

# ASSESSMENT OF HBA GOVERNANCE SYSTEM IN AUSTRIA

#### A - POLICY APPROACH TO HBA

**BASIC INFORMATION** 

#### A.1. Cultural Heritage vision and policy approach

The Federal Monuments Office (BDA, Vienna) is responsible for all aspects of national heritage protection and preservation. The Federal Monuments Office (BDA, Vienna) is a department of the Austrian Federal Chancellery (BKA). The Austrian Federal Chancellery (BKA) is also responsible for the UNESCO World Heritage in Austria (Federal Law Sheet Nr. 60/1993). Intangible cultural goods (oral traditions and expressions, including language as a vehicle of the intangible cultural heritage, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship) are only protected by UNESCO World Heritage.

The overall vision, defined by the Federal Monuments Office (BDA, Vienna), is the responsibility for the maintenance of Austria's monuments, which are a part of its cultural heritage. Monuments are perceived as unique and unreplaceable material assets and witnesses of Austria's history. This embraces fortresses, castles, monasteries, churches, paintings, sculptures, but also graves from the stone age, roman sites, farm houses, buildings for industrial and housing purposes. The image and recognition of Austria is, according to the vision published by the BDA, significantly influenced by the tremendous richness of Austria's cultural heritage. The maintenance and preservation of the cultural heritage is of common societal interest and contributes to strengthen the regional cultural identity. Heritage protection and preservation are an obligation in respect to the cultural diversity in Europe and the whole world. The maintenance and preservation of monuments contributes also to economic benefits, tourism and the labour market.

These goals are supported by systematic scientific research applying international standards including the listing of monuments and the process of its protection. The BDA finances and documents the archaeological heritage. This institution also decides upon the export and the remaining of moveable monuments. The enhancement of new preservation technologies, historic craftsmanship and modern restauration methods. The BDA is also involved in dissemination activities.

In its vision, the BDA highlights the interdisciplinary nature of this challenging cooperation, including art historian, craftsmen, architects, photographers, chemists and lawyers. Furthermore, the preservation and protection of the cultural heritage requires national and international interdisciplinary cooperation.

The overall goal and visions are summarized in the following. The tasks are:



- to maintain the cultural heritage as an unreplaceable capital for the future in an authentic and undiminished manner;
- to communicate heritage protection and preservation as an essential task to the public,
- to incorporate the value of the existing monuments in Austria in all its facets into overall awareness within the Austria society.

The vision concludes highlighting that the cultural heritage belongs to all of us and everyone has to bear responsibility for it.

#### A.2. Relevant terms provided by legal/strategic framework

The definitions which aply in Austria are taken directly from the legal framework (see federal conservation law):

- 1. The provisions contained in this federal law apply to immovable and movable objects created by humans (including remains and traces of human workmanship and artificially constructed or landscaped ground formations) of historical, artistic or other cultural significance ("monuments"), if their preservation of this meaning because of the public interest. This meaning can come to the objects alone, but also arise from the relationship or situation to other objects. "Conservation" means preservation from destruction, alteration or transfer abroad.
- 2. Conservation is in the public interest if the monument is a cultural property from a superregional or, for now, only regional (local) perspective, the loss of which would impair the Austrian cultural heritage in terms of quality, sufficient variety, diversity and distribution. It is also important if and to what extent historical preservation can be achieved by preserving the monument.
- 3. Groups of immovable objects (ensembles) and collections of movable objects may form a unit of public interest- due to their historical, artistic or other cultural context, including their location and surrounding areas. Majorities of immovable or movable monuments, which have already been built in their original or later planning and / or implementation as a unit (such as castle, court or residential facilities with main and auxiliary buildings of all kinds, uniformly designed related furniture sets, etc.) as individual monuments. As part of a house complex also include the directly related (subsequent) fortified or otherwise architecturally included open spaces.
- 4. The public interest in the preservation within the meaning of paragraph 1 (to place under Protection) becomes effective by legal presumption (§ 2) or by ordinance of the Federal Monuments Office (§ 2a) or by decision of the Federal Monuments Office (§ 3) or by ordinance of the Austrian State Archives (§ 25a). For ensembles and collections, the public interest in conservation as a unit can only be effective through a decision of the Federal Monuments Office.
- 5. Whether a public interest in the preservation of an individual monument, an ensemble or a collection exists and whether or how far it is (also) a unity that is to be preserved as a unified whole, is to decide by the Federal Monuments Office, taking into account relevant scientific research results. When selecting objects that are listed as historical monuments, the evaluation must be considered in the list of listed monuments enumerated by the Federal Monuments Office. Generally accepted international



