

HERITAGE LEGISLATION CHALLENGES IN THE CONTEXT OF EUROPEAN INTEGRATION

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A key element in the process of Europe's integration is protecting its vast cultural heritage, as well as ensuring its proper management and use as we advance into the information age.

The tangible and intangible heritage of a growing Europe, with increasingly transparent national borders, shapes a diverse cultural identity and is a valuable resource for the social and economic development of Europe itself. It refers also to the countries in transition with less advanced legislature in the field of preservation.

Adopting an adequate policy and managing our shared heritage is our common goal, and proper legislature is ultimately the most important instrument.

In the context of the developing legislation and responding to the increasingly changing scope and aims of protection there are two distinct and separate objectives :

- regulation of the actions of citizens (to safeguard the heritage for wider public interest) while recognizing their right to own property as a fundamental issue of human rights.
- delegation of power to proper authorities and establishing appropriate public institutions for protection and management of the cultural heritage.

In the course of development of the concept of protection the consideration has shifted from one single monument in isolation (The Venice charter 1932) to towns, sites and cultural landscape.

Crucial for the preservation of the tangible heritage of Europe is the publication of Architectural Heritage Convention (Granada, 1985). It introduces the integrated heritage conservation which centers on the idea that architectural conservation should become a major objective of town and country planning, so historic towns and neighborhoods could be revitalized. This approach formulates the need for the heritage legislation to be developed alongside town and country planning and environment legislation and hierarchy of legislation to be established.

The concept of sustainable development, introduced during United Nation Earth Summit, Rio de Janeiro, 1992 offers creation of management policy on natural and cultural

heritage development, meeting the present needs without compromising the capacity of the next generations to meet their own needs. The necessity to expose European methodology in this framework and sustainable strategies for cultural tourism was reflected in Resolution No.2 of the Fourth European Conference of the Ministers, responsible for Cultural Heritage. The next – 5th conference (Portoroč 2001) delivered the latest and the strongest message – the cultural heritage and cultural landscape is an indispensable element of European, national, regional and local identities, source of economic opportunities, element of social cohesion. Its richness and diversity contribute to a Greater Europe.

At the same forum was approved the establishment of the European Heritage Network (HEREIN), as a technical assistance for promoting the common heritage, providing access to authentic core data and experience in the management of the European heritage. It will promote joint consideration of the legal questions connected with this issue.

The wide scope and the complexity of the new approach are dictated by the information age, with the technological advance opening doors for digitalization of the information resulting in more efficient management and greater exposure of the cultural heritage.

Being aware that the future of the cultural heritage can not be envisioned outside the rules and challenges of information society, which create a new economic, social and cultural context, an appropriate legislation on digitisation should be produced. This legislature must incorporate ethics, copyright, digital archiving and the legal value of digital information?

The challenge of the heritage legislation at present, employing the characteristic for this day and age doctrines, methods, and knowledge is to support the mission to hand on to the next generations the preserved and enhanced European heritage

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