

IMPROVING THE REGIONAL STRATEGIES REGARDING THE ROMANIAN CULTURAL ENVIRONMENT

Irina AIRINEI VASILE*

ABSTRACT: *As shown in the Presidential Architecture Commission's Report for 2009, Romania's natural and man-made heritage is in a permanent state of destructive aggression. Disappearance of national heritage due to negligence or destruction is becoming a more frequent phenomenon and reflects a process contrary to sustainable development. Protected areas and historic city centers are under attack by real estate speculation and poorly planned short-term development projects. Decentralization of responsibilities to local authorities was made without providing adequate measures and tools for heritage protection under the law. A major lack of legislative coverage allows circumvention of the law in many cases, interpretation of the law in bad faith, abusive or incompetent application of the law, encouraging abuse and illegality.*

The main purpose of this research is to provide detailed information about the "Regional Cultural Project" for local and regional decision-makers to be used in the process of local economic development planning. This concept successfully employed by the public authorities throughout Europe, is completely unknown in Romania. In Romanian public administration schools, the curriculum does not comprise disciplines such as "cultural heritage law" and it fails to offer interdisciplinary perspectives towards the study of territorial cultural heritage.

KEYWORDS: *cultural heritage, destruction, Regional Cultural Project, shortcomings of higher education*

JEL CLASSIFICATION: *K 00, K 23*

1. CULTURAL HERITAGE LEGISLATION IN ROMANIA

Contemporary cultural theory considers cultural heritage as part of Heritage, where cultural heritage is the perfect complement for natural heritage.

National cultural heritage should be a priority of Romanian cultural strategy based on the following arguments:

1) the Law no. 422/2001, republished on the protection of historical monuments states that "historical heritage preservation is part of the strategies of sustainable economic and social development, tourism, urban development and planning."

*Lecturer Ph. D., NSPSPA, București, ROMANIA.

- 2) the amount of movable cultural heritage - in particular, rare books and icons classified or likely to be classified as national cultural heritage treasure;
- 3) the value of intangible heritage, with a lot of traditions and folk customs in areas with major cultural events;
- 4) continuously degradation of the built heritage, the number of sites for restoration and conservation is small, due to financial reasons;
- 5) cultural heritage of our regions gives them an unmistakable identity;
- 6) substantial tourism potential of cultural heritage, which can become a component of sustainable regional development.

2. EUROPEAN CULTURAL HERITAGE CONVENTIONS

To ensure a balanced development of the territory, which takes into consideration the importance of cultural property, the central concept to be taken into account is the integrated conservation of architectural heritage, as it is defined by the European Convention for the Protection of the Architectural Heritage of Europe adopted at Granada on 3 October 1985 and ratified by Romania by Law no. 157/1997. This concept has two objectives:

a) preserving the historical monument, not only itself but also its protection zone (through concrete mechanisms of physical protection of components of the monument and the area of protection); b) integration of the built heritage in the living environment of contemporary society through revitalization programs such as: urban structure restoration programs, local and regional development programs with the inclusion of cultural property, cooperation between specialists in planning and restoring of historical monuments.¹

Another obligation that falls to Romania, through the same obligations to ratify the Convention, is to attract civil society in protecting the architectural heritage through the establishment of consultation mechanisms with local communities and cultural institutions and associations. This obligation derives from two other lines of action to be taken into account in determining strategy in this area: a) highlighting, in public, the conservation of architectural heritage as an element of cultural identity as a source of inspiration and creativity for present and future generations; b) promote awareness and information policy, especially the modern techniques of dissemination of information designed to arouse and increase public sensitivity to the protection of heritage still at school, and emphasizing the unity of the links between cultural heritage and architecture, arts, popular traditions and ways of life, regional, national and European level.

Romania ratified Law no. 150/1997 upon joining the European Convention for the Protection of Archaeological Heritage (Revised), adopted at La Valletta on 16 January 1992. It is necessary to adopt clear policies on integrated conservation of archaeological heritage, the following firm goals that our country must hold in practice:

- a) reconcile and combine archeology with the specific requirements of the planning;
- b) ensure systematic consultation between archaeologists, planners and specialists in regional planning;
- c) develop the environmental impact studies taking account of archaeological sites.

The Romanian Law no. 150 of 24 July 1997 ratified the European Convention for the Protection of Archaeological Heritage (Revised), adopted at La Valletta on 16 January

1992. This Convention provides, inter alia, that the archaeological heritage is essential for the knowledge of the history of mankind. Acknowledging that the European archaeological heritage, which provides evidence of ancient history, is seriously threatened with deterioration because of the increasing number of major planning schemes, natural risks, clandestine or unscientific excavations and insufficient public awareness, each party undertakes to implement measures for the physical protection of the archaeological heritage, making provision, as circumstances require: for the acquisition or protection by other appropriate means by the authorities of areas intended to constitute archaeological reserves; for the conservation and maintenance of the archaeological heritage, preferably *in situ*.

