

MONITORING THE MONUMENTS OF HISTORY – PROCEDURE, CONSIDERATIONS, THREATS

ZALASIŃSKA Katarzyna ¹

¹ Katarzyna Zalasinska, Faculty of Law and Administration, Warsaw University
<https://orcid.org/0000-0003-2171-2560>

ABSTRACT: The significant increase in the number of historic monuments observed in the recent years poses new challenges, entailing the need to create an efficient mechanism for monitoring and managing their condition. This article discusses a system for monitoring historic monuments, which was introduced following the Guidelines of the General Conservator of Monuments dated 19 November 2018. The system aims to enable continual and regular observation concerning the preservation of and the processes which may affect the state of preservation of monuments and their surroundings that have been recognised as historic monuments.

KEY WORDS: Monuments of history, cultural heritage, object of cultural heritage

To ensure adequate protection of historic monuments is one of the most important challenges the Polish system is now facing. Recognition of an object as a historic monument is an important declaration, emphasising the value of a given site/area, and its importance for the culture. Thus, pursuant to Article 4 of the Act of 23 July 2003 on the Protection and Care of Monuments, (Journal of Laws of 2018, item 2067; hereinafter: "u.o.z.o.z."), public administration bodies appointed to protect objects of cultural heritage are to undertake special measures to ensure effective protection and transfer of these objects to future generations.

It should be first mentioned that in accordance with Article 15 of the u.o.z.o.z., the President of the Republic of Poland, at the request of the minister in charge of culture and national heritage protection, may by way of presidential regulation, recognise a listed real estate or a cultural park of special value for culture as a historic monument, defining its boundaries. The minister in charge of culture and national heritage protection may submit an application for recognition as a historic monument after obtaining the opinion of the Council for the Protection of Monuments. Entry on the list of historic monuments is a condition to be met for the minister in charge of culture and national heritage protection for further submission to the World Heritage Committee for entry of such historic monument on the "World Heritage List", so that the monument can be protected under the Convention on the Protection of the World Cultural and Natural Heritage, adopted in Paris on 16 November 1972. (Journal of Laws of 1976, items 190 and 191).

Recognition as a historic monument in accordance with Article 7 of the u.o.z.o.z. is one of the ways to protect objects of cultural heritage. However, this measure does not bear any legal effects, and any obligations related to protection result either from an entry in the register or a resolution on the creation of a cultural park. According to the above-mentioned Article 15, historic monuments must represent unique value for the culture. As part of proceedings for recognition as a historic monument, the value of a given monument is assessed according to a predefined criterion. This invites the assumption that - within the current system of protection - the legislator has introduced a basis for evaluation, but did not specify the effects of including a given object in the group of qualified monuments of particular importance for the culture.

The significant increase in the number of historic monuments in the recent years raises new challenges related to the need to create an efficient mechanism for monitoring the state of their preservation and quality of management. A presidential confirmation of a particular monument's significance for the culture results in an obligation on the part of public administration bodies to ensure proper preservation of such objects for future generations. In this state of affairs, it has become necessary to take urgent actions aimed at defining the objectives of a monitoring system, as well as the methods of its implementation.

Based on that assumption, a monitoring system for historic monuments was created in 2018 and has been implemented from 1 January 2019; the assumptions for the systems were set out in the communication of 19 November 2018 of the General Conservator of Monuments [Generalny Konserwator Zabytków], Prof. Magdalena Gawin to voivodeship conservators of historical monuments. Pursuant to Article 90(3) of the Act of 23 July 2003 u.o.z.o.z., when coordinating the activities of provincial conservators, the General Conservator may define the general directions of their activities, issue instructions and guidelines for their conduct and expect reports on their activities. Therefore, it was possible to formulate guidelines on how to carry out monitoring activities to be carried out by voivodeship conservators. The aforementioned system includes monitoring of historic monuments as well as world heritage sites. It should be clarified that due to some specific conditions, the boundaries of historic monuments do not always coincide in all cases with the World Heritage List entries as far as the site boundaries are concerned. This issue has been addressed when particular provisions for the monitoring system were formulated.

