



# **CULTURAL HERITAGE AND LEGAL ASPECTS IN EUROPE**

*Edited by  
Mitja Guštin and Terje Nypan*





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Stefano Della Torre

**Conservation of built cultural heritage,  
laws enabling preventive approach:  
the case of Italy**

**3.3**

## 1. Planned Conservation

Preservation includes an activity which seems much more relevant and influencing than others - restoration. Architectural restoration is the topic of my research.

During the 19<sup>th</sup> and 20<sup>th</sup> centuries restoration grew as a discipline with its own deontology, techniques, and debates. Generally speaking, restoration has two purposes: to conserve the object, but also to reveal its hidden values, often going back to states modified in the past, and now judged more desirable. Therefore, restoration, especially when dealing with architectural objects, grew as a problem of choice and design, and it was a task for architects. In recent times as new skills were developed the material conservation issues seemed to take priority. But there is still a gap between conservation theories applied to buildings and to works of art. Statements and principles are more easily followed when referring to moveable objects, while they become more uncertain when referring to the complexity of a building. The preservation of built cultural heritage includes many more phases, tasks and activities, like restoring, maintaining, monitoring, and also planning. It may be easy to define preventive conservation from a conservator's perspective, but it is difficult to understand all the consequences of extending the definition to built environments.

In the last decades, many efforts have been made endeavouring to set up a strategy for transcending the limits and criticalities of traditional restoration. The problem has been felt at various levels: the lack of maintenance as cause of damages, the need for a long-term vision in choosing appropriate solutions for monuments, the need for a coherent strategy in planning, the need for interventions at an environmental scale... Different solutions have been proposed and tested in different countries. The best practices in the Netherlands and in Belgium are well known. They can show a long story of increasing success and consensus (Verpoest, Stulens 2006). The establishment of the Unesco Chair in preventive conservation at Leuven University is a milestone and the starting point for new development at an international level.

It is generally considered that this kind of preservation (based on information management, regular maintenance and control

of environmental factors) is less expensive and more cost efficient. The claims are that 'prevention is better than cure', or 'from cure to care'. The good old metaphor of the restorer as a doctor has been worked out to include preventive medicine. At this point, the question should be why the preventive approach is not customary and spontaneous for owners and technicians. As is well known, it's a matter of behavioural economics, but also of regulations.

In Italy 'planned conservation' (*conservazione programmata*) is the name for an innovative procedure stepping away from restoration as an event to preservation as a long-term process. It tries to include, maybe even merge, a top-down approach (prevention of territorial risks, such as floods, earthquakes, abandonment...) and a bottom-up approach (everyday behaviours of stakeholders; i.e. architects, conservators and users).

The top-down approach requires regulation, consensus, and also public spending for interventions at a territorial level. It is difficult to enforce this approach without the mirror of new bottom-up tendencies towards prevention and care. For this purpose, information and persuasion could be most effective; in other words, the strategy needs to be carefully designed as a set of different tools (regulations, incentives, education, and dissemination of best practices...). Furthermore, actions have to be taken at different levels, and many regulations have to be harmonized. The best solutions cannot be realised without a global strategy.

A lot of research is still needed to better understand why (and how) planned conservation would be the most convenient strategy for built cultural heritage. We need meta-thinking, because perhaps the vision of the architect, of the restorer, of the historian, cannot reach further and cannot encompass the complexity of the problem. We need to think why, and through what means heritage can be relevant for contemporary societies; we are sure it is, but perhaps we are failing to consider some opportunities. For example, economists propose a number of models for endogenous local development, and culture plays different roles in their models. It would be interesting to ask what would happen if some of the outputs of planned conservation were taken into account.

It is possible to gather and discuss the results of some experiences made in Italy over the last ten years. Italy offers a framework law for heritage and landscape, financial incentives, regulations concerning public works, educational programmes... Therefore, Italian experience leads us to focus on the following issues:

- the legal framework of preservation: advances and open questions;
- the links between preservation laws and building rules;
- the financial side of planned conservation;
- the links between planned conservation and local development.

