

Archaeologists Sound the Alarm:

THE STATE IS LOSING CONTROL OVER HISTORICAL MONUMENTS

The amendment to the Care and Protection of Monuments Act, scheduled to take effect on January 1, 2027, has met with strong opposition from the archaeological community.

Experts warn that loosening regulations on metal-detector searches poses a serious threat to Poland's non-renewable archaeological heritage. "This is not a reform; it is permission to destroy," argue scholars.

The dispute centers on an amendment to the Act of July 13, 2023, whose entry into force has already been postponed twice. The most recent target date is the beginning of 2027. The most contentious provision is

the introduction of a simplified process for reporting planned metal-detector searches via a mobile application, which would replace the current permit system administered by conservation authorities.

"A paradoxical situation will emerge: an archaeologist must still undergo a lengthy procedure in which conservation authorities verify professional qualifications, obtain the landowner's consent, and secure a museum willing to accept any finds, while a hobbyist can simply take out a phone, tap an app, and be legally allowed to search," says Jerzy Sikora, Professor at the University of Łódź. "Regardless of the authors' intentions, such a change amounts to a genuine loss of control over what happens to the state's archaeological heritage," he adds.

The Archaeology Section of the Committee on Historical Sciences of the Polish Academy of Sciences unequivocally assessed the changes as negative. The official position states that the amendment violates the constitutional principles of property protection and equality before the law, as well as the provisions of the European Convention on the Protection of the Archaeological Heritage, which obligate Poland to conduct research in a scientific and controlled manner.

Heritage That Cannot Be Restored

Archaeologists emphasize that the issue is not the seeking of artifacts itself, but the quality of the practice and its consequences. "Archaeological artifacts are the property of the state treasury. This principle has been in effect since the Second Republic of Poland," notes Prof. Marzena Szmyt from the Faculty of Archaeology at Adam Mickiewicz University. This heritage is not only priceless, but also non-renewable. Once archaeological contexts are damaged, they cannot be restored, and they contain the most valuable information." According to Prof. Szmyt, the amendment reverses the logic of protection; rather than establishing a more effective verification system, it legalizes



JERZY SIKORA

practices that often result in irreversible losses. “We cannot allow the state to stop caring for its own heritage simply because it is unable to protect it effectively,” she emphasizes.

The consequences of an uncontrolled quest for artifacts by amateurs were also highlighted by Prof. Bartosz Kontny from the University of Warsaw: “Archaeologists receive information about top-tier finds – such as Scythian mirrors, gold artifacts from the Migration Period, or medieval silver jewelry – that, instead of arriving in museums, end up disappearing through online auctions or becoming a part of private collections.” This represents a significant loss for science.

Between Hobby and Lack of Accountability

It is estimated that between several thousand and tens of thousands of detectorists are active in Poland. Some operate within associations, apply for permits, and cooperate with archaeologists. “Detectorists who operate in a lawful and responsible manner may even provide indispensable support in the field. However, the real problem is those who operate outside any form of control,” says Prof. Sikora. “It happens that objects are removed from the substrate without any documentation, and in doing so, we lose all knowledge of their archaeological context,” he adds.

– “Context is as important as the artifact itself.” An archaeologist does not simply extract an artifact from the substrate; they must also document its location, stratigraphic layer, and the context in which it was found. Every detail matters. Meanwhile, a detectorist typically neglects proper documentation, has little or no knowledge of appropriate methodology, and does not “interpret” artifacts in the field. “These are not trivial matters, as they form the foundation for reconstructing the past,” explains Prof. Kontny.

A System in Name Only

During discussions, experts repeatedly emphasized that the proposed notification system – although it sounds modern – does not actually exist. There is no application, no registry, and no supporting IT infrastructure. “And yet, the provisions of the new legislation would permit artifact seeking solely on the basis of a notification,” argues Prof. Szmyt.

The problem also relates to inadequately defined protection zones. “Historical monuments are registered based on so-called surface surveys, during which the extent of archaeological sites is determined solely from materials found on the ground surface, primarily ceramic fragments or, for example, pieces of flint. But the boundaries established in this manner are highly

approximate,” explains Prof. Sikora. “The distribution of artifacts on the surface does not always correspond to what lies beneath.”

The system envisaged by the amendment to the Monument Act is intended to protect designated sites from being penetrated by explorers, yet it will not ensure adequate protection for areas located only ten meters away, even if they are of equal archeological significance. In its current form, the Monument Act allows detectorists to report the find location themselves, thereby creating opportunities for manipulation. “If someone discovers a monument in a protected area, they can simply enter a completely different location in the application, because no verification mechanism exists,” emphasizes Prof. Bartosz Kontny.

How Does It Work Elsewhere?

Various regulatory models exist across Europe. In Greece, the use of metal detectors is prohibited. In France, it is subject to very strict control. In England, “regulations are liberal, although there are also voices of opposition from the archaeological community,” says Prof. Szmyt. “These legal solutions cannot be directly transplanted into the Polish context.” A solution suited to Polish conditions is needed, but it cannot be a permit for uncontrolled activities that lead to the destruction of cultural heritage.

The system in place on the Danish island of Bornholm is often cited as a model, where detectorists collaborate closely with museologists and report their finds immediately. On Bornholm, detectorists act as guardians of heritage: they work alongside archaeologists, record discoveries using GPS, and donate all of their finds to the museum. “But this approach works only because it operates on a local scale and is founded on mutual trust,” emphasizes Prof. Kontny.

Withdraw, Not Amend

Although the Ministry of Culture and National Heritage appointed a team to work on the new law on April 10, archaeologists are calling for an unequivocal withdrawal of the current version of the reform. “What we need is not a year and a half, but unfortunately several years to develop regulations that will protect heritage rather than dismantle it, and to establish an appropriate IT infrastructure,” argues Prof. Sikora. “We should start by strengthening the conservation authorities.” Without personnel, funding, and expertise, effective protection will not be possible.

“This amendment should not come into effect in any form. Its assumptions are in stark contrast with the public interest and the principle of preserving heritage for future generations,” summarizes Prof. Szmyt.

EDITED BY **WOJCIECH BRZEZIŃSKI**

Further reading:

Petition regarding the amendment to the Act on the Protection of Monuments: www.ratuj-zabytki.pl/