

## Community-led Urban Strategies in Historic Towns (COMUS)

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## Community-Led Urban Strategies in Historic Towns (COMUS)

# Heritage Assessment Report

## ARMENIA

(Revised in February 2017)



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# 1. Political system

## **Constitution of the Republic of Armenia:**

Was adopted on July 5, 1995, in the result of public referendum. On November 27, 2005 and December 6, 2015, Constitutional amendments were respectively adopted in the result of public referendum.

## **Government System:**

President of the Republic is the Head of State.

President of the Republic upholds the Constitution.

President of the Republic is elected for a term of seven years.

## **Executive Power:**

The highest body of Executive Power is the Government.

The Government develops and implements the internal and external state policy based on its programme.

The Government implements the general management of the state government system.

Immediately after the beginning of the term of office of the newly elected National Assembly, the President appoints as a Prime Minister the prime candidate nominated by the parliamentary majority.

## **Legislative Power:**

Legislative power is vested in National Assembly. The National Assembly is the representative body of people. The National Assembly exercises oversight of the Executive power, adopts the state budget and performs other functions as stipulated by the Constitution. The National Assembly is comprised at least from one hundred and one delegates. The National Assembly is elected by proportional vote. The National Assembly is elected for a term of five years. The last elections took part in May of 2012. The next elections are planned on April 2, 2017.

## **Judicial Power:**

In the Republic of Armenia justice is administered only by the courts in line with the Constitution and Laws.

In Armenia, courts of common jurisdiction include: first instance court, courts of appeal and court of cassation. There are also economic, military, as well as other courts prescribed by the law.

## **Administrative-Territorial Division**

The Republic of Armenia is divided into 10 regions: Aragatsotn, Ararat, Armavir, Gegharkunik, Kotayk, Lori, Shirak, Syunik, Tavush, and Vayots Dzor. Yerevan is the capital that has a status of a community.

According to the RoA Constitution, the Republic of Armenia guarantees local self-government, which is exercised in the communities. Currently there are 793 communities.

## 1.2 Administrative system

In the Republic of Armenia, state powers is exercised in line with the Constitution and laws, based on the division and balance of legislative, executive and judicial powers. The Government develops and implements the internal policy of the Republic of Armenia. The Government decides on all the matters of public administration which are not vested in other state or local self-government bodies.

The Government policy in different spheres is developed and implemented by the republican executive bodies, the RoA Ministries and Government affiliated public administration bodies. Republic of Armenia ministries perform their functions in line with the Republic of Armenia Legislation, Republic of Armenia international treaties and other legal acts and within the scope of powers vested in them.

The RoA Government territorial policy is implemented by the governors, who coordinate the activities of territorial services of the executive bodies, unless otherwise provided by the law.

Specific features of territorial administration of the city of Yerevan are stipulated by the Law.

Local self-government is exercised in the communities.

The Governor and the Community Head ensure the state cultural policy in the territory of the region and the community. The Governor organizes the construction, preservation and exploitation of cultural facilities

under the regional supervision, creation of recreation zones, contributes to the rehabilitation and promotion of national ceremonies, has powers in the sphere of preservation and use of the cultural and historical heritage situated on the area of the region defined by the law.

As a mandatory power, the Community Head organizes and manages the activities of cultural organizations and the renovation and exploitation of the cultural objects under the community supervision. As a voluntary power, he/she supports the development of national crafts, folk art and amateur activities and the preservation of historical and cultural monuments located on the community territory.

Issues related to cultural heritage, protection of the environment, spatial planning development and implementation, development and improvement of the respective legal framework are in particular dealt by the RoA Ministry of Culture, The RoA Ministry of Nature Protection, the RoA Ministry of Territorial Administration, the RoA Ministry of Economy, the RoA Ministry of Justice, the RoA State Committee of Urban Planning and the State Committee for State Property affiliate to the Government.

Cooperation between the above mentioned agencies in the cultural heritage field is exercised by the RoA Presidential Decrees, RoA Government Decrees and procedures, within the **interagency commissions and working groups** created by the decisions of the RoA Prime Minister, including:

- **Interagency Archaeological Commission** affiliate to the RoA Ministry of Culture.
- **Interagency Commission for Coordination of Temporary Land-Use Schemes** affiliate to the RoA Ministry of Territorial Administration.
- **Interagency Commission for Coordination of the RA Community (settlements) urban development projects adjacent to the State Urban Development Committee** Affiliate to the RoA Government
- **Interagency Commission for Providing the Land of the Specially Protected Natural Areas for Lease and (or) with a Right to Construction** acting adjacent to the RoA Ministry of Nature Protection.

### **1.3 Legal framework**

Legal relations in the sphere of **cultural heritage** are regulated by normative legal acts, the RoA Civil Code, the RoA Code of Administrative Offences, the RoA Criminal Code, the decisions of the RoA Government, normative and technical documents, spatial planning documents, concepts, target programmes, as well as legal acts of agencies and other legal acts and international treaties.

Improvement of the legal framework of this sphere is made through making amendments and addenda to the acting legislation, as well as adoption of new laws and other normative acts.

Laws and other legal acts **that regulate the sphere of historical and cultural heritage preservation** are in line with the RoA Civil Legislation that regulates the property rights, according to which no special status (privileges or additional rights) are stipulated for the owners, users or state bodies using those heritage objects. No special status (privileges and or additional rights) are also stipulated by the tax legislation, while the customs legislation provides some privileges for the persons who export or import historical and cultural heritage objects. The laws foresee additional obligations both for the owners and users of the cultural and historical heritage objects and for state and local agencies and their officials. In addition, administrative and criminal liability is foreseen for the cases of violating the laws on the protection of historical and cultural heritage. Currently, the new RoA Draft Code of Administrative Offences is being discussed, which is expected to significantly add the forms and sizes of liability for the infringement of the legislation regulating the preservation of historical and cultural heritage.

**The Republic of Armenia has signed and ratified several international conventions (see chart N 1).**

**Chart 1. European and UNESCO Conventions to which the Republic of Armenia has joined:**

<b>N</b>	<b>Name of the convention.</b>	<b>Adoption date</b>	<b>The Republic of Armenia acceded</b>
1	Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	1954	1993 September 5
2	European Cultural Convention, Paris	1954	1997 February 18
3	Paris Convention on Means of Prohibiting and Preventing The Illicit Import, Export and Transfer of Ownership of Cultural Property	1970	1993 June 22
4	Convention concerning the Protection of the World Cultural and Natural Heritage, Paris	1972	1993 December 5
5	Convention for the Protection of the Architectural Heritage of Europe, Granada	1985	2009 June 1
6	CoE Framework Convention on the Value of Cultural Heritage for Society, Faro	2005	2012
7	European Charter for Local Self-Government	1985	2001 December 4
8	Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	2009	Armenia ratified it on May 13, and the RoA NA adopted it on June 19, 2013.
9	European Convention on the Protection of the Archaeological Heritage, Valletta	1992	2005 June 18
10	Convention on Biological Diversity	1992	1993 March 31
11	European Landscape Convention, Florence	2000	2004 February 18
12	Convention for the Safeguarding of the Intangible Cultural Heritage, Paris	2003	2006 March 21
13	Convention on the Protection and Promotion of the Diversity of Cultural Expressions	2005	2007 February 27

**Chart 2. RoA Laws in the cultural heritage preservation field.**

<b>N</b>	<b>Name of the RoA Law</b>	<b>Year of adoption</b>
1	Land Code	
2	Law on Urban Development	1995 November 6
3	Law on Arms	1998 July 3
4	Law on preservation and use of the immovable historical and cultural monuments and historic environment	1998 11 November
5	The basics of cultural legislation	2002 November 20
6	RoA Law on historical and cultural monuments that are considered as state property and are not subject to alienation	2003 April 11
7	Law on tourism and tourist activities	2003 December 17
8	Law on archives	2004 8 June
9	Law on export and import of cultural values	2004 December 6
10	Law on mandatory copies of documents	2005 June 4
11	Law on specially protected natural areas	2006 November 27
12	Law on non-tangible cultural heritage	2009 October 8
13	Law on libraries and library work	2012 March 21

## **1.4 Economic system**

Over the past 15 years, the RoA economy has been continuously growing and developing. After the deep recession of 1991-1993, the economic indicators increased more than 3 times, in the result of which the created added value significantly exceeded the level of the recent Soviet years. The average annual economic growth in 1995-2008 was 9%, and in 2001-2007, the annual average was 13 percent.

The economic growth in 2008 significantly slowed down compared with previous years. Already in the last quarter the economy began to suffer the effects of the global financial crisis. In the result, the annual growth was 6.8 percent. However, the level of new output or incomes created in the country in 2008, as a result of continued growth in previous years, was more than double in real terms than in 2002, about 3 times more than the levels in 1995 and about 1.7 times more as compared to 1990 levels.

After the global financial crises, qualitative shifts occurred in the economic growth structure of the city. Although economic growth rates were lower than pre-crisis growth rates, however a more significant role in the structure of the productive sectors of the country's economic growth was vested in more industrial branches. As a result, economic growth in 2013 was mainly due to the export sectors - industry and agriculture. The pre-crisis level of GDP was restored in 2013, accompanied by recovery indicators in all sectors of the economy except for construction.

The economic recovery continued in 2014, yielding the pace of recovery of previous years. 2014 modest economic growth was accompanied with low domestic and relatively high foreign demand. Driven mainly by external developments, the growth of exports slowed down in 2014 and the GDP growth was due to the non-exportable sector growth. In 2014, the GDP grew by 3.4% in real terms constituting 10880 million, while the GDP in 2014 amounted to US \$ 3610 per capita. In 2014, the services sector contributed to the GDP growth by an increase of 5, 4 percent.

The government reviewed the "Sustainable Development Program" (SDP) adopted in 2008, taking into account the new developments and realities of the global financial crisis and approved long-term strategic development plan for the 2014-2025 period (ADS), where the country's socio-economic development priorities, objectives, main development impediments and limitations, key reforms and policy tools to rich priority aims are set.

As the primary guide of the Government activity, ADS is based on the following four priorities: employment growth, human capital development, improvement of the social security system and modernization of the institutional management system.

