



# **THE PROBLEM OF FORGOTTEN SITES: WHAT TO DO WITH NEW MONUMENTS? A CASE-STUDY OF LONG-KNOWN BUT LEFT BEHIND SITES FROM IDA-VIRUMAA**

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## **INTRODUCTION**

During the years 2003–2010<sup>1</sup> the Estonian Minister of Culture officially designated only 83 different new archaeological sites as cultural monuments. 33 of them consisted of underwater heritage, mainly shipwrecks. Accordingly, less than 6 new on-land monuments per year were included in the national list of monuments. At the same time, during field surveys in 2002–2009<sup>2</sup> the number of new archaeological sites as published in *Archaeological Fieldwork in Estonia* sums up 534. A simple calculation shows that ca. 10% of the discovered sites eventually qualify as officially and legally protected monuments of the Estonian cultural heritage. As the national register of cultural heritage includes at present (01.04.2012) 6624 protected archaeological monuments, the yearly ‘growth’ of designated monuments is marginal – less than 0.1%. What happens to the other sites? Are they just forgotten and cast aside or do they find another way to be known and preserved as part of our common heritage and collective memory?

The article aims to give some insight into the process of designation of archaeological monuments, and to evoke general discussion over the problems involved. In order to discuss the reasons of the situation at hand, we need to explore what has happened during the last decade, and how exactly do these newly discovered sites become archaeological monuments. Why is it so difficult and time-costly to get the sites listed and protected by legislation?

To show things in perspective, a short overview of new archaeological sites and designated monuments from 2002–2010 is given. The overview should characterize the current situation in Estonian archaeology, especially the relations between scientific-driven field surveys and heritage management as practiced by the National Heritage Board. Another circle of problems is the legislative side, and communication between the National Heritage Board and the Ministry of Culture. In addition to the above mentioned parties interested in the protection of archaeological heritage, we also have to consider landowners and stake-holders, whose main interests and concerns lie with

<sup>1</sup> 2000–2002 no archaeological sites were designated as monuments.

<sup>2</sup> The one year difference in comparison is left in intentionally for covering the period for legal procedures.



Fig. 1. "There might be something beneath..." A stone turned upside-down during the reconstruction of Kohtla-Järve – Jõhvi road.

Jn 1. „Äkki seal all on midagi..." Kohtla-Järve – Jõhvi maantee rekonstrueerimise käigus ümber keeratud kivi.

Photo / Foto: Martti Veldi

the value and development of the land, and not primarily its heritage.

The analysis is based on the lists of new archaeological sites published in the volumes of *Archaeological Fieldwork in Estonia* in 2002–2009 (Konsa & Ots 2003; 2004; 2005; 2006; 2007; 2008; 2009; 2010), and the directives for designating new monuments issued by the Minister of Culture in the official publication of Estonian legislation *Riigi Teataja* and its supplements (RTL 2003, 43, 641; RTL 2004, 77, 1252; RTL 2004, 152, 2302; RTL 2005, 93, 1423; RTL 2006, 92, 1720; RTL 2006, 53, 980; RTL 2007, 29, 533; RTL 2008, 22, 354; RTL 2010, 8, 159). Also transcripts of the Heritage Conservation Advisory Panel from the years under discussion have been looked into. Finally, the paper is illustrated by a case study of long-forgotten and newly discovered cup-marked stones in Ida-Virumaa, based on the results of landscape surveys in spring 2011 (Fig. 1).

### NEW ARCHAEOLOGY MONUMENTS DESIGNATED IN 2003–2010

In the light of different ideological regimes and land ownership politics the designation of archaeological monuments seemed to be much easier during the Soviet times, when the land was owned by everybody and by nobody at the same time. The times of collective farming, and also the need to preserve archaeological sites as part of Estonian identity, were the two main reasons for searching and proposing new sites as protected heritage. For example, the first Conservation Act was passed in 1925 and in 1936 the number of listed archaeological sites was 1327. By the end of the 1960s the number had risen to 1976, in 1985 the count was already 5477, and 20 years later the number of protected monuments was 6559 (Tvauri 2006).

During the first decade of the 2000s, 83 new archaeological sites were designated as cultural heritage, including 33 objects of underwater heritage. It has to be said that in 2000, 2001, 2002, but also later in 2009 no archaeological sites were listed as cultural heritage, in 2010 only 5 sites of underwater heritage were listed. The cross-section of the 50 listed sites (Table 1) shows that the spectrum of sites is fairly simple and does not comprehensively represent the variety of archaeological sites found in Estonia (see Table 3). For example, the list does not include any hill forts, though, during the past ten years several have been found, and proposed to the National Heritage Board (e.g. Truuta, Keava Võnnumägi, Kaloga Jaanimägi) to include them in the national register of monuments. Also the number of natural sacred places is surprisingly low, considering the public interest and the activity

Table 1. Archaeological monuments designated in 2003–2010.

Tabel 1. Aastatel 2003–2010 kaitse alla võetud arheoloogiamälestised.

Compiled by / Koostanud: Martti Veldi

| <i>Monuments/<br/>Muistised</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>Total/<br/>Kokku</i> |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------------------|
| Settlement sites                | 6           | 4           | 1           | 4           | 8           | 10          | –           | –           | 33                      |
| Stone graves                    | 1           | –           | 2           | 2           | –           | 1           | –           | –           | 6                       |
| Other burial places             | –           | –           | –           | 1           | 1           | 1           | –           | –           | 3                       |
| Fossil Fields                   | 2           | –           | 1           | –           | –           | –           | –           | –           | 3                       |
| Cup-marked stones               | 1           | –           | –           | 1           | –           | –           | –           | –           | 2                       |
| Hill forts                      | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Natural sacred places           | –           | 1           | –           | –           | –           | –           | –           | –           | 1                       |
| Underwater                      | –           | –           | –           | 8           | 20          | –           | –           | 5           | 33                      |
| Other sites                     | –           | –           | –           | –           | 1           | 1           | –           | –           | 2                       |
| <b>Total/Kokku</b>              | <b>10</b>   | <b>5</b>    | <b>4</b>    | <b>16</b>   | <b>30</b>   | <b>13</b>   | <b>–</b>    | <b>5</b>    | <b>83</b>               |

Table 2. Designation of archaeological monuments by counties 2003–2010.

Tabel 2. Aastatel 2003–2010 kaitse alla võetud muistised maakonniti.

Compiled by / Koostanud: Martti Veldi

| <i>Monuments/<br/>Muistised</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>Total/<br/>Kokku</i> |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------------------|
| Harjumaa                        | 4           | –           | 4           | 5           | 9           | –           | –           | –           | 22                      |
| Lääne-Virumaa                   | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Ida-Virumaa                     | –           | 1           | –           | –           | –           | 1           | –           | –           | 2                       |
| Hiiumaa                         | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Saaremaa                        | –           | –           | –           | –           | –           | 8           | –           | –           | 8                       |
| Läänemaa                        | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Raplamaa                        | –           | 1           | –           | 1           | –           | –           | –           | –           | 2                       |
| Järvamaa                        | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Pärnumaa                        | 3           | –           | –           | 1           | –           | 3           | –           | –           | 7                       |
| Viljandimaa                     | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Tartumaa                        | –           | 1           | –           | 2           | –           | –           | –           | –           | 3                       |
| Jõgevamaa                       | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Valgamaa                        | –           | –           | –           | –           | –           | 1           | –           | –           | 1                       |
| Põlvamaa                        | 2           | –           | –           | –           | –           | –           | –           | –           | 2                       |
| Võrumaa                         | 1           | 2           | –           | –           | –           | –           | –           | –           | 3                       |
| Underwater                      | –           | –           | –           | 8           | 20          | –           | –           | 5           | 33                      |
| <b>Total/Kokku</b>              | <b>10</b>   | <b>5</b>    | <b>4</b>    | <b>17</b>   | <b>29</b>   | <b>13</b>   | <b>–</b>    | <b>5</b>    | <b>83</b>               |

Table 3. New sites discovered in 2002–2009.

Tabel 3. Aastatel 2002–2009 avastatud uued muistised.

