

Archaeological Heritage in Lithuania after the 1990s: Defining, Protecting, Interpreting

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Abstract

The paper seeks to present developments in the state system of archaeological heritage protection in Lithuania after the 1990s. National legislation was essentially modified twice: in 1994 and in 2004. Aspects of defining (inventarisation, assessment and listing in the national Register of Cultural Properties), protecting (requirements for archaeological heritage protection, regulations on archaeological excavations' procedures) and the interpreting of archaeological heritage (preservation of archaeological remains in situ) are under consideration.

Keywords: *archaeological heritage, assessment, archaeological excavations, in situ.*

Santrauka

Straipsnyje pristatomas Lietuvos archeologinis paveldas bei apžvelgiama valstybinė archeologinio paveldo apsaugos sistema po 1990 metų. Teisinis paveldo apsaugos reglamentavimas iš esmės keitėsi 1994 ir 2004 metais. Straipsnyje aptariami šie archeologinio paveldo apsaugos aspektai: apskaita (archeologinio paveldo vertinimas, įrašymas į Kultūros vertybių registrą, archeologinių objektų paveldosauginis statusas), apsauga (reikalavimai archeologiniams tyrimams, ardomųjų archeologinių tyrimų apimtys, archeologinių tyrimų kontrolės sistema) ir archeologinio paveldo interpretacija (archeologinio paveldo apsauga in situ).

Introduction

Archaeological heritage management is defined as a cyclical process, based on documentation and inventarisation, followed by the stages of assessing significance, selection, protection (conservation or excavation) and finally interpretation with necessary feedback provided (see in Deeben, et al. 1999: 177-199; Willems 2000: 159-160; Willems 2010: 212-229; Carman 2015). Major tasks within this process fall into the area of governmental responsibility and are regulated by legal instruments (presented by Carman 2015: 3). The Lithuanian National Independence Movement brought attention to the issues of the protection of national cultural heritage¹ and a new law began to be drafted in 1991. The Law on the Protection of Immovable Cultural Properties was adopted in 1994² and the current Department of Cultural Heritage under the Ministry of Culture was established. It became the main institution in charge of cultural heritage protection.³ The Law of 1994 basically defined the state administrative structure for the control over archaeological interventions. The last decade has been determined by the new version of this law, adopted in 2004⁴, the Law on Protection of Immovable Cultural Heritage (Lietuvos Respublikos nekilnojamojų kultūros vertybių apsaugos įstatymo pakeitimo įstatymas, 2004). In contemporary legislation, the “heritage management” concept is not elaborated and is defined as the “administration” and “protection” of cultural property. Nevertheless, significant developments can be identified in regard to archaeological heritage management. Changes in the following fields will be presented: 1) archaeological heritage inventarisation, assessment, and listing; 2) requirements for archaeological heritage protection and regulations on archaeological excavations’ procedures; 3) requirements for the preservation of archaeological remains *in situ*, which are closely related to archaeological heritage interpretation.

Inventarisation, assessment and listing of archaeological heritage

It is legally defined that “according to the nature of the valuable properties determining significance or combination thereof, immovable cultural heritage may be: archaeological – locations of past economic or defensive activities, residential, burial or cult sites, complexes thereof or the sites the only or one of the main sources of scientific

1 In 1990 the Interim Law on the Inspection of Heritage Protection was adopted and the Inspectorate for the Protection of Cultural Heritage under the Parliament (Seimas) of the Republic of Lithuania was founded. The Monument Protection Department was created within the realms of the Government.

2 The Law of 1994 came into force in 1995.

3 In 2005 overall responsibility was passed to the Minister of Culture.

4 The Law of 2004 came into force in 2005.

data whereon is archaeological research and findings”. According to the structure, archaeological heritage may be: 1) an individual object; 2) a complex object – a group of objects which is significant in its totality; 3) a site. In the national Register of Cultural Properties archaeological objects are listed as individual or complex ones in most cases. “A site” means a territory of historical character, where natural environment and cultural heritage properties are to be protected while establishing a cultural reserve, cultural preserve, historical national or regional park. There are 3 archaeological sites listed in the Register so far.⁵