evaluation criteria can be included into the assessments. If sufficient research on monuments is still not completed, especially in the case of undeveloped land features, the determination of the public interest in the preservation of the monuments is only permissible if the facts required for the protection of the underpinning are at least probable on the basis of scientific knowledge, and otherwise the intact preservation of the monuments would be endangered; such a protection can also be limited in time.

#### **OUALITATIVE INFORMATION AND COMMENTS**

#### A.3. Policy "Character"

The overall policy has been described in the previous sections. The situation depends on the respective region, the economic situation, the relevance of tourism and the respective ownership structure, to mention the most crucial aspects. An overall judgement is not possible. The approach is predefined by the history of the preservation started by the emporer.

#### A.4. Policy trends and evolutions

From a scientific and planning perspective one can say that the overall positive awareness of preservation decreases, since the decision makers mostly do not perceive the added value of preservation. In many locations the NGOs stepped in. In some cases they already have an increasing relevance and try to get more influence on decision making. The scientific research in planning and management does not consider this issue well enough in research also under consideration of tourism purposes. Many articles highlight the related deficiencies.

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https://bda.gv.at/de/ueber-uns/geschichte-der-denkmalpflege-in-oesterreich/



## B - GOVERNANCE ANALYSIS - LEGAL FRAMEWORK, SUBJECTS AND PROCEDURES IN 3 AREAS

## B.1. Built heritage protection (and/or preservation/conservation)

#### B.1.1. Heritage protection grades foreseen by legislation

The degree of built heritage varies between (see explanation in Chapter A):

- protected
- · non protected
- · legal presumption
- units
- ensembles

(for cultural goods applies the Haager convention, see below 1.2).

### B.1.2. <u>Governance level or Institution that has the main</u> responsibility of heritage protection

The Federal Monuments Office (BDA, Vienna) is responsible for all aspects of national heritage protection and preservation. The Federal Monuments Office (BDA, Vienna) is a department of the Austrian Federal Chancellery (BKA). The Austrian Federal Chancellery (BKA) is also responsible for the Unesco World Heritage in Austria (Federal Law Sheet Nr. 60/1993). Intangible cultural goods (oral traditions and expressions, including language as a vehicle of the intangible cultural heritage, Performing arts, Social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship) are only protected by UNESCO World Heritage.

Of high importance is § 24 (National Heritage Protection Law). It regulates the handling of archival documents being monuments (in accordance with §25, Abs. 1), in this case, the Austria State Archive replaces the Federal Monuments Office. Concerning archival monuments, the Austria State Archive is directly subordinated to the federal chancellor.

The head of the Federal Monuments Office is the President Prof.Dr. Barbara Neubauer. There are also two directors working for the Federal Monuments Office and assisting her. The president is responsible for all 9 state departments.

The first director is responsible for all scientific concerns:

- department for archaeology;
- · department for inventory and monuments research;
- department for architecture and construction technologies;
- department of conservation and restoration;
- department of mobile monuments and international monument transfer;



- department of special material;
- center of information and professional training.

The second director is responsible for all administrative matters:

- department of law;
- unit for department;
- unit for fundraising;
- unit for information technologies;
- · unit for coordination and controlling;
- unit for staff management;
- unit for offsetting:
- unit for economic affairs.

#### 1- The state list of monuments:

Depending to the federal law § 3. Abs. 4, from 25.09.1923, Federal Law Sheet Nr. 533/23 (National Heritage Protection Law), the Federal Monuments Office publishes the list of all protected, immobile monuments.