According to the Law no. 422/2001 on the protection of historical monuments, historical monuments (monuments, ensembles and historic sites) are classified into two groups: Group A, which includes valuable national and universal historical monuments, and Group B, which includes representative local cultural heritage. It uses yet another division of the monuments, as typological categories, such as those specified in Law no. 5 / 2000 concerning the approval of national planning - Part III - protected areas, typology which follows closely the categories established by the Law no. 422/2001, but is particularly useful for a pragmatic approach to the field. Historical monuments were divided into three main groups: 1) monuments and archaeological sites, 2) religious monuments, 3) civil monuments.

3. THE INTENTIONAL DESTRUCTION OF ROMANIAN CULTURAL HERITAGE IS FACILITATED BY LEGISLATIVE AMBIGUITY AND CIRCUMVENTION OF THE LAW

As shown in the Presidential Architecture Commission's Report for 2009, Romania's natural and man-made heritage is in a permanent process of destructive aggression. Its protection, preservation and enhancement may become mere theoretical concepts with no real coverage. Although there are protection laws and sanctions imposed on those who destroy elements of national heritage, although there are specialists and positive initiatives in the field, the pace of destruction is greater than that of protection and preservation. Disappearance of national heritage due to neglect or destruction is becoming a more frequent phenomenon and reflects a process contrary to sustainable development. Protected areas and historic city centers are under attack by real estate speculation and poorly planned short-term development projects. Decentralization of responsibilities to local authorities was made without providing adequate measures and tools for heritage protection under the law. A major lack of legislative coverage allows circumvention of the law in many cases, interpretation of the law in bad faith, abusive or incompetent application of the law, encouraging abuse and illegality.

Causes leading to the destruction of national heritage, identified by **the Commission** are: contradictions between legislation and regulations in the areas of contact, lack of terminological precision and unity reported in various documents in relation to the use and definition of concepts such as "historical monument", "zone of protection for monuments", "protected architecture areas," "protected construction areas", "cultural

landscape”, “protected environments”, poor quality of education in conservation, protection and enhancement of heritage, at all levels, poorly regulated regime of private property, pressure from the real estate market, progressive reduction of the role of the National Historical Monuments Commission, which resulted in duplicate decisions and often circumvention of the law, lack of financial resources of the private or corporate owners and managers of national heritage, lack of a Romanian General Cadastre.

As shown by the Presidential Commission for Architecture for 2009, a board of the most prestigious Romanian architects, legislative and institutional causes that have contributed to a critical level of destruction – or immediate risk of destruction – of Romanian architectural heritage can be grouped into several categories. The following is a synthesis of the Commission’s exposition:

A. Ambiguous competences and responsibilities in decision-making, approval, sanction and control. One can easily notice the inflation of provisions and regulations, a chaotic network of commissions, services and committees acting as decision-makers, combined with “deflation” at the opposite end: slow reactions, ambiguous responsibilities, delays, unnecessary divisions making the application of policies very cumbersome.

The following are main public institutions regulating, at different levels, the field of national cultural heritage (historical monuments, archaeological sites and protected areas) and laws establishing their areas of intervention and attributes:

- Ministry of Culture and Cults (currently also of National Cultural Heritage) – with attributes and responsibilities in the field, specified under Law no. 422/2001, republished, for historic monuments, or Law no. 378/2001 for archaeological heritage.

- Ministry of Development, Public Works and Housing, Law no. 27/2008 in completion of Law no. 350/2001

- Regional, county-level and local authorities, inspectorates, deconcentrated services with responsibilities that are often inter-changeable.

- Mayor of Bucharest, mayors of the Bucharest sectors, mayors of cities and communes, head architects or similar authorities at local level, territorial construction inspectorates (Law no. 50/1991 regarding discipline in construction).

- County Council and other authorities of local public administration

- Romanian police (“heritage police”) and gendarmerie. It must be underlined that local gendarmes should not even supplement activities of monitoring and security since there is no legal attribution for them in that sense.

B. Lack of precision, clarity and terminological coherence determined by the lack of competence of those who formulate these definitions or the poor harmonization of terminology in normative papers. Concepts like “historical monument”, “monument protection area”, “area of protected architecture”, “protected built areas”, “cultural landscape”, “protected natural areas” the relationship between the ensemble and its components in legal texts, connected or complementary regulations referring to historical monuments, urbanism, construction discipline.

