

APPROACH AND EXPERIENCES IN THE MATRA PROJECT 'CULTURAL HERITAGE BULGARIA – EU'

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Introduction

The object of the Matra project 'Cultural Heritage Bulgaria – EU' was to give support to development in Bulgaria in the field of the governance and management of movable cultural heritage. The primary focus was on basic European legislation on the movement of cultural objects. However, seeing that sound practice in the field of EU rules presupposes sound practice with regard to cultural heritage in general, the project's focus was wider than the field of the EU Regulation and Directive only.

The following sections report on the approach by the Dutch project team and present some findings, analyses and comments that may be relevant for further development in the future.¹

We will elaborate on three areas of development where the project was involved.

(1) The *first* and main area for support was the development of public bodies with a view to their EU-oriented tasks. This focused on:

- establishing organizational and institutional structures for the governance of movable cultural heritage, so as to be able to work in accordance with European rules. This includes the strengthening of the Inspectorate for movable heritage and its position in the Ministry of Culture;
- capacity building within main public bodies, i.e., increasing ability to work in compliance with the EU rules Regulation and Directive as well as to be able to handle problems and to make use of opportunities after the accession of Bulgaria to the EU;
- developing co-operation between authorities within Bulgaria and internationally; this includes enabling to work on a level playing field with the competent authorities in other EU member states.

(2) A *second* field of support was the development of the co-operation between government and state bodies on the one hand and (organized) civil society on the other. This was extended with activities aimed at supporting the development of civil

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society towards taking on the role of counterpart partner of government (and vice versa).

(3) The *third* field in which the project offered support was the development of governmental policies and legislation in the field of cultural heritage.

(1) Preparing public bodies for EU-oriented tasks

Implementation of the European rules requires an institutional structure, in which competent and well-equipped bodies work together both at a national and international level. The project supported the Ministry of Culture, especially the Inspectorate for (movable²) cultural heritage within the Directorate for Museums, Galleries and Fine Arts, as well as the National Customs, these being the authorities most involved in the field of the European rules regarding cultural heritage.

For a better understanding, let us start with a brief explanation of European legislation in the field of cultural heritage. The EU have in fact formulated far fewer rules in this field as compared to other areas such as agriculture or food safety, mainly because of not wanting to impede national freedom in the fields of 'cultural heritage' and 'culture' more than strictly necessary. The rules in question are Regulation 3911/92 on export control (compulsory for Member states), Directive 93/7 on the return of unlawfully removed goods (which countries are strongly advised to implement), including several later amendments, as well as Regulation 1210/2003 which includes restrictions on the trade in cultural objects from Iraq. The project concentrated on the first two (3911/92 and 93/7) as they are also basic to any implementation of the Iraq Regulation.

The Regulation 3911/92 and the Directive 93/7

Since culture constitutes an autonomous area for each member state, each country is free to protect whatever it chooses and adopt its own national protection regimes. However, since 1 January 1993, with the abolition of physical checks at the Community's internal borders, a new situation arose. All member states became responsible for applying identical restrictions on the export of cultural goods, including those from other member states, to countries outside the Union. In order to effectively do so, it became necessary at the same time to have a system enabling a member state to reclaim protected cultural heritage that had been unlawfully removed from its territory within the Union. As such protection could neither be adequately guaranteed via the ratification of the UNESCO Convention of 1970 to prevent the import, export and transfer of illegally owned cultural goods, nor by the Convention of the Council of Europe of 1985 on offences relating to cultural property, it was deemed necessary by the EU to adopt special measures at Community level. Thus in the context of the operation of the single European market, Regulation (EEC) n^o 3911/92 and Directive 93/7/EEC seek to reconcile the fundamental principle of free movement of goods with that of the protection of national cultural treasures.

The *Regulation* introduces uniform controls for the prevention of exports of protected cultural goods at the external borders of the European Union. These allow the competent authorities of the member state from which the cultural goods are to be exported to a third, non-EU country to also take the interests of the other member states into account. The reason for this is that, in the absence of such controls, abolishing checks at the borders within the Community would have meant that a protected cultural object removed from one member state could be presented at a customs office of another member state and be exported easily to a non-EU country.