First, it should be explained that the **monitoring of historic monuments is a process by which - based on information obtained in the course of control activities and analysis of collected documentation concerning individual monuments - constant, regular observation is made of the preservation, and the processes taking place in the monument and its surroundings, which may affect its state of preservation.** In other words, the monitoring system covers both the issues related to the state of preservation of an object and the related management effort, as well as the risks posed by the changes and processes occurring in its surroundings. This is to ensure a more complete implementation of the objectives set for heritage management¹. K. Gutkowska and Z. Kobyliński aptly assume that management must always be based on knowledge: "The

¹ See: Gawęł Ł., [in:] *Mechanizmy prawne zarządzania dziedzictwem kultury*, ed. A. Jagielska-Burduk, Gdańsk-Warszawa 2016, pp. 27-31.

assumption behind cultural heritage management is to make conscious, responsible and thoughtful decisions concerning cultural heritage based on reliable and thorough knowledge, in such a way as to make the best possible use of the numerous and diverse values that this heritage is a carrier for the public benefit².

The proposed monitoring system is to be a source of such reliable and structured information for caretakers and public administration bodies as a basis for future actions. The data collected in this way may in the future allow not only to promote good practices and exchange experiences among the caretakers, but also to change the approach to heritage protection. The need to move away from static heritage protection towards the use of a dynamic formula in the form of "creative management of the existing cultural heritage, implemented with technical achievements, natural inventiveness of the individual and the economic situation, as well as the scientific heritage conservation doctrine" was discussed back in 2008 by the authors of the "Report on the functioning of the cultural heritage protection system in Poland after 1989"³.

The starting point for the monitoring system were the tasks and competences of the voivodeship conservators and the minister in charge of culture and national heritage protection, as provided for in the u.o.z.o.z., including in particular the control and application of conservation supervision measures. In other words, the adopted monitoring procedure did not result from legislative changes, but from the use of the competences already granted to the authorities for the protection of objects of cultural heritage. Subject-wise, it covered not only the voivodeship conservators and the minister, but also the National Heritage Institute, which is responsible for creating a "repository of knowledge" on historic monuments. Additionally, an important source of solutions was the monitoring system adopted for the world heritage sites.

In accordance with the adopted procedure, the system comprised two control modes: scheduled and ad hoc. The former concerns a historic monument's and/or a world heritage site's state of preservation and is carried out by voivodeship conservators in accordance with Article 38 of the u.o.z.o.z., at least once every two years. The latter, i.e. ad hoc control of the state of preservation of a historic monument and/or a world heritage site, pursuant to Article 38 of the Act referred to in point 1, should be carried out by voivodeship conservators no later than 7 days from the date of receiving information on non-compliance with the regulations on the protection and care of historic monuments within the area of a historic monument and/or a world heritage site. Therefore, it should be concluded that the basic monitoring procedure is planned control, while the ad hoc control provides for a "rapid response" system for quick implementation of conservation measures. Monitoring is not only based on post-inspection protocol on the state of preservation, but mainly on questionnaires attached to the guidelines, specifying concerns the conditions for protection and issues directly related to management problems.

² Gutkowska K., Kobyliński Z., *Zarządzanie dziedzictwem kulturowym – nowa dziedzina nauczania akademickiego i badań naukowych*, „Mazowsze. Studia Regionalne” 2011, no 6, p. 52.

³ Bohm A., Dobosz P., Jaskanic P., Purchla J., Szmygin B., *Raport na temat funkcjonowania systemu ochrony dziedzictwa kulturowego w Polsce po roku 1989*, ed. J. Purchla, Kraków 2008, p. 36.

A representative of the National Heritage Institute participates in the planned control of a historic monument which is a world heritage site or a world heritage site which is not a historic monument in whole or in part. In the case of an ad hoc control of a historic monument and/or a world heritage site, a representative of the National Heritage Institute may participate, provided that the relevant voivodeship conservator first applies to the National Heritage Institute for consent.