Circa 2850 objects of archaeological heritage are listed in the Register of Cultural Properties⁶: 856 hillforts, 426 ancient settlements, 10 places of ancient villages, 642 burial mounds and their places, 648 burial grounds and ancient cemeteries, 36 places of castles, 74 places of estates, 39 places of ancient towns, 15 fortifications, ca. 53 mythological places and over 50 other types of archaeological objects (e.g. places of ancient agriculture, industry, ancient roads, places of churches and monasteries, etc.). After the 1990s, the procedure of listing has been changed several times. Since 2004, the concept of “valuable property”⁷ was legitimated. In conjunction with the Department of Cultural Heritage and municipalities, Immovable Cultural Heritage Assessment Councils were established for the assessment and listing of cultural heritage properties. As a rule, these Councils are composed of experts from different heritage fields. A heritage object is listed in the Register after the Assessment Council has decided that it needs legal protection. No listed objects can be taken off the Register of Cultural Properties and if an object loses its valuable properties, legal protection will not be applied.⁸ The Assessment Councils assess valuable properties, as well as decide on significance and define the boundaries of protected territories and buffer zones of cultural heritage objects and sites.

Thus, the system of archaeological heritage protection formally turned towards a democratization process. It also “stepped” into the “archaeological value debate”, as well as faced the problem of selection (discussions presented in Darvill 1995: 41-50; Carman 2002: 148-176; Carver 2007: 45-56; and other numerous studies). However, neither the professional community of archaeologists nor heritage managers have

5 Kernavė archaeological site (Širvintos municipality), the site of Vaisgėliškis (Nuotekos) burial mounds (Ukmergė municipality) and the site of Bražuolė hillfort and burial mounds (Trakai municipality).

6 Approximate numbers of objects are given without calculating their complex parts.

7 According to the Law of 2004, “valuable property” means “a feature of an object or site of cultural heritage, part or element thereof, which is of value from the ethnical, historical, esthetical or scientific point of view”.

8 In this regard the example of the place of the former Stabatiskės Estate (Ignalina municipality) can be given. As an archaeological object it was listed in 2007, and in 2012 its legal protection was annulled. The object was completely excavated because of radioactive nuclear waste storage, which was to be constructed in that territory (see in Fediajevas, et al. 2000: 225-240).

conceptually debated the issue yet. Typical “valuable properties” attributed to archaeological heritage are cultural layers and relief indicating that the assessment is based on scientific potential. The main criteria to indicate such potential is the chronology – the legitimated chronological limit for archaeological heritage is 1800.⁹ As a result, all objects which are chronologically earlier are assessed as archaeological or indicated as possessing archaeologically valuable properties.¹⁰ The Assessment Councils also rank archaeological objects according to their significance – national, regional or local. Up until now, the majority of archaeological heritage objects have been declared to be of regional significance (more than 60%), almost 40% – of national significance, with a small percentage being considered to be of local significance. Objects of national significance can also be declared as “cultural monuments” (the concept was “inherited” from the Soviet period system), i.e. they obtain the highest “heritage” status by decree of the Minister of Culture. Ca. 30% of archaeological properties have been declared as “monuments”.

In addition, several ranking systems seek to differentiate administrative load and prioritize the state’s financial support for their maintenance.¹¹ Since 2005 the heritage protection procedure has been divided into two stages: initial protection (i.e. listing in the Register of Cultural Properties) and declaration of a protected object.¹² Properties of national and regional significance can be declared as “state protected” and thus potentially demand resources from the state’s budget for their maintenance. Circa 70% of archaeological objects have been declared “state protected”, which is a comparatively high share in comparison with other heritage types. Objects of local significance can be declared “municipality protected”, so far no municipality has taken on such responsibility. Moreover, in order to focus the state’s budget resources, an additional special list of “elite” historical, archaeological and cultural heritage monuments of “state significance” has been created.

9 Since the 1990s the chronological limit has been altered several times – in 1992 it was the 18th century, in 2005 – 1721, in 2013 – 1800.