Examples:

- Law no. 50/1991 regarding construction discipline only refers to historical monuments and their protected areas, not “protected built areas”. These are ambiguously

defined within Law no. 5/2000. Ordinance no. 21/2006 (concession of historical monuments) makes no reference to protected built areas.

- Ordinance no. 47/2000 regarding historical monuments of world heritage refers only to the monuments and their respective protected areas. There is no legal basis for including into the World Heritage List protected areas defined in absence of these legislative and terminological assimilations.

- Excess regulation and terminological confusion can often harm the heritage the respective laws are meant to protect. For example, Law no. 422/2001 uses and defines “historical monuments” by referring to the main international treaties and conventions. Up to article 18, the entire discourse of the law refers to the specified judiciary category. Starting article 18, ex abrupto, we are faced with the concept of a “protected built area”. This new concept is affected by the policy regarding historical monuments and the emission of approvals for intervention. Moreso, within the same law we discover two different concepts, “protected built area” and “protected area” (for example art. 33 paragr. 1, letter K versus art. 33 paragr. 5, letter F).

The owner of properties situated within protected areas does not enjoy the facilities provided to the owner of historical monuments according to art. 40. Financing historical monuments (art. 49) does not contain any provisions referring to protected built areas. Sanctions (art. 53) are applicable only to historical monuments, not protected built areas.

- Law no. 50/1001 (approving constructions) refers to art. 4 only regarding historical monuments and their areas of protection, not protected built areas. Though Romania is a signing member of the World Heritage Convention and the Florence European Landscape Convention, which both impose the adoption of legislative instruments to ensure the identification and protection of cultural landscapes, the Law of historical monuments (422/2001, art.3 letter C) uses the expression “cultural landscape” without even defining its content. A factor worsening the situation of urban heritage is Law no. 350/2001 which allows private entrepreneurs to initiate derogatory urbanistic documentation, encouraging the destruction of built heritage. Protected built areas are defined ambiguously within Law no. 5/2000. A very severe issue is the ordinance which supposedly consolidates procedures of protection of national heritage, actually operating in the opposite sense, making classification more difficult and introducing the procedure of “emergency declassification” (art. 24, Order no. 2260/18th of April 2008 of the Ministry of Culture regarding Methodological norms of classification and listing of historical monuments), incompatible with the preservation of cultural heritage. Provisions referring to emergency declassification were cancelled through the Order of the Ministry of Culture no. 2048/16th of February 2009.)

The regime of sanctions is flawed, with the consequence of failing to discourage cases such as: the intentional deterioration of historical monuments with the purpose of closing them down and reusing the land they occupy; closing down buildings of architectural interest within protected areas or archaeological sites; theft from archaeological sites; approvals of the above-mentioned acts etc.

Sanctions for very severe acts of abuse are ambiguous in Law no. 422/2001. It is not obvious which punishment will be applied for abuse against historical monuments: that specified in art. 280 of the Penal Code, art. 360 of the Penal Code or art. 24 paragr. 2 of

Law no. 50/1991. It must be specified that Law no. 422 contains no specific indications of sanctions. GO no. 47/2000 also contains no specific sanctions. We also must signal the lack of instrumental documents to facilitate protection of heritage:

- Lack of interest, with some notable exceptions (Ministry of Development, Public Works and Housing), for harmonizing protection of built heritage and protected areas with development plans in the spirit of international conventions, strategies and documents elaborated by EU bodies or by the European Council.

- Lack of the Romanian General Cadastre.

- Lack of an updated and detailed list of historical monuments and built protected areas, which encourages abuse and illegality.

- General Urban Plans, Zonal Urban Plans for cities and areas of protected architecture are out of date or absent. Illegal urban plans introduce irreparable mutilation and aid the spread of destruction. Authorities in areas with significant architectural heritage fail to employ heritage specialists, architects or other qualified personnel.

The conclusions of the Presidential Commission for Architecture were, among others, as follows:

The built and natural heritage of Romania is in a permanent state of degradation. Its protection, preservation and enhancement may become mere theoretical concepts with no real coverage. Although there are protection laws and sanctions imposed on those who destroy elements of national heritage, although there are specialists and positive initiatives in the field, the pace of destruction is greater than that of protection and preservation.

