



Published on *HEREIN System* (<http://www.herein-system.eu>)

[Home](#) > Heritage Legislation - Netherlands

## Heritage Legislation - Netherlands

**Country:** Netherlands

Hide all

7.1.A Council of Europe conventions which have been signed and ratified by the state

**7.1.A Council of Europe conventions which have been signed and ratified by the state:**  
**Convention**   **Date de signature (dd/mm/yyyy)**   **Date de ratification (dd/mm/yyyy)**

Granada	07/27/1985	01/01/1994
Valetta	07/27/1992	01/01/2007
Florence	07/27/2000	01/01/2005
Faro	N/A	N/A

### **7.1.A Brief Overview**

#### **Granada:**

Ratified by the Netherlands in 1994. The Treaty can be considered as an addition to and result of the previous Convention and the Unesco World Heritage Convention. It gives a broader definition of heritage and is applicable to f.e. industrial heritage, cultural landscapes, ensembles and moveable heritage. The Treaty is made up of multiple provisions regarding inventarisation, documentation, protection and restoration. Spatial planning is given a more prominent role regarding the maintenance and conservation. Besides heritage is considered an economic factor as well. The Netherlands did not ratify by the way two paragraphs, one of which is the requirement of the owner to maintain his monument.

#### **Valetta:**

Recently the treaty of Malta / Valletta was evaluated. The evaluation is focussing on the results in practise. Is keeping archaeology in situ really possible? Is the disturber actually paying? How is the balance between science and commerce? And how is maintenance and enforcement working? The raison d'être of the Treaty of Malta is a result of the fear for the loss of Europe's collective memory. It focusses on the conservation of archaeological heritage and uses spatial planning as a management tool

#### **Florence:**

The Treaty of Florence was ratified by the Netherlands in 2005. The Treaty strives to protect natural, rural and urban landscapes (land as well as water) for their value and significance in determining cultural identities.

#### **Faro:**

The Netherlands did not sign this convention (yet). Faro puts heritage in a social context and is part of a process of development and transformation. However, certain aspects of the Faro Convention are being applied in Dutch heritage management policy.

7.1.B If your state has not yet ratified all of these conventions, please briefly describe the efforts being made to reach this

### **Brief overview**

#### **Granada:**

The Netherlands has contributed to the evaluation of the Granada convention through CSM

**Valetta:**

Has been evaluated in 2011-12

**Florence:**

Ministry of Economy is responsible

**Faro:**

Not ratified yet, because the Netherlands actually sees this convention as 'too close to already existing Unesco conventions'

## 7.1.C Council of Europe Recommendations about cultural heritage reflected / incorporated in legislation or policy of yourstate.

**7.1.C Recommendations:**

<b>Recommendation</b>	<b>Theme</b>	<b>Reflected/incorporated in Legislation</b>	<b>Reflected/incorporated in Policy</b>	<b>Not applicable</b>
Rec (1980) 16	Specialised training	No	Yes	No
Rec (1981) 13	Declining craft trades	No	Yes	No
Rec (1985) 8	Film heritage	No	Yes	No
Rec (1986) 11	Urban open space	No	Yes	No
Rec (1986) 15	Architectural heritage - Craft trades	No	Yes	No
Rec (1987) 24	Industrial towns	No	Yes	No
Rec (1989) 5	Archaeology - town / country planning	No	Yes	No
Rec (1989) 6	Rural architectural heritage	No	Yes	No
Rec (1990) 20	Industrial, technical and civil engineering heritage	No	Yes	No
Rec (1991) 6	Funding architectural heritage	No	Yes	No
Rec (1991) 13	20th Century architectural heritage	Yes	Yes	No
Rec (1993) 9	Architectural heritage / natural disasters	No	Yes	No
Rec (1995) 3	Documentation architectural heritage	No	Yes	No
Rec (1995) 9	Cultural Landscapes	Yes	Yes	No

