

- The laws are not restrictive enough to oblige the owners to refer to the advice of the Cultural Heritage Direction before starting any conservation work.
- Most of these monuments and sites are not well-known, others are unknown, so that it is really difficult to intervene.
- Sometimes historical monuments mean poverty for the owners and this may lead to their destruction. A new building is constructed at the same place. Another aspect of the problem is that the traditional materials of construction seem inappropriate for new buildings made of modern materials.

### Legal possibilities of organizing sponsorship in the field of cultural heritage and its practical realization

Usually, organizing sponsorship in the field of cultural heritage in Benin finds its legal possibilities in the creation of a non-governmental organization (NGO). In an agreement between the government and the NGO, land can be given to the NGO for the construction of an office. Some exemptions from taxes (value added tax, contributions, etc.) may be granted.

The following examples are well-known in the field of cultural heritage: The ICOM workshop on the theme "Quel

Musée pour l'Afrique? Patrimoine en devenir" Bénin-Togo-Ghana in 1991; the training courses PREMA organised in 1992 in Benin by ICCROM for museum technicians; the renovation of the exhibition rooms of the Historical Museum of Abomey and the development this site (ICCROM); the conservation of the "bas-reliefs" of Abomey by the Getty Conservation Institute; and the actual International University Course on Conservation of PREMA, which is going on in Benin and is organized by ICCROM as well.

### Conclusion

As has been seen, the monuments and sites of Benin have a lot of problems in terms of protection and maintenance.

The most important priorities are

- a systematic inventory of monuments and sites,
- a classification of those monuments and sites,
- an important programme of conservation.

The effect of organizing sponsorship is considerable, as we have seen. But considering what is left to do, the protection and maintenance of monuments and sites in Benin needs more.



DIMITAR KOSTOV

## Heritage Conservation in Bulgaria: Issues Relating to Private Sponsorship

**B**ulgaria is at the heart of the Balkan peninsula, occupying a territory of 42,857 square miles with a population of just under nine million. 681 AD saw the beginning of the first Bulgarian state in this land which had cradled and nourished the great civilisations of the ancient world. From prehistory onwards, human presence in it has left a heritage of unique material traces of artistic, architectural, technological, and domestic culture. The aesthetic and historical value of this heritage goes far beyond its interest for a single nation.

At present, some 40,000 monuments of culture, including individual structures as well as conservation areas and ensembles, enjoy special protection in Bulgaria. However, the mention of this number here is no more than a point of record and could hardly make a claim to enhancing the idea of my country's heritage potential.

National legislation concerning heritage began early on in Bulgaria's latest history, after the re-establishment of the State in 1878. The first statutes in the area were enacted by Parliament in 1888 and 1890. Advances in conservation practices went hand in hand with the creation of a more sophisticated legal environment by the major enactments of 1911 and 1936. Among other things, those provided absolute State title in certain categories of cultural monuments, spe-

cial rules of disposal, and government preemption in the acquisition of cultural monuments, and, also, incentives and direct financial support for owner participation in conservation and restoration.

The sweeping political changes in the aftermath of World War Two started a process of radical change in the legal environment, organisation and management of heritage conservation. The forcible imposition of new untraditional economic relationships and mechanisms, and, above all, the new principles of property regulation resulted in a totally different approach to funding and a new structure of sources.

Conservation policies during the 1945-1969 period were governed by several pieces of secondary legislation strongly influenced by the relevant Soviet models. Concentrated in the Government were the basic powers and responsibilities in relation to almost every single aspect of heritage conservation. The foundation and motive force of this process was provided by the massive nationalisation of real property, the strong centralisation of government, the totalitarian approach to overall cultural policies, the hardline tendency of imposing ideological and political frames in social studies, art history and official art in order to justify the dominant political doctrine.

Although legally provided for, practically no public bodies or movements existed for the implementation of the protection of the heritage and as participants in the relevant political decision-making. Government monopoly in the area was finally enshrined in the Monuments of Culture and Museums Act of 1969 and several supporting regulations of the years 1976-1979 which are still valid today. A major distinctive feature of government policies in the area was the government's role as a principal source of funding, including government funding of the conservation and restoration of privately owned monuments. The latter were, almost in all cases, residential property, and, under the law, the government financed their conservation (unless the owner was willing to do so) for a mortgage on the value added to that part of the property which had been improved by conservation or restoration. The mortgage could only be called if the owner entered a legal transaction (e.g. sale) in that part of the property. Notably, owners of listed historic buildings were exempt from real property tax, but were subject to restrictions affecting the maintenance and disposal of their property.