The *Directive* complements this preventive instrument by providing mechanisms and a procedure for returning protected cultural objects if these have been unlawfully

removed from the territory of a member state and are subsequently signalled in another member state. So while the aim of the Regulation is to avoid national treasures being taken out of Community territory without controls, the Directive, for its part, deals with the arrangements for restoring such treasures to the member state of origin when they have been unlawfully removed from it.

As for new member states, both Regulation and Directive come into force on their various accession dates, which means a procedure according to the Directive may be effective only if proof can be provided that the object in question crossed the border after the date of accession.

These two legal instruments have in common a detailed list defining for which categories of cultural goods and under which criteria in terms of age and financial value an export licence is required or a under which conditions a return procedure according to the Directive is possible. For applicability of the Directive, extra requirements are set out; chiefly stipulating that the object should be a 'national treasure' in the country asking for its return.

A competent authority in a member state, assessing a request for an export licence, should not only check if the object falls under the EU-list but should also consider the provenance of the object and contact its counterpart in the member state of origin in case of doubt.

In compliance with the wishes of the Council of Ministers, the European Commission periodically evaluates the working of Regulation and Directive and has done so twice since 1993³. Experts signal that the number of cases in Europe that can be effectively handled with the Directive is not very high and working with it in practice can sometimes be disappointing. In fact an analysis is needed in order to develop of improved instruments and better practices.

Institutional structures

In order to implement both Regulation and Directive, member states have to appoint *competent authorities* to deal with them and act as contact points for the other member states. For the Regulation this is in most cases a ministry of culture or a body belonging to it (an Inspectorate for cultural heritage, or an agency, for instance). Decision-making on export licences is done in a variety of structures (a ministry, a council for culture, a mixed group of experts, etc) but almost everywhere it is coordinated by a body subject to a ministry of culture. In some countries, like The Netherlands, the practical processing of export licence requests for cultural heritage objects has been delegated to Customs offices, in consultation with the central competent authority, being simply one activity in the great variety of roughly similar licence procedures that they have to manage.

In most EU countries, the responsibility for the implementation of the Directive on the return of unlawfully removed objects is assigned to the Ministry of Justice or a body belonging to it, as it relates more to the work in the field of prosecution and penal code. In the Netherlands the State Inspectorate for Cultural Heritage is the competent authority for the Regulation and Directive as well; in the case of the Directive, there is close co-operation with the Prosecutor's Office.

Functions and embedding of a competent authority

We take it to be best practice (though not yet achieved in all EU member states) that decision processes on export requests and the processing of cases concerning the return of objects, should be assigned to state bodies that have a thorough knowledge and understanding of policies and practices in the field of movable cultural heritage.

Indeed, it is advisable to combine these tasks with inspection functions concerning movable cultural heritage within the country.

In Bulgaria the competent authority responsible for the Regulation and Directive is the Ministry of Culture and more specifically the Inspectorate for (movable) cultural heritage within the Directorate for Museums, Galleries and Fine Arts. In addition, the National Customs Agency, including regional staff, is responsible for border control (EU outside borders only). In cases where there is alleged violation of laws and of the return of unlawfully removed objects, the National Prosecutor's office and the National Police become involved. Co-operation agreements between the different bodies have been signed or are drawn up.

Co-operation between authorities, nationally and internationally

In order to get results in the co-operation between various bodies, sound institutional structures and agreements are required, but the quality of co-operation between the persons involved, no less essential, depends on other factors as well. Co-operation takes place on an individual level by persons who have to know each other, to trust each other, to understand what the other person needs, to put energy in solving problems, and – the basic point – to understand the aim of the common process they are engaged in. Some readers may think 'well, a particular statement like this may hold for Western Europe, but in Central Europe we are inclined to rely more on precise procedures and rules'. Even should that be the case, an awareness of this personal component is essential. This holds at national as well as international level.

The development of good person-to-person contacts in the network of competent authorities will require continuous attention in the future. It will include travelling to Brussels but, most of all, a lively exchange of information, knowledge and insights, especially with the countries between which there is a good deal of traffic in cultural goods. The project supported such exchange, especially of course between the competent authorities in Bulgaria and The Netherlands, but this could not represent more than a small step in the full development of the co-operation between corresponding authorities in Europe.

