

HISTORICAL PERSPECTIVE OF HERITAGE LEGISLATION

Conference commemorating the 350th Anniversary of the 1666 Conservation Act by King Charles XI of Sweden and 50th Anniversary of Tallinn Old Town Conservation Area

AGENDA

October 11th:

- Arrival of participants.
 - o Accommodation at Meriton Old Town Hotel for speakers
<http://www.meritonhotels.com/et/oldtown/meriton-old-town-hotell-tallinnas/>
 - o Other guests are expected to find a hotel themselves, assistance and advice available
riin.alatalu@gmail.com
- 15:00 and 18:00 City tours (free of charge)
- Optional: Depending on arrival hours ICLAFI meeting

October 12th

- 9:00-17:00 Conference in Tallinn Town Hall <http://raekoda.tallinn.ee/>
- 19:00 Dinner and ICLAFI meeting
- 19:00 Dinner and Nordic/Baltic meeting

October 13th

- 9:00 -17:00 Conference in Tallinn Town Hall
- 18:00 City tour (free of charge with optional stop for dinner on the road)

October 14th-15th

- Tour to Narva-Sillamäe- Lahemaa National Park (minimal participation fee may apply).

NB! It is possible to participate also for one day, alternative transport back to Tallinn may be arranged (Narva 210 km, Lahemaa 100 km from Tallinn)

Short abstracts

12th of October

EVOLUTION OF HERITAGE LEGISLATION AND OF ITS PRINCIPLES

1. LEGISLATION AND HERITAGE VALUES

Toshiyuki Kono

ICOMOS Japan

President of ICLAFI

Certain values of cultural heritage such as artistic value could be easily identified, while other values such as historical value may need interpretation. Value may change, when society changes. Hence if law freezes value, there would be tension between law and value. The presentation aims at elaborating relationships between law and heritage values, referring to some examples.

2. 1666 AND ALL THAT

Anneli Randla, PhD

ICOMOS Estonia

The presentation will look at the royal act from 1666 and its influence on the later heritage legislation and practice in Estonia.

3. THE ROYAL PLACAT OF 1666. BRIEFLY ABOUT BACKGROUND AND FURTHER IMPORTANCE

Thomas Adlercreutz

Sweden

The aim of the presentation is to translate excerpts of the "Placat" of 1666, issued by the governing council under the minority of King Charles XI of Sweden, into modern English, to look into preceding legal texts from other jurisdictions, and investigate possible similarities. The Swedish background to the act will be also looked into and its importance will be evaluated.

4.

Marianne Knutsen, Arnstein Brekke, Tone Takvam

ICOMOS Norway

Presentation focuses on the early regulations and acts in Norway to explain what was going on in Norway around 1666, and what it has meant for the modern laws and cultural heritage management through the planning and building act of today and also the Cultural heritage act.

5. WHAT'S OLD IS NEW AGAIN: CHARLES XI'S 1666 CONSERVATION ACT VIEWED FROM 21ST CENTURY AMERICA

James K. Reap, JD

Professor and Graduate Coordinator

Master of Historic Preservation Program

University of Georgia

College of Environment & Design

ICOMOS USA, ICLAFI

The presentation looks at the ideas and concepts in the historic Swedish legislation and compares it with contemporary American legislation.

6. FROM RESEARCH SOCIETIES TO THE BOARD OF MONUMENTS: LEGAL NORMS AND PRACTICAL EXPERIENCES IN THE HERITAGE MANAGEMENT IN LATVIA (19th CENTURY – 1920s)

Dr. Andris Šnē

Faculty of History and Philosophy,

University of Latvia

ICOMOS Latvia

The presentation concentrates on the historical legislative measures for heritage protection prior the Law about cultural monuments passed by Latvian parliament in 1923. The first legislative and practical measures for the heritage protection in Vidzeme or Livland, a part of the present-day Latvia, date from the second half of the 17th century.

7. THE DEVELOPMENT OF LEGAL PROTECTION OF MONUMENTS IN GERMANY. A HISTORICAL OUTLINE

Dr. Werner von Trützschler

ICOMOS Germany, ICLAFI

The presentation shows the development of legal protection of monuments in Germany. Starting with very limited princely decrees in the 17th century until the legal systems after the 2nd World War the legislation has become more and more comprehensive. The development of legislation is related to the ideas of Enlightenment, Romanticism, Historicism and the constitutional rule of law in our democracies.

