

## THE APPROVAL OF THE MINISTRY OF CULTURE, A MEANS OF PRESERVING THE HERITAGE ATTRIBUTES IN THE PROCESS OF INTERVENTION ON HISTORICAL MONUMENTS/

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**Abstract.** The paper analyses the issue of the approval/consent, documents issued by the Ministry of Culture through its specialized departments and decentralized public services, in the context of carrying out intervention works on historical monuments, implicitly of protecting the heritage component. Constituting a filter with official, legal value, guaranteeing that under the conditions of respecting the rigors stipulated by the matter of the technical documentation that was the basis for substantiating the fulfilment of its legal requirements, then the quality of the works carried out should simultaneously respond to the requirements of preserving the authenticity of the built heritage and those of increasing the lifespan of the building and/or adapting it to its current functional requirements. The study analyses the significance of the approval issued by the Ministry of Culture for intervention works on historical monuments, the multifactorial determinants that contribute to the approval decision, the supporting specialized documentation, the main barriers that can distort or alter its issue, some proposals and future lines of study that could contribute to its efficiency.

### **References regarding interventions on heritage buildings.**

In Romania, the attention paid to the protection of cultural heritage, in particular immovable cultural heritage, as a non-renewable national identity resource has gradually acquired an increasingly pronounced character in recent years. The efforts to connect to international experiences acquired over a longer period, when national policies in our country attempted to erase any trace of the past by demolishing buildings of great architectural and historical value, refer to the knowledge and implementation of theories and practices experimented at European level.

A separate chapter is the protection of heritage buildings, their rehabilitation from the perspective of preserving the heritage component in an authentic and unaltered form, simultaneously with conferring it value in contemporaneity, as a socially useful edifice. As a result, the issue of interventions on historical monument buildings falls within the broader context of concerns regarding the protection of the heritage component of this type of old constructions and, at the same time, their current valuation, in the context of sustainability and, at the same time, preservation of national identity [1]. The buildings we are referring to constitute unique resources, consequently, the activities the focus on their conservation and current use, activities integrated into the broader category of interventions, require from the specialists' part high-level professional skills, thorough knowledge of what differentiates and particularizes the intervention project on such a construction, compared to the project of creating a new construction [2];

it requires creativity, capacity for systemic understanding of the construction and adequate cooperation between the design and execution teams in order to correctly and as compatible as possible achieve the conjunction, the harmonization between the initial design of the building and the final result of the interventions that are intended to be carried out.

In fact, interventions on historical monuments may constitute a cause of public utility and they may be carried out only in accordance with the norms established for this category of heritage – on the basis of and with the approval of the Ministry of Culture [3], which is the central authority empowered and responsible for protecting cultural heritage. The corresponding approval is requested from the beneficiary through the urban planning certificate, as an information document regarding the approvals and documents necessary for obtaining the building permit.

The approval, as an act granted by the ministry through its specialized departments that convey such tasks or its decentralized services, theoretically constitutes a filter and guarantor of the fact that, under the conditions of compliance with the approved technical documentation, the works proposed for implementation will not affect the authenticity, the cultural value of the building, as such they are preserved.

The topic proposed for analysis is the result of attitudes expressed by representatives of professional bodies, regarding the current implications of the approval both with regard to the protection of the heritage component and with regard to the recipients of the approval, the existence of controversies regarding some recent administrative measures related to the topic discussed, observations and conclusive findings found in the specialized international and local literature, and my personal observations found as a member of various specialized scientific commissions on the protection of immovable cultural heritage, as a researcher and specialist with skills in the field of the protection of immovable cultural heritage – architecture and civil engineering.

In general, obtaining this act involves a complex, laborious and highly important approach related to the quality of the works to be carried out. This fact is also highlighted in specialized works, documents that address the issue of the conservation and/or reuse of built heritage [4,5], of interventions on such buildings, on the occasion of various scientific or public debates having this topic. This is also the case of the analyses in the content of the Preliminary Theses of the Cultural Heritage Code [6] or of the Report of the Presidential Commission for Built Heritage, Historical and Natural Sites [7]. Thus, the approval regarding the type of interventions analysed is supported and at the same time has not only professional but also political/social implications. An example in this sense refers to the actors issuing the approval, to who manages the process – the central authority with tasks of protecting cultural heritage, directly or through its decentralized services – or whether the transfer of attributes should be made to the county, local public administrations by assimilating the approval tasks. Although this idea is at the basis of the principle of decentralization, most specialized opinions agree that this would not lead to organizational and administrative efficiency, but, on the contrary, we could talk about disjointed actions, about decisions taken in relation to heritage problems by unknowledgeable

persons, people not specialized in the field; about the generation of conflicts of interest – all of which infer a poor quality administrative model, with undesirable effects on multiple levels.