Compiled by / Koostanud: Martti Veldi

| <i>New sites/<br/>Uued muistised</i> | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>Total/<br/>Kokku</i> |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------------------|
| Settlement sites                     | 49          | 66          | 39          | 44          | 44          | 64          | 57          | 23          | 386                     |
| Stone graves                         | 3           | 3           | –           | 3           | 3           | 2           | –           | 1           | 15                      |
| Other burial places                  | 1           | 2           | 4           | 4           | –           | 4           | 9           | 1           | 25                      |
| Fossil Fields                        | 2           | 2           | 2           | 1           | –           | 1           | –           | 1           | 9                       |
| Cup-marked stones                    | 4           | 3           | 2           | 4           | –           | 6           | –           | –           | 19                      |
| Hill forts                           | 1           | –           | 2           | –           | –           | –           | 1           | –           | 4                       |
| Natural sacred places                | –           | –           | 1           | –           | –           | 2           | –           | –           | 3                       |
| Underwater                           | –           | –           | –           | –           | –           | –           | –           | –           | –                       |
| Other sites                          | 15          | 7           | 9           | 4           | 13          | –           | 9           | 16          | 73                      |
| <b>Total/Kokku</b>                   | <b>75</b>   | <b>83</b>   | <b>59</b>   | <b>60</b>   | <b>60</b>   | <b>79</b>   | <b>76</b>   | <b>42</b>   | <b>534</b>              |

of the Centre of Natural Holy Places founded at the University of Tartu. The single example is Paluküla Hiiemägi from 2004, which was in the hot-spot of media and evoked large-scale discussions over the values and protection of natural sacred places threatened by landscape developments. The case of Paluküla proceeded to the European Court and is currently pending for the verdict.

There is also a certain tendency for having a soft-spot for protecting Stone Age settlement sites (e.g. Sindi-Lodja I, II, III; Veibri, Tamula II, Vagula I, Ihaste II, Lemsi, Kahala, Mustametsa), and settlement sites in Harjumaa mentioned in *Liber Censur Daniae (LCD)* recorded in 1241 (e.g. Maardu, Alansi II, Haljava, Kiia, Kahala, Uuri). It is fairly obvious that motivation for designating the latter mentioned sites was either direct threat from (sub)urban planning or metal detector looting, especially for the villages mentioned in *LCD*. The fossil fields in Loo and Muraste were also taken under protection in 2003 in relation to hazardous planning activities. Real progression was made in protecting underwater heritage. In 2006, 2007 and 2010 altogether 33 shipwrecks were designated as underwater archaeological monuments. This positive development is obviously due to a recently created specialist position at the National Heritage Board.

Looking at the geographical distribution of the sites (Table 2), we can see that Harjumaa leads the table with 22 places, second comes Saaremaa with 8 sites (actually one survey trip to the island of Ruhnu), followed by Pärnumaa with 7 sites (three of them from the island of Kihnu). The rest of the counties have three or less designated monuments during these ten years. From Hiiumaa, Lääne-Virumaa, Läänemaa and Jõgevamaa no new sites have been proposed. These numbers are quite astonishing compared to the lists published every year in the volumes of *Archaeological Fieldwork in Estonia*.

In 2006 the National Heritage Board shifted the focus from registering new sites to enlarging the protection zones of already designated monuments. For example, from the transcript of the Heritage Conservation Advisory Panel of 28.03.2006 we can read that it was proposed to widen the protection zones of 216 archaeology monuments. At the moment the National Heritage Board is concentrating on designating boundaries to areal sites (settlement sites, hill forts and burial grounds, natural sacred places), which previously were just point-objects on the map. Considering that still one third of protected monuments have no borders designated, it seems natural that instead of setting legal protection over new monuments the legal matters of previous ones need to be resolved. Considering the previous passivity, an outstanding effort was made on 24.03.2011 when on behalf of the National Heritage Board the Heritage Conservation Advisory Panel proposed 35 new archaeological sites for designation as protected monuments (transcript of the Advisory Panel nr 2011/2). These sites have been discovered over a span of the last decade, and represent some of the most significant archaeological sites (Stone Age settlement sites, Bronze and Iron Age stone graves, hill forts, and natural sacred places) that can be found in Estonia. More than a year later (01.04.2012) the Minister of Culture has still not signed the directive, leaving these sites without any legal protection. What is the reason for such a delay? Is this because of possible errors in proceedings or is it the normal time which is needed?

**NEWLY DISCOVERED SITES 2002–2009**

During 2002–2009 altogether 534 new archaeological sites were reported to different institutions dealing with Estonian archaeological record (Table 3). In a span of 8 years, this constitutes annually more than 66 new sites, the highest being in 2003 with 83, and the lowest in 2009 with only 42 newly discovered sites. When comparing the geographical coverage of Estonia (Table 4), the overall picture of newly discovered sites is somewhat better than with the designated sites: there are at least some new sites in almost every county. Only from the island of Hiiumaa no new sites have been reported during these years. The most extensive survey work has been carried out in South Estonia, with Võrumaa, Tartumaa and Põlvamaa being in the top three, each with more than 60 sites. The three counties with the smallest number of new discovered archaeological sites at the end of the table are Saaremaa, Jõgevamaa, and Ida-Virumaa. The rest of Estonia is covered fairly evenly. Most of the surveys conducted can be related to the two main research centres of archaeology – Tartu and Tallinn. The higher numbers in different years in different counties can be explained by certain research projects or individual interests of archaeologists.

Table 4. New sites discovered in 2002–2009 by counties.

Tabel 4. Aastatel 2002–2009 avastatud uued muistised maakonniti.

Compiled by / Koostanud: Martti Veldi

| <i>New sites /<br/>Uued muistised</i> | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>Total /<br/>Kokku</i> |
|---------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------------------|
| Harjumaa                              | 7           | 14          | 6           | 8           | 6           | 5           | 5           | 1           | 52                       |
| Lääne-Virumaa                         | 6           | 2           | 10          | 1           | 2           | 1           | 1           | 1           | 24                       |
| Ida-Virumaa                           | –           | –           | 2           | 4           | –           | 2           | 7           | 1           | 16                       |
| Hiiumaa                               | –           | –           | –           | –           | –           | –           | –           | –           | –                        |
| Saaremaa                              | –           | –           | –           | 2           | –           | –           | 2           | 3           | 7                        |
| Läänemaa                              | 6           | 3           | 5           | 1           | 4           | –           | 1           | 1           | 21                       |
| Raplamaa                              | 15          | 2           | 7           | 1           | –           | 3           | 1           | 2           | 31                       |
| Järvamaa                              | 2           | 4           | 3           | 2           | 1           | 2           | 5           | 3           | 22                       |
| Pärnumaa                              | 2           | 4           | 2           | 5           | –           | 22          | 11          | 7           | 53                       |
| Viljandimaa                           | 5           | 25          | 9           | 9           | 2           | –           | –           | –           | 50                       |
| Tartumaa                              | 14          | 16          | 6           | 4           | 5           | 12          | 15          | 3           | 75                       |
| Jõgevamaa                             | –           | 3           | –           | 1           | 3           | –           | –           | 4           | 11                       |
| Valgamaa                              | 13          | 7           | 2           | 4           | –           | 3           | 2           | 2           | 33                       |
| Põlvamaa                              | 1           | –           | 2           | 7           | 14          | 10          | 22          | 4           | 60                       |
| Võrumaa                               | 4           | 3           | 5           | 11          | 23          | 19          | 4           | 10          | 79                       |
| Under water                           | –           | –           | –           | –           | –           | –           | –           | –           | –                        |
| <b>Total / Kokku</b>                  | <b>75</b>   | <b>83</b>   | <b>59</b>   | <b>60</b>   | <b>60</b>   | <b>79</b>   | <b>76</b>   | <b>42</b>   | <b>534</b>               |

**THE PROCESS OF MONUMENT DESIGNATION**

The designation of monuments is regulated by chapter three of the Conservation Act. In principle there are only two types of legal protection – temporary and permanent. According to § 11 of the Conservation Act (RT I 2011, 8), temporary protection can be applied directly by the National Heritage Board without confirmation from the Cultural Ministry, and it expires in six months. The aim of temporary protection is to determine during the following six months the need to designate the site as a cultural monument. In these six months all relevant analyses and expertises to prove or dismiss cultural values of the site should be conducted. During the time the same rights,

obligations and restrictions apply for the owner of the site of permanent protection as for an owner of a monument with temporary one.

§ 12 of the Conservation Act deals with the legislation of designation as monument and also with revocation of designation. Both, designation and revocation of designation are concluded by a directive of the Minister of Culture based on the expert assessment of the National Heritage Board and a proposal from the Heritage Conservation Advisory Panel. An important point is that the owner of the site under discussion, and the local municipality must have been previously introduced to the expert assessments, and also to the proposal from the Advisory Panel. The later amendments in the details of a designated monument, like its name, composition and boundaries, can only be applied by a directive of the Minister of Culture based on the expert assessment and a proposal of the National Heritage Board.

