

# SHARED GLOBAL EXPERIENCES FOR PROTECTION OF BUILT HERITAGE



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SCHOOL OF PLANNING AND ARCHITECTURE, BHOPAL

## Effective Enforcement of Legislation



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### Abstract

The current paper discusses the need to regulate and explains the aim of regulations with examples from Estonia. The paper argues that the problem lies in missing or poor explanation of the meaning and aim of legislation.

### Keywords

Legislation, Awareness Raising, 20<sup>th</sup> Century Heritage, Rural Heritage

## **1.0 Introduction**

Protection of heritage is a multifaceted matter. On one side the target is to safeguard the best examples of human creativity and the valuable traditions. We preserve not just history, but literally the roots of mankind. The human values are in continuous development and changes take place with every new generation. To follow the traces of history a choice of its elements should be preserved for contemporary and future generations. Estonian researcher Priit-Kalev Parts has defined that the list of monuments is a political choice of what we declare important from our past (Parts, 2007). Thus various registers of monuments reflect not only the ideology of heritage protection, but also its position in the community and in current political situation. Choices on what to preserve are made on local, national and global level as the broader influence of one or the other phenomenon may be different, but all these choices are precious to some groups of the society.

However, these choices are usually not only legitimized, but also made by specialists. Thus it depends on the qualification and knowledge, but even more on the availability and mandates of heritage specialists. Many protected monuments, like prehistoric sites, places of worship or the monuments of rulers etc. represent public values. But a considerable number of protected sites have undergone a value creation process before the community accepts them as a common value. These are very often the monuments of daily life and history of the community, often representing the identity of certain social groups.

But not only the list of monuments is a compulsory decree of protection made by the specialist and authorities, but the overall intercourse between people and monuments are defined by legislation. There is a whole set of obligations set around the eternal life cycle of a monument. Only the fact, that heritage is something that is predicted by law, creates a gap between individuals and heritage and the procedure of protection is seen as something forced and involuntary. Of course, this varies in different cultures. This argument is confirmed in all presentations from a dozen countries presented on the International Conference of ICLAFI in School of Planning and Architecture in Bhopal in 2015. Often the problem lies in missing or poor explanation of the meaning and the aim of legislation. It is important to create understanding, to define heritage as common richness in cultural, economic and social sense and thus to reduce the resistance to the regulations. The easiest way is to involve communities not only in awareness rising, but also the process of creation of rules and the supervision of activities. In the following part some examples on different ways of awareness rising in Estonia will be discussed.

## **2.0 Inclusive List of Monuments**

Although the first attempts to create a list of archaeological sites and the resolutions to protect Tallinn Old Town<sup>1</sup> were enforced already at the end of the 19<sup>th</sup> century, the compilation of official list of monuments in Estonia started only in the 1920s. It consisted mainly of archaeological and medieval heritage. During the century newer layers from 18<sup>th</sup> and 19<sup>th</sup>, and even early 20<sup>th</sup> century and new types of heritage have been added. By the turn of millennium, the list was still relatively biased. This argument has many layers to be discussed below.

For example, from total of ca 5300 monuments of architecture more than 2000 represent the culture and economy of manors, while only 300 stand for the legacy of peasants. Of course, the manors of the nobility were the carriers of political, economic and cultural life and they have strongly influenced the development of physical environment. Estonia was Christianized and conquered in the beginning of 13<sup>th</sup> century and till the formation of the Republic of Estonia in 1918 it has been under the rule of German Order, Kingdom of Denmark, Kingdom of Sweden, and Russian Empire. Despite who has been the supreme power, the land itself was for centuries divided between ca 200 noble families who by rule were not Estonians. Native population was forced into serfdom, which was officially abolished only by the acts from 1816 and 1819, but in reality, the situation changed in favour of the Estonians only in mid-19<sup>th</sup> century when the peasants got the right of ownership of the land. The rank system was finally abolished only in 1920. So, the national register of monuments represents almost the entire preserved legacy of the former nobility, but overlooks the heritage of Estonians who were forced into lower rank.

Although some of the manors were listed already in 1930s, still the massive protection of them started only in late 1970s when there was a solid time distance with the era of serfdom. Even more – the listing of architecturally outstanding heritage of bygone times had a hidden background of resistance to the Soviet occupation and its official narrative of history. In retrospective we can say that the process started too late and many of the manors were gone by that time.

Still the above mentioned 300 farmhouses, cattle sheds, windmills, rural inns etc. were almost all listed during the Soviet occupation, in addition to their ethnographic value, a label of legacy of the “working class” was added. After the rediscovery of manors, listing of ethnographic heritage stopped almost completely and little was done to promote its importance. Only the recent years have shown some change in the priorities.