The preservation of tangible and non-tangible cultural values, implemented on the part of the state during the recent years, improvement of the quality of human resources and their social status, as well as the implementation of measures aimed at ensuring access to cultural heritage, including promotion of targeted measures to promote cultural tourism, will continue.

According to ADS, inclusion of historical and cultural monuments in touristic tours and organization of various events, as well as the establishment of craft centres are considered as the main issues of this direction. In particular, it is planned to implement a monitoring of 1000-1500 monuments and archaeological sites in 2014-2025, in the result of which priorities for the rehabilitation of monuments shall be determined and clear descriptions of the form and utilization rules shall be defined. In the result of the monitoring a new procedure for maintaining a cadastre of historical and cultural monuments shall be introduced. According to preliminary assessment, it is expected to hold rehabilitation works (enforcement, improvement) of 10-15 monuments, and to include 15-20 monuments and archaeological sites into the touristic routes.

The development of tourism will be in areas that have potential for development (recreational resources, cultural and natural monuments, etc.).

## 2. Special information

### 2.1 Cultural and natural heritage management levels

**Levels of the Cultural and Natural Heritage Preservation and Utilization sphere are:**

- Government of the Republic of Armenia
- Republican bodies of public administration (ministries of culture and environmental protection, the State Urban Planning Committee affiliate to the Government, regional (marzes) government bodies
- Local Self-Governmental Bodies

**The RoA GOVERNMENT** ensures the implementation of state policy in the sphere of preservation and use of cultural heritage, approves the republican and regional state programmes in the sphere of preservation and use of cultural and natural heritage, creates historical, cultural and natural reserves and approves their statutes, **in exceptional cases** provides permits to transfer or alter monuments of republican significance.

**The RoA MINISTRY OF CULTURE** is a state authorised body in the sphere of culture that develops and implements the RoA policy in the sphere of culture and information. Together with the territorial bodies of public administration it ensures the implementation of state cultural territorial policy. Develops programmes for the creation, preservation, protection, study, use and popularization of the Republic of Armenia cultural heritage, the principles, rules, norms and criteria for the registration, preservation, and use and restocking of the historical and cultural heritage, approves the projects for the monuments' preservation zones and defined their preservation regime. The RoA Ministry of Culture carries out the above mentioned functions through the respective deputy minister coordinating the historical and cultural heritage sphere, structural and separated divisions.

- **The Department of Cultural Heritage and Folk Art** drafts concepts on and strategy on the cultural heritage preservation and popularization and legal acts and other documents regulating the cultural heritage. It also presents recommendations on the need of making amendments and addenda to the current documents, ensures the application of legal acts and performs the analysis of state policy in the field of cultural heritage.
- **The Agency for the Protection of Monuments of History and Culture** organizes the state registration, preservation and use of the Republic of Armenia historical and cultural immovable monuments and specially preserved historical and cultural sites. Approves the preservation zone projects for the immovable monuments and especially protected historical and cultural sites and determines their protection regimes in the prescribed manner. After receiving the approval from the scientific-methodological board acting under the Minister, provides permits (agreement) for the planning and construction of settlements with immovable historical and cultural monuments, as well as for the reinforcement, rehabilitation, and alteration and improvement projects for individual constructions and complexes that are immovable historic and cultural monuments.
- The Agency consists of two– preservation and use of monuments and historical sites and rehabilitation of monuments-divisions and territorial subdivisions with 30 employees.
- **Agency for the Protection of Cultural Property ensures** the legitimacy of import and export of cultural property in and out of the Republic of Armenia. It adopts decisions about the possibility or impossibility of export and temporary export of cultural values out of the RoA territory.
- **Cultural Values Expertise Centre SNCO** which carries examination of movable cultural property.
- **Service for Protection of Historical Environment and Historical-Cultural Museum Reserves SNCO**

Implements the preservation, study, popularization and utilization of state-owned historical, archaeological, architectural, immovable monumental groupings and memorial complexes, historical and natural environment, historical and cultural lands, terrain images / landscapes / and cultural heritage.

### **Scientific Research Centre of the Historical and Cultural Heritage SNCO**

Performs detection, registration, research, documentation and certification of objects of historical value, preparation of state inventory lists of historical and cultural monuments, design and release of preservation zones, preparation and digitalization of scientific-information data-base, preparation of the Armenian Almanac, creation of "Monument" yearbook, excavations of endangered and rehabilitated monuments, establishes the state cadastre of monuments, implements trainings of historical and cultural heritage sphere personnel; performs anthropological and archaeological laboratory examinations of movable and unmovable historical and cultural monuments and restoration of archaeological artefacts, preparation of their paintings, performance of historical and cultural, culturology and archaeology expertise, preparation of cultural tourism development projects, preparation and sale of cultural monuments models and souvenirs.

**ROA MINISTRY OF NATURE PROTECTION** is an authorised public administration body in the field of natural heritage /hereinafter: specially protected natural areas (SPNA)

Measures implemented in this sphere are targeted to the improvement of the system of management of specially protected natural areas (national parks, preserves, and natural monuments), creation of new SPNAs, preservation, reproduction, scientific research, and the capacity development for sustainable use of natural resources. (Consider Article 18 on Law on Monuments)

Currently specification of SPNA limits and mapping, creation of new specially protected natural areas, protection and coordination of scientific research, as well as work of improving the legislation that regulates the field are in process. The RA Ministry of Nature Protection performs the mentioned functions through a detached division:

- **Bioresources Management Agency** participates in the evaluation of the states of ecosystems, scientific substantiation and forecasts and implementation of projects, preparation of proposals on the use of ecosystems and their reproduction based on their territorial and functional features, ensures the implementation of scientific and experimental measures in the sphere of use and reproduction of ecosystems and their natural resources.
- **The aims and objectives of the Agency include:**
  - a) Ensuring scientific research, conservation, reproduction and sustainable use of natural ecosystems of the Republic of Armenia, including forests, landscape and biodiversity, flora and fauna and natural heritage, as well as management support in the areas of public policy and support to the formation and implementation of state policy in those fields;
  - b) Ensuring the preservation and reproduction of ecosystems and their bio-resources;
  - c) Ensuring the creation and maintenance of flora and fauna inventory, information data base and biological resource inventory;
  - d) Creation and implementation of biodiversity monitoring system;
  - e) Providing justification for the establishment of permissible limits for the use of flora and fauna natural resources;
  - f) Coordination of work in the sphere of protection and sustainable use of specially protected natural areas.

**STATE URBAN DEVELOPMENT COMMITTEE AFFILIATE TO ROA GOVERNMENT** is an authorised state body in the sphere of urban development. (Main functions include development of state policy in the spheres of urban development, architecture and construction, spatial planning, coordination of urban development activities in special urban development regulation facilities.

Among the main goals of the Committee are the balancing of the country's resettlement system, overcoming the differences of spatial development, multipolar spatial development, ensuring security and development of urban development systems, promotion of sustainable development of settlements, increase their uniqueness and attractiveness, urban development rehabilitation of historical and cultural environments, formation of the "green urban development" principle, ensuring harmonious and complementing development of natural and cultural landscapes and preservation of spiritual and cultural traditions of the national architecture.

The State Urban Development Committee is responsible for the implementation of European Landscape Convention in Armenia.

**Bodies for territorial government include: mayors (regional administration) offices – divisions or departments of culture, urban planning and architecture in their staff.**

Regional administrations ensure supervision of the compliance with the RoA Legislation on preservation and use of monuments on the territory of the region, coordinate the joint activity of respective services of the RoA Ministry of Culture and local self-government bodies in the sphere of preservation and use of monuments and undertake measures for their preservation and use.

**Local Self-Government Bodies include: urban and rural community offices, including their urban planning and architectural divisions and head architectures.**

They support to the protection of monuments that are owned by the state and are not used and insure the application of special regime requirements defined in the monument preservation zones on the territory of their community. Arrange the reinforcement and rehabilitation of the monuments of local significance and site improvement works, suspends the construction, agricultural or other works in the manner prescribed by legislation, if those undermine or risk undermining the safety of the monument and its protection zone. In the field of urban development, the main goals of local self-government bodies include the development of local level spatial planning documents (general plan and zoning project of the community) and insuring the urban development activities in line with the requirements established by those documents. The Community Head powers include: alienation of the land, provision of architectural and planning task for construction planning, provision of permits for construction or demolition, documenting the exploitation of the finalized construction, etc.

The Community Head supervised the performance of architectural and planning tasks assigned to the construction companies, and the application of requirements of the urban development regulation of the settlement, the purposeful used of the land and the assets fixed to them, as well as prevents and stops the cases of illegal constructions and ensures the elimination of their consequences as prescribed by the law.

## **2.2 Legislation concerning the cultural and natural heritage and their mutual relations with the legal texts and policies**

Legal regulation of the cultural heritage sphere is implemented according to the **Republic of Armenia Constitution, laws, the RoA Government decisions, administrative and other legal acts and international treaties.**

**According to the RoA Constitution**, historical and cultural monuments and other cultural values are under the care and protection of state.

**The RoA Criminal Code** does not provide a separate part or chapter for the violations concerning the protection of cultural heritage, however respective Articles are provided which entail liability for the harm or destruction to the natural objects or historical and cultural monuments that are under the preservation of the state.

**The RoA Civil Code** sets an Article on taking back the cultural values used and stored in a wasteful manner and regulates the issues of intellectual property and copy right

**The RoA Law on Basics of Cultural Legislation** defines the problems of the RoA cultural legislation, the principles of state cultural policy, the aims of state cultural policy, activities of the state in the sphere of culture, including the preservation of cultural heritage, powers of state and local self-government bodies, funding of culture and cultural activities, activity types of non-governmental cultural organizations and the main directions for international cooperation in this field.

**The RoA Law on The Protection and Usage of Historical and Cultural Monuments and Historical Landscape (1998)** defines the concept of "historical and cultural monuments", objects and subjects of the sphere of preservation and use of monuments, classification of monuments, powers of public administration and local self-governmental bodies in the sphere of protection and use of monuments, provisions on the state registration of monument, examination, preparation and approval of monuments' lists, protection of the monuments and historical environment, permits for exploration and archaeological

excavation and their implementation, monuments reinforcement, repair, restoration, transportation and change of their property rights, financing of the monuments protection and use and stipulating the responsibility for safe preservation.