Development of the Inspectorate for cultural heritage

The project has given support by means of consultancy, contributions to workshops, the provision of contacts, etc. With the Inspectorate for cultural heritage we discussed all possible forms and functions of such an Inspectorate, including those in the relationship with museums. An unfortunate setback in the development of the Inspectorate is that so far, up to the moment of going to press, no approval has been granted for the essential extension of its staff and budget. The main impact of this is that the Inspectorate cannot yet implement and develop all the tasks assigned to it, including co-operation with other relevant bodies at home and abroad. We must stress again the necessity of a state inspectorate with full capacity as indispensable to the implementation, enforcement, control and monitoring of state policies in the field of cultural heritage.

Further development of the Inspectorate for (movable) cultural heritage is strongly recommended. This is not only a question of numbers of (high level) staff, but also of the development of agreed working policies (priorities, work programme etc), communication facilities, and a necessary relative independence of operation. This last element does not mean that the Inspectorate may not be a part of the Ministry or a Directorate, but that the professional approach, the communication with other bodies inside and outside Bulgaria (including Brussels) and a quick reaction in urgent cases (e.g. in the field of 93/7) require a certain level of discretionary power which exceeds the freedom allowed by present procedures or traditional bureaucratic procedures in general. In widely accepted models independence also implies a separation from

policy-making units, in order to avoid the mixing-up of policy-making and policy control. Professional independence as regards priorities and approach implies that the Inspectorate must be the body to decide on the inspection programme and on the way inspections are carried out. Professionalism also means that the Inspectorate must itself define best ways for it to work, with a view to fostering good management of cultural heritage by the inspected bodies (museums, private parties) in line with the state's policies. Of course, granting more independence should go hand in hand with sound accountability to higher levels in the organization as well as feedback from those levels.

(2) Civil society and the public administration

In a survey held in Bulgaria in 2005⁴ one of the questions was: 'According to you, who should be responsible for the preservation of the cultural heritage of Bulgaria?' Given the option of 2 choices per participant, some 85 % of the interviewees named 'the State' or the Ministry of Culture. 35 % of the respondents included municipalities, some 25 % chose 'society/the community' and 50 % specified all types of public and private cultural institutes.⁵ In another survey in the same year⁶ with only 1 choice option per respondent, the State and Ministry of Culture scored 65 % whereas the municipalities got no more than 6 %. 'All Bulgarians' was chosen by almost 25 % of the respondents. In the course of our project too, we came across a considerable proportion of spokespersons naming the State as the one and only body responsible for the preservation of cultural heritage, although there were also a number of people who felt that responsibility should be spread more widely in society.

One difficulty in the interpretation of such opinions is that the issue is often more complex than what might appear. In many cases people are satisfied if the state, on behalf of society, does ensure that structures are in place and possibilities for taking care of heritage are available and that people are sufficiently aware of its importance. However, it would be a different matter if the state, again on behalf of society, had the responsibility also for a direct implementation, if it were to organize all the work directed towards preservation and access, if it were to exercise control over execution by others in detail, or be the owner of all monuments of culture. Some respondents to the aforementioned question would tend to burden the administration with this executive responsibility whereas others maybe would not go further than to give the state an overall institutional and monitoring responsibility.

In this section we will discuss the issue of the responsibilities of the state in contrast to those of civil society and private citizens in general, as we saw much confusion surrounding this issue, resulting in lack of co-operation and mutual trust between people involved. More common understanding on this point is desirable indeed.

Some models

Let us start with some theory. In the governance of arts and culture in general, a variety of roles is possible for the state. We present here a division into four main roles as outlined by Hillman-Chartrand and McCaughey⁷:

<i>brief name</i>	<i>role of the state</i>	<i>bodies implementing the role</i>	<i>the choices will be based on</i>
Engineer	own, control and rule	political 'commissars'	political standards
Architect	promote and fund	ministry/department	community development standards, interpreted by bureaucracy ^{a)}

Sponsor	fund	councils at arm's length with representatives of society, the professions etc	evolving professional standards, as acknowledged by representatives in the councils ^{b)}
Facilitator	create favourable conditions: tax breaks, no legal impediments, etc	variety of bodies/systems	no central choices; a target might be promotion of a diversity of activities; individual priorities of those who take initiative/use facilities

a) The policy dynamic of the Architect may be revolutionary, but inertia can lead to fixing standards resulting in stagnation of creativity

b) Working by arts councils at arm's length, the government determines how much aggregate support to provide, but not which organisations or artists should receive support.

