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Cultural Heritage Legislation in the Transition Countries of South-East Europe

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I. Introduction

The present policy paper is concerned with legislative approaches that the transition countries of Southeast Europe may take in reforming their systems of cultural heritage protection. As a cultural process, the opening of nation states to the world that has come about with globalisation is giving rise to an enhanced interest towards those assets that, in the context of interacting cultural influences, can still assert the uniqueness of communities.

As the transition countries of Southeast Europe joined the Council of Europe and aspire to accede the European Union, they recognise the need to bring their public policies in conformity with both international and European instruments in the field. The primary tool for ensuring that the proper mechanisms for achieving the above goals are in place is legislation.

Whereas good cultural heritage legislation in itself is not sufficient for ensuring good protection, its existence is the basis for all other measures to be taken and practices to be developed. With this in mind, the present paper will look into the world and European policy trends in the area of cultural heritage and consider how these could be translated into successful legislative measures and adapted to the local context. These policies will be assessed with a view to the particular problems faced by some of the transition countries of Southeast Europe: Bulgaria, Macedonia, Croatia and Serbia (“project countries”).

This policy paper is based on a policy research employing the methods of comparative law. It analyses the legislations in the area of cultural heritage of project countries, as well as of other European states. The rules of domestic legislations have been weighed against the rules introduced by international legal instruments in a world or a European context. Of course, legislative approaches differ; they can be conservative or liberal, they can have different priorities and be effective in different environments. In order to address this interrelation of regulation and environment, the research has relied also on interviews with practitioners in the field of cultural heritage who are most keenly aware of the problems they face and of the solutions that may be applicable in the particular local context.

Legislative action in a particular area always has its repercussions in other areas of law. Thus, a cultural heritage regulation may have a direct influence on environmental, urban planning, fiscal and other acts. Some of the proposed policies may have such implications in other areas that are considered undesirable by the legislator. Therefore, the present policy paper will present a “menu” of measures and solutions to current problems which could be adopted in their totality or selectively.

To this end, the paper will first outline the current situation in the heritage protection area and the common issues that project countries needs to address. After that it will review a number of policy options for regulating four major areas. The first area relates to the scope of national and international regulatory mechanisms, the definitions of modern heritage legislation and the extent to which it could be codified. Further, the paper will dwell on the bodies, responsible for the preservation and management of cultural heritage, the proper allocation of powers between them and the degree of independence that could allow central or local institutions to be most efficient. The paper will then proceed to examining an issue that gains more weight with the development of cultural tourism as means towards achieving sustainable development. This is the issue of authenticity, which the present research sees as a value that is endangered by the commercialisation of heritage. This discussion will be followed by

an examination of another issue which is of particular importance in transition countries – that of financing of cultural heritage. Although all jurisdictions face this problem, it is especially grave in transition countries. In addition to the state financing mechanisms, special attention will be given to the instruments allowing self-financing of cultural heritage.

II. Problem description

Cultural heritage protection is not a completely novel issue for transition countries of Southeast Europe. Bulgaria and former Yugoslavia have been parties to the UNESCO Convention and both countries have had legislation governing the protection of cultural monuments. Yet, with the fundamental legal reform that the countries have undertaken after the end of the cold war and with their joining the Council of Europe, the then existing legislation on cultural monuments had become blatantly obsolete.

The Council of Europe has adopted several conventions in the area of cultural heritage protection that set the basis for modern regulation of this area in Europe. These are the European Landscape Convention of 2000, the European Convention on the Protection of Archaeological Heritage as revised in 1992, the Convention for the Protection of the Architectural Heritage of Europe of 1985, the European Convention on Offences relating to Cultural Property of 1985 and the European Cultural Convention of 1954. Not all project countries have ratified all of these instruments but, as members of the Council of Europe, they all strive to bring their legislation in conformity with the principles of the conventions.

In some countries this has led to numerous amendments to the specialised acts on cultural monuments or the adoption of narrow-scope specialised laws. Thus, Bulgaria has made more than ten legislative amendments to its Cultural Monuments and Museums Act of 1969, has additionally adopted the Protection and Development of Culture Act of 1999 and Regulation No. 5 on declaring immovable cultural monuments of 1998. This has left the regulation of the area largely chaotic, lacking in systematisation and clarity and obsolete in terms of legislative approaches. There is an understanding amongst Bulgarian cultural activists and lawmakers that patchwork cannot be a long-term solution to the regulation of cultural heritage and that a completely new law, based on modern principles and taking into account the important socio-economic changes that took place in the country after 1989 needs to be enacted. The drafting of such a law has to be based on a coherent policy on the preservation of cultural heritage since legislation cannot be a goal in itself; it is a mere tool implementing the policy of the state in the relevant area.

