

PRESERVING THE CULTURAL AND HISTORIC HERITAGE OF MOLDOVA, A CHALLENGE OF THE MODERN WORLD

CULTURAL AND HISTORIC HERITAGE IN NUMBERS

Since declaring its independence (1991), Republic of Moldova made efforts to develop a democratic society and build a legal framework based on its aspirations, including for cultural heritage.

The Government does not have a list of cultural sites and areas with a priority status for protection and funding. However, out of the total number of 15 000 cultural sites the *Cultural Natural Reservation Orheiul Vechi* has a special status and the Government is paying special attention to it since it is the most important cultural site of Republic of Moldova, which is in the process of nomination to be included in the List of World Cultural Heritage of UNESCO.

Out of fifteen thousand known sites, only 5206 are included in the Register of Monuments Protected by the Government. Out of the total number of sites, about 8000 are archeological sites, about 100 are small ground citadels, 3 Medieval fortified fortresses, 6 Medieval towns (Orhei, Lapusna, Tighina, Soroca, Causeni, Chisinau), 788 churches, 129 mansions and several historic towns from the XIXth century (Balti, Cahul, Chisinau, Orhei, Soroca, Tiraspol). Out of 5206 monuments

SUMAR

According to legal provisions, the architectural and archeological monuments of Republic of Moldova are officially protected by the state. This cultural heritage is one of the main identifying factors of our country. While there are several normative acts on protecting cultural inheritance and we have made commitments to our European partners on protecting cultural inheritance by ratifying several important documents of the Council of Europe and UNESCO, they are mostly ignored. In European Union, whose values Moldova tends to adopt, build-up cultural heritage, monuments of urbanism and architecture are considered one of the pillars ensuring sustainable development of cities, and protecting them is one of the essential objectives of urbanism and landscaping.

included in the Register, 4086 monuments are of national significance and 1120 monuments are of local importance. Most monuments of national significance are located in Chisinau (419) and Edinet raion (380). There are 2696 archeological sites, 1284 – historic monuments, 1261 – architectural monuments 225 – monuments of art in the Register of Monuments Protected by the Government.

DO WE NEED TO IMPROVE OUR LEGAL FRAMEWORK?

In addition to 5206 sites registered in the National Register, a range of monuments of local and regional importance are included in local registers (raion and municipal). The Law on Protecting Monuments stipulates that state institutions are responsible for monitoring and regularly verifying the condition of historic monuments. The inspection and assessment of the real situation of architectural monuments included in the register was initiated by the Agency for Inspecting and Restoring Monuments, even though the Agency was established in 2006 under the Ministry of Culture, its operation became visible starting with 2010.

“[...] State bodies for protecting monuments have to systematically investigate the condition of monuments for the purpose of developing research programs based on restoration and conservation and guaranteeing in a timely manner material aid and documentation of works [...]”¹.

The Register of Monuments Protected by the Government was approved by the Parliament of Republic of Moldova in 1993, but it was published in the Official Gazette only in February 2010². The fact that the

national register was not published for 17 years deprived historic monuments of the right to be protected by the government since the status of protected monument is applied only to monuments that were registered in the Register of Monuments Protected by the Government of Republic of Moldova:

“[...] (1) Monuments are items or group of items with historic, artistic or scientific value, which represent evidence of the evolution of civilizations on the territory of Moldova as well as of spiritual, political, economic, and social development that are registered in the Register of Monuments of Republic of Moldova protected by the Government. [...]”³.

The provisions of item 2 contradict the provisions of item 1 of the same article, since it stipulates that all monuments situated on the territory of Republic of Moldova are part of its cultural and natural inheritance and are protected by the government. Both citizens and representatives of government institutions are in a confusing situation. In most cases of denying responsibility for deteriorating or destroying cultural goods, it was said that the monument was not included in the Register or that the Register was not published in the Official Gazette and as a consequence, has no legal value. Moreover, article 14 of Law on Protecting Monuments stipulates an obligation of holders of cultural goods to

1 Article 30, Law on Protecting Monuments, no. 1530-XII, 22.06.1993.

2 Official Gazette of Republic of Moldova, no. 15-17, 2010.

3 Article 1 (1), Law on Protecting Monuments, no. 1530-XII, 22.06.1993.

observe Moldovan legislation on protecting monuments only if they are included in the Register of Monuments.

THE INSTITUTIONAL CAPACITY OF PROTECTING PATRIMONY

Currently, the Ministry of Culture employs 38 staff, from which only 4 are employed in the Department of Cultural Patrimony and Visual Arts. The Agency for Inspecting and Restoring Monuments also has 6 employees. Each raion cultural department has two employees; one of them is responsible for the local cultural patrimony.

“[...] The holders that hold, use or maintain in any legal form monuments of historic, artistic and research value registered in the register of monuments have to observe the provisions of this law, a condition that is included in ownership, purchase and sale or leasing documents. [...]”⁴.

