

An App, a Map, and a Reward: Promoting and Enabling Artefact Hunting in Poland.

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Under Poland's existing legislation, any intervention in the state of an ancient or historical site or monument requires a permit issued by the appropriate provincial curator of historical monuments (WKZ). This includes the use of metal detectors for searching for collectable archaeological and historical objects. Evidence suggests that at present there are as many as 30,000 artefact hunters with metal detectors likely active in Poland. As it stands, all archaeological finds ('zabytki') are considered state property and finders and landowners are obliged to surrender found artefacts, after which, they may subsequently be entitled to a discretionary reward.

The purpose of the permit is to control the exploitation of the archaeological record in a sustainable way, to keep diggers away from protected or sensitive sites, and to properly establish how sites are searched (i.e., methods, depth of digging, manner of recording location and context, etc). The applicant must provide a proposed search program, a precise map of the area to be searched showing property boundaries and the written permission of the landowner of each property to be covered. In the end, a report along with any recovered artefacts must be submitted in accordance with the conditions of the permit. The artefact hunter thus has the opportunity to engage in the work of helping protect the archaeological heritage through utilising their activities for the public good by methodically producing new information about the areas searched (a form of 'detectorist archaeology').

Despite the existence of a group of artefact hunters eager to engage lawfully in such collaborative activities, examining online activity shows that there is longstanding and widespread hostility towards archaeologists and the efforts of the conservation authorities among the Polish metal detecting community. This is because efforts to protect buried archaeology from looting places limitations on the diggings of treasure hunters and collectors. Non-compliance with legal regulations has therefore long been widespread in Poland. Most Polish artefact hunters cannot be bothered to obtain the requisite permit and see no reason to do so. About 920 permits are currently issued each year. This implies that

something like 99% of all artefact hunting in Poland is done illegally, without a permit. There is however a negligible success rate in prosecuting illegal artefact hunting. Many artefact hunters search in remote locations or deep in the forest and are difficult to catch in the act. Polish artefact hunters tend to see themselves as passionate history seekers, representing themselves as victimised and forced into illegal behaviour by an ‘unfair system’.

In recent times, politicians have seen an opportunity to gain votes by supporting this community. They had been told by lobbyists that the community consisted of 100,000 enthusiasts of Polish history (along with perhaps as many as 250-300k sympathisers). In the runup to the autumn 2023 elections, parliamentarians of the governing coalition drafted an amendment to the existing heritage protection legislation. Hastily written without consultation with archaeologists or other heritage professionals, and with no underlying feasibility study or assessment of costs, it very quickly passed from draft through minor revisions between June and August 2023. It was then quickly enacted as legislation. The new regulations, which will enter into law on May 1, 2024, have three components: an App, a Map, and a Reward.

The App

There will be a dedicated mobile application developed by the Ministry of Culture and National Heritage. This will comprise a so-called ‘Register of Searches’. Instead of applying for a permit and following its conditions, the detectorist will simply announce their intention to search. After submitting such a notification, they will be able to start digging immediately. Failure to report searches for artefacts will be a crime. The register will gather the full personal data of the artefact hunter and record a declaration that the consent of the landowner has been obtained.

The same application will also be used to report finds found during the registered search. This must be done immediately, straight from the field, sending photos and location in the app. No conditions will be placed on the searcher about how to cover the area or how deep they can dig. As yet, the manner of recording findspots on this app and the details required are not known. Nor is how the objects are to be linked with their context in the ground, in relation to each other (including those from past searches), or any surface features of the search area. The amendment does not change the existing concept of an archaeological or historical find (which is thus automatically state property) or the ownership rights to them.

Due to the imprecise definition of what a 'zabytek' is under Polish law (apart from obvious modern litter like tinfoil or metal can ring-pulls), all found artefacts must be reported.

The politicians writing this law furthermore decided (Art. 33a.2) that if "three or more items that may be suspected of being archaeological finds" are found "in an area no bigger than 100m²," this may indicate that an archaeological site is being disturbed, and the WKZ should immediately be informed and searching in that area should stop for six days to allow the WKZ to examine the site and decide whether artefact hunting can continue, or whether they should organize an archaeological excavation (in which case searching should be suspended for the duration for the 30 days the new law allows for this). The law does not define what type of artefacts are concerned (a coin, tile fragment plus a potsherd or calcined flint?), nor is it defined how said artefacts should be measured or documented.

The use of metal detectors in archaeological fieldwork will still be subject to the issue of permits as is the case at present.