In order to ensure the enforcement of this law, the government approved the **procedures on "State Registration, Study, Protection, Reinforcement, Repair, Restoration and Use of Immovable Historical and Cultural Monuments"** and on **"Transportation and Transformation of the Immovable Historical and Cultural Monuments"**.

**The RoA Law on State Owned Historical and Cultural Immovable Monuments Not Subject to Alienation (2007)** regulates the state owned historical and cultural immovable monuments of the Republic of Armenia according their type:

- 1) Ancient, old and medieval period monuments with their occupied and separated areas;
- 2) New and modern period monuments with their occupied and separated areas.

In order to ensure the application of this law, by the decision of the RoA Government "The List of State Owned Immovable Monuments not Subject to Alienation" was established.

The State list of RoA state owned historical and cultural immovable monuments not subject to alienation **includes 18935 monuments with 6145 preservation units.**

**The goal of the RoA Law on Import and Export of Cultural Property (2004)** is to contribute to the protection of the Republic of Armenia cultural heritage, prevent the illegal export and import of cultural values and illegal shift of ownership right towards those values. This Law classifies the cultural values, the types of objects of cultural significance, defines the public administration bodies that regulate and supervise the export and import of cultural values, the procedures for temporary import and export of cultural values, the prevention of illegal transfer of ownership right towards cultural values, the duty set for the cultural values and the liability for the violation of legislation on the import and export of cultural values. No customs duty is charged during the import and export of cultural values.

**RoA Law on Libraries and Library Work (2012)**, which regulates the grounds for preservation and popularization of ancient books, written monuments and mandatory copies that constitute a part of cultural heritage.

**RoA Law on Copyright and Related Rights** regulates the relations connected with the generation and use of authors' rights.

**RoA Law on Archives** regulates the procedure for stocking, registration, preservation and use of the Republic of Armenia archive collection and archive documents (irrespective of the property rights towards them), accessibility and use of archive documents, the liability for breaching the RoA Legislation on Archives. The application of this law is ensured by the RoA Government decisions on the "Exemplary list of archive documents with the mentioned preservation dates" and "The procedure of funding the preservation of the RoA Archive collection".

**The RoA Law on Obligatory Copy of Documents** regulates the legal, financial and economic relations originating in connection with the permanent maintenance, registration, preparation of bibliography and public use of the national heritage.

The RoA Law on **Specially Protected Natural Areas (2006)** defines the **specially protected natural areas as** the legal basis of state policy for normal development, restoration, preservation, reproduction and use of ecosystems, natural complexes and separate objects that have environmental, economic, social, scientific, health and recreation value.

The law defines about 30 concepts, including: a national park, object of nature, specially protected natural area, nature monument, state preserve, state sanctuary, landscape, etc. Some of the concepts are in line with the provisions of the **RoA Law on The Protection and Usage of Historical and Cultural Monuments and Historical Landscape.**

**The RoA Law on Urban Development (1998)** regulates the sphere of urban development. According to the law the urban development documents are divided into two groups – **urban development planning (or spatial planning) and architectural and construction documents.**

**Urban development planning (or spatial planning) documents include:**

- a) Republic of Armenia general plans for resettlement and territorial organization;

- b) Territorial project plans of the Republic of Armenia regions, and plans including territories of more than one community;
- c) General plans of the Republic of Armenia settlements;
- d) Zoning plans;
- e) Plans for the historical and cultural justification of the settlements, protection zones of immovable historical and cultural monuments and the **specially protected natural areas**;
- f) **Projects for territorial organization of landscape, health, recreation** and other functional systems, as well as allocation of the industrial capacity, engineering, transport, communal and social infrastructures for the republic and separate administrative-territorial units or their groups.

The implementation of E and C points of the urban development planning documents relates to the provisions of **RoA Laws on the Protection and Usage of Historical and Cultural Monuments and Historical Landscape and Specially Protected Natural Areas**.

According to law the general plan of a community (settlement), based on the factual analysis and the complex assessment of territorial resources and construction, justifies and consolidates the community spatial development directions, determines the installation and development of social, cultural, industrial, agricultural, environmental, engineering and transportation systems, protection of the area from natural and manmade hazardous phenomena, **measures** for the protection of natural landscapes, natural monuments, and **historical and cultural heritage**; through basic zoning regulates the issues connected with the use of various lands of targeted and functional significance within the settlements and their boundaries that are objects for urban development actions, defines the mandatory requirements towards them and the sequence for the sales and construction of those territories.

**According to the RoA Law on Profit Tax**, income includes compensation received for the use or the right to use any copyrights on the pieces of literature, art or science, of any patents, trademarks, projects or models.

**According to the RoA Law on Property Tax**, cultural organizations and state owned historical and cultural monuments are exempt from property tax.

Provisions connected with the sphere of preservation of cultural heritage are also included in:

- **RoA Law on Local Self-Government in the City of Yerevan,**
- **RoA Land Code,**
- **RoA Water Code,**
- **RoA Forest Code,**
- **RoA Civil Code,**
- **RoA Code of Administrative Offenses,**
- **RoA Criminal Code,**
- **RoA Customs Code.**

Currently, upon the initiative of the RoA Ministry of Culture processes are implemented targeted at the improvement of the legal framework, in particular:

- Paragraph 8 of the RoA Government Protocol Decision N 36, adopted on September 15, 2016 approved the **2016-220 Strategy for Preservation, Use and Popularization of the Historical and Cultural Monuments**, according to which 20 actions are planned, which include: adoption of legal acts (laws, RoA Government Decisions, RoA Ministerial Orders) and concrete projects concerning the sphere, in particular, the **2017-2025 Action Plan Promoting the Archaeological Development of the Republic of Armenia** – supplementing the state inventory lists of historical and cultural monuments, creation of historical and cultural preserves, approval of an exemplary sample for information billboards in the territories of monuments, extension of mutual connections between the projects on preservation and use of historical and cultural immovable monuments and historical environment and tourism infrastructure development projects. In order to promote the preservation and development of the monuments, the strategy aims to perform works of creating preserves (7 preserves until 2020).
- Amendments are being made in the **RoA Law on The Protection and Usage of Historical and Cultural Monuments and Historical Landscape, the RoA Law on Historical and Cultural Monuments that are Considered as State Property and are not Subject to**

**Alienation, the RoA Law on State Duties, the RoA Code of Administrative Offences and the RoA Government Decision N 438 of April 20, 2002.** After the amendments to the RoA Law on The Protection and Usage of Historical and Cultural Monuments and Historical Landscape, it is planned to adopt about 8 legal acts, in order to ensure the application of that law.

Taking into consideration the significance of the museum sphere and the lack of normative legal acts necessary for the field, **the RoA Draft Law on Museums and the Republic of Armenia Museum Fund** was developed and introduced to the RoA Government.

**In the field of preservation and use of the cultural heritage in the Republic of Armenia,** political, ideological, religious, racial and national discrimination is prohibited by legislation. In this connection, together with the heritage created by the Armenian people, the state also preserves the monuments created by the national minorities residing in Armenia and with the help of state programmes and individual initiatives possibilities are created for their preservation and restoration.

In international terms, also the cooperation with the United Nations Educational, Scientific and Cultural Organization (**UNESCO**), International Council on Monuments and Sites (**ICOMOS**), **International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)**, **The International Council of Museums (ICOM)** is very important.

## **2.3 Forms of protection of immovable heritage**

**2.3.1** The forms of preservation of monuments in the Republic of Armenia legislative acts on cultural heritage preservation are conditioned by the types of the monuments, which are different by their nature, value and the image preservation degree. According to Article 6 of the RoA Law **on Preservation and Use of the Immovable Historical and Cultural Monuments and Historic Environment, monuments** are classified according the following types by their nature:

- archaeological
- historical
- urban planning and architectural
- monumental art:

The newly discovered objects with archaeological, historical, scientific, artistic or other cultural value are also classified according to types and are included in the list of newly discovered monuments upon the positive conclusion of the expert committee. In order to include the immovable monuments into the state lists, and RoA Government draft decision is prepared and presented to the approval of the Government. Historical and cultural preserves have special historical, scientific, artistic, ethnographic, architectural and urban planning value together with their natural and historical environment. Those are created for the preservation of settlements that have monuments, their parts – historical centres, districts, and streets, natural and historically shaped artificial landscapes and their historical environments.

Currently, 10 historical and cultural preserves are operating on the territory of the Republic of Armenia, and 7 more preserves are in the process of creation.

According to their value, the monuments can be of republican and local significance:

- Monuments of republican significance include the ancient, typical or unique samples of monuments of popular history, its material and spiritual culture.
- Monuments of local significance include monuments specifying the history, culture and local features of any region of the republic.
- Monuments that have exceptional historical and cultural value are included in the list of the world cultural heritage in the prescribed manner.
- According to image preservation degree there are monuments that fully preserved and monuments that have partially lost their preliminary /or historically formed/ image and those monuments that have partially lost their preliminary image are divided into two groups:
- Monuments, the preliminary image of which is possible to restore based on the scientific analysis of documentary materials;
- Monuments, the preliminary image of which is not possible to restore due to the lack of the necessary documentary materials.

### 2.3.2 Forms of preservation of the specially protected natural areas

In the Republic of Armenia, the system of the specially protected natural areas was mainly formed in 1950s. Currently, their general area constitutes about 13.1% of the total area of the country.

**According to Article 3 of the RoA Law on Specially Protected Natural Areas,** specially protected natural areas are of international, republican and local significance and can have a status of state preserves, national parks, state sanctuaries and natural monuments.

- **State preserve** is an area (water area) with ecological, scientific, historical and cultural value that has unique environmental and aesthetic features, where the natural environment development processes are carried out without direct human intervention.  
There are 3 state reserves in the Republic of Armenia:
- **National Park** is an area (a water area), which includes natural systems and objects of specific ecological, historical, cultural aesthetic value, which, due to the favourable combination of natural and cultural landscapes, may be used for recreation, historical, cultural and scientific purposes.  
There are 4 national parks in RoA.
- **State Sanctuaries** are those areas that are separated permanently or temporarily, in the prescribed manner, within the limits of which the preservation and reproduction of natural systems of benchmarking (etalon), scientific, historical, cultural and economic value and their elements is ensured.  
Currently there are **27 state sanctuaries in RoA.**
- **Monuments of Nature** are exceptional or typical natural objects of special scientific, historical and cultural value.  
In the list approved by the RoA Government, 232 monuments of nature are registered as of today.

