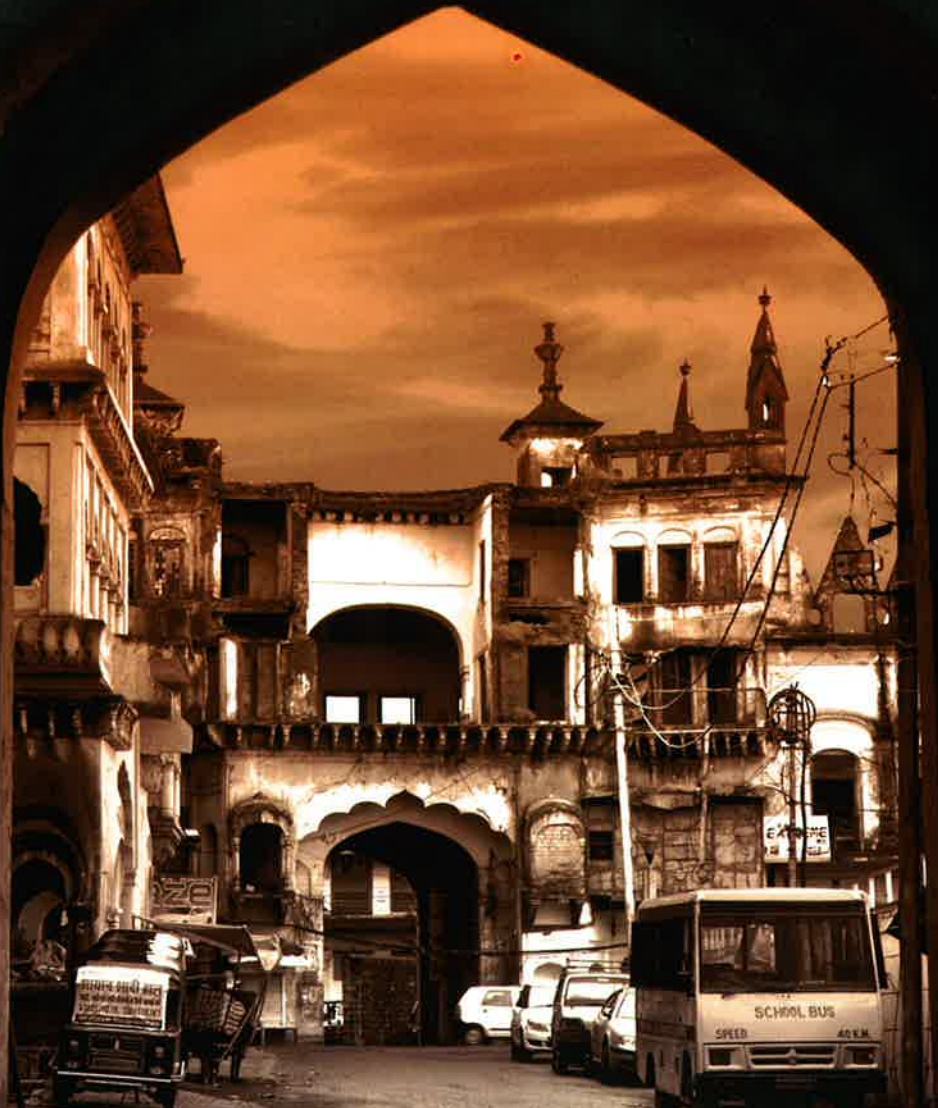


# SHARED GLOBAL EXPERIENCES FOR PROTECTION OF BUILT HERITAGE



 **ICLAFI**  
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## **Concept of cultural heritage protection and management in Slovenia**

**Dr. Jelka Pirkovic**

### **Abstract**

The paper presents here, various aspects of heritage management system in Slovenia including levels of statutory protection as defined by the Heritage Protection Act and various spatial planning tools. It considers Cultural Heritage Information System as an important tool for heritage identification and interpretation. By analysing the weak areas of current heritage management in Slovenia, it also suggests methods to tackle each.