Some of the project countries are at a more advanced stage in the process of reforming their legislation. They have already adopted new acts on cultural heritage protection codifying this area of their law and introducing a broad definition of the term “cultural heritage”. These new laws are the Serbian Cultural Goods Act of 1994, the Croatian Law on the Protection and Preservation of Cultural Property of 1999 and the Law on the Protection of Cultural Heritage of the Republic of Macedonia promulgated on 2 April 2004. These acts have been aimed at ensuring conformity with international legislation in the area.

Although the heritage of transition countries in Southeast Europe is part of the European heritage there are problems in its protection that are particular for the region and not all European trends and approaches are readily applicable. One of the major problems that transition countries face is that of funding for cultural heritage. This is

indeed a problem everywhere, especially in the light of the expanding categories of protected assets, but the difficulties faced by transition countries are particularly serious. These are connected not only to the bad economic situation and the budgetary restraints in the period of transition from planned to market economy; in addition to that some former Eastern block countries have undergone a major process of restitution. This process affected significant parts of countries' architectural heritage. Old buildings were restituted to their owners who had no means to maintain them in proper condition. Thus, large parts of city centres experienced severe deterioration and although the governments had the legal powers to oblige the owners to repair the buildings or perform the necessary works and then demand the return of expenditures from owners, this was not a viable option because of the great number of owners who would not be able to repay the government.

On the other hand, the laws for the protection of cultural monuments provide for protection of these buildings against alterations, a fact that does not make them a desirable investment for corporations. It turned out to be wiser for businesses interested in owning a property in a specific area to wait until the estate deteriorates beyond repair and is demolished instead of investing into expensive and heavily regulated restoration. Thus adaptive re-use of old buildings is more of an exception and even when undertaken, it often follows a rather liberal conservation philosophy that is damaging the authenticity of the site.

These are just some of the many problems transition countries face in caring for the cultural assets situated on their territories. While legal reform always leads to a certain degree of destabilisation in society, the peoples of Southeast Europe generally feel very strongly about their heritage. Therefore, the will to protect it is shared among policy makers and citizens. The legislative decisions concerning this protection however need to be made in the most informed possible manner and this paper's aim is to contribute to the collection of information and the policy discussion of these matters.

III. Policy Options

1. Scope and Definition of Cultural Heritage Legislation

The first, most general policy decision that needs to be made by a state when setting the foundations of its cultural heritage legislation is the decision regarding the scope of heritage acts. Their scope has implications for the depth of the act and the extent to which it delegates specifics to regulations (that is to acts of the executive), as well as for the interaction between the regimes of protection of types of heritage.

1.1. Options

The scope of heritage laws varies from very narrow to all-encompassing. A much focused law would cover only a specific type of heritage such as built, or even a subcategory of build heritage that would be for example architectural heritage. This model would be very similar to the model of international legislation, especially of the Conventions of the Council of Europe which are very narrow in scope. Generally, it is traditional, old legislative systems (such as that of the United Kingdom) that employ this model. Most contemporary acts are broader in scope.

Other laws regulate both movable and immovable heritage. An act of this category is for example the Bulgarian Cultural Monuments and Museums Act which regulates both

movable and immovable assets, museums included. More modern legislation adds to the definition more kinds of assets such as documentary, film and bibliographic heritage. Such are the laws in Spain, Hungary, Serbia. The broadest laws take into consideration the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 2003 and include in their scope oral traditions and expressions, language, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship, folklore, toponyms, etc. Malta, Croatia, and the Republic of Macedonia have very new laws that adopt this approach.

1.2. Discussion

Practitioners with longer experience in the area sometimes find the laws of very broad scope too exotic. They argue that the regulation of museums in the same instrument where build heritage is addressed would affect the balance between both types of institutions and, consequently, preference will be given to one of them, depending on the group of practitioners that have a stronger lobby at the time of adoption. Also, it is contended that a law regulating many groups of heritage will not be able to go into sufficient detail and reflect the specificity of the different types of regulated areas. As a consequence, it would be superficial and would delegate much authority for preparing regulations to the executive, which is, almost by definition, concerned with short-term priorities.