After designation the monuments have to be entered into the national register of cultural monuments (<http://register.muinas.ee>), their locations and protected zones recorded in the land cadastre. Underwater monuments are marked on navigational charts in co-operation between the Maritime Administration and the National Heritage Board (§ 13).

To summarise the procedure: 1) a new site is found; 2) application to the National Heritage Board by the founder or interested party for designation is submitted; 3) the National Heritage Board enters the site to the register as unlisted or takes the site under temporary protection for six months if needed; 4) the National Heritage Board orders expert assessments; 5) the National Heritage Board proposes the site to the Heritage Conservation Advisory Panel; 6) the Panel proposes the site to the Ministry of Culture; 7) with a directive of the Minister of Culture the site is designated as a monument.

This is how it works in theory, and as it can be assumed in practice these seven steps can be unexpectedly time consuming. Another problem is that most of the academic archaeologists have little knowledge of the official legal procedure. However, even if all the proper documentation is provided, and the cultural value of the site is defined, very few of the sites will finally become a monument protected by the law. That brings the scepticism towards the whole process as all of the preparation of necessary documents seems to be useless. Another question is of course, whether all of these sites should be under legal protection at all?

As a solution to this, over the years the National Heritage Board has also kept track of unlisted sites, which have been entered to the register, but are not legally protected as monuments. The main problem with this list is that it is not publicly accessible over the Internet, but is only meant for internal use inside the Heritage Board. On the one hand, that kind of arrangement leaves these sites unknown for potential landscape developments, which can be a real threat to the preservation of archaeological record. On the other hand, the disclosure of undesigned monuments to general public might induce unhealthy interests of looters using metal detectors. At current state (01.04.2012) the list of undesigned archaeological sites comprises of 523 different objects, and generally correlates with the lists of newly discovered sites published in *Archaeological Fieldwork in Estonia* over the last decade.

### **CASE STUDY: ARCHAEOLOGICAL SITES FROM IDA-VIRUMAA, NORTH-EAST ESTONIA**

In the spring of 2011 we carried out a three-day field survey on listed archaeological monuments in Ida-Virumaa ordered by the National Heritage Board. During the survey the present conditions of 145 monuments were checked. 43 of these sites were not officially registered as monuments, and several of the protected sites were probably surveyed for the first time after their designation as monuments. At present 252 archaeological sites in Ida-Virumaa are registered as monuments, 111 (44%) of them are cup-marked stones.

The survey expedition was collaborated with local historian Vallo Reimaa, who invited to check and register archaeological sites he had already discovered since the 1980s. Most of these sites included cup-marked stones, but also settlement sites and several graves were documented. It has to be said, that most out of the 43 unregistered sites were not discovered by the survey team, but by Vallo Reimaa as result of the several decade long research work. He had also frequently attempted to get the sites officially registered and protected. Although, Reimaa did not write applications to the officials (in the 1980s the system was somewhat different), he presented new sites to archaeologists hoping that in this way they would be finally designated as monuments. It is difficult to say why these sites remained unregistered, though the 1980s was the decade of most intensive work of finding and listing new archaeological sites (Tvauri 2006). While numerous archaeological monuments have been registered in Ida-Virumaa, it seems that the main 'criterion' for designating new monuments was randomness.

During the survey trip four new settlement sites were located. The most problematic of them turned out to be Voka settlement site, where the landowner has an agreement with metal detectorists, who are allowed to check the plot of 130 × 50 m regularly after ploughing. We were not able to find out the names of the detectorists, and thus the findings from the settlement site remain unknown. Judging by the pottery shards, the settlement was occupied during the Middle Ages and the Modern Era. Signs of metal detector looting were observed on several registered monuments. In Konju (Fig. 2), on an unlisted settlement site we noticed that at the same time with us the cultural layer was examined by a metal detectorist.

Also two new rural cemeteries and four stone graves were discovered during the survey. From the inspected sites the most damaged was the inhumation



*Fig. 2. Konju settlement layer. Note the metal detectorist on the field.*

*Jn 2. Konju asula kultuurkiht. Detektorist asulakihil.*

*Photo / Foto: Tõnno Jonuks*



Fig. 3. Recent test-pits at the protected Late Iron Age – Medieval cemetery of Aidu-Liiva.

Jn 3. Värsked prooviaugud Aidu-Liiva kaitsealusel hilisrauaaja ja keskaja kalmistul.

Photo / Foto: Tõnno Jonuks



Fig. 4. New cup-marked stones discovered in Järve village.

Jn 4. Järve külast avastatud uued lohukivid.

Map / Kaart: Martti Veldi (on Estonian Land Board map)

tion cemetery no. 9103 in the village of Aidu-Liiva (Fig. 3) in Maidla municipality. Despite of being an officially protected monument, the site was thickly covered with trial pits made by metal detectorists. A considerable number of the pits were fresh and still open. There is data on finds<sup>3</sup> from the cemetery over a long period of time, also artefacts and human bones<sup>4</sup> have been washed out by erosion and wind. According to oral information of the owners a Late Iron Age inhumation was dug out from the eastern part of the cemetery. It is probable that from this digging a bronze chain and a fragment of woollen textile<sup>5</sup> have reached the archaeology collections of the Institute of History. From the western part of the protected area, and also west from that, directly outside of the protected monument allegedly coins and fragments of human bones have been found, which refers to a medieval or post-medieval rural cemetery. This part of the site was also covered with trial pits.

The most exciting results of the survey were related to cup-marked stones. On most of the stones the cup-marks are apart, only in two cases double cup-marks connected with a small channel were found. That kind of double cup-marks are known before from other parts of Estonia (Tvauri 1998). In numerous cases the cup-marks were fairly vague, but still observable for their honed surface. At the same time a lot of clear and

deep cup-marks were found. All together 33 new unlisted stones were documented. Although most of the stones were discovered by Vallo Reimaa, the members of the survey team also contributed in finding some new. In addition to single boulders with cup-marks, two larger groups – 8 stones in Järve (Fig. 4) and 4 in Kestla villages were located.

We also managed to find numerous cup-marked stones, which had been relocated from their original surroundings during melioration. Although such stones will not be designated as monuments, they still should be preserved as objects of research. From these relocated stones, one of the most eye-catching is the commemorative stone erected for Eduard von Toll in Kukruse (no. 9004; Fig. 5). Despite the fact that the stone has been relocated and heavily worked over, the cup-marks are clearly visible, and the stone itself is an archaeological site.

<sup>3</sup> AI 2472.

<sup>4</sup> AI 4215.

## DISCUSSION

At present (01.04.2012) the national register of cultural heritage (<http://register.muinasa.ee>) includes 6624 protected archaeological monuments of different type. On average 66 new sites are discovered each year, which is around 1% of the overall number of the protected sites and only 10% of these are finally designated as monuments. It is very appealing to argue that this kind of equilibrium between registered monuments (100%), newly discovered sites (1%) and their final designation as monuments (0.1%) is not coincidental but an outcome of heritage management strategy applied by the National Heritage Board and the Ministry of Culture. We really hope that this is not the case.

For some years in the middle of the 2000s the National Heritage Board focused on enlarging the protection zones of already designated monuments. This comes to question if it is reasonable to concentrate on protection zones when we still have so many already known but undesignated sites? A lot of resources also go for designation of boundaries for areal monuments, which were previously just dots on the map, and could not be adequately used for planning purposes. At

the same time the register contains also archaeological sites which have no characteristics (left) to be protected. This involves sites which have disappeared (e.g. cup-mark stones), destroyed (e.g. during quarrying) or which have been listed 'provisionally' as the characteristics were unsure. Also totally excavated sites, where thus the archaeological substance cannot be preserved any more are under state protection. On the whole this has caused a situation where the state is looking after only a limited amount of sites which in many cases seem to have been included in the list of national monuments incidentally. Yet, there are many unique sites out on the fields, which are not protected because already too many sites are listed. In addition to unique sites the more 'ordinary objects' (hundreds of similar cup-mark stones, settlement sites of unknown or very recent dating etc.) need also to be listed and counted somehow.

In perspective, Estonian archaeological community should find a more balanced and systematic approach for designating new archaeological monuments in co-operation with government, land owners and academic institutions. As the time of collective ownership has ended, the legal side of the procedures is becoming more and more



Fig. 5. A cup-mark stone used for a memorial monument to Baron Eduard von Toll at Kukruse.

Jn 5. Eduard von Tolli mälestuskiviks kasutatud lohukivi Kukrusel.

Photo / Foto: Mari Lõhmus

detailed every day. This means that in order to adjust, archaeologists need proper legal counselling regularly. There is no point in producing heaps of expert assessments, when in the end lawyers of the Ministry of Culture reject the proposals referring to faults in proceeding.

