



# Archaeological heritage and the new Heritage Conservation Act. A short overview about the development of the government regulation

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## INTRODUCTION

On 1 May 2019, a new Heritage Conservation Act (HCA 2019) entered into force, the third one after the restoration of the Republic of Estonia in 1991. The law was prepared during five years, involving the archaeologists<sup>1</sup> working in the National Heritage Board (MA). The council of experts of archaeological monuments<sup>2</sup> actively proposed amendments.

Archaeologists made different complex proposals for better organization of protection of both scheduled and unscheduled monuments. Most of the viewpoints of the specialists were considered in the act, but not all. The implementation of the act will show, if and to what extent the new regulation is successful, or which part needs improvements. The article will give an overview about the development of Estonian Heritage Conservation acts (HCA) and organization of the protection of monuments. Also, the regulations about protection and managing archaeological heritage will be introduced.

## EARLIER REGULATIONS ABOUT PROTECTION OF ARCHAEOLOGICAL MONUMENTS IN ESTONIA

Research of archaeological heritage of Estonia started at the beginning of the 19th century, when Baltic German intellectuals and Estophiles, researchers of the University of Tartu and various learned societies started to study monuments of different periods. Systematic mapping of archaeological monuments and sites started in the last quarter of the 19th century, led by schoolmaster Jaan Jung, who had got encouragement and knowledge from Finnish archaeologists (Lang 2006). At that time, Estonia was part of the Russian Empire, where an ukase of Alexander III was in effect since 1889. It obliged the researchers to apply for a permission for archaeological excavations from the Imperial Archaeological Commission. Yet, the ukase was in effect on the land estate owned by the state, the Orthodox church and rural and urban communities. The proportion of such lands among private property was very small in the Baltic Governorates, including Estonia. Therefore, the effect of the ukase was minimal regarding the archaeological monuments and sites of Estonia (Tvauri 2006).

<sup>1</sup> Mostly Ulla Kadakas, Nele Kangert and Maili Roio.

<sup>2</sup> MA has six councils of experts: for archaeological monuments, architectural monuments, art monuments, historical natural sacred sites, landscape architecture and a commission of musical instruments. The councils consist of experts in the field. During the preparation of the new act the list of the council of archaeological monuments included: Tõnno Jonuks, Mauri Kiudsoo, Aivar Kriiska, Valter Lang (chairman), Mati Mandel, Ragnar Nurk, Erki Russow, Toomas Tamla, Ülle Tamla, Jaan Tamm, Andres Tvauri and Heiki Valk.

Even an earlier period is noted as the beginning of heritage protection in Estonia, namely the rule of the Kingdom of Sweden, where the first National Heritage Act was issued in 1666 for protection of old monuments, graves, etc. (Placat 1666). However, the year 1925 should be considered the start of real protection as the Republic of Estonia adopted and enforced the first Heritage Conservation Act (HCA 1925).<sup>3</sup> 11 years later, in 1936 a revised act was adopted, where a position for a paid official (heritage inspector) was designated for the whole state. In addition to these, honorary offices – an overseer of heritage in each district and trustees were designated (HCA 1936). Until then most of heritage work was unpaid, distributed between the heritage council (under the Ministry of Education and Social Affairs), academic institutions and museums.

The archaeologists involved in heritage protection published several overviews about the organization of protection of archaeological heritage. It appears from these texts that their challenges in the protection of heritage are universal and remain valid even now, at least in Estonia. It was not enough to register the sites and monuments, but in order to avoid misunderstandings these had to be exactly delineated and their state regularly monitored; as regards private property the question of compensation for preservation and study arose; insufficient reporting of discoveries during construction work and limited will to hand over stray finds to the state (to scholarly research); as well as systematic illegal activities of ‘gold hunters’; trade and export of artefacts. The core reason of most of the problems was lack of resources for qualified labour, explanatory work and compensation for restrictions (Schmiedehelm 1935; Laid 1936; Tvauri 2006, 249–255).