10 Ca. 500 heritage objects of this kind, mainly buildings, are listed in the Register.

11 After Lithuania re-established its independence, archaeological heritage protection could be seen as one of the priorities in regard to the state’s budget allocations. E.g. in 1993 one of the largest projects for archaeological heritage preservation – the “Hillforts’ Preservation Program” – was launched. Projects for the preservation of 73 hillforts were carried out up until 2005. During the last decade, the financing priorities (programs implemented by the Department of Cultural Heritage) have changed and have basically been concentrated on built heritage preservation. Nevertheless, maintenance of archaeological objects, mainly for tourism purposes, has been carried out using resources of EU structural funds and other financial mechanisms by various state institutions and public organizations.

12 Special territorial planning documentation had to be prepared in order to implement the second stage of protection. The extent of resources needed for preparation of this documentation was not initially estimated and in 2013 the procedure was returned back to the system valid in 1995–2005: for individual and complex objects the procedure of declaration of a protected object is introduced by typical or individual protection regulations, for cultural heritage sites – by special territorial planning documents.

In conclusion, the instruments for the assessment and selection of archaeological heritage have been formally introduced, but their applied assessment criteria are rather obscure. The various archaeological heritage valuation systems, being aimed at different results, are barely related to each other.

Since the 1990s the legal requirements concerning the documentation of listed objects have been changed several times. In the beginning of 2005, there were ca. 2500 archaeological objects listed in the Register of Cultural Properties. Until now, ca. 50% of them have been “re-assessed” according to the new type of documentation¹³, and ca. 350 new objects have been listed. In 2012, the Department of Cultural Heritage established the specialized Immovable Heritage Assessment Council for archaeological heritage in order to “speed up” the process, meaning the administrative and technical resources were concentrated mainly on the preparation (or “re-writing”) of the new documentation for already listed properties. This led to the stagnation of the state-supported programs for archaeological surveillance, inventorying and research indispensable for assessment procedures.

Nevertheless, significant technological achievements in regard to the Register of Cultural Properties should be mentioned. Textual and spatial data on archaeological heritage has been digitalized and provided in open access via the internet.¹⁴ In 2006–2007, the plans of territories and protected buffer zones of archaeological objects were digitalized utilizing the GIS systems. Moreover, since 2005 data exchange has been conducted between the Register of Cultural Properties and the Real Estate Register in order to make information publicly available on restrictions of land use in places where archaeological heritage objects are situated.

Requirements for archaeological heritage protection and regulations on archaeological excavations’ procedures

Archaeological heritage properties occupy only ca. 0.1% of the territory of the Republic of Lithuania.¹⁵ A typical archaeological object takes up ca. 4 ha territory on average, but there are also large archaeological complexes and sites¹⁶ which are usually situated in cities or picturesque landscapes. Since 2004 the owners, managers and users of cultural heritage objects have become the main “actors” of the protection

13 Since 2005 the listing of heritage objects has been based on the Act of Assessment Council.

14 Access via the internet: www.kvr.kpd.lt.

15 Not taking in account protected buffer zones.

16 E.g. Šventoji ancient settlement (Palanga municipality) – ca. 648 ha; a place of Vilnius ancient town with suburbs – 580 ha; Kernavė archaeological site (Širvintos municipality) – 284 ha.

process and are obliged to conduct the maintenance of the archaeological property. According to the data of the Real Estate Register of 2010, ca. 10,000 private land plots and 8000 buildings were situated in the territories of archaeological heritage objects. In the territories of protected buffer zones, there were ca. 30,000 land plots and 11,000 buildings (see in Augustinavičius & Poškienė 2015: 135-155). Thus, archaeological heritage management is seen as a serious social challenge, and proper well-timed information on restrictions of land use for those who possess or manage a property in the territories or protected buffer zones of cultural heritage objects is vital. In this regard, data exchange between the Register of Cultural Properties and the Real Estate Register should be identified as an important effort in making relevant information available. Additionally, it can be considered as the first step for the legitimating of archaeological heritage protection requirements.

