

STATE POLICY ON PROTECTION OF IMMOVABLE CULTURAL HERITAGE

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Abstract. The protection of the immovable cultural heritage is a complex activity, which requires participation from different stakeholders and the implementation of a certain state policy. The aim of the author of the article is to present the institutional, normative and strategic framework for the protection of the immovable cultural heritage in the Republic of Bulgaria.

Keywords: immovable cultural heritage, legislation for protection of immovable cultural heritage, national system for protection of immovable cultural heritage, strategic framework for protection of immovable cultural heritage.

1. INTRODUCTION

Immovable cultural heritage is a non-renewable resource that should be preserved for future generations. It defines the individual nature of a locality, contributes to innovative products, services and processes and can be a source of creative ideas, as well as it has to offer it capacity of creating high-skilled jobs [1]. Industrialization is important for economic growth and the development of society, change begins in everything that has been created – from food and energy to production and health technologies [2]. The various types of objects: buildings, engineering facilities (bridges, tunnels, water towers, etc.), technological equipment (water faucets, etc.) are material evidence of the industrial process [3]. These are a few of the reasons that determine its significance. The immovable cultural heritage protection is a complex and complicated activity, which requires the involvement of different stakeholders and the implementation of a certain public policy.

The aim of the author of this article is to present the institutional, normative and strategic framework for the protection of the immovable cultural heritage in the Republic of Bulgaria.

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2. NATIONAL SYSTEM FOR PROTECTION OF IMMOVABLE CULTURAL HERITAGE

The national system for protection of cultural heritage includes a number of bodies and structures at national and local level. Under Art. 4 of the Cultural Heritage Act, the Minister of Culture in cooperation with the relevant competent state and municipal authorities, the Holy Synod of the Bulgarian Orthodox Church and the central leaderships of other registered religious denominations and civil society are responsible for the implementation of the state policy on protection of cultural heritage. The Inspectorate for the Protection of Cultural Heritage is functioning to The Ministry of Culture. One of the functions of this inspectorate is to monitor the compliance with the requirements of the Cultural Heritage Act and the implementing acts issued on the basis of the Territorial and spatial protection of immovable cultural property act [4].

The Cultural Heritage Act provides for the establishment of the National Institute for Immovable Cultural Heritage (NIICH), which is a state cultural institute of national relevance having research and expert functions in the field of immovable cultural heritage. It may set up branches on a territorial basis. The National Institute for Immovable Cultural Heritage:

1. Assists the Minister of Culture in exercising his/her powers to implement the State policy in the field of the immovable cultural heritage protection;
2. Interacts with cultural institutes, scientific and other organizations in the country and abroad in the field of immovable cultural heritage;
3. Conducts scientific research on the search and study of immovable cultural heritage and methodology in this field;
4. Prepares comprehensive assessments and scientific proposals including justification for registration of immovable cultural property;
5. Proposes to the Minister of Culture to determine the regimes for the protection of immovable cultural property, prepares draft protection and management plans, opinions on conciliation procedure activities, expert reports, planning assignments, pilot projects, etc. on immovable cultural heritage;
6. Carries out specialized documentation of immovable cultural properties and digitalization of the information available on them;
7. Maintains the National Register of Immovable Cultural Property with a national archive fund and information centre;
8. Creates, maintains and develops an automated information system on immovable cultural heritage;
9. Exercises other powers set by law.

Structure and activities of NIICH shall be determined by rules of procedure adopted by the Council of Ministers.

At local level, mayors of municipalities and municipal councils are assigned with the functions on protection and maintenance of these sites. Examples include Varna Municipality, where the Architecture, Urban Planning and Spatial Planning Directorate has an Immovable Cultural Heritage Department, and Sofia Municipality, where Architecture and Urban Planning Directorate has an Urban Planning and Spatial Planning and Immovable Cultural Heritage Department.

A number of non-governmental organizations, various associations, etc. are also involved in the protection of the immovable cultural heritage. As examples, we can mention Association “Talyana” – Varna, Association “Zograf”, etc.

3. LEGAL FRAMEWORK FOR PROTECTION OF IMMOVABLE CULTURAL HERITAGE

Specialized literature identifies three main periods in the development of policies for protection of cultural and historical heritage in Bulgaria:

- The first period is from 1888 to the early 1950s.
- The second period is from 1944 to 1989.
- The third period is from 1989 to nowadays [5–6].

Historically, the first most significant document on protection of immovable cultural heritage was the Antiquities Act, adopted in 1911, Fig. 1, [7]. It was the first time that cultural heritage was divided into two groups – movable and immovable. For comparison, France hosts its first a law dedicated to cultural heritage in 1887, Austria in 1903, and Italy – in 1908 [8].

The protection of immovable cultural heritage is also addressed in Art. 23 of the Constitution of the Republic of Bulgaria [9], where it is stated that the State shall take care for the protection of the national historical and cultural heritage. The basic law regulating the protection of immovable cultural heritage is the Cultural Heritage Act [4]. Chapter five of the act regulates the issues of its identification, declaration, granting of status, rights and obligations of owners or users of immovable cultural property, as well as issues related to its spatial protection.