This aspect is especially relevant when archaeological settlement sites are nominated as monument candidates. While conducting landscape surveys, archaeologists seldom think about the problems concerned with actual land ownership, legal restrictions and obligations posed to a monument owner. The cultural layer of settlement sites very often spans over several allotments with different owners, which means that before proposing the site to become a monument all the land owners and holders have to be introduced to the borders and significance of the site. In archaeological heritage management defining the actual borders of a settlement site is fairly complicated and demands systematic survey, which very often can be time consuming and therefore expensive. At the same time the defining of borders and substantiating of the value of the site is important to the local community to understand why the site is protected and thus the activity is limited with regulations.

As a whole, there seems to be no common strategy for searching and recording new sites. This gives an impression that Estonian archaeologists in wider perspective, at least in the case of field surveys, actually do not know what other people are doing. Furthermore, the National Heritage Board has no strategy either of what to do with newly discovered sites, which at the end of the day leaves us contemplating on a well-known proverb about the kettle calling the pot black. In the light of the above mentioned, a new campaign of registering archaeological monuments is most welcome. But before rushing to 'save Estonian archaeology' a thorough analysis of available knowledge must be conducted and very certain points what we actually need and want to achieve have to be stated.

We feel that this is the right place to propose an idea of a general web-based database of unregistered sites. It should include the data gathered by the National Heritage Board, information documented by various academic institutions and archaeologists, also excavation and survey reports. This general database should be accessible to all archaeologists, the inspectors of the National Heritage Board, local municipalities, and specialists holding a permit to document archaeological monuments for various developments. At present most of the information is scattered around in different databases, and only very few archaeologists have an overview of the actual information already digitalised. This could result in a lot of overlapping work, and a big loss in resources. Instead of inventing bicycles on our own, on this matter we should collaborate. In the long run, the general portal of archaeological resources would be a great benefit, both to heritage management and to academic research.

Such an informal list would record all archaeological or uncertain monuments, which are not under the legal protection but need to be known. Considering the difficulties in taking sites under protection new cup-marked stones could be listed in a database for instance. This means that we avoid the painful official process but the site is known and in case of new buildings local inspectors can keep the control. Several sites from the legally protected list could also be moved in here, as these are either unsure sites or lost characteristics to be protected.

Such a list would not be limited with the purposes of the National Heritage Board only. Covering all of the known (and also uncertain) monuments, it helps to make better plans for fieldworks and if accessible over the web it can be used mobile to check additional information. In addition to fieldwork such a map-based database makes also a good ground for distribution maps etc.

The access of such a database is the most problematic aspect.<sup>6</sup> The data is only useful if enough persons have an access to it. In addition to authorities of the National Heritage Board and active archaeologists such a database is necessary also for making statutory plans, planning new buildings, roads etc. If such a collection of data would have been in hand when making the environmental impact assessment of the reconstruction of the Kohtla-Järve – Jõhvi road, there would have been not such a statement that archaeological finds are unlikely. In fact, this project ended with the discovery of the richest Final Iron Age cemetery in Kukruse (Lõhmus *et al.* 2011; Fig. 6).

At the same time the problem of looting and illegal metal detecting on archaeological sites is serious and such a database could be used in a wrong way. The problem can partly be solved with limited and verified access to the database. But it is evenly important that the local community knows about archaeological sites and their real value. Including realising that it is only rarely possible to find gold and silver, but the circumstances of any find have significant academic value. But one also needs to count that local communities are not similar all over Estonia.

There exist examples where locals protect their heritage better than the state ever can and also examples where they either do not care at all or they even deliberately want to destroy it.

The current paper was not to propose any clear and final solution. We rather wished to bring an old problem into public discussion and provoke a more vivid disputation to reach some solution of how to handle the archaeological information so, that it would be useful to as many as possible. To sum up, the crucial issue is, that newly discovered sites are not taken under legal protection and thus they remain only mentioned in reports or annual overviews, but in practice they remain without protection. As it is apparently very difficult to considerably widen the list of protected sites we call the National Heritage Board to create and handle a database of all discovered sites and possibly also stray-finds. The database should be web-accessed and open to



Fig. 6. A new cup-mark stone from Kukruse. The stone was in its original position until 2009 when a new road was built there. After that the stone was lifted aside and left on the field. In case of proper preliminary studies the stone and its surrounding may have been investigated.

Jn 6. Uus lohukivi Kukrusel. Kivi oli oma algsel asukohal kuni 2009. aastani, mil sinna rajati uus tee. Kivi liukati kõrvale ja jäeti keset põldu. Korralike eeluuringute puhul oleks olnud võimalik eelnevalt läbi uurida kivi ümbruskond.

Photo / Foto: Tõnno Jonuks

<sup>6</sup> See the discussion about the similar problem of the project Archaeology and Oral tradition (Valk 2004).

local inspectors of the National Heritage Board and active archaeologists in Estonia. The purpose of the database would be to help to plan archaeological fieldworks, to help local inspectors to keep the control over new developments (either new road buildings or any kind of large openings) but evenly to offer a comprehensive database of all known sites for academic or any other purposes.

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## **UNUSTATUD MUISTISED: MIDA TEHA UUTE AVASTATUD MUISTISTEGA? NÄIDE TEADAOLEVATEST KUID HÜLJATUD MUISTISTEST IDA-VIRUMAAL**

*Martti Veldi ja Tõnno Jonuks*

Aastatel 2003–2010 võeti kultuuriministri määrustega arheoloogiamälestistena kaitse alla kõigest 83 muistist, millest enam kui kolmandiku (33) moodustasid veealuse kultuuripärandi objektid. Samal ajal on aastate 2002–2009 jooksul AVE-des avaldatud nimekirjade põhjal Eestis avastatud 534 uut muistist. Lihtne arvutus näitab, et laias laastus on viimase 10 aasta jooksul kaitse alla jõudnud 10% uutest muististest. Riiklik kultuurimälestiste register sisaldab hetkeseisuga (01.04.2012) andmeid 6624 riiklikult kaitstava arheoloogiamälestise kohta. Seega on uute kaitsealuste muististe kasv viimase kümnendi jooksul olnud marginaalne – alla 0,1%. Siit kerkivad küsimused: mis saab ülejäänud uutest muististest? Kas nad lihtsalt heidetakse kõrvale ja unustatakse või on teisi mooduseid nende säilitamiseks ühise kultuuripärandina?

Artikkel vaatleb lähemalt, kuidas toimub muististe kaitse alla võtmise protseduur ja üritab tekitada laiemat arutelu sellega seonduvate probleemide ja küsimuste üle. Probleemile laiema tausta andmiseks on analüüsitud aastatel 2002–2010 avastatud uute muististe ja riikliku kaitse alla võetud arheoloogiamälestiste suhet vastavalt AVE-des ilmunud nimekirjadele ja kultuuriministri määrustele. Uurimust illustreerib näide Ida-Virumaal 2011. a kevadel toimunud välitöödest (jn 1).

Analüüsides viimase kümnendi jooksul kaitse alla võetud muistiseid selgub, et nende hulk ja ka erinevate muistiselike esinemine (tabel 1) on võrdlemisi tagasihoidlik: 33 asulakohta, 6 kivikalmet, 3 muinaspõldu, 3 maa-alust kalmet, 2 lohukivi, 1 hiiekoht, 1 sadamakoht ja 1 maabumispaik. Asulakohtadest on kõige enam kaitse alla võetud kivija asulakohti ja *Taani hindamisraamatus* mainitud külasid. Hoolimata Tartu Ülikooli juurde rajatud Looduslike Pühapaikade Keskuse tegevusest on ainsa loodusliku pühapaigana viimase kümnendi jooksul kaitse alla võetud vaid Paluküla Hiemägi, mis tekitas meedias avalikke vaidlusi looduslike pühapaikade väärtuste ja kaitse üle. Geograafiliselt (tabel 2) on viimase dekaadi jooksul kõige enam muistiseid mälestisteks saanud Harjumaal (22), järgnevad Ruhnu saar (8) ja Pärnumaa (7). Kõigist teistest maakondadest on näiteid kolm või vähem. Hiiumaal, Lääne-Virumaal, Läänemaal ja Jõgevamaal ei ole aastatel 2002–2010 kaitse alla võetud ühtegi muistist.