- The list is sortet by the federal states, within the states by municipalities and within the municipalities by addresses in alphabetical order.
- The kind of protection is not listed in the summary overview.
- The fact of protection, from not moveable monuments, can be seen in the land register.
- Information to single monuments can be provided by the regional departments, or in the general office of the Federal Monuments Office.
- The lists will be updated every year, from the 1st of January, to the 30th of June (latest date).
- The lists are not protected under copyright law.
- Mobile protected monuments are not listed.

Regulations concerning monuments, belonging to to public authorities are defined in \$2a National Heritage Protection Law (DMSG):

Monuments, being in public ownership (national, state, church, etc.) are protected monuments by legal presumption.

The amendment of the National Heritage Protection Law (DMSG) in 1999, Federal Law Sheet Nr. 170/1999,

provided the possibility to protect monuments by regulation (even if there is no official decision about being a monument, or not). Monuments being protected through this regulation, remain protected monuments. But every owner has the opportunity to apply an approving determination procedure.

Concerning the practical guidance, there is no modification of the existing protection (renovation, permission of modification), except the permission for disposal is no longer required.

The matter of fact, that the monument is a protected one, is listed in the land register.

The Federal Monuments Office has listed all possible monuments till the end of 2009.

#### 2 - The cultural asset list:

The cultural asset list is a different list to the state list of monuments.

The cultural asset list was founded in 1954 through the convention of Haag. This international agreement was ratified by Austria in 1964. The cultural asset list regulates the international protection of cultural asset in case of armed conflicts.



#### B.1.3. National/main governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	<ul> <li>National Heritage Protection Law (DMSG) in 1999, Federal Law Sheet Nr. 170/1999</li> <li>Haager Convention is included in the law</li> <li>UNESCO World Heritage in Austria (Federal Law Sheet Nr. 60/1993)</li> </ul>
SUBJECTS list main involved organisations and describe	<ul> <li>the Federal Monuments Office (BDA, Vienna)</li> <li>the Austrian Federal Chancellery (BKA)</li> <li>the Federal Chancelor</li> <li>the Austria State Archive</li> <li>private associations, eg Initiative for Preservation</li> </ul>
PROCESSES	Hierarchical and functional relations at national level     BDA: States public interest in the preservation of a building     Land register: Status needs to be implemented into the land register     In this process economic aspects are not considered unless the static and physical conditions of the building are difficult to restore, or would lead to significant changes

#### B.1.4. Local governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	Does not apply
SUBJECTS list main involved organisations and describe	Does not apply
PROCESSES	Does not apply



#### B.2. Urban planning and HBA

## B.2.1. <u>Territorial and Urban planning main framework and principles and levels</u>

Spatial planning in Austria is not regulated by a common legal framework. Therefore nine different spatial planning laws exist. The task of spatial planning is foresighted design according to plan with a view to ensuring the best possible use of the human habitat and environment. There are no legislative provisions for spatial planning at the Austrian federal level. The coordination of federal and regional interests lies in the hands of ÖROK, the Austrian Conference on Spatial Planning.

Since our case study is located in Styria, we only focus on the legal framework in this state.

#### B.2.2. National/main governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	Cultural Built Heritage reference within the territorial/urban planning legal framework
	Spatial Planning in Styria: In Austria, laws on spatial planning are passed in the nine federal provinces which are also responsible for their implementation. The most important framework for this project is provided by the Styrian Territorial Planning Act which was newly introduced in 2010. The following tools are used at the provincial level:  Styrian development model Styrian development programme Technical programmes Regional development programmes
	At local level, the Austrian communities are in charge of spatial planning (local spatial planning) using the following tools:  • Local development programmes  • Zoning plans  • Land-use plans  Competences, functions and activities relate to Cultural Built
	Heritage among the organisations involved in for territorial/urban planning
SUBJECTS list main involved organisations and describe	Regional Development in Styria: Various players/institutions and bodies are involved in drawing up and designing thematic concepts and/or programmes at regional level. The following chart shows the parties involved and the roles they play. The regions develop regional development models. Based on a brief presentation of strengths/weaknesses of the planning region, they develop the regional public interest in terms of development goals, measures and projects. Thanks to the spatial allocation, spatially functional development goals for the region are derived from this. In the 2007-2013 structural funds period, Styria is actively involved in various programmes of EU regional policy: Objective "Regional Competitiveness of Styria" (Regionale Wettbewerbsfähigkeit Steiermark, RWB). In addition to promoting an economy based on innovation and knowledge, the focus is on strengthening the