### **Keywords**

Monument Protection, Heritage Information System, Heritage Rights

## 1.0 Introduction

Protection of monuments (later also of heritage) is a concept that has been developed since the beginning of state-organised care for the physical remnants of the past – for many European countries it started in the nineteenth century. The concept was later codified in many international (UNESCO, ICOMOS) covenants and standards, especially in the UNESCO World Heritage Convention. Heritage management, on the contrary, is a comparatively new concept, first developed in the United States, Canada and Australia where it was codified in the so called Burra Charter in 1979 with later amendments. From the 90s on, the need of widening the scope of heritage protection to the broader environment on one hand, and at the other hand to ensure its sustainable use and development led to the introduction of the management issues at the international level and consequently also into heritage policies at national levels. Nowadays, heritage management has a double meaning: firstly, it denotes practical activities necessary for enhancing heritage values, in particular organisation of maintenance, use, accessibility, public presentation, and monitoring of physical condition of a given heritage property or site. Secondly, it denotes national measures that enable and sustain heritage protection in general. In this respect, the term management system is also used. In this paper, the discussion is about management system and not about management of specific heritage properties.

## 2.0 Slovenia and its heritage

Slovenia is an EU country and is located in the Central Europe bordering Italy in the West, Austria in the North, Hungary in the East and Croatia in the South. Slovenia is also a Mediterranean country though our Mediterranean coast is quite short. The majority of the country's surface (60%) is covered with forest. Geographically, one part of Slovenia belongs to the Alps, the other to the Pannonia plane. In between, there is the so called Karst which is basically a limestone plateau which gives this type of landscape a characteristic topography and hydrology with many underground waters, caves, lakes etc. Slovenia has two million inhabitants and around twenty thousand square kilometres.

Slovenia is rich in heritage, there are thirty thousand registered heritage (immovable) properties and statistically, there is one and a half heritage property on each square kilometre. Of course, because of prevalent forested and alpine landscape, the actual density of heritage in populated areas, especially in towns and villages is much higher. Half of the immovable heritage properties are secular architectural objects, twenty five percent are religious buildings, fifteen percent are protected areas such as historic towns or villages and cultural or historic landscape, and ten percent are archaeological sites of different size and periods.

From the Middle Ages on, the provinces with Slovene population were ruled by the Austrian Monarchy (from 1867 to 1918 by the Austro-Hungarian Monarchy). Monument protection on the Slovene territory started in the middle of the nineteenth century. At that time, the word "heritage" was not used in the modern sense; the term "monument" was used instead. In the period of 1850 to 1913, monument preservation was organised in the so called Central

Monument Commission in Vienna while the fieldwork was provided by honorary conservators. Just before the outbreak of the Great War, the Central Commission was re-organised and Provincial Monument Protection Offices established. In 1913, such an office was established in Ljubljana, the then capital of the province Carniola. The wartime prevented Austrian authorities to push through the adoption of a Monument Protection Act (Austria adopted it in only in 1923). In the between wars period when the majority of Slovene territory came under the rule of the Kingdom of Serbs, Croats and Slovenes (later called the Kingdom of Yugoslavia), political powers in the Yugoslav capital blocked every effort of adopting a protection law. It was only in 1945 the first Monument Protection Act came into force. The protection system was gradually being developed but, of course, bearing all traces of socialist political system which totally denied private ownership rights and where certain categories of heritage were doomed to be physically eradicated or left to oblivion and neglect. The latest version of socialist piece of legislation was adopted in 1981 and it introduced some positive ideas. For instance, it introduced the term "heritage" in our protection practice covering all categories of heritage, also natural and movable ones, it prescribed legal basis for the organisation of immovable protection service (in the form of central institute for the protection of natural and cultural heritage as a governmental body and regional institutes established by associations of local authorities), national and municipal museums and archives. On the other hand, the law brought about development with negative consequences. First of all, due to the lack of coherent coordination between national and regional institutes each party developed its own bulk of conservation practice (and that fact became quite annoying) and also blocked the creation of an aggregated heritage inventory. Another difficulty resulted from the definition of cultural heritage categories which followed the division of humanistic sciences interested in heritage research. So, cultural heritage was divided into art historical- and architectural heritage, ethnographical heritage, historical heritage, archaeological heritage, landscape-architectural heritage and technical heritage. The division not only created ambiguities in border-cases where it was hard to define which science has the major interest in dealing with a specific heritage property. What was even worse, it inhibited the development of an interdisciplinary team work and consequently, the emergence of a modern heritage profession.