The full scheme by Hillman-Chartrand cs is presented in the [annex](#) to this article.

In most Western state organizations at present we see a mix of 'facilitator' and 'sponsor' roles, sometimes 'oscillating' between the two depending on variations from time to time in the political mainstream. Reasons for the avoidance of 'engineer' and 'architect' roles here include the arguments mentioned earlier that are opposed to a decisive role of the state in matters of the arts and cultural heritage. 'Architect' views, where desired, mostly embark on implementation by public awareness campaigns rather than by formal rules or laws. In the 'sponsor' model, in order to avoid a certain lack of democratic control in the case of councils at arm's length, it is mostly (a member of) government who has the power to take final decisions and who is *accountable to parliament*. This includes accountability for decisions taken against recommendations put forward by the advisory councils. Furthermore, we should note that responsibilities for heritage may differ from those for arts and contemporary culture; heritage is more often seen as a matter for society as a whole, thus leading to a greater degree of involvement by the state.

Practice in Bulgaria

During our project we saw various misunderstandings concerning the role of the State in Bulgaria in the field of cultural heritage, as well as incomplete analyses and often rather theoretical points of view. This led to confusion, ineffectiveness and lack of focus (real focus leading to action) on certain problems and on objects of national heritage. It is essential to have consistency in governmental choices and a full appreciation of such by citizens as well as civil servants. And of course, before making choices, a thorough analysis is necessary as to the impact of such choices in their practical application. For instance, if maintaining the executive state control of individual heritage objects is being considered, an analysis should be made of the anticipated costs; the necessary procedures; the negative effects of insufficient capacity for timely processing of requests; the avoidance and dodging by citizens if procedures turn out to be too difficult or time-consuming; the realistic possibilities for enforcement (i.e. including a realizable and acceptable enforcement plan); etc. All this should be taken into account before making such policy decisions.

In our opinion, the variety of opinions concerning the role of the state in the Bulgarian situation is such that we strongly recommend that there should be an *explicit* and open discussion concerning the desired role of the state, based on correct impact analyses, whenever policy-making processes take place. It is necessary at the very least to create a better awareness of this issue with the stakeholders involved, this being a prerequisite for mutual understanding in concrete cases.⁸

Experiences elsewhere

Common implementation of cultural heritage governance in other countries shows that it is practically impossible for state authorities or even local governments to take care *at the executive level* for all cultural monuments and objects; and it is widely felt that such is not even desirable.

It is practically speaking *simply impossible* to assign to the state the comprehensive responsibility for all heritage because of the huge numbers of objects and built monuments involved, the lack of staff and budget for the central State and – linked to this – a lack of power to enforce policies. To burden public authorities with tasks which they cannot implement leads to loss of quality and of confidence. In Bulgaria many examples are evident which illustrate a gap between policies (and often responsibilities) laid down in legal rules and actual practice. We may think of the poor state of preservation of many architectural monuments, where neither the owners nor the state have money for preservation and restoration. Another example is the large scale of looting and theft from archaeological sites as well as churches, which to no small extent is facilitated by the very low levels of control over this extensive patrimony. In both cases, solutions to these complex problems cannot be found by pointing only to the public authorities, even if they were to be given more budget, power, etc. Again, we must conclude that co-operation between authorities, organized civil society and citizens is absolutely essential.

Also, giving the state executive responsibility for all monuments is in our opinion *not desirable* because of what we believe to be the essential nature of cultural heritage. For it is society at large which has to attribute significance to it in order for material remains of the past to qualify as heritage in a true sense. And it is individual members of society, organised in civil bodies and associations, who constitute the main source of interest and energy for the preservation and access of monuments. If society, that is ordinary citizens, do not show interest in, or morally as it were appropriate, a given 'monument', a decision by the public administration to protect it loses much of its meaning. Assigning executive responsibilities to the state, especially central government, *keeps citizens uninterested*. In Bulgaria too, in the discussions we attended, a large number of cases were mentioned in which state involvement in monument preservation control led to avoidance on the part of private initiative. So it would not be advisable for a state bureaucracy to take over all executive management, or even supervise too closely, by deciding on each and every particular.⁹

On the other hand, however, in the context of the State's overall responsibility as mentioned in the first paragraph of this section, it is certainly recommended that the public administration at national and/or local level, on behalf of society as a whole, should at least facilitate and create circumstances in which good care may be taken of objects which society sees as significant heritage, and that they should monitor this caretaking.

