protection.

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This important conference formed part of the common European policy aimed at promoting Preventive Archaeology through the launch of a project that ultimately failed to achieve its objectives, namely the European Preventive Archaeology Project (EPAC), or the European Preventive Archaeology Project. The conference was attended by professionals and experts representing eighteen (18) European countries, as well as an international organisation active in the field of archaeological heritage. Its programme involved examining the institutional structures and legislative systems in place in European countries, presenting statistical data and accurate information on each member country, identifying their strengths and the problems they faced, comparing theoretical approaches with practical implementation, and emphasising the importance of ongoing international cooperation in this field. Furthermore, efforts focused on identifying the elements capable of improving the effectiveness of preventive archaeological work, in response, on the one hand, to the pressing requirements of economic development and, on the other, to the need to preserve archaeological heritage whose very existence is threatened by the encroachment of sustainable development projects.

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[12] Ibrahim, A. A. (n.d.). Cultural heritage in the contemporary Arab city. Centre for Planning and Architectural Studies, p. 116.

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[23] For further details concerning the contents of this plan, see in particular:

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[25] The conference was held under the auspices of the Council of Europe, with the participation of the Hungarian National Office of Cultural Heritage, the Lithuanian Academy of Cultural Heritage (the host country of this scientific event), and the French National Institute for Preventive Archaeological Research (INRAP). Its proceedings took place from 16 to 18 December 2004.

[26] Belguendouz, N. (2011). The impact of French preventive archaeology on the experiences of the Maghreb countries (pp. 13–14).

[27] Its headquarters are located in Strasbourg, France, and the number of European countries currently affiliated with it has reached forty-seven (47).

[28] Council of Europe. (2003). Patrimoine culturel européen [European cultural heritage] (Vol. 2, p. 11).

[29] The process began with the European Cultural Convention, adopted in 1954, which aimed to promote and enhance the various components of cultural heritage in Europe. This was subsequently followed by a series of other conventions addressing cultural heritage in general and archaeological heritage in particular. For further details on this subject, please consult the following website: https://www.coe.int

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[31] European Preventive Archaeology: Papers of the EPAC Meeting, Vilnius 2004. (2007). National Office of Cultural Heritage / Council of Europe, p. 5.

[32] As of 1 April 2010, thirty-eight (38) European countries had ratified the Malta Convention. The countries that had not ratified it were Austria, Belgium, Bosnia and Herzegovina, Iceland, Italy, Luxembourg, the Russian Federation, and Spain.

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