Immediately after Slovenia became independent in 1991, serious work started for the elaboration of new heritage protection law. Unfortunately, political development prevented the work to be completed in the following years. Instead, with the Government re-organisation in 1995, the nature conservation service came under the responsibility of another ministry which practically brought about the separation of the protection of natural and cultural heritage. In this vein, the Parliament adopted two separate pieces of legislation, the Nature Conservation Act and the Cultural Heritage Protection Act in 1999. The only positive side of latter was the merger of regional heritage protection institutes into one uniform organisation, the nowadays Institute for the Protection of Cultural Heritage of Slovenia - IPCHS, while the former central heritage protection organisation came under the Ministry of culture as one of its administrative units (now under the name of Directorate for Cultural Heritage). The major deficiency of the 1999 Act was that it failed to define provisions for the implementation of already ratified European Convention on the Protection of Archaeological Heritage (revised). In the following years, Slovenia also ratified other

international heritage conventions which needed to be integrated into our legal system.

### 3.0 Management system as defined by the Cultural Heritage Protection Act 2008

In 2005 the work on a new heritage protection act started with broad consultation activities and, in its final stage, hard negotiation with relevant ministries and parties interested in one way or another in heritage issues. A lot of compromises needed to be negotiated and some proposals were finally totally overruled (in the first place, the proposal for the introduction of a special financial scheme intended to complement state and municipal restoration subsidies). But on the whole, the Heritage Protection Act (2008), accessible on the webpage

[http://www.arhiv.mk.gov.si/fileadmin/mk.gov.si/pageuploads/min\\_eng/legislation/CHPA.pdf](http://www.arhiv.mk.gov.si/fileadmin/mk.gov.si/pageuploads/min_eng/legislation/CHPA.pdf) provided a relatively stable basis for the implementation of an up-to-date heritage protection in our country. In the following years, it underwent several smaller revisions which were on one hand necessary from the point of view of solving practical implementation concerns and on the other hand, also deriving from the fact that the ministry responsible for heritage protection (the Ministry of Culture) due to general budgetary restrictions succeeded to convince the Parliament to restrict some special financial measures for heritage owners stipulated by the Cultural Protection Act – for example the funding of preliminary archaeological research in cases when a natural person wishes to build a dwelling for his own needs. The amendment has restricted this clause in the way that candidates have to make application to a public tender where the available funds are restricted in advance. On the other side, the eligibility of persons applying to tenders has been enlarged to include local authorities wishing to construct communal amenities. In this way, the initial intention of supporting individuals in complying with heritage protection measures was practically diluted.

The intention to overcome the division of heritage into “scientific” categories led to the solution where only basic heritage categories have been defined by the 2008 law. In defining these categories, international conventions were followed to the maximal possible degree bearing in mind that particular conventions do not define heritage categories in a coherent way (which is explainable from the point of view of the period when a convention was elaborated, specific needs and scopes of the convention and the like). Definition of cultural heritage categories used in 2008 Heritage Protection Act are as follows: “immovable heritage” are immovable properties or its parts with the value of heritage, entered in the heritage register; “movable heritage” are movable properties or a collection of such properties with the heritage value; and “intangible heritage” are practices, representations, expressions, knowledge, skills, and movable properties and cultural spaces associated therewith (where such heritage is presented or expressed). The law also defines three special categories of immovable heritage, namely settlement areas, cultural landscape and archaeological sites. Architectural heritage is not mentioned per se although there are special provisions which are tailored to the protection of this sub-category of heritage. The more detailed subdivision of heritage categories was left to be defined by a ministerial regulation which was done in 2009.