#### Monument Preservation Methods

Necessary condition for the existence of the above mentioned immovable monuments is to ensure their physical protection, for which different types of scientific and rehabilitation works are carried out. Meanwhile, for the protection of the historical and artistic, architectural and urban planning features and the qualities of the surrounding historical environment, zones establishing different preservation regimes are creating.

Forms for the physical preservation of monuments depend upon their technical situation:

- For the preservation of monuments that do not have a preliminary image restoration possibility (mainly archaeological monuments) reinforcement works are done, which are needed for the prevention of their further destruction or deterioration through the application of different technical measures.
- For the preservation of monuments that have a preliminary image restoration possibility, rehabilitation works are carried out, the aim of which restoring their preliminary image and their proper use.
- For the preservation and improvement of monuments that have fully maintained preliminary image, works are performed for their restoration.
- For the preservation of monument groups, assembles, historical cities or centres, complex restoration and improvement works are performed that are acceptable for the historical environment through the creation of the needed modern engineering systems.

From the point of view of the valuation of monuments permissions for the implementation of specific works to ensure the preservation of their purity are foreseen. Amendments to the monuments of republican significance can be done only in exceptional cases, upon the permission of Republic of Armenia Government, while to the monuments of local significance, upon the permission provided by territorial bodies of public administration.

As forms of preservation of historical, artistic, architectural and urban planning valuable features and possibilities for their favourable visual perception and the preservation of the surrounding environment, following zones are established by heritage legislation:

- Monument preservation zone

- Construction regulation zone
- Landscape preservation zone

Monument preservation zones system is established for all types of monuments. The aim of these zones is to ensure on the one hand the physical preservation of the monument and keep it away from harmful influences, and on the other hand reinforce its urban development role and ensure favourable visual connections with the surrounding natural or urban environment. For certain architectural, urban development (historical town, historical centre), archaeological monuments and monumental art complexes that have big influence on the surrounding environment, preservation zones of significant size are established, and around those zones also construction regulation and if needed landscape preservation zones are established. Based on the interests of preserving monuments, the elements that deteriorate the historical environment are removed from the urban development regulation zones and new construction regimes and requirements are established.

The landscape preservation zones are mainly established in order to ensure the harmonious connection of the architectural and urban development monuments of the historical settlements with the surrounding nature, and to protect the valuable sites of the nature.

Temporary preservation is implemented towards the newly discovered objects, until their list gets approved by the RoA ᠑᠓ Government.

For the preservation of historical and cultural preserves, which represent a harmonious integrity of mutually interconnected various different types of monuments, all the respective above-mentioned monuments conservation forms are applied.

Mechanisms for the preservation of specially protected natural areas are established by their Statutes, which are approved by the ROA Government. Their management plans are developed in line with a guidebook approved by the order of the RoA Minister of Nature Protection. These plans are included into the information about the SPNAs.

#### **Supervision of Actions Targeted to the Preservation of Monuments**

According to Article 8 of the RoA **Law on Preservation and Use of the Immovable Historical and Cultural Monuments and Historic Environment**, the RoA Ministry of Culture performs the following:

- Provides agreement or professional opinion about settlements with monuments, the urban planning and construction of their parts and the draft projects for the enforcement, renovation, rehabilitation, alteration and improvement of the individual constructions and complexes that are considered as monuments, supervises that safety of the monuments is ensured during the implementation of those projects.
- Prepares and approves the plans for monument preservation zones and establishes the regime of their preservation.
- Forbids or terminates the excavation, enforcement, renovation, restoration of the monument and construction, agricultural and other works if those have harmed or their continuation can harm the monument or its preservation zone.
- Provides permit for the exploration or excavation of monuments, registers those and supervises the implementation process of these works.
- According to the RoA Legislation, specific functions targeted to the preservation of monuments are vested into the RoA Local and Self-Government bodies, according to which they can terminate construction, agricultural or other work, if those undermine or can undermine the safety of the monument and its preservation zone and inform the RoA Ministry of Culture about it.

The Ministry performs the supervision through its affiliated Service for Protection of Historical Environment and Historical-Cultural Museum-Reserves SNCO. According to its charter, this organization discusses and adopts decisions within the limits of its power in cases of threat towards historical and cultural heritage objects, on the issues connected with termination of any kinds of works and economic activities. It develops acts and protocols to be handed to the legal enforcement bodies on museum-preserves and historical and cultural immovable monuments, to determine appropriate accountability for the damage caused to them.

In case of violations of the regime and regulation of the preservation of museum-preserves and historical and cultural immovable monuments and their areas, it brings an action against the monument user.

### **Responsible for the Preservation of Monuments**

According to Article 36 of the RoA **Law on Preservation and Use of the Immovable Historical and Cultural Monuments and Historic Environment**, the responsibility of preserving monuments is vested on the owners of the monuments. The state as well as legal and natural persons can be monument owners. Depending on the technical situation of the monuments, enforcement, renovation or restoration works are carried out for their protection.

- **The aim of enforcement of monuments** is to prevent their further destruction or deterioration through different technical measures.
- **The aim of renovation of monument** is the preservation and improvement of their technical situation without change in the appearance, through which more favourable conditions are created for their modern use.
- **The main aim of restoration of monuments** is partial or full integration of their original or historically shaped image, based on scientific analysis of documentary materials.

The above mentioned works targeted at the preservation and safety of monuments is performed with the means of the monument **owners**. The state system participates in the state owned historical and cultural monuments' preservation and restoration work processes by organizing those works, providing budget funds and implementing the works.

Legal and natural persons who have property rights towards the monuments provide a legal commitment document (contract) to the RoA Ministry of Culture or state administration territorial bodies, where all the duties of the owner are enlisted.

#### **The preservation commitment document includes the following:**

- a. Detailed measurement of the monument;
- b. A photo album fixing the overall look, separate parts and details of the monument from different perspectives;
- c. The list of movable historical and cultural values available in the monument;
- d. Conclusion on the technical situation of the monument;
- e. The list of works necessary for the preservation of the monument (enforcement, renovation and restoration) and the schedule of their implementation.

During continuous study, excavation and restoration, monuments are handed to temporary preservation. This is happening through a conclusion of an official contract between the organizations performing these works and the owner, according to which a liability of ensuring safety of those monuments during the mentioned works is set out.

The RoA Ministry of Culture carries out a general supervision through its professional links over the preservation process of the monuments by their owners.

## **2.4 Other mechanisms for preservation and protection of historical cities and settlements**

According to the **RoA Law on Urban Development**, spatial development problems of the Republic of Armenia and the measures directed to their solution are fixed in the planning documents with a hierarchical structure of national, territorial and local levels which constitutes the basis of spatial development.

**On the national level** the RoA General Resettlement Plan and the RoA Territorial Organization Plans are developed.

**On the regional level** territorial plans are developed (for the region or several communities (micro-regional level)).

**On local level** the general community plans and zoning plans are developed.

In the spatial planning documents prepared on the above-mentioned levels, which include the priorities of state urban development policy, projects for creating safe and healthy environment and ensuring sustainable development of the settlements deriving from social economic and spatial development issues

and environmental, engineering, transportation, architectural-planning and zoning projects, the limitations connected with the preservation and cultural and natural heritage and the recommendations for their use and preservation improvements are both taken into consideration.

**According to Article 17 of the RoA Law on Urban Development**, among the urban development project documents also the plan for historical and cultural justification of the settlements has been included as an urban development activity state regulation measure. Based on these plans, compositional studies of the historical and urban development of the city's historical centre structure and all its components are performed, in the result of which it's historical and artistic valuable features are assessed, and grounded recommendations on preservation protection and modern use of the historical centre are developed. The provisions of that approved urban development document save as a basis for the development of further urban development document.

Based on the need for preservation of the architectural values and formed traditions of the historical and cultural heritage, and taking into consideration the requirements of the Article 19 of the RoA Law on Urban Development, by the RoA Government 26.06.2009 N 728-N decision, Gyumri, Vanadzor, Dilijan, Jermuk, Vagharshapat, Ashtarak, Goris urban and Tatev and Halidzor rural community (settlement) historical areas were separated as territories for urban development activities of special regulation.

## **2.5 Advisory mechanisms.**

When performing preservation, use, alienation, renting the monuments or transferring their ownership rights, the monument owners and users, due to the low level of awareness of the current legislation, as a rule do not apply to the state administration or local self-government bodies, in order to obtain the necessary legal, scientific and methodological consultancy. This question is more or less regulated by the three advisory bodies functioning within the RoA Ministry of Culture: expert committee, interagency archaeological committee and scientific-methodological board, where, in line with the current RoA legislation, they discuss questions concerning the enforcement, restoration, study, excavation and preservation of monument (despite of their ownership form) and the results of actions performed in the above mentioned fields. In the advisory bodies functioning within the RoA Ministry of Culture representatives of state and public organizations, respective specialists from scientific and higher education institutions are involved, who with their professional consultancy support and contribute to the implementation of projects related to preservation, reinforcement, study, excavation and use of the monuments.

The permission for the implementation of monument restoration work is provided in the manner prescribed by the RoA Legislation. In particular, before starting the process of the monument restoration, the initiator of those activities is filing an application with the RoA Ministry of Culture, which is then studied by the respective specialists of the Ministry. If the application is approved by the ministry, the client presents a project task, and after an agreement to that, presents the planning documents of the monument restoration works to the discussion of the scientific methodological board of the Ministry. Upon the positive conclusion of the scientific methodological board, the RoA Ministry of Culture provides the client a permit for the implementation of the monument restoration works. The applicant organization shall also obtain a permit on performing restoration works from the local self-government body of the site, where the monument is located.