During World War II the Republic of Estonia lost its independence: a lot of civil servants were executed or kept in forced labour camps by the oppressive foreign regimes; deported to Siberia or had fled to the west. During the war the former inspector of heritage protection (1936–1940), archaeologist Eerik Laid managed to flee to Finland and later on to Sweden. Archaeologists Marta Schmiedehelm, Harri Moora and some others, who had participated in heritage protection in the *Kabinet* of Archaeology of University of Tartu in the 1920s and 1930s, remained in Estonia (Russow 2021). They guided the attempts to maintain and restore protection during and after the war. In order to accomplish this, they tried to find and reactivate the local voluntary trustees who had acted in the late 1930s, but as they had been active members of the society, many were also dead or out of the country for the same reasons (Lõugas 1991).

Whereas during the pre-war decades of independence heritage management was organized jointly, but during the Soviet period the management of archaeological and historical monuments was separated from the monuments of architecture (Alatalu 2012, 52–53). It resulted in separate development of prehistoric archaeology and medieval urban and buildings archaeology, including methodical principles and practices (Russow *et al.* 2006, 163–166; Russow 2012, 23). The first post-war regulatory act was adopted in 1949. The list of the protected sites of monuments was completed three years later in 1952. However, the first Heritage Act of the Estonian SSR came into force only in 1961. It was a regulation prepared by Estonian heritage managers, made in accordance with local conditions and practices. In 1978 a new act came into force, which was almost a literal translation of the Heritage Act of the Soviet Union, adopted in 1977 (Alatalu 2012, 42–43).

<sup>3</sup> In order to specify the act, in 1926 a government regulation about protection measures of heritage monuments and sites was adopted by the Ministry of Education and Social Affairs (Riigi Teataja, 1926, nr 47), where protection principles were listed by types of heritage.

Setting aside the ideological pressure of the Soviet regime to the study of history, in general, the problems of heritage protection in the Soviet system were similar both to the previous and to the present era. Although there was no private property, systematic inspection to check the state of preservation, rescue excavations, explanatory work to encourage reporting about finds, landscape surveys to locate heritage sites before extensive melioration and other large construction projects, etc. had to be arranged. It took a lot of hard work and struggle to get the required resources (people, money) to accomplish all this (Tvauri 2006, 257–261).

Preparations for a new HCA started in the end of the year 1990. The Republic of Estonia was restored in August 1991. In October 1993 several institutions responsible for heritage management so far were united into MA. The parliament adopted a new HCA in 1994 (HCA 1994). Preparation of the new act was delayed because consensus between the experts of former separate institutions was difficult to reach, the new HCA had to be based on pre-war legal acts in order to maintain legal continuity. Experiences of the Western countries as well as local traditions and practices, prevailing opinions in the society and the changed concepts about heritage and property ownership had to be taken into account (Alatalu 2012, 44–46).

In 1996 Estonia ratified the European Convention on the Protection of the Archaeological Heritage.<sup>4</sup> The HCA and the arrangement of protection in Estonia were generally in accordance with the convention. Therefore, it was not necessary to change any particular legislative act. However, there was reason to point to the lack of resources necessary to arrange heritage protection, including compensation for restrictions (Kraut 1997, 238–239).

The HCA adopted in 2002 (HCA 2002) was similar in its structure and essence to the previous one. Not much was changed regarding the protection of archaeological heritage. Therefore, its adoption has not even been mentioned in the overview about heritage protection in 2001–2005 (Kraut 2006). However, introduction of a system of licences on legislative level in the HCA for the persons and institutions involved with field research, conservation and restoration should be considered an important supplement. The HCA of 1994 had been supplemented with reference to the licences by a government regulation, although the HCA did not give an authorizing provision to it. The previous HCA-s did not specify, who could be authorized to do such works, although the obligation to apply for permission was noted.<sup>5</sup>

The last major change in the HCA was done in 2011 (HCA amendment 2011). It was not a new act, but an amendment and supplement to it, although the changes were extensive and fundamental, especially in the case of protection of archaeological heritage: a clear regulation for communication between hobby users of metal detectors and the state was created (training, search permits, search reports), regulations for the protection of underwater heritage were formulated for the first time, and several changes regarding the communication between the owners and the state were added (see Kraut 2012).