8. LITHUANIA – THE STANDARD SETTER FOR THE URBAN HERITAGE PROTECTION IN THE FORMER USSR?

Vilte Janusauskaite

Conservation architect/PhD candidate

ICOMOS Lithuania

Together with the emerging Lithuanian National Independence movement the criticism towards the Soviet period heritage protection system became audible. However the concept of urban heritage and the means of its protection, though discussed a lot, were not embedded. After 1990, it ranged from the strict preservation to liberal “laissez-faire”. This period left marks on the historical environment, but is reflected also in the legislation.

9. LEGAL CONSERVATION PRINCIPLES AND GLOBALIZATION IN TIMES OF NEOLIBERALISM

Alberto Martorell

Presidente de ICOMOS Perú, ICLAFI

Doctor en Derecho de la Cultura

Universidad Antonio Ruiz de Montoya

The integration of international economy, including free trade agreements have created a strong criticism against some of the basic conservation principles in Peru. In recent years there have been several attempts to modify the Cultural Heritage Peruvian Act. The presentation is based upon the most alarming case: the destruction of a 5000 years old heritage pyramid in the archaeological area called Paraiso in the Metropolitan area of Lima.

10. FROM THE HAGUE 1907 CONVENTION AND THE 1935 ROERICH PACT, TO THE 2003 UNESCO DECLARATION CONCERNING THE INTERNATIONAL DESTRUCTION OF CULTURAL HERITAGE

Etienne Clement

ICOMOS Belgium, ICLAFI

Former Director at UNESCO (retired, visiting lecturer), Institut d'Etudes Politiques (IEP)-Science Po, Lille, France

An overview of the implementation of international instruments on the protection of cultural property in the event of armed conflict. The presentation will also look at possible future normative developments, in the context of the recent destruction of cultural heritage in the Middle East.

11. HISTORICAL PERSPECTIVE ON THE TRANSPOSITION OF THE 1972 UNESCO WORLD HERITAGE CONVENTION IN THE NATIONAL LEGISLATIONS OF ITS STATES PARTIES

Dr Bénédicte Gaillard

ICOMOS France, Consultant & Researcher

<http://www.gaillard-consulting.com/>

This presentation presents a historical perspective on the interpretation of UNESCO World Heritage Convention in the national legislations of its States Parties. A selection of case studies from different political systems and geographical regions permits to enlighten the similarities and differences among the States Parties. Based on these results, some perspectives for the future use of the World Heritage Convention are elaborated upon.

12. HISTORICAL ASPECTS OF THE LEGAL PROTECTION OF CULTURAL HERITAGE IN POLAND

Wojciech Kowalski

ICOMOS Poland, ICLAFI

The presentation concentrates on the historical evolution of the legal instruments of the protection of monuments in Poland including the following: legal protection of monuments in 19th century under Austrian, Prussian and Russian laws at that time in force on the Polish lands; law after restitution of Poland in 1918; legal solutions 1945-1991; and the current situation.

13th of October

CONTRADICTIONS, CONFLICTING INTERESTS AND BEST PRACTICES

1. HERITAGE LEGISLATION IN BRUSSELS: INTEGRATED CONSERVATION AND URBAN DEVELOPMENT

Arlette Verkruyssen

ICOMOS Belgium

Director-general

BDU-BSO-BDU

<http://www.gob.irisnet.be/stedelijke-ontwikkeling>

The presentation presents the changes of the cultural heritage legislation in Belgium since the middle of the 20th century. In the process of the evolution of Belgium from a unitary state to a composite Belgian state, each federated public authority had the possibility to adopt and develop its own legislation, in accordance with its own specificities. However, for historical monuments and landscapes, the integrated conservation's doctrine has been put in place.

2. SENSE OF PLACE: THE INTERSECTION BETWEEN BUILT HERITAGE AND INTANGIBLE CULTURAL HERITAGE IN SINGAPORE

Jack Tsen-Ta Lee

LLB (Hons) (Nat'l University of Singapore), LLM (UCL, Lond); PhD (B'ham); Advocate & Solicitor (Singapore), Solicitor (England & Wales); Assistant Professor of Law, School of Law, Singapore Management University

ICOMOS Singapore, ICLAFI

Built heritage in Singapore is safeguarded through two legal regimes. In contrast, no particular legal protection exists for intangible cultural heritage. Considering examples such as tomb inscriptions and rituals for honouring the deceased at Bukit Brown Cemetery and Seh Ong Cemetery, the presentation explores how built heritage can be secured and enriched by giving greater recognition and protection in international and domestic law to the intangible cultural heritage associated with it.