In order to take into account the opinion (advice) of larger public related to the issues of monuments conservation, restoration and use, and to serve their proposals to the benefit of the monuments, to clarify the current disagreements concerning the problems of preservation and use of monuments, temporary exhibitions are regularly held exhibiting the plans of restoring architects and Engineering University graduates devoted to the preservation and use of monuments. Each of the visitors is free to express an opinion concerning this or that plan, writing comments in the visitor register. Opinions and proposals, that are further discussed and analysed by the planners.

During the process of solution of problems concerning cultural heritage preservation and use, recommendations presented by the organizations studying Armenian monuments, like the Research on Armenian Architecture (RAA), Association of Armenian Architects Restoring Historical Monuments and The

Armenian Monuments Awareness Project (AMAP) non-governmental organizations and the proposals made during public discussions and hearings organized by mass media are taken into consideration.

## 2.6 Statistical data

### 2.6.1 Information about the financial budget for the maintenance of the environment and heritage

Since 1923, when the state body for the preservation of monuments was established, until now, more than 300 immovable monuments and monument complexes of various function uses were restored and reinforced. Majority of monuments and monument-complexes located in the cities and in the villages that were restored and reinforced had a religious significance.

During the Soviet years, the **General Department of Preservation and Use of Historical and Cultural Monuments** was dealing with the preservation of monuments. Separate institutions with a legal entity status were functioning affiliate to this department: **Armrestoration specialized design institute, specialized regional workshops of restoration of monuments, Scientific Industrial Centre for the Study and use of Monuments, Joint Directorate of the Preservation of Historical Environment and Historical and Cultural Museum Preserves.**

Financial allocations for the restoration and reinforcement of monuments and monument-complexes were mainly made from the RoA State budget. In addition to public sector, also the Armenian Society for the Preservation of Historical Monuments and the Armenian Apostolic Church participated in the monuments conservation works.

Separate monuments were restored with the help of private philanthropists residing in the Republic of Armenia or Abroad. Monuments restored due to their funds are exceptionally of religious nature. Several residential and public monuments were reinforced and adapted by the means of private owners, who aimed to create more favourable conditions for their modern use. These monuments are mainly located in the cities, including the historic one (Yerevan, Gyumri, Ashtarak, Goris, Dilijan, Meghri, etc.).

According to statistical data, during the recent years, volume of private investments has significantly increased. Allocations were made from the RoA State Budget for the restoration and planning and implementation of restoration works on the churches and church complexes the ownerships to which have been handed to the Armenian Apostolic Church. No funds were provided for the reinforcement and restoration of monument buildings under private ownership.

After the Spitak Earthquake (1988), restoration plans for the individual monuments (residential houses) in the disaster zone, and particularly in the historical city of Gyumri were prepared by the state and provided as a support to the owners and users of some monuments (residential houses), and they became the owners of those buildings later.

In the period of 2008-2010, due to the international financial crises, the volumes foreseen for the restoration and reinforcement of historical and cultural immovable monuments from the RoA state budget decreased, however in 2013; there was some increase of those volumes up to 80 mln. AMD.

- **INFORMATION**

**Table 3. State Budget Allocation for the Restoration of Historical and Cultural monuments**

Year	Implementing Body	Annual Approved Budget
2004	RoA Ministry of Culture	50.0 mln. AMD
2005	RoA Ministry of Culture	536.0 mln. AMD
2006	RoA Ministry of Culture	720.0 mln. AMD
2007	RoA Ministry of Culture	690.0 mln. AMD
2008	RoA Ministry of Culture	381.1 mln. AMD
2009	RoA Ministry of Culture	321.0 mln. AMD
2010	RoA Ministry of Culture	213.0 mln. AMD
2011	RoA Ministry of Culture	215.0 mln. AMD
2012	RoA Ministry of Culture	215.0 mln. AMD

2013	RoA Ministry of Culture	215.0 mln. AMD
2014	RoA Ministry of Culture	250.0 mln. AMD
2015	RoA Ministry of Culture	300.0 mln. AMD
2016	RoA Ministry of Culture	300.0 mln. AMD
2017	RoA Ministry of Culture	250.0 mln. AMD

**Table 4. Number of Monuments Designed and Restored by the RoA Government provided State Budget**

Year	Number of the Monuments Restored
2004	3 monument
2005	14 monument
2006	15 monument
2007	13 monument
2008	10 monument
2009	15 monument
2010	18 monument
2011	12 monument
2012	18 monument
2013	19 monument
2014	25 monument
2015	26 monument
2016	17 monument

Investments made on the part of the RoA Ministry of Culture for restoration and reinforcement of monuments are conditioned by the strategic programmes adopted by the RoA Government, which include the monuments that are most endangered and need urgent intervention. In the result of targeted investments of funds foreseen by the RoA Ministry of Culture for the implementation of these projects, geography of the restored monuments has gradually extended. Complex projects of rehabilitation of monuments have been implemented and are still implemented in the monuments that are included in the important tourism routes of the republic.

During the recent years the RoA Ministry of Culture restores more secular buildings –fortresses, castles and bridges, and constructs roads approaching the monuments.

During the recent years, the RoA Ministry of Culture implements processes that are directed to the increase of the number of the restored monuments and the expansion of their territorial inclusion. In 2005-2015 restoration and reinforcement works were performed in about 67 monuments due to public funds.

Currently the sphere of preservation of monuments is characterized by the increase of financial means allocated for the preservation and restoration of historical and cultural heritage, including the projects implemented together with international organizations. Public policy also includes the involvement of the private sector and ensuring the investments growth.

In 2017, at the expense of the RoA State Budget allocations, it is planned to implement enforcement, renovation and rehabilitation of 13 monuments, **and development** of research and design documents for restoration of 3 **monuments**.

As a result, the undertaken measures should contribute to the solution of social problems included in the republic's sustainable development strategy, creation of new jobs, increase of the level of citizen involvement and the development of tourism.

#### **Data on Preservation of Monuments of Different types**

After the RoA Government approved in 2001-2007 state lists of the historical and cultural immovable monuments of the 10 regions of the republic and the city of Yerevan, works are carried out for the factual documentation of those monuments, specification of the boundaries of the former preservation zones and drawing up the new ones, definition of regimes for their preservation and use, discovery, study and inclusion of new monuments into state inventory lists in a specified manner, as well as for the study and

coordination of the projects on the preservation zones of the historical and cultural monuments in the general plans of the settlements. In the result of the monitoring of monuments during the recent years, information about the state of the monuments included in the state inventory lists is being modified and adjusted.

Based on the information provided by the documentary materials (photos, negatives, drawings, restoration plans, etc.) kept with the Agency for Preservation of Historical and Cultural Monuments of the RoA Ministry of Culture, Scientific and Research Centre for the Historical and Cultural Heritage and the Service for Protection of Historical Environment and Historical-Cultural Museum-Reserves SNCO, an **information and documentation data base** was created in the RoA Ministry of Culture concerning the historical and cultural monuments on the territory of the republic. Based on the retrieved information, the works of completing the scientific information data base on the historical and cultural immovable monuments continue, which contributed to the access to information about cultural heritage.

The state inventory list of the historical and cultural immovable monuments approved by the RoA Government includes 24231 monuments, out of which 18935 monuments with 6145 preservation units are not subject to alienation according to the list of "State Owned Immovable Monuments that are Not Subject to Alienation". The monuments not subject to alienation are mainly Stone Age stations, cave-settlements, ancient and middle age settlements, castles, graveyards, cemeteries, megalithic monuments, petroglyphs (rock carvings), lithography, structures connected with remarkable historical and cultural events and prominent figures, monuments and memorials.

**Table N 5. Historical and Cultural Monuments per RoA Regions**

Administrative-Territorial Unit	N of Monuments	N of Monument Preservation Zones	Not Subject to Alienation	
			N of Monuments	Number of preserved units
Yerevan City	995	4	512	245
Aragatsotn Region	1829	117	1436	700
Ararat Region	906	0	808	186
Armavir Region	417	53	186	121
Gegharkunik Region	5267	157	4610	769
Lori Region	3027	179	2460	961
Kotayk Region	3227	18	2640	758
Shirak Region	2349	262	1051	649
Syunik Region	2829	306	2350	777
Vayots Dzor Region	1380	3	1202	320
Tavush Region	2005	0	1680	659
Total	24231	1099	18935	6145

5236 of the historical and cultural immovable monuments included in the RoA state lists are archaeological monuments, 856 of them are rural sites, 1901 are historical cemeteries, 104 of them are bridges, 530 castles, 10112 cross stones, 1255 statutes, memorial fountains, memorial complexes, 2074 residential houses, constructions, 1159 churches, 118 monastery complexes, 467 are chapels and 1150 are monuments of other significance.

**Table N 6. RoA Specially Protected Natural Areas According to Type**

Type	Number
Preserves	3
Sanctuaries	27
National Park	4
Monuments	232

Information about the clause 2.1, number of state employees (or regional) in the preservation system, their relative status, experience, activities of the employees, responsibilities of local self-government bodies.

**Table 7. Number of Personnel Working in the Organizations for Preservation of Cultural and Natural Monuments**

<b>Organization</b>	<b>Number of Personnel</b>
RoA Ministry of Culture Department of Cultural Heritage and Popular Crafts	11
RoA Ministry of Culture Agency for the Preservation of Historical and Cultural Monuments (including territorial subdivisions) <ul style="list-style-type: none"> <li>▪ Unit for Restoration of Monuments</li> <li>▪ Unit for Preservation and Use of Monuments and Historical Environment</li> <li>▪ RoA Territorial Units</li> </ul>	30 6 5 19
RoA Ministry of Culture Service for Protection of Historical Environment and Historical-Cultural Museum-Reserves SNCO	310
RoA Ministry of Culture Scientific and Research Centre for the Historical and Cultural Heritage SNCO	81
RoA Ministry of Nature Protection - Bioresources Management Agency	23

The number of employees working in the sphere of preservation and research of historical and cultural monuments does not allow performing the functions related to the preservation and using of monuments more efficiently, and implementing individual projects within the shortest possible time. Training and retraining of personnel is needed in the spheres of preservation of monuments, their documentation, and preparation of plans, restoration, reinforcement and research.