A main conclusion from the above is that sustainable cultural heritage governance requires a co-operative attitude and that authorities and citizens need to work together. It will be clear that the development of such an approach will take time, although some good examples already are in evidence. An important instrument is to effect genuine decentralisation of state responsibilities to regional and local levels. The development of a balanced approach requires mutual trust and the linking of energy in public and private initiatives. How to get there requires specific policy-making; these are complex processes as such, involving a great deal of communication and the development of new ways of co-operation.

Strengthening civil society¹⁰

In order for the co-operation between administration and private engagement that we advocate above to come into existence, it is extremely helpful if citizens organize themselves into non-governmental and other bodies which create continuity in targets and involvement. In the field of cultural heritage governance and management in Bulgaria, such an organized civil society is not as yet highly developed. However, a certain development level of civil society is necessary for generating new initiatives, for having the whole concept of heritage engagement take root in society and for contributing to national and local administrative policies and programmes. For this reason the project sought to contribute to the development of regular contacts and co-operation between those organisations in civil society that we were able to identify. The way chosen was in initiating and contributing to the set-up of a 'community of practice' in which interested and involved persons from the field of civil society exchange experiences, develop approaches to problems identified and connect to players in their own networks with regard to these ideas and discussions. This 'community of practice' is open to civil servants who also work in this field, fostering the communication between the private sector and, in this case, the Ministry of Culture.

Citizens

Last but not least, a word concerning the roles of individual citizens. Together they constitute 'civil society' in the way this term is used here¹¹. But of course, individuals already have general individual responsibilities as well, such as taking proper care of their own possessions, registering and documenting them for themselves (to be able to prove ownership, e.g. vis-à-vis insurance companies, after loss or theft and as a means of fighting crime). We may also expect individuals to comply with rules and regulations with regard to protection and export control and to co-operate with authorities in the protection and combat against illegal actions. To have citizens accepting such roles requires at least awareness raising, for which publicity campaigns are a prerequisite. But, conversely, good coverage of the issues by the press and media and continuous communication and openness on the part of authorities are conditions as well. As to concrete issues like the fight against looting, far more measures are of course necessary if an effective joint approach by authorities and citizens is to be achieved – but again, discussing that issue here would take us beyond the framework of this article.

(3) Policy-making and law making

One task of the project team was to investigate the conformity of Bulgarian legislation with the EU Regulation and Directive (and their later amendments) and to put forward recommendations if necessary. The Ministry of Culture has amended Bulgarian law to be in accordance with the rules of the European Union.

Further development of policies and legislation for the governance of cultural heritage appears to be a rather problematic issue in Bulgaria, and not only because the matter of how society deals with cultural heritage is extremely complex. In conversations with the project team a number of main problems were identified, which will be discussed in this section.

Dialogue

The first problem is the wide variety of opinions concerning a series of issues. Even if the serious character of issues like looting and illegal trade is widely recognised, a solution is kept at bay due to opposing positions on several issues about which a sustained dialogue appears to be very difficult.

One of the measures in trying to solve this problem would be to start the discussion by focussing on policy *visions* for the long term. Such a *policy formulation* as a point of departure for the development of legal rules and other measures consists mainly of an informed *analysis* of a problem issue and an accepted statement on desired *results for the future* (in this area say in 10-15 years from now). It is more than likely that getting agreement on general visions for the future would prove less difficult than agreeing on practical measures for the short term. It is the eventual goal that counts, not the detailed nature of the first mile to go. After this, the elaboration of measures for the short and medium term would be the next step. As one of the instruments in such a set of measures, legislation may come into play, backing concrete measures. The development of measures and legislation with reference to the agreed long-term policy would inspire more confidence and be more acceptable and therefore viable than short-term measures without the long-term agreement.