	attractiveness of regions and locations. Objective "European Territorial Cooperation" (Europäische Territoriale Zusammenarbeit, ETZ). The development of cross-border, economic and social projects is facilitated in bilateral programmes (former INTERREG IIIA). Styria is involved in two programmes of cross-border cooperation:  • Austria-Slovenia  • Austria-Hungary
	The transnational cooperation programmes aim at creating and promoting transnational cooperation of regions within pre-defined space of cooperation (former INTERREG IIIB).  • Alpine Region  • Central Europe  • South-East Europe
	European Agricultural Fund for Regional Development EAFRD/ELER: Axis 4 LEADER The Leader approach is a bottom-up approach aiming to build local capacity for employment and diversification of the rural economy. It has a multi-sector design and the implementation of the strategy is based on the interaction between actors from different sectors of the local economy. Local action groups (LAGs) implement the local development strategy. Of these, the Leader axis within the EAFRD will contribute to the priorities of the other axes and will also play an important role for improving governance and to enhance the endogenous development potential of rural areas. There are currently 19 LAG's implemented in Styria.
	In contradiction to the planning law, the monument preservation issues are covered by national law.
PROCESSES	Hierarchical and functional relations; main mechanisms for decision making/implementation of territorial planning with relevance for HBA
PROCESSES / INTEGRATION	Does not apply  Hierarchical and functional relations at national level between the territorial planning process/the heritage protection process/other relevant policies and practices  Does not apply

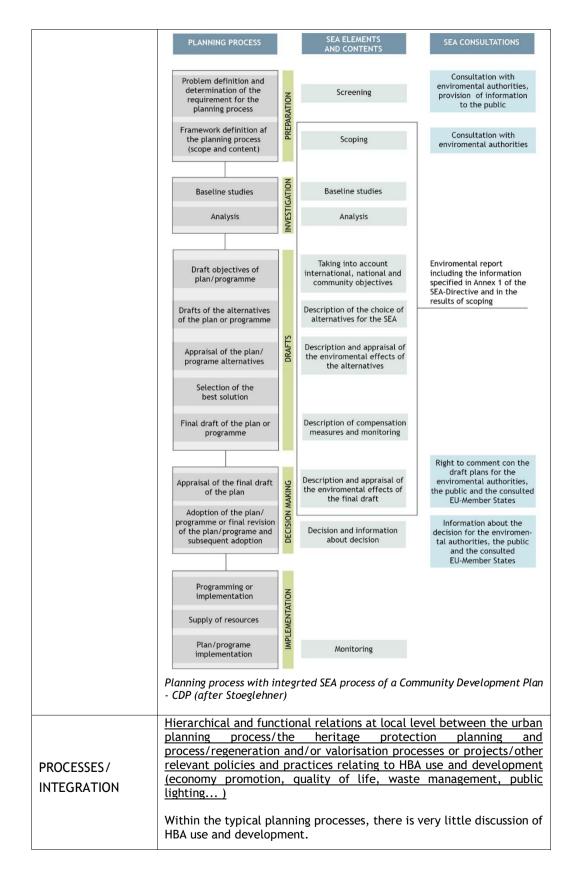
#### B.2.3. Local governance level

	<u>Cultural Built Heritage reference within the regional/local legal framework for urban planning</u>
LEGAL / POLICY/ STRATEGIC FRAMEWORK	Municipalities normally have to apply a three-plan-hierarchy including the Community Development Plan (CDP) on the top, the Land Use Plan (LUP) and the Building Schemes (BS). The CDP contains the mid- and long-term development strategies, objectives and measures of a municipality in all fields of municipal spatial planning, which are landscapes and nature, settlements including social and technical infrastructure as well as transport. The strategy has to take at least a 10-year time frame into account.  The LUP dedicates a specific land use to each parcel of land of the municipality in the categories open space, building land and transport areas for a 5 to 10 year period. Regulations for urban construction and for the spatial distribution of buildings or other facilities are laid out in the BS. The plans lower in the hierarchy have to comply with the



