

2. A note on archaeological licensing procedures

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Article 3 of the second *European Convention on the Protection of the Archaeological Heritage* (Council of Europe 1992) prescribes that archaeological excavations should be conducted by qualified and authorised persons. This has generated considerable debate throughout Europe on the viability of statutory licensing of excavations. Such a system has existed in the Republic of Ireland almost since the birth of the State and is enshrined in the first of the *National Monuments Acts 1930 to 1994*.

The Irish excavation licence is not like a driving licence – something awarded for life as a general consent to excavate. Instead, a licence is issued for each new site or project where the discovery of buried archaeological deposits or objects is expected. This may include geophysical survey as well as excavation. In addition, the National Museum of Ireland licenses the alteration or export of archaeological objects.

Licences are issued by Dúchas the Heritage Service on behalf of the Minister for Arts, Heritage, Gaeltacht and the Islands. Archaeologists seeking licence eligibility are interviewed by Dúchas. Candidates are expected to have a relevant academic qualification and significant fieldwork experience. They are asked to demonstrate sufficient knowledge in several areas, including Irish archaeology and artefacts; survey, excavation and post-excavation procedures; reporting skills and the law. These interviews are held several times a year and the 'pass' rate has increased to about 80% since Dúchas initiated an occasional series of one-day seminars for prospective candidates, in December 2001.

Once deemed eligible, there is no further interview. Instead, each licence application must be accompanied by a detailed method statement for the excavation and an assurance that adequate funds are available to complete the project. (Applications should always be copied to the Duty Officer at the National Museum, as the Director of the Museum is a consultee in the procedure.) If granted, the licence bears standard conditions, including an obligation to report fully on the work and to comply with the requirements of the National Museum regarding the disposal of objects. Importantly, future applications may be refused if the conditions of previous licences are not fulfilled.

New-found economic prosperity in Ireland has generated an increase in the demand for archaeological services by developers. In tandem with this, stronger archaeological protections have been implemented in the planning system. The result has been a remarkable increase in the demand for excavation licences. Ten years ago, in 1992, the total number of licences issued was 193. That was greeted as 'a huge jump' from previous decades (Bennett 1993, iii), but it pales in comparison with the present year, when it already seems likely that at least 1500 licences will be issued. Unsurprisingly, there is a current shortage of eligible licensees. This can delay developments and cause non-competitiveness in the market for archaeological services. A secondary casualty here is reporting. Some licensed excavation directors are simply too busy digging new sites to bring their previous projects to publication.

Benefits of the system can be summed up in two words: information and accountability. The State can know at any time, for instance, the extent of intrusive archaeological work being conducted in any and all parts of the country and the extent of any backlog in reporting. It can query the reasons why some types of site or monument are prevalent or

absent in the excavation record, or quantify the number of test-excavations that proceed to full excavation or, alternatively, to avoidance.

Overall, although its outcomes are less than perfect, the licensing system offers a large incentive to all concerned to strive for good fieldwork, early analysis and full reporting. Through the interview and application procedures it ensures strong communication from the outset between senior fieldworkers and the regulatory authority.

Further information on archaeological licensing is available in *Policy and Guidelines on Archaeological Excavation* (DAHGI 1999b) or from the archaeological licensing section at Dúchas the Heritage Service. (The licensing section forms part of the National Monuments & Historic Properties Division of Dúchas and their address at the time of writing is Dún Scéine, Harcourt Lane, Dublin 2.) For a summary of Irish heritage legislation with special reference to road construction see S Kirwan's paper in this proceedings.