Public owners or users (including government entities, public organisations, etc.) of monuments had to fund the design and implementation of conservation and restoration from their own budgets, i.e., again largely from government sources. In some cases, the religious denominations provided all or part of the money for the conservation and restoration of monuments owned by them. There were practically no entirely non-governmental fund-raising organisations or initiatives, with the exception of some isolated cases of private donation.

As you all know, the turn of the decade also marked a radical turning point in Bulgaria's political and socio-economic development. The difficult and painful process of shedding the burdens of the past and creating a modern effective system of heritage conservation is influenced by a number of factors that could be summarised as follows:

- the need for a new legal environment in almost every sphere of life; structural changes at all levels of government; the review and implementation of the principles of local self-government; an effective role of free public initiative and participation in all spheres of life and, in particular, as regards the formulation and implementation of national cultural policies; the re-establishment or creation of rights and conditions for the activities of various NGOs, e.g., religious communities, non-profit organisations, foundations, etc.;
- the rapid changes in economic life and the new structure and balance of property relationships following the enactment of restitution laws;
- the current grave economic and financial difficulties experienced at all levels and in all spheres of life; the high rate of inflation (exceeding 450 per cent for the first quarter of 1997 alone), affecting public spending for social welfare, culture, and heritage conservation in particular.

Despite the efforts of professionals in the area, and the existence of several drafts, a new heritage law has not been enacted yet. A first step in the promotion of private sponsorship and donation was made in 1995 by an amendment to the existing Monuments of Culture and Museums Act of 1969. In particular, the amendment provided for the deduction from taxable income or profit of funds made avail-

able by individuals or organisations to heritage research, conservation and protection projects. This, however, has done little to revive the old tradition of "good works" in Bulgaria and the source of funding it was supposed to encourage still forms a negligible proportion. Investment in heritage, as a gainful commercial activity, is not in any better state either.

The following are among the main reasons for this situation:

- The legal framework concerning the establishment of foundations and non-profit organisations also dates back to before the 1990s and is inadequate to present-day needs.
- In Bulgaria, NGOs in the field of heritage conservation (more than 25 of them at present) are usually set up by persons professionally or morally committed to the idea who, as a rule, are not among the "seriously rich". In most cases today, the donors on whom such NGOs would rely for funding prefer to focus on health care, social relief, etc., as apparently more vital. Relatively more successful as fund-raisers are those organisations set up specifically for the purpose of promoting the restoration and conservation of a *single* monument, e.g., a church or a small ensemble.
- There is a lack of awareness and practical experience concerning investment in heritage with a view to a particular economic gain, related to the tourist industry for instance.
- The authorities do not seem to understand that promoting donations or private investment in the field of conservation – by, say, a flexible taxation policy – while it may have the immediate effect of reducing budget revenue, will relieve the government from the burden of looking after the monument itself and may have the additional benefit of creating jobs.

Thus, government funding remains relatively significant for the time being, while it is strongly lacking in absolute terms – a mere USD 200,000 for 1996 against the 29 million allocated in 1981. Even though the allocation of the government subsidy by the Minister of Culture is based on expert opinion and selection from a broad range of nominations relying on a set of objective criteria, the available funding is barely enough to meet the emergency conservation needs of a negligible number of monuments. In such circumstances, the imminent threat of losing valuable national and world heritage is becoming increasingly real.

In all fairness, we must acknowledge the contribution made by foreign private foundations, like Samuel Crez, and national public-private organisations like the 13th Centenary of Bulgaria National Donor Fund.

On the other hand, the emerging market relations create more favourable opportunities for the reinstated owners of historic buildings to perform restoration and conservation, and for the adaptation of properties to modern uses. Given the situation I have just described, however, this also has its negative aspect due to the limited capacity for professional supervision in the absence of adequate funding support and a decentralised and deconcentrated administrative structure in conservation.