In public administration territorial bodies (regional offices) there is no personnel working in the sphere of preservation of monuments. Such positions are also not available in the staff of local self-government bodies. Moreover, if in the regional offices that obligation is put on one of the staff members, in the communities it is not foreseen at all. In such situations, naturally the cooperation with those structures is very weak, which in reality increases the level of danger that the monuments are facing.

## **2.7 Inventory and registration system and the planning process**

The works of monuments certification, documentation and registration are implemented with a new methodology which is in line with time requirements and international standards. State lists of monuments, certificates and the preservation zone plans are the main constituents of the cadastre, which are included into the Republic of Armenia state cadastre system, the basis for which is the state cadastre of immovable assets.

According to the RoA Law on preservation and use of the immovable historical and cultural monuments and historic environment, the registration documents for the immovable monuments are:

- monument certificate
- monuments state list

### **Compilation of the Certificate**

In order to compile the registration documents concerning an immovable object of historical and cultural value, descriptive, topographic and characteristic data are recorded on the spot, the object is measured schematically (complexes with the scale of 1:200 or 1:500 and individual buildings with the scale of 1:50 or 1:100) and the location of the object is photos and marked on a topographic base with the scale of 1:25000. In case of archaeological monuments, in addition to the ground survey, also small volume of exploratory excavations is carried out in the prescribed manner, if there is such a need. Based on the materials collected in the result of the works, the above mentioned graphic documents and photos are added to the certificate.

For a group of monuments or a complex structure occupying a joint territory, one common certificate is compiled, to which the separate certificates of its elements that have historical and cultural value are attached in sub-numbers.

Being one of the main elements of registration, a monument certificate is also the record of the monument's preservation state at the moment of the certificate compilation, as well as information about the assessment of the monument's situation.

Based on the data of the certificate, the list of monuments of the settlement (Region) is composed.

### **State Lists of Monuments**

According to the RoA Law on The Protection and Usage of Historical and Cultural Monuments and Historical Landscape, the state lists of monuments are the main document and legal basis for the state to take a monument under the State preservation.

RoA Ministry of Culture informs about including the monument in the state inventory list to the public administration territorial and local self-government bodies (based on the location of the monument) and the owner or user of the monument.

Information mentioned in the state registration documents of the monuments are regularly (maximum one time per 5 years), are checked and updated, based on new data of discoveries, research, and changes in the monuments preservation state and status. The new information is recorded in the certificates by means of separate inserts.

### **Scientific Data Base, Monuments Consolidation**

Based on the materials kept in the RoA Ministry of Culture's Agency for the Protection of Monuments of History and Culture, Scientific and Research Centre for the Historical and Cultural Heritage and the Service for Protection of Historical Environment and Historical-Cultural Museum-Reserves SNCOs, the RoA Ministry of Culture creates a scientific information data-base of the Republic of Armenia monuments, prepares and publishes the Armenian Monuments Divan multi-volume periodical, creates and maintains the Republic of Armenia Historical and Cultural Immovable Monuments Cadastre.

The Armenian Monuments Divan multi-volume periodical is a publication of encyclopaedic nature, where according to the modern state and administrative territorial division boundaries, the immovable monuments of the Republic of Armenia, Historical Armenia and Armenian Diaspora (communities) are presented.

### **Monuments Cadastre**

According to the RoA **Law on preservation and use of the immovable historical and cultural monuments and historic environment**, the monuments cadastre is a state information system, which includes information about the monuments, their preservation zones, historical and cultural justification plans of the settlements, natural historical and historical cultural preserves, as well as legal, normative and other documents of that sphere.

Monuments Cadastre is an integral part of the Republic of Armenia State Cadastre, the basis of which is the State Cadastre of Immovable Assets.

The main objective of the Monuments Cadastre is the registration of historical and cultural immovable monuments on the territory of the Republic of Armenia and provision of trustworthy information about the immovable monuments to the public administration and local self-government bodies, legal and natural persons.

Monuments state registration documents are maintained for an indefinite term.

Main goals of the Monuments Cadastre are to significantly expand the criteria of the monument's description, characterization, evaluation, classification and determination of its legal status in the new certificates for the registration of monuments, the changes of the republic's administrative territorial structure and renaming of the settlements, inclusion of the new research results and the need to record the monument's preservation status, changes of its ownership and forms of use, the need for new, revised and supplemented information coding and general coordination.

Information obtained from the detached departments of the RoA Ministry of Culture (state non-commercial organizations, NGOs, etc.) is summarised and, depending upon the level of urgency, is included in the

medium-term expenditure framework of the RoA Ministry of Culture in the form of new initiatives. In urgent cases, measures are undertaken to solve the emerged issues.

When making the inventory of the monuments, the vulnerability level of cultural heritage is prevented or reduced to minimum, as the situations which can endanger the preservation of monuments are also recorded.

Documentary materials received and the collected information in the result of the inventory of monuments are important reference bases for the detailed planning, development, and preparation of historical and cultural justification documents of historical cities.

**For SPNAs, not IT systems are installed** yet, because the description of boundaries and maps for the majority of them are not yet approved.

## 2.8 Joint integrated assessment of planned policies

About the process of developing spatial planning documents

The orders for processing, expertise, coordination, approval and amendment of the spatial planning documents have similar procedures, with the only difference being who the client is and who is going to approve the document.

The RoA Ministry for Urban Development performs as the client for national and regional level spatial planning documents. The Head of Community is the client for spatial planning documents of local level. All the above-mentioned documents are approved by the RoA Government. Only some changes (if those do not relate to the change of land category) in the general plan and the zoning plans are approved by the Community Council.

In general, the procedure is as follows:

- A project task is developed by the client. In case of documents for local level planning, the task is agreed with the stakeholder organizations (the respective Mayor, RoA ministers of territorial administration, urban planning, nature protection, agriculture, culture, emergency situations, energy and natural resources, transport and communication, RoA Head of Police, Chairman of the State Cadastre of Immovable Assets affiliate to the Government, Chairman of the State Committee for Water Economy affiliate to the Government). If there is a need, the task may be modified to take into account the recommendations and comments, after which public discussion is organized in the community. The final revised project task is approved by the client.
- The client concludes a contract with the projection company selected as prescribed by the RoA Law on Procurement and provides the necessary reference materials.
- After the planning works are concluded, the client presents the spatial planning document to a licenced specialized company, in order to obtain an integrated urban development expert opinion, and to the Ministry of Nature Protection to obtain an expert opinion on the environmental influences.
- After receiving positive opinions, public awareness events are organized in the community about the project.
- The project is agreed with the Mayor and the stakeholder bodies (all those bodies with which the task was agreed) after which it is revised, with consideration of the comments and recommendations.
- The project is presented to the RoA Ministry of Urban Development, where it is discussed in an interagency committee meeting.
- The finalised project is further presented by the RoA Ministry of Urban Development to the approval of the RoA Government.

The approved general plan and zoning plan serve as a basis for the implementation of urban development actions and are mandatory for all the urban development subjects. Requirements set out by the spatial planning documents serve as a basis for the provision of architectural planning task (planning permission).

### **About the implemented and future projects**

In 2003-2006, by the support of the Council of Europe, the RoA Ministry of Urban Development (with participation of the RoA Ministry of Culture, RoA Ministry of Nature Protection, local authorities, NGOs and experts) implemented the Rehabilitation of Architectural and Natural Heritage in the Urban Development Policy-Armenia project within the framework of South Caucasus Regional Project on Preservation of Cultural and Natural Heritage (Management and Institutional Capacity Building of Historic Cities). The Concept of urban development priorities policy for rehabilitation of architectural and natural heritage of Armenia's Ashtarak, Goris and Gyumri Cities was developed.

On June 9, 2005, by the RoA Government decision N 948-N, Tsaghkadzor as a Tourism Centre Corresponding to International Standards Project was approved and implemented. Today, Tsaghkadzor is both a summer and winter tourism centre with fairly developed infrastructures. The Project significantly contributed to the development of winter tourism and extension of the tourism season in Armenia.

On September 18, 2007, by the RoA Government N 1064-N decision, the city of Jermuk was proclaimed as a tourism centre. The concept objectives for the development of the city were defined (to make the city an active recreation centre for the four seasons of the year, by developing the health and winter tourism, making the city the centre for the organization of international chess competitions and a place for All-Armenian and international youth camp centre).

Jermuk City Development Project was developed in line with the conceptual objectives and goals of the city development and was approved by a protocol decision of the RoA Government N 29, on July 16, 2009. According to the agreement signed between the RoA Ministry of Economy and Swiss Tiger de Swiss company, the latter developed recommendations concerning the engineering solutions based on the strategy, revision of the general plan of Jermuk city, improvement of the business model, engineering and transportation infrastructure. A three-dimensional digital model of Jermuk and its scaled model were developed, which was first presented to potential investors in October 2010 in the presence of the President.

In line with the recommendations presented by the Swiss Tiger de Swiss company, the general plan of the city was revised and approved. The pavements, lanes and public places of Jermuk were improved, 31 km intercommunity roads were renovated, and the city streets got fully illuminated.

Since 2011, each October the rural community meeting is organized in Jermuk, in the framework of which a round table is held devoted to the discussion of tourism development issues in the communities.

By the RoA Government Decision N 848-N, adopted on June 26, 2009, the tourism centre of Tatev was proclaimed, defining the conceptual objectives and goals of the tourism development centre that includes Tatev and the 8 surrounding communities. In this framework respective development projects are developed. On October 16, 2010, Tatev Wings ropeway (5, 7 km), which is the longest in the world, was opened. It is registered in the Guinness Book of Records.

By the RoA Government Decision N 1222-N, October 1, 2009, the Northern Gate tourism centre was proclaimed. In line with the conceptual goals and objectives defined by the decision, Barbeque and Treasures of Odzun festivals are organized and have become traditional respectively in Akhtala and Odzun communities. In Lori Region, several seminar discussions were organized for the residents of different communities, with the purpose to involve them in development of some tourism houses and provision of tourism services. In the framework of collaboration with the UN World Tourism Organization UNWTO, the possibility of implementing measures for the inventory of tourism resources and creation of respective regional tourism results with the help of volunteers and participation of local residents in the bordering settlements of Armenia and Georgia is being discussed.