Vaadates uute muististe statistikat on pilt mõnevõrra teistsugune. Keskmiselt on 2002–2009 avastatud 66 uut muistist igal aastal. Liigiti (tabel 3) on kõige enam avastatud asulakohti (386), matmispaiku (40), lohukive (19). Teisi muistisetüüpe, nagu linnamäed (4) või looduslikud pühapaigad (3), avastatakse tunduvalt harvemini või ei teatata nende leidmisest vastavatesse institutsioonidesse. Piirkondliku jaotuvuse poolest (tabel 4) paistavad kõige enam silma Lõuna-Eesti maakonnad, kus nii Võrumaalt, Tartumaalt, kui ka Põlvamaalt on nende aastate jooksul leitud enam kui 60 uut muistist. Suuremat osa inspeksioonidest saab siduda kahe peamise uurimiskeskuse – Tallinna ja Tartuga.

Uute kultuurimälestiste määramise kord on sätestatud Muinsuskaitseaduse kolmanda peatükiga. Põhimõtteliselt esineb vaid kahte tüüpi seaduslikku kaitset: ajutine ja alaline. Ajutist kaitset võib rakendada Muinsuskaitseameti peadirektori käskkirjaga kuni kuueks kuuks ilma Kultuuriministeeriumi kinnitusega. Sellel ajal kehtivad maomanikule sarnased kitsendused ja kohustused nagu alalise kaitse all oleva mälestise omanikule. Alaline kaitse määratakse või lõpetatakse kultuuriministri määrusega, mis omakorda põhineb Muinsuskaitseameti poolt esitatud eksperthinnangutel ja Muinsuskaitse Nõukogu poolt esitatud ettepanekutel. Kokkuvõtvalt koosneb uue mälestise määramine 7 etapist: 1) avastatakse uus muistis; 2) leidja või leiust huvitatud osapool teeb avalduse Muinsuskaitseametile; 3) Muinsuskaitseamet võtab muistise arvele või määrab vajadusel ajutise kaitse; 4) Muinsuskaitseamet tellib eksperthinnangu; 5) Muinsuskaitseamet esitab muistise Muinsuskaitse Nõukogule; 6) Muinsuskaitse Nõukogu esitab muistise kaitse alla võtmiseks Kultuuriministeeriumile; 7) kultuuriministri määrusega kinnitatakse muistis arheoloogiamälestiseks.

2011. a kevadel viidi Muinsuskaitseameti tellimisel Ida-Virumaal läbi kolmepäevane inspeksioonireis, mille käigus kontrolliti 145 muistise seisukorda. Neist 43 ei olnud kantud kaitsealuste mälestiste registrisse ning kaitsealustest külastati mitmeid ilmselt esimest korda pärast nende kaitse alla võtmist. Ida-Virumaal on seni kaitse all ühtekokku 252 arheoloogiamälestist, neist 111 (44%) on lohukivid. Inspeksiooniretkega ühendati kohaliku ajaloolase Vallo Reimaa kutse kontrollida ning dokumenteerida tema varasemad leitud muistised. Neist enamuse moodustasid lohukivid, aga uuriti ka paari võimalikku asulakohta ja kalmet. Reimaa näitas muistiseid tolaeagsetele arheoloogidele, lootes, et seeläbi need ka kunagi

kaitse alla jõuavad. Ometi on enamik neist siiani seadusliku kaitseta. Inspeksioonireisi käigus avastati 4 uut asulakohta, millest ühel märgati ka metallidetektoristi (jn 2). See annab märku probleemi tõsidusest. Lisaks avastati 2 uut külakalmet ja 4 kivikalmet. Üks kaitse all olev maa-alune laibakalmistu on olnud avariiline juba pikemat aega (jn 3). Leide on sealt saadud pikema aja jooksul, viimasena leiti sealt 1985. aastal pronkskett ja villase tekstiili katkeid. Erosiooni ja ilmastikumõjude kõrval on kalmet järjepidevalt lõhkunud ka detektoristid. Inspeksiooni jooksul lokaliseeriti 33 lohukivi, mida ei ole kantud kultuurimälestiste riiklikku registrisse. Suur osa kividest oli juba varem leitud Vallo Reimaa poolt, kuid avastati ka täiesti uusi. Lisaks üksikult paiknevatele kividetele leiti kaks suuremat rühma Järve (jn 4; 8 kivi) ja Kestla külas (4 kivi). Lohukivide hulgas leidis ka mitmeid ümber tõstetud kive (jn 5, 6), millest markantseimaks näiteks on Eduard von Tolli mälestuskivi Kukrusel.

Artikli diskussiooniosa püüab luua laiemat arutelu muististe kaitse alla võtmise strateegiast, dokumenteerimisest ja leitud muististe haldamise võimalustest internetipõhise andmebaasi näol. Autorid leiavad, et tervikuna puudub nii Muinsuskaitseametil kui ka Eesti arheoloogide kogukonnal üldine pikaajalisem strateegia, kuidas ja miks uusi muistiseid otsida, dokumenteerida ja kaitse alla esitada. Ühe lahendusena pakutakse välja veebipõhine pidevalt täiendatav andmebaas, mis sisaldaks andmeid kaitseta muististe kohta ja oleks ligipääsetav arheoloogidele, Muinsuskaitseameti inspektoritele, kohalike omavalitsuste spetsialistidele ja maastikuarendusi teostavatele ekspertidele. Selline mitteametlik andmebaas annaks hea ülevaate kaitseta muististest ja võimaldaks paremini teostada nii arheoloogilist uurimistööd kui ka suunata kultuuripärandiga seotud arenguid. Suurimaks murekohaks sellise andmebaasi puhul oleks ligipääsetavus, mida võidakse kuritarvitada, kuid samas oleks võimalik ligipääsu piirata isikutuvastamise abil.



**COMMENTS ON  
MARTTI VELDI AND TÕNNO JONUKS**  
*The problem of forgotten sites: what to do with new  
monuments? A case-study of long-known but left  
behind sites from Ida-Virumaa*

**WHERE DOES THE SHOE OF OUR HERITAGE PROTECTION PINCH?**  
VALTER LANG

Martti Veldi and Tõnno Jonuks have raised a most important topic: why newly discovered archaeological sites are not included in the state register as protected monuments and what to do with such new heritage. The article proposes to create a database on discovered, but non-registered and thus unprotected heritage, which is certainly necessary and would be of assistance in the protection of such sites and in planning and coordinating future research. Yet this cannot be the only solution, because this register would never replace state protection of heritage. Another question is who would create such a database and run it in future, when we know that the resources of the National Heritage Board are insufficient even to carry out their current obligations. This database could even become an excuse for some officials not to actively organise heritage protection as a database already exists. But this may be only a bad dream that will never become true.

Before targeting all existing powers to create such database, we need to analyse all possibilities of protecting newly discovered heritage sites. The authors should have looked deeper into the reasons of the present problem, as the reader does not really comprehend why new discoveries require such a long time to be taken under state protection. Regardless of the tight bureaucracy and shortage of work force this extremely slow pace as described in the article cannot be comprehended. When the minister does not sign the proposed list of state protected archaeological monuments for over a year, the question arises if this is up to the minister or something else. If it is up to the minister, could it not be possible to explain things to him? If the reason lies somewhere else, why have we not been informed of the obstacle? Yet it is only a single list. The Expert Council of Heritage Conservation has in the last few years discussed a number of various types of monuments to be included in the state register, mainly architectural heritage and historic sites – very seldom have we discussed archaeological monuments proposed to the state register. This suggests that the core of the problem lies mainly in the administrative shortcoming of implementing the archaeological policy of the National Heritage Board, in other words lack of qualified work force.

Who could assist the National Heritage Board in overcoming this obstacle? To solve a problem we first need to identify and recognise it. Here the authors of the article have

made a significant step. It is not by far the first step, since the topic has been discussed also earlier, but a written word always carries more weight than oral discussions. It is vital to bring the problem to the attention of the management of the National Heritage Board and the minister, so that they in turn could explain the situation to decision makers at the parliament charged with allocations from the state budget. I realise that this scheme may seem naive and idealistic, yet it is the only scheme that could result in solving this serious problem. Another possibility, but equally idealistic, would be to make amendments to the Heritage Conservation Act in order to diminish current bureaucracy in organising state protection over archaeological monuments. As an example – discovered sites could be declared state monuments without official consent from the minister, or we could re-introduce the concept of a ‘local monument’ (see below). A third possibility that would not be idealistic at all, would be to review the present working methods of the National Heritage Board in the sector relevant to this problem with the aim of finding possible internal resources to organise the work better.