	provisions of the upper levels including regional or provincial spatial plans.  On all levels of planning environmental concerns and cultural heritage issues have to be taken into consideration, which is guaranteed by the spatial planning laws. The CDP should also contain an open space strategy, a settlement strategy and a transportation strategy.  The open space strategy has to deal with natural and environmental conditions, landscape priority areas taking into account ecology, sceneries and agriculture, reforestation areas and recreation areas as well as soil heritage, cultural landscapes and build heritage within the landscape. The settlement strategy is based on an estimation of the future demand for building land and lays out the distribution of different functions (housing, industries, infrastructures, commercial areas, etc.) within the building land including potential areas of future development. It also makes provisions for technical and social infrastructure as well as for an effective environmental protection. The transportation strategy includes the planned traffic infrastructure of the municipality. The spatial plans cover many environmental issues according to the SEA Directive and the planning processes allow for an easy integration of SEA in the planning processes, as shown in Figure 3. This includes, according to the SEA directive also heritage issues and cultural assets (Stoeglehner, 2004, 2010).  Main thematic /sector plans concerned with HBA
	There is typically one section describing the history of the community and a second section listing local monuments and their consideration in the planning process. In most cases it is just a listing of monuments and the related presentation in the overall development plan.
SUBJECTS list main involved organisations and describe	Competences, functions and activities relate to Cultural Built Heritage among the organisations/departments/stakeholders involved in urban planning processes
	Typically the stakeholder involvement covers all interested inhabitants and all regional or federal institutions, providing spatial information and data. The BDA is one of them.  Concerning the cultural built heritage, the development plans have mainly the function to inform the local inhabitants.
PROCESSES AND TOOLS	Hierarchical and functional relations; main mechanisms for decision making/implementation of territorial planning with relevance for HBA; urban land instruments for preservation and maintenance of cultural heritage







#### B.3. Environmental policies and HBA

#### B.3.1. Integrated approach or integration policies

National level/local level approach on:

- <u>Sustainability-Conservation-Use of HBA integrated approach, strategies and action planning:</u>
  - There is no integration policy concerning HBA or something like a national strategic document. Since the spatial planning and heritage preservation are addressed to different levels an integrated view is rather difficult (local versus national level).
- Environmental issues connected and included in cultural heritage preservation, valorisation, management policies;
  - The environmental issues are included into the CDP. In case of a strategic environmental assessment (SEA), they include not only a description, but an assessment in a systematic manner.
- The dimension of HBA in environmental and sustainability policies (Agenda 21, SEAP, energy plans, mobility plans...).
  - Protected cultural heritage is not mentioned at all in the CDPs. Only within strategic plans on provincial level, such as the plans for wind turbines, heritage issues are considered in the related SEA.

## B.3.2. <u>Governance mechanism including institutional and stakeholders</u> levels

There are no further governance mechanisms or additional involvement, than the ones mentioned above.

#### B.3.3. Thematic policies and strategic plans

Information on risk management and a related zoning is considered and integrated into spatial plans.

#### B.3.4. National/main governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	Reference to Cultural Built Heritage within the legal framework for environmental protection, efficient use of resources or sustainability  Described earlier in the text
SUBJECTS list main involved organisations and describe	Competences, functions and activities relate to Cultural Built  Heritage among the organisations involved in environmental protection, efficient use of resources or sustainability  Described earlier in the text



PROCESSES/	Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA
INTEGRATION	Described earlier in the text