In 2008-2011, the RoA Ministry of Economy, in cooperation with the RoA Ministry of Culture, has implemented the 'Roads of Culture and Tourism for Development and Dialogue in Armenia project led by the Moscow UNESCO Office. Main aim of the project was to develop tourism in those territories of Armenia, where the historical and cultural monuments registered in the UNESCO list are located, as well in the territories of those historical and cultural areas, which are proposed to be included into the list of the world heritage.

By the RoA Government N 77-A decision of January 31, 2013, the project of tourism development in the city of Goris was approved. Within the framework of the project implementation, tourism resources

inventory works and creation of a data base of Goris city and surrounding communities are being implemented. Within the Tourism Development Services project, 2014-2016, state support is provided to the organisation of annual festival of Syunik Traditions.

Based on the information received from the SNCOs operating in the system of the RoA Ministry of Culture and territorial subdivisions, different works are organized in the ministry and implemented in the regions. The RoA Ministry of Culture implements a restoration project of Gyumri Schools 2, Achemyan 2, 2a monument buildings, in the result of which the mentioned buildings will receive a new operational significance and will be re-exploited as Shirak Geological Museum and as a Branch of the Armenian National Gallery. One of the parts of the building is already restored, where currently the Shirak Regional Library is situated.

Currently, one of the main objectives of the processes devoted to the conservation of world heritage is to view cultural heritage as a sustainable development stimulus and think over the problems and prospects of world heritage protection through intercultural dialogue. During the recent decade, in the Republic of Armenia significant steps are made to assess and evaluate **the culture as a sustainable development resource**. In particular, its role in the protection of national identity and civil society, in the formation of social capital in the country, peace and cultural diversity is being studied.

The state cultural policy is being implemented in this sphere in line with the principles of preserving the cultural environment, nature of the inherited area and historical and cultural values. The invested mechanisms provide an opportunity to effectively combine the sustainable development ideology with the national cultural priorities.

Today Armenia gives a special place in its long-term development priorities to tourism, especially considering the historical and cultural heritage present in the country.

At the initiative of the RoA Ministry of Culture several projects were developed and are still developing, which are targeted to perspective development projects directed to the historical and cultural heritage preservation, which will be efficiently combined also with the other projects already being implemented in the region. Projects directed to cultural heritage preservation and popularization will in their turn contribute to the enlargement of professional cooperation, development of cultural tourism and infrastructure, formation of institutional structures, which will also be in harmony with the projects that currently are implemented with the international organizations in Armenia.

During the recent years, the historically formed southern axis or corridor of the Armenian highland is considered as the selected tourism route for the cultural tourism. Prioritizing tourism in the country, the RoA Government has adopted several projects targeted to the development of the southern direction:

- In particular, in 2013, directed to the preservation of historical and cultural immovable monuments in the southern part of the republic, the **RoA Ministry of Culture has developed and presented to the discussion of the RoA Government the Draft Decision on approving the**
- Currently, within the framework of Local Economy and Infrastructure Development Project (LEIDP) for Armenia, in cooperation with the World Bank, the **Southern Corridor** project is being implemented, in particular in the direction of development of the necessary terms of references for the restoration and improvement of **Khor Virap (Artashat station), Dvin historical Townplace, Zorats Qarer settlement and Goris city monuments** and modernization of the infrastructures needed for the promotion of tourism. By the initiative of the RoA **Ministry of Culture, within the framework of Local Economy and Infrastructure Development Project (LEIDP), mainly the tourism places foreseen by the long term comprehensive project of Southern Yerevan-Meghri tourism route** are included. In the framework of this Project, in 2016 cooperation has started with UNESCO, concerning the issues of preserving monuments included in the World Heritage List (development of management plans for monuments included in the list of world heritage, technical consultancy, organization of seminars for the working teams, Armenian Georgian joint classes on the topic of Managing monuments included in the World Heritage list, evaluation of the vulnerability of monuments included in the World Heritage list in case of earthquakes).

- In parallel, the comprehensive concept paper developed as a result of signing a **memorandum of understanding with the US Agency for International Development and the Smithsonian Institution**, it is also planned to organize a number of cultural projects in the spheres of infrastructure development, cultural heritage preservation, tourism product development, etc. The RoA Ministry of Culture has proposed to include in the implemented projects some components of strategic programmes developed by the RoA Government, for example, Yerevan-Meghri tourism development long term comprehensive project, which includes nearly all the components of the 3 regions of Armenia (RoA Ararat, Vayots Dzor and Syunik) – monuments on the roads of the destination, development of infrastructures, etc. Currently, the works are in the planning phase.
- In relation to the tourism strategic program development in the Republic of Armenia, the majority of spectacular **caves** situated on the territory of the Republic of Armenia and subject to use have an important role.
- To this end, the RoA Government has approved by paragraph 30 of N 54 Protocol, adopted on its December 10 session of 2015, the action plan for providing the caves for tourism purposes, according to which it has been planned to select and provide for use several caves of historical and cultural significance. The established interagency working group has selected to be provided for tourism purposes the following caves: RoA Vayots Dzor Bears, Mozrov, Magelan and Areni 1 (Birds), and RoA Aragatsotn Region Aghdzk Stone Doors.
- As a result of efficient Armenian-Italian cultural cooperation of 2011-2014, in 2016 between the Foreign Ministers of Armenia and Italy, a joint declaration was signed on establishing **A Regional Centre for Preservation and Rehabilitation of Cultural Heritage in Armenia**. Currently, the works of establishing the centre are on their way.
- RoA Ministry of Culture and the American Embassy in Armenia signed a memorandum that the U.S. Ambassador's Fund for Cultural Preservation will finance renovation and preservation of St. Sargis (St John) Church in Meghri, as well as restoration of the frescos on the territory. Preparation works have commenced to restore the frescos of the church.
- Since 2015, Armenia has officially joined the **Community-Led Urban Strategies in Historic Towns COMUS** project, which is the continuation of 2009-2011 Kiev Initiative – Rehabilitation of Cultural Heritage in Historical Cities Pilot Project. Within the framework of this project Gyumri and Goris were selected as pilot cities. Currently, the reference plans for the necessary actions targeted to the cultural heritage preservation, preliminary technical assessments and feasibility study documents have been developed. In each of the pilot cities, local stakeholder groups have been created, which include representatives of different bodies, agencies, public organizations and business. One of the project achievements is that the local stakeholders actively participated in the document development work. Films devoted to Gyumri and Goris were prepared and brochures were published about the project.
- Since 2012, the Republic of Armenia is a member of **Europe Nostra organization**. This organization provides an opportunity to its members to nominate the endangered monuments on their territory for a prize in order to get funding from different interested European organizations. **Preserving Cultural Heritage in Armenia training project won the Europe Nostra 2015 prize in Education, Training and Popularisation category.** In 2016, The Yereruyk monument of Shirak Region and the neighbouring Anipemza village were included in the list of the 7 most endangered monuments of Europe. This decision was made on March 16 of this year, during the Europe Nostra award ceremony in Venice. To that end, a group of experts from Europe Nostra organization and the European Investment Bank visited Armenia. The launch of the archaeological site and the village rehabilitation project were declared. The Yereruyk basilica cathedral, which was built in the 6th century, is one of the ancient Christian monuments of Armenia. It is included in the preliminary list of the UNESCO World Heritage.
- Each year Armenia participates in Europe Wide events – large events and programmes are implemented under the proposed titles of **European Heritage Days, International Museum Day, Museum Night, International day of Monuments and Sites**.

## **2.9 Authorisation/single permission**

### **Procedures are Necessary for Implementing Constructions**

According to the RoA Legislation, all the construction procedures are decentralized and the powers for their implementation are vested onto the local self-government bodies.

Main phases of construction procedure include:

**1. Design (planning)** (architectural and planning task, development of the project, expertise, agreement, approval, in cases stipulated by the law – awareness raising, construction permission).

#### **1.1. Architectural and planning task (hereinafter: APT)**

a) New construction

- In case of providing the land via auction or tender, the APT (including the land plan and technical conditions) is provided by a bidding package;
- In case of providing the land without an auction or a tender, with the decision of the competent authority;

b) Construction performed by the initiative of the immovable asset owner;

- APT (including the land plan and the technical conditions) provision is 20 days.

#### **1.2. Development of Architectural and planning project**

a) Design through concluding a contract with the authorised persons;

b) If designed in phases, the approved medium phase serves as a basis for the provision of construction permit.

c) The design deadline is fixed via contract.

**1.3. Expertise** - through an agreement with an organization which has a respective licence, the RoA Legislation stipulates complex expertise of the planning documents and simple expertise; there are also agreed cases with the guarantee provided by the planner.

**1.4. Agreement on planning documents (10 days)** + in cases stipulated by the law, when also awareness raising is required (21 days). This is a basis to get a construction permit (7 days).

## **2. CONSTRUCTION**

### **2.1. Implementation of Construction**

a) Construction through concluding a contract with licenced persons;

b) Duration of the construction – within the deadlines defined by the construction permit.

### **2.2. Formulation of the Exploitation Act for a Completed Construction (hereinafter: Exploitation Act)**

RoA Legislation provides the cases for formulation of exploitation acts:

a) Bilateral act – between the contractor and the builder + RoA urban development inspection note (3 days)

b) Commission Act

c) Preparation of the exploitation act by the Community Head (5 days).

Permissions are also provided in cases when there is a need to move monuments.

According to RoA Legislation, transfer (move) of the immovable heritage – monuments of republican and local significance can be made only in exceptional cases, by the permission of the Republic of Armenia Government, and the changes to the monuments of local significance may be done by the permission of the public administration territorial bodies.

Permission for the move of or change to the monuments is provided only based on the conclusion of the RoA Ministry of Culture.

Before moving or changing the monument, and if needed also during the process of its move or change, only the RoA Ministry of Culture shall organize the scientific study, measurement and photographing of the monument.

Permission for the reinforcement, renovation and restoration of monuments of local significance is provided by the public administration territorial or local self-government body in the stipulated manner, initially agreeing it with the RoA Ministry of Culture.

Supervision over the reinforcement, renovation and restoration works on the monuments of local significance shall be performed by state administration territorial bodies and the RoA Ministry of Culture.

