

MONUMENTS LAW MODIFICATION

AMENDMENTS REGULATE RESPONSIBILITY OF THE PROPRIETOR FOR MONUMENT PROTECTION

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Irina Granik

Коммерсантъ[®]

Today to the State Duma some Edinoross-Group deputies will introduce a package of amends to various laws providing the preservation of cultural heritage monuments while privatizing. Amendments provide occupier's liability for monument preservation, an order of indemnifications for its maintenance and cease state body monopoly for monument examination.

"Modification of the federal law «About cultural heritage objects (history and culture monuments) of the people of the Russian Federation» and to separate acts of the Russian Federation" Bill will be brought by "United Russia" Deputies to the State Duma. Svetlana Zhurova, the vice-speaker; Grigory Ivliev, the culture committee chairman; Victor Pleskachevsky, the property committee head; Evgeniy Fedorov, the economic policy and business committee head; Vladimir Pligin, the constitutional legislation and state building committee head are among the bill's authors.

Mr. Ivliev asserts that amendments will allow "to inject cultural heritage objects into a civil law relation in a civilized way" and "to make the possibility for all society participation in protection and preservation of cultural heritage objects". As, Grigory Tomchin, the president of Legislative Initiatives Support Foundation and one of developers of amendments said, amendments are brought to the more than ten laws.

"Cultural heritage objects (history and culture monuments) of people of Russian Federation" Bill accepted in 2002 has allowed culture and architecture monuments to be privatized particularly. At the same time the government should let out a number of bylaws. It has not been made to the full (the Federation Council sent relevant inquiry to the government last year). As a result of this the question on specification of the operating federal legislation together with all unissued bylaws came up. And all specifications refer to both proprietors of cultural heritage objects: the State and private traders.

All objects will be on sale at contests. Thus the object can be estimated inclusive of three components – the existing price, restoration cost and loss hazard cost. Standards of these three estimations will be established with the amendments to the "Concerning Valuation Activities" law. "The cultural-service" potential of object will be considered at the estimation of a historical building. As Mr. Tomchin said, a well-known historical person who had lived in a historical monument could appear more expensively than the private residence itself, as it does not have the same brand".



The important block of amendments deals with an order of registration of object certificate. The proprietor can buy object without the certificate and can finance its registration independently. The state compensates a part of expenses hereafter. The period of registration of object certificate has being determined, and the object can be taken away on default. The same as they can “compulsorily-paid» take away for miserable object protection.

Everything to be protected will be enumerated in the object certificate. According to results of historical and cultural expertise the proprietor will have to protect either object architectural image and, probably, its purpose and even the name. For example, Moscow Eliseevsky gastronome cannot be transformed into appliance store and to rename. Either access mode to the object will be described in the object certificate. If we are talking of house-museum, for example, public access mode is remained. There can be special access mode. Especially for experts inspection of any rich historical object in the house.

So-called restoration depth will be mentioned in the certificate also. It means the level till that the object can be changed and what exactly has to be protected, the building completely of its details, for example. Grigory Tomchin explains: “There are buildings belonging to Dostoevsky’s Petersburg. Our days there are no those bricks and spans in some buildings. And it is necessary to keep just a facade. As for the Kazanian cathedral – it cannot be demolished and rebuilt”. The proprietor can obtain restoration compensation.

The offer to protect cultural objects “in pieces” is already exposed to criticism. The Heritage Preservation Russian Avantgarde Foundation’ executive director Mikhail Vilkovskiy thinks that it doesn’t look correctly to recognize a stair-step as a protected one and to destroy the rest of the building. “Abuse and the incapacity can be here. May be, it is better to leave the whole object under protection, – he explained, – For example, Moscow Svistunov’s house. Later it became a house of Alexey Schusev, well-known architect, the author of the Moscow Mausoleum. Here complex reconstruction was done and the building was transformed into office building with loss of historical image and historical aura. It has happened because the separate pieces were taken as the protection objects but the interior of the building”.

Bill developers say that professionalism of restorers will be guaranteed by the collective responsibility mechanism through indemnification funds of their self-adjustable organizations. And expertise will not be state only. All disputes will be solved in the Public Chamber. “This is not the panacea, – Mr. Vilkovskiy considers – I think that disputes must be solved by social councils or public organizations which are accredited at monuments protection societies”. In general Mr. Vilkovskiy finds the amendments “correct”.

As Mr. Tomchin considers, cultural heritage objects can cost from hundred thousand to hundreds millions dollars. Eighty thousands are now in the cultural heritage objects list. And the number can increase to 250-300 thousands with the beginning of item-by-item certificate description. **A**

