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► **To cite this version:**

Benoît Bérard. European rules, American lands: the Archaeological Heritage Protection System in the French West Indies (F.W.I.). The Archaeology of the Netherlands Antilles and Aruba, 16th Annual Meeting of the European Association of Archaeologists, Sep 2010, Den Haag, France. hal-00960161

HAL Id: hal-00960161

<https://hal.univ-antilles.fr/hal-00960161v1>

Submitted on 17 Mar 2014

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European rules, American lands

The archaeological heritage protection system in the French West Indies (F.W.I.)

By PhD Pr. Benoît Bérard¹

Introduction

The French American territories are essentially composed by: Martinique island, the Guadeloupean archipelago and the French Guyana². France had colonized those lands in the 17th century. Since that time they have been French colonies until 1946 when they became French Overseas Departments. Thus, they are supposed to be in the same legal situation than any other French metropolitan department. That includes the heritage protection legal frame.

In a certain way, as part of France, the French American departments can be considered as founding members of the European Community. Therefore, all the European conventions, including the Malta one, are applied by the way of their adaptation in the French law. The only specificity of the F.W.I. at the European level is to be part of the Outermost Regions.

The F.W.I. archaeological heritage can be roughly divided in two sets: the Amerindian sites, pre- and post-Columbian, and the colonial ones.

If, in French Guyana the Amerindian occupation starts around 7000 B.C., it only begins few centuries before Christ in Martinique and Guadeloupe³. Those indigenous occupations are essentially linked to sedentary, ceramic groups (Neolithic type). The colonial archaeology has for the moment essentially concern: military sites, the first colonial towns, churches, cemeteries and mostly colonial plantation with a specific focus since few years on slavery archaeology.

Very soon, the 10th of October I believe, the Dutch West Indies of Bonaire, St. Eustatius and Saba (B.E.S.) will become direct part of Netherlands as special municipalities. By this way

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² The French part of Saint Martin and Saint Barthelemy complete that list.

³ Earliest datations have been obtained in Saint Martin.

they will integrate the European Community likely as Outermost Regions. Thus they will have to apply the European Malta convention about archaeological heritage protection.

Therefore, with an archaeological heritage roughly identical, they will be in the same situation than the F.W.I.. That is the reason of my presence in that session about the Netherlands Antilles archaeology, even if I don't speak Dutch or Papiamentu. Professor Corinne Hofman, I want to thank her for is invitation, has considered that it might be relevant before those historical changes for the B.E.S. to take a look at the situation of the archaeological heritage protection in the F.W.I., to try to see how the people in Martinique, Guadeloupe and French Guyana have deal since now decades with rules decided thousands of kilometres away in Paris or Brussels, in places largely more economically developed and with a very different archaeological heritage. That is what I will try to do now.

About the French law

The French West Indies have, like other Antillean islands, a rich cultural heritage. Whatever the area: archaeology, architecture, industrial heritage, antiques and work of art, oral and written archives, intangible heritage the legal frame in force is exactly the same than in metropolitan France. However, the implementation of the regulation and of the institutions in charge of is application is fairly recent, their development started to be possible only after 1946 when the F.W.I. stopped to be French colonies to became officially French Overseas Departments.

All the French laws relating to cultural heritage are grouped in the Heritage Code that contains several topics such as archives, museums, archaeology and historic monuments. Some articles refer to the Penal Code, the Code of Urban Development, the Environmental Code or the Mining Code. These laws are supplemented by various decrees that define the applying conditions for different areas: preventive archaeology, INRAP⁴, advisory bodies, the content of the field reports, penal provisions, etc ...

⁴ Institut National pour la Recherche en Archéologie Préventive.

In France, the heritage laws have been created in 1913 (Historic Monuments) and 1941 (archaeology). The law on preventive archaeology is only since 2001 and is an application of the European Convention of Malta (1992).

The main principles were established in France in 1941 and reflect the idea that the archaeological heritage is a common good, even if it is confronted with the notion of private property. Thus were established: the obligation to declare discovery, the prohibition to destroy the remains, the central role of the State which is the only one who can deliver permits for excavation and the principle of the findings property by the land owner.

State structures responsible for the management of archaeology in the regions are the Regional Archaeological Services, located in the Regional Cultural Affairs Direction.