There are however opinions to the contrary. When different types of heritage are regulated in different acts, clashes and discrepancies between their rules emerge much more often. In the Balkan countries where most of the management authority is concentrated under the Ministries of Culture, an integrated law, encompassing all categories of assets could create a more consistent system for heritage protection, with well-structured responsible bodies and ties between them. Of course, separate sections would have to discuss matters specific to particular kinds of heritage but still such an integrated approach would normally provide better operation of the system than a more fragmented one. A broad scope of the law may, for transition countries, represent a holistic approach for reforming the entire system in a consistent way.

It seems that three countries in the Balkan region have already made their choice of approach in regulating heritage. Others have yet to make it. In taking that decision, the scope of their neighbours' legislation is certainly not irrelevant. In a future Europe of regions, comparable legislative provisions could help forging future partnerships. Also, an easily translatable legislative environment makes common projects between bodies of comparable competence more readily launched. Therefore, Bulgaria, which is still facing the task to reform its legislation should strongly consider creating a law with a broad scope.

Another reason that seems to support a development where the approach of already reformed legislations is adopted by neighbours is the progressiveness of this approach. Indeed, Serbia, Macedonia and Croatia have chosen a state-of-the-art legislative model that is comprehensive and conceptually sound in that it embraces all that is understood by the term heritage nowadays.

An added benefit of the codification of all rules concerning various heritage assets in a single legislative instrument is the ease of application that this approach brings. Heritage practitioners who are most often non-lawyers would be assisted by being able to consult a single framework instrument that regulates the entire area. This would also reduce the risk of contradictory rules and overlapping or unclear separation of functions

between various state bodies that may arise with the regulation of a field by a number of acts of the same rank

1.3. Recommendation

For all these reasons the present paper takes the position that new Southeast Europe legislation should be broad and codified, encompassing all possible categories of cultural assets.

2. State Authorities Responsible for Heritage

One of the main questions that national heritage legislation needs to answer regards the authorities that will bear the primary responsibility for applying the law and preserving cultural heritage. These authorities need to be instituted in a way ensuring as little influence of short-term political and economic interests, as practically possible. They also need to possess significant subject-matter expertise in the different heritage areas. Additionally, the state needs to consider the distribution of competences among local and central authorities as this has been one of the most contentious issue in the field. Once these questions are answered, legislation needs to ensure the synergies in the work of heritage, planning, and environmental authorities so as to comply with the principle of integrated conservation.

2.1. Options

Legislative models in this area seem to principally agree on the functions that heritage bodies should perform. This is not an accident as these functions generally follow the requirements of international and European instruments in the field. Heritage authorities shall be responsible for identifying heritage assets; for the maintenance and regular updating of heritage inventories; for giving a number of permission necessary to carry out many kinds of interventions mandated by laws such as excavation, restoration, conservation, and repair; for the issuance of guidelines that inform practitioners of the technical aspects of the principles of conservation upheld by the specific supervisory institution; for the collection and dissemination of scientific information; for the preparation of the programs for safeguarding the heritage on their territories, even where a superior body ultimately adopts the program; for supervising the implementation of the various rules of national legislation; for sanctioning offenders; and for participating in the process of consultations with planning, environmental and other concerned bodies in accordance with the principle of integrated conservation upheld by heritage conventions.

The approaches of national legislators however differ in several important aspects. First, these functions may be distributed between many bodies or there may be one body responsible for most of the tasks. Secondly, in some countries the technical bodies are closely supervised by a representative of the executive, usually the Minister of Culture, while in others they have a higher degree of institutional independence. Third, these functions may be implemented by local authorities or by a central authority. Such central authority may or may not have regional subdivisions. Last, the legislator has to choose whether to regulate the establishment, the internal structure, the functions of that body in a detailed manner in the heritage law itself or to delegate this regulation to acts of lower rank, i.e. acts of the executive.

2.2. Discussion

In establishing the authorities responsible for cultural heritage the state shall take into consideration several issues. First, it should make sure that regardless of the structure of and the connections among these authorities all functions covered by the European conventions are assigned to a responsible body and that this body has the administrative capacity to perform them effectively.