Recommendation	Theme	Reflected/incorporated in Legislation	Reflected/incorporated in Policy	Not applicable
Rec (1996) 6	Protection against unlawful acts	Yes	Yes	No
Rec (1997) 2	Physical deterioration - pollution	No	No	No
Rec (1998) 4	Historic complexes, immoveable and moveable property	Yes	Yes	No
Rec (1998) 5	Heritage education	No	Yes	No
Rec (2001) 15	History teaching	No	Yes	No
Rec (2003) 1	Tourism as a factor for sustainable development	No	Yes	No
Rec (2004) 3	Geological heritage	No	Yes	No
Rec (2005) 13	University heritage	No	Yes	No
Rec (2008) 3	Guidelines - implementing the Landscape Convention	Yes	Yes	No

## 7.1 Commentary

### **7.1 Commentary**

#### **Archaeological Heritage**

The Netherlands signed the convention in 1992 and incorporated its provisions into the Monuments and Historic Buildings Act and the Archaeological Heritage Management Act.

- Malta Convention

Local authorities are generally responsible for implementing policy on archaeology, but sometimes this role is reserved for central government or the provincial authorities. Central government is responsible in the case of national scheduled monuments and historic buildings.

Archaeological heritage management has undergone radical change since the early 1990s.

- Archaeology has been decentralised. Local and provincial authorities are responsible for ensuring that archaeological interests are taken into account in spatial planning.
- Commercial consultancies, local authorities and universities now perform research, including in the field.
- The role of the Agency is now to provide arm's length services. We work on the basis of the 'Malta motto', preserving the sources of Europe's collective memory and academic research.

### **Planning archaeology**

In September 2007 the Malta Convention was formally implemented in the Netherlands when parliament approved a new Archaeological Heritage Management Act (*Wet op de archeologische monumentenzorg*, or *Wamz*). This new act followed the Malta Convention in that it stipulated that

archaeological heritage management should be an integral part of the spatial planning process, and that the 'disturber' would be held accountable for the costs. The *Wamz* is not based on European regulations, nor does it include any quantitative guidelines.

The link between archaeological heritage management and spatial planning has resulted in a largely decentralized field, while the liberalization of excavation licences has encouraged the establishment of private excavation companies. To comply with the principle 'the disturber pays' the Dutch government has introduced a system of funding that is project-based.

The Dutch Ministry of Education, Culture and Science commissioned an evaluation of the Act in 2011. The main research question was to be whether or not the *Wet op de archeologische monumentenzorg* (*Wamz*) and its associated secondary legislation *Besluit archeologische monumentenzorg* (*Bamz*) were effectively and efficiently improving the protection of archaeological heritage.

The *Wet op de archeologische monumentenzorg* has indeed improved the protection of the soil archive, mainly because spatial planning procedures increasingly take archaeology into account. Many new policy instruments for spatial planning are currently being developed, and it is important to ensure that once these new regulations have taken effect archaeology will remain a prominent element in the spatial planning process. The present report will address the effectiveness of the archaeology sector, point out any problems or deficiencies, and will conclude with some recommendations to increase the protection of archaeological heritage.

## Central government

The Cultural Heritage Agency performs the government's tasks in relation to archaeology:

- assessing and issuing excavation permits
- providing research recommendations
- collecting and providing information on archaeology
- updating the Indicative Map of Archaeological Values, which shows the probability of encountering buried archaeological remains in each area

Finally, the Agency represents archaeological interests in major government construction schemes, such as the high-speed rail link and the Betuwe freight line.

## Provincial authorities

Provincial authorities can designate 'archaeological alert areas'. Local authorities in the area are then give a deadline by which they must adopt a zoning plan that takes account of actual and potential sites of archaeological interest.

The provincial authorities also have a repository for archaeological finds, where they are stored and made available for research. The provincial authority can also grant permission for a local authority to establish its own repository.

Central government only has a depot for maritime archaeological finds.