What is the archaeological heritage management history in the F.W.I. ?

The first scientific descriptions and interpretations date from the nineteenth century and concern the pre-Columbian period. Thus in 1804, General Ernouf, commander of the Guadeloupe colony, mentions the presence of "human fossils" on the Morel beach at the Moule, then Louis Guesde collects, describes and draws number of stone axes found in Guadeloupe. These axes and a cast of a petroglyph are presented at the *Exposition Universelle* in Paris in 1867. The real prehistoric researches in the F.W.I. are gradually developed between the 30's and the 60's by French and French West Indian archaeologists (RP Pinchon, Jacques. Petitjean Roget, Edgar Clerc) or North Americans ones (Bullen & Bullen, M. Mc Kusick, W. Hagg). The French West Indian researchers organized in Martinique in 1961 the first International Congress for the Lesser Antilles pre-Columbian Civilizations Study.

Aside this gradual growing of the research activities, the administrative structures in charge of cultural and archaeological heritages management have been developed fairly late in the F.W.I.. For example, the services in charge of archaeology created in 1965 in France appear in the F.W.I. only in 1972 with the appointment of E. Clerc and M. Mattioni as *Directeurs des Antiquités* in Martinique and Guadeloupe.

What is the situation in the F.W.I. since 1991?

If the organization seems to be the same in the F.W.I. than in France, the archaeology is fairly less developed. It is essentially linked with two factors: the management structure late creation and the low number of researchers.

Actors and programmed archaeology

After the *Directeurs des Antiquités* period, which had no operational capacities, the State sets up Archaeological Regional Services in Martinique (1991) and Guadeloupe (1992). Since 1993, real small teams of 4 to 5 state agents are in place in these two regions. However, until 2001, the other local actor activity remain very low: one archaeologist at the Regional Council of Guadeloupe, two Curators for the two museums, and only two associations are quite active: Ouacabou in Martinique and the Hope Estate Archaeological Association in St. Martin. The last actor is the *Université des Antilles et de la Guyane*, with, since 1997, the appointment of an assistant professor in Caribbean archaeology which became an associate professor position in 2006. Thus, the main activities of the Regional Archaeological Services are: first, to establish the archaeological map of the territories (in France the tool is national, this is a database coupled with a G.I.S. The number of registered sites is around 3000 in Guadeloupe and 1000 in Martinique), second to organize and control the preventive archaeology and third to invite external researchers to come operate programmed archaeology on the F.W.I..

Concerning that last point, two ways have been explored. The first is to activate national links and to invite French archaeologist to come to work. Sadly, Caribbean archaeology more or less does not exist in French universities and research institutions. Therefore, the French archaeologist who came to work in Martinique and Guadeloupe were essentially European archaeology specialists who have all to learn about the local context. Thus, this first strategy can be really efficient only if those researchers do not come for one shot but with a long-term investment project.

The second way is to try to attract Caribbean archaeology specialists from other European or North American countries. That is not without difficulties linked to the language problem and to the differences existing between the various archaeological practice traditions. But, from the scientific point of view, this is definitively a good strategy. The important works realized by the Leiden University team in Guadeloupe or by Louis Allaire in Martinique are the perfect examples of the benefits that can be obtained by this way.

However, if the use of external researchers is scientifically essential, it cannot socially be a valid substitute to the presence of strong local actors for popular education and to increase the level of involvement of the population. Those two elements are essential to insure a long-term protection of the archaeological heritage and to answer to the major identity questions existing nowadays in the West Indian society. And, even at the scientific level that is crucial to maintain research continuity and define a real research politic.

Preventive archaeology

The major change in the F.W.I. archaeology during the last decade has been aside the programmed archaeology, the preventive archaeology development. Preventive archaeology include several components that must work together:

Upstream, the state services installed in the region must be informed of development projects potentially threatening the archaeological heritage. In cases where the Regional Archaeological Service believes that the archaeological heritage is threatened, it emits an order requiring to the developer an archaeological diagnosis operation to evaluate the site archaeological potential. If interesting archaeological remains are discovered, the Regional Archaeological Service may impose an archaeological excavation before the project. The Regional Archaeological Service monitors the realization of this archaeological operation.