The Bulgarian National Committee of ICOMOS, which brings together most of the relevant professionals, spares no effort in taking the lead and acting as the government's partner in the necessary legislative and administrative reform. It works to raise the public awareness of national heritage is-

sues and secure the commitment of a broad range of partners, including the business community, by explaining the possible direct and indirect benefits of conservation. In this respect, the holding of the 11th General Assembly of ICOMOS in Sofia in 1996 has had an appreciable effect.

Bulgaria has unequivocally pronounced its wish of acceding to European and broader international structures. It has already ratified several international instruments in the field of heritage, including: the European Convention on the Protection of Archaeological Heritage and the Convention on the Protection of the Architectural Heritage

in Europe. Of course, we still have a long way to go in bringing the national legislation and daily practices into line with international standards. In this respect our participation in ICOMOS activities and, in particular, those of its International Committees, is extremely important both in a strictly professional sense and as a source of the knowledge and experience that we shall need during the transition period if we are to ensure the preservation of Bulgaria's heritage for ourselves and for the world.



MARC DENHEZ

## Overall Framework for a Public-Private Sector Relationship in Canada

The issue of legal forms, e.g. as attached to philanthropy, has been around for centuries. Long ago, one tax certificate described property set aside for a religious institution, and the legalities were sufficiently exceptional that they required a personal attestation from the head of state. This complex legal form was deciphered – but the hieroglyphics had to be deciphered first. This was, of course, the Rosetta Stone.

Various forms all exist in Canada, including variations on trusts, non-profit corporations, foundations, charities etc. However, a review of mechanisms would be moot, because relatively few donations of real estate are made in Canada. This is largely for tax reasons. Canada has one of the few governments in the world that insists that it has

- a claim for capital gains tax
- on donated real estate.

In 1973 Canada set up a counterpart to the National Trust in England, but within two years its Board decided to change direction, because the general context (including the tax climate) was not conducive to such philanthropy. On the other hand, Canada developed some alternative forms (e.g. associations of renovators) which will be alluded to later.

In short, since my country found itself unable to “go through the front door” for the protection of certain properties as described in other countries, it was obliged to “go through the back door” – with certain promising effects, and a resulting “strategic vision” which may be fundamentally different from many other countries.

That is the focus of this presentation. The prospect of a grand tripartite alliance between heritage properties, governments and the private sector is one to which I have devoted much of the past twenty years of my career not only as a witness, but as a participant. For heritage properties, I am pleased to report two books coming forward this year: *The Heritage Strategy Planning Handbook* and *Legal and Financial Aspects of Architectural Conservation*. In the public sector, I worked with about twenty governments on heritage. Within the private sector, I chaired my country's committee on the future of its residential renovation industry, and helped launch our new code review and embryonic na-

tional renovation strategy. The idea of a grand partnership is not just theoretical: although it is an extremely slow process, it is actually happening.

### Comparative overview

The focus of this presentation goes beyond individual sponsorship, to the creation of an *overall national framework for private sector partnership* in the protection and revitalization of property. This legal subject enjoys an enormous body of precedent. The first known statute in this field was enacted by the Roman emperor Majorian in 457 AD, with a government veto on the private destruction of monuments along lines similar to the statutes which many lawyers still work with today. We also know of the work that started in 1666, in Sweden, to inventory (one by one) all heritage properties worthy of attention.

Some may wonder what Canada can contribute to this discussion of “monuments”, particularly if “monuments” are restrictively defined as structures erected or retained for reasons *other than economics* (a definition with which I respectfully disagree). Although Canada's first known home dates from 20,000 BC, and although Canada is the only country whose name actually means “the place of the buildings”, many still believe (as Voltaire did) that these “few acres of snow” have nothing of significance.

In reality, and leaving aside the above restrictive definition, Canada has the usual collection of buildings which might be objectively considered “monumental”. It also has the usual collection of historic buildings. Canada also has communities listed among UNESCO's World Heritage cities and towns. However, if my country had to rely on listing buildings and districts one by one (on the Swedish model), it would be in trouble:

- *Per capita*, my country has listed one-fortieth of the buildings and districts which have been listed in the United Kingdom. When we look at the City of Westminster where over 80 % of the land is under some kind of heri-