A challenging example in this connection is how the state, museums and other parties should or may behave in the field of private antiquities or, more generally, collections of cultural artefacts. The question is how the private or public acquisition of such objects if of uncertain or illegal provenance should be dealt with. Rules, as far as they are necessary, should be in accordance with a wider vision on how to behave with regard to cultural heritage. One way to attain some consensus might be by focusing on a common vision for the long-term which subsequently would guide the way for step-by-step measures that take into account the actual situation at any given time. Another issue, related to this in several ways, is how to counteract widespread looting of archaeological sites: the set of policies required is much wider in terms of time-frame and areas of approach than cultural and other legislation now might be able to cover. It should, for example, encompass social-economic development, infrastructure and sustainable tourism.

Socio-political context

Closely related to the point of dialogue, is the socio-political context in this field of cultural heritage that influences assessment of proposals by quite other elements than their content, and in fact impedes wide acceptance of heritage governance proposals. In fact this problem has hindered the development and acceptance of new legislation in this field in fact since the beginning of the 1990s. One element is the relatively high degree of political volatility and the ensuing freezing of effective progress: policy development in the field of cultural heritage requires a certain time span and continuity. Apparently, it has not yet been possible to get this continuity established. Other issues signalled are that of lack of mutual trust (or distrust when based on relationships within the old regime) as well as insufficient democratic priorities and attitudes. Assessments made on personal grounds or as a result of party political considerations impede constructive dialogue and results, even at technical levels. This leads to a mechanism in which it is extremely difficult to create a shared point of view by both political and civil stakeholders and a wide enough acceptance of any policy proposal.

To find a way out of this vicious circle is a challenge for everyone concerned. Any way out will need to include explicit attention for the *embedding of proposed approaches and views* so as to satisfy a variety of stakeholders. Such embedding of policy development in the context of stakeholders and related activities should first and foremost focus on a minimum acceptance of the chosen *approach* to creating new policies. If stakeholders consent in principle to a particular approach, their acceptance of the definition of problems, proposed policies and choice of instruments might be less difficult. Embedding should be a permanent activity during the development process. It requires a sound *stakeholder analysis*, which is also necessary for the problem analysis. And, more at a personal level, it requires acceptance and an open exchange concerning

the past as it is inherited in the minds of people involved and concerning relevant values at present.

Implementation

Another problem signalled to us is the difficulty of implementation and enforcement of legislation; measures are needed for which practical and budgetary constraints as well as existing interests all form impediments. The most relevant example of a budgetary and priority problem in the Matra project was the low budget and staff capacity that were allocated by central government for the Inspectorate function for movable cultural heritage. Since the date of accession especially (open borders within the EU), the Inspectorate falls seriously short of the capacity needed to develop and execute adequate control and monitoring tasks in the field of movement of cultural heritage objects and the protection of heritage objects in public and private collections.¹² A more general point is that during discussions, speakers formulated their visions for the long term but expressed them in terms of proposed solutions for the short term, but doing so, without consideration of budgetary or practical impact or impediments. In such cases a step-by-step development in the direction of the desired result in the long term would be preferable. Again, where there are inconsistencies between laws and rules on the one hand and practical possibilities for their enforcement on the other, this tends to erode trust in the State and diminish mutual trust in civil society, as some people will take the freedom to bypass the rules and others will not.

Choosing effective *instruments for policy implementation* is a core activity in policy-making. Examples of such instruments are: taxes, subsidies, provision of information, public awareness campaigns, education, infrastructures and, finally, laws and regulations. An appropriate choice of instruments requires a sound analysis in which the most relevant chains of causes and effects in the policy field are defined. This provides the possibility to identify those elements that can be influenced most effectively. *Impact analyses* per instrument or measure have to be on hand to predict effects and side-effects in other fields. Preparing impact analyses is the essential way to establish the effectiveness and workability of proposals. In addition, the fiscal/budgetary impact of proposals has to be fully analyzed before submitting a proposal to Parliament. Realistic *implementation plans* should give an overview of what can and should be organised, stimulated and so on in order to ensure the implementation of a given policy in reality. Definitions should also be drawn up for *conditions for implementation* in other fields of policy, legislation, infrastructure etc should be defined. Finally, coming back to a remark above, planning for *compliance and enforcement* is an essential element in any implementation plan.