Accredited bodies conducted the archaeological operations; in France most of them are specialized in this activity and are not directly linked with the academic research world. The most important is the National Institute of Preventive Archaeological Research, the others, currently more than sixty, are either local communities archaeological services or private companies. Diagnoses are funded by a national fund fed by a tax on the most important development projects. This national fund guaranty to the F.W.I. an operating reserve they would not have benefited if the funding has been exclusively local. Developers directly paid the excavations, except in some particular case (private houses, social housing projects).

Preventive archaeology in the F.W.I.

Gradually the preventive archaeology takes place in the F.W.I.. At first the development projects concern were few public projects conducted by actors sensitized to such research. Then around 2000-2001 held the first major operations: one on a housing project at *Oriental Bay* in St. Martin and the other on the Capesterre-Belle-Eau road deviation in Guadeloupe. These two operations were a real scientific success, demonstrating that preventive archaeology can be a major contribution to Caribbean archaeology and confirming the Regional Archaeological Services in pursuing their action.

By 2001, the developments of the preventive archaeology in the two regions (Martinique and Guadeloupe) start to be slightly different: The Guadeloupean archaeological administration, better scientifically staffed and with a director who chooses preventive archaeology as priority action, quickly put up a very effective referral system, which leads more and more requests for permits to the Regional Archaeological Service. The application process is also facilitated by the use of an operational GIS. For example, in Guadeloupe between 2005 and 2008, 100 ha/year of archaeological diagnoses and 1,5 ha/year of preventive archaeology excavations have been realized.

The National Institute for Preventive Archaeology Research staff who conducts those preventive archaeology operations has now a six people staff for the F.W.I. However, it's still not enough. The result is a fairly important delay imposed to the developers, sometimes more than one year before the realization of a diagnosis. This situation creates important relationship problems between the archaeology actors and the developers, more embarrassed by those delays than by the price of the excavation. The National Institute for Preventive Archaeology Research needs frequently to call for reinforcements of archaeologists from France to try to reduce this delay. Sadly, those archaeologists are again European archaeology specialists. If they have a high qualification level to do the fieldwork, that considerably limits their scientific contribution. Another negative point of this situation, is a difficulty to diffuse those research results, the INRAP agents have been too much monopolized by fieldwork. This problem is visible at the scientific publication level than at the level of the diffusion for local people. However, it can be considered as youth defects of a discipline still emerging in the F.W.I..

The analysis of the preventive archaeology scientific results in the F.W.I., show numerous positive aspects. The more important one is that the archaeological richness of the F.W.I.

underground is highly more considerable than what has been supposed before: the rate of positive diagnosis is up to 70%. The preventive archaeology operations have permitted to find original sites like: archaic coastal sites, inland ceramic sites or pre-Columbian agricultural fields. The site findings multiplication is highly useful for all the settlement pattern studies. On another hand, the great quantity of remains coming from preventive archaeology operation analysis support typological database creation. Colonial heritage also benefits of this process with important findings of slave villages and cemeteries largely understudied for the moment.

Conclusions and perspectives

After a delayed heritage management structures development in comparisons with France, nowadays the F.W.I. benefits more or less of the French national heritage protection system. This system is characterized by a strong State control of the archaeological heritage. This system has a lot of advantages and ensures a fairly high level of preservation. However, its application in the F.W.I. knows a few difficulties. Indeed, the politics are decided at a national level essentially in relation with the French situation and are not always suitable with the F.W.I. specificity. For the future, the development of an Antillean centred reflection appears to be highly necessary. Another element is the poor level of interest of the French West Indian people for those questions of archaeological heritage preservation. This last point is without doubt directly linked to the first one. The lack of a locally decided politics largely contributes to this disinterestedness.

However, the situation will certainly change in the future. Indeed, the actual French politics is characterized by a progressive State disengagement, which transfers his responsibility to the local politics structures. If this transfer does not affect the quality of the protection (and the funding question is like often the crucial one), it can be an exciting challenge. It will need the development of a local reflection, which will necessarily more implicate the French West Indian population. Our capacity to realize this transfer in good condition is the great challenge for the next years in the field of cultural resource management in general and of archaeological heritage preservation specifically.