The involvement of the political factor at the administrative level in the approval process regarding interventions on historical monuments could disrupt the meaning of actions to protect and enhance the heritage – as a result of conditioning financing resources or excessive actions on modernizing buildings at the expense of their protection [6]. The combination of public pressure to stop the accelerated degradation process of immovable cultural heritage and the interest of the political environment determines the public administration to respond through actions focused more on the mercantile interest of investments, which constitutes a serious threat to the integrity and authenticity of immovable cultural heritage [8].

The aim of the present research is to contribute to the optimization of the approach and the defining parameters of the future solutions regarding the approval granted by the Ministry of Culture for the implementation of intervention works on historical monument buildings.

The objective of the paper is to analyse the current status of granting the approval to which we refer, from the perspective of the guarantor of protecting the cultural heritage attributes of the building being intervened on but also from the perspective of the applicant for approval: steps taken towards optimizing management, the type of documentation subject to evaluation; expert evaluators; approval circuit; the current mechanism for granting the approval/consent by the ministry or its decentralized services, as an administrative act for intervention works on historical monuments.

In the same context, we recall the large space allocated in the Preliminary Theses of the draft Romanian Cultural Heritage Code and the subsequent report on immovable cultural heritage [9] to the issues of the approval of the Ministry of Culture regarding works intended to protect the historical character of these buildings so that the principle of authenticity can be respected, the one that defines protection in terms of preservation and possibility of transmission to future generations of the cultural resource in its authentic and unaltered form.

### **Approval of interventions on historical monuments, current realities and attitudes.**

The approval of interventions on historical monument buildings engages the interest of a plurality of factors, starting with the professional, cultural-administrative, economic, political, social stakeholders. In this perspective, knowledge of the concrete way of carrying out the approval activity, of the intentions to improve the main existing problems and of some steps that could be initiated in the near future presents beneficial professional implications in relation to the protection of historical monuments, through the potential consequences of the various works carried out on them – as illustrated in Figure 1.

### **Arguments in favour of optimizing the approval process and the content of the approval.**

Regarding the issuance of the approval by the Ministry of Culture for interventions on historical monuments as an administrative act, there are currently ongoing complaints about situations such as: the excessive length of time required to obtain the paper, so that the validity of some of the components integrated into the technical docu-

mentation does not expire – which implies resuming the development process, unjustified financial expenses, waste of human resources and time. It was also criticized that the approval circuit is much too extensive, which attracts, in addition to the excessive time required for gaining the approval, other undesirable consequences, with the proposal to restrict it and reduce the links involved in this circuit. As for the documentation required by the approval act, it was sometimes criticized for being too complex, which makes it difficult to obtain the permit but also overly complicates the steps taken for this purpose.

Among other problematic aspects, the specialized professional communication is also mentioned as being sometimes deficient during the approval circuit. Similarly, a critical highlighted aspect concerns the problem of language, of the specialized terminology regarding the typology of intervention works, terminology indispensable for interdisciplinary communication but also for international communication, also useful in the context of the need to apply European heritage management instruments, to capitalize on foreign experiences in the specialty, to correctly access documentation and transfer good practice conservation examples.

A particular critical aspect refers to the crisis of specialized personnel involved in the approval circuit, both from a quantitative and qualitative point of view, to the underprovided professional skills of some of them.

Associated with these problems, other difficulties were identified related to aspects such as the material support of the approval activities; the non-unitary, non-integrated nature of the main and secondary legislation relating to the protection of immovable cultural heritage, to the non-integrated nature of the legislation on built heritage with the legislation in the field of civil construction [10], despite the fact that the provisions contained in [11] stipulate this imperative. In addition, it is certain that the excessive speed of change of the legislative framework has had a harmful effect both in administrative measures but especially in terms of practical consequences. On the other hand, it is assessed that some law provisions present aspects that are inapplicable or difficult to impose in practice, such as those relating to sanctions in the event of cultural heritage destruction.

As for the citizen's attitude towards the issue of cultural heritage, it was previously assessed as not being sufficiently effective, proving insufficient awareness of the importance and necessity of its protection [12].

Last but not least, an objective reality is the polarization among the Romanian public of contradictory interests regarding cultural heritage, in the sense that at one pole are those interested and convinced of the need to protect immovable cultural heritage, historical monuments in particular, and at the other pole, those interested in its potential demise and the use of land and buildings for commercial, speculative purposes. An expression of this state of affairs is also the current excessive number of normative and regulatory derogations, but also the various unorthodox ways of legalizing intervention actions, at the least harmful, on such properties.

### **Recent steps towards optimizing the approval of interventions.**

In the last years, a series of measures have been taken to rationalize and streamline the process of issuing and obtaining the approval for carrying out intervention works on historical monuments, at the level of the Min-

istry of Culture and its decentralized services. Among these, we mention: the decentralization of some types of approvals, in the sense that they could and can continue to be issued at the territorial level by personnel with competence in this regard, based on legally established approval documentation; the simplification of approval documentation so that it is more adapted to the requirements, namely to the type of works for which the approval is requested; the issuance of consents as a substitute for the approval [13] – an act with a reduced, more simplified documentation basis, relating to the execution of works considered to be less complex and which, through the action taken, could affect the historical monument to a lesser extent compared to other types of works.