The article pays attention also to finding out new archaeological sites in the landscape. Recently we have heard of calls to initiate a new registration of immovable heritage, fourth of the kind. Still, even the third registration remained unfinished. This was initiated by archaeologist Vello Lõugas who expected professional archaeologists to walk through the whole territory of Estonia. There is no denial of the problem, especially in areas with intense building and industrial activities or where treasure hunters are especially keen. Unfortunately there is no institution in Estonia who is charged with controlling and initiating registration activities. Archaeological research stands separate from protection of archaeological sites – research is coordinated by the Ministry of Education and Research and protection is the responsibility of the Ministry of Culture. University archaeologists are engaged with studies and teaching and they basically do not have possibilities to actively take part in protection activities – first due to lack of time, and second, heritage protection is not considered academic enough. The work of academic archaeologists in the field of heritage protection is mainly connected with their areas of study and therefore rather sporadic in view of the whole territory. On the other hand, the National Heritage Board does not employ a sufficient number of professional archaeologists charged with finding out new archaeological sites and proposing them for the state register (following all the necessary administrative procedures). Yet, there is no shortage of professional archaeologists – each year at least half a dozen (and often more) young archaeologists graduate from the University of Tartu. Under the current circumstances there is no other way than for the National Heritage Board to take care of coordinating the findings and registration of new archaeological sites. The web-based database of known archaeological sites, as suggested in the article, would be the first step in starting this work. The Expert Council of Archaeologists will be happy to assist with knowhow. The question of who exactly would run this database, remains to be discussed, but a general background would be secured for interested parties to start their work.

Nevertheless, the authors of the article are rightly hesitant about work being done so far if the discovered sites in the end of the day will not be included in the state register of protected monuments. Another important issue is brought forward: is it necessary for every single monument to be under state protection? The question is relevant

first and foremost about monuments that are located on a large territory like settlement sites and ancient field systems that sometimes may cover hundreds of hectares. This is serious question for land owners. It is also relevant to ask how ‘recent’ a monument has to be so that it would not qualify as archaeological heritage. Similarly, are all monuments that are included in the state register or waiting to be included really proper monuments? The number of unanswered questions is large and probably archaeologists will never manage to find answers that suit all. Still, these questions need to be discussed prior to rushing head over heels to the landscape, as the authors quite rightly point out. In the Soviet times we made use of the concept ‘local monument’ – this was much easier to establish than a ‘national monument’. The current legislation does not differentiate anymore and only national monuments exist. Still, considering the present difficulties it may be a mistake. The database proposed by the authors can partly accomplish the aims of local protection, yet everything still depends on the agreements between involved individuals and institutions and their good will to fulfil the agreements. The authors are certainly right in claiming that the database will only function if it will be accessible for all interested parties. We will need other means to fight illicit use of metal detectors – hiding information will not do much good.

The essential point as I see it is that although we have a new and improved Heritage Conservation Act, we lack the resources to implement it in real life. This is where the shoe pinches the most.

***SOMETHING IS ROTTEN: SOME COMMENTS ON RAISED TOPICS  
CONCERNING ARCHAEOLOGICAL HERITAGE PROTECTION  
HEIKI VALK***

The problem raised by Martti Veldi and Tõnno Jonuks is of significant importance to be discussed among archaeologists. Something is rotten. Not in the state of Denmark, but in the state of Estonia, more precisely – in its state system of archaeological heritage protection. The presented numbers about sites discovered and those designated as state-protected monuments during the last decade are amazing and would even seem unbelievable, if not coming from reliable sources. As the recently discovered sites are anyhow not less valuable than those included in the state register, I fully agree with the authors that urgent changes are needed here.

The last decade’s practice of the National Heritage Board (NHB) not to add new sites to the lists, but to concentrate upon different aspects of already protected sites is not friendly towards the preservation of archaeological heritage as a whole. In fact, the recently discovered sites are anyhow not less valuable than the state-protected ones. The difference is only that some of the sites were lucky enough to be discovered in the time when getting state-protected was not so much hindered by bureaucracy than in the present time. Bureaucracy seems to overweigh actual work and this presents a threat to heritage. A cautionary example can be brought from Muhu Island, where a well-preserved grove site in Pärase village with an old sacred oak and an offering stone with a large man-made depression on its top was discovered in the course of the

inventory of the natural sacred places in 2005. As threatened by development activities, it was presented to be taken under state protection and was even covered by temporary half-year protection, but the NHB finally decided not to include the monument in the register of state-protected sites. By now the sacrificial stone is stolen. As the site is not protected, no crime has been committed and there is no judicial reason to launch an investigation. When does the time come for the oak tree?

In fact, the lists of discovered sites might be even longer than those published in AVE. Considering the misuse of the information against the non-protected monuments not all discovered objects by far have been presented there for publication.

The danger of looting archaeological monuments, both state-protected and unprotected, is really large. Although since June 1 2011 the use of metal detectors to look for objects of cultural value has been forbidden in Estonia and it is allowed only on the basis of licences issued by the NHB, the number of hobby detectorists who have passed the training to get the certificate is, when compared to the dispersed masses doing field-walking with metal detectors, insignificant. The working range of treasure hunters from Tallinn and the towns of eastern Virumaa has reached even the southern periphery of Estonia. Considering the present situation when metal-hunting on archaeological sites has become a popular entertainment for probably thousands of hobby-detectorists, the published data of discovered but not protected sites work as a guidebook to get an answer to the eternal question: where to go treasure hunting this weekend? And is it only a hobby? There is enough reason to suggest the presence of systematic and active network(s) for buying antiquities from 'hobby-detectorists', to sell them on coin auctions and in the black market. The hobby-detectorists get, of course, only a small part of the black market value of the artefacts and coins found. But unemployment is a big social problem in the countryside and something is better than nothing. Moreover, there is always a possibility and hope to get the jackpot – a hoard of old silver coins. When discussing the question of public availability about the data of unprotected sites, we must not forget the fact that public awareness in Estonia concerning archaeological heritage protection is far from the level in Britain or Denmark. Reaching that level takes several generations of hard work of the archaeologists' community.

The authors set up the idea of a database of unregistered archaeological monuments that would be available to all archaeologists, inspectors of the NHB, local municipalities and specialists holding a permit to document archaeological monuments. Such database really forms a useful tool – both for archaeologists and treasure hunters. But considering the danger of looting, access to the data must be strictly controlled and the risks of leaking data should be minimized as much as possible.

A question is how much of the data should be available to local municipalities. Both development activities and plundering sites by using metal detectors are serious threats to the archaeological heritage. We must consider that hobby-detectorism is widespread in rural areas and there may be people seeking for information about possible sites of treasure hunting also among local authorities (or among their close friends and relatives). Before making the data public, a lot of factors should be taken into consideration. Here, first and foremost, 'the principle of bigger threat' should be considered. Undoubtedly, total destruction of a site by using heavy machinery is

a much harder damage than picking up coins and archaeological artefacts by using metal detectors. However, detectors get more powerful every year, the number of users grows and the number of inhabitants in the countryside constantly decreases. People move to towns and/or larger rural settlements and control over what happens in the countryside is getting weaker and weaker. Moreover, the landowners generally give a positive answer to hobby-detectorists' request to walk on their land, not asking for their licence. Thus, different approaches towards presenting data on archaeological sites to local communities should be used in fast developing areas rural peripheries. While in quickly developing suburban communities information about most non-protected archaeological information should be immediately delivered to the local authorities, the threat of total destruction of sites is not so big in the peripheries. In some and not few cases, the best protected sites are these the location of which is not known to outsiders and the general public. The same principles that nature protection authorities have followed to protect eagle nests, should be introduced also in the practice of archaeological heritage protection. Even the location of some state-protected archaeological monuments should not be available to the public on the internet.

We also must consider that in terms of treasure looting, archaeological monuments are of different sensibility. Public knowledge about the location of cup-marked stones, judging by the existing archaeological information, probably does not cause any threat to them, but in the case of settlement sites and cemeteries, both inhumation and cremation, also the upper 20–30 cm under the surface may contain important archaeological information that will easily get lost as a result of detector looting. Most vulnerable to looting are sacred places – possible sites of coin offering where nearly all detailed information may be destroyed by looters using metal detectors. It is a well-known fact that just coins are one of the main targets of treasure hunters and/or hobby-detectorists. Thus, no general rules can be outlined, but every site must be considered individually.

Before deciding, whether to publicize data of a newly discovered or re-discovered site, it would be advisable to check the monument with metal detectors: does it contain artefacts that could serve as targets for looting? In this field also the cooperation of archaeologists with reliable and law-obedient hobby-detectorists could be developed. But who should do these works? Is it a task for the academic institutions? Rather a new challenge to the National Heritage Board who even without that has presently no human and financial resources to fulfil its tasks.