## THE BASIS FOR PREPARATION OF THE NEW ACT REGARDING ARCHAEOLOGY

Arrangement of the protection of archaeological heritage has improved well in several aspects during the last decades. Since 2002, the national registry of cultural monuments has been available online for everybody, also linked with the online land cadastre and e-Land Register (Kraut 2006). The development of e-state enhanced the administrative capacity of

<sup>4</sup> The European Convention on the Protection of the Archaeological Heritage by the Council of Europe was adopted on the 16th January 1992 in Valetta, came into force in the Republic of Estonia on the 15th May 1997 (Riigi Teataja II, 1996, 36/37, 134).

<sup>5</sup> The HCA of 1977 had a distinct exception: for the first time it was noted that archaeological excavations and studies could be led only by scholars in the specific field (§ 34) and that a special scientific restoration institute is charged with conservation and restoration works (§ 25).

the state offices and local municipalities considerably. As a result, most of the construction and development projects, also forest notifications etc., which concern heritage, probably reach the MA.<sup>6</sup> There are cases when the MA has not received relevant information, but often the problem is poor quality of data in the national registry of cultural monuments. It has not been possible to verify the locations and boundaries of all the sites and monuments, which have been taken under protection during the century.<sup>7</sup> Therefore, the location of a site or a monument may be marked incorrectly on the map. If the information in the documents in the archive of the MA about the location and borders of a protected site is insufficient or incorrect, then depending on the extent of error, a new process of assigning the borders may be necessary, which would be similar to the process of taking a site under protection.

The main principle of the amendments to the 2002 act in 2011 regarding communication between hobby users of metal detecting devices and the state was based on trust. The system started to work well, and the finds started to be handed over to the state, which had not been the case earlier. Archaeologists have noticed signs of illegal search and finding on the landscape throughout the 1990s and 2000s, but at that period usually only 1–2 finds or find complexes reached the researchers annually. The majority of people act in accordance with the laws, but there are always members of the society, who try to bypass regulations. However, the regulation of 2011 had its weak points and unclear wording. Therefore, it was easy to dispute disregarding the law and there was not much fear for penance.

Regardless of the difficulties and thanks to the work of archaeologists and users of metal detectors an average of 100 new sites or monuments have been discovered in a year, since 2000 even less than 1/10 of the discovered sites or monuments have been taken under protection (see Veldi & Jonuks 2012 and the discussion thereafter). These include hundreds of archaeological sites which have ample scientific evidence and which would not need much explanation for the wider audience (hill forts, burial mounds, cemeteries, cup-marked stones, iron production sites, etc.). Preservation of archaeological sites without state protection is a matter of chance, because nothing would provide a signal to the developer to be careful and considerate. Likewise, the activities of hobby detectorists cannot be restricted in such areas. The discovered monuments and sites with solid evidence have not reached the list of protected monuments mostly because of long-lasting administrative procedures. In the 1990s a short scholarly description and the signature of the minister were sufficient for a new site to be scheduled as a monument, but during the last decades Estonia has developed as a state of justice (*Rechtsstaat*), where the process has to be public, the opinion of every special interest group, in case of heritage especially the owners, has to be asked and taken into account. The amount of work, necessary for the process in such conditions, is immeasurably larger than before. In particular, the process is dragged because of common belief of total inviolability of (private) property by some owners, but also because of shortage of financial support and compensation for restrictions from the state.

