

Participation in archaeological heritage as a fundamental Human Right

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Introduction

One of the fundamental tenets of the heritage conservation ethos is that archaeology is a common good, 'owned' collectively by all mankind. Yet, another tenet is that archaeology is a limited, non-renewable resource which must be protected from any human action which might threaten it (e.g. Art. 2 UNESCO 1990; Preamble and Art. 1-4 CoE 1992). Archaeological heritage management, thus, has mostly been restricted to professionals – us archaeologists – who believe they are 'stewards' of 'the public interest' in preserving 'the Past' for the benefit of 'future generations'.

The right to freely participate in archaeology

In contrast to traditional archaeological heritage management, the Faro Convention (CoE 2005) has (re-) established the principle that participation in the identification, study, interpretation, protection, conservation and presentation of cultural heritage is integral to the Human Right to freely participate in cultural life, enjoy the arts and share in scientific advancement (Art. 27 (1) UN 1948; Art. 15 (1-3) UN 1966). Everyone thus is equally entitled to engage with archaeology in almost any way they see fit, provided they do not damage the public interest or rights or freedoms of others in the process.

Archaeology has not yet fully realised the necessary consequences of the (re-) establishment of this fundamental Human Right. Naturally, providing archaeological training and quality assurance of actions affecting the archaeology becomes even much more crucial if everyone is entitled to engage with it. It becomes necessary that everyone who may want to engage in it are sufficiently trained in archaeological skills to do as little harm to, and create the greatest benefits possible from, the archaeological heritage.

The shortcomings of archaeology skills training

Even professional training in archaeology is hardly standardised. In some countries, like the UK, there are benchmarks for archaeology degrees offered by Universities (QAA 2014), based on National Occupational Standards (NOS) (UK Standards 2013), determining what skills a *professional* archaeologist must be trained in. In most others, not even such basic national standards exist, leaving it to individual institutions (mainly: Universities), or even single individuals (mainly: professors), to determine what skills to train students in. Some accredited archaeology degrees thus do not even contain basic fieldwork training. Qualification requirements like whether someone has "*completed a degree in a relevant subject*" (e.g. § 11 (1) DMSG 1999) thus do not ensure that those granted a fieldwork are actually competent, but only that they are members of a small academic elite.

Despite Georg Dehio having remarked as far back as 1905 that "*fully effective heritage protection can only be provided by the people itself*", and that the public must therefore "*be educated what this entails*" (Dehio 1905, 273-4),¹ there is very little training in archaeological skills provided to members of the public. What little exists is patchy in geographical distribution, excluding anyone who does not live near an institution providing it or is unable to travel considerable distances. It also is often hardly advertised, requiring extensive online research of interested parties to even only find training opportunities. It is also regularly patchy regarding what skills are taught, with training opportunities not systematically developed to meet demand, but to suit the needs of the institution providing it (e.g. often more about gaining free labour, rather than about teaching participants).

With public participation low on the disciplinary agenda, there are even fewer standards for training interested members of the public; and – with very few exceptions (see e.g. Karl et al. 2019) – no means to record what competencies they acquired by participating in it. Thus, unless they decide to pursue a degree in a relevant academic subject, they can have acquired any level of competence but be unable to "prove" that they are qualified to freely participate in any of the processes of archaeological heritage management. Thus,

¹ All translations of originally German texts quoted in this long abstract are by its autor.

in many jurisdictions, even those of them *actually* sufficiently competent to conduct archaeological fieldwork are excluded from active participation by simplistically restrictive heritage protection laws (e.g. § 11 (1) DMSG 1999).



Fig. 1: Training members of the public in surface finds collection during the participatory survey organised by ArchaeoPublica in St. Pantaleon/Stein in 2017 (image: J. Coolen, ArchaeoPublica).

A further complication: freedom of research

The situation is further complicated by many Countries having enshrined in their constitutions (e.g. in Austria, in Art. 17 StGG 1867), and the European Union in Art. 13 of its Charter of Fundamental Rights (EU 2010), the civil liberty of freedom of research. This is an unconditional right which “*cannot be restricted by ordinary law or administrative act*” (Berka 1999, 345); an everyman’s right which must not be restricted to just a select group of its citizens by the state, and must especially not be made dependent on any particular “*proof of formal qualification*” (Berka 1999, 343). Anyone must be permitted to engage freely in any kind of scientific research, provided they do not seriously endanger equally (constitutionally) protected common goods (Berka 1999, 346; Art. 4 (c) CoE 2005).

Our fundamental problem: if anyone may dig, everyone must be trained

Archaeology thus faces a fundamental problem: restrictive laws (like § 11 (1) DMSG 1999) which limit the right to freely participate in archaeology to academically qualified ‘stewards’ like us are in gross violation of the public’s fundamental Human and Civil Rights. Since such violations are illegal, at least everywhere in the European Union, it necessarily follows that anyone may engage in archaeology. Thus, if we want to ensure that archaeology does not suffer preventable damage, the only way to achieve this aim within the bounds set by the law is to train everyone who wants to exercise his right to engage with it in the skills we deem

necessary for doing so (fig. 1). If we want to achieve our aim, we must educate the public in how to engage with archaeology in a professional way.

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