The Map

A key element in the new system will be the creation, before the amendments come into force, of an online map appended to the Register of Searches. The aim of this resource is to "increase the security of cultural heritage" by allowing searchers direct access to information on where the most sensitive sites are, so they can keep off them. It will now be the citizen, not a designated official, who will be obliged to check the status of the planned search area before going into the field.

Places already excluded from amateur artefact hunting include those under several forms of conservation protection (sites and monuments entered in the Schedule of Monuments or included in other registers of monuments, plus officially recognised monuments of history and cultural parks). Another category of places where searching is forbidden are sites connected with Polish martyrology (cemeteries, former cemeteries, war graves and graves and places of execution or monuments of extermination, mostly from the twentieth century). All these categories of sites, and their boundaries will be marked on the online map and searching for artefacts with the use of electronic or technical devices is forbidden on them or within a distance of 10m from their boundaries. Anyone who does not comply will be subject to a fine, and restriction of liberty or imprisonment for up to two years.

However, sites that are visible from relatively recent LIDAR plots and satellite photos in the public domain are as yet under no formal protection at all. This map will reveal the locations of these sites to the would-be artefact hunter. Frustratingly, hard-pressed conservation services have limited time and funds to list such sites and do the relevant paperwork to bring them under protection. Nationwide, there are currently just 48 or so archaeologists employed by local authorities in the WKZ offices. They are already overworked by the number of tasks each has, by law, to undertake. In theory, artefact hunters targeting such sites and submitting a report on what they find may provide information on them, but is this what will actually happen? And if they do, how can that information be processed, disseminated, and archived? The new law does not say.

The authors of this legislation also ignore the very real danger of placing all the information about the most valuable archaeological sites on a single map accessible to members of the public through their phones. Given the number of artefact hunters that we know already consciously search in total disregard of the law (and have learned time after time that they can get away with it), inevitably this map will facilitate some of them actively targeting potentially productive sites that should be protected.

The Reward

The new law changes the existing Art. 34, which currently provides that people who *accidentally* find, secure, and report an archaeological find (also during construction or earthmoving) may be entitled to a financial reward in recognition. Rewards will now also be awarded to people who are actively searching for artefacts. Since artefacts already belong to the state, selling a find would be theft from the state. Rewards are thus not market value but, as previously specified in the regulation of 2004, up to 25 times the amount of the average monthly remuneration in the national economy in the previous calendar year (or 30 times in exceptional cases). People professionally involved in archaeological research do not receive such rewards.

The new system provides dishonest finders the possibility of using the map and mobile application to falsely announce that they found artefacts when they were searching somewhere else entirely to claim a substantial finder's fee.

Further Action

The amendment envisages a change in role of the WKZ with regard to artefact hunting. It ensures that it will no longer be possible for the Polish conservation services to influence what amateurs do to sites they search. Archaeologists are reduced to the role of passive recipients processing the results. They will now be required to continually monitor the reports of finds from each of the registered searches in real time. The new law gives the conservator just six days to inspect the finds and/or the place where they were found and perform field verification – what the law refers to as ‘remote inspection’ – using the materials documenting the find sent by the detectorists.

If it is necessary to organize archaeological research, the WKZ will have 30 days to do so before artefact hunting can resume. The law does not specify who will pay for this. The conservator will also have 30 days to send in the form of an administrative decision regarding the status of the reported artefacts, whether any of them are to be claimed by the state, and what should happen to those that are not.

Metal detectorists commonly search several different sites in the course of a year. This often depends on landuse. For example, when fields are under crop, they may visit forest sites. Many visit some sites several times annually, or even in a month, now they will be generating records on the Register as they do so. The law obliges the WKZ to examine these records, visit the remote findspots and issue opinions on them and the objects reported, adding the results to the region’s archaeological heritage records. This must all be done in a turnaround time of six days. In the current system, in most cases, the WKZ is directly involved just twice: once on processing the application, and then on receipt of the final report. This new system, to serve this minority and their exploitative hobby, will place a huge burden on archaeologists and cultural heritage conservation.

It remains to be seen over the coming months what the effects of Poland’s experiment in “citizen archaeology” will be. Will it achieve the potential that a small group of politicians envisage? Meanwhile, it is a matter for grave concern that something with such far-reaching implications was put together not only without meaningful input from the wider archaeological community, but also in direct disregard of European principles such as embodied in the Valetta Convention. It is also troubling that there seems to be a complete lack of awareness among lawmakers that archaeology is about documenting context and not merely ‘digging up old things’.