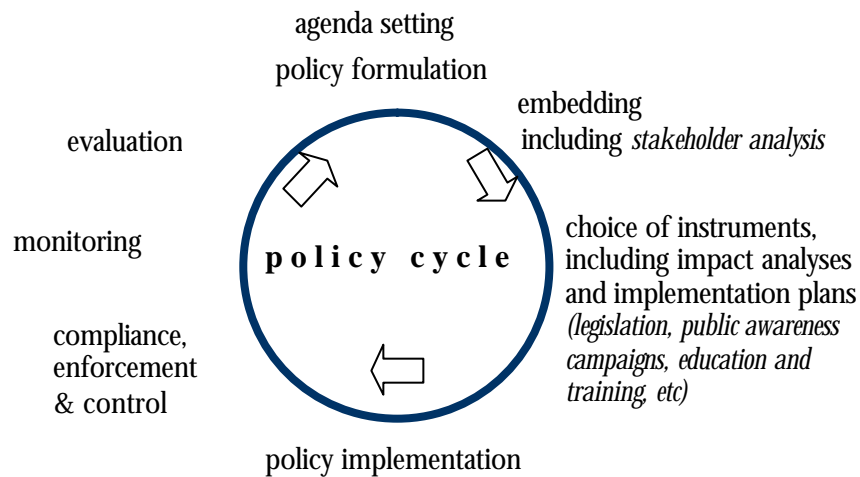
Complexity

Last but not least, we have to mention the complexity of the issue: policy-making concerning cultural heritage links a complex variety of measures (laws, bylaws, publicity and other instruments in a wide range of public areas) to a very complex field in terms of problems, visions and social and economic values. It is almost impossible to tackle the relevant issues in a single process of development. A law on cultural heritage may cover a number of aspects, but legislation and implementation practice in the fields of, say, the penal code, the legislation on property, the tax system, or customs legislation, will have an essential impact as well. Visions in the field of cultural heritage do not stand alone but are influenced by developments in other areas. For instance, finding an acceptable balance between public interest on the one hand and individual freedom and legal security on the other, is an issue that figures in many other fields as well, e.g. in environmental matters, natural and geological history, urban planning, to name but a few.

Policy-making as a process

The realization of a *policy-making programme*, involving the analysis and further development of a wide range of measures and activities within the competencies of several ministries and other bodies, is a challenging task. An intensive and careful *policy field analysis* for cultural heritage, as mentioned above, is necessary in order to be able to develop policies and instruments in a consistent way in terms of contents and timing. Planning for effective *monitoring and evaluation* is also an important element in policy-making, given the complexity of the field and the dynamics in society.¹³

This last remark makes it clear that the process of policy-making for the governance of cultural heritage can never be completely finished. The observed dynamics require a cycle of development, implementation and evaluation. For this reason, the so-called '*policy cycle*' approach has been generally accepted in Europe and elsewhere¹⁴. The following picture shows the full policy cycle, with some of the terminology as mentioned above.



The picture identifies the elements that are indispensable in any policy-making programme or project. The purpose of working with the policy cycle is to create a systematic, consistent and complete approach in developing implementation measures, including legislation. Note that the policy cycle is not a phase-model: all steps are developed concurrently.

Annex – Hillman-Chartrand and McCaughey, Models for Supporting the Arts

From: Harry Hillman-Chartrand and Claire McCaughey, 'The Arm's Length Principle and the Arts: An International Perspective - Past, Present, and Future' at <http://www.culturaleconomics.atfreeweb.com/arm's.htm>

ROLE	MODEL COUNTRY	POLICY OBJECTIVE	FUNDING	POLICY DYNAMIC	ARTISTIC STANDARDS	STATUS OF THE ARTIST	STRENGTHS & WEAKNESSES
Facilitator	USA	diversity	tax expenditures	Random	random	box office appeal & taste; financial condition of private patrons	S: diversity of funding sources W: excellence not necessarily supported; valuation of private donations; question benefits; calculation of tax cost
Patron	United Kingdom	excellence	arm's length arts councils	evolutionary	professional	box office appeal; taste & financial condition of private patrons; grants	S: support of excellence W: elitism
Architect	France	social welfare	ministry of culture	revolutionary	community	membership in artists' union; direct public funding	S: relief from box office dependence; the affluence gap W: creative stagnation
Engineer	Soviet Union	political education	ownership of artistic means of production	Revisionary	political	membership in official artists' union; Party approval	S: focus creative energy to attain official political goals W: subservience; underground; counter-intuitive outcomes

¹ We have exchanged analyses and findings with the Bulgarian beneficiaries and counterparts, but opinions as expressed in this text are those of the author.