Poor Quality of Education in Conservation, Protection and Enhancement of Heritage

How can this situation be changed? The answers are: through education, communication and responsibility. Many EU member states have defined the field of culture as priority, emphasizing its heritage values and elaborating operational programs dedicated to this sector. It is not the case of Romania, though there have been some initiatives in this sense. This position is strengthened by the EU Durable Development Strategy, the main political documents of the EU and a series of multilateral conventions adopted under UNESCO or European Council patronage. Large European cities have applied cultural strategies and have considered them just as important as strategies in other priority sectors such as transport or health care. Long-term master plans include heritage as a factor of economic development in capitals and larger or smaller cities. The competition for “European Cultural Capitals” has stimulated the concept throughout the Union, with impact studies proving the validity of the initiative.

Upper-level administrative education often fails to approach the field of cultural heritage. In Romanian public administration schools, the curriculum does not comprise subject matters such as “cultural heritage law”, it fails to offer interdisciplinary perspectives towards the study of territorial cultural heritage. Little importance is offered to the “Regional Cultural Project” concept, applied for many years in Europe and often used at local administrative level to improve knowledge and preservation of cultural heritage.

4. THE REGIONAL CULTURAL PROJECT

One of the purposes of this research is to inform about the “Regional Cultural Project” for local and regional decision-makers to be used in the process of local economic

development planning. This concept successfully employed by the public authorities throughout Europe, is completely unknown in Romania. The research uses as methodology secondary data analysis – it employs the statistical data compiled by the decision makers in different countries and highlights recent trends taking place at the regional level with regard to several phenomena that influence local development. The programs which can be implemented at regional level meant to promote local and regional cultural development. There are several barriers at the regional level with regard to local economic and cultural development as well as several measures to be implemented in order to address these challenges.

The “Regional Cultural Project” concept is, above all, a practical and useful tool that is provided for decision-makers, “facilitators” of projects and sponsors of regional cultural project themselves.

Without claiming to be exhaustive nor to invent new theories or methodologies on the cultural development of regions, the concept was instead designed as a reminder of the basics. Each item refers to the work, experiments, thoughts or works cited enabling the reader to deepen, if he so wishes, the information provided.

What is a regional cultural project? A regional cultural project is part of the dynamics of local development. It increases the attractiveness of the area concerned. A regional cultural project is a factor of sustainable economic development and it generates social cohesion involving partner regions.

Methods to implement a regional cultural project are: preliminary diagnosis (identifying the issues), developing proposals, preparing and implementing a project. The environment of a “Regional Cultural Project” involves an institutional environment, a general framework, and the specificities of the different regional areas of the network, the legal environment, and the opportunities for public or semi-public players, public institutions for cultural cooperation.

Possible applications of the Regional Cultural Project:

1. Compiling a historical and geographical atlas of the respective area or city, containing:
 - Local history
 - Ethnographical specificities
 - Cultural landmarks
 - Touristic routes
2. Photography contests
3. Literary competitions focusing on local specificities, with the participation of important local writers and journalists.
4. Mapping representative buildings from an artistic and ethnographical perspective
5. Marking and protecting archaeological sites
6. Restoring heritage buildings
7. Establishing an ethnographical museum (in rural areas that do not already have one)
8. Regional cultural maps and regional cultural guides
9. Cultural guides for the local civil servant (for example, for the local authorities of Bucharest’s first sector, the history and current status of heritage buildings in Lascăr Catargiu and Victoriei area, as well as a list of responsible authorities and laws in effect).

10. Courses for local civil servants, involving architects, historians, representatives of authorities and the civil society.
11. Regional cultural calendar
12. Retracing the steps of great architects (currently existing or demolished buildings).

5. THE WORLD CULTURE PROJECT

Another concept, "The World Culture Project" is based on the belief that culture and cultures have a central role to play in global development and human affairs and are the key to human welfare and environmental well-being in the future. The Project was initiated in 1988 to commemorate the World Decade for Cultural Development (1988-1997). It was officially designated a World Decade for Cultural Development activity by UNESCO in 1989. For the purposes of the Project, culture is defined in the holistic sense as a dynamic and organic whole or total way of life. It is concerned with the way people visualize and interpret the world, organize themselves, conduct their affairs, elevate and embellish life in the world. This Project is divided into an International Component and a National Component. The International Component is designed to develop the holistic concept of culture in broad, general terms, as well as apply it to a complex set of global issues and problems. The National Component is designed to broaden and deepen knowledge and understanding of culture and cultures throughout the world by publications, participation in conferences and seminars, presentation of workshops and involvement in internet and related activities. The Project is particularly interested in the importance of culture and cultures, worldviews, values, value systems, cultural models of development, cultural development, cultural policy, creativity, diversity, identity, creative cities, cultural indicators, cultural studies, National cultural development, National cultural policy, community development and multiculturalism, National cultural identity.

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