Secondly, although in states with pronounced regional autonomy like Germany and Belgium heritage protection is the responsibility of the regional government, the tradition in Southeast Europe and the approach in most countries of similar unitary structure demonstrate that a centralized heritage management is perhaps the better option. Experience in Bulgaria has demonstrated that where an employee with the municipality has amongst many other duties, the duty to monitor heritage, impose sanctions, etc. this duty is rarely performed efficiently. A much better solution is the one implemented in Greece where the central authority has permanent regional services that perform important functions related to heritage preservation in the region. Of course, the law should also provide mechanisms for close cooperation and coordination between such regional services and the local governance authorities. Especially as regards integrated conservation, permanent local services of the specialized central institution would be best positioned to participate in consultations regarding regional development schemes because they would be well acquainted both with the specific issues of the region and with the heritage policy of the state.

Thirdly, the heritage institution should have a certain degree of independence from the Minister of Culture. Even if the Minister has plenty of powers in respect of the heritage authority, its director should not be hired and fired by the Minister and should have a mandate of different length from that of the governments so that it could develop as an expert's and not as a political position. It is recommendable that the functions of the institution, as well as its general structure, are outlined in the law itself and not in acts of the executive so as to ensure stability of this body.

Fourth, some of the scientific, academic, promotional functions related to heritage could be assigned to another body that involves the academic community of the country, prominent heritage activists, etc. Its functions however have to again be clearly delineated from those of the principal heritage authority.

Fifth, in many countries there are advisory councils that include all institutions concerned with heritage. They participate in the development of national strategies for heritage conservation, from time to time have a watchdog role in respect of the work of other heritage bodies and, where there are specialized Funds for providing subsidies, grants and other monies for heritage projects, these councils may be involved in that activity as well. The presence of this kind of body brings the necessary democratic element in heritage protection and safeguards the system against encapsulation.

2.3. Recommendation

A model where a centralised, body that has sufficient administrative capacity to implement most of the functions outlined above is very appropriate for the region. This body should have certain institutional autonomy from the executive. Additional authorities comprising government officials, non-governmental entities and subject-matter experts could be assigned advisory functions, including in the area of providing grant assistance for the implementation of heritage projects.

3. Authenticity

One of the gravest problems related to the preservation of heritage nowadays pertains to the proper balance between allowing for adaptive re-use of heritage assets and preserving their authenticity. Quite fashionable as the concept of “living heritage” may be, it often comes at the cost of “letting merchants into the temple”. Commercial interests and pop culture shape historical towns and sites in most undesirable ways. It is therefore important to discuss the concept of authenticity of heritage sites, the state’s role in preserving it and the legislative tools used to regulate conservation philosophies.

3.1. Options

National conservation practices are more a matter of practice than of regulation. Thus, legislators may choose to delegate all decisions on these matters to technical heritage bodies on a case-by-case basis or may provide some most general rules in legislation. Furthermore, the approaches to conservation could be very strict as those in Belgium and France, mandating the use of traditional crafts and materials and strict adherence to the specialized international instruments. Other countries, like Germany and the United Kingdom have a more pragmatic, utilitarian approach and in respect of less valuable heritage items allow for less costly and functional adaptation to new uses.

3.2. Discussion

Although conservation specialists have sometimes been criticized for their elitist attitude towards restoration, as regards archaeological sites, which have no utility and their sole purpose is to serve as a remainder of times gone by, there is no excuse to compromise on historical evidence and attempt to imitate the old styles in rebuilding structures that are no longer there. Therefore, this paper agrees with the prevailing opinion that conservation works on archaeological sites must comply with the principle of “minimum intervention” that can be found in the instruments of the International Council for Monuments and Sites.

The issue of architectural heritage however may raise more disputes. While the Venice and the Krakow Charters recommend the use of traditional techniques and materials and maintenance of historic buildings’ “authenticity and integrity, including internal spaces, furnishings and decoration according to their original appearance”, in practice, lots of compromises are made to allow adaptive re-use of historical buildings. The training of craftsmen into traditional practices and construction techniques is costly, traditional materials are often unavailable or expensive, the functionality of a building may require some modern facilities to be added to the interior. Thus the authenticity rules of the international instruments are often interpreted more broadly with regard to architectural heritage.

Obviously, there is no one answer to the question of how to preserve heritage. Authenticity often contradicts utility; historical truth may not be in the best interests of aesthetics. Still, international instruments, conservation thought and national practices outline some general principles that need to be adhered to and some good practices that could serve as guidelines.