## 2. Italian legal framework for preservation: advances and open questions

Firstly, some background information is needed. Disregarding for now the many decrees against robbery and exportation of antiquities, the first comprehensive body of rules on preservation is generally acknowledged to have been born in Italy: the edict written by Cardinal Bartolomeo Pacca and promulgated in 1820 in the Papal States. The principles of careful conservation raised by Antonio Canova, the sculptor (Jokihehto 1999, p. 76; Fancelli, Tomaro 2000), inspired the text that was definitely innovative mainly because of its view of an administrative plan system. The 'Pacca edict' represents an important reference frame for the future of preservation laws, not only in Italy.

Italian heritage legislation history is closely related to the history of Italy in the 19<sup>th</sup> century, i.e. to the formation period of a national state. Until 1861 Italy was fragmented into many little states, each of them having a legal framework to protect its heritage. After unification a mandatory goal became the building of the nation - sharing the same identity, also choosing some monuments as the nation's heritage. Between 1871 and 1902 a series of laws were passed in order to set up an efficient preservation service spread throughout the whole country. At once commissions were formed on a provincial basis, then, after decades of debates about restorations, regional 'technical offices' were established, in which architects with special skills for restoration works were employed, as a matter of fact, a new

type of professional was born in that period, i.e. the preservation specialist.

A framework law was approved in 1902 together with a list of 'national monuments', but already in 1909 the Italian parliament thought it right to review the legal framework. The 'Rosadi-Rava act', promulgated in 1909 (364/1909), introduced a number of new concepts which set the legislative theories that still stand at the base of the laws enforced nowadays (Code 42/2004). For this short discussion, a most relevant topic is the concept of listing (*vincolo*, i.e. restriction); namely, a form of control applied by the state to private properties and their conservation process. As a precondition for listing a single object had to be selected. The restriction had to be very clear in its boundaries, to avoid legal troubles and to respect the interests of landlords; therefore, for example, the proposed extension of protection to gardens and landscapes became very difficult, and was eventually postponed. But the most relevant and enduring consequence is that the law establishes an unmistakable division between protected properties and the rest of the territory. The reason was probably political more than cultural: some opinion leaders were already pushing for a more extended protection. But the society was only ready to accept a protection based on outstanding artistic or national values, and only on this basis was it possible to overcome the defenders of the intangibility of property right. Thus, the whole protection system is based on an initial proclamation of the building as a listed monument, which conveys a sharp difference with the non-listed surrounding.

The 1909 the law consolidated the *soprintendenze* system, a system of local offices in charge of the protection of monuments and fine arts, and so the process of heritage listing slowly began.

One of the main tasks of these offices is controlling of the conservation of listed buildings. This task has always been understood as the control of restorations, i.e. the approval / refusal of transformation projects. The law does not enforce any specific kind of restoration; the officers will decide according to their taste or culture. The task of controlling the compatibility of everyday activities, maintenance, management, or prevention



conditions (risk management) is perhaps present in the spirit of Italian laws, but it has seldom been practiced.

When in 1939 two new laws were promulgated, and then in 1999, when the 'Consolidation act' tried to give unity to the whole matter of Italian protection norms, the basic structure remained that was set in 1909. The same holds for the 'Heritage and landscape preservation code' approved in 2004 (Cammelli 2007); with a distinct turning point - the vision of a preventive approach.

The roots of this change are to be found in the 1970s, when Giovanni Urbani (Rome, 1925-1994) introduced some new issues to the debate in Italy. For clarity's sake, please note that the 2004 'Heritage code' is known as 'Codice Urbani' after the minister Giuliano Urbani; here we are referring to the role of Giovanni Urbani (died ten years prior to the passing of the law) as the herald of a preventive approach in Italy.

