

Protection of cultural monuments

Has the state done enough to ensure the preservation of cultural monuments as an important part of Estonia's cultural heritage?

National Audit Office report to Riigikogule, Tallinn, 27. June 2007

Summary of results of audit

The National Audit Office carried out an audit of the activities of the National Heritage Board in the protection of cultural monuments in order to assess whether important heritage property is under protection and protected against damage and destruction.

In providing its assessment, the National Audit Office used by the following criteria:

- The state must have an overview of its monuments and their condition;
- All objects and sites, and only those objects and sites which have cultural value, have been placed under protection;
- The owners of the monuments must be aware of their rights and obligations;
- Supervision will ensure the detection and prevention of infringements;
- The measures to be implemented for the prevention of infringements, the restoration of the state that existed previously or the punishment of offenders are effective.

It is the constitutional task of the state of Estonia to ensure the preservation of Estonian culture through the ages. Cultural monuments form an important part of cultural heritage. There are more than 25,000 cultural monuments in Estonia. Their owners are responsible for their preservation, but any object or site granted monument status also provides the state (the National Heritage Board) with a number of obligations. In order to guarantee the preservation of monuments, the state has placed restrictions on ownership and maintenance obligations on owners which make the upkeep of monuments (particularly architectural monuments) expensive for the owners. In 2007 the Estonian state will be spending 54.8 million kroons on the activities of the National Heritage Board, of which almost 39 million kroons will be used in supporting owners. For this reason it is important to owners, the state and taxpayers alike that all important objects and sites worthy of cultural monument status are placed under state protection and protected against damage and destruction.

The audit revealed that the state has not done enough to fulfil its constitutional task in ensuring the preservation of cultural heritage. The National Heritage Board has contributed significantly to the fulfilment of its tasks in recent years and to rectify any shortcomings as it has proven able, but the fulfilment of all necessary tasks remains beyond its capabilities. A number of organisational problems and previous omissions continue to both jeopardise the preservation of monuments and hinder effective operations within the field. The most important observations regarding shortcomings are as follows:

- **Some objects and sites of valuable cultural heritage have still not been placed under protection**, while other objects and sites enjoy monument status that do not deserve it. This is because little basic or field research has been done and the Soviet era lists of monuments have, in part, been automatically accepted.
- **The criteria for qualification as a monument have not been formulated in writing or published**, as a result of which the reasons behind decisions on placing or not placing an object or site under protection may remain unclear to both the owners of the monuments and the public.
- **Much of the data required to be recorded in the state register of cultural monuments has not been entered**, meaning that it is not possible to obtain an up-to-date, comprehensive overview of the state of monuments. This produces twice the workload for officials, and the public are unable to obtain sufficient information from the register about all monuments. Neither have all heritage conservation restrictions been entered in the cadastral register.
- **Many owners are not fully informed of their rights and obligations**. The survey of owners of architectural monuments revealed that 17% are completely unaware that they are in ownership of a monument, while 47% are unaware of their obligations. One of the major causes of this problem is the fact that the National Heritage Board has not managed to fulfil all of the obligations arising from legislation: by the end of 2006 only ca. 60% of owners had received

notification of their obligation to protect their monuments, and virtually no such notifications had been issued to the owners of property inside protected zones around monuments. Moreover, the majority of monuments remain unmarked. Uninformed owners are damaging their monuments and heritage conservation areas through incompetent maintenance or failing to provide maintenance. The survey conducted by the National Audit Office revealed that 81% of private owners of architectural heritage objects or sites who were unaware of their obligations had carried out renovation work on their monuments in the preceding five years, many presumably without the required approval of the National Heritage Board.

- **The process of distributing support from the state budget to monument owners is not transparent.** The priorities in the distribution of support have not been made public and many owners are not aware of the possibility of applying for support. The government-approved procedure for the distribution of support was not followed in 2007: the matter was decided by the parliament instead of the National Heritage Board and approved on the basis of a letter from the parliamentary Finance Committee by the Minister of Culture; and monuments for which no applications had been submitted were issued with support. No priorities or exact procedure have been set out for the distribution of support as part of the state programme "Preservation and Development of Churches".
- **There is a lack of reliable information about the condition and inspection of a considerable number of monuments.** According to the data of the register of cultural monuments, as of February 2007 only 27% of all monuments had been inspected. Entry of inspection data into the register often only occurs several months later, or does not occur at all. Heritage conservation inspectors mainly examine architectural monuments which have undergone restoration, have new owners or with regard to which information on infringements has been received from independent sources. The National Heritage Board does not have an overview of the preservation of interiors. 67% of owners who are unaware of their obligations have carried out renovations on interiors. Many infringements remain undetected.
- **Architectural monuments are at the greatest risk.** According to known data, a total of 1 156 or 26.3% of Estonia's 4 402 architectural monuments are in poor or very poor condition and urgently require maintenance or renovation.
- **Maintenance of architectural monuments on state-owned land has been overlooked.** Several cultural monuments located on unreformed state land – the majority being buildings and other structures – have fallen into varying degrees of disrepair, as nobody (local governments or state institutions) wishes to take responsibility for monuments situated on such land.
- As the National Heritage Board has failed to meet its obligations to owners, the **penalties** for monument-related infringements are lenient and inconsistent. The board continues to have problems determining penalty payments and fines and keeping account of their receipt.
- The implementation of **penalty payments** in the event of an infringement is for the most part effective. The exception here is the City of Tallinn, where in almost half of all cases the obligations arising from control action remain unfulfilled. Owners would rather pay the penalties that are imposed (even repeatedly) than accept and act on the responsibilities they are charged with.

Response of the Minister of Culture and Director-General of the National Heritage Board:

The Minister and the Director-General of the National Heritage Board have pledged to eliminate the problems brought to light in the report. The board has approved a new strategic development plan for 2008-2011 in which attention is focused on the majority of the shortcomings highlighted by the National Audit Office, and its activities in the short term are being planned in accordance with the requirements underscored in the report. In his response, the Director-General indicated that fulfilment of a number of the obligations and activities arising from legislation is being hindered by a lack of staff and funding.

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