Estonia restored its independence in 1991 and the society immediately became very neglectful of the legacy from the period of Soviet occupation, although hundreds of masterpieces of architecture had been designed by talented Estonian architects. Too many of them fell in disrepair.

In 2007 the Ministry of Culture and the National Heritage Board initiated a programme “Mapping and analysing valuable 20<sup>th</sup>-century architecture in Estonia” in order to make an inventory and survey the preserved valuable heritage in the whole country. The programme focused on the period from 1870 to 1991 i.e. from the year of establishment of railway system as the cornerstone of industrial development to the restoration of independence in Estonia. More than 2000 sites that represent different phenomena of development in society including the period of Soviet occupation were studied and more than 600 were thoroughly documented and nominated for inscription in the national register of monuments (Lankots, Välja 2013). The importance of this study lies in its inclusive character as it took note from very different issues in the development of society from rural buildings to military and industrial heritage. This study has helped to balance the list of protected sites so that it covers different political, social and cultural aspects of the past.

### 3.0 Milieu Protection areas as Neighbour watch areas

There are 11 urban conservation areas in Estonia in towns with medieval city structure including one established in 18<sup>th</sup> century. Although the areas are homogenous, the individual buildings inside represent different time and style periods. Thus, the statutes of the conservation areas state overall principles and direct restrictions given plot by plot.

In addition to these areas there are dozens of milieu protection areas adopted since 1996. These cover historic suburbs mostly created and developed from the end of 19<sup>th</sup> century and onwards, the newest ones comprise of housing from 1970s. The protection of these is regulated by the Planning Act and not on national, but municipal level. The original idea was not to preserve each and every house but to follow the smooth Nordic democratic example protecting the structure of the areas, scale of buildings, greenery, etc. But by that time many valuable houses had been destroyed in course of the development fever following the Property Reform after the restoration of independent state. Following the negative effect of plot-based development, the inventories were carried out to map the existing buildings and identify their values. Based on the inventories, protective rules were created and as generally the buildings inside whole quarters are rather similar, the restrictions on materials, designs etc. are pretty precise. As the areas were designed by master plans, the process had to involve also public discussion. In the beginning of the process there was a notable opposition, but consistent awareness raising campaign in media, meetings with local inhabitants and organizing excursions to point out the values has had significant results. This has positively affected the real estate price, and it has become very popular to live in a milieu area. Also the understanding that in dense city structure every development in the neighbourhood has an effect on the real estate value of the whole area has created common interests. The inhabitants have formed numerous local societies that discuss and improve the life quality in these areas and interfere in case of unwanted developments. The "neighbour watch" has proved to be not just remarkable community involvement but also a very effective tool in heritage protection (Alatalu 2013).

### 4.0 Programme for Owners of Rural Buildings in Estonia

The Estonian Open Air Museum (established in 1957) preserves and presents a collection of farm buildings from all over the country. In 2008 the Museum accepted the proposal of Ministry of Culture to carry out a programme of rural architecture and landscape. The most visible outcome is the programme for training the owners of heritage rural buildings throughout the country. As the majority of Estonian farm architecture is not listed, their preservation remains solely the responsibility of the owners and National Heritage Board and has limited options to interfere. The Museum has effectively contributed to the awareness raising, explaining and promoting the values of the ethnographic architecture. But awareness raising itself is not enough. People in rural areas are in need of practical advice, with examples to follow, in how to renovate their old rural properties. The Museum has organised special courses. Majority of the courses are based on case studies that take place in different places all around Estonia. Meeting *in situ* the potential clients creates friendly climate and heritage friendly attitude. Participants learn by doing, and thus contribute with their work to the preservation and future maintenance of the vernacular architecture. By 2015 the Museum has

organised more than 80 practical training courses for over 1700 participants. The popularity and outcome has been so notable that in 2015 the programme was granted with Europa Nostra Grand Prix – the highest heritage award in Europe promoting the initiative as an example to the rest of Europe. (Europa Nostra, 2015)

## 5.0 Conclusion

Cultural heritage is a common value, richness of the society. A number of laws and regulations have been put in place to regulate the safekeeping of protected monuments, but still it faces daily mistreat and disrespect. Very often the mistreat origins from the owner or the closer community. History has proven that regulations are not effective when community has not accepted them as shared responsibility. Thus the authorities have to be creative how to explain the aim of the regulations and create a shared responsibility. This sounds idealistic, but in most of the cases the effort made to explain the broader goal and aim of the regulations help to create a dialogue and broaden the circle of safekeepers of heritage.

### End notes:

<sup>1</sup> Tallinn Old Town is a World Heritage Site since 1997

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