

Règlement interne de l'Institute of Field Archaeologists (l'Institut des Archéologues de Terrain, ndt) Code de régulation des dispositions contractuelles dans l'archéologie de terrain
Version revue, Septembre 2002

Ce Code se pose comme guide de référence pour les archéologues au sujet de conduites professionnelles à adopter dans des situations où des projets archéologiques sponsorisés ou rattachés à des commissions sont menés à bien sur une base contractuelle, en particulier dans le cadre d'un développement contrôlé par le processus de planification desdits projets. Il s'appuie sur les cinq principes déjà énumérés par le Code de conduite de l'Institut. Ces principes sont:

1. L'archéologue se doit d'adhérer aux standards les plus dignes du comportement éthique et responsable dans la mise en pratique de ses tâches professionnelles.
2. L'archéologue a une responsabilité dans la conservation de l'héritage archéologique.
3. L'archéologue doit mener son travail à bien de telle façon à ce que de l'information digne de confiance sur le passé soit acquise, et s'assurer de l'enregistrement adéquat des résultats.
4. L'archéologue a la responsabilité de rendre ses résultats disponibles dans un délai raisonnable.
5. L'archéologue se doit de tenir compte des requêtes des employés, collègues et collaborateurs du projet en ce qui concerne les conditions d'embauche, ce qui inclut le développement de la carrière, la santé et la sécurité, les termes et les conditions d'embauche et d'égalité des opportunités.

La possibilité d'arrangements adaptés aux modes d'organisation locale est reconnue dans la mise en pratique de l'archéologie de terrain et des procédés qui lui sont associés; ces derniers sont par ailleurs sujets à évolution. Dans plusieurs domaines, certains projets sont pris en charge par un seul corps intégral, dans d'autres organisations, ils coexistent harmonieusement, tandis que dans un troisième cas, un cadre plus compétitif s'impose. Ce Code de régulation d'arrangements contractuels dans l'archéologie de terrain n'est pas une tentative de promouvoir un quelconque système d'organisation pour obtenir ou mener un bien un projet archéologique. Il s'agit plutôt d'englober tout les projets, aussi bien dans le cas où ceux-ci sont pris en charge par des autorités locales, le gouvernement central, des universités, des musées, des corporations indépendantes ou des compagnies privées.

Le Code traite des questions d'intérêt actuelles. Il se pose comme référence de la conduite professionnelle, où plus d'une personne ou organisation est bien souvent amenée à entrer en concurrence pour le même emploi. Il cherche à assurer les termes et les conditions de travail, de façon à ce que tout projet pris en charge par une tierce personne soit clairement défini, en général sous contrat. Il exige des membres de l'Institut engagés dans des commissions de travail, une déclaration d'intérêts ainsi que la mise en place de programmes de travail. Il a pour but de rappeler à tous les archéologues, quel que soit leur rôle dans un projet déterminé, le besoin de présenter un dossier solide ainsi que de définir les spécificités des tâches à effectuer, dans le cadre de standards techniques et académiques.

Le *Code de régulation des dispositions contractuelles dans l'archéologie de terrain* signale les standards généraux de la conduite professionnelle auxquels les membres de l'Institut et les organisations sont tenus d'adhérer au moment d'élaborer une offre, de la prendre en considération ou d'envisager un projet d'archéologie de terrain sous contrat. Tout membre qui enfreint les normes de conduite établies dans le Code sera jugé coupable par un corps de

conduite impartiale de l'Institut, et sera ou réprimandé, ou suspendu, ou expulsé. L'Institut publie de temps à autres des standards et guides de référence pour le développement des projets d'archéologie, ainsi que sur sa propre politique. Tous les membres sont tenus de respecter ces standards, ces documents de référence et cette politique, dans l'intérêt d'une bonne pratique professionnelle; une liste complète des documents des standards, des guides de référence et de la politique de l'IFA (Institut des Archéologues de Terrain, ndt) publiés à ce jour se trouvent dans la section «Pour aller plus loin» en annexe du Code.

Ce Code de régulation des dispositions contractuelles dans l'archéologie de terrain a été officiellement ratifié et adopté en tant que règlement interne de l'Institut à l'Assemblée Générale Annuelle tenue le 17 septembre 1990, et amendé comme Résolution Ordinaire au cours des Assemblées Générales Annuelles des 17 Septembre 1993, 14 Octobre 1994, 22 Septembre 1995, 10 Septembre 1997, 17 Septembre 1998 et 7 Septembre 2000. Sa lecture est complémentaire à celles du Mémoire et Articles de l'Association, ainsi que du Code de Conduite, des réglementations disciplinaires, des documents standards et de référence (règlement interne figurant dans l'article 44, rattaché à la troisième clause du Mémoire).

General

1 An archaeologist must act with integrity, within the law of the land, and in accordance with the Institute's Code of conduct at all times, and encourage others, whether individuals or organisations, to do likewise.

2 An archaeologist's primary responsibility is to safeguard the archaeological resource and to seek preservation in situ as the first option. All archaeologists thus have a curatorial role whether, in respect of any particular arrangements for preservation or recording, they act as curator¹, contractor or consultant.

3 An archaeologist shall not put at risk any archaeological resource purely for commercial reward.

4 An archaeologist who is in breach of the Institute's Code of conduct opens himself/herself to disciplinary action through the Institute's Disciplinary regulations.

On information requirements for decision making

5 An archaeologist should only make a recommendation or decision on the future of primary archaeological evidence if he/she has adequate information to reach an informed judgement. He/she should provide advice on appropriate steps to acquire such a level of information, including, if necessary, the need for further assessment.