In order to improve heritage conservation on national level, including the arrangement of archaeological heritage protection, the Ministry of Culture and the MA started to draft a new act in 2015. After the involvement of interest groups and thorough discussions it was adopted

<sup>6</sup> Apart from the process of taking a site under state protection, which is a proactive or forestalling step by its nature, the rest of the archaeological heritage management is generally reactionary, responses to the projects of land owners and developers.

<sup>7</sup> In the 1920s and 1930s ca. 1500 archaeological monuments and sites were taken under state protection. 1345 of these have remained in the list. In the Soviet period ca. 4500 monuments and sites were added and after the restoration of the Republic of Estonia ca. 2000 new archaeological monuments and sites have been discovered. The number of discovered monuments and sites has especially increased since 2011, when the rights and obligations of hobby metal detectorists regarding searching and finding archaeological heritage were regulated: their activities bring information about 70–100 new sites a year.

by the parliament in February 2019. One of the major goals of the new act was to balance the obligations of the state and the owners, because preservation of cultural heritage is a public interest, and therefore the owners should not bear the burden alone. In the case of archaeological heritage, it meant introduction of partial monetary compensation for research costs to the owners.

## ARCHAEOLOGICAL HERITAGE IN THE 2019 HCA

Amending legal acts becomes inevitable in time. It also seems that increase of detail is unavoidable, as every new article of a law is based on a particular case which has occurred. In 1925 just over twenty articles of a law were sufficient for the HCA. At present five times more are necessary to formulate the same (see Table).

**Table.** *A count of articles of a law in Estonian Heritage Conservation Acts over the years.*  
Compiled by: Ulla Kadakas

Act	1925	1936	1961	1977	1994	2002	2019
§	21	34	12	43	46	54	114

The new HCA is structured traditionally: first the definitions, then regulations for acting in the sphere of heritage and finally penalties for the offenders. In comparison to the previous HCA a new chapter has been added to the beginning, where general principles of heritage protection are described. Previously these had been scattered in various international documents (conventions, charters), but now were concentrated into one place for the general audience: the added new needs to support and to help bring forward the values created previously; the protection process is based on the precautionary principle, i.e. all works and actions should diminish the danger of perishing the heritage and support the survival of values. The meanings of tangible and intangible material culture are described. It is noted that appreciation and preservation of cultural heritage is a common obligation of the society. For a purpose of clarity archaeological cultural layer<sup>8</sup> and shipwreck<sup>9</sup> are defined in the HCA.

In addition to historical, archaeological, architectural, art and technical monuments historical natural sacred sites are defined in the new HCA as a new class of monuments. These were protected as archaeological monuments so far. Unlike in the previous HCA-s of the Republic of Estonia (1925, 1936, 1994, 2002) and the Soviet period (1961, 1977), where the classes of monuments were described by lists, the new HCA defines these by values.<sup>10</sup> Like in the definition of the European Convention on the Protection of the Archaeological Heritage<sup>11</sup>, according to the new HCA archaeological heritage has two manifestations of values: monuments and sites manifest landscape as temporally multi-layered (source of collective memory) and also as an instrument for research of history (source of scientific research). These values are controversial to each other to some extent: if the monument is preserved intact on landscape, then it is not possible to obtain academic knowledge from it. Knowledge can be

<sup>8</sup> HCA § 6 (1): An archaeological layer means a deposition accumulated as a result of direct human activity or human impact, which may include the remains of construction, wrecks, human and animal bones, archaeological finds, including tools and utility articles, remains or production and similar.

<sup>9</sup> HCA § 6 (2): A wreck means the remains of a water-, air- or other craft or a part or parts thereof together with the area underneath it and the cargo or other objects associated with the wreck.

<sup>10</sup> HCA § 11 (3): An archaeological monument is the remains, thing or set of things of human activity and other traces which indicate the multiple layers of time on a cultural landscape and which provide scientific information on the history of mankind and human relations with the natural environment. An archaeological layer is an important part of an archaeological monument.