Giovanni Urbani entered the ICR (*Instituto Centrale per il Restauro*) School for restorers in 1945. Two years later he took his degree as art historian, with a thesis on Domenico Veneziano (tutor prof. Lionello Venturi). Then he became a restorer, and later a technical officer of the ICR. In 1973 he became the Director of ICR, the position previously held by Cesare Brandi, his most inspiring teacher. In this position Urbani launched two initiatives, perhaps unsuccessful at that moment, but influential in the long term: the 'Pilot plan for the planned conservation of cultural heritage in Umbria' (*Piano pilota per la conservazione programmata dei beni culturali in Umbria*, 1975) and an exhibition on the seismic risk of Italian built heritage (*La protezione del patrimonio culturale dal rischio sismico*, 1983). Some chosen sentences from the introduction to the 'Pilot plan for programmed conservation of heritage in Umbria' will help to understand his vision: "Cultural heritage must not be dealt with separately from the natural environment"... "Cultural heritage is objectively limited"... "The problem of conservation is set at a global level... available techniques can improve the situation only under the aesthetic viewpoint, not under the conservation one" (Urbani 2000). Urbani felt that the preservation problem had to be set in the framework of environmental concerns: then he proposed a 'shift' in the whole matter: "That turnover

of traditional restoration, which up until today has only been theoretically postulated (Brandi) as 'preventive restoration', must now take the concreteness of a technical action" (*Occorre che prenda corpo di azione tecnica quel rovesciamento del restauro tradizionale finora postulato solo in sede teorica (Brandi) come "restauro preventivo"*). To this technique, Urbani wrote, "we give the name of 'planned conservation' " (*A questa tecnica "diamo il nome di conservazione programmata"*). This is a very important point: the transition from restoration to prevention starts in Italy with a very broad understanding of the aim of conservation; this understanding encompasses concepts such as long-term vision time-wise and global vision space-wise.

It will be useful here to remind the reader that the Umbria pilot plan was prepared in 1975, the European Year of Architectural Heritage, when the Council of Europe launched "a new policy of protection and integrated conservation" with the Charter and the Declaration of Amsterdam.

It should also be mentioned that Urbani used the term '*beni culturali*' (quite new in 1970s Italy). The introduction of this term started a still unfinished revolution. It means that heritage is not understood as a selection of masterpieces, but a network of links and relationships. By naming heritage '*beni culturali*' we mean that heritage is seen as a whole with its territory, and is significant just because of this wholeness, while it becomes less interesting when it is treated spot by spot, masterpiece by masterpiece, listed building by listed building (as it usually is). The term '*beni culturali*' had been introduced before (Franceschini Commission, 1964-66), but Urbani's work was crucial for its elaboration and diffusion. A radically different kind of preservation should be developed through this way of thinking about heritage, working according to territorial plans and not by listing single artefacts, or buildings or properties, and then applying restrictions to them, while the spatial framework goes its own way. But we will come back to this topic later.

The Umbria Pilot Plan was expected to give many outputs (research projects, technical standards, field-tests, test-interventions...). The Planned conservation plan had to include the evaluation of the 'status of conservation' of the whole regional heritage, a programme of interventions in pilot sites,

the outputs of field-tests on decay processes. The plan however did not start any activity in the field, also because of political difficulties (for example, a private company was supposed to be the technical partner of the Ministry, but such profitable partnerships were not welcome in 1970s Italy).

In 1976 and 1980 two destructive earthquakes struck northern and southern Italy. Academic research about earthquake-proof buildings and strengthening techniques arose, and within the ICR Urbani carried out research on the seismic vulnerability of Italian monuments. The exhibition '*Protezione del patrimonio monumentale dal rischio sismico*' was ready in 1983, intended to be set up in various peripheral seats of the Ministry. But only two *soprintendenze* (out of 73!) asked to host the exhibition. The attitude was that 'thinking of evil brings bad luck': it has even been mentioned that a *soprintendente* commented on the idea of the exhibition with a very typically Italian and not positive non-verbal sign...

And so Urbani resigned in 1983, twelve years before the scheduled end of his mandate at ICR. But his ideas of preventive conservation and of a territorial approach to risk management had been launched, and in a few years they had to bear results.