### 4.0 Levels of statutory protection (grading)

Whether classification (grading) of cultural heritage is acceptable or not, is an ongoing discussion in professional heritage circles. The public debate before the adoption of the

Heritage Protection Act concentrated around two opposite views – the first group favoured the existing grading system that distinguished the following grades: registered heritage, monuments of local importance and monuments of national importance. The other group argued that the introduction of only one category, namely the monuments of national importance would improve the quality of protection. Their main argument was based on individual cases when local authorities had denied or deferred designation of a monument on their territory. Finally, the reasoning of the first group prevailed and the established grading has remained in force with some fine-tuning that can be used in cases when local authorities are hesitant to introduce monument designation beyond reasonable cause. In this case, the Minister of Culture can temporarily designate a monument for the maximum period of two years giving the property the same level of statutory protection as it would be granted by a permanent designation. Temporary designation can give space and time for a consented dialogue with the local authority in question, for a possible revision or completion of the designation dossier, and if it turns out that the heritage property merits national designation, negotiate it with the Government.

#### **5.0 Protection through planning**

Slovene regulations pertaining to spatial planning recognise three types of spatial plans, namely: A National Spatial Plan that covers planning of state infrastructure facilities or another interventions of national importance; a Municipal Spatial Plan that covers the entire territory of a municipality and prescribes urban planning conditions for construction; and a Detailed Municipal Spatial Plan that covers planning of municipal infrastructure facilities or other major spatial interventions. Both planning regulations and Cultural Heritage Protection Act state clearly that heritage is an integral part of spatial planning. Compulsory components of spatial plans defined by Cultural Heritage Protection Act are as follows: monuments (of local and national importance), heritage protection areas, registered archaeological sites and heritage properties already protected by a spatial plan. The Act does not prescribe that additional heritage property not pertaining the above mentioned categories are compulsory elements of spatial plans. This means that planning authorities can take in consideration such heritage as well, only that they are not obliged to do so by law. It depends on how the proposals for protection through planning are convincing and how local authorities understand heritage as a development potential.

When a strategic assessment of environmental impact is prepared it should cover assessment of planned activities on heritage as well. A strategic impact assessment on heritage is also mandatory for interventions in areas without heritage if such interventions could have a direct or indirect impact on nearby heritage properties.

#### **6.0 Shared responsibilities for heritage management**

Cultural Heritage Protection Act defines the IPCHS's mission in detail. In short, IPCHS carries out national public service of the protection of immovable heritage and movable and intangible heritage associated therewith, executes projects intended to preserve heritage as an important part of cultural diversity of Slovenia, and activities that contribute to the

integration of heritage into contemporary life and awareness-rising about the value of heritage. It also decides in administrative procedures related to heritage protection and carries out archaeological and other research needed for the identification, protection and conservation of heritage. It is a duty in privilege of the IPCHS to prepare the full designation dossier (proposal) together with identification and assessment of all relevant movable elements that are indispensable part of a heritage complex. On the basis of the assessment, IPCHS gives a proposal about which protection regimes (protective measures) would meet the protection needs. IPCHS also coordinates public consultation and assists local authorities or the Ministry in the process of sectorial coordination and adoption of a designation decree.

It has to be stressed that the most important protection decisions (and a designation is certainly one of them) are adopted by a body of elected representatives following a democratic procedure. The role of the Ministry and IPCHS is to implement the policy of protection (in the case of the Ministry in the first place) and to adopt administrative decision of how general protection measures are to be implemented in specific circumstances. There is a clear division of administrative responsibilities between the Ministry and IPCHS. Not to go into details, let us mention the main complementary responsibilities. The Ministry is responsible for the management of Cultural Heritage Information System with its core part, the Cultural Heritage Register, while IPCHS provides data to be included in the register. The Ministry has an important role in spatial planning since it cooperates with other Governmental sectors and local authorities and monitors if spatial plans integrate heritage concerns in a proper way. IPCHS, on the other side, gives the Ministry necessary information about heritage features and developmental challenges heritage is facing. Documents prepared by IPCHS for the planning process are given to planning authorities in a standard format. The Ministry has the power to monitor the result of planning process as far as cultural heritage is concerned and IPCHS advises the Ministry in this regard. IPCHS has the mandate for issuing administrative acts, most importantly protection conditions and consents for interventions on heritage while the Ministry has the mandate to reverse the consent if an appeal is submitted.