#### B.3.5. Local governance level

LEGAL FRAMEWORK Main legislation, including adoption of international Conventions	Reference to Cultural Built Heritage within the regional/local legal framework environmental protection, efficient use of resources or sustainability  The CDP includes all measures related to environmental protection, energy efficiency and waste management.
SUBJECTS list main involved organisations and describe	Competences, functions and activities relate to Cultural Built Heritage among the organisations, departments, stakeholders involved in environmental protection, efficient use of resources or sustainability  Communal Department Spatial Planning and Construction Main department activities:  • protection and preservation of natural heritage, historical, cultural and architectural heritage from the aspect of urbanism,  • construction of buildings under the jurisdiction and ownership of the City,  • energy efficiency and energy-sustainable development,  • environmental protection and waste management,  • coordination and oversight of capital investments in which the City participates as a co-investor.  They support communal decisions, authorizations, plans, coordination and supervision actions.  Hierarchical and functional relations; main mechanisms for decision making, risk evaluation, environmental assessment, implementation of environmental policies with relevance for HBA; hierarchical and functional relations at local level between Sustainable development policies, the heritage protection planning and process, regeneration and/or valorisation processes or projects / other relevant policies and practices relating to HBA use and development (economy promotion, quality of life, waste management, public lighting)  Described earlier in the text
PROCESSES / INTEGRATION	



#### **C - STAKEHOLDERS**

BASIC INFORMATION

#### C.1. Horizontal governance mechanisms at national level

This issues it is not apply, the potential role has been described earlier in the text.

## C.2 Horizontal governance mechanisms and practices at local level.

The level of involvement differs significantly between the various communities.

## C.3 Specific procedures involving public and private sectors on HBA

Funding is provided from case to case by the BDA. The decision depends on the measures planned.

QUALITATIVE INFORMATION AND COMMENTS

#### C.4. The PP approach and relations: partnership or conflict?

The private sector, the civil society, the users trends and actions in the National and Local contexts: perception of HBA cultural and identity value among citizens, private investments in HBA, ownership of the buildings; the public sector approach towards Stakeholders. See above, case by case

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#### **D - SWOT ANALYSIS**

#### **Strengths** Weakness · Cultural heritage is a federal duty, in • Spatial planning is massively influenced by contrast to the spatial planning. communal decision making and political • The ranking of cultural heritage is high. processes. since it does not belong to any ministry, but Spatial planning only illustrates protected belongs to the responsibility of the Federal sites, but does not provide additional Chancellery. guidance. • For special challenges, such as the • Missing architectural management plans. • Potential instruments to protect cultural maintenance of the Vienice Artists Ouarter. the preservation and reuse of old castles and heritage, such as the strategic environmental farm buildings are often significantly strategic impact assessment, based on a supported by private institutions, Mostly non European directive, are seldom used in spatial governmental organizations, or associations planning. • The role of tourism contributes the increase • While the protection is highly appreciated by of awareness and the willingness to protect the public, the preservation tasks of private the tangible and intangible monuments. owners is heavily criticized. And the overall • Since the protection was started in 1850. acceptance is rather low Austria consists of a numerous and valuable Unsatisfactory building state of architectural amount of heritage and cultural treasure cultural heritage, neglect, lack maintenance, ruin, due to reinforcement • The BDA provides education for craftsmen, architects and engineers. deficits • Insufficient systematic computerization and updated monitoring of data on architectural heritage; • The lack of planning tools, this leads to unsystematic maintenance and use; • Insufficient sensibility for cultural heritage in rural communities affects HBA and underestimate its potential economic benefits: • Lack of incentive measures for investing in the restoration of architectural heritage (tax policy, subsidies, reliefs) Gardens and the outdoors are not sufficiently included in the protection.



#### **Opportunities**

- High potential for tourism use.
- High uniqueness.
- The economic relevance of tourism increases the potential to use culture heritage effectively.
- To foster an integral approach and continuous collaboration of experts within the sustainable use and conservation program with spatial planners, architects, craftsmen, economists, tourism experts, etc.
- The uniqueness of living in a cultural heritage building is additional value and leads to economic benefits.
- To stimulate the revitalization of cultural heritage by introducing historical uses or acceptable new contents how to cultural heritage actively participate in the life of the local community.
- To encourage the educational, ecological and tourist activities of the local population in order to raise awareness of the need to preserve the cultural heritage and its economic use.

#### **Threats**

- Low acceptance of private owners, in combination with a lack of funding, hinders the protection of key buildings
- The willingness of architects to consider the maintenance and to waive their desire for personal design
- The education of architects and engeneers does not consider knowledge needed for the restoration or even the planning around historic sites