At the same time, at the level of legislation relating to the protection of immovable cultural heritage, we are talking about several types of works, namely works that slightly affect the historical substance, where it is not necessary to consult the specialized commissions of the ministry [14]; about micro-works or standard works in the field of communication network infrastructure; about the implementation of works aimed at dismantling some buildings that are considered harmful or without cultural value; works that modify the substance or appearance of historical monuments, a situation in which higher specialization and competence expertise is required [3].

Likewise, in relation to the desire to facilitate the document's process, we mention the reduction of the involvement in the approval process of the scientific commissions with an advisory role, without juridical personality, that operate under the Ministry of Culture, respectively under the county directorates for culture, namely the National Commission of Historical Monuments and the zonal commissions of historical monuments. Thus, some of the types of works that required consultation of the commissions can be issued directly by the central or local public authority responsible for protecting cultural heritage and most of the technical documentation regarding interventions on historical monuments can be analysed at the regional level, and only in some cases, of greater importance, at the national level. At the same time, the attributions and tasks of the national commission can be transferred to the zonal commissions for fulfilment, in order to streamline and optimize the approval circuit, which in the future will be entirely performed by the stakeholders through a centralized digital database interface, organized at the level of Ministry of Culture.

**Conclusion.** The approval/consent issued by the authority empowered to protect cultural heritage, the Ministry of Culture, through its institutions and decentralized public services, has multifactorial determinants. These are of a professional, scientific, cultural, social, political, economic, administrative, moral, educational nature and, at the same time, exert a multidirectional influence in the same way, so its significance must be viewed in the same light.

This state of affairs makes the validity of the approval sensitive, vulnerable and we can see that the problems specific to the approval of interventions on historical monuments have not yet been completely overcome, even if objectively speaking, sustained efforts are being made, in the combined interest of preserving the authenticity of the buildings but also of responding

to the needs of the beneficiaries, whoever they may be. The controversies that these documents generate are often based on contradictory motivations, interests that range from professional, professional ethics, to objective, organizational, legislative, material etc., ending with interests that are among the most dangerous. Moreover, some of the prevailing problems continue to generate new problems.

However, referring to the professional component that determines the quality of the approval we are discussing herein, in this case too, there is much room for improvement. One of the aspects refers to the specialized language – namely, its precision, clarity, semantic consensus, especially when it is legal language or for an interdisciplinary field, such as that of construction interventions. In such cases, avoiding confusion is absolutely necessary. For example, we are talking about “demolition works” and “intervention works”, the latter which may also involve partial demolition works. This state of affairs often generates controversies regarding the nature of the approvals, favourable in one sense or another, as well as the nature of the authorizations, of the various conditions. With reference to historical buildings, such an error can easily lead to the phenomenon of delisting cultural properties, when the construction loses its authenticity and consequently even to the prospect of issuance of a demolition permit, a practice embraced by some harmful real estate developers. In this context, it is worth remembering that the approval for the demolition of harmful or culturally valueless structures within a heritage building requires the elaboration of a justification study regarding the evaluation of the cultural resource of the property. Regarding this aspect, there may be currently a series of problems, such as the absence of rules/norms for drafting this type of documentation; or, quite rightly, they can be generated on the one hand by the person who does the expertise, having a specialized training such as in architecture or, perhaps, in other related fields, the evaluation each time having a subjective character. On the other hand, there is the much-discussed issue of authenticity, especially in relation to world heritage. Specifically, this concept is not defined in our specialized literature, which is why each specialist refers to something else.

The issue related to the traits of the specialists involved in the process of approving cultural heritage interventions at an administrative level is a real one, a fact that is felt later, starting from the moment the urban planning certificate is issued, when the types of approvals and possible derogations from the norms are listed.

As for the concerns of decentralizing responsibilities regarding the approval process, in our opinion, this should have a beneficial effect, however, it was started prior to the preparation of the conditions for this type of activity: we are considering the training of specialists, both professional and attitudinal-moral, the ability to deal with interests at the local level, with clear, stable legislation, and so on.

Finally, the matter of legislation, corroborated with the training of specialists in the field of approval, is one of the most important. For example, the simple identification of a type of intervention in a category of works such as they are defined is not sufficient to automatically grant a certain type of approval, with the certainty that it will not in any way affect the heritage

value of the construction. All these points presented become an argument in favour of the need for continuous investigation of the aspects related to the approval of intervention works for cultural heritage properties and its inherent implications.

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### Figures.

FIGURE 1 – “Nanu Muscel” house – a historical monument after approved renovation and strengthening interventions and the construction of a new extension office building (source: <https://observatornews.ro>, accessed on: 20.11.2024).