The single and group immovable cultural property with its boundaries and protection zones form protected areas for the protection of immovable cultural heritage, which are reflected in the cadastral maps according to the Cadastre



Fig. 1. The Antiquities Act, adopted in 1911

Source: <https://sunny-press.com/2021/04/02/110-godini-ot-zakona-za-starinite/>

and Property Register Act [10] and according to the Spatial Planning Act [11] – in the general and detailed spatial plans [12].

Attention is also paid to immovable cultural heritage in the Local Taxes and Fees Act, where an exemption from property tax is provided for buildings – cultural property [13].

In addition to the legal framework for protection of immovable cultural heritage, we should mention some ordinances such as Ordinance No. 11 on the procedure for the acceptance of conservation and restoration works carried out on immovable cultural monuments, Ordinance No. 16 on the determination of the increased value and registration of legal mortgage over immovable cultural monuments, Ordinance No. H3 of April 6, 2011 on the conditions and procedure for the establishment and maintenance of a public register, etc.

4. STRATEGIC FRAMEWORK FOR PROTECTION OF THE IMMOVABLE CULTURAL HERITAGE

The UNESCO World Heritage List includes sites of outstanding universal value for humanity and their preservation and protection is a priority. Ten Bulgarian sites – seven cultural and three natural – are included in the UN-

ESCO list. This fact confirms the importance of Bulgaria's immovable cultural heritage. Given its specificity, the question logically arises why no strategy for its protection and use has been established so far. Immovable cultural heritage is outlined in some strategic documents, such as the Strategic Plan for the Development of Cultural Tourism [14], which highlights the importance of immovable cultural heritage for the development of cultural tourism. The latter was adopted in 2009, which brings the issue of its updating to the fore. Article 2 of the Protection and Development of Culture Act provides for the adoption of a National Strategy for the Development of Culture for a period of 10 years. Only in 2019 a draft Strategy for the Development of Bulgarian Culture 2019–2029 was developed [15]. Protection and Management Plans (PMPs) and an integrated conservation plan have not yet been developed by the relevant authorities [16]. The National Concept for Spatial Development for the period 2013–2022 [17] outlines the main guidelines in the protection of cultural properties in all their time and species diversity through integrated conservation and active protection, public consideration and renovation in the broadest sense, preserving and developing the spirit of place and spatial identity and developing their potential to stimulate economic growth.

5. POSITIVE AND NEGATIVE POINTS REGARDING THE INSTITUTIONAL, NORMATIVE AND STRATEGIC FRAMEWORK FOR THE PROTECTION OF THE IMMOVABLE CULTURAL HERITAGE

As regards to the institutional, regulatory framework for protection of the immovable cultural heritage, the following positive points can be mentioned:

1. Existence of good historical traditions in the legal framework regulating the immovable cultural heritage. The text of the first Act of 1911 was modelled on similar European Act, which was a prerequisite for the application of good practices. This should be noted when updating modern legislation on cultural heritage.
2. The national legislation on the protection of immovable cultural heritage takes into account the provisions of the UNESCO and Council of Europe Conventions to a significant extent.
3. The administrative capacity of the system for the protection of immovable cultural heritage at state and local level is well established.
4. Presence of civic associations committed to the protection and promotion of immovable cultural heritage.
5. The presence of the issues of preservation of the immovable cultural heritage

in the Constitution and in various strategic and legal documents testifies to a certain awareness of its importance for the society.

6. Some Bulgarian municipalities have created strategies for the protection of the cultural heritage (Bansko, Avren, Breznik etc.)

Some negative points should also be noted with regard to the institutional, legal framework for the protection of immovable cultural heritage:

1. There are also still no explicit legal provisions for carrying out impact assessments of infrastructure and development projects on immovable cultural heritage.
2. The monitoring of the immovable cultural heritage is also regulated by limited legal acts. This makes it difficult to exchange information on the status, functions, responsibilities, and to take adequate measures for the protection of these sites.
3. The legislation provides for a mechanism to compel owners to maintain immovable cultural heritage sites in good condition. It is possible by order of the Minister of Culture or the mayor of the municipality to register a mortgage on an immovable cultural heritage site that is in danger of destruction in favour of the municipality or the state to cover their expenses, but it is hardly applied.
4. There is some decentralisation in the protection of immovable cultural heritage, yet the system operates mostly on a centralized level. This is evidenced by the lack of territorial structures of the Ministry of Culture and of the National Institute of Cultural Heritage (the Cultural Heritage Act provides for the possibility of establishing territorial structures of the National Institute of Cultural Heritage, but there are none at present – Author’s Note). This hinders the performance of the Institute’s functions and tasks, as well as the administrative services to citizens and legal entities.