Another component of the adopted monitoring mechanism is the voivodeship conservators' obligation to provide information: they are obliged to provide the Department for Monuments Protection and the National Heritage Institute with scanned reports on the above mentioned inspections and the issued decisions (including permits, conservation recommendations). Voivodeship conservators also provide information on their intention to undertake conservation or restoration works that may affect a world heritage site or on the construction of new objects in its area, and on the initiation of any proceedings for the issuance of a permit under Article 36, paragraph 1 of the Act, concerning this area, no later than 14 days from the date on which the proceedings were initiated.

In line with this assumption, the guidelines provided in the communication of 19 November 2018 were the first step on the way to establish the monitoring system. The adopted procedure was evaluated in the initial period of its operation. As a result of this analysis and the comments sent by voivodeship monument conservators, the guidelines were adjusted:

1) Manner of control

Controls concerning historic monuments and/or world heritage sites are to be carried out pursuant to Article 38(1) of the Act of 23 July 2003 on the protection and care of historic monuments (Journal of Laws of 2018, item 2067, as amended). However, in the case of a historic monument and/or a world heritage site being a part of a city with at least several dozen residential buildings, carrying out planned control in this mode will be either very difficult or even impossible. Therefore, the assessment of the state of preservation within the framework of the planned control of such historic monuments and/or world heritage sites must be carried out in two stages. In the first stage, verification activities should be carried out without the participation of the owners or holders of monuments, involving the whole historic monument and/or world heritage site, with the aim of identifying those objects or areas within the area of the historic monument and/or world heritage site, where there are doubts as to compliance with the provisions on the protection and care of monuments. These sites and areas would be subject to control (second stage of planned control) under Article 38 of the Act of 23 July 2003 on the Protection and Care of Historical Monuments.

2) Filling in the questionnaire

The questionnaire will be filled in only after planned inspections, in which representatives of the National Heritage Institute are obligatorily involved. One of their tasks will be to analyse the documents submitted concerning historic monuments and/or world heritage sites, including the completed questionnaires. It is therefore justifiable to propose that the employees of the National Heritage Institute participating in the planned inspection should be the ones to fill in the questionnaire.

3) Permits issued pursuant to Art. 36.1 u.o.z.o.z.

Permits issued pursuant to Art. 36. 1 points 3, 4, 9 and 12 should not be transferred it.

Concerning historic monument and/or world heritage site being part of a city comprising at least several dozen residential buildings, the permit for activities should be transferred if:

a) they affect the part of the city in question, tis in particular refers to permits for:

- construction of new structures,
- demolition of structures entered in the register of historical sites or in the commune historical sites list
- reorganisation of traffic

b) they affect the external look of the buildings located in the given part of the city, whether they are entered in the register of historical sites or not, in particular this concerns permits for:

- upward extension of a structure,
- extension of a structure,
- alteration to the shape of the structure,

c) other, if undertaken in the area of an archaeological site entered in the register of historical sites or in the commune historical sites list.

In this respect, information on administrative procedures initiated should also be provided.

The analysis of the permits submitted so far by voivodeship conservators under Art. 36.1 for a historic monument and/or a place of world heritage being a part of a city and having at least several dozen residential buildings, shows that permits should not be submitted for:

- (a) construction and alteration of installations situated underground, excluding building permits for installations within the area of an archaeological monument entered in the register of monuments or included in a voivodeship register of monuments,
- (b) construction and alteration of indoor installations,
- (c) maintenance work on the outside and inside of a structure, including such structure's furnishing,
- (d) changes in the use of a structure or parts thereof.

For a historic monument and/or a world heritage site which is not part of a city of at least several dozen residential buildings permits will be transferred with as issued pursuant to Article 36(1)(1) (1), (5), (6), (7), (8), (10) and (11). In this respect, information on administrative enquiries initiated shall also be provided.

Moreover, it should be stressed that there is also no need to transmit documents that are, in particular:

- (a) consent to the cleanup of a site,
- (b) notification of the date of the on-the-spot check or inspection,
- (c) information on the form of conservator's protection,
- (d) comments on the design of repairing road surfaces or the design of installing mixed waste containers.