Although the idea of a general archaeological database is being presented by the authors as a fresh suggestion, such database was initiated by the University of Tartu already a long time ago. The commented article makes references to the database in its bibliography, and one of the authors has used this database in his work for a long time, therefore the suggestion to create a new database seems odd. The database of place-related archaeological information that has gradually been developed for more than a decade, includes at present in concentrated form most of the information from the archaeological archives and/or collections of Estonian archaeological institutions. The IT-environment of the database has been developed in cooperation with the Register Department of the NHB and in 2010–2011 the database became accessible on the internet, connected to the register of state protected sites. This step has created

preconditions for a broader use. Although data have been available for the NHB archaeological heritage protection officials for years, access to the database has been provided to all NHB people engaged in archaeological heritage protection work since this spring.

The database of place-related archaeological information can surely be used as source material for preparing archaeological field inventories and for finding the sites in the landscape. However, for threats mentioned above, the database cannot become so widely accessible as suggested by the authors. Granting easy access to large amounts of data (that anyhow are available in the archives) does not outweigh the risk of data leaks and consequent misuse of the data for looting the sites. A precondition for getting data for field inventories should be reports of field works carried out by using data from the database.

On the grounds of the database within the international project ‘Archaeology, authority and community’, financed by the European Union European Neighbourhood and Partnership Instrument Estonia-Latvia-Russia cross-border programme, the University of Tartu has launched the inventory of sites, mentioned in archaeological archives but not state-protected, in at least 15 parishes of eastern and south-eastern Estonia. The work takes place in 2012–2014. We encourage all active archaeologists, especially colleagues from the University of Tallinn, to initiate systematic field inventories by checking old data also in the northern and western regions of Estonia.

**PROTECTION OF ARCHAEOLOGICAL MONUMENTS –  
VIEW OF A HERITAGE INSPECTOR**  
ANTS KRAUT

In response to the issues raised in the article by Martti Veldi and Tõnno Jonuks, I would like to begin with good news and expand a bit the comment by Valter Lang. Estonia has a good Heritage Conservation Act and numerous well preserved monuments, despite of shortage of resources available for their protection. Not trying to paraphrase well-known quotes “Who has the power when people are in power?” and “What is state?” it is quite certain that in the field of protection of archaeological monuments archaeologists are in power. Archaeologists who are active today are those who have provided us with the current Heritage Conservation Act, both the original 1994 Act and the amended Act from 2002. The new amendments to the Heritage Conservation Act were largely initiated in 2011 by archaeologists and they provided most of the major changes to the Act. True, it was not possible to ban the use of metal detectors on monuments to avoid looting, but several hopes and proposals from Estonian archaeologists concerning protection of underwater heritage and finds of cultural value were included in the legislation. With these changes in the background, the issue raised by Veldi and Jonuks is not the acutest and reminds slightly of shooting a sparrow with a canon. Far more serious are the issues of unknown monuments and looting by treasure hunters commented by Valter Lang and Heiki Valk, being probably the most serious problem in Estonian archaeology at present. However, I thank the authors for raising this topic. This makes us discuss things that need our joint effort in order to find the best possible solutions. As chief inspector of

archaeology it has been my responsibility to make decisions concerning management of archaeological heritage both in Soviet Estonia and also for twenty years in independent Estonia. These comments from a heritage inspector may shed light to some aspects that may not be so obvious from a scientist's point of view.

### ***Concepts and statistics***

The Heritage Conservation Act determines that an immovable object can be declared monument by the directive of the Minister of Culture, earlier also by his decree. Only after that it is called a protected monument or a protected site. Therefore the official number of protected sites and monuments is the one presented in the national register of monuments. For all other places or sites we may use whatever popular name we choose, protected monuments are those that include finds of cultural value and a cultural layer. Those archaeological finds that the authors list in their article are protected by the state from the moment of discovery, yet they will have to go through a long process before becoming protected monuments.

It is difficult to say without substantial analysis how many of the finds and objects listed in the tables of the current publication may be immovable heritage. Certainly hill forts with visible characteristics, stones, find places of human bones and the like are considered immovable heritage. Sites with above ground chance finds and even find places of hoards require supplementary research and determining their borders before they may be presented to the Minister of Culture to declare protected monuments. From the sites discovered in a certain year that are listed in the table the proportion of such sites is well over 50%. The majority of the 42 sites mentioned in the table as monuments or cultural heritage, discovered in 2009, are places where chance finds have been collected, from which 16 are said to have no cultural layer i.e. they do not have the characteristics required to be a protected immovable monument. 12 find places are located outside Estonia, on the present territory of Russia. Yet there is no doubt that all these sites are sites of archaeological finds. Until these sites are legally not declared protected monuments, they (those situated in Estonia) are included in the national register of monuments as registered sites and as such they are subject to protection and research as stated in the Heritage Conservation Act. An attempt has been made to mark such sites on the maps of the Estonian Land Board with a special symbol to indicate 'sites being analysed'. Such symbols were of assistance in cases of planning or construction, but at the same time they were endangered by possible looting as pointed out also by Heiki Valk.

In terms of numbers, we should add to the registered number of 6624 archaeological monuments also 11 heritage protection areas in historic city centres, numerous medieval and early modern manors and historic churchyards (only 43 of the churchyards are protected as archaeological monuments, too). The total area of those, their connection with contemporary settlements and the amount of protection methods would totally change the presented statistics. It is not intended to diminish the importance of the protection of 'forgotten' sites, but it explains the background of the main issue: the relation between aims, requirements and resources.

But first, some more statistics. From the 6544 sites and objects that were declared protected in the years 1997–1998 altogether 38% (2510 monuments) had been under state protection for 50 years, 48% (3159 monuments) were under local protection and

13% (875 monuments) were added in 1997–1998 by the Minister of Culture. Hence the majority of sites and objects discovered over 20 years were on the ‘waiting list’ for the government decision for state protection. This was the situation in Soviet Estonia when we made use of the peculiar Soviet legal system. Upon re-establishing independence, it was a bold step to include all these previously protected sites and monuments into the new legal frame. The result of the decision made then affects the present day, now put forward for discussion by Veldi and Jonuks.

***Creation of an administrative act – the present day in heritage protection***

The authors have mapped the process of how a site becomes a protected monument, and distinguished seven stages in the process. They agree that scientists in academic circles may not be familiar with the administrative requirements and work methods. In addition to the Heritage Conservation Act a number of implementation acts need to be considered. The implementation acts list several actions and documentation procedures that are very time consuming – in fact the most time consuming procedures have not been mentioned by the authors. For example, requirements regarding restrictions imposed to owners – communication with landowners (future owners of monuments and protection zones) and local authorities prior, during and after a site has been declared a protected monument. Precisely here is an answer to the question why newly discovered sites take a long time to be included in the register of monuments and therefore remain without protection. Someone has to do it. An example from recent past can perhaps explain the problem. 25 years ago, when archaeology was taught by one or two professors and two or three archaeologists graduated every year, we had four inspectors working with archaeological heritage in Estonia. Sites were declared protected on the basis of a list, no maps were needed. Today the process of declaring archaeological sites protected monuments has become extremely complicated, but only one or two specialists are charged with this work, in addition to their other everyday duties. At the same time archaeology is taught by a dozen lecturers in two universities, around a dozen students graduate each year, 30–40 archaeologists are engaged with fieldwork.

Another important aspect that the article does not address concerns requirements that the proposal to take an object under protection should follow. Legal acts list these requirements, but a majority of these requirements are not fulfilled by archaeologists also for the ‘forgotten’ monuments. For example, the authors mention re-discovered and newly discovered monuments in Ida-Virumaa, yet they have not presented a duly completed proposal for initiating the process of including these monuments in the state register as protected monuments. Analysing newly discovered archaeological sites and compiling expert opinions concerning their characteristics is certainly one of the tasks of the National Heritage Board, but not among the priority duties as stated in the statute and development plans. This is also reflected in the structure of the National Heritage Board and in the allocated resources for the work. All administrative acts in the given time scale to declare archaeological sites protected monuments have been prepared by the archaeologists employed by the National Heritage Board. This work is additional to their everyday duties and has depended on the critical need for protection of specific sites. Not a single administrative act has been rejected by the Minister of

Culture and the government has supported also issues related to the rewards for discovering finds of cultural value. Hence solutions to this particular problem lie rather in better cooperation between archaeologists and heritage specialists.