<sup>11</sup> The aim of the convention is to protect archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study.

obtained to some extent from the study of the location of the monument on landscape, from survey and study by non-destructive methods, but it is not possible to restore the monument as authentic after full archaeological excavation (see also Kadakas 2017, 45).

The new HCA specifies protection of archaeological heritage on two levels: protected archaeological sites as a new class of archaeological heritage with milder restrictions were created besides monuments with more strict ones.<sup>12</sup> In the first case, the director general of the MA can make the decision, but in the case of the other class specific criteria<sup>13</sup> will be considered and the signature of the Minister of Culture is necessary. The administrative procedure (describing the monument or site, involvement of the owner) is similar in both cases, but the explanations and criteria given in the act should alleviate the compilation of necessary documents for the protected archaeological sites.

What is the difference between an *archaeological monument* and a *protected archaeological site*? If archaeological heritage were only a source of research of the past, then there would be no difference. A premise of listing a monument is that the artefact or area with cultural value represents the more valuable part of the material cultural heritage of Estonia. Among archaeological heritage there are such, which have preserved better and more intact than others or have a more significant meaning in the cultural landscape. In the case of such heritage, right after defining the place as protected archaeological site, the process of registering it as a monument will be started. In the future, a full-scale archaeological excavation, i.e. total removal of such a monument would be an extreme exception. The sites which remain protected archaeological sites primarily have a value as a source of scientific study because of their limited preservation.<sup>14</sup> Therefore, after archaeological excavation new houses, roads, etc. could be built. Hobby detecting is not allowed on both the listed monuments and protected archaeological sites.

In the new HCA the term *finding with cultural value* was replaced with a term *archaeological find*<sup>15</sup>, because it describes more clearly what was meant. An important principle regarding the protection of finds was added into the HCA: an archaeological find cannot be acquired *bona fide*. It means that if someone wants to buy from a fair, an online shopping environment or from a (casual) acquaintance an artefact, which has obviously been obtained from the ground, e. g. a spearhead, a sword, a buckle or a thousand-year-old coin, the buyers should find out, if they are buying an item which is legally on sale or not.

The new HCA has an update also concerning heritage conservation areas.<sup>16</sup> Based on the preservation condition the MA has to divide the buildings into groups and specify particular requirements: where the building has to be protected as a whole, where the preservation of exterior appearance is sufficient. In case of the latter the owners are dismissed of

<sup>12</sup> HCA § 25 (1): A protected archaeological site is an area or land or water, where archaeological finds, human bones, remains of historical building structures or other elements referring to an archaeological layer have been found and which may still contain such elements.

<sup>13</sup> The criteria are specified with a regulation by the minister of culture no 23 from 15 May 2019. Criteria for an archaeological monument can be (§ 4) the age and location, scientific value and uniqueness of data, outstanding and special character, continuity of function, reflection in literary sources and educational value, preservability. Criteria for state protection of a historical natural sacred site can be (§ 7) the age, presence of written and/or traditional data, continuity of traditions or customs – information on the cultural and/or historical religious background on the object has preserved in the community, regardless of the present use of the object.

<sup>14</sup> E. g. finding places which are situated on large meliorated fields, which have been ploughed deeply for decades.

<sup>15</sup> HCA § 24 (1): An archaeological find is an object or set of objects created by human activity and sedimented or hidden in the ground or on the surface of the ground, inside a structure, water body or the sediments thereof, which has an archaeological, including historical, artistic, scientific or other cultural value and which has no owner or the owner of which cannot be ascertained.