4) Applicability of the guidelines

The guidelines apply only to those local government conservators who have been delegated powers of control pursuant to Article 38(1) of the Act of 23 July 2003 on the protection and care of historical monuments, areas of historic monuments and/or world heritage sites. Thus, if such competences have not been delegated, the control of historic monuments and/or world heritage sites is carried out by a voivodeship conservator.

As the guidelines were handed over to the voivodeship conservators, the National Heritage Institute tasks regarding the implementation of the tasks entrusted to them were clarified and adjusted. These concerned:

- 1) participation of a representative from the National Heritage Institute in all planned inspections of historic monuments and/or world heritage sites organised by the voivodeship monuments' conservators;
- 2) participation of a representative from the National Heritage Institute in ad hoc inspections of historic monuments and/or world heritage sites organised by voivodeship conservators, after his application to the National Heritage Institute;
- 3) collect information and scans of documents concerning historic monuments and/or world heritage sites submitted by the voivodeship conservators in 'object files', which will constitute a repository of knowledge about a given historic monument and/or world heritage site;
- 4) analyse information and scans of documents submitted by the voivodeship conservators of historic monuments concerning a given historic monument and/or world heritage site, from the point of view of:
 - a) the legitimacy of the minister's of culture and national heritage and the voivodeship conservators' instigation of the procedures related to the application of conservation supervision measures or extraordinary procedures for verifying decisions, in particular in view of the state of preservation of the historic monument and/or the world heritage site, as well as planned actions which may have a negative impact on its value,
 - (b) threats to a historic monument and/or a world heritage site arising from the management methods,
 - (c) the applicability of clause 172 Operational Guidelines for the implementation of the UNESCO Convention on the Protection of the World Cultural and Natural Heritage, 1972;
- 5) submission to the Department of Monuments Protection, on the basis of analyses, of the opinions, together with justifications, on the procedures referred to in paragraph 4, no later than within 14 days from the date of receipt of the information;
- 6) preparation at the end of 2019, and every two years thereafter (at the end of 2021, 2023, etc.), on the basis of the data referred to in points 2 and 3 and on the basis of the analyses referred to in point 4, as well as own activities (opinions, analyses, factual studies), of Information on the state of preservation and management of historic monuments and/or world heritage sites;

7) provide Information on the state of preservation and management of historic monuments and/or world heritage sites as referred to in point 6 to the Department of Monuments Protection not later than 31 January of the year following the year in which the information was compiled (i.e. 31 January 2020, 31 January 2022, etc. respectively)

Thus, in accordance with the assumed premise, the National Heritage Institute became the body responsible for the processing of the collected information and its subsequent compilation.

At present, the most serious challenge is to properly implement and further optimise the adopted procedure. The process must be spread over time due to the extraordinary diversity of the resources covered by the monitoring. The first analysis projects revealed the obstacles to formulating a universal mechanism covering both single objects and entire areas of historical cities. It seems, however, that it will be possible to achieve the desired shape of the procedure in stages. Once the first stage of implementation is complete, some new challenges for the monitoring system will occur - analysis of the collected data. The first period of analysis should include at least two planned inspections, which means 2023 the earliest. In the preceding years, it will be important to undertake ad hoc inspections, work on the effects of planned inspections, justifying the initiation of proceedings leading to the issuance of one of the conservation supervision measures or the issuance of post-inspection recommendations.

The most serious threat to the system for monitoring historic monuments is the insufficient human and financial support of the conservation bodies. The obligations related to the performance of planned inspections to historic monuments should not be at the expense of inspections concerning other objects entered in the register of a given province (voivodeship). Meanwhile, the lack of adequate funds for the statutory tasks pursued by the monuments' protection authorities may lead to the performance of one task at the expense of the other. The need to ensure adequate staffing and funding also applies to the tasks performed by the National Heritage Institute.

The construction of a system for monitoring historic monuments in Poland initiated by the communication of 19 November 2018 is the first action aimed at ensuring effective protection and proper management of this special resource. Undoubtedly, this is only the first stage of many, and the system will be a progressively created over time. However, the experience gathered at present allows us to assume that the full efficiency of the procedures described in this article may be achieved by the end of 2020.

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