Permit for the exploration of monuments and archaeological excavations is provided by an authorized body in the manner prescribed by the law, based on the positive conclusion of the adjacent interagency archaeological commission. Performance of the decisions, instruction and recommendations of the authorised body is mandatory for those initiating and heading the exploration and archaeological excavations.

Urban planning development projects are performed through permits provided by the local self-government bodies.

## 2.10 Private sector participation / powers

Private ownership relations in the area of cultural heritage preservation are regulated by the RoA Civil Code, RoA Land Code and the RoA Legislation, in particular in the field of immovable **monuments by the RoA Law on Preservation and Use of the Immovable Historical and Cultural Monuments and Historic Environment, the RoA Law on Urban Development,** and in the field of natural monuments, **by the RoA Law on the Assessment of Environmental Impact.**

- According to the RoA **Law on Preservation and Use of the Immovable Historical and Cultural Monuments and Historic Environment,** legal and natural persons of the Republic of Armenia and other states, can support with their immediate participation, initiative, sponsorship, donation, financial and material help, to the exploration, state registration, reinforcement, renovation, rehabilitation and utilization of monuments and can present for discussion partial or complex proposals and projects on the sphere.
- Legal and physical persons using the monument bear responsibility to ensure their preservation and security and are obliged to fulfil the requirements of the RoA Legislation concerning the protection and use of monuments.
- According to the RoA **Law on the Assessment of Environmental Impact,** documents of the planned actions that are subject to examination (inspection) and the professional expert opinions are subject to public hearings.
- According to the RoA **Law on Preservation and Use of the Immovable Historical and Cultural Monuments and Historic Environment,** the monument owner is obliged to:
  - a) Ensure the protection and safety of the monument;
  - b) Provide written commitment to protect the monument to the RoA Ministry of Culture in the prescribed manner for a monument of republican significance and to the public administration territorial body for a monument of local significance;
  - c) Ensure accessibility of the monument for study and supervision of its protection;
  - d) Perform monument reinforcement, renovation, restoration and site improvement works by agreeing the respective plans with the authorized body in advance.
  - e) Keep the monument in a well-maintained and clean state; eliminate the damages caused to it and its preservation zone during their use.
  - f) Inform in advance to the Authorised body and the RoA Ministry of Culture about the ownership right towards the monument and the changes of the conditions for its maintenance and use in advance.

The Armenian Apostolic Church is a major shareholder in the Republic of Armenia. On February 22, 2007, the National Assembly adopted the **RoA Law on the Relationship between the Republic of Armenia and the Armenian Apostolic Church.** By a series of decisions of the RoA Government 188 monasteries and churches were handed to the Armenian Apostolic Church.

Owner of an immovable property or the user that has a right to make changes to that property performs as a developer while implementing urban development activities. Owner of an object under an urban development activity can use the object belonging to him/her only for targeted use. The owner shall ensure

the quality state needed for the exploitation of the urban development object in line with the requirements of the normative and technical documents.

Design and construction activities, expertise and technical supervision are subject to licensing. Licensing is performed in the manner stipulated by the **Road Law on Licensing**.

Legal and natural persons are entitled to perform activities subject to licensing.

Specific requirements on the professional qualification are set out for the provision of license for the preparation of urban development documents.

## **2.11 Financial support**

The sphere of monuments preservation and use is funded by:

- a) State and community budget means;
- b) Funds of the monument owners and users;
- c) Funds of cultural, public and other organizations and foundations;
- d) Other funds not prohibited by the law.

Main funding source for the cultural sphere is the state budget of the Republic of Armenia. Funding from the state budget is made according to the operational significance of economic and scientific classification of budgetary costs. Funding is made on two administrative levels. Basis for the funding structure are the annual projects for the protection, expansion and development of culture.

Budget allocations for the cultural sphere are made annually, according to the RoA Law on State Budget.

Funding in the cultural sphere is made based on the RoA Law on Budgetary System, RoA Law on Local Self-Government and RoA Law on Financial Equalisation.

In addition to the RoA budgetary allocations, also the volumes of private sector funding increases in the monument preservation sphere.

## **2.12 Problems and sanctions**

Problems in the Field of Cultural and Natural Heritage include:

- In order to fully implement the supervision of the monuments preservation and restoration processes it is necessary to create a structure with respective powers, giving it inspection functions and complete powers;
- It is necessary to review and make stricter the accountability measures existing in the current RoA Legislation– the fines and penalties.
- Reach to a point, when without agreeing with the RoA Ministry of Culture, any kind of decision connected with the cultural heritage is excluded, which can harm both the organization of the monument preservation activity in the prescribed manner and the monuments directly.
- According to a respective Article of the RoA Law on The Protection and Usage of Historical and Cultural Monuments and Historical Landscape, legal and natural persons causing damage to monuments or their preservation zones, shall restore their initial state, and if it is not possible, compensate the damages in the manner stipulated by the RoA Legislation. However, until now the application mechanism is not defined and the respective legal act on the assessment of damage is absent, from which the impossibility to set administrative fines stems.
- Despite of the fact that according to the RoA Law on The Protection and Usage of Historical and Cultural Monuments and Historical Landscape, the RoA Law on Urban Development as well as based on the requirements of the respective articles of the RoA Land Code, a regime shall be created to ensure preservation, target use and favourable visual perception of the specially protected historical and cultural lands, monuments and their historical environment and the protection of historical and cultural values, however there is not yet an appropriate legal act in this respect. Currently, a draft RoA Government decision on defining the procedure for the establishment of preservation zones of the historical and cultural immovable monuments and the regime for their use is under consideration.
- The RoA small territory (29, 74 thousand km<sup>2</sup>), high population density (100p/km<sup>2</sup>), negative influences of industrial and agricultural activities have cause significant landscape changes. The unequal resettlement and the presence of dense network of settlements has made the

formation of relatively big and compact SPNAs with the application of ecosystem and landscape integrity principles difficult. Boundaries of their majority are cut, do not include some valuable ecosystems, settlements and roads are situated between separate sectors of the SPNAs. There are also non-protected enclave areas.

- Obstacles arise due to the lack of public awareness on harmonious combination of environmental issues with environmental requirements and conditions and due to several agencies and also private sector conflicts of interests.
- As a rule, budget allocations for the implementations of various projects on complex restoration/reconstruction of municipal environment from state and community budget (approved within the scope of targeted projects) are scarce and for the implementation of such goals it is necessary to join the actions of the state and local self-government bodies, involve the forces of private sector, NGOs, the population, students of respective HEIs, as well as international organizations into the project activities.
- Long-term projects for cultural heritage preservation, restoration and use are a few, and the small involvement of the private sector is a problem.
- Lack of financial resources in the field of Cultural Heritage (state budget and private sector resources).

#### **The Priority Issues include:**

- In line with the current law and procedures, mandatory conclusion of commitment contracts with the monument owners.
- Training and retraining of specialists in the sphere of restoration of monuments.
- Formation of monument preservation zones in the areas with active urban development activities.
- Development of spatial planning documents giving priority to the communities that have historical and cultural heritage; define urban development activity regimes in the monument preservation zones.
- Ensuring the necessary material and logistical basis for the study and restoration of monuments (scarcity of current equipment).
- Poor state of the roads to the monuments and the difficult terrain.
- Lack of funding.

#### **Sanctions**

According to the **RoA Administrative Code**, infringement of the rules for preservation and use of historical and cultural monuments results in a penalty for the citizens from ten to fifty percent of the minimal salary, and for the public officials from thirty percent up to its full size.

According to the RoA Criminal Code, Destruction or damage of state protected monuments of history, culture, as well as, destruction or damage of documents or items possessing particular cultural or historical value, is punished with a fine in the amount of 200 to 400 minimal salaries, or correctional labour for the term of up to 1 year, or with arrest for the term of up to 2 months, or with imprisonment for the term of up to 2 years. The same actions committed against facilities or monuments of particular value, are punished with a fine in the amount of 300 to 500 minimal salaries, with arrest for the term of 1-3 months, or with imprisonment for the term of up to 5 years. If those acts were committed negligently and caused particularly large damage, then they are punished with a fine in the amount of 100 to 200 minimal salaries or with arrest for the term of up to 2 months, or with imprisonment for the term of up to 1 year. If those acts were committed to facilities or monuments of particular value or caused particularly large damage, then they are punished with a fine in the amount of 200 to 400 minimal salaries, or correctional labour for the term of up to 1 year, or with arrest for the term of up to 2 months, or with imprisonment for the term of up to 2 years.

**In the sphere of urban planning**, types of liabilities, fines and penalties and their size are defined by the **RoA Law on Liability for the Violations in the Sphere of Urban Planning and the RoA Law on Administrative Offences**.

The commitment of a similar offence within one year after the imposition of a fine result an imposition against a legal person of a fine that is double of the amount of fines in accordance with the respective articles of the law, but no more than seven hundred and fifty times of the minimal salary.  
The urban development activity license may be suspended or terminated in cases and procedure stipulated by the law.

### 3. Conclusion

In the sphere of cultural heritage preservation of the historical settlements there still are some non-regulated problems for the solution of which the following is necessary:

- **Improve and Revise the Legal Framework.**
  - a. Preparation of monuments preservation zones and development of regimes and supervision procedures for the implementation of different type of activities in their surrounding areas
  - b. Development of a procedure for monument assessment and setting of appropriate penalties in case of caused damage.
- **Improve the Structure for Cultural Heritage Management**
  - a. Creation of an independent unit endowed with inspection functions for the supervision of heritage preservation on national level.
  - b. Creation of links coordinating the heritage preservation issues on regional and local levels.
  - c. Increasing the participation of public and civil organizations and their role in the sphere preservation of monuments.
- **Other Issues for Regulation**
  - a. Increase in state funding, encourage investments from natural and legal persons.
  - b. Provision of public financial support to the private sector for preservation, restoration and use of monuments.
  - c. In addition to the monuments that are considered to be owned by the state, also relieve all the other monument owners from the property tax payments.
  - d. Organization of active supervision over the performance of monument preservation duties of the owners of monuments.
  - e. Restoration plans for the preservation zones of the monuments in historical settlements, organization of rehabilitation activities and performance of works of the required volume.