As a rule, the application of means for archaeological heritage protection – conservation or excavation – is related to selection based on assessment and the legal requirements for archaeological interventions. In Lithuania, the assessment procedures and status of an archaeological property actually have no relation to the strategy of its protection. In fact, almost any archaeological object facing construction activities may be excavated, i.e. protected “by record”, despite its “heritage status”. Contemporary legislation establishes the possibility to apply “the reserve regime (...) to the objects of cultural heritage expedient to be preserved so that they could be researched in the future by making use of broader scientific possibilities. The activities which may destroy scientific data – destructive research, maintenance operations, economic activities – shall be prohibited therein. The list of the objects subject to the reserve regime shall be approved by the Minister of Culture”. In 2005, a list of 76 archaeological objects, mainly burial mounds, which are to be preserved in the reserve regime, was approved and no amendments have been made to this list up until now. Thus, archaeological excavations, or “protection by record”, can be identified as the only means of archaeological heritage protection.¹⁷

One of the first regulations concerning cases for obligatory archaeological excavations was issued in 1992. The Law of 2004 established that archaeological interventions are legitimized by so-called heritage maintenance regulations. Standardized requirements regarding *where* and *how* archaeological excavations should be conducted became the legal norm in 2011, when the Heritage Maintenance Regulation PTR 2.13.01:2011 “Archaeological Heritage Maintenance”, was adopted (Dėl paveldo tvarkybos reglamento PTR 2.13.01:2011 „Archeologinio paveldo tvarkyba“

17 The professional community began to discuss the issue of archaeological sites which should be preserved as an intact archaeological resource for future excavations. E.g. in 2013 the Scientific Archaeological Commission adopted special guidelines for Šventoji ancient settlement (dated back to the Stone and Bronze ages) concerning unique territories which should be preserved.

patvirtinimo, 2011). The Regulation established eight cases when archaeological excavations are obligatory and four cases when the need for archaeological excavations should be based on additional data. However, archaeological operations have not always been placed into the territorial planning process satisfactorily. In comparison with the system that was valid from 1994 to 2004, contemporary regulations do not require compulsory excavations in the territories of large-scale construction works (e.g. the lack of regulations for compulsory archaeological excavations in the territories where large-scale construction projects are implemented without environmental impact assessment procedures), but do require archaeological investigations in the burial places of victims of the 19th-20th centuries armed conflicts.

A number of archaeological investigations, which were conducted for economic reasons and financed by developers, have revealed valuable scientific information¹⁸, but it is difficult to deny that in general a developer seeks merely to fulfil the legally established basic requirements. Since the 1990s, in regard to developing a contract archaeology system with the principle “the polluter pays” being fully implemented, most attention has been focused on the control of procedures and methodological standards in archaeological work. The first standards for archaeological excavations and archaeological documentation were established in 1994 and finally became the legal norm in 2011. The contemporary system of control over archaeological interventions was formed in 1995-1997, in which permits for archaeological interventions are issued by the Department of Cultural Heritage; projects for archaeological investigations as well as scientific reports are approved by the consultative body – the Scientific Archaeological Commission.¹⁹ An archaeologist can obtain a personal permit (with some exceptions) for archaeological interventions only for a particular archaeological object and only for one year (season) of archaeological research. A permit can be obtained only after the approval of scientific reports on previously conducted excavations²⁰ and with the undertaking of submitting information on the research results to the periodical “Archaeological Investigations in Lithuania” (*Archeologiniai tyrinėjimai Lietuvoje*, published every two years from 1967, annually, since 2000).²¹

18 E.g. one of the biggest burial grounds in the Baltic countries, Marvelė burial ground in Kaunas, was excavated as a development-led research project, also the unique *Civitas Ruthenica* cemetery in Bokšto Street 6, Vilnius.

19 The Scientific Archaeological Commission was established in 1997 under the Department of Cultural Heritage and can be considered as an element of self-regulation. It is composed of 9 members: 7 archaeologists (scientists) are elected and proposed by the Lithuanian Society of Archaeologist, 2 members (heritage management specialists) are appointed by the Department of Cultural Heritage.

20 Excavation reports are available in two archives – the Institute of Lithuanian History and the archive of Cultural Heritage Centre.