A domestic law shall be written with a clear understanding of the value of authenticity and respect to historical truth. Secondly, a definition of the different types of works on heritage assets is useful because it makes implementation of these rules and their

enforcement easier. Such definition however should be followed by the clear statement that the intervention amounting to conservative repair shall be the preferred method and only where that is insufficient more aggressive measures shall be applied. In some countries the government provides grants or low-interest loans for works on privately owned historic buildings. Where such provisions exist in the laws, conservative repair is funded much more generously than more interventionist types of restoration in order to encourage timely maintenance instead of works that are costly and oftentimes unacceptable from the viewpoint of authenticity.

Specificity on the acceptability of different types of preservation techniques could be based on a categorization of cultural assets in terms of significance. Thus, assets of international importance (i.e. those included in the World Heritage List) could be subject only to conservative repair while assets of less relative significance (e.g. assets that under Bulgarian legislation are “for information”) could be subjected to more aggressive measures such as reconstruction and revitalization that would allow their adaptation to new uses. Last but not least, the legislator needs to acknowledge that, no matter how specific the rules on authenticity are, most of the judgments will have to be made on a case-by-case basis. Therefore, very effective supervision mechanisms should be put in place. Effective supervision shall be aimed at fostering uniform good practices. In the Czech Republic, for example, the publication of guidelines on the conservation and restoration of different types of properties by the competent state body ensures that certain standards are established for the implementation of this activity. This function of the authority competent for the supervision of conservation and restoration works could be set in the legislation itself.

It can be said, that whether a country has chosen a more liberal conservation approach like Germany or a more conservative one like Belgium is not the most important issue. The most important thing is for the chosen approach to be applied in a consistent and informed manner.

3.3. Recommendation

Legislation should lay down the ground rules for ensuring that conservation and restoration activities are carried out in conformity with the internationally recognized principles. However, it is even more important to establish a specialized body possessing sufficient institutional capacity that would supervise restoration activities, issue guidelines on heritage preservation techniques and, generally enforce uniform standards in the performance of this activity.

4. Financing

Financing of cultural heritage preservation is perhaps the gravest problem that transition countries of Southeast Europe face in the area. While resources are indeed largely insufficient, ways have to be found for optimizing state expenditure and for attracting private capitals. Also, various form of fiscal measures, like tax relief, have been recommended by European instruments as a tool that states should consider when looking into ways to encourage preservation of heritage. Optimization of state expenditure, fiscal measures and private participation are deemed by the present paper to be the three major aspects of the financing of heritage that have to be considered carefully by any legislator.

4.1. Policy Options

The state has two main mechanisms for disbursing government funding – through direct appropriations to designated entities and through competitive grants. It will certainly use appropriations but it has to make the decision whether to use competitive grants and, if so, what percentage of the funds for heritage shall be disbursed in this way.

After this decision has been made, the system for provision of grants needs to be developed. It can be controlled by the central governmental body governing the sector, such as the Ministry of Culture, or by a body comprised by a broader group of stakeholders, such as NGOs, experts, government officials. Also, the funds could be coming from a separate account the formation of which is determined by law. Very often laws provide that fines and fees collected from the heritage sector shall be directed to these special accounts in order to be reinvested in the area. Alternatively, in other legislative models grants come from the general pool of monies that the Ministry of Culture disburses and every year the Minister decides how much of the budget would be distributed through competitive grants.

Grants could be given to state entities, non-governmental organizations, and individuals. They can be disbursed not only for the realization of heritage projects, but for the repair and conservation of architectural heritage owned by private owners. The last type of provision is not characteristic for transition countries' legislation but can be found in Western Europe. In such cases grants usually cover only part of the cost of repair so as to encourage the owners to invest their own resources as well. Financial assistance for the conservation of privately owned heritage assets could also be provided through low-interest loans.

There are various forms of tax relief that the state may use to encourage good care for and maintenance of cultural heritage properties. The state may allow businesses and citizens to deduct donations up to a certain amount from the taxable income. In this case the worthwhile causes and eligible types of institutions are usually specifically listed in the law so as to discourage tax payers from donating to related entities thus avoiding proper taxation. Another possible form of tax relief is the deduction of the costs of conservation from the taxable income. It normally applies to owners of architectural heritage. VAT exemptions and reduced VAT rates for goods or services related to heritage conservation are another way of encouraging such activities. Last, there are certain types of tax relief that do not relate to specific activities carried out by beneficiaries; these are the relief from or reduced rates of wealth or property tax, as well as of inheritance tax.