The direct follow up of Urbani's legacy was the Risk Map Project. According to the Italian Ministry website, the Risk Map "is a project carried out by the Central Institute for Restoration (Istituto Centrale per il Restauro) with the aim of providing the authorities in charge of safeguarding the national territory and the Central Administration with a technological instrument of support for scientific and administrative work. The project claims to have been conceived from the ideas of Giovanni Urbani, and to gather the methodological contents developed in the 'Pilot Plan for Programmed Conservation of Cultural Assets in Umbria' (1975). The initiative was defined in a subsequent document; in 'Memorabilia' (1987) entitled 'For Risk Map of Cultural Heritage' and the project arrived only in 1990 within the framework of the law 84/90, which provided financial support of 28 milliards for the implementation of the pilot plan and assigning the scientific responsibility to the ICR. The information processes developed with the Geographic Information System of the Risk Map, make

it possible nowadays, to calculate the intensity of the loss risk to which each monumental and historical artistic asset of the Italian cultural heritage is subject and also, give the opportunity to get acquainted with their distribution all over the territory through thematic cartographic representations that can be constantly updated."

Between 1992 and 1996 the ICR (*Istituto Centrale per il Restauro*) started the implementation of the geographic information system, called 'MARIS' (MAppa RISchio, i.e. Risk Map), in order to provide the public administration with information that should be the basis of planning. The main users are the Departments (*Soprintendenze*) of the Ministry for the Assets and Cultural Activities (*Ministero per i Beni e le Attività Culturali*) operating for the safeguarding, conservation and maintenance of the archaeological, architectural, artistic and historic assets present on our territory, which are in the competence of the abovementioned departments.

The Risk Map is a tool for an approach to prevention that is a support to decision-making at a territorial scale, although it risks being only remotely useful. Obviously, it is expensive and requires public funding. It is expensive in terms of time as well: the time needed for gathering detailed data can be so long that it will be difficult to get a comprehensive situation referring to a given moment (a large part of the data will always be outdated). Theoretically, it can be constantly updated, but updating is costly too, and it is still a task for public structures, without involving stakeholders. Moreover, gathered data is always a little rough, because inspections have to be as fast and as cheap as possible. Other risk evaluation systems appear more advanced, for example the evaluation of seismic vulnerability: but the lesson learned from the last earthquake is that even by evaluating the vulnerability of buildings in a very proper way, all that knowledge is necessary, but not sufficient at all, if the data is not shared with stakeholders, and strengthening the structures is not pointed out as a priority.

Nevertheless, the Risk Map Project has been very effective in keeping the debate alive. Alongside the computer system developed by the ICR, some regional authorities developed technical instruments, incentive system and professional profiles

required to make it possible to experiment with new ways of carrying out the preservation of historical buildings, correlating sites within the territorial framework. Thanks to these efforts, the ground for the 2004 Heritage Code was prepared. '*Conservazione programmata*' became a successful brand, although with different understandings. Urbani's followers were joined by people involved in the research supported by the Lombardia Region and by the Centre for Cultural Heritage in Sicily; conservation scientists proved to be very interested in an approach able to give importance to their tools (monitoring, instruments for early detection...); the research on seismic risk found bold endorsement for a general long-term vision, and so on. A planned conservation strategy was outlined, through a radical discussion on maintenance and its presumed innocence, introducing the theme of authenticity and focusing on architectural complexity, keeping in mind very well the lessons learned through preventive conservation in museums. Attention was paid to international best practices (e.g. *Monumentenwacht*). The aim was to surpass the limits of risk map, by implementing a bottom-up process with stakeholder involvement, soft regulations, education and incentives (Della Torre 2009).

Obviously, the new strategy had to face a lot of opposition, even silent. Owners were difficult to convince, as planned conservation entails spending beforehand, and produces knowledge and reports, not work done; most architects (even teachers of restoration), were sure that 'conservation is a matter of project' and seemed to be afraid that any change in the process would diminish the centrality of their role; public officers (*soprintendente*) were to approve or reject projects, not get involved in endorsing prevention measures; even most economists were of the opinion that heritage counts because of tourism, restoration is a cost, new processes increase the restoration costs and give benefits only in the long term, often outside the reach of their models.

Nevertheless, the attempt to define restoration during the preparation of the 'Heritage code' ended up, after much ado, in a definition of conservation as the output of a process of various activities. Article 29 (conservation), states that "conservation is obtained through a coherent, organized and programmed activity of study, prevention, maintenance and restoration".

