



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 2003–2010¹ 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 2002–2009² 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

¹ 2000–2002 no archaeological sites were designated as monuments.

² 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

Monuments / Muistised	2003	2004	2005	2006	2007	2008	2009	2010	Total / Kokku
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
Total / Kokku	10	5	4	16	30	13	–	5	83

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

Monuments / Muistised	2003	2004	2005	2006	2007	2008	2009	2010	Total / Kokku
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
Total / Kokku	10	5	4	17	29	13	–	5	83

Table 3. New sites discovered in 2002–2009.

Tabel 3. Aastatel 2002–2009 avastatud uued muistised.

Compiled by / Koostanud: Martti Veldi

New sites / Uued muistised	2002	2003	2004	2005	2006	2007	2008	2009	Total / Kokku
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
Total / Kokku	75	83	59	60	60	79	76	42	534

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 Census 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 / Uued muistised</i>	2002	2003	2004	2005	2006	2007	2008	2009	Total / Kokku
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	–	–	–	–	–	–	–	–	–
Total / Kokku	75	83	59	60	60	79	76	42	534

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 undesignated monuments to general public might induce unhealthy interests of looters using metal detectors. At current state (01.04.2012) the list of undesignated 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 finds³ from the cemetery over a long period of time, also artefacts and human bones⁴ 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 textile⁵ 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 (Tvaauri 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.

³ AI 2472.

⁴ AI 4215.

288 ⁵ AI 5967.

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.⁶ 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 liikati kõrvale ja jäeti keset põldu. Korralike eeluuringute puhul oleks olnud võimalik eelnevalt läbi uurida kivi ümbruskond.

Photo / Foto: Tõnno Jonuks

⁶ 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

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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 muistiseliliikide esinemine (tabel 1) on võrdlemisi tagasihoidlik: 33 asulakohta, 6 kivilakmet, 3 muinaspõldu, 3 maa-alust lakmet, 2 lohukivi, 1 hiiekoht, 1 sadamakoht ja 1 maabumipaik. Asulakohtadest on kõige enam kaitse alla võetud kivijaga 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 Hiimägi, 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 lakmet. Reimaa näitas muistiseid tolleaegsetele 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 kividele 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.