<sup>16</sup> 11 heritage conservation areas existed when the new HCA came into force – ten town cores of the oldest towns (Haapsalu, Kuressaare, Lihula, Paide, Pärnu, Rakvere, Tallinn, Tartu, Valga, Viljandi and Võru, of which Tallinn is also in the UNESCO World Heritage List), and the area of Rebala in Harjumaa county. The main focus of Rebala conservation area is on the preservation of its general appearance as an historical agricultural landscape and its natural components – farmsteads and hamlets. The Stalinist style centre of Sillamäe town is in preparation as a heritage conservation area.

the obligation of approval about the interior works. However, it is necessary to specify the requirements regarding the archaeological cultural layer in the interiors within the heritage conservation area. E.g. in a building classified to a group, where in the interior there have never been architectural heritage values or these have not been preserved, archaeological values – remains of earlier buildings, a cultural layer – can be preserved in the basement rooms, and appear during excavation or renewal of foundations. Therefore, it is not possible to fully dismiss the obligation of permission and field studies regarding interior works.

In the case of an archaeological monument, protected archaeological site, cultural layer and archaeological find there is no temporal limit in the HCA, because it depends on the context, what exactly is considered to be archaeology. The explanatory memorandum of the HCA specifies that first of all finds older than the 18th century are of scientific interest, but depending on the context an archaeological find can be younger, but still bear significant cultural and scientific value. The MA should definitely be informed of artefacts from World War I, the Estonian War of Independence (1918–1920), World War II and the Forest Brothers (anti-Soviet guerrilla).

The HCA balanced the obligations of the state and the owner. Compensation for studies of a protected monument before a construction project is now designated. The state, i.e. the MA provides the special conditions for heritage conservation, which previously had to be commissioned from specialists in the private sector. Compensation is defined for the preservation of a monument – for conservation in the case of an architectural monument and for maintenance in the case of an archaeological monument. The amount of the compensation depends on the state budget, but the sums allocated have covered less than minimal needs. Maximum compensation for an archaeological study applying the main method of salvage excavations – the watching brief – for natural persons is 1000 euros, reimbursing the cost to the full within this limit. In the case of juridical persons only half of the cost can be compensated, but not more than 1500 euros. About 3/4 of the archaeological studies stay within these limits. The compensation will be settled after the owner has reimbursed the contracted archaeologist for the work and after the archaeologist has handed over the fieldwork report to the MA.<sup>17</sup>

As in previous HCA-s, it is designated in the new one, that the person who is carrying out the work should stop it and inform the MA upon discovering an archaeological find or cultural layer. Also, the MA has the right to stop the work if archaeological layers have been uncovered. Discovery of archaeological heritage during construction process is problematic for every party: the owner and the builder cannot fulfil their plans during the contracted time, the heritage object or site has been damaged, an archaeologist has to dash to fieldwork regardless of weather and former agreements, someone has to provide funding. In order to avoid such situations, it is specified in the HCA that in the case of large planning projects, possible archaeological values should be found out during the estimation of environmental impact already, in order to take these into account in good time. Regarding archaeology, a weak point of the new HCA is the connection of this preventive measure with a particular stage of planning: in real life many projects do not need estimation of environmental impact. Therefore, it is complicated to designate field studies in such cases.<sup>18</sup>

<sup>17</sup> Fieldwork report should be presented not later than three months after the end of fieldwork, but in the case of larger excavations it is possible to pay the compensation based on a preliminary report.

<sup>18</sup> Such a restrictive measure would be appropriate, if all the known archaeological heritage were officially registered as protected archaeological sites and marked on the map.

Improving the regulation which specifies the activities of hobby detectorists is one of the measures for protecting undiscovered archaeological evidence. Prior notice of going to a search, with an accuracy of the real estate plot, was added to the previous requirement of training, search permit and search report. A change was introduced regarding the cases where the search permit is required, concentrating not any more on the goal of the search (searching for artefacts with cultural value), but rather on the location of the search (basically everywhere outside urban areas, village centres and home yards; see in detail Kurisoo *et al.*, this volume). In the training course the hobby detectorists will be instructed about the concept of archaeological heritage, how their hobby affects preservation and possibilities for further study. Search reports and the discovered finding places help to map the distribution of archaeological heritage, which should be taken into account in the spatial plans.