21 Access via the internet: www.atl.lt.

The Department of Cultural Heritage issues over 400 permits every year²² for archaeological surveys, trials or large-scale excavations. During the last decade, development-led archaeology became the main form of scientific inquiry – ca. 90% of archaeological operations were initiated due to development activities, mainly in urban territories (almost 70% of cases). Circa 63% of permits were issued for archaeological trials, 22% – for large-scale excavations and 15% – for archaeological surveys. As a result, the majority of new data has been generated from small-scale excavations and attracts minimal academic interest. As archaeological properties are ultimately protected as a potential scientific resource, the necessity to convert this data into relevant knowledge about the past, as well as to provide feedback to the heritage management system in order to make choices for the future, is crucial. It is worth mentioning that the professional community, the Scientific Archaeological Commission, has brought up the issue of amendment of the insufficient Regulation of 2011 concerning the extent of excavations (e.g. in cases of linear development projects), as well as the scope of information obtained.²³

The Archaeological Heritage Maintenance Regulation has also established a basic framework with regards to competition of archaeologists working as contractors. Circa 100 archaeologists employed in private companies, universities, museums and as free-lancers conduct excavations on contract archaeology grounds. Since 2004, the archaeologists (but not enterprises) who carry out fieldwork are required by law to hold a license issued by the Department of Cultural Heritage.²⁴ Criteria for eligibility to apply for the license are rather minimal.²⁵

In conclusion, after the 1990s the “market” contract-archaeology model was developed (after Kristiansen 2009: 641-648). Requirements for archaeological heritage protection were focused on protection “by record”, accompanied by a rigid system of the heritage authorities’ control over archaeological interventions, which aimed to ensure methodological standards and quality of archaeological documentation rather than interpretation.

22 E.g. there were 252 permits issued in 2005, and 476 permits issued in 2015. The total number of permits issued in 1997-2015 was 6304.

23 E.g. in 2013 the Scientific Archaeological Commission approved special guidelines for the conservation and research of Šventoji ancient settlement. Nevertheless, the existing legal framework leaves the question on its implementation possibilities open.

24 An exception is made for those holding a scientific degree.

25 For the first time a license applicant is required to have an academic qualification or 10 years’ experience of archaeological work. A license of the 1st category enables a person to conduct archaeological research of objects which are not listed but are situated in the protected zones of the archaeological heritage objects. A license of the 2nd category enables a person to conduct archaeological research into all objects of archaeological heritage except monuments. The 3rd category license enables a person to conduct archaeological research with no limitations.

Requirements for the preservation of archaeological remains *in situ* and the interpretation of archaeological heritage

The preservation of archaeological remains *in situ* (if there are opportunities) became law in 2004. Procedures of preservation of archaeological remains *in situ* are defined by the Archaeological Heritage Maintenance Regulation: an archaeologist cannot dismantle constructions which were discovered during archaeological investigations without their prior assessment. Decisions on the preservation of such constructions *in situ* are made by the Immovable Cultural Heritage Assessment Council. In order to implement such a decision, there are certain limitations related to the cost and time-consuming legal procedures for a developer, as well as for the municipal and heritage authorities. Thus, the decision on the preservation *in situ* is not only a technical question or an issue of archaeological heritage assessment, it is also a financial and legal challenge too.

Urgent attention is needed to address the problem of the maintenance of *in situ* preserved archaeological construction, especially if it is set up as an exhibition, in the case of the development project being stopped or after it has been completed. For example, in 2008, during archaeological excavations in the territory of the construction of the building complex “Moscow House” in Vilnius, the remains of a kiln from the 17th-18th



Fig. 1. Development-led archaeology and heritage: the remains of a kiln from the 17th-18th century in Vilnius, Rinktinės St. (photo by Tauras Poška, 2008).

century were found (see in Poška 2009: 466-467); the construction works were stopped and the remains were assessed as a valuable property of Vilnius cultural layers and were to be preserved (see fig. 1). As it was not possible to do it during the construction, it was decided that the kiln should be conserved and dismantled into three segments at the cost of the developer. It was planned that the kiln would be brought back for public display after the construction. However, later the construction works were halted because the developers faced financial difficulties. The dismantled kiln is currently stored on the construction site, but its future is rather vague. There are no solutions as to who should take over the costs and responsibility for the preservation of the remains. Of course, there are examples of more successful implementations of the *in situ* principle.²⁶

The requirement to preserve archaeological constructions *in situ* also refers to their presentation and interpretation. The earliest examples of the preservation of archaeological remains *in situ*, consisting mainly of constructions of brick buildings suitable for exhibition, date back to the early 1960s.²⁷ Preservation of archaeological remains *in situ* still meets the idea of “exhibition” rather than that of a potential intact archaeological resource for future investigations. Less “presentable” archaeological remains are usually deconstructed during archaeological excavations or removed to other places²⁸. *In situ* preserved remains are most often marked by outlining them on the surface²⁹, excavated and uncovered archaeological structures are sometimes sheltered by protective roofs, or by buildings, constructed over the archaeological structures, also serving as protective casing.³⁰ However, preservation of archaeological remains does not necessarily mean a successful conveyance of archaeological heritage values – a number of cases lack basic visual and textual interpretation and provide minimal value for society (argued by Jurevičienė 2012: 16-21).