Therefore, not only restoration deserves a definition, but each of the activities, now constituting a set of tools, different according to their aims and procedures, but working together for the same purpose. So the activities themselves are given meaningful definitions. Prevention means "the set of activities useful to limit the situations of risk concerning cultural property in its context"; the reference is to advanced techniques of risk management, looking at territorial dangers, like earthquakes, flooding, landslides, as well as at dangers due to human factors, like abandonment or tourism pressure. This definition directly recalls Giovanni Urbani's legacy.

Maintenance means "the set of activities and interventions oriented to the control of the conditions of a cultural property and to the permanency of its integrity, functional efficiency and identity". For the first time the word 'maintenance' (*manutenzione*) occurs in an Italian preservation law. It's worth emphasising that this definition is quite unusual if compared to English terms used at the international level, where 'maintenance' mainly means repairs, and does not include control, so that control activities can be conceived separately from it. But the Italian definition follows a long debate about authenticity and the risks of ill-planned repairs; therefore, inspections and repairs are joined together in an activity, which aims to be complex and carried out by qualified people (Della Torre, Gasparoli 2007).

Last but not least, restoration means "the direct intervention on a cultural property through a set of operations oriented towards material integrity and to recover the property itself, to the protection and transmission to future of its cultural values. In the case of historic buildings located in zones declared subject to seismic risk, restoration includes structural enhancement." The definition, derived from the one in the 1999 'Consolidation act', is very cautious, revealing a tendency toward conservative restoration, but what really counts here is the overall scheme: restoration can't be a single event, but functions as a phase in a broader strategy: over time, it must be integrated within different activities, e.g. prevention and maintenance. It is obvious that this new kind of production cycle requires new tools, and in particular careful information management.

An article of a law cannot change old attitudes and customs:

the Italian legal definitions are now far more advanced than everyday behaviours. Nevertheless, article 29 entails some very important practical consequences.

First of all, it has political value as the statement of a new direction. Planned conservation is no longer the dream of some scholars, it has been chosen as the main direction by the State.

Secondly, while Italian heritage laws had previously enabled the State to finance restorations, but were not clear about everyday maintenance and preventive measures, the new law explicitly enables the State to finance all conservation activities, including prevention and maintenance (i.e. also control, inspections, monitoring...).

Finally, it provides a reference for all other regulations that directly or indirectly concern cultural heritage, so that a process of harmonization has started, and other laws are being modified in the same direction, i.e. allowing a preventive approach to conservation.

### **3. Links between preservation laws and building regulations**

The real effect of the 'Heritage code' has to be measured by taking into account the synergy with other regulations. It is remarkable that since Roman times there is a tradition in Italy to legislatively regulate any detail of social life and economic activities, so that Italian norms are sometimes difficult to understand, especially for foreigners.

If the statements issued by Italian law-makers about conservation processes are more advanced than general behaviours, the same holds true for other building regulations. Though following EC directives, and thus facing typical problems and impacts (Ronchi, Nypan 2006), all Italian regulations and standards include some kind of special attention paid to listed buildings. In general, the norms are not prescriptive but 'purpose oriented'. Therefore, the impact of new regulations (energy saving, accessibility, safety, comfort...) can be very hard on historical buildings not protected by the declaration, while for listed monuments it's a problem of

culture and sensitivity. Very often the designer or the controller tends to apply the norms unthinkingly, ignoring the openness of the regulations towards compatible solutions.

Given such a framework, it is obvious that a change in attitude toward preventive conservation, as the Heritage Code has initiated, will not be easily implemented. It will require accuracy in harmonizing all the regulations, but also dissemination and education.

The 2004 'Heritage Code' followed the period of ten years or more in which Italian governments were committed to carrying out a reform of public works. The aim was mainly to end corruption, but the output was a huge body of detailed regulations and norms, substantially affecting any kind of intervention undertaken by a public body or institution using public money; therefore, according to the Italian legislation, the restoration of buildings owned by public bodies is virtually all listed. Two new documents were introduced as mandatory in 1999 for public works concerning listed buildings, namely a 'maintenance plan' and a 'scientific report'.