3. HERITAGE PROTECTION IN EUROPE – INSIGHTS FROM THE EUROPEAN PERIODIC REPORT

Dr Christopher Young

ICOMOS UK, ICLAFI

Periodic Reporting for the World Heritage Convention now covers all properties on the World Heritage List. While all 49 European states parties involved say that they have at least adequate legislation, there are worrying concerns over the effectiveness of its enforcement. The presentation will examine those concerns and other lessons emerging from this survey of the protection and management of Europe's heritage.

4. LEGISLATION AND COMMON VALUES: A REPORT FROM BELGIUM

Prof. dr. Anne Mie Draye

ICOMOS Belgium, ICLAFI

Addressed by private owners of a protected monument, the Constitutional Court of Belgium recently had to judge upon the lack of compensation in the Flemish Immovable Heritage Decree from the point of view of the equality of citizens before public burdens. In the light of this decision, the equilibrium between public/common values and private property rights must be looked at from another scope. The public authorities will have to think about the best legal solutions to preserve common values.

5. A TALE OF TWO HERITAGE ACTS

Joel B Gilman JD LLM

Solicitor, Heritage Council of Western Australia

The presentation demonstrates how the indigenous Aboriginal Heritage Act and the non-indigenous Heritage of Western Australia Act and the government agencies that administer them have evolved to address the specific issues that arise with their respective types of heritage. It has been argued that merging the two acts may ignore the history and pose a long and difficult task that is unlikely to resolve the problems of either act.

6. THE USE OF TAXATION LAWS TO PROMOTE THE CONSERVATION OF CULTURAL HERITAGE

Andrew S. Potts

Executive Director

US/ICOMOS Directorate

ICOMOS USA; ICLAFI

The presentation will explore the advent of the utilization of the taxation code as a means of heritage conservation through the incorporation of heritage tax incentives into the law. The United States will be used as a case study. The first cultural heritage provisions were added to the US Internal Revenue Code in 1976 with major revisions in 1981 and 1986. Today, these legal provisions are among the most important heritage related laws in the United States.

7. PARIS LOCAL URBANISME & THE PARIS FACADES: THE SMARITAINE CASE SARA BYSTRÖM

Advokat

ICOMOS France, ICLAFI

The legal issues and series of case law accompanied the restoration of the façades of well-known department store SAMARITAINE in Paris. This case, ongoing between 2012 and January 2015, concerned the question of the aesthetics on the Paris centre buildings roofs and façades and the “Paris local urbanism plan”.

8. CURUCHET HOUSE: LE CORBUSIER PROJECT.

Maria Marta Rae

ICOMOS Argentina

This presentation concentrates on the case study of "Curuchet house", designed by Le Corbusier and built by Argentine architects belonging to the school of architecture and participants of the "Modern Movement". A methodological study with academic orientation is presented.

9. PROPERTY OF THE SWEDISH PEOPLE – THE BASIS AND CHANGE OF THE EXPORT CONTROL IN RELATION TO CURRENT CULTURAL POLICY OBJECTIVES

Susanna Carlsten

Sweden, Uppsala Universitet, Campus Gotland

Swedish export control of moveable heritage objects, regulated in chapter 5 of the Heritage Conservation Act, has its origins in the 1920s. In 2014 the opening section of the act was redrafted with objectives relating to pluralism and diversity, chapter 5 was not changed at the same time but is nevertheless meant to be read in the light of the preliminary provisions. Does that lead to any contradictions?

10. NEW METHODS IN REGULATING ARCHAEOLOGY

Nele Kangert

Estonian National Heritage Board

Since 2011 Estonian National Heritage Board has tried to get illegal excavations and trafficking of treasures under control by cooperation with hobby archaeologists. After special training they are admitted licences that regulate the rights but also obligations of the hobby archaeologists to report on every important finding, and cooperate in excavations and research.

11. REUSE AND DONORSHIP IN TALLINN OLD TOWN

Kaarel Truu

Estonian National Heritage Board

Lääne-Viru County inspector

PhD student of heritage conservation and restoration in Estonian Academy of Art

Medieval buildings in Tallinn have been rebuilt numerous times. Reuse of earlier constructions and materials has been an intrinsic part of the building tradition in Tallinn. Reuse was favoured by revival styles in the 19th and early 20th century. The Soviet system with the absence of private owners combined with a central restoration organization supercharged that phenomenon.

12. UNREALIZED CONSTRUCTION PLANS IN TALLINN OLD TOWN IN SOVIET PERIOD

Henry Kuningas

ICOMOS Estonia, TICCIH

Tallinn City Planning Department, Division of Cultural Heritage

PhD student of heritage conservation and restoration in Estonian Academy of Art