Archaeological heritage interpretation can also be seen in the wider perspective. In Lithuania, the best perceived archaeological resource is the hillforts, which are perceived as a source of national identity. The year 2017 has been declared ‘A Year of

26 E.g. a wax-melting kiln in Kaunas Town-Hall square was successfully displayed to the public in 2002 with private funding. The kiln was covered with a glass roof. In 1996, the remains of two kilns from the 15th-16th centuries were discovered during excavations in a private Amber Museum-Gallery (Mykolo St.) in Vilnius. Today these elements are successfully exhibited and interpreted. In 2006, a 17th century kiln was discovered in the villa of the former Tuskulėnai Estate in Vilnius. The building is dedicated to the museum of the Soviet regime victims; nevertheless, the kiln was preserved *in situ* and successfully interpreted by means of textual and multimedia panels.

27 E.g. fragments of Vilnius Upper Castle (14th-15th century), Trakai Island Castle (15th century), Kaunas Castle (14th-15th century), Vilnius City Wall segments (16th century), Trakai Peninsula Castle (14th-15th century).

28 E.g. there are plans to open a craft village in Kairėnai Estate Park (near Vilnius) and the excavated pottery kilns from Vilnius, which cannot be preserved *in situ*, are to be transferred there.

29 E.g. the Cathedral Square in Vilnius, the place of St. Anna and St. Barbara church in Vilnius, the remains of the old churches in Kernavė, and the remains of Dubingiai church.

30 E.g. the remains of Dubingiai Palace (Molėtai municipality).

Hillforts' by the Parliament of the Republic of Lithuania. The idea of archaeological reconstruction, which aims at filling in the gaps between the "place" and the "text", is also popular (after Blockley 2000: 43–68). The construction of the medieval castle on the most excavated Šeimyniškeliai hillfort, the open-air museum of the reconstructed 13th–14th century craftsmen yards (*ex situ*) in Kernavė, and the Grand Dukes' Palace in Vilnius Lower Castle are some examples of the attempts to convey to visitors the most complex and visible information about the past. The "archaeological reconstruction" encompasses not only structures but also an experimental archaeology, which in Lithuania is closely related to the living history activities. Living history festivals are probably the most popular form of archaeological interpretation. Each case could be a target for academic criticism, but archaeological reconstructions are undoubtedly appreciated by the wider public. It is also worth mentioning that more and more frequently non-professionals construct the "archaeological narrative", which is not necessarily based on reliable scientific data (presented by Kulevičius 2012: 224–239). Different approaches towards archaeological interpretation are still waiting for academic reflection within the discipline of archaeology in Lithuania.

Conclusions

After the 1990s, a number of principles replacing the concept of "monuments' protection" with the concept of "heritage resources management" were introduced into the legal system (e.g. the framework for archaeological heritage assessment, technological elaboration in the field of maintaining the national Register of Cultural Properties, standards and system for the control of quality in archaeological work, etc.). There is a need for further developments in archaeological heritage management to focus on the following: 1) intensive and technologically developed archaeological surveillance; 2) elaborating the criteria for archaeological heritage assessment and selection related to further decisions on the protection strategy; 3) establishing feedback between research and management in order to make management decisions based on research data and with respect to archaeological content; 4) reconsidering the environment of contract archaeology in order to provide emphasis on the scientific interpretation of the results; 5) exploring and establishing the relationship between archaeology, management, and wider society in order to convey the values of archaeological heritage and explain the meaning of heritage management decisions in each case. The aspects presented do not reflect the complexity of archaeological heritage management problems; nevertheless, developments during the past decade have led to a new approach in archaeological heritage management in Lithuania, which should be further elaborated as a process with necessary reflection and feedback.

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