A 'maintenance plan' (*piano di manutenzione*) has been introduced primarily for new constructions to avoid projects developed without anticipating management problems and maintenance costs. But as it was made mandatory for all interventions, it became part of restoration projects as well. This highlighted some issues that until then appeared self-evident in designing the restoration interventions: e.g. the concerns for microclimate, for compatibility, for durability... Now these contents are given the structure of a 'maintenance plan', divided into three documents: the 'technical manual', which is a kind of archive of information about the building and its elements; the 'maintenance programme', by which maintenance activities are scheduled; and the 'user manual', containing instructions for everyday use, cleaning and keeping. Clearly this kind of structure encourages an idea of maintenance that includes controls and informative feedback. According to Italian regulations the maintenance plan has to be set up in the framework of the project, and has to be updated after the works.

A 'scientific report' (*consuntivo scientifico*) literally means that "at the end of the work a final technical-scientific report

is produced by the construction manager (*direttore dei lavori*) as the ultimate phase of the knowledge process and of the restoration, and as a premise for any future programme of intervention, including the clearest expression of the cultural and scientific results obtained, the graphic and photographic documentation of the state of the artefact before, during and after the intervention; as well as the output of all the researches and analyses carried out and the open problems for future interventions. The report is to be filed by the owner, and a copy is submitted to the competent ministerial office". (Dpr 554/99, art. 221)

These procedures are not fully implemented yet: in spite of the duty of producing 'maintenance plans', maintenance works are still regulated as little as possible, with occasional repairs being done without any planning and without any information feedback. In other words, there is a lack of consistency in building regulations, and the 'Heritage Code' follows an idea of maintenance, which is not (not yet, at least) shared in administrative regulations.

On the other hand, there are no guidelines about the 'Scientific report' (not yet, at least), whose format can span from a few sheets of paper to an enormous information system. Another odd fact is that this report is (should be) mandatory for projects financed from public funds, as if the goal were to oversee the spending of public funds, and not the treatment of heritage objects.

Accordingly, we developed a proposal for the Lombardy Regional Government to merge the 'maintenance plan' and 'scientific report' into just one document, i.e. an information system, which would be updated to support inspection and maintenance activities (Della Torre 2003). This way, it would be possible to transform mandatory bureaucratic duties into a tool for innovation. Furthermore, it is already possible to foresee the development and implementation of integrated, multilevel and multiuser systems, enabling new forms of control and management of historic properties (Della Torre - Petrarola 2007).

#### 4. The financial side of planned conservation

Regulations could also affect the owners' attitude towards conservation. As Nigel Dann concludes after a serious field test, "owners see little apparent benefit from preventive maintenance, tending to react to a problem rather than seeking to prevent it from occurring in the first place" (Dann 2004, 14). Some owners are willing to pay for the brilliant result of a restoration, and they feel that after restoration a quiet period (no technician at the door, no problem) will follow. Others pay more attention to spending, taking keen interest in regular preventive maintenance as it promises to reduce spending, but they soon realize that it requires spending beforehand, while savings will only be visible after some years. Furthermore, the best way to increase the long-term efficiency of a maintenance system is to invest in 'soft' activities (inspection, monitoring, recording), which seem unproductive at first. It's a problem of behavioural economics, as well as a problem of vision and awareness. Even the owners who consider the historical significance of their property are mostly led astray by the common idea that only appearance is relevant for cultural recognition, not material authenticity. This leads them to avoid preventive actions or even regular maintenance, and to delay interventions until the moment when a full restoration is necessary; restoration will thus imply some loss and replacement, but they don't consider this a loss of authenticity or a disadvantage.

Within this cultural framework it is possible to detect more than a signal of change in opinions and values: leading authors changed their ideas, people will follow. As for financial reasons, something could change if incentives and tax reductions were oriented to encourage regular preventive maintenance instead of heavy restoration.

