

5) The last incentive is lines of credit. It is a must for the Ministry of Culture to negotiate lines of credit with the State Banks for private and public entities with the purpose of financing restoration of goods of architectural and historical interest.

Finally the law establishes a tax of 15 % in addition to the basic rate of international mail service, which will be charged with a specific stamp that will illustrate Costa Rican monuments. These funds must be used to comply with the law for the preservation of patrimony.

We are very satisfied to see these dispositions in legal form; however due to the short period of application of this law and because of the lack of political force to make it a reality, none of these measures have been implemented in a meaningful

way. In my opinion, in spite of the good intentions of the legislator, Costa Ricans have not learned to value our patrimony. The culture of architectural preservation cannot equal the culture of nature preservation. In our main cities the landowners are demolishing old edifications to build parking lots, considered an easy way to make money, turning the heart of our cities into an ugly collection of pavements, full of vehicles during the daytime and an emptiness with neither identity nor soul during the evening.

In ICOMOS we are making efforts for Costa Rica and for the Costa Ricans not to become empty spaces, without identity, history and soul, to be erased by the winds of modernizations and global economy.



VJEKOSLAV VIERDA

Presentation of the Legal Situation in Dubrovnik, Croatia

The legal framework for issues of maintenance and restoration of the monumental integrity of Dubrovnik is set by the international and national legal normatives regulating the status of historical monuments and the special status of the historical unity of Dubrovnik.

International regulations

The Republic of Croatia has been applying all the relevant international documents related to cultural monuments, both those that the Republic of Croatia has adopted directly, as well as those that have been taken over through the procedure of succession from the legal system of former Yugoslavia. This includes the international and European conventions and recommendations related to the protection of the cultural heritage (recommendations and conventions of UNESCO, of international non-governmental organizations such as ICCROM, ICOM, ICOMOS, IFLA, etc., recommendations and conventions of the Council of Europe, certain recommendations and resolutions of the European Union). The status of the historical centre of Dubrovnik is fundamentally denoted by its 1979 UNESCO status on the list of world heritage.

Croatian legislation

Croatian legislation comprises mainly the regulations valid for the territory of the Republic of Croatia within the former federation of Yugoslavia which the Republic of Croatia has incorporated into its own system, with minor alterations: the law on protection of cultural monuments, promulgated in 1967, with changes and amendments from 1977, 1986, 1991, 1993 and 1994; the basic law on the protection of monuments of culture from 1971; law on management of institutions of culture passed in 1993; law on restoration of the

endangered historical unity of Dubrovnik from 1986, with alterations and amendments from 1989 and 1993; the resolution on the restoration of Croatian cultural heritage from 1992; equally, other regulations that affect this matter only in part (e.g. regulations on local government, territorial dissemination, supervision, construction, etc.). This demonstrates that Croatia is facing a huge job of finalizing the legal status in this field, both formally (adaptation to the legal system of Croatia and the new social system) and in the content, especially in the modernization of the regulations based on the recent achievements in protection, restoration and management of monuments of culture.

Organization of protection and restoration services

Protection service is an expert managing body acting through a system of art conservation departments, themselves organized centrally, i.e. within the Ministry of Culture as a separate unit, headed by the assistant to the minister of culture. Each county has a preservation department headed by an administrator. The Art Conservation Dept. deals with first-degree preservation prerogatives involving restoration, adaptation or any other intervention on a monument and supervises the monuments in its area with the power of administrative measures. The measures are of immediate effect, irrespective of the right of appeal that is to be submitted to the Ministry of Culture as the second-degree instance. Expert work includes the registration of movable and immovable monuments of culture, research and documentation, the restoration of monuments through a system of "protective work" financed by the Republic of Croatia through the Ministry of Culture, and restoration work where a restoration workshop exists.

The Art-Conservation Service is financed by the budget of the Ministry of Culture, the same way all state institutions

are financed, i.e. the staff are state (civil) servants classified in relative pay classes, while the factual restoration is financed through the programs of the so-called "protective work" as a separate part of the state budget assigned to culture, and from various revenues of the counties, cities and municipalities.