***Find notices, prehistoric sites and protected monuments***

At closer look the distribution and character of discovered, but unregistered sites and find places seem to be quite random. This indicates another serious problem, referred to also by Valter Lang – the third nation-wide registration of monuments and sites has remained unfinished, present-day archaeologists have not taken up systematic field surveys as a research topic or a contracted job. Fortunately there are still some exceptions. Mati Mandel has systematically studied historic Läänemaa and Gurly Vedru has researched Harjumaa, Heiki Valk has conducted systematic field work in South Estonia and Andres Vindi has discovered numerous new sites. Also sites discovered by them have waited too long to be included in the state register of cultural monuments, but at least those sites are correctly documented and been approved by experts. A positive example is also Aivar Kriiska and his studies of various Stone Age sites in Estonia. At the same time there are plenty of regions that have not seen an archaeologist for dozens of years; the sites discovered by amateurs are waiting for the assessment by professionals. This shortcoming is to some extent amended by the database of registered sites and articles published in the annual archaeological publications. Research covers more areas and it is possible to consider the results in the planning process. This leads to another issue: do all found archaeological sites need to get state protection? It is clear that the present system, although administratively time consuming, is simple, but it ignores the concerns of land owners. Comparing our system to countries that proceed from the rights of the owners, we come across totally different systems. Although we do not have a recent overview of different practices in other European countries, we can refer to an example from the Master's thesis of Ingrid Ulst, defended in 2012: "There are some 18 000 protected sites in England but possibly 90% of known sites are not scheduled" (Ulst 2012, 23 and the literature cited). As we see, only 10% of archaeological monuments are state protected. But still – our history is in our monuments and we attempt to protect them the best we can regardless of practices in other countries.

***What next?***

In order to find answers to all the raised questions it is necessary to analyse a few other aspects. One of them is the actual content of the protected monuments, another aspect their chronological boundary. Regarding the actual content, both the heritage specialists and the owners are becoming rather cautious due the growing number of 'zero' reports – both preliminary studies and surveillance of protected monuments tend to result in discovering no traces of archaeological finds or a cultural layer. It appears as if the restrictions imposed by the state are not justified. Has a mistake been made? Perhaps in research, assessment, principles of protection, administrative proceedings? Who is responsible and should pay the costs? Where does an archaeological site or monument end? More and more new discoveries originate from periods, where archaeology has the role of an assisting science, a research method. Which restrictions to ownership

are relevant in such cases? More and more of the precious time of heritage inspectors is spent on administrating the protection of cultural layers and archaeological sites from very recent times. This, however, means that caring for prehistoric monuments suffers and the 'waiting list' to be included in the register of monuments is becoming longer.

We may conclude that solutions to all the raised issues are fortunately a reversible process, i.e. almost nothing is entirely lost and mistakes can be mended. In a democratic country with private ownership archaeologists will be faced with new huge challenges in addition to managing the preservation of 'forgotten' monuments. Hundreds of protected archaeological sites and monuments need to be 'filled' with scientific information and expert opinions to justify their protection to owners, local authorities, scientists, the general public. For this cooperation and a helping hand from every archaeologist is welcome!

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## **COMMENTING THE COMMENTS: A REPLY TO VALTER LANG, HEIKI VALK AND ANTS KRAUT**

*MARTTI VELDI and TÕNNO JONUKS*

We thank everybody for their comments. The extent and detail of the discussion proves that the questions addressed are important and in need of general attention from the Estonian archaeological community. Each of the commentators tackles the problems from their own professional and ethical points of view. It also seems that further discussion among a much wider audience is necessary as there seem to be some extensive issues, like the concept of a protected site in general, that must be debated.

Still, we see that the right hand does not know what the left hand is doing: there is a considerable watershed between heritage management (the National Heritage Board) and academic archaeologists. The aim of the article was not to point fingers at culprits, but to analyse the current situation resulting in a discussion how to go on more effectively.

The past 20 years of regained independence have showed that both archaeologists and heritage management need to adapt to new conditions of land ownership, and also adjust the understanding of information exchange. This means that we need to be more open to discussion, and take a turn from heritage protection towards heritage management, which demands more collaboration and transparent decisions between archaeologists, the National Heritage Board, and also different stakeholders. In the long-run this means changes in mentality, which cannot happen overnight, but demands more time.

We do understand the complicated bureaucratic mechanisms behind monument designation, and acknowledge Ants Kraut's comment with all the necessary details, with the special focus on communication with landowners. The latter is especially vital, for we cannot forget the actual owner of the site. But still, it is not possible to hide behind the bureaucracy. We just need to find more effective ways how to handle it. For example, a myriad of bureaucratic obligations of coordination with different government instances and private owners apply for landscape planners and contractors as well, but somehow they manage to put their interests forth. True, the motivation of private sector has always been higher than that of the state.

It is most useful how Ants Kraut explained the history of the protection of sites and most certainly – the majority of problems we are struggling now derives from the mass-listing of sites in the 1980s and 1990s. It was then when many sites were listed as protected, but many of them can be rather considered as find-places or stray finds. In this respect the careful practice now with expert assessments and collecting different data is the only possible way. But simultaneously it must be understood that this practice is far too slow and alternative, more dynamic and less bureaucratic solutions can be used in addition. Even though the database we suggested will never have this legal power as the official list, it might be more effective to share data. The issue is even more important as there are different initiatives for extensive landscape surveys all over Estonia. But what to do with all those newly discovered sites?

*Arheoloogia kabinet* (archaeological infrastructure unit of the University of Tartu) has done a great job over the past decades compiling the database of all known archaeological sites in Estonia. As an application for the National Registry of Monuments, the database can be a very effective tool both for heritage management and research purposes. This database could be a perfect platform for the solution suggested in the article, but it also demands more transparent information exchange. The main problem at this point is that a very limited circle of people is actually aware of the possibilities that the database can offer, which can result in pointless overlapping work, and insufficient use of resources. Another issue is that even though the database has been compiled for over ten years, the inserted material is more detailed concerning South-Estonia (pers. comm. Heiki Valk (TÜ), 14.09.2012). Other regions of Estonia have been paid less attention to. Thus the database has different purposes and even though one database can manage different types of data, it would be good to have one for each goal. And this is especially important if considering the limited access to the database of the *Arheoloogia kabinet* and strict rules of use.

This leads us to the next issue in the debate. As Valter Lang mentions the database can be only good if used by everybody who needs it and it is hard not to agree with it.

This is in sharp contradiction with the view of Heiki Valk who suggests limited and controlled access. Without any doubt, the plundering of archaeological sites destroys our knowledge of the past and most certainly it is an increasing problem combined by new and more efficient technical equipment and growing black market. The situation is clearly not so black-and-white with archaeologists on one side and greedy users of metal detectors on the other. Among both of them there are different people with different interests and purposes. Still, an intersection can be found among both groups, which could lead to more useful collaboration. That kind of positive encompassment of hobby users of metal detectors has already proved its effectiveness for archaeologists. But this was not the scope of the article. One of the issues is, that it is very difficult to prevent hobby users of metal detectors doing field-walking and most certainly they do their homework in advance. Ironically, the most useful source for searching finds – the database of historic maps at the Estonian National Archives – is freely accessible over the internet without any regulations at all. This makes us ask the same question as Valter Lang did: are there any other ways of fighting against the plundering than locking up data? At the same time, it is obvious that there are finds which are better not spoken about loudly and deliberately advertised. This goes most of all for hoard finds. Despite of these examples, it must be admitted that an archaeological site and an eagle's nest are not one and the same and should also be protected differently.

Even though we have a new good Heritage Conservation Act, it is quite obvious that the state does not have the power, the money, nor the efficacy to actually protect these sites the way the law obliges. In these circumstances the National Heritage Board is only capable of monitoring the current situation, and it should be the local communities, who should take care of the sites. For sustaining the sites not designated as national monuments the local communities should be aware of these sites. Valuing archaeology by local communities can only become through knowledge, which means that archaeologists should not 'hide' their information from the public. And in this respect a database covering also not protected sites can be a useful tool if available to local authorities. At the same time, the database we suggested was never meant to be either the ultimate goal for next years in Estonian archaeology, neither a magic wand to solve all the problems. It is just one option that could fill one gap and work mostly for sharing data.

The situation at hand most certainly demands further discussion, which sites must be designated as national monuments protected by the law, and which sites can just be listed as archaeologically interesting. This leads us to the concept of 'archaeological monument' and its characteristics, discussed both by Ants Kraut and Valter Lang. In order to improve the protection of archaeological heritage we need a round table of archaeologists to define in detail what are the characteristics and differences of an archaeological site and an archaeological monument. Another round table about different archaeological databases and their possibilities should also be in order. This could lead to a more effective protection scheme with different levels and categories of sites and monuments. All interested parties could actually gain from a more flexible system.