## Archaeological research and excavations

Local authorities draw up a zoning plan which defines where preliminary archaeological research must be conducted before construction projects can go ahead. In the past, most archaeological investigations were performed by universities, local authorities and the Cultural Heritage Agency. Since the protection of archaeological sites is becoming more and more important, the number of preliminary investigations and excavations is also on the rise. The government therefore opened up the market for research and investigation to private companies.

## Quality of archaeological research

To guarantee the quality of research, the archaeology profession has drafted the Dutch Archaeology Quality Standard (KNA). The KNA manual sets out the standards and guidelines applying to archaeological work. There are two KNAs:

- the terrestrial KNA
- the underwater KNA

Archeologists in the Netherlands are bound to follow the rules set down in the Quality Norm Dutch Archeology. In early 2005 the State Inspection for Archeology, in cooperation with the College for Archeological Quality has published an English translation of the KNA. This publication is based on version 2.1 of the KNA, not the current version, and is therefore for your orientation only.

- [Dutch Archeology Quality Standard](#) (pdf 1,8 MB)

## Costs of archaeological research

The party disturbing the soil, such as the body commissioning a construction project, is responsible for the costs of the archaeological research. However, if the costs are disproportionately high, the local authority may contribute. If the costs to the local authority turn out to be disproportionately high, the government can provide financial support, at the discretion of the Minister of Education, Culture and Science.

## Archis archaeological information system

Anyone who finds an archaeological object or feature is obliged to report it, generally to the provincial repository.

If the local authority has its own municipal archaeologist, and a repository approved by the provincial authority, the find may be reported there.

Provincial and local authorities then enter the find in the government's archaeological information system [Archis](#), which contains details of:

- the location and nature of the findspot (e.g. settlement, burial site);
- the objects and soil features found there
- the date
- the status of the site (statutory protection)
- the parts that have been investigated by archaeologists

[Archis](#) covers the entire country and is administered by the Cultural Heritage Agency. It consists of a database containing all kinds of information on 75,000 archaeological findspots and 13,000 sites dating from prehistory to the modern period.

The Archaeological Monuments Map and the Indicative Map of Archaeological Values can be downloaded from the Agency's website.

7.2.A Are visions or strategies for heritage going to change in the short and medium term?

### **7.2.A Vertical Tabs**

#### **Integrated Approach**

The new policy on **Modernisation Monument Care (Momo)** since 2009 is focussing on three pillars:

- more re use of old buildings
- less regulations
- cultural history should be integrated in every planning act.

In 2011 the Ministries of Culture and of Infrastructure and the Environment presented the Vision on Heritage and Environment (Visie Erfgoed en Ruimte, VER). This vision outlines the ambition of the national government on heritage via five national policy priorities 2011- 2015:

- World Heritage (awareness raising)
- Security and identity (sea, coast and rivers)
- Re-use (buildings and areas)
- Living landscape (heritage, economy and ecology)
- Post-war heritage (townscapes and areas)

In 2017 Agreements on Administration of State Museums and State Collections

will be evaluated (check Museumletter June 2013).

Within a few years there will be one integrated Heritage Act (**Erfgoedwet**).

The Netherlands will join the UNESCO convention for **Non-tangible heritage** soon. Regarding this topic three national bodies are active:

- Dutch Centre for folkart, - culture and non-tangible heritage
- Nederlands Open air museum
- Meertens Institute

The sector for non tangible heritage in the Netherlands is supported by 6.000 organisations of volunteers who maintain collections, traditions and rituals, do research and organise activities. The sector is divided in four domains:

1. folk culture and non-tangible heritage
2. local history and regional culture
3. folklore and living history
4. craftsmanship and heritage art

In 2012-13 some non-tangible events were nominated: St. Maartens Party in Utrecht and the Flower corso in Zundert.

**Source URL:** <http://www.herein-system.eu/heritage-legislation-netherlands>