Dubrovnik



Monuments of utmost prominence, monumental units and areas with a high density of monuments of the highest category are covered by the Art-Conservation Service also through the institution of Chief Conservator, and by establishment of boards in charge of long-lasting and expensive restoration ventures (e.g. the Osijek Fortress, Diocletian's Palace in Split).

The monumental unit of Dubrovnik is the only one that enjoys a special status, because the restoration and administration of monuments of Dubrovnik has been regulated by a *lex specialis* – the Law on the Restoration of the Endangered Historical Unity of Dubrovnik (hereafter: the Law) which nowadays is in force only in those parts that are not contrary to the new system of Croatia. Promulgation of the Law and its acceptance by the new country recognize the special status of the monumental unity of Dubrovnik. The reason for the Law lies in the specificity of Dubrovnik, particularly because of the seismic instability. Dubrovnik lies in the seismically most sensitive zone in Croatia, where at some microlocations shakes of up to 10 degrees after Mercalli can be expected.

The Law establishes a systematic reinforcement of construction – of fundamentals, main walls, stairways and roofs, so that such reinforced facilities would proportionally be less exposed to destruction in case of earthquake (constructive sanation). These works are covered from the budget assets for the restoration of Dubrovnik, including the documentation of the existing situation, photography, replicas, etc. so as to ensure a basis for a restoration in case of drastic damages caused by earthquake.

The Law also defines separate sources for the restoration and those funds do not make up part of the regular budget assets assigned to the restoration of historical monuments in the whole of Croatia. Based on the Law, funds are recruited also at local levels, from the revenues of VAT of the so-called "tourist consumption", from the participation of the city-sightseeing tickets, entrance fees to the City Walls, etc. Because of the warfare the "tourist consumption" produced no funds at the local level, so the restoration had to be fed by the budget and charities alone.

With the aim of ensuring a correct policy in restoration, the Law prescribes a complex administrative-supervising structure that looks after different facets of restoration and also after the Institute for the Restoration of Dubrovnik (IRD), founded as an *ex-lege* for the implementation of the Law.

IRD is a professional institution in charge of the implementation of the Law until December 31, 1997. It operates as an independent organization within the Ministry of Culture; by the expiration date IRD must define its status by establishing a new founder, since its original parent (Commune of Dubrovnik) ceased to exist with the new territorial

dissemination of Croatia. The most probable solution adopted would be transformation into a public company with two equal founders on the basis of an agreement between the Government of Croatia and the City of Dubrovnik. IRD is headed by its Chief Administrator appointed by the minister of culture, as are the members of the Board (Council) that includes one delegate each from the city, the county, the church and the Ministry of Culture. The implementation of the Law is supervised by the Parliamentary Board for the Restoration of Dubrovnik which in its turn designs annual and long-term planning and verifies each annual report. It is chaired by the vice-president of the Croatian Parliament, and its members are members of Parliament; experts and public personalities appointed individually by the Parliament; the ministers of culture, of public construction and of finance (by position); and the mayor of Dubrovnik and the prefect of the Dubrovnik-Neretva County. As a separate counseling body the Board appoints the Expert Committee that includes renowned experts in the field (conservators, art historians, architects, etc.) from Croatia and (five) world renowned experts in coordination with UNESCO.

The process of restoration itself is gradual. Nominations of projects for outright grants from the budget are brought jointly by the IRD Board and the relevant art-conservation and protection service in Dubrovnik, all according to the long-term plan. The project then passes the preparatory phase (documentation, archaeological research etc.), the phase of tender documentation, and then the phase of implementation. The Expert Committee reports on each and every phase, and the protection services issue temporary, and at a later stage also definite prerogatives, retaining the right to intervene at any of the phases according to the Law on protection of monuments of culture.