The task of the legal framework is to offer incentives (or tax reductions) for maintenance, instead of large-scale interventions. Some experiences of well designed incentive systems exist, and are proven to work: for example we can quote the experiences of the Flemish provinces in Belgium, where through time incentives given for maintenance works substituted those for full restoration. Thanks to the definition of conservation as a process in Italy public funding for prevention and maintenance is now

possible, although it is not customary yet. A corpus of ideas and norms about development and management has been compiled as well. With this legislative tool, it is now possible to remind the promoters of both, restoration projects or establishing of museums, that such actions require a long-term vision. These are two corners of the same innovation process: considering conservation and fruition as a long-term process, also including planning and the implementation of continuous care instead of single-minded short-term interventions.

However, this policy will never be easy, because regulations affecting taxes and economy have many reasons and interests to satisfy. For example, if the purpose is to increase the amount of money spent in the building sector, to encourage industry, the first impulse will be to push owners towards major interventions: that's why VAT rates are often set in a way that makes heavy transformations more convenient than minimal intervention. Recently, the Italian government proposed to manage rights for the same purpose, offering owners the right to increase house volumes beyond fixed parameters, just to have them invest in the building sector, with the aim of giving a positive boost to economy. These measures, however, are strictly pertaining to an economic situation, and one has to doubt in their long-term effectiveness. The strength and the competitiveness of an economic sector have to do with the readiness to match innovation, to sustain quality, and to improve performance. If everybody agrees that the main challenge of today and tomorrow is sustainability, governments should take actions orienting owners, industries and enterprises towards new behaviours. Keeping jobs during a global crisis can be a primary target for today, but what counts for tomorrow is improving skills and disseminating awareness. No doubt 'planned conservation' stays in the mainstream of sustainability; furthermore, financial figures prove the effectiveness of a conservation policy both in terms of investments and created jobs.

At the moment, Italy is very far from conceiving heritage as a key sector for the development of sustainable economic policies. Politicians still seem to be working only with simple programmes of increasing visitors by offering simpler messages. A lot of work has to be done to develop the potential already contained in the 'Heritage Code', and to make it evident to decision makers.

## 5. Planned conservation and local development

A preventive approach focuses necessarily on the links between the protected object and its context. Managing risks is a matter of controlling changes which occur in the context and/or in the relationships between the object and the context. That's why it is necessary to work out new tools, and it will not be enough to set up preventive conservation activities out of the framework of a large scale vision. So we are back to the basic problem: which kind of recognition, what kind of protection system.

All the innovative norms introduced lately in the name of 'Planned conservation' apply only to listed objects or properties; not to the whole, precious fabric of Italian territory. A wider definition of heritage is given, but the legal basis is still a declaration of something clearly cut out of context. The buildings' contexts are landscapes, and this should be encouraging, as there is a long tradition of landscape protection studies. Moreover, the Italian 2004 Heritage Code pretends to be innovative just because it considers landscape at the same level as cultural heritage.

Unfortunately, landscape protection is a very hard problem to manage, and even to understand. The European Landscape Convention adopted in Florence in 2000 sets an often underestimated agenda, which requires strong commitment to understand what we are looking for. Sometimes landscape protection is simply contemplative and is unable to keep together a sustainable approach with an aesthetic one. In his *The Invisible Cities*, Italo Calvino seems to describe this with striking precision: "*There are three hypotheses about the inhabitants of Baucis: that they hate the earth; that they respect it so much they avoid all contact; that they love it as it was before they existed and with spyglasses and telescopes aimed downward they never tire of examining it, leaf by leaf, stone by stone, ant by ant, contemplating with fascination their own absence.*" It should be clear that heritage protection is not simply to "love it as it was before", but should be a hard challenge of managing change.

Therefore, to find an Italian way towards planning with effective respect for heritage values, it is necessary to search inside

the norms, innovative as well, concerning the enhancement (“*valorizzazione*”) and management of cultural properties. Here, interesting hints about territorial actions are to be found.

Today, a reconsideration of cultural heritage and its strategic role has become quite popular. This fact can be explained by new trends in the market economy, such as production processes of intangibles and competition between global and local dimensions. As it is generally understood that Italy is far behind other western countries in the management of cultural properties, the Heritage Code tried to address some guidelines for public and private properties; the Ministry should have issued valorisation standards (referring to museum management, employee qualification requirements, comprehensive culture-driven local development plans), although until today we only have the first results of the works of a Commission, chaired by Massimo Montella, which have not been published in full detail yet.