#### **7.0 Cultural Heritage Information System as the main tool for heritage identification and interpretation**

The right to use heritage as a source of information and knowledge, to enjoy its values and to contribute towards its enhancement as specified by the Cultural Heritage Protection Act constitutes the starting point for legal provisions pertaining to collecting and disseminating heritage information.

In Slovenia, the basic platform for gathering and managing heritage information is the so called Heritage Register. The work on the Register started in 1991. The main idea about the register was to create a computerized information system built around core data on heritage constituting a kind of heritage identity card. A pilot version of the Register became available in 1995. The register has been regularly up-graded and the main upgrading was the introduction of GIS supported information in 1997 which was at that time an important novelty at European level. In 2002, a web portal was created so that all the information has been even since available online, nowadays using WEB2 technology.

Cultural Heritage Protection Act defines the register as *“an information support to the implementation of heritage protection. The purpose of the register shall also be presentations, research, education, and fostering public awareness of heritage.”*

Introducing a heritage property in the Heritage Register has no legal consequences for its owner or for other stakeholders. Legal consequences arise only later when an immovable heritage property is integrated into a spatial plan or is designated a monument by a designation decree adopted by the Government or the competent local authority.

The information system is organised in three layers. The first layer contains core data, the second the protection data and the third presentation data on heritage. The core data or the heritage identity card gives short and uniform description of definite heritage properties including geocoding information. The second layer contains protection data, among others, information on protection guidelines if a property is protected through planning (category of heritage) or on legal regimes if a property is designated a monument of local or national importance. The system allows users to directly consult the manual entry explaining protection guidelines for a specific heritage property or the official gazette where the designation decree for a specific monument is published in. The third layer contains presentation data in the form of e-content (text, images, videos, 3D etc.) visually describing specific heritage properties. The system conforms to the relevant standards data. E-content is linked to and is directly visible on Europeana and other portals.

In order to facilitate the access to heritage information system and to make it more user-friendly, we have developed three web portals for three groups of customers. The first portal is adjusted to professional retrieval of information on an interactive map (<http://giskd.situla.org/>). The second portal was developed after the adoption of the Cultural Heritage Protection Act when the internet GIS-version of the information system was upgraded with data on protection guidelines and legal regimes of protection, the so-called eVRD in order to meet the needs of spatial planning and other administrative procedures (<http://evrd.situla.org/>). The third web portal was developed recently to facilitate the access of general public and to meet tourism, education, research and similar needs (<http://www.eheritage.si/apl/>). It enables access to scanned articles, conservation reports and other documents, photographs, and 3D models. Users can browse through interactive maps, plan itineraries for visiting heritage, browse specific publications and conservation reports that have been digitalised and put online. Full text search is available for the majority of articles. The whole system is for the time being only in the Slovenian language and English linguistic version would be of great help for international recognition of our heritage.

## 8.0 Conclusion

We have discussed only limited number aspects of heritage management system in Slovenia as defined by the Heritage Protection Act. One should also mention that the Act gives legal basis for other dimensions of heritage management such as rights and obligations of heritage owners, administrative and other protective measures including heritage research and development control, public participation and the like. The overall principle of all these issues is to keep balance between private and public development interest at one hand and heritage



rights (rights to enjoy heritage) and other human rights guaranteed by our Constitution at the other.

An analysis of weaknesses of current heritage management in Slovenia shows three areas that represent weak links in the system of protection. Two of these areas are formally already regulated but need better practical arrangements and fresh approaches, especially in financial and organisational sense. High quality management of monuments and sites where the state is the majority owner should become one of the crucial medium-term goals of the protection policy at the state level. All that is needed are some minor adjustments of the legislative framework which can be achieved through decisions at the level of government decrees. The second area deserving upgradation are heritage maintenance and timely in situ monitoring of its condition which could be achieved through appropriate shift from direct subsidies for restoration to tax reliefs for maintenance.

The third area can be described as democratisation of the heritage. To achieve it, a political will and the support of civil society are fundamental. The framework can be provided by a cultural heritage protection strategy which would trace the path for better integration of heritage communities into heritage identification, evaluation and management. According the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro 2005, Article 2), the existence of our heritage depends on how present generations *“value specific aspects of heritage which they wish, within the framework of public action, to sustain and transmit to future generations.”*

### **Bibliography**

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