In addition to laws, there is a series of regulations aiming at implementing the normative provisions and regulating legal relationships between various branches that have an impact on cultural patrimony⁵. An example, to this end, is

4 Article 14, Law on Protecting Monuments, no. 1530-XII, 22.06.1993.

5 Regulations on Natural and Built Protected Areas approved by Government Decision no. 1009 from 05.10.2000, General Regulations of Urbanism, approved by Government Decisions no. 5 from 05.01.1998, Regulations on Certificates of Urbanism and Construction

the *General Regulation of Urbanism* approved by Order no. 5 of the Government of Republic of Moldova dated January 5, 1998. Or, the *Regulation on Natural and Build-up Protected Areas* from 2001, which re-affirms provisions according to which the form of administration for protecting built patrimony can be established only if it is included in the register of monuments:

“[...] In case of built-up patrimony, the regime of protected areas is established for monuments included in the Register of Monuments of Republic of Moldova Protected by the Government and in the register of monuments of administrative-territorial units. [...]”.

The city/village halls and raion councils have an obligation to develop and manage registers of monuments of local significance, which is a document that needs to become a key document both in the process of protecting cultural patrimony and for urban and regional development. The legislation stipulates the obligation of raion councils to allocate funds in their annual budgets for the maintenance, conservation and restoration of items included in the register. However, most councils do not develop registers and do not allocate funds in the local budgets.

This issue is connected to the limited human and financial capacities of city/village halls and raion councils to maintain, conserve and restore historic objects of local significance. Local authorities need the

or Dismantling and Landscaping Permits, approved by Government Decision no. 360 from 18.04.1997.

support of central authorities in developing and managing these registers. The first step is developing a framework regulation containing more detailed information.

ARCHITECTURAL PATRIMONY

Architectural elements are the most representative components both for historic towns and rural localities. While the urban tradition in Republic of Moldova has a recent history, towns were the ones mostly exposed to totalitarian cultural policies during the Soviet period. However, the process of democratization of Moldovan society after independence did not always promote a positive attitude towards cultural patrimony. In the turmoil of transition from a totalitarian to a democratic regime, historical monuments were often forgotten. Liberalization of economy, privatization and political factors had a direct impact on items of cultural patrimony.

The main institution that provides consultancy services to the Ministry of Culture in matters related to authorizations for architectural patrimony is the National Council of Historic Monuments. This Council sets out whether it is necessary to carry out an intervention onto a historical monument under the protection of the government and on its protection area. Any intervention is conducted in two stages. First of all, the Council analyzes and approves the concept of the project and then, at a new session, discusses and approves draft execution works. Actually, the

Council meets twice a month.

In case of Chisinau, the projects related to historic buildings that don't have the status of monuments, historic buildings with status of monument or areas that are part of the historic center, taking into account their legal status as monument, are submitted at the stage of draft project, and later, at the execution phase, they are submitted for endorsement to the National Council of Historic Monuments, and only then the construction permit is issued. If the historic building is a monument (and it is included in the Municipal Register of Monuments), but it is not located in the historic center of the capital, intervention projects are reviewed only by the local public authority. In fact, the legal procedure of approving interventions for the historic central area is ignored by local authorities.

In addition to real estate and movable goods, historic buildings are objects of ownership rights, both public and private⁶. Exercising ownership rights over monuments is described in Moldovan legislation⁷. National legislation stipulates very clearly that privatization of objects of national cultural patrimony is prohibited⁸, transactions shall be declared null and sanctions stipulated in the Civil Code shall be applied⁹. The government shall have a preemptive role in case of purchase or sale contracts for monuments¹⁰, but this provision was often infringed or simply neglected. While current national legislation provides for annulment of transactions

6 Article 7, Law on Ownership, 22.01.1991.

7 Article 8, Ibidem.

8 Article 17 (4), Law on Culture in Official Gazette 5.08.1999, no.83-86, p. I, art. 401.

9 Article 9 (2), Law on Protecting Monuments, no.1530-XII, 22.06.1993.

10 Article 9 (1), Ibidem.

alienating historic monuments conducted against legal provisions¹¹, there is no precedent for applying this remedy measure.

However, the existing legal framework does not exclude the right to ownership over monuments¹² and their use¹³. Thus, laws contain a contradiction, which makes a residential house the subject of privatization, but not a medieval fortress. Thus, in order to maintain the integrity of the monument, the owner, regardless of its legal status, has the obligation to take action to protect it¹⁴. It is the duty of central and local public authorities to oversee the application of actions for protecting monuments¹⁵. In this situation, owners of historical buildings should be encouraged to use them without jeopardizing their originality and historic significance.

“[...] (2) The right to dispose of state monuments in the form of real estate is exercised by the Parliament, raion, municipal, town and community councils. [...]

(6) The right to dispose of state monuments which are private property is exercised by the owner”¹⁶.

The Law on Protecting Monuments for the purpose of preventing actions of de-

struction stipulates the obligation of monument owners to insure them, but there are no conclusive examples to this end:

“[...] The owners of monuments in the form of real estate have the obligation to have insurance contracts, where the value of monuments and the land of protection areas is set out by experts.”¹⁷.