As regards the third aspect of heritage financing, i.e. encouraging private initiative, it is nowadays interpreted in quite broad terms. Even some activities that render more opportunities for creative management to state employees are discussed under the term privatization. The so-called autonomisation of state museums, which allows for enhanced operational independence and provides managing bodies with market-like incentives and room for creative approaches, is an often cited example. This approach entails a movement from an input budget where the institution is simply a receiver of state subsidies to an output budget where a contractual mechanism ties the state funding received to specific results that need to be achieved by the institution. More typical ways of allowing private initiative however are concessions and contracting out of parts of sites (e.g. the cafeteria, parking lots) so that they can be managed in more efficient ways.

4.2. Discussion

Practitioners in the area of heritage agree that grant mechanisms for funding heritage should gain more and more weight as competition creates incentives for superior performance and creativity. However, as there are risks of abuses, this mechanism should be open to public scrutiny. The grants-giving body shall include not only government officials but also experts and representatives of the third sector. Competitiveness, transparency, participation and non-discrimination between public and private entities should be some of the principles of grants legislation. Also, to make sure that grant monies will be available regardless of the discretion or short-term priorities of Ministers of Culture, it is preferable for grants to be provided from a pool of money separate from general state allocations. This needs to be mandated by law and not left to regulations and executive discretion.

Indirect funding is another way in which the state can support heritage. Different forms of tax relief are often used as means of encouraging heritage protection. This practice is in line with the provision of Article 6 of the Granada Convention which states that where appropriate states shall resort to fiscal measures to facilitate the conservation of heritage.

The policy research on which the present paper is based found that the most efficient tax relief measure is the deduction of the cost of conservation works from the income of the owner. Indeed, this measure seems to be more effective than measures like property or inheritance tax relief, as it obligates the owners to take some actions for maintaining the building instead of granting them tax relief for simply owning a protected property.

As regards deduction of amounts provided as donations, this is a provision that is undoubtedly important and found in almost every European law on the matter. Ceiling amounts (usually regulated as percentages from profit) differ. However, inquiries have not been able to produce definitive evidence on a positive correlation between the tax incentives and the level of sponsorship in a country. Therefore the creation of favourable climate for private support to culture, fostering awareness and recognition of donors are perhaps just as important as reasonable tax relief.

In respect of VAT relief, none of the transition countries of Southeast Europe has such VAT exemptions to protect its heritage. Such a legislative provision would be a tough sell because these countries' fiscal discipline is being monitored closely by the World Bank and the International Monetary Fund. As VAT is a major contributor to states' treasury, and as there are lots of abuses of VAT exemption schemes, it is not likely that any of the countries in the region introduces such an exemption.

In the heritage field private initiative could certainly be encouraged by following the example of the Netherlands in the management of museums. The model of autonomisation was applied in respect of museums in the Netherlands in the 1980s where the process involved a change in their legal status through a transformation of state institutions into private non-profit entities (foundations). Of course, such transformation of the legal status is not a necessary characteristic of the reform; in pursuit of efficiency the legislator may choose a less radical solution by simply increasing the discretionary powers of managerial personnel in some of the aforementioned areas. The increased independence allows managers to exercise discretion in many areas related to the everyday running of a cultural institution. Thus, they can make independent planning and personnel decisions, as well as raise income from other sources.

Contracting out purely commercial, non-substantive parts of heritage sites to be managed by a private entity against a rent is being done and is certainly less questionable than concessions. The general legal framework for concessions in a given country usually would allow for the entering into such contracts even without specific provisions in the heritage act. Still, as practitioners see many potential dangers in this kind of for-profit contractual arrangement, they would not be inclined to try this mechanism out even in respect of less vulnerable sites unless specifically authorized in a specialized law. If a specific instrument takes into consideration the peculiar interests at play, allowing general legislative acts on concessions only a subsidiary role, civil servants would feel much more comfortable granting such contracts. Still, in transition countries where the market economy is young, control measures need to be especially strict and central authorities, local bodies and NGOs need to all have a say in monitoring the implementation of the contract.

4.3. Recommendation

Although funds for heritage preservation in transition countries are truly insufficient, the state can still strive to make spending more efficient. Ways to do that include encouraging state and non-state entities to compete for funding and allowing them more creativity and freedom in fund raising. A recommendable tax measure that could be introduced is the opportunity for deduction of the costs of conservation from the taxable income of the owner.