6. RECOMMENDATIONS

On the basis of the analyses and conclusions, made in the article, the author have shaped-up and made some proposals, namely:

1. Updating the legislation in the field of cultural heritage and adapting proven good practices from countries with rich traditions in this field such as Italy, France, Germany, etc. Introduction of innovative approaches, development of socio-communicative model of management and modern legal framework are essential conditions for the development of a sustainable system for protection of the cultural heritage [18].

2. Creating a strategy, which formulates the strategic goals and specific activities for protection of the immovable cultural heritage.
3. The process of decentralization must continue by establishing territorial structures of the National Institute of Cultural Heritage.
4. Applying the mechanism to compel owners to maintain immovable cultural heritage sites in good condition, which is provided in the legislation.
5. The monitoring of the immovable cultural heritage has to be regulated by legal acts.
6. Establishing a clear framework for the limits of renovation and reconstruction, which creates conditions for the protection of the authenticity of the buildings.

7. CONCLUSION

In conclusion, it should be noted that for the protection of the immovable cultural heritage is needed a comprehensive strategic plan and a comprehensive strategic vision. The protection of the immovable cultural heritage is a continuous and long-term process, which is the commitment of various participants – government agencies, municipal structures, religious institutions, owners and users. The institutional, normative and strategic framework has to create conditions for good collaboration between them. The focus of this work is on the most important regulations and institutions involved in the protection of the immovable cultural heritage, without being exhaustive on the issue.

REFERENCES

- [1] European Parliament Resolution of September 8, 2015 Towards an Integrated Approach to Cultural Heritage for Europe (2014/2149(INI) (online) (2021-11-1]) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015IP0293>
- [2] V. RUSEVA, The Model of “Green Management” in the Circular Economy, *Yearbook of Burgas Free University* (2019) **XL**.
- [3] I. ATANOSOVA, Methodology for Research and Assessment of Cultural Value of Historic Railway Line, *Annual of the University of architecture, civil engineering and geodesy, Sofia* (2017) **51** (8).
- [4] Cultural Heritage Act, *Promulgated State Gazette*, issue No. 19 of 13.03.2009.
- [5] C. GEORGIEV, *Legal Regime of Cultural Heritage in Bulgaria*, Sofia (2008), ISSN: 8954913014
- [6] D. SIMEONOVA–KORUDZHIEVA, *Can Immovable Property* (monument of culture) *Be De-registered from the Register of Immovable*

- Cultural Property* (2020) [online], [2021-11-11] <https://www.law-firm-bg.com/%D1%81%D1%82%D0%B0%D182%D0%B8%D0%B8/%D0%BA%D1%83%D0%BB%D1%82%D1%83%D1%80%D0%BD%D0%BE%D0%BD%D0%B0%D1%81%D0%BB%D0%B5%D0%B4%D1%81%D1%82%D0%B2%D0%BE/>
- [7] Antiquities Act, *Promulgated State Gazette*, issue No. 37, 18.02.1911.
 - [8] Y. KANDULKOVA, The Immovable Cultural Heritage: Rights and Responsibilities and Legal Experience of Bulgaria, in: Conference “Human Rights and Cultural Heritage, Sofia, 2009.
 - [9] Constitution of the Republic of Bulgaria, *Promulgated State Gazette*, No. 56 of 13.07.1991.
 - [10] Cadastre and Property Register Act, *Promulgated State Gazette*, issue No. 34 of 24. 04. 2000
 - [11] Spatial Planning Act, *Promulgated State Gazette*, No. 1 of 02.01.2001
 - [12] D. SIMEONOVA–KORUDZHIEVA, *Real Cultural Heritage*, Issues of Territorial and Urban Planning Protection (2011) (online) (2021-11-11) *Stroitel* Newspaper, https://vestnikstroitel.bg/news/32492_%D0%BD%D0%B5%D0%B4%D0%B2%D0%B8%D0%B6%D0%B8%D0%BC%D0%BE%D1%82%D0%BE%D0%BA%D1%83%D0%BB%D1%82%D1%83%D1%80%D0%BD%D0%BE%D0%BD%D0%B0%D1%81%D0%BB%D0%B5%D0%B4%D1%81%D1%82%D0%B2%D0%BE%E2%80%93%D0%B2%D1%8A/
 - [13] Local Taxes and Fees Act, *Promulgated State Gazette*, issue No. 117 of 10.12.1999
 - [14] Strategic Plan for the Development of Cultural Tourism (2009) (Online) (2021-11-11), <http://www.strategy.bg/StrategicDocuments/View.aspx?Id=573>
 - [15] Draft Strategy for the Development of Bulgarian Culture 2019–2029 (2019) (Online) [2021-11-11], <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=4155>
 - [16] M. KRASDEV, Guidelines for the Development of the Immovable Cultural Heritage on the Territory of Sofia Municipality, *Journal Real Estate Property and Business* (2018) **2** 58–69, e-ISSN: 2603-2767.
 - [17] National Spatial Development Concept for the Period 2013–2022 (2019) (Online), <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=774> (2021-11-11).
 - [18] M. NEYKOVA AND M. PATAK, *Current Issues of the Organization and Management of Cultural and Historical Heritage*, Sofia (2012) 135.

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