The specificity of the system requires that any action affecting the construction has a construction permit by another Ministry (i.e. not of Culture, but of Public Construction, Environment and Housing) which often causes disputes that, indeed, were anticipated by Art. 12 of the Law of Construction. The application of this article is a classical example of the interference of authority, since the protection service as an organ of the Ministry of Culture maintains that it is up to the Ministry of Culture itself to decide what is (or is not) liable to this article; nonetheless the construction permit is available only if the intervention guarantees the optimal properties of a monument so that, after the intervention, the monument's properties are the same or better than before. But the Law on Construction prescribes the compulsory elements related to seismic resistance, physical properties, etc., and the restoration in a traditional manner cannot meet these requirements in a seismically active area like Dubrovnik. On the other hand, the Ministry of Public Construction, Environment and Housing maintains that a deflection from construction standards in a seismic area is so decisive that the solutions must meet the prescribed standards, even at the cost of losing the monumental properties altogether. The problem of authority interference is rendered even more complicated by the Ministry of Development and Renewal (in charge of restoration of facilities damaged by war) that supports the view of the Ministry of Public Construction since the interpretation of the Ministry of Culture, if applied, radically increases both the costs and the time needed.

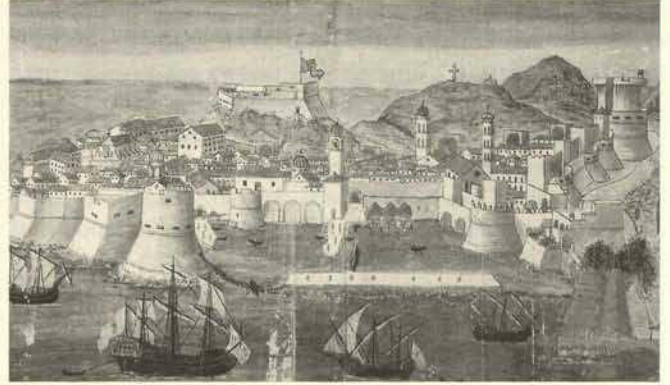
The IRD performs construction sanations at no charge, i.e. any owner of a monument on the priority list is entitled to a sanation of the construction from the budget. The owner authorizes the IRD to act as his fiduciary. The IRD can also perform other works if so agreed with the owner, the IRD acting on behalf and in the account of the owner; those works are financed by non-budget means (owner's, charity, etc.). Based on a decree by the City of Dubrovnik, the facilities owned by the City are subject to IRD's contracting concessions and rent on behalf and on the account of the City of Dubrovnik. This is regulated by the Concession Law passed in 1992. This law is, however, too general, lacking application documents and therefore hardly applicable in practice, yet very rigid on concessions over historical monuments, requiring a consent on a state level for each individual concession over a monument. Similarly, the process of foundation and operation of foundations (liability of the Ministry of Administration) is expensive, complicated and time-taking. That is the reason why up to this day no foundation has been established, at least not one with the purpose of restoring a particular cultural monument. Equally, no concession over a monument has been granted in Dubrovnik.

Responsibility for maintenance is varied: city walls and forts by the non-governmental, non-profit organization Friends of Dubrovnik Heritage; squares, pavements and streets, bridges, parks and other public areas are the charge of a separate City Department for Infrastructure; housing and business amenities and the facilities of joint (mixed) property are administered by the City Department for Housing; the Old Port is under the care of the state body in charge of seaports. The IRD is involved only in the part that exceeds the level of regular maintenance, i.e. only when an expert treatment is required by the art-conservators.

Conclusion

It has become evident that the system is not transparent, i.e. that the liabilities are not distinctly separated on the state or local levels. The situation is rendered more complex still by the restoration of war damages that are financed by the Ministry of Development and Renewal if housing is involved and by the procedure of privatization of former socialist (-state) property and denationalization. The denationalization is complex enough by itself, since the re-possession rights over a property in case of absence of owners/legal successors belong directly to the state (public property) over which local authorities have no power, while at the same time the administration is managed on the local level.

The experts of the IRD have proposed an instruction for the application of Art. 12 of the Law on Renewal, a partial simplification of the management system of IRD by an appointment of a Managing Board by the co-founders, the abolishment of the dual procedure of expert certification between the relevant art-conservation services and the Expert Committee where the power would be assigned to the Committee. On the other hand, our members of Parliament will try to ease up financing by employing all possible modern forms, by a modernization and updating of the existing laws and amendments for the sake of their better transparency and a larger influence by the local community.



Historic representation of Dubrovnik