Fieldworking archaeologists are affected by chapter 5 of the HCA, which concentrates on the obligations of persons operating in heritage management. The licence of a specialist, previously with an unlimited duration, was replaced with a certificate of competence, valid for five years. In order to get the certificate of competence, the applicants have to prove their higher education (archaeologists need MA<sup>19</sup>) in the respective field and a continuous working experience during at least four years. The licences of institutions were replaced with a notice of economic activities in the Register of Economic Activities. This notice can be presented by the company, which has a legal connection (contract) with a competent person. Previously, there was an exception for museums and research and development institutions, which had no need to apply for a licence since scientific research as main activity is already included in the charter. Now archaeologists working in such institutions must obtain a certificate of competence, if they intend to carry out archaeological field studies.

In order to carry out archaeological field studies the archaeologist (competent person) must send a research plan<sup>20</sup> to the MA, specifying the classes, aims, methods, timeframe of research, including drawings about the planned work, extent of excavation when necessary and other important information depending on the class of field research. In every HCA throughout the century (and even before<sup>21</sup>) it was designated that a permission should be obtained from the state, but the new HCA replaced it with a notice from the researcher, which should be presented at least ten days before the start of the fieldwork. During those days the MA can check the data, the qualification of the researcher and can set additional requirements for the field study, depicted in the research plan, if necessary; in some cases, described in the HCA, the MA can refuse the permit. When the research plan has been approved, but the MA has not replied to the notice, then the researcher can start the fieldwork. In the case of archaeological studies, the MA always answers to the notice. It is necessary because the archaeological finds belong to the state<sup>22</sup> and the MA has an obligation to designate the institution responsible for keeping the potential finds. This is specified in the answer to the notice.

## CONCLUSION

The HCA of 2019 is definitely the most thorough and explanatory among the acts, which have regulated this field in Estonia. This act is one part of a larger whole, tightly connected to the acts which regulate planning, assessment of environmental impact and construction, also

<sup>19</sup> There is no specialization on archaeology during BA studies in the University of Tartu, the only institution in Estonia which trains archaeologists.

<sup>20</sup> In the previous HCA-s programme of research.

<sup>21</sup> The ukase of the Russian Emperor from 1889, see above.

<sup>22</sup> Archaeological finds have been designated to belong to the state since the HCA of 1925; see in the new HCA § 24 (4); in the HCA of 1994 and 2002 § 30 (2); in the HCA of 1977 § 4; in the HCA of 1961 § 9; in the appendix of the regulation of 1949 1 § 27; in the HCA of 1936 § 15; in the HCA of 1925 § 11.



the Law of Property Act. In implementing the act the Good Administrative Practice should always be considered. The aim of the compilers of the act was to move closer to the Faro Framework Convention of the Council of Europe about the value of cultural heritage in the society, according to which everyone has the right to benefit from the cultural heritage and to contribute towards its enrichment. Naturally, it should be accompanied by responsibility.

The HCA-s which have been in force during almost a century all describe one and the same principle as stated in the proverb: 'measure twice, cut once.'<sup>23</sup> On the cultural landscape which we have inherited, we should be cautious, careful and avoid wrong 'cutting', because material heritage is a non-renewable resource – the Stone Age settlement sites, Bronze Age burial mounds, Iron Age fortresses and medieval churches do not increase in number. Contemporary landowners, when building new houses, hobby detectorists, when they search for valuables, and archaeologists, when they study monuments, should carefully think over all the circumstances and act only thereafter.

The natural place of the archaeological heritage is on the landscape, the aim of the HCA is to provide a legal space/framework to secure it. The implementation of the act will show, if it is a success.

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<sup>23</sup> Estonian version of this international proverb is 'üheksa korda mõõda, üks kord lõika' (Eng. measure nine times, cut once).

## REGULATIONS OF HERITAGE IN ESTONIA IN CHRONOLOGICAL ORDER

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