Most citizens consider that currently it is better for monuments to be under government ownership, or otherwise they will be destroyed due to current economic interests of individuals and legal entities. Proof to this end is the evaluation campaign of architectural monuments included in the National Register and Chisinau Register developed by the Agency for Inspecting and Restoring Monuments, which established that during the period of 1993-2010, 83 monuments were demolished, in 155 of cases there were illegal architectural interventions which prejudiced the authenticity of monuments and their protection areas, and 17 historical buildings are in an advanced state of disrepair¹⁸.

CASE STUDIES

In the context of the above-said, we can also see that our country is the only one in Europe with no legal precedent of hold-

11 Article 9 (2), Ibidem.

12 Ibidem, Article 7 (6).

13 Ibidem, Article 9 (1). Monuments that are private ownership can be sold, donated or alienated with mandatory notification of state bodies for protecting monuments. For the purchase and sale of monuments, the government has preemption rights. See Articles 13-16.

14 Ibidem, Article 13.

15 Ibidem, Article 15.

16 Article 7 (2), Ibidem.

17 Article 39, Law on Protecting Monuments, no.1530-XII, 22.06.1993.

18 Ion Stefanita (ed.), The Black Book of Cultural Patrimony of the Chisinau Municipality, Chisinau, 2010, p. 4.

ing responsible a person for dismantling or damaging objects protected by the state. At the same time, over 10% of real estate protected by the government in Chisinau has been already dismantled, and the other are in the process of actively being destroyed. Among the last cases are:

1. **Real estate protected by the government on 71 Vlaicu Parcalab str. (XIXth century).** Due to starting the process of dismantling the building, the Agency for Inspecting Monuments has informed on March 15, 2011 the State Inspectorate in Construction and Prosecutor's Office. The answer of the Inspectorate contains an ascertainment on stopping dismantling works and the Prosecutor's Office answered through an ordinance that it refuses to start criminal prosecution. Dismantling works are still being conducted and the intention is to build a business center with 7 levels instead of the real estate with the status of protected monument.

2. **Degrading intervention in the Historic Center of Chisinau protected by the state,** Colina Puskin 3 (a residential house with up to 15 floors is built). The Museum of A Puski and its area of protection that have the status of monument protected by the state were also affected. Diplomatic representatives protected against this case. The Ministry of Culture informed the Prosecutor's Office about this case on April 15, 2011, but received no answer so far.

3. **Intervention in the area of protection of the monument protected by the state – The Chapel of Basarabean and Bulgarian Volunteers (XIXth century),**

6 Dimo str. There were official protests of foreign diplomatic representatives in connection to this case. Without any authorizing document, the vicar erected a fence and started building a new church, which also affected the green protected space. This case is well known by City Hall, State Inspectorate for Construction. However, the foundation pit of the new church was already started.

CONCLUSIONS

The current legal framework of Republic of Moldova on protecting cultural patrimony is very general. However, it is important to be realistic since the issue is not only the lack of a legal framework, which is complex, but the joint efforts of the Government and the professional sector could be better and more efficient to obtain the desired results. All decision making bodies and state bodies responsible for protecting cultural patrimony should analyze the best practices of other countries in partnership with experts. It is important that Republic of Moldova honors its international and European commitments taken in the area of cultural patrimony.

The rapid process of urbanization or modernization of old towns should not harm their cultural inheritance – “The town of tomorrow should ascertain its historical wealth”¹⁹. That is why it is necessary for public authorities to cooperate with various specialists to implement quality projects on urban topography,

¹⁹ European Code of Good Practices “Urban Archeology and Design” approved by the Committee of the European Council for Cultural Patrimony at the 15th plenary assembly from March 8-10, 2000.

landscaping etc. However, government institutions have the obligation to ensure the diverse character of programs for developing policies, management protection and landscaping for professionals in the private and public sectors as well as any other interested person²⁰.

The process of urbanization should be taken into consideration historical monuments (buildings, districts, historic gardens etc.), which, taken together form the “old city” or “historic town”. Cultural tourism should be integrated into the economic development strategies of the country²¹, and cultural itineraries can become an exceptional framework for peace based on historical connections based on tolerance,

respect and appreciation of cultural diversity of various communities that contribute to their existence²².

In the context of problems listed above, in order to overcome this condition, government institutions in partnership with research institutions and the civil society should develop a national strategy for protecting and restoring the national cultural patrimony where the historical town is one of the main components. Some of the measures included in the action plan on these areas should be conducting a feasibility study of cultural sites, updating the Register of Monuments Protected by the State.

20 Article 6, European Landscaping Convention, Florence, 2000.

21 The Charter of Cultural Tourism of ICOMOS in November 1976.

22 ICOMOS The Charter of Cultural Itinerary ratified by the 16th Assembly of ICOMOS, Quebec, (Canada) October 4, 2008.



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