² This Inspectorate focuses on movable heritage only; immovable heritage is not in its field of jurisdiction. In this text we mostly leave out the word 'movable' as it is not in the official name of this unit.

³ See http://eur-lex.europa.eu/LexUriServ/site/en/com/2000/com2000_0325en01.pdf

⁴ Nachionalen Chentr za Izuczavane na Obchestvenoto Mienie: Izsledvane na naglasite v kulturnia proches. Prouczvane sred zaeti v spherata na kulturata po metoda na pochenskata anketa, provedeno v perioda 17 avgust – 30 septembri 2005 g, 398 anketirani licza, oktombri, 2005.

⁵ As tasks for the State, high scores came up for 'develop partnerships with all stakeholders', 'develop legislation', 'fund cultural projects' and 'ensure good access for all citizens to the culture'.

⁶ Nachionalen Chentr za Izuczavane na Obchestvenoto Mienie: Kulturni naglasi I potreblenie na kulturni produkti na Bulgarite. Nachionalno predstavitelno prouchvane po metoda na polistandartiziranoto interviu. Proveleno v perioda 06 – 15 februaru 2005 g., 1000 interviuta, v 86 naseleni mesta v chialata strana, februaru, 2005.

⁷ Harry Hillman-Chartrand and Claire McCaughey, "*The Arm's Length Principle and the Arts: An International Perspective - Past, Present, and Future*" at <http://www.culturaleconomics.atfreeweb.com/arm's.htm>

⁸ At present, a 'liberal' representative of an NGO will find it difficult to deal with a civil servant who has been educated in an 'engineering' role of the state, and vice versa. And the civil servant will be frustrated because of the lack of budget, people, rules and enforcement possibilities, after 1990, to implement the 'engineering' role; because of all the private initiatives he cannot control anymore; and, most important, because in so many cases nobody takes care for the heritage any more. We could see these effects first hand in this project.

⁹ Note that the role of central and local authorities as legal owners or administrators of heritage objects, collections, monuments and sites is of course a specific one. In such cases the authority has to take care of the heritage in its role as an owner or administrator but with a public responsibility. This topic touches on the issue of in which cases central or local authorities themselves should be the owner or administrator of heritage objects. A general answer might be 'if society otherwise cannot take care of it but still finds it important heritage' but discussing this issue here goes beyond the framework of this article.

¹⁰ In this document, 'civil society' is understood as the collective, creative and values-driven activity of citizens, with as prominent characteristics (definition by Michael Edwards): 'collective action – in associations, across society and through the public sphere; *creative* action, civil society provides a much-needed antidote to the cynicism that infects so much of contemporary politics; and *values-based action*, civil society provides a balance to the otherwise-overbearing influence of state authority and the temptations and incentives of the market' see Edwards, M. (2005) 'Civil society', *The encyclopedia of informal education*, www.infed.org/association/civil_society.htm

¹¹ See note 10 above.

¹² At the moment of writing of this text, this issue gets more attention at governmental levels, but apparently there is still a long way to go.

¹³ The very establishment of an Inspectorate for movable cultural heritage is an important instrument for control and monitoring of the implementation of state policies in the field of cultural heritage.

¹⁴ See, e.g.:

<http://www.geocities.com/~profwork/pp/agenda/index.html> for a brief explanation;

http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/guide/development/benefits/prog_improv_en.htm for an application in the context of the regional policy of the European Union;

http://lgi.osi.hu/publications_datasheet.php?id=112 for a good checklist for a policy development process and a policy paper. It contains a brief description of a non-complex policy cycle. The document (also available in Bulgarian) is useful but the reader should extend it with the sound embedding in the actual political logic.