6 An archaeologist must ensure that those initiating, sponsoring or commissioning recording action understand their responsibility not only for the acquisition of data in the field but also for the processing and analysis of the data and finds, appropriate scientific analysis, synthesis,

appropriate dissemination of the results, long-term security of the archive and conservation and storage of the finds, together with the appropriate financial provision.

7 An archaeologist will at an early stage seek instruction on the ownership and future of the project records and cultural material produced by archaeological work in order to ensure the necessary close working relationship with the designated repository.

8 An archaeologist has a responsibility to ensure that in cases of funding from several sources, the combined funds will enable him/her to discharge his/her full obligations against an agreed scope of works.

On the adequacy of a brief and the competence of an archaeologist to undertake it

9 An archaeologist should not seek to undertake work where insufficient information is available to formulate a brief² specification and costing.

10 An archaeologist may advertise his/her services but must ensure that the services offered are consistent with the Code of conduct and that claims of competence match the task in hand.

11 An archaeologist shall not offer, recommend the offer of, or accept a contract of work unless he/she is satisfied that the work can be satisfactorily discharged. The archaeologist undertaking the work should have the requisite qualifications, expertise and experience and be able to meet the projected timescale.

12 An archaeologist involved in commissioning or undertaking works will satisfy himself/herself that the scope of any agreed brief or specification is adequate for the declared purpose, conforms with accepted academic standards and does not needlessly place the resource at risk.

On the nature of contractual arrangements

13 An archaeologist involved in seeking tenders must endeavour to ensure that all potential contractors consider the same brief, are provided with the same information regarding the criteria for selection, form of tender and deadline, and are clearly notified of the selection procedures and who will select tenders. An archaeologist must treat each such tender as a confidential document unless otherwise specified and the contents of the tender must not be divulged to other tenderers prior to the selection of a contractor.

14 An archaeologist shall not select a contractor or recommend a contractor for selection on the basis of price alone. Having satisfied himself/herself that competitors are adequately qualified and are available to undertake the specified work, an archaeologist will select or recommend for selection from competing tenders those which: meet the brief; are least damaging to the resource; are the most comprehensive; and are the most cost effective.

15 An archaeologist, before offering or accepting a contract for work or recommending the same, will define beyond reasonable doubt the terms of the service, the allocation of

responsibilities and any limitation of liability, the method of calculation of remuneration, and the provision for variation or termination.

16 For the avoidance of doubt, an archaeologist should evidence in writing all offers, agreements and declarations; otherwise the archaeologist's position may be weakened if subsequently his/her integrity is in question.

On the standards of execution and monitoring of archaeological work

17 In addition to self regulation an archaeologist must make provision for the relevant curator or his/her agent to monitor work to ensure that it is satisfactorily undertaken and conforms with the brief and specification.

18 An archaeologist monitoring archaeological work should draw to the attention of a contractor, his client and other directly involved parties, at the earliest opportunity, work which conflicts with the brief or specification. Where this threatens to breach the Institute's Code of conduct it should be brought to the attention of the relevant parties and IFA.

19 An archaeologist involved in commissioning or undertaking works should ensure that a comprehensive and fully integrated archive consisting of project records and cultural material in a permanently accessible form is deposited in a designated repository within a reasonable time of the completion of the works.

20 An archaeologist will seek to ensure the prompt dissemination of all work in accordance with IFA's Code of conduct.

On the regulation of contingency

21 An archaeologist must ensure that all parties to contractual arrangements are aware of the unpredictable nature of buried archaeological evidence and should seek to make appropriate contingency arrangements.

On the declaration of interests

22 An archaeologist whose professional responsibilities combine recommendations about preservation and recording with its execution must clearly indicate the combination of these interests to all relevant parties in order that any potential conflicts of interest can be clearly identified. So as to avoid unfair accusations of commercial advantage, an archaeologist should not normally hold such joint responsibilities. If, at any time during the life of the project, circumstances change so that an archaeologist holds joint responsibilities, this must be notified to all interested parties without delay.

23 An archaeologist will declare to other parties within a contractual arrangement any other relevant business interests, and will execute the contract faithfully, conscientiously, fairly and without inducements to show favour.

24 An archaeologist should exercise caution in undertaking, for different organisations, a series of contracts relating to a single site or monument where conflicts of interest may arise.

On obligations to other parties

25 An archaeologist embarking upon fieldwork will secure the permission of the landowner and tenant as appropriate, and of any others with rights or responsibilities for the land and its safekeeping.

26 The need for early assessments of the nature and extent of archaeological deposits is recognised and encouraged. It is in the best interests of any commissioner of archaeological work, and for the finite archaeological resource, to ensure that the brief and specification for fieldwork affecting the primary archaeological resource accords with the requirements of the planning or other relevant authority. To ensure a brief or specification fit for the purpose, the archaeologist carrying out fieldwork shall consult the planning or other authority as appropriate regarding what is proposed, and seek agreement to the proposal. The archaeologist must make provision for the relevant authority or his/her agent to monitor the work to ensure that it is satisfactorily undertaken and conforms to the brief and specification.

27 An archaeologist must respect confidentiality, but should allow access to primary archaeological records within a reasonable time (normally six months).

28 At all times confidentiality must be maintained and all documents intended for limited circulation and use, and so indicated, must only be used for their specified purpose.

1. A curator is here regarded as a person or organisation responsible for the conservation and management of archaeological evidence by virtue of official or statutory duties.

2. A brief here means a framework for a project; a specification means a detailed statement of the necessary works associated with the undertaking of a particular project; both are normally prepared by or agreed with the relevant curator.