Management itself entails a vision oriented to planning, although we can observe a lot of initiatives which, in the name of management, only seek profit, with a very short-term vision. But our interest is not in the management of single properties, but in system enhancement projects, i.e. integrated projects focused on the culture-driven development of a region.

These kinds of projects became more and more widespread in Italy during the past ten years with a better control of the processes of spending money on cultural heritage, e.g. making grants dependent on the quality of restoration or on the prevision of a better management or maintenance system for the future. In Heritage Code a series of articles (111 and following) are devoted to ‘*valorizzazione*’ and management, trying to give a legal framework to a flow of experiences and to a growing market without rules.

The situation, however, is really complex. Some of the problems concern the different powers of the state, of the regions and of local administrations. The Italian constitutional reform, introduced with Constitutional law n. 3/2001, sets the distribution of these powers, modifying article 117 of the Italian Constitution. The state reserves the exclusive right to protect

and safeguard the environment, the ecosystem and cultural heritage. The regions are delegated to hold the functions of land and territory governance and management, the enhancement of cultural and environmental heritage, the promotion and management of cultural heritage and activities. This situation has been acknowledged in the 2004 Heritage Code. Different competences for the state and the regions are specified in the fields of protection, enhancement and cooperation forms are set. In particular, the state has the exclusive power of protection, meant as the exercise of the duties and the discipline of the activities addressed, on the basis of adequate knowledge, to identify the objects and properties constituting cultural heritage and to guarantee preservation and conservation for the purpose of public enjoyment. Regions have the power (not exclusive) for enhancement, which is meant as the exercise of the duties and the discipline of the activities addressed to promote the cultural heritage knowledge and to ensure the best conditions for exploitation and public enjoyment. Enhancement includes, together with promotion and management of cultural activities, also the interventions of heritage conservation. This division of competences, although clear in its political reasons, is nevertheless difficult to carry out in practice. The bulk of the problem is just the question of which kind of recognition is at the basis of the whole system. If we recall the understanding of ‘*beni culturali*’ introduced by the Franceschini Commission, any subdivision between protection and enhancement will result as absurd, as well as any division between protected properties and their territorial frame.

Once again, the need emerges for a preservation system designed not only for protection, but for a sustainable management of change. Maybe legal innovation will not precede better behaviours on this front, but it will follow field-tested best practice. Project systems (in Italian ‘*distretti culturali*’, literally ‘cultural districts’, but with a strong difference from English common meaning) are evolving, and in some of them the purpose of joining together protection, enhancement and economic development is very well designed. Beyond the opportunity of improving financing efficiency by means of specific grant agreements, these projects are really oriented to be the best environment for setting up a set of tools for the implementation of planned conservation: regulations (and deregulation when needed), incentives, rights

management, long-term vision, education and communication, monitoring and steering in order to harvest external benefits... In this context, it is easier to exploit one of the most important potentials of planned conservation; namely, the possibility of giving activities continuity and management, so that it is possible to look into the educational side of a preventive approach (Della Torre, forthcoming). The model we developed takes inspiration from the endogenous development model of 'learning regions', so we call those system projects 'learning-based cultural districts' (Della Torre, Canziani, 2009; Putignano, ed., 2009).

Actually, planned conservation activities require skilled people at every level, both because it applies more sophisticated techniques

(monitoring, management, ICT...), as well as because it requires a thoughtful attitude also in simple activities, like repairs and inspections. Good maintenance is often pointed out as the way to keep traditional crafts alive. In my opinion, this can be the case when maintenance is carried out properly, and it remains within the conceptual framework of planned and preventive conservation. This, however, relates to a modern approach and thinking, which aims to learn from tradition not falsify it, and to "unlearn" the misunderstandings and false myths.

System projects seem to be, nowadays, the best environment for testing and developing planned